

29 JANUARY 2024

NSW INDEPENDENT PLANNING COMMISSION

Sent via email: oliver.cope@ipcn.nsw.gov.au
Attention: Stephen Barry
IPC Planning Director

RE: PORT OF NEWCASTLE - DA 8137 (MOD 2)

Dear Mr Barry

Reference is made to your correspondence dated 23 January 2024 and our meeting with the NSW Independent Planning Commission (Commissioner Wilson) of 22 January 2024 regarding the assessment of DA 8137 (MOD 2).

The following information is provided in response to the matters raised in your correspondence.

1. Please provide further explanation of the rationale for amending the noise quotas for the expanded cargo storage area (refer page 32 of Applicant's Statement of environmental effects)?

We refer to page 31 of the Applicant's Statement of Environmental Effects which states as follows:

As the Facility is located within the MCP area, it is also subject to the noise requirements of the concept approval (09_0096MOD 2) (MCP approval). Conditions 2.16 to 2.20 of the MCP approval outlines the operational noise and vibration requirements related to projects sites that are situated with the MCP area.

Condition 2.17 sets out noise limits for the cumulative noise impact of all projects associated with MCP. The MCP approval aims to address the cumulative noise impacts from all sites that will operate within the MCP area. It aims to prevent any individual site being designed to use up all of the MCP approval noise limits, which will then result in all other developments having overly stringent noise requirements, and development [in] other areas of the MCP constrained. PON has developed an approach for addressing the cumulative noise impacts by allocating noise quotas to individual sites within the MCP area, in order for the entire site once fully developed to meet the overall noise limits set out in the MCP Approval.

PON has developed a Cumulative Environmental Noise Management Tool (CENMT), which includes the development of a Site Noise Model as required by Condition 2.16 to address those matters listed in Condition 2.19.

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The Applicant notes therefore, that the amended noise quotas have been formulated with reference to other approvals over the site, which regulate cumulative noise impacts across the site.

The Applicant also notes that the expanded use is unlikely to have any adverse impacts on existing noise sensitive receivers surrounding the Mayfield Cargo Storage Facility.

2. Noting that remediation of the site was required under DA 293-08-00 and Voluntary Remediation Agreement 26025 (the latter of which has now been executed), does the remediation of the former Koppers Operational Area require a separate approval under the *Environmental Planning & Assessment Act 1979*, including a new site remediation and verification process?

It is the Applicant's position that remediation of the subject area falls under DA 293-08-00, as this covers the entire Closure Area (former BHP Steelworks site).

The contaminated site auditor has also confirmed that the remediation and verification works can be completed in accordance with the requirements of the existing CSMP (i.e. the specification of the capping described in it). The guidance provided in this CSMP will need to be developed into a site-specific remediation plan (i.e. a new plan which is specific to the subject area which references the existing CSMP document).

3. Given it is in the public interest for the former Koppers Operational Area to be remediated, what is the expected timeframe for remediation?

As indicated during our meeting, remediation of this area was intended to take place when broader development of the site occurred, so that the business could recoup the capital expenditure (which is anticipated to be significant).

As also discussed, the timing for this development is largely dependent on the IPART determination which the Applicant is currently awaiting. This decision will impact the development of the proposed Newcastle Deepwater Container Terminal (NCDT) and allow the Applicant to provide more accurate timeframes for development of the site.

The contaminated site auditor has confirmed that the area remaining un-remediated does not pose a risk to the environment or human health given its qualities and the works completed to date, this position is supported in the assessment report. The isolation of the area by a fence will limit access and any potential disturbance.

It is also noted that the expansion area has, and will be largely used for the storage of clean energy infrastructure cargo which will contribute to the delivery of the state's transition from fossil fuel based power generation.

I trust this information assists in finalising determination of this matter. Should you require anything further, please contact [REDACTED] Planning Advisor at [REDACTED] or [REDACTED]

Yours sincerely

[REDACTED]

Alicia Marix- Evans

Senior Manager Property, Environment and Planning

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