



This practice direction is issued by the State Planning Commission (the Commission) under section 42 of the *Planning, Development and Infrastructure Act 2016* (the Act).

Introduction

Section 42 of the Act allows the Commission to issue practice directions for the purposes of the Act.

Generally, practice directions specify procedural requirements or steps in connection with a matter arising under the Act. In certain cases, the Act requires a particular matter to be addressed or dealt with by a practice direction.

This practice direction is being made by the Commission to support the operation of Subdivision 4 (Part 7 Division 2 of 6) of the Act (Impact Assessed Development), and specifically section 109, as further referenced in sections 111, 112, 113 and 114 of the Act.

The relevant requirements of sections of the Act as they relate to this practice direction are below:

109—Practice direction to provide guidance

- (1) *In connection with the operation of this Subdivision, the Commission must publish a practice direction with respect to—*
- (a) *in relation to impact assessed development (not being restricted development)—*
 - (i) *requirements as to the preparation of an EIS, including the level of detail that an EIS must address with respect to various classes of development; and*
 - (ii) *any other requirements for assessing the level of impact of a development that is to be assessed as impact assessed development; and*
 - (iii) *the information that must be provided by the proponent at the various stages assessed under this Act; and*
- (2) *The Commission must, in acting under subsection (1)—*
- (a) *take into account principles and requirements prescribed by the regulations; and*
 - (b) *in relation to subsection (1)(b), classify the issues identified by the Commission as being relevant to the proper assessment of development according to categories of importance so as to indicate the levels of attention that should be given to those issues in the preparation of an EIS.*

111—Impact assessment by Minister—procedural matters

- (1) *This section applies in relation to impact assessed development (not being restricted development).*

(2) *In a case where this section applies—*

...

(d) *a proponent must lodge with the Minister an application that complies with the following requirements: ...*

(ii) *the application must include, or be accompanied by, any documents, assessments or information required by a practice direction published by the Commission in connection with this Subdivision;*

112—Level of detail

The Commission will determine the level of detail required in relation to an EIS after taking into account—

(a) *a practice direction published by the Commission in connection with this Subdivision;*
and

(b) *any views expressed by a person or body prescribed by the regulations for the purposes of this paragraph; and*

(c) *any views expressed by the proponent after consultation in accordance with the regulations.*

113—EIS process

(3) *The EIS must be prepared in accordance with a practice direction published by the Commission in connection with this Subdivision....*

(5) *After the EIS has been prepared, the Minister—*

...

(b) *must ensure—*

(i) *that copies of the EIS are available for public inspection and purchase (during normal office hours) for at least a period specified or determined under the practice direction published by the Commission in connection with this Subdivision at a place or places determined by the Minister and, by public notice, give notice of the availability of copies of the EIS and invite interested persons to make written submissions to the Minister on the EIS within the time determined under the practice direction referred to above; and*

(9) *The Commission must then prepare a report (an Assessment Report) that sets out or includes—*

(a) *the Minister's assessment of the development; and*

(b) *the Minister's comments (if any) on—*

(i) *the EIS; and*

(ii) *any submissions made under subsection (5); and*

(iii) *the proponent's response under subsection (8); and*

(c) *comments provided by the Environmental Protection Authority, another Minister, a council or other authority or body for inclusion in the report; and*

(d) *other comments or matter as the Minister or the Commission thinks fit.*

114—Amendment of EIS

(2) However—

...

- (b) *if a proposed amendment would in the opinion of the Minister significantly affect the substance of the EIS, the amendment must not be made before interested persons have been invited, in accordance with the practice direction published by the Commission in connection with this Subdivision, to make written submissions on the amendment and the Minister has considered the submissions (if any) received in response to that invitation.*

In accordance with the above, this practice direction provides for the following:

Impact Assessed Development (not being restricted development) – *The requirements as to the preparation of an Environmental Impact Statement (EIS), the requirements for assessing the level of impact, and information that must be provided by the proponent.*

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction 17 Impact Assessed Development 2022*.

2 – Commencement of operation

This practice direction will come into operation on the day on which it is published on the SA Planning Portal and supersedes previous *Practice Direction 4 – Restricted and Impact Assessed Development 2019*.

3 – Object of practice direction

The object of this practice direction is to outline:

- (a) For impact assessed development (not being restricted development), outline what information a proponent will need to include in an EIS.
- (b) Any other information that will be required for the assessment of an impact assessed development (not being restricted development).

4 – Interpretation

In this practice direction, unless the contrary intention appears:

Act means the *Planning, Development and Infrastructure Act 2016*.

Commission means the *State Planning Commission*.

Commonwealth means the *Commonwealth of Australia*.

Court means the *Environment, Resources and Development Court*.

Department means the Department for Trade and Investment.

DOE means the former Commonwealth Department of the Environment.

DCCEEW means the Commonwealth Department of Climate Change, Energy, the Environment and Water.

DEW means the South Australian Department for Environment and Water.

EIS means an Environmental Impact Statement.

EPA means the South Australian Environment Protection Authority.

EPBC Act means the Environment Protection and Biodiversity Conservation Act 1999.

Minister means the Minister responsible for the administration of the Planning, Development and Infrastructure Act 2016.

MNES means Matters of National Environmental Significance under the Environment Protection and Biodiversity Conservation Act 1999.

Regulations means the Planning, Development and Infrastructure (General) Regulations 2017.

Note: Section 12 of the Legislation Interpretation Act 2021 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Impact Assessed Development (not being Restricted Development)

5 – Information that must be provided by the proponent

- (1) An applicant for an impact assessed development (not restricted) must lodge an application with the Minister via the SA Planning Portal and/or in such other form as required by the Commission in the particular circumstance.
- (2) In accordance with section 111(2)(d)(ii) of the Act, the application must be accompanied by the following:
 - (a) A completed development application form.
 - (b) A completed electricity declaration or a completed certificate from the Office of the Technical Regulator pursuant to Schedule 8, Clause 11 of the Regulations (if applicable).
 - (c) A copy of the certificate of title for the relevant land and evidence of tenure arrangements (if applicable).
 - (d) A planning report, prepared by a planning consultant qualified to a minimum standard equivalent to an Accredited Professional—Planning Level 3 (but does not necessarily require accreditation under the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*), that includes:
 - (i) A detailed description of the development proposal.
 - (ii) A detailed description of the subject site including physical/environmental locality, and social and economic setting within which the project is located.

- (iii) A preliminary assessment of the key social, environmental and economic issues and Impacts associated with the development.
 - (iv) A preliminary assessment of the key planning issues associated with the development.
 - (v) A preliminary assessment of the development against relevant State Government policy strategy and/or guidelines.
- (e) A set of plans, drawn to scale, and prepared by a suitably qualified consultant, including as a minimum:
- (i) Site plan(s) showing existing structures, native vegetation, regulated trees and easements on the subject site in relation to the proposed development.
 - (ii) Locality plan(s) showing adjacent properties, existing development, public roads, natural features and topography (where relevant) in relation to the proposed development.
 - (iii) Floor level plan(s).
 - (iv) Elevation drawings.
 - (v) Indicative perspectives.
 - (vi) Plan of division (if relevant).
- (f) Identify known Aboriginal heritage relevant to the project area through a search of the Aboriginal Affairs and Reconciliation's central archives and potentially other archives held locally by Aboriginal people.
- (g) A self-assessment undertaken in accordance with the publication by DOE in 2013 titled 'Matters of National Environmental Significance: Significant Impact Guidelines 1.1: Environment Protection and Biodiversity Conservation Act 1999', including results from a search of the DCCEEW Protected Matters Search Tool for MNES.
- (h) If MNES are identified [in section 2(g) above], the advice of the Commonwealth DCCEEW should be sought to confirm whether the proposed development constitutes a 'controlled action' under the EPBC Act (which may then require a separate assessment and approval process under that Act).
- (i) Copies of any other relevant documentation as specifically requested by the Minister or their delegate.

6 – Requirements as to the preparation of an EIS

- (1) The applicant is required to prepare an EIS in support of impact assessed development that addresses the expected environmental, social and economic effects of the proposed development; and the extent to which the development is consistent with the Planning and Design Code.
- (2) The proponent will be required to prepare an EIS in accordance with this practice direction as it relates to section 113(3) of the Act.

- (3) The level of detail required to be addressed in the EIS will be determined by the Commission pursuant to section 112 of the Act. In doing so, the Commission will consider and determine the issues/impacts associated with the development and categorise those issues/impacts into either critical, medium or standard categories based on risk and scale, so as to indicate the levels of detail and investigation that should be given to those issues in the preparation of an EIS. Such issues may include (but are not limited to):
 - (i) biological/ecological
 - (ii) visual/aesthetic
 - (iii) infrastructure demand/impacts
 - (iv) natural resource usage
 - (v) heritage impacts
 - (vi) community/demographic
 - (vii) economic impacts
 - (viii) air pollution
 - (ix) water quality
 - (x) waste disposal
 - (xi) hazards
 - (xii) noise.
- (4) The Assessment Requirements Template in Attachment 1 should be used by the Commission to set the level of detail required, including the ranking of issues and impacts according to the level of assessment.
- (5) When the Commission determines the level of detail required, the following should be considered:
 - (a) The class of the development (e.g. industry, residential, commercial).
 - (b) The level of information that has already been provided/is available about the proposed development.
 - (c) The degree to which the impacts (and management of the impacts) are known and can be managed.
 - (d) The scale of the expected impacts in terms of extent and duration, including cumulative impacts.
- (7) The EIS must be submitted to the Office of the Minister and/or in such other form as required by the Department in the particular circumstance.
- (8) The Assessment Requirements will be placed on the SA Planning Portal by the Commission or its delegate following approval by the relevant authority.
- (9) The Assessment Requirements may be amended at any time as deemed appropriate by the Commission.
- (10) The entity authorised to prepare or amend requirements for development assessment of an EIS will address the following:
 - (a) The level of risk.

- (b) The scale, impact and likelihood of these risks.
 - (c) A list of issues to be addressed in an EIS.
- (11) Impact assessed development will be assessed on its merits, taking into consideration how the impacts associated with the proposed development can be avoided, mitigated (including offsets) and managed.

7 – Consultation of EIS

- (1) For the purposes of section 113(5)(b) of the Act, copies of the EIS shall be made available for public inspection and purchase for a period of at least 30 business days, or such longer period as determined by the Commission.
- (2) Referral of the application to the EPA (pursuant to section 113(5)(a)(i) of the Act) and other State agencies, as required by the Act and Regulations or the Minister.

8 – Amendment of EIS

- (1) If an amendment is made to an EIS that would, in the opinion of the Minister, significantly affect the substance of the EIS, the amendment must not be made before interested persons have been invited to make written submissions on the amendment and the Minister has considered any submissions received in response to that invitation.
- (2) If the Minister allows an EIS to be amended, the applicant must consider and document how the changes affect any declaration of the Minister under section 108(1)(c) of the Act (where relevant).
- (3) If the Commission deems relevant, the Commission may vary the EIS requirements (i.e. Assessment Requirements) made under section 112 of the Act to account for any proposed variation by the applicant and the applicant must update the EIS accordingly.
- (4) The proposed amendments to the EIS shall be published on the SA Planning Portal, inviting interested persons to make written submissions on the amendment.
- (5) The Commission must give notice of the place or places at which copies of the relevant document or documents (with the amendments) are available for inspection and purchase.
- (6) Interested persons will be provided a minimum period of 15 business days, or such longer period as deemed appropriate by the Commission, to provide a submission on the amended EIS.

Issued by the State Planning Commission on 15 December 2022.

Note: This practice direction commences operation in accordance with 'Part 2 – Commencement of operation'.

Versions

Version 1: Commenced operation on 15 December 2022.

Attachments

Attachment 1: Template – Assessment Requirements

Assessment Requirements

for the preparation of an

ENVIRONMENTAL IMPACT STATEMENT

[Brief description of development]

[Short description of subject site]

[Name of proponent]

[Month Year]

www.saplanningcommission.sa.gov.au/scap

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1. BACKGROUND

On [date the development was declared impact assessed by the Minister], the Minister declared that the proposed [description of development] at [address of subject land] be assessed as an Impact Assessed development pursuant to section 108(1)(c) of the *Planning, Development and Infrastructure Act 2016* (the Act). This document contains the Assessment Requirements for an Environmental Impact Statement (EIS), as required by the State Planning Commission (the Commission) specifically for the subject development application.

While every attempt has been made to ensure these assessment requirements address all of the major issues associated with this proposal, they are not necessarily exhaustive and should not be interpreted as excluding from consideration matters deemed to be significant but not incorporated in them, or matters that emerge as important or significant from environmental studies or otherwise during the course of the preparation of the EIS.

2. DESCRIPTION OF PROPOSAL

[SHORT DESCRIPTION OF PROPOSAL]

3. IMPACT ASSESSED PROCESS AND ROLE OF REQUIREMENTS

Objective

Impact assessment enables the holistic consideration of proposals that might otherwise be of a nature or scale that is not expected through the regular development assessment process and/or Planning and Design Code.

Process

The Impact Assessed development process has several steps, as illustrated in Figure 1.

These Assessment Requirements are prepared to inform the preparation of the Environmental Impact Statement (EIS). They set out the issues associated with the proposal along with their scale of risk as determined by the Commission.

The EIS must be prepared by the proponent in accordance with the assessment requirements and should specifically address each aspect.

Each assessment requirement is intended to be outcome-focused and are generally accompanied by a method of investigating the impacts and measures to assess these impacts. These methods are not exhaustive, and may be just one of a wide range to consider and respond to a particular issue.

The EIS should detail any expected environmental, social and economic effects of the development, and the extent to which the development is consistent with the provisions of the Planning and Design Code (the Code), the State Planning Policies (SPPs) and any matter prescribed by the Regulations under the Act.

This approach allows the proposal to be assessed concurrently by the requirements and the planning policy developed specifically for the local area where appropriate. The consideration of the Code will vary according to planning issues raised by the proposal and those that are expected through the current land uses.

The completed EIS is submitted to the Minister for public release, and is subsequently referred to council(s) and relevant government agencies for comment.



Figure 1. Steps in impact assessed development application process

An opportunity for public comment will occur when the completed EIS is released. Public exhibition is undertaken for a minimum of 30 business days. An advertisement will be placed in *The Advertiser* and local newspapers inviting submissions. The public consultation process will cater for those with special needs or those not able to access documentation electronically.

Copies of the submissions from the public, council(s) and other relevant agencies will be provided to the proponent.

The proponent must then prepare a Response Document to address the matters raised during the public exhibition period.

The Commission will then prepare an Assessment Report. The Assessment Report and the response document will be available for inspection and purchase at a place determined by the Minister for a period determined by the Minister.

Availability of each of these documents (primarily on the PlanSA Portal website) will be notified by advertisements in *The Advertiser* and local newspapers. A copy of the EIS, Response Document and the Assessment Report will be provided to the relevant council(s).

The Minister will make the final decision subject to section 115 of the Act.

In deciding whether the proposal will be approved and any conditions that will apply, the Minister must have regard to:

- Relevant provisions of the Code
- The Act and Regulations;
- If relevant, the Building Code of Australia;
- The State Planning Policies;
- Regional Plans, including the 30-Year Plan for Greater Adelaide (where relevant)
- The EIS and the Commission's Assessment Report;
- Where relevant, any other government policy and/or legislation.

Pursuant to section 115((2)(a) of the Act the Minister can at any time indicate that the development will not be granted authorisation. This may occur if the development is inappropriate or cannot be properly managed. This is commonly referred to as an “**early no**”.

4. MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE

Australia's national environmental law is called the EPBC Act.

The EPBC Act makes sure that 'nationally significant' animals, plants, habitats and places are identified, and any potential negative impacts on them are carefully considered before changes in land use or new developments are approved.

There are nine Matters of National Environmental Significance (MNES) under the EPBC Act:

- listed threatened species and communities
- listed migratory species
- Ramsar wetlands of international importance
- Commonwealth marine environment
- world heritage properties

- national heritage places
- the Great Barrier Reef Marine Park
- nuclear actions
- a water resource, in relation to coal seam gas development and large coal mining development.

State assessment processes in the PDI Act are **not** currently accredited under any existing bilateral agreement with the Commonwealth of Australia, however administrative arrangements are being considered to minimise duplication and enhance cooperation between each jurisdiction if concurrent processes are required to inform separate environmental assessments.

Practice Direction 17 requires an initial self-assessment be undertaken by the proponent in accordance with the publication: *DOE (2013) Matters of National Environmental Significance Significant Impact Guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999*, including results from a search of the DAWE Protected Matters Search Tool for MNES, to ensure the appropriate identification of any potential MNES impacts from the start of the state assessment.

If potential impacts to MNES are identified, the advice of the Commonwealth Department of Climate Change, Energy, the Environment and Water should be sought to confirm whether or not the proposed development constitutes a 'controlled action' under the EPBC Act (which may then require a separate assessment and approval process under that Act). A project specific bilateral agreement may also be considered at this time (dependent on the status of Commonwealth processes).

5. ENVIRONMENTAL IMPACT STATEMENT (EIS)

The EIS should be presented in terms that are readily understood by the general reader. Technical details should be included in the appendices.

The report must include the following (subject to any practice direction):

1. A statement of the expected environment, social and economic effects of the development

The assessment of effects should include all issues identified in these requirements and cross referenced to supporting technical references.

2. A statement of the expected effects of the development on the climate and any proposed measures designed to mitigate or address those effects

3. A statement of the extent to which the expected effects of the development are consistent with the provisions of—

(i) any relevant state planning policy; and

(ii) the relevant regional plan; and

(iii) the Planning and Design Code; and

(iv) any matters prescribed by the regulations.

4. If the development involves, or is for the purposes of, a prescribed activity of environmental significance as defined by the Environment Protection Act 1993, a statement of the extent to which the expected effects of the development are consistent with—

(i) the objects of the Environment Protection Act 1993; and

- (ii) *the general environmental duty under that Act; and*
 - (iii) *relevant environment protection policies under that Act;*
5. If the development will, or is likely to, significantly impact a Matters of National Environment Significance (MNES) under the EPBC Act 1999, a statement of the the extent to which:
 - (i) *the the potential impacts the development will have, or is likely to have, on each identified MNES .*
 - (ii) *the expected effects of the development are consistent or inconsistent with the provisions of any relevant Commonwealth of Australia conventions, agreements or obligations under international agreements or treaties as they relate to MNES aspects; and*
 - (iii) *the expected effects of the development are consistent or inconsistent with any relevant Commonwealth plans (such as threat abatement plans and recovery plans), conservation advices or management principles; and*
 6. If the development is to be undertaken within an area of the State that is specifically subject to a special legislative scheme—a statement of the extent to which the expected effects of the development are consistent with the state planning policy that specifically relates to that special legislative scheme.
 7. A statement of the proponent's commitments to avoid, mitigate and satisfactorily manage and/or control any potentially adverse impacts of the development on the environment (including any proposed offsets to reduce residual significant impacts) or any matter that may be directly relevant to a special legislative scheme.
 8. Other particulars in relation to the development require by the regulations or by the Minister.

The proponent's commitment to meet conditions proposed to avoid, mitigate and satisfactorily manage and/or control any potentially adverse impacts of the development on the physical, social or economic environment, must be clearly stated as part of the EIS. This would include any proposed offsets to reduce residual significant impacts.

The design of the proposal should be flexible enough to incorporate changes to minimise any impacts highlighted by this evaluation or post-operation monitoring programs.

The report should include the following:

Summary

The EIS should include a concise summary of the matters set out in section 109 of the Act and include all aspects covered under the headings set out in the assessment requirements, in order for the reader to obtain a quick but thorough understanding of the proposal and the resulting environmental impacts.

Introduction

The introduction to the EIS should briefly cover the following:

- background to, and objectives of, the proposed development
- details of the proponent
- staging and timing of the proposal, including expected dates for construction and operation
- relevant legislative requirements and approval processes

- purpose and description of the EIS process

Need for the Proposal

A statement of the objectives and justification for the proposal, including:

- the specific objectives that the proposal is intended to meet, including market requirements
- arrangements for other users to gain access to facilities and/or to establish additional facilities on site
- expected local, regional and state benefits and costs, including those that cannot be adequately described in monetary or physical terms (e.g. effects on aesthetic amenity)
- a summary of environmental, economic and social arguments to support the proposal, including the consequences of not proceeding with the proposal.

Description of the Proposal

The description of the proposal should include the following information:

- the nature of the proposal and location
- a project plan to outline objectives, constraints, key activity schedule and quality assurance
- site layout plans (including indicative land division plan if relevant)
- the construction and commissioning timeframes (including staging)
- a description of working hours
- a description of the existing environment (including the immediate and broader location)
- a description of the current commercial activities occurring in the area
- details of all buildings and structures associated with the proposed development
- details of any other infrastructure requirements and availability
- details on the operation of the proposed development, including proposed operating hours
- the relevant Planning and Design Code overlays, zones and sub-zones.
- management arrangements for the construction and operational phases (including Environmental Management and Monitoring Plans)
- a contingency plan for delays in construction

The proposal should also include information on alternative locations investigated and justification provided as to their potential suitability/unsuitability.

Plans and forms required:

- Current certificate(s) of title
- Context and locality plans should illustrate and analyse the existing environment and site conditions and the relationship of the proposal to surrounding land and buildings. The plan should be drawn to a large scale to allow presentation on a single sheet and be readily legible. The plan should indicate:

- any neighbouring buildings, infrastructure or facilities, including identification of all nearest sensitive receptors and the likely use of existing or proposed neighbouring buildings (e.g. dwelling, farm outbuildings, shop, office)
 - location of any watercourse, dams, underground wells and/or any other environmentally sensitive areas
 - location of any state heritage in relation to the site
 - existing native vegetation, regulated or significant trees
 - known sites for State or Nationally listed protected or threatened species (including migratory species) or ecological communities on the site, adjoining land and the marine environment
 - existing roads (public & private)
 - potential habitat areas
 - any other information that would help to set the context for the locality
- Site plan (drawn at a scale of 1:100 or 1:200) clearly indicating all proposed buildings, structures and works.
 - Elevations (drawn at a scale of 1:100 or 1:200) showing all sides of the buildings, structures and works with levels and height dimensions provided in Australian Height Datum.
 - Cross sections of the buildings, structures and works, including stockpile and storage facilities showing ground levels, floor levels, ceiling heights and maximum height in Australian Height Datum.
 - Floor plans (drawn at a scale of 1:100 or 1:200) for each building or structure demonstrating what is proposed at each floor, with indicative internal layouts.
 - Site survey plan demonstrating the development will be contained within the allotment boundaries.
 - A schedule of materials and finishes and colours.
 - Location and dimensions of any external advertising displays. If signs are to be illuminated or contain a moving display this should to be included.

Specialist Reports and Details:

- A **design statement** that provides an understanding of the evolution of the proposal (including options explored and discounted) from the concept to the final design.
- A **transport, access and pedestrian impact assessment** prepared by a suitably qualified traffic and access planner/engineer. The assessment should evaluate current and proposed access arrangements, car parking, as well as pedestrian and vehicle interface at the street and within the local road network.
- A **waste management and minimization plan (for demolition, construction and operation)** demonstrating the location of waste storage (including separation of recyclables hard waste and e-waste) and disposal facilities on the site and provide details of how these facilities will be serviced.

- A **noise assessment** prepared by a suitably experienced, professional acoustic engineering consultant¹ to moderate external and environmental noise disturbance and amenity impacts for future occupants of the development, but also other sensitive uses within the immediate area as a result of the proposed development.
- Details of proposed **wastewater management**, including segregation, collection, treatment, storage, reuse and disposal of any wastewater
- Details of proposed **stormwater management**, as well as any retention and reuse as part of the development, inclusive of details for connecting into any street drainage channel or council drain and the method of drainage and services proposed to be used.
- Assessment of the **ecological impacts** to the environment (marine, aquatic, freshwater or terrestrial), including sediment structure (where dredging proposed), including specialist ornithological assessment, marine benthic survey, flora and fauna survey and threatened species assessment.
- A **sustainability assessment** that outlines the environmental sustainability measures (energy efficiency, water sensitive design etc) incorporated into the proposal.
- A **biosecurity risk analysis** that outlines the potential risk of exotic organisms and disease (e.g. through vessel ballast water and/or biofouling) and measures proposed to eliminate this risk
- A **site history assessment** - if development is to occur on land that has the potential to be contaminated (through previous land uses) a site history assessment is required.
- Details of **site services and infrastructure** including utility services (water, gas, electricity, sewerage disposal, waste water, drainage, trenches or conduits); location of ground and roof plant and equipment (fire booster; electricity transformer; air conditioning; solar panels etc).
- A **fire hazard management plan** that considers requirements both during the construction and operational phases - including measures to minimise fire risk at and to/from the site, resources and training required, sources of water to fight fires (and how this water will be accessed) and cost recovery.
- An **air quality assessment report** that identifies and assesses all potential pollutants, pollutant sources and sensitive receivers, and describes the management strategies to manage, minimise and mitigate potential pollutants (and risks of emission of such pollutants) during construction and operations.
- **Coastal processes investigations and coastal hazard assessment** that ensures development is not at risk from current and future coastal hazards (including sea level rise, coastal flooding, erosion, dune drift and acid sulfate soils) consistent with the hierarchy of avoid, accommodate, adapt.
- A **heritage impact statement** that identifies local, state or nationally listed heritage places (or areas) of significance relevant to the project area, through a search of state and Commonwealth databases, and consider the potential impacts that a development may have on the heritage values of an item, place or conservation area, prepared by an appropriately qualified heritage expert (heritage conservation architect or similar).

¹ An acoustic engineer is defined as a person eligible for full Member status of both Engineers Australia and the Australian Acoustical Society

- An **Aboriginal cultural heritage assessment report** that identifies known Aboriginal heritage relevant to the project area through a search of AAR's central archives and potentially other archives held locally by Aboriginal people; and assesses the potential for unrecorded Aboriginal heritage to exist within the project area via an appropriately qualified heritage expert (archaeologist and/or anthropologist) working with Traditional Owners, either by desktop or on-ground assessments.

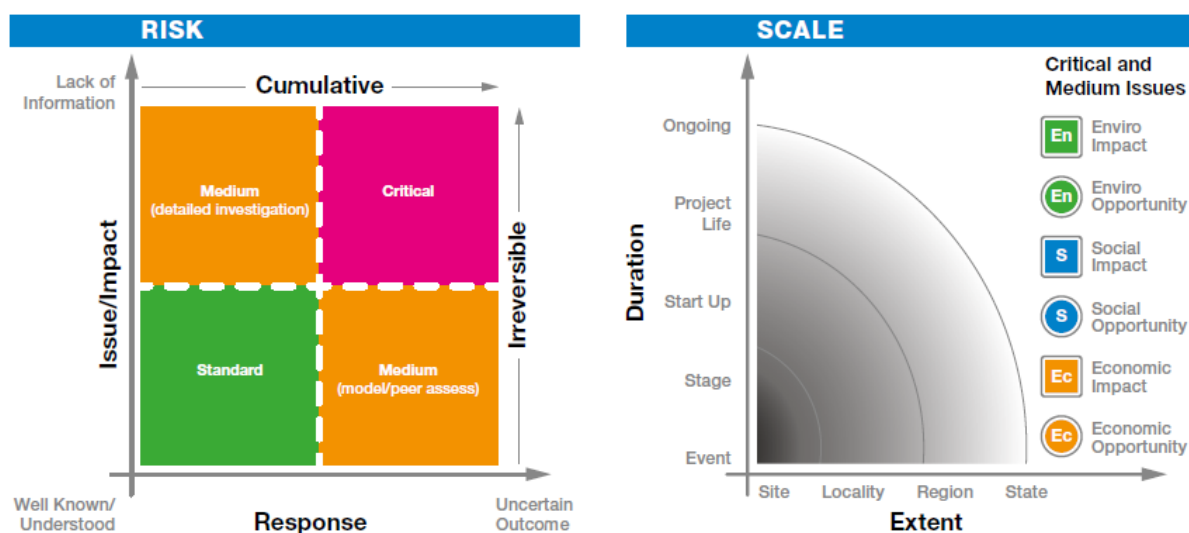
Sources of Information:

- All sources of information (e.g. reference documents, literature services, research projects, authorities consulted) should be fully referenced, and reference should be made to any uncertainties in knowledge. Where judgements are made, or opinions given, these need to be clearly identified as such, and the basis on which these judgements or opinions are made need to be justified. The expertise of those making the judgements including the qualifications of consultants and authorities should also be provided.
- Any technical and additional information relevant to the EIS that is not included in the text should be included in appendices.

6. ASSESSMENT

In setting these assessment requirements, the Commission has considered the scale of issues associated with the project and determined whether they represent issues or opportunities. The potential impacts and issues have then been organised according to the level of work and type of attention required by the Applicant: either standard, medium or critical:

- Where information about the issue is lacking and the response is unclear, the issue is classed as 'critical'.
- Where work is required to address the issue but the risk is likely to be manageable with additional information then the risk assessment is classed as 'medium'.
- Where the issue is well known and the response is well understood then the risk assessment is classed as 'standard'.



The issues and impacts identified by the Commission as requiring standard, medium or critical level assessment are listed below.

Each assessment requirement includes a description of the issue/impact and a description of the action or investigation needed.

To assist with the assessment of the EIS the proponent is requested to provide a table (as an appendix) that cross references each requirement (action or investigation needed) with the relevant section and page of the EIS.

NOTE: The investigative requirements of the EIS do not negate the need for the proponent to obtain all necessary licences, permits and/or management plans prior to undertaking any investigations or works in relation to this EIS. It also does not negate the need for the proponent to comply with any legislative obligations or duty of care under the relevant legislation.

		Risk			Scale		Level of assessment
No	Issue/Impact	Description	Issue/Impact	Response	Duration	Extent	
1							= CRITICAL
2							= CRITICAL
3							= CRITICAL
4							= MEDIUM
5							= MEDIUM
6							= MEDIUM
7							= STANDARD
8							= STANDARD
9							= STANDARD

7. ENVIRONMENTAL IMPACT STATEMENT (EIS) Assessment requirements

Commission Assessment Requirements

CRITICAL ASSESSMENT REQUIREMENTS

Issue Title

Assessment Requirement 1: DESCRIBE THE ISSUE AND CONTEXT

PROVIDE A SHORT DESCRIPTION OF HOW THE ISSUE SHOULD BE ADDRESSED

1.1 XXX

1.2 XXX

Issue Title

Assessment Requirement 2: DESCRIBE THE ISSUE AND CONTEXT

PROVIDE A SHORT DESCRIPTION OF HOW THE ISSUE SHOULD BE ADDRESSED

2.1 XXX

2.2 XXX

Issue Title

Assessment Requirement 3: DESCRIBE THE ISSUE AND CONTEXT

PROVIDE A SHORT DESCRIPTION OF HOW THE ISSUE SHOULD BE ADDRESSED

3.1 XXX

3.2 XXX

MEDIUM ASSESSMENT REQUIREMENTS

Issue Title

Assessment Requirement 4: DESCRIBE THE ISSUE AND CONTEXT

PROVIDE A SHORT DESCRIPTION OF HOW THE ISSUE SHOULD BE ADDRESSED

4.1 XXX

4.2 XXX

Issue Title

Assessment Requirement 5: DESCRIBE THE ISSUE AND CONTEXT

PROVIDE A SHORT DESCRIPTION OF HOW THE ISSUE SHOULD BE ADDRESSED

5.1 XXX

5.2 XXX

Issue Title

Assessment Requirement 6: DESCRIBE THE ISSUE AND CONTEXT

PROVIDE A SHORT DESCRIPTION OF HOW THE ISSUE SHOULD BE ADDRESSED

6.1 XXX

6.2 XXX

STANDARD ASSESSMENT REQUIREMENTS

Issue Title

Assessment Requirement 7: DESCRIBE THE ISSUE AND CONTEXT

PROVIDE A SHORT DESCRIPTION OF HOW THE ISSUE SHOULD BE ADDRESSED

7.1 XXX

7.2 XXX

Issue Title

Assessment Requirement 8: DESCRIBE THE ISSUE AND CONTEXT

PROVIDE A SHORT DESCRIPTION OF HOW THE ISSUE SHOULD BE ADDRESSED

8.1 XXX

8.2 XXX

Issue Title

Assessment Requirement 9: DESCRIBE THE ISSUE AND CONTEXT

PROVIDE A SHORT DESCRIPTION OF HOW THE ISSUE SHOULD BE ADDRESSED

9.1 XXX

9.2 XXX

APPENDIX 1 – SECTION 113 of the Act

- (1) This section applies if an EIS must be prepared in relation to a proposed development.
- (2) The Minister will, after consultation with the proponent—
 - (a) require the proponent to prepare the EIS; or
 - (b) determine that the Minister will arrange for the preparation of the EIS.
- (3) The EIS must be prepared in accordance with a practice direction published by the Commission in connection with this Subdivision.
- (4) The EIS must, subject to any practice direction, include a statement of—
 - (a) the expected environmental, social and economic effects of the development;
 - (b) the expected effects of the development on the climate and any proposed measures designed to mitigate or address those effects;
 - (c) the extent to which the expected effects of the development are consistent with the provisions of—
 - (i) any relevant state planning policy; and
 - (ii) the relevant regional plan; and
 - (iii) the Planning and Design Code; and
 - (iv) any matters prescribed by the regulations;
 - (d) if the development involves, or is for the purposes of, a prescribed activity of environmental significance as defined by the Environment Protection Act 1993, the extent to which the expected effects of the development are consistent with—
 - (i) the objects of the Environment Protection Act 1993; and
 - (ii) the general environmental duty under that Act; and
 - (iii) relevant environment protection policies under that Act;
 - (e) if the development is to be undertaken within an area of the State that is specifically subject to a special legislative scheme—the extent to which the expected effects of the development are consistent with the state planning policy that specifically relates to that special legislative scheme;
 - (f) the proponent's commitments to meet conditions (if any) that should be observed in order to avoid, mitigate or satisfactorily manage and control any potentially adverse effects of the development on the environment or any matter that may be directly relevant to a special legislative scheme;
 - (g) other particulars in relation to the development required—
 - (i) by the regulations; or
 - (ii) by the Minister.
- (5) After the EIS has been prepared, the Minister—
 - (a) —
 - (i) must, if the EIS relates to a development that involves, or is for the purposes of, a prescribed activity of environmental significance as defined by the Environment Protection Act 1993, refer the EIS to the Environment Protection Authority; and
 - (ii) must, in a case where subsection (4)(e) applies in relation to a special legislative scheme—refer the EIS to the Minister who is responsible for the administration of the Act in question; and

(iii) must refer the EIS to the relevant council (or councils), and to any prescribed authority or body; and

(iv) may refer the EIS to such other authorities or bodies as the Minister thinks fit,

for comment and report within the time prescribed by the regulations; and

(b) must ensure—

(i) that copies of the EIS are available for public inspection and purchase (during normal office hours) for at least a period specified or determined under the practice direction published by the Commission in connection with this Subdivision at a place or places determined by the Minister and, by public notice, give notice of the availability of copies of the EIS and invite interested persons to make written submissions to the Minister on the EIS within the time determined under the practice direction referred to above; and

(ii) that a copy of the EIS is published on the SA planning portal.

(6) The Minister may undertake, or require the proponent to undertake, any other consultation in relation to the EIS as the Minister thinks fit.

(7) The Minister must give to the proponent copies of all submissions made within a specified time limit.

(8) The proponent must then prepare a written response to—

(a) matters raised by a Minister, and any authority or body specified by the Minister, for consideration by the proponent; and

(b) all submissions referred to the proponent under subsection (7),

and provide a copy of that response to the Minister.

(9) The Commission must then prepare a report (**an Assessment Report**) that sets out or includes—

(a) the Minister's assessment of the development; and

(b) the Minister's comments (if any) on—

(i) the EIS; and

(ii) any submissions made under subsection (5); and

(iii) the proponent's response under subsection (8); and

(c) comments provided by the Environment Protection Authority, another Minister, a council or other authority or body for inclusion in the report; and

(d) other comments or matter as the Minister or the Commission thinks fit.

(10) The Commission must—

(a) notify a person who made a written submission under subsection (5) of the availability of the Assessment Report; and

(b) by public notice, give notice of the place or places at which copies of the Assessment Report are available for inspection and purchase; and

(c) ensure that a copy of the Assessment Report is published on the SA planning portal.

(11) Copies of the EIS, the proponent's response under subsection (8), and the Assessment Report must be kept available for inspection and purchase at a place determined by the Commission for a period determined by the Commission.

(12) If a proposed development to which an EIS relates will, if the development proceeds, be situated wholly or partly within the area of a council, the Commission must give a copy of the EIS, the proponent's response under subsection (8) and the Assessment Report to the council.

APPENDIX 2 – USEFUL DOCUMENTS

[Provide a list of useful documents if relevant – below is an example list]

Legislation

- *Planning, Development & Infrastructure Act 2016*
- *Planning, Development & Infrastructure (General) Regulations 2017*
- *Environment Protection Act 1993*
- *Native Vegetation Act 1991*
- *River Murray Act 2003*
- *Native Title Act 1994*
- *Aboriginal Heritage Act 1988*
- *National Parks and Wildlife Act 1972*
- *Landscape South Australia Act 2019*
- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999.*

Strategy & Policy

- Planning and Design Code
- Building Code of Australia
- State Planning Policies 2019
- Regional Plans (including, where relevant, the *30-Year Plan for Greater Adelaide*)
- Native Vegetation Council (2020) *Policy for a Significant Environmental Benefit* under the Native Vegetation Act 1991 and Native Vegetation Regulations 2017.
- EPA Environment Protection Policies
- South Australia's Waste Strategy 2015 – 2020, Office of Green Industries SA

Planning Related

- Design Review in South Australia, Office for Design and Architecture, 2013
- Better Practice Guide Waste Management for Residential and Mixed use Developments, Zero Waste SA 2014
- ESD Design Guide Office and Public Buildings Edition 3, RMIT University and Department of the Environment and Water Resources, May 2007
- EPA Noise Guideline: Music noise from indoor venues and the South Australian Planning System, updated July 2015
- Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry (1999)
- South Australia's Communities for All: Age-friendly Living Guidelines for Residential Development, SA Health 2012 – a set of three guidelines and a toolkit, for state and local government and planning developers.
- Healthy by Design: A guide for planning, designing and developing healthy urban environments in South Australia (2013)
- Streets for People: Compendium for South Australian Practice (2012)

EPBC Act Related

- DSEWPC (2012) *EPBC Act 1999 Environmental Offsets Policy*
- DSEWPC (2013) EPBC Act 1999 (CTH) Policy Statement Consideration of a Person's Environmental History when making Decisions under the EPBC Act).
- DOE (2016) *Engage Early Guidance for proponents on best practice Indigenous engagement for environmental assessments under the Environment Protection and Biodiversity Conservation Act 1999*
- DEE (2017) *Policy statement: Advanced environmental offsets under the Environment Protection and Biodiversity Conservation Act 1999*