Under Section 46 of the Development Act 1993, the Minister for Planning can declare a proposed development a 'Major Development' if he or she believes such a declaration is appropriate or necessary for proper assessment of the proposed development, and where the proposal is considered to be of major economic, social or environmental importance.

This triggers a thorough assessment process with opportunity for public comment before any decision is made on whether the proposal warrants an approval.

That process, and how you can participate, is outlined in this brochure.
Major Development Proposals - Assessment Processes

Declaration as a 'Major Development' means the Minister (assisted by the Department of Planning, Transport and Infrastructure) will comprehensively assess the proposal and its impact using the following process (note: the Minister may, at any stage, ask the Governor to consider an 'early no' decision if it is clear to the Minister the proposal will have unacceptable impacts; there is no 'early yes' mechanism).

Stage 1 - Referral to State Commission Assessment Panel for setting of assessment level and guidelines

Once a proposal has been declared a 'Major Development' by the Minister, the Development Application is referred to an independent statutory authority, the State Commission Assessment Panel (SCAP).

The SCAP will determine what level of detailed assessment is required for the proposal, and issue formal assessment Guidelines.

When considering a Major Development referral, the SCAP may be augmented by the appointment of one or two people by the Minister from a list of independent specialists, who have particular expertise in issues surrounding the sort of development being proposed.

The augmented SCAP will consider the application and identify the key social, environmental and economic issues relevant to the assessment of the proposed development. The SCAP may consult with relevant State agencies as part of this process.

The three possible levels of detailed assessment which can be required by the SCAP are:

- An Environmental Impact Statement (EIS) - required for the most complex proposals, where there is a wide range of issues to be investigated in depth;
- A Public Environmental Report (PER) - sometimes referred to as a 'targeted EIS', required where the issues surrounding the proposal need investigation in depth but are narrower in scope and relatively well known;
- A Development Report (DR) - the least complex level of assessment, which relies principally on existing information.

The SCAP will publicly issue a Guidelines document to the proponent as to what level of assessment is required and what issues that assessment should address.

The Guidelines will be published on both the SCAP website (www.saplanningcommission.sa.gov.au/scap) and the Department of Planning, Transport and Infrastructure, SA Planning Portal website (www.saplanningportal.sa.gov.au)

and also be made available in hard copy and on CD-Rom.

Stage 2 - Proponent prepares and releases a detailed Assessment document

The proponent will prepare an EIS, PER or DR, as directed by the State Commission Assessment Panel. The length of time it takes a proponent to prepare the assessment document is not set, and depends upon the level of assessment, the complexity of the proposal and the sensitivity of the site. A DR generally takes the shortest time, while an EIS takes the longest.
Once it is complete, the EIS, PER or DR is released for public and agency comment for either three (DR) or six weeks (EIS, PER) and made available at the relevant local council and on the Department of Planning, Transport and Infrastructure website. A mandatory public meeting is held early in the exhibition period for an EIS or PER.

See the ‘Have Your Say’ section on the next page of this brochure for more detail on how to make a written submission and/or participate in the public meeting

Stage 3 - Responding to public comment on an EIS, PER or DR

After the appropriate public comment period on an EIS or PER, the proponent will then be required to respond to any public or agency comments (this is optional for a DR). The proponent’s Response document will be released for public information and be available at the relevant local council and on the Department of Planning, Transport and Infrastructure website. The Response document may include amendment to the EIS/PER/DR, or flag changes to the original proposal in response to issues raised. If substantial changes are made, they may require further public exhibition.

Stage 4 - Assessing the proposal

The Minister (with the assistance of the Department of Planning, Transport and Infrastructure) will then assess the whole proposal, and detail that assessment in an Assessment Report. This Assessment Report will be publicly released and be available at the relevant local council and on the Department of Planning, Transport and Infrastructure website. It is common that a proposal will be refined in response to the Assessment Report.

Stage 5 - Decision

The Governor will make a decision on the final proposal (on the advice of the Minister and Cabinet) having regard to the Assessment Report and other documentation. This will be notified in the Government Gazette and on the Department of Planning, Transport and Infrastructure website, and notified to appropriate local media. The decision may take a variety of forms, including approving or rejecting the proposal, or approving with conditions attached. Some matters of detail may also be reserved for a later decision. There are no appeal rights against the decision of the Governor.

Have Your Say

Members of the public can have their say on a proposed Major Development during the public comment period which follows the release of the proponent’s detailed Assessment document. The public comment period for an EIS or PER is six weeks, and for a DR is three weeks.

In the case of an EIS or PER, a public meeting will be held early in that period, where the proponent will explain the proposal and take questions. The time and location of this meeting is advised in local advertising and on the Department of Planning, Transport and Infrastructure website.

Written submissions are received at any time during the public comment period.

- All submissions are referred to the proponent for formal response in a Response document.
- All submissions are also considered by the Minister when assessing the proposal.

Submissions may provide information, options, comments or suggestions, or identify errors or omissions in the information presented by the proponent. Providing sources of alternative information is helpful.

It is best if submissions refer directly to the proponent’s Assessment document, including which section each point is addressing.
Written submissions

Submissions may be typed or neatly handwritten, preferably on A4 paper.

All submissions should be clearly marked ‘Submission on the (name of proposal)’, and be forwarded by close of business on the last day of the public comment period to:

The Minister for Planning
ATT: Manager, Assessment Branch
Department of Planning, Transport and Infrastructure
GPO Box 1815
Adelaide SA 5001

A letter of acknowledgement will be sent to all submitters. A submission by two or more people should nominate a contact person for this purpose (and a contact address).

All submissions will be forwarded to the proponent for response. Unless otherwise requested, all submissions will be made available for public inspection at the offices of the Department of Planning, Transport and Infrastructure (Level 5, 50 Flinders Street, Adelaide). Please indicate if you wish your submission to remain confidential.

All submissions received within the public comment period will be considered and form part of the assessment process for the proposal.

Further Information

Further information and detail about particular proposals being assessed can be obtained from the Department of Planning, Transport and Infrastructure website at:

www.sa.gov.au/planning/majordevelopments

Contact

Please direct all inquiries to the department's Development Division:

- Phone - 1800 752 664 (press 4 for major developments)
- Email - majordevadmin@sa.gov.au