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DEPARTMENT OF PLANNING AND ENVIRONMENT
ABN 20 770 070 468
Via e-mail to Michael.Young@planning.nsw.gov.au

08/06/2023

Attention: Mr Michael Young

**Port of Newcastle Operations – DA 8137 – MOD 2 Modification to Expand Wharf Area,
Advice on Modification Report**

Dear Mr Young

Thank you for consulting with the Environment Protection Authority (EPA) about the Modification Application and Report to modify the consent for use of the Mayfield Cargo Storage Facility (DA 8137 as modified). The application relates to the Port of Newcastle lease area within the industrial suburb of Mayfield North, approximately 7 kilometres north-west of the Newcastle central business district. The Department of Planning provided certain documents associated with MOD 2 for the EPA's review (the Review Documents).

The EPA understands the modification proposal is for:

- Modification of DA8137 to permit use of the expanded cargo storage area thereby requiring amendments to Conditions B9 and B10 of DA8137. The proposed amendments as outlined in the Review Document include:

Condition B9 - That area of Lot 54 DP1229869 identified in red in Figure 3 of the Statement of Environmental Effects prepared by GHD Pty Ltd dated [date] approved under DA 8137 MOD 2, and any part of that Lot within 20m of the area marked red (**Excluded Area**) must not be used for the storage of any cargo until such time as it has been remediated in accordance with the requirements of Development Application 293-08-00 and Voluntary Remediation Agreement 26025. Prior to the use of the remainder of the loading / unloading area approved under DA 8137 MOD 1, the Excluded Area must be surveyed and a security fence with a locked gate erected on the boundary of the Excluded Area. A prominent sign must be placed and maintained on the security fence stating that the Excluded Area is not approved for the storage of cargo.

Condition B10 - Upon completion of the remediation works required under condition B9 and prior to the use of the Excluded Area, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Section B Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates that the Excluded Area is suitable for its intended industrial use.

It is understood that there is no change to the type of cargo that will be placed in the additional area or any change to the type of activities currently being undertaken.

Review of the Proposal

We understand from discussions with GHD that there is a sealed concrete/asphalt capping layer over the existing cargo storage area and the expansion area to protect the underlying capping layer.

The EPA understands that this proposed modification seeks to amend conditions B9 and B10 associated with Modification 1 to permit operations to occur on the already remediated portions of the site following the approval of an EPA accredited Contaminated Sites Auditor. The EPA has no objections to this modification.

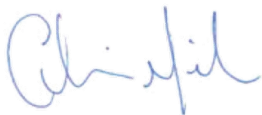
As the modification proposes the expansion of the current storage area, which would incorporate a larger footprint that includes wharf frontage, the EPA recommends that all practical measures that could be taken to prevent, control, abate or mitigate water pollution and protect human health and the environment from harm are considered and implemented where appropriate.

Based on the information provided in the Statement of Environmental Effects (SEE) (GHD, 2023), the proposed site does not require an environment protection licence under the *Protection of the Environment Operations Act 1997*. However as noted in Section 3.2.2.1 of the SEE, project cargos include *Bulk cargos such as sand or cement transferred directly from ship to transport with no uncontained ground storage*. The EPA draws your attention to the definition of 'Shipping in bulk' under Schedule 1 of the *Protection of the Environment Operations Act 1997*, meaning the operation of wharves and associated facilities for the bulk loading or unloading of agricultural crop products, rock, ores, minerals, chemicals, sand, soil, clay, sandstone, gravel, stone or similar substances into or from vessels (except where they are contained in shipping containers).

The Port of Newcastle currently operates Mayfield Berth No 4 (M4) in accordance with Environment Protection Licence (EPL) 13181 for the scheduled activity shipping in bulk. If shipping in bulk activities are to occur on the expanded area, the licensee will need to seek a variation to the EPL 13181 prior to these activities occurring.

If you have any questions about this request, please contact Nicholas Woodard on (02) 4904 2729 or via email at info@epa.nsw.gov.au.

Yours sincerely



Claire Miles
Manager - Regulatory Operations
Environment Protection Authority