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20 October 2019

Anthea Sargeant
Executive Director
Compliance, Industry and Key Sites
Department of Planning, Industry and Environment
SYDNEY NSW 2001

Via email: [REDACTED]

Dear Ms Sargeant,

Submission: Activation Precincts SEPP

We thank the NSW Government for the opportunity to make comment and have input into the State Environmental Planning Policy (SEPP) for Activation Precincts.

Moree Plains Shire Council (**MPSC**) enthusiastically supports the New South Wales Government's Special Activation Precinct (**SAP**) policy framework. Through improved coordination of land use and infrastructure planning, land acquisition, and investment in enabling infrastructure, the SAPs will unlock a powerhouse of economic development and job creation opportunities for regional NSW.

The SAPs will help streamline planning processes and provide for a strong level of investor confidence that will lead to increased investment across a range of key industries. This will increase the competitiveness and attractiveness of regional NSW, stimulate industry growth, create new industries, and help ease the development pressures associated with major urban centres such as Sydney, Wollongong, and Newcastle. In turn, this will also lead to increased liveability in both our major cities and regional areas.

Attached as Appendix A are a range of observations and comments for your consideration. I reiterate that MPSC is fully supportive of the SAP framework and we only make these comments in an effort to provide constructive feedback to this bold initiative.

For further information please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Connolly", with a long, sweeping underline.

Mark Connolly
Manager of Economic and Community Development

[REDACTED]

APPENDIX A:
Moree Plains Shire Council Submission
Activation Precincts State Environmental Planning Policy

General Comments

1. The development of Special Activation Precincts is strongly supported. It offers a very significant opportunity to de-risk major investment decisions in regional NSW.
2. Local Government should continue to play a core role in collaboration with State Government, to ensure that the SAP is well integrated into the overall strategic planning framework of the local government area and also to ensure that full advantage is taken of local knowledge in developing the scope for background studies. Local Government should also be integrally involved in the development of SAP land use table/s and principal development standards.
3. Effective integration of SAP infrastructure with existing local government infrastructure is essential. There also needs to be clarification around the point at which infrastructure becomes a local government asset and the mechanisms by which the standards of design, documentation and construction of infrastructure can be verified as being fit for purpose and suitable for local circumstances.
4. The key role of the Development Corporation is acknowledged and supported, in particular to ensure consistency of approach across SAPs. Consideration should be given to appropriate mechanisms that ensure a local component, thereby providing additional value through the development of high-level local knowledge and networks.

Part 1 – Growing Regional NSW

- Location selection criteria could include comparative advantage in key drivers of economic growth.
- Local Activation Precincts (LAPs) could be nominated by local councils in consultation with state government. This would provide that any local government that meets threshold criteria could benefit from LAP status through partial implementation of the frameworks of the SAPs.

Regional NSW – A Growing Economy

The five core components:

1. Consider that studies should identify threshold levels of environmental impact that informs the master plan and identify zones or areas of impact absorption capacity.
2. Fast track planning is supported and critical to ensuring investor confidence.
3. Government-led development and the principle of a development corporation are strongly supported. This will help address areas of critical market failure and create opportunities for increased private investment.
4. Strongly supported – This will help address areas of critical market failure and create opportunities for increased private investment.
5. Strongly supported and recommend this takes place in partnership/coordination with local councils and industry.

Part 2 – Planning for SAPs.

- Consider an increased focus on edge conditions/adjacency issues to lands outside the SAP.

Key Elements

- For future models, there may be potential consider a lesser emphasis on land uses and more emphasis on impact footprints. This would provide the opportunity for the model to minimise restrictions on actual land use types provided that the impacts are appropriate both globally within the SAP and in terms of adjoining uses.

Planning Approval Pathway

- Ensure there is an adequate probity mechanism for the Development Corporation issuing the Proposal Certificate in circumstances where the Corporation is the land owner.
- Support the default to Part 4 of the Act.
- Consider utilising the resources of the Regional Planning Panel or the Department dealing with regional and state significant developments through standard channels in preference to Ministerial sign-off. There has been a significant shift in recent years away from the Minister, with more emphasis on alternative mechanisms. We note this would need an increased focus on timely assessment determination.
- Consider that possible ‘development types’ use terms from the standard dictionary. These could also be exemplars, not absolutes, if the impact assessment model is followed.

Requirement for a Master Plan

- Consider utilisation of the structure plan as the base masterplan. There may be a risk of excessive precision through a full blown master-planning process that could stifle emerging needs. A structure plan could accommodate and provide increased flexibility.

Delivery Plan

- For increased clarity, consider that the delivery plan would focus on support infrastructure, and not shade into general standards for development unless these are solely infrastructure focused. These standards require close engagement with the Council (as ultimate asset owner of many) to ensure consistency and integration with other infrastructure.
- The concept of cost recovery for up-front infrastructure is supported, but potentially could also be done through the existing S94 and Section 64 frameworks.

Design Guidelines

- These appear to be mirroring the role of a DCP and a SAP site-specific chapter in Council’s DCP could be also be utilised.

Making changes to the Master Plan

- The performance review approach is strongly supported.
- Consider that by adopting an impact approach there is likely to be a reduced need for variations, in particular if implemented as a structure plan.

Part 3 – Roles and Responsibilities

Local Councils

- Strongly support the collegial approach as noted with Parkes and Wagga Wagga.
- Consider that local councils should be involved in the development of study requirements given the essential local knowledge that they have. This will help fast track the process and provide a more efficient outcome for government and industry.
- Strongly recommend that Council's economic development staff (or similar) are engaged in a partnership style approach with the state government and development corporation to aid investment attraction and increase business concierge services. Council's often play a significant role in local and regional economic development outcomes.

Part 4 - Proposed amendments to the planning legislation

EPA Regulation 2000

- Note that baseline studies should address all the likely issues that may arise in a designated development trigger. This would reduce investment risk for this class of development.

Part 5 - Relevant Legislation Context

State Environmental Planning Policy No 55 – Remediation of Land

- Consider integrating the requirements of SEPP 55 into the overall planning framework of the SAP.

Approvals from other authorities

- Consider that there may be an opportunity here to develop a similar approach to general terms of approval (GTAs) as they currently operate, with generic GTAs being given through the baseline study process which would ensure that there was a certainty for future land uses around those other approvals.