

28 October 2024

Our Ref: SF24/3997

Robert Stark  
HAFF Program Director  
Housing Portfolio  
Homes NSW  
Locked Bay 5000  
Parramatta NSW 2124

Via email: [Robert.Stark@homes.nsw.gov.au](mailto:Robert.Stark@homes.nsw.gov.au)

Dear Mr Stark

**792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot**

Thank you for your letter dated 11 September 2024 requesting an exemption to the levying of local infrastructure contributions for the proposed social and affordable housing development at 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot.

I understand that a State Significant Development Application is currently being prepared for lodgement with the Department of Planning, Housing and Infrastructure, who is the consent authority for this development.

Bayside Council recognises the need and supports the increased provision of social and affordable housing in its area. Council also has the responsibility of providing local infrastructure to serve its community regardless of the type of housing they live in, which can be very costly in higher density urban areas.

The proposed development is in an area of Bayside subject to the Former City of Botany Bay Section 7.11 Development Contributions Plan 2016 Amendment 1 (the Plan). As you have outlined, the Plan does not contain any provisions that exempt social or affordable housing from development contributions. Council officers therefore have no authority to approve a waiver of contributions.

I also note that there are no provisions in existing legislation, including Ministerial Directions, that exempt social or affordable housing from development contributions. Consistent with this, Community Housing Providers have previously been levied s.7.11 contributions in Bayside.

It will ultimately be a matter for the consent authority to determine whether to impose a condition on any development consent requiring the payment of a development contribution in accordance with the adopted plan and existing legislation.

**Postal address**

PO Box 21, Rockdale NSW 2216  
ABN 80 690 785 443

**Bayside Customer Service Centres**

Rockdale Library, 444-446 Princes Highway, Rockdale  
Westfield Eastgardens, 152 Bunnerong Road, Eastgardens

**E** [council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au)

**W** [www.bayside.nsw.gov.au](http://www.bayside.nsw.gov.au)

**T** 1300 581 299 **I** 02 9562 1666

Whilst an exemption cannot be given by Council for the reasons outlined above, acknowledging the importance of increasing social and affordable housing in Bayside, Homes NSW may wish to consider an offer to enter into a Planning Agreement with Council. This could, for example, be the equivalent of s.7.11 contributions for a component of the development, or a monetary contribution to Council's Affordable Housing Reserve, which is used to fund direct provision of affordable housing. Any such agreement would be subject to The Council's consideration and approval.

If you have any further queries or would like to discuss this matter further, please don't hesitate to contact Mr David Smith, Manager Strategic Planning on (02) 9562 1680 or email [david.smith@bayside.nsw.gov.au](mailto:david.smith@bayside.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Barber', with a stylized flourish at the end.

**Peter Barber**  
Director City Futures