



GUIDELINES

For the preparation of a
PUBLIC ENVIRONMENTAL REPORT
for the
Southern Ocean Lodge
Hanson Bay, Kangaroo Island
Proposal by Baillie Lodges



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Planning SA

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1 INTRODUCTION

- 1.1 On 23 June 2005, the Minister for Urban Development & Planning ('the Minister') made a declaration in the Government Gazette for the proposed Southern Ocean Lodge proposal at Hanson Bay, Kangaroo Island, to be assessed as a Major Development under the provisions of Section 46 of the *Development Act 1993*.
- 1.2 The proposed development is for the establishment of 25 contiguous accommodation suites and associated facilities that include a main lodge, spa retreat and staff village, adjacent to the coast in the south west of Kangaroo Island, near the Flinders Chase National Park.
- 1.3 The Major Developments Panel (the Panel) is an independent statutory authority that has the task of determining the appropriate form of assessment for a Major Development, and setting Guidelines for the requisite documentation. To assist in this process, the Panel produced an Issues Paper on the proposal and invited public and Government Agency comment. The date by which the public could make a submission on the Issues Paper has closed, but the Issues Paper can still be accessed free of charge to obtain further information about the proposal at Planning SA, and the Kangaroo Island Council. It can also be viewed at Planning SA's 'Major Developments Panel' website:http://www.planning.sa.gov.au/md_panel/index.html.
- 1.4 Following consideration of all public and government submissions, the Panel has determined that the proposal will be subject to the processes and procedures of a Public Environmental Report (PER), as set out in Section 46C of the *Development Act 1993*, for the following reasons:
 - The clearance of "intact stratum" on land between two Parks and the potential impacts on fauna both on the site and adjacent to it. Potential impacts on threatened and migratory species have been identified and the proposal has been classified a "controlled action" under the Commonwealth EPBC Act.
 - The sensitivity of the coastal location and the potential for visual impact on the landscape.
 - Reduced perceptions of the wilderness value of the area (and possibly region) due to increased 'human disturbance', especially as the site is within the South Coast Ecological Area and adjacent the Cape Bouguer Wilderness Protection Area.
 - Impact of the road access to the site in terms of wildlife movements and risk to native vegetation from plant pathogens, such as *Phytophthora*.
 - Bushfire protection clearance requirements.
 - Infrastructure requirements, including the provision of power, water, waste disposal and access (including economic implications for State and Local Government).
 - The economic implications and sustainability of the proposal, particularly economic impact of the development with respect to the local tourism industry and the broader community on Kangaroo Island.

- 1.5 The Panel has now prepared Guidelines for the proposed Southern Ocean Lodge based on the significant issues relating to the proposed development and taking into consideration the issues raised in the submissions. The PER should be prepared in accordance with these Guidelines and should describe what the proponent wants to do, what the environmental effects will be and how the proponent plans to manage the project.
- 1.6 A further opportunity for public comment will occur when the completed PER is released for public exhibition. At that time, an advertisement will be placed in *The Advertiser* and the local newspaper, *The Islander*, to indicate where the PER is available, and the length of the public exhibition period. During the exhibition period, written submissions on the proposal can be made to the Minister for Urban Development & Planning.
- 1.7 The Panel's role in the assessment process is now fulfilled. The Minister will continue with the assessment process under Section 46 of the *Development Act 1993* from this point. The object of Section 46 is to ensure that matters affecting the environment, the community or the economy to a significant extent, are fully examined and taken into account in the assessment of this proposal.
- 1.8 The documentation and the analyses from the assessment process will then be used by the Governor in the decision-making process, under Section 48 of the *Development Act 1993*, to decide whether the proposal can be approved, and the conditions that will apply.

2 BACKGROUND

- 2.1 The proponents of the proposed Southern Ocean Lodge are James and Hayley Baillie of Baillie Lodges.
- 2.2 Baillie Lodges proposes to establish 25 contiguous accommodation suites and associated facilities that include a main lodge, spa retreat and staff village, adjacent to the coast in the south west of Kangaroo Island, near the Flinders Chase National Park.
- 2.3 On 23 June 2005, the Minister for Urban Development & Planning made a declaration in the Government Gazette for the proposed development to be assessed as a Major Development under the provisions of Section 46 of the *Development Act 1993*.
- 2.4 The Panel has determined that the proposal will be subject to the processes and procedures of a Public Environmental Report (PER), as set out in Section 46C of the *Development Act 1993*.
- 2.5 The proponent has been advised by the Minister for Urban Development & Planning that a PER is required to assist the Government in assessing the environmental, social and economic impacts of the proposal. A PER is to be prepared by the proponent, which will describe what the proponent wants to do, what the impacts will be and how the proponent plans to manage the impacts of the project.
- 2.6 The Panel has prepared these Guidelines for the proponent based on the significant issues relating to the proposed development. These Guidelines identify the issues associated with the proposal that must be addressed in the PER. To assist in determining the significant issues, an Issues Paper was released for public and agency comment. This period for comment closed on 13 October 2005. In preparing the Guidelines, the Panel has considered the issues raised in the submissions.
- 2.7 A further opportunity for public comment will occur when the completed PER is released for comment. At that time, an advertisement will be placed in *The Advertiser* and the relevant local newspaper *The Islander*, to indicate where the PER document is available and the length of the public exhibition period, during which time written submissions can be made to the Minister for Urban Development & Planning. A public meeting will also be held during the exhibition period and this will also be advertised in *The Advertiser* and *The Islander*.

3 THE PUBLIC ENVIRONMENTAL REPORT PROCESS

- 3.1 A PER, as defined in Section 46C of the *Development Act 1993*, includes a description and analysis of issues relevant to the development and the means by which those issues can be addressed.
- 3.2 The PER should detail the expected environmental, social and economic effects of the development. The PER must consider the extent to which the expected effects of the development are consistent with the provisions of any Development Plan, the Planning Strategy and any matter prescribed by the Regulations under the *Development Act 1993*. The PER should also state the proponent's commitments to meet conditions (if any) placed on any approval that may be given to avoid, mitigate or satisfactorily control and manage any potential adverse impacts of the development on the environment. Further to this, any other information required by the Minister must be considered.
- 3.3 In preparing the PER, the proponent should bear in mind the following aims of the PER and public review process:
 - 3.3.1 To provide a source of information from which interested individuals and groups may gain an understanding of the proposal, the need for the proposal, the alternatives, the environment which would be affected, the impacts that may occur and the measures to be taken to minimise these impacts.
 - 3.3.2 To provide a forum for public consultation and informed comment on the proposal.
 - 3.3.3 To provide a framework in which decision-makers may consider the environmental aspects of the proposal in parallel with social, economic, technical and other factors.
- 3.4 Following the release of the Guidelines adopted by the Panel:**
 - 3.4.1 The PER must be prepared by the proponent in accordance with these Guidelines.
 - 3.4.2 The PER is referred to the Kangaroo Island Council and to any prescribed authority or body, and to other relevant authorities or bodies for comment.
 - 3.4.3 Public exhibition of the PER document by advertisement is undertaken for a least 30 business days. Written submissions are invited.
 - 3.4.4 A public meeting is held in the locality by Planning SA during the period for making submissions to provide information on the development or project, to explain the PER document and processes, and to assist interested persons to make submissions under the *Development Act 1993*.
 - 3.4.5 Copies of the submissions from the public, Council and other relevant agencies will be given to Baillie Lodges (the proponent) soon after closing of the public comment period.

- 3.4.6 The proponent must then prepare a written response in a 'Response Document' to the matters raised by the Minister, Councils or any prescribed or specified authority or body and the public. The proponent is given two months to provide this to the Minister.
- 3.4.7 The Minister then prepares an Assessment Report taking into account any submissions and the proponent's response to them. Comments from the Council or other authority or body may be considered as the Minister thinks fit.
- 3.4.8 The Assessment Report and the Response Document are to be kept available for inspection and purchase at a place and period determined by the Minister. Availability of each of these documents will be notified by advertisements in the *Advertiser* newspaper and local press.
- 3.4.9 A copy of the PER, the Response document prepared by the proponent and the Assessment Report will be given to the Kangaroo Island Council.
- 3.4.10 The Governor is the relevant decision maker under Section 48 of the *Development Act 1993*, when a development application is subject to the PER process.
- 3.4.11 In arriving at a decision, the Governor must have regard to:
- Provisions of the appropriate Development Plan and Regulations
 - If relevant, the Building Rules
 - The Planning Strategy
 - PER and Assessment Report
 - If relevant, the *Environment Protection Act 1993*.

4 THE PUBLIC ENVIRONMENTAL REPORT DOCUMENT

- 4.1 The Guidelines set out the major issues associated with the proposal and their degree of significance as determined by the Panel. It describes each issue and then outlines the way that these issues should be dealt with in the Public Environmental Report.
- 4.2 In these Guidelines the terms “description” and other similar terminology should be taken to include both quantitative and qualitative materials as practicable and meaningful. Similarly, adverse and beneficial effects should be presented in a quantitative and/or qualitative terms as appropriate.
- 4.3 The main text of the PER should be clear and precise and presented in terms that are readily understood by the general reader. Technical details should be included in the appendices so that the PER forms a self-contained entity.
- 4.4 The document should give priority to the major issues associated with the proposal. Matters of lesser concern should be dealt with only to the extent required to demonstrate that they have been considered to assist in focussing on the major issues.

4.5 The following should be included in the PER:

4.5.1 SUMMARY

- 4.5.2 The PER should include a concise summary of the matters set out in section 46C of the *Development Act 1993* and include all aspects covered under the headings set out in the Guidelines below, in order for the reader to obtain a quick but thorough understanding of the proposal and the resulting environmental impact.

4.5.3 INTRODUCTION

The introduction to the PER 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 PER process.

4.5.4 NEED FOR THE PROPOSAL

- The specific objectives that the proposal is intended to meet, including market requirements.
- Expected local, regional and state benefits and costs, including those that cannot be adequately described in monetary or physical terms (eg. effects on aesthetic amenity), and
- A summary of environmental, economic and social arguments to support the proposal, including the consequences of not proceeding with the proposal.

4.5.5 DESCRIPTION OF THE PROPOSAL

The description of the proposal should include the following information:

- the process and timing of the construction
- details of the immediate and broader location of the proposed facility
- details on all buildings and structures associated with the proposed facility
- details on the operation of the proposed facility
- relevant Development Plan zones
- site layout plans
- transport requirements for construction , maintenance and operation
- access requirements and site parking facility arrangements
- landscaping details
- any other infrastructure requirements and availability and
- an Operational Management Plan

In particular, the proponent should provide detailed information about the extent of vegetation clearance and bushfire mitigation measures.

4.6 The PER must include the following:

4.6.1 ASSESSMENT OF EXPECTED ENVIRONMENTAL, SOCIAL AND ECONOMIC EFFECTS

The assessment of effects should include all issues identified in Section 5 of these Guidelines.

4.6.2 CONSISTENCY WITH GOVERNMENT POLICY

The *Development Act 1993* requires the PER to state the consistency of the expected effects of the proposed development, with the relevant Development Plan and Planning Strategy.

4.6.3 AVOIDANCE, MITIGATION, MANAGEMENT AND CONTROL OF ADVERSE EFFECTS

The proponent's commitment to meet conditions proposed to avoid, mitigate, satisfactorily manage and/or control any potentially adverse impacts of the development on the physical, social or economic environment, must be clearly identified in an Environmental Management and Monitoring Plan and included as part of the Public Environmental Report.

4.7 The PER should also provide the following additional information:

4.7.1 SOURCES OF INFORMATION

The sources of information (eg reference documents, literature services, research projects, authorities consulted) should be fully referenced, and reference should be made to any uncertainties in knowledge. Where judgments are made, or opinions given, these will need to be clearly identified as such, and the basis on which these judgments or opinions are made will need to be justified. The expertise of those

making the judgments including the qualifications of consultants and authorities should also be provided.

4.7.2 APPENDICES

Technical and additional information relevant to the PER that is not included in the text should be included in the appendices (maps, graphs, tables, photographs, reports etc). A glossary may also be appropriate.

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

4.7.3 OTHER

Appropriate plans, drawings and elevations are needed for a decision to be made. As much information as possible is required of the design and layout of the proposal.

5 ISSUES IDENTIFIED BY THE PANEL

5.1 NEED FOR THE PROPOSAL

- 5.1.1 Describe the need for the proposal, including the reasons for its proposed location and staging.
- 5.1.2 Assess the “do nothing” option.
- 5.1.3 Justify the selection of the proposed location from an environmental and economic perspective in comparison with alternative sites on the Island, particularly less vegetated sites on the South Coast.

5.2 ENVIRONMENTAL ISSUES

Native Vegetation

- 5.2.1 Describe the local, district and regional context for native vegetation.
- 5.2.2 Quantify and detail the extent, condition and significance of native vegetation (individual species and communities) that may need to be cleared or disturbed during construction and the ability of communities or individual species to recover, regenerate or be rehabilitated.
- 5.2.3 Calculate the level of clearance that would be required for the whole site and for individual community types (including ancillary clearance for accommodation and all infrastructure, the produce garden, walking trails and areas required for bushfire safety).
- 5.2.4 Describe the effect on the conservation status, (local, regional, state and national) habitat value of vegetation communities and individual species, especially those that are threatened including the Kangaroo Island spider orchid, the twining finger-flower and *Ptilotus beckerianus*.
- 5.2.5 Describe the potential for and nature of the habitat fragmentation.
- 5.2.6 Describe changes in biological diversity resulting at the interface between the proposed development and existing vegetation ie. the “edge effect”.
- 5.2.7 Describe the effect of introduced weed species on native vegetation before and after construction, including species that may originate from the produce garden or landscaped areas.
- 5.2.8 Outline the risk of spread of disease, eg plant pathogens such as *Phytophthora*.

- 5.2.9 Outline the need for, size, location and management of the proposed produce garden and the degree of vegetation clearance required to accommodate it.
- 5.2.10 Outline any proposed revegetation works (illustrating location, densities and species to be planted) walkways and retaining structures.
- 5.2.11 Identify measures to minimise and mitigate vegetation clearance, including incorporating remnant stands in the layout design, and to compensate for the loss of native vegetation and habitat.
- 5.2.12 Identify measures to compensate for vegetation clearance.
- 5.2.13 Describe measures to deliver significant environmental benefit as required by the *Native Vegetation Act*.

Native Fauna

- 5.2.14 Describe the local, district and regional context for native fauna.
- 5.2.15 Describe the extent of fauna and/or habitat loss or disturbance during the construction and operation phases and the ability of communities and individual species to recover (especially the occurrence of threatened or significant species including those listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*).
- 5.2.16 Outline the effect during the construction and operation phases on the conservation status of faunal communities or individual species, including the Osprey, White-bellied Sea-Eagle, Peregrine Falcon, Southern Emu-Wren, Western Whipbird, Bassian Thrush, Beautiful Firetail, Hooded Plover, Rock Parrot, Southern brown bandicoot, Kangaroo Island dunnart, Glossy black-cockatoo and those that are threatened on a State/regional basis and/or listed under the *Environment Protection and Biodiversity Conservation Act 1999*.
- 5.2.17 Describe the effect on introduced species, especially feral cats.
- 5.2.18 Outline the risk of road related fauna death and injury.
- 5.2.19 Outline the effect of light and noise pollution on nocturnal animals and the risk of bird strike associated with the large glass windows.
- 5.2.20 Identify mitigation measures and their effectiveness, including measures to minimise the upgraded access road and subsidiary tracks acting as fauna barriers or as a corridor for feral animals.

Geology and Soils

- 5.2.21 Describe the underlying geology and the nature of the soils with special reference to coastal and karstic landforms.
- 5.2.22 Outline the interaction between surface erosional process and the proposed development.

Management

- 5.2.23 Identify the need for fire management to maintain biodiversity on the site and the implications for bushfire protection.
- 5.2.24 Describe the waste collection storage and disposal systems and opportunities for recycling and resource recovery, including measures to deter scavenging by native or feral species.
- 5.2.25 Outline the principles to be followed to demonstrate that the development would be environmentally sustainable.
- 5.2.26 Detail the extent of any landscaping, highlighting plant species suited to local conditions.
- 5.2.27 Describe the measures proposed for the disposal of excavated material and construction waste.

Water

- 5.2.28 Describe the impact of developing a wastewater treatment system including the expected volume to be treated and disposed of.
- 5.2.29 Describe the connection to water supply for the proposed development and include information on the quantity of potable water required and the implications for existing users.
- 5.2.30 Describe stormwater and wastewater management and the potential impact on groundwater resources, surface water resources and the marine and coastal environment.
- 5.2.31 Describe the impact of the development on existing groundwater resources including the need for a water supply pipeline and information regarding its proposed location.
- 5.2.32 Identify any opportunities for recycling all forms of wastewater.
- 5.2.33 Identify ways in which water use can be minimised or supplemented including the collection and use of rainwater.
- 5.2.34 Outline the measures proposed to manage stormwater runoff from hard surfaces which are not being used for harvesting water supply, especially access roads.

Power

- 5.2.35 Describe the delivery of diesel fuel to the site and proposed bunding measures for its storage.
- 5.2.36 Outline the implications of connecting to the power grid for the existing infrastructure and current users.
- 5.2.37 Identify ways in which power use can be minimised or supplemented, especially using alternative energy sources and energy efficiency measures.

Coastal

- 5.2.38 Describe the visual effect of the proposed development in this locality.
- 5.2.39 Describe the rationale for the major design elements of the proposed development and measures to mitigate their visual impact.
- 5.2.40 Outline how guests and staff of the facility will access the beach and the management measures proposed to prevent or limit soil erosion of the immediate coastal access points.

Monitoring

- 5.2.41 Describe all the monitoring measures, reporting regimes and audits for water, vegetation, flora, fauna (including listed and scheduled species under the *Environment Protection and Biodiversity Conservation Act 1999* and *National Parks & Wildlife Act*, waste, soil erosion, pathogens and introduced species which will be included in a Management Plan.
- 5.2.42 Describe the means by which the sustainability of the proposal will be audited.

General

- 5.2.43 Describe the broader impacts on the perceived wilderness value of the region due to increased 'human disturbance' from both guests and staff, especially as the site is within the South Coast Ecological Area (Biodiversity Plan for Kangaroo Island, 2001) and nearby National and Conservation Parks and a Wilderness Protection Area.
- 5.2.44 Provide information on the expected levels of environmental noise associated with the operation of the facility, identifying all potential noise sources, and describe the extent to which these noise emissions can be reduced and contained to minimise effects upon the wider locality including native fauna.
- 5.2.45 Describe the net benefits and opportunities provided by the proposal to the regional and local environment.
- 5.2.46 Detail the proposed access and on site car parking arrangements, including information about road width and associated drainage measures and maintenance requirements.

- 5.2.47 Describe implications of climate change with respect to the proposal and any proposed adaptation and reduction measures in relation to greenhouse gas emissions.
- 5.2.48 Outline proposed signage and other educational resources including those which will provide information on preferred access tracks, environmental features and hazardous areas, within the site.
- 5.2.49 Detail what will be included in an environmental management plan, for both construction and operational components.

5.3 ECONOMIC ISSUES

- 5.3.1 Outline the opportunity for tourism and investment in the area to be enhanced as a result of the proposal.
- 5.3.2 Identify employment and investment opportunities, including the “multiplier effect”.
- 5.3.3 Outline the potential for the project to attract and enhance the business operations of other allied industries and commercial ventures.
- 5.3.4 Provide information about the branding and marketing of the development that may influence consumer perceptions of South Australia as a tourist destination.
- 5.3.5 Provide a full economic analysis of the proposal including the long term economic viability of the project.
- 5.3.6 Describe strategies to return the site to its predevelopment state, should the project fail.

5.4 RISK/HAZARD MANAGEMENT

- 5.4.1 Detail fire management processes and measures to reduce bushfire risk, especially those which minimise vegetation clearance and land disturbance.
- 5.4.2 Describe strategies for emergency evacuation during medical emergencies and/or bushfire risk.
- 5.4.3 Describe strategies for ensuring public safety during construction.
- 5.4.4 Describe procedures to prevent, minimise and manage pollution spills or sewage leaks.
- 5.4.5 Describe how introduced species and pathogens will be managed.
- 5.4.6 Outline the proposal for bunding of hazardous materials storage areas.
- 5.4.7 Describe strategies for wind erosion and control.

5.5 EFFECTS ON COMMUNITIES

- 5.5.1 Identify the effect on any Aboriginal sites of archaeological, anthropological or other significance, including any sites listed in the Register of the National Estate and the SA Register of Aboriginal Sites and Objects, or identified after consultation with Aboriginal councils or groups.
- 5.5.2 Identify the effect on any non-Aboriginal cultural sites.
- 5.5.3 Describe the impact on any Native Title Claimants and the consequent impact on the potential ongoing enjoyment of native title rights (if any) by native title holders.
- 5.5.4 Describe the effect on visual amenity and landscape quality, especially the effects of the built form of structures and including the access road, earthworks, power lines and impact on the coastal environment.
- 5.5.5 Describe the proximity to existing and potential dwellings, if any.
- 5.5.6 Identify any other impact on local amenity.
- 5.5.7 Outline the traffic generation and truck movements to and from the site and their hours of operation during the construction period and operational phase.
- 5.5.8 Outline the impact on existing tourism and recreation infrastructure (e.g. Kelly Hill Caves Conservation Park and Flinders Chase National Park).
- 5.5.9 Outline the likely size and composition of the construction workforce and other employees, particularly information on employment opportunities for the local community.

5.6 EFFECTS ON INFRASTRUCTURE REQUIREMENTS

- 5.6.1 Outline the requirements for and likely location of gas, electricity, water, sewerage, stormwater management, communications systems and local roads.
- 5.6.2 Detail the extent to which the facility will generate the need for upgraded infrastructure beyond the site boundaries.
- 5.6.3 Outline the potential for adopting water sensitive urban design for managing stormwater.
- 5.6.4 Detail emergency services arrangements.
- 5.6.5 Outline opportunities to incorporate best practice infrastructure design.
- 5.6.6 Identify alternative systems of effluent treatment including composting toilets.

5.7 CONSTRUCTION AND OPERATIONAL EFFECTS

- 5.7.1 Provide information about the accommodation arrangements for the construction workers and employees.
- 5.7.2 Outline the timing of construction and the time of year it is likely to occur.
- 5.7.3 Describe the level of cut and fill required and the effect on the natural topography of the site.
- 5.7.4 Identify the effects of construction on any Karst cave systems in the district , especially from blasting or vibration.
- 5.7.5 Provide a site construction plan and outline strategies to minimise effects on the local environment.
- 5.7.6 Identify the source of any construction materials including limestone for the lodge and for road making and the opportunity for the use of recycled materials.
- 5.7.7 Provide information about the transport and storage of any construction materials to minimise effects on the local environment.
- 5.7.8 Identify measures to stabilise disturbed areas and areas susceptible to soil erosion.
- 5.7.9 Identify the measures for the control of dust, vibration, noise, stormwater and other emissions during construction and operation.
- 5.7.10 Describe the implementation of environmentally acceptable work practices and monitoring programs.
- 5.7.11 Detail the encumbrances or similar mechanisms to control and manage activities on adjoining land.
- 5.7.12 Detail the proposed monitoring of impacts during and after construction including reporting and auditing measures.

5.8 PLANNING AND ENVIRONMENTAL LEGISLATION AND POLICIES

- 5.8.1 Describe the proposal's consistency with the relevant Development Plan and Planning Strategy.
- 5.8.2 Describe the proposal's consistency with State and Commonwealth legislation and initiatives relating to conservation or protection of the biological environment.

Development Act 1993, Section 46C—PER process—Specific provisions

- (1) This section applies if a PER must be prepared for a proposed development or project.
- (2) The Minister will, after consultation with the proponent—
 - (a) require the proponent to prepare the PER; or
 - (b) determine that the Minister will arrange for the preparation of the PER.
- (3) The PER must be prepared in accordance with guidelines determined by the Major Developments Panel under this subdivision.
- (4) The PER must include a statement of—
 - (a) the expected environmental, social and economic effects of the development or project;
 - (b) the extent to which the expected effects of the development or project are consistent with the provisions of—
 - (i) any relevant Development Plan; and
 - (ii) the Planning Strategy; and
 - (iii) any matters prescribed by the regulations;
 - (c) if the development or project 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 or project 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;
 - (ca) if the development or project is to be undertaken within the Murray-Darling Basin, the extent to which the expected effects of the development or project are consistent with—
 - (i) the objects of the *River Murray Act 2003*; and
 - (ii) the *Objectives for a Healthy River Murray* under that Act; and
 - (iii) the general duty of care under that Act;
 - (cb) if the development or project is to be undertaken within, or is likely to have a direct impact on, the Adelaide Dolphin Sanctuary, the extent to which the expected effects of the development or project are consistent with—
 - (i) the objects and objectives of the *Adelaide Dolphin Sanctuary Act 2005*; and
 - (ii) the general duty of care under that Act;
 - (d) 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 or project on the environment;
 - (e) other particulars in relation to the development or project required—

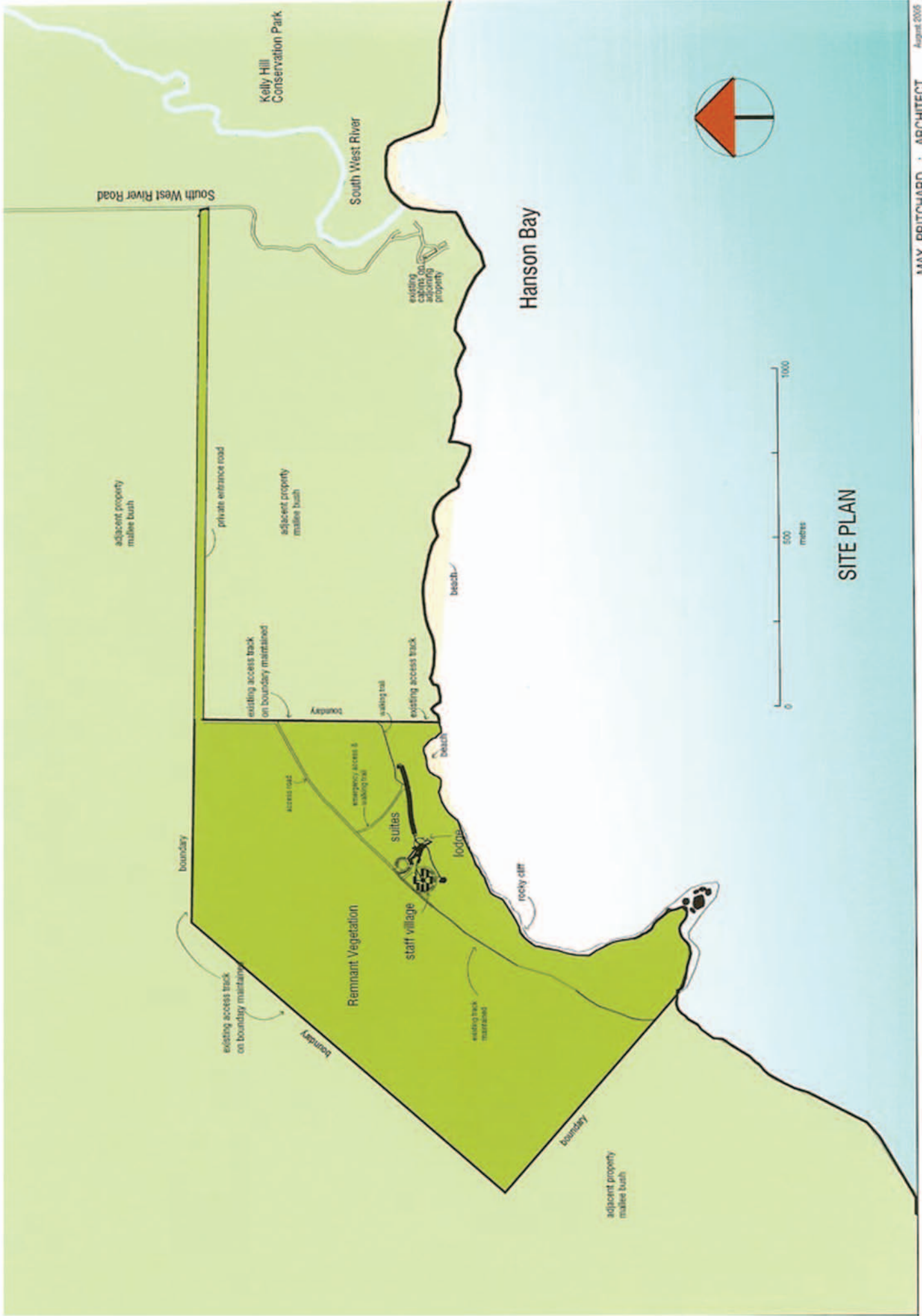
- (i) by the regulations; or
 - (ii) by the Minister.
- (5) After the PER has been prepared, the Minister—
 - (a) —
 - (i) must, if the PER relates to a development or project that involves, or is for the purposes of, a prescribed activity of environmental significance as defined by the *Environment Protection Act 1993*, refer the PER to the Environment Protection Authority; and
 - (ia) must, if the PER relates to a development or project that is to be undertaken within the Murray-Darling Basin, refer the PER to the Minister for the River Murray; and
 - (ib) must, if the PER relates to a development or project that is to be undertaken within, or is likely to have a direct impact on, the Adelaide Dolphin Sanctuary, refer the PER to the Minister for the Adelaide Dolphin Sanctuary; and
 - (ii) must refer the PER to the relevant council (or councils), and to any prescribed authority or body; and
 - (iii) may refer the PER 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 that copies of the PER are available for public inspection and purchase (during normal office hours) for at least 30 business days at a place or places determined by the Minister and, by public advertisement, give notice of the availability of copies of the PER and invite interested persons to make written submissions to the Minister on the PER within the time determined by the Minister for the purposes of this paragraph.
- (6) The Minister must appoint a suitable person to conduct a public meeting during the period that applies under subsection (5)(b) in accordance with the requirements of the regulations.
- (7) The Minister must, after the expiration of the time period that applies under subsection (5)(b), give to the proponent copies of all submissions made within time under that subsection.
- (8) The proponent must then prepare a written response to—
 - (a) matters raised by a Minister, the Environment Protection Authority, any council or any prescribed or specified authority or body, 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 within the time prescribed by the regulations.
- (9) The Minister must then prepare a report (an *Assessment Report*) that sets out or includes—
 - (a) the Minister's assessment of the development or project; and
 - (b) the Minister's comments (if any) on—

- (i) the PER; 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, a council or other authority or body for inclusion in the report; and
 - (d) other comments or matter as the Minister thinks fit.
- (10) The Minister must, by public advertisement, give notice of the place or places at which copies of the Assessment Report are available for inspection and purchase.
- (11) Copies of the PER, 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 Minister for a period determined by the Minister.
- (12) If a proposed development or project to which a PER relates will, if the development or project proceeds, be situated wholly or partly within the area of a council, the Minister must give a copy of the PER, the proponent's response under subsection (8), and the Assessment Report to the council.



SOUTHERN OCEAN LODGE HANSON BAY, KANGAROO ISLAND

SITE PLAN