



Steps in the major project assessment process

Major projects assessment system: fact sheet 3

1. PROJECT DECLARED A MAJOR PROJECT

The Minister forms an opinion as to whether a proposal should be declared a project and assessed under Part 3A. For further information on what sort of developments are declared major projects, see the fact sheet *What is considered a major project*.

The Minister may also decide whether to authorise or require a project to be lodged as a concept plan, which provides a broad overview of the proposal. Further approvals may be required, before the project can proceed further, if a concept plan is approved.

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 establishes requirements which outline the key issues that a proponent must address in its environmental assessment of the project. These requirements, which are specifically tailored in response to the proposal, are sometimes referred to as Director General's requirements. The Director-General notifies the proponent of these requirements.

Relevant public authorities such as the Department of Environment and Climate Change and local council/s are consulted in developing these 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 and may require the proponent to include, as part of its environmental assessment, a statement of commitments setting out the commitments the proponent is prepared to make for environmental management and mitigation measures on the site.

4. PREPARATION OF THE ENVIRONMENTAL ASSESSMENT DOCUMENT

The proponent is encouraged to consult the community, relevant councils and agencies in the preparation of its environmental assessment document.

The proponent submits its draft environmental assessment and statement of commitments (if required) to the Director-General.

The Director-General 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.

5. PUBLIC EXHIBITION, CONSULTATION AND REVIEW

The Director-General exhibits the environmental assessment documentation for a minimum of 30 days and invites public comment. Advertisements are placed in appropriate newspapers, and relevant State agencies 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 and relevant regional offices, 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 to the proponent and to relevant public authorities. The proponent can 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.

[OPTION] INDEPENDENT INQUIRY

At any stage, the Minister may appoint an independent hearing and assessment panel (under section 75G of the EP&A Act) of experts, or of officers representing the Department and other relevant public authorities to provide advice on any aspect of the project.

7. ASSESSMENT REPORT

The Director-General must provide an assessment report to the Minister that includes the matters set out in Section 75I(2) of the EPA&A Act. These matters include a copy of the proponent's environmental assessment and any preferred project report; a statement relating to compliance with environmental assessment requirements; a copy of any report of a panel constituted under Section 75G in respect of the project; any advice provided by public authorities on the project; any relevant environmental planning instrument; any environmental assessment undertaken by the Director-General or other matter the Director-General considers appropriate.

If the Director-General is recommending that the project be approved, draft conditions of approval are prepared by the Director-General.

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 decision the Minister considers the matters set out in Section 75J(2) of the Act.

The Department will notify the proponent of the Minister's decision and will publish the Minister's determination along with the Director-General's assessment 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.

The Department will monitor the implementation of the conditions of approval, which may include preparation of monitoring and compliance reports and undertaking of independent environmental audits. The Department also conducts inspections and compliance audits for approved projects.

Non-compliance with conditions of approval could attract enforcement actions, which range from serving notices requiring rectification work, imposing fines or taking enforcement proceedings in the Land and Environment Court.

10. FURTHER PROJECT APPLICATIONS

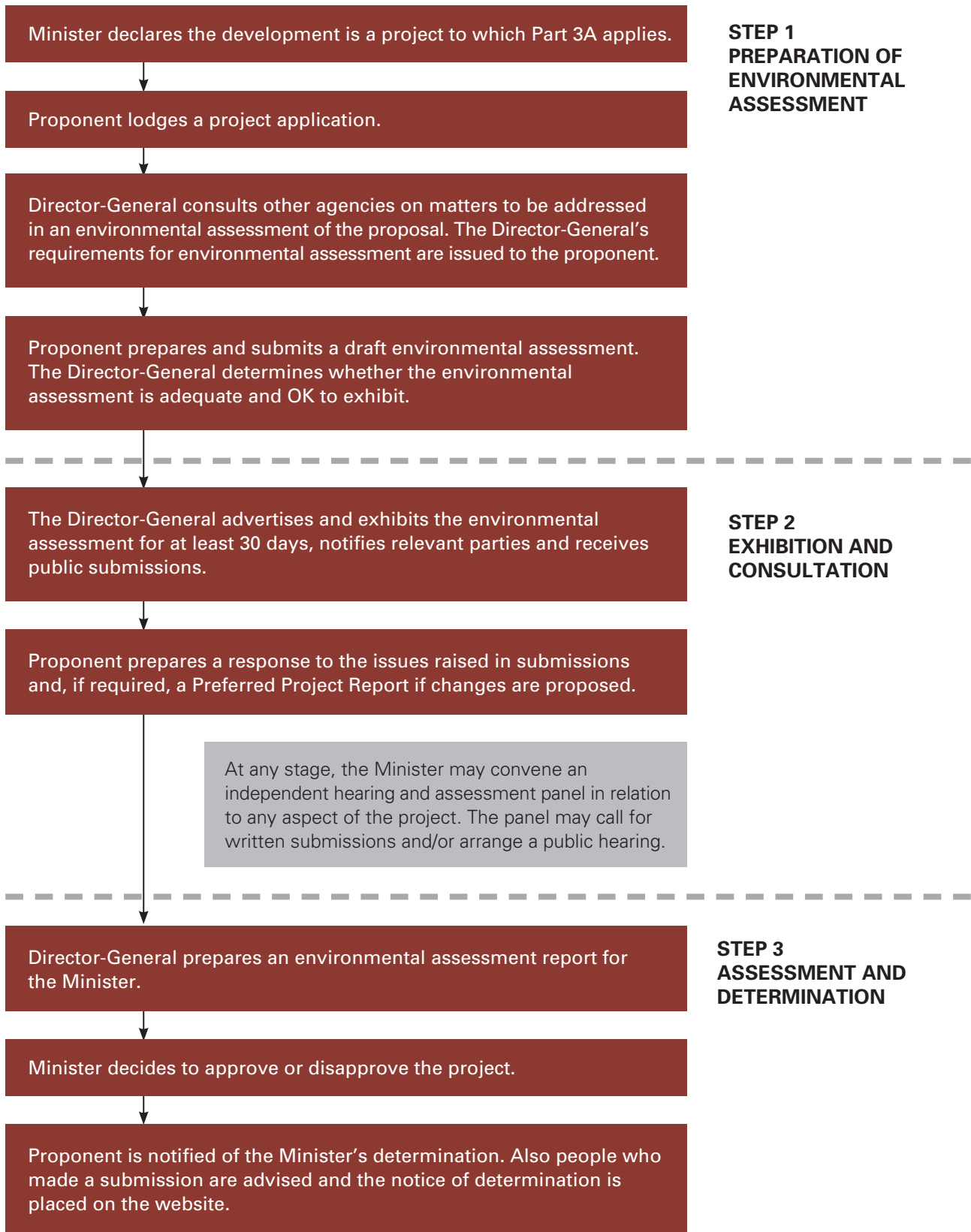
If a concept plan is approved for a project, further applications may be required.

FURTHER INFORMATION

Department of Planning website:
www.planning.nsw.gov.au

MAJOR PROJECT ASSESSMENT — TYPICAL STEPS

Under Part 3A of the *Environmental Planning and Assessment Act 1979*



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