

Robert A Byrne

From: Rebecca Johnston <Rebecca.Johnston@portofnewcastle.com.au >
Sent: Friday, 5 May 2017 12:14 PM
To: Robert A Byrne
Cc: Chris Ritchie; Joanna Bakopanos
Subject: RE: DA 8137 Mayfield Cargo Storage Facility
Attachments: 2017-04-28 Seca Solutions PoN Selwyn Road Street Safety Audit.pdf; 2009-07-20 Selwyn st roads approval - attachments alias.pdf; img-9031147-0001.pdf; 2009-09-07 NCC Approval Conditions for Selwyn Street.pdf; Mayfield Storage Facility.pdf

Hi Robert

Please find below further information to address the queries raised by the Department, including the requested Road Safety Review. I trust there is now sufficient detail in order to progress the application.

There are two major development approvals that apply to the Mayfield Site: (1) Development Approval (293-08-00 MOD 9) and (2) Mayfield Concept Plan (MCP) Approval (09_0096 MOD 2).

1. Development Approval (293-08-00 MOD 9)

Development Approval (293-08-00 MOD 9) was approved by the Minister for Planning on 6th April 2001 for remediation of the Closure Area and development of a Multi-Purpose Terminal, at Mayfield. This consent was modified (MOD 56-7-2008) via an approval issued on 21st November 2008 for the refurbishment of the existing wharf (now known as Mayfield 4 Berth), a change in the site access from Crebert Street to Selwyn Street, and the development of the General Cargo Handling Facility in a revised location, subject to conditions including certain road works and installation of street lighting on Selwyn Street.

The (then) proponent Newcastle Port Corporation (NPC) acted only on some of the works described in the modification, including the refurbishment of the wharf and construction of approximately one hectare of hardstand area behind the wharf. AS part of the access road works NPC sought an approval under the Roads Act from Newcastle City Council. In correspondence dated 3 September 2009, Newcastle Port Corporation (NPC) advised Newcastle City Council of its acceptance of Council's condition that:

"...the proposed start up facility be permitted to operate without having the street lighting installed but that any further intensification or expansion of use of the new port facility under the current Major Project approval will be supported by the installation of the street lighting before such intensified or expanded use commences."

The reference to the 'new port facility under the current Major Project Approval' is understood to mean the Mayfield 4 General Cargo Handling Facility, as approved by DA 293-08-00 MOD 7. NPC's letter dated 3 September 2009 and Council's response dated 7 September 2009 is attached for your information. The proposed development of a Cargo Storage Facility is in a nearby location, and does not represent a further intensification or expansion of the port facility approved via MOD 7. The proposed development is in a different location within the site. Please see the attached plan of the Mayfield site indicating the location of the two sites (8ha MOD 7 in blue, Project Cargo storage area in orange).

Of these works, The scope of works described in the application for MOD 56-7-2008 remain valid and current, despite some of those works not having been acted on to date. Development consent DA 293-08-00, as amended by MOD 56-7-2008, continues to authorise those works (including the remainder of the hardstand area behind the M4 wharf), provided the works are carried out in accordance with the conditions of DA 293-08-00 (as amended). If there was a proposal to expand the current Mayfield 4 facility as approved via MOD 7, to take up and develop the remaining hardstand, then this would represent an expansion of the facility approved via MOD 7. In this case the commitment to install street lighting, as outlined in the September 2009 correspondence, would stand. The fact of a development application proposed in a nearby location, does not alter this requirement.

Street, including the current activity at Mayfield 4 berth, the current traffic generated by other road users and the proposed traffic to be generated by the development of the storage facility. Based on this, the daily traffic is in the order of 1,835 vehicles per day, which is within the 2,000 vehicles per day threshold for a P4/5 level local road. Accordingly, street lighting is not required.

Regarding the current condition of the existing pavement of Selwyn Street PON's inspection of the section of Selwyn Street between the level crossing and the Mayfield 4 Berth Access road indicates that it is fit for purpose. This has been confirmed by the road safety audit not identifying this issue. The increased traffic for the development proposal is not material to impact road deterioration. To otherwise improve vehicular safety the Road Safety Review makes the following recommendations:

- (a) Provide a white centre line for the length of Selwyn Street between the site access and the level crossing to provide guidance for drivers and ensure drivers do not cross over the centre of the road;
- (b) Provide a white line along the edge of Selwyn Street between the site access and the level crossing to highlight the edge of the road. This will also require regular maintenance of the vegetation to both sides of the road to ensure this line remains visible; and
- (c) Provide a chevron marker board on Selwyn Street opposite the side road to reinforce the presence of the intersection for drivers exiting the cargo storage facility.

It should be noted that similar line marking and signage works (see attached approved NCC drawings) were undertaken by Newcastle Port Corporation (NPC) in December 2009 as part of the works to support the Mayfield 4 General Cargo Handling Facility. It appears that there has been limited maintenance of the infrastructure since this time, including vegetation management. However, PON is willing to work with Newcastle City Council as the local road owner, to implement the above recommendations.

If you require any further clarification or information, please contact me as below.

regards

Rebecca Johnston
Planning Officer



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Please consider the environment before printing this email.

From: Robert.Byrne@planning.nsw.gov.au [mailto:Robert.Byrne@planning.nsw.gov.au]
Sent: Thursday, 23 March 2017 5:05 PM
To: Rebecca Johnston <Rebecca.Johnston@portofnewcastle.com.au>
Cc: Joanna.Bakopanos@planning.nsw.gov.au
Subject: RE: DA 8137 Mayfield Cargo Storage Facility

Hi Rebecca,

We need Port of Newcastle (PoN) to provide some further details in the response to Council's submission, particularly with regard to Council's concern in relation to street lighting, pavement condition and road safety of the proposed Selwyn Street access. The requested details are as follows:

Concept Plan 09_0096 and DA 293-08-00 (MOD-65-7-2008)

28 April 2017

PoN Safety Review

Port of Newcastle
PO Box 790
Newcastle NSW 2300

Attn: Mr Peter Coventry

Dear Peter,

Road safety review – Selwyn Street, Mayfield, NSW

Further to our meeting and your recent email, we have now completed our site work to review the length of Selwyn Street, Mayfield and have reviewed the previous report prepared by Better Transport Futures. We have also reviewed the traffic impact assessment completed for the proposed cargo storage facility at Mayfield by Aecom (dated 25-Nov-2016). Both of these reports provide background information and data that is relevant to the safety review of Selwyn Street and in particular the requirement by Council to review the current length of Selwyn Street between the site access for the cargo storage facility and Industrial Drive.

Council has requested that this length of Selwyn Street, a public road, be reviewed for road safety and the requirement to provide street lights along its length, to support the proposed 24 hour use of the cargo storage facility.

When reviewing the requirement for street lighting, it is important to review the requirement against AS1158.0-2005 Lighting for Roads and Public Spaces as well as the functional classification of Selwyn Street. With reference to the previous assessment completed by Better Transport Futures (BTF) Provision of Street Lighting on Selwyn Street dated 16th July 2009 (Ref P0457 NPC Selwyn Street street lighting review) BTF reviewed the requirements of the standard and the functional classification of the road and determined that lighting for the length of Selwyn Street should be provided at a level of P4/5 when the daily traffic flows reached a level of 2,000 vehicles. This was based upon the road classification as a local road used to service the site, with mixed traffic demands and pedestrian / cycle demands low. It is considered that this classification of road will remain valid with the additional traffic movements associated with the cargo storage facility.

With regard to daily traffic flows, the traffic assessment completed by Aecom shows that with the additional traffic movements associated with the cargo storage facility, the daily traffic flows will remain well below the 2,000 vehicles per day. In the AM peak, the westbound traffic movement on Selwyn Street, at its connection with Industrial Drive, will be 126 vehicles per hour whilst the eastbound flow will be 86 vehicles. The corresponding flows in the PM peak will be 85 and 70. Peak hour traffic flows typically represent 10% of daily traffic indicating that daily traffic flows along the western portion of Selwyn Street could be in the order of 1,835 vehicles. This remains within the 2,000 vehicles per day requirement for a local road. It is considered that the flows along Selwyn Street near to the site access for the cargo storage facility would be lower than this, as some of the traffic will turn off Selwyn Street prior to the site access for other existing users on Selwyn Street.

Based on the requirements within AS1158.0-2005 the predicted total traffic flows per day along Selwyn Street to the east of Industrial Drive do not meet the requirements for street lighting to be provided to the level of P4/5.

As part of this safety audit, the length of Selwyn Street has been reviewed at night time to observe the current alignment of the road under night time conditions to determine if there are any safety concerns for users along this length of the road. From the road safety audit on site, the following comments are provided:

1. There is significant spill of light along much of the length of Selwyn Street from the adjacent Port Waratah Coal Services site. This site, running along the southern side of the road, has a high level of lighting due to 24 hour operation and operational machinery within the site. This creates a high level of background light and as such, Selwyn Street benefits from a high level of ambient lighting;
2. The length of Selwyn Street provides a reasonably straight alignment offering good visibility for drivers in both directions along this road;
3. The only hazard for road users along Selwyn Street is the at-grade level crossing. This level crossing has very low usage and is located within an area with street lighting, which highlights the presence of this crossing. The crossing has Stop signs located on both approaches and has red flashing warning lights to warn drivers of any train using this crossing, and as such is highly visible for drivers at all times of the day or night;
4. For the initial length of the road between the access to the cargo storage area and the level crossing, the road centre line marking is missing and the edge lines have either faded away or are covered by vegetation. There is no clear delineation of the edge of the road.
5. At the connection of the site access to the cargo storage facility and Selwyn Street, there is no chevron board opposite the side road to highlight the presence of the intersection;
6. A single street light is located over this intersection which highlights the presence of this intersection.

To improve the road safety for vehicles associated with the cargo storage facility (as well as existing users) it is considered that the following should be provided:

- a. Provide a white centre line for the length of Selwyn Street between the site access and the level crossing to provide guidance for drivers and ensure drivers do not cross over the centre of the road;
- b. Provide a white line along the edge of Selwyn Street between the site access and the level crossing to highlight the edge of the road. This will also require regular maintenance of the vegetation to both sides of the road to ensure this line remains visible;
- c. Provide a chevron marker board on Selwyn Street opposite the side road to reinforce the presence of the intersection for drivers exiting the cargo storage facility.

Overall, it is considered, based on the requirements of AS1158.0-2005 that street lighting is not required along the full length of Selwyn Street. Together with the proposed upgrades noted above the existing alignment of Selwyn Street is acceptable for the proposed cargo storage facility and there are no safety issues for road users, allowing for 24 hour operation.

Please feel free to contact me on 4032-7979 or on 0499 196 100, should you have any queries.

Yours sincerely



Sean Morgan
Director



Mark Waugh Pty Limited
ABN 67 106 169 180
Transport Planning & Engineering

Project Design Note

Project: Newcastle Port Corporation, Selwyn Street Mayfield

Subject: Provision of Street Lighting on Selwyn St, Mayfield.

Date: 16th July 2009

Ref: P0457 NPC Selwyn Street Lighting Review

The following is a Traffic Design Statement referring to the request for provision of street lighting on Selwyn Street, Mayfield, in conjunction with the proposed port facilities requiring interim access via Selwyn Street.

Newcastle City Council Lighting Requirement

Newcastle City Council (NCC) has advised that they require the provision of street lighting to the V3 standard as a result of NPC's proposal to widen Selwyn Street to 7m (as recommended by BTF and approved by the Department of Planning). NCC has subsequently agreed to defer the street lighting until a certain threshold has been reached in either traffic numbers or by way of a timeframe.

Review of Lighting and Traffic Threshold Requirements

There are two factors requiring consideration in relation to lighting provision, the lighting standard AS NZS 1158.0-2005 Lighting for roads and public spaces, and the functional classification of roads as outlined by the road authorities (Council and the NSW RTA)

The requirement of Category V3 lighting nominated by Council is described as follows:

Description of road or area type – Freeways, motorways and expressways consisting of divided highways for through traffic with no access for traffic between interchanges and with grade separation at all intersections, OR Arterial roads that predominantly carry through traffic from one region to another, forming principal avenues of communication for traffic movements.

Selwyn Street is NOT this classification of road. It is a local industrial road serving specific access to the subject development, and the existing Port Waratah Coal Services Coal Loader Berth facilities. It is not a through road, has not other access requirements, and carries very low traffic volumes. For this classification to apply, the daily traffic flows would need to be in the order of 5,000 per day.

By way of comparison the requirement of Category P4/5 lighting described in the standard is as follows:

Description of road or pathway – Local Roads or streets used to serve abutting properties, including residential properties, and serving mixed vehicle and pedestrian traffic. Pedestrian Cycle Activity is nominated as low, Risk of Crime, Low, Need to enhance prestige, Not Applicable

The lowest vehicle based lighting category is nominated as V4 or V5, where operating characteristics are described as moderate traffic volumes for a road described functionally as a sub-arterial road. It is considered that the level of lighting is in fact the correct level of lighting to be provided, as Selwyn Street is classified as a local road providing access to a number of properties (although no residential dwellings) and pedestrian / cycle movements are low.

Reviewing the functional classifications of roads as nominated by the NSW RTA a sub arterial road can be expected to carry in the vicinity of 5,000 to 20,000 vehicles per day based on its functional classification developed by the NSW RTA. (See below). A local road carries less than 2,000 vehicles per day.

Current traffic flows along Selwyn Street are less than 2,000 vehicles per day. From a traffic survey completed in April 2008 by Better Transport Futures, the two-way flow on George Street was 119 vehicles in the morning peak and 84 vehicles in the afternoon peak. The average peak hour flows is therefore 102 vehicles per hour. Assuming the peak hour flow represents 10% of the daily flow, this would indicate the current traffic flows along Selwyn Street are in the order of 1015 vehicles per day, below the threshold of 2,000 per day nominated for a local road.

Table: Functional Classification of Roads

Road type	Traffic volume (AADT)	Through traffic	Inter-connections	Speed limit (km/h)	Heavy vehicle restrictions
Arterial	No limit	Yes	Sub-arterial	70 - 110	No
Sub-arterial	<20,000	Some	Arterial/ Collector	60 - 80	No
Collector	<5,000	Little	Sub-arterial/ Local	40 - 60	Yes, if residential
Local	<2,000	No	Collector	40	Yes, if residential

Source: "Updated Guidelines for Functional Classification of Roads in Urban Areas". RTA 1993

Based on this type of classification, the minimum traffic flow threshold for consideration of Category P4/5 light would be 2,000 vehicles per day, representing the boundary between local/collector roads, and sub-arterial roads.

Recommended Lighting Threshold

Based on the above information, relating lighting standard requirements to functional road classifications and volume thresholds, it is recommended that the correct level of lighting for Selwyn Street, based upon its characteristics is in fact P4/5. This correct street lighting should be applied when traffic volumes on Selwyn Street reach a threshold of 2,000 vehicles per day.

SP&D,BC
Our Ref: DA 01/X009
Ph 4974 2637

16 June 2009

Mr Peter Wheatley
Newcastle Port Corporation
PO Box 663
NEWCASTLE NSW 2300



PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
Facsimile 02 4974 2222
Email mail@ncc.nsw.gov.au

Dear Mr Wheatley

**DEVELOPMENT APPLICATION No. 01/X009 (DoP Major Project MOD-06-02-2009)
PROPOSED ROAD WORKS WITHIN SELWYN STREET**

I refer to your application under section 138 of the Roads Act, 1993 to undertake road works in Selwyn Street, Mayfield North in association with the construction of a Multi Purpose Terminal as approved under the subject Major Project approval. I also refer to my previous letter dated 20 April 2009 and your letters in response dated 26 May 2009 and 3 June 2009

An assessment of the amended engineering drawings prepared by Worley parsons (Ref. 7400-30(G), 7400-31(F), 7400-32(F), 7400-33(F), 7400-34(G), 7400-35(A), 7400-36(G), 7400-37(F), 7400-38(F), 7400-39(F), 7400-40(F), 7400-41(F) & 7400-43(E)) submitted 3 June 2009 has been undertaken and the following matters are to be satisfactorily addressed before approval may be granted.

1. The provision of an 'intra-pavement' drain at the interface of the existing and new pavements is dependent on the permeability of the existing skulls based pavement compared to the proposed pavement widening. Unless evidence is provided that the material intended to be used for the proposed pavement widening has a permeability factor equal to or greater than the existing skulls based pavement then the intra pavement drain is to be constructed along the full length of the proposed pavement widening.
2. Batter slopes associated with the proposed swale drain are to be not steeper than 1 in 4 wherever it is possible to contain the works wholly within the road reserve. In instances where such a batter would extend beyond the road reserve boundary and on to private lands the batter shall be constructed with the top of the batter located approximately 1.0m from the existing boundary. This will assist Council with maintenance of the turfed batter and allow placement of the security fencing on generally level land. Please adjust the drawings accordingly and include appropriate construction notes.
3. Wherever possible, the pavement widening is to be constructed by adopting an extension of the existing road crossfall. Where it is necessary to use an asphaltic concrete (AC) corrective course, the AC is to be laid with a desirable crossfall of 3% (absolute minimum of 1%). Please place a note on the drawings to this effect.

4. Please correct the note on sheet 35 regarding the addition of an AC binder to cover Selwyn Street chainage 690 to 750 as a result of the redesigned intersection.
5. The submitted plans show an existing gate (approx Ch. 635) onto Rail Infrastructure land. Additional details are to be provided showing how this access is to be maintained.
6. The Type 'TB' linemarking is to be amended reflect the proposed 'Stop Sign'. Also, the regulatory signage on the northern side of Selwyn Street is currently 'No Standing' and not 'No Stopping' as shown. All existing 'No Standing' signage is to be removed over this length and replaced with 'No Stopping' provisions consistent with that proposed on the southern side of the road.

Please also provide a .pdf version of the amended Linemarking and Signposting plan for consideration of the Newcastle City Traffic Committee.

7. I acknowledge the various attachments to your letter dated 3 June 2009. Notwithstanding the RTA's advice regarding Condition 5.44, Council requires the preparation and submission of the following additional reports and plans before construction is commenced.
 - Construction Environmental Management Plan (including an erosion and sedimentation control plan);
 - Occupational Health & Safety Plan;
 - Traffic Control Plan (construction phase);
8. I accept your advice that Newcastle Port Corporation (NPC) anticipate only minimal shipping movements and associated road traffic movements as part of the initial 'start up' activities on the site, however, the fact remains that approval has been granted by the Minister for Planning for "*...the development of a Multi-Purpose Terminal comprising a container terminal and a general cargo handling facility...*" with the container terminal restricted to a maximum of 350,000 containers per annum.

Documentation submitted in support of the application to modify the terms of the consent (MOD-56-7-2008) approved by the Minister on 21 November 2008 identified the potential for "*some 146 to 176 truck loads per day*" with this level of activity "*...staged over the next 4 to 5 years with activity ramping up over this time to these expected levels*". It is also noted that this modification also deleted the previously proposed Crebert Street intersection in favour of the use solely of Selwyn Street.

I also note that the Ministers approval of MOD-56-7-2008 permits the General Cargo Handling Facility to operate for a maximum of 10 years (commencing 21/11/08) or as otherwise agreed by the Director-General.

To ensure adequate road facilities are provided for the subject development, as approved, Council maintains that street lighting is required to be designed and installed along this length of Selwyn Street to Lighting Category V3 (AS1158).

Notwithstanding, it is also acknowledge that further planning for the development of the land owned by NPC is occurring and that the outcome of this is not yet known and that there is potential for this new intersection to be either retained in it's proposed form, or closed and/or for Selwyn Street to be subject to further upgrade works. Therefore, Council would be prepared to give consideration to your deferring installation of the street lighting subject to the following;

- NPC is to specify all activities associated with the aforementioned 'start up' facilities and operations;
- Council is to be satisfied that such 'start up' development would not result in undue risk to the public along Selwyn Street;
- NPC and Council to agree on a specified timeframe or development threshold for the installation of the street lighting;
- NPC to provide Council with a written undertaking to design and install the subject street lighting upon satisfaction of the specified timeframe or development threshold; and
- NPC submit to Council an unconditional bank guarantee in the amount of \$400,000 to cover design and installation of the street lighting and associated infrastructure.

Should you require further explanation or advice regarding the above please contact me on 4974 2637.

Yours sincerely



Brian Cameron
SENIOR DEVELOPMENT OFFICER

3 September 2009



Ms Judy Jaeger
Director Future City
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Dear Ms Jaeger

INSTALLATION OF STREET LIGHTING TO SELWYN ST – DA 01/X009 (DOP MAJOR PROJECT MOD-06-02-2009)

I refer to your letter dated 2 September 2009 on the subject of installing street lighting on Selwyn Street, Mayfield.

Thank you for your consideration and assistance with approval of our request to defer provision of upgraded lighting in Selwyn Street and the waiving of a requirement for a bank guarantee.

I note Council's concerns about the timing of its installation and the conditions of Council's decision to grant our request.

Newcastle Port Corporation accepts Council's condition that the proposed start up facility be permitted to operate without having the street lighting installed but that any further intensification or expansion of use of the new port facility under the current Major Project approval will be supported by the installation of the street lighting before such intensified or expanded use commences.

Newcastle Port Corporation further accepts that in the event that future planning for this land determines that the intersection, as approved, is to be retained, the street lighting is to be installed as soon as possible following such determination.

With the resolution of this issue I look forward to Council's speedy approval of Newcastle Port Corporation's application under section 138 of the Roads Act, 1993 for the road works in Selwyn Street.

Yours sincerely

A handwritten signature in black ink that reads "Gary Webb". The signature is written in a cursive style with a large, sweeping initial 'G'.

Gary Webb
CHIEF EXECUTIVE OFFICER

Newcastle Port Corporation ABN 50 825 884 846

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Future City.BC
Our Ref: DA 01/X009
Ph 4974 2637

7 September 2009



PO Box 489, Newcastle
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Mr Peter Wheatley
Newcastle Port Corporation
PO Box 663
NEWCASTLE NSW 2300

Dear Mr Wheatley

DEVELOPMENT APPLICATION No. 01/X009 (DoP Major Project MOD-06-02-2009)

PROPOSED ROAD WORKS WITHIN SELWYN STREET, MAYFIELD NORTH

I refer to your letter dated 2 March 2009 seeking Council's approval under section 138 of the Roads Act, 1993 to undertake road works in Selwyn Street, Mayfield North in association with the construction of a Multi Purpose Terminal as approved under the subject Major Project approval.

I also acknowledge receipt of the letter from the Newcastle Port Corporation's Chief Executive Officer, Mr Gary Webb, dated 3 September 2009 in respect of the provisioning of street lighting to this length of Selwyn Street.

Enclosed is Council's (the Road Authority) approval for the road works and your attention is drawn to a number of Road Authority requirements detailed in the approval documentation that must be satisfied before works are commenced.

You are also requested to address payment of the NSW Long Service Levy in respect of the works covered by this approval.

Should you require further assistance please contact me on 4974 2637.

Yours sincerely

Brian Cameron
SENIOR DEVELOPMENT OFFICER

Table No.1 – Minmi Road Intersection

Dwg No.	Title	Rev.
7400-30	COVER SHEET, DRAWING LIST & LOCALITY PLAN	0
7400-31	OVERALL PLAN	0
7400-32	DETAIL PLAN – SELWYN STREET – SHEET 1 OF 3	0
7400-33	DETAIL PLAN – SELWYN STREET – SHEET 2 OF 3	0
7400-34	DETAIL PLAN – SELWYN STREET – SHEET 3 OF 3	0
7400-35	TYPICAL SECTIONS & DETAILS	0
7400-36	KERB RETURN PLAN, PROFILES & HEADWALL DETAILS	0
7400-37	CATCHMENT PLAN, DRAINAGE LONGITUDINAL SECTION & CALCULATION	0
7400-38	CROSS SECTIONS – SELWYN STREET – SHEET 1 OF 4	0
7400-39	CROSS SECTIONS – SELWYN STREET – SHEET 2 OF 4	0
7400-40	CROSS SECTIONS – SELWYN STREET – SHEET 3 OF 4	0
7400-41	CROSS SECTIONS – SELWYN STREET – SHEET 4 OF 4	0
7400-42	INTERSECTION TRUCK TURNING PLAN	0
7400-43	SIGNAGE AND LINEMARKING PLAN (Subject to NCTC approval)	0

8. Construction works being strictly limited to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays with No Work permitted on Sundays or Public Holiday.
9. The Contractor ensuring services and access are maintained at all times possible to all existing properties adjoining the site.
10. Where adjoining private lands are affected by the subject works the applicant obtaining and submitting to the Road Authority the written consent of these landowners prior to the commencement of the respective works.
11. The work being carried out to the requirements of the Road Authority and under the Road Authority's representative (Mr Duncan Manderson – Subdivision Construction Co-ordinator Ph (02) 4974 6026) in accordance with the plans and *Newcastle City Council – Engineering Specifications for Development Design and Construction* appended at Attachment B.
12. Certified works-as-executed plans being lodged with the Road Authority on completion of the works. These plans shall be a full copy of the approved drawings and show any alterations made to the approved plans, easements, service conduits and shall also bear certification by a Registered Surveyor.
13. The Developer shall ensure that it's Contractors and Sub Contractors, at their own expense, insure and keep insured by policies of insurance, as detailed in Attachment A, during the period of the work, up until the work is completed to the requirements of the Road Authority, or the completion of the defect liability period(s).
14. The Developer shall hold the Road Authority (Council) and the Roads and Traffic Authority, where applicable, indemnified against any claim arising out of death or personal injury to persons and/or loss or damage to property including loss of use of property whether it be damaged or not in the course or arising out of the work, including claims made by employees of the Developer, it's Contractors and of the Road Authority.
15. The routes for the import of fill material or the export of spoil being submitted to and agreed to by the Road Authority. Unacceptable deterioration or failures within public roads attributable to these operations shall be restored to the requirements of, and at no cost to the Road Authority.
16. The Developer being responsible for all adjustments to and/or relocation of public utilities. Any necessary alterations being at the Developer's expense and to the requirements of both the Road Authority and the appropriate Authorities.
17. Site regrading works being carried out to ensure that the flow of surface water is neither impeded nor impounded.
18. The Developer being responsible for the setting out of works and verifying the survey information provided is accurate and for checking the supplied drawing for correctness. The Developer shall not be entitled to a claim on the Road Authority due to inaccuracies or inconsistencies within the drawings.

29. The works are to be inspected during construction by the Road Authority or other suitably qualified person(s) at the discretion of the Road Authority and documentary evidence of compliance with the terms of this approval and any relevant Construction Certificate(s), is to be obtained prior to proceeding to the subsequent stages of construction, such inspections and documentation to be arranged at not less than the following key stages.

In this regard the Developer shall nominate a full-time representative, on site, who has authority to request inspections and to deal with site instructions from the Road Authority's representative as and when required. Inspections will be carried out between the hours of 7.30am and 3.00pm, Monday to Friday. Notice shall be given to the Road Authority's representative on telephone 4974 6026 or 0407 250430.

- a) Site Establishment - Prior to the contractor establishing at the site;
- b) Sediment Control
 - Upon initial erection of sediment control devices and prior to all other works;
 - Upon erection of subsequent stage sediment controls nominated in the Construction Management Plan;
 - Upon completion of stormwater drainage; and
 - Final inspection.
- c) Earthworks
 - Subgrade prior to laying of fill; and
 - Final inspection.
- d) Road Construction
 - Subgrade prior to laying of sub-base;
 - Sub-base prior to laying kerb and/or gutter;
 - Kerb and/or gutter prior to laying base course;
 - Base course prior to Benkleman Beam testing;
 - Base course immediately prior to prime sealing;
 - Prime seal prior to laying AC wearing surface; and
 - Final inspection.
- e) Stormwater Drainage
 - Trench and bedding prior to laying of pipes;
 - Pipes prior to backfill;
 - Pits prior to backfill;
 - Backfill prior to capping;
 - Open drain prior to laying of turf; and
 - Final inspection.
- f) Final Inspection - At Practical Completion, of all works;

30. A six-month defect liability period applying in respect of the works covered by this approval. The defect liability period is to commence at the date of the Practical Completion Report to be issued by the Road Authority.

- (Note: i) A further inspection of the works will be undertaken by the Road Authority at the cessation of the Defect Liability period.
ii) Any defects identified by the Road Authority are to be rectified by the developer prior to the Road Authority's acceptance of maintenance responsibility for the work.)

Attachment A

INSURANCES

(i) Insurance of Employees

against any death of or injury to persons employed by the Contractor pursuant to the requirements of the Workers Compensation Act 1987. The insurance shall be extended to indemnify Council, and the Roads and Traffic Authority, where applicable, for the Council's or the Authorities statutory liability, and at common law, to persons employed by the Developer. The Contractor shall ensure that each subcontractor is similarly insured.

(ii) Public Liability Insurance

against the death or injury to any third party or parties or loss of or damage to any property including loss of use of property whether it be damaged or not whatsoever caused during the course of the work under a public liability policy. Such policy shall contain a cross liability clause and a Principal's clause noting the Council and Roads and Traffic Authority, where applicable, as Principal and shall have a limit of indemnity of not less than \$10,000,000 for any one occurrence, but unlimited in the aggregate.

Each Contractor shall ensure that every subcontractor is similarly insured with the policy noting the Contractor and the Council and Roads and Traffic Authority, where applicable, as Principals.

(iii) Motor Vehicle

in the case of any motor vehicle used in respect of the work;

- a) a motor vehicle policy covering accidental damage, fire and theft. Such policy shall be for a sum not less than the full market value of the vehicle, noting Council as joint insured.

- b)i) Registered Vehicles

against any injury to any third party or parties under a Compulsory Third Party Insurance Policy as required by the NSW Motor Accidents Act 1988.

- ii) Unregistered Vehicles

the cover provided by (c) below shall extend to include Bodily Injury Gap cover.

- c) against loss of or damage to any property whatsoever caused by the use of the vehicle when driven by the Contractor, its employees or any person not employed by the contractor. Such policy of insurance shall have a limit of indemnity of not less than \$20,000,000 and shall note the interest of Council and Roads and Traffic Authority, where applicable, as Principals.

Excess or Deductible Amounts

Should any of the above insurance policies include an excess or deductible amount then the Contractor shall be liable for such amounts(s) in the event of any claims(s).

Approval and Inspection of Insurance Policies

Approval of policies by the Supervising Officer will be necessary before commencement of the work. These policies shall not to be cancelled or amended without notice of advice of such cancellation or amendment being given to Council. Current Broker Certificates or the original insurance policies for all insurances referred to in this clause shall be made available for inspection by the Supervising Officer at any time on request during the construction period.

	SUBGROUP	WORKSECTION	AUS-SPEC REF.	AMENDED BY NCC/DATE OF AMENDMENT
03 STRUCTURE	031 Concrete	0310 Minor concrete works (AUS-SPEC) 0311 Concrete formwork 0312 Concrete reinforcement 0314 Concrete in situ 0315 Concrete finishes 0316 Precast concrete 0318 Shotcrete	#2 271	
11 CONSTRUCTION - ROADWAYS (AUS-SPEC)	110 General	1101 Control of traffic	#1 DCSS C201 #2 200, 201	
		1102 Control of erosion and sedimentation	#1 DCSS C211 #2 211	
	111 Formation preparation	1111 Clearing and grubbing 1112 Earthworks (Roadways) 1113 Stabilisation	#1 DCSS C212 # 2 212 #1 DCSS C213 #2 213 #1 DCSS C241 #2 241	
	112 Rainwater collection	1121 Open drains including kerb and channel gutter	#1 DCSS C224 #2 224	
	113 Pavement and subbase and base	1132 Mass concrete subbase 1133 Plain and reinforced concrete base 1136 Cold milling of asphalt and base course	#1 DCSS C247 #2 247 #1 DCSS C248 #2 248 #2 251	
	114 Pavement	1141 Flexible pavements 1143 Sprayed bituminous surfacing 1144 Asphaltic concrete (Roadways) 1145 Segmental paving 1146 Bituminous microsurfacing	#1 DCSS C242 #2 242 #1 DCSS C244 #2 244 #1 DCSS C245 #2 245 #1 DCSS C254 #2 254 #1 DCSS C255 #2 255	
	117 Pavement moisture control	1171 Subsurface drainage 1172 Subsoil and foundation drains 1173 Pavement drains 1174 Drainage mats	#1 DCSS C230 #2 230 #1 DCSS C231 #2 231 #1 DCSS C232 #2 232 #1 DCSS C233 #2 233	
	119 Traffic facilities	1191 Pavement markings 1192 Signposting 1193 Guide posts 1194 Non-rigid road safety barrier systems (Public domain) 1195 Boundary fences for road reserves	#1 DCSS C261 #2 261 #1 DCSS C262 # 262 #1 DCSS C263 #2 263 #1 DCSS C264 #2 264 #1 DCSS C265 #2 265	

NEWCASTLE CITY COUNCIL SPECIFICATIONS

PLAN NUMBER	TITLE
DE/D001	Requirements for construction of stormwater pipelines within public roads and drainage easements.
DE/D002A	Specification for the construction of concrete paving and stairs and associated drainage works.
DE/S001	Specification for construction of footway paving using brick pavers.
DE/S002	Specification for the construction of miscellaneous works on public roads.
DE/S003	Specification for the construction of footway paving using pavers on concrete base.
PLE/S001	Specification for the construction of a dwelling type vehicular crossing.
PLE/S002	Specification for construction of commercial type vehicular crossing.
PLE/S003	Specification for the construction of an industrial type vehicular crossing.
PLE/S004	Vehicular crossing using interlocking pavers.
PLE/S005	Specification for the construction of a commercial type vehicular crossing using interlocking pavers.
PLE/S006	Specification for the construction of an industrial type vehicular crossing using interlocking pavers
PLE/S007	Specification for the construction of a dwelling type vehicular crossing in patterned concrete.
PLE/S008	Specification for the construction of a dwelling type vehicular crossing in asphaltic concrete.
PLE/S009	Specification for concrete footway paving
PLE/S010A	Specification for construction of a footway area in asphaltic concrete
PLE/S012	Specification for the construction of footway paving using tiles.
PLE/S015	Specification for construction of stairways on footways

NEWCASTLE CITY COUNCIL DESIGN/CONSTRUCTION STANDARD DRAWINGS

PLAN NUMBER	TITLE
A017-a	Standard Concrete Kerb Shapes Extrusion Type
A017-b	Concrete Vehicular Crossing Dwelling Type for 4.50m Wide Footway
A17/1B	Concrete Vehicular Crossing Dwelling Type Normal Footway Design
A25/1B	Reinforced Concrete Headwalls for 600, 750 and 900mm Pipe Culverts
A90	Footway Kerb Ramps
A124/2A	Table of Sand and Filling for Reinforced Concrete Pipes
A132/1B	Seepage Pit
A132/3B	Inlet Seepage Pit for 375mm RCP Constructed of Concrete Blocks
A199-a	Standard Kerb Inlet Pit at Grade and Sag Locations
A201/1A	Standard Schedule of Drainage
A253/1-A3	Drainage Design Details Hydrological Design
A253/8-A3	Drainage Design Details Hydraulic Design
A263-a	Standard Footway Drainage Pits Single Grating
A299/1A	Public Utility Levels
A304	Cycleway Concrete Details
A313	Precast Concrete Components for Inlet Pits
A349	Bus Shelter Slab and Footing Details
A353	Standard Bus Shelter Foundations General Arrangement / Foundation Slab Plan and Detail / Structural Notes
A354	Standard Bus Shelter Foundations General Arrangement / Foundation Slab Plan and Detail / Structural Notes
A355	Standard Bus Shelter Foundations General Arrangement / Bored Pier Detail / Structural Notes
A360	Transport Stops



Lot 40 DP1191723
 Lot 1 DP1177466
 Lot 2 DP1177466
 Lot 36 DP1191723
 Lot 37 DP1191723
 Lot 38 DP1191723
 Lot 39 DP1191723

Lot 45
 DP-1191982

Lot 42
 DP-1191982

Lot 43
 DP-1191982

Lot 44
 DP-1191982

Sheet Number: 1 of 1
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Robert A Byrne

From: Rebecca Johnston <Rebecca.Johnston@portofnewcastle.com.au>
Sent: Monday, 8 May 2017 4:59 PM
To: Robert A Byrne
Cc: Chris Ritchie; Joanna Bakopanos
Subject: RE: DA 8137 Mayfield Cargo Storage Facility

Hi Robert

Please find the following response to the issues raised in the two submissions:

Hunter New England Health

Air Quality - With regard to the potential impacts of PM_{2.5} and PM₁₀, the proposed activity has limited potential to generate dust, as it is for the static storage of project cargo. The facility will not store loose bulk or dusty cargoes. Section 8.1 of the Statement of Environmental Effects (SEE) specifies that to minimise the impact of emissions all vehicles required by the operation will be maintained in good working order, and where plant or equipment that is idling for prolonged periods it should be switched off.

Noise - With regard to the management of noise and to ensure compliance with NSW EPA noise criteria, Section 8.1 of the SEE outlines the following proposed mitigation measures:

- site establishment activities will only be undertaken during standard working hours as detailed in the EPA's *Interim Construction Noise Guidelines* (ICNG,2009).
- Standard reasonable and feasible noise management measures as detailed in the ICNG will be suitable for the management of potential site establishment noise.
- Equipment will be fitted with broadband reversing alarms where practical.

Mosquitoes - With regards to mosquitoes, the management of pests within the port area is responsibility of the Commonwealth Department of Agriculture and Water Resources (DAWR). PON has an Integrated Pest Management procedure as part of our Environmental Management System (EMS). It specifies that vector (an area where water can pool for longer than 7 days) surveys are undertaken bi-annually as part of a cooperative arrangement with DAWR to assist in the control of vectors that pose a potential biosecurity risk.

Water Management & Monitoring – Surface water is proposed to be directed to the broader established drainage network. Due to the types of cargos proposed to be stored there is limited potential for water quality impacts to occur. To manage potential waste, spill kits will be available and refuelling will occur only within bunded areas. Wastewater from amenities will be contained and removed from the site for disposal by a licenced contractor.

Local resident

With regard to the concern by a resident that local streets will become transit ways and parking bays for heavy vehicles waiting to access the site, The SEE outlines the proposed operational measures to minimise heavy vehicle movements during peak times and require heavy vehicle movements to occur on approved routes. This will be achieved via site inductions as required by the approved Traffic Management Plan (TMP) that applies to the site via Conditions of Approval of the Mayfield Concept Plan.

For context, Section 3.3 of the TMP requires "*Individual project operators within the Mayfield Concept Plan area would be required to ensure that all drivers visiting the site must be site inducted to a level suitable for each operation. For example truck drivers accessing a fuel terminal would be required to be inducted into the terminal and comply with all the requirements of this TMP prior to driving on site. Evidence of induction together with authorisation for specific type and quantity of loads (inbound and outbound) would be required for each visit to access the facility. Such evidence should be provided to PON on request. The access and egress routes for heavy vehicles would be part of the driver induction. Drivers who do not comply with these requirements would place the*

From: Rebecca Johnston [<mailto:Rebecca.Johnston@portofnewcastle.com.au>]
Sent: Friday, 5 May 2017 12:14 PM
To: Robert A Byrne <Robert.Byrne@planning.nsw.gov.au>
Cc: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>; Joanna Bakopanos <Joanna.Bakopanos@planning.nsw.gov.au>
Subject: RE: DA 8137 Mayfield Cargo Storage Facility

Hi Robert

Please find below further information to address the queries raised by the Department, including the requested Road Safety Review. I trust there is now sufficient detail in order to progress the application.

There are two major development approvals that apply to the Mayfield Site: (1) Development Approval (293-08-00 MOD 9) and (2) Mayfield Concept Plan (MCP) Approval (09_0096 MOD 2).

1. Development Approval (293-08-00 MOD 9)

Development Approval (293-08-00 MOD 9) was approved by the Minister for Planning on 6th April 2001 for remediation of the Closure Area and development of a Multi-Purpose Terminal, at Mayfield. This consent was modified (MOD 56-7-2008) via an approval issued on 21st November 2008 for the refurbishment of the existing wharf (now known as Mayfield 4 Berth), a change in the site access from Crebert Street to Selwyn Street, and the development of the General Cargo Handling Facility in a revised location, subject to conditions including certain road works and installation of street lighting on Selwyn Street.

The (then) proponent Newcastle Port Corporation (NPC) acted only on some of the works described in the modification, including the refurbishment of the wharf and construction of approximately one hectare of hardstand area behind the wharf. AS part of the access road works NPC sought an approval under the Roads Act from Newcastle City Council. In correspondence dated 3 September 2009, Newcastle Port Corporation (NPC) advised Newcastle City Council of its acceptance of Council's condition that:

"...the proposed start up facility be permitted to operate without having the street lighting installed but that any further intensification or expansion of use of the new port facility under the current Major Project approval will be supported by the installation of the street lighting before such intensified or expanded use commences."

The reference to the 'new port facility under the current Major Project Approval' is understood to mean the Mayfield 4 General Cargo Handling Facility, as approved by DA 293-08-00 MOD 7. NPC's letter dated 3 September 2009 and Council's response dated 7 September 2009 is attached for your information. The proposed development of a Cargo Storage Facility is in a nearby location, and does not represent a further intensification or expansion of the port facility approved via MOD 7. The proposed development is in a different location within the site. Please see the attached plan of the Mayfield site indicating the location of the two sites (8ha MOD 7 in blue, Project Cargo storage area in orange).

Of these works, The scope of works described in the application for MOD 56-7-2008 remain valid and current, despite some of those works not having been acted on to date. Development consent DA 293-08-00, as amended by MOD 56-7-2008, continues to authorise those works (including the remainder of the hardstand area behind the M4 wharf), provided the works are carried out in accordance with the conditions of DA 293-08-00 (as amended). If there was a proposal to expand the current Mayfield 4 facility as approved via MOD 7, to take up and develop the remaining hardstand, then this would represent an expansion of the facility approved via MOD 7. In this case the commitment to install street lighting, as outlined in the September 2009 correspondence, would stand. The fact of a development application proposed in a nearby location, does not alter this requirement.

proposed traffic to be generated by the development of the storage facility. Based on this, the daily traffic is in the order of 1,835 vehicles per day, which is within the 2,000 vehicles per day threshold for a P4/5 level local road. Accordingly, street lighting is not required.

Regarding the current condition of the existing pavement of Selwyn Street PON's inspection of the section of Selwyn Street between the level crossing and the Mayfield 4 Berth Access road indicates that it is fit for purpose. This has been confirmed by the road safety audit not identifying this issue. The increased traffic for the development proposal is not material to impact road deterioration. To otherwise improve vehicular safety the Road Safety Review makes the following recommendations:

- (a) Provide a white centre line for the length of Selwyn Street between the site access and the level crossing to provide guidance for drivers and ensure drivers do not cross over the centre of the road;
- (b) Provide a white line along the edge of Selwyn Street between the site access and the level crossing to highlight the edge of the road. This will also require regular maintenance of the vegetation to both sides of the road to ensure this line remains visible; and
- (c) Provide a chevron marker board on Selwyn Street opposite the side road to reinforce the presence of the intersection for drivers exiting the cargo storage facility.

It should be noted that similar line marking and signage works (see attached approved NCC drawings) were undertaken by Newcastle Port Corporation (NPC) in December 2009 as part of the works to support the Mayfield 4 General Cargo Handling Facility. It appears that there has been limited maintenance of the infrastructure since this time, including vegetation management. However, PON is willing to work with Newcastle City Council as the local road owner, to implement the above recommendations.

If you require any further clarification or information, please contact me as below.

regards

Rebecca Johnston

Planning Officer



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From: Robert.Byrne@planning.nsw.gov.au [<mailto:Robert.Byrne@planning.nsw.gov.au>]

Sent: Thursday, 23 March 2017 5:05 PM

To: Rebecca Johnston <Rebecca.Johnston@portofnewcastle.com.au>

Cc: Joanna.Bakopanos@planning.nsw.gov.au

Subject: RE: DA 8137 Mayfield Cargo Storage Facility

Hi Rebecca,

We need Port of Newcastle (PoN) to provide some further details in the response to Council's submission, particularly with regard to Council's concern in relation to street lighting, pavement condition and road safety of the proposed Selwyn Street access. The requested details are as follows:

Concept Plan 09_0096 and DA 293-08-00 (MOD-65-7-2008)

Condition 1.14, Schedule 2 of concept approval 09_0096 in relation to existing and approved development, requires that 'construction and operational environment impacts associated with existing and approved developments not

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