



PLANNING SYSTEM

Act and Regulation changes

Circular	PS 06–010
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Related	

Changes to the EP&A Regulation regarding major project assessments

This circular advises of minor changes to the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) in relation to the assessment process for major projects.

Introduction

On 13 April 2006 the Environmental Planning and Assessment Amendment (Major Projects) Regulation 2006 (the Amending Regulation) was gazetted.

The Amending Regulation makes minor changes with respect to the assessment of major projects under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act). The aim of these amendments is to support the effective implementation of the new Part 3A framework which commenced on 1 August 2005.

The Amending Regulation also makes minor changes to public notification requirements for planning agreements prepared under Part 4 of the Act (refer to circular PS 06–011).

Notification of linear infrastructure projects

The Amending Regulation removes the requirement for an application for linear infrastructure under Part 3A to be consented to by the owner of land on which the project is to be carried out. This requirement is replaced with an obligation on the proponent to give notice to the public of the application by way of newspaper advertisement. In this regard, 'linear infrastructure' means development for the purposes of, amongst other things, linear transport or public utility infrastructure.

Amended transitional provisions for Part 3A projects

The Amending Regulation also makes changes to the transitional provisions applying to projects which become subject to Part 3A where some action may already have been taken in respect of the proposed development under Parts 4 or 5 of the Act. The aim of these changes is to ensure such projects can be effectively and speedily assessed under Part 3A.

The Amending Regulation provides that the Director General may now accept:

- as a Part 3A application, a development application (DA) that has been made under Part 4
- for the purposes of environmental assessment under Part 3A, all environmental assessment requirements issued and environmental impact statements obtained under Part 5
- for the purposes of exhibition of an environmental assessment for a particular project or concept plan under Part 3A, a period of exhibition of a statement of environmental effects prepared pursuant to Part 4. (Note: if the period of exhibition of the statement of environmental effects was less than 30 days, further exhibition will be necessary to comply with the requirements of Part 3A.)

The Amending Regulation also clarifies that existing transitional provisions applying to DAs made before the commencement of Part 3A (1 August 2005) with respect to State Significant Development, apply to such DAs whether or not the owner's consent had been obtained at that time.

Further information

Both the Environmental Planning and Assessment Amendment (Major Projects) Regulation 2006 (as made) and the consolidated Environmental Planning and Assessment Regulation 2000 are available on the NSW Parliamentary Counsel's office website at: www.legislation.nsw.gov.au (see 'As made' and 'Browse A to Z in force').

Authorised by:

Sam Haddad
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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