

Initiator details

Title	
First given name	Alicia
Family name	Marix-Evans
Contact number	02 4908 8200
Email	megan.carroll@pon.com.au

Applicant contact details

Title	
First given name	Alicia
Other given name/s	
Family name	Marix-Evans
Contact number	02 4908 8200
Email	megan.carroll@pon.com.au
Address	Level 4/251 Wharf Road, Newcastle NSW 2300
Application on behalf of a company, business or body corporate	Yes
ABN	13165332990
ACN	165332990
Name	PORT OF NEWCASTLE OPERATIONS PTY LIMITED
Trading name	PORT OF NEWCASTLE OPERATIONS PTY LIMITED
Is the nominated company the applicant for this application	Yes

Owner/s of the development site

Owner/s of the development site	A company or business, government entity or other similar body owns the development site
Owner #	1
Company, business or body corporate name	Port of Newcastle Lessor Ministerial Holding Corporation
ABN / ACN	11 165 332 981

I declare that I have shown this document, including all attached drawings, to the owner(s) of the land, and that I have obtained their consent to submit this application. - Yes

Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

Site access details

Are there any security or site conditions which may impact the person undertaking the inspection? For example, locked gates, animals etc.	No
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Development details

Application type	Modification Application
On what date was the development application to be notified determined	23/06/2017
Type of modification requested	Section 4.55(2) of the Act
Development Application number of the consent to be modified	DA 8137

Description of the proposed modification	Modify the existing Development Consent DA 8137 MOD 2, to allow for the import, storage and export of lithium-ion batteries (classified as Class 9 Dangerous Good under the Australian Dangerous Goods Code).
Was the DA applied for via the NSW Planning Portal?	No
Which Environmental Planning Instrument (EPI) applies to your development application?	State Environmental Planning Policy (Three Ports) 2013. Other EPI
Which State Agency should this application be directed to for assessment?	Department of Planning, Housing and Infrastructure
Site address #	1
Street address	109 SELWYN STREET MAYFIELD NORTH 2304
Local government area	NEWCASTLE
Lot / Section Number / Plan	<div>53/-/DP1229869 <input type="checkbox"/></div> <div>52/-/DP1229869 <input type="checkbox"/></div> <div>41/-/DP1191982 <input type="checkbox"/></div> <div>42/-/DP1191982 <input type="checkbox"/></div> <div>43/-/DP1191982 <input checked="" type="checkbox"/></div> <div>44/-/DP1191982 <input type="checkbox"/></div> <div>54/-/DP1229869 <input type="checkbox"/></div> <div>51/-/DP1229869 <input checked="" type="checkbox"/></div> <div>51/-/DP1229869 <input checked="" type="checkbox"/></div>
Primary address?	Yes
Planning controls affecting property	<div>Land Application LEP</div> <div>Land Zoning</div> <div>Height of Building</div> <div>Floor Space Ratio (n:1)</div> <div>Minimum Lot Size</div> <div>Heritage</div> <div>Land Reservation Acquisition</div> <div>Foreshore Building Line</div> <div>Sydney Trains Corridor Protection Zone</div>

Proposed development

Selected common application types	Change of use of land or a building or the classification of a building under the Building Code of Australia
Selected development types	Port facility
Description of development	DA 8137 approved use of the site for storage of a range of freight and cargo. MOD 1 allowed for the Mayfield Cargo Storage Facility to be expanded from 12 hectares to 18.6 hectares and included provisions for the loading and unloading of freight from the site. MOD 2 modified MOD 1 to isolate the un-remediated area of the site from use by fencing it off. MOD 3 seeks to amend DA to allow for allow for the import, storage and export of lithium-ion batteries (classified as Class 9 DG).
Provide the proposed hours of operation	
Proposed to operate 24 hours on Monday	Yes

Monday	12:00 AM - 11:59 PM
Proposed to operate 24 hours on Tuesday	Yes
Tuesday	12:00 AM - 11:59 PM
Proposed to operate 24 hours on Wednesday	Yes
Wednesday	12:00 AM - 11:59 PM
Proposed to operate 24 hours on Thursday	Yes
Thursday	12:00 AM - 11:59 PM
Proposed to operate 24 hours on Friday	Yes
Friday	12:00 AM - 11:59 PM
Proposed to operate 24 hours on Saturday	Yes
Saturday	12:00 AM - 11:59 PM
Proposed to operate 24 hours on Sunday	Yes
Sunday	12:00 AM - 11:59 PM
Dwelling count details	
Number of dwellings / units proposed	0
Number of storeys proposed	
Number of pre-existing dwellings on site	
Number of dwellings to be demolished	
Number of proposed occupants	0
Existing gross floor area (m2)	0
Proposed gross floor area (m2)	0
Total site area (m2)	0
Total net lettable area (m2)	0
What is the estimated development cost, including GST?	\$44,000.00
Do you have one or more BASIX certificates?	No
Climate Zone	
What climate zone/s is the development in?	Climate zone 8 - alpine
Has the climate zone impacted the design of the development?	No
Subdivision	
Number of existing lots	
Is subdivison proposed?	
Proposed project details	
Number of additional jobs that are proposed to be generated through the operation of the development	18
Proposed construction staff/employees	0
Proposed operational staff/employees	18

Number of parking spaces

Number of loading bays	0
Is a new road proposed?	No
Concept development	
Are you intending to submit a concept application?	No
Crown development	
Is this a proposed Crown development?	No

Related planning information

Is the application for integrated development?	No
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No
Is this application for biodiversity compliant development?	No
Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	No
Is the application accompanied by a Planning Agreement ?	No
Section 68 of the Local Government Act	
Is approval under s68 of the Local Government Act 1993 required?	No
10.7 Certificate	
Have you already obtained a 10.7 certificate?	
Tree works	
Is tree removal and/or pruning work proposed?	No
Local heritage	
Does the development site include an item of environmental heritage or sit within a heritage conservation area.	No
Are works proposed to any heritage listed buildings?	No
Is heritage tree removal proposed?	No
Affiliations and Pecuniary interests	
Is the applicant or owner a staff member of the organisation assessing the application?	No
Does the applicant or owner have a relationship with any staff of the organisation assessing the application?	No
Political Donations	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	Yes
Please provide details of each donation/gift which has been made within the last 2 years	
Donation #	1
Indicate if a donation or gift was made	Cash donation
Name of party or person for whose benefit the Donation / Gift was made	National Party (NSW)
Date Donation / Gift was made	24/10/2022
Value (\$)	\$6,000.00
Donation #	2
Indicate if a donation or gift was made	Cash donation
Name of party or person for whose benefit the Donation / Gift was made	Australian Labor Party (NSW)
Date Donation / Gift was made	15/02/2023
Value (\$)	\$3,000.00
Donation #	3
Indicate if a donation or gift was made	Cash donation
Name of party or person for whose benefit the Donation / Gift was made	Australian Labor Party (NSW)
Date Donation / Gift was made	16/02/2023
Value (\$)	\$1,500.00

Donation #	4
Indicate if a donation or gift was made	Cash donation
Name of party or person for whose benefit the Donation / Gift was made	Australian Labor Party (NSW)
Date Donation / Gift was made	20/03/2024
Value (\$)	\$1,500.00
Donation #	5
Indicate if a donation or gift was made	Cash donation
Name of party or person for whose benefit the Donation / Gift was made	Australian Labor Party (NSW)
Date Donation / Gift was made	22/03/2024
Value (\$)	\$1,500.00
Name of person/s making the declaration	Lucas Coleman
Name of Entity(if donation / gift not by an individual)	Port of Newcastle Operations Pty Limited
ABN (if donation / gift not by an individual)	13 165 332 990
Residential Address of person or registered / official address of entity	Level 4, 251 Wharf Road, Newcastle NSW 2300
I/we certify that the above declaration and details are accurate at the time of making this application. I understand that it is an offence under sections 9.5 and 10.4 of the Environmental Planning and Assessment Act 1979 if a person fails to make a disclosure of a political donation or gift that is required to be disclosed.	Yes

Fee estimates

Works	
What type of modification application is requested?	Section 4.55(2) of the Act
What was the fee for the original DA?	\$0.00
What was estimated cost of the DA?	\$44,000.00
The S4.55 modification is to be referred to a SEPP65 design review panel	No
Development requiring public exhibition	
The S4.55 modification is to be exhibited	Yes
Total Fee Payable to the Department	\$866.00

Sustainable Buildings

Is the development exempt from the State Environmental Policy (Sustainable Buildings) 2022 Chapter 3, relating to non-residential buildings?	Yes
Provide reason for exemption. Is the development any of the following:	A modification or a review to a development application, or a review of determination, where the original application was submitted on the NSW Planning Portal before 1 October 2023.

Payer details

The *Environmental Planning and Assessment Regulation 2021* and consent authority's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the consent authority's adopted fees and charges. If your development needs to be advertised, the consent authority may charge additional advertising fees.

Once this application form is completed, it and the supporting documents will be submitted to the consent authority for lodgement, at which time the fees will be calculated. The consent authority will contact you to obtain payment. Note that the application may be rejected if the fees are not paid.

Fee payment will be made by:

Company Name	Port of Newcastle Operations Pty Limited
ABN	
ACN	
Trading Name	
Contact Name	Alicia Marix-Evans
Contact Number	02 4908 8200
Email address	megan.carroll@pon.com.au
Billing address	Level 4, 251 Wharf Road, Newcastle NSW 2300

Application documents

The following documents support the application.

Document type	Document file name
Category 1 Fire Safety Provisions	Category 1 Fire Safety Provisions
DA Fee estimate	DA-8137-Mod-3 - Invoice - 4000001122
Fee estimate	Fee Estimate_1722087818.pdf
Generated Pre-DA form	Pre-DA form_1721486265.pdf
Other	Cost calculation - excluding GST
Owner's consent	(Signed) LOC - Lodgement for modification (Mod 3) to DA8137 - Port of Newcastle 033
Payment Receipt	DA-8137-Mod-3 - Receipt 4000001122 Tax Receipt_1722929241.pdf
Political donations and gifts disclosure	Political Donations and Gifts Disclosure Statement (July 2024) - DA 8137 MOD 3 - signed
Statement of environmental effects	SEE12579523-REP-5_PON_Mod_Report_Battery Import

Applicant declarations

I declare that all the information in my application and accompanying documents is , to the best of my knowledge, true and correct.	Yes
I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
I understand that the consent authority may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at its Offices and on its website and/or the NSW Planning Portal	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I agree to appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes
I agree to pay any required NSW Planning Portal Service Fee/s specified under Schedule 4 of the Environmental Planning and Assessment Regulation 2021 to the Department of Planning, Housing and Infrastructure.	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice	Yes
I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).	

Lodgement details

Outcome of the pre-lodgement review	Application was lodged
Description provided for return reason	
Date on which the application was returned	1/01/1970
Applicant paid the fees?	Yes
Total fee paid	\$1,034.50
Invoice number	4000001122

Date of payment	8/08/2024
Consent authority's unique identification number	DA8137-Mod-3
Date the application was accepted by the consent authority	8/08/2024