



# **The Hon Brad Hazzard MP**

## **Minister for Planning & Infrastructure**

### **Minister assisting the Premier on Infrastructure NSW**

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## **MEDIA RELEASE**

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May 12, 2011

### **RETURNING PLANNING POWERS TO LOCAL COMMUNITIES**

Dozens of development projects will be sent to local councils to determine if they should proceed under the State Government's shakeup of the NSW planning laws.

Planning Minister Brad Hazzard said today he was determined to implement the Government's pledge to scrap Part 3A of the Planning Act.

As part of that process, 63 projects will be sent to local councils immediately for determination. A further 102 applications which have already substantially progressed through the existing system will be retained as "major projects" and will go before the Planning Assessment Commission (PAC) for approval.

"In other words, we are sending a signal that we want to get this State moving...but we also want community involvement in the decision making process," Mr Hazzard said.

"We are going to continue to encourage major projects which bring tourism, business and investment to NSW.

"This includes major road, rail, mining, manufacturing and hospital projects and other projects of genuine State significance.

"Among them are the \$110 million redevelopment of the Port Macquarie Base Hospital, the \$300 million AGL gas storage facility near Port Stephens and the \$3.5 billion coal terminal at the Port of Newcastle.

"But there are many other projects which do not have State significance and the local community is best placed to determine whether they should proceed. "

Mr Hazzard said a mixture of residential, retail, commercial and coastal applications had lost their major project status.

"These are the ones where the Government's involvement was most contested and it is appropriate that they are first to go," he said.

"One thing is clear... the process of repealing Part 3A is now firmly in train."

Mr Hazzard said the arrangements announced today were transitional while a new system of assessing projects of genuine State significance was developed.

"The new system will include more rigorous and appropriate criteria to ensure only those projects of real significance to the State come to the Government for a decision."

Under the new transitional arrangements to come into force on 13 May:

- Residential, commercial and retail development valued at over \$100m and coastal subdivisions which have either not yet been accepted under Part 3A, or for which assessment requirements either have not been issued or are more than 2 years old, will have their Part 3A status revoked;
- Residential, commercial, retail and coastal projects which have progressed beyond this stage will remain within the Part 3A system pending its legislative repeal;
- Revoked and undeclared projects will generally be returned to the local council for assessment and determination by the relevant Joint Regional Planning Panel;
- The Department of Planning and Infrastructure will establish a team to assist local councils with the assessment of these projects where necessary;
- Any fees paid by proponents for the assessment of these projects under Part 3A will be refunded;
- All applications for other project types (such as mining, chemical and manufacturing, agricultural and significant infrastructure proposals) which are already in the Part 3A system will continue to be assessed and determined under Part 3A pending its legislative repeal;
- The existing moratorium on the declaration of new Part 3A projects will continue;
- New projects that require urgent assessment may, in the interim, be authorised by the Director-General for lodgement with the local council as long as the council is willing and has the capacity to assess the application in a timely manner.

“While we have been able to immediately remove a significant number of these projects, it is unavoidable that some must stay within the existing system pending its legislative repeal.

“This is because they had progressed to the point in the process where proponents would have had to make significant financial and resourcing commitments.

“However, I will delegate my Part 3A approval role to the PAC or the Department for these and all other classes of projects lodged by private developers.

“The only projects for which I, as Minister, will be the determining authority, are those put forward by a public authority. This will ensure a whole-of-Government approach on projects which, for example, involve the delivery of major public infrastructure.”

Some minor proposals which have attracted a small number of submissions and which the local council has not objected to, will continue to be determined under delegation by senior officers of the Department of Planning and Infrastructure.

The transitional arrangements for commercial, residential, retail and coastal projects will be given effect through an amendment to the Major Development State Environmental Planning Policy.