



Excerpt from Confidential Minutes of the 12th Meeting of the
State Commission Assessment Panel
held on Thursday, 18 January 2018 commencing at 9.30 am
28 Leigh Street, Adelaide

1. OPENING

1.1. PRESENT

Presiding Member	Simone Fogarty
Members	Helen Dyer (Deputy Presiding Member) Chris Branford Sue Crafter Peter Dungey Dennis Mutton David O'Loughlin
Secretary	Alison Gill
DPTI Staff	Reece Svetec Caleb Maru Lee Webb Theresa Davis Zoe Delmenico Mark Adcock Rachael Kowald David Benson

1.2. APOLOGIES Nil

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS – Nil

2.2. NEW APPLICATIONS

2.2.2 **Flinders Ports Pty Ltd**
DA 010/V048/17
Outer Harbor Swing Basin and Channel
Out of Council

Proposal: Dredging of the existing Outer Harbor channel and swing basin to widen the channel by approximately 40m (from 130m to 170m) for a distance of approximately 7km. The removal of 1.55 million m³ of material to be placed off-shore at a designated placement area (7km x 5km) within the Gulf St Vincent.

Simone Fogarty declared an interest and left the meeting. Helen Dyer, Deputy Presiding Member, chaired this item.

The Deputy Presiding Member welcomed the following people to address the State Commission Assessment Panel:

Applicants

- Vincent Tremaine, Flinders Ports (presented)
- Lee Kolokas, Flinders Ports
- John Haese, ARUP (presented)

Representors

- Scoresby Shepherd, Friends of Gulf St Vincent (presented)
- Angela Gackle, Friends of Gulf St Vincent
- Jim Douglas, WACRA (presented)
- Peter Schultz, WACRA (presented)
- Tony Bazely, Pt Adelaide Resident's Environment Protection Group (presented)
- Neil MacDonald, Wild Catch Fisheries SA (presented)

Agency

- Phil Hazell, EPA
- Kathryn Bellette, EPA
- Gerard Hocking, EPA

The State Commission Assessment Panel discussed the application.

RESOLVED

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Land Not Within a Council Area (Coastal Waters) and the Land Not Within a Council Area (Metropolitan) Development Plan.
3. To recommend Development Approval be granted by the Minister for Planning for the proposal by Flinders Ports Pty Ltd for capital dredging of the existing Outer Harbor channel and swing basin to widen the existing channel by approximately 40m (130m to 170m) for a distance of approximately 7km. The removal of 1.55 million m³ of material to be placed off-shore at a designated placement area (7km x 5km) within the Gulf St Vincent at Outer Harbor Channel subject to the following conditions of consent.

PLANNING CONDITIONS

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and following plans submitted in Development Application No 010/V048/17.
 - Outer Harbor Channel Widening Project Development Application Report, prepared by ARUP & BMT WBM, dated 7 July 2017.

- Outer Harbor Channel Widening Project DA Report – Addendum #1 prepared, by ARUP, job no. 2532257-00, dated 13 September 2017.
 - Outer Harbor Channel Widening Project DA Report – Addendum #2 prepared, by ARUP, Revision A, job no. 253257-00, dated 6 November 2017.
 - Project Location, prepared by ARUP & BMT WBM, Revision A.
 - Dredge Material Placement Area location plan, prepared by ARUP & BMT WBM, Revision A.
2. The dredging methodology to be used must implement the ‘no side casting of the Cutter Suction Dredger (CSD)’ option presented in the Flinders Ports Pty Ltd Outer Harbor Channel Widening DA Report – Addendum #2 as prepared by ARUP Pty Ltd on 6 November 2017 or similar method that can achieve an equivalent (or better) environmental outcome.
 3. Prior to the commencement of dredging works, an Environmental Monitoring Program (EMP) must be prepared (in consultation the Coast Protection Board) to the reasonable satisfaction of the EPA. The EMP must include a monitoring timeframe on the recolonisation of sea grass and related Benthic communities and if significant impacts remain, a remediation program to be put in place to mitigate against long term degradation. The EMP must be designed to demonstrate and validate the zones of seagrass impact predicted in the hydrodynamic modelling documented in the Technical Memorandum prepared by BMT WBM on 23 October 2017 and incorporate, as a minimum, the monitoring of seagrass conditions using a ‘before after control impact’ (BACI) design measuring appropriate seagrass health metrics at an appropriate spatial and temporal frequency. The EMP must then be implemented.
 4. Prior to the commencement of dredging works, a Dredge Management Plan (DMP) must be prepared and submitted to the reasonable satisfaction of the EPA which is designed to provide real time adaptive management of dredge plumes (incorporating ‘alarm’ and ‘hold’ triggers and management actions if triggers are exceeded) and incorporates, as a minimum, details about the following:
 - a. The use of continuous (10 minute interval or similar) turbidity and light logging (using calibrated remote and telemetered instruments with self-cleaning capability).
 - b. Water sampling (at an appropriate spatial and temporal frequency) to monitor total suspended solids (TSS) and chlorophyll to enable comprehensive seasonal calibration of relationships between other parameters.
 - c. The use of probes or similar to monitor dissolved oxygen, pH, salinity, temperature (at an appropriate spatial and temporal frequency);
 - d. Real time access to telemetered stations so that raw data can be obtained in an appropriate electronic format.
 - e. Monitors to confirm dumping activities are occurring within the designated area in real time.
 - f. Implementation of additional mitigation measures for any dredging works undertaken between December to February.
 - g. Appropriate management of *Caulerpa taxifolia* within the Outer Harbor shipping channel to ensure that dredging near the Outer Harbor breakwater and swing basin (where *Caulerpa taxifolia* infestations are known to occur) would not spread fragments of *Caulerpa taxifolia* throughout the nearshore marine environment.
 5. Dredging works conducted in the vicinity of the Outer Harbor port entrance/passenger terminal must be undertaken during the day-time and at times of favourable weather conditions with respect to human noise sensitive receivers (i.e. receivers upwind of dredging works).

6. Piling works within 1600 metres of noise sensitive receivers must only occur between 7am to 7pm Monday to Saturday.
7. Piling works must not be undertaken on a Sunday.
8. Any piling works must be undertaken in accordance with the Department of Planning, Transport and Infrastructure *Underwater Piling Guidelines (2012)*

OBLIGATIONS PURSUANT TO THE DEVELOPMENT ACT 1993 AND DEVELOPMENT REGULATIONS 2008

- i. Pursuant to Section 49(14) of the *Development Act 1993* before any building work is undertaken, the building work is to be certified by a private certifier, or by some person determined by the Minister for the purposes of this provision, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the Regulations).
- ii. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by the Minister for Planning.
- iii. You are also advised that any act or work authorised or required by this Notification must be completed within 3 years of the date of the Notification unless this period is extended by Minister for Planning.
- iv. You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements.

ADVISORY NOTES

- a. A current list of Registered Private Certifiers in South Australia is available here: <http://www.sa.gov.au/topics/property-and-land/land-and-property-development/engaging-building-industry-professionals/private-certifiers>
- b. At completion of the project all certified documents should be retained by the responsible agency for the life of the asset.
- c. For additional information relating to certification of government building projects, contact Infrastructure Delivery, Department of Planning, Transport and Infrastructure (telephone 8343 2511) Level 1, 77 Grenfell Street, Adelaide, 5000.
- d. Prior to the time period specified above, any request for an extension of time must be lodged with the Statutory Planning Branch, Department of Planning, Transport and Infrastructure, GPO Box 1815 Adelaide SA 5001.
- e. The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- f. An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence

- g. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc. can be accessed on the following website: <http://www.epa.sa.gov.au>
- h. Notwithstanding a detailed Dredge Management Plan, the Coast Protection Board advises there remains potential for widespread ecological impacts, both in the short and longer term, as a result of turbidity from the proposed dredging and disposal operations. Sensitive ecological systems in the wider region which may be impacted include the Section Bank, Barker Inlet – St Kilda Aquatic Reserve, St Kilda – Chapman Creek Aquatic Reserve and Torrens Island Conservation Park.
- i. The applicant is advised of the following requirements of the *Historic Shipwrecks Act 1981*, if works with the potential to impact on historic shipwreck remains are to proceed, a permit under the *Historic Shipwrecks Act 1981* will be required. Permit conditions may include a detailed recording of shipwreck remains, establishing procedures to prevent damage to the identified shipwreck remains, archaeological recovery/relocation of shipwreck remains to a location outside of the development footprint, and/or monitoring of works to determine if undetected remains have been encountered during the works.
- j. Seagrass is protected by the *Native Vegetation Act 1991* and permission must be received from the Native Vegetation Council before any clearance can occur. In this instance, it's likely that the clearance would be considered under the Native Vegetation Regulations in relation to the provision of Infrastructure. However, in order to approve clearance, it must be demonstrated that clearance has been minimised as much as practically possible and that there will be a Significant Environmental Benefit (SEB). In particular, the Native Vegetation Council will consider all the clearance that is reasonably likely to occur as a result of the development. This includes both direct clearance, such as the removal of vegetated sand through dredging and indirect impacts such as shading of seagrasses through the turbidity from the dredging. All of these impacts must be assessed and considered as part of an application to the Native Vegetation Council as well as the actions taken to avoid and minimise impacts. Such actions could include, but not limited to, dredging at an appropriate time when it will limit turbidity or the turbidity will have less impact on the seagrass, using equipment that will limit turbidity or undertaking other actions that will limit the effect of the turbidity.

Confirmed

18/01/2018



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Helen Dyer
DEPUTY PRESIDING MEMBER
For agenda item 2.2.2 only