

# INFORMATION SHEET

16/05/11

## Part 3A (Major Projects) – Environmental Planning & Assessment Act

The NSW Government has taken action to repeal Part 3A (Major Projects) of the Environmental Planning & Assessment Act 1979. Following the State election in March, the NSW Government announced that no new Part 3A applications would be accepted by the Department of Planning & Infrastructure. As part of the Government's commitment to remove Part 3A, the Department of Planning & Infrastructure released information on Friday outlining some important legislative changes and transitional arrangements for Part 3A applications that are already in the system.

Changes to the Planning System:

- The NSW Government will introduce a Bill to repeal Part 3A (Major Projects), removing it from Act. The Bill will include a new regime for the assessment and determination of projects of State Significance but this will not include residential, commercial, retail or coastal projects. Projects such as major road, rail, mining, manufacturing and hospital projects will be categorised as State significant and determined by the Planning Assessment Commission (PAC) or the Department of Planning under delegated authority by the Minister for Planning & Infrastructure;
- Residential, commercial, retail and coastal projects (previously determined under Part 3A of the Act) will be removed from this process. From 13 May 2011, these projects will be determined by local councils or the Joint Regional Planning Panel (JRPP) if over \$10 million under Part 4 of the Act. For projects over \$10m, the council will assess the application and recommend a decision to the respective JRPP who will make the final determination. At present, the six JRPPs that operate across NSW are required to make decisions on developments over \$10m but less than \$100m. The \$100m threshold will be removed to enable them to determine all developments over \$10m (previously determined under Part 3A). Developments less than \$10m remain to be determined by the local council. This change is given effect through an amendment to the Major Development State Environmental Planning Policy (SEPP).

Transitional arrangements for Part 3A applications currently in the system:

- Residential, commercial and retail development valued at over \$100m and coastal subdivisions (Part 3A) applications that were recently lodged (i.e. not yet declared as Part 3A) or have been in the system for over 2 years and not acted upon (i.e. Director General Requirements were issued but not responded to) will be revoked (63 in total). The proponents of applications that have been revoked will be refunded their development application fees and will need to reapply to the local council under Part 4 of the Act where the determination body will be the local council or the JRPP if the project is over \$10m;
- Residential, commercial, retail development and coastal projects which have progressed beyond this stage will remain within the Part 3A system pending its legislative repeal

(102 in total). For these projects, the Minister will delegate his Part 3A approval role to the PAC or the Department of Planning & Infrastructure or these projects;

- 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. These projects will remain under the control of State government as part of a new state significant system;
- 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.

More information on the changes and the list of projects revoked is available from the Department of Planning & Infrastructure's website. Click [here](#) to access this information directly.