

Draft
LGNSW Submission on *Explanation of Intended Effect* for the proposed *Activation Precincts State Environmental Planning Policy (SEPP)* and *Parkes Special Activation Precinct Draft Master Plan*

October 2019

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Attachment – List of Recommendations

1. Opening

Local Government NSW (LGNSW) welcomes the opportunity to make a submission to the Department of Planning Industry and Environment (DPIE) on the following documents on public exhibition:

1. Explanation of Intended Effect (EIE) for the proposed Activation Precincts State Environmental Planning Policy (SEPP);
2. Parkes Special Activation Precinct Draft Master Plan; and
3. associated technical documents.

LGNSW is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

This is a draft submission awaiting review by the LGNSW Board. Any revisions made by the Board at that time will be forwarded to DPIE in the form of an updated submission.

2. Background

Special Activation Precincts (SAPs) are dedicated areas identified by the NSW Government to bring together planning and investment to drive jobs and economic activity. SAPs 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.

The Parkes Special Activation Precinct was announced in July 2018 as the first official SAP. The second precinct at Wagga Wagga was announced in early 2019.

On 20 September 2019, the Department of Planning Industry and Environment (DPIE) released the following documents for consultation and feedback:

1. EIE for the proposed Activation Precincts SEPP;
2. Parkes Special Activation Precinct Draft Master Plan; and
3. associated technical documents.

3. Response

LGNSW commends the release of the EIE for the proposed Activation Precincts SEPP. The EIE indicates that SAPs contain five core components:

1. government-led studies to inform planning for the precinct;
2. fast track planning (simplified planning processes and reduced timeframes to obtain approvals);
3. government-led development, where business cases justify investment;
4. infrastructure investment, where required as a catalyst for economic growth or to remove barriers to development; and
5. business concierge service to support investors.

The EIE states that each SAP will have the following key elements:

- upfront strategic environmental impact assessment including the preparation of background technical studies to facilitate evidence-based planning;
- 'master plan' including a 'structure plan' identifying proposed land uses and any sub-precincts;

- new 'regional enterprise zone' and associated land use table outlining approval pathways for land uses (including exempt, complying and prohibited development);
- 'delivery plan' outlining the infrastructure planning and general standards.

As this document outlines the key elements and the process for SAPs, it will assist the planning for future precincts, provide greater consistency and facilitate collaboration.

3.1 Announcement of Special Activation Precincts

LGNSW welcomed the announcement of the Parkes Special Activation Precinct in July 2018 as the first official SAP. LGNSW considers that the identification of this precinct is consistent with our policy position statement 7.2 outlined below.

7.2 A new approach to address the two-tier planning system in NSW (where Sydney is growing rapidly while the population in many parts of regional NSW is declining), including:

- *a targeted review of planning policies and processes, and*
- *consideration of opportunities at a state and federal level to support rural and regional councils to grow the regions and reduce growth pressures in Greater Sydney.*

The Parkes SAP, being of national and regional significance, has the potential to facilitate the growth of business and jobs in regional NSW with the proposed support from state government in terms of planning and infrastructure investment.

We understand that the NSW Government intends to announce additional SAPs which meet the objectives of economic development and job creation in the future. LGNSW considers it essential to the success of any SAP that the NSW Government undertake early consultation and engagement with relevant councils and certainly prior to the announcement of any future precincts.

Recommendation 1: That the NSW Government commence early consultation and engagement with relevant councils prior to the announcement of any future SAPs.

3.2 Partnering with Local Government

LGNSW's position statement on 'planning and local decision making' includes the following:

7.3 Local government to retain control over the determination of locally appropriate development – local planning powers must not be overridden by State plans and policies or misuse of state significant development provisions.

LGNSW considers that engagement and partnering with local government is essential to the success of all SAPs. LGNSW is pleased that Part 3 of the EIE for the SEPP, 'Roles and Responsibilities' has been included. This section indicates that both Parkes and Wagga Wagga councils have been closely involved in the creation of draft 'master plans' for the SAPs. The EIE also states that as future precincts are announced, the NSW Government will continue to work closely with councils.

The EIE indicates that 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.*

It is noted that section '2.4 Methodology' of the Parkes Structure Plan indicates that the process was collaborative and involved key stakeholders including council staff. LGNSW is pleased to note the following extracts on 'Partnering' contained on pages 77-78 of the draft 'structure plan' for the Parkes SAP:

Partnering

Good governance will rely on collaboration between the Parkes Shire Council, the proposed Development Corporation entity and key land owners in the SAP. For major high impact investment the involvement of the Environment Protection Authority in initial stages is also desirable.

Conclusion - Priority issues to address in implementation

1. **Precinct coordination** including partnering, investment attraction, and concierge services between Development Corporation, State agencies, Council and key land owners such as SCT and Pacific National.

LGNSW supports the NSW Government working closely with councils on SAPs to ensure the long-term success of these precincts.

Recommendation 2: The SEPP be drafted to reinforce the importance of partnering and collaboration with local government throughout the planning process.

3.3 Government-Led Studies and Evidence-Based Planning

As stated on page 5 of the EIE, studies led by the NSW Government are a core component of SAPs. It is noted that the following technical documents have been prepared to understand the environmental impact of development scenarios and to inform the strategic planning for the Parkes precinct:

- Air Quality and Odour Assessment
- Biodiversity Assessment Stage 1
- Bushfire Constraints and Opportunities Assessment
- Community and Social Infrastructure Needs Assessment
- Economic Analysis Report
- Environmental, Heritage and Sustainability Assessment Summary Report
- Environmentally Sustainable Development Plan
- Flood and Water Quality Management Study
- Geology, Soil and Contamination Preliminary Site Investigation
- Groundwater Desktop Study
- Infrastructure and Transport Plan
- Noise and Vibration Assessment
- Parkes Special Activation Precinct Structure Plan

LGNSW endorses the NSW Government's initiative in leading the preparation of the background studies to inform the planning for the SAPs. Councils will welcome the completion of these studies as they will provide significant support to investors by reducing timeframes and costs, so that they can focus on establishing and growing regional businesses. The preparation of these strategic environmental and planning technical reports will provide

important information and facilitate evidence-based planning. LGNSW considers it important to consult with councils during this phase of the planning to ensure that valuable local knowledge is shared and incorporated into the process from the outset.

Recommendation 3: The SEPP be drafted to require councils to be consulted during the phase of undertaking the background technical studies to enhance collaboration and ensure that valuable local knowledge is incorporated into the early phases of the planning process.

3.4 Delivery Plans and Infrastructure

The EIE states that following approval of the ‘master plan’, the Regional Growth NSW Development Corporation will prepare a ‘delivery plan’. This important document will identify the key infrastructure requirements needed to service the precinct. As the NSW Government may develop some of the major and enabling infrastructure to support the growth of existing and new business within the precinct, the EIE states that the Activation Precinct SEPP may include appropriate mechanisms to collect contributions or infrastructure levies if required by the Regional Growth NSW Development Corporation.

Local government is primarily responsible for the provision of local infrastructure (e.g. roads, stormwater, open space, water and sewer supply) in regional areas. As councils will have a critical role in the provision of infrastructure, this section should be amended to ensure that these plans are prepared in collaboration with council.

Recommendation 4: Due to the significance of the ‘delivery plan’ and local government’s role in the provision of local infrastructure and potential augmentation to support regionally significant development, the draft SEPP be worded to specifically require the plan to be prepared “in collaboration with council”.

It is unclear whether community consultation will be undertaken for the ‘delivery plan’. Due to the significance of the plan, LGNSW considers it appropriate that community engagement be undertaken as part of the process.

Recommendation 5: Due to the significance of the ‘delivery plan’, community consultation be undertaken as part of the process of preparing the plan.

It is unclear whether the ‘delivery plan’ will be made available to stakeholders and whether it will be included in the relevant schedules to the SEPP. Clarification is required as to how stakeholders will obtain access to the ‘delivery plan’.

Recommendation 6: At the time of drafting the SEPP, provide clarification on how stakeholders will access the ‘delivery plan’.

3.5 Design Guidelines

On page 10 of the EIE, it states that the Regional Growth NSW Development Corporation will prepare ‘design guidelines’ with ‘delivery plans’ for each SAP. The EIE indicates that the guidelines will deal with urban design, building treatments, landscaping, access and amenity and will demonstrate how the ‘principal development standards’ are to be addressed for each precinct or sub-precinct. As discussed above, it is assumed that these guidelines will be prepared in close collaboration with council and relevant community consultation will be undertaken.

It is unclear whether the 'design guidelines' (as part of the 'delivery plan') will be made available to stakeholders and whether these will form part of the SEPP. Again, clarification is required as to how stakeholders will obtain access to the 'design guidelines'.

Recommendation 7: At the time of drafting the SEPP, ensure that the 'design guidelines' will be prepared in close collaboration with council, relevant community consultation be undertaken and clarify how stakeholders will access the guidelines.

3.6 Approval Pathways - Referral of Development Proposals

In terms of approval pathways, the EIE indicates that:

- Developers will be required to obtain 'proposal certificates' from the Regional Growth NSW Development Corporation to provide assurance that the proposal is consistent with the relevant land use table, 'principal development standards', 'master plan' and building design and performance requirements set out in the 'delivery plan'.
- The Minister for Planning and Public Spaces will be the consent authority for any state significant or regionally significant development within the precinct.

To ensure that the council is aware of all development proposals within the precinct, it is recommended that a copy of each proposal be referred to the local government for their information. This will ensure that the council is fully informed about proposals within the precinct.

Recommendation 8: The SEPP be drafted to ensure that all development proposals are required to be referred to the council for their information.

6. Conclusion

LGNSW welcomes this new planning framework for SAPs in regional NSW to encourage diversity and the growth of business and industry. LGNSW considers that the strong partnerships being established and ongoing collaboration between local and state government will lead to positive outcomes in these precincts and the surrounding areas within regional NSW.

Thanks for your consideration of LGNSW's submission and we look forward to continued engagement in the planning for SAPs.

For further information in relation to this submission, please contact Jane Partridge, Strategy Manager Planning and Transport, on 02 9242 4093 or jane.partridge@lgnsw.org.au.

Attachment – List of Recommendations

Recommendation 1: That the NSW Government commence early consultation and engagement with relevant councils prior to the announcement of any future SAPs.

Recommendation 2: The SEPP be drafted to reinforce the importance of partnering and collaboration with local government throughout the planning process.

Recommendation 3: The SEPP be drafted to require councils to be consulted during the phase of undertaking the background technical studies to enhance collaboration and ensure that valuable local knowledge is incorporated into the early phases of the planning process.

Recommendation 4: Due to the significance of the ‘delivery plan’ and local government’s role in the provision of local infrastructure and potential augmentation to support regionally significant development, the draft SEPP be worded to specifically require the plan to be prepared “in collaboration with council”.

Recommendation 5: Due to the significance of the ‘delivery plan’, community consultation be undertaken as part of the process of preparing the plan.

Recommendation 6: At the time of drafting the SEPP, provide clarification on how stakeholders will access the ‘delivery plan’.

Recommendation 7: At the time of drafting the SEPP, ensure that the ‘design guidelines’ will be prepared in close collaboration with council, relevant community consultation be undertaken and clarify how stakeholders will access the guidelines.

Recommendation 8: The SEPP be drafted to ensure that all development proposals are required to be referred to the council for their information.