

Impact Assessed Development – Business Service Standard

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Relevant legislation:	<i>Planning, Development and Infrastructure Act 2016</i>
Related documents:	Impact Assessed Factsheet Guide for Applicants - Impact Assessed Development (plan.sa.gov.au)
Further information	dti.crownimpactassessment@sa.gov.au

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While the Department for Trade and Investment (the Department) will use its best endeavours to meet the service standards set out in the Impact Assessed Development Service Standard Policy (the Policy), the services standards set out in the Policy are not legally binding or enforceable and the Department gives no warranty or guarantee that the service standards will be met in all circumstances. The Department accepts no liability or responsibility for any loss or damage suffered as a result of the services standards that are set out in the Policy not having been met by the Department.

Introduction

This policy guidance applies to the role of the Crown and Impact Assessment team, Planning and Land Use Services in the Department for Trade and Investment (DTI-PLUS), in the processing of Impact Assessed (not being restricted) development under the *Planning, Development and Infrastructure Act 2016* (the Act).

Pursuant to Section 108(1)(b) & (c) of the Act, Impact Assessed developments are either declared by the Minister for Planning by notice in the Government Gazette or prescribed by regulation.

A basic flow chart of the Impact Assessed pathway is provided at **Figure 1**.

This Service Standard is not a legally binding standard; however, it does establish a commitment to business service levels from DTI-PLUS in its processing of impact assessed development applications.

This policy recognises the role of DTI-PLUS in supporting the State Planning Commission (the Commission) in the following tasks:

- consideration of initial impact assessed scoping applications.
- drafting of Assessment Requirements to inform the preparation of an Environmental Impact Statement (EIS) by the proponent.
- reviewing and consulting upon the adequacy of a proponent's EIS with relevant state agencies and the local Council.
- undertaking statutory referral and public notification processes.
- reviewing and consulting upon the proponent's Response Document.
- preparing a draft Assessment Report for the Commission.
- finalising decision documentation for the Minister.
- updating online systems and documentation through the process.

If the development is approved, work is also required to assess if final plans and documentation satisfy approval conditions and reserved matters to enable the development to be constructed.

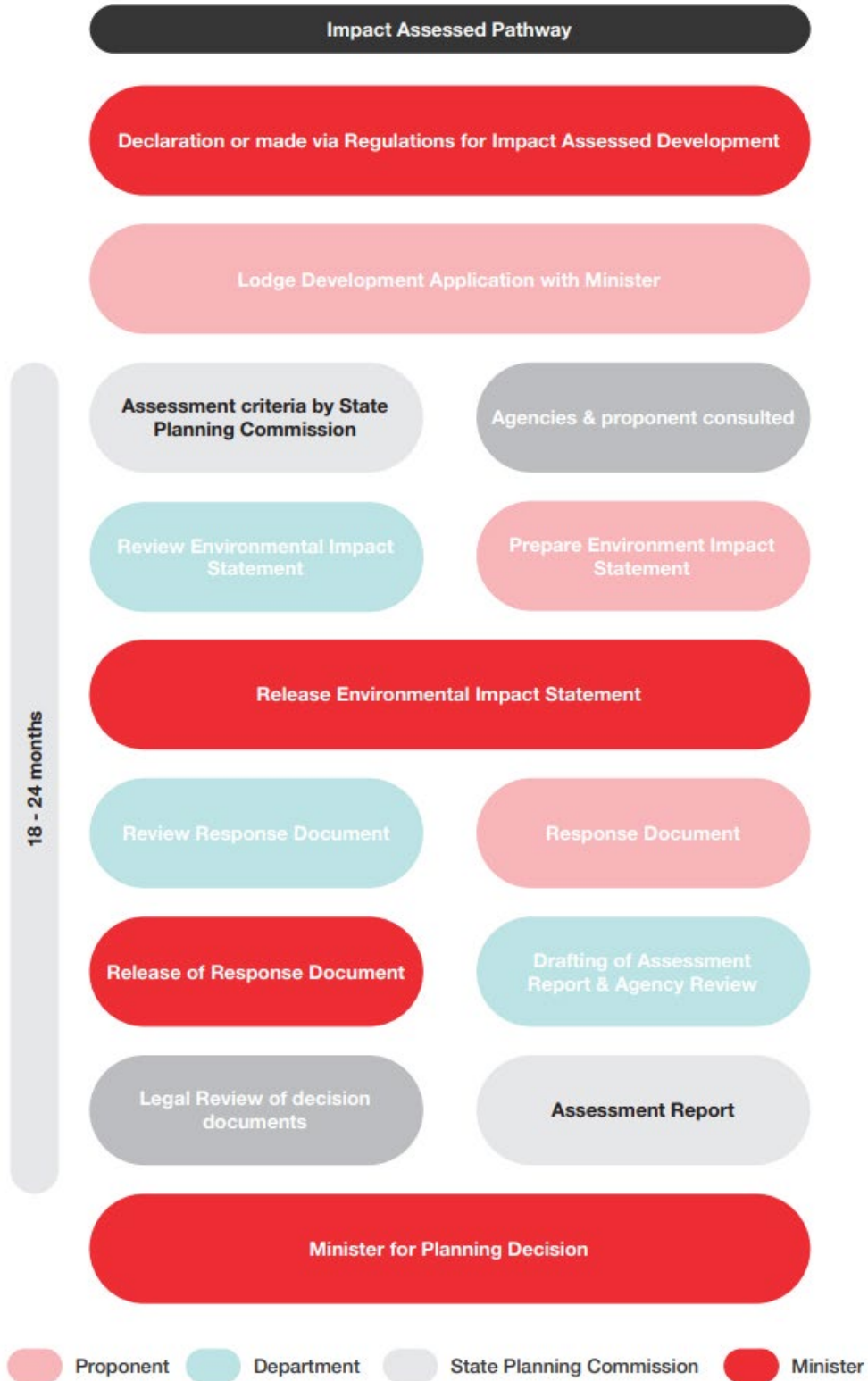
This policy in no way binds the Minister or Commission in their statutory functions.

The policy also recognises the importance of the public interest in these processes. All public sector employees are bound by the *Public Sector Act 2009* and *the Code of Ethics for the South Australian Public Sector*.

There is no overall statutory timeframe for the assessment of an Impact Assessed development, excepting notification and referral processes, such that this business service standard seeks to provide specific guidance on internal processes and timeliness to support the overall assessment of these applications.

It is also recognised that during the assessment process, the proponent will be undertaking investigations to refine their proposal, preparing a comprehensive EIS, and then responding to public, Council and State Agency submissions with the preparation of a Response document. The proponent's tasks are not subject to this policy.

Figure 1: Impact Assessed Development Process



Source: [Impact Assessed Development](#)

Service Standard Policy

Part 1 – Preliminary

1 – Citation

This policy may be cited as the Impact Assessed (not being Restricted) Development Business Service Standard.

2 – Commencement of Operation

This Service Standard Policy will come into operation on the day on which it is published on the SA Planning Portal.

3 – Objects of the Policy

The object of this policy is to ensure a consistent and transparent approach to the service levels provided by the Department in relation to Impact Assessed Development.

4 – Interpretation

In this policy, unless the contrary intention appears –

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

Commission means the State Planning Commission

Department means the Department for Trade and Investment

Impact Assessed development means an impact assessed development (not being restricted), having been declared or prescribed by regulation, pursuant to Section 108(1)(b)&(c) of the Act.

DTI-PLUS means the Planning and Land Use Services division of the Department for Trade and Investment

Proponent means the applicant (person or entity) seeking the benefit of a development authorisation in respect to an impact assessed development.

Part 2 – Service principles

DTI-PLUS strives to deliver services in a timely, accurate and consistent manner in accordance with specified service levels. This is facilitated where information provided by proponents is complete, timely and accurate, and where staff are treated with honesty, respect and fairness.

Meetings between proponents, their consultants, relevant state agencies and DTI- PLUS staff will be subject to the availability of all parties and may be held in person or online (or combination of both).

Meetings involving the Commission, either to introduce or present further details on a particular Impact Assessed development, are a matter for the Commission, and its own meeting policies. Please refer to the Commission's [deputations, external meetings and events policy](#) on the SA Planning Portal.

The Commission generally meets fortnightly.

DTI-PLUS values a positive customer experience. The following guiding principles underpin this standard and subsequent operational procedures for the Impact Assessed process:

Responsiveness

- We will respond promptly to inquiries through phone and email services.
- We will provide accurate advice on impact assessed procedures.
- We will keep you informed of the status of your project.

Transparency

- We are open and transparent about our processes.
- We provide consistent and clear information.
- Meetings will be arranged in advance, taking account of meeting room, staff, agency, council and proponent availability.
- Draft meeting minutes will be circulated to meeting attendees to confirm accuracy, prior to finalisation by DTI-PLUS staff.
- Final meeting minutes will be distributed to meeting attendees.

Professionalism

- We will conduct ourselves with integrity and honesty.
- We will treat others with respect and fairness.
- We will treat all customers equally and without bias.

Public interest

- We will always operate in the public interest and maintain our independence.
- We will not provide information that is confidential or information that falls outside our remit to un-associated internal or external parties.

Continuous improvement

- We will seek your feedback to reflect on lessons learned and to enable continuous improvement to our processes and procedures.

Part 3 – Crown and Impact Assessment Team Service Standards

DTI-PLUS can be contacted via:

- PlanSA Service desk (1800 752 664)
- PlanSA Portal ([Impact assessed development | PlanSA](#))
- Crown and Impact Assessment team email
- dti.crownimpactassessment@sa.gov.au

General response timelines are outlined in **Figure 2** below.

Figure 2: Customer request timelines

Task	Service Standard
Answering general correspondence	We will respond to emails and letters within two (2) business days, unless specialised technical advice is required.
Answering incoming phone calls	We will endeavour to answer all incoming phone calls and respond to missed calls within two (2) business days.
Responding to requests received via the PlanSA Help desk	We will acknowledge requests within one (1) business day and respond within two business days, unless specialised technical advice is required.
Responding to requests to meet with staff (either in person or online)	Meetings can often generally be scheduled within five (5) business days, dependent on the nature of the enquiry and availability of meeting rooms and persons required to attend the meeting.

Part 4 – Prelodgement

At the pre-lodgement stage, a DTI-PLUS Planning Officer will be assigned as the principal assessment contact for an Impact Assessed project. This officer will be assisted by one or two additional staff members, to ensure continuity and support during the assessment process. The pre-lodgement process can identify initial issues requiring resolution before declaration and/or application lodgement, such as land access and secondary approval considerations (i.e. vegetation clearance).

Part 5 – Processing timeframes for Impact Assessed Developments

The Impact Assessed process does not have an overall assessment timeframe under the Act, unlike the statutory timeframes for code assessed developments under the planning system.

Whilst there are definitive timeframes in respect to some procedural requirements, such as agency and public notification, and proponent feedback on draft Assessment requirements, the Impact Assessed process relies upon each step being completed before the next one can commence. This may also require Ministerial or Commission approval, in the absence of delegations to staff or where the nature or complexity of the step requires consideration by the relevant authority and/or decision maker.

However, to assist proponents (and provide guidance to staff), an indicative timeframe of the statutory and administrative steps required to be undertaken and the estimated period needed to complete them is provided in Figure 3.

Prior to the commencement of each new assessment, the project timeframe will be indicatively mapped and updated in conjunction with the proponent, including an estimation of likely complexity and work effort required. This will be progressively updated during the assessment process in a clear and transparent manner.

Where timeframes may differ from those outlined below, the assessment officer will communicate the reasons for any change and the additional time required to complete them as soon as is practicable to the proponent and/or their consultant team.

When proponents request an Impact Assessed development pathway from the Minister for Planning (noting that some types of land uses or activities are already prescribed by regulation), DTI-PLUS will prepare advice on whether or not a declaration should be made to the Minister for Planning.

It is strongly recommended – both for declaration requests and prescribed impact assessed developments – that a pre-lodgement process be undertaken with DTI-PLUS. This will allow initial consideration of the request, the likely information requirements, potential modifications to be considered and an across Government assessment as to a project's feasibility (i.e. requirement for secondary approvals, such as crown leases, EPA licences, native vegetation clearance etc).

This may also require the provision of additional information, and/or the discussion of alternative pathways (crown sponsorship) or an updated policy regime (i.e., code amendment), whereupon these avenues may be initiated to enable a quicker and less costly assessment process than required by the Impact Assessed process.

Figure 3: Departmental Processing timeframes for Impact Assessed Development

Stages	Customer Request	Task	Service Standard
Step 1	Request for impact assessed declaration	<p>Formal request made to Minister for Planning</p> <p>DTI-PLUS will consult with relevant state agencies on the proposal before providing advice to the Minister (from receiving the <u>final</u> proposal).</p> <p>Declaration decision</p>	<p>20 business days</p> <p>The Minister will then consider the declaration request.</p>
Step 2	Review of Scoping Application	<p>Submission of a Development Application (including scoping report) to DTI-PLUS requires an adequacy check to enable the drafting of Assessment Requirements.</p> <p>Lodgement fee #1 invoiced (<u>40% assessment fee within 2 months of lodgement</u>).</p> <p>Subject to all required information being provided and verified, DTI-PLUS will consult with relevant state agencies and the proponent on draft Assessment Requirements before providing advice to the Commission.</p> <p>The Commission may also appoint specialist members based on the nature of the proposal. AR package then prepared and formally considered by the Commission.</p> <p>The Commission will then consider and, if satisfied, endorse the Assessment Requirements (subject to any final consultation with the proponent if changes have been made to the settled requirements).</p> <p>Subject to the Minister's approval, the Assessment Requirements will then be published on the SA Planning Portal.</p>	<p>50 business days.</p> <p>Note: This timeframe is dependent on the complexity of the proposal and will be discussed with the proponent at application lodgement.</p> <p>20 business days.</p> <p>2 business days</p>

Stages	Customer Request	Task	Service Standard
Step 3	Review of EIS Adequacy	<p>Following submission of the proponent's draft EIS, DTI-PLUS will circulate this document to state agencies and the local Council for an adequacy check against the Assessment Requirements (including completeness and readability)</p> <p>Consolidated feedback will then be provided to the proponent, which may include a working group meeting with the proponent and consultants.</p> <p>Subject to acceptability and provision of the updated EIS, which may require further check-in with referral bodies, DTI-PLUS advice will then be provided to the Minister seeking the release of the EIS (to enable public consultation) and confirm referral and consultation processes.</p> <p>Lodgement fee #2 invoiced <u>(30% assessment fee)</u>.</p>	<p>25 business days.</p> <p>10 business days</p>
Step 4	Provision of submissions council and agency advice to proponent.	DTI-PLUS will provide a consolidated package of public submissions, council feedback and agency referral advice to the proponent at close of submissions	5 business days.
Step 5	Review of Response Document adequacy	<p>Following submission of the proponent's draft Response Document, DTI-PLUS will circulate this document to State Agencies and the local Council for a completeness and adequacy check.</p> <p>Consolidated feedback will then be provided to the proponent at the time the last agency comments are received.</p> <p>Subject to acceptability and provision of the updated Response Document, DTI-PLUS advice will be provided to the Minister to seek the release of this document and redacted public submissions.</p> <p>Lodgement fee #3 invoiced <u>(30% assessment fee)</u>.</p>	<p>15 business days.</p> <p>5 business days</p>

Stages	Customer Request	Task	Service Standard
Step 6	Preparation of Assessment Report	<p>DTI-PLUS will now prepare a draft Assessment Report for the Commission's consideration. Additional information and/or clarification may be sought from a proponent.</p> <p>DTI-PLUS to circulate a pre-meeting copy of the Draft Assessment Report to the Commission, who will then review, update, and when settled, finalise its Assessment Report and provide a planning recommendation to the Minister for Planning. It should be anticipated that more than one Commission meeting will be required.</p>	<p>65-75 business days</p> <p>20 business days</p>

Part 6 – EPBC Act and Bilateral Agreements

There is currently no active bilateral agreement between the Government of South Australia and the Commonwealth Government in respect to the assessment of matters of national environmental significance under the *Environment Protection and Biodiversity Conservation Act 1999*. Whilst interim administrative arrangements are being pursued with the Commonwealth Department of Climate Change, Energy, the Environment and Water, these are still to be negotiated and confirmed on a project-by-project basis, pending any formal agreement to a new bilateral.

Part 7 – Variations and Amendment Processes

From time to time, variations to an approval (i.e., the approved development), with or without amendments to an approved EIS, will be required to reflect changed information, detailed design considerations or modifications to a development. Dependent on the scope and nature of these changes, a minor variation or amendment to the EIS process will be required. The required pathway will be determined by DTI-PLUS officers upon receipt of any formal request, which may require the provision of additional information, and state agency consultation before a final decision is made.

Part 8 – Reporting and Review

This policy will be reviewed 12 months from the commencement date of the latest version (or sooner should the Department see fit), based on feedback received to monitor the Department's performance against the service standards.

Endorsement

This policy is endorsed by:

Sally Smith
EXECUTIVE DIRECTOR
PLANNING AND LAND USE SERVICES

23 / 02 /2023