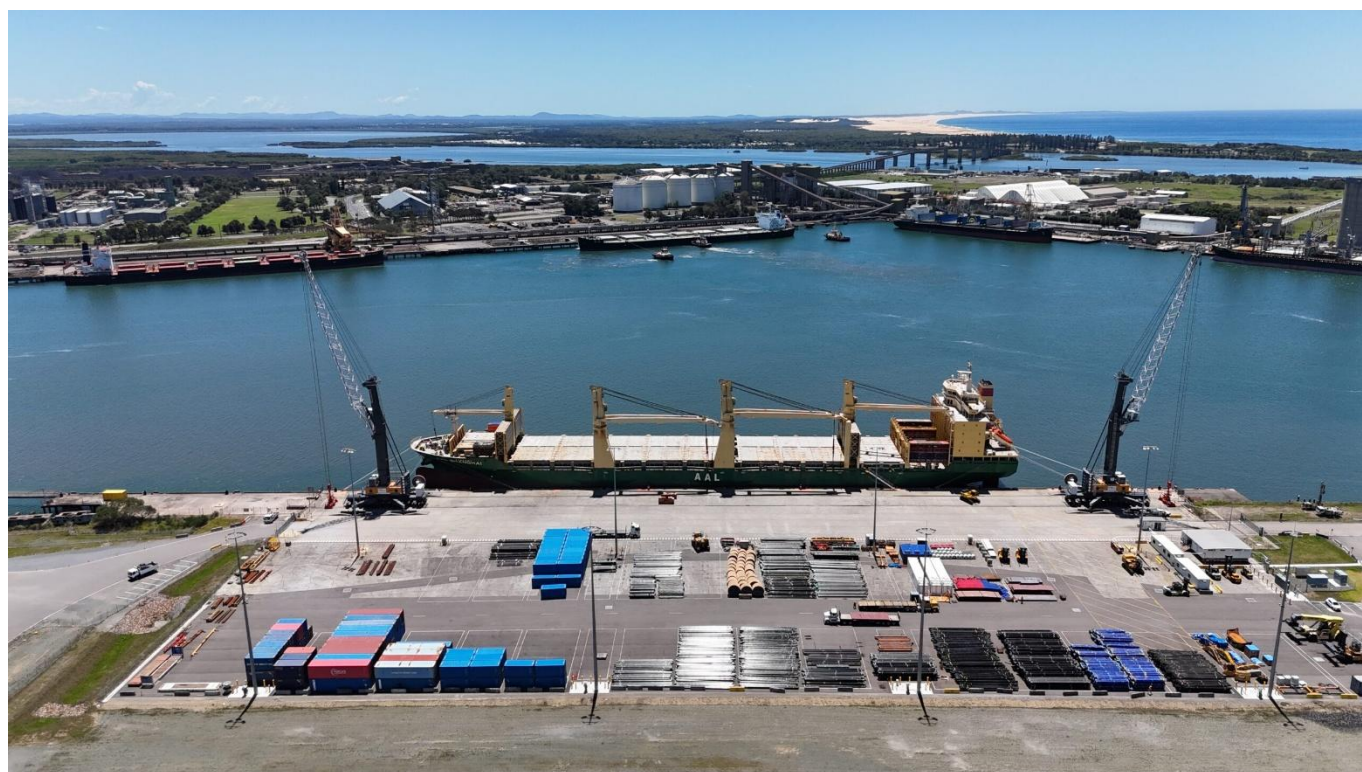


Modification 10 of BHP Steelworks site – Multi-purpose Terminal Reconfiguration

State Significant Development Modification Assessment Report (DA293-08-00-Mod-10)

July 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Modification 10 of BHP Steelworks site – Multi-purpose Terminal
Reconfiguration (DA293-08-00-Mod-10) Assessment Report

Cover Photo: General Cargo Handling Facility and M4 Berth (Source: Port
of Newcastle Website, 24 June 2026)

Published: July 2026

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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 10 of the State significant development application for the BHP Steelworks site – Multi-purpose Terminal Reconfiguration, located within Mayfield lodged by Port of Newcastle Operations Pty Ltd. The report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the modification during the assessment process
- an assessment of the likely environmental, social and economic impacts of the modification
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- an opinion on whether the modification is approvable or not, along with the reasons, to assist the Independent Planning Commission in making an informed decision about whether the consent for the project can be modified and any conditions that should be imposed.

Executive Summary

This report details the Department's assessment of modification 10 of the State significant development application DA293-08-00 for the former BHP steelworks site at Mayfield in the Newcastle local government area. This report will be provided to the Independent Planning Commission (IPC) as the delegate of the Minister for Planning and Public Spaces (the Minister) for determination of the modification.

Modification

Port of Newcastle Operations Pty Ltd (the Applicant) proposes to modify the consent for DA293-08-00 for the remediation and development of a Multi-purpose Terminal (MPT). The modification proposes to remove the operational timeframe and prescriptive boundaries of the General Cargo Handling Facility (GCHF) within the MPT site.

Statutory context

Consent for the State significant development was granted on 6 April 2001 by the then Minister, who is the consent authority for the modification. The Applicant has made a Reportable Political Donations Declaration. Therefore, the Independent Planning Commission as the delegate of the Minister may determine the modification application.

The Department is satisfied that the proposed modification is within the scope of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (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 *Hunter Regional Plan 2041*, *Greater Newcastle Metropolitan Plan 2036*, *Newcastle Local Strategic Planning Statement*, *Port Master Plan 2040* and the *Port Development Plan 2023-2028*.

Engagement

The Department made the modification publicly available on 13 April 2026. The Department received:

- advice from Newcastle City Council commenting on the modification

- advice from the following government agencies:
 - NSW Environment Protection Authority
 - Fire and Rescue NSW
 - Transport for NSW
 - Conservation Programs, Heritage and Regulation Group of NSW Department of Climate Change, Environment, Energy and Water
- feedback from Infrabuild (adjoining land owner).

Concerns raised related to the increase in storage, potential for hazardous risks, and height limitations. The Applicant submitted a submissions report on 14 May 2026 to address the matters raised by agencies, Council and Infrabuild.

Assessment

Continued operation of the General Cargo Handling Facility (GCHF)

The consent limits the operational timeframe of the GCHF to 10 years, or for a longer period as agreed by the Director-General. Extensions have been granted on two occasions to allow operations to continue. The Department supports the removal of the time limit condition and considers that the continued operation and expansion of the GCHF is consistent with the DA293-08-00 consent, the Mayfield Concept Plan, and relevant conditions of consent, supporting operational demand within the Port.

Traffic

Traffic movements in the MPT site are restricted to 462,104 truck movements per annum under the Mayfield Concept Plan (MCP). The modification proposes no changes to truck movements as the modification is for the continued use of the GCHF, but over a larger area with no increase in overall site traffic movements. The modification confirms that the traffic movements are managed and monitored under the MCP conditions and current movements are consistent with and within the maximum limits set by these approvals, including truck movements from the Mayfield Stolthaven Bulk Liquids Terminal, the Mayfield Cargo Storage Facility, and the GCHF.

Conclusion

Overall, the Department's assessment concludes the modified development would:

- enable cargo to be stored more effectively and provide continued support to handling of infrastructure components supporting economic growth in NSW through renewable energy projects
- enable improved port efficiencies for operational demands
- result in no changes to existing environmental impacts assessed under the MCP and DA293-08-00 specifically noise, biodiversity, hazards and risk and remediation
- not change existing traffic movements which are within the limits specified under the MCP
- be consistent with government strategies.

As such, the Department considers the modified development is in the public interest and concludes that the consent may be modified, subject to conditions detailed in Section 2.1.

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1 Introduction

1.1 The proposed modification

1. This report provides the Department of Planning, Housing and Infrastructure's (the Department) assessment of an application to modify the development consent (DA293-08-00) for the General Cargo Handling Facility (GCHF) (the Site) component of the Multi-Purpose Terminal (MPT) within the former BHP steelworks site at Mayfield, NSW.
2. The Port of Newcastle Operations Pty Limited (the Applicant) proposes to modify the consent to remove the operational timeframe and prescriptive boundaries of the GCHF (outlined in blue in **Figure 1** and totalling 8 hectares in area) and use the remaining southern portion of the 'direct port industry precinct' (also known as the MPT) (equating to a total area of 30 hectares within the broader 53.1 hectare MPT), excluding land occupied by the Mayfield Cargo Storage Facility (MCSF) under DA8137 but within the MPT site, for storage of general cargo.

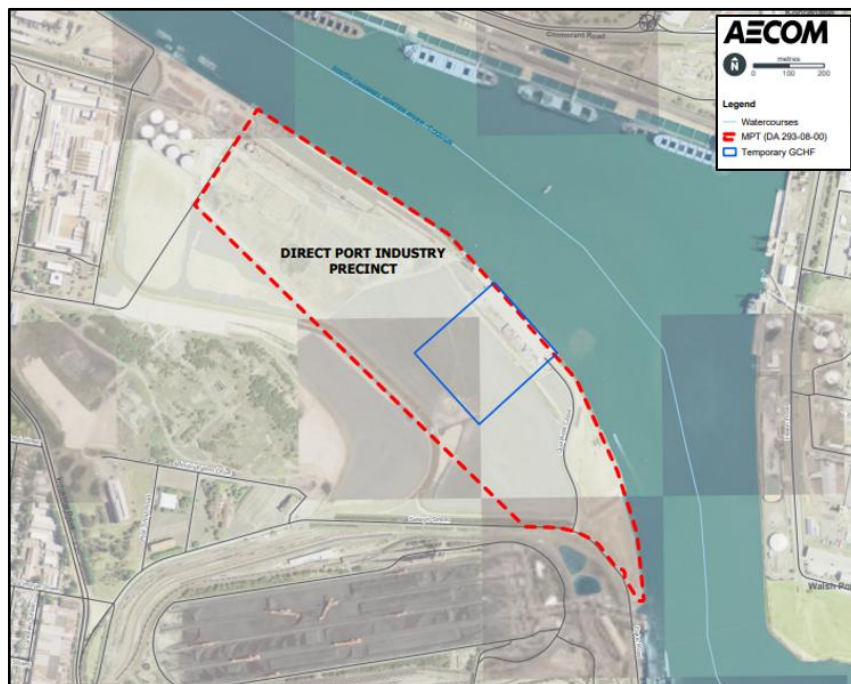


Figure 1 | Multi-Purpose Terminal/Direct Port Industry Precinct outlined in red dotted line with the temporary GCHF outlined in blue (Base Source: Modification Application 10, 2026)

3. The project description and mitigation measures provided in Section 6 are the subject of this report and will form part of the approval if the modification is approved.

1.2 Project location

4. The Site is in the Port of Newcastle's (PON) Mayfield Precinct, situated within the MPT (also referred to as the direct port industry precinct)) within the former BHP Steelworks 'Closure Area' and Port lease area, in the Newcastle Local Government Area.
5. It is located on land legally known as Lots 41, 42 and 44 of DP 1191982 and Lots 51, 52, 53 and 54 of DP 1229869. These lots have been leased to the Applicant from its owner the Port of Newcastle Lessor Ministerial Holding Corporation. The Site is located on the south-eastern foreshore of the southern arm of the Hunter River, about four kilometres north of the Newcastle central business district (CBD) (see Figure 2).
6. 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 and east, open hardstand area and MCSF to the north-west, Carrington Coal Loader to the south, and the Intertrade site to the west (the Department has issued the Secretary's Environmental Assessment Requirements for an application to develop the Intertrade site as a logistics precinct for the storage of renewable energy components).
7. The nearest residential receivers are located over one kilometre to the west of the Site, in Mayfield East. Figure 3 shows the location of the Site and surrounding land uses.



Figure 2 | Regional context map (Base source: Modification Application, 2026)

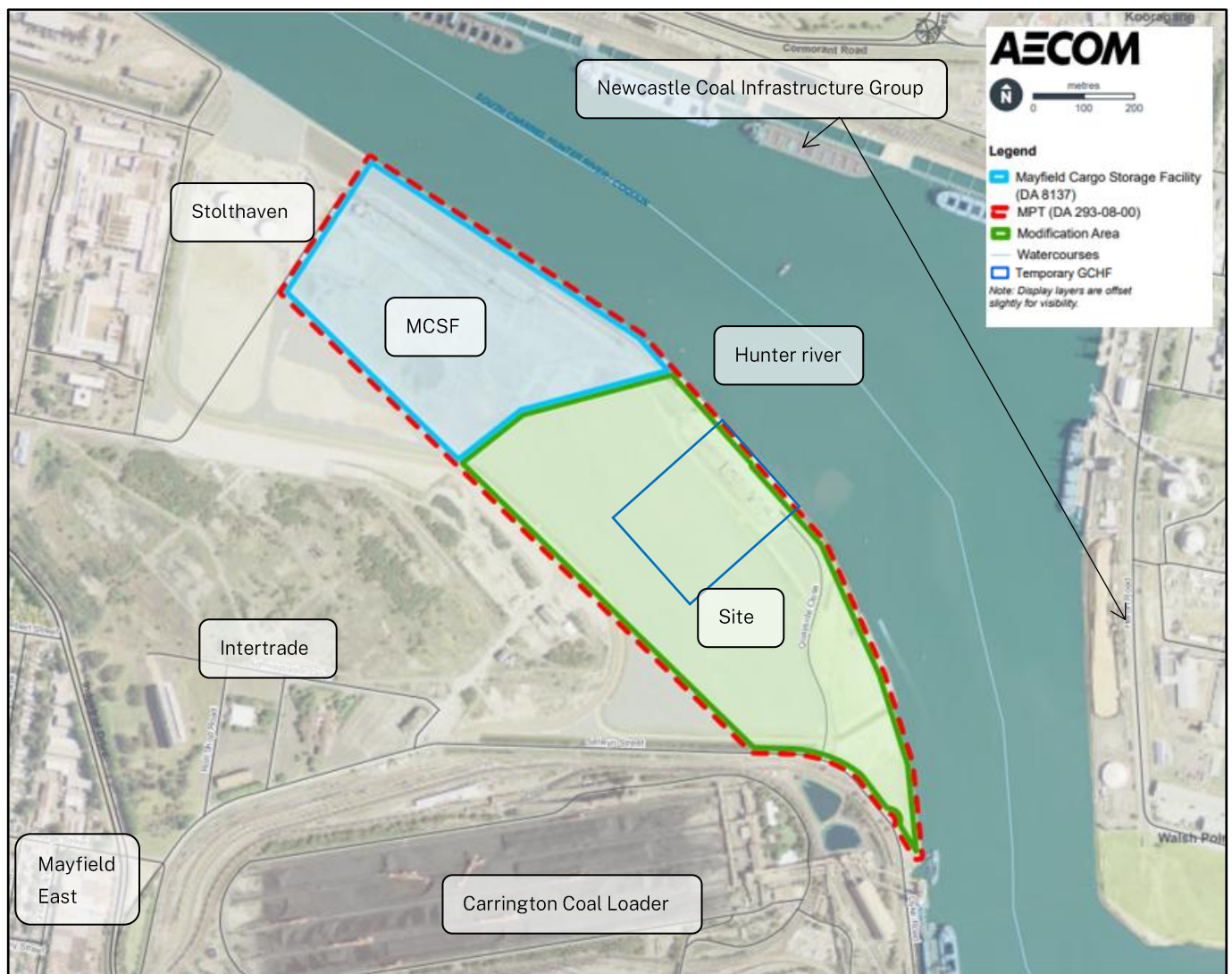


Figure 3 | Local context map (Base source: Modification Application, 2026)

1.3 Site background

8. 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 remediation and development of a MPT, comprising a container terminal and a general cargo handling facility on the remediated land.
9. As part of the BHP steelworks site remediation works, a low permeability barrier wall was constructed to contain contaminated groundwater within the area generally shaded in blue in Figure 3, currently occupied by the MCSF. The remainder of the MPT site (shaded in green) was re-contoured and capped. The land underlying the Site is capped.
10. On 14 June 2001, the Environment Protection Authority (EPA) declared the BHP site to be a remediation site. 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 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.

11. DA 293-08-00 regulates the operation of the M4 berth and associated 8-hectare GCHF. The berth is the only operational berth within the MPT site and project cargo stored at the MCSF and GCHF are received at or dispatched from the M4 berth.

1.4 Related projects

12. 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 (Bulk Liquid Precinct, Container Terminal Precinct, General Purpose Precinct, Bulk and General Precinct, and NPC Operations Precinct). The proposed modification seeks storage within the currently vacant portions of the southern part of the MPT (green shaded area in [Figure 3](#)). Under the MCP, the modification area covers part of the General-Purpose Precinct, Bulk and General Precinct and NPC Operations Precinct ([Figure 4](#)). The MCP also contains conditions which set the maximum number of truck movements generated by developments within the Mayfield port lease area and the management of stormwater and flood risks.
13. Development consent was granted on 30 June 2017 by the then Minister for Planning under Part 4 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) for the use of an existing hardstand area as port facilities for freight storage, including the loading and unloading of freight (DA8137). The MCSF is located on the northern part of the MPT site (shaded blue in [Figure 3](#)). The range of cargo stored at the MCSF includes renewable energy components, dangerous goods (Lithium-ion batteries) and roll-on roll-off cargo.

1.5 Approval history

14. On 6 April 2001, consent was granted under sections 76A(9) and 80(4) of the EP&A Act by the then Minister for Urban Affairs and Planning for remediation of the Closure Area, including the demolition and removal of structures and the development of a MPT comprising a container terminal and a general cargo handling facility and associated road, rail and wharf infrastructure and dredging of the South Arm of the Hunter River (DA293-08-00).

15. The consent has been modified on nine occasions (see Table 1).

Table 1 | Summary of modifications

Modification	Description	Decision-maker	Type	Date
MOD 1	Amend the timing of the Community Consultative Committee	Minister	96(1)	19 June 2001
MOD 2	Exclusion of heritage areas from the development area	Minister	96(1)	13 August 2001
MOD 3	Amendment to noise limits and pre-construction surface conditions (excluding landscape and fig tree preservation)	Minister	96(1A)	15 February 2002
MOD 4	Burial of Blast Furnace No.1 slag stump	Minister	96(1A)	16 September 2003
MOD 5	Updates to land descriptions, soil capping, hours of construction, groundwater management, stormwater layout, and layout of site and transport infrastructure	Department	96(1A)	15 September 2005
MOD 6	Alteration of the alignment of railway lines and relocation of two major stormwater drainage lines on the site	Department	96(1A)	21 August 2007
MOD 7	Alterations to, and temporary relocation of, the general cargo handling facility, refurbishment of the existing wharf and an interim change in site access	Department	96(2)	21 November 2008
MOD 8	Minor change to the rail line layout	Department	96(1A)	30 March 2009
MOD 9	Change to the noise descriptor for operational noise limits and inclusion of evening operational noise limits	Department	75W	29 August 2013

2 Proposed modification

2.1 Modification overview

16. The Applicant is seeking to modify DA 293-08-00 to remove the 10-year operational timeframe and existing prescriptive boundaries (8-hectares) associated with the GCHF. Removal of the restrictions imposed by conditions 1.1A and 1.1B would enable greater flexibility to store general cargo across the Modification Area which has approval for the construction and operation of the MPT.
17. Deletion of conditions 1.1A and 1.1B is considered to have no substantial environmental, social or economic impacts.
18. The key aspects of the modification are outlined in Table 2.

Table 2 | Key aspects of the modification

Project element	Original project	Modified project
Project area / storage area	MPT covers an area of 53.1 ha, with 8 ha allocated for the GCHF situated behind Mayfield No. 4 Berth.	Cargo would be stored across a total area of 30 ha within the approved MPT, an increase of 22 ha for the GCHF (see Figure 3).
Use	Stage 1 – MPT comprising a container terminal and GCHF. Partial construction of the GCHF was completed in December 2009 with operations commencing in January 2010. The GCHF was temporarily relocated to the south-west of Mayfield No. 4 (M4) Berth remaining within the MPT. It comprised 8 ha of concrete area, a hardstand cover with bituminous material used for container and general cargo storage, a site office, security guard hut and amenities. Stage 2 – bulk handling terminal was deferred and will be subject to further environmental impact assessment. Stage 2 has not been approved and does not form part of the approved development.	The modification would be for continued storage of general cargo, remaining consistent with use under Stage 1 of the original approval. An additional 22 ha would be utilised to store general cargo within the MPT. Operation of the Container Terminal has not yet commenced, no change proposed. No change to the status of Stage 2.

Project element	Original project	Modified project
Duration	Temporary 10-year restriction, which has been extended via post approval to 2028.	Permanent ongoing storage.
Works	Work included: - the GCHF - internal road and rail infrastructure (including rail sidings connecting to the regional rail network) - wharf and berth infrastructure along the south arm of the Hunter River - hardstand across the entire MPT - supporting facilities (administration buildings, workshops, fuel storage, staff and visitor parking, utilities, security fencing and lighting, and stormwater management systems).	No physical works are proposed to the Site to enable the additional storage.
Remediation	Remediation occurred between 2008 and 2011 and was completed in 2019, except for the former BHP berth to the north-west of the M4 berth. The MPT was capped and some areas were constructed with hardstand. An ongoing maintenance order now applies to the site.	No further remediation required for the modification application. The remediation of the former BHP berth is approved under the development consent. Timing for the remediation works is expected in 2026, however, storage of cargo on that land will be subject to completion of the remediation works.
Hours of Operation	24/7.	No changes to hours of operation proposed.
Staffing	350 direct jobs, 3000 indirect construction and operational employment opportunities.	No additional staff proposed.

19. The Department has recommended administrative changes to the consent to reflect changes in Departmental process, agency names and standard terminology. The changes are detailed in Table 3.

Table 3 | Modifications to the conditions of consent

Condition(s)	Approved condition Intent	Proposed change	Justification
Definitions	N/A	Inclusion of the following definitions: • Applicant • Department • Incident • Material Harm • Minister • Planning Secretary Deletion of the following definitions: • The Department • The Director General Update to the Environmental Planning and Assessment Regulation to 2021 from 1994.	Minor administrative changes
1.1A	To limit approval of the General Cargo handling Facility under MOD-56-7-2008 to operate for a period of 10 years	Deletion of the condition to remove the restriction on use.	The GCHF currently operates as a storage area, the existing approval of the broader MPT permits cargo storage, removal of this condition allows for flexibility of storage and supports Renewable Energy Zone projects. The time limit has been extended on two occasions; deletion of this condition removes an unnecessary administrative burden.
1.1B	At five yearly intervals following	Deletion of the condition to remove the restriction on use.	Consistent with the removal of condition 1.1A the need for five yearly reports to support the

Condition(s)	Approved condition Intent	Proposed change	Justification
	commencement of operation a report is to be submitted justifying the need for the site to remain operational.		ongoing use of the GCHF are no longer required.
1.2	Condition note relating to consent for Stage 2	No change to the intent of the condition, change relates to removing outdated reference of Director-General.	Administrative change to update condition to reference the Planning Secretary.
2.2A	New condition	To comply with any requirements of the Planning Secretary relating to the assessment of reports, reviews, and audits.	Department standard condition.
2.3A	New condition	Inclusion of a condition restricting dangerous goods from being stored within the GCHF.	To ensure dangerous goods are not stored within the GCHF, consistent with existing operations.
2.6	Condition relating to EPA Accredited Site Auditor	No change to the intent of the condition, change relates to removing outdated references.	Update to reference the Planning Secretary.
3.3	Condition relating to compliance and compliance reports	No change to the intent of the condition, change relates to removing outdated references.	Update to reference the Planning Secretary.
3.3A	New condition	Inclusion of a condition detailing written requirements or directions of	Department standard condition.

Condition(s)	Approved condition Intent	Proposed change	Justification
		the Planning Secretary relating to the consent	
3.3B	New condition	Inclusion of a condition detailing the requirements of Incident notification, reporting and response by the Applicant	Department standard condition.
3.3C	New condition	Inclusion of a condition requiring an Incident report in accordance with Appendix A.	Department standard condition.
3.3D	New condition	Inclusion of a condition detailing the requirements of non-compliance notification	Department standard condition.
4.2, 4.3, 4.6, 4.7	Conditions relating to environmental management plans	No change to the intent of the conditions, change relates to removing outdated references.	Update to reference the Planning Secretary.
5.1, 5.8, 5.9, 5.12, 5.13, 5.46, 5.48, and 5.49	Conditions relating to environmental standards and conditions	No change to the intent of the conditions, change relates to removing outdated references.	Update to reference the Planning Secretary.
6.2, 6.3, and 6.5	Conditions relating to cultural heritage	No change to the intent of the conditions, change relates to removing outdated references.	Update to reference the Planning Secretary.
7.2, 7.4, 7.5, 7.8, 7.10, and 7.11	Conditions relating to hazards	No change to the intent of the conditions, change relates to removing outdated references.	Update to reference the Planning Secretary.

Condition(s)	Approved condition Intent	Proposed change	Justification
8.1, 8.2, 8.3, and 8.4	Conditions relating to environmental monitoring program	No change to the intent of the conditions, change relates to removing outdated references.	Update to reference the Planning Secretary.
9.1, 9.2, 9.3, 9.4, 9.5, 9.6, and 9.7	Conditions relating to Environment Management and Reporting	No change to the intent of the conditions, change relates to removing outdated references.	Update to reference the Planning Secretary.
10.1	Condition relating to dispute resolution	No change to the intent of the condition, change relates to removing outdated references.	Update to reference the Planning Secretary and remove reference to Urban Affairs and Planning.
Appendix A	New condition	Inclusion of incident notification and reporting requirements.	Department incident notification requirements.

3 Strategic context

3.1 Key strategic issues

20. The Department considers that the modified project is appropriate for the site as it is consistent with the strategies, plans and policies outlined in **Table 4** below.

Table 4 | Summary of government strategies, plans and policies

Strategy, plan or policy	Status	Comments
Hunter Regional Plan 2041 (Department of Planning and Environment, 2022)	Consistent	- 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 would support the Port as a global gateway by continuing operations and expanding storage capacity, catering for renewable energy components.
Greater Newcastle Metropolitan Plan 2036 (Department of Planning and Environment, 2018)	Consistent	- 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 expand capacity to store general cargo to meet demand.
Newcastle Local Strategic Planning Statement (City of Newcastle, 2025)	Consistent	- The purpose of the plan is to guide land use planning over the next 20 years, through planning priorities. - The proposed modification is consistent with the Plan, specifically priority 15, as it supports the retention and expansion of cargo storage within the MPT.

Strategy, plan or policy	Status	Comments
Port Master Plan 2040 (Port of Newcastle, 2019)	Consistent	• 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 additional storage capacity supporting import and export trade through the Port.
Port Development Plan 2023-2028 (Port of Newcastle, undated)	Consistent	• The purpose of the Plan is to provide a five-year overview of the Port Lease Area priorities for planning, development and asset management. • The proposed modification is consistent with the Plan as it meets objective 6 by developing additional hardstand increasing capacity of the MPT.

4 Statutory context

4.1 Scope of modification and assessment pathway

21. Details of the legal pathway under which the modification is sought are provided in Table 5.

Table 5 | Permissibility and assessment pathway

Consideration	Description
Public authority for the purposes of Chapter 5 of the Transport and Infrastructure SEPP	• Port of Newcastle Operations Pty Limited (the Applicant) is a 'public authority' for the purposes of Chapter 5 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (the Transport and Infrastructure SEPP), as it is the Port Operator of the port of Newcastle. • Section 5.2(1) of the Transport and Infrastructure SEPP states that a reference to a 'public authority' in Chapter 5 of the Transport and Infrastructure SEPP includes the Port Operator. • Additionally, section 5.2(1) of the Transport and Infrastructure SEPP states that in relation to the Port of Newcastle, 'Port Operator' effectively has the same meaning as in the <i>Ports and Maritime Administration Act 1995</i>. • On 15 May 2014, Port of Newcastle Operations Pty Limited was declared the Port Operator of the private port of Newcastle under section 3(1) of the <i>Ports and Maritime Administration Act 1995</i>. • Therefore, the Port of Newcastle Operations Pty Limited is a public authority for the purpose of development activities within the Port of Newcastle Lease Area under Chapter 5 of the Transport and Infrastructure SEPP.
Assessment pathway	Modification involving minimal environmental impact • The Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act as the modified project is of minimal environmental impact and the same development as the development for which consent was originally granted and does not constitute a new development application. • Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

Consideration	Description
Decision maker	Minister for Planning and Public Spaces The Minister for Planning and Public Spaces is the consent authority under section 4.5(a) of the EP&A Act.
Reportable Political Donations	The Applicant has made a declaration under section 10.4 of the EP&A Act that it has made reportable political donations in the two-years prior to the lodgement of the application.
Delegate	Independent Planning Commission - In accordance with Schedule 1 and 2 of the Minister's Instrument of Delegation dated 14 September 2011 (the 2011 Delegation), the Minister's determination functions under the EP&A Act can be delegated to the Independent Planning Commission (the IPC) to determine the request to modify the Minister's approval. - However, the 2011 Delegation does not apply to applications (including reportable political donation applications) made by a public authority (Schedule 2). - While the Proponent is considered a 'public authority' for the purposes of Chapter 5 of the Transport and Infrastructure SEPP, they are not considered a 'public authority' for the purposes of the 2011 Delegation to the IPC. - The 2011 Delegation applies the definition of a 'public authority' in the EP&A Act, and the Applicant is not considered a public authority under the EP&A Act definition in relation to this modification request.

4.2 Other approvals and authorisations

22. The NSW EPA has advised that the modified development is covered by an existing environment protection licence (EPL) issued under section 42 of the *Protection of the Environment Operations Act 1997* (the POEO Act).
23. Under section 4.41 of the EP&A Act, other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the original project and subsequent modification requests.

24. Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with any SSD consent for the modified project.
25. The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the modification (see Section 5 and 6).
26. Section 2.98 of the 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.
27. The southeast corner of the Site is adjacent to a freight rail corridor (**Figure 3**) which is used intermittently to service the Stolthaven Mayfield Terminal. The rail corridor is owned by the Port Lessor and managed by InfraBuild as the rail infrastructure manager.
28. The Department notified InfraBuild, who confirmed that no impact is expected due to the removal of the prescriptive boundaries of the GCHF.

4.3 Mandatory matters for consideration

4.3.1 Matters of consideration required by the EP&A Act

29. 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 6. The consent authority did not give any reasons for granting development consent to DA293-08-00.

Table 6 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix C and Appendix D
EP&A Regulation	Appendix C

Matter for consideration	Department's assessment
Likely impacts	Section 6 - Assessment
Suitability of the site	Section 1.3 - Site background, Section 3 - 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

30. 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 C and section 4.3.4 below.
31. The Department is satisfied that the proposed modification is consistent with the objectives of the EP&A Act.

4.3.3 Biodiversity development assessment report

32. Section 7.17(2) of the *Biodiversity Conservation Act 2016* (the BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application 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).
33. The Department is satisfied that the modification will not increase the impact on biodiversity values and consequently a BDAR was not required to accompany the modification application.

4.3.4 Ecologically sustainable development

34. 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.

35. 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.
36. 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.

5 Engagement

5.1 Department’s engagement

37. In accordance with Environmental Planning and Assessment Regulation 2021 (the EP&A Regulation) the Department made the modification application publicly available on the Department’s website on 13 April 2026 and forwarded the application to council and agencies for comment.

5.2 Notification of the modification

38. After accepting the modification request and report, the Department:
- made the documents publicly available on the NSW Planning Portal
 - notified and invited comment from relevant government agencies and Newcastle City Council.

5.2.1 Summary of advice received from government agencies

39. The Department received advice from four government agencies and feedback from one organisation on the modification report.
40. A summary of the agency advice and organisation feedback is provided in Table 7. A link to the full copy of the advice is provided in Appendix B.

Table 7 | Summary of agency advice and feedback

Agency	Advice summary
NSW Environment Protection Authority	Noted the site is regulated under EPL 13181 under the POEO Act for scheduled activity of Shipping in Bulk. Considering the increase in area for storage, recommended that the Department should consider the potential of implementing additional measures to appropriately manage risks associated with storage of chemicals, such as spills or leaching, and ensure compliance with relevant Australian Standards.
Fire and Rescue NSW (FRNSW)	FRNSW recommended areas proposed for storage of lithium-ion batteries conform with FRNSW’s position statements <i>Emergency Plan Requirements at Sites Having Lithium Batteries and Open Yard Storage of Battery Energy Storage Systems December 2025</i>.

Agency	Advice summary
Transport for NSW (TfNSW)	TfNSW considered that no significant impact on the nearby classified (State) road network is expected by the modification and proposed no requirements.
Conservation Programs, Heritage and Regulation Group of NSW Department of Climate Change, Environment, Energy and Water (NSW DCCEEW CPHR)	No comments, noting no additional impacts to biodiversity beyond those identified in the original application (DA293-08-00).
Organisation	Feedback summary
InfraBuild	Advised that the removal of the prescriptive boundary does not affect the rail siding. No further comments were provided.

5.2.2 Summary of Council submission

41. City of Newcastle (Council) provided comments on the modification application. Council raised no objection to the removal of conditions 1.1A and 1.1B, on the understanding that it would not change any of the remaining operational elements of the approved development, including daily, monthly or yearly storage volumes or traffic volumes, staffing numbers, hours of operation and nature of products stored (including limits on offensive and hazardous materials)
42. Council also advised no objection subject to confirming height limitations on the GCHF and consideration of hazards and risks (Multi-Level Risk Assessment), given the mixture of stored cargo and avoiding cascade disasters.
43. If anything is altered from the above, then further comment is to be sought from Council.

5.3 Response to submissions

44. Following the notification period, the Department requested the Applicant to respond to the advice received from government agencies, Infrabuild and Council. The Applicant provided a submissions report to the Department on 14 May 2026 (see Appendix B).

45. The Department published the submissions report on the NSW Planning Portal and forwarded the submissions report to relevant government agencies, Infrabuild and Council for comment on 20 May 2026.
46. NSW DCCEEW CPHR, TfNSW, FRNSW and Infrabuild reviewed the submissions report and raised no further comments or concerns.
47. NSW EPA recommended the Department consider the need for a Final Hazard Analysis, Fire Safety Study and operational Environment Management Plan noting the changes to area and proximity to site boundaries.
48. City of Newcastle (Council) reviewed the submissions report and raised no further comments.

6 Assessment

6.1 Consideration

49. The Department has considered the relevant matters for consideration under section 4.55(1A) 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:
- continued operation of the General Cargo Handling Facility, and
 - traffic.
50. Other issues such as hazards and risks, remediation, noise and stormwater and flooding are addressed in Section 6.4.

6.2 Continued operation of the General Cargo Handling Facility (GCHF)

51. The modification application seeks the deletion of conditions 1.1A and 1.1B which currently limits the use of the GCHF to a period of 10 years, unless otherwise agreed by the Planning Secretary.
52. These conditions were imposed as part of Modification 7 to DA293-08-00 which approved the relocation of the GCHF and increased its area from 7 hectares to 8 hectares. Modification 7 also restricted the ‘interim’ use of the GCHF to 10-years or as approved by the Director-General. The continued use of the GCHF has been extended on two occasions (2018 and 2023) currently permitting operations to 21 November 2028.

The continued operation and expansion of the GCHF remains consistent with the DA293-08-00 consent and supports operational demand

53. The Department’s assessment of DA293-08-00-Mod-7 confirmed that the lack of clear tenure for the operation of the GCHF was an issue with the proposed ‘start up’ of the interim facility, assuming the facilities and road access would operate for a minimum of 10 years. The Department imposed a condition allowing operation of the facility for ten years, or a longer period, subject to the Director-General’s (now Planning Secretary) agreement. In addition to this, a five yearly report was also required on the performance of the GCHF demonstrating the need for the facility to be retained on site and remain operational.
54. The Department’s assessment of Modification 7 confirmed the interim GCHF to be substantially similar to the GCHF originally approved (within the approved MPT footprint, same operational regime (24 hours per day, seven days a week during ship loading), and

smaller trade throughput (352 vs 700+ truck movements at peak levels over a 4-5 year period)). Subject to road enhancements and traffic works, this was considered satisfactory for operation over the long term with acceptable impacts.

55. The Department considers that the removal of conditions 1.1A and 1.1B enables the Port of Newcastle to provide continued support to projects within the Renewable Energy Zones (REZ) across NSW and reduce the unnecessary administrative burden of extensions to, and reporting on, the operation of the GCHF. The ongoing operation of the GCHF provides greater flexibility for the storage of cargo, optimising existing hardstand areas and supporting operational demand at the Port of Newcastle.
56. The Department has previously approved the operation of the GCHF beyond the 10-year restriction with the most recent 5-year extension granted on 20 November 2023. In granting the current extension the Department requested the Applicant explore/review the development approval over the site so that further Condition 1.1A extensions were no longer necessary. This modification seeks a permanent solution and continued operation of the GCHF within the approved MPT.
57. Overall, the Department supports the modification as it would enable the continued use of the GCHF for the storage of project cargo and expand the storage capacity for renewable energy components to support the State's transition to renewable energy sources. The continued use of the GCHF would not restrict the future development of the container terminal or MPT.

The formalisation of the GCHF across the MPT remains consistent with the Mayfield Concept Plan and DA293-08-00 conditions of consent

58. The Mayfield Concept Plan (MCP) permitted Stage 1 works involving the development of the MPT (involving a container terminal and general cargo handling facility and associated road, rail and wharf infrastructure). This modification application proposes no change to the range of cargo types being imported or exported; it seeks to use additional land situated within the MCP's General-Purpose Precinct, NPC Operations Precinct and Bulk and General Precinct (depicted in Figure 4), restricted to the boundary of the 'direct port industry precinct' (MPT) depicted in Figure 3.



Figure 4: Mayfield Port related activities Concept Plan (Mayfield Concept Plan Director-General's Report, 2012)

59. The modification does not propose the use of land outside the approved MPT, but seeks to use the vacant land in the southern part of the MPT for the storage of cargo, consistent with the uses in the MCP precincts. The additional land to be utilised would enable the Applicant to appropriately manage the operational demands without the need for constant manoeuvring of project cargo within the existing GCHF, optimising existing hardstands for the handling and storage of project cargo and renewable energy components, and adapting to evolving port trade demands.
60. The modification application confirmed the only changes to conditions are the deletion of Conditions 1.1A and 1.1B which restrict the duration of operations and the requirement for 5-yearly reports to justify the continuation of the operation of the GCHF. All other conditions associated with DA293-08-00 and the MCP remain unchanged, except for the administrative additions and changes recommended by the Department to update terminology and restrict the storage of dangerous goods.
61. The Department considers that the extension of the storage area of the GCHF for port operations would have minimal environmental impacts over and above the impacts of the approved MPT (comprising a container terminal and GCHF). It is noted that only the GCHF of the approved MPT has been operational over a small portion (8 hectares) of the approximately 53 hectares MPT and that the MPT has been assessed as part of the MCP and DA293-08-00 (as modified).

62. The modification application is supported as it provides for ongoing cargo storage facilities on land approved for but not yet operating as port facilities.

6.3 Traffic

Traffic movements would remain consistent with the MCP and the conditions of this consent.

63. Operational truck movements in the MCP (including the MPT site) are regulated by Condition 2.3 of the MCP, which permits 462,104 truck movements per annum at the current level of development (Initial Staging). Truck movements may be increased to 773,438 (Intermediate Staging) and up to 1,017,882 per annum (Ultimate Staging), subject to criteria around impacts to the surrounding networks, land use and development changes and the implementation of a Transport and Infrastructure Strategy, required by Condition 2.4. The maximum truck movements permitted under Condition 2.3 are presently at the Initial Staging level.
64. The modification application does not seek changes to the truck movements approved under DA293-08-00 Mod-7 for the GCHF, or the traffic impacts assessed under DA293-08-00 for the MPT. Traffic generation remains unchanged over the extended GCHF, and movements would continue to be managed in accordance with the Mayfield Traffic Management Plan (Condition 2.5 of the MCP) and monitored in accordance with the Transport Monitoring review (Condition 2.10 of the MCP). The Traffic Management Plan provides a framework for managing traffic to and from the site, developed to demonstrate Port of Newcastle's intentions for compliance with the MCP and DA293-08-00.
65. The traffic monitoring undertaken to demonstrate compliance with Condition 2.3 reports truck movements over a rolling cumulative total over a 12-month period, using a per day average (based on bi-monthly reporting on truck movements by tenants and licensees operating under the MCP approval) and hourly peak period truck movements from an automatic traffic counter on site. Monitoring data for the 12 month period to March 2026 shows the number of truck movements totals 92,946 per year, 255 per day and 23 during peak periods. Under the MCP, the total truck movements permitted are 462,104, 1268 and 95 respectively, leaving a remaining capacity of 369,158 per year, 1013 per day and 72 peak against the truck movement criteria in condition 2.3 of the MCP (see Figure 5).

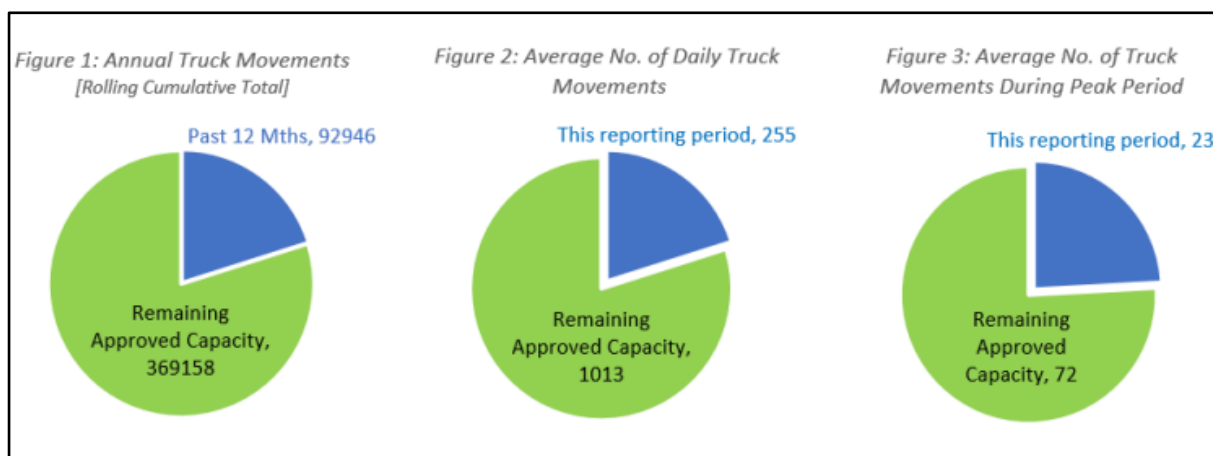


Figure 5 | Truck movements during the preceding 12 months detailing, annual, average daily and average peak truck movements (source: Modification 10 Appendix B, Bi-Monthly Traffic Management Report March 2026)

66. The truck movements detailed in Figure 5 include the Stolthaven and MCSF developments. The addition of the truck movements predicted for the GCHF (under DA293-08-00 Mod 7) being 176 trucks (or 352 truck movements) per day and 39,703 trucks (or 79,406 truck movements) per annum (Table 4.2, Proposed Interim Port Side Industrial Development, Selwyn Street, Mayfield, NSW Traffic Impact Statement October 2008) to the existing truck movements as shown in Figure 5, demonstrates that truck movements from these three developments remain well within the capacity detailed in condition 2.3 of the MCP.
67. TfNSW reviewed the modification application and submissions report and raised no concerns regarding the traffic movements generated by the extended GCHF.
68. The Department considers that the existing conditions of consent (DA293-08-00 and the MCP) would manage traffic movements occurring within the Mayfield port area and that no additional traffic impacts are expected from the extended GCHF and truck movements remain well within the maximum limits (Initial Staging) for the MPT site and development under the MCP.

6.4 Other issues

69. The Department's consideration of other issues is summarised in Table 8 below.

Table 8 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Hazards and risk	The project seeks to remove the prescriptive boundary imposed under Modification 7, enabling	Condition recommended ensuring no dangerous goods are stored within the GCHF, except as

Issue	Findings and conclusions	Recommended conditions
	cargo to be stored across the southern portion of the MPT, depicted in Figure 3. NSW EPA reviewed the Modification and submissions report and recommended a Final Hazard Analysis (FHA), Fire Safety Study and Operational Environment Management Plan (OEMP) be updated. The submissions report confirmed that there is no change proposed to the storage of cargo, confirming that the storage of dangerous goods within the reconfigured boundary of the GCHF is not being sought. The Department notes the consent already includes the requirements for a Fire Safety Study, FHA and an OEMP; however, no dangerous goods are proposed to be stored within the boundary of the reconfigured GCHF. The Department has subsequently recommended a condition of consent to ensure dangerous goods are not stored within the area of the GCHF, thus removing the requirement for updates to the Fire Safety Study, FHA and OEMP.	permitted in the MCSF under DA8137 (as modified) and Condition 7.3 of this consent, which requires dangerous goods received as cargo at the GCHF to be dispatched from the site within 72 hours of receiving those goods. The proposed condition does not permit dangerous goods to be stored in the extended storage area for longer durations.
Remediation	The modification application confirms that the site has been previously remediated and capped, no changes are proposed to the capped layer as no physical works or ground disturbance is proposed. The site is also subject to the existing Contaminated Land Management Plan. The former BHP berth located adjacent to the Mayfield No. 4 Berth is to be remediated in late 2026, this fenced area is within the modification area but would not be used until remediation activities have been completed. The remediation of this is approved under DA293-08-00 but does not form part of this modification application.	No recommended conditions of consent.

Issue	Findings and conclusions	Recommended conditions
	No physical works are proposed under the modification as construction of the hardstand would be undertaken in accordance with (and approved by) DA 293-08-00. The Department considers there to be no change to the sites remediation and capped layer, and existing conditions of consent manage future remediation.	
Noise	The consent includes noise limits for the operation of the MPT. The noise limits, hours of operation and impacts were assessed as part of DA293-08-00 (including Mod-7 for the GCHF) remain unchanged. Additionally, the amenity noise goals at sensitive receivers under the MCP remain unchanged. The modification report confirms that noise monitoring required under the MCP would be amended to incorporate the modification, and ensure environmental management remains consistent across the MPT. Additionally, existing conditions of consent for the MCP require any project associated with the Concept Plan to assess, and implement, feasible and reasonable noise mitigation measures to reduce traffic noise impacts. The Department considers that although the reconfiguration of the GCHF allows storage of cargo closer to the site boundary (and hence closer to sensitive receivers than current operations), the modification remains consistent with the original assessment boundaries and impacts considered. Therefore, the Department does not recommend additional conditions.	No new recommended condition of consent; existing conditions manage impacts.
Biodiversity	The modification application confirms that in accordance with section 7.17(2)(c) of the <i>Biodiversity Conservation Act 2016</i> , a biodiversity	No recommended conditions of consent.

Issue	Findings and conclusions	Recommended conditions
	development assessment report (BDAR) is not required as there is no increase in impact on biodiversity values. The original Environmental Impact Statement identified minimal vegetation within the Closure Area, and confirmed the site does not provide suitable habitat for any native fauna species. As this modification is seeking use for storage and no physical works, impacts originally assessed remain unchanged. Further, the site is approved for hardstand under DA293-08-00, which is being pursued concurrently to this modification. The Department considers that this modification does not increase impacts to biodiversity, the site is already permitted for hardstand, and no BDAR is required.	
Stormwater	The modification application confirmed that drainage, surface water flows, and soils were previously assessed under DA293-08-00 and the MCP. Impacts are negligible and stormwater and drainage would continue to be managed in accordance with the Concept Stormwater Management Strategy. The Concept Stormwater Management Strategy, required under the MCP, provides a framework for stormwater and flooding management across the Closure Area. This Strategy details that the drainage network includes two trunk drains which discharge via nominated points to the Hunter River. This system, along with the capping of the site, provide a barrier minimising ground and surface water interaction. As detailed in the modification application, areas of the MPT are not constructed with hardstand but these works are approved under DA293-08-00 and are concurrently occurring.	No recommended conditions of consent

Issue	Findings and conclusions	Recommended conditions
	The Department considers that expanding the GCHF for cargo storage across the MPT would not result in an increase to stormwater impacts, which has been assessed and is managed under DA293-08-00 and the MCP. The Department also notes that existing DA293-08-00 conditions require a Stormwater Management Plan and that storage within the expanded area would not commence until the management plan has been implemented.	
Flooding	The modification application included the Concept Stormwater Management Strategy prepared in response to the MCP conditions of consent - identifying the site as generally flood free but affected during an ocean flood scenario. The Strategy confirmed that flood risk is to be managed through appropriately designed culverts, installed and maintained. The Department considers that the modification proposes no change to the hardstand, already approved under DA293-08-00, and subsequently flood impacts would be managed through existing conditions of consent.	No recommended conditions of consent.

7 Evaluation

70. The Department's assessment has considered the relevant matters and objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), including principles of ecologically sustainable development (**Section 4**), advice from government agencies, one organisation and Council (**Section 5**), and strategic Government policies and plans (**Section 3**). The Department has reviewed the modification, submissions report and assessed the merits of the proposed modification, taking into consideration advice from Council, Government agencies and one organisation.
71. The Department considers that the proposed modification should be approved as:
- removal of the restriction to timing and storage area would enable cargo to be stored more effectively, and provide continued support to handling of infrastructure components supporting the economic growth in NSW through renewable energy projects
 - it would enable improved efficiencies for operational demands
 - there would no changes to existing environmental impacts assessed under the Mayfield Concept Plan and DA293-08-00, specifically noise, biodiversity, hazards and risk, and remediation
 - no change to traffic movements, which are within the movement limits specified under the Mayfield Concept Plan.
72. Consequently, the Department has formed the opinion that the proposed modification is in the public interest and that it is approvable, subject to conditions.

Glossary

Abbreviation	Definition
CPHR of NSW DCCEEW	Conservation Programs, Heritage, and Regulation Group of the NSW Department of Climate Change, Energy, the Environment and Water
Council	Newcastle City Council
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
FRNSW	Fire and Rescue NSW
GCHF	General Cargo Handling Facility
IPC	Independent Planning Commission
LGA	Local government area
LEP	Local environmental plan
MCP	Mayfield Concept Plan
Minister	Minister for Planning and Public Spaces
MPT	Multi-purpose Terminal
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State environmental planning policy
SSD	State significant development
TfNSW	Transport for NSW

Appendices

Appendix A – List of referenced documents

- Modification Application

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-10-multi-purpose-terminal-reconfiguration>

- Agency advice

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-10-multi-purpose-terminal-reconfiguration>

- Request for Further Information (Response to Submissions)

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-10-multi-purpose-terminal-reconfiguration>

- Response to Request for Further Information (Response to Submissions)

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-10-multi-purpose-terminal-reconfiguration>

- Additional information

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-10-multi-purpose-terminal-reconfiguration>

Appendix B –Government agency advice

All government agency advice can be found here: <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-10-multi-purpose-terminal-reconfiguration>

Appendix C – Statutory considerations

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in Table C1 below.

Table C1 | 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,	• The modification seeks to maintain the Site's storage capability, allowing flexibility, management and storage of cargo across the entire Site, consistent with the original approval. • The modification would not adversely impact on the State's natural or other resources.
(b) to promote the supply, delivery and maintenance of housing, including affordable housing,	• Not applicable.
(c) to promote productivity through the development of the State and its resources,	• The modification seeks to increase the area of storage, allowing for greater optimisation of operational demand.
(d) to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats,	• 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.
(e) to promote resilience to climate change and natural disasters through adaption, mitigation, preparedness and prevention,	• Not applicable.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	• 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.

Object	Consideration
(g) to promote good design and amenity of the built environment,	The storage of cargo within the Site, although closer to site boundaries, would not result in unacceptable built form impacts due to there being no change in the type of cargo that is already stored, storage remains within the Port Lease Area, and no additional permanent structures.
(h) to provide opportunities for participation in environmental planning and assessment.	- The Department made the modification application and accompanying documents publicly available on its website and notified EPA, FRNSW, NSW DCCEEW CPHR, TfNSW, Infrabuild, and City of Newcastle (Council) on 20 May 2026. - Advice received from the agencies, Infrabuild, and Council were addressed in the Applicant's submissions report and are considered in Section 6.
(i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	- The Department considered ecologically sustainable development (ESD) in its assessment of the proposed modification (Section 4.3.4). - The Department is satisfied the proposed modification can be carried out in a manner that is consistent with the principles of ESD.
(j) to promote a proportionate and risk-based approach to environmental planning and assessment,	The modification does not change environmental impacts which were assessed as part of DA293-08-00.
(k) to promote the orderly and economic use and development of land,	The modification involves the orderly and economic use of land through enhanced storage capability for cargo in the Port of Newcastle Lease Area.

EP&A Regulation 2021

The EP&A Regulation requires the Applicant to have regard to the *State Significant Development Guidelines*. The Department is satisfied the Applicant has demonstrated the application has been

prepared having had regard to the *State Significant Development Guidelines – preparing a modification report* (DPIE, 2022).

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes reference to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's assessment. Controls considered as part of the assessment of the project are:

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

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP repealed the State Environmental Planning Policy (Three Ports) 2013. 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. An assessment of the development against the relevant considerations of the Transport and Infrastructure SEPP is provided below in Table C2.

Table C2 | Consideration of SP1 Zone Objectives under the Transport and Infrastructure SEPP

Objectives	Consideration and comment
To provide for special land uses that are not provided in other zones	The proposed modification enables cargo 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 cargo 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 maintain the existing use and improve functionality of cargo storage, and limiting the impacts on surrounding land uses.

Objectives	Consideration and comment
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, continuing the use of waterfront area for cargo 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 utilises the M4 berth, 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 improved management of cargo.
To facilitate development that by its nature or scale requires separation from residential area and other sensitive land uses.	The continued use of the site would remain within existing boundaries and maintain existing separation from residential areas and sensitive land uses.
To encourage employment opportunities	The modification proposes no change to operational jobs.

Section 2.98 Development adjacent to rail corridors

The Site is situated adjacent to a rail corridor which is managed by Infrabuild. 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 that the proposed modification does not adversely affect rail safety as movement of cargo within the site would be managed through the Operational Environmental Management Plan (OEMP). Although mobile cranes are proposed to be used on site, train movements occur infrequently and cargo movement can be managed around this timing.

Subsequently, section 2.98 of the SEPP is not considered to apply to the proposed modification.

5.16 Development by public authorities (Including Port Operator)

The modification is located within SP1 Special Activities zone for the purposes of port facilities, having an estimated development cost of less than \$100 million and is carried out by the Port of Newcastle (port operator), a public authority. Therefore, consistent with clause 4 confirming the development can be carried out with development consent.

State Environmental Planning Policy (Resilience and Hazards) 2021

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 Resilience and Hazards 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, which does not apply as this modification does not propose the storage of any dangerous goods or alter any existing conditions relating to dangerous goods.

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 reconfiguration of the GCHF storage would not impact the existing site capping layer as no intrusive groundworks are proposed or required under this modification. Works are permitted under DA293-08-00 for the resurfacing of the site.

Appendix D – Recommended instrument of modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-10-multi-purpose-terminal-reconfiguration>