

FACT SHEET: How to be a Model Proponent

What is a Model Proponent?

A model proponent demonstrates their commitment to both the project¹ they are advancing and the requirements and integrity of the NSW planning system throughout the entire process.

- Proponents of critical State significant infrastructure (critical SSI) projects are expected to act as model proponents. This expectation is documented in the critical SSI Protocol and confirmed with the application to the Minister for declaration of a project as critical SSI.
- Proponents of budget-funded (government) infrastructure projects are also expected to act as model proponents. This expectation is documented within the MOUs between Planning Group and each counter party.
- Planning Group may seek a commitment to being a model proponent for other projects, including fast-tracked or priority assessments programs.

Why is it important to be a Model Proponent?

To establish and maintain community confidence in the environmental impact assessment process, proponents are expected to conduct themselves as model proponents throughout the entire process.

What does a Model Proponent do?

A model proponent conducts its business in relation to environmental impact assessment and the Planning-led whole-of-government assessment of the project, in the following manner:

- genuine commitment to balancing the economic, environmental and social outcomes in the scoping, design, assessment and delivery of major projects;
- application of accepted and best-practice techniques and procedures, including Government policies and guidelines, throughout all stages of the process;
- appropriate consideration of government and public commentary on concerns arising from the project;
- strong commitment to a high standard of ongoing community engagement and reporting on project progress and delivery;
- a willingness to respond to emerging issues and adjust project parameters to ensure environmental impacts are appropriately avoided and/or managed; and
- rapid disclosure to regulators of key issues arising from the project in a transparent manner and responding to compliance, enforcement and other performance issues as they arise in a timely way.

Where an organisation uses the services of another entity in any aspect of the process, it is expected that they be engaged on terms which reflect the need to operate as a Model Proponent.

¹ For the purposes of this fact sheet, the term 'project' is used to refer to both infrastructure proposals and other development projects.

For all stages of projects Model Proponents will:

- collaborate constructively to achieve the efficient and timely determination of projects and resolve issues;
- provide information, documentation, advice, and responses within the timeframes requested; and
- proactively identify and action to resolve any issues during the process where a delay is occurring.

The Model Proponent in project development

The focus of this stage includes (but is not limited to):

- early identification of key technical, design and community-based economic, environmental issues;
- establishing the need for the proposed project;
- considering the best approach to engagement with the community and local government,
- preparation of a detailed scoping report; and
- request for Secretary Environmental Assessment Requirements (SEARs).

(Note: For CSSI and SSI projects this will include application lodgement)

The Model Proponent will:

- make allowance (contingency) in their budget and project timelines as a part of business case development, for additional studies or design changes that will arise as a result of public submissions or expert advice received during the Planning-led whole-of-government assessment process;
- consult with advising agencies and Planning Group in the preliminary stages of project inception including early business case development by means of scheduling site visits and planning focus meeting(s) and any other tools to assist with early identification of issues pertinent to the project;
- consult with the local community and local government (including industry, business and interested groups) to provide information on the project design and preliminary impacts that may be known. This may involve attendance at a public meeting or other forms of public engagement.
- prepare the detailed scoping report to support the request for SEARs;
- inform Planning Group of the progress of the project.

The Model Proponent in impact assessment and studies

The purpose of this stage is to conduct an environmental assessment of the proposed project and to seek further community input. Strong cooperation with the Planning Group and advising agencies throughout this stage will ensure issues are addressed expediently.

The Model Proponent will:

- undertake studies, assessments and design review necessary to address all SEARs in full;

- undertake community engagement during EIS preparation;
- consult with the advising agencies during EIS preparation to understand how the EIS should address all requirements (Note: this will not extend to seeking agency comment on draft EIS material, unless the project is critical SSI);
- organise agency site visits, if required; and
- provide the Planning Group at least 14 days notice of the expected date of EIS lodgement.

The Model Proponent in public exhibition

The purpose of this stage is to seek advising agency and community input on the proposed project

The Model Proponent will:

- submit an EIS that addresses the SEARs;
- engage a Registered Environment Assessment Practitioner to certify that the EIS adequately addresses all requirements;
- present the project to the relevant Senior Officer committee, if requested: and,
- revise the EIS if necessary to address any matters notified by the Planning Secretary before EIS public exhibition.

The Model Proponent in response to submissions and advice

The purpose of this stage is to update the proposed project design and environmental assessment following public exhibition.

The Model Proponent will:

- review and consider all submissions and advice received in response to the public exhibition of the EIS;
- consult with the advising agencies to understand how the Amendment Report, Submissions Report and/or Preferred Infrastructure Report (PIR) should address all issues raised in submissions and expert advice;
- undertake additional studies, assessments and design changes required to respond to submissions or expert advice, and prepare a response and (if requested by the Planning Secretary) a PIR;
- re-present the project to the relevant Senior Officer committee for comment, if required; and
- revise the Amendment Report, Submission Report and/or PIR if necessary to address any matters notified by the Planning Group, prior to publication.

The Model Proponent in assessment and recommendation or determination

The purpose of this stage is for the Planning Group to undertake the merit assessment of the proposed project and make a recommendation or determination of the application.

The Model Proponent will:

- promptly provide any additional information, or undertake additional studies or design reviews requested by the Planning Secretary as necessary to inform the Planning-led whole of government assessment process; and,
- promptly and reasonably respond to draft conditions imposed by Planning Group as part of finalising the recommendation to the decision maker.

The Model Proponent in project delivery

The purpose of this phase is to ensure a commitment from Proponents to a high standard of ongoing public reporting on project delivery and compliance for approved projects.

The Model Proponent will:

- secure all necessary licences, permits and other approvals required under other legislation prior to commencement of works;
- prepare all management plans and any other documents, required by the approval, and be responsible for ensuring that any contractors carrying out the project adhere to the conditions of approval and the requirements of management plans;
- consult with advising agencies regarding the provisions contained within the conditions of approval, including any management plans where relevant, before the commencement of works;
- engage a suitably qualified expert or experts to conduct an independent audit of the adequacy of management plans required by the approval to address all issues identified in the EIS and assessment report, and respond to all findings of the audit engagement prior to commencement of works; and,
- engage a suitably qualified expert or experts, to conduct an independent audit of the completion of actions identified in management plans required by the approval, post commencement, and promptly respond to all findings.

Note: Further guidance regarding the engagement of an independent auditor can also be found in the Planning Groups *Independent Audit Post Approval Requirements*.