

# PLANNING AND URBAN MANAGEMENT AGENCY

## Referrals of Development Consent Applications (DCAs)

Jan 2022

### Overview

Section 44 of the *Planning and Urban Management Act* (PUM Act) allows PUMA to consult with any public authority considered by the Agency to be a relevant authority to assist with assessing a DCA. This information sheet provides an overview of the referrals process and specific guidance for referral authorities who have been referred a DCA.

### Purpose of referrals

The key objective of the referrals process is to provide relevant authorities, whose interest may be affected by the issuing of development consent for a particular DCA, with the opportunity to ensure that a proposed use or development will not adversely affect that authority's responsibilities or assets.

Seeking the views of other interested parties is an essential part of the planning process, and is critical to achieving balanced and integrated decisions.

### Referrals process

When a DCA is submitted to PUMA, the Agency will determine which relevant authorities will be referred a particular DCA on a case by case basis (refer sheet 2.01). Referral authorities will be requested to provide comments on the DCA on the specified timeframe, or to advise PUMA in writing that it requires further information from the applicant. (refer Figure 1 for flow chart)

PUMA will review the comments provided from all referral authorities, as well as any submissions (refer sheet 2.03) and information provided in the DCA (refer sheet 2.02), and make a decision on whether or not to grant development consent.

Should further information be required by a referral authority, PUMA will request this in writing from the applicant. PUMA will strive to not make any unnecessary or speculative requests for additional information that waste time for referral authorities or prove to be unnecessarily costly to the applicant.

### Referral authorities

A referral authority may be a public authority such as a government ministry or a statutory body. PUMA will only refer DCAs where it determines that the referral authority has functions or responsibilities relevant to that specific DCA. The referral is intended to provide advice to assist PUMA with assessing DCAs. The following referrals are commonly made:

Referral authority	Issues considered
Land Transport Authority (LTA)	Traffic, parking, roads and drainage
Fire and Emergency Services Authority (FESA)	Fire safety, fire protection, emergency access, evacuation routes
Ministry of Natural Resources and Environment (MNRE)	Water resources, Disaster management, Environmental conservation, Land management practices
Ministry of Health (MOH)	Referral of food and beverage establishments,
Ministry of Agriculture and Fisheries (MAF)	Referral of agricultural or fishery developments
Ministry of Education, Sport and	Cultural heritage, heritage conservation/management
Ministry of Women, Community and Social Development (MWCSD)	Referral of community facility developments

PUMA may also refer a DCA internally within MWTI to Building and Asset Management Divisions for issues relevant to their divisions.

### Responsibilities of PUMA

Should PUMA wish to refer a DCA to a referral authority, a copy of the subject DCA must be issued at its earliest convenience without delay. The referral documentation will include a complete copy of the DCA and any accompanying information.

### Responsibilities of referral authorities

A referral authority must consider every DCA referral and may advise PUMA in writing that it:

- does not object to the granting of development consent; or
- does not object to the granting of development consent if it is subject to specified conditions of consent; or
- objects to the granting of development consent on specified grounds.

### Preparing conditions of consent

Referral authorities should ensure that specified conditions of consent are unambiguous, since PUMA must include them in the Notice of Decision (see sheet 2.01) unless the DCA is refused. The conditions should relate specifically to the referral authority's area of responsibility, for example environmental conservation and protection measures (MNRE), traffic management (LTA), fire safety (FESA) or infrastructure engineering (MWTI). They should also specify requirements that are enforceable by PUMA. Conditions imposed by referral authorities will be identified as such in the Notice of Decision.

Conditions of consent must:

- be fair, reasonable and practical;
- be relevant to the subject matter of the development consent;
- fulfill a planning purpose; and
- accurately convey its intended effect, avoiding uncertainty and vagueness.

The following guidance is provided to referral authorities to achieve the above.

Conditions must:

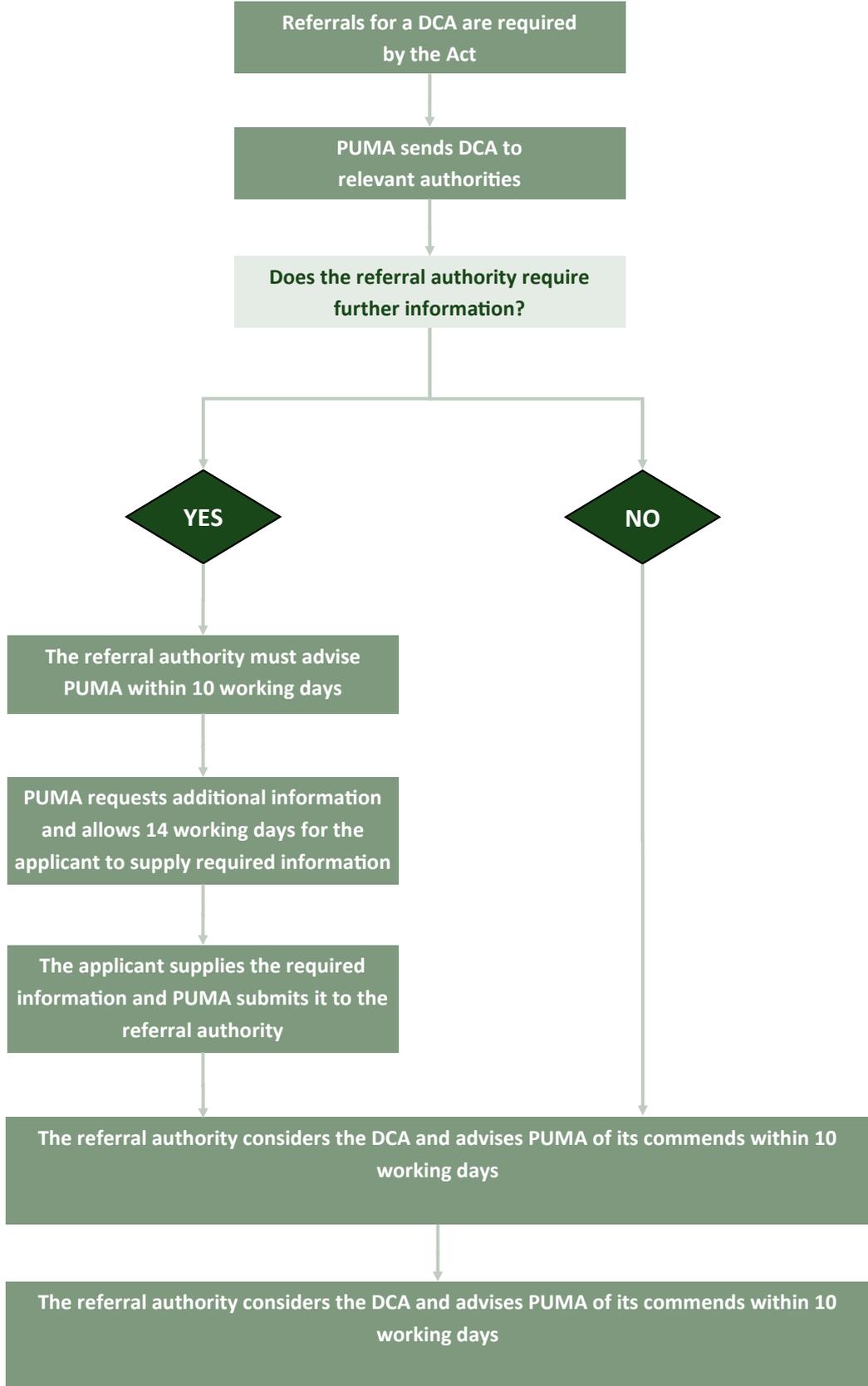
- be written in plain language, simply constructed, easily understood and unambiguous;
- be fairly and reasonably be related to the proposed use and development;
- set out something which the consent holder must do, must not do, or must do in a particular way;
- not be contrary to the Planning and Urban Management Act 2004 or other legislation;
- be included only if they are the best way to achieve a particular action or result; and
- be enforceable.

The referral authority is also able to make additional comment outside of their area of responsibility for PUMA to take into consideration. The referral authority should clearly identify and distinguish between those requirements that relate specifically to the matter being referred and any other matter that the referral authority wishes to provide comment on as additional information.

### Time limits for referrals

Statutory time limits do not apply to referral agencies. However, PUMA will generally specify a maximum of ten (10) working days in its letter for advice to be received from referral authorities. If a referral authority does not provide advice within this timeframe, the entity is taken to have provided advice that supports the DCA.

# REFERRALS PORCESS



**PLANNING AND URBAN  
MANAGEMENT AGENCY**

Level 1, Tui Atua Tupua  
Tamasese Efi Building

Website:  
[www.mwti.gov.ws](http://www.mwti.gov.ws)

Figure 1: flow chart outlining referrals process for Development Consent Applications