

Proposed Sydney Science Park - proposal to rezone 565-609 Luddenham Road, Luddenham from RU2 to part B7, B4 and RE1

Proposal Title :	Proposed Sydney Science Park - proposal to rezone 565-609 Luddenham Road, Luddenham from RU2 to part B7, B4 and RE1		
Proposal Summary :	The planning proposal is to rezone a 287 hectare parcel of land at 565-609 Luddenham Road, Luddenham (Lot 201 and part Lot 202 DP 1152191) from zone RU2 Rural Landscape to part B7 Business Park, part B4 Mixed use and RE1 Public Recreation under Penrith LEP 2010 to develop the "Sydney Science Park". The proposed rezoning is supported by a masterplan which aims to achieve: - approximately 340,000 sq m of research and development floor area; - approximately 100,000 sq m of education floor area and associated student accommodation; - a Town Centre comprising up to 30,000 sq m of retail space; - 3,400 dwellings (mix of typologies); - a primary school site; - new roads and infrastructure; and - landscaped open space, sporting fields and parks. The site is located within the Broader Western Sydney Employment Area (Broader WSEA).		
PP Number :	PP_2014_PENRI_001_00	Dop File No :	14/04955

Proposal Details

Date Planning Proposal Received :	11-Mar-2014	LGA covered :	Penrith
Region :	Sydney Region West	RPA :	Penrith City Council
State Electorate :	MULGOA	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	565-609 Luddenham Road		
Suburb :	Luddenham	City :	Postcode : 2745
Land Parcel :	Lot 201 DP 1152191 and part Lot 202 DP 1152191		

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	287.00	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	3,400
Gross Floor Area :	0	No of Jobs Created :	1,200

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? : **Yes**

If Yes, comment : Representatives of Planning and Infrastructure have had meetings and phone discussions with Kerry Chikarovski (registered lobbyist) regarding this proposal on 22 October 2012, 25 October 2012, 29 January 2013, 30 January 2013, 16 October 2013 and 18 March 2014.

Records of these meetings are located on the lobbyist register on the planning website.

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : Please note: the planning proposal indicates the potential jobs created as 12,200. This figure could not be included in the land release data (as it only allows 4 digits).

The rezoning has the potential to also create 7270 jobs during the construction phase.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The statement of objectives provided advises that the planning proposal is to create a specialised centre in the north west portion of the Broader Western Sydney Employment Area (WSEA) that will accommodate research and development, employment, education and supporting retail and residential uses. This specialised centre, known as the Sydney Science Park, will be informed by the associated masterplan enabling the following development:

- * 340,000 m2 (34 hectares) of research and development and employment floor area;
- * 100,000 m2 (10 hectares) of education floor space (including student accommodation);
- * accommodation for up to 400 students;
- * accommodate 3,000 dwellings integrated within the town centre and within the employment and education land;
- * accommodate 30,000 m2 of retail floor space
- * an open space network (83.2 ha) including active playing fields, and a connecting trail network of recreational spaces that capture riparian lands; and
- * identify a new primary school site.

The statement of objectives does not identify the site address or property description, however, this is located within the document.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The planning proposal identifies that the desired planning outcomes identified in the planning proposal and supported by the masterplan will be achieved by amending the Penrith Local Environmental Plan (LEP) 2010. The changes required are as follows:

- * amending the land zoning maps to zone the site from RU2 Rural landscape to part B4 Mixed use, part B7 Business Park and part RE1 Public Recreation as shown on the map on Page 90 in the planning proposal;
- * including an additional permitted use clause in Schedule 1 for the land zoned B4 Mixed Use on the site to enable additional land uses not currently permissible in the zone, including light industries, service stations and exhibition villages;
- * including an additional permitted use clause in Schedule 1 for the land zoned B7 Business Park on the site to enable additional land uses not currently permissible in the zone, including residential uses and agricultural produce industries;
- * including an additional permitted use clause in Schedule 1 for the land zoned RE1 Public recreation on the site to enable additional land use (drainage) that is not currently permissible in the zone. This additional permitted use is not required as drainage is not considered to be a land use as identified in the land use table.
- * amend the minimum lot size map for the site to change the minimum lot size to 225m2 for land zoned B4 Mixed Use and B7 Business Park. RE1 zoned land will not have a minimum lot size, as shown on the map on page 94;
- * amend or insert a height of buildings map for the site. The Height of Buildings controls have been identified as 18 metres and 24 metres and are shown on a draft height of buildings map on page 96. Whether a map is prepared or amended is dependant on the notification of PLEP 2010 Stage 2;
- identify the RE1 zoned land on the site on the land reservation acquisition map sheet. The proposal states that the land will be dedicated to Council, the planning proposal will need to be amended to identify an acquisition authority;

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* identify the site on an urban release area map to enable the urban release area clauses (6.1-6.4) which are included in Penrith LEP 2010 stage 2 to apply to the site; and

* insert a site specific local clause to achieve the intended outcomes in the planning proposal. The local clause has been drafted as follows:

7.25 Sydney Science Park

(1) The objectives of this clause are to:

- (a) establish a new specialised centre comprising research and development, employment, education, retail and residential land uses,
- (b) facilitate and encourage a range of residential lot types, in particular, small lot housing and to encourage the efficient use of land for residential purposes,
- (c) maintain the hierarchy of Penrith's commercial centres by limiting the total area used for retail premises in the Sydney Science Park,
- (d) make provision with respect to the delivery of 3,400 new dwellings in the Sydney Science Park, and
- (e) enable development for additional permitted uses in the B7 Business Park, B4 Mixed Use and RE1 Public Open Space zones in the Sydney Science Park

(2) This clause applies to land shown as "Sydney Science Park" on the Clause Application Map.

(3) The consent authority must not grant consent to the carrying out of development on land to which this clause applies unless the consent authority is of the opinion that the proposal is consistent with the objectives of Sydney Science Park and the staging plan set out in the relevant Development Control Plan.

(4) Development consent must not be granted to development for the purpose of warehouse or distribution centres unless they are ancillary to any permitted use in the B7 Business Park zone and occupy no more than 50% of the gross floor area of the development.

(5) Development consent must not be granted for a land use shown in Column 1 of the Table to this clause, if the area of the allotment on which the development is proposed is, or will be on the subdivision of the land, be equal or greater than the area specified for that land use shown in Column 2 of the Table

Column 1	Column 2
Dwelling house	120 sqm
Dual Occupancy	270 sqm
Multi Dwelling Housing	800 sqm
Residential Flat Buildings	800 sqm

(6) Despite any other provision of this plan, development consent may be granted to a single development application for development to which this clause applies that is both of the following:

- (a) the subdivision of land into 3 or more lots;
- (b) the erection of a dwelling house on each lot resulting from the subdivision, if the size of the lot is equal or greater than 120m².

(7) Development consent must not be granted to development for the purposes of retail premises on land within Sydney Science Park unless the consent authority is satisfied that the total gross floor area (GFA) of all buildings used for retail premises will not exceed 30,000m².

(8) Despite any other provision of this plan, development consent must not be granted for more than 3,400 dwellings within Sydney Science Park.

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- (9) Development consent must not be granted to development for residential purposes on land to which this clause applies unless Council is satisfied that:
- (a) before the approval of the 750th residential dwelling and or residential lot, no less than 10,000m² of non-residential floor space is the subject of development consents for research and development, employment and education uses;
 - (b) before the approval of the 1,500th residential dwelling and or residential lot, no less than 75,000m² of non-residential floor space is the subject of development consents for research and development, employment and education uses;
 - (c) before the approval of the 2,250th residential dwelling and or residential lot, no less than 150,000m² of non-residential floor space is the subject of development consents for research and development, employment and education uses;

Note. It is proposed that Clause 4.6 – Exceptions to Development Standards would apply to this local provision.

Clause 5 has provisions that are inconsistent with the planning proposal. The planning proposal states that the minimum lot size for a dwelling will be 225m² unless it is integrated development, then it can be reduced to 125m². The clause identifies the minimum lot size as 120m². This has to be amended to be consistent with the planning proposal.

Clause 9 provisions are inconsistent with the staging plan identified on page 83 of the planning proposal. This is discussed later in the report.

This clause has not been reviewed by Legal Services Branch or Parliamentary Counsel, so it has not been confirmed if such a clause could be legally drafted.

The Statement of objectives and explanation of provisions are located through a few sections of the document (parts 4-6 of the planning proposal).

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.8 Second Sydney Airport: Badgerys Creek

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

- **draft Metropolitan Strategy for Sydney**

- **draft Broader WSEA Structure Plan**

- **Metropolitan Plan for Sydney 2036**

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Section 117 Direction 1.1 - Business and Industrial zones

The planning proposal does address one of the objectives of the direction - (a)

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encourage employment growth in suitable locations. This objective generally is met and the proposed employment uses are proposed on land identified within the draft Broader Western Sydney Employment Area. The employment uses and the use of B4 Mixed Use and B7 Business Park zones are generally supported in this area, and is generally consistent with the draft Broader Western Sydney Employment Area Structure Plan.

The next two objectives have not been addressed as well - (b) protect employment land in business and industrial zones and (c) support the viability of identified strategic centres.

It is considered that the planning proposal does not meet objective (b) as it does not protect the employment land in B7 Business Park zone by enabling a variety of residential uses in the zone. While it proposed to cap the amount of residential development across the site, the cap is at 3,400 dwellings.

Secondly, the proposed provisions to control the release of residential land uses has been drafted to enable upto 750 dwellings at which it is capped until 10,000 sqm of non-residential uses are approved. The clause in its current format could potentially enable 749 dwellings to be approved before a single square metre of non-residential use is approved, which is not meeting with the objective of this direction.

It is considered that the planning proposal does not meet objective (c) support the viability of strategic centres as the proposed residential uses as additional permitted uses and at the scale proposed, would set the value of the land to a residential value which could price out many employment uses considering developing in the area as it could not afford the land values. This would further set the tone of the broader WSEA land as having a residential focus, which is not considered to meet the objective either. The proposed residential development generally, and as an additional permitted use in the B7 zone, at the scale proposed do not address these two objectives, and the planning proposal does not provide reasoning as to scale of residential development proposed.

The development of residential uses is proposed to be managed and staged through the use of the local clause, which limits the residential uses commensurate to an appropriate amount of employment uses.

The additional residential uses proposed in the B7 zone (c) reduce the total potential floor area for employment uses and related public uses in business zones, which creates an inconsistency with this section 117 Direction.

The planning proposal argues in the document, but not in the assessment of section 117 directions, that the "delivery of residential uses, particularly executive housing, as part of the overall community offer to ensure the project is financially feasible" and that "the additional dwellings located within the Sydney Science Park are a 'bonus' and provided not a loss of job creation but also provide the nexus to creating high job densities not currently envisaged within the draft Broader Western Sydney Structure Plan".

It is acknowledged that the planning proposal identifies 12,200 jobs could be created as a result of this rezoning, with an additional estimated 7000 construction jobs.

That being said, the planning proposal at this stage is inconsistent with this direction, especially 4(c) that states that the planning proposal must "not reduce the total floor space area for employment uses and related public services in business zones" and does not address objectives (b) and (c). It is considered that this inconsistency is created by the proposed inclusion of residential uses as additional permitted uses in the B7 zone.

The planning proposal should either be amended to be consistent with this direction or

provide more explanation to support the inconsistency with this direction.

Section 117 Direction 1.2 - Rural zones

The planning proposal is inconsistent with this direction as the planning proposal must (4)(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

The planning proposal proposes to rezone land currently zoned RU2 Rural landscape to part B4 Mixed Use and part B7 Business Park.

The planning proposal's inconsistency with this direction is considered to be justified as the land proposed to be rezoned is identified within the draft Broader Western Sydney Employment Area Structure Plan for future employment uses. This draft structure plan has been publically exhibited, however residential uses were not included in the draft Structure plan.

Section 117 Direction 1.3 - Mining, Petroleum production and extractive industries

This direction is applicable as although the current RU2 Rural landscape zone under Penrith LEP 2010 does not permit mining or extractive industries, as the zone permits agriculture, the SEPP (Mining, Petroleum production and extractive industries) 2007 (Mining SEPP) would apply to land, enabling these potential land uses.

Therefore, The planning proposal is inconsistent with this direction as the proposed rezoning from rural to business zones would mean that the Mining SEPP would no longer apply to the land, and as such mining would no longer be permissible in the zone. The RPA should consult with Director-General of the Department of Primary Industries during exhibition and this inconsistency will be further considered post exhibition, following consultation with the Department of Primary Industries.

Section 117 Direction 1.5 - Rural Lands

The planning proposal addresses this direction, however, it does not apply to Penrith LGA and is therefore not applicable.

Section 117 Direction 2.3 - Heritage conservation

The planning proposal identifies that no local or state items are located on the subject land. The planning proposal includes an Aboriginal Heritage Assessment, which identified three sites of low archaeological significance.

It is proposed to consult with Office of Environment and Heritage during the exhibition period, that may provide further comment on the Aboriginal Heritage Assessment.

Section 117 Direction 3.1 - Residential Zones

The section 117 direction applies as the planning proposal includes zones in which significant residential development is proposed to be permitted.

The planning proposal is currently inconsistent with two of the directions 4(a) make more efficient use of existing infrastructure and services and (c) reduce the consumption of land for housing and associated urban development on the urban fringe.

The planning proposal, does, in regards to direction (a), propose to include urban release area/ satisfactory arrangement clauses for the site, so it can not be developed for residential development until services are in place.

The planning proposal also includes an infrastructure plan, so that infrastructure is provided to the site at "no cost to government".

The Infrastructure team has been consulted but has not provided comment at this time regarding the staging strategy. All relevant agencies (Sydney Water, Endeavour Energy etc) will be consulted during the exhibition period, and relevant agencies will be consulted with regards to State Infrastructure Contributions.

The proposal is inconsistent with (4)(c) reduce the consumption of land for housing and associated urban development on the urban fringe.

While some of the residential component is permissible in the B4 Mixed Use zone, the majority of the residential development is proposed to be permitted via an additional permitted use in the B7 Business Park zone.

Further information should be provided to justify the inconsistency with (4)(c) reduce the consumption of land for housing and associated urban development on the urban fringe or the planning proposal should be amended to ensure consistency with the direction.

Section 117 Direction 4.3 - Integrating Land Use and Transport

The planning proposal has been prepared in accordance with Improving Transport Choice - Guidelines for Planning and Development (DUAP 2001). The Masterplan which supports the planning proposal has been designed and the layout prepared to ensure that the objectives of this direction have been met.

While the internal layout has been designed to ensure that once public transport is available it can support the efficient and viable operation of public transport services, at this stage, the site is not serviced by any form of public transport. The planning proposal identifies the potential for a future rail line stop in the proposed town centre and opportunities for future bus lines to Sydney Science Park or, extension or amendment of existing bus lines to and through Sydney Science Park.

Such forms of public transport require all of government cooperation and in the first instance consultation with Transport for NSW, Transport for NSW - Sydney Trains, Sydney Buses, Western Line buses etc.

This direction should be further considered following consultation with the relevant government agencies.

Section 117 Direction 4.3 - Flood Prone Land

This section 117 Direction applies as the land is flood prone. The planning proposal includes a flood study that identifies that the site design and zoning layout has been undertaken to ensure, that following flood management works, drainage and the inclusion of detention basins, the development of the site will result in some increases in flood levels within the boundary of the site. It has been advised that these increases can be accommodated within the site's riparian corridor and drainage reserves. It also identifies that a flood evacuation strategy will need to be prepared, as some of the land adjacent to the RE1 land may be affected by the Probable Maximum Flood.

The planning proposal does not clearly address this direction and should be amended to discuss whether the planning proposal is consistent or inconsistent with the direction.

The planning proposal should be provided to Office of Environment and Heritage (OEH) and State Emergency Services (SES) for consultation.

The consistency with this direction will be further considered once the planning proposal has been amended and OEH and SES has been consulted.

Section 117 Direction 4.4 - Planning for Bushfire protection

The planning proposal identifies that the site is not on or in proximity to land mapped as bushfire prone land. Therefore the Section 117 Direction does not apply in this instance.

Section 117 5.8 Second Sydney Airport: badgery's Creek

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The planning proposal does not address this direction. While the site is not identified under the current ANEF map for Badgery's Creek, the direction has relevance as the planning proposal "could hinder the potential for development of a second Sydney Airport".

The planning proposal should be amended to consider this direction.

Section 117 6.2 - Reserving Land for public purpose

This direction is applicable as the land proposed to be zoned RE1 Public Recreation has been identified on the land acquisition reservation map with the land to be dedicated to Penrith Council.

Although the land may be dedicated to Penrith Council, an acquisition authority needs to be identified in the planning proposal. The planning proposal should be amended to identify an acquisition authority.

This direction should be further considered once an acquisition has been identified.

Section 117 Direction 6.3 - Site Specific Provisions

The planning proposal is not inconsistent with this direction, as although the proposed zoning does not permit some of the land uses proposed on the site, these are proposed to be included via a Schedule 1 Additional Permitted Use clause. The management of the residential component does include a site specific clause, however it does not contain or refer to drawings in the proposal.

Section 117 Direction 7.1 - Implementation of the Metropolitan Plan for Sydney 2036

The planning proposal is generally consistent with this direction as the proposal will potentially provide 12,000 jobs and 3,400 dwellings which will assist to meet the targets identified in the Metro Strategy.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : Land zoning maps, height of building maps, minimum lot size maps and land acquisition map has been prepared and are located throughout the planning proposal. The maps are legible. It may be beneficial to identify the land on the appropriate local environmental plan maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : It has been proposed to exhibit the planning proposal for at least 28 days in accordance with a guide to preparing planning proposals.

Additional Director General's requirements

Are there any additional Director General's requirements? Yes

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment : There is adequate information to assess the planning proposal, and make a recommendation.
The exhibition material may require more detailed maps.

The final maps will be required to be consistent with the standard instrument mapping

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guidelines.

Proposal Assessment

Principal LEP:

Due Date : **September 2010**

Comments in relation to Principal LEP : Penrith LEP 2010 Stage 1 (which included most of the rural and industrial lands in Penrith LGA) was notified on 22 September 2010.
Penrith LEP 2010 Stage 2 which includes the majority of the remaining urban land not included in stage 1 is intended to be finalised by June/ July 2014.

Assessment Criteria

Need for planning proposal : The planning proposal is required because the proposed development of the 'Sydney Science Park' and proposed land uses are not permissible under the current RU2 Rural Landscape zoning in Penrith Local Environmental Plan 2010.

To achieve the intended outcomes proposed in this planning proposal the Penrith LEP 2010 Land zoning maps, minimum lot size maps and height control maps, urban release area map and land reservation acquisition maps will need to be amended, and an additional permitted use clause will need to be inserted in Schedule 1, urban release area clauses will need to be inserted and a site specific clause will need to be included in the Penrith LEP 2010 instrument.

In strategic terms - the draft Metropolitan Strategy for Sydney identifies that 625,000 additional jobs will be required by 2031, half of those in Western Sydney. If the intended outcomes of the proposed rezoning are achieved, this will assist in reaching that target.

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Consistency with
strategic planning
framework :

STATE STRATEGIC PLANNING

draft Metropolitan Strategy for Sydney

Generally, as stated above draft Metropolitan Strategy for Sydney identifies that 625,000 additional jobs will be required by 2031, with half of those in Western Sydney. If the intended outcomes of the proposed rezoning are achieved, this proposal will assist in reaching that target. The draft Strategy has also set a target of at least 545,000 new houses across Sydney by 2031. In terms of assisting in meeting the jobs and housing targets across Sydney, the planning proposal is consistent with the objective.

Specifically related to the site, the draft Metropolitan Strategy identifies the Western Sydney Employment area (which this land is included within) as one of the 9 City Shapers for balanced growth and a 'Metropolitan priority'. The Strategy identifies this land "will expand the already successful employment cluster in this part of Sydney" with a key priority to "encourage critical industries that support our economy's global functioning and promote employment, such as industrial uses, freight, logistics and research and development functions, as well as opportunities for agri-business and food production". The draft Metro Strategy does not identify residential development for this area at this time.

The draft Metro Strategy also identifies a key outcome to prepare a land release policy to secure appropriate greenfield housing supply. In the absence of a finalised document and program, this site will need to be assessed on its merits.

Draft Broader Western Sydney Employment Area (WSEA) Structure Plan

The draft Broader WSEA Structure Plan sets out a vision for:

- * Approximately 57,000 new jobs within the next 30 years with the potential for up to 212,000 jobs when fully developed
- * About 6,300 hectares of new land for employment uses
- * Two new specialised centres and one local centre as well as a robust road network
- * Possible key public transport corridors to provide access to employment opportunities
- * New freight opportunities for Sydney rail freight corridors and possible locations for two intermodal terminals.

The proposed location of the Town Centre is consistent with the area identified for a potential local centre identified in the draft Broader WSEA Structure Plan. "A local centre located along the potential passenger rail corridor close to the intersection of the potential Outer Sydney Orbital (OSO) corridor and Luddenham Road" (Page 6). The draft Structure plan does not identify residential development as part of its vision.

The intended employment uses on the site are consistent with the intended vision for the Broader WSEA land. One of the key elements in the Broader WSEA Structure Plan is: "The Economic Issues and Drivers study identified that demand within the Broader WSEA is likely to remain directed towards employment uses within the freight and logistics areas. While the potential for higher intensity employment development is not ruled out, other factors such as population growth, transport infrastructure improvements and market conditions will take time to help drive other forms of employment".

The proposed B7 Business Park and B4 Mixed Use zone is generally consistent with this objective, providing opportunities for business premises, industrial retail outlets, industrial training facilities, light industries, passenger transport facilities, and warehouse and distribution centres. "The Broader WSEA attracts a range of business profiles and business activities from logistics and distribution centres to business parks and innovative technologies" (Page 33). The agribusiness and research and development opportunities are identified within the structure plan, "Establishment of a business hub in businesses such as advanced manufacturing, agribusiness or food technology." (page 40).

The proposed staging is consistent with option 3 of the staging plan within the Broader Structure Plan "Out of sequence development within a variety of locations subject to the availability and cost-effectiveness of services and progress at no cost to the government" (page 6 and page 51). It will need to be determined through consultation with the relevant State agencies and Infrastructure Providers if the proposed servicing is cost effective. The planning proposal includes a infrastructure plan to support the proposal, and some initial consultation and discussions with Transport for NSW has occurred. the proposed road networks, rail networks and public transport networks have been generally considered in the draft Broader WSEA structure plan and NSW Long Term Transport Masterplan.

It is considered that the proposed zones B4 Mixed Use and B7 Business Park zones are generally consistent with the objectives of the Broader WSEA Structure Plan. Concern is raised with the proposed additional permitted residential uses in the B7 Business Park zone, including attached dwellings, dual occupancies, dwelling houses, exhibition homes, multi dwelling housing, residential flat buildings and semi-detached dwellings, and the extent that has been proposed within the masterplan (3400 dwellings by 2041). On land that has been identified for future employment lands, it is essential that the primary use of the land is for employment. The proposed management of the residential uses is discussed below in "environmental, social and economic impacts".

Metropolitan Plan for Sydney 2036 -

The former Metropolitan Plan for Sydney 2036 identifies key objectives including * plan for 760,000 jobs, with half planned in Western Sydney.
The proposal is consistent with this objective.

* Develop detailed land use, transport and infrastructure plans for Western Sydney Employment Areas

This has occurred with the draft Broader WSEA Structure plan. As advised above, the planning proposal is generally consistent with the objectives of the draft Structure Plan.

Page 137 of the Metro Strategy identifies criteria for business park locations. The proposed site does not meet all the criteria at this time. The criteria is discussed below:

* the site is located with access to public transport corridors (preferably rail) - at this time, the site is not serviced by any form of public transport. The planning proposal identifies that there is the potential for the site to be serviced by a rail line and bus routes in the future.

* Links to Freight Corridors and and Major Transport Nodes - The site is located on Luddenham Road which has access to the Northern Road, Elizabeth Drive to the Westlink M7 Motorway and Mamre Road to the M4 Western Motorway. The site has links to Freight corridors and major transport nodes.

* land Area (50-180 hectares) to allow expansion to accommodate 8,000-40,000 employees - the area of the entire site is 287 hectares, the masterplan only identifies 34 hectares of research and development floor area, which could potentially provide 9714 jobs, and 12,000 jobs overall in the development.

So while the site may not meet the land area criteria, it will meet the job creation criteria.

* proximity to a workforce (within 30 minute commute) - the site is located 8 kilometres south of Penrith CBD, and is located to nearby residential areas of Glenmore Park and St Clair. It is located within a proximity to a workforce.

It is also proposed to permit residential development in the B4 and B7 zoned land, for up to 3400 dwellings on the site.

* Business Parks should have a relationship to an adjoining economic infrastructure including hospitals, universities, research institutes - the site does not currently have a

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relationship to adjoining economic infrastructure. The masterplan identifies the potential for a university to be located on the site, however, it is unclear if any agreement or discussions with an university has occurred. The masterplan also includes a research component.

Internal consultation

Internal consultation was carried out with a number of teams within the agency. It was generally agreed that the employment uses were supported on the site, however concerns and objections was raised regarding the proposed residential component.

The teams agreed that the proposed residential uses needed to be managed, and have provided different options for management. These comments were included in the consideration of the report.

Environmental social
economic impacts :

ENVIRONMENTAL

The following environmental considerations have been addressed:

ACID SULPHATE SOILS

The site is not affected by acid sulphate soils.

BUSHFIRE

The site has not been identified as bushfire prone land.

SITE CONTAMINATION

A preliminary site investigation has been undertaken due to the historic uses on the site. The preliminary investigation determined that the widespread risk for contamination was low, with some potential areas of concern. Overall, the RPA is satisfied that the preliminary study indicates that the site is suitable for its intended use, in accordance with SEPP 55.

SIGNIFICANT FLORA/ FAUNA/ VEGETATION

The majority of the site has been mostly cleared due to its historical agricultural use. The site does contain small areas of highly disturbed grey Box/ Forest Red Gum Open Woodland (EEC - Cumberland Plain Woodland) and highly disturbed Swamp Oak Woodland - Forest (EEC - River-flat Eucalypt Forest).

Cumberland Plain Woodland and Riverflat Eucalypt Forest are listed as Critically Endangered Ecological Communities (CEEC) under the NSW Threatened Species Act 1995 and Cumberland Plain Woodland is listed as a Critically Endangered Ecological Community (CEEC) under Commonwealth Environmental Protection and Biodiversity Conservation Act 1999.

While the areas of these two types of vegetation are highly degraded, they are included within the land proposed to be zoned RE1 Public Recreation. This will afford some protection to the remaining vegetated sites.

FLOOD AFFECTATION

The site is currently affected by the 1:100 flood event and PMF. To support the planning proposal, a Water cycle and flood management strategy has been prepared.

The outcome of the proposed water detention basins and flood management works indicates that some increases in flood levels within the boundary of the site will occur and can be accommodated within the site's riparian corridor and drainage reserves. The planning proposal needs to be amended to clarify the outcomes of the flood management study and whether the planning proposal is consistent with Section 117 Direction 4.3 - Flood prone land.

Office of Environment and Heritage and State Emergency Services should be consulted regarding the flood study.

SOCIAL IMPACTS

TRAFFIC/ ACCESS

The planning proposal addresses the potential impact on traffic and the further works and upgrades required both within the site and on major linkage roads affected by this development.

Road access/ upgrades

The proponent has agreed to enter into a Voluntary Planning Agreement (VPA) with Transport for NSW and Roads and Maritime Services for any necessary road upgrades associated with the development. It is noted that the level of traffic the site is likely to generate in the 2016 is within thresholds that could be accommodated by existing road network infrastructure. Roads works will need to commence by 2021.

Consultation with Transport for NSW and Roads and Maritime Services should occur, regarding the traffic studies and the proposed road upgrades, as well as discussions with the appropriate agencies about the need for any State Infrastructure Contributions.

Public Transport

Bus access

The site is currently not accessible by public transport. The planning proposal notes that at least one bus network will be required to the site, which can be achieved, subject to agreement with the relevant bus company, through an extension to an existing bus line or a new bus line out of St Marys or Penrith Transport Interchange.

Rail access

The site is currently not accessible on any rail line. The draft Broader WSEA Structure Plan identifies the potential for a future railway line running north to south from Leppington to St Marys or Penrith, and a potential location for a future railway station generally with the proposed local centre on site.

"In accordance with the draft Metropolitan Strategy for Sydney to 2031 the draft Structure Plan investigates opportunities for the extension of the South West Rail Link and North West Rail Link. A potential passenger rail corridor could follow a north-south alignment through the study area. This corridor extends beyond the boundaries of the Broader WSEA and passes through the Commonwealth land at Badgerys Creek" (page 6, draft Structure Plan). This is consistent with the Long Term Transport Master Plan.

The draft Structure Plan notes that the future railway line and stations would subject to more detailed site investigations, and relevant Government agencies agreement. It is unlikely that a rail access will be available in the short term.

SERVICING

The planning proposal is supported by an Infrastructure Services Assessment (Tag E). It is advised in the planning proposal that the proposed Sydney Science Park is to be developed at 'no cost to Government'. A copy of the planning proposal and the Infrastructure Services Assessment were provided to the strategy & infrastructure planning team for comment, however, at this time no comment has been received.

The general findings in the Infrastructure Services Assessment are:

Electricity services:

- Stage 1 can be serviced by two local substations.
- A new zone substation is required to amplify the existing electricity infrastructure to adequately service the remaining stages of the development.

Sewer:

- The site is currently not serviced with reticulated sewer and a new lead-in service is required to connect the site to Sydney Water's Sewer Network.
- Sydney Water will need to confirm whether St Marys Treatment Plant has capacity to service Sydney Science Park.

Water supply:

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- The water supply network surrounding Sydney Science Park is not appropriately sized to service the proposed development. A new water trunk main from Bringelly reservoirs needs to be constructed to connect the site to Sydney Water's water supply network.

Gas supply:

- A gas main extension is required to connect the site to the gas network.

Telecommunications:

- New lead in services are required to connect the site to the NBN network.

The relevant infrastructure services agencies (including Endeavour Energy, Sydney Water, Telstra etc) will need to be consulted and general agreement will need to be obtained with regards to this proposal.

SOCIAL SERVICES

The planning proposal includes a social infrastructure assessment (SIA) to support the proposed rezoning.

The SIA determines that elements of the social infrastructure can be included in a voluntary planning agreement between the developer and Council.

The masterplan includes over 60 hectares of open space for passive and active recreation. The SIA notes that much of the social infrastructure is required due to the amount of residential development proposed to be included in the Sydney Science Park.

Consideration of State Infrastructure Contributions will be a requirement of the planning proposal regardless of the amount of residential development proposed, which requires consultation with NSW Department of Health, Education and Communities and key services (Fire and Rescue NSW, NSW Police), which may raise the need for additional social infrastructure.

ECONOMIC IMPACTS

PROPOSED RESIDENTIAL USES IN THE PLANNING PROPOSAL

This planning proposal is the first one within the proposed Broader WSEA land within Penrith Local Government Area. It is important to ensure that appropriate outcomes consistent with the draft Structure Plan are achieved for this site.

The Broader WSEA Structure Plan identifies land for future employment lands. While it could be considered in the future, that there may be a need for integrated residential uses in the Broader WSEA land, in the first instance this land has been identified for employment uses and this should be the primary focus of any development on the site. The proposed 3,400 dwellings even over the life of the proposed development to 2041 is a large number of dwellings in an identified employment area.

Concern with the residential component of the planning proposal has been raised by a number of teams within the agency which have been consulted regarding this planning proposal. All teams agree that the residential component of this planning proposal is a concern, and teams provided different plans for management of the proposed residential development.

Meeting notes from early discussions about this proposal note the concern regarding the residential component of the planning proposal. If the planning proposal is to proceed, it is important that the residential component is appropriately managed to ensure that the Broader WSEA land is developed for employment uses.

MANAGEMENT OF THE PROPOSED RESIDENTIAL USES

A potential issue has been identified in the planning proposal, in particular, the proposed additional permitted residential uses, scale of residential uses proposed (3,400 dwellings by 2041) and the management and release of the residential uses.

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This issue has been raised in preliminary discussions between the proponent and Council, and also by the agency in early discussions. To this end, the planning proposal has been amended from its original version, reducing the amount of land being rezoned and in doing so, reducing the number of dwellings proposed to be developed. This was achieved by removing land outside of the Broader WSEA area which would have had a primary residential focus. For the land currently identified in the planning proposal, the residential development is intended to be managed by a local clause as identified in the explanation of provisions on pages 3-4 of the report.

Clauses 5, 6, 8 and 9 are most relevant to the residential development component of the proposal. Clause 9 in particular:

(9) Development consent must not be granted to development for residential purposes on land to which this clause applies unless Council is satisfied that:

(a) before the approval of the 750th residential dwelling and or residential lot, no less than 10,000m² of non-residential floor space is the subject of development consents for research and development, employment and education uses;

(b) before the approval of the 1,500th residential dwelling and or residential lot, no less than 75,000m² of non-residential floor space is the subject of development consents for research and development, employment and education uses;

(c) before the approval of the 2,250th residential dwelling and or residential lot, no less than 150,000m² of non-residential floor space is the subject of development consents for research and development, employment and education uses;

Note. It is proposed that Clause 4.6 – Exceptions to Development Standards would apply to this local provision.

It is considered that this clause will not be an effective mechanism to manage residential development on the site for the following reasons:

1. The starting maximum dwelling targets are very high and do not match a staging plan identified on page 83 in the planning proposal.

It has an indicated staging plan that suggests by 2021 50,000 sqm of employment land will be constructed to 200 dwellings (in a variety of typologies). 9(a) states that approval for the 750th dwelling can not be approved until no less than 10,000 sqm on non-residential floor space is approved.

Under this control, potentially 749 residential dwellings could be approved and constructed before any employment is considered on the site.

Furthermore, 750 dwellings is not a target identified in the staging plan, the closest figure is 1025 dwellings and that is to the construction of 120,000 sqm of employment floor space.

If this clause is to be maintained to assist in the staged development of residential dwellings, the dwelling figures should be reduced to figures similar to those identified in the staging plan or smaller.

2. The terminology "approved" not "constructed".

As raised above, under the current clause, there is the potential for 749 residential dwellings to be approved (and constructed) before 10,000 sqm of non-residential floor space is approved. The next tier is 1500 dwellings to 75,000 sqm of non-residential development approvals. The development consents could lapse without any or all of the non-residential floor space being constructed. If this clause is to be maintained, the clause should be amended to construction of non-residential uses. Approval of residential uses could be maintained.

The terminology of "constructed" needs to be confirmed in the drafting process.

3. The terminology of "non-residential"

While the clause continues to "for research and development, employment and education uses", the employment uses should be the primary development on the site.

To that end, it is recommended that the proposed clause could be amended as follows (in brackets):

9) Development consent must not be granted to development for residential purposes on land to which this clause applies unless Council is satisfied that:

- (a) before the approval of the (200th) residential dwelling and or residential lot, no less than (50,000m²) of (employment) floor space (has been constructed);
- (b) before the approval of the (1025th) residential dwelling and or residential lot, no less than 120,000m² of employment floor space is constructed;
- (c) before the approval of the (2675th) residential dwelling and or residential lot, no less than (290,000m²) of employment floor space is constructed;

Note. It is proposed that Clause 4.6 – Exceptions to Development Standards would apply to this local provision.

These figures would tie into the proposed staging plan in the planning proposal on page 83, and try to ensure that the employment uses are the primary purpose on the site.

Other options for management of the residential uses that should be considered include:
- exclude residential uses from the proposed additional permitted uses in the B7 Business Park zone. The exclusion of the residential uses in the B7 zone, can be noted in the letter with the advice that after a certain amount of employment uses has been constructed in the B7 zone (50,000 sqm for example), the proposed residential uses as an additional permitted use could be revisited in future planning proposal. In the short term, most of the residential uses are already permissible in the B4 Mixed Use zone and could meet some of the proposed residential targets.

This may also be achieved by amending the local clause to only permit 1 dwelling to 50,000 sq m of constructed employment uses. This would remove the need to submit another planning proposal in the future.

- the planning proposal could be revised and resubmitted identifying with different zoning where residential development is proposed. This would provide clarity to the intention of the planning proposal.

This idea was generally discussed with Council, especially in terms of the B4 Mixed use zone appearing more closely aligned with some of the intended outcomes. Council advised that the B4 Mixed use zone had been used sparingly throughout the Penrith LGA and Council did not want a blanket B4 Mixed use zone on the site.

Furthermore, this recommendation it is not intended to encourage residential zones or residential uses on the site, only to provide clarity to the intent of the planning proposal and justify the proposed zoning.

- A voluntary planning agreement could be agreed to and entered into which would manage the release of residential land. It could contain a similar agreement as the first additional option that no residential development be approved until a certain amount of employment land uses has been constructed.

Any of these options, from revising the proposed local clause, removing the residential development as an additional permitted use in the short term, revising the planning proposal or a voluntary planning agreement could be considered to ensure that employment uses are the primary uses on the site and future residential uses are appropriately managed.

This discussion is not intended to hinder the development of the site, only ensure it is developed in accordance with the long term planning direction for the site.

IMPACT ON ECONOMIC VALUE OF THE LAND

Other issues that relate to the residential development on the site, is that if the land is developed too extensively for residential development in the short term, the value of the land is set at residential, leading to higher land values.

If not managed appropriately, this could lead to a precedent of the site being developed as

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residential, and business and industrial users being priced out of the site, due to the residential value of the land. This could hinder the long term planning direction for this area.

IMPACT ON THE OBJECTIVES OF B7 BUSINESS PARK ZONE

The proposed additional permitted uses of residential development needs to be considered against the objectives of the B7 Business Park zone. The purpose of the zone is "generally intended that it primarily accommodates office and light industrial uses, including high technology industries. Business Parks perform vital economic and employment roles in a certain region". While the mandatory objectives of the zone do refer to enabling "other land uses that provides facilities and services to meet the day to day needs of workers in the area", residential uses are not explicitly identified.

This is further supported by the Employment Lands Team that has advised " the proposal for the B7 zone to enable residential uses (including residential flat building) within the B7 zone under Development of Certain Additional Purpose (p91) is a concern for us. We are starting to include significant B7 zones in our Employment Lands Development Program monitoring and if residential uses are added to this zone, it could detract from its intended employment focus".

POTENTIAL IMPACT ON BADGERYS CREEK SITE

With the uncertainty surrounding the future of Badgerys Creek and the potential for a second Sydney airport being located in Western Sydney, future land releases need to be considered strategically to ensure that potential impacts are minimised.

If the site is developed for residential development too quickly it could impact any future development of the Badgerys Creek site. It is considered that the employment uses would be more compatible uses.

FUTURE EDUCATION USES ON THE SITE

The planning proposal refers to approximately 100,000 sqm of education floor area, and associated student accommodation for 4,000 students. It has not been confirmed in the planning proposal if a tertiary education provider or university has expressed an interest to be involved in this project and is involved in this development. Potentially the 400 student dwellings could be excluded from the residential figures until a university has been confirmed on the site.

OVERALL

Overall, the amount of residential development proposed on the site and the staging indicated in the draft local clause raises questions with the consistency with the draft Metro Strategy and draft Broader WSEA structure plan. While there may be a need for a residential component in the longer term, in the short term, the employment uses should be encouraged as the primary form of development.

It is recommended that the planning proposal be revised or stronger management of the residential development be considered before this planning proposal proceed.

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Assessment Process

Proposal type : Precinct Community Consultation **28 Days**
Period :

Timeframe to make **18 months** Delegation : **Minister**
LEP :

Public Authority **NSW Aboriginal Land Council**
Consultation - 56(2) **Hawkesbury - Nepean Catchment Management Authority**
(d) : **Department of Education and Communities**
 Office of Environment and Heritage
 NSW Department of Primary Industries - Agriculture
 NSW Department of Primary Industries - Minerals and Petroleum
 Transport for NSW
 Fire and Rescue NSW
 Department of Health
 NSW Police Force
 NSW Rural Fire Service
 Transport for NSW
 Transport for NSW - Sydney Trains
 Transport for NSW - Roads and Maritime Services
 State Emergency Service
 Sydney Water
 University of New South Wales
 University of Sydney
 University of Technology, Sydney
 University of Western Sydney
 Adjoining LGAs
 Other

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The proposed employment uses on the site are generally consistent with the draft Metropolitan Strategy for Sydney and the draft Broader Western Sydney Employment Area (WSEA) Structure Plan. The proposed residential development on the site should be further considered and potentially deferred at this time, to enable the employment uses to develop first, consistent with State policy or allow residential development to be developed in the proposed B4 zone.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flooding

Economic

Other - provide details below

If Other, provide reasons :

Identify any internal consultations, if required :

Employment Lands (ELDP)

Legal Services

Metropolitan and Regional Strategy

Residential Land Release (MDP)

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Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **Due to the size of the site (287 hectares) and amount of employment and residential development proposed in the development, urban release area clauses have been proposed to be included for the site and relevant agencies contacted for State Infrastructure Contributions.**

Documents

Document File Name	DocumentType Name	Is Public
Sydney Science Park Planning Proposal Volume 1.pdf	Proposal	Yes
Penrith City Council_ 2014.03.10_ Cover letter - Planning Proposal _ Sydney Science Park_ Section 56 submission.pdf	Proposal Covering Letter	Yes
Appendix B_aboriginal.pdf	Study	Yes
Appendix C_part A_flora_final.pdf	Study	Yes
Appendix C_part B_flora.pdf	Study	Yes
Appendix C_part C_flora.pdf	Study	Yes
Appendix D_economic.pdf	Study	Yes
Appendix H Sydney Science Park DCP 18 December 2013.pdf	Study	Yes
Appendix I_water.pdf	Study	Yes
Appendix J_Traffic and Transport.pdf	Study	Yes
Appendix K_social.pdf	Study	Yes
Masterplan 1. SSP master plan_1.pdf	Drawing	Yes
Masterplan 2. SSP - Land Use Plan 11122013.pdf	Drawing	Yes
Internal consultation responses.pdf	Study	No
Masterplan 3. SSP ILP - Transport Network Plan 11122013.pdf	Drawing	Yes
Masterplan 4. SSP - Public Transport Network Plan 12122013.pdf	Drawing	Yes
Masterplan 4. SSP - Public Transport Network Plan 12122013.pdf	Drawing	Yes
Masterplan 5. SSP - Pedestrian Cycle Network Plan 12122013.pdf	Drawing	Yes
Appendix_infrastructure_PART1.pdf	Study	Yes
Masterplan 6. SSP - Staging Plan 12122013.pdf	Drawing	Yes
Masterplan 6. SSP - Staging Plan 12122013.pdf	Drawing	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.8 Second Sydney Airport: Badgerys Creek
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **1. The planning proposal should be amended to include mechanisms to ensure the employment opportunities are provided commensurate with residential development.**

2. Amend the planning proposal prior to exhibition as follows:

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- Amend the statement of provisions to include the property description and site address

- Further consideration of Section 117 Direction 1.1
- Further consideration of Section 117 Direction 3.1
- Further consideration of Section 117 Direction 4.3
- include maps that are consistent with the Standard Instrument Order.

3. Council is to ensure that satisfactory arrangements for the provision of state public infrastructure are met prior to the development of the site.

Prior to exhibition, consultation with the following agencies: Transport for NSW, Roads and Maritime Services, Department of Health, Department of Education and Communities, Emergency Services (NSW Fire and Rescue, NSW Police, State Emergency Services, Rural Fire Services), Office of Environment and Heritage - to commence discussions on State Infrastructure Contributions

4. 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 publically available for 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 publically available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Planning & Infrastructure April 2013).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * Agencies identified on pages 14-15 of the planning proposal including, but not limited to,

- * Transport for NSW
- * Transport for NSW - Railcorp
- * Transport for NSW - Roads and Maritime Services
- * Office of Environment and Heritage
- * State Emergency Services
- * NSW Police Force
- * Fire and Rescue NSW
- * Endeavour Energy
- * Sydney Water
- * Jemena
- * NBN Co

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under the 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).

7. The timeframe for completing the LEP is to be 18 months from the week following the date of the gateway determination.

Supporting Reasons :

1. This land is located within the Broader WSEA area and should be used primarily for employment as identified in the draft Metropolitan Strategy for Sydney and draft WSEA Structure Plan.

2. Further consideration of some of the section 117 Directions is required, and the consistency with the direction has not been addressed or is unclear.

3. Due to the size and scale of the proposed development, state infrastructure contributions may be required.

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4. Due to the complexity of the planning proposal, it should be publically exhibited for atleast 28 days.

5. Due to the complexity of the planning proposal, all relevant agencies should be consulted.

Signature:

RJ Cumming

Printed Name:

Rachel Cumming

Date:

11 April 2014