

**GUIDELINES FOR THE CONTENT OF A DRAFT
ENVIRONMENTAL IMPACT STATEMENT
ON THE**

**Proposed Temporary Weir at Pomanda Island near
Wellington, South Australia**

Environment Protection and Biodiversity Conservation Act 1999
(Reference: Number 2007/3484)

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GUIDELINES FOR A DRAFT ENVIRONMENTAL IMPACT STATEMENT ON THE PROPOSED TEMPORARY WEIR AT POMANDA ISLAND NEAR WELLINGTON, SOUTH AUSTRALIA

PREAMBLE

The South Australian Department of Environment and Heritage (DEH) proposes to build and remove a temporary weir approximately 2.6 km long on the River Murray at Pomanda Island, downstream of Wellington in South Australia and immediately upstream of Lake Alexandrina. Included in the proposal is the construction of a permanent causeway section of approximately 1700m.

The proposal was referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to the Minister for the Environment and Water Resources on 4 June 2007. The Minister determined on 3 July 2007 that approval is required as the action has the potential to have a significant impact on the following matters of national environmental significance (NES) that are protected under Part 3 of the EPBC Act.

- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)

The Minister determined that the proposed activity be assessed by an Environmental Impact Statement (EIS).

Information about the action and its relevant impacts, as outlined below, is to be provided in the EIS. This information should be sufficient to allow the Minister to make an informed decision on whether or not to approve, under Part 9 of the EPBC Act, the taking of the action for the purposes of each controlling provision.

GENERAL ADVICE ON GUIDELINES

1 GENERAL CONTENT

The EIS should be a stand-alone document that focuses on the NES matters listed above. It should contain sufficient information to avoid the need to search out previous or supplementary reports. The EIS should take into consideration the EPBC Administrative Guidelines on Significance that can be downloaded from the following web site: <http://www.environment.gov.au/epbc/policy/>.

The EIS should enable interested stakeholders and the Minister for the Environment and Water Resources to understand the environmental consequences of the proposed development. Information provided in the EIS should be objective, clear, and succinct and, where appropriate, be supported by maps, plans, diagrams or other descriptive detail. The body of the EIS is to be written in a clear and concise style that is easily understood by the general reader. Technical jargon should be avoided wherever possible. Cross-referencing should be used to avoid unnecessary duplication of text.

Detailed technical information, studies or investigations necessary to support the main text should be included as appendices to the EIS. It is recommended that any additional supporting documentation and studies, reports or literature not normally available to the public from which information has been extracted be made available at appropriate locations during the period of public display of the EIS. The proponent should make the EIS available on the World Wide Web.

If it is necessary to make use of material that is considered to be of a confidential nature, the Proponent should consult with the Department of the Environment and Water Resources on the preferred presentation of that material, before it is submitted to the Minister for approval for publication.

The level of analysis and detail in the EIS should reflect the level of significance of the expected impacts on the environment. Any and all unknown variables or assumptions made in the assessment must be clearly stated and discussed. The extent to which the limitations, if any, of available information may influence the conclusions of the environmental assessment should be discussed.

The Proponent should ensure that the EIS assesses compliance of the action with principles of Ecological Sustainable Development as set out in the EPBC Act, and the objects of the Act at Attachment 1. A copy of Schedule 4 of the EPBC Regulations - *Matters to be addressed by draft Public Environment Report and EIS*, is at Attachment 2.

2 FORMAT AND STYLE

The EIS should comprise three elements, namely:

- the executive summary;
- the main text of the document, and
- appendices containing detailed technical information and other information that can be made publicly available.

The guidelines have been set out in a manner that may be adopted as the format for the EIS. This format need not be followed where the required information can be more effectively presented in an alternative way. However, each of the elements must be addressed to meet the requirements of the EPBC Act and Regulations.

The EIS should be written so that any conclusions reached can be independently assessed. To this end all sources must be appropriately referenced using the Harvard standard. The reference list should include the address of any Internet “web” pages used as data sources.

The main text of the EIS should include a list of abbreviations, a glossary of terms and appendices containing:

- a copy of these guidelines;
- a list of persons and agencies consulted during the EIS;
- contact details for the Proponent; and
- the names of, and work done by the persons involved in preparing the EIS.

Maps, diagrams and other illustrative material should be included in the EIS. The EIS should be produced on A4 size paper capable of being photocopied, with maps and diagrams on A4 or A3 size and in colour where possible.

The Proponent should consider the format and style of the document appropriate for publication on the World Wide Web. The capacity of the website to store data and display the material may have some bearing on how the document is constructed.

SPECIFIC CONTENT

1 GENERAL INFORMATION

This should provide the background and context of the action including:

- (a) the title of the action;
- (b) the full name and postal address of the designated Proponent;
- (c) a clear outline of the objective of the action;
- (d) legislative background for the proposal, including the NES matters protected under Part 3 of the EPBC Act and any other requirements and approvals needed under the EPBC Act;
- (e) the location of the action;
- (f) the background to the development of the action;
- (g) how the action relates to any other actions (of which the Proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action;
- (h) the current status of the action; and
- (i) the consequences of not proceeding with the action.

2 DESCRIPTION OF THE ACTION

All construction, operational and removal components of the action should be described in detail. This should include the precise location of all works to be undertaken, structures to be built or elements of the action that may have impacts on matters of national environmental significance, wetlands of international importance, listed threatened species and listed migratory species, including but not limited to, the Coorong Ramsar wetland, Lake Alexandria, Lake Albert, Finniss River, Currency Creek and the Murray River.

The above information must include details on how the works are to be undertaken (including stages of development and their timing) and design parameters for those aspects of the structures or elements of the action that may have relevant impacts, including:

- (a) full details of the construction and operation of the proposed weir and causeway, including access roads and rock sources;
- (b) removal of the weir; and
- (c) final configuration of the causeway.

3 FEASIBLE ALTERNATIVES

Any feasible alternatives to the action to the extent reasonably practicable, including:

- (a) if relevant, the alternative of taking no action;
- (b) a comparative description of the impacts of each alternative on the NES matter protected by Part 3 of the EPBC Act;
- (c) timeframes to develop alternatives; and
- (d) sufficient detail to make clear why any alternative is preferred to another.

Short, medium and long-term advantages and disadvantages of the options should be discussed. Discussion of alternatives must include at a minimum:

- (e) water demand management, including water restrictions;
- (f) purchasing of water extraction allocations from both within South Australia and other jurisdictions;
- (g) water recycling; and
- (h) desalination;

As the proposal is presented as a temporary emergency weir, timeframes for the development of long-term alternatives must be discussed. Consideration of worst case drought scenarios and lead-in times for long term alternatives must be employed in determining the approval life of the weir.

4 DESCRIPTION OF THE ENVIRONMENT

A description of the environment of the proposal site and the surrounding areas that may be affected by the construction, operation and removal of the weir and associated infrastructure must be provided. The description should focus on the current status of the NES matters protected under Part 3 of the EPBC Act, including:

- (a) Baseline data (i.e. data pertaining to the current status) on listed vulnerable and listed endangered species and their habitat which may be impacted by the proposal; and
- (b) Baseline data on listed migratory species (including habitat) which may occur in waters adjacent to the project site or in other areas that may be potentially impacted by the proposal. Provide baseline data on listed migratory bird species, including regional status, population size, distribution and the habitat that may be impacted by the project.

Consultation with recognised experts for the species concerned should be undertaken by the proponent to determine the scope, timing (survey season/s) and methodology for additional studies or surveys required to provide the information to address the above points.

- (c) The EIS must include a discussion of the implications of the project for the ecological character of the wetlands of international importance and of the management of the site during the construction, operation and removal phases of the project. These discussion should refer to, but not be limited to;
- the ecological character description report on the Ramsar wetlands (<http://www.environment.sa.gov.au/biodiversity/wetlands.html#ramsar>);
 - the Article 3.2 notification to the Ramsar Secretariat on the decline in ecological character of the Coorong and Lakes Alexandrina and Albert Ramsar site. The Australian Government notified the Ramsar Secretariat on the 13 December 2006 of a change of ecological character of this site. There is some information about Article 3.2 notification at the following links
http://www.ramsar.org/key_conv_e.htm
http://www.ramsar.org/res/key_res_viii_08_e.htm; and
 - 2006-07 Environmental Management Plans Icon – Lower Lake, Coorong and Murray Mouth
(http://www.thelivingmurray.mdbc.gov.au/publications#pub_icon).

5 RELEVANT IMPACTS

The EIS must include a description of all the potential relevant impacts of the action on the ecology, hydrology, water quality and geomorphology of the project area, the wetlands of international importance, and the project's zone of influence as it relates to NES matters protected under Part 3 of the EPBC Act, during the construction, operation and removal phases of the project, including but not restricted to:

- (a) the impact of the construction, operation and removal of the weir and causeway on the environment in so far as it may impact on the wetlands of international importance, listed threatened species and listed migratory species described in Section 4 above. The description should include but not be limited to:
- an assessment of the impacts of construction, operation and removal on relevant habitat including:
 - edge effects;
 - loss and fragmentation;
 - available food resources and extent of habitat for freshwater fish and wetland birds
 - erosion;
 - introduction of weeds and disease.

- Acid sulphate soils

- A detailed assessment of the hydrological impacts of the proposal on NES matters including but not limited to the alteration of hydrological systems, and associated water quality processes (eg temperature, salinity, turbidity) with effects on the wetlands of international significance; and
 - an assessment of the potential impacts from the construction and removal of the weir, including issues associated with the exposure of acid sulphate soils and the relevant impacts.
- (b) a detailed assessment of the nature and extent of the likely short-term and long-term relevant impacts;
- (c) a statement as to whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- (d) an analysis of the significance of the relevant impacts; and
- (e) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

6 PROPOSED SAFEGUARDS AND MITIGATION MEASURES

The EIS must provide information on mitigation measures, with the focus on matters protected under Part 3 of the EPBC Act. Specific and detailed measures must be provided and substantiated, based on best available practices and must include the following elements;

- (a) A consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant significant impacts of the action, including:
- a description of proposed safeguards and mitigation measures to deal with relevant significant impacts of the action including mitigation measures proposed to be taken by State Government, local governments or the proponent;
 - assessment of the expected or predicted effectiveness of the mitigation measures;
 - any statutory or policy basis for the mitigation measures; and
 - the estimated cost of the mitigation measures.
- (b) A detailed Environmental Management Plan (EMP) that sets out the framework for continuing management, mitigation and monitoring of relevant impacts of the action, including any provisions for independent environmental auditing.

The EMP needs to address the construction, the operational and the removal phases separately. It must state the environmental objectives, performance criteria, monitoring, reporting, corrective action, responsibility and timing for each environmental issue at each stage of the project.

The EMP should also describe contingencies for events that may impact on NES matters at each stage of the project.

- (c) The name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.

7 OTHER APPROVALS AND CONDITIONS

Information given on any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action must include:

- (a) details of any local or State Government planning scheme, or plan or policy under any local or State Government planning system that deals with the proposed action, including:
- what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy; and
 - how the scheme provides for the prevention, minimisation and management of any relevant impacts;
- (b) a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action;
- (c) a statement identifying any additional approval that is required; and
- (d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

8 CONSULTATION

Any consultation about the action, including:

- (a) a summary of any consultation that has already taken place;
- (b) proposed consultation about relevant impacts of the action;
- (c) if there has been consultation about the proposed action, a summary of the issues identified and any documented response to, or result of, the consultation; and
- (d) identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

9 INFORMATION SOURCES PROVIDED IN THE EIS

For information given in a draft Environmental Impact Statement, the draft must state:

- (a) the source of the information;
- (b) how recent the information is;
- (c) how the reliability of the information was tested; and
- (d) what uncertainties (if any) are in the information.

10 ENVIRONMENTAL RECORD OF PERSON PROPOSING TO TAKE THE ACTION

Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- (a) the person proposing to take the action; and
- (b) for an action for which a person has applied for a permit, the person making the application.

If the person proposing to take the action is a corporation, also include details of the corporation's environmental policy and planning framework.

11 CONCLUSION

An overall conclusion as to the environmental impact of the proposal should be provided, including discussion on compliance with principles of ESD and the objects and requirements of the EPBC Act. Reasons justifying undertaking the proposal in the manner proposed should also be outlined.

Measures proposed or required by way of offset for any unavoidable significant impacts on NES matters, and the relative degree of compensation, should be highlighted.

ATTACHMENT 1

THE OBJECTS AND PRINCIPLES OF THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 SECTIONS 3 AND 3A

3 Objects of the Act

- (a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- (b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- (c) to promote the conservation of biodiversity;
- (d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples;
- (e) to assist in the co-operative implementation of Australia's international environmental responsibilities;
- (f) to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- (g) to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.

3A Principles of Ecologically Sustainable Development

The following principles are principles of ecologically sustainable development.

- (a) Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.
- (b) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- (c) The principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- (d) The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.
- (e) Improved valuation, pricing and incentive mechanisms should be promoted.

ATTACHMENT 2

MATTERS THAT MUST BE ADDRESSED IN A PER AND EIS (SCHEDULE 4 OF THE EPBC ACT REGULATIONS 2000)

1 General information

1.01 The background of the action including:

- (a) the title of the action;
- (b) the full name and postal address of the designated Proponent;
- (c) a clear outline of the objective of the action;
- (d) the location of the action;
- (e) the background to the development of the action;
- (f) how the action relates to any other actions (of which the Proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action;
- (g) the current status of the action; and
- (h) the consequences of not proceeding with the action.

2 Description

2.01 A description of the action, including:

- (a) all the components of the action;
- (b) the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts;
- (c) how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts;
- (d) relevant impacts of the action;
- (e) proposed safeguards and mitigation measures to deal with relevant impacts of the action;
- (f) any other requirements for approval or conditions that apply, or that the Proponent reasonably believes are likely to apply, to the proposed action;
- (g) to the extent reasonably practicable, any feasible alternatives to the action, including:
 - (i) if relevant, the alternative of taking no action;
 - (ii) a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action; and
 - (iii) sufficient detail to make clear why any alternative is preferred to another;

- (h) any consultation about the action, including:
 - (i) any consultation that has already taken place;
 - (ii) proposed consultation about relevant impacts of the action; and
 - (iii) if there has been consultation about the proposed action – any documented response to, or result of, the consultation; and
- (i) identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

3 Relevant impacts

3.01 Information given under paragraph 2.01(d) must include

- (a) a description of the relevant impacts of the action;
- (b) a detailed assessment of the nature and extent of the likely short term and long term relevant impacts;
- (c) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- (d) analysis of the significance of the relevant impacts; and
- (e) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

4 Proposed safeguards and mitigation measures

4.01 Information given under paragraph 2.01(e) must include:

- (a) a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures;
- (b) any statutory or policy basis for the mitigation measures;
- (c) the cost of the mitigation measures;
- (d) an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing;
- (e) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program; and
- (f) a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the Proponent.

5 Other Approvals and Conditions

5.01 Information given under paragraph 2.01(f) must include:

- (a) details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including:
 - (i) what environmental assessment of the proposed action has been, or is being carried out under the scheme, plan or policy; and
 - (ii) how the scheme provides for the prevention, minimisation and management of any relevant impacts;
- (b) a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action;
- (c) a statement identifying any additional approval that is required; and
- (d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

6 Environmental record of person proposing to take the action

6.01 Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- (a) the person proposing to take the action; and
- (b) for an action for which a person has applied for a permit, the person making the application.

6.02 If the person proposing to take the action is a corporation – details of the corporation’s environmental policy and planning framework.

7 Information sources

7.01 For information given the EIS must state:

- (a) the source of the information; and
- (b) how recent the information is; and
- (c) how the reliability of the information was tested; and
- (d) what uncertainties (if any) are in the information.