

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, under delegation executed on 9 March 2020, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney 23 June 2020

OBJ16/15699

SCHEDULE 1

Development consent

Development consent: DA 8137 granted by the Director – Industry Assessments on 30 June 2017.

For the following: Use the existing hardstand area as port facilities for the storage of freight, including the loading and unloading of freight on the site.

Modification 1

Modification Application: DA 8137 MOD 1 - Expand the loading and unloading area of the Mayfield Cargo Storage Facility from 12 hectares to 18.6 hectares, and to include roll-on / roll-off cargo as a permitted cargo type.

Applicant: Port of Newcastle Operations Pty Limited.

Consent Authority: Minister for Planning and Public Spaces.

The Land: Mayfield Cargo Storage Facility.
Part Lot 42 DP 1191982, Part Lot 51 DP 1229869 and Part Lot 54 DP 1229869.

SCHEDULE 2

In Schedule 1:

1. Delete the Definition of Land and replace with the following:

Part Lot 42 DP 1191982, Part Lot 51 DP 1229869 and Part Lot 54 DP 1229869.

2. Delete the definitions of Department, Development, and Minister and insert the following definitions:

Department	Department of Planning, Industry and Environment
Development	The development as described in Schedule 1, the SEE, RTS and Modification Assessments, involving the use of the existing hardstand area as port facilities for the storage of freight, including the loading and unloading of freight in the site
Minister	Minister for Planning and Public Spaces
Modification Assessments	The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: a) DA 8137 MOD 1, accompanied by <i>Statement of Environmental Effects Development Consent Modification – Mayfield Cargo Storage Facility</i>, dated 11 October 2019, prepared by Aurecon Australasia Pty Ltd, and Response to Submissions dated 13 May 2020, prepared by Aurecon Australasia Pty Ltd.

In Schedule 2: Part A – Administrative Conditions

3. Delete Condition A2 and replace as follows:

- A2 The Applicant must use the site in accordance with:
- a) Development Application 8137, including the SEE and RTS; and
 - b) the Modification Assessments.

4. In Condition A6, delete the number “95” and replace with “4.53”.
5. In Condition A7, after the word “SEE” add the words “, RTS and the Modification Assessments”.

In Schedule 2: Part B – Operational Environmental Performance and Management

6. Insert new Condition B7A as follows:

B7A Prior to the commencement of operations under DA 8137 MOD 1, the Applicant is to update the OEMP required under condition B7. It must include a restriction that no more than 104 movements of cargo under its own power are permitted from the site during the course of a calendar year and are to occur outside of the AM and PM peak. A record of all cargo movements made under its own power is to be kept by the Applicant and incorporated into the monitoring program required under Condition B7.

7. Insert new Heading and Conditions B9 and B10 as follows:

Contamination

- B9 Prior to the occupation and operation of the additional 6.6 hectares of loading / unloading area approved under DA 8137 MOD 1 the land is to be remediated in accordance with the requirements of Development Application 293-08-00 and Voluntary Remediation Agreement 26025.
- B10 Upon completion of the remediation works required under condition B9 and prior to the use of that land, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Section B Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its intended industrial use.

**End of modification
(DA 8137 MOD 1)**