

Referral and the role of referral entities

State development areas | Advisory note

This advisory note outlines the referral stage and role of referral entities¹ in the assessment of applications or requests, focussing primarily on SDA applications² within a State development area (SDA).

It is important to note that referral under the SDA application process is different to the State Assessment and Referral Agency (SARA) process under the *Planning Act 2016* (Planning Act).

This advisory note also provides advice to referral entities making submissions on proposed developments within an SDA.

Referral stage

The referral stage of the SDA application process is set out in each development scheme (go to www.statedevelopment.qld.gov.au/sda).

The referral stage generally comprises the following steps.

- (1) Coordinator-General decides if the SDA application requires referral.
- (2) If required, a copy of the SDA application is sent to the referral entity by the Coordinator-General seeking advice within a specified timeframe.
- (3) Referral entity determines whether it requires additional information about the SDA application and requests this through the Coordinator-General.
- (4) If necessary, the Coordinator-General seeks further information from the proponent, which

the Coordinator-General then provides to the referral entity.

- (5) Referral entity assesses the SDA application, including any additional information, and makes a referral entity submission to the Coordinator-General within a specified timeframe.

What is a referral entity?

A referral entity is an entity nominated by the Coordinator-General to provide technical advice about any element of an SDA application.

Referral entities may include:

- any state government agency that has a referral trigger under the Planning Act
- relevant council in which the SDA is situated
- any other entity nominated by the Coordinator-General.

Role of the Coordinator-General

Under an SDA development scheme, the Coordinator-General has similar powers as the Director-General under SARA.

However, under the SDA application referral process, the Coordinator-General coordinates all the steps in the referral stage, including referral entities' information requests and receiving referral entity submissions.

¹ Some development schemes use the term referral agencies. For this advisory note entities and agencies are taken to have the same meaning.

² The Coordinator-General may also refer other applications or requests to referral agencies.

If a referral entity does not provide a referral entity submission on the SDA application within the specified timeframe, the Coordinator-General will proceed with the assessment of the SDA application as if the referral entity had no concerns with it.

The Coordinator-General is also not bound by the advice provided by a referral entity in their referral entity submission. Note however, if the Coordinator-General intends to modify a condition recommended through a referral entity submission, the change will be discussed with the relevant entity.

Role of referral entities

Referral entities assess SDA applications in accordance with the referral entity's jurisdiction as if the SDA application had been made under the Planning Act.

Referral entities may provide advice to the Coordinator-General on:

- information requests
- any impacts the development may have, including recommendations on how to manage those impacts
- specific conditions the referral entity believes should be attached to any SDA approval given for the proposed development, bearing in mind that the SDA application will be assessed against the relevant development scheme
- any subsequent State-based approvals or permits or council approvals required for the proposed development to proceed.

It is important to note, the development schemes for the Abbot Point and Galilee Basin State Development Areas regulate operational works as self-assessable development where necessary for a material change of use or reconfiguring a lot (Abbot Point SDA only) that is authorised by an SDA approval.

In this regard, when assessing SDA applications in the Abbot Point and Galilee Basin SDAs, referral entities should indicate their interest in operational works and recommend conditions for any SDA approval with the understanding the works will be self-assessable and subject to compliance requirements in accordance with the relevant development scheme.

State government agencies as referral entities

Generally, a proposed development that would trigger referral to SARA because of a potential impact to a state interest (if SARA would have received the SDA application had it been made under the Planning Act), will be referred to the relevant state government agency to which the interest relates.

In assessing the SDA application, the state government agency should have regard to their particular legislative and policy intent.

Specific advice is provided below for environmentally relevant activities (ERAs) and other authorities required under legislation.

Council as referral entity

Generally, councils are consulted on all SDA applications within an SDA that fall within their respective local government area.

The council assesses the SDA application against the relevant components of their planning scheme and other council requirements.

For a council, this could include:

- managing impacts associated with local matters, such as devolved ERAs, waste disposal, traffic and visual amenity
- impacts on council infrastructure networks
- consistency with council's design standards.

Councils are encouraged to identify any subsequent council approvals or permits required for the project to proceed, for example operational works.

Other entities

The Coordinator-General may nominate any entity as a referral entity for an SDA application.

Such entities may request additional information required to assess the proposed development's potential impacts against their legislative, planning or operational requirements, where applicable.

When providing a submission, the entity should include the rationale for the advice, helping the Coordinator-General decide to what extent it should be taken into account when making a decision.

Referrals involving authorities under legislation

Where an SDA application includes development that requires an authority to be issued by another entity, for example, an environmental authority, the Coordinator-General will refer the SDA application to that entity. This includes ERAs, permits for the removal of marine plants or clearing vegetation, water permits or licences, actions under the *Nature Conservation Act 1992*, etc.

Preferably, the assessment of the legislative requirements associated with these authorities should be undertaken at the same time as the assessment of the SDA application, but this assessment may also be undertaken through a separate application and decision-making process.

When assessing an SDA application involving an authority that has been referred by the Coordinator-General, the referral entity should undertake its assessment with the understanding that the Coordinator-General is deciding the *overall suitability of the proposed development*.

The referral entity will be required to consider the *technical and operational aspects* of the proposed development relevant to the particular authority as well as providing advice to the Coordinator-General on the overall suitability of the proposed development.

Any submission made to the Coordinator-General that involves advice about an authority should provide the following information:

- (1) that the authority will be issued or refused and if issued, any relevant conditions and
- (2) when it will be issued and the potential implications of the authority on the Coordinator-General's decision.

Clearing vegetation

Where an SDA application includes development that may involve the clearing of native vegetation, the Coordinator-General will refer the application to the Department of Environment and Science (DES) as the referral entity responsible for assessing any potential impacts on native vegetation arising from the proposed development.

DES should assess the SDA application against the relevant provisions within module 8 of the State

Development Assessment Provisions (SDAP), applicable to the assessment of Coordinated Projects, i.e. Table 8.1.2.

The SDAP are available on our department's website at:

<https://planning.statedevelopment.qld.gov.au/planning-framework/state-assessment-and-referral-agency/state-development-assessment-provisions-sdap>

Coordinated projects

Some SDA applications are associated with coordinated projects declared under the *State Development and Public Works Organisation Act 1971*, where an environmental impact statement (EIS) or an Impact Assessment Report (IAR) has been completed and a Coordinator-General's report released.

For any subsequent approvals under the Planning Act, the Coordinator-General's report becomes the sole source of referral entity conditions. However, for SDA applications, the Coordinator-General may, for a number of reasons, modify these conditions.

SDA applications that are associated with an EIS or an IAR may be re-referred to referral entities for several reasons, including:

- the application may contain more specific information than the EIS or IAR, including more detailed plans and reports
- further detailed work may have been completed since the completion of the EIS or IAR
- the Coordinator-General's report on the EIS or IAR may have required the proponent to undertake further work that now requires review and comment.

Whether the Coordinator-General re-refers these SDA applications is decided on a case-by-case basis.

If an SDA application is re-referred to a referral entity following the completion of the Coordinator-General's report, the entity should focus its comments on any additional detail provided and any responses the proponent may have made to an entity's submission on the EIS or IAR.

Contact us

For further information read the relevant development scheme at www.statedevelopment.qld.gov.au/sda or contact the Office of the Coordinator-General on 1800 001 048 or via sdainfo@coordinatorgeneral.qld.gov.au

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