

# Submission to the Proposed Employment Zones Framework

**June 2021**

## Executive Summary

The Position Paper and accompanying exhibition material is proposing one of the most significant amendments to employment zones and definitions since the introduction of the Standard Instrument LEP (SI LEP) since its introduction in 2006. It has been prepared by staff of the City of Ryde (Council) and due to the limited timeframe for consultation it has not been reported to Council. Council encourages the Department of Planning Industry and Environment (DPIE) to ensure its exhibition of these changes reaches local communities as well as Council staff and industry stakeholders.

Council generally supports the review and updating of definitions given there has been almost 15 years since the SI LEP introduction. However, Council is concerned about some of the proposed changes and the optimistic timeframe proposed for implementation of those changes.

Council is most concerned about the employment zone changes and the potential impact it may have on the Macquarie Park employment precinct. The Position Paper proposes a new SP4 Local Enterprise zone. Council is of the opinion that this would be the most appropriate zone to use for the Macquarie Park precinct. Given Council's *Macquarie Park Employment Land Strategy (2020)* and the current Strategic Investigation by the DPIE Council would like to collaborate with DPIE to work together to implement the Strategic Investigation and Council's Strategy through the use of the SP4 Local Enterprise zone.

This submission provides some comment and raises concerns that must be addressed in the proposed amendment to, and introduction of new, definitions to the SI LEP, so as to avoid unintended negative outcomes. Generally, the intent of the definition changes is supported, but Council is concerned that, unless the wording of the definitions is carefully crafted, there is scope for misinterpretation or misuse the definitions that would result in unintended consequences.

Full analysis and comment on the proposed changes to the definitions is not possible in the current exhibition as the actual wording has not been finalised. Council requests that a further exhibition of the actual proposed wording of both the zone land use tables and definitions is held. This would enable a more comprehensive collaboration between the State, Local Government, and other stakeholders.

The implementation timeframe for the proposed changes is noted and appears to be very optimistic for such major changes. Council's concern with this timeframe is that it may not allow for true, meaningful, and engaged consultation and collaboration between all stakeholders.

It is requested that the DPIE consider the comments in the following submission and rethink the consultation process and timeframe to ensure that there is full and appropriate collaboration between all parties that will be affected.

## Proposed employment zones Framework

The Position Paper proposes a framework for entirely new employment zones rather than the collapsing or combining of current 'Business' zones.

The five new employment zones proposed are:

- E1 Local Centre,
- E2 Commercial Centre,
  - These represent zoning for centres.
- E3 Productivity Support,
  - Provides a transition between the centres and industrial zones.
- E4 General Industrial,
- E5 Heavy Industrial,
  - The key industrial zones.

To accommodate land uses in existing B or IN zones that are not primarily productivity related, the two further zones proposed are:

- MU Mixed Use,
  - Generally used where a range of land uses are to be encouraged.
- W4 Working Foreshore,
  - Primarily a translation of the existing IN4 Working Waterfront Zone.

To introduce a flexible mechanism to allow for bespoke planning for unique precincts a new Special Purpose zone is proposed:

- SP4 Local Enterprise
  - This zone recognises that certain precincts and their proposed land use activities are unique and cannot be accommodated in another proposed zone. The SP4 zone will allow a planning authority to set the land use table.

## Council Comments

The concept of the introduction of the new employment zones is generally supported. It is agreed that since the introduction of the SI LEP the strategic intent for the use of the 'B' zones has progressively been lost. This loss of strategic intent has been partly due to the rigid SI land use definitions and the approach used by many Local Councils to simply translate their LEPs into the SI format between 2007 and 2014.

The introduction of the new employment zones is an opportunity to address this previous progressive loss of strategic intent. Council supports the assistance that the Department of Planning, Industry and Environment (DPIE) are proposing for this process (Mapping, self-repealing SEPPs, etc). However, the timeframe for the process, mid 2022, is optimistic. To ensure full support from all stakeholders, this timeframe must not rush or cut short any public exhibition or consultation for the changes. This particularly important as we are yet to see the detailed land use tables and definitions and sufficient time will be required to assess the impacts and potentially work through any refinements required when these details are known.

Council generally supports the principle of the 'centres hierarchy' use of zones and supports the introduction of flexibility in zone land use tables as this will assist in reducing the need for multiple planning proposals. However, the introduction of flexibility will require the review, by councils and the State Government, of other planning controls so that the flexibility does not erode the strategic intent of the zones and does not have unintended impacts on the integrity of the zones. Again, ensuring there is sufficient time for this parallel work to be undertaken is crucial to ensuring the changes achieve their intent and do not result in unintended negative outcomes.

## Zone Naming

It is noted that the Position Paper indicates that the new employment zones names may change during this process. Renaming is a must as the current use of E1-E5 currently conflict with the SI LEP use of E1-E4 as Environment Protection Zones.

The retention of the 'B' zone naming would be logical, but it does have the potential to create some confusion during the transition period for the new zone introduction. This could be overcome with education and consultation, or naming could be 'Business and Employment (BE) Zones'.

## Application of New Employment Zones to Macquarie Park

Macquarie Park is an important economic asset not only for the city of Ryde but also for wider economy. Metropolitan policy recognises the importance Macquarie Park plays in the state and metro economy. This is also detailed in the [Macquarie Park Employment Land Strategy \(2020\)](#) and the DPIE's Strategic Investigation into Macquarie Park.

The Greater Sydney Commission's District Plan identifies Macquarie Park as a Strategic Health and Education Centre and the commission has also identified the precinct as a priority innovation precinct. The Macquarie Park precinct is home to 37,500 jobs and is the 3rd largest employment centre in Sydney. Macquarie Park has a total of over 1 million sqm of undeveloped floor space within its controls, making it the largest non-CBD office precinct in terms of floorspace. Policies emphasise the important role that Macquarie Park plays in contributing to the economy through professional service industries and over \$8 billion of Gross Value Add (GVA). Ensuring the zoning appropriately delivers the uses required to fulfil the precinct's strategic role is particularly important given the large amount of available floorspace and the significant role of the precinct as an employment, health and education centre into the future.

Employment projections for Macquarie Park anticipate jobs to grow by nearly 12,000 by 2036 to 73,000 jobs in the B3 and B7 zones. With this growth and with the competition coming from other established commercial precincts in Sydney, Ryde Council's [Macquarie Park Employment Land Strategy \(2020\)](#) (the Strategy) identifies a series of challenges for Macquarie Park:

- The need to improve amenity, accessibility and vibrancy,
- How to ensure the right amount and right type of commercial floorspace is planned for,
- Uncertainty about meeting future demand from employment uses,
- Macquarie Park is competitive, but suffers from identity issues,

The Strategy considers ways forward for Macquarie Park:

- Government support and effective proximity to other stakeholders are key,
- Good connectivity and infrastructure provide opportunity for new business,
- Higher densities allow more efficient land use and increased vibrancy,
- Maintaining a strong commercial core,
- Careful consideration of limited residential development as a part of the future mix of uses.

Residential can be used as an effective means of activating Macquarie Park. However, there are risks that in introducing it into the B3 and B7 zones, the primary commercial role could be undermined through land value increases or impediments to effective commercial operations.

The Strategic Investigation of Macquarie Park by the DPIE is now nearing completion. There are concerns about the impact that changes to the allowable uses (including residential) may have on the economic role of Macquarie Park and its ability to accommodate future employment. There is a concern that if capacity is provided for residential uses by the inclusion of Mixed-Use zones, this will lead to land use conflicts and changes in land values and rentals making commercial floorspace provision less feasible than the residential floorspace, thereby 'crowding out' the potential for commercial.

Any potential 'crowding out' of commercial development by residential uses is a significant concern for Council. The Council's *Macquarie Park Employment Land Strategy (2020)* has made some recommendations and planning principles for the evolution of the Macquarie Park precinct as follows:

### **Recommendations:**

- Identify a clear commercial core.
  - This core could extend along Waterloo Road westwards from Macquarie Park Station and comprise of both a primary and secondary section.
- Increased planning controls and phased approach to the further development of the commercial core,
- Support existing business park formats.
  - This style of precinct suits some existing businesses in the locality.
- Consider novel residential models.
  - It is acknowledged that residential development could play a role in the wider Macquarie Park precinct. The risk that residential creates is that high density strata developments will lock out future commercial development opportunities. Residential development should therefore be considered only outside of the proposed commercial core and be restricted to non-strata developments. This may include affordable housing or build-to-rent models where the development is retained under single ownership.

**Planning Principles,** (subject to further detailed analysis and designs):

- Improve accessibility and permeability in the precinct,
- Improve amenity, increase available open space and recreation opportunities,
- Reconsider road design and parking provision.

As detailed above, Council's *Macquarie Park Employment Land Strategy (2020)* has identified challenges and made some recommendations for the future of Macquarie Park to retain it as a strong employment precinct. This is consistent with Council's vision for the precinct and is also consistent with the District and Regional planning Policies.

DPIE has invested significant time and resources in the Macquarie Park Strategic Investigation, which acknowledges the challenges outlines above and the need for a careful, evidence-based approach to land use changes in the strategic employment centre to ensure employment lands, essential to the economic output and future growth of Macquarie Park, are protected and any evolution of the land uses in the precinct are carefully managed over time. It is Council's opinion that the DPIE and Council will need work together to implement that Strategic Investigation via more detailed precinct and infrastructure planning. In light of this, Macquarie Park would benefit from flexibility in the planning controls and an approach driven by the extensive and detailed precinct specific work undertaken over the last couple of years by DPIE and Council, rather than being defined by the existing or proposed employment zones in the SI LEP.

The proposed SP4 Local Enterprise zone would be the appropriate zone to use in the Macquarie Park precinct. This would enable the flexibility to facilitate an integrated commercial and employment precinct with the appropriate mix of residential and commercial development whilst retaining the employment focus of the precinct.

## New, updated or consolidated land use definitions

The Position Paper is also proposing updated definitions for:

- Business premises
- Industrial retail outlet
- Kiosk
- Neighbourhood shop
- Shop top housing
- Crematorium.

And proposed new definitions:

- Circular economy facility
- Creative industries
- Data centre.

Local distribution premises are also proposed to be a separate land use decoupled from the parent term 'warehouse or distribution centres'. The following table is adapted from the Position Paper and includes Council's comments for each element of the proposal.

## Updated and new definitions

Land Use	Intent	Council Comment
<b>Business premises</b> Amends existing definition	Update the definition to remove reference to outdated land uses (internet access facilities) and make it clear that business premises do not include a 'shop'.	Council agrees with the need to update this, and other, definitions to remove outdated land uses or to include other appropriate land uses. The change to clarify that 'business premises' does not include a 'shop' is supported.
<b>Circular economy</b> New definition Sub-term of 'light industry' or potentially 'business premises'	Insert a new definition that provides for a facility that allows for the collection, repair, refurbishment, dismantling, sharing and redistribution of goods found commonly in households. These facilities should not be confused with waste	This proposed new definition is supported in principle as it is agreed that these facilities should not be identified as a waste facility. The wording of this proposed definition must be carefully crafted to ensure that this definition does not, inadvertently, include facilities that should be included as a waste facility. The proposed definition includes " <i>the collection, repair, refurbishment, dismantling, sharing and redistribution of goods found commonly in households</i> ". However, if these individual tasks (collection, dismantling) are permitted as separate tasks without the need to

	<p>recovery facilities that have amenity impacts. These facilities are low in impact and suited to local neighbourhood collection of waste materials.</p>	<p>“refurbish or repair” on the same site, then that use could be considered as a waste facility.</p> <p>For example, a facility may collect white goods and appliances and dismantle those goods at site A and then transport those dismantled goods to site B for refurbishment, repair or other processing. This example would not be a “circular economy” but rather a recycling or waste facility.</p> <p>Similarly, the definition must also appropriately define the scale of any such facility to ensure that transport movements in and out of the site are appropriate for a “light industry” or “business premises”</p>
<p><b>Creative industry</b></p> <p>New definition</p> <p>Sub-term of ‘light industry’</p>	<p>Insert a new definition that provides a catch all definition for the creative industries and their activities and outputs. The definition will capture occupations that commonly identify as creative including:</p> <ul style="list-style-type: none"> <li>• traditional and digital media;</li> <li>• fine arts and crafts;</li> <li>• design; and</li> <li>• creative products</li> </ul> <p>and extends to the activities carried out including production, workshops, display/performance and sale of items.</p>	<p>This proposed definition is generally supported by Council as it would assist in implementing Council’s <i>Creative Industry Strategy (2020)</i>.</p> <p>The wording of the definition must be carefully crafted as Council has concerns with the use of the term “design” in the definition. Unless this is defined in more detail, this would allow uses such as Architects, Building Designers, Plan Drafting and other related uses. These uses, whilst fitting into the term “design” would be more appropriately defined as a “business premise” rather than a creative industry to prevent these uses from displacing true creative <i>industry</i> uses.</p> <p>Council would like to see that the definition is worded to prevent uses better characterised as a “business premise” falling into this definition to ensure true creative industry uses are not displaced. If this cannot be appropriately addressed, then the term “design” should be removed from the proposed definition.</p>
<p><b>Crematorium</b></p> <p>Amend existing definition</p>	<p>Update the definition to include the additional process for inurnment known as aquamation.</p>	<p>Council does not have any objection to the proposed change on the provision that other legislation and controls that apply to crematoriums and chemical waste continue to apply.</p>



<p><b>Data centre</b></p> <p>New definition</p> <p>Sub-term of 'High technology industry'</p>	<p>Insert a new definition to cover a building used for the collection, storage, process and distribution of electronic data,</p>	<p>Council agrees that it is logical to include a new definition for "data centre". However, Council objects to the inclusion of such uses as Complying Development. Council previously prepared a submission to the <i>Building Business Back Better – EIE</i> in May 2020 on this matter. Data Centres as Complying Development would:</p> <ul style="list-style-type: none"> <li>• Undermine the strategic role of Macquarie Park,</li> <li>• Be inconsistent with the Macquarie Park Strategic Investigation,</li> <li>• Be inconsistent with the B7 Business Park Zone,</li> <li>• Result in poor public domain, built form and other outcomes.</li> </ul> <p>A copy of Council's previous submission on this matter is attached for your information.</p>
<p><b>Industrial retail outlet</b></p> <p>Amend existing definition</p>	<p>Update the definition to allow industrial retail outlet to sell the outputs of a creative industry,</p>	<p>Council generally agrees with this amendment to the definition. However, the provisions of Clause 5.4 in the LEP must be allowed to be tailored for each Council area to ensure that this amendment does not get abused.</p>
<p><b>Kiosk</b></p> <p>Amend existing definition</p>	<p>Update the definition to remove reference to products that are no longer convenience items (camera film)</p>	<p>Council agrees with proposed amendment.</p>
<p><b>Local distribution premises</b></p> <p>Retain existing definition</p> <p>Remove from parent term 'warehouse or distribution premises'</p>	<p>Retain existing definition however make 'local distribution premises' a stand-alone definition so that it no longer falls under the parent term 'warehouse or distribution premises'</p>	<p>Council agrees with this amendment in principle. The definition must allow for appropriate controls on the scale of a "local distribution premises" to be controlled. There is a real potential for such a facility to cater for a large area (depending on the perception of "local") and for the facility to generate significant traffic movements into and out of the site and for disruption to local parking provision.</p> <p>Any definition change must address the scale of any such facility and must also</p>

		define what “local” means in relation to distribution area.
<b>Neighbourhood Shop</b>  Amend existing definition	Update the definition to make it less ambiguous regarding ancillary services. Remove reference to products that are no longer frequent convenience items (newspapers) and replace the concept of personal care products with day to day needs.	Council agrees in principle to the proposed amendment to clarify the “neighbourhood shops” definition. The definition should more clearly define what a “test of meeting day-to-day needs” means and how that should be applied.
<b>Shop-top housing</b>  Amend existing definition	Update the definition to allow ground floor commercial premises and health services facility providing more opportunity for local services, viable uses on the ground floor and employment generation.	Council agrees with the amendment to expand “shop-top housing” to additionally permit “commercial premises” on the ground floor. Should this occur then the title of the definition should also be amended. In these cases, the permissibility of “commercial premises” on the first and ground floor may also be appropriate. However, this should allow flexibility for application to different precincts.
<b>Warehouse or distribution centre</b>  Amend existing definition	Update the definition to remove inclusion of local distribution premises as part of a consequential amendment reflecting the decoupling of local distribution premises from the parent term.	Agreed that this amendment is necessary if the term “local distribution premises” is decoupled.

### Potential consolidation of existing definitions

Potential consolidated definitions

Land Use	Intent	Council Comment
<b>Home improvement retail premises</b>	To provide a land use term that enables the retailing of materials that are used in home	Council agrees, in principle, with the potential consolidation of these terms. However, the consolidation must ensure that there is no

<p>Potential definition Sub-term of 'commercial premises'</p> <p>The new land use term would be permitted with consent in E1-E4 and MU1 zones.</p>	<p>improvements. The definition would be formed by combining the existing definitions of 'hardware and building supplies' and 'garden centres' into a single 'home improvement retail premises' definition. 'Hardware and building supplies' and 'garden centres' would be deleted from the Dictionary, Direction 5 and land use tables.</p>	<p>confusion, overlap or misinterpretation that would permit specialised retailers, such as furniture, appliances, etc. (e.g, Harvey Norman, Amart, Domayne, Fantastic Furniture and the like) to argue that they may be defined as "Home Improvement Retail Premises".</p> <p>The Position Paper proposes that this consolidated definition would be permitted with consent in the E1-E4 and MU1 zones. Whilst this may be appropriate in some regional or smaller metropolitan centres, it should not be a 'mandated' use in these zones as it would not be appropriate for some larger metropolitan centres.</p>
<p><b>Trades retail premises</b></p> <p>Potential definition</p> <p>Sub-term of 'commercial premises'</p> <p>The new land use term would be permitted with consent in E1-E3 and MU1.</p>	<p>To provide a land use term that enables the retailing of trade materials that are used in construction, farming, primary production and landscaping. The definition would be formed by combining the existing definitions of 'landscaping material supplies', 'rural supplies' and 'timber yards' into a single 'Trades retail premises' definition. 'Landscaping material supplies', 'rural supplies' and 'timber yards' would be deleted from the Dictionary, Direction 5 and land use tables.</p>	<p>Council agrees, in principle, with the potential consolidation of these terms.</p> <p>However, like the above comments for "home improvement retail premises" any such definition must ensure that there is no confusion, overlap or potential misinterpretation with other related land uses.</p> <p>Similarly, these uses should not be 'mandated' uses for the E1-E3 and MU1 zones.</p>
<p><b>Storage and distribution premises</b></p>	<p>To provide a land use term that facilitates freight and logistics. This definition groups storage, warehousing</p>	<p>Council agrees, in principle, with this proposed consolidation.</p> <p>However, this land use should not be 'mandated' in the E3-E5 zones.</p>

<p>Potential definition.</p> <p>The new land use term would be permitted with consent in E3-E5.</p>	<p>and distribution centres uses under the one land use activity.</p> <p>The definition would be formed by combining the existing definitions of 'storage premises' and 'warehouse or distribution centre'. 'storage premises' and 'warehouse or distribution centre' would be deleted from the Dictionary, Direction 5 and land use tables.</p>	<p>If this use is 'mandated' in any zone, then it should be restricted to the E4 and E5 zones and be optional for the E3 zone as it may be inappropriate in some E3 zones adjacent to larger centres.</p>
<p><b>Self-storage units</b></p> <p>Retain existing definition</p> <p>Decouple 'self-storage units' from parent term 'storage premises'. No change is proposed to where 'self-storage units' would be permitted with consent (see Land-Use Matrix).</p>	<p>To reflect that 'self-storage units' are not part of the freight and logistics network unlike 'storage premises'.</p>	<p>Council agrees, in principle, with this proposed decoupling.</p> <p>However, this land use should not be 'mandated' in the E3 zone. This use should be optional in the E3-E5 zones.</p>

## Land use tables

The exhibition material includes proposed land use matrix identifying a wide range of mandated permissible and prohibited uses within each of the new zones. As the exhibited draft SI LEP amendment only lists "roads" as mandated in the various zones, adding the land use matrix as exhibited to the SI LEP amendment without further refinement and consultation is strongly opposed.

Council does not, in principle, object to mandated uses in zones provided it is appropriate for the zone and the LGA. As the SI LEP applies across NSW the needs and use of the LEP in metropolitan, peri-urban, regional, and rural LGAs differs greatly, and the land uses permitted in the zones should reflect that difference.

For example, the land uses “oyster aquaculture” and “Tank-based aquaculture” are listed in the E1 Local Centre and E2 Commercial Centre zones. Whilst this may have limited potential, if any, in some rural or regional areas, such uses in those zones in peri-urban and metropolitan centres are not appropriate.

As Ralph Waldo Emerson noted, “A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines.” It is important that the improvements to consistency are balanced with DPIE’s equally well-held desire to improve the clarity of LEPs and the quality of outcomes produced. Council agrees that, there are some advantages to having mandated land uses in certain zones as this provides consistency for industry users. However, it is not appropriate for too many of these land uses to be mandated as this stifles innovation and the ability of local centres to best capitalize on unique characteristics and assets. It is important we don’t chase consistency too far and thereby forego opportunities for qualitative improvements.

This has been recognised in the Position Paper through the introduction of the SP4 Local Enterprise Zone, which is supported, if appropriately applied. As noted earlier in the submission, consideration should be given to the application of this zone in Macquarie Park with a bespoke land use table designed to implement the Macquarie Park Strategic Investigation.

There must be constructive collaboration between Local and State Government in relation to mandating uses in the SI LEP so that there is true tailoring of planning at the local level and to ensure local LEPs do not contain inappropriate uses within zones for the sake of un-helpful consistency.

## Implementation plan


The exhibition material includes an implementation plan for the proposals in the Position Paper. The implementation is proposed to be undertaken in two tranches with the entire process being completed mid-2022. This is an admirable but optimistic timeframe for such an undertaking if there is proposed to be collaboration and meaningful consultation with all stakeholders.

When the SI was introduced in 2006 the translation of land uses into the new zones was difficult for some areas. Much of this difficulty and delay was due to the rigid nature of the then SI LEP and definitions as many local provisions and land uses did not readily fit into the SI format.

If DPIE are to assist councils with the implementation of these changes by mapping the appropriate zone translations, then there must be a meaningful consultation period for that process. The consultation must allow councils to consult community and industry

stakeholders as well as allow the time for such consultation to be held and then reported to an open Council Meeting for the appropriate processes and decisions to be made.

Following that consultation process there needs to be true collaboration between Local and State governments so that the “State-wide consistency with local tailoring” (heading in the implementation plan) can be appropriately and truly achieved.

Council thanks DPIE for the opportunity to provide comment and looks forward to further opportunities to inform the necessary refinements before any changes are implemented. Should you wish to discuss Council’s submission please contact 

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## Attachment

Copy of city of Ryde submission to  
*Building Business Back Better – EIE,*  
May 2020

Meagan Kanaley  
Director Codes  
Department of Planning, Industry and Environment

Email: [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)

11 May 2021

Our Ref: URB/08/1/1

Dear Madam,

### **Building Business Back Better - Explanation of Intended Effect**

The Department of Planning, Industry and Environment (DPIE) has recently exhibited an Explanation of Intended Effect (EIE) for proposed changes to the complying development pathway for employment lands. This letter outlines the City of Ryde's submission on those proposed changes.

The submission specifically relates to the proposed complying development pathway for data centres via State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The proposal will specifically impact upon the B7 Business Park Zone of the Ryde Local Environmental Plan 2014 (RLEP 2014) which is in Macquarie Park.

The submission also relates to the proposal to allow minor external alterations to existing buildings in Heritage Conservation Areas (HCA) and on the site of heritage items as complying development in the B1 Neighbourhood Centre Zones of the RLEP 2014.

Council objects to these proposed complying development pathways for the reasons outlined below.

### **Complying development pathway for data centres**

#### **Data centres undermine the strategic role of Macquarie Park**

Due to the small number of employees required in relation to floor area, data centres do not currently assist in meeting job targets, threaten the commercial and employment status of Macquarie Park and undermine its identified strategic role in the Northern District Plan and Council's Local Strategic Planning Statement.

Macquarie Park is the largest non-CBD office market in Australia with an estimated \$3 billion in commercial property investment anticipated over the next decade. It is on track to becoming Australia's fourth largest commercial precinct by 2030. It has a Gross Regional Product of approximately \$15.7 billion and is targeted to deliver 19,000 additional jobs by 2036.



Macquarie Park is too significant an employment centre to risk by introducing a complying development pathway to make a use, which does not assist in meeting job targets, more easily approvable.

#### Macquarie Park Strategic Investigation

DPIE has invested significant time and resources in the Macquarie Park Strategic Investigation, which acknowledges the need for a careful, evidence-based approach to land use changes in the strategic employment centre to ensure employment lands essential to the economic output and future growth of Macquarie Park. It does not appear that such an approach has been considered in relation to the proposed complying development pathway for data centres and the proposal is considered premature for Macquarie Park given that the investigation is still ongoing. The amount and location of land appropriate for Data Centres in the precinct into the future will be a consideration when evaluating the proposed land use changes arising from the investigation;

#### Inconsistent with B7 Business Park Zone in Macquarie Park

Not only would the over-supply of data centres undermine the strategic role of Macquarie Park, but this would also be inconsistent with the B7 Business Park Zone objectives. They are considered to be inconsistent by not assisting in the provision of a range of office and light industrial uses, by not encouraging employment opportunities, by not enabling other land uses that provide facilities or services to be developed to meet the day to day needs of workers in the area and by not encouraging industries involved in research and development. Council therefore objects to data centres becoming approvable through complying development pathway as they are not compatible with the objectives of the B7 Business Park Zone.

#### Poor public domain, built form and other outcomes

Council's Ryde Development Control Plan 2014 (DCP) has objectives and controls aimed at achieving good public domain, built form and other outcomes in Macquarie Park (Part 4.5 Macquarie Park Corridor). Although the EIE states that complying development will need to comply with a proposed 'Business Zone Design Guide' that will include 'Design Criteria' referring to Council DCPs, Council has concerns about the ability of certifying authorities to be able to appropriately interpret and assess compliance against the controls of a DCP, especially because there are numerous controls which have been drafted for consideration in the assessment of development applications.

In particular, the proposed expansion of complying development would reduce the efficacy of Council's Incentive Provisions in the precinct, which encourage the delivery of the fine grain road network and open space network essential for its growth. Ensuring proposals are provided through the DA pathway ensures the fine grain road and open space network components of the site can be appropriately assessed; these specific matters that uniquely apply to Macquarie Park make it incompatible with the proposed expansion of complying development. Consideration should be given to exempting the Macquarie Park Corridor from the SEPP.

## Complying development for minor external alterations to buildings in HCAs and on the site of heritage items

The EIE states it would allow minor external alterations (such as shopfront and awning repairs and maintenance) to existing buildings in a HCA and on the site of listed local heritage items (but not the listed heritage item itself) as complying development in the B1 Neighbourhood Centres Zone. Council has concerns about allowing such repairs and maintenance to buildings without heritage advice and proper assessment. The concerns relate to the potential for such work to impact negatively on the setting of an item or the views to and from an item, which may be important to significance. To ensure the significance of any heritage item or HCA is not compromised, it is Council's view that a heritage impact assessment should be undertaken as part of a DA process.

Please do not hesitate to contact [REDACTED] if you would like to discuss this submission further.

Sincerely,

[REDACTED]  
Director, City Planning and Environment