

Planning & environment Legal update

Alert - The status of Part 3A Applications

After weeks of speculation, the NSW Government will announce today its position on existing Part 3A Major Development SEPP projects. This follows Mr O'Farrell's announcement on 4 April 2011, that the Government would "wipe Part 3A from the legislative record" and return local planning powers to communities.

The following major changes will be introduced from 13 May 2011:

- If a Part 3A Project has not received Director General's Requirements (**DGR**) then it will not be considered under Part 3A.
- Part 3A Projects that do not proceed will have application fees reimbursed and will be dealt with by the relevant Council or Joint Regional Planning Panel.
- If a Part 3A Project has been issued with DGR's more than 2 years ago with the end date being 8 April 2011, they will not proceed.
- The NSW Minister for Planning will delegate authority to the Director General of Planning and the Planning Assessment Commission for all Part 3A Projects that are proceeding.

The changes to be announced will impact upon approximately 30 Part 3A Projects already in the system, and will be gazetted today. The NSW Government will also release a list of those projects to be considered and those that will not be considered.

The news comes as a blow for many existing Part 3A Projects which have been formulated over a number of years in consultation with the former NSW Government.

We expect that this is the first of many changes to the NSW planning framework by the new NSW Government. Those involved in the NSW property and development sector will need to "watch this space."

If you require any advice in relation to existing Part 3A Projects or would like to discuss this article, please do not hesitate to contact us.

Planning and environment team



Anthony Perkins
Partner

M: +61 409 221 884
D: +61 2 8281 4606
E: afp@cbp.com.au



Maysaa Parrino
Partner

M: +61 432 660 255
D: +61 2 8281 4486
E: mpp@cbp.com.au



Claire Parsons
Solicitor

D: +61 2 8281 4610
E: cfp@cbp.com.au



Lucinda Morphet
Solicitor

D: +61 2 8281 4693
E: lzm@cbp.com.au

T 61 2 8281 4555
F 61 2 8281 4567
E law@cbp.com.au
I www.cbp.com.au

Level 42, 2 Park Street
Sydney NSW 2000
Australia

DX 280 Sydney
Advoc Asia member

Colin Biggers
& Paisley

LAWYERS

Disclaimer - The information in this publication is of a general nature and its brevity could lead to misinterpretation. It is not legal or any other advice. Although we endeavour to provide accurate and timely information, we do not guarantee that the information in this publication is comprehensive for the requirements of any reader, is applicable to any particular factual circumstance or that the law may not change in the future. No reader should act on the basis of any matter contained in this publication without first obtaining specific professional advice.