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NSW Development Coordination Authority: Lessons from Queensland

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KEY TAKEAWAYS

- The Development Coordination Authority (**DCA**) considers and responds to NSW Government referrals on development applications.
- The DCA is similar to Queensland's State Assessment Referral Agency (**SARA**) which has been operating in that capacity for 13 years.
- The experience of SARA provides some useful lessons around what the DCA can meaningfully achieve.
- The key challenges for the DCA will be in being able to appropriately reconcile sometimes conflicting matters of state interest and make timely decisions with the benefit of internal DCA expertise.

As of 1 July 2026, the Development Coordination Authority (**DCA**) has become the point of coordination for NSW Government input into local development assessment.

The DCA sits within the Department of Planning, Housing & Infrastructure. This new function is facilitated by changes to the *Environmental Planning & Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and various environmental planning instruments, namely the State Environmental Planning Policy (Planning Systems) 2021 (**the Planning Systems SEPP**).

Now, rather than the assessing authority on a development application seeking individual input from various NSW Government agencies, all concurrence requests and required consultations are directed to and determined by the DCA.

Key features of the new arrangements include:

Concurrence and consultation requirements that existed across different legislation and planning instruments are now collectively known as 'referrals'.

Referral triggers are largely set out in Chapter 4 of the Planning Systems SEPP. There remains a distinction between matters that must be referred to for comment and those which are referred for concurrence.

Where concurrence is required, Chapter 4 identifies the mandatory considerations for the DCA in deciding whether to grant concurrence. There is no identification of matters to be addressed in giving comments only.

Each referral has a 28 calendar day period for the response of the DCA to be provided. Previously, there had been varying timeframes for State agencies depending on the legislative trigger. There are provisions for 'stop the clock' in order for the DCA to request further information and the clock is restarted on provision of that information.

Very similar reform was introduced in Queensland in 2013. The State Assessment Referral Agency (**SARA**) is the Queensland equivalent of the DCA and, like the DCA, operates within the State planning department (the Department of State Development, Infrastructure & Planning).

There are several features of SARA, which has been in existence now for 13 years, that are instructive when predicting the likely success of the DCA in improving the State referral process.

Centralised assessment provision framework

The Queensland *Planning Regulation 2017* identifies, in most cases, the State Development Assessment Provisions (**SDAP**) as providing the assessment considerations where a matter of state interest is triggered by a development application and the role of SARA is engaged.

The SDAP reflect the performance-based approach to planning in Queensland and follow the structure of Queensland local planning schemes where compliance can be demonstrated by reference to lower-order 'acceptable outcomes' (AOs) or 'performance outcomes' (POs) or, alternatively, by reference to the higher-order 'performance statement'.

This structure of the SDAP allows proponents to ensure that the information that they put forward in support of the application squarely addresses matters that are considered by SARA and facilitates efficient and transparent decision making on the application.

The SDAP acknowledges that there may be multiple referrals for a development application and there may be conflict in what the assessment benchmarks require. As stated in the SDAP:

> ‘ In cases where multiple state codes are triggered and the purpose statement of one or more of the codes is not considered to be achieved by the development, **SARA will make a decision that best achieves and advances the purpose of the Act.**

This ability for a single entity to consider multiple referrals and make decisions in the broader context of the *Planning Act 2016* (Qld) purposes is generally regarded as a key achievement of SARA. It contributes to the efficiency of development assessment and ensuring decisions are made that reflect broad planning strategy.

The NSW reforms have not been accompanied by any legislative or planning instrument changes to how referrals are considered and assessed. Rather there has been a rearrangement of where assessment provisions are located.

The NSW State Referral Provision is a new document which on its face is similar to Queensland's SDAP. However, it is non-statutory and essentially a collation only of the referral triggers that sit across the legislation and planning instruments. Some limited guidance as to how application for concurrence might be carried out (which goes beyond the statutory test as set out in the Planning Systems SEPP) is provided.

According to the NSW Government the SRF:

> …sets out the key matters that the DCA and other bodies should consider when responding to a referral, making it clearer how referrals are assessed and helping to ensure important issues are addressed in a consistent way.

However, the State Referral Provision does not provide any express guidance on how conflicts on different referrals might be reconciled in the same way as the Queensland SDAP. This may represent a missed opportunity both insofar as it assists proponents in preparing material for consideration and provides the State departments (that would previously have given decisions) with an understanding as to why referral matters may be decided in a particular way by the DCA.

SARA FastTrack 5 assessment

In Queensland, the SARA FastTrack 5 assessment pathway allows some applications to be treated as eligible for fast tracking. A reduced fee applies and the response on the referral is intended to be issued within 5 business days.

The SDAP identifies the type of development eligible for fast tracking and the qualifying criteria. It includes, for example, development that requires referral by reason of proximity to a state transport corridor and is designed to pick up development that is within proximity but is unlikely to have real impact on the corridor.

For the reporting period 2021-2022 (the latest publicly available reporting), 100% of applications treated as eligible for the fast track pathway received a referral decision within 5 business days.

An equivalent streamline assessment pathway has not been announced for NSW but it is expected that this would be welcomed by proponents and assessing authorities.

Referral fees

For the DCA, a referral fee of $1100 applies per referral ($550 for referral on a modification application).

The fee structure for SARA is more complex and based on the type of referral.

Where SARA is required to provide response on a referral, fees can exceed $15,000 in some circumstances and that can be by reference to the extent of the expected impact and size of the development. However, a more common referral such as referral for building work which is within 25m of a State transit corridor typically attracts a fee of around $1800.

The flat fee structure for the DCA is a sound alternative that may assist in ensuring that assessment commences more readily after a referral has been made (that is, in place of time being taken up by determining and agreeing the applicable fee). However, if the DCA fee structure does not reflect the real costs to the DCA then the DCA runs the risks of being inadequately resourced.

Lessons from SARA

For both SARA and the DCA, it is fundamental to their success that each are well-resourced internally so that good decisions can be made without regularly requiring consideration by subject-matter experts within the State agencies that would otherwise have undertaken the assessment.

From the time of SARA being established, the message has been that SARA undertakes the assessment and the state agencies can be technical advisers where required. This has largely borne out in practice, with SARA establishing its reputation as an assessment body and not just a redirector of mail.

Improvements to the NSW framework may be required as the DCA role becomes established so that it can achieve the same.

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