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Port Kembla Copper Pty Limited
 PO BOX 42
 PORT KEMBLA NSW 2505

APPLICATION	DA-2004/681
Determination	Conditionally Approved
Approval Authority	Wollongong City Council
Endorsement Date	22 April 2004

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
 Issued under Section 81 of the Environmental Planning and Assessment Act 1979

The development application described below has been determined:

Description	The Storage of Rock Phosphate Material within the Port Kembla Copper Bulk Concentrate Storage Facility & associated Despatch of the Rock Phosphate Material Intrastate / Interstate
Location	Lot 127 DP 257531, Lot 21 DP 546139 127 Military Road, Port Kembla NSW 2505

Consent has been granted subject to the following conditions:

Approved Plans and Specifications

- The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plans and Specifications	Statement of environmental effects - dated April 2004
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General Matters

- This consent is restricted to the "one-off" 22 April 2004 shipment of the rock phosphate material into Port Kembla port. Any future shipments will require separate development consent.
- The development shall be restricted to the receipt and storage of not more than 17,000 tonnes of rock phosphate at the Port Kembla Copper bulk concentrate storage facility.
- The provision of suitable dust suppression measures is required during the unloading of rock phosphate material from the ship into the 25 tonne capacity trucks for transfer to the Port Kembla Copper bulk concentrate storage facility. In this regard, the loads of the laden trucks shall be covered prior to the transporting of the material from the Port Kembla Gateway No.6 Jetty to the Port Kembla Copper site.
- The rock phosphate material shall be stored within the Port Kembla Copper bulk concentrate storage facility at all times, prior to loading into trucks for road transport despatch intrastate/interstate. Under no circumstances must rock phosphate be open stockpiled or placed in any other area on the Port Kembla Copper site.

- 6 The road transport despatch of the rock phosphate material from the Port Kembla Copper storage facility shall be restricted to 7.00 am to 5.00 pm Monday to Friday with no such despatching occurring on either weekends or public holidays. Any variation to the approved delivery hours will require separate Council approval.
- 7 The maximum laden truck movements from the Port Kembla Copper bulk concentrate storage facility shall be restricted to 125 truck movements per month or 6 truck movements per week. Any variation to the approved truck movements will require separate Council approval.
- 8 The compliance with the following additional requirements of the NSW Department of Environment & Conservation:-
 - (a) The applicant must ensure all activities are carried out in accordance with the requirements of the existing Environment Protection Licence (No. 1753). This includes but need not necessarily be limited to the following conditions:-
 - Condition No. O1 – activities must be carried out in a competent manner.
 - Condition No. O2 – maintenance of all plant and equipment.
 - Condition No. G1 – copy of the licence must be available for inspection by an employee or agent or the licensee working at the premises.
 - Condition No. R2 – notification of environmental harm.
 - (b) The applicant must advise Council and the Department as soon as practicable in writing (via facsimile) prior to commencement of the activity and upon completion of the unloading of the rock phosphate material from the ship and the removal of all stored material from the Port Kembla Copper bulk concentrate storage facility.
 - (c) The applicant must provide Council and the Department with an up to date contact name and telephone and / or pager number that can be used to respond to incidents or inquiries regarding the activity.
 - (d) Port Kembla Copper (PKC) must include information on the storage of rock phosphate, including quantity stored (tonnes) in the quarterly monitoring reports submitted to the Department under the requirements of the above licence.

Reasons

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
- 2 To ensure the protection of the amenity and character of land adjoining and in the locality.
- 3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
- 4 To ensure the development does not conflict with the public interest.

Notes

- 1 This consent becomes effective and operates from the date shown as "Endorsement Date" on the front page of this notice. This consent will lapse unless development is commenced within two years (three years with the prior written approval of Council) from the endorsement date shown on this notice.
- 2 Section 97 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within twelve months from the date of receipt of this notice.
- 3 In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.

- 4 Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of a consent authority a right to request the consent authority to review the determination. The request for review must be made within 12 months after the date on which the applicant received the notice of determination and must be accompanied by the fee set by the Regulations; it does not apply to an application in respect of Designated Development or Integrated Development.

Yours faithfully



Ron Zwicker
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Wollongong City Council
Direct Line (02) 4227 7639

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