**TEMPORARY LOCAL PLANNING INSTRUMENT NUMBER X OF 2021**

**AVAILABLE AND AFFORDABLE LIVING CODE**

(name of Council planning scheme)

1. **Short Title**

This Temporary Local Planning Instrument (**TLPI**) may be cited as Temporary Local Planning Instrument X/2021-Available Affordable Living Code.

1. **Overview**
   1. This TLPI enables the provision of residential accommodation for those currently having difficulty finding available and affordable accommodation within the (name of Council) local government area.
   2. Whilst long term solutions are needed for the housing crisis, the immediate needs of people must be addressed and the long term planning aspirations of the community should not be prejudiced.
   3. Following the outbreak of Covid 19 there has been significant stress placed on the residential tenancy market that has seen the need for accommodation at the affordable living component of the market, typically just above crisis accommodation, become unavailable to people who are then forced to sleep rough.
   4. That stress has occurred with the return of expatriates to Australia, the migration of people to Queensland and demographic shifts away from capital cities.
   5. The current vacancy rate for accommodation within the local government area is xxx%.
   6. A healthy rental market where there is a balance between owners and tenants occurs when the vacancy rate for accommodation is around 3%.
   7. The impacts of restrictions on international trade have meant that there are significant supply shortages affecting residential construction.
   8. There are significant labour shortages in the construction industry with the demand for accommodation construction increasing.
   9. Current planning laws are not allowing the current residential crisis to be met.
   10. This TLPI seeks to provide an immediate solution to the crisis whilst allowing the long term planning solutions to be considered and implemented.
   11. This TLPI seeks to temporarily, for a maximum term of 3 years:
       1. allow a Dwelling house to be occupied by two households rather than a single household;
       2. relax restrictions limiting a secondary dwelling for use “in conjunction with and subordinate to a dwelling house on the same lot”;
       3. allow backpackers, hostel, school camp, farm-stay accommodation and the like to temporary residents and allowing those premises to be occupied on a permanent basis;
       4. allow accommodation to be provided in conjunction with other uses;
       5. allow temporary buildings on land in the Community facilities zone;
       6. allow short term accommodation to be used for permanent accommodation;
       7. provide for the non-abandonment of existing lawful use rights where short-term accommodation premises are let on a permanent basis; and
       8. This TLPI seeks to achieve the purpose by adoption of the Available and Affordable Living Code set out below.

Available and Affordable Living Code

1. **Purpose and Overall Outcomes**
   1. The purpose of the Available and Affordable Living Code is to urgently make available affordable opportunities for permanent residential accommodation for up to 3 years by changing categories of assessment and amending requirements for particular uses.
   2. The overall outcomes sought for the Available and Affordable Living Code are to urgently make available affordable permanent residential accommodation:
2. to increase vacancy rates for residential accommodation to 3% across the Local Government Area within 12 months of the date of adoption of this Code;
3. to provide safe and healthy temporary accommodation for up to 3 years;
4. to allow a return on investment of providing available and affordable accommodation by:
   1. allowing a 3 year term for the accommodation from the commencement of the use; and
   2. not charging infrastructure charges for the increased temporary use; and
   3. requiring cessation of the use being made under this code after 3 years unless all necessary development permits have been obtained.
5. **Application**
   1. This code applies to land:
      1. in the (insert name of zones);
      2. outside of areas affected by the following planning scheme overlays (insert names of overlays); and
      3. that is within an area of the Local government infrastructure plan.
   2. This code applies if:
      1. an owner of premises provides a notification to the Council in the approved form indicating an intention to provide Available and affordable accommodation;
      2. the notification is accompanied by a certificate of classification for a temporary accommodation building under MP 3.3 of the Queensland Development Code as if it were a new building;
      3. the owner provides a copy of each residential tenancy lease under the *Residential Tenancies and Rooming Accommodation Act 2008,* including a lease under section 18 of that Act, to the Council; and
      4. the date of commencement of the first tenancy is within 12 months of the date of the adoption of this TLPI.
6. **Accepted Development**
   1. A **Dwelling house** used for up to 2 households if:
      1. no or only minor building works are made to the premises; and
      2. where an owner’s household resides on the premises, the other household has entered into a residential tenancy agreement; or
      3. where the owner does not reside on the premises, each household has entered into a residential tenancy agreement;

is accepted development.

* 1. A **Secondary dwelling** used for a household, but not used “in conjunction with and subordinate to a Dwelling house on the same lot”, is accepted development.
  2. A room in a **Budget accommodation building** as defined under the *Building Act 1975,* used for a household,is accepted development.
  3. In association with **any other use**, providing accommodation for an employee’s household, on the premises at which the use is undertaken, is accepted development.
  4. For premises in the **Community facilities zone**, providing a temporary accommodation building for a household is accepted development.
  5. For premises restricted to **short-term accommodation,** if used for a household is accepted development.
  6. The provision of residential premises subject to short-term accommodation **existing use rights** will not cause the abandonment of those use rights by providing accommodation for a household on a temporary basis.

1. Duration of the TLPI

This TLPI has effect for a period of any Residential Tenancies established in accordance with this TLPI.