



EPA Victoria  
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### **Submission to Yumbah Aquaculture Ltd Works Approval Application response**

To the EPA works approval officer,

Thank you for the opportunity to review and respond to the response Yumbah Aquaculture have provided in relation to EPA's formal request. [REDACTED] to submit the following comments in regard to the Yumbah Aquaculture Ltd's response to the objections;

Firstly, whilst it should be made clear that Yumbah have responded to each formal request, their response to the many concerns of the residents of Dutton Way and Portland provides little further information other than simply regurgitating the reports they submitted with the application that have been written with bias toward a 'successful outcome' for Yumbah only. Their initial document - *'Response to Stakeholder Submissions on EPA and environmental matters'* should have contained new information as requested by the EPA, and written with the community's concerns as the primary target of the document, but unfortunately is written as if the concerned residents did not understand the initial documents and is very condescending toward the intelligence of the combined intellect of the hundreds of concerned community members that do not see this proposal as appropriate in scale, nor in location.

The introduction states the amount of submissions, and proposes to *"primarily to review the submissions opposing the development"*, it then goes on to comment that Yumbah intends on presenting *"further evidence and clarify, where possible, Yumbah's intended approach to achieve compliance with State environmental legislation and guidelines which are relevant to the development of Yumbah Nyamat."*

This comment does not reflect a company that wishes to work with the community to achieve an amicable solution for their proposal to proceed, and simply infers that Yumbah will ignore the hundreds of objectors in order to satisfy the minimum compliance and maintain their own assumptions that lead them to their own favorable conclusion that this proposal should proceed.

Yumbah admits to having *"significant experience in construction in sandy coastal environments"*, however the Narrawong site's surface around the entire site is left bare beach-sand and is constantly dusty, especially during summer months. I recently drove along Snapper Point Rd to fish at a popular fishing spot and identified (from a distance) the dust and sand that was being blown from the site toward the ocean (Northerly wind). If their (much smaller and contained) Narrawong site cannot contain the sand during strong winds – how is it that they claim they can in the proposed site – especially in the proposed location where dry Northerlies will move sand and dust over the many

homes and Holiday Park to the South in a location where due to the terrain, the wind is channelled down the valley and is much stronger than the winds at their Narrawong site. The current bare/sandy surface at their current facility shows that they have no consideration of maintaining the air quality once the permissions have been granted for this development.

The response also simply states *“The site works will be managed to eliminate any potential off-site dust that may result from construction. The risks to rainwater tanks and associated drinking water supply as a consequence of dust generated during construction works will be negligible.”* This is another broad statement that holds no detail as to ‘how’ the dust and sand will be managed. ■

■ can safely say that there is absolutely no way to contain sand and dust on this property during strong winds in summer – ■

■ We have only a single access limestone driveway and we limit all vehicle movement in our paddocks so that there is sufficient vegetation to limit the airborne sand and fine dust/dirt particles. We also reduce the amount of stock and rotate them regularly to ensure that the ground has coverage over the dry months – this is the only way to ‘reduce’ the impact on our neighbours, as has also been practiced ■. With the proposed construction and excavation, vehicle movements along the tracks, and (probable) mis-managed area outside the buildings if the development is allowed to be constructed, the Nyamat site will be a dust-bowl, and I would challenge any person that knows this coastal area well to not recognise this.

*“The risk of potential dust generated during construction can be effectively managed through the CEMP which will be approved by the EPA, DELWP and Council and conditioned as part of the approvals.”* This statement makes a further assumption that the hazard can be mitigated without actually addressing the hazard with any detail, it also arrogantly assumes that a CEMP “will be approved”. This is simply not acceptable for a development of this scale that has a potential to affect hundreds of neighbouring properties.

Yumbah state (without any factual detail) that *“The objective of Yumbah will be that there will not be any air borne dust measured offsite.”* This is simply an ‘objective’ and not a mitigation measure.

*“There is no risk of impact to the air quality associated with dust during operation.”* Whomever wrote these responses must not understand risk mitigation and management as there is ALWAYS a risk – especially in such a sandy area. The ERA doesn’t identify ‘dust’ in it’s risk assessment in the ‘Construction’ category and only has 4 entries in regard to ‘Air Quality’, all being related to ‘Odour’. What is more concerning, after reviewing the ERA, there is very little (in fact none) attention to the dust that this development will create. ‘Landserv’ have provided further information in their report, also stating that there will be *“low volumes of dust”*, and *“Dust will be controlled through revegetation of disturbed areas as soon as possible”* – Yumbah Narrawong is a clear example of how this comment cannot be guaranteed.

The existing Yumbah Narrawong facility **does** omit an offensive odour and the authors of the application report (GHD) even identified the odour in their initial site visit. The Narrawong facility is located over 400m from the nearest dwelling, with the exception of the ‘caretaker’s’ dwelling on-site that has had several occupants over the past few years.

*“There is no default odour buffer for land based aquaculture or abalone farms under the Glenelg Planning Scheme or EPA guidelines as the activity of abalone farming.”*

***This comment is a clear example of the contempt the proponent has for the community’s concerns. They have assumed a ‘zero’ buffer to satisfy their intention of constructing a facility that encapsulates the entire area that can be developed on the site with no regard to the neighbouring occupants.***

Not identifying the development as a ‘seafood processing’ facility (Yumbah Nyamat is estimated to produce over 1,000 tonnes per year - well in excess of the 200 tonnes per year permitted exemption) – including the open sediment ponds containing abalone faeces and excess feed located within 30m from existing dwellings. A ‘zero buffer’ cannot be assumed simply because a company chooses not to identify what they produce with a listed category. This doesn’t align with the EPA Publication 1518, nor does it satisfy the EPA’s ‘Best Practice Guideline’ (Publication 1517).

*“In 2005, Abalone Viral Ganglioneuritis was identified in Victoria and it impacted two abalone farms and wild populations of abalone in south west Victoria. These farms were Yumbah Narrawong and Southern Ocean Mariculture. The outbreak of the virus was devastating for both the farms and commercial abalone industry and required farms to be destocked and decontaminated.”*

Yumbah (previously Coastal Seafarms) were heavily involved in the ‘AVG’ virus in 2006, resulting in a complete restocking and flushing of the Narrawong facility. The disease outbreak resulted in approximately 90% of wild-stock abalone being killed. Whether the virus was caused through aquaculture as it has been stated by several experienced persons within the industry (through aquaculture farms using “cheap feed” for the farmed abalone), or not – the outcome was devastating for the wild abalone stock and diving industry.

***Whether Yumbah accept it or not – they are opportunists of this disaster.***

As an avid recreational diver/freediver I can honestly state that the wild greenlip abalone stocks along Fergusons Road and Dutton Way are growing in healthy numbers, including many small/undersized abalone I’ve been sighting in the past year along the same reef area where Yumbah Nyamat wastewater will be discharged.

Yumbah’s biosecurity measures simply do not mitigate the potential risk to the replenishing wild stock of abalone that a facility of this size can cause if another outbreak were to occur. Additionally, there has been no financial guarantee (Director’s Guarantee) that if it were to occur and close the facility, Yumbah would compensate those affected and return the site back to its natural state, including removal of infrastructure extending through the protective rockwall and into the ocean.

Re; Seawall;

██████████ don’t doubt that the seawall can be constructed to satisfy the associated risks of inundation – Yumbah have still not provided any engineering of ‘how’ this will be done with only commentary on their ‘proposed methods’. The seawall was constructed/funded by both the State Government, and in the area where Yumbah intend to remove/replace some sections – parts of the wall were installed by the residents of Dutton Way in order to protect their properties.

***A private company’s profits cannot take simply precedence over the protection of lives and homes!***

Disruption during construction, safety of home owners that rely on the seawall for protection, aesthetic issues along an established tourist beach, 'trip hazards' for beach walkers as the pipes will not be contained under the sand as is apparent at Yumbah Narrawong, and also the fragility of the seabed in a coastal erosion area should not be interfered with in this way.

Historically, the Dutton Way extended hundreds of metres into the ocean. The seawall was installed simply for an urgent mitigation measure with a solution to 'replenish' the beach in future. Currently there are several initiatives underway to do this with Yumbah's intent on finding "deep water" not aligning with the necessary beach replenishment. The Victorian Government are currently investigating coastal erosion along this coastline through Deakin University with a potential outcome that will replenish the beach, remove the rockwall and make the beach more accessible to beachgoers, resulting in a shallower/sandy seabed in the location that Yumbah have proposed their intake & discharge pipes with several million tonnes of sand to be placed along this coastline. If this proposal is accepted, it will be at the expense of any future possible beach replenishment.

The lack of a CEMP for a project of this scale with the potential impact on the amenity of the hundreds of surrounding homes is not acceptable. Several assumptions and vague comments in regard to the planning of the construction stages does not address the potential risks and outcomes of over 70 acres of excavation, 10,500m<sup>3</sup> of concreting (and the vehicle movements required), disruption to traffic for an area that contains the highest density of holiday accommodation in the Glenelg Shire, and also the assumptions that approvals "*will be approved*" by the authorities.

Yumbah admit that their process has a potential to increase the output temperature of water to 2 degrees (based on their Narrawong facility) – as the proposed facility is much larger, with the water taking much longer from the initial extraction through the open tanks and settlement ponds (in order to settle the solids), it can be assumed that the increased temperature will be greater than Narrawong's. This is another concern as much of the information contained within the reports are taken from a facility of less than a quarter of the size of this proposed development – this can not simply be accepted as a reliable base to make assumptions from.

*"A major challenge at Yumbah Nyamat will be dealing with the ocean born sand (i.e. >150 micron (um)) that is suspended in the water column adjacent to the inlet pipes. Experience at Yumbah Narrawong shows that this sand, together with feed pellets not eaten by the abalone, settle out in abalone tanks and require daily flushing to control solids build-up."*

This clearly states that the intakes will remove the much-needed (littoral drift) sand from Portland Bay – addressed further in this submission. Yumbah have also not conclusively provided a sufficient solution as to 'how' they intend on "flushing" the disused feed pellets and sand build-up, including the 'scum' that will build up around the edges of the settlement tanks, which in-turn will attract birds and cannot be cleaned "daily" if all the ponds are covered in netting.

*"Water extracted from Portland Bay often contains large quantities of sand particularly during and following weather events. This sand makes its way through Yumbah Narrawong's tank and drain network."*

Yumbah have identified in their reports that the POPL sand bypassing is clearly an operational 'hinderance' to them at their Narrawong facility (8.5kms from the sand outlet), and have in the past taken legal action against the POPL with the sand bypassing as the subject issue. There is no logic as to why Yumbah would propose a development 5kms closer to the dredging outlet (3.5kms) – in fact less than half the distance from a source of one of their greatest maintenance issues!?! This has not been addressed in their response.

## DILUTION CONCERNS

Yumbah's response in regard to chemicals, nutrient loads and water quality is unsatisfactory at-best, and simply refers to their initial reports and makes unsubstantiated guarantees that this proposal will not cause detriment to the "water quality of Portland Bay". Their reports state the high amount of effluent that will be discharged into the bay will be satisfactorily "diluted" with the millions of litres of water that will carry the effluent to the ocean...

...whilst I am not a scientist – I'm confident to make a statement that 'dilution' is a poor choice of words in this case. If it were located in a stream/river (as is supplied in a sewerage treatment plant, which Yumbah's reports refer to) and the 45MI (per day) was being added to the ocean with the effluent particles, then that would be satisfactory dilution.

In this case – if 45MI per day will be **extracted** from the ocean, the same 45MI will be returned containing effluent and wastewater (plus stormwater when raining). During times of very little ocean current (which is quite often during Summer especially) in the sheltered Portland Bay area where Yumbah are proposing their Nyamat facility - the effluent will remain in the area that it is being discharged, negatively affecting the marine ecosystem. This concern hasn't been addressed.

Yumbah's response in relation to marine life has not addressed the concern in regard to coral spores, weedy (and other species of) seadragons, and other small/micro organisms.

*"large organisms, particularly dolphins, seals, whales and fish, and also humans, will in no way be drawn towards or sucked into the intake pipes."*

This does not satisfy the concerns we raised in relation to the weedy seadragon population or coral spores that are absolutely necessary to the health of the reef and ocean. The large volume of water this proposal requires to be extracted from the ocean far exceeds any other abalone farm and would extract every small marine creature within the intake area. Coral spores, fish larvae and many marine animals not strong enough to fight the current of the intake pipe will be drawn into the facility instead of continuing on their natural course.

The Yumbah Nyamat proposal is not appropriately sighted, nor have the proponents satisfactorily addressed the concerns of the wider community.

Yumbah have deliberately diminished the importance of the Dutton Way in all of their reports. Through nominating a 'zero' buffer, inconsistently defining the site context to suit their desired outcome. Other examples of their intent to not address community concerns are;

- When describing the land, it's 'rural' and suitable for 'agriculture' (which is where 'aquaculture sits) with only a few scattered homes.
- Recently paying for an article in the 'Australian' Newspaper and referring to the many 'permanent' homes as "beach shacks", a derogatory label for those that live, and have lived in their homes for many years raising their families (portion of article posted next page). Dutton Way is also a 'home' for many people that have identified it as their 'forever home' due to the quiet, rural and coastal appeal.

*\*\*These homes have had restrictive planning restrictions placed on them for over 30 years that limits the work they can do to improve their homes – which is another point of contention as this proposal seeks to construct much more than any property owner has proposed in the past! The result is that the capital value of these homes has been limited for decades...which is now at the turning point as the council, POPL and community are beginning to work toward a solution to remove this restriction, allowing more residential development and beach access/replenishment. An industrial-scale aquaculture facility in this location would be detrimental to the future of this residential area.*

But opposition to the big new Portland abalone farm — known internally as Yumbah Nyambat — is strong among some locals. The settlement's seafront road is lined with protest posters stuck to beach shack balconies and fences.

More than 300 objections have been sent to Glenelg Shire council, ranging from construction noise and obstructed sea views to concerns about the 5200 litres a second of seawater that will be circulated through the farm and into the sea, abalone effluent outlets, industrial-scale corporate aquaculture and the welfare of offshore whales.

But Rudge is adamant the abalone farm is both environmentally best practice and essential to the town's future. "We are not going to pollute the sea. This is my family's home and where we swim. We have absolutely no intention of doing anything but keeping this beautiful water as it is and we have dozens of scientific reports to support that," he says.

Glenelg Shire Mayor Anita Rank would not comment on the new abalone farm project as the council is to make its final development decision this month.

*Sue Neales's flights to Portland were paid for by Yumbah Aquaculture  
Costco CEO Patrick Noone will speak at The Australian Global Food  
Forum on March 20. <http://www.theaustralian.com.au/gff>*

- When applying noise receptors, they have used EPA's 'Major Urban Area (MUA)' as a reference so that they can increase the noise levels above what would typically be suitable in a 'rural' area, whereas they have pushed the site being remote when addressing other items.
- When describing the aesthetics of the development (50+ acres of shade cloth building, roads and scattered sheds) it is simply described as a "changed outlook" and will be seen from "obscure" angles – when in fact it will encapsulate the site!

## In Summary

The comments throughout this application process from Yumbah, Dr. Gorski Yumbah and their nominated consultants have been extremely dismissive of the importance of the Dutton Way area and even the Portland Bay marine environment. They have only sought to meet every 'minimum' standard and based their model on a facility (Narrawong) that is one-quarter of the size, which for a development of this size is not satisfactory. Their description of the area has been borderline derogatory to the long-standing Dutton Way community and Yumbah have ignored every opportunity to work with the community, apart from trying to meet with 'selective' influential persons with whom they feel can push their agenda and assist them to gain a satisfactory result...for them.

The lack of community consultation and understanding of their concerns, lack of accuracy in the 'non-independent' reports commissioned by Yumbah, and without precedent of a facility of this size, Yumbah have proved that they simply cannot be trusted with a responsibility of this scale that could potentially cause detriment to the coastal residents, environment and wild-stock of abalone. It's of our view that this development should not be granted permission to proceed.