

**Submission  
No 7**

## **INQUIRY INTO BADGERYS CREEK LAND DEALINGS AND PLANNING DECISIONS**

**Organisation:** Department of Planning  
**Name:** Mr Sam Haddad  
**Position:** Director General  
**Date received:** 25/09/2009

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## Planning

Office of the Director General

25 September, 2009

The Hon Jenny Gardiner  
Chair - General Purpose Standing Committee No.4  
Legislative Council  
Parliament House  
Macquarie St  
SYDNEY NSW 2000

Dear Ms Gardiner

I write in response to the request for a submission to the Legislative Council General Purpose Standing Committee No.4 Inquiry into "Badgerys Creek land dealings and property decisions".

Please find attached a submission from the NSW Department of Planning.

Should you wish to discuss this matter, please do not hesitate to contact the Executive Director Corporate Governance & Policy, Ms Donna Rygate, on 9228 6190.

Yours sincerely

Sam Haddad  
Director General



**Planning**

**New South Wales Department of Planning**  
**Submission to the General Purpose Standing**  
**Committee No. 4**

**New South Wales Upper House Inquiry into:**  
**Badgerys Creek Land Dealings and Property Decisions**

**Date of Submission: 25 September 2009**

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### Attachments:

Attachment A:	Employment Lands for Sydney - Action Plan
Attachment B:	Guideline for State Significant Sites under the Major Project SEPP
Attachment C:	NSW Government Lobbyist Code
Attachment D:	Guidelines for Major Project Community Consultation
Attachment E:	WSELIA Studies Outline

## Preamble

The NSW Legislative Council resolved to inquire into and report on land dealings and planning decisions relating to particular lands at Badgerys Creek. The inquiry is intended to examine the planning system, planning instruments and the level of influence of various parties in the planning system.

The terms of reference established for this inquiry are:

1. That General Purpose Standing Committee No. 4 inquire into and report on land dealings and planning decisions relating to land or interests in land held solely or jointly by Ron Medich Properties Pty Ltd and Roy Medich Properties Pty Ltd in or around Badgerys Creek, and in particular:
  - a. identification of land or interests in land in or around Badgerys Creek held solely or jointly by Ron Medich Properties Pty Ltd and Roy Medich Properties Pty Ltd or any company or body or individual associated with such companies and/or what is referred to in the Department of Planning documents as the Medich Property Group,
  - b. the roles of the Minister for Planning, the office of the Minister for Planning, any other Minister, the Department of Planning, and any other NSW Government department or agency past or present, or any individual within the said entities, in decisions or assessments relating to that land, including, but not limited to, decisions or assessments on the Western Sydney Employment Lands Investigation Area,
  - c. the roles of any member of Parliament, the office of any member of Parliament or any other party in dealing with the land,
  - d. the roles and activities of the State Labor party head office and any other registered political party office and any lobbyist in relation to these matters,
  - e. legislative reforms to enhance the integrity of, and public confidence in, the planning and development assessment system, and
  - f. other relevant matters arising from the Government's planning policies and decisions.
2. That the Committee report by 20 November 2009.

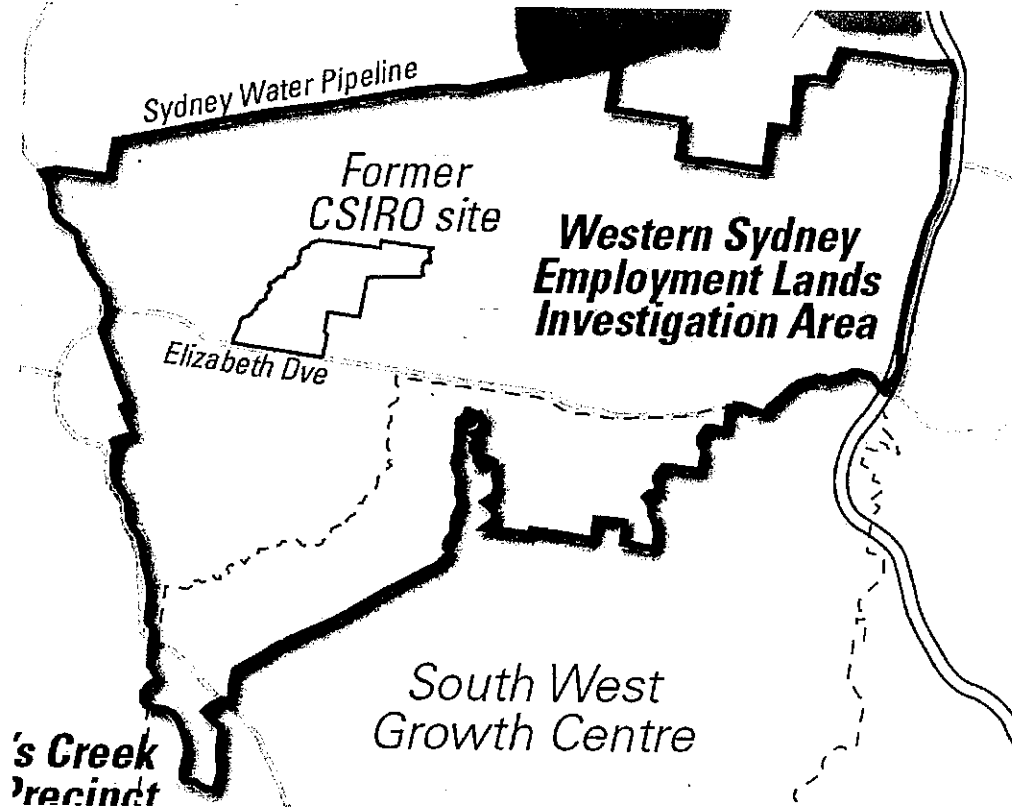
This submission from the New South Wales Department of Planning (the Department) explains the role of the Department and responds to the relevant Terms of Reference of this Inquiry in relation to specific lands in or around Badgerys Creek. These lands are known as the former CSIRO lands (refer *Figure 1.1*) and form part of the broader Western Sydney Employment Lands Investigation Area (refer *Figure 1.2*).

The former CSIRO site (refer *Figure 1.1*) is approximately 340 hectares in area and is bounded by South Creek to the east, Elizabeth Drive to the south, Badgery's Creek to the west and rural lands to the north.

The area surrounding the site is currently dominated by rural and rural residential development and is fairly sparsely populated. Agricultural land is located to the north, south and west of the site, along with a small number of associated rural residences in this location.

The former CSIRO lands equates to approximately three percent of the Western Sydney Employment Lands Investigation Area (WESLIA).

**Figure 1.1** Former CSIRO Lands



The Western Sydney Employment Lands Investigation Area (refer *Figure 1.2*) spans approximately 10,500 hectares and falls between the North West and South West Growth Centres. The Area is bounded to the east by the M7 and Wallgrove Road corridor, to the south by the South West Growth Centre, to the west by The Northern Road, and to the north by the southern boundary of the Western Sydney Employment Hub and the Sydney Catchment Authority pipeline to Prospect Reservoir.

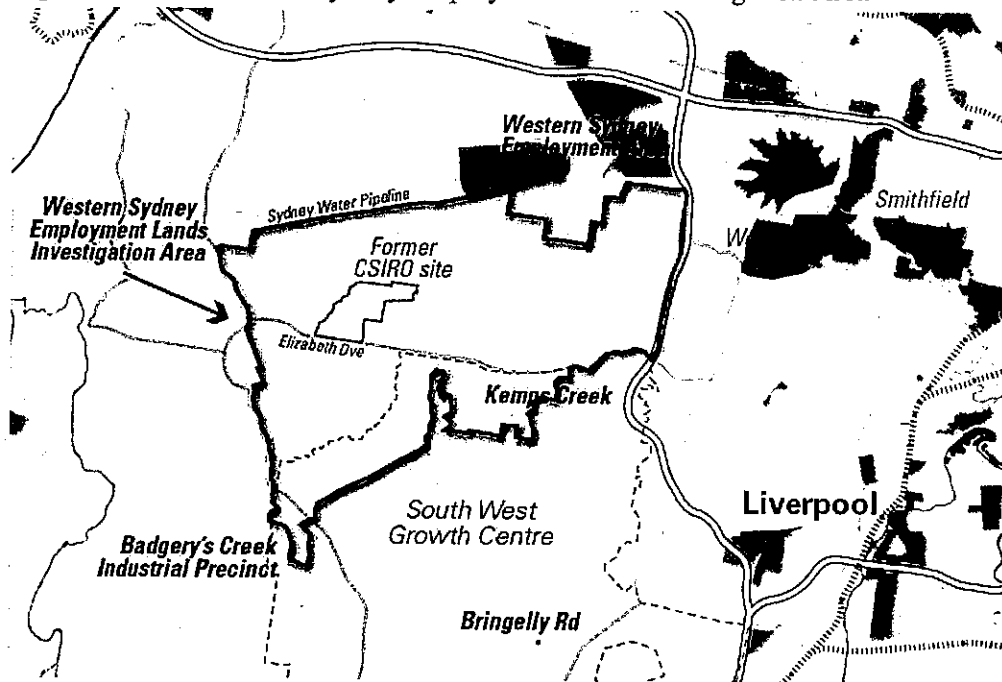
The Investigation Area is made of the following areas:

- Core investigation area for employment purposes 7,000 hectares
- Badgerys Creek Industrial Precinct (South West Growth Centre) 1,200 hectares
- Kemps Creek 800 hectares
- Eastern extension area 1,500 hectares

The Investigation Area comprises mainly agricultural and rural residential land, within the Local Government Areas of Penrith, Fairfield and Liverpool Councils. The Investigation Area is located in close proximity to the Western Sydney Employment Area, at the intersection of the M4 and M7 motorways.

The suburbs of Badgerys Creek, Bringelly, Cecil Park, Horsley Park, Kemps Creek, Luddenham, and Mt Vernon fall within the Investigation Area.

**Figure 1.2** Western Sydney Employment Lands Investigation Area



## ***Executive Summary***

*The Department of Planning is the principal government agency vested with statutory, policy and administrative responsibility for implementing the Environmental Planning and Assessment Act 1979. The Department is responsible for preparing environmental planning instruments, strategic land use planning and assessment and determination of development and infrastructure projects of State and regional significance in NSW. The Department works collaboratively with other State agencies, local government and various public and private stakeholders toward achieving this end.*

*This submission outlines the Department's role (refer Section 1) and focuses on three areas: the strategic context in relation to employment lands in Western Sydney (refer Section 2); government policy (refer Section 2); and the Department's work in relation to lands around Badgerys Creek (refer Section 3).*

### ***Strategic Context***

*There has been significant strategic planning work by the Department over the last 20 years to ensure the provision of employment lands in Western Sydney that cater for population growth and the rise of Sydney as Australia's global city. This strategic planning work includes:*

- *Sydney into its Third Century – Metropolitan Strategy for the Sydney Region (1989 Update). South Creek Valley was identified as an area for investigation*
- *Draft South Creek Valley Regional Environmental Plan (1991). The plan identifies future employment areas around the airport site at Badgerys Creek. The former CSIRO site is identified as appropriate for employment purposes in the draft Regional Environmental Plan.*
- *Cities for the 21<sup>st</sup> Century – Integrated Urban Management for Sydney, Newcastle, the Central Coast and Wollongong (1995). South Creek Valley / Bringelly was retained as a future option for investigation to meet Sydney's future growth needs.*
- *City of Cities – Metropolitan Strategy for Sydney (2005). A target of 280,000 jobs in Western Sydney was identified, with these to be accommodated in employment lands close to the M4/M7 interchange and other potential sites in Western Sydney.*
- *Employment Lands Action Plan (2007). The recommended release of more greenfield land for employment purposes and made a specific reference to the Western Sydney Employment Lands Investigation Area.*

*The area within which the former CSIRO site is located has been consistently identified in these strategic planning exercises as a potential development area.*



*The Department commenced further detailed studies into the Western Sydney Employment Lands Investigation Area in 2008 in light of the recommendations in the Employment Lands Action Plan. The Investigation Area was significant in size, equivalent to the distance between Bondi and Strathfield. The investigation area included the lands at Badgerys Creek being examined by the Inquiry.*

*The Investigations were undertaken in light of the need to increase the supply of available industrial land for the medium to long term. The Western Sydney Employment Lands Investigation Area was seen as an opportunity to assess the potential of the area to meet expected employment land needs.*

*In August 2009, the NSW Government announced a number of decisions in relation to the Western Sydney Employment Area based on the Department's investigations. These included:*

- *Rezoning of more than 800 hectares of employment lands with a job capacity of 16,500 people. This brings the total employment lands in the Western Sydney Employment Area to over 2,200 hectares with the potential for 40,000 jobs in total.*
- *Gazettal of the new planning framework for the Western Sydney Employment Area. This rezones areas appropriate for industrial development, as well as identifies conservation areas and outlines infrastructure requirements and funding mechanisms to support job-generating development.*
- *Progress on the Erskine Park Link Road network, including concept plan approval for the road network and \$80 million to progress the east-west section of the Erskine Park Link Road network between Lenore Lane and Old Wallgrove Road.*
- *Establishment of a development contribution arrangement for State infrastructure at a rate of \$180,000 per net developable hectare for the Western Sydney Employment Area. This process is consistent with development in the North West and South West Growth Centres and provides proponents with upfront certainty on the infrastructure costs they are asked to bear for new development.*

*The lands at Badgerys Creek being examined by the Inquiry were not rezoned as part of this announcement due to unresolved infrastructure and servicing (particularly sewer & roads) issues.*

### **Government Policy**

*The policies of successive governments for the last 20 years have required the Department to investigate land in Western Sydney and its capacity to support employment generating activities. This land is most suited to supporting jobs, rather than housing or other land use activities.*

*The provision of additional land for employment purposes is important for economic development that will deliver on the job targets outlined in the Metropolitan Strategy. However, the provision of land depends on adequate infrastructure to facilitate development. The release of land must take into account the State's budget and infrastructure priorities. This determines the timing of land release and provision of supporting infrastructure.*

*Proposals can be considered where a third party has the capacity to provide the required infrastructure and services at no cost to Government and can transparently and openly address any amenity and environmental constraints. The Government undertakes an objective process in determining the adequacy of these proposals. The Department may be required to provide advice on these proposals to Government.*

#### ***Former CSIRO Site***

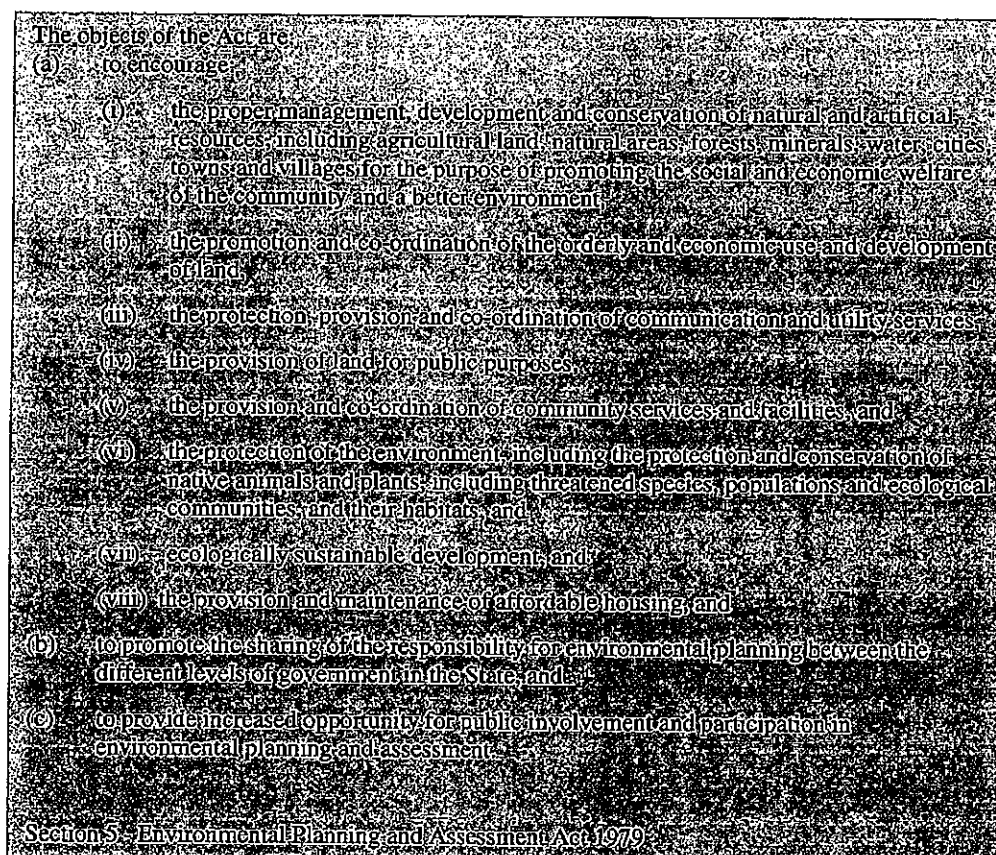
*The owners and representatives of the former CSIRO site have approached the Department of Planning on a number of occasions regarding the rezoning of the identified site. These requests have always been considered in the strategic planning and infrastructure context and through the standard development assessment process. Further detail is provided in Section 3 of this submission.*

## 1. Role of the New South Wales Department of Planning

### Role of the Department

The Department is the principal government agency vested with statutory, policy and administrative responsibility for implementing the Environmental Planning and Assessment Act 1979 (the Act). The objects of the Act are defined below.

The Department is responsible for preparing environmental planning instruments, strategic land use planning and assessment and determination of relevant development and infrastructure projects of State and regional significance in NSW. The Department works collaboratively with other State agencies, local government and various public and private stakeholders toward achieving this end.



Environmental planning instruments govern land use across the State and include State Environmental Planning Policies and local environmental plans. Environmental planning instruments are prepared and administered by State and local government authorities and are prepared pursuant to the Act.

To effectively support and deliver sustainable growth and employment across NSW, the Department undertakes strategic planning for the Sydney Metropolitan Region, regional centres and rural and coastal areas. This work guides development decisions. These strategies aim to balance a variety of competing interests to establish a sustainable platform for land use planning and decision making across the State.

In accommodating and managing change across the State, the Department relies on appropriate planning and technical information and sound understanding of the relationship between the development and broader social and environment needs and preferences, values and aspirations of the community to ensure good decisions are made in the public interest.

In addition to delivering on its statutory responsibilities, the Department works on the continual improvement of the NSW planning system with all its stakeholders.

The Department works in combination with various strategic initiatives of the State. The Department aligns its policies with broader Government policy including the State Plan and State Infrastructure Strategy.

### **Role of the Director General**

The functions of the Director General of the Department are defined in Section 15 of the Act.

### **Strategic Planning**

One of the Department's key functions and its main reason for its existence is to undertake short and long term strategic planning for the Sydney metropolitan region, regional centres, coastal and rural areas. This includes the preparation of plans and policies to provide a framework within which informed decisions about the sustainable development of land may be made.

#### ***Metropolitan Planning***

In 2005, the Government released the Sydney Metropolitan Strategy (Metropolitan Strategy) which provided the framework for sustainable growth, development and conservation across the Sydney metropolitan region. The Metropolitan Strategy was prepared in response to forecasts of an additional 1.1 million residents in Sydney by 2031 requiring 640,000 new homes and 500,000 new jobs - of which approximately half are targeted for Western Sydney.

Based on these forecasts, to cater for this growth the Metropolitan Strategy predicts that additional lands will be required to support these new jobs and homes including:

- 7,500 hectares of extra industrial land if current trends continue
- 6.8 million square metres of additional commercial floor space
- 3.7 million square metres of additional retail space

The Metropolitan Strategy sets out to provide a sustainable and balanced approach in the way in which Sydney will grow to 2031 by distributing growth between greenfield and established areas. The Strategy states that 30 to 40 per cent of new housing will be provided in new land release areas with the remaining 60 to 70 per cent will be in Sydney's existing areas.

The Metropolitan Strategy is the Department's primary tool to respond to the Department's two State Plan Priorities: E5: Jobs closer to home and E6: Housing affordability (through land supply):

- Priority E5 seeks to increase the percentage of the population living within 30 minutes by public transport of a city or a major centre in metropolitan Sydney.
- Priority E6 aligns with the Metropolitan Strategy in regard to forecast demand for greenfield and infill housing and seeks to achieve 55,000 zoned and serviced lots by 2009 and at least 300,000 new dwellings in regional areas over the next 25 years with an increased rate of infill development.

Based on a hierarchy of centres, the Metropolitan Strategy is State led. However, its implementation is undertaken in conjunction with local government and their communities and stakeholders through sub-regional strategies which are in the process of being finalised by the Department.

The Metropolitan Strategy aims to improve links between jobs and growth areas, ensure sound management of existing land resources, ensure sufficient supply of employment lands and, where practicable, align growth with existing infrastructure. This approach was adopted to promote future employment generating lands that would present low economic, social and environmental costs (refer *Section 3.4*).

These aims were emphasised in Actions A1.2 and A1.3 of the Metropolitan Strategy which identified a need to:

- A1.2: plan for sufficient zoned land and infrastructure to achieve employment capacity targets in employment land

Underlying this Action was the need to use employment capacity targets for broad industrial precincts in State and local planning

- A1.3: engage with industry regarding employment lands stocks.

This Action required the establishment of the Employment Lands Advisory Group (ELAG), comprising the Department, Department of State and Regional Development, local government and industry stakeholders.

In March 2007, the Department released *Employment Lands for Sydney - Action Plan*. The Action Plan is integral to implementing the Metropolitan Strategy's approach to ensuring a sustainable supply of land is reserved for employment purposes particularly in Western Sydney to support both the North West and South West Growth Centres.

The Action Plan builds upon the key findings of the high-level Employment Lands Task Force, established in February 2006. The Task Force was chaired jointly by the Department and the Department of State and Regional Development, and included representatives from across the State Government, local government, business, academia, and the development industry (refer *Attachment A*).

In support of the NSW State Plan, the Action Plan is part of the Government's long-term strategy to provide more jobs closer to where people live.

The Action Plan sets out the strategy for securing up to 7,500 hectares of additional employment lands in the Sydney Metropolitan Region. Arising from the Action Plan, in 2007, lands in the vicinity of the M4 and M7 Motorway interchange (the Western Sydney Employment Hub) were recognised as significant to the State for employment and investment. An audit of land use and infrastructure issues in the Hub was completed, and a process of rezoning sites for employment purposes also commenced (refer *Section 2.5*).

The Government also investigated as part of a strategic exercise, a major extension of the Western Sydney Employment Hub, including parts of Badgerys Creek and Kemps Creek. (refer *Section 2.6*).

### *Rural and Regional Planning*

The Department coordinates policies and activities across its four planning regions - Northern, Hunter-Central Coast, Western and Southern.

To date, the Department has produced seven regional strategies that provide direction for sustainable development outside the Sydney metropolitan region. Together, these strategies support over 275,000 new jobs, 390,000 new homes and 568,000 new residents to 2031.

## **Development Assessment**

The Department is responsible for the assessment of proposals for State significant site listings, major development and infrastructure projects, concept plans and critical infrastructure pursuant to Part 3A of the Act. These proposals are generally considered to have environmental, social and economic significance to the State.

The Department's Office of Development Assessment and Systems Performance undertakes integrated environmental assessment and determinations for major infrastructure, industrial, urban and coastal development projects. The Urban Renewal and Major Sites division is responsible for preparing planning regimes and assessing proposals for sites and precincts deemed to be of State or regional significance including employment zones and residential developments.

Part 3A of the Act provides the principal mechanism for the Department to assess major projects and is specifically designed to deal with the complexity of such applications. This process requires consultation with project stakeholders to ensure key issues are identified early and are thoroughly assessed. Depending on the complexity of an application, public consultation is tailored to ensure the community is provided adequate opportunity to review and provide comments to the Department. All submissions forwarded to the Department are considered as part of the project determination (refer *Sections 2.6 and 2.7*)

### ***1.4.1 Assessment Process for State Significant Sites***

State Environmental Planning Policy (Major Development) 2005 allows the Minister to declare an area to be a State significant site where it meets certain criteria.

This is one of the planning tools which can be used to deliver on the State's planning objectives on major sites and can be important for the implementation of the Metropolitan Strategy and other regional strategies. State significant sites are assessed under Part 3A of the Act.

A State Significant Site must be of State or regional planning significance because of its social, economic or environmental characteristics. When considering whether a site can be categorised as being of State significance, the Minister considers whether the site meets various criteria.

There are two methods by which the process for considering and including a site as State significant site can be initiated. The Minister may initiate the process by nominating a site to be a State significant site or a proponent may initiate the process by requesting that the Minister nominate their site to be a State significant site.

Prior to making a decision as to the State significance status of a site, the Minister may initiate an investigation into a State significant site by requiring the Director-General undertake an assessment to determine the appropriate uses for the site.

### **1.5 Recent Reforms to the Development Assessment System**

As part of recent reforms to the planning system, significant progress has been achieved in depoliticising decision making of development across the State. At the State level, the Minister for Planning established the Planning Assessment Commission (PAC) to provide advice and determine applications delegated to it by the Minister. Also, at a regional level, Joint Regional Planning Panels (JRPPs) have been established to determine development applications considered to be of regional significance. These initiatives increase transparency and assist in depoliticising decision making for larger and regionally significant applications across the State.

In promoting greater transparency in decision making, any person submitting a relevant planning application to the Minister for Planning or the Director General is now also required to disclose all reportable political donations (if any) made within the relevant period to anyone by any person with a financial interest in the application.

### **1.6 Role of Stakeholders in the Planning System**

Increased opportunity for public involvement and participation in environmental planning and assessment is a key objective of the Act.

Community and stakeholder consultation has been an integral component of the NSW Government's plan making and major projects assessment function since the inception of the Act in 1979. Stakeholder consultation provides an opportunity for the community to inform the development and plan making process and guide the decisions of Government through its local knowledge.

In undertaking their functions, Departmental staff frequently meet with a variety of stakeholders, in particular local government, industry associations, environmental and community – both as associations and as individuals and development proponents. On relatively fewer occasions, registered lobbyists (defined below) on behalf and/or at the request of their clients meet with the staff. This is part of the planning process and consistent with Government policy. Some proponents choose to be represented by lobbyists at their discretion. This does not impact on the way in which the merit assessment process is carried out or its outcomes.



"Lobbyist" means a person, body, corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to represent the interests of a third party to a Government Representative. "Lobbyist" does not include:

- (a) an association or organisation constituted to represent the interests of its members;
- (b) a religious or charitable organisation; or
- (c) an entity or person whose business is a recognised technical or professional occupation which as part of the services provided to third parties in the course of that occupation represents the view of the third party who has engaged it to provide their technical or professional services.

NSW Government Lobbyist Code of Conduct, 2009, p.2

The Government's Lobbyist Code of Conduct (refer *Attachment C*) was made effective in February 2009 and was prepared to ensure that contact between lobbyists and Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty and is strictly adhered to. The Director General has instructed that all staff in the Department be trained on the Government Lobbyist Code of Conduct.

#### 1.7 Transparency in decision making

A key priority for Government is to continually improve the planning system through the promotion of transparency and certainty in decision making. This includes greater community involvement in the way plans are developed, implemented and reviewed enabling local communities to shape their own futures within regional strategies which set out broad planning principles.

The Department currently provides an extensive amount of information on its website including a register of and status updates on Part 3A and State Significant Site proposals, exhibition of major projects, status of local environmental plans, various policies and strategies and corporate material.

With increasing emphasis on the electronic exchange of information via the internet, electronic means of distributing information, the Department intends to continue to improve public access to information on all facets of planning across the State.

In October 2007, the Department issued the Guidelines for Major Project Community Consultation (refer *Attachment D*). The Guidelines were designed to clarify what is adequate and *appropriate* consultation. They also provide an outline on what community and stakeholder consultation is expected from the Department and proponents prior to, during and after the assessment of concept or project applications and therefore assist proponents to meet any community consultation requirements issued by the Director-General of the Department of Planning.

The Department will continue to engage with stakeholders in all areas of planning to ensure transparency of decision making and so decisions are made on the best possible information available.

## **2 Strategic Planning in NSW & the Western Sydney Employment Lands**

Identifying and planning for sufficient amounts of employment land in Western Sydney has been a long term priority of successive Governments. There has been significant strategic planning work undertaken by the Department over the last 20 years to ensure there are sufficient amounts of suitable employment land in Western Sydney to cater for population growth as well as the rise of Sydney as Australia's global city.

### **2.1 1988: Sydney Into its Third Century; 1989: Metropolitan Update for the Sydney Region 1989**

*Sydney Into its Third Century – Metropolitan Strategy for the Sydney Region* was released in February 1988. The purpose of the strategy was to guide the development of the Sydney region from 1988 over the period in which an extra one million people would be added to the region's population (refer *Figure 2.1*).

In 1989, the Department released an update of the Metropolitan Strategy which summarised the results and outlined changes in the Strategy that were made in response to "new circumstances and opportunities".

One of the key changes of the revised Strategy was the identification of South Creek Valley as an area for investigation to accommodate future growth in Sydney.

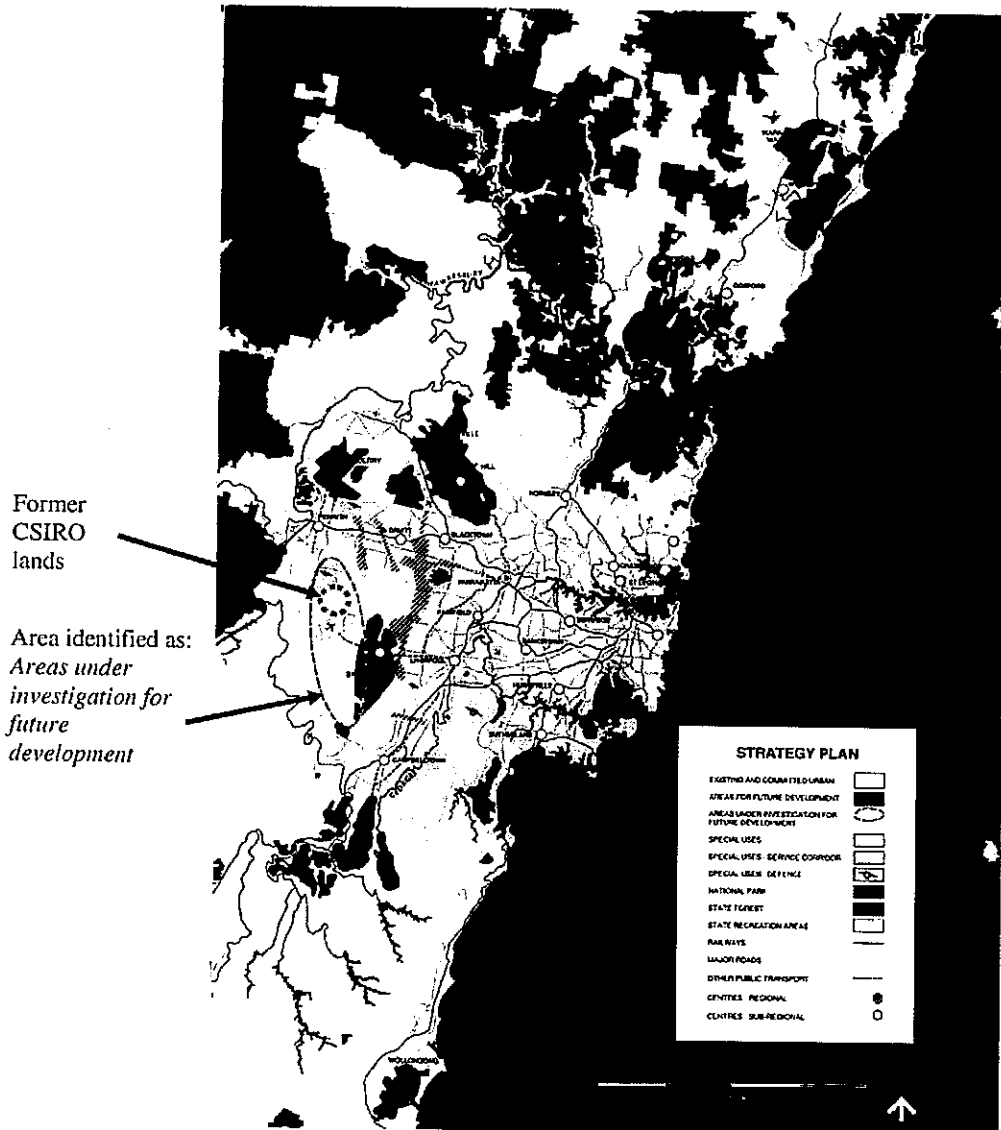
The Strategy update states:

*"The new sector corridor of South Creek Valley has been included. The exact location of the corridor will be determined after detailed investigation and the preparation of a regional environmental plan, which has commenced. The original Strategy plan identified much of this area as being under consideration for potential urban use.*

*A number of factors led the Government to accelerate the investigation area. The most pressing were the need to increase the supply of affordable land for housing and to create local job opportunities.....With these developments, and with the Federal Government's decision to develop a general aviation facility at Badgerys Creek by 1992, the NSW Government recognised the need to accelerate planning for services and infrastructure in the area. The corridor could provide an opportunity to create an integrated city, providing housing in an attractive environment and also providing land for advanced technology activities associated with the airport and tertiary education."*

**Figure 2.1** Sydney Into Its Third Century, 1989 Update

The accompanying map includes an egg shaped area which is identified as “areas under investigation for future development. The area referred to as the South Creek Valley includes the former CSIRO lands.



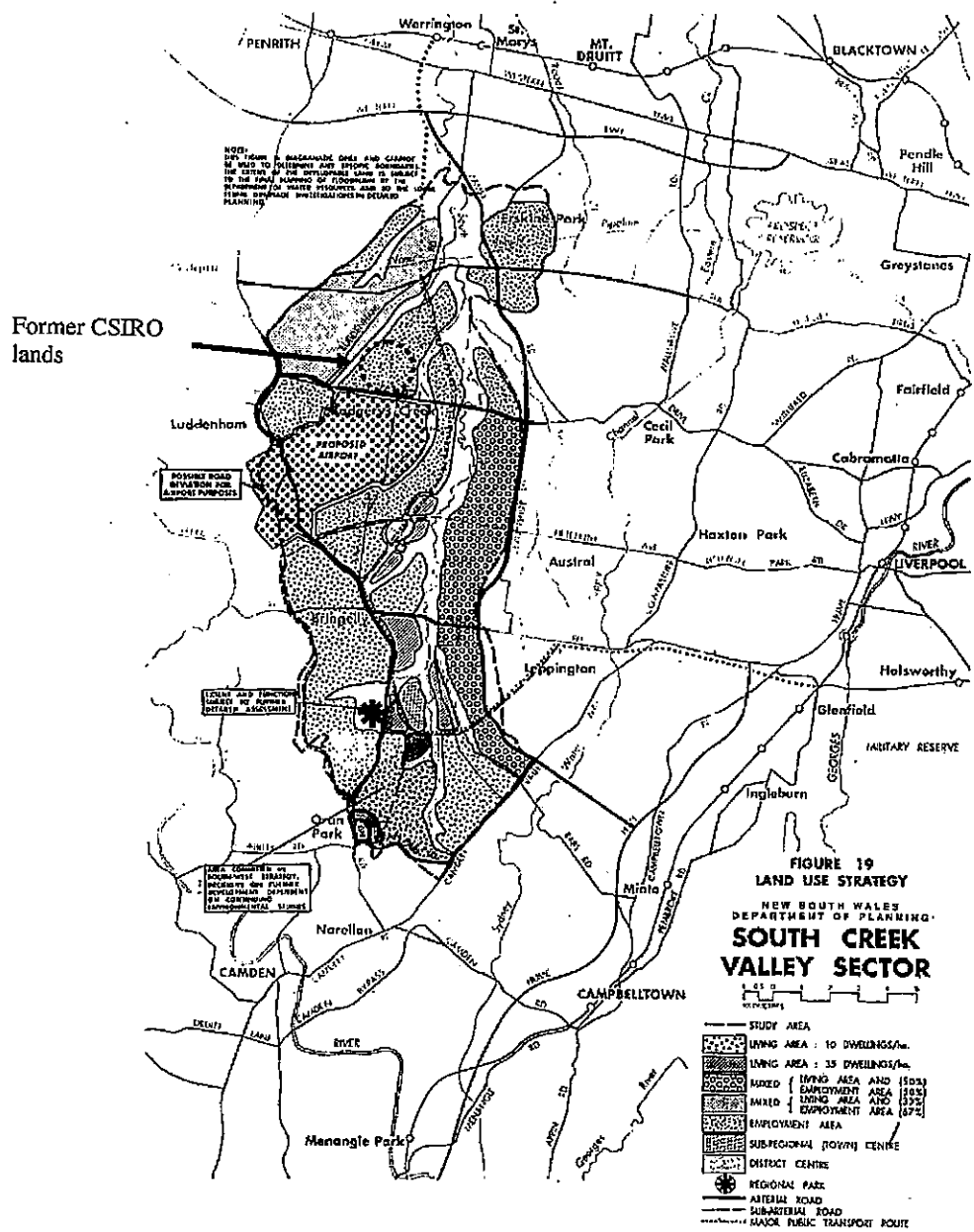
**2.2 1991: South Creek Valley Regional Environmental Study**

In response to the identification of the South Creek Valley as an investigation area in the 1989 update to the Sydney Into its Third Century metropolitan strategy, the Department prepared a Regional Environmental Study (RES) and draft Regional Environmental Plan (REP) for the South Creek Valley.

The South Creek Valley RES and draft REP were prepared in response to several factors. These included the proposed location of the second Sydney airport at Badgerys Creek, proximity to proposed educational facilities, "and the presence of large landholdings which can be economically and efficiently serviced" (refer Figure 2.2).

The land use strategy identified in the RES locates future employment areas around the airport site at Badgerys Creek.

Figure 2.2 Draft South Creek Valley Land Use Strategy, 1991



The Land Use Strategy included in the RES (refer *Figure 2.2*) includes significant employment areas around the Badgerys Creek airport site. The former CSIRO lands and other adjoining lands are identified as being suitable for future employment use.

In the early 1990s, the Government deferred the timing of any further investigation of development in South Creek Valley due to concerns over air quality and water quality. The deferral was on the basis the Government would investigate these issue further prior to any development proceeding in South Creek Valley. This decision was not based on land in South Creek Valley being unsuitable for development.

**2.3 1995: Cities for the 21<sup>st</sup> Century – Integrated Urban Management for Sydney, Newcastle, the Central Coast and Wollongong**

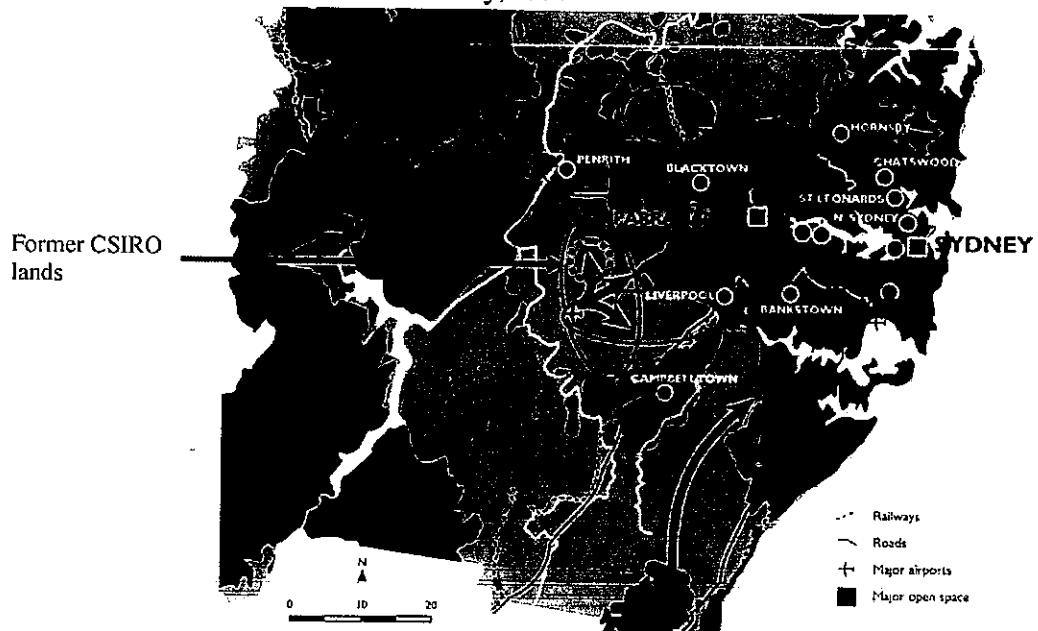
The Department of Planning prepared the *Metropolitan Strategy for Sydney – Cities for the 21<sup>st</sup> Century* which was released by the Government in 1995 (refer *Figure 2.3*).

South Creek Valley/Bringelly was retained in the 1995 Metropolitan Strategy as a future option for investigation to meet Sydney’s future growth needs.

The strategy states:

*“Proposals exhibited in 1991 for developing in South Creek Valley continue to be on hold pending the completion of a range of environmental investigations”.*

**Figure 2.3** Cities for the 21<sup>st</sup> Century, 1995



The strategy included in the document identifies a number of longer term options for Sydney's housing and employment growth. The South Creek Valley area was identified as a future growth area, and the former CSIRO lands were contained within the identified area.

## **2.4 2005: Metropolitan Strategy for Sydney**

The strategy identifies the need to accommodate a significant number of the forecast 280,000 new jobs in employment lands close to the M7 Orbital, and particularly in Western Sydney. There is also a need to identify, zone and develop 4,000 – 7,500 hectares of new employment lands.

Action A1.2 of the strategy identifies the need to plan for sufficient zoned land and infrastructure to achieve employment targets. One of the objectives is to plan and develop new greenfield sites to meet demand in new growth areas.

### ***2.4.1 Supply of Industrial land***

The Metropolitan Strategy has identified the need for Sydney to preserve its competitive position through the continued supply of quality employment lands which are serviced and ready to go.

The location and fragmented holdings that constitute existing supply do not meet the broad acre needs of current employment land consumers. The lead time taken for quality employment land in greenfields locations to come on-line with current approval and infrastructure constraints is also a consideration.

At a macro level, the overall demand for Employment Lands in Sydney's Greater Metropolitan Region is driven by a number of key factors. They include:

- rising population growth
- globalisation and immigration
- connectivity, particularly the role of Sydney as Australia's economic gateway
- proximity to international ports and airports through road networks
- technological change and supply chain impacts on the demand for employment land

More locally, demand is being driven by the transport and logistics industries, which require large broad acre developments at competitive costs that are close to strategic transport infrastructure and support services.

Technically, a number of documents and studies published by both the NSW Government and independent firms, have attempted to quantify the aggregate demand for Employment Land over the past few years:

- Sydney Metropolitan Strategy - the Metropolitan Strategy identifies that the Region's stocks of Employment Lands will need to increase by up to 7,500 hectares to 22,000 hectares by 2031. This is significantly in excess of the current industrial zoned land of 14,500 hectares and significantly down on Melbourne, which also has a current supply of 22,000 hectares with a population 25% smaller.
- Macro Plan Australia - Macro Plan has argued that, based on projections of blue collar workers only, around 8,200 hectares of new employment lands would be needed by 2031. This is without Business Park operations.
- SGS - The "in-house" Employment Lands model projects between 5,000 hectares and 7,000 hectares of new supply needed by 2031.
- BIS Shrapnel - A detailed study in 2006 outlined that supply was a problem, with somewhere between 4 and 11 years supply of Employment Lands being available in Sydney. Benchmarks, used both internationally and in Australia, suggest 15 years supply as a minimum.

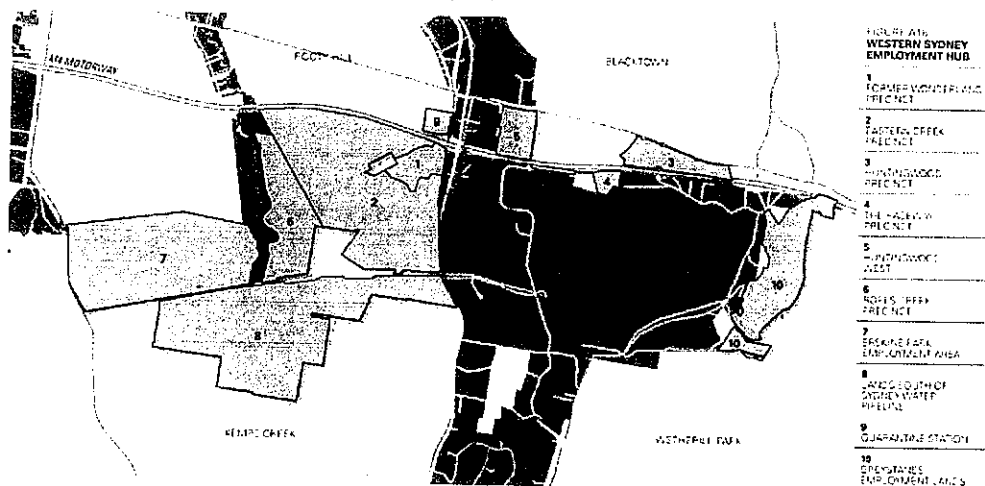
The studies are generally consistent and reflect a supply base of around 22,000 hectares of Employment Land being required to 2031. This is between 7,000 and 8,000 hectares short of current supply in Sydney and is further exacerbated by the location and fragmented nature of existing supply.

Action A1.3 of the Metropolitan Strategy also identified the need to work with industry regarding the identification and protection of employment land stocks. The Employment Lands Advisory Group was established to advise the Government on employment lands policies, future employment lands supply and demand, and mechanisms to improve planning and delivery of established employment lands.

Action A1.5.2 specifically deals with protecting and enhancing employment lands in the M7 Motorway corridor. This action identifies the Western Sydney Employment Hub (now known as the Western Sydney Employment Area or WSEA) as an area that has the potential to provide significant stocks of employment land for Sydney in the short term (refer *Figure 2.4*).



**Figure 2.4** Western Sydney Employment Hub, 2005



Action 1.6.3 deals with streamlining development control frameworks and development assessment processes in the context of delivering employment land across Sydney.

## 2.5 2006-2007: Employment Lands Action Plan

In response to Action A1.2 the NSW Government announced in February 2006 a high level Employment Lands Taskforce of industry and government to advise on the current situation in regard to employment lands in NSW in the context of factors such as growing pressure for rezoning of existing employment lands for other uses, particularly residential development.

The Taskforce was chaired jointly by the Department of Planning and the Department of State and Regional Development, and consisted of Government, industry stakeholders and local government (refer *Attachment A*) and investigated a range of issues from both the public and private sector perspective on the competitiveness and adequacy of employment lands across Sydney.

Based on historical trends of annual take-up of vacant land for employment purposes, that is data for 1991 to 1997, the Action Plan identified an average annual take-up for the Sydney Region of 140 hectares. This approach was used in the development of the Metropolitan Strategy, which identifies a possible need for up to 7,500 additional hectares by 2031 across the Sydney Metropolitan Region.

In March 2007, the "Employment Lands for Sydney Action Plan" was released. It puts forward a number of initiatives for Government action based on the recommendations from the Employment Lands Taskforce designed to maximise opportunities for new investment and jobs from the timely provision of employment lands in the right places. The key actions identified by the task force included:

- establishing an Employment Lands Development Program
- release more greenfield land to overcome a shortage of supply
- develop new policy initiatives to encourage the regeneration of brownfield sites
- employ more efficient processes for rezoning and developing employment lands, including the use of Part 3A to expedite approvals where projects are of State significance
- improve coordination between agencies, councils and industry.

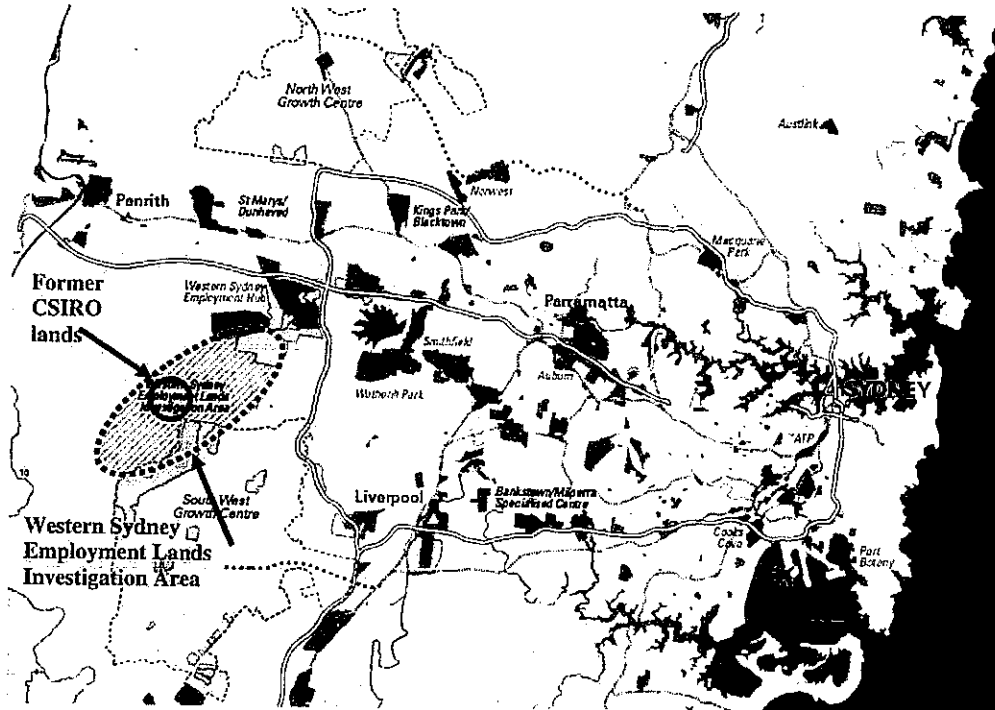
The Action Plan includes a key initiative to release more greenfield lands for employment purposes and a specific reference to the Western Sydney Employment Lands Investigation Area.

*"The Department of Planning will also consider the designation of a Western Sydney Employment Lands Investigation Area in the area between the Western Sydney Employment Hub and Badgerys Creek to the north of Elizabeth Drive. The aim is to investigate medium-long term needs and integrate this into the development of both the Western Sydney Employment Hub and the South West Growth Centre.*

*The investigation process will assess the potential of this area for employment lands based on principles of ecologically sustainable development and taking into consideration the staged release of employment lands in surrounding areas. It will identify up front constraints and access issues to be resolved prior to rezoning including cost and feasibility of servicing the site."*

The "Sydney Region Map" included in the document identifies an egg shaped area stretching from the South West Growth Centre and Badgerys Creek Airport in the south to the Western Sydney Employment Hub in the North. The area was titled the Western Sydney Employment Lands Investigation Area (WSELIA) (refer *Figure 2.5*).

**Figure 2.5** Employment Lands Action Plan, 2007



Advice provided by the Department (Sydney West Region) in August 2007 to the former Minister recommends consideration of the listing of the WSELIA identified in the “Employment Lands for Sydney Action Plan” as a potential State Significant Site in Schedule 3 of SEPP – Major Projects. The site consisted of approximately 7,000 hectares of potential employment land, which included the 830 hectares owned by the Badgerys Creek Consortium. The Consortium area consisted of the 340Ha former CSIRO site, plus other land owned by the University of Sydney and Damjanovich.

The Department identified the following reasons for progressing an investigation into the listing of the whole area:

- *“In March 2007 the Minister announced the land between the existing Western Sydney Employment Hub and the northern edge of the SW Growth Centre is to be a Western Sydney Employment Lands Investigation Area.*
- *Unless approached strategically, its likely that the Department will come under pressure for individual site rezonings/redevelopment which will, of necessity, be dealt with on a localized, ad hoc basis. This may lead to a significant unfunded gap between the infrastructure needed to mitigate the regional impacts of the development and that provided by developers.*

- *The Employment Lands Taskforce advised employment land in Western Sydney will not be required within the next 5 years, therefore, if the work proposed is approved, the Department will have a landbank ready to rollout on a just in time basis in the future.*

The advice outlined a timeframe for investigation and indicated that concept plans may be accepted by May 2008. The advice also states that concept plans should be accepted after "Cabinet sign-off on the infrastructure plan/levy occurs, and exhibition of the SSS amendment is completed". It was anticipated that the exhibition of the strategic investigations would occur in March 2008.

In early October 2007, the Government allocated \$2 million to the Department of Planning for the rapid delivery program of employment lands in Sydney.

In response to the allocation of funding, the former Minister endorsed the approach on 29 October 2007, enabling the Department to commence the technical and planning investigations for the WSELIA.

The Department commenced its investigations in January 2008. It was anticipated the investigations, rezoning and relevant infrastructure investigations would be completed by mid 2008.

## **2.6 2007 - 2009: Western Sydney Employment Lands Investigation Area**

Since the release of the Metropolitan Strategy in 2005, the employment lands identified have experienced considerable uptake. Western Sydney, already an economic powerhouse of NSW in its own right, has continued to grow, capturing 52% of the overall growth in new industrial floor space. This has translated to development approval of \$1.5 billion worth of major projects providing nearly 16,000 jobs. Much of the investment in the key employment lands identified account for manufacturing, transport and logistics activities.

In light of the need to increase the supply of available industrial land for the medium to long term, the Western Sydney Employment Lands Investigation Area was seen as a significant opportunity to assess the potential of the area to meet expected employment land needs. This view was supported by historical trends identified in the Action Plan indicating an annual take-up of 140 hectares of vacant land for employment purposes within the Sydney metropolitan region.

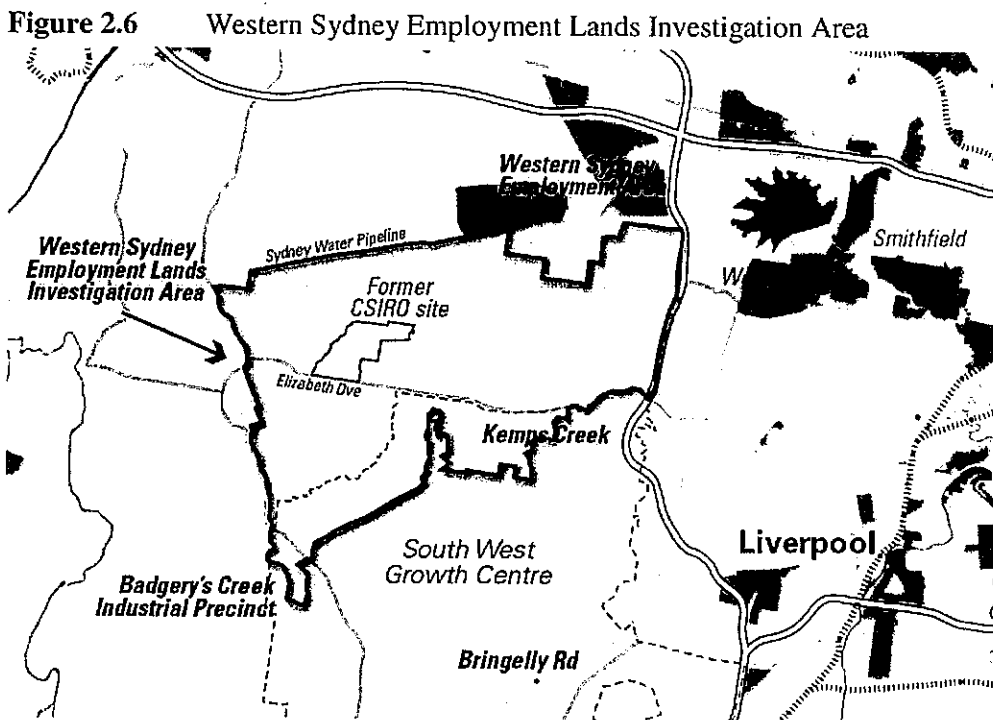
To implement the initiatives in the March 2007 Employment Lands for Sydney Action Plan, the Department of Planning commenced detailed investigations of the area. These investigations commenced in late 2007/early 2008 and were proposed to be completed by mid 2008.

The investigation area for employment lands in Western Sydney covered an area of around 10,500 hectares. In addition to land adjacent to the M4/M7 interchange, the investigation area also included some potential industrial lands identified in the northern area of the South West Growth Centre.

The Investigation Area (refer *Figure 2.6*) is made of the following:

- Core investigation area for employment purposes 7,000 hectares
- Badgerys Creek Industrial Precinct (South West Growth Centre) 1,200 hectares
- Kemps Creek 800 hectares
- Eastern extension area 1,500 hectares

The area being investigated included the former CSIRO lands.



As part of the investigations into WSELIA, a number of studies were independently undertaken to examine a range of environmental, social and economic issues. Sinclair Knight Merz (SKM) was the lead consultant; however, operated with a variety of established specialist organisations. These are listed in *Table 2.1* below.

**Table 2.1** Consultants commissioned for WSELIA studies

Study	Consultant(s)
Geotechnical	Sinclair Knight Merz
Drainage and Flooding	Sinclair Knight Merz
Flora and Fauna	Sinclair Knight Merz
Air Quality	Sinclair Knight Merz
Noise	Sinclair Knight Merz
Contamination	Sinclair Knight Merz
Heritage	Sinclair Knight Merz
Bushfire Risk	Australian Bushfire Protection Planners
Employment	Sinclair Knight Merz
Land Use	Sinclair Knight Merz
Traffic and Transport	Sinclair Knight Merz, Strategic Design & Development
Utilities	Sinclair Knight Merz

Further details on these studies is provided in *Appendix E*.

The investigation involved an assessment of environmental constraints, potential lands for development and infrastructure servicing requirements. Based on these investigations and other work undertaken for the Western Sydney Employment Area, the key outcomes of the investigation were:

- Around 4,000 hectares of potential land capable for development. This included lands within the Western Sydney Employment Area and the WSELIA.
- The identification of around 30 years of employment land supply for Sydney, which is particularly relevant given the low supply of unconstrained and available employment land stock.
- Infrastructure constraints particularly around sewer, water and road infrastructure. This was particularly relevant for the southern area of the investigation area (referred to as Stage 3 which included the former CSIRO land).
- The need to further investigate the relationship of the southern area of the investigation area with the South West Growth Centre and Badgerys Creek airport site, particularly given the recent Commonwealth announcement on not progressing with the airport in this location.
- The availability of suitable mechanisms for the delivery of infrastructure.
- Development of appropriate staging and release of zoned land to satisfy market demand in a timely way including consideration of options to facilitate the rapid rezoning and delivery of rezoned land.

In reporting the findings to Government, the Department advised that a development staging program be applied to the WSEA to support the timely and coordinated development of this area in a strategic manner, consistent with urban growth frameworks and efficient delivery of infrastructure.

The development staging program identified a supply of land for 30 years into the future. The ability of each development stage to progress would depend on the ability to satisfy infrastructure requirements at the time of release.

The development staging program was based on the following broad sequence:

- Stage 1: The first stage consists largely of those areas identified in North Greystanes, Huntingwood, Eastern Creek, and Erskine Park. Much of this land was already zoned for industrial use under the former SEPP 59 – Central and Western Sydney Economic and Employment Zones and relevant provisions in the Penrith LEP.
- Stage 2: The second stage consists of the Ropes Creek precinct, between Eastern Creek and Erskine Park employment lands, and the precinct known as “South of Warragamba Pipeline”, immediately adjacent to the south of the Eastern Creek/Erskine Park Employment Lands/Ropes Creek precinct.
- Stage 3: The third stage to have the potential for rezoning to include Kemps Creek, Badgerys Creek, and Cosgrove Creek precincts. The Badgerys Creek precinct included the former CSIRO land. The Department identified that the Stage 3 area required further assessment in relation to the supply and demand for employment land in the area, the proximity to existing and planned residential areas as well as proximity to the Badgerys Creek Airport site, and infrastructure requirements, particularly water, sewerage, electricity, telecommunications, and transport.

In terms of the most efficient rezoning process, one option put forward by the Department for consideration by Cabinet included the use of a SEPP to identify the entire WSEA area, but to stage the release over 30 years, which is similar in concept to the approach being taken in the South West and North West Growth Centres where rezoning, release and staging are considered strategically. This option stipulated that release could only occur where infrastructure and other relevant matters had been resolved.

Government resolved **not** to rezone the entire WSELIA. Government only endorsed Stage 1 and Stage 2 of the WSEA for release, and to apply a State Infrastructure Contribution. The Stage 3 lands, including the former CSIRO lands, were not included as part of the rezoned lands identified in the announcement. In light of the infrastructure requirements for the Stage 3 lands, the Government resolved to

undertake further work on funding and delivery of essential infrastructure. This work is now occurring across several agencies.

It is also noted that, in 2008, Government exhibited a draft State Environmental Planning Policy for the Western Sydney Employment Hub (excluding the former CSIRO land). Subsequent to the exhibition period and in considering public submissions, State Environmental Planning Policy (Western Sydney Employment Area) was gazetted in August 2009. This created a consistent zoning system for existing employment lands and zones including 826 hectares of new employment lands, mainly in the Ropes Creek area and south of the Sydney Water pipeline.

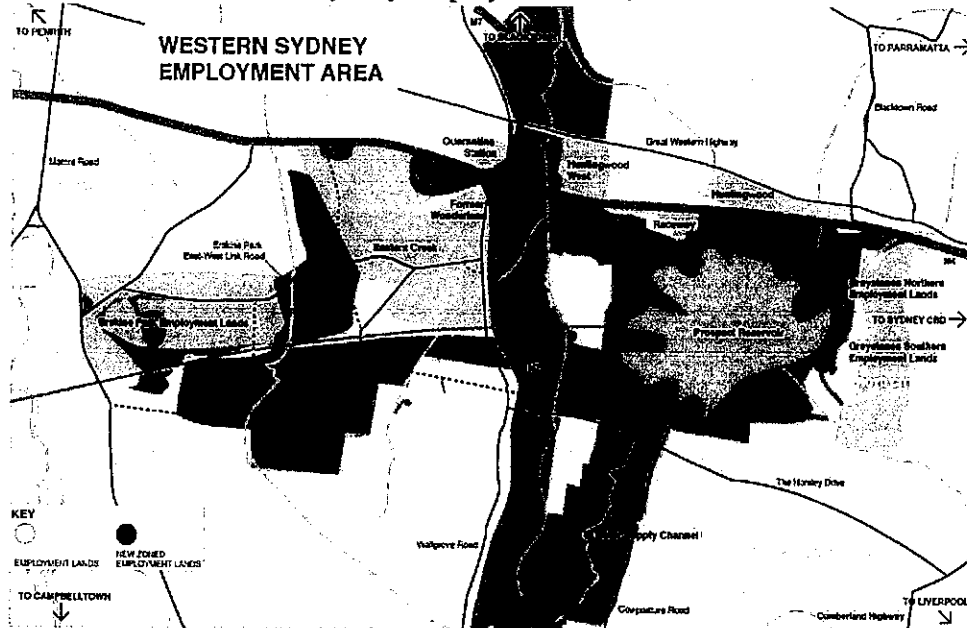
## **2.7 2009 Release of the Western Sydney Employment Area**

In August 2009, the NSW Government announced a number of decisions made in relation to the Western Sydney Employment Area based on the Department's investigations. These included:

- Rezoning of more than 800 hectares of employment lands at WSEA, with a job capacity of 16,500 people. This brings the total employment lands in WSEA to over 2,200 hectares with the potential for over 40,000 jobs in total (refer *Figure 2.7*).
- Gazettal of the new planning framework for WSEA through the WSEA SEPP. This rezones areas appropriate for industrial development, identifies conservation areas and outlines infrastructure requirements and funding mechanisms to support job-generating development.
- Progress on the Erskine Park Link Road network, including concept plan approval for the road network and \$80 million to progress the east-west section of the Erskine Park Link Road network between Lenore Lane and Old Wallgrove Road.
- Establishment of a development contribution arrangement for State infrastructure at a rate of \$180,000 per net developable hectare. This arrangement of obtaining contributions is consistent with development in the North West and South West Growth Centres and provides proponents with upfront certainty on the infrastructure costs they are asked to bear for new development.



**Figure 2.7** Western Sydney Employment Area, 2009



The outcomes achieved provide a number of benefits for business and the community. These benefits include the following:

- Greater certainty for industry in developing and investing in the WSEA through the new planning framework and development contribution arrangements. This will encourage job creation by making it easier for people in Western Sydney to have jobs closer to home.
- Delivery of key road infrastructure to service existing and new precincts within WSEA. This will unlock the development potential of WSEA, making it easier to generate jobs and investment.
- Removing industrial traffic from residential streets and onto arterial roads, making it safer for the local community to travel in the area.
- Stimulating the NSW economy by encouraging jobs and investment, thereby generating additional revenues to the NSW budget to support government services to the community.

The Stage 3 lands, including the former CSIRO lands, were not included as part of the rezoned lands identified in the announcement.

### 3. Former CSIRO Lands – Requests

The following part of the report provides a summary of requests from Medich Holdings between 2005 and 2009 in relation to their former CSIRO lands.

#### 3.1 South West Growth Centre

In 2005, the architectural and planning consultancy firm Cox Richardson lodged a formal submission to the Department of Planning to have the former CSIRO and University of Sydney lands considered as part of the South West Growth Centre strategic planning process.

The submission indicated that the land, having an “*area of around 700 hectares*”, has been identified as future employment lands in various strategic planning instruments.

The Land Release Advisory Committee (LRAC) was established to provide independent advice to Government on the boundary alignment of the Growth Centres. The submission from Cox Richardson, along with a number of other requests, was referred to the LRAC for consideration. The Department recommended to the LRAC that the land not be included as part of the South West Growth Centre investigations as it was not included in any part of the original investigations that occurred between 2003 and 2005 for the purpose of establishing the growth centres.

The LRAC meeting was held on 18 November 2005 and consisted of the following members:

- Director-General Department of Planning
- Cabinet Office Representative
- Growth Centres Commission General Manager (Observer)
- Probity Advisor
- Independent Industry Representative
- General Managers (or alternates) for Liverpool Council, Campbelltown City Council, Camden Council, Blacktown Council, Baulkham Hills Council and Hawkesbury Council.

The LRAC agreed with the Department’s recommendation which was reported to the Government for its endorsement.

The land was subsequently not included as part of the South West Growth Centre.

### 3.2 Cox Richardson Submission – Early 2006

Cox Richardson forwarded a detailed submission for the former CSIRO site to the Department of Planning in early 2006. The submission requested that the site be designated for employment purposes.

A draft letter prepared by the Department of Planning dated 12 April 2006 notes that the site has potential as a location for employment related activities.

*“However, as part of the Metropolitan Strategy, an Employment Lands Taskforce and Employment Lands Development Program has been introduced to monitor the supply of employment lands.....Arrangements will be made to ensure the Employment Lands Taskforce review the potential of this site, and its possible inclusion in any further identification or expansion of employment lands declarations or policy.”*

### 3.3 Cox Richardson Letter – 8 December 2006

On 8 December 2006 Bob Meyer of Cox Richardson wrote to the former Minister for Planning, requesting that consideration be given to designating the former CSIRO and University of Sydney land for “*employment purposes*” so as to allow the landowners to proceed “*as soon as possible with planning for infrastructure*”.

The key arguments put forward by Cox Richardson were:

- The Site has been identified in the Metropolitan Strategy for Sydney as possible employment.
- Its location adjacent to the South West Growth Centre will provide employment opportunities for new residents in the growth centres, close to their homes.
- Its proximity to the M7 Orbital and the centres of Penrith and St Marys.
- Their consultant’s advice that existing zoned employment land in South West Sydney would be exhausted in 3 years, and 7 years in Penrith.
- The site is serviced by water.
- A long standing proposal for a north south transport corridor between the M7 Orbital and the Northern Road which would link the North West and South West Growth Centres and lie within close proximity to the subject site.
- Additional employment land being vital to service the new residential population of the growth centres. That is, employment close to home.
- The long lead times it takes to identify, rezone and service new industrial land means that action to find new land needs to be taken in the short term.

The briefing note from the Department of Planning to the then Minister outlined the strategic investigations being undertaken by the Government for the identification of employment lands and in this context states *"The Cox Richardson proposal is considered appropriate in principle as the land is within the Investigation Area"*.

#### **3.4 Medich Holdings Letter – 5 March 2007**

On 5 March 2007 Medich Holdings wrote to the Department confirming their interest in progressing the rezoning of their land for employment purposes through Part 3A of the EP&A Act.

The correspondence from Medich Holdings notes that Badgerys Creek was identified in the Metropolitan Strategy for Sydney as an investigation area for future employment land, and that the Department was progressing its investigations.

Medich Holdings indicated its consultants had developed a vision for an employment strategy for Greater Western Sydney and it was keen to progress this matter under Part 3A as a Major Project.

As outlined earlier in this submission, on 6 March, 2007 the Government released the "Employment Lands for Sydney Action Plan" which was one of the actions identified under the Metropolitan Strategy for Sydney released in December 2005. The accompanying map identified an egg shaped investigation area which included the former CSIRO and Sydney University lands.

On 29 March 2007, the Department wrote to Medich Holdings indicating that any Part 3A application would need to be informed by the broader investigations being undertaken as part of the Government's announcement on 6 March 2007. The letter indicates that whilst the Department is:

*"sympathetic to your request to pursue the development of your land under the provisions of Part 3A of the EP&A Act, as the development is not currently permissible, I would expect the work to be undertaken in close connection with the strategic planning work of our regional teams delivering the Subregional Strategies under the Metropolitan Strategy and in liaison with the new ELDP as announced in the Action Plan"*.

This reiterated that the Department supported the investigation of the site but only in context with and parallel to the strategic work underway.

### 3.5 Planning Workshop Australia Letter – 29 May 2007

On 29 May, 2007 Planning Workshop Australia wrote to the Department of Planning on behalf of the “*University of Sydney and the Medich Property Group*”. Planning Workshop Australia proposed the declaration of the land holdings totaling 830 hectares at Badgerys Creek and “*within the nominated Investigation Area*” as a State Significant Site under Part 3A of the EP&A Act. The land holdings comprised three ownerships being the University of Sydney, the Medich Property Group (former CSIRO lands) and Damjanovich.

The letter outlines a vision for the employment lands, a total capital investment value in excess of \$1 billion, its claimed consistency with Government announcements/policy citing the Sydney Metropolitan Strategy 2005, the NSW Treasury State Infrastructure Plan 2006-2007 and the Employment Lands for Sydney Action Plan 2007, as well as its strategic location close to key transport infrastructure and proximity to the South West Growth Centre.

Planning Workshop Australia argued the project is “*clearly of regional environmental planning significance*” and therefore requested the Minister declare the site to be a State Significant Site.

On 29 June 2007 Sydney Region West of the Department of Planning sent comments to the Strategic Assessments Branch on the proposed State Significant Site request received for the Badgerys Creek site. The memo outlines a preliminary focus meeting occurred on 19 April 2007 between the Department, Fairfield and Penrith Councils and WSROC to discuss the future of the WSELIA. An outcome of the meeting identified the need to undertake investigation work involving the strategic analysis of the area. It was noted that once the investigations were completed by the Department, it would allow the Department to consider some Part 3A proposals within the area. It was proposed that the strategic work commence immediately to “*allow the assessment of individual projects in a broader strategic context*”.

The memo also outlines that at a meeting Planning Workshop Australia (Sonia Lyneham), was advised that as the land forms part of the investigation area it would be “*preferred any future consideration of the site as a SSS/Pt3A Concept Plan Approval should wait until the investigation work has been completed*”.

While the Department was considering the State Significant Site request from the Badgerys Creek Consortium, the Department was commencing more detailed strategic investigations into the broader Investigation Area, as outlined below.

A briefing note prepared by the Department of Planning - Sydney Region West office in August 2007 to the former Minister recommends the listing of the entire WSELIA identified in the "Employment Lands for Sydney Action Plan" as a potential State Significant Site in Schedule 3 of SEPP – Major Projects. The entire site consisted of 10,500 hectares of potential employment land, which included the 830 hectares owned by the Badgerys Creek Consortium.

The Department identified the following reasons for progressing the listing:

- *"In March 2007 the Minister announced the land between the existing Western Sydney Employment Hub and the northern edge of the SW Growth Centre is to be a Western Sydney Employment Lands Investigation Area.*
- *Unless approached strategically, its likely that the Department will come under pressure for individual site rezonings/redevelopment which will, of necessity, be dealt with on a localized, ad hoc basis. This may lead to a significant unfunded gap between the infrastructure needed to mitigate the regional impacts of the development and that provided by developers.*
- *The Employment Lands Taskforce advised employment land in Western Sydney will not be required within the next 5 years, therefore, if the work proposed is approved, the Department will have a landbank ready to rollout on a just in time basis in the future."*

The briefing note outlined a timeframe for investigation and indicated that Concept Plans may be accepted by May 2008. The briefing note also states that concept plans should be accepted after "*Cabinet sign-off on the infrastructure plan/levy occurs, and exhibition of the SSS amendment is completed*". It was anticipated that the exhibition of the strategic investigations would occur in March 2008.

In early October 2007 the Government allocated \$2 million to the Department of Planning to for the rapid delivery program of employment lands in Sydney.

In response to the allocation of funding, the former Minister endorsed the approach on 29 October, 2007 enabling the Department to commence the State Significant Site process and the subsequent technical and planning investigations for the 7,335 Ha WSELIA.

The Department commenced its investigations in January 2008. It was anticipated the investigations, rezoning and relevant infrastructure investigations would be completed by mid 2008.

### 3.6 Planning Workshop Australia Letter – 14 February 2008

On 14 February 2008, Planning Workshop Australia wrote to the former Planning Minister on behalf of the Badgerys Creek Consortium indicating that the consortium "*wishes to apply to develop land at Elizabeth Drive, Badgerys Creek which is identified as an Employment Lands Investigation Area.*" Landowners' consent letters were provided by Roy Medich Properties Pty Limited, the University of Sydney and J and D Damjanovich as members of the consortium. The consortium sought the Minister's declaration that the proposal be assessed under Part 3A of the EP&A Act.

Planning Workshop Australia indicated the first stage of the project would have a capital investment value of over \$300 million which is over the then \$50 million threshold (Group 5, paragraph 13 Schedule 1 of the Major Projects SEPP) and that the Minister determine it was important in achieving State or regional planning objectives.

In March 2008, the Department formally wrote to stakeholders pursuant to section 75F(4) of the Act consulting with them in the preparation of Director General Requirements. This consultation was based on the request from Planning Workshop Australia dated 29 May 2007.

The consultation request was forwarded to the following agencies:

- Department of Environment and Climate Change
- Department of Water and Energy
- Ministry of Transport
- Roads and Traffic Authority
- Department of Primary Industries
- Integral Energy
- Department of Lands
- Department of State and Regional Development
- Transgrid
- NSW Fire Brigades
- Office of Emergency Services
- Growth Centres Commission
- Sydney Water Corporation
- Sydney Metropolitan Catchment Management Authority
- Heritage Office, Department of Planning
- Penrith City Council
- Fairfield City Council
- Hawkesbury-Nepean Catchment Management Authority

The correspondence to the organisations listed above stated that Government would consider the Western Sydney Employment Lands Investigation Area as a State significant site and references the strategic investigations which were taking place at the same time. It was noted that given the growth in demand for employment lands, the Department would be willing to consider the Badgerys Creek Consortium as a concept plan, the investigations must link into the broader investigation into WSELIA being undertaken by the Department.

In April 2008 the Department prepared a brief to the then Minister requesting the Minister declare the development by Badgerys Creek Consortium to be a project to which Part 3A of the Act applied, and to authorise the proponent to submit a concept plan for the project.

The briefing note however did not proceed. A note on file dated 6 May, 2008 indicates that the decision was made "*not to proceed at this stage pending the progressing of first the concept/structure plan work*". This decision was made to ensure that prior to any long term decision being made on WSELIA would be made in the context of thorough strategic investigations being undertaken by the Department. The investigations sought to define the area of potential development within the WSELIA and to assess the infrastructure requirements and environmental constraints associated with the area.

The Department wrote to Badgerys Creek Consortium on 23 May 2008 and advised the Department was currently undertaking a strategic investigation into the WSELIA to determine appropriate infrastructure and servicing arrangements, suitable land uses across the entire investigation area, and appropriate staging of land. In this context, the letter from the Department stated that "*at this stage it would be premature to progress development of your site in isolation of the wider area*".

In addition, it was stated that the outcomes of the WSELIA work were expected to be clarified in the "*next few months*" and that should the Minister at a future date form the opinion the proposed development is a major project the proposal must be consistent with the WSELIA investigations and framework.

In essence, the Department considered it to be premature to consider commencing a Part 3A process on the former CSIRO lands given the Department-led investigations over the broader area were nearing completion. In this context, it was considered prudent that any ad-hoc planning application within the investigation area should wait until such time that the investigations were completed and development capacity of the lands known.



### 3.7 End of 2008 – Present

On the 12 August 2009 the Government made an announcement on the Western Sydney Employment Area (WSEA), specifically the rezoning of an additional 800 hectares at Ropes Creek and south of the Warragamba pipeline, concept planning approval of the Erskine Park Link Road Network and funding to deliver the east-west section of the network, and a Special Infrastructure Contribution of \$180,000 per net developable hectare to fund infrastructure at WSEA.

The WSEA guide, prepared as part of the announcement, indicated that future planning for employment lands will focus on potential locations further towards the South West Growth Centre, with major infrastructure and other strategic planning needs that need to be resolved before a rezoning process commences in this area. The opportunity would be available for landowners to seek development in areas adjacent to the zoned employment area via a Precinct Acceleration Protocol process or Part 3A application. The Precinct Acceleration Protocol allows landholders to have the release of a precinct within the Growth Centres accelerated earlier than proposed by the Department. A key condition for acceleration of a Precinct is that there will be no cost to Government.

The Guide to the Western Sydney Employment Area states:

*“The opportunity would be available for landowners to fast-track development in areas adjacent to the zoned employment area through a process similar to the existing precinct acceleration protocol employed in the Growth Centres or via an application under Part 3A of the Environmental Planning and Assessment Act. A case would need to be demonstrated that the development of land outside of the program represents no cost to government in regard to infrastructure requirements and meets all relevant environmental tests”.*

The former CSIRO site was not included in this rezoning due to current servicing and infrastructure constraints, and other reasons as identified elsewhere above.

In early September 2009 the Director General and the Acting Director of Project Management and Coordination from the Department met with Graham Richardson (registered lobbyist) and Roy Medich of Medich Holdings to discuss the recent Government decision on the Western Sydney Employment Area.

Graham Richardson is listed on the Department of Premier and Cabinet’s Register of Lobbyists. The business name is listed as Richardson Graham Frederick, and Medich Property Holdings is one of the registered clients of the company.

Medich Holdings was seeking clarification as to why the Badgerys Creek area, including the former CSIRO land, was not included as part of the Western Sydney Employment Area rezoning announced by the Minister for Planning. It was advised the key reasons for not zoning Stage 3 areas (which includes the University of Sydney and former CSIRO lands) were based on significant unresolved infrastructure and servicing issues.

Medich Holdings sought clarification on what options are available to address the issues. In response, it was advised that in the context of its previous Part 3A requests and the position outlined in the Guide issued with the SEPP it could formally write to the Department outlining how the issues could be addressed. However, the issue of unresolved infrastructure and servicing (particularly sewer & roads) was raised again and emphasised. It was made clear that unless, and until those issues can be addressed, progressing the release of the Stage 3 lands would not be justified.

#### 4. Conclusion

Decisions made by the Department of Planning and the Government relating to the future land use of the former CSIRO lands have always been consistent with:

- a. The overarching objectives of government policy and the Environmental Planning and Assessment Act, particularly the need to plan for, in a balanced way, the short, medium and long term supply of employment land to support Sydneys growth.

Government policy on the delivery of employment land has evolved over time. There has been an increasing emphasis on delivering “ready to go” employment land across Sydney, and particularly Western Sydney to ensure Sydney maintains its competitive advantages as a global city, and respond to changing employment trends. Detailed investigations into employment lands in Sydney highlighted the need to identify and release significant stocks of new greenfield employment land quickly.

Any land use decision that involves the delivery of infrastructure must also be consistent with the States budget and other infrastructure priorities.

- b. Long term government planning strategies for Metropolitan Sydney which over a 20 year period have identified the lands in Western Sydney for future investigation or specifically for employment purposes.
  - In 1989 South Creek Valley was identified in the “*Sydney Into Its Third Century – Metropolitan Update for the Sydney Region*” as “Areas under investigation for future development”.
  - In 1991 the “*South Creek Valley Regional Environmental Study*” in the Land Use Strategy map clearly identified large areas around Badgerys Creek Airport, including the former CSIRO land as “Employment Area”.
  - In 1995 “*Cities for the 21<sup>st</sup> Century – Integrated Urban Management for Sydney, Newcastle , the Central Coast and Wollongong*” identified the South Creek area as a future growth area.
  - In response to an action outlined in the 2005 Metropolitan Strategy for Sydney, the Government released the “Employment Lands for Sydney Action Plan” in March 2007 which identified the Western Sydney Employment Lands Investigation Area (WSELIA) for investigation to provide future employment land for Sydney.

- c. Sound planning principles based on long term strategic planning objectives, detailed investigations and studies, engagement with stakeholders, and in accordance with the statutory requirements of the Environmental Planning and Assessment Act.

The Government allocated \$2 million of funds for the Department to carry out the detailed planning investigation for the WSELIA in response to the Government policy of rapid delivery of employment lands in Sydney.

These detailed planning investigations over the entire WSELIA occurred throughout 2008. The investigations found areas of land that had potential for future development for employment purposes, but there were significant issues relating to infrastructure cost, servicing and delivery which had to be resolved by Government prior to the staging and release of various areas.

The recent Government announcement on the WSELIA lands rezoned and released only Stage 1 & Stage 2 of the investigation area. Stage 3 of the investigation area, including the former CSIRO land was not rezoned or released due to unresolved infrastructure and servicing issues.

- d. Government policy and strategic planning principles in the consideration of any requests for rezoning or land use change.

Roy Medich Properties approached the Department on a number of occasions between 2005 and 2008 seeking the rezoning of the former CSIRO site for employment purposes.

In late 2005, a request was denied largely because the former CSIRO site had not been included in the original investigations for the South West growth centre which took place between 2003 and 2005.

In early 2006, a submission was referred to the Employment Lands Taskforce for possible inclusion in any further identification or expansion of employment lands. The site's potential for employment purposes was acknowledged by the Department at that time consistent with long term strategic planning objectives.

At the end of 2006 and in the first half of 2007 another three submissions were lodged. It was clear the imperative was to secure more employment land immediately for Sydney. The Department-led detailed investigations of the Western Sydney Employment Lands commenced in earnest in early 2008 after the Government allocated \$2 million to fund the program.

Given the Government policy to bring forward more employment land for Sydney, it was considered prudent to investigate the feasibility of a Part 3A process in response to landowner requests within the WSELIA where they

were received prior to, or in the early stages of the detailed investigations occurring, on the condition that any ad-hoc assessment be undertaken in parallel with the broader strategic investigations.

The Department-led investigations over the entire WSELIA were anticipated to be concluded by mid 2008. In this context, the Department in early 2008 formed the view that it would be premature to consider commencing a Part 3A process on the former CSIRO lands. It was considered prudent that any ad-hoc planning application within the investigation area should wait until the broader strategic investigations over WSELIA were completed.

The proponents were formally advised of this position in May 2008.

This site remains zoned for rural purposes and this designation has not changed.

# **Attachment A: Employment Lands for Sydney – Action Plan**

MARCH 2007

# EMPLOYMENT LANDS FOR SYDNEY \$

ACTION PLAN



# executive summary

## ACTION PLAN FOR SYDNEY'S EMPLOYMENT LANDS

### 1. EXECUTIVE SUMMARY

This 'Action Plan for Sydney's Employment Lands' is a key component of the NSW Government's 'Open for Business' strategy.

The Action Plan addresses issues raised by a high-level task force of industry and government, announced by the Premier and Minister for Planning in February 2006, to advise the NSW Government on the current situation in regards to employment lands in NSW.

The Employment Lands Task Force was established following NSW Government and industry calls for a fuller understanding of the adequacy of employment land provisions in NSW, and most noticeably Sydney, and growing pressure for rezoning of existing Employment Lands for other uses, particularly residential development.

In particular the Task Force puts forward a number of recommendations designed to maximise opportunities for new investment and jobs from the timely provision of employment lands in the right places.

Employment lands are commonly defined as industrial areas, which predominantly accommodate manufacturing, distribution and non-centre urban services such as panel beating and concrete batching plants. The emergence of business parks and technology parks, which may contain a mixture of research, manufacturing, distribution and office activities also fall under this classification.

This Action Plan details a range of initiatives which the NSW Government is pursuing to advance planning of employment lands. These are summarised under five key areas of activity:

#### 1. Establish an Employment Lands Development Program to maintain the balance between demand and supply of employment land.

The NSW Government will establish the Employment Land Development Program (ELDP) to monitor provision of employment lands across metropolitan Sydney. This will depict existing and potential stocks of employment land, identify future land requirements and provide information on land availability, servicing, take-up and vacancy rates. It will be underpinned by sophisticated GIS systems and will inform an Annual Report to the NSW Government.

#### 2. Release more Greenfield land to overcome a shortage of supply.

The ELDP will inform subsequent release and servicing of more greenfield employment lands in Sydney to provide for a range of additional jobs, matching residential and workforce growth, and improve Sydney's employment lands competitiveness. Regional Strategies have also identified planned and future investigation employment lands.

#### 3. Develop new policy initiatives to encourage the regeneration of brownfield sites to support new investment and employment opportunities.

The NSW Government will develop new initiatives and partnerships for protecting and renewing brownfield employment lands. These include:

- identification of strategic employment lands as part of subregional strategies;
- designating economic renewal investigation areas;
- strengthening the role of Landcom in regenerating underutilised employment lands; and
- strategic application of industry network programs and planning reform funds to revitalise employment lands.

#### DISCLAIMER

This document is a response by the NSW Government to provisions of the Employment Lands Task Force. Whilst it reflects the broad views of the NSW Government and the Task Force, not all parties may support every conclusion of the report.



MARCH 2007

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#### 4. Employ more efficient processes for zoning and developing employment lands.

The NSW Government recognises the benefits to business competitiveness of streamlining the planning process and cutting red tape. Our series of initiatives include:

- committing to develop a State Environmental Planning Policy (SEPP) to identify and provide the development framework for employment lands across the State.
- using the *Major Projects SEPP* for determining land sites and/or infrastructure;
- application of the Standard Instrument to aid councils in zoning existing and potential future employment lands;
- identifying, through subregional strategies, strategically important employment lands; and
- reviewing existing regulation for industry.

#### 5. Improve coordination between State Departments and Agencies, councils and industry to improve economic development opportunities associated with employment lands policy.

The NSW Government will build upon the work of the Employment Lands Task Force through the establishment of an ongoing advisory body, the Employment Lands Ministerial Advisory Committee, comprising industry and government representatives. This committee will inform and review the work of the ELDP and will establish links with other NSW Government initiatives, such as the *State Infrastructure Strategy*, *Innovation Strategy* and the NSW Skills Council.

#### NSW GOVERNMENT'S STATE PLAN INNOVATION STRATEGY AND NSW SKILLS COUNCIL

The State Plan *A New Direction for NSW* reinforces the NSW Government's commitment to strengthening Sydney's role as Australia's premier global city.

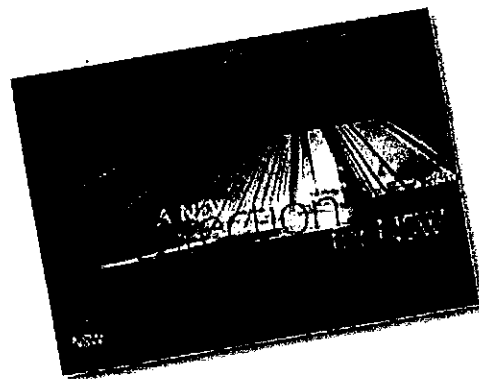
'Growing Prosperity Across NSW' through activities that promote productivity and economic growth, is one of five priority areas of activity of the NSW Government identified in the Plan.

The private sector will drive this economic growth, however the NSW Government will provide the foundations for this growth by making NSW 'Open For Business' and strengthening rural and regional economies.

Protecting priority employment land in existing areas is a core objective of the Plan, as too is fast tracking the zoning and availability of serviced industrial land to meet the needs of business growth across the State.

A focus of the NSW Government's attention is on growing and attracting higher wage, higher skilled, internationally active industries that have the greatest potential to thrive in the future in NSW. This includes attracting investment from high value-added manufacturing industries, which demands well-located and well-serviced employment lands.

In November 2006, the NSW Government released a *Statement on Innovation* as another key part of its 'Open for Business' strategy. The Statement was prepared in response to advice by Professor Jonathan West, a world expert in innovation, formerly Associate Professor at Harvard Business School.



THIS ACTION PLAN IS A KEY COMPONENT  
OF THE NSW GOVERNMENT'S  
'OPEN FOR BUSINESS' STRATEGY

# planning sydney

## ACTION PLAN FOR SYDNEY'S EMPLOYMENT LANDS

Professor West recommended the establishment of an Innovation Council to advise the NSW Government on opportunities to improve the innovation capability of the five identified sectors: logistics and transaction services; financial services; entertainment, design and media; manufacturing; and resources (especially coal).

A NSW Skills Council has also been established to equip the people of NSW with the skills to adapt to changing economic and working conditions. This will provide more effective investment in skills development to meet business priorities and will address emerging skills shortages in the NSW manufacturing sector.

Other NSW Government actions to enhance NSW's competitiveness set out in the State Plan include:

- cutting red tape;
- investing in skills and innovation;
- strengthening regional economies;
- improving business confidence by maintaining AAA credit rating; and
- maintaining and investing in infrastructure.

### METROPOLITAN STRATEGY FOR SYDNEY AND REGIONAL STRATEGIES FOR NSW

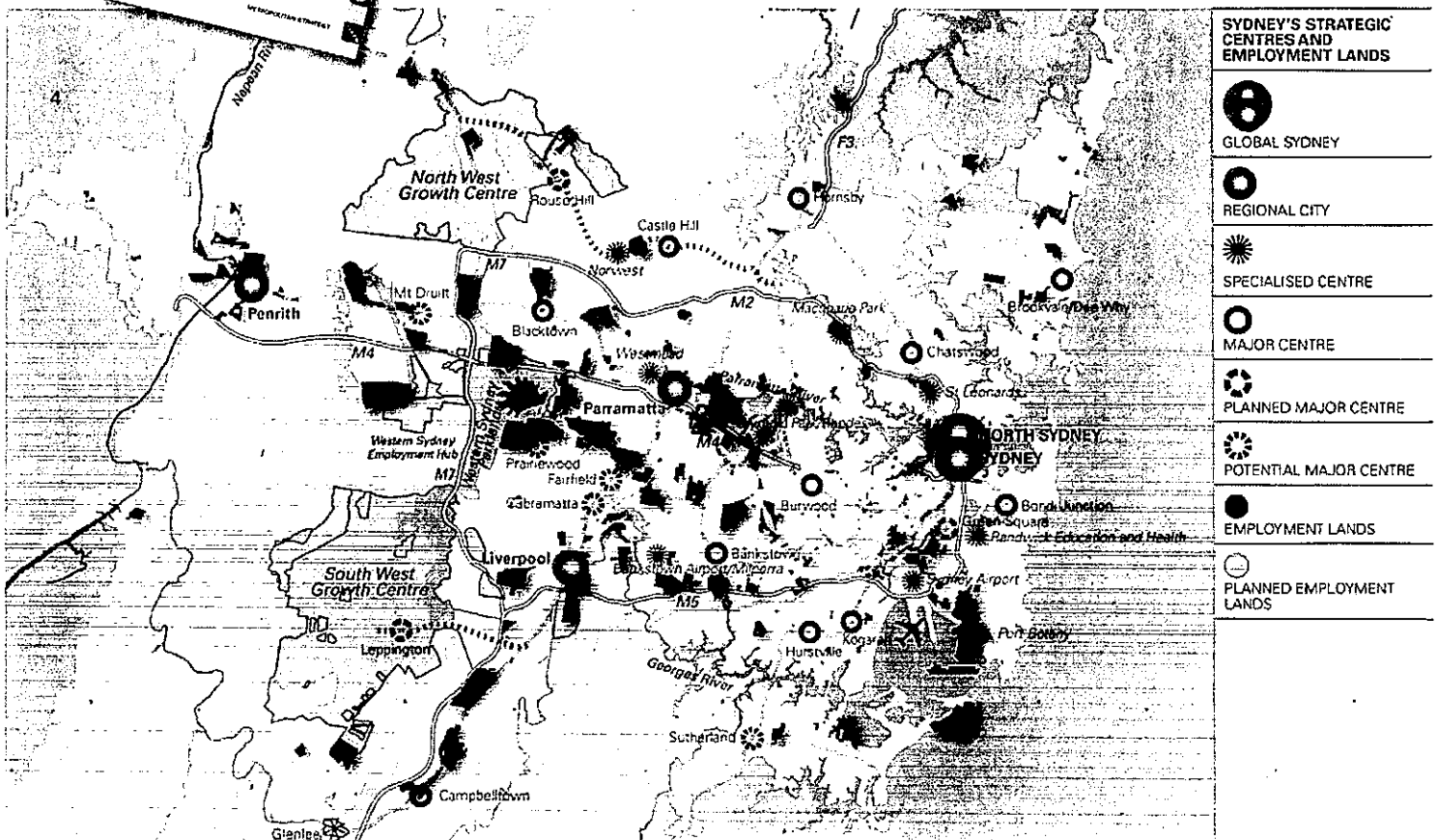
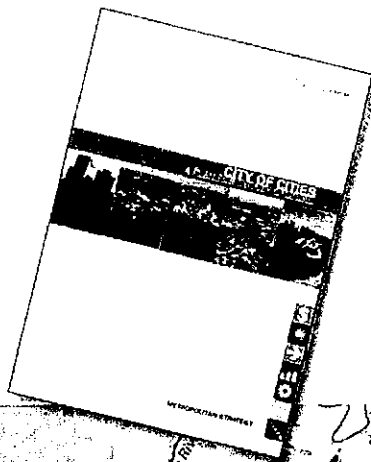
With Sydney's population expected to increase by 1.1 million over the next 25 years, the Metropolitan Strategy *City of Cities: A Plan for Sydney's Future* is planning for 500,000 new jobs by 2031, bringing the total number of jobs in Sydney to around 2.5 million.

Employment lands are expected to accommodate 125,000 of Sydney's new jobs, bringing the total number of jobs in employment lands to 575,000 by 2031. The largest concentration of these jobs will be located close to the Orbital Motorway Network.

Employment lands include the traditional industrial areas for manufacturing, warehousing, construction and repairs; business and technology parks for higher-order jobs; and areas containing a mix of activities associated with transforming, storing, maintaining and repairing materials and goods.

Commercial centres such as those found in global and regional cities, specialised and major centres offer employment opportunities which complement the activities carried out on employment lands. Recognising the different character and management requirements, and important links between commercial and industrial land uses is important and must be maintained. An inventory of the current stock of lands used for employment opportunities in Sydney is at Appendix 2.

NSW is witnessing fundamental changes in patterns of economic activity which will change the character and scope of employment lands. These include growth in niche production in distributed global supply chains, the decisive role in tangible assets and the blurring between service and manufacturing sectors.



The Metropolitan Strategy identified 14,790 hectares of zoned employment land in the Sydney Region. Employing one in four of Sydney's total workforce, employment lands are essential to Sydney's future competitiveness.

Accommodating job growth could require identification, zoning and development of up to 7,500 hectares of new employment lands for industrial purposes.

The NSW Government has released a series of Regional Strategies across the state. These set out actions to strengthen regional economies and plan for additional jobs. They have identified trends in existing supply of employment lands and future land requirements. The Illawarra, South Coast and Lower Hunter Regional Strategies proposed employment land which will align with initiatives for Sydney outlined in this Action Plan.

## 2. EMPLOYMENT LANDS TASK FORCE

The Employment Lands Task Force was identified in the Metropolitan Strategy *City of Cities: A Plan for Sydney's Future* (see action A1.3) and the Premier's Economic and Financial Statement of February 2006. It advises the NSW Government on the provision of employment lands across Sydney and held its first meeting in May 2006.

The Task Force is a high level grouping of industry, government, and academia. The Task Force provided a series of recommendations to NSW Government on planning for employment lands.

Further information on the Task Force's membership and key findings are detailed in Appendix 1 (see pages 16–17).



### KEY RECOMMENDATIONS OF THE EMPLOYMENT LANDS TASK FORCE

- 1 Stage the release of more greenfield sites accessible to high growth population areas and linked to strategic infrastructure.
- 2 The NSW Government's *Employment Lands Action Plan* should link employment land initiatives with the *Statement on Innovation* and work of the NSW Skills Council.
- 3 Complete supply audits and identify potential future employment land areas to be provided over the next 5, 10 and 25 year timeframes. Improve classifications of employment lands to protect strategic areas and strengthen employment lands planning on a subregional basis.
- 4 Establish criteria and identify a preferred location for a new business park (similar to Norwest) in South West Sydney.
- 5 Protect strategic employment lands between Sydney Airport and Port Botany with more flexible planning controls to support economic development, but also retain logistics which service both Port Botany and Sydney Airport.
- 6 Establish the Employment Lands Development Program (ELDP), as an extension of the Metropolitan Development Program, with industry inputs to monitor provision of employment land, uptake and forecast short to medium term supply.
- 7 Establish the Employment Lands Task Force as a permanent ongoing advisory body to the NSW Government.
- 8 Research and map industrial activities to identify where they are, why they locate where they do and what can be done to keep them there.
- 9 Investigate future demand for employment lands along key infrastructure corridors such as the M7, M5 and Hume Highway corridors.
- 10 Use ELDP to guide the NSW Government's *State Infrastructure Strategy* and local infrastructure plans to ensure coordinated servicing of new employment lands.
- 11 Prepare and release key freight sector strategies and implement actions to get a proportion of freight moved by rail.
- 12 Give industry a clear signal of the cost, financing arrangements and timing of service delivery for greenfield sites.
- 13 Expand the use of exempt and complying development categories for non-critical issues for business uses implied by zoning.
- 14 Councils to investigate application of new employment land zonings set out in the Standard Template for Principal LEPs.
- 15 Consider, where appropriate, the use of the State significant provisions of the *Major Projects SEPP* and Part 3A for strategic planning of key employment lands.
- 16 Invest in knowledge and skills within the Department of Planning and councils to understand the economic drivers of employment lands and their development.
- 17 Create incentives for regenerating brownfield employment lands through identification of industrial regeneration areas which encourage new employment activities.
- 18 Identify a role for Landcom in the development of new and renewal of existing employment lands, including opportunities for government owned land.

# key actions

## ACTION PLAN FOR SYDNEY'S EMPLOYMENT LANDS

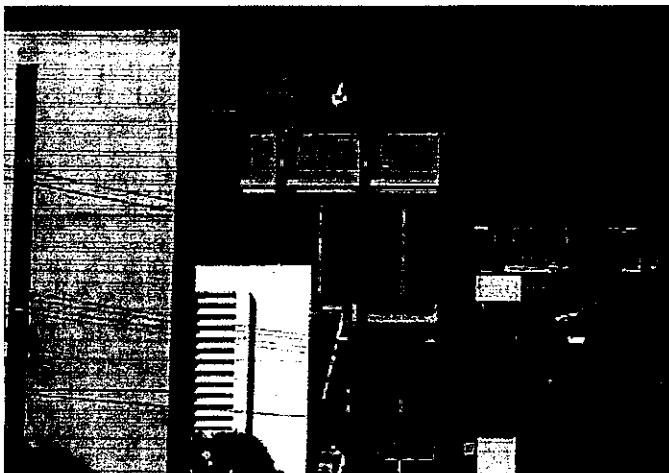
### 3. KEY ACTIONS FOR SYDNEY'S EMPLOYMENT LANDS

The NSW Government has considered the conclusions of the Employment Lands Task Force. It is pursuing a number of initiatives to advance the provision of employment lands in Sydney. These are:

- 1 Establish an Employment Lands Development Program (ELDP) to maintain the balance between demand and supply of employment land.
- 2 Release more greenfield land to overcome a shortage of supply.
- 3 Develop new policy initiatives to encourage the regeneration of brownfield sites to support new investment and employment opportunities.
- 4 Employ more efficient processes for rezoning and developing employment lands
- 5 Improve coordination between State Departments and Agencies, councils and industry to improve economic development opportunities associated with employment lands policy.

6

INDUSTRIAL SITE UNDER CONSTRUCTION, CROMER



INDUSTRIAL SITE UNDER CONSTRUCTION, BROOKVALE



## **ACTION 1 ESTABLISH AN EMPLOYMENT LANDS DEVELOPMENT PROGRAM**

The NSW Government has established an Employment Lands Development Program (ELDP) for the Metropolitan Area (including the Central Coast) to ensure that Sydney Region will continue to have sufficient stocks of appropriately located, zoned and serviced land to support its economic development and competitiveness. This was a key action of the Metropolitan Strategy for Sydney (see actions A1.7.1 and G5.3).

The NSW Government has committed \$1 million for the establishment of this program to update the previous 'industry-lands' program, with an ongoing commitment thereafter to implement the program and achieve coordinated and timely release of employment lands.

Newly compiled data on the zoned stocks of employment land in the Sydney Region—data that will be the building blocks of the ELDP—are listed in Appendix 2 of this Action Plan.

The ELDP parallels the existing Metropolitan Development Program (MDP) which monitors residential stocks. The two programs will be aligned under a new Land Supply Team within the NSW Department of Planning, to ensure strategic provision of jobs and housing at a local and subregional level.

Other Regional Strategies across the state have proposed land monitoring programs, including the establishment of the Employment Lands Database for the Illawarra and South Coast and an Urban Development Program (covering residential and employment lands) for the Lower Hunter Region. These will inform the Sydney Region ELDP and identify interdependencies between regions.

The ELDP covers both the revitalisation of brownfield sites and the release of greenfield land for employment purposes, particularly in areas of rapid population growth. It will identify and investigate potential new employment lands, assess redevelopment potential of selected brownfield sites, and assess zoning options to revitalise employment lands where uses have become outmoded.

Specifically, the ELDP will:

- map strategic employment lands to be protected and future employment lands for investigation;
- maintain data on existing stocks of employment land, particularly stock for new development;
- provide a breakdown of land size and zonings, vacancies, take-up rates, demand forecasts and services;
- estimate how much and what type of employment land is required in the short, medium and long term to help maintain the balance between supply and demand, and;
- be underpinned by sophisticated GIS systems, including web-based interactive mapping and search tools.

The ELDP will also inform the coordination of infrastructure such as transport, water and sewage and energy and telecommunications.

It will be a partnership between the NSW Government, industry, and local government and will be informed by an Employment Lands Ministerial Advisory Committee (see Action 5).

The NSW Government will continue to work with industry to ensure that drivers for change, industry perspectives and industry trends are clearly understood and incorporated into the planning process. The ELDP will utilise data and information from industry including surveys on employment land prices, industry dynamics and Sydney's competitiveness.

This will develop foresight initiatives to anticipate and adapt to changing employment land needs as new productive forms of economic activity emerge in NSW.

The ELDP will result in an Annual Report which identifies future development needs and coordinates the planning and development of new employment lands to meet those needs.



THE ELDP WILL PUBLISH AN ANNUAL REPORT IDENTIFYING  
FUTURE DEVELOPMENT NEEDS

# action 2

## ACTION PLAN FOR SYDNEY'S EMPLOYMENT LANDS

### ACTION 2 RELEASE MORE EMPLOYMENT LANDS

Sydney needs more serviced lands in high growth areas that provide for a range of jobs and with suitable sites to meet the changing needs of industry. In order to keep employment land prices competitive, Sydney also requires adequate reserves of employment lands.

Furthermore, increasing investment and employment opportunities to match residential and labour force growth in Western Sydney is a high priority.

The NSW Government has announced the Western Sydney Employment Hub at the intersection of the M4 and M7 motorways. This includes the SEPP 59 lands, Erskine Park and Eastern Creek, and will provide an additional 929 hectares of employment lands contributing 36,000 jobs to the area.

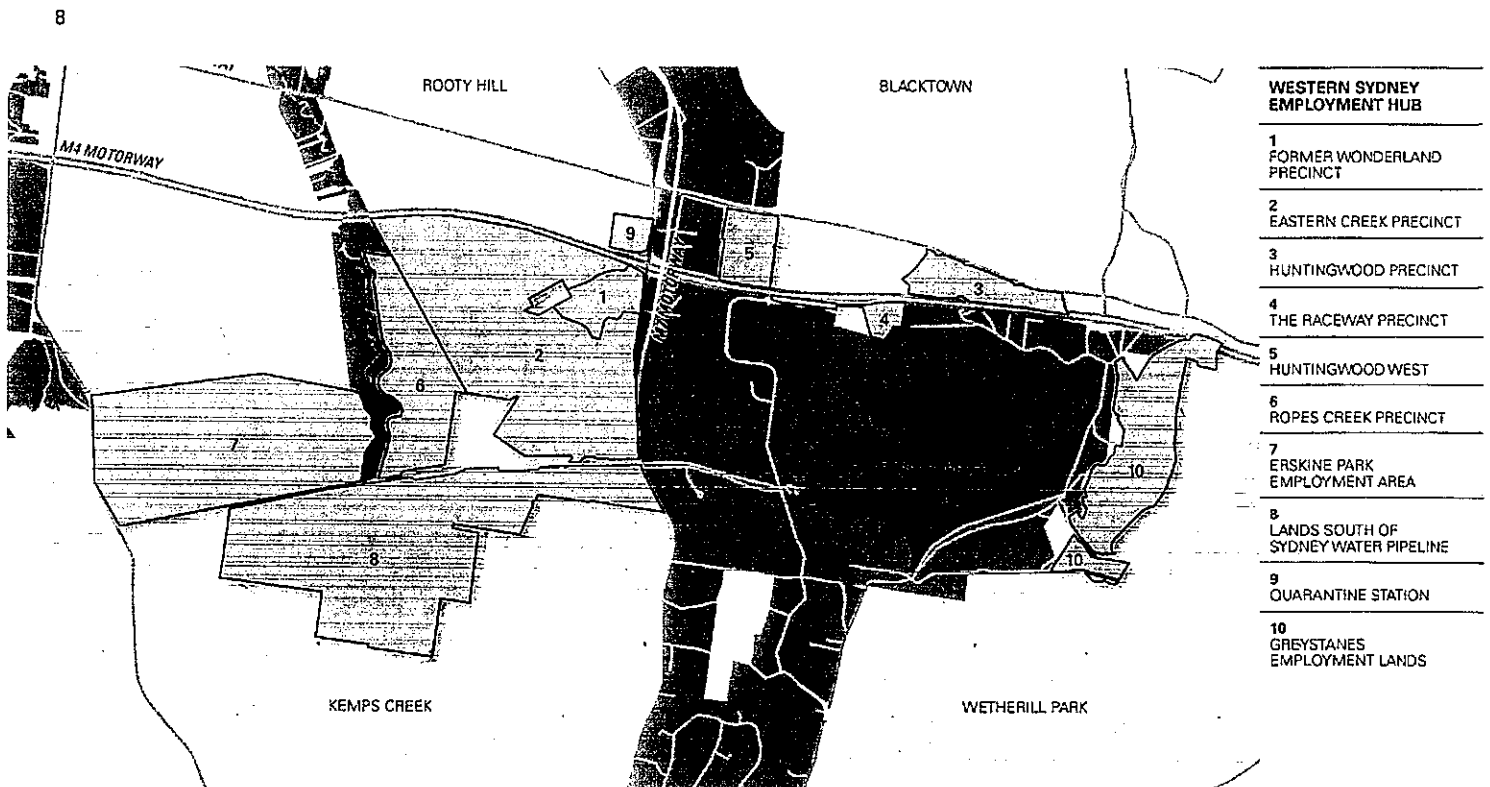
To further ensure sufficient employment land in Western Sydney, the Department of Planning, the Department of State and Regional Development and the Growth Centres Commission will investigate policy and planning options to accelerate the early development of employment lands in the South West and North West growth centres.

New employment lands totalling 2,000 hectares have been proposed in both the growth centres and Central Coast structure planning work, with a further 2,600 hectares of sites for investigation.

Detailed planning will ensure a range of lot sizes to encourage diversity of economic activities for the growing residential population and workforce in the surrounding areas.

As part of the ELDP the Department of Planning will also consider the designation of a Western Sydney Employment Lands Investigation Area in the area between the Western Sydney Employment Hub and Badgerys Creek to the north of Elizabeth Drive (see Figure 2). The aim is to investigate medium-long term needs and integrate this into the development of both the Western Sydney Employment Hub and the South West growth centres.

The investigation process will assess the potential of this area for employment lands based on principles of ecologically sustainable development and taking into consideration the staged release of employment lands in surrounding areas. It will identify up front constraints and access issues to be resolved prior to rezoning including cost and feasibility of servicing the site.



## ACTION 3 REGENERATE BROWNFIELD SITES

Economic Renewal is a priority for the NSW Government identified in the *State Plan* and *Metropolitan Strategy for Sydney* (see actions A1.9 and G2.4). The NSW Government is investigating a range of ways to work with different tiers of government (Federal and local) and the private sector to regenerate existing urban areas. A focus will be on stimulating investment in employment lands in established areas, whilst providing for a range of residential and recreational uses. This reinforces the State Plan priority of providing jobs closer to home.

As Sydney's urban structure has grown and changed economic activity and employment levels within some older employment lands has declined, leading to underutilisation of development potential and infrastructure.

The NSW Government will investigate a number of initiatives to stimulate reinvestment in existing employment lands and to foster adaptation from declining industries to new productive growth industries:

- **Economic Renewal Investigation Areas**

The NSW Government will investigate potential Economic Renewal Areas in Metropolitan Sydney focused on increasing employment opportunities. Criteria for the designation of these areas include: underutilised land resources and infrastructure; large size (over 100 hectares); economic development capacity and potential subregional and metropolitan impacts. Candidates for economic renewal investigation include: employment lands east of Liverpool centre; St Marys–Dunheved industrial area and Bankstown Airport–Milperra Specialised Centre. See Figure 2.

- **Employment Land Audits**

Employment lands audits will be extended through aerial photographs, business surveys, and investigation of existing development controls. Audits have already been completed for Artarmon, Wetherill Park, Arndell Park and Yennora. As part of the ELDP, local government will be encouraged to undertake similar audits in partnership with the Department of Planning.

- **Identify Strategic Employment Lands Through Subregional Planning**

The 10 metropolitan draft subregional strategies will include further information on existing supply and future demand for employment lands for each subregion. They will identify strategic employment lands and will guide councils to identify the future role of employment land in local planning instruments.

- **Government Land**

The NSW Government will identify and plan for the best use of government landholdings with potential to support economic growth and help stimulate market interest.

- **Landcom**

The NSW Government will investigate options for strengthening the role of Landcom in enabling the redevelopment of publicly owned employment lands.

- **New Planning Frameworks**

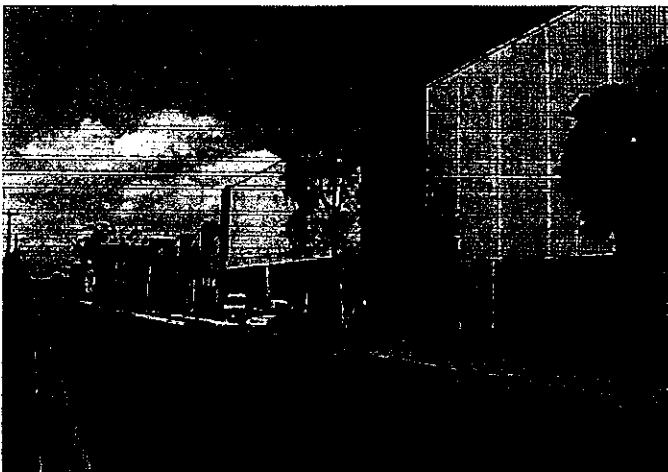
Councils, with active participation of landowners and local businesses, will be encouraged to submit proposals for NSW Government Planning Reform Funding to help develop new visions and planning frameworks for employment lands. These may include economic and industry analysis, investigations into funding mechanisms for infrastructure improvements and planning for more flexible provisions to encourage employment growth.

- **DSRD Industry Network Program**

Businesses and owners, with the support of local government, will be encouraged to work with the Department of State and Regional Development (DSRD) to form strategic economic networks to capture opportunities and foster new growth industries from redefined economic activities. These networks will act to gradually reduce dependency on declining industries, including recommendations on employment land needs, infrastructure and precinct planning.



EMPLOYMENT LANDS AT DUNHEVED INDUSTRIAL AREA



EMPLOYMENT LANDS EAST OF LIVERPOOL CBD



# action 4

## ACTION PLAN FOR SYDNEY'S EMPLOYMENT LANDS

### **ACTION 4** EMPLOY MORE EFFICIENT PROCESSES FOR ZONING AND DEVELOPING EMPLOYMENT LANDS

The efficiency of local government and State Government in planning and releasing employment land and efficiently dealing with Development Applications, is an important contributor to business competitiveness.

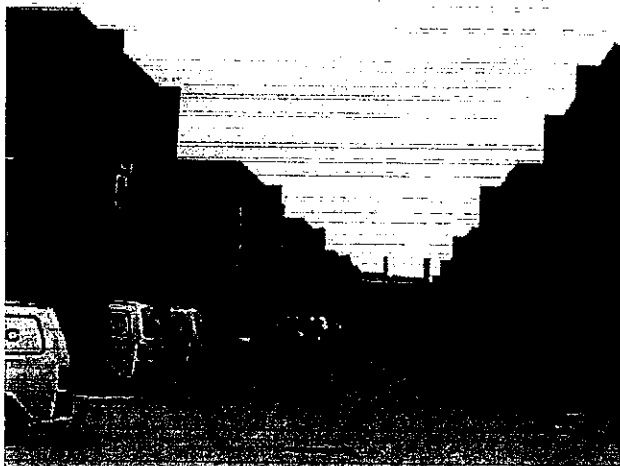
The NSW Government's State Plan also recognises that regulations that impose unnecessary burdens can impede competition, productivity, investment and innovation. Since 2000, NSW has achieved a 27 per cent reduction in the number of regulations and a 10 per cent reduction in the number of pages of regulations.

The NSW Government is reducing unnecessary red tape and streamlining the planning process to facilitate economic growth by:

- committing to develop a State Environmental Planning Policy (SEPP) to identify and provide the development framework for employment lands across the State.
- expediting approvals for employment land sites and/or major infrastructure critical to economic growth classed as *State Significant*, under Part 3A of the *Environmental Planning and Assessment Act (Major Projects SEPP)*.
- supporting local government to protect, renew and identify future employment lands through application of the *Standard Instrument (Local Environmental Plans)* in preparation of new Principal LEPs for their local government area.

- providing a more strategic context for assessing Development Applications and undertaking rezonings through subregional planning.
- investigating expanding the use of exempt and complying development categories for non-critical issues for business uses implied by zoning.
- providing greater certainty over levies and infrastructure servicing including timeframes for rezoning and servicing new release areas and up front programs of infrastructure works and costs.
- working with participating councils to consider use of Independent Assessment and/or Design Review Panels for key industrial developments.
- preparing guidance and holding workshops to invest in the skills of State Government and local government to undertake and implement local economic development strategies.
- establishing a *Better Regulation Office* which will implement an effective and transparent 'gatekeeping' process.
- conducting industry specific red tape reviews of existing regulation.

MODERN INDUSTRIAL SUITES AT MILPERRA



EMPLOYMENT LANDS ON THE M7 CORRIDOR, EASTERN CREEK





**ACTION 5  
IMPROVE COORDINATION BETWEEN  
STATE AGENCIES, LOCAL GOVERNMENT  
AND INDUSTRY**

An *Employment Lands Ministerial Advisory Committee* (ELMAC) will advise the NSW Government on employment lands planning and development. Building on the work commenced by the Employment Lands Task Force in 2006, the Committee will engage a range of perspectives from business, developers, investors and local government.

It will analyse data provided by the ELDP and submit an Annual Report to the NSW Government on key recommendations regarding the provision of employment lands.

The Committee will place greater emphasis on employment lands planning, industry dynamics, skills analysis and infrastructure development at the subregional and local level.

ELMAC's work will link with other Government initiatives including the NSW Skills Council and the recent *Statement on Innovation* to align NSW Government's prescription for future innovative competitiveness and the availability of a skilled workforce with employment lands planning.

Improvements in employment lands planning through the ELDP and the establishment of ELMAC will enable the Government to better integrate employment planning into the budgetary process and forward planning by individual State agencies.

In particular, the ELDP and ELMAC will work with Treasury to inform future infrastructure provision to align investment with existing or proposed employment lands. This will be an important input into the review of the *State Infrastructure Strategy* every two years to take account of emerging needs and new population and business trends, identifying and prioritising infrastructure projects that contribute greatest to the State's economic growth.



**WYONG EMPLOYMENT ZONE MEANS MORE CENTRAL COAST JOBS**

In July 2006, the Wyong Employment Zone project was called-in by the NSW Planning Minister under Part 3A of the *Environmental Planning and Assessment Act*, due to its complex ownership patterns and different zonings.

The Wyong Employment Zone includes:

- a 624.5 hectare site next to the Sydney-Newcastle F3 Freeway at the Sparks Road interchange and near to rail services. Of this, around 325 hectares is industrial or employment land;
- a range of planning zones including industrial, open space and recreation, and conservation; and
- strong development potential for major job-creating businesses seeking large parcels of industrial land.

The Wyong Employment Zone will be near to the planned Warnervale Town-Centre which was gazetted as a State Significant site in June 2006.

## 4. IMPLEMENTING THE ACTIONS: THE EMPLOYMENT LANDS DEVELOPMENT PROGRAM

Key to achieving the many of the objectives of the Action Plan is the Employment Lands Development Program. By monitoring the supply and demand of employment land, the ELDP can help to ensure sufficient stocks of appropriately located, zoned and serviced land to improve Sydney's economic development and competitiveness.

Establishing the ELDP will be a staged and ongoing process. Initial stages will focus on confirming the existing levels of supply and demand for employment land. With available sources indicating the current supply/demand balance is satisfactory in regard to overall metropolitan stock levels (though local subregional issues exist in relation to distribution, lot size and availability), the opportunity exists to establish new data and systems to inform future decisions.

### CURRENT SUPPLY

Information on current supply is the first data input required for the operation of the ELDP. The tables starting on page 18 provide newly compiled data on the zoned stocks of industrial land in the Sydney Region.

Current stocks of industrial zoned land total about 14,790 hectares. Around 70 per cent of this land is located in the North West, South West and West Central subregions, with a further 12 per cent on the Central Coast. This stock includes several areas now largely characterised as business parks.

### PAST CHANGES TO SUPPLY

Over the last 20 years Sydney's zoned supply levels have changed (Table 1, p11). The majority of the 3,100 hectares of new employment land has come about through the rezoning of rural land to industrial/employment as part of strategic planning for new urban development in Baulkham Hills, Blacktown, Penrith, Liverpool and Wyong LGAs.

This builds on new supply provided in those LGAs as well as Camden, Campbelltown and Fairfield through land releases following the principles of the 1968 Sydney Region Outline Plan (SROP) and subsequent metropolitan strategies to balance population and jobs growth.

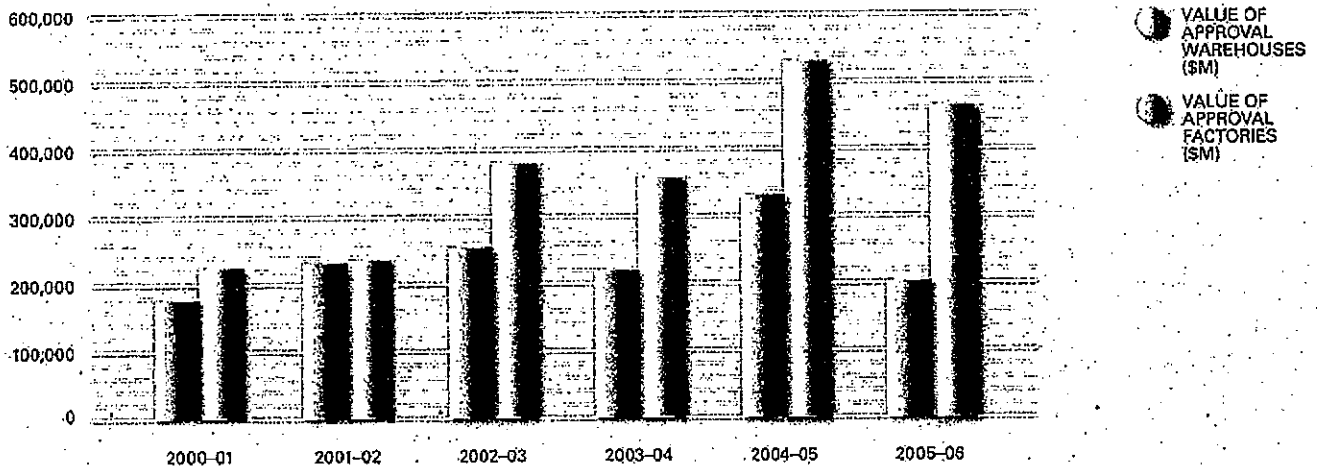
The other major source of new supply has been the conversion of former government land such as railway land at Chullora (240 hectares) and Clyde (75 hectares) and a range of depots and storage operations.

The 1,240 hectares of losses have predominantly occurred in older areas of the city, usually where land has been rezoned and redeveloped for residential or mixed residential/employment development.

Despite these losses, significant proportions continue to provide for business activity. The biggest category of losses (around 440 hectares) has occurred in areas rezoned to a Mixed Use zoning—typically a Zone 10—to allow a mix of employment and residential development (examples include Pyrmont/Ultimo, Green Square, and Wolli Creek). Important areas, such as Macquarie Park (130 hectares was formerly industrial), have been rezoned to allow more intensive business activity.



FIGURE 3 VALUE OF FACTORY AND WAREHOUSE APPROVALS IN THE SYDNEY REGION (\$'000)



SOURCE: ABS

Changing technologies and transport systems have impacted the transition, particularly along both sides of the Parramatta River waterfront between North Sydney-Balmain and Homebush Bay. In total about 220 hectares of former factories, gasworks and oil depots have been rezoned for predominantly residential development, with a proportion of commercial development in the larger projects. The AGL Mortlake site, now Breakfast Point, (52 hectares) and Rhodes peninsula (45 hectares) are the two largest of the sites.

The balance of the losses is an accumulation of smaller sites scattered across the older suburbs of Sydney, except for areas in Baulkham Hills and Campbelltown LGAs, where greenfield land identified in initial structure planning for industrial development was reallocated to residential (e.g. Blair Athol).

## POTENTIAL SUPPLY

To build on the current zoned supply, three categories of planned and possible additional areas have been identified:

- the remaining 929 hectares included in the Western Sydney Employment Hub;
- the areas indicated in the structure plans adopted for the North West and South West growth centres and the draft Central Coast Regional Strategy; and
- the areas for investigation between Badgerys Creek and Western Sydney Employment Hub (see Action 2).

## DEMAND

The adequacy of employment land supply relates to future demand which can be estimated in several ways:

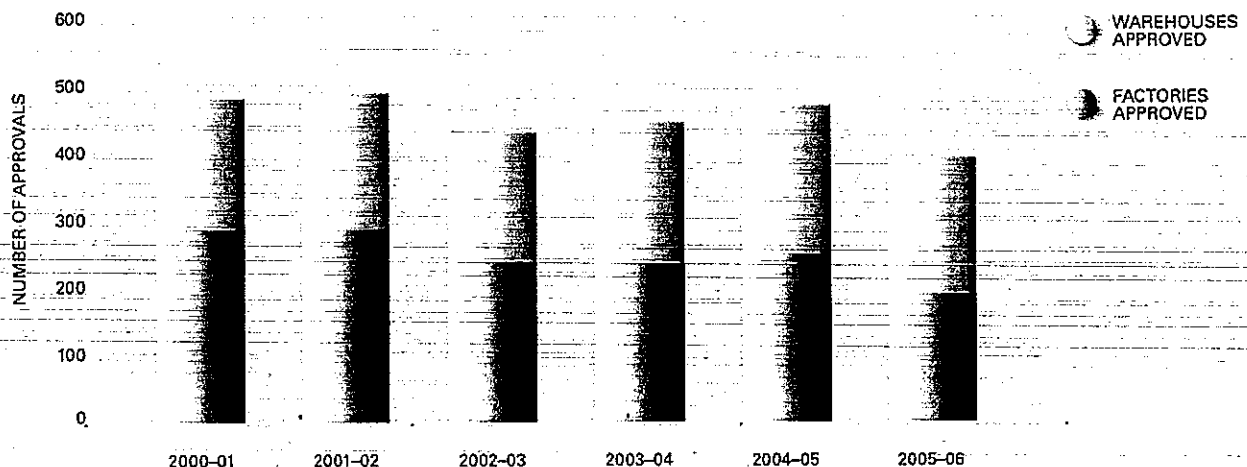
- **Establishing historical trends of annual take-up of vacant land.**  
This requires a base figure and monitoring over time. Data for 1991 to 1997 shows an average annual take-up for the Sydney Region of 140 hectares. The ELDP will establish the current stocks of vacant land and track annual take-up rates.
- **Using employment forecasts and planning strategies to plan for preferred future distribution of employment land.**  
This approach was used in the development of the Metropolitan Strategy, which identifies a possible need for up to 7,500 additional hectares by 2031, based on a forecast of 125,000 additional workers in employment lands across Metropolitan Sydney.
- **Looking at building activity as a pointer to land consumption.**  
The data in Figures 3 and 4 show recent patterns in building approvals, highlighting the dominance of warehousing and distribution facilities in the current construction cycle. Such data, however, does not record the use of employment land for other types of development.
- **Using competitiveness issues and industry trend analysis to anticipate land use need in dialogue with the industry and development sectors.**  
This is a current gap in the understanding of Sydney's employment land for future investigation and will be informed by the work of the ELDP and ELMAC.



# CURRENT INDUSTRIAL ZONED LAND TOTALS 14,790 HECTARES



FIGURE 4 FACTORY AND WAREHOUSE PROJECTS APPROVED IN THE SYDNEY REGION



# appendix 1

## ACTION PLAN FOR SYDNEY'S EMPLOYMENT LANDS

### EMPLOYMENT LANDS TASK FORCE KEY FINDINGS

The Task Force has investigated a range of issues from industry, developer and governmental perspectives on the competitiveness and adequacy of Sydney's Employment Lands. Key findings of the Task Force are:

#### Sydney's Industrial Base

Sydney continues to have a strong industrial base. Manufacturing industries, predominantly located in employment lands, remain the largest sector in the State in terms of contribution to Gross State Product.

#### Changing Nature of Industry

The nature of industry in Sydney is shifting towards knowledge-based activities in industries such as pharmaceuticals, information and communications, and advanced manufacturing. There is a trend towards cleaner industries and changing work and business practices. Many of these activities prefer to locate in business parks.

#### Economic Competitiveness of Sydney's Employment Lands

Sydney's employment land prices are competitive with most global cities. However, competition from other Australian cities places continuous upward pressure on Sydney's residential, commercial property and employment land prices.

Higher prices in Sydney than other Australian cities were considered to be due to:

- greater demand for residential development;
- globalisation and structural change;
- more limited supply;
- land banking; and
- approval delays.

Employment land prices are only one component of competitiveness. Sydney's large employment market, abundance of local suppliers and connection to global infrastructure are compensatory factors, but steps need to be taken to ensure that employment land is competitive.

#### Greenfield Employment Lands

Whilst there have been significant additions of greenfield employment lands in Western Sydney and the Central Coast, much of this has been slow to come to the market due to land banking by developers/owners, servicing constraints and approval delays.

MANUFACTURING INDUSTRIES REMAIN THE  
**LARGEST CONTRIBUTOR**  
TO GROSS STATE PRODUCT

### Conversion of Employment Lands

There has been significant rezoning of employment lands in inner and middle ring suburbs, driven by urban consolidation and industrial restructuring.

Approximately 1,243 hectares (or around 65 hectares per year) have been converted from industrial to other uses over the past 19 years. Pressure for rezoning is expected to continue, and indeed intensify, as financial returns for residential outstrip industrial development. Speculation about rezoning has contributed to rising land values. Clarity on the future role of employment lands in inner and middle ring suburbs would reduce speculation and improve affordability.

### Ongoing Demand for Employment Lands

Demand for employment lands in established parts of Sydney will remain high, especially in proximity to gateway infrastructure (Port Botany, Sydney Airport and the Orbital Motorway Network) to meet both local (urban services) and regional (transport and logistic) industrial demands. Protection and possible regeneration of these strategic employment areas will be vital to Sydney's future competitiveness.

### Up-to-date Monitoring of Employment Lands

As noted in the Metropolitan Strategy there is a need for an ongoing system to monitor the changing provision of, demand for employment lands. Undertaken with input from industry, this monitoring can inform the future release of greenfield sites and protect and regenerate existing employment lands.

## EMPLOYMENT LANDS TASK FORCE MEMBERSHIP

- **Mr Sam Haddad**  
Director-General, Department of Planning
- **Mr Loftus Harris**  
Director-General, Department of State and Regional Development
- **Mr Ken Morrison**  
Property Council of Australia
- **Mr Ross Blancato**  
Urban Development Institute of Australia
- **Ms Louise Southall and Mr Paul Orton**  
Australian Business Ltd
- **Mr Mark Goodsell**  
Australian Industry Group
- **Ms Sue Robinson and Mr Terry Barnes**  
NSW Urban Task Force
- **Mr Bob Germaine**  
Greater Western Sydney Economic Development Board
- **Mr Adam Kerlake**  
Unions NSW
- **Mr Kerry Robinson and Mr Graham Dickie**  
Landcom
- **Ms Sylvia Hrovatin**  
Walker Corporation
- **Mr Bill McCrae**  
Overmyer Industrial Real Estate
- **Ms Narelle Kennedy**  
Australian Business Foundation
- **Mr Colin Rockliff**  
Macquarie Goodman
- **Mr Shaun McBride**  
NSW Local Government and Shires Association



PIRELLI SITE, MOORES BANK, EAST OF LIVERPOOL



M7 MOTORWAY



# appendix 2

## EXISTING STOCK OF EMPLOYMENT LANDS

TABLE 2 AREA OF EMPLOYMENT LAND BY ZONE  
(2006 - Update using Council returns to 2005 Survey and known rezonings - see note following table)

LGA	BUSINESS CATEGORY				INDUSTRIAL CATEGORY				LGA TOTAL
	Category	Zone	Zone Title	ha	Category	Zone	Zone Title	ha	
ASHFIELD	Business	3(a)	General Business	19.8	Industrial	4(b)	Light Industrial	8.8	
		3(b)	Special Business	14.2					
		3(c)	Neighbourhood Business	2.9					
		3(d)	Business Park	0.2					
	<b>Total</b>	<b>Business Total</b>			37.1	<b>Industrial Total</b>			
AUBURN	Business	3(a)	Business Retail & Office Development	26.2	Industrial	4(a)	General Industrial	338.5	
		3(b)	Special Business Office Development	3.0		4(b)	Light Industrial	275	
		10	Olympic Precinct	793.9		4(c)	Industrial Enterprise	120.4	
				4(d)		Special Enterprise	6.2		
				4(e)		Homebush Bay Enterprise	49.7		
<b>Total</b>	<b>Business Total</b>			823.1	<b>Industrial Total</b>			542.3	<b>1365.4</b>
BANKSTOWN	Business	3(a)	Business CBD	50.8	Industrial	4(a)	General Industrial	586.4	
		3(b)	Business Other Centres	77.9		4(b)	Light Industrial	232.7	
	<b>Total</b>	<b>Business Total</b>			128.7	<b>Industrial Total</b>			
BAULKHAM HILLS	Business	3(a)	General Business	110.2	Industrial	4(b)	Light Industry 4(b)	323.4	
		3(b)	Special Business	44.2					
	10(a)	Employment Area Business Park	164.5						
<b>Total</b>	<b>Business Total</b>			318.9	<b>Industrial Total</b>			323.4	<b>642.3</b>
BLACKTOWN	Business	3(a)	General Business	168.6	Industrial	4(a)	General Industrial	810.2	
		3(b)	Special Business	21.3		4(b)	Light Industrial	141.3	
				4(c)		Special Industrial	202.2		
				4(d)		Huntingwood Industrial	127.2		
				EL		Employment Lands	806.0		
<b>Total</b>	<b>Business Total</b>			189.9	<b>Industrial Total</b>			2086.9	<b>2276.8</b>
BLUE MOUNTAINS	Business	VTC	Village Town Centre	40.1	Industrial	EG	Employment General	101.4	
		VNC	Village Neighbourhood Centre	79		EE	Employment Enterprise	13.8	
		VT	Village Tourist	35.8		IND-LT	Light Industrial	8.1	
		3(a)	Business General	0.2					
	<b>Total</b>	<b>Business Total</b>			84.0	<b>Industrial Total</b>			
BOTANY BAY	Business	3(a)	General Business	28.3	Industrial	4(a)	Industrial	291.4	
		3(b)	Business Restricted	1.5		4(b)	Mixed Industrial	41.9	
	10(a)	Mixed Uses Commercial/Residential	12.1	4(c1)		Industrial Special Airport	38.1		
	10(b)	Mixed Uses Commercial/Warehouse	10.2	4(c2)		Industrial Special Airport	37.7		
				4(d)		Extractive Industry	8.3		
<b>Total</b>	<b>Business Total</b>			52.1	<b>Industrial Total</b>			417.4	<b>469.5</b>
BURWOOD	Business	3(a)	Business General	4.9	Industrial	4(b)	Light Industrial	1.2	
		3(b)	Business Special	8.3					
		3(c1)	Business Special	10.5					
		3(c2)	Business Special (District Centre)	6.8					
		3(c3)	Business Special (Commercial)	2.9					
		3(d)	Business Neighbourhood	1.2					
<b>Total</b>	<b>Business Total</b>			34.6	<b>Industrial Total</b>			1.2	<b>35.8</b>
<b>LGA</b>	<b>Category</b>	<b>Zone</b>	<b>Zone Title</b>	<b>ha</b>	<b>Category</b>	<b>Zone</b>	<b>Zone Title</b>	<b>ha</b>	<b>LGA TOTAL</b>

# appendix 2

## EXISTING STOCK OF EMPLOYMENT LANDS



LGA	BUSINESS CATEGORY				INDUSTRIAL CATEGORY				LGA TOTAL
	Category	Zone	Zone Title	ha	Category	Zone	Zone Title	ha	
CAMDEN	Business	3(a)	General Business	16.7	Industrial	4(a)	General Industrial	224.8	
		3(b)	Business Special	1.5		4(b)	Service Industrial	49.2	
		3(b1)	Business Support	39.9					
		3(c)	Neighbourhood Support	2.6					
		3(d)	Business Automotive	2.6					
		3(e)	Town Centre	24.3					
		3(f)	Town Centre (Support)	35.9					
		3(g)	District Business	21.5					
<b>Total</b>			<b>Business Total</b>	145.0			<b>Industrial Total</b>	274.0	<b>419.0</b>
CAMPBELLTOWN	Business	3(a)	General Business	4.4	Industrial	4(a)	General Industry	603.4	
		3(c)	Neighbourhood Business	8.6		4(b)	Industry B	123.7	
		10(a)	Regional Comprehensive Centre	420.9		4(c)	Industry C	13.8	
		10(b)	District Comprehensive Centre	62.0					
		10(c)	Local Comprehensive Centre	91.7					
<b>Total</b>			<b>Business Total</b>	587.6			<b>Industrial Total</b>	740.9	<b>1328.5</b>
CANADA BAY	Business	3(a)	Business General	20.9	Industrial	4(a)	Industrial General	21.7	
		3(b)	Business Special	2.6		4(b)	Industrial Local	5.0	
		3(b1)	Business Special	5.4		4(c)	Industrial Waterfront	0.3	
		3(c)	Business Automotive	4.2		4(d)	Industrial Business Park	7.9	
		3(d)	Business Neighbourhood	1.6					
		10(a)	Mixed Use	22.4					
		10(b)	Enterprise Area	14.1					
<b>Total</b>			<b>Business Total</b>	71.2			<b>Industrial Total</b>	34.9	<b>106.1</b>
CANTERBURY	Business	3(a)	General Business	48.8	Industrial	4(a)	Light Industrial	73.2	
		3(a5)	General Business Retail	3.3		4(b)	Light Industrial	96.5	
		3(c)	Neighbourhood Business	3.9		4(d)	Industrial Business	4.1	
		3(d)	Business Showroom	5.5					
		3(e)	Business Office	5.3					
		3(f)	Specialised Business	14.5					
<b>Total</b>			<b>Business Total</b>	81.3			<b>Industrial Total</b>	173.8	<b>255.1</b>
FAIRFIELD	Business	3(a)	Subregional Business Centre	43.6	Industrial	4(a)	General Industrial	655.0	
		3(b)	District Business Centre	43.3		4(b)	Light Industrial	67.1	
		3(c)	Local Business Centre	49.6		4(c)	Special Industrial	117.3	
		CI 25H	Bonnyrigg Town Centre	36.2					
<b>Total</b>			<b>Business Total</b>	172.7			<b>Industrial Total</b>	839.4	<b>1012.1</b>
GOSFORD	Business	3(a)	Business (General)	104.6	Industrial	4(a)	Industrial (General)	554.9	
		3(b)	Business (Special)	108.5		4(a1)	Industrial (General)	38.5	
		3(c)	Business (Central)	38.3		4(b)	Industrial (Light)	2.2	
						4(c)	Industrial (Extractive)	12.2	
						4(d)	Industrial (Offensive or Hazardous)	34.4	
<b>Total</b>			<b>Business Total</b>	251.4			<b>Industrial Total</b>	642.2	<b>893.6</b>
HAWKESBURY	Business	3(a)	Business General	47.6	Industrial	4(a)	Industry General	154	
		3(b)	Business Special	8.0		4(b)	Industry Light	57.4	
<b>Total</b>			<b>Business Total</b>	55.6			<b>Industrial Total</b>	211.4	<b>267.0</b>
LGA	Category	Zone	Zone Title	ha	Category	Zone	Zone Title	ha	LGA TOTAL

# appendix 2

## EXISTING STOCK OF EMPLOYMENT LANDS

TABLE 2 CONTINUED AREA OF EMPLOYMENT LAND BY ZONE  
(2006 - Update using Council returns to 2006 Survey and known reasonings - see note following table)

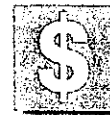
LGA	BUSINESS CATEGORY				INDUSTRIAL CATEGORY				LGA TOTAL
	Category	Zone	Zone Title	ha	Category	Zone	Zone Title	ha	
HOLROYD	Business	3(a)	Business General	45.7	Industrial	4(a)	Industrial General	532.8	
		3(b)	Neighbourhood Business	3.0		4(b)	Industrial Light	104.3	
						4(c)	Industrial Special	11.3	
						SEPP 59	Employment Lands	215.0	
	Total		Business Total	48.7		Industrial Total	863.4	912.1	
HORNSBY	Business	3(a)	Business A General	29.7	Industrial	4(a)	Industrial A General	63.6	
		3(b)	Business B Special	15.6		4(b)	Industrial B Light	104.2	
		3(c)	Business C Neighbourhood	8.9					
		3(d)	Business D Aquatic Service Centre	1.5					
		3(e)	Business E Service Centre	36.9					
		3(f)	Business F Town Centre	174					
		3(g)	Business G Town Centre Support	74					
		Total		Business Total	118.4		Industrial Total	1678	
HUNTER'S HILL	Business	3(a)	Business General	3.5	NIL				
		3(b)	Business Special	1.3					
		3(c)	Business Neighbourhood	2.2					
	Total		Business Total	7.0					
HURSTVILLE	Business	3(a)	General Business	9.2	Industrial	4	Light Industrial	86.4	
		3(b)	City Centre Business	31.1					
		3(c)	Business Centre	15.3					
	Total		Business Total	55.6		Industrial Total	86.4	142.0	
KOGARAH	Business	3(a)	Business (Local Centre)	16.2	Industrial	4(a)	Industrial (Light)	15.2	
		3(b)	Business (Town Centre)	16.9					
	Total		Business Total	33.1		Industrial Total	15.2	48.3	
KU-RING-GAI	Business	3(a)	Business Retail Services	29.4	NIL				
		3(b)	Business Commercial Services	19.1					
	Total		Business Total	48.5					
LANE COVE	Business	3(a)	Business General 'A'	4.1	Industrial	4(a)	Industrial General	54.2	
		3(b)	Business General 'B'	9.2		4(b)	Industrial Waterfront	6.1	
		3(c)	Business Neighbourhood 'C'	2.4		4(c)	Industrial Special	2.8	
	Total		Business Total	15.7		Industrial Total	65.1	80.8	
LEICHHARDT	Business	Bus.	Business	50.1	Industrial	Ind.	Industrial	39.7	
						Port/Empl	Port and Employment	64.7	
						Water front	Port and Employment	13.6	
	Total		Business Total	50.1		Industrial Total	118.0	168.1	
LIVERPOOL	Business	3(a)	Business	126.3	Industrial	4(a)	Industrial	399.9	
		3(b)	Business Highway	12.4		4(b)	Industrial Special	75.2	
		3(c)	Business Town Support	1.1		4(c)	Industrial Business Park	164.3	
						4(d)	Industrial Business Enterprise	193.4	
	Total		Business Total	139.8		Industrial Total	832.8	972.6	
LGA	Category	Zone	Zone Title	ha	Category	Zone	Zone Title	ha	LGA TOTAL



# appendix 2

## EXISTING STOCK OF EMPLOYMENT LANDS

LGA	BUSINESS CATEGORY				INDUSTRIAL CATEGORY				LGA TOTAL
	Category	Zone	Zone Title	ha	Category	Zone	Zone Title	ha	
MANLY	Business	3	Business	174	Industrial	4	Industrial	10.1	
<b>Total</b>			<b>Business Total</b>	<b>174</b>			<b>Industrial Total</b>	<b>10.1</b>	<b>27.5</b>
MARRICKVILLE	Business	3(a)	General Business	37.5	Industrial	4(a)	General Industrial	115.7	
		3(b)	Neighbourhood Business	2.7		4(b)	Light Industrial	53.3	
<b>Total</b>			<b>Business Total</b>	<b>40.2</b>			<b>Industrial Total</b>	<b>169.0</b>	<b>209.2</b>
MOSMAN	Business	3(a1)	Spit Junction	5.7	NIL				
		3(a2)	Cremorne Business	1.1					
		3(a3)	Mosman Junction Town Centre	3.2					
		3(b)	Commercial/Residential	1.6					
		3(c)	Local Business	1.6					
		3(d)	The Spit Waterside	0.8					
<b>Total</b>			<b>Business Total</b>	<b>14.0</b>			<b>Industrial Total</b>	<b>0</b>	<b>14.0</b>
NORTH SYDNEY	Business	3	Commercial	11.0	Industrial	2(f)	Residential F McMahons Point	2.4	
		3(a)	Commercial A	0.6					
		10	Mixed Use	43.0					
<b>Total</b>			<b>Business Total</b>	<b>54.6</b>			<b>Industrial Total</b>	<b>2.4</b>	<b>57.0</b>
PARRAMATTA	Business	3(a)	Centre Business	30.9	Industrial	4	Employment	615.5	
		3(b)	Neighbourhood Business	14.6		Ind	Parramatta Road Industrial	14.1	
		10	Mixed Use	37.1		Light Ind	Light Industrial Uses	8.9	
	AUTO BUS		Land Identified to Provide for Automotive Business	9.8		RE	Regional Enterprise	225.1	
	BUS		Retail, Commercial and Support Services for Reside	4.5		Tech/Ent	Technology and Enterprise	93.3	
	BUS/TRANS		Business and Transport Centre	7.8		Trade/Ind	Trade and Industry Support	9.9	
	City Core		Very High Density, High Activity, Commercial Area	28.3					
	City Edge		Medium Density Mixed Use	53.1					
	Mixed Use		Applies to the North Parramatta Govt Sites	42.3					
	RCore		Primary Retail Zone Allowing All Uses	12.3					
	RW		Medium Density Mixed Use	0.6					
<b>Total</b>			<b>Business Total</b>	<b>241.3</b>			<b>Industrial Total</b>	<b>966.8</b>	<b>1208.1</b>
PENRITH	Business	3(a)	General Business	91.8	Industrial	4(a)	General Industry	805.3	
		3(b)	Special Business	3.5		4(b)	Special Industry	124.9	
		3(c)	Neighbourhood Business	8.1		4(e)	Employment	267.7	
		3(d)	Special Business	34.6		4(e1)	Employment Restricted	230.5	
		3(d1)	Special Business	1.0					
		3(f)	Mixed Land Uses	2.1					
		10	Mixed Use	46.2					
	GBUS		General Business	3.9					
	NBUS		Neighbourhood Business	0.5					
	NC		Neighbourhood Centre	4.3					
	SBUS		Special Business	1.0					
<b>Total</b>			<b>Business Total</b>	<b>197.0</b>			<b>Industrial Total</b>	<b>1428.4</b>	<b>1625.4</b>



# appendix 2

## EXISTING STOCK OF EMPLOYMENT LANDS

TABLE 2 CONTINUED AREA OF EMPLOYMENT LAND BY ZONE  
(2006 - Update using Council returns to 2005 Survey and known rezonings - see note following table)

LGA	BUSINESS CATEGORY				INDUSTRIAL CATEGORY				LGA TOTAL
	Category	Zone	Zone Title	ha	Category	Zone	Zone Title	ha	
PITTWATER	Business	3(a)	General Business 'A'	24.6	Industrial	4(b)	Light Industrial 'B'	24	
		3(b2)	Services Business 'B2'	1.6		4(b1)	Light Industrial 'B1' (Mona Vale)	22.5	
		3(b3)	Waterfront Business	1.5					
		3(c)	Neighbourhood	3.3					
		3(d)	Automotive Business 'D'	1.2					
		3(e)	Office Business 'E'	19.8					
	<b>Total</b>		<b>Business Total</b>	<b>52.0</b>			<b>Industrial Total</b>	<b>46.5</b>	<b>98.5</b>
RANDWICK	Business	3A	General Business	30.0	Industrial	4A	Industrial	72.9	
		3B	Local Business	20.2		4B	Port Botany	169.6	
	<b>Total</b>		<b>Business Total</b>	<b>50.2</b>			<b>Industrial Total</b>	<b>242.5</b>	<b>292.7</b>
ROCKDALE	Business	3(a)	General Business	31.8	Industrial	4(b)	Industrial (Light)	57.2	
		3(b)	Highway Business	14.5		4(b1)	Industrial Light Industrial	9.9	
		3(c)	Neighbourhood Business	8.3		4(b2)	Industrial Light Industrial (Restricted)	4.6	
		10(a1)	Mixed Use Railway Precinct	7.5		4(d)	Industrial Service and Technology	5.0	
	<b>Total</b>		<b>Business Total</b>	<b>62.1</b>			<b>Industrial Total</b>	<b>76.7</b>	<b>138.8</b>
RYDE	Business	3(a)	Business General	8.1	Industrial	4(a)	Industrial General	Nil	
		3(b)	Business Commercial	Nil		4(b1)	Industrial Light	2.9	
		3(c1)	Business Automotive	5.0		4(b2)	Industrial Light (Restricted)	7.0	
		3(c2)	Business Automotive Special	0.8		4(c1)	Industrial Special	20.5	
		3(d1)	Business Neighbourhood 'D1'	5.5		4(d)	Industrial Special University	Nil	
		3(d2)	Business Neighbourhood	0.9		4(e)	Industrial Waterfront	1.5	
		3(d3)	Business Neighbourhood	0.2					
		3(e)	Business Special Restaurant and	0.8					
		3(f)	Business Special Research and	85.5					
		3(g)	Business Special Employment	71.7					
		3(h)	Business Special Mixed Activity	60.0					
	3(uv)	Business Urban Village	63.2						
<b>Total</b>		<b>Business Total</b>	<b>301.7</b>			<b>Industrial Total</b>	<b>31.9</b>	<b>333.6</b>	
SOUTH SYDNEY	Business	3	Business	49.8	Industrial	4	Industrial	154.9	
		10	Mixed Uses	201.6					
		10(a)	Mixed Uses 'A'	22.0					
		10(b)	Mixed Uses 'B'	76.3					
		10(c)	Mixed Uses 'C'	16.2					
		10(d)	Mixed Uses 'D'	25.8					
		10(e)	Mixed Uses 'E'	42.1					
			Defered Green Square Town Centre	13.7					
<b>Total</b>		<b>Business Total</b>	<b>447.5</b>			<b>Industrial Total</b>	<b>154.9</b>	<b>602.4</b>	
LGA	Category	Zone	Zone Title	ha	Category	Zone	Zone Title	ha	LGA TOTAL

# appendix 2

## EXISTING STOCK OF EMPLOYMENT LANDS

NSW GOVERNMENT'S  
metropolitan STRATEGY



LGA	BUSINESS CATEGORY				INDUSTRIAL CATEGORY				LGA TOTAL							
	Category	Zone	Zone Title	ha	Category	Zone	Zone Title	ha								
STRATHFIELD	Business	3(a)	Business General	3.8	Industrial	4	Industrial	198.4								
		3(b)	Business Special	5.9												
		3(c)	Business Neighbourhood	0.5												
		10	Mixed Use	16.2												
		<b>Total</b>	<b>Business Total</b>							26.4	<b>Industrial Total</b>			198.4	<b>224.8</b>	
SUTHERLAND	Business	3(a)	General Business	50.4	Industrial	4(a)	General Industrial	237.5								
		3(b)	Neighbourhood Business	17.8												
		3A	Business A	2.9												
		3B	Business B	5.9												
		9(a)	Mixed Residential/ Business	50.0												
		<b>Total</b>	<b>Business Total</b>							127.0	<b>Industrial Total</b>			237.5	<b>364.5</b>	
SYDNEY CITY	Business	CC	City Centre	169.0	Industrial	MT	Maritime and Transport	81.4								
		CE	City Edge	42.0												
		<b>Total</b>	<b>Business Total</b>							211.0	<b>Industrial Total</b>			81.4	<b>292.4</b>	
WARRINGAH	Business	B4	Narrabeen Village	4.7	Industrial	A3	Terrey Hills Village (Tepko Rd Pt)	6.0								
		C2	Glen Street Village	4.8												
		C3	Forestville Village	3.1												
		C5	Forestway Shops	2.1												
		C9	Austlink Business Park	52.1												
		D2	Collaroy Village	2.5												
		E10	Civic Centre	4.6												
		E11	Fisher Road	1.6												
		E12	Mooramba Road	0.6												
		E16	Pittwater Road North	5.8												
		E17	Town Centre South	1.4												
		E18	The Strand	2.1												
		E5	Howard Avenue	2.1												
		E6	Oaks Avenue	2.9												
		E9	Pittwater Road	6.4												
		F1	Brookvale Centre	9.1												
		G5	Manly Vale Centre	1.6												
		G6	Manly Vale Business	4.5												
		G9	Warringah Mall	17.1												
		H2	Harbord Village	2.6												
		LR	Local Retail	11.3												
		<b>Total</b>	<b>Business Total</b>							143.0	<b>Industrial Total</b>			250.8	<b>393.8</b>	
		WAVERLEY	Business	3(a)						Business General	6.3	NIL				
3(a2)	Business General			6.8												
3(a3)	Business Secondary			3.2												
3(a4)	Business Special (Low Intensity)			0.6												
3(a5)	Business Special (Services)			1.4												
3(b)	Business Mixed			2.4												
3(c)	Business Neighbourhood			10.1												
<b>Total</b>	<b>Business Total</b>			30.8	<b>Industrial Total</b>			0.0	<b>30.8</b>							
LGA	Category	Zone	Zone Title	ha	Category	Zone	Zone Title	ha	LGA TOTAL							

# appendix 2

## ACTION PLAN FOR SYDNEY'S EMPLOYMENT LANDS

**TABLE 2 CONTINUED AREA OF EMPLOYMENT LAND BY ZONE**  
(2006 - Update using Council returns to 2005 Survey and known rezonings - see note following table)

LGA	BUSINESS CATEGORY				INDUSTRIAL CATEGORY				LGA TOTAL
	Category	Zone	Zone Title	ha	Category	Zone	Zone Title	ha	
WILLOUGHBY	Business	3(a)	General Business	13.6	Industrial	4(a)	General Industrial	56.9	
		3(b)	Special Business	5.8		4(b)	Light Industrial	33.0	
		3(c1)	Business Retail C1	9.6		4(c)	Business Park	4.5	
		3(c2)	Business Commercial C2	8.0					
		3(c3)	Business General C3	3.4					
		3(d)	Neighbourhood	3.5					
		3(e)	Restricted Office	3.7					
		3(e2)	Business	1.9					
	<b>Total</b>		<b>Business Total</b>	<b>49.5</b>		<b>Industrial Total</b>	<b>94.4</b>	<b>143.9</b>	
WOLLONDILLY	Business	3(a)	Business	33.4	Industrial	4(a)	Industrial	213.9	
						4(c)	Light Industrial Service	1.3	
<b>Total</b>		<b>Business Total</b>	<b>33.4</b>		<b>Industrial Total</b>	<b>215.2</b>	<b>248.6</b>		
WOOLLAHRA	Business	3(a)	General Business 'A'	13.9	NIL				
		3(a2)	Business General	4.6					
		3(a4)	Business Special (Low Intensity)	1.0					
		3(b)	Special Business 'B'	1.9					
		3(b1)	Restricted Special Business 'B1'	0.6					
		3(c)	Neighbourhood Business 'C'	12.8					
<b>Total</b>		<b>Business Total</b>	<b>34.8</b>		<b>0</b>	<b>34.8</b>			
WYONG	Business	3(a)	Business Centre	91.2	Industrial	4(a)	General Industrial	286.6	
		3(b)	Centre Support	24.1		4(b)	Light Industrial	157.2	
		3(c)	Neighbourhood Business	0.1		4(c)	Business Park	50.4	
		3(d)	Tourist Business	2.4		4(d)	Special Industrial	4.5	
						4(e)	Regional Industrial and Employment Development	699.5	
<b>Total</b>		<b>Business Total</b>	<b>117.8</b>		<b>Industrial Total</b>	<b>1198.2</b>	<b>1316.0</b>		
<b>SYDNEY TOTAL</b>		<b>(23%) BUSINESS 5789.8</b>			<b>(77%) INDUSTRIAL 14792.8</b>		<b>20582.6</b>		
LGA	Category	Zone	Zone Title	ha	Category	Zone	Zone Title	ha	LGA TOTAL

NOTE Data is generated from electronic versions of LEP maps held by the Department including significant amendments recorded to April 2006. The data may not be fully accurate as the base data has not been 100% verified, and not all amendments have necessarily been captured e.g. where made by a SEPP or REP. Any use of the data needs to be appropriately qualified to reflect the above. A key outcome of the commitment to re-establish the ELDP will be production of a data base that can be used with a high degree of confidence.

# **Attachment B: Guideline for State Significant Sites under the Major Projects SEPP**

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NSW GOVERNMENT  
**Department of Planning**

**Guideline for  
State Significant Sites  
under the Major Project SEPP**

# Guidelines for State Significant Sites

## **Introduction**

The State Environmental Planning Policy (Major Project) 2005 provides for the Minister to declare an area to be a State significant site. When declaring a site to be of State planning significance, the Minister will also establish the planning regime for that site.

These provisions will be used to deliver the State's planning objectives on major sites important in the implementation of the Metro Strategy and other regional strategies. The provisions will also be used to facilitate major investment in significant economic and employment generating development in NSW and the redevelopment of major State government sites.

In the past, when the Minister determined to develop a new planning regime on a major site, a regional environmental plan or SEPP had to be made. This has led to a proliferation of site specific planning instruments.

Under the provisions of the Major Project SEPP, the Minister will amend the SEPP to add the site to Schedule 3 of the SEPP. These provisions will be kept under review and will be revoked when the State's planning objectives have been achieved on the site or when a suitable replacement planning instrument is able to incorporate its provisions.

## **Criteria for a State Significant Site**

A State Significant Site must be of State or regional planning significance because of its social, economic or environmental characteristics.

When considering whether a site can be categorised as being of State significance, the Minister will consider whether the site meets one or more of the following criteria:

- (a) be of regional or state importance because it is in an identified strategic location (in a State or regional strategy), its importance to a particular industry sector, or its employment, infrastructure, service delivery or redevelopment significance in achieving government policy objectives; or
- (b) be of regional or state environmental conservation or natural resource importance in achieving State or regional objectives. For example protecting sensitive wetlands or coastal areas; or
- (c) be of regional or state importance in terms of amenity, cultural, heritage, or historical significance in achieving State or regional objectives. For example sensitive redevelopment of important heritage precincts; or
- (d) need alternative planning or consent arrangements where:
  - (i) added transparency is required because of potential conflicting interests
  - (ii) more than one local council is likely to be affected.

## **Procedures for being listed as a State significant site**

### ***Nomination as a State significant site***

There are two methods by which the process for considering and including a site as State significant site can be initiated. The Minister may initiate the process by nominating a site to be a State significant site or a proponent may initiate the process by requesting that the Minister nominate their site to be a State significant site.

Where a proponent makes a request that the Minister nominate the site as a State significant site, the request should be accompanied by preliminary document that provides details of:

- the site in its current zoning context including permissibility and compliance with core planning controls
- the State and regional significance of the site in terms of meeting the criteria outlined above;
- future land use proposals
- views of the local Council

***Preliminary consultation with council***

Prior to a proponent making a request of the Minister for the listing of the site as State significant site, proponents should consult with the relevant local council to determine if the appropriate planning regime can be efficiently delivered through local planning processes.

***Site Investigation***

Prior to making a decision as to the State significance status of a site, the Minister may initiate an investigation into a State significant site by requiring the Director-General to undertake a study or to make arrangements for a study to be undertaken for the purpose of determining:

- the appropriate land use and development controls for the site.
- whether any future development on the site should be declared to be Major Project

The study is to assess:

- a) the state or regional planning significance of the site
- b) the suitability of the site for any proposed land use taking into consideration environmental, social and economic factors, the principles of ecologically sustainable development and any State or regional planning strategy
- c) the implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning; and
- d) any other matters required by the Director-General.

***Requirements for the investigation***

In issuing any requirements for the study, the Director-General will consult relevant agencies and the local council(s). The Director-General may also convene a Planning Focus Meeting to assist in identifying and prioritising issues to be addressed in the Study.

If the proposed planning changes on the site are likely to affect threatened species, populations or ecological communities or their habitats, the Director-General must formally consult the Director-General of Department of Environment and Conservation and/or Director-General of Department of Primary Industries, regarding requirements for the Study under the provisions of s34A of the EP&A Act.

If the proposed planning changes on the site are likely to affect items on the State Heritage Register (including interim listings), the Director-General must formally consult with the Heritage Council regarding requirements for the Study under the provisions of s83 of the Heritage Act.

Proponents should check with the Department regarding the applicable assessment fee which applies under the EP&A Regulation.

***Exhibition and consultation***

The Director-General will exhibit the study for a minimum of 30 days with an invitation to the public to make written submissions. The Director-General will send a copy of the study to the relevant councils and agencies for comment. This may occur concurrently with a concept plan (or project application) under Part 3A of the Act where applicable.

When submissions are received the Director-General will consider the matters raised and if relevant modify the proposal to minimise impacts on the environment or to make it more consistent with State or regional planning objectives.



### ***Director-General's Assessment***

The Director-General shall assess the study and the implications of the proposed changes in land use and provide recommendations to the Minister relating to.

- a) the state or regional planning significance of the site
- b) the suitability of the site for any proposed land use
- c) the implications of any change in land use.

The Minister may establish an independent panel at any phase of the process. For example advice may be required in relation to

- matters to be considered in the study
- the proposed planning provisions and any technical assessment to arrive at these provisions

The Minister and Director-General will take into consideration any recommendations made by the panel.

### ***Minister's determination and SEPP amendment***

If the Minister intends to proceed with declaring the site to be a State significant site, the Minister must consult with other relevant Ministers under s37 as part of the process of amending the Major Project SEPP to list the site as State significant.

Following this advice, the Minister must make a determination as to whether the site is to be listed as State significant site.

If the Minister determines to make the site a State significant site, the Major Project SEPP must be amended to add the site and the relevant planning provisions to Schedule 3 of the SEPP. As a result the provisions in the council LEP will be amended and replaced by the provisions in the Major Project SEPP.

### **State significant site planning provisions**

The planning provisions relating to a State significant site will be listed in Schedule 3 of the Major Project SEPP. Depending on the site, the planning provisions may relate to:

- zoning and permitted land uses possibly accompanied by a map with layout of subsequent land uses on the site
- core planning controls and/or performance criteria
- list of exempt or complying development with any relevant performance criteria
- list of any major projects or development to be determined by the Minister and/or local development to be determined by council.

In addition, infrastructure contributions arrangements may be established either through the amendment to the Major Projects SEPP and or through any determination under Part 3A of the Act.

### **State significant site provisions without a site investigation**

Under the Major Project SEPP, a State significant site along with appropriate planning controls may be added to Schedule 3 without the need for a study or consultation.

### **Review of the State significant site provisions**

The Major Project SEPP will be reviewed as a minimum every 5 years. At that time, a judgement will be made as to whether the State's planning objectives have been fully or partly achieved on the site. As soon as these objectives, the State's approval role will be withdrawn and the planning provisions in the Major Project SEPP will be integrated into the relevant LEP.

# **Attachment C: NSW Government Lobbyist Code**

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# NSW Government Lobbyist Code of Conduct

## 1. Preamble

Free and open access to the institutions of government is a vital element of our democracy.

Lobbyists can enhance the strength of our democracy by assisting individuals and organisations with advice on public policy processes and facilitating contact with relevant Government Representatives.

In performing this role, there is a public expectation that Lobbyists will be individuals of strong moral calibre who operate according to the highest standards of professional conduct.

The Government has established the Lobbyist Code of Conduct to ensure that contact between Lobbyists and Government Representatives is conducted in accordance with public expectations of transparency, integrity and honesty.

## 2. Application

- 2.1 The NSW Government Lobbyist Code of Conduct has application through the Codes of Conduct that apply to Ministers, Ministerial Staff Members, senior public servants and public sector agencies, and through a Premier's Memorandum in relation to Parliamentary Secretaries.
- 2.2 The NSW Government Lobbyist Code of Conduct creates no obligation for a Government Representative to have contact with a particular Lobbyist or Lobbyists in general.
- 2.3 The NSW Government Lobbyist Code of Conduct does not serve to restrict contact in situations where the law requires a Government Representative to take account of the views advanced by a person who may be a Lobbyist.

## 3. Definitions

"Director General" means Director General of the Department of Premier and Cabinet.

"Lobbyist" means a person, body corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to represent the interests of a third party to a Government Representative.

"Lobbyist" does not include:

- (a) an association or organisation constituted to represent the interests of its members;
- (b) a religious or charitable organisation; or
- (c) an entity or person whose business is a recognised technical or professional occupation which, as part of the services provided to third parties in the course of that occupation, represents the views of the third party who has engaged it to provide their technical or professional services.

"Lobbyist's Details" means the information described under clause 5.1.

"Government Representative" means a Minister, Parliamentary Secretary, Ministerial Staff Member, or person employed, contracted or engaged in a public sector agency (which means a Division of the Government Service as defined in section 4A of the *Public Sector Employment and Management Act 2002*) other than staff employed under section 33 of the *Public Sector Employment and Management Act 2002*.

"Ministerial Staff Member" means a person employed under section 33 of the *Public Sector Employment and Management Act 2002* to carry out work for a Minister or a Parliamentary Secretary; a person seconded to the Department of Premier and Cabinet under section 86 of the *Public Sector Employment and Management Act 2002* and assigned to a Minister's office; or a person otherwise placed, contracted or engaged in a Minister's office or assigned to a Parliamentary Secretary.

#### **4. Contact between Lobbyists and Government Representatives**

4.1 A Government Representative shall not at any time permit lobbying by:

- (a) a Lobbyist who is not on the Register of Lobbyists;
- (b) any employee, contractor or person engaged by a Lobbyist to carry out lobbying activities whose name does not appear in the Lobbyist's Details noted on the Register of Lobbyists in connection with the Lobbyist;
- (c) any Lobbyist or employee, contractor or person engaged by a Lobbyist to carry out lobbying activities who, in the opinion of the Government Representative, has failed to observe any of the requirements of clause 4.3.

4.2 Contact with a Government Representative for the purposes of lobbying activities by a Lobbyist includes:

- (a) telephone contact;
- (b) electronic mail contact;
- (c) written mail contact; and
- (d) face to face meetings.

4.3 When making an initial contact with a Government Representative about a particular issue on behalf of a third party for whom the Lobbyist has provided paid or unpaid services, the Lobbyist must inform the Government Representative:

- (a) that they are a Lobbyist or employee, contractor or person otherwise engaged by the Lobbyist who is currently listed on the Register of Lobbyists;
- (b) that they are making the contact on behalf of a third party;
- (c) the name of the third party; and
- (d) the nature of that third party's issue.

## 5. Register of Lobbyists

5.1 There shall be a Register of Lobbyists which shall contain the following information:

- (a) the business registration details of the Lobbyist, including names of owners, partners or major shareholders as applicable;
- (b) the names and positions of persons employed, contracted or otherwise engaged by the Lobbyist to carry out lobbying activities;
- (c) the names of third parties for whom the Lobbyist is currently retained to provide paid or unpaid services as a Lobbyist; and
- (d) the names of persons for whom the Lobbyist has provided paid or unpaid services as a Lobbyist during the previous three months.

5.2 A Lobbyist wishing to have contact with a Government Representative for the purposes of lobbying activities may apply to the Director General to have the Lobbyist's Details recorded in the Register of Lobbyists.

- 5.3 The Lobbyist shall submit updated Lobbyist's Details to the Director General in the event of any change to the Lobbyist's Details as soon as practicable but no more than 10 business days after the change occurs.
- 5.4 The Lobbyist shall provide to the Director General within 10 business days of 30 September, 31 January and 31 March of each year, confirmation that the Lobbyist's Details are up to date.
- 5.5 The Lobbyist shall provide to the Director General, within 10 business days of 30 June 2009 and each year thereafter, confirmation that the Lobbyist's Details are up to date together with statutory declarations for all persons employed, contracted or otherwise engaged by the Lobbyist to carry out lobbying activities on behalf of a client, or where the Lobbyist is a person, a statutory declaration by that Lobbyist, as required under paragraph 8.1.
- 5.6 The registration of a Lobbyist shall lapse if the confirmations and updated statutory declarations are not provided to the Director General within the time frames specified in clauses 5.4 and 5.5.

#### **6. Access to the Register of Lobbyists**

- 6.1 The Register of Lobbyists shall be a public document.
- 6.2 The Director General shall ensure that the Register of Lobbyists is readily accessible to members of the public.

#### **7. Principles of Engagement with Government Representatives**

- 7.1 Lobbyists shall observe the following principles when engaging with Government Representatives:
  - (a) Lobbyists shall not engage in any conduct that is corrupt, dishonest, or illegal, or cause or threaten any detriment;
  - (b) Lobbyists shall use all reasonable endeavours to satisfy themselves of the truth and accuracy of all statements and information provided to parties whom they represent, the wider public, governments and agencies;
  - (c) Lobbyists shall not make misleading, exaggerated or extravagant claims about, or otherwise misrepresent, the nature or extent of their access to institutions of government or to political parties or to persons in those institutions; and
  - (d) Lobbyists shall keep strictly separate from their duties and activities as Lobbyists any personal activity or involvement on behalf of a political party.

## **8. Registration**

- 8.1** The Director General shall not include on the Register of Lobbyists the name of an individual unless the individual provides a statutory declaration to the effect that he or she:
- (a)** has never been sentenced to a term of imprisonment of 30 months or more, and
  - (b)** has not been convicted, as an adult, in the last ten years, of an offence, one element of which involves dishonesty, such as theft or fraud.
- 8.2** Subject to clause 8.1, the Director General may at his or her discretion:
- 1)** refuse to accept part or all of an application to be placed on the Register of Lobbyists; or
  - 2)** remove from the Register of Lobbyists part or all of the details of a Lobbyist
- if, in the opinion of the Director General:
- (a)** any prior or current conduct of the Lobbyist or the Lobbyist's employee, contractor or person otherwise engaged to provide lobbying services for the Lobbyist has contravened any of the terms of this Code; or
  - (b)** any prior or current conduct of the Lobbyist or association of the Lobbyist with another person or organisation is considered to be inconsistent with general standards of ethical conduct; or
  - (c)** the registration details of the Lobbyist are inaccurate; or
  - (d)** the Lobbyist has not confirmed the Lobbyist's Details in accordance with the requirements of clause 5.4 and/or clause 5.5; or
  - (e)** there are other reasonable grounds for doing so.

**Attachment D: Guidelines  
for Major Project  
Community Consultation**

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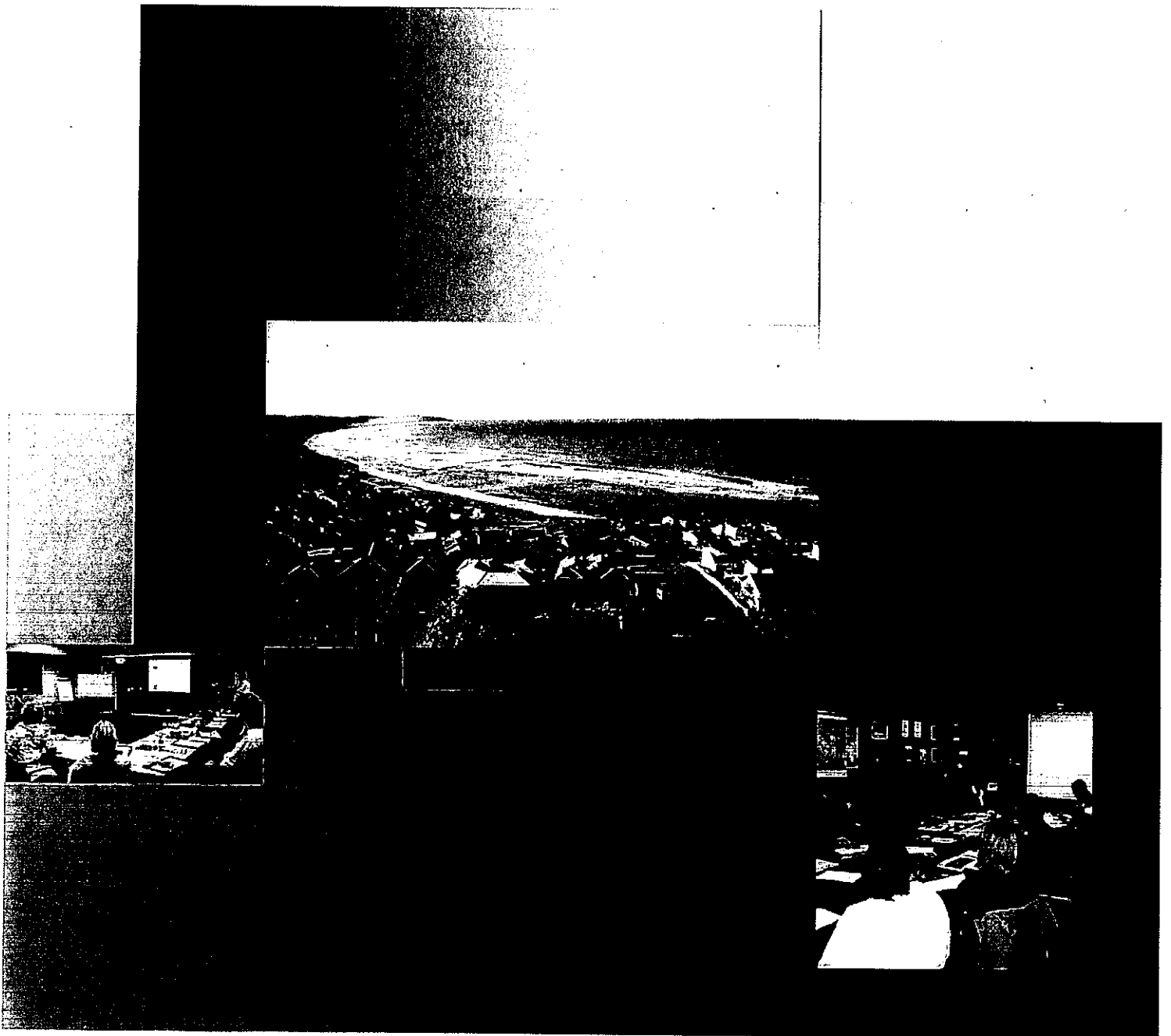




NSW GOVERNMENT  
Department of Planning

# GUIDELINES FOR MAJOR PROJECT COMMUNITY CONSULTATION

OCTOBER 2007



# Introduction

Community and stakeholder consultation is an important component of the NSW Government's environmental assessment process for projects under Part 3A of the Environmental Planning and Assessment Act (EP&A Act). It provides an opportunity for the decisions of Government to be informed by the views and knowledge of the community. Consultation is part of working openly with the community and other stakeholders and providing opportunities for their views and preferences to have input into the assessment process and decision making. The goal of consultation is to strengthen decision making by ensuring all relevant issues are considered.

## THE PURPOSE OF THIS GUIDELINE

- To outline what community and stakeholder consultation is expected from proponents prior to, during and after the assessment of their concept or project application
- To assist proponents to meet any community consultation requirements issued by the Director-General of the Department of Planning
- To clarify what is "adequate and appropriate" consultation
- To explain the Department's role in consultation.

The Department considers community and stakeholder consultation valuable because it can:

- Ensure that factual information about a proposal is widely available to people with an interest
- Allow the community and relevant stakeholders to have their say in the assessment process
- Bring new information and ideas to a project
- Avoid unnecessary delays by addressing stakeholder concerns prior to lodgement
- Provide an opportunity for the negotiation of outcomes acceptable to both the proponent and community
- Build important long term relationships in the local community
- Enhance a proponent's reputation in the community.

This guideline does not seek to explain the major project assessment process. A number of publications about this have been prepared to assist proponents and these are available on the Department's website.

# The requirement to consult

## BACKGROUND

The Department sets out the consultation requirements to be undertaken by the proponent for the project for which it is seeking approval. This is done through the Director-General's requirements (DGRs) for the proponent's environmental assessment.

Once the Department considers a proponent's environmental assessment for a major project or concept plan to be adequate, it must be publicly exhibited for a minimum of 30 days inviting the community to make submissions. An advertisement is placed in relevant newspapers informing the community that the project is on exhibition, providing an officer contact name for the project and informing them where to send their submissions. The environmental assessment is also placed on the Department's website along with other relevant documentation.

If there are a number of agency or community submissions, the proponent is usually required to respond to the issues raised and may amend the project to minimise impacts. Any changes and the response to the issues are documented in a preferred project report. This ensures that the proponent is fully aware of any community or agency concerns, with the proponent provided an opportunity to resolve these issues prior to the Department assessing the project.

The Minister for Planning may appoint a panel of experts to provide independent advice for projects with a high level of public interest or projects with outstanding technical issues. The panel usually holds public hearings so that it can be informed first hand on the community issues. This provides an additional opportunity for the community to provide information and for their views to be considered in the assessment process.

## THE DEPARTMENT'S ROLE

The Department:

- Sets out any requirements to consult the community or other stakeholders in the DGRs
- Organises planning focus meetings with other State and local government stakeholders as appropriate so that all government issues are identified upfront and integrated into the DGRs
- Assesses the adequacy of the consultation based on the DGRs as part of its review of the draft environmental assessment prior to its exhibition
- When the proponent's environmental assessment is considered adequate, undertakes the statutory public exhibition process and receives submissions from the public. Submissions are forwarded to the proponent and other relevant agencies and councils for consideration
- Undertakes an assessment of the project taking into consideration any submissions and the proponent's response to the issues raised in the submissions
- Makes recommendations to the Minister to approve (with conditions) or refuse an application
- Maintains a website with information and documents specific to projects.

## THE PROPONENT'S ROLE

Proponents are expected to organise, resource and report any consultation processes required by the Department. The proponent should:

- Consult early, particularly where the project is likely to be contentious
- Commit adequate resources to consultation
- Clearly describe who has been consulted and what issues were raised
- Demonstrate how the issues raised during the consultation process have been addressed in the environmental assessment and preferred project report (if required).

## "ADEQUATE AND APPROPRIATE" CONSULTATION

The DGRs will often require proponents to carry out "adequate and appropriate" consultation. The extent to which a proponent consults the community and stakeholders when preparing the environmental assessment for a major project or concept plan application will be determined by:

- The nature of the proposal and the extent of its likely environmental, social and economic impacts
- The level of consultation required in the DGRs
- Consultation that occurred prior to making an application to the Minister for approval of a major project or concept plan
- Whether the nature of the development will require on-going consultation once the project is constructed and has commenced operation. Where consultation is appropriate during the operational stages, the Minister may require long-term community engagement as a condition of approval.

## THE CONSULTATION PROCESS

The account of the consultation process included in the environmental assessment may be considered adequate if it demonstrates that:

1. Those individuals and organisations likely to have an interest in the proposal had enough opportunity to express their views. The community of interest can be broadly categorised into three groups:
  - a. those directly impacted by the project (eg. neighbouring residents or those located on transport corridors affected by road or rail transport associated with the project)
  - b. individuals and groups likely to have an interest in the local or regional implications of the project (eg. local councils, local members of Parliament and P&Cs, environmental, indigenous, heritage, business and other community organisations in the area)
  - c. organisations with a State and national interest (eg. State and Commonwealth government departments, peak bodies, infrastructure service providers).

## The requirement to consult (Cont'd)

2. Information regarding the nature of the proposal had been accurately and widely distributed. Methods of distribution of information may include, but not necessarily be limited to letters to key stakeholders, newsletters, a website, advertisement of consultation events and public displays on the proposal.
3. Community and stakeholder feedback was encouraged and recorded. Methods of capturing feedback may include, but not necessarily be limited to:
  - surveys and feedback forms
  - submissions
  - a database that records issues and comments via 1800 number or similar arrangement
  - meeting minutes.Methods of discussing issues with stakeholders may include, but not necessarily be limited to:
  - drop-in community information centres, displays or open days with project team members available to discuss issues
  - focus groups, community group meetings, feedback sessions, individual and group briefings with key stakeholders and presentations/discussions at organisation meetings.
4. Consultation with community and stakeholders was inclusive and the proponent has:
  - Got to know and understand the communities it needs to engage
  - Acknowledged and respected their diversity
  - Accepted different views, but ensured that dominant special interest groups are not the only voices heard
  - Ensured that participants are aware of what they can and cannot influence

- Aimed for accessibility:
  - Chose engagement techniques that offer opportunities to participate across all relevant groups
  - Considered the timing, location and style of engagement events and strategies
  - Avoided notifying and holding events during holiday periods
  - Avoided jargon and technical language
- Paid particular attention to the needs of groups that tend to be under represented (including indigenous groups and people from linguistically and culturally diverse backgrounds).

### REPORT OF THE CONSULTATION PROCESS

The report should include:

- a. A summary of findings
- b. The process including:
  - The objectives of the consultation process
  - When was consultation undertaken
  - The number and type of stakeholders involved (see 1 above)
  - Engagement techniques — how feedback was collected and how discussions with community were undertaken (see 2 and 3 above)
  - An assessment of how well the objectives were met.
- c. An analysis of the issues raised. This should be comprehensive and identify:
  - What issues were raised by particular stakeholder groups
  - How each issue is proposed to be addressed in the environmental assessment
  - Where the proposal has been altered as a result of feedback received.

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#### GUIDELINES FOR MAJOR PROJECT COMMUNITY CONSULTATION

© State of NSW through the Department of Planning October 2007  
23-33 Bridge Street, Sydney NSW Australia  
www.planning.nsw.gov.au  
DOP 07\_043  
ISBN 978-0-7347-5968-9

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# **Attachment E: WSELIA Studies Outline**

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## Western Sydney Employment Lands Investigation Area Studies

Study	Consultant(s)	Scope
Geotechnical	SKM	Examined soil landscapes, geology and groundwater salinity for WSELIA. The study identified no geotechnical aspect that would preclude the proposed development in the investigation area.
Drainage and Flooding	SKM	A desktop assessment of drainage requirements and flooding constraints within the investigation area. The study identified some areas where a Probable Maximum Flood event or 100 year Average Recurrence Interval event could impact on land within the investigation area. These constraints have influenced the location of areas with the potential for development within WSELIA.
Flora and Fauna	SKM	The mapping of areas that are classified as endangered ecological communities under the <i>Threatened Species Conservation Act 1995</i> (NSW) or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth). The study found that only a small proportion of the investigation area have areas that are deemed to represent endangered ecological communities. These have influenced the location of areas with the potential for development within WSELIA.
Air Quality	SKM	Examined issues that may impact on existing and forecast air quality in the investigation area. Any development of WSELIA will need to consider an approach to maximise potential industrial development without compromising the existing local ambient air quality and meeting air quality requirements for the Sydney Basin.
Noise	SKM	Examined issues that may influence existing and forecast noise impacts in the investigation area. Any development of WSELIA will need to consider an approach to maximise potential industrial development while minimising noise impacts to sensitive areas. The noise implications of a potential airport at Badgerys Creek have also been considered.
Contamination	SKM	Provided an overview assessment to identify parcels of land that appeared to have on-site activities which may pose potential contamination issues. The assessment found limited areas of contamination, but that site specific investigations be undertaken for relevant properties should development within WSELIA proceed.
Heritage	SKM	A desktop assessment of potential indigenous and non-indigenous heritage within the investigation area. The assessment found no significant issues at a strategic level, but that further heritage assessment be undertaken at a precinct level should development within WSELIA proceed.

Bushfire Risk	ABPP	An assessment of potential bushfire risks and a management framework for the investigation area. This framework will be used to influence precinct planning and development controls should development occur within WSELIA.
Employment	SKM	Examined employment generation for WSELIA. The study found that WSELIA could provide sufficient land to support future employment demand in the region over the next 30 years and provide a potential jobs capacity of over 70,000 jobs. Based on this scenario, the employment generation would concentrate on general industry, transport and wholesale, and retail sectors.
Land Use	SKM	Investigated existing land use and activities, surrounding land use and activities, landscape character and proposed land use and activities. This study undertook a detailed and technical analysis with consideration of metropolitan growth projections, employment by industry type and scenario testing of possible options. The study provides an input into the potential development and implementation of employment lands within WSELIA.
Traffic and Transport	SKM, SD+D	Assessed potential demand for traffic and transport activities to support freight and passenger needs based on the proposed land use scenarios for WSELIA. Based on this demand analysis, potential transport corridors for freight and passenger needs are identified, as well as a potential intermodal freight terminal to support the efficient movement of container freight.
Utilities	SKM	Provided an assessment of existing infrastructure for electricity, telecommunications, gas, water and sewer, potable water, wastewater management and recycled water. This assessment will influence future servicing requirements for WSELIA should development proceed.