Submission: Draft Part 3A Proponent’s Guide - Invitation for Feedback

The Planning Institute of Australia (PIA) is the peak body representing professionals involved in planning Australian cities, towns and regions. The Institute has around 4,500 members nationally and around 1,300 members in New South Wales. PIA NSW plays key roles in promoting and supporting the planning profession within NSW and advocating key planning and public policy issues. This submission has been prepared on behalf of PIA NSW by Members of the Institute.

Introduction

The Planning Institute of Australia (NSW Division) welcomes the opportunity to comment on the Draft Part 3A Proponent’s Guide, prepared by the NSW Department of Planning and dated January 2011. The Institute’s comments are set out below:

- The Institute supports the decision to make available a document that will provide greater clarity and guidance for proponents and consultants involved in the preparation of Part 3A applications and environmental assessments. The Institute notes however, that some of this information is already available within other documents and considers that it would be of assistance to highlight the information that is new.

- It is considered that some of the potentially challenging issues relating to the preparation of Part 3A applications are not addressed in sufficient detail. For example the draft Guide refers to ‘specialist advisors’ or ‘qualified specialists’ (page 1) being required to assist with preparing the documentation necessary for best practice Environmental Assessment (EA), rather than setting out the qualifications that the professional should have and / or the necessary work experience.

- Whilst the introduction to the document outlines that the draft Guide has been prepared to assist proponents (and specialist advisers) in the preparation of Part 3A applications and the associated Environmental Assessment, the document in part sometimes seems overly simplistic for planners (specialists) who are dealing with Part 3A projects. However, it is considered that the document is somewhat complex for the lay person or a developer who has never dealt with a Part 3A project before. In addition, in some instances the document fails to define terms through its course, but rather uses acronyms such as PEA and PPR (page 4) making the presumption that they are already understood. It is not until later in the document or in the glossary in the
appendices that the reader is provided with some explanation of what they are. In addition, if the draft Guide is intended to assist professionals, it would benefit from a more informative approach that identifies ‘grey areas’ of the Part 3A applications and assessment process and key issues that have been raised by proponents.

- The Institute supports the use of examples within the document and would encourage the provision of more examples, particularly where reference is made to terms that are based on value judgements, for example in relation to the significance of environmental impacts. Furthermore the Institute would strongly support the use of suitable examples of “adequate and appropriate” consultation undertaken for different projects to help clarify the purpose of Section 3. The difficulty of pointing to real life projects is understood, however, some hypothetical examples would be beneficial.

- In keeping with the comments above, Section 3 Consultation refers to the need for the PEA to outline the intended communication strategy. Section 3 does not however explain the difference between a communication strategy and a consultation strategy (or any subsequent section) or why the PEA must outline it. In contrast to this lack of detail, there is significant detail as to how an EA should be formatted.

- Finally it is recommended that the document should provide a contact name or Department contact details for further information or enquiries. The document currently suggests that advice should be sought from your specialist advisors or the Department of Planning (page 1), but no contact name or telephone number is given for the Department. More direction as to who to ask for when calling the Department would be helpful.

PIA NSW welcomes the opportunity to make this submission and would be pleased discuss any aspect of the points raised in the Submission with the relevant Officers.