

10 December 2023

To: **Sally Munk**
Project Officer
NSW Dept of Planning Major Projects

Re: **Application to Modify Existing Commercial Aquaculture Development (Relocation and Expansion)**
Jervis Bay NSW
SSI-5657-Mod-1

I am a previous objector to this controversial development, and appalled that the proponent and lessee are now seeking to increase and relocate the existing leases, despite explicit statements to the community at the original application information sessions that future change to what was proposed would not occur.

And yet here we are.

Our local community continues to remember DoPI's cynical approach to objections in 2015. Objector's legitimate concerns at that time have in many areas come to pass, yet these were dismissed in the proponents Response to Submissions at that time. I therefore have sound reasons to believe that the current application is heading the same way, that approval is a *fait accompli*, and that our last gasp efforts to reiterate legitimate and now proven concerns will be ignored in what is essentially a procedural exercise.

I would also like to say that the community is supportive in principle of sustainable aquaculture in Jervis Bay, however it seems Callala Beach is being asked to bear the brunt of its impacts yet again. There are many other far more suitable locations in the huge expanse of Jervis Bay, but the site in front of our village is the most convenient and thus commercially attractive to the lessee. The NSW Government and its agencies reluctance to confront Navy intransigence in regard to the boundary of their ordnance exclusion zone is simply not acceptable in this day and age of collaboration through consultation: unfortunately the local community has a small voice, and are a much less formidable stakeholder.

As I understand the information provided on your website, the expansion/relocation proposal comprises:

- Increase total aquaculture lease area in Jervis Bay from 50 Ha to 70 Ha (**40% increase**).
- Increase Callala Beach leasehold area from 40 Ha to 70Ha (**75% increase**).
- Reposition expanded and new leases much closer to Callala Beach, due to a purported "error in setout".
- Relocation of the approved, but yet to be constructed 10 Ha lease site at Vincentia to Callala Beach.
- Approval for an additional 20 Ha leasehold development area, purportedly to justify the cost to the developers ongoing and lucrative operation and relocation costs in complying with the Naval Trace Line.

KEY ISSUES FOR THE COMMUNITY

1.PROCESS

- Lack of balanced and effective communication with stakeholders.
- Time for public comment is being conducted over quiet pre-Xmas period (ends 11 December 2023).
- **Insufficient time has been allocated for public exhibition and for the community to understand the proposal, its impacts, and to respond.**

2.RESPONSE TO CALLALA BAY RESIDENTS AND COMMUNITY CONCERNS

- 2015 public consultation and State agency Response to Submissions was a fundamentally flawed process and outcome.
- Callala Beach Progress Association (CBPA) and over 100 community objections* were dismissed out of hand. (*400 – claimed CBPA figure)
- Significant issues such as view loss, changes to dolphin habitat, lighting impacts, and a stated commitment at that time to no further aquaculture development in Jervis Bay were all ignored or refuted by the NSW State Govt and its agencies.

- Alternative sites within the 14 x 10 km expanse of Jervis Bay were never adequately investigated in response to community concerns, despite assertions by DoPI. Refer attached diagram provided at the time, which is just one example.
- **It is noted that the local community supports sustainable aquaculture in Jervis Bay for the same reasons articulated by proponent, however the impacts of it are being ignored and are therefore being unfairly loaded onto residents and visitors of Callala Beach.**
- Given previous failure to respond objectively to community concerns, where is any assurance that it will be listened to this time?

3. IMPARTIAL EVALUATION OF PROPOSAL AND IMPACTS

- The current DoPI application to modify the existing leases lacks objectivity. **It focuses on benefits that will serve the interests of the developer/lessee, but fails to demonstrate any concern that the impacts of this proposal will have on local communities.** For example, it states *the proposal will improve community amenity, by relocating the inshore Vincentia lease to offshore location of the Callala Beach leases.* This may benefit Vincentia residents, but neglects to even acknowledge further adverse impacts on Callala Beach residents.

4. INCREASE IN AREA AND LEASE SIZE DIRECTLY OPPOSITE CALLALA BEACH

- the highly impactful existing leases of 40Ha in front of Callala Beach are proposed to be increased to 70Ha: **a 75% increase in area.**
- A new, third lease area is proposed to be constructed between the two existing leases, thereby occupying the entire view corridor from all Callala Beach public access points to the iconic Jervis Bay Heads.
- A commercial private enterprise, at an already industrial scale, is now proposed to be massively enlarged in the middle of Jervis Bay Marine Park, a unique, highly valued natural asset belonging to the Australian public.
- The proposal approximates the footprint of the entire Callala Beach village south of Callala Beach Rd, from the beachfront to the National Park behind. (refer Fig.1)
- **If a similar development was proposed in the Jervis Bay National Park forest directly behind the village, it would be summarily dismissed.**
- Yet this is what is now proposed to be expanded within the erstwhile pristine environment of Jervis Bay Marine Park, directly in front of and closer to Callala Beach.

5. RELOCATION OF EXISTING AND EXPANDED LEASE AREA CLOSER TO CALLALA BEACH

- existing expanded and new leases are proposed to be moved up to 250m closer to Callala Beach.
- it has not been made clear why this is necessary, however DPI have stated this is due to *"an error in Callala Beach lease co-ordinates made when maps were digitised in 2013"*, which has resulted in an encroachment on the *Naval Trace Line*.
- DoPI is unwilling to explain how such a fundamental error occurred.
- The Navy is now demanding that these encroachments be rectified to maintain the integrity of their Naval Trace Line.
- The local community is therefore being advised by DoPI to the effect that it has no choice but to accept that the leases are to be moved closer to the beach.
- Both existing leases are to be increased in size by 10Ha each, purportedly: *"to increase the lease area to allow for the re-alignment of long-lines and maintain production during the modifications, while enhancing the economics of the business going forward".* **All of these reasons will provide benefit to the developer/lessee, but to the disbenefit of Callala Beach residents and visitors.**
- this is proposed to be achieved by attaching an additional 10Ha to the landward side of each existing lease, resulting in permanent closer proximity to Callala Beach and therefore significantly increased visual impacts.

6. CHANGES TO ESTABLISHED MARINE FLORA HABITAT

- Note the following extract from CBPA 2015 submission: *"The impact of aquaculture farming on the marine environment is summed up in a recent posting on the internet by a keen diver who states "On a recent trip to Eden whilst diving in Twofold Bay, I was shocked and disgusted to find once healthy reefs had been inundated with mussels, displacing much weed and marine life from those reefs. On returning back to the boat ramp we struck up a conversation with a local abalone diver. He told us they had lost much of the abalone bearing reefs around the bay to mussel inundation."*
Source: <http://www.edenmagnet.com.au/story/1489305/mussels-foul-water/>

7. CHANGES TO ESTABLISHED MARINE FAUNA HABITAT

- DoPI Response to Submissions c.2015 stated no evidence of mussel farms being responsible for death of large marine mammals. Refer: <https://docs.niwa.co.nz/library/public/Lloyd2003.pdf>



- Lack of data or evidence provided in relation to entanglement or death of large marine fauna.
- This proposal will further increase shark presence around expanded leases that will be closer to the popular and safe family beach at Callala.
- **New leases have radically and permanently altered movement patterns and behaviour of marine fauna that have existed in Jervis Bay for millennia, including the resident dolphin population.**
- Dolphins primarily now feed at the development leases, evidenced by dolphin watch tourist boats being regularly out around the lease locations.
- Prior to construction of leases, dolphins travelled close to shore along Callala Beach front following food sources that have since relocated to the leases, to the dismay of visitors, children, and local beach fishers. Pods of these iconic resident fauna that were sighted many times per day have all but vanished, despite DoPI/DoPE assertions that this would not occur.
- Local residents confirm that the level of previous level of dolphin visitation has been reduced to occasional, irregular sightings only.
- **Highly valued by residents and visitors, this was a much loved and valuable asset to the local community that has been permanently lost, now down to an estimated 10% of pre-lease frequency.**
- This issue was raised by many objectors during 2014 consultation, but dismissed by DoPI Response to Submissions on basis of there was no evidence to support this claim. Who is accountable?
- Anecdotally the quantum of mussel shells now appearing on Callala Beach has rapidly increased since construction of the leases. The shells are significantly larger than the endemic mussel shells that have always lived in Jervis Bay and used to appear on the beach.

8. VIEW SHARING AND NAVIGATIONAL SAFETY MARKER BUOY IMPACTS

- **The unobstructed views of Jervis Bay (particularly towards the Heads) were unique and of extraordinarily high value to the wider community, and to the key natural heritage values of eastern coastal Australia. These views no longer exist in the pristine state that they did for thousands of years.**
- Yet view impacts and view sharing was never considered as an issue worthy of inclusion in the original EIS schedule of considerations. Community raised this issue, DoPI subsequently commissioned a visual assessment report that concluded such impacts would be negligible due to distance from shore, use of submerged buoys and a low angle of view from beach.
- **This conclusion is now demonstrably incorrect.** The hundreds of buoys are not submerged (apparently due to inadequate water depth) and the two metre high bright yellow navigation buoys with intensely bright night-time lighting are highly visible to the naked eye at most times of the day and constantly each night from dusk to dawn. Moving the buoys closer to the beach will only increase their impact, despite DoPI and SCM assertions that the impact will be less because they propose to reduce buoy numbers. **This is a questionable assertion, given the proposed increase in lease area of 75%**

9. BENEFIT TO COMMUNITY

- This controversial development is located on public land, and the public has a right to expect Government to deliver financial benefits to the taxpayer commensurate with the financial gains that are being enjoyed by the lessee.
- The taxpayer has a right to this information, yet DoPI will not divulge, purportedly for “commercial in confidence” reasons.
- The original tender Lease Permit Conditions dated September 2015 states:

- a one-off lease application fee of \$752,
- annual lease fee \$56/Ha (56 x 70 = \$3920 pa)**
- Lease Security Bond of \$1000/Ha or bank guarantee

** Annual Permit Fee includes Research Contribution of \$42/ha = \$2940 pa

- Based on the available information, it would appear that the lessee is paying less than \$1000 pa net for appropriation of this valuable public asset.

- It thus appears that these leases are attracting a peppercorn rent only, meaning that the lessee enjoys substantial commercial benefits at taxpayer expense.
- The lessee also received a publicly funded "research grant" of over public \$600,000 sometime after the lease was awarded, which appears to have been used to assist in establishing infrastructure for a commercial operation. How is this to the public benefit when a contractual agreement setting out the lessee's responsibilities was already in place?
- The lessee has advised that public benefits are provided through employment for 30 local residents, and by supporting local businesses who provide a range of services required to operate their business. Is there evidence of this?
- How these fundamental costs of running a private enterprise at a peppercorn rent could be considered to be of benefit to the wider community and the public is not clear.

10. COMMUNITY INFORMATION SESSIONS

- Commitment to regular community information briefings by the lessee since lease inception have failed to eventuate.

11. CHANGES TO SUBMISSION DATE AND DIFFICULTY IN SUBMITTING ON DoPE WEBSITE.

- On Friday 08 December Ms Monk advised that submission deadline was midnight on Monday 11 December. However the website on 10 December stated "7 days", with no actual date or time evident (screenshot available on request).
- Objectors have been trying to lodge submissions with limited success. I was purportedly sent a link to update a password that never arrived. The need to register in order to lodge a submission is difficult to traverse for many individuals, and unacceptable if you value the community's inputs.

RECOMMENDATIONS

The following recommendations are a response to impacts from the proposal affecting the local community. These have all been agreed at a meeting held in Callala Beach on 09 12 2023, through the Callala Foreshore Alliance (CFA) residents action group. This is a relatively new group alliance of concerned residents focussed primarily on all matters related to the sustainable future of Callala Beach village and its Jervis Bay interface.

- NO CHANGE TO EXISTING AQUACULTURE FOOTPRINT IN FRONT OF CALLALA BEACH.
- NO PART OF ANY LEASE TO BE MOVED CLOSER TO CALLALA BEACH THAN CURRENT POSITION.
- VINCENTIA SITE LOCATION BE EITHER RETAINED OR RELOCATED TO AN ALTERNATIVE LOCATION (NOT CALLALA).
- INITIATE IMMEDIATE STATE GOVT INTERVENTION TO DIRECT NAVY ADJUSTMENT OF THE NAVAL TRACE LINE IN ORDER TO RETAIN EXISTING CALLALA BEACH LEASE LOCATIONS. (Noting that the Callala Beach leases are at the outer perimeter of the Naval Trace Line, many other areas within Jervis Bay outside the trace line are closer to the Beecroft Peninsula and naval operations).
- FURTHER INVESTIGATE ENTIRE RELOCATION OF LEASES TO MORE APPROPRIATE AND LESS IMPACTFUL SITE/S.
- EXTEND ADVERTISING PERIOD TO END JANUARY MINIMUM, SUPPORTED BY MEDIA EXPOSURE+LETTER BOX DROPS.

I am cognisant of the length and directness of this submission, however it is necessary that the consent authority listens more carefully to these legitimate concerns this time, and takes meaningful steps to ensure an amended proposal that comprehensively addresses the matters raised is forthcoming.

Yours faithfully



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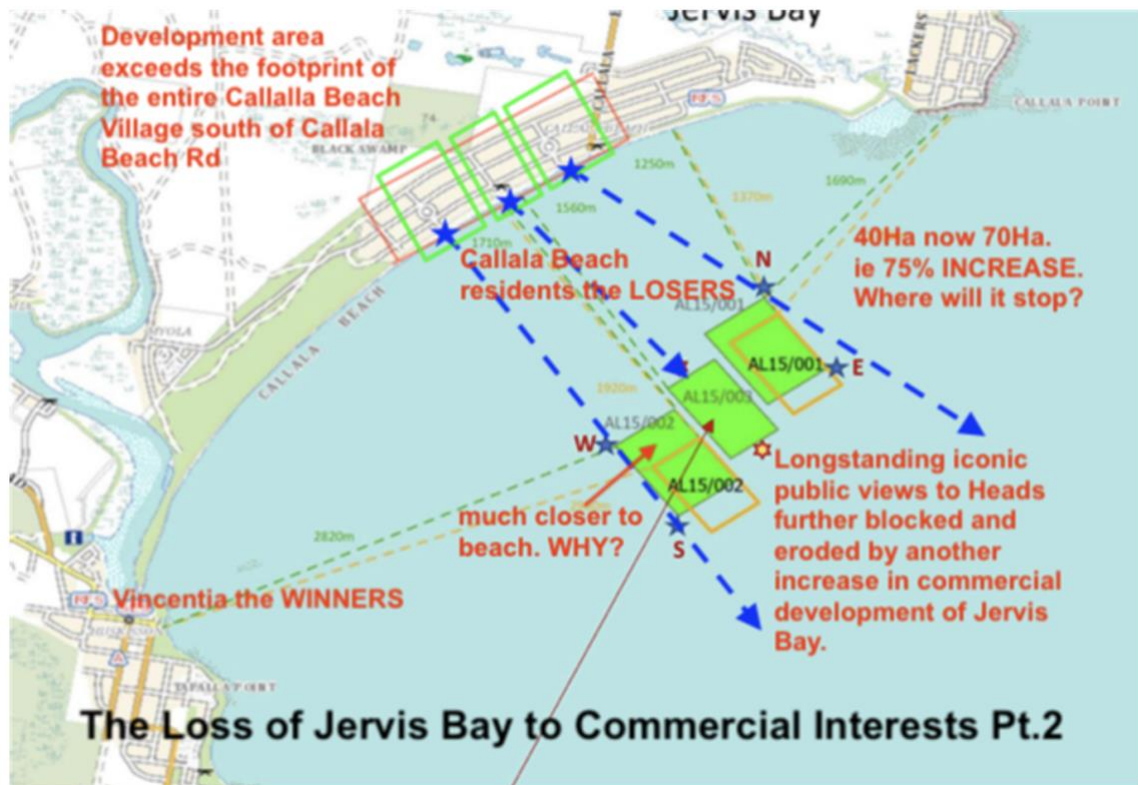


FIGURE 1 – VIEW IMPACTS ON CALLALA BEACH

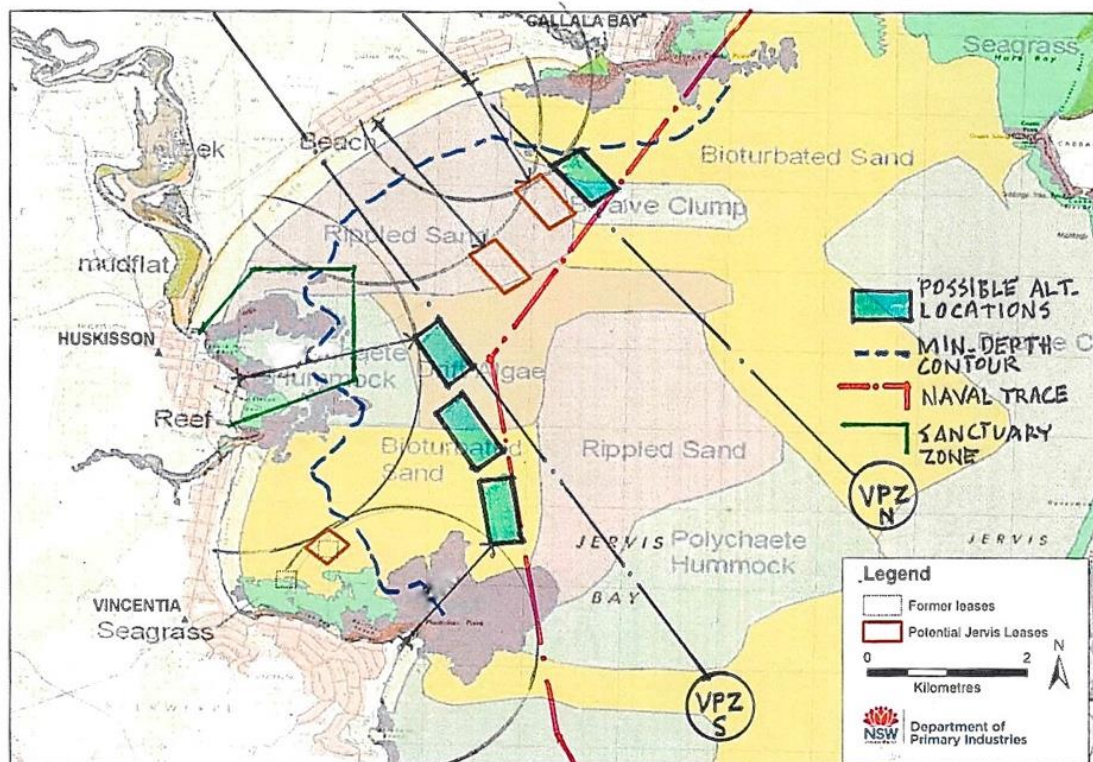


FIGURE 2 – EXAMPLE OF ALTERNATIVE SITES CLEAR OF VIEWS TO JERVIS BAY HEADS (TC c.2016)