

26 August 2026

Ingrid Berzins
Planning Officer
Department of Planning, Housing and Infrastructure

Reply via email: ingrid.berzins@dphi.nsw.gov.au

Dear Ingrid

**NEWCASTLE LOGISTICS PRECINCT (INTERTRADE SITE) – (SSI 82049456) – 99 SELWYN ST
MAYFIELD**

I refer to the Department of Planning, Housing and Infrastructure's (DPHI) request of 30 July 2026 via the NSW Major Projects Portal inviting City of Newcastle (CN) to provide advice on the project mentioned above.

The Environment Impact Statement (July 2026) prepared by Energy Co and associated supporting reports have been reviewed by CN and provides the following advice:

1.0 PLANNING

1.1 Hazards and Risks

The proposal has undertaken a comprehensive assessment of the potential hazards and risks of the proposal involving the storage within the Newcastle Intertrade Precinct (Preliminary Hazard Assessment by GHD July 2026). The risks posed to the public by the proposal are considered to be acceptable. It is further expected that DPHI's own experts with its Hazards Section will review the risks of the proposal particularly with regard to battery storage.

1.2 Tree Loss

The development will result in the removal of 22 trees with retention value, comprising 12 high-retention and 10 medium-retention trees. In accordance with the Newcastle DCP 2023, compensatory planting is required to offset the loss of significant canopy and maintain the overall urban forest within the Newcastle Local Government Area.

Conditions are recommended at **Attachment 1** below.

1.3 Heritage

The project has been developed with reference to the identified heritage significance of the former BHP Steelworks site, including the SHR-listed BHP Administration Precinct. No direct impacts to significant fabric are proposed. Works are largely confined to later pavement and non-significant landscape areas, and excavation is predominantly limited to the existing remediation capping layer.

The proposed access road and pavement areas are standalone civil works that do not attach to, penetrate or structurally rely upon the BHP Administration Building, Quality Control Laboratory or Roll Shop.

The project introduces contemporary infrastructure rather than new buildings, with the quality of design and materials being consistent with the industrial context and do not diminish the architectural standard or prominence of the existing heritage structures. No residual physical impacts to significant architectural fabric of the BHP Administration Building, Roll Shop or Quality Control Laboratory are anticipated. With protective measures and vibration monitoring in place, the risk of structural or cosmetic damage during construction or operation is negligible. Archaeological impacts are also expected to remain low and proportionate, particularly with excavation largely confined to the remediation capping and an Unexpected Finds Procedure implemented.

The primary residual impact relates to the intensification of industrial activity within the SHR curtilage and alteration of some internal visual relationships, particularly from the western side of the BHP Administration Building. While this will change the current post-industrial character of the site, it is consistent with the historic function of the place as an active industrial landscape. The legibility, prominence and associative values of the key heritage items remains intact. Accordingly, any residual impacts are assessed as low and not adverse to the State heritage significance of the SHR-listed items. The overall heritage values of the site are retained, however the Minimum standards of Maintenance and Repair for Heritage items in NSW apply to the site.

Vegetation management in proximity to the BHP Administration Building and the Quality Control Laboratory will modify aspects of their current setting but do not diminish their significance. In the case of the BHP Administration Building, increased visibility may enhance appreciation of its landmark qualities, and significant vegetation and the semi-circular drive at the northern facade will not be impacted. For the Quality Control Laboratory, whose significance derives primarily from its architectural expression and historic function rather than a designed landscape setting, changes to later landscaping will not affect its ability to demonstrate its mid-twentieth century industrial character.

Conditions are recommended at **Attachment 1** below.

1.4 Contributions

The subject site is located outside the Port of Newcastle Lease Area (State Environmental Planning Policy (Transport and Infrastructure) 2021 identifies the subject site as being located outside the Port of Newcastle Lease Area) and therefore the provisions of CN's Section 7.12 Development Contributions Plan apply. Accordingly, a levy of 1% of the cost of the development applies. The proposed development is not a type of development identified in the Plan as being eligible for an exemption or reduction in the payment of a contribution.

The EIS states that an estimated development cost has been prepared. However, estimated development cost reports cannot be used for the purposes of determining development contributions. CN requests the applicant prepare a detailed cost summary report in accordance with Section 208 of Environmental Planning and Assessment Regulation 2021.

2.0 ENGINEERING

2.1 Flood risk management

For consistency with flood risk management controls in Newcastle Development Control Plan 2023, it is recommended that:

- a) The proposed amenities building in the Southern Precinct should be constructed with a ground floor level at or above the flood planning level of 3.30 m AHD. This requirement can be addressed as a condition of development consent prior to the issue of a construction certificate.

- b) That the proposed car park adjacent the amenities building in the Southern Precinct is designed such that flooding over the car spaces does not exceed flood hazard H1 in the 0.5% AEP flood event (proxy for CN's 1% AEP 2050 planning flood), to provide an adequate level of flood immunity for property parked on the premises. The proponent may relocate the car park or alternatively propose additional fill to reduce the depth of flooding (and therefore hazard) however the effects of any additional fill will need to be reflected in modelling of operational flood conditions.

2.2 Water quality controls

WSP noted in Section 6.2 that the development does not intend to satisfy pollutant reduction targets in NDCP2023, noting that *"as outlined in Section 4.7.2, the water quality in the Hunter River Estuary is currently poor and is not meeting NSW WQOs. TSS and TN are the key pollutants causing the poor water quality conditions and the project water quality mitigation strategy provides moderate to significant reduction in pollutant exports including TSS and TN. The mitigated discharge from the project would be an improvement on existing conditions and therefore consistent with improving long term water quality goals as set out in the NSW WQOs for the Hunter River Estuary and be consistent with the surface water management response required in ANZG 2018."*

WSP's rationale above is noted, however CN recommends the project provide adequate water quality management measures to achieve modelled pollutant reduction targets set out in Section C4 of NDCP2023.

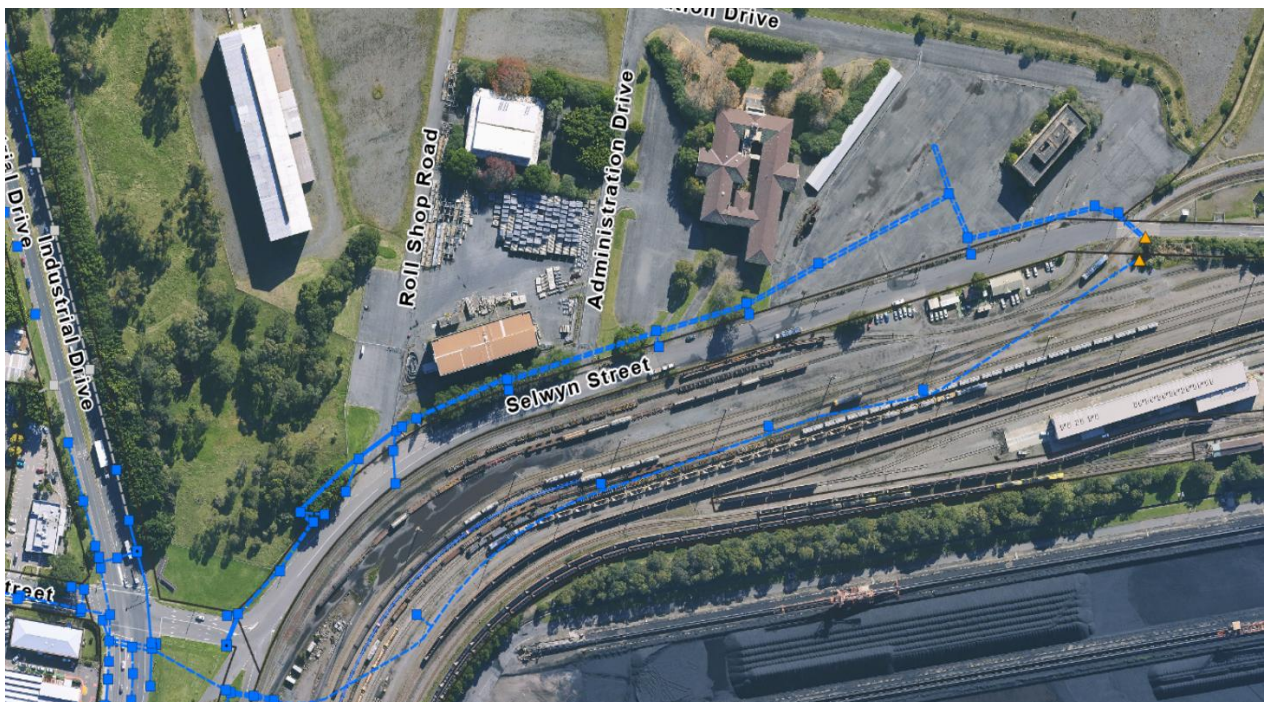
2.3 Upgrade Works (Selwyn Street)

The following upgrade works need to be undertaken as part of the SSD application. The applicants are to undertake further consultation with CN to finalise requirements prior to the determination of the SSD application:

- Street lighting along the road corridor between Selwyn Street and George Street to the subject site, as shown in the aerial image below, will require upgrading to Council's requirements. The upgraded lighting is to achieve Category V4 lighting and be designed and installed in accordance with the relevant AS/NZS 1158 Street Lighting Standards, Council specifications, and the requirements of Ausgrid.



- The existing road stormwater drainage system within this corridor should be investigated to determine whether upgrades are required to meet current Council design standards and capacity requirements. Any deficiencies identified should be addressed as part of the proposed works. It is further recommended that consideration be given to realigning the stormwater system within the road reserve to avoid the need for drainage easements on private property and to minimise ongoing maintenance issues associated with tree root intrusion and other potential blockage sources.



3.0 ENVIRONMENTAL

3.1 Acoustic Impacts

The EIS states the EPA is the Appropriate Regulatory Authority under section 6(2)(c) of the POEO Act because EnergyCo is a public authority. It is unclear whether this arrangement will continue to apply if operations are undertaken by private contractors or third-party users of the facility. Clarification regarding the future operational and regulatory arrangements for the site needs to be provided.

The Noise and Vibration Assessment identifies exceedances of the applicable Project Noise Trigger Levels under foreseeable operational scenarios and relies upon future operational management measures to achieve compliance. The assessment predicts up to 31 residential receivers could exceed night-time PNTLs, with up to 15 residential receivers potentially experiencing sleep disturbance impacts under worst-case operating scenarios. The primary sources of these impacts are identified as night-time loading and unloading activities involving reach stackers, mobile cranes and forklift operations.

While the assessment identifies a range of potential mitigation measures, including locating noisier activities further from sensitive receivers and reducing night-time operations in areas closest to residential receivers, these measures are largely operationally based and are not reflected as specific commitments within the project documentation.

The assessment also states the worst-case operational scenarios are anticipated to occur approximately once every three months. However, limited evidence is provided to justify or substantiate this assumption, and no enforceable operational limits are proposed to ensure these impacts remain infrequent.

Post-commissioning noise monitoring is proposed, however, consideration should be given to strengthening this requirement through conditions specifying monitoring timeframes, reporting obligations, complaint-response procedures, and defined corrective actions where monitoring demonstrates non-compliance with applicable criteria.

It is considered appropriately worded conditions of approval may assist in addressing a number of the issues identified above cannot be fully resolved prior to determination of the application.

Conclusion

CN thanks DPHI for the opportunity to provide comment on the EIS.

If you have any questions in relation to the various matters considered in this letter, please contact Damian Jaeger, Principal Development officer (Planning) on 4974 2768 or djaeger@ncc.gov.au.

Yours faithfully



Priscilla Emmett
DEVELOPMENT ASSESSMENT MANAGER

Attachment 1 – Recommended Conditions

1. Four eighty (48) street trees are required to be planted as compensation for the removal of significant existing trees at the developer's expense. A fee, to be determined by contacting Council's City Greening Services, is to be paid to City of Newcastle for the required compensatory planting and evidence of the payment of the required fee is to be included in the documentation for a Construction Certificate application.

NOTE: The tree selection and location of the required compensatory tree will be determined by Council's City Greening Section in accordance with Newcastle City Council Street Tree selection manual. The location of the compensatory tree planting may not be in the immediate proximity of the site.

2. Owners and managers of State Heritage Register listed items must ensure the heritage significance of these important places and objects is protected by achieving minimum standards of maintenance and repair.

<https://www.environment.nsw.gov.au/topics/heritage/resources/minimum-standards-maintenance-repair-for-heritage-items>

3. All future conservation works and new works to items within heritage curtilages should be guided the policies in by the Conservation Management Plan (CMP) prepared by NBRIS 2021.
4. All new works are contemporary in design and clearly distinguishable from the historic fabric of the site. The proposed access infrastructure is not to replicate or imitate historic architectural detailing of the BHP Administration Building, Quality Control Laboratory or Roll Shop. Materials, form and construction methods are to be consistent with contemporary industrial infrastructure and be readily identifiable as new additions within the evolving site context.
5. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.
6. An interpretation plan is to be prepared by an experienced heritage interpretation practitioner developed in collaboration with the project's other plans including the sites Conservation Management Plan (CMP).

The Interpretation Plan shall be in accordance with the Heritage Council's "Interpreting Heritage Places and Items Guidelines" (2005). The plan must interpret the history of the site in a way that is engaging, informative and readily accessible to the majority of visitors. The Plan is to be written by a suitably qualified heritage architect/consultant and submitted to the written satisfaction of Council's heritage officer.

Given the site's industrial context and the likelihood of high public use, all interpretive infrastructure and artworks should be constructed from robust, vandal-resistant materials and be designed for ease of cleaning and maintenance. Ongoing monitoring and maintenance regimes would be required, particularly in relation to graffiti management and vegetation control, to ensure that the park remains safe, legible and well-presented as a valued public space.

- Interpretive elements be incorporated within the Newcastle Steelworks Memorial and Monument park (which contains the Muster Point Memorial and Newcastle Steelworks Monument) overlooking the former industrial site to communicate its historical significance and layered evolution. Positioned at key vantage points, interpretive signage would allow visitors to visually connect the contemporary landscape with its industrial past. Historic photographs, archival plans and curated imagery could be paired with concise explanatory text to illustrate how the site once appeared during its peak operational phases, including the steelworks skyline, railway infrastructure and early industrial reclamation works. This approach will enable the public to understand the scale and character of the former industrial landscape while standing within its transformed setting.
 - Ground plane interpretive elements are a viable media for effectively conveying key information and if adopted for inclusion in the Newcastle Steelworks Memorial and Monument park, in the vicinity of the existing Steelworkers Memorial, would be a subtle yet powerful means of communicating the industrial history of the site. Through the use of contrasting paving treatments, metal inlays, etched or sandblasted surfaces, former structures and railway alignments can be traced across the contemporary open space. These interventions will allow the historic footprint of the steelworks to be read within the present landscape without reconstructing lost fabric, reinforcing the spatial memory of blast furnaces, rail corridors and industrial plant once visible across the skyline.
7. The incorporation of public artwork within Newcastle Steelworks Memorial and Monument park presents an opportunity to interpret the site's industrial legacy through sculptural and material expression. Artwork installations may draw upon salvaged industrial elements such as steel sections, mechanical components, rail fragments or other recovered materials where appropriate and safe to reuse, embedding authentic fabric within the contemporary landscape.

Alternatively, new works may abstractly reference industrial forms, structural geometry or production processes associated with the former steelworks. By integrating reclaimed or industrial-inspired materials into artistic installations, the park can provide a tangible connection to the site's working past while creating a focal point for gathering and reflection. This approach reinforces the identity of the place as an evolving industrial landscape and ensures the legacy of steelmaking remains visible and materially grounded within the public domain.

8. To ensure unexpected finds are protected:-

- A person who is aware or believes that he or she has discovered or located a relic not identified and considered in the supporting documents for this approval, in any circumstances (including where works are carried out in reliance on an exception under section 139(4)), excavation or disturbance must cease in the affected area(s) and the Heritage Council must be notified in accordance with section 146 of the Heritage Act 1977. Depending on the nature of the discovery, additional assessment and approval under the Heritage Act 1977 may be required prior to the recommencement of excavation in the affected area(s).
- Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the Heritage Act 1977 (NSW) for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exception or an excavation permit issued by the Heritage Council of NSW.
- If any Aboriginal objects are discovered which are not covered by a valid Aboriginal

Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be notified in accordance with section 89A of the National Parks and Wildlife Act 1974 (NPW Act). Depending on the nature of the discovery, additional assessment and approval under the NPW Act may be required prior to works continuing in the affected area(s). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by Heritage NSW.

- Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. An 'Aboriginal object' is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. It is an offence under the provisions of the National Parks and Wildlife Act 1974 (NPW Act) for a person to harm or desecrate an Aboriginal object, with defence from prosecution and certain activities exempt as prescribed under the NPW Act.