

14 December 2012

Mr Glenn Snow
A/Director Infrastructure Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Mary Mikulandra

Dear Mr Snow

MULTI-PURPOSE TERMINAL, MAYFIELD (DA 293-08-00): No.4 HARDSTAND BERTH – NOISE CRITERIA

I refer to your letter dated 21 May 2012 regarding Newcastle Port Corporation's (NPC) request to modify the noise criteria stipulated in Multi-Purpose Terminal, Mayfield (DA 293-08-00): No.4 Hardstand Berth *Conditions of Development Consent*.

NPC is applying for the amendment of the following criteria from the *Condition of Development Consent*:

Condition 5.11; Noise – Operation Phase.

The following noise limits apply to the operation of the Multi-Purpose Terminal at the locations shown as follows:

Location	Day-time (7am to 10pm) L_{A90} (15 minute)	Night-time (10pm to 7am) L_{A90} (15 minute)
1. 52 Arthur Street	49	38
2. Mayfield East Public School	47	37
3. 21 Crebert Street	49	39
4. Newcastle TAFE	44	38
5. 1 Arthur Street	48	33

The noise limits apply during the day or night-time under winds up to 3 metres per second (measured at 10 metres above ground level) and Pasquill stability class from A to F.

NPC request that the Department of Planning and Infrastructure amend the noise monitoring values in the above condition 5.11 from L_{A90} to L_{Aeq}

Background

Following the submission of the Environmental Impact Statement (EIS) prepared by URS for the remediation of the former BHP steelworks site the Environmental Protection Authority (EPA) requested that a table be submitted identifying residential receivers proposing appropriate noise level criteria for each location.

In response to this request from the EPA, URS submitted a report proposing noise levels and associated measurement criteria for the site. At the time the criteria were submitted in accordance with the Environmental Noise Control Manual (ENCP) and presented L_{A90} measurement criteria.

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Reasoning and Justification of this application

Following the operational noise compliance assessment conducted by AECOM (01.08.11) it was identified that the criteria for noise measurements detailed in both the Development Consent and Environment Protection Licence were not reflective of the criteria requirements of the Industrial Noise Policy. As discussed above the original measurement criteria was derived from the ENCP which is now considered to be obsolete.

The L_{A90} descriptor derived from the now obsolete ENCP, is not considered to be suitable for impact assessment purposes for the Mayfield 4 Berth site (see letter prepared by AECOM dated 17.04.12) and that the criteria in Condition 5.11 should be presented as L_{Aeq} .

In comparison to the L_{A90} criteria, the L_{Aeq} criteria is considered to be more flexible for converting data and provides a more suitable indicator for annoyance.

It should be noted that in changing the descriptor the noise levels will not be any less stringent. It should also be noted that all noise monitoring undertaken for the site has demonstrated compliance with the appropriate levels.

As advised by the Department of Planning and Infrastructure (DPI), any modification of approval conditions requires the submission of a modification request and supporting justification under section 75W of the *Environment and Planning and Assessment Act 1979*.

Please find attached the following documentation including:

- DPI's letter to NPC dated 21 May 2012;
- DPI's "*application to modify a development consent form*";
- Letter prepared by AECOM on behalf of NPC to request noise monitoring criteria be amended in accordance with the Industrial Noise Policy, dated 17 April 2012;
- Operational Noise Compliance Assessment, Mayfield 4 Berth, Dated 01 August 2011
- Operational Noise Compliance Assessment Modelling Report, Mayfield 4 Berth, Dated 07 October 2011;
- EPA's Licence Variation 13181, dated 19 March 2012, which details the removal of the conditions relating to noise limits and noise compliance assessment.

If further information regarding this submission is required, please contact NPC's Environment Officer, Jackie Spiteri on 02 4985 8204.

Yours sincerely



Ron Sorensen
GENERAL MANAGER OPERATIONS

