

Port of Newcastle Mayfield Cargo Storage Facility – Lithium-ion Battery Storage

Part 4 Modification Assessment Report (DA-8137-Mod-3)

August 2025





Acknowledgement of Country

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Port of Newcastle Mayfield Cargo Storage Facility – Lithium-ion Battery Storage (DA-8137-Mod-3) Assessment Report

Cover image – Lithium-ion Battery Unit (Port of Newcastle 2024)

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of modification 3 of the Part 4 development consent (DA8137) for the Port of Newcastle Mayfield Cargo Facility located at 109 Selwyn Street, Mayfield North. The modification was lodged by Port of Newcastle Operations Pty Ltd (the Applicant). The Department's assessment report includes:

- an assessment of the proposed modification against Government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders were considered
- an assessment of the likely environmental, social and economic impacts of the proposed modification
- an evaluation which weighs up the likely impacts and benefits of the proposed modification, having regard to the proposed mitigations; and provides a view on whether the impacts are, on balance, acceptable
- an opinion on whether the proposed modification is approvable or not, along with the reasons, to assist the Independent Planning Commission in making an informed decision about whether to modify the development consent for the proposal and impose any additional conditions of consent.

Executive Summary

This report provides the Department's assessment of an application (DA8137 Modification 3) to modify the development consent (DA8137) for the open-air cargo storage facility on part of the former BHP steelworks site at Mayfield North, known as the Mayfield Cargo Storage Facility (the Site). This report will be provided to the Independent Planning Commission (the Commission) as the delegate of the Minister for Planning and Public Spaces (the Minister) for determination of the modification application.

Modification

The Applicant is Port of Newcastle Operations Pty Limited. The land subject to the modification application is 109 Selwyn Street, Mayfield North in the Port of Newcastle's (PON) Mayfield precinct, within the City of Newcastle Local Government Area (LGA).

The proposed modification made under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) seeks consent for the storage of lithium-ion batteries (LIB) on the Site. The LIB units will be received and transported from Port of Newcastle facilities.

The proposed modification does not include construction of structures or earthworks and is expected to generate approximately 18 additional operational jobs.

Statutory context

On 30 June 2017, the then Minister for Planning granted development consent to development application (DA) DA 8137 under clause 8(a) of the former State Environmental Planning Policy (Three Ports) 2013, now clause 5.6(a)(i) of State Environmental Planning Policy (Transport and Infrastructure) 2021, for the cargo storage facility. Section 4.55(2) EP&A Act provides that an application to modify a development consent must be made to the consent authority that granted that consent. As such, the Minister for Planning and Public Spaces is the consent authority for the modification application.

On 14 September 2011, the then Minister for Planning and Infrastructure delegated his functions under section 96 (now section 4.55) of the EP&A Act to the Planning Assessment Commission (now the Independent Planning Commission (the Commission)), in relation to applications which had made a reportable political donation.

As the Applicant disclosed a reportable political donation under section 10.4 of the EP&A Act, the proposed modification will be determined by the Commission as the Minister's delegate.

The Department is satisfied that the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application.

Strategic context

The Department considers the modified development to be consistent with the principal aims of key relevant strategies including the *NSW Freight and Ports Plan 2018-2023*, *Net Zero Plan Stage 1: 2020-2030*, *Hunter Regional Plan 2041*, *Greater Newcastle Metropolitan Plan 2036*, and the *Port Master Plan 2040*.

Engagement

The Department exhibited the proposed modification from 14 to 27 August 2024. During the exhibition period, the Department received:

- no submissions from the public
- comments on the proposed modification from the City of Newcastle (Council)
- advice from the following Government agencies:
 - Biodiversity, Conservation and Science Group (now Conservation Programs, Heritage and Regulation) of the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW)
 - NSW Environment Protection Authority (EPA)
 - Transport for NSW (TfNSW).

Assessment

The Department has considered the relevant matters under section 4.55(3) of the EP&A Act, the Statement of Environmental Effects, Council comments and agency advice, in its assessment of the proposed modification.

The Department considers the key assessment issues are:

- hazards and risk
- traffic and transport.

After assessment, the Department considered there were no construction traffic impacts, and the additional operational truck movements are within the approved limits specified in the Mayfield Concept Plan approval (MCP). LIB units would be stored and managed in accordance with the

recommendations of the Preliminary Hazard Analysis (PHA), consistent with the Department's recommended conditions, ensuring no significant risk to the Site or surrounding sensitive receivers.

Conclusion

Overall, the Department's assessment concludes that the impacts of the modified development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions. Consequently, the Department has formed the opinion that the proposed modification would:

- assist in diversifying the range of cargo handled at the Port of Newcastle facilities supporting economic growth in NSW
- enable the temporary storage of LIB units within an existing cargo storage facility
- minimise and manage fire safety risks, as LIB units would be stored and managed at appropriate distances from other cargo in the Site and surrounding land uses
- be consistent with Government strategy to provide logistical support in the form of temporary storage of imported LIB units for standalone grid-scale battery energy storage system (BESS) projects across NSW
- provide approximately 18 additional jobs.

As such, the Department considers the modified development is in the public interest and concludes that the consent may be modified, subject to conditions.

Contents

Preface	i
Executive Summary	ii
1. Introduction	1
1.1 The proposed modification.....	1
1.2 Project location.....	1
1.3 Related projects and works	3
1.4 Approval history	4
2 Proposed modification	6
2.1 Modification overview.....	6
3 Strategic context	7
3.1 Key strategic issues	7
4 Statutory context	9
4.1 Scope of modification and assessment pathway	9
4.2 Other approvals and authorisations.....	10
4.3 Mandatory matters for consideration	11
5 Engagement	14
5.1 Department's engagement	14
5.2 Response to submissions.....	16
6 Assessment	17
6.1 Consideration.....	17
6.2 Hazards and Risk	17
6.3 Traffic and transport.....	22
6.4 Other issues.....	24
7 Evaluation	27
Glossary	28
Appendices	30

Appendix A – List of referenced documents	30
Appendix B – Statutory considerations.....	31
Appendix C – Recommended instrument of modification	83

1. Introduction

1.1 The proposed modification

- 1.1.1 This report provides the Department of Planning, Housing and Infrastructure (the Department) assessment of an application to modify the development consent (DA8137) for the open-air cargo storage facility on part of the former BHP steelworks site at Mayfield North, NSW, known as the Mayfield Cargo Storage Facility (the Site).
- 1.1.2 The Port of Newcastle Operations Pty Limited (the Applicant) proposes to modify the consent to enable the storage of Lithium-ion battery (LIB) units within the Site.

1.2 Project location

- 1.2.1 The Site is in the Port of Newcastle's (PON) Mayfield Precinct, in the Newcastle Local Government Area. It is located on land legally known as Part Lots 51 and 54 DP 1229869 and Part Lot 42 DP 1191982, also known as 109 Selwyn Street, Mayfield North. These lots have been leased to the Applicant from its owner the Port of Newcastle Lessor Ministerial Holding Corporation.
- 1.2.2 The Site is located on the south-western foreshore of the southern arm of the Hunter River, five kilometres north-west of the Newcastle central business district; see **Figure 1**.
- 1.2.3 Surrounding development consists of industrial, rail and port-related activities Hunter River coal loading facilities and berths of the Newcastle Coal Infrastructure Group to the north, open hardstand area and Mayfield Berth No.4 (M4) to the southeast, Intertrade site to the south (the Department has issued the Secretary Environmental Assessment Requirements for an application to develop the Intertrade site as a logistics precinct for the storage of renewable energy components), and Stolthaven Mayfield Bulk Fuel terminal to the west).
- 1.2.4 The nearest residential receivers are located approximately 800 metres to the south-west of the Site, in Mayfield East. **Figure 2** shows the location of the Site and surrounding land uses.



Figure 1 | Regional context map (Source: Statement of Environmental Effects 2024)



Figure 2 | Local context map, storage of lithium batteries within the site (purple shaded area) (Source: Statement of Environmental Effects 2024)

1.3 Related projects and works

- 1.3.1 The Site forms part of the former BHP steelworks site, which operated from 1915 to 1999. After its closure, the then Minister for Urban Affairs and Planning in April 2001 approved development application DA 293-08-00 for its remediation and development of a multi-use terminal, comprising a container terminal and a general cargo handling facility on the remediated land.
- 1.3.2 The general cargo handling facility and associated M4 berth is the only part of the approved development that is operational. DA 293-08-00 regulates the operation of the M4 berth, which is located immediately to the south-east of the Site and is the primary berth which services the Site.

- 1.3.3 On 14 June 2001, the EPA declared the BHP site to be a remediation site, and a remedial action plan was prepared in 2004 to address legacy soil and groundwater contamination associated with the former steelworks. Remediation was completed in 2018 (except for the former Koppers Berth to the immediate east of the Site), with the site being capped and returned to a hardstand area. The site is currently managed under Ongoing Maintenance Order No. 20142802 issued by the EPA in 2014. The Order requires the Applicant (as leaseholder) to maintain the remediated land in accordance with the Contaminated Site Management Plan under DA-293-08-00.
- 1.3.4 On 16 July 2012, the then Minister for Planning and Infrastructure approved the Mayfield Concept Plan (MCP) (MP09_0096). The MCP provides a conceptual layout of port related land uses which included five indicative precincts. The proposed modification seeks storage of LIBs within the Site which is located wholly within the Container Terminal precinct of the MCP. The MCP also contains conditions which set the maximum number of traffic movements generated by developments within the Mayfield port lease area and the management of stormwater and flood risks.
- 1.3.5 The Applicant has advised that vehicle access to the Site has been changed, as shown in red in [Figure 2](#). Construction of the new access road was undertaken as Exempt Development under Chapter 5 (Three Ports) Part 5.3 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (the Transport and Infrastructure SEPP).

1.4 Approval history

- 1.4.1 On 30 June 2017, development consent was granted under Part 4 of the EP&A Act by the delegate for the Minister for the use of an existing hardstand area as port facilities for freight storage, including the loading and unloading of freight on the Site (DA8137).
- 1.4.2 The consent has been modified on two occasions (see [Table 1](#)).

Table 1 | Summary of modifications

Number	Description	Decision-maker	Type	Date
MOD 1	Expand the cargo storage area of the Site from 12 hectares to 18.6 hectares, and permit an additional cargo type, being roll-on and roll-off cargo such as motor vehicles	Director, as delegate for the Minister	Section 4.55(1A)	23 June 2020

Number	Description	Decision-maker	Type	Date
MOD 2	Allow commencement of operations on remediated portions of the Site	Commission, as delegate for the Minister	Section 4.55(1A)	8 February 2024

2 Proposed modification

2.1 Modification overview

2.1.1 The Applicant is seeking to modify DA 8137 to permit the storage of LIBs which are a Class 9 Dangerous Good. Dangerous Goods are not permitted to be stored on the Site.

2.1.2 The key aspects of the proposed modification are outlined in **Table 2**.

Table 2 | Key aspects of the proposed modification

Modification element	Modification details
Storage capacity	600 LIB units with up to 300 units received monthly.
Use	<p>The LIB units would be stored temporarily on the Site, prior to transportation to standalone grid-scale battery energy storage system (BESS) projects in the Renewable Energy Zones in NSW. The Applicant has confirmed that receipt, storage, installation and operation of the BESS systems on third party sites would be subject to separate approval(s).</p> <p>During times when LIB are not received, the Site would be used for storage of bulk cargo, as already approved.</p>
Duration	LIB units are expected to be stored for a maximum period of 12 months on the Site.
Battery state of charge	LIB units would be stored in accordance with manufacturer's specifications.
Works	No physical works are proposed to the Site to enable the storage of LIB units.
Hours of operation	No change to the existing 24 hours, seven days a week operation of the Site.
Staffing	Approximately 18 additional operational staff to manage the storage, unloading and loading of LIB units.

3 Strategic context

3.1 Key strategic issues

- 3.1.1 The Department considers that the proposed modification is appropriate for the Site as it is consistent with the strategies, plans and policies outlined in **Table 3**.

Table 3 | Summary of Government strategies, plans and policies

Strategy, plan or policy	Status	Comments
NSW Freight and Ports Plan 2018-2023 (Transport for NSW)	Consistent	<ul style="list-style-type: none">• The Plan sets priorities covering economic growth, efficiency, capacity, safety and sustainability in the period 2018-2023. Although the Plan has lapsed, it is considered by the Department to remain relevant as the proposed modification would increase economic activity and capacity at the Port of Newcastle's Mayfield facilities.• The proposed modification seeks to support the Port of Newcastle through exploring trade opportunities in new markets such as renewable energy.
Net Zero Plan Stage 1: 2020-2030 (Department of Planning, Industry and Environment, 2020)	Consistent	<ul style="list-style-type: none">• The purpose of the Plan is to tackle financial, social and environmental challenges posed by climate change using science, innovation and economic solutions to deliver on the NSW Government's objective of achieving net zero emissions by 2050.• The proposed modification would enable the storage of LIBs, assisting with providing renewable energy solutions to projects within NSW and objectives of achieving net zero emissions.

Strategy, plan or policy	Status	Comments
Hunter Regional Plan 2041 (Department of Planning and Environment, 2022)	Consistent	<ul style="list-style-type: none"> • The purpose of the Plan is to develop a 20-year strategic vision supporting the development of the Hunter as a leading regional economy with opportunities for sustainable growth. • The proposed modification will support the development of Renewable Energy Zones within the Hunter Region, through temporary storage of LIB units and enhance diversification and economic support of the Port.
Greater Newcastle Metropolitan Plan 2036 (Department of Planning and Environment, 2018)	Consistent	<ul style="list-style-type: none"> • The purpose of the Plan is to drive sustainable growth, through various strategies such as increasing domestic and global trade capabilities. • The proposed modification is consistent with Strategy 3 of outcome 1 to expand the capacity of Newcastle Port as a global gateway, as it would enable the Port to adapt and store LIB units to meet demand. • The proposed modification is also consistent with the outcomes for the Mayfield Port precinct in supporting growth and diversification of port import and export operations.
Port Master Plan 2040 (Port of Newcastle, 2019)	Consistent	<ul style="list-style-type: none"> • The purpose of the Plan is to maintain and enhance the ports' seaborne trade for NSW. • The proposed modification is consistent with the Plan as it facilitates new import and export trade through the addition of LIB units, driving innovation and value.

4 Statutory context

4.1 Scope of modification and assessment pathway

4.1.1 Details of the legal pathway under which the proposed modification is sought are provided in **Table 4**.

Table 4 | Permissibility and assessment pathway

Consideration	Description
Scope of modification	<p>Other modification</p> <p>The Department has reviewed the scope of the proposed modification and considers that it can be characterised as other modification under section 4.55(2) of the EP&A Act, as the proposed modification:</p> <ul style="list-style-type: none">• is substantially the same development as the development as approved• would not involve any further disturbance outside the Site• the relevant Council has not objected. <p>The Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new DA.</p>
Consent Authority	<p>Minister for Planning and Public Spaces</p> <ul style="list-style-type: none">• Section 4.55(2) of the EP&A Act provides that an application to modify a development consent must be made to the consent authority that granted that consent.• As such, the Minister for Planning and Public Spaces is the consent authority for the modification application.
Decision-maker	<p>Delegate position</p> <ul style="list-style-type: none">• On 14 September 2011, the then Minister for Planning and Infrastructure delegated his functions under section 96 (now section 4.55) of the EP&A Act to the Planning Assessment Commission (now the Independent Planning Commission), in relation to reportable political donation applications. The Minister's delegation took effect on 1 October 2011.• As the Applicant has made reportable political donations, the Commission will determine the modification application as the Minister's Delegate.

Consideration	Description
Permissibility	<ul style="list-style-type: none"> The Site is zoned SP1 Special Activities under the State Environmental Planning Policy (Transport and Infrastructure) 2021. Port facilities are a permissible use within this zone. The proposed modification meets the relevant objectives of the SP1 zone as discussed further in Appendix B.

4.2 Other approvals and authorisations

- 4.2.1 The NSW EPA has advised that the modified development would not require an environment protection licence (EPL) under section 42 of the *Protection of the Environment Operations Act 1997* for storage of LIB units. The LIB units will be received through the M4 berth which has an existing EPL 13181 for shipping in bulk.
- 4.2.2 Section 2.98 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) applies to development adjacent to a rail corridor if the proposed development is likely to have an adverse effect on rail safety or involves the use of a crane in air space above the rail corridor.
- 4.2.3 The southwest corner of the Site is adjacent to a freight rail corridor (**Figure 2**) which is used intermittently to service the Stolthaven Mayfield Terminal. The rail corridor is managed by the Australian Rail Track Authority (ARTC).
- 4.2.4 The Department notified ARTC but did not receive a response on the proposed modification. The Applicant has confirmed that LIB units would be unloaded from trucks using forklifts, avoiding the need for cranes, and stored away from the rail corridor boundary.
- 4.2.5 The Department assessed and confirmed that the storage of LIB units does not pose adverse safety impacts and the rail line and its airspace would not be impacted by the proposed modification. Therefore section 2.98 of the Transport and Infrastructure SEPP does not apply to the proposal.

4.3 Mandatory matters for consideration

4.3.1 Matters of consideration required by the EP&A Act

4.3.1.1 Under section 4.55(3) of the EP&A Act, the consent authority in determining the proposed modification, must take into consideration the matters referred to in section 4.15(1) of the EP&A Act relevant to the development the subject of the application and consider the reasons given by the consent authority for the grant of the consent that is sought to be modified. The Department's consideration of the relevant matters in section 4.15(1) of the EP&A Act is shown in **Table 5**. The consent authority did not give any reasons for granting development consent to DA 8137.

Table 5 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix B
EP&A Regulation	Appendix B
Likely impacts	Section 6 - Assessment
Suitability of the site	Section 4 - Strategic Context and Section 6 - Assessment
Public submissions	Section 5 - Engagement and Section 6 - Assessment
Public interest	Section 5 - Engagement, Section 6 - Assessment and Section 7 - Evaluation

4.3.2 Objects of the EP&A Act

4.3.2.1 In determining whether to modify the consent, the consent authority should consider whether the modified development is consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development. Consideration of those factors is described in **Appendix B** and **Section 4.3.3**.

4.3.2.2 The Department is satisfied that the proposed modification is consistent with the objectives of the EP&A Act.

4.3.3 **Ecologically sustainable development**

4.3.3.1 The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

4.3.3.2 The potential environmental impacts of the proposed modification have been assessed. Where potential impacts have been identified, mitigation measures are recommended. As demonstrated in **Section 6**, the proposed modification is not expected to have adverse impacts on sensitive receivers.

4.3.3.3 As such, the Department considers that the proposed modification would not adversely impact the environment, or the amenity of nearby sensitive receivers, and is consistent with the principles of ESD.

4.3.4 **Biodiversity development assessment report**

- 4.3.4.1 Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires the modification of a development consent to be accompanied by a Biodiversity Development Assessment Report (BDAR), unless the authority or person determining the environmental assessment requirements is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).
- 4.3.4.2 The Department, in determining the proposed modification's environmental assessment requirements, noted that the Site consists of an existing hardstand storage facility which has been cleared of all vegetation.
- 4.3.4.3 The Department further considered the proposal for the storage of LIBs will have no impact on the biodiversity values of the Site. Consequently, a BDAR was not required to accompany the modification application.

5 Engagement

5.1 Department’s engagement

5.1.1 Public exhibition of the modification application

- 5.1.1.1 After accepting the proposed modification request and report, the Department:
- made the documents publicly available on the NSW Planning Portal
 - publicly exhibited the proposed modification from 14 to 27 August 2024 inclusive on the NSW Planning Portal
 - notified landowners and occupiers near the Site about the public exhibition
 - notified each person who made a submission in relation to the original development application
 - notified and invited comment from relevant Government agencies and City of Newcastle (Council).

5.1.1.2 The Department visited the site on 28 August 2024, viewing the existing hardstand storage area and surrounding land uses.

5.1.2 Summary of advice received from Government agencies

- 5.1.2.1 The Department received advice from three Government agencies on the proposed modification.
- 5.1.2.2 A summary of the Government agency advice is provided in **Table 6**. A link to the full copy of the advice is provided in **Appendix A**.

Table 6 | Summary of Government agency advice

Agency	Advice summary
Biodiversity, Conservation and Science Group (now Conservation Programs, Heritage and Regulation) of the NSW Department of Climate Change, Energy, the	Advised that neither its Planning or Water, Floodplain and Coast teams had any comments on the proposal.

Agency	Advice summary
Environment and Water (NSW DCCEEW)	
Environment Protection Authority (EPA)	<p>Noted that the proposal will not require an Environment Protection Licence (EPL) for the storage of LIBs on the Site but advised that the conditions of EPL 13181 will apply to ship transfer activities on the Mayfield 4 berth.</p> <p>Compliance with relevant dangerous goods transport legislation is required when transporting the LIBs included in the proposal.</p>
Transport for NSW (TfNSW)	<p>Advised that the Applicant should ensure that appropriate traffic measures are in place during construction, to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.</p>

5.1.2.3 The Department notified ARTC and Fire and Rescue NSW (FRNSW), however neither provided comments or advice on the proposed modification.

5.1.3 Summary of council advice

5.1.3.1 The City of Newcastle (Council) provided comments on the proposed modification. Council recommended that the Level 2 Preliminary Hazard Analysis (PHA) prepared for the proposal be reviewed by the Department of Planning, Housing and Infrastructure's Major Hazards Team. Council also commented that the recommended mitigation measures included in the PHA may need greater consideration, including the proposed separation distances of the LIB storage area.

5.1.4 Summary of public submissions

5.1.4.1 During the public exhibition of the modification application, no public submissions were received.

5.2 Response to submissions

- 5.2.1 Following the public exhibition period, the Department requested the Applicant respond to the issues raised in the advice received from Government agencies and Council. The Applicant provided a Response to Submissions (RtS) report to the Department on 16 September 2024 (see **Appendix A**).
- 5.2.2 The Department published the RtS on the NSW Planning Portal and forwarded the RtS to relevant Government agencies and Council for comment. The EPA and Council reviewed the RtS and raised no additional comments.

6 Assessment

6.1 Consideration

- 6.1.1 The Department has considered the relevant matters for consideration under section 4.55(3) of the EP&A Act, the Statement of Environmental Effects (SEE), and Council and Government agency advice, in its assessment of the proposed modification. The Department considers the key assessment issues to be:
- hazards and risk
 - traffic and transport.
- 6.1.2 Other issues such as air quality, noise and vibration, stormwater and flooding, visual and lighting, and waste are addressed in **Section 6.3**.

6.2 Hazards and Risk

- 6.2.1 There is potential risk associated with the storage of LIBs (which are classified as a Class 9 Dangerous Goods). The risks are primarily related to the quantity, length of storage, and interaction with surrounding dangerous goods/hazardous material. Consequently, the Applicant prepared and submitted a Preliminary Hazard Analysis (PHA) to determine the risk of storing LIBs to people, property and the environment.
- 6.2.2 The PHA stated that the risk associated with the storage of LIBs would not exceed individual fatality or injury risk criteria as per the Department's *Hazardous Industry Planning and Assessment Guidelines (HIPAP) No. 4 – Risk Criteria for Land Use Safety Planning (Department of Planning, 2011)*. As such, the proposed modification would not pose significant risk to workers at the Site and surrounding developments.
- 6.2.3 The PHA recommended mitigation measures to further reduce risks from the storage of LIBs, including setting separation distances and maximum State of Charge (SOC), management of damaged LIBs, and implementation of a Battery Storage Management Plan. Consistent with the National Fire Protection Association (NFPA) 855 - Standard for the Installation of Stationary Energy Storage Systems (NFPA, 2023), the PHA recommended that LIBs be separated from buildings, boundaries, combustible vegetation and materials by three metres, and from other batteries by one metre.

- 6.2.4 The Applicant has advised that LIBs are imported at varying SOC. The PHA recommendation that LIBs be restricted to a maximum SOC of no more than 30% would impact the ability to store LIBs on the Site. The Applicant states that the maximum 30% SOC of LIB recommended by the PHA only applies to air transportation. In this case, LIBs are transported by ship and the SOC of LIBs would vary depending on the manufacturer's specifications, which the Applicant has no control over.
- 6.2.5 The Applicant has subsequently modified the proposal to enable the storage of LIBs in accordance with manufacturer's specifications, rather than a maximum 30% SOC as recommended by the PHA. To assess the risks associated with the storage of LIB units based on manufacturer's specifications, the Applicant submitted an updated PHA and addendum PHA.
- 6.2.6 The updated PHA considers that LIBs have the potential for rapid heating or thermal runaway, causing fire and explosion. There are several causes of thermal runaway, mainly relating to the operation and charging of LIBs. In this case the LIBs would not be operational, linked or charged whilst stored on the Site and the risk of a rapid heating event occurring would be from a latent LIB fault or damage to a LIB. The updated PHA assessed the impacts of a heat radiation event causing injury and fatalities to staff and visitors on the Site and surrounding developments, and damage to property. The assessment predicted that injury to a person could occur at 4.2 metres from a LIB fire, a fatality at 2 metres, and damage to property at 0.95 metres. A summary of the predicted distances downwind of radiant heat from a thermal runaway event (June 2024 and July 2025 PHAs) are shown in [Table 7](#).
- 6.2.7 The updated PHA concluded the storage of LIBs with no maximum SOC would not change the distances at which injury, fatalities and damage to property could occur from a thermal runaway event.
- 6.2.8 The Applicant consulted FRNSW as part of its assessment of the proposed modification. FRNSW advised that as the LIBs have limited charge, the safety risks are primarily from a chemical spill if they are damaged during transit. FRNSW advised that LIBs should be stored away from external ignition sources, and mitigation measures be implemented to reduce risks. After FRNSW's advice to the Applicant, a position statement on Open yard storage of battery energy storage systems (BESS) was released by FRNSW in December 2024. The Department's consideration of this is provided in **Section 6.2.12**.

Table 7 | Summary of heat radiation consequences

Release scenario	Maximum distance downwind of release of radiant heat		
	4.7 kW/m ² ·heat radiation level that can cause injury	12.6 kW/m ² ·heat radiation level that can cause fatality	23 kW/m ² ·heat radiation level that can cause property damage
Single container LIB thermal runaway (PHA June 2024) – based on LIB with maximum 30% SOC	4.2m	2.0m	0.95m
Single container LIB thermal runaway (updated PHA July 2025) – based on LIB with no maximum SOC	4.2m	2.0m	0.95m

6.2.9 The EPA, TfNSW, and Council did not object to the proposed modification (**Section 5.1.2** and **Section 5.1.3**). The EPA confirmed that LIB storage does not require licensing under Schedule 1 of the *Protection of the Environment Operations Act 1997*. Council recommended the Department’s Hazards Team review the PHA.

6.2.10 Although the Site is located near dangerous goods handling and transportation, including a bulk liquids facility Stolthaven Mayfield Terminal (to the west), ammonium nitrate handling and transportation at the M4 Berth (to the southeast), and an operating freight rail corridor (to the southwest), the Department considers the storage of LIBs would pose no adverse impact to these existing operations as appropriate LIB storage separation distances will be provided within the Site. The Stolthaven Terminal is located about 30 metres from the boundary of the Site and ammonium nitrate handling is carried out more than 200 metres to the southeast.

- 6.2.11 The Applicant states that, in the event of LIBs igniting, the Operational Environmental Management Plan (OEMP) for the Site would be implemented, and FRNSW contacted. The Applicant advised that FRNSW did not recommend any specific firefighting requirements to manage the storage of LIBs and acknowledged the requirements of the *Dangerous Goods (Road and Rail Transport) Act 2008* in relation to transporting LIBs, as required by the EPA. It is noted that the transportation of LIBs to renewable energy projects does not form part of the proposal.
- 6.2.12 FRNSW released a position statement in December 2024, outlining recommendations to mitigate fire risk for storage of LIBs in open yards such as ports. The position statement recommendations include:
- LIB units segregated into clusters, with each cluster not exceeding 50 metres in length on any side
 - Minimum separation distance of 6 metres from any fire source (at least 6 metres from any building, structure or site boundary)
 - Minimum separation distance of 1 metre between units in each cluster
 - Perimeter access for fire brigade vehicles around each cluster of units
 - The SOC should be limited to the maximum SOC recommended by the manufacturer, the International Maritime Dangerous Goods Code, or the United Nations Recommendations on the Transport of Dangerous Goods, whichever is less.
- 6.2.13 The Applicant provided additional information in an Addendum to the updated PHA to address removal of maximum SOC for LIBs, and FRNSW's separation distances for the storage of LIB units. The Addendum PHA states that in the assessment of separation distances, the updated PHA assessed a worst case scenario of a thermal runaway event causing a fire and the resultant radiant heat consequences. The updated PHA states that such a scenario is independent of the SOC of a LIB. The LIB SOC is more relevant during charging and discharging processes, which would not occur at the Site.
- 6.2.14 The updated PHA states that maintaining storage separation distances determined by the consequence assessment will mitigate impacts of LIBs with varying SOC. The Applicant also stated that the International Maritime Dangerous Goods Code and the United Nations Recommendations on the Transport of Dangerous Goods do not specify SOC for shipping of LIB units. The storage of the LIB units in accordance with manufacturer's recommendations, and providing appropriate separation distances between units, would ensure fire risks are minimised.

6.2.15 The PHA Addendum assessed the potential LIB storage area based on the separation distances recommended by FRNSW's open yard storage position statement. The separation distance between LIBs and the boundary / other project cargo has been increased from 3m to 6m, consistent with the FRNSW position statement. The assessment concluded a maximum of 55 clusters (50m x 50m) and 10 partial clusters (less than 50m x 50m) could be accommodated on the Site when only LIB units are stored. An indicative layout of LIB storage is shown in **Figure 3**. The Applicant states that this is a maximum scenario; in practice, a mix of other cargo would be stored on the Site at the same time.



Figure 3 | Indicative layout of LIB storage clusters (Source Preliminary Hazard Analysis Addendum 9 July 2025)

6.2.16 The Department reviewed the updated PHA and considers that it has been prepared in accordance with the relevant HIPAP guidelines and provides a comprehensive assessment of the potential hazards associated with the storage of LIBs at the Site. The Department considers the PHA approach to be conservative, and the risks adequately identified and addressed. Further assessment, including the multi-level risk assessment recommended by Council, is therefore not required or recommended. The Department supports the recommendations of the updated PHA and PHA Addendum.

- 6.2.17 Subject to the implementation of the updated PHA’s recommendations, the Site can accommodate the storage of LIB units within safe separation distances of other cargo and without fire risk to adjoining land uses or sensitive receivers. In addition, the Applicant has considered FRNSW’s position statement on battery storage and demonstrated compliance with its recommended measures.
- 6.2.18 Consequently, the Department has recommended conditions requiring implementation of the updated PHA recommendations, including appropriate separation distances, through a Battery Storage Management Plan, implementation of a protocol for managing and monitoring damaged batteries, and a Battery Fire Emergency Plan (consistent with FRNSW’s position statement “Emergency plan requirements at sites having lithium batteries” dated 5 December 2024) to manage the hazard of storing LIB units within the Site.

6.3 Traffic and transport

- 6.3.1 The proposed modification seeks to store LIB units on existing hardstand. Therefore, no construction or site preparation work is required to establish the site for LIB storage and no construction traffic impacts. However, there would be operational truck movements as discussed below.
- 6.3.2 The proposed modification will increase heavy vehicle movements along Selwyn Street and George Street, and the intersection of George Street and Industrial Drive. The traffic movements generated by the operation of the proposed modification fall within the total traffic movements permitted by the MCP. Condition 2.3 of the MCP sets the total traffic movements for the Mayfield port lands (shown in **Table 8**).

Table 8 | Truck movement limits under MCP Condition 2.3 (Source: SEE)

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

- 6.3.3 Currently, only two developments are operational in the MCP area: the Site and the Stolthaven Mayfield Terminal. The combined truck movements generated by these developments are shown in **Table 9**.

Table 9 | Existing and proposed truck movement in the Mayfield port lands (Source: SEE)

Development	Total Truck Movements per annum	Total Truck Movements per day	Total Truck Movements in peak periods
Stolthaven Mayfield Terminal	39,506	108	20
Mayfield Cargo Storage Facility	74,991	206	12
Total (existing)	114,497	314	32
MCP truck movement limits	462,104	1,268	95
Lithium-ion battery storage (the proposed modification)	1,800	5	5
Total (with proposed modification)	116,297	319	37

- 6.3.4 As shown in **Table 9**, truck movements generated by the two existing developments total 114,497 movements per annum, which is well below the maximum annual truck movement of 462,104 permitted under the MCP. The modification would result in no more than five truck movements during morning and afternoon peak periods combined, resulting in only five truck movements per day and 1,800 per annum. Including the existing traffic movements, this is well within the MCP's truck movement limits of 1,268 per day and 462,104 per annum.
- 6.3.5 TfNSW did not object to the proposed modification and stated that it would not result in significant impact to the surrounding road network. TfNSW confirmed Council is the road authority for Industrial Drive as a classified (State) road and Selwyn Street as a local road.
- 6.3.6 The Department considers that the additional five truck movements during operation would not result in substantial impacts to existing movements or exceed the annual limits set by the MCP and has minimal impact to the operation of the existing road network.

6.4 Other issues

6.4.1 The Department's consideration and assessment of other issues is summarised in **Table 10**.

Table 10 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Air quality	<p>The Site is an open hardstand area for storage, which does not currently permit dangerous goods. Emissions from trucks, vehicles, and plant (forklifts etc) are the main source of air quality impacts.</p> <p>The Applicant confirmed that existing mitigation measures, including ensuring vehicles are maintained in good working order and idling plant or equipment be switched off, would remain.</p> <p>The Department considers that regular inspections of the LIB units would ensure there is no leaking, hissing, or smoking due to damage from transportation, and no subsequent air emissions, and has recommended conditions to this effect. The Department has also recommended a condition to ensure any leaks are managed accordingly.</p>	<p>The Department has recommended a Battery Storage Management Plan, to manage the storage of LIBs, and a Protocol to inspect damaged LIB units, to manage and mitigate potential air emissions.</p>
Noise and vibration	<p>The Site is situated 800 m northeast of the nearest sensitive receivers, which include an aged care facility, school and residential properties on Crebert Street, Mayfield. The Applicant confirmed that noise quotas have been allocated to individual developments within the MCP area, and a Cumulative Environmental Noise Management Tool developed to ensure noise limits set by the MCP are met. The existing acoustic environment comprises industrial development surrounding the site which includes coal storage and shipping, manufacturing, chemical production and cargo movement.</p> <p>The Applicant confirms that no significant noise changes would occur due to the storage of LIBs, and existing mitigation measures are appropriate.</p>	<p>N/A.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>The Department is satisfied that LIB units stored within the Site would not result in significant changes to the existing acoustic environment. Noise impacts would be subject to the limits within the MCP, and no additional mitigation measures or conditions are required.</p>	
Stormwater and flooding	<p>Site surface levels have not changed since 2015 and are not expected to change. Therefore, the Applicant believes the 2015 Stormwater Management System developed for the former BHP steelworks site remains relevant.</p> <p>Surface water flows would be directed to the established drainage network.</p> <p>The site is likely to be impacted by the Probable Maximum Flood (PMF). However, it is the Department's view that the storage of batteries does not increase the flood hazard of the Site, due to the LIBs temporary storage, constant movement within the site and substantial distance to residential properties. Potential flooding impacts would be managed under the Stormwater Management Strategy developed under the MCP approval. LIB storage would have a negligible impact on surface water flow in the Site, therefore no change to the stormwater management system is proposed. NSW DCCEEW and Council had no stormwater or flooding comments.</p> <p>The Department acknowledges NSW DCCEEW and Council raised no concerns and that the existing stormwater drainage system would not be impacted by the storage of LIB units within the Site.</p>	<p>N/A.</p>
Visual and lighting	<p>The proposed modification does not include permanent infrastructure or tall structures. Temporary lighting would be used for night-time operations. To ensure lighting impacts to sensitive receivers is managed, the Applicant would control</p>	<p>N/A.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>potential light spill by only using lighting when required. Lighting would be positioned on the perimeter of the Site, directed inwards, and operated in accordance with <i>Australian Standard 4282:2023 - Control of the Obtrusive effects of outdoor lighting</i>.</p> <p>The Department considers that due to the existing nature of the Site (industrial and port facilities), distances from sensitive receivers (800 m to residential), and recommended management measures, the visual impacts and lighting associated with the proposed modification would not result in adverse impacts to sensitive receivers.</p>	
Waste	<p>The Applicant confirmed that minimal waste would be generated from the proposed modification, and all waste generated would be classified in accordance with the waste classification guidelines (EPA, 2014).</p> <p>The Department considers that waste generated by the proposed modification would not result in significant impacts.</p>	N/A.

7 Evaluation

- 7.1.1 The Department's assessment considered the relevant matters and objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), including the principles of ecologically sustainable development (**Section 3 and 6**), advice from Government agencies and Council (**Section 5**), and strategic Government policies and plans (**Section 3**). The Department has reviewed the modification, RtS and assessed the merits of the proposed modification, taking into consideration advice from Council and Government agencies.
- 7.1.2 The Department considers that the proposed modification should be approved as:
- the storage of LIB units would diversify the range of cargo handled at the port facilities, supporting economic growth in NSW
 - it would enable temporary storage of LIB units in an existing cargo storage facility
 - LIB units would be stored and managed at appropriate distances from other cargo in and surrounding the Site, to minimise and manage fire safety risks
 - the proposal would enable the NSW State Government policy of achieving Net Zero by 2050 by providing logistical support for temporary storage of imported LIBs, for standalone grid-scale battery energy storage system (BESS) projects across NSW
 - operational truck movements are within the limits specified in the MCP for the Mayfield port lands
 - it will provide approximately 18 additional operational jobs.
- 7.1.3 Overall, the Department concludes that the impacts of the proposed modification are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of modification consent.
- 7.1.4 Consequently, the Department has formed the opinion the proposed modification is in the public interest and that it is approvable, subject to conditions.

Glossary

Abbreviation	Definition
Council	City of Newcastle
Commission	Independent Planning Commission
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Department	Department of Planning, Housing and Infrastructure
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental planning instrument
EPL	Environment protection licence
ESD	Ecologically sustainable development
FRNSW	Fire and Rescue NSW
LGA	Local government area
LEP	Local environmental plan
LIB	Lithium-ion battery
Minister	Minister for Planning and Public Spaces
MCP	Mayfield Concept Plan
NDCP	Newcastle Development Control Plan
PHA	Preliminary Hazard Analysis
PMF	Probable Maximum Flood

Abbreviation	Definition
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEE	Statement of Environmental Effects
SEPP	State environmental planning policy
SOC	State of Charge
TfNSW	Transport for NSW

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the NSW Planning Portal as follows:

- **Modification Application**

<https://www.planningportal.nsw.gov.au/daex/under-consideration/mayfield-cargo-storage-facility-modification-3-da8137-mod-3>

- **Statement of Environmental Effects**

<https://www.planningportal.nsw.gov.au/daex/under-consideration/mayfield-cargo-storage-facility-modification-3-da8137-mod-3>

- **Submissions and Agency advice**

<https://www.planningportal.nsw.gov.au/daex/under-consideration/mayfield-cargo-storage-facility-modification-3-da8137-mod-3>

- **Response to Submissions**

<https://www.planningportal.nsw.gov.au/daex/under-consideration/mayfield-cargo-storage-facility-modification-3-da8137-mod-3>

- **Revised Application**

<https://www.planningportal.nsw.gov.au/daex/under-consideration/mayfield-cargo-storage-facility-modification-3-da8137-mod-3>

- **Updated Preliminary Hazard Analysis**

<https://www.planningportal.nsw.gov.au/daex/under-consideration/mayfield-cargo-storage-facility-modification-3-da8137-mod-3>

- **Addendum Preliminary Hazard Analysis**

<https://www.planningportal.nsw.gov.au/daex/under-consideration/mayfield-cargo-storage-facility-modification-3-da8137-mod-3>

Appendix B – Statutory considerations

The Department's assessment of the proposed modification included detailed consideration of the relevant objects in section 1.3 and matters listed under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and applicable environmental planning instruments and regulations.

The Department has considered these matters in its assessment and provided a summary in **Table 11** and **Table 12**.

Table 11 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<ul style="list-style-type: none">• The proposed modification seeks to maintain and enhance the Site's storage capability.• The proposed modification would not adversely impact on the State's natural or other resources.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<ul style="list-style-type: none">• The Department has considered ecologically sustainable development (ESD) in its assessment of the proposed modification (Section 4.3.3).• The Department is satisfied the proposed modification can be carried out in a manner that is consistent with the principles of ESD.
(c) to promote the orderly and economic use and development of land,	<ul style="list-style-type: none">• The proposed modification involves the orderly and economic use of land through enhanced storage capability for new classes of freight in the Port of Newcastle Lease Area.
(d) to promote the delivery and maintenance of affordable housing,	N/A.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<ul style="list-style-type: none">• Due to the existing use and disturbed nature of the Site, the Department considers that the proposed modification would not result in unacceptable environmental impacts.

Object	Consideration
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<ul style="list-style-type: none"> No impacts to built and cultural heritage have been identified, due to the historical disturbance of the Site and locality. No penetrating earthworks are proposed.
(g) to promote good design and amenity of the built environment,	<ul style="list-style-type: none"> The temporary storage of LIB units would not result in unacceptable built form impacts due to their temporary nature and scale.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	N/A.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the state,	<ul style="list-style-type: none"> The Department referred the modification application to relevant Government agencies and Council for comment and considered their advice in Section 5.1.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<ul style="list-style-type: none"> The Department made the modification application and accompanying documents publicly available on its website and notified EPA, FRNSW, DCCEEW, TfNSW, ARTC, and City of Newcastle (Council) on 8 August 2024. Advice received from the EPA, TfNSW and Council were addressed in the Applicant's RtS and is considered in Section 6.

Table 12 | Matters for consideration under Section 4.15 of the EP&A Act

Matter	Consideration
(a) the provisions of	
(i) any environmental planning instrument, and	The Department considered the relevant environmental planning instruments in its

Matter	Consideration
	assessment of the proposed modification, detailed in Appendix B .
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	N/A.
(iii) any development control plan, and	The Department considered and addressed relevant sections of the Newcastle Development Control Plan 2023, detailed in Appendix B .
(iiia) any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4, and	Not applicable as no planning agreement has been made under section 7.4 of the EP&A Act.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The Department has assessed the proposed modification in accordance with relevant matters prescribed by the EP&A Regulation.
(v) repealed	N/A.
that apply to the land to which the development application relates,	
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	<p>The Department considered the likely impacts of the proposed modification in detail in Section 6.</p> <p>The Department concludes that environmental impacts can be appropriately managed and mitigated through existing and recommended conditions of consent.</p>
(c) the suitability of the site for the development,	The proposed modification is permissible with consent.

Matter	Consideration
	The site is suitable as it is located on SP1 Special Activities zoned land under State Environmental Planning Policy (Transport and Infrastructure) 2021 and is considered to not adversely impact on surrounding uses.
(d) any submissions made in accordance with this Act or the regulations,	Matters raised in advice received from Government agencies and Council are summarised in Section 5 and were considered as part of the assessment of the proposed modification in Section 6 .
(e) the public interest.	The Department considers the proposed modification to be in the public interest as it enables continued use of port facilities and increased freight storage capability, and supports the development in the Renewable Energy Zones and the transition to a low carbon economy.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs were considered as part of the Department's assessment

- *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP); and
- *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP).

Transport and Infrastructure SEPP

The Transport and Infrastructure SEPP repealed the State Environmental Planning Policy (Three Ports) 2013 under which DA 8137 was approved. This proposed modification is characterised as port facilities, being "*facilities on land in the Lease Area used in connection with the carrying of freight and persons by water from one port to another for business or commercial purposes, and includes ... facilities for the loading or unloading of freight onto or from vessels and freight receipt, processing, land transport and storage facilities*". The land use is permissible with consent in the SP1 zone.

Table 13 | Consideration of SP1 Zone Objectives under the Transport and Infrastructure SEPP

Objective	Department's Consideration
To provide for special land uses that are not provided in other zones	The proposed modification enables freight handling to continue within the Port of Newcastle Lease Area (Lease Area) and Site.
To provide for sites with special natural characteristics that are not provided for in other zones	The proposed modification will enable the continued and improved use of waterfront areas in the Lease Area and Site for freight storage.
To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises adverse impacts on surrounding land	The proposed modification seeks to store LIBs in an existing freight storage area, maintaining the existing use and improving freight storage, and limiting the impacts on surrounding land uses.
To maximise the use of waterfront areas to accommodate port facilities and industrial, maritime industrial, freight and bulk storage premises that benefit from being located close to port facilities.	The Site is currently used to store freight. The proposed modification seeks to include Class 9 Dangerous Goods, received and transported through the Port of Newcastle, continuing the use of waterfront area for freight purposes.
To enable the efficient movement and operation of commercial shipping and to provide for the efficient handling and distribution of freight from port areas through the provision of transport infrastructure.	The Site is situated near the M4 berth where the LIB units will be received and transported, maximising existing port facilities through short travel distance.
To provide for port related facilities and development that support the operations of Port Botany, Port Kembla and the Port of Newcastle.	The proposed modification would continue to support operations at the Port of Newcastle through the receipt, storage, and transport of batteries.
To facilitate development that by its nature or scale requires separation from residential area and other sensitive land uses.	The LIBs are classified as a Class 9 Dangerous Good. Their storage within the Site, and compliance with the FRNSW open yard storage position statement, ensures that appropriate separation is provided from other sensitive cargo and land uses.
To encourage employment opportunities	The proposed modification will generate an additional 18 operational jobs.

Section 2.98 Development adjacent to rail corridors

The site is situated adjacent to a rail corridor which is managed by Australian Rail Track Corporation and section 2.98 of the Transport and Infrastructure SEPP applies if the development:

- is likely to have an adverse effect on rail safety, or
- involves the use of a crane in air space above any rail corridor.

The Department considers in **Section 6**, that the proposed modification does not adversely affect rail safety as cranes are not proposed to be used to move batteries, and a risk assessment confirmed there is low risk to individual fatalities and injury. Subsequently, section 2.98 of the SEPP is not considered to apply to the proposed modification.

Resilience and Hazards SEPP

The site is mapped as a coastal environment area and as a coastal use area under the Resilience and Hazards SEPP. However, section 2.5(2) of the SEPP outlines that Chapter 2 of the SEPP does not apply to Lease Areas identified in State Environmental Planning Policy (Three Ports) 2013 (now the Transport and Infrastructure SEPP). The site is identified as being in the Port of Newcastle Lease Area in the Transport and Infrastructure SEPP. Therefore, Chapter 2 of the Resilience and Hazards SEPP does not apply.

Chapter 3, Part 2 of the Resilience and Hazards SEPP contains provisions for Hazardous and Offensive development including hazardous storage establishments, and requires a consent authority to not grant consent to development unless consideration is given to:

- current guidelines
- appropriate public authorities are consulted
- a preliminary hazard analysis (PHA) has been prepared
- feasible alternatives and justification
- likely future use of the land surrounding the development.

The updated PHA confirmed that although the modification application does not exceed the thresholds within the Resilience and Hazards SEPP, the modification application has been considered “potentially hazardous” due to the potential for fire associated with the storage of LIB units (Class 9 Dangerous Goods). The updated PHA identified the key hazard associated with LIB storage is thermal runaway (rapid uncontrollable heating), however rapid heating would only occur due to latent battery fault or damage. Appropriate separation distances are provided in accordance with relevant standards and the FRNSW position statement on open yard storage. The risk assessment was undertaken against the *Hazardous industry planning advisory paper no. 4 – Risk criteria for land use safety planning* (HIPAP 4) (Department of Planning, 2011).

The Department considers that the storage of potentially hazardous LIBs can be managed through the recommendations within the updated PHA, including the provision of appropriate storage requirements and setbacks are adhered to, regular inspection undertaken, and the implementation of a fire emergency response plan. The Department has recommended conditions to require the recommendations of the updated PHA be implemented in a Battery Storage Management Plan, and for that Plan to be included in the Operational Environmental Management Plan (OEMP) for the Site.

Chapter 4 of the Resilience and Hazards SEPP contains the provisions of the former State Environmental Planning Policy No 55 – Remediation of Land. The chapter aims to provide a State-wide approach to the remediation of contaminated land. Chapter 4 requires a consent authority to not grant consent to development unless:

- it has considered whether the land is contaminated, and
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The Department acknowledges that management and monitoring of the remediated land on the site is ongoing and managed through Ongoing Maintenance Order No. 20142802. The LIB storage would not impact the existing site capping layer as no intrusive groundworks are proposed or required.

Newcastle Development Control Plan 2023

Table 14 | Consideration of relevant NDCP 2023 components

Section	Application	Requirements	Department's Consideration
Part B: Site Planning Controls			
Section B1(a) Flood Management – Pre 2019	Applies to all development on flood prone (flood liable) land that involves existing flood mapping undertaken prior to the release of the 2019 Australian Rainfall and Runoff Guidelines (ARR 2019)		N/A, see below.
Section B1(b) – Flood Management	All development on flood prone (flood liable) land where flood mapping after the release of the 2019 Australian Rainfall and Runoff Guidelines (ARR 2019) is available, including:	5.0 Application requirements All development on flood prone land. A Statement of Environmental Effects and/or layout plans submitted to support a development application (DA) shall include wording and where relevant, calculations, demonstrating that the controls of this section of DCP 2023 have been addressed	Located within the Post 2019 Flood Study Area Map, flooding is addressed in Section 6 .
		6.0 Floodways	

Section	Application	Requirements	Department's Consideration
	Land that is flood prone due to flooding from the Throsby, Cottage or Styx creek catchments (refer Post 2019 Flood Study area).	Objectives <ol style="list-style-type: none"> 1. Retain floodways in a condition capable for the conveyance of essential flood flow. 	N/A; no changes to existing hardstand.
		7.0 Flood storage areas	
		Objectives <ol style="list-style-type: none"> 1. Protect flood storage areas to provide storage of floodwaters to ensure that other areas are not significantly worse off due to development of the site. 	N/A; no changes to existing hardstand.
		8.0 Management of risk to property	
		Objectives <ol style="list-style-type: none"> 1. Manage risks to property up to an acceptable level of risk (the Flood Planning Level). 	See Section 6 .
		9.0 Management of risk to life	
		Objectives <ol style="list-style-type: none"> 1. Only permit development or redevelopment where the full potential risk to life from flooding can be managed for all floods up to and including the PMF. 	See Section 6 .

Section	Application	Requirements	Department's Consideration
Section B2 – Bush Fire Protection	Applies to all development, including subdivision, on bush fire prone land		N/A. The Site is not identified as bushfire prone land.
Section B3 – Mine Subsidence	Applies to all development consisting of a new building or structure, extension or structural alteration, or subdivision located on land within a proclaimed mine subsidence district subject to the Coal Mine Subsidence Compensation Act 2017 (as amended or replaced)		N/A. The Site is not situated on land within a proclaimed mine subsidence district.
Section B4 – Aboriginal Cultural heritage	Applies to all development where the proposal involves ground disturbance or		N/A. No ground disturbance or excavation is proposed.

Section	Application	Requirements	Department's Consideration
	excavation (including demolition works)		
Section B5 – Historical archaeology	Applies to all development where the proposal involves ground disturbance or excavation (including demolition works)		N/A. No ground disturbance or excavation is proposed.
Section B6 – Urban Heat	Applies to all development	<p>6.0 Application requirements</p> <p>All development with an estimated development cost over \$1,000,000 within the Newcastle city centre, Wickham, renewal corridors and local centres excluding heritage items and contributory buildings in heritage conservation areas, single dwellings, dual occupancies, secondary dwellings and multi-dwelling housing including ancillary development.</p> <p>Refer to 7.0 Cool facades.</p> <p><u>Requirements:</u> A reflectivity modelling report. Further details are provided in sub-section 7.0 on cool facades.</p> <p>Development with a reflective surface ratio (RSR) >30% on vertical facade of street walls.</p> <p>If no street wall, the first 12 metres of facade as measured from the ground level.</p>	N/A. The proposed modification does not include any new development.

Section	Application	Requirements	Department's Consideration
		<p><u>Requirements:</u> Shadow diagrams as part of a reflectivity modelling report are to be submitted with the development application (DA) quantifying the extent of shading at 10am, 11.30am, 1pm, 2.30pm and 4pm on 21 December for each relevant facade.</p> <p>Where it is demonstrated that the RSR is less than 30%, shadow diagrams for 21 December are not required to be submitted with the DA.</p>	
Section B7 – Land Contamination	City of Newcastle Contaminated Land Policy applies when preparing a development application (DA) (including modification) or an activity under Part 5 of EP&A Act		N/A. The land has been remediated, and an Ongoing Maintenance Order applies to the Site.
Part C: General Development Controls			
Section C1 – Traffic parking and access	Applies to all development	<p>7.0 Application Requirements</p> <p>All development</p> <p><u>Requirements:</u> The following matters are to be addressed in this application:</p>	N/A. No change to existing parking under development consent DA8137.

Section	Application	Requirements	Department's Consideration
		<p>a) parking facilities provided, with details of calculations, types, number and arrangement</p> <p>b) proposed access arrangements and their compliance with design standards</p> <p>c) identification of public transport services, stops and shelters in the vicinity of the development including assessment of all pedestrian linkages to the development</p> <p>d) traffic generation, impacts expected and proposed traffic management measures</p> <p>Traffic generating development under State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p>Other development that is not residential that may cause adverse impacts on the surrounding movement network.</p> <p>Must provide a traffic impact assessment and parking survey as required by controls of this section.</p> <p><u>Requirements:</u> A traffic impact assessment for traffic generating development under the Transport and Infrastructure SEPP 2021.</p> <p>Major development and major additions</p> <p><u>Requirements:</u> Green Travel Plan required</p> <p>Development where it is likely that the demolition and construction phases of a development will significantly impact traffic movement, pedestrians, cyclists and/or parking</p>	

Section	Application	Requirements	Department's Consideration
		<p><u>Requirements:</u> Draft Construction Traffic Management Plan required</p> <p>Electric Vehicle ready (EV ready) and development installing electric vehicle charging point(s)</p> <p><u>Requirements:</u> A development application is to be accompanied by an electric vehicle report</p>	
		8.0 Sustainable travel demand management	
		<p>Objectives</p> <ol style="list-style-type: none"> 1. Facilitate and encourage increased modal share to public transport and alternatives to private vehicle ownership, use and parking 	N/A.
		9.0 End of trip facilities	
		<p>Objectives</p> <ol style="list-style-type: none"> 1. Enable and encourage trips by walking and cycling through adequate provision of end of trip facilities 	N/A.
		10.0 Bike parking	
		<p>Objectives</p> <ol style="list-style-type: none"> 1. Enable and encourage trips by cycling, through the provision of conveniently located, safe, secure and 	N/A.

Section	Application	Requirements	Department's Consideration
		weather-proof site, located within the setting of the building	
		11.0 Electric car parking	
		Objectives <ol style="list-style-type: none"> 1. Ensure development encourages and supports increased usage and demand for electric vehicles 	N/A. No change to existing parking under development consent DA8137.
		12.0 Car share parking	
		Objectives <ol style="list-style-type: none"> 1. Consider the integration of car share parking to establish an appropriate parking standard for the Newcastle city centre, Renewal corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street mixed use zone 	N/A. No change to existing parking under development consent DA8137.
		13.0 Design and layout of parking and access	
		Objectives <ol style="list-style-type: none"> 1. Ensure car parking areas and/or structures are well-sited and designed as an integrated component of the total development and do not adversely impact on the function, safety, capacity or visual quality of the public domain or road network 	N/A. No change to existing parking under development consent DA8137.

Section	Application	Requirements	Department's Consideration
		14.0 Access	
		Objectives <ol style="list-style-type: none"> Development ensures that vehicular access: <ol style="list-style-type: none"> does not dominate the streetscape or detract from the character of the area does not detract from the overall appearance or the continuity of streetscapes or streetscape elements, including street tree planting is appropriately located for the efficiency and safety of road users and pedestrians. Ensure that vehicular access is appropriately located to protect the significance of heritage items and heritage conservation areas 	N/A. No change to existing site access.
		15.0 Freight and Servicing.	
		Objectives <ol style="list-style-type: none"> The freight and servicing demand over the lifetime of the development is identified. Development is self-sufficient by catering on-site for the full freight and servicing demands over the lifetime of the development. 	The Department considers that the freight and servicing demand for the lifetime of the proposed modification has been adequately addressed. This would not affect the existing traffic limits set by

Section	Application	Requirements	Department's Consideration
		<p>3. Design and operate freight and servicing space to be functional, efficient and safe while minimising impact on the environment and public domain.</p> <p>4. Minimise reliance on kerbside space to service existing development.</p> <p>Controls</p> <p>C-1. Statement of Environmental Effects is to outline the freight and servicing demand profile over the lifetime of the proposed development.</p> <p>C-6. Freight and servicing facilities are designed so that when in use, they do not interfere with pedestrian, cyclist or vehicular circulation, either on or off-site or otherwise obstruct the public domain area. This is to include sufficient provision for queuing.</p> <p>C-7. All service vehicle movements to and from the site are in a forward direction and manoeuvring and parking is separated from customer parking and areas with high pedestrian activity and bicycle movements.</p>	the MCP approval, or impact on the public road network.
		16.0 Parking provisions	
		<p>Objectives</p> <p>1. Reduce car dependency and prioritise walking, cycling and use of public transport.</p>	N/A. No change to existing parking under development consent DA8137.

Section	Application	Requirements	Department's Consideration
		<ol style="list-style-type: none"> 2. Ensure an appropriate level and mix of parking provision within the development, having regard to the demand, avoiding parking over/undersupply impacts. 3. Establish an appropriate parking standard for the Newcastle city centre, Renewal corridors, The Junction and Hamilton B2 Local Centre zone and Darby Street mixed use zone that recognises its locational advantages to public transport access and active transport connections to facilitate an increase in the use of public and active transport modes. 4. Minimise inconvenience to all users of the parking spaces. 5. Minimise impacts on the surrounding road network. 6. Enable greater land use efficiency. 	
		17.0 Motorbike parking	
		Objectives <ol style="list-style-type: none"> 1. Provide motorbike parking to meet likely demand. 	N/A. No change to existing parking under development consent DA8137.
		18.0 Accessible parking	

Section	Application	Requirements	Department's Consideration
		Objectives <ol style="list-style-type: none"> 1. Ensure adequate provision of accessible parking. 2. Provide conveniently located and signposted accessible parking. 3. Improve the accessibility and inclusiveness of our city and community. 4. Provide opportunities for people of all ages, ability levels and backgrounds to engage fully in home, civic, economic and social life. 	N/A. No change to existing parking under development consent DA8137.
		19.0 Livable parking for platinum level homes	
		Objectives <ol style="list-style-type: none"> 1. Ensure adequate provision of platinum level car spaces to move around a vehicle. 2. Enable home occupants to easily enter and exit the dwelling. 	N/A.
		20.0 Parking areas and structures	
		Objectives <ol style="list-style-type: none"> 1. Ensure that parking areas, parking structures and vehicular access: 	N/A. No change to existing parking under development consent DA8137.

Section	Application	Requirements	Department's Consideration
		<ol style="list-style-type: none"> a. are integrated into buildings and are not visually prominent from the public domain b. do not dominate the continuity or appearance of the streetscape or detract from the character of the area c. are able to be adapted in response to changing future transport mode/s or demand d. utilise design and construction methods for at grade and above ground car parking areas that enable adaptable reuse in the future for residential, commercial or other permissible uses e. do not reduce access for service vehicles. <ol style="list-style-type: none"> 2. Ensure parking areas and structures are designed to be easily and safely negotiated by vehicles and pedestrians. 	
Section C2 – Movement Networks	Applies to all development	7.0 Movement Network	
		Objectives <ol style="list-style-type: none"> 1. Ensure movement networks have clear structure and street blocks facilitate safe and efficient internal and external pedestrian, cyclist and vehicular movements. 	N/A. No public access is available through the site.
		8.0 Road Design	

Section	Application	Requirements	Department's Consideration
		Objectives <ol style="list-style-type: none"> 1. Ensure subdivision, road design and lot layout can cater for a range of uses, occupants and vehicles. 2. Deliver a safe and efficient road network for pedestrians and cyclists. 3 3. Ensure road design responds to the natural topography of the land and minimises the provision of earthworks and retaining walls. 4. Ensure that road design: reflects the role of the road and the needs of road users; is based on sound engineering practices; and meets relevant Australian Standards, Austroads publications and RTA design guidelines as appropriate. 	N/A. No new roads proposed.
		9.0 Public Transport	
		Objectives <ol style="list-style-type: none"> 1. Reduce reliance on single occupancy private motor vehicles for trips by providing effective, efficient and sustainable modes of public transport that is accessible to a wide range of people. 	N/A.
		10. Pedestrian and cycle paths	

Section	Application	Requirements	Department's Consideration
		Objectives <ol style="list-style-type: none"> 1. Provide safe, activated, interesting, shaded and healthy streets with pedestrian, cycle and public transport movements prioritised. 2. Pedestrian, active transport, and public transport access is prioritised over private vehicles to promote healthy and active neighbourhoods. 	N/A.
Section C3 – Vegetation preservation and care	This section applies to vegetation clearing that requires a permit under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP), and vegetation clearing undertaken ancillary to development.	7.0 Approval required: exempt, permit or development consent	
		Objectives <ol style="list-style-type: none"> 1. Provide clarity on the approval pathway for vegetation clearing or pruning. 	N/A. No vegetation on the Site.
Section C4 – Stormwater	Applies to all development.	7.0 Application requirements	
		Objectives	The Site sits within the Port of Newcastle Lease Area in an

Section	Application	Requirements	Department's Consideration
		<p>1. Ensure appropriate plans and documents are provided to adequately assess stormwater management, having regards to the scale and potential impacts of the proposed development.</p> <p><u>Type 3 – Development proposal with one of the following:</u></p> <ul style="list-style-type: none"> - <u>site area above 5,000sqm</u> <p>Requirements: Submit a Water Cycle Management Plan including hydrological and hydraulic modelling to demonstrate compliance with development controls and Stormwater and Water efficiency for Development Technical Manual. MUSIC modelling shall be in accordance with Newcastle MUSIC-link.</p>	<p>existing hardstand area.</p> <p>Stormwater was assessed in Section 6.</p>
		<p>Development on sites which contain or are adjacent to waterways and riparian zones must include designs which clearly indicate:</p> <ul style="list-style-type: none"> - the top of waterway bank (measured by Digital Terrain Model, site engineering survey or similar) - inner (vegetated riparian zones) - outer riparian zones 	<p>Although the site is adjacent to the South Arm of the Hunter River, no riparian zone is affected by the proposed modification.</p>
		<p>The stormwater management plan or water cycle management plan includes the following:</p> <p>1. The location of all existing or proposed buildings, driveways, and impervious surfaces</p>	<p>The proposed modification does not seek increase the area of hardstand or change the existing stormwater drainage system.</p>

Section	Application	Requirements	Department's Consideration
		<ol style="list-style-type: none"> 2. The location of any waterways, natural watercourses, waterbodies within or adjacent to the property, including top of bank and riparian zones 3. Any overland flow paths or stormwater surface flow paths which drain through the property or adjacent to the property 4. The location, size and depth of all existing or proposed easements or drainage pipelines 5. All existing or proposed stormwater infrastructure as well as proposed cut or fill outside the building footprint 6. Cross sections and long sections of the private drainage system 7. Proposed arrangements for discharge into the public, natural drainage system or waterway, including long sections extending from the private drainage system, through any private or public lands, to the acceptable discharge location. Details are to include: <ol style="list-style-type: none"> a. the longitudinal grade b. cover above underground drainage c. the location and height of the acceptable connection point into existing civil infrastructure; or stable point on receiving land or waterway d. the nature of this proposed connection to a stable point. 	

Section	Application	Requirements	Department's Consideration
		Coastal Wetland catchment If the site is in the Coastal Wetland catchment area (Map C4.01) the Stormwater Management Plan or Water Cycle Management Plan must meet the relevant hydrology objectives.	N/A. The site is not in a coastal wetland catchment area.
		8.0 General stormwater management provisions	
		Objectives 1. Ensure stormwater is mitigated and controlled to minimise nuisance, including to adjoining properties, and public roadways and other spaces.	N/A. No change to the existing stormwater system.
		9.0 Water Quantity	
		Objectives 1. Maximise the reusability of stormwater through appropriate storage solutions. 2. Ensure that post development runoff matches the natural water runoff regime as closely as possible. 3. Establish stormwater management requirements for development in coastal wetland catchments and minimise impacts of stormwater run-off on coastal wetlands.	No stormwater reuse proposed. The Department is satisfied that surface water from the site has been assessed in Section 6 , and stormwater impacts would be managed through existing MCP conditions of consent.
		10.0 Water Quality	

Section	Application	Requirements	Department's Consideration
		Objectives <ol style="list-style-type: none"> 1. Ensure an appropriate quality of water enters waterways. 2. Minimise the potential impacts of development and associated activities on the aesthetics, recreational and ecological values of receiving waters. 3. Prevent pollutants such as litter, sediment, nutrients and oils from entering waterways. 4. Ensure stormwater treatment measures are designed appropriately to protect property, life and maximise infrastructure performance and useful life. 	<p>There is potential that the runoff from the storage area may be at risk of contamination. However, the Applicant has committed to implementing spill kits on site to manage leaks, and inspection of the batteries prior to storage and on a regular ongoing basis.</p> <p>If leaks are identified, they are to be contained immediately and reported to regulatory authorities. The Operational Environmental Management Plan for the Site will be updated to account for the storage of LIBs</p>
		11.0 Onsite controls	
		Objectives <ol style="list-style-type: none"> 1. Ensure onsite controls are considered and incorporated early in the development to ensure a catchment sensitive, holistic, integrated and economical design. 2. Incorporate water sensitive urban design elements into the urban landscape for ecological enhancement. 	<p>N/A. No change to the existing MCP stormwater drainage system.</p>

Section	Application	Requirements	Department's Consideration
		3. Ensure public and shared private infrastructure is delivered at an appropriate standard for easy maintenance and allowing access for maintenance to occur.	
		12.0 Stormwater discharge	
		Objectives 1. Ensure overflow does not adversely affect the subject site and other properties or waterways by way of intensification, concentration or inappropriate disposal across property boundaries.	The proposed modification includes the placement of standalone LIB units, which are not expected to have a significant impact on existing flows within the Site.
		13.0 Existing drainage systems, easements and waterfront land	
		Objectives 1. Ensure appropriate easements are provided over drainage systems on private properties. 2. Ensure easements are unimpeded by development for maintenance purposes and high flow overland flow paths. 3. Ensure development containing or adjacent to waterfront land maintains or rehabilitates the environmental values and drainage functions of riparian corridors.	The Site is situated within the MCP area, which has an existing drainage system in place not affected by the proposed modification.

Section	Application	Requirements	Department's Consideration
		4. Ensure discharge points to waterways and/or waterway crossings do not increase the risk of erosion, blockage or flooding both onsite and offsite.	
Section C5 – Soil management	This section applies to all earthworks, as defined in the LEP 2012, that result in disturbance of the soil. It also provides guidance for earthworks that are ancillary to development, including demolition works.		N/A. No earthworks are proposed.
Section C6 – Waste management	This section applies to all development that generates waste, including applications for a change of use.	6.0 Application requirements <u>Development proposing:</u> <ul style="list-style-type: none"> a) erection or alteration of a building or structure b) major demolition works c) carrying out subdivision earthworks d) clearing of land e) change of use. Submit a Site Waste Minimisation and Management Plan	Operational waste generated has been considered in Section 6 .

Section	Application	Requirements	Department's Consideration
		<u>Proposals requiring on-site waste collection</u> Submitted plans showing swept path model allowing access for City of Newcastle's collection vehicle.	
		7.0 Demolition and construction	
		Objectives <ol style="list-style-type: none"> 1. Plan to maximise the reuse and recycling of materials through the Site Waste Minimisation Management Plan. 2. Ensure adequate storage of waste on the construction site. 3. Plan for the collection and disposal of waste appropriate to the type of waste. 	N/A. No demolition or construction is proposed.
		8.0 Single residential dwellings	
		Objectives <ol style="list-style-type: none"> 1. Provide adequate space onsite for the storage of City of Newcastle's issued bins. 2. Encourage the use of alternative waste treatment technologies, such as composting and recycling, to reduce the amount of waste sent to landfill. 	N/A.
		9.0 Residential development of two or more dwellings	

Section	Application	Requirements	Department's Consideration
		Objectives <ol style="list-style-type: none"> 1. Minimise the number of bins to ensure efficiency of the waste collection process, minimise servicing difficulties and encourage reuse and recycling. 2. Design waste facilities to accommodate a safe and efficient collection process for both occupants and City of Newcastle's staff. 3. Provide adequate space onsite for the storage of bins in accordance with the SWMMP. 4. Minimise the visual and amenity impact of waste management facilities from both the public and private domain. 5. Minimise waste produced through the provision of a space for composting. 6. Minimise environmental impacts caused by litter and odour to maintain the health and safety of the public. 	N/A.
		10.0 Mixed use development	
		Objectives <ol style="list-style-type: none"> 1. Ensure residential and non-residential waste, recycling and green waste is demarcated to accommodate separate collection services. 	N/A.

Section	Application	Requirements	Department's Consideration
		11.0 Non-residential development	
		Objectives <ol style="list-style-type: none"> 1. Design waste facilities to accommodate a safe and efficient collection process for both occupants and waste collection service. 2. Minimise the visual and amenity impact of waste management facilities from both the public and private domain. 3. Ensure non-residential development incorporates efficient waste management systems that are capable of handling the forecasted waste generation. 4. Minimise the number of bins to ensure efficiency of the waste collection process, minimise servicing difficulties and encourage reuse and recycling. 5. Minimise environmental impacts caused by litter and odour to maintain the health and safety of the public. 	<p>Existing waste management practices would account for the waste generated by the storage of LIBs.</p>
		6.0 Application requirements	

Section	Application	Requirements	Department's Consideration
Section C7 – Safety and security	This section applies to all development.	<p>Developments that:</p> <ul style="list-style-type: none"> a) Create a risk of crime (actual and perceived) b) Involve an increased threat to public safety c) Include a component to serve, sell or supply alcohol. <p>Submit a CPTED assessment report</p> <p>Development, including change of use applications, considering applying for a liquor licence.</p> <p>Submit a plan of management (PoM) prepared by a suitably qualified person.</p>	N/A.
		<p>7.0 Design and Layout requirements</p> <p>Objectives</p> <ul style="list-style-type: none"> 1. Reduce community vulnerability to crime through good urban design and the incorporation of CPTED principles in development. 2. Consider safety and security at the early design stages and plan development to create a safe environment, responsive to its surrounding that incorporates features to minimise opportunities for criminal and anti-social behaviour. 	N/A.

Section	Application	Requirements	Department's Consideration
		<p>3. Provide actual and perceived safe and secure environments by minimising opportunities for criminal and anti-social behaviour.</p>	
<p>Section C8 – Social impact</p>	<p>This section applies to all development listed in the application requirements.</p>	<p>6.0 Application requirements</p> <p>There are two types of reports required: a Social Impact Comment and a Social Impact Assessment.</p> <p>Social Impact Comment</p> <p>A Social Impact Comment is generally required for the developments identified in Table C8.01 unlikely to result in significant social impacts. A Social Impact Comment can be undertaken by a qualified and experienced urban planner and can form part of the Statement of Environmental Effects (SEE), where social impacts are discussed to address s1.3 of the EP&A Act 1979.</p> <p>Social Impact Assessment</p> <p>A Social Impact Assessment is required for developments that are:</p> <ul style="list-style-type: none"> a. large in scale b. of a large and/or sensitive nature c. in a sensitive or constrained setting d. likely to have an impact on the community not able to be mitigated by normal conditions of consent. 	<p>The Department considers that the proposed modification is minor in nature, as it only involves an additional type of cargo to be stored on the Site. Therefore, it would not result in significant social impact on nearby sensitive receivers.</p>

Section	Application	Requirements	Department's Consideration
		<p>A Social Impact Assessment is a stand-alone report to accompany the submitted development application. It is a comprehensive assessment typically required for developments likely to result in significant social impacts and/or large developments or developments where significant social impacts are anticipated.</p> <p>These must be prepared by a suitably qualified Social Impact Assessment professional who:</p> <ul style="list-style-type: none"> a. has qualifications in the fields of community/social planning, social science or demonstration of relevant significant professional body of work training b. has/or extensive experience in the field of social impact assessment community needs analysis and community consultation c. is familiar with the types of information required. <p>The list of development types is not definitive and will be considered alongside the table, Table C8.02. City of Newcastle will use its discretion under the EP&A Act to request a Social Impact Assessment for any development application (DA) if it believes it is likely to have a significant social impact on the community.</p> <p>Application requirement provisions provide two categories of assessment. Both must examine the social impact considerations and have an assessment process; however, the extent of research, assessment and author of assessment varies. The length and detail</p>	

Section	Application	Requirements	Department's Consideration
		provided should be commensurate with the scale of the development and significance of the likely social impacts.	
		7.0 General requirements	
		Objectives 1. Ensure potential social impacts are investigated using methods appropriate to the scale and context of development.	N/A. The proposed modification has minimal social impacts and is not located near sensitive receivers.
Section C9 – Advertising and signage	This section applies to all advertisements and signage, except that which is exempt development under an environmental planning instrument that applies to it.	7.0 Application requirements	
		<u>A signage strategy will be provided by all development requiring signage aside from home business, home industry and home occupation.</u> A signage strategy is to address the controls and acceptable solutions in this section and include details regarding: <ul style="list-style-type: none"> a. sign locations on dimensioned plans b. colours and finishes c. any proposed illumination. 	N/A. No signage is proposed.
Section C10 – Street awnings and balconies	This section applies to all development that includes awnings or		N/A.

Section	Application	Requirements	Department's Consideration
	balconies over the road reserve.		
Section C11 – Development adjoining laneways	This section applies to all land which adjoins a laneway.		N/A.
Section C12 – Open space and landscaping	<p>This section applies to all development that consists of:</p> <ul style="list-style-type: none"> • a new building or structure street tree • alterations or additions to the external footprint of an existing building or structure • subdivision of land. 		N/A. No construction of new structures, alteration of existing structures or the subdivision of land is proposed.

Section	Application	Requirements	Department's Consideration
Section C13 – Liveable housing	<p>This section applies to the following forms of residential development:</p> <ul style="list-style-type: none"> • dual occupancy • attached dwellings • multi dwelling housing • seniors housing • residential flat buildings • co-living housing • shop top housing. 		N/A.
Part D: Development controls by land use			
Section D1 – Subdivision and lot consolidation	<p>This section applies to all land to which the Newcastle Local Environmental Plan 2012 (LEP 2012) applies, and to land outside of the</p>		N/A. The proposed modification is within the Port of Newcastle Lease area.

Section	Application	Requirements	Department's Consideration
	Port of Newcastle lease area to which State Environmental Planning Policy (Transport and Infrastructure) 2021 applies.		
Section D2 – Single dwelling and ancillary development	<p>This section applies to all development consisting of:</p> <ul style="list-style-type: none"> • single dwellings • alterations and additions • ancillary structures. 		N/A.
Section D3 – Residential development	<p>This section applies to all residential development consisting of:</p> <ul style="list-style-type: none"> • attached dwellings • boarding houses 		N/A.

Section	Application	Requirements	Department's Consideration
	<ul style="list-style-type: none"> co-living dual occupancies group homes hostels multi dwelling housing residential flat buildings semi-detached dwellings seniors housing shop top housing <p>This section does not apply to single dwellings or secondary dwellings.</p>		
Section D4 - Commercial	<p>This section applies to all land zoned:</p> <ul style="list-style-type: none"> R4 High Density Residential E1 Local Centre 		N/A. The proposed modification does not include any activities on land zoned R4, E1, E3 or MU1.

Section	Application	Requirements	Department's Consideration
	<ul style="list-style-type: none"> E3 Productivity Support MU1 Mixed Use <p>This section applies to all development consisting of:</p> <ul style="list-style-type: none"> Commercial premises Wholesale suppliers Registered clubs Food and drink premises Function centres Service stations Amusement centre Entertainment facility Veterinary hospital 		

Section	Application	Requirements	Department's Consideration
	<ul style="list-style-type: none"> Tourist and visitor accommodation 		
Section D5 – Industrial	<p>This section applies to all land zoned:</p> <ul style="list-style-type: none"> E3 Productivity Support E4 General Industrial E5 Heavy Industrial SP1 Special Activities 	<p>7.0 Application requirements</p> <p>An application for development, including a change of use involving building work.</p> <ul style="list-style-type: none"> Include an access report to consider access matters, in circumstance where access constitutes a substantive public interest aspect of the proposal. Access reports should be prepared by a suitably qualified access consultant, such as a person who is appropriately accredited by the Association of Consultants in Access Australia Inc. 	N/A. No building work or change to access is proposed.
		8.0 Building setbacks	
		<p>Objectives</p> <ol style="list-style-type: none"> Ensure adequate area is available at the street frontage to accommodate satisfactory landscaping, access, parking and manoeuvring of vehicles. Reduce the visual impact of development on the streetscape. Provide a buffer between adjoining residentially zoned land, or land currently used for residential purposes, 	N/A. The proposed modification does not involve any new buildings or structures.

Section	Application	Requirements	Department's Consideration
		reducing adverse impacts on surrounding land uses and residential amenity.	
		9.0 Character and amenity	
		<p>Objectives</p> <ol style="list-style-type: none"> 1. Promote development that is functional and attractive in the context of its local environment through appropriate design. 2. Ensure development is sympathetic with the streetscape character and amenity of any adjoining residential precinct. 3. Any proposed building or proposed alterations and additions to an existing building are to minimise and ameliorate any potential adverse impacts on amenity, noise privacy or overshadowing on any adjoining residential zoned land. 4. Provide awareness of the obligations under the Commonwealth's Disability Discrimination Act 1992. 5. Promote lot consolidation and ensure development does not result in isolated sites. 	<p>The proposed modification proposes to store LIB units within an existing freight storage facility, maintaining the existing character and amenity of the Site.</p> <p>The nearest residential receivers are over 800m away, and the proposed modification would not result in impact to character and amenity.</p> <p>No building or structures are proposed as part of the proposed modification.</p> <p>The proposed modification does not seek to consolidate or subdivide the site.</p>
		10.0 Development that adjoins or is located within proximity to residentially zoned land uses	
		Objectives	N/A.

Section	Application	Requirements	Department's Consideration
		<ol style="list-style-type: none"> 1. Protect the amenity of adjoining residentially zoned land and uses. 2. Ensure the use and development of industrial land minimises any adverse amenity, noise, overshadowing and privacy impacts to surrounding residentially zoned land and uses. 3. Encourage a development layout, design and operation that appropriately manages land use conflicts. 	
		11.0 Communal outdoor areas	
		Objectives <ol style="list-style-type: none"> 1. Provide outdoor areas that enhance the amenity of a development, allowing adequate communal outdoor space for employees and providing sunlight and shade. 	N/A.
		12.0 Open storage and work areas	
		Objectives <ol style="list-style-type: none"> 1. Ensure open storage and work areas are suitably screened from public view. 	The LIBs will be stored within the confines of an existing freight storage site, situated away from public viewing.
		13.0 Loading, unloading and servicing areas	

Section	Application	Requirements	Department's Consideration
		Objectives 1. Provide for the design of loading and servicing areas in a functional and aesthetically pleasing manner.	Loading and unloading of LIBs will be in accordance with existing protocols and safety standards.
		14.0 Parking, vehicle access and movement	
		Objectives 1. Ensure adequate provision is made for on-site car parking and for employees and visitor's vehicles. 2. Create attractive landscaped car parking throughout the development. 3. Maximise opportunities for walking and cycling and where possible.	N/A. No change to existing parking under development consent DA8137
		15.0 Access to sunlight	
		Objectives 1. Ensure development retains reasonable levels of solar access to solar panels on neighbouring properties.	N/A.
		16.0 Land in Zone E4 General Industrial 'Steel River Precinct'	
		Objectives	N/A.

Section	Application	Requirements	Department's Consideration
		1. Identify special controls applying to 'Steel River.'	
		17.0 Land outside the Port of Newcastle lease area	
		The following additional controls apply to development of land zoned SP1 (Special Use) under the State Environmental Planning Policy (Transport and Infrastructure) 2021 located outside the Port of Newcastle Lease Area and shown as applicable in Map D5.06. If there is an inconsistency between a control under this section and elsewhere within DCP 2023, this section will take precedence to the extent of the inconsistency.	N/A. The proposed modification is within the Port of Newcastle Lease Area.
Section D6 – Community services	<p>This section applies to all development consisting of:</p> <ul style="list-style-type: none"> • Early education and care facility • Community facilities • Correctional centres • Educational establishments 		N/A.

Section	Application	Requirements	Department's Consideration
	<ul style="list-style-type: none"> • Health services facilities • Information and education facilities • Place of public worship • Public administration building • Research station. 		
Section D7 – Sex Industry establishments	<p>This section applies to all development consisting of:</p> <ul style="list-style-type: none"> • Home occupation (sex services) • Restricted premises • Sex services premises 		N/A.

Section	Application	Requirements	Department's Consideration
Part E: Place and Precincts			
Section E1 – Built and landscape heritage	This section applies to all development on land where a heritage item is located or in the vicinity of a heritage item, and on land within or near a heritage conservation area as identified in LEP 2012.		N/A.
Section E2 – Heritage conservation areas	This section applies to all development on land identified as heritage conservation area on the heritage map of LEP 2012 and described in Schedule 5.		N/A.
Section E3 – Tighes Hill local character	This section applies to residential zoned land in Tighes Hill, referred to as the local character area. Mayfield Renewal Corridor, covered in		N/A.

Section	Application	Requirements	Department's Consideration
	Section E8 Renewal corridors, applies to the employment zone along Mayfield Road and part of Elizabeth Street.		
Section E4 – Kotara local character	This section applies to residential zoned land in Kotara, referred to as the local character area. Kotara local character area applies to all land within the heavy line in Figure E4.01.		N/A.
Section E5 – Newcastle city centre	This Section applies to all development within the Newcastle city centre, as is shown in Figure E5.01 or Part 7 of the Newcastle Local Environmental Plan 2012 (LEP 2012).		N/A.

Section	Application	Requirements	Department's Consideration
Section E6 – Fort Wallace	<p>This section applies to all land identified in Figure E6.01.</p> <p>This section applies to all development within Fort Wallace.</p>		N/A. The proposed modification does not affect land identified in Figure E6.01 of the Newcastle DCP 2023 (NDCP).
Section E7 – Wickham	<p>This section applies to all development consisting of:</p> <ul style="list-style-type: none"> • New buildings or structures • Additions or alterations to existing buildings or structures • Subdivision. <p>This section applies to all land within the heavy line marked up on Figure E7.01.</p>		N/A. The proposed modification does not affect land indicated in Figure E7.01 of the NDCP.

Section	Application	Requirements	Department's Consideration
Section E8 – Renewal corridors	<p>This section applies to all development consisting of:</p> <ul style="list-style-type: none"> • new buildings or structures • additions or alterations to existing buildings or structures. 		N/A.
Section E9 – Black Hill employment area	<p>This section applies to all land within the heavy line marked on Map 1 – Black Hill Employment Lands guidelines.</p> <p>This section applies to all development within the Black Hill Employment Lands requiring development consent.</p>		N/A.
Section E10 – Minmi	The guidelines relate to three precincts, as		N/A.

Section	Application	Requirements	Department's Consideration
extension, Village Centre and Link Road north precinct	<p>shown in Map 2 – Precincts of guidelines, being:</p> <ul style="list-style-type: none"> • Village Centre Precinct • Link Road North Precinct (being that portion within the Newcastle LGA) • Minmi Extension Precinct. <p>The guidelines apply to all development within these precincts requiring development consent.</p>		
Section E11 – Minmi East Precinct	<p>The Guidelines apply to all development within the Minmi East Precinct requiring development consent.</p>		N/A.

Section	Application	Requirements	Department's Consideration
Section E12 – Lingard Hospital Precinct	This section applies to all land mapped as hatched on Map 1 (bounded by Lingard Street, Merewether Street, Hopkins Street and Tye Road).		N/A.
Section E13 – Minmi	This section applies to all land within the heavy line marked up on Map 1: Minmi.		N/A.

Appendix C – Recommended instrument of modification

Recommended instrument for DA 8137-Mod-3

<https://www.planningportal.nsw.gov.au/daex/under-consideration/mayfield-cargo-storage-facility-modification-3-da8137-mod-3>