

# **Attachment E**

## **Gateway Determination**

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-2535):** to update the City of Sydney Affordable Housing Program and associated references to the program in the Sydney Local Environment Plan 2012, the Green Square Local Environment Plan (Town Centre) 2013 and the Green Square Local Environment Plan (Town Centre – Stage 2) 2013.

I, the Director at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan 2012 (SLEP 2012), Sydney Local Environment Plan (Green Square Town Centre) 2013 and Sydney Local Environment Plan (Green Square Town Centre – Stage 2) 2013 to update the Affordable Housing Program and associated LEP references should proceed subject to the following conditions:

1. Update the planning proposal to accurately reflect the current wording of Clause 7.13(2A) and 7.13(4)(b) of the SLEP 2012
2. Review the extension of the Affordable Housing Program to Ultimo-Pyrmont with consideration to how it will address 'Pyrmont Peninsula land' that is already identified in Clause 7.13 of the SLEP 2012.
3. Provide a detailed explanation and justification for:
  - a. the proposed changes to 'planning proposal land' contributions and confirm when these contributions are expected to apply from
  - b. Proposed 'soft' contributions, including how they relate to 'planning proposal land' contributions, what planning proposal land this applies to (non/residential), how the contribution rate has been determined, and how it reflects the 10 per cent affordable housing target in the Region Plan.
4. Address the recommendations of the Affordable Housing Feasibility Study (Atlas Urban Economics, 29 July 2022), including the recommendation that application of the contributions be staged.
5. Provide justification for the inclusion of St George Community Housing as a recommended Community Housing Provider in the draft Interim Distribution Plan.
6. Include all supporting studies and analyses as part of the exhibition package.
7. Include a map that clearly identifies all areas that the Affordable Housing Program currently applies to, and all new areas proposed for inclusion.
8. Include an updated project timeline.
9. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard is described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 **working** days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

The draft contributions plan for the Sydney LGA is to be exhibited at the same time and in the same way as the planning proposal (as far as practicable).

10. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- NSW Department of Communities and Justice
- NSW Land and Housing Commission

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

11. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
12. Council has requested to be the local planning making authority, however the Department does not grant local plan-making authority.
13. The LEP should be completed on or before 19 August 2023.

Dated                                      **19<sup>th</sup> day of August**                                      **2022.**



**David McNamara**  
**Director**  
**East and South (City)**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and Homes**