

South Australia

State Development Coordination and Facilitation Act 2025

An Act to provide for the coordination, facilitation and promotion of development in the State for economic, social and environmental purposes, including to support transition to and economic development of net zero carbon emission industries, to establish the Coordinator General's Office, to make related amendments to the *Planning, Development and Infrastructure Act 2016* and the *Urban Renewal Act 1995*, and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *State Development Coordination and Facilitation Act 2025*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

3—Interpretation

In this Act—

approval includes an authorisation, permission, consent, licence, certificate or other authority;

AUKUS means the trilateral security partnership between Australia, the United Kingdom and the United States of America;

Commission means the State Planning Commission established under the *Planning, Development and Infrastructure Act 2016*;

coordinated project means a project declared under section 21 to be a coordinated project;

Coordinator General's Office or **CGO** means the Coordinator General's Office established under section 5;

council means a council established under the *Local Government Act 1999*;

declared project means a designated project or a project in a State development area;

designated authority means—

- (a) a person who holds an office established by an Act; or
- (b) an administrative unit; or
- (c) a council; or
- (d) an assessment panel appointed or constituted under Part 6 Division 2 of the *Planning, Development and Infrastructure Act 2016*; or
- (e) any incorporated or unincorporated body—
 - (i) established for a public purpose by an Act; or
 - (ii) established for a public purpose under an Act (other than an Act providing for the incorporation of companies or associations, co-operatives, societies or other voluntary organisations); or
 - (iii) established or subject to control or direction by the Governor, a Minister of the Crown or any instrumentality or agency of the Crown or a council (whether or not established by or under an Act); or
- (f) an entity prescribed by the regulations to be a designated authority,

but does not include an entity excluded from the ambit of this definition by the regulations;

designated project means a project declared under section 22 to be a designated project;

development has the same meaning as in the *Planning, Development and Infrastructure Act 2016*;

environment includes—

- (a) land, air, water (including both surface and underground water and sea water), organisms, ecosystems, flora, fauna, natural atmospheric cycles and processes and other features or elements of the natural environment; and
 - (b) buildings, structures and other forms of infrastructure, and cultural artefacts,
- and, in relation to an area, includes—

- (c) existing or permissible uses of land in the area; and
- (d) public health, safety or amenity in relation to the area; and
- (e) the heritage, aesthetic, Aboriginal, social and cultural values of the area;

essential infrastructure means—

- (a) essential infrastructure within the meaning of the *Planning, Development and Infrastructure Act 2016*; or
- (b) infrastructure of a kind prescribed by the regulations,

but does not include infrastructure of a kind excluded from the ambit of this definition by the regulations;

essential infrastructure works includes works of a prescribed kind in relation to essential infrastructure (or proposed essential infrastructure);

member means a person appointed as a member of CGO under section 6;

principal member means the person appointed as the principal member of CGO under section 6;

project means a development or activity (and multiple related developments or activities may constitute a single project for the purposes of this Act);

relevant project means any of the following:

- (a) a coordinated project;
- (b) a designated project;
- (c) a project in a State development area;

responsible Minister, in relation to a designated authority, means—

- (a) if the authority is a person who holds an office established by an Act or a body established by or under an Act—the Minister responsible for the administration of that Act; or
- (b) if the authority is an administrative unit—the Minister responsible for that administrative unit; or
- (c) if the authority is an assessment panel appointed or constituted under Part 6 Division 2 of the *Planning, Development and Infrastructure Act 2016*—the Minister responsible for the administration of that Act; or
- (d) in any other case—the Minister prescribed by the regulations to be the responsible Minister for the authority or, in the absence of such a regulation, the Minister responsible for the administration of this Act;

State development area means an area established as a State development area under section 23.

4—Primary principle

- (1) If the Minister or CGO (as the case may be) performs—

- (a) a prescribed function in relation to a project; or
- (b) a function under any other Act in connection with the performance of a prescribed function in relation to a project,

the Minister or CGO (as the case requires) must have regard to the economic, social and environmental outcomes of the project (for the State as a whole and in the locality of the project), in addition to any relevant objects or principles under the other Act.

- (2) In this section—

prescribed function means any of the following:

- (a) making a declaration under section 21 or 22;
- (b) making a notice under section 24(1), 25(1) or 36(3);
- (c) giving a notice under section 26(1) or (2);
- (d) publishing a plan under section 29(1);
- (e) giving a direction under section 35(2).

- (3) A reference to the Minister in subsection (1) includes a reference to a Minister acting in accordance with a designation by the Governor under paragraph (a) of the definition of *prescribed authority* in section 36(11).

Part 2—Coordinator General's Office

Division 1—Coordinator General's Office

5—Establishment of Coordinator General's Office

- (1) The Coordinator General's Office is established.
- (2) CGO is constituted as a body corporate.
- (3) The body corporate—
 - (a) is an instrumentality of the Crown; and
 - (b) has perpetual succession and common seal; and
 - (c) is capable of suing and being sued; and
 - (d) holds its property on behalf of the Crown; and
 - (e) has all the powers of an individual that are capable of being exercised by a body corporate; and
 - (f) has the functions assigned or conferred by or under this or any other Act.
- (4) If an apparently genuine document purports to bear the common seal of CGO, it is to be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal of CGO has been duly affixed to that document.

6—Constitution of CGO etc

- (1) CGO consists of 4 members nominated by the Minister and appointed by the Governor.
- (2) The Governor may appoint 1 of the members of CGO as the principal member.

Note—

The principal member may use the title "Coordinator General".

- (3) In nominating members for appointment, the Minister must ensure that at least 1 member has, in the Minister's opinion, knowledge, expertise or experience relating to AUKUS.

Note—

The member appointed on the basis of their knowledge, expertise or experience relating to AUKUS may use the title "AUKUS Coordinator".

- (4) In addition, in nominating members for appointment, the Minister must ensure, so far as is reasonably practicable, that the membership of CGO reflects an appropriate diversity of experience and perspectives (whether business, industry, government or other experience or perspectives) and should have regard to the knowledge, experience and background of each person to be nominated for appointment.
- (5) A member will be appointed on conditions determined by the Governor and for a term (not exceeding 5 years) specified in the instrument of appointment.
- (6) A member is eligible for re-appointment to CGO at the expiration of a term of office.
- (7) The Governor may, on the recommendation of the Minister, appoint a suitable person to be a deputy of a member of CGO (other than the principal member) and to act as a member of CGO during any period of absence of the member.

7—Removal from office

The Governor may remove a member of CGO from office—

- (a) for misconduct; or
- (b) for breach of, or non-compliance with, a condition of office; or
- (c) for failure or incapacity to carry out official duties satisfactorily; or
- (d) on the recommendation of the Minister.

8—Casual vacancies

The office of a member of CGO becomes vacant if the member—

- (a) dies; or
- (b) completes a term of office and is not reappointed; or
- (c) resigns by written notice to the Governor; or
- (d) is nominated for election as a member of an Australian Parliament; or
- (e) is sentenced to serve a period of imprisonment for an offence (whether against a law of this State or another jurisdiction); or
- (f) is convicted of an offence (whether against a law of this State or another jurisdiction) punishable by imprisonment; or

- (g) is disqualified from managing corporations under Chapter 2D Part 2D.6 of the *Corporations Act 2001* of the Commonwealth; or
- (h) has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors; or
- (i) in the case of a member who was a chief executive or executive employee under the *Public Sector Act 2009* at the time of their appointment—ceases to be a chief executive or executive employee; or
- (j) is removed from office by the Governor under section 7.

9—Ministerial direction

- (1) Subject to this section, the Minister may give directions to CGO.
- (2) The Minister may not give a direction to CGO if—
 - (a) CGO is making or required to make a recommendation; or
 - (b) CGO is providing or required to provide advice to the Minister or any other Minister; or
 - (c) CGO has a discretion in relation to the granting of an approval (including in relation to any assessment relating to the approval).
- (3) However, the Minister may direct CGO to cease performing a particular function.
- (4) The Minister must consult with CGO before giving a direction.
- (5) A Ministerial direction to CGO—
 - (a) must be communicated to CGO in writing; and
 - (b) must be published on a website determined by CGO as soon as is reasonably practicable after it is received and included in its annual report.

Division 2—Functions etc

10—Functions generally

- (1) The functions of CGO are—
 - (a) to facilitate and undertake the management, coordination, assessment and delivery of projects of importance to the State; and
 - (b) to identify improvements that may be made to the regulation of projects in the State; and
 - (c) to cooperate and negotiate with other jurisdictions to promote or facilitate clear, effective and efficient legislation, policies, practices, procedures and agreements for the assessment and coordination of projects; and
 - (d) to provide advice to the government on matters relating to projects in the State, including in relation to improvements identified under paragraph (b) and the function referred to in paragraph (c); and

- (e) to provide a single point of contact, coordination and support for proponents of projects in their dealings with designated authorities on a case by case basis (*case management*) and, as part of CGO's case management, to assist other designated authorities in performing their functions in relation to projects; and
 - (f) to facilitate consultation, engagement, coordination and collaboration between designated authorities, proponents, local communities and (where relevant) native title holders or registered native title claimants (both within the meaning of the *Native Title Act 1993* of the Commonwealth) in relation to the establishment of State development areas and projects (including in State development areas) and, in particular, in respect of—
 - (i) planning and land use matters; and
 - (ii) impacts of, and facilitating local communities to benefit from, projects (including in State development areas); and
 - (g) to coordinate dealings between relevant designated authorities and prospective non-government providers of essential services (within the meaning of the *Essential Services Commission Act 2002*) for the purposes of—
 - (i) assisting those providers in addressing licensing and third party access requirements relating to essential services; and
 - (ii) promoting efficiency and confidence in government decision-making, including by performing assurance functions or other functions (whether conferred by or under this Act or a designated Act in connection with this Act) in relation to such decisions; and
 - (h) to support transition to and economic development of net zero carbon emission industries and promote ecologically sustainable development; and
 - (i) to develop and promote the adoption of leading practice among designated authorities in relation to the functions referred to in the preceding paragraphs; and
 - (j) to acquire, hold, deal with and dispose of real and personal property in connection with the performance of its functions under this or any other Act; and
 - (k) to perform any other functions that are assigned to CGO by or under this or any other Act, or by the Minister.
- (2) If a function is assigned to CGO by the Minister under subsection (1)(k), CGO must, as soon as is reasonably practicable after receiving the assignment, publish a copy of it on a website determined by CGO.

11—Cooperation by designated authorities

- (1) A designated authority must seek to cooperate with CGO in the performance of CGO's functions and in the performance the designated authority's functions (insofar as may be appropriate and relevant in the circumstances).
- (2) CGO may, as it thinks fit, furnish to the Minister a report on any failure by a designated authority to comply with the requirements of subsection (1).

Division 3—Related matters

12—Procedures

- (1) Subject to this Act, the procedures of CGO (including its quorum) will be determined (from time to time) by the principal member acting on the advice of the other members of CGO.
- (2) Procedures determined under subsection (1)—
 - (a) must provide for any member of CGO who is not present when a decision of CGO is made in accordance with those procedures to be informed of the decision as soon as is reasonably practicable after it is made; and
 - (b) must provide for a quorum of CGO to include at least the principal member; and
 - (c) must be published on a website determined by CGO.
- (3) CGO must have accurate minutes kept of its meetings and ensure that a record of its decisions is maintained.

13—Minister's representative may attend meetings

- (1) A person authorised in writing by the Minister may attend (but not participate in) any meeting of CGO and may have access to papers provided to members for the purposes of the meeting.
- (2) If CGO considers that a matter dealt with at a meeting attended by a representative of the Minister should be treated for any reason as confidential, CGO may advise the Minister of that opinion giving the reason for the opinion, and the Minister may, subject to subsection (3), act on that advice as the Minister thinks fit.
- (3) If the Minister is satisfied on the basis of CGO's advice under subsection (2) that CGO owes a duty of confidence in respect of a matter, the Minister must ensure the observance of that duty in respect of the matter, but this subsection does not prevent the Minister from disclosing the matter as required in the proper performance of ministerial functions or duties.

14—Vacancies or defects in appointment of members

An act or proceeding of CGO is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

15—Disclosure of relevant interests

A member of CGO must disclose their relevant interests in accordance with Schedule 2.

16—Remuneration

A member of CGO is entitled to remuneration, allowances and expenses determined by the Governor.

17—Staff

- (1) CGO's staff consists of—
 - (a) Public Service employees assigned to assist CGO; and
 - (b) persons employed by CGO, with the consent of the Minister and on terms and conditions determined by the Minister, to assist CGO.
- (2) CGO may, by agreement with the Minister responsible for an administrative unit of the Public Service, make use of the services or staff of that administrative unit.

18—Delegation

- (1) CGO may delegate to a person (including a person for the time being performing particular duties or holding or acting in a particular position) or body a function of CGO under this or any other Act.
- (2) A delegation—
 - (a) must be by instrument in writing; and
 - (b) may be absolute or conditional; and
 - (c) does not prevent the delegator from acting in a matter; and
 - (d) is revocable at will.
- (3) A function delegated under this section may, if the instrument of delegation so provides, be further delegated in accordance with that instrument.

Part 3—Project coordination and facilitation

Division 1—Preliminary

19—Interpretation

- (1) In this Part—

designated Act means—

- (a) an Act listed in Schedule 1 as a designated Act; or
- (b) an Act prescribed by the regulations to be a designated Act;

designated decision means a decision under a designated Act, other than an excluded decision, in relation to a declared project;

designated function means a function under a designated Act, other than an excluded function, in relation to a declared project;

disallowable notice means a notice under any of the following provisions:

- (a) section 25(1);
- (b) section 36(3);
- (c) section 37(1),

that modifies or excludes the application of a designated Act (or a provision of a designated Act), and includes a notice that varies such a notice;

excluded decision means a decision under Part 7 or Parts 9 to 13 (inclusive) of the *Work Health and Safety Act 2012*;

excluded function means a function under Part 7 or Parts 9 to 13 (inclusive) of the *Work Health and Safety Act 2012*;

protected area means any of the following:

- (a) the Adelaide Park Lands as defined (from time to time) by the Adelaide Park Lands Plan under the *Adelaide Park Lands Act 2005*;
 - (b) the Arkaroola Protection Area within the meaning of the *Arkaroola Protection Act 2012*;
 - (c) an aquatic reserve within the meaning of the *Fisheries Management Act 2007*;
 - (d) a restricted access zone or a sanctuary zone both within the meaning of the *Marine Parks Act 2007*;
 - (e) a reserve within the meaning of the *National Parks and Wildlife Act 1972*;
 - (f) land to which a heritage agreement under section 23 of the *Native Vegetation Act 1991* applies;
 - (g) a wilderness protection area or a wilderness protection zone both within the meaning of the *Wilderness Protection Act 1992*;
 - (h) a River Murray Protection Area within the meaning of the *River Murray Act 2003*.
- (2) Subject to this section, a reference in this Part (other than Division 4 Subdivision 3) to a decision or function under a designated Act does not include a reference to—
- (a) a decision or function of the Governor or a Minister under a designated Act;
or
 - (b) a decision or recommendation in relation to the appointment of a person under a designated Act to an office or as a member of a body.
- (3) A reference in section 26 to a designated decision includes a reference to a designated decision for which the decision maker is a Minister.
- (4) A reference in Division 4 Subdivision 4 to an entity responsible for granting an approval under a designated Act includes a reference to a Minister responsible for granting such an approval.

20—Effect of Part etc

Except as otherwise provided by or under this Act, this Part (including a notice or other instrument under this Part) has effect according to its terms and despite any other Act or law of the State.

Division 2—Project declarations and establishment of State development areas

21—Coordinated projects

- (1) CGO may, on application or on its own initiative, by notice in the Gazette, declare that a project is a ***coordinated project***.

- (2) Before making a declaration on its own initiative under subsection (1) in relation to a project, CGO must consult with the proponent of the project on the proposed declaration.

22—Designated projects

- (1) The Minister may, on application or on the Minister's own initiative, by notice in the Gazette, declare that a project is a ***designated project*** if the Minister is satisfied that the project is of significance to the State because, in the opinion of the Minister, the project is of major economic, social or environmental importance (including, if relevant, when the project is considered in conjunction with 1 or more other projects being undertaken, or proposed to be undertaken).
- (2) The Minister cannot make a declaration on the Minister's own initiative under subsection (1) in relation to a project unless the Minister is satisfied that CGO has consulted with the proponent of the project on the proposed declaration.

23—Establishment of State development areas

- (1) The Governor may, on the recommendation of the Minister, by notice in the Gazette, establish a specified area of land as a State development area.
- (2) The Minister may only make a recommendation that a specified area of land be established as a State development area if the Minister considers it appropriate to do so, having regard to any information, material or matter prescribed by the regulations, for the purposes of—
 - (a) industrial or economic development; or
 - (b) the provision of essential infrastructure; or

Example—

Establishing essential infrastructure in an infrastructure corridor.

 - (c) the protection, conservation, ecological restoration, climate adaptation or enhancement of the environment.
- (3) The Minister may not make a recommendation that a specified area of land be established as a State development area if any part of the area of land is within a protected area.
- (4) Before making a recommendation that a specified area of land be established as a State development area, the Minister must, in accordance with any requirements of the regulations, undertake consultation on the proposed notice for a period of at least 30 business days with—
 - (a) the public generally; and
 - (b) the council or councils for the area in which the State development area is to be established; and
 - (c) prescribed persons in relation to the area (such as owners of land, including native title holders, or registered native title claimants (both within the meaning of the *Native Title Act 1993* of the Commonwealth)).

Division 3—Functions—projects generally

24—CGO may vary or specify time periods relating to certain functions

- (1) Subject to this section, CGO may, on application or on its own initiative, by notice published in the Gazette (a *section 24 notice*)—
 - (a) vary a period of time applying to the performance of a function (including the making of a decision) under a designated Act in relation to a relevant project (a *coordinated function*); or
 - (b) determine that a coordinated function is to be performed within a specified period of time.
- (2) A section 24 notice must not apply a period of time to the performance of a coordinated function, or specify a period within which a coordinated function is to be performed, unless the period applied or specified is a period ending at least 20 business days after publication of the notice.
- (3) Before publishing a section 24 notice, CGO must consult with the entity responsible for performing the coordinated function (a *responsible authority*) on the proposed notice.
- (4) A section 24 notice must—
 - (a) identify the declaration for the relevant project to which the coordinated function relates; and
 - (b) identify the coordinated function.
- (5) CGO must, as soon as is reasonably practicable after publishing a section 24 notice, give a copy of the notice to the responsible authority.
- (6) If a section 24 notice—
 - (a) varies a period of time applying to the performance of a coordinated function; or
 - (b) specifies a period of time within which a coordinated function is to be performed,the coordinated function must be performed within the period of time as varied or specified in accordance with the notice.
- (7) If a responsible authority fails to comply with subsection (6), CGO may provide a report on the matter to the Minister.
- (8) The variation or specification of a period of time by a section 24 notice under this section does not otherwise affect the application of the designated Act to the performance of the coordinated function to which the notice relates.

Division 4—Functions—declared projects

Subdivision 1—General

25—CGO may call in designated function

- (1) CGO may, on application or on its own initiative, by notice in the Gazette, call in a designated function for CGO to perform in accordance with this section.
- (2) Before acting under subsection (1), CGO must consult with the entity that has been acting in relation to the designated function (the *original entity*) on the proposed notice.
- (3) A notice under subsection (1) must—
 - (a) identify the declaration relating to the declared project to which the designated function relates; and
 - (b) identify the designated function.
- (4) CGO must, as soon as is reasonably practicable after publishing a notice under subsection (1), give a copy of the notice to the original entity.
- (5) If CGO acts under subsection (1)—
 - (a) the original entity must, at the request of CGO, provide CGO with a report relating to the consideration of the designated function by the original entity within a period specified in the request; and
 - (b) CGO, in determining whether to perform the designated function, may, as it thinks fit, do either or both of the following:
 - (i) adopt any assessment, finding or determination that was made by the original entity in respect of the designated function;
 - (ii) continue any assessment and determination required for the performance of the designated function from the stage reached immediately before CGO published the notice under subsection (1).
- (6) If an original entity fails to comply with a request under subsection (5)(a), CGO may provide a report on the matter to the Minister.
- (7) Subject to subsection (8), if CGO acts under subsections (1) and (5)—
 - (a) in performing a designated function under a designated Act—
 - (i) the function may be performed by CGO as if the function had been duly delegated to it by the original entity; and
 - (ii) CGO must consult with the original entity in relation to the performance of the function (but is not bound to comply with directions as to the performance of the function given by the original entity); and
 - (b) any provisions of the designated Act governing, or incidental to, the performance of the function must be observed by CGO as if it were the entity in whom the function is primarily vested; and

- (c) without limiting paragraph (b), CGO may perform any other function that is necessary or expedient for, or incidental to, the proper performance of the designated function identified in the notice under subsection (1); and
 - (d) any statutory provisions for appeal against or review of a designated function or a function under paragraph (c) apply in relation to the performance by CGO of the designated function or the function under paragraph (c); and
 - (e) in a case where the designated function is the making of a recommendation or giving of advice to a Minister under a designated Act and CGO makes the recommendation or gives the advice (in accordance with this section) to the relevant Minister, that Minister may make the decision to which the recommendation or advice relates without regard to any matter relevant to the making of the recommendation or giving of advice (and any requirements of the designated Act in relation to the making of the recommendation or giving of advice are taken to have been satisfied for the purposes of the relevant Minister's decision).
- (8) A notice under subsection (1) may modify or exclude the application of a designated Act (or a provision of a designated Act) to the extent that CGO considers necessary for the purposes of performing the designated function to which the notice relates, having regard to the principle set out in section 4.
- (9) If CGO is the proponent of a declared project—
 - (a) CGO cannot call in a designated function in respect of the project by notice under subsection (1); and
 - (b) the Minister may call the designated function in by notice under subsection (1) instead.
- (10) If the Minister calls a designated function in by notice under subsection (1) in accordance with subsection (9)(b), for the purposes of the performance of the designated function to which the notice relates in accordance with this section, a reference to CGO in this section will be taken to be a reference to the Minister.

26—CGO may impose, amend etc conditions on certain decisions

- (1) CGO may, by written notice given to the decision maker for a designated decision, direct the decision maker to impose such conditions on the designated decision as CGO thinks fit.
- (2) Subject to subsection (5), CGO may, by written notice given to the decision maker for a designated decision and the proponent of the declared project to which the decision relates, amend a condition relating to the designated decision.
- (3) If the decision maker for a designated decision is a Minister, CGO may only act under subsection (1) or (2) with the approval of that Minister.
- (4) Subsections (1) and (2) apply despite any provision under the designated Act regulating or limiting—
 - (a) the conditions to which a designated decision may be subject; or
 - (b) the process or manner in which such conditions may be imposed or amended.

- (5) Despite subsection (4), CGO may only amend a condition relating to a designated decision under subsection (2) if—
 - (a) CGO amends the condition in accordance with the provisions of the designated Act authorising the amendment of such a condition; or
 - (b) the person who has the benefit of the designated decision consents to the amendment; or
 - (c) in the case of an approval granted for a specified period—the amendment is to take effect on renewal or extension of the approval for a further period; or
 - (d) CGO is satisfied that the amendment—
 - (i) provides for consistency between the conditions applying to the designated decision and any requirements or conditions applying under an Act of the Commonwealth in relation to the declared project; or
 - (ii) is likely to prevent harm to a person or material environmental harm or serious environmental harm (both within the meaning of the *Environment Protection Act 1993*); or
 - (iii) is in connection with a failure by the person who has the benefit of the designated decision to comply with a requirement under an Act or law (including a condition of an approval under an Act or law); or
 - (e) in prescribed circumstances.
- (6) Before giving a notice under subsection (1) or (2), CGO must—
 - (a) in the case of a notice under subsection (1)—consult with the decision maker on the proposed notice; or
 - (b) in the case of a notice under subsection (2)—consult with the decision maker and the proponent on the proposed amendment.
- (7) If a notice under subsection (1) is given to the decision maker, the decision maker—
 - (a) must comply with a direction under subsection (1); and
 - (b) must not impose a condition on the designated decision that is inconsistent with a condition that it is directed to impose under subsection (1).
- (8) A condition imposed by a decision maker in accordance with a notice under subsection (1) is taken to be a condition validly imposed by the decision maker under the designated Act (whether or not the condition could have, but for the operation of this section, been validly imposed under the designated Act).
- (9) A condition applying to a designated decision by virtue of an amendment made in accordance with a notice under subsection (2) is taken to be a valid condition operating under the designated Act (whether or not the amendment effecting the condition could have, but for the operation of this section, been validly made under the designated Act).
- (10) CGO may, at any time, revoke—
 - (a) a condition imposed by a decision maker in accordance with a notice under subsection (1); or

- (b) a condition applying to a designated decision by virtue of an amendment made in accordance with a notice under subsection (2).

27—CGO may review certain decisions

- (1) Subject to this section, CGO may, by written notice given to a decision maker for a designated decision within 10 days after the making of the designated decision (or such longer time as is approved by the Minister), review the designated decision.
- (2) Before giving a notice under subsection (1), CGO must consult with the decision maker for the designated decision to which the notice relates on the proposed notice.
- (3) Subject to subsection (4), if a designated decision is subject to an appeal or review—
 - (a) a notice under subsection (1) cannot be given in relation to the designated decision; and
 - (b) if a notice under subsection (1) has been given in relation to the designated decision, the notice ceases to have effect (and a review by CGO under this section in accordance with the notice is taken to be discontinued).
- (4) If an appeal or review referred to in subsection (3) is dismissed, withdrawn or discontinued, CGO may give a notice under subsection (1) in relation to the designated decision (including in the case of a designated decision in respect of which a notice ceased to have effect under subsection (3)(b)) within 10 days of the dismissal, withdrawal or discontinuance of the appeal or review (or such longer time as is approved by the Minister).
- (5) A notice under subsection (1) may be given by CGO on its own initiative or on application by the person that made the original application to the decision maker for the making of the designated decision (the *proponent*).
- (6) A notice under subsection (1) must—
 - (a) identify the declaration relating to the declared project to which the designated decision relates; and
 - (b) identify the designated decision; and
 - (c) in a case where the notice is given on CGO's own initiative—also be given to the proponent.
- (7) The decision maker for a designated decision must, within 10 days of receiving a notice under subsection (1), provide CGO a written statement of the reasons for the designated decision and any document or thing in the decision maker's possession or control that may be relevant to CGO's review of the designated decision.
- (8) An internal review of a designated decision cannot be commenced or continued by the decision maker for a designated decision if the designated decision is the subject of a review under this section (and any such internal review that has commenced is taken to be discontinued).
- (9) CGO may, on a review under subsection (1)—
 - (a) affirm the designated decision; or
 - (b) vary the designated decision; or
 - (c) set aside the designated decision and—

- (i) substitute its own decision; or
 - (ii) send the matter back to the decision maker for reconsideration in accordance with any directions or recommendations that CGO considers appropriate.
- (10) A designated decision by a decision maker as affirmed or varied by CGO or a decision that CGO substitutes for a designated decision by a decision maker—
 - (a) is to be regarded, and given effect, as a decision of the decision maker; and
 - (b) subject to the regulations, is to be regarded, unless CGO specifies otherwise in its decision under subsection (9), as having effect from the time when the designated decision would have, or would have had, effect.
- (11) Without limiting subsection (10)(a), the decision maker has power to do anything necessary to implement CGO's decision.
- (12) Despite subsection (10)(a), the designated decision as affirmed, varied or substituted cannot be the subject of a review by CGO as a decision of the decision maker.
- (13) In this section—

internal review, in relation to a designated decision, means a review of the decision by the decision maker (whether under a provision of the designated Act or otherwise).

Subdivision 2—Particular functions relating to State development areas

28—State development areas—functions generally

CGO has the following functions in relation to a State development area (in addition to its other functions under this or any other Act):

- (a) to maintain general oversight of development and land use, and the cumulative impacts of development and land use, in the area;
- (b) to arrange for or undertake investigations and to prepare plans for the purposes of the management, coordination, assessment and delivery of projects in the area;
- (c) to establish plans or programs in connection with the coordinated delivery of works and essential infrastructure in the area;
- (d) to make recommendations to the Minister or Governor in relation to the undertaking of works in the area (whether by CGO, a designated authority or another entity);
- (e) to develop and maintain reports, material or information relating to environmental, social and economic considerations and impacts in the area to inform the monitoring of impacts and assessment of projects in, and sustainable management of, the area;
- (f) any other functions assigned to CGO in relation to a State development area by or under this Act or a designated Act.

29—State development areas—planning functions

- (1) CGO may, by notice in the Gazette, publish a State development area plan that—
 - (a) provides for the types of land uses and scale of development intended for the area; and
 - (b) identifies—
 - (i) existing essential infrastructure within the area; and
 - (ii) essential infrastructure required in the area; and
 - (iii) any significant environmental values in relation to the area; and
 - (c) provides for other matters relating to development within the area, including in relation to requirements under Part 15 Division 2 of the *Planning, Development and Infrastructure Act 2016*; and
 - (d) contains a statement of relevant economic, social and environmental policy objectives for the area, including—
 - (i) a statement of how the provisions of the plan promote those objectives (such as by providing for certain land uses, essential infrastructure and open space); and
 - (ii) details as to how conditions might be imposed on designated decisions made in respect of projects in the area, or costs in connection with such projects might be recovered, for the purposes of promoting those objectives; and
 - (e) addresses, adopts or incorporates any other matter specified by the Minister.
- (2) Before publishing a State development area plan, CGO must, in accordance with any requirements of the regulations, undertake consultation on the proposed plan for a period of at least 20 business days with—
 - (a) the public generally; and
 - (b) the council or councils for the area comprising the State development area; and
 - (c) prescribed persons in relation to the area (such as owners of land, including native title holders, or registered native title claimants (both within the meaning of the *Native Title Act 1993* of the Commonwealth)).
- (3) A State development area plan is a public document of which a court or tribunal will take judicial notice, without formal proof of its contents.

Subdivision 3—Interaction with other Acts

30—Division of land etc in State development area

- (1) A relevant authority (within the meaning of the *Planning, Development and Infrastructure Act 2016*) must accept that a proposed division of land in a State development area satisfies the conditions specified in section 102(1)(c) or (d) of the *Planning, Development and Infrastructure Act 2016* to the extent that such satisfaction is certified by CGO.

- (2) Any requirement imposed by a relevant authority under Part 15 Division 2 of the *Planning, Development and Infrastructure Act 2016* must be consistent with any provision of a State development area plan under section 29(1)(c).

31—Impact assessed development

- (1) The Minister may, on application or on the Minister's own initiative, by notice in the Gazette, declare that—
 - (a) a declared project; or
 - (b) development that is part of a declared project,will be taken to be development that falls within the category of impact assessed development for the purposes of the *Planning, Development and Infrastructure Act 2016*.
- (2) Before publishing a notice under subsection (1), the Minister must consult with CGO.
- (3) If the Minister makes a declaration under subsection (1), Part 7 Division 2 Subdivision 4 of the *Planning, Development and Infrastructure Act 2016* (other than section 110) applies in relation to the project as if—
 - (a) a reference to the Commission in sections 112, 113(9) to (12) (inclusive) and 114(3) were a reference to CGO; and
 - (b) a reference to the Commission in a practice direction published by the Commission in accordance with section 109 relating to a function of the Commission in connection with a provision referred to in paragraph (a) were a reference to CGO.
- (4) For the purposes of the *Planning, Development and Infrastructure Act 2016*, a declaration under subsection (1) will be treated as if it were a declaration by the Minister under section 108(1)(c) of that Act.
- (5) Despite any other provision of this Act, a disallowable notice cannot modify or exclude a provision of sections 112 to 114 (inclusive) of the *Planning, Development and Infrastructure Act 2016* in relation to development the subject of a declaration under subsection (1).

32—Assessment of essential infrastructure and State agency development

- (1) The Minister may, by notice in the Gazette, on application or on the Minister's own initiative, in relation to a declared project make either of the following declarations:
 - (a) a declaration that an application for an approval under section 130 of the *Planning, Development and Infrastructure Act 2016* for development of a kind referred to in section 130(1) of that Act relating to a declared project may be made to CGO (instead of the Commission);
 - (b) a declaration that an application for an approval under section 131 of the *Planning, Development and Infrastructure Act 2016* for development of a kind referred to in section 131(2) of that Act relating to a declared project may be made to CGO (instead of the Commission).
- (2) Before publishing a notice under subsection (1), the Minister must consult with CGO.

- (3) If—
- (a) the Minister makes a declaration under subsection (1)(a), section 130 of the *Planning, Development and Infrastructure Act 2016* applies in relation to the development as if a reference to the Commission were a reference to CGO; and
 - (b) the Minister makes a declaration under subsection (1)(b), section 131 of the *Planning, Development and Infrastructure Act 2016* applies in relation to the development as if a reference to the Commission were a reference to CGO.
- (4) Despite any other provision of this Act, a disallowable notice cannot modify or exclude—
- (a) a provision of section 130 of the *Planning, Development and Infrastructure Act 2016* in relation to a declared project the subject of a declaration under subsection (1)(a); or
 - (b) a provision of section 131 of the *Planning, Development and Infrastructure Act 2016* in relation to a declared project the subject of a declaration under subsection (1)(b).

33—Applications for prescribed approvals under *Mining Act 1971* or certain designated Acts

- (1) Subject to this section, the Minister may, on application or on the Minister's own initiative, by notice in the Gazette, declare that an application for a prescribed approval in relation to a declared project, may be made to CGO (instead of the person to whom the application would otherwise be required to be made under the *Mining Act 1971* or designated Act prescribed under paragraph (d) of the definition of **prescribed approval** (a **relevant designated Act**)).
- (2) Before publishing a notice under subsection (1), the Minister must consult with CGO.
- (3) A declaration cannot be made under subsection (1) in relation to an application for a prescribed approval that would (but for the declaration) be required to be made to a Minister unless that Minister consents to the making of the declaration.
- (4) If the Minister makes a declaration under subsection (1) in relation to—
- (a) an application for a prescribed approval under the *Mining Act 1971*, the relevant Part of that Act applies in relation to the application for the prescribed approval (and the granting of the approval) as if a reference to the Minister were a reference to CGO; or
 - (b) an application for a prescribed approval of a kind referred to in paragraph (d) of the definition of **prescribed approval**, the regulations may provide that a prescribed provision of the relevant designated Act applies in relation to the application for the prescribed approval (and the granting of the approval) as if a reference in the prescribed provision to a person identified in the regulations were a reference to CGO.
- (5) Despite any other provision of this Act, if a declaration is made under subsection (1) relating to an application for a prescribed approval, a disallowable notice cannot, in relation to the project the subject of the declaration, modify or exclude—
- (a) in the case of an application for a prescribed approval under the *Mining Act 1971*—a provision of the relevant Part of that Act; or

- (b) in the case of an application for a prescribed approval of a kind referred to in subsection (4)(b)—a prescribed provision of the relevant designated Act.
- (6) If CGO publishes a declaration under subsection (1), the Minister must, within 6 sitting days after publication of the declaration, cause a copy of the declaration to be laid before—
 - (a) if the Minister is a Member of Parliament—the House of Parliament of which the Minister is a Member; or
 - (b) in any other case—the House of Assembly.
- (7) If either House of Parliament passes a resolution disallowing a declaration laid before it under subsection (6), the declaration will cease to have effect.
- (8) A resolution of a House of Parliament is not effective for the purposes of subsection (7) unless the resolution is passed within 14 sitting days (which need not fall within the same session of Parliament) after the day on which the declaration was laid before the House under subsection (6).
- (9) Nothing in this section affects the validity of a declaration under subsection (1) disallowed under this section before the passing of the disallowance resolution.
- (10) In this section—

prescribed approval means—

 - (a) an approval under Parts 6 to 8A (inclusive) of the *Mining Act 1971*; or
 - (b) an approval under Part 8B Division 7 of the *Mining Act 1971*; or
 - (c) an approval under Part 10A of the *Mining Act 1971* that relates to an exploration licence; or
 - (d) an approval of a prescribed kind under a designated Act prescribed by the regulations for the purposes of this definition;

prescribed provision, of a relevant designated Act, means a provision of the relevant designated Act prescribed by the regulations for the purposes of this definition.

Subdivision 4—Expedited approval where regulatory requirements satisfied

34—Definitions

In this Subdivision—

facilitated project—see section 35(1);

facilitation certificate means a certificate issued by a responsible entity under section 35(11)(b);

responsible entity—see section 35(2);

statement of regulatory requirements—see section 35(2).

35—Statement of regulatory requirements for facilitated projects

- (1) CGO may, for the purposes of promoting development in the State, prepare and adopt a proposal for a project in a State development area (a **facilitated project**).

- (2) Subject to subsection (4), CGO may direct an entity that would, but for the operation of this Subdivision, be responsible for granting an approval under a designated Act in relation to a facilitated project (a *responsible entity*) to prepare a *statement of regulatory requirements* in relation to the facilitated project.
- (3) A direction under subsection (2) may—
 - (a) require a responsible entity to prepare a statement of regulatory requirements within a period specified by CGO; and
 - (b) include requirements relating to the form of a statement of regulatory requirements.
- (4) CGO must, at least 14 days before giving a direction under subsection (2) to a responsible entity, give a copy of the proposed direction to the responsible entity.
- (5) For the purposes of subsection (2), CGO must—
 - (a) provide any information (including plans, drawings, specification or other documents) relating to the facilitated project that the responsible entity reasonably requires for the preparation of the statement of regulatory requirements; and
 - (b) comply with any other requirements determined by the Minister.
- (6) A statement of regulatory requirements relating to a facilitated project must—
 - (a) contain a description of the project; and
 - (b) specify the requirements of the designated Act to which the statement relates that the project must satisfy (if the project were to be constructed, installed or delivered in accordance with the information provided by CGO), and in doing so the responsible entity may specify conditions that the responsible entity proposes should be imposed on an approval for the project; and
 - (c) address any other matter considered appropriate by the responsible entity or specified by CGO in a direction under subsection (2).
- (7) After preparing a statement of regulatory requirements, the responsible entity must give a copy of the statement to CGO.
- (8) CGO must undertake consultation on the statement of regulatory requirements for a period determined by CGO (which must be at least 28 days) in such manner as CGO thinks fit.
- (9) Consultation under subsection (8) must include consultation with—
 - (a) the Minister responsible for the administration of the designated Act; and
 - (b) any entity (including, for example, a council) CGO considers would be affected by the facilitated project to which the statement of regulatory requirements relates such that the entity should be consulted.
- (10) After consultation on a statement of regulatory requirements under this section, the responsible entity that prepared the statement may make any changes to the statement that it considers appropriate, provided that such changes are made within 10 business days after the end of the period determined under subsection (8).

- (11) The responsible entity must, as soon as is reasonably practicable after the end of the period determined under subsection (8) (taking into account the period for making any changes referred to in subsection (10) (if relevant))—
 - (a) publish the statement of regulatory requirements in accordance with any requirements of CGO; and
 - (b) if the responsible entity considers that the facilitated project meets the requirements of the designated Act, including on the basis of the imposition of conditions (if the project were to be constructed, installed or delivered in accordance with the information provided by CGO)—issue a certificate (a **facilitation certificate**) to that effect and publish it in accordance with any requirements of CGO.
- (12) If a responsible entity fails to comply with a direction under this section, CGO may provide a report on the matter to the Minister.
- (13) The regulations may prescribe additional requirements with respect to the preparation of a statement of regulatory requirements or facilitation certificate.

36—Expedited approvals where facilitation certificate issued

- (1) If a responsible entity has issued a facilitation certificate for a facilitated project, a person may apply to the prescribed authority for an approval under a designated Act in relation to the facilitated project in accordance with this section.
- (2) The facilitated project the subject of an application under this section may involve such variations from the facilitated project for which the facilitation certificate was issued as are permitted by the prescribed authority, provided that the prescribed authority is satisfied that the essential nature of the facilitated project is not changed.
- (3) Subject to this section, the prescribed authority may, by notice in the Gazette, grant the applicant an approval under a designated Act in relation to the facilitated project.
- (4) Before granting an approval under subsection (3), the prescribed authority must give the responsible entity a copy of the application and the responsible entity must, within 10 business days of receiving the copy of the application (or such longer period as is allowed by the prescribed authority)—
 - (a) in all cases—provide advice to the prescribed authority on the application, including, in the case of an application involving variations of a kind referred to in subsection (2), whether the responsible entity is satisfied that the essential nature of the facilitated project is not changed as a result of the variations; and
 - (b) if the responsible entity is a Minister—state whether or not they consent to the granting of the approval.
- (5) If the responsible entity advises the prescribed authority that it considers that the essential nature of the facilitated project is changed as a result of variations of a kind referred to in subsection (2), the prescribed authority must—
 - (a) give the applicant an opportunity to amend the application to address the responsible entity's advice; and
 - (b) give the responsible entity a copy of the amended application (and subsection (4) applies to the amended application as if it were an original application).

- (6) If the responsible entity refuses to consent to the granting of an approval in accordance with subsection (4)(b), the prescribed authority must refuse the application for approval.
- (7) Subject to anything to the contrary in a notice under subsection (3), in granting an approval under a designated Act in accordance with this section—
 - (a) the prescribed authority may grant the approval as if the function of granting the approval had been duly delegated to it by the responsible entity; and
 - (b) despite paragraph (a) but subject to paragraphs (c) and (d)—
 - (i) the prescribed authority is not required to comply with any relevant requirement under the designated Act specified in the notice that would otherwise apply to the granting of the approval (and, for the purposes of granting the approval, such a relevant requirement is taken to be satisfied by consultation under section 35); and
 - (ii) any other provision of the designated Act governing, or incidental to, granting the approval does not apply to the prescribed authority in granting the approval; and
 - (c) the prescribed authority may perform any other function that is necessary or expedient for, or incidental to, granting the approval, including (pursuant to a provision in the designated Act authorising the imposition of conditions on approvals) imposing conditions on the approval; and
 - (d) any statutory provisions for appeal against or review of the granting of the approval or the performance of a function under paragraph (c) apply in relation to the granting of the approval or performance of the function by the prescribed authority.
- (8) If the prescribed authority, in acting under subsection (7)(c), imposes conditions on an approval, the prescribed authority may include conditions—
 - (a) for the purposes of promoting the principle set out in section 4 (in addition to any relevant objects of the designated Act under which the approval is granted); or
 - (b) directed at ensuring that the applicant or any other person benefitting from the approval makes adequate financial provision for—
 - (i) the management or rehabilitation of land in connection with the facilitated project; and
 - (ii) payment of the reasonable administrative costs in connection with this Subdivision of CGO, the responsible entity and the prescribed authority; or
 - (c) for the purposes of assisting the local community affected by the facilitated project to benefit from it.
- (9) A notice under subsection (3) may apply, modify or exclude the operation of the designated Act (or a provision of the designated Act) in relation to the granting of the approval under the designated Act in accordance with this section, having regard to the principle set out in section 4.
- (10) A copy of a notice under subsection (3) must be given to the applicant for approval.

(11) In this section—

prescribed authority, in relation to granting an approval under a designated Act in accordance with this section, means—

- (a) if the responsible entity under the designated Act to which the approval relates is the Minister responsible for the administration of this Act—the Minister designated by the Governor by notice in the Gazette; or
- (b) in any other case—
 - (i) if the applicant for approval is CGO—the Minister; or
 - (ii) if the applicant for approval is any other person—CGO;

relevant requirement, in relation to granting an approval under a designated Act in accordance with this section, means—

- (a) a period of time under the designated Act relating to the granting of the approval; or
- (b) a process, procedure or step in connection with the granting of the approval; or
- (c) any other requirement of a kind prescribed by the regulations.

Subdivision 5—Other functions

37—CGO may be authorised to undertake essential infrastructure works

- (1) The Minister may, by notice in the Gazette, authorise CGO to undertake essential infrastructure works for the purposes of a declared project.
- (2) An authorisation under subsection (1) may—
 - (a) modify or exclude the application of a designated Act (or a provision of a designated Act) in connection with the performance of a function in accordance with the authorisation; and
 - (b) be made subject to such conditions as the Minister thinks fit.
- (3) In acting under subsection (2)(a), the Minister must have regard to the principle set out in section 4.

38—Entry onto land etc

- (1) A person authorised in writing by CGO may, for a designated purpose—
 - (a) enter and pass over any land; and
 - (b) bring onto any land any vehicles, plant or equipment; and
 - (c) temporarily occupy land; and
 - (d) undertake investigations, tests, examinations or other preparatory assessments on land; and
 - (e) if the purpose of the entry or temporary occupation of the land is to undertake essential infrastructure works under section 37—do anything else reasonably required in connection with undertaking essential infrastructure works.

- (2) A person must, at least 7 days before entering land under subsection (1), give notice to the owner and occupier of the land.
- (3) A person entering land under subsection (1) must, at the request of the owner or occupier of the land, display for the inspection of the owner or occupier their authorisation to perform functions under that subsection.
- (4) A person must not, without reasonable excuse, hinder or obstruct a person performing a function under this section.
Maximum penalty: \$20 000.
- (5) If an owner of land suffers loss or damage as a result of a person entering or temporarily occupying land in accordance with an authorisation by CGO under this section, the owner is entitled to compensation.
- (6) An owner entitled to compensation under subsection (5) may make a claim for compensation from the person who entered or temporarily occupied the land (the **respondent**) by notice given in accordance with any requirements of the regulations.
- (7) If no agreement is reached on the amount of compensation payable in accordance with a claim after the expiration of 3 months from the day on which a notice is given under subsection (6), either the owner of the land or the respondent may refer the matter to the Supreme Court for determination.
- (8) The Supreme Court will, on the reference of any such matter and in accordance with the rules of the Supreme Court, determine the amount of compensation that should be paid by the respondent, and order the payment of that amount to the owner of the land.
- (9) This section does not limit or derogate from the functions of CGO or another entity under this or any other Act.
- (10) If an owner of land suffers loss or damage as a result of a person entering or temporarily occupying land under this section, the Minister must pay the reasonable costs incurred by the owner for either or both of the following:
 - (a) the owner obtaining an assessment by a qualified valuer of the loss or damage suffered;
 - (b) the owner obtaining legal advice for the purposes of making a claim under this section for compensation.
- (11) In subsection (10)—
qualified valuer means—
 - (a) a qualified valuer under the *Land Valuers Act 1994*; or
 - (b) a valuer with qualifications or experience of a kind prescribed by the regulations.
- (12) In this section—
designated purpose means the purpose of—
 - (a) assisting the Minister in making a recommendation that a specified area of land be established as a State development area; or
 - (b) preparing a State development area plan under section 29; or
 - (c) preparing a statement of regulatory requirements under section 35; or

- (d) undertaking essential infrastructure works under section 37;

owner, in relation to land, means a person having an estate or interest (legal or equitable) in land and includes a person having any easement, right, power or privilege over, affecting or in connection with, land.

39—Compulsory acquisition of land

- (1) CGO may, with the consent of the Minister, acquire land under this section where CGO considers that the acquisition of the land is reasonably necessary in connection with—
- (a) essential infrastructure works under this Division; or
 - (b) a State project (within the meaning of section 40); or
 - (c) a designated project.
- (2) The *Land Acquisition Act 1969* applies to the acquisition of land in accordance with this section.

Note—

The application of the *Land Acquisition Act 1969* includes the power to enter and temporarily occupy land under that Act (see Part 5 of the *Land Acquisition Act 1969*) in connection with the acquisition of land in accordance with this section.

- (3) Nothing in this section limits the power of CGO to acquire land, or an interest in land, by agreement.

40—CGO may take over State projects

- (1) CGO may, with the approval of the Minister—
- (a) take over responsibility for a State project; or
 - (b) take over or undertake any work required for, or in connection with, a State project.
- (2) An approval under subsection (1) may be given subject to such conditions as the Minister thinks fit.
- (3) The Minister may, in connection with an approval under subsection (1), by notice in the Gazette, direct a State agency to transfer any assets, rights or liabilities that have been established or accrued as part of a State project to CGO.
- (4) In this section—

State agency means—

- (a) an agency or instrumentality of the Crown (including a Department or administrative unit of the State); or
- (b) another entity acting under the express authority of the Crown;

State project means a declared project that is to be carried out (or is being carried out) by, or that involves, a State agency and that is identified by the Minister by notice in the Gazette.

41—Revocation of community land classification for land acquired

- (1) Subject to subsection (2), community land may be disposed of by a council, with the approval of CGO, in connection with the acquisition of the land for the purposes of a declared project.
- (2) CGO must, before giving an approval under subsection (1), undertake public consultation on the proposed disposal for a period of at least 20 business days in accordance with any requirements of the regulations.
- (3) In connection with subsection (1), if community land is acquired for the purposes of a declared project (whether by agreement or otherwise and whether under this Act or under a designated Act in connection with this Act), the classification of the land as community land under the *Local Government Act 1999* is taken to be revoked at the time at which the acquisition takes effect (and such revocation has effect for the purposes of that Act).
- (4) If the classification of land as community land under the *Local Government Act 1999* is taken to be revoked by virtue of the operation of subsection (3), CGO must publish a notice in the Gazette that identifies the land and states that its classification as community land has been revoked.
- (5) In this section—

community land means land classified as community land under Chapter 11 Part 1 Division 3 of the *Local Government Act 1999*.

Division 5—Other matters

42—Disallowable notices—protected areas and general environmental duty

Despite any other provision of this Part, a disallowable notice cannot—

- (a) in relation to a protected area under a designated Act—
 - (i) exclude (or have the effect of excluding) the application of the designated Act in the protected area; or
 - (ii) modify the boundaries of the protected area; or
 - (iii) abolish (or have the effect of abolishing) the protected area; or
- (b) affect the operation of section 25 of the *Environment Protection Act 1993*.

43—Disallowable notices—consultation and publication

- (1) Despite any other provision of this Part, a disallowable notice cannot be made without the approval of the Minister responsible for the administration of the designated Act to which the notice relates.
- (2) Before a disallowable notice is published, the person authorised to make the notice must, in accordance with any requirements of the regulations, consult on the notice for a period (of at least 10 business days) determined by the person with any entity (including, for example, a council) the person considers would be affected by the proposed disallowable notice such that the entity should be consulted.

44—Disallowable notices—Parliamentary scrutiny

- (1) If a disallowable notice is published, the person authorised to make the notice must, as soon as is reasonably practicable after publication of the notice (and in any event within 7 days of publication), prepare a report on the disallowable notice and (in the case of a disallowable notice made by a person other than the Minister) provide a copy of the report to the Minister.
- (2) The Minister must cause a copy of a disallowable notice and the related report to be laid before both Houses of Parliament within 6 sitting days after publication of the disallowable notice.
- (3) If either House of Parliament passes a resolution disallowing a disallowable notice laid before it under subsection (2), the disallowable notice will cease to have effect.
- (4) A resolution of a House of Parliament is not effective for the purposes of subsection (3) unless the resolution is passed within 14 sitting days (which need not fall within the same session of Parliament) after the day on which the disallowable notice was laid before the House under subsection (2).
- (5) Nothing in this section affects the validity of a disallowable notice disallowed under this section before the passing of the disallowance resolution.

Part 4—Miscellaneous

45—Limitation on time allowed for appeal or review of decisions

Despite anything to the contrary in this or any other Act, the following provisions apply to an application for appeal against or review of a decision made in connection with the operation or administration of this Act (whether under this Act or under a designated Act in connection with this Act):

- (a) if the time allowed for the making of the application for appeal against or review of the decision (but for the operation of this section) is more than 20 business days after the making of the decision—the application cannot be made more than 20 business days after the making of the decision;
- (b) if the time allowed for the making of the application for appeal against or review of the decision is 20 business days or fewer after the making of the decision—the application cannot be made after the expiry of the time so allowed.

46—Certain applicants to provide reports, information or material

- (1) An applicant in respect of a relevant application (a *regulated applicant*) must—
 - (a) at the prescribed times; and
 - (b) at any other time on the written request of CGO,provide any report, information or material of a kind prescribed by the regulations in accordance with the requirements prescribed by the regulations.
- (2) A regulated applicant must keep all reports, information or material required to be provided under this section—
 - (a) in a form approved by CGO; and

- (b) in a place that complies with the requirements determined by CGO; and
- (c) for a period approved by CGO.

Maximum penalty: \$10 000.

- (3) If a report, information or material is provided under this section, CGO may retain, use or release the report, information or material in accordance with the requirements prescribed by the regulations.
- (4) A regulated applicant must, on the written request of CGO, provide a report verifying information or material provided to CGO under this section.
Maximum penalty: \$10 000.
- (5) A report under subsection (1) or (4), and any information or material required to be provided under this section must, if CGO so requires, be verified by an independent person with qualifications, and in a manner, specified by CGO.
- (6) Any cost associated with a requirement under this section will be borne by the regulated applicant.
- (7) If a requirement under this section is not complied with, CGO may take action to obtain the relevant information or material, or to obtain the verification, so required.
- (8) The reasonable costs and expenses incurred by CGO taking action under subsection (7) constitute a debt due to the Crown.
- (9) This section is in addition to, and does not limit, a requirement to provide a report, information or material under another Act or law.
- (10) In this section—

relevant application means—

- (a) an application for an approval under a designated Act in connection with a relevant project; or
- (b) an application or request to CGO (whether written or otherwise) for CGO to perform a function under Part 3 in connection with a relevant project.

47—Provision of information

- (1) CGO may, by written notice served on a designated authority, require the designated authority to give CGO, within a reasonable time specified in the notice, information in its possession that CGO requires for the performance of CGO's functions under this Act.
- (2) If a designated authority (other than a council) refuses or fails to comply with a notice under subsection (1), CGO may, after consultation with the designated authority—
 - (a) report the refusal or failure to the responsible Minister and to the Premier; and
 - (b) include details of the refusal or failure in the annual report of CGO under section 51.
- (3) If a council refuses or fails to comply with a notice under subsection (1)—
 - (a) CGO may, after consultation with the council, report the refusal or failure to the Minister responsible for the administration of the *Local Government Act 1999*; and

- (b) that Minister may, on the basis of the refusal or failure, take action under section 272 of that Act.

48—Confidentiality

- (1) CGO, and any person appointed or engaged (or formerly appointed or engaged) to perform functions under this Act, must not disclose information provided on a confidential basis or obtained under section 46 or 47 except—
 - (a) for the purposes of a report under this Act or as is otherwise reasonably required for the proper performance of CGO's functions; or
 - (b) as authorised by the person from whom the information was obtained; or
 - (c) as authorised or required by a court or tribunal constituted by law; or
 - (d) as required under any other Act or law; or
 - (e) as authorised by the regulations (including, in the case of information provided under section 46, regulations made for the purposes of section 46(3)).

Maximum penalty: \$10 000.

- (2) The provision of information to CGO in accordance with this Act is lawful for the purposes of any other Act or law that would otherwise operate to prohibit that provision (a *confidentiality requirement*) (whether or not the confidentiality requirement is subject to specified qualifications or exceptions).

49—Amendment of notices etc

A notice published in the Gazette under this Act by the Governor, Minister or CGO (as the case may be) may be amended or repealed by the Governor, Minister or CGO (as the case requires) by further notice in the Gazette.

50—Recovery of costs

- (1) CGO may recover, as a debt due from a proponent of a project, reasonable costs incurred by CGO in relation to the performance of a function for the purposes of the project.
- (2) Before acting under subsection (1), CGO must obtain the consent of the proponent.

51—Annual report

- (1) CGO must, on or before 30 September in each year, prepare and deliver to the Minister a report on its operations during the previous financial year.
- (2) The Minister must, within 12 sitting days after receiving a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

52—Regulations and fee notices

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Without limiting subsection (1), the regulations may make provision in relation to the establishment of a charter for community engagement for the purposes of consultation required to be undertaken in accordance with this Act or the regulations.

- (3) The regulations may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the matters or circumstances to which they are expressed to apply; and
 - (c) make provisions of a saving or transitional nature consequent on the enactment of this Act or on the commencement of specified provisions of this Act or on the making of regulations under this Act; and
 - (d) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or any other specified entity.
- (4) The Minister may prescribe fees for the purposes of this Act by fee notice under the *Legislation (Fees) Act 2019*.
- (5) A fee notice may provide for the waiver, reduction or remission of fees.

Schedule 1—Designated Acts

The Acts set out in the list below are *designated Acts* for the purposes of this Act:

Aquaculture Act 2001;
Coast Protection Act 1972;
Dangerous Substances Act 1979;
Development Act 1993;
Electricity Act 1996;
Energy Resources Act 2000;
Environment Protection Act 1993;
Essential Services Commission Act 2002;
Explosives Act 1936;
Gas Act 1997;
Harbors and Navigation Act 1993;
Heritage Places Act 1993;
Highways Act 1926;
Hydrogen and Renewable Energy Act 2023;
Land Acquisition Act 1969;
Landscape South Australia Act 2019;
Local Government Act 1999;
Mining Act 1971;
Native Vegetation Act 1991;
Offshore Minerals Act 2000;
Pastoral Land Management and Conservation Act 1989;

Petroleum (Submerged Lands) Act 1982;
Planning, Development and Infrastructure Act 2016;
Rail Commissioner Act 2009;
Roads (Opening and Closing) Act 1991;
Safe Drinking Water Act 2011;
South Australian Water Corporation Act 1994;
Urban Renewal Act 1995;
Water Industry Act 2012;
Whyalla Steel Works Act 1958;
Work Health and Safety Act 2012.

Schedule 2—Disclosure of relevant interests

1—Interpretation

(1) In this Schedule—

associate, of a member, means—

- (a) a member of the member's family; or
- (b) a family company of the member; or
- (c) a trustee of a family trust of the member; or
- (d) a person who is an associate of the member within the meaning of the regulations;

family, in relation to a member of CGO, means—

- (a) a spouse or domestic partner of the member; or
- (b) a child of the member who is under the age of 18 years and normally resides with the member;

family company of a member of CGO means a proprietary company—

- (a) in which the member or a member of the member's family is a shareholder; and
- (b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of the company;

family trust of a member of CGO means a trust (other than a testamentary trust)—

- (a) of which the member or a member of the member's family is a beneficiary; and
- (b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together;

relevant interest means an interest of a kind prescribed by the regulations for the purposes of this Schedule.

- (2) For the purposes of this Schedule, a person who is the object of a discretionary trust is to be taken to be a beneficiary of that trust.

2—Disclosure of relevant interests

- (1) A member of CGO must—
 - (a) within 20 business days of appointment, submit to the Minister a return in the form determined by the Minister relating to the member's relevant interests in accordance with any requirements of the Minister; and
 - (b) on a periodic basis determined by the Minister (which must be at least biannually), submit to the Minister a periodic return in the form determined by the Minister relating to the member's relevant interests in accordance with any requirements of the Minister.
- (2) Without limiting subclause (1), a member of CGO will be taken to have a relevant interest for the purposes of this clause if an associate of the member has that interest.
- (3) A member of CGO who has submitted a return under this Schedule may at any time notify the Minister of a change or variation in the information appearing on the register in respect of the member.

3—Register

- (1) The Minister must maintain a register of interests and cause to be entered in the register all information submitted under this Schedule.
- (2) The register must be made available electronically for inspection by members of the public.
- (3) A person is entitled, on payment of a fee determined by the Minister, to a copy of the register.

4—Compliance with Schedule

- (1) A member of CGO who contravenes a requirement under this Schedule is guilty of an offence.
Maximum penalty: \$10 000.
- (2) A member of CGO who submits a return under this Schedule that is to the knowledge of the member false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence.
Maximum penalty: \$10 000.

5—Restrictions on publication

- (1) A person must not—
 - (a) publish information derived from a register under this Schedule unless the information constitutes a fair and accurate summary of the information contained in the register and is published in the public interest; or
 - (b) comment on the facts set out in a register under this Schedule unless the comment is fair and published in the public interest and without malice.

- (2) If information or comment is published by a person in contravention of subclause (1), the person, and any person who authorised the publication of the information or comment, is guilty of an offence.

Maximum penalty: \$10 000.

Schedule 3—Related amendments

Part 1—Amendment of *Planning, Development and Infrastructure Act 2016*

1—Amendment of section 3—Interpretation

Section 3(1)—after the definition of *business day* insert:

CGO means the Coordinator General's Office established under the *State Development Coordination and Facilitation Act 2025*;

2—Amendment of section 75—Complying changes—Planning and Design Code

Section 75—after subsection (2) insert:

- (2a) The Minister may initiate or agree to an amendment to the Planning and Design Code if—
- (a) the amendment comprises a change to—
 - (i) the boundary of a zone or subzone; or
 - (ii) the application of an overlay; and
 - (b) the amendment is consistent with a proposed amendment set out in a scheme initiated under section 163A in relation to the provision of primary infrastructure and adopted under section 167 that, through the use of—
 - (i) specific maps or other spatial information; and
 - (ii) specific information about the changes that are being proposed,clearly and expressly identifies (in the opinion of the Minister) the changes that are considered to be appropriate.

3—Amendment of section 76—Minor or operational amendments

- (1) Section 76—after subsection (2) insert:
- (2a) CGO may, by notice published in the Gazette, amend a designated instrument to provide for planning or development matters in a State development area, including—
- (a) for the purposes of a project, development or other works in a State development area under the *State Development Coordination and Facilitation Act 2025*; or

- (b) to provide consistency between the designated instrument and a State development area plan under the *State Development Coordination and Facilitation Act 2025*; or
 - (c) in connection with the abolition of a State development area under the *State Development Coordination and Facilitation Act 2025* (by the repeal of the notice establishing the area).
- (2) Section 76(4)—after "Minister" insert:
or CGO (as the case requires)
- (3) Section 76—after subsection (4) insert:
 - (4a) CGO must, before making an amendment under subsection (2a), undertake public consultation on the proposed amendment for a period of at least 20 business days in accordance with any requirements of the regulations.

4—Amendment of section 94—Relevant authority—Commission

- (1) Section 94(1)(h)—delete paragraph (h) and substitute:
 - (h) where, by notice served on the proponent—
 - (i) the Minister calls the proposed development in for assessment under this paragraph on a ground set out in subsection (2); or
 - (ii) CGO calls the proposed development in for assessment under this paragraph on a ground set out in subsection (2) (other than paragraph (b)).
- (2) Section 94(2)(a)—after "Minister" first occurring insert:
or CGO (as the case requires)
- (3) Section 94(2)(a)—after "Minister" second occurring insert:
or CGO
- (4) Section 94(2)(a)(iv)—after "Minister" wherever occurring insert:
or CGO
- (5) Section 94(2)(c) to (g)—after "Minister" wherever occurring insert:
or CGO (as the case requires)
- (6) Section 94(3)—after "Minister" insert:
or CGO
- (7) Section 94(3)(b)(ii)—after "Minister" insert:
or CGO (as the case requires)

5—Amendment of section 108—Categorisation

Section 108(1)—after paragraph (c) insert:
; or

- (d) it is declared under the *State Development Coordination and Facilitation Act 2025* as being *impact assessed development*.

6—Amendment of section 162—Interpretation

- (1) Section 162(1)—after the definition of ***basic infrastructure*** insert:

declared project has the same meaning as in the *State Development Coordination and Facilitation Act 2025*;

primary infrastructure means—

- (a) basic infrastructure; or
 - (b) open space (including parks, playgrounds, nature reserves, cycling and pedestrian paths); or
 - (c) local community sporting or recreation areas or facilities; or
 - (d) libraries, local community buildings or other multi-use local community facilities.
- (2) Section 162—after subsection (1) insert:
- (1a) For the purposes of this Division, a ***declared project area*** is an area relating to a declared project identified as a declared project area in a scheme for the provision of primary infrastructure initiated under section 163A.

7—Amendment of heading to Part 13 Division 1 Subdivision 2

Heading to Part 13 Division 1 Subdivision 2—after "basic" insert:
and primary

8—Amendment of section 163—Initiation of scheme

Section 163, heading—after "scheme" insert:
—basic infrastructure

9—Insertion of section 163A

After section 163 insert:

163A—Initiation of scheme—primary infrastructure in relation to declared project area or designated growth area

- (1) The Minister, CGO or a person or body interested in the provision or delivery of primary infrastructure (a ***proponent***) may initiate a scheme in relation to the provision of primary infrastructure in a declared project area or designated growth area.
- (2) A scheme will be initiated by the Minister, CGO or proponent (as the case may be) preparing a draft outline of the scheme that—
 - (a) provides detailed information about the nature and intended scope of the primary infrastructure; and

- (b) identifies the proposed declared project area or designated growth area (as the case requires), being the area or areas that will benefit from the primary infrastructure to be provided under the proposed scheme; and
 - (c) provides information about the proposed timing or staging of the various elements of the scheme (to the extent such information is known); and
 - (d) outlines, so far as is reasonably practicable, a funding arrangement for the scheme, including whether it is proposed to impose a charge under Subdivision 7; and
 - (e) in the case of a scheme relating to a declared project—identifies any proposed amendments to the Planning and Design Code that may be made in connection with the declared project (including the provision of primary infrastructure under the scheme); and
 - (f) identifies (to the extent possible) any primary infrastructure that might be transferred to another entity when the scheme has been completed; and
 - (g) provides such other information as the Minister, CGO or proponent thinks fit (as the case requires).
- (3) The person or body responsible for preparing a draft outline must—
 - (a) in all cases—take reasonable steps to consult on the draft outline with—
 - (i) the owners of land within the proposed declared project area or designated growth area (as the case requires), except—
 - (A) in a case where that area is the subject of a precinct master plan under the *Urban Renewal Act 1995*; or
 - (B) in prescribed circumstances; and
 - (ii) if the scheme relates to a declared project—the person undertaking the declared project; and
 - (iii) the council within whose area the proposed declared project area or designated growth area (as the case requires) is situated,and may consult with any other person or body as they think fit; and
 - (b) in the case of a draft outline prepared by a proponent, submit the draft outline to the Minister or CGO (as determined by the Minister) for approval, together with—
 - (i) a report to the Minister or CGO (as the case requires) setting out the outcome of the consultation required under paragraph (a); and

- (ii) any other information required by the Minister or CGO (as the case requires).
- (4) After consultation on a draft outline prepared by the Minister or CGO, or approval of a draft outline prepared by a proponent, the Minister or CGO (as the case requires) must—
 - (a) publish it in the Gazette; and
 - (b) arrange for its publication on the SA planning portal.
- (5) After publishing a draft outline, the Minister or CGO (as the case requires) must then refer the proposed scheme to the Chief Executive for the appointment of a scheme coordinator.

10—Amendment of section 165—Scheme coordinator

- (1) Section 165(1)—after "163" insert:
 , 163A
- (2) Section 165(1)(c)—after "authority" insert:
 or CGO
- (3) Section 165(5)—delete subsection (5)

11—Amendment of section 166—Consideration of proposed scheme

- (1) Section 166(2)(a)—after "basic infrastructure" insert:
 or primary infrastructure (as the case requires)
- (2) Section 166(2)(b)(i) to (iii) (inclusive)—after "designated growth area" wherever occurring insert:
 or declared project area (as the case requires)
- (3) Section 166(2)(d)—after "basic infrastructure" insert:
 or primary infrastructure (as the case requires)

12—Amendment of section 167—Adoption of scheme

- (1) Section 167(7)(a)—after "variation and" insert:
 , if the scheme was initiated under section 163,
- (2) Section 167(7)(b)—delete paragraph (b)
- (3) Section 167(12)—delete subsection (12)

13—Amendment of section 169—Funding arrangements

- (1) Section 169(1)(a)(iii)—after "area" insert:
 or declared project area (as the case requires)
- (2) Section 169(5) to (7) (inclusive) and (20)(b)—delete "Governor" wherever occurring and substitute in each case:
 Minister

- (3) Section 169(8)(a)—delete paragraph (a) and substitute:
- (a) CGO or the Chief Executive (as determined by the Minister) has taken reasonable steps to consult with—
 - (i) an entity or entities that, in the opinion of CGO or the Chief Executive (as the case may be), represent the interests of persons who are directly involved in providing infrastructure or developing land that may be subject to a scheme of the relevant kind under this Division; and
 - (ii) if the funding arrangement is specifically relevant to a particular council or councils—that council or those councils; and
 - (iii) the LGA; and
 - (iv) any other person or body specified by the Minister; and
 - (ab) CGO or the Chief Executive (as the case requires) has furnished a report to the Minister—
 - (i) setting out the outcome of the consultation required under paragraph (a); and
 - (ii) recommending that the funding arrangement be approved; and
- (4) Section 169(8)(b)—delete "at the time that the Minister is submitting the funding arrangement for approval of the Governor" and substitute:
- as at the day that is 90 days before the day on which the funding arrangement is approved
- (5) Section 169(9)—delete subsection (9) and substitute:
- (9) In connection with subsection (8), the approval of any person under subsection (8)(b) will be obtained or ascertained in a manner determined by the Minister for the purposes of that subsection.
- (6) Section 169(10)—delete "The Commission may only make a recommendation to the Minister under subsection (9)(a)(ii)(B) if the Commission" and substitute:
- CGO or the Chief Executive (as the case may be) may only make a recommendation to the Minister under subsection (8) that a funding arrangement be approved if

14—Amendment of section 173—Creation of charge

Section 173(1)—after "area" insert:

or declared project area (as the case requires)

Part 2—Amendment of *Urban Renewal Act 1995*

15—Amendment of section 7G—Preliminary

Section 7G, definition of *precinct authority*—delete "URA, another statutory corporation constituted under this Act, a council or a subsidiary of a council" and substitute:

entity

16—Amendment of section 7H—Establishment of precincts

- (1) Section 7H(1)—after paragraph (c) insert:

(ca) development for the purposes of a designated growth area or declared project area both within the meaning of section 162 of the *Planning, Development and Infrastructure Act 2016*; or

- (2) Section 7H(1)—insert at the foot of subsection (1):

Note—

An area of land established as a precinct need not be a single parcel of land but may be comprised of multiple areas of land (whether those areas of land are adjacent or adjoining or otherwise).

- (3) Section 7H(3)(a)(i)—after "Minister" insert:

and the State Planning Commission

- (4) Section 7H(5)—delete subsection (5)

- (5) Section 7H(19)—delete "the same procedures that apply to the establishment of a precinct under this section" and substitute:

any requirements of the regulations

17—Amendment of section 7I—Precinct plans

- (1) Section 7I(2)(f)—delete "make provision in relation to any" and substitute:

specify the zones, subzones and overlays that will apply in the precinct and make provision in relation to any other

- (2) Section 7I(8)—delete "or amend"

- (3) Section 7I(9)—delete subsection (9)

- (4) Section 7I—after subsection (12) insert:

(12a) The Minister may, in accordance with any requirements of the regulations, amend a precinct plan.

- (5) Section 7I(13)(a)(i)—delete "the Governor, on the recommendation of the Minister and the Planning Minister" and substitute:

the Minister on the recommendation of the Planning Minister

- (6) Section 7I(17)—delete "Governor may, on the recommendation of the Minister and the Planning Minister" and substitute:

Minister may, on the recommendation of the Planning Minister

Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
2025	23	<i>State Development Coordination and Facilitation Act 2025</i>	22.5.2025	7.10.2025 (<i>Gazette</i> 4.9.2025 p3773) except ss 3 to 51 & Schs 1, 2 & 3 (cll 3 & 5)—uncommenced
2025	29	<i>Biodiversity Act 2025</i>	26.6.2025	Sch 5 (cll 96 & 97)—uncommenced