

Special Activation Precincts



Precincts-Regional SEPP Frequently asked questions – March 2022

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 and Environment is responsible for preparing the planning framework for each Precinct. The approach involves upfront planning and environmental assessment to allow most employment to sit under complying or exempt development. And to help reduce the cost and time associated with getting development consent for suitable businesses.

What is the Precincts-Regional SEPP?

[State Environmental Planning Policy \(Precincts-Regional\) 2021 \(Precincts-Regional SEPP\)](#) was introduced on 1 March 2022 to consolidate four SEPPs. The new SEPP includes the [State Environmental Planning Policy \(Activation Precincts\) 2020 \(Activation Precincts SEPP\)](#) and was undertaken to streamline legislation.

The previous Activation Precincts SEPP for the Special Activation Precincts program is located in Chapter 3 of the new Precincts-Regional SEPP and remains unchanged.

The Precincts-Regional SEPP facilitates a planning framework for [Special Activation Precincts](#) (precinct/s) in regional NSW, streamlining planning processes and guiding the delivery of the precincts. It also provides the planning framework to support development in Special Activation Precinct locations.

What is the planning framework for Special Activation Precincts?

The creation of a new planning framework will make sure mechanisms are in place for industry to access and comply with a streamlined planning process for the delivery of Special Activation Precincts.

The planning framework:

<i>State Environmental Planning Policy (Precincts-Regional) 2021</i>	<ul style="list-style-type: none">• Identifies each Special Activation Precinct.• Requires 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.• Provides zoning and land use controls for each Precinct.• Identifies exempt and complying development pathways for certain development.
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<p>Special Activation Precinct Master Plans</p>	<ul style="list-style-type: none"> • Made by the NSW Department of Planning and Environment and approved by the Minister. • Identifies the vision, aspirations and principles for the Precinct. • Provides more detailed, sub-precinct land use controls where required. • Identifies performance criteria at a Precinct-scale for amenity, environmental performance, and infrastructure provision. • Identifies the matters to be addressed as part of the delivery plan.
<p>Special Activation Precinct Delivery Plans</p>	<ul style="list-style-type: none"> • Prepared by the Regional Growth NSW Development Corporation and assessed for approval by the Department of Planning and Environment. • Identifies development controls. • Provides detailed strategies and plans for: <ul style="list-style-type: none"> – Aboriginal cultural heritage – Environmental protection and management – Protection of amenity – Infrastructure and services – Staging • Provides procedures for ongoing monitoring and reporting.

How does the planning framework ensure good design outcomes?

The types of controls are included in the design guidelines (e.g. 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 provide 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 the Precinct.

There will be a separate schedule for each Precinct in the Precincts-Regional 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 Precincts-Regional 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 can be started once the Precincts-Regional SEPP is made, even if the land use is no longer allowed.

Uses that are not allowed in the zone will have existing use rights under the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

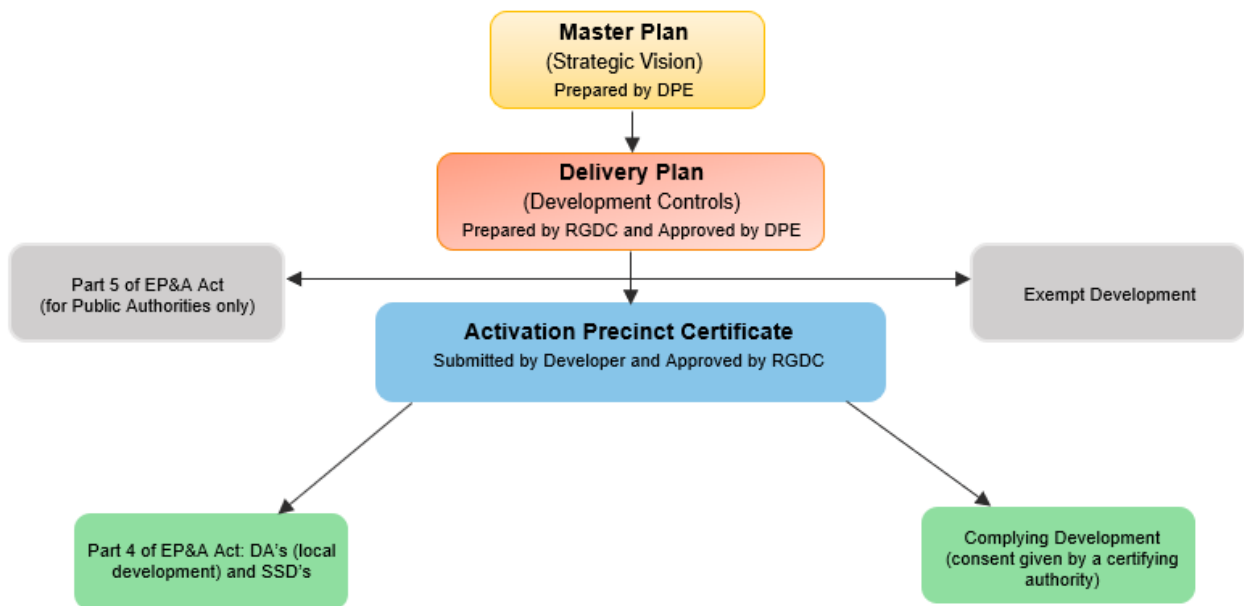
What is the process for development in the Parkes, Wagga Wagga and Moree Special Activation Precincts’?

The Precincts-Regional SEPP requires that a master plan and delivery plan be prepared for each Precinct. Development of Activation Precincts can start once an activation precinct certificate is issued by the Regional Growth NSW Development Corporation.

Most developments will then need 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, including:

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

The delivery plans will be submitted to the Department of Planning 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 activation certificate must be obtained 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 Precincts-Regional 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. The Regional Growth NSW Development Corporation will support developers in meeting the legislative requirements.

What are the approval pathways and consent authorities?

Once a certificate has been issued, development consent must 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)
- Development application'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.

Councils 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 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, to be funded by the Snowy Hydro Legacy Fund. There will be some costs over and above the fund required to create infrastructure in the Special Activation Precincts.

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

What government agencies are responsible for administering the Precincts-Regional SEPP, developing master plans and administering the delivery?

The Department of Planning and Environment leads the master planning process including the strategic planning and technical studies and will administer the Precincts-Regional SEPP.

The Department 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 development application 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 Precinct Plans.

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

For more information visit www.planning.nsw.gov.au/precincts-regional-sepp