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Diary from Terry Tynan to Rebecca Newman on 04/07/2011

Diary against Annex Website Submissions for job #4713 134-3-2003-i MOD 8 - Relocation of Swing Basin

Online Submission from Terry Tynan of Port Waratah Coal Services Limited (object)

Email Details

- Received 8:12AM, Mon 4th Jul, 11
- Status Actioned on 04/07/2011
- Time Spent 0:00:00 (hh:mm:ss)
- Priority Medium 🟡
- Class Object

Interactions

👤 Contacts (1)

- **Inbound email from:**
- [Terry Tynan](#) - [Port Waratah Coal Services Limited](#)
terry.tynan@pwcs.com.au

👤 Staff (1)

- **Email to:**
- [Rebecca Newman](#)

Port Waratah Coal Services (PWCS) is currently finalising a Prefeasibility Study to construct an additional coal terminal on Kooragang Island. This coal terminal is known as Terminal Four (T4) and is planned for construction to meet the future capacity needs of the Hunter Valley Coal Chain. Those capacity needs are underpinned by the coal chain's Long Term Commercial Framework.

T4 is planned to be constructed on land at Kooragang Island. T4 land ownership comprises land owned by PWCS and land leased to PWCS from Newcastle Port Corporation (NPC) under an Agreement for Lease.

An integral component of T4 design is berth capacity and the need to balance this with T4 stockyard capacity. To that end PWCS requires berth capacity for three Panamax size vessels or a mix of Panamax and Cape size vessels on the north bank of the Hunter River adjacent to the proposed NPC swing basin, the subject of this application.

The proposed swing basin location nominated in NPC's application prevents PWCS from constructing three berths as described above, thereby reducing throughput and limiting the export capacity of the coal chain. Should the swing basin be constructed in the location proposed by NPC, berth capacity on the North arm is limited to two vessels. For these reasons PWCS objects to the proposal put forward by NPC.

PWCS' preferred location for the swing basin is approximately 100 metres further to the east. Under this proposal, the swing basin remains on the centre line of the river and in PWCS' opinion has minimal impact on NPC and the neighbouring Newcastle Coal Infrastructure Group (NCIG) facility. Construction of the swing basin in this location allows for the development of berths to accommodate three vessels, thereby maximising export potential from this location.

Drawing No KL 323251 attached provides detail of the PWCS preferred swing basin location.

PWCS continues to liaise with both NPC and NCIG to find an acceptable swing basin solution.

Attachments (1)

- 1.278 MB
 [App 4_01 KL 323251_B - Wharf Layout with Aerial Photograph.pdf](#)
Remediation of Contaminated Land . Dredging and Remediation of the Hunter River . Jobs . 134-3-2003-i MOD 8_ Relocation of Swing Basin . Web Submissions



aurecon HATCH
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SCALE 1:3000
PRELIMINARY
NOT FOR CONSTRUCTION

Drawing N°	Rev N°
KL 323251	B
Sheet N° 001	



PORT WARATAH COAL SERVICES LTD - TERMINAL 4
 NPC INITIAL REPORT
 SITE WIDE
 WHARF LAYOUT WITH AERIAL PHOTOGRAPH

Rev	Revision Details	Mark Order	Drawn By	Date	Reference Drawing Title	Drawing N°
B	FROG PONDS ADDED		SS	07-06-11		
A	PRELIMINARY ISSUE		SS	03-06-11		



Primary
Industries

Our Ref: HB020067_OUT11/11494
Your Ref: DA 134-3-2003-I Mod 8

30 June 2011

Rebecca Newman
Infrastructure Projects
Planning NSW
GPO Box 39
SYDNEY NSW 2010



Dear Rebecca

Re: Proposed modification – Extension of Shipping Channels within the Port of Newcastle (DA 134-3-2003-I Mod 8) – Relocation of Swing Basin

Thank you for giving Industry and Investment NSW the opportunity to comment on the above proposal.

The responsibilities of Industry & Investment NSW (I&I NSW – formerly DPI) include conserving fish stocks and fish habitat, marine vegetation, threatened fish species, and aquatic biodiversity. As such the Department is concerned about any potential impacts that the proposal may have on aquatic species and habitats in the vicinity.

In reference to the above, the site has been assessed and predicted environmental impacts considered by officers of the Department.

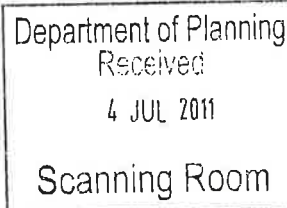
NSW Primary Industries has no objection to the above proposal. The issues and concerns have been addressed in previous applications relating to this site and the department has no new conditions to add.

For further information, please contact me on (02) 4916 3931.

N.B. It is an offence to *dredge/reclaim in any waters and/or affect marine vegetation* without permits from I&I NSW. Penalties of up to \$55,000 for an individual and/or up to \$110,000 for a company or LGA can apply plus full site remediation costs.

Yours faithfully

Scott Carter
Senior Conservation Manager





Ms Rebecca Newman
Senior Environmental Planning Officer
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Ref No: W11/98

Dear Ms Newman

**Modification Request for Extension of Shipping Channels within the Port of Newcastle
(DA-134-3-2003-I MOD 8)**

Thank you for the opportunity to comment on the above proposal.

NSW Maritime's interest in the project primarily relates to the works proposed on and adjacent to land under the ownership of NSW Maritime. Also, as the agency responsible for safe navigation in the state, NSW Maritime has an interest in all navigation and recreational boating issues associated with the proposal.

NSW Maritime has no objections to the proposed modification, however Newcastle Port Corporation (NPC) should be aware that they will have to enter into an appropriate tenure agreement to provide for the works before dredging commences. This could be in the form of a licence or amendment to the existing channel agreement. NPC will also need to liaise with NSW Maritime to ensure navigation is appropriately managed.

The swing basin positioning should optimise the coal expansion exercise of T4 Port Waratah Coal Services (PWCS) as well as any additional berth/s Newcastle Coal Infrastructure Group (NCIG) develop. To ensure this, it is essential that PWCS and NCIG are consulted.

I also note that increasing the diameter of the swing basin involves more dredging of the river bank. This could potentially create more disturbance of contaminated material – it is essential that the proposed mitigation measures as currently approved are adhered to.

Should further discussions on the proposal be required, please contact NSW Maritime's Assessments Officer, Mr Ian Tait on 9563 8812 or at itait@maritime.nsw.gov.au.

Yours sincerely

Stuart Carr
A/ Manager
Planning, Environment and Spatial Information



Office of
Environment
& Heritage



Your reference: DA 134-3-2003-I MOD 8
Our reference: DOC11/28866; LIC07/55-24
Contact: Rebecca Scrivener, 4908 6830

Ms Rebecca Newman
Infrastructure Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Department of Planning
Received
7 JUL 2011
Scanning Room

Dear Ms Newman

Extension of Shipping Channels within the Port of Newcastle – Proposed Modification to Swing Basin Location (DA 134-3-2003-I MOD 8)

I refer to your letter dated 16 June 2011 seeking comments and any recommended conditions of approval from the Office of Environment and Heritage (OEH) on the proposed modification to the swing basin location for the above development.

OEH has reviewed the supporting documentation¹ and notes that the impacts associated with the construction of the re-located swing basin remain essentially the same as those identified in the original environmental impact assessment.

Conditions 2.38 and 2.39 of the existing consent relate to impacts on flora and fauna, specifically impacts on mangroves areas, wetland vegetation and saltmarsh communities. With the revised location of the swing basin, additional areas of mangrove will be impacted during the construction of the swing basin. I bring your attention to the need to establish a compensatory habitat package in consultation with OEH prior to the commencement of any phase of the dredging or excavation works that will result in the removal of these communities. The proponent should ensure any consultation process occurs in a timeframe that enables thorough consideration of the compensatory habitat program.

Condition B3.5 requires the development and implementation of an Ecosystem Monitoring Program prior to each phase of dredging or excavation works. OEH supports a cooperative approach between parties operating under the consent to cost-effectively meet the objectives of this condition. Elements included in the monitoring program are changes to the local tidal prism due to altered river bathymetry and also impacts of altered tidal regimes on saltmarsh and mangrove communities as well as habitats for species such as the green and golden bell frog, prawns, fish and bird populations. This monitoring program has been carried out for Phase 4 and 4c (shown of Figure 1.2 of the SEE). The proponent should be aware that prior to the commencement of Phases 5, 6 and 7, this monitoring program needs to be reviewed and implemented.

¹ 'Extension of Shipping Channels, Port of Newcastle Section 75W Modification – Statement of Environmental Effects' dated June 2011, prepared by ERM

The Department of Environment, Climate Change and Water is now known as the
Office of Environment and Heritage, Department of Premier and Cabinet

I note condition B2.24 relates to specific management of swing basin works. OEH recommends the following wording be adopted (shown in bold) as there appear to be errors in the current wording.

***B2.24** The Swing Basin embankment that separates the waters of the Hunter River from the excavation pit made in constructing the Swing Basin shall **not** be removed until it has been demonstrated to the satisfaction of the ~~DEC~~ **OEH** that:*

a) sampling of the basal sediments within the excavation pit has demonstrated that this material is able to be reused or disposed at a facility or location lawfully able to accept it; and

b) the discharge of any waters that may collect in the Swing Basin excavation pit will meet the objectives of Australian and New Zealand Water Quality Guidelines 2000 (ANZECC, 2000).

OEH recommends that all other remaining conditions of consent relating to dredging, management and disposal of material continue to apply, as drafted, to the construction of the relocated swing basin.

If you have any questions regarding this matter please contact Rebecca Scrivener on 4908 6830.

Yours sincerely



MITCHELL BENNETT
Head, Regional Operations Unit – Hunter Region
Environment Protection and Regulation
Office of Environment and Heritage
Department of Premier and Cabinet

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11/869
BK



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Director, Infrastructure Projects
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Department of Planning
Received
11 JUL 2011
Scanning Room

Attention: Ms Rebecca Newman

**CORMORANT ROAD (MR108): PROPOSED MODIFICATION TO DEVELOPMENT
CONSENT – RELOCATION OF SWING BASIN (DA NO. 134-3-2003-1 MOD 8)**

Dear Ms Newman,

I refer to your letter dated 16 June 2011 (Your Reference: DA-134-3-2003-1 MOD 8), received on 20 June 2011, regarding a proposed modification to the previously approved swing basin, forwarded to the Roads and Traffic Authority (RTA) for comment.

The RTA has reviewed the information provided and objects to the proposed changes to the previously approved swing basin. The following matters must be addressed and resolved to the satisfaction of the RTA:

- The RTA is concerned with the potential impacts and constraints imposed on the State road corridor and road carriageway (Cormorant Road / Tourle Street – MR108) by the proposed relocated swing basin. The incremental encroachment from both the proposed swing basin relocation to the south and the proposed PWCS Terminal 4 project to the north and west will result in a major constraint to any upgrade of this route in the future. It is requested that the Newcastle Port Corporation (the applicant) prepare a comprehensive plan for this area that includes all known proposed developments and the RTA's proposal to upgrade Cormorant Road.
- The proposed relocation and increase in diameter of the proposed swing basin is likely to restrict the provision of an access / service road parallel to Cormorant Road in the future to service the existing and proposed development along the river frontage. These roads are intended to connect into a proposed roundabout at the Cormorant Road / Pacific National Road intersection.
- An appropriate buffer and visual barrier between the proposed swing basin and Cormorant Road should be provided to the satisfaction of the RTA.

It is suggested that the applicant give consideration to relocating the swing basin further to the south to avoid any encroachment on the northern side of the river.

A meeting should be convened between the RTA, the Department of Planning and Infrastructure and the applicants of both the subject project and the adjacent Terminal 4 project to discuss the above matters, leading to the preparation of a comprehensive concept plan for the area.

Should you require any further advice, please contact me on 4924 0240.

Yours sincerely,


Dave Young
Manager, Land Use Development
Infrastructure Services
Hunter Region

7 July 2011



Office of Water



Infrastructure Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

c: Peter Johns
t: 02 4904 2538
f: 02 4904 2501
e: peter.johns@water.nsw.gov.au

12 July 2011

Our ref : ER21542
Your ref: DA-134-3-2003-I MOD 8

Attention: Rebecca Newman

Dear Madam

DA-134-3-2003-i MOD 8 – Submission on Modification Application for Extension of Shipping Channels within the Port of Newcastle

I refer to your letter of 16 June 2011 inviting a submission from the NSW Office of Water (NOW) for the modification proposal. Provided the works are carried out under the jurisdiction of the Newcastle Port Corporation a Controlled Activity Approval under the provisions of the *Water Management Act 2000* (WMA 2000) will not be required.

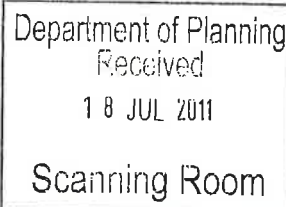
NOW has reviewed the Statement of Environmental Effects accompanying the application and requests that the consent authority give consideration to the following in determining the application:

- The water management principles under section 5 of the WMA 2000;
- NOW's *Guidelines for Controlled Activities (2010/2011)*;
- The proposed works should be designed, constructed and maintained to minimise sedimentation, erosion and scour of the banks of the Hunter River and to minimise adverse impacts on aquatic and riparian environments;
- Water quality issues in relation to potential impacts on surface water and groundwater are adequately addressed; and
- The works to be licensed under the *Protection of the Environment Operations Act 1997*.

If you require further information please contact Peter Johns, Planning and Assessment Coordinator on (02) 4904 2538 at the Newcastle office.

Yours sincerely

Mark Simons
A/Manager Major Projects and Assessment



Future City: GM:AP

22 July 2011

Ms Rebecca Newman
Senior Environmental Planning Officer
Infrastructure Projects
Department of Planning & Infrastructure
GPO BOX 39
SYDNEY NSW 2001



PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
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www.newcastle.nsw.gov.au

Dear Ms Newman

Modification Request for Extension of Shipping Channels within the Part of Newcastle (DA-134-3-2003- I MOD 8) - Exhibition of Statement of Environmental Effects.

I refer to your letter of 16 June 2011, concerning the above matter.

The submitted Statement of Environmental Effects (SEE) has been reviewed by Council officers and the following comments are forwarded for your consideration of the application.

1 Contamination

The proposed modification includes an increase in the diameter of the swing basin. The increase in diameter will include further encroachment onto land owned by Onesteel located at 51 Industrial Drive, Mayfield North. While the SEE prepared by ERM dated June 2011 provides some analysis of potential contamination within the footprint of the proposed location of the swing basin, it is recommended further sampling be undertaken to appropriately assess the potential contamination issues associated with the swing basin footprint.

2 Ecology

The SEE notes the proposed relocation of the swing basin will result in the removal of freshwater wetland vegetation. The previous ecological report did not consider this vegetation as an Endangered Ecological Community (EEC) under the *Threatened Species Conservation Act 1995* (NSW) as it was not listed at the time of writing. However, Freshwater wetlands on coastal floodplains of the NSW North Coast, Sydney Basin and South east Corner bioregions are currently listed as an EEC under the *Threatened Species Conservation Act 1995* (NSW). The SEE prepared by ERM notes compensatory habitat is not required for this EEC due to the removal already being approved under DA-134-3-2003-i. It is noted the assessment of the modification should be carried out with consideration of the current listing of the EEC and it is recommended the proposed removal of the wetland vegetation should be included within any compensatory habitat package for the development.

The SEE notes the previous ecological assessment was carried out in 2003. It is acknowledged the proposed modification is contained within the same area approved under DA-134-3-2003-i, but given the time that has elapsed since the previous ecological investigation there may have been changes in the habitat quality and/or usage by local fauna. This may be especially relevant for migratory species or waterbirds due to contraction of available habitat within the Kooragang area. Therefore, it is recommended further ecological investigation of the area be undertaken.

3 Waste

The SEE notes the proposed enlargement of the diameter of the swing basin will potentially result in increased volumes of dredged material. Due to the potential contamination status of the dredged material it is considered further information is required regarding the management of this material including whether the increased volume of material can be adequately contained at the waste emplacement facility on Kooragang or disposed of appropriately offshore.

Should you require further clarification or advice regarding any of the matters canvassed in this letter, I can be contacted on 02 49742 767.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'G. Mansfield', with a stylized flourish at the end.

Geoffrey Mansfield
Development & Building Coordinator
Development Assessment Team