

Guidelines

for the preparation of a

Public Environmental Report

Nora Creina Golf Course and Tourism Resort

Proposal by Justin Scanlon and Damian
Scanlon

October 2014

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Development Assessment Commission

South Australia

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1 INTRODUCTION

- 1.1 On 4 March 2014, the Minister for Planning ('the Minister') made a declaration in the *South Australian Government Gazette* for a proposed Golf Course and Tourism Resort development near Nora Creina in the South East of South Australia to be assessed as a Major Development under the provisions of Section 46 of the *Development Act 1993*.
- 1.2 The proposed development comprises a 36 hole world class public golf course (and associated practice range/greens, clubhouse, restaurant, accommodation and retail facilities), as well as an Abalone farm, boutique Wagyu beef farm, boutique vineyard and recreational facilities (such as nature trails and for recreational fishing and diving). The site is located on the coast between Robe and Beachport in the South East Region. The subject land is a 900 acre site that comprises a mix of cleared farmland and natural coastal ecosystems.
- 1.3 On 18 July 2014, a delegate of the Commonwealth Minister for the Environment determined that the proposed development was a 'controlled action' requiring assessment and a decision on approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) before it can proceed.
- 1.4 The Development Assessment Commission (DAC) is an independent statutory authority that has the task of determining the appropriate level of assessment for a Major Development, namely an Environmental Impact Statement (EIS); Public Environmental Report (PER) or a Development Report (DR), and setting Guidelines.
- 1.5 Following consideration of the implications of the proposal, the DAC has determined that the proposal will be subject to the processes and procedures of a PER, as set out in Section 46C of the *Development Act 1993*. A PER was considered appropriate due to a range of issues to be investigated, including:
 - The extent of departure from existing zone policies within the relevant Development Plan.
 - The economic implications and sustainability of the proposal, particularly the economic impact of the development with respect to the local tourism industry and the broader community of the South East (especially to justify any environmental or cultural impacts).
 - The sensitivity of the coastal location and the potential for impacts on the environmental, landscape and cultural values of the coast.
 - Construction impacts, including native vegetation clearance, disturbance to native fauna (especially threatened species), disturbance to sites of Aboriginal heritage significance, substantial earthworks, noise, dust, odour and vibration.
 - Operational impacts, including human disturbance to fauna, effects of golf course irrigation and management (such as the use of fertilisers, herbicides and pesticides), 'edge effects' between the golf course and

- the natural environment, stormwater and wastewater management (including reuse).
 - Potential impacts on the surrounding coastal and marine environment (especially from habitat loss, human disturbance/activity and the proposed Abalone farm).
 - Potential implications for the cultural values of the surrounding area and the region.
 - Potential implications for the environment and land management from the mixed primary production uses (aquaculture, grazing and vineyards), including discharges to the marine environment from the Abalone farm.
 - Traffic generation and implications for the local road network.
 - Infrastructure requirements (especially the provision of power and water).
 - Bushfire protection requirements.
- 1.6 It should be noted the *Development Act 1993* requires a PER to be publicly exhibited for a period of at least 30 business days, and for a public meeting to be held during this period.
- 1.7 The DAC has now prepared Guidelines for the proposed Nora Creina Golf Course and Tourism Resort, based on the significant issues relating to the proposed development. 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.
- 1.8 The PER should be prepared to cover both the construction and ongoing operation of the development and, where possible, should outline opportunities to incorporate best practice design and management.
- 1.9 For the purposes of environmental impact assessment under the *Development Act 1993*, the meaning of ‘environment’ is taken to include an assessment of environmental (biological and physical), social and economic effects associated with the development and the means by which those effects can be managed.
- 1.10 An 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*, *The South Eastern Times*, *Coastal Leader* and the *Border Watch* newspapers 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 Planning.
- 1.11 The DAC’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.

- 1.12 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 would apply.
- 1.13 In accordance with the requirements of the Bilateral Agreement, the State of South Australia will also provide an assessment report to the Commonwealth Environment Minister for the purposes of Part 9 of the EPBC Act.
- 1.14 The key stages in the assessment process under the Major Developments or Projects provisions of the *Development Act 1993* are shown in Figure 1.

INSERT FIGURE 1 – PER PROCESS FLOW CHART

2 BACKGROUND

- 2.1 The proponent of the proposed Nora Creina Golf Course and Tourism Resort is Justin Scanlon and Damian Scanlon.
- 2.2 Justin Scanlon and Damian Scanlon propose to develop a world class, links style golf course and mixed tourism resort on the South East coastline, approximately 15 km south of Robe. The proposal comprises the following components:
- 36 hole international standard golf course, comprising a 'Red Course' (Stage 1) and a 'Blue Course' (Stage 2), and associated practice range and greens.
 - Golf course maintenance facility.
 - Clubhouse, including bar, lounge, pro shop and associated parking.
 - Tourist accommodation complex, including restaurant and retail facilities. The accommodation is anticipated to comprise four-star hotel-style accommodation (two storey), with 20 rooms provided initially. A limited number of exclusive, high end tourist accommodation opportunities would also be provided within the site.
 - Abalone farm, including caretakers residence.
 - Boutique Wagyu beef farm.
 - Boutique vineyard.
 - Recreational facilities, such as nature trails and for recreational fishing and diving.
 - Infrastructure, including an access road, waste water treatment plant, water supply (including storage dams) and three-phase power supply.
 - Storm water and sewage infrastructure for the capture, treatment, storage and re-use of recycled water throughout the development (where possible).
- It should be noted the Major Development declaration included a desalination plant, which is no longer part of the proposal.
- 2.3 Refer to Appendix B for a copy of the relevant plans of the proposal.
- 2.4 The DAC has determined that the proposal will be subject to the processes and procedures of a PER, as set out in Section 46C of the *Development Act 1993*.
- 2.5 The proponent has been advised by the Minister for Planning that a PER is required to assist the Government in assessing the environmental, social and economic impacts of the proposal.
- 2.6 The DAC 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.

3 THE PUBLIC ENVIRONMENTAL REPORT (PER) 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 Act. 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 that 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 DAC:
 - 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 District Council of Robe 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 the Department of Planning, Transport and Infrastructure (Planning Division) during the period for making submissions, in order 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 Act.

- 3.4.5 Copies of the submissions from the public, Council, relevant government agencies and other interested parties will be given to 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 in all submissions. The proponent is nominally 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 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 Copies of the PER, the Response Document and the Assessment Report will be given to the District Council of Robe for distribution purposes.
- 3.4.10 The Governor is the relevant decision maker under Section 48 of the Act, when a development application is subject to the PER process.
- 3.4.11 In arriving at a decision, the Governor must have regard to:
- The provisions of the appropriate Development Plan and Regulations.
 - If relevant, the Building Rules.
 - The Planning Strategy.
 - The EIS/PER, Response Document and Assessment Report.
 - If relevant, the *Environment Protection Act 1993*.
 - If relevant, the objects of the *River Murray Act 2003* and any obligations under the Murray-Darling Basin Agreement.
 - If relevant, the objects of the *Adelaide Dolphin Sanctuary Act 2005*.
 - If relevant, the objects of the *Marine Parks Act 2007*.
- 3.5 The Governor can at any time, and prior to completion of the assessment process, determine that the development will not be granted authorisation. This may occur if it is clear that the development is inappropriate or cannot be managed properly. This is commonly referred to as an "early no".

Australian Government Involvement in the Assessment Process

On 20 June 2014, the proponent submitted a Referral Notice for the proposal (i.e. proposed action) to the Australian Government Department of the Environment, in accordance with the Commonwealth EPBC Act.

On 18 July 2014, a delegate of the Commonwealth Minister for the Environment made a decision that the Nora Creina Integrated Golf Course and Tourism Development proposal requires assessment and approval under the EPBC Act (referral no. 2014/7249). This was because the proposed action is considered likely to have a significant impact on the following matter protected by the EPBC Act:

- Listed threatened species and communities (sections 18 and 18A)

The Commonwealth of Australia has a Bilateral Agreement (Assessment) with the State of South Australia, under Section 45 of the EPBC Act, to accredit the South Australian environmental assessment processes. The agreement makes it possible to undertake a single assessment, following the South Australian environmental impact assessment processes, and minimise duplication between State and Australian governments. It has been decided the proposal will be assessed through the State assessment process under the Bilateral Agreement. Following assessment, the State of South Australia will provide an assessment report to the Commonwealth Minister for the Environment, who will then make a decision whether or not to approve the proposed action under Part 9 of the EPBC Act.

In accordance with the Bilateral Agreement (*Development Act 1993* provisions), the proposal will undergo a streamlined assessment process in co-ordination with Australian Government Department of the Environment. This means there will only be one PER document prepared, one period of public consultation undertaken and one Response/Supplementary PER document (and possibly one Assessment Report) prepared to satisfy the legislative requirements of each jurisdiction.

The Australian Government Department of the Environment has had input into the preparation of these Guidelines in regard to issues related to the EPBC Act.

4 THE PER DOCUMENT

- 4.1 The Guidelines set out the major issues associated with the proposal and their degree of significance, as determined by the Development Assessment Commission. It describes each issue and then outlines the way that these issues should be dealt with in the PER.
- 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 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

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 impacts.

4.5.2 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.

4.5.3 NEED FOR THE PROPOSAL

- The specific objectives that the proposal is intended to meet, including market demand and environmental standards.

- 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).
- A summary of environmental, economic and social arguments to support the proposal.
- The consequences of not proceeding with the proposal.

4.5.4 DESCRIPTION OF THE PROPOSAL

The description of the proposal should include the following information:

- The nature of the proposal and location (including a description of the principal components and any off-site infrastructure requirements).
- Land tenure and ownership details (or leasing arrangements) for all land parcels likely to be affected by the proposal (including off-site infrastructure).
- A project plan to outline objectives, constraints, key activity schedule and quality assurance.
- Site layout plans (including an indicative land division plan, if relevant).
- The construction and commissioning timeframes (including staging).
- A description of the existing environment (including the immediate and broader location).
- Details of all buildings and structures associated with the proposed development (including plant and infrastructure).
- Any other infrastructure requirements and availability.
- Details on the operation of the proposed development.
- The relevant Development Plan zones.
- Management arrangements for the construction and operational phases (including Environmental Management and Monitoring Plans).

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 and cross referenced to supporting technical references.

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 (i.e. Region Plan).

The PER should also demonstrate that the proposed action is consistent with any relevant EPBC Act guidelines or plans that may be relevant to the proposed action.

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

The proponent's commitments to avoid, mitigate and/or compensate (including environmental offsets), satisfactorily manage and/or control any potentially adverse impacts of the development on the biological, physical, social or economic environment, must be clearly stated as part of the PER.

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

Where relevant, the PER should demonstrate that the proposed avoidance, mitigation, offset, management and control measures are consistent with the EPBC Act offsets policy and relevant recovery plans, conservation advice and threat abatement plans.

4.7 The PER should also provide the following additional information:

4.7.1 SOURCES OF INFORMATION

The sources of information (e.g. reference documents, literature searches, 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.

4.7.3 OTHER

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

5 THE MAIN ISSUES

5.1 PLANNING AND ENVIRONMENTAL LEGISLATION AND POLICIES

- 5.1.1 Describe the proposal's consistency with and/or variance from the Robe Council Development Plan and Planning Strategy (namely the Limestone Coast Region Plan).
- 5.1.2 Describe the proposal's consistency with the 'South East Regional Natural Resources Management Plan' (2010) and the 'Limestone Coast and Coorong Coastal Action Plan' (2011).
- 5.1.3 Describe the proposal's consistency with the South Australian Tourism Commission 'Design Guidelines for Sustainable Tourism Development' (2007).
- 5.1.4 Describe the relevant requirements of the *Environment Protection Act 1993* and associated policies and guidelines, and how these would be complied with.
- 5.1.5 Describe the relevant requirements of the *Marine Parks Act 2007*, particularly the general duty of care, zoning and management strategies (including any prohibitions or restrictions that may apply).
- 5.1.6 Describe the relevant requirements of the *Aquaculture Act 2001* that relate to the proposed abalone aquaculture farm, especially whether the current licence remains valid or relevant.
- 5.1.7 Describe any relevant EPBC Act policies, guidelines or plans, and how these would be complied with and/or demonstrate that the implementation of the proposal will not be inconsistent with any relevant EPBC Act policies, guidelines or plans.
- 5.1.8 Consider relevant protocols, agreements and strategies including: 'Tackling Climate Change, SA's Greenhouse Strategy 2007 – 2020', the *Climate Change and Greenhouse Emissions Reduction Act 2007* and the *National Greenhouse and Energy Reporting Act 2007*.
- 5.1.9 Demonstrate the proposal's consistency with State and Commonwealth legislation and initiatives relating to conservation or protection of the biological environment and heritage items, including sections 3 – Objects of Act and 3A – Principles of ecologically sustainable development of the EPBC Act .
- 5.1.10 Consider any other relevant plans or studies that relate to the area, including (if relevant) section 176(5) – Bioregional Plans of the EPBC Act.

- 5.1.11 Identify legislative requirements and the range of approvals needed to complete the proposed development.
- 5.1.12 Describe any changes that may need to be made to the Development Plan policies for the site (especially for the residential component).

5.2 **NEED FOR THE PROPOSAL**

- 5.2.1 Justify the rationale for the proposal from an environmental, economic (especially market demand), social and sustainability perspective, including the reasons for its proposed location, scale and staging.
- 5.2.2 Justify the selection of the proposed location from an environmental and economic perspective in comparison with alternative sites along the South East coast.
- 5.2.3 Outline current and predicted demand for the facility.
- 5.2.4 Outline the expected local, regional and state benefits and costs, including those that cannot be adequately described in monetary or physical terms (such as effects on aesthetic amenity).
- 5.2.5 Assess the “do nothing” option (i.e. the consequences of not proceeding with the proposal).

5.3 **ENVIRONMENTAL ISSUES**

- 5.3.1 Describe the impact of past and current land management practices on the environmental values of the site, especially any environmental problems or degrading factors that may need to be addressed.

Native Vegetation

- 5.3.2 Quantify and detail the extent, condition and significance of native vegetation (individual species and communities) that currently exist on site (or affected by off-site infrastructure requirements) and would be preserved and, if appropriate, rehabilitated.
- 5.3.3 Quantify and detail the extent, condition and significance of native vegetation (individual species and communities) that may need to be cleared or disturbed (directly or indirectly) during construction (including ancillary clearing for the proposed development of walking trails, shelters, areas required for bushfire safety and all infrastructure, such as the water supply pipeline and power transmission line).
- 5.3.4 Describe the impacts of construction and operational activities

on native vegetation (including coastal and marine communities) and proposed mitigation measures.

- 5.3.5 Describe the ability of communities or individual species (especially those listed as uncommon or threatened under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and the South Australian *National Parks and Wildlife Act 1972*) to recover, regenerate or be rehabilitated.
- 5.3.6 Identify measures to minimise and mitigate vegetation clearance and disturbance, including incorporating remnant stands in the layout design, with particular reference to the total areas likely to be cleared and the extent to which such clearances would impact on the integrity and function of vegetation corridors and/or habitat fragmentation. Include details of strategies to compensate for the loss of native vegetation and habitat.
- 5.3.7 Outline proposed revegetation works (including the location, densities and types of locally indigenous species to be planted) and how this relates to existing native vegetation, with particular reference to the capacity of revegetation works to mitigate habitat fragmentation and to facilitate the re-establishment of vegetation corridors.
- 5.3.8 Describe the effect of introduced weed species and increased human habitation on native vegetation, before and after construction, especially species that may originate from the golf course or landscaped areas.
- 5.3.9 Describe measures to deliver significant environmental benefit to the existing native vegetation, whether intact stratum or scattered patches/trees, as required by the *Native Vegetation Act 1991*.
- 5.3.10 Describe how the proposal is not inconsistent with any relevant EPBC Act guidelines, conservation advice and/or recovery plans. For instance, the Recovery Plan for the Little Dip Spider Orchid (*Caladenia richardsiorum*).

Native Fauna

- 5.3.11 Quantify and detail the abundance, condition and significance of native fauna populations that currently exist or may depend on habitat on site or along the routes of infrastructure for the proposal. Any fauna surveys conducted must meet the requirements of any relevant EPBC Act survey guidelines.
- 5.3.12 Describe direct and indirect impacts to fauna associated with the proposal, the extent of expected fauna and/or habitat loss or

disturbance during the construction and operation phases (both on and around site) and the ability of communities and individual species to recover, especially for resident or migratory birds and threatened or significant species (including those listed under the EPBC Act and the South Australian *National Parks and Wildlife Act 1972*).

- 5.3.13 Detail appropriate buffer distances that would be required for the construction and operational phases between the proposed development (including coastal access points) and threatened species, especially feeding areas, nesting sites and roosting sites.
- 5.3.14 Outline the effect of light and noise pollution on nocturnal animals.
- 5.3.15 Outline the risk of road-related fauna death and injury (including from construction vehicles) and the risk of bird strike associated with any large glass windows.
- 5.3.16 Provide information on the expected levels of noise (and where relevant vibration) associated with the construction and operation of the facility, identifying all potential sources, and describe the extent to which emissions can be reduced and contained to acceptable levels to minimise effects upon the wider locality (especially native fauna populations that occur on and around the site).
- 5.3.17 Outline how native fauna that is likely to interact with the golf course development (such as kangaroos, wallabies, wombats and possums) and how this would be managed.
- 5.3.18 Identify impact avoidance, minimisation and mitigation measures and their effectiveness, including measures to minimise access roads and subsidiary tracks acting as fauna barriers or as a corridor for feral animals.
- 5.3.19 Describe measures to address any displacement of native fauna or the isolation of metapopulations due to habitat fragmentation.
- 5.3.20 Describe how the proposal is not inconsistent with any relevant EPBC Act guidelines, conservation advice and/or recovery plans. For instance, the National Recovery Plan for the Orange-bellied Parrot (*Neophema chrysogaster*).

Coastal Environment

- 5.3.21 Describe all coastal ecological assets and current levels of disturbance on and around the site.
- 5.3.22 Describe the effect of the proposed development on the

beaches, coastal dunes and the calcarenite formations of the site (and associated vegetation communities) and outline management and rehabilitation measures for these areas, including reference to long-term strategies to protect vegetation on coastal dunes from trampling and other disturbances associated with the anticipated increases in visitation rates.

- 5.3.23 Describe measures to be adopted for the remediation of sand drift, should it occur within the dune system as a direct result of the development.
- 5.3.24 Identify the impact of coastal erosion due to expected sea level rise of 0.3 metre to 2050 and 1.0 metre to 2100.
- 5.3.25 Detail the impacts of the construction and operation of the supply and discharge pipes for the abalone farm, especially any effect on coastal processes.
- 5.3.26 Describe the effect on the coastal wetlands on the site (which form part of the Karinya Coastal Lake Complex), including from cattle grazing and vineyard management.
- 5.3.27 Describe the effect on the conservation values of the nearby Little Dip Conservation Park, Lake Eliza (which forms part of the South East Coastal Salt Lakes complex and is listed in the Commonwealth Department of the Environment *Directory of Important Wetlands in Australia*) and the Heritage Agreement area south of the site.
- 5.3.28 Describe the effect on the habitat value of on-site native vegetation that provides a wildlife corridor along the coast (including coastal Crown land), especially to link the Little Dip Conservation Park with the Heritage Agreement area south of the site.

Marine Environment

- 5.3.29 Describe the marine ecological assets in the vicinity of the site and current levels of disturbance.
- 5.3.30 Describe the existing marine and aquatic communities potentially impacted by the proposal (especially invasive species and species listed under the EPBC Act).
- 5.3.31 Describe the direct and indirect impacts (including potential discharges from the development, such as from the abalone farm and contaminated groundwater or surface water resulting from golf course and vineyard irrigation) on marine/aquatic communities and the proposed measures to mitigate impacts.
- 5.3.32 Describe the effect of the development (for both the construction and operational phases) on the Upper South East

Marine Park, especially the adjoining habitat protection zone (including the beach).

- 5.3.33 Describe the operational requirements for the abalone aquaculture farm and proposed methods for monitoring impacts on the marine environment (including the marine park). In particular, the proposed treatment of wastewater and measures to mitigate any impacts on the marine environment from the discharge of wastewater (including the risk from the spread of viruses/diseases and the reuse of water).

Geology and Soils

- 5.3.34 Describe the hydrogeology of the site in relation to soil types, geology and surface drainage patterns, including any drainage to on-site wetlands, Lake Eliza and the marine environment.
- 5.3.35 Outline the interaction between erosion processes and the proposed development (especially sand drift and ‘blow-outs’).

Groundwater and Site Contamination

- 5.3.36 Describe the known existing groundwater and land related environmental conditions, including possible site contamination.
- 5.3.37 Undertake a preliminary site investigation, conducted by a site contamination consultant in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, to identify whether a potentially contaminating land use has occurred on the proposed site. If the existence of potential site contamination is identified, appropriate assessment and remediation strategies must be undertaken to ensure the land is suitable for the proposed uses.
- 5.3.38 Detail the measures to be taken to manage and monitor any groundwater resources.
- 5.3.39 Detail the potential impacts on the underlying groundwater from nutrients and chemicals leaching from the golf course and vineyard.
- 5.3.40 Identify any submarine groundwater discharges along the coast and describe the extent to which potential contamination of groundwater (particularly from nutrients, herbicides, pesticides and agricultural chemical use) could impact on the surrounding marine environment in areas where such discharges occur.
- 5.3.41 Identify impact avoidance, minimisation and mitigation measures and their effectiveness.

Sustainability and Climate Change

- 5.3.42 Outline the principles to be followed to demonstrate that the development would be environmentally sustainable.
- 5.3.43 Describe the measures associated with orientating all of the built components for the best possible energy efficiency, having regard to alternative or renewable energy sources, sustainable design and low emission design measures.
- 5.3.44 Outline waste management strategies for residential uses and commercial facilities (including measures to deter scavenging by native or feral species) and the potential for incorporating recycling and resource recovery.
- 5.3.45 Outline measures to minimise or reduce materials and resources used during the construction and operational phases, including the use of on-site (or local) and recycled materials.
- 5.3.46 Describe the arrangements to control and manage activities, particularly to ensure that the proposed development is environmentally sustainable in the long-term.
- 5.3.47 Describe implications of climate change with respect to the proposal and measures to minimise, reduce and ameliorate greenhouse gas emissions, particularly the use of alternative or renewable energy sources and off-sets.

5.4 ECONOMIC ISSUES

- 5.4.1 Provide a full economic analysis of the proposal, including the long term economic viability of the project.
- 5.4.2 Detail the potential economic benefits and costs of the development to the South East region's economy and the State economy (such as employment and investment opportunities), including the "multiplier effect".
- 5.4.3 Outline the opportunity for tourism and investment in the South East region and the State to be enhanced as a result of the proposal.
- 5.4.4 Outline the potential for the project to attract and enhance the business operations of other allied industries and commercial ventures.
- 5.4.5 Describe strategies to manage the site, should the project fail during the period between the commencement of earthworks and final completion of the golf course.
- 5.4.6 Outline contingencies for the site and the other components of the proposal to address the potential risk that the golf course

component is not financially viable in the long-term.

5.5 SOCIAL ISSUES

- 5.5.1 Detail the likely size and composition of the construction workforce and employees required during operation, particularly information on employment opportunities for the local community.
- 5.5.2 Outline the impact on existing tourism and recreation services and facilities (including opportunities).
- 5.5.3 Describe any potential conflict with adjoining primary production activities, including measures to ameliorate any such conflict.
- 5.5.4 Describe the impact of noise emissions and vibration on existing sensitive receivers (if any) or sensitive receivers to be introduced as part of the proposed development (especially potential new residents) during construction and operation. Detail strategies to minimise any potential impacts to an acceptable level.
- 5.5.5 Describe the impact of dust and odour on any existing sensitive receivers or sensitive receivers introduced as part of the proposal (such as within the proposed tourist accommodation) during construction and operation.
- 5.5.6 Identify the impact on the heritage significance of any known heritage places on or adjacent the site, including National, State or local heritage places entered on the South Australian Heritage Register, or identified after consultation with the State Heritage Unit of the Department of Environment, Water and Natural Resources.

5.6 DESIGN MATTERS

Built Form

- 5.6.1 Describe the rationale and design intent for the major elements of the proposed development (including reference to the *Principles of Good Design* (2014), prepared by the Office for Design + Architecture SA) and measures to mitigate their visual impact.
- 5.6.2 Provide design guidelines for the proposed tourist accommodation components.
- 5.6.3 Provide conceptual plans for all components of the proposal (including building envelopes, cross-sections and three dimensional representations) that show the scale, style, context and overall form of the development.

- 5.6.4 Provide details of construction materials to be used for all buildings and structures (including colours and finishes).
- 5.6.5 Detail the extent of any landscaping or screen plantings, especially the use of locally indigenous plant species suited to local conditions.

Visual Effects

- 5.6.6 Describe the visual effect of the proposed development on scenic quality in this locality when viewed from important viewing points, including from surrounding land and the sea.
- 5.6.7 Describe the effect on visual amenity and landscape quality, especially the effects of the built form of buildings and structures (including the access road, earthworks, water and power supply infrastructure) and the impact on the coastal environment.

5.7 INFRASTRUCTURE

- 5.7.1 Outline the requirements for and likely location of infrastructure for gas, electricity, sewerage, stormwater management, waste management and communications systems.
- 5.7.2 Detail the extent to which the facility would generate the need for upgraded infrastructure beyond the site boundaries, especially any broader impacts for the South East region's community (including strategic implications for Council and/or utility providers).
- 5.7.3 Detail emergency services arrangements to be implemented during the operation of the development.
- 5.7.4 Outline opportunities to incorporate best practice infrastructure design and construction, especially potential flow-on benefits for the South East community.

Water

- 5.7.5 Describe the provision of an adequate water supply for the proposed development (both potable and non-potable), including information on the quality of water required, treatment, storage and use.
- 5.7.6 Describe any proposal to extract groundwater at the site, the target aquifer, potential impacts (including water quality) and any approvals required under the *Natural Resources Management Act 1994*.
- 5.7.7 Describe the impacts of developing a wastewater treatment system, especially the expected volume to be treated, disposal

method and how it would be managed to maximise reuse/recycling (including storage requirements, especially for the winter period). Outline how the treatment system elements would be installed, if it is a phased development. If the disposal method involves irrigation to the golf course or any other areas of land, a draft Wastewater Irrigation Management Plan should be prepared to demonstrate sustainable re-use.

- 5.7.8 Describe stormwater and grey water management strategies to maximise recycling (including recycled water storage requirements) and the potential impact on groundwater resources, surface water resources and the marine and coastal environment. In particular, with regard to golf course and vineyard, the management of runoff and the transport of nutrients and chemicals used in day to day maintenance.
- 5.7.9 Describe the impact of the development on existing local and regional water resources, including the need for a water supply pipeline to the site. Details regarding the proposed location of infrastructure (including storage on site), distance from the supply source and procedural/administrative requirements for establishing infrastructure outside of the site (especially in regard to the Lower Limestone Coast Water Allocation Plan).
- 5.7.10 Describe the impact of the development on current users of water resources in the district, including irrigated primary production.
- 5.7.11 Describe the integrated water management strategy, especially Water Sensitive Urban Design (WSUD) measures (including ways in which water use would be minimised), and the use and management of alternative water sources (i.e. wastewater, grey water and stormwater).
- 5.7.12 Outline the measures proposed to manage and treat stormwater runoff from hard surfaces which are not being used for harvesting water supply, especially access roads and carparks.

Power

- 5.7.13 Describe the provision of an adequate power supply for the development, including potential impacts associated with a transmission line corridor to the site.
- 5.7.14 Outline the implications of connecting to the power grid for the existing infrastructure and current users.
- 5.7.15 Identify ways in which power use can be minimised or supplemented, especially using alternative energy sources (such as wind turbines) and energy efficiency measures.

Access

- 5.7.16 Outline the level of traffic generation and vehicle movements to and from the site, especially details of vehicle types and distribution (including the hours that vehicles would access the site) during the construction period and operational phase.
- 5.7.17 Outline and analyse the impacts on local and arterial roads, especially the safety and adequacy of access to the site (i.e. via Nora Creina Road, Fayrefield Lane and/or Powells Road), including any junctions/intersections with the arterial road network (i.e. Main Road and/or Southern Ports Highway).
- 5.7.18 Outline the need for and the implications of any upgrading of road infrastructure.
- 5.7.19 Identify alternative access arrangements for emergency services.
- 5.7.20 Detail the proposed access and on-site car parking arrangements, including information about road width and associated drainage measures and maintenance requirements.
- 5.7.21 Describe any proposed coastal access (including the maintenance of current public access and the potential future enhancement of access) and the measures to avoid or minimise impacts.
- 5.7.22 Describe what plans would be put in place to control public access from the Crown leasehold land.

Land Tenure

- 5.7.23 Describe what processes and approvals would be undertaken to reconcile encroachments on the Crown leasehold land dedicated for conservation purposes.
- 5.7.24 Detail the measures to be taken to define the golf course from the Crown leasehold land.
- 5.7.25 Describe what processes and approvals would be undertaken for infrastructure related to the proposed abalone aquaculture farm, especially intake and outfall pipes located within the foreshore and seabed.

5.8 CONSTRUCTION AND OPERATION

- 5.8.1 For each component, provide a site construction plan and outline strategies to minimise effects on the local environment.
- 5.8.2 Outline the staging and timing of construction (including the time of year works are likely to occur).

- 5.8.3 Describe the level of cut and fill required (including for access and infrastructure requirements) and the effect on the natural topography of the site.
- 5.8.4 Where possible, identify the source and origin of construction materials for buildings and infrastructure (such as road making) and the opportunity for the use of on-site (or local) and recycled materials.
- 5.8.5 Describe the measures proposed for the disposal of excavated material and construction waste.
- 5.8.6 Provide information about the transport and storage of any construction materials to minimise effects on the local environment.
- 5.8.7 Identify measures to stabilise disturbed areas and areas susceptible to soil erosion.
- 5.8.8 Detail measures for the implementation of environmentally acceptable work practices.
- 5.8.9 Provide information about the potential accommodation and transport arrangements for the construction workers and employees.
- 5.8.10 Detail the proposed monitoring of impacts during and after construction, including reporting and auditing measures.
- 5.8.11 Detail what will be included in an environmental management and monitoring plan, for both construction and operational activities for all components of the development.
- 5.8.12 Detail long-term management agreements for operation of the development, including the ownership of land and infrastructure.

5.9 **RISK AND HAZARD MANAGEMENT**

- 5.9.1 Describe strategies for ensuring public safety during construction and operation.
- 5.9.2 Detail fire management processes and measures to reduce bushfire risk, especially those which minimise vegetation clearance and land disturbance.
- 5.9.3 Detail the availability of water for fire-fighting purposes.
- 5.9.4 Describe strategies for emergency evacuation during medical emergencies and/or bushfire risk.
- 5.9.5 Describe procedures to prevent, minimise and manage pollution

spills or sewage leaks (especially given the porous substrate and proximity to the coast and Lake Eliza). Outline measures for the bunding of hazardous materials storage areas.

5.9.6 Describe measures to avoid or mitigate potential impacts from the disturbance of any acid sulfate soils.

5.9.7 Describe management strategies to prevent the introduction to the site, and from the site to other sites, of pest species and pathogens during construction and operation (especially *Phytophthora cinnamomi*), including strategies to manage or avoid creating mosquito breeding habitats.

5.9.8 Describe strategies for the control of wind and water erosion during construction and operation.

5.10 ABORIGINAL HERITAGE AND NATIVE TITLE

Aboriginal Heritage

5.10.1 Describe the measures taken to identify and record any Aboriginal sites, objects or remains, including consultation details with relevant Aboriginal parties.

5.10.2 Detail plans for the possible discovery of Aboriginal ancestral remains and any Aboriginal sites or objects of archaeological, anthropological or historical significance under the *Aboriginal Heritage Act 1988*.

5.10.3 Detail any other measures to ensure compliance with the *Aboriginal Heritage Act 1988*.

5.10.4 Detail consultation undertaken with the Aboriginal people during the preparation and development of the assessment document.

Native Title

5.10.5 Identify any Native Title issues in respect of the requirements of the *Native Title Act 1993* (Commonwealth) and the *Native Title Act 1994* (South Australia).

5.10.6 Describe the impact on the appropriate Native Title Claimants and the consequent impact on the potential ongoing enjoyment of native title rights (if any) by native title holders.

6 AVAILABILITY OF GUIDELINES

6.1 Copies of the Guidelines will be made available at the following locations:

Department of Planning, Transport and Infrastructure
5th Floor Public Counter
136 North Terrace
Adelaide SA 5000

District Council of Robe
Royal Circus
Robe SA 5276

Electronic copies can also be downloaded from the following web sites:

www.dac.sa.gov.au

www.sa.gov.au

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 Development Assessment Commission 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;
 - (cc) if the development or project is to be undertaken within, or is likely to have a direct impact on, a marine park, the extent to which the expected effects of the development or project are consistent with—

- (i) the prohibitions and restrictions applying within the marine park under the *Marine Parks Act 2007*; 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
 - (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, a marine park, refer the PER to the Minister for Marine Parks; 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.

APPENDIX B

Relevant Plans of the Proposal