

Minister for Planning and Infrastructure

Application - MP 10-0006 ABALONE FARM AT PINDIMAR

Proponent - Austasia Leefield Pty Ltd

Council Area - Great Lakes and Port Stephens

Approval Authority - Minister for Planning and Infrastructure

Date - 11 May 2014

Dear Minister

Please be advised that I have not donated money to a political party and object to my submission being made available to the proponent, interested public authorities, or on the website without my personal approval.

I object strongly to the above mentioned Development Application. This proposal should be refused on the following grounds.

Port Stephens provides basic ecosystem services, and is an economic asset for the local region and the State that should not be subject to such development pressure which includes the risk of irreversible harm.

Clean water in the Port is a basic resource to which the whole community have a right to benefit from and this should not be placed at risk.

The destruction of seagrasses and the by-catch (including all organisms) drawn in through the pipes will significantly impact on the Port's ecosystems. The impact of disturbing potential acid sulphate soils, return waters and cleaning operations will be detrimental and have not and cannot be adequately addressed.

The EIS has not adequately addressed alteration of the hydrodynamics of the Ports water flows and shore line erosion. Evidence of the latter can be observed along the shoreline in the bay where the development is proposed.

The proposal has not demonstrated that it would meet the "improve or maintain test" for impacts on biodiversity. The clearing of 5 ha of mature forest with habitat trees is not adequately offset. The applicant has not used the Biobanking Assessment Methodology for the assessment of offsets – this is used by most other development to determine offset

requirements. The applicant has not adequately addressed how the loss of seagrass and estuarine environment will be offset.

The aesthetic and environmental impact will be substantial.

The use of the waters and foreshores of Port Stephens should not be privatised in this way.

Whilst the applicant may argue that these impacts can be managed. The risks and consequences of failure to do so are far too high. Irreversible damage is not to be tolerated in such a highly sensitive, highly used and valued public asset. In this respect the risk assessment is fundamentally flawed.

The high level of impact both on land and in the Port indicates that this site is clearly unsuitable for this development.

To approve this development would favour one industry over many others (such as tourism oyster production and fishing). It would compromise other users of the Port and its foreshores and create a precedent for any expanded operation or other industries to follow.

Application of the standard water quality and noise guidelines is not sufficient in this case. Any deterioration in water quality in an area that receives very little flushing is unacceptable. Any noise produced in an area where there is no background noise (other than native fauna) is not acceptable. Even a pool pump at night disturbs sleep in this location.

This proposal has the ability to significantly impact on the tourism industry, the recreational use of the Port, its value as a fishery, and the amenity to the residents and visitors of Pindimar and Soldiers Point.

The proposal has not adequately dealt with the impacts on Matters of National Environmental Significance such as migratory bird species and sea turtles. Signathilids are also present in the seagrasses in this area.

Despite the EIS conclusions the biosecurity risks are very high and the consequences severe and irreversible.

The economic returns to the community do not justify the impacts. The economic viability of the proposal is questionable at best and in practice it is unlikely to employ the number of people suggested in the EIS.

The long term viability of this proposal would have to be questioned. Sea level rise will increase the frequency of flooding of the facility. Flooding is likely to result in additional pollutants entering the Port and any flood proofing will exacerbate environmental impacts.

I am part owner of land that has an existing holding within 150 metres of the proposed development. It is unsatisfactory that what is in essence an industrial development operating (or being maintained) 24 hours per day, could be considered:

- in such close proximity to, existing residences, where future residences could be constructed and
- with traffic to the proposal gaining access after travelling through a very quiet residential street which currently favours pedestrian and cycle traffic.

In short this proposal does not meet the criteria of ecologically sustainable development as defined by the *Environmental Planning & Assessment Act 1979* (EP & A Act 1979) and is not in the public interest. This development is not consistent with the object of the EP & A Act which refers to the conservation of biodiversity. The financial and employment benefits are insignificant when compared with the economic benefits of existing industries (such as the tourism industry) which could be compromised should the proposal proceed.

The EIS has not satisfactorily addressed the issues that were highlighted by the Chief Justice in the Land and Environment Court case. At the very least the Department should seek independent expert review of all the issues mentioned above and make this available for public review.

It is hoped that the Department responsible for planning of the State will have the foresight give adequate consideration and weight to the public interest in this case. The Port is a valuable public asset which needs to be used in a manner that does not reduce natural capital for future generations.