

Attachment F

Gateway Determination - dated 30 July 2025

Department of Planning, Housing and Infrastructure

Our ref: PP-2024-2747/IRF25/517

Ms Monica Barone
Chief Executive Officer
City of Sydney Council
GPO Box 1591
SYDNEY NSW 2001

30 July 2025

Subject: PP-2024-2747 – City of Sydney Affordable Housing Contributions Review

Dear Ms Barone

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the Environmental Planning and Assessment Act 1979 to amend the *Sydney Local Environmental Plan 2012*, *Sydney Local Environmental Plan (Green Square Town Centre) 2013*, *Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013* and the City of Sydney Affordable Housing Program as part of a review of the affordable housing contributions.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

Considering the nature of the proposal I have determined not to authorise Council to be the local plan-making authority given the relationship with State government policy.

The proposed local environmental plan (LEP) is to be finalised on or before 30th July 2026. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made twelve weeks in advance of the date the LEP is projected to be made.

Should you have any enquiries about this matter, Eva Stanbury can assist you. Eva can be contacted on 02 8289 6557.

Yours sincerely



Daniel Thompson
Executive Director
Local Planning and Council Support

Gateway Determination

Planning proposal (Department Ref: PP-2024-2747): to amend the *Sydney Local Environmental Plan 2012*, *Sydney Local Environmental Plan (Green Square Town Centre) 2013* and *Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013* to reflect updates to the City of Sydney Affordable Housing Program.

I, the Executive Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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*, *Sydney Local Environmental Plan (Green Square Town Centre) 2013* and *Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013* to reflect a review of the City of Sydney Affordable Housing Program should proceed subject to the following.

The LEP should be completed on or before 30 July 2026.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:
 - (a) clarify that the 'drafting instructions' referred to in Section 4 of the planning proposal report and in Appendix A are only one example of how the proposed amendments could be worded, with the final wording subject to drafting and agreement by the Parliamentary Counsel's Office,
 - (b) amend the draft Affordable Housing Program Amendment so that the 4 year phase in period begin from when the LEP is made rather than when the Affordable Housing Program is approved by Council,
 - (c) explain the intended approach to future integration areas with respect to application of the program including the contribution precincts as mapped in the planning proposal, and
 - (d) explain the basis of the proposed amendment to the Sydney Local Environmental Plan 2012 that will clarify that affordable housing only needs to be provided in accordance with the principles in the Affordable Housing Program, and not any other requirement of the Program.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (e) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days;
 - (f) 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 Guideline* (Department of Planning and Environment, August 2023); and

- (g) the Affordable Housing Program is to be exhibited at the same time and in the same way as the planning proposal.
3. 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 Act:
- NSW Department of Communities and Justice
 - Homes NSW.
4. 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 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).

Dated 30 July 2025



Daniel Thompson
Executive Director
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces