



## Role of the Planning Assessment Commission in Part 3A projects

### Major projects assessment system: fact sheet 5

The Planning Assessment Commission (PAC) plays an important role providing an additional level of expert scrutiny reviewing some development proposals. It also determines some development proposals, including those where a potential or perceived conflict of interest exists.

The PAC is independent of the Government, the Minister and the Department of Planning.

While the PAC members are appointed by the Minister they are not subject to the direction or control of the Minister, except in relation to its administrative procedures.

The PAC is a statutory body under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and commenced operation on 3 November 2008.

#### **FUNCTIONS**

The functions of the PAC are detailed under Section 23D of the EP&A Act. For development proposals being assessed under Part 3A of the EP&A Act, the PAC has two key roles as outlined below.

#### **Review**

If requested to do so by the Minister, the PAC may review any aspect of a project or a concept plan under Part 3A. The PAC is required to provide a copy of its findings and recommendations to the Minister. The Minister in deciding whether or not to approve the carrying out of a project or a concept plan will consider the findings or recommendations of the PAC along with the Department's assessment report.

As part of this review role, the Minister may also direct the PAC to conduct a public hearing. Notice of the public hearing will be provided and a call for submissions from interested parties will be made.

This review role is similar to the function previously carried out by the Independent Hearing and Assessment Panels.

The Minister may call on the PAC to carry out a review and/or a public hearing at any stage of the assessment process prior to determination.

#### **Determination**

The Minister has issued a general delegation to the PAC (gazetted on 5 December 2008) by which the Minister has delegated the power to determine a specified class of project applications lodged under Part 3A. Specifically, the general delegation applies to the following classes of project applications under Part 3A:

- Those in relation to which a statement has been made disclosing a reportable political donation; or
- Those that relate to the carrying out of development within the State electoral district represented by the Minister for Planning; or
- Those that relate to the carrying out of development in which the Minister has a pecuniary interest.

However this delegation does not apply to those proposals that are:

- Infrastructure projects where the proponent is a public authority, other than a local authority;
- Concept plan applications; or
- Critical infrastructure projects.

In the cases where the PAC is the determination body the normal major projects assessment process will take place, with the application submitted to and assessed by the Department of Planning. The PAC will take the Minister's place as the determination body.

The Minister may also refer Part 3A and Part 4 development proposal matters to the PAC for determination on a case-by-case basis outside the general delegation, however the Minister cannot delegate the function of determining whether to approve the carrying out of a critical infrastructure project or a concept plan for a critical infrastructure project.

## MEMBERS

Members of the PAC have been selected from a broad range of disciplines with experience in planning, architecture, urban design, environmental management, engineering, law, and government and public administration.

The following eight persons are currently appointed by the Minister as members of the PAC:

- Gabrielle Kibble (Chair) – current chair of the Heritage Council and administrator of Wollongong Council, former head of the Department of Planning;
- Donna Campbell – former director of Legal Services at the Environmental Protection Authority with 25 years of government experience in environmental planning law;
- John Court – chemical engineer and environmental expert with extensive experience in the planning system;

- Lindsay Kelly – former NSW Government architect;
- Neil Shepherd – former head of the Environment Protection Authority, Ministry for the Environment and National Parks and Wildlife Service;
- Garry Payne – former Director-General of the Department of Local Government;
- Janet Thomson – respected planner with more than 30 years experience at all levels of government;
- Richard Thorp – leading architect and current president of the NSW Architects Registration Board.

The Minister may also appoint casual members to the PAC to exercise specific functions of the PAC. A casual member with specific expertise may be appointed to assist in the review of a particular aspect of a project application.

## FURTHER INFORMATION

- Department of Planning website: [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)