

CANADA BAY LOCAL  
ENVIRONMENTAL PLAN  
2013  
(PP2025/0002)

# PLANNING PROPOSAL – Affordable Housing Contribution Scheme

PP2025/0002

5 March 2025

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## Introduction

This planning proposal (the Proposal) seeks to amend the Canada Bay Local Environmental Plan (CBLEP) 2013 to:

- provide for an updated Affordable Housing Contributions Scheme to apply. The updated scheme comprises housekeeping amendments to simplify calculations and updates to reflect Council policies.
- include a general provision authorising the imposition of a condition requiring a contribution toward affordable housing calculated in accordance with section 48 of the State Environmental Planning Policy (Housing) 2021

The Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and addresses the requirements of cl 3.8 (3) of the EP&A Act 'on the preparation of planning proposals under section 3.33 to give effect to the district strategic plan'. It is also in accordance with the *Local Environmental Plan Making Guideline (August 2023)*.

## Part 1 - Objectives or Intended Outcomes

The objective of the Proposal is to amend the Canada Bay Local Environmental Plan 2013 (CBLEP) to:

- implement housekeeping amendments to the Canada Bay Affordable Housing Contribution Scheme to simplify the application and reflect Council's DAIP and needs of the community; and
- clarify that the affordable housing contribution under Chapter 2 'Affordable Housing', Part 3 Retention of existing affordable rental housing' of the Housing SEPP applies to the entire LGA

## Part 2 - Explanation of Provisions

### **Proposal**

The Proposal seeks to amend the CBLEP 2013 to:

- provide for an updated Affordable Housing Contributions Scheme to apply. The updated scheme comprises housekeeping amendments to simplify calculations and updates to reflect Council policies.
- include a general provision authorising the imposition of a condition requiring a contribution toward affordable housing calculated in accordance with section 48 of the State Environmental Planning Policy (Housing) 2021

### **Amended maps**

The Proposal does not seek to amend any of the current LEP maps.

### **Amended clause**

The Proposal is seeking to amend clause 6.12 to:

(1) Amend the definition of Affordable Housing Contributions Scheme to the date that Council adopts the updated Affordable Housing Contributions Scheme. The proposed change is highlighted red in the existing clause 6.12(10) below.

*(10) In this clause—*  
*affordable housing contribution area means the following areas shown on the Affordable Housing Contribution Scheme Map—*  
*(a) Burwood affordable housing contribution area,*  
*(b) 160 Burwood Road Concord affordable housing contribution area,*  
*(c) Homebush affordable housing contribution area,*  
*(d) Kings Bay affordable housing contribution area,*  
*(e) Rhodes East affordable housing contribution area,*  
*(f) Rhodes West affordable housing contribution area,*  
*(g) 1 Ramsay Road Five Dock affordable housing contribution area.*  
*Affordable Housing Contributions Scheme means the Affordable Housing Contributions Scheme adopted by the Council on [xx] April 2025.*  
*Area 4 means the land identified as “Area 4” on the Additional Local Provisions Map.*  
*relevant floor area of a building means the gross floor area of the building that is to be used for residential purposes excluding the floor area that is—*  
*(a) to be used to provide affordable housing or public housing, or*  
*(b) to be used for community facilities, schools, public roads or public utility undertakings, or*

(2) to include a clarification that Council can apply a condition requiring an affordable housing contribution where development results in the loss of existing affordable rental housing. The proposed additional provision within clause 6.12 of the Canada Bay LEP (subject to Parliamentary Counsel review) is:

*(11) Notwithstanding subclause (1), subclause (12) applies to development to which s47(1) of the State Environmental Planning Policy (Housing) 2021 applies'.*

*(12) The consent authority, may when granting development consent to development to which this subclause applies, impose a condition requiring a contribution towards affordable housing calculated in accordance with s48 of the State Environmental Planning Policy (Housing) 2021*

## **Updated Affordable Housing Contribution Scheme.**

The update to the Affordable Housing Contribution Scheme incorporates housekeeping updates and a simplified calculation to ascertain the level of monetary contribution payable (in lieu of dwelling dedication). The revised Scheme can be found at Appendix A, with the changes to the scheme highlighted red. In summary changes include:

- Inclusion or amendment of definitions for Affordable Housing, Affordable Rental Housing, Equivalent monetary contribution, Key workers, Net saleable area, contribution rate and social housing.
- Amendments to the objectives of the plan to reflect Council's Disability Inclusion Action Plan (DAIP) and updated Affordable Housing Policy
- Summary of applicable affordable housing contribution percentage within each identified area subject to the Scheme
- Explanation of relationship with other affordable housing provisions under State Environmental Planning Policy (Housing) 2021
- Updated to Affordable Housing Policy section to reflect corresponding changes to Council's affordable housing policy
- Reinforcement of Council's preference for the dedication of completed affordable housing dwellings.
- Apply a dollar rate per sqm based on the average median strata dwelling price across the LGA.
- Revised and new calculation examples for dwelling dedication and financial contributions.
- Explanation as to how the equivalent monetary contribution rate is calculated
- Deletion of requirements which are relevant to the ongoing management of affordable housing by Council which will be included within Council's updated Affordable Housing Management Guidelines.

## **Assessment Criteria**

### **a) Does the proposal have strategic merit? Will it:**

- **Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or;**

The Proposal will give effect the Objectives and Priorities of the Greater Sydney Region Plan and Eastern District Plan seeking to provide greater housing supply, diversity and affordability. These include:

Greater Sydney Region Plan:

- 10 - Greater housing supply and
- 11 - Housing is more diverse and affordable.

Eastern District Plan:

- Planning Priority E5 'Providing housing supply, choice and affordability with access to jobs, services and public transport' and
- Action 17 'Facilitate an Affordable Rental Housing Target Scheme following development of implementation arrangements'.

- **Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan;**

The Proposal is consistent with Council LSPS action 5.5 and Council's Local Housing Strategy. Council's AHCS was adopted in 2020 as part of the implementation of Council LSPS LEP amendment. This proposal seeks to provide housekeeping updates and is consistent with the adopted approach of Council.

- **Respond to a change in circumstances that has not been recognised by the existing planning framework.**

The Proposal is primarily housekeeping updates to respond to best practice and operational feedback on the current AHCS.

### **b) Does the proposal have site specific merit, having regard to the following?**

- **the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)**

The Proposal does not seek to include any additional sites subject to the AHCS. The proposal will not have any impact on the natural environment of sites already identified within the AHCS.

- **existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates**

The AHCS facilitates the provision of affordable housing within the City of Canada Bay LGA. Where dedication of housing is provided this will enable affordable housing within the vicinity of new development. The AHCS outlines that dedication of completed affordable dwellings is Council's preference where possible.

- **services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.**

This Proposal does not propose an increase in density and is not expected to result in any additional burden on existing public infrastructure.

## **Matters for Consideration**

### **Section A – Need for the planning proposal**

#### **Q1. Is the planning proposal a result of any strategic study or report?**

This Proposal is consistent with the City of Canada Bay's Local Strategic Planning Statement and Local Housing Strategy and reflect the implementation on ongoing actions to facilitate affordable housing within the LGA.

#### **Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Proposal is the only means to achieve the intended outcome as amendments to CBLEB 2013 are required.

### **Section B – Relationship to the strategic planning framework**

#### **Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

##### *Regional Plan*

A Metropolis of Three Cities – the Greater Sydney Region Plan is the NSW Government's overarching strategic document for growth and change in Sydney. The 20 year plan with a 40 year vision seeks to transform Sydney into a metropolis of three cities being the Western Parkland City, the Central River City and the Eastern Harbour City. The City of Canada Bay is located within the Eastern Harbour City.



To achieve the vision, the plan proposes 10 directions, 40 objectives and associated strategies. Objectives of particular relevance to this Proposal include: 10 - Greater housing supply and 11 - Housing is more diverse and affordable.

This Proposal is consistent with several relevant directions, objectives and strategies of the plan. Specifically, it will increase the supply of affordable housing and improve housing diversity and choice.

#### *District Plan*

The Eastern City District Plan sets out how 'A Metropolis of Three Cities – the Greater Sydney Region Plan applies to local areas. The district plan requires councils to develop local housing strategy and actions to address the range of housing needs in their LGAs, including affordable housing.

The Proposal is consistent with Planning Priority E5 'Providing housing supply, choice and affordability with access to jobs, services and public transport' and Action 17 'Facilitate an Affordable Rental Housing Target Scheme following development of implementation arrangements'.

The City of Canada Bay Council adopted an Affordable Housing Contribution Scheme on 18 August 2020 to address Action 17 of the District Plan. The Scheme has been amended to include additional land numerous times. This proposal seeks on to make housekeeping updates and simply the calculation of contributions under the Scheme.

#### **Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?**

The Proposal is in accordance with Council's LSPS and consistent with LSPS action 5.5.

#### **Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

There are no applicable State and regional studies that would apply to the Proposal.

#### **Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The Proposal is consistent with the relevant SEPP's that apply to the City of Canada Bay LGA.

*Table 1: Consistency with SEPPs*

SEPP Title	Consistency
SEPP (Biodiversity and Conservation) 2021	The Proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The Proposal does not contain provisions that would affect the application of the SEPP.

SEPP Title	Consistency
SEPP (Housing) 2021	The Proposal is consistent with the Housing SEPP, facilitating the provision of affordable housings or monetary contributions in lieu of dwelling dedication.
SEPP (Industry and Employment) 2021	This Proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Planning Systems) 2021	This Proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Eastern Harbour City) 2021	This PP does not contain provisions that would affect the application of the SEPP.
SEPP (Precincts – Regional) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	This Proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Resources and Energy) 2021	This Proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Sustainable Buildings) 2021	This Proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Transport and Infrastructure) 2021	This Proposal does not contain provisions that would affect the application of the SEPP.

**Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?**

The Proposal is consistent with the Local Planning Directions which apply to the City of Canada Bay LGA.

*Table 2: Consistency with Ministerial Directions*

Direction	Comments
<b>Focus area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans	The Proposal is consistent with A Metropolis of Three Cities – The Greater Sydney Region Plan.

Direction	Comments
1.3 Approval and Referral Requirements	The Proposal will be subject to consultation with state authorities as required by the Gateway Determination. The amendment to the Scheme does not require concurrence, consultation or referral provisions or identifies any designated development
1.4 Site Specific Provisions	Consistent. This Proposal does not include any site-specific provisions.
1.4A Exclusion of Development Standards from Variation	Not applicable
<b>Focus area 1: Planning Systems – Place-based</b>	
1.5 Parramatta Road Corridor Urban Transformation Strategy	The existing Scheme applies to specific sites within the Parramatta Road corridor as a result of feasibility testing. The Proposal seeks to provide clarification that affordable housing contributions required under Chapter [x] Retention of Affordable Rental Housing applies across the LGA, but does not seek to identify any additional specific sites.
1.6 – 1.22	Not applicable
<b>Focus area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zones	Not applicable
3.2 Heritage Conservation	Consistent. The Proposal will not adversely impact the ongoing conservation of heritage items.
3.3 – 3.6	Not applicable
3.7 Public Bushland	Consistent. The Proposal does not adversely impact the protection of bushland in urban areas.
3.8 Willandra Lakes Region	Not applicable
3.9 Sydney Harbour Foreshores and Waterways Area	Consistent, the Proposal does not adversely impact the protection of the Sydney harbour foreshore.
3.10 Water Catchment Protection	Not applicable
<b>Focus area 4: Resilience and Hazards</b>	
4.1 Flooding	The Proposal is consistent with the objectives of the Direction.

Direction	Comments
4.2 Coastal Management	The Proposal is consistent with the objectives of the Direction.
4.3 Planning for Bushfire Protection	Not applicable
4.4 Remediation of Contaminated Land	The Proposal will not adversely impact the remediation of contaminated land. The proposal is a result of housekeeping updates to a Scheme already permitted under the City of Canada Bay planning controls and does not introduce or intensify development.
4.5 Acid Sulfate Soils	The Proposal does include areas within the LGA impacted by acid sulfate soils. However, the proposal is a result of housekeeping updates to a Scheme already permitted under the City of Canada Bay planning controls and does not introduce or intensify development.
<b>Focus area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	Consistent, the proposal is a result of housekeeping updates to a Scheme already permitted under the City of Canada Bay planning controls and does not introduce or intensify development.
5.2 Reserving Land for Public Purposes	Consistent, the proposal does not relate to the reservation of land for public purposes.
<b>Focus area 6: Housing</b>	
6.1 Residential Zones	Consistent, the proposal facilitates provision of affordable housing and future housing needs within the City of Canada Bay LGA.
<b>Focus area 7: Industry and Employment</b>	
7.1 Employment Zones	Consistent. The proposal is a result of housekeeping updates to a Scheme already permitted under the City of Canada Bay planning controls and does not introduce or intensify development.

## Section C – Environmental, social and economic impact

### **Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The proposed changes are minor or administrative in nature and are unlikely to impact critical habitats, threatened species, populations or ecological communities.

### **Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The proposed changes are minor or administrative in nature and are unlikely to result in any adverse environmental effects.

**Q10. Has the planning proposal adequately addressed any social and economic effects?**

The Proposal is seeking to address needed types of housing and affordability. The proposed changes are unlikely to result in any adverse social or economic effects.

**Section D – Infrastructure (Local, State and Commonwealth) Q11. Is there adequate public infrastructure for the planning proposal?**

This Proposal does not propose an increase in density and is not expected to result in any additional burden on existing public infrastructure.

**Section E – State and Commonwealth interests**

**Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

No consultation has been undertaken with federal public authorities and government agencies prior to preparing this Proposal.

## **Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies**

The Proposal does not seek to amend any of the current LEP map sheets.

## **Part 5 - Community Consultation**

It is intended to publicly exhibit the draft plan for a minimum period of 28 days.

Council intends to consult with the Department of Planning, Housing and Infrastructure in respect of the Proposal:

## Part 6 - Project Timeline

It is anticipated the Proposal will take a minimum of **6** months to finalise from the issue of a Gateway determination. An indicative project timeline for this minimum period is provided below.

Action	Timeframe
Submission for Gateway	April 2025
Gateway Determination	May 2025
Government Agency Consultation	May - June 2025
Exhibition Period	May – June 2025
Consideration of submissions	June – July 2025
Council Meeting	July 2025
Date of submission to the Department for drafting and finalisation	August 2025



## **Appendix A – Draft Affordable Housing Contribution Scheme**

