

Submission 145 – Anon 40

Application /Your Ref No. MP 10-0006

Proponent - Austasia Leefield Pty Ltd

Council Area Great Lakes and Port Stephens

Approval Authority Minister for Planning and Infrastructure

Dear Minister

I have never donated money to a political party at all.

I do not want my submission made available to the Proponent, Interested public authorities, or on the website without my personal approval.

I wish to object strongly to the above mentioned Development Application being approved on these following grounds:-

My submission is based on the Director General's Requirements and the Proponents reply advising how those requirements will be fulfilled.

Proponents Executive Summary.

Background and Project Context.

Proponent states that this Proposal is essentially the same as the previous development. That previous development was overturned in the Land and Environment Court with Justice Preston presiding on the grounds that all required environmental concerns could not be met.

The Proponent claims that this project is commercially viable. We strongly disagree with this claim. For our reasons, (details see Annex 1).

Page 1

Subject Site and Local Context

The Proponent does not state that this site is old growth forest and is surrounded by mainly Rural Residential properties of 5, 10, 25, 40 and 100 acres and the odd larger holdings. The village, including non-urban owned Torrens titled house size properties (intermittently occupied during holiday periods) and Original Holdings that are within 150 metres of this Development. It is not

good Planning practices to have an intensive, industrial development at the end of the village with the access through the village streets. Under the Rural Zoning of this foreshore rural property, cattle feed lots or intensive piggeries would not be allowed for obvious reasons and this Development should not be an exception to that rule. The Local Aerial Plan in this presentation does not show the boundaries or details of these properties,(Details see annex 2).

Project Description

Proponent's description of the situation of Black Lip Abalone in Port Stephens is not entirely correct. It is not a popular food product in Australia, and the reasons abalone populations have declined in recent years has been caused by Perkinsus disease which still exists and it is now more virulent than in previous years. Because of Perkinsus, a moratorium was placed on the taking of abalone from the Coastal Waters.

This infrastructure for the farm/factory will cover approx. 5 hectares, however, the Proponent only proposes, (doesn't guarantee), that the remainder of the site will be left for ecological purposes.

Port Stephens Waters will be reticulated through 4 large (630mm outside diameter) pipes, buried in the inter-tidal zone and across the sea bed causing irreparable and ecological damage to the public beach areas, as well as sea grasses, mangrove vegetation and aquatic species in that area.

The Proponent cannot guarantee the quality of the waste water returned will not have any adverse effect on the Port waterways. Why is this project even being considered, when two other land based aquaculture ventures in Port Stephens are not allowed to return waste water into the Port. This will create a Precedent. Further, other overseas countries are stopping existing aquaculture ventures from discharging into waterways because of the adverse effects on the ecology emanating from their discharged, waste waters.

The claim that no farm structures are likely to be visible from outside of the site is only partially true at ground level, but does not hold true for tourists on tour and/or in recreational vessels as well as people walking along the beach frontage.

Nor will it be hidden from the line of sight from the road and a number of properties further up the hill/ridge.

The claim that this project will employ 15 full-time equivalent positions needs to be questioned as larger Land Based Abalone farms employ less, (details see Annex 3).

The aerial images of the site again do not show in detail all Torrens Title building blocks, or access tracks, i.e. they are not current aerial photos and they have not included any sub-division maps of the area.

Projects Needs and Alternatives Considered.

In our opinion, the Project is not justifiable for the following reasons:-

- a) It is not commercially/economically viable, (details see annex 1).
- b) Is highly unlikely to reduce pressures on the wild abalone population because of the dangers of the farm product spreading disease in to the wild abalone stocks and the high mortality rate of the intended transplanted abalone while trying to assimilate in the wild. This has been tried before by Fisheries experimental Station at Tomaree and failed.
- c) The environmental parameters of the site are not suited for a land based abalone farm because of its ecological value, it is on a flood plain, subject to sea rise, and the destruction/unrecoverable damage caused by the installation of the extensive pipework extending 4 x500 metres into the Port across sensitive, ecological systems. Interference with old growth forests on the foreshore, which will result in erosion and further contamination of the Port, its close proximity to SEPP 14 Wetlands and the Pindimar Village.
- d) Local economic benefits will be absolutely minimal, due to the impact on the village lifestyle and amenity. The vast majority of residents oppose this invasive development. It is highly unlikely to create employment in this retired and semi-retired community or local area. Further, it is most likely to devalue properties in the area, and interfere with the local recreational activities of residents and visitors.
- e) Port's water temperatures are consistently too high for the successful farm breeding of abalone. The water's quality is inconsistent.

The alternate scenarios for an abalone farm are out on the Coast where water temperatures are more suitable for the survival of an intensive abalone farm project, not 10 kilometres into an ecological sensitive estuary and Marine Park/Sanctuary.

Planning Framework.

Project consent in part, may be permissible, under Great Lakes LEP 1996, Port Stephens LEPs and State Environmental Planning Policy No 62; however, this project needs to revisit the latest requirements of all State Government Agencies.

Commonwealth Matters

Environmental Protection & Biodiversity Conservation Act 1999 – We disagree that it is not likely to have significant impact on any matters of National Environmental Significance. The detailed construction plans and method of installation of the 2 kilometres of pipework across public/Crown Land and sea floor needs to be submitted to Commonwealth Authorities so they can assess the impacts on the seabed and Ramsar Sites within the Port.

State Matters

There is not enough detail in this Presentation for State Agencies to make a valued judgement that it meets all State Agencies Requirements as a number of the references do not clearly state how they meet the requirements, and some may not be current.

Page3

Community Consultation

Proponents Community Consultation was confined to a small area of the northern foreshores of Port Stephens and did not include much needed consultation with the Southern side of the Port and other Local, National and International Port users. This Port is a Tourist, holiday mecca that has worldwide recognition because of its unique ecological value and all interested bodies should have been consulted.

The claim that Government Consultation and various Associations, have been approached may be true, but some of their consultative input was provided prior to the Environment Assessment Report being made available for their perusal. This can be verified by the date of issue of the Proponents Environment Assessment Report and the dates on their comments/submissions.

Environmental Assessment

We cannot accept the wording "That anticipated consequences of the impact and the likely impact are considered low and therefore, are acceptable risks".

NO RISKS ARE ACCEPTABLE. There are too many variables, unknowns, in the bio-security controls of viral diseases which have not been tested under commercial operating conditions. The problem is that when any disease infects it will be out of control when it reaches and infect the waterways.

The potential for this virus to mutate and cross over and infect other marine species.

The potential adverse impact on the existing \$460 million tourist industry as well as other recreational activities by users of the Port. The risk level is too high, it should be nil and the Precautionary Principle applied.

Biological Security.

Proponent states there are 2 key diseases. They need to detail all diseases and detail the bio-security measures required to prevent any outbreak and how it will be contained in the worst case scenario.

Proponent also states that AVG is not known to occur in the wild NSW abalone populations. We must highlight the fact it did not occur in any other abalone populations until it was released into the wild from a similar land based abalone farm. AVG infected abalone cannot be detected until after it has contaminated any stock, causing high mortality rates. An outbreak cannot be controlled in the marine environment. Please read the document from VADA web site <http://www.vada.com.au/Document/Submissions/29-6-07%20Aquaculture%20Strategy%20Response.pdf>

Perkinsus. Proponents state Perkinsus does not affect the health of humans, but do not advise that it does affect other molluscs, e.g. Oysters.

The Port's commercial and touristic viability should not be put at risk by this inappropriate

development. While BDMP measures & protocols can be put in place, they need to be continually monitored, maintained and cannot guarantee the prevention of an uncontained outbreak while reticulated, waste water is returned to the Port. With these diseases, the risk is far too great.

Marine Water Quality

The statement that “Port Stephens is generally considered to be of good water quality”. Is not true during high rainfall, flash flooding periods when large volumes of sediment are washed down into the Port. The records on the contamination of oyster stocks in the port do not support the proponent’s assessment of the ports water quality.

Experience is that other similar farm based operations emit odours. The proposed measures of treating water before release back into Port do not guarantee the water will be free of viruses and other contaminants. This has been proven time and time again by emission’s from similar projects and terms used by the Proponent, “Not likely, almost, minimal, somewhat, are not acceptable when dealing with such a high risk venture.

If what the Proponent claims are true, they would have no problems placing inlet and outlet pipe intakes and discharges together or operating a completely enclosed reticulating water system for the farm with no discharge into the Port.

Soils and Potential Acid Sulphate Soils

Acid Sulphate soils are present from one metre depth along various parts of the foreshore and it creates a real risk to the Ports water, flora and fauna. The Proponent has not had a qualified Geo Technical Company investigate the site and the proposed route of the pipes to confirm the probability of exposing acid sulphate soils. The tests done by the Proponent with a vested interest, in the project is not acceptable. Excavations for the sites infrastructure foundations and the pipe work will, we believe, expose unacceptable levels of acid sulphate soils.

Surface water

The surface water Management Plan is totally inadequate, as it is based on average rainfall over the infrastructure area only and does not allow for storms and flash flooding which have occurred on a regular basis in this area. Nor does it allow for run off from the catchment area. Increased flows around the infrastructure area, lateral flow into the Port and wetlands will be at a much higher, concentrated rate than at present. Because of these two factors, the open swale drains around the infra-structure area, will not cope and will allow large volumes of runoff water at a much higher velocity into the Port and the adjacent SEPP 14 Wetlands with adverse effects, they are the two discharge points for these swale drains.

Ground Water

Settlement Ponds do not have enough freeboard to compensate for flash flooding, nor do they have the necessary facilities in place to stop overflow into the groundwater or Port's water. Further, their depth is just above acid sulphate soil levels, and any leakage from them will be highly undesirable. It will impact on ground water and leak into the high water table. Within the last 10 years we have had an increase in the number of disastrous hail storms which blocked drains, caused unprecedented flooding, damaged large number of house roofs, cut power supplies for days and defoliated flora in the area. These facts can be verified by Insurance Company Claims over that period.

Terrestrial Flora and Fauna

This area of the property, where the infra-structure of the project is located, is on the Port Stephens northern protected foreshores, between (2) two SEPP 14 wetlands and in old growth forest which should be protected in accordance with the State Environment Planning Policy 26, State & Environmental Planning Policy No 62, State Environment Planning Policy 71, NSW Coastal Planning Policy 97. This site should be part of the "Offsets" for any development on their property.

Aquatic Marine Flora & Fauna

Impacts on the aquatic marine flora and fauna will be unacceptable for the reasons:-

The Carbon stored in seagrasses is valued at 3.5 billion dollars and they should not be degraded.

They have been valued at more than US\$19,000.00 per hectare and half a hectare of seagrass absorbs an estimated 1.2 kilograms of nutrients per year equivalent to treating the effluent from more than 200 people.

Australian coastal wetland ecosystems (seagrasses, mangroves and salt marshes sequester and bury carbon up to 66 times higher per hectare than land base ecosystems and store 5 times more carbon in their sediments. Human activities are the main cause of seagrass destruction and this project is a good example of that. The Proponents Expert's Reports say the impacts are insignificant they are wrong this project will destroy in excess of 6,000 squares of seagrasses. If they were allowed to recover it would take at least 15 years. Maintenance and inspections of this pipework will cause ongoing degrading of that area and the fauna will also suffer.

It can be proved that the value of the seagrasses and other marine flora and fauna to the community far outweighs the value of ill-conceived Abalone Farm. (detailed in Annex 4).

Aboriginal Heritage

No comment

Traffic Access and Parking

Traffic access for any development on this property, should be via the gateway at the address given for the Development, 180 Clarke St, by upgrading the fire trail on this property that extends to the foreshore. Access should not be through the South Pindimar village roads disrupting the quiet, village lifestyle and endangering the local children/residents.

Noise

While there are questions on when, where and how, the noise levels readings were taken, they are meaningless, unless they are compared with the noise emissions from the site. There can be no conclusions on anticipated noise levels until all the mechanical equipment/plant is selected and sized. Only then can a collective noise criteria be established and the true noise levels can be determined. No increase of noise level to the area is acceptable.

Bushfire

While the Bushfire Protection Assessment, in the main, meets the Bushfire Risk Level, the Protection Zones impact heavily on the Coastal Zone Vegetation and could be avoided if all infra-structure was moved out of that Coastal Zone. The timber escape walkway, across the SEPP 14 Wetland, will burn under extreme conditions and would not be necessary if the infra-structure was re-located.

Also, there are no requirements stated for the installation of the various types of Fire Extinguishers which would be needed within the factory/office buildings.

Visual Amenities.

Refer to our previous comment under Project Description Paragraph 5 and 6. (hill/ridge properties, recreational vessels).

Pipelines will not be buried to a depth where flash flooding/ tide surges would not expose them.

Security fencing around the Infra-structure will be an eye-sore.

Air Quality, Odour and Green House Emissions.

Again, we do not accept the words "Potential, Not Likely etc." There should be positive statements and procedures for control of the above. It is noted that cleaning of the 2 Kilometres of pipework and disposal of that waste is not mentioned.

The storage of food made up into chook like pellets for 60 tonne of abalone that have a conversion ratio of 1:1.5 plus wastage, we believe would smell like a chicken farm storage bin.

Flooding

We refer you to our previous comment, under Surface and Ground Water Headings.

Also the relevant Port Stephens/ Great Lakes Floodplain Committee Documentations of 2001/02 which was adopted for the Port.

Coastal Process.

The measures outlined relating to maintenance/ monitoring of the pipework will be on going and will have a projected adverse impact on the surrounding marine environment. Also the continual fouling on the intake mesh/strainers will increase in the velocities at the two intakes and contribute to the entrainment of marine species. Appropriate management measures and maintenance methods and schedules need to be produced as part of this Report.

Climate Change.

We repeat this is a flood plain area and refer you to our previous comments under the following heading:- Marine Water Quality, Surface Water, Ground Water, Flooding. The value of protective mangrove stands in that area is overstated and it can be verified by the recent and continual erosion of that shore line. The intended installation of the intrusive pipework in that vicinity adds to problems caused by climate change predictions.

Rising water temperatures that are already too high will increase the costs of cooling the intake water which are already uneconomical. The cost of equipment to lower temperature by 2 degree centigrade of only a third of the water used in this process will be in excess of \$1,000,000 with an ongoing maintenance cost of \$15,000 to \$30,000 dollars. Electrical grid will not cope with the refrigeration requirements to run the equipment. Separate power plants will be required as well as back up and stand by units/systems. The Proponents need to produce the evidence including the design, impacts and costing of their cooling systems

Existing use of Port Navigational Safety

The statement that there will be no impact to the users of the Port is incorrect and misleading, (unless it's made an exclusion zone which will deprive the public use of the area) for the following reasons:-

Fouling of anchors along 4 x 500 metres the pipe lines which are laid 500mm above the sea bed.

Interference with the masts of up turned sailing vessels.

Fouling of recreational fishing lines/equipment.

Swimming at intermediate and low tides.

Excludes/hampers the professional fishing in that area.

Social and Economic.

The Proponent again uses the uncertain terms such as, Significant, Not Likely, Potential. Also the statement that temporary limited impacts will be outweighed by the potential social and economic gains it will completely disrupt the local residents and visitors life styles. Again these are miss leading and incorrect assumptions for the following reasons.

The substantial increase in traffic, traffic noise and exhaust fumes; there will be at least 50 additional traffic movements per day through and on the Village Roads almost double that at present. Page 8.

Safety issues with children and cyclist on the streets.

Local Estate Agent s advise that there be will be 10 to 15% devaluation on property values.

The education and research opportunities are not applicable to a retirement or semi –retirement population.

The farm/factory will draw its skilled labour from outside sources, a normal practice for this type of project.

Visibility, Noise, Odours Potential employment concerns have been covered in our previous comments in this submission.

These are major unacceptable and unnecessary changes to Pindimar Village life style.

Impacts on Wild Abalone Populations.

!20 abalone for the initial stock then 24 for every year after does not appear to have a great impact on wild stocks until you factor in the abalone that will be taken in and disregarded, disruption to their habitat and the process mortality rate.

The moratorium was lifted in part only to allow scientific studies on the recovery rate of the wild abalone diseased stocks not for the commercial harvesting of them.

Translocation to a farm or anywhere else has the potential to worsen the current wild stock situation and deprive/delay their recovery.

Fisheries should be working towards the protection not exploiting of Wild Abalone. Divers and the Indigenous people have a right to ensure there are no deteriorations caused by outside sources.

Food Production and Health.

Abalone is not a food sought by Australians and our local resources should be put in danger to produce a product we do not use/

Pond Safety Integrity.

Pond are not constructed to the best current day practices and the method and materials proposed are in adequate, similar type ponds in other like farms have experienced problems. The farms free board and covering protection from the elements is inadequate. They need to have proper drainage/ cleaning facilities, storm covers, and constructed from non permeable materials.

Fuels, Chemicals and Pharmaceuticals.

Again the proponent is stating appropriate management measures they need show detail designs of the dangerous / hazardous storage facilities. Also name/ list the fuels, chemical and pharmaceuticals they will be using.

Statement of Comments.

The keeping of records and maintenances of them for all and associated activity should be included as well as the engaging of an independent body made up with some community members to inspect records and monitor all operations.

Commitment to a bank guarantee of no less than \$100 million should be put in place if this high risk venture gets the go ahead.

Concluding Statement.

This is a high risk venture that is not financially or commercially viable located on the ecological sensitive flood plain fore shores of Port Stephens, that will infringe and have a disruptive impact on the Port Waters flora and fauna as well on the life styles of its residence and users.

We urge you not to approve this Miss Conceived Venture that has been submitted for acceptance without a detail cost analysis or cost projections.