

State Development Areas

Draft Development Assessment Process

June 2024

COORDINATOR-GENERAL



The Department of State Development and Infrastructure connects industries, businesses, communities and government (at all levels) to leverage regions' strengths to generate sustainable and enduring economic growth that supports well-planned, inclusive and resilient communities.

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The department acknowledges the First Nations peoples in Queensland: Aboriginal and Torres Strait Islander peoples and their connections to the lands, winds and waters we now all share. We pay our respect to Elders, past, present and emerging. We also acknowledge the continuous living culture of First Nations Queenslanders – their diverse languages, customs and traditions, knowledges and systems. We acknowledge the deep relationship, connection and responsibility to land, sea, sky and Country as an integral element of First Nations identity and culture.

The Country is sacred. Everything on the land has meaning and all people are one with it. We acknowledge First Nations peoples' sacred connection as central to culture and being. We acknowledge the stories, traditions and living cultures of First Nations peoples and commit to shaping our state's future together. The department recognises the contribution of First Nations peoples and communities to the State of Queensland and how this continues to enrich our society more broadly.

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Copies of this publication are available on our website at www.statedevelopment.qld.gov.au/sda and further copies are available upon request.

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Amendment history

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1. Introduction

1.1 The State Development Area Development Assessment Process

- (1) This State Development Area Development Assessment Process (the Process) provides the processes for making, assessing and deciding application and requests, where the Process is identified as supporting information in Part 1 of the relevant State development area (SDA) development scheme.

2. Process for making, assessing and deciding applications and requests

- (1) This section of the Process contains a development assessment framework and processes for making, assessing and deciding:
 - (a) an SDA application
 - (b) a request to change an SDA application
 - (c) a change application for an SDA approval
 - (d) a request to state a later currency period for an SDA approval
 - (e) a request to carry out a prior affected development
 - (f) a request to approve a plan of subdivision.

2.1 Request for pre-lodgement consideration

- (1) Prior to lodging any SDA application or change application for an SDA approval, a person is encouraged to request a pre-lodgement consideration¹ of the proposed development from the Office of the Coordinator-General.
- (2) A formal request for pre-lodgement consideration must include the following information to be a properly made request:
 - (a) be made to the Coordinator-General in the approved form
 - (b) include:
 - (i) a clear and accurate description of the land subject to the application
 - (ii) the proponent's name, address and contact details
 - (c) identify the development for which approval may be sought
 - (d) state the relevant referral triggers under the *Planning Act 2016* (Planning Act)

¹ A person may also make a request for an informal pre-lodgement consideration of any proposed application or request or carrying out SDA self-assessable development. The pre-lodgement consideration form may be used for this purpose.

- (e) provide sufficient detail to identify any issues associated with the proposed development, including:
 - (i) photographs of the site and the surrounding area
 - (ii) concept or detailed plans
 - (iii) potential impacts
 - (iv) preliminary assessment against the assessment criteria of the relevant development scheme or
 - (v) any details of location, design or operational issues that need to be discussed and
 - (f) be accompanied by payment of the relevant fee, if prescribed by regulation.
- (3) Within 20 business days of receiving a properly made request for formal pre-lodgement consideration, the Coordinator-General must provide the proponent with written advice on relevant matters which may include:
- (a) initial advice on general suitability and likely issues relevant to the development proposal
 - (b) material that should be provided as part of an application
 - (c) the referral entities for the application.
- (4) In deciding an SDA application or change application for an SDA approval, the Coordinator-General is not bound by any advice given under subsection (3).

2.2 Making an SDA application

2.2.1 Application stage

- (1) A person may make an SDA application at any time.
- (2) To be a properly made application, the application must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) include:
 - (i) a clear and accurate description of the land subject to the application
 - (ii) the proponent's name, address and contact details
 - (c) identify the development for which approval is being sought
 - (d) subject to subsection (3), include the written consent of the owner of the land
 - (e) state the referral triggers under the Planning Act (and referral entities if known) for the application
 - (f) if the application is part of a larger development, include a description of the larger development and details of how the application relates to the larger development
 - (g) include a statement on whether the development has been, is or will be subject to an environmental impact statement (EIS) or impact assessment report (IAR)
 - (h) be accompanied by:
 - (i) a detailed and comprehensive planning report

- (ii) if one has been prepared, an EIS or IAR relevant to the application including an EIS or IAR evaluation report
- (iii) payment of the relevant fee, if prescribed by regulation.

Note: if in the opinion of the Coordinator-General a planning report contains insufficient information, an SDA application may not be accepted as being properly made.

- (3) The consent of the owner of the land is not required if
 - (a) the land, the subject of the application, is acquisition land and the application relates to the purpose for which the land is to be taken or acquired
 - (b) the proponent is the owner of the land.
- (4) Within 20 business days of receiving the application, the Coordinator-General must issue a written notice to the proponent that:
 - (a) states:
 - (i) the application is accepted as a properly made application
 - (ii) the referral entities for the application
 - (iii) whether the proponent has to provide additional information by a specified date
 - (iv) whether certain stages of the assessment processes need not be complied with or
 - (b) states the application is not accepted as a properly made application and the reasons for the decision.
- (5) If the Coordinator-General issues a written notice in accordance with subsection (4)(b), the application is taken to have never been made. The proponent may submit a new SDA application under subsection (1).
- (6) If the Coordinator-General issues a notice under subsection (4)(a) that requires the proponent to provide additional information, the application will lapse if the proponent does not provide, to the satisfaction of the Coordinator-General, the requested information by the date specified in the notice or a further period agreed between the proponent and the Coordinator-General.
- (7) The Coordinator-General may determine during this stage that the referral and/or public consultation stages of the assessment process under the Process do not apply to the application because:
 - (a) the development the subject of the application has already been subject to another referral and/or public consultation process and this information is contained within the planning report accompanying the application and
 - (b) the Coordinator-General is satisfied with the referral and/or public consultation undertaken or
 - (c) the Coordinator-General is satisfied the development subject to the application will not impact adversely on the interests of a third party.
- (8) If making a determination under subsection (7) the Coordinator-General must issue a written notice to the proponent informing them of the decision, including the reasons for the decision.
- (9) The application stage ends:
 - (a) if the Coordinator-General issues a written notice to the proponent under subsection 4(a) that requires the proponent to provide additional information under 4(a)(iii) - when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified

in the notice or a further period agreed between the proponent and the Coordinator-General or

- (b) if the Coordinator-General issues a written notice to the proponent under subsection 4(a) that does not require the proponent to provide additional information - when the Coordinator-General issues the notice.

2.2.2 Referral stage

- (1) This stage applies unless the Coordinator-General gave notice to the proponent during the application stage that the referral stage does not apply to the application.
- (2) The Coordinator-General must, within 10 business days of the end of the application stage, by written notice:
 - (a) give a copy of the application and any additional information provided by the proponent during the application stage to the referral entities
 - (b) request that the referral entities:
 - (i) request any additional information required to assess the application or
 - (ii) assess the application and provide a referral entity submission.
- (3) If requesting additional information in accordance with a notice given under subsection (2), a referral entity must provide the Coordinator-General with a written notice requesting additional information about the application within 10 business days or a later period as specified in the notice given under subsection (2).
- (4) If the Coordinator-General receives a request for additional information under subsection (3), the Coordinator-General must, within 10 business days of the end of period specified under subsection (3):
 - (a) coordinate a single request for additional information
 - (b) give the proponent written notice of the request for additional information and that a written response must be provided to the Coordinator-General by the date specified in the notice.
- (5) If the proponent receives a written notice under subsection (4)(b), the application will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice or a further period agreed between the proponent and the Coordinator-General.
- (6) After the proponent responds to the notice given under subsection (4), the Coordinator-General must, within 5 business days, and by written notice, provide referral entities with the proponent's response and request that the referral entities proceed with the assessment of the application and the additional information by a specified date.
- (7) A referral entity must assess the application and may provide a referral entity submission to the Coordinator-General by one of the following referral entity response periods:
 - (a) if a request is not made under subsection (3) – 20 business days after receiving the application under subsection (2) or a later period if specified by the notice or
 - (b) if a request is made under subsection (3) – 20 business days after receiving the proponent's response under subsection (6) or a later period if specified by the notice.

- (8) If a referral entity does not respond by the relevant referral entity response period, the Coordinator-General may proceed to the next stage of the assessment process as if the referral entity had assessed the application and had no requirements.
- (9) The referral stage ends at the earlier of the following:
 - (a) the end of the relevant referral entity response period or
 - (b) when a referral entity submission from each referral entity has been received by the Coordinator-General.

2.2.3 Public consultation stage

- (1) This stage applies unless:
 - (a) the application is for development for reconfiguring a lot or operational works for the clearing of native vegetation or
 - (b) the application is for a defined use that supports the preferred development intent of the relevant precinct or
 - (c) the Coordinator-General gave notice to the proponent during the application stage that the public consultation stage does not apply to the application.
- (2) The Coordinator-General must, within 5 business days after the end of the application stage, if the referral stage does not apply, or at the end of the referral stage, give a written notice to the proponent stating that:
 - (a) the application does not require public consultation or
 - (b) public consultation is required for a specified period (the consultation period) of not less than 15 business days starting on the day after the last action under subsection (3) is carried out, and the requirements for public consultation as per subsections (3) to (5) and (9).
- (3) If public consultation is required, the proponent must:
 - (a) publish a notice in a newspaper(s) in accordance with the notice issued under subsection (2)(b)
 - (b) place a notice on each road frontage of the land for the duration of the consultation period, or otherwise place a notice on the land in the way directed by the Coordinator-General and
 - (c) give written notice to the owners of all land adjoining the land the subject of the application.
- (4) The proponent must comply with subsection (3) within 15 business days after receiving notice from the Coordinator-General under subsection (2) and notify the Coordinator-General five business days prior to commencement of public consultation of the date public consultation will commence, and the last day of the consultation period.
- (5) The notices referred to in subsection (3) must:
 - (a) include an accurate description of the land, the subject of the application
 - (b) include a brief description of the proposed development
 - (c) state that the application and the supporting material is available for inspection from the Coordinator-General
 - (d) state that any person may make a submission to the Coordinator-General
 - (e) state the last day of the consultation period and

- (f) state what constitutes a submission in accordance with the definition in the Process.
- (6) The application lapses if the proponent does not carry out public consultation in accordance with subsections (3) to (5).
- (7) Despite subsection (6), the Coordinator-General may consider variations to requirements in subsections (3) to (5), where it is demonstrated that interested parties had adequate opportunity to make a submission on the development.
- (8) The Coordinator-General must make the application and the supporting material available for inspection by the public for the whole of the consultation period.
- (9) Any person may, on or before the last day of the consultation period, make a submission to the Coordinator-General in respect of the application.
- (10) Within five business days after the end of the consultation period, the proponent must provide the Coordinator-General with a statutory declaration stating that the proponent has complied with subsections (3) to (5).
- (11) The public consultation stage ends when:
 - (a) the Coordinator-General issues a written notice to the proponent under subsection (2)(a) or
 - (b) the proponent provides the Coordinator-General with a statutory declaration under subsection (9).

2.2.4 Review stage

- (1) This stage applies only if the Coordinator-General requests advice from any person the Coordinator-General considers is appropriate to provide advice on any matter related to the application at any time before the end of 15 business days after the end of the:
 - (a) application stage, if both the referral and public consultation stages are not applicable or
 - (b) referral stage, if the public consultation stage is not applicable or
 - (c) public consultation stage.
- (2) The Coordinator-General must provide a written notice to the proponent at the same time as making the request for advice under subsection (1) that the review stage has commenced.
- (3) The written notice under subsection (2) must state:
 - (a) the matters for which the Coordinator-General has requested advice and
 - (b) that the application is on hold until the Coordinator-General has received the requested advice.
- (4) Upon receipt of the requested advice or if the Coordinator-General is satisfied that the requested advice is no longer required, the Coordinator-General must issue the proponent written notice:
 - (a) to provide additional information based upon the advice by a specified date or
 - (b) that no additional information is required and that the application will proceed to the decision stage.
- (5) If the proponent receives a written notice for additional information under subsection 4(a), the application will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice or a further period agreed between the proponent and the Coordinator-General.
- (6) The review stage ends:

- (a) if the Coordinator-General issues a written notice to the proponent under subsection 4(a) that requires the proponent to provide additional information by a specified date - when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
- (b) when the Coordinator-General issues a written notice to the proponent under subsection 4(b).

2.2.5 Decision stage

- (1) The Coordinator-General must decide the application within 30 business days (the decision-making period) of the end of the:
 - (a) application stage, if the referral, public consultation and review stages are not applicable or
 - (b) referral stage, if the public consultation and review stages are not applicable or
 - (c) public consultation stage, if the review stage is not applicable or
 - (d) review stage.
- (2) The Coordinator-General may, by written notice given to the proponent, extend the decision making period by not more than 30 business days.
- (3) The Coordinator-General must assess the application having regard to:
 - (a) the application and all supporting material
 - (b) any submissions received
 - (c) any advice and/or additional information received during the review stage
 - (d) the relevant SDA development scheme and
 - (e) any other matter the Coordinator-General considers to be relevant.
- (4) In making a decision, the Coordinator-General will consider, amongst other matters, if, in the opinion of the Coordinator-General:
 - (a) the proponent has adequately responded to any request for additional information and
 - (b) the application adequately addresses any issues raised in a referral entity submission or submission.
- (5) In deciding the application, the Coordinator-General may:
 - (a) issue an SDA approval or
 - (b) refuse the application.
- (6) Without limiting subsection 5(a), a condition attached to an SDA approval may:
 - (a) state how long the use may continue or
 - (b) require any necessary decommissioning or restoration of any matter arising from the SDA approval or
 - (c) address external requirements for the development, such as payment of monetary contributions towards the cost of supplying external services or networks for the development or
 - (d) give effect to any aspect of the relevant SDA development scheme.

- (7) Within 10 business days of deciding the application, the Coordinator-General must give the decision notice to:
 - (a) the proponent
 - (b) any referral entities who made a referral entity submission about the application and
 - (c) any person who made a submission about the application.
- (8) The decision notice must state:
 - (a) whether all or part of the application is approved, approved subject to conditions or refused, and if refused, the reasons for the decision
 - (b) if the application is approved subject to conditions, the conditions and
 - (c) if the application is approved, the date from which the SDA approval takes effect and, if a different currency period is approved, the period.

2.3 Making a request to change an SDA application

- (1) A proponent that has made an SDA application may make a request to change the application if:
 - (a) the application was properly made and has not lapsed and
 - (b) the application has not been decided.

Note: the Coordinator-General may only approve a request to change an SDA application if the Coordinator-General considers it is a minor change to the application. Otherwise, the proponent should withdraw the application and submit a new SDA application.
- (2) If a request to change an SDA application is made, assessment of the original application is on hold until the Coordinator-General makes a decision on the request to change the application.
- (3) To be a properly made request to change an SDA application, the request must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) identify the original application to which the request applies
 - (c) identify the change to the original application which is being sought
 - (d) include sufficient information to support that the request can be assessed as a minor change and
 - (e) be accompanied by payment of the relevant fee, if prescribed by regulation.
- (4) Within 10 business days of receiving the request, the Coordinator-General must issue a written notice to the proponent that:
 - (a) states:
 - (i) the request is accepted as a properly made request and
 - (ii) whether the proponent has to provide additional information by a specified date or
 - (b) states the request is not accepted as properly made, the reasons for the decision and that the assessment of the original application will recommence.
- (5) If the Coordinator-General issues a written notice in accordance with subsection (4)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).

- (6) If the proponent receives a written notice for additional information under (4)(a)(ii), the request will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice or a further period agreed between the proponent and the Coordinator-General. If the request lapses, assessment of the original application recommences.
- (7) The Coordinator-General may consult a referral entity about the request if, in the opinion of the Coordinator-General, the request would affect the referral entity.
- (8) The Coordinator-General must make a decision on the request within 20 business days (the decision-making period) of:
 - (a) if no additional information is requested – the Coordinator-General issues the notice to the proponent under subsection (4)(a) or
 - (b) if additional information is requested –when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice.
- (9) In deciding the request, the Coordinator-General must either approve or refuse the request.
- (10) The Coordinator-General may only approve a request to change an SDA application if the Coordinator-General considers it is a minor change to the SDA application.
- (11) The Coordinator-General must give the notice of the decision to the proponent within 5 business days after making the decision.
- (12) The notice of the decision must include:
 - (a) whether the request is approved or refused
 - (b) if the request is approved, a statement that the assessment of the original application can continue as if the change was part of the original application or
 - (c) if the request is refused, the reasons for the decision and a statement that assessment of the original application will continue.
- (13) If the decision is to refuse the request, assessment of the original application recommences.

2.4 Making a change application for an SDA approval

- (1) A change application for an SDA approval must follow one of two application processes:
 - (a) if the change application only relates to a change to the currency period – the process under section 2.5 or
 - (b) otherwise, subject to subsection (2), a change application must be made in accordance with the process for making an SDA application set out in section 2.2 as if a reference to an application were to the change application.
- (2) If the proposed change to an SDA approval is, in the opinion of the Coordinator-General, a minor change:
 - (a) consent of the owner is not required to make the change application
 - (b) the referral, public consultation and review stages do not apply to the change application and
 - (c) the relevant fee is the fee prescribed by regulation for a minor change to an SDA application.

2.5 Requesting a later currency period for an SDA approval

- (1) A proponent may make a request to the Coordinator-General to state a later currency period for an SDA approval under section 84H of the *State Development and Public Works Organisation Act 1971* (SDPWO Act).
- (2) To be a properly made request, the request must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) include:
 - (i) sufficient information to identify the SDA approval to which the request applies and
 - (ii) the proponent's name, address and contact details
 - (c) include sufficient information to support the request
 - (d) be accompanied by payment of the relevant fee, if prescribed by regulation and
 - (e) be accepted as a properly made request 30 business days before the end of the currency period for the SDA approval.
- (3) Within 10 business days of receiving the request, the Coordinator-General must issue a written notice that:
 - (a) states:
 - (i) the request is accepted as a properly made request and
 - (ii) whether the proponent has to provide additional information by a specified date or
 - (b) states the request is not accepted as a properly made request and the reasons for the decision.
- (4) If the Coordinator-General issues a written notice in accordance with subsection (3)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).
- (5) If the proponent receives a written notice for additional information, the request will lapse if the proponent does not provide, to the satisfaction of the Coordinator-General, the requested information by the date specified in the notice or a further period agreed between the proponent and the Coordinator-General.
- (6) The Coordinator-General may consult a referral entity about the request if, in the opinion of the Coordinator-General, the request would affect the referral entity.
- (7) The Coordinator-General must assess the request against the matters stated in the relevant SDA development scheme and make a decision on the request within 20 business days (the decision-making period) of:
 - (a) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that requires the proponent to provide additional information by a specified date, when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
 - (b) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that does not require the proponent to provide additional information, when the Coordinator-General issues the notice.

- (8) In deciding the request the Coordinator-General must either approve or refuse the request.
- (9) The Coordinator-General must give the notice of the decision to the proponent and any referral entities affected by the decision.
- (10) The notice of the decision must be given within 10 business days after the day the decision is made and include:
 - (a) whether the request is approved or refused, and if refused, the reasons for the decision and
 - (b) if the request is approved, the date of the later currency period.

2.6 Request to carry out prior affected development

- (1) An owner of land (proponent) may make a prior affected development request to the Coordinator-General if immediately before an approved development scheme started applying to the land, there was a prior affected development for the land.
- (2) To be a properly made request, the request must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) include:
 - (i) a clear and accurate description of the land subject to the request
 - (ii) the name, address and contact details of the owner of the land
 - (c) identify the development for which approval is being sought
 - (d) if for an alternative lawful development, include documentation that demonstrates that the development was an as of right development prior to the relevant SDA development scheme taking effect
 - (e) if for an approved development or authorised development, include a copy of the previous approval or permit, including any conditions, to the which the previous approval or permit applies
 - (f) include sufficient information to support the request and
 - (g) be accompanied by payment of the relevant fee, if prescribed by regulation.
- (3) Within 20 business days of receiving the request, the Coordinator-General must issue a written notice that:
 - (a) states:
 - (i) the request is accepted as a properly made request and
 - (ii) whether the proponent has to provide additional information by a specified date or
 - (b) states the request has not been accepted as a properly made request and the reasons for the decision.
- (4) If the Coordinator-General issues a written notice in accordance with subsection (3)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).
- (5) If the proponent receives a written request for additional information, the request will lapse if the proponent does not provide, to the satisfaction of the Coordinator-General, the requested

- information by the date specified in the notice or a further period agreed between the proponent and the Coordinator-General.
- (6) The Coordinator-General must make a decision on the request within 20 business days of:
 - (a) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that requires the proponent to provide additional information by a specified date - when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
 - (b) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that does not require the proponent to provide additional information - when the Coordinator-General issues the notice.
 - (7) When assessing the request, the Coordinator-General must consider if, in the opinion of the Coordinator-General, the request:
 - (a) is consistent with or would not compromise any aspect of the relevant SDA development scheme or
 - (b) does not meet paragraph (a) but there are mitigating circumstances for approving the request.
 - (8) When making a decision, the Coordinator-General must have regard to the following:
 - (a) the planning scheme for the relevant local government that was in effect at the time the relevant SDA development scheme came into effect
 - (b) the relevant SDA development scheme
 - (i) the nature of the proposed development and its potential impacts on matters an SDA application will be assessed against as contained within the relevant SDA development scheme
 - (c) the currency period of any previous approval and
 - (d) any other matters the Coordinator-General considers relevant.
 - (9) The Coordinator-General may consult a referral entity about the request if, in the opinion of the Coordinator-General, the request would affect the referral entity.
 - (10) In deciding the request, the Coordinator-General must either approve or refuse the request.
 - (11) The Coordinator-General may impose a condition on an approval to:
 - (a) place a limit on how long the development may continue or
 - (b) require any necessary decommissioning or restoration of the premises or
 - (c) give effect to any aspect of the Process or the relevant SDA development scheme.
 - (12) The Coordinator-General must give the notice of the decision to the proponent within 10 business days after the day the decision is made and include:
 - (a) whether the request is approved or refused, and if refused, the reasons for the decision
 - (b) the currency period for any approval and
 - (c) if refused, a statement that under section 87 of the SDPWO Act, the owner of an interest in land may be entitled to compensation.

2.7 Request for approval of a plan of subdivision

- (1) Following an SDA approval for reconfiguring a lot a proponent must submit a request for approval of a plan of subdivision by the Coordinator-General.
- (2) To be a properly made request, the request must:
 - (a) be made to the Coordinator-General in the approved form
 - (b) identify the SDA approval to which this request relates
 - (c) include:
 - (i) the proponent's name, address and contact details
 - (ii) the required documentation to enable plan sealing to occur including evidence demonstrating compliance with conditions of development
 - (d) be accompanied by payment of the relevant fee, if prescribed by regulation.
- (3) Within 10 business days of receiving the request, the Coordinator-General must issue a written notice that:
 - (a) states:
 - (i) the request is accepted as a properly made request and
 - (ii) whether the proponent has to provide additional information by a specified date or
 - (b) states the request is not accepted as a properly made request and the reasons for the decision.
- (4) If the Coordinator-General issues a written notice in accordance with subsection (3)(b), the request is taken to have never been made. The proponent may submit a new request under subsection (1).
- (5) If the proponent receives a written notice for additional information, the request will lapse if the proponent does not provide the requested information, to the satisfaction of the Coordinator-General, by the date specified in the notice or a further period agreed between the proponent and the Coordinator-General.
- (6) The Coordinator-General must assess the request against the relevant SDA approval and make a decision on the request within 20 business days (the decision-making period) of:
 - (a) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that requires the proponent to provide additional information by a specified date, when the proponent provides the information to the satisfaction of the Coordinator-General by the date specified in the notice or
 - (b) if the Coordinator-General issues a written notice to the proponent under subsection (3)(a) that does not require the proponent to provide additional information, when the Coordinator-General issues the notice.
- (7) In deciding the request, the Coordinator-General must either approve or refuse the request.
- (8) The Coordinator-General must give a notice of the decision to the proponent within five business days after the day the decision is made and include:
 - (a) whether the request is approved or refused, and if refused, the reasons for the decision and

- (b) if the request is approved, that the approved plan of subdivision may be lodged with the Land Title Office for registration, subject to the relevant requirements under either the *Land Title Act 1994* or *Land Act 1994*.

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3. Compliance with the Process

3.1 Procedural compliance

- (1) If a procedural requirement of the Process has not been fully complied with, but the Coordinator-General is satisfied the non-compliance, or partial compliance, has not substantially restricted the opportunity for a person to exercise rights by the Process, the Coordinator-General may deal with the matter in the way the Coordinator-General considers appropriate.
- (2) Anything done by the Coordinator-General under the Process is not invalid merely because it was not done within a timeframe required by the Process.
- (3) The Coordinator-General may vary a timeframe contained in the Process, based on the Coordinator-General's consideration of the scope and complexity of the application or request.

3.2 Placing an application or request on hold

- (1) At any point during the relevant process contained in the Process for an application or request made under the relevant SDA development scheme, a proponent may, by written notice to the Coordinator-General, request that their application or request be placed on hold (hold request). The notice must outline the reasons for the hold request.
- (2) If the Coordinator-General is satisfied that the application should be placed on hold, the Coordinator-General may place the application or request on hold for a specified period, but not longer than 12 months from the date the request is made. The Coordinator-General must notify the proponent by written notice within 10 business days after receipt of the hold request:
 - (a) whether the hold request is approved or refused and
 - (b) if approved - the specified period the application or request will be on hold.
- (3) Time does not run under the Process from the day the hold request is made, until the day after:
 - (a) the Coordinator-General notifies the proponent by written notice that the hold request is refused or

(b) the specified period under subsection (2)(b) ends.

3.3 Withdrawing an application or request

- (1) A proponent may withdraw an application or request made under the Process at any time before it is decided by giving written notice to the Coordinator-General.

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Schedule 1—Definitions

Unless stated otherwise, terms used in the Process that are defined in the SDPWO Act have the same meaning as in that Act.

1. Administrative

(1) In the Process

acquisition land means land:

- (a) proposed to be taken or acquired under the SDPWO Act or the *Acquisition of Land Act 1967* and
- (b) in relation to which a notice of intention to resume under the SDPWO Act or the *Acquisition of Land Act 1967*, has been served, and the proposed taking or acquisition has not been discontinued and
- (c) that has not been taken or acquired.

approved form means a form approved by the Coordinator-General as an approved form in accordance with the SDPWO Act.

building see the Planning Act.

business day means a day that is not:

- (a) a Saturday or Sunday or
- (b) a public holiday, special holiday or bank holiday in the place in which the relevant action is to be done or
- (c) a day between 26 December of a year and 1 January of the next year.

change an SDA application means a request made under the relevant SDA development scheme to change an existing SDA application.

consultation period means the period for the community to provide comments on an application under the relevant SDA development scheme to the Coordinator-General.

environmental impact assessment document means an EIS required by the SDPWO Act or *Environmental Protection Act 1994*, or a similar statement to address environmental effects for a project or an IAR required by the SDPWO Act.

EIS or IAR evaluation report means a report issued by the relevant authority that the EIS or IAR has been completed to the satisfaction of the relevant authority.

environmentally relevant activity see the *Environmental Protection Act 1994*.

minor change means:

- (a) in relation to an SDA application, a change that the Coordinator-General considers does not substantially alter the original application in a way that would:
 - (i) result in a substantially different application
 - (ii) result in an application that is not properly made
 - (iii) cause a referral entity to make or alter a referral entity submission, if one has already been made
 - (iv) cause a person to make a submission about the change, or alter a submission that has already been made
 - (v) otherwise compromise the ability of the Coordinator-General to make a decision on the original application
- (b) in relation to an SDA approval, a change that the Coordinator-General considers does not substantially alter the original SDA approval in a way that would:
 - (i) result in a substantially different development, for example:
 - (A) involves a use that is different to the approved use or
 - (B) results in different or additional impacts that have not been assessed as part of the process to gain the original SDA approval or
 - (ii) if the proposed change would have been included in the process to gain the original SDA approval – have caused:
 - (A) the Coordinator-General or a referral entity to request additional information about the change
 - (B) a referral entity to make or alter a referral entity submission about the change unless the referral entity agrees in writing that the change is minor or
 - (C) substantially alters any other matter of the original SDA approval.

owner means for land held as an estate in fee simple, the registered owner of the land; for other land – the State.

plan of subdivision see the *Land Title Act 1994* or *Land Act 1994*, as relevant.

Planning Act means the *Planning Act 2016*.

planning report means a document containing:

- (a) an accurate description of the land, the subject of the application
- (b) a detailed description of all aspects of the proposed development, including a detailed site plan (to scale) and other plans necessary to describe the proposed development
- (c) a description of the current and historic (if known) land uses

- (d) a list of other approvals required for the development to proceed and the process for obtaining those approvals
- (e) a description of adjacent land uses and a statement of the likely impact on the surrounding land uses from the proposed development
- (f) a detailed assessment of how the proposed development satisfies the strategic vision, overall objectives, the preferred development intent of the precincts and relevant assessment criteria including:
 - (i) a detailed description and assessment of any adverse impacts of the proposed development
 - (ii) a detailed description of how any adverse impacts are to be managed
 - (iii) an assessment of any impact the proposed development may have on existing and planned infrastructure
 - (iv) identification of any need for upgrades to existing infrastructure or the need for any future infrastructure to support the proposed development
- (g) relevant supporting information such as plans, drawings and management plans. All supplied plans, drawings and management plans must be prepared by a suitably qualified person in accordance with current best practice. The relevant plans, drawings and management plans must demonstrate that:
 - (i) they have been prepared by a suitably qualified person
 - (ii) they have been prepared in accordance with current best practice and
 - (iii) the development satisfies the strategic vision, overall objectives, the preferred development intent of the precincts and relevant assessment criteria
- (h) relevant supporting information may be required to demonstrate how issues associated with the following may be addressed:
 - (i) environmental, cultural heritage, and community values
 - (ii) engineering
 - (iii) hydrological and hydraulic
 - (iv) safety
 - (v) emissions
 - (vi) contaminated land
 - (vii) acid sulfate soils and
 - (viii) traffic etc.

Note: if in the opinion of the Coordinator-General a planning report contains insufficient information, an SDA application may not be accepted as being properly made.

premises see the Planning Act.

prior affected development see the SDPWO Act

proponent means a person or their representative who makes an application or request under the Process or who carries out SDA self-assessable development.

public consultation means the process by which the public are informed of certain applications made under the Process and submissions sought.

public sector entity see the Planning Act but does not include local government.

referral entity means an entity nominated by the Coordinator-General from who the Coordinator-General may, under the Process, seek technical advice about any element of an SDA application or other application or request.

referral entity submission means a document prepared by a referral entity in response to a request by the Coordinator-General for comments in relation to an application.

relevant SDA development scheme see Section 1(1)

sensitive land use see the Planning Regulation.

SDA means State development area.

SDPWO Act means the *State Development and Public Works Organisation Act 1971*.

submission means a document submitted in response to public consultation that:

- (a) is made to the Coordinator-General in writing or electronically
- (b) is received on or before the last day of the consultation period
- (c) is signed by each person who made the submission
- (d) states the name and address of each person who made the submission and
- (e) states the grounds of the submission and the facts and circumstances relied on in support of the grounds.

suitably qualified person means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

supporting material includes the planning report, EIS or IAR and EIS or IAR evaluation report (if any), any referral entity submission and any additional information provided in response to a notice from the Coordinator-General.

2 Interpretation

- (1) Unless displaced wholly or partly by a contrary intention appearing in the Process or the SDPWO Act, the *Acts Interpretation Act 1954* applies when interpreting the Process.
- (2) In the Process, a reference to:
 - (a) a section, paragraph or schedule is a reference to a section or paragraph of, or schedule to, the Process
 - (b) a document or instrument means the latest version of the document or instrument and
 - (c) an Act includes any Regulation or instrument made under it and includes any amending or replacement Act.

Schedule 2—Process for SDA self-assessable development

- (1) A proponent who carries out SDA self-assessable development must comply with all relevant requirements set out in sections (1), (2) and (3) below.
- (2) A proponent must obtain all other development permits, licences or approvals as required to lawfully undertake the development.

1. Compliance requirement

- (1) Prior to commencing SDA self-assessable development, the proponent must provide compliance documentation to the Coordinator-General.
- (2) Compliance documentation must include:
 - (a) the proponent's, name, address, phone numbers and email
 - (b) a description of the proposed SDA self-assessable development, its location and lot and plan number
 - (c) a copy of any relevant associated development approval
 - (d) details of the suitably qualified person responsible for preparing the compliance documentation, including the person's:
 - (i) proof of current insurance from a reputable insurer:
 - (A) professional indemnity to the value of \$5,000,000
 - (B) public liability to the value of \$20,000,000 and
 - (C) any other insurance required by law for undertaking the required actions
 - (ii) proof that the person:
 - (A) is an independent third party unaffiliated with the proponent
 - (B) is suitably qualified, i.e. has up to date relevant professional experience
 - (e) a compliance report that:

- (i) identifies the relevant requirements for the SDA self-assessable development as set out in this Schedule or any associated development approval
 - (ii) demonstrates how the development complies with current best practice, including relevant standards and
 - (iii) includes supporting information such as survey plans, drawings and management plans.
- (3) The proponent must keep and make available for inspection, a current statement of how the compliance documentation is being implemented.
- (4) Where an alternative compliance design or solution to that contained in the compliance report is proposed to be undertaken an updated compliance report is required to be lodged with the Coordinator-General prior to the lodgement of the notice of compliance.
- (5) Prior to commencement of the use or upon completion of self-assessable development, the proponent must provide a notice of compliance to the Coordinator-General which states that the actions required by the compliance report and supporting information in order to comply with the requirements have been undertaken in accordance with the compliance report.

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