

2 June, 2014

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Carolyn McNally
Acting Secretary
Department of Planning and Infrastructure
GPO Box 39, Sydney NSW 2001

Re: Proposed Modification of Mayfield Concept Plan Approval

Background

On 16 July, 2012 the Minister issued Newcastle Port Corporation (NPC) with a Concept Plan approval (MP09_0096) for the redevelopment of 90 hectares of port-side land in Mayfield for land based port facilities serving a mix of cargo types.

On 17 March, 2014 the Minister approved a modification of the Concept Plan approval (MP09_0096 MOD 1) which modified certain requirements of the Concept Plan approval including:

- Requirement 2.3 – replaced reference to precinct based truck limits with limits to apply across the entire site and to replace reference to limits in terms of TEU volumes with truck movements;
- Requirement 2.8 – changed the trigger for rail works from TEU volumes to average daily train movements;
- Requirement 2.16 – replaced precinct based sound power levels with a requirement that noise generated across the entire site meets noise goals at sensitive receivers;
- There were also corresponding changes (such as cross references and table numbers) to a number of other requirements of the Concept Plan approval.

The Proposed Modification

NPC, after having reviewed the modified Concept Plan approval in detail immediately notified the Department of Planning and Infrastructure (DPI) that it had noted a small number of inconsistencies and errors which it believes should be corrected. DPI acknowledged that these were typographical errors and requested that NPC submit a new application at no additional cost to enable the errors to be corrected and a new determination to be issued. The errors identified are detailed below:

- Requirement 2.1g) - one reference to *sound power levels* in sub-point i was previously removed in Modification 1. However, a second reference to *sound power levels* still remains in sub-point iii and this reference should also be removed;
- Requirement 2.3b) – in sub-point ii the reference to *requirement 0* is incorrect and should be modified to read *requirement 2.4*;
- Requirement 2.4 – there are two references to *requirement 2.3b) and Table 2* which may be confusing, as Table 2 reads as part of requirement 2.3a), not as part of requirement 2.3b). For clarity this reference should be modified to read *requirement 2.3 (Table 2)*.

Accordingly Port of Newcastle (PON), acting as the applicant post the Port transaction, is requesting that the Minister modify the Concept Plan approval to make these minor corrections under Section 75W of the NSW Environmental Planning and Assessment (EP&A) Act.

PON notes that under Section 75W(2) of the EP&A Act the Minister's approval for the modification is not required if the project as modified will be consistent with the existing approval. PON considers that the proposed modifications are minor and the modified project will remain entirely consistent with the existing approval.

Conclusion

We look forward to your earliest possible consideration of the proposed modification.

Should you have any queries or require any further information in relation to this proposed modification please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Peter Francis".

Peter Francis

General Manager Port Development

Cc: Lisa Mitchell
Director Infrastructure Projects
Planning and Infrastructure
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Sydney NSW 2001