

Disaster Kelp Farm @ Disaster Bay

Public Submission

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Subject

Under the State Environmental Planning Policy (Planning Systems) 2021, the Eden-1 Kelp Aquaculture Farm in Disaster Bay is classified as a State Significant Development (SSD), requiring approval from the Minister for Planning under Part 5.2 of the Environmental Planning and Assessment Act 1979.

The Proposal

Auskelp Pty Ltd proposes the development of the Eden-1 Kelp Aquaculture Farm, a 200-hectare offshore seaweed farming operation located in Disaster Bay, southern New South Wales. The farm will cultivate native kelp species *Ecklonia radiata* using longline infrastructure designed for high-energy open ocean environments. The Project's goal is to successfully pioneer and develop kelp farming as a sustainable form of ocean farming in Australian waters.

The Eden-1 farm will deploy modular 1-hectare kelp rigs within the proposed lease area (AL21/004), located approximately 1.1–3 km offshore. Each rig includes low-profile, sub-surface longlines anchored to the seafloor, supporting vertical droppers which will be annually seeded with locally propagated kelp sporophytes. No permanent above-water structures will be installed. Operations will occur seasonally, with activities including deployment, monitoring, maintenance, and harvest conducted via vessels operating from Snug Cove and Edrom in Twofold Bay. All marine infrastructure is removable and designed to minimise ecological disruption.

EIS Response

I the undersigned have thoroughly reviewed the EIS documents prepared by the proponent and their consultants. **In summary I provide the following expert evidence and grounds that strongly opposes this proposed development.**

1. From the outset, it should be noted that the portal for NSW Major Project submissions does not work. I have now spent 3 hours trying to gain access to the correct submission platforms and I still can't submit. I understand from community colleagues that this error is common amongst many project participants. In all fairness, this error is legal grounds for refusing the development application at this stage of its application process. No required amount of public submissions will contend with this serious error. I understand many community members will not submit because of this error. I now ask that this matter be fixed, apologies made, and that the submission timelines be amended to encourage submissions in waiting.
2. A State Significant Development (SSD) clearly expects that any development proposal in the coastal and or hinterland environs of this significant environment conforms to the planning and environmental expectations of the said significant environs. The EIS does not clearly define these significant values, nor does it respond to how the proposal enhances and or protects these existing or unknown community values. The likely impacts of the proposed development on surrounding sea and land areas of conservation significance is poorly known and or suitably addressed in the EIS.
3. The EIS is written and explained from a pro-development standpoint. It performs as a defensive measure that supports development. Rightly or wrongly, it is not an independent analysis of the proposed development. It does not adequately communicate what the social, cultural, spiritual and environmental threats are in this significant coastal environment, nor

does it adequately explain how the proposal enhances and or protects these robust and or fragile community values. Likely impacts on significant coastal and terrestrial species, for example, is inadequately addressed in the EIS.

4. Consequently, the development proposal process now needs a government assisted independent expert assessment of the EIS and its application. Presumably this will be addressed by the forthcoming expert panel investigations which must include a careful viewing of the subject coastal waters and lands in question. It is not the fair and reasonable responsibility of the general community to do this analysis. It would be a fools paradise to suggest otherwise.
5. An independent expert assessment would clearly define these cultural and natural values that are in need of further definition and or analysis. They may well include the need for further investigations regarding historic and contemporary Indigenous values of Country and of the social and physical landscapes that are ecologically relational and integrated between the coastal waters, shorelines and their surrounding hinterlands.
6. A development of this huge scale and magnitude will arguably interrupt the natural behaviours of the coastal waters and their supporting hinterlands. There is no definitive EIS evidence to advise that these impacts are minimal and or in keeping with the significant values of the said coastal waters and coastal lands.
7. We know Disaster Bay and its relational coastal hinterland environs are formally recognised and legislated as a significant natural area. The EIS needs to outline these significant values and address their likely impacts from the proposed development standpoint. It clearly fails to do this.
8. Further environmental assessment of this proposal needs to define why Disaster Bay is the preferred (and only) site for this type of coastal development. A cursory analysis of the region would clearly indicate there may be better sites for this type of coastal industry, associated infrastructure and land and sea use. This marine industry needs to be kept within well defined marine land-use areas that have been identified for their suitable carrying capacity for marine industry development. An area of significant natural coastal wilderness is clearly not the place for marine industrial use. Nor is it proper and or orderly planning process to substantiate its approval.
9. The development proposal and its EIS response reveals little knowledge about the supportive land use activities that will be required to suitably support and uphold the performance of the proposed development. Extra built structures for storage and handling, environmental monitoring, extra boating and land transport activities, for example, have not been made clear. Nor have their likely impacts been defined.
10. There is every indication from the inadequate EIS that this proposed development may well expand its ecological footprint across Disaster Bay. The EIS should address the capacity of this proposed industrial footprint and ensure that the limits of this footprint and its likely impacts are well understood. As a precedence to any development in significant natural coastal areas this pro-development logic would be disastrous to the orderly and proper planning of significant natural coastal areas.
11. With guidance from First Nations Traditional Owners of these said waters and lands, it is important to define the tangible and intangible cultural and natural heritage values of this area. There is little confidence and or attempt in the EIS that the Bidwell Traditional Owners have

participated in the required planning, assessment and associated co-design of this development. Of course, it is not their responsibility to do so. Consequently, these 'unknown' spiritual and environmental values are likely to be under threat. The EIS needs to explain its methodology as to how these tangible and intangible heritage values are being fully understood and managed. The likely impacts on these values could well be disastrous. The careful knowing of these values and associated cultural processes must not be left to a cursory understanding of registered and nominated sites or processes of coastal heritage significance. Gaps of knowledge must be acknowledged, and the merits or deficiencies of the proposed development must be defined in ways of responding to these gaps or unknowns. Detailed and full explanation of Appendix A5: Aboriginal Cultural Heritage Report (AL21/004) July 2024 was missing in the EIS and is a serious shortfall of the EIS. Refer below.

12. The cultural assessment of aesthetic values is incomplete. This poor attempt of addressing the critical understanding of a "sense of place" values associated with the subject lands and waters is again reprehensible. The report needed to include the well established aesthetic management methodologies employed and legislated by the Australian Heritage Commission (AHC) and other such conservation and land management authorities to ensure its full professional credibility and usefulness to the EIS process.

13. There is every fair and reasonable possibility that the subject coastal lands and waters of this development will eventually come under the legal expansion and jurisdiction of established Native Title. As noted in EIS Appendix A:5 - *"There is one unregistered Claimant Application within the study area, South Coast Peoples (NC2017/008)."* Does this proposed development clearly impede those rightful futures of Country? The historical and contemporary support for the rightful protection and enhancement of Native Title lands, seas and skies is critical to the current assessment of this development proposal. The EIS has failed to explain these expansive known (and unknown) cultural values, which on their own are clear and obvious grounds for an outright dismissal of the development application. To say that invited on-site consultation meetings did not happen is a serious shortfall of the EIS. To quote: *"An outcome to the consultation process could not be rendered due to the limited number of responses and unavailability for the site meetings."* (page V) is again a serious shortfall of the EIS. It makes the required EIS cultural assessment process null and void. Moreover, with next to no Indigenous RAP consultation, to then say: *"While there may not be any tangible Aboriginal cultural heritage remaining within the study area and Disaster Bay, it is highly likely that there are intangible Aboriginal cultural heritage values associated with this location."* (page V-VI) is again reprehensible. To then conclude: *"Recommendation 2: No further assessment is required."* (page 34) is alarming. Any assessment and development of the subject lands cannot seriously be approved on these grounds of incomplete and inadequate professional cultural assessment reporting.

14. It is difficult to understand the following EIS: Appendix 5 statement: *"Following Stage 4 consultation, the cultural heritage significance has been assessed as high. The historical significance of the site has also been assessed as low due to the lack of known historical associations. Due to the significant and ongoing disturbance caused by marine environmental conditions, the study area has been assessed as holding low archaeological potential. The study area is surrounded by a coastal landscape inclusive of headlands, and the relatively untouched coastal forest, which contribute to the wider context and sense of place; aesthetic significance is assessed as high."* (page 30). There is no evidence how these significance values, or their shortfalls, are impacted upon and then suitably managed in the development

approval process. It makes no sense to the EIS conclusions to then support the proposed development.

15. It will be important that the forthcoming independent assessment panel assigned to this development application is suitably equipped to address the multi-variant social, spiritual and environment values of the subject and surrounding lands, waters and skies. The panel will need to consist of a range of multidisciplinary experts to ensure that the significant and extensive cultural and natural values of Disaster Bay are preserved and or enhanced. Our Disaster Bay communities and their custodial ecologies have every right to ensure those measures are well understood, assessed and protected. It is critical to the established significance of Disaster Bay that the panel addresses these expansive issues.
16. In summary, the EIS reveals, directly and or indirectly, many cultural and natural unknowns of the likely impacts associated with the proposed development. The specific interrelationships between 'high energy' sea, shoreline and hinterland ecological behaviours are poorly known, for example. Moreover, the critical cultural values assessment process is incomplete. It is clear that the future assessment panel recognises and defines these unknowns and encourages further legislative conservation of Disaster Bay and its environs in both the immediate and longer terms.

I look forward to meeting the future expert assessment panel to expand on my submission and to assist them in their critical deliberations of this development application.

Yours sincerely,

Without prejudice,

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