

# **Attachment D**

**Gateway Determination  
Dated 5 April 2024**

## Gateway Determination

**Planning proposal (Department Ref: PP-2024-27):** Introduce a new local provision into the Sydney Local Environmental Plan 2012 to minimise the loss of diverse housing stock resulting from the consolidation of existing dwellings, or the demolition of existing dwellings for the construction of new dwellings.

I, the A/Executive Director, Metro East and South 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 a new local provision in Part 6 of Sydney Local Environmental Plan 2012 to minimise the loss of diverse housing stock should proceed subject to the following conditions.

The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act.

The LEP should be completed on or before 28 March 2025.

### Gateway Conditions

1. Prior to exhibition, the planning proposal is to be updated to include the following:
  - (a) Additional evidence and analysis for clarity and transparency explaining how the proposed numerical standard was selected and why it is the best mechanism to address this housing trend. This should include:
    - i. Further explanation of how the 15% rate of maximum dwelling reduction was identified rather than another rate and how it is the most appropriate to achieve the proposal objectives.
    - ii. Multiple worked examples showing how the provision will apply in different scenarios and development types. This should include:
      - the methodology for how the reduction in overall dwellings on the site would be calculated when there is a non-residential component.
      - scenarios where mixed-use buildings reducing the number of dwellings and some dwellings are converted to non-residential uses, and
      - scenarios for residential flat buildings.
    - iii. Further explanation of how the proposed provision of how a mix of dwelling sizes for a range of households can be achieved.
    - iv. Discussion of how the proposed provision will apply to zones predominately characterised by employment or mixes uses.
  - (b) Address Section 9.1 Ministerial Direction 4.2 – Coastal Management and provide justification to demonstrate how the planning proposal is consistent with the terms of the direction; and

- (c) A proposed provision for savings and transitional arrangements for applications lodged prior to the provision coming into effect.
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 complex 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 30 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. Consultation is not 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**  
**A/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**