

State Planning Commission

AMENDMENT to the ASSESSMENT REPORT

PORT SPENCER GRAIN EXPORT FACILITY
EYRE PENINSULA, SOUTH AUSTRALIA

Peninsula Ports Pty Ltd



March 2023

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2. Milestones and Key Dates

Milestone	Date
Request to vary Development Authorisation	5 May 2022
Final Amendment to PER Received	20 July 2022
Release of Amendment to the PER for public comment and council/state agency referral	29 September 2022
Public Comment Closes on Amendment to PER	21 October 2022
Response Document Received	28 November 2022

3. Executive Summary

The original proposal for the 'Port Spencer (Sheep Hill) Deep Water Port Facility – Stage 1' by Centrex Metals Ltd was approved by the Governor in 2012 after undergoing a Public Environmental Report (PER) process under the Major Development provisions of the *Development Act 1993*.

The development site provides naturally deep water (i.e. 20m depth) within 500m of the shoreline, enabling access for Panamax or Cape class vessels with no requirement for dredging. The proposal was for the development of a multi-user bulk commodity port, with the primary focus on the export of iron ore and grain, but was not constructed. At the time, Free Eyre Limited was the preferred grain supplier and were involved in assessing the potential for a grain export facility.

On 13 August 2020, and following a change in proponent, Peninsula Ports Pty Ltd (a subsidiary of Free Eyre Ltd) was granted a variation to their development authorisation in the form of a modified port facility for the export of grain only (with iron export now removed from the project).

The modified design comprised a different jetty structure for the berthing of Panamax vessels, with no need to cater for Cape size vessels. The bulk of the grain storage would be in bunkers, with some silo storage near the jetty. A truck marshalling area was also included. The capacity of the port remained unchanged at up to 1 million tonnes of grain. Site access would be via an upgraded Lipson Cove Road, instead of via Swaffers Road.

Total project expenditure was \$250 million. Stage 1 works (comprising bulk earthworks to create a suitable benched area for the on-land facilities) had previously been authorised by the Minister. In mid-2022, Aria Commodities was announced as the principal investor in the project.

Peninsula Ports now seeks to further vary their current development authorisation to accommodate modifications to the on-land component of the project, specifically design changes to the bunker storage and truck marshalling areas, including related civil and drainage works. This has been made possible by an amendment to the declared project area (*Government Gazette 17 February 2022*), which now incorporates an additional area of unmade road reserve to the west and north.

No changes are proposed to the grain storage silo component or marine-side elements, (including the wharf/jetty and conveying systems), and as such these matters will not be the subject of further assessment in this report. The threshold use of the land for a port facility has been authorised.

The proposed changes have been assessed under an amendment process, in accordance with Section 114 of the *Planning, Development and Infrastructure Act 2016*. The Amendment to the PER is recognised as an equivalent document to an Environmental Impact Statement (EIS), pursuant to regulation 11A(1)(c) of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*.

Accordingly, an Amendment to the Public Environmental Report (APER) was prepared by the proponent, including a review of the original PER, that discussed the environmental, social and economic implications of the modified port design.

The APER underwent public exhibition from 29 September to 21 October 2022. Six (6) submissions were received. The APER was also referred to the District Council of Tumby Bay and relevant State Government agencies for comment, including the Environment Protection Authority (EPA).

Submissions received during the public exhibition process were generally not supportive of the proposed modifications: centred on the original approval for a port in this location, which are not pertinent to the further assessment of the variation proposal. Concerns related to any *additional* erosion of local amenity, recreational, tourism and environmental values of the nearby Lipson Cove, the Lipson Island Conservation Park and Rogers Beach (including the use of Lipson Cove Road for grain truck access to the site) – than otherwise already considered - were found to be negligible.

The comments received from the District Council of Tumby Bay reflected the community concerns expressed, along with the potential implications of a change to current truck movements to and from the port facility, and the potential financial impact on Council for upgrading and maintaining local roads associated with the transportation of grain to the facility.

State Government agencies, such as the EPA and the Department for Environment and Water, raised no fundamental concerns with the proposed variation. Previously considered potential impacts, from noise, dust and traffic, were considered to have either a neutral or lessor outcome than before.

Following the public consultation period, the proponent submitted a Response Document that provided additional information related to the construction and operation of the facility.

Given that a port facility is an approved land use, the additional modifications have been assessed in the context of comparing the changes to the type and extent of impacts now predicted with those that were assessed for the approved (and previously modified) development.

It is acknowledged that many of the potential environmental impacts associated with the modified design were previously considered with the approved development, and that the accommodation of the redesigned and expanded truck marshalling area within the development area is viewed positively by the local road authority (as it further minimises queuing / overflowing of trucks onto the public road).

The changes to the proposal would not alter the previously considered economic benefits of the proposal under the grain only export facility option. In May 2022, Aria Commodities was confirmed as the principal joint funding partner. Peninsula Ports has estimated that the project will create up to 150 jobs during construction and a further 20 permanent jobs, including employment opportunities for Barngarla community members (with an Indigenous Land Use Agreement also agreed).

Overall, the proposed changes are relatively modest in nature, reflecting detailed design considerations and the recent availability of additional land. In addition, as the changes do not involve the marine side elements (i.e. being confined to bunker storage arrangement, stormwater management / site drainage and truck marshalling), the scope of potential impacts is limited (especially due to the maintenance of suitable separation distances) and well understood by regulatory authorities.

Environmental management, mitigation and monitoring strategies during construction will also assist in appropriately managing residual impacts.

In summary, the impacts of the modified design are considered appropriate. A port facility has previously been assessed as being an appropriate use for the site, and the proponent has appropriately considered the environmental, social and economic impacts of the previously approved, but re-arranged grain export facility infrastructure. In assessing the proposal against the predicted impacts of the currently approved development, it is concluded that a variation to the current development authorisation should be granted, subject to conditions recommended in the AAR.

4. Introduction

On 5 May 2022, Peninsula Ports sought a formal variation to their development authorisation for the establishment of a grain export facility at Port Spencer (Eyre Peninsula) previously approved by the Governor of South Australia in 2013 and amended to its current form in 2020. The location of the port site is shown in **Figure 1**.

The proposal seeks to undertake modifications to various on-land components of the project, specifically changes to the bunker storage and truck marshalling areas and their layout (including related civil and drainage works). No changes are proposed to marine-side elements.

Peninsula Ports has previously been granted an extension of time to commence the project (being not later than 6 August 2024), and has final approval to undertake Stage 1 works, comprising bulk earthworks for the silo and bunker storage areas to create a benched area for future construction.

Previously, an amendment was approved to the declared project area to accommodate additional land to the west and north (being part of an adjacent road reserve) on 17 February 2022. This provided the statutory basis for the variation to be considered under the 'Impact Assessed development' pathway of the *Planning, Development and Infrastructure Act 2016*.

A pre-lodgement process was commenced with Planning and Land Use Services (then under the Attorney-General's Department) in late 2021, whereupon the proposed approach and information requirements were considered, and feedback provided to Peninsula Ports.

The proponents' Amendment to the Public Environmental Report (PER) went on public exhibition on 29 September 2022 with six (6) public submissions received. Referral comments were also provided by the Department for Infrastructure and Transport (DIT), Environment Protection Authority (EPA) and District Council of Tumby Bay.

This Amendment to the Assessment Report (AAR) considers the potential environmental, social and economic impacts of the proposed variation to the previous authorisation.

The report outlines the assessment process, project scope, submissions on the APER, consideration of the key planning issues, and then makes a recommendation on the merits of the variation proposal for the further consideration and decision by the Minister for Planning.

5. Assessment Process

The original proposal for an iron ore and grain export port by Centrex Metals was granted development authorisation on 20 December 2012 after undergoing a Public Environmental Report (PER) process, including the preparation of an Assessment Report.

The development authorisation has been previously varied, with approval of a grain export only facility (with consequential design changes) on 13 August 2020. A copy of the current development authorisation (dated 13 August 2020) is provided at **Appendix 1**.

Pursuant to Section 114 of the *Planning, Development and Infrastructure Act 2016*, a Development Report and PER (now an EIS under the Act) previously determined under the repealed Act, can be amended by a proponent at any time to take account of an alteration to the original proposal.

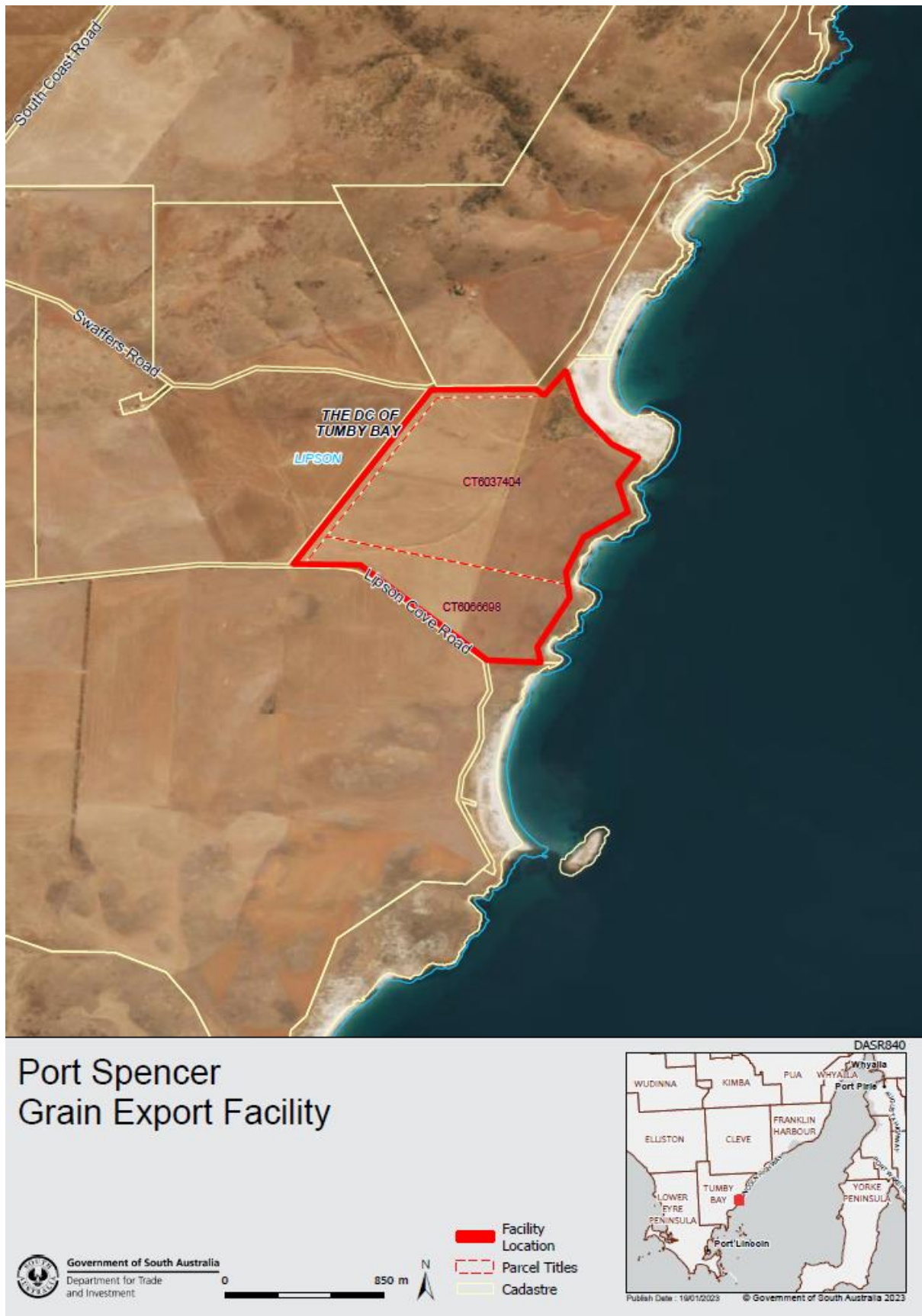


Figure 1: Location of the Port Spencer Grain Export Facility

If the Minister considers that a proposed amendment would significantly affect the substance of the original PER, an amendment must not be made before interested persons had been invited, by public advertisement, to make written submissions on the amendment.

The Act also requires the amendment to be referred to the local Council and, as the proposal involves a prescribed activity of environmental significance as defined by the *Environment Protection Act 1993*, to the Environment Protection Authority (EPA) for review and any comment. Additionally, if more than five years have elapsed since the public consultation of the original proposal, the documentation must be formally reviewed as part of this process.

5.1 Original Declaration and Guidelines

The original proposal for an iron ore and grain export port by Centrex Metals was initially declared a 'Major Development on 6 January 2011, with the Guidelines for the preparation of an Public Environment Report released on 1 June 2011. The original Guidelines remain applicable for the assessment of the Amendment to the PER. Refer to **Appendix 2** for a copy of the original guidelines.

5.2 The Relevant Authority

The original major development approval was granted under the major development provisions of the *Development Act 1993*. With the full implementation of the *Planning, Development and Infrastructure Act 2016*, Regulation 11(3) of the *Planning, Development and Infrastructure (Transitional Provisions) Variation Regulations 2017* has the effect of recognising the previous declaration, PER documentation, Assessment Report, and development authorisations as if they were made and/or approved under the 'Impact Assessed (not restricted)' pathway of the new Act.

The Minister for Planning is now the decision maker of the new Act, rather than the Governor under the repealed *Development Act 1993*.

In considering this matter, the Commission must have regard to the Amendment to the PER, agency and Council submissions, the Response Document, relevant planning policies of the Planning and Design Code, the applicable Regional Plan, State Planning Polices, the *Environment Protection Act 1993* and any other matters that the Minister as the decision maker considers relevant to the assessment and determination of the variation.

5.3 Consultation on the Amendment to the PER

Public consultation on the APER occurred for a period of 15 business days between 29 September and 21 October 2022. Copies of the APER were made available at the offices of Planning and Land Use Services (50 Flinders and 83 Pirie Street, Adelaide), the District Council of Tumby Bay and on the SA Planning Portal. Two public notices were published in the *Adelaide Advertiser* and *Port Lincoln Times* newspapers advising of the release of the APER and where to obtain or view a copy of the APER.

6. Amendment to the Assessment Report

The State Planning Commission is responsible for the preparation and endorsement of an Assessment Report (or an Amendment to the Assessment Report), a new responsibility under the *Planning, Development and Infrastructure Act 2016* that was previously undertaken by the Minister for Planning under the *Development Act 1993*.

The original Assessment Report for the 'Port Spencer (Sheep Hill) Deep Water Port Facility - Stage 1, Eyre Peninsula' was prepared by the Minister in December 2012. The first Amendment to the Assessment Report for the 'Port Spencer Grain Export Facility, Eyre Peninsula' was also prepared by the Minister in July 2020.

These documents provide the full background to the development.

This Amendment to the Assessment Report (AAR) assesses the environmental, social and economic impacts of the proposal by Peninsula Ports Pty Ltd to vary its current development authorisation.

The AAR takes into consideration the requirements established under the new Impact Assessed (not restricted) pathway, including an assessment of the proposal as presented in the APER, Council and agency comments, and the Response Document.

The Response Document, along with the APER, forms the finalised proposal.

Previous and current project documentation is available at:

https://plan.sa.gov.au/development_applications/state_development/impact-assessed-development/majors/major_projects/majors/port_spencer_deep_water_port_facility

The AAR does not include an assessment of any elements of the proposal against the provisions of the Building Rules under the *Planning, Development and Infrastructure Act 2016*. Further assessment of the elements of the proposed development against these rules (undertaken by an accredited [building] professional) will be required should an approval be granted by the Minister.

7. Current Development Authorisation

The current development authorisation provides for the establishment of a deep-water port facility for the export of grain only, comprising a change of land use, excavation and filling of coastal land and building works. The main development elements comprise -

- Site clearance and bulk earthworks.
- Wharf (causeway + jetty, ~600m) constructed in a SE direction from the coast, designed to cater to Panamax vessels. Vessels berthed bow into the predominant swells, rather than beam to the swells. Total number of piles ~18.
- Industrial ship loader and enclosed grain conveyors (approx. 2000t per hour).
- Bunker and silo storage (up to 60,000 tonnes) for blending, buffer storage, in-stream sampling and fumigation (if required) immediately prior to export. Silo heights up to 45m.
- Truck Marshalling area. Grain in-loading to primarily occur at the bunkers, with in-loading options being either (a) truck directly to bunker and dump to Drive Over Grid (DOG) or truck to in-ground road hoppers and stack via conveyor.
- Road and intersection upgrades to Council and DIT requirements (5.6km access route from the Lincoln Highway, via Lipson Cove Road).
- Associated civil and drainage works.

The current authorisation was varied in 2020 to remove the iron export capability, with consequential changes in on-land and marine infrastructure, layout, site access and materials handling.

The approved site and layout plan for the development is contained in **Appendix 3**.

8. Amended Declaration

On 17 February 2022, the former Minister for Planning and Local Government approved a change to the major development declaration notice for the Port Spencer Grain Export Facility, to enable the incorporation of additional land (being unmade road reserve) to the west and north of the originally declared area.

In 2021, Peninsula Ports had approached the District Council of Tumby Bay to acquire a ~40m wide, directly adjacent, strip of land, with the Council subsequently agreeing to terms with the proponent. The Council then completed the statutory process to close a portion of this unmade road under the *Roads (Opening and Closing) Act 1991*.

If the project proceeds, the remaining portion of the unmade public road would be formed (by the proponent) and provide all-weather access to the north and nearby Rogers Beach.

A copy of the amended declaration is available [here](#).

9. Scope of Variation

The proposed variation seeks to modify on-land elements only, both as matters of further design and to incorporate additional land to be acquired from the local Council (i.e. following a partial road closure process from an unmade road reserve to the west and north of the originally declared area).

The proposed changes comprise:

- Re-orientation and extension of bunker storage.
- Relocation and configuration of on-site truck marshalling area
- Related site drainage, pavement and layout changes.

The extension of previously approved elements within the enlarged project area (approximately ~40m from the western and northern site boundaries would also constitute a change of use to this land, from unmade road reserve / vacant land, to the extension of the approved port facility footprint).

No changes are being proposed to the marine side elements, and do not form part of the further assessment of this variation proposal. This includes any changes reflected in the proposed site layout plan that relate to the groyne and/or jetty structure.

Refer **Figures 2 and 3** for a comparison of the approved and proposed site layouts.

The proposed site and layout plan for the development is contained in **Appendix 4**.

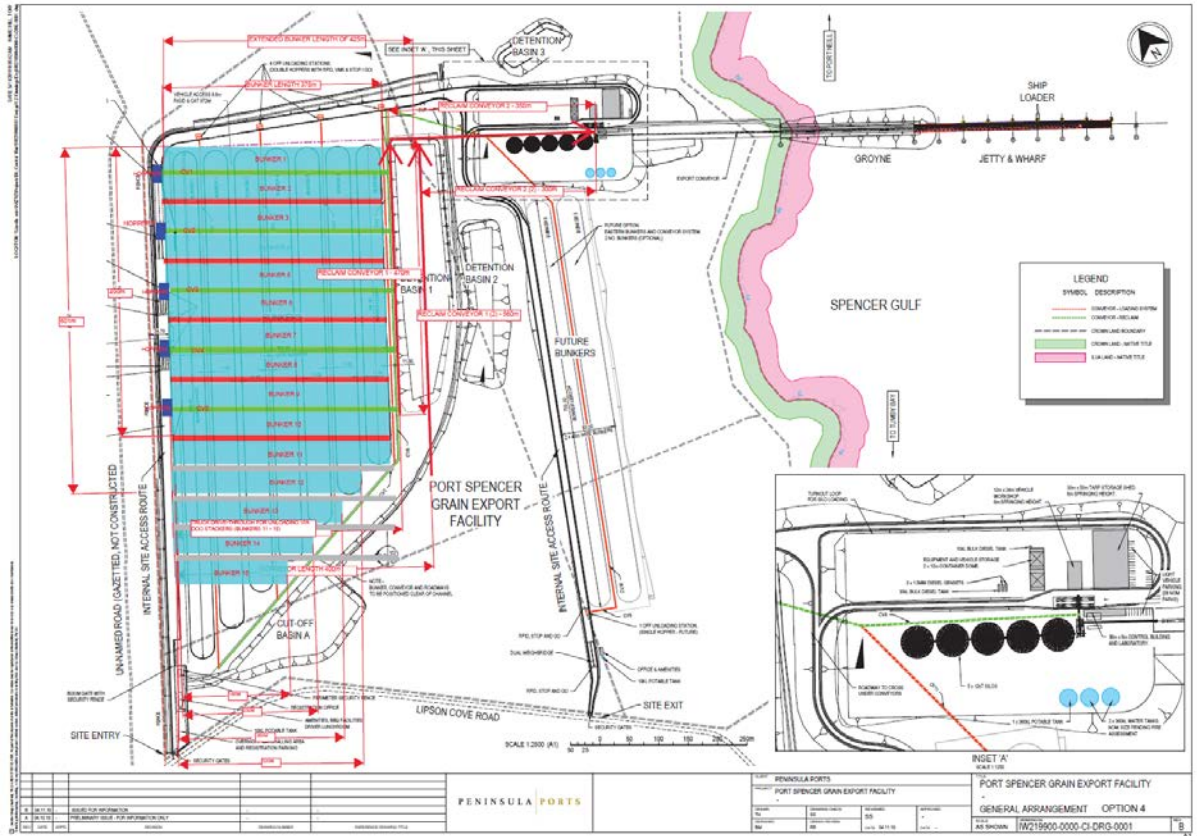


Figure 2: Approved Layout Plan

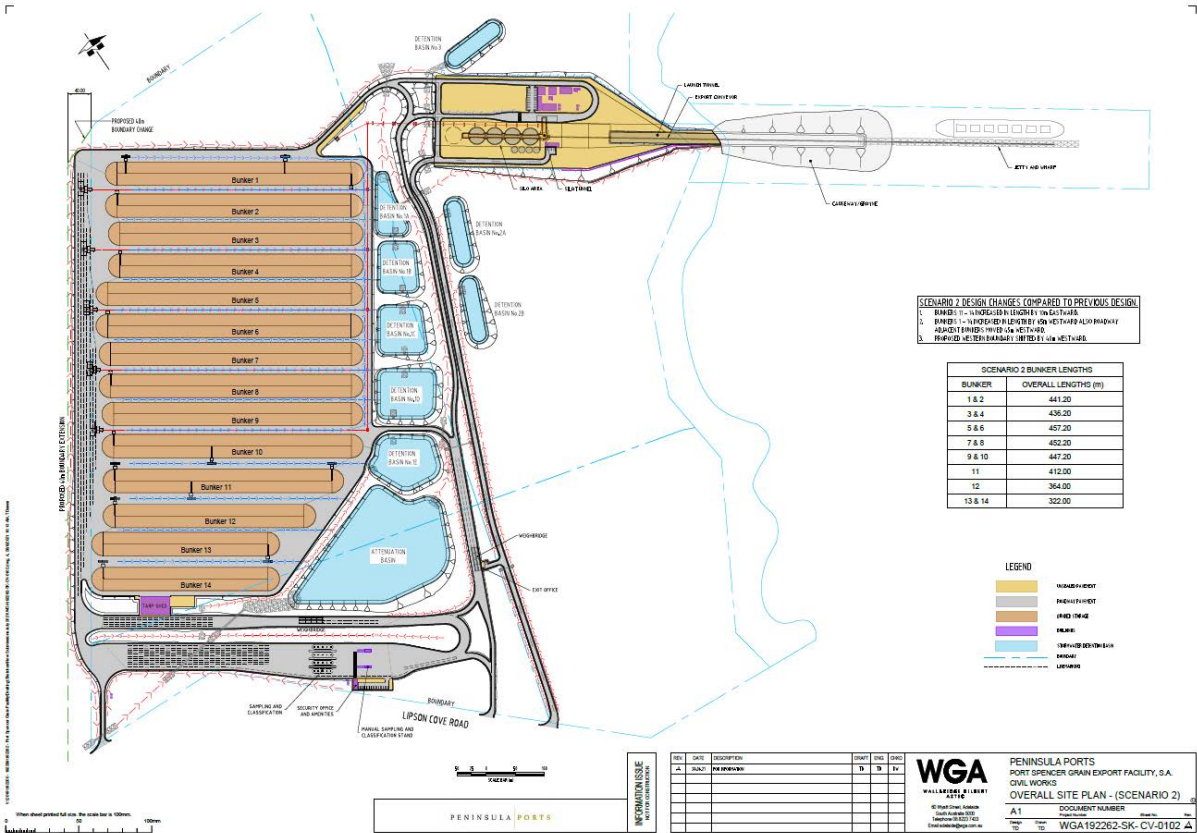


Figure 3: Proposed Variation Plan

10. Construction Staging

Peninsula Ports has provided further information on the proposed staging of the development, comprising five main stages, with a number of sub-stages, reflective of the submission of construction documentation for final approval.

Stage	Construction Packages	Description	Anticipated Commencement	Status
1	n/a	Bulk Earthwork (Blasting)	Mar 2023	Final approval granted
2	n/a	Site bulk Earthworks	Mar 2023	Awaiting Final documentation
3	3A 3B	Pavement Construction Services and conduit installation	Oct 2023	Awaiting Final documentation
4	4B 4C	Silo Erection Lipson Cove Road	June 2023 July 2023	Awaiting Final documentation
5	5A 5B 5C	Bunkers, Materials Handling, other Marine Construction (Wharf) Marine Construction (Ship Loader)	Aug 2023 Oct 2023 Jan 2024	Awaiting Final documentation

Figure 4: Indicative construction staging

Whilst the overall development has been approved, subject to final documentation, the proponent also seeks to stage the overall construction of works (as outlined in Figure 4), subject to meeting relevant conditions of approval (when required under the development authorisation).

11. Description of the Existing Environment

11.1 Locality

The proposal is located within the District Council of Tumby Bay. Tumby Bay is the main service centre for the area. Agriculture is the main industry and means of employment. Other significant economic sources are tourism, fishing, aquaculture and mining.

Tumby Bay and Port Neill are the nearest towns to the site being 21km south-west and 20km north-east respectively. The Sir Joseph Banks Group of islands is 22km south of the proposed site, with the northern boundary of the Sir Joseph Banks Group Marine Park being 5km away.

The area that surrounds the project is undulating and comprises rounded hills to the north, west and south of the site with an elevation of approximately 50 metres, with a series of valleys in between. Refer to **Figures 6 and 7**.

The land rises along the coastline on the eastern side, where rocky outcrops occur either side of the headland sloping down to sandy beaches. Rogers Beach, which contains a small sand dune area, is to the north of the site and Lipson Cove Beach and Lipson Island to the south.



Figure 5: View from Lipson Cove Road across the site (looking north). Bunkers will be arranged from right to left of frame (and beyond – see Figure 6), the coastal headland in the centre background will be reduced and modified to accommodate the silos, and provide a level surface for conveying systems etc to the causeway and jetty beyond. The landward side of the port site has been used for broad acre cropping and grazing. (Source: PLUS, February 2023)



Figure 6: View from Lipson Cove Road across the site (looking north-east). Bunkering will extend westwards, with access from Lipson Cove Road and truck marshalling area (near this location), the silos would be visible in far-right foreground. Roger’s Beach is located in centre-right background, the hills surrounding the site tend to limit direct middle distance views (inbound) from adjacent farming land and residences. (Source: PLUS, February 2023)

Lipson Island is located in the Lipson Island Conservation Park. Lipson Island is a low lying island with extensive areas of bare rock and some sandy areas.

Lipson Island has significant value as a bird rookery for a number of listed threatened species under the *National Parks and Wildlife Act 1972* and the *Environment Protection and Biodiversity Conservation Act 1999*. It is also a nesting site for the little Penguin, as well as other nesting birds (e.g. the Black-faced Cormorant, Silver Gull and Crested Tern).

Migratory birds also use the island. These birds are also preyed upon by raptor species, including the White-bellied Sea-eagle and Eastern Osprey. The only introduced species are the Rock Pigeon and the Common Starling. Lipson Island supports no significant flora.

The headland where the proposed causeway / jetty will be located rises from the coastline to approximately 25 metres AHD. To the west of the headland the land slopes down towards a valley where the centre of the proposal will be located. This area is approximately 10 metres AHD and from there it rises to Swaffers Road where the uplift is continuous, until it reaches a high point at the Coast Road intersection.

The immediate area has a number of small rural holdings. This land has been modified through agricultural and pastoral land uses, and largely devoid of native vegetation. Wheat cultivation occurs over most of the area, with less than half the site lying fallow. There are no significant trees present and remnant native vegetation is restricted to the coastal zone. There is no built infrastructure, except for a small telecommunications tower / hut (which will not be affected).

11.2 Site Description

The development site is located off Lipson Cove Road and comprises the following land parcels:

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 causeway / jetty also crosses over a small portion of Crown land (coastal reserve) – Allotment 25 (CR 6029/386). A portion of two unmade road reserves to the north and west of the project area, also form part of the declared area, one being recently added as of 12 February 2022 (which accommodates the extension area for the bunker and truck marshalling layout changes).

The proposed development is to be located on vacant land that is highly modified due to previous vegetation clearance for agriculture. Only the coastal edge has strips of remnant native vegetation. The port site is located within the Spencer Gulf on a relatively remote part of the Eyre Peninsula coastline, where the coastal profile is dominated by rocky headlands and sandy beaches (Refer **Figures 7 and 8**).



Figure 7: Lipson Cove Beach (located on crown reserve) south of the port site. (Source: PLUS, February 2023)



Figure 8: Rogers Beach (located on crown reserve) north of the port site. (Source: PLUS, February 2023)

12. Public Consultation

Six (6) public submissions were received on the APER during the 15-business day consultation period.

A summary of the matters raised are outlined below –

- Port is in the wrong location, Cape Hardy is a better choice
- Poor site access arrangements, distance from Lincoln highway
- Developer doesn't understand the Eyre Peninsula or grains industry
- Recreational and environmental values of the coast should be protected: impacts on flora and fauna, including Penguins on Lipson Island, camping and fishing.
- Drain on local Council finances (roads and infrastructure).
- Impact on current attraction and tourist activities of local area.
- Absence of local labour to staff/operate the development.
- Lack of local consultation by proponent (esp construction impacts).
- Clarification on types and numbers of heavy vehicles using the facility, potential for parking on Lipson Cove Road (safety), and final road design needs to be fit for purpose.
- Access arrangements to Roger's Beach need to be confirmed, and any potential impact to known Aboriginal heritage sites.
- Consideration of additional impacts on noise and air quality (through a potential increase in heavy traffic movements and expansion of project area).
- Safe on-site storage and use of fumigant chemicals.
- Development of wider regional roads strategy and funding model.
- Opportunity to create supportive planning policies for the future development of Port Spencer, whether or not the port was to proceed.

It is noted that a number of these issues are not pertinent to the further assessment of the variation application, and will not be considered by this AAR. For example, the adequacy of the port site and land use has been assessed and approved, the submission of final plans, and a range of management plans to manage residual construction and operational impacts are still to be provided (as per the current development authorisation), whilst issues relating to Council and regional infrastructure financing, are not matters under the control of Peninsula Ports, or within the legislative confines of the planning assessment system.

13. Agency Advice

13.1 Environment Protection Authority (EPA)

The EPA provided advice in respect to air quality, interface between land uses and stormwater management. Whilst a 40m increase in the project area boundaries to the west and north had the potential to decrease separation distances to sensitive receptors, it was noted that Receptor #1 is now an uninhabitable dwelling under the ownership of the proponent, and as such no substantive changes in air quality levels (and potential impacts) to the remaining sensitive receptors should occur. Noise levels are also expected to remain within EPA guidance.

The amendment layout will lead to increase in overall hardstand areas across the project area, however the previously provided stormwater methodology (provided by WGA in 2020) is acceptable to the EPA, with stormwater to be managed via *a series of detention basins, a flow attenuation basin, diversion channels, swales, and the like*. On the basis a Stormwater Management Plan is prepared, which provides sufficient technical details on the agreed solution, the EPA has no objection to this being a conditional matter to be satisfied prior to the commencement of major construction works.

13.2. Department for Infrastructure and Transport (DIT)

The advice provided by DIT noted that no changes are being proposed to the approved road access requirements to establish a grain export facility at Port Spencer. The amended report also includes proposed staging for the construction of the proposed facility, including timing of road upgrades. The layout changes and truck marshalling area expansion were viewed positively by DIT.

Whilst it was noted that there are a number of reserved matters relating to the provision of final plans, construction, funding and maintenance agreements for the upgrading of Lipson Cove Road and the Lincoln Highway/Lipson Cove Road intersection, DIT considered the intersection plans (and any required upgrades prior to construction) should be agreed and implemented earlier than proposed in the staging schedule provided by Peninsula Ports. DIT has recommended that the staging sequence and indicative timing schedule be revisited by the proponent.

DIT was not supportive of extending the development authorisation beyond 6 August 2024 (if construction had not commenced). However, this remains a matter for the Minister for Planning to determine, and any subsequent extension request made by Peninsula Ports.

13.3. Department for Environment and Water (DEW)

No objection. No comment.

14. Council Comments

The District Council of Tumby Bay (DCTB) was consulted on the APER and supported the inclusion of additional truck marshalling and heavy vehicle parking on the project site. The Council did raise a concern about the mix of delivery vehicle types, particularly where the original traffic impact assessment had estimated 80% Road Train and 20% B-Double vehicles *not being (representative) of the farm to bunker movement of grain, which is undertaken by a significantly high proportion of semi-trailers, rigid tippers and dog trailers*. Council asked for additional work to be done on this modelling, as in their view, *triple road trains represent a relatively low percentage of farm to storage grain movements*.

The Council defers any further analysis on potential air, water and noise impacts on the amendment to the layout of the port facility to the EPA.

In relation to the construction staging, Council had no issue with how the proponent proposed to 'internally' stage construction of the development. However, the Council would not support any attempt to defer the securing of critical external infrastructure upgrades. This related to current conditions 7 and 8, which require various planning, design and financing agreements for the road upgrades to be agreed to the satisfaction of Council and DIT. Council remained concerned that Peninsula Ports – in terms of their proposed staging strategy - may seek to defer these matters until after the construction of the export facility has substantially commenced. The requirements of Conditions 7 and 8 should therefore remain in place. The staging plan (as provided) should therefore be clarified to ensure that these specific requirements are met prior to construction.

The final matter raised by Council is in relation to regional road network implications if the grain export facility is ultimately constructed and operates. Whilst it is acknowledged that the APER does not seek to change the outcome of the prior assessments, the Council remains concerned about *the lack of detailed assessment and planning for the broader road network implications of this proposed development*. This relates to the shift in the flow of grain on both local and state roads towards Port Spencer (rather than

other port facilities, such as Port Lincoln), but no detailed assessment or plan to account for existing conditions, nor maintenance and upgrade costs of this infrastructure over time, and have been completed.

As a small regional council with a large road network, Council notes that such facilities will invariably have a significant impact on local budgets, *without consideration of the suitability of essential supporting infrastructure and without detailing a mechanism to support the development and maintenance of the same.*

15. Response Document

On 28 November 2022, Peninsula Ports Pty Ltd (PPL) provided a formal Response Document (RD) which sought to address the matters raised in the submissions on the APER.

State agency referral advice

- PPL will liaise with the EPA on the final stormwater management solution.
- PPL is prepared to commence negotiation with DIT as soon as funding is secured.
- PPL is prepared to act as contractor to build the road should that be necessary to meet the timelines involved.
- PPL is seeking for the upgrade of Lipson Cove Road to be publicly funded (noting that the current requirement to upgrade the road currently rests with PPL not the local Council, nor State or Federal Governments).

Council referral advice

- PPL believes that there is sufficient room on site in the marshalling area for all reasonable truck movements and types.
- PPL will work with both State and Local Government to implement the requirements of the development authorisation in respect to the design and delivery of identified road and intersection upgrades (as previously agreed).
- PPL acknowledges that a regional solution will be required for the upgrade and maintenance of the Eyre Peninsula road network, noting that with the destination of grain deliveries changing, lessor impacts on other roads will also need to be considered.

Public Submissions

- The alignment of the bunkers to an E-W orientation has allowed a significant increase to on-site truck marshalling areas (equivalent to 50 B Triples or 4000T) and to further reduce the risk of heavy vehicles queueing onto Lipson Cove Road. It also allowed the noise and dust sources to dissipate over a larger area of the site rather than being more concentrated to the northern area of the site.
- The change to the facility boundary utilises the 40m expansion to the west to provide the additional truck marshalling area at unloading points in front of the bunkers entrance and 40m expansion to the north to keep the total annual grain export capacity of the facility at the approved one million tonnes.
- There are also road safety benefits from the increase to on-site heavy vehicle marshalling areas by eliminating the risk of queueing onto Lipson Cove Road further compared with the current authorisation.
- PPL has reached agreement with the District Council of Tumby Bay (DCTB) to acquire the 40m of additional land through the acquisition of part of the adjacent road reserve.
- PPL has agreed to establish an all-weather access adjacent to the Western and Northern boundaries of the expanded site along the remaining 20m road reserve to improve access to Rogers Beach. This road is not within the project area.
- PPL will meet all conditional requirements of the decision, including the preparation of relevant management plans, noting that PPL has no jurisdiction over Rogers Beach. However, have agreed

with DCTB to clean up the dumping site and upgrade the common access area. The Barngarla (native title) and the DCTB (care and control of crown reserve) have control of the beach area.

- The final design and configuration of the road upgrades are still to be negotiated with and confirmed by local and state road authorities (DCTB and DIT).
- The use of Methyl Bromide is now rare in the fumigation of grain. The Indian Government still insists upon its use. If methyl bromide is ever used there are very strict guidelines to protect all people both on site and in the vicinity.
- The users of fumigants are required to be authorized and certified for its use. Detailed procedures must be followed which are designed to mitigate any possible release of fumigants in a way dangerous to anybody.
- The key stormwater management principles to be adopted are contained in the WGA report. The key principles of the document are: (a) no discharge from the site is to runoff into the marine environment; (b) detained site runoff is to be reused on site; and (c) final design documentation will be provided to the Minister under existing conditions of approval.
- Road maintenance funding will be the subject of further discussions with Eyre Peninsula Local Government Association, DCTB and DIT. Heavy vehicle access is approved by the relevant Road Manager under the Heavy Vehicle National Law.
- PPL noted that a range of matters raised – from marine impacts to the selection of the Port Spencer site (or support for alternatives) – are not relevant to this variation assessment.

A copy of the Response Document was provided to state agencies for adequacy review and no additional comments were made to PLUS.

16. Assessment of Key Issues

The original Assessment Guidelines that were prepared to inform the preparation of the PER (and the PER amendment in 2020) adequately address the key issues that relate to the proposed variation, noting that only previously approved on-land elements and their layout are being considered in this Amendment to the Assessment Report (AAR). The purpose of the AAR is not to revisit the consideration of the previously varied proposal, but rather to assess the proposed variation against any applicable 'key issues' identified in the Guidelines and Assessment Report.

16.1 Need for the Proposal

The variation proposal to modify the layout of the bunkering and truck marshalling areas associated with the grain export facility allows for the use of surplus road reserve land (in the process of being acquired from the Council) and to reflect further design refinement by the proponent. The accommodation of expected heavy types and numbers on the project site – and to reduce the potential incidence of queuing on Lipson Cove Road – is acknowledged by both the Council and DIT as being beneficial.

As an amendment to the previously approved documentation, and proposed variation to the current development authorisation, the key assessment issues are considered to be whether any additional environmental impacts have the potential to effect adjacent land, its future use and/or sensitive receptors (than has otherwise been considered and assessed in respect to noise, dust and stormwater runoff), and whether the proposed truck marshalling arrangement remains safe and efficient. And finally, whether there are any cumulative or secondary impacts or effects that require further consideration.

16.2 Sensitive Receptors

The grain export facility and associated infrastructure is located on and adjacent to a relatively undeveloped coastline and general farming area, such that existing residences and homesteads are widely dispersed and few in number (Refer **Figure 9**: Location of Sensitive Receptors).

Compared to the approved and then varied development, a similar number of residents as before could be affected during construction and operation, noting that the change to a grain only project, and the change to the Lipson Cove Road access (instead of Swaffers Road), was considered and approved as part of the previous amendment process.

The main material difference, is that the land which hosted the closest sensitive receptor to the north of the project site is now under the control of the proponent, and the former residence now uninhabitable. Even with the adjusted project boundaries extending 40m westwards and northwards, separation distances to the next four sensitive receptors, would still be in the order of 1.1km, 2.07km, 2.1km and 2.16km respectively

The setback distance from the south-eastern *allotment* boundary to the Lispon Island Conservation Park remains unchanged at 943m.

16.3 Adjoining Land Uses

The surrounding land to the north, west and south is zoned 'Rural', with a range of broad acre farming and grazing activities undertaken on predominately cleared land within a modified coastal landscape. No additional works are proposed within the coastal reserve land (which is nominally zoned 'Conservation'), such that any *additional* marine side impacts are expected to be negligible. Given the operational parameters of the port facility (i.e. covered bunkers, enclosed conveyors, sealed roads, tarped trailers etc), and the setbacks to adjacent land (being separated by public roads or road reserves), there should be no additional impacts to existing primary production activities.

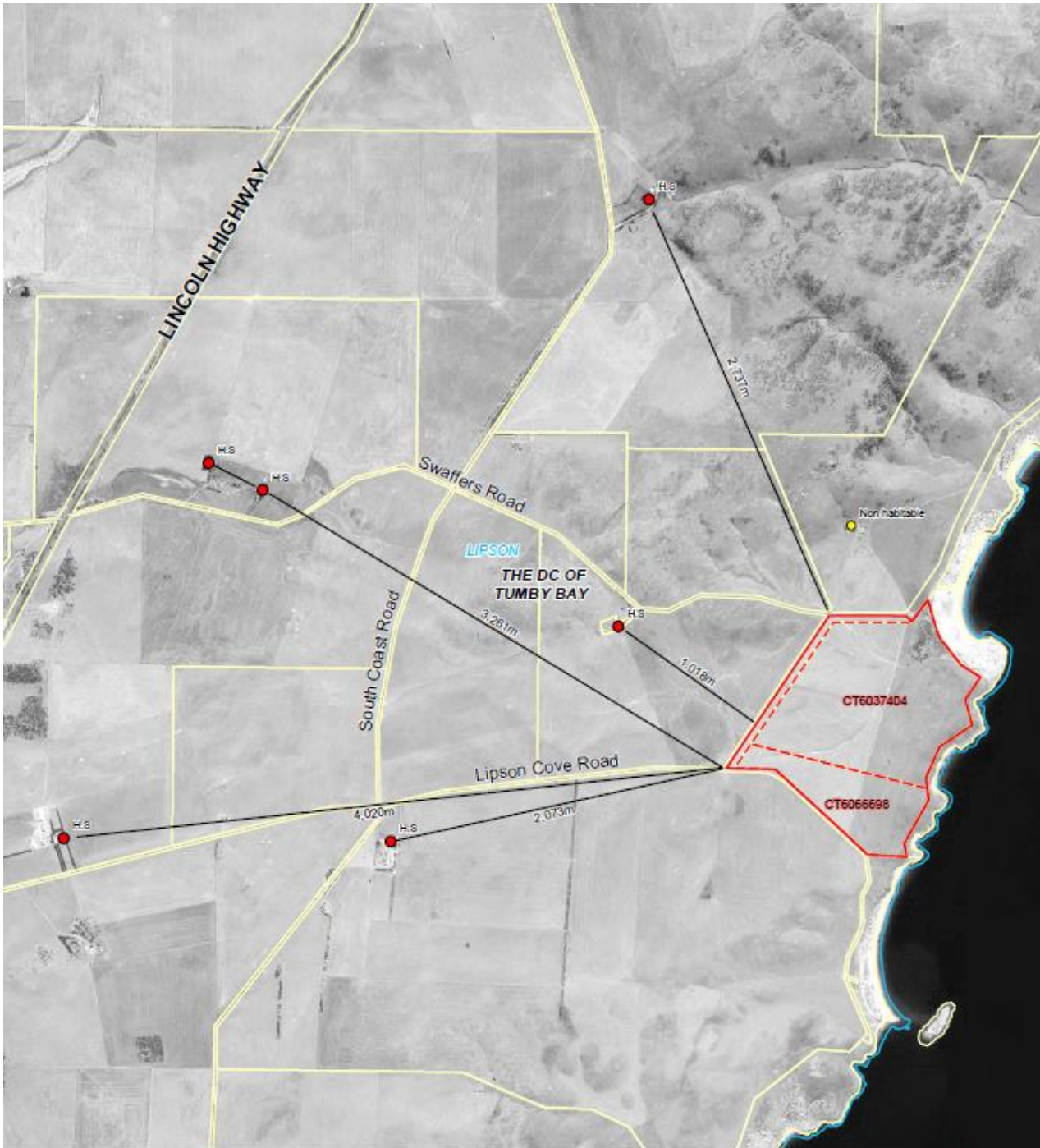
16.4 Air Quality

Dust emissions are considered to be the primary factor affecting local air quality. Previous project assessments identified that these dust emissions would comprise:

- Wind erosion from grain storage bunkers.
- Unloading of grain from trucks during the harvest season, which would be the largest contributor to overall dust emission rates at the site.
- Conveying and handling of the grain.
- Loading of grain into ships.

As the changes proposed only relate to the bunker storage and grain delivery elements – with the method of operation and grain handling remaining the same -only these sources will be considered. When the previous amendment to the AR (i.e. to consider the grain only port option) was endorsed in 2020, it was determined that the highest potential dust impact was expected for the nearest sensitive receptor to the site, located approximately 450m north of the boundary (Receptor #1).

For the assessment of the 24-hour average for both PM₁₀ and PM_{2.5}, exceedances of the Environment Protection Policy (EPP) criteria were predicted at this receptor. Analysis of the modelled results indicated that the exceedances would occur only during the harvest period and during high wind conditions in the evening hours, typically between 6pm and 10pm, but only southerly winds blowing dust from the site towards Receptor #1.



Port Spencer Grain Export Facility

- Occupied H.S
- Non habitable
- ▭ Main Facility Location
- ▭ Parcel Titles
- ▭ Cadastre

Government of South Australia
Department for Trade and Investment



Figure 9: Sensitive Receptors (including distances to project boundary)

Due to land ownership changes (the land is now under control of the proponent) and the uninhabitability of this residence, the changes to the site boundaries (which effectively reduce the baseline separation distance by 40m), are not relevant. Required separation distances, as outlined by the APER can continue to be met, such that no additional impacts that would further reduce air quality levels beyond previously modelled levels, are anticipated at the remaining receptor locations (essentially being outside the yellow contour band in **Figures 10 and 11** below).

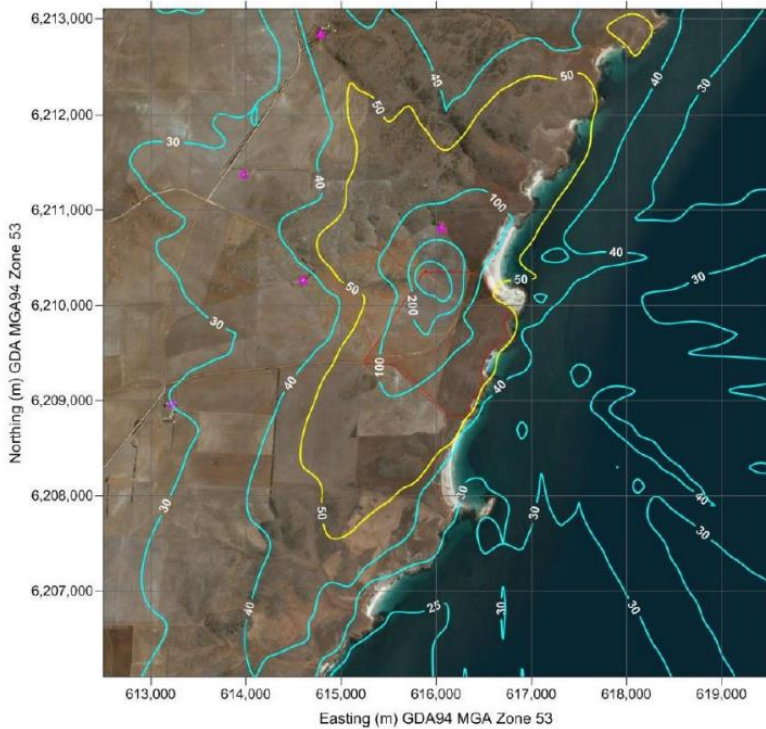


Figure 10: Maximum 24-hr average PM10 GLC ($\mu\text{g}/\text{m}^3$). Source: APER

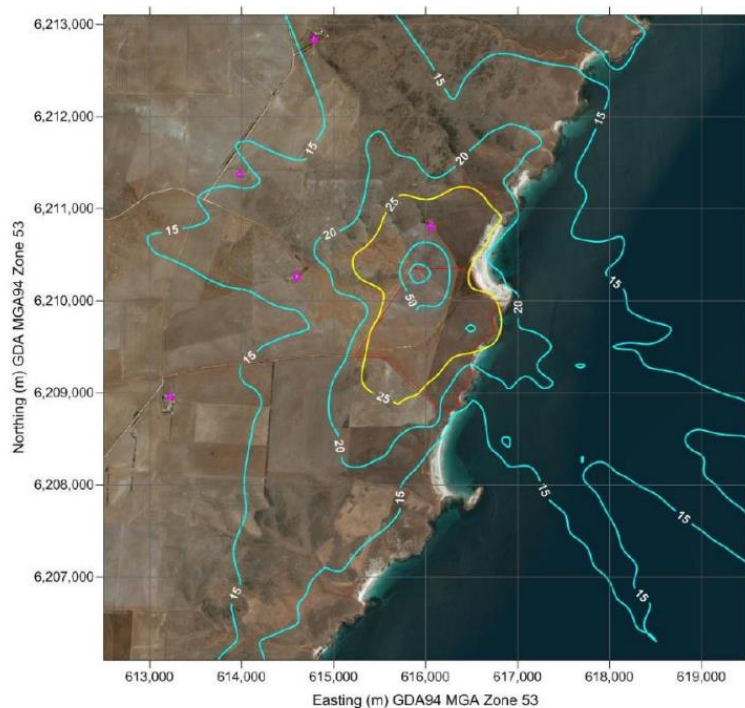


Figure 11: Maximum 24-hr average PM25 GLC ($\mu\text{g}/\text{m}^3$). Source: APER

The EPA has reviewed the updated information provided by PPL and change to sensitive receptor status, and concurs with this position, with no additional requirements or mitigation measures needed (i.e. as minimum separation distances for all other receptors can still be met).

Given the removal of Receptor #1, this also negates the previous conditional requirement to manage potential impacts to this location, which would have required PPL – in certain conditions – to temporarily restrict operational hours for truck unloading during the harvest period, or adopting other mitigation measures, such as implementing restrictions based on forecast meteorological conditions, real-time wind monitoring, and/or ambient dust monitoring.

A Dust Management Plan will still be required, to ensure operational compliance with EPA guidance.

16.5 Noise

Noise emissions from construction and operational activities of a grain export facility have the potential to compromise the amenity of adjoining landowners, residential premises, visitors to nearby beaches and local fauna. Hours of operation – at their maximum during harvest – are expected to be 17-hour daily operation (i.e. from 6am – 11pm) over an 8 week period. Ship loading would operate 24 hours per day and 7 days per week, with approximately 20 ships expected per annum and taking around 2 days to load each ship.

The approved development involves the delivery, storage and handling of grain and the loading of vessels. In addition, the current layout plan and the seasonal nature of grain deliveries associated with the currently approved proposal would result in operational and traffic noise impacts (such as the number of trucks arriving, departing and circulating around the site during harvest periods).

Traffic noise would affect residents along Lipson Cove Road to some degree. The approved development has been designed to provide significant distances between most noise sources and noise-sensitive receivers and a range of acoustic measures have been adopted for noise sources (such as enclosed conveyors and baffles on truck unloading hoppers). The nearest noise sensitive receiver to the site now comprises a rural homestead to the west of the site, at a distance of approximately 1.1 kilometres from the site boundary. The nearest dwellings to the Lipson Cove Road access route are approximately 200 metres from that road alignment.

The previous APER included a revised noise assessment and revised noise modelling for two scenarios – manual grain handling and automated handling, so that the 58 worst-case conditions could be identified (i.e. as the level of automation able to be accommodated in the final design was not confirmed). The noise criteria adopted for these assessments were derived from the *Environment Protection (Noise) Policy 2007* and the *Road Traffic Noise Guidelines (DTEI / DPTI)* from 2007 and 2016. The operational noise criteria included a 5dB(A) penalty, due to a modulating characteristic associated with the dominance of truck movements in comparison to other sources.

The previous noise assessment by SONUS concluded that the highest predicted noise levels at Receptor #1 would be 50dB(A) during the day and 45dB(A) at night (including a 5dB(A) penalty where applicable), thereby achieving the day-time and night-time criteria of 52dB(A) and 45dB(A) respectively (applicable under the *Environment Protection (Noise) Policy 2007*) without mitigation. However, for the adjusted scenario, Receptor #1 has ceased to be a habitable dwelling, being the most directly affected former residence, which at the time was compliant in all modelled scenarios.

Whilst the noise modelling has not been overlaid on the proposed modified site layout, the predicted noise levels for grain receipt, reclamation and ship loading activities clearly show that such activities can comply

with the noise standard when considering potential impacts to the remaining sensitive receptors, such that re-running the model would simply re-produce a similar result (i.e. achieving compliance for Receptor #2, which is located further away).

Notwithstanding the proposed layout changes and incorporation of additional land to the west and north, and taking account of the changed status of Receptor #1, it is considered that the varied proposal would not unreasonably interfere with the amenity of nearby residences. It should also be noted the EPA raised no concerns with the noise modelling and assessment in the APER, provided the mitigation measures previously proposed (largely for those elements which are not changing as part of this application) are fully implemented.

16.6 Traffic and Parking

Public access (including for heavy vehicles) to the port facility and coast is gained via Lipson Cove Road, which is an unsealed council road. The terms of the current development authorisation require this road, and the Lincoln Highway intersection, to be upgraded and sealed to DIT and Council standards at the proponent's expense. Whilst PPL have advocated for the public funding of these works, such as from state or Federal road authorities, this is not a planning matter, but one for others to pursue.

Refer **Figures 12-14** relating to the Lipson Cove Road, Lincoln Highway intersection.

The current authorisation requirement is for Deeds of Agreement to be settled prior to construction, with funding secured and the works fully implemented prior to the operation of the grain export facility. No change is recommended to these arrangements, which should be carried over and enforced under any varied authorisation, reflective of the long-held positions of both DCTB and DIT.

The main benefit of the variation is the relocated and expanded truck marshalling and maneuvering areas within the site boundaries, which should remove the need for (or significantly reduce), any requirement for heavily laden vehicles to queue on Lipson Cove Road to enter the site. PPL have advised that the change to the alignment of the bunkers to an E-W orientation has allowed additional areas to be provided for on-site storage of vehicles, equivalent to 50 B Triples that can hold 4000T), which will be beneficial for trucks parked overnight (which is common during harvest periods).

Staff carparking will be provided in two locations, with 40-spaces for employees.

Both DCTB and DIT have noted their support for these arrangements, whilst the relocated truck marshalling area change does not materially affect previously considered separation distances, nor the use or adequacy of Lipson Cove Road for heavy (grain) haulage vehicles, either in terms of their volumes, frequency or size (on the basis the upgraded roadway is gazetted for such a purpose and function). It also allows secondary noise and dust sources to dissipate over a larger area of the site rather than being more concentrated to the northern area of the site (as previously approved).

16.7 Stormwater Management

The issue of stormwater management has been previously considered, in respect to its temporary detention and/or retention (and where possible re-use), the maintenance of suitable water quality and preventing the discharge of stormwater or contaminants to the coastal environment.

The proposed stormwater methodology for all earthworks, stormwater drainage and pavements on the site is contained in a report prepared by WGA entitled *Peninsula Ports Pty Ltd – Port Spencer – Design Basis Report – Functional Layout Phase – Project Number WGA192262 Rev B dated 24.8.20*.



Figures 12-14: Lincoln Highway and Lipson Cove Road Intersection – this will be required to be upgraded by the proponent, with Lipson Cove Road also upgraded and sealed to the port site (Source PLUS, February 2023).

Whilst it is noted that the addition of a 40m wide section of former road reserve to the project boundaries will increase the area of hardstand within the complex (up to an additional 6ha), the previously approved methodology (as reviewed by the EPA) can be applied without significant change. This relies upon a system of attenuation and detention basins, with a combination of open channels and swales, culverts, energy dissipation / flow spreaders and water re-use measures.

Off-site stormwater flows will still discharge to the marine environment via Rogers Beach, with some minor modifications to existing natural drainage lines / channels (i.e. maintains the existing and/or approved drainage), with all on-site flows contained, treated and managed on the project site.

The technical detail – in terms of volumes, dimensions etc – will be the subject of detailed design considerations, with the requirement to develop and implement a final Stormwater Management Plan to the satisfaction of the EPA prior to principal construction. The EPA are satisfied with this approach and will be reinforced by a recommended condition of approval (either carried over from the current authorisation or included as part of any varied decision).

The stormwater management concept is outlined in **Figure 15**.

16.8 Roger's Beach

Public access to the coast is gained via Lipson Cove Road, which is an unsealed council road. The terms of the current development authorisation require the portion of the road from the Lincoln Highway to the port facility entrance to be upgraded and sealed. Access to Rogers Beach is currently via a vehicular track that crosses private land (the subject site) and Crown land (coastal reserve)

Pedestrian access along the coast is generally unobstructed along the coastal reserve. The establishment of the port would replace the current informal access (via tracks or unmade road reserves) with a formed road. Whilst it is noted that the proposed varied access route – for the most part – sits outside the project facility and on land that is owned or under the control of others, PPL (as negotiated with DCTB), will form an all-weather access road along the alignment of the existing road reserve (i.e. along the western and northern site boundaries) during the construction of the grain export facility, which will connect to the existing (lawful) beach access.

Condition 23 of the current development authorisation requires the preparation and implementation of a Management and Monitoring Plan for Rogers Beach. This has still to be provided, but is only required prior to the operation of the development, and will require a level of consultation with adjacent landowners, the crown reserve custodian, native title holders and local Aboriginal groups and state agencies. The future accessibility to and use of Roger's Beach, being outside the project area, is still to be determined, with various stakeholder interests to be considered. The current variation only formalizes and existing unmade road reserve around the perimeter of the facility.

A key initiative proposed by PPL is the establishment of a future Aboriginal Ranger programme, in conjunction with the Barngarla Determination Aboriginal Corporation, for undertaking land management and coastal rehabilitation activities (especially revegetation). The port would provide an operational base for the programme.

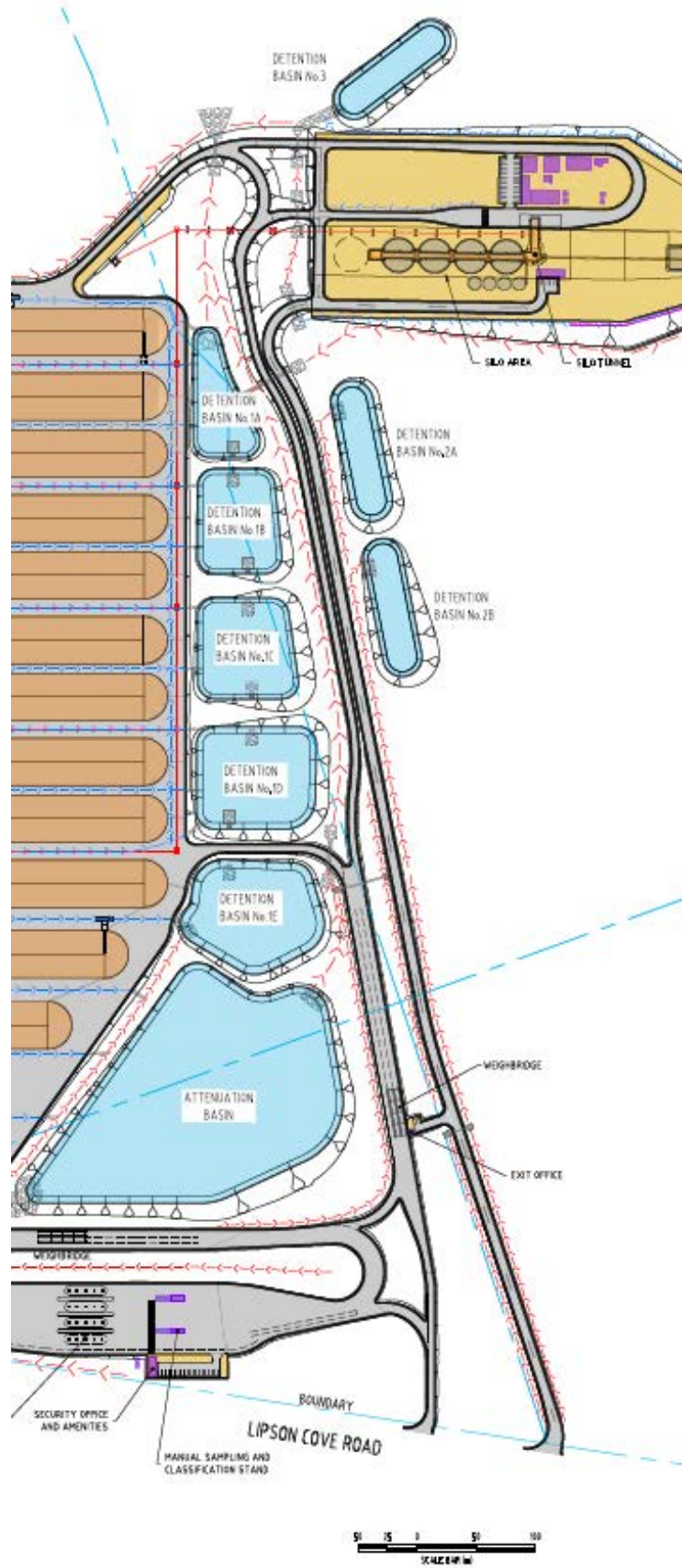


Figure 16: Scenario 2 design – Proposed drainage and stormwater layout

16.9 Design and Appearance

No additional visual amenity issues are anticipated with the proposed variation. The tallest and most visible project elements, being the silos, ship loader, conveying system and wharf/jetty, are unchanged, such that the re-orientation of the bunkering system and truck marshalling areas (being the least visible elements), should result in no additional impact than is otherwise anticipated.

16.10 Chemical Storage

All grain storage facilities – whether farm based or commercially managed – require some level of fumigation and/or pest control. For methyl bromide emissions, modelling predicted no exceedances of the EPP criterion. Fumigation of the grain silos would be undertaken in accordance with the AFAS methyl bromide fumigation standard (DAWR, 2015), which requires monitoring of the methyl bromide concentration during the fumigation process.

Whilst a public submission raised a concern with the storage of methyl bromide, PPL has confirmed that its use is now rare in the fumigation of grain.

It was noted that only the Indian Government still insists upon its use, and given the large number of potential export markets for Australian grains, PPL has advised that if methyl bromide is ever used there are strict guidelines in its use (which will be complied with,). The users of fumigants must be authorized and certified for use, with any storage and handling requirements having to meet relevant regulatory requirements, monitored and enforced by relevant state agencies.

16.11 Aboriginal Cultural Heritage

No sites of Aboriginal Cultural Heritage significance are affected by the varied proposal.

16.12 Economic Effects

The economic and employment benefits (and impacts) of the development have been previously considered, and as such do not require further consideration. The development of a grain export facility to the north of Tumbay Bay, in both construction and operational workforces and expenditure (and demand for local goods and services), would contribute positively to the local economy. The proposed expansion of bunker storage and truck marshalling areas does not in itself necessarily add to or detract from the benefits already considered in favour of the project in its current location.

16.13 Construction and Operational Effects

The proposed variation will not involve any works/activities resulting in any substantially new construction and operational requirements over and above those identified and addressed in the previously considered AAR that confirmed the suitability of a grain export facility.

Should a variation to the current development authorisation be granted, it is noted that the following management plan requirements will essentially be carried over into an updated approval:

- Construction Environmental Management Plan
 - 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.
- Operational Environmental Management and Monitoring Plan
- Stormwater Management Plan
- Management and Monitoring Plan for Rogers Beach
- Beach Profile and Sediment Management Plan
- Air Quality Monitoring and Management Plan

The satisfactory submission of these plans – either prior to or during construction, or prior to operation – will determine whether or not each stage of works can commence, notwithstanding the provision of final drawings and specification of works. Each management plan will need to be considered by the technical working group, convened by PLUS, and comprising Council and State agency representatives.

All final documentation needs to be approved by the Minister (or their delegate).

17. Consistency with Current Planning Policies

The assessment of an ‘Impact Assessed’ proposal must have regard to current planning policies, including State Planning Policies, Regional Plans and the Planning and Design Code. Unlike a standard development application that must be in general accordance with those policies that relate to the development of land in a certain parcel(s) of land, an impact assessed development process is guided by more expansive guidelines which cover a wider range of issues and requirements to be satisfied.

17.1 State Planning Policies

State Planning Policies represent the highest level of policy in our new planning system, and address the economic, environmental and social planning priorities for South Australia.

The following SPPs are relevant to the assessment of the proposal:

- SP8: Primary Industry
- SP9: Employment Lands
- SP11: Strategic Transport Infrastructure
- SP13: Coastal Environment
- SP16: Emissions and hazardous Activities

Summary: The proposal remains consistent with the State Planning Policies that support the development of port related infrastructure to support primary production activities in regional areas, and contribute to new employment opportunities and increase competitiveness in freight and shipment costs to farmers and related industries.

17.2 Regional Planning Policies

The PDI Act provides for South Australia to be divided into Planning Regions. Each region in South Australia has a plan to both guide development and reflect the vision of the State Planning Policies. The Far West Coast and Eyre Peninsula areas are defined as the “Eyre and Western Planning Region”.

The current (operative) regional plan applicable to the Port Spencer Grain Export Facility site is the *Eyre and Western Region Plan* dated April 2012, being a volume of the South Australian Planning Strategy (which continues to apply via transitional provisions in the PDI Act until such time as a new regional plan is adopted). A copy of the plan can be found [here](#).

Reference is made to the following principles and policies:

- Principle 1: Recognise, protect and restore the region’s environmental assets.
- Principle 4: Protect and build on the region’s strategic infrastructure.
- Principle 5: Protect and strengthen the economic potential of the region’s primary production land.
- Policy 1.8: Protect coasts, dunes, estuaries and marine areas of conservation, landscape value and environmental significance by limiting development in these areas. In limited circumstances development may require such a location—such as development of state significance—in which case the social and economic benefits must be demonstrated to outweigh the adverse environmental and amenity impacts.
- Policy 4.1: Infrastructure development should be consolidated to limit unnecessary duplication of services and resources and to reduce the impact on the surrounding environment, economy and community.

Summary: The proposal remains consistent with this plan, noting the port facility land use has been approved, and that the extension of related infrastructure onto rural land (that supports primary production activities) and increases investment and employment in the region is supported.

17.3 Planning and Design Code

The Port Spencer Grain Export Facility project area comprises land (and marine waters) within a Rural Zone, Conservation Zone and the Coastal Waters and Offshore Island Zone as identified by the Planning and Design Code (Version 2022.23 dated 8 December 2022) under the *Planning, Development and Infrastructure Act 2016*. A copy of the P&D code can be found [here](#).

The additional land to be incorporated and the scope of the changes proposed, are generally located within the Rural Zone (and that any potential impacts to the Conservation Zone and Coastal Waters and Offshore Islands Zone would be negligible, and do not require further consideration). **Figure 16** above reflects the location of applicable zone boundaries under the code.

Rural Zone policies can broadly be summarised as:

- supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources.
- supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.

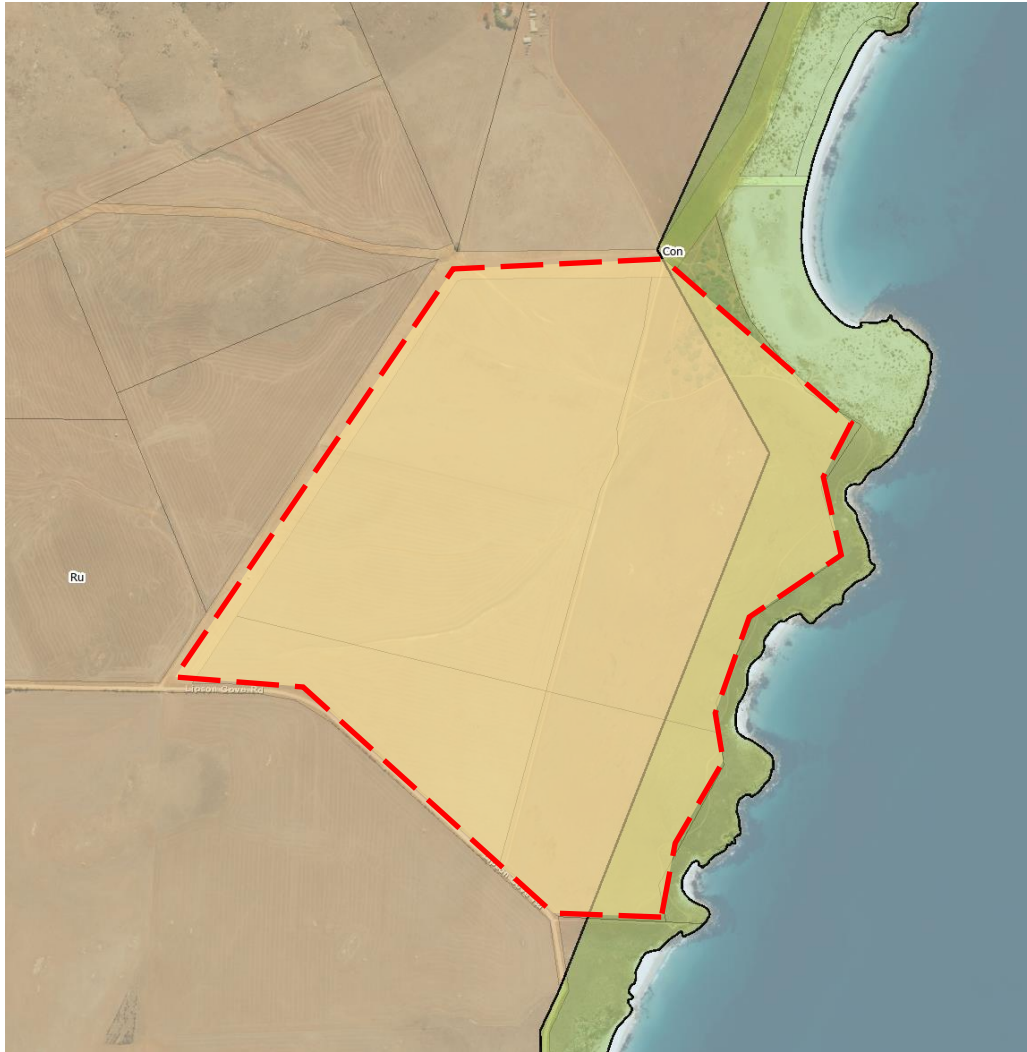


Figure 16: Planning and Design Code Zoning for the site.

Agricultural buildings, warehouses and certain forms of small-scale and related primary production and processing industries are all envisaged forms of development within the zone. When considered against the approved land use, and its support of bulk commodity storage and shipment, the proposed development does not offer the broad development objectives of the Rural Zone.

18. Conclusion

The Amendment to the Assessment Report (AAR) has assessed the modified layout of the previously approved Port Spencer Grain Export facility against the impacts identified in the previous Assessment Report. The AAR concludes that the modified proposal, based on detailed design considerations (and the availability of additional land from the partial closure of an unmade road), can be supported, subject to appropriate conditions and management plans previously adopted.

It is noted that no changes were proposed to the marine-side infrastructure, nor the silo and conveying systems, which were assessed and subsequently approved by the former Minister for Planning and Local Government(as outlined in the first Amendment to the Public Environmental Report in 2020). Those elements which proved to most contentious during the earlier assessment, notably the replacement of an open jetty structure with a predominately wharf and jetty structure (with the loss of seagrass), and the redirection of grain traffic from Swaffers Road to Lipson Cove Road for access to the site from the Lincoln Highway, are unchanged by the current variation proposal.

The AAR considered a range of potential impacts from the re-orientation and re-arrangement of the previously approved bunker storage and truck marshalling areas, in terms of air quality, noise emissions, land use acceptability (for the portion of unmade road reserve), traffic and parking and stormwater management. These matters were carefully considered by the EPA, DIT and Council, whereupon no fundamental objection was raised, subject to previous infrastructure requirements being met, and relevant conditions of approval being carried over to any varied authorisation.

Six public submissions were received. Whilst concerns were raised in respect to environmental impacts from construction and operations (such as dust and noise), the maintenance of effective separation distances of more than 1km to sensitive receptors (given the previous closest Receptor #1 is now under the control of the proponent) has satisfied the EPA standards. Further post-approval information would still be required on stormwater management, reflective of the drainage, collection and treatment methodology previously agreed with the EPA.

Issues relating to land use acceptability, alternative port locations, marine impacts and vehicle numbers were not relevant to the assessment of the varied proposal, having largely been settled by earlier approvals as to the appropriateness of establishing an export facility at Port Spencer. Peninsula Ports has the right to develop the land for its approved use, with its Stage 1 (bulk earthworks) plans already being endorsed. However, there remain obligations to be met, notably the upgrade of the Lincoln Highway / Lipson Cove Road intersection and Lipson Cove Road under the terms of Deeds of Agreement with road authorities.

Whilst the position of the local Council in respect to road funding (both for upgrades and on-going maintenance) are acknowledged, these matters need to be addressed on a more strategic level, taking into account the implications of rail closures and the establishment of additional port facilities along the eastern coastline of the Eyre Peninsula.

A key benefit of the project remains the ability for local primary producers to deliver grain to a more directly accessible port facility, with reduced transport distances resulting in shorter travel and turnaround times, reducing costs through increased market competition (i.e. placing downward pressure on receipt / handling charges) and increased prices offered to grain producers.

In conclusion, the varied proposal merits approval, subject to appropriate conditions.

19. Recommendations

The Port Spencer Grain Export Facility is currently the subject of an impact assessed (formerly major development) development authorisation relating to the establishment of a deep-water port and related grain storage, conveying and loading infrastructure.

Should a variation to the current development authorisation be granted for the modified proposal, it is recommended that additional requirements be included in the varied development authorisation (as per the specific conditions and advisory notes below).

CONDITIONS OF PLANNING CONSENT:

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 Marine 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*.

STATE GOVERNMENT INSTRUMENTS

COVID-19 EMERGENCY RESPONSE ACT 2020

South Australia

COVID-19 Emergency Response Modification of requirements relating to laying reports before Parliament Expiry Notice 2020under section 6(1)(a) of the *COVID-19 Emergency Response Act 2020***1—Short title**

This notice may be cited as the *COVID-19 Emergency Response Modification of requirements relating to laying reports before Parliament Expiry Notice 2020*.

2—Commencement

This notice has effect on the day on which it is made.

3—Interpretation

In this notice, unless the contrary intention appears—

Act means the *COVID-19 Emergency Response Act 2020*.

4—Expiry

Section 15 of Part 2 of the Act will expire on the commencement of this notice.

Signed by the Attorney-General

Dated: 7 August 2020

DEVELOPMENT ACT 1993

SECTION 48

*Decision by the Minister for Planning and Local Government**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*, 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 Section 48 (8) of the *Development Act 1993*.
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. By letter dated 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 have been 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 *Development Act 1993* applies to the assessment of the proposed modified development except that Section 48 of that Act applies as if a reference to the Governor were a reference to the Minister (and a decision of the Minister in relation to the development will have effect as if it were a decision of the Minister under Section 115 of the *Planning Development and Infrastructure Act 2016*) in accordance with regulation 11(3)(a) of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*.
6. The proposed modified development has been the subject of an amended Public Environmental Report and an amended Assessment Report under Section 47 of the Act.
7. The Minister for Planning and Local Government has, in considering of the application for variation of the development authorisation, had regard to all relevant matters under Section 48 (5) of the *Development Act 1993*.
8. For ease of reference the varied provisional development authorisation for the Port Spencer Deep Water Port Facility, now known as the Port Spencer Grain Export Facility, is republished in full hereunder.

Decision

PURSUANT to Section 48 (7a) and 48 (7) (b) (ii) of the *Development Act 1993*; and having due regard to the matters set out in Section 48 (5) and all other relevant matters, I:

- (a) vary the Centrex Metals Ltd Port Spencer Deep Water Port Facility development authorisation dated 18 December 2014, subject to the conditions set out below; and
- (b) specify under Section 48 (7) (b) (iii) all matters which are the subject of conditions herein as matters in respect of which the conditions of this authorisation may be varied or revoked, or new conditions attached.

CONSOLIDATED VERSION OF CONDITIONS OF AUTHORISATION

General

1. Except where minor amendments may be required by other legislation or by conditions imposed herein, proposed modified Major Development shall be undertaken generally in accordance with the plans and documents identified below:
 - (a) 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.
 - (b) 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.
2. For the purposes of Section 48 (11) (b) of the *Development Act 1993*, the proponent shall commence the development by substantial work on the site of the development within two (2) years of the date of this authorisation, failing which the authorisation may be cancelled.
3. The proponent shall have materially completed the development within five (5) years of the date of this authorisation, failing which an extension of time may be sought from the Minister 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 and Local Government prior to the commencement of construction works at each individual stage:

5. Building Rules compliance, following assessment and certification by a private certifier, the District Council of Tumby Bay or by a person determined by the Minister for Planning and Local Government, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the *Development Regulations 2008*). 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 and Local Government, 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.

During Construction Works

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

11. All works must be undertaken in accordance with the approved plans, drawings, specifications and details required by Conditions 5–10 as listed above.
12. 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 Transport and Infrastructure.
13. Vegetation screening and landscaping shall be planted and established prior to operation 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.
14. 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.
15. 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.
16. 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.
17. 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).
18. 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 Marine Spill Contingency Action Plan and the *Pollution of Waters by Oil and Noxious Substances Act 1987*.
19. 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.
20. 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 and Local Government, prior to the operation of the development:

21. 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.
22. 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.
 23. 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.
 24. 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.
 25. 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.
 26. 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

27. 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 and Local Government where required), in accordance with Conditions 6 - 26 as listed above.
28. The development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
29. Recycled water (wastewater, greywater and stormwater) must be stored separately from the potable water supply storage.
30. 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.
31. 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.

ADVISORY NOTES

1. Pursuant to Development Regulation 64, the proponent is advised that the District Council of Tumby Bay or private certifier conducting a Building Rules assessment must:
 - (a) provide to the Minister a certification in the form set out in Schedule 12A of the *Development Regulations 2008* in relation to the building works in questions; and
 - (b) to the extent that may be relevant and appropriate:
 - i. issue a Schedule of Essential Safety Provisions under Division 4 of Part 12;
 - 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*.

Regulation 64 of the *Development Regulations 2008* provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Planning and Local Government.
2. The District Council of Tumby Bay or private certifier 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 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 the District Council of Tumby Bay or Accredited Professional, and the Minister for Planning and Local Government has received a copy of the relevant certification documentation.
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 Agriculture, Water and the Environment. 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 *Environmental 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 of Transport and Infrastructure, 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 Department of 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 of Transport and Infrastructure (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 Major Development or any of the components of the Major Development, an application to the Minister for Planning and Local Government 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 variation involves substantial changes to the proposal, pursuant to Section 47 of the *Development Act 1993*, 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 not covered by the amended Assessment Report and the decision made pursuant to Section 48 of the Act.
23. The Minister has a specific power to require testing, monitoring and auditing under Section 48C of the *Development Act 1993*.

Dated: 6 August 2020

VICKIE CHAPMAN MP
Minister for Planning and Local Government

Guidelines

for the preparation of a
Public Environmental Report

**Sheep Hill Deep Water Port Facility (Stage 1)
on Eyre Peninsula**

Proposal by Centrex Metals Ltd

April 2011



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Appendix A - SA Development Act 1993, Section 46C, PER Process

Appendix B – Relevant Plans of the Proposal

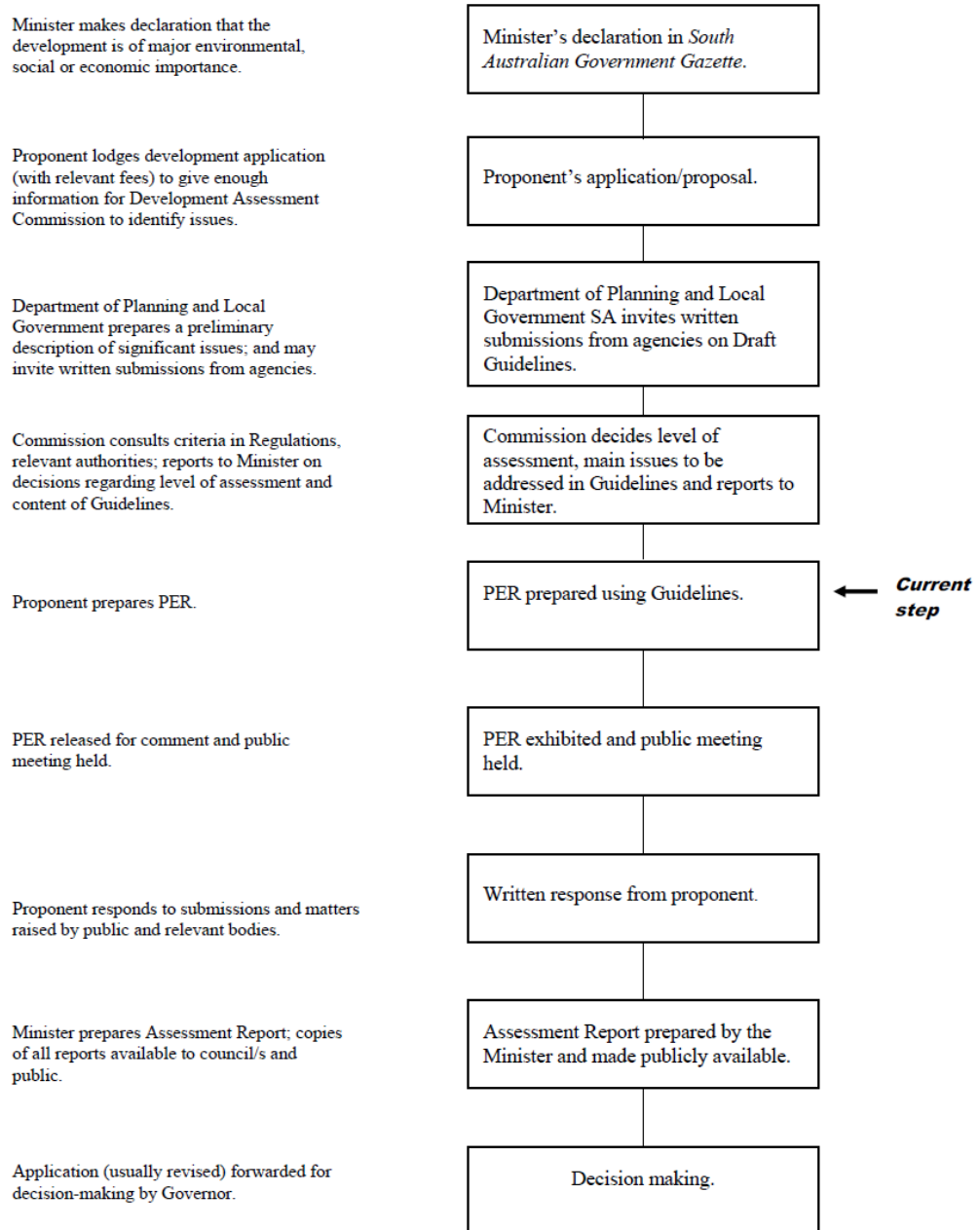
1 INTRODUCTION

- 1.1 On 6 January 2011, the then Minister for Urban Development & Planning ('the Minister') made a declaration in the Government Gazette for the 'Sheep Hill' Deep Water Port Facility proposal to be assessed as a Major Development under the provisions of Section 46 of the *Development Act 1993*.
- 1.2 The proposed development is for a location named by the proponent as 'Sheep Hill', 70 kilometres north-east of Port Lincoln on Eyre Peninsula (ie. on the coast between Port Neil and Tumby Bay). Stage 1 of the proposal comprises:
 - Wharf/jetty structures and ship loading systems.
 - Storage buildings and facilities (for ore and grain).
 - Road transport access corridor (along Swaffers Road).
- 1.3 The Development Assessment Commission (DAC) is an independent statutory authority that has the task of determining the appropriate form of assessment for a Major Development, namely an Environmental Impact Statement (EIS); a Public Environmental Report (PER) or a Development Report (DR); and setting Guidelines.
- 1.4 Following consideration of the potential implications of the proposal, the DAC has determined the proposal will be subject to the processes and procedures of a Public Environmental Report (PER), as set out in Section 46C of the *Development Act 1993*. A PER was considered appropriate due to a number of issues to be investigated, including:
 - The level of unconformity with existing zone policies within the Development Plan.
 - The establishment of a large shipping terminal in a rural coastal location.
 - Traffic generation and implications for the local road network.
 - Potential economic benefits to the region.
 - Potential impacts on the surrounding coastal and marine environment (including from shipping activities in the Spencer Gulf).
 - Visual and community impacts (especially recreational and tourism use of Lipson Cove).
 - Climate change and greenhouse gas emissions.
 - Construction impacts (including noise, dust, odour and vibration).
 - Infrastructure requirements.

- 1.5 It should be noted the *Development Act 1993* requires a PER to be publicly exhibited for a period of at least 30 business days, and for a public meeting to be held during this period.
- 1.6 The DAC has now prepared Guidelines for the proposed 'Sheep Hill' Deep Water Port Facility, based on the significant issues relating to the proposed development. The PER should be prepared in accordance with these Guidelines and should describe what the proponent wants to do, what the environmental effects will be and how the proponent plans to manage the project.
- 1.7 The PER should be prepared to cover both the construction and ongoing operation of the development and where possible should outline opportunities to incorporate best practice design and management.
- 1.8 For the purposes of environmental impact assessment under the *Development Act 1993*, the meaning of 'environment' is taken to include an assessment of environmental (biological and physical), social and economic effects associated with the development and the means by which those effects can be managed.
- 1.9 An opportunity for public comment will occur when the completed PER is released for public exhibition. At that time, an advertisement will be placed in *The Advertiser* and local newspapers to indicate where the PER is available and the length of the public exhibition period. During the exhibition period, written submissions on the proposal can be made to the Minister for Urban Development, Planning and the City of Adelaide.
- 1.10 The DAC's role in the assessment process is now fulfilled. The Minister will continue with the assessment process under Section 46 of the *Development Act 1993* from this point. The object of Section 46 is to ensure that matters affecting the environment, the community or the economy to a significant extent are fully examined and taken into account in the assessment of this proposal.
- 1.11 The documentation and the analyses from the assessment process will then be used by the Governor in the decision-making process, under Section 48 of the *Development Act 1993*, to decide whether the proposal can be approved, and the conditions that would apply.
- 1.12 The key stages in the assessment process under the Major Developments or Projects provisions of the *Development Act 1993* are shown in Figure 1.

FIGURE 1

MAJOR DEVELOPMENTS - ASSESSMENT PROCESSES AND DECISION-MAKING



2 BACKGROUND

- 2.1 The proponent of the proposed 'Sheep Hill' Deep Water Port Facility is Centrex Metals Ltd (Centrex). Centrex is a publicly listed South Australian iron exploration and mining company. The company has extensive mining tenement holdings over iron deposits and exploration targets on Eyre Peninsula, including hematite and magnetite resources. It is expected that the proposal would be developed in joint partnership with the Chinese company Wuhan Iron & Steel (Group) Corporation although no formal documentation has been entered into at this stage. The proponent intends to appoint a suitably experienced and qualified port management and operating company to run the facility (if approved).
- 2.2 Centrex proposes to establish a multi-user, deep water export port on ~105 hectares of land at 'Sheep Hill', between the coastal townships of Port Neil and Tumby Bay. Stage 1 (comprising 48 hectares of the site) is primarily for the direct shipment of hematite from the company's mines on Eyre Peninsula. The facility would accommodate Cape class vessels and be suitable for the export of 2 million tonnes of iron ore and 1 million tonnes of grain per annum. A future Stage 2 is proposed for the processing of magnetite and would require a slurry pipeline to the site (from various mines), a processing plant, storage areas and a small desalination plant. Sites could also be established for the export of minerals by other companies or for the export of rural products, such as grain (possibly including rail access). Stage 2 would have capability to export up to 20 million tonnes of iron ore per annum. If approved, Stage 1 of the proposal could be operational by late 2014. Refer to Appendix B for a copy of the relevant plans of the proposal.
- 2.3 The proponent has been advised by the Minister for Urban Development, Planning & the City of Adelaide that a Public Environmental Report (PER) is required to assist the Government in assessing the environmental, social and economic impacts of the proposal.
- 2.4 The DAC has prepared these Guidelines for the proponent based on the significant issues relating to the proposed development. These Guidelines identify the issues associated with the proposal that must be addressed in the PER.

3 THE PUBLIC ENVIRONMENTAL REPORT PROCESS

- 3.1 A PER, as defined in Section 46C of the *Development Act 1993*, includes a description and analysis of issues relevant to the development and the means by which those issues can be addressed.
- 3.2 The PER should detail the expected environmental, social and economic effects of the development. The PER must consider the extent to which the expected effects of the development are consistent with the provisions of any Development Plan, the Planning Strategy and any matter prescribed by the Regulations under the Act. The PER should also state the proponent's commitments to meet conditions (if any) placed on any approval that may be given to avoid, mitigate or satisfactorily control and manage any potential adverse impacts of the development on the environment. Further to this, any other information required by the Minister must be considered.
- 3.3 In preparing the PER, the proponent should bear in mind the following aims of the PER and public review process:
 - 3.3.1 To provide a source of information from which interested individuals and groups may gain an understanding of the proposal, the need for the proposal, the alternatives, the environment that would be affected, the impacts that may occur and the measures to be taken to minimise these impacts.
 - 3.3.2 To provide a forum for public consultation and informed comment on the proposal.
 - 3.3.3 To provide a framework in which decision-makers may consider the environmental aspects of the proposal in parallel with social, economic, technical and other factors.
- 3.4 Following the release of the Guidelines adopted by the DAC:
 - 3.4.1 The PER must be prepared by the proponent in accordance with these Guidelines.
 - 3.4.2 The PER is referred to the District Council of Tumby Bay and to any prescribed authority or body, and to other relevant authorities or bodies for comment.
 - 3.4.3 Public exhibition of the PER document by advertisement is undertaken for a least 30 business days. Written submissions are invited.
 - 3.4.4 A public meeting is held in the locality by the Department of Planning and Local Government during the period for making submissions, in order to provide information on the development or project, to explain the PER document and processes, and to assist interested persons to make submissions under the Act.

- 3.4.5 Copies of the submissions from the public, Council and other relevant agencies will be given to the proponent (Centrex) soon after closing of the public comment period.
- 3.4.6 The proponent must then prepare a written response in a 'Response Document' to the matters raised by a Minister, Council, any prescribed or specified authority or body and the public. The proponent is nominally given two months to provide this to the Minister.
- 3.4.7 The Minister then prepares an Assessment Report, taking into account any submissions and the proponent's response to them. Comments from any other authority or body may be considered as the Minister thinks fit.
- 3.4.8 The Assessment Report and the Response Document are to be kept available for inspection and purchase at a place and period determined by the Minister. Availability of each of these documents will be notified by advertisements in the *Advertiser* newspaper and local press.
- 3.4.9 Copies of the PER, the Response Document and the Assessment Report will be given to the District Council of Tumby Bay for distribution purposes.
- 3.4.10 The Governor is the relevant decision maker under Section 48 of the Act, when a development application is subject to the PER process.
- 3.4.11 In arriving at a decision, the Governor must have regard to:
- The provisions of the appropriate Development Plan and Regulations.
 - If relevant, the Building Rules.
 - The Planning Strategy.
 - The PER, Response document and Assessment Report.
 - If relevant, the *Environment Protection Act 1993*.
 - If relevant, the objects of the *River Murray Act 2003* and any obligations under the Murray-Darling Basin Agreement.
 - If relevant, the objects of the *Adelaide Dolphin Sanctuary Act 2005*.
 - If relevant, the objects of the *Marine Parks Act 2007*.
- 3.5 The Governor can at any time, and prior to completion of the assessment process, determine that the development will not be granted authorisation. This may occur if it is clear that the development is inappropriate or can not be managed properly. This is commonly referred to as an "early no".

4 THE PUBLIC ENVIRONMENTAL REPORT DOCUMENT

- 4.1 The Guidelines set out the major issues associated with the proposal and their degree of significance, as determined by the Development Assessment Commission. It describes each issue and then outlines the way that these issues should be dealt with in the Public Environmental Report.
- 4.2 In these Guidelines the terms “description” and other similar terminology should be taken to include both quantitative and qualitative materials as practicable and meaningful. Similarly, adverse and beneficial effects should be presented in quantitative and/or qualitative terms as appropriate.
- 4.3 The main text of the PER should be clear and precise and presented in terms that are readily understood by the general reader. Technical details should be included in the appendices so that the PER forms a self-contained entity.
- 4.4 The document should give priority to the major issues associated with the proposal. Matters of lesser concern should be dealt with only to the extent required to demonstrate that they have been considered to assist in focussing on the major issues.
- 4.5 The following should be included in the PER:

4.5.1 SUMMARY

The PER should include a concise summary of the matters set out in section 46C of the *Development Act 1993* and include all aspects covered under the headings set out in the Guidelines below, in order for the reader to obtain a quick but thorough understanding of the proposal and the resulting environmental impacts.

4.5.2 INTRODUCTION

The introduction to the PER should briefly cover the following:

- Background to, and objectives of, the proposed development.
- Details of the proponent.
- Staging and timing of the proposal, including expected dates for construction and operation.
- Relevant legislative requirements and approval processes.
- Purpose and description of the PER process.

4.5.3 NEED FOR THE PROPOSAL

- The specific objectives that the proposal is intended to meet, including market requirements.
- Arrangements for other users to gain access to port facilities and/or to establish additional facilities on site (including port management).
- Expected local, regional and state benefits and costs, including

social or economic environment, must be clearly stated as part of the PER.

The design of the proposal should be flexible enough to incorporate changes to minimise any impacts highlighted by this evaluation or by post-operation monitoring programs.

4.7 The PER should also provide the following additional information:

4.7.1 SOURCES OF INFORMATION

The sources of information (e.g. reference documents, literature services, research projects, authorities consulted) should be fully referenced, and reference should be made to any uncertainties in knowledge. Where judgments are made, or opinions given, these will need to be clearly identified as such, and the basis on which these judgments or opinions are made will need to be justified. The expertise of those making the judgments including the qualifications of consultants and authorities should also be provided.

4.7.2 APPENDICES

Technical and additional information relevant to the PER that is not included in the text should be included in the appendices (maps, graphs, tables, photographs, reports etc). A glossary may also be appropriate.

4.7.3 OTHER

Appropriate plans, drawings and elevations are needed for a decision to be made. As much information as possible is required of the design and layout of the proposal.

5 THE MAIN ISSUES

5.1 PLANNING AND ENVIRONMENTAL LEGISLATION AND POLICIES

- 5.1.1 Describe the proposal's consistency with and/or variance from the relevant Development Plan and Planning Strategy.
- 5.1.2 Describe the required changes that would need to be made to the zoning of the site.
- 5.1.3 Describe the relevant requirements of the *Environment Protection Act 1993* and associated policies and guidelines, and how these will be complied with.
- 5.1.4 Consider relevant protocols, agreements and strategies including: 'Tackling Climate Change, SA's Greenhouse Strategy 2007 – 2020, the *Climate Change and Greenhouse Emissions Reduction Act 2007* and the *National Greenhouse and Energy Reporting Act 2007*.
- 5.1.5 Describe the proposal's consistency with State and Commonwealth legislation and initiatives relating to conservation or protection of the biological environment and heritage items, including the *Marine Parks Act 2007*.
- 5.1.6 Detail any other relevant plans or studies that relate to the area.
- 5.1.7 Identify legislative requirements and the range of approvals needed to complete the proposed development.

5.2 NEED FOR THE PROPOSAL

- 5.2.1 Justify the rationale for the proposal from an environmental, economic, social and sustainability perspective, including the reasons for its proposed location, scale and staging.
- 5.2.2 Justify the selection of the proposed location from an environmental and economic perspective in comparison with alternative sites on Eyre Peninsula.
- 5.2.3 Outline current and predicted demand for the facility.
- 5.2.4 Assess the "do nothing" option.

5.3 ENVIRONMENTAL ISSUES

Coastal and Marine

- 5.3.1 Investigate the potential effect of the development on the terrestrial, coastal and marine environment, both on and around the

- site (including the Lipson Island Conservation Park).
- 5.3.2 Describe the impact of jetty construction on the foreshore, seabed and benthic communities.
 - 5.3.3 Describe the coastal engineering requirements for the location, orientation and type of jetty structure.
 - 5.3.4 Describe the impact of blasting and pile driving activities on marine communities, especially turbidity and disturbance.
 - 5.3.5 Describe the design and operational measures to prevent stormwater and other run-off from the site from affecting the coastal and marine environment during both construction and operation.
 - 5.3.6 Describe how ship loading operations would minimise incidental ore or grain spillage.
 - 5.3.7 Describe the impact of incidental ore or grain spillage during ship loading operations on the marine environment, especially water quality.
 - 5.3.8 Detail measures for managing solid waste, black water and grey water from ships.
 - 5.3.9 Describe the impact of increased shipping traffic and activities in the lower Spencer Gulf.
 - 5.3.10 Outline measures to protect water quality and the marine environment from shipping activities, especially turbulence during docking and manoeuvring.
 - 5.3.11 Detail measures to ensure that shipping activities would be conducted in an environmentally sustainable manner, particularly the control of pollution sources and the establishment of buffer distances (especially from populations of threatened species and the Lipson Island Conservation Park).
 - 5.3.12 Detail the measures to protect nearby sand dune, beach and rocky foreshore areas during and after construction, including buffers.
 - 5.3.13 Describe and illustrate the impact of the proposal on the landscape quality of the coastal environment.
 - 5.3.14 Describe sand movement and water flow characteristics through and around the jetty structure to identify any changes to beach profiles or sedimentation on reef habitats. Modelling should be undertaken, especially to determine whether sand deposits would obstruct ship manoeuvring when entering or exiting the proposed facility.

- 5.3.15 Describe how the proposal will minimise impacts (including from ship movements) on aquaculture zones and activities.

Climate Change and Sustainability

- 5.3.16 Outline the potential effects of climate change from a risk management perspective, including adaptive management strategies.
- 5.3.17 Identify all sources and levels of greenhouse gas emissions that would be generated and climate change implications, including those from transport and the operation of infrastructure.
- 5.3.18 Describe measures to minimise, reduce and ameliorate greenhouse gas emissions, particularly the use of alternative or renewable energy sources and off-sets, and identify barriers to implementation.
- 5.3.19 Outline measures to minimise or reduce materials and construction resources used during the construction and operational phases.
- 5.3.20 Describe the provision of an adequate power supply for the proposed development and include information on the amount of power required.
- 5.3.21 Identify ways in which power use can be minimised or supplemented, especially using alternative energy sources, energy efficiency measures and energy conservation.
- 5.3.22 Describe the measures proposed for the disposal of excavated material and construction waste.
- 5.3.23 Describe how the State Waste Strategy will be implemented and the ability of existing infrastructure to deal with waste and recycling streams.
- 5.3.24 Describe the ecologically sustainable objectives of the proposal and the approach and methodology used to achieve these objectives.
- 5.3.25 Describe design guidelines that would be adopted to ensure sustainability.
- 5.3.26 Detail the arrangements to be implemented to control and manage activities, particularly to ensure that the proposed development is environmentally sustainable during construction and in the long-term.
- 5.3.27 Describe the means by which the sustainability of the proposal will be audited.

Native Vegetation (Terrestrial and Marine)

- 5.3.28 Quantify and detail the extent, condition and significance of native vegetation (individual species and communities) that currently exist on site.
- 5.3.29 Quantify and detail the extent, condition and significance of native vegetation (individual species and communities) that may need to be cleared or disturbed during construction and the ability of communities or individual species to recover, regenerate or be rehabilitated.
- 5.3.30 Calculate the level of clearance for individual community types that would be required for the whole site (including ancillary clearance for infrastructure).
- 5.3.31 Identify measures to minimise and mitigate vegetation clearance, including incorporating remnant stands in the layout design, and to compensate for any loss of native vegetation and habitat.
- 5.3.32 Describe measures to deliver any significant environmental benefit that is required by the *Native Vegetation Act 1991*.
- 5.3.33 Identify impact avoidance, minimisation and mitigation measures and their effectiveness.

Native Fauna (Terrestrial and Marine)

- 5.3.34 Quantify and detail the abundance, condition and significance of native fauna populations that currently exist on site.
- 5.3.35 Describe the extent of fauna and/or habitat loss or disturbance during the construction and operation phases (both on and around site) and the ability of communities and individual species to recover, especially for resident or migratory shore birds and threatened or significant species (including those listed under the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999* and *National Parks & Wildlife Act 1972*).
- 5.3.36 Describe the impacts of introduced species, especially vermin and nuisance species that can be attracted to port facilities.
- 5.3.37 Detail appropriate buffer distances that would be required between the proposed development and threatened species, including feeding areas, nesting sites and roosting sites.
- 5.3.38 Outline the effect of noise emissions, vibration and light pollution on fauna, especially nocturnal species.
- 5.3.39 Identify impact avoidance, minimisation and mitigation measures and their effectiveness.

Geology and Soils

- 5.3.40 Describe the underlying geology and the nature of the soils with special reference to coastal landforms.
- 5.3.41 Outline the interaction between surface erosional processes and the proposed development.

Groundwater and Surface Water

- 5.3.42 Describe the known existing groundwater and surface water related environmental conditions, including consideration of any existing site contamination.
- 5.3.43 Describe any potential changes to hydrology (with reference to drainage patterns and groundwater characteristics).
- 5.3.44 Detail the measures to be taken to manage and monitor any groundwater or surface water resources.
- 5.3.45 Identify impact avoidance, minimisation and mitigation measures and their effectiveness.

Water

- 5.3.46 Describe the provision of an adequate water supply for the proposed development and include information on the quantity of potable and other water required.
- 5.3.47 Describe the approach to water sustainability, including ways in which water use can be minimised or supplemented (including the use of rainwater) and opportunities for reducing water use and for recycling water, particularly stormwater.
- 5.3.48 Describe Water Sensitive Urban Design (WSUD) measures and uses of wastewater that would be adopted.
- 5.3.49 Outline the measures proposed to manage stormwater runoff from hard surfaces which are not being used for harvesting water supply, especially access roads. Include measures to treat stormwater and ensure that pre-development volumes would be maintained.

Urban Design and Built Form

- 5.3.50 Provide details of construction materials, colours and landscaping for all buildings and structures.
- 5.3.51 Describe how the design and construction of all buildings and structures will be controlled to ensure environmental sustainability and cohesive visual amenity.
- 5.3.52 Provide details of the shelter, shading and screening treatments for

car parking areas.

General

- 5.3.53 Describe the impacts on the tourism and conservation values of the area due to increased human activity and disturbance.
- 5.3.54 Describe any net benefits or opportunities provided by the proposal to the regional and local environment.
- 5.3.55 Detail the expected levels of environmental noise associated with the operation of the development, identifying all potential noise sources, and describe the impact upon the wider locality, including native fauna.
- 5.3.56 Detail the extent to which noise emissions can be reduced and contained (such as via building design/materials, noise barriers and buffers) to minimise impacts upon the wider locality, including the effects from increased transport.
- 5.3.57 Describe how all potential sources of air pollution (especially dust and particulates from transport, unloading, storage and ship loading) would be controlled and monitored, including measures for their reduction or elimination.
- 5.3.58 Describe the use of amenity/landscape plantings and potential broad scale revegetation, including the opportunities for the use of locally endemic species.

Management and Monitoring

- 5.3.59 Outline measures to minimise, manage, monitor and rehabilitate impacts on the terrestrial, coastal and marine environment.
- 5.3.60 Describe how the spread of pest plants and animals within and around the development would be avoided, minimised and managed.
- 5.3.61 Describe the risk of causing or exacerbating any environmental problems in the locality, and describe mitigation measures and their expected effectiveness during all stages of construction and post construction.
- 5.3.62 Describe all the monitoring measures, reporting regimes and audits for flora, fauna (especially threatened or significant species), water (surface water and groundwater), energy, waste, soil erosion and introduced species which will be included in a Management Plan.
- 5.3.63 Undertake baseline data collection (for a minimum of 12 months) for identifying impacts from incidental spillage, such as using Diffusive Gradients in Thin-films (DGT) to detect background

levels of iron ore and a monitoring program for in-situ chlorophyll-a.

5.4 TRAFFIC AND TRANSPORT

- 5.4.1 Identify the traffic impacts on the surrounding arterial road network, such as the Lincoln Highway, Lincoln Highway/Swaffers Road intersection and Lincoln Highway/Lipson Cove Road intersection, during both construction and operation. A Traffic Impact Assessment should be undertaken, taking into consideration existing traffic data, accident statistics and predicted traffic volumes (including vehicle types, numbers/frequencies and traffic peaks)
- 5.4.2 Detail any infrastructure improvements that would be required to provide safe and efficient access (including potential passing lanes along the Lincoln Highway).
- 5.4.3 Describe access and parking arrangements for commercial and over-dimensional vehicles
- 5.4.4 Detail approvals required for over-dimensional vehicles and design standards for Swaffers Road to be suitable for over-dimensional vehicles.
- 5.4.5 Describe the location of any construction camp and associated traffic impacts.
- 5.4.6 Describe car parking provisions for staff and visitors.
- 5.4.7 Describe the requirements for the potential future rail operations and the impacts on existing and proposed level crossings (including safety implications).

5.5 ECONOMIC ISSUES

- 5.5.1 Provide a full economic analysis of the proposal including the long term economic viability of the development.
- 5.5.2 Outline the financial strategies to be employed to ensure the relevant infrastructure is in place for each stage of the development.
- 5.5.3 Identify employment and investment opportunities, including the “multiplier effect”.
- 5.5.4 Outline the opportunity for further investment in the area arising from the proposal.
- 5.5.5 Identify the economic effect the construction and on-going

workforce would have locally and regionally, including preparing a South Australian Industry Participation Plan.

- 5.5.6 Describe any potential costs and/or savings to State and Local Government of infrastructure expansion with regard to transport networks, electricity supply, water supply, sewerage, coastal management and community services (especially emergency services).
- 5.5.7 Describe the land tenure arrangements during and after construction of each stage.

5.6 RISK/HAZARD MANAGEMENT

- 5.6.1 Detail procedures to be adopted to confirm whether site contamination exists (such as site history, site audit and site contamination reporting), including potential acid sulphate soils.
- 5.6.2 Detail management measures that would be required during construction and operation to prevent site contamination.
- 5.6.3 Describe how the introduction of pest or nuisance marine organisms would be managed, including from ballast water.
- 5.6.4 Describe procedures and strategies to prevent, manage and mitigate ship oil spills, pollution spills or sewage leaks (both at the port and in the Spencer Gulf).
- 5.6.5 Detail measures and strategies for the management of hazardous, flammable or explosive materials, including risk contours
- 5.6.6 Outline the proposal for bunding of hazardous materials storage areas.
- 5.6.7 Identify the flooding risk to the site from coastal inundation and extreme rainfall events.
- 5.6.8 Describe strategies for controlling wind and water erosion.
- 5.6.9 Describe procedures and strategies to manage and monitor invasive weed species to protect coastal vegetation.
- 5.6.10 Describe how introduced species and pathogens will be managed.
- 5.6.11 Detail fire management processes and measures to reduce bushfire risk.
- 5.6.12 Describe strategies for ensuring public safety during construction.

5.7 EFFECTS ON COMMUNITIES

- 5.7.1 Outline the likely size and composition of the construction

workforce and other employees, how accommodation requirements would be met and employment opportunities for the local community.

- 5.7.2 Detail opportunities for local Aboriginal vocational training and employment.
- 5.7.3 Describe the impact on the amenity and lifestyle of existing residents, including those in close proximity to the access corridor.
- 5.7.4 Describe the impact on local and regional land uses, including traffic impacts at peak periods (particularly on primary producers).
- 5.7.5 Describe the impact on local and regional land uses, such as primary production, commercial fishing and aquaculture, including the need for adequate separation distances from adjoining land uses.
- 5.7.6 Describe the impact of lighting on the amenity of the local environment, especially light spill and 'glow haze'.
- 5.7.7 Describe and illustrate the visual effect of the proposed development on the locality when viewed from important viewing points, including from the land and sea.
- 5.7.8 Describe the effect on visual amenity, especially the effects of the built form of structures (including earthworks and infrastructure), particularly as viewed from Lipson Cove.
- 5.7.9 Outline the impact on existing tourism and recreation activities and facilities.
- 5.7.10 Describe the rationale for the major design elements of the proposed development and measures to mitigate their visual impact.

5.8 NATIVE TITLE AND CULTURAL HERITAGE

- 5.8.1 Identify the effect on any Indigenous sites of archaeological, anthropological or other significance under the *Aboriginal Heritage Act 1988*, including any sites listed in the Register of the National Estate and the SA Register of Aboriginal Sites and Objects, or identified after consultation with Aboriginal councils or groups.
- 5.8.2 Detail measures to ensure compliance with the *Aboriginal Heritage Act 1988*.
- 5.8.3 Outline any known cultural significance of the site to Indigenous people, including any stories or myths.

- 5.8.4 Detail consultation undertaken with the local Indigenous people during the development of the PER.
- 5.8.5 Identify any Native Title issues in respect of the requirements of the *Native Title Act 1993* (Commonwealth) and the *Native Title Act 1994* (South Australia).
- 5.8.6 Describe the impact on Native Title Claimants (as determined by the Minister for Aboriginal Affairs and Reconciliation) and the consequent impact on the potential ongoing enjoyment of native title rights, if any, by native title holders.
- 5.8.7 Identify the impact on the heritage significance of any known non-indigenous heritage places on or adjacent the site, including State or local heritage places entered on the South Australian Heritage Register, or identified after consultation with the Department of Environment and Natural Resources, the District Council of Tumby Bay or community groups.
- 5.8.8 Identify measures to protect any historic shipwrecks within the area during construction, in accordance with the *Historic Shipwrecks Act 1981*.

5.9 EFFECTS ON INFRASTRUCTURE REQUIREMENTS

- 5.9.1 Outline the requirements for an adequate supply and the location of distribution networks for gas, electricity, water, sewerage, stormwater management, communications systems and local roads.
- 5.9.2 Detail the extent to which the facility will generate the need for upgraded infrastructure beyond the site boundaries.
- 5.9.3 Outline opportunities to incorporate best practice infrastructure design.
- 5.9.4 Detail emergency services arrangements.

5.10 CONSTRUCTION AND OPERATIONAL EFFECTS

- 5.10.1 For each component, provide a site construction plan and outline strategies to minimise effects on the local environment.
- 5.10.2 Outline the timing of construction and the time of year it is likely to occur.
- 5.10.3 Describe the level of cut and fill required and the effect on the natural topography of the site, including the access corridor.
- 5.10.4 Where possible, identify the source and origin of construction

materials for buildings and infrastructure (such as road making) and the opportunity for the use of recycled materials.

- 5.10.5 Provide information about the transport and storage of construction materials to minimise effects on the local environment.
- 5.10.6 Outline proposed traffic mitigation and management measures for the construction and operational phases, particularly the impact on local and arterial roads in terms of road safety, traffic routes and hours of activity.
- 5.10.7 Identify measures to stabilise disturbed areas and areas susceptible to soil erosion.
- 5.10.8 Identify the measures for the control of dust, vibration, noise, stormwater and other emissions during construction and operation.
- 5.10.9 Describe the implementation of environmentally acceptable work practices and monitoring programs.
- 5.10.10 Detail the proposed monitoring of impacts during and after construction, including reporting and auditing measures.
- 5.10.11 Detail what will be included in an environmental management plan, for both construction and operational activities for all components of the development.
- 5.10.12 Describe the management agreements between the District Council of Tumby Bay and the proponent during and after construction.
- 5.10.13 Detail long-term management agreements for operation of the development, including the ownership of land and infrastructure.

6 AVAILABILITY OF GUIDELINES

Copies of the Guidelines will be made available at the following locations:

Department of Planning and Local Government
5th Floor Public Counter
136 North Terrace
Adelaide SA 5000

District Council of Tumby Bay
Corner of Mortlock Street & West Terrace
PO Box 61
Tumby Bay SA 5605

Electronic copies can also be downloaded from the following web sites:

www.dac.sa.gov.au

www.planning.sa.gov.au/go/major-developments

APPENDIX A

Development Act 1993, Section 46C—PER process—Specific provisions

- (1) This section applies if a PER must be prepared for a proposed development or project.
- (2) The Minister will, after consultation with the proponent—
 - (a) require the proponent to prepare the PER; or
 - (b) determine that the Minister will arrange for the preparation of the PER.
- (3) The PER must be prepared in accordance with guidelines determined by the Major Developments Panel under this subdivision.
- (4) The PER must include a statement of—
 - (a) the expected environmental, social and economic effects of the development or project;
 - (b) the extent to which the expected effects of the development or project are consistent with the provisions of—
 - (i) any relevant Development Plan; and
 - (ii) the Planning Strategy; and
 - (iii) any matters prescribed by the regulations;
 - (c) if the development or project involves, or is for the purposes of, a prescribed activity of environmental significance as defined by the *Environment Protection Act 1993*, the extent to which the expected effects of the development or project are consistent with—
 - (i) the objects of the *Environment Protection Act 1993*; and
 - (ii) the general environmental duty under that Act; and
 - (iii) relevant environment protection policies under that Act;
 - (ca) if the development or project is to be undertaken within the Murray-Darling Basin, the extent to which the expected effects of the development or project are consistent with—
 - (i) the objects of the *River Murray Act 2003*; and
 - (ii) the *Objectives for a Healthy River Murray* under that Act; and
 - (iii) the general duty of care under that Act;
 - (cb) if the development or project is to be undertaken within, or is likely to have a direct impact on, the Adelaide Dolphin Sanctuary, the extent to which the expected effects of the development or project are consistent with—
 - (i) the objects and objectives of the *Adelaide Dolphin Sanctuary Act 2005*; and
 - (ii) the general duty of care under that Act;
 - (cc) if the development or project is to be undertaken within, or is likely to have a direct impact on, a marine park, the extent to which the expected effects of the development or project are consistent with—

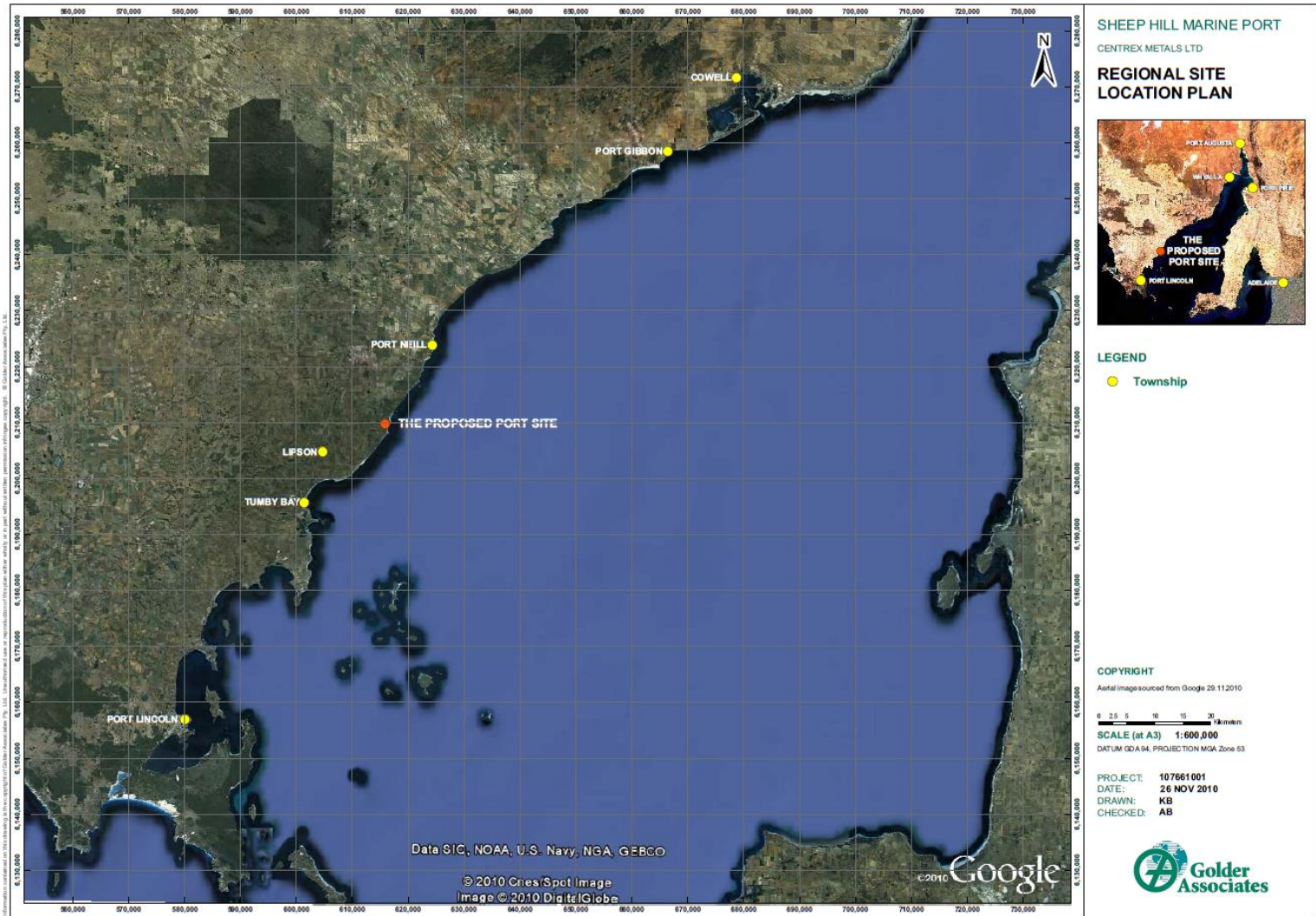
- (i) the prohibitions and restrictions applying within the marine park under the *Marine Parks Act 2007*; and
 - (ii) the general duty of care under that Act;
 - (d) the proponent's commitments to meet conditions (if any) that should be observed in order to avoid, mitigate or satisfactorily manage and control any potentially adverse effects of the development or project on the environment;
 - (e) other particulars in relation to the development or project required—
 - (i) by the regulations; or
 - (ii) by the Minister.
- (5) After the PER has been prepared, the Minister—
 - (a) —
 - (i) must, if the PER relates to a development or project that involves, or is for the purposes of, a prescribed activity of environmental significance as defined by the *Environment Protection Act 1993*, refer the PER to the Environment Protection Authority; and
 - (ia) must, if the PER relates to a development or project that is to be undertaken within the Murray-Darling Basin, refer the PER to the Minister for the River Murray; and
 - (ib) must, if the PER relates to a development or project that is to be undertaken within, or is likely to have a direct impact on, the Adelaide Dolphin Sanctuary, refer the PER to the Minister for the Adelaide Dolphin Sanctuary; and
 - (ib) must, if the PER relates to a development or project that is to be undertaken within, or is likely to have a direct impact on, a marine park, refer the PER to the Minister for Marine Parks; and
 - (ii) must refer the PER to the relevant council (or councils), and to any prescribed authority or body; and
 - (iii) may refer the PER to such other authorities or bodies as the Minister thinks fit,

for comment and report within the time prescribed by the regulations; and
 - (b) must ensure that copies of the PER are available for public inspection and purchase (during normal office hours) for at least 30 business days at a place or places determined by the Minister and, by public advertisement, give notice of the availability of copies of the PER and invite interested persons to make written submissions to the Minister on the PER within the time determined by the Minister for the purposes of this paragraph.
- (6) The Minister must appoint a suitable person to conduct a public meeting during the period that applies under subsection (5)(b) in accordance with the requirements of the regulations.
- (7) The Minister must, after the expiration of the time period that applies under subsection (5)(b), give to the proponent copies of all submissions made within time under that subsection.
- (8) The proponent must then prepare a written response to—

- (a) matters raised by a Minister, the Environment Protection Authority, any council or any prescribed or specified authority or body, for consideration by the proponent; and
 - (b) all submissions referred to the proponent under subsection (7),and provide a copy of that response to the Minister within the time prescribed by the regulations.
- (9) The Minister must then prepare a report (an *Assessment Report*) that sets out or includes—
 - (a) the Minister's assessment of the development or project; and
 - (b) the Minister's comments (if any) on—
 - (i) the PER; and
 - (ii) any submissions made under subsection (5); and
 - (iii) the proponent's response under subsection (8); and
 - (c) comments provided by the Environment Protection Authority, a council or other authority or body for inclusion in the report; and
 - (d) other comments or matter as the Minister thinks fit.
- (10) The Minister must, by public advertisement, give notice of the place or places at which copies of the Assessment Report are available for inspection and purchase.
- (11) Copies of the PER, the proponent's response under subsection (8), and the Assessment Report must be kept available for inspection and purchase at a place determined by the Minister for a period determined by the Minister.
- (12) If a proposed development or project to which a PER relates will, if the development or project proceeds, be situated wholly or partly within the area of a council, the Minister must give a copy of the PER, the proponent's response under subsection (8), and the Assessment Report to the council.

APPENDIX B

Relevant Plans of the Proposal

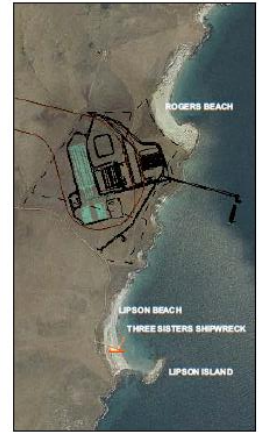




SHEEP HILL MARINE PORT

CENTREX METALS LTD

SHEEP HILL MARINE PORT AND SWAFFERS ROAD CORRIDOR



LEGEND

- Approximate Site boundary
- - - Approximate location of the wharf
- Swaffers Road Access Corridor
- Lipscon Island Conservation Park
- ↗ Three Sisters Shipwreck Location

COPYRIGHT

Aerial image sourced from DEH, South Australian Government
 Site data sourced from Langkilde Engineering Services.
 Drawing No: 193-01-A-001, Drawn By: MJM Drawn On: 17.11.2010



SCALE (at A3) 1:20,000
 DATUM GD A 84, PROJECTION MGA Zone 53

PROJECT: 107661001
 DATE: 17 FEB 2011
 DRAWN: KB
 CHECKED: JAB



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SHEEP HILL MARINE PORT
 CENTREX METALS LTD
SITE INFRASTRUCTURE AND LANDUSE PLAN



- LEGEND**
- Site boundary
 - - - Approximate location of the wharf
 - Stage 2
 - Future Hematite Storage
 - Future Grain Storage
 - Land use - Farming
 - Land use - Coastal

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 Aerial image sourced from DEH, South Australian Government
 Site data sourced from Langkilde Engineering Services
 Drawing No. 193-01-A-001, Drawn By: M.M Drawn On: 17.11.2010

0 100 200 300 400 Meters

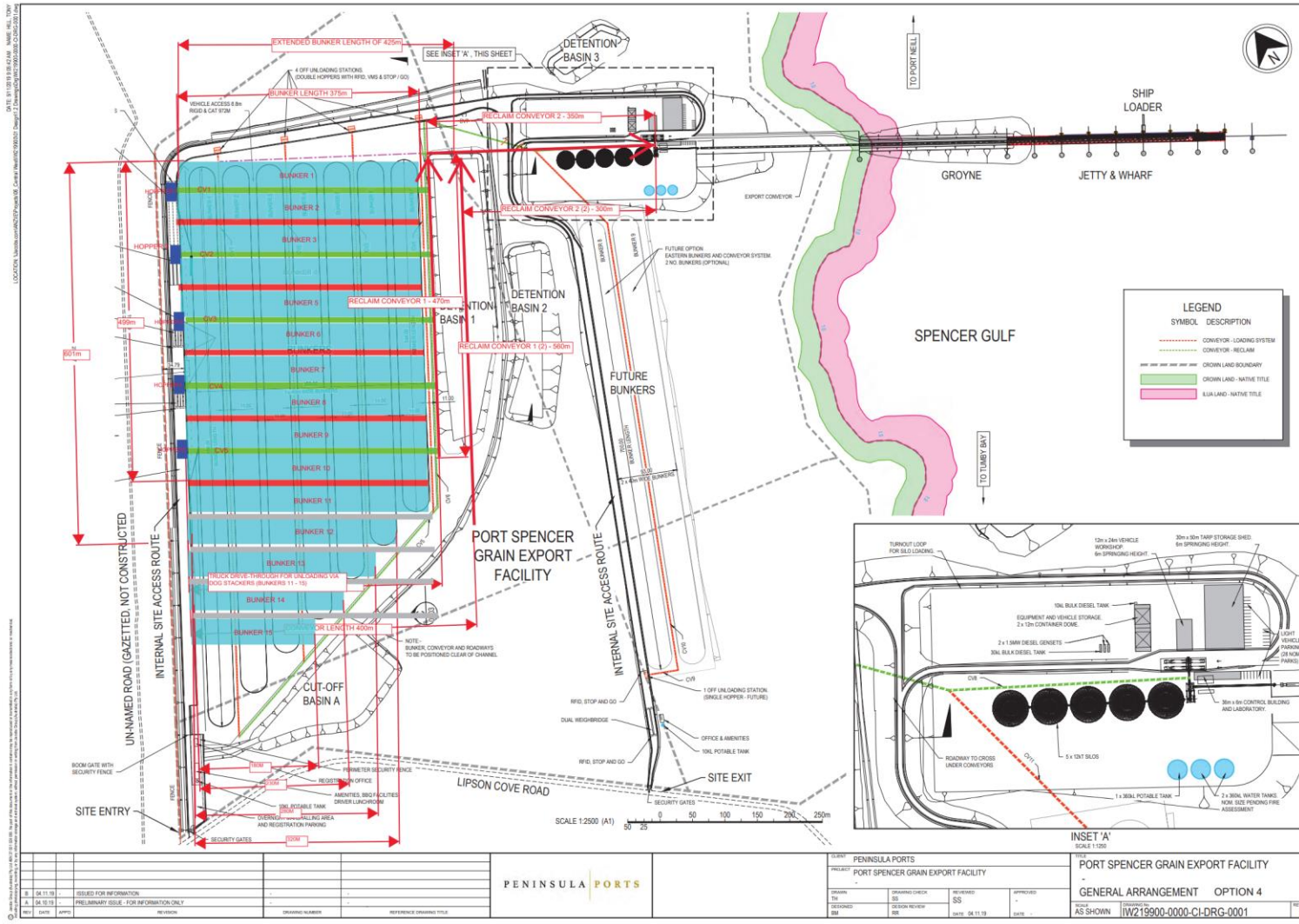
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 DATUM GDA94, PROJECTION MGA Zone 53

PROJECT: 107661001
 DATE: 08 FEB 2011
 DRAWN: KB
 CHECKED: JAB



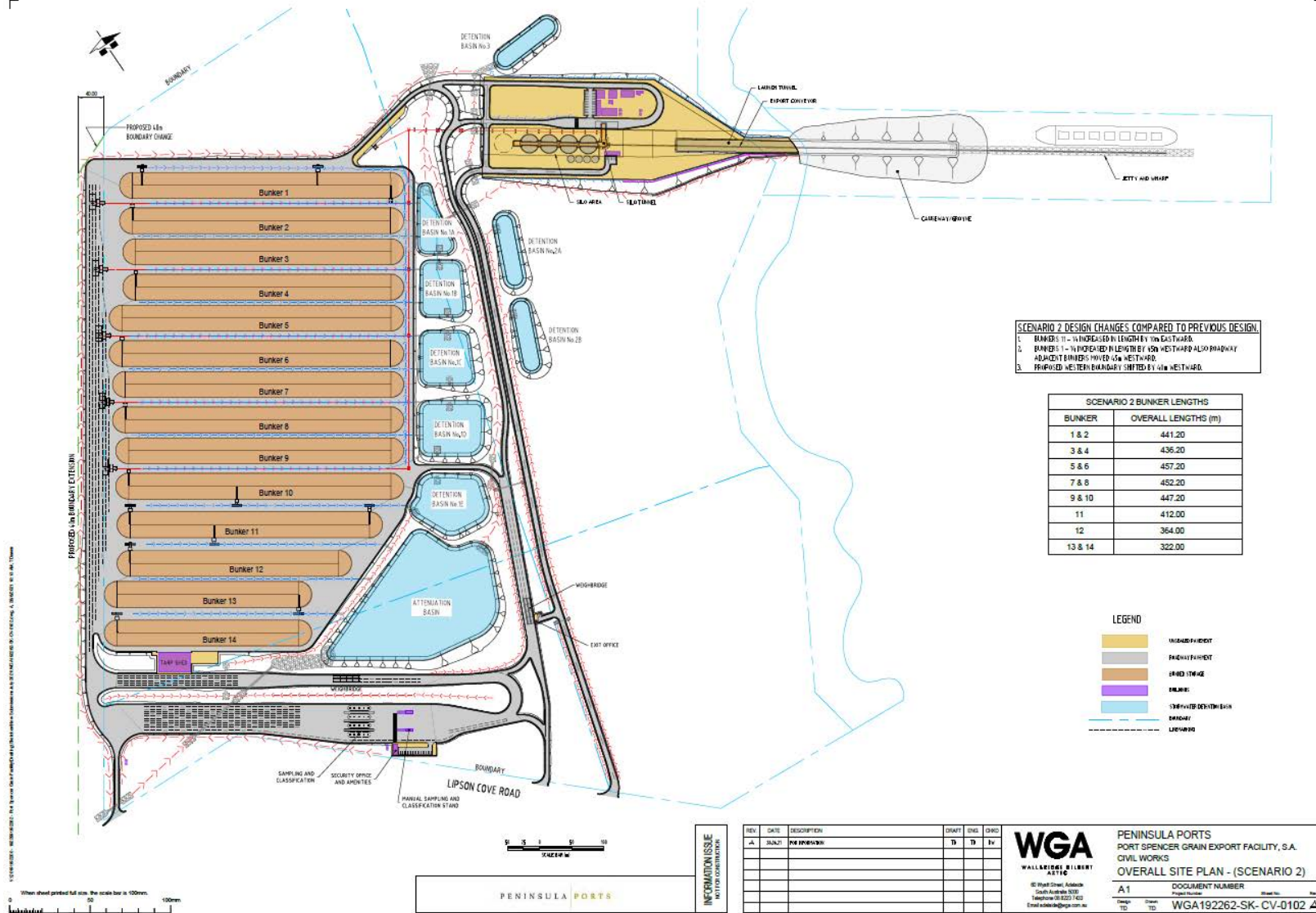
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Appendix 3: Approved Site and Layout Plan



Source: Response Document, Amendment to PER, Peninsula Ports, 17 June 2020

Appendix 4: Proposed Site and Layout Plan



SCENARIO 2 DESIGN CHANGES COMPARED TO PREVIOUS DESIGN.

- 1. BUNDLES 11 - 14 INCREASED IN LENGTH BY 10m EASTWARD.
- 2. BUNDLES 1 - 10 INCREASED IN LENGTH BY 15m WESTWARD ALSO ROADWAY ADJACENT BUNDLES MOVED 15m WESTWARD.
- 3. PROPOSED WESTERN BUNDLES 13/14 BY 15m WESTWARD.

BUNKER	OVERALL LENGTHS (m)
1 & 2	441.20
3 & 4	436.20
5 & 6	457.20
7 & 8	452.20
9 & 10	447.20
11	412.00
12	364.00
13 & 14	322.00

LEGEND

	WATERWAY
	ROADWAY
	BUNKER
	DETENTION BASIN
	BOUNDARY
	LINEWORK

1:00000000 - 1:10000000 - 1:20000000 - 1:30000000 - 1:40000000 - 1:50000000 - 1:60000000 - 1:70000000 - 1:80000000 - 1:90000000 - 1:100000000

When sheet printed full size, the scale bar is 100mm.

PENINSULAS PORTS

INFORMATION ISSUE

REV	DATE	DESCRIPTION	DRAWN	CHECKED	DATE
1	20/07/20	FOR INFORMATION	TD	TD	TD

WGA
WALLGATES GILBERT
AS/TC

15 Mount Street, Adelaide
South Australia 5000
Telephone 08 8221 1122
Email adelaide@wga.com.au

PENINSULAS PORTS
PORT SPENCER GRAIN EXPORT FACILITY, S.A.
CIVIL WORKERS
OVERALL SITE PLAN - (SCENARIO 2)

DOCUMENT NUMBER
A1

Project Number: WGA192262-SK-CV-0102
Sheet No:
Scale: TD

Appendix 5: Definitions and Acronyms

ACRONYM	DEFINITION
APER	Amendment Public Environmental Report
AR	Assessment Report
ARR	Amendment Assessment Report
CEMP	Construction Environmental Management Plan
EMP	Environmental Management Plan
EPA	Environment Protection Authority
EP Act	<i>Environment Protection Act 1993</i>
EPLGA	Eyre Peninsula Local Government Association
HVNL	Heavy Vehicle National Law.
OEMP	Operational Environmental Management Plan
PLUS-AGD	Planning and Land Use Services (within the Attorney-General's Department)
PER	Public Environmental Report
PPL	Peninsula Ports Pty Ltd
RD	Response Document
SPC	State Planning Commission
SPP	State Planning Policy
The Minister	Minister for Planning