

DEW requirements checklist

The Department for Environment and Water (DEW) and the statutory bodies it supports have lead responsibility for a number of regulatory and advisory matters.

This checklist provides a starting point for identifying regulatory considerations managed by DEW and associated statutory bodies that proponents and other government agencies may need to take into account when scoping proposals. It should be used in conjunction with the DEW's, and its boards and committees', websites for a more thorough analysis.

It is recommended that checks be undertaken as part of early feasibility/concept phase considerations to identify any potential constraints to the proposed activity, to determine direct financial implications and timeframes that need to be factored into project costs.

DEW can provide advice and support to work towards a joint solution to issues identified, wherever possible, with better project and environmental outcomes more likely if engagement occurs early in the design stages of a proposal. This early engagement could highlight potential showstoppers and save both time and money in unnecessary or unsuitable background studies or investigations required for the approval process.

Tenure and access requirements

Crown Land

- Crown lease or licence
- Easement
- Purchase

www.environment.sa.gov.au/managing-natural-resources/land-management/crown-lands

Legislation: *Crown Land Management Act 2009*

Terrestrial Parks and Reserves

- Direct and/or indirect impact to park or reserve.
- Legislation and/or Plan of management support the activity in the proposed location.
- Exploration and/or mining activities allowed in park or reserve.

<https://map.sarig.sa.gov.au/>

- Park or reserve co-managed with the traditional owners of the area - may have additional requirements.
- Permit for filming or tourism operator - see permits section.

Legislation:

National Parks and Wildlife Act 1972
Wilderness Protection Act 1992

Note - Changes to administration of pastoral activities.

Pastoral activities are now administered by the Department for Primary Industries and Regions SA (PIRSA)



❑ Marine Parks

- ❑ Marine park zone supports proposed activity/development.

www.environment.sa.gov.au/marineparks/About/zones

Legislation: *Marine Parks Act 2007*

❑ Unsolicited proposal

The Department of Treasury and Finance or DEW unsolicited proposals processes may apply to access (by lease, licence, easement and/or the purchase) to state owned land.

www.sa.gov.au/topics/business-and-trade/doing-business-with-government/unsolicited-proposals

❑ Native Title

Native Title rights exist under many of these tenures. This may require negotiating and entering into, or complying with an existing, Indigenous Land Use Agreement. There may be consultation requirements under the Commonwealth *Native Title Act 1993* that the agency is required to meet related to certain approvals. Refer to this fact sheet for more information:

www.environment.sa.gov.au/files/sharedassets/public/crown_land/fact_sheets/crown-land-native-title-fact.pdf

www.nativetitlesa.org

Note – Aboriginal heritage related matters under the *Aboriginal Heritage Act 1988* are administered by Aboriginal Affairs and Reconciliation, Department of State Development - statedevelopment.sa.gov.au/aboriginal-affairs

DEW regulatory and advisory requirements

❑ Adelaide Dolphin Sanctuary

- ❑ Direct or indirect impacts to the Adelaide Dolphin Sanctuary

Development and activities within or adjacent to the ADS should meet, and seek to further the objectives of the Adelaide Dolphin Sanctuary Act.

www.environment.sa.gov.au/parks/

Legislation: *Adelaide Dolphin Sanctuary Act 2005*

❑ State Heritage Place or Area

- ❑ Directly or indirectly affect a heritage place or area.

Refer to heritage places database:

maps.sa.gov.au/heritagesearch/HeritageSearchByID.asp

For more information:

www.environment.sa.gov.au/our-places/Heritage

- ❑ Require a permit to excavate or disturb a place of geological, palaeontological, speleological or archaeological significance. - Refer to relevant sections ss25 – 29 of the Heritage Places Act.

Legislation: *Heritage Places Act 1993*

Local Heritage - Contact the relevant council if you require advice on local heritage.

❑ Shipwrecks in SA Waters

- ❑ Activity within 500m of a historic shipwreck and is likely to involve any form of land / sea floor disturbance.

Reference the following link for shipwreck locations:

spatialwebapps.environment.sa.gov.au/naturemaps/?locale=en-us&viewer=naturemaps&runWorkflow=ZoomToFullExtentShipwreck

- ❑ Permit to damage, destroy, interfere with, dispose of, or remove a historic shipwreck.
- ❑ Permit to enter a protected zone (*Zanoni, ex-HMAS Hobart, South Australian*)

www.environment.sa.gov.au/our-places/Heritage/maritime-heritage

Legislation:

South Australian *Historic Shipwrecks Act 1981*
Commonwealth *Historic Shipwrecks Act 1976*



☐ Native vegetation

- ☐ Native vegetation present on the project site
- ☐ Apply avoid, minimise, restore, offset hierarchy to clearing or removing native vegetation
- ☐ Detailed vegetation and fauna surveys, to:
 - Determine the extent of impact on the native vegetation.
 - Support determination of offset requirements.

Note: Surveys can be designed to cover native vegetation, threatened species and ecological communities and matters of national environmental significance (EPBC Act)

- ☐ Determine approval required

www.environment.sa.gov.au/managing-natural-resources/native-vegetation/native-vegetation-checklist

- ☐ Native Vegetation Council (NVC) approval required
- ☐ Note - If intact stratum of vegetation exists, the NVC cannot approve clearance.
- ☐ Clearance permitted under the Native Vegetation Regulations 2003, or from 1 July 2017 by the Native Vegetation Regulations 2017.

www.environment.sa.gov.au/managing-natural-resources/native-vegetation/clearing-offsetting

- ☐ A significant environmental benefit (SEB) offset on alternative land or by payment into a fund and a native vegetation management plan is required.

Note: From 1 July 2017, a new SEB Policy and vegetation assessment methods will be introduced.

Legislation: *Native Vegetation Act 1991*

☐ Threatened Species and ecological communities

- ☐ Direct or indirect impacts to threatened species and/or ecological communities (to both state and nationally listed)
- ☐ Database search to determine known or potential presence.
- ☐ Survey for species and communities using appropriate timing and survey methodology to determine presence or absence.

Note: Doing a database search is not enough to determine the presence or absence of species. It is dependent on a survey having been undertaken in the area.

- ☐ Apply avoid, mitigate, restore, offset hierarchy.

Note: Surveys should be designed to cover identifying the presence or absence of native vegetation, and state and nationally listed species and ecological communities and potential habitat

Legislation: *National Parks and Wildlife Act 1972*
Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

☐ Coast protection and management

- ☐ Direct or indirect impacts to sensitive coastal features (e.g. sand dunes)
- ☐ Exposure of development to coastal hazards (flooding, erosion, sand dune drift, acid sulfate soils)

Coastal developments should give consideration to the policies of the Coastal Protection Board. Certain development applications on coastal land are referred to the Board.

Refer to the Coastal Planning Information Package at www.environment.sa.gov.au/files/sharedassets/public/coasts/coastal-planning-information-package-gen.pdf for helpful information including:

- Coast Protection Board Referral Checklist (p37)
- Information Requirements – Development on Coastal Land Checklist (p38)

Legislation: *Development Act 1993*,
Coast Protection Act 1972

☐ Water management and licencing – surface water or groundwater

- ☐ Prescribed water resource area
- ☐ Water allocation and licence requirements
- ☐ Water affecting activity permits (e.g. dams, drain and discharge activities)
- ☐ Well construction permits

www.environment.sa.gov.au/managing-natural-resources/water-resources/planning

Legislation: *Natural Resources Management Act 2004*



❑ Biosecurity

- ❑ Introduction and/or spread of weeds, including Weeds of National Significance, declared and non-endemic plants in SA.

<http://weeds.ala.org.au/WoNS/>

- ❑ Pest animals

www.pir.sa.gov.au/biosecurity/weeds_and_pest_animals

- ❑ Introduction and/or spread of plant diseases
 - ❑ Contact DEW for known *Phytophthora* data points in South Australia.
 - ❑ Refer to Biosecurity SA for diseases that can affect South Australian crops and threaten our economy.
- ❑ Introduction and/or spread of wildlife diseases

Refer to NRM region websites for region specific information - www.nrm.sa.gov.au

Legislation: *Natural Resources Management Act 2004*
Commonwealth Environment Protection and Biodiversity Conservation Act 1999

❑ SA Murray-Darling Basin

- ❑ Activity located within the SA Murray Darling Basin
- ❑ Lead statute has referral to the Minister administering the *River Murray Act 2003*.
- ❑ The extent to which the expected effects of the development or project are consistent with the objects and objectives of the *River Murray Act 2003*.

www.environment.sa.gov.au/managing-natural-resources/river-murray/about-the-river/enacting-river-health-in-legislation

Legislation: *River Murray Act 2003*

Other regulatory requirements and policies

❑ Permits

Your activity may be subject to permit requirements, in addition to those already mentioned, including but not exclusive to:

- ❑ Animal welfare licence – for fauna surveys
- ❑ Wildlife Ethics Committee Approval
- ❑ Scientific research
- ❑ Fauna take/handling
- ❑ Flora collection
- ❑ Marine mammal interactions

www.environment.sa.gov.au/licences-and-permits

❑ Commercial activities

- ❑ Filming in parks or reserves
- ❑ Tourism operator in parks or reserves

www.environment.sa.gov.au/licences-and-permits

- ❑ Other Commercial activity within a park or reserve (refer to unsolicited proposal)
- ❑ Commercial activity within a Wilderness Protection Area or Wilderness Protection Zone

- ❑ Refer to the *Wilderness Protection Areas and Zones Code of Management* for more information:

www.environment.sa.gov.au/files/sharedassets/public/park_management/psa-gen-wildernessprotectioninsa.pdf

❑ Other advice and policies

DEW provides advice on and will look for consideration of certain matters being built into project planning, where applicable, including:

- ❑ Climate change mitigation and adaptation
- ❑ Fire and flood risk
- ❑ Sustainable soil management
- ❑ Sustainable water management
- ❑ Water sensitive urban design
- ❑ Green infrastructure
- ❑ Healthy parks, healthy people.



Related Acts

DEW administered legislation can operate in parallel to or interact with other legislation regulating your proposal. Related Acts which you may need to consider may include:

- ❑ *Environment Protection Act 1993*
Contact - <http://www.epa.sa.gov.au/contact>
- ❑ *Development Act 1993*
Contact - www.dpti.sa.gov.au/contact_us
- ❑ *Fisheries Management Act 2007*
Contact - www.pir.sa.gov.au/fishing/contact_us
- ❑ *Aquaculture Act 2001*: Contact - www.pir.sa.gov.au/top_menu/contact_us
- ❑ *Mining Act 1971*: Contact - minerals.dpc.sa.gov.au/contacts
- ❑ *Petroleum and Geothermal Energy Act 2000*
Contact - petroleum.dpc.sa.gov.au/contacts
- ❑ *Pastoral Land Management and Conservation Act 1989*
Contact - PIRSA.Pastoral@sa.gov.au
- ❑ *Aboriginal Heritage Act 1988*
<https://www.dpc.sa.gov.au/what-we-do/services-for-business-and-the-community/Aboriginal-community-advice-and-support/aboriginal-heritage>
- ❑ *Harbors and Navigation Act 1993*
Contact – gordon.panton@sa.gov.au
- ❑ *Public Health Act 2011*
Contact – Waste Water
healthwastewatermanagement@sa.gov.au
- ❑ *Commonwealth Native Title Act 1993* Contact – SA Native Title Service
www.nativetitlesa.org
- ❑ *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*
 - ❑ Proposed “action” may or is likely to have a significant impact on a matter of national environmental significance.
 - ❑ If action requires assessment under the EPBC Act and under section 46 of *Development Act 1993* or *Mining Act 1971*, may be eligible for a bilateral assessment.
Contact
www.environment.gov.au/about-us/contact-us

If engaged early in the design stages of a proposal, DEW can provide advice and support in highlighting the constraints on an activity or development based on the information available at the time, and work towards a joint solution wherever possible.

This early engagement could highlight potential showstoppers and save both time and money in unnecessary or unsuitable background studies or investigations required for the approval process.

For more information

Strategic Policy and Impact Assessment
Branch, Economic and Sustainable
Development Group

Department for Environment and Water
P (08) 8463 6238
E DEWPlanning&Assessment@sa.gov.au

Links to legislation sites:

www.legislation.sa.gov.au

www.legislation.gov.au

www.austlii.edu.au