

## Gateway Determination

**Planning proposal (Department Ref: PP-2021-3131):** to introduce an affordable housing contributions clause in the Waverley Local Environmental Plan 2012 to implement the Waverley Affordable Housing Contributions Scheme 2020.

I, the Executive Director, Metro East and South at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Waverley Local Environmental Plan (LEP) 2012 to introduce an affordable housing contributions clause to implement the Waverley Affordable Housing Contributions Scheme (AHCS) 2020 should be resubmitted to address the following:

1. The planning proposal shall be revised and updated to:
  - a) Provide detailed economic justification and feasibility analysis in accordance with the Department's *Guideline for Developing an Affordable Housing Contribution Scheme* (February 2019) (the Guideline) to demonstrate the viability of a 1% affordable housing contribution rate imposed on all new residential apartment development across the Waverley local government area. The testing is to include:
    - i. Identification of the types of development and/or land use zones or locations to which the proposed levy under the AHCS will be applied (e.g. residential apartment in the relevant residential and business / employment zones);
    - ii. Assessment of the potential development capacity for the applicable types of development in the relevant land use zones or locations, based on the existing planning controls;
    - iii. Preparation of generic feasibility analysis based on the above, taking into account all applicable fees, charges and development contributions and including sensitivity testing of any future changes to the fees and charges; and
    - iv. Assessment of the impact of the proposed affordable housing contribution rate pursuant to the baseline feasibility analysis described above.
  - b) Remove the proposed affordable housing contribution of 10% of the total floor area applying to sites receiving uplift through separate and future planning proposal processes;
  - c) Justify the inconsistency with the Department's requirements (number 3b and 8) and advisory notes of the approval of the Waverley Local Housing Strategy 2020-2036, which require Council's AHCS to be revised to be consistent with the Department's Guideline;
  - d) Include an objective or discussion in the AHCS and planning proposal to indicate that an affordable housing contribution may be applied to any planning proposal that seeks uplift on a site, with the rate to be subject to

feasibility testing and determined at the site-specific planning proposal stage on a case-by-case basis;

- e) Confirm the types of development that are excluded from affordable housing contributions;
  - f) Clarify whether the scope of the AHCS is to address and clarify the housing needs of “low to moderate” or “very low to moderate” income households;
  - g) Provide further details in the AHCS relating to the administration of the affordable housing contributions collected under the scheme, including:
    - i. The role of any community housing provider(s) in managing affordable housing units, the appointment process and performance monitoring measures; and
    - ii. Information on any affordable housing program to ensure Waverley’s affordable housing demand would be met.
  - h) Include updated commentary against the state and local strategic plans, relevant State Environmental Planning Policies (with information relating to repealed Policies removed) and section 9.1 Ministerial Directions.
2. The AHCS shall be amended to align with the revised planning proposal.
  3. The timeframe to resubmit the revised planning proposal is **six months** from the date of the Gateway determination.

Dated 9<sup>th</sup> day of January 2023.



**Amanda Harvey**  
**Executive Director**  
**Metro East and South**  
**Department of Planning and Environment**

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