

Gateway Determination

Planning proposal (Department Ref: PP-2023-2221): to amend the Waverley Local Environmental Plan 2012 (WLEP) to introduce two new additional local provisions and a new Schedule, to enable the collection of affordable housing contributions as part of the development approval process for specified development.

I, the Executive Director, Metro East and South, at the Department of Planning and Environment, 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 Waverley Local Environmental Plan 2012 to enable the collection of affordable housing contributions as part of the development approval process for specified development should proceed subject to the following conditions:

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be updated to:
 - (a) remove the proposed contribution target of 10% of the total floor area applying to sites receiving uplift through separate and future planning proposal processes;
 - (b) address the consistency of the proposal with Waverley 2032 – Waverley Community Strategic Plan 2022-2032;
 - (c) reinstate example clause 6.13(6)(b) reflect that the scheme does not apply to non-residential development; and
 - (d) ensure the format of the proposal and supporting documentation is adequate for public exhibition.
2. 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’ 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 20 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 Guideline* (Department of Planning and Environment, August 2023).

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
- NSW Land and Housing Corporation

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 working days to comment on the proposal.

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).
5. The planning proposal should be made available for community consultation for a minimum of 20 working days.
6. Given the nature of the planning proposal, it is recommended that Council not be authorised the local plan-making authority for this proposal.
7. The timeframe for the LEP to be completed is on or before 25 August 2024.

Dated 25 October 2023



Amanda Harvey
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Planning, Land Use Strategy and Housing
Department of Planning and Environment

Delegate of the Minister for Planning and Public Spaces