



Information Note – SP2018-1

Industrial and urban services land (Retain and manage) – transitional arrangements

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Grouping: **A Metropolis of Three Cities and Greater Sydney District Plans**

This Information Note is not to be construed as legal advice, does not form part of the plans and does not have statutory weight under the *Environmental Planning and Assessment Act 1979*. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this Information Note.

This Information Note is part of a series that provides supporting information for *A Metropolis of Three Cities* and the Greater Sydney District Plans. For more information, and to access the other Information Notes, visit www.greater.sydney.

Purpose of this Information Note

- This Information Note has been prepared in consultation with the NSW Department of Planning and Environment to assist planning authorities assessing planning proposals that relate to areas covered by the *Retain and manage* approach for industrial and urban services lands in the Greater Sydney Region Plan and the District Plans. The Information Note provides guidance on how the *Retain and manage* approach applies to planning proposals lodged prior to March 2018, that had not received a gateway determination or had received a gateway determination but had not yet been finalised before the adoption of the Greater Sydney Region Plan – *A Metropolis of Three Cities* and the District Plans.
- Preparation of the Information Note is necessary because planning authorities have sought the Greater Sydney Commission's advice about how to apply the *Retain and manage* policy to planning proposals.
- The Information Note establishes transitional arrangements for dealing with planning proposals lodged before March 2018 and guidance for planning proposals lodged after March 2018.

Principles for managing industrial and urban services land

- *A Metropolis of Three Cities* and the Greater Sydney District Plans set out three approaches to industrial and urban services land:
 - The *Retain and manage* approach applies across the Eastern Harbour City, the NorthWest Growth Area and industrial land in the established urban areas of the Western Parkland City. For lands where the *Retain and manage* approach applies, all existing industrial and urban services land should be safeguarded from competing pressures, especially residential and mixed-use activities. This approach retains this land for employment purposes. The number of jobs should not be the primary objective – rather a mix of industrial and urban services outcomes that support the city and population.
 - The *Review and manage* approach applies across the established areas of Central City District and Hornsby, Liverpool and Fairfield local government areas. The Greater Sydney Commission will review industrial and urban services land under this approach to either confirm its retention (as described in the approach above) or manage uses to allow sites to transition to higher-order employment activities (such as business parks).



- The *Plan and manage* approach applies across the South West and Western Sydney Airport Growth Areas. In land release areas, there is a need for additional industrial and urban services land in response to long-term projected population and development growth. The Greater Sydney Commission will work with the NSW Department of Planning and Environment, other State agencies, including Transport for New South Wales, and councils as strategic plans are prepared to determine additional industrial and urban services land requirements.

Transitional arrangements for planning proposals involving land where the *Retain and manage* approach applies

- The NSW Department of Planning and Environment currently acts as delegate of the Greater Sydney Commission to exercise the plan-making functions under the *Environmental Planning and Assessment Act 1979*.
- Prior to March 2018, some councils submitted planning proposals involving change of use of industrial or urban services land to residential, retail or mixed uses in the areas covered by the *Retain and manage* approach.
- If such a planning proposal was submitted by a council before the adoption of the District Plans in March 2018 and had been referred to and supported by the relevant Sydney District Planning Panel to proceed to gateway determination, then the decision of the Panel with any conditions imposed on the decision is to be the prevailing consideration as to whether a proposal proceeds to a gateway determination. The proponent is to satisfy the conditions of the gateway determination before the matter proceeds to public exhibition.
- A proponent for such a planning proposal will be given a time frame by the NSW Department of Planning and Environment within which to satisfy the conditions of the Panel after which time no extensions are to be granted. If the conditions are not satisfied then a gateway determination will not be issued and the planning proposal will not proceed.
- If such a planning proposal was lodged before the adoption of the District Plans in March 2018, received a gateway determination, and any conditions on the gateway determination have been satisfied, then it can proceed to public exhibition and finalisation in the usual manner.
- If the proponent satisfies the Panel's conditions and the matter proceeds to exhibition, and progresses to be finalised, then a sunset clause will be inserted in the local environmental plan to permit the intended land use(s). The sunset clause will prescribe the time frame for the lodgement of a development application. The time frame will be determined by the NSW Department of Planning and Environment. If a development application for the intended land use(s) is not lodge within the prescribed time, then the enabling provision on the LEP will cease to have effect. If the development application is lodged within the time period and subsequently approved, then the local planning authority may remove the sunset clause on the next occasion it updates the LEP to remove reliance on existing use rights.
- If a planning proposal involving change of use of industrial or urban services land to residential, retail or mixed uses in the areas covered by the *Retain and manage* approach is lodged after the adoption of the District Plans being March 2018 then it is to be considered on its strategic and site merits and the policy to *Retain and manage* industrial and urban services land set out in the relevant District Plan is to be applied. The *Retain and Manage* approach prevails over other District Plan objectives relating to delivery of housing or retail floor area.

Key Contacts

- Proponents and councils are encouraged to talk to the NSW Department of Planning and Environment early on any planning proposals that may not be consistent with a District Plan. The Department will consult with the Greater Sydney Commission should the approaches under the District Plans need clarification in relation to planning proposals.
- The NSW Department of Planning and Environment Information Centre can be contacted



on 1300 305 695 or by email:

information@planning.nsw.gov.au

- If English is not your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to the Department's Information Centre on 1300 305 695.