

From: Marcus Ray <Marcus.Ray@planning.nsw.gov.au>
Date: 18 May 2017 at 8:02:35 am GMT+1
To: Michael Harrison <Michael.Harrison@architectus.com.au>
Cc: Jane Freeman <jane.freeman@architectus.com.au>
Subject: 4-6 Bligh

Dear Mr Harrison

As discussed with you on 17 May 2017, the Department has carefully considered the merits of your request to assess the State Significant Development (SSD) application and planning proposal concurrently and to appoint the Secretary as Relevant Planning Authority (RPA) for the proposed development at 4-6 Bligh Street.

Since the introduction of the SSD provisions in 2011, applications for SSD must be determined against the controls in the relevant environmental planning instrument. When the controls in an EPI prevent development from being carried out due to a prohibition of a use or because of an inappropriate variation to one or more development standards, a concurrent rezoning is generally required. While the Government has determined that tourist development with a capital investment value of greater than \$100 million is State significant development, decisions on rezonings for prohibited development generally remain with local councils. In limited circumstances, the Greater Sydney Commission (within Sydney) and the Minister for Planning (outside Sydney) can step in to request the secretary, or relevant planning panel to carry out that role.

The limited circumstances where the Secretary or planning panel may take over the role include State and regional significance, non-performance by a council of its functions or where an independent panel recommends a planning proposal proceeds where the council objects. The mere fact that a development is categorised as State significant if it were permissible, cannot lead automatically to the characterisation that a planning proposal to 'unprohibit' the development will always also be State significant. Such an approach would effectively be similar to what applied under the former Part 3A of the planning legislation where local planning controls were not given determinative weight for SSD applications.

Consequently the State or regional significance of a planning proposal falls to be considered on its merits individually and your submission does not establish a sufficient public benefit or benefit to the State or regional economy for the Department to recommend the appointment of an alternative planning authority on this ground.

I note that as you have not yet submitted the proposal to Council, the other circumstances that might trigger the appointment of an alternative planning authority have not been satisfied.

In considering your submission, the Department notes the positive benefits that would result from the development within central Sydney and notes that it is broadly in line with the proposed height and floor space ratios in the Central Sydney Planning Strategy. In light of this, the Department would be likely to support any planning proposal advanced by Council in conformity with these proposed standards. In particular, the Department does not see any impediment to either considering the proposal before the finalisation of the Central Sydney Planning Strategy and considering the planning proposal concurrently with any SSD application. I also note that, if requested by the applicant, the Minister would consider delegating the assessment of the SSD application to the Council so that the concurrent

assessments can be managed more effectively without duplication.

I understand that the timing is a critical factor to the project. The rezoning review process is available as an option if Council does not support the proposal or fails to reach a decision within 90 days of receiving the planning proposal. Rezoning reviews are considered by the Planning Assessment Commission in the case of the City of Sydney. The rezoning review process provides the opportunity for matters that have strategic and site specific merit to proceed and is also intended to remove undue delays in the planning process.

Should further discussions be required please contact Ms Sandy Chappel on 9274 6591

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