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Our ref: PP_2014_PENRI_001_00 (14/04955)

Mr Alan Stoneham
General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

Dear Mr Stoneham,

Planning proposal to amend Penrith Local Environmental Plan 2010

I am writing in response to your Council's letter dated 10 March 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone rural land at 565-609 Luddenham Road, Luddenham to B7 Business Park, B4 Mixed Use and RE1 Public Recreation to develop the Sydney Science Park; permit various additional permitted uses on land proposed to be zoned B7, B4 and RE1; amend applicable minimum lot size and maximum building height; identify land on the land reservation acquisition and urban release area maps and insert a local clause to achieve the intended outcome for the Sydney Science Park.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the variations outlined in the conditions in the attached Gateway determination.

While the planning proposal is supported, concern is raised with proposed clause 7.25 'Sydney Science Park' which will allow for up to 3,400 new dwellings to be developed on the site and 749 dwellings to be constructed before any non-residential uses are approved or constructed. Given the site is located within the broader Western Sydney Employment Area and is earmarked for future employment uses in the draft Metropolitan Strategy for Sydney to 2031, it is important that the primary use on this land is for employment purposes. Council is reminded that the aim of this proposal is to achieve an employment generating development, with ancillary residential uses. Consequently, Council is to focus on delivering employment on land proposed to be zoned B7.

I note that Council supports linking the approval of dwellings to the issuing of occupation certificates for employment floor space under proposed clause 7.25, instead of development approval. However, the ability to develop 749 new dwellings before any non-residential uses are approved and constructed is inappropriate and is inconsistent with the 'Indicative guide: incremental yield and staging' on page 83 of the planning proposal. Consequently, the dwelling numbers should be reduced to be consistent with this guide, which sees no more than 200 dwellings to be approved until such time as 60,000sqm of employment land is constructed by 2021.

I also note that Council seeks to maintain the ability to vary development standards on the site under clause 4.6 'Exceptions to development standards'. As a maximum of 3,400 dwellings is a considerable amount of housing in an area which is earmarked for future employment uses, Council is to remove the application of clause 4.6, given the large number of dwellings already permitted on the site under proposed clause 7.25.

To allow residential development to be integrated with employment uses and ensure large residential lots for single dwellings and dual occupancies are not created, proposed clause 7.25 is to be amended to include a requirement for a maximum lot size of 450sqm for dwellings houses and 650sqm for dual occupancies.

Council is to work closely with the Department's regional office to redraft the clause and include a clear intention of what the clause seeks to achieve, prior to placing the planning proposal on public exhibition.

While I note that on 13 May 2014 Council provided additional information to the Department, concerning the above matters, it did not provide adequate strategic justification for the volume and staging of residential development, its integration with employment uses and the relationship of employment floor space to the number of dwellings proposed. Therefore, the planning proposal is to be updated to include strategic justification for the above matters.

I have also agreed the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is justified by the draft Broader Western Sydney Employment Area Structure Plan. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Tessa Parmeter of the Department's regional office to assist you. Ms Parmeter can be contacted on (02) 9860 1560.

Yours sincerely,



Richard Pearson
Deputy Secretary
Growth Planning

18/6/14

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_PENRI_001_00): to rezone and amend development standards for the Sydney Science Park.

I, the Deputy Secretary, Growth Planning at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Penrith Local Environmental Plan (LEP) 2010 to rezone rural land at 565-609 Luddenham Road, Luddenham to B7 Business Park, B4 Mixed Use and RE1 Public Recreation to develop the Sydney Science Park; permit various additional permitted uses on land proposed to be zoned B7, B4 and RE1; amend applicable minimum lot size and maximum building height; identify land on the land reservation acquisition and urban release area maps and insert a local clause to achieve the intended outcome for the Sydney Science Park should proceed subject to the variations as outlined in the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to:
 - amend proposed clause 7.25 'Sydney Science Park' to link the approval of dwellings to the issuing of occupation certificates for employment floor space, instead of development approval;
 - amend proposed clause 7.25 by reducing the residential numbers aligned with the construction of employment floor space under subclause 7.25(9), consistent with the 'Indicative guide: incremental yield and staging' on page 83 of the planning proposal;
 - remove reference to clause 4.6 'Exception to development standards' being available as a further variation tool for development standards on this site;
 - include a maximum lot size of 450sqm for dwelling houses and 650sqm for dual occupancies within proposed clause 7.25. Council is to ensure minimum lot size requirements for residential development are consistent throughout the planning proposal and mapping;
 - provide strategic planning justification for the volume and staging of residential development, its integration with employment uses and the relationship of employment floor space to the number of dwellings proposed;
 - include the additional information provided to the Department dated 13 May 2014 with the planning proposal for public exhibition purposes;
 - remove the proposal to permit 'drainage' as an additional permitted use on land proposed to be zoned RE1 Public Recreation, given drainage is not a land use term as identified in the standard instrument LEP;
 - include the property description and site address within the 'explanation of provisions' in the planning proposal;
 - identify an acquisition authority for land identified on the Land Reservation Acquisition Map; and
 - clearly note that infrastructure requirements are to be delivered by the proponent at no additional cost to the Government, and if necessary, entering into a Voluntary Planning Agreement may be required.

2. The planning proposal is to be updated with the outcomes of agency consultation and to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and policies:
 - 1.1 Business and Industrial Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries

- 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.3 Flood Prone Land and the outcomes of the flood management study
 - 5.8 Second Sydney Airport: Badgerys Creek (including the impact of the residential component on the proposed Badgerys Creek Airport – i.e. as identified flight paths may change in the future)
 - 6.2 Reserving Land for Public Purposes
 - draft Metropolitan Strategy for Sydney to 2031, which identifies this land as a city shaper for employment uses
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 LEPs* (Department of Planning and Environment 2013).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and agencies and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions and identify the need for State infrastructure contributions:
- Fire and Rescue NSW
 - NSW Rural Fire Service
 - NSW Health
 - NSW Police Force
 - Sydney Trains
 - Sydney Buses
 - Western Line Buses
 - Railcorp
 - Roads and Maritime Services
 - Sydney Water
 - Adjoining LGAs
 - Endeavour Energy
 - Telstra
 - Jemena
 - National Broadband Network Co
 - NSW Aboriginal Land Council
 - Hawkesbury – Nepean Catchment Management Authority
 - Department of Education and Communities
 - State Emergency Service (S117 Direction 4.3 Flood Prone Land)
 - Department of Primary Industries – Agriculture
 - NSW Trade and Investment – Resource and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - Transport for NSW (S117 Direction 3.4 Integrating Land Use and Transport)
 - Office of Environment and Heritage (S117 Directions 2.3 Heritage Conservation and 4.3 Flood Prone Land)
 - University of New South Wales, University of Sydney, University of Technology and University of Western Sydney

- Any other stakeholders identified on pages 14 and 15 of the planning proposal

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
6. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated

18

day of

June

2014



Richard Pearson
Deputy Secretary
Growth Planning
Department of Planning and Environment

Delegate of the Minister for Planning