

**Conservation Council
of South Australia Inc**

**Pomanda Island Causeway
Referral Submission.**

9th January 2009

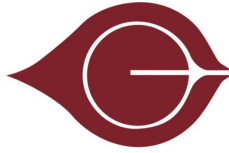
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Referral Business Entry Point
Environment Assessment Branch
Department of Environment, Water, Heritage and the Arts
GPO Box 787
CANBERRA ACT 2601

By email: epbc.referrals@environment.gov.au

REFERRAL 2008/4674

**PROJECT TITLE: UPGRADING EXSITING CAUSEWAY TO ENABLE TEMPORARY
WEIR CONSTRUCTION IF REQUIRED**

Dear Sir/ Madam

Please find below a copy of the Conservation Council of South Australia's (CCSA) submission to the Referral regarding the upgrading of the Pomanda island Causeway.

Thank you for the opportunity to comment on this referral.

Yours Sincerely

Julie Pettett
CEO
Conservation Council of South Australia

Conservation Council of South Australia Inc (CCSA) is the peak conservation body for South Australia, representing over 55 of the State's environment and conservation organisations.

CCSA is an independent non-profit, non party-political, community based organisation which provides resources, advice and representation for the SA environment movement, and which leads many of the key conservation campaigns in SA.

CCSA is known for its success in developing long term community development, education, and on-ground environmental restoration programs.

CCSA regularly liaises with Local, State and Federal Governments, Government agencies, media, educational institutions, NGOs, unions, industry, business and other groups on matters relating to the environment and social justice.

As a community organization, much of what CCSA achieves is through a large network of skilled volunteers from all walks of life – for its office, on-ground, governance and campaign activities.

CCSA is committed to a healthy environment for South Australia.

Introduction:

CCSA is **OPPOSED** to the proposal to "upgrade" the alleged existing causeway to enable the construction of a "temporary" weir across the River Murray at Pomanda Island near Wellington.

There are numerous grounds for this position, however in essence CCSA believes the proposal fails on a number of environmental grounds.

The action is an essential pre-cursor to the larger action to construct a weir or weirs, in the vicinity of the lower lakes, ostensibly to protect the drinking water supplies for the Adelaide metropolitan region and elsewhere.

CCSA consider the failure to include the larger action in a referral is sufficient grounds under section 74A of the *Environment and Biodiversity Conservation Act (The EPBC Act)* to not accept this referral.

Additionally, the proposed action will have unacceptable impacts on matter protected by Section 3 of the EPBC Act and is in contravention of both Federal and State obligations under the Ramsar Convention and international treaties such as the Japan-Australia Migratory Bird Agreement (JAMBA), China- Australia Migratory Bird Agreement (CAMBA) and Republic of Korea – Australia Migratory Bird Agreement (ROKAMBA).

On this basis the proposed action should not receive Federal approval subject to Sections 74B & 74C of the EPBC Act.

If however the action is approved, then CCSA would recommend that the action should be considered a controlled action for the purposes of the EPBC Act due to the unacceptable impacts on matters protected under Part 3 of the EPBC Act.

This we submit would justify the highest possible level of scrutiny and analysis, that is, via a full public inquiry or the production of a complete Environmental Impact Statement (EIS).

CCSA Concerns

CCSA believe that the failure to consider this referral as part of the larger action – that is the construction of the weir across the Murray at Pomanda Island for which this causeway is supposedly necessary is inappropriate and deficient.

Unacceptable impacts

CCSA notes that the proponent acknowledges that the site is already in a “fragile” state and that proposed road building activities will destroy and degrade various wetland areas, flora species and reed beds over an area of greater than a hectare within the Ramsar area. This in turn will impact negatively on listed threatened species and migratory fauna.

Practical Difficulties

The actions proposed for construction of the weir will require the delivery of over an estimated 300,000 tonnes of rock. This amount of haulage will in turn necessitate a substantial road to support such deliveries and traffic burdens. The likelihood of this being achievable in this locale is unlikely however due to local conditions onsite.

The existing track is often inaccessible due to water-logging and slippery conditions. Under “normal” water levels and especially during storm conditions, the track can be under as much as 1.5 to 2 metres of water.

Results

Under such circumstances there is a substantial likelihood of significant contamination and pollution of Lake Alexandrina and surrounds which will result in unacceptable impacts on matters protected by part 3 of the Act; that is

- the ecological character of a declared Ramsar wetland (Lake Alexandrina) (s16 & s17B EPBC Act)
- listed threatened species and ecological communities (s18 & s18A EPBC Act)
- listed migratory species area (s20 & s20A EPBC Act)

As this is contrary to our international obligations under both the Ramsar Convention, the JAMBA, CAMBA and ROKAMBA treaties; and the objectives of the federal legislation such as the *Water Act*, *Murray Darling Basin Act* and intergovernmental agreements such as the National Water Initiative, the MDBA Agreement and the Living Murray Icon Management Plan. The matter also contravenes various State government legislation and policy as well as the Local Council's Development plan. This includes the *Development Act*, *River Murray Act (SA) 2003*, *Natural Resource Management Act (SA) 2004* and *Environment Protection Act (SA) 1993*

In these matters CCSA concurs with the assessment provided by the Environmental Defenders office (EDO SA inc) which we believe you are in receipt of.

We would be happy to discuss any aspect of this submission with you should you require further information or clarification please contact Jamnes Danenberg on campaigns@ccsa.asn.au or ph 82235155