

Busting the myths about Part 3A

By Sam Haddad, Director-General, Department of Planning

The Part 3A development assessment system was introduced in 2005 to provide a tailor-made system to assess major projects of regional or state significance. Before its introduction the NSW Government had always had a role determining major projects. Some 85 planning instruments introduced between 1979 and 2005 made the Minister for Planning the consent authority for certain development types.

The minister also always had the power to 'call-in' any development proposal from a local council to determine. This is consistent with the principle of "decision making at the appropriate level".

Because it deals with larger and more complex projects, the Part 3A system has additional and more stringent assessment tests which do not exist in the local council assessment system which generally deals with simpler projects. Under the first test the Department of Planning must decide whether a developer's project and its assessment adequately address all relevant key issues before being allowed to proceed to public exhibition. This ensures that the community has full and detailed information about the proposed development when commenting on the proposal.

Under the second test developers are required to respond to public submissions. This response may include changes to the development to minimise its impact. This test elevates the importance of community submissions by requiring their issues to be specifically addressed. The Department also now posts all submissions on its website.

The Department continues to strengthen its extensive checks and balances to ensure probity and transparency in process and outcomes. We are proud of the high level of professionalism undertaken by dedicated and highly ethical public servants. Mr Mant would have benefited from an update of these practices before embarking on an ill-informed discussion. We stand ready to update him to assist a more healthy and accurate discussion.

I would now like to respond to the 'myths' about Part 3A, some of which Mr Mant raised on this page last week.

It is claimed responses to submission documents are not made available on the website until a decision is made. This is not true – these documents are routinely made available before determination. It should be noted that some 97 per cent of council decisions are made by council staff under delegated power and their assessment reports are generally not available before the decision is made. Only about 40 per cent of councils have DA tracking systems on their websites where these reports may be public. All reports and associated assessment documentation for Part 3A assessments are available on the Department's website.

In regard to third party appeals, objectors have the same appeal against the merits of approvals as for designated development types – such as mines, quarries, landfills, chemical plants and marinas - as before Part 3A was introduced. Applicants also have the same appeal rights as before. The Department thoroughly tests whether projects meet the criteria to be accepted as Part 3A projects and, for example, may require quantity surveyor reports to support capital investment claims.

The Department does not always meet with applicants to discuss our assessment report before a determination. We welcome Mr Mant's acknowledgment that we meet other interested parties – such as residents – before a determination. Our assessment officers routinely consult with the local council during their assessment process following the exhibition period and, depending on the project, may meet with residents and other objectors.

Mr Mant discussed the Part 3A system's relationship with other legislation. One of the key benefits of the Part 3A system is that it allows a single decision-maker to undertake an integrated assessment of all issues. This avoids the potential of contradictory and conflicting conditions and concurrences being placed on the project from a variety of agencies with different focuses.