

**16 SEPTEMBER 2024****MICHAEL YOUNG**Department of Planning, Housing and Infrastructure  
4 Parramatta Square  
Parramatta NSW 2124**RE: PORT OF NEWCASTLE DA8137 (MOD 3) – RESPONSE TO  
REQUEST FOR RESPONSE TO SUBMISSIONS AND FURTHER  
INFORMATION**

Dear Michael,

We refer to the above matter and to the Department of Planning, Housing and Infrastructure's (DPHI) Request for Response to Submissions and Further Information dated 30 August 2024.

As requested, Port of Newcastle Operations Pty Limited as trustee for the Port of Newcastle Unit Trust (**Port of Newcastle**) has reviewed the comments made by agencies, City of Newcastle and DPHI, and provides the following response:

Comment/advice	Port of Newcastle's Response
<b>City of Newcastle</b>	
The report is supported by a Level 2 Preliminary Hazard Assessment (PHA) which was prepared because of the medium potential for harm generated by the proposal. It is recommended that the application is reviewed by the DPHI's Major Hazard Section.	Port of Newcastle is of the understanding that DPHI's Hazard Section have already been consulted regarding the project.
The recommended mitigation measures in the PHA include the lithium-ion battery storage area being at least three metres from other general cargo with a separation distance of at least a metre between the lithium-ion battery units. Considering the potential risks of cascade explosion, fire and chemical gases, the proposed separation distances may need greater consideration including undertaking a multi-level risk assessment against other materials approved to be stored on the site some of which may also be a risk.	<p>As identified in Table 7.3 by the PHA (GHD, 2024), modelling has shown that radiant heat experienced at &lt;1m from a battery on fire has the potential to cause property damage. The subsequent risk assessment found that all relevant HIPAP 4 criteria are met, and the project will have a minor to negligible level of risk.</p> <p>Regardless of this, the PHA has referred to the National Fire Protection Association (NFPA) for guidance on Battery Energy Storage Systems (BESSs) in the absence of other relevant guidance. <i>NFPA855 - Standard for the Installation of Stationary Energy Storage Systems</i> (2023) includes a reference separation distance of 3m between BESSs and building,</p>

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	<p>boundaries combustible vegetation and materials. The PHA has adopted this as a recommendation to provide further surety that storage conditions are appropriate. This is considered a conservative recommendation however as NFPA855 relates to installed and energised systems whilst Port of Newcastle will only temporarily store unenergised units being transported to their end destination for installation.</p> <p>As detailed in the PHA, its recommendations will be incorporated into the site management plans for implementation whenever batteries are being stored onsite. It is noted that DPHI Hazards Section and Fire and Rescue NSW have been consulted regarding the project, reviewed the PHA, and have raised no concerns with this approach.</p>
<b>Department of Climate Change, Energy, the Environment and Water</b>	
No objections or requirements.	N/A
<b>DPHI</b>	
The Modification Application for the proposal indicates that the site of the development covers three areas: Lot 42 DPI191982, Lot 54 DPI229869, and Lot 51 DPI229869. The owner's consent submitted to the NSW Planning Portal only references Lot 54 DPI229869. Provide consent for the other two areas included in the Modification Application.	Please see <b>attached</b> updated Landowner's consent referring to Lot 42 DPI191982, Lot 54 DPI229869, and Lot 51 DPI229869.
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?	<p>As the site's surface level has not changed since 2015, Port of Newcastle is of the view that the 2015 modelling is still relevant.</p> <p>As the PHA notes that the site is not susceptible to flooding and the storage of batteries of the batteries would not have significant impacts on surface water flow on the site, the Stormwater Management System has not been updated.</p>
Confirm the operator of the site.	The site is occupied by various tenants, who are typically granted a Short-Term Licence that permits them to use the site under certain conditions. One of the conditions requires the tenant to comply with all applicable development consent conditions and other regulatory requirements. We confirm the tenants are provided with a copy of the consent conditions and the Operational Environmental Management Plan prior to accessing the site.

NSW Environment Protection Authority (EPA)	
The EPA notes that the proposal is not required to be licensed by the EPA under Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> but advises that ship transfer activities will occur on the Mayfield No.4 berth and the conditions of Environment Protection Licence 13181 will apply to those activities while on that premises.	Noted.
The EPA advise the proponent that compliance with relevant dangerous goods transport legislation is required when transporting batteries considered as dangerous goods (as per the <i>Dangerous Goods (Road and Rail Transport) Act 2008</i> ).	Noted.
Transport for NSW	
No objections or requirements.	N/A

Please do not hesitate to contact me should you require any further information.

Yours sincerely,

*Alicia Marix-Evans*

[Alicia Marix-Evans \(Sep 16, 2024 13:30 GMT+10\)](#)

Alicia Marix-Evans

**Senior Manager Property, Environment and Planning**

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# PON letter to DPHI - Response to RFI

Final Audit Report

2024-09-16

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