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Proposed Temporary Weir near Pomanda Island
Draft Environmental Impact Statement
Coorong Lower Lakes and Murray Mouth Projects Team
Department for Environment and Heritage
Reply Paid 1047
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REFERRAL: 2007/3484

PROJECT TITLE: PROPOSED TEMPORARY WEIR AT POMANDA ISLAND NEAR WELLINGTON

EXECUTIVE SUMMARY

Significant Impacts

The action proposed by the referral is likely to have unacceptable significant impacts on matters of national environmental significance protected by Part 3 of the EPBC Act, being the Ramsar listed Coorong, Lake Alexandrina and Lake Albert and the associated wetlands, threatened species and migratory species using the site.

Section 138 of the EPBC Act places a mandatory obligation on the Minister to not act inconsistently with the obligations set out in the Ramsar Convention, that is, to promote the conservation of wetlands. Given this obligation and given the significant impacts on this protected region, the action should not be approved.

The proponent asserts that the impacts are not significant as the weir is temporary. However, the weir is not temporary as:

- the removal triggers are largely discretionary and unlikely to be met;
- the very nature of the weir, being the depositing of sheeting and 300,000 tonnes of rock in a sandy and silty area, means that the weir is likely to be very difficult to remove.

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Given that the weir is not temporary, it requires approval under the Development Act.

In addition, the proposed action is contrary to Federal and South Australian government obligations under international conventions and the objectives of Federal and State legislation and subordinate legislation and policy.

Non-compliance with Guidelines

The Draft Environmental Impact Statement for the proposed temporary weir near Pomanda Island ("EIS") does not sufficiently comply with the Guidelines¹ and so it should be re-drafted and resubmitted for public consultation. For example, the proponent has indicated that reports are still being prepared or to be prepared with respect to the freshwater solution and the triggers for removal of the weir. However, without these reports, which were required by the Guidelines, the Minister cannot properly make a decision.

Further, the proposed action appears to be part of a larger plan within the region to introduce salt water into the Coorong and Lower Lakes and the EIS makes various references to that proposal. Whilst it is acknowledged that there is presently a separate referral with respect to the opening of the barrages to introduce salt water into the region², it is not appropriate to consider the issues separately given the interdependence of the issues and impacts on the region.

Further, the EIS does not sufficiently consider the alternatives set out further below. As a result, the Guidelines and the EIS, should be amended to enable such proper consideration and analysis and further public consultation.

Alternatives

The EIS does not give sufficient consideration to other alternatives which will not affect the international Ramsar listing of the Lower Lakes and the Coorong such as:

- the purchasing or acquiring of freshwater;
- the reuse of stormwater;
- the reuse of wastewater;
- bioremediation.

For these reasons the Minister should not approve the proposed action based on the terms of the draft EIS given the unacceptable impacts on matters protected by Part 3 of the EPBC Act.

¹ Guidelines for the Content of a Draft Environmental Impact Statement on the Proposed Temporary Weir at Pomanda Island near Wellington, South Australia ("Guidelines")

² Referral 2008/4618

SIGNIFICANT IMPACTS

The action proposed by the referral is likely to have unacceptable significant impacts on matters of national environmental significance, being the Ramsar listed Coorong, Lake Alexandrina and Lake Albert and the associated wetlands, threatened species and migratory species using the site.

Lakes Alexandrina and Albert and the Coorong were listed under the Ramsar Convention's List of Wetlands of International importance in 1985. The site provides a habitat for migratory birds including more than 30% of waders summering in Australia and globally endangered species.

The Lower Lakes were listed under the Ramsar Convention as a freshwater to brackish water area, that is, a freshwater to slightly salty water area. By building a weir some 2.6 kilometres from Pomanda Island to the eastern embankment near the Princes highway downstream of Wellington, the proponent is effectively proposing that the Ramsar listed area be cut off from the fresh water supplies which have sustained it for thousands of years.

The proponent acknowledges that the water travelling through the Lower Lakes perform the "*essential function in diluting and transporting salt down the river to be flushed through the barrages to the Southern Ocean.*"³ However, this separation of Lakes Alexandrina, Albert and the Coorong from the Murray River will halt that action to the significant detriment of the Ramsar listed region. Further, the separation is likely to result in the fresh to brackish water becoming hyper-saline or disappearing altogether so that the Ramsar status (which is already subject to an application for Montreau nomination) will be further degraded or eliminated.

In addition, as acknowledged by the proponent, the endangered fish and amphibians reliant on the ecosystem for survival will be threatened as a result of the truncation⁴. Local knowledge also indicates that quantity and variety of migratory birds has reduced with the continuation of the drought. The proposed truncation of the Murray at the weir effectively results in a permanent drought for the ecosystems and flora and fauna reliant on the Lower Lakes and Coorong and so is likely to result in further losses of those habitat and species.

This is further emphasised in Appendix 15 of the EIS where the proponent acknowledges the drastic affect of the drought on the Coorong and Lower Lakes and the threatened species. Building the weir itself will further enhance the affect of the drought and may lead to environmental devastation for the internationally listed area.

The proponent asserts that the weir will not lower water levels or quality due to the temporary nature of the weir, in that it is proposed that the weir operate for three years⁵. We oppose this assertion and further question the temporary nature of the weir for the following reasons:

³ EIS p4-15

⁴ EIS chapter 13

⁵ Ibid, para 13.3

1. At paragraph 5.8 of the EIS, the proponent asserts that the weir will be removed when all of the following are met:
 - Storage levels in the Hume and Dartmouth reservoirs return to normal operating levels;
 - Salinity levels in the lakes have dropped to below 3,000EC;
 - No other water quality issues in the lakes moving upstream;
 - The proponent is confident that the weir is no longer needed to protect the potable water supply.

These criteria are either unlikely to be met or allow considerable discretion on the part of the proponent as to the timing of the removal of the weir and therefore the impacts of the weir on the Coorong and Lower Lakes and threatened species is likely to be permanent.

The proponent acknowledges⁶ this lack of certainty as to when the above removal triggers will be met and hence when removal will take place and therefore concern as to the *“ecological consequences of a longer lifespan”* and so states that *“an update of this risk assessment will be needed to assess risks more thoroughly”*⁷.

However, this is directly contrary to paragraph 5 of the guidelines to the EIS which specially require an assessment of the **impacts of removal** on relevant habitat. This issue is fundamental to the project. If the weir is not temporary, but rather permanent, then the impacts to the Ramsar listed Lakes Alexandrina, Albert and Coorong and the threatened species have permanent consequences. Given this, the EIS should not be accepted until such assessment has been undertaken.

2. The very nature of the structure is not temporary. The proponent has previously estimated that 300,000 cubic metres of rock are required for the proposed weir⁸. In the draft EIS the proponent indicates that the following is needed for the temporary weir:
 - sheet piling driven to depths of –5m and –14m AHD to reduce seepage⁹
 - rock including granite, meta-sediment, calcrete limestone and calcrete.

Given the weight of 300,000 cubic metres of rock and of sheet piling, the proponent acknowledges that “a degree of settlement” will occur¹⁰. The weight of rock and sheet piling and the settlement adds to the permanency of the structure and the difficulty in removing it. Therefore, we dispute that the weir is temporary nature.

⁶ Appendix 15

⁷ Appendix 15 p4

⁸ Referral number 2007/3484 p5

⁹ EIS p5-6 para 5.3.1

¹⁰ Ibid p5-15, para 5.5.2

A permanent structure has greater deleterious consequences on already threatened and vulnerable species and habitats which should be addressed in the draft EIS and re-submitted to the public for comment.

NON-COMPLIANCE WITH GUIDELINES

The EIS is deficient in that it appears to presuppose the approval for the opening of the barrages to enable salt water to be introduced into the Lower Lakes and the Coorong. In chapter 4, the proponent refers to "*frequent salt wedge intrusion 'spikes' at Taillem Bend within a year of opening the barrages*"¹¹

Whilst the proponent indicates its desire to find a fresh water solution, it regularly refers to the Murray-Darling Basin Council approval to allow seawater through the barrages when the level of Lake Alexandrina reaches a critical point¹² which the proponent predicts could occur by February 2010 if freshwater is not released into the region.

Given this, it appears that a purpose of the weir is to hold back salt water which may be released through the barrages; an action would permanently affect the listing of the Coorong and Lower Lakes as an international site under the Ramsar Convention. These impacts have not been considered in the draft EIS.

Whilst it is acknowledged that there is presently a separate referral with respect to the opening of the barrages to introduce salt water into the region¹³, it is not appropriate to consider the issues separately given the interdependence of the issues and impacts on the region. Such an approach accords with the general environmental principle that matters relating to the one development be considered together¹⁴.

Given this, the Guidelines and the EIS should be amended to enable such proper consideration and analysis and further public consultation.

ALTERNATIVES

Item 3 of the Guidelines specifically requires the proponent to consider any feasible alternatives. However, insufficient consideration has been given to such alternatives in the EIS as follows:

1. the availability of freshwater, for example, water from the Menindee Lakes in New South Wales to address Adelaide's water supply and the necessary environmental flows to the Coorong and Lower Lakes. The draft EIS has many references to the proponent's desire for a freshwater solution to mitigate against the risks in to water quality and environmental harm¹⁵. As recently as 5 March, the Premier of South

¹¹ EIS p4-12 second paragraph

¹² For example, EIS pp i, vi, 1-1.

¹³ Referral 2008/4618

¹⁴ Australian Waste Pty Ltd & Anor V Compaction Application Tips Pty Ltd & Ors [2001] SASC 173

¹⁵ For example, EIS p1-1 other examples – "find "freshwater"

Australia, the Honourable Mike Rann, confirmed this commitment in the Parliament of South Australia¹⁶.

Despite this, the proponent has indicated that freshwater alternative has not been properly considered in the EIS where it states in Chapter 1:

*“The South Australian Government is continuing to pursue options for a fresh water solution. These options will be the subject of a **separate paper to be provided to the Commonwealth.**”¹⁷*

The proponent further provides in chapter 4 that this option is still under “active consideration”¹⁸. Given the clear requirements of the guidelines that alternatives be considered, including the purchasing of water¹⁹, such consideration should be finalised and included in the draft EIS and further public consultation take place before the Minister makes a decision.

2. The EIS gives insufficient consideration to stormwater harvesting as an option for securing the water supply for Adelaide.

On average, 160 gigalitres of stormwater washes through Adelaide every year²⁰. Whilst during droughts this can be as low as 50 gigalitres, Adelaide’s annual consumption is about 216 gigalitres per year, 88 of which are sourced from the River Murray²¹. Therefore, in an ordinary year, stormwater could provide 74% of Adelaide’s water and in a drought year, it could provide 56% of Adelaide’s water which is sourced from the River Murray.

Further consideration should be given to stormwater capture and the EIS amended and further consultation undertaken before the Minister makes a decision with respect to the matter.

3. The EIS gives insufficient consideration to wastewater harvesting as an option for securing the water supply for Adelaide. Whilst wastewater is used for market gardens in Adelaide, recycled wastewater could also be used for industrial and residential purposes.
4. The EIS gives insufficient consideration to bioremediation as a means of dealing with acid sulphate soils in an environmentally sustainable way. Bioremediation is currently operating successfully in the region.

The EIS should be amended and further public consultation undertaken to enable the above issues to be properly considered.

¹⁶ Hansard 5 March 2009 p1885.

¹⁷ EIS p1-1

¹⁸ Ibid p4-8, paragraph 4.4.1

¹⁹ Guidelines p6 paragraph 3

²⁰ ‘Waterproofing Adelaide Strategy’ 2005 http://www.sawater.com.au/NR/rdonlyres/83B05A2E-A3F0-48EE-A640-CA5521A227C0/0/WPA_Strategy.pdf>)

²¹ Ibid

DECISION

In the circumstances, the proposed action should not be approved pursuant to section 133 of the EPBC Act on the basis that the proposed action:

- is likely to have unacceptable impacts on matters protected by Part 3 of the Act, that is, the proposed action is likely to have a significant impact on:
 - the ecological character of a declared Ramsar wetland being Lake Alexandrina (sections 16 and 17B of the EPBC Act)
 - listed threatened species and ecological communities (sections 18 and 18A of the EPBC Act);
 - listed migratory species (sections 20 and 20A of the EPBC Act);
- is contrary to the Australian government’s obligations under international treaties such as:
 - the Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat done at Ramsar, Iran, on 2 February 1971 (“Ramsar Convention”) which provides that the Federal Government is to:
 - *“promote the conservation of the wetlands”* (in this instance in the vicinity of Lake Alexandrina) (Article 3.1);
 - *“Endeavour to coordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna”* (Article 5);

In addition to the Ramsar Convention, section 138 of the EPBC Act, places a mandatory requirement on the Minister to not act inconsistently with the Ramsar obligations. It provides:

*“In deciding whether or not to approve for the purposes of section 16 or 17B the taking of an action, and what conditions to attach to such an approval, the Minister **must not act inconsistently with Australia’s obligations under the Ramsar Convention.**”*

To approve the weir would be directly inconsistent with the Federal Government’s obligations under the Ramsar convention and so the development should not be approved.

- the following conventions which place obligations on the Federal Government to preserve and enhance the environment of the birds and migratory species listed:

- the Agreement between the Government of Australia and the Government of the People's Republic of China for the protection of Migratory Birds and their Environment made at Canberra on 20 October 1986 (Article IV);
 - the Agreement between the Government of Japan and the Government of Australia for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment made at Tokyo on 6 February 1974 (Article VI);
 - the Agreement between the Government of Australia and the Government of the Republic of Korea on the protection of Migratory Birds made at Canberra, 6 December 2006 (Article V);
- the Convention on Biological Diversity done at Rio de Janeiro on 5 June 1992 which places obligations on the Federal Government to protect natural sites of outstanding universal value such as the Coorong and Lower Lakes which places obligations on the Federal Government to develop strategies and plans for the conservation and sustainable use of biological diversity;
 - the Convention for the Protection of the World Cultural and Natural Heritage done at Paris on 23 November 1972 which places obligations on the Federal Government to protect natural sites of outstanding universal value such as the Coorong and Lower Lakes.

In the draft EIS, the proponent cites other Federal and State legislation. Whilst such reference is not relevant to the decision to be made in this instance, we note that the proposed action is contrary to the objectives set out in:

- Federal legislation including the EPBC Act and Regulations, the Water Act, the Murray Darling Basin Act and intergovernmental agreements including the National Water Initiative, the Murray Darling Basin Agreement and the Living Murray Icon Management Plan;
- South Australian legislation and policy and Local Government subordinate legislation including the Development Act, the River Murray Act, the Natural Resource Management Act, the Environment Protection Act, the Water Quality Environment Protection Policy and the local Development Plan.

We provide further detail on these issues as follows:

Federal legislation, intergovernmental agreements and management plan

The proposed action is contrary to the obligations set out in the following federal legislation, agreements and plan and so should not be approved or in any event should be declared a controlled action.

Environment Protection and Biodiversity Conservation Act and Regulations

The proposed action is contrary to the positive obligations placed on the Minister to manage the Ramsar listed wetland set out in the EPBC Act and Regulations and so should not be approved. In particular:

- as indicated above, section 138 of the Act provides that a mandatory obligation on the Minister to not act inconsistently with the obligations set out in the Ramsar Convention;
- the objects of the EPBC Act provide for:
 - *“the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;*
 - ...
 - *to promote the conservation of biodiversity;*
 - ...
 - *to assist in the co-operative implementation of Australia’s international environmental responsibilities.”*²²
- section 333(2) of the Act provides that *“the Commonwealth must use its best endeavours to ensure a plan for managing the wetland in a way that is not inconsistent with Australia’s obligations under the Ramsar Convention or the Australian Ramsar management principles is prepared and implemented in co-operation with the State”*
- section 334 of the Act provides that the *“Commonwealth and each Commonwealth agency must take all reasonable steps to ensure it exercises its powers and performs its functions in relation to the wetland in a way that is not inconsistent with:*
 - (a) the Ramsar Convention; and*
 - (b) the Australian Ramsar management principles; and”*
 - (c) any management plan produced under section 333 of the EPBC Act.*
- the Australian Ramsar management principles set out in Regulation 10.02 & Schedule 6 of the EPBC Regulations provide that:

“1.01 The primary purpose of management of a declared Ramsar wetland must be, in accordance with the Ramsar Convention:

 - (a) to describe and **maintain the ecological character of the wetland;** and*
 - (b) to formulate and implement planning that promotes:*
 - (i) **conservation of the wetland;** and*

²² Section 3 EPBC Act

(ii) **wise and sustainable use of the wetland** for the benefit of humanity in a way that is compatible with maintenance of the natural properties of the ecosystem.” (emphasis added)

- The Coorong, and Lakes Alexandrina and Albert Ramsar Management Plan 2000 provides the following Objectives and Strategies:
 - “Ensure that future government legislation, strategies and policies that affect the region are consistent with the Ramsar principle of wise use and Australia’s obligation for the maintenance of the ecological character of the area.” (Objective 1, Strategy 1.3)
 - “Integrate the Ramsar principles of **wise use** and Australia’s obligation for the **maintenance of the ecological character** of the area into the maintenance, operational and capital works programs of relevant agencies.” (Objective 3, Strategy 3.1)
 - “Protection of the full range of wetland habitats and restoration of degraded habitats in the Ramsar area and their conservation for future generations.” (Objective 4)
 - “Promote property management techniques which **increase the diversity of lake edge vegetation, reduce erosion and increase the amount of indigenous woody vegetation around the lake edges.**” (Objective 4, Strategy 4.4) (emphasis added)
 - “Introduce consistent planning controls to **protect wetland habitats** in the floodplain.” (Objective 4.7)
 - “Ensure the councils of Alexandrina, Murray Bridge and Coorong cooperate with Planning SA and [Department for Environment and Heritage] to amend the Development Plan by introducing consistent planning controls in the floodplain **which protect wetland habitats from inappropriate development, and implement the Planning Strategy ...**” (Objective 4, Strategy 4.7, Action 4.7.1) (emphasis added)
 - “Reduce all polluting discharges into the River Murray, Coorong and Lower Lakes.” (Objective 5, Strategy 5.5)

Water Act

The proposed action is contrary to the objects of the Water Act which include the intent to give effect to international agreements as set out above and:

s3(b)”... to give effect to relevant international agreements and, in particular, to provide for special measures, in accordance with those agreements, to address the threats to the Basin water resources;

*(c) to promote the use and management of the Basin water resources in a way that optimises economic, social and **environmental** outcomes” (emphasis added).*

Murray-Darling Basin Act

The Murray-Darling Basin Act gives the force of law to the Murray Darling Basin Agreement, the most relevant terms of which are set out below.

Murray-Darling Basin Agreement

The proposed action is contrary to the following objectives and obligations in the Murray Darling Basin Agreement (entered into by the Commonwealth, New South Wales, Victoria and South Australia):

- the purpose of the Agreement set out in Clause 1 is to “*promote and coordinate effective planning and management for the equitable efficient and **sustainable** use of the water, land and other environmental resources of the Murray-Darling Basin.*” (emphasis added).
- The Ministerial Council and the Commission set up by the Agreement must carry out the purpose set out in clause 1 (clause 8(3), clause 9 and clause 17);
- In exercising its powers, the Commission must take into account an environmental assessment of the exercise of its powers (clause 47).

National Water Initiative

The proposed action is contrary to the National Water Initiative where the contracting parties (which include the Federal and South Australian Governments) acknowledge the need to ensure the health of river systems and the use of water in an environmentally sustainable manner.

Living Murray Icon Site Management Plan

The Murray-Darling Basin Ministerial Council has set up Icon Sites due to the declining health of the River Murray.

The proposed action is contrary to the Icon Site Management Plan which sets out the Vision for the region as including:

“Conservation of the Lower Lakes Ramsar Wetlands by incorporating world’s best practice in integrated natural resources management to:

- *Conserve the environmental and ecological attributes of the wetlands for the benefit of future generations;*
- *Improve water quality and increase flows through wetlands;*

- *Fulfill Australia's obligations under the Ramsar Convention and other international agreements."*

State Legislation, Policy and Local Government Development Plan

Development Act

The proponent asserts²³ that the development is "temporary" and "required in an emergency" as set out in Schedule 14 of the Act and so is exempt from the requirements for approval set out in the Development Act.

As set out above, the development is not temporary.

Currently, there is no emergency within the meaning of the term. Emergency is defined to mean: "*a sudden, urgent, usually unexpected occurrence or occasion requiring immediate action*"²⁴.

In this instance, the referral of the proposed action was issued almost two years ago on 4 June 2007 and so is not a "sudden, urgent or unexpected occurrence".

The proponent also refers to the power under the Development Act to declare the proposed action a "major project" within the meaning of section 46 of the Act. Such a declaration would be inappropriate in this instance given the detrimental impacts that the weir is likely to have on the Lower Lakes and Coorong.

As a result, no approval should be given unless and until approval is given to the proponent under the Development Act.

River Murray Act (SA) 2003

The proposed action is contrary to the objectives of the River Murray Act (SA) 2003 which charges the Minister to take care of the River Murray system and the species reliant on it. The key sub-sections are as follows:

s7(2) "*The river health objectives are as follows:*

- (a) *the key habitat features in the River Murray system are to be maintained, protected and restored in order to enhance ecological processes;*
- (b) *the environments constituted by the River Murray system, with particular reference to high-value floodplains and **wetlands of national and international importance, are to be protected and restored** (emphasis added);*
- (c) *the extinction of native species of animal and vegetation associated with the River Murray system is to be prevented;*

²³ EIS p1-15, para 1.5.1

²⁴ www.dictionary.com

(d) barriers to the migration of native species of animal within the River Murray system are to be avoided or overcome.”

The proposed action is contrary to the following water quality objectives:

s7(4) The water quality objectives are as follows:

(a) water quality within the River Murray system should be improved to a level that sustains the ecological processes, environmental values and productive capacity of the system;

...

(c) nutrient levels within the River Murray system are to be managed so as to minimise other impacts from nutrients on the ecological processes, environmental values and productive capacity of the system;

(d) the impact of potential pollutants, such as sediment and pesticides, on the environments constituted by the River Murray system is to be minimised.

Finally, section 8 of the Act requires the Minister to further the objects of the Act. The proposed action is contrary to the objects and so should not be approved.

Natural Resource Management Act (SA) 2004

The proposed action is contrary to the following objects set out in the Natural Resource Management Act and so should not be approved:

7(1)“The objects of this Act include to assist in the achievement of ecologically sustainable development in the State by establishing an integrated scheme to promote the use and management of natural resources [including surface water] in a manner that—

- (a) recognizes and protects the intrinsic values of natural resources; and*
- (b) seeks to **protect biological diversity** and, insofar as is reasonably practicable, to support and encourage the restoration or rehabilitation of ecological systems and processes that have been lost or degraded; and*

(b) provides for the protection and management of catchments and the sustainable use of land and water resources and, insofar as is reasonably practicable, seeks to enhance and restore or rehabilitate land and water resources that have been degraded...”

Further, the weir is “water affecting activity” as defined in the Act and given the objects of the Act a permit for building the weir should be refused.

Environment Protection Act (SA) 1993

The proposed action is contrary to the objects and duty set out in the Environment Protection Act and so should not be approved.

In its objects in section 10 of the Act, it provides that development and protection of the environment should be managed in a way which enables:

- “s 1a)l)(A) *sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and*
- (B) *safeguarding the life-supporting capacity of air, water, land and ecosystems; and*
- (C) *avoiding, remedying or mitigating any adverse effects of activities on the environment;*
- (ii) *that proper weight should be given to both long and short term economic, environmental, social and equity considerations in deciding all matters relating to environmental protection, restoration and enhancement.”*

Section 25 of the Act sets out a general environmental duty to refrain from undertaking an activity which might pollute the environment and the introduction of tones of rock and sheeting will pollute the environment. The Act sets out offences for causing such harm without authorization (which authorization should not be provided).

Water Quality Environment Protection Policy

The proposed action is contrary to the principal objects and the duties of the Water Quality Environment Protection Policy.

The Principal object of the Policy is to “*achieve the sustainable management of waters*” and particularly “*to promote best practice environmental management*” and “*promote within the community environmental responsibility and involvement in environmental issues*” (subsection 7(1) and 7(2) (d) and (e) of the Policy).

Section 12 of the Policy, which is a mandatory provision, makes it a Category B offence to discharge or deposit:

“*a pollutant into any waters, [causing] any of the following:*

...

(h) *an increase in turbidity or sediment levels.”*

The Coorong, and Lakes Alexandrina and Albert Ramsar Management Plan 2000

As set out above, the proposed action is contrary to The Coorong, and Lakes Alexandrina and Albert Ramsar Management Plan 2000 and so should not be approved.

Murray Bridge Development Plan

The proposed action is contrary to the following objectives and principals of development control set out in the Murray Bridge Development Plan and so should not be allowed:

- “*The maintenance of the water quality of the River Murray*” (Objective 20, p12);

- *“The Murray Bridge District Structure Plan shows in general terms the desired strategy for future development of the district, based on the following measures:
....
(h) recognition and protection of areas worthy of conservation, particularly adjacent to Lake Alexandrina;
...
(o) recognition of the River Murray, its valley and Lake Alexandrina as a significant natural resource and feature.” (Objective 1, p30);*
- *“Development should take place in a manner that will not compromise the utilization, conservation or quality of surface and ground water resources, especially the River Murray and Lake Alexandrina, or the capacity for natural systems to restore or maintain water quality.” (Principal of Development Control 5, Primary Industry Zone).*
- *“No development should be undertaken which could present any risk of pollution or contamination to Lake Alexandrina or adjoining water bodies.” (Principal of Development Control 3, South West Area – Policy Area 16)*
- *“Development should not occur where there is a risk of adverse impacts on biodiversity, including water dependent ecosystems and species.” (Principal of Development Control 4, South West Area – Policy Area 16)*
- *“The quality of the water of the River Murray and Lake Alexandrina [be] preserved.” (Objective 2, Fringe Zone)*

Conclusion: Unacceptable Impacts

Given the significant impacts the proposed action is likely to have on internationally protected wetlands and species; given the Federal and South Australian governments' obligations to protect these wetlands and species as set out above and given the other options available, the proposed action should not be approved.

ENVIRONMENTAL DEFENDERS OFFICE (SA) INC