

# State Environmental Planning Policy

## Activation Precincts



Explanation of  
Intended Effect  
September 2019



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**More information**

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## Have your say

The Department of Planning, Industry and Environment welcomes your feedback during public exhibition of the Explanation of Intended Effects for the Activation Precincts State Environmental Planning Policy (Activation Precincts SEPP) and the Parkes Special Activation Precinct Draft Master Plan.

Your feedback will help us better understand the views of the community, which then informs the development of the draft Activation Precincts SEPP and Parkes Special Activation Precinct Master Plan.

The Department will publish all individual submissions and an assessment report on all submissions shortly after the exhibition period has ended.

To make a submission online please follow the steps below:

View the Explanation of Intended Effects, Parkes Special Activation Precinct Draft Master Plan and supporting documents at [www.planningportal.nsw.gov.au/exhibition](http://www.planningportal.nsw.gov.au/exhibition)

- 1) Read our Privacy Statement and decide whether to include your personal information in your submission.
- 2) Fill in the online submission form. Your submission can either be typed or uploaded as a PDF and should include:
  - a) The name of the proposal (Activation Precincts SEPP, Parkes Special Activation Precinct Master Plan or both)
  - b) A brief statement on whether you support or object to the proposal
  - c) The reasons why you support or object to the proposal
- 3) Ensure you disclose reportable political donations. Anyone lodging submissions must declare reportable political donations (including donations of \$1,000 or more) made in the previous two years.
- 4) Agree to our online statement and lodge your submission.

You may also lodge your submission via post by sending it to:

Executive Director  
Compliance, Industry and Key Sites  
Department of Planning, Industry and Environment  
GPO Box 39, SYDNEY, NSW 2001

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission.

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## Part 1 – Growing Regional NSW

### Supporting economic development and job creation in Regional NSW

The NSW Government is committed to supporting economic development and job creation in Regional NSW through a range of initiatives including using upfront planning to simplify the development approval processes. These initiatives will be used to leverage economic drivers in key locations across Regional NSW.

Special Activation Precincts are strategic locations of State or regional significance that enable economic development and jobs creation through improved coordination of land use and infrastructure planning, land acquisition and investment in enabling infrastructure.

These key locations will be identified by Government having regard to:

- Alignment with economic enablers in A 20 Year Economic Vision for Regional NSW;
- Presence of market failures;
- Catalyst opportunities or key infrastructure projects;
- Growth opportunities for industry specialisation and emerging industries;
- Projected population and jobs growth, and the benefits to the community; and
- Alignment with Federal, State and local government plans and policies.

The NSW Government identified Parkes as the first State-led Special Activation Precinct in regional NSW in mid-2018. The second Special Activation Precinct at Wagga Wagga was announced in early 2019. Additional Special Activation Precincts which meet the objectives of economic development and job creation are expected to be announced in the future.

The proposed Activation Precincts State Environment Planning Policy (SEPP) will support any future Special Activation Precincts approved by Government.

There are also opportunities at a local level that could utilise components of upfront planning which would support local councils to create local jobs and stimulate local economic development. These opportunities in areas of regional NSW are referred to as Local Activation Precincts and would deliver a social benefit to local communities and maximise opportunities for investment and growth. These Local Activation Precincts will be identified and selected by the NSW Government and need to demonstrate how they reflect the investment priorities within the 20 Year Economic Vision for Regional NSW and other relevant government strategies.

### Regional NSW – A Growing Economy

Regional NSW is one of Australia's largest and most diverse regional economies, with an array of industries including agriculture, energy and resources, and strong tourism, service and manufacturing sectors.

Across NSW, economic or industry specialisations have arisen from locational or competitive advantages, access to a large, skilled workforce, investment, and the ability to co-locate supporting and value-add industries.

The creation of Special Activation Precincts aligns with the existing NSW Government Regional Plans and Regional Economic Development Strategies, which set the strategic vision and economic engines for each Functional Economic Region across NSW.

The Regional Plans identify the growth and development required in each Region balanced with community expectations and protecting the natural environment. These Plans also outline the Region's projected population, proposed infrastructure investments, and employment and housing targets. They set the land use planning priorities for the next 20 years, setting clear goals, directions and actions to deliver the vision of each Region. The goals are focused on creating

connected and prosperous economies, enhancing a diverse environment including biodiversity and water resources, strengthening healthy communities and providing a variety of housing choices.

The Regional Economic Development Strategies identify clear economic development strategies based on the Region’s endowments, specialisations and core competencies. The endowments of a region are present as natural features (waterways, geology or climate), human features (human capital, cultural), institutional and industry (business groups, skill training facilities) and physical infrastructure (rail, road, aviation). Specialisations are the result competitive advantage and previous success.

Special Activation Precincts contain five core components:



These studies are strategic environmental and planning technical reports to help identify the most suitable and compatible land uses and the infrastructure required, along with identifying site opportunities and constraints for the Precinct. Market analysis and economic forecasts will help identify industry specialisations.



A bespoke planning instrument will allow for simplified planning processes for development within the Precincts. This will reduce timeframes for obtaining approvals and provide certainty and confidence to businesses and the community.



The NSW Government may coordinate land activation where master planning and a business case justify government investment. This will enhance development and investment in the Special Activation Precincts, as well as supporting industry specialisation required through land amalgamation.



Infrastructure investment may be required to assist in removing barriers to development or investment. In some circumstances, Government may lead infrastructure investment as a catalyst for economic growth. Infrastructure may include traffic and transport infrastructure, essential services and utilities digital connectivity and - and other site-specific infrastructure.



A business concierge service will actively manage Precinct investor support. This support will include project management, industry investment, infrastructure delivery, environmental regulation, planning and certification.

## Part 2 – Planning for Special Activation Precincts

### The Activation Precincts State Environmental Planning Policy

The proposed Activation Precincts SEPP is a place-based approach to activate strategic locations of State or regional significance that enable economic development and jobs creation. The purpose of the proposed Activation Precincts SEPP is to provide the statutory planning framework for each Special Activation Precinct. The aim of the Activation Precincts SEPP is to support simplified planning processes to streamline development in Special Activation Precincts where it is consistent with an approved Master Plan.

The Activation Precincts SEPP provides that:

- Each Schedule to the Activation Precincts SEPP will outline a land use table and Principal Development Standards for each Special Activation Precinct. The land use table will outline the approval pathways for land uses, including exempt, complying and prohibited development. The Principal Development Standards are provisions that are principles-based and strategic-led that will ensure a balance between high quality development and protection of the natural and built environments in Special Activation Precincts.
- A Master Plan be prepared that will identify the vision, objectives and development constraints within each Special Activation Precinct;
- A Delivery Plan outlining infrastructure planning and the general standards for development be prepared and endorsed prior to development occurring;
- The Design Guidelines are to demonstrate how the Principal Development Standards are addressed for each Precinct or sub-precinct; and,
- Proposed development in proximity to a Special Activation Precinct will align, support and complement the future intent and desired land uses in each precinct or sub-precinct.

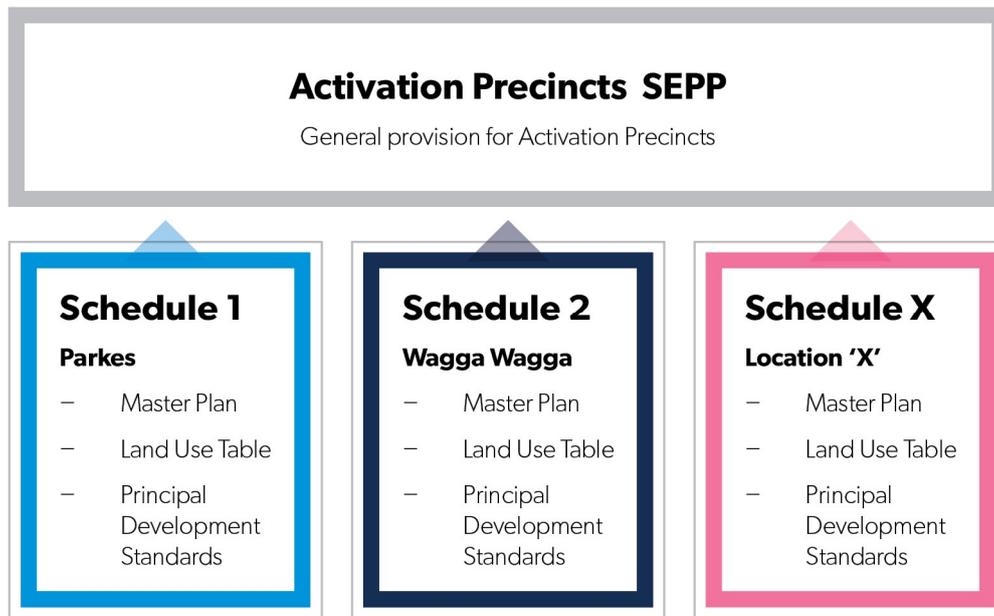
The Activation Precincts SEPP will identify a land use table and the simplified planning pathways for development within each Special Activation Precinct, based on the relevant environmental considerations and the protection of the amenity of surrounding land uses. This approach will promote timely delivery of economic development opportunities and the creation of jobs for specialised industries.

In tailoring the planning provisions for each Special Activation Precinct, each Master Plan will consider the environmental, economic and social matters relevant to the Precinct.

The Precinct-wide strategic environmental impact assessment allows early and upfront consideration of much of the environmental approvals and licencing requirements. This simplifies the planning process, reduces the timeframes for obtaining approvals and provides clarity to businesses and the community.

The Activation Precincts SEPP will prevail over other State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs) to the extent of any inconsistency. SEPP No 55 – Remediation of Land will continue to apply to protect tenants from others that could generate contaminated land issues and to safeguard the reputation and value of the Precinct into the future.

The Activation Precincts SEPP will contain individual schedules for each Special Activation Precinct which will include the permitted land uses and Principal Development Standards, as shown in Figure 1– Activation Precincts SEPP (indicative).



**Figure 1 Activation Precincts SEPP (indicative)**

## The key elements of a Special Activation Precinct

Each Special Activation Precinct follows a similar strategic planning evidence-based and planning design steps:

- Upfront strategic environmental impact assessment – the preparation of technical studies to provide an evidence-base to support the opportunities and identify constraints of the Precinct. These studies will help shape the location of proposed uses.
- Preparation of a Master Plan that includes a Structure Plan identifying types of proposed land uses across the Special Activation Precinct and within any identified sub-precincts.
- The general location of land uses, requirements for buffer areas and opportunity for co-location may be identified in sub-precincts. The location of land uses within the Precincts may be informed by the technical studies and have regard to environmental constraints and opportunities to protect the amenity of surrounding land uses.
- A new Regional Enterprise zone may apply to a Special Activation Precinct. The new proposed zone and associated land use table for each Special Activation Precinct will be contained in the Activation Precincts SEPP. The land use table will outline the approval pathways for land uses, including exempt, complying and prohibited development.
- Delivery Plans will outline the infrastructure planning and general standards (informed by the Principal Development Standards in the SEPP and that are consistent with the Master Plan).
- Existing lawful development approvals and operations will continue. Those developments and operations would have the option to consider the Master Plan for future works or activities, if they are consistent with the Master Plan.

## Planning Approval Pathway

The Activation Precincts SEPP proposes to simplify planning and environmental approvals. Any development within a Special Activation Precinct must be consistent with the Master Plan.

For development proposals to access the simplified planning and environmental approvals of the proposed Activation Precincts SEPP, they must meet the relevant Principal Development Standards. Principal Development Standards are provisions that are principles-based and strategic-led that will ensure a balance between high quality development and protection of the natural and built environments in Special Activation Precincts.

Whilst proponents will be able to access a fast track planning process, changes are also being introduced to require proposals obtain a Proposal Certificate from the Regional Growth NSW Development Corporation. The Proposal Certificate is to provide assurance that a proposal is consistent with the relevant land use table, Principal Development Standards, Master Plan, and building design and performance requirements set out in a Delivery Plan.

In the case of proposed development that involves a permitted land use that does not meet the Principal Development Standards to be exempt or complying development under the Activation Precincts SEPP, development consent must be obtained under Part 4 of the *Environmental Planning and Assessment Act 1979*.

The council is generally the consent authority for development assessed under Part 4 of the Environmental Planning and Assessment Act 1979. An exception to this is where proposals in a Special Activation Precinct are State significant or regionally significant development, where the Minister for Planning and Public Spaces will be the consent authority. The Minister will be responsible for designating the consent authority for any State significant proposals in Special Activation Precincts.

The proposed land uses will be tailored to each Special Activation Precinct to expand and enhance existing and emerging industries. Examples of possible development types include:

- New warehouses or buildings to support key industries, including manufacturing, agricultural or livestock uses;
- Resource recovery and recycling facilities to re-process waste and resources championing circular economy principles; and
- Infrastructure to support the growth, including intermodals, roads, water, sewer, energy, telecommunications, digital connectivity and stormwater management.

There will be no reduction in environment protection licensing requirements or assessment of risk of potentially hazardous or offensive industries. The upfront strategic environmental planning and design of the Master Plan will satisfy and mitigate many of those requirements through the inclusion of buffer areas and setbacks into the sub-precincts for many development types.

There are emerging industries that utilise new technology or proposals that involve more complex activities. These would need to follow an appropriate process for assessment and approval to help understand potential impacts. The majority of these proposals will be State significant or regionally significant development.

The compliance functions of relevant agencies will continue to operate within Special Activation Precincts.

## The requirement for a Master Plan

A Master Plan will be prepared for each Special Activation Precinct. The Master Plan will be informed by a Structure Plan and strategic environmental and planning technical studies. The Master Plan will include:

- A vision and objectives;
- Structure Plan identifying proposed land use types in a Special Activation Precinct or sub-precinct;
- Strategic-level infrastructure required to service the Precinct, including transport infrastructure, water supply, sewerage, drainage, stormwater, green infrastructure and other services or utilities;
- Any existing uses and buffer areas required to accommodate incoming industries or activities;
- Development constraints such as flooding, cultural heritage items and areas of environmental value; and
- Outline an indicative staging plan for the Precinct, if applicable.

The types of land uses that may be proposed for each Special Activation Precinct include (but not limited to) agriculture, freight and logistics, manufacturing, industry, water supply and management, regional enterprise, transport, energy and resources, regional tourism or health and education facilities.

An amendment to the SEPP will be required to include a land use table, Principal Development Standards and a Master Plan for each Special Activation Precinct.

## The requirement for a Delivery Plan

Once a Master Plan is approved, a Delivery Plan(s) will be required to outline the detailed and coordinated land use and infrastructure planning at a Precinct or sub-precinct level and general standards for development. Development cannot occur in the Special Activation Precinct until there is an approved Delivery Plan for the Precinct or sub-precinct. The Delivery Plan is prepared by the Regional Growth NSW Development Corporation and endorsed by the Secretary for Department of Planning, Industry and Environment.

The Delivery Plan for each Special Activation Precinct or sub-precinct is essential to identify the key infrastructure requirements needed to service the Precinct. The Delivery Plan will demonstrate connections into existing infrastructure networks and systems where possible.

A key element in the creation of Special Activation Precincts is the provision of common-user infrastructure. The following infrastructure is proposed to be planned, designed and delivered for each Special Activation Precinct:

- New and upgraded roads and transport infrastructure, including intersections, rail crossings and highway access;
- Public and active transport facilities;
- Stormwater infrastructure and facilities;
- Land for public open space and embellishment; and
- Land and infrastructure for water and sewer supply,
- Other utility service infrastructure (such as electricity, telecommunications, gas, digital connectivity), and
- Other site-specific infrastructure requirements that may be required for an identified Precinct.

The NSW Government may develop some of the major and enabling infrastructure early-on to ensure that infrastructure is in place to support the growth of existing business and for new industries that wish to move into a Special Activation Precinct. The Activation Precincts SEPP may also include appropriate mechanisms to facilitate the collection of a contribution or infrastructure levy should they be required by the Regional Growth NSW Development Corporation. The contributions or infrastructure levy that may be required for a Special Activation Precinct will be dependent on the specific infrastructure requirements needed for each Precinct.

## Design Guidelines

The Design Guidelines will provide guidance on the urban design, building treatments, landscaping, access and amenity. These guidelines will demonstrate how the Principal Development Standards are addressed for each Precinct or sub-precinct. Design Guidelines will be prepared with Delivery Plans for each Special Activation Precinct or sub-precinct.

The Design Guidelines will be prepared by the Regional Growth NSW Development Corporation and endorsed by the Secretary of the Department of Planning, Industry and Environment, as a delivery and implementation tool.

## Principal Development Standards

Good design and development standards for the built environment shapes the places where we live, work and meet. The Principal Development Standards provide overarching guidance and the intent for achieving a high quality of design. The objective of the Principal Development Standards is to provide strong, robust guidance that ensures high quality and functional development, balanced with protecting the natural and built environments.

The development standards listed below will ultimately inform the Delivery Plan:

Design Objectives for Special Activation Precincts	Principal Development Standard for Special Activation Precincts
 <p><b>Better fit:</b> context, local and of its place.</p> <p>Good design is informed by and derived from its location, context and social setting. It is place-based, relevant to and resonant with local character, and communal aspirations. It also contributes to evolving character and setting.</p>	<p>Building footprints and open spaces that resonate and fit within the Precinct design by inclusion of site coverage and landscape areas</p> <p>New development enhances the Precinct or sub-precinct qualities and character to continue to attract businesses and investment.</p> <p>A well-designed Precinct and buildings develop stronger affiliations with places for business people and industries.</p> <p>Upfront costs and investment in common infrastructure are protected through good design which retains quality and relevance over time.</p>

Design Objectives for Special Activation Precincts	Principal Development Standard for Special Activation Precincts
 <p><b>Better performance: sustainable, adaptable and durable.</b></p> <p>Environmental sustainability and responsiveness is essential to meet the highest performance standards. Sustainability is no longer an optional extra, but a fundamental aspect of functional, whole of life design.</p>	<p>New development meets the highest performance environmental sustainability standards for a Precinct of its type.</p> <p>Circular economy (sustainability) is no longer an optional extra, but a fundamental aspect of functional, whole of life design.</p> <p>Effective design of new development to create ongoing savings through reduced energy and water demand.</p> <p>Adaptable buildings to adjust to requirements over time, without requiring significant changes or replacement.</p> <p>Energy-efficient buildings optimise comfort and performance.</p> <p>Higher-performance buildings for new development and their operations. A Precinct with high performance standards will be more attractive and valuable to tenants and industries into the future.</p>
 <p><b>Better for community: inclusive, connected and diverse</b></p> <p>The design must seek to address growing economic and social disparity and inequity, by creating inclusive, welcoming and equitable environments. Incorporating diverse uses and economic frameworks will support engaging places and resilient communities.</p>	<p>Accessible Precincts to make service delivery much more cost-effective including freight and logistics, agriculture, advanced manufacturing/engineering, health services, public transport and community facilities.</p> <p>New development and open space to include environments which support accessibility and social interaction to promote community physical and mental health, reducing longer-term health impacts and costs.</p> <p>Developments which include a range of tenure types provide resilience in the face of changing requirements.</p> <p>The streets and public spaces that are welcoming and accessible for all are more vibrant, interesting and safe.</p>
 <p><b>Better for people: safe, comfortable and liveable</b></p> <p>The built environment must be designed for people with a focus on safety, comfort and the basic requirement of using public space. The many aspects of human comfort which affect the usability of a place must be addressed to support good places for people.</p>	<p>The design of streets, spaces and buildings and the operations protects its people, community and environment from harm or risk of harm. People will enjoy using these places and they will be better maintained and cared for. They will last longer as valuable parts of the Precinct and minimise the need for replacement.</p> <p>Safety and comfort reinforce each other: new buildings and an environment which feels safe and comfortable encourages more investment and makes places more interesting and enjoyable.</p>

Design Objectives for Special Activation Precincts	Principal Development Standard for Special Activation Precincts
 <p><b>Better working:</b> functional, efficient and fit for purpose</p> <p>Having a considered, tailored response to the program or requirements of a building or place, allows for efficiency and usability with the potential to adapt to changes over time. Buildings and spaces which work well for their proposed use will remain valuable and well-utilised.</p>	<p>New buildings to include facilities and spaces which are designed effectively to support usage.</p> <p>Work and education environments are well-designed support enhanced productivity and effectiveness for organisations.</p> <p>High quality design standard that incorporates the long-term functionality of new buildings and spaces that will protect and enhance the initial investment in creating these spaces and minimises the need for change or replacement.</p>
 <p><b>Better value:</b> creating and adding value</p> <p>Good design generates ongoing value for people and communities and minimises costs over time. Creating shared value of place in the built environment raises standards and quality of life for users, as well as adding return on investment for industry.</p>	<p>New buildings and industries that invest in good design and high-quality construction deliver social, environmental and economic benefits to investors, Precinct and regional community.</p> <p>New development adds value to the Precinct by demonstrating investment in good design that will be rewarded in the longer-term by more user-friendly, high-performance and lower-maintenance places and buildings.</p> <p>New buildings design that is responsive to the location tends to support and encourage further good design in the locality or neighbouring areas, raising the standards of the wider area, and multiplying value over time.</p>
 <p><b>Better look and feel:</b> engaging, inviting and attractive</p> <p>The built environment should be welcoming and aesthetically pleasing, encouraging communities to use and enjoy local places. The feel of a place, and how we use and relate to our environments is dependent upon the aesthetic quality of our places, spaces and buildings. The visual environment should contribute to its surroundings and promote positive engagement.</p>	<p>Create new developments that are attractive places to invite attention, visitors and business activity, that will bring investment and foster a sense of local pride and identity.</p> <p>Create new buildings and spaces which 'look great' that will be well maintained and invested in.</p> <p>Creating buildings that are visually attractive and engaging will be more valuable to prospective investors and commercial tenants in delivering a sense of identity and brand support.</p> <p>High quality good design of buildings and spaces so that they maintain their appearance over time, through appropriate selection and application of materials, detailing, fenestration and weather protection</p>

## Making changes to the Master Plan

The proposed Activation Precincts SEPP recognises that the Master Plan for each Special Activation Precinct will need to be reviewed and updated as development progresses within the Precinct, along with changes to market drivers and the emergence and creation of new technologies and industries.

Each Master Plan will undergo a performance review every year, for the first 5 years. After 5 years, a more detailed review of the Master Plan will take place and any relevant updates to the Master Plan will be made. The Master Plan Annual Performance Report will be undertaken by the Regional Growth NSW Development Corporation and will include, as a minimum:

- Development tracking;
- Precinct performance, such as ecological sustainable development assurance; and
- Any observations of changes in the environment that would (significantly) impact the technical report outcomes.

The full review after 5 years will, if required, result in an amendment to the Master Plan, which will be subject to community and stakeholder consultation and endorsement by the Minister for Planning and Public Spaces.

## Making Changes to the Activation Precincts SEPP

Only the Minister for Planning and Public Spaces can approve amendments to the proposed Activation Precincts SEPP. Changes may include the addition of each new Special Activation Precinct, the Master Plan for each new Special Activation Precinct, land use table and associated Principal Development Standards.

The requirements for making changes to the Activation Precincts SEPP and any subsequent community consultation will be consistent with the requirements of the *Environmental Planning & Assessment Act 1979*.

## Part 3 – Roles and Responsibilities

### Department of Planning, Industry and Environment

The Department of Planning, Industry and Environment (DPIE) will lead the creation, along with any subsequent reviews and amendments, of the Activation Precincts SEPP (including the Principal Development Standards and Master Plan). Under current legislation, the Minister for Planning and Public Spaces is required to approve the changes to the Activation Precincts SEPP. The Secretary of DPIE will review and endorse the Delivery Plan.

In instances where the Regional Growth NSW Development Corporation is the owner of land in a Special Activation Precinct, DPIE will be responsible for issuing the Proposal Certificate.

Where a proposal is consistent with the SEPP and Master Plan, DPIE will have a role in assessing some proposals, such as in the case of a Potentially Hazardous Industry.

### Regional Growth NSW Development Corporation

The NSW Government has established the Regional Growth NSW Development Corporation. The Regional Growth NSW Development Corporation is formed under the *Growth Centres (Development Corporations) Act 1974* to support economic development and job creation opportunities in regional NSW by facilitating the development of Special Activation Precincts. It works with all levels of government, the private sector and the community to secure economic development and investment attraction opportunities to these unique areas.

Regional Growth NSW Development Corporation responsibilities will include:

- The ongoing enhancement, coordination, implementation and delivery of economic development and job growth in these specialised centres across regional NSW. They will operationalise the Master Plans approved under the Activation Precincts SEPP;
- The preparation of Delivery Plans and Design Guidelines for each Special Activation Precinct for approval by the Secretary of DPIE. This will ensure a coordinated approach to the delivery and implementation of development and infrastructure;
- Establishing monitoring and tracking systems, gathering, review and publishing of monitoring data; and
- Providing proponents with a Proposal Certificate if an application is consistent with the land use table, Principal Development Standards and Master Plan.

In some Special Activation Precincts, the Regional Growth NSW Development Corporation may operate as a market participant in developing, owning and leasing land. The Regional Growth NSW Development Corporation may also be responsible for the delivery of key infrastructure. It will include a business concierge service to assist businesses to set up and develop in the Precinct.

### Local Councils

The local Councils for the Parkes and Wagga Wagga Special Activation Precincts have been closely involved in the creation of the draft Master Plans. As future Special Activation Precincts are announced, the NSW Government will continue to work closely with local councils.

The local council may have several key functions within the streamlined planning approvals system including:

- Act as the certifier for any complying development;
- Regulator of the *Protection of the Environment Operation Act 1997* for non-scheduled activities; and

- Where a proposal is not consistent with the land use table, Principal Development Standards, and Master Plan, and is also not State Significant Development, Council will be the relevant consent authority in accordance with Part 4 of the *EP&A Act*.

## Part 4 – Proposed amendments to other planning legislation

### Environmental Planning and Assessment Regulation 2000

Amendments to the *Environmental Planning and Assessment Regulation 2000* will be required to implement the Activation Precincts SEPP. This will include where certain types of development that meet Principal Development Standards in Special Activation Precincts will not be triggered as designated development, the requirement to obtain a Proposal Certificate from the Regional Growth NSW Development Corporation, and the facilitation of Master Plans.

### Relationship with other environmental planning instruments

Once the Activation Precincts SEPP is amended to include the land use table permitted for each Special Activation Precinct, the new planning scheme and controls will prevail over other environmental planning instruments (Local Environmental Plans and State Environmental Planning Policies) to the extent of any inconsistencies. The Activation Precincts SEPP may amend an Environmental Planning Instrument (EPI) to ensure clarity and consistency of planning outcomes and to simplify navigation for the community.

### Directions by the Minister – section 9.1

To ensure the success of Activation Precincts the Minister for Planning and Public Spaces may give directions to councils, under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (the Act), regarding the preparation of local environmental plans (LEPs).

## Part 5 – Relevant legislation context

### Environmental Planning and Assessment Act 1979

The Regional Growth NSW Development Corporation has been separately created to oversee the delivery and implementation of Special Activation Precincts. Part of its function will be to issue Proposal Certificate where a proposal is consistent with the land use table, Principal Development Standards and the Master Plan. The Regional Growth NSW Development Corporation will not have any administration functions or status under the *Environmental Planning & Assessment Act 1979*.

### State Environmental Planning Policy No 33 – Hazardous and Offensive Development

The Activation Precincts SEPP is proposing that Potentially Hazard Industry and Potentially Offensive Industry may be permitted as complying development. The Principal Development Standard will set out the requirement for any potentially hazardous or potentially offensive industry proposal that triggers provisions similar to those set out in SEPP 33 in a Special Activation Precinct. DPIE and NSW Environment Protection Authority must be satisfied with the proposal (in accordance with the associated guidelines and policies) prior to a Proposal Certificate being issued by the Regional Growth NSW Development Corporation.

### State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 (Remediation of Land) will continue to operate to protect tenants from others that could generate contaminated land issues and to safeguard the reputation and value of the Precinct into the future.

### Approvals from other Authorities

Certain types of development within an Activation Precinct may also require approval from other authorities. The table below lists development that may require an approval and the relevant provisions.

Act	Provision	Approval
<a href="#">Coal Mine Subsidence Compensation Act 2017</a>	s 22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district
<a href="#">Fisheries Management Act 1994</a>	s 144	aquaculture permit
	s 201	permit to carry out dredging or reclamation work
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease
	s 219	permit to: <ul style="list-style-type: none"> <li>(a) set a net, netting or other material, or</li> <li>(b) construct or alter a dam, floodgate, causeway or weir, or</li> <li>(c) otherwise create an obstruction,</li> </ul> across or within a bay, inlet, river or creek, or across or around a flat

Act	Provision	Approval
<i>Heritage Act 1977</i>	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)
<i>Mining Act 1992</i>	ss 63, 64	grant of mining lease
<i>National Parks and Wildlife Act 1974</i>	s 90	grant of Aboriginal heritage impact permit
<i>Petroleum (Onshore) Act 1991</i>	s 16	grant of production lease
<i>Protection of the Environment Operations Act 1997</i>	ss 43 (a), 47 and 55	Environment protection license to authorise carrying out of scheduled development work at any premises.
	ss 43 (b), 48 and 55	Environment protection license to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).
	ss 43 (d), 55 and 122	Environment protection licenses to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.
<i>Roads Act 1993</i>	s 138	consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road
<i>Rural Fires Act 1997</i>	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes
<i>Water Management Act 2000</i>	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3

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# Supporting Documents

## **Parkes Special Activation Precinct:**

- Draft Land Use table

The Parkes Master Plan process included the following technical studies to understand the environmental impact of development scenarios for testing the rigour and risk of upfront strategic environmental planning assessment.

## **Parkes Special Activation Precinct Structure Plan**

- Parkes Structure Plan

## **Parkes Special Activation Precinct Infrastructure and Transport Plans**

- Infrastructure and Transport Plan

## **Parkes Special Activation Precinct Flood Study**

- Flooding and Water Quality Management Study

## **Parkes Special Activation Precinct Environmental, Heritage and Sustainability Assessment**

- Environmental, Heritage and Sustainability Assessment Summary Report
- Environmentally Sustainable Development Plan
- Air Quality and Odour Assessment
- Noise and Vibration Assessment
- Groundwater Study
- Geology, Soil and Contamination Preliminary Site Investigation
- Biodiversity Assessment Stage 1
- Bushfire Constraints and Opportunities Assessment

## **Parkes Special Activation Precinct Community and Social Infrastructure Needs Assessment**

- Community and Social Infrastructure Needs Assessment

## **Parkes Special Activation Precinct Land Use Advice**

- Economic Analysis Report

# Parkes Special Activation Precinct: Draft Land Use Table

## Agriculture

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### Permissible

Agriculture; aquaculture; extensive agriculture [e.g. grazing of livestock, etc.]; bee keeping; dairy (pasture-based); intensive livestock agriculture [e.g. poultry farms, etc.]; feedlots; dairies (restricted); intensive plant agriculture [e.g. cultivation of irrigated crops]; horticulture; turf farming; viticulture; farm buildings.

### Prohibited

Animal boarding or training establishments; forestry.

## Air Transport Facility

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### Permissible

Air transport facilities; heliport; helipad

### Prohibited

Airport; airstrip.

## Commercial Premises

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### Permissible

Commercial premises; retail premises; bulky goods premises; cellar door premises; food & drink premises; highway service centres; restaurants or cafes; take-away food & drink premises; kiosks; timber yards; function centres; industrial retail outlets; neighbourhood shops; service stations; sex services premises; wholesale supplies.

### Prohibited

Business premises [e.g. banks, post offices, hairdressers, etc.]; funeral homes; office premises; pubs; garden centres; hardware & building supplies; landscaping material supplies; markets; plant nurseries; roadside stalls; rural supplies; shops; vehicle sales or hire premises; amusement centres; entertainment facilities; registered clubs; restricted premises; veterinary hospitals.

## Educational Establishment

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### Permissible

Educational Establishment.

### Prohibited

Schools.

## Health Services Facility

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**Permissible**

Community facility; emergency services facilities; industrial training facilities; research stations.

**Prohibited**

Health services facilities; hospitals; medical centres; health consulting rooms; information and education facilities; places of public worship; public administration building; respite day care centres.

**Heavy Industrial Storage Establishment**

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**Permissible**

Heavy industrial storage establishments; liquid fuel depots.

**Prohibited**

Hazardous storage establishments; offensive storage establishments.

**Industry**

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**Permissible**

Industries; heavy industries; hazardous industry; offensive industry; light industries; high technology industries; general industries; boat building and repair facilities; vehicle body repair workshops; vehicle repair stations.

**Prohibited**

Home industry.

**Residential Accommodation**

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**Permissible**

Nil.

**Prohibited**

Residential accommodation; attached dwellings; boarding houses; dual occupancies; dual occupancies (attached); dual occupancies (detached); dwelling houses; group homes; group homes (permanent); group homes (transitional); hostels; multi dwelling housing; residential flat buildings; rural worker's dwellings; secondary dwellings; semi-detached dwellings; seniors housing; residential care facilities; shop top housing; home-based child care; home business; home occupations; home occupation (sex services).

**Rural Industry**

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**Permissible**

Rural industries [e.g. use of composting facilities and works]; agricultural produce industries; livestock processing industries; sawmill or log processing industries; stock & sale yards.

**Prohibited**

Nil.

**Sewerage System**

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**Permissible**

Sewerage systems; biosolids treatment facilities; sewage reticulation systems; sewage treatment plants; water recycling facilities.

**Prohibited**

Nil.

**Signage**

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**Permissible**

Signage; advertising structure; building identification sign; business identification sign.

**Prohibited**

Nil.

**Storage Premises**

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**Permissible**

Storage premises; depots; warehouse or distribution centres.

**Prohibited**

Self-storage units.

**Tourist and Visitor Accommodation**

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**Permissible**

Hotel or motel accommodation.

**Prohibited**

Tourist and visitor accommodation; backpackers' accommodation; bed & breakfast accommodation; farm stay accommodation; serviced apartments; camping grounds; caravan parks; eco-tourist facilities.

**Waste or Resource Management Facility**

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**Permissible**

Waste or resource management facilities; resource recovery facilities; waste disposal facilities; waste or resource transfer stations.

**Prohibited**

Nil.

**Water Supply System**

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**Permissible**

Water supply systems; water reticulation systems; water storage facilities; water treatment facilities.

**Prohibited**

Nil.

## Other Land Use Terms – Infrastructure

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### **Permissible**

Car parks; electricity generating works; freight transport facilities; passenger transport facilities; port facilities; roads; transport depots; truck depots; wharf or boating facilities.

### **Prohibited**

Nil.

## Other Land Use Terms – Recreation

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### **Permissible**

Recreation areas.

### **Prohibited**

Boat launching ramps; boat sheds; charter & tourism boating facilities; environmental facilities; jetties; marinas; mooring; mooring pens; recreation facilities (indoor); recreation facilities (major); recreation facilities (outdoor); water recreation structures.

## Other Land Use Terms – Miscellaneous

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### **Permissible**

Crematorium; environmental protection works; extractive industries; flood mitigation works.

### **Prohibited**

Cemetery; exhibition homes; exhibition villages; mortuaries; open cut mining.