

27 March 2019

Att: Richard Hook
Development Assessments
Environment Protection Authority
GPO Box 4395, Melbourne VIC 3001

Sent via email: Richard.hook@epa.vic.gov.au

Dear Richard,

I am writing to you with a formal response and right of reply to recent stakeholder submissions received by the Environment Protection Authority (EPA) and Glenelg Shire Council (Council) between 20 December 2018 and 26 March 2019 in response to a works approval application (WA1003316) and planning permit application for the proposed development of an abalone farm at Lots 1 and 8, 315 Dutton Way Bolwarra, Victoria.

Yumbah Aquaculture Ltd is the proponent requesting works approval under section 19B of the *Environment Protection Act 1970* (the Act) for the proposed Yumbah Nyamat abalone farm. Yumbah is committed to applying the principles of environment protection that are outlined in Section 1B to 1L of the Act, which are:

- s.1B *The principle of integration of economic, social and environmental considerations*
- s.1C *The precautionary principle*
- s.1D *The principle of intergenerational equity*
- s.1E *The principle of conservation of biological diversity and ecological integrity*
- s.1F *The principle of improved valuation, pricing and incentive mechanisms*
- s.1G *The principle of shared responsibility*
- s.1H *The principle of product stewardship*
- s.1I *The principle of the wastes hierarchy*
- s.1J *The principle of integrated environmental management*
- s.1K *The principle of enforcement*
- s.1L *The principle of accountability*

The diligence in considering the environment protection principles has been demonstrated throughout the documents Yumbah has presented to EPA and numerous stakeholders throughout the environment and planning approvals process. Yumbah has strived to plan and design an abalone farm that achieves environmental standards consistent with all relevant State environment protection policies (SEPP), does not cause or contribute to pollution including nuisance noise and odour, and will be an activity that is not an environmental hazard, particularly to groundwater and marine waters.

Yumbah Nyamat will comply with Victorian legislative and statutory policy requirements. The abalone farm has been designed to achieve best practice in abalone farming. Please find our response to recent submissions received by your office that have once again questioned the validity and authenticity of the information that supports our planning and environmental approvals applications.

Do not hesitate to contact me on 0419 899 696 if you have any questions.

Yours sincerely,



Tim Rudge
General Manager
Yumbah Narrawong

Yumbah response to submissions received by EPA after 19 December 2018

1. Yumbah has engaged highly qualified, experienced and independent engineering and scientific consultants from a range of companies to provide expert advice on the potential impacts (or otherwise) of the proposed abalone farm, during both construction and operation. GHD has completed a number of specialist reports on behalf of Yumbah including the planning permit application, a flora and fauna assessment, traffic impact assessment and a noise and odour assessment. It is completely acceptable and common practice for an application to be lodged by a third party on behalf of the proponent applying for a permit.
2. The Desktop Hydrogeological Assessment report was updated in March 2019 to report on the fieldwork conducted by Landserv in March 2019 and provide further detail about the groundwater at the site. This field work involved 2 days sampling the groundwater both on and offsite. This field work has provided an understanding of the baseline groundwater conditions at this site and the Beneficial Uses (BU) that require protection. Yumbah is committed to protecting the sensitive BU of groundwater including potable water (acceptable), stock watering and irrigation during both construction and operation. Yumbah has no intention of extracting groundwater. Impact to groundwater will be minimal and isolated to localised dewatering activities required for excavation works and installation of drains, ponds and the pumphouse.
3. The proposed monitoring and maintenance program to minimise leaks and spills is presented in Table 6.3 of the most recent Landserv (March 2019) Hydrogeological Assessment report. The loss of seawater from the proposed Yumbah Nyamat significantly compromises the commercial viability of the business and leaks and spills will be closely monitored and mitigated.
4. Further information has been submitted that outlines the stormwater and drainage management at the site. This information has been submitted to EPA in response to the most recent s22 Notice dated 1 March 2019 and has also been submitted to Council. Further detailed design of overland flows and catchment strategies will be completed in consultation with the Responsible Authorities, including Glenelg Hopkins Catchment Management Authority (GHCMA) and Council.
5. An assessment completed by the independent consultant Landserv in November 2018 confirmed that the generation of silica dust during construction is highly unlikely. The universally acknowledged activities that create silica dust will not be common practice during both construction and operation at Yumbah Nyamat. The Construction Environmental Management Plan (CEMP), to be endorsed by Responsible Authorities prior to works commencing, will outline management and mitigation actions that will be performed during construction to minimise the generation of nuisance dust and avoid dust impacts beyond the property boundary.
6. All construction works will adhere to the Construction Environmental Management Plan (CEMP) that will be conditioned as part of the approvals and approved by EPA, DELWP and Council and. The CEMP will include details relating to the potential risks both on and off site during construction including mitigation and controls to minimise and manage impacts from noise, dust, traffic, surface and groundwater, cultural heritage, soils and waste. The CEMP

will rely on relevant guidelines as reference documents, as directed by the Responsible Authorities (EPA, DELWP, Council). The CEMP cannot be completed until the detailed design is completed and construction methods at the site are confirmed.

7. Abalone aquaculture is recognised as a beneficial industry, substituting the wild fisheries exploitation of natural abalone stocks along the Australian coastline. The abalone aquaculture industry enhances and supports the increasing demand from consumers for clean, green sustainable seafood products. This is in contrast to the wild commercial industry that has caused a significant decrease in the natural populations of abalone. Yumbah continues to employ Australia's best practice standards to farming and biosecurity to eliminate threat to both on farm and wild abalone populations. For biosecurity reasons abalone aquaculture is encouraged to establish its operations in areas that have low abundance of wild abalone. Yumbah maintains that the marine habitat in which they propose to establish the intake and outlets for the proposed Nyamat farm fits that criteria. All documents presented in the approvals applications that relate to biosecurity are drafts and will be finalised in close consultation with Federal and State regulatory authorities that guide abalone biosecurity requirements.
8. It must be noted that Kina Diving is a highly qualified independent government certified commercial dive company. Kina Diving were engaged by Yumbah Aquaculture to undertake a marine habitat assessment of the area adjacent to the Nyamat site. A series of seven video transects were undertaken at distances of 50, 100, 150, 200, 250, 300 and 350 m from shore. Transects were parallel to the shoreline, and depths ranged from 1.1–6.3 m. While the target length of transects was 1000 m, actual transect lengths ranged between 1001–1017 m. The independent marine scientist Dr Matt Koopman reviewed the video footage and counted and characterised the fauna and flora.
9. The ecological survey was not an abalone stock assessment, however the fact that very few abalone were identified in this extensive survey is consistent with the view that the abalone population decline in Portland Bay is not related to AVG. The habitat is not productive abalone habitat. Portland Bay has been and continues to be heavily overfished. Gorfine et al. (2018) states that *“Greenlip abalone stocks in western Victoria were generally poor in quality and infrequently exploited prior to the disease outbreak. Their low productivity rendered them vulnerable to the sudden increase in exploitation pressure, which could not be sustained once CPUE declined to 40–50 kg h⁻¹, after which fishing activity ceased.”* Furthermore, the Victorian Western Zone Fishery Greenlip (FRDC, The Status of Australian Fish Stocks Reports) states *“Population abundance and size structure estimates from data collected during the late-1980s–90s indicated that the stock was small and mostly concentrated in Portland Bay. Surveys conducted almost a decade later showed potential for a limited fishery on Julia Bank, as well as Minerva and Hospital Reefs. Prior to the implementation of the 2002 Victorian Abalone Fishery Management Plan, a TACC of 280 t was allocated for both Greenlip and Blacklip Abalone combined. The reported catches for Greenlip Abalone were small, with an average annual catch of only 100 kg during 2001–05. A separate Greenlip Abalone TACC of 4.2 t was set for the 2006–07 quota year (1 April–31 March) and maintained for the next 2 years. During this period, the TACC was caught.”*
10. Yumbah recognises that Portland Bay, and other locations across the southern coastline of Australia, are again providing habitat for recovering populations of southern right whales. The activities associated with abalone farming do not impact whales and their behaviour. It is

worth noting that whales do regularly frequent locations where abalone farms are positioned along the southern coastline of Australia.

11. Yumbah has sought independent advice from Dr Peter Gill who is renowned as a specialist in blue whales. Dr Gill has also worked extensively with a number of cetacean specialists across Australia, including experts in the southern right whales. There is a limited network of cetacean experts across Australia and as such, it is evident they work closely with each other to share information. Yumbah is of the opinion that negative undertones to Dr Gill that question his validity as an independent world renowned cetacean expert is unwarranted and inappropriate.
12. Yumbah has sought advice from leading coastal process engineers to confirm that the existing sand bypassing activities of Port of Portland will not impact the proposed abalone farm. Yumbah supports the existing activities of the sand bypassing and acknowledges the benefits the bypassing provides to the Portland Bay coastline which is under significant threat from coastal erosion.
13. Yumbah has adequately characterised the marine environment that will be adjacent to the proposed site, and the ecological characteristics that will be within the alignment of the farm's marine infrastructure. The footprint of the marine infrastructure has been sited to avoid sensitive seagrasses and species associated with this important habitat. Water quality discharged from the farm will be well within National and State water quality objectives and will not result in adverse impacts to the receiving environment of Portland Bay, nor cause contamination of the marine environment. The discharge water will not result in a change in ambient seawater temperature. Chemicals are not commonly used by Yumbah during abalone farming and there will be not toxic algal blooms as a consequence of the seawater discharge.
14. As highlighted throughout the documents to support the works approval application, operational noise levels at sensitive receivers along Dutton Way will comply with the day, evening and night time criteria under the SEPP-N1¹. Noise levels at all rural receivers are predicted to comply with the day, evening and night time criteria following mitigation, in accordance the NIRV².
15. The proposed methods to remove settleable solids from the Solids Settling Channels (SSC) have been outlined in the *Yumbah Nyamat Sludge Management* which has been presented in the Yumbah Response to EPA s.22 Notice dated 1 March 2019. It is proposed that regular pumping of settled solids will occur out of the SSC to geobags. Pumping frequency will be established to avoid build-up of anaerobic material in the SSC and minimise the generation for potential nuisance odour. Odour is not expected to be an issue, based on experience with geobags elsewhere (e.g. (dewatering sewage waste activated sludge) and on a small-scale trial undertaken at Narrawong. Geobags provides a barrier between the atmosphere and the settled solids which limits the transfer of odour from within the geobag to the air environment.

¹ *State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade No. N-1* (SEPP N-1) (Victorian Government, 1989)

² *Noise from Industry in Regional Victoria (NIRV): Recommended maximum noise levels from commerce, industry and trade premises in regional Victoria* (EPA publication 1411)

Following dewatering, the geobags will be sealed and transported off site where the solids will be disposed of at an appropriately licenced facility.

16. The engineering and design of the proposed reconstructed sections of seawall where Yumbah Nyamat's marine infrastructure will transect has been aligned with recent design work commissioned by the same coastal engineer for Council. The report completed by Water Technology (October 2018) is presented in Appendix C of the Yumbah Nyamat works approval application.
17. The power supply network will be standard 240/415 three phase lines sized to deal with approximately 1500amps. They will be no different to the standard power pole and wire arrangement that services the Narrawong farm. The exact easement will be determined by Powercor following planning and environment approvals.