

Pre-application consultation for fast-track applications

The Fast-track Approvals Act 2024 requires applicants to consult with local Councils before they lodge a referral or substantive application. Set out below are matters to consider when preparing to undertake pre-application consultation with local Councils on fast-track applications.

Benefits of effective pre-application consultation

In addition to being a statutory requirement, effective pre-application consultation with local Councils will support applicants to prepare an application that addresses the range of issues, planning provisions, and environmental effects that may be relevant to the proposed activity.

Pre-application consultation that seeks to identify and work through as many issues as possible prior to lodging an application will provide for increased certainty for all participants about the remaining issues that need to be resolved through the formal approval process. This will enable Councils to be ready for the provision of formal input at the relevant stages of the process, and lead to a more efficient and less resource intensive process once the application has been lodged, preventing decision delays.

Key elements of effective pre-application consultation

Consultation is more than just telling local Councils that an application is about to be lodged. Effective pre-application consultation will include:

- 1. Providing sufficient information to Council.** This is likely to include:
 - A description of the proposal and the activities associated with it, including a clear description of the site(s) to which the application relates, plans, drawings, and methodologies;
 - Identification of the consents being sought, including identification of relevant regional plan rules and relevant National Environmental Standards;
 - An assessment of environmental effects and supporting technical assessments.

For referral applications a more general level of detail may be appropriate, however providing Councils with as much information as possible will enable Council to provide more helpful feedback.

- 2. Adequate time to enable the provision of well-considered feedback.** The amount of time necessary to provide feedback before the application is lodged will depend on the scale, significance, and complexity of the proposal, and several rounds of feedback may be necessary to adequately explore and respond to the issues.
- 3. An open mind to change the proposal in response to feedback.** ‘Closing the loop’ by explaining how the feedback provided through consultation has informed the development of the application helps to demonstrate that the applicant undertook consultation with an open mind.

Planning for pre-application consultation

Pre-application consultation should be well planned. This is to ensure that all parties can participate in an effective and timely manner. Well planned consultation will include:

- Providing an initial briefing on the scope of the proposal, so that Council can prepare for pre-application engagement.
- Advising parties of the expected timeframes for the preparation and lodgement of the application.
- Allowing sufficient time for pre-application consultation that recognises the scale and complexity of the issues and effects associated with the proposal.
- Providing advanced notice of when information will be provided to Council, so that Council can arrange for appropriate resources to review and provide feedback.
- Setting clear and reasonable expectations about the amount of time available for parties to review and provide feedback on information.

In the first instance, applicants should approach their local Councils to discuss planning for effective pre-application consultation for their application.