

Future City.G.Mansfield.
Reference: ECM#4191099 & 4191100
Phone: 02 49742767



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Mr Glen Snow
Manager – Rail and Ports
Infrastructure Projects
Department of Planning
GPO Box 39
SYDNEY NSW 2001

PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
Facsimile 02 4974 2222
Email mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au

Attention: Ms Swati Sharma

Dear Mr Snow

**CAPITAL STRATEGIC DREDGING PROJECT (SSI10-0203) PORT OF
NEWCASTLE**

I refer to your letter of 26 March, 2013 inviting Council to comment on the Environmental Impact Statement (EIS) for the Capital Strategic Dredging Project, located in the South Channel of the Hunter River, in the Port of Newcastle.

Council officers have examined the EIS and the following comments are offered for your consideration in the assessment of the Project:

1.0 Disposal Strategy

Background

Stockton Beach has had a long history of erosion. The construction of the Newcastle harbour breakwaters and ongoing dredging of the harbour entrance (which is required to maintain the Port of Newcastle) has effectively stopped the northerly transport of sand, which is leading to the continued erosion of Stockton Beach.

In 2005, the Minister for Planning granted consent to an application from NSW Maritime for the dredging of shipping channels within the Port of Newcastle. The consent approved the removal of approximately 7,050,000m³ of clean sand from the harbour. The EIS for the Project indicated that *'as far as possible, an aim of the proposal would be to beneficially reuse the material resulting from dredging and excavation'*. The EIS also indicated that approximately 5,720,000m³ of sand would be available for land based site development works, and that there was the possibility that up to 1,350,000m³ of excess clean sand could be used for the nourishment of Stockton Beach. The EIS concluded that *'should sufficient quantities of clean sand be available after other beneficial reuses have been considered, the use of clean sand for renourishment of Stockton Beach would appear to be feasible'*. To date, none of the clean sand dredged under the NSW Maritime consent has been placed at Stockton Beach.

In 2009, DHI completed the draft *Stockton Beach Coastline Management Study*. The draft study indicated that Stockton Beach requires approximately 410,000m³ of sand nourishment to assist with mitigating the erosion issue. Ongoing maintenance nourishment of approximately 30,000m³ of sand per annum would also be required (as now new sand is reaching Stockton Beach from the south, so continual nourishment will be required).

In 2012, Council completed the *Stockton Beach Sand Scoping and Funding Feasibility Study*. The study investigated potential sources of sand for the purposes of beach nourishment at Stockton Beach, to help address the ongoing erosion issues. The Study concluded that the most favourable option for beach nourishment was for Council to work with the Newcastle Port Corporation (NPC) to use sand dredged from the Newcastle harbour for the purposes of beach nourishment. This was the most favourable option because it was considered that the sand was suitable for nourishment purposes, and the cost to the community could be minimised.

Council's ongoing management of erosion at Stockton Beach is largely dependant on maintaining an ongoing relationship with NPC to ensure clean sand dredged from the Newcastle harbour is placed on Stockton Beach. To date, the relationship between NPC and Council has been hugely beneficial for addressing erosion at Stockton Beach. In 2009, NPC dredged approximately 100,000m³ of sand from the harbour entrance and placed it offshore of Stockton Beach. This dredging campaign was very successful and was well received by the community. NPC continues to place sand obtained during maintenance dredges of the harbour entrance offshore of Stockton Beach.

Capital Strategic Dredging Project

The Director-General's Requirements required the EIS to assess the spoil disposal and reuse options, including identification and description of potential disposal locations. Section 13, and Appendices D and E, of the EIS outline the sediment sampling undertaken and the spoil handling and disposal strategy.

Page 33 of Appendix E outlines that:

'Historical and recent geochemical testing has demonstrated that sand in the river bed does not contain significant levels of any contaminants. The relatively clean nature and medium grain size of the sand (which generally varies from 0.2 millimetre to 0.4 millimetre) makes this material suitable for a number of land based site development works, that are located within close vicinity of the dredging works.'

The clean nature and medium grain size of the sand also makes the sand suitable for beach nourishment, as outlined in Section 5.3.3 of Appendix E:

'Should Stockton Beach require nourishment at the time of dredging clean sands from the proposed berths, the reuse of a portion of the dredged materials for renourishment of Stockton Beach would appear to be feasible.'

As outlined above, Stockton Beach is subject to ongoing erosion, which will require ongoing nourishment, so it can be assumed that beach nourishment will be required at the time of dredging.

While the EIS indicates that beach nourishment is feasible, page 183 of the EIS states that *'the preferred method of disposal for the Project's dredged sediment is via sea dumping, with alternate disposal strategies dependant on material type and potential use of the material'*. Page 23 of Appendix E outlines that:

'Approximately 1,045,000 cubic metres of sand sediments would be removed. The majority of this material would be disposed of to an offshore disposal ground (subject to approval from SEWPAC). An assessment of potentially suitable beneficial reuses would be undertaken and where feasible the material would be used as fill, for beach nourishment or would be stockpiled for future use.'

Given that the timing of the berth developments is yet to be defined, it is not possible to accurately define the potential reuse/disposal sites. Therefore for the purposes of this EIS, it has been assumed that the sands will be transported to the offshore spoil disposal ground. Other disposal locations / beneficial reuse sites would be covered in subsequent EIS's if required '(emphasis added).

The assumption that sand will be dumped at the spoil ground, and that the use of clean sand for beach nourishment would be assessed in subsequent EIS's is not supported. Over the last decade, Council and NPC have collected significant information regarding the feasibility and impacts of using the dredged sand for beach nourishment purposes. In 2009, NPC prepared a Review of Environmental Factors (REF) to assess the dredging of approximately 100,000m³ of sand from Area E and the placement of the dredged sand offshore of Stockton Beach for the purposes of beach nourishment. The REF identified an appropriate location for the sand to be placed offshore of Stockton Beach, and assessed the potential impacts of the beach nourishment project. With the extensive geochemical testing that has been undertaken in the harbour, and the preparation of the REF in 2009, there is considerable information available to assess beach nourishment as a reuse option within the Capital Dredging EIS, so that subsequent approval under the *Environmental Planning and Assessment (EP & A) Act, 1979* is not required for beach renourishment.

Requiring further approvals under the EP&A Act is a deterrent for future dredging proponents to use the clean sand for beach nourishment purposes; because dumping the sand at the disposal ground represents a quicker and more convenient option as it does not require further approvals to be obtained (if a sea dumping permit is in place) prior to the commencement of operations. Given that there are often tight planning timeframes for dredging activities (due to the short notice on the availability of dredgers); it would be preferable for the required approvals under the EP&A Act for beach nourishment to be obtained as part of this application.

Furthermore, identifying sea dumping as the preferred option for disposal, when it is known that beach nourishment at Stockton Beach is a feasible option, is inconsistent with the *National Assessment Guidelines for Dredging* (NAGD). Page 9 of the NAGD outlines that the first step involved in assessing a Sea Dumping Permit application is to evaluate all alternatives to ocean disposal (including beneficial uses). Page 10 of the NAGD identifies beach nourishment as a beneficial use and outlines that 'a permit shall be refused if the determining authority finds that appropriate opportunities exist to re-use, recycle or treat material without undue risks to human health or the environment or disproportionate costs'.

To be consistent with the NAGD, and to maximise the environmental and social benefits flowing from the Capital Dredging Project, it is requested that a minimal allocation of clean sand dredged from the harbour for the purposes of beach nourishment be nominated under the terms of any consent granted to the Project. As outlined above, Council requires approximately 410,000m³ of sand for capital nourishment. Therefore, it is requested a minimal allocation of 40% of the clean dredged sand (40% of 1,045,000m³) is required to be used for the purposes of the beach nourishment at Stockton Beach. This allocation could be received over a number of dredging campaigns (i.e. it doesn't matter that the 1,045,000m³ of clean sand will not be dredged in one campaign, as long as 40% of the clean sand dredged during each campaign is used for beach nourishment).

Having regard to the above circumstances, it is recommended that the above allocation be included as a condition of any approval granted to the Project.

2.0 Contamination

Lot: 4 DP: 1177466, known as 109 Selwyn Street, is adjacent to berths M1-M7 where excavation of fill material and construction of a full depth vertical retaining structure, such as a sheet piled walls are proposed. This land is subject to an Agreement (*Area No: 3334. Agreement No: 26025.14/9/05*) with the Environment Protection Authority under the *Contaminated Land Management Act, 1997*. The EIS has not specifically addressed potential impacts (if any) the Project may have on this existing agreement.

3.0 Heritage

General

It is acknowledged that the Project will impact on maritime heritage sites that are statutorily listed and potential archaeological sites. This is regrettable as it constitutes incremental loss of artefacts and items that represent the history of the working harbour. Demolition of heritage items should always be the option of last choice.

Heritage listing

According to Council's heritage database, the Hydraulic Crane bases (in water) are of state heritage significance;

'The significance of these cranes was that they were hydraulic powered from a single source, replacing the earlier steam cranes with their individual engines. Concrete foundations for the first four cranes were laid in 1876-7. Four more cranes were ordered in 1877, with the power generated in the nearby Hydraulic Power station. By 1894 there were 12 fixed hydraulic cranes along the Dyke. The 20th century saw seven movable hydraulic cranes on the east side of the basin. Some cranes went out of commission during the 1930s Depression. By 1940 only the movable cranes were powered hydraulically. The last crane was demolished in 1964. ...The surviving crane bases along The Dyke, providing rare evidence of a large scale hydraulic system in NSW.'

The State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 does not assign a level of significance to the schedule of heritage items. However, the Newcastle Heritage Inventory notes that the Dyke crane bases have state heritage significance for their rarity and functional association with the hydraulic powerhouse. In this regard, the attribution of local significance in the Cultural Assessment Heritage (CHA) is questioned.

Heritage Impacts

The CHA has identified that the proposed dredging program has the potential to impact on known heritage items at Dyke Berth No. 3, Mayfield 3 & 4, and potential archaeological relics at Walsh Point Berth 3 and Kooragang 1. Complete demolition of two crane bases (14 and 15) is proposed along with the remains of the McMyler Hoist foundation.

Mitigation Measures

Mitigation measures for historical and maritime items are described in section 12.2 of the CHA. Essentially these measures are limited to statutory notification to the NSW Heritage Council and archival recording by still and video capture of the items that will be impacted by the dredging. These measures are considered to be inadequate given the heritage significance of the McMyler Hoist, and crane bases 14 and 15. Therefore, in addition to the recommendations made by the NSW Heritage Branch, the following mitigation measures are requested:

- The NPC move one of the crane bases (whichever of 14 or 15 is assessed as suitable) to a receiver location outside the impact area but within the Dyke Precinct, where it should be displayed and interpreted. It is suggested that the parcel of land surrounding the Carrington Pump House may be a suitable receiver location.
- Moving one of the crane bases should be possible. It being noted that the Power Signal Box at Hornsby, Sydney was relocated. The two storey heritage brick building weighed 320 tonne was moved approximately 150 metres within a rail corridor to make way for a future train line as part of the Transport Infrastructure Development Corporation's 'Clearways Project'.

- It is considered the Proponent should be required to prepare an Interpretation Plan to interpret the history, use, function and significance to the Port of the crane bases and to convey the broader story of the hydraulic power system used for coal loading. This Plan should be prepared by a qualified heritage interpretation specialist and approved by the NSW Heritage Council.
- The archival recording of maritime archaeological remains associated with the former engineering works present along Walsh Point, Crane Base 14 and 15, and the McMyler Hoist prior to any disturbance is supported. The recordings should include above and below water remains. It is requested that as a condition of any consent granted to the Project, the Proponent be required to provide two copies of the recordings to the Local Studies Collection of the Newcastle Region Library.

4.0 Traffic and Transport

Haulage Route (Road)

The Proponent would appear not to have submitted a comprehensive Traffic Impact Study as requested in the RMS letter dated 6 October, 2011 to the Newcastle Port Corporation and required in the Director-General's requirements.

The approval of RMS should be obtained by the Proponent for the use of the nominated classified haulage roads pursuant to sections 138 and 78 of the *Road Act, 1993* prior to determination of this application.

Dilapidation Survey

A Dilapidation Survey will be required for Selwyn Street pre and post development to ensure Council roads are not adversely impacted on during the construction phase of the Project and any road pavement deterioration during this period is repaired at the Proponent's expense.

Construction Period

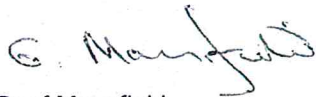
A Construction Traffic Management Plan will be required to be submitted to RMS and Council for approval prior to the commencement of site works. This Plan is to detail the installation of advance warning signs for motorists in the public road reserve of construction traffic / truck movements. These signs are to be installed in accordance with AS 1742.3 – *Traffic Control Devices for Works on Roads*.

Recommended conditions

Should the Minister for Planning and Infrastructure, or his delegate, decide to grant approval to the application, it is recommended that the conditions relating to traffic and transport contained in the attached schedule be imposed.

If you require additional information in respect of any of the matters canvassed in this letter, please contact me on gmansfield@ncc.nsw.gov.au or telephone 49742767.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'G. Mansfield', written in a cursive style.

Geof Mansfield
PRINCIPAL PLANNER (DEVELOPMENT)

Att: Schedule 1-Draft conditions

Schedule - Draft Conditions

1. Prior to commencement of site works, the Proponent shall implement a Construction Traffic Management Plan for the Project, to the satisfaction of the Director-General. The Plan shall:
 - (a) be prepared by a RMS accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with the latest version of AS 1742.3:2009 - *Manual of uniform traffic devices – traffic control for works on roads*;
 - (b) be endorsed by the RMS and Council;
 - (c) be approved by the Director-General prior to the commencement of construction;
 - (d) detail the access and parking arrangements for the site during construction;
 - (e) detail traffic control measures to be utilised in the public road reserve during the construction phase; and
 - (f) ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.
2. Prior to the commencement of site works (including site compound construction, site preparation), the Proponent shall prepare and submit an electronic copy of a Pre-Construction Dilapidation Report for the section of Selwyn Street forming part of the haulage route. The Report shall:
 - (a) be prepared by a suitability qualified and experienced person;
 - (b) be submitted to Council and the RMS for approval prior to the commencement of construction; and
 - (c) provide details , including photographic evidence, of the current structural condition of the road infrastructure prior to commencement of construction.
3. The Proponent shall repair to Council and RMS requirements, or pay the full costs associated with repairing the section of Selwyn Street forming part of the haulage route that needs to be repaired as result of the Project.
4. Within 3 weeks after the date of the completion of haulage operations, the Proponent shall prepare a Post-Construction Dilapidation Report for the Project. The Report shall:
 - (a) be prepared by a suitability qualified person construction period;
 - (b) be electronically submitted to Council and the RMS for approval;
 - (c) document any structural damage to roads and road related infrastructure arising from the construction works ; and
 - (d) document any rectification works undertaken.