

## Gateway Determination

**Planning proposal (Department Ref: PP-2025-812):** Canada Bay Affordable Housing Contribution Scheme housekeeping updates.

I, the Director Local Planning (North, East and Central Coast) 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 Canada Bay Local Environmental Plan 2013 to provide an update to Affordable Housing Contribution Scheme should proceed subject to the following.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under sections 7.33 and 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 9 April 2026.

### Gateway Conditions

1. The planning proposal is to be updated to:
  - (a) ensure the objective and intended outcomes of the proposal are clear
  - (b) remove the proposed amendment authorising Council to impose a condition requiring a contribution in accordance with Chapter 2 Part 3 of SEPP (Housing) 2021
  - (c) amend the Affordable Housing Contribution Scheme (AHCS) to clarify the collection of monetary funds under Chapter 2 Part 3 of the Housing SEPP must be transferred to the Department of Communities and Justice (DCJ) (now part of Homes NSW)
  - (d) amend the definition of key worker in the AHCS to allow flexibility in its application.
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 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
  - (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).

3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act.

Dated 28 October 2025



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**Planning Land Use Strategy Housing and**  
**Infrastructure**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning and**  
**Public Spaces**