

Attachment 3 – Copy of Submissions Received

Australian Pipeline Association

Brougham, Barry

EPS Energy

Fullerton, Colin - Shack Owner and Chairman of the Cultana
Jenkins Shackowners Association

Port Bonython Fuels Pty Ltd

SA Power Networks

Telstra

Whyalla City Council

Wilson, Ann and Sid

Yoorndoo Ilga Solar

Australian Pipeline Association (APA)

To whom it may concern,

Please be advised APA has no objection to this amendment. There are no gas assets managed or operated by APA in the vicinity of the proposal that would be impacted.

Thank you for allowing the opportunity to review and provide a response.

Regards,



Daniel Cooper

Third Party Works Officer

Integrity Engineering SA

P [REDACTED]

M [REDACTED]

E [REDACTED]

W apa.com.au

always powering ahead

Attention: Code Amendment Team, Planning and Land Use Services.
Attorney- General's Department
GPO Box 1815 Adelaide SA. 5001

From: Barry Brougham
PO Box 467
Whyalla SA. 5600

30 September 2021

Re: Submission – Port Bonython Code Amendment.

This submission is in response to directive by the Government of South Australia Attorney -General's Department - Notice of Consultation by the Chief Executive, Attorney -General's Department on the Port Bonython Code Amendment.

My position is that the Code Amendment proposed SHOULD NOT be Approved by the Minister for Planning.

I present the following information to support my position:

I was born and bred here in Whyalla, had a successful employment career and now retired. Own a shack north of Point Lowly for 20 + years and know the importance & value of the northern coast line including the Point Lowly Peninsula and Upper Spencer Gulf. The natural assets abound and how important it is to the local community.

From the outset decisions made by State Government may-be beneficial for regional SA and Adelaide but not necessarily satisfactory to Whyalla residents. The continuing need to develop more industry on the Point Lowly Peninsula must have a detrimental effect not only on tourism to the location but also the health and well-being of the Whyalla community. This situation arises because the State Government and bureaucrats will not accept the Lowly Peninsula presents / delivers exceptional natural asset value and there are alternate industrial sites available away from the Point Lowly Peninsula.

Industrialization of the area targeted by Code amendment proposal would put seven kilometres of Industry in front of and to the detriment of the tourism gateway.

It is difficult to see that heavy industry and tourism can co-exist satisfactorily. Close together / on top of one another.

Point Lowly Peninsula:

- Gateway to Eyre Peninsula – first possible destination for grey nomads when travelling the Augusta Highway towards Whyalla
- Point Lowly Peninsula has a long history of accommodating recreational uses dating back to the late 19th century, day excursions were organised from Port Pirie and Port Augusta to Point Lowly to spend the day fishing, boating, crabbing or just relaxing
- During the 20th century a holiday camp used to host smelter workers and their families from Port Pirie, at Weeroona Bay
- Increasingly popular camping location for locals, intrastate and interstate visitors
- Giant Australian Cuttlefish at Stony Point attracts annual visitation from locals, intrastate, interstate and internationals
- This area of land / coastline interfaces with the Upper Spencer Gulf which is an inverse estuary and marine park

Point Lowly Peninsula: cont.

- A former State Premier said of Kangaroo Island – “Unique & Special”. Ditto Point Lowly Peninsula
- This unique land mass juts out into serene waters and is the jewel of Upper Spencer Gulf
- People of Whyalla deserve an out of town quiet peaceful location to relax and enjoy
- Vital location for the health and wellbeing of locals and people convalesce there
- The Flinders Range across the gulf provides a perfect back drop to the pristine gulf
- The only place within 100 Km. of Whyalla where swimming is available year round
- State Government realizes the recreational value of the area:
 - Providing 2 million dollars to install new recreational infrastructure at Point Lowly and beyond
 - Considerable expense on planning and implementation of Marine Parks nearby
- Whyalla City Council is getting their act together having stalled for 10 years for not seriously developing the Point Lowly Peninsula for tourism due to Government pressure to industrialize the Lowly Peninsula Appendix 1
- Undeveloped natural coastline environment characterised by:
 - Uneven terrain, sand dunes and cliff tops.
 - The dunes located at Fitzgerald Bay and near Point Lowly are the most northerly on the western side of Upper Spencer Gulf and contain rare fauna specimens.
 - The entire coastline is identified as wetlands of national importance which are home to fauna and flora of conservation significance.
- Continuing to bastardize Point Lowly Peninsula for industry is narrow, short term and ignores the “Big Picture”
- The Port Bonython oil spill occurred **on 30 August 1992**, when the fuel tank of the tanker 477\Era was pierced by the bow of the tugboat Turmoil during berthing operations in Upper Spencer Gulf, South Australia. Wind and swell were high and 296 tonnes of bunker fuel were released into Spencer Gulf. See Appendix 2
January 2010 Santos Port Bonython plant – hydrocarbons were detected under the plant 20 months ago and a \$15 million barrier to stop it leaking into the sea has been completed

The Lowly Peninsula is recognised:

- As a unique and diverse tourism destination
- To retain and improve encompass “a unique and diverse range of nature-based visitor experiences related to its scenic landscapes, ecotourism and unique wildlife, as well as coastal recreation
- Seafood, adventure tourism and Aboriginal culture”
Include trail networks (walking, cycling, scenic, four-wheel drive), ecotourism experiences, conservation reserves
- Places and items of significance should be identified and protected.

Whyalla's Northern Coastline



Potential Tourism Mecca



False Bay:

Strongest winds in the area plus large and flat, its best sailed from the far eastern corner.



Black Point:

Very popular snapper fishing location for both locals and tourist alike.



Stony Point:

Diving with the Cuttlefish attracts visitor from far and wide including international.



Lowly Beach:

Very popular location year round due to available water for swimming.



Point Lowly Lighthouse:

A popular tourist landmark to the Whyalla region.



Lighthouse Cottages:

These historic buildings are a very popular tourist location and are accommodated year round.



Point Lowly:

Great snapper fishing location with land based anglers frequenting coastal locations.



Fitzgerald Bay:

Unusual rock formation.



Point Lowly to Fitzgerald Bay:
Freycinet Trail: Hiking / Cycling / Driving



Fitzgerald Bay:
Stranded Shingle Beach Ridges: Natural phenomenon that are an ancient geological treasure.



Fitzgerald Bay:
Camping Grounds: Year by year an increasing number of tourists are frequenting these areas.



Backy Point:
Beda Volcanic Rock: The early middle Proterozoic era 1600 -1400 millions years ago brought a period of extensive volcanic activity north of Whyalla.



**The Lowly Peninsula is a key natural asset value to Whyalla, Eyre Peninsula and South Australia
An even higher potential value if rezoned and dedicated to recreation, tourism and compatible development
This presentation outlines the current and potential value of this special and unique location.**

False Bay

2012

Fishing

- Land – Black Point
- Boat

Wind surfing

If you find the Lowly rocks rather daunting then back towards Whyalla is False Bay, this is a great onshore jump haven. The waves are consistently larger than Adelaide coastal waters and the winds are the strongest in the area. False Bay is large and flat its best sailed from the far eastern corner. False Bay is also a great spot for sailing on winter Northerlies.

Relaxing

The beach offers an open expanse of sand which is an ideal place for a quiet relax.

2022

Camp Lowly

A youth camp consisting of an accommodation wing along with an activities hall plus amenities.

- Base Camp
- Team building & leadership
- Network for other facilities

Outdoor Camp

Basic camping facilities along with challenging obstacle courses are the main features of the camps.

- Camping out under the stars
- One of several outdoor



Black Point to Weeroona Bay

2012

Giant Australian Cuttlefish (*Sepia apama*)

- Unique aggregation
- Under developed as a tourism activity

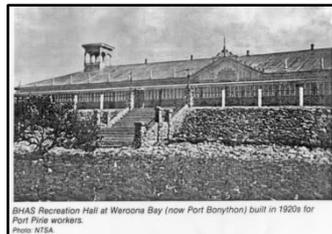
Fishing

- Land
- Boat

BHAS Recreation Hall 1911-1929 (ruins)

- Hall
- Sleeping quarters
- Dining
- Hospital

No Public Access to Bay



2022

Dive Centre

- Adjacent to Cuttlefish aggregations
- Changes rooms
- Significant tourism draw card

Catwalk-pontoons

- Entry to gulf at various locations

Fishing

- Land
- Boat

Glass-bottomed boat

- Cuttlefish observation
- General marine observation

Open days (Weeroona Bay)

- Cuttlefisharama Festival
- "Singing to the Sharks"



Lowly Peninsula

2012

Northern Coastline

- False Bay
- Weeroona Bay
- Point Lowly lighthouse, cottages and beach
- Fitzgerald Bay
- Scenic marine coastal views
 - multiple depth of field
- Marine life
- Coastal flora and fauna
- Marina
- Coastal homes
- Recreational facilities (limited)

Only recreational area along our coastline (with available water to swim at any time) within 100 Km's of Whyalla.



2022

Upper Spencer Gulf Marine Discovery Centre

"Promoting sustainability and conservation by increasing awareness and understanding of our marine environment."

Located on the Lowly Peninsula approximately 25 minutes from Whyalla.

The centre provides curriculum-based education plus specialised programs

Our facilities include

- Visitor's aquarium and displays,
- Student laboratory,
- Classroom
- Resource room
- Convention / dining room
- Educational gift shop / café.

We are also ideally located for field activities / eco-tourism services



Lowly Peninsula

2012

Point Lowly

- Lighthouse/cottages
- Entrance – narrow basin
- Wind generated waves
- Lowly Rip
- dodge tides every fortnight
- Peaceful, relaxing and scenic

Fishing

- Land base
- Boat
- 15-20m depth
- Good snapper area

Camping

- No established caravan park
- Limited facilities.



2022

Cuttlefisharama Festival

This festival is held on the June long weekend each year to celebrate and enjoy the wonders of the Lowly Peninsula.

Entertainment program includes:

- Live music and performances
- Competitive displays of Coastal and Marine photography, artworks and crafts
- Fun activities including giant inflatable cuttlefish slides and other beach activities for children.
- Cuttlefish dives, wreck dives and swimming with Kingfish are big attractions
- Australian Wind Surfing Championship at False Bay.
- “Follow the Cuttlefish Trail” competition with great prizes.
- Seafood (Kingfish) tasting stands

Charter boats are available

Explore the Upper Spencer Gulf Marine Discovery Centre



Lowly Peninsula

2012

Shingle Beach Ridges

- geological phenomenon
- resemble man made barriers
- distinctive geological feature
- Pleistocene period.
- distance of some 50kms
- sub-angular pebbles and cobbles
- ridges 3-5 metres above present mean sea level
- high sea level (3 metres higher than today
- *strong easterly winds, and high wave energy dissipation*
- only ones in South Australia.



2022

Eco Friendly Villa's (low energy accommodation)

These villa's could be located at various locations along the escarpments of the Lowly Peninsula.

They would be build to strict guidelines and be self sufficient with latest technology being part of the design and functioning of these dwellings.

Private and tourist accommodation could be afforded these villa's.



Point Lowly

2012

Lighthouse

- Two lighthouse keepers' cottages
- Oldest buildings in the Whyalla area
- Completed in 1883
- 23 metres tall tower
- Manned for 90 years

Cottages

- Accommodate up to 30
- Basic / clean
- Kitchen facilities
- Whyalla Uniting Church managed

Aboriginal Heritage

- Barngarla people
- Weeroona Bay - mythical significance
- Stony fish traps
- Snapper were speared
- “sing to the sharks”.



2022

Lowly Van & Cabin Park

- 60 large powered sites
- 40 unpowered sites
- 10 Ensuite Cabins – 6 berth + a/c
- 14 Standard Cabins – 6 berth + a/c

Facilities

- Two camp Kitchens
- TV games room
- Children's playground
- Pet friendly park (powered sites only)
- Gas BBQ's
- Wireless free internet access
- Austar free to accommodation
- Full laundry service
- Fish cleaning / freezer facilities

Kingfish cafe

- Morning / afternoon tea & scones
- Fish & chips in a cone (on the deck)
- Elegant dining



Point Lowly to Fitzgerald Bay

2012

Freycinet Trail

- Hiking
- Cycling
- Driving
- Interpretive signs
 - Aboriginal history
 - European exploration
 - Flora & Fauna
 - Marine life

Coastal Road

- Narrow & windy
- Panoramic views
 - Escarpment
 - Upper Spencer Gulf
 - Lower Flinders Range
 - Land base fishing spots



2022

Jetty

- Catch Whiting
- Garfish
- Salmon
- Snook
- Tommies
- Squid
- Blue swimmer crabs

Dives

- 2 Km from coast line
- Easy & relaxed dives
- Descent to the deck aft of funnel
- 2 relaxed dives that covers the whole wreck
- 10 m. down to wreck

Consistently good water clarity and minimal swell makes for great diving.



Fitzgerald Bay

2012

Features

- Stunning views
 - Blue gulf waters
 - Picturesque hills
 - South Flinders Range
- Semi desert vegetation
- Shingle beach dunes – unique in SA
- Pebbles / sandy beaches
- Mangroves
- Scenic drive
- Camping
 - 3 Locations
 - 1 with Windyloos + water
 - 2 Basic – no facilities



2022

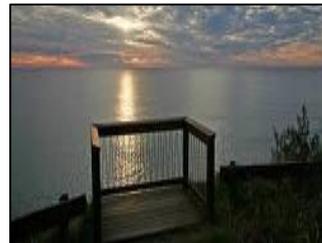
Lookouts

- 3 locations - Superb viewing
- Escarpment
 - Upper Spencer Gulf
 - Lower Flinders Range
 - Dolphin pods / Whales
 - Lights – Port Pirie, Port Germein

Tidal zone walks

- Tidal estuarine creek
- Mud flats
- Salt marshes
- Shingle beach dunes
- Unique plant life
- Interpretive signs
- Plant identification signs
- Shelter – additional information

Children can explore and discover the wonders of this special place.



Fitzgerald Bay

2012

Aquaculture

Fitzgerald Bay is also a home to an aquaculture enterprise.

The sea cages in the gulf are part of fish farms that specialise in growing yellow tail kingfish.

Yellowtail Kingfish

Seriola lalandi

Its white to pale pink flesh and sweet, rich flavour make the Yellowtail Kingfish popular with all cultures. Kingfish has a higher fat content, cleaner flavour and firmer texture making it more versatile, consistent and delicious. Kingfish is regarded as one of the best sashimi fish.

Farms are located in South Australia's Boston Bay, Arno Bay, Fitzgerald Bay, and Spencer Gulf.



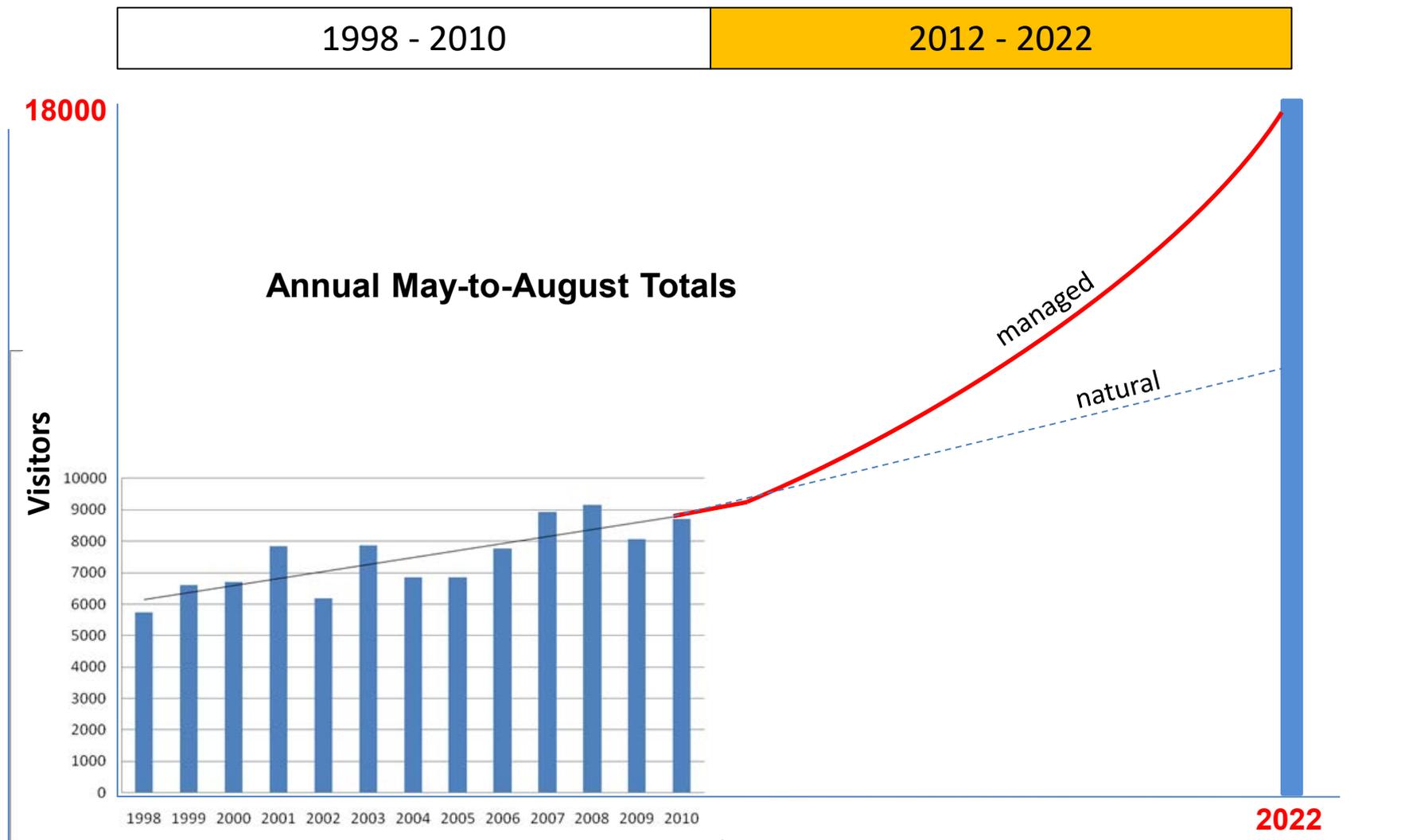
2022

Swim with Kingfish

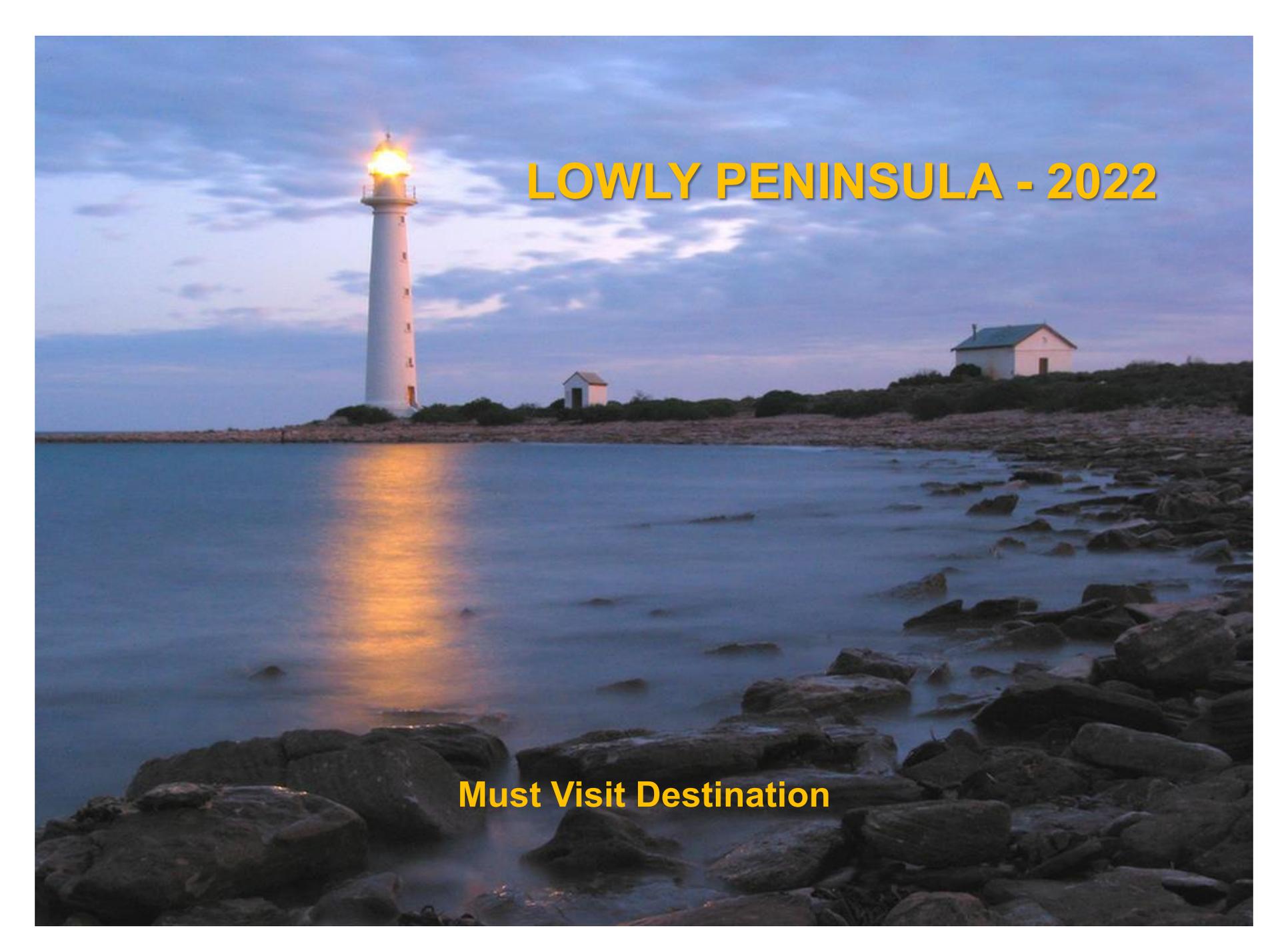
- fish massage
- Adrenalin rush
- divers and snorkelers
- Up close
- lightening fast
- 20,000 and 25,000 Kingfish
- They rub against, peck and even swim straight into you
- Underwater viewing tunnel
- On-board facilities
- Refreshments



Whyalla Tourist Centre – Visitor Numbers



Giant Australian Cuttlefish Season – Lowly Peninsula



LOWLY PENINSULA - 2022

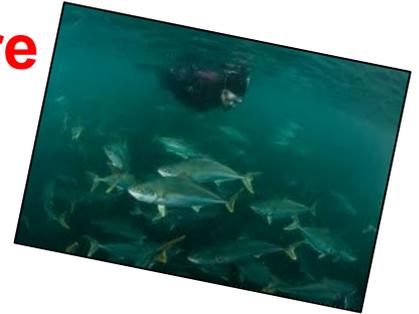
Must Visit Destination

Lowly Peninsula 2022



Lowly Peninsula - Now & The Future

- ❖ Parking Areas / Caravan Park
- ❖ Fishing Facilities / Jetties
- ❖ Cuttlefish Tourism / Glass Bottom Boat
- ❖ Aquaculture / Swimming with Kingfish
 - ❖ Marine Discovery Centre
- ❖ Annual Cuttlefish Coast Festival
 - ❖ Walking Trails / Bike
- ❖ Scenic Viewing Platforms
 - ❖ Wreck - Diving
 - ❖ Coastal Living
 - ❖ Sail / Kite Boarding
 - ❖ Information Kiosk
 - ❖ Camp Lowly
 - ❖ Holiday Eco Cabins
- ❖ Small Cluster Eco Villa's
 - ❖ Solar / Wind Power



DOLLARS / LIFESTYLE / DIVERSITY

Stretch Concepts

2022

Flinders Shores – Fitzgerald Bay

- Tidal marina
- 75 blocks
- Park / playground
- Boat moorings (private)
- Boat moorings (public for purchase)
- Idyllic lifestyle
- Fishing
 - Point Lowly (snapper)
 - Douglas bank (whiting)
 - Crabs (summer months)



Air strip

Land directly on the Lowly Peninsula. Overseas, and interstate tourists and general light plane owners could access the Lowly Peninsula from Adelaide and throughout the state. Maybe an opportunity to have an annual ultra light flying to coincide with another special event.



Before It's to Late



Dedicate to recreation, tourism and compatible development

RESPONSIBLE USE OF LOWLY PENINSULA

- Whyalla City Council Mission: To improve the **Total Quality of Life** in Whyalla.
- Whyalla City Council Vision: Our aim is to be a vibrant city offering people a **diverse range of sustainable economic, environmental and community opportunities.**
- The City of Whyalla is a South Australian Regional jewel comprised partly of **vast outback landscape** as well as an **attractive coastal area.**
WCC - Whyalla's Vision Towards 2022 (June 2008)
- It is about deciding which action we should undertake in the short and medium term to protect the things we value about Whyalla and to **ensure we are heading in the same direction.**
Mayor J Pollock – WCN Special Addition (July 2007)
- Throughout the collated data there is continuous reference to:
 - **Support for industrial development, but not at Point Lowly.**
 - **Support for an alternative site (south of Whyalla) for industrial development.**
 - **Strong concern for the impact of industrial development on Point Lowly.**
 - **Strong support for economic development for the future of Whyalla.**Exec. Sum Point WCC Lowly Developments – Focus Groups Report (December 2008)

Prosperity For Whyalla

BIG PICTURE – IN BALANCE

Industrial
Development
Jobs/Jobs/Jobs

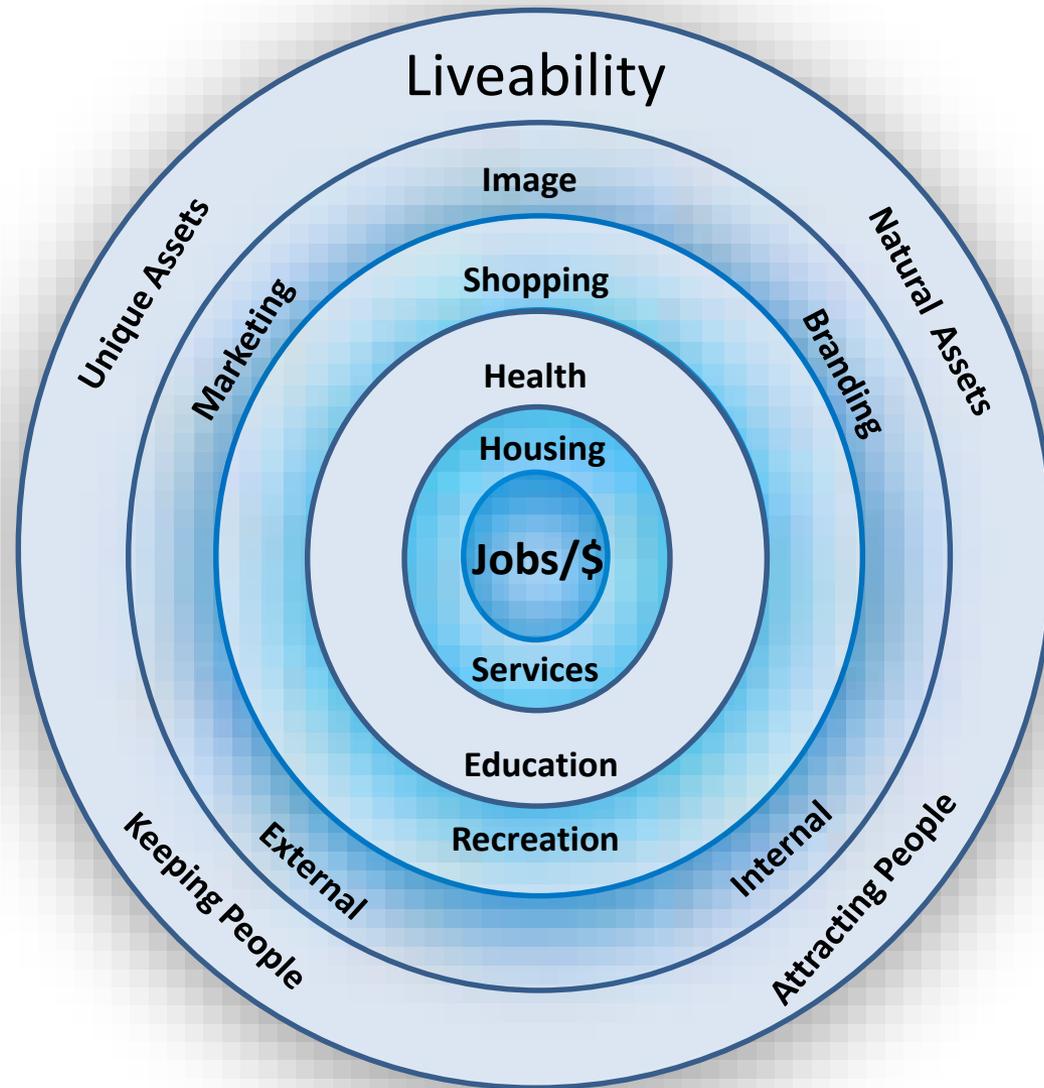


Value of
Social
Recreational
Tourism
Environmental

- **MISSION:** To improve the Total Quality of Life in Whyalla. WCC - Whyalla's Vision Towards 2022 (June 2008)
- The City of Whyalla is a South Australian Regional jewel comprised partly of vast outback landscape as well as an attractive coastal area. WCC - Whyalla's Vision Towards 2022 (June 2008)
- It is about deciding which action we should undertake in the short and medium term to protect the things we value about Whyalla and to ensure we are heading in the same direction. Mayor J Pollock – WCN Special Addition (July 2007)
- By 2020 we will have integrated development that is in harmony with lifestyles and our environment and supported through legislation to ensure that all regions take the same approach. WCC – RDA (1st Sept 2010)

**MUST HAVE BALANCE – PROSPERITY / PLANET / PEOPLE
LONG TERM STRATEGY – SUSTAINABILITY**

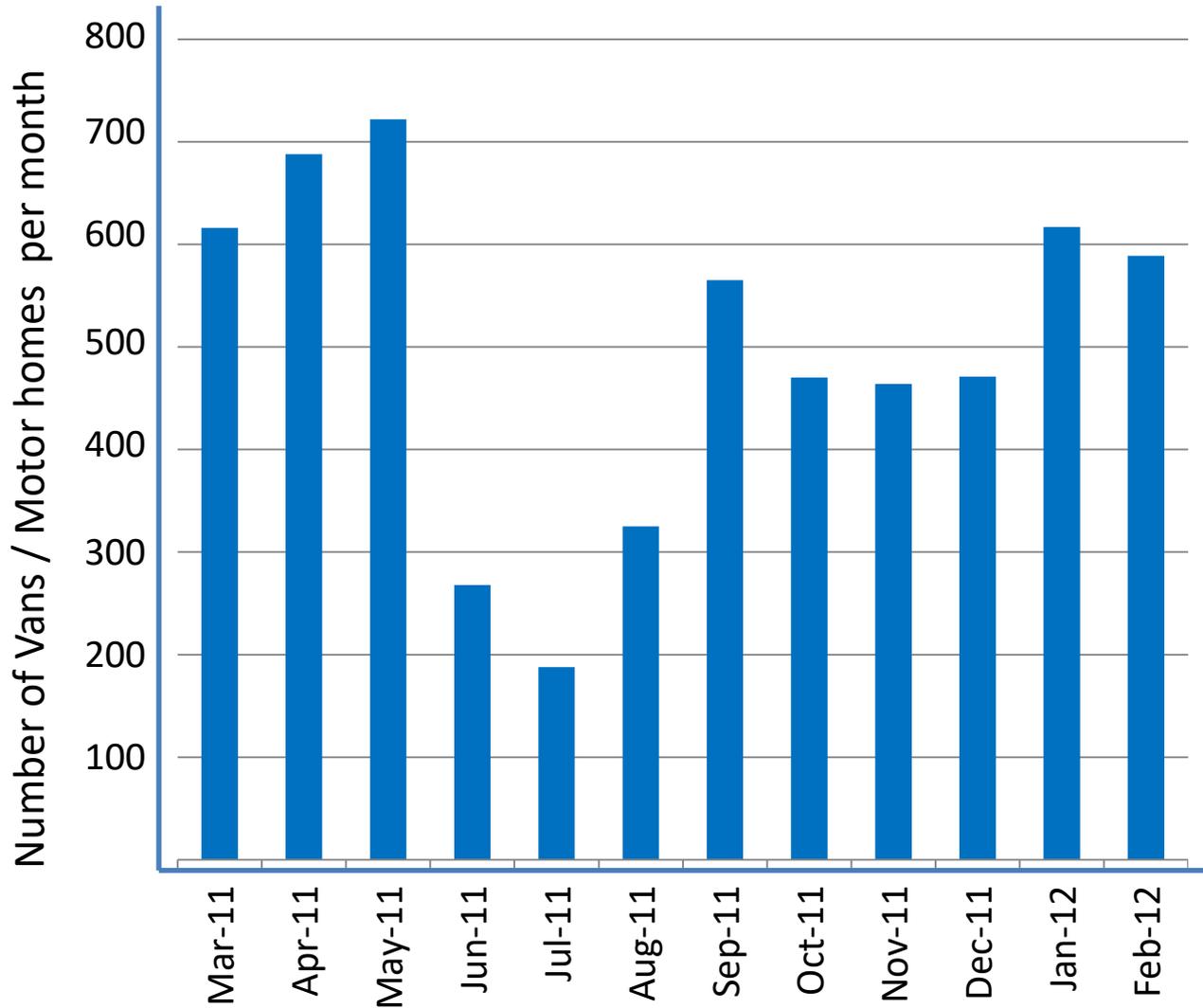
What Is Whyalla's Competitive Position



LOWLY PENINSULA VALUE PROPOSITION

Campers At Lowly

Fitzgerald Bay to Douglas Point not included



Community Support

- **Barbara Chappell Community Consultation (2008)**
- Throughout the collated data there is continuous reference to:
 - Support for industrial development, but not at Point Lowly.
 - Support for an alternative site (south of Whyalla) for industrial development.
 - Strong concern for the impact of industrial development on Point Lowly.
 - Strong support for economic development for the future of Whyalla.

Exec. Sum Point WCC Lowly Developments – Focus Groups Report

- **Whyalla City Council Community Q & A (2011)**
Similar results to above

COMMUNITY SUPPORT BEST OF BOTH

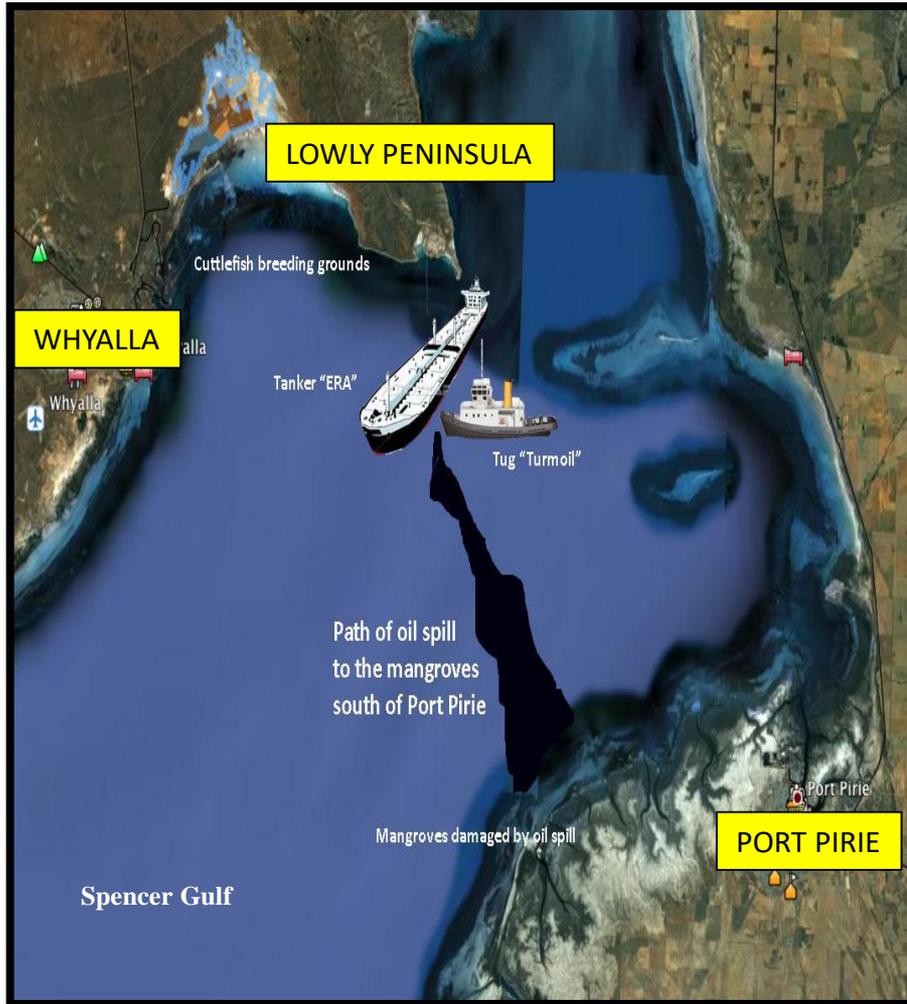
Lowly Peninsula – Value of Tourism

AUSSIE SPEAKER PRAISES US! – NEW ZEALAND TOURISM CONFERENCE

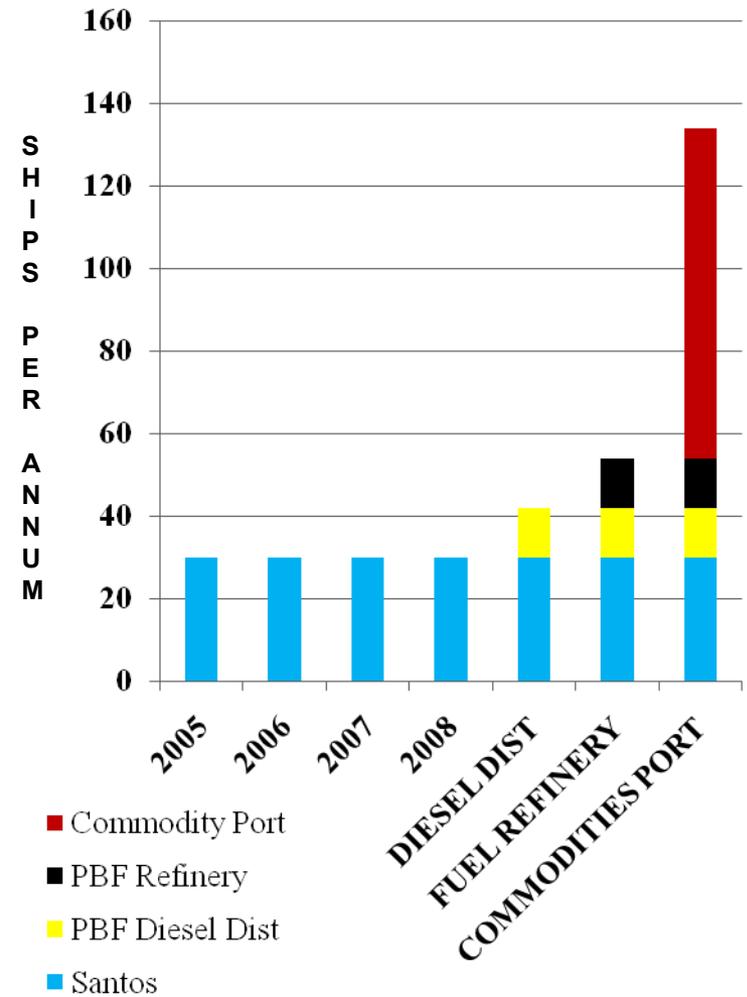
- BANK of Ideas director Peter Kenyon said he works in 30 countries - but only New Zealand has its tourism act together.
- We also have more fun than anyone else!
- Speaking at the annual conference on how to drive tourism success and regional economic development, Mr Kenyon said conferences are good because they enable people to “leapfrog ideas off each other’s experiences.”
- It’s learners who will endure, he added, and those who have given up learning are equipped to live in a world that no longer exists
- “You have to be hungry for ideas to make this happen, to see your vision become reality,” he added.
- And he quoted Einstein as saying that the definition of insanity is continuing to do the same things and to expect a different result.
- Mr Kenyon says people living in rural areas must realise that tourism is not an industry you get into only if you have to. “It actually can play a significant role.” He cited towns which are tourism-conscious where there are twice as many shops as communities of the same size that do not take tourism seriously.
- “Tourism is a very important force in regional development...”But successful towns are driven by people with passion, creativity and who **seize every opportunity**.

“You need communities with get-up-and-go spirit. Some have it and others don’t!”

MARINE OIL SPILLS



1992 Tanker ERA Oil spill - 296 tonnes



SHIP MOVEMENTS

THE RISK IS HIGH

EPS Energy

PlanSA,

Submission Details

Amendment: Port Bonython Code Amendment

Customer type: Development Industry

Given name: Jeff

Family name: Burns

Organisation: EPS Energy

Email address:



Phone number: 0418481210

Comments: EPS Energy supports the proposed Code Amendment for changing of the land use zone for 1020 hectares of land at Port Bonython. The Code Amendment will facilitate the expansion of the industrial activities facilities at Port Bonython to enable the development of a range of strategic hydrogen and renewable energy processing and distribution facilities that will service the State and the Port is recognised amongst a few select locations nationally for the potential to be transformed into a hydrogen hub for production and export. EPS Energy agrees the Code Amendment will support (renewable) energy resources and processing, to the benefit of the regional and State economy. The size of the affected area will enable significant expansion of the adjacent industrial precinct and allow a variety of industrial activities to occur without encroachment on each other or adjacent sensitive land uses. Existing infrastructure, including access to deep water, the deep sea jetty and other infrastructure, is particularly suited to the resources sector-related development site. The proposed amendment to change the land use zone to Strategic Employment Zone and Significant Industry Subzone presents the catalyst to unlock the economic and employment potential of the land as a multi-user, export-focused precinct to leverage the state's advantage in renewable energy, fuels and minerals.

Attachment: No file uploaded

Colin Fullerton, Shack Owner and Chairman of the Cultana Jenkins Shackowners Association

TO: Anita Allen, Director Planning and Development, Planning & Land Use Services

Dear Anita

Find attached my submission regarding the proposed Port Bonython Code Amendment.

For the reasons provided in my submission, I consider that the Minister should not accept the Code Amendment as proposed.

Please acknowledge receipt of this submission.

Yours Sincerely

Colin Fullerton

[REDACTED] Fulham SA 5024

Tel [REDACTED]



Comments on the
Port Bonython Code

Comments on the Port Bonython Code Amendment Report

My background and interest in this Code Amendment

Although I reside in Adelaide (), I am an owner of a shack at Fitzgerald Bay, and currently, I am the Chairman of the Cultana Jenkins Shackowners Association.

I have only recently received this report. I have concerns regarding the current amendment being proposed to the Code, which I discuss in my comments below.

Summary

1. The report does not mention the Whyalla Northern Coastline Master Plan that is providing a direction and framework for a tourism based economic and sustainable development strategy for the northern coastline – which encompasses coastline either side of the industrial land at Port Bonython.
2. There is no discussion in the report as to why a substantial area of 1020 hectares has been proposed for future industrial development, especially when other industrial areas are available in the Whyalla Council Area.
3. There is no discussion of other industrial land in the Whyalla Council Area that could be used for potential renewable energy and hydrogen industry development. Two of these areas have ready access to basic services such as electricity, water, road and rail services.
4. The report does not recognise that the eastern boundary of the proposed Strategic Employment Zone will extend so far to the east that the area will include gullies that will allow surface water, that may be contaminated by future industry, to flow into and contaminate the waters of Spencer Gulf. The report has an overlay that highlights this aspect - but no discussion is included in the report.
5. At the location where the Fitzgerald Bay Vista Road and Pt Lowly Road intersects, the land to the east of this intersection rises towards the east, such that any stormwater will drain westward towards this intersection, and will not be retained within the proposed industrial area – which is in conflict with the report which essentially states that stormwater and industry created pollution are to be retained within the industrial area – see later discussion.
6. The report does not mention the Clean Seas commitment to build a marina between Pt Lowly and Fitzgerald Bay.

Discussion

The Whyalla community generally recognise and appreciate the special attributes associated with the Pt Lowly Peninsula and Northern Coastline. It is a very special area with an impressive vista with the Flinders Ranges in the background. The area is a popular destination for visitors to see the cuttlefish, and for campers, fishers and for other recreational pursuits.

The Whyalla Northern Coastline Master Plan was prepared to provide a direction and framework for developing the coastline infrastructure and protecting the environment. A Working Group, with representatives from state government (Landscape SA), Whyalla council members and community representatives, has been established to implement the Master Plan. The Working Group are currently developing strategies to promote the area for tourism and recreational activities. Currently walking trails are being developed to run from west of the Santos Refinery and along the northern coastline to Douglas Point. The Port Bonython Code Amendment Report fails to give an appropriate level of recognition to these strategies.

Any further industry development on the Port Lowly Peninsula should be limited to reduce the impact on this pristine environment. The report does not provide any discussion in relation to why it is appropriate to provide an additional 1020 hectares of land for industrial use on the Pt Lowly Peninsula and not consider other existing industrial land in the Whyalla council area - for use for potential renewable energy and hydrogen industry development.

I understand that approximately 20 years ago the land currently zoned as Deferred Urban was planned to be rezoned for industry use in the future. Community expectations have changed substantially in the last 20 years. The community now put more importance on protecting the environment, recreational activities, and promoting tourism. Industry development is now usually located in areas that are not 'pristine' and located where the land is not valued by the community for recreational use. The Point Lowly Peninsula was initially the recreational 'playground' for the local community. The introduction of Santos to the Pt Lowly Peninsula is seen by many locals as a loss to their way of life. There have been hydrocarbon spills at Pt Bonython that has caused pollution to this special location. Any further negative impacts on the Point Lowly Peninsula environment would create further concerns for the local community.

The report proposes to rezone all of the current 'deferred urban' zone as land for industrial use. No consideration was given to reducing the size of this proposed area for industrial activities. An option that could have been considered is to move the eastern boundary of the proposed industrial zone further west (eg towards the communication tower adjacent to the Fitzgerald Bay Vista) and increase the width of the conservation zone. In addition, the conservation zone should be extended to provide a natural vegetation buffer zone to the south of the Fitzgerald Bay Vista. The land surface levels east of the Fitzgerald Bay Vista and the Pt Lowly Road intersection slopes towards this intersection. Therefore, if the proposed industrial area is extended up to this intersection, there will be difficulties in retaining stormwater and industry produced pollution within the proposed industry zone. I consider that a better alternative regarding the interface between industry use and conservation is as I have indicated in the attached Sketch A – if this Code Amendment proceeds.

The Code Amendment mentions "*stormwater management*" and includes the statement "*A level of on-site detention and retention will be required to manage stormwater resulting from the future development of the affected area*". However, the map provided in the report shows the eastern boundary will include land where surface water will collect in the gullies and flow into Spencer Gulf.

I support the report's proposal that any industry created substances should be retained within the proposed industry zone and prevented from flowing into, and polluting, Spencer Gulf and the surrounding land. Moving the boundary between the proposed industrial land and the existing conservation zone further west, would mean that the gullies that cater for stormwater flows would be positioned in the conservation zone, and this would assist in ensuring that industry produced pollution, and stormwater, is more readily retained in the proposed industrial zone. Moving the boundary referred to would result in a smaller industrial zone and a larger conservation zone. Increasing the width of the conservation zone to the east of the proposed industrial development would provide a more substantial buffer zone between industry use and the Spencer Gulf coastline, and provide increased protection for native vegetation.

The local community have voiced their concerns regarding Clean Seas returning to Fitzgerald Bay and using the Pt Lowly Marina, which was built for and used by recreational fishers, the local community and visitors. The State Government threatened to take control of the Marina if the Whyalla city council did not allow Clean Seas to use the Marina. Clean Seas have now made a commitment that it will set aside \$500,000 for the first stage of building a new marina north of Point Lowly and then

spend \$8million to complete a marina at this site. Clean Seas will then cease using the Point Lowly marina. This arrangement has not been discussed in the report.

When Clean Seas previously operated aquaculture in Fitzgerald Bay the Whyalla city council entered into an arrangement with Clean Seas that it would build an access road to the proposed Clean Seas marina at the previously mentioned site, on the understanding that Clean Seas would build a marina for its use at this site. Whyalla council completed their obligation and built the access road to the proposed marina site, but Clean Seas did not proceed with the marina construction.

Any proposed development on the Point Lowly Peninsula should recognise that the local community has indicated that any proposals should consider the importance of tourism and recreational activities, and the need to protect this pristine environment. When Santos initially established its operations at the Pt Lowly Peninsula, Santos was permitted to take over one of the more beautiful sandy beaches in the area. This beach (Weroona Bay) then ceased to be available for recreational use. This situation could have been avoided if more recognition was given to the needs of the local community.

The period of consultation for this Code Amendment Process is extremely short (6 September to 1 October) when one considers the importance of the proposals. The Code Amendment is of such importance to the local community, and other stakeholders that it warrants a much longer period of time for people to consider the contents of the report and to respond.

Consultation regarding the Code Amendments should involve the wider local community and other stakeholders who have a vested interest in the proposed amendments, and not just the Whyalla City Council.

The Minister should not accept the Code Amendment as proposed.

Colin Fullerton

FIEAust CPEng NER APEC Engineer IntPE(Aust) PMRI

29 September 2021

November 9, 2021

The Code Amendment Team
Planning and Land Use Services
Via email: plansasubmissions@sa.gov.au

PORT BONYTHON CODE AMENDMENT

This firm acts on behalf of Port Bonython Fuels Pty Ltd (PBF) as the owner of the Port Bonython fuel terminal

We are instructed to make this submission, albeit after the consultation period has closed in support of the Code Amendment.

Thank you for the opportunity to make this submission.

About PBF, the IOR group and the Port Bonython Fuel Terminal

PBF was established in 2014 to develop and own the Port Bonython Fuel Terminal, as part of the Mitsubishi Corporation group. The holding company of PBF was called Petro Diamond Australia Pty Ltd (PDA). Mitsubishi sold PDA to the shareholders of the IOR group in March 2020 and PDA changed its name to IOR Terminals (Port Bonython) Pty Ltd (IORTPB).

IORTPB is a related company to the IOR group, which distributes fuel throughout Australia, focussed on regional and remote areas. IOR operates a network of over 80 unmanned diesel truck stops servicing the long-haul trucking industry.

The Port Bonython fuel terminal is the largest of its kind in South Australia with a diesel storage capacity of to 81 million litres. The Subject Land upon which the fuel terminal is set out in Figure 1 below.



Figure 1 The Subject Land – Outlined in Blue

The Port Bonython fuel terminal operates 24 hours a day, 7 days a week and is designed for truck access up to Triple Road Trains and AB Quads. On-site congestion is minimised with a two-bay gantry set up, each with three arms dispensing 2,400 litres per minute. The terminal also provides driver restroom amenity areas for the comfort of drivers.

The Port Bonython area is of State strategic and economic importance primarily used for industrial purposes including my client's land use for fuel storage and distribution together with fractional distillation and distribution of hydrocarbons extracted from the Cooper Basin and sent via pipeline to Port Bonython. The affected area has been identified by the State Government for renewable energy and hydrogen industry development in the immediate future.

The Code Amendment

The proposed amendment to the Code is clearly aimed at correcting an error in the application of the previous Development Plan policies in the transition to the Code. The application of the Deferred Urban Zoning was made in error and has the potential to significantly undermine investor confidence for surrounding land holders and business operators due to the clear inconsistency between industrial land uses with those of a residential nature.

From our review of the Planning and Design Code and associated mapping software available online, it appears another anomaly has been transposed into the Planning and Design Code, where the Subject Land will straddle two zone boundaries, namely the Strategic Employment and Deferred Urban Zones. This is an entirely unsatisfactory proposition.

The problems caused by the dual zoning are almost insuperable following the authority of *Hagger v DAC* [2006] SAERDC 56 in which it was held that where land to be developed straddles the common boundary of two zones, the (then) Development Plan provisions of both zones must be considered in deciding whether the development would be non-complying. If the provisions of either zone categorised the development as non-complying, that is the way the proposal must be treated.

Whilst the non-complying triggers no longer apply under the new planning regime, there are very different procedural paths for an any future land use application my client may wish to pursue based upon the applicable dual zoning.

Complicating this particular case is the two zones in question are vastly disparate, and therefore, achieving compliance with both sets of zone requirements is difficult. Indeed, development that is envisaged in one zone, is actively discouraged in the other. In order to achieve development approval on the Subject Land requires the Homeric task of navigating between Scylla and Charybdis producing an application that avoids the competing aims of each zone policy.

Therefore, in order to provide policy certainty to enable orderly and economic development upon the Subject Land, we support the whole of the Subject Land falling within the Strategic Employment Zone.

The applicable policies under the previous Development Plan were for a Deferred Industry Zone resulting in an overnight discouragement of industrial uses that was, it appears, not anticipated.

The imposition of the Deferred Urban Zone will create potentially very serious and material adverse interface impacts that could lead to conflict with the established industrial uses that lawfully operate in the Port Bonython area.

Application of the Strategic Employment Zone is supported, but more importantly, application of the Significant Industry Subzone is supported. The application of the Significant Industry Subzone is important as it removes uses (Special Industry), to which my client undertakes, from Table 4 within the Code nominating the various forms of restricted development within the Zone.

Again, removing special industry from the restricted development classification is supported and will provide certainty for industry moving forward who have based previous business decisions on the provisions of the previous Development Plan that supported such uses.

The proposal to rezone 1,200 hectares of land at Port Bonython from Deferred Urban Zone to Strategic Employment Zone – Significant Industry Subzone will facilitate expected development of the site and act as a generator for economic activity in an area that has natural competitive advantage, most notably access to a deep water port and the surrounding national road network.

The zoning framework proposed, namely replication of the zoning to the south, including a portion of my client's land, is supported and will act as an attractant to similar development and encourage the expansion of uses that may already exist in close proximity.

The proposed zoning will also act to protect the ongoing viability of my client's operations ensuring adverse amenity impacts with new residential land uses is avoided.

If you would like to discuss any aspect of this submission, please don't hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Duncan', written in a cursive style.

Marc Duncan
Director

Our Ref: REB Port Bonython

29 September 2021

Submitted Online via Plan SA Website

Dear Sir/Madam

Port Bonython Code Amendment

Thank you for providing the opportunity to SA Power Networks to comment on the above project.

SA Power Networks may be impacted by proposed zoning changes in its capacity of operator of the State's electricity distribution network or, alternatively, as a landowner/occupier. Irrespective of the tenure arrangement, all of SA Power Networks' land interests will be directly related to the operation of the electricity distribution network.

It is not practical for SA Power Networks to review every Code Amendment to the extent necessary to comment on its individual property ownerships/occupations or infrastructure impacts. Accordingly, this response has been prepared to draw attention in a general way to the matters which SA Power Networks believes should be taken into consideration in progressing the proposal.

SA Power Networks takes its obligations to meet future electricity demand very seriously. You will appreciate that *any* infill or green field development will necessarily require a corresponding upgrade of the electricity distribution network (which may involve the setting aside of land for a new substation).

Whilst the Code Amendment may flag potential development of this nature, prospective developers and those approving developments should give consideration to the current network capacity, the long lead times in meeting any increased load demand, and the requirement for developers to contribute towards augmentation of the upstream electricity network along with funding direct costs associated with extension/connection of electrical infrastructure specifically for their development. Developers should contact SA Power Networks' Builders and Contractors line directly in this regard on phone number: 1300 650 014.

It is preferred that developers refer to the SA Power Networks Distribution Annual Planning Report for up to date augmentation information. This is a public report available at the following link,
http://www.sapowernetworks.com.au/centric/industry/our_network/annual_network_plans/distribution_annual_planning_report.jsp

If requiring further clarification or information, please do not hesitate to contact me further.

Yours sincerely,



Mandie Busby
Real Estate Advisor



Telstra Plan Services

Level 1, 275 George Street
Brisbane, QLD 4001

Postal Address:
Telstra 275 George Street
Brisbane, QLD 4001

Email: F0501488@team.telstra.com

Date 02/10/2021

Your Ref: 17509194
Our Ref: RET-2021-0219

Belinda Monier
Belinda.Monier@sa.gov.au.

Dear Belinda,

Re: Notice of Consultation by the Chief Executive, Attorney-**General's** Department on the Port Bonython Code Amendment

Thank you for your communication dated 06/09/2021 in relation to the location specified above.

The purpose of this letter is to notify you that Telstra's plant records indicate that there are Telstra assets located within the area of the proposal. We note that our plant records merely indicate the approximate location of the Telstra assets and may not be up to date. These records should not be relied upon by you as they may not depict a true and accurate reflection of the exact location of the assets.

We suggest that you contact Dial Before You Dig for a detailed site plan (if you haven't already) and engage a Telstra Accredited Plant Locator (APL) to determine the exact location of the asset. To obtain a list of Telstra Accredited Plant Locators (APL) please phone 1100 or visit www.1100.com.au.

Once the precise location of the Telstra assets has been established, you can either arrange for the Telstra assets to be relocated or re-align your proposal to ensure they are no longer impacted.

Telstra's Asset Relocation team can be engaged to obtain a quote to relocate the assets from the location in question. The relocation of the assets are carried at the cost of the disturber. Please phone 1800 810 443 or email F1102490@team.telstra.com to arrange for an asset relocation.

Alternatively, once your proposal has been re-aligned to eliminate any impact to Telstra's assets, please contact F0501488@team.telstra.com for a re-evaluation of your proposal so that Telstra can be assured that its assets will not be affected by your development.

As these assets comprise an essential component of the Telstra network, we take this opportunity to highlight Telstra's rights and requirements to ensure that they are understood. The following is stated for your information:

(1) As you may be aware, Telstra's existing facilities are grandfathered under the *Telecommunications Act 1997* (Cth). Schedule 3 of the *Telecommunications Act* enables such facilities to legally occupy land in perpetuity for the duration of that facilities' use.

(2) Part 1 of Schedule 3 of the *Telecommunications Act 1997* (Cth) authorises a carrier to enter land and exercise any of the following powers

- inspect the land
- install a facility
- maintain a facility

In the case of installation and planned maintenance a notification will be afforded and such work will generally proceed during business hours. However, from time to time, certain activities need to be carried out without delay in order to protect the integrity of the network. Such activities may require access without notice and at any time of the day or night.

(3) If you subdivide the land at any time in the future it may become necessary, in the opinion of Telstra to remove, or alter the position of a facility. In these circumstances the carrier may enter the land and do anything necessary or desirable for that purpose. Under clause 53 of Schedule 3 to the Telecommunications Act, the person who proposes to subdivide the land is liable to pay the carrier the reasonable cost of anything reasonably done by the carrier in this regard.

(4) **There is a requirement that all access to Telstra's network is facilitated by Telstra, via the normal channels available to all customers Australia wide.** Tampering with, or interfering with telecommunications infrastructure or a facility owned or operated by a carrier (being Telstra) is an offence under the *Criminal Code Act 1995* (Cth). Heavy penalties may apply for breach of this prohibition, and any damages suffered, or costs incurred, by Telstra as a result of any such interference may be claimed against you. This means **that you are not permitted to interfere with, repair or relocate Telstra's infrastructure, either personally or through a contractor without approval and authorisation from Telstra.**

(5) Individuals owe Telstra a duty of care that **must be observed when working in the vicinity of Telstra's communication plant or assets.** If Telstra's facilities are damaged as a result of any property development or any interference with such facilities, the person will be liable in tort (negligence) for any loss or damage (including consequential loss) suffered by Telstra and/or any member of the public. Telstra will not hesitate to take action to recover such loss or damage caused by such interference to Telstra's Network.

Telstra would also appreciate due confirmation in the event that the applicant contemplates divesting its interest or control of this land, that the information contained here is passed on to the prospective owners.

If you have any questions regarding the information in this letter, please do not hesitate to contact myself at F0501488@team.telstra.com.

Yours sincerely,



Anthony Lebessis

For
Manager – Peter Anestopoulos
Telstra Plan Services

F0501488@team.telstra.com

28 September 2021

**Code Amendment Team
Planning and Land Use Services
Attorney-General's Department
GPO Box 1815
ADELAIDE SA 5001**

Dear Anita

Port Bonython Code Amendment

I refer to your correspondence dated 6 September 2021, notifying Council of the release of the Port Bonython Code Amendment for consultation, and seeking formal comment from Council regarding the proposed Code Amendment.

Council formally considered the proposed Code Amendment at its meeting held on Monday 20 September 2021, where it was resolved to endorse the Port Bonython Code Amendment, as proposed.

Council considered that the proposed amendment would return the land to a zone consistent with the zoning in place, prior to the transition to the Planning and Design Code and compatible with the existing adjacent land use policy and existing land uses.

If you have any questions regarding the above, please do not hesitate to contact Jodie Perone, Manager City Development, P: [REDACTED] or E: [REDACTED].

Yours faithfully



**Justin Commons
CHIEF EXECUTIVE OFFICER**





Attention: Code Amendment Team, Planning and Land Use Services.
Attorney- General's Department
GPO Box 1815 Adelaide SA. 5001

From : Ann and Sid Wilson

27 September 2021

████████████████████
Whyalla SA. 5600

Re: Submission – Port Bonython Code Amendment.

This submission is in response to your letter dated 6 September 2021 from the Government of South Australia Attorney -General's Department - Notice of Consultation by the Chief Executive, Attorney -General's Department on the Port Bonython Code Amendment.

Our position is that the Code Amendment proposed SHOULD NOT be Approved by the Minister for Planning.

1. Rationale for Not Approving Code Amendment

We present the following Rationale/information to support our position:

We have lived in Whyalla and owned a shack in Fitzgerald bay for over 50years and witnessed first- hand the changes in Whyalla and Lowly Peninsula region.

We agree that "The precinct is of State strategic economic importance" as referenced in 1.1 of the investigation report.
However, the recognition by Government of economic importance is heavily skewed and focused on industry and does not recognise the prosperity the Lowly Peninsula contributes in other ways.

The assessment of the Lowly Peninsula as a valuable important natural asset to contribute to the prosperity of Whyalla, Upper Spencer Gulf region, and State is not recognised and must be considered with a wide breadth and depth of vision.

To identify the area of the Code Amendment for “industry development occurring over the next 5 years” understates the areas value in the longer term and puts at risk the prosperity currently delivered and by development in the future relating to ;

Tourism

Liveability for the Whyalla community-an escape from the city

Access to the coastal and marine environment

Aquaculture

Health of the Upper Spencer Gulf environment

Whyalla image/ rebranding, from a dirty mining industrial city to destination to live or visit.

Longer time frame and with due consideration of sustainability .

In 1981 the approval of the Santos Hydrocarbon Facility , jetty and zoning of an area for Industry /hydrocarbon made a limited area of the Lowly Peninsula the target for future industry.

Over the last 40 years the Lowly Peninsula has been under pressure to be industrialized and used for purposes other than community access to this valuable natural asset for rest and recreation, coastal living etc..

Current developments ; Santos Hydrocarbon facilities ,Port Bonython Jetty, Australian Defence Force Training , Clean Seas Aquaculture , Port Bonython Fuel-Diesel import and storage have resulted in degradation of the natural environment, loss of access to significant areas of land .

To accommodate the Santos facility shacks were forceably acquired and Public access was lost to the best sandy , family friendly beach when Weroona Bay was closed and fenced off to the public and declared a potential hazard area.

Hydrocarbons have been measured floating on top of the natural underground water table and has been the subject of an investigation and installation of an impervious barrier below ground level between the Santos Lease and the coastal marine interface.- Attach 1.

A major maritime oil spill occurred at Port Bonython resulting in significant damage to Mangroves and seabirds.- Attach 2.

Tanks, buildings and other infrastructure detracts from the ambience of the area.

Other industrial developments have been investigated but not been implemented eg. Commodity Port, Desal plant, Ammonium nitrate facility. These projects proposed economic advantages for Region and State but could have further reduced the overall value of the Lowly Peninsula to the bigger picture prosperity for Whyalla.

The current amendment/zoning proposal provides a small ,narrow coastal reserve which will be able to be accessed via roads along the perimeter or through the centre of the Industrial zone . All of the Coastal Reserve land interfaces with and is backdropped by the industrial zones.

Commitments by existing industrial development to minimize and mask the impact of the infrastructure have not been successful.

Over the past 40 years the world/ community view of the value of prime/special coastal land to be key to local and State prosperity has changed. Increased population, expectations/mobility of people and pursuit of quality outdoor recreation experiences makes Coastal land with unique experiences competitive in providing jobs and dollars for regional /remote areas.

To make the most of our natural coastal resources there is a need to identify the most appropriate use of the land with a balanced assessment of its capability to value add to the region, then apply the zoning to set the direction /expectation of land useage .

This is the opposite to responding to the pressure at a point in time and zoning the land to make it easier for projects to be authorized.

Whyalla and the State needs the best outcome regarding economic, people and planet .

Government should be thoroughly investigating /facilitating promoting the balance/coexistence of economy, people and planet .

There are significant areas of land in the Whyalla region with access to Port Bonython which could accommodate the industrial developments referred to in the investigation report eg.

1. The existing Whyalla City Council industrial area developed on the Port Lowly Road adjacent to the Port Augusta road .

This area is serviced by Rail, Road, Power and Water.

2. The land originally set out for the Tioxide project. Adjacent to the Whyalla City Council Industrial area 1. above

3. The Existing Whyalla City industrial land North of the city extending to the Whyalla Conservation Park fence line. This land was gifted to the Whyalla City Council for industrial development.

This area is serviced by Road ,Power and Water.

4. Request some land back from the Australian Defence Force

The devaluing of the Lowly Peninsula by current industrial, Australian Armed Forces activities and uncertainty regarding the future industrialization of Port Bonython has slowed the investment/improvement of the Lowly Peninsula and Northern Coastline.

In recent years and particularly the last two years [covid 19 shut downs and restrictions] the value of the Lowly Peninsula as an area that provides for local Rest and Recreation and tourism activities has contributed significantly to the prosperity and wellbeing of the Whyalla residents, region and State .

2.Summary.

The Lowly Peninsula /Port Bonython zone mentioned in the Code Amendment has a value to the Whyalla Community way above the economic/industrial referenced in the information provided

Other industrial land is available in the Whyalla Region which should be investigated /put forward as options for future industrial projects .

A balance should be achieved to maintain the best overall prosperity/outcome for the Whyalla community, the region and the State.

If rezoning is an outcome bought about by a rigorous, unbiased, balanced review of the Lowly Peninsula land value to the prosperity of Whyalla and the State, then do it.

The Port Bonython Code of Amendment proposed should not be approved by the Minister for Planning.

We are prepared to further expand on this submission by phone, email or face to face.

Yours Faithfully

Ann and Sid Wilson

Mob [REDACTED]

Email [REDACTED]



Ann Wilson



Sid Wilson
FIEAustCPEng(Ret)

Attach

1. ABC news-EPA fears bigger Santos oil spill 22/3/2010
2. Wikipedia-Port Bonython Oil Spill.

ATTACH. 1.



EPA fears bigger Santos oil spill

Posted Mon 22 Mar 2010 at 11:03am

South Australia's Environment Protection Authority (EPA) has revealed an oil spill at the Santos Port Bonython plant, near Whyalla, could be larger than the company has suggested.

Hydrocarbons were detected in groundwater beneath the oil and gas producer's plant two years ago and the company has built a barrier trench between the plant and the sea to prevent contamination of the marine environment.

Santos last week said the leak had been contained within the confines of the plant, but the EPA has provided conflicting information, saying hydrocarbons had migrated beyond the plant.

It says they have been detected in the groundwater in the foreshore area next to the Santos site but had not bypassed the trench.

The Greens say the trench has failed and fuel has reached the Spencer Gulf, which Santos and the EPA deny.

Investigations into the cause of the leak are continuing.

Port Bonython oil spill

The **Port Bonython oil spill** occurred on 30 August 1992, when the fuel tank of the tanker *Era* was pierced by the bow of the tugboat *Turmoil* during berthing operations in upper Spencer Gulf, South Australia.^[1] Wind and swell were high and 296 tonnes of bunker fuel were released into Spencer Gulf. The incident resulted in 500 oiled birds and damage to 15 km of mangrove and seagrass habitat south-west of Port Pirie.

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Spill

30 August

The spill occurred at 10.52am, as the *Era* was berthing at the Port Bonython wharf in rough seas. The vessel had arrived to load oil for the Kwinana refinery. The *Era* was chartered by BP and the tugboat involved, *Turmoil*, was property of the Adelaide Steamship Company.^[2] Also present were the tugboat *Taminga* and the line-boat *Wanilla*. A lug on the *Turmoil*'s bow pierced the hull of the tanker, leaving a 20 cm hole in the hull and rupturing her fuel tank. The 94,287 deadweight tonne vessel^[3] was listed 5 degrees to starboard to slow the flow of heavy bunker oil, and the leak was eventually stopped at 2.12pm.^[2] A total of 296 tonnes of heavy fuel oil had escaped into the sea.^[3]



Port Bonython, Upper Spencer Gulf

Response

The slick was described in the official report as "a moderate sheen with streaks of heavy dark oil moving round the stern of the vessel." Tug boats were driven through the slick in an attempt to break it up, and the spraying of chemical dispersant commenced soon after the spill occurred. 400 litres of Corexit 7764 and 4200 litres of Corexit 9527 were supplied by Santos.

The absence of an appropriate crane at the jetty made loading *Turmoil* with dispersant at Port Bonython impossible. Instead, the tugboat proceeded to Whyalla to load, while the dispersant was transported there by road. The Santos-owned Shark Cat *Tregalana* loaded in Santos' boat harbor. The other vessels present were unable to assist due to the *Vanilla* requiring towing by the *Taminga*. A line had fouled its propeller during the berthing of the *Era*.^[3]

Three different chemical dispersants were used: Corexit 7764, Corexit 9527 and Ardrox 6120.^[3] Strong north-westerly winds of up to 25 knots combined with tide and current initially transported the oil slick eastwards, towards Port Germein. The high winds prevented the early use of containment booms.

Assisted by the Department of Environment and Planning, volunteers prepared for the possibility of a 'massive clean-up'.^[2]

31 August – Day 2

The 20 cm hole in the fuel tank of the *Era* was temporarily repaired, and the tanker was loaded in preparation to sail for Kwinana, Western Australia in the evening.^[4] The Department of Marine and Harbors announced that the oil spill posed no threat to wildlife. At this time, only 30 tonnes of oil was left at the sea's surface.^[5] The slick was estimated to be dense, 500 m long and 100 m wide.^[6]

1 September – Day 3

The *Era* departed Port Bonython for Kwinana, Western Australia at 5.30am, laden with 22,990 tonnes of crude oil from the Cooper Basin.^[3]

The spill had attracted national news media attention.^[7] A visible 10-20 tonne slick remained on the water's surface after the majority of the oil had been sprayed with chemical dispersant. The dispersal of the slick involved 50 people, five boats, a helicopter and spotter aircraft.^[4]

25 Special Emergency Services (SES) personnel were placed on standby.^[4] Staff from the Australian Marine Oil Spill Centre (AMOSC) were present to supervise the use of booms to channel the oil, and some oil was recovered by this method.^[6] At this time, there had been no reports of dead fish or birds. About 10 volunteers were ready at Port Pirie to handle any oiled wildlife. Council workers were also dispatched from the Mount Remarkable District Council to assist.^[4]

Local pilot Syd Cheesman said that he had seen places where "the oil is on the bottom and the water is on top of it." He also described the slick as covering "an extensive area".^[8]

2 September – Day 4

About 10 tonnes of oil had washed into mangroves overnight. A slick 15 km long had been seen drifting 1 km off Port Pirie. A makeshift animal hospital was established in Port Pirie. Small boats searched at first light for oiled birds.

The visible oil was described by David Gray of the Australian Maritime Safety Authority as 'a sheen on the water'.^[6] Some of this sheen impacted the mangroves and a number of tidal creeks to the south-west of Port Pirie.^[1]

The estimated number of impacted birds was revised from 100 birds to up to 500 birds as the search and recovery efforts began. Rescuers expressed concern about the birds' ingestion of oil as a consequence of preening.^[9]

3 September – Day 5

The oil had settled in the mangroves south-west of Port Pirie. More than 500 birds had now been affected and 20 dead birds had been recorded. Prawn fishermen and Fisheries officers collected samples of prawn larvae and seabed sediment for analysis. Fisherman David Wilks participated in the bird rescue and recovery and described the scene:

"As the tides recede, oil is plastered black all over the mangroves, oil is pouring out of the creeks with the tides and there's a film of oil left behind which is seeping into the seagrass beds."

Teams of volunteers scrubbed oiled birds overnight and prepared them for transport to the RSPCA in Lonsdale. Treated birds included pelicans, cormorants, grebes and herons.^[10] More than a dozen dead birds were collected on this day.^[11] Most of the dead birds recovered were cormorants. Fauna rescue researcher Ms Erna Walraven was intended to receive the dead birds in Sydney for further study. National Parks and Wildlife put a call out for more flat-bottomed boats and experienced boat operators to assist.^[10]

Impact

Senior Environment and Planning Department officer Brian Wagstaff said the spill posed no long or medium-term ecological risk. He stated: "There won't be a die-back of mangroves, although there may be some loss of leaves... it's the birds that are the main concern."^[12]

At the time of the spill, environmental scientist Doug Reilly warned of the risk the slick posed to important breeding grounds of western king prawns. He also raised concerns about the potential threat chemical dispersant could pose to marine ecosystems.^[2] Mangrove and seagrass habitats were impacted, as were native birds and the local fishing industry.

Fishing industry

10 days after the spill, the South Australian Fishing Industry Council stated that 25 families had lost their income in the short term due to the spill. The Council stated that if the spill was found to have caused long-term damage to fishing grounds, millions of dollars in compensation would be sought from whoever was deemed liable.^[13]

Responsibility

Professional fishermen, including the 39-member Spencer Gulf Prawn Fishermen's Association called for an independent inquiry into the incident and a review of all berthing procedures. Spokesperson Mick Puglisi stated that he believed the *Era* should never have berthed in such extreme weather.^[4]

A Department of Marine and Harbors spokesman said that it was unlikely that anyone would be charged under the Marine Pollution by Oil and Noxious Substances Act.^[4]

Two inquiries into the incident reached the conclusion that it was an unforeseeable accident for which no-one was to blame.^[14]

Fate of the vessel

The vessel continued to sail as the *Era* until 1997, when it was renamed *Frixos*. It was decommissioned in 2010.^[15] Its final resting place was the Gadani ship-breaking yard northwest of Karachi, Pakistan.^[16]

See also

- List of oil spills

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To whom it may concern

Situated approximately 15 kilometres north west of Port Bonython on a 665ha site owned by the Barngarla People, Yoorndoo Ilga Solar Project (YIS) is a proposed utility scale solar and battery storage plant with a solar generating capacity of up to 300MW and Battery Storage of 150MW for a duration of 2-4 hours. The Project is proposed to integrate into the National Electricity Market through a 275kV connection to ElectraNet’s Cultana Substation in South Australia.



Figure1 – Yoorndoo Ilga Solar Project Locality Plan

Representing an enabling catalyst for the development of the South Australia’s ambitious hydrogen sector related activities, YIS aligns with and supports South Australia’s Strategic Plan themes, objectives and strategy principles, linking with and supporting the state-wide goals of;

- reducing greenhouse gas emissions by more than 50% by 2030;
- achieving net zero emissions by 2050;
- creating employment and direct and indirect economic benefit through sustainable development;
- supporting the State’s existing fourth largest population settlement of Whyalla; and
- utilising and optimising existing infrastructure (grid, road, port, rail).

Also consistent with South Australia’s Strategic Plan themes, Yoorndoo Ilga Solar agrees the Code Amendment will support (renewable) energy resources and processing, to the benefit of the regional and State economy.

Yoorndoo Ilga Solar supports the proposed Code Amendment for changing of the land use zone for 1,020 hectares of land at Port Bonython.