

Our ref: DA 8137 MOD 2

Mr Stephen Barry  
Planning Director  
Independent Planning Commission  
Level 15, 135 King Street  
Sydney NSW 2000

22 January 2024

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Subject: Response to Questions on Notice and Request for Clarification

Dear Mr Barry,

I write to you in response to your letter titled “Questions on Notice and Request for Clarification” (17 January 2024). Please find below the Department’s response to the matters raised in that letter.

- 1. Please provide a copy and/or the relevant details of the NSW Environment Protection Agency’s Ongoing Maintenance Order No. 20142802 relating to the Koppers Operational Area.*

Section 3 of the Ongoing Maintenance Order No. 20142802 states that the Order applies indefinitely. Hyperlink to the Order is included here:

<https://apps.epa.nsw.gov.au/resources/clm/docs/html/n20142802.htm>

- 2. What is the basis for the Applicant’s proposal to assign updated noise quotas to the expanded cargo storage area (refer page 32 of Applicant’s Statement of environmental effects) and is the Department satisfied with these quotas?*

The Applicant states that given the proposed modification is for ‘more of the same’ cargo just within an expanded area, the noise quotas should be updated. The noise quotas for the Mayfield Cargo Storage Facility are proposed to be increased by 2dB(A). This would increase the site’s allocation from the Mayfield Concept Plan overall noise quota.

The Department considers that the Applicant has provided insufficient justification for increasing the site’s noise quota. Accordingly, the existing operational noise limits in condition B2 of the consent are not proposed to be changed.



Port of Newcastle  
Attn: Phil Carroll  
Level 4 251 Wharf Road  
Newcastle NSW 2300

**By email: Philip.Carroll@portofnewcastle.com.au**

Dear Phil

**RE: BERTH M4 EXPANDED STORAGE - INTERIM AUDIT ADVICE  
LETTER ASSESSING IMPACTS OF UNREMIEDIATED AREA**

Date 30 November 2022

As a NSW Environment Protection Authority (EPA) accredited Contaminated Sites Auditor, I am conducting a Site Audit (FR 096) in relation to the former BHP Mayfield site under the NSW *Contaminated Land Management Act 1997* (CLM Act). This initial review has been undertaken to provide an independent review of the suitability and appropriateness of Port of Newcastle's (PON's) proposal to utilise an expanded area for storage without finalising remediation of part of the site.

The audit relates to part of the former BHP Closure Area at 189 Selwyn Street, Mayfield, NSW 2304, as shown on **Attachment 1**. PON propose expansion of the current storage area in Area 1 Port Side, **Attachment 2**, to incorporate a larger footprint that includes wharf frontage.

The expanded area lies adjacent to part of the site where remediation by capping has not been completed. This area was not able to be remediated during previous capping works due to the ongoing operations of Koppers at this berth. These operations have now ceased and the Koppers Gantry and Pipework leading to this area has been removed and the cap reinstated, however the Koppers Gantry removal work has not extended to decommissioning of the Koppers Operational Area and suspended deck due to seawall instability.

The CSMP<sup>1</sup> describes the impacts of this area remaining unremediated as minor in relation to the overall effectiveness of the remediation strategy due to the exchange with seawater at this interface, meaning that contamination had already likely been flushed to the Hunter River.

Retention of this area in an unremediated state was agreed in the previous Site Audit:

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50 Glebe Road  
PO Box 435  
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Australia

T +61 2 4962 5444  
<https://ramboll.com>

Ref 318001581 FR096

<sup>1</sup> Contaminated Sites Management Plan, Mayfield Closure Area, 2016

- 'Site Audit Report, Former BHP Steelworks Closure Area, Stages 1 and 2(a)' and Site Audit Statement GN493-1 dated December 2013

The previous Site Audit (GN493-1) envisaged that the remediation of this area would be completed once the Koppers infrastructure was removed prior to any human occupation of the site. A Section B Site Audit would then be prepared following remediation assessing compliance with the VRA.

The PON storage expansion does not include remediation of this area and proposes to isolate this area from access by fencing. Remediation of the suspended deck and associated infrastructure is complicated in nature and therefore is proposed to be completed as part of wharf upgrades required for the future development, where the future site development will include the final permanent cap across the site.

PON has asked that I consider the implications of leaving this area unremediated until the final site development. In this regard I make the following comments:

Risks to receptors from this area of the site relate to

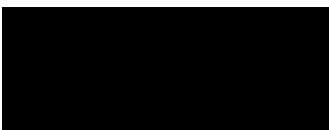
- 1) the infiltration of groundwater causing migration of contaminants to the Hunter River. This aspect is minor when considering the area of this small section relative to the site area and the capping works completed previously and that the river interface likely means contaminants have largely been flushed from this area previously. This is consistent with the conclusions stated in the CSMP and agreed to in the previous Audit.
- 2) direct contact with soils by site users and inhalation of potential vapours by site users. In this regard PON propose to fence the area from access thereby restricting human occupation. This management control is considered to negate these risks adequately.

Management of this unremediated area of the site is detailed in the CSMP and therefore there are no specific management measures required, in addition to those outlined in the CSMP.

On the basis of the above, I consider that delay of remediation of the Koppers Operational Area until such time as the site is permanently developed is not significant in terms of the management of risks from the area to site receptors. The controls proposed are consistent with the current site management and are considered to be adequate. Remediation of the area is required prior to human occupation.

In relation to fence construction, any construction on the site is required to be completed under a works-specific EMP that is reviewed and approved by the Auditor.

Yours sincerely



**Fiona Robinson**

Accredited Contaminated Site Auditor 1506

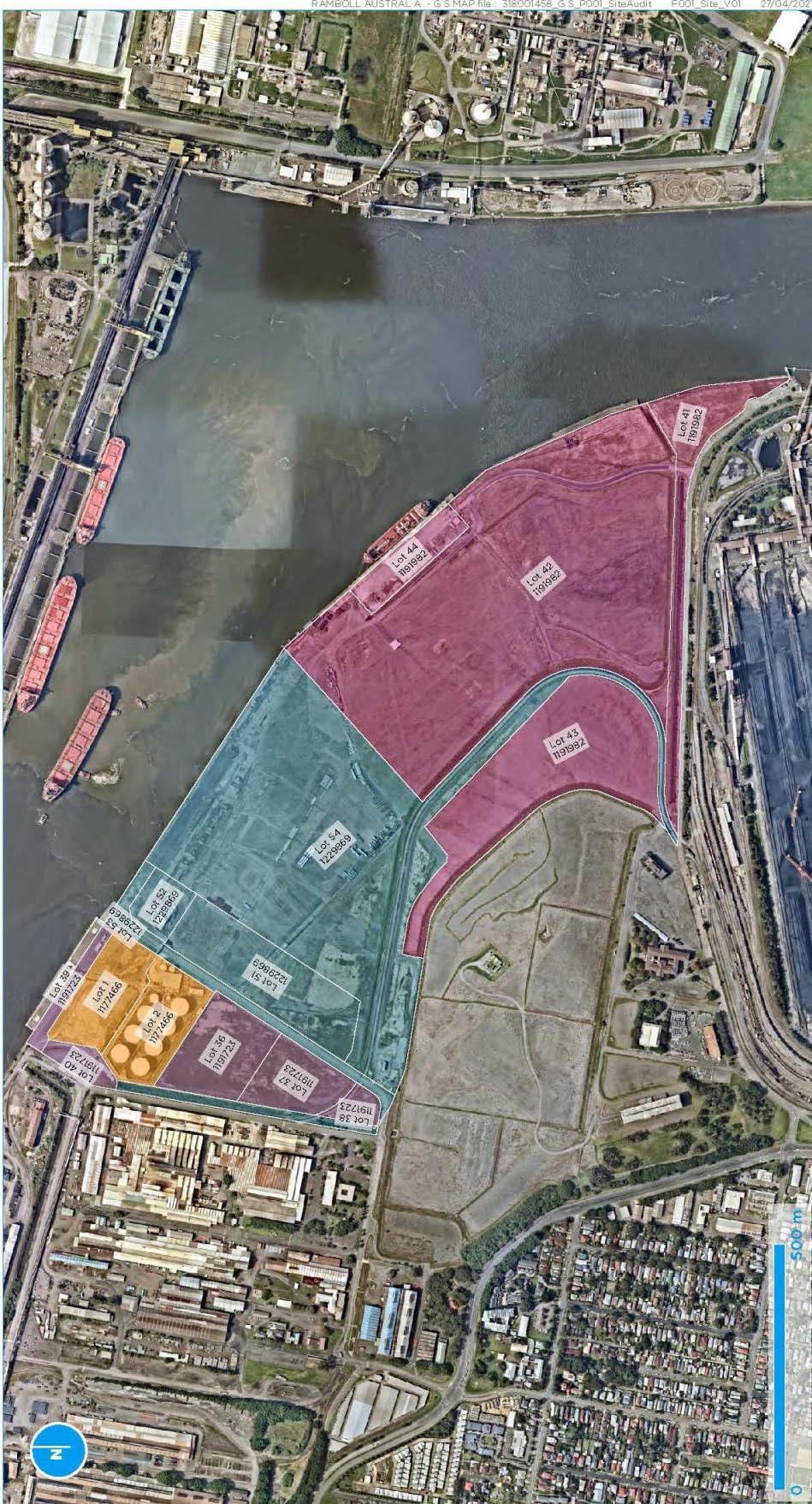
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**Attachment 1: Site Description**

**Attachment 2: Site Condition at Completion of Capping Works**





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**Legend**

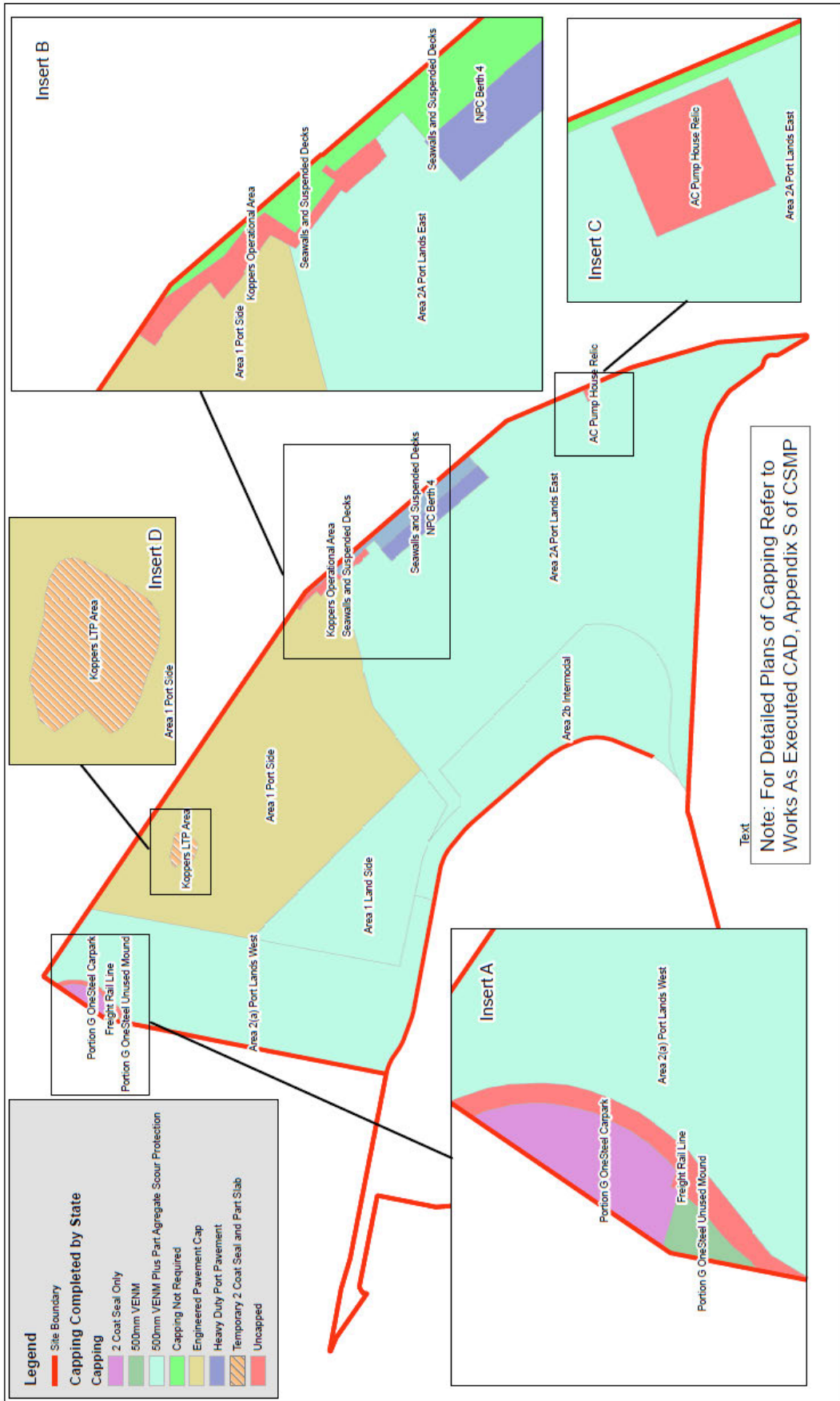
- DP1177466
- DP1191723
- DP1191982
- DP1229869

**Site overview**

Port of Newcastle - Section 28 Audit 2022



Attachment 2: Site Condition at Completion of Capping Works



Completed Capping  
Port Lands, Mayfield Closure Area  
December 2016