

## **Part 2—Amendment of Planning and Environment Act 1987**

### **Division 1—Facilitation of affordable housing supply**

#### **3 Definitions**

In section 3(1) of the **Planning and Environment Act 1987** insert the following definition—

*"affordable housing* has the meaning given by section 3AA;"

#### **4 New sections 3AA and 3AB inserted**

After section 3 of the **Planning and Environment Act 1987** insert—

##### **"3AA Meaning of *affordable housing***

- (1) For the purposes of this Act, *affordable housing* is housing, including social housing, that is appropriate for the housing needs of any of the following—
  - (a) very low income households;
  - (b) low income households;
  - (c) moderate income households.
- (2) For the purposes of determining what is appropriate for the housing needs of very low income households, low income households and moderate income households, regard must be had to the matters specified by the Minister by notice published in the Government Gazette.
- (3) Matters specified by the Minister by notice under subsection (2) cannot include price ranges or prices for the purchase or rent of housing.

(4) In this section—

*low income households* means households with a household income within the income range specified as a very low income range by Order under section 3AB;

*moderate income households* means households with a household income within the income range specified as a moderate income range by Order under section 3AB;

*social housing* has the same meaning as in section 4(1) of the **Housing Act 1983**;

*very low income households* means households with a household income within the income range specified as a very low income range by Order under section 3AB.

**3AB Order in Council specifying income ranges**

- (1) The Governor in Council, on the recommendation of the Minister, by Order published in the Government Gazette, may specify—
  - (a) a range of household income as a very low income range; and
  - (b) a range of household income as a low income range; and
  - (c) a range of household income as a moderate income range.
- (2) An Order under this section may specify a range of household income as a very low income range, a low income range or a moderate income range by reference to

statistical data published by the Australian  
Bureau of Statistics."

## 5 Objectives

After section 4(1)(f) of the **Planning and  
Environment Act 1987** insert—

"(fa) to facilitate the provision of affordable  
housing in Victoria;"

## 6 Responsible authority may enter into agreements

(1) After section 173(1) of the **Planning and  
Environment Act 1987** insert—

"(1A) Without limiting subsection (1), a  
responsible authority may enter into an  
agreement with an owner of land for the  
development or provision of land in  
relation to affordable housing."

(2) In section 173(3) of the **Planning and  
Environment Act 1987**, after "subsection (1)"  
insert "or (1A)".

## Division 2—Applications to amend referred wind energy facility planning permits

### 7 Definitions

In section 3(1) of the **Planning and Environment  
Act 1987** insert the following definitions—

*"referred wind energy facility permit* means a  
permit required by a planning scheme to be  
obtained for the use or development of land  
as a wind energy facility, the application for  
which was referred to and determined by the  
Minister under Division 6 of Part 4;

*wind energy facility* means an electricity  
generation facility that generates electricity  
by converting wind energy into electricity;"

***non-profit body*** means—

- (a) a corporation limited by shares or by guarantee that by its constitution is prohibited from carrying on its business for profit; or
- (b) a body that—
  - (i) is not carried on for the purposes of profit or gain to its individual members; and
  - (ii) is, by its constitution or rules, prohibited from making any distribution, whether in money, property or otherwise, to its members—

S. 4(1) def. of *non-profit body* inserted by No. 106/2004 s. 3.

but does not include a Government agency;

***owner*** means the person for the time being entitled to receive the rent of the land in connexion with which the word is used (whether on that person's own account or as the agent of or as trustee for any other person) or who would be entitled to receive the rent if the land were let at a rent;

S. 4(1) def. of *owner* amended by No. 26/1987 s. 21.

***participating designated service provider*** means a designated service provider that is declared by the Director under section 142F(2)(a) to be a participating designated service provider;

S. 4(1) def. of *participating designated service provider* inserted by No. 75/2016 s. 4.

***participating registered agency*** means a registered agency that is declared by the Director under section 142F(2)(b) to be a participating registered agency;

S. 4(1) def. of *participating registered agency* inserted by No. 75/2016 s. 4.

<b><i>registered agency</i></b> means a registered housing association or a registered housing provider;	S. 4(1) def. of <b><i>registered agency</i></b> inserted by No. 106/2004 s. 3.
<b><i>registered housing association</i></b> means a rental housing agency registered as a registered housing association under Part VIII;	S. 4(1) def. of <b><i>registered housing association</i></b> inserted by No. 106/2004 s. 3.
<b><i>registered housing provider</i></b> means a rental housing agency registered as a registered housing provider under Part VIII;	S. 4(1) def. of <b><i>registered housing provider</i></b> inserted by No. 106/2004 s. 3.
<b><i>Registrar</i></b> means the body corporate established under Part VIII;	S. 4 def. of <b><i>registrar</i></b> repealed by No. 84/1996 s. 467(Sch. 6 item 8.1), new def. of <b><i>Registrar</i></b> inserted by No. 106/2004 s. 3.
<b><i>Registrar of Housing Agencies</i></b> means the Registrar of Housing Agencies appointed under Part VIII;	S. 4(1) def. of <b><i>Registrar of Housing Agencies</i></b> inserted by No. 106/2004 s. 3.
<b><i>relevant documents</i></b> in Part VIII, means records or other documents, however compiled, recorded or stored, that relate to the incorporation and management of a registered agency, including accounts, accounting records, and documents relating	S. 4(1) def. of <b><i>relevant documents</i></b> inserted by No. 106/2004 s. 3.

*social housing* means—

- (a) public housing; and
- (b) housing owned, controlled or managed by a participating registered agency;

S. 4(1) def. of *social housing* inserted by No. 75/2016 s. 4.

*State contract* has the same meaning that it has in the **Privacy and Data Protection Act 2014**;

S. 4(1) def. of *State contract* inserted by No. 75/2016 s. 4.

*street* includes any street, road, lane, footway, square, court, alley, or right-of-way, whether a thoroughfare or not;

*Treasurer* means Treasurer of Victoria;

*unique identifier* has the same meaning that it has in the **Privacy and Data Protection Act 2014**;

S. 4(1) def. of *unique identifier* inserted by No. 75/2016 s. 4.

*vehicle* means a conveyance designed to be propelled or drawn by any means;

*Victorian Housing Register* means the register of applicants established and administered under section 142A;

S. 4(1) def. of *Victorian Housing Register* inserted by No. 75/2016 s. 4.

*works* means any operation carried out in, on, over or under land and, without limiting the generality of the foregoing, includes the construction of streets, the setting apart of any land for gardens, parks, open spaces or places of recreation and any alteration made to the natural condition or topography of land.

- (2) Where a word or phrase is given a particular meaning in this Act, other parts of speech and grammatical forms of that word or phrase have,

- (3) The Director or an authorised person (as the case may be) must take into account determinations made under subsection (1) when determining any of the following-
- (a) whether an applicant is an eligible applicant;
  - (b) which priority category applies to an eligible applicant;
  - (c) whether to allocate a tenancy in social housing to an eligible applicant.

S.142F  
inserted by  
No. 75/2016  
s. 5.

**142F What is a *participating designated service provider* or *participating registered agency*?**

- (1) A designated service provider or registered agency may apply in writing to the Director to be declared a participating designated service provider or participating registered agency (as the case may be) for the purposes of this Part.
- (2) The Director may declare-
  - (a) a designated service provider to be a participating designated service provider; or
  - (b) a registered agency to be a participating registered agency.
- (3) The Director may revoke a declaration made under subsection (2)--
  - (a) on the written request of a participating designated service provider or a participating registered agency; or
  - (b) on the Director's own motion.
- (4) The Director must publish on the Department's Internet site a list containing the name of each participating designated service provider and each participating registered agency.

