



PLANNING SYSTEM

Major projects assessment

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Related	PS 05_002

Commencement Part 3A (Major Projects) of the EP&A Act

The purpose of this circular is to notify councils, State government authorities, industry and community interests of the commencement of Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act) on 1 August 2005.

Overview

On 9 June 2005 the NSW Parliament passed the Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Bill. This contains key elements of the NSW Government's planning system reforms through major changes to both plan-making and major development assessment. The Act was assented to on 16 June 2005.

A key component of the amendments is the insertion of a new Part 3A (Major Projects) into the EP&A Act. The aim is to facilitate major project and infrastructure delivery and encourage economic development, while strengthening environmental safeguards and community participation.

On 1 August 2005 the new Part 3A and related provisions commence.

What does the new Part 3A do?

The new Part 3A consolidates the assessment and approval regime for all major projects previously addressed under Part 4 (Development Assessment) or Part 5 (Environmental Assessment) of the Act.

Part 3A applies to major State government infrastructure projects, development previously classified as State significant, and other projects, plans or programs of works declared by the Minister.

The amendments provide a streamlined assessment and approvals regime for major infrastructure and other projects of State or regional significance. They also improve the mechanisms available under the EP&A Act to enforce compliance with approval conditions or the Act.

The new provisions will continue to ensure the appropriate level of community consultation and environmental assessment is undertaken, based on the level of risk or community concern.

Working with the new Part 3A

The State Environmental Planning Policy (State Significant Development) gazetted on 25 May 2005, outlining what proposals require the Minister's approval, has been amended to reflect the new arrangements. The policy has also been renamed as State Environmental Planning Policy (Major Projects) to ensure terms and references are consistent.

Guidelines are being prepared to assist industry and other stakeholders to interpret and implement the new Part 3A and associated provisions. These will be gazetted as they are finalised and published on the DIPNR website. For a copy of draft guidelines, email assessments@dipnr.nsw.gov.au.

Transitional arrangements

Proposals for major projects previously lodged under Part 4 or Division 4 of Part 5 will continue to be dealt with as if Part 3A and related provisions had not commenced. Any new applications for major projects requiring the Minister's approval will, from 1 August, need to comply with new Part 3A requirements.

When will the other reforms to the Act be commenced?

Changes to Part 3 (Environmental Planning Instruments) and Part 4 of the EP&A Act dealing with local planning controls and staged developments are scheduled to commence on 30 September. This will allow time for DIPNR to run training sessions with the Local Government and Shires Associations for councils across NSW.

Further information

A copy of the Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act, the new regulations, the amendments to the SEPP (listing what major projects will be dealt with under Part 3A), and a series of fact sheets are available from the DIPNR web site at www.dipnr.nsw.gov.au/planningreform.html.

Copies of the Environmental Planning and Assessment Act and other NSW legislation are also available from the Parliamentary Counsel's Office website at www.legislation.nsw.gov.au.

Authorised by:

Sam Haddad
Acting Director General
Office of the Director General

Important note

This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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