

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 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 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



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Director, Metro East and
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Planning, Land Use
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Department of Planning,
Housing and
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Delegate of the Minister
for Planning and Public
Spaces