

Our Ref:

28 November 2022

Minister for Planning
Attn: Mr Robert Kleeman
Planning and Land Use Services Department for Trade and Industry
GPO 1815
Adelaide SA 5001

Dear Mr Kleeman

AMENDMENT TO THE PER – RESPONSE DOCUMENT

Pursuant to the public notification and referral process undertaken in accordance with s114(2)(b) of the *Planning, Development and Infrastructure Act 2016*, please find attached and enclosed the response to submissions regarding our proposed variation to the existing approvals for Port Spencer.

Following meetings with personnel in your team earlier this year it was confirmed that the existing development approval has been extended.

We formally request consideration by the state government of our proposed variation, to seek the minister's approval for our proposed variation to the existing approval under the Major Development process.

Yours sincerely



JOHN CROSBY
Chairman

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AMENDMENT TO THE PER - RESPONSE DOCUMENT PUBLIC, COUNCIL AND STATE AGENCY SUBMISSIONS

Submission 1 - Summary	Peninsula Ports Response
Concerns re ecology, environment and alleges this has not been supported by community and council.	This issue has been dealt with in previous approval.
Concern that access is not suited to road trains and triple road trains.	<p>Design has been expanded to deal with this issue (<i>See 2.1 Increased Marshalling Area / Change Bunker Alignment of the PER Amendment</i>).</p> <p>The alignment of the bunkers to an E-W orientation allowed a significant increase to on-site truck marshalling areas to further reduce the risk of heavy vehicles queueing onto Lipson Cove Road. It also allowed the noise and dust sources to <i>dissipate</i> over a larger area of the site rather than being more concentrated to the Northern area of the site. The truck marshalling area has been increased to provide parking for all trucks (<i>equivalent to 50 B triples or 4000T of grain</i>) arriving at site during operating hours, thus avoiding the possibility of them being lined up along Lipson Cove Road awaiting entry to the site and reducing the impact upon any through traffic in the area. During harvest heavy vehicles will be able to arrive after hours and park in the primary staging area, enabling drivers to sleep in their vehicles overnight without disrupting Lipson Cove Road. Any overflow can be accommodated on the marshalling area prior to the dump hoppers, which effectively trebles the area for parked trucks.</p> <p><i>(See 2.2 Expanded Site Area of PER Amendment)</i></p> <p>Trucks with up to 70 tonne capacity will enter and exit the facility from the Lincoln</p>

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	<p>Highway via Lipson Cove Road. The grain will be unloaded from the trucks at each of the grain storage bunkers.</p> <p>Based on retaining the required storage capacity the facility boundary utilises the 40m expansion to the west to provide the additional truck marshalling area at unloading points in front of the bunkers entrance and 40m expansion to the north to keep the total annual grain export capacity of the facility at the approved one million tonnes.</p> <p>Marshalling space for 50 triple road trains is enabled through the re-orientation to an E-W bunker alignment and expansion of the marshalling area to the South end of the site. It represents an increase of 40-50 additional B-triple road train positions on site compared with the submitted N-S configuration.</p> <p><i>(See 3 Conclusion)</i></p> <p>The changes identified in this Amendment to the Approved PER (noting that the new planning system recognises the previous PER as if it was an EIS under the new planning system (refer to Clause 11A of the PDI Transitional Regulations 2017</p> <ul style="list-style-type: none"> - There are road safety benefits from the increase to on-site heavy vehicle marshalling areas by eliminating the risk of queueing onto Lipson Cove Road further compared with the current authorisation;
<p>Concern project does not have support from local council and Eyre Peninsula Regional Development Authority</p>	<p><i>(See 2.2 Expanded Site Area of PER Amendment)</i></p> <p>Peninsula Ports has reached agreement with the District Council of Tumby Bay (DCTB) to acquire the 40m of additional land through the acquisition of part of the</p>

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	<p>adjacent road reserve. DCTB has completed its necessary processes to deal with the change to the road reserve size (reduction from 60m to 20m) and enter into the transaction with Peninsula Ports.</p> <p>As part of the agreement between Peninsula Ports and DCTB to acquire the 40m of the current road reserve that reaches Rogers Beach, Peninsula Ports has agreed to establish an all-weather access adjacent to the Western and Northern boundaries of the expanded site (refer to Figure 2) along the remaining 20m road reserve to improve access to Rogers Beach. This all-weather access is not a change under this amendment as it sits outside the project site area and will be approved through DCTB as works inside a council road reserve.</p>
Doesn't have a social license for this location.	The development was approved as being a suitable land use in this location. The issue of a social license is outside the scope of the PER amendment.
Prefer Cape Hardy site.	The Cape Hardy site is not relevant to the PER Amendment.
Submission 2 - Summary	Peninsula Ports Response
Doesn't have a social license for this location	See above response.
Concern re tourism with claims the community has a great deal of social ownership over the camping and day tripping area being destroyed.	This issue has been adequately addressed in a previous assessment and approval process.
Prefer Cape Hardy site.	The Cape Hardy site is not relevant to the PER Amendment.
Submission 3 - Summary	Peninsula Ports Response
Concerns relating to protection of birds, fish and wildlife.	This issue has been adequately addressed in a previous assessment and approval process.
Concerns re effect on tourism and lack of accommodation when workers arrive.	This issue has been adequately addressed in a previous assessment and approval process.

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<p>Concern that council will be spending money on widening roads.</p>	<p>(See 2.2 Expanded Site Area of PER Amendment)</p> <p>Peninsula Ports has reached agreement with the District Council of Tumby Bay (DCTB) to acquire the 40m of additional land through the acquisition of part of the adjacent road reserve. DCTB has completed its necessary processes to deal with the change to the road reserve size (reduction from 60m to 20m) and enter into the transaction with Peninsula Ports.</p> <p><i>Peninsula Ports understands the TBDC cannot fund extra roads but is in discussion with Government on this matter</i></p>
<p>Concerns re access to swimming, camping, fishing and visiting the area.</p>	<p>(See 2.2 Expanded Site Area of PER Amendment)</p> <p>As part of the agreement between Peninsula Ports and DCTB to acquire the 40m of the current road reserve that reaches Rogers Beach, Peninsula Ports has agreed to establish an all-weather access adjacent to the Western and Northern boundaries of the expanded site (refer to Figure 2) along the remaining 20m road reserve to improve access to Rogers Beach. This all-weather access is not a change under this amendment as it sits outside the project site area and will be approved through DCTB as works inside a council road reserve. <i>No change to access to Lipson Cove will occur except they will have a better road</i></p>
<p>Submission 4 – Summary</p>	<p>Peninsula Ports Response</p>
<p>Concern re perceived lack of consultation in relation to the impacts of blasting, rock crushing.</p>	<p>(See 2.3 Staged Approvals for Construction of PER Amendment)</p> <p>Staged approval of construction through staged assessment of compliance with conditions of authorisation is proposed to be formalised through this proposed variation to the approved PER, noting that stage 1 of construction has already been approved by the Minister.</p> <p>The other issues have been dealt with in previous approval. It is our intention to</p>

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	meet with all neighbours prior to any work which affects them.
Concern that expansion design timeframes could affect their grain and livestock farming practices.	This issue has been adequately addressed in a previous assessment and approval process.
Oppose due to concerns re ecology, environment.	This issue has been adequately addressed in a previous assessment and approval process.
Prefer Cape Hardy site	The Cape Hardy site is not relevant to the PER Amendment.
Submission 5	Peninsula Ports Response
Concern regarding how the additional triple road trains will be accommodated on site.	<p><i>(See 2.1.1 Increased On Site Heavy Vehicle Parking of PER Amendment)</i></p> <p>Marshalling space for 70 triple road trains is enabled through the re-orientation to an E-W bunker alignment and expansion of the marshalling area to the South end of the site. It represents an increase of 40-50 additional B-triple road train positions on site compared with the submitted N-S configuration.</p>
Concern re clarity of size of double and triple road trains	<p><i>(See 2.1.1 Increased On Site Heavy Vehicle Parking PER Amendment)</i></p> <p>Triple road train are used as the largest approved vehicle. More smaller vehicles can fit on the site. Based on the information on the National Heavy Vehicles website (See www.nhvr.gov.au) the following definition applies to the PER Amendment:</p> <ul style="list-style-type: none"> • Double Road Train 36.5 in length • Triple Road Train 53.5 in length
Concern re specifics of where up to 10 unmarked truck overnight parking spaces are located and what happens if these spaces are exceeded.	<p><i>(See 2.1.1 Increased On Site Heavy Vehicle Parking PER Amendment)</i></p> <p>The truck marshalling area has been increased to provide parking for all trucks arriving at site during operating hours, thus avoiding the possibility of them being lined up along Lipson Cove Road awaiting entry to the site and reducing the impact upon any through traffic in the area. We will</p>

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	<p>make all trucks delivering aware of where to park on site.</p> <p>During harvest heavy vehicles will be able to arrive after hours and park in the primary staging area, enabling drivers to sleep in their vehicles overnight without disrupting Lipson Cove Road.</p>
<p>Concerns re potential road hazard on Lipson Cove Road. The problem being the actual width of the proposed roadway has not been provided. Will this mean the new roadway accommodates parking of triples thereby limiting safe passing corridors for private vehicles and farming machinery in daylight hours.</p>	<p><i>The changes will assure that all trucks can be parked on the site leaving Lipson Cove road free of parked trucks</i></p> <p><i>(See 3 Conclusion of PER Amendment)</i></p> <p>The changes identified in this Amendment to the Approved PER (noting that the new planning system recognises the previous PER as if it was an EIS under the new planning system (refer to Clause 11A of the PDI Transitional Regulations 2017. The road design will be a matter for approval by local council and state government.</p>
<p>Will the adjacent owner of the land be required to relocate access gateways along Lipson Cove Road. There has been no consultation from PPPL or DCTB at the time of this submission. If relocation needs to occur this could be a concern for line of sight for vehicular traffic.</p>	<p>This can be answered once the road design has been completed which will be approved by TBDC and the State Government .</p>
<p>Access to Rogers Beach will now be via the reduced unmade road width on the northern boundary of the project site. At what point will access be granted.</p>	<p><i>(See 2.2 Expanded Site Area of PER Amendment)</i></p> <p>Access along what will be a 1 chain road has been published in the gazette as the official access route to Rogers Beach and that access continues. In agreement with DTCB we will upgrade and provide greater ease of all weather access and entry point with access to our land on our NE boundary</p>
<p>Barngarla still require us to stop vehicular access into the camping ground inside the sand dunes on Rogers beach. Will there be</p>	<p>PPPL will meet all conditional requirements of the decision, including the preparation of relevant management plans, noting that</p>

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<p>a Rogers Beach Management Plan as required by the Development authorization.</p>	<p>PPPL has no jurisdiction over Rogers Beach, however we have agreed with DCTB to clean up the dumping site and upgrade the common access area. The Barngarla and the TBDC have control of the beach area.</p>
<p>Parking area is closer to Lipson Cove Road due to the reorientation of the bunkers and the adjacent owner of the land. What are the WHS exposure limits required under the Worksafe legislation.</p>	<p><i>(See 2.2.1 Impact of Change – Air Quality of PER Amendment)</i></p> <p>The change of expanding the site area to the North and West by 40m essentially brings the receptors 40m closer to the modelled emission sources. In considering the impact of the change, each receptor is assessed as being 40m closer to the relevant yellow output plot line from the modelling.</p> <p>Sensitive Receptor 1 (SR#1), the house immediately North of the site, was the only receptor that experienced exceedances in the original configuration (prior to this proposed 40m change). SR#1 is now owned by the port owners. For the purpose of this proposed change, it is no longer treated as a receptor.</p> <p>None of the remaining receptors, experience exceedances after moving their position 40m closer to the site.</p>
<p>In the case of a major industrial accident resulting in significant release of methyl bromide and having regard to the site specific wind direction pattern over a 12 month period, what is the dispersion of such an occurrence in relation to adjacent owners of land and the Lipson Cove Camping area and estimated PM10 and PM2.5 exposure concentrations.</p>	<p><i>(See 2.2.1 Impact of Change – Air Quality of PER Amendment)</i></p> <p>The use of Methyl Bromide is now rare in fumigation of grain. The Indian Government still insists upon its use. If methyl bromide is ever used there are very strict guidelines to protect all people both on site and in the vicinity</p>
<p>Concern re unknown impact upon farm stock of adjacent owners of land in the event of a significant discharge of the gas because of an industrial accident. What mitigation strategy exists to minimize such an occurrence.</p>	<p>The users of fumigants are required to be authorized and certified for its use. Detailed procedures must be followed which are designed to mitigate any possible release of fumigants in a way dangerous to anybody.</p>

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Concerns re air quality	This issue has been adequately addressed in a previous assessment and approval process.
Concerns re noise– information appears relevant to the old design not the new design	As per the latest EIS document the information is updated to the new design
Concerns re noise in the form of very low frequency noise not being assessed at each homestead location	This issue has been adequately addressed in a previous assessment and approval process.
What is the location of the discharge point for stormwater	<p>This issue has been dealt with in previous approval processes.</p> <p><i>See 2.2.3 Impact of Change – Site Storm Water Strategy of PER Amendment)</i></p> <p>The function of the drainage / water management system is to direct runoff away from the site’s hardstand areas, buildings and roads to the existing discharge locations whilst providing pollution reduction measures and the required flood immunity. The WGA ‘Design basis report – Functional layout phase, Rev. B, dated 24 August 2020’ was completed to address the increase in the marshalling area on the site. The key principles of the document are:</p> <ul style="list-style-type: none"> • No discharge from the site is to runoff into the marine environment • Detained site runoff is to be reused on site <p>Final design documentation will be provided to the Minister under existing conditions of approval.</p>
Concern re Water Requirements for Firefighting	Water storage on site will be in excess of requirements and therefore available for firefighting for the district as well as on site.
Concern re drinking water requirements for staff	Will be met
Concern re water requirements for toilet facilities	Will be met as above
Concern re proposed staging	<p><i>(See 2.3 Staged Approvals for Construction of PER Amendment)</i></p> <p>Staged approval of construction through staged assessment of compliance with</p>

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	conditions of authorisation is normal in a large project noting that stage 1 of construction has already been approved by the Minister.
Concern re perceived lack of consultation in relation to the impacts of blasting, rock crushing.	This issue has been adequately addressed in a previous assessment and approval process.
Concern re fencing and screening	This issue has been adequately addressed in a previous assessment and approval process.
Concern re maintenance of roads being a cost to DCTB	<i>See Heavy Vehicle National Law Act 2013 (The HVNL).</i> We will be engaging with EPLGA, DCTB and Department of Infrastructure and Transport. Heavy vehicle access is approved by the relevant Road Manager under the HVNL.
Submission 6 – Summary	Peninsula Ports Response
Concerns re tourism and the environment	This issue has been adequately addressed in a previous assessment and approval process.
DCTB Submission	
DCTB agree with the additional marshalling and heavy vehicle parking on site.	We believe there is sufficient room on site in the marshalling area for all reasonable truck movements, however, if excess truck movements occur at night extra room will be made available on site near the western boundary.
Staged approvals for construction	PPPL will follow the requirements of the DIT and work with local government to ensure that we meet all reasonable requirements during the construction phase. It is normal on a large project to have staged approvals when dealing with the detail of each construction phase. We are negotiating with the SA Govt on completion of the road at the earliest opportunity.
Regional Road Network Implications	We recognize that an east west road from the Todd Highway to the Lincoln Highway would be highly beneficial for grain movement towards the port. WE also make the point that because Port Spencer is 70

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	kilometres closer that Port Lincoln to most of the grain belt, the overall impact on the road network on the Eyre Peninsula will be less that the current arrangements.
EPA	
Interface between land uses	It is noted that the EPA accepts there is no significant change on this matter.
Stormwater Management	PPPL recognises that stormwater management and run off from the bunker area is a significant issue. PPPL will negotiate with the EPA to ensure their requirements are met.
Transport Planning and Program Development	
Indicative timing for development of transport infrastructure	<p>PPPL agrees that the timing for staging the development be updated to reflect likely and achievable timeframes and that the effective period of authorization be limited to the most recent extension of time to ensure that the development proceeds in a timely manner.</p> <p>PPPL is prepared to commence negotiation with the Department as soon as funding is secured. PPPL is prepared to act as contractor to build the road should that be necessary to meet the timelines involved. Funding of this public road is most logically performed by various Federal, State and Local Government partnerships.</p>

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Table 1: Proposed staged approval of documentation

Submission ID	Construction Package ID Number	Package Description	Planned Construction Commencement of Each Package
1	1	Bulk Earthwork (Blasting) Ministerial approval already granted	Mar 2023
2	3	Site bulk Earthworks	Mar 2023
	4	Pavement Construction	Oct 2023
4	5	Services and conduit installation	Oct 2023
	7	Silo Erection	June 2023
5	11	Lipson Cove Road	July 2023 Detailed Design Delivery deadline Mar 2023
	8	Balance of project facilities including: Bunkers Materials Handling and Sitewide General facilities	Aug 2023
6	9	Marine Construction (Wharf)	Oct 2023
	10	Marine Construction (Ship Loader)	Jan 2024