



IRF24/613

Gateway Determination Report – PP-2024-497

Build-to-rent and co-living housing in Central Sydney

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Planning Proposal

1.1 Overview

Table 1 Planning Proposal Details

LGA	City of Sydney
PPA	City of Sydney Council
NAME	Build-to-rent and co-living housing in Central Sydney
NUMBER	PP-2024-497
LEP TO BE AMENDED	Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
RECEIVED	07/03/2024
FILE NO.	IRF24/613
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of Planning Proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal. The objectives of the planning proposal are to:

- Support the delivery of build-to-rent (BTR) housing throughout Central Sydney and co-living housing in Haymarket without compromising long-term economic and jobs growth.
- Ensure BTR and co-living housing in Central Sydney is designed in a way that contributes to street activity and protects the amenity of future residents.
- Clarify the maximum car parking rates and FSRs that apply to BTR housing in Central Sydney.

The objectives of the planning proposal are clear and adequate.

1.3 Explanation of Provisions

The planning proposal seeks to amend the Sydney LEP 2012 to:

- Introduce a temporary accommodation floor space ratio (FSR) incentive, lasting 5 years, of:
 - between 1.5:1 and 6:1 for BTR housing throughout Central Sydney (Areas 1-4 of the FSR Map)
 - 1.5:1 for co-living housing in Haymarket (Area 4 of the FSR Map).
- Require that BTR and co-living housing on land zoned SP5 Metropolitan Centre:
 - provide active frontages and non-residential uses on the ground floor to encourage street activity
 - not contain any dwellings on the first and second floors to provide a buffer between the street and the dwellings above.

- Set a maximum car parking rate for BTR housing in Central Sydney of 0.2 spaces for each dwelling.
- Clarify the planning controls for BTR housing in Central Sydney by introducing exclusions to provisions in *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP) that are inconsistent with the intent of the planning proposal from land in Central Sydney.
- Clarify clause 6.4(1A), which relates to changes to accommodation floor space up until 1 July 2023, does not apply to BTR and co-living housing.
- Insert a definition of BTR housing in the Dictionary, consistent with the existing definition in the Housing SEPP.

The final wording of clauses amended or introduced by the planning proposal would be subject to drafting and agreement by the Parliamentary Counsel's Office.

The planning proposal contains an explanation of provisions that adequately explains how its objectives will be achieved.

The key proposed amendments are discussed in further detail below.

Exclusions from the Housing SEPP

The planning proposal seeks to amend clause 1.9 of the Sydney LEP 2012 to exclude certain provisions in the Housing SEPP from applying to land in Central Sydney. **Table 2** provides a summary of these provisions and Council's justification for excluding them from applying to land in Central Sydney.

Table 2 Proposed exclusions from the Housing SEPP

Section	Summary	Council's Justification for Exclusion
74(2)(b)-(c)	Establishes non-discretionary development standards for the maximum permissible FSR.	To resolve uncertainty regarding how the different FSR provisions in the Sydney LEP 2012 interact with the non-discretionary development standards in section 74(2)(b)-(c) the Housing SEPP.
74(2)(d)	Sets non-discretionary development standards for car parking in Greater Sydney. The car parking rate in the SEPP is not a maximum.	To make it clear that the maximum car parking rate for BTR housing in Central Sydney is 0.2 spaces for each dwelling.
76	Requires active uses on the ground floor in business zones (which includes land zoned SP5 Metropolitan Centre).	To ensure that BTR and co-living housing in Central Sydney: <ul style="list-style-type: none"> • provide active frontages and non-residential uses on the ground floor • does not contain any dwellings on the first and second floors.

A condition requiring the planning proposal be updated to provide a plain English justification for the proposed exclusions to the Housing SEPP has been included in the Gateway determination.

Temporary Accommodation Floor Space Incentives

The planning proposal seeks to add BTR and co-living housing to the list of land uses eligible for additional floor space under clause 6.4(1) (known as 'accommodation floor space'). This will mean that where a development includes BTR or co-living housing, it will be eligible for an amount of additional floor space on top of the base FSR. The floor space incentives would apply to both knock-down rebuilds and the conversion of existing buildings.

Consistent with the current approach for accommodation floor space, the amount of additional floor space available would vary depending on which area of the FSR Map it is in (see **Table 3** and **Figure 1**).

Council is proposing that the floor space incentives would be available for a period of 5 years from when they take effect. However, it is unclear whether the floor space incentives would apply to development applications (DAs) lodged, but not determined, within the 5 year period. A condition requiring that this be clarified has been included in the Gateway determination.

Table 3 Proposed BTR and Co-living Floor Space Incentives

Area on FSR Map	Base FSR	BTR Incentive FSR	Co-living Incentive FSR
Area 1	8:1	4.5:1	-
Area 2	8:1	6:1	-
Area 3	8:1	3.5:1	-
Area 4	7.5:1	1.5:1	1.5:1

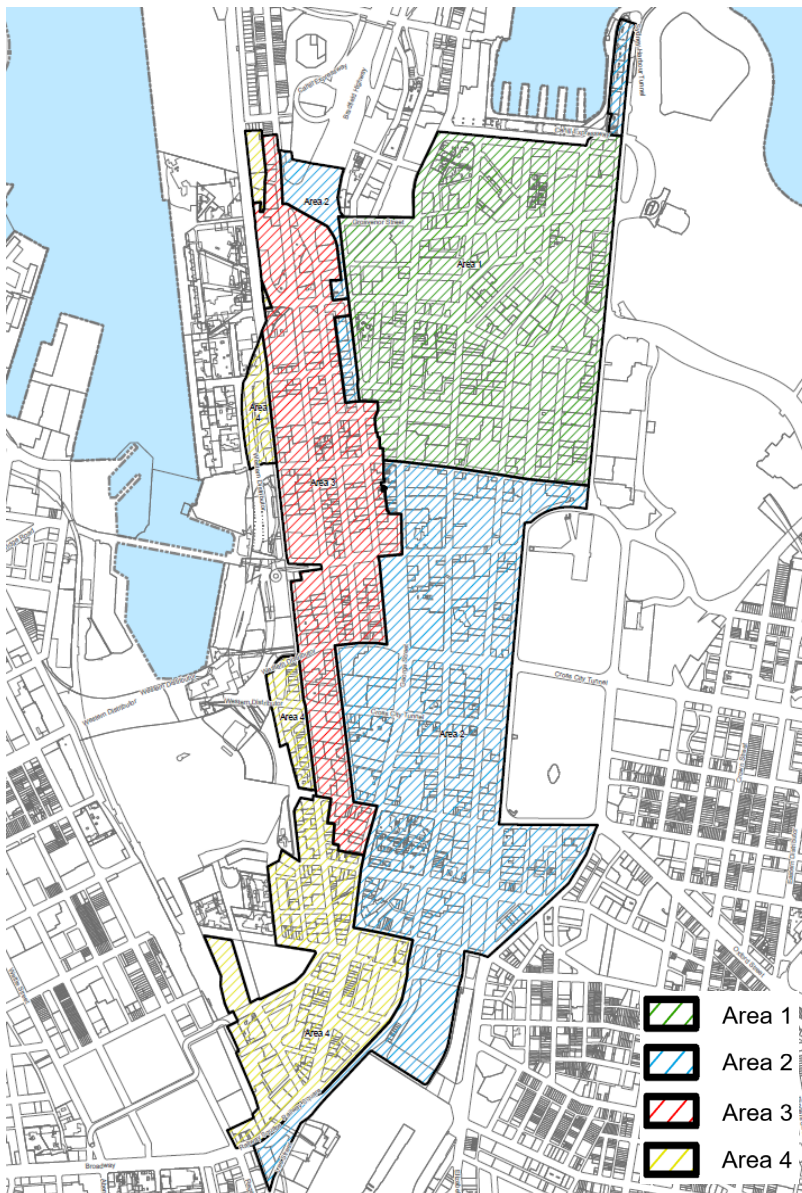


Figure 1 Areas 1-4 of the FSR Map (Source: City of Sydney)

1.4 Site Description and Surrounding Area

The planning proposal applies to land identified as Central Sydney in the Sydney LEP 2012 (see **Figure 2**). Broadly, this land is bound by Sydney Harbour to the north, the Royal Botanic Gardens and Hyde Park to the east, railway yards and Central Station to the south, and Darling Harbour to the west.

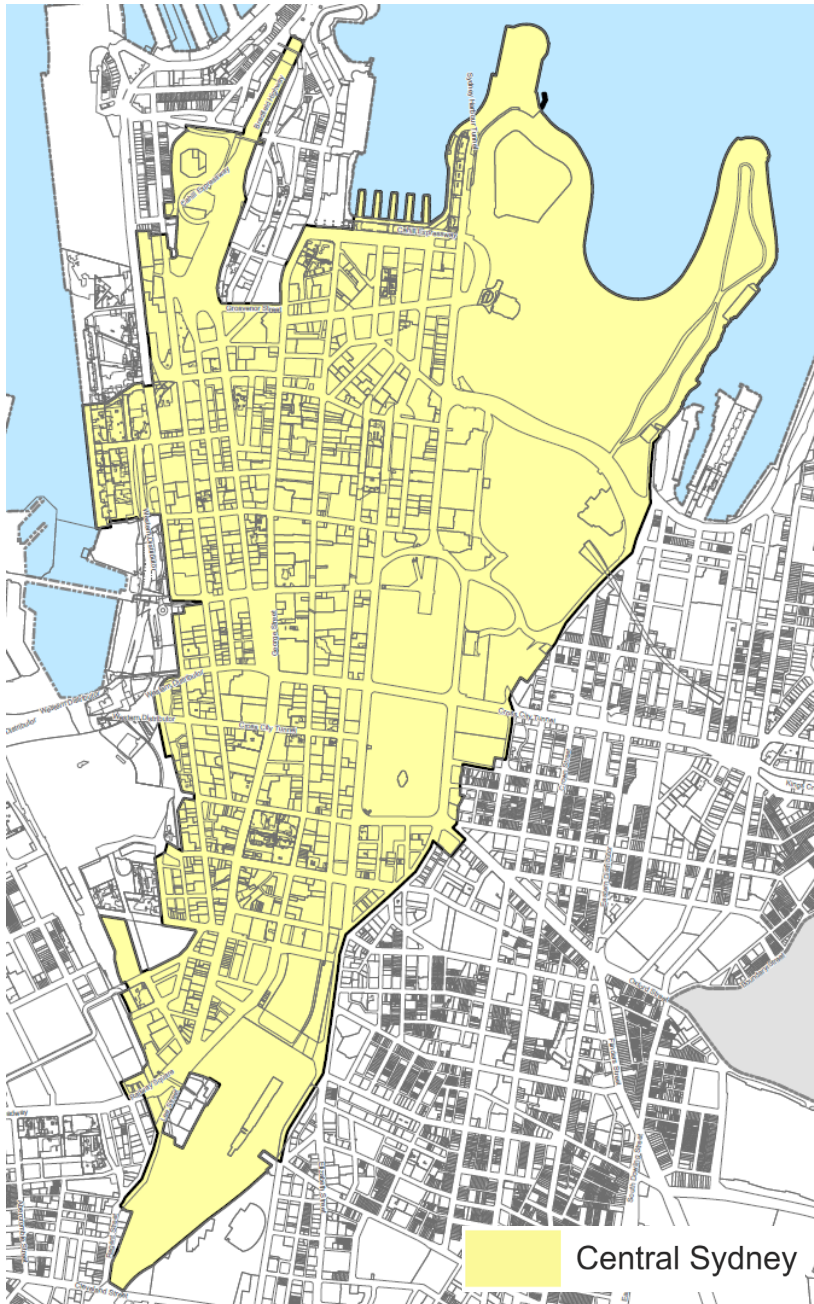


Figure 2 Central Sydney (Source: City of Sydney)

1.5 Mapping

The planning proposal does not require any amendments to maps in Sydney LEP 2012.

1.6 Background

The proposed amendments to the planning controls for BTR and co-living housing in Central Sydney were originally included in a broader policy and housekeeping planning proposal (PP-2023-2785). The planning proposal was supported by the Transport, Heritage and Planning Committee on 4 December 2023 and the Central Sydney Planning Committee on 7 December 2023. Council resolved to approve the planning proposal and submit it for Gateway determination on 11 December 2023.

To allow for the consideration and assessment of the proposed amendments to the planning controls for BTR and co-living housing to be fast-tracked, the Gateway determination issued for PP-2023-2785 required that they be unbundled and included in a new planning proposal submitted for a separate Gateway determination. This planning proposal responds to the conditions of the Gateway determination for PP-2023-2785.

Central Sydney Planning Strategy

A key priority of the Central Sydney Planning Strategy is to maintain and strengthen the global competitiveness of Central Sydney. This is to be achieved by ensuring that there is enough commercial floor space capacity to accommodate long-term economic and jobs growth, while still providing opportunities for housing that contributes to the vibrancy of Central Sydney. However, Council recognises that the COVID-19 pandemic has changed how people work and reduced demand for commercial floor space in the short to medium-term, particularly for lower grade office buildings.

Given the subdued demand for commercial floor space, Council has identified an opportunity to increase the supply of rental housing in Central Sydney in the short to medium-term through new time-limited floor space incentives for BTR and co-living housing, without constraining long-term economic and jobs growth in Central Sydney. This is because under the Housing SEPP, BTR and co-living housing on land zoned SP5 Metropolitan Centre cannot be strata subdivided, meaning that when demand for commercial floor space recovers, the opportunity to redevelop sites for commercial uses is not unduly constrained by strata subdivision.

2 Need for the Planning Proposal

The planning proposal responds to the current shortage of housing. The new time-limited floor space incentives for BTR and co-living housing would support the delivery of more purpose-built rental housing without constraining long-term jobs growth in Central Sydney.

This would add to the diversity of housing in Central Sydney and help Council achieve its target, set out in their Local Strategic Planning Statement, for 56,000 new dwellings by 2036. This is discussed in further detail in **Section 3.3** below.

The intended outcomes of the proposal cannot be delivered under the current planning framework and a planning proposal is required to amend the Sydney LEP 2012.

3 Strategic Assessment

3.1 Regional Plan

The Greater Sydney Region Plan (Region Plan) sets out the strategic planning vision for Greater Sydney. It seeks to rebalance growth and deliver its benefits more equally across Greater Sydney.

The Region Plan aligns land use, transport and infrastructure planning to reshape Greater Sydney as a metropolis of three connected cities: the Western Parkland City, the Central River City, and the Eastern Harbour City. Central Sydney is located within the Eastern Harbour City.

The planning proposal is consistent with the Region Plan and will give effect to its directions and objectives by:

- Prioritising walking and cycling by setting maximum car parking rates for BTR housing (Objective 7).
- Supporting the delivery of new housing in a location that is highly accessible by active and public transport (Objectives 4, 10 and 14).
- Increasing the diversity of housing in Central Sydney by incentivising the delivery of BTR and co-living housing (Objective 11).
- Enabling the delivery of new housing in Central Sydney, without compromising the long-term economic competitiveness of the Harbour CBD (Objective 18).

3.2 District Plan

The City of Sydney LGA is within the Eastern City District and the then Greater Sydney Commission released the Eastern City District Plan (District Plan) in March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the District Plan.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). **Table 4** assesses the planning proposal against the relevant priorities and actions of the District Plan.

Table 4 District Plan Assessment

Planning Priority	Justification
E1: Planning for a City Supported by Infrastructure	The planning proposal would help optimise the use of infrastructure by enabling the delivery of housing close to existing and planned infrastructure, including the Sydney Metro.
E5: Providing Housing Supply, Choice and Affordability, Access to Jobs, Services and Transport	By introducing new time-limited floor space incentives for BTR and co-living housing, the planning proposal would contribute towards both the diversity and overall supply of housing in Central Sydney.
E7: Growing a Stronger and More Competitive Harbour CBD	The planning proposal would enable the delivery of new rental housing in Central Sydney, without constraining the long-term economic competitiveness of the Harbour CBD.
E10: Delivering Integrated Land Use and Transport Planning for a 30 Minute City	The planning proposal would help integrate land use and transport planning by supporting the delivery of housing close to existing and planned transport infrastructure in Central Sydney.

3.3 Local Plans

The planning proposal states that it is consistent with the following local plans and endorsed strategies:

- City Plan 2036 (Local Strategic Planning Statement).
- Sustainable Sydney 2030-2050 (Community Strategic Plan).
- Housing for All (Local Housing Strategy).
- Central Sydney Planning Strategy.

Consistency with these local plans and strategies is considered further in **Table 5** below.

Table 5 Local Strategic Planning Assessment

Plan/Strategy	Justification
City Plan 2036 (Local Strategic Planning Statement)	<p>The planning proposal is consistent with the Local Strategic Planning Statement because it would:</p> <ul style="list-style-type: none"> • Increase the supply and diversity of housing by supporting the delivery of new purpose-built rental housing (Priority L3). • Balance the demand for more housing with the need to support long-term economic and jobs growth in Central Sydney (Priority P1). • Encourage walking, cycling and the use of public transport by setting maximum car parking rates (Priority I1). • Help align growth with supporting infrastructure, by enabling new housing in a highly accessible part of Sydney (Priority I2).
Sustainable Sydney 2030-2050 (Community Strategic Plan)	<p>Sustainable Sydney 2030-2050 is Council's overarching Community Strategic Plan, setting out Council's vision for the LGA. The planning proposal is consistent with the Community Strategic Plan because it would encourage the delivery of new purpose-built rental housing, which would add to the diversity of housing in Central Sydney and help achieve Council's target for 156,000 private dwellings and 17,500 non-private dwellings by 2036.</p>
Housing for All (Local Housing Strategy)	<p>The planning proposal is consistent with Council's Local Housing Strategy because it would:</p> <ul style="list-style-type: none"> • Balance demand for more homes with the need to support long-term economic and jobs growth in Central Sydney (Priority H1). • Ensure new housing is located close to infrastructure, jobs, services and public transport (Priority H2). • Increase the supply and diversity of housing by supporting the delivery of new purpose-built rental housing (Priority H3).
Central Sydney Planning Strategy	<p>As discussed in Section 1.6, the planning proposal is consistent with the Central Sydney Planning Strategy because it will support the delivery of purpose-built rental housing without constraining long-term economic and jobs growth in Central Sydney.</p>

3.4 Section 9.1 Ministerial Directions

Table 6 provides an assessment of the planning proposal's consistency with the relevant Ministerial Directions under section 9.1 of the EP&A Act (section 9.1 Directions).

Table 6 Section 9.1 Direction Assessment

Directions	Consistency	Reasons for Consistency or Inconsistency
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Consistent	The planning proposal is consistent with the relevant directions and objectives of the Region Plan (see Section 3.1).
1.3 Approval and Referral Requirements	Consistent	The planning proposal does not include concurrence, consultation or referral provisions, or identify any development as designated development.
Focus Area 3: Biodiversity and Conservation		
3.2 Heritage Conservation	Consistent	The planning proposal would not hinder the application of this Direction.
3.9 Sydney Harbour Foreshores and Waterways Area	Consistent	Parts of Central Sydney are in the Foreshores and Waterway Area under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (the Biodiversity and Conservation SEPP). The planning proposal is consistent with the objectives of the Direction and would not affect Sydney Harbour or the Foreshores and Waterways Area.
Focus Area 4: Resilience and Hazards		
4.1 Flooding	Consistent	The planning proposal is consistent with the Direction. It would not rezone any land, change the range of permissible uses, or increase the overall intensity of development in Central Sydney.
4.2 Coastal Management	Consistent	Parts of Central Sydney are in the 'Coastal Environment Area' and 'Coastal Use Area' under <i>State Environmental Planning Policy (Resilience and Hazards)</i> (the Resilience and Hazards SEPP). However, the planning proposal does not seek to rezone any land, change the range of permissible uses, or increase the overall intensity of development in Central Sydney. It is therefore consistent with the Direction.
4.4 Remediation of Contaminated Land	Consistent	The planning proposal does not seek to rezone any land, change the range of permissible uses, or increase the overall intensity of development in Central Sydney. It is therefore consistent with the Direction.
4.5 Acid Sulfate Soils	Inconsistent, but minor and justified.	<p>The Direction requires that planning proposals for land identified as having a probability of containing acid sulfate soils be supported by an acid sulfate soils study. Parts of Central Sydney are identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Map.</p> <p>While an acid sulfate soils study has not been prepared, consistency with the Direction is considered minor and justified given:</p> <ul style="list-style-type: none"> The extent of development in Central Sydney and the associated difficulties of carrying out further testing. All DAs for land in Central Sydney are already required to consider the presence of acid sulfate soils in accordance with clause 7.14 of the Sydney LEP 2012.
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	Consistent	The planning proposal will support the delivery of new housing close to existing and planned transport infrastructure in Central Sydney. It is therefore consistent with the Direction.

5.2 Reserving Land for Public Purposes	Consistent	The planning proposal does not seek to create, alter or reduce any existing zonings or reservations of land for public purposes. It is therefore consistent with the Direction.
5.3 Development Near Regulated Airports and Defence Airfields	Consistent	The planning proposal would not affect the safe and effective operation of Sydney Airport. It does not seek to amend the maximum building heights or allow development that would be incompatible with the current or future use of Sydney Airport. Consultation with relevant public authorities, including Sydney Airport, Airservices Australia and the Civil Aviation Safety Authority will occur as part of future DAs (as required).
Focus Area 6: Housing		
6.1 Residential Zones	Consistent	The planning proposal, which would contribute towards both the diversity and overall supply of housing in Central Sydney, is consistent with the Direction.
Focus Area 7: Industry and Employment		
7.1 Employment Zones	Consistent	<p>The planning proposal is consistent with this Direction because:</p> <ul style="list-style-type: none"> It would not reduce the potential floor space for employment uses in Central Sydney. New BTR and co-living housing, which cannot be subdivided on land zoned SP5 Metropolitan Centre, would not undermine long-term employment growth in Central Sydney.

3.5 State Environmental Planning Policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in **Table 7** below.

Table 7 Assessment against relevant SEPPs

SEPPs	Consistency	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021	Yes	<p>Under the Biodiversity and Conservation SEPP, parts of Central Sydney are in the 'Foreshores and Waterways Area' and 'Sydney Harbour Catchment'.</p> <p>The planning proposal is consistent with the SEPP and will not affect the operation of provisions relating to development in the Foreshores and Waterways Area or Sydney Harbour Catchment. Any future development applications will need to consider the requirements of the SEPP.</p>
SEPP (Housing) 2021	Yes	<p>While the planning proposal seeks to exclude certain provisions in the Housing SEPP from applying to land in Central Sydney (see Section 1.3), it remains consistent with the principals set out in section 3 of the SEPP because it would:</p> <ul style="list-style-type: none"> Support the delivery of purpose-built rental housing by introducing new time-limited floor space incentives for BTR and co-living housing (section 3(a)) Ensure new housing provides residents with a reasonable level of amenity by requiring a buffer between the street and the dwellings above (section 3(c)) Promote the delivery of housing in a location that will make good use of existing and planned infrastructure and services, including the Sydney Metro project (section 3(d)).

SEPPs	Consistency	Reasons for Consistency or Inconsistency
SEPP (Precincts – Eastern Harbour City) 2021	Yes	The planning proposal does not seek any amendments that would affect the operation of the SEPP.
SEPP (Resilience and Hazards) 2021	Yes	Under the Resilience and Hazards SEPP, parts of Central Sydney are in the 'Coastal Environment Area' and 'Coastal Use Area'. The planning proposal is consistent with the SEPP and will not affect the operation of provisions relating to development in the Coastal Environment Area or Coastal Use Area under Chapter 2, or the remediation of land under Chapter 4. Any future development applications will need to consider the requirements of the SEPP.

The planning proposal refers to SEPP (Building Sustainability Index: BASIX) 2004 and SEPP No 65—Design Quality of Residential Flat Development, both of which have been repealed. A condition requiring that the planning proposal be amended to remove reference to the repealed SEPPs has been included in the Gateway determination.

4 Site-Specific Assessment

4.1 Environmental

Table 8 assesses the potential environmental impacts of the planning proposal.

Table 8 Environmental Impact Assessment

Impact	Assessment
Car Parking, Traffic and Transport	<p>Car Parking</p> <p>The planning proposal seeks to set a maximum car parking rate for BTR housing in Central Sydney of 0.2 spaces for each dwelling. This is the same as the car parking rate under the Housing SEPP (section 74(2)(d)) for BTR housing in 'accessible areas'. However, the rate in the Housing SEPP is not a maximum and the SEPP expressly allows for an LEP to specify a lower car parking rate (section 74(2)(d)(iii)).</p> <p>The Department considers that the proposed maximum car parking rate for BTR housing is appropriate given Central Sydney is well-served by several railway stations, off-road cycleways, frequent bus services, and the CBD and South East Light Rail. The opening of the CBD and South West component of Sydney Metro project later in 2024, which includes new stations at Barangaroo, Martin Place, Pitt Street and Central, will further improve the accessibility of Central Sydney.</p> <p>Traffic and Transport</p> <p>Trips generated by any new BTR and co-living housing are expected to be primarily made by walking, cycling or public transport, rather than private vehicles, given:</p> <ul style="list-style-type: none"> The proposed maximum car parking rates will limit private vehicle usage. Central Sydney is highly accessible by active and public transport, which will be further improved by new Sydney Metro stations opening in 2024. <p>The Department is therefore satisfied that any traffic generated by additional BTR and co-living housing in Central Sydney would be unlikely to have a significant impact on the surrounding road network. Further consideration of potential traffic and transport impacts will occur as part of any future DAs, in consultation with Transport for NSW.</p>

Critical Habitat and Threatened Species	The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats. This is because the land affected by the planning proposal is already highly urbanised and the planning proposal would not rezone any land, change the range of permissible uses, or increase the overall intensity of development in Central Sydney. Further consideration of potential biodiversity impacts will occur as part of any future DAs.
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4.2 Social and Economic

Table 9 assesses the potential social and economic effects of the planning proposal.

Table 9 Social and Economic Impact Assessment

Impact	Assessment
Social	The planning proposal will help address the shortage of rental housing by supporting the delivery of BTR and co-living housing in Central Sydney.
Economic	The planning proposal may result in a modest reduction in commercial floor space in Central Sydney over the short to medium-term, if some older, lower grade office buildings are redeveloped or converted for BTR and/or co-living housing. However, as discussed in Section 1.6 , the time-limited incentives for BTR and co-living housing are not expected to constrain long-term economic and jobs growth in Central Sydney. This is because BTR and co-living housing cannot be strata subdivided on land zoned SP5 Metropolitan Centre, meaning that when demand for commercial floor space recovers, the opportunity to redevelop sites for commercial uses is not unduly constrained by strata subdivision.

4.3 Infrastructure

Council has advised that Central Sydney is adequately serviced by public utilities and infrastructure, including water and sewerage services, telecommunications, electricity and gas. It is expected that these services will be upgraded as required as part of any future DAs, in consultation with relevant providers.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days, equivalent to 20 workings days. Given the complexity of the planning proposal, the Department supports a community consultation period of 20 working days. It forms a condition of the Gateway determination.

5.2 Agencies

The planning proposal does not specifically identify which public authorities and government agencies will be consulted. However, consultation with public authorities and government agencies is not required at this stage because the planning proposal would not:

- rezone any land, change the range of permissible uses, or increase the overall scale and intensity of development in Central Sydney
- generate heritage, traffic, flooding, biodiversity, infrastructure, or other concerns requiring consultation at the planning proposal stage.

Consultation with relevant public authorities and government agencies will occur as part of any future DAs.

6 Timeframe

The LEP Plan Making Guideline (August 2023) establishes maximum benchmark timeframes for different categories of planning proposals. The planning proposal is categorised as ‘standard’.

Council proposes completing the LEP by June 2024. However, Council’s timeframe for completing the LEP does not consider that the planning proposal was submitted in March 2024, or allow sufficient time for the drafting of the LEP with Parliamentary Counsel’s Office.

Therefore, while the Department supports Council’s intention to expedite the planning proposal, a 5 month timeframe for completing the LEP is considered more appropriate. A recommended LEP completion date of 2 September 2024 is included in the Gateway determination.

7 Local Plan-Making Authority

Council has advised that it would like to exercise functions as the local plan-making authority (LPMA). Given the planning proposal seeks to alter the application of the Housing SEPP, which is a State policy, the Department recommends that Council not be made LPMA.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It would support the delivery of well-designed BTR and co-living housing in Central Sydney, which would add housing diversity and help Council achieve its target for 56,000 new dwellings by 2036.
- It is consistent with the Central Sydney Planning Strategy because it would encourage the delivery of purpose-built rental housing, without constraining long-term economic and jobs growth in Central Sydney.
- It would not result in any adverse social, economic, infrastructure or environmental impacts that cannot be appropriately addressed as part of future DAs.
- It is consistent with the strategic planning framework, including the Region Plan, District Plan, Local Strategic Planning Statement, Community Strategic Plan, and Local Housing Strategy
- An amendment to the Sydney LEP 2012 is the best means of achieving the objectives and intended outcomes of the planning proposal.
- Inconsistency with section 9.1 Direction 4.5 Acid Sulfate Soils is considered minor and justified.

Based on the assessment outlined in this report, the proposal must be amended before community consultation to:

- Remove reference to SEPP (Building Sustainability Index: BASIX) 2004 and SEPP No 65—Design Quality of Residential Flat Development.
- 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.
- Provide a plain English justification for the proposed exclusions to the Housing SEPP.

9 Recommendation

It is recommended the delegate of the Secretary agree that inconsistency with section 9.1 Direction 4.5 Acid Sulfate Soils is minor and justified.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions being included in the Gateway determination:

1. Prior to exhibition, the planning proposal is to be amended to:
 - (a) Remove reference to SEPP (Building Sustainability Index: BASIX) 2004 and SEPP No 65—Design Quality of Residential Flat Development.
 - (b) Clarify whether the proposed time-limited floor space incentives for BTR 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 the Housing SEPP.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. Consultation with government agencies and public authorities is not required.

Given the planning proposal seeks to alter the application of the Housing SEPP, which is a State policy, it is recommended that Council not be authorised to be the LPMA.

The recommended completion date for the LEP is on or before 2 September 2024.



25 March 2024

Tom Atkinson

A/Manager, City of Sydney and Eastern District



5 April 2024

Laura Locke

A/Executive Director, Metro East and South