



PCU52861

Attention: Director, Industry, Key Sites and Social Projects
Department of Planning & Infrastructure NSW
GPO Box 39, SYDNEY NSW, 2001

c.c. The Honourable Mr. Brad Hazzard Minister Planning & Infrastructure NSW

RE: Application Number MP 10-0006 (Pindimar Abalone Project)

Department of Planning
Received
28 APR 2014
Scanning Room

property-ov.

I have not made a reportable political donation in the past two years and I would prefer that our names and contact information be withheld.

Record of Objection:

I strongly object to the proposed development of an Abalone Farm within the Port Stephens estuarine waters.

In terms of the Director General Requirements, subsection General Requirements, paragraph 6, I request the Minister to reject the proposal because of misleading information contained with the Environment Assessment Report [EAR] regarding, air quality, water quality and the existence of oyster leases in close proximity to proposed abalone effluent outlets.

I understand that the EAR must not be misleading, inadequately justified or missing important information that may affect the Minister's decision.

Recommendations:

1. I strongly recommend that the minister, or agent(s), visit South Pindimar before any decision is made. Please contact Judith Richardson, Chairperson Pindimar Abalone committee for the Pindimar/Bundabah Community Association, Contact phone 0402655790 or write to 16 Cambage Street, Pindimar NSW, 2324.
2. I recommend that the Minister reject the proposal and request the proponents to provide an appropriate investigation and assessment of the air quality impacts from the proposed development upon the local residents. The proponents must use an appropriate baseline of ambient air quality from the site and its closest residents.
3. I recommend that the Minister reject the proposal for failing to accurately report the existence of the oyster lease in close proximity to the proposed developments' effluent outlets.

Background:

The proposed industry will be located approximately 11km from the open ocean; which is well beyond the water-quality requirements for the wild abalone population which has been previously devastated by disease outbreak.

Efforts to have the Abalone industry approved on this property at 180 Clarke Street were stopped in the Land and Environment court after the judge visited the area in 2007. I refer to NSW Land and Environment Court Judgement from *The Pindimar / Bundabah Community Association Incorporated v Great Lakes Council & Ors* [2007] NSWLEC 165 (19 March 2007).

The high risk of waterways contamination is demonstrated by the devastating disease outbreaks that occurred in Victoria, spreading to wild abalone populations and, subsequently, the Tasmanian populations; the large distance of the disease spread appears to indicate the insidious nature of the *gonglyoneuritis virus* that remains without cure.

Matters Arising

Please find below the detailed reasons for the objection and recommendation to reject the proposal on the grounds of misleading information within the EAR, lack of justification for statements, and for omitting important information from the EAR.

1. EAR page 40: Air Quality:- proponents air quality assessments appear inadequate and without justification.

- a. The EAR states that there will be odours 'during pond cleaning activities' and waste disposal.
- b. EAR has failed to provide adequate assessment of these odours and for protecting residents' air quality during operations, and in case of contingency planning for mass mortality.
- c. The proponents' justification is unsatisfactory to simply state "*Measures are recommended to mitigate impacts on air quality, including dust management provisions during construction; the chilling of Abalone mortalities before garbage collection; and the sealing of waste collection receptacles. Overall, the farm is not likely to have an adverse impact on air quality.*"
- d. The following questions have not been answered:
 - i. What happens to the abalone mortalities?
 - ii. What are the contingency operations in case of mass mortality?
 - iii. What happens to the tank and pond waste biomass?
 - iv. Where is biomass dumped?
 - v. What chemicals does the biomass contain?
 - vi. What is the frequency and timeframe for the proponents to clean, clear and dispose of biomass and waste?
 - vii. Who will physically clean, clear and dispose of biomass and waste? And in what timeframe (daily, weekly, monthly)?

2. EAR Appendix 16 page 40 Oyster Farms : states "There are no operational oyster leases in near proximity" is not true.

- There is an operating oyster lease right in front of our Cambage Street homes that would be less than 500 metres from the proposed development's two effluent outlets.
- I do not understand how the proponents reached their conclusion in Appendix 16 Aquatic Ecology Assessment that there are no operational oyster leases.
- Again, the EAR is most misleading in its statements to the Minister that:
 - "There are no operational oyster leases in near proximity to the proposed abalone farm and its discharge pipes. Any discharge of water from the farm will result in the fast dilution of any nutrients that could have the potential to impact on oysters within the port (Sanderson, 2013)."

See photo below of oyster leases catching wild spat in front of South Pindimar Village within 500 metres of proposed abalone factory effluent outlets.



3. EAR page 172: Water Quality of Port Stephens:-

- a. From our perspective, swimming, boating, fishing and recreational water sports are part of the culture of South Pindimar village and within Port Stephens.
- b. From the diagrams in the assessment *appendix 19*, I see that water currents circulate the water around the waste discharge outlets.
 - i. For how many days do we swim in this effluent?
 - ii. Is it toxic for our children and grand children?
- c. I cannot understand the flippant conclusion in EAR page 305 [numbered 261] that the waste will be "rapidly flushed to the continental shelf" when the site is inside the bay approx 11 km from the headlands and 43 km from the shelf.
- d. What is the timeframe for the bay to clean itself of the extra waste disposal emitted from the proposed development?
- e. What are the mid-to-long term effects on people and sea-life?
- f. Will we be able to collect oysters and eat them if they are now near the abalone effluent pipes?
- g. Will we be able to safely eat local fish caught in front of our homes?

4. EAR page 30: Community Consultation times were problematic for the community.

- a. Pindimar Community consultation was inconveniently held on Thursday 27th March outside the holiday periods and during working hours.
 - i. Please be aware that almost half the homes on Cambage Street alone are holiday homes. The timing away from holiday times (Easter/Christmas) excluded attendance by many affected locals.
 - ii. This consultation date avoided the Christmas and Easter periods and the community's non-permanent residents and holiday makers have been excluded.

- iii. The working day and time slots of 10am-1pm and 3pm-6pm for the consultation excluded attendance by those permanent residents that must work for a living.
 - iv. Please be aware that travel times to workplaces from Pindimar are up to and exceeding 1 hour for some residents. So they couldn't even make 6 p.m.
- b. The level of consultation does not appear sufficient for the Port Stephens Council community that live across the water from the proposed development.
- i. The proposed development will be discharging effluent into water ways servicing the Port Stephens residents and businesses.
 - ii. Noise from the proposed development's 24 hr pumps [purportedly at 86 dBA] will carry across the water.
 - iii. Industrial noise cutting through the air especially during dawn, dusk and night-times will be most noticeable to waterfront residents at Corlette, Salamander Bay and some parts of Soldiers Point.

Yours faithfully,

A handwritten signature in dark ink, consisting of a large, stylized 'S' followed by a horizontal line and a small loop.