Urban Taskforce
AUSTRALIA

10 July 2026

Ms Ninavah Shlaimon
A/Principal Compliance Officer
Homes NSW

Sent to: ninavah.shlaimon@homes.nsw.gov.au

cc. Registrar Chris Valacos: Chris.Valacos@homes.nsw.gov.au

Dear Ms Shlaimon

Consultation on the proposed amendments to the NSW *Community Housing Providers (Adoption of National Law) Regulations 2023* and draft Affordable Housing Managers Regulatory Framework

I write in relation to the draft regulations and Affordable Housing Mangers Regulatory Framework circulated recently by your office for confidential consultation.

Firstly, Urban Taskforce Australia welcomes changes through the *Community Housing Providers (Adoption of National Law) Amendment Bill 2025* to introduce affordable housing managers (AHM).

This is a valuable step towards facilitating the delivery and management of affordable housing and we commend the Registrar's work in this area.

While we strongly support the initiative, there are a few elements in the draft regulations and the regulatory framework that we believe that with modest amendment, could improve the efficacy of the package.

The Regulations

Clauses 8 – Included information and 10 – Information that must be given by development approver:

In some cases, it may not be possible to provide the requested information.

For example, affordable housing dwellings may not be required by a planning instrument but could be the result of a condition of consent or a voluntary planning agreement.

Similarly, some affordable housing contributions are time-limited, while others are in-perpetuity – the latter will not have a date on which the restriction expires.

It would be better if these clauses were qualified to allow for the information to be provided where available or relevant.

Clause 12 – Application fee

The application fee of $5 per affordable housing dwelling may be impractical, as numbers under management would be subject to change.

Set fees for bands of dwellings – 0-25, 26-50, etc. – may be a better approach, as it allows flexibility for operators whose dwelling numbers may change during the year.

Clause 14(c) – Conditions of registration

The Housing Appeals Committee was established to address complaints from social housing tenants who were unhappy with their treatment by Homes NSW.

Affordable housing residents tend to be in different circumstances to social housing tenants and have a range of other pathways to raise concerns.

Existing residential tenancy laws and structures should be used to address complaints from affordable housing tenants.

Clause 14(f)(i) – Conditions of registration

The requirement for an AHM's name, logo, and registration number to be used prominently in advertising of affordable housing dwellings is not necessary and could be detrimental.

Most affordable housing is expected, under planning instruments, bonus schemes, or voluntary planning agreements, not to be distinguishable from other housing (see, for example, the affordable housing policies of the City of Sydney or Inner West Council, which require dwellings not to be externally differentiated from other housing).

Instead, this provision would effectively signpost affordable housing dwellings, making other residents aware that someone is being housed in a reduced rent property, ultimately stigmatising them.

AHMs should be able to offer affordable housing – such as in a build-to-rent facility – on the basis of need without making an affordable property obvious to other residents.

Clause 15(2)(b) – Complaints about affordable housing managers

While it is understandable to want to allow residents to complain about policies and procedures of the AHM, this should be limited to those that are relevant to the affordable housing activity and not apply to any policies or procedures that the manager may have adopted for their own business practices.

The Draft Regulatory Framework

Section 3 – Regulatory Approach

It is misleading to say that developers and owners of affordable housing receive planning incentives.

In many councils, there is a base rate of affordable housing applied (e.g. the City of Sydney, Inner West Council, and Randwick Council have a minimum of 3% in areas of their LGAs without any additional benefits being offered).

There are other levies (eg. City of Sydney proposed a 20% levy on all extra total floor area for applications that seek a rezoning to increase height and density), but these are not incentives so much as a value capture initiative in response to developer proposals.

The only planning incentive that encourages the delivery of more affordable housing is the Infill Affordable Housing Bonus Scheme, which provides additional height and density in return for 15% of dwellings being affordable for a period of 15 years.

Conversely, in many LGAs, affordable housing levies appear to be used as a disincentive to seek rezoning, as the cost of doing so will ultimately make it difficult to ensure that a project remains feasible.

While we don't disagree with the rest of the section, the Framework should really depict what is happening, rather than making it look as if councils are unilaterally offering incentives to deliver affordable housing.

Section 4(a) – Eligibility

Criterion 3 of this section would exclude many properties from being allowed to appoint AHMs.

For example, a developer who has received funding support from Housing Australia under the Housing Australia Future Fund, which is seeking to deliver more affordable and social housing through partnerships with industry.

Other incentives that are offered for affordability, such as the Infill Affordable Housing Bonus, could be considered to be "government assistance", which would again preclude the appointment of AHMs.

We recommend that this criterion be removed.

The funding or incentive pathways used to encourage affordable housing should have no bearing on whether an AHM is appointed or not.

Section 4(e) – Circumstances where approval is not appropriate
Section 5(a) – Compliance standards

The point of appointing AHMs is that they are not community housing providers (CHP) but can operate as private sector managers of affordable housing.

Their activities would therefore have no impact upon the reputation of the community housing sector, and that should not be a benchmark against which they are assessed.

Section 9 – Affordable Housing property data

Five business days is a very short period of time for advising on changes to property data, and such a limited timeframe could create logistical issues for AHMs.

Urban Taskforce recommends that at least 10 business days be granted for providing such information.

Further, it would be difficult for a manager to know if a tenant's household income has risen above the guideline's thresholds, and there could be time delays in finding out such information.

If the tenant takes some time before advising on a material change to their circumstances, it could be difficult, if not impossible, for an AHM to report back to the registrar within the space of a week.

Section 10 – Notifications to the Registrar

Many of the examples given for changes in the affairs of an AHM would have no impact upon the ability of the organisation to fulfil its responsibilities.

For example, a "significant operational restructure" may not make any difference to the relationship between the AHM and the relevant tenants.

Nor would the turnover of board members, who are usually not responsible for operational matters within a company.

It is also not clear what is meant by "new affiliations with other entities"– does this suggest that if the AHM joins an industry association they would have to advise the Registrar? To what end?

In reality, AHMs should only be required to report on issues that will affect their capacity to meet their obligations.

As noted earlier, AHMs are not part of the community housing sector, so the reputation of an AHM would have no impact upon that sector ("Maintaining the reputation of the sector").

The examples provided in this section are undoubtedly important considerations that should be reported as a matter of course, but this should be because they impact upon the activities of the AHM, not because of suggested reputational implications for the community housing sector.

Appendix A – Evidence criteria

The requirement for the AHM to "demonstrate that it operates within the affordable housing sector" would preclude other operators from moving into this space.

If real estate agencies, for example, wished to register as AHMs, it would not be possible to demonstrate that they operate in the sector until AFTER they have been registered.

Urban Taskforce recommends instead that the criterion say "The AHM can demonstrate that it has the capacity to operate within the affordable housing sector".

Conclusion

Urban Taskforce Australia looks forward to these regulations commencing soon, and appreciates the consideration given by the Registrar to include AHMs in the affordable housing space.

The issues raised above should not be seen as opposition to the change, as we completely support this initiative. I trust that these comments will be considered and will assist in the improved operation of AHMs.

Should you wish to discuss any aspect of this submission further, please contact our Head of Policy, Paul Waterhouse, on 0411-875-366 or via email paul@urbantaskforce.com.au

Yours sincerely

Tom Forrest
Chief Executive Officer