

Public consultation policy

Introduction

Purpose of the policy

State Development Area (SDA) development schemes contain the process for assessing and deciding an SDA application and provide the Coordinator-General with discretion to decide whether an SDA application requires public consultation¹.

The purpose of this policy is to provide information on matters the Coordinator-General may consider in relation to a decision about public consultation for an SDA application made under an SDA development scheme.

Some SDA development schemes refer to public notification. For the purposes of this policy, public notification is taken to mean public consultation.

Public consultation under an SDA development scheme

The Coordinator-General administers the *State Development and Public Works Organisation Act 1971* and regulates and manages land in declared SDAs. Each SDA development scheme contains the process for making an SDA application and the

Coordinator-General can decide during the application stage or the public consultation stage whether a particular SDA application requires public consultation.

Public consultation decision made in the application stage

The Coordinator-General may decide in the application stage that a particular SDA application does not require public consultation because the proposed development has been subject to some other form of public consultation that would satisfy the consultation requirements under the applicable development scheme. The criteria for this is included within the SDA development schemes.

In order to effectively make this decision, an SDA application should provide sufficient information to enable the Coordinator-General to make an informed decision. For example:

- if the development the subject of the SDA application has undergone a formal environmental impact assessment process which included extensive public consultation, the proponent should provide information about that process in the SDA application; or
- if the development the subject of the SDA application had recently undergone public consultation under another process, the proponent should provide information about that other process in the SDA application.

¹ Public consultation is not required for an SDA application for a material change of use under a minor assessment process. This type of application is available within the Bromelton SDA and the Townsville SDA.

The Coordinator-General must be satisfied with the previous public consultation undertaken and will consider consistency of that process with the consultation requirements of the development scheme.

The Coordinator-General will consider the period of time between the previous public consultation and receipt of the SDA application. For example, if three or more years have elapsed between the making of the SDA application and the previous public consultation, the Coordinator-General is likely to require the SDA application proceed through the public consultation stage.

If the Coordinator-General makes a decision in the application stage that public consultation is not required, the public consultation stage of the SDA application process does not apply.

Note: the Coordinator-General does not need to make a decision about public consultation in the application stage, this decision may be deferred to the public consultation stage.

Public consultation decision made in the public consultation stage

At the commencement of the public consultation stage for an SDA application, the Coordinator-General must make a decision as to whether public consultation is required for the particular SDA application.

The Stanwell to Gladstone Infrastructure Corridor SDA Development Scheme provides criteria for whether or not public consultation is required for an SDA application at the public consultation stage.

For all other SDAs, there are no specific criteria in the public consultation stage regarding a decision in relation to public consultation. This decision is based on the particular circumstances of the SDA application.

Factors the Coordinator-General may regard as relevant to a particular SDA application (but is not bound to consider) include:

- the age of the relevant development scheme

- whether the proposed development is likely to adversely impact on sensitive receptors
- whether the proposed development is likely to adversely impact existing development within the SDA
- whether the proposed development is consistent with the preferred development intent for the precinct, or the purpose of the precinct (depending on the development scheme)
- whether the proposed development would be subject to public consultation under the local council's planning scheme
- whether the proposed development would be subject to public consultation if the application was made under the *Planning Act 2016*.

Although discretionary, it is important to ensure the principles of procedural fairness are not compromised and public consultation occurs in appropriate circumstances.

Proponents will be informed of the Coordinator-General's decision in accordance with the development scheme.

Contact us

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