

Referral agencies and preliminary agreements

This fact sheet provides information about statutory referrals and referral agencies, when a referral is required and how to obtain a preliminary agreement.

What types of referrals are there?

In some circumstances a development application may require direction or advice from one or more state government agencies. The relevant referral agencies are determined through an assessment of the application against Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

A response from a referral agency has varying degrees of influence on the development assessment process, depending on the type of referral.

The *Planning, Development and Infrastructure Act 2016* classifies referrals as follows:

- **Direction**

The referral agency may direct the relevant planning authority to:

- refuse the application
- impose conditions should the planning authority decide to approve the development.

- **Advice:**

The relevant authority should consider the advice received and must not make its decision until it has received a response from the referral agency in relation to the matter for which the referral was made.

The following table is a quick reference guide to the referral agencies most commonly referred development applications and their contact details.

Information on the fees associated with referrals can be found on the PlanSA portal - plan.sa.gov.au/development_applications/before_you_lodge/application_fees

Common referrals agencies

Referral Agency	Trigger	Referral Type	Timeframe for referral agency response	Contact
<p>Minister responsible for the administration of the <i>Heritage Places Act 1993</i></p> <p>Department for Environment and Water (State Heritage Unit)</p>	<p>Development affecting state heritage places Development that is:</p> <p>(a) in the State Heritage Place Overlay, State Heritage Area Overlay or the Heritage Adjacency Overlay under the Planning and Design Code</p> <p>(b) specified by the Planning and Design Code as development of a class to which this item applies.</p>	Direction	30 business days	<p>Phone: (08) 8124 4960</p> <p>Email: DEW.StateHeritageDA@sa.gov.au</p>
<p>Commissioner of Highways</p> <p>Department for Transport and Infrastructure</p>	<p>Future road widening</p> <p>(a) In the Future Road Widening Overlay under the Planning and Design Code; and</p> <p>(b) Specified by the Planning and Design Code as development of a class to which this item applies.</p> <p>Development affecting transport routes and corridors</p> <p>(a) In the Key Outback and Rural Routes Overlay, Major Urban Transport Routes Overlay, Non-Stop Corridors Overlay, Traffic Generating Development Overlay or Urban Transport Routes Overlay under the Planning and Design Code; and</p> <p>(b) Specifies by the Planning and Design Code as development of a class to which this item applies.</p> <p>Advertisements near signalised intersections Development that is-</p> <p>(a) In the Advertising Near Signalised Intersections Overlay under the Planning and Design Code; and</p> <p>(b) Specified by the Planning and Design Code as development of a class to which this item applies.</p>	Direction	20 business days	<p>Phone: 1300 872 677</p> <p>Email: dit.developmentapplications@sa.gov.au</p>
		Direction	20 business days	
		Advice	20 business days	



Referral Agency	Trigger	Referral Type	Timeframe for referral agency response	Contact
Native Vegetation Council	<p>Development affecting native vegetation Development that is-</p> <p>(a) Within the Native Vegetation Overlay or the State Significant Native Vegetation Overlay under the Planning and Design Code; and</p> <p>(b) Is specified by the Planning and Design Code as development of a class to which this item applies.</p>	Direction	20 business days	Phone: (08) 8303 9777 Email: nvc@sa.gov.au
South Australian Country Fire Service (CFS)	<p>Development in high bushfire risk areas Development that is-</p> <p>(a) Within a Hazards (Bushfire- High Risk) Overlay under the Planning and Design Code; and</p> <p>(b) Specified by the Planning and Design Code as development of a class to which this item applies.</p>	Direction	20 business days	Phone: (08) 8115 3372 Email: das@cfs.sa.gov.au
Coast Protection Board	<p>Development near the coast Development that is-</p> <p>(a) In the Coastal Areas Overlay under the Planning and Design Code and</p> <p>(b) Specified by the Planning and Design Code as development of a class to which this item applies.</p>	Direction	30 business days	Phone: (08) 8124 4928 Email: DEWcoastprotectionboard@sa.gov.au
Minister responsible for the administration of the <i>River Murray Act 2003</i> Department for Environment and Water	<p>Development in River Murray Tributaries Protection Area Development that is-</p> <p>(a) In the River Murray Tributaries Protection Area Overlay under the Planning and Design Code; and</p> <p>(b) Specified by the Planning and Design Code as development of a class to which this item applies.</p>	Direction	30 business days.	Phone: 8463 6800 Email: dfwfeedback@sa.gov.au
Minister responsible for the administration of the <i>South Australian Housing Trust Act 1995</i> SA Housing Authority	<p>Affordable Housing Development that is:</p> <p>(a) in the Affordable Housing Overlay under the Planning and Design Code</p> <p>(b) specified by the Planning and Design Code as development of a class to which this item applies.</p>	Direction to impose conditions	20 business days	Email: homeseeker.partners@sa.gov.au





Referral Agency	Trigger	Referral Type	Timeframe for referral agency response	Contact
<p>Environment Protection Authority</p>	<p>Activities of environmental significance Development: (a) that involves, or is for the purposes of, an activity specified by the Planning and Design Code as an activity of environmental significance to which this item applies (b) that is: (i) in the Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay, Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay, River Murray Flood Plain Protection Area Overlay or Water Protection Area Overlay under the Planning and Design Code (ii) specified by the Planning and Design Code as development of a class to which this item applies.</p> <p>Site Contamination Development that is specified by the Planning and Design Code as development of a class to which this item applies.</p> <p>Site Contamination -land division Subject to clause 1(4) of Schedule 9 of the <i>Planning, Development and Infrastructure Regulations 2017</i>, development involving the division of land is- (a) Schedule 8, clause 2A(1)(b) applies to the application in respect of the development; and (b) Site contamination exists or may exist at the land because of 1 or more of the following circumstances: (i) A class 1 activity has been conducted on the land or on adjacent land. (ii) A class 2 or 4 activity has been conducted on the land. (iii) The land or adjacent land is the subject of a Section 83A notification under the <i>Environment Protection Act 1993</i> that appears on the South Australian Property and Planning Atlas; (iv) The land is within a groundwater prohibition area; (v) The land is subject of a notation on the certificate of title for the land under section 103P of the <i>Environment Protection Act 1993</i> that a site contamination audit report has been prepared.</p>	<p>Direction</p>	<p>30 business days</p>	<p>Phone (08) 8204 9075</p> <p>Email: EPA.Planning@sa.gov.au</p>

How do preliminary agreements with referral agencies work?

Section 123 of the *Planning, Development and Infrastructure Act 2016* allows agreements to be reached between you and relevant referral agencies prior to lodging an application. Preliminary agreements can be reached with any referral body.

Entering into a preliminary agreement eliminates the need for referrals to be undertaken during the formal assessment process, significantly reducing assessment timelines and potential delays to your application.

How do I start a preliminary agreement process?

An application for preliminary agreement can be made directly with the referral agency, prior to the submission of your application. A copy of the application form is available on the PlanSA portal – [Application for preliminary agency advice](#). Please refer to the table above for contact details of the referral agencies.

What aspects of a proposal are subject to the preliminary agreement?

The primary focus for each referral agency is to support:

- refining the proposal and its technical details to achieve compliance with the policies and standards of the agency; and
- identification and registration of plans and reports that will form part of the preliminary agreement.

Preliminary agreements can only relate to matters that are subject to referral under Schedule 9. They are the responsibility of the referral agency and must also be relevant to the legislation administered by the agency and have regard to the policies contained in the [Planning and Design Code](#).

The referral agency can only take into account policies that apply prior to the preliminary agreement being signed.

What does a preliminary agreement cover?

The form of the agreement can vary depending on the proposal but in many cases, it will be similar to advice provided to formal Schedule 9 referrals. However, the final preliminary agreement forms part of the application and therefore, is a mandatory part of any approval.

The preliminary agreement consists of the signed and dated agreement as well as any attached signed and stamped plans and reports. It will include a list of attachments – including plan and report numbers – which enables the planning authority to check that the full agreement package has been lodged as part of the development application.

When must a preliminary agreement be lodged and how long is it valid?

You must submit the agreement along with the development application within one year of signing the agreement. This provision increases certainty for you while enabling the referral body to consider any policy variations outside the 1-year period

If an agreement expires – i.e. more than one year has passed between the agreement being signed and the application being lodged – you can seek a new agreement by submitting a new pre-lodgement request form and fee. In this case the referral body would have regard to the policies applying at the time of signing of the second agreement, rather than at the time of signing the first agreement.

Is a preliminary agreement a planning approval?

No, a preliminary agreement between you and a referral body does not bind the relevant planning authority to approve a subsequent development application.

A preliminary agreement relates only to aspects of the proposal for which that referral body has responsibility. The relevant planning authority must balance those matters against other planning issues and considerations in its assessment.

Can I vary a preliminary agreement?

Yes, you can initiate a request to vary a signed agreement before a Planning Consent document is issued by the relevant planning authority. You must submit a new preliminary request form, fee and amended plans/reports. You can lodge the signed varied agreement with the relevant planning authority as a variation to the application as part of the assessment process.

You can also request to vary an agreement while seeking to vary an existing consent or approval.

Other legislative considerations

A preliminary agreement included in your application is part of any Planning/Land Division Consent and subsequent Development Approval.

Therefore, the provisions in the agreement are subject to:

- standard planning authority compliance provisions under Section 215 of the Act
- third party action provisions under Section 214 of the Act
- prescribed bodies provisions under Section 213 of the Act
- compliance provisions under the Act associated with the referral body
- compliance provision contained in the pre-lodgement agreement itself.

Further information

To discuss preliminary agreements with referral agencies, please contact them directly. Alternatively contact the PlanSA service desk at PlanSA@sa.gov.au. Or calling 1800 752 664.