

Dan Monceaux
Director 'Cuttlefish Country'
Danmations Pty Ltd
1/157 Franklin St
Adelaide SA 5000
ph. 0411039592

22/04/2012

Spencer Gulf Port Link/Transport - water/Stoney Point, Eyre Peninsula,
SA/SA/Port Bonython iron ore bulk commodities export facility on Eyre Peninsula,
Ref 2012/6336

Summary of Response

My grave concern is that the proposed choice of location for the Spencer Gulf Port Link at Port Bonython is fundamentally flawed. It is described by engineers of the APWP (Alternative Ports Working Party) as sub-optimal, and a pot-hole port. It offers highly constrained access to deep water, akin to a cul-de-sac in the ocean, and this increases the probability of shipping accidents, and raises the possibility of future dredging to expand the shipping channel should the APWP's warnings prove prophetic.

Reasons for rejecting the proposed port's location are also supported by local concerns that the amenity of the Lowly Peninsula will be degraded, and access to the popular 'Fenceline' dive site at Stoney Point, used by scientists and tourists from around the world who study and observe the annual Giant Australian Cuttlefish breeding season, will become restricted or defunct.

The community of Whyalla have experienced this before with the initial development of the Santos Gas Fractionation plant, which claimed additional 'safety buffer zones' after the development's approval, displacing shackies, and fencing off Weeroona Bay from public access. Once bitten, twice shy.

The Stoney Point site also receives annual visits from EPBC listed species, Southern Right and Humpback Whales, some of whom travel with calves and linger at Black Point, long enough for locals to capture photos and video of them [links below]. Cetaceans, including the bottle-nosed dolphins who frequent Point Lowly, are vulnerable to submarine noise pollution and jetty construction will disrupt their behaviour if not cause them injury. While not a listed species, the Giant Australian Cuttlefish is the true icon of the project site, and the proposed jetty is to be built right over the top of the area *where the animals currently gather at their greatest density* to mate. While the proponent makes a pledge to not construct the jetty during cuttlefish season, adverse impacts on the scientific study of these animals and the growing ecotourism interest in the Lowly Peninsula are to be expected.

For many years, a group of experienced engineers from Whyalla have been promoting an alternative port site at Mullarquana, to the south of Whyalla. This is a genuine alternative, affording better access to deep water, great distance from the cuttlefish breeding grounds and visiting whales, and comparable access to rail and road infrastructure.

It is our belief that this referral application should be rejected under the auspices of insufficient detail, inconsistencies within the application, and a lack of exploration and disclosure of genuine alternatives.

Specific Points of Concern

1.9 Alternatives to proposed action

The suggestion that there are no alternatives to the proposed action is unreasonable. For years the APWP, Alternative Ports Working Party have lobbied for an alternative site south of Whyalla, at Mullaquarna to be considered. The process of rezoning land for this purpose is currently being considered by the Whyalla City Council. The proponent also admits that previously, alternative sites had been considered [2.3] but offers no further detail. In brief, the APWP's rationale for recommending their alternative site is based on improved safety and efficiency when navigating cape-sized vessels to and from port, (ie. better access to deep water) suitable distance from the Giant Australian Cuttlefish breeding grounds, no disturbance of amenity and ecotourism values of the Lowly Peninsula and comparable distance to existing worker accommodation, rail and road infrastructure.

1.13 Related actions/proposals

The existence of this port is only validated by the demands of iron ore miners seeking export pathways, none of whom are listed on this application. I believe it would be appropriate for potential port users to be listed in this application and associated matters to be discussed. For example, transportation matters such as determining if the rail cars delivering the ore are to be open, covered or sealed in relation to possible spillage and areas of impact. The possibility that some port customers may wish to road freight their ore, as per Lucky Bay and Port Spencer exports, and this possibility has not been discussed.

2.1 Description of proposed action

Intentions to export 'in excess of 50 million tonnes per annum' are mentioned. This figure is inadequate, as it does not give a clear indication of the potential maximum expected volume of shipping traffic to and from the completed facility, as it does not specify an upper estimate. Increased shipping frequency increases the frequency of risk of accident, as well as opportunities for the introduction of invasive species in ballast water and on vessel hulls, as well as increasing turbidity in the water from propeller churn due to the lack of bottom-clearance and highly constrained nature of the available 'deep water'.

The railway facility description also fails to mention if the rail-cars carrying the ore will be open, covered or sealed as they travel between the existing line and the ore unloading facility. Should customers wish to road freight ore to the facility, this matter would also need addressing.

2.3 Alternative locations, time frames, activities that form part of the referred action

It would be reasonable for the applicant to disclose the locations of the 'Two locations south of Whyalla with deep water... initially suggested for investigation' and the grounds by which they were ruled out as viable alternatives. I argue that the transportation of ore to the facility must be considered as part of the referred action, as the port serves no purpose without it. The possible expansion to the additional land mentioned for 'future growth' should also be described as part of the referred action, unless it is deemed part of a staged development.

2.4

Coastal Conservation Zone Objective & Response #3

Development that contributes to the desired character of the zone. This development makes a mockery of the location's existing reputation as a *world class dive site, marked on Google Earth and widely in dive literature with an entry-point at the Santos fence line*. The development is also proposed to be located adjacent to existing shacks on Cuttlefish Drive. Whilst it may be consistent with the Santos Gas Fractionation plant, it is not consistent with the coastal cells' appeal as tourist

attractions for their natural amenity. It will also adversely affect the property values of residents living on the peninsula as these values are degraded.

2.4

Special Industry, Rural (Industry Buffer) Zones & Responses

As rail car closure (open, covered, sealed) is not mentioned in the referral application, impact to vegetation and amenity in Special Industry Hydrocarbons zones and Rural (Industry buffer) zones cannot possibly 'eliminate any impacts upon the environmental conditions within the zone' as claimed.

Special Industry Hydrocarbons

The proposed Port Bonython facility is not a 'chemical industry requiring hydrocarbon feedstock' as the applicant admits, and is thereby not a suitable match for existing zoning. It also suffers from highly constrained access to deep water, as evidenced by the APWP's application and depth charts of the region's waters.

Coastal Waters Development Plan

Objective 4 'the safe and efficient movement of goods'

The limited access to deep water at the cited location, and desire to dock two vessels there simultaneously will lead to risky shipping pilotage. The Port Bonython oil spill of 1992, during which 300 tonnes of bunker fuel oil was spilled from a ruptured hull into the sea is testament to what can happen *without* the multiplied risk of having multiple vessels at the two jetties once complete.

Objective 22 'to sustain or enhance the natural environment'

Construction outside of Giant Cuttlefish breeding season is critical to achieve this. Other species may yet be affected however, including the resident Bottle-nosed dolphin population who feed daily along the coast between Black Point and Fitzgerald Bay. Cetaceans and cephalopods are both highly sensitive to submarine noise pollution, for example that caused by blasting and pile-driving, and cuttlefish, whales and dolphins are at risk of damaging their hearing and balance if exposed to construction disturbance.

Objective 23 'to protect the coast from development that will adversely affect the marine and onshore coastal environment whether by pollution, erosion, damage or depletion of physical biological resources, interference with natural coastal processes or any other means'

While construction methods may be chosen to minimise harm, ultimately the choice of location immediately threatens the well being of the adjacent environment and inshore reef. It will deplete, damage and interfere with the biological resources there, the only question is to what extent. Alternative locations are available and must be appropriately considered and assessed.

Objective 24 'to not interfere with wildlife habitats'

Driving piles through the site of the highest recorded density of *Sepia apama* during breeding season in the region certainly constitutes an interference with wildlife habitat, and the *Sepia apama*, while not an EPBC Act listed species, is an iconic species for the region, a tourist attraction, and is the results of genetic and morphological studies determining whether in fact the Upper Spencer gulf population is a distinct species or subspecies is currently awaiting scientific publication.

Objective 25 'to not detract from or reduce the value of sites of ecological, scientific, environmental or educational importance'

This development will fail dismally here, excluding scientists, educators, ecotourists and the general public from the prime Giant Australian Cuttlefish breeding site at Stoney Point (The Fenceline) for matters of public safety, or through the degradation of this natural resource, due to

bottom disturbance during construction and shipping movements, silting from spillage from conveyors, and introduction of invasive species on or in travelling vessels.

Objective 26 'to preserve areas of high landscape and amenity value including.. exposed cliffs... areas which form an attractive background to tourist developments'

The elevated conveyor system and spill of red iron ore dust from train-cars and conveyor systems will degrade the amenity of the specific site's existing tourism appeal.

Objective 27 'to maintain or enhance public access to coastal areas in keeping with objectives for protection of the environment and amenity'

It is highly probable that vehicle access to 'The Fenceline', car-parking, and easy dive access to the existing world-recognised Stoney Point dive site will be prohibited in the interests of public safety. Such is standard practise with commercial shipping facilities, including the OneSteel wharf in Whyalla, which prohibits the public from coming within 25 metres of Company infrastructure. A similar ruling would render the Stoney Point dive site inaccessible. The ruling at the Santos facility is 200 metres from the jetty, or 1.2 kilometres when a ship is in dock (these are marked on the proponent's charts for Santos, but not for the newly proposed jetty).

Objective 31, 'to protect the physical and economic resources of the coast from inappropriate development.'

The only way to consider this development as appropriate, is to dismiss the scientific, cultural, economic and environmental value of the current profile of the Stoney Point dive site, and Stoney Point reef as the world's pre-eminent cephalopod study site. It has been visited by experts and film crews from around the world every year for over a decade, and to run an iron ore jetty straight through the heart of it, denying future access to those interested, degrading the location's amenity and potentially the viability of the ecosystem in the event of lapses in environmental management or accidents at the facility (during construction and operation) is unacceptable. There's only one mass Giant Australian Cuttlefish aggregation, and there are alternative locations for iron ore jetties.

2.7 Staged development, or single stage project?

Expression that this is a single stage project is at odds with **Attachment 2** which details an additional tract of land to the west for 'future growth'. I am also skeptical about the limitations of the deep water at the proposed jetty's end, and suspect that the proponents will consider dredging to improve the viability of the port. If these possible expanded activities are to be considered, they ought to be listed in this document, or the project be declared a *staged development*. Another criteria for the staged development status would be that the *actual use* of the facility will be in itself an additional stage of development, as no mention as to how ore will be transported (road or rail transport conditions) have been mentioned here.

3. Description of environment and likely impacts

Table 1: Threatened species and likelihood of occurrence with 5km radius of project site.

Southern Right Whales are known to occur, with multiple sightings, often mothers with calves reported annually by locals and mariners. I have included links to photo, video and news stories to support this. They are known to visit Black Point, as little as 1 kilometre from the project site.

[See links at end of document, Attachment 6]

Humpback Whales are reported to be sighted in the vicinity annually by local divemaster Tony Bramley. As such they are known to occur.

Great White Sharks are known to occur in the area, with many news reports of shark encounters near Point Lowly, especially in conjunction with snapper fishing. As such, they should be listed as known to occur.

Australian sealions are known to occur in the vicinity. I recorded video evidence personally in 2011 of a sealion coming ashore at Fitzgerald Bay. It features in a video linked at **Attachment 6**.

3.3

Other important features of the environment

Marine environment

The subtidal reef habitat described as breeding grounds of the Giant Australian Cuttlefish it is important to note, extends no further than 150 metres off shore. As their chosen habitat is inshore and so small in surface area, their habitat is susceptible to spill from the land as well as from conveyors, as well as the animals themselves being vulnerable to submarine noise pollution, contamination and turbidity caused by the construction period. This is density observation is supported by cuttlefish count data collected by Santos and BHP in recent years. While the proponent suggests that the breeding season attracts hundreds of divers each year, it neglects to mention snorkelling tourists, and those viewing the animals through glass-bottomed kayaks, or through other viewing devices from within boats. Their potential as a tourist attraction has been recently acknowledged by plans to develop a cuttlefish interpretive centre near Whyalla. It would be absurd to develop such a facility, while at the same time disturbing the animals' habitat, threatening their continued breeding and limiting public and scientific access to the animals as safety buffer zones are established around new Port Bonython infrastructure.

On the tourism value of the cuttlefish, the following points are drawn from *Andrew Robertson Marketing & Consulting's* 2003 report's executive summary:

1. ranked fifth in South Australia's "top 20 natural wonders" in The Advertiser on Saturday 14 June 2003, and the Cuttlefish have also generated international interest from marine researchers and film crews (including the BBC, Japan and Channel 7 locally).
2. The Cuttlefish generated total economic value of \$580,000 in 2002, including dive tourism valued at \$248,000, and this has been achieved largely through word of mouth, with no coordinated promotion or tourism effort.
3. This report estimates that Cuttlefish related tourism in Whyalla could increase to \$1.076 million by 2008, provided that a strategic plan is developed and coordinated tourism effort is implemented.

It is unknown if this estimate has been reached, as no comparable publication has followed to my knowledge. The risk here with the Port Bonython development is twofold- it stands to jeopardise the future of the cuttlefish and their habitat, while also jeopardising the future growth of the cuttlefish tourism economy for Whyalla.

3.3 (j) other unique or important values of the environment

The Upper Spencer Gulf Marine Park is mentioned, but no maps or charts are provided to show its provisional boundary relative to the port development. Nor are the cuttlefish closure areas marked on any map. The implications of the marine park's legislation on shipping channels or practicalities of port operation are not discussed at all.

3.3 (l) existing land/marine uses of the area

Boating, fishing and diving activities will be impinged by the port development.

Aquaculture farms have relocated away from Upper Spencer Gulf, due to problems with fish mortality and production of poor quality fish.

The aquaculture farm relocation suggests there may be other problems with the health of Upper Spencer Gulf's marine environment, and should support the use of the Precautionary Principle when considering future developments.

4

Measures to avoid or reduce impacts

The claims that the 'coastal strip area will be avoided' is dangerously ambiguous. How can an ore-loading conveyor span the whole coastal strip without structural supports? Surely this statement requires more detail and explanation.

5

Proposed action is ~~not~~ a controlled action?

There are several wildcard factors which may alter the 'not a controlled action' status of the project. There are two animals in the region with acute sensitivity to submarine sound pollution, which may in the near future become listed species under the EPBC Act. The first is the Giant Australian Cuttlefish, whose population has undergone genetic and morphological studies to determine whether the population is a unique species or subspecies. This research, led by Dr Bronwyn Gillanders at Adelaide University is currently awaiting publication. If it is so determined, and its population continues to decline, it may qualify for immediate listing as a vulnerable, threatened or endangered species. The other animal worth noting is the local dolphin pod. While they have been previously described as Common Bottle-nosed Dolphins (*Tursiops truncatus*) it is possible that they are indeed Burrunan Dolphin (*Tursiops Australis*), a species of dolphin newly described in 2011, whose range is thought to extend to Spencer Gulf waters. If so, they would join the tiny Victorian population of 150 animals, and be a candidate for EPBC Act listing.

The other listed species of marine concern are the Southern Right Whales, Humpback Whales and Australian Sealions, but all of these are visitors to the region only, with typically a handful of sightings of each in any given year, according to local anecdotal evidence, and media reports.

Attachment 1

This land use map omits current Stoney Point dive site access point, which is located at the boundary between Santos' property and the proposed development. This is an internationally advertised dive-site, and this point is shown to be the epicentre of breeding activity for the Giant Australian Cuttlefish. The cuttlefish mate here, before seeking suitable laying habitat towards Black Point.

Also omitted from the map are shacks on the shores of Fitzgerald Bay, which are <4kms from the proposed development.

Attachment 2

Featured is a green area of land, marked 'FUTURE AREA TO BE LEASED FROM SECTION 248 HUNDRED OF CULTANA TO ENABLE FUTURE GROWTH: 279ha approx.' **This contradicts the application which states that the development will only involve a single stage** [2.7 A staged development or part of a larger project].

Attachment 3

This map suggests that the public will have access beneath the new jetty, to the existing dive site at the fenceline of Santos' facility. This is unlikely to be the case, as the Onesteel iron ore loading jetty has a public exclusion zone of 25 metres from all company infrastructure. In this case Spencer Gulf Port Link must disclose whether the existing dive site 'The Fenceline' will still be accessible.

Attachment 6

Relevant sightings of listed species within project area (5km radius)

Locals have told me that each year a small number of whales are sighted, normally in the months June through August, though it is believed more visit and escape detection. This is a reasonable assumption, as Southern Right Whales tend to keep a very low profile in the water, and are not as conspicuous as Humpbacks, who are known to breach and frolic. Southern Rights have been recorded in the vicinity of the project site with calves, including in photographs and video at the links below. A juvenile Southern Right Whale was also freed from entanglement in crab pots in the area in 2002.

Video of wildlife at project site (includes Australia sealion in closing shot)

<http://www.youtube.com/watch?v=NpLf-JqiKmc&feature=plcp>

Photograph of Southern Right Whale and calf near Black Point, 2008

<http://www.panoramio.com/photo/13767399>

Video of Southern Right Whales near Black Point, 2008

<http://www.youtube.com/user/scottleverington/videos>

Photos of whales in Upper Spencer Gulf, between Fitzgerald Bay and Port Augusta, 2010-2011

<http://www.flickriver.com/photos/georgiesharp/tags/whales/>

From: S.47F
To: [EPBC Referrals](#)
Subject: Public comment on Ref Number: 2012/6336
Date: Thursday, 19 April 2012 5:11:18 PM































**Public comment on
Spencer Gulf Port Link/Transport - water/Stoney Point, Eyre Peninsula,
SA/SA/Port Bonython iron ore bulk commodities export facility on Eyre
Pennisula**

Date Received: 04 Apr 2012 Reference Number: 2012/6336

Thirteen listed threatened species are known to occur, likely to occur, or may occur within the vicinity of the development. In addition, the subtidal reefs near the project are an important breeding ground for the Giant Cuttlefish, *Sepia apama*. It is not a listed threatened species, but is of particular conservation significance in the Gulf.

I think this area should not be damaged by development. There is already a threat to the marine life from the proposed desal plant. The referral submission comments that the vulnerable slender-billed thornbill could use native vegetation to the north but I assume the birds are choosing the proposed development area because it best suits their purpose. Without thorough research on the two areas it is presumptuous to assume that both areas suit the birds equally well and that damage to the area they currently use will not materially affect them. This is also true for the migrant birds sometimes seen here - that they too could feed elsewhere. It is just as easy to suggest that the rail network should be adjusted to damage an area not used by the birds. 200 ha of land, most of it pristine from the photos, is too much for a mining corporation to damage for the material profit of only its workers and shareholders while the rest of us suffer yet another degraded and ugly area where once was a stark beauty. The proposed development will, despite any amount of camouflage, permanently damage the natural aesthetics of this area.

I believe that the submission fails to address the National Parks and Wildlife Act 1972 which protects all native animals throughout the State. The proposed submission will destroy native vegetation used by vulnerable species and probably affect these species adversely as well.

Coastal Conservation Zone: Development within this zone is intended to be subservient to the conservation of the coastal environment in order to ensure that the fragile coastal environment is protected and biodiversity maintained. This will obviously not happen.

S.47F
S.47F
Tel S.47F

Dear Sir/Madam

**Re: Spencer Gulf Port Link/Transport - water/Stoney Point, Eyre Peninsula, SA/SA/Port Bonython
iron ore bulk commodities export facility on Eyre Peninsula
Reference Number: 2012/6336**

I am a marine biologist with experience in marine science research, education, ecotourism and conservation. I have grave concerns about this proposed development. Whilst these concerns focus mainly on the environmental impacts of the development, on which I will comment later, there are also some concerns about the proposal itself.

Legislation

In Section 2.4 there is a table detailing relevant South Australian legislation covering pages 9-10. The table omits references to the *Harbours and Navigation Act 1993*, the *Maritime Services (Access) Act 2000*, the *Fisheries Management Act 2007* and the *Marine Parks Act 2007*, all of which are relevant to the proposal because it includes a jetty, it is within the boundaries of marine park number 10 and in a fishery closure area. These are serious omissions and need to be addressed before the development goes any further.

In particular, reference to the Marine Parks Act is significant because whilst the objects of the Act (Appendix 1) allow for 'ecologically sustainable development and use of marine environments' it also provides a definition of ecologically sustainable development and a series of principles that should be taken into account, neither of which are sufficiently addressed in this referral or by the proposed development as a whole. In addition, this Act interacts with at least 12 other South Australian Acts, some of which are relevant to this proposal.

Consultation

Section 2.6, page 17, refers to public consultation. Whilst two significant divisions with the Department of Environment and Natural Resources (DENR) are mentioned (Coastal Protection Board and Native Vegetation Council), it is significant that consultation with the Eyre Peninsula Natural Resources Management Board is not listed. This Board has a wide variety of statutory responsibilities regarding natural resource management of the Eyre Peninsula NRM Region, in which this proposal falls.

Giant Australian cuttlefish

Whilst the referral refers to the giant Australian cuttlefish (*Sepia apama*) and the significance of their breeding aggregation, what the referral fails to mention is that the proposed jetty will go directly through the centre of their breeding and egg laying ground, an area that is now permanently closed to fishing for all cephalopod species (Appendix 2).

The referral also fails to mention that last winter (2011) a very large drop in cuttlefish numbers was observed. This has raised serious concerns for the welfare of this species in upper Spencer Gulf and for the longevity of the unique breeding aggregation that brings in valuable tourism income to Whyalla.

Work undertaken by the University of Adelaide and the SA Museum, as yet unpublished, strongly suggests that the cuttlefish in upper Spencer Gulf are a separate and distinct species from other

Sepia apama around Australia. If this is the case then a precautionary approach to development in the upper Spencer Gulf needs to be taken because this potentially isolated species could already be suffering from unknown impacts and may go extinct before it has been declared a new species.

Introduced species

It is also disconcerting to see on page 33 the penultimate dot point stating that “the jetty piles will be colonised by a range of marine fauna and flora, providing additional habitat”. This may well be the case as it is well known that jetties provide excellent reef habitat. However, the jetty also provides additional habitat for invasive marine species such as *Sabella spallanzanii*, which has recently been documented at Whyalla.

Community access and tourism

The referral goes at length to state that the jetty will be constructed to go over the coast to minimise damage to the reef. However, the proposal says nothing about whether it will still allow the community access to dive and snorkel at an existing site (shown on page 2 of Attachment part A) where access is currently provided for cuttlefish tourism. The existing access site is very close to the proposed jetty site and the company has said nothing about whether the community will still be able to access this existing site, which has had some infrastructure put in place to improve tourism experiences.

A report to the SA Tourism Commission, 2003, concluded that the potential value of tourism based around cuttlefish at Whyalla could be more than \$1 million per annum especially when mixed with other marine experiences including dolphin watching, fishing, kayaking, snorkeling and diving. This is extremely valuable and should be included in the deliberations about the potential impacts of the jetty in this proposal.

Damage to benthic marine ecosystems

Whilst the referral also goes at length to state that it will attempt to minimise damage to the reef habitat where the jetty will be situated, this is downgrading the potential impacts. Jetty construction is by its nature extremely destructive and disturbing to marine ecosystems, especially the benthic ecosystems where drilling will destroy habitat. Large amounts of sediment will be lofted into the water column, which is not usually present in the area and that will only very slowly be drawn away by the slow currents and tides at the top of the gulf. The impacts of this sediment load have not been mentioned in the referral and may cause severe damage to the macroalgae that form an integral part of the rocky reef habitat in the area. Damage can occur in two ways: a) smothering of photosynthesising fronds, causing the macroalgae to dieback; and b) from scouring rocks, preventing juvenile algae from attaching and thereby potentially denuding the rocky reef in the area. In addition, there will be underwater noise pollution, which will disturb the resident dolphin population.

The jetty could also change the habitat underneath it due to its permanent shading of the benthic reefs, which could change the ecosystem structure and encourage a different community of macroalgae consisting of those species that prefer darker areas.

Cumulative impacts

The referral has not taken into account the effects of cumulative impacts to the coastal and marine ecosystems in the upper Spencer Gulf area. Other impacts in the area include:

- BHP Billiton is about to build a large desalination plant on the north side of the Point Lowly Peninsula, which will discharge highly saline brine into an area of the upper Spencer Gulf where water turnaround is likely to be extremely slow and could potentially accumulate

hypersaline seawater, especially in summer when evaporation is high and there is no freshwater input

- Another desalination plants is proposed at Port Pirie
- A third desalination plant is proposed at Point Spencer to the south of Whyalla.
- The existing refinery (which has had known leakage problems)
- The jetty in this proposal will bring in much larger vessels than are currently able to dock at the existing jetty. This doubles the chances of serious environmental damage due to:
 - o Oil spills
 - o Other pollutants from cape size vessels entering the water
 - o The introduction and establishment of invasive marine species
 - o Excess sediment being suspended into the water column
 - o Collisions with marine mammals
 - o Ballast water leakages

Navigation

In addition to these issues, the site is not ideal for cape sized vessels. Deep water access to the jetty is difficult to navigate and there are better alternative sites for a multi-user bulk commodities port. Cape size vessels would have to navigate a rip, would have difficult turns to berth and exit, would need the use of tug boats and would be required to wait for the right tide to be able to get past choke points at the top of Spencer Gulf and at the Yarraville Shoals west of Nonowie.

Alternative sites

The Whyalla City Council have just agreed to rezone an area of land south of Whyalla to enable port developments in this far more suitable area, as an alternative to the Point Lowly Peninsula. It is strongly recommended that the proponent is asked to assess the suitability of this area for an alternative multi-use port.

If you wish to contact me about this submission, please call me on S.47F . I look forward to the results of this consultation.

Yours faithfully

S.47F

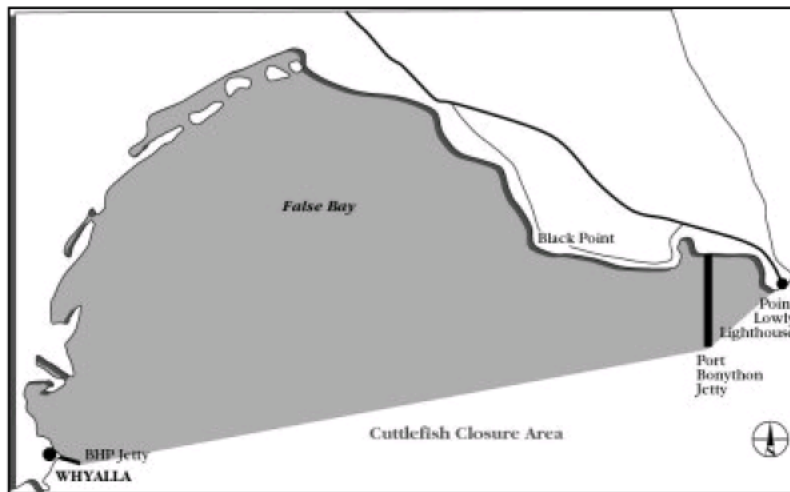
BSc (Hons), BEd

Appendix 1. Objects of the South Australian *Marine Parks Act 2007*

- (1) The objects of this Act are—
 - (a) to protect and conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive, adequate and representative system of marine parks; and
 - (b) to assist in—
 - (i) the maintenance of ecological processes in the marine environment; and
 - (ii) the adaptation to the impacts of climate change in the marine environment; and
 - (iii) protecting and conserving features of natural or cultural heritage significance; and
 - (iv) allowing ecologically sustainable development and use of marine environments; and
 - (v) providing opportunities for public appreciation, education, understanding and enjoyment of marine environments.
- (2) For the purposes of this Act, ecologically sustainable development comprises the use, protection, conservation, development and enhancement of the marine environment in a way, and at a rate, that will enable people and communities to provide for their economic, social and physical well-being and for their health and safety while—
 - (a) sustaining the potential of the marine environment to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacities and processes of the marine environment; and
 - (c) avoiding, remedying or mitigating any adverse effects of activities on the marine environment.
- (3) The following principles should be taken into account in connection with achieving ecologically sustainable development for the purposes of this Act:
 - (a) decision-making processes should effectively integrate both long term and short term economic, environmental, social and equity considerations;
 - (b) if there are threats of serious or irreversible harm to the marine environment, lack of full scientific certainty should not be used as a reason for postponing measures to prevent harm;
 - (c) decision-making processes should be guided by the need to evaluate carefully the risks of any situation or proposal that may adversely affect the marine environment and to avoid, wherever practicable, causing any serious or irreversible harm to the marine environment;
 - (d) the present generation should ensure that the health, diversity and productivity of the marine environment is maintained or enhanced for the benefit of future generations;
 - (e) a fundamental consideration should be the conservation of biological diversity and ecological integrity;
 - (f) environmental factors should be taken into account when valuing or assessing assets or services, costs associated with protecting or restoring the marine environment should be allocated or shared equitably and in a manner that encourages the responsible use of the marine environment, and people who obtain benefits from the marine environment, or who adversely affect or consume natural resources, should bear an appropriate share of the costs that flow from their activities;
 - (g) if the management of the marine environment requires the taking of remedial action, the first step should, insofar as is reasonably practicable and appropriate, be to encourage those responsible to take such action before resorting to more formal processes and procedures;
 - (h) consideration should be given to Aboriginal heritage, and to the interests of the traditional owners of any land or other natural resources;
 - (i) consideration should be given to other heritage issues, and to the interests of the community in relation to conserving heritage items and places;
 - (j) the involvement of the public in providing information and contributing to processes that improve decision-making should be encouraged;

(k) the responsibility to achieve ecologically sustainable development should be seen as a shared responsibility between the State government, the local government sector, the private sector, and the community more generally.

Appendix 2. Map of fishery closure in False Bay.



From: http://www.pir.sa.gov.au/fisheries/recreational_fishing/closures/closed_areas

“False Bay, near Whyalla: all waters of Spencer Gulf enclosed by a line from the lighthouse at Point Lowly to the southern end of the Point Bonython jetty, then in a south-westerly direction to the eastern most point of the Onesteel jetty (latitude 33o02’12.63” s, longitude 137o36’1.98”e) near Whyalla, then to high water mark at the base of the jetty, then following the high water mark along the shoreline in an easterly direction back to the lighthouse at Point Lowly”

EPBC Comments on Referral - Spencer Gulf Port link/Transport-water / Stoney Point, Eyre Peninsula, SA/SA /Port Bonython iron ore bulk commodities export facility On Eyre Peninsula. Ref. No. 2012/6336

These comments are submitted by the Alternative Port Working Party [APWP], a group of concerned Whyalla community members who have been communicating with the Local and State Government and SGPL re this project and the other projects relating to industrializing the Lowly Peninsula, the most valuable natural coastal area in the Whyalla region, over the past 4years..

The comments are set out to follow the four documents submitted by SGPL.

Referral and Proposed Action

1 Summary of Proposed action

1.4 Footprint

The area shown and reference made under 2.3 indicates that 200 ha may be the actual infrastructure footprint but is understating land area required to accommodate the footprint and this needs to be clarified.

1.8 Time Frame .

SGPL have been involved with the State Government for approximately 4 years regarding various stages of this port development negotiation/ investigation.

1.9 -10-11 Alternative to proposed action, time frame, State Assessment

Alternatives for ports on the east coast of Eyre Peninsula have been suggested .

Up to 9 ports have been on the agenda at various times and has resulted in various outcomes. No strategic planning has been done to provide the most appropriate outcome and currently multiple projects have been approved or are in the investigation / approval pipeline. On the basis of following this approach multiple ports will result in multiple environmental and social impact and a less competitive big picture outcome for a port in this region.

See comments section 2.3 and 2.5

1.12 Component of larger action

Although this port, as proposed by SGPL, is declared as not being a component of larger action, it should be noted that there are multiple industrial and infrastructure projects currently in place, approved, being investigated for the Port Bonython area. ie. it is not part of a larger action by SGPL but is part of a larger action in play for the Port Bonython/Lowly Peninsula by multiple developers with support and encouragement by the SA Govt.

2. Detailed description of proposed action

2.1 Description of proposed action

The inclusion of a refueling facility does not describe its capacity, location or what it will be refueling.[motor vehicles, locomotives , tugs or ships]

The jetty is shown with a T head for the berth[s] vs L shaped twin berth on other figures in other documents.

2.2 and 2.3 Alternatives in taking the proposed actions

As stated, the SA Government instructed or encouraged the developers to express an interest in the Port specifically at Port Bonython.

When other alternatives were suggested the SA Government claimed to have carried out a review of two ports south of Whyalla. The outcome is that Port Bonython is the Government's preferred site with the review/investigation report not available to the public.

2.4 Context ,planning framework State /Local Govt requirements

South Australia s Strategic Plan.

The ongoing investigation of Port Bonython for a commodity port does not align with the outcomes from the Whyalla Region State Strategic Planning workshops in 2011 nor the current direction that is being considered by the Whyalla City Council.

State Legislation.

Due to the multiple developments in place and under review for the Lowly Peninsula[Port Bonython] including the SGPL proposal the only acceptable environmental outcome is an EIS for each project .Each EIS must address not only the effect of each project but also the compounding effect of all projects.

Whyalla City Development Plan.

The Whyalla City Council is currently undertaking a review of its strategic plan which should flow through to the development plan. Recent motions carried at the Council meeting support the investigation of alternative sites for the industries proposed for the Lowly Peninsula [Port Bonython] including a rezoning of land south of Whyalla for industry and port infrastructure.

The presence of the following industry ;

SGPL - commodity Port

BHP Billiton - Desalination plant,

Port Bonython Fuels- Diesel storage distribution and refining

Ammomium Nitrate Plant

Liquified Natural Gas Plant

Santos- Hydrocarbon processing and shipping.

will detract from the visual amenity of the area, impact on recreation and tourism and increase the risk to the marine environment.

For example the smallest of the three SGPL commodity sheds [shed 304] will be approximately the length of the Sydney Cricket Ground and half the height of the Sydney Opera House.

This must surely impact on the amenity of the area even with best intent to minimize impact and camouflage.

The total area of the Lowly Peninsula proposed for industrial development is approximately 2500 ha and this would become an unattractive entry to the recreation, living and tourist areas.

All of these issues affect the liveability for the regional area. Application of alternative sites should enable the best of both outcomes. That is, the jobs and prosperity associated with the proposed industrial developments of the Lowly Peninsula. and developing the Lowly Peninsula around lifestyle and natural assets and protecting the marine environment [refer also Marine Environment ref 3.3a,3.3d,3.3i,3.3j and 3.3L dot point 1]

2.6 Public Consultation.

There is an urgent need for a Public consultation plan and commitment to its delivery. The performance of the SA Government and Flinders Ports as the lead for SGPL has been unacceptable.

There has been no proactive action to keep the general public, including the community of Whyalla, advised of what is proposed regarding a port on the Lowly Peninsula.

The information provided on the SGPL website has been incorrect and out of date and it has taken twelve months of lobbying to get information from the State Government on the big picture regarding their position on the industrialization of the Lowly Peninsula.

The lack of a strategic approach to the commodity port has delayed progress and appears to be causing outcomes in conflict with the goals originally set out for the SA. Government, industry group, the Resource and Energy Sector Infrastructure Council. (RESIC).

4 Measures to avoid or reduce impacts

Adoption of the points documented may reduce the impacts but will not make the project acceptable for this unique coastal and marine environment .Of particular note is “ iron ore only, no toxic materials”.

5 Conclusion on the likelihood of significant impacts

As mentioned above, the port project alone, and even more so in combination with the other existing and proposed industrial projects, is not acceptable for the Lowly Peninsula and Upper Spencer Gulf marine inverse estuary environment .

The major issues are visual impact, access on land and risk to the cuttlefish and fish nurseries. There is no mention of the risk of ship oil spills or the potential impact of marine bottom disturbance and turbidity as a result of many Cape vessels operating in the restricted channels with significant areas of minimum under keel clearance[UKC]

for example Yarraville Shoal and adjacent to the Port Bonython jetty

Attachment 1 Land use in area.

Other industrial developments not shown on figure ie PBFuels -approved, Ammonium Nitrate Plant -being investigated, LNG plant being considered [these are included on a map produced by SA Govt .-Port Bonython Proposed Infrastructure.DPLG-ID 3684. Note. Layout for Port on this doc differs from Flinders Port Land use in Project .

The cuttlefish diving access and viewing point is shown on the Land Use in Project Area figure to be over a kilometer to the west of the proposed jetty.

The current primary shore based access point /cuttlefish aggregation is east of the jetty adjacent to the Santos fence line [almost under the proposed jetty].

Attachment 2. Land tenure plan

Jetty shown with reverse L jetty head, twin berth.

Santos Emergency area [zone 3, 2 nautical miles centre from jetty head not shown on the tenure plan.

Area of tenure approx 800 ha

Attachment 3. Bulk commodities Storage Facility onshore layout.

Refueling facility not shown.

Plan differs from SA Govt. layout referred to in Attachment 1 above

Attachment 4. Shed general arrangement and Dimensions

Note this is for shed 304 which is approximately 25% shorter than the other sheds

Attachment 5. South Australian Development Act

Port Project on the Lowly Peninsula should never have been given Section 46 Status.

Appears inadequate strategic planning was done, alternatives and total industrial impact not given serious consideration .

Attachment 6. EPBC Protected Matters Report

Although the cuttlefish is not listed in this category there is much information in the media and exchanged between scientists, that they are a unique species and possibly under threat.

Attachment 7 and 8 No comment

Attachment 9. Spencer Gulf Iron Ore Facility Draft Port Rules

Operating under these port rules appears to put significant reliance on human control to exit the jetty, and under certain situations and could severely limit the number of Cape ship movements, due to UKC in the channels, berth when combined with tide and wind conditions. It is difficult to see how 50 million tonnes per annum of iron ore [more than 4 ships a week] plus the cargo through the Santos jetty could be efficiently

Accommodated, unless there is intention to dredge in the future. SGPL have, in the past, repeatedly stated there will be no dredging.

The number of ship movements envisaged will also need to take into account the cape ship movements in the Whyalla Port area.



Australian Government
Department of Resources,
Energy and Tourism

23 April 2012

GPO Box 1564, Canberra ACT 2601
Phone (02) 6276 1000
www.ret.gov.au

ABN 46 252 861 927

s 22

Director
Ports & Marine Section
Environment Assessment Branch
Department of Sustainability, Environment, Water, Population and Communities
GPO Box 787
CANBERRA ACT 2601

Dear s 22

RE: EPBC Referral 2012/6336 – Port Bonython Bulk Commodities Export Facility

Thank you for the opportunity to comment on *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) referral 2012/6336, regarding the proposal by Spencer Gulf Port Link (SGPL) to develop the iron ore bulk commodities export facility at the Stony Point, near Port Bonython on the Eyre Peninsula, South Australia

In consultation with our colleagues at Geoscience Australia (GA), the Department of Resources, Energy and Tourism (RET) provides the following comments for your consideration in assessing this application.

The proposed project will consists of a new railway spur from the existing Whyalla to Port Augusta rail line, an onshore bulk ore handling and storage facility and 3 km long jetty. We note SGPL is a consortium comprising Flinders Port Holdings, Leighton Contractors, Macquarie Capital, BIS Industrial Logistics and the Australian Rail Track Corporation. The proposed multi-user port will have capacity of 50 Mtpa, which will cost between \$600 million and \$700 million and will provide employment for approximately 400 people during its construction phase.

We note the quantities of iron ore produced outside Western Australia are, comparably, very small. South Australia hosts a number of magnetite resources being developed mostly by junior miners but lacks adequate deep water port and energy infrastructure to support these projects. The Port Bonython development will be critical in enhancing South Australia's mining industry, particularly given the recent decision to open the Woomera Prohibited Area for mining activity.

At this stage of the referral process, RET has no any additional information on whether the proposed action is likely to have a significant impact on matters protected under the EPBC Act beyond that already identified in the referral.

If you have any further questions with this advice, please contact s 22 on
02 6243 s 22 or email s 22 @ret.gov.au.

Yours sincerely

s 22

A/g General Manager – Minerals Branch
Resources Division



DENR 33/12/0010 (File 33/6096)

Date: 19 April 2012

s 22

Director
Ports & Marine Section
Environment Assessment Branch
Department of Sustainability, Environment, Water, Population and Communities
GPO Box 787
CANBERRA ACT 2601

Executive Director
Policy

Level 2
1 Richmond Rd
Keswick SA 5035

GPO Box 1047
Adelaide SA 5001
Australia
DX138

Ph: +61 8 8124 s 22

Fax: +61 8 8124 4711

www.environment.sa.gov.au

Dear s 22

Re: EPBC Referral 2012/6096: Port Bonython Bulk Commodities Export Facility, SA.

I write on behalf of the South Australian Government regarding your invitation to comment on the above referral received by the Australian Government Department of Sustainability, Environment, Water, Population and Communities under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The South Australian Government advises the following in the relation to the Port Bonython Bulk Commodities Export Facility, SA.

Matters of National Environmental Significance (NES)

Listed Marine Species

The referral fails to provide sufficient information regarding the installation of pilings for the construction of the jetty to ascertain possible impact on cetaceans (including the EPBC-listed Southern Right Whale (*Eubalaena australis*)).

Other Matters of NES

It is considered unlikely that the proposal will result in a significant impact on other matters protected under the EPBC Act.

Environmental Assessment

Should the proposed Bulk Commodities Export Facility be determined to be a controlled action, the SA Government considers that assessment by Preliminary Documentation is appropriate.

State Assessment: Commonwealth-State Bilateral Agreement

Pursuant to Section 46 of the *Development Act 1993*, the proposed Port Bonython Bulk Commodities Export Facility was declared a Major Development on 1 March 2012. The level of assessment is yet to be confirmed by the Development Assessment Commission,

however, the assessment guidelines are currently under preparation at the Public Environment Report (PER) level.

As such, should the activity be declared a controlled action under the EPBC Act with assessment by PER or Environmental Impact Statement, in accordance with clause 12.2 of the *Commonwealth-State Bilateral Agreement*, advice of this decision should be provided to s 22 (telephone (08) 8303 s 22 or email s 22 @sa.gov.au) to determine whether the bilateral agreement should be triggered. As the state assessment process has already commenced, this advice should be promptly expedited (within ten business days or sooner).

For further information please contact the SA EPBC Act Referral Team, in particular, s 22 on (08) 8463 s 22 or s 22 on (08) 8463 s 22 or e-mail: DLDENREPBCReferrals@sa.gov.au.

Yours sincerely,



Greg Leaman

**EXECUTIVE DIRECTOR
POLICY**

From: S.47F [redacted]@flinders.edu.au]
Sent: Friday, 20 April 2012 8:42 PM
To: EPBC Referrals
Subject: Comment on Reference Number 2012/6336

Comment on referral Spencer Gulf Port Link/Transport - water/Stoney Point, Eyre Peninsula, SA/SA/Port Bonython iron ore bulk commodities export facility on Eyre Peninsula

Reference Number 2012/6336

Dear Madam or Sir

I hereby strongly oppose to the plan to construct an iron ore bulk commodities export facility in the Upper Spencer Gulf.
Given the extremely important ecologic role that the upper reaches of Spencer Gulf play in Australian waters, this region deserves enhanced protection from marine pollution and enhanced ship traffic. Following the important precautionary principle and given that this region is considered to host one of the proposed marine parks, the proposed construction of a shipping facility in close vicinity of aggregation sites of the Giant Australian Cuttlefish - an iconic and distinctive SA marine species - must not be approved.

I also like to point out that my expertise as internationally renowned expert in the oceanography of the region was not considered in the "discussion". I take this "sidelining" as evidence that the more critical views of scientific experts such as myself are intentionally ignored. Nevertheless, I am happy to provide a detailed scientific assessment of potential marine impacts of this development on request (and free of charge) and I invite you to enhance your knowledge about physical processes that shape the Upper Spencer Gulf unique by reading the following papers:

Kämpf, J., Payne, N., & Malthouse, P., 2010. Marine connectivity in a large inverse estuary. JOURNAL OF COASTAL RESEARCH, 26(6), 1047-1056.

Kämpf, J., Brokensha, C., & Bolton, T.F., 2009. Hindcasts of the fate of desalination brine in large inverse estuaries: Spencer Gulf and Gulf St. Vincent, South Australia. Desalination and Water Treatment, 2(1-3), 325-333.

I hope that this knowldege will help in making better informed decisions in SA.

Regards

Assoc. Prof. S.47F [redacted]
School of the Environment
Flinders University, Adelaide, Australia