

# s22

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**From:** EPBC Referrals  
**Sent:** Wednesday, 4 April 2012 4:53 PM  
**To:** 'xxxxxxxxxxxxxxxx@xx.xxx.xx' <xxxxxxxxxxxxxxxx@xx.xxx.xx>  
**Subject:** Invitation to comment on Referral - (EPBC 2012/6336 Port Bonython Bulk Commodities Export Facility, SA) [SEC=UNCLASSIFIED]

Good Afternoon

We are sending you the attached link to a referral received for consideration under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) for your comments, as it falls within your area of interest: [http://www.environment.gov.au/cgi-bin/epbc/epbc\\_ap.pl?name=current\\_referral\\_detail&proposal\\_id=6336](http://www.environment.gov.au/cgi-bin/epbc/epbc_ap.pl?name=current_referral_detail&proposal_id=6336)

Any comment should be sent by 20 April 2012 via:

by letter      s22  
                 Director  
                 Ports & Marine Section  
                 Environment Assessment Branch  
                 Department of Sustainability, Environment, Water, Population &  
Communities  
                 GPO Box 787  
                 CANBERRA ACT 2601

by email      s22 [@environment.gov.au](mailto:s22@environment.gov.au)

Formal notification has been sent in the postal mail.

Regards  
s22  
BEP, WA/SA Section  
Environment Assessment Branch  
Department of Sustainability, Environment, Water, Population and Communities



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

Date: 19 April 2012

s22

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 4704  
Fax: +61 8 8124 4711  
www.environment.sa.gov.au

Dear s22

**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 s22 (telephone (08) 8303 s22 or email s22@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, s22 on (08) 8463 s22 or s22 on (08) 8463 s22 or e-mail: [DLDENREPBCReferrals@sa.gov.au](mailto:DLDENREPBCReferrals@sa.gov.au).

Yours sincerely,



Greg Leaman

**EXECUTIVE DIRECTOR  
POLICY**

s22

**From:** s22 [redacted]@sa.gov.au  
**Sent:** Monday, 12 May 2014 9:53 AM  
**To:** s22 [redacted]  
**Subject:** RE: Port Bonython iron ore bulk commodities export facility on Eyre Peninsula (EPBC2012/6336) [SEC=UNCLASSIFIED]

Hi s22

There are a couple of loose ends still to tie up with other parts of SA Govt. I have commenced the assessment but will not be able to complete it until those final issues are settled. We are still looking at a final assessment/decision in about August. The proponent is aware of the timeline. I hope to be able to talk to you in more detail soon. Thanks for your patience.

Regards

s22

Chief Environmental Officer  
Assessment Branch\Statutory Planning Division  
Department of Planning, Transport and Infrastructure

t +61 (0) 8 8303 s22  
f +61 (0) 8 8303 0753

Level 5 Roma Mitchell House, 136 North Terrace, Adelaide, South Australia 5000

e s22 [redacted]@sa.gov.au

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**From:** s22 [redacted]@environment.gov.au  
**Sent:** Friday, 9 May 2014 8:56 AM  
**To:** s22 [redacted] (DPTI)  
**Subject:** RE: Port Bonython iron ore bulk commodities export facility on Eyre Peninsula (EPBC2012/6336) [SEC=UNCLASSIFIED]

Good Morning s22

I was wondering if you could update me on the status of the assessment for the Port Bonython project at your end.

Thanks

s22  
Senior Assessment Officer  
South West Section  
West Assessment Branch  
Department of the Environment

GPO Box 787 CANBERRA, ACT 2601

T 02 6274 s22

s22 @environment.gov.au

---

**From:** s22 @sa.gov.au]

**Sent:** Wednesday, 26 March 2014 8:23 AM

**To:** s22

**Cc:** s22 (DPTI)

**Subject:** RE: Port Bonython iron ore bulk commodities export facility on Eyre Peninsula (EPBC2012/6336)  
[SEC=UNCLASSIFIED]

Hello s22

At this stage I am not able to give you a deadline for when the Port Bonython assessment might be finished. There are still some internal SA Govt discussions going on for key matters related to the assessment. Thanks for your offer about condition discussion. I can let you know when we are closer to having a draft set of conditions and we can compare notes.

Regards

s22

Chief Environmental Officer  
Assessment Branch\Statutory Planning Division  
Department of Planning, Transport and Infrastructure

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---

**From:** s22 @environment.gov.au]

**Sent:** Tuesday, 25 March 2014 8:50 AM

**To:** s22 (DPTI)

**Cc:** s22 (DPTI)

**Subject:** Port Bonython iron ore bulk commodities export facility on Eyre Peninsula (EPBC2012/6336)  
[SEC=UNCLASSIFIED]

Good Morning s22

I have returned from recreation leave and wanted to touch base with you on the Port Bonython project. As you are aware the Department extended the timeframe for making a decision on whether or not to approve the project to 30 June 2014. This was to allow time for you to finalise your assessment report and for consultation with you on proposed conditions to ensure consistency.

Are you able to provide an update on the possible date that your assessment report may be finalised. I would be happy to make a time with you discuss possible conditions we are considering.

Regards

s22  
Senior Assessment Officer  
South West Section  
West Assessment Branch  
Department of the Environment

GPO Box 787 CANBERRA, ACT 2601  
T 02 6274 s22

s22 @environment.gov.au



s22

Statutory Planning and Assessment Unit  
Conservation Policy and Programs  
Department of Environment & Natural Resources  
GPO Box 1047  
ADELAIDE SA 5001

Dear s22

**Decision on referral  
Port Bonython iron ore bulk commodities export facility on Eyre Peninsula  
(EPBC 2012/6336)**

This is to advise you of my decision about the proposed action, to construct and operate an iron ore bulk commodities export facility at Stony Point, near Port Bonython on the Eyre Peninsula, South Australia..

**As a delegate of the Minister for Sustainability, Environment, Water, Population and Communities, I have decided that the proposed action is a controlled action and, as such, requires assessment and a decision on approval under the EPBC Act before it can proceed.**

It appears that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- Listed threatened species and communities (s18 & s18A);
- Listed migratory species (s20 & s20A);
- Commonwealth marine areas (s23 & 24A).

For example, based on the information available in the referral, the proposed action is likely to have a significant impact because:

- It will facilitate a significant increase in shipping within South Australian waters which is likely to increase the risk of vessel strike to the endangered and migratory Southern Right Whale (*Eubalaena australis*); and
- Will remove an unknown quantity of habitat where the vulnerable Slender-billed Thornbill (*Acanthiza iredalei iredalei*) is known to occur, which may impact upon an important subpopulation of this species.

Please note that this decision only relates to the potential for significant impact on the specific matters protected by the Australian Government under Chapter 2 of the EPBC Act.

I have also decided that the project will need to be assessed through preliminary documentation.

Each assessment approach requires different levels of information and involves different steps. All levels of assessment will include a public consultation phase, *in which any third parties can comment on the proposed action.*

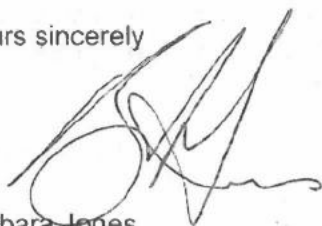
Details on the assessment process for the project and the responsibilities of the proponent are set out in the enclosed fact sheet. Further information is available from the department's website at <http://www.environment.gov.au/epbc>.

I have also written to the following parties to advise them of this decision:

Proponent	Mr Mark Travers Spencer Gulf Port Link
Referring party	Mr Paul Manning Arup Pty Ltd

If you have any questions about the referral process or this decision, please contact the project manager, s22, by email to s22@environment.gov.au, or telephone (02) 6274 s22 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Barbara Jones  
Assistant Secretary  
Environment Assessment Branch  
24 May 2012



# s22

**From:** s22  
**Sent:** Wednesday, 22 October 2014 8:52 AM  
**To:** s22 @sa.gov.au  
**Cc:** s22 @environment.gov.au; s22 @environment.gov.au  
**Subject:** RE: EPBC 2012/6336. Port Bonython. [DLM=For-Official-Use-Only]

Thanks for letting us know s22

We will extend the timeframe for approval under the EPBC Act next week.

Please note that we may complete the approval before the completion of the new timeframe.

Regards,

s22  
Assessment Officer  
South West Section  
West Assessment Branch  
Department of the Environment  
GPO Box 787 Canberra, ACT 2601  
Phone: 02 6275 s22  
s22 @environment.gov.au  
<http://www.environment.gov.au/epbc/index.html>

Department of the Environment



---

**From:** s22 @sa.gov.au  
**Sent:** Wednesday, 22 October 2014 8:34 AM  
**To:** s22  
**Subject:** RE: EPBC 2012/6336. Port Bonython. [DLM=For-Official-Use-Only]

Hi s22  
Sorry this has taken so long but I have been caught up with work on s22  
I am expecting to have a draft of the assessment report within a week for your comment. It is nearly there but needs thorough edit and attention on the recommendations/conclusions. I will let you know as soon as it is ready. We are intending that the cabinet submission to the SA Govt will be ready for our Minister's signature in mid Nov with a cabinet decision before xmas.

Please let me know if there are any questions you have.

Regards

s22

Chief Environmental Officer  
Assessment Branch\Statutory Planning Division  
Department of Planning, Transport and Infrastructure

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f +61 (0) 8 8303 0753

Level 5 Roma Mitchell House, 136 North Terrace, Adelaide, South Australia 5000

e s22 @sa.gov.au

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**From:** s22 @environment.gov.au]  
**Sent:** Monday, 20 October 2014 12:35 PM  
**To:** s22 (DPTI)  
**Cc:** s22  
**Subject:** RE: EPBC 2012/6336. Port Bonython. [DLM=For-Official-Use-Only]

Hi s22

Just touching base on the status of the Port Bonython Assessment Report.

We are looking to extend the timeframe to make an approval decision (currently due 31 October 2014), it is likely that we will propose that the timeframe is extended until 31 December 2014 (pending Delegate approval).

Regards,

s22

Assessment Officer  
South West Section  
West Assessment Branch  
Department of the Environment  
GPO Box 787 Canberra, ACT 2601  
Phone: 02 6275 s22  
s22 @environment.gov.au  
<http://www.environment.gov.au/epbc/index.html>

Department of the Environment



---

**From:** s22 [redacted] [@sa.gov.au](mailto:s22@sa.gov.au)  
**Sent:** Monday, 15 September 2014 8:51 AM  
**To:** s22 [redacted] (DEWNR); s22 [redacted]  
**Cc:** s22 [redacted] (DPTI); s22 [redacted] (DPTI)  
**Subject:** RE: EPBC 2012/6336. Port Bonython. [DLM=For-Official-Use-Only]

Hi s22 [redacted]

We are getting very close to an acceptable draft of the Port Bonython Assessment Report. We will forward to you for comment shortly, should definitely be with you (s22 [redacted]) for input by end of September. Thanks for your patience!

Regards

s22 [redacted]

Chief Environmental Officer  
Assessment Branch\Statutory Planning Division  
Department of Planning, Transport and Infrastructure

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Level 5 Roma Mitchell House, 136 North Terrace, Adelaide, South Australia 5000

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**From:** s22 [redacted] (DEWNR)  
**Sent:** Friday, 12 September 2014 1:08 PM  
**To:** s22 [redacted] (DPTI)  
**Cc:** s22 [redacted] (DPTI)  
**Subject:** FW: EPBC 2012/6336. Port Bonython. [DLM=For-Official-Use-Only]

**For Official Use Only**

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**From:** s22 [redacted] [@environment.gov.au](mailto:s22@environment.gov.au)

**Sent:** Friday, 12 September, 2014 9:41 AM  
**To:** s22 [REDACTED] (DPTI)  
**Cc:** s22 [REDACTED] (DEWNR)  
**Subject:** RE: EPBC 2012/6336. Port Bonython. [SEC=UNCLASSIFIED]

Hi s22 [REDACTED]

Just touching base regarding the assessment status of the Port Bonython export facility.

Is the South Australian government assessment report/decision likely to be complete in September 2014?

Regards,

s22 [REDACTED]  
Assessment Officer  
South West Section  
West Assessment Branch  
Department of the Environment  
GPO Box 787 Canberra, ACT 2601  
Phone: 02 6275 s22 [REDACTED]  
s22 [REDACTED] @environment.gov.au  
<http://www.environment.gov.au/epbc/index.html>

Department of the Environment



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**From:** s22 [REDACTED] @sa.gov.au]  
**Sent:** Thursday, 24 July 2014 2:29 PM  
**To:** s22 [REDACTED]  
**Subject:** RE: EPBC 2012/6336. Port Bonython. [SEC=UNCLASSIFIED]

Ok, Thanks.

s22 [REDACTED]

Chief Environmental Officer  
Assessment Branch\Statutory Planning Division  
Department of Planning, Transport and Infrastructure

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f +61 (0) 8 8303 0753

Level 5 Roma Mitchell House, 136 North Terrace, Adelaide, South Australia 5000

e s22 [redacted] [@sa.gov.au](mailto:[redacted]@sa.gov.au)

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**From:** s22 [redacted] [@environment.gov.au](mailto:[redacted]@environment.gov.au)  
**Sent:** Thursday, 24 July 2014 1:52 PM  
**To:** s22 [redacted] (DPTI)  
**Subject:** FW: EPBC 2012/6336. Port Bonython. [SEC=UNCLASSIFIED]

Hi s22 [redacted]

s22 [redacted] is currently on s22 [redacted].

In the interim, I am the Assessment Officer responsible for EPBC 2012/6336. Port Bonython.

**Regards,**

s22 [redacted]  
Assessment Officer  
South West Section  
West Assessment Branch  
Department of the Environment  
GPO Box 787 Canberra, ACT 2601  
Phone: 02 6275 s22 [redacted]  
[s22 \[redacted\]@environment.gov.au](mailto:[redacted]@environment.gov.au)  
<http://www.environment.gov.au/epbc/index.html>

Department of the Environment



# s22

---

**From:** s22  
**Sent:** Monday, 15 December 2014 9:08 AM  
**To:** s22 @sa.gov.au>  
**Subject:** RE: Port Bonython. [DLM=For-Official-Use-Only]

Hi s22

I am required to provide an estimated completion date of the South Australian Government Assessment as a part of the package given to the Delegate to extend the timeframe for Port Bonython.

What would be the estimated time of completion of the state assessment in the new year?

Kind Regards,

s22  
Assessment Officer  
South West Section  
West Assessment Branch  
Department of the Environment  
GPO Box 787 Canberra, ACT 2601  
Phone: 02 6275 s22  
s22 @environment.gov.au  
<http://www.environment.gov.au/epbc/index.html>

Department of the Environment



---

**From:** s22 @sa.gov.au]  
**Sent:** Monday, 15 December 2014 8:59 AM  
**To:** s22  
**Cc:** s22 (DPTI); s22 (DPTI)  
**Subject:** RE: Port Bonython. [DLM=For-Official-Use-Only]

Thanks s22

s22

Chief Environmental Officer  
Assessment Branch\Statutory Planning Division  
Department of Planning, Transport and Infrastructure

Telephone +61 (0) 8 s22 Facsimile (08) 8303 0797 Email: s22 @sa.gov.au Website: [www.sa.gov.au](http://www.sa.gov.au)  
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GPO 1815, ADELAIDE SA 5001

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**From:** s22 @environment.gov.au]  
**Sent:** Friday, 12 December 2014 8:06 AM  
**To:** s22 (DPTI)  
**Subject:** Port Bonython. [DLM=For-Official-Use-Only]

Hi s22

Just touching base regarding the status of the Port Bonython assessment report, understand your team is flat out with Iron Road.

Our timeframe currently stands at 31 December 2014, so will look to extend into the new year.

Otherwise enjoy the break.

Regards,

s22  
Assessment Officer  
South West Section  
West Assessment Branch  
Department of the Environment  
GPO Box 787 Canberra, ACT 2601  
Phone: 02 6275s22  
s22 @environment.gov.au  
<http://www.environment.gov.au/epbc/index.html>

Department of the Environment



Email trail from this point onwards duplicate of emails in Document 5

# s22

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# s22

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**From:** s22

**Sent:** Tuesday, 9 June 2015 11:30 AM

**To:** s22 @sa.gov.au>

**Subject:** FW: EPBC 2012/6336 - Port Bonython Bulk Commodities Export Facility, Eyre Peninsula, SA - Change of Project Officer [DLM=For-Official-Use-Only]

Hi s22

This email is regarding the status of the SA Government's decision on the Port Bonython Bulk Commodities Export Facility, Eyre Peninsula, SA. I emailed s22 earlier today (please see below) but s22 seems to be away. Could you please give me an update on when the decision is likely to be made?

Happy to discuss.

Regards,

s22

Assessment Officer

South West Section | West Assessment Branch | Environment Assessment and Compliance Division

Department of the Environment | GPO Box 787 CANBERRA, ACT 2601

T 02 6275 s22 @environment.gov.au

---

**From:** s22

**Sent:** Tuesday, 9 June 2015 11:23 AM

**To:** s22 (DPTI)'

**Subject:** RE: EPBC 2012/6336 - Port Bonython Bulk Commodities Export Facility, Eyre Peninsula, SA - Change of Project Officer [DLM=For-Official-Use-Only]

Hi s22

Hope you are doing well. Could you please give me an update regarding the SA Government decision on this project? The current deadline for a decision on approval by the Commonwealth Minister for the Environment is the 30<sup>th</sup> of June. Grateful if you could get back to me as soon as possible. Looking forward to your reply.

Regards,

s22

Assessment Officer

South West Section | West Assessment Branch | Environment Assessment and Compliance Division

Department of the Environment | GPO Box 787 CANBERRA, ACT 2601

T 02 6275 s22 @environment.gov.au

---

Emails from this point forward contained in documents 5 and/or 6

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# s22

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**From:** s22 [redacted]@sa.gov.au  
**Sent:** Monday, 15 June 2015 11:36 AM  
**To:** s22 [redacted]@environment.gov.au>  
**Cc:** s22 [redacted]@sa.gov.au>; s22 [redacted]  
[redacted]@sa.gov.au>  
**Subject:** RE: EPBC 2012/6336 - Port Bonython Bulk Commodities Export Facility, Eyre Peninsula, SA - Change of Project Officer [DLM=For-Official-Use-Only]

Hi s22

As per our phone conversation this morning I wish to advise that although the Assessment Report for Port Bonython is at an advanced stage it has not yet been referred to you for comment. I am hoping this will occur shortly but I can't provide a definite date as this time. Consultation with the Commonwealth is required before the Assessment is completed and before the Cabinet Submission for a decision is forwarded. Obviously your date for the MoE decision below will need to be extended. I would suggest by a further 2-3 months. We have looked to the Port Spencer EPBC determination for conditions related to marine mammals and imported these to the Pt Bonython development assessment.

Please let me know if there is any other information I can provide.

Regards.

s22 [redacted]

Chief Environmental Officer  
Assessment Branch\Statutory Planning Division  
Department of Planning, Transport and Infrastructure  
Telephone +61 (0) 8 71097067 Facsimile (08) 8303 s22 [redacted]@sa.gov.au Website: [www.sa.gov.au](http://www.sa.gov.au)  
Level 5, Roma Mitchell House, 136 North Terrace, Adelaide SA 5000  
GPO 1815, ADELAIDE SA 5001

The email trail from this point on are duplicates of emails provided in Documents 5 and/or 7

# s22

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