


# Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 28 September 2011, I approve the modification of the project application referred to in Schedule 1, subject to the requirements in Schedule 2.



Karen Jones  
Director  
Infrastructure Projects

Sydney

17 March

2014

### SCHEDULE 1

**Concept Approval:**

MP09\_0096 granted by the Minister for Planning and Infrastructure on 16 July 2012

**For the following:**

The concept plan involves the redevelopment of 90 hectares of port-side land in Mayfield for land based port facilities serving a mix of cargo types.

The Concept Plan also includes supporting road and rail infrastructure to service the port facilities.

**Modification:**

MP09\_0096 MOD 1: Modifications to Requirement 2.3 to replace 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; modification to Requirement 2.8 to change trigger for rail works from TEU volumes to average daily train movements; and modification to Requirement 2.16 to replace precinct based sound power levels with a requirement that noise generated across the entire site meets noise goals at sensitive receivers.

Consequential changes (such as cross-references and table numbers) to Requirements 1.1, 1.2, 2.1e), 2.1g), 2.2, 2.4, 2.15, 2.17 and 2.18 resulting from the changes to Requirements 2.3, 2.8, and 2.16

## SCHEDULE 2 REQUIREMENTS

### TERMS OF CONCEPT PLAN APPROVAL

Delete requirement 1.1 and replace with the following:

- 1.1 The Proponent shall carry out the project generally in accordance with:
- a) Major Project Application 09\_0096;
  - b) the *Mayfield Site Port-Related Activities Concept Plan Environmental Assessment*, Volumes 1 to 6, prepared by AECOM Australia Pty Ltd and dated July 2010;
  - c) the *Mayfield Site Port-Related Activities Concept Plan Submissions Report*, prepared by AECOM Australia Pty Ltd and dated December 2010;
  - d) the Addendum to the Submissions Report, prepared by AECOM Australia Pty Ltd and dated 4 March 2011;
  - e) the Newcastle Port Corporation – Modification of Concept Plan, prepared by Newcastle Port Corporation and dated 6 December 2013; and
  - f) the terms of this approval.

Delete requirement 1.2 and replace with the following:

- 1.2 In the event of an inconsistency between:
- a) the terms of this approval and any document listed from term 1.1a) and 1.1e) inclusive, the terms of this approval shall prevail to the extent of the inconsistency; and
  - b) any document listed from terms 1.1a) and 1.1e) inclusive, and any other document listed from terms 1.1a) and 1.1e) inclusive, the most recent document shall prevail to the extent of the inconsistency.

### MODIFICATIONS TO THE CONCEPT PLAN – ENVIRONMENTAL ASSESSMENT REQUIREMENTS

#### Project Stages Subject to Other Provisions of the Act

Delete requirement 2.1e) and replace with the following:

- 2.1e) a **Transport Assessment** that assesses the transport, access and traffic impacts from projects associated with this Concept Plan. The assessment shall:
- i. consider the transport limits and objectives of the Concept Plan, including the objective of not exceeding the total truck movement limits identified in requirement (Table 3);
  - ii. consider freight volume forecasts and transport demand;
  - iii. consider the *Transport Infrastructure Strategy* (if required) and identified infrastructure, service improvements or management measures (if identified);
  - iv. consider the traffic performance and functionality of the local, regional and State road network and site access, including the consideration of development within the vicinity of the Concept Plan site and the cumulative impacts from adjoining sites;
  - v. consider rail impacts associated with the project, including: network capacity and the availability of rail access and paths, rail operations on the Port Waratah and Bullock Island loops, and rail access and interface agreements;
  - vi. consider the *Transport Monitoring and Review* results undertaken as a requirement of this approval;
  - vii. identify rail and road infrastructure requirements, including those specified in this approval and the corresponding exceptions;
  - viii. identify traffic management measures consistent with the requirements of the *Traffic Management Plan* required under this approval;
  - ix. identify rail service and infrastructure changes and upgrades, and initiatives to facilitate an increased rail share of freight movements;
  - x. consider construction traffic routes and associated traffic impacts, including capacity constraints, changes to access and safety impacts; and
  - xi. include consideration of relevant road and rail design standards including but not limited to *Austrroads Guide to Road Design 2009 (with RTA supplements)*, *Australian Standards*, and *Newcastle Development Control Plan 2005 – Element 4.11 (Subdivision)*.

Delete requirement 2.1g) and replace with the following:

- 2.1g) a **Noise and Vibration Assessment** that assesses noise and vibration impacts. The assessment shall:
- i. consider noise goals defined in this approval;
  - ii. consider the *Concept Plan Noise Model* and *Noise Verification Monitoring Program*, required under this Concept Plan approval and identify project specific noise and vibration criteria;
  - iii. identify baseline and future requirements, the levels and character of noise and vibration sources and sound power levels, including consistency with precinct criteria levels specified in this approval;
  - iv. identify sensitive receivers, modelling assumptions and noise and vibration impacts, including on and off-site road and rail noise impacts on receivers within the vicinity of the site, such as road traffic noise impacts on residential areas adjacent to Industrial Drive;

- v. include details of noise and vibration attenuation measures to be implemented should the predicted levels exceed the Concept Plan and project specific criteria, along with a schedule for implementing such works; and
- vi. include consideration of the following guidelines or any documents that supersede them: *NSW Industrial Noise Policy* (EPA, 2000) for operational noise; *Interim Construction Noise Guideline* (DECC, 2009) for site establishment and construction; *Environmental Noise Management – Assessing Vibration: A Technical Guideline* (DECC, 2006) for vibration; the *NSW Roads Noise Policy* (DECCW, 2011) for off-site traffic noise and the *Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects* (DECC and DoP, 2007) for off-site rail noise.

**Transport**

Delete requirement 2.2 and replace with the following:

- 2.2 Projects associated with this Concept Plan shall be operated with the objective of not exceeding the capacity of the transport network, including the local, regional and State road network, and the total truck movement limits identified in Table 1, subject to the identified exceptions, which will be considered in future project assessments.

*Note: Table 1 should be interpreted with reasonable flexibility to recognise the long term variance in assumed background traffic requirements, which can be influenced by broader transport enhancements and development not related to this concept plan approval.*

Delete requirement 2.3 and replace with the following:

- 2.3 Projects associated with this Concept Plan shall not exceed the total truck movement limits presented in Table 1, except as identified.

**Table 1 – Initial Staging and Total Truck Movement Limits**

Total Truck Movements per annum	Total Truck Movements per day	Total Hourly Truck Movements in peak periods
462,104	1,268	95

- a) Truck movements by road may exceed the identified limits in Table 1 up to the limits identified in Table 2, subject to:
  - i. traffic monitoring identifying that Concept Plan related traffic movements are not having a detrimental impact on the local, regional and State road network and/or predicted background traffic growth is lower than the long term per annum growth rate of 1.0%; or
  - ii. Deleted
  - iii. the consideration of land use planning and development changes within the locality of the Concept Plan site, including approved uses on the adjoining Intertrade Industrial Park site, which may result in less traffic generation than considered under this Concept Plan.

**Table 2: Intermediate Staging and Total Truck Movement Limits**

Total Truck Movements per annum	Total Truck Movements per day	Total Hourly Truck Movements in peak periods
773,438	2,120	159

- b) Truck movements by road may exceed the identified limits in Table 2 up to the limits identified in Table 3, subject to:
  - i. the consideration of the matters listed in requirement 2.3a), as relevant; and
  - ii. the implementation of a *Transport Infrastructure Strategy* as per requirement 0, which has been endorsed by Transport for NSW and RMS.

**Table 3: Ultimate Staging and Total Truck Movement Limits**

Total Truck Movements per annum	Total Truck Movements per day	Total Hourly Truck Movements in peak periods
1,017,882	2,720	209

Notwithstanding, projects associated with this Concept Plan shall be operated with the objective of not exceeding the total truck movements identified in Table 3.

*Note: The above requirements do not permit an immediate increased to the identified limits in Table 1. Any exceedances of the limits identified in Table 1, consistent with the above requirements, shall only be permitted, following consideration of the exceedances in future project assessments.*

Delete requirement 2.4 and replace with the following:

- 2.4 Truck movements by road, which exceed the limits specified in requirement 2.3b) and Table 2, may be undertaken following the preparation, endorsement and implementation of a *Transport Infrastructure Strategy*.

The Strategy shall provide a framework for the development and implementation of local, regional and State road and rail infrastructure improvements or traffic management measures necessary for an increase in truck movements beyond the limits identified in requirement 2.3b) and Table 2. The Strategy shall be developed in consultation with the Department, Transport for NSW, RMS, Council, adjoining land owners and the local community. The Strategy shall include, but not necessarily be limited to:

- a) the objectives and scope of the Strategy;
- b) identification of stakeholders associated with the development of the Strategy, consultation undertaken with Stakeholders and how matters raised were considered;
- c) freight volume demand forecasts for road and rail freight movement, including a demand and supply analysis and description of the supply chain for the Concept Plan (for all freight movement);
- d) identification and alignment of road and rail movements with required road and rail infrastructure and service improvements or management measures required to meet forecast road and rail freight demand;
- e) the feasibility of port freight movements utilising existing and identified infrastructure and service provisions measures for the proposal; and
- f) identification of how and when the required infrastructure and service improvements or management measures will be delivered, including parties responsible for the funding and implementation of the works.

The Strategy shall be made available to the Director-General and Council following its endorsement by Transport for NSW and the RMS.

Delete requirement 2.8 and replace with the following:

- 2.8 Rail access to and within the Concept Plan site shall be configured and operated to facilitate increased rail mode share to and from the site, to accommodate train operations to minimise physical and operational impacts on other rail operations within the vicinity of the site, and shall be generally consistent with the following listed infrastructure and operational scenarios:

- a) a new rail line extended between the One Steel line and the Bullock Island loop to provide direct access to the site for Port trains and the provision of at least two x 650m length rail sidings to service 1,300m length trains; and
- b) the use of an extended shunt neck on the Bullock Island loop approximately 700m beyond the new rail entry to the Port to provide for trains to entering and exiting the site; and
- c) provision for the reconfiguration of the Morandoo Yard (road numbers 1 to 5) to provide a total of four x 650m length rail sidings to hold two Port trains while a third train is within the rail sidings within the Concept Plan site.

Rail access consistent with this configuration shall be operational prior to total annual truck movements exceeding the limits identified in requirement 2.3 (Table 1) and rail freight movements exceeding an average of 3 trains per day (i.e. 3 trains in and 3 trains out) in any given 12 month period.

The timing, staging, scope and design of this rail infrastructure may be varied, subject to consideration of the matters outlined in requirement 2.9.

### **Air Quality**

Delete requirement 2.15 and replace with the following:

- 2.15 From the commencement of construction of any project associated with this Concept Plan approval, the Proponent shall continuously monitor, utilising the meteorological monitoring station required under this approval, for each of the parameters listed in Table 4.

**Table 4 – Meteorological Monitoring**

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Rainfall	mm	Continuous	1 hour	AM-4
Temperature at two metres	°C	Continuous	15 minute	AM-4
Temperature at ten metres	°C	Continuous	15 minute	AM-4
Wind speed at ten metres	m/s	Continuous	15 minute	AM-2 and AM-4
Wind direction at ten metres		Continuous	15 minute	AM-2 and AM-4
Sigma theta at ten metres		Continuous	15 minute	AM-2 and AM-4
Solar radiation	W/m <sup>2</sup>	Continuous	15 minute	AM-4

**Operational Noise**

Delete requirement 2.16 and replace with the following:

- 2.16 The Proponent shall, within six months of the date of this approval, but prior to the lodgement or consideration of any project associated with this Concept Plan approval, unless otherwise agreed by the Director General, develop a Site Noise Model for the Concept Plan as described in requirement 2.19. The Site Noise Model shall be developed for the day, evening and night time periods to ensure that the amenity noise goals identified in Table 5 below are met. The Site Noise Model shall be developed having regard to the noise assessment undertaken for the Concept Plan Environmental Assessment.

Delete requirement 2.17 and replace with the following:

- 2.17 Projects associated with this Concept Plan approval shall be designed and operated with the objective of complying with the amenity noise goals at sensitive residential receivers as detailed in Table 5.

**Table 5 – Noise Goals at Nearby Residences**

Location	Project Specific Noise Goals (dBA) LAeq (15 minute)		
	Day (7.00 am to 6.00 pm)	Evening (6.00 pm to 10.00 pm)	Night (10.00 pm to 6.00 am)
A – 1 Arthur Street, Mayfield (Urban)	60	49	43
B – 2 Crebert Street, Mayfield (Urban)	60	50	43
C – 32 Elizabeth Street, Carrington (Urban)	57	44	45
D – Stockton (Suburban)	55	37	37

Delete requirement 2.18 and replace with the following:

- 2.18 The Proponent shall, in relation to any project associated with the Concept Plan, assess and implement feasible and reasonable noise mitigation measures to reduce traffic noise impacts associated with the total Concept Plan (including total truck movement limits identified in Table 3) on sensitive receivers where exceedances of traffic noise criteria have been predicted. The application of mitigation measures shall be consistent with the requirements of the NSI4/ Road Noise Policy (DECCW, 2011).