

# **Attachment E**

**Gateway determination dated 5 April 2024**

Ms Monica Barone  
Chief Executive Officer  
City of Sydney Council  
GPO Box 1591  
Sydney NSW 2001

Dear Ms Barone,

**Planning proposal PP-2024-497 to amend Sydney Local Environmental Plan 2012**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to introduce new provisions for build-to-rent and co-living housing in Central Sydney

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with section 9.1 Direction 4.5 Acid Sulfate Soils is justified in accordance with the terms of the Direction.

I have determined not to authorise Council to be the local plan-making authority because the planning proposal seeks to alter the application of *State Environmental Planning Policy (Housing) 2021*.

The amending local environmental plan (LEP) is to be finalised on or before 2 September 2024.

Should you have any enquiries about this matter, I have arranged for Tom Atkinson (A/Manager, City of Sydney and Eastern District) to assist you. He can be contacted on 9373 2816.

Yours sincerely



**Laura Locke**  
**Acting Executive Director, Metro East and South**  
**Planning, Land Use Strategy and Housing**

Encl: Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP-2024-497):** to amend the Sydney Local Environmental Plan 2012 to introduce new provisions for build-to-rent and co-living housing in Central Sydney.

I, the acting Director, Eastern and South Districts, at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan 2012 to introduce new provisions for build-to-rent and co-living housing in Central Sydney should proceed subject to the conditions listed below.

The LEP should be completed on or before 2 September 2024.

### Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be amended to:
  - (a) Remove reference to *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* and *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*.
  - (b) Clarify whether the proposed time-limited floor space incentives for build-to-rent and co-living housing would apply to development applications lodged, but not determined, within 5 years of the LEP commencing.
  - (c) Provide a plain English justification for the proposed exclusions to *State Environmental Planning Policy (Housing) 2021*.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act.
  
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 5 April 2024



**Laura Locke**  
**Acting Executive**  
**Director, Metro East and**  
**South**  
**Planning, Land Use**  
**Strategy and Housing**  
**Department of Planning,**  
**Housing and**  
**Infrastructure**

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