

Attachment A6 - Appendix E

Schedule of significant changes

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Removal reference to Green Square Town Centre

The publicly exhibited Planning Proposal and Program were prepared with the intention to apply to all of the Green Square Urban Renewal area. However, reference to the local environmental plans that apply to the Green Square Town Centre (Town Centre) were inadvertently not explicitly referenced as needing amendment by the Planning Proposal.

Therefore, this Planning Proposal has been amended to exclude the Town Centre from the Program and a new *Planning Proposal: Affordable Housing Review – Green Square Town Centre* has been prepared to ensure the Town Centre local environmental plans will be amended and incorporated into the Program, preferably at the same time as changes to the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) are made.

Moreover, the Program has been amended, pending the Town Centre's full incorporation into the Program, to:

- exclude explicit reference Sydney LEP 2012, so that it will apply when the Town Centre is incorporated; and
- amend Figure 1 to exclude the Town Centre.

The Program will be further amended upon the making of the Town Centre Planning Proposal to reincorporate this area.

Addition of examples to the Program

Submissions raised concerns the publicly exhibited Program did not provide enough clarity about how the contribution requirement would be applied in practice.

To address this, more examples have been included in the Program, including examples of how the exemptions may apply.

Additional exemptions

The Program includes circumstances under which Council may consider exempting a development application from needing to make a contribution.

Some additions have been made following consideration of submissions, including a:

- possible exemption where affordable housing, as defined by the Program, is being provided. This is to ensure a situation does not arise where we would apply a contribution, only to return it to the community housing provider;
- possible exemption where the cost of works does not exceed \$100,000. This is to ensure minor development is not inadvertently captured by a requirement to make a contribution.

Removal of the clarifications proposed to clause 7.13A - Affordable housing in zone B7

The publicly exhibited Planning Proposal made amendment the Sydney LEP 2012 to clarify the requirement in the B7 Business Park zone that all residential development must be affordable

housing does not apply to land where shop-top housing was a permissible use prior to the rezoning of the Southern Employment Lands.

This has been removed from the Planning Proposal as it was addressed by the *Planning Proposals: Minor Policy and Housekeeping Amendment* adopted by Council and CSPC on 30 November 2017 and 27 November 2017 respectively.

Approach to adjusting equivalent monetary contribution rates

The publicly exhibited Program explained an approach to how the equivalent monetary contribution rates would be adjusted over time. Some amendments were made to:

- align the timing of adjustment of rates with current processes to reduce potential confusion in the transition process;
- reduce the number of adjustments to one per year to increase certainty for developers; and
- provide clarification to how the rate is adjusted.

Introduction of a phase-in period for Green Square

Submissions raised concern that the immediate introduction of the increased equivalent monetary contribution rate in Green Square would impact on development viability of those development applications already in the pipeline.

To address this, the Program has been amended so that the increased equivalent monetary contribution rate will only apply from 1 March 2020. This will enable the market to adjust to increased rates.

Review of rates for planning proposal land

The Program has been amended to clarify the rates that may apply to planning proposal land will be reviewed annually, at the same time as other contribution rates will be reviewed. This is to ensure certainty and that rates reflect current housing market conditions.

Long standing development applications

Submissions raised concerns that complex development applications that have been in the development pipeline for some time would be impacted by the requirement to make a contribution.

It is not feasible to introduce a system that would allow the City to adequately determine what it a complex development application and for how long it had been under preparation. However, the Planning Proposal has been amended so that the contribution requirements do not apply to development applications in Central Sydney or on residual land lodged before 1 July 2018.

Change of use in Central Sydney and on residual land

Consistent with the intent in Central Sydney and on residual land that a contribution should be made where existing floor area is changing to a higher order/value use, the Planning Proposal and drafting instructions have been amended so that where there is a change of use from non-residential to residential or tourist accommodation, the contribution requirement will apply.

In Central Sydney, this replaces a more general requirement that a contribution would be applied in the event of any change of use. This is considered to be overly onerous and would potentially result in a contribution requirement for relatively minor changes to floor area use.

Renaming 'Schedule 7 land' to 'Planning Proposal land'

References in the Planning Proposal and Program to 'Schedule 7 land' have been changed to 'Planning Proposal land'. This is to avoid any confusion where these provisions are repeated in the Green Square Town Centre LEPs.

Substantial alterations and additions

The Planning Proposal and drafting instructions have been amended to remove any requirement that a contribution would apply where the development comprises 'substantial alterations and additions'. On consideration of submissions, there is concern that this may trigger a requirement where modest renovations and/or required building upgrades are being made. This was not the intention of the Planning Proposal. This change will not impact on the LEP requirement for a contribution where there is new floor area created.

Where a previous contribution has been made

The Program has been amended to ensure that floor area that has made a previous affordable housing contribution, is not required to make further contribution following subsequent development of that same floor area. It is noted that where floor area has been demolished, that the contribution requirement will apply to any floor area that replaces it.