

## Department of Planning, Housing and Infrastructure

Portal Application No.: PAN-453470

Our ref: DA 8137-Mod-3

Ms Alicia Marix-Evans

Port of Newcastle Operations Pty Limited

Level 4/251 Wharf Road

Newcastle NSW 2300

30 August 2024

---

### **Port of Newcastle, Storage of Lithium-Ion Batteries (DA 8137-Mod-3) Request for Response to Submissions and Further Information**

Dear Ms Marix-Evans

I refer to the above application under section 4.55 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) to modify the development consent for the Mayfield Cargo Handling Facility (DA8137). The modification application for the proposed storage of lithium-ion batteries at Port of Newcastle (DA8137-Mod-3) was lodged on 8 August 2024.

The Department publicly exhibited the modification application from 14 August 2024 to 27 August 2024 and notified relevant public authorities and neighbouring landowners and occupiers, and:

- received no public submissions related to the modification application
- received advice from the Environment Protection Authority, Transport for NSW, Biodiversity and Conservation Division of the NSW Department of Climate Change, the Energy, the Environment and Water, and Newcastle City Council.
- referred the modification application to ARTC as the applicable rail authority in accordance with clause 2.98 of State Environmental Planning Policy (Transport and Infrastructure) 2021, and NSW Fire and Rescue. However responses have not yet been received and these will be forwarded upon receipt for your consideration and response.

Copies of agency and Council advice received on the modification application are enclosed for your reference and consideration.

The Department requests that you begin to review and respond to the issues raised by agencies and Council with the view of providing additional information under clause 104 of the *Environmental Planning and Assessment Regulation 2021* (the Regulation). At the date of this letter, 22 days in the assessment period have elapsed.

## Department of Planning, Housing and Infrastructure

The Department also requires that the following be addressed in the Response to Submissions:

### 1. Landowner's Consent

- The Modification Application for the proposal indicates that the site of the development covers three areas: Lot 42 DP1191982, Lot 54 DP1229869, and Lot 51 DP1229869. The owner's consent submitted to the NSW Planning Portal only references Lot 54 DP1229869. Provide consent for the other two areas included in the Modification Application.

### 2. Surface Water

- Section 7.4 of the MR references a Stormwater Management System prepared by AECOM in 2015. Confirm how flooding details for the site based on modelling done in 2015 can accurately reflect the current environment on site. Has the document from 2015 been updated to reflect the site's current impacts ensuring the storage of the batteries is kept out of any overland flow path or flood waters?

### 3. Miscellaneous

- Confirm the operator of the site.

The Department requests a response by **Monday 16 September 2024** via the NSW Planning Portal. If you are unable to provide the requested information within this timeframe, you are required to provide, and commit to, a timeframe detailing the provision of this information. In accordance with Part 5 Division 1 of the Regulation, the assessment period ceases to run from the date of this request until the information is provided.

If you have any questions, please contact Ingrid Berzins, Senior Planning Officer on (02) 9373 2885, or via email at [Ingrid.Berzins@planning.nsw.gov.au](mailto:Ingrid.Berzins@planning.nsw.gov.au)

Yours sincerely

A handwritten signature in blue ink, appearing to read "M Young".

Michael Young

**Principal Planner**

**Transport and Water Assessment**

Enclosed: Agency and Council advice