

Director, Legislative Updates  
Department of Planning and Environment  
GPO Box 39 Sydney NSW 2001  
Email: [regulation.review@planning.nsw.gov.au](mailto:regulation.review@planning.nsw.gov.au)

14 November 2017

Dear Sir/Madam

## REVIEW OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION, 2000

Thank you for the opportunity to provide feedback on the Environmental Planning and Assessment Regulation 2000 (the Regulation).

ARTC is the rail infrastructure manager for the Defined Interstate Rail Network, providing a one stop shop for freight rail transport across Australia.

In this role, ARTC delivers a range of rail infrastructure projects and manages the operation of rail infrastructure. ARTC has responsibility for the management of over 8,500km of standard gauge track in New South Wales, Queensland, Victoria, South Australia, and Western Australia.

ARTC understand that the Department of Planning & Environment (DPE) are seeking stakeholder views on known issues within the current Regulation and stakeholder feedback to help identify other issues, including suggestions for updating and improving key operational provisions and reducing unnecessary regulatory and administrative burden.

### Known issues

ARTC is prescribed as a 'public authority' under the Regulation (Part 17, Clause 277) for the purposes of:

- being a 'determining authority' under Part 5 of the EP&A Act; and
- within the meaning of Part 3A of the EP&A Act.

Part 3A development is now classified as State Significant Development (SSD) or State Significant Infrastructure (SSI), and ARTC request that the Regulation is updated to define ARTC as a 'public authority' for the purposes of the SSI and SSD scheme.

### Other issues

The Regulation contains provisions relating to environmental assessment. ARTC provided a submission on the EIA Improvement Project (25 November 2016), and we draw your attention to this submission for our views on environmental assessment.

We trust this submission will assist DPE in revising the Regulation. ARTC would appreciate an advance copy of the draft Regulation (i.e. pre-public exhibition) for early review and comment before the public exhibition draft is finalised.

If you have any questions regarding this submission, please contact Susan Kay on 02 4941-9666.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Stuart Ross', is written over a horizontal line.

Stuart Ross  
**Environment Manager**