



Agenda Report for Decision

Meeting Date: 3 February 2022

Item Name	Port Bonython Code Amendment – Report for the Environment, Resources and Development Committee of Parliament
Presenters	Brett Steiner, Jason Bailey and Nadia Gencarelli
Purpose of Report	Decision
Item Number	3.5
Strategic Plan Reference	5. Discharging Statutory Obligations
Work Plan Reference	5.2 Advise the Minister on the Code Amendment
Confidentiality	Not Confidential (Release Delayed). To be released following final decision of the Environment, Resources and Development Committee on the Code Amendment
Related Decisions	<ul style="list-style-type: none">• 18 March 2021 – Item 6.1 – Correspondence regarding land at Port Bonython• 29 April 2021 – Item 3.1 – Proposal to Initiate the Port Bonython Code Amendment• 23 May 2021 – Circular Resolution No. 15 – Proposal to Initiate the Port Bonython Code Amendment

Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item and attachments as Not Confidential (Release Delayed). To be released following final decision of the Environment, Resources and Development Committee (the Committee) of Parliament on the Port Bonython Code Amendment (the Code Amendment).
2. Note that under section 74(2) of the *Planning, Development and Infrastructure Act 2016* (the Act) the Minister for Planning and Local Government (the Minister) has referred the Code Amendment to the Committee within 28 days of it coming into effect, but has requested an extension of time until 28 February 2022 to provide the report under section 74(3) of the Act.
3. Note the Code Amendment referred to the Committee must be accompanied by a report prepared by the Commission that sets out the matters provided for in section 74(3) of the Act.
4. Approve and authorise the Chair of the Commission to make any minor editorial and technical amendments and to sign the report addressed to the Committee on the Code Amendment (**Attachment 3**).
5. Approve and authorise the Chair to sign the Minute at **Attachment 4** providing the report on the Code Amendment to the Minister, who will subsequently refer the Commission's report to the Committee under section 74(3) of the Act.

Background

On 13 December 2021 the Minister adopted the Code Amendment by the Chief Executive of the Attorney-General's Department (the Designated Entity) (**Attachment 1**). In reaching this decision the Minister under section 74(10)(a) of the Act, determined that the matter was not significant and choose not to consult the Commission.

The Code Amendment was subsequently given effect through publication on the SA Planning Portal on 16 December 2021.

Under section 74(2) of the Act the Minister must, within 28 days of an amendment to a designated instrument taking effect, refer the amendment to the Committee for parliamentary scrutiny.

Section 74(3) of the Act provides that referral of the Code Amendment to the Committee must be accompanied by a report prepared by the Commission that sets out:

- (a) the reason for the designated instrument; and
- (b) information about the consultation that was undertaken in the preparation of the designated instrument; and
- (c) any other material considered relevant by the Commission; and
- (d) any other information or material prescribed by the regulations.

It is noted that the various regulations under the Act do not currently prescribe a requirement that certain information or material form part of this report.

Discussion

On 11 January 2022 the Minister referred the Code Amendment to the Committee but sought an extension of time until 28 February 2022 for the Commission to provide the necessary report as a result of the end of year break (**Attachment 2**).

A report to satisfy section 74 of the Act has now been prepared for the Commission's consideration (**Attachment 3**).

A minute providing the Commission's report to the Minister for referral to the Committee has been prepared for approval and signing (**Attachment 4**).

The Engagement Plan and Engagement Report for the Code Amendment are provided for information in **Attachment 5** and **Attachment 6** respectively.

Next steps

Upon receiving the Code Amendment, section 74(4) of the Act requires the Committee to:

- (a) resolve that it does not object to the designated instrument;
- (b) resolve to suggest amendments to the designated instrument; or
- (c) resolve to object to the designated instrument.

Under section 74(10) of the Act, if the Minister wishes to proceed with an amendment suggested by the Committee, the Minister must consult with the Commission before making such amendment. If the Minister determines not to proceed with any amendments suggested by the Committee, the Committee may resolve to object to the Code Amendment, and in this case copies of the Code Amendment must be laid before both Houses of Parliament and may be subject to disallowance.

Attachments:

1. Approved Port Bonython Code Amendment – 13 December 2021 (#18230858).
2. Letter from the Minister to the Committee – Extension request to provide a report on the Code Amendment, 11 January 2022 (#18224901).
3. Report from the Commission to the Committee on the Code Amendment (#18172542).
4. Minute from the Commission to the Minister – Report to the Committee on the Code Amendment (#18231250).
5. Engagement Plan – Port Bonython Code Amendment (#18231137).
6. Engagement Report & Submissions – Port Bonython Code Amendment (#18246370).

Prepared by: Rhiannon Hardy

Endorsed by: Brett Steiner

Date: 19 January 2022

Section 73(10) of the *Planning, Development and Infrastructure Act 2016*

Port Bonython Code Amendment

By the Chief Executive, Attorney-General's Department

THE AMENDMENT

Adopted by:



Hon Josh Teague

Minister for Planning and Local
Government

13/12/21

Port Bonython Code Amendment

Preamble

The amendment instructions below reflect the proposed changes to the Planning and Design Code as outlined in the Draft Code Amendment released for public consultation. No changes have been made to the Draft Amendment by the Designated Entity as a result of public consultation (as outlined in the Engagement Report furnished to the Minister for Planning and Local Government by the Designated Entity under section 73(7) of the *Planning, Development and Infrastructure Act 2016*).

Amendment Instructions

The following amendment instructions (at the time of drafting) relate to the Planning and Design Code, version 2021.16 published on 4 November 2021. Where amendments to the Planning and Design Code have been published after this date, consequences changes to the following amendment instructions will be made as necessary to give effect to this Code Amendment.

Instructions

Amend the Code as follows:

1. Spatially apply the Strategic Employment Zone (in place of the current Deferred Urban Zone) to the affected area bounded by the blue line in Map A contained in Attachment A.
2. Spatially apply the Significant Industry Subzone to the affected area bounded by the blue line in Map B below contained in Attachment B.
3. In Part 13 – Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design Code Amendments’ to reflect the publication of this Code Amendment.

ATTACHMENT A

Map A



City of Whyalla, Port Bonython
Proposed Zones

-  Affected Area
-  CWOI - Coastal Waters and Offshore Islands
-  Con - Conservation
-  CwF - Commonwealth Facilities
-  RuShS - Rural Shack Settlement
-  SE - Strategic Employment

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0 0.4 0.8 1.2 1.6 2 km

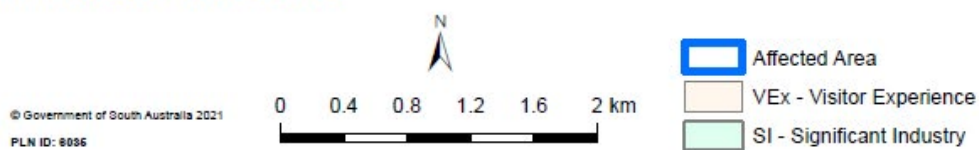
Note: The above map is a printed representation of amendments that are proposed to the spatial layers of SA planning database if the Port Bonython Code Amendment is adopted by the Minister under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act). The spatial amendments have been certified by the Surveyor-General as accurate and satisfy the State Planning Commission's Spatial Information Standard, pursuant to section 51 of the Act.

ATTACHMENT B

Map B



City of Whyalla, Port Bonython
Proposed Subzones



Note: The above map is a printed representation of amendments that are proposed to the spatial layers of SA planning database if the Port Bonython Code Amendment is adopted by the Minister under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act). The spatial amendments have been certified by the Surveyor-General as accurate and satisfy the State Planning Commission's Spatial Information Standard, pursuant to section 51 of the Act.

The Hon Josh Teague MP

2021/06998/01

Mr Nick McBride
Presiding Member
Environment, Resources and Development Committee
Parliament of South Australia

By email: ERDC.Assembly@parliament.sa.gov.au



**Government
of South Australia**

**Minister for Planning
and Local Government**

GPO Exchange
10 Franklin Street
Adelaide SA 5000

GPO Box 464
Adelaide SA 5001
DX 336

Tel 08 8207 1723
Fax 08 8207 1736

Dear Presiding Member

I am pleased to refer to the Environment, Resources and Development Committee (the Committee) the Port Bonython Code Amendment by the Chief Executive of the Attorney-General's Department (the Code Amendment) in accordance with section 74(2) of the *Planning, Development and Infrastructure Act 2016* (the Act).

This Code Amendment was adopted on 13 December 2021 and given effect on 16 December 2021.

The Code Amendment can be viewed at:

https://plan.sa.gov.au/_data/assets/pdf_file/0020/981200/Port_Bonython_Code_Amendment_-_approved_Code_Amendment.pdf,

the Engagement Report at:

https://plan.sa.gov.au/_data/assets/pdf_file/0005/981203/Port_Bonython_Code_Amendment_-_Engagement_Report.pdf

and submissions at:

https://plan.sa.gov.au/_data/assets/pdf_file/0003/981201/Port_Bonython_Code_Amendment_-_Engagement_Report_-_Attachment_3_submissions_received.pdf

Section 74(3) of the Act requires that this referral be accompanied by a report prepared by the State Planning Commission (the Commission) addressing the reasons for the Code Amendment and information about the consultation undertaken in the preparation of the Code Amendment.

Noting the date the Code Amendment was adopted and given effect shortly before the end of year break, the Commission has not yet been able to meet to endorse the accompanying report. I therefore respectfully request the Committee grant an extension of time to 28 February 2022 to provide this report.

I would be grateful for written confirmation of the Committee's response to the request for an extension of time and I look forward to receiving the Committee's resolution in relation to the Code Amendment in due course.

Yours sincerely

A handwritten signature in blue ink that reads 'Josh Teague'.

Hon Josh Teague MP
Minister for Planning and Local Government

11 / 1 / 2022

4 February 2022

Level 5, 50 Flinders Street
Adelaide SA 5000GPO Box 1815
Adelaide SA 500108 7109 7466
saplanningcommission@sa.gov.au

Mr Nick McBride
Presiding Member
Environment, Resources and Development Committee
Parliament of South Australia

By email: ERDC.Assembly@parliament.sa.gov.au

Dear Presiding Member

State Planning Commission Report on the Port Bonython Code Amendment by the Chief Executive of the Attorney-General's Department

1. INTRODUCTION

The Port Bonython Code Amendment (the Code Amendment) rezoned land at Port Bonython from the Deferred Urban Zone to the Strategic Employment Zone to facilitate the anticipated renewable energy and hydrogen industry development of the site.

This report has been prepared following the adoption of the Code Amendment (**Attachment 1**), and in accordance with section 74(3) of the *Planning, Development and Infrastructure Act 2016* (the Act). This report sets out the reason for the Code Amendment and information about the consultation undertaken in the preparation of the Code Amendment.

2. BACKGROUND

The Act enables Code Amendments to be initiated and led by a wide range of entities. In this instance, the Code Amendment was initiated on 17 May 2021 pursuant to section 73(2)(b)(i) of the Act, with the Chief Executive of the Attorney-General's Department acting as the Designated Entity responsible for undertaking the Code Amendment.

3. DISCUSSION

3.1 Reason for the Designated Instrument

The Planning and Design Code (the Code) is a statutory instrument established under section 65 of the Act for the purposes of providing the planning 'rules' for development assessment and related matters within South Australia. Changes to the Code can be undertaken via a Code Amendment pursuant to section 73 of the Act.

The Code Amendment rezoned 1,020 hectares of predominantly State Government-owned land to facilitate potential renewable energy and hydrogen industry development.

The approved Code Amendment has been implemented into the Code as follows:

- The application of the Strategic Employment Zone, Significant Industry Subzone.
- Associated amendments to the South Australian Property and Planning Atlas (SAPPA).

A copy of the relevant Code policy is provided at **Attachment 2** for your reference.

3.2 Consultation

3.2.1 Information about consultation undertaken

The following details the key information about the consultation that was undertaken in the preparation of the Code Amendment:

Public consultation dates:	6 September 2021 to 1 October 2021 (four weeks).
Consultation events:	None.
Methods of notification:	<ul style="list-style-type: none"> • Meeting with the City of Whyalla. • Written invitation to provide submission on the Code Amendment sent to: <ul style="list-style-type: none"> ○ Owners and occupiers of the land and owners and occupiers of adjacent land (approximately a 5km radius was used to ensure all residential property owners were captured) ○ State and Federal Members of Parliament: <ul style="list-style-type: none"> ▪ Mr Rowan Ramsey MP – Member for Grey (Federal) ▪ Mr Eddie Hughes MP – Member for Giles (State) ○ Minister for Infrastructure and Transport ○ Renewal SA ○ Department of Infrastructure and Transport ○ Department of Treasury and Finance ○ Department for Energy and Mining ○ Department for Environment and Water ○ Environment Protection Authority ○ Defence SA ○ Department of Defence – Commonwealth of Australia (adjoining landowner) ○ Department of the Premier and Cabinet – Aboriginal Affairs and Reconciliation ○ Barngarla Determination Aboriginal Corporation ○ Department of Primary Industries and Regions ○ South Australian Tourism Commission ○ South Australian Country Fire Service ○ SA State Emergency Service ○ South Australian Fire and Emergency Services Commission

OFFICIAL

	<ul style="list-style-type: none"> ○ SafeWork SA ○ Office of the Technical Regulator ○ Eyre Peninsula Landscape Board ○ Utility providers: <ul style="list-style-type: none"> ▪ SA Power Networks ▪ ElectraNet ▪ APA Group ▪ SA Water ▪ EPIC Energy ▪ Telstra.
Other engagement methods:	<ul style="list-style-type: none"> ● PlanSA contact details provided for enquiries. ● The Code Amendment, Investigations Report, Community Information Sheet and Engagement Plan were made available at the following places: <ul style="list-style-type: none"> ○ Planning and Land Use Services, Attorney-General's Department, Level 5, 50 Flinders Street, Adelaide ○ City of Whyalla's office, 129 McBryde Terrace, Whyalla ○ Whyalla Civic Building, 15 Darling Terrace, Whyalla ○ Whyalla Library, 7-9 Ekblom Street, Whyalla ○ Electronically on the PlanSA website: https://plan.sa.gov.au/en/code_amendments.
Number of submissions received:	18.
Key feedback themes:	<ul style="list-style-type: none"> ● Concerns about the need for the sensitive management and protection of coastal and marine biodiversity, visual amenity, coastal hazards risks and native vegetation. ● Impact on visual amenity of the area, including viewpoints from existing shacks. ● Concerns about the potential conflict on the Peninsula between tourism and industry. ● There are alternative industrial sites available away from the Point Lowly Peninsula.
Changes in response to engagement:	The Designated Entity resolved to make no post-consultation changes to the Code Amendment as the Code was observed to provide a policy response for the majority of issues raised throughout the consultation period.

A copy of the Engagement Plan is provided at **Attachment 3**. Further details about the consultation undertaken are set out the Designated Entity's Engagement Report (**Attachment 4**).

3.2.2 Local Members

The following Members of Parliament were consulted on the Code Amendment; however, no comments were received:

- Mr Rowan Ramsey MP – Member for Grey (Federal)
- Mr Eddie Hughes MP – Member for Giles (State).

3.3 Other Considerations

The Minister for Planning and Local Government (the Minister) resolved to not seek advice on the Code Amendment from the Commission under section 73(10)(a) of the Act as the matter was not considered to be significant.

4. SUMMARY

On 13 December 2021, the Minister approved the Code Amendment. The Amendment was adopted into the Code upon its publication on the SA Planning Portal on 16 December 2021.

The Commission now provides this report to the Environment, Resources and Development Committee for consideration, in accordance with section 74(2) of the Act.

Should you have any questions in relation to the Code Amendment, please do not hesitate to contact Ms Kate Southcott, Senior Governance Officer, Planning and Land Use Services, Attorney-General's Department, on [REDACTED] or via email at:
[REDACTED]

Yours sincerely



Craig Holden
Chair

Att

1. Port Bonython Code Amendment (#18230858)
2. Planning and Design Code Policy (#18246335)
3. Engagement Plan – Port Bonython Code Amendment (#18231137)
4. Engagement Report & Submissions – Port Bonython Code Amendment (#18246370)



TO: MINISTER FOR PLANNING AND LOCAL GOVERNMENT

**RE: REPORT TO THE ENVIRONMENT, RESOURCES AND DEVELOPMENT
COMMITTEE OF PARLIAMENT OF SOUTH AUSTRALIA – PORT BONYTHON
CODE AMENDMENT**

PURPOSE

To provide a report by the State Planning Commission (the Commission) for you to forward to the Environment, Resources and Development Committee (the Committee) of Parliament regarding the Port Bonython Code Amendment (the Code Amendment) by the Chief Executive of the Attorney-General's Department (the Designated Entity).

BACKGROUND

On 13 December 2021, you resolved to adopt the Code Amendment pursuant to section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Code Amendment came into operation pursuant to section 73(12)(b) of the Act upon its publication on the SA Planning Portal on 16 December 2021.

DISCUSSION

Section 74(2) of the Act requires the Minister for Planning and Local Government to refer an amendment to a designated instrument to the Committee within 28 days after it takes effect. On 11 January 2022, you referred the Code Amendment to the Committee (**Appendix A**).

Section 74(3) of the Act also requires that referral of a designated instrument to the Committee be "accompanied" by a report prepared by the Commission that sets out:

- (a) the reason for the designated instrument; and
- (b) information about the consultation that was undertaken in its preparation of the designated instrument; and
- (c) any other material considered relevant by the Commission; and
- (d) any other information or material prescribed by the regulations.

The Commission last met on 16 December 2021. Consequently, it has not been possible for the Commission to endorse a report for the purposes of section 74(3) of the Act within the legislated time frame for referral.

The Commission understands that you have sought an extension of time from the Committee to provide the necessary report.

Please find attached the report which outlines the reason for the Code Amendment and information about the consultation that was undertaken in its preparation (**Attachment 1**). A cover letter to accompany the report is provided at **Attachment 2**.

You are required to forward the report to the Committee by **28 February 2022** to accord with the requested extension of time.

RECOMMENDATIONS

1. Note the report of the State Planning Commission provided to you regarding the Port Bonython Code Amendment, as required under section 74(2) of the *Planning, Development and Infrastructure Act 2016* (**Attachment 1**).
2. Agree to sign the letter provided at **Attachment 2** and forward it to the Environment, Resources and Development Committee with a copy of the State Planning Commission's report (**Attachment 1**) by 28 February 2022, pursuant to section 74 of the *Planning, Development and Infrastructure Act 2016*).

NOTED / NOT NOTED

AGREED / NOT AGREED



Craig Holden
Chair, State Planning Commission

4 February 2022

JOSH TEAGUE MP
/ / 2022

Attachments:

1. Commission's report on the Port Bonython Code Amendment for the Committee (#18172542).
2. Suggested cover letter to the Committee on the Commission's report on the Port Bonython Code Amendment (#18231320).

Appendices:

- A. Signed letter by the Minister to the Committee on the Port Bonython Code Amendment, dated 11 January 2022 (#18224901).

Contact: Jason Bailey
Tel No: [REDACTED]

ENGAGEMENT PLAN

Port Bonython Code Amendment

Chief Executive, Attorney-General's Department

Contact details

PlanSA:

plan.sa.gov.au/en/codeamendments

Email: plansasubmissions@sa.gov.au

Phone: 1800 752 664

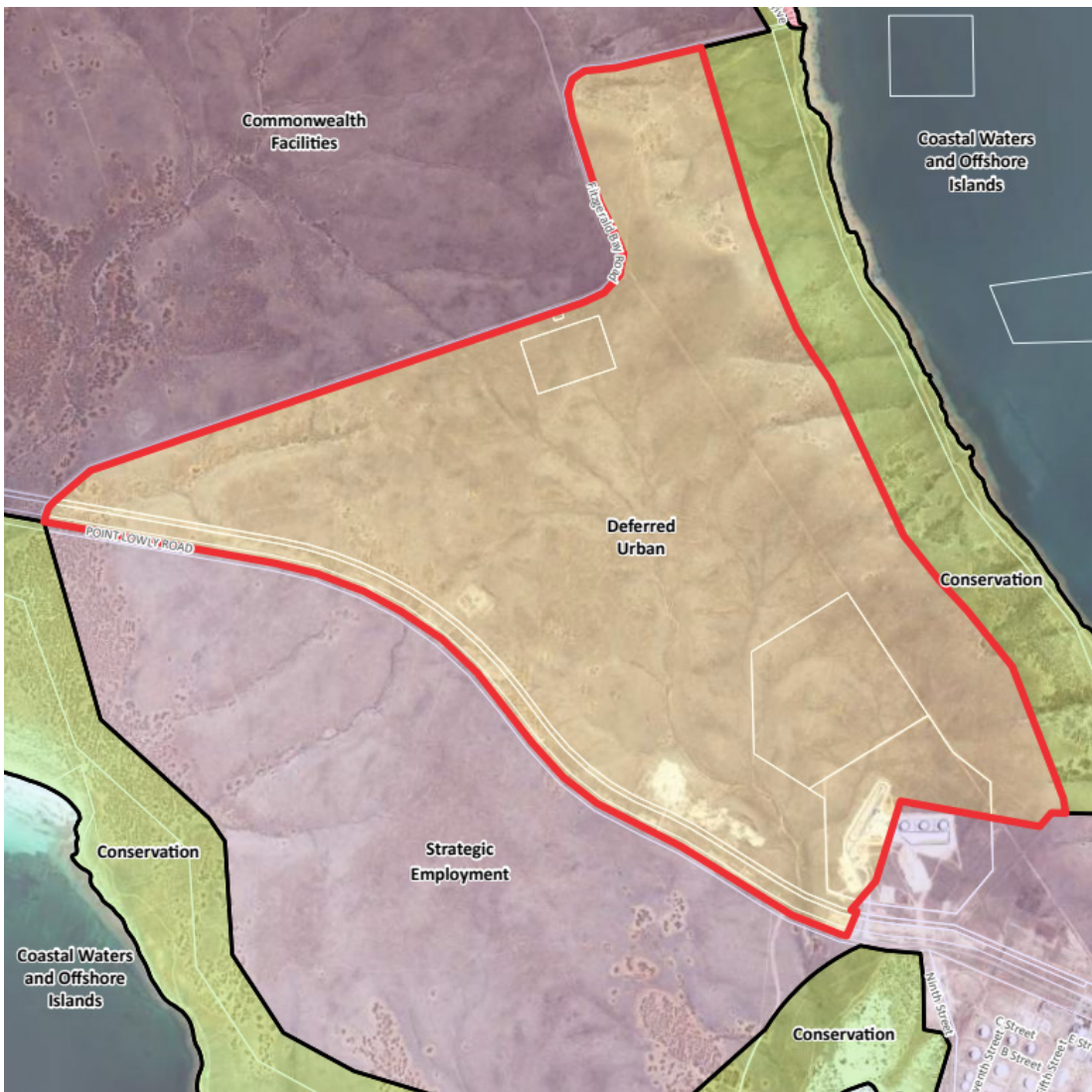
Background information

The Chief Executive of the Attorney-General's Department is proposing to rezone approximately 1020 hectares of land at Port Bonython from Deferred Urban Zone to the Strategic Employment Zone – Significant Industry Subzone. Rezoning will facilitate significant investment in a strategically important location, utilising existing infrastructure, clustering industries and maximising efficiencies.

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

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

The affected area is shown below.



Engagement purpose

The purpose of the engagement is to:

- Raise awareness of the proposed Code Amendment.
- Provide information about the rationale behind the Code Amendment.
- Provide information about what is proposed by the Code Amendment including the location of where the proposed changes will apply.
- Provide information about what the proposed zoning changes will enable for the locality, including potential land uses and development/s.
- Establish pathways for communication, including contact details for stakeholders to seek further information.
- Provide the opportunity for stakeholders and the community to seek clarification and/or provide feedback on the proposal.
- Ensure compliance with the *Planning, Development and Infrastructure Act 2016* and meet the intent of the Community Engagement Charter.
- Close the loop with stakeholders and the community so they understand any decision made in respect of the proposal, including any change made as a result of the consultation process.
- Build relationships and a community of interest to support future activities (i.e. construction) at the site.

Engagement objectives

The engagement objectives are to:

- Ensure stakeholders and the community are aware that changes are proposed to the Planning and Design Code as it relates to the affected area.
- Obtain stakeholder and community input and feedback in relation to the proposal.
- Inform participants in the engagement process of the outcome and final decision in relation to the proposal.

Scope of influence

Aspects of the project which stakeholders and the community *can* influence are:

- Zone and Subzone outcome.
- Application of Overlays to the affected area.
- Application of Technical and Numeric Variations to the affected area.

Aspects of the project which stakeholders and the community *cannot* influence are:

- The geographic extent of the affected area.
- General Development Policies in the Planning and Design Code (as it relates to state-wide policy).
- Standard policies and wording contained in Zones and Overlays in the Planning and Design Code (as it relates to state-wide policy).

Key messages

The following key messages will underpin the engagement regarding the Port Bonython Code Amendment:

- Prior to implementation of the Code, the affected area was identified within the Deferred Industry Zone in the Whyalla Council Development Plan. This land was zoned as Deferred Industry in the original Development Plan in 1994. The Deferred Industry Zone contained specific local policy to facilitate industrial development in the area, where it was associated with hydrocarbons activities in the adjoining former Special Industry (Hydrocarbons) Zone.
- Under the Code, the affected area has been zoned as Deferred Urban which primarily focuses on safeguarding land for future urban growth. In this circumstance the land has been safeguarded for the expansion of the adjoining industrial area when demand requires it.
- During the transition to the Code, locally specific policy that facilitated industrial development associated with the adjoining hydrocarbons development was not transitioned to the Code as part of the Phase Three Amendment. The result is that immediate industrial development opportunities within the area are unlikely to be approved under the Code.
- The broader Port Bonython precinct is primarily used for industrial purposes, and the area currently under consideration through this code amendment has been identified as a potential site for renewable energy or hydrogen industry development in the coming years.
- Rezoning this land will ensure the precinct is put to the most appropriate and intended use, while supporting the potential generation of jobs and development in the region.
- There is currently no proposed change to Overlays, however, further Overlays may be proposed as a result of consultation.
- The proposed zone for the affected area is Strategic Employment Zone and the Significant Industry Subzone.
- Consultation on the proposed Code Amendment will occur for a period of 4 weeks.
- In preparing the Code Amendment, stakeholders and community will be provided with opportunities to provide input and feedback for consideration through the PlanSA website.

Stakeholder and community mapping

Stakeholder	Level of interest in the project (i.e. high, medium or low)	Nature of interest in the project and/or the potential impact of the project	Stakeholder needs/expectations for engagement in the project	Level of engagement (i.e. inform, consult, involve, collaborate)
The Corporation of the City of Whyalla	High	Ensure that Elected Body is appropriately engaged. Interest in development of land in its jurisdiction and interactions with local infrastructure (i.e. local roads). Interest in views of their constituents.	The Council be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Owners and occupiers of the land and owners and occupiers of adjacent land	High	Potential interface issues.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
State and Federal Members of Parliament: <ul style="list-style-type: none"> • Mr Rowan Ramsey MP - Member for Grey (Federal) • Mr Edward Hughes MP - Member for Giles (State) 	Medium	Interest in development of land in MPs electorate. Interest in the views of their constituents.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
State Planning Commission	High	Provide advice and information to the Minister pertinent to the Code Amendment.	That they be made aware of the proposal and be kept informed.	Inform
Minister for Planning and Local Government	High	The Minister for Planning and Local Government will be the approval authority for the Code Amendment.	That they be made aware of the proposal and be kept informed.	Inform
Minister for Infrastructure and Transport	High	Land owner. Support development of the land for strategic industrial land uses.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Renewal SA	High	Support development of the land and are involved in an expression of interest for strategic industrial land offering.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Department of Infrastructure and Transport	High	Support development of the land. Interest in impacts to transport infrastructure and potential for new rail link.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Department of Treasury and Finance	High	Support development of the land and are involved in an expression of interest for strategic industrial land offering.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Department of Energy and Mining	High	Support development of the land for strategic industrial land uses.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult

Stakeholder	Level of interest in the project (i.e. high, medium or low)	Nature of interest in the project and/or the potential impact of the project	Stakeholder needs/expectations for engagement in the project	Level of engagement (i.e. inform, consult, involve, collaborate)
Department for Environment and Water	High	Interest in the change of land use and impacts to adjacent uses, including potential impacts on the giant cuttlefish breeding grounds and native vegetation.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Environment Protection Authority	High	Interest in the change of land use and impacts to adjacent uses.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Defence SA	High	Interest in the adjoining Cultana Training Area.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Department of Defence – Commonwealth of Australia (adjoining landowner)	High	Adjoining land owner. Interest in the adjoining Cultana Training Area.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Department of the Premier and Cabinet – Aboriginal Affairs and Reconciliation	High	Interest in the potential sites of heritage significance.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Barngarla Determination Aboriginal Corporation	High	Interest in the potential sites of heritage significance.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Primary Industries and Regions SA	Low	Interest in the change of land use and impacts to adjacent uses.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
South Australian Tourism Commission	Medium	Interest in impacts to tourism, including activities related to the Upper Spencer Gulf Marine Park.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Country Fire Service	Medium	Review bushfire classification and any potential risks.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
SA State Emergency Service, SAFECOM	Low	Interest in the change of land use and potential risks.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Utility providers: <ul style="list-style-type: none"> • SA Power Networks • Electranet Pty Ltd • APA Group • SA Water • EPIC Energy • Telstra 	Low	Impacts of the proposal on existing and new infrastructure.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Community members of the City of Whyalla	Low	Interest in the change of zoning and potential developments that may occur on the site as a result of the rezoning.	That they be made aware of the proposal, have an opportunity to participate, influence the outcome and be kept informed.	Inform

Applying the Charter principles

Stakeholder	Engagement need or technique
The Corporation of the City of Whyalla	<ul style="list-style-type: none"> Representatives of the Designated Entity to provide a pre-briefing to Council staff (including Council CEO) via Teams Written correspondence (email / direct letter) to the Council Chief Executive and Mayor providing information about the Code Amendment and inviting Council to provide feedback on the proposal. Council has agreed to assist with the consultation process by providing a landing page on its website, directing people to the PlanSA website to view the proposed Code Amendment and making available at principal office, civic building and library.
Owners and occupiers of the land and owners and occupiers of adjacent land	<p>Written correspondence (direct letter) to landowners and occupiers of adjacent land to:</p> <ul style="list-style-type: none"> Identify the affected area subject to the Code Amendment. Describe the proposed Code Amendment and intended outcome (e.g. future industrial development). Indicate where and when the proposed Code Amendment may be inspected. Provide information about the consultation process and how feedback can be provided. Advise who to contact for further information. Community information sheet will be attached to the letter.
State and Federal Members of Parliament	<p>Written correspondence (direct letter and email) to the below MPs, providing information about the Code Amendment, opportunities to provide feedback and who to contact for further information.</p> <ul style="list-style-type: none"> Mr Rowan Ramsey MP - Member for Grey (Federal) Mr Edward Hughes MP - Member for Giles (State)
Minister for Infrastructure and Transport	<p>Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.</p>
Renewal SA	<p>Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.</p>
Department of Infrastructure and Transport	<p>Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.</p>
Department of Treasury and Finance	<p>Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.</p>
Department of Energy and Mining	<p>Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.</p>
Department for Environment and Water	<p>Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.</p>
Environment Protection Authority	<p>Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.</p>
Defence SA	<p>Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.</p>
Department of Defence – Commonwealth of Australia (adjoining landowner)	<p>Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.</p>
Department of the Premier and Cabinet – Aboriginal Affairs and Reconciliation	<p>Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.</p>
Barnarla Determination Aboriginal Corporation	<p>Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information. Arrange meeting if desired.</p>
Primary Industries and Regions SA	<p>Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.</p>
South Australian Tourism Commission	<p>Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.</p>

Stakeholder	Engagement need or technique
Country Fire Service	Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.
SA State Emergency Service, SAFECOM	Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.
Utility providers: <ul style="list-style-type: none"> • SA Power Networks • Electranet Pty Ltd • APA Group • SA Water • EPIC Energy • Telstra 	Written correspondence (email / direct letter) providing information about the Code Amendment, detailing opportunities to provide feedback, and providing details as to who to contact for further information.
Community members of the City of Whyalla	<ul style="list-style-type: none"> • Publication of proposed Code Amendment and consultation materials on the PlanSA website • The provision of a range of opportunities to submit feedback: via the PlanSA website or by letter or email to the representatives of the Designated Entity. • The provision of advice as to who to contact for further information. • Community information sheet.

Staging your engagement

Stage	Objective	Stakeholders	Level of engagement	By when
Stage 1	To engage the local council early in the process and refine the engagement method if required.	The Corporation of the City of Whyalla	Consult	Two weeks prior to commencement of consultation
Stage 2	To inform stakeholders and the community about the proposal and provide an opportunity for feedback to be provided.	<ul style="list-style-type: none"> • Owners and occupiers of the land and owners and occupiers of adjacent land • State and Federal Members of Parliament • Minister for Infrastructure and Transport • Renewal SA • Department of Infrastructure and Transport • Department of Treasury and Finance • Department of Energy and Mining • Department for Environment and Water • Environment Protection Authority • Defence SA • Department of Defence – Commonwealth of Australia (adjoining landowner) • Department of the Premier and Cabinet – Aboriginal Affairs and Reconciliation • Barngarla Determination Aboriginal Corporation • Primary Industries and Regions SA • South Australian Tourism Commission • Country Fire Service • SA State Emergency Service • SAFECOM • Utility providers • Community members of the City of Whyalla 	Consult	First day of the commencement of consultation
Stage 3	To seek feedback on the engagement process	<ul style="list-style-type: none"> • Council • Stakeholders and community who made a submission 	Consult	As soon as practicable following the close of consultation
Stage 4	To inform stakeholders and the community of the outcomes of the engagement process and any changes made to the proposal as a result; and the outcome of the Code Amendment proposal.	Stakeholders and community who made a submission	Inform	As soon as practicable following a decision being made on the proposed Code Amendment.

Planning your engagement approach

Stage	Engagement activity	Engagement level and objective of activity	Stakeholders/ target audience	Timing
Pre-engagement	Preparation of the Code Amendment	CONSULT To gain early input to help shape the draft Code Amendment.	The Corporation of the City of Whyalla Dept Treasury and Finance	Pre-initiation
Stage 1	To engage the local council early in the process and refine the engagement method if required	INFORM To be informed of the proposed Code Amendment	The Corporation of the City of Whyalla	Following finalisation of Code Amendment investigations
Stage 2	Allow stakeholders and the community to access details of the Code Amendment and provide an opportunity for feedback to be provided.	CONSULT To gain feedback on the Code Amendment	Letters/emails to stakeholders (i.e. City of Whyalla, Government Agencies, MPs, adjacent owners, utility providers etc) summarising key elements of the Code Amendment and inviting feedback and offer to meet for further discussions One-on-one meetings with stakeholders who would like to meet to discuss further	At beginning of consultation period During consultation period
Stage 3	Feedback form/participant survey through direct email to participants	CONSULT To gain feedback on the Code Amendment engagement process	Email/post evaluation form to participants who provided feedback on the Code Amendment	At conclusion of consultation period
Stage 4	Letter/email to those involved in the engagement communicating about final Code Amendment and to provide the engagement summary report. Website updates (PlanSA website) providing final Code Amendment and engagement summary report	INFORM To be informed of the final Code Amendment Closing the loop with engagement participants	Provide stakeholders with engagement summary report – what was heard through engagement and how it influenced final Code Amendment via email/letter. Provide a copy of the Engagement Report and public submissions on the PlanSA website. Update PlanSA website when Code Amendment is finalised and inform stakeholders via email/letter.	Following completion of the consultation period and when Engagement Report is finalised When Code Amendment is finalised

Applying the Charter principles in practice

Charter principle	How does your engagement approach/activities reflect this principle in action?
Engagement is genuine	<p>A variety of opportunities to participate are provided, and may include:</p> <ul style="list-style-type: none"> • online via the PlanSA website and a landing page on Council's website • information made available at council's principal office, civic building and library • via telephone • via Code Amendment email address • face to face where requested <p>Direct contact is made with those most affected via letter and/or email Council is given an early opportunity to support engagement of the community Representatives of the Designated Entity are readily available to assist with any queries Adequate notice and time is given for participation</p>
Engagement is inclusive and respectful	<p>Engagement method(s) are tailored to the stakeholder group Comments and feedback are recorded in a register and duly considered Engagement methods open to review during the engagement period</p>
Engagement is fit for purpose	<p>Engagement materials (letters, Info Sheet, PlanSA website info) designed to be easy to interpret and to address specific matters that may be of interest to the stakeholders Engagement activities are appropriate to the scale of the proposal and likely impact</p>
Engagement is informed and transparent	<p>Information is presented in an easy to understand format (such as Info Sheet, letter to adjacent landowners) Information about the proposal is readily available on the PlanSA website Engagement materials are clear about what can be influenced and what is out of scope A summary of engagement is prepared and used to inform the decision</p>
Engagement is reviewed and improved	<p>The engagement plan is actively monitored and adjusted if required Concerted effort is made to obtain feedback on the engagement process from participants by follow up emails/letters and an online survey distributed to participants at the close of consultation</p>

Measuring success

At the completion of the engagement, all participants will be invited to assess the success of the engagement against performance criteria one to four, below. The Designated Entity will assess the success of the engagement against criteria five to nine. This evaluation will be included in the statutory report required to be prepared by the Designated Entity under section 73(7) of PDI Act (the Engagement Report). The Engagement Report provides details and analysis of engagement activities undertaken for the Code Amendment, and is provided to the Minister for Planning and Local Government. This Engagement Report will also be referenced in the State Planning Commission's Parliamentary Report under section 74(3)(b) of the Act, which is issued to the Environment Resources and Development Committee of Parliament following adoption of a Code Amendment.

#	Charter criteria	Charter performance outcomes	Respondent	Indicator ²	Evaluation tool ³ Exit survey / follow-up survey	Measuring success of project engagement
1	Principle 1: Engagement is genuine	<ul style="list-style-type: none"> People had faith and confidence in the engagement process. 	Community	I feel the engagement genuinely sought my input to help shape the proposal	Likert scale - strongly disagree to strongly agree	Per cent from each response.
2	Principle 2: Engagement is inclusive and respectful	<ul style="list-style-type: none"> Affected and interested people had the opportunity to participate and be heard. 	Community	I am confident my views were heard during the engagement	Likert scale - strongly disagree to strongly agree	Per cent from each response.
			Project Lead	The engagement reached those identified as community of interest.	<ul style="list-style-type: none"> Representatives from most community groups participated in the engagement Representatives from some community groups participated in the engagement There was little representation of the community groups in engagement. 	Insert chosen answer from previous column
3	Principle 3: Engagement is fit for purpose	<ul style="list-style-type: none"> People were effectively engaged and satisfied with the process. People were clear about the proposed change and how it would affect them. 	Community	I was given sufficient information so that I could take an informed view.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
				I was given an adequate opportunity to be heard	Likert scale - strongly disagree to strongly agree	Per cent from each response.
4	Principle 4: Engagement is informed and transparent	<ul style="list-style-type: none"> All relevant information was made available and people could access it. People understood how their views were considered, the reasons for the outcomes and the final decision that was made. 	Community	I felt informed about why I was being asked for my view, and the way it would be considered.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
5	Principle 5: Engagement processes are reviewed and improved	<ul style="list-style-type: none"> The engagement was reviewed and improvements recommended. 	Project Lead	Engagement was reviewed throughout the process and improvements put in place, or recommended for future engagement	<ul style="list-style-type: none"> Reviewed and recommendations made Reviewed but no system for making recommendations Not reviewed 	Insert chosen answer from previous column
6	Engagement occurs early	<ul style="list-style-type: none"> Engagement occurred before or during the drafting of the planning policy, strategy or scheme when there was an opportunity for influence. 	Project Lead	Engagement occurred early enough for feedback to genuinely influence the planning policy, strategy or scheme	<ul style="list-style-type: none"> Engaged when there was opportunity for input into scoping Engaged when there was opportunity for input into first draft Engaged when there was opportunity for minor edits to final draft Engaged when there was no real opportunity for input to be considered 	Insert chosen answer from previous column
7	Engagement feedback was considered in the development of planning policy, strategy or scheme	<ul style="list-style-type: none"> Engagement contributed to the substance of a plan or resulted in changes to a draft. 	Project Lead	Engagement contributed to the substance of the final plan	<ul style="list-style-type: none"> In a significant way In a moderate way In a minor way Not at all 	Insert chosen answer from previous column
8	Engagement includes 'closing the loop'	<ul style="list-style-type: none"> Engagement included activities that 'closed the loop' by providing feedback to participants/ community about outcomes of engagement 	Project Lead	Engagement provided feedback to community about outcomes of engagement	<ul style="list-style-type: none"> Formally (report or public forum) Informally (closing summaries) No feedback provided 	Insert chosen answer from previous column
9	Charter is valued and useful	<ul style="list-style-type: none"> Engagement is facilitated and valued by planners 	Project Lead	Identify key strength of the Charter and Guide Identify key challenge of the charter and Guide	Internal review post-engagement undertaken to determine key strength /challenges	Insert key strength and key challenge

Closing the loop and reporting back

How will you respond to participants?	Who's responsible?	When will you report back?
<p>Summarise feedback received via key themes and provide to participants for their information</p> <p>(NB: A register will be kept of all participants, ranging from those who lodge formal submissions to those who make telephone enquiries during the engagement period so they can be kept informed of the project and engagement outcomes)</p>	Representative of the Designated Entity	As soon as practicable post-consultation
Provide a cross-section of participants with an opportunity to participate in an evaluation survey to inform the Engagement Report	Representative of the Designated Entity	As soon as practicable post-consultation
Prepare a s73 Engagement Report and make it available to stakeholders and the community	Representative of the Designated Entity	Post decision by the Minister
Publish the Engagement Report on the PlanSA website (mandatory)	Attorney-General's Department	Post decision by the Minister


ENGAGEMENT REPORT

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

Port Bonython Code Amendment

By the Chief Executive, Attorney-General's Department



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

Contents

1	Purpose	2
2	Introduction	2
3	Engagement Approach	2
	3.1 Engagement Activities	3
	3.2 Mandatory Requirements	4
4	Evaluation of Engagement	5
	5.1 Performance Indicators for Evaluation	5
	5.2 Evaluation against the Charter principles	5
5	Engagement Outcomes	8
	5.1 Feedback received	8
	5.2 Response and recommendations	12
6	Code Amendment Instructions	1
	Attachments	1
	Attachment 1 - Summary of Written Submissions	2
	Attachment 2 - Evaluation Results	9
	Attachment 3 – Copy of Submissions Received	12
	Attachment 4 – Planning and Design Code Environment and Visual Amenity Policies	13
	Attachment 5 – Development Assessment Pathways	16

1 Purpose

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

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

2 Introduction

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

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

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

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

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

3 Engagement Approach

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

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

- Raise awareness of the proposed Code Amendment.

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

3.1 Engagement Activities

Meeting with City of Whyalla

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

Written invitation to provide submission on the Code Amendment

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

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

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

Email and telephone enquiries

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

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

Availability of consultation materials

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

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

3.2 Mandatory Requirements

The following mandatory engagement requirements have been met:

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

4 Evaluation of Engagement

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

5.1 Performance Indicators for Evaluation

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

Evaluation of Engagement by Community Members

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

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

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

Evaluation of Engagement by the Designated Entity

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

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

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

5.2 Evaluation against the Charter principles

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

(1) Engagement is genuine

People had faith and confidence in the engagement process

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

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

(2) Engagement is inclusive and respectful

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

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

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

(3) Engagement is fit for purpose

People were effectively engaged and satisfied with the process

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

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

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

(4) Engagement is informed and transparent

All relevant information was made available and people could access it

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

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

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

(5) Engagement processes are reviewed and improved

The engagement was reviewed and improvements recommended

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

5 Engagement Outcomes

5.1 Feedback received

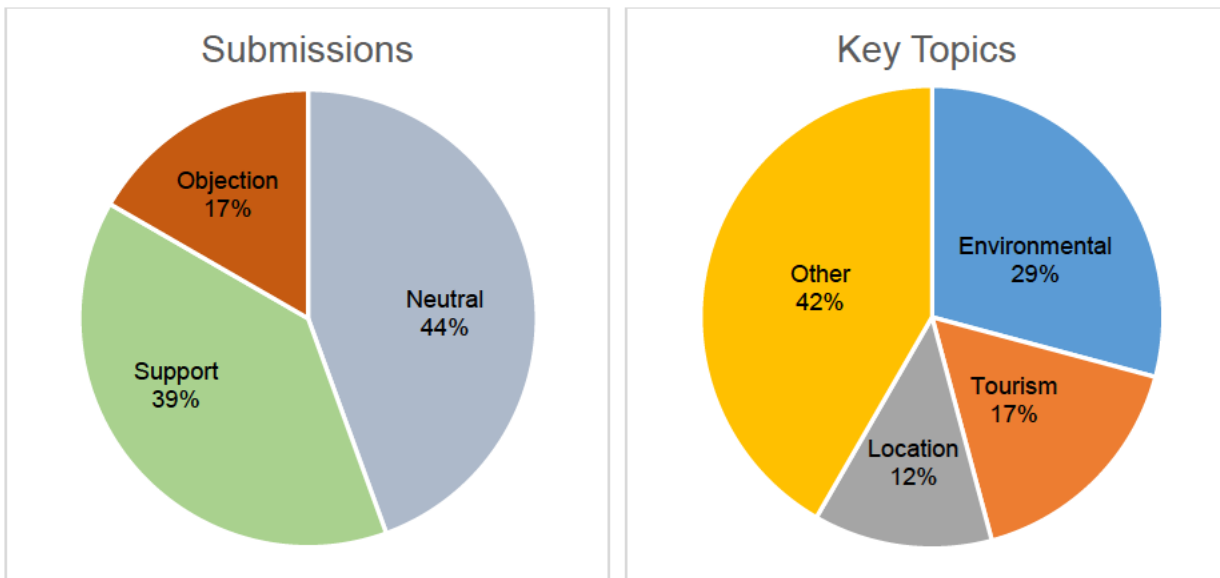
Enquiries

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

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

Written Submissions

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



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

Economy and Employment

What we heard

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

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

- The proposal enables the development of strategic hydrogen and renewable energy processing and distribution facilities that will service the State.
- The Port is recognised amongst a few select locations nationally for the potential to be transformed into a hydrogen hub for production and export.
- The size of the affected area will enable significant expansion of the adjacent industrial precinct and allow a variety of industrial activities to occur without encroachment on each other or adjacent sensitive land uses.
- Existing infrastructure, including access to deep water, the deep sea jetty and other infrastructure, is particularly suited to the resources sector-related development site.
- The proposal unlocks the economic and employment potential of the land as a multi-user, export-focused precinct to leverage the state's advantage in renewable energy, fuels and minerals.

Environmental

What we heard

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

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

Response

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

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

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

Other Considerations

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

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

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

The EPBC process sits outside of the development approval process.

Tourism

What we heard

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

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

Response

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

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

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

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

Location

What we heard

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

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Response

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

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

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

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

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

5.2 Response and recommendations

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

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

6 Code Amendment Summary

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

Final amendment being:

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

Attachments

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

Attachment 1 - Summary of Written Submissions

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

	<p>8 During the 20th century a holiday camp used to host smelter workers and their families from Port Pirie, at Weeroona Bay.</p> <p>9 Increasingly popular camping location for locals, intrastate and interstate visitors.</p> <p>10 Vital location for the health and wellbeing of locals, quiet peaceful location to convalesce.</p> <p>11 This unique land mass juts out into serene waters and is the jewel of Upper Spencer Gulf.</p> <p>12 The Flinders Range across the gulf provides a perfect backdrop to the pristine gulf.</p> <p>13 Undeveloped natural coastal environment characterised by uneven terrain, sand dunes and cliff tops and contain rare fauna specimens.</p> <p>14 The entire coastline is identified as wetlands of national importance which are home to fauna and flora of conservation significance.</p> <p>15 Giant Australian Cuttlefish at Stony Point attracts annual visitation from locals, intrastate, interstate and internationals.</p> <p>16 This area of land / coastline interfaces with the Upper Spencer Gulf which is an inverse estuary and marine park.</p> <p>17</p>	<p>8 Noted</p> <p>9 Refer to point 3.</p> <p>10 Refer to point 1.</p> <p>11 Noted</p> <p>12 There are policies within the Code that seek to minimise impacts. This is discussed in more detail in Section 4 of this report.</p> <p>13 Refer to point 12.</p> <p>14 Refer to Section 4 of this report, in particular, discussion relating to the EPBC Act.</p> <p>15 Refer to point 3.</p> <p>16 Noted</p> <p>17 Noted</p>
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	<p>The oil spill in 1992 created significant environmental damage.</p> <p>18 Hydrocarbons were detected under the Santos plant 20 months ago. A \$15 million barrier to stop it leaking into the sea has been completed.</p> <p>19 Very detailed presentations on the potential of the peninsula were also been submitted.</p>	<p>18 Refer to Section 4 of this report which details the policies within the Code that seek to minimise environmental impacts.</p> <p>19 This information will be passed on to the relevant parties and will be helpful in development of the master plan.</p>
EPS Energy	<p>1 The proposal enables the development of strategic hydrogen and renewable energy processing and distribution facilities that will service the State.</p> <p>2 The Port is recognised amongst a few select locations nationally for the potential to be transformed into a hydrogen hub for production and export.</p> <p>3 The size of the affected area will enable significant expansion of the adjacent industrial precinct and allow a variety of industrial activities to occur without encroachment on each other or adjacent sensitive land uses.</p> <p>4 Existing infrastructure, including access to deep water, the deep sea jetty and other infrastructure, is particularly suited to the resources sector-related development site.</p> <p>5 The proposal unlocks the economic and employment potential of the land as a multi-user, export-focused precinct to leverage the state's advantage in renewable energy, fuels and minerals.</p>	<p>1 Noted</p> <p>2 Noted</p> <p>3 Noted</p> <p>4 Noted</p> <p>5 Noted</p>

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

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

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

Attachment 2 - Evaluation Results

Results of the community minimum mandatory evaluation indicators

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

Results and Evaluation of Designated Entity’s engagement

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

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

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

Attachment 3 – Copy of Submissions Received

Refer to separate attachment for a copy of submissions received.

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

Strategic Employment Zone Policies

Landscaping

PO 5.1

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

PO 5.2

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

PO 5.3

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

Significant Industry Subzone policies

PO 1.1

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

PO 2.1

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

PO 2.2

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

PO 2.3

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

PO 3.1

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

PO 3.2

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

PO 3.3

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

PO 4.1

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

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

PO 4.2

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

PO 4.3

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

General Development Policies - Design

PO 1.4

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

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

PO 1.5

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

PO 3.1

Soft landscaping and tree planting is incorporated to:

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

PO 3.2

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

PO 5.1

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

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

PO 31.1

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

PO 31.2

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

Native Vegetation Overlay policies

PO 1.1

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

PO 1.2

Native vegetation clearance in association with development avoids the following:

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

PO 1.4

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

Water Resources Overlay policies

PO 1.1

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

PO 1.2

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

PO 1.5

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

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

PO 1.6

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

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

PO 1.7

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

PO 1.8

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

PO 1.9

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

Attachment 5 – Development Assessment Pathways

Impact Assessed

Relevant authority: Minister for Planning and Local Government

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

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

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

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

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

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

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

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

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

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

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

Crown Development

Relevant authority: Minister for Planning and Local Government

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

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

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

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

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

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

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

Performance Assessed against the Planning and Design Code

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

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

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

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

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

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

Attachment 3 – Copy of Submissions Received

Australian Pipeline Association

Brougham, Barry

EPS Energy

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

Port Bonython Fuels Pty Ltd

SA Power Networks

Telstra

Whyalla City Council

Wilson, Ann and Sid

Yoorndoo Ilga Solar

Australian Pipeline Association (APA)

To whom it may concern,

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

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

Regards,



Daniel Cooper

Third Party Works Officer

Integrity Engineering SA

P [REDACTED]

M [REDACTED]

E [REDACTED]

W apa.com.au

always powering ahead

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

From: Barry Brougham
[REDACTED]
Whyalla SA. 5600

30 September 2021

Re: Submission – Port Bonython Code Amendment.

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

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

I present the following information to support my position:

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

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

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

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

Point Lowly Peninsula:

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

Point Lowly Peninsula: cont.

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

The Lowly Peninsula is recognised:

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

Whyalla's Northern Coastline



Potential Tourism Mecca



False Bay:

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



Black Point:

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



Stony Point:

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



Lowly Beach:

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



Point Lowly Lighthouse:

A popular tourist landmark to the Whyalla region.



Lighthouse Cottages:

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



Point Lowly:

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



Fitzgerald Bay:

Unusual rock formation.



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



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



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



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



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

False Bay

2012

Fishing

- Land – Black Point
- Boat

Wind surfing

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

Relaxing

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

2022

Camp Lowly

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

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

Outdoor Camp

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

- Camping out under the stars
- One of several outdoor



Black Point to Weeroona Bay

2012

Giant Australian Cuttlefish (*Sepia apama*)

- Unique aggregation
- Under developed as a tourism activity

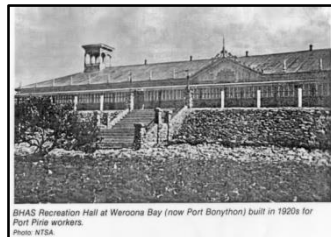
Fishing

- Land
- Boat

BHAS Recreation Hall 1911-1929 (ruins)

- Hall
- Sleeping quarters
- Dining
- Hospital

No Public Access to Bay



2022

Dive Centre

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

Catwalk-pontoons

- Entry to gulf at various locations

Fishing

- Land
- Boat

Glass-bottomed boat

- Cuttlefish observation
- General marine observation

Open days (Weeroona Bay)

- Cuttlefisharama Festival
- "Singing to the Sharks"



Lowly Peninsula

2012

Northern Coastline

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

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



2022

Upper Spencer Gulf Marine Discovery Centre

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

Located on the Lowly Peninsula approximately 25 minutes from Whyalla.

The centre provides curriculum-based education plus specialised programs

Our facilities include

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

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



Lowly Peninsula

2012

Point Lowly

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

Fishing

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

Camping

- No established caravan park
- Limited facilities.



2022

Cuttlefisharama Festival

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

Entertainment program includes:

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

Charter boats are available

Explore the Upper Spencer Gulf Marine Discovery Centre



Lowly Peninsula

2012

Shingle Beach Ridges

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



2022

Eco Friendly Villa's (low energy accommodation)

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

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

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



Point Lowly

2012

Lighthouse

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

Cottages

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

Aboriginal Heritage

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



2022

Lowly Van & Cabin Park

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

Facilities

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

Kingfish cafe

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



Point Lowly to Fitzgerald Bay

2012

Freycinet Trail

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

Coastal Road

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



2022

Jetty

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

Dives

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

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



Fitzgerald Bay

2012

Features

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



2022

Lookouts

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

Tidal zone walks

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

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



Fitzgerald Bay

2012

Aquaculture

Fitzgerald Bay is also a home to an aquaculture enterprise.

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

Yellowtail Kingfish

Seriola lalandi

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

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



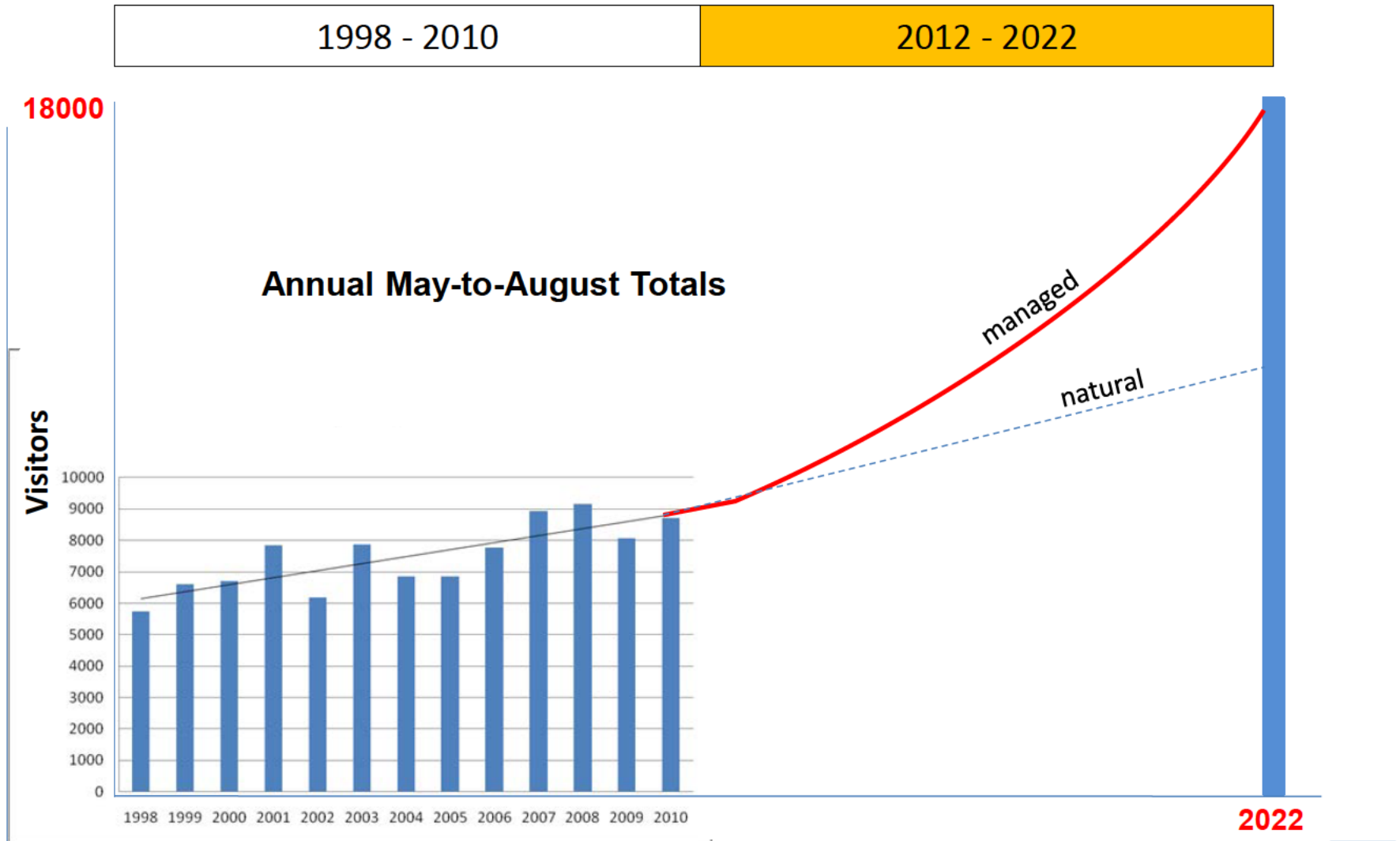
2022

Swim with Kingfish

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



Whyalla Tourist Centre – Visitor Numbers



Giant Australian Cuttlefish Season – Lowly Peninsula



LOWLY PENINSULA - 2022

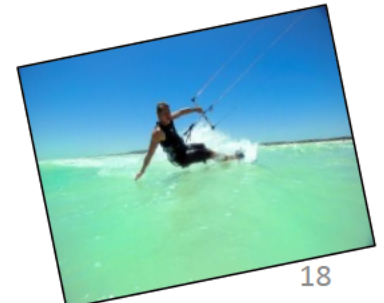
Must Visit Destination

Lowly Peninsula 2022



Lowly Peninsula - Now & The Future

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



DOLLARS / LIFESTYLE / DIVERSITY

Stretch Concepts

2022

Flinders Shores – Fitzgerald Bay

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



Air strip

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



Before It's to Late



Dedicate to recreation, tourism and compatible development

RESPONSIBLE USE OF LOWLY PENINSULA

- Whyalla City Council Mission: To improve the **Total Quality of Life** in Whyalla.
- Whyalla City Council Vision: Our aim is to be a vibrant city offering people a **diverse range of sustainable economic, environmental and community opportunities.**
- The City of Whyalla is a South Australian Regional jewel comprised partly of **vast outback landscape** as well as an **attractive coastal area.**

WCC - Whyalla's Vision Towards 2022 (June 2008)
- It is about deciding which action we should undertake in the short and medium term to protect the things we value about Whyalla and to **ensure we are heading in the same direction.**

Mayor J Pollock – WCN Special Addition (July 2007)
- Throughout the collated data there is continuous reference to:
 - **Support for industrial development, but not at Point Lowly.**
 - **Support for an alternative site (south of Whyalla) for industrial development.**
 - **Strong concern for the impact of industrial development on Point Lowly.**
 - **Strong support for economic development for the future of Whyalla.**

Exec. Sum Point WCC Lowly Developments – Focus Groups Report (December 2008)

Prosperity For Whyalla

BIG PICTURE – IN BALANCE

Industrial
Development
Jobs/Jobs/Jobs

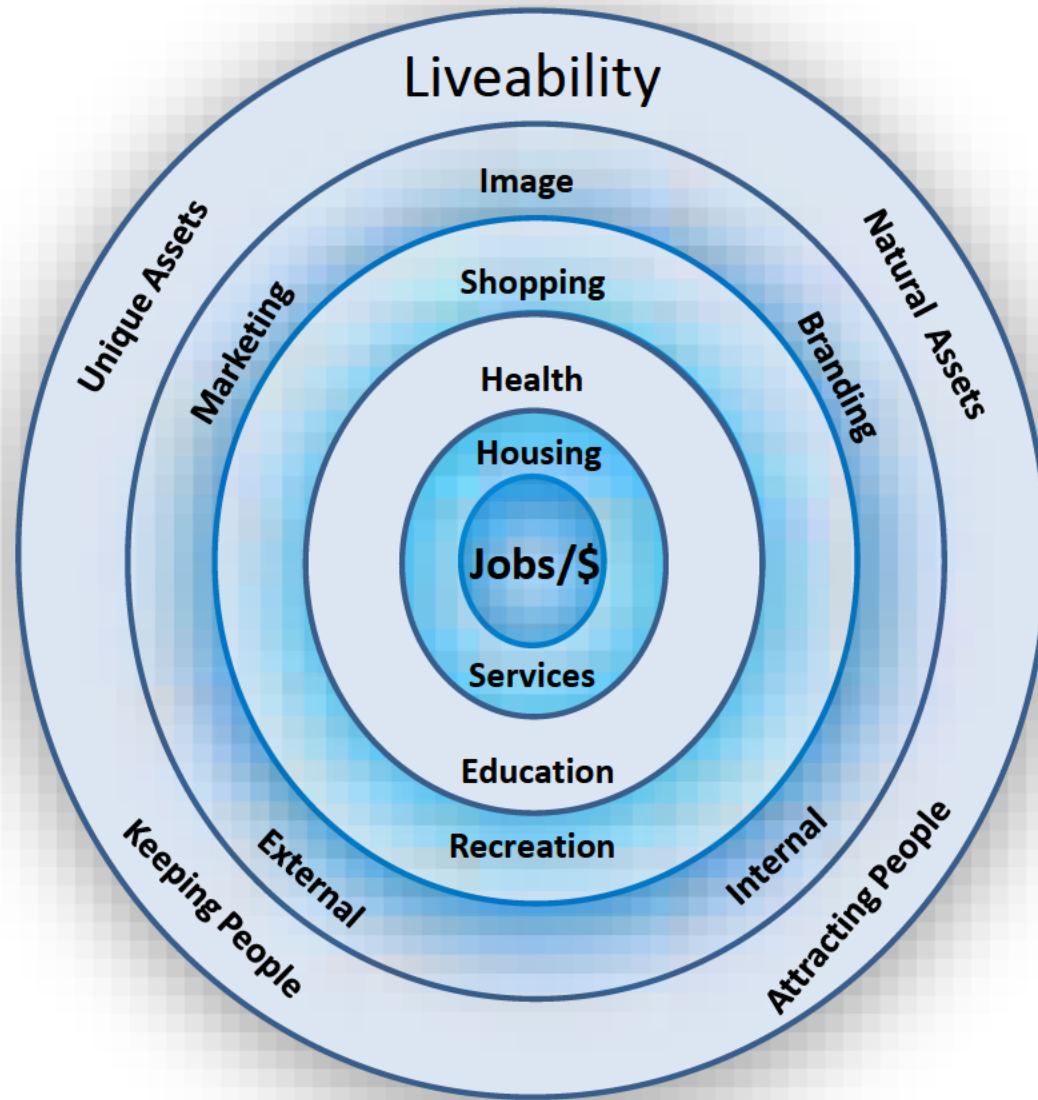


Value of
Social
Recreational
Tourism
Environmental

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

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

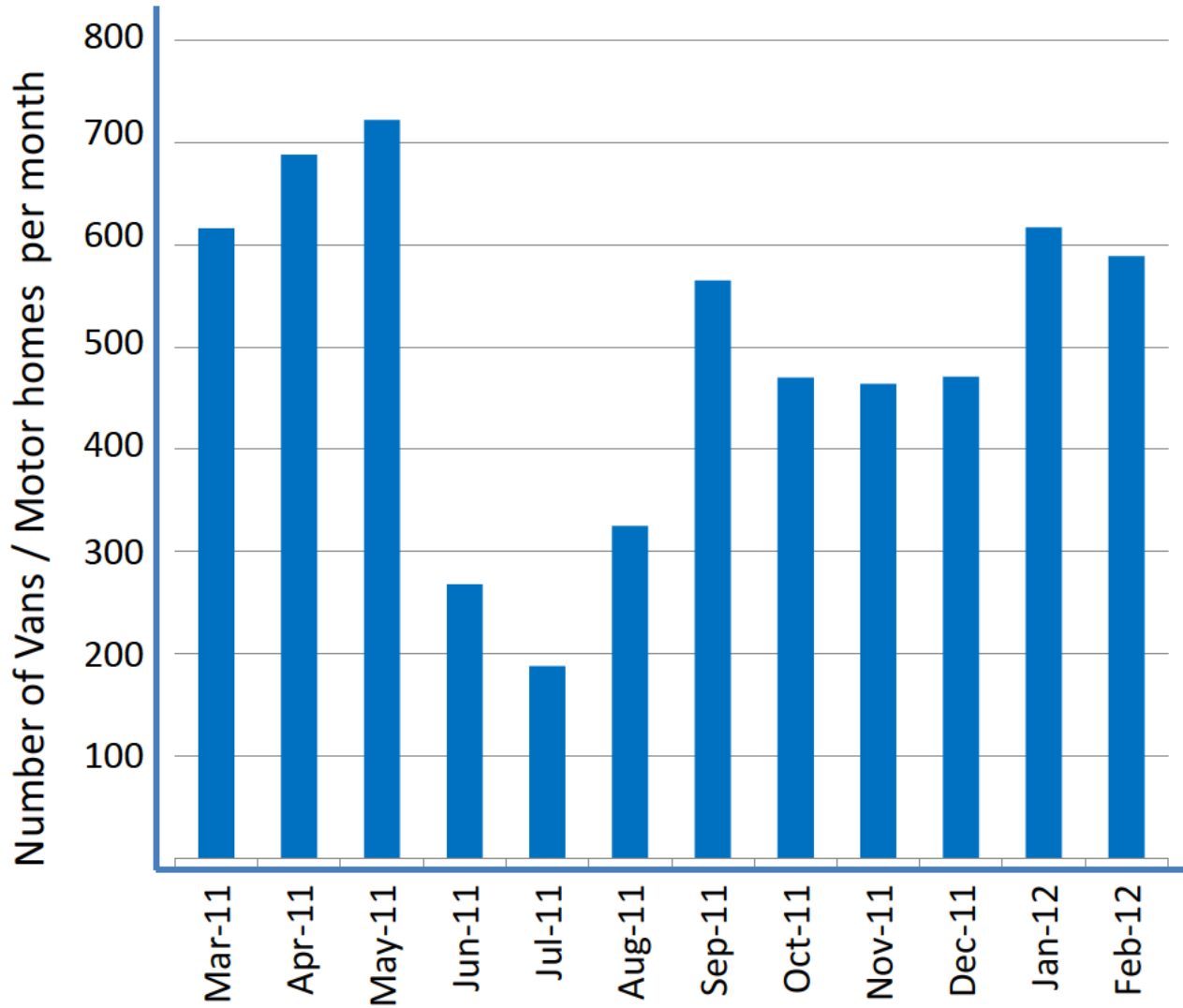
What Is Whyalla's Competitive Position



LOWLY PENINSULA VALUE PROPOSITION

Campers At Lowly

Fitzgerald Bay to Douglas Point not included



Community Support

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

Exec. Sum Point WCC Lowly Developments – Focus Groups Report

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

COMMUNITY SUPPORT BEST OF BOTH

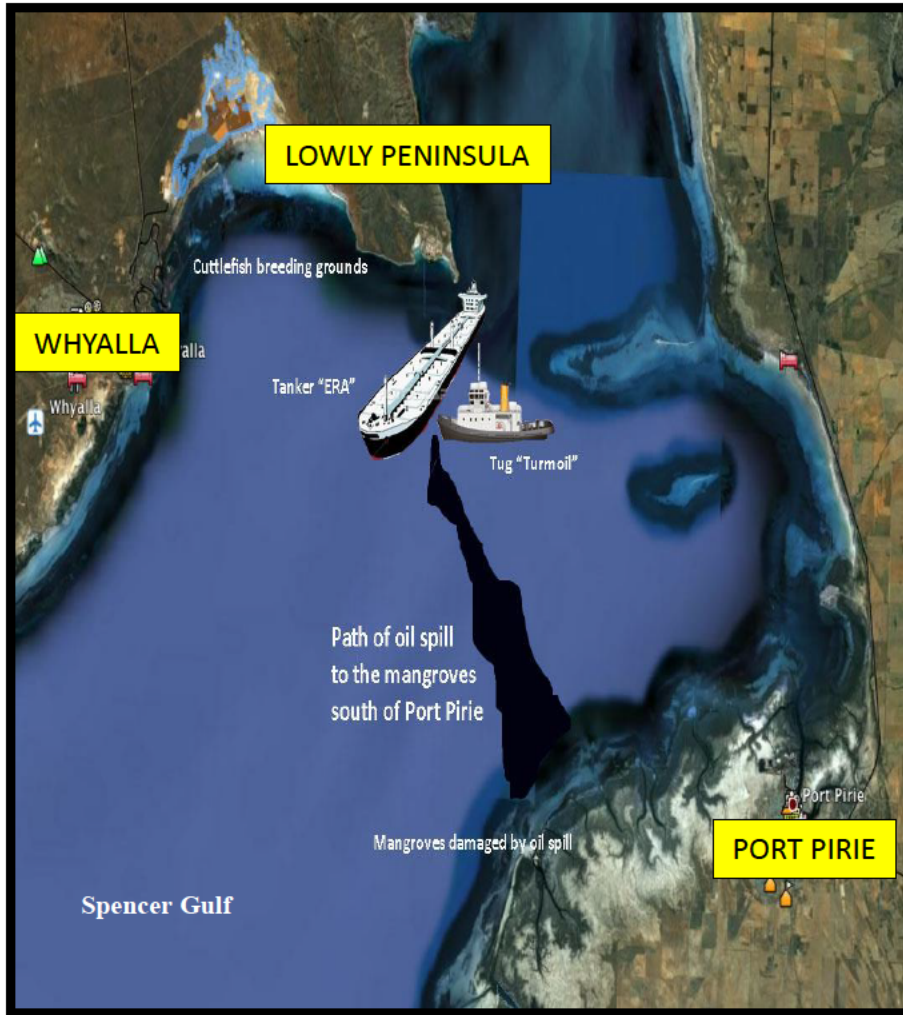
Lowly Peninsula – Value of Tourism

AUSSIE SPEAKER PRAISES US! – NEW ZEALAND TOURISM CONFERENCE

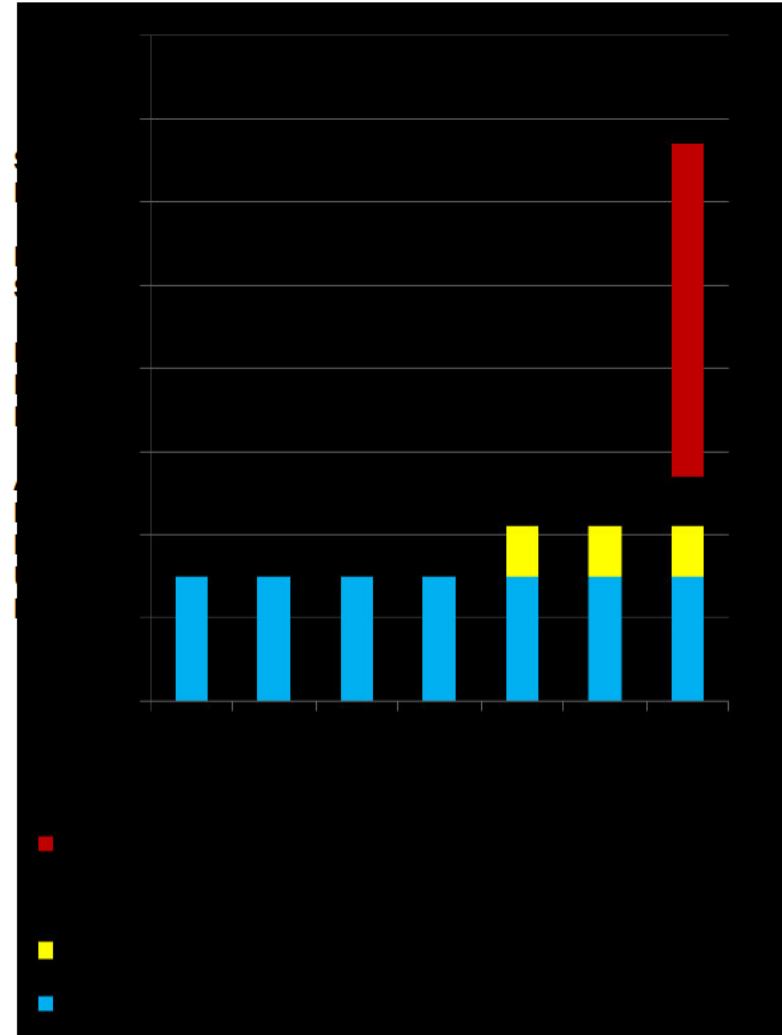
- BANK of Ideas director Peter Kenyon said he works in 30 countries - but only New Zealand has its tourism act together.
- We also have more fun than anyone else!
- Speaking at the annual conference on how to drive tourism success and regional economic development, Mr Kenyon said conferences are good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

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

MARINE OIL SPILLS



1992 Tanker ERA Oil spill - 296 tonnes



SHIP MOVEMENTS

THE RISK IS HIGH

EPS Energy

PlanSA,

Submission Details

Amendment: Port Bonython Code Amendment

Customer
type: Development Industry

Given name: Jeff

Family name: Burns

Organisation: EPS Energy

Email
address: [REDACTED]

Phone
number: [REDACTED]

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

Attachment: No file uploaded

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

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

Dear Anita

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

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

Please acknowledge receipt of this submission.

Yours Sincerely

Colin Fullerton

[REDACTED] Fulham SA 5024

Tel [REDACTED]



Comments on the
Port Bonython Code

Comments on the Port Bonython Code Amendment Report

My background and interest in this Code Amendment

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

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

Summary

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

Discussion

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

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

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

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

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

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

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

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

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

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

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

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

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

The Minister should not accept the Code Amendment as proposed.

Colin Fullerton

FIEAust CPEng NER APEC Engineer IntPE(Aust) PMRI

29 September 2021

November 9, 2021

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

PORT BONYTHON CODE AMENDMENT

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

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

Thank you for the opportunity to make this submission.

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

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

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

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



Figure 1 *The Subject Land – Outlined in Blue*

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

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

The Code Amendment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely,

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

Marc Duncan
Director

Our Ref: REB Port Bonython

29 September 2021

Submitted Online via Plan SA Website

Dear Sir/Madam

Port Bonython Code Amendment

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

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

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

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

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

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

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

Yours sincerely,



Mandie Busby
Real Estate Advisor



Telstra Plan Services

Level 1, 275 George Street
Brisbane, QLD 4001

Postal Address:
Telstra 275 George Street
Brisbane, QLD 4001

Email: F0501488@team.telstra.com

Date 02/10/2021

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

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

Dear Belinda,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely,



Anthony Lebessis

For
Manager – Peter Anestopoulos
Telstra Plan Services

F0501488@team.telstra.com

28 September 2021

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

Dear Anita

Port Bonython Code Amendment

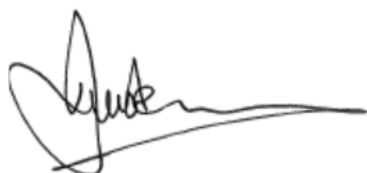
I refer to your correspondence dated 6 September 2021, notifying Council of the release of the Port Bonython Code Amendment for consultation, and seeking formal comment from Council regarding the proposed Code Amendment.

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

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

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

Yours faithfully



**Justin Commons
CHIEF EXECUTIVE OFFICER**





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

From : Ann and Sid Wilson

27 September 2021

████████████████████
Whyalla SA. 5600

Re: Submission – Port Bonython Code Amendment.

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

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

1. Rationale for Not Approving Code Amendment

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

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

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

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

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

Tourism

Liveability for the Whyalla community-an escape from the city

Access to the coastal and marine environment

Aquaculture

Health of the Upper Spencer Gulf environment

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

Longer time frame and with due consideration of sustainability .

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This area is serviced by Road ,Power and Water.

4. Request some land back from the Australian Defence Force

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

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

2.Summary.

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

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

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

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

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

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

Yours Faithfully

Ann and Sid Wilson

Mob [REDACTED]

Email [REDACTED]



Ann Wilson



Sid Wilson
Sid Wilson
FIEAustCPEng(Ret)

Attach

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

ATTACH. 1.



EPA fears bigger Santos oil spill

Posted Mon 22 Mar 2010 at 11:03am

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

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

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

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

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

Investigations into the cause of the leak are continuing.

Port Bonython oil spill

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

Contents

Spill

[30 August](#)

Response

[31 August – Day 2](#)

[1 September – Day 3](#)

[2 September – Day 4](#)

[3 September – Day 5](#)

Impact

[Fishing industry](#)

Responsibility

Fate of the vessel

See also

References

Spill

30 August

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



Port Bonython, Upper Spencer Gulf

Response

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

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

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

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

31 August – Day 2

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

1 September – Day 3

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

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

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

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

2 September – Day 4

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

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

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

3 September – Day 5

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

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

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

Impact

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

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

Fishing industry

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

Responsibility

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

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

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

Fate of the vessel

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

See also

- List of oil spills

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Retrieved from "https://en.wikipedia.org/w/index.php?title=Port_Bonython_oil_spill&oldid=1011815268"

This page was last edited on 13 March 2021, at 00:12 (UTC).

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To whom it may concern

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



Figure1 – Yoorndoo Ilga Solar Project Locality Plan

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

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

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

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