

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act* 1979

I, the Acting Director, Infrastructure Projects, as delegate for the Minister for Planning and Infrastructure, under the Instrument of Delegation dated 28 September 2011, approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



A/Director
Infrastructure Projects

Sydney 29 August 2013

SCHEDULE 1

Development Consent:	DA 293-08-00, granted by the Minister for Urban Affairs and Planning on 6 April 2001.
For the following:	Stage 1 being the remediation of the Closure Area, including the demolition and removal of structures and the development of a Multi-Purpose Terminal comprising a container terminal and a general cargo handling facility and associated road, rail and wharf infrastructure and dredging of the South Arm of the Hunter River.
Modification:	DA 293-08-00 MOD 9 comprising a change to the noise descriptor for operational noise limits and inclusion of evening operational noise limits.

SCHEDULE 2 CONDITIONS

This approval is modified by:

1. Replacing condition 5.11 with the following condition:

5.11 The following noise limits apply to the operation of the Multi-Purpose Terminal at the locations set out in the following table:

Noise Limits dB(A)			
Location	Day 7:00 am to 6:00 pm Mondays to Saturdays 8:00 am to 6:00 pm Sundays and public holidays	Evening 6:00 pm to 10:00 pm on any day	Night 10:00 pm to 7:00 am Mondays to Saturdays 10:00 pm to 8:00 am Sundays and public holidays
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)
1. 52 Arthur Street	49	38	38
2. Mayfield East Public School	47	37	37
3. 21 Crebert Street	49	39	39
4. Newcastle TAFE	44	38	38
5. 1 Arthur Street	48	33	33

The noise limits apply during all assessment periods under winds up to 3 metres per second (measured at 10 metres above ground level) and Pasquil stability classes from A to F.