

PLANNING PROPOSAL

Affordable Housing Review – Green Square Town Centre



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Introduction

This *Planning Proposal: Affordable Housing Review - Green Square Town Centre* (this Planning Proposal) follows a review of affordable housing needs and supply in the City of Sydney local government area (LGA). It proposes a number of changes to the current affordable housing provisions in the *Sydney Local Environmental Plan 2012 (Sydney LEP 2012)*, *Sydney Local Environmental Plan (Green Square Town Centre) 2013* and *Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013* (Town Centre LEPs). This Planning Proposal principally applies to the Green Square Town Centre, which is identified on the map shown at Figure 1.

A key objective of this Planning Proposal is to integrate the Green Square LEPs into the provisions of *Planning Proposal: Affordable Housing Review* (original Planning Proposal), that was approved by Council on 17 September 2018. This Planning Proposal is to correct an error in the original Planning Proposal, that inadvertently excluded the proposed new planning controls and Program from areas to which the Town Centre LEPs apply.

The original Planning Proposal, and this Planning Proposal, is to increase the amount of affordable housing in the city to achieve the City's Sustainable Sydney 2030 affordable housing targets. It provides a comprehensive and transparent framework for the application of affordable housing contributions when land is being developed.

This Planning Proposal is informed by the Eastern City District Plan (district plan), released by the Greater Sydney Commission in March 2018, which includes targets and actions for the provision of affordable housing through the planning framework.

This Planning Proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning and Environment (DPE) Guidelines including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Planning for affordable housing

Sydney remains Australia's least affordable city. It is widely acknowledged that development has not kept pace with demand, contributing to a tight rental market and rising house prices. The high cost of housing is an important economic and social issue in Sydney, particularly in the Sydney LGA where housing prices are amongst the highest in Australia.

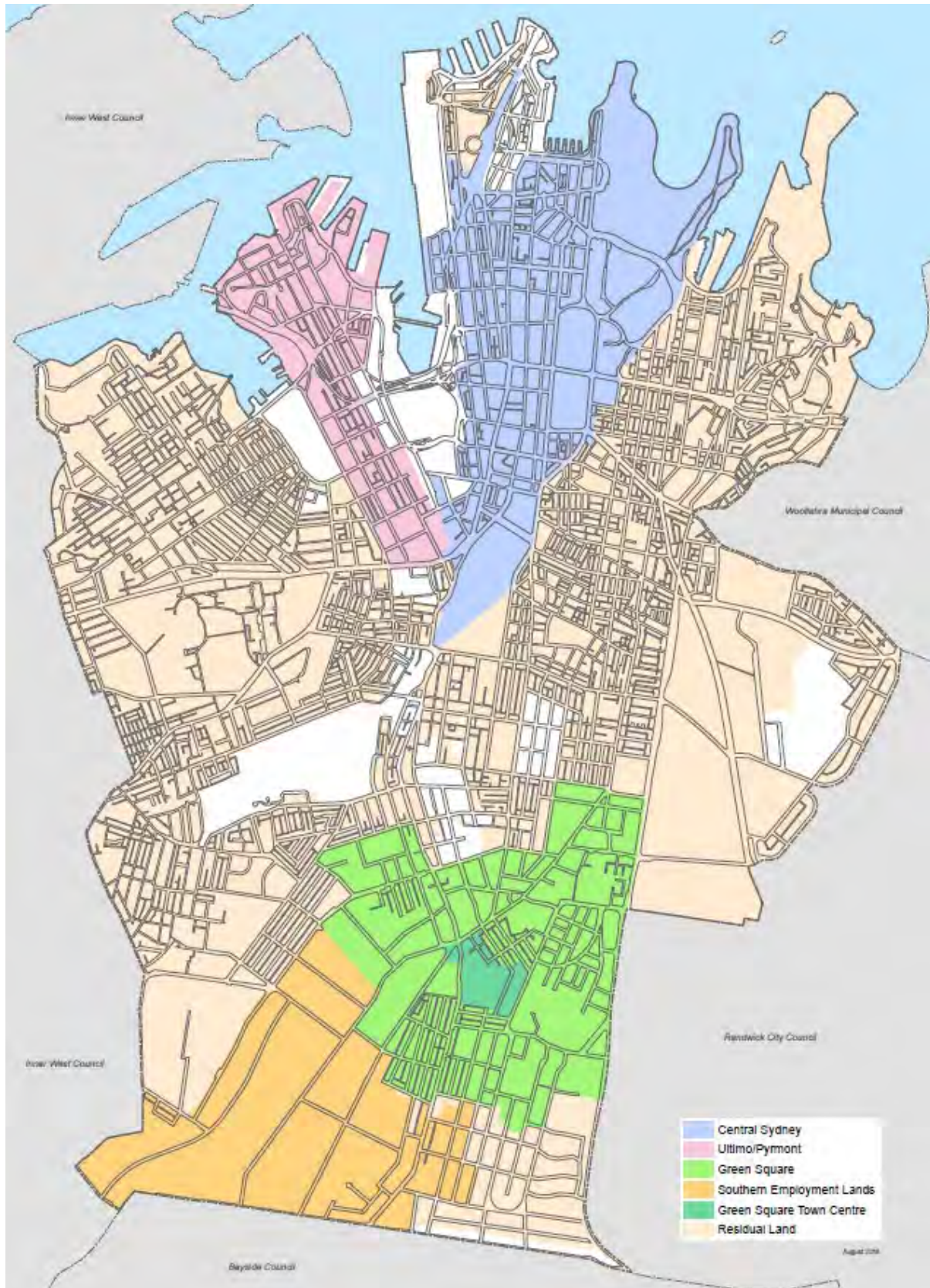
The *Metropolis of Three Cities: Greater Sydney Region Plan 2018* (region plan) and district plan were released by the Greater Sydney Commission in March 2018. The Plans establish affordable housing targets and require councils to prepare a Housing Strategy that, amongst other things, provides a planning pathway for achieving the targets.

The region plan establishes an affordable housing target of five to 10 per cent of new residential floor area, subject to viability. The target is aimed at housing those most in need, specifically very low and low income households. The plan requires councils to develop local housing strategies to address the range of housing needs in their local areas, including affordable housing.

Sustainable Sydney 2030 establishes an ambitious target that in 2030, 7.5 per cent of housing will be social housing and 7.5 per cent of housing will be affordable rental housing. Achieving this target requires approximately 11,000 affordable housing dwellings, out of a total projected 148,000 dwellings, to be provided in the LGA to 2030.

The City's *Affordable Rental Housing Strategy 2009-2014*, which supports the implementation of *Sustainable Sydney 2030*, identifies a range of strategies to increase the quantum of affordable housing in the LGA, including the extension of contribution schemes across the LGA.

Figure 1 Land to which this Planning Proposal applies



In 2015 the City released its Housing Issues Paper for consultation with the community. The key issue emerging from the paper is one of housing affordability in the inner-city and the critical need to provide a range of affordable housing options for very low to moderate income households. The City is currently developing its housing strategy to, amongst other things, address these issues.

Affordable housing in the City of Sydney

Three affordable housing 'schemes' currently operate in the LGA, including at:

- Ultimo/Pymont, introduced in 1996, which requires that 0.8 per cent of residential floor area and 1.1 per cent of commercial floor area be provided as affordable housing
- Green Square, introduced in 1999, which requires that three per cent of residential floor area and one per cent of commercial floor area be provided as affordable housing, and
- Southern Employment Lands, introduced in 2015, which requires that three per cent of residential floor area and one per cent of commercial floor area be provided as affordable housing.

A fourth affordable housing scheme was proposed in Central Sydney as part of the Central Sydney Planning Review and was approved by Council in July 2016. Pursuant to the direction of the Gateway Determination issued by the NSW Department of Planning and Environment on 10 January 2018, the draft Central Sydney affordable housing scheme (draft Central Sydney scheme) has now been incorporated into this planning proposal. The draft Central Sydney scheme is discussed later in this planning proposal.

The affordable housing contribution required under these schemes can be satisfied either by in-kind dedication of finished affordable housing dwellings or by making an equivalent monetary contribution, the amounts for which are set out in the respective affordable housing programs of each scheme.

Together the schemes in operation have resulted in 835 affordable rental dwellings for very low to moderate income households in the LGA. A further 586 dwellings are in the development pipeline and expected to be built by 2019.

These dwellings have been built and are managed by City West Housing, who is the sole beneficiary of monetary contributions made under the Green Square and Ultimo/Pymont schemes. In the Southern Employment Lands, where the contribution requirement is relatively new and has not as yet resulted in any affordable housing, contributions are to be shared amongst multiple community housing providers.

The City also uses other approaches to increase the amount of affordable housing where opportunities arise. Some examples include:

- in 2009 the City entered into a planning agreement for the dedication of land for affordable housing at Harold Park. The land was purchased by City West Housing, partly using funds raised from the Ultimo/Pymont contribution scheme, and is currently being developed for 78 affordable housing dwellings

- in 2010 the City sought expressions of interest for the sale of land for affordable housing at Portman Street, Zetland. The land was purchased by City West Housing, partly using funds raised from the Green Square contribution scheme, and developed for 104 affordable housing dwellings
- in 2013 the City entered into a planning agreement for affordable housing to be provided in conjunction with the redevelopment of 87 Bay Street, Glebe. The approved development application is for 207 residential apartments, including 19 affordable housing units
- in the review of planning controls in the City's Southern Employment Lands, an LEP clause was applied to land rezoned from IN1 or IN2 Industrial to B7 Business Park to permit affordable housing, but not market housing. The approach creates a commercial advantage for community housing providers to purchase land in the zone, given they do not compete for the same land with other residential developers
- in July 2015 Council approved a masterplan for the development of Council-owned sites in the B7 Business Park zone along the Green Square to Ashmore connector road, formerly known as the Green Square east-west relief route. Sites are to be sold to the community housing sector for the development of an estimated 300 affordable housing dwellings, and
- in 2015 the City adopted the *Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas*. The Guideline provides a framework for sharing the residual land value increase resulting from changes to planning controls, with 50 per cent of the increase being returned to the area with the provision of infrastructure, in particular affordable housing. The first planning proposal under the Guideline was reported to Council in February 2017 together with a planning agreement for the provision of affordable housing in accordance with the Guideline.

Achieving the City's affordable housing targets requires a multi-pronged approach. However, the planning mechanisms and policies used by the City to facilitate affordable housing have been developed over 20 years and have led to inconsistent administrative processes and procedures. This Planning Proposal will support the improvement of these processes and procedures.

This Planning Proposal seeks to provide clarity of the City's expectations for affordable housing when land is being developed, as well as streamline the City's current processes and practices to facilitate affordable housing.

Planning Proposal aims

This Planning Proposal seeks amendment to the Town Centre LEPs to:

- provide a framework to identify 'Planning Proposal land', being land that will benefit from increased development capacity through a site-specific planning proposal to change the planning controls, and require a supplementary affordable housing contribution;
- improve the interpretation and application of Clause 7.13;
- reduce the minimum size of any affordable housing dwelling to be dedicated to Council to 35 square metres in line with the Apartment Design Guideline dwelling size minimums. Also to introduce a maximum dwelling size of 90 square metres to ensure affordable housing floor area resulting from contribution schemes is used efficiently and to the benefit of as many people as possible;

- add a savings provision under Cl. 7.13 ensuring the development applications that have been determined with affordable housing conditions of consent referencing the Green Square or Southern Employment Lands Programs remain valid and lawful; and
- refer to a new ‘City of Sydney Affordable Housing Program’, as dated.

This Planning Proposal also seeks amendment to the Sydney LEP 2012 to:

- replace the City of Sydney Affordable Housing Program with the draft Program, which adds the Green Square Town Centre, and update the adoption date under Cl. 7.13 so that it is the same as the adoption date in the Town Centre LEPs; and
- add a savings provision under Cl. 7.13 ensuring the development applications that have been determined with affordable housing conditions of consent referencing the Green Square or Southern Employment Lands Programs remain valid and lawful.

City of Sydney Affordable Housing Program

The Town Centre LEPs allow for landowners and developers to satisfy an affordable housing contribution requirement by making:

- an in-kind contribution of finished affordable housing dwellings, or
- an equivalent monetary contribution payment.

The proposed operational detail for the collection and distribution of affordable housing contributions are contained within the City of Sydney affordable housing program (Program), provided at Appendix A. The Program generally replaces the current Green Square Program.

The content and implications of the Program are discussed in detail in Part 2 of this Planning Proposal.

Part 1 Objectives

The objectives of this Planning Proposal are to:

- integrate the Green Square LEPs into the provisions of *Planning Proposal: Affordable Housing Review* (original Planning Proposal), that was approved by Council on 17 September 2018;
- ensure the adoption date of the City of Sydney Affordable Housing Program is the same in the Green Square LEPs and Sydney LEP 2012;
- ensure development application consents remain valid and lawful, which contain affordable housing conditions relating to the Green Square or Southern Employment Lands Programs before the City of Sydney Affordable Housing Program comes into effect;
- provide a transparent framework for development to make equitable affordable housing contributions;
- give effect to the intent of the region plan and the district plan to provide affordable housing on land where there is an increase in floor area, where need for affordable housing is identified and where development viability can be maintained;
- increase the amount of affordable housing in the LGA to achieve the City's affordable housing targets in Sustainable Sydney 2030;
- ensure affordable housing contribution rates do not impact on development viability;
- increase certainty for landowners and developers seeking to develop land in the LGA; and
- align, streamline and simplify exiting affordable housing schemes that operate in the LGA.

Part 2 Explanation of Provisions

2.1 Town Centre LEPs

To achieve the intended outcomes, this Planning Proposal seeks to amend Town Centre LEPs in the manner described below. Detailed drafting instructions and recommended wording are provided at Appendix B.

2.1.1 A framework for Planning Proposal land

It is proposed the Town Centre LEPs be amended to provide a framework to identify sites that will benefit from increased development capacity through a site-specific planning proposal process, and where a supplementary affordable housing contribution on that land has been identified.

To achieve this, the Town Centre LEPs are to be amended to include a new schedule for the identification of sites as 'Planning Proposal land'. 'Planning Proposal land' is also to be identified on the Locality and Site Identification Map in the LEP at the point of making the new planning controls.

This gives effect to the intent of the district plan to provide affordable housing where there is an increase in development capacity on land, where need for affordable housing is identified and where development viability can be maintained.

The contribution requirement will only apply to the new development capacity that is facilitated by the site specific planning proposal. It does not apply to any existing development capacity and therefore does not replace any current affordable housing contribution requirement that may already apply to the land under the Town Centre LEPs.

The schedule may specify how the affordable housing contribution is to be satisfied, being by either:

- an in-kind dedication to Council of finished affordable rental housing dwellings in the development, or
- an equivalent monetary contribution payment to be passed to a community housing provider to build, own and manage affordable rental housing.

The Program, provided at Appendix A and discussed later in this Planning Proposal, provides the operational detail for the scheme and the approach for establishing an appropriate contribution rate.

Once the land is identified on the schedule, the contribution requirement is calculated at the development application stage and will be applied under Section 7.32 of the Act as a condition of consent. This is the same way the contribution requirement is currently applied in Green Square, Southern Employment Lands and Ultimo/Pymont.

The benefits of the proposed approach are:

- it will facilitate the practical implementation of the district plan into the local planning framework;
- contribution rates have been tested with reference to the various housing sub-markets in the LGA to ensure that development viability is not adversely affected, thus removing the need to undertake costly and time consuming site-by-site analysis to establish development viability. This

approach is consistent with the district plan which requires development feasibility be tested at a precinct scale;

- the contribution requirement will be established at the point of changing the planning controls. This will allow the contribution requirement to be factored into the cost of development, improving certainty for the landowner and for the City;
- a thorough assessment of the merits of a planning proposal establishes the appropriate building envelopes and infrastructure needs. The contribution is factored in at that time. This provides certainty to the community and does not rely on inappropriate 'bonus' development capacity, above what might otherwise be permitted under the Town Centre LEPs, to achieve infrastructure delivery; and
- it will provide a clear and consistent approach to securing contributions to affordable housing where there is an increase in development capacity. This increases certainty for land owners and developers and ensures equity in the application of contribution requirements.

A further benefit of the framework is in its administrative simplicity and reduced planning proposal assessment timeframes. One of the biggest challenges to securing affordable housing through a site-specific planning proposal is the resources and knowledge required to negotiate a 'viable' outcome where changes are being made to planning controls. This is further complicated by the need to prepare what is often a complex planning agreement. This Planning Proposal provides a framework to establish a consistent approach to setting appropriate contribution requirements.

By detailing the contribution requirement in the Town Centre LEPs, the need for a planning agreement at the planning proposal stage is removed and instead those requirements for affordable housing outcomes are detailed in the Program.

2.1.2 Minimum size of dedicated affordable housing dwellings

It is proposed the minimum size of any affordable housing dwelling to be dedicated to Council be reduced to 35 square metres and a maximum dwelling size of 90 square metres be introduced. Currently the Town Centre LEPs require any dedicated dwelling be no less than 50 square metres but does not specify a maximum.

The intent of the amendment is to reflect minimum studio dwelling size under the Apartment Design Guideline. The maximum is proposed to ensure the affordable housing floor area resulting from the contribution scheme can accommodate families with children, but is also used efficiently and to the benefit of as many people as possible.

2.1.3 Improving the interpretation and application of current Clauses

It is proposed to amend the Town Centre LEPs to clarify what development is excluded from a requirement to make an affordable housing contribution.

Currently the Town Centre LEPs excludes development where it will result in the creation of less than 200 square metres and 60 square metres of residential and commercial floor area respectively. The intent of this exclusion is to enable minor additions to a development without attracting an affordable housing contribution.

However, as currently worded, the interpretation is that it also excludes development where a substantial change of use is being achieved, for example where a warehouse building is being

refurbished for residential development, but no new floor area is being created. It also excludes substantial refurbishment.

This is unintentionally contrary to the rationale for applying an affordable housing contribution in areas that have benefited from an earlier rezoning, including Green Square.

Amending the current clauses clarifies when an affordable housing contribution is required. An affordable housing contribution will have to be made depending on location, cost of works and if development involves a change of use, alterations and additions or a new build.

The proposed clauses in Town Centre LEPs are also intended to ensure the Program is directly referred to as the guiding document for the ongoing application of the LEP requirements and the administration of the Program. Current clauses only refer to the Program with regards to it setting equivalent monetary contribution amounts. This has left some ambiguity about the legal weight that should be granted the Program.

Drafting instructions and suggested wording is provided at Appendix B.

2.1.4 Savings provision for existing Green Square Program

The City's current conditions of consent make reference to Clause 6.5 in the Town Centre LEPs, which refers to the Green Square Affordable Housing Programs. These conditions of consent will continue to be included in development applications determined in Green Square until the original Planning Proposal is finalised and made by the Department.

It is proposed a savings provision be added to Clause 6.5 of the Town Centre LEPs ensuring the applicable affordable housing conditions of consent, applied before the new LEP provisions come into effect, remain valid and cannot be challenged in court.

2.2 Sydney LEP 2012

To achieve the intended outcomes, this Planning Proposal seeks to amend Sydney LEP 2012 in the manner described below. Detailed drafting instructions and recommended wording are provided at Appendix B.

2.2.1 Update adoption date in Sydney LEP 2012

The adoption date of City of Sydney Affordable Housing Program under Clause 7.13 of Sydney LEP 2012 will need to be updated with the new adoption date when the Town Centre Planning Proposal and draft Program are approved and adopted by Council post-exhibition. This will ensure consistency across the City's LEPs where the Program is applicable.

2.2.2 Savings provision for existing Green Square and Southern Employment Land Programs

The City's current affordable housing conditions of consent make reference to Clause 7.13 in Sydney LEP 2012, which refers to the Green Square or Southern Employment Land Affordable Housing Programs. These conditions of consent will continue to be included in development applications determined in Green Square and the Employment Lands until the original Planning Proposal is finalised and made by the Department.

It is proposed a savings provision be added to Clause 7.13 of Sydney LEP 2012 ensuring the development applications that have been determined with affordable housing conditions of consent referencing the Green Square or Southern Employment Lands Programs remain valid and lawful.

2.3 City of Sydney Affordable Housing Program

The Town Centre LEPs allow for landowners and developers to satisfy an affordable housing contribution requirement by making:

- an in-kind contribution of finished affordable housing dwellings, or
- an equivalent monetary contribution payment.

The Program, provided at Appendix A, is for adoption by Council, with the provisions of the Town Centre LEPs referring to it to provide the operational detail for the collection and distribution of affordable housing contributions. It is attached to this Planning Proposal and described in more detail below for contextual informational purposes only.

The Program replaces the current Green Square program under the Town Centre LEPs and the City of Sydney Affordable Housing Program under Sydney LEP 2012, which was adopted by Council 17 September 2018.

The key elements of the Program are described below. It is noted that in some cases they are an extension of requirements or practices under current affordable housing programs, and in others they are new requirements.

2.3.1 Affordable housing principles

The Program includes 'affordable housing principles' that provide overarching guidance to the operation of the contribution scheme. While generally remaining unchanged, the principles in the Program make some amendment to those under the current Green Square program. These changes are largely to align the wording.

The most significant proposed change to the principles is it will allow all affordable housing contributions to be spent anywhere in the LGA. Currently in Green Square where the currently expenditure of funds collected in Green Square is to be spent in the Green Square renewal area.

This change in approach is made at the request of City West Housing, who is the only community housing provider listed in the Green Square program to receive affordable housing contributions collected in Green Square. The request is provided at Appendix C. The reason given by City West Housing for the request is that it is increasingly difficult to secure land within the LGA and that the limitations placed on where the contributions can be spent only makes it more difficult.

The City recommends the request be supported. Allowing funds to be spent elsewhere in the LGA will not impact on the broader objectives of the Green Square scheme.

2.3.2 Affordable housing schemes in Central Sydney and residual land

The original Planning Proposal included changes to Sydney LEP 2012 to expand the operation of current affordable housing contribution schemes to all other land in the LGA where Sydney LEP 2012 applies. These lands have been identified as Central Sydney and residual land.

The City's intention in the original Planning Proposal is to stage the introduction of a contribution requirement, including:

- no affordable housing contribution is required for development applications determined up to 31 May 2020
- an affordable housing contribution is required at half rate from 1 June 2020 until 31 May 2022
- the full affordable housing contribution rate is required from 1 June 2022 onwards.

The Program has been amended to ensure the half rate commences in Central Sydney and residual land from the date the original Planning Proposal is finalised and made in Sydney LEP 2012. It is noted that the staged introduction as intended by the original Planning Proposal will not change.

The contribution rate requirement in Central Sydney and on residual land, as amended, is shown at Table 1 below.

Table 1: Contribution rates in Central Sydney and on residual land

DATE OF DETERMINATION OF DEVELOPMENT APPLICATION	TOTAL FLOOR AREA INTENDED FOR NON-RESIDENTIAL FLOOR AREA	TOTAL FLOOR AREA INTENDED FOR RESIDENTIAL FLOOR AREA
To 31 May 2022*	0.5%	1.5%
1 June 2022 onwards	1%	3%

*No affordable housing contribution applies to development applications determined prior to the making of Sydney LEP 2012 (Amendment No.52).

This contribution requirement only applies to development that is for the creation of new floor area or to change the use of existing floor area from non-residential to residential or tourist accommodation purposes.

It is noted the application of this contribution requirement is different to how it applies in Green Square, the Southern Employment Lands and Ultimo/Pymont, which applies to all floor area in a building and where floor area is changing from one non-residential use to any other use. This is because land in Central Sydney and on residual land has not benefited from a rezoning that has increased the value of all land in the area. Therefore the contribution is calculated only on the new floor area and/or the floor area that is changing use.

2.3.3 Determining the appropriate contribution rate for Planning Proposal land

Section 2.1.2 of this Planning Proposal describes the proposed framework to identify 'Planning Proposal land' on a new schedule in the Town Centre LEPs and to require an affordable housing contribution on that land commensurate with any increase in development capacity.

The Program provides in its appendices a standardised approach to establishing the contribution rate that will be applied to Planning Proposal land in the Town Centre LEPs where there is an increase in development capacity on the land.

The contribution rate will apply only to the new floor area. Any other affordable housing contribution rate that applies under the Town Centre LEPs applies to the floor area that is in existence prior to the change to the planning controls.

The contribution rate will be applied only to the additional floor area facilitated by a planning proposal. It will not apply to floor area potential that already existed under the Town Centre LEPs.

The proposed contribution rate from 1 March 2017 to 28 February 2018 is shown at Table 2 below.

Table 2 Proposed contribution rates on Planning Proposal land where there is an increase in floor space ratio

Precinct	Proportion of additional floor area to be used for affordable housing
West precinct	12%
South precinct	12%
Eastern precinct	24%

Precincts are consistent with those in the City’s development contributions plan 2015.

The above contribution rates are applicable only where the site-specific planning proposal is for floor space ratio increase on land. They are not applicable where other changes to planning controls are being made, for example where land is being rezoned or where there is significant increase in height. The financial benefit associated with increased building heights is more difficult to quantify.

Different sites have different ability to capture views and vistas, the value associated with increased height is highly sensitive to topography, position of the site and surrounding development. While generic rates could be set to capture some of the value created by additional height, owing to the different site drivers and circumstances, there could still be wide variances between sites. Where this is the case a site-specific analysis will be required to determine an appropriate contribution rate.

It is noted the Program provides only guidance on how a contribution rate should be established. The described approach is not binding on Council who may apply a different rate depending on the particulars of the planning proposal under consideration. For example, where it is a superior outcome, and where a landowner/developer has made an offer to enter into a planning agreement to provide affordable housing or other public benefit, the site may not be listed as [Planning Proposal](#) land. For example, where the landowner offers to dedicate land for an affordable housing purpose, rather than make a contribution under the Town Centre LEPs.

The contribution rates have been tested to ensure development viability is not negatively impacted. The outcomes of the testing are discussed in detail at Part 3, Section C of this Planning Proposal.

Contribution rates are to be reviewed annually to ensure they continue to align with market realities.

2.3.4 Affordable housing dwelling requirements

The Program provides the requirements for any affordable housing dwellings that are to be dedicated. Some changes and additions are proposed to requirements that currently apply under Green Square Program.

The requirements are to ensure the dwellings are appropriate for purpose and that they align with the affordable housing principles in the Program and in *State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)* (SEPP 70). The requirements are:

- affordable rental dwellings are to be owned by government or a recommended or eligible community housing provider;
- affordable rental dwellings are provided in the LGA in perpetuity;
- affordable rental dwellings are to be rented to very low, low and moderate income households for an absolute maximum of 30 per cent of gross household income;
- where more than 10 affordable rental dwellings are being provided in the development, at least 25 per cent of dwellings are to be allocated to very low income households and 25 per cent of dwellings to low income households;
- all rent received from the affordable rental dwellings after deduction of management and maintenance costs are to be used only for the purpose of improving, replacing, maintaining or providing additional affordable rental housing. This includes the investment of monies to meet cyclical maintenance costs and all rates and taxes payable in connection with the dwelling;
- affordable rental dwellings are to be designed and constructed to a standard which, in the opinion of council, is generally consistent with other dwellings in the LGA, that is, they are not differentiated as affordable housing compared with the design of other housing;
- each affordable rental dwelling is to have a total floor area of not less than 35 square metres or not more than 90 square metres, with any remainder being paid as a monetary contribution; and
- where multiple affordable rental dwellings are provided in the development, the amenity benchmarks established by the Apartment Design Guide are to be generally achieved. For example, 70% of the affordable housing dwellings should achieve adequate solar access. This is to ensure the least amenable units in any development are not all selected as the affordable rental dwellings to be dedicated to Council.

The location, size and quality of affordable housing dwellings are to be to the satisfaction of Council and the receiving community housing provider. If not, Council may require changes to the development application, or that the contribution be made by way of an equivalent monetary contribution.

2.3.5 Equivalent monetary contribution amounts

The Program states the equivalent monetary contribution amount payable to Council in-lieu of any dedication of floor area for affordable housing.

In practice the affordable contribution requirement under current affordable housing programs in Green Square and Ultimo/Pymont have been satisfied by making monetary contribution. Funds are then passed to a community housing provider to build and manage affordable housing.

In the Southern Employment Lands, Central Sydney, on residual land, and on Planning Proposal land, the Program states the equivalent monetary contribution amount for the period of 1 March 2018 to 28 February 2019 is \$10,588.00 per square metre.

In Green Square, the current Green Square Program rate of \$8,163.00 per square metre (adjusted from the 1 March 2018 to 28 February 2019 period) will continue to apply until 29 February 2020. From 1 March 2020 the rate of \$10,588.00 per square metre (adjusted from the 1 March 2018 to 28 February 2019 period) will apply.

The rates quoted above are expressed differently to how they are expressed in the current Green Square and the Southern Employment Lands programs, but does not affect the total amount the landowner or developer would be required to contribute. The change is explained later in this Planning Proposal.

In Green Square, the Southern Employment Lands, Central Sydney and on residual land, the equivalent monetary contribution amount is calculated on the ‘total floor area’ to which the development application directly applies. The calculation of total floor area is defined by the Town Centre LEPs. This is consistent with current practice.

On Planning Proposal land, the equivalent monetary contribution amount is to be calculated on the additional development capacity facilitated by a site-specific planning proposal.

2.3.6 Increasing contribution rates in Green Square

In Green Square, the Program proposes an increase to the equivalent monetary contribution amount. The proposed increase for the current period is shown at Table 3 below.

Table 3 Proposed increase of equivalent monetary contribution amount

	Current Green Square Program	Program
Equivalent contribution amount for 3% of residential total floor area	\$244.99	\$317.65
Equivalent contribution amount for 1% of non-residential total floor area	\$81.63	\$105.88

As discussed above, the current Green Square Program rates will continue to apply in the Green Square Town Centre until the City of Sydney Affordable Housing Program comes into effect in the Town Centre LEPs. This will allow the market to adjust to the increase.

The new amount aligns with the Southern Employment Lands and the amounts originally proposed in the Central Sydney program and it more accurately reflects the full cost of delivering a square metre of affordable housing in the City of Sydney. It is based on the median strata dwelling price in the Sydney LGA and assumes that if a community housing provider is unable to purchase land in the LGA to develop affordable housing, a suitable dwelling could be purchased on the private housing market.

Economic testing of the impact of increasing the equivalent monetary contribution amounts in Green Square indicated the market can tolerate the increase without having any negative impact on development viability.

The economic testing recognises the affordable housing levy in Green Square affordable housing scheme was established in 1999 and does not reflect full development costs today. Inherent in the levy composition is the assumption that land will be available. This effectively means it is ‘cheaper’ for developers to contribute cash rather than in-kind. The contribution rates in the City’s other affordable housing schemes are premised on the Sydney median unit price and therefore reflect a realistic cost to purchase.

2.3.7 Calculating the equivalent monetary contribution payable

The equivalent monetary contribution amount in the Program is expressed differently than in current programs. However, this does not change the resulting contribution amount.

Under current schemes the monetary contribution amount is expressed as a dollar amount per square metre of all the total floor area build on the site. The Program calculates the contribution as a dollar amount per square metre of applicable floor area.

For example, a contribution for a new 5,000 square metres commercial development would be calculated as shown in Table 4 below.

Table 4 Calculating a contribution under the Program – non-residential

	As calculated under current schemes	As calculated under this Program
Total monetary amount	5,000 * \$105.88 = \$529,400	1% * 5,000 * \$10,588 = \$529,400

A contribution for a new 5,000 square metre residential development in the Southern Employment Lands would be calculated as shown in Table 5 below.

Table 5 Calculating a contribution under the Program – residential

	As calculated under current schemes	As calculated under this Program
Total monetary amount	5,000 * \$317.65 = \$1,588,250	3% * 5,000 * \$10,588 = \$1,588,200

The change in approach is because:

- under current affordable housing programs the equivalent monetary contribution amounts specified are for three percent and one percent contribution rate in the Town Centre LEPs. The new approach in the Program allows for a total monetary amount to be calculated irrespective of the contribution rate in the Town Centre LEPs, and
- the proposed approach in the Program will substantially simplify calculation of contribution requirements where a landowner opts to satisfy a contribution partly as dwellings and partly as monetary contribution. For example, under the current Green Square program, if the landowner was required to dedicate three percent of a 10,000 square metre residential development for affordable housing (being 300 square metres), but the amount of floor area identified as affordable housing on the plan amounts to only 260 square metres, then establishing the monetary contribution required for the difference is mathematically complex and potentially confusing for applicants and assessing planners.

2.3.8 How are monetary contributions paid and who are they allocated to?

The Program includes requirements for how affordable housing contributions collected are to be allocated to a community housing provider and used.

Currently contributions collected in the Southern Employment Lands are paid to the City and passed to the NSW Department of Families and Community Services who are responsible for distributing funds to Tier 1 and Tier 2 community housing providers to build and manage affordable housing in the LGA. This approach is to be retained in the Program for money collected in the Southern Employment Lands.

Currently contributions collected in Green Square and Ultimo/Pymont are paid to the Department of Planning and Environment and passed to the only recommended community housing provider listed in Schedule A of the Green Square program, being City West Housing.

This approach is broadly retained in the Program, though it is proposed the process for payment be simplified by allowing landowners to make payment directly to the City who will then pass the funds to the community housing provider. This aligns with how other contribution payments are made, for example Section 7.11 payments.

Further discussions with the Department of Planning and Environment to amend current processes for Green Square and Ultimo/Pymont will be required.

For Central Sydney, residual land and Planning Proposal land, the Program proposes funds be paid to the City and passed to any recommended provider identified on the Program, currently proposed as City West Housing only.

2.3.9 How are dedicated affordable housing dwellings to be allocated?

The Town Centre LEPs require that, where the landowner or developer opts to dedicate affordable housing dwellings in the development, that they be built and dedicated to Council free of charge. Council would then transfer the dwellings to a community housing provider to be owned and managed in perpetuity as affordable rental housing for very low to moderate income households.

The Program proposes that, where the landowner or developer opts to dedicate affordable housing dwellings in the development, that Council will transfer the dwelling to a recommended community housing provider, as identified on Schedule A of the Program, free of charge. Where any recommended community housing provider opts not to receive the dwellings, it will be transferred to another registered Tier 1 or Tier 2 community housing provider.

2.3.10 Development that may not be required to make a contribution

The Town Centre LEPs stipulate what development may be subject to an affordable housing contribution.

The Program provides that Council may consider exempting development from an affordable housing contribution requirement if the development is for one or more of the following:

- Affordable housing, as defined by the Program;
- development that would result in the applicable affordable housing contribution amounting to more than 15 per cent of the agreed cost of construction, or where the agreed cost of construction is less \$100,000; or

- where the change of use is from:
 - a commercial use or light industrial use to a general industrial use or heavy industrial use, or
 - a general or heavy industrial use to another general industrial use or heavy industrial use.

The intent of allowing for these exemptions is to:

- ensure the contribution requirement does not unreasonably impact on the cost of development, and
- ensure industrial uses, that have not benefited from the increased land values in the LGA, are not subject to a contribution requirement.

2.3.11 Indexing contributions

The Program requires adjustments are made to the equivalent monetary contribution amount annually in accordance with movements in the median house price in the LGA, as provided by the NSW Government Rent and Sales Report, Table: Sales Price – Greater Metropolitan Region – Strata. The City of Sydney’s website will contain the current monetary contribution amounts as indexed.

While consistent with the current approach in the employment lands, the Program amends the approach for Green Square where contribution rates are indexed with reference to the Australian Bureau of Statistics Established Housing Price Index (HPI).

The purpose of the change in approach in Green Square is that movements in median housing prices more accurately reflect movements in housing costs in the LGA. The HPI provides movements Sydney-wide.

2.3.12 When is a contribution to be paid?

The Program requires that payment of any monetary contribution amount required by a condition of consent be made prior to issue of a construction certificate.

While consistent with the current approach in the employment lands, the Program amends the approach in Green Square where landowners or developers are currently able to provide a bank guarantee prior to construction certificate with cash payment required before occupational certificate.

Approximately one third of affordable housing contribution payments have been satisfied by bank guarantee since 2012. The system is complex to administer, requiring indexing of contribution payments prior to occupation certificate.

The purpose of this change in approach is to:

- provide equity and align the payment requirements with all other payments that are required, such as Section 7.11 payments and Clause 6.14 – Community Infrastructure floorspace at Green Square of the Sydney LEP 2012, all of which are payable prior to issue of construction certificate, and
- streamline and simplify the operation and administration of affordable housing contribution requirements.

2.3.13 Where a previous contribution to affordable housing has been paid

The Program provides that where a contribution has been paid on floor area previously, that it may not be required to make an additional contribution in the event of further development, unless:

- it is being demolished and being replaced with floor space of the same use. In this case, a contribution will be applied to all of the total floor area, including the replacement floor area; or
- the previous contribution was for a non-residential purpose and the new total floor area is for a residential purpose. In this case the difference in the contribution rates will apply.

This amends the current provision in the Green Square and Southern Employment Lands programs that where floor area has been demolished and rebuilt, that a contribution would not apply to any existing floor area. The purpose of amending this provision is:

- it does not reflect the displacement or demand of more affordable housing as floor area is redeveloped for higher value accommodation or commercial uses; and
- it does not reflect the need for affordable housing generated by development.

2.3.14 Adding a recommended community housing provider

The Program identifies in an attached Schedule the ‘recommended’ community housing providers who are the beneficiaries of affordable housing contributions collected in Green Square, Central Sydney, residual land and on Planning Proposal land. Currently only City West Housing is identified on the Schedule.

This carries over from the current Green Square program that identifies only City West Housing as the recipient of funds under that scheme.

The Program provides the matters for consideration where an application is made by a community housing provider, which is registered under the National Regulatory Code as Tier 1 or Tier 2 provider, to be added to the Schedule. Considerations include:

- any potential impacts of adding a community housing provider on the outcomes of the schemes, for example, whether adding a provider would likely increase or decrease the number of affordable housing units resulting from the scheme;
- any consultation with the NSW Department of Families and Community Services; and
- the impact on the programming and business planning of community housing providers already listed on the Schedule.

Before adding a community housing provider to the Schedule, the City will be required to develop a strategy for how funds are to be divided amongst multiple providers.

Part 3 Justification

Section A – Need for The Planning Proposal

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

There is a clear and critical need to provide affordable housing for low to moderate income households in Sydney.

The need for affordable housing in the city, and the various mechanisms available to local government to facilitate it, have been the subject of a range of studies and reports that have informed various policies, projects and development decisions made by Council.

To inform the preparation this Planning Proposal an affordable housing needs analysis was undertaken. The findings of the needs analysis are incorporated into the appendices of the Program provided at Appendix A.

In summary, the needs analysis found that housing in the city is now at a considerable premium compared to other parts of NSW. The proportion of housing that is affordable for purchase for very low, low and moderate income households is essentially non-existent.

The LGA median strata dwelling price is now \$891,000. By comparison, the Greater Sydney median strata dwelling prices in March 2017 are \$720,000. An average weekly mortgage payment of \$1,048 is required to buy a moderate income household, based on a 10 per cent deposit, standard stamp duty charges built into a 30 year mortgage at a five per cent interest rate.

Rental costs are equally concerning. The LGA's median weekly rent in June 2017 for a two-bedroom unit is \$795 compared with the Greater Sydney and NSW median weekly rents of \$540. This represents a 30 per cent increase from the \$610 median weekly rents in September 2010.

Based on NSW Family & Community Services – Housing Rent and Sales Report, and published 2017/2018 household income medians, a 43 per cent reduction in the median strata dwelling price or a 25 per cent reduction in average strata rents are required for housing to be considered affordable for moderate income households.

Even allowing for a slowing of the market, the disparity between housing costs in inner Sydney and ability of very low to low income households to pay is significant. The need to increase the supply of affordable housing for very low to moderate income households is now urgent if very low to moderate income households are still to live in the LGA.

The social and economic impacts of not addressing the need for affordable housing are discussed at Part 3, Section C of this Planning Proposal.

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

This Planning Proposal is to clarify and streamline current schemes that are in operation under the Town Centre LEPs. This Planning Proposal is the only way to achieve this.

The Act considers the promotion of the social and economic welfare of the community as one of its objectives. In 1999 the Act was amended to specifically include the provision and maintenance of affordable housing as an Object of the Act.

Section 7.32 of the Act allows for the collection of contributions for affordable housing where a need for affordable housing is identified in a planning instrument and where:

- a) the consent authority is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within the area, or
- b) the consent authority is satisfied that the proposed development will create a need for affordable housing within the area, or
- c) the proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site, or
- d) the regulations so provide.¹

SEPP 70 identifies that there is a need for affordable housing in the City of Sydney.

The various contribution requirements operating in the city achieve the requirements of the Act in different ways. These are addressed in full in the needs analysis incorporated into the appendices of the Program provided at Appendix A.

Section B – Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

A Metropolis of Three Cities – the Greater Sydney Region 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 Sydney LGA is positioned within the Eastern Harbour City.

The plan identifies key challenges facing Sydney including a population increase to eight million by 2056, 817,000 new jobs by 2036 and a requirement for 725,000 new homes.

The plan aspires to deliver the following outcomes:

- liveability – enhancing cultural and housing diversity and designing places for people;
- productivity – developing a more accessible and walkable city and creating conditions for a stronger economy;
- sustainability – valuing green spaces and landscape, improving efficiency of resources and creating a resilient City; and
- infrastructure – ensuring infrastructure supports new developments and governments, community and businesses collaborate to realise the benefits of growth.

¹ Development must only satisfy one of these conditions for Council to be able to require a contribution.

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

This Planning 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.

Eastern City District Plan

The Greater Sydney Commission released the District Plans for the Greater Sydney Metropolitan Region in March 2018. The City of Sydney is in the Eastern City District. The District Plans set out how *A Metropolis of Three Cities – the Greater Sydney Region Plan* applies to local areas.

The district plan has set a 20-year strategic target for housing and employment growth within the district, including a 2036 target of 157,500 dwellings and a short-term (5 years) housing target of 46,550 new dwellings. In the City of Sydney LGA, 18,300 dwellings are to be delivered.

The district plan requires councils to develop local housing strategies and actions to address the range of housing needs in their LGAs, including affordable housing.

The district plan nominates an affordable rental housing target of five to 10 per cent, subject to viability, in urban renewal and land release areas, noting that the application of the target should not prejudice other approaches to secure affordable housing in areas outside of urban renewal and land release areas. A critical focus of the plan is that any mechanism that is introduced to secure affordable housing should be cognisant of the impact on development viability.

This Planning Proposal supports the district plan's priority of 'Housing Diversity and Affordability' by facilitating the delivery of affordable rental housing in the city through the planning framework.

Q4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?

Sustainable Sydney 2030, the City's overarching strategic plan establishes an ambitious target that in 2030, 7.5 per cent of housing will be social housing and 7.5 per cent of housing will be affordable housing. To achieve the City's target approximately 11,000 affordable housing dwellings, out of a total projected 148,000 dwellings, are required in the LGA.

The City's *Affordable Rental Housing Strategy 2009-2014*, which supports the implementation of *Sustainable Sydney 2030*, identifies a range of strategies to increase the quantum of affordable housing in the LGA, including the extension of contribution schemes across the LGA.

In 2015 the City released its Housing Issues Paper for consultation with the community. The key issue emerging from the paper is one of housing affordability in the inner-city and the critical need to provide a range of affordable housing options for very low to moderate income households. The City is currently developing its housing strategy to build on the *Affordable Rental Housing Strategy*.

This Planning Proposal will result in an increase of affordable housing in the city and will contribute to the quantum of affordable housing dwellings required to achieve the City's affordable housing target.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The consistency of this Planning Proposal with current State Environmental Planning Policies (SEPPs) and former Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed to have the weight of SEPPs, is outlined in Table 6 below.

Repealed SEPPs or REPs, or those that were not finalised are not included in this table.

Table 6 Consistency with SEPPs and former REPs

SEPP	Comment
SEPP 1 - Development Standards	Consistent – this Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP 14 – Coastal Wetlands	Not applicable
SEPP 19 - Bushland in Urban Areas	Not applicable
SEPP 21 - Caravan Parks	Not applicable
SEPP 26 - Littoral Rainforests	Not applicable
SEPP 30 - Intensive Agriculture	Not applicable
SEPP 33 - Hazardous and Offensive Development	Not applicable
SEPP 36 - Manufactured Home Estates	Not applicable
SEPP 44 - Koala Habitat Protection	Not applicable
SEPP 47 - Moore Park Showground	Not applicable
SEPP 50 - Canal Estate Development	Not applicable
SEPP 52 - Farm Dams and other works in Land and Water Management Plan Areas	Not applicable
SEPP 55 - Remediation of Land	Consistent – this Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP 62 - Sustainable Aquaculture	Not applicable
SEPP 64 - Advertising and Signage	Consistent – this Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP 65 - Design Quality of Residential Flat Development	Consistent – this Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP 70 - Affordable Housing (Revised Schemes)	Consistent. This identifies that there is a need for affordable housing in the City of Sydney. The <i>Environmental Planning and Assessment Act 1979</i> (the Act) allows for the collection of contributions for affordable housing where a need for affordable

	<p>housing is identified in a planning instrument and where:</p> <ul style="list-style-type: none"> • the consent authority is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within the area, or • the consent authority is satisfied that the proposed development will create a need for affordable housing within the area, or • the proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site, or • the regulations so provide. <p>The Program provides the rationale and justification for the application of contributions in the city.</p>
SEPP 71 - Coastal Protection	Not applicable
SEPP (Affordable Rental Housing) 2009	<p>Consistent</p> <p>Currently, SEPP (Affordable Rental Housing) 2009 does not apply to land in Green Square, Ultimo/Pymont and the Southern Employment Lands. These exclusions will be retained.</p> <p>The Planning Proposal will amend Part 1, Clause 1.9 – Application of SEPP so that this SEPP does not apply to land in Central Sydney. Given the proposed affordable housing contribution scheme proposed for Central Sydney, it is proposed that the exemption be extended to this area.</p>
SEPP (Building Sustainability Index: BASIX) 2004	Consistent – this Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP Exempt and Complying Development	Consistent – this Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent – this Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP (Infrastructure) 2007	Consistent – this Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP (Integration and Repeals) 2016	Not applicable
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Miscellaneous consent provisions) 2007	Not applicable

SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (State and Regional Development) 2011	Not applicable
SEPP (State Significant Precincts) 2005	Consistent – this Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable
Sydney REP No 5 - (Chatswood Town Centre)	Not applicable
Sydney REP No 8 (Central Coast Plateau Areas)	Not applicable
Sydney REP No 9 - Extractive Industry (No 2—1995)	Not applicable
Sydney REP No 11 - Penrith Lakes Scheme	Not applicable
Sydney REP No 13 - Mulgoa Valley	Not applicable
Sydney REP No 16 - Walsh Bay	Not applicable
Sydney REP No 17 - Kurnell Peninsula (1989)	Not applicable
Sydney REP No 20 - Hawkesbury-Nepean River (No 2 - 1997)	Not applicable
Sydney REP No 24 - Homebush Bay Area	Not applicable
Sydney REP No 25 - Orchard Hills	Not applicable
Sydney REP No 26 - City West	Not applicable
Sydney REP No 28 – Parramatta	Not applicable
Sydney REP No 29 - Rhodes Peninsula	Not applicable
Sydney REP No 30 - St Mary's	Not applicable
Sydney REP No 33 - Cooks Cove	Not applicable
Sydney REP (Sydney Harbour Catchment) 2005	Not applicable
Drinking Water Catchments REP No 1	Not applicable

Greater Metropolitan REP No 2 - Georges River Catchment	Not applicable
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Q6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

This Planning Proposal has been assessed against each Section 117 direction. Consistency with these directions is shown in Table 7 below.

Table 7 Consistency Section 117 Directions

Direction	Consistency
1.1 Employment and Resources - Business and industrial zones	Consistent
1.2 Employment and Resources - Rural Zones	Not applicable
1.3 Employment and Resources - Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Employment and Resources - Oyster Aquaculture	Not applicable
1.5 Employment and Resources - Rural Lands	Not applicable
2.1 Environment and Heritage - Environment Protection Zones	Not applicable
2.2 Environment and Heritage - Coastal Protection	Not applicable
2.3 Environment and Heritage - Heritage Conservation	Consistent
2.4 Environment and Heritage - Recreation Vehicle Areas	Consistent
2.5 Environment and Heritage - Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.1 Housing, Infrastructure and Urban Development - Residential Zones	Consistent

3.2 Housing, Infrastructure and Urban Development - Caravan Parks and Manufactured Home Estates	Consistent
3.3 Housing, Infrastructure and Urban Development - Home Occupations	Consistent
3.4 Housing, Infrastructure and Urban Development - Integrating Land Use & Transport	Consistent
3.5 Housing, Infrastructure and Urban Development - Development near Licensed Aerodromes	Consistent
3.6 Housing, Infrastructure and Urban Development - Shooting Ranges	Not applicable
4.1 Hazard and Risk - Acid Sulfate Soils	Consistent
4.2 Hazard and Risk - Mine Subsidence and Unstable Land	Not applicable
4.3 Hazard and Risk - Flood Prone Land	Consistent
4.4 Hazard and Risk - Planning for Bushfire Protection	Consistent
5.1 Regional Planning - Implementation of Regional Strategies	Not applicable
5.2 Regional Planning - Sydney Drinking Water Catchments	Not applicable
5.3 Regional Planning - Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Regional Planning - Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8 Regional Planning - Second Sydney Airport: Badgerys Creek	Not applicable
5.9 Regional Planning - North West Rail Link Corridor Strategy	Not applicable

5.10 Regional Planning - Implementation of Regional Plans	Consistent
6.1 Local Plan Making - Approval and Referral Requirements	Consistent
6.2 Local Plan Making - Reserving Land for Public Purposes	Consistent
6.3 Local Plan Making - Site Specific Provisions	Consistent
7.1 Metropolitan Planning - Implementation of <i>A Plan for Growing Sydney</i>	Consistent
7. Metropolitan Planning - Implementation of Greater Macarthur Land Release Investigation	Not applicable

Section C – Environmental, Social and Economic Impact

Q7. 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?

It is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of this Planning Proposal.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is unlikely that this Planning Proposal would have any adverse environmental effects.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Economic impacts of proposed contributions on development viability

A critical consideration in introducing new contribution requirements in the Town Centre LEPs is impact on development viability. Where development viability cannot be maintained, development will slow down, having a detrimental impact on the wider economy.

To understand the economic impacts of the proposed affordable housing contributions, the City obtained independent economic advice to test identified housing sub-markets in the city. The overarching objective of the economic testing was to appreciate the full impacts of implementing the additional affordable housing requirements, how the impacts vary over different parts of the city and how they may be mitigated.

Specifically, the economic testing was to:

- determine the impact on development viability of a range of affordable housing contribution rates in areas not currently subject to an affordable housing contribution requirement, taking into consideration current contribution requirements that may already apply to the land;
- determine the impact on development viability in Green Square if the equivalent monetary contribution amount were to increase to align with the equivalent monetary contribution amount required in the Southern Employment Lands;
- determine the viability of requiring an additional affordable housing contribution on land that has increased development potential through a planning proposal process, and recommend standard rates to apply to the site when a development application is made to take advantage of 'new' development capacity.

In regard to the impact of increasing the equivalent monetary contribution amounts in Green Square to align with the Southern Employment Lands, economic testing has determined that the increase can be tolerated without having any negative impact on development viability.

The testing recognises the affordable housing levy in Green Square affordable housing scheme was established some years ago and does not reflect full development costs today. Inherent in the levy composition is the assumption that land will be available. This effectively means it costs less for developers to contribute cash rather than in-kind. The contribution rates in the City's other affordable housing schemes are premised on the Sydney median unit price and therefore reflect a realistic cost to purchase.

In regard to the contribution requirement that would apply to 'Planning Proposal land', the economic testing was underpinned by the City's longstanding practice of capturing a proportion of land value uplift for the purposes of public benefit, whether for public domain works, land dedication or affordable housing. A commonly accepted benchmark is 50 per cent of any residual land value gain being directed towards the public benefit. This approach has underpinned the long standing Community Infrastructure Floorspace scheme that operates in Green Square, has informed a number of planning agreement for public benefit, and is consistent with the City's *Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas*.

When 50 per cent of the residual land value gain has been determined, it is intended that this be directed towards the purpose of affordable rental housing. Where other public benefits are being delivered on the site, for example open space, those public benefits would be secured by a VPA with the landowner. In establishing the contribution rate for inclusion on the LEP Schedule when the Town Centre LEPs are being amended, other public benefits being provided, or any State Infrastructure contribution requirement that applies to the site, will be considered in establishing an appropriate rate. It is noted that in areas where a Special Infrastructure Contribution levy is applicable, the rate may be lower than that detailed in the Program to ensure the cumulative contributions that leverage value uplift do not exceed the percentage capture amount (50%) or land value gain.

Any site that is detailed on the schedule of the Town Centre LEPs will not be the subject of a VPA for affordable housing. All affordable housing requirements pertaining to the site will be detailed in the planning controls.

Current practice is that any other local contributions such as community infrastructure payments or Section 7.11 payments (formally known as Section 94 payments) are required on a site by site basis, in addition to any affordable housing contribution requirement. This same method will also be used

for 'Planning Proposal land'. The economic advice states that development viability will not be affected as the affordable housing contribution will apply only to new floor area achieved in the change to planning controls.

The methodology for establishing the contribution rates included generic feasibility testing to examine the quantum of value uplift that could result from a change in density and the potential for a proportion of the value uplift to be appropriated to affordable housing outcomes. While highly nuanced across sub-markets, it found that 50 per cent of residual land value gain is achieved where:

- 24 percent of new floor area in the eastern precinct is provided as affordable housing, and
- 12 percent of new floor area in other precincts is provided as affordable housing.

These rates are to apply in addition to any current affordable housing contributions that apply to the land.

It is noted that, because the affordable housing contribution will apply only to new floor area achieved in the change to planning controls, development viability will not be affected by the requirement.

As with all contributions, landowner expectations and industry behaviour are expected to adjust over time. Implementation that provides clear notice to the market and incorporates a staged approach will ensure sufficient and appropriate notice to the market and mitigate any adverse impact to future investment.

To this end, the intention to apply a contribution to Planning Proposal land is clearly articulated in the Program at Appendix A. This will allow prospective landowners and developer to 'factor-in' expected contributions requirements into development decisions.

Economic impacts of the affordability crisis

Population growth, an awakening to the desirability of inner city living, and high demand for investment properties are driving up market residential prices in Central Sydney and surrounds. This is making it increasingly difficult for middle and lower income households to afford to rent or buy in the inner-city.

Without provision of more affordable forms of housing, the market can be expected to continue to produce housing aimed at households on relatively high incomes with lower income households being forced out of the city.

For a global city, a sustainable and diverse housing supply is fundamental to the cultural and social vitality, economic growth, and liveability of the city. This is at the heart of the City of Sydney's *Community Strategic Plan – Sustainable Sydney 2030*.

Housing quality and affordability affect the city's ability to attract and retain global businesses and a highly skilled workforce. Where relatively low paid key workers who underpin and enable growth in high value sectors cannot access appropriate and affordable housing in the inner-city, they are likely to find employment closer to where they live. This can represent a direct risk to productivity in key sectors of the economy.

Encouraging and providing affordable housing is a complex issue requiring a range of planning and policy solutions. The community housing sector is central to delivering affordable rental housing,

and so too is the development sector that creates opportunities for new affordable housing to be delivered.

Social impacts of the affordability crisis

In the city, climbing housing costs are expected to have an increasingly detrimental impact on its socio-economic diversity. Gentrification of inner city neighbourhoods has exacerbated relative inequality among those who can and cannot afford housing. There is a growing disconnect between affluent households able to afford private market housing and highly socio-economically disadvantaged households living in inner city public housing estates.

The majority of households on very low to moderate incomes who are remaining in the City are increasingly now living in social housing or are in the private rental market and in housing stress or crisis.

The issue also has a dimension of generational inequality, as younger people (typically first home buyers) are increasingly priced out of the market.

Affordable housing outcomes

The number of affordable rental housing dwellings resulting from the proposed affordable housing contribution requirements will be determined by:

- The amount of development that occurs, which is influenced by market conditions; and
- The approach to using any monetary contributions: whether affordable housing units are built by a developer or a community housing provider; the dwelling size and mix; whether they are purchased; and how effectively resulting funds and dwellings are leveraged to provide additional stock.

The City uses a range of approaches to facilitate affordable housing in the LGA. There are around 1,400 affordable rental housing dwellings in the LGA that are built, in the development pipeline or announced. The estimated affordable housing dwellings currently anticipated in the LGA is shown at Table 8. No time frame has been applied to this table, it is based on what is known now about affordable housing in the pipeline, and what could be achieved under expanded planning controls given a range of assumptions about development in the various contribution areas. Estimates for some areas are difficult to establish.

Table 8: Projected affordable housing dwellings

AFFORDABLE HOUSING SOURCE	NUMBER OF DWELLINGS
Built as at 30 June 2018	835
Development pipeline as at 30 June 2018	586
SUBTOTAL to 2019	1,421
Sites in Southern Employment Land investigation areas (under the Guideline)	Unknown

Sites in B7 Business Park zone (preferential LEP clause)	Unknown
Green Square to Ashmore connector road	300
Dunning Ave, Rosebery (Southern Employment Land investigation areas)	8
Southern Employment Lands scheme	130
Ultimo/Pymont scheme	35
Green Square scheme	650
Central Sydney scheme (proposed)	520
Residual lands scheme (proposed)	590
Planning Proposal land (proposed)	Unknown
TOTAL (includes 2019 subtotal)	3,654

Table 8 shows the expansion of the City’s current affordable housing schemes to residual land will result in approximately 590 affordable rental housing dwellings in addition to the 1,335 estimated under current schemes in Green Square, Ultimo/Pymont, the Southern Employment Lands, and the proposed Central Sydney scheme. An increase of over 40 per cent.

To achieve the City’s target for 7.5 per cent of all dwellings to be affordable rental dwellings in 2030, approximately 11,000 affordable housing dwellings, out of a total projected 148,000 dwellings are required in the LGA. Table 8 shows that if the affordable housing contribution requirements proposed in Central Sydney and in the residual lands are supported by the State Government, approximately 7,350 additional dwellings are needed to achieve the City’s targets. More if they are not supported.

The estimates in Table 8 do not take into account the additional affordable housing outcomes that may be achieved as community housing providers leverage properties and ongoing rental streams to provide more affordable housing.

Also not counted in Table 8 total is affordable housing that may result from planning mechanisms put in place in the southern employment lands when they were rezoned in 2015. These include the preferential zoning approach for affordable housing the B7 Business Park zone, as well as the *Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas*.

Table 8 estimates also exclude affordable housing that may result from the proposed introduction of the framework for ‘Planning Proposal lands’.

Many planning proposals considered by Council are initiated at the request of landowners who seek rezoning or changes to height and/or floor space ratio controls. Planning proposal requests are considered on their site-specific planning merit.

It is not possible to provide projections of floor area that may result from changes to planning controls in the future. However, an indication of the potential of the proposed Planning Proposal land framework across the LGA can be inferred from past planning proposals that have increased floor space ratios since 2012. It is estimated that approximately 90 dwellings may have been facilitated through the Sydney LEP 2012 if a 12 per cent contribution was applied to new floor area. It is noted this is a simple extrapolation and does not consider any other public benefits that formed part of these planning proposals.

Only in conjunction with the planning proposal for 87 Bay Street, Glebe has the City entered into a planning agreement for affordable housing since 2012. The City's ability to facilitate affordable housing through the planning framework is impeded by lack of State Government policy direction on how it can be achieved. While other public benefits have arisen from planning proposals, there would likely have been additional affordable housing outcomes achieved had there been a streamlined, State Government endorsed approach available to facilitate it. It is envisaged the 'Planning Proposal land' framework proposed in this Planning Proposal will facilitate this.

The City's targets cannot be achieved through local planning mechanisms alone. While the additional affordable housing likely to result from this Planning Proposal is a step in the right direction, it is limited in its ability to address the substantial need for affordable housing in the LGA. The active intervention of other levels of government is required.

The City will continue to innovate new planning approaches and advocate to the Federal and State governments for more affordable housing to be provided in the LGA.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

While this Planning Proposal will facilitate more affordable housing, it does not propose an increase in density above that which is currently permissible under Town Centre LEPs. As such, it will not result in an increase in residential or worker population greater than that already anticipated and is not expected to result in any additional burden on existing public infrastructure.

Ongoing investment in new services and facilities in the city by both the public and private sectors will service the growing population.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway determination will advise the full list of public authorities to be consulted as part of this Planning Proposal process and any views will be included in this Planning Proposal following consultation. It is requested that public authority consultation be undertaken concurrently with community consultation.

Part 4 Mapping

No change is required to maps in the Town Centre LEPs

Part 5 Community Consultation

Public consultation will take place in accordance with any Gateway determination made by the Minister for Planning, in accordance with Sections 56 and 57 of the Act

The original Planning Proposal, prior to being approved by Council, was widely consulted. Given the intent of that Planning Proposal, to integrate all of the land in the LGA under the same provisions and Program, was clear, and the Town Centre LEPs were only inadvertently left out of that Planning Proposal, the City requests that no public exhibition of this Planning Proposal be required.

Part 6 Project timeline

The following project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to the Town Centre LEPs will be completed by October 2020, and made in conjunction with the provisions proposed as part of Planning Proposal: Affordable Housing Review, approved by Council XX XX XXXX.

Table 9 Project timeline

Stage	Anticipated timeframe
Submit Planning Proposal to Department of Planning and Environment seeking a Gateway Determination	September 2018
Receive Gateway Determination	May 2020
Public exhibition and public authority consultation of Planning Proposal, and draft Affordable Housing Program – if required	June 2020
Review of submissions received during public exhibition and public authority consultation	June/July 2020
Council and Central Sydney Planning Committee approval of Planning Proposal and draft Affordable Housing Program	August 2020
Drafting of instrument	September 2020
Amendment to Town Centre LEPs legally drafted and made	October 2020