
From: Philip Carroll [REDACTED]
Sent: Monday, 6 November 2023 11:14 AM
To: Michael Young [REDACTED]
Cc: Daniel Neely [REDACTED]; Alicia Marix-Evans [REDACTED]
[REDACTED]
Subject: FW: Additional Information Request

Hi Michael,

Confirming that PON will be submitting the updated plan and written response to your RFI letter this week via the Planning Portal, and accordingly request an extension of time to lodge (requested due date: Friday 27 October 2023).

Regards - Phil

Philip Carroll
Planning Advisor



Mob: [REDACTED]
Address: Level 4, 251 Wharf Road Newcastle NSW 2300
Email: [REDACTED]
Website: www.portofnewcastle.com.au

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From: Philip Carroll
Sent: Monday, November 6, 2023 10:32 AM
To: [REDACTED]
Cc: Daniel Neely [REDACTED]
Subject: FW: Additional Information Request

Thank you Michael.

Please find attached draft CMP for the proposed works. Please note that it is only draft and subject to change.

I aim to have a written response to you within the next 24 hours.

Regards - Phil

Philip Carroll

Planning Advisor



Mob: [REDACTED]

Address: Level 4, 251 Wharf Road Newcastle NSW 2300

Email: [REDACTED]

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From: Michael Young [REDACTED]

Sent: Monday, November 6, 2023 10:14 AM

To: Philip Carroll [REDACTED]

Cc: Daniel Neely [REDACTED]

Subject: Additional Information Request

Hi Phil

Thanks for sending the updated figure – I have no further comments. The figure will be included as Appendix B of the development consent conditions.

In your response to 3 below you indicated a draft Contaminated Management Plan has been prepared for the construction of the fence. Could you send me a copy of the plan. If the construction of the fence does impact the capping layer than the consent will need to include that as part of the proposal..

Thanks

Michael Young

Principal Planning Officer and Team Leader - Ports
Transport and Water Assessments

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We acknowledge the traditional custodians of the land and we show our respect for elders past, present

and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Philip Carroll [REDACTED]
Sent: Thursday, 2 November 2023 3:54 PM
To: Michael Young [REDACTED]
Subject: FW: Additional Information Request

Thank you Michael for the comments.

I have retained as an attachment the previous plan V1_3 for comparison.

The following is provided in response:

- 1. The SEE proposed a 20 metre exclusion zone to the uncapped land where cargo would not be stored. It is now proposed to reduce the exclusion area to 10 metre setback, as shown in Sheet 2. As this is a change to the proposal, justification for the change in the setback to the exclusion area needs to be provided.**

The CSMP states Any change of land use or redevelopment that will involve human occupation will require appropriate remediation measures that meet the VRA.

The purpose of MOD 2 is to isolate the un-remediated area of the site from use and access (human access) it does not propose a change of land use or redevelopment. The CSMP requirement to remediate is therefore not triggered.

The original proposed 20 metre setback of the fence to create a buffer does not have any scientific basis, it was notional and only intended to provide a level of comfort by creating a separation distance. Accordingly, a fence setback 10 metres from the un-remediated area still serves the purpose of creating a buffer and preventing use or access to the land.

- 2. An existing fence is located to the east of the DA8137 boundary on Lot 42 DP 1191982 and extends about 0-2 metres from the uncapped land. Is it possible to relocate the fence to provide similar 10 m setback as proposed in the expansion area?**

The provision of a fenced 10 metre buffer in this location will encroach into the service road which links M4 to the cargo storage area. For this reason a 10 metre buffer is not practical or achievable in this location for operational purposes. It is noted that the location of the fence in proximity to the service road still serves the purpose of isolating the un-remediated area and preventing access. A revised plan has been prepared which shows a new fence line which increases the setback running parallel to the service road.

Please refer to the attached updated plan V1_4.

- 3. Will the construction of the exclusion fence impact the underlying capping layer?**

A draft Contaminated Land Management Plan (CLMP) has been prepared by Qualtest for the installation of the fence.

The draft CLMP allocates the following responsibilities to the appointed Site Auditor for the site (Fiona Robinson – Ramboll):

- To provide independent audit of the implementation of this CLMP; and,
- To provide a Site Audit Statement and Site Audit Report at the completion of the works.

4. **It would also be good to get GPS coordinates of the uncapped area itself, as well as the outer site boundary, and the site boundary between the expansion area (6.6 ha) and the original 12 ha.**

Please refer to the attached updated plan V1_4.

5. **Could Sheet 1 include a transparent overlay over an aerial image of the entire site, similar to Sheet 2. This would assist in identifying landmarks for where the expansion boundary is located.**

Please refer to the attached updated plan V1_4.

It is noted that the approvals for DA 8137 and DA 8137 MOD 1 refer to their respective SEEs which include plans of the development site.

The written response to your RFI correspondence will be provided tomorrow.

Happy to discuss.

Regards - Phil

Philip Carroll

Planning Advisor



Mob: [REDACTED] 3

Address: Level 4, 251 Wharf Road Newcastle NSW 2300

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Please consider the environment before printing this email.

From: Michael Young [REDACTED]

Sent: Tuesday, October 31, 2023 2:34 PM

To: Philip Carroll [REDACTED]

Cc: Daniel Neely [REDACTED]

Subject: RE: Additional Information Request

Thanks Phil

I have the following comments –

1. The SEE proposed a 20 metre exclusion zone to the uncapped land where cargo would not be stored. It is now proposed to reduce the exclusion area to 10 metre setback, as shown in Sheet 2. As this is a change to the proposal, justification for the change in the setback to the exclusion area needs to be provided.
2. An existing fence is located to the east of the DA8137 boundary on Lot 42 DP 1191982 and extends about 0-2 metres from the uncapped land. Is it possible to relocate the fence to provide similar 10 m setback as proposed in the expansion area?
3. Will the construction of the exclusion fence impact the underlying capping layer?
4. It would also be good to get GPS coordinates of the uncapped area itself, as well as the outer site boundary, and the site boundary between the expansion area (6.6 ha) and the original 12 ha.
5. Could Sheet 1 include a transparent overlay over an aerial image of the entire site, similar to Sheet 2. This would assist in identifying landmarks for where the expansion boundary is located.

It would be useful if you provide draft written response from your auditor before lodgement.

Happy to discuss any of the above.

Regards

Michael Young

Principal Planning Officer and Team Leader - Ports
Transport and Water Assessments

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From: Philip Carroll

Sent: Tuesday, 31 October 2023 11:19 AM

To: Michael Young

Subject: FW: Additional Information Request

Hi Michael,

Please refer to the attached undated plan. Can you please confirm before formal lodgement that it is satisfactory?

I have also received comments from the site auditor which I will incorporate into our written response and have with you shortly. Would you prefer to read the letter before formal lodgement?

Thanks – Phil

Philip Carroll

Planning Advisor



Mob: [REDACTED]

Address: Level 4, 251 Wharf Road Newcastle NSW 2300

Email: [REDACTED]

Website: www.portofnewcastle.com.au

Please consider the environment before printing this email.

From: Michael Young [REDACTED]

Sent: Thursday, October 26, 2023 11:46 AM

To: Philip Carroll [REDACTED]

Subject: Additional Information Request

Hi Phil

Thanks for the call yesterday about the request for additional information about the DA8137 Mod 2 application.

I confirm our discussions covered:

1. Revised map of the exclusion area – the map to remove the new access road shown in white in Figure A DA8137MOD2 dated 27/06/23 and revision to the area coloured red showing the exclusion area where storage of cargo will not be located. The figure should include a larger scale insert of the Mod 2 exclusion area.
2. A copy of the relevant strategy, management plan or guide which replaces VRA 26025 and guides the future remediation of the uncapped land (BHP Berth 6). The replacement to VRA 26025 will be referenced in an updated Condition B9

Could you also provide a response to point 3 of the attached email dated 29/6/23.

Please call me should you wish to discuss.

Regards

Michael Young

Principal Planning Officer and Team Leader - Ports
Transport and Water Assessments

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