

Information Sheet No. 1-5

Consultation with government authorities for all developments

Information Sheet No. 1-5
Third Edition 2007

Inside This Sheet

- 1** Why consult with government authorities?
Step-by-step approach through the consultation process for different types of developments
- 2** Definitions
Important references
Acknowledgement
- 3**

Why consult with government authorities?

Early consultation with government authorities with responsibilities in different areas of planning and environmental protection can be of great assistance in determining the feasibility of a proposal at a particular site.

Effective consultation can enable the developer to:

- clarify the objectives for the proposal in terms of community needs and concerns, and the relationship of the proposal to relevant strategic plans, government policy directions and statutory or planning constraints;
- identify alternative sites; and
- identify environmental issues relating to:
- prioritising issues to be addressed in an *Environmental Impact Statement (EIS)*, *Statement of Environmental Effects (SEE)* or other type of *Environmental Impact Assessment (EIA)* study.
- establish the scope of studies required to enable a decision to be made on the development application;
- where appropriate, inform the developer of experts in government agencies who can peer review the proposal; and
- if appropriate, identify processes for continued community involvement (NSW DUAP, 1996).

Government authorities that may need to be consulted during the planning process include:

- local councils;
- Department of Urban Affairs and Planning (DUAP);
- Environment Protection Authority (EPA);
- Department of Land and Water Conservation;
- NSW Health Department; and
- the regional Waste Board.

Step-by-step approach through the consultation process for different types of developments

Consultation with government authorities is particularly important to determine the content and scope of an EIS, SEE or other type of EIA.

“To facilitate consultation with relevant government agencies, a planning focus meeting (PFM) is required.”

The *consent authority* informs the developer whether an EIS, SEE or a other type of EIA needs to be submitted with the development application (Information Sheet No. 1-4).

The Department of Urban Affairs and Planning recommends that PFMs be held for all major or potentially controversial proposals.

© Recycled Organics Unit 2002

ISBN 1-876850-23-X

This meeting is usually organised by the consent authority, that is, the local council in most cases.

To maximise the benefits from the PFM, requests for advice from the developer should be accompanied by adequate information on the proposal and proposed locations.

The PFM should be targeted towards identifying key issues, and should specifically focus on elements of site location, design and operation of the proposed facility.

In some cases, other government authorities with expertise in related areas may need to be included in the PFM to assist in the approvals process.

For smaller projects, less formal meetings or discussions, particularly with local council (or other consent

Figure 1. Summary of the consultation steps required with various government authorities in the development approvals process.

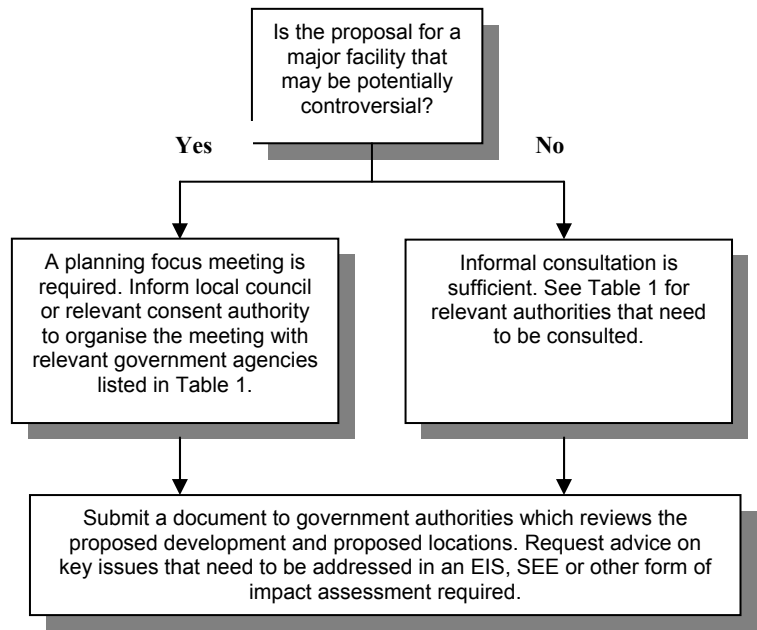


Table 1. Essential and supplementary government consultation required in the development approvals process. The role of each government authority in the development approvals process is provided (NSW DUAP, 1996).

Essential Consultation	Role in the Development Approvals Process
Consent authority (Council, Minister or relevant government authority)	Principal approval authority
Department of Urban Affairs and Planning	Provides input to the required content of an EIS, SEE or other form of EIA
EPA	Provision of environment protection licenses in the integrated development approvals process
Department of Land and Water Conservation	Soil, vegetation and water management, and approvals on protected lands
NSW Health Department	Health hazards caused by the operation and siting of a facility
Regional Waste Board	Assistance to local council in the approvals process
Supplementary Consultation ^a	
National Parks and Wildlife	If land clearing or impacts on natural vegetation are likely
NSW Fisheries	If fish or fish habitat is affected by the development
NSW Agriculture	If the proposal is on land with high agricultural value
WorkCover	For responsibilities regarding handling of dangerous goods and hazardous substances
Heritage Council of NSW	If the proposal is likely to affect any place or building having State heritage significance
Department of Aboriginal Affairs	If the proposal is in an area of significance to the Aboriginal community
Department of Mineral Resources	If a resource plan applies or if the proposal is in an area of important mineral resources
Mining Subsidence Board	If the proposal is in an underground mining area
State Rail Authority (SRA)	If the proposal impacts on SRA operations
Office of Marine Safety and Port Strategy	If the proposal impacts on navigable waters
Roads and Traffic Authority	If the proposal is likely to result in significant traffic impacts
State Forests of NSW	In relation to impacts on State Forests
Department of Bushfire Services	If the area is in a location of bushfire hazard
Catchment Management Committees or Trusts	If the proposal is likely to affect catchment water strategies in an area
Commonwealth EPA	If Commonwealth land is likely to be affected
Commonwealth EPA	If Commonwealth land is likely to be affected

^a Supplementary consultation with relevant government authorities is required if the proposal is likely to impact on an element of the environment that falls within a particular government authority's area of responsibility. It is the responsibility of the applicant and the consent authority to invite relevant government authorities to a planning focus meeting for major or potentially controversial projects. Consultation for small projects can be performed informally on an authority by authority basis.

authority), should be undertaken.

Issues such as whether a proposal is consistent with the council's strategic plan for the area and is permissible at a particular site should be determined at the outset (NSW DUAP, 1996).

See Figure 1 for a summary of the government consultation process.

Table 1 lists essential and supplementary government authorities that need to be consulted during the planning process for a composting or like facility in NSW.

Definitions

Consent Authority¹

In relation to a development application or an application for a complying development certificate, means: the council having the function to determine the application, or if a provision of the Environmental Planning and Assessment Act (1979), the regulations or an environmental planning instrument specifies a Minister or public authority (other than a council) as having the function to determine the application—that Minister or public authority, as the case may be.

Environmental Impact Statement (EIS)²

A document, prepared by the proponent, describing a proposed activity or development and identifying the possible, probable, or certain effects of the proposal on the environment; examining the alternatives to the proposal; setting out the mitigation measures to be adopted; proposing a program of environmental management; provisions for monitoring, auditing and plans for decommissioning and rehabilitation.

Statement of Environmental Effects (SEE)³

A document whose purpose is to specify: the environmental impacts of the development; how the environmental impacts of the development have been identified; and the steps to be taken to protect the environment or to lessen the expected harm to the environment.

Environmental Impact Assessment (EIA)²

The critical appraisal of the likely effects of a policy, plan, program, project, or activity, on the environment. To assist the decision making authority, assessments are carried out independently of the proponent, who may have prepared an EIS (or other document). The decision making authority might be a level of government (local, state or federal) or a government agency (at local, state or federal level).

¹Environmental Planning and Assessment Act (1979).

²Gilpin (1995).

³Environmental Planning and Assessment Regulation (2000).

Important references

- NSW Department of Urban Affairs and Planning (1996). Composting and Related Facilities EIS Guideline. NSW Government Printing Service, Sydney, Australia.
- Environmental Planning and Assessment Act (1979). NSW Consolidated Acts. Internet publication: http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/
- Gilpin, A. (1995). Environmental Impact Assessment (EIA): cutting edge for the twenty-first century. Cambridge University Press, Cambridge, UK.
- Environment Planning and Assessment Regulation (2000). NSW Consolidated Regulations. Internet publication: http://www.austlii.edu.au/au/legis/nsw/consol_reg/epaar2000480/

Acknowledgement

The author would like to extend a special thankyou to members of the peer review committee from the following organisations for critically evaluating this document: NSW Environment Protection Authority; NSW Department of Urban Affairs and Planning; Environment Management Program, The University of New South Wales; Resource NSW; Environmental Resource Management Australia Pty. Ltd.; Organic Waste Recycling Unit, NSW Agriculture; EC Sustainable Environment Consultants, and Environment Protection Authority Victoria.

Produced by:

Recycled Organics Unit
PO Box 6267
The University of New South Wales
Sydney Australia 1466

Online contact details:

ROU Angus Campbell
Internet www.recycledorganics.com

Whilst all care is taken in the preparation of this Information Sheet, the information provided is essentially general in nature and the Recycled Organics Unit disclaims all liability for any error, loss or other consequence which may arise from application of the information in any specific situation.

© Recycled Organics Unit 2003