

Statement of Environmental Effects Development Consent Modification

Mayfield Cargo Storage Facility

**Port of Newcastle Operations
Pty Ltd**

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by Aurecon Australasia Pty Ltd (Aurecon) on behalf of the Port of Newcastle Limited (PoN) for the proposed development modification of the existing Mayfield Cargo Storage Facility.

The Mayfield Cargo Storage Facility is an existing open-air cargo storage facility which provides for the storage of a range of freight and cargo including, but not limited to; wind turbine components, large industrial and mining components, luxury boats, electrical transformers and related machinery, general cargo such as farm machinery, excavators and construction machinery, breakbulk (e.g. steel or timber products) and containerised cargo. The original development consent (DA8137) approved the use of the existing hardstand area for port-facilities for the unloading, storage and transportation of freight on the site. The development consent was subject to a number of operational conditions, which included noise limits, safety measures and traffic impacts. These required the preparation of an Operational Environmental Management Plan (OEMP) to manage these conditions. The Mayfield Cargo Storage Area forms part of the Mayfield Concept Plan Area.

This proposed development modification seeks to amend the original development consent by expanding the site boundary of Mayfield Cargo Storage Facility to the north west and north east, increasing the area of the site from approximately 12ha to 18.6ha. The proposed modification is required due to growth in the capacity requirements for the Port of Newcastle's freight storage needs.

The proposed modification is consistent with the previously approved development consent and with the Mayfield Concept Approval. The hours of operation, staffing requirements, and services and utilities proposed remain the same as per the original development consent. In addition to this, no significant changes to truck movements are proposed. Therefore, any environmental effects from the proposed modification are likely to be negligible to minor.

2 Site Context

2.1 Site Description

The subject site is situated in the Port of Newcastle lease area within an industrial suburb known as Mayfield North, approximately 7 kilometres north-west of the Newcastle central business district. The site is located on land previously occupied by the BHP steel works and sits across three lot boundaries, including Lot 51/DP 1229869, Lot 54/DP1229869 and Lot 42/DP1191982, with the site being described as 189 Selwyn Street, Mayfield North. The Port is managed and developed by the Port of Newcastle under a 98-year lease from the New South Wales Government which commenced on the 30th May 2014.

The subject site is illustrated in Figure 1 and covers an overall area of 18.6ha which incorporates the existing Mayfield Cargo Facility and the proposed expansion area (further detail is provided in section 5 of the SEE).

The site is zoned SP1 – Special Activities under the *State Environmental Planning Policy (Three Ports) 2013* (Three Ports SEPP). The subject site has direct access to the southern channel of the Hunter River and consists of mostly hardstand land areas. The subject site is currently being used as a port facility for the storage of freight, including the loading and unloading of freight on the site under an approved development consent of the Mayfield Cargo Storage Facility and temporary use of the land within the proposed expansion area which is permitted under Schedule 1 of the Three Ports SEPP.

Adjoining land uses are generally industrial in nature and support port related activities. The nearest residential area is approximately 800m south-west of the subject site in the suburb of Mayfield East.



Figure 1: Mayfield Cargo Storage Area - Existing

Source: NSW Data Portal, Aurecon. Imagery: NSW DFSI

3 Site Development History

3.1 BHP Steelworks

Throughout the 20th century, one of Newcastle's main economic drivers was the production of steel. In 1915, BHP established a steelworks factory which remained in operation for 84 years until its closure in 1999. On 14th June 2001, under former section 21 of the *Contaminated Land Management Act 1997* (CLM Act), the NSW Environment Protection Authority (EPA) declared the BHP steelworks site as a remediation site. A remediation action plan to address the legacy contamination issues associated with soils and groundwater was prepared in 2004 and a Voluntary Remediation Agreement (No. 26025) for the remediation of the site was issued by the Environment Planning Authority (EPA) in August 2005.

3.2 Hunter Development Corporation (HDC)

In 2007, the Hunter Development Corporation (formerly known as the Regional Land Management Corporation) was created by the NSW Government to oversee and fulfil the remediation commitments of the former BHP site. In 2008, a Contaminated Site Management Plan (CSMP) was developed in accordance with the integrated state significant development determination for development application DA 293-08-00. Remediation works were divided into two stages with the first stage beginning in 2006 and final stage completed in 2018 (HDC Annual Report 2017-18).

3.3 Port of Newcastle

After the completion of the second stage of the remediation works, the ownership of the site was handed over to the Port of Newcastle (formally Newcastle Port Corporation). The Mayfield Concept Plan (MP09_0096), was approved to enable development of approximately 90 hectares within the remediated portion of the closure area for a range of land-based port activities such as cargo storage and handling. It also included support for road and rail infrastructure in relation to cargo transportation.

3.3.1 Mayfield Concept Plan (MP09_0096)

On 16th July 2012, the Mayfield Concept Plan was approved by the Minister for Planning which allowed for the development of a cargo storage facility on the subject site.

Technical impact assessments were conducted in regard to transport use, air quality and greenhouse gas, noise and vibration, hydrological, hazards and risks, contamination and archaeological. A detailed list of mitigation measures has been identified within the technical reports which aim to avoid or ameliorate potential environmental impacts associated with the Mayfield Concept Plan. An overview of the key environmental issues subject to assessment within the concept plan can be found in section 13.3 of the Mayfield Concept Plan Environmental Assessment – Main Report. Two minor modifications to the Concept Plan approval (MP09_0096 MOD 1 and MP09_0096 MOD 2) were also approved to amend the conditions, minor inconsistencies and errors within the concept approval.

3.3.2 Development Consent (DA 8137)

On 30 June 2017, development application (DA 8137) was approved by the delegate for the Minister for Planning, which allowed for:

Use [of] the existing hardstand area as port facilities for the storage of freight, including the loading and unloading of freight on the site

The consent related to Part Lot 42 and Part Lot 25 in DP1191982, Mayfield Precinct, Port of Newcastle Lease Area. These allotments comprise the existing subject site. The approval was granted subject to administrative conditions and operational environmental performance management conditions.

4 Consultation

Between 02 and 19 July 2019, consultation with officers of the NSW Department of Planning, Industry and Environment (DPIE) was undertaken by the Port of Newcastle, Environment, Sustainability & Planning Manager.

The two matters were clarified, and it was agreed that:

- The proposed expansion of land area of the cargo storage area could be proposed as a modification to the original consent for DA 8137; and
- Any modification to the consent will be conditioned to ensure that any necessary remediation works (approved under DA 293-08-00) are completed prior to use.

Accordingly, this modification application is now submitted.

5 Proposed Development Modification

The proposed development seeks to modify the development consent (DA 8137) to extend the existing hardstand laydown area (the Mayfield Cargo Storage Facility) to be used as a port facility for the storage of freight, including the loading and unloading of freight on site.

This modification application seeks to:

- Modify Schedule 1 of the development approval DA 8137 to refer to augmented allotments.
- Adding roll on roll off cargo (RORO) as a project cargo type;

It is understood from correspondence with The Department of Planning, Industry and Environment that the proposed modification would be required to be determined prior to any amendments Operational Environmental Management Plan (OEMP) being submitted to the department. As such, proposed amendments to the OEMP will be pursued following the determination of the subject development modification.

5.1 Modification of the site area description

The proposal seeks to extend the cargo storage area to the north west and north east of the existing approved cargo storage area as illustrated in Figure 2. The area marked purple shows the existing storage area and the area marked green illustrates the proposed expansion area. The extended area will result in a collective increase in the hardstand area by approximately 6.6 ha resulting in an overall area of 18.6 ha for the Mayfield Cargo Storage Facility. Figure 2 also identifies uncapped land to the eastern corner of the site which is yet to be remediated (refer to section 7.4.3 for further details).



Figure 2: Mayfield Cargo Storage Area - Proposed Expansion Area

Source: NSW Data Portal, Aurecon. Imagery: NSW DFSI

The existing consent refers to the land (Schedule 1 of the consent) as:

Part Lot 42 and Part Lot 45 DP1191982, Mayfield Precinct, Port of Newcastle Lease Area.

It is proposed to replace this description of the land (that is, the site) in the consent, with the following description:

Part Lot 51 in DP 1229869, Part Lot 54 in DP1229869 and Part Lot 42 in DP1191982

The modification would support the existing operation of the storage facility by providing additional hardstand areas for the storage of a range of freight and cargo. This is required due to the recognition into the growth experienced in the capacity requirements for the area.

The site layout and typical operation for the cargo storage facility will be consistent with the previously approved development application and not result in any significant design changes.

The hours of operation, staffing requirements, and services and utilities proposed remain the same as per the original consent.

Light vehicle movements will remain the same between the existing and the proposed facility. A small increase of 8 additional heavy vehicles will result from the proposed modification during the AM/PM peak hour (see Appendix A for details).

5.2 Inclusion of roll on roll off cargo

The exclusion of roll on roll off cargo from the types of project cargo to be stored at the Mayfield Cargo facility was originally identified in the original SEE for DA 8137. It is however considered that this exclusion is unnecessary as roll on roll off cargo is not inherently different to other cargo it just describes the way the cargo is moved on or off the ship, that is, the cargo is either wheeled cargo (such as cars) or the cargo is moved on a wheeled platform using built-in ramps on the ship.

The only variation to the movement of this cargo is that it does not need to be lifted off ships with cranes, as is the case with other cargo. Therefore, as it stands, the same cargo could be unloaded via a crane and stored in the Mayfield Area but could not be stored in the Mayfield Area if it were unloaded as roll on roll off cargo. As such, it is proposed that roll on roll off project cargo should be included as a project cargo type which may be stored at the site.

5.3 Proposed amendments to Development Consent DA 8137

In preparing the proposed development modification, it is recognised that minor amendments to the Development Consent for DA 8137 would be required for the proposed development consent modification. It is recognised that the proposed amendments to the original development approval consent is necessary in order to include the proposed amendments identified in the development approval modification.

Development consent DA 8137 includes a condition of consent in regard to the use of the site:

A2. The Applicant must use the site in accordance with:

- (a) Development Application DA 8137;
- (b) the SEE; and
- (c) the RTS.

It is proposed to revise the Development consent by updating A2 (b) to state; *“the SEE and amended SEE (date xxx)”*.

Additionally, condition A7 of the Development consent DA 8137 states:

A7. This consent is limited to the use of the site as Port Facilities as described in the SEE.

Similarly, to the above, it is proposed to revise the Development consent by updating A7 to state; *“This consent is limited to the use of the site as Port Facilities as described in the SEE and amended SEE (date xxx)”*.

6 Consistency of the Proposed Modification

6.1 Consistency with Clause 4.55 of the Environmental Planning and Assessment Act 1979

Clause 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) outlines the requirements for which a consent authority may modify a consent for an approved development application. Clause 4.55 (1A) identifies that:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Further, in determining a modification to a development consent (Clause 4.55 (3)), the consent authority must:

take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The proposal is considered to have a negligible to minimal environmental impact given that the proposal:

- will comply with the approved hours of operation as per the original consent;
- retains the same staffing requirements as per the original consent;
- retains the same need for services and utilities as per the original consent;
- does not include any new hard stand area;
- does not include any building elements; and
- does not include intrusive ground works.

Additionally, the proposed modification is considered to have an insignificant increase in the traffic and noise as demonstrated in Section 7 of this report, resulting in a negligible environmental impact.

It is also noted that the proposed modification will utilise the existing hardstand area which has been capped in accordance with the Contaminated Site Management Plan (CSMP) associated with the subject site.

The proposed modification is also considered to be substantially the same development as approved in the original development consent (DA 8137). This modification proposes the extension of the existing use of the Mayfield Cargo Storage Facility and not result in any substantial change to the nature or impact of the approved development.

The proposed modification is consistent with the requirements outlined in Clause 4.55 (1A) above as the proposed modification seeks to extend the existing hardstand area to accommodate the additional storage of freight and cargo and does not propose any building elements. It is considered that the modification is

substantially the same development and will result in minimal environmental impact as identified in Section 7 of this report.

6.2 Consistency with the Mayfield Concept Approval

The following table is a list of relevant conditions from the Mayfield Concept Plan (MCP) approval and demonstration of how the proposed modification is consistent with this approval. Table 1 identifies the proposals consistency with the approved conditions of the Mayfield Concept Plan. The proposed development modification will not trigger amendments to the concept plan.

Table 1: Relevant Conditions of the Mayfield Concept Plan and the Proposal's Consistency

Condition	Response
2.1 Under the Act, the following environmental assessment requirements apply with respect to future development that is subject to Part 4 (other than complying development) or Part 5 of the Act:	See below
2.1 (c) Details of the consultation process and outcomes with relevant stakeholders, including with (but not limited to):	DPIE may undertake additional consultation as required.
i. Relevant Government agencies such as DPIE	Refer to Section 4.0. Consultation <i>Refer to Section 5.0 of original SEE</i>
2.1 (d) An updated environmental assessment of relevant statutory matters and issue specific requirements for construction and operation (including cumulative impacts of existing and approved development on the site and on adjoining sites) and the identification of relevant avoidance, mitigation and management measures to address associated impacts	Refer to Section 7.4. Key Matters Assessment in this SEE <i>Refer to the following in the original SEE:</i> - Section 3.0 Construction and Operation - Section 7.6 Cumulative Impacts - Section 8.0 Mitigation Measures
2.1 (e) A Transport Assessment that assesses the transport, access and traffic impacts from projects associated with this Concept Plan. The assessment shall:	See below
i. Consider the transport limits and objectives of the Concept Plan, including the objective of not exceeding the total truck movement limits identified in requirement 2.3 (Table 3);	Refer to Section 7.4.1. Traffic <i>Refer to Section 7.1 of original SEE</i>
ii. Consider the Transport Infrastructure Strategy (if required) and identified infrastructure, service improvements or management measures (if identified);	Refer to Section 7.4.1 Traffic <i>Refer to Section 7.1 of original SEE</i>
iii. Consider the traffic performance and functionality of the local, regional and State road network and site access, including the consideration of development within the vicinity of the Concept Plan site (including connecting road networks) and the cumulative impacts from adjoining development;	Refer to Appendix A – Review of Traffic Requirements <i>Refer to Section 7.1 of original SEE</i>

iv.	Consider the Transport Monitoring and Review results undertaken as a requirement of this approval;	Refer to Appendix A – Review of Traffic Requirements <i>Refer to Section 7.1 of original SEE</i>
v.	Identify rail and road infrastructure requirements, including those specified in this approval and the corresponding exceptions;	Refer to Section 7.4.1 Traffic <i>Refer to Section 7.1 of original SEE</i>
vi.	Identify traffic management measures consistent with the requirements of the Traffic Management Plan required under this approval;	Refer to Section 7.4.1 Traffic <i>Refer to Section 7.1 of original SEE</i>
vii.	Include consideration of relevant road and rail design standards including but not limited to Austroads Guide to Road Design 2009 (with RMS supplements), Australian Standards, and Newcastle Development Control Plan 2005 – Element 4.11 (Subdivision)	As part of this project, no road or rail infrastructure has been proposed to be constructed.

7 Statutory Planning

7.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment (EP&A) Act 1979, is the main statutory planning document in NSW to control development. This section provides an assessment of the planning matters associated with the proposed modification, in accordance with the relevant legislation and Section 4.15 of the EP&A Act.

The EP&A Act requires a proposed development to be assessed against matters for consideration included in Section 4.15(1). Table 2 below summarises the consistency of the proposed modification with Section 4.15 (1) of the EP&A Act. Following this table, key matters for consideration will be discussed.

Table 2: Summary – compliance with Section 4.15 (1)

Matters for Consideration	Consistency
(a)(i) The provision of any environmental planning instrument and any proposed instrument that is or has been the subject of public consultation	The relevant provisions of applicable environmental planning instruments have been considered in the original development assessment and below this report. The proposed modification is substantially the same development making it generally consistent with the provisions of these instruments. The Newcastle LEP does not apply to the proposed modification as the port area is covered under the Three Ports SEPP.
(a)(ii) Any development control plan	The Newcastle Development Control Plan is not applicable to this project as the subject area falls within the Port of Newcastle Lease area as identified in the Three Ports SEPP.
(a)(iii) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	No planning agreement or draft planning agreement is proposed under section 7.4 of the EP&A Act.
(a)(iv) The regulations	Whilst the proposed location is within the coastal zone, this policy has minimal application as the subject site is located within a working port.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The proposed modification is seeking to extend the existing hardstand area for the storage of cargo and is considered to have a minimal environmental impact. The potential environmental impacts are addressed further in Section 7 of this report.
(c) the suitability of the site for the development	The subject site is undeveloped and located directly adjacent to the existing hardstand storage area, zoned for port and industrial uses and is accessible to waterfront areas. The site will support the development and future growth of the Mayfield Cargo Storage Facility.
(d) any submissions made in accordance with the act	The proponent will respond to any submissions received.
(e) public interest	The modification would extend the existing approved hardstand storage area which will increase the capacity for the Mayfield Cargo Storage Facility to store cargos used for local, regional and state projects.

7.2 State Environmental Planning Policy (Three Ports) 2013

The proposed modification is located within the Port of Newcastle lease area and zoned SP1 - Special Activities. The proposed modification is to extend the hardstand storage area of the existing cargo storage facility which is permitted with consent within the land use zone.

Clause 35 Schedule 1, allows for the temporary use of land, including the storage of cargo, for a period of 182 days (whether or not consecutive days) in any 12-month period. As such, the proposed storage is currently permissible without consent for a temporary period. Whilst the area may be used for temporary storage for up to 182 days, the proponent seeks approval for the additional hardstand area to be used year-round as a cargo storage area.

It is noted that amendments to the Three Ports SEPP were exhibited in 2018. However, it is also noted that the amendments exhibited are not relevant to the proposed modification. Moreover, the timeline for the notification of the amendments to the SEPP is not known.

7.3 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 provides a state-wide planning approach for the remediation of contaminated land. Clause 7 of the SEPP requires a consent authority to consider whether the land is contaminated and whether it is suitable (or can be made suitable) for the proposed development. A CSMP has been developed for the entire former BHP Steelworks Site, which forms part of the Voluntary Remediation Agreement (VRA) formed under the Contaminated Land Management Act 1994.

The site is subject to the requirement for remediation works outlined within the VRA, including capping, of the area prior to use as a cargo storage area. The proposed modification does not propose any intrusive ground works or activities that would impact the capping. It is understood that any consent for this modification granted by DPIE would be conditional upon capping of the site.

7.4 Key Matters - Assessment

This section expands upon the key matters for consideration relevant to Section 4.15 (1)(b) of the EP&A Act, which includes:

the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

7.4.1 Traffic

A traffic memorandum, 07 February 2020 has been prepared by Aurecon's Senior Transport Planner for the proposed modification exploring the traffic implications of the extended cargo storage facility. The traffic requirements assessment is included in Appendix A of this SEE.

Given the proposed modification would increase the existing hardstand laydown area (12 ha to 18.6ha), the assessment investigates a 'worst case' scenario for heavy vehicle trip generation. However, it is noted that as the staff numbers are to remain the same, the light vehicle movements will also remain the same.

The original Traffic Impact Assessment (TIA) had determined that the 12ha Mayfield Cargo Storage Facility would generate a total of 74 vehicle movements (heavy and light) during morning and evening peak hours. In comparison, the existing facility and proposed modification using a worst-case scenario, would generate a total of 82 vehicle movements (heavy and light) during morning and evening peak hours. This is an increase of only 8 vehicles during morning and evening peak hours.

In considering the expected operational traffic volumes from 2017 and 2027 used in the original TIA, the additional traffic movements would result in a minimal increase to the traffic volume average during morning and evening peak hours, representing a 0.2% increase in traffic volume in 2017 and an expected 0.2% increase in 2027.

An assessment of actual traffic flow prepared as part of the Traffic Monitoring and Review Plan (TMRP) for the Mayfield Cargo storage facility found that on average, daily traffic flow did not exceed 10 vehicle movements since operation in 2017, and not a single day generated more than 20 vehicle movements. This is well below the 260 vehicle movements predicted per day in the worst-case scenario identified in the original TIA.

Therefore, actual traffic data for the Mayfield Cargo Storage facility, demonstrates that the approved use actually generates on average 4% of the proposed trips, and at worst, 8% of the proposed trips, predicted in the original TIA. It is understood that the site was fully operational during this period and even included temporary use of part of the current expansion area in late 2019.

Given the findings of the traffic memorandum, the proposed modification to the approved development is likely to have a negligible traffic impact and would be highly unlikely to affect the conclusions formed in the original TIA which suggested a minor impact.

Moreover, existing measures identified in the Operational Environmental Management Plan (OEMP) will continue to be implemented to mitigate against any potential risks associated with the operation of the facility.

7.4.2 Noise

A memorandum exploring the noise implications of the proposed modification application has been prepared by a Senior Acoustic Engineer and is included in Appendix B of this SEE.

The site is subject to two existing licenses/approvals in relation to operational noise limits and requirements; Development Consent DA 8137 and the Mayfield Concept Plan Approval (09 0096 MOD). Section B2 of the Development Consent (DA 8137) presents operational noise limits which apply to the Mayfield Cargo Storage Facility whilst conditions 2.16-2.20 of the Mayfield Concept Plan Approval outlines the operational noise and vibration requirements related to project sites within the Mayfield Concept Plan area.

To comply with the requirements of the operational noise limits and requirements, a Noise Verification Monitoring Plan (NVMP) was developed by AECOM for the PoN with the most current assessment being conducted in November 2018. Given the difficulty in quantifying the noise contribution associated with the Mayfield Cargo Storage Facility due to other industrial sources in the surrounding area, a noise model was developed to confirm the noise impacts associated with the facility. The predicted noise level results concluded that the site was compliant with conditions set by both the development approval (DA 8137) and the Mayfield Concept Plan criteria.

It is noteworthy that the proposed augmented site area is already operational as a storage area pursuant to exempt development provisions (Schedule 1) in the Three Ports SEPP.

The proposed modification proposes no changes to the existing activities and operational methods detailed in section 3.3 of the noise compliance assessment report. Hence, the same noise emission predictions detailed in section 3.4 of the assessment report completed by AECOM will apply for this proposed modification.

It is further noted that all cumulative noise emissions generated by the Mayfield Cargo Storage Facility will remain subject to the existing noise provisions outlined in the original development approval (DA 8137) (Table 1) and MCP noise quota (Table 3) criteria.

7.4.3 Contamination

Site remediation works have been completed by the Hunter and Central Coast Development Corporation (HCCDC) under section 17 of the Contaminated Land Management Act 1997, Voluntary Remediation Agreement (VRA) 26025 (refer to Appendix D), dated 14 September 2005 and Development Approval 293-08-00. The EPA considered that the risks to human health and to the environment were acceptable so long as the Contaminated Site Management Plan (prepared by HCCDC) was implemented at the site. Since completion of the remediation works (with the exception of the Koppers Operational Area – see extract from CSMP in Appendix C) EPA have issued Port of Newcastle under section 28 of the Contaminated Land Management Act 1997 with Maintenance of Remediation Order No.20142892, Area No.3334.

The uncapped land area covers a small portion of land to the eastern corner of the site which is illustrated in Figure 3. This area has not been remediated due to its continued operation and safety constraints. The area is currently used as a Berth Facility by Koppers and whilst the facility is uncapped, the interim approach was to fence off the facility as this was not expected to have a material impact on the efficacy of the remediation to date due to immediate proximity of the area to the active interface with Hunter River (i.e. the area is already fully flushed by direct tidal exchange with the Hunter River).

The proposed development remains subject to the Port Terminal Facilities Mayfield – Concept Plan (09_0096) which is used to establish parameters and environmental criteria for the Department of Planning, Industry and Environment to assess future projects and developments on site. The Concept Plan outlines the following conditions relating to contamination:

1.9 This Concept Plan approval does not limit or affect the requirements the Voluntary Remediation Agreement issued to the RLMC pursuant to section 26 of the Contaminated Land Management Act, 1997, dated 14 September 2005.

1.10 The requirements of development consent DA 293-08-00 approved by the Minister for Planning on 6 April 2001 (and as subsequently modified), as they relate to remediation works, including the maintenance and monitoring of remediation works and the Concept Plan site in general (including groundwater and surface water monitoring), and as they relate to development constructed and operated under the development consent, remain in force, until they are superseded by future project approvals or as otherwise agreed by the Director-General, in consultation with the EPA.

The above conditions highlight that the VRA and development consent 293-08-00 requirements remain in force to address remediation requirements pertaining to the subject site. As such, the uncapped land area illustrated in Figure 3 remains subject to the remediation requirements stipulated within the VRA and development consent prior to any change in land use. It is recognised that a condition of consent would require a Section B site Audit Statement to be obtained from the Site Auditor to confirm the site has been managed in accordance with the VRA prior to the use of the land as a port facility.



Figure 3: Uncapped land area within subject site

7.4.4 Surface Water

Given the types of cargos proposed to be stored within the cargo storage facility, there is limited potential for water quality impacts to occur. As the site is currently impermeable sealed hardstand land, the proposed use would not result in an increase in impermeable surface or runoff generation as concluded within the original SEE for the Mayfield Cargo Storage Facility. As such, the proposed modification would not alter existing runoff qualities or peak storm loading that would require a review of the existing stormwater management system.

Despite this, existing measures identified in the Operational Environmental Management Plan (OEMP) will continue to be implemented to mitigate against any potential risks associated with the operation of the facility.

7.4.5 Air Quality

The proposed expansion area is currently maintained as an open hardstand area. Due to the nature of the proposed works, the primary source of emissions would be from combustion emissions generated from trucks, vehicles, and plant such as forklifts. Due to the relatively small number of plant and equipment to be utilised within the subject land area and the periodical nature of the vehicles and plant equipment, the emissions generated would be relatively small and unlikely to have any observable impacts. As such, the proposed expansion area would not significantly increase air emissions which are currently generated from the site.

7.4.6 Impact Assessment Summary

The proposed modification of the approved development consent for the Mayfield Cargo Storage Facility is considered to have a relatively similar impact as the existing Mayfield Cargo Storage Facility given the land area is a sealed hardstand area with no distinguishing features or buildings and would be used solely for the purpose of storing cargo and freight.

The proposed modification is considered likely to have negligible changes to the existing environmental impacts associated with the existing Mayfield Cargo Storage Facility, and as such, is considered to be acceptable.

8 Conclusion

The Port of Newcastle is seeking to amend the original development consent (DA8137) for the Mayfield Cargo Storage Facility by extending the site boundary of the approved 12ha port facility to accommodate a greater land area for the storage of freight and cargo to a total land area of 18.6ha. The proposed modification will utilise existing hardstand area adjacent to the approved development site to the north east and north west of the site. The proposed modification is required due to growth in the capacity requirements for the Port of Newcastle's freight storage needs. The area is currently used, in accordance with exempt development provisions, as a temporary storage area to accommodate this growth. It is now intended to formalise this use so the area can be used all year.

It is considered that the proposed modification is substantially the same development as the original development application (DA 8137). The proposal is considered to have a minimal environmental impact given the proposed works do not include any new building elements or intrusive ground works. Technical environmental reports prepared for the original development application (DA 8137) have been reviewed regarding traffic and noise, with proposed effects from the modification likely to be negligible and are considered to remain valid for the proposed modification area. Other potential impacts such as surface water and air quality are also considered to be negligible.

The proposed modification is of minimal environmental impact, is recognised to be substantially the same development as the original development application and is consistent with the original development consent, the Mayfield Concept Plan consent, the OEMP and applicable regulations. We recommend this modification application to DPIE for approval.

Appendix A – Review of Traffic Requirements

Appendix B – Review of Noise Impacts

Appendix C – CSMP Figure 16 – Uncapped Land

Appendix D – Voluntary Remediation Proposal (26025)