



Agenda Report for Noting

Meeting Date: 29 June 2023

Item Name	Post Decision Evaluation – Impact Assessed Developments
Presenters	Simon Neldner and Robert Kleeman
Purpose of Report	Noting
Item Number	6.2
Strategic Plan Reference	N/A
Work Plan Reference	N/A
Confidentiality	Not Confidential (Release Immediately), excluding Appendices A – C (Draft Advice or Documents).
Related Decisions	N/A

Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as Not Confidential (Release Immediately), with the exception of Appendices A – C (Draft Advice or Documents).
2. Note the work undertaken by Planning and Land Use Services to develop the *Post-Decision Evaluation – Impact Assessed Developments* feedback guidance [Plan SA, 28 April 2023] in **Attachment 1**.

Background

A Post-Decision Evaluation guidance framework for impact assessed developments has been prepared by Planning and Land Use Services (PLUS). This guidance comprises a series of survey tools to consider the processing aspects of an impact assessed development (excluding matters relating to the merits or ultimate decision made on an Environmental Impact Statement-level assessment).

The evaluation process is designed to capture and evaluate feedback received from assessment staff, state agencies, local councils and the proponent on the assessment and determination of an impact assessed development application. Whilst the evaluation templates could be used for variations, the intended guidance is directed at new projects for which a decision has been made.

Based on this information, recommendations can be made to inform a continuous improvement process, in terms of statutory requirements and administrative practices in the assessment of impact assessed developments.

The first project to be evaluated was the SA-NSW Interconnector Project (Project Energy Connect), approved in December 2021 with construction now well underway.

Discussion

The *Post Decision Evaluation – Impact Assessed Developments* guidance has one key objective: to review and improve assessment processes and administrative practices for impact assessed developments, specifically those new projects which are declared or prescribed under s108(1)(b)(c) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The guidance document has the following components –

- Standardised templates for staff, agency, proponent and council responses, supplemented by in-person feedback.
- An annual state agency impact assessed workshop to review current practices, provide focussed guidance and refresh statutory requirements for new staff.
- Provision of a periodic report to the Commission, based on both project evaluation feedback, actions taken, improvements implemented and/or proposed.
- Updates to project evaluation guidance as required.

While there is no statutory requirement to undertake this evaluation process, learning from completed assessments, improving deficient processes, and embedding best practice is important to deliver a robust, transparent and timely impact assessed process. This approach is based around a mindset of continuous improvement, which can only come from user experience and constructive feedback on behalf of proponents/consultants, state agencies, councils, and assessment staff.

It is also understood that periodic feedback will be provided to PLUS staff from the Commission at various assessment stages, from consideration of the Assessment Requirements to the draft Assessment Report.

The *Post Decision Evaluation – Impact Assessed Developments* guidance does not seek feedback from those who made public submissions (considering the quality and access to information, time to respond, etc.). Such feedback would be better considered as part of a single, randomised evaluation survey, covering all notifiable developments (whether impact assessed, Crown, essential infrastructure or code assessed), rather than focussing on a single impact assessed project, which could be locally controversial with polarised opinions as to its merits.

Project Evaluation Example

The SA-NSW Interconnector (Project Energy Connect) can generally be described as the construction of a new high voltage transmission line from the existing Robertstown Substation located approximately five kilometres north-east of Robertstown and travelling in an easterly direction to the New South Wales border, concluding at a location north of the River Murray near the Wentworth Road (approximately 50 kilometres north-east of Renmark).

The project was initially declared under the *Development Act 1993* on 24 June 2019, underwent an Environmental Impact Statement (EIS) level of assessment, and was approved on 6 January 2022. The development was also the subject of a joined-up assessment process with the Commonwealth, and an existing bilateral under the *Environment Protection Biodiversity Conservation Act 1999*. The project is well under construction.

The evaluation process underwent the following steps:

- Direct feedback session with the ElectraNet Project team with follow up written comment sought.
- Direct feedback session with Environment Protection Authority, Department for Energy and Water, and Landscape SA Board.
- Email feedback sought from the five local councils.

Overall, ElectraNet was complementary of the PLUS assessment team's performance, reflected in its formal evaluation response (**Appendix A**).

A consolidated summary of the overall feedback provided by ElectraNet and state agencies with recommended actions are contained in **Appendix B**. No comments were received from any of the local councils, though noting the flood recovery focus across the Riverland at this time.

The feedback provided broadly falls into opportunity for updated information guidance, revised templates, expanded decision making delegations and streamlined administrative practices. These will be implemented by PLUS, in consultation with agencies, proponents and staff. In addition, several other initiatives – in relation to the introduction of the impact assessed pathway into the Act – have already been introduced (e.g., Model Guidelines) and are being applied to new projects.

One other area where new guidance has been developed is building certification guidance in the post-decision phase for impact assessed developments. A factsheet has been developed for building certifiers, including a new template, to accompany final plans and certified documents and to ensure both statutory compliance and consistency. A draft copy of the fact sheet is included in **Appendix C**.

Further work is being done on an agency and council response template at the EIS and Response Document adequacy stages, but this will need project-testing over the next 6-12 months.

Whilst a Technical Working Group (chaired by PLUS) was also established to coordinate practitioner level advice to the proponent (and ensure a broader understanding of relevant issues), this membership was different to Steering Committee type arrangements and remains an important and beneficial tool, from guideline setting to post-approval sign-offs on management plans.

Conclusion

No further actions are sought from the Commission in relation to the *Post Decision Evaluation – Impact Assessed Developments* guidance. The evaluation framework will be further developed by PLUS when new determinations are made, with an in-built reporting mechanism back to the Commission on an annual reporting basis, including a summary of actions taken and/or proposed.

Attachments:

1. *Post Decision Evaluation – Impact Assessed Developments* feedback guidance (KNet# 19767830).

Appendices:

- A. ElectraNet Assessment Evaluation Response (KNet# 20115219)
- B. Summary of SA-NSW Interconnector Evaluation Process (KNet# 20053326)
- C. Impact Assessed Building Certification Process (KNet# 20097872)

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Date: 22 May 2023

Post Decision Evaluation - Impact Assessed Developments

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Post Decision Evaluation Impact Assessed

Policy Name:	Post decision evaluation for impact assessed (not being restricted) development
Version:	Version 1
First Issued / Approved:	May 2023
Next Review:	December 2023
Commencement Date (Current Version):	28 April 2023
Document Number:	19767830
Responsible Officer:	Manager, Crown and Impact Assessed
Relevant Legislation:	<i>Planning, Development and Infrastructure Act 2016</i>
Related Documents:	Guide for Applicants - Impact Assessed Development Practice Direction 17 – Impact Assessed Development 2022

Table of Contents

Post Decision Evaluation Impact Assessed.....	2
Introduction.....	3
Impact Assessment Post-Decision Evaluation Policy	5
Part 1 – Preliminary.....	5
1 – Citation.....	5
2 – Commencement of Operation	5
3 – Objects of the Policy	5
4 – Interpretation.....	5
Part 2 – Evaluation Process	6
Part 3 – PLUS Evaluation.....	6
Part 4 – Proponent / Lead Consultant Evaluation.....	7
Part 5 – State Agency Evaluation.....	7
Part 6 – Council Evaluation	7
Part 7 – Commission Reporting	7
Part 8 – State Agency Workshop	7
Part 9 – Review Period.....	8
Endorsement.....	8
Appendix 1: Staff feedback	9
Appendix 2: Proponent feedback	10
Appendix 3: Agency feedback	11
Appendix 4: Council feedback	12

General Disclaimer: While the Department for Trade and Investment (the Department) will use its best endeavours to implement the evaluation process set out in the Post Decision Evaluation Impact Assessed guidance document, the evaluation process may not be completed in all circumstances, noting that time between the commencement and completion of the impact development assessment process might be lengthy, and subject to changes in personnel, statutory requirements and administrative practice.

Introduction

This guidance applies to the role of the Crown and Impact Assessment Team, Planning and Land Use Services, Department for Trade and Investment (PLUS-DTI) in the evaluation of recently determined Impact Assessed developments.

PLUS-DTI, the State Planning Commission (SPC) and the Minister for Planning have various roles and statutory responsibilities in the administration and assessment of the impact assessed process.

The evaluation protocol will seek to benchmark the statutory assessment process against relevant administrative service standards and where appropriate, consider potential process, transparency and/or legislative improvements to enhance future project assessments under the impact assessed (not being restricted) pathway.

DTI-PLUS will then provide a summary report of the findings of the post decision evaluation survey and continuous business improvement process every 12 months to the State Planning Commission, including any recommendations to be adopted. These findings may then be included in the Commission's Annual Report.

Pursuant to Section 108(1)(b)&(c) of the *Planning, Development and Infrastructure Act 2016*, (the Act) Impact Assessed developments are either declared by the Minister for Planning by notice in the Government Gazette or prescribed by regulation. A flow chart of this pathway is provided at **Figure 1**.

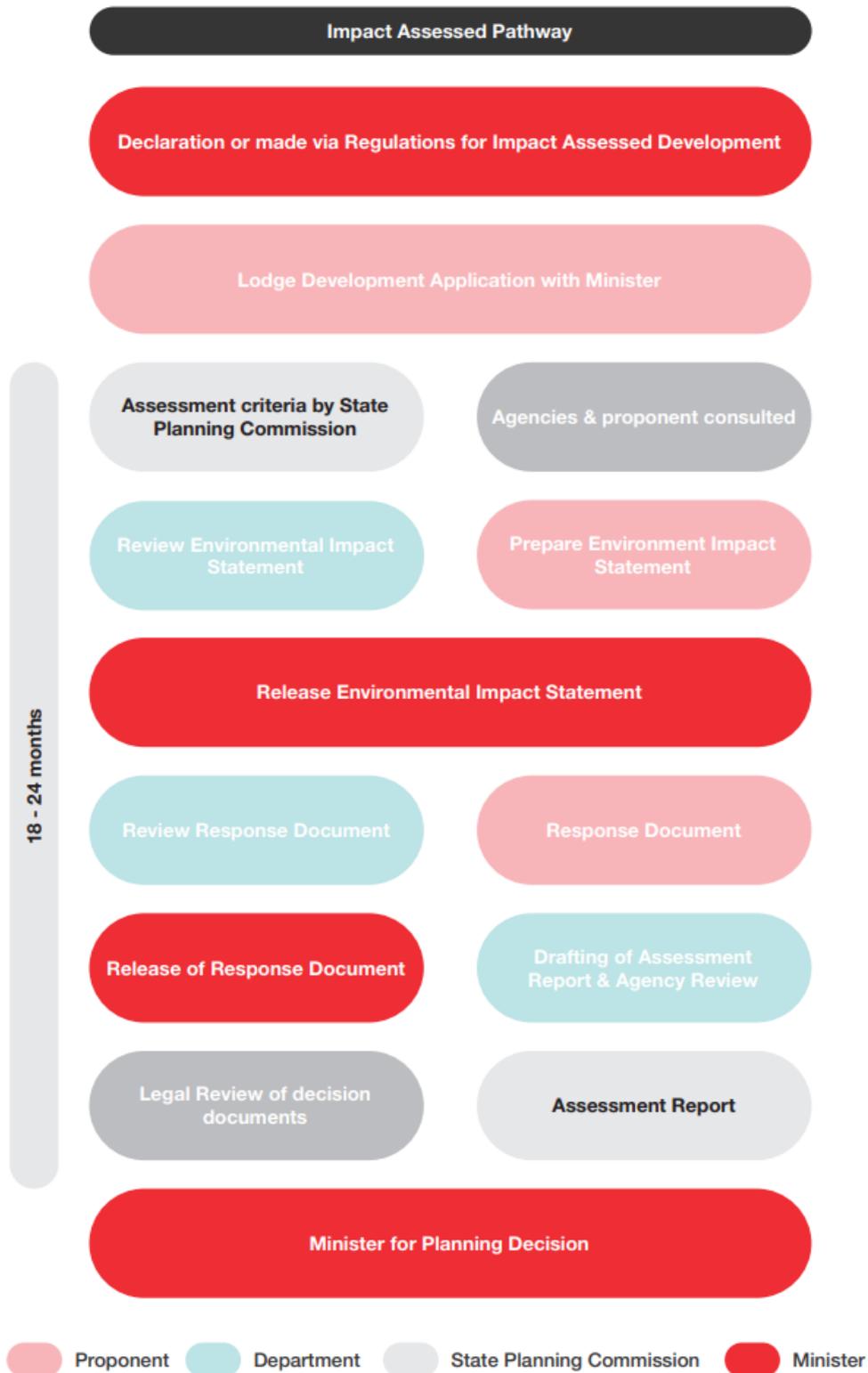
It is acknowledged that significant time and resources, from both a private sector and State Government level, are allocated to the feasibility, scoping, investigation, assessment, consultation, determination and, prior to and during construction, compliance and inspection of an Impact Assessed development.

The post decision evaluation survey of an Impact Assessment development is not a statutory requirement, however, it represents sound governance and business practice and establishes a commitment to continuous improvement in both service delivery and processing steps for the assessment of Environmental Impact Statement (EIS) level developments.

This guidance in no way binds the Minister or the Commission in their existing statutory functions, but may lead to Departmental recommendations to amend existing legislative frameworks, as provided for in the Act and Regulations, or in designated instruments (such as Practice Directions), user guides and fact sheets.

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.

Figure 1: Impact Assessed Development Process



Source: [Impact Assessed Development](#)

Impact Assessment Post-Decision Evaluation Policy

Part 1 – Preliminary

1 – Citation

This guidance may be cited as the Post Decision Evaluation Survey of an Impact Assessed (not being restricted) development.

2 – Commencement of Operation

This post decision evaluation survey will come into operation on the day on which it is endorsed by the Director, State Assessment.

3 – Objects of the Policy

The object of this guidance is to ensure a continuous improvement process for impact assessed developments and adopt key learnings into future assessments and administrative practices.

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 – Planning and Land Use Services*

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 (respectively)*.

Minister means the *Minister administering the Planning, Development and Infrastructure Act 2016, currently the Minister for Planning*.

PLUS means *Planning and Land Use Services, a 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*.

5 – Internal Use only

The evaluation process is for internal use only.

Part 2 – Evaluation Process

A typical evaluation process aims to define the subject (and questions), collect information, analyse the results, report on the findings, and implement recommendations.

The evaluation process aims to confirm whether the intended statutory process achieved the desired results, namely the robust, transparent and timely assessment of Impact Assessed developments.

The Impact Assessed evaluation process will consider responses within three (3) months of an Impact Assessed decision being made, with feedback sought from Proponents / Lead Consultants, State Agencies, Councils and internally from DTI-PLUS employees. This will allow immediate feedback on the assessment process for both approved and refused developments. Additional feedback may then be sought on post-decision reserved matter and condition satisfaction processes from proponents.

At an operational stage, the experience of proponents and councils will be of relevance as to whether project benefits have been realised and impacts minimised. For councils, this additional analysis would focus on actual social, economic and infrastructure impacts or benefits, and whether they were appropriately identified and considered in the original EIS. Secondly, the effectiveness and appropriateness of the management of the impacts from the perspective of the local community could be gauged.

Given the timeframes involved - both for approved projects to advance to full documentation and then construction to be completed – a bespoke approach will be adopted (as and when required).

The evaluation process will **not** consider the merits of individual project assessments, the planning recommendation by the Commission or the decision of the Minister. Rather, the evaluation process will principally involve an in-person survey method for PLUS assessment staff, proponents/lead consultants, State Agencies and local councils to discuss and understand the lessons learnt, including suggested changes in practice.

Members of the public or other interest groups who lodged a public submission are not included in this evaluation process. Consideration may be given, in due course, to establishing a separate evaluation process whereby a randomly selected sample of representors is created to gain feedback on general website access, methods of communication, document accessibility and submission processes, with any opportunities for improvements to be adopted more generally.

Part 3 – PLUS Evaluation

The PLUS Crown and Impact Assessment team works closely with proponents, state agencies and local authorities throughout the process and provides professional advice to both the State Planning Commission and Minister for Planning. They are uniquely placed, along with the senior management of the Department, to consider the quality, accuracy and timeliness of the information provided, the time required for assessment tasks, the adequacy of delegations and systems, the level of

administrative support, addressing potential gaps and removing unnecessary steps. A PLUS feedback template is provided in **Appendix 1**.

Part 4 – Proponent / Lead Consultant Evaluation

Proponents invest significant time and resources in the impact assessed process, and whilst guided by planning and/or environmental consultants, they can be unsure of the statutory timeframes and administrative processes involved in an EIS level assessment. However, they are also well positioned to provide feedback at the completion of an assessment process, in terms of its overall transparency and timeliness and, in some cases, how their experience of the SA system compares to other jurisdictions.

A Proponent/Lead Consultant feedback template is provided in **Appendix 2**.

Part 5 – State Agency Evaluation

State Agencies are involved in the assessment of an Impact Assessed development, either as a statutory referral body, or where a Department may have an interest in infrastructure and/or service delivery, regulatory oversight or the interaction of other Acts or statutory requirements (i.e. heritage).

State Agencies are involved from the earliest consideration of a declaration request to the formation of the technical working group (specific to each project), the review of proponent documentation (including the EIS and Response document), advice to the Commission, through to the post-approval verification of final plans.

A State Agency feedback template is provided in **Appendix 3**.

Part 6 – Council Evaluation

Local Government authorities, particularly involving the declaration of impact assessed developments in regional and/or coastal communities, have a significant role in managing *potential* social, economic and environmental impacts and benefits from large projects that can inject significant investment capital and employment, alongside additional demands on roads, services and facilities.

A Council feedback template is provided in **Appendix 4**.

Part 7 – Commission Reporting

A summary report of the post decision evaluation survey for all relevant impact assessed development and continuous business improvement process will be provided to the State Planning Commission every 12 months, including any recommendations made, subsequently adopted or proposed to be adopted.

Part 8 – State Agency Workshop

An annual state agency workshop (chaired by DTI-PLUS) will be convened to allow DTI-PLUS to provide an update on current Impact Assessed processes and statutory

roles (noting staff turnover and new projects being lodged), referral processes and responses (including content, format and timeliness), EPBC bilateral negotiations, the presentation of specialist advice and/or case studies of recent projects, and general feedback on administrative practices.

Part 9 – Review Period

The post decision evaluation survey process and associated templates will be reviewed by the Department every 12 months from the commencement date of the latest version, with the expectation that any beneficial changes, when identified to the impact assessed process, will be implemented as soon as practicable.

Endorsement



Margaret Smith
DIRECTOR – STATE ASSESSMENT
PLANNING AND LAND USE SERVICES

28 April 2023

Appendix 1: Staff feedback

Impact Assessed Project Evaluation Template – Internal use only	
Project Name:	
Planning Team:	
Date Advice Prepared:	
Date Reviewed:	
Was the assessment process completed according to statutory requirements?	Yes/No
Was sufficient department support provided to undertake the assessment process? If no, please explain –	Yes/No
What elements of the assessment process were viewed positively?	
What elements of the assessment process were viewed negatively?	
Where negatively identified, how can these assessment processes be improved in the future?	
Was the tailored public engagement process considered fit for purpose during the EIS exhibition process? If no, please explain.	Yes/No
On a scale of 1 to 10, from least effective (1) to most effective (10): (a) Quality of proponent documentation (b) Accuracy of proponent documentation (c) Legibility of proponent documentation (d) Timeliness of proponent responses (e) Effectiveness of the technical working group (f) Adequacy of state agency responses* (g) Timeliness of state agency responses*	1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10
What staff learnings can be applied for future assessments?	
Other comments:	

- State Agencies might need to be specified if there was varying levels of performance between agencies.

Appendix 2: Proponent feedback

Impact Assessed Project Evaluation Template – Internal use only	
Project Name:	
Consultant team:	
Date Advice Prepared:	
How did the impact assessment process accord and/or differ with your initial expectations? Please explain.	
How would you describe the quality of advice and/or explanatory materials from PLUS explaining the impact assessed process?	
What elements of the assessment process managed by PLUS were viewed positively?	
What elements of the assessment process managed by PLUS were viewed negatively?	
Where negatively identified, how can these assessment processes be improved in the future?	
In your opinion, was the tailored public engagement process effective in identifying the key issues during the EIS exhibition process? If no, please explain	Yes/No
On a scale of 1 to 10, from least effective (1) to most effective (10): (a) Quality of state agency advice (b) Accuracy of state agency documentation (c) Timeliness of state agency advice (d) Effectiveness of the technical working group to provide feedback	<p>1–2–3–4–5–6–7–8–9–10</p> <p>1–2–3–4–5–6–7–8–9–10</p> <p>1–2–3–4–5–6–7–8–9–10</p> <p>1–2–3–4–5–6–7–8–9–10</p> <p>1–2–3–4–5–6–7–8–9–10</p>
In your opinion, what specific learnings should be considered by PLUS for future assessments?	
Overall, how would you rate the performance of PLUS during the assessment of your project? (i.e. period from pre-lodgement to feedback on the Response document only).	1–2–3–4–5–6–7–8–9–10

Appendix 3: Agency feedback

Impact Assessed Project Evaluation Template – Internal use only	
Project Name:	
State Agency:	
Date Advice Prepared:	
How was your agency involved in the assessment process? (a) Pre-lodgement advice (b) Assessment criteria (c) EIS adequacy check / review (d) Response document adequacy check (e) Assessment report feedback (f) Conditions review (g) Technical working group	Yes/No Yes/No Yes/No Yes/No Yes/No Yes/No Yes/No
If involved in the Technical working group, was this process effective in providing a forum for planning, technical and proponent issues to be addressed? If no, please explain	Yes/No/Not applicable
What elements of the assessment process were viewed positively?	
What elements of the assessment process were viewed negatively?	
Where negatively identified, how can these assessment processes be improved in the future?	
On a scale of 1 to 10, from least effective (1) to most effective (10): (a) Quality of proponent documentation (b) Accuracy of proponent documentation (c) Content of proponent documentation (d) Timeliness of proponent responses (f) Adequacy of PLUS information on the impact assessed process (g) Adequacy of time to review and comment on EIS documentation?	1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10
What learnings can be applied by PLUS for future assessments?	
Overall, how would you rate the overall assessment experience for your agency for this project?	1–2–3–4–5–6–7–8–9–10

Appendix 4: Council feedback

Impact Assessed Project Evaluation Template – Internal use only	
Project Name:	
State Agency:	
Date Advice Prepared:	
How was your council involved in the assessment process? (a) Pre-lodgement advice (b) Assessment criteria (c) EIS adequacy check (d) Response document adequacy check (e) Assessment report feedback (f) Conditions review (g) Technical working group	Yes/No Yes/No Yes/No Yes/No Yes/No Yes/No Yes/No
If involved in the Technical working group, was this process effective in providing a forum for local planning and technical issues to be addressed? If no, please explain	Yes/No/Not applicable
In Council’s opinion, was the public engagement process effective in identifying key local issues and providing the public with an opportunity to comment? If no, please explain.	Yes/No
In Council’s opinion, did the proponent provide sufficient information and/or technical details to quantify and/or address local infrastructure impacts and/or requirements during the assessment process. If no, please explain.?	Yes/No
On a scale of 1 to 10, from least effective (1) to most effective (10): (a) Quality of proponent documentation (b) Accuracy of proponent documentation (c) Content of proponent documentation (d) Timeliness of proponent responses (e) Adequacy of PLUS information on impact assessed process (g) Adequacy of time to review and comment on EIS documentation?	1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10 1–2–3–4–5–6–7–8–9–10
What learnings can be applied by PLUS in future assessments?	
Overall, how would you rate the performance of PLUS in ensuring Council was involved in the assessment process?	1–2–3–4–5–6–7–8–9–10