



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

RE: MAYFIELD CARGO STORAGE FACILITY MODIFICATION 2
(DA 8137-MOD2)

DEPARTMENT MEETING

PANEL: CHRIS WILSON (CHAIR)
STEVE BARRY
OFFICE OF THE IPC: OLIVER COPE

DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE: GLENN SNOW
DANIEL NEELY

LOCATION: VIA VIDEO CONFERENCE

DATE: 3:30 PM – 4:30 PM
TUESDAY, 16TH JANUARY 2024

MR WILSON: So before we begin, I would like to acknowledge that I am speaking to you from Garigal land. I acknowledge the traditional owners of all the country from which we virtually meet today, and pay my respects to their elders, past and present. Welcome to the meeting today to discuss the Port of Newcastle expansion of the Mayfield Cargo Storage Facility - Mod 2, which is currently before the Commission for determination. The Applicant, Port of Newcastle Operations, is seeking approval to modify the development consent for the open air cargo storage facility at the Mayfield Cargo Storage Facility. This proposed Modification seeks approval to amend conditions B9 and B10 to permit operation to occur on the already remediated portions of the expanded site, following site auditor verification, and defer the remediation of the currently uncapped area of land, which is to be excluded. My name is Chris Wilson. I'm the chair of this Commission Panel. We're also joined by Steve Barry and Oliver Cope from the Office of the Independent Planning Commission. In the interest of openness and transparency, and to ensure full capture of information, today's meeting has been recorded and a complete transcript will be produced and made available on the Commission's website. It's merely one part of the Commission's consideration of this matter, and will form one of several sources of information upon which the Commission will base its determination.

It's important for the Commissioners to ask questions of attendees and clarify issues whenever it is considered appropriate. If you're asked a question, are not in a position to answer, please feel free to take it on notice and provide any additional information in writing, which you will then put on our website. I request that all members here today introduce themselves before speaking for the first time, and for all members to ensure they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin. So, Glenn, we sent an agenda. So it's pretty basic because I don't think we're going to be talking for too long, but I guess probably you might want to just give a bit of overview of the assessment. There's some things that I personally would need to clarify. I'm just trying to understand how all the contents fit together and so forth. So yeah, that's probably a key issue. But if you want to just give us a quick overview.

MR SNOW: Yeah. So I'll just introduce myself first. Glenn Snow, I'm the director of transport and water assessments at the Department of Planning. So the Modification relates to an existing DA at the Port of Newcastle on land within the Mayfield area of the port.

As you mentioned, Chris, there are a number of applications and approvals that apply to this site. probably the most relevant to this Modification is the DA that's being modified itself, which is a DA that has been in place for some time and the Mayfield concept plan, which was determined about a decade ago. So they're the two key approvals that apply to the land, that apply to this Mod. The Mod itself is to facilitate primarily the storage of large, pieces of infrastructure such as wind farm blades and the like at the port on currently vacant land that hasn't yet been developed. So, it's not really generating a significant amount of transport or shipping, that's already at the port. Really, it's just taking advantage of vacant land for the storage of large, sort of infrastructure and the like that is being transported to the port and then moved on to

its final destination. So the current approval is about allowing that land to be used that, historically is subject to remediation orders and remediation processes and ensuring that, you know, that that site can be used safely for those purposes.

5 **MR WILSON:** Do you do you have a map that you can share with us in relation to the DA area? Because I'm still a little bit confused about the actual DA area, and how it relates to the, what is it, the Koppers Operational Area.

MR SNOW: Yeah. Look, there should be one in the report, but I don't have...

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MR WILSON: There is one in the report but as I said, it'd be nice to talk to it if we could.

MR SNOW: Yeah. Let me bring up the report.

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MR WILSON: So I appreciate the expansions already been approved. So expansion from 12 to 18.6 has been - was approved in Mod 1. So there's no real change to the parameters of the actual development as modified apart from, and I get this, excluding that land which may or may not have been part of the application. I'm just trying to understand...

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MR SNOW: Yeah.

MR WILSON: ...Which is the old coppers operational area.

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MR SNOW: Yeah. So hopefully I'll get this right. Let me just bring this up for you. Uh, teams.

MR WILSON: I've looked at a couple of maps, and they don't seem necessarily that consistent.

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MR SNOW: Okay, look, look, I appreciate that. It's a complex area which has been subject to, you know, the dredging and the rehabilitation of the BHP site and the like. So it is quite complex down there.

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MR WILSON: Maybe it's, figure four in your report seems to be the best one.

MR SNOW: I apologise. All our files are reordered, were reordered just before Christmas. So I'll get this.

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MR BARRY: Do you. Do you want me to share it?

MR SNOW: Yeah, if you can.

45 **MR BARRY:** Okay. Wait a second. Okay. Do you want it bigger or?

MR WILSON: Oh, yeah. That's it. That's what I'm looking for. That's fine. So that's good, actually. So the black line is the outline of the development site. Is that correct?

5 **MR SNOW:** Well, the purple is the existing.

MR WILSON: Yeah, I understand that, the greens are proposed.

10 **MR SNOW:** And the greens are proposed. That's right.

MR WILSON: So then there's only a small part of the Koppers site that actually falls within the site. Is that correct?

15 **MR SNOW:** Yeah. Yeah, and I think that's right. Just that, that small component on the water's edge. And there is a reason for that. And it probably comes out of those, the other questions you've asked is, is, you know, why hasn't that been remediated or etc.. And one of the reasons I understand is why that area hasn't been remediated is because of the instability of the seawall there. And that at this location, there's not actually there's not berths at this location yet, so the birth is to the...

20 **MR WILSON:** You mean Berth 4.

25 **MR SNOW:** Yeah. Berth 4. So there's, ships can't actually tie up in this area at the moment because there are no, there's no berthing facilities and that remediation would take part of any future berth development which hasn't been assessed or determined yet. So and the Mayfield Concept Plan also didn't have any waterside infrastructure either. It was all land side. So that's why this, my understanding is that is why this portion of the site hasn't yet been remediated.

30 **MR WILSON:** Okay. But I guess what I'm trying to understand is that, if it's outside our DA area, I guess it's apart from any potential impacts. It's not something... I guess I'm trying to understand. There's only a small port part that falls within the DA area. Is that the bit that's going to be fenced off, or is it the whole thing is going to be fenced off?

35 **MR SNOW:** I think there's more than just that. I think there is a diagram in the report that looks at the fence?

40 **MR BARRY:** Sorry, I think it's... God. Where is it?

MR WILSON: I've got the SEE here as well, see if I can find that in there. I'm just trying to understand. Okay. That one? No, that's stage one and two of the remediation. Yeah, yeah. Okay.

45 **MR SNOW:** Yeah. Keep going, keep going. Okay.

MR WILSON: Okay, that's the fence.

MR SNOW: Yeah. So the fence is the dotted line. Yeah. So the whole thing is going to be excluded.

5 **MR WILSON:** Okay. So really the, I mean, the fence outside the DA area is neither here nor there to us, I guess.

MR SNOW: No that's right. Yeah.

10 **MR WILSON:** But it's just okay...I see. All right. So, I mean, when Mod 1 was approved, that wasn't done by you, it was done by...Was it Chris again? Was it or was it done by your team?

MR SNOW: It wasn't our team. So either Dom or Chris I would suggest. Yeah.

15

MR WILSON: Yeah. So what they've done basically...Where does the requirement to remediate the site come from? The 2001 consent? Is that correct?

20 **MR SNOW:** Well, I think it has probably a longer history than, I think it goes back to the remediation of the BHP site.

MR WILSON: But yeah, I think that's 2001. The consent was yeah, they had the VRA which was the Voluntary Remediation Agreement.

25 **MR SNOW:** Yeah.

MR WILSON: Now mine is...I've read the Applicant's submission. They say that it will be cleaned up consistent with 2001 consent and the VRA. But my understanding's the VRA has been executed.

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MR SNOW: So that's right. So we went back to them and queried them about this issue.

MR WILSON: Okay.

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MR SNOW: And the report does touch on this. So the VRA has been executed. But they are subject to...And I'll get the right terminology. Let me bring it up.

40 **MR WILSON:** While you're looking, Glenn, it wouldn't matter, it wouldn't matter, but it wouldn't really normally matter. I just need to be satisfied because.

MR SNOW: Yes.

45 **MR WILSON:** So Mod 1 put the incentive in for that, that part of it to be remediated.

MR SNOW: Yeah.

MR WILSON: I guess that's been removed.

5 **MR SNOW:** So it's subject to an Ongoing Maintenance Order. So there's a Maintenance Order on the site. And I think that, my understanding is, that reflects the fact that that part of the site and, you know, and obviously the contamination is still on the site, you know, that they haven't been removed.

10 **MR WILSON:** Yeah.

MR SNOW: They've either been capped or they're subject to the barrier wall in area one. So the contaminants remain in the site. It's just about managing those contaminants. So one of the, you know, one of the things we wanted to be satisfied was, is that the capping layer wouldn't be compromised as part of development and, 15 any other future development. So yeah. So even though the VRA is no longer there, has been repealed the, there's an Ongoing Maintenance Order.

MR WILSON: So that Maintenance Order, Glenn, is that time limited or?

20 **MR SNOW:** I'm unaware, but I can go back and...

MR WILSON: Can you just find that out because I guess the, you know, another question would be, you know, can this site be remediated while, during while the site is operating next door? You know, there's a couple of questions there if it's not going 25 to be done prior to, which is now what's been asked, it'll be done at a later date. Can they be done? So but can it be done at the same time? Can they remediate that site while... Yeah, it's maybe more of an issue for the Applicant rather than the consent authority, I guess.

30 **MR SNOW:** That's a good question. And look, my understanding is that this use is, I suppose whilst you can keep, you know, it's potentially a temporary use until such time as...And part of this relates to the container facility and the privatisation of the ports. And you know what's...because now, in a way, the Mayfield concept plan is no longer consistent with the privatisation of the ports. And as you may be aware, 35 there's been legal issues around that as well. So in a way they're using the port for another use in the interim as that issue resolves.

MR WILSON: On that basis, given that we've probably got about 90 odd years left of the lease, what's the likelihood of a development application or development 40 proposal coming along which is going to, I guess, enable that site to be cleaned up?

MR SNOW: Well, the site has been...Most of the site has been remediated.

MR WILSON: Yeah.

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MR SNOW: Well, most of the site has been remediated. It's just that that small area, and that's a good question. How long does the Maintenance Order stay? Yeah,

because, you know, it has to be subject to a Maintenance Order. But also my understanding is that the contaminants in that area, the risk of contamination area has diminished over time because it is subject to title, you know, title zones. So the risk posed by that area is extremely low.

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MR WILSON: And that's confirmed by the Site Auditor's Letter. I haven't seen the letter, but I presume you've read it, but I will read it. But it basically says it's safe for the time being. Is that right?

10 **MR SNOW:** Pretty much. Yeah.

MR WILSON: Yeah. Okay. My only view is that, you know, the Port of Newcastle or the lessee or whoever they are saying basically that, you know, it's not economically feasible to do it now, I guess, what conditions would make it economically feasible? But did you ask them for what sort of cost they're thinking about, talking about in terms of remediation?

15

MR SNOW: No. Look, look, we did ask, you know, why hasn't that that site been remediated? And the advice we got back was because it was related to any future, wharf facility, berthing facility.

20

MR WILSON: So then I just need to be satisfied that that Maintenance Order is, well, what timing it has on it. And, you know, just to ensure that at least in the short terms, I assume we're going to issue consent. Once we issue the Modification, then that's it. There's no time limit on this consent, we're issuing notification. So the bulk storage area will be used for you know, forever basically. So anyway. Okay. That was it. That was my key issue with reading all this, is that, you know, we're removing the hook that required it to be remediated. But if there's a Maintenance Order which provides some...Which is sufficient to satisfy us that it will be properly managed, and that the Site Auditor says that it's safe as proposed, I'm fine with that. Yeah. So I just need to satisfy myself in that respect in terms of the agenda. So I mean you're fairly silent on the on the Concept Plan approval. But I now understand why is because it's not the vision of the government. Sorry. It is the vision of the government before it to lease the port.

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MR SNOW: Yeah. Yeah. That's right. Yes.

MR WILSON: All right. Okay. But having said that... Sorry, Steve, are you going to say something?

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MR BARRY: No, but if I can butt in after you've finished that bit, that'd be good.

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MR WILSON: But just in terms of meeting the key environmental parameters of concept plan, concept approval, which was in relation to noise and traffic, it set fairly high parameters, didn't it, in terms of what could be what on site and...?

MR SNOW: Yeah and look, and the key sort of, I suppose, generator of those amenity and traffic impacts were associated with the significant, potentially significant number of movements associated with the container, with the historic container or proposed historic container use. So, that...

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MR WILSON: Hasn't eventuated.

MR SNOW: Which hasn't eventuated. Yeah, so they're well within the parameters that were assessed under the concept. Yeah.

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MR WILSON: And just in terms of, sorry, Steve, just let me finish, so traffic is okay, because they're well within those numbers. Noise, there's requirements, in two consents, isn't there? There's one in the Master Plan, one in the Concept Plan, and then there's there's...Did they set... what was that? What did they call them? Quotas. Noise quotas.

15

MR SNOW: The Concept Plan did consider like the cumulative impact of all, everything operating on the site and created criteria, which couldn't be exceeded from a cumulative perspective. I'm not exactly...I'd have to go back and check on the existing approval in relation to the DA. It's the singular DA. Yeah. I'm not exactly sure.

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MR WILSON: I understand they're meeting, their compliance audits have identified they continue to meet their, and they're predicted to continue to meet them, and but the operational management plan in the Applicant's SEE - it says they were going to reset the quotas. And I just wondering if you had a comment on that.

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MR SNOW: No, I'd have to take it on notice.

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MR WILSON: That's fine. Yeah. Steve.

MR BARRY: Sorry. I just wanted to confirm, for the purposes of the transcript that when we were talking about the contaminated area, related to Figure 7 of the Assessment Report. Just another query in relation to Figure 2, I think it is...Figure four. Sorry. So in this in figure four, the uncapped area is in red. So we've discussed the eastern section.

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MR SNOW: Yeah.

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MR BARRY: But there's also to the west there's a - another red area underneath the purple colour. I just wanted to confirm is that - that's uncapped as well?

MR SNOW: No, don't think so. I think that just might be something under the image. But we can double check for you.

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MR WILSON: I'd be surprised, Steve. It's a good pickup, but that's already remediated. It's operational.

MR SNOW: Yeah, I think that might just be something under in the underlying image. But we can double check for you. Yeah.

5 **MR BARRY:** It's just a bit ambiguous in terms of the key. So that'd be useful. Thanks, Chris.

MR WILSON: That's all right. So, they meet the primary - because the Concept Plan's got a schedule with matters they need to address. And you're satisfied, I think,
10 I mean, there's a whole range of issues, but you're satisfied with noise and noise and traffic. The only other one I was thinking about is runoff. I mean, there's, just in terms of overland flow, so there's no water? All the water on site has been redirected to certain pits, isn't it?

15 **MR SNOW:** Yeah. That's right, the drain or the drainage system's completely in place now, you know.

MR WILSON: Is it? Are there any, I guess, drainage implications from this site for the – the Koppers Operational Area?
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MR SNOW: Not that I'm aware of. Because it's really just about them sort of like putting, you know, the main use at the moment is going to be for wind farm blades. And I suppose we didn't really consider we, you know, we considered that probably didn't have an impact on drainage per se. But we can - we could look into that if you
25 wanted to.

MR WILSON: Just confirm that. Look, I don't think there is, I just, you know, having read the water impact section, I don't get a sense of where those pits are and where the water capture areas are. So, this is something we just, those three issues
30 really to confirm. otherwise, I don't really have any...I have no fundamental problems with what's being proposed. If we can just get the details of that Maintenance Order or, you know, I don't mind if it's summarised. Yeah, because at some stage that maintenance, I mean, if the Maintenance Order is...The maintenance is going to have to be fit for purpose for a long time. And I just need to understand at what point does
35 it become, well, this is now, or is it just okay as it is?

MR SNOW: Yeah. And look, you know, without putting words in the Applicant's mouth, you know, there was probably some point in time where they probably need to go retest and etc. and see and understand their risk again because the risk may be
40 completely diminished now.

MR WILSON: Yeah, or there might be some other risk we're not aware of. So yeah. that's all. So I'll be meeting with the Applicant and - unfortunately, we can't meet with them until next week, so I'll have the same questions.
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MR SNOW: Look, the other thing I was going to add, the relationship between the DA and the Concept Plan. So this DA existed before the Concept Plan. And we

always envisaged that this DA would run parallel with the Concept Plan until such time as the, you know, the land that that DA applied to was then addressed by a new development. But like as we've discussed, that's highly unlikely to occur in the near future.

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MR WILSON: Sorry. When was the concept plan approved?

MR SNOW: It's about ten years ago, I think, wasn't it?

10 **MR WILSON:** Yeah, yeah. But this this DA was 2017, wasn't it?

MR SNOW: Am I getting this mixed up with something else?

15 **MR WILSON:** I think you're getting it mixed up. Well, I could be wrong too, but, you know.

MR SNOW: As you know, the sites.

20 **MR WILSON:** Yeah.

MR SNOW: So many DAs. So many DAs.

25 **MR WILSON:** I've got it here somewhere. This is...That's your report. Oh, no, their report. They've got a table, something - the statutory table in here. Let's just confirm. But the original cleanup was 2001.

MR SNOW: Yeah. Maybe I'm thinking about the remediation. So. Yeah.

30 **MR WILSON:** So are you thinking about the remediation?

MR SNOW: Probably, yeah.

MR WILSON: So that was back in...that was way back.

35 **MR SNOW:** Way back?

40 **MR WILSON:** Yeah. 2001. And then in...Yeah. There's a couple of mods for that. There's been quite a few mods actually. Well, it doesn't say that. It's just, that's just the original application. Anyway.

MR SNOW: Yeah, because I do recall I was involved in the concept plan approval, and that was one of the key issues ensuring that the concept plan maintained, or any future development, maintain the remediation protocols on the site.

45 **MR WILSON:** Yeah. So 2012. That's when the concept plan was approved. So okay. All right. And then this one came around 2017 and was considered to be generally consistent.

MR SNOW: Yeah.

5 **MR WILSON:** And when did we do the three port set? In 2014, wasn't it? 13. 14?

MR SNOW: I'm not exactly sure. Yeah, yeah,

10 **MR WILSON:** I think it was around about then. Anyway. All good. All right. So I don't have any other questions. If I do, I'll be in touch. But if you could just take those couple on notice.

MR SNOW: Yeah.

15 **MR WILSON:** And I couldn't find a copy of the Site Auditor's Letter. You able to provide us with that?

MR SNOW: Dan, can we get that or the? Yeah.

20 **MR WILSON:** It was an appendix to the SEE. I didn't see, maybe I missed it. But, if you can get a copy of that, it'd be good. Steve, anything else?

MR BARRY: Nothing for me.

25 **MR WILSON:** Otherwise, it's pretty straightforward. And the operational environmental management plan, is there one of those for each site? Is there?

MR SNOW: I'll have to double check, but I'm assuming there would be for each sort of active site.

30 **MR WILSON:** Each development proposal. Yeah, there's no overarching one? That's okay. Again, it could be in here.

MR SNOW: Yeah, look. Yeah, I'd have to double check. Yeah, I'm not sure.

35 **MR WILSON:** That's alright. Okay. That's good. Thank you very much.

MR SNOW: Yeah Michael probably would have been able to answer these questions with a bit more clarity.

40 **MR WILSON:** That's okay. That's alright, yeah. As I said, pass on our condolences if you wouldn't mind. All right, that's good. Thank you. Thank you, Daniel. Thank you, Glen.

45 **MR SNOW:** No worries.

MR WILSON: And do you want to stay on, Steve?

MR BARRY: Yeah, thanks.

MR NEELY: Thank you.

5 **MR SNOW:** Thank you.

MR COPE: Thanks all.

10 **MEETING CLOSED**