

The Part 3A Approval Process

(Selected text from the Department of Planning Web-Site; emphasis added)

1. DEVELOPMENT DECLARED A MAJOR PROJECT

The Minister forms an opinion as to whether a proposal should be declared a project to be assessed under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Minister may also decide whether to authorise or require a concept plan to be lodged for a project, which provides a broad overview of the proposal. If a concept plan is approved, further approvals will be required (and may be given at the same time) before the project can proceed further.

2. INITIAL APPLICATION

The proponent submits a project application and may also provide a preliminary environmental assessment with this application.

3. ENVIRONMENTAL ASSESSMENT REQUIREMENTS

The Director-General of the Department of Planning prepares environmental assessment requirements which outline the key issues that a proponent must address in its environmental assessment of the project. These requirements, which are specifically tailored for the project, are referred to as Director General's Requirements. The Director-General must notify the proponent of these requirements.

Relevant public authorities such as the Department of Environment, Climate Change and Water and local council/s **may be consulted** in preparing the Director-General's requirements. For some projects, **a planning focus meeting may be held** to help determine the scope of issues and level of assessment required.

The Director-General's requirements **also outline any consultation requirements**.

4. PREPARATION OF THE ENVIRONMENTAL ASSESSMENT

The proponent is encouraged to consult the community, relevant councils and State agencies in the preparation of the 'environmental assessment' of the project (this is sometimes referred to as the EA).

The proponent submits their draft environmental assessment and any statement of commitments to the Director-General.

The Director-General, **often in consultation with relevant agencies and local council/s**, determines whether the draft environmental assessment adequately addresses the Director-General's requirements. If it is not adequate, the proponent will be asked to revise the environmental assessment to address any outstanding matters.

5. PUBLIC EXHIBITION, CONSULTATION AND REVIEW

The Director-General exhibits the environmental assessment and any other supporting documentation for a minimum of 30 days and invites public comment. Advertisements are placed in appropriate newspapers, and relevant public authorities and local council/s are notified as well as adjacent landowners if required.

The environmental assessment is made available for inspection during the exhibition period at the Department's head office, relevant regional offices and local council offices as well as being published on the Department's website.

During the exhibition period any person is able to make a written submission to the Director-General regarding the project.

6. CONSIDERING SUBMISSIONS AND FINALISING ASSESSMENT

The Director-General provides copies of public submissions or a summary of public submissions received through the exhibition period to the proponent. The proponent **may be required** to prepare a response to the issues raised in submissions **or to amend** their project and statement of commitments to minimise impacts on the environment.

Where changes are proposed to the project, the proponent is generally required to prepare a preferred project report outlining the changes. **The preferred project report is generally made available on the Department's website.**

7. DIRECTOR-GENERAL'S REPORT

The Director-General must provide an environmental assessment report to the Minister for the purposes of the Minister's consideration of the project application. The Director-General's report is to include:

- a copy of the proponent's environmental assessment and any preferred project report
- a statement relating to compliance with environmental assessment requirements
- **any advice provided by public authorities on the project and a copy of any report of the PAC on the project**

If the Director-General is recommending that the project be approved, draft conditions of approval are prepared and attached to the Director-General's report.

8. DETERMINATION

The Minister may approve or disapprove the carrying out of the project and determines the conditions that apply to the carrying out of the project. In making this determination, the Minister considers the matters set out in section 75J(2) of the EP&A Act, including the Director-General's report.

The Department will notify the proponent of the Minister's determination and will publish the determination along with the Director-General's report on the Department's website.

9. COMPLIANCE AND ENFORCEMENT

The proponent is responsible for carrying out the project in compliance with the terms of the Minister's approval, including any conditions of approval.

DELEGATIONS

The Minister has delegated some powers to determine Part 3A projects. In March 2009, the Minister gave the Director-General of the Department the ability to determine: -

- a project application where **there are less than 25 public submissions** and the capital investment value is less than \$50 million
- a concept plan application if it is either permissible, or if not consistent with an endorsed subregional or regional strategy, **if there are less than 25 public submissions and the capital investment value is less than \$100 million.**

Planning Assessment Commission At any stage, the Minister may request the Planning Assessment Commission (PAC) to review or advise on any aspect of a major project or a concept plan. The Minister has also issued a general delegation for the PAC to determine some major projects under Part 3A such as those in relation to which a statement has been made disclosing a reportable political donation.