



WAVERLEY
COUNCIL

50 Botany Street planning proposal

Gateway review



Acknowledgement of Country

Waverley Council acknowledges the Bidiagal, Birrabirragal and Gadigal people, who traditionally occupied the Sydney Coast. We pay our respects to Elders past and present.



Introduction

The purpose of the presentation is to provide a short recap on Council's position in relation to the following matters:

1. Policy settings for affordable housing contribution obligations
2. Feasibility study
3. Statutory settings for affordable housing contributions
4. Council's role / Plan making authority

Policy settings for affordable housing contribution obligations

- The *Waverley Affordable Housing Contribution Scheme 2023* (AHCS) establishes the need for Affordable Housing in the LGA.
- The AHCS was implemented via the *Waverley Council Affordable Housing Scheme Implementation Planning Proposal* (AHCS PP) in the *Waverley Local Environmental Plan 2012* (LEP) as follows:
 - A 1% broad based affordable housing (AH) contribution for certain development types across the Waverley LGA.
 - A clause and schedule, deferred under section 3.36 (3) of the EP&A Act for AH contributions on planning proposal uplift sites.
- The AHCS sets a case-by-case approach to planning proposal sites receiving uplift, with a target/maximum 10% contribution.
- An AH contribution forms part of our assessment on the Strategic Merit of the proposal, in relation to the following:
 - *Greater Sydney Region Plan* (relevant Objectives)
 - *Eastern City District Plan* (relevant Planning Priorities)
 - *Waverley Local Strategic Planning Statement* (relevant Planning Priorities)
 - *Waverley Local Housing Strategy* (relevant Actions)

Feasibility Study

- The site is considered to receive 'uplift' consistent with the Greater Sydney Region Plan and Department's guidelines via the rezoning from a low value use (infrastructure) to a high value use (residential).
- Hill PDA was commissioned to undertake an independent review to determine a feasible AH contribution.
- A quantity surveyor was also used to provide a more robust, detailed cost estimate.
- The feasibility assessment was undertaken in line with the relevant state guidelines.
- Council has been transparent and honest with the Proponent throughout, acting in good faith.
- Inputs and feedback provided by the Proponent relating to costs and feasibility have been contradictory throughout the process relating to the AH contribution.

Statutory setting for affordable housing contributions

- AH Contributions are enabled via section 7.32 of the EP&A Act and related LEP clauses.
- Established Waverley AHCS enables contributions to be levied/negotiated for planning proposals.
- Proposed activation of deferred clause in the WLEP will enable subject site AH contributions.
- Proposed subject WLEP clause is consistent with AHCS PP and other LEPs (for example City of Sydney LEP).
- Planning proposal sites subject to a higher AH rate do not pay the broad based 1% rate (also known as ‘double dipping’).
- Any AH Contribution will be applied as part of a future development application as a condition of consent.
- Such a condition can be satisfied by a financial contribution or as an in-kind physical contribution fulfilled at Occupation Certificate stage.

Council's role / Plan making authority

- It is standard practice for Council to take carriage of/own a planning proposal and make adjustments/refinements prior to submission for a Gateway Determination.
- In this case, these adjustments and refinements have occurred relating to the proposed AH contribution rate and mechanism to levy the contribution.
- As delegated Local Plan Making Authority (LPMA) Council has completed all relevant steps, should the Gateway Determination be upheld:
 1. Updated the planning proposal to provide a plain English explanation of how the affordable housing contribution additional local provision will apply to the site and include a disclaimer that final wording will be subject to Parliamentary Counsel drafting. ✓
 2. Publicly exhibit the planning proposal under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act. ✓
 3. Consulted with relevant specified 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 ✓
 4. Conduct a public hearing if required. N/A

Conclusion

- There is an established need for affordable housing in the Waverley LGA and Council's AHCS responds to this need.
- The proposed AH contribution forms a key aspect of the demonstration of Strategic Merit for the proposal.
- Council has undertaken a transparent and robust feasibility process to determine the feasible AH contribution.
- There is an existing DPHI endorsed planning framework (AHCS PP) to implement site specific LEP AH contributions.
- Deletion of the proposed AH contribution would have implications for Waverley's (and other councils) ability to implement an AHCS on planning proposal sites.

Thank you.



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