

Gateway Determination – Planning Proposal – 600-660 Elizabeth Street, Redfern - Sydney Local Environmental Plan 2012 Amendment and Draft Design Guide

File No: X011236

Summary

The City is committed to increasing the diversity and number of affordable homes in our area for lower incomes households. The high cost of housing is an important economic and social issue in Sydney, particularly within the city where housing prices are among the highest in Australia. The decline in housing affordability, and the inability of everyday people to access housing that is affordable, will be exacerbated by Covid-19 and will have an increasingly detrimental impact on socio-economic diversity, which underpins the city's rich social fabric.

In June 2020, Council and the Central Sydney Planning Committee (CSPC) approved a planning proposal for 600-660 Elizabeth Street, Redfern for submission to the Department of Planning, Industry and Environment (DPIE) with a request for a Gateway determination. The planning proposal responds to a request from NSW Land and Housing Corporation (LAHC) to change the planning controls to facilitate development for social, affordable and market housing.

The planning proposal provided for an increase to the maximum building height and floor space ratio permitted on the site subject to at least 30 per cent and 10 per cent of total residential floor area being used for the purposes of social housing and affordable rental housing respectively.

A Gateway determination was issued by the DPIE on 16 February 2021 and secures a minimum amount of social and affordable housing, endorses the City's Design Guide for the site and requires the retention of a community facility on site that can accommodate the Police Citizens Youth Club (PCYC).

The Gateway includes a condition that the City's social and affordable housing requirement be replaced with a requirement that at least 30 per cent of total residential floor area be used for a mix of social housing and affordable housing. The Gateway condition guarantees a minimum 30 per cent of social or affordable rental housing on site however it is 10 per cent lower than that determined appropriate by the City. It also does not specify the mix of social and affordable within the 30 per cent. The Gateway allows for the 30 per cent minimum requirement to be renegotiated with LAHC post exhibition and prior to finalisation of the planning proposal.

This report recommends the Council and the CSPC note the Gateway determination, that authority be delegated to the Chief Executive Officer to make amendments to the planning proposal and draft Design Guide in line with the Gateway conditions and approve the planning proposal and draft Design Guide for public authority consultation and public exhibition in accordance with the conditions imposed under the Gateway.

In proceeding to public exhibition Council and CSPC note that the City is waiving their right to have the Gateway condition reviewed by the Independent Planning Commission.

The City will continue to advocate for social and affordable rental housing to be maximised on the site in accordance with Eastern City District Plan, Local Strategic Planning Statement and NSW Government commitments and policies like Communities Plus. The results of the public exhibition will be reported back to Council and CSPC for their consideration, with a recommendation from the City, later in 2021.

Recommendation

It is resolved that:

- (A) Council note the Gateway determination from the Department of Planning, Industry and Environment at Attachment A to the subject report;
- (B) Council approve Planning Proposal – 600-660 Elizabeth Street, Redfern and the draft Design Guide – 600-660 Elizabeth Street, Redfern for public authority consultation and public exhibition in accordance with the conditions imposed by the Gateway determination;
- (C) authority be delegated to the Chief Executive Officer to vary the Planning Proposal – 600-660 Elizabeth Street, Redfern and the draft Design Guide – 600-660 Elizabeth Street, Redfern, to be consistent with the Gateway determination; and
- (D) Council note that in proceeding to public exhibition the City is waiving their right to have the Gateway conditions reviewed by the Independent Planning Commission.

Attachments

Attachment A. Gateway Determination

Attachment B. Department of Planning, Industry and Environment Gateway Determination Report

Attachment C. 22 June 2020 Transport, Heritage and Planning Committee Report - Public Exhibition – Planning Proposal – 600-660 Elizabeth Street, Redfern

Background

1. On 10 March 2020, NSW Land and Housing Corporation (LAHC) submitted a planning proposal request to the City of Sydney to change the planning controls for 600-660 Elizabeth Street, Redfern to facilitate development for social, affordable and market housing.
2. In June 2020, Council and the CSPC approved a planning proposal for 600-660 Elizabeth Street, Redfern for submission to DPIE with a request for a Gateway determination. The June 2020 Transport, Heritage and Planning Committee report is provided at Attachment C.
3. The planning proposal provided for an increase to the maximum building height and floor space ratio permitted on site subject to at least 30 per cent and 10 per cent of total residential floor area being used for the purposes of social housing and affordable rental housing respectively.

The Department issued a Gateway determination with conditions including the reduction of social and affordable housing

4. A Gateway determination was issued by the DPIE on 16 February 2021 with a condition that the City's social and affordable housing requirement be replaced with a requirement that at least 30 per cent of total residential floor area be used for a mix of social housing and affordable housing. The Gateway determination and Gateway determination report are provided at attachments A and B respectively.
5. The Gateway condition guarantees a minimum 30 per cent of social/affordable rental housing on site however it is 10 per cent lower than that determined appropriate by the City. It also does not specify the mix of social and affordable within the 30 per cent.
6. The Gateway allows for the 30 per cent minimum requirement to be renegotiated with LAHC post exhibition and prior to finalisation of the planning proposal. It also requires the mix of social and affordable to be determined before the planning proposal is finalised.
7. The Gateway determination endorses the City's Design Guide for the site and requires the retention of a community facility on site that can accommodate the PCYC. This is positive as it endorses the City's design approach for the site and guarantees the provision of a significant community facility on site, which was not part of LAHC's original indicative scheme.

The City recommends updating the proposal and exhibiting consistent with the Gateway conditions

8. This report recommends Council approve the Planning Proposal for public exhibition in accordance with the conditions imposed by the Gateway determination.
9. The Gateway determination allows for the 30 per cent minimum requirement to be renegotiated with LAHC post exhibition and prior to finalisation of the planning proposal.

10. The City will continue to work with LAHC for a higher proportion of social and affordable rental housing in accordance with Eastern City District Plan, Local Strategic Planning Statement and NSW Government commitments and policies like Communities Plus. The public exhibition also provides an opportunity to build evidence for more social and affordable housing.
11. Any proposal to increase the affordable and social housing will be reported to Council and Central Sydney Planning Committee after public exhibition.

Requesting a Gateway review is an alternative option

12. The NSW Government's 'A guide to preparing local environmental plans' and the Planning Circular 'Independent reviews of plan-making decisions' enables councils to seek a review of a Gateway condition.
13. This review is conducted by the Independent Planning Commission, who review the planning proposal, giving consideration to the council or proponent's submission and the reasons given for the original determination in DPIE's report. The Commission then determines whether or not the original Gateway determination should be altered and whether the planning proposal should proceed to public consultation.
14. The City has issued an intent to review the Gateway determination to DPIE which was required to be lodged 14 days from the date of the Gateway determination. The City has done so to protect the Council's ability to review the Gateway if it so chooses. If it is deemed that the City should proceed with a Gateway review, the City will have until the 12 April 2021 to formally request a Gateway review.

The City will consult with public authorities

15. The Gateway determination requires the following public authorities and organisations to be consulted with during the public exhibition:
 - NSW Environment, Energy and Science;
 - Heritage NSW;
 - Transport for NSW;
 - NSW Environment Protection Authority;
 - Sydney Water; and
 - Ausgrid.
16. The City will also directly notify and consult with LAHC and the NSW Aboriginal Housing Office.
17. Consultation on the proposal has been ongoing with LAHC as the proponent for the site. LAHC have accepted the City's Design Guide and have been reworking their indicative scheme to ensure consistency. The City will continue to work with LAHC to refine the indicative scheme and supporting material in order to address conditions of the Gateway determination and ensure the updated indicative scheme is exhibited with the planning proposal for public comment.

18. The City will continue to advocate for social and affordable rental housing to be maximised on the site in accordance with Eastern City District Plan, Local Strategic Planning Statement and NSW Government commitments and policies like Communities Plus. The results of the public exhibition will be reported back to Council and CSPC for their consideration, with a recommendation from the City, later in 2021.

The City will undertake public consultation with the community

19. The Gateway determination requires the proposal to be publicly exhibited for a minimum of 28 days. It is proposed to publicly exhibit the planning proposal and draft Design Guide concurrently on the City's Sydney Your Say website and in writing to the landowners and stakeholders in the vicinity of the site.
20. The City will directly notify and consult with community organisations and resident groups including community housing providers, PCYC, Shelter NSW, REDwatch, UNSW City Futures Research Centre, Inner Sydney Voice, Counterpoint, Waterloo Redevelopment Group, Waterloo Public Housing Action Group, NSW Aboriginal Land Council and Metropolitan Local Aboriginal Land Council.
21. Consultation on the proposal has been ongoing with PCYC to ensure the proposal can accommodate their needs, within reason, whilst maintaining LAHC's desired yield and the proposal's design quality.

GRAHAM JAHN, AM

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