

# CHAPTER 5

## STATUTORY FRAMEWORK



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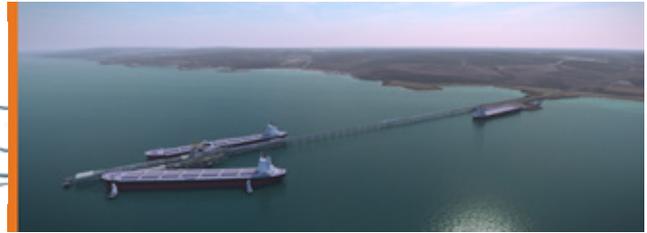
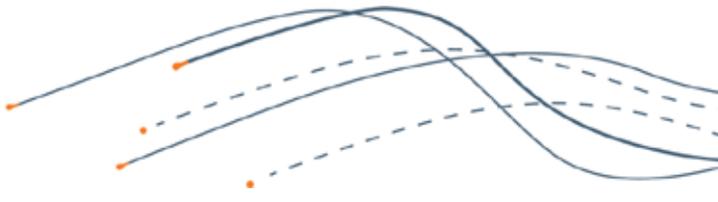
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## 5 Statutory Framework

This chapter describes the applicable legislative requirements at Commonwealth, State and local level for the CEIP Infrastructure, including all required primary approvals and select key secondary approvals. A review of the CEIP Infrastructure against the local and State strategic policy framework is also provided. The consistency of the CEIP Infrastructure with relevant Development Plan policy is reviewed, and areas that may require rezoning to support the CEIP Infrastructure are identified.

### 5.1 Approvals Process

The CEIP Infrastructure will be assessed under the *Development Act 1993* (SA) (the Act). The Act is regulated by the South Australian Department of Planning, Transport and Infrastructure (DPTI) on behalf of the Minister for Planning (Minister).

The CEIP Infrastructure was declared a Major Development by the Minister on 15 August 2013 (republished 22 August 2013 and varied 29 May 2014) pursuant to Section 46 of the Act due to its major environment, social and economic importance to South Australia. The scope of the Major Development declaration excludes the proposed CEIP Mine, which will be subject to a separate approval process under the *Mining Act 1971* (SA).

A Development Application was submitted to the Minister by Iron Road on 16 June 2014. This application provided an overview of the proposed CEIP Infrastructure in order to enable the Development Assessment Commission (DAC) to consider the project and identify relevant environmental, social and economic issues.

Following consultation with State Government agencies, DAC issued *Guidelines for the Preparation of an Environmental Impact Statement for the Cape Hardy deep sea port, infrastructure corridor and long-term employee village* on 13 November 2014. These guidelines outline Iron Road's requirements for the preparation of an Environmental Impact Statement (EIS), the highest level of assessment available in the South Australian planning system.

This EIS will now be subject to a consultation and assessment process undertaken by DPTI in accordance with the Act as summarised in Figure 5-1.

Separate to this EIS process, a Mining Lease Proposal (MLP) and Program for Environmental Protection and Rehabilitation (PEPR) will be provided to the Department of State Development (DSD) for assessment under the *Mining Act 1971* for the proposed CEIP Mine. The MLP and PEPR will outline the proposed development at the mine site, including an assessment of the environmental risks and mitigation strategies. As such, development at the mine site is not discussed in any detail in this EIS.

Approval under the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is also required. As a result of potential impacts to the Southern Right Whale, *Eubalaena australis*, the CEIP Infrastructure has been declared a controlled action, which will be subject to assessment by the South Australian Government using the EIS process under the bilateral agreement with the Commonwealth.

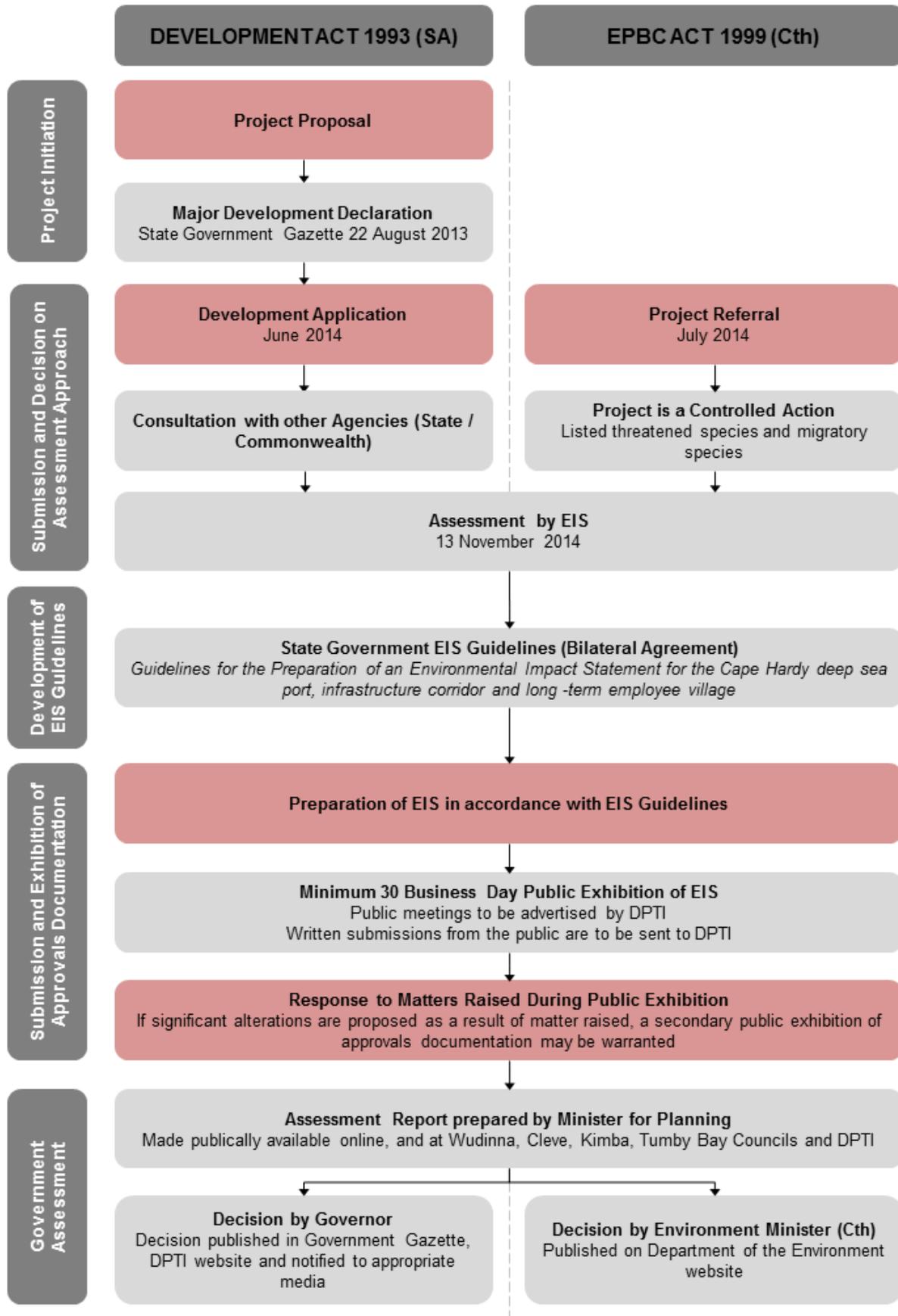


Figure 5-1 CEIP Infrastructure Approvals Process

### 5.1.1 Secondary Approvals

Approvals under both the Act and the *EPBC Act 1999* are the primary statutory approvals required for the proposed CEIP Infrastructure, although a range of construction and transport related secondary approvals will also be required prior to development. As part of the integrated approvals process, a number of these approvals will be determined concurrently with this EIS, including:

- *Environment Protection Act 1993*
  - EPA licence(s) to conduct activity of environmental significance
  - Works approval for a structure that is intended for an EPA licensed activity
- *Natural Resources Management Act 2004*
  - Well construction permits for the proposed borefield
  - Approval to undertake water affecting activities
- *Roads (Opening and Closing) Act 1991*
  - Approval to close a public road(s)

Commonwealth and State legislative requirements are discussed further in Sections 5.2 and 5.3 respectively. Subsequent approvals will also be required for infrastructure ancillary to the CEIP but are not included as part of this EIS as Iron Road is not the lead proponent. The reinforcement of the high voltage transmission line network on the Eyre Peninsula will be undertaken by ElectraNet and the upgrade of the Wudinna airport will be undertaken by Wudinna DC.

## 5.2 Commonwealth Legislative Requirements and Strategic Framework

This section provides an overview of Commonwealth legislation and strategic directions of relevance to the CEIP Infrastructure.

### 5.2.1 Environment Protection and Biodiversity Conservation Act 1999

The EPBC Act, the primary Commonwealth legislation relevant to the CEIP Infrastructure, was established to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. Actions anticipated to have a significant impact on matters of national environmental significance are required to obtain approval prior to being undertaken. The nine matters of national environmental significance protected by the EPBC Act are:

- World heritage properties
- National heritage places
- Wetlands of international importance (listed under the Ramsar Convention)
- Listed threatened species and ecological communities
- Migratory species (protected under international agreements)
- Commonwealth marine areas
- Great Barrier Reef Marine Park
- Nuclear actions (including uranium mines)
- Water resources (in relation to coal seam gas and large coal mining development)

If an action has the potential to have a significant impact on a matter of national environmental significance, the proposed action is referred to the Department of the Environment by the proponent to determine the requirement for formal assessment and approval under the EPBC Act. If the action is determined to have a significant impact on a matter of national environmental significance, it is regarded as a controlled action.

Controlled actions are assessed using one of the following approaches:

- Accredited assessment (bilateral agreements)
- Assessment on referral information (assessment is undertaken solely on the information provided in the referral)
- Assessment on preliminary documentation (assessment is undertaken on the information in the referral and other relevant material as identified by the Minister)
- Assessment by Environmental Impact Statement or Public Environment Report
- Assessment by public enquiry

A referral of the CEIP Infrastructure pursuant to Section 68 of the EPBC Act was made on 29 July 2014. A separate referral relating solely to the mine site was submitted on 30 September 2014. The mine site was declared to be ‘not a controlled action’, and therefore approval under the EPBC Act is not required. The CEIP Infrastructure was declared to be a controlled action as a result of potential impacts to the Southern Right Whale, and is subject to assessment by the South Australian Government using the EIS process under the bilateral agreement with the Commonwealth.

The South-west Marine Bioregional Plan (DSEWPaC 2012) was prepared under Section 176 of the EPBC Act. This describes the marine environment and conservation values (protected species, protected places and key ecological features) of the South-west Marine Region, sets out broad objectives for its biodiversity, identifies regional priorities and outlines strategies to achieve these. This is relevant to assessment of the Southern Right Whale, along with the Conservation Management Plan for the Southern Right Whale (DSEWPaC 2012a), made under Section 269A92 of the EPBC Act.

## 5.2.2 Other Legislation

In addition to the EPBC Act, a range of other Commonwealth legislation will be relevant to the CEIP Infrastructure. The most relevant legislation, including its objectives and potential relevance to the CEIP Infrastructure is summarised in Table 5-1.

Table 5-1 Other Commonwealth Legislation

Legislation	Objective	Relevance	Requirements
<i>Australian Jobs Act 2013</i>	Ensure Australian entities have full, fair and reasonable opportunity to bid for the supply of key goods and/or services.	Iron Road must have a strategy to ensure Australian suppliers, manufacturers and contractors are provided full, fair and reasonable opportunity to obtain contracts relating to the CEIP.	Iron Road has prepared an Australian Industry Participation Plan which has been approved by the Australian Industry Participation Authority.
<i>Customs Act 1901</i>	To regulate customs matters.	The proposed port facility at Cape Hardy.	There will be a range of security-related requirements that will need to be incorporated into the design of the port.
<i>Foreign Acquisitions and Takeovers Act 1975; Foreign Investment Policy 2013</i>	To regulate all foreign investment with respect to the acquisition of rural land; to ensure the Commonwealth Government is notified of any rural land being acquired by ‘foreign government investors’.	All land within the CEIP footprint is rural land; Iron Road is considered a Foreign Owned Entity and must comply with the Act and Policy.	Approval for acquisition of any land within the CEIP footprint required from the Foreign Investment Review Board. The Commonwealth Government must be notified and give approval for the acquisition of rural land.

Legislation	Objective	Relevance	Requirements
<i>Maritime Transport and Offshore Facilities Security Act 2003</i>	To safeguard against the unlawful interference with maritime transport or offshore facilities.	The CEIP includes the development of a maritime transport facility.	A maritime security plan will be required for the port site as approved by the Department of Infrastructure and Regional Development.
<i>National Greenhouse and Energy Reporting Act 2007</i>	To introduce a single national reporting framework for the reporting and dissemination of information related to greenhouse gas emissions, greenhouse gas projects, energy consumption and energy production of corporations.	The greenhouse gas emissions resulting from the CEIP (refer Chapter 11) will trigger a requirement for reporting greenhouse gas emissions, energy production and consumption.	Iron Road will be required to report in accordance with the Act.
<i>Native Title Act 1993</i>	Among other things: To provide for the recognition and protection of native title; To establish ways in which future dealings affecting native title may proceed; To set standards for those dealings.	The Barngarla Aboriginal group has a registered native title claim over the area comprising the CEIP Infrastructure sites.	Areas of land or gulf waters within the footprint of the CEIP Infrastructure may be 'native title land' and Iron Road has negotiated an Indigenous Land Use Agreement with the Barngarla in respect to that land and waters (see Chapter 19).
<i>Navigation Act 1912</i>	To regulate the transport of material on waterways not controlled by the State.	Material will be transported in bulk through Australian waters.	A transport schedule and approval is required to transport the material.
<i>Quarantine Act 1908</i>	To control persons, vessels, goods, animals and plants entering the country from overseas.	The proposed port facility at Cape Hardy.	Permission to land a vessel at a place other than a declared first port of entry.

### 5.3 State Legislative Requirements and Strategic Framework

This section provides an overview of State legislation and strategic directions of relevance to the CEIP Infrastructure.

#### 5.3.1 Development Act 1993

The Act and *Development Regulations 2008* control development in South Australia, establishing procedures to assess different forms of development. Section 22 of the Act requires the Minister to prepare and maintain a Planning Strategy for development within South Australia. The Planning Strategy provides an overarching framework for development in the State and Development Plans seek to promote the provisions of the planning strategy.

Part 4, Division 2 of the Act relates to Major Development and is applicable to the CEIP Infrastructure. The Minister declared the CEIP Infrastructure to be a Major Development on 15 August 2013 (republished on 22 August 2013 and varied 29 May 2014) and determined on 13 November 2014 that an EIS should be prepared in accordance with Section 46B of the Act.

This EIS has been written to address the *Guidelines for the preparation of an Environmental Impact Statement for Cape Hardy deep sea port, infrastructure corridor and long-term employee village* as determined by DAC. The Guidelines require an assessment of the environmental impacts of the CEIP Infrastructure and a review of consistency with Local and State Government policies and legislation.

### 5.3.2 Environment Protection Act 1993

The *Environment Protection Act 1993* (EP Act) was established to promote ecologically sustainable development through the use, development and protection of the environment. Long- and short-term economic, environmental, social and equity aspects are considered when determining matters in relation to environmental protection, restoration and enhancement. Section 25 of the EP Act establishes a general environmental duty, requiring that activities that pollute or might pollute the environment must not be undertaken unless all reasonable and practicable measures to minimise harm are implemented.

Environment Protection Policies (EPP) are established under Section 28 of the EP Act. EPPs are developed for a specific environmental area and may impose mandatory standards, provisions and associated penalties. The following EPPs are considered in this EIS:

- *Environment Protection (Air Quality) Policy 1994* (Chapter 10)
- *Environment Protection (Noise) Policy 2007* (Chapter 12)
- *Environment Protection (Water Quality) Policy 1993* (Chapter 15)

The proposed CEIP Infrastructure will be constructed and operated in accordance with the general environmental duty, and the requirements of the relevant EPPs.

Section 35 of the EP Act requires that works to construct a building or structure for use for an activity of environmental significance must not be undertaken without an environmental authorisation. Section 36 of the EP Act requires that activities of environmental significance must not be undertaken without an EPA licence. Activities of environmental significance relevant to the CEIP Infrastructure are outlined in Table 5-2.

**Table 5-2 Activities of Environmental Significance**

Activity Type	Proposed Activity	EP Act Reference
Petroleum Production, Storage or Processing Works or Facilities	Fuel storage facilities providing capacity for up to 2 ML (approximately 2,000 m <sup>3</sup> ) of storage will be established at the port site, providing up to 150,000 L of fuel at the proposed port.	Schedule 1; 1- Petroleum and Chemical (5)
Concrete Batching Works	A concrete batching plant will be established at the port site during construction. The batching plant will be capable of producing 90 m <sup>3</sup> per hour, and will produce a total of approximately 7500 m <sup>3</sup> throughout the construction period.	Schedule 1; 2- Manufacturing and Mineral Processing (5)
Bulk Shipping Facilities	Establishment of the proposed port will result in the operation of a bulk handling facility exporting an average of approximately 60,000 t of iron ore per day.	Schedule 1; 7-Materials Handling and Transportation (1)
Railway Operations	Establishment of the infrastructure corridor includes the construction and operation of a railway line and associated infrastructure.	Schedule 1; 7-Materials Handling and Transportation (2)
Crushing, Grinding or Milling	Cut and fill activities will require the processing of rock, ores or minerals at a rate in excess of 1,000 tph.	Schedule 1; 7-Materials Handling and Transportation (3)

### 5.3.3 Native Vegetation Act 1991

The *Native Vegetation Act 1991* outlines incentives and assistance to landowners relative to the enhancement of native vegetation and controls the clearance of native vegetation. The broad objectives of the Native Vegetation Act relevant to the CEIP Infrastructure include the conservation, protection and enhancement of the native vegetation of the State and, in particular, remnant native vegetation, in order to prevent further:

- Reduction of biological diversity and degradation of the land and its soil
- Loss of quantity and quality of native vegetation in the State
- Loss of critical habitat

The Native Vegetation Act prohibits the clearance of native vegetation unless it is subject to an approval or an exemption and further sets out the ‘principles of clearance’ – a set of criteria against which vegetation clearance applications are intended to be assessed. Clearance (if permitted) will be subject to a set of conditions and a requirement for a significant environmental benefit (SEB) offset to be made to counter the loss of habitat. The intent of the SEB is not only to replace the immediate environmental values lost through clearance, but also to achieve a net gain that contributes to improving the condition of the environment and biodiversity of the region. The SEB may be made through ground management and restoration of native habitats as guided by an approved vegetation management plan or by direct monetary contribution into the Native Vegetation Fund (NVF). The SEB offset is discussed further in Chapter 13.

### 5.3.4 Other State Legislation

A number of other South Australian Acts and Regulations are relevant to the CEIP Infrastructure, all of which must be complied with. In addition, there will be a requirement to obtain a range of secondary approvals, including (but not limited to) those identified in Table 5-3.

Table 5-3 Other Relevant State Legislation

Legislation	Objective	Relevance	Requirements
<i>Aboriginal Heritage Act 1988</i>	To protect and preserve Aboriginal heritage including sites, objects and remains.	The CEIP Infrastructure sites may include areas of Aboriginal heritage significance (refer Chapter 19).	If any Aboriginal sites, objects or remains were found, approval would be required before damaging, disturbing or interfering with them.
<i>Aquaculture Act 2001</i>	To promote ecologically sustainable development of marine and inland aquaculture.	The Act governs the administration and enforcement of aquaculture licenses and leases in South Australia.	No approval is required.
<i>Climate Change and Greenhouse Gas Emissions Reduction Act 2007</i>	To support ecologically sustainable development by addressing climate change through the reduction in greenhouse gases and an increase in renewable energy.	The CEIP has a large energy requirement (see Chapter 11). Where practicable, renewable energy sources will be used and energy efficiency measures incorporated.	No approval is required.
<i>Crown Lands Act 1929</i>	To manage and regulate Crown lands.	The CEIP Infrastructure site encompasses Crown land and/or land held under licence from the Crown (refer Chapter 8).	Approval is required to surrender or transfer a Crown lease or grant an easement over Crown land or land held under licence by the Crown.

Legislation	Objective	Relevance	Requirements
<i>Explosives Act 1936</i>	To control the use of explosives.	The CEIP Infrastructure would require the use of explosives in the preparation of sites for construction.	Approval would be required to purchase, use or dispose of explosives.
<i>Harbors and Navigation Act 1993</i>	To provide for the efficient and effective administration and management of harbours and harbour facilities.	The proposed port at Cape Hardy will require several approvals.	A licence to use gulf waters; a Port Operating Agreement, declaration of a harbour and/or port; an Aquatic Activities Licence for exclusive access to specified waters.
<i>Heritage Places Act 1993</i>	To make provision for the identification, recording and conservation of places and objects of non-Aboriginal heritage significance and to establish the South Australian Heritage Council.	Heritage places and areas of heritage significance are found in the same locality as the CEIP Infrastructure site (see Chapter 20).	Obligation to not damage a heritage place or reduce or destroy the heritage significance of a heritage place.
<i>Highways Act 1926</i>	To make better provision for the construction and maintenance of roads and works.	The CEIP Infrastructure will temporarily impact on roads and highways during construction.	Approval for temporary closures and/or rerouting of public roads and highways.
<i>Local Government Act 1999</i>	To establish a system of local government that ensures services and facilities are provided to the community.	Alterations to council roads and infrastructure are needed to accommodate the port facility and infrastructure corridor.	Approval would be needed to open/close council roads or to construct infrastructure in, under or over council road reserves.
<i>Marine Parks Act 2007</i>	To protect and conserve marine biological diversity and marine habitats.	A number of marine parks are located within the Spencer Gulf.	No requirements, the CEIP Infrastructure is not located within a marine park.
<i>Native Title (South Australia) Act 1994</i>	To recognise and protect native title.	The Barngarla Aboriginal group have been recognised as the holders of native title over land on the Eyre Peninsula.	Native title procedures are set out in the ILUA between the Barngarla and Iron Road (see Chapter 19).
<i>National Parks and Wildlife Act 1972</i>	To manage public reserves, conservation parks and sanctuaries, and to conserve wildlife in a natural environment.	A number of conservation parks and reserves are located on the Eyre Peninsula.	No requirements, the footprint of the CEIP Infrastructure is not within the boundaries of a conservation park or reserve.
<i>Natural Resource Management Act 2004</i>	To promote sustainable and integrated management of the State's natural resources and to make provision for the protection of the State's natural resources.	The CEIP Infrastructure site has the potential to impact on natural resources.	Well Construction Permits for the borefield will be required. Approval may also be required if any water-affecting activities are undertaken.
<i>Public Health Act 2011</i> <i>Public Health (Wastewater) Regulations 2013</i>	To promote and to provide for the protection of the health of the public of South Australia and to reduce the incidence of preventable illness, injury and disability.	Wastewater collection, treatment and disposal facilities will be required at the proposed port at Cape Hardy and the long-term employee village (adjacent to Wudinna).	Approval and supporting documentation for application to install and/or connect a wastewater system/s will be required.

Legislation	Objective	Relevance	Requirements
<i>Rail Safety National Law (South Australia) Act 2012</i>	To protect public safety and promote improvement in rail safety.	Part of the CEIP Infrastructure includes the construction and operation of a railway line.	A Rail Operator must be accredited by the Office of the National Rail Safety Regulator.
<i>Railways (Operations and Access) Act 1997</i>	To provide for the operation of railways and access to railway services on fair commercial terms.	Part of the CEIP Infrastructure includes the construction and operation of a railway line.	Approval is required to install and operate rail traffic control devices.
<i>Road Traffic Act 1961</i>	To consolidate and amend certain enactments relating to road traffic.	Operation of the CEIP Infrastructure will involve the transportation of over-dimensional loads.	An approval or exemption may be required to transport over-dimensional loads (see Chapter 18).
<i>Roads (Opening and Closing) Act 1991</i>	To provide for the opening and closing of roads.	Development of the CEIP Infrastructure will require the closure or realignment of some roads (see Chapter 18).	Approval will be required to open/close public roads (see Chapter 18).

### 5.3.5 State Strategic Framework

This section provides an overview of the relevant State Government strategies and policies applicable to the CEIP Infrastructure. The contribution of the CEIP Infrastructure to the achievement of relevant objectives and goals is also detailed.

#### South Australia's Strategic Plan

South Australia's Strategic Plan (2011) provides a framework for the ongoing growth and development of the State. The Plan has been developed based on seven strategic priorities:

- Creating a vibrant city
- Safe communities, healthy neighbourhoods
- An affordable place to live
- Every chance for every child
- Growing advanced manufacturing
- Realising the benefits of the mining boom for all
- Premium food and wine from our clean environment

Development of the CEIP will assist the South Australian Government in achieving the goals outlined in South Australia's Strategic Plan. A brief overview of the contribution of the CEIP to the strategic priorities outlined in South Australia's Strategic Plan is provided in Table 5-4.

**Table 5-4 Alignment of CEIP to South Australia's Strategic Plan**

Strategic Priority	Relevance to CEIP
Creating a vibrant city	The CEIP represents a significant investment to the Eyre Peninsula region, resulting in regional economic benefits. Beyond the Eyre Peninsula, the project is estimated to contribute an average of \$518 million per annum to Gross State Product (GSP) during construction and an average of \$2.7 billion per annum during operation. Direct and indirect employment in South Australia as a whole is expected to increase to an average of 3,027 jobs during construction and 1,985 jobs during operation. The economic benefits experienced throughout South Australia will support the ongoing growth and development of the Adelaide CBD, indirectly supporting job growth and a vibrant CBD.
Safe communities, healthy	The long-term mine workforce is proposed to be accommodated within a designated

Strategic Priority	Relevance to CEIP
neighbourhoods	<p>long-term employee village adjacent to the township of Wudinna, providing a significant population boost to the district and long-term support to local businesses and services.</p> <p>Wudinna DC is currently preparing a structure plan for the Wudinna township to support the proposed long-term employee village. The structure plan is being funded by Iron Road with the key objectives of:</p> <ul style="list-style-type: none"> <li>• Maximising economic benefits to existing service providers</li> <li>• Promoting integration with Wudinna and the co-sharing of facilities and services</li> <li>• Maximising opportunities for the adaptive reuse of the long-term employee village following use by Iron Road</li> </ul>
An affordable place to live	<p>Rather than placing pressure on the existing housing stock, accommodation for staff at the proposed port and mine will be provided on site during construction and in the long-term employee village adjacent to Wudinna during operation. In addition, the CEIP represents a significant upgrade to the infrastructure of the Eyre Peninsula (roads, electricity network and the Wudinna airport) that will benefit the community and region. These improvements will be funded by the private sector, rather than requiring public investment.</p>
Every chance for every child	<p>The CEIP will provide an estimated 1,950 jobs during construction and 760 ongoing jobs during operation. In addition, the CEIP will provide opportunities for training and development and it welcomes opportunities for collaboration with the State Government and other agencies in this matter. Direct and indirect employment in South Australia as a whole is expected to increase to an average of 3,027 jobs during construction and 1,985 jobs during operation.</p>
Growing advanced manufacturing	<p>The CEIP mine includes on-site processing of the resource, representing a significant local investment in advanced manufacturing, which supports additional employment and builds technical capability.</p>
Realising the benefits of the mining boom for all	<p>As a standalone project, the CEIP will provide a significant economic stimulus to South Australia and will directly or indirectly provide an estimated 3,027 jobs during construction and 1,985 ongoing jobs during operation. In addition, the CEIP Infrastructure has the potential to unlock significant third party investment through the delivery of a new export facility with capacity for third parties, a reinforced electricity supply to the Eyre Peninsula and improved rail infrastructure to the central Eyre region. The successful delivery of the CEIP will also contribute significant royalty payments to the State.</p>
Premium food and wine from our clean environment	<p>Although the export of grain is not proposed as part of this EIS, Iron Road has signed a memorandum of understanding (MOU) with a global grain handling organisation. This MOU provides for both parties to jointly investigate the export of grain via the proposed port (subject to necessary upgrades and regulatory approvals) and may provide an alternative export pathway for agriculture on the central Eyre Peninsula.</p> <p>Approved clearance of native vegetation requires achievement of a Significant Environmental Benefit (SEB) offset. Dialogue with the Eyre Peninsula Natural Resources Management (NRM) Board is ongoing regarding the potential environmental programmes which would be suitable to offset the impact from clearance of native vegetation and promoting a clean environment. Key concepts that will be incorporated into the SEB are:</p> <ul style="list-style-type: none"> <li>• Rehabilitation of existing areas of native vegetation</li> <li>• Improving linkages between habitat</li> <li>• Fencing and rehabilitation of existing areas of native vegetation</li> </ul>

## Other Strategies and Policies

A range of additional State documents outline the strategic direction relevant to the CEIP as a whole, as described in Table 5-5.

**Table 5-5 Other State Strategic Framework Documents**

Title	Objective	Relevance
Strategic Infrastructure Plan	To guide and coordinate South Australia's approach to infrastructure provision.	<p>The CEIP will deliver a range of significant infrastructure to the benefit of the State, including a deep sea port capable of accommodating Capesize vessels. The facility will also provide additional capacity available to third party users (subject to necessary upgrades and approvals).</p> <p>The railway line could be extended in the future to connect into the national rail network, unlocking a cargo catchment of approximately 25% of the Australian land mass.</p> <p>The transmission line will provide reinforcement to the Eyre Peninsula and additional opportunities for a range of potential developments. Details of the proposed CEIP Infrastructure are detailed in Chapter 4.</p>
Eyre and Western Region Plan	To establish the Government's priorities for development in the Eyre and Western region.	The CEIP Infrastructure will contribute to the realisation of the aims of the Region Plan through significant investment in a greenfield bulk export facility with significant capacity for third party use. In addition, ancillary infrastructure such as the railway line and power transmission line provides opportunity to support the ongoing development of a broad range of other industries. The CEIP Infrastructure is described in Chapter 4, with the economic impact detailed in Chapter 21.
State Natural Resources Management (NRM) Plan	To manage and protect South Australia's natural resources.	The State NRM Plan seeks to develop NRM capability in South Australia, sustainably manage natural resources and improve the condition and resilience of natural systems. The CEIP Infrastructure will contribute to the long-term management of natural resources on the Eyre Peninsula. Further information of relevance to the State NRM Plan is provided in Chapters 13 and 14.
South Australia's Waste Strategy	<p>South Australia's Waste Strategy has two key objectives:</p> <p>To avoid or reduce the amount of overall waste;</p> <p>To maximise the useful life of materials by making them last longer through re-use and recycling.</p>	The CEIP Infrastructure will generate waste during both construction and operation. As such, Iron Road has adopted the waste management hierarchy outlined in South Australia's Waste Strategy. Environmental management procedures are outlined in Chapter 24.
South Australia's Greenhouse Gas Strategy	To provide a framework for all of South Australia's greenhouse targets and commitments to be met in a comprehensive and coordinated manner.	The CEIP as a whole will have a large energy requirement. Significant improvements of >75% reduction in total CO <sub>2</sub> emissions have been achieved during the design stages. Where practicable, renewable energy sources will be used and energy efficiency measures incorporated to contribute toward the achievement of South Australia's greenhouse gas reduction objectives.

## 5.4 Local Requirements

Within South Australia, the guidelines that establish the desired form of a development in a given area are outlined in Development Plans. There are separate Development Plans for each of the 68 local government areas in South Australia, in addition to several others covering areas not within a local government boundary. Development Plans outline what sort of developments and land uses are and are not envisaged within a particular area through various objectives, principles and policies controlling and affecting proposed developments.

The CEIP Infrastructure falls within four local government areas and covers land described as not within a council area. These areas are:

- District Council of Tumby Bay
- District Council of Cleve
- District Council of Kimba
- Wudinna District Council
- Land Not Within a Council Area (Coastal Waters)

The relevant principles and objectives of each Development Plan must be considered when making a determination on the merits of all project components included in this EIS. An overview of these merits in relation to the policy outlined in the Development Plans is outlined in Section 5.4.2.

### 5.4.1 Local Strategic Framework

A range of local documents outline the regional strategic directions of relevance to the CEIP Infrastructure, as discussed in Table 5-6.

Table 5-6 Local Strategic Framework

Title	Objective	Relevance to CEIP
DC Tumby Bay 2012-2022 Strategic Plan	To identify the priorities and strategic direction for Council, including: <ul style="list-style-type: none"> <li>• Development and improvement of infrastructure to meet Council's needs</li> <li>• Preservation of Council's unique heritage and natural environment</li> <li>• Sustainable economic development</li> <li>• Provision of quality community services</li> </ul>	The proposed port will employ 100 persons during operations. In addition, 650 persons will be based at the port camp during construction. Staff based at the proposed port will support suppliers of goods and services in the Port Neill area. No component of the CEIP Infrastructure intersects an identified area of heritage significance, nor any designated nature conservation areas.
DC Cleve 2012/13-2015/16 Strategic Plan	Identifies the priorities and strategic direction for Council, including: <ul style="list-style-type: none"> <li>• Enhancing the quality of life for the community</li> <li>• Facilitating economic prosperity and sustainable growth of the district</li> <li>• Sustainable management of the natural environment</li> </ul>	As a standalone project, the CEIP will provide a significant economic stimulus to South Australia and the Eyre Peninsula region, providing an estimated 1,950 jobs during construction and 760 ongoing jobs during operation. The job growth is anticipated to support economic growth throughout the Eyre region including the DC of Cleve.
DC Kimba 2012-16 Strategic Management Plan	Identifies the priorities and strategic direction for Council, including: <ul style="list-style-type: none"> <li>• Supporting new and existing businesses and economic opportunities</li> <li>• Protecting the natural and built environment</li> <li>• Encouraging vibrant, cohesive and culturally diverse communities</li> </ul>	The CEIP Infrastructure provides the backbone to unlock significant third party investment through the delivery of a new export facility with capacity for third parties, a reinforced electricity supply to the Eyre Peninsula and improved rail infrastructure to the central Eyre region.

Title	Objective	Relevance to CEIP
Wudinna DC 2012-2017 Community Plan	Identifies the priorities and strategic direction for Council, including: <ul style="list-style-type: none"> <li>• Creating a cohesive and thriving community</li> <li>• Providing a built environment that meets the needs of the wider community</li> <li>• Sustainable management of the environment</li> <li>• Actively promoting business and commercial opportunities</li> </ul>	Wudinna DC is currently preparing a structure plan for the Wudinna township to support the proposed long-term employee village. The structure plan is being funded by Iron Road with the key objectives of: <ul style="list-style-type: none"> <li>• Maximising economic benefits to existing service providers</li> <li>• Promoting integration with Wudinna and the co-sharing of facilities and services</li> <li>• Maximising opportunities for the adaptive reuse of the long-term employee village following use by Iron Road</li> </ul>
Eyre Peninsula Natural Resource Management Plan	The Plan was developed under the <i>Natural Resources Management Act 2004</i> and establishes long-term targets over 20 years and short-term targets to be achieved within one to five years. The plan has been developed based on: <ul style="list-style-type: none"> <li>• Achieving healthy and productive natural resources and natural systems</li> <li>• Using and managing natural resources within environmental constraints</li> <li>• Supporting progressive and vibrant communities and industries that value our natural resources</li> <li>• Achieving effective partnerships based on knowledge driving natural resource management</li> </ul>	Approved clearance of native vegetation requires achievement of a Significant Environmental Benefit (SEB) offset. Iron Road is liaising with the Eyre Peninsula NRM Board about potential environmental programmes which would be suitable to offset the impact from clearance of native vegetation. Key concepts that will be incorporated into the SEB are: <ul style="list-style-type: none"> <li>• Improving linkages between habitat</li> <li>• Fencing and rehabilitation of existing areas of native vegetation</li> </ul>

#### 5.4.2 Development Plan Framework

The CEIP Infrastructure is located within the boundaries of five Development Plans; four are for local Council areas and one is for an area not within a Council area.

- Wudinna (DC) Development Plan
- Kimba (DC) Development Plan
- Cleve (DC) Development Plan
- Tumby Bay (DC) Development Plan
- Land Not Within a Council Area (Coastal Waters) Development Plan

The mine site, long-term employee village and northern-most portion of the infrastructure corridor are all located within the Wudinna DC. The infrastructure corridor runs in a south-easterly direction from the mine site crossing the Kimba, Cleve and Tumby Bay DC areas before terminating at the port site.

The transmission line from Yadnarie that will feed into the infrastructure corridor will be located within the Cleve DC. The onshore infrastructure of the port will be located within the jurisdiction of the Tumby Bay (DC) Development Plan, whilst the offshore infrastructure is within the boundaries of the Land Not Within a Council Area (Coastal Waters) Development Plan.

Each Development Plan has a broad range of policy relevant to the development of the CEIP Infrastructure. In lieu of analysing each policy separately, common policy from each Development Plan has been grouped together and discussed in each of the following sections. The boundaries of the relevant Development Plans and zoning are shown in Figure 5-2 for the infrastructure corridor, Figure 5-3 for the port site and Figure 5-4 for the long-term employee village.

### **Infrastructure Corridor**

The infrastructure corridor and Yadnarie transmission line will be solely located in zones allocated for primary production uses in each of the Development Plans. This zoning is referred to as the Primary Production Zone in the Wudinna, Kimba and Cleve Development Plans and the General Farming Zone in the Tumby Bay Development Plan. The overriding objective of these zones is to maintain productive, efficient primary production activities through the protection of existing agricultural enterprises from conflicting land uses. As previously outlined, the route for the infrastructure corridor has been selected to follow property boundaries wherever practicable to avoid excising large parcels from the balance of the land. The transmission line for Yadnarie has been aligned parallel to the existing ElectraNet transmission line to limit access restrictions due to safety clearance requirements on private property.

Avoiding development within 500 m of a conservation park or wilderness protection area is highlighted in the primary production zone in each of the Development Plans, if it will increase the potential for, or result in, the spread of pest plants. The majority of the CEIP Infrastructure is located significantly more than 500 m from any conservation parks or wilderness protection areas. The exception to this is at the northern end of the proposed infrastructure corridor which is proposed to run parallel to the northern boundary of the Hambidge Wilderness Protection Area (WPA), which is seen as a sensible compromise between the ongoing protection of the WPA and avoiding isolating large parcels of existing farmland to the detriment of existing landowners and the general economy. A CEMP will be developed to outline measures to prevent the spread of pest plants, as detailed in Chapter 13.

### **Port Site**

The proposed port is located within the General Farming Zone and Coastal Zone of the Tumby Bay Development Plan and within an unzoned area of the Land Not Within a Council Area (Coastal Waters) Development Plan. The key objective of the General Farming Zone is the long-term protection of the land for primary production purposes, reinforcing the existing rural character of the region.

Development of an industrial nature should only occur where it can support primary production. The ability of the port to be readily expanded for third party usage provides the opportunity to support the export of produce, such as grain, from a facility based on the central Eyre Peninsula. A future expansion of the proposed port (subject to necessary approvals) to support grain export would provide an efficient pathway to the market, capable of servicing Capesize vessels at a closer distance to many of the suppliers.

Land within 500 m of the coast is considered to be within the Coastal Zone in the Tumby Bay Development Plan. The Coastal Zone has similar objectives to the General Farming Zone in that it envisages the long-term protection of primary production land and rural support infrastructure. However, greater emphasis is also placed on the retention and protection of the coast, including native vegetation, as well as the need to maintain public access to the coast and to protect other industries in the region including aquaculture.

The proposed port will restrict public access to the coast due to safety and security requirements during both construction and operation. The total restricted area will be limited to ensure that as much of the coast as practicable is retained for public access. Although the proposed port will result in the loss of a small proportion of productive land, it will provide an improvement to rural support infrastructure, including the upgrading of roads and the development of an export facility with the potential to service agriculture in the future on the Eyre Peninsula. Minimal clearance of native vegetation will be required to support the proposed port as the area has already been predominantly cleared for agricultural purposes.

The offshore infrastructure of the port facility will be located within the boundaries of the Land Not Within a Council Area (Coastal Waters) Development Plan. The objectives of this Development Plan are comparable to those of the Coastal Zone in terms of retention of vegetation and public access to the coast. The provisions promote public access to the coast 'except where public safety reasons preclude or where operational requirements at the port render this inappropriate'. Therefore the restriction of public access to the coast for public safety and the security of the proposed port are consistent with the Development Plan policy.

The port site was chosen to maximise safety for berthed ships and has avoided areas of dense seagrass coverage. The jetty height considers the projected rise of the sea level in the future. The marine and coastal environment is discussed further in Chapter 14.

### **Long-Term Employee Village**

It is proposed to locate the long-term employee village on up to 5 ha of land northwest of the town of Wudinna. The exact location of the village is being determined in consultation with Wudinna DC, however it will be located within the investigation area as shown in Chapter 4. The investigation area is within the Rural Living and Recreation Zones of the Wudinna Development Plan, although the site is currently utilised for agricultural purposes.

Wudinna DC is undertaking a structure planning process for the Wudinna township to support the establishment of the proposed long-term employee village which is being funded by Iron Road and will determine:

- The preferred location of the long-term employee village
- Opportunities for co-sharing of recreational facilities with the existing town
- Any infrastructure upgrades required to support the village
- Design measures/features suitable to accommodate the village as a logical extension to Wudinna

Development of the long-term employee village within the Rural Living Zone is largely consistent with the intent of the Development Plan policy as it represents the establishment of buildings for residential purposes. Establishment of the village within the Recreation Zone would conflict with the policy established in the Wudinna Development Plan, which encourages the establishment and expansion of recreational facilities.

Development of the long-term employee village adjacent to Wudinna represents a logical extension to the township, capitalising on the availability of existing infrastructure and services. The site provides opportunities for future village residents to utilise the existing services and facilities, thereby supporting the integration of the village into the town.

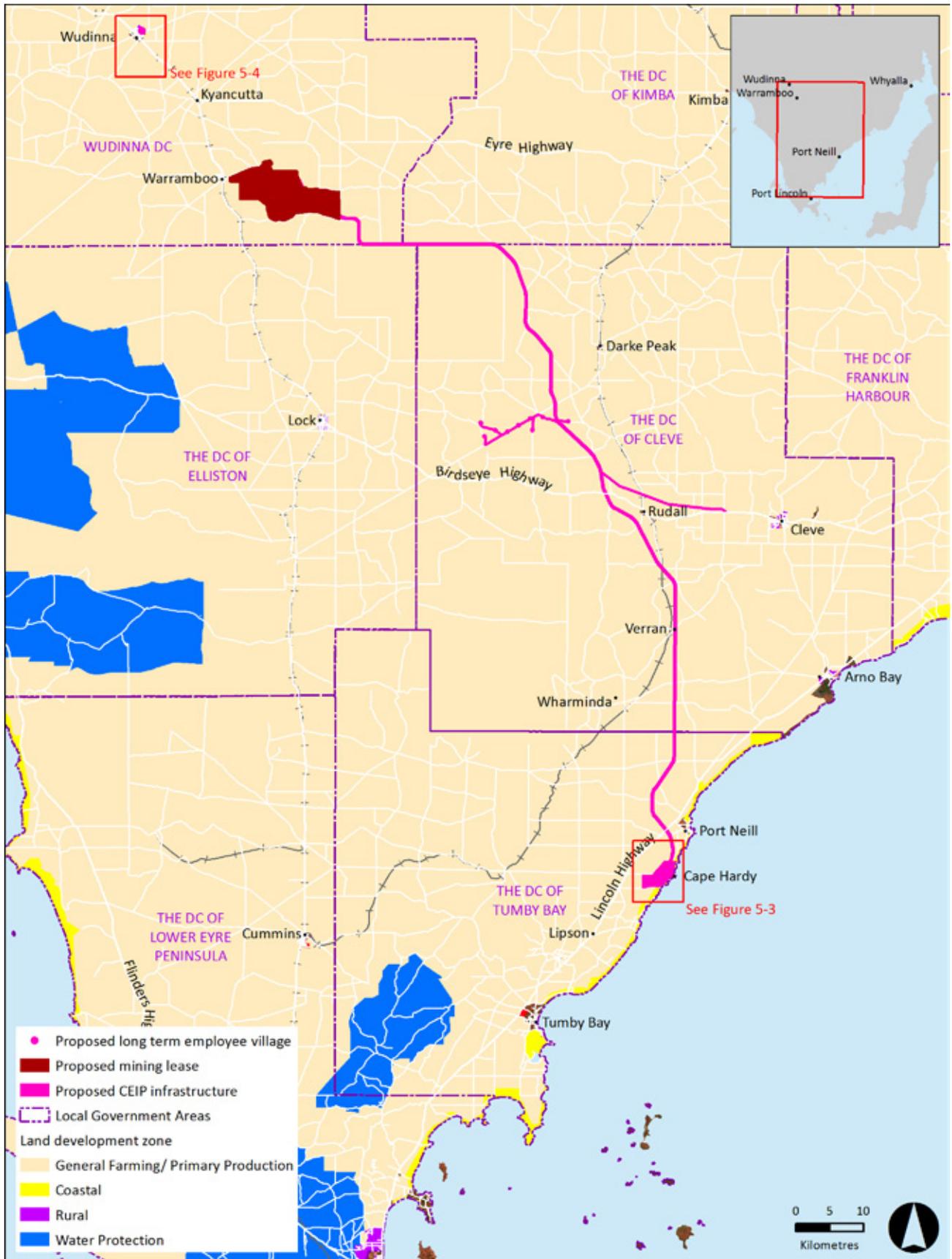


Figure 5-2 Infrastructure Corridor Zoning

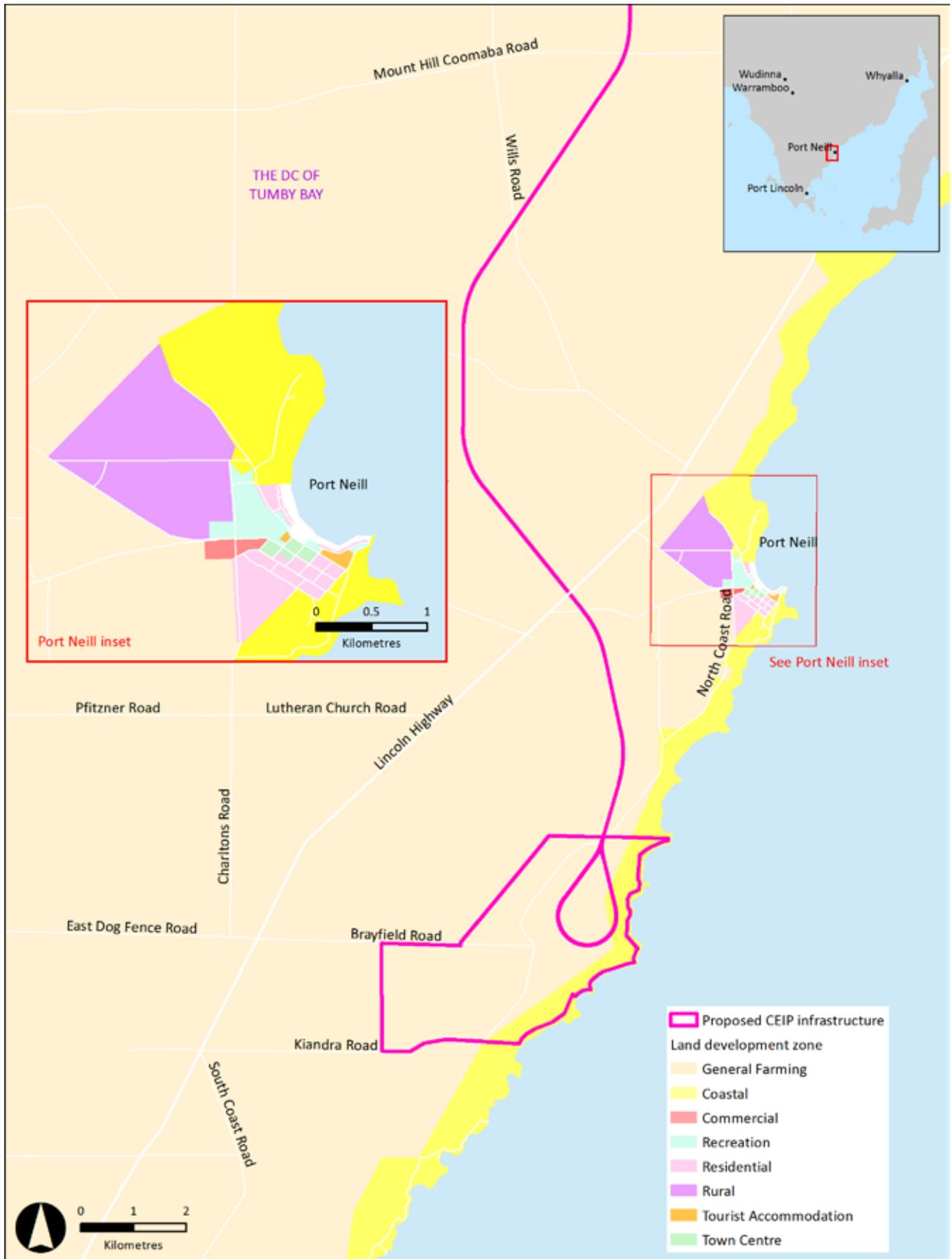


Figure 5-3 Port Site Zoning

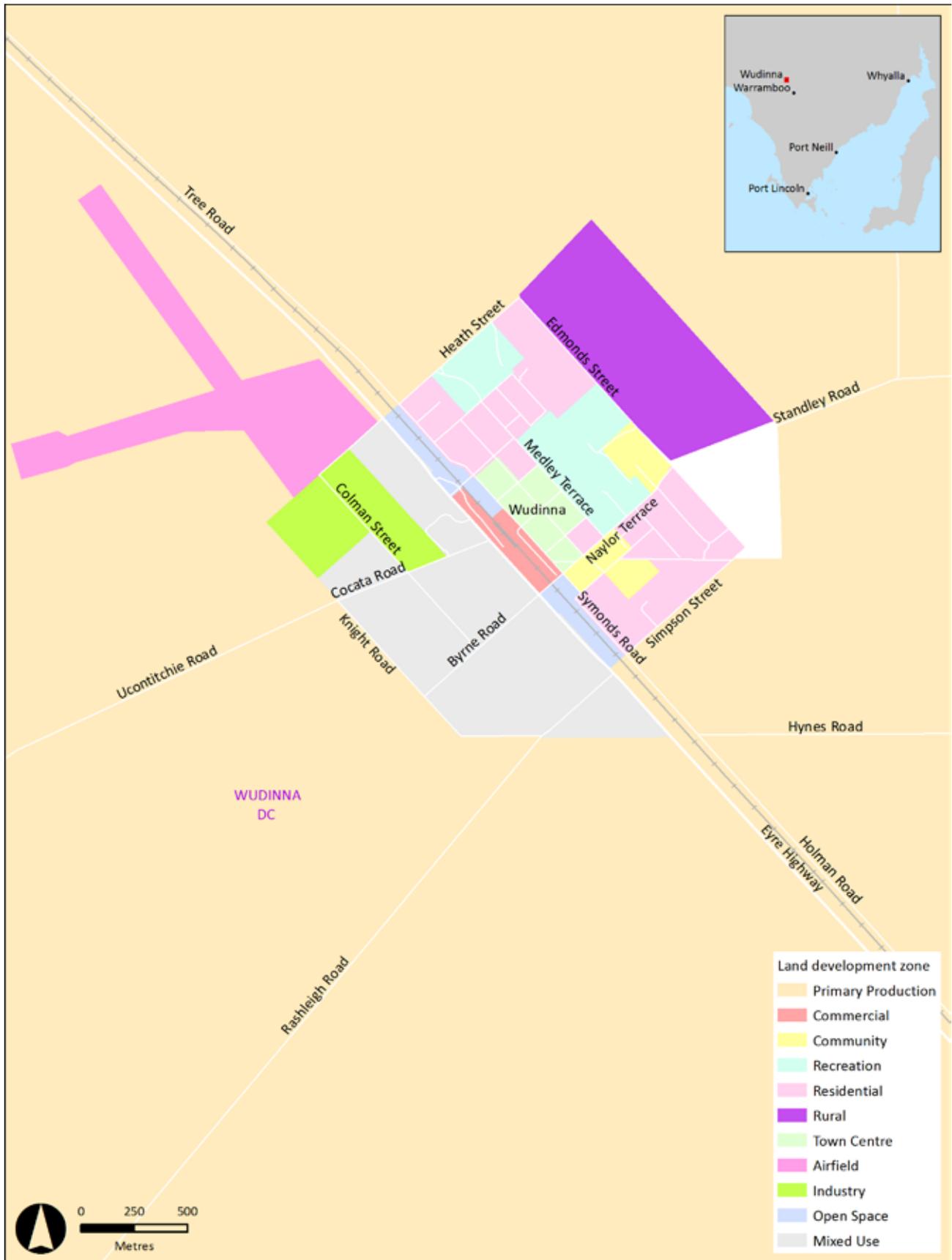


Figure 5-4 Long-Term Employee Village Zoning

## Design and Appearance

The five Development Plans provide policy objectives for achieving a high standard in the design and appearance of buildings and structures. In particular, the Development Plans indicate that roads, open space, buildings and land uses should be easy to understand and to navigate, and buildings and structures should:

- Be of a high architectural standard
- Not unreasonably restrict views of adjoining properties
- Provide appropriate setbacks to road boundaries
- Integrate landscaping to enhance the visual appearance of developments

The CEIP Infrastructure has been sited to avoid areas of known significance. For example, the port site was selected using a multi-criteria analysis tool that considered factors such as impacts to heritage, vegetation and proximity to residential areas. The visual impact of the CEIP Infrastructure is discussed further in Chapter 23.

## Hazards

Protecting and siting development away from potential hazards is a priority in each of the Development Plans. Table 5-7 identifies where each of the hazards nominated in the Development Plans are discussed in this EIS. Minimising risk to the CEIP Infrastructure from natural hazards was a key consideration in project siting and design and where practical, areas at risk have been avoided. Where natural hazards are unavoidable, design measures will be incorporated to mitigate potential impact.

**Table 5-7 Hazards Identified in Relevant Development Plans**

Hazard	EIS Chapter
Flooding/Stormwater Management	Chapter 15
Bushfire	Chapter 13 and 24
Acid Sulfate Soils	Chapter 17
Site Contamination	Chapter 17
Soil/Water Salinity	Chapter 15 and 17
Storage and Management of Hazardous Materials	Chapter 17
Electromagnetic Fields	Chapter 24
Storm Surge and Coastal Processes	Chapter 14

## Heritage

Each of the council Development Plans seeks to protect and enhance items, objects or places of Indigenous or non-Indigenous Heritage. The CEIP Infrastructure does not directly impact any places of known significance to Indigenous or non-Indigenous heritage. Further details are discussed in Chapters 19 and 20 respectively.

## Infrastructure

The provision of infrastructure in an economical and environmentally sensitive manner is a key priority in each of the council Development Plans. To achieve this objective, the cost effective use of existing infrastructure is identified as a priority. Of the existing or proposed port facilities on the Eyre Peninsula, none have sufficient capacity to support the volume of material projected to be exported from the CEIP mine site. Similarly, there is limited capacity in existing infrastructure for the supply of electricity, water or movement of goods to support the project. As such, existing infrastructure was not considered adequate to support the needs of the CEIP.

The proposed infrastructure corridor and port have been sited to avoid environmental impacts where practical, whilst delivering an economical solution to suit the needs of the CEIP. The proposed port has been designed to allow for future third party access, providing infrastructure with sufficient capacity to support future regional needs in accordance with Development Plan objectives.

Further justification of the need for infrastructure is provided in Chapter 2. Environmental impacts are discussed in Chapters 10 to 23.

### **Interface between Land Uses**

Improving interfaces between land uses and minimising offsite impacts of approved development is emphasised in each council Development Plan. Air quality, noise, vibration, light spill, hours of operation and traffic are all identified as possible nuisances that may impact adjoining land uses. The main driver in minimising off-site impacts is the protection of overall community health and amenity.

The CEIP Infrastructure will be developed in accordance with EPA guidelines with regard to offsite impacts including air quality, noise and vibration. This is discussed in Chapters 10 and 12.

### **Land Division**

When dividing land, the primary focus in each council's Development Plan is to ensure that the revised allotments are amenable to its intended use; typically the efficient use of land for primary production. The orderly division of land to support the provision of new infrastructure is also identified. As previously discussed, the proposed infrastructure is needed to support growth in the mining industry, as existing infrastructure does not have sufficient capacity. In addition, the proposed infrastructure allows for sufficient additional capacity to support future third party users.

The route for the proposed infrastructure corridor has been selected, where possible and practical, to follow property boundaries to avoid excising large parcels from the balance of the land and to minimise the overall impact on land intended for primary production purposes. Land division is required along the infrastructure corridor, transmission line spur from Yadnarie and the long-term employee village.

### **Mineral Extraction**

The sustainable growth of the mining industry is a consistent objective in each council Development Plan. In achieving this sustainable growth, the minimisation of environmental impacts, protection of scenic areas and groundwater resources, and adequate site rehabilitation are all identified as key considerations for new mining developments.

This EIS does not incorporate the extraction of mineral resources. The CEIP Mine and any other mining approvals required will be applied for and assessed under the *Mining Act 1971*.

### **Natural Resources**

The retention, protection and restoration of natural resources and the environment are key objectives in each council Development Plan. Of particular significance, the proposed infrastructure corridor and port have been sited to minimise potential environmental impact and disturbance to the environment and landform by avoiding designated conservation parks, marine parks and vegetation heritage agreements. As per Development Plan requirements, the CEIP Infrastructure has also been sited and designed to protect the scenic and environmental qualities of the landscape.

## Siting and Visibility

A key driver in each of the council Development Plans is minimising the visual impact of developments to protect the natural and rural scenic character of the region. The proposed development has been sited to avoid areas of scenic importance where practical. Each of the components within the infrastructure corridor (railway, water pipeline, transmission line) is already present throughout the Eyre Peninsula. As such, it is not anticipated that the construction of additional infrastructure will look out of place within the rural setting. An assessment of the visual impact of the proposed CEIP Infrastructure is outlined in Chapter 23.

## Transport and Access

Each council Development Plan promotes a series of objectives to foster safe and convenient vehicle movement via a road hierarchy that promotes efficient transportation. Traffic impacts related to the CEIP Infrastructure will be managed by:

- Maintaining access and minimising delays on existing main roads
- Scheduling vehicle movements to avoid known times of peak traffic volume (e.g. grain harvest)
- Providing appropriate crossing points along the length of the infrastructure corridor

Access to the port site and long-term employee village will be via all-weather roads and all vehicle parking and manoeuvring areas will be designed in accordance with relevant Australian standards. Additional information on transportation and vehicle access is provided in Chapter 18.

### 5.4.3 Changes to Zoning Required to Support CEIP Infrastructure

The proposed long-term employee village will be located within the Rural Living Zone adjacent to Wudinna. The Rural Living Zone is considered an appropriate form of zoning to accommodate the long-term employee village and no changes to the zoning are considered necessary.

The infrastructure corridor crosses the Primary Production Zone of Wudinna DC, the DC of Kimba and the DC of Cleve, and the General Farming Zone in the DC of Tumby Bay. Both the Primary Production Zone and General Farming Zone envisage the preservation of the rural landscape for agricultural purposes and sustainable development of the mining industry. Although the development of infrastructure is not explicitly envisaged, it is required to support the expansion of the mining industry. A range of existing infrastructure such as pipelines, transmission lines and railways are presented throughout the region in the Primary Production and General Farming Zones. As such, the existing zoning is considered appropriate to accommodate the infrastructure corridor and no changes to the zoning are considered necessary.

The proposed port is located in the General Farming Zone and Coastal Zone in the DC of Tumby Bay, with the offshore infrastructure located in an unzoned area of the Land Not Within a Council Area (Coastal Waters) Development Plan. A port is not an envisaged land use in any of the relevant zones; however as previously outlined, the development of the mining industry (including supporting infrastructure) is encouraged within the General Farming Zone. Future rezoning of the port site may be appropriate to:

- Restrict the establishment of sensitive land uses within the area surrounding the port site that may conflict with port activities
- Recognise the use of land as a port and provide an appropriate planning framework for the assessment of any future development at the port site
- Facilitate opportunities for value adding activities at the port site (e.g. export of grain)



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