

**Department of Infrastructure Local  
Government and Planning**

**And**

**Office of Industrial Relations, Queensland  
Treasury**

**Service Level Agreement**

An inter-agency agreement for the provision of technical advice and support for the State Assessment and Referral Agency (SARA) and Infrastructure Designations (ID)

August 2017

# Contents

<b>1</b>	<b><i>PART A – Operation of agreement</i></b>	<b>1</b>
1.1	Effect of Agreement	1
1.2	Purpose	1
1.3	Dissolution of agreement	1
1.4	Confidentiality	1
1.5	Dispute resolution	1
1.6	Variances	1
<b>2</b>	<b><i>PART B – SARA</i></b>	<b>2</b>
2.1	Embodying SARA culture	2
2.2	Roles and responsibilities	2
2.3	Governance	3
2.3.1	Leadership	3
2.3.2	Management arrangements	3
2.3.3	SARA Reporting	3
2.3.4	Development application fees refunds	3
2.3.5	Key Performance Indicators (KPIs)	3
2.4	SARA operational issues and decision making	4
2.4.1	Annual priorities and resourcing	4
2.4.2	Records and right to information	4
2.4.3	Inter-departmental communication and operational timeframes	4
2.4.4	Communication with an applicant	5
2.4.5	Processing Sustainable Planning Act 2009 applications	5
2.4.6	Pre-lodgement discussions and advice	5
2.4.7	Response before application (pre-referral response)	6
2.4.8	Information requests and further advice	6
2.4.9	Missed referrals	7
2.4.10	OIR involvement in certain applications	7
2.4.11	SARA decision making	7
2.4.12	Escalation and dispute resolution	7
2.4.13	Nomination of OIR to ensure compliance with, and enforcement of, conditions	8
2.4.14	Investigating development offences and enforcing development conditions	8
2.4.15	Appeals and legal proceedings	9
2.4.16	DILGP nominated IT system – MyDAS (including MyDAS2)	9
2.4.17	SARA operational amendments	9
2.4.18	State Development Assessment Provisions (SDAP)	10
2.4.19	Native title	10
<b>3</b>	<b><i>PART C – Infrastructure designations</i></b>	<b>11</b>
3.1	General	11
3.2	Roles and responsibilities	11
3.3	Governance	12
3.3.1	Leadership	12
3.3.2	Management arrangements	12
3.4	ID operational issues	12
3.4.1	Annual priorities and resourcing	12
3.4.2	Records and right to information	12
3.4.3	Inter-departmental communication and operational timeframes	12

3.4.4	Pre-lodgement discussions and advice	14
<b>3.5</b>	<b>Acknowledgement of the request</b>	<b>15</b>
<b>3.6</b>	<b>State interest review</b>	<b>15</b>
<b>3.7</b>	<b>Escalation and dispute resolution</b>	<b>15</b>
<b>4</b>	<b><i>PART D – Execution of agreement</i></b>	<b>16</b>
	<b>Schedule 1—Operational timeframes for SARA</b>	<b>17</b>
	Pre-lodgement	17
	SARA as Assessment manager	18
	SARA as Referral agency	20
	Changes to approval (minor change) – SARA as Responsible entity	24
	Extension applications	24
	Changes to approval (other change)	24
	Pre-referral responses	25
	<b>Schedule 2—Criteria for technical agency involvement for certain SARA applications</b>	<b>26</b>
	<b>Schedule 3—Criteria for technical agency involvement for making, amending or extending an ID</b>	<b>27</b>
	<b>Schedule 4—Operational timeframes</b>	<b>28</b>
	Pre-lodgement requests	28
	Making or amending a Ministerial infrastructure designation	29
	Making or amending a local government infrastructure designations	30

# **1 PART A – Operation of agreement**

## **1.1 Effect of Agreement**

This service level agreement (this agreement) has effect from the date of signing until a new agreement supersedes it.

## **1.2 Purpose**

The Department of Infrastructure Local Government and Planning (DILGP) and Office of Industrial Relations, Queensland Treasury are committed to working together in the operation of the State Assessment and Referral Agency (SARA) and Infrastructure Designation (ID) assessments to contribute towards delivering the best development assessment system in Australia.

This agreement is written to continue the success of the SARA operations and to ensure the ongoing provision of high standards of inter-agency cooperation.

## **1.3 Dissolution of agreement**

The parties acknowledge that there may be a requirement to dissolve the agreement. The parties may agree to dissolve the agreement through written consent of the authorised signatories of the agreement.

## **1.4 Confidentiality**

Without limiting OIR responsibilities under the *Right To Information Act 2009* the parties agree to maintain confidence and confidentiality related to the agreement and to maintain the privacy of our respective clients in regards to the delivery of programs. For clarity, this means:

- technical reports and all other written correspondence clearly identified as confidential in nature by OIR is only to be provided to the DILGP and not third parties; and
- OIR are not to speak with third parties (e.g. local governments, applicants or any member of the public) on matters of a confidential nature.

It is noted that all public servants are bound by the 'Code of Conduct'.

## **1.5 Dispute resolution**

In the event that a dispute develops regarding the agreement, the parties will try to resolve the dispute through direct negotiation and agree to use all reasonable endeavours acting in good faith to resolve the dispute through discussions.

## **1.6 Variances**

Variances to future agreements can be discussed and negotiated by the Director Hazardous Industries and Chemicals Branch, OIR, and the Executive Director, Development Assessment Division, DILGP, and subject to the approval of the Director-General of DILGP and the Deputy Director General of OIR.

## 2 PART B – SARA

### 2.1 Embodying SARA culture

OIR and DILGP are committed to working collaboratively to support a SARA culture which:

- a) is driven by a focus on outcomes and solutions, not just process
- b) assists applicants to prepare quality, 'decision ready' development applications
- c) strikes the right balance between protecting matters of state interest and facilitating projects
- d) sponsors a culture of 'no surprises' for applicants by:
  - i) providing early signals of assessment concerns
  - ii) facilitating communication during assessments to enhance and improve proposals, and
  - iii) ensuring final decisions do not present major surprises
- e) is reasonable with our imposts on projects, and
- f) looks for ways to collaborate and continually improve.

### 2.2 Roles and responsibilities

OIR and DILGP will work collaboratively to continue the success of SARA through the following defined roles and responsibilities:

DILGP will:

- a) undertake the decision maker role of SARA, in accordance with the chief executive's role under the Planning Regulation 2017
- b) have considered regard to technical assessments and recommendations provided by OIR
- c) undertake decision making against the assessment benchmarks in the State Development Assessment Provisions (SDAP) and coordinate, assess and decide applications received as assessment manager, referral agency or responsible entity
- d) meet operational timeframes outlined in Schedule 1
- e) facilitate and contribute constructively to inter-agency discussions and negotiations to address complex development applications
- f) consider the impact of certain applications on the relevant matters of state interest, and confirm technical agency involvement
- g) lead continuous business improvement of SARA, including trigger refinement, the SDAP and systems management
- h) complete regular monitoring and reporting in relation to key performance indicators and operational timeframes, and
- i) when proposing changes to SARA operations DILGP will consult with OIR.

OIR will:

- a) collaborate with DILGP to resolve day-to-day issues associated with development assessment and on-going policy development
- b) undertake the technical agency role of SARA, to support the chief executive's role in accordance with the Planning Regulation 2017 and assess development applications against the assessment benchmarks in the SDAP
- c) participate in, and contribute constructively to, inter-agency discussions and negotiations to address complex development applications and significant disagreements
- d) meet operational timeframes outlined in Schedule 1
- e) administer and enforce conditions related to the matters within its area of jurisdiction where delegated by the chief executive administering the *Planning Act 2016* (the Act)
- f) investigate offences and enforce development approval conditions related to its area of jurisdiction where delegated by the chief executive administering the Act, and
- g) actively engage with DILGP in the continuous improvement of SARA operations, referral triggers and the SDAP.

## **2.3 Governance**

### **2.3.1 Leadership**

#### **DILGP leadership arrangements**

SARA's development assessment functions will be undertaken regionally, and a case officer will be assigned to each application.

Executive Director, Development Assessment Division, DILGP, is responsible for program leadership.

#### **OIR leadership arrangements**

OIR will provide details of contact officers for its areas of interest and provide updates, as required.

Key senior departmental contacts (by role) are:

- Director, Hazardous Industries and Chemicals Branch
- Chief Advisor, Dangerous Goods
- Senior Executive Officer, Compliance and Business Engagement

### **2.3.2 Management arrangements**

As part of DILGP's ongoing commitment to improving the operational efficiency and effectiveness of SARA, ongoing operational matters (including day-to-day and policy requirements) will be discussed/managed via DILGP's SARA Central working teams. This will involve regular contact (e.g. via meetings) between DILGP's SARA Central working teams and OIR.

Queensland Treasury's contacts for financial reporting purposes are Director, Hazardous Industries and Chemicals Branch and Senior Executive Officer, Compliance and Business Engagement.

### **2.3.3 SARA Reporting**

DILGP will provide technical agencies (including OIR) with quarterly SARA reporting on operational information.

Quarterly reporting against the SARA key performance indicators and operational timeframes will be undertaken by DILGP on a regional and state-wide basis.

### **2.3.4 Development application fees refunds**

Two types of refunds are undertaken by DILGP:

- 1) Standard Refunds – Administrative refunds to facilitate a refund associated with withdrawn applications or incorrect triggers, and
- 2) Non-standard Refunds – Refunds requested by the applicant and assessed against DILGP non-standard refund scenarios.

DILGP will consult with OIR regarding the inclusion of any new non-standard refund scenarios.

### **2.3.5 Key Performance indicators (KPIs)**

A key element of SARA's culture of improvement has been a yearly cycle of publishing, then subsequent reporting against a suite of KPIs across the various facets of SARA's functions. This cycle enables DILGP to regularly monitor SARA's performance relative to the adopted targets.

At the end of the financial year reporting cycle, actual performance against the set KPI targets will be measured and documented by DILGP. Highlighting areas where targets are not achieved provides SARA with an opportunity to focus on areas of practice that require improvement.

OIR and DILGP will use their best endeavours to meet the KPI targets published on DILGP's website.

## **2.4 SARA operational issues and decision making**

The following are the key operational responsibilities for OIR and DILGP.

### **2.4.1 Annual priorities and resourcing**

DILGP is responsible for ensuring adequate resources are provided to meet its operational timeframes in Schedule 1 and statutory timeframes in the Act and Development Assessment Rules (DA Rules). Additionally, DILGP will strive to meet the adopted KPIs and agreed process improvements.

OIR is responsible for ensuring adequate resources are provided to meet its operational timeframes in Schedule 1 and agreed process improvements. Additionally, OIR will strive to meet the adopted KPIs.

### **2.4.2 Records and right to information**

DILGP is responsible for maintaining records in relation to development applications managed by SARA.

Without limiting the requirements and responsibilities of the Right to Information (RTI) process, OIR will provide DILGP with all relevant records relating to OIR technical advice with respect to SARA processes in the event of a RTI request.

### **2.4.3 Inter-departmental communication and operational timeframes**

#### **Operational timeframes**

DILGP is responsible for administering the development assessment functions as a referral agency and assessment manager under the Act, Planning Regulation 2017 and DA Rules. The development assessment provisions in the Act and DA Rules require statutory timeframes to be met by SARA. In order to achieve this, OIR and DILGP agree to meet the operational timeframes in Schedule 1.

The key principles that OIR and DILGP will embody to achieve the operational timeframes are:

- a) most assessments will need to be completed faster and more efficiently (than under the *Sustainable Planning Act 2009* (SPA))
- b) time is a precious commodity that applicants control
- c) preliminary phase of assessment is critical (i.e. the first 12 business days)
- d) to spend limited time on straightforward applications and implement practices to get these actioned well before operational timeframes
- e) to send early and clear signals to applicants, to enable the applicant to 'help us to help them' resolve issues and foster a culture of 'no surprises'
- f) that many decisions will need to be made with less than perfect information
- g) to strongly promote pre-lodgement meetings.

#### **Communications**

OIR will receive formal communications (including information requests, further advice requests, referral agency responses, decision notices, responsible entity responses, pre-referral responses, extension application responses and change application decisions made under the Act and DA Rules, and pre-lodgement minutes/advice) from DILGP electronically.

Application material will be downloaded by OIR from the DILGP nominated IT system. In unexpected circumstances resulting in failure of the DILGP nominated IT system, DILGP will consider case-by-case the most appropriate method of providing OIR with application material as quickly as possible.

Requests, recommendations and copies of records from OIR will be provided to DILGP electronically.

Phone conversations and meetings should be used by both parties to ensure clear communication channels are maintained, with adequate record keeping of agreements noted in the DILGP nominated IT system and OIR internal systems. DILGP is responsible for recording and storing meeting minutes taken over the course of the application.

### **Templates**

OIR will provide technical agency assessment and recommendations in the templates provided by DILGP. The templates are provided to OIR to assist in engagement with DILGP.

## **2.4.4 Communication with an applicant**

DILGP will foster the culture of 'no surprises' for applicants by maintaining open and ongoing communication during assessment to provide early signals of assessment concerns and to enhance and improve proposals.

DILGP will issue reminder notices to applicants advising of upcoming statutory timeframes, including a reminder to provide a response to further advice in a timely manner to allow SARA time to assess the information prior to making a decision.

DILGP will encourage applicants to use the stopping a current period provisions to allow more time for applicants to respond to further advice and SARA to assess new information.

Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DILGP will send appropriate signals to applicant.

## **2.4.5 Processing Sustainable Planning Act 2009 applications**

OIR and DILGP will continue to process SPA development applications and undertake associated functions in accordance with the Service Level Agreement signed 30 March 2016, inclusive of operational timeframes.

## **2.4.6 Pre-lodgement discussions and advice**

SARA is committed to the use of pre-lodgement processes to assist proponents prepare 'decision ready' applications that can be efficiently assessed after lodgement. Pre-lodgement discussions/advice will be flexible and proponent driven. Requests for pre-lodgement advice can take any form including, teleconferences, written or email based requests or face-to-face meetings.

In response to any pre-lodgement requests, SARA will accommodate and respond to the level of detail provided by the proponent. There is no such thing as 'insufficient information' provided by potential applicants for SARA pre-lodgement requests. SARA will respond in a 'fit-for-purpose' manner to the level of information provided.

SARA acknowledges that when applicants are provided with written pre-lodgement advice they have a reasonable expectation that the subsequent assessment (on the assumption that the lodged proposal is the same as what advice was sought on) will be consistent with the advice.

In managing requests for pre-lodgement discussions or advice, OIR and DILGP will ensure that:

- pre-lodgement meetings are co-ordinated and chaired by a DILGP planning officer
- relevant (as senior and empowered as practically possible) OIR representatives participate (either in person or via phone or video conference), unless OIR has advised DILGP of non-participation or provided advice to be represented by DILGP
- if no input is provided by OIR, the proponent will understandably form an expectation that none of those state interests will impact on their proposal
- all representatives are cordial, professional and respectful of all attendees
- advice on proposals to be 'fit-for-purpose' relative to level of detail provided but should endeavour to be constructive, clarifying likely, relevant state interest matters and where possible offer



suggestions for the proposal to avoid adversely impacting on state interests and being formulated into a 'decision ready' application

- meeting minutes are to be taken in real time and agreed to by the attending parties prior to concluding the meeting. Meeting minutes are focussed on acknowledging the nature of the proposal put forward and the capturing of key advice/suggestions offered by SARA. Minutes are not to be a verbatim record of the discussion
- where agreed between the parties that the pre-lodgement advice would benefit from SARA giving further consideration to certain aspects after the meeting – this will be finalised and issued as an addendum to the minutes within 7 business days, and
- additional pre-lodgement meetings are encouraged where deemed beneficial prior to lodgement.

All SARA written pre-lodgement advice and minutes will state "valid for period of 9 months from time of issue, unless a change in legislation or policy has occurred that would affect the pre-lodgement advice".

Assessment of applications are to have due regard to issued pre-lodgement advice. In fulfilling the culture of 'no surprises during assessment', SARA must be mindful of contradicting pre-lodgement advice.

## **2.4.7 Response before application (pre-referral response)**

Pre-referral responses will be provided for low risk applications only, where:

1. assessment by technical agency is not required
2. an information request is not required, and
3. either no requirements or model conditions can be applied.

Pre-referral requests will not be sent to OIR for technical agency assessment and are decided by DILGP.

Where a pre-referral request is not consistent with points 1 – 3 above, standard SARA assessment will apply to the proposal and the applicant will be advised accordingly by DILGP.

## **2.4.8 Information requests and further advice**

### **Information requests**

Information requests are only to be issued by DILGP in accordance with the DA Rules where information essential for the assessment is missing from an application.

DILGP will give due consideration to requests for information made by OIR. When DILGP issues an information request, a copy will be provided to OIR.

Operational timeframes for information requests are detailed in Schedule 1.

### **Further advice**

To support a culture of 'no surprises' for applicants, further advice will be issued where SARA seeks to provide advice about how the applicant may change the application in order to obtain a favourable assessment. Further advice may be issued at any time before an application is decided or a referral agency response is issued. However, the initial further advice operational timeframe is detailed in Schedule 1. OIR may request that DILGP issue further advice more than once for an application where necessary.

DILGP will give due consideration to request for further advice by OIR. When DILGP issues further advice, a copy will be provided to OIR.

If a response to a further advice notice has not been provided 2 business days before the statutory due date for the SARA referral agency response/decision, DILGP will advise the applicant that it will form a view on the application with the current information.

### **2.4.9 Missed referrals**

Where a missed referral is identified for an application that was not previously referred, SARA will assess it in accordance with the Act, DA Rules and the operational timeframes detailed in Schedule 1.

Where a missed referral is identified for an application that has been previously referred to SARA, SARA will refund the missed referral assessment fee in full (after it has been paid) and will assess it in accordance with the Act, DA Rules and the operational timeframes detailed in Schedule 1.

### **2.4.10 OIR involvement in certain applications**

For certain applications or functions, OIR technical agency assessment is not required where the application or functions are consistent with the criteria in Schedule 2.

### **2.4.11 SARA decision making**

OIR and DILGP acknowledge that the SDAP is the primary instrument for assessment of all development applications in where SARA is either a referral agency or assessment manager.

In making a decision about an application, as assessment manager or referral agency, DILGP will:

- give consideration to recommendations made in OIR technical agency assessment response
- formulate a decision having due regard to the technical agency assessment response and where conditions are required, model conditions will be applied and non-model conditions drafted by DILGP.

Where a disagreement with OIR's technical agency recommendations cannot be resolved at officer level, the escalation and dispute resolution procedures will be followed.

#### **Conditions**

For clarity it is noted that conditions are defined as either 'Model' or 'Non-model'. 'Non-model' conditions are conditions that have not been endorsed as SARA model conditions.

DILGP in consultation with OIR will update the SARA Model Conditions on an as needs basis to:

- update, if necessary, the drafting of existing conditions
- include new conditions
- modify or delete conditions to reflect changes to the SDAP or legislation.

DILGP will provide OIR with updated versions of the SARA Model Conditions for distribution to regional staff. It will be OIR's responsibility to ensure the SARA Model Conditions are distributed to necessary officers.

Where conditions are required for a decision notice or referral agency response via the technical agency response, OIR will recommend to DILGP:

- which model conditions should be applied using the current version of the SARA Model Conditions,
- where non-model conditions are considered necessary, provide details on the issues that to be addressed by the non-model condition(s).

In determining non-model conditions, DILGP will draft non-model conditions based on the issues identified and the technical agency assessment provided in the OIR technical agency response.

### **2.4.12 Escalation and dispute resolution**

In the instances where there is a significant disagreement between HICB OIR and DILGP about a technical agency recommendation, the application will be escalated for resolution.

The process for escalation of an application is as follows:

- Where a disagreement arises, the DILGP case officer will refer the application to the Regional Director for review and coordination of negotiations. If agreement is reached, the application can be decided.
- When agreement cannot be reached between the parties following initial negotiations, DILGP will prepare the draft referral agency response or decision notice and issue to the technical agency for review and further comment. If SARA Central and HICB OIR agree with the recommendation, the application can then be decided.
- If following review of the draft referral agency response or decision notice HICB OIR does not agree, HICB OIR has the opportunity to escalate the matter to their senior management or other nominated position (as per the internal escalation procedures of the technical agency) to finalise the negotiations with DILGP. The application will then be decided.

Only in exceptional circumstances will DILGP escalate an application to the Executive Director, Development Assessment Division or the Deputy-Director General.

HICB OIR will have the opportunity to escalate development applications directly to DILGP Regional Directors at any stage of the assessment process. The escalation and dispute resolution process can be used for all development applications; however, it should typically be used for complex issues where negotiations have broken down. Best endeavours should be made by both parties to resolve issues without escalation.

For all escalated development applications, the DILGP case officer will provide a copy of the final decision notice and reasons for the decision to HICB OIR within 1 business day of the decision being issued to the applicant.

### **2.4.13 Nomination of OIR to ensure compliance with, and enforcement of, conditions**

The chief executive administering the Act (being the Director-General of DILGP), has provided delegation to OIR to administer and enforce conditions imposed on development approvals in accordance with Schedule 2 of the Act, within its areas of jurisdiction.

Administration of conditions includes, but is not limited to the:

- confirmation that conditions imposed on development approvals have been complied with, and
- responding only to relevant complaints about non-compliance.

Where DILGP requests OIR confirmation of whether conditions have been complied with, where possible, OIR will endeavour to give advice within 20 business days.

Costs associated with the administration of conditions, excluding the initial case management of requests, will be the responsibility of OIR.

### **2.4.14 Investigating development offences and enforcing development conditions**

As a nominated 'enforcement authority' under Schedule 2 of the Act, OIR will be responsible for investigating and responding, in a timely manner, to complaints alleging development offences under Chapter 5, Part 2 of the Act within its areas of jurisdiction. DILGP will, where relevant, provide information regarding any development approval associated with any alleged development offence to OIR in a timely manner.

In the event that development offences are identified, legal proceedings associated with enforcement will be initiated and managed by OIR. Costs associated with the legal proceedings will be the responsibility of OIR. To be clear, enforcement matters are at OIR's discretion.

OIR will be responsible for notifying DILGP of any enforcement actions undertaken that are associated with offences involving a development approval or a referral agency response. OIR will provide SARA Central with notice of the enforcement action as soon as is practicable.

## **2.4.15 Appeals and legal proceedings**

DILGP will be responsible for managing appeals and legal proceedings relating to decisions made under SARA (apart from those nominated in section 2.4.13 relating to development offences). OIR will provide technical support, technical information and any records relating to the specifics of the relevant development application to DILGP for the purpose of disclosure in a timely manner when requested by DILGP.

DILGP will seek OIR's opinions in relation to joining an appeal to inform DILGP's decision. Also where considered relevant, DILGP will liaise with OIR regarding appeals and consider any recommendations in relation to the management of specific appeals and will inform OIR of the outcome of appeals and any learning that may benefit OIR.

If requested by the OIR, prior to engagement of expert witnesses, DILGP will consult with OIR to ascertain any recommendation of an expert witness related to the area of expertise of OIR. However, the final decision related to procurement of legal service providers, expert witnesses or barristers rests solely with DILGP.

DILGP will attend strategy meetings, without prejudice meetings and mediations. However, if requested by DILGP, OIR's staff may attend and be actively involved in without prejudice meetings and mediations.

Where OIR has unresolved appeals at the time SARA commenced, it will retain responsibility for the on-going management of those appeals and legal proceedings.

## **2.4.16 DILGP nominated IT system — MyDAS (including MyDAS2)**

DILGP will provide the information technology systems to support SARA, currently known as MyDAS and MyDAS2. MyDAS will be available 24 hours a day unless a pre-arranged maintenance or repair outage is required.

DILGP will provide systems administration and user support services for user administration and access.

MyDAS is to be used by OIR to access and download application material. Communication protocols related to the operation of IT system will be followed by both OIR and DILGP.

OIR will provide user access requirements to DILGP. OIR will advise DILGP of all staff movements relevant to SARA functions to ensure all licenses are in current use and not shared between individuals. DILGP will ensure appropriate access is available and requirements for access are provided promptly.

Licensing and accessing costs for OIR to use MyDAS2 will be borne by DILGP. All additional OIR licencing requirements and non-MyDAS applications (e.g. network and infrastructure) will be the financial responsibility of OIR.

## **2.4.17 SARA operational amendments**

Within confidentiality requirements, OIR is to inform DILGP's SARA Central, of any proposed amendments to:

- legislation and subordinate legislation that will impact on SARA
- guidelines referred to in the SDAP
- changes to website links, and
- any other material which operationally requires alignment with SARA.

DILGP is to inform OIR in a timely manner of any impending amendments to:

- legislation and subordinate legislation that will impact on the requirements for OIR to provide technical advice to SARA
- the SDAP guidance material, and
- any other material that will affect the delivery of technical advice to DILGP.

## **2.4.18 State Development Assessment Provisions (SDAP)**

The SDAP contains the assessment benchmarks for the assessment of development applications by OIR and DILGP and provides applicants with:

- increased transparency and clarity on how development can comply with the matters of interest to the state
- clarity regarding when the state is to be involved in the assessment of a development application
- qualifying criteria to enable self-identification of eligibility for FastTrack5 assessment pathway.

The SDAP is the primary instrument for the assessment of matters of state interest relevant to development applications. Where there is a conflict between the SDAP and any reference documents listed in the SDAP, the SDAP prevails.

OIR will contribute to the continuous improvement of the SDAP by:

- assisting DILGP with any review or amendments to the SDAP
- recommending improvements to the state codes of the SDAP that are relevant to OIR's area of interest.

OIR will prepare and publish guidance material for the SDAP state codes in consultation with DILGP.

## **2.4.19 Native title**

DILGP will ensure that native title is assessed prior to making a decision about an application that SARA is the assessment manager or responsible entity.

## 3 PART C – Infrastructure designations

### 3.1 General

OIR and DILGP acknowledge that the ID process will be conducted in accordance with Chapter 2, Part 5 of the Act, Chapter 7 and Chapter 8 of the Minister's Guidelines and Rules (MGR). The parties also acknowledge that the Minister is the responsible decision maker for Ministerial ID decisions and undertakes the state interest review for a local government ID under these provisions.

Both parties acknowledge that on behalf of the Minister the ID process will be conducted along the following lines:

- a) Being cognisant that Ministerial ID is set up to provide an approval pathway for infrastructure that is essential to support the development of a prosperous and sustainable Queensland
- b) Ensuring that consultation undertaken during the ID process is 'fit-for-purpose' and provides relevant stakeholders with adequate information
- c) That state agency input into the ID process should be 'fit-for-purpose'
- d) Ensuring that both parties act in a timely manner throughout the ID process in order to provide timely recommendations to the Minister.

*Note – Minister means Planning Minister.*

### 3.2 Roles and responsibilities

OIR and DILGP will work collaboratively to successfully manage the ID process through the following defined roles and responsibilities:

DILGP will:

- a) coordinate, assess and provide recommendations to inform the decision of an ID proposal made by the Minister
- b) meet operational timeframes outlined in Schedule 4
- c) Endeavour to ensure that the Minister meets the relevant statutory timeframes for an ID proposal
- d) having regard to the criteria in schedules 3, use discretion to determine whether or not a particular ID proposal affects OIR's state interests to the extent that OIR needs to be involved in the ID process
- e) endeavour to ensure that native title and state tenure aspects are properly considered during ID assessments
- f) lead, organise, participate in (including documenting meeting outcomes) and provide accurate advice through pre-lodgement discussions and meetings
- g) have regard to matters/issues raised by OIR in assessing ID proposals to inform DILGP in drafting recommendations
- h) respond to RTI requests made to DILGP, and assist with RTI requests made to OIR, relating to ID matters.

OIR will:

- a) undertake the technical agency role and provide a first principles assessment having regard to the State Planning Policy (SPP), the relevant Regional Plan and the purpose statements of the SDAP that relate to Schedule 3
- b) collaborate with DILGP to resolve day-to-day issues associated with ID requests and on-going policy development
- c) meet operational timeframes outlined in Schedule 4
- d) participate constructively in, and provide accurate advice through, pre-lodgement discussions
- e) assist with RTI requests made to DILGP, if required, and respond to RTI requests made to OIR relating to ID matters

- f) actively engage with DILGP in the continuous business improvement of ID processes, including the development of the low impact proposal criteria.

## 3.3 Governance

### 3.3.1 Leadership

#### **Department of Infrastructure Local Government Planning's leadership arrangements**

The Minister is the sole decision maker of Ministerial ID and state interest review outcomes of a local government ID.

#### DILGP's key departmental contact:

Executive Director, Development Assessment Division, DILGP, is responsible for program leadership.

#### OIR key departmental contacts:

OIR will provide details of contact officers for its areas of interest and provide updates, as required. Key senior departmental contacts (by role) are:

- Executive Director Compliance and Business Engagement
- Director, Hazardous Industries and Chemicals Branch

### 3.3.2 Management arrangements

The assessment functions for IDs will be centralised, and a case officer from the DA Projects team will be assigned to each request.

DILGP is committed to improving the operational efficiency and effectiveness of the ID process. On-going operational matters (including day-to-day and policy requirements) will be discussed/managed via the DA Projects team. This will involve regular contact (e.g. via meetings) between the DA Projects team and OIR.

## 3.4 ID operational issues

The following are the key operational responsibilities for OIR and DILGP.

### 3.4.1 Annual priorities and resourcing

OIR and DILGP are responsible for ensuring adequate resources are provided to meet the statutory and operational timeframes in Schedule 4 for IDs and agreed process improvements.

### 3.4.2 Records and right to information

DILGP is responsible for maintaining records in relation to ID proposals managed by the DA Projects team.

Without limiting the requirements and responsibilities of the RTI process, OIR will provide DILGP with all relevant records relating to OIR technical advice with respect to ID processes in the event of a RTI request.

### 3.4.3 Inter-departmental communication and operational timeframes

#### **Operational timeframes**

The Minister has delegated a range of functions for the Ministerial ID process to DILGP as the lead agency. DILGP is responsible for administering a range of functions including, but not limited to:

- acknowledgement of request for a Ministerial ID

- state interest review outcome for a Ministerial ID – *(incorporating draft requirements)*.

However, the Minister is responsible for making the overall decision to:

- approve or refuse a Ministerial ID
- approve or refuse the extension of a Ministerial ID
- approve or refuse an amendment to a Ministerial ID
- approve or refuse the repealing of a Ministerial ID
- state interest review outcome for a local government ID – *(incorporating draft requirements)*.

The Minister's decision will be informed by recommendations provided by DILGP.

The Act and the MGR provide statutory timeframes to be met by the Minister. OIR and DILGP are required to meet the agreed operational timeframes specified in Schedule 4 in order to meet the statutory timeframes.

Requests to extend the state interest review operational timeframe may be sought in exceptional circumstances, but are subject to further agreement by the proponent. The request from OIR to extend should include sufficient justification to support the extension being granted. Acceptable reasons for an extension include, but are not limited to:

- where OIR receive an ID request outside of operational timeframes stipulated in Schedule 4.
- a matter being resolved through the escalation and dispute resolution process, and this matter is required to be resolved to meet operational timeframes.
- other reasons outside normal operating processes have not allowed progression of the application, for example natural disasters, failure of the DILGP nominated IT system.

DILGP will reasonably consider OIR requests to extend the state interest review operational timeframe. OIR will be advised of the DILGP decision (including reasons) about whether a request to extend the timeframes will be sought as soon as practical. Should an extension be sought and granted by the proponent agreement, DILGP will advise OIR of the latest agreed timeframes by no later than the operational timeframe indicated in Schedule 4.

### **IT system**

Communication protocols related to the operation of the IT system will be followed by both OIR and DILGP.

DILGP will:

- provide an IT system to support the functions of IDs. The IT system will be available 24 hours a day unless a pre-arranged maintenance or repair outage is required.
- ensure appropriate access to the IT system is available for OIR and any requests to amend access will be actioned promptly.
- provide OIR with administration and user support services for the IT system.
- Consider case-by-case the most appropriate method of providing OIR with material for the ID proposal, as quickly as possible, in the event of an unexpected IT system failure.
- bear the costs for OIR to use the IT system e.g. license or access.

OIR will:

- use the IT system to access and download ID documentation.
- receive formal communications from DILGP electronically for ID matters (such as including acknowledgment notice, state interest review outcomes, and decision outcomes).
- provide user access requirements to DILGP.
- advise DILGP of all staff movements, relevant to ID operations, to ensure all licenses are in current use and not shared between individuals.
- provide electronic records of OIR's advice or material associated with an ID proposal.
- be financially responsible for any internal software required for the functions of IDs.



## **Communications**

Phone conversations and meetings should be used by both parties to ensure clear communication channels are maintained, with adequate record keeping of agreements noted in the DILGP nominated IT system and OIR internal systems. DILGP will be responsible for recording and storing meeting minutes taken over the course of an ID proposal.

## **Templates for IDs**

OIR will provide pre-lodgement advice, advice regarding further information required, technical advice for state interest review outcomes and identify matters that will assist DILGP in the drafting of requirements in the templates provided by DILGP. The templates are provided to OIR to assist in engagement with DILGP.

Any changes to DILGP technical assessment templates must be in consultation with OIR to allow OIR to meet systems change requirements.

## **Operational procedures**

The DA Projects team will support OIR in on-going improvements to operational procedures. This may take the form of verbal or written advice or by preparing operational 'how to' guidelines that will provide additional detail about operational matters. The material may assist with providing further detail about matters such as pre-lodgement discussions and advice, state interest review outcomes and escalation and dispute resolution.

OIR is not to make any submissions during the consultation stage of an ID process. OIR involvement will be limited to that identified in Schedule 3.

## **3.4.4 Pre-lodgement discussions and advice**

DILGP is committed to undertaking pre-lodgements that contribute to the efficiency of the ID process. ID proposals will only be provided to OIR for pre-lodgement discussions and advice where the proposal involves a matter identified in Schedule 3. Pre-lodgements will be undertaken in a range of formats that suit the needs of the proponent. Formats include general phone enquires, emailed or written requests and face to face meetings. Meetings may also be undertaken via teleconference facilities in order to overcome distance constraints.

There are circumstances when the information a proponent is seeking may not constitute a formal 'pre-lodgement' approach and could be more efficiently dealt with by the proponent making direct contact with the relevant technical agency. This is particularly the case when agencies provide broader (but sometimes related) services to the public than those for ID proposals.

Where a proponent has sought a face-to-face meeting, written advice may be provided in lieu of the meeting. If the proponent still requests a meeting, a meeting will be arranged by DILGP and attended by OIR where possible, either in person or via teleconference facilities (where the office location is a constraint).

In managing requests for pre-lodgement discussions or advice, OIR and DILGP will ensure that:

- timeframes outlined in schedule 4 are met or another timeframe that is agreed upon by both parties
- if no advice is provided by OIR, DILGP will determine that the matters under schedule 3 will not be impacted by the proposal hence OIR will not be involved for the remainder of the ID proposal
- pre-lodgement meetings are co-ordinated and chaired by a DILGP planning officer
- relevant (as empowered as practically possible) OIR representatives participate (either in person or via phone or video conference), unless OIR has advised DILGP of non-participation or provided advice to be represented by DILGP
- all representatives are cordial, professional and respectful of all attendees
- advice on proposals to be 'fit-for-purpose' relative to level of detail provided but should endeavour to be constructive, clarifying likely, relevant matters under schedule 3 and where possible offer suggestions for the proposal to avoid adversely impacting on matters under schedule 3
- meeting minutes are focussed on acknowledging the nature of the proposal put forward and the capturing of key advice/suggestions offered by DILGP. Minutes are to be a summary of the discussions at the meeting

- additional pre-lodgement meetings are encouraged where deemed beneficial prior to lodgement.

All DILGP pre-lodgement advice and minutes will state 'valid for period of 9 months from time of issue, unless a change in legislation or policy has occurred that would affect the pre-lodgement advice'.

### **3.5 Acknowledgement of the request**

DILGP will consider any requests for further information made by OIR, if it is essential information to consider the proposal, during the acknowledgement of the request. Should further information be sought, DILGP will provide a copy of the acknowledgement of request to OIR. The further information required must be formulated having regard to the 'first principles' of the SPP, the purpose statements of the SDAP that related to Schedule 3 and the relevant Regional Plan only.

Refer to operational timeframes in Schedule 4.

### **3.6 State interest review**

OIR and DILGP must have regard to the overarching 'first principles' of the primary statutory documents the Minister must have regard to, in particular the, SPP, the purpose statements of the SDAP that relate to Schedule 3 and any relevant Regional Plan when undertaking a Ministerial ID or a state interest review for a local government ID.

In undertaking a state interest review about a Ministerial ID or local government ID, DILGP will:

- consider recommendations in accordance with the first principles assessment of the purpose statements of the SDAP related to Schedule 3, the SPP and the relevant Regional Plan made by OIR via its technical agency assessment response
- formulate a state interest review outcome having regard to the issues identified in the OIR technical agency advice
- where requirements are necessary, requirements will be drafted by DILGP's case officer based on advice provided by OIR
- recommend a consolidated set of draft requirements as part of the Minister's state interest review outcome.

DILGP will provide a copy of the state interest review outcomes to OIR at the same time as providing the notice to the infrastructure entity for a Ministerial ID or to the local government for a local government ID.

### **3.7 Escalation and dispute resolution**

The escalation process relates to the preparation and content of further information required and identified issues during the state interest review which will assist the formulation of draft requirements.

In the event that a disagreement arises and agreement cannot be reached on a particular matter between OIR case officer and the DILGP case officer, OIR will:

- have 6 business days to resolve the disagreement with DILGP as detailed in Schedule 4.
- have the opportunity to escalate this matter to their nominated OIR officers and the DILGP's Director – Development Assessment Services for a resolution.

## 4 PART D – Execution of agreement

The Agreement and the Schedules herein are a record of the cooperative arrangements between the parties and the specific service delivery objectives of each party. The signing of this agreement signifies that all parties agree to the Service Level Agreement and will continue to work together cooperatively in good faith.

This Service Level Agreement is made:

BETWEEN: Department of Infrastructure Local Government and Planning

Signed:



Mr Frankie Carroll  
Director-General

Witnessed by:

Name:

*Marilyn Buswell*  
*Marilyn Buswell*  
11 10 17

11.10.17

AND: Office of Industrial Relations, Queensland Treasury

Signed:



Simon Blackwood  
Deputy Director-General



Witnessed by:

Name: HANA NIAZ

26 / 09 / 2017

26 / 09 / 2017

## Schedule 1—Operational timeframes for SARA

The following tables detail the maximum operational timeframes for both OIR and DILGP in the implementation of SARA. The timing is reflective of the statutory timeframes within the Act and DA Rules. Communication between officers in both agencies is critical to ensuring that the operational timeframes are met.

Note – day means business day.

### Pre-lodgement

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
<b>Pre-lodgement – written advice</b>				
PL – 1	DILGP	a) Receive request for pre-lodgement written advice b) Forwards to technical agency for assessment	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 2	Technical agency	Provide advice to DILGP	5 days starting from day of lodgement of pre-lodgement request	NA
PL – 3	DILGP	a) Issue written pre-lodgement advice b) Provide a copy to technical agency	7 days starting from day of lodgement of pre-lodgement request	NA
<b>Pre-lodgement – meeting</b>				
PL – 4	DILGP	a) Receive request for pre-lodgement meeting b) Forward to technical agency for assessment c) Coordinate meeting with applicant and technical agency.	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 5	DILGP	Arrange a pre-lodgement meeting date with applicant and technical agency (if required)	5 days starting from day of lodgement of pre-lodgement request	NA
PL – 6	Technical agency	(a) Provide written advice to DILGP, or (b) SARA technical pre-meeting with DILGP	5 days in advance of the pre-lodgement meeting date	NA
PL – 7	DILGP	Provides meeting outcomes / actions / minutes to all attendees	Day of pre-lodgement meeting	NA
PL – 8	DILGP	Issue follow up written advice to all attendees	7 days starting from day of the pre-lodgement meeting	NA

## SARA as Assessment manager

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
<b>Receive and confirm</b>				
AM – 1	DILGP	a) Receive development application (lodgement) b) Confirm validation c) Forward to technical agency for assessment (where required)	1 day starting from day of lodgement	NA
AM – 2a	DILGP	a) Issue action notice or confirmation notice to relevant entities, including technical agencies	3 days starting from day of lodgement	10 days
AM – 2b	DILGP	a) Receive response to action notice b) Issue confirmation notice to relevant entities including technical agencies (if issues in action notice remedied). c) Otherwise further action notice issued to applicant and technical agencies	3 days starting from receipt of response to action notice	10 days
AM – 2c	DILGP	a) If, after 20 days issues in action notice are not remedied, application taken to be not properly made, and applicant and technical agency advised by notice	1 day starting from expiry of relevant period (if not extended)	20 days
<b>Information request and further advice</b>				
AM – 3	Technical agency	Technical agency information request and/or initial further advice provided to DILGP	Information request, 7 days starting the day after the confirmation notice is issued Initial further advice, 12 days starting the day after the confirmation notice is issued	10 days to issue information request
AM – 4a	DILGP	a) Issue information request if required b) Provide copy to technical agency	10 days starting the day after the confirmation notice is issued	10 days to issue information request
AM – 4b	DILGP	a) Issue (initial) further advice if required. b) Provide a copy to technical agency	15 days starting the day after the confirmation notice is issued	NA
<b>Assess and decide</b>				
AM – 5	DILGP	a) Provide information request response to technical agency, or b) If no response received, advise technical agency.	1 day from receiving an IR response	NA
AM – 6	Technical	Technical agency assessment	If no information	Assessment manager

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
	agency	report provided to DILGP	request issued, 25 days starting the day after the confirmation notice is issued If information request issued, 17 days starting the day after receiving the information request response	to decide applications within 35 days
AM – 7	DILGP	Remind the applicant about providing a response to further advice	30 days starting the day after the confirmation notice is issued	NA
AM – 8a	DILGP	a) Issue the decision notice b) Provide a copy to technical agency	35 days starting the day after the confirmation notice is issued	Assessment manager to decide applications within 35 days
AM – 8b	DILGP	Publish decision notice and notice about the decision on website	1 day after the provisions under s37.1 of the DA Rules are satisfied	If the application is approved, 5 days to publish notice after notice from the applicant of appeal or notice advising not making representations If refused, 5 days to publish notice after giving a copy to the applicant
<b>Applicant makes a minor change to the application</b>				
AM – 9a	DILGP	Forwards to technical agency for assessment (where required)	1 day starting the day after receiving the minor change	Assessment manager to decide applications within 35 days
AM – 9b	Technical agency	Technical agency to assessment of minor change provided to DILGP <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DILGP will send appropriate signals to the applicant.</i>	2 days after receiving the minor change to the application (where a technical agency response has already been provided to DILGP)	Assessment manager to decide applications within 35 days
<b>Applicant makes a change to the application in response to an information request, further advice or submission (other than a minor change)</b>				
AM – 10a	DILGP	a) Receive a change to the application b) Determine type of change and effect on application process, identify any new referral requirements c) Forward to technical agency for assessment (where required)	1 day after receiving the change to the application	NA
AM – 10b	Technical	Provide assessment and	2 days after receiving	Assessment manager

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
	agency	recommended response to DILGP <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DILGP will send appropriate signals to the applicant.</i>	the change to the application (where a technical agency response has already been provided to DILGP)	to decide applications within 35 days
<b>Post decision – making change representations about conditions of approval</b>				
AM – 11a	DILGP	a) Receive change representations about conditions of approval b) Consider the impact of the change representations on the relevant matters of interests and confirm if technical agency involvement c) Forward to technical agency for assessment	1 day starting the day change representations about a decision are received	20 days starting the day change representations about a decision are received
AM – 11b	Technical agency	Technical agency assessment report provided to DILGP	12 days (where technical agency assessment is required) starting the day representations about a decision are received	20 days starting the day change representations about a decision are received
AM – 11c	DILGP	a) Make decision on change representations and issue negotiated decision notice (if required) b) Provide a copy to technical agency	20 days starting the day representations about a decision are received	20 days starting the day change representations about a decision are received

## SARA as Referral agency

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
<b>Receive and confirm</b>				
RA – 1	DILGP	a) Receive development application (referral) b) Confirm validation c) Forward to technical agency for assessment	1 day starting from day of referral	NA
RA – 2a	DILGP	a) Issue action notice or confirmation notice to relevant entities including technical agencies and assessment manager	3 days starting from day of referral	5 days to determine if properly referred
RA – 2b	DILGP	a) Receive response to action notice b) Issue confirmation notice to relevant entities including technical agencies (if issues in action notice remedied)	3 days starting from receipt of response to action notice	5 days to determine if properly referred

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
		c) Otherwise further action notice issued to applicant and technical agencies		
RA – 2c	DILGP	a) If, after 20 days issues in action notice are not remedied, development application taken to be not properly referred and applicant and technical agency advised by notice	1 day starting from expiry of relevant period (if not extended)	20 days after the applicant was given the action notice
<b>Information request and further advice</b>				
RA – 3	Technical agency	Technical agency information request or initial further advice provided to DILGP	Information request, 7 days starting the day after the referral confirmation notice is issued Initial further advice, 12 days starting the day after the confirmation notice is issued	10 days to issue information request
RA – 4a	DILGP	a) Issue information request if required b) Provide copy to technical agency	10 days starting the day after the referral confirmation notice is issued	10 days to issue information request
RA – 4b	DILGP	a) Issue (initial) further advice if required. b) Provide a copy to technical agency	15 days starting the day after the referral confirmation notice is issued	NA
<b>Assess and decide</b>				
RA – 5	DILGP	a) Provide information response to technical agency, or b) If no response received, advise technical agency.	1 day from receiving an information request response	NA
RA – 6	Technical agency	Technical agency assessment report provided to DILGP	If no information request issued, 18 days starting the day after the referral confirmation notice is issued If information request issued, 11 days starting the day after receiving the information request response	Referral agency to give referral agency response within 25 days
RA – 7	DILGP	Remind the applicant about providing a response to further advice	21 days starting the day after the referral confirmation notice is issued	NA
RA – 8a	DILGP	a) Issue the referral agency response b) Provide a copy to technical agency	25 days starting the day after the referral confirmation notice is issued	Referral agency to give referral agency response within 25 days



Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
RA – 8b	DILGP	Publish referral agency response and notice about the decision on website	1 day starting the day after receiving a copy of the decision notice from the assessment manager	5 days starting the day after receiving a copy of the decision notice from the assessment manager
<b>Applicant makes a minor change to the application</b>				
RA – 9a	DILGP	Forward to technical agency for assessment (where required)	1 day starting the day after receiving the minor change	Referral agency to give referral agency response within 25 days
RA – 9b	Technical agency	Technical agency assessment of minor change provided to DILGP.  <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DILGP will send appropriate signals to the applicant.</i>	2 days after receiving the minor change to the application (where a technical agency response has already been provided to DILGP)	Referral agency to give referral agency response within 25 days
<b>Applicant makes a change to the application in response to an information request, further advice or submission (referral agency response <u>not</u> issued) (other than a minor change)</b>				
RA – 10a	DILGP	a) Receive advice from the assessment manager is received on the change and effect on DA process. b) Determine if any new referral requirements. c) Forwards to technical agency for assessment (where required)	1 day after the day of receiving the change to the application	Referral agency to give referral agency response within 25 days
RA – 10b	Technical agency	Where no new referral requirements, provides technical agency assessment on change to DILGP.  <i>If new referral requirements, the referral period and operational timeframes applies again.</i>  <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DILGP will send appropriate signals to the applicant.</i>	2 days after the day of receiving the change to the application (where a technical agency response has already been provided to DILGP)	Referral agency to give referral agency response within 25 days
<b>Applicant makes a change to the application in response to an information request, further advice or submission (referral agency response issued) (other than a minor change)</b>				
RA – 11a	DILGP	a) Advice from the assessment manager is received on the change and effect on development application process. b) Determine if any new referral requirements. c) Forward to technical agency	1 day after the day of receiving the change to the application	NA

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
		for assessment (where required)		
RA – 11b	Technical agency	Recommend if an amended technical agency response is required	2 days after the day of receiving the change to the application	5 days to give notice of intention to change referral agency response
RA – 11c	DILGP	Determine and advise assessment manager if an amended referral agency response is required	5 days after the day of receiving the change to the application	5 days to give notice of intention to change referral agency response
RA – 11d	Technical agency	Provide assessment and recommended response to DILGP	7 days after issuing the notice of SARA providing a changed referral agency response	10 days after giving notice to issue amended referral agency response
RA – 11e	DILGP	Issue an amended referral agency response	10 days after issuing the notice of SARA providing a changed referral agency response	10 days after giving notice to issue amended referral agency response
<b>Applicant makes representations about referral agency response</b>				
RA – 12a	DILGP	<ul style="list-style-type: none"> <li>a) Receive representations.</li> <li>b) Consider the impact of the representations on the relevant matters of interests and confirm if technical agency involvement.</li> <li>c) Forward to technical agency for assessment (where required)</li> </ul>	1 day starting the day change representations about a decision are received	NA
RA – 12b	Technical agency	Provide assessment and recommended response to DILGP	10 days starting the day representations about a decision are received	20 days starting the day change representations about a decision are received
RA – 12c	DILGP	Respond advising no changes or seek applicant's agreement to issue changed referral response. <i>If applicant agrees, changed referral agency response issued. If not and the applicant makes additional representations – restart from day 1 of applicant makes representations about response.</i>	15 days starting the day representations about a decision are received	20 days starting the day change representations about a decision are received

## Changes to approval (minor change) – SARA as Responsible entity

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
MC – 1	DILGP	a) Receive change application b) Confirm validation c) Forward to technical agency for assessment (where required)	1 day after the day of receiving the change application	NA
MC – 2	Technical agency	Technical agency provides assessment and recommended response to DILGP	14 days from receiving change application	If no affected entity, 20 days after receiving the application If affected entity, 25 days
MC – 3	DILGP	Receive response from affected entities Issues response and provide a copy to relevant entities, including technical agencies	If no affected entity, 20 days after receiving the application If affected entity, 25 days	If no affected entity, 20 days after receiving the application If affected entity, 25 days

## Extension applications

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
EA – 1	DILGP	a) Receive extension application b) Confirm validation c) Forward to technical agency for assessment	1 day after the day of receiving the extension application	NA
EA – 2	Technical agency	Technical agency provides assessment and recommended response to DILGP	7 days from receiving the extension application	Assessment manager must decide the extension application within 20 days after receiving the application
EA – 3	DILGP	a) Issues the decision notice for the extension application b) Provide a copy to technical agency	11 days after receiving the extension application	Assessment manager must decide the extension application within 20 days after receiving the application and give a copy of the decision notice within 5 days of deciding the extension application

## Changes to approval (other change)

As per either assessment manager with non-SARA referrals, assessment manager with no referrals or referral agency operational timeframes.

## **Pre-referral responses**

Technical agency assessment is not required where the application or functions are consistent with the criteria in Schedule 2.

## Schedule 2—Criteria for technical agency involvement for certain SARA applications

The table below identifies scenarios where OIR's advice must be sought or is not required when reviewing applications.

<b>Column 1 State Interest</b>	<b>Column 2 Scenarios where technical agency advice is not required</b>
All	a) Pre-referral response assessments b) Requests to rectify administrative errors c) Change to a 'fast-track' application that still meets the 'fast-track' criteria.

## Schedule 3—Criteria for technical agency involvement for making, amending or extending an ID

The table below identifies the matters of state interests that apply to OIR when reviewing an ID during the acknowledgement and state interest review stages. These matters of State interest will be refined and reviewed within 12 months of operation. The ID technical review is to have regard to the first principles of the SPP, the purpose statement of the SDAP outlined in this schedule and the relevant Regional plan for a Ministerial ID or a local government ID.

Column 1 Matter of State interest	Column 2 Criteria where OIR involvement is required
<b>Protection from emissions and hazardous activities</b>	ID that involves development for: <ul style="list-style-type: none"> <li>• major gas infrastructure</li> <li>• waste infrastructure</li> <li>• sewerage infrastructure</li> <li>• hazardous chemical facilities</li> <li>• the use, storage and disposal of hazardous materials, and prescribed hazardous chemicals, dangerous goods, flammable or combustible substances.</li> </ul>
<b>Protection of industrial development, and major infrastructure from encroachment</b>	ID that involves development on or adjacent to land containing the following uses: <ul style="list-style-type: none"> <li>• medium-impact, high-impact and special industries</li> <li>• extractive industries</li> <li>• hazardous chemical facilities, and</li> <li>• explosives facilities and explosives reserves.</li> </ul>

## Schedule 4—Operational timeframes

The following tables detail the maximum operational timeframes for both OIR (technical agency) and DILGP in the assessment of a Ministerial ID or a local government ID. The timing is reflective of the statutory timeframes within the Act and MGR. Communication between officers in both agencies is critical to ensuring that the operational timeframes are met.

Note – day means business day.

### Pre-lodgement requests

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
<b>Pre-lodgement – written advice</b>				
IDPL – 1	DILGP	a) Receive request for pre-lodgement written advice b) Forward to technical agency for assessment	1 day starting from day of lodgement of pre-lodgement request	NA
IDPL – 2	Technical agency	Provide advice to DILGP	7 days starting from day of lodgement of pre-lodgement request	NA
IDPL – 3	DILGP	a) Give written pre-lodgement advice to proponent b) Forward a copy to technical agency	10 days starting from day of lodgement of pre-lodgement request	NA
<b>Pre-lodgement – meeting</b>				
IDPL – 4	DILGP	a) Receive request for pre-lodgement meeting b) Forward to technical agency for assessment	1 day starting from day of lodgement of pre-lodgement request	NA
IDPL – 5	DILGP	a) Coordinate and organise meeting with applicant and technical agency b) Prepare and circulate agenda	5 days starting from day of lodgement of pre-lodgement request	NA
IDPL – 6	DILGP	a) Undertake pre-lodgement meeting b) Chair meeting and record formal minutes (including outcomes/actions).	10 days starting from day of lodgement of pre-lodgement request	NA
IDPL – 7	DILGP	Give draft meeting minutes to technical agency.	2 days starting from day of when the pre-lodgement meeting was held	NA
IDPL – 8	Technical agency	a) Confirm meeting outcomes with DILGP b) Provide further advice to DILGP, about certain aspect (if required)	3 days starting from day of DILGP circulating draft meeting outcomes / actions / minutes	NA
IDPL – 9	DILGP	a) Provide meeting minutes (including outcomes/actions) to proponent b) Forward a copy to technical agency	7 days starting from day of when the pre-lodgement meeting was held	NA

## Making or amending a Ministerial infrastructure designation

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
<b>Minister's acknowledgement</b>				
MID – 1	DILGP	a) Receive ID request (lodgement) b) Forward to technical agency for assessment (where required)	1 day starting from day of lodgement	NA
MID – 2	Technical agency	Technical agency provides recommendations to DILGP about further information requirements	10 days starting the day after DILGP forwards ID request	20 days to give acknowledgement of the request
MID – 3	DILGP	a) Give a notice to the proponent stating: <ul style="list-style-type: none"> <li>• the relevant matters listed in section 3.1(a) – (d) of the MGR; or</li> <li>• any further information that the Minister needs to consider the proposal, and the date by which this information must be given; or</li> <li>• that the Minister does not intend to further consider the infrastructure proposal.</li> </ul> b) Forward acknowledgement of the request and notify technical agency of its state interest involvement (where required)	20 days starting the day after the ID request is received	20 days to give acknowledgement of the request
<b>State interest review</b>				
MID – 4	DILGP	a) Receive draft Environmental Assessment Report (including the further information requested). b) Forward to technical agency for assessment (where required)	1 day from receiving draft Environmental Assessment Report	NA
MID – 5	Technical agency	Technical agency assessment report provided to DILGP	15 days starting the day after receiving draft Environmental Assessment Report	30 days to give state interest review outcome
MID – 6	Technical agency and DILGP	DILGP negotiate with technical agency, if required by the technical agency	6 days starting the day after receiving technical agency assessment report	30 days to give state interest review outcome
MID – 7	DILGP	a) Give notice of state interest review outcome, incorporating draft requirements b) Provide a copy to technical agency	30 days starting the day after receiving the draft Environmental Assessment Report	30 days to give state interest review outcome



## Making or amending a local government infrastructure designations

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
<b>State interest review</b>				
LGID – 8	DILGP	a) Receive draft Environmental Assessment Report (including the further information requested). b) Forward to technical agency for assessment (where required)	1 day from receiving an draft Environmental Assessment Report	NA
LGID – 9	Technical agency	Technical agency assessment report provided to DILGP	15 days starting the day after receiving draft Environmental Assessment Report	30 days to give state interest review outcome
LGID – 10	Technical agency and DILGP	DILGP negotiate with technical agency, if required by the technical agency	6 days starting the day after receiving technical agency assessment report	30 days to give state interest review outcome
LGID – 11	DILGP	a) Give notice of state interest review outcome b) Provide a copy to technical agency	30 days starting the day after receiving the draft Environmental Assessment Report	30 days to give state interest review outcome