



New South Wales

Sydney Local Environmental Plan Amendment (Affordable Housing) 2021

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

MALCOLM McDONALD

As delegate for the Minister for Planning and Public Spaces

Sydney Local Environmental Plan Amendment (Affordable Housing) 2021

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1 Name of Plan

This Plan is *Sydney Local Environmental Plan Amendment (Affordable Housing) 2021*.

2 Commencement

This Plan commences on 1 July 2021 and is required to be published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land to which the following apply—

- (a) *Sydney Local Environmental Plan (Green Square Town Centre) 2013*,
- (b) *Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013*.

Schedule 1 Amendment of Sydney Local Environmental Plan (Green Square Town Centre) 2013

[1] Clause 6.5 Affordable housing

Omit clause 6.5(1) and (2). Insert instead—

- (1) This clause applies to development that involves—
 - (a) the erection of a new building the gross floor area of which is more than 200 square metres, or
 - (b) alterations to an existing building that will result in the creation of more than 200 square metres of gross floor area that is intended to be used for the purpose of residential accommodation, or
 - (c) alterations to an existing building that will result in the creation of more than 60 square metres of gross floor area that is intended to be used for a purpose other than residential accommodation, or
 - (d) the demolition of existing floor area and the subsequent creation, whether for the same or a different purpose, of more than 200 square metres of gross floor area, or
 - (e) a change of use of more than 60 square metres of existing floor area of a building.
- (2) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring a contribution equivalent to the applicable *affordable housing levy contribution*, being—
 - (a) 3% of the total floor area of the development that is intended to be used for residential purposes, and
 - (b) 1% of the total floor area of the development that is not intended to be used for residential purposes.

[2] Clause 6.5(3)(a)

Omit “50 square metres”. Insert instead “35 square metres”.

[3] Clause 6.5(4)

Omit “the *Green Square Affordable Housing Program* adopted by the Council 12 March 2012”.

Insert instead “the *City of Sydney Affordable Housing Program* adopted by the Council on 24 August 2020”.

[4] Clause 6.5(6)

Omit the subclause. Insert instead—

- (6) In this clause—

total floor area means the total of the areas of each floor of a building within the outer face of the external enclosing walls and including balconies, but excluding the following—

 - (a) columns, fins, sun control devices, awnings and other elements, projections or works outside the general lines of the outer face of the external walls,
 - (b) that part of a balcony that exceeds the minimum area required by the consent authority for the balcony,

- (c) ancillary car parking permitted by the consent authority and associated internal vehicular and pedestrian access to that car parking,
- (d) space for the loading and unloading of goods,
- (e) the floor area of a building, including balconies, that is—
 - (i) on land in Zone IN1 General Industrial, or
 - (ii) used to provide affordable housing or public housing, or
 - (iii) used for the purpose of community facilities.

Schedule 2 Amendment of Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013

[1] Clause 6.5 Affordable housing

Omit clause 6.5(1) and (2). Insert instead—

- (1) This clause applies to development that involves—
 - (a) the erection of a new building the gross floor area of which is more than 200 square metres, or
 - (b) alterations to an existing building that will result in the creation of more than 200 square metres of gross floor area that is intended to be used for the purpose of residential accommodation, or
 - (c) alterations to an existing building that will result in the creation of more than 60 square metres of gross floor area that is intended to be used for a purpose other than residential accommodation, or
 - (d) the demolition of existing floor area and the subsequent creation, whether for the same or a different purpose, of more than 200 square metres of gross floor area, or
 - (e) a change of use of more than 60 square metres of existing floor area of a building.
- (2) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring a contribution equivalent to the applicable ***affordable housing levy contribution***, being—
 - (a) 3% of the total floor area of the development that is intended to be used for residential purposes, and
 - (b) 1% of the total floor area of the development that is not intended to be used for residential purposes.

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total floor area means the total of the areas of each floor of a building within the outer face of the external enclosing walls and including balconies, but excluding the following—

 - (a) columns, fins, sun control devices, awnings and other elements, projections or works outside the general lines of the outer face of the external walls,
 - (b) that part of a balcony that exceeds the minimum area required by the consent authority for the balcony,

- (c) ancillary car parking permitted by the consent authority and associated internal vehicular and pedestrian access to that car parking,
- (d) space for the loading and unloading of goods,
- (e) the floor area of a building, including balconies, that is—
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 - (ii) used to provide affordable housing or public housing, or
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