

June 2020

Special Activation Precincts are existing or proposed employment precincts in regional NSW that have been nominated by the NSW Government as having potential for growth, and where planning and investment will be prioritised. The Special Activation Precincts program is an important part of the NSW Government's 20 Year Economic Vision for Regional NSW and will be delivered in part through the \$4.2 billion Snowy Hydro Legacy Fund.

The NSW Department of Planning, Industry and Environment is responsible for preparing the planning framework for each Precinct. The approach is to undertake upfront planning and environmental assessment to allow for most employment uses to be undertaken as complying or exempt development, and reduce the cost and time associated with obtaining development consent for suitable businesses.

## What is the Activation Precinct SEPP?

The State Environmental Planning Policy (Activation Precincts) 2020, referred to as the Activation Precinct SEPP, provides the planning framework to support development in Special Activation Precinct locations.

The Activation Precincts SEPP requires a Master Plan and Delivery Plans to be prepared for each Precinct, prior to development commencing.

This will ensure that the development is consistent with the vision and staging for the precinct, and consistent with the planning controls.

Specific planning pathways and development standards will be unique to each Precinct and are to be contained in the new Activation Precincts SEPP. The Parkes Special Activation Precinct is the Schedule 1 under the Activation Precincts SEPP.

## What is the planning framework for Special Activation Precincts?

A new planning framework has been developed to ensure the right mechanisms are in place for industry to access and comply with a streamlined planning process for the effective delivery of Special Activation Precincts.

The planning framework comprises the following:

<i>State Environmental Planning Policy (Activation Precincts) 2020</i>	<ul style="list-style-type: none"><li>• Identifies each Special Activation Precinct.</li><li>• Requires that an Activation Precinct Certificate be sought prior to an application for a development, to ensure the development is consistent with the Master Plan and Delivery Plan.</li><li>• Provides zoning and land use controls for each Precinct.</li><li>• Identifies Exempt and Complying Development pathways for certain development.</li></ul>
<i>Special Activation Precinct Master Plans</i>	<ul style="list-style-type: none"><li>• Made by the NSW Department of Planning, Industry and Environment and approved by the Minister.</li><li>• Identifies the Vision, Aspirations and Principles for the Precinct.</li><li>• Provides more detailed, sub-precinct land use controls where required.</li><li>• Identifies Performance criteria at a Precinct-scale for amenity, environmental performance and infrastructure provision.</li></ul>

	<ul style="list-style-type: none"> <li>Identifies the matters to be addressed as part of the Delivery Plan.</li> </ul>
<i>Special Activation Precinct Delivery Plans</i>	<ul style="list-style-type: none"> <li>Prepared by the Regional Growth NSW Development Corporation and approved by the Planning Secretary.</li> <li>Identifies development controls.</li> <li>Provides detailed strategies and plans for:             <ul style="list-style-type: none"> <li>Aboriginal cultural heritage</li> <li>Environmental protection and management</li> <li>Protection of amenity</li> <li>Infrastructure and services</li> <li>Staging</li> </ul> </li> <li>Provides procedures for ongoing monitoring and reporting.</li> </ul>

### How does the planning framework ensure good design outcomes?

The types of controls that might have been included in the Design Guidelines (eg, setbacks, landscaping) are included in the Delivery Plan.

The Delivery Plan will include site-specific development controls for matters like stormwater management. It will also comprise strategies for the public domain and the street network.

### Are the land uses the same for every Special Activation Precinct?

No, each Special Activation Precinct will have a different set of land use controls, based on the strategic planning and technical studies, local environmental and heritage constraints, compatibility with other land uses and economic drivers for that Precinct.

There will be a separate Schedule for each Precinct in the Activation Precincts SEPP. Each Schedule will include a zoning map, zoning objectives and a land use table and the approval pathways for land uses, including exempt, complying and prohibited development.

The Activation Precincts SEPP relies on standard land use terms, defined in the Standard Instrument - Principal Local Environmental Plan and other planning legislation.

### What are the transitional arrangements from current land uses to new land uses?

Development permitted under existing approvals will still be able to be undertaken once the Activation Precincts SEPP is made, even if that land use is no longer permissible.

Uses that are no longer permissible in the zone will have existing use rights under the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

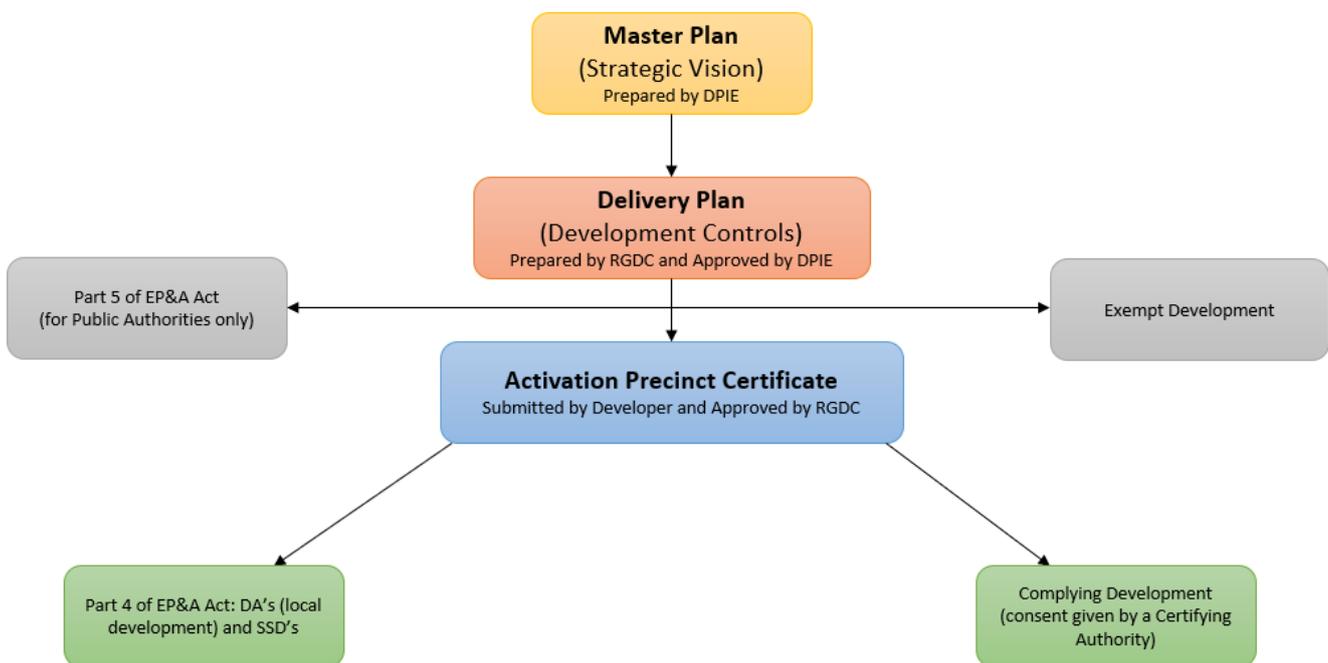
### What is the process for development in the Parkes Special Activation Precinct?

The Activation Precincts SEPP requires that a Master Plan and Delivery Plans be prepared for each Precinct and that development in Activation Precincts cannot be undertaken without an Activation Precinct Certificate issued by the Regional Growth NSW Development Corporation.

Most developments will then require consent via an application for a Complying Development Certificate, issued by an Accredited Certifier.

Exempt development does not require an Activation Precinct Certificate.

This process is outlined below:



### What is a Delivery Plan?

Before development can commence in a Precinct, the Regional Growth NSW Development Corporation is required to prepare Delivery Plans for the whole or part of that Precinct, comprising:

- Site specific development controls
- Design, staging and implementation of infrastructure
- Specific strategies for managing environmental impact, including vegetation management plans, ground water management plans and Aboriginal cultural heritage management plans, and
- Ongoing monitoring requirements

The Delivery Plans will be submitted to the Department of Planning, Infrastructure and Environment for assessment and will be approved by the Planning Secretary.

### What is an Activation Precinct Certificate and who issues it?

The purpose of the Activation Precinct Certificate is to ensure that development is consistent with the staging and vision of the Special Activation Precinct and complies with the Master Plan and Delivery Plan.

An amendment to the Environmental Planning and Assessment Regulation 2000 creates the process for the Certificate. An Activation Certificate must be obtained for and submitted with any application for development.

The Regional Growth NSW Development Corporation will be responsible for issuing Activation Precinct Certificates where development can demonstrate it is consistent with the Master Plan and Delivery Plan as outlined in the Activation Precincts SEPP.

### How long does it take to acquire an Activation Precinct Certificate?

The Regional Growth NSW Development Corporation will determine an application within 30 days of an application being made.

There is no right of review of appeal in relation to a determination, however the Regional Growth NSW Development Corporation will support developers in meeting the legislative requirements of their proposals.

### What are the approval pathways and consent authorities?

Once a Certificate has been issued, development consent must still be obtained. The pathways are:

- Complying Development under the Environmental Planning and Assessment Act 1979 through the issuing of a Complying Development Certificate (from Councils or a private certifier)
- DA's or State Significant Development under Part 4 of the Environmental Planning and Assessment Act 1979
- Consent under Part 5 of the Environmental Planning and Assessment Act 1979, by a Public Authority.

Council are the consent authority for local Development Applications and the Minister continues to be the consent authority for State Significant Developments.

Exempt development does not require an Activation Precinct Certificate.

Public authorities are not required to obtain an Activation Precinct Certificate.

### Are other licenses are required?

Development within a Special Activation Precinct may require additional licences or approvals from other government agencies under other relevant legislation such as approval from the Environmental Protection Authority under the *Protection of the Environment and Operations Act 1997*.

The Regional Growth NSW Development Corporation business concierge service will facilitate developers gaining approvals from other agencies specific to their proposal.

## Are hazardous and offensive industries complying development?

Hazardous and offensive industries are types of industries that cannot comply with the conditions of their EPA licence, and present a risk to life and the environment. These uses are prohibited land uses within the Special Activation Precincts.

Potentially hazardous development and potentially offensive industries are uses where appropriate conditions and mitigation measures can be identified and complied with to appropriately manage any risks. These uses are permissible in the Parkes Special Activation Precinct.

The State Environmental Planning Policy No 33 – Hazardous and Offensive Development continues to apply to potentially hazardous development within Special Activation Precincts and together with the proposed SEPP and the Parkes Master Plan provides the processes for identifying and managing risk.

## How will development contributions be determined and how will they be administered?

The NSW Government will be making a major contribution towards the construction and development of infrastructure of the Special Activation Precincts, which will be funded by the Snowy Hydro Legacy Fund. There will be however, some costs over and above the Fund which will be required to fund infrastructure in the Special Activation Precincts.

Infrastructure will be funded through a combination of NSW Government funding, the proceeds of land sales by the Regional Growth NSW Development Corporation and through other potential funding mechanisms, such as a Special Infrastructure Contribution.

## What government agencies are responsible for administering the Activation Precincts SEPP, developing Master Plans and administering the delivery?

The Department of Planning, Industry and Environment leads the master planning process including the strategic planning and technical studies and will administer the new Activation Precincts SEPP, including any amendments.

The Department of Planning, Industry and Environment will also review the Delivery Plans for each Special Activation Precinct and assess applications for Activation Precinct Certificates where the Regional Growth NSW Development Corporation is the developer.

The Department can also be the relevant consent authority for development proposals that are not complying or exempt development and require a DA under Part 4 or Part 5 of the Environmental Planning and Assessment Act 1979.

The Regional Growth NSW Development Corporation delivers the vision and objectives of the Master Plan by preparing Delivery Plans, and issues Activation Precinct Certificates to certify whether a proposed development is consistent with the relevant Master Plan and Delivery Plan.

The Regional Growth NSW Development Corporation will develop, own and lease land, deliver key infrastructure and secure economic development opportunities.

For more information visit [planning.nsw.gov.au/Activation-Precincts-SEPP](https://planning.nsw.gov.au/Activation-Precincts-SEPP)