



**New South Wales Government**  
Independent Planning Commission

## **TRANSCRIPT OF MEETING**

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

### **APPLICANT MEETING**

PANEL: CHRIS WILSON (CHAIR)

OFFICE OF THE IPC: STEVE BARRY  
OLIVER COPE

PORT OF  
NEWCASTLE  
OPERATIONS: PHILIP CARROLL  
ALICIA MARIX-EVANS

LOCATION: VIA VIDEO CONFERENCE

DATE: 3:00 PM – 3:30 PM  
MONDAY, 22 JANUARY 2024

**MR WILSON:** Before we begin, I would like to acknowledge that I am speaking to you from Garigal Land. And I acknowledge the traditional owners of all of 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 Modification 2 case currently before the Commission for the termination. 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 also to defer 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 the full capture of information. Today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. This meeting is 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 is important for the Commissioner to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you're asked a question and are not in a position to answer, please feel free to take it on notice and provide any additional information in writing which will subsequently put on our website. I requested 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 transcript. We'll now begin. Welcome. Alicia, we've - Philip, who's going to do - who will start off first in terms of on your behalf?

**MS MARIX-EVANS:** I can take it if you want. Phil?

**MR WILSON:** Okay, I guess the first agenda item we put on was, I guess, your satisfaction with the Department's, assessment report and recommended changes to the conditions.

**MS MARIX-EVANS:** Yes. The opening statement, Department's assessment report. From the point of view that the assessment report recommended.

**MR WILSON:** Yes. Is there anything in the assessment report, which is problematic for you or, isn't consistent with your own assessment?

**MS MARIX-EVANS:** No -

**MR WILSON:** The conditions as recommended. Are they appropriate?

**MS MARIX-EVANS:** Yes, I believe so. Phil, any issues from your point of view?

**MR CARROLL:** We negotiated with the Department of Planning around, the conditions which appear in the report, and we're satisfied with those proposed conditions.

5 **MR WILSON:** Okay, so look, this is a fairly simple matter. It's fairly straightforward. I guess the only real issue for me, and it's - I guess, it's more about how we deal or how can those conditions sort of tied in nicely with the remediation of the Koppers Operational Area. I guess the first thing I'd like to ask you, and this proposed Modification, I guess, cuts it free in a sense. That's a fair statement, isn't it?

10 **MS MARIX-EVANS:** Well it removes the requirement for remediation of that portion of the land at this point in time. The areas that what was referred to as the expanded area was being used intermittently under the SEPP, in any event. And this sort of ties back into the justification for the Modification. The wind farms is the reason why we've been using it. And an increasing amount of space out there because they are huge wind turbines, so they've got really nowhere else to put them at - other ports can't take them. It's more to facilitate using the areas that have been remediated before we do an overall development out on that site, so it's still envisaged in the future to do Newcastle Deepwater Container Terminal out there. At present, that development hasn't been undertaken and we haven't lodged a modification to do that development itself. It's simply just cargo storage at the moment for the areas that have been remediated on the site and have some form of hardstand over them.

25 **MR WILSON:** Okay. You've been using - you've sort of activated Mod 1 in the sense where you're using the expanded area.

**MS MARIX-EVANS:** Yes,

30 **MR WILSON:** But not using that area which hasn't been remediated.

**MS MARIX-EVANS:** Yes. That's correct. The plan is to section it off at this stage, to make sure it can't be accessed until we do the overall development of the site, because at the moment we're not using I mean, we're only using a small portion of the overall Mayfield Site. There are still other areas that would need a hard stand cap. And that's all part of a much broader development, which comes with a quite a bit of capital investment. So doing trying to remediate the small portion of the Koppers section, which is historically been estimated to be substantial, we'd like to be doing it in accordance with the overall development of the site, so that we can recoup that capital expenditure.

**MR WILSON:** If I was of the view that a container terminal is not viable in the Port of Newcastle, which I might be, which it doesn't really matter.

45 **MS MARIX-EVANS:** Yes.

**MR WILSON:** But I mean, when is it likely - I mean, the issue for me is - I'm just trying to work through this issue, is that, you know, I guess those conditions, at least had some incentive for you to clean up the site. But what you're saying is that those - the extended area is not really the economic basis for the redevelopment or the rehabilitation or remediation of the Koppers Operational Area.

**MS MARIX-EVANS:** That's correct.

**MR CARROLL:** Is that it?

**MS MARIX-EVANS:** Yes, absolutely.

**MR WILSON:** Okay. Why did you accept it under Mod 1?

**MS MARIX-EVANS:** Sorry. What was that, Commissioner?

**MR WILSON:** When Mod 1 was agreed to in 2017, you were the operator of the port that you accepted at that stage. On what basis?

**MS MARIX-EVANS:** I wasn't here at that stage, Commissioner, so I can't comment on that. I think there's been quite a bit of turnover at the port, since 2017.

**MR WILSON:** Sure. Can we just - I'm still a bit - I'm not quite sure whether or not Koppers Operational - is it all part, is it all within this development area or is it part of it, or have you got a plan there which shows us what part of the Koppers Operational Area is actually falls within this, within this 2000 -

**MR CARROLL:** It's actually the former Koppers Operational Area. In the past -

**MR WILSON:** I understand it's finished, I understand it's no longer in use.

**MR CARROLL:** The location of the current Koppers Operational Area is towards Stolthaven Site, which is located to the northwest corner.

**MS MARIX-EVANS:** Are you looking? Sorry. Are you asking for a map of the area that remains unregulated?

**MR WILSON:** Yes. I keep coming back to the maps in the assessment report and trying to work out what's in it and what's not in, and what part of the unremediated area is actually within your DA area. Because it is not completely within it is it? Even though you've recommended a fence around, you know, the former Operational Area. Is that right?

**MS MARIX-EVANS:** No, sorry. That portion is within our control. I think you're - are you referring to the Intertrade Site, which is not ours. That's another unremediated section.

**MR WILSON:** No, I know where that site is.

**MS MARIX-EVANS:** Yes.

5 **MR CARROLL:** Chris, you're talking about the development site, aren't you?

**MR WILSON:** Yes -

10 **MR CARROLL:** The subject of the Development Approval

**MR WILSON:** - that we're modifying.

**MR CARROLL:** Yes.

15 **MR WILSON:** Do you have a proper map of that? I mean, because my understanding it cuts, it really just only is just a small portion of that unremediated.

**MS MARIX-EVANS:** Yes, it is. Yes. Isn't there one in the assessment report Phil?

20 **MR CARROLL:** There is. Yes.

**MR WILSON:** Okay. That'd be good.

25 **MR CARROLL:** Oliver, are you able to produce that for us please? Thank you.

**MR COPE:** Yes sure thing.

30 **MR WILSON:** While you're doing that there's a Maintenance Order, yes? Because my understanding is this consent didn't - when you applied to expand the area, you didn't apply to remediate that old Koppers Operational Area? That's correct, isn't it?

**MS MARIX-EVANS:** Correct. Yes.

35 **MR WILSON:** So, you don't have the development consent to remediate it anyway.

**MR CARROLL:** The remediation of that particular area falls under the old Approval.

40 **MR WILSON:** Okay. That's right.

**MR CARROLL:** That's DA 293 – 08 -

**MR WILSON:** And the VRA.

45 **MR CARROLL:** Double O.

**MR WILSON:** Which has been executed. Is that right?

**MR CARROLL:** The VRA has been repealed and replaced with the ongoing maintenance order. Yes.

5 **MR WILSON:** Yes. That's it. Okay. You have you have approval to remediate the site. Is that correct?

**MR CARROLL:** Yes.

10 **MS MARIX-EVANS:** Yes.

**MR WILSON:** So, you don't need separate approval. I'm just trying to work this out because -

15 **MS MARIX-EVANS:** No. Yes -

**MR WILSON:** Sorry?

20 **MS MARIX-EVANS:** Sorry I think the remediation largely falls under, as you said, the Voluntary Remediation Agreement, which has been superseded as we've - as time has passed and as we've remediated portions of the land. It's still got a Site Auditor, on the site. Fiona Robinson.

**MR WILSON:** Yes.

25 **MS MARIX-EVANS:** Yes. I think as it evolves - as the site evolves, that can - you know, the monitoring of that contamination is still heavily regulated by the EPA.

**MR WILSON:** Sure.

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**MS MARIX-EVANS:** Yes.

**MR WILSON:** And does the maintenance order have any time frame for remediation?

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**MS MARIX-EVANS:** I don't believe so. Phil?

**MR CARROLL:** No.

40 **MS MARIX-EVANS:** No.

**MR WILSON:** Okay. What type of activities are undertaken in terms of its ongoing maintenance?

45 **MS MARIX-EVANS:** Ongoing maintenance. We do have we - there's groundwater monitoring out on the site.

**MR WILSON:** Okay.

**MS MARIX-EVANS:** Yes.

5 **MR WILSON:** All right. Just if this map - can we just - can we zoom in on this?  
Because this is what I'm trying to get -

**MR COPE:** Yes. The top one or the bottom one?

10 **MR WILSON:** Well, the bottom one is probably - the green areas - go to the bottom  
one.

**MR COPE:** Yes.

15 **MR WILSON:** Am I to believe the green area is to which the DA applies, yes?

**MS MARIX-EVANS:** Yes.

20 **MR WILSON:** Okay. So, there's only two small portions that would be subject to  
this DA anyway. I'm just trying to figure it out. Is that correct?

**MR CARROLL:** Yes.

25 **MR WILSON:** Yes. Those conditions were just linked to ensure - okay, all right.  
What you're saying is you'll store up to that dotted line which is the fence or -

**MR CARROLL:** That's correct, to isolate that area.

30 **MR WILSON:** Yes okay. All right. And currently personnel are restricted - is it a  
restricted area?

**MR CARROLL:** There is an existing fence.

35 **MR WILSON:** Yes.

**MR CARROLL:** Which covers off on portions of that area. This is to formalise it  
and to, I guess, to secure it, in a better way.

40 **MR WILSON:** Yes, to make sure, I guess turbines and so forth aren't stored within  
proximity to the area -

**MR CARROLL:** Yes.

45 **MS MARIX-EVANS:** At present the dotted line is actually marked out with jersey  
kerbs to prevent access from vehicles or storage on that site. And there is - within  
that boundary, there is another fence that just needs to be amended to come out to the  
boundary of that red area.

**MS MARIX-EVANS:** Sure.

**MS MARIX-EVANS:** Yes.

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**MR WILSON:** Yes. I'm not quite sure those conditions were - I mean, most of it's not inside the DA area. I mean, were those conditions applicable just to the area subject to the DA? I'm not quite sure.

10 **MR CARROLL:** My interpretation is it's for the entire unremediated area.

**MR WILSON:** Right, I'm not quite sure.

**MR CARROLL:** It is questionable. Yes, in that sense, planning-wise.

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**MR WILSON:** Yes. Okay. All right. The Site Auditor is basically giving you support to say that it's safe in the interim, correct?

**MS MARIX-EVANS:** Yes.

20

**MR WILSON:** All right. Okay. And the Maintenance Order's in place. So, there's ongoing management by the EPA. And does that apply to the red area? Or does it apply to - what does that maintenance order apply to? Or is it the wider site?

25 **MR CARROLL:** That applies to all of the red area.

**MR WILSON:** Okay. So, the maintenance order is specifically to that red area?

**MR CARROLL:** Yes.

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**MR WILSON:** Okay. All right. I guess I sort of alluded to the question by when is it likely to become economic to rehabilitate or remediate the site, but no one knows, yes?

35 **MS MARIX-EVANS:** I think we're still awaiting, a decision from IPART in respect of some recent litigation. And that decision -.

**MR WILSON:** I saw that.

40 **MS MARIX-EVANS:** Yes, will have an impact. Unfortunately, I can't give you an exact answer, but it will be largely, dependent on that outcome.

**MR WILSON:** Okay. And the need for separate approval. You mentioned in your Statement of Environmental Effects it would require separate approval. But my  
45 understanding is the 2001 consent gave you consent to clean this up. Is that right?

**MR CARROLL:** That's correct. Yes.



**MR WILSON:** Yes. But in the absence of a - Okay. Yes, I'm still trying to work out how is it remediated - but you'd still have to do a RAP and so forth, wouldn't you? And how would you go about doing that?

5

**MS MARIX-EVANS:** Sorry. A remediation?

**MR WILSON:** Yes, would you need to do a remediation action plan?

10 **MS MARIX-EVANS:** I think it'll be done in consultation with the Site Auditor. Fiona is heavily involved with anything that's done in that - of that nature around the site, and it has a very, very good knowledge of the site and the contaminants, that are in there. So, I think it would be we may even need some further testing of that area to, to define a scope of works. But it would all be done in consultation with the Site  
15 Auditor.

**MR WILSON:** Yes. It may have been useful to - what dictates the boundaries? What dictates the boundaries of the site we're currently talking about.

20 **MS MARIX-EVANS:** What was the Koppers area or the DA?

**MR WILSON:** The DA for this area. What dictates the boundaries - the cadastre boundaries for that? It's just an odd delineation of land, that's all.

25 **MR CARROLL:** Yes. To my knowledge, there's no real science behind the proposed location of the new fence. It was more a case of identifying the unremediated area and then creating an appropriate buffer from that.

30 **MR WILSON:** I understand the fence. That looks logical to me, but the cadastre for the DA to which we're actually looking at doesn't. I'm just wondering what dictated that, that's all.

35 **MS MARIX-EVANS:** Being relatively new into this position, the consents on that site are somewhat confusing, but I think it's also been taken back in bits and pieces as well. The site.

**MR WILSON:** Okay.

40 **MS MARIX-EVANS:** Yes, I think it's just we've inherited that as a historical legacy.

**MR WILSON:** Okay. And the Site Auditor's identified the potential risks to human health and the environment are low?

45 **MS MARIX-EVANS:** Yes.

**MR CARROLL:** Yes.

**MR WILSON:** Yes. That just comes back to the noise and heavy vehicles. I appreciate the heavy vehicle movements are well within the limit set within the 2000 - was it the Concept Approval?

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**MS MARIX-EVANS:** Concept Approval, yes.

**MR WILSON:** 2012 Concept Approval set maximums. And it's well within that. Is that correct? Because we have no container terminal.

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**MS MARIX-EVANS:** Yes.

**MR CARROLL:** That's correct. Yes.

15 **MR WILSON:** Okay. Now in terms of noise - can you just quickly summarise how noise is regulated for this site?

**MS MARIX-EVANS:** There's noise monitoring on the site.

20 **MR WILSON:** Sorry. Is there - are there noise limits in the 2017 Approval or the site wide setting the concept.

**MS MARIX-EVANS:** Sorry, Phil did you want - it's in the Concept Approval. I think condition 2.17 specifies the noise limits.

25

**MR WILSON:** Right. Okay. And you're well within those, yes?

**MR CARROLL:** Yes, absolutely.

30 **MS MARIX-EVANS:** Yes.

**MR WILSON:** And you recommended in your Statement of Environmental Effects that you might, apply different, what was the word - noise quotas. Can you just explain a bit about that?

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**MS MARIX-EVANS:** I'd have to take that one on notice. Phil? Sorry.

**MR CARROLL:** Yes. It's been some time since I've looked at the SEE.

40 **MR WILSON:** That's all right. Okay. Look, you know, as I said, I don't have a major problem with it. I guess the only thing I was a little bit concerned with is that the link between the remediation and this site is what is been severed. But if there's a Maintenance Order and you've put in place an exclusion zone, and the Site Auditor's signed off on it, I don't have a real problem, but, if you could just revisit your  
45 Statement of Environmental Effects and come back, with the rationale behind the noise quotas, the different quotas -

**MS MARIX-EVANS:** Yes. Sorry, was it additional noise quotas, did you say?

5 **MR WILSON:** Yes, because there's two ways of regulating the site. What the operator or the Port's been doing is assigning quotas to certain activities to ensure there's no creep.

**MS MARIX-EVANS:** Yes.

10 **MR WILSON:** Background creep. And you've suggested additional noise quotas. And I'm just wondering how they work and what the interrelationship with those quotas might be in relation to the ability to meet the limits.

**MS MARIX-EVANS:** Okay. We can do that.

15 **MR WILSON:** I think you've identified higher quotas. But notwithstanding, the Department's satisfied seemingly, that you're going not to breach those limits. And I presume, given the low number of traffic, the fact that you're not operating a container terminal, that it's highly unlikely that you're going to breach those limits anyway.

20 **MS MARIX-EVANS:** Yes.

**MR WILSON:** All right. I mean, is there anything - I don't think there's anything else. Oliver, Steve, do you have anything to add? No. Okay.

25 **MR COPE:** Just to say we'll provide that question on notice in writing to you both Alicia and Phillip.

**MS MARIX-EVANS:** Okay. Thank you.

30 **MR WILSON:** Yes, that's it. Should have it wrapped up probably - hopefully by early next month. Which is not far away.

**MS MARIX-EVANS:** It's a short week this week. All right.

35 **MR CARROLL:** Thank you for your time.

**MS MARIX-EVANS:** Thank you very much for your time.

40 **MR COPE:** Thank you for your time.

**MR CARROLL:** Cheers. Bye.

**MR BARRY:** Thank you.

45 **MEETING CLOSED**