


ENGAGEMENT REPORT

Section 73(7) of the *Planning, Development and Infrastructure Act 2016*

Port Bonython Code Amendment

By the Chief Executive, Attorney-General's Department



	Name / Title	Date	Signature
Endorsed by the Designated Entity	Caroline Mealar, Chief Executive, Attorney- General's Department	15/12/21	

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1 Purpose

This report has been prepared by the Chief Executive of the Attorney-General's Department (the Designated Entity) for consideration by the Minister for Planning and Local Government (the Minister) in adopting the Port Bonython Code Amendment (the Code Amendment).

The report details the engagement that has been undertaken, the outcomes of the engagement including a summary of the feedback made, the response to the feedback and the proposed changes to the Code Amendment. In addition, the report evaluates the effectiveness of the engagement and whether the principles of the Community Engagement Charter have been achieved. Any changes to the engagement plan during the process are also outlined.

2 Introduction

The Chief Executive of the Attorney-General's Department is proposing to rezone approximately 1020 hectares of land at Port Bonython from Deferred Urban Zone to the Strategic Employment Zone – Significant Industry Subzone. Rezoning will facilitate significant investment in a strategically important location, utilising existing infrastructure, clustering industries and maximising efficiencies. Due to its location and infrastructure, Port Bonython is seen as one of South Australia's most prospective hydrogen export hubs. The site has access to an existing deepwater port comprising a 2.4km long jetty. Due to the location, it has the potential to accommodate a range of industries and uses including:

- Hydrogen and renewable energy projects
- Additional or expanded oil and gas projects
- Mineral export, and /or
- Desalination plant infrastructure.

As such, the zoning will assist in the expansion of industrial activities associated with hydrogen and renewables, generating employment opportunities across the region.

The affected area is Crown Land and has been identified as Deferred Industrial for many years (prior to introduction of the Planning and Design Code [the Code]), recognising its strategic value in close proximity to a deep sea jetty, the Cooper Basin and other mining / industrial activities in the region.

Overall the engagement outcomes showed strong support for the proposal overall, with some raising issues around the environment, views and natural landscapes, tourism and the possibility of locating the zone somewhere else. The detailed analysis for these issues demonstrates that the economic opportunity for South Australia and broader region is significant, and that the range of environmental constraints can be managed through the design and development process when assessed against the range of policies in the Planning and Design Code.

3 Engagement Approach

The process for amending a designated instrument (including the process to amend the Planning and Design Code) is set out in the *Planning, Development and Infrastructure Act 2016* (the Act). The Act requires public engagement to take place in accordance with the Community Engagement Charter.

The Designated Entity prepared an engagement plan (the Engagement Plan) to apply the principles of the Community Engagement Charter. The purpose of this engagement was to:

- Raise awareness of the proposed Code Amendment.

- Provide information about the rationale behind the Code Amendment.
- Provide information about what is proposed by the Code Amendment including the location of where the proposed changes will apply.
- Provide information about what the proposed zoning changes will enable for the locality, including potential land uses and development/s.
- Establish pathways for communication, including contact details for stakeholders to seek further information.
- Provide the opportunity for stakeholders and the community to seek clarification and/or provide feedback on the proposal.
- Ensure compliance with the Act and meet the intent of the Community Engagement Charter.
- Close the loop with stakeholders and the community so they understand any decision made in respect of the proposal, including any change made as a result of the consultation process.
- Build relationships and a community of interest to support future activities (i.e. construction) at the site.

3.1 Engagement Activities

Meeting with City of Whyalla

A meeting was held with the Chief Executive and senior staff from the City of Whyalla on 26 August 2021 to discuss the Code Amendment, investigations undertaken and planned consultation. Council staff were sent consultation material prior to formal consultation commencing.

Written invitation to provide submission on the Code Amendment

The following people and organisations were contacted in writing and invited to provide a submission on the proposed Code Amendment:

- Owners and occupiers of the land and owners and occupiers of adjacent land (approximately a 5km radius was used to ensure all residential property owners were captured)
- State and Federal Members of Parliament:
 - Mr Rowan Ramsey MP - Member for Grey (Federal)
 - Mr Edward Hughes MP - Member for Giles (State)
- Minister for Infrastructure and Transport
- Renewal SA
- Department of Infrastructure and Transport
- Department of Treasury and Finance
- Department of Energy and Mining
- Department for Environment and Water
- Environment Protection Authority
- Defence SA
- Department of Defence –Commonwealth of Australia (adjoining landowner)
- Department of the Premier and Cabinet – Aboriginal Affairs and Reconciliation
- Barngarla Determination Aboriginal Corporation
- Primary Industries and Regions SA
- South Australian Tourism Commission
- Country Fire Service
- SA State Emergency Service

- SAFECOM
- Safework SA
- Office of the Technical Regulator
- Eyre Peninsula Landscape Board
- Utility providers:
 - SA Power Networks
 - Electranet
 - APA Group
 - SA Water
 - EPIC Energy
 - Telstra.

Email and telephone enquiries

The PlanSA contact details were provided throughout the consultation period and stakeholders were invited to make contact if they had enquires or wished to set up a meeting to discuss the proposal.

- Phone: 1800 752 664
- Email: plansa@sa.gov.au

Availability of consultation materials

The Code Amendment, Investigations Report, Community Information Sheet and Engagement Plan were made available at the following places:

- Planning & Land Use Services, Attorney-General's Department, Level 5, 50 Flinders Street, Adelaide
- City of Whyalla Council office, 129 McBryde Terrace, Whyalla
- Whyalla Civic Building, 15 Darling Terrace, Whyalla
- Whyalla Library, 7-9 Ekblom Street, Whyalla
- Electronically on the PlanSA website: https://plan.sa.gov.au/en/code_amendments.

3.2 Mandatory Requirements

The following mandatory engagement requirements have been met:

1. Notice and consultation with Council
2. Notice and consultation with owners and occupiers of land which is specifically impacted and adjacent land.

4 Evaluation of Engagement

To ensure the principles of the Community Engagement Charter (the Charter) are met, an evaluation of the engagement process for the Code Amendment has occurred.

5.1 Performance Indicators for Evaluation

Performance indicators have been used to evaluate engagement on the Code Amendment. These measures help to gauge how successful the engagement has been in meeting the Charter's principles for good engagement.

Evaluation of Engagement by Community Members

The minimum mandatory performance indicators required an evaluation of responses from members of the community on the engagement. This includes an evaluation of whether (or to what extent) community members felt:

1. That the engagement **genuinely sought** their input to help shape the proposed Code Amendment.
2. **Confident their views were heard** during the engagement.
3. They were given an adequate **opportunity to be heard**.
4. They were given **sufficient information** so that they could take an informed view.
5. **Informed** about why they were being asked for their view, and the way it would be considered.

This evaluation was undertaken through an online survey provided by email to those that lodged a submission. A survey response rate of 25% was achieved with a total of 4 survey responses from the 16 respondents emailed (two submissions did not receive the evaluation due to the timing of their submission).

Evaluation of Engagement by the Designated Entity

A further evaluation of the engagement process is required to be undertaken by (or on behalf of) the Designated Entity. The minimum performance indicators require an evaluation by the Designated Entity of whether (or to what extent) the engagement:

1. **Occurred early enough** for feedback to genuinely influence the planning policy, strategy or scheme.
2. **Contributed to the substance** of the final draft Code Amendment.
3. **Reached those identified** as communities or stakeholders of interest.
4. **Provided feedback to community** about outcomes of engagement.
5. Was **reviewed throughout** the process and **improvements put in place**, or recommended for future engagement.

The evaluation of the engagement was undertaken by the Attorney-General's Department on behalf of the Designated Entity. The results of the evaluation are contained in Attachment 2 to this Engagement Report.

5.2 Evaluation against the Charter principles

The following is a summary of the evaluation of the engagement against the five principles of the Charter. The full results of the evaluation can be found in Attachment 2 to this Engagement Report.

(1) Engagement is genuine

People had faith and confidence in the engagement process

The evaluation survey results indicate that 75% of respondents agreed that the engagement process genuinely sought their input to shape the proposal.

Evaluation statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
I feel the engagement genuinely sought my input to help shape the proposal (Principle 1)	25%	0%	0%	75%	0%

(2) Engagement is inclusive and respectful

Affected and interested people had the opportunity to participate and be heard

- The survey results indicated that overall 75% of respondents responded positively, having confidence that their views were heard during the engagement process. The remaining respondent, or 25% of those surveyed, neither agreed, nor disagreed.

Evaluation statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
I am confident my views were heard during the engagement	0%	0%	25%	50%	25%

(3) Engagement is fit for purpose

People were effectively engaged and satisfied with the process

People were clear about the proposed change and how it would affect them

- The survey results indicated that 75% of respondents agreed that they were given both adequate opportunity to be heard and sufficient information to make an informed view. The remaining respondent, or 25% of those who completed the surveyed, responded negatively indicating an opportunity to improve the engagement process in future. Further comment was provided at the conclusion of the survey in a free text question which provided respondents to an opportunity to more broadly on the engagement experience. The full response is provided in attachment 2.
- A shorter engagement period was chosen for this particular Amendment due to the nature of the change and the existing expectation that the land would eventually be used for industrial use. However, based on comments provided regarding engagement duration, in future the time allowed for the engagement may need to take into account delays in correspondence distribution via post and/or should ensure email correspondence is the primary source of communications where possible to maximise the time for participants to review materials and contribute.

Evaluation statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
I was given an adequate opportunity to be heard	25%	0%	0%	75%	0%
I was given sufficient information so that I could take an informed view	0%	25%	0%	75%	0%

(4) Engagement is informed and transparent

All relevant information was made available and people could access it

People understood how their views were considered, the reasons for the outcomes and the final decision that was made

- The survey results indicated that overall 75% of respondents felt informed about why they were being asked for their views and the way it would be considered. The remaining respondent, or 25% of those surveyed, responded neutrally.

Evaluation statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
I felt informed about why I was being asked for my view, and the way it would be considered.	0%	0%	25%	50%	25%

(5) Engagement processes are reviewed and improved

The engagement was reviewed and improvements recommended

- Overall the evaluation surveys indicated that 75% of respondents felt the engagement process allowed them to participate in the process in a meaningful way. However, future engagements could benefit from additional time, where possible, to allow for delays in correspondents by mail.
- The Engagement Plan was adhered to and no unforeseen changes occurred. No requests were sought from the public for a community event and only one phone enquiry was made from the public.
- Given this is a new process and the first Chief Executive led Code Amendment, lessons have been learnt along the way to improve processes for future amendments. These include more lead in time to undertake consultation and improved evaluation processes.

5 Engagement Outcomes

5.1 Feedback received

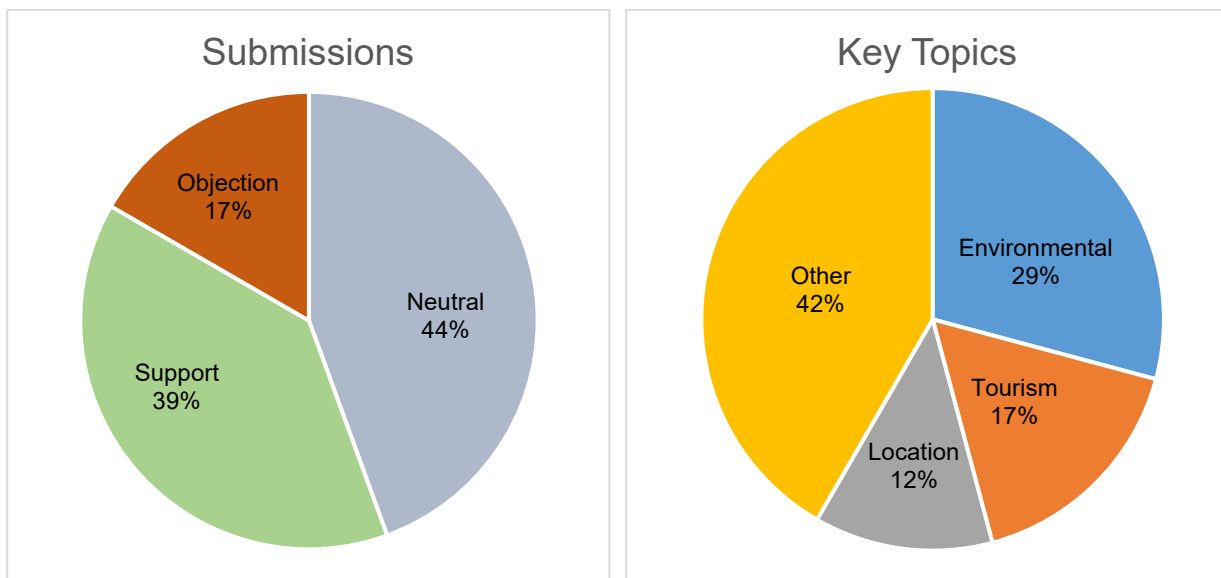
Enquiries

A total of two email enquiries were received. In both cases previous investigation documents were requested.

One phone enquiry was received. While this did not result in a formal submission, the caller was very supportive of the rezoning but expressed concern about previous uses on the land and potential impacts of the existing developments. Issues raised have been passed on to the relevant parties for consideration as part of any future development on the site.

Written Submissions

A total of 18 written submissions were received. The majority (15 out of 17) submissions raised no objections to the proposal. The three main topics raised in the submissions, particularly from those opposed to the rezoning, were environmental, tourism and the location of industrial land. For those that were supportive, it was largely in recognition of the economic opportunity provided by the proposal.



A summary of key issues raised and how we responded are as follows:

Economy and Employment

What we heard

There were a number of submissions that specifically recognised the economic opportunity supported through the rezoning process:

- The zoning is compatible with the existing adjacent land use policy and existing land uses.
- A critical requirement for the Port Bonython precinct is a flexible zoning framework that provides for the future assessment of key infrastructure and land use operations associated with a multi-user clean hydrogen industrial hub.
- The proposed development will support renewable energy resources to the benefit of the regional and State economy.

- The proposal enables the development of strategic hydrogen and renewable energy processing and distribution facilities that will service the State.
- The Port is recognised amongst a few select locations nationally for the potential to be transformed into a hydrogen hub for production and export.
- 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 proposal unlocks 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.

Environmental

What we heard

- Concerns raised about the need for the sensitive management and protection of coastal and marine biodiversity, visual amenity, coastal hazards risks and native vegetation.
- The proposed activities could have a detrimental impact on sensitive receivers in nearby zones. Air and noise emissions will require detailed investigations, and the watercourses that flow to Fitzgerald Bay, False Bay and Weeroona Bay will require careful stormwater management.
- Future demand for additional or expanded port facilities and related marine infrastructure may impact on the Fitzgerald Bay aquaculture zone and the planning system must ensure impacts are managed.
- Concern raised over stormwater and pollution contamination.
- Unique vista of the Flinders Ranges to the North which would be obscured by the scale of the proposed industrial development.
- Community expectations have changed substantially in the 20 years since the subject land was planned for future industrial use. The community now place more importance on protecting the environment, recreational activities, and tourism.
- Past Hydrocarbon spills at Port Bonython have had detrimental impacts. There is a risk of this occurring again.
- Reduce the size of subject land so that there is less industrial land and more conservation land, and provide a larger natural vegetation buffer.
- The Peninsula is an important and valuable natural asset which contributes to the prosperity of Whyalla, the Upper Spencer Gulf region, and the State.
- Natural environment already degraded and loss of access to significant areas of land such as the best sandy and family friendly beach at Weeroona Bay due to existing industrialisation.
- Concern over hydrocarbons in natural underground water table – more industrialisation would exacerbate this.
- Tanks, buildings and other infrastructure detracts from the ambience of the area.

- Commitments by existing industrial development to minimise and mask the impact of the infrastructure on the Coastal Reserve have not been successful.
- Considerable expense on planning and implementation of Marine Parks nearby.
- Undeveloped natural coastal environment contains rare fauna specimens and wetlands of national importance.

Response

The Code contains a range of policies relating to environmental impacts, visual amenity and landscaping. These are contained in the Code modules listed below

- Strategic Employment Zone
- Significant Industry Subzone
- General Development Policies - Design
- Native Vegetation Overlay
- Water Resources Overlay

A full list of the relevant policies is supplied in **Attachment 4**.

Other Considerations

The Code contains a significant number of policies to minimise impacts and this will be further supported through the master planning process, particularly in relation to landscape buffers.

Nationally threatened species and ecological communities, migratory species and Commonwealth marine areas are also covered by national legislation. The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's environment and heritage legislation. The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places—defined in the EPBC Act as matters of national environmental significance.

The EPBC Act applies when a proposal has the potential to have a significant impact on a matter of national environmental significance. When a person (a 'proponent') wants an action (often called a 'proposal' or 'project') assessed for environmental impacts under the EPBC Act, he or she must refer the project to the Department of the Environment. This 'referral' is then released to the public, as well as relevant state, territory and Commonwealth ministers, for comment on whether the project is likely to have a significant impact on matters of national environmental significance. The Minister or the Minister's delegate will then decide whether the likely environmental impacts of the project are such that it should be assessed under the EPBC Act. Any relevant public comments are taken into consideration in making that decision.

The EPBC process sits outside of the development approval process.

Tourism

What we heard

- Concerns about the potential conflict on the Peninsula between Tourism and Industry.
- Giant Cuttlefish aggregation is globally unique and offers a rare and remarkable tourism experience including the annual Cuttlefish festival ('Cuttlefest') which relies on the health of the Cuttlefish. This could be jeopardised if not considered carefully.
- The Whyalla Northern Coastline Master Plan is not addressed in the report.

- Imagery of Whyalla for domestic and international markets will be impacted.
- Regarding existing shack viewpoints, request that policy minimise or avoid any loss of scenic quality or other detrimental impacts to sensitive receivers.
- Request further detail on how the rezoning will balance major special industrial activities with sensitive land uses and the environment.
- The Point Lowly Peninsula is an increasingly popular camping location for locals, intrastate and interstate visitors.
- The proposal puts the Tourism, Liveability, Aquaculture and Ecological health of the Upper Spencer Gulf and Whyalla image at risk.
- More industry on the Point Lowly Peninsula will have a detrimental effect on tourism and the health and well-being of the Whyalla community.
- Giant Australian Cuttlefish at Stony Point attracts annual visitation from locals, intrastate, interstate and internationals.
- Industrialisation of the area would result in seven kilometres of Industry in front of and to the detriment of the tourism gateway.

Response

The Code policies relating to impact minimisation are provided under the previous heading. There are also general development policies relating to interface between land uses in the Code which seek to minimise impacts on sensitive receivers.

Port Bonython is recognised nationally for its potential to be transformed into a hydrogen hub for production and export due to its unique positioning adjacent a deepwater port. As such, this has been an important consideration in balancing the range of economic opportunities with issues raised.

The master planning process that is proposed for this area will be a critical piece of work to demonstrate the commitment of all parties to the harmonious existence of both industrial, environmental and tourism uses. There is an opportunity for the master plan to consider landscape buffers, tourism infrastructure, visual amenity, traffic and environmental issues such as stormwater runoff and native vegetation. While the Code contains policies to minimise impacts, the master plan is likely to further alleviate many of the issues raised through this process. The majority of the subject land is Government owned and will therefore ensure that any proposed development is responsive to the surrounding environment.

In relation to a previous master plan that was undertaken over the wider area, the Northern Coastline Master Plan was endorsed by the Whyalla City Council in 2017 and the council is now actioning the master plan through the spending of over 2 million dollars at and around the cuttlefish diving site, as well as plans to upgrade the Point Lowly cottages, tourism signage along the coast and civil-type works for certain areas requiring protection.

Location

What we heard

- Other industrial areas are available in the Whyalla Council Area for renewable energy and hydrogen industry development and benefit from ready access to electricity, water, road and rail services.
- Industrial development is now usually located in areas that are not pristine and not utilised for recreation.

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Response

The subject land was zoned for deferred industrial development as far back as 1993. Market and economic conditions have dictated the most suitable time to realise that industrial use for the site. The land at Port Bonython is ideally located adjacent to a deepwater port and recognised nationally for its economic potential. Other industrial land in the region is not as attractive to investors and the potential for significant economic development may not be realised elsewhere.

The size of the affected area allows a variety of industrial activities to occur while maintaining adequate separation and buffers with adjacent sensitive land uses.

As previously mentioned, there is an opportunity for the proposed master plan over the subject land to further address many of the issues raised.

A more detailed summary of issues raised is provided in Attachment 1.

Previous discussions have occurred with the Barngarla People, the traditional owners of much of the Eyre Peninsula, in relation to an Expression of Interest over land in Port Bonython including the affected area. The Barngarla People have also been contacted in relation to the Code Amendment. Issues raised to date have no effect on the proposed rezoning, however, discussions are ongoing and information received will be fed into the master planning process.

5.2 Response and recommendations

The Code provides a policy response for the majority of issues raised throughout the consultation period. While it is acknowledged that some impacts will still be seen, the proposal is likely to result in significant investment in the region that may not be realised in a different location. The majority of the subject land is Government owned and with that comes more assurance that community concerns will be taken into account and mitigation measures put in place. This Engagement Report will be forwarded on to the Government departments involved in development of the Port Bonython area to ensure they are aware of all issues, concerns and commitments made. Noting policy already exists in the Code to ensure environmental and amenity impacts are avoided, it is therefore considered appropriate that no post-consultation changes are made to the proposed Code Amendment.

Given the size of the affected area and the potential uses that may be proposed on the land, it is worth noting that there are three assessment mechanisms that are relevant. These are Impact Assessed (major project), Crown Development and Performance Assessed against the Code. In each case, the policies in the Code which seek to minimise impacts are relevant. A summary of each assessment mechanism is provided in **Attachment 5**.

6 Code Amendment Summary

The Amendment reflects proposed changes to the Planning and Design Code as outlined in the Draft Code Amendment. No changes have been made to the Draft Amendment that was released for public consultation.

Final amendment being:

Rezoning of the Deferred Urban Zone at Port Bonython to the Strategic Employment Zone, with application of the Significant Industry Subzone.

Attachments

- 1 Summary of Written Submissions
- 2 Evaluation Results
- 3 Copy of Submissions Received
- 4 Planning and Design Code Environment and Visual Amenity Policies
- 5 Development Assessment Pathways

Attachment 1 - Summary of Written Submissions

Name / Agency / Organisation	Submission summary	Response
Australian Pipeline Association (APA)	There are no gas assets managed or operated by APA in the vicinity of the subject area.	Noted
Barry Brougham	<p>1 More industry on the Point Lowly Peninsula will have a detrimental effect on tourism and the health and well-being of the Whyalla community.</p> <p>2 There are alternative industrial sites available away from the Point Lowly Peninsula.</p> <p>3 Industrialisation of the target area would result in seven kilometres of Industry in front of and to the detriment of the tourism gateway.</p> <p>4 State Government has already provided 2 million dollars to install new recreational infrastructure at Point Lowly and beyond.</p> <p>5 Considerable expense on planning and implementation of Marine Parks nearby.</p> <p>6 Concentrating industry on Point Lowly due to the adjacent land uses will further distract from the other valuable and natural qualities in the area.</p> <p>7 Point Lowly Peninsula has a long history of accommodating recreational uses dating back to the late 19th century.</p>	<p>1 Noted. The majority of the subject land is Government owned and will therefore ensure that any proposed development is responsive to the surrounding environment.</p> <p>2 The land at Port Bonython is ideally located adjacent to a deepwater port. Other industrial land in the region is not as attractive to investors and the potential for significant economic development may not be realised elsewhere.</p> <p>3 The subject land was zoned for deferred industrial development as far back as 1993. There are policies within the Code that seek to minimise impacts. This is discussed in more detail in Section 4 of this report.</p> <p>4 Noted</p> <p>5 Noted</p> <p>6 Refer to point 1.</p> <p>7 Noted</p>

	<p>8 During the 20th century a holiday camp used to host smelter workers and their families from Port Pirie, at Weeroona Bay.</p> <p>9 Increasingly popular camping location for locals, intrastate and interstate visitors.</p> <p>10 Vital location for the health and wellbeing of locals, quiet peaceful location to convalesce.</p> <p>11 This unique land mass juts out into serene waters and is the jewel of Upper Spencer Gulf.</p> <p>12 The Flinders Range across the gulf provides a perfect backdrop to the pristine gulf.</p> <p>13 Undeveloped natural coastal environment characterised by uneven terrain, sand dunes and cliff tops and contain rare fauna specimens.</p> <p>14 The entire coastline is identified as wetlands of national importance which are home to fauna and flora of conservation significance.</p> <p>15 Giant Australian Cuttlefish at Stony Point attracts annual visitation from locals, intrastate, interstate and internationals.</p> <p>16 This area of land / coastline interfaces with the Upper Spencer Gulf which is an inverse estuary and marine park.</p> <p>17</p>	<p>8 Noted</p> <p>9 Refer to point 3.</p> <p>10 Refer to point 1.</p> <p>11 Noted</p> <p>12 There are policies within the Code that seek to minimise impacts. This is discussed in more detail in Section 4 of this report.</p> <p>13 Refer to point 12.</p> <p>14 Refer to Section 4 of this report, in particular, discussion relating to the EPBC Act.</p> <p>15 Refer to point 3.</p> <p>16 Noted</p> <p>17 Noted</p>
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	<p>The oil spill in 1992 created significant environmental damage.</p> <p>18 Hydrocarbons were detected under the Santos plant 20 months ago. A \$15 million barrier to stop it leaking into the sea has been completed.</p> <p>19 Very detailed presentations on the potential of the peninsula were also been submitted.</p>	<p>18 Refer to Section 4 of this report which details the policies within the Code that seek to minimise environmental impacts.</p> <p>19 This information will be passed on to the relevant parties and will be helpful in development of the master plan.</p>
EPS Energy	<p>1 The proposal enables the development of strategic hydrogen and renewable energy processing and distribution facilities that will service the State.</p> <p>2 The Port is recognised amongst a few select locations nationally for the potential to be transformed into a hydrogen hub for production and export.</p> <p>3 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.</p> <p>4 Existing infrastructure, including access to deep water, the deep sea jetty and other infrastructure, is particularly suited to the resources sector-related development site.</p> <p>5 The proposal unlocks 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.</p>	<p>1 Noted</p> <p>2 Noted</p> <p>3 Noted</p> <p>4 Noted</p> <p>5 Noted</p>

<p>Colin Fullerton Shack Owner and Chairman of the Cultana Jenkins Shackowners Association</p>	<p>1 The Whyalla Northern Coastline Master Plan is not addressed in the report.</p> <p>2 Other industrial areas are available in the Whyalla Council Area for renewable energy and hydrogen industry development and benefit from ready access to electricity, water, road and rail services.</p> <p>3 Proposed industry could contaminate the gullies that flow into Spencer Gulf. Overlay highlighted in the report but no discussion.</p> <p>4 Stormwater and pollution containment on raised land would flow outside of the subject area.</p> <p>5 No mention of the Clean Seas commitment to build a marina between Point Lowly and Fitzgerald Bay.</p> <p>6 The Point Lowly Peninsula is a popular destination for campers and visitors.</p> <p>7 Unique vista of the Flinders Ranges to the north which would be obscured by the scale of the proposed industrial development.</p> <p>8 Community expectations have changed substantially in the 20 years since the subject land was planned for future industry use. The community now place more importance on protecting the environment, recreational activities and tourism.</p>	<p>1 Consideration of the Whyalla Northern Coastline Master Plan has been included in Section 4 of this report.</p> <p>2 The land at Port Bonython is ideally located adjacent to a deepwater port. Other industrial land in the region is not as attractive to investors and the potential for significant economic development may not be realised elsewhere.</p> <p>3 There are policies within the Code that seek to minimise impacts, including policies relating to stormwater. This is discussed in more detail in Section 4 of this report.</p> <p>4 Refer to point 3.</p> <p>5 Outside the scope of this Amendment.</p> <p>6 Noted</p> <p>7 This issue will be considered as part of the master planning process.</p> <p>8 The subject land was zoned for deferred industrial development as far back as 1993. Market and economic conditions have dictated the most suitable time to realise that industrial use for the site. However, through the master planning and development approval stages, any proposed</p>
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	<p>9 Industrial development is now usually located in areas that are not pristine and not utilised for recreation.</p> <p>10 Past Hydrocarbon spills at Pt Bonython have had detrimental impacts. There is a risk of this occurring again.</p> <p>11 Could the proposal to rezone the subject land to Industry be reduced in size?</p> <p>12 The boundary could be moved to increase the conservation zone to provide a larger natural vegetation buffer to the south of Fitzgerald Bay Vista.</p>	<p>development will look to strike a balance between land uses.</p> <p>9 Refer to point 2.</p> <p>10 There are policies within the Code that seek to minimise impacts. This is discussed in more detail in Section 4 of this report.</p> <p>11 Reducing the size of the land offering to investors may reduce the attractiveness and not fully realise the economic potential. However, there is an opportunity for vegetation buffers and development sites to be identified through the master planning process.</p> <p>12 Refer to point 11.</p>
Port Bonython Fuels Pty Ltd (late submission)	Support for the application of the Strategic Employment Zone and Significant Industry Subzone over the affected area.	Noted
SA Power Networks	(Note for future development) SA Power Networks may be impacted by proposed zoning changes. Consideration should be given 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 electrical infrastructure specifically for their development.	Noted
Telstra	Telstra's facilities are grandfathered under the Telecommunications Act 1997 (Cth) granting powers to enter and occupy the land.	Noted

Whyalla City Council	Council endorses the proposed Code Amendment as proposed. The zoning is compatible with the existing adjacent land use policy and existing land uses.	Noted
Wilson, Ann and Sid	<p>1 Government recognition of the Lowly Peninsula being of economic importance is heavily skewed and focused on industry.</p> <p>2 The Peninsula is also an important and valuable natural asset which contributes to the prosperity of Whyalla, the Upper Spencer Gulf region, and the State.</p> <p>3 The proposal puts the Tourism, Liveability, Aquaculture, Ecological health of the Upper Spencer Gulf and Whyalla image at risk.</p> <p>4 Lowly Peninsula is under pressure to be industrialised and used for purposes other than recreation and coastal living.</p> <p>5 Natural environment already degraded and loss of access to significant areas of land such as the best sandy and family friendly beach at Weroona Bay due to existing industrialisation.</p> <p>6 Hydrocarbons have been measured floating on top of the natural underground water table – more industrialisation would exacerbate this.</p> <p>7 A major maritime oil spill occurred at Port Bonython resulting in significant damage to Mangroves and seabirds.</p> <p>8</p>	<p>1 Noted</p> <p>2 Noted</p> <p>3 There are policies within the Code that seek to minimise impacts. This is discussed in more detail in Section 4 of this report.</p> <p>4 The rezoning does not propose changes to any recreation, community or conservation zones.</p> <p>5 The proposal will not impact access to beaches or recreation areas.</p> <p>6 Any proposed development will need to demonstrate how the proposal will not detrimentally impact the environment.</p> <p>7 Noted</p> <p>8</p>

	<p>Tanks, buildings and other infrastructure detracts from the ambience of the area.</p> <p>9 All of the Coastal Reserve land interfaces with and is back-dropped by the industrial zones. Commitments by existing industrial development to minimise and mask the impact of the infrastructure have not been successful.</p> <p>10 Community now highly value coastal land for quality outdoor recreation experiences, even more so given the restrictions relating to Covid-19.</p> <p>11 Other numerous areas of land that could accommodate industrial development with access to Port Bonython.</p> <p>12 Request some land back from the Australian Defence Force (Cultana).</p>	<p>There are policies within the Code that seek to minimise impacts, including policies relating to landscaping. This issue may also be considered in the master planning process.</p> <p>9 Refer to point 8. Conditions can be placed on an approval to ensure landscaping etc is undertaken.</p> <p>10 Noted</p> <p>11 The land at Port Bonython is ideally located adjacent to a deepwater port. Other industrial land in the region is not as attractive to investors and the potential for significant economic development may not be realised elsewhere.</p> <p>12 Request is outside the scope of this Amendment.</p>
Yoorndoo Ilga Solar	The proposed development will support renewable energy resources to the benefit of the regional and State economy.	Noted
Agency submissions (8)	Issues raised, particularly in relation to potential future development.	Noted. Issues raised will be addressed as part of the master planning process and at development application stage.

Attachment 2 - Evaluation Results

Results of the community minimum mandatory evaluation indicators

	Evaluation statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
1	I feel the engagement genuinely sought my input to help shape the proposal (Principle 1)	25%	0%	0%	75%	0%
	Comments:					
2	I am confident my views were heard during the engagement (Principle 2)	0%	0%	25%	50%	25%
	Comments:					
3	I was given an adequate opportunity to be heard (Principle 3)	25%	0%	0%	75%	0%
	Comments:					
4	I was given sufficient information so that I could take an informed view (Principle 3)	0%	25%	0%	75%	0%
	Comments:					
5	I felt informed about why I was being asked for my view, and the way it would be considered (Principle 4)	0%	0%	25%	50%	25%
	Comments:					
	Additional Evaluation					
6	Please share any other comments you have below					
	Comments: Timing period of consultation was short [1month]. The issue was in the Advertiser "Strategic regional offering 18 May 2021 page 38 Business Journal targeted at Mining and industrial outcomes. Information provided with the letter and the information at Council office skewed towards Mining and industry. Invitation to be involved in consultation open 1st Sept closed 1 October-letter written 6th Sept Received [sent by snail mail]10th Sept] - 30percent of consultation period lost. Very little mention of Recreation and tourism in the information provided. The consultation timing, window to prepare a submission demonstrated the State Governments declare and defend approach to the whole issue including the consultation. Unable to comment on how feedback/submission will be received by Govt and how it may impact on the outcome.					

Results and Evaluation of Designated Entity’s engagement

The engagement was evaluated by the Attorney -General’s Department.

	Evaluation statement	Response options
1	Engagement occurred early enough for feedback to genuinely influence the planning policy, strategy or scheme (Principle 1)	<ul style="list-style-type: none"> ▪ Engaged when there was opportunity for minor edits to final draft <p><i>The scope of influence was limited to consultation and stakeholders were given the opportunity to know more about what was being proposed and how it might affect them. The proposed amendment was bringing deferred industrial land online for industrial development and aligning the zoning to that of the adjacent area. Therefore, while there was scope for changes if feedback indicated it was necessary, it was not expected that the selected zone or overlays would raise many concerns from the community.</i></p>
2	Engagement contributed to the substance of the Code Amendment (Principle 1)	<ul style="list-style-type: none"> ▪ In a minor way <p><i>The consultation process has provided good community insight into the areas or interest and issues that need to be considered should development occur on the land. It has also provided valuable details that will be fed into the master planning process which will occur as a result of the Code Amendment. The community was provided with a small scope of influence, however, this didn’t result in any changes to the proposed Code Amendment on this occasion as very little feedback was received.</i></p>
3	The engagement reached those identified as the community of interest (Principle 2)	<ul style="list-style-type: none"> ▪ There was little representation of the community groups in engagement <p><i>Given the size of the area, a wide (5km) radius was used to identify potential stakeholders. This ensured that all residential type land owners from the surrounding bay areas received letters directly. The local council also sought to engage the local community to ensure they were aware of the proposed Code Amendment.</i></p> <p><i>Given that the land has been identified for industrial uses for 30+ years, it is not considered unusual that there was little representation from the local community.</i></p>
4	Engagement included the provision of feedback to community about outcomes of their participation	<ul style="list-style-type: none"> ▪ No feedback provided (during evaluation) ▪ Formally (report) <p><i>As there was very little feedback received, there were no changes made to the Code Amendment and feedback was not provided at the evaluation stage. However, a stakeholder letter will be sent should approval be given to the Code Amendment and the Engagement Report will be published on the PlanSA website.</i></p>

5	<p>Engagement was reviewed throughout the process and improvements put in place, or recommended for future engagement (Principle 5)</p>	<ul style="list-style-type: none"> ▪ Reviewed and recommendations made in a systematic way <p><i>Regular team meetings and project meetings provide the opportunity to continually assess and evaluate the process. Given this is a new system, there is opportunity for continuous improvement and ongoing review to ensure the process is being undertaken in the most genuine and effective way possible. This Code Amendment is the first Chief Executive led Code Amendment and learnings are already being fed into other Chief Executive led amendments as they progress.</i></p>
	<p>Identify key strength of the Charter and Guide</p>	<p>The intent of the Charter to provide greater flexibility in the engagement process is well suited to code amendments, as this allows for engagement to be tailored to reflect the significance of the Code Amendment and level of interest/impact from the local community.</p>
	<p>Identify key challenge of the charter and Guide</p>	<p>Given the Charter is so flexible and is a new process, it is difficult to determine the appropriate level of engagement and how effective it has been. This is especially difficult when there is a low level of community interest and involvement.</p>

Attachment 3 – Copy of Submissions Received

Refer to separate attachment for a copy of submissions received.

Attachment 4 – Planning and Design Code Environment and Visual Amenity Policies

Strategic Employment Zone Policies

Landscaping

PO 5.1

Landscaping is provided along public roads and thoroughfares and zone boundaries to enhance the visual appearance of development and soften the impact of large buildings when viewed from public spaces and adjacent land outside the zone.

PO 5.2

Development incorporates areas for landscaping to enhance the overall amenity of the site and locality.

PO 5.3

Landscape areas incorporate a range of plant species of varying heights at maturity, including tree species with a canopy above clear stems, to complement the scale of relevant buildings.

Significant Industry Subzone policies

PO 1.1

Development primarily for large scale, high impact special industry uses located on large areas of land to manage impacts on sensitive land uses and the environment.

PO 2.1

Substantial visual and acoustic buffers are maintained between development and sensitive land uses.

PO 2.2

Treatment or depositing of hazardous waste materials does not occur in proximity to residential development located in an adjacent zone.

PO 2.3

Development is sited and designed to protect areas of heritage or cultural significance.

PO 3.1

Development does not produce emissions that would harm human health or the environment.

PO 3.2

Development designed and sited to mitigate impacts upon the terrestrial and marine environment in the locality and areas of conservation significance.

PO 3.3

Development and operations designed and sited to avoid discharge of liquid or solid waste from the site or from entering the natural drainage system.

PO 4.1

Areas for the storage and handling of hazardous material are bunded to:

- a) contain spillages and leaks of liquids used, stored or processed on the site of the development
- b) exclude the entry of external surface stormwater runoff that may pose a risk of pollution to the surrounding environment.

PO 4.2

Adequate separation provided between development and buildings to mitigate on-site impacts in the event of an industrial accident.

PO 4.3

Development is protected against sea flood risk and sea level rise.

General Development Policies - Design

PO 1.4

Plant, exhaust and intake vents and other technical equipment is integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by:

- a) positioning plant and equipment in unobtrusive locations viewed from public roads and spaces
- b) screening rooftop plant and equipment from view
- c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.

PO 1.5

The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form) taking into account the form of development contemplated in the relevant zone.

PO 3.1

Soft landscaping and tree planting is incorporated to:

- a) minimise heat absorption and reflection
- b) maximise shade and shelter
- c) maximise stormwater infiltration
- d) enhance the appearance of land and streetscapes
- e) contribute to biodiversity.

PO 3.2

Soft landscaping and tree planting maximises the use of locally indigenous plant species, incorporates plant species best suited to current and future climate conditions and avoids pest plant and weed species.

PO 5.1

Development is sited and designed to maintain natural hydrological systems without negatively impacting:

- a) the quantity and quality of surface water and groundwater
- b) the depth and directional flow of surface water and groundwater
- c) the quality and function of natural springs.

PO 31.1

Development likely to result in significant risk of export of litter, oil or grease includes stormwater management systems designed to minimise pollutants entering stormwater.

PO 31.2

Water discharged from a development site is of a physical, chemical and biological condition equivalent to or better than its pre-developed state.

Native Vegetation Overlay policies

PO 1.1

Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.

PO 1.2

Native vegetation clearance in association with development avoids the following:

- a) significant wildlife habitat and movement corridors
- b) rare, vulnerable or endangered plants species
- c) native vegetation that is significant because it is located in an area which has been extensively cleared
- d) native vegetation that is growing in, or in association with, a wetland environment.

PO 1.4

Development restores and enhances biodiversity and habitat values through revegetation using locally indigenous plant species.

Water Resources Overlay policies

PO 1.1

Watercourses and their beds, banks, wetlands and floodplains (1% AEP flood extent) are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.

PO 1.2

Development avoids interfering with the existing hydrology or water regime of swamps and wetlands other than to improve the existing conditions to enhance environmental values.

PO 1.5

Development that increases surface water run-off includes a suitably sized strip of vegetated land on each side of a watercourse to filter runoff to:

- a) reduce the impacts on native aquatic ecosystems
- b) minimise soil loss eroding into the watercourse.

PO 1.6

Development resulting in the depositing or placing of an object or solid material in a watercourse or lake occurs only where it involves any of the following:

- a) the construction of an erosion control structure
- b) devices or structures used to extract or regulate water flowing in a watercourse
- c) devices used for scientific purposes
- d) the rehabilitation of watercourses.

PO 1.7

Watercourses, floodplains (1% AEP flood extent) and wetlands protected and enhanced by retaining and protecting existing native vegetation.

PO 1.8

Watercourses, floodplains (1% AEP flood extent) and wetlands are protected and enhanced by stabilising watercourse banks and reducing sediments and nutrients entering the watercourse.

PO 1.9

Dams, water tanks and diversion drains are located and constructed to maintain the quality and quantity of flows required to meet environmental and downstream needs.

Attachment 5 – Development Assessment Pathways

Impact Assessed

Relevant authority: Minister for Planning and Local Government

Major projects that are declared by the Minister for Planning and Local Government (the Minister) must go through a rigorous, state-run assessment process.

The application is considered by the Minister as to whether the highest level of assessment is required given the environmental, social and economic impacts of the proposal.

The Minister declares the application as a major development or project under the the Act(Section 111).

A formal development application package is received from the applicant in accordance with *Practice Direction 4 – Restricted and Impact Assessed Development* (available on the PlanSA portal).

Once a formal development application has been received for a major development or project, it is referred to the State Planning Commission (the Commission) to issue the applicant with assessment requirements. The Commission identifies social, environmental and economic issues relevant to the proposed development and the assessment requirements.

The assessment requirements summarise all potential issues that need to be addressed by the development. They also highlight any further information that is required to enable a proper assessment of the development. The guidelines are publicly released for information on the PlanSA portal.

In most instances an Environmental Impact Statement (EIS) will be undertaken for the proposal.

This is the level of assessment required for the most complex proposals, where there is a wide range of issues to be investigated in depth.

Assessment must have regard to the State Planning Policies, the relevant Regional Plan, the Code policies, the Building Rules, Environment protection legislation and any relevant EIS.

The Assessment Report along with the whole proposal (including the assessment document, public and agency submissions and response document) is provided to the relevant authority for consideration (the Governor of South Australia or the Minister).

The proposal may be refused, approved or approved with conditions. Following the Minister's decision there are no appeal rights.

Crown Development

Relevant authority: Minister for Planning and Local Government

Crown Development and essential infrastructure is Development undertaken on behalf of a State agency that exceeds a threshold development cost and are assessed by the Minister. If agency sponsorship is obtained, a Development Application can be lodged with the State Commission Assessment Panel (SCAP). SCAP will assess the application on behalf of the Minister for Planning and provide a recommendation. Crown sponsorship does not imply approval of a Development Application.

The assessment process generally takes a minimum of three (3) months and involves:

- Referral to the relevant Local Council and Government agencies for comment
- Public notification (if the development cost exceeds \$10 million)
- Assessment by the SCAP which may include a panel meeting
- Decision by the Minister

The Minister can direct that an Environmental Impact Statement (EIS) be prepared with respect to the development.

Similar to the Impact Assessed procedure, assessment must have regard to the State Planning Policies, the relevant Regional Plan, the Code policies, the Building Rules, Environment protection legislation and any relevant EIS.

The Minister may approve the development or refuse to approve development. If approval is provided, it may be given for the whole or part of a proposed development or subject to such conditions as the Minister thinks fit.

Following the Minister's decision there are no appeal rights.

Performance Assessed against the Planning and Design Code

Relevant authority: State Planning Commission, Council Assessment Manager or Assessment Panel

Code assessed development includes applications which will be assessed on their merit against the Code. In this case, given the types of development anticipated, applications are likely to be performance assessed development.

In most cases, the relevant authority for performance assessed development is the Assessment Manager of a Council or Assessment Panel. However, the Minister may call in a proposed development for assessment by the Commission under Section 94(1)(h) of the Act if it means grounds set in Section 94(2). For development that is anticipated to occur in Port Bonython, this clause may be used as it will likely meet the following criteria:

- the development is of major social, economic or environmental importance; or
- the development involves benefits, impacts or risks that are of significance to the State.

If a development application is lodged under the Code, it will be assessed on balance against the Code policies. Some land uses (such as general industry and light industry) are exempt from public notification in the zone, but Special Industry will be publically notified.

The proposal may be refused, approved or approved with conditions. Following the relevant authority's decision, the applicant has appeal rights.