

Future City.G.Mansfield.
Reference: ECM#
Phone: 02 49742767



4 June 2013

Mr Ashley Cheong
Planning Officer
Major Project Assessment
Department of Planning and Infrastructure
PO Box 39
SYDNEY NSW 2001

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NSW 2300 Australia
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Dear Mr Cheong

**MARSTEL BULK FUEL AND DISPATCH FACILITY, MAYFIELD NORTH
MODIFICATION APPLICATION (08_0130 MOD 1)-RESPONSE TO SUBMISSIONS**

I refer to the Department's email of 21 May, 2013, and the attached copy of the Response to Submissions Report (RtSR) prepared by AECOM Australia Pty Ltd in response to the issues raised in the submissions received during the public exhibition of the above application.

The RtSR has been examined by Council Officers and the following comments are offered for your consideration:

1. Provision of utilities

In section 19.0-Other Environmental Considerations of the Environmental Assessment dated 6 March, 2013 it is stated that the subject site will be serviced by utilities provided by Newcastle Port Corporation (NPC). The RtSR acknowledges that the NPC is not providing a sewer to the site and it is now proposed to install an on-site waste water management system. The use of an on-site system is not supported and it is considered that appropriate permanent utilities to the Stothaven facility should be installed prior to the commencement of operations.

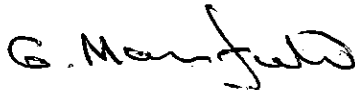
In respect of the timing of the provision of other services and infrastructure by NPC to support the facility in the long term, your attention is directed to the comments in Council's submission of 30 April, 2013 (see attached copy) regarding the perceived abandonment of plans for establishing a container terminal in Newcastle and the likely implications for the approved Mayfield Site Port-Related Activities Concept Plan (09_0096).

2. Statement of Commitments

The RtSR includes a final version of the Statement of Commitments with additions to the text of previous draft amended Statement shown in bold and deletions by a strikethrough line. It is considered that such amendments should be referenced to the text of the original Statement attached in appendix 2 of the Project Approval, as this is the relevant document, and be supported by an explanation for each of the amendments proposed. It is noted that 13 of the original commitments are being deleted, including 3 of the 4 commitments relating to *visual, landscaping and entry*.

I trust these comments are of assistance to you in your assessment of this application. If you have any questions I can be contacted on gmansfield@ncc.nsw.gov.au or 49742767. Please note I am currently on annual leave until 26 June, 2013.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'G. Mansfield', written in a cursive style.

Geof Mansfield
PRINCIPAL PLANNER (DEVELOPMENT)

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30 April 2013

Mr Chris Ritchie
Manager-Industry
Major Projects Assessment
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Ashley Cheong

Dear Mr Ritchie

**PROPOSED CEMENT AND GROUND SLAG RECEIVAL AND DISPATCH
TERMINAL PROJECT, LOT 333, DP 1176879, MAYFIELD NORTH (MP08-0198)**

I refer to the Department's email of 19 April, 2013 and the attached Response to Submissions (RtS) prepared by the Proponent-Independent Cement and Lime (ICL) Pty Ltd in response to the issues raised in the submissions received during the public exhibition of the application.

The RtS has been examined by Council officers and the following comments are submitted for consideration by the Department in the assessment of the application:

1. Mayfield Site Port-Related Activities Concept Plan

While the Proponent has reiterated in the RtS that the proposed terminal project is a 'stand alone' development, it will ultimately be reliant on the Newcastle Port Corporation (NPC) proposal for the delivery of adequate road access, stormwater, potable water, sewer, power, telecommunications and ship berthing facilities to support the development.

According to the Environmental Assessment submitted in support of the Mayfield Site Port-Related Activities Concept Plan (09_0096), it was anticipated that 'the site would be dedicated predominately to handling containers and break bulk including RO/RO cargo'. Following public announcements by the NSW Government in July, 2012 and earlier this month regarding the existing terminals at Port Kembla and Port Botany, respectively, some industry observers believe that any long-term plans for a container terminal in Newcastle have effectively been abandoned. If this is true, it is anticipated that the NPC is unlikely to proceed quickly with advancing their Concept Plan to project approval and construction. Consequently, this potentially could significantly delay the delivery of the necessary new infrastructure and upgrades required to support the ICL project in the long term.



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Given the above circumstances, it is considered that if the Proponent wishes to proceed independently of the NPC proposal then they should be required to demonstrate how their project will be properly and adequately serviced in the long term without reliance on possible future works by NPC.

2. Traffic and Transport

It is expected that the Transport Infrastructure Strategy required under the Concept Approval for the NPC Concept Plan will require an upgrade of Selwyn Street, Mayfield to accommodate increases in heavy vehicle traffic associated with the proposal. This upgrade might extend to full pavement reconstruction and provision of pedestrian and cycle facilities and street lighting. The Proponent should be required to provide advice on what works are required on Selwyn Street to accommodate their proposal in isolation of the NPC proposal, but with consideration of the bulk fuel storage facility (currently under construction) in the north west corner of the NPC site which is also dependant on Selwyn Street for access.

It is considered imperative that the Proponent provide comprehensive conceptual details of the road and intersection upgrades required to service the proposal as sec75V (repealed) of the *Environmental Planning and Assessment Act, 1979* still applies to this transitional Part 3A project and therefore any subsequent application under section 138 of the *Road Act, 1993* must not be refused by Council if it is 'substantially consistent with the approval'. At this stage, there is no information for Council to assess any such application against. In this regard, NPC have recently and informally provided to Council a copy of a preliminary concept design of a new access road to the ICL project via Selwyn Street. While the plan does not show much detail, the proximity of the proposed intersection to the existing rail crossing of Selwyn Street and the acute angle at which the new road intersects with Selwyn Street are matters of concern.

In regard to heavy vehicle routes to and from the site, it is noted that the RTS states that 47% of all heavy vehicle traffic generated will travel south toward the Central Coast and Sydney. For clarity and for consistency with the NPC Concept Plan, it is recommended that a condition be imposed on any approval granted that reflects the requirements of condition 2.5 of the NPC Concept Plan Approval, with particular reference made to 2.5(a) which defines appropriate heavy vehicle route to and from the site. Otherwise, the Proponent should be required to demonstrate the likely traffic and noise impacts that will occur if vehicles associated with operation of the terminal are not restricted from the residential areas that adjoin Sandgate Road, Highway 23 and Thomas Street.

3. Future development within the general-purpose precinct

It is noted that while occupying less than 10% of the area of the General Purpose Precinct under the NPC Concept Plan, the ICL project, at maximum capacity, will account for over 50% of the 'Truck Movements per Day' allocated to this precinct in Table 2 of condition 2.3 of the NPC Concept Plan Approval.

Likewise, while the proposed project satisfies the relevant noise and air quality criteria's of the NPC Concept Plan Approval, it leaves little scope in the future for other development proposed on the remainder of the precinct to fit within the criteria. These impacts will have implications for the development of the remaining portion of the precinct.

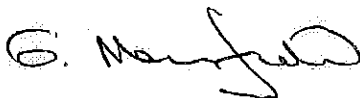
4. Interim utilities and services

According to the RtS, if permanent utilities and services are not provided by the NPC prior to the commencement of construction and /or operation of the project, it is proposed to use alternative interim facilities including the installation of an on-site sewage management system. Given the uncertainty regarding the proposed dominant use of the NPC Plan, as discussed previously in this letter, it is considered that appropriate permanent utilities and services to the ICL site should be installed prior to the commencement of operation of the terminal.

Furthermore, in respect of the use of mobile power generators the RtS has not provided details of the possible risks or environmental impacts that might result. The Proponent should be requested to model the noise impacts associated with the use of the generators.

If you have any questions regarding the matters discussed in this letter, please contact me on gmansfield@ncc.nsw.gov.au or 49742767.

Yours faithfully



Geof Mansfield
PRINCIPAL PLANNER (DEVELOPMENT)