



Repeal of Part 3A: What next?



**Robert Moses, Holding Redlich
Clare Brown, APP Corporation**

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Introduction

- **Repeal of Part 3A**
- **State significant development**
- **State significant infrastructure**
- **Transitional provisions**



State Significant Development



- **Division 4.1 of Part 4**
- **State Significant Development (SSD) is declared by:**
 - SEPP; or
 - Order (published in the Gazette)
- **Minister is the consent authority for SSD**
- **SSD is not designated development and not integrated development**

State Significant Development



- **SSD can be partly prohibited**
- **Wholly prohibited development cannot be granted development consent**
- **Partly or wholly prohibited development can be dealt with through a concurrent rezoning process with the Director-General as the planning authority**

Declaring State Significant Development



- No more opinion forming?
- Classes of development and sites
- SEPP Major Development or SEPP State and Regional Development
- Where Minister declares development as SSD by order, advice must be obtained and be made public from the PAC
- Role of JRPPs

Application for State Significant Development



- **Environmental Impact Statement required**
- **Regulations to detail preparation of EIS, consultation with agencies, publication of information and responses to submissions**
- **Section 79C applies to SSD DAs**
- **Potential for Staged DA provisions to apply**

Environmental Impact Statement



- **Director-General's requirements**
- **Declaration of author**
- **Consideration of guidelines**
- **Documents referred to in EIS form part of EIS**
- **Public participation and exhibition**
- **Submissions Report**

Determination of SSD DA



- **Section 80 applies to SSD DAs**
- **Bio-banking conditions may be imposed**
- **Minister or delegate such as PAC**
- **Minister may request PAC to conduct a review of DA for SSD or any development**

State Significant Infrastructure



- **Part 5.1 of the Act**
- **State significant infrastructure (SSI) can be declared by:**
 - SEPP; or
 - Order that amends a SEPP (published on NSW legislation)
- **Minister is the approval authority for SSI**
- **Category of critical SSI carried over from critical infrastructure under Part 3A – no section 123 appeals etc**

State Significant Infrastructure



- **General public authority activities**
- **Port facilities and wharf or boating facilities**
- **Rail infrastructure by or on behalf of ARTC**
- **Water supply systems including desalination**
- **Pipelines under the Pipelines Act**
- **Submarine telecommunications cables**
- **Concept plans are provided for under Part 5.1 – generally the same process as concept plans under Part 3A**

Other Approvals – SSD and SSI



- **Certain approvals are not required for SSD and SSI**
- **Certain approvals must be given but must be consistent with the SSD or SSI approval**
- **Only change is aquifer interference approvals are now required for SSD and SSI**

Modifications for SSD and SSI



- **Section 96 will apply to SSD**
- **The same modification test under section 75W will apply to modifications for SSI – new section 115ZI**



Appeals – applicant



- **No merit appeals for designated development where the PAC has held a public hearing but council determines the application**
- **No merit appeals for any development where the PAC has held a public hearing and it determines the application (s23F)**
- **No merit appeals for SSI**

Appeals – objector



- **SSD that ‘would be’ designated development may be the subject of an objector merit appeal**
- **No third-party objector appeals for SSD that would be designated development or any designated development under Part 4, where a public hearing is held by the PAC**
- **No third-party objector appeals for any development where the PAC has held a public hearing and it determines the application (s23F)**
- **No third-party merit appeals for SSI**

Appeals – s123



- **Section 123 appeals apply to all SSD and SSI**
- **No s123 appeals for critical SSI unless the Minister consents (former section 75T)**

Transitional Provisions



- **“Transitional Part 3A Projects”**
- **Concept Plans under Part 3A**
- **Part 3A projects that become SSI**
- **Part 3A projects that become SSD**

Questions?





Robert Moses, Partner, Holding Redlich



Tel: (02) 8083 0422

Email: robert.moses@holdingredlich.com.au

Clare Brown, Principal Planner, APP

Tel: (02) 9957 6211

Email: clare.brown@app.com.au