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The Director
 NSW Department of Planning, Industry and Environment
www.planningportal.nsw.gov.au/major-projects/project/12256

17 May 2021

To Whom It May Concern

RE: Major Project SSD 5916

The Soldiers Point Community Group Inc (SPCG) objects to the above major project for several reasons including:

- Acid Sulphate Soils (ASS), dewatering process and impact on ground water.
- Use of Temephos for mosquito control.
- Traffic Management
- Climate Change and Flooding
- Ecologically Sustainable Development
- Endangered Species Ecology
- EIS Process and Community Engagement

The SPCG is an incorporated body set up for the purpose of commenting on public policy, town planning and the like as it impacts residents of Soldiers Point. Within this context we object to the above development for the following reasons.

Acid Sulphate Soils (ASS), dewatering process and impact on groundwater

There is no ASS impact assessment provided in the EIS, simply a reference to a sampling programme that clarifies that potential ASS and actual ASS are present over most of the site. The ground water impact assessment report does not quantify the dewatering required for construction or the impact of this on neighboring household bores and ground water quality. Similarly, it is silent on the impact of dewatering and when it comes to run off with high metal concentrations the impact of this draining into groundwater dependent

eco systems such as the into adjacent SEPP14 Wetlands. These are important impacts that require a comprehensive EIA.

Use of Temephos for mosquito control.

The EIS recommends the use of temephos for mosquito control. This is an organophosphorous insecticide which is non-specific to mosquitos and has acute toxic effects on a wide variety of aquatic organisms. According to the Queensland Government Natural Resource Management Operational Policy, *"Its use in QPWS managed areas (including marine parks) should be generally prohibited except as a last resort.* Clearly for a development posing as an eco-tourism facility to use a chemical of last resort is contrary to the definition of 'eco-tourism'.

Living with Mosquitoes on the Central Coast region of NSW, 2007 also notes that *"it [temephos] is not totally selective for mosquitoes and may have toxic effects on non-target organisms such as birds, fish and some invertebrates - particularly in estuarine habitats."* The idea of a hotel operator using a toxic and non-specific insecticide next door to a rural residential area, SEPP 14 Wetlands, Port Stephens Marine Park, and the estuarine Tilligerry Nature Reserve is unacceptable.

Traffic Management

Soldiers Point resident's point of egress to and from Newcastle is via Port Stephens Drive and Nelson Bay Road. The proposed development sits at the intersection of these two main arterial roads. Data contained in Appendix 15 of the EIS notes that *"90,000m³ of fill will be required for the site which will be delivered using truck and dog combination that have a capacity to carry 30 tonnes (16.5m³) per load and as such will generate approximately 5,500 loads or 11,000 truck movements during the site preparation period"*.

This increase of traffic will continue for 4 months, five and a half days per week on roads that are already under stress owing to increasing population and commercial activity in the area. The SPCG believes that the proposed magnitude of traffic increase will wreck havoc on roads to and from the development at a significant cost to Port Stephens residents, Any consideration of approving this development in any form should insist that the proponent budget for this.

Notwithstanding the above the proposed volume, size and weight of traffic will also put lives of residents at risk as they negotiate increases in number and size of vehicles not only during the short term of construction but the long-term reality of the huge numbers of tourists using the site increasing the death and injury toll on our roads

Climate change and Flooding

The DGRs (OEH attachment) require a sensitivity assessment of an increase on rainfall intensity of 10%, 20% and 30% due to climate change for the 1 in 100-year event in conjunction with the projected sea level rise. The EIS (page 59) has considered only the 10% increase, clearly indicating that the EIS is inadequate with respect to this aspect of the DGRs.

The Community of Soldier's Point is acutely aware that Anna Bay is a crucial point of egress from the Tomaree Peninsula and recent 1 in 100 rainfall periods has left residents with images of extensive flooding and memories of collapsed culverts and road closures, which are today, still inconveniencing residents' movement from their homes. The application lacks any consideration of the repeat of this style event.

Zoning and Ecologically Sustainable development

The site is zoned RU2 Rural Landscape which has the following objectives.

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource bases.
- To maintain the rural landscape character of the land
- To provide for a range of compatible land uses including extensive agriculture.

We submit, referring to the proposed site layout (EIS Figure 8) that the development will in no way maintain the rural character of the land which Soldiers Point residents are so attached to as part of their neighborhood.

From every unit, the roadways and surrounding buildings will be very visible, in stark contrast to the existing low density isolated housing and natural wetlands that currently exists on and adjacent to the site.

We challenge, therefore the assertion in the EIS that:

'Careful placement and physical separation of villas will ensure that the connection to the natural environment is dominant and encompassing.' (p19)

This is not a credible claim. We dispute that the extent of the development could be considered 'connecting with the environment' when the views are predominately looking over other villas.

A permitted use under RU2 zoning are Eco Tourist Facilities as defined in PS LEP 2013 as:

"a building or place that:

(a) provides temporary or short-term accommodation to visitors on a commercial basis, and

(b) is located in or adjacent to an area with special ecological or cultural features, and

(c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.”

SPCG submits that the bulk and scale of this proposal do not sufficiently minimise the visual impact, and therefore fails to meet condition (c) and on this basis approval should not be granted.

The SPCG 's environmental committee agree with the EISs statement that

“To ensure credibility as being a genuine eco resort the Project will demonstrate energy efficiency/sustainability using recognised and reliable rating systems such as NABERS and/or Green Star. Likewise, carbon neutrality will also ensure strong identifiable ESD outcomes” Unfortunately the EIS goes onto state that a model will be completed later to see *“what may be realistically achieved for this type of development”*. In other words, this critical test of project credentials has not been undertaken and therefore belies the nature of the entire 'Eco' project because

- there is no detailed energy assessment
- there is no guarantee of renewable energy usage – it is intended to explore the potential for solar panels (pg. 5 preliminary energy assessment)
- there is a recommendation to use a Green Star tool as a design guide, but no assessment is provided
- there is no energy modelling
- the bulk and scale of the hotel means that on-site water supplies cannot be sufficient

Given the above the critical test of the project's ESD credentials fails and the project should not be approved.

Endangered Species Ecological Sustainability

The applicant admits that the development would involve a loss of secondary koala feed trees including 0.25ha of Melaleuca and 0.25ha of swamp oak forest. The EIS concludes that:

‘the loss of two hectares or less of marginal quality habitat critical to the survival (habitat score of 5) is highly unlikely to have a significant impact on the koala.’ (p.40)

Assessments must consider the cumulative impact of many small area habitat losses. SPCG remains concerned at the incremental loss of koala habitat across the Port Stephen region, we assert again that if the project were reduced to a more appropriate scale for the site, these trees could be retained.

In addition, the proponent fails to address a requirement from the DGRs (OEH attachment page 10) to consider the capacity for ecosystem migration due to projected sea level rises of up to 0.9m above 1990 levels. This is problematic in that if migration occurs as predicted the entire footprint of the hotel would be within Endangered Ecological Community which is of great value to the residents of Soldier's Point and indeed the entire Tomaree Peninsula.

EIS Process and Community Engagement

Whilst Chapter 4 of the EIS refers to Government agency engagement. The EIS is silent on community engagement. This is despite the clear requirement in the DGRs (page 6) to consult with affected landholders. The SPCG has been advised that neither the proponent nor the EIS consultant has engaged with the obviously affected landholder or adjacent landholders, let alone the wider community including First Nations People specifically local cultural heritage knowledge holders.

Given the above it appears noticeably clear that community engagement in the full meaning of the phrase has not occurred. Therefore, the statement in the EIS that the consultant engaged with community groups is, at best, confusing and misleading.

Summary

The SPCG is aware that several submissions against the project, have been lodged by persons whose family members have lived in the area since 1870. Within these submissions they provide a detailed table (S. Blanch) of just how the proposed project does not meet the requirements of the Ports Stephens LEP (2013) which, amongst other things, defines an eco-tourist facility as

“a sensitively designed and located to minimise bulk, scale and overall physical footprint and any ecological or visual impact. “

In addition to the comments provided in this submission the SPCG strongly supports the statements in the referred to table and insists The Department to reject the proposed development as being unsuitable for the site and not in the public interest.

Yours sincerely

Roz Armstrong

Soldiers Point Community Group Environmental Committee.

18th May 2021