





# **GUIDELINES**

For the preparation of an  
ENVIRONMENTAL IMPACT STATEMENT  
for the

## **Cape Jaffa Anchorage Marina**

Proposal by

Kingston District Council and Cape Jaffa  
Development Company

**Major Developments Panel  
South Australia**

[www.planning.sa.gov.au/md\\_panel/index.html](http://www.planning.sa.gov.au/md_panel/index.html)

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**Attachment A      SA Development Act, Section 46B, EIS Process**



# 1 INTRODUCTION

- 1.1 On 19 December 2002, the Minister for Urban Development and Planning ('the Minister') made a declaration in the Government Gazette for the proposed Cape Jaffa Anchorage marina proposal, to be assessed as a Major Development under the provisions of Section 46 of the *Development Act 1993*.
- 1.2 The proposed Cape Jaffa Anchorage development is a multi-component commercial/recreational marina facility and associated waterfront residential development, on land located immediately east of the Cape Jaffa township.
- 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 closing date for public submissions 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 District Council of Kingston. It can also be viewed at Planning SA's 'Major Developments Panel' website: [http://www.planning.sa.gov.au/md\\_panel/index.html](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 an Environmental Impact Statement (EIS), as set out in Section 46B of the *Development Act 1993*, for the following reasons:
  - the magnitude of the development and the range of activities proposed (including residential, tourism, recreational, commercial and semi-industrial uses)
  - the general sensitivity of the coastal location
  - the potential impacts on groundwater, coastal processes, the marine environment and the community
  - the Economic implications and sustainability of the proposal
- 1.5 The Panel has now prepared Guidelines for the proposed Cape Jaffa Anchorage marina based on the significant issues relating to the proposed development and taking into consideration the issues raised in the submissions. The EIS 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 EIS is released for public exhibition. At that time, an advertisement will be placed in the *Advertiser* and relevant local newspapers to indicate where the EIS 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 and Planning, the Hon. Jay Weatherill, MP.

- 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 proponent of the proposed Cape Jaffa Anchorage marina is the District Council of Kingston and the Cape Jaffa Development Company, namely a consortium of council and constructors.
- 2.2 District Council of Kingston and the Cape Jaffa Development Company now proposes to establish a combined 'working harbour' for the commercial fishing/aquaculture industry and waterfront residential sub-division, with associated commercial/semi-industrial, tourist and public recreational facilities. The proposal would progressively be developed in stages over 10 years.
- 2.3 On 19 December 2002, the Minister for Urban Development and 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 an Environmental Impact Statement (EIS), as set out in Section 46B of the *Development Act 1993*.
- 2.5 The proponent has been advised by the Minister for Urban Development and Planning that an Environmental Impact Statement is required to assist the Government in assessing the environmental, social and economic impacts of the proposal. An EIS is prepared by the proponent, and describes 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 EIS. To assist in determining the significant issues, an Issues Paper was released for public and agency comment. This period for comment closed on 7 May 2003. 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 EIS is released for comment. At that time, an advertisement will be placed in the '*Advertiser*' and the relevant local newspaper to indicate where the EIS 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 and Planning. A public meeting will also be held during the exhibition period and this will also be advertised in the *Advertiser* and the relevant local newspaper.



### **3 THE ENVIRONMENTAL IMPACT STATEMENT PROCESS**

- 3.1 An EIS, as defined in Section 46B 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 EIS should detail the expected environmental, social and economic effects of the development. The EIS 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 EIS 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 EIS, the proponent should bear in mind the following aims of the EIS 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 EIS must be prepared by the proponent in accordance with these Guidelines.
  - 3.4.2 The EIS is referred to any prescribed authority or body, and to other relevant authorities or bodies for comment.
  - 3.4.3 Public exhibition of the EIS 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 EIS 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 and other relevant agencies will be given to District Council of Kingston and the Cape Jaffa Development Company (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 or any prescribed or specified authority or body and the public.
- 3.4.7 The Minister then prepares an Assessment Report taking into account any submissions and the proponent’s response to them. Comments from any 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 EIS, the Response Document prepared by the proponent and the Assessment Report will be given to the District Council of Kingston for distribution purposes.
- 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 EIS 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
  - EIS and Assessment Report
  - If relevant, the *Environment Protection Act 1993*.

## **4 THE ENVIRONMENTAL IMPACT STATEMENT 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 Environmental Impact Statement.
- 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 EIS 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 EIS 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 EIS:**

#### **4.5.1 SUMMARY**

- 4.5.2 The EIS should include a concise summary of the matters set out in section 46B 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 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.

#### **4.5.4 NEED FOR THE PROPOSAL**

The Introduction to the EIS should briefly cover the following:

- 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 cover a description of the existing environment, the nature of the proposal and the location, construction and commissioning timeframes, and a description of construction, operation, maintenance and monitoring practices and techniques. This should include reference to the location, layout, elevation and appearance of structures (and buildings where relevant), an indicative land division plan, a description of easements and infrastructure requirements and availability. A discussion of management arrangements for the construction and operational stages should be provided.

#### 4.6 The EIS 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 EIS to state its consistency with the relevant Development Plan and Planning Strategy.

##### 4.6.3 AVOIDANCE, MITIGATION, MANAGEMENT AND CONTROL OF ADVERSE EFFECTS

The proponent's commitments to meet conditions 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 stated as part of the EIS.

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 The EIS should 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 EIS 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 drawings, including plans 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 proposed development, including the reasons for its proposed location and staging.
- 5.1.2 Detail the potential demand for this type of development at the proposed location.
- 5.1.3 Assess the “do nothing” option.

### **5.2 ENVIRONMENTAL ISSUES**

#### *Groundwater*

- 5.2.1 Describe the known existing groundwater environmental conditions.
- 5.2.2 Detail any groundwater investigations and modelling undertaken on the site or in the locality of the site.
- 5.2.3 Describe the short and long term effects of establishing channels and basins on groundwater quantity and quality and movement, particularly watertable drawdown or contamination from salt water intrusion.
- 5.2.4 Describe stormwater and wastewater management and the potential impact on groundwater.
- 5.2.5 Detail the impact on land and native vegetation, of the off-site depression of the water table and outline the extent of groundwater depression and effect on farming and horticulture and other operations within the groundwater depression zone.
- 5.2.6 Describe the likely effects on marine organisms, reef communities and seagrasses, given groundwater flow out to sea is likely to increase, potentially reducing the salinity and increasing nutrients and pollutants, particularly heavy metals.
- 5.2.7 Detail management systems to control the quality and quantity of outflow from the marina given that it is likely to become a sump for groundwater or high freshwater flows that may affect marine organisms.
- 5.2.8 Detail any seasonal variations of groundwater level and impact on marina design and offsite operations.
- 5.2.9 Describe the impact of housing and the commercial fishing base on groundwater quality.
- 5.2.10 Detail the measures to be taken to protect and monitor groundwater resources to ensure that the development does not have a deleterious effect on them.

### ***Coastal***

- 5.2.11 Describe the visual effect of the construction of the breakwater into the bay at Cape Jaffa.
- 5.2.12 Outline the visual effect of the development in this locality.
- 5.2.13 Describe the effect of the breakwater and entrance channel construction on coastal erosion and seagrass and sand movement on the coast, and outline management and rehabilitation measures.
- 5.2.14 Outline the effect of removing swing moorings from the rock lobster sanctuary and off the seagrass bed, including details of the programs for removal of the swing moorings.
- 5.2.15 Outline the effect of the development on any native flora and fauna, including any impact on coastal and marine flora and fauna.
- 5.2.16 Detail measures to protect dunes and beach during and after construction, including buffers.
- 5.2.17 Detail the requirements of the sea level rise policies in the Development Plan and how these will be achieved with this development.
- 5.2.18 Describe the impact of increased commercial and recreational boating.

### ***Water***

- 5.2.19 Describe the approach to water sustainability, including opportunities for reducing and recycling water and wastewater and ways in which mains water use can be minimised or supplemented.
- 5.2.20 Describe the impact of developing a wastewater treatment system to which the existing development can connect, including the impact of an irrigated woodlot on groundwater and the marine environment.
- 5.2.21 Describe the connection to water supply for the development and include information on the quantity of potable water required. In particular, identify the effect on local aquifers and groundwater users if local groundwater is to be a supply source.
- 5.2.22 Outline the measures proposed to protect and maintain suitable water quality in waterways and flushing basins, particularly the management of run-off and the control of pollutant and micro-organism sources.
- 5.2.23 Describe the effect of watertable drawdown or contamination on local domestic water supplies, including that used for drinking and the watering of gardens.

### ***Management***

- 5.2.24 Describe the sewage disposal and rubbish collection systems for the commercial and recreational boats.
- 5.2.25 Describe the use of amenity/landscape plantings, including opportunities for the use of native species.
- 5.2.26 Describe the risk of causing or exacerbating any environmental problems in the locality, and describe mitigation measures and their expected effectiveness.
- 5.2.27 Outline the effects of boating traffic and “people pressure” on the surrounding environment.
- 5.2.28 Describe the disposal of dredged or excavated material.

### ***General***

- 5.2.29 Detail investigations required to include in an environmental management plan.
- 5.2.30 Describe how all potential sources of air pollution (particularly dust) will be controlled and monitored, including measures for the reduction or elimination of dust.
- 5.2.31 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.
- 5.2.32 Describe the benefits of the proposal to the local environment.

## **5.3 EFFECTS ON COMMUNITIES**

- 5.3.1 Outline the size and source of the construction workforce and identify how accommodation requirements are to be met.
- 5.3.2 Describe the effect on visual amenity and landscape quality, including the effects of the built form of structures including the breakwaters, earthworks, power lines and impact on the coastal environment.
- 5.3.3 Identify impacts on local amenity, including the potential build up of seagrass on the beach and around the jetty, particularly in terms of odour and pests.
- 5.3.4 Describe how access to the public foreshore and reserve areas will be maintained, enhanced and managed, including loss of uninterrupted access along the beach.
- 5.3.5 Outline the traffic generation and truck movements to and from the site and their hours of operation during the construction period.
- 5.3.6 Describe the implications for public service providers including health, education and recreation to support the development, particularly for the elderly.

- 5.3.7 Identify the effects on the existing character of Cape Jaffa.
- 5.3.8 Determine the consequences of a safe haven for the recreational and commercial boating fraternities.
- 5.3.9 Outline the impact on existing tourism and recreation infrastructure (e.g. jetty, boat launching and camping).
- 5.3.10 Describe the impact on local and regional land uses (e.g. viticulture, horticulture and other forms of primary production) from groundwater drawdown or contamination.
- 5.3.11 Describe the planned future use and maintenance of the Cape Jaffa jetty.
- 5.3.12 Outline the effects of removing commercial activities and loadings on the Cape Jaffa jetty.
- 5.3.13 Describe the land tenure arrangements for the marina and the opportunities for commercial, private recreational or public access to berths, launching facilities or other associated facilities.
- 5.3.14 Outline the location and availability of public facilities including telephones, toilets, showers and the lighting of public areas.
- 5.3.15 Describe the benefit and amenity improvements due to infrastructure changes.
- 5.3.16 Identify all sources of noise from the operation of the development and describe attenuation measures to minimise the impacts of potentially incompatible uses.
- 5.3.17 Describe the impact of groundwater drawdown or contamination on the source and use of domestic water.
- 5.3.18 Determine the effect of losing the current entrance road to the town (King Drive) for local residents and visitors.

#### **5.4 ECONOMIC ISSUES**

- 5.4.1 Outline the opportunity for tourism and investment in the area from the development.
- 5.4.2 Identify employment and investment opportunities, including the “multiplier effect”.
- 5.4.3 Outline the potential for the development to attract and enhance the business operations of other allied industries and commercial ventures.
- 5.4.4 Describe any potential costs or savings to the Government of infrastructure expansion with regard to transport networks, water supply, and dredging or coastal management.
- 5.4.5 Describe the sustainability of long-term management of the development, including potential costs and benefits to council and ratepayers of ongoing management and maintenance of the marina.

- 5.4.6 Describe the opportunities for the aquaculture and fishing industries and their support services.
- 5.4.7 Outline the financial strategies to be employed to ensure the relevant infrastructure is in place for each stage in the project.
- 5.4.8 Describe the land tenure arrangements during and after construction of each stage.
- 5.4.9 Describe compensation or amelioration measures for any loss of groundwater resources for users.
- 5.4.10 Describe how increased groundwater flows out to sea would be measured and whether such usage would be metered and charged for from the prescribed water resource.
- 5.4.11 Identify the economic implications for the rock lobster industry from increased groundwater flows and run-off out to sea.
- 5.4.12 Identify the economic implications for groundwater users from groundwater drawdown or contamination, particularly primary producers.
- 5.4.13 Identify the economic effect the workforce would have locally and regionally.
- 5.4.14 Identify any potential impact on tourism or investment due to the changed nature of Cape Jaffa.

## **5.5 CONSTRUCTION AND OPERATIONAL EFFECTS**

- 5.5.1 Provide a site construction plan and outline strategies to minimise effects on the local environment, particularly the ecological impact on seagrass and reef communities.
- 5.5.2 Identify the source of any construction materials including fill for the breakwaters, revetments and land forming and their origins.
- 5.5.3 Describe the transport and storage of any construction materials to minimise effects on the local amenity.
- 5.5.4 Identify the measures for the control of dust, vibration, noise, stormwater and groundwater and other emissions during construction.
- 5.5.5 Describe the implementation of environmentally acceptable work practices and monitoring programs, particularly through management plans.
- 5.5.6 Outline the provisions for any future expansion beyond Stage seven.
- 5.5.7 Indicate how the spread of weeds and diseases is going to be managed.
- 5.5.8 Describe the management agreements between the District Council of Kingston and the Cape Jaffa Development Company during and after construction.
- 5.5.9 Identify proposed by-laws and encumbrances to control and manage activities.

- 5.5.10 Describe the proposed methodology for dredging and earthworks drainage, dredging frequency, disposal of excavated material and impacts on water quality and the environment.
- 5.5.11 Outline the impact of dredging and channel maintenance on boat access.
- 5.5.12 Detail the proposed monitoring of impacts during and after construction.
- 5.5.13 Describe how waterways will be flushed during each stage of construction.
- 5.5.14 Describe the design and operation measures to prevent stormwater and other run-off from the residential, commercial, boat ramp and other built areas from entering waterways and the marine environment.
- 5.5.15 Outline controls on future housing and commercial construction activities.
- 5.5.16 Detail long-term management agreements for operation of the development, including the ownership of land and infrastructure.
- 5.5.17 Identify measures to protect any historic shipwrecks proximate to the development.
- 5.5.18 Describe the compatibility of land uses, particularly measures to avoid conflict between commercial fishing/aquaculture and residents/tourists.
- 5.5.19 Outline measures to protect and monitor water quality in waterways and the marine environment from commercial fishing/aquaculture activities, including maintenance and repair.
- 5.5.20 Describe the impact on road networks during construction and operation of the development.

## **5.6 RISK/HAZARD MANAGEMENT**

- 5.6.1 Describe strategies for ensuring public safety during construction.
- 5.6.2 Detail procedures to be adopted if acid sulphate soils are encountered.
- 5.6.3 Describe procedures to prevent and manage pollution spills or sewage leaks.
- 5.6.4 Detail procedures to minimise effects of pollution spills or sewage leaks.
- 5.6.5 Detail fire management processes, particularly on boats or flammable or explosive materials in the commercial areas.
- 5.6.6 Describe how the introduction of pest or nuisance marine organisms are to be dealt with.
- 5.6.7 Describe how weed species will be prevented from invading the coastal vegetation.
- 5.6.8 Outline the proposals for bunding of hazardous materials storage areas.
- 5.6.9 Detail the design of the breakwater and its accessibility and safety.

- 5.6.10 Outline the risk contours around commercial areas in case of fire, explosion or toxic spills.
- 5.6.11 Detail the dry-dock management for careening (access to hull) and interception of pollutants such as hull scrapings.
- 5.6.12 Describe how the development will comply with the coastal flooding policy outlined in the Development Plan.
- 5.6.13 Detail flood mitigation strategies including prevention of flooding and operation of canals and flushing basins.
- 5.6.14 Identify the risk to the proclaimed water resource (Lacepede – Kongorong Prescribed Wells Area).
- 5.6.15 Identify the risk to the marine environment and the rock lobster industry from increased discharges of groundwater that may potentially be contaminated by fertilizers.
- 5.6.16 Describe breakwater design requirements for coastal hazards (eg tidal and wave action).
- 5.6.17 Describe strategies to ensure public safety on and around waterways and the permitted recreational use of waterways, including boating navigation.

## **5.7 EFFECTS ON INFRASTRUCTURE REQUIREMENTS**

- 5.7.1 Outline the requirements for and likely location of gas, electricity, water, sewerage, stormwater management, communications systems and local roads.
- 5.7.2 Outline the potential for adopting water sensitive urban design for managing stormwater.
- 5.7.3 Detail emergency services arrangements.
- 5.7.4 Outline opportunities to incorporate best practice measures of infrastructure design.
- 5.7.5 Outline strategies for the relocation of existing commercial fishing activities on King Drive.
- 5.7.6 Describe the facilities to be provided for waste disposal from recreational and commercial vessels, including black water, grey water and solid waste.

## **5.8 NATIVE TITLE AND ABORIGINAL HERITAGE**

- 5.8.1 Identify the effect on any Aboriginal sites of archaeological, anthropological or other significance under the *Aboriginal Heritage Act 1988*, 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.

- 5.8.2 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.
- 5.8.3 Identify any native title issues and seek advice on any compliance with or requirements of the Native Title Act 1993 (Cth.) and Native Title (South Australia) Act 1994.
- 5.8.4 Detail steps, if required, to include negotiations with possible native title claimants.

## **5.9 PLANNING AND ENVIRONMENTAL LEGISLATION AND POLICIES**

- 5.9.1 Describe the consistency of the development with the relevant Development Plans and Planning Strategy.
- 5.9.2 Identify potential changes that will need to be made to the zoning of the site.
- 5.9.3 Describe the consistency of the development with State and Commonwealth legislation and initiatives relating to conservation and protection of the environment and heritage items.
- 5.9.4 Detail any commercial fishing or aquaculture policies and any recreational boating and facilities policies relevant to the development.
- 5.9.5 Identify legislative requirements and the range of approvals needed to complete the development.
- 5.9.6 Detail any other relevant plans or studies that relate to the area.

**Development Act 1993, Section 46B:**

**EIS process - Specific provisions**

**46B.** (1) This section applies if an EIS 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 EIS; or
  - (b) determine that the Minister will arrange for the preparation of the EIS.
- (3) The EIS must be prepared in accordance with guidelines determined by the Major Developments Panel under this subdivision.
- (4) The EIS 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;
  - (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 EIS has been prepared, the Minister -

(a) -

- (i) must, if the EIS 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 EIS to the Environment Protection Authority; and
- (ii) must refer the EIS to the relevant council (or councils), and to any prescribed authority or body; and
- (iii) 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 that copies of the EIS 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 EIS and invite interested persons to make written submissions to the Minister on the EIS 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 the 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.

(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 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, 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 -

- (a) notify a person who made a written submission under subsection (5) of the availability of the Assessment Report in the manner prescribed by the regulations; and
- (b) 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 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 Minister for a period determined by the Minister.

(12) If a proposed development or project to which an EIS 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 EIS, the proponent's response under subsection (8), and the Assessment Report to the council.