

Appendix 2: Other jurisdictions' approaches to assessing major development applications

State	New South Wales	Victoria	Queensland	South Australia	Western Australia	Tasmania	Northern Territory	Australian Capital Territory
Relevant Act	<i>Environmental Planning and Assessment Act 1979</i>	<i>Planning and Environment Act 1987</i>	<i>The Planning Act 2016 and the Sustainable Planning Act 2009</i>	<i>The South Australian Development Act 1993</i>	<i>Planning and Development Act 2005</i>	<i>State Policies and Projects Act 1993, Land use Planning and Approvals Act 1993</i>	<i>The Planning Act</i>	<i>The Planning and Development Act 2007</i>
1. How are development proposals/applications declared to be 'state significant' or similar and 'called in' by the relevant planning minister?	By the making of a State Environmental Planning Policy under the <i>Environmental Planning and Assessment Act 1979</i> or the making of an order by the Planning Minister.	The Planning Minister can direct that applications involving a major issue of policy be referred to him for determination under the <i>Planning and Environment Act 1987</i> . Also if requested by a local council.	The Planning Minister can call in such applications having identified state interests as defined in the legislation that warrant their involvement.	The Planning Minister can gazette a development of major significance if the proposal is of major economic, social or environmental importance and the declaration is appropriate or necessary for the proper assessment of the proposal.	The Governor can declare certain development applications to be decided by a Development Assessment Panel. Minister may call in matters of 'State or regional importance' subject to review by State Administrative Tribunal (SAT).	The Planning Minister can declare applications to be of regional significance. The State Governor can declare applications to be of state significance.	Development applications for land uses of significance to strategic planning or the natural environment.	The Planning Minister can call in applications that raise issues of major policy or involve significant public benefit.
2. Who is the consent authority, taking into account any delegations, for significant or major development applications ('the applications')?	The Planning Minister for state significant development, or can be delegated to the NSW Planning Assessment Commission or the Secretary of the NSW Department of Planning and Environment or to a public authority.	The Planning Minister	The Planning Minister	The South Australian Governor for developments of major importance. The Development Assessment Commission for less significant developments.	The Development Assessment Panel (DAP). In cases where development is called in under s.246 of the Planning and Development Act, the Minister determines the application for review.	The Development Assessment Panel or the State Governor	The Planning Minister or the Development Consent Authority	The Planning Minister
3. Which authority are the applications lodged with?	The Planning Minister/the Department	The local planning authority (referred to as 'responsible authority'). This could be a Council or the Minister.	Applications must already have been lodged with the local planning authority prior to consideration for being called in.	Once declared, an application is lodged with the Minister, through the Department of Planning, Transport and Infrastructure, who then refers it to the Development Assessment Commission.	The local planning authority - the council	The Development Assessment Panel or the Tasmanian Planning Commission	Department of Infrastructure, Planning and Logistics	The Planning and Land Authority
4. Are the development applications referred to other authorities and placed on public exhibition?	Yes	Yes	Applications usually go through referral and public notification during the local planning authority's assessment, prior to being 'called in'. The Minister then determines which stage of the development assessment process their assessment commences from (typically at the decision stage).	Yes	Development applications are referred to other authorities when, those authorities are likely to be affected by the application. Not all development applications need to be advertised.	Yes	Yes	Yes
5. Who is responsible for preparing the reports (initial reports) that examine the applications in accordance with any statutory requirements and taking into account the outcomes of the consultation and advertising processes?	The Department	The responsible authority or a panel	Development Assessment Projects Team, Development Assessment Division, Planning Group	The Development Assessment Commission	The council. If the development falls within a region planning scheme reserve, it is exempt from local government approval. WA Planning Commission would be the authority that is responsible for providing a report to the DAP.	The Development Assessment Panel or the Tasmanian Planning Commission	Department of Infrastructure, Planning and Logistics and Planning Commission (if significant development report is requested)	The ACT Planning and Land Authority
6. Are the initial reports together with all associated reports placed	Yes, by the Department	No	No	Yes, for the applicant	All DAP reports are published on the DAP Secretariat's website.	No	N/A	Yes
7. Can the determining authority meet with stakeholders and/or hold public hearings?	Yes	Yes	No	No	The DAP does not meet stakeholders. Stakeholders are able to provide a presentation to the DAP at the meeting. All DAP meetings to determine a development application are open to the public.	Yes	Yes	The Minister for Planning may choose to request the Planning and Land Authority to engage with stakeholders or the public prior to making a decision.
8. Who determines the applications?	The Planning Minister, the Commission and the Department	The Planning Minister	The Planning Minister	The State Governor or the Development Assessment Commission	The Development Assessment Panel	The Development Assessment Panel or the State Governor	The Planning Minister or the Development Consent Authority	The Planning Minister
9. Are merit appeal rights available?	Yes, on the merits if no public hearing held. No, if there was a public hearing.	No	No	Not for decisions of the Governor. Yes for decisions of the Development Assessment Commission. (No merit appeal rights available for s46 proposals).	Yes. Merits review only available to an applicant who is aggrieved by the decision.	No	No	No

* 'Calling-in' of a planning application refers to the power of a Minister to make decisions on development applications.

Source: Consultant and Audit Office research.