

Department of the Premier and Cabinet
Adelaide, 3 May 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Libraries Board of South Australia, pursuant to the provisions of the Libraries Act 1982:

Member: (from 15 May 2017 until 23 April 2020)
James Frederic Baines Bruce

Member: (from 15 May 2017 until 14 May 2020)
Scott Gordon Hicks

Presiding Member: (from 15 May 2017 until 23 April 2020)
James Frederic Baines Bruce

By command,

TOM KOUTSANTONIS, for Premier

ASACAB003-10

Department of the Premier and Cabinet
Adelaide, 3 May 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Eastern Water Conservation and Drainage Board, pursuant to the provisions of the South Eastern Water Conservation and Drainage Act 1992:

Presiding Member: (from 3 May 2017 until 17 April 2021)
Francis Newman Brennan

By command,

TOM KOUTSANTONIS, for Premier

17MSECCS017

Department of the Premier and Cabinet
Adelaide, 3 May 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable John Robert Rau, MP, Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services and Minister for the City of Adelaide to be also Acting Premier for the period from 11 May 2017 to 15 May 2017 inclusive, during the absence of the Honourable Jay Wilson Weatherill, MP.

By command,

TOM KOUTSANTONIS, for Premier

DPC17/029CS

Department of the Premier and Cabinet
Adelaide, 3 May 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Leesa Anne Vlahos, MP, Minister for Disabilities and Minister for Mental Health and Substance Abuse to be also Acting Minister for Investment and Trade, Acting Minister for Small Business, Acting Minister for Defence Industries and Acting Minister for Veterans' Affairs for the period from 7 May 2017 to 18 May 2017 inclusive, during the absence of the Honourable Martin Leslie James Hamilton-Smith, MP.

By command,

TOM KOUTSANTONIS, for Premier

17MINT/181CS

Department of the Premier and Cabinet
Adelaide, 3 May 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Stephen Campbell Mullighan, MP, Minister for Transport and Infrastructure and Minister for Housing and Urban Development to be also Acting Minister for Police, Acting Minister for Correctional Services, Acting Minister for Emergency Services and Acting Minister for Road Safety for the period from 24 June 2017 until 2 July 2017 inclusive, during the absence of the Honourable Peter Bryden Malinauskas, MLC.

By command,

TOM KOUTSANTONIS, for Premier

MPOL17/02CS

ASSOCIATIONS INCORPORATION ACT 1985

ORDER PURSUANT TO SECTION 42 (2)

Dissolution of Association

WHEREAS the Corporate Affairs Commission ('the Commission'), pursuant to Section 42 (1) of the Associations Incorporation Act 1985 ('the Act'), is of the opinion that the undertaking or operations of Aboriginal Family Support Services Incorporated ('the Association') being an incorporated association under the Act are being carried on, or would more appropriately be carried on by a company limited by guarantee incorporated under the Corporations Act 2001 (Commonwealth) and whereas the Commission was on 23 November 2016, requested by the Association to transfer its undertaking to Aboriginal Family Support Services Limited (ACN 617 869 539), the Commission, pursuant to Section 42 (2) of the Act does hereby order that at 28 March 2017, the Association will be dissolved, the property of the Association becomes the property of Aboriginal Family Support Services Limited and the rights and liabilities of the Association become the rights and liabilities of Aboriginal Family Support Services Limited.

Given under the seal of the Commission at Adelaide, 17 March 2017.

R. ALOI, A delegate of the
Corporate Affairs Commission

DEVELOPMENT ACT 1993: SECTION 48

Decision by the Governor

Preamble

1. By notice published in the *South Australian Government Gazette* on 15 August 2013, and a further notice of variation published in the *South Australian Government Gazette* on 29 May 2014 the Minister for Planning declared that section 46 of the Development Act 1993 (the Act) applies to development directly associated with the establishment and operation of a deep water port facility adjacent to Cape Hardy, south of Port Neill on the Eyre Peninsula, an accommodation village in the Wudinna area, and infrastructure corridors (for the carriage of electricity, water and rail freight) between mining activities being undertaken south of Wudinna on the central Eyre Peninsula and the deep water port facility, together with any associated activities and works constituting development.

2. On 16 June 2014 Iron Road Ltd lodged an application under section 46 (6) of the Act for development authorisation to establish a deep sea port at Cape Hardy, infrastructure corridors and long-term employee village at Wudinna on Eyre Peninsula all of which are proposed to support the establishment of a new Iron Ore mine near Warrambo in the centre of Eyre Peninsula, referred to herein as the Central Eyre Iron Project (CEIP). The proposed deep sea port, infrastructure corridors and employee village together with all associated and ancillary development is hereafter referred to as the "proposed major development".

3. The proposed major development has been assessed under Division 2 of Part 4 of the Act subject to the processes and procedures associated with an Environmental Impact Assessment, and an Assessment Report has been prepared by the Minister in accordance with that process.

4. I am satisfied that the Environmental Impact Statement and Assessment Report prepared in relation to the proposed Major Development are appropriate and have had regard, when considering the proposed major development, to all relevant matters under section 48 (5).

5. I have decided to grant a development authorisation to the proposed major development.

Decision

PURSUANT to section 48 of the Development Act 1993 and with the advice and consent of the Executive Council, and having due regard to the matters set out in section 48 (5) and all other relevant matters, I:

- (a) grant development authorisation in relation to the proposed major development under section 48 (2) (b) (i), subject to the conditions set out below
- (b) specify under section 48 (7) (b) (i) all matters which are the subject of conditions herein as matters in respect of which the conditions of this authorisation may be varied or revoked, or new conditions attached, and
- (c) specify for the purposes of section 48 (11) (b) the period of 2 years from the date of this development authorisation as the time within which the conditioned Construction Environment Management Plan (CEMP) and Ongoing Environmental Management Plan (OEMP) work must be completed, along with the completion of the land forming for the jetty and tug harbour as well as completion of the jetty deck, and a further 3 years (5 years in total) work must be commenced on site, failing which I may cancel this authorisation under section 48 (11).

CONDITIONS OF DEVELOPMENT AUTHORISATION

General

1. Except where minor amendments may be required by other legislation or by conditions imposed herein (for the avoidance of doubt in the event of any consistency between the plans and documents and the conditions of approval, the conditions shall prevail), and subject to paragraph 2 of these conditions, the proposed major development shall be undertaken in accordance with the plans and documents identified in the table below.

<i>Plan Description</i>	<i>Date</i>	<i>Author</i>
CEIP Environmental Impact Statement 2015 (Main Report Volumes 1 and 2 and Appendices)	5 November 2015	Iron Road Limited
CEIP EIS Response Document (Supplementary EIS)	October 2016	Iron Road Limited

2. In the event of any inconsistency between the documents referred to in condition 1, the most recent document shall prevail to the extent of the inconsistency subject to any amendments required by the conditions of this approval.

3. For the purposes of section 48 (11) (b) of the Development Act 1993, the proponent shall commence the development by completing the conditioned Construction Environment Management Plan (CEMP) and Ongoing Environmental Management Plan (OEMP), and by substantial work on the Port facility, comprising the completion of the land forming for the jetty and tug harbour as well as completion of the jetty deck, of the development within 2 years of the date of this authorisation, failing which the authorisation may be cancelled.

4. The proponent shall have materially completed the development within 5 years of the date of this authorisation, failing which an extension may be sought from the Minister or the authorisation may be cancelled.

5. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this authorisation, the proposed Major Development for the Central Eyre Iron Project (CEIP) must be carried out in accordance with the plans and details submitted as part of the Major Development Application, and where provided, in accordance with the conditions imposed by this authorisation and the details and plans submitted in accordance with those conditions.

Prior to the Commencement of Construction Works

6. Construction of building works requiring Building Rules Consent shall not commence until a copy of the Building Rules consent is provided to the Minister for Planning. Compliance with the Building Rules in relation to all aspects of the proposed Major Development relating to building works. [SEE NOTES 1 and 2 in the ADVISORY NOTES TO PROPONENT BELOW].

7. Final design details (including site plans, floor plans, elevations, cross-sections, perspectives, details of cut and fill, finishes and colours, any on-site landscaping and car parking configuration) shall be prepared to the reasonable satisfaction of the Minister for Planning for the following items:

- (a) railway line
- (b) the jetty structure and associated loading facilities
- (c) permanent warehouse facility
- (d) permanent fuel and chemical storage tanks
- (e) long-term employee village at Wudinna and construction camp at Cape Hardy, and
- (f) all administrative and other buildings.

8. A Social Management Plan shall be prepared at the proponent's cost in consultation with relevant Councils and Government agencies and a copy of the final Plan provided to the Minister for Planning prior to the commencement of construction works. The Social Management Plan shall outline proposed measures in relation to (at a minimum) the following matters:

- (a) monitoring or rentals rates, rental availability and housing stress in Wudinna and Port Neil/Tumby Bay
- (b) opportunities for local industry participation and employment
- (c) opportunities for indigenous employment and involvement
- (d) incorporation of all strategies, initiatives and commitments described in Chapter 22 of the Environmental Impact Statement
- (e) means by which ongoing feedback to and from the community is to be maintained and enhanced, and
- (f) a process for reviewing and updating the Social Management Plan on a regular basis.

9. The Social Management Plan shall remain in operation throughout all stages of the project, including construction and operation.

10. A suitably qualified independent expert shall undertake an improvement review of the Social Management Plan annually and make their findings publicly available.

11. Detailed engineering designs for the jetty, associated structures and all other structures sought to be constructed on or over land owned by the Crown shall be prepared and independently certified by a registered engineer, to the satisfaction of the Department for Planning, Transport and Infrastructure (DPTI). A certificate as to the structural soundness of each proposed structure shall be submitted to DPTI prior to the commencement of construction of the relevant structure.

12. A Southern Right Whale Management and Monitoring Plan, prepared in consultation with the Spencer Gulf Ecosystem and Development Initiative (SGEDI) and having regard to any requirements specified by the Commonwealth Department of Environment and Energy. The plan should outline appropriate methodology to monitor both whale habitat use and behaviour using appropriate survey techniques during construction, operation and decommissioning of the Port (refer to Advisory Note 5 below).

13. A Construction Environmental Management Plan (CEMP), shall be prepared in consultation with the Environment Protection Authority, the Country Fire Service, Department of Environment, Water and Natural Resources (as required) and relevant Councils, and in accordance with the Environment Protection Authority guideline 'Construction environmental management plans' 2016 (see http://www.epa.sa.gov.au/business_and_industry/environmental_planning/position-statements-and-guidelines).

14. Preliminary site investigation (PSI), in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 shall be undertaken for the sites of the short term workers accommodation at Cape Hardy and long term employee village at Wudinna to identify potential sources of contamination within these sites. The PSI is to be completed prior to the Construction Environment Management Plan and the PSI results used to inform the preparation of a Construction Environment Management Plan.

15. The Construction Environment Management Plan shall cover the pre-construction and construction phases of the proposed Major Development and incorporate measures to manage and monitor (at a minimum) the following matters:

- (a) traffic management, (including for construction materials), road maintenance and rail crossing management strategies
- (b) in respect of the rail corridor, a plan which identifies the proposed impact on school bus routes including a demonstration of consultation with the appropriate schools and relevant Councils
- (c) air quality, dust and sediment control
- (d) surface and groundwater management
- (e) stormwater management strategy
- (f) the assessment and remediation of known or suspected site contamination—in accordance with the Nation Environment Protection Measure
- (g) waste management (for all waste streams) and overall site clean-up (including litter)
- (h) use and storage of chemicals, oil, construction-related hazardous substances and other materials that have the potential to contaminate stormwater, groundwater or the marine environment (including emergency responses)
- (i) vibration management and noise emissions (including ongoing noise monitoring to ascertain the effectiveness of noise control measures) and periods and hours of construction and operation which demonstrates compliance with the requirements of the Environment Protection (Noise) Policy 2007
- (j) Aboriginal heritage requirements in accordance with the Aboriginal Heritage Act 1988
- (k) vegetation clearance (including Significant Environmental Benefit offset and a Native Vegetation Management Plan developed in consultation with the Native Vegetation Council)
- (l) introduced plants and animals (including weeds and pests) management and control strategies
- (m) impacts on the marine environment (especially noise and turbidity)
- (n) climate change impacts
- (o) visual impacts (including lighting)
- (p) effect on existing infrastructure
- (q) emergency management, including fire
- (r) impacts on marine mammals, in particular the Southern Right Whale, to the satisfaction of the Commonwealth Minister for the Environment and Energy, (refer to Notes to the Proponent), and
- (s) community complaints regarding the above matters by way of a community complaints register (refer to Notes to Proponent).

16. The Construction Environment Management Plan shall be actively monitored to ensure compliance with predicted impacts and shall be formally reviewed annually by the Proponent and a copy of that review provided to the Minister for Planning until the construction phase is complete.

17. The final design and layout of the long-term employee village, including the provision for all required infrastructure, shall be developed in consultation with the Wudinna District Council and shall in the selection of the design/colour/materials/landscaping and open space provision in the long-term employee village at Wudinna address the following:

- (a) incorporate landscaping at all road frontages and amongst the various structures within the village to soften the overall visual impact
- (b) develop the village as a logical extension to the Wudinna Township utilising consistent colours, materials, landscaping and street layout within a compact urban form, and
- (c) undertake the establishment of the village in accordance with the objectives and principles of development control for temporary/transient populations (e.g. tourist accommodation) as outlined in the Wudinna District Council Development Plan.

18. A Plan for the infrastructure corridors, shall be prepared and provided to the Minister for Planning which:

- (a) identifies the final surveyed alignment for the infrastructure corridor(s), and
- (b) ensures legal access is provided to all land parcels (as required under the Real Property Act 1886).

19. Prior to the commencement of construction works for the road and rail components of the development the proponent shall:

- (a) undertake a review of all proposed rail crossings to determine the appropriate treatment in accordance with the requirements of the South Australian Government Railway Crossing Policy 2015 for each crossing along the proposed rail infrastructure corridor (whether existing or newly created by this development), and designs for the proposed treatment of rail crossing identified in the review as requiring treatment shall be prepared in consultation with and to the reasonable satisfaction of the Minister for Transport and Infrastructure
- (b) prepare Interface Agreements for execution with [Iron Road Limited or their agents and the Minister for Transport and Infrastructure]
- (c) fund the upgrade of any road or rail upgrade works, including but not limited to railway crossings, that are required as a direct consequence of this proposed major development, and
- (d) provide to the Minister for Planning a copy of each Infrastructure Agreement, including Deeds of Agreement, entered into under the Highways Act 1926 for the provision of road and rail upgrades.

During Construction Works and Prior to Operation of the Development

20. All works shall be undertaken at the proponent's cost in accordance with the approved plans, drawings, specifications and other documentation provided in accordance with conditions 1-19 listed above.

21. All landscaping shown on the approved plans in respect of each component shall be substantially established prior to the operation of that component of the development and shall be maintained in good health and condition at all times.

22. Vegetation screening and landscaping of the long-term employee village and the Cape Hardy port facilities, where appropriate, shall be planted and established prior to operation commencing at each of those sites respectively and, when established, must be maintained in good health and condition at all times.

23. The entire length of the infrastructure corridor (rail) shall be fenced (refer to Notes to the Proponent).

24. All external lighting, including car parking areas and buildings, shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity that no unreasonable nuisance or loss of amenity is caused to any person beyond the boundary of the site.

25. Council, utility or state agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc.) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, utility or state agency specifications as applicable. All costs associated with these works shall be met by the proponent.

26. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed, constructed in accordance with the relevant Australian Standards and appropriately line marked, and shall be constructed, drained and paved with bitumen, concrete or paving bricks (or other such material as agreed to by the Minister for Planning), in accordance with sound engineering practice.

27. All loading and unloading, parking and manoeuvring areas shall be designed and constructed to ensure that all vehicles can safely traffic the site and enter and exit the subject land in a forward direction.

28. All stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practice to ensure that stormwater does not adversely affect any adjoining property or public road.

29. All liquids or chemical substances that have the ability to cause environmental harm if discharged into the environment shall be stored within a bunded compound that has a capacity of at least 120% of the volume of the largest container, in accordance with the Environment Protection Authority 'Bunding and Spill Management Guidelines' (2007).

30. The proponent shall provide satisfactory oil spill and firefighting facilities and ensure that contingencies are in place prior to operation of the port, having regard to the South Australian Marine Spill Contingency Action Plan and the Pollution of Waters by Oil and Noxious Substances Act 1987.

31. In consultation with and to the satisfaction of the Environment Protection Authority, the Country Fire Service, Aboriginal Affairs and Reconciliation (within Department of Premier and Cabinet) and relevant Councils an Operational Environmental Management Plan (OEMP) shall be prepared by the proponent. The Operational Environmental Management Plan must incorporate measures to manage and monitor (at a minimum) the following matters:

- (a) vibration and operational noise management (such as from machinery noise), to ensure compliance with the Environmental Protection (Noise) Policy 2007
- (b) air quality management, dust and sediment control
- (c) site contamination
- (d) surface, stormwater and groundwater management including ongoing validation of model predictions and Water Sensitive Urban Design (where appropriate)
- (e) waste management (for all waste streams) and overall site clean-up (including litter)
- (f) fire and emergency management
- (g) Aboriginal heritage requirements in accordance with the Aboriginal Heritage Act 1988
- (h) chemical, oil, hazardous substances and fuel use and storage (including management/emergency response plans)
- (i) safe shipping activities and navigation
- (j) impacts on the terrestrial, coastal and marine environment, including sand accretion and deposition, coastal hazards, pest plants and animal species, impacts on sea grass and marine flora
- (k) climate change impacts

(l) southern Right Whale and other marine mammal management and monitoring including monitoring of whale strike (refer to Notes to Proponent)

(m) visual impacts (including lighting)

(n) revegetation and landscaping (including environmental rehabilitation)

(o) traffic management/road maintenance and rail operations, including access (by way of traffic management/road maintenance and rail operations strategies)

(p) in respect of the rail corridor, a plan which identifies the proposed impact on school bus routes including a demonstration of consultation with the appropriate schools and relevant Councils

(q) public safety

(r) impacts on adjacent land users, and

(s) community complaints regarding the above matters by way of a community complaints register (refer to Notes to Proponent).

32. The Operation Environment Management Plan shall be actively monitored by the relevant authorities (as listed in condition 31 above) to ensure compliance with predicted impacts and be reviewed at regular intervals, and updated as necessary, in particular when a significant change in project scope and/or performance is detected.

33. Each of the relevant councils shall be given seven days' notice by the proponent prior to the commencement of works within their council area, and be provided with the name and contact details for the person responsible for coordinating site works within their council area that are covered by this approval.

34. Unless otherwise permitted, all over-dimensional vehicles operating between Cape Hardy and the mine site at Warramboo shall utilise the haul road contained within the infrastructure corridor, not public roads.

During Operation of the Development

35. Operations on the sites shall be undertaken in accordance with all plans and details submitted as part of the Major Development Application, and where provided (and endorsed by the Minister for Planning where required) in accordance with conditions 20-34 as listed above.

36. The development and the sites shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.

37. The proponent will be responsible for the maintenance and repair of the fence along the infrastructure corridor, unless otherwise agreed in Individual Management Plans as negotiated with individual landowners.

38. A rehabilitation or decommissioning plan shall be developed to the satisfaction of the Minister for Planning, in consultation with the relevant councils, stakeholders and Government Agencies. The plan should be prepared at, or before, the 20 year anniversary of operation or at any time should operations cease, and include information related to:

(a) identifying assets to be rehabilitated, remediated, decommissioned and/or removed, along with those that are proposed to be retained and the proposed tenure and management arrangements

(b) confirming responsibility for costs associated with rehabilitating, remediating, decommissioning and/or removing and retaining assets

(c) handover arrangements for useable assets

(d) responsibility for future management and maintenance of useable assets, and

(e) measures, if required, to remove fuel and chemical storage and wastewater treatment facilities in accordance with relevant legislation and standards.

39. Unless otherwise specifically provided for in these conditions or otherwise agreed in writing, all costs necessary for compliance with these conditions shall be met by the proponent.

Advisory Notes

1. Pursuant to Development Regulation 64, the proponent is advised that the Wudinna District Council or the District Council of Tumbly Bay or private certifier conducting a Building Rules assessment must:

- (a) provide to the Minister for Planning a certification in the form set out in Schedule 12A of the Development Regulations 2008 in relation to the building works in question; and
- (b) to the extent that may be relevant and appropriate—
 - (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12
 - (ii) assign a classification of the building under these regulations, and
 - (iii) ensure that the appropriate levy has been paid under the Construction Industry Training Fund 1993.

Regulation 64 of the Development Regulations 2008 provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Planning.

2. Construction of each component of the development may commence only after a Building Rules assessment and certification has been undertaken in relation to that component and issued by the relevant Council or private certifier, in accordance with the provisions of the Development Act 1993, and the Minister for Planning has received a copy of the relevant certification documentation, as outlined in Regulation 64 of the Development Regulations 2008 (See condition 6 of this approval).

3. The proponent's Construction Environment Management Plan and Operational Environment Management Plan should be prepared taking into consideration, and with explicit reference to:

- (a) Relevant Environment Protection Act 1993 policies and guidance documents, including, but not limited to: the Environment Protection (Air Quality) Policy 2016, the Environment Protection (Noise) Policy 2007, the Environment Protection (Water Quality) Policy 2015, the Environment Protection Authority Code of Practice for Materials Handling on Wharves 2007, Environment Protection Authority Bunding and Spill Management Guidelines 2012, Environment Protection Authority Handbooks for Pollution Avoidance and the Environment Protection Authority Stormwater Pollution Prevention Codes of Practice, in addition to other legislative requirements and Guidelines/Australian Standards requiring compliance.
- (b) Address the impacts on the Southern Right Whale through the implementation of a Southern Right Whale Management and Monitoring Plan, prepared in consultation with the Australian Government Department of the Environment and Energy.
- (c) Inclusion of a Fire and Emergency Management Strategy that outlines the proposed fire and emergency management procedures, prepared in consultation with the Country Fire Service.

4. The following activities in relation to the components of the development hereby approved and/or requiring future approval will require licences under the Environment Protection Act 1993:

- (a) bulk Shipping Facility: the conduct of facilities for bulk handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals to and from any wharf or wharf side facility (including sea-port grain terminals), being facilities handling or capable of handling these materials into or from vessels at a rate exceeding 100 tonnes per day (triggers 7(1) of Schedule 1, Environment Protection Act 1993)
- (b) petroleum Production, Storage or Processing Works or Facilities: The conduct of works or facilities at which petroleum products are stored in tanks with a total storage capacity exceeding 2,000 cubic metres (triggers 1(5)(a) Petroleum Storage of Schedule 1, Environment Protection Act 1993)

- (c) concrete batching exceeding .5 cubic metres per production cycle. (triggers 2(5) of Schedule 1, Environment Protection Act 1993)
- (d) railway construction activity (triggers 7(2) of Schedule 1, Environment Protection Act 1993)
- (e) fuel burning (if power generation triggers 5MW) (triggers 8(2)(a) of Schedule 1, Environment Protection Act 1993), and
- (f) chemical storage and warehousing facilities (triggers 1(1) of Schedule 1, Environment Protection Act 1993).

5. The Commonwealth Department of Environment and Energy has advised that it will require the Southern Right Whale Management and Monitoring Plan to include the following:

- (a) a description of all threats to the Southern Right Whale arising from port construction, operation and decommissioning activities (including appropriate mapping)
- (b) a plan to monitor whale habitat use and behaviour, using appropriate survey techniques for mapping potential threats to whales arising from Port construction and operation activities
- (c) mitigation measures to manage the impact of Port construction and operation (including shipping), especially underwater noise caused by the Port and vessels and the risk of vessel strike
- (d) consideration and management of cumulative impacts arising from Port construction and operation activities
- (e) management of noise impacts such that underwater noise does not exceed 183 dB re 1µPa_{2.s}. The Plan should identify all sources of underwater noise that would be produced and measures to minimise these, and
- (f) during construction, marine piling and blasting activities should minimise the risk of physical impacts, including temporary threshold shift to whales (i.e. reversible hearing loss). These must include:

Pre-start up visual observations

- visual observations for whales undertaken to the extent of the marine piling/blasting observation zone (i.e. up to 1 500 metres) by a suitably trained crew member for at least 30 minutes before the commencement of marine piling/blasting.

Operating procedures

- visual observation of the observation zone (as defined in the Environmental Impact Statement)
- exclusion zones must be implemented so as to ensure that whales are not exposed to Sound Exposure Levels (SEL) of greater than or equal to 183 dB re 1µPa_{2.s} and be no less than a 1 250 metre horizontal radius for whales, unless a lesser exclusion zone has been determined from noise monitoring of piling or blasting and has a SEL equal to or below 183 dB re 1µPa_{2.s}
- if whales are sighted within the relevant exclusion zone, action to cease all piling/blasting within the relevant exclusion zone should be taken within two minutes of the sighting or as soon as possible if it is unsafe to cease piling/blasting within two minutes. If piling/blasting does not cease within two minutes the person undertaking the action must report the incident to the Commonwealth Minister for the Environment and Energy in writing within one business day
- piling/blasting activities must not re-commence until any whales that were observed in the exclusion zone are observed to move outside the exclusion zone or 30 minutes have passed since the last sighting
- soft start procedures: piling activities must be initiated at the soft start level and then build up to full operating impact force. The soft start procedures should only commence if no whales have been sighted in the exclusion zone during pre-start-up visual observations
- no marine piling operations should occur between the hours of sunset and sunrise during the peak southern migration of mother and calf whale pods (defined as April to November in any year)

- marine piling commenced prior to sunset or prior to a period of low visibility (i.e. inability to see for a distance of 500 metres or more due to fog, rain, sea spray or smoke) can continue between the hours of sunset and sunrise, unless marine pile driving is suspended for more than 15 minutes
- post blast inspection procedures for any injured whales, including management of injured whales
- reporting within one business day to the Federal Minister for the Environment and Energy when injury, or mortality of a whale occurs,
- contingency measures should blasting result in injury to, or mortality of fauna
- measures that prohibit night time blasting during the peak migration of Southern Right Whale, and
- monitoring shall be undertaken by a suitably qualified Marine Fauna Observer who is trained in the identification of key marine species/fauna behaviour and communication procedures.

6. To complement the Plan, an Oil Spill Contingency Plan shall also be prepared and implemented that addresses strategies to address any potential impacts on whales.

7. All works and activities must be undertaken in accordance with the General Environmental Duty as defined in Part 4, section 25 (1) of the Environment Protection Act 1993 (which requires that a person must not undertake any activity which pollutes, or may pollute the environment, without taking all reasonable and practical measures to prevent or minimise harm to the environment), relevant Environment Protection Policies made under Part 5 of the Environment Protection Act 1993, the Australian New Zealand Environment Conservation Council (ANZECC) Best Practice Guidelines for Waste Reception Facilities at Ports, Marinas and Boat Harbours in Australia and New Zealand and other relevant publications and guidelines.

8. Well construction permits will be required for all wells installed as part of the project pursuant to the Natural Resources Management Act 2004.

9. Pursuant to the Harbors and Navigation Act 1993, the proponent will need to enter into a licence agreement with the Minister for Transport and Infrastructure over adjacent and subjacent land on terms acceptable to the Minister prior to the commencement of construction. Such agreement will require completion of the works to the satisfaction of the Minister, at which time the responsibility and control of the area will be transferred so as to minimise the Minister's ongoing responsibilities. Under the Harbors and Navigation Act 1993, the proponent would also need to apply to the Minister for Transport and Infrastructure to have the harbor defined (and gazetted) as a 'Port', including a Port Operating Agreement being negotiated between the port operator and the Minister. It is likely that the proponent will be subject to the Maritime Services (Access) Act 2000 allowing for third party access.

10. Prior to the use of the facility for shipping purposes, the Port will be required to be defined under the Harbors and Navigation Act 1993 as a harbor and port, and that the proponent (or port operator) will be required to enter into a port operating agreement with the Minister for Transport and Infrastructure. The port may be a compulsory pilotage area. Pilotage of loaded Cape sized vessels drafts greater than 16m on outward journey will be compulsory.

11. The proponent is advised that appropriate navigational aids will be required to be erected in appropriate locations, or existing navigation marks may need to be re-located, in consultation with the Department of Planning, Transport and Infrastructure, prior to commencement of operations at the new terminal (as required under the Marine and Harbours Act 1993).

12. The proponent is advised that in order to ensure safe navigation and efficient traffic management between ships calling at the port of Cape Hardy and the new bulk terminal, an approved

Vessel Tracking System (VTS) will be required to be put in place by the proponent prior to commencement of operations at the new terminal (as a requirement for quarantine procedures by the Department of Primary Industries and Regions South Australian).

13. In accordance with the National Heavy Vehicle Law (South Australia) Act 2013, the proponent will need to apply to the National Heavy Vehicle regulator for the use of Restricted Access Vehicles on public roads, where access for such vehicles is currently not available. This might include such things as construction equipment and vehicles carrying large indivisible construction materials. This might also include access for vehicles such as Road Trains or Performance Based Standards (PBS) vehicles to transport commodities to and from the Port as part of regular operations.

14. An important initial step, as outlined in the Heavy Vehicle Access Framework, is to have an assessment of the route undertaken by an Authorised Route Assessor, at the proponent's cost. This process will identify any upgrades required to make the route safe and suitable for the type of vehicle access requested. As part of the approval/s, the proponent will be required to prepare a list of final transport infrastructure improvement needs upon completion of a full route assessment. If this is necessary, the list should identify the scope, timing and estimated cost of the required improvements.

15. The proponent is reminded of its obligation under the Aboriginal Heritage Act 1988 whereby any "clearance" work, which may require permission to disturb, damage or destroy Aboriginal Sites, must be undertaken with the full authorisation of the Minister for Aboriginal Affairs and Reconciliation, according to section 23 of the Aboriginal Heritage Act 1988.

16. The proponent, and all agents, employees and contractors, such as construction crews, is reminded of the need to be conversant with the provisions of the Aboriginal Heritage Act 1988, particularly the requirement to immediately contact the Department of Aboriginal Affairs and Reconciliation in the event that archaeological items (especially skeletal material) are uncovered during earthmoving.

17. The proponent is reminded of its obligations under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, not to undertake any activity that could have a significant effect on any matter of National Environmental Significance without the approval of the Federal Minister for Environment and Energy.

18. As foreign vessels are allowed into port the proponent will need to consult with Department of Planning, Transport and Infrastructure (Marine Operations) to address any requirements of the Australian Quarantine Inspection Service (AQIS) and Australian Customs Service.

19. The wastewater treatment system shall be designed by the proponent to ensure that the general obligations of the Environment Protection (Water Quality) Policy 2016 are met, and to ensure that effluent does not overflow or escape from drains, pipes, sumps, tanks, storage/treatment basins into any watercourse, or into stormwater drains which do not drain into the effluent collection, treatment and disposal system, except where the effluent complies with criteria in the above Policy.

20. Approval for upgrading the electricity network capacity will be undertaken separately by ElectraNet. This is expected to include liaison with land holders to gain access to land for construction, operation and maintenance of the Yadnarie to Rail corridor.

21. The proponent is advised that it will be required to establish a Community Complaints Register under the Mining Act 1971 and this should include appropriate contacts for the proponent and a record of complaints which can be retained and audited.

22. The rail line will be subject to the Railways (Operations and Access) Act 1997.

23. The following information will be required to be submitted for assessment and approval by the Minister for Transport and Infrastructure, prior to the commencement of construction works for each relevant component:

24. Should the proponent wish to vary the Major Development or any of the components of the Major Development, an application to the Minister for Planning must be submitted, provided that the development application variation remains within the ambit of the Environmental Impact Statement and Assessment Report referred to in this development authorisation. If an application variation involves substantial changes to the proposal, pursuant to section 47 of the Development Act 1993, the proponent may be required to prepare an amended Environmental Impact Statement for public inspection and purchase. An amended Assessment Report may also be required to assess any new issues not covered by the original Assessment Report and a decision made by the Governor pursuant to section 48 of the Development Act 1993.

25. The Minister has a specific power to require testing, monitoring and auditing under section 48C of the Development Act 1993.

Given under my hand at Adelaide, 3 May 2017.

HIEU VAN LE, Governor

DEVELOPMENT ACT 1993: SECTION 48

Delegation of Power by the Governor

Preamble

1. I have granted a development authorisation pursuant to section 48 of the Development Act 1993 for the development of the Cape Hardy Sea Port, infrastructure corridors, and long term employee village at Wudinna related to the Central Eyre Iron Project by Iron Road Ltd which authorisation is published in the *South Australian Government Gazette* of 3 May 2017.

2. I wish to delegate certain of my powers under section 48 to the Minister for Planning.

Delegation

PURSUANT to section 48 (8) of the Development Act 1993 and with the advice and consent of the Executive Council, I delegate to the Minister for Planning:

- (a) my power under section 48 (7a) to vary the development authorisation granted for the Cape Hardy Sea Port, infrastructure corridors, borefield and long term employee village at Wudinna related to the Central Eyre Iron Project by Iron Road Ltd under section 48
- (b) in relation to the said development authorisation, or any variation thereof- my power to vary or revoke conditions, or to attach new conditions, under section 48 (7) (b), and
- (c) my power to cancel the development authorisation under section 48 (11) or in accordance with the terms of any of the conditions of the authorisation providing a right to cancel the authorisation.

Given under my hand at Adelaide, 3 May 2017.

HIEU VAN LE, Governor

FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE notice that it is hereby declared that it shall be unlawful for a person fishing, pursuant to the following fishery licences: Marine Scalefish Fishery; Restricted Marine Scalefish Fishery; Lakes and Coorong Fishery; Southern Zone Rock Lobster Fishery; or Northern Zone Rock Lobster Fishery, to engage in any class of fishing activity or have possession or control of aquatic resources specified in Schedules 1, 2 and 3 during the period from 1201 hours on 28 April 2017 until 1200 hours on 1 November 2017.

SCHEDULE 1

The act of taking more than 200 kilograms of Snapper (*Chrysophrys auratus*) per vessel in any one day in the waters of Spencer Gulf/West Coast.

The act of taking more than 350 kilograms of Snapper (*Chrysophrys auratus*) per vessel in any one day in the waters of Gulf St. Vincent and South East.

The act of possessing more than 200 kilograms of Snapper (*Chrysophrys auratus*) per vessel in the waters of the Spencer Gulf/West Coast in circumstances other than those found in Schedule 3.

The act of possessing more than 350 kilograms of Snapper (*Chrysophrys auratus*) per vessel in the waters of the Gulf St. Vincent and South East in circumstances other than those found in Schedule 3.

The act of taking or possessing Snapper (*Chrysophrys auratus*) from a fishing trip exceeding two days in Spencer Gulf/West Coast and Gulf St. Vincent and exceeding five days in the South East.

In all waters of the State the act of moving Snapper (*Chrysophrys auratus*) taken in accordance with this notice from one fishing vessel to another fishing vessel while at sea.

Where Snapper (*Chrysophrys auratus*) is taken or found on a fishing vessel that has set lines on board, where there has been no prior to landing report made to PIRSA Fishwatch (1800 065 522) one hour before landing.

SCHEDULE 2

The act of taking fish using more than 200 hooks at any one time per vessel in the waters of Spencer Gulf and Gulf St. Vincent.

The act of landing Snapper (*Chrysophrys auratus*) in a different region (Spencer Gulf/West Coast or Gulf St. Vincent or South East) in which Snapper were taken.

In all waters of the state the act of taking Snapper by set line during the following holiday periods:

- (a) the period commencing at 0100 hours on 23 December in any year and ending at midnight (2400) on 1 January in the following year;
- (b) the period commencing at 0100 hours on the Thursday preceding Easter Sunday in any year and ending at midnight (2400) on the following Monday;
- (c) the period commencing at 0100 hours on a Thursday in any year and ending at midnight (2400) on the following Sunday if the Friday in that period is a public holiday; and
- (d) the period commencing at 0100 hours on a Friday in any year to midnight (2400) on the following Monday if that Monday is a public holiday.

SCHEDULE 3

Within the waters of the Spencer Gulf/West Coast the act of possessing more than 200 kg of Snapper (*Chrysophrys auratus*) per vessel from a fishing trip of more than one day and not exceeding two days where there has been no prior report made to PIRSA Fishwatch (1800 065 522):

- 1 hour before leaving port;
- 1 hour before midnight for every day of fishing;
- 1 hour before landing to port; and/or

Within the waters of the Gulf St. Vincent the act of possessing more than 350 kg of Snapper (*Chrysophrys auratus*) per vessel from a fishing trip of more than one day and not exceeding two days where there has been no prior report made to PIRSA Fishwatch (1800 065 522):

- 1 hour before leaving port;
- 1 hour before midnight for every day of fishing;
- 1 hour before landing to port; and/or

Within the waters of the South East the act of possessing more than 350 kg of Snapper (*Chrysophrys auratus*) per vessel from a fishing trip of more than one day and not exceeding five days where there has been no prior report made to PIRSA Fishwatch (1800 065 522):

- 1 hour before leaving port;
- 1 hour before midnight for every day of fishing;
- 1 hour before landing to port; and/or

Within the waters of Spencer Gulf/West Coast and Gulf St. Vincent the act of using set lines on a fishing trip of more than one day and not exceeding two days where there has been no prior report made to PIRSA Fishwatch (1800 065 522):

- 1 hour before leaving port;
- 1 hour before midnight for every day of fishing;
- 1 hour before landing to port; and/or