

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

Dear Ms Barone

Planning proposal PP_2016_SYDNE_010_00 to amend Sydney Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received 27 October 2017 in respect of the planning proposal to ensure the State Environmental Planning Policy No 65 — Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG) provisions apply to serviced apartments.

As delegate of the Greater Sydney Commission, I have now determined the Planning Proposal should proceed subject to the conditions in the enclosed Gateway determination.

The Department understands that not all serviced apartment providers will seek to convert to residential and that the proposed provision may increase both design and construction costs for these providers. For this reason, the Gateway determination requires Council to consult with major serviced apartments providers and all owners of serviced apartments.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority given the nature of Council's planning proposal and the potential implications it has on State Policy.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to

meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Mary Su to assist you. Ms Su can be contacted on 9373 2807.

Yours sincerely



David Gainsford
Acting Deputy Secretary
Planning Services

12/6/18

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_SYDNE_010_00): to ensure the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP65) and the Apartment Design Guide (ADG) guidelines apply to serviced apartments.

I, the Acting Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, 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 (LEP) (2012) should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended to:
 - (a) demonstrate consistency with the Greater Sydney Region Plan and Eastern City District Plan;
 - (b) update the project timeline; and
 - (c) remove the example clause and include a plain English explanation of the intended planning outcomes.
2. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**;
 - (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 section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016); and
 - (c) all owners of serviced apartments and major serviced apartments providers in City of Sydney Local Government Area are to be given notice of the proposal and public exhibition.
3. No consultation is required with public authorities/organisation 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).



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5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated *12th* day of *June* 2018.

David Gainsford
Acting Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission