

**CROWN DEVELOPMENT AND PUBLIC INFRASTRUCTURE
AND
ELECTRICITY INFRASTRUCTURE DEVELOPMENT
DECISION NOTIFICATION FORM**

Contact Officer: Laura Kerber
Telephone: 8303 0812
KNET Reference: 2013/19095/01 and 2013/19095/02

Development Number:
544/V003/13

FOR DEVELOPMENT APPLICATION

DATED: 25 September 2013
REGISTERED ON: 25 September 2013

TO: Rex Minerals (SA) Pty Ltd
86 King William Road
Goodwood SA 5034
EMAIL: admin@planningchambers.com.au

LOCATION OF PROPOSED DEVELOPMENT:

Lot/Plan or Section	Street	Suburb / Locality	Hundred	Title
A100, DP58918	Bowman Road	Ardrossan	Cunningham	CT 5880/589
Q101, DP 58918	Bowman Road	Ardrossan	Cunningham	CT 5880/590
A100, FP215381	Bowman Road	Ardrossan	Cunningham	CT 5850/730
Q5, FP 34313	Bowman Road	Ardrossan	Cunningham	CT 5830/252
A50, DP 59518	Bowman Road	Ardrossan	Cunningham	CT 5880/832

NATURE OF PROPOSED DEVELOPMENT: Rex Minerals Hillside Copper Mine – modifications to wharf infrastructure at the Port of Ardrossan

From: MINISTER FOR PLANNING

I hereby **APPROVE** the above-mentioned application under the Development Act 1993.

You may therefore proceed in accordance with your plans, as submitted, subject to conditions as shown on the attached sheet.

Building works may commence only when a Certificate of Compliance with Building Rules has been received from a Private Certifier, subject to any conditions imposed by the Minister for Planning (or his delegate) and the Certifier.



John Hanlon
DEPUTY CHIEF EXECUTIVE – PLANNING DIVISION
as delegate of the
MINISTER FOR PLANNING

Date of Decision: 28/2/14.
Pages: 4

DEVELOPMENT APPLICATION 544/V003

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 plans, including the amended plans as submitted in development application number 455/V003/13.

Name	Drawing or document details or number
Rex Minerals Hills Copper Mine Modifications to Wharf Infrastructure Development Application – Section 49 DEVELOPMENT REPORT 1 of 3	A4, assembled by Planning Chambers, 18/09/13
Rex Minerals Hills Copper Mine Modifications to Wharf Infrastructure Development Application – Section 49 DEVELOPMENT REPORT ATTACHMENTS 1-12 VOLUME 2 of 3	A4, assembled by Planning Chambers, 18/09/13
Rex Minerals Hills Copper Mine Modifications to Wharf Infrastructure Development Application – Section 49 DEVELOPMENT REPORT ATTACHMENTS 13-14 VOLUME 3 of 3	A4, assembled by Planning Chambers, 18/09/13

EPA Conditions

2. All works and site activities must be undertaken in accordance with a detailed Construction Environmental Management Plan (CEMP) prepared and submitted to the satisfaction of the Development Assessment Commission prior to the commencement of construction activities on site. The CEMP must address the mitigation of marine impacts from removal of the existing infrastructure and construction of the modified conveyancing system.

Council Conditions

3. That the jetty infrastructure be finished in a light pale blue/grey colour such as Cadet Grey or similar; and the land based infrastructure be painted a colour suitable to match its background as viewed from the sea.

Coast Protection Board Conditions

4. All stormwater design and construction shall be in accordance with recognised engineering best practice to ensure that stormwater does not adversely affect coastal land or the nearshore marine environment.
5. Any electrical & mechanical units/equipment (at the wharf deck level) should be higher than 4.45m AHD.

Transport Services Division (DPTI) Conditions

6. The maintained depth of water alongside the berth is 9.2 metres and hence the maximum sailing draft of the loaded vessel shall not exceed 9.2 metres + height of tide minus 10% under keel clearance.
7. Due to the channel configuration all vessels shall berth port side to the berth in order to depart port on the deeper side of the channel.
8. Statutory navigation aids shall be installed by the proponent at their cost if deemed necessary by DPTI at any time.

9. The applicant and/or the Port Operator shall be responsible for all costs relating to ongoing maintenance of navigation markers, periodic hydrographic surveys, Notices to Mariners and dredging (if and when required).
10. A Risk Assessment Plan shall be compiled by the proponent / Port Operator and submitted to DPTI prior to operation of the upgraded port facility.

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://sa.gov.au/subject/Housing%2C+property+and+land/Building+and+development/Building+and+development+applications/Development+applications+with+a+building+component/List+of+registered+private+certifiers> (sa.gov.au website).
- b) At completion of the project all certified documents should be retained by the responsible agency for the life of the asset.
- c) Prior to the time periods 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.
- d) The applicant has a right of appeal against the conditions which have been imposed on this Development Approval.
- e) Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow.
- f) The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).

EPA Notes

- g) The applicant is reminded that construction activities must be undertaken in accordance with Division 1 of Part 6 of the *Environment Protection (Noise) Policy 2007*. Further information can be found at [http://www.epa.sa.gov.au/environmental/info/noise/construction noise](http://www.epa.sa.gov.au/environmental/info/noise/construction%20noise).
- h) The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, 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.

- i) Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: <http://www.epa.sa.gov.au>

Transport Services Division (DPTI) Notes

- j) The use of the Port of Ardrossan by Rex Minerals must be undertaken in accordance with the terms of the lease granted by the Minister for Transport to the Port Operator (Viterra) over the land.
- k) For further information relating to the requirement of navigational aids contact Ms Abigail Walkers from the Commercial Marine Services, Transport Services Division, DPTI, on 8348 9568.
- l) Pilotage is not compulsory. If required, the Port Operator should be provided a letter of indemnity if a South Australian licensed pilot is not utilised.

Coast Protection Board Notes

- m) The Coast Protection Board recommends a minimum floor level of 4.45m Australian Height Datum (AHD) for 'over water' development at this location. Presumably the existing wharf floor level is higher than 4.45m AHD. The elevation plan provided is not to AHD and therefore the Board cannot determine if there is an existing coastal flood hazard risk to the wharf.