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Planning NSW
Attention Rebecca Newman
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Application Number DA-134-3-2003-I MOD 8 Relocation of Swing Basin,

Dear Ms Newman,

It has only just come to my attention of the details of the Hunter River swing basin proposal and I ask that my late submission be considered.

I wish to raise the following points.

1. Lack of Consultation

I am unaware of any community consultation about this current proposal. I discovered it by accident on your web site by chance. I note it is tagged as “remediation of contaminated land.” and appears not to have been lodged until the 11th May 2011.

The application does not seem to be “substantially the same” as it is located downstream by 200m and is very much bigger with a diameter of 500metres compared with 420metres and an increase in circumference of 250 metres. It is also 6 years since the original application was approved (8 years since lodged) and considerable changes have occurred in the elapsed time.

The new application also now reaches inland a considerable distance as opposed to being mostly contained within the river.

The application signed by Garry Webb CEO states in point 7 “this application is to modify only the physical location of the swing basin” It makes no reference to the increase in diameter and the major impact to the shoreline and vegetation.

The statement of environmental effects attached to the application is dated June 2011.

That document records no community consultation for the substantial change to the project.

The absence of any submissions from the community, community organisations and governance sectors is further evidence that there was no community consultation and that the community is basically unaware of the proposal and its impacts.

The agency comments all raise serious concerns especially about the impacts on the river banks due to the 80 metre greater diameter

2. Absence of Port Master Plan

This application seems to be undergoing the approval process in absence of a public and approved Newcastle Port Master Plan.

The absence of the Master Plan means among other things that there can be no cumulative impact assessment of Newcastle Port development or operational activities.

A Port Master Plan is clearly a key and fundamental document that must be referenced and responded to as part of this major works.

This part of the river has certainly changed very significantly from the time it was Shelly Beach.

3. Mangroves

The Statement of Environmental Impacts (SEI) acknowledges that there is a significant Mangrove forest on the area and that the new proposal for a swing basin will result in the removal of considerably more mangroves than previously. The SEI relies on 2003 data and does not take into account the considerable growth and expansion of the Mangroves since 2003.

As development work is carried out within the harbour the function of Mangroves becomes more important. Further removal is totally unacceptable and this alone should be sufficient grounds for the rejection of the swing basin.

The consent conditions dated 9 August 2005 in relation to Mangrove removal state “to limit the extent of Mangrove clearing to the minimum necessary” Clearly the sought after 500 metre diameter will basically eliminate the Mangrove forest.

In the response to the CMA submission of the earlier proposal it was stated that “a compensatory habitat package will be developed to offset this loss of vegetation and will result in a nett improvement in Habitat within the Hunter River estuary. This new application provides no

information about this or if the area of compensatory will also be increased in size to match the removal area on both sides of the river.

I note the I&I NSW approval is also very concerned about the removal of the mangroves and draws attention to the heavy fines.

4. **Project is not needed**

Nowhere within the application or SIE is there any assessment of the need for the swing basin.

The table below developed from port shipping information clearly shows the low level of use of port wharfs in the proposed area. It must be noted that the table only shows wharf occupation. Actual coal loading is only about half this time.

Newcastle Coal Wharf Performance					
From 1/1/2011 to 6/5/2011					
Wharf	Total Wharf Hours	Max Wharf Hrs	% time berth Occupied	Number of Ships	Avg Time (hrs) at berth
D4	1611	3024	52	53	30
D5	1866	3024	61	53	30
K4	1977	3024	66	78	20
K5	1325	3024	43	53	30
K6	2030	3024	67	78	26
K8	966	3024	31	35	28
K9	1745	3024	57	47	37

Full details of data used to produce this table are available on request.

There is little doubt that better port management, wharf management and faster coal loading will give the Port a very significant increase in through put without the need to further destroy an important sector of the Hunter River.

Put simply there is no case to support the need for additional wharfs or the swing basin.

It should be noted that the Port has been operating including wharfs K8 and K9 in a highly satisfactory manner of quite some time.

5. Tourism and recreational activity

The SIE makes no comment about the impact on recreational use of the harbour and in particular the South Arm of the river by the swing basins construction and operation.

This is unreasonable as the area is used by many for recreational purposes including fishing, boating and other passive activities.

There is also no information about the negative impacts of the swing basin operation and the impacts of additional shipping as a result of the very much larger swing basin.

There is no detail provided as to how the tourism aspects of the Harbour will be improved by this development. The construction of a viewing area, parkland and tourism facilities to allow access to the harbour in this area and to allow viewing of shipping movements could be a benefit to help offset the huge negatives.

The RTA has commented that due to the closeness of the greatly enlarged swing basin to Cormorant Rd bunding, walls or other structures should be installed to prevent viewing. This is a totally unacceptable option and is quite the reverse of what should happen. It is unclear of the impact of the swing basin on the “windmill” and this is further clouded by the RTA comments.

In summary the negatives of the swing basin construction and operation could be offset by quality recreational and tourism provisions.

Theses should be spelt out in the conditions of consent after being agreed to by the community and interested parties.

6. Remediation

A consent condition, if this project is approved, should be that once the swing basin is no longer in active use then the area be rehabilitated to a natural river frontage condition.

I thank you for reading my submission and trust it can be taken into consideration.

Rick Banyard

14 8 2011

Copy to Minister Gay and local MP's