

To whom it may concern – your Reference 1003316

- Opportunity for Further Information Section 20B Conference
  1. Agenda Item shown as *Background to the proposal, summary of application processes and statuses*:
    - a) Yumbah’s presentation by Tim Rudge – DID NOT outline proposal as per agenda nor did it address background to proposal, summary of application process or status. Disappointed that this appeared to be purely a marketing exercise.
    - b) Marine and Coastal Act Consent Presentation by Alison Farrer – I am hopeful that this meeting helped to inform DWELP of “*details of the impact the use/development will have the community’s view of the proposal*”
- The following link from Engage Victoria is to a document titled “*Yumbah Planning Approval Pathway – presentation at community conference*” – I don’t recall it being delivered at the Section 20B Conference. The document does not state authorship, but I am assuming it is from within Yumbah.  
[https://engage.vic.gov.au/download\\_file/11907/2063](https://engage.vic.gov.au/download_file/11907/2063) It purports to address the key Town Planning matters raised through submissions – listed 1 -10.

1. And 3. Amenity within the RLZ the 3 dot points make some statements as to what constitutes a RLZ, again with no reference to where this information was obtained. My assumption is that it was obtained from the following link or thereabouts:  
[https://www.planning.vic.gov.au/\\_data/assets/pdf\\_file/0020/83117/Proposed-changes-to-rural-zones.pdf](https://www.planning.vic.gov.au/_data/assets/pdf_file/0020/83117/Proposed-changes-to-rural-zones.pdf) an extract from that document follows.

**35.03 RURAL LIVING ZONE**

*Shown on the planning scheme map as RLZ with a number (if shown).*

*Purpose:*

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To provide for residential use in a rural environment.*

***To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*** (My Bold)

*To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*

*To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Yumbah’s dot point 3 refers to some permitted agricultural uses and commercial activities however, Within 35.03-1 **Table of Uses**, Section 3 refers to prohibited uses. **Intensive Animal Production is expressly prohibited**. We cannot understand how Yumbah do not consider this Intensive Animal Production – see link [http://agriculture.vic.gov.au/\\_data/assets/pdf\\_file/0004/421294/PSAI-intensive-animal-production-planning-reforms-factsheet-2018.pdf](http://agriculture.vic.gov.au/_data/assets/pdf_file/0004/421294/PSAI-intensive-animal-production-planning-reforms-factsheet-2018.pdf)

Under 4.3.1 of **Municipal Strategic Statement** Planning Permit Application (referred to in extract above), Clause 21-01-10 - Rural Living Areas - dot point 2 states explicitly:

***"residential safety and amenity is protected"***.

**THIS RESPONSE still affords us no such protection, and HAS NOT BEEN ADDRESSED.**

The following responses by us will cover a number of areas and take information from a number of documents. Documents referred to and quotations will be in *italics*.

1. Traffic Generation

Response in “*Yumbah Planning Approval Pathway – presentation at community conference*” refers to Princes Highway and Dutton Way only. Alistair McKenzie from GHD Consultants said at the Section 20B meeting that truck traffic **during operations** will be 1 to 2 per day. In the “*Response to submissions*” downloaded from Engage Victoria on GHD letterhead, Keillers Beach Road is referred to. This document states “*Keillors (sic) Beach Road...is managed by the Glenelg Shire Council. It is approved for B-Double access. The nominal capacity is around 6,000 vehicles per day 600-900 vehicles per hour during peak times.*” Keillers Beach Road is a 6 metre wide single strip of bitumen with no line marking whatsoever. It is our belief it was given B-Double approval to enable the legal refurbishment of the rock wall lining the bay along Dutton Way on occasion. I am afraid our scepticism re “*the development would generate approximately two truck movements per day.*” remains, as their response only repeats statements in the original application. We find it surprising that a construction of this size will not generate many more truck movements. My husband’s and my concerns re safety of Keillers Beach Road during construction **HAS NOT BEEN ADDRESSED**.

2. Visual Impact/Scale of Development

We applaud Yumbah’s statement that they are “*reviewing whether changes can be made to the current footprint to increase opportunities for landscaping*”, and GHD’s “*reviewing .....building footprint to further increase setbacks.....and increase opportunities for screening.....*”, however difficulty in establishing screening planting in exposed coastal areas has not been addressed in this response. **INSUFFICIENTLY ADDRESSED**.

6. Adverse Impact on Tourism

Both Yumbah’s and GHD’s response to this seems to wholly depend on the Glenelg Planning Scheme. Despite the Glenelg Planning Scheme’s failure to identify Dutton Way as a tourism destination, this does not mean it isn’t! It is indisputable that two caravan parks and many holiday rentals are within very close proximity to their proposed development. The re-establishment of sandy beaches sees a recent huge increase in tourists using this area in summer, whilst increasing whale sightings bring high numbers of winter tourists. GHD’s and Yumbah’s responses **HAVE NOT ADDRESSED** this impact, as they continue to want us to believe tourists don’t use this area.

Some extracts from the *Portland Coastal Management Plan Draft 2017* worth considering  
*Tourism*

*Tourism is a significant contributor to the regional economy. There are numerous attractions within Portland drawing tourists to the coast including whale and seal watching, beaches, the dramatic scenery, hiking, and recreational fishing and diving. All of which take place on Dutton Way.*

*Managing coastal land and infrastructure*

***There is increasing pressure on coastal managers to protect the coastal environment on both Crown and private land and associated infrastructure with limited funds and resources. Managers are expected to preserve usage and the social and environmental value of the foreshore that may be lost to coastal processes and hazards. There is also an expectation to replace, renew and upgrade coastal infrastructure and assets that are lost to old age.<sup>44</sup> Furthermore, there is also a growing demand for new amenities, facilities and access to coastal locations to cater for local and visitor groups and the growing demand active and passive recreation.***

**(My Bolds)**

- It seems to us that Yumbah and their experts must have some unknown ability to contain all emissions within their site boundaries, particularly during the 4 year construction phase.
- Our confidence in the voracity and quality of information we are receiving from Yumbah and their representatives is seriously lacking. We feel that they are “Cherry Picking” information to illustrate contentious points (eg. see RLZ information as outlined above) whilst ignoring others. We are also finding statements which appear to be completely contradictory.

Dr. Jacqueline Gorski’s Powerpoint Presentation “Yumbah Nyamat Response to Works Approval Submissions” to Section 20B Meeting.

**1. Air Quality – Dust “.....indicates silica dust is unlikely to be generated.....”**

A document addressed to Dr. Gorski and dated 14/12/18 (Prior to the Section 20B Meeting) - *Landserv QUALITATIVE ASSESSMENT OF RISK POSED BY RCS DURING CONSTRUCTION ACTIVITIES FOR YUMBAH NYAMAT* - states in Table 1, Column 3 that there is **potential above the NEPM standard for exposure beyond the site boundary** during three activities. Nor is this referred to in the document : “Yumbah Nyamat Response to Stakeholder Submissions on EPA and environmental matters”. Section 2.1 Their Summary of Section 2 only refers to **occupational** exposure limits and **does not refer to potential for exceeding OFF SITE NEPM limits at all.**

Therefore **NOT ADEQUATELY ADDRESSED**

Dust concerns – both impact on drinking water and RCS - With prevailing coastal winds, we find the Summary statement contained on “Page 5 of 4” (!) of the Landserv Risk Assessment of RCS document referred to above, which states “It is anticipated that there will not be any impact to air quality beyond the site boundary during construction. ....and the CEMP will ensure that this is possible.” **Completely unsubstantiated, in conflict with Dr Gorski’s Powerpoint presentation, and therefore NOT ADEQUATELY ADDRESSED.**

**2. Air quality – Odour** Dr. Gorski’s Powerpoint stated “There will be no offsite odour generated from Numbah Nyamat” - Despite this statement, the document “Yumbah Nyamat Response to Stakeholder Submissionson EPA and environmental matters”, within Section 3 DOES refer to odour from dead abalone, waterbirds around settlement ponds – which they appear to have addressed, but we still have concerns re the odour and dust generated when cleaning settlement ponds - They state under item 3.14 that “The activity of removing accumulated sediment will be managed in accordance with a Sediment Management Plan that will be developed with the EPA.” Their statement that “Adequate separation distances between sediment management areas and sensitive receptors will be applied.” seems unlikely given the siting of these settlement entrainment channels on the southern boundary in very close proximity to households only meters away across the Dutton Way. How will that separation be applied? Another concern is that GHD Pty Ltd (who “conducted a comprehensive odour assessment” are referred to in point 3.2 as “independent consultants”. **How can GHD possibly be deemed independent when Alistair McKenzie from GHD Pty Ltd signed the planning application to Council on 23/10/18??**

We therefore feel this issue is **NOT ADEQUATELY ADDRESSED.**

**3. Groundwater.** We are very disappointed in the “Desktop Hydrological Assessment”. It certainly does appear to have been prepared from a “desktop” quite distant from the Dutton Way. We would encourage the EPA to seek much more detail in regards to this valuable householder resource. Some points of concern for us include:

*Table 1.1 Scope of Works -*

Column 2 Line 3. “No site specific groundwater analytical data was available for review”.

Column 2 Line 5 *"A review of the VVG database has....."* After a brief look at the VVG database, it was evident that many, many bores are not indicated on that system, including our own, and many of our neighbours, and therefore, have not been taken into consideration in *Table 2.5 Conceptual Hydrological Model*. How reliable can this modelling be? Reliable potable groundwater is critical for many local residents, all of whom have no access to town water.

Column 2 Line 7 – Are inferences only good enough when production of groundwater contour maps have been requested?

#### *"2.1 SITE DESCRIPTION AND SETTING*

##### *Table 2.1 Summary of Site details"*

Line 8 Column 1 *Closest Surface Water Body* Column 2 is deceptive at best indicating 480 m, when it is between 65 m and 160 m from the southern boundary. This becomes significant when read in conjunction with the last two sentences on page 13 – *".....isolated dewatering events.....This is unlikely to result in significant draw down or seawater intrusion as this is only likely where dewatering of large volumes occurs for extended periods."* The ocean is considerably closer than indicated.

The description of the surrounding land uses in the last section of this table omit many pertinent land uses. The most glaring would have to be the omission of closely settled dwellings to the south, sandwiched between the development, Dutton Way and the Ocean. A convenient omission.

*"5.1 Conclusions"* The first few dot points on page 35 give us cause for concern. Dot point 1 states *"...the proposed structures....are likely to intercept groundwater during and potentially post-construction"*. Particularly where, on page 11 it is stated that *"These observations indicate the aquifer is potentially unconfined in nature"* when discussing the depth of our groundwater.

*"3.2.5 Clause 56 – Hydrological assessment"* Is a "desktop" assessment acceptable to the EPA with its many, many subjective statements and inferences and *"it is expected"*? Again it seems much of the mitigation is to be contained in the yet to be created CEMP, and other still unwritten documents, and therefore **DOES NOT ADEQUATELY ADDRESS THIS ISSUE.**

**4. Draft Biosecurity Plan Yumbah Nyamat** We can find no reference within this document to biosecurity risks posed by the proposed development's location close to a major port. The viability of the Port of Portland is dependent on sand relocation, in particular from the narrow entrance to the harbour. The sand is being located to the Dutton Way, which has the spinoff of reinstating the beach many of us remember from our childhoods. 7.6 million tonnes of cargo was moved through the Port of Portland in the 2017 financial year. Vessels from all across the globe move this cargo and potentially contaminate the sands at the harbour entrance. This sand is ending up very near the proposed site of Yumbah's intake pipes. Over the last couple of years, Yumbah Aquaculture has been very vocal throughout various forms of media in opposition to the proposed port development in Smith Bay on Kangaroo Island. Their posts on the "Save Smith Bay" Facebook page regarding this risk were deleted at some stage in late September or early October, shortly after I saw them, however. See extracts from other media below.

Financial Review 15/1/17 *"If the dust clouds from building a 10-hectare hardpan industrial site next to the abalone farm don't kill the abalones, then the silt and sedimentation from dredging 57,100 cubic metres of Smith Bay seafloor or 51,810 cubic metres of fill being dumped next to our seawater intake pipes certainly will," he said. Yumbah's Mr Hall said the approval processes were thorough and that "we have respect for the processes". "But we don't want to have to go through an enormous expense educating people as to why this wharf can't work."*

Weekly Times 17/8/17 *'David said while Yumbah was now the leading producer and exporter of abalone in Australia, its future was uncertain with plans to build a deep sea port on Kangaroo Island right next to his farm, in order to ship woodchip to Asia to be made into paper and disposable nappies. In recent months he has been hosting a stream of politicians, including Premier Jay Weatherill, before the development plans go to an environmental impact assessment.*

*"It will kill this farm," he said.*

*"There will be 77,000 tonne ships 300m from our door and we rely on pristine water. The abalone industry came from a government initiative to take pressure off the native species. It's pioneering and revered around the world, with a clean-green reputation. It should be protected."*

*Farm Online National 24/4/18 His own enthusiasm for shellfish grew from the experience of abalone diving in south eastern Victoria with childhood friends, the Rudge family, then teaming up with eight like-minded friends to back Tim Rudge's plans to farm abalone at Narrawong, near Portland. Early market success was followed by a near-death experience in 2006 when an outbreak of a herpes-type virus forced all stock to be destroyed. It convinced Mr Rudge, Mr Hall and fellow shareholders to diversify their production base and reduce exposure to future disease risks.*

The potential for disease introduction through international shipping has not been mentioned even within 5.2 *Major Disease Transmission Routes* of the *Biosecurity Plan* - We believe this risk **HAS NOT BEEN ADDRESSED**

5. GHD's *Response to Community – Stakeholder Submissions on Town Planning Matters Item 8.iii* states *".....requested that the proponents provide a financial guarantee in relation to development of the site. This is not a relevant matter when determining the planning merits of the proposal."* If this response is meant to cover the request within submissions from both [REDACTED] Directors Guarantees that the site be repatriated should the enterprise fold, our concerns **have absolutely not been addressed**. When looked at in relation to the non addressing of Yumbah's own biosecurity concerns for the Smith Bay site, and their relevance here, this is a major concern for us.

We could continue, however, this proposal has consumed many, many hours of our time, and is impacting, again, on our wellbeing.

We refuse to allow Yumbah's proposal to consume us, and look forward to this proposal being rejected, thereby enabling us to maintain our existing amenity in our retirement, as envisaged when we purchased our property.

Yours with expectations,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]