



4 September 2025

Mr Glenn Snow
Director, Transport and Water Assessments
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

Via email:
CC:

**Mayfield Cargo Handling Facility - Modification 3 - DA8137-Mod-3
Request for Comment on Proposed Conditions and
Request for Further Information**

Dear Glenn,

I refer to the above application for modification (**Application**), currently before the Independent Planning Commission (**Commission**) for determination.

Request for comment on proposed conditions of consent

The Commission is considering the imposition of the attached conditions (**Attachment A**) should it determine to approve the Application. The Commission seeks the Department's advice on the workability, enforceability and any potential unintended consequences of the proposed conditions.

Request for information

During its stakeholder meeting with the Commission, the Port of Newcastle (**Applicant**) requested that the temporary storage of lithium-ion battery (**LIB**) units at the Mayfield Cargo Handling Facility (**Site**) not be restricted to a period of 12 months. The Applicant advised that due to unforeseen delays with shipping and renewable energy project construction, such a restriction would be prohibitive.

The Commission notes that whilst there is no condition proposed by the Department limiting the storage period of LIBs on the Site, the Department's assessment report states that LIBs will be stored on site for a maximum period of 12 months (Table 2). The Applicant's modification report states "*Batteries may be stored for up to 12 months as required by projects to allow for time differences between manufacturer, transport by sea, individual project site readiness and overland transportation.*"

Can the Department please advise:

1. If storage of LIBs on the Site beyond 12 months is appropriate?
2. If a time limit is required to be imposed via conditions of an instrument of modification should the Application be determined by way of approval?
3. Whether a timeframe beyond 12 months is consistent with the Application, or is an amendment to the Application required for a storage period greater than 12 months?

Could you please provide the Department's response by **5pm Thursday, 11 September 2025**.

Should you require any clarification in relation to the above, or wish to discuss further, please contact Kendall Clydsdale or Geoff Kwok via telephone [REDACTED] or at [REDACTED] and [REDACTED] respectively.

Yours sincerely,

[REDACTED]

Stephen Barby

Planning Director

Office of the Independent Planning Commission

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Level 15, 135 King Street
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Changes to Conditions of Consent

Notes:

1. Not all conditions in the table below are replicated in full, only necessary parts of the conditions to demonstrate changes.
2. As a result of new conditions, re-numbering of conditions will be required/undertaken.
3. Minor grammatical, typographical and condition cross-reference corrections to conditions are not included in the table below.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in <u>bold and underlined</u> , deletions in strike through)	DPHI Comments
Schedule 2: Part B – Operational Environmental Performance and Management			
B7	To align with condition numbering changes (see below)	j) <u>include the Battery Storage Management Plan required by condition B24.</u>	
B21	The Commission notes the Fire and Rescue NSW (FRNSW) position statement 'Open Yard Storage of Battery Energy Storage Systems (BESS)', dated 5 December 2024' states (emphasis in bold): "Where multiple battery energy storage system (BESS) units are to be temporarily stored in open yards such as a port, depot or project site staging area, FRNSW recommend the following measures to mitigate fire risk and assist with firefighting intervention: ... ▪ Any required firefighting equipment (e.g. fire hydrants, automatic fire suppression system) must be operable prior to the delivery and storage of the BESS units. ▪ Where firefighting equipment is not required, provision for firefighting should be considered for the period of temporary storage in an open yard (e.g. firefighting water supply, particularly on bush fire prone land)..." The Commission also notes that the FRNSW position Statement <i>Emergency Plan Requirements at Sites Having Lithium Batteries</i>, dated 5 December 2024 also states: "An Emergency Services Information Package (ESIP) prepared in accordance with FRNSW fire safety guideline <u>Emergency services information package and tactical fire plans</u>, available at <u>fire.nsw.gov.au</u>. The ESIP should include the following relevant information: ... ▪ details of all associated fire safety measures and containment features of the site, and included within the tactical fire plans as appropriate" Noting that the Department's proposed condition B20 requires compliance with the above FRNSW position statements, the Commission finds it prudent the proposed new condition be imposed to remove any ambiguity about what fire safety measures, firefighting equipment and provision for firefighting is required for the storage of lithium-ion battery units on the site. It also ensures such measures, equipment and provisions are installed prior to the commencement of any storage on site.	<u>A Fire Safety Study must be prepared by a suitably qualified and experienced professional Fire Safety Engineer in consultation with Fire and Rescue NSW that details (but is not limited to):</u> i) <u>any required fire safety measures, firefighting equipment and provision for firefighting for the storage of lithium-ion battery units on the site; and</u> ii) <u>consistency with the requirements of Condition B20.</u> <u>All recommendations of the Fire Safety Study must be implemented prior to the commencement of storage of lithium-ion battery units on site.</u>	

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	DPHI Comments
B22	The Commission finds new sub-clause (a) prudent to ensure that all personnel on site are suitably trained to handle the lithium-ion batteries. In consideration of the above proposed condition B21, the Commission finds that proposed (h) and (i) to be appropriate inclusion in the Battery Storage Management Plan, and that the plan be developed in consultation with FRNSW.	<u>A Battery Storage Management Plan must be prepared in consultation with Fire and Rescue NSW and submitted to the Secretary for approval prior to the commencement of the storage of lithium-ion battery units. The Battery Storage Management Plan must include the following safety requirements:</u> ... (a) <u>Details which ensure all personnel on site are appropriately trained to handle and work with lithium-ion battery units and the requirements of this Battery Storage Management Plan</u> ... (h) <u>Any required fire safety measures, firefighting equipment and provision for firefighting as specified in the Fire Safety Study prepared in accordance with Condition B21</u> (i) <u>Demonstrated compliance and consistency with the requirements of Condition B20</u> (h)(i) <u>The Battery Fire Emergency Plan required by Condition B232.</u>	