

DECISION NOTIFICATION FORM

Section 126 of the *Planning, Development and Infrastructure Act 2016*

TO THE APPLICANT:

Name: Peninsula Ports Pty Ltd
Postal address: GPO Box 2301, ADELAIDE SA 5000
Email: elaineehmann@peninsulaports.com.au

IN REGARD TO:

Development application no: 923/P001/18 V2	Variation lodged on: 5 May 2022
Nature of proposed development: Variation to previous Port Spencer Grain Export Facility provisional development authorisation, comprising changes to the on-land site layout and project area, being for bunker storage, truck marshalling and associated site drainage and civil works.	

LOCATION OF PROPOSED DEVELOPMENT:

Street address: Lipson Cover Road, Lipson
Refer Appendix One for declared project area details.

DECISION:

Decision type	Decision	Decision date	No. of conditions	Entity responsible for decision
Provisional development authorisation – grain export facility	GRANTED	13 August 2020	32	Minister for Planning and Local Government
Stage 1 – Bulk Earthworks	GRANTED	3 May 2021		Minister for Planning and Local Government
Provisional development authorisation	GRANTED	3 / 6 / 2023	32	Minister for Planning
Building certification	STILL REQUIRED			
Development Authorisation	STILL REQUIRED			

FROM THE RELEVANT AUTHORITY: Minister for Planning
Date: 3 / 6 / 2023



NICK CHAMPION MP
MINISTER FOR PLANNING

PREAMBLE:

1. On 20 December 2012 notice of the Governor's decision to grant a provisional development authorisation under Section 48 of the *Development Act 1993* (the Act), in respect of a proposal to establish and operate the Port Spencer Deep Water Port Facility north of Tumby Bay on the Eyre Peninsula by Centrex Metals Ltd, was published in the *South Australian Government Gazette* at p 5629.
2. Simultaneously, the Governor delegated his power to grant a variation to the Port Spencer Deep Water Port Facility development authorisation to the Minister for Planning pursuant to s.48 (8) of the Act.
3. A variation to the development authorisation was notified in the *South Australian Government Gazette* on 18 December 2014 at p 6779 (related to a four-year extension of time to commence construction).
4. On 8 November 2019, Peninsula Ports Pty Ltd, now being the beneficiary of the development authorisation, sought a variation to the authorisation so as to permit modifications to the design and layout of the authorised development. Design modifications were made to delete facilities for the storage and handling of iron ore, to expand facilities for the storage and handling of grain, to modify the jetty (including the addition of a causeway structure) and to use Lipson Cove Road for site access.
5. The proposed modified development was the subject of an amended Public Environmental Report and an amended Assessment Report under s.47 of the Act.
6. On 13 August 2020, the former Minister for Planning and Local Government, having considered the application for variation of the development authorisation, and having had regard to all relevant matters under s.48 (5) of the Act, approved the variation.
7. On 17 February 2022, the initial major development declaration was amended, to include a portion of an unmade road reserve to the west and north of the previously considered project boundaries. Refer to the *South Australian Government Gazette* dated 24 February 2022 at p 604.
8. •On 5 May 2022 Peninsula Ports Pty Ltd lodged an Amendment to the Public Environmental Report seeking modifications to the previous arrangement of bunker storage and truck marshalling areas, including the incorporation of land identified in item 7 above.
9. On 29 September 2022, the Amendment to the PER was publicly notified, and formally referred to the District Council of Tumby Bay and to relevant Government agencies. Six public submissions were received.
10. On 28 November 2022, Peninsula Ports Pty Ltd submitted a Response Document (addressing the comments of the Council, State Agencies and public submissions) and forms part of the overall proposal.
11. On 2 March 2023, the State Planning Commission endorsed an Amendment to the Assessment Report, recommending the variation to the current development authorisation be approved, subject to appropriate conditions.
12. As Minister for Planning, and having considered the report and advice of the State Planning Commission, I have decided to grant a varied provisional development authorisation to the proposed amendment pursuant to s.115(8) of the *Planning, Development and Infrastructure Act 2016*. This includes a change to condition 1 to reference documents associated with the current amendment, and the inclusion of an additional condition, no.1i (stormwater management plan).
13. For ease of reference, previous conditions attached to the approval and subsequent variations to the Port Spencer Grain Export Facility provisional development authorisation are reprinted hereunder.
14. On 12 September 2022, I extended the operative periods to commence and complete the Port Spencer development, until 6 August 2024 and 6 August 2029 respectively.

PLANNING CONDITIONS:

1. Except where minor amendments may be required by other legislation or by conditions imposed herein, the approved development shall be undertaken in strict accordance with the following documents, except to the extent that they are varied by a subsequent document listed below:

Current Authorisation

- Amendment to the Public Environmental Report – Port Spencer Grain Export Facility, prepared by Jacobs Group (Australia) Pty Ltd for Peninsula Ports Pty Ltd, dated November 2019.
- Response Document, Amendment to the Public Environmental Report – Port Spencer Grain Export Facility, prepared by ProManage Australia Pty Ltd for Peninsula Ports Pty Ltd, dated 17 June 2020.

Final Plans – Stage 1 only – Bulk Earthworks

- Silo platform, including elevations and cross-sections for the excavation and filling of the land (and associated technical specifications):
 - [Drawing No. WGA192262-DRCV-0050 dated 20/08/20]
 - [Drawing No. WGA192262-DR-CV-0051 dated 20/08/20]
 - [Drawing No. WGA192262-DRCV-0052 dated 20/08/20]
 - [Document No. WGA-192262-SP-CV-0001, titled Silo Area Bulk Earthworks – Technical Specifications, dated 20 August 2020].
- Construction Environmental Management Plan, noting the inclusion of a TARP to the satisfaction of the EPA, comprising:
 - Cross-referencing table, prepared by Promanage.
 - Project Management Plan, prepared by Bardavcol and dated 30/10/20 [Project No. T6258].
 - Soil Erosion & Drainage Management Plan, prepared by Bardavcol and dated 30/10/20 [Project No. T6258].
 - Weed and Pest Animal Management Plan & Seagull Management Plan, prepared by Promanage and dated 29 June 2020.
 - Work Instructions, prepared by Bardavcol.

Varied Documentation

- *Port Spencer Grain Export Facility - Public Environmental Report - Amendment to the Approved PER* prepared by Peninsula Ports Rev 3 dated 3 August 2022.
 - *Response Document, Amendment to the Public Environmental Report – Port Spencer Grain Export Facility*, prepared by Peninsula Ports Pty Ltd, dated 28 November 2022.
 - Staging Plan dated 29 November 2022 (indicative only).
2. The proponent shall commence the development by substantial work on the site of the development not later than 24 August 2024, failing which the authorisation may be cancelled.
 3. The proponent shall have materially completed the development not later than 6 August 2029, failing which an extension of time may be sought from the Minister for Planning or the authorisation may be cancelled.
 4. Should the project cease during the period between the commencement of earthworks and final completion, the proponent shall undertake all necessary steps to reinstate the land and make good to its pre-development condition.

Prior to the Commencement of Construction Works

The following information shall be submitted to the Minister for Planning prior to the commencement of construction works at each individual stage:

5. Building Rules compliance, following assessment and certification by a private certifier, or by a person determined by the Minister for Planning, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the regulations). For the purposes of this condition 'building work' does not include plant and equipment or temporary buildings that are not permanently attached to the land (refer to relevant Advisory Notes below).

The following information shall be submitted for further assessment and approval by the Minister for Planning, prior to the commencement of construction works at each individual stage:

6. Final detailed plans for all buildings and structures on site and within the marine environment of each component of the development (including site plans, floor plans, elevations, cross-sections, details of any cut and fill, finishes and colours, landscaping and car parking configuration) and other relevant specifications.
7. Final plans, drawings, specifications, financial, construction delivery and maintenance arrangements for road upgrades to the intersection of the Lincoln Highway and Lipson Cove Road (and other associated works),

including relevant approvals and Deeds of Agreement with road authorities, prepared to the reasonable satisfaction of the Department of Transport and Infrastructure and the District Council of Tumby Bay.

8. Final plans, drawings, specifications, financial and maintenance arrangements for road upgrades for Lipson Cove Road (and other associated works), including Deeds of Agreement with the road authority, prepared to the reasonable satisfaction of the District Council of Tumby Bay.
9. Detailed engineering designs for the jetty, associated structures and all other structures sought to be constructed on or over land owned by the Crown shall be prepared and independently certified by a registered engineer. A certificate as to the structural soundness of each proposed structure shall be submitted, prior to the commencement of construction of the relevant structure.
10. A Construction Environmental Management Plan (CEMP), prepared in consultation with and to the reasonable satisfaction of the relevant agencies and the District Council of Tumby Bay. The CEMP must identify measures to manage and monitor (at a minimum) the following matters:
 - (a) sequencing of development (including construction timelines for works on site, as well as periods and hours of construction);
 - (b) occupational health and safety;
 - (c) traffic and road maintenance for the duration of any site works and construction activities;
 - (d) noise and vibration;
 - (e) air quality, especially the impact of dust on the receiving environment;
 - (f) soils, sediment and stockpiles (including prevention of soil contamination);
 - (g) stormwater runoff from structures, roads, hard stand areas, material stockpile areas etc.;
 - (h) surface water and groundwater (including prevention of groundwater contamination);
 - (i) impacts on the marine environment (especially turbidity, vibration and noise);
 - (j) coastal erosion and remediation (where required);
 - (k) terrestrial and marine native flora and native fauna, in particular the Southern Right Whale;
 - (l) vegetation clearance (including any Significant Environmental Benefit offset requirements);
 - (m) pest plants, animals and pathogens (including biosecurity risks)
 - (n) visual impacts (including lighting);
 - (o) waste management for all waste streams and overall site clean-up;
 - (p) use and storage of chemicals, oil, construction-related hazardous substances and other materials that have the potential to contaminate the environment (including proposed emergency responses);
 - (q) site contamination and remediation (where required);
 - (r) Aboriginal Heritage sites to ensure compliance with the Aboriginal Heritage Act 1988;
 - (s) fire risk and emergency planning;
 - (t) impacts on adjacent landowners;
 - (u) site security, fencing and safety (including the management of public access); and
 - (v) public and agency communication, including a community complaints strategy regarding the above matters by way of a community complaints register and management procedure.
11. A Stormwater Management Plan, shall be prepared in consultation with Environment Protection Authority and the District Council of Tumby Bay, and to the reasonable satisfaction of the Minister for Planning.

During Construction Works

The development shall be constructed in accordance with the following conditions:

12. All works must be undertaken in accordance with the approved plans, drawings, specifications and details required by Conditions 5–10 as listed above.
13. Transport routes for the delivery of construction materials shall be selected to the reasonable satisfaction of the District Council of Tumby Bay and the Department of infrastructure and Transport.
14. Vegetation screening and landscaping shall be planted and established prior to operations commencing at the site (or during the first favourable growing season), and when established must be maintained in good health and condition at all times.
15. All external lighting, including car parking areas and buildings, shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded, and of such limited intensity, as far as reasonably practicable, that no unreasonable nuisance is caused to any person beyond the boundary of the site.

16. Council, utility or state agency maintained infrastructure that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, utility or state agency specifications as applicable. All costs associated with these works shall be met by the proponent.
17. All stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practice to ensure that stormwater does not adversely affect any adjoining property, public road or the marine environment. Water-sensitive urban design measures and practices shall be adopted, including stormwater capture and reuse.
18. All liquids or chemical substances that have the ability to cause environmental harm must be stored within a bunded compound that has a capacity of at least 120% of the volume of the largest container, in accordance with the EPA *'Bunding and Spill Management Guidelines'* (2016).
19. The proponent shall provide appropriate oil spill and firefighting facilities and ensure that contingencies are in place prior to operation of the port, having regard to the *South Australian Marne Spill Contingency Action Plan* and the *Pollution of Waters by Oil and Noxious Substances Act 1987*.
20. Appropriate navigational aids shall be erected in prominent locations, in consultation with the Department of Transport and Infrastructure, prior to use of the facility for shipping purposes.
21. The District Council of Tumby Bay shall be given seven days' notice by the proponent, prior to the commencement of works associated with the construction and operation of the development, and be provided with the contact details for the person responsible for coordinating the works and ongoing operation covered by this approval.

Prior to Operation of the Development

The following information shall be submitted for further assessment and approval by the Minister for Planning, prior to the operation of the development:

22. An Operational Environmental Management and Monitoring Plan (OEMMP), prepared in consultation with and to the reasonable satisfaction of relevant agencies and the District Council of Tumby Bay. The OEMMP must identify measures to manage and monitor (at a minimum) the following matters:
 - (a) traffic management and road maintenance;
 - (b) operational noise (such as from machinery and ship loading equipment), including a monitoring program to ascertain the effectiveness of noise control measures);
 - (c) air quality management, in particular dust and fumigants;
 - (d) cumulative impacts of noise and light spill on the receiving environment;
 - (e) site contamination;
 - (f) stormwater run-off for all hard surfaces associated with the development;
 - (g) surface water management;
 - (h) waste management (for all waste streams) to ensure compliance with the Environment Protection (Waste to Resources) Policy 2010;
 - (i) wastewater collection and treatment to comply with the general obligations of the Environment Protection (Water Quality) Policy 2015 and the SA Health On-site Wastewater Systems Code (April 2013);
 - (j) emergency response and evacuation procedures;
 - (k) Aboriginal heritage;
 - (l) chemical, oil, hazardous substances and fuel use and storage (including management/emergency response plans);
 - (m) safe shipping activities and navigation;
 - (n) impacts on the terrestrial, coastal and marine environment, including impacts on sea grass and marine fauna (especially Southern Right Whales), pest plant and animal species and nuisance native species;
 - (o) sand erosion / build-up and seagrass wrack build-up in the nearshore environment;
 - (p) coastal hazards;
 - (q) visual impacts (including lighting);
 - (r) revegetation and landscaping;
 - (s) ongoing sustainability initiatives;
 - (t) public safety;
 - (u) impacts on adjacent land users; and
 - (v) public and agency communication, including a community complaints strategy regarding the above matters by way of a community complaints register and management procedure.

23. The OEMMP shall be actively monitored by the proponent and the relevant authorities to ensure compliance with predicted impacts and shall be formally reviewed at regular intervals, and updated as necessary, in particular when a significant change in project scope and/or performance is detected. In addition, parts of the OEMMP would need to be revised or superseded by the EPA licencing process or the Department of Transport and Infrastructure port operating agreement process.
24. A Management and Monitoring Plan for Rogers Beach, prepared in consultation with the District Council of Tumby Bay and to the reasonable satisfaction of the Department for Environment and Water.
25. A Beach Profile and Sediment Management Plan, prepared in consultation with and to the reasonable satisfaction of the Department for Environment and Water and the Coast Protection Board.
26. An Air Quality Monitoring and Management Plan for all noise, dust/particulate and fumigant sources, prepared in consultation with and to the reasonable satisfaction of the Environment Protection Authority. The Plan should include revised modelling to verify that final designs comply with relevant environment protection policies.
27. Details of the Road Maintenance Fund Framework for Council roads, prepared in consultation with the Department of Transport and Infrastructure and the Eyre Peninsula Local Government Association.

During Operation of the Development

28. Operations on the site shall be undertaken in accordance with all plans and details submitted as part of the Major Development Application, and where relevant (and endorsed by the Minister for Planning where required), in accordance with Conditions 6 - 26 as listed above.
29. The development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
30. Recycled water (wastewater, greywater and stormwater) must be stored separately from the potable water supply storage.
31. Should operations at the site be temporarily suspended due to unforeseen circumstances for more than six months, an Interim Care and Maintenance Plan shall be developed and relevant government agencies be notified of the nature of the suspension and measures in place to limit impact of the unplanned closure. Should the temporary suspension extend beyond two years, a full Decommissioning and Rehabilitation Plan shall be prepared.
32. Unless otherwise specifically provided for in these conditions or otherwise agreed to in writing, all costs necessary for compliance with these conditions shall be met by the proponent.

CONDITIONS OF BUILDING CERTIFICATION:

To be determined.

ADVISORY NOTES

1. Pursuant to Part 7, Division 3 of the *Planning, Development and Infrastructure Act 2016*, the proponent is advised that an accredited professional conducting a Building Rules assessment must:
 - (a) provide to the Minister for Planning certification in the form set out in the regulations in relation to the building works in question; and
 - (b) to the extent that may be relevant and appropriate:
 - i. ensure compliance with Schedules 16 and 17 of the *Planning, Development and Infrastructure (General) Regulations 2017*, and Ministerial Building Standards (i.e MBS002 and MBS003).
 - ii. assign a classification of the building under these regulations; and
 - iii. ensure that the appropriate levy has been paid under the *Construction Industry Training Fund Act 1993*.

Section 118 of the *Planning, Development and Infrastructure Act 2016* provides further information in relation to Building Rules certification documentation for development.

2. An accredited professional undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this development authorisation (including any Conditions or Advisory Notes that apply in relation to this development authorisation).

3. Construction of each stage or component of the development may commence only after a Building Rules assessment and certification has been undertaken in relation to that component and has been issued by an Accredited Professional, and the Minister for Planning has received a copy of the relevant certification documentation to enable the issuing of a final approval.
4. The proponent's Construction Environmental Management Plan and Operational Environmental Management and Monitoring Plan should be prepared taking into consideration, and with explicit reference to:
 - (a) Relevant *Environment Protection Act 1993* policies and guidance documents, including but not limited to:
 - i. the Environment Protection (Air Quality) Policy 2016;
 - ii. the Environment Protection (Noise) Policy 2007;
 - iii. the Environment Protection (Water Quality) Policy 2015;
 - iv. the Environment Protection Authority Code of Practice for Materials Handling on Wharves 2007 (updated 2017);
 - v. the Environment Protection (Waste to Resources) Policy 2010;
 - vi. the Environment Protection Authority Bunding and Spill Management Guideline 2016;
 - vii. Environment Protection Authority Handbooks for Pollution Avoidance
 - viii. the Environment Protection Authority Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry 1999;
 - ix. the Environment Protection Authority Code of Practice for Vessel and Facility Management (marine and inland waters) 2008 (revised 2019);
 - x. the Environment Protection Authority guideline 'Construction environmental management plan (CEMP) 2019'; and
 - xi. any other legislative requirements, Guidelines and Australian Standards requiring compliance.
 - (b) In relation to construction of the causeway, the EPA will expect the proponent to:
 - i. provide hydrodynamic modelling of turbidity/suspended solids generation as a result of the construction of the causeway. This information will then need to be coupled with a review of predicted impacts on benthic communities in the receiving environment. The applicant will need to address potential impacts by identifying effective mitigation measures, including how these will be implemented, when and how their effectiveness will be monitored and managed to reduce risk;
 - ii. provide a detailed outline of the construction methods and plant and equipment that will be used and how such methods, plant/equipment are linked to the turbidity/sediment modelling; and
 - iii. design and implement a water quality monitoring program to assess the risk from turbidity generated by the construction of the causeway. This plan will need to take regular turbidity monitoring from multiple locations including up and down current inshore/offshore and areas considered to be background (unaffected by the construction activities). The applicant will need to develop a background turbidity baseline to enable the EPA to provide a turbidity threshold that will need to be followed. This baseline monitoring will need to encompass enough samples from throughout the seasons and weather conditions relevant to the proposed construction period. (This will allow the EPA to understand what is natural turbidity and what is caused by the construction activities.) This would need to be linked to the calibration and use of the hydrodynamic model discussed above.
 - (c) Address the impacts on the Southern right whale through the implementation of a Southern Right Whale Management and Monitoring Plan, approved by the Australian Government Department of Climate Change, Energy, the Environment and Water. In particular, the timing and scheduling of construction activities should be in accordance with the Plan.
5. The proponent's Construction Environment Management Plan and Operational Environment Management and Monitoring Plan should be prepared taking into consideration, and with explicit reference to the proponent's sub-plans, including:
 - Traffic Management Plan.
 - Fire Management Plan.
 - Emergency Response Plan.
 - Blast Management Plan.
 - Construction Noise and Vibration Management Plan.
 - Soil, Erosion, Drainage and Water Quality Management Plan (SEDMP).
 - Air Quality Management Plan.
 - Biosecurity Management sub-Plan.
 - Marine Fauna Management Plan.
 - Spill Response Plan.
 - Waste Management Plan.
 - Weed and Pest Management and Monitoring Plan.

6. The following activities in relation to the components of the development hereby approved and/or requiring future approval will require licences under the *Environment Protection Act 1993*:
 - Bulk Shipping Facilities: the conduct of facilities for bulk handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals to or from any wharf or wharf side facility (including sea-port grain terminals), being facilities handling or capable of handling these materials into or from vessels at a rate exceeding 100 tonnes per day (triggers 7(1) of Schedule 1, *Environmental Protection Act 1993*).
7. Should any future dredging be required during the operational phase of the development, a licence will be required under the *Environment Protection Act 1993* and a separate development application under the *Planning, Development and Infrastructure Act 2016* may be required (subject to the volume proposed to be dredged).
8. All works and activities will need to be undertaken in accordance with the General Environmental Duty as defined in Part 4, Section 25 (1) of the *Environmental Protection Act 1993* (which requires that a person must not undertake any activity which pollutes, or may pollute the environment, without taking all reasonable and practical measures to prevent or minimise harm to the environment), relevant Environment Protection Policies made under Part 5 of the *Environment Protection Act 1993*, the Australian New Zealand Environment Conservation Council (ANZECC) Best Practice Guidelines for Waste Reception Facilities at Ports, Marinas and Boat Harbours in Australia and New Zealand and other relevant publications and guidelines.
9. Pursuant to the *Harbors and Navigation Act 1993*, the proponent will need to enter into a Development Deed incorporating a construction licence and lease over the marine assets with the Minister for Infrastructure and Transport over adjacent and subjacent land on terms acceptable to the Minister prior to the commencement of construction. Such agreement will require completion of the works to the satisfaction of the Minister, at which time the responsibility and control of the area will be transferred so as to minimise the Minister's ongoing responsibilities. It should be noted a Deed/MOA for tenure requirements will also be required between the proponent, the District Council of Tumby Bay, the Minister for Infrastructure and Transport and the Minister for Environment and Water.
10. Prior to the use of the facility, pursuant to the *Harbors and Navigation Act 1993*, the proponent would need to apply to the Minister for Infrastructure and Transport to have the harbor defined (and gazetted) as a 'Port', and the proponent will be required to enter into a Port Operating Agreement with the Minister. The Port may be a compulsory pilotage area. Pilotage of loaded Cape sized vessels drafts greater than 16m on outward journey will be compulsory. Due to the intention of the Port to be available for use as a multi-user facility, it is likely that the proponent will be subject to the *Maritime Services (Access) Act 2000* allowing for third party access.
11. The proponent will need to ensure all Native Title clearances under the South Australian and Commonwealth Native Title Acts have been obtained, prior to any tenure, legislative changes to the *Harbors and Navigation Act 1993* (and associated Regulations) or Port Operating Agreement being issued.
12. The proponent is advised that appropriate navigational aids will be required to be erected in appropriate locations, or existing navigation marks may need to be re-located, in consultation with the Department for Infrastructure and Transport, prior to commencement of operations at the new terminal (as required under the *Marine and Harbors Act 1993*).
13. The proponent is advised that the Commonwealth *Navigation Act 2012* and Marine Orders Part 63 makes the provision of position reports mandatory for the following vessels:
 - foreign vessels from the arrival at its first port in Australia until its departure from its final port in Australia; and
 - all regulated Australian vessels while in a Modernised Australian Ship Tracking and Reporting System (MASTREP) area.Masters are strongly encouraged to report to MASTREP voluntarily even where it is not mandated.
14. Access and ongoing land tenure arrangements over the Crown land is to be negotiated and approved by the Minister for Environment and Water.
15. In accordance with the *National Heavy Vehicle Law (South Australia) Act 2013*, the proponent will need to apply to the National Heavy Vehicle regulator for the use of Restricted Access Vehicles on public roads, where access for such vehicle is currently not available. This might include such things as construction equipment and vehicles carrying large indivisible construction materials. This might also include access for vehicles such as Road Trains or Performance Based Standards (PBS) vehicles to transport commodities to and from the Port as part of regular operations.

16. An important initial step, as outlined in the Heavy Vehicle Access Framework, is to have an assessment of the site access route undertaken by an Authorised Route Assessor, at the proponent's cost. This process will identify any upgrades required for Lipson Cove Road and the Lincoln Highway to make the route safe and suitable for the type of vehicle access requested. As part of the approval/s, the proponent will be required to prepare a list of final transport infrastructure improvement needs upon completion of a full route assessment. If this is necessary, the list should identify the scope, timing and estimated cost of the required improvements.
17. The proponent is reminded of its obligation under the *Aboriginal Heritage Act 1988* whereby any "clearance" work, which may require permission to disturb, damage or destroy Aboriginal Sites, must be undertaken with the full authorisation of the Minister for Aboriginal Affairs and Reconciliation, according to Section 23 of the Act.
18. The proponent, and all agents, employees and contractors, such as construction crew, is reminded of the need to be conversant with the provisions of the *Aboriginal Heritage Act 1988*, particularly the requirement to immediately contact the Attorney-General's Department - Aboriginal Affairs and Reconciliation in the event that archaeological items (especially skeletal material) are uncovered during earthmoving.
19. The proponent is reminded of its obligations under the *Native Vegetation Act 1991* and the Native Vegetation Regulations 2017 whereby any native vegetation clearance must be undertaken in accordance with a management plan that has been approved by the Native Vegetation Council that results in a significant environmental benefit on the property where the development is being undertaken, or a payment is made into the Native Vegetation Fund of an amount considered by the Native Vegetation Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by Section 21 (6) of the Act, prior to any clearance occurring.
20. Prior to any foreign vessels being allowed into the port, the proponent will need to consult with the Department for Infrastructure and Transport (Marine Operations) to address any requirements of the Australian Quarantine Inspection Service (AQIS) and Australian Customs Service.
21. The wastewater treatment system shall be designed by the proponent to ensure that the general obligations of the Environment Protection (Water Quality) Policy 2015 and the SA Health On-site Wastewater Systems Code (April 2013) are met, and to ensure that effluent does not overflow or escape from drains, pipes, sumps, tanks, storage/treatment basins into any watercourse, or into stormwater drains which do not drain into the effluent collections, treatment and disposal system, except where the effluent complies with criteria in the above Policy.
22. Should the proponent wish to vary the Impact Assessed development or any of the components of the development, an application to the Minister for Planning must be submitted, provided that the development application variation remains within the ambit of the Amendment to the Public Environmental Report and the Amendment to the Assessment Report referred to in this development authorisation. If an application for a variation involves substantial changes to the proposal, pursuant to Section 114 of the *Planning, Development and Infrastructure Act 2016*, the proponent may be required to prepare an amended Public Environmental Report for public inspection and purchase. An amended Assessment Report may also be required to assess any new issues.
23. The Minister has a specific power to require testing, monitoring and auditing under Section 117 of the *Planning, Development and Infrastructure Act 2016*.

**INFORMATION TO BE INCLUDED ON DECISION TO GRANT DEVELOPMENT APPROVAL
PURSUANT TO SECTION 99(4) OF THE ACT**

CONTACT DETAILS OF CONSENT AUTHORITIES:

Name: Minister for Planning	Type of consent: Provisional development authorisation
Postal Address: GPO Box 1815, ADELAIDE SA 5001	
Telephone: 08 7109 7060	Email: spcapplications@sa.gov.au

Appendix One – Declared Project Area

Lot/Plan	Street / Road	Suburb/ Locality	Hundred	Title
Allotment 23	Lipson Cove Rd	Lipson	Yaranyacka	CT 6037/404
Allotment 24	Lipson Cove Rd	Lipson	Yaranyacka	CT 6066/698
Section 386	Lipson Cove Rd	Lipson	Yaranyacka	CT 6037/404
Section 387	Lipson Cove Rd	Lipson	Yaranyacka	CT 6066/698
Allotment 25	Lipson Cove Rd	Lipson	Yaranyacka	CR 6029/386

The proposed causeway / jetty crosses over a small portion of Crown land (coastal reserve), being Allotment 25 (CR 6029/386) and into adjacent coastal waters, where the wharf and ship loading infrastructure extends into Spencer Gulf. A portion of two unmade road reserves to the north and west of the project area (identified as 'X' on Preliminary Plan no 21/0021 prepared by Andrews and Associates Reference 221265-1-1 dated 23.8.21), also forms part of the declared area, being recently added as of 12 February 2022 (which accommodates the extension area for the bunker and truck marshalling layout changes the subject of the Amendment to the PER lodged on 5 May 2022).