



DEW Reference Number F0003203614

Your ref: 9302694

81-95 Waymouth
Street
Adelaide SA 5000

GPO Box 1047
Adelaide SA 5001
Australia

Dr Susan Close MP
Member of Parliament
Unit 1, 111 Lipson Street
PORT ADELAIDE SA 5015
Email: ptadelaide@parliament.sa.gov.au

Dear Dr Close

I refer to your application pursuant to the *Freedom of Information Act 1991* (the Act) received by the Department for Environment and Water (DEW) on 3 February 2021, seeking access to:

"Copies of any and all documents (including but not limited to hard copy or electronic: briefing notes, minutes, reports, emails, letters and any other correspondence) either sent to or received (directly or indirectly) by the minister or his office relating to mangroves, St Kilda or salt mining".

Timeline: between 1/01/2020 to 3/02/2021

As confirmed with your office on 5 February 2021 the scope of your request was originally reduced to only include documents that related to the mangrove dieback at St Kilda.

The determination was due to be completed and forwarded to you by the statutory due date of 5 March 2021. On 4 March 2021 our office made contact to advise that we were experiencing delays in processing applications and sought to ascertain a priority ranking, in terms of importance of your outstanding applications.

As the agency did not determine the application within 30 days of receiving it, by the operation of section 19(2)(b) of the FOI Act, the agency is taken to have determined the application by refusing access. Section 19(2a) of the Act permits a determination to be made after the statutory due date has lapsed, this course of action was pursued.

Forming part of processing this determination and pursuant to section 25, 26 and 27 of the Act, third party consultations were completed for all in-scope documentation. During this process it was identified that the Minister for Environment and Water was producing a separate determination on the same matter across his portfolio of associated agencies. Their

determination would see a duplication of released documentation and it was deemed appropriate to seek a third amendment to the scope of this FOI application. On 14 May 2021 your office agreed via phone and email to amend the scope to:

“Copies of any and all documents regarding 3rd party external to government correspondence (including but not limited to hard copy or electronic: briefing notes, minutes, reports, emails, letters and any other correspondence) either sent to or received (directly or indirectly) by the minister or his office relating to mangroves or salt mining in the St Kilda area”.

Timeline: between 1/01/2020 to 3/02/2021

DETERMINATION

Searches of the department’s records have found twelve (12) documents held by this agency within scope of your request.

As a DEW Accredited FOI Officer, I have determined to grant you partial access to eight (8) documents and full access to four (4) documents.

Section 20 of the Act provides that an agency may refuse access to a document if it is an exempt document under the Act. The parts of the documents to which I am refusing access and the reasons for the refusal are summarised in the attached document schedule and explained in more detail below.

Document numbers 1-4, 6-7 and 11-12

Schedule 1, Clause 6 states:

6 – Documents affecting personal affairs

- (1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

The full release of these documents would involve the unreasonable disclosure of information concerning personal affairs (name, contact information and personal signatures of volunteers), thus those parts are exempt pursuant to Clause 6(1) of the FOI Act. It is important to note that in relation to the Friends of Gulf St Vincent correspondence, the email address and physical address aligns to the personal contact details of a member of this organisation. These details were only used as an interim measure until more appropriate arrangements were implemented. As these details aligned to the personal affairs of a member of this organisation it was considered justified that this information should not be disclosed.

On this occasion the department is required to provide the determination electronically.

In accordance with [PC045 – Disclosure logs for Non-personal information](#) once a determination has been provided, the agency is required to make available on our website information and documents that have been disclosed. Information will be publicised online at <http://www.environment.sa.gov.au/about-us/freedom-of-information/foi-disclosure-log>.

FEES AND CHARGES

The department has assessed this application and has determined that there is no charge for processing this application pursuant to section 53(2)(b) of the Act and Regulation 6 of the *Freedom of Information (Fees and Charges) Regulations 2020* which states that access to documents by Members of Parliament (MP) is without charge unless the work generated by the application exceeds the threshold stated in the regulations, currently \$1000.

YOUR APPEAL RIGHTS

If you are dissatisfied with this determination, you are entitled to exercise your rights to internal review and appeal as outlined in the attached documentation, by completing the attached 'FOI Application Form – For Internal Review of a Determination'. If you decide to apply to exercise your rights to review, the completed form must be returned within 30 days to:

Chief Executive (Principal Officer FOI)
Department for Environment and Water
GPO Box 1047
ADELAIDE SA 5001

Should an FOI applicant believe an agency has failed to identify all of the documents within the scope of their FOI application, they can make a complaint to the Ombudsman under the Ombudsman Act 1972. Attachment 4 of this determination outlines this process. You can also visit: www.ombudsman.sa.gov.au

If you have any queries in relation to the above please contact a Freedom of Information Officer on telephone (08) 8463 6625 or email DEW.FOI@sa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Savva', with a stylized, cursive script.

MARTHA SAVVA

Accredited Freedom of Information Officer, Department for Environment and Water

23 / 09 / 2021

Encl: 1. Document Schedule
 2. Release documentation
 3. FOI Fact Sheet – Your Rights to Review and Appeal
 4. Sufficiency of Search – Factsheet – Ombudsman SA

**Freedom of Information application: F0003203614 - Member of Parliament**

"Copies of any and all documents regarding 3rd party external to government correspondence (including but not limited to hard copy or electronic: briefing notes, minutes, reports, emails, letters and any other correspondence) either sent to or received (directly or indirectly) by the minister or his office relating to mangroves or salt mining in the St Kilda area".

Timeline: between 1/01/2020 to 3/02/2021

New No.	Date	Author	Document Description	Determination	Clause	Reason
1	20/11/2020	DEW - V. Tripodi	Ministerial request - 20EW0011318 Re. Member of public correspondence to Hon. David Speirs	Partial Release	6(1)	Documents affecting personal affairs
2	17/11/2020	Member of Public	Correspondence to Hon. David Speirs from Member of Public [20EW0011318]	Partial Release	6(1)	Documents affecting personal affairs
3	20/11/2020	DEW - V. Tripodi	Ministerial request returned to Ministers Office to redirect to Department for Energy and Mining [20EW0011318]	Partial Release	6(1)	Documents affecting personal affairs
4	24/11/2020	OMEW - L. Djukanovic	Confirmation, matter withdrawn. [20EW0011318]	Partial Release	6(1)	Documents affecting personal affairs
5	8/12/2020	DEW - V. Tripodi	Ministerial request - 20EW0011519 Re. Friends of Gulf St Vincent Inc correspondence to Hon. David Speirs	Full Release		
6	3/12/2020	Friends of Gulf St Vincent Inc. - M. Pierson	Email for the attention of Hon. David Speirs from Friends of Gulf St Vincent Inc. [20EW0011519]	Partial Release	6(1)	Documents affecting personal affairs
7	3/12/2020	Friends of Gulf St Vincent Inc. - M. Pierson	Correspondence to Hon. David Speirs from Friends of Gulf St Vincent Inc. [20EW0011519]	Partial Release	6(1)	Documents affecting personal affairs

New No.	Date	Author	Document Description	Determination	Clause	Reason
8	10/02/2021	DEW - S. Agars	Ministerial request - 20EW0011766 Re. Birdlife Australia correspondence	Full Release		
9	21/12/2020	Birdlife Australia	Correspondence to Hon. David Speirs from Birdlife Australia [20EW0011766]	Full Release		
10	10/02/2021	DEW	Draft response to Birdlife Australia's letter to Hon. David Speirs [20EW0011766]	Full Release		
11	21/12/2020	OMEW	Ministerial request 20EW0011719 Attachment 1 of email Attachment 2 of email	Partial Release	6(1)	Documents affecting personal affairs
12	22/12/2020	OMEW - C. McNeill	Confirmation, matter withdrawn. 20EW0011719	Partial Release	6(1)	Documents affecting personal affairs

From: DEW:Correspondence OCE
Sent: Friday, 20 November, 2020 9:18 AM
To: DEW:Correspondence EH&S
Subject: FW: MINISTERIAL REQUEST - 20EW0011318 - DEW – Environment, Heritage and Sustainability

For Official Use Only

Hi,

Please see below link to action this request.

Regards,

Vince

Senior Correspondence Officer, Office of the Chief Executive

Department for Environment and Water

P (08) 8204 9320

Level 10, 81-95 Waymouth Street

ADELAIDE SA 5000

environment.sa.gov.au



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Government of South Australia

Department for Environment
and Water

Helping South Australians conserve, sustain and prosper

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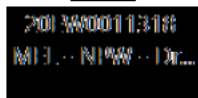
From: DEW:Minister Speirs Correspondence
Sent: Thursday, 19 November 2020 5:06 PM
To: DEW:Correspondence OCE <DEWCorrespondenceOCE@sa.gov.au>
Subject: MINISTERIAL REQUEST - 20EW0011318 - DEW – Environment, Heritage and Sustainability [DLM=For-Official-Use-Only]

For Official Use Only

DAVID SPEIRS MP - MINISTER FOR ENVIRONMENT AND WATER MINISTERIAL CORRESPONDENCE / INVITATION REQUEST	
OCE IShare Link:	20EW0011318
Author:	6 - [REDACTED]
Subject:	Regarding Dry Creek Salt Field
Action Required:	For draft response only (no briefing required unless DEW deem necessary.)
Specific Requests/Notes:	

Due Date – OCE:	3/12/2020
Due Date – Minister's Office:	4/12/2020
Lead MLO / Contact	Melissa Martin

EXTENSION REQUESTS MUST BE SENT PRIOR TO THE DUE DATE BY EMAILING YOUR MLO CONTACT



Leonie Djukanovic

Senior Correspondence Officer

Office of the Minister for Environment and Water

P (08) 8463 5694

Level 10, 81-95 Waymouth Street, Adelaide SA 5000

GPO Box 1047, Adelaide SA 5001

environment.sa.gov.au

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From: 6 - [REDACTED]@internode.on.net
Sent: Tuesday, 17 November, 2020 9:08 AM
To: DEW:Minister Speirs
Subject: 20EW0011318 MEL - NPW - Dry Creek Salt Field

Hi 6 - [REDACTED]
Docu

It's great to see the works and projects progressing well under your leadership. The recent prosecution of the Le Cornu issue is an excellent outcome and hopefully being publicized will provide a warning to others.

I wanted to ask what the status is regarding the investigation of the miners at the Dry Creek Salt Field in regarding flooding more salt ponds - PA10, 11 & 12 north of Dry Creek and the final areas south of the creek.

I believe they have already killed 10 hectares of mangroves and 35 hectares of samphire's and were too impatient to wait while SA government agencies decided whether to prosecute under the Native Vegetation Act or the Environmental Protection Act for the discharge of hyper saline brines.

I have seen reported that they couldn't be bothered implementing remediation and preventative actions and that no interception drains were built to protect the mangroves and saltmarshes of the Barker Inlet, and no extra actions taken to protect the estuary of the Little Para (the major path to the sea for diadromous galaxias and Congolli of the hills). The miners are pumping their brine across Dry Creek in a pipe buried in a huge bund of rock that partially blocks the creek and is likely to prove a flood hazard to the residents of Globe Derby.

In the current state of climate change I thought the protection of this sort of area was a prime goal.

Regards

6 - Documents
affecting personal
affairs

From: DEW:Correspondence OCE
Sent: Friday, 20 November, 2020 1:44 PM
To: DEW:Minister Speirs Correspondence
Cc: DEW:Correspondence NP&WS; DEW:Correspondence EH&S
Subject: RE: MINISTERIAL REQUEST - 20EW0011318 - DEW – Environment, Heritage and Sustainability

For Official Use Only

Hi,

I am advised this is a DEM issue.


Can we please get this item redirected accordingly.

Thanks,

Vince.

From: DEW:Minister Speirs Correspondence
Sent: Thursday, 19 November 2020 5:06 PM
To: DEW:Correspondence OCE <DEWCorrespondenceOCE@sa.gov.au>
Subject: MINISTERIAL REQUEST - 20EW0011318 - DEW – Environment, Heritage and Sustainability [DLM=For-Official-Use-Only]

For Official Use Only

DAVID SPEIRS MP - MINISTER FOR ENVIRONMENT AND WATER MINISTERIAL CORRESPONDENCE / INVITATION REQUEST	
OCE IShare Link:	20EW0011318
Author:	6 - 
Subject:	Regarding Dry Creek Salt Field
Action Required:	For draft response only (no briefing required unless DEW deem necessary.)
Specific Requests/Notes:	
Due Date – Minister's Office:	4/12/2020
Lead MLO / Contact	Melissa Martin

EXTENSION REQUESTS MUST BE SENT PRIOR TO THE DUE DATE BY EMAILING YOUR MLO CONTACT

<< OLE Object: Picture (Device Independent Bitmap) >>

Leonie Djukanovic

Senior Correspondence Officer

Office of the Minister for Environment and Water

P (08) 8463 5694

Level 10, 81-95 Waymouth Street, Adelaide SA 5000

GPO Box 1047, Adelaide SA 5001

environment.sa.gov.au

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From: DEW:Minister Speirs Correspondence
Sent: Tuesday, 24 November, 2020 5:01 PM
To: DEW:Correspondence OCE
Cc: DEW:Correspondence EH&S
Subject: WITHDRAWN: MINISTERIAL REQUEST - 20EW0011318 - DEW – Environment, Heritage and Sustainability

For Official Use Only

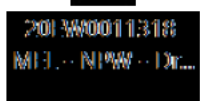
This request is formally withdrawn – no further action required at this time. Matter will be referred to DEM.
 Regards
 Leonie

From: DEW:Minister Speirs Correspondence
Sent: Thursday, 19 November 2020 5:06 PM
To: DEW:Correspondence OCE <DEWCorrespondenceOCE@sa.gov.au>
Subject: MINISTERIAL REQUEST - 20EW0011318 - DEW – Environment, Heritage and Sustainability [DLM=For-Official-Use-Only]

For Official Use Only

DAVID SPEIRS MP - MINISTER FOR ENVIRONMENT AND WATER MINISTERIAL CORRESPONDENCE / INVITATION REQUEST	
OCE IShare Link:	
Author:	6 - [REDACTED]
Subject:	Documents Regarding Dry Creek Salt Field
Action Required:	For draft response only (no briefing required unless DEW deem necessary.)
Specific Requests/Notes:	
Due Date – Minister's Office:	4/12/2020
Lead MLO / Contact	Melissa Martin

EXTENSION REQUESTS MUST BE SENT PRIOR TO THE DUE DATE BY EMAILING YOUR MLO CONTACT



Leonie Djukanovic

Senior Correspondence Officer

Office of the Minister for Environment and Water

P (08) 8463 5694
Level 10, 81-95 Waymouth Street, Adelaide SA 5000
GPO Box 1047, Adelaide SA 5001

environment.sa.gov.au

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From: DEW:Correspondence OCE
Sent: Tuesday, 8 December, 2020 3:44 PM
To: DEW:Correspondence NP&WS
Subject: FW: MINISTERIAL REQUEST - 20EW0011519 - DEW – National Parks and Wildlife

For Official Use Only

Hi,

Please see below link to action this request.

Regards,

Vince

Senior Correspondence Officer, Office of the Chief Executive

Department for Environment and Water

P (08) 8204 9320

Level 10, 81-95 Waymouth Street

ADELAIDE SA 5000

environment.sa.gov.au



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Helping South Australians conserve, sustain and prosper

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From: DEW:Minister Speirs Correspondence
Sent: Tuesday, 8 December 2020 3:29 PM
To: DEW:Correspondence OCE <DEWCorrespondenceOCE@sa.gov.au>
Subject: MINISTERIAL REQUEST - 20EW0011519 - DEW – National Parks and Wildlife [DLM=For-Official-Use-Only]

For Official Use Only

DAVID SPEIRS MP - MINISTER FOR ENVIRONMENT AND WATER MINISTERIAL CORRESPONDENCE / INVITATION REQUEST	
OCE IShare Link:	20EW0011519
Author:	Mark Pierson, Secretary, Friends of Gulf St Vincent
Subject:	Buckland Dry Creek Pty Ltd environmental damage
Action Required:	For information only – no response required.
Specific Requests/Notes:	
Due Date – Minister's Office:	n/a

Lead MLO / Contact	Melissa Martin
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EXTENSION REQUESTS MUST BE SENT PRIOR TO THE DUE DATE BY EMAILING YOUR MLO CONTACT



2013/00011519
M13...NON-FOUR...

Leonie Djukanovic

Senior Correspondence Officer

Office of the Minister for Environment and Water

P (08) 8463 5694

Level 10, 81-95 Waymouth Street, Adelaide SA 5000

GPO Box 1047, Adelaide SA 5001

environment.sa.gov.au

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From: 6 - [REDACTED]@bigpond.com 6 - Documents [REDACTED]@bigpond.com>
Sent: Thursday, 3 December, 2020 6:54 PM
To: DEM:Minister Dan van Holst Pellekaan
Cc: DEW:Minister Speirs
Subject: 20EW0011519 MEL - NON-PORTFOLIO - CC'D - Friends of Gulf St Vincent Letter to Minister van Holst Pellekaan regarding Buckland Dry Creek P/L discharge from Dry Creek Salt Fields
Attachments: FoGSV Letter to Minister for Energy & Mines - St Kilda Mangroves (03.12.2020).pdf

Good afternoon

Please forward the attached correspondence to the Minister for his consideration as soon as possible.

Thank you for your assistance in this matter.

Mark Pierson

Secretary FoGSV Inc.



The Honourable Dan van Holst Pellekaan
Minister for Energy and Mining
dem.ministervhp@sa.gov.au

Minister

I respectfully draw your attention to the situation at St Kilda, where mangrove and saltmarsh habitat is being destroyed by mismanagement of a mining tenement associated with the Dry Creek salt fields, as reported on ABC news and ABC radio.

The Friends of Gulf St Vincent are appalled at the mismanagement by Buckland Dry Creek P/L (Adelaide Resource Recovery P/L), which so far, has resulted in the death of approximately 10 hectares of mangrove forest and 35 hectares of saltmarsh. Apart from their ecological significance to the health of Gulf St Vincent, the deaths have impacted on the EPBC Act listed communities of the Adelaide International Bird Sanctuary (*Winaityinaityi Pangkara*) National Park and the Adelaide Dolphin Sanctuary. The mangrove-samphire association is the beating heart of the Gulf St Vincent and critical habitat for several fish species.

1. Limit the extent of damage

It is not altogether clear how such a disastrous environmental consequence could come about. The science is fairly well understood but who was responsible? Was it reasonably foreseeable? If not, why not? Was the proponent licensed to undertake the activity that resulted in significant environmental harm? Has the activity stopped for good? Does the Mining Act give the company the right to act with impunity? The people of South Australia deserve better. Would the proposed changes to the Mining Regulations have helped to avoid this issue or is it just 'business-as-usual', with the fox in charge of the hen house? We feel that the response by government agencies has been slow and that the extent of environmental damage could have been restricted if the government had kept a closer eye on the operators and had more experts involved, with more powers to investigate and intervene.

2. Prevent damage from happening again

Why do mining leases and licences have exemptions under the *Development Act 1993*? These matters deserve some level of interagency scrutiny and public debate. What would be the mechanism for such debate to occur? How does the government bring all of the relevant expertise into the room before a decision is made and before damage is done? Why should mine related activities have an exemption from the Statutory Duty under the *Landscape South Australia Act 2019*? Surely this is a water affecting activity! Where is the Environment Protection Agency in all of this? We understand that works with a total processing capacity exceeding 5 000 tonnes per year (note: we should be using the metric system in Australia) involving operations for salt production, and discharges to the marine environment, are a prescribed activity under the *Environment Protection Act 1993*, and are therefore subject to the provisions of that Act (i.e. no mining exemption).

Could it have been reasonably foreseeable that Buckland Dry Creek P/L did not have the expertise or management structures with which to manage such a complex operation? It could have been reasonably foreseeable that one of the consequences of failure would be serious environmental harm. Adaptive management is only appropriate where the risks are minimal. A precautionary approach is warranted although a lack of scientific certainty should not be used to postpone measures that would reduce environmental harm. Interagency processes need to be improved, with more collaborating scientific experts investigating the issues, including some system of mandatory referrals.



info@friendsofgulfstvincent.org.au

The public has a right to know and to be involved in decision making processes with this scale of consequence. If it is a matter of State significance then sure, make the Minister responsible and if it goes pear-shaped then he or she should be held accountable. If it really is a matter of State significance, and the Minister for Energy and Mines is not in a position to control all of the variables, then a system of referrals, or a indenture agreement, like the one for Roxby Downs, might give the Minister some comfort. That will tend to sharpen the focus on what is reasonably foreseeable.

At the moment it is as if all mining and mine related activity is a matter of State significance. While we understand that there may be historical reasons why that is the case but the principles of ecologically sustainable development, which have been enshrined in other legislation, are missing from the Mining Act. We understand that there is a general duty to avoid undue environmental damage but how does that manifest in a sensitive environment such as this. Did Buckland Dry Creek P/L follow the Environment Protection and Rehabilitation Plan? If not, then they should be required to make good on the damage, as per the Department of State Development's Mining Act Compliance and Enforcement policies and procedures.

3. Remediation, Reparation & Repatriation

We invite you to use your powers under the Mining Act to extract a digit or two from the Extractive Areas Rehabilitation Fund (EARF) to assist the company to make good by incorporating the entire lease area west of the Northern Expressway into the Adelaide International Bird Sanctuary and turn at least part of the salt pan back into a mangrove/samphire association that will provide that system with a buffer to industrial activities and a retreat from sea level rise. Some of that money could be made available to The Nature Conservancy, which is planning similar mangrove restoration works around Gulf St Vincent. This is what managed retreat looks like.

How much is a hectare of Mangrove worth to the health of the Gulf St Vincent? How much is a hectare of samphire shrubland worth to the blue green economy? Compare that with how much for a kilo of salt. We accept that most of the EARF money would probably go to the company to assist with earthworks associated with decommissioning at least part of the ponds however some of those monies could also be set aside for University research aimed at stimulating the blue-green economy. The Environment Institute at the University of Adelaide is in the process of bidding for funding for a Thriving Coasts Collaborative Research Centre. This scale of project, with government backing, could be just the thing to swing the bid our way and bring additional funds and scientific expertise back to South Australia.

Thank you for giving this matter its due consideration.

6 - Documents affecting personal affairs

Mark Pierson
Secretary
Friends of Gulf St Vincent Inc.

Cc: Minister for Environment and Water (minister.speirs@sa.gov.au)

From: Agars, Sue (DEW)
Sent: Wednesday, 10 February, 2021 2:53 PM
To: DEW:Correspondence OCE
Subject: FW: Priority 3 - for approval - ministerial - 20EW0011766 Response to BirdLife Aus re Mangroves that Pia ...
Attachments: 20EW0011766 - Draft response v1_LL.docx; 21122020BirdLife_submission_Dry creek.pdf

CE approval as follows.

Regards,

Sue Agars

a/Executive Assistant
 Office of the Chief Executive
 Department for Environment and Water
 P (08) 8204 9323
 81-95 Waymouth Street, Adelaide
 Postal: GPO Box 1047, Adelaide 5001
environment.sa.gov.au



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From: Schutz, John (DEW) <John.Schutz@sa.gov.au>
Sent: Wednesday, 10 February 2021 2:50 PM
To: Agars, Sue (DEW) <Sue.Agars2@sa.gov.au>
Subject: FW: Priority 3 - for approval - ministerial - 20EW0011766 Response to BirdLife Aus re Mangroves that Pia ...
 [DLM=For-Official-Use-Only]

Approved for electronic signature

John

John Schutz

Chief Executive
 Department for Environment and Water
 P (08) 8204 9322
 81-95 Waymouth St Adelaide SA 5000
 GPO Box 1047



SOUTH
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Government of South Australia
 Department for Environment
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From: DEW:Correspondence OCE <DEWCorrespondenceOCE@sa.gov.au>
Sent: Tuesday, 9 February, 2021 3:13 PM
To: Schutz, John (DEW) <John.Schutz@sa.gov.au>
Cc: Agars, Sue (DEW) <Sue.Agars2@sa.gov.au>
Subject: Priority 3 - for approval - ministerial - 20EW0011766 Response to BirdLife Aus re Mangroves that Pia George has drafted [DLM=For-Official-Use-Only]

For Official Use Only

John – please refer below and attached for your approval. Track changes have been included.

From: Lewis, Sarah (DEW) <Sarah.Lewis@sa.gov.au>
Sent: Tuesday, 9 February 2021 9:46 AM
To: DEW:Correspondence OCE <DEWCorrespondenceOCE@sa.gov.au>
Cc: DEW:Correspondence NP&WS <DEW.CorrespondenceNPWS@sa.gov.au>; Sawtell, Carolyn (DEW) <Carolyn.Sawtell@sa.gov.au>; DEW:Correspondence SSCS <DEW.CorrespondenceSSCS@sa.gov.au>
Subject: FW: Approved: 20EW0011766 Response to BirdLife re Mangroves [DLM=For-Official-Use-Only]

Hello OCE

Pia contacted us yesterday via email re St Kilda Mangroves corro that the Min's office have drafted a response letter for. Original letter to Minister also attached. Lisien has reviewed Sandy has reviewed and approved as the ED lead on the issue.

For OCE review and approval please. I'm happy to send back or OCE can send through.

Cheers Sarah

From: George, Pia (DEW)
Sent: Monday, 8 February 2021 1:45 PM
To: Lewis, Sarah (DEW) <Sarah.Lewis@sa.gov.au>; Sawtell, Carolyn (DEW) <Carolyn.Sawtell@sa.gov.au>
Subject: 20EW0011766 [DLM=For-Official-Use-Only]

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Hello Sarah and Carolyn,

We have received correspondence from Birdlife Australia regarding the St Kilda Mangroves and have drafted the attached letter of response.

Could you please review the attached, and confirm whether NPWS (Lisien and Mike) are comfortable with this being sent?

I look forward to hearing from you at your earliest convenience.

Kind regards,

Pia George
Ministerial Adviser

Office of the Minister for Environment and Water

Ph: 8124 4855

Level 10, 81-95 Waymouth Street, Adelaide SA 5000
GPO Box 1047, Adelaide SA 5001

environment.sa.gov.au

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Classified by Sandy.Carruthers@sa.gov.au



21 December 2020

Hon. David Speirs
Minister for Environment and Water
7 Sturt Road, Brighton SA 5048

Dear Mr Speirs,

I am writing to add BirdLife's name to the growing list of stakeholders concerned by the mismanagement of the decommissioned Dry Creek Saltfields and the existing and potential impacts this mismanagement is having on well documented and internationally recognised matters of national environmental significance.

The events currently unfolding as a consequence of contaminated brine leaching through derelict levees has already resulted in unacceptable impacts to large areas of mangrove and saltmarsh. It is BirdLife's opinion that this latest incident is an unfortunate and publicly visible example of the ongoing low standard of site management and the lack of desire, motivation and accountability placed on the lease holder to progress towards a final agreed use for the site. As a key stakeholder in the management of the region's significant biodiversity values BirdLife would like to identify this moment as an **opportunity for positive action** in alignment with goals identified in the recently released ***Adelaide International Bird Sanctuary - Winaityinaityi Pangkara Management Plan Management Plan***.

BirdLife Australia and affiliates have been involved with the Dry Creek Saltfields for decades and the site is recognised nationally as one of the States most significant areas for migratory shorebirds and a drawcard for international bird observers.

Since 2008, funding provided by the former Adelaide Mount Lofty Ranges NRM Board, (now Green Adelaide) has allowed BirdLife Australia to study the shorebird population of Gulf St. Vincent. The project identified that the **saltfields are the single most significant shorebird site in the Gulf, regularly supporting 48% of the total population**, including internationally significant populations of Red-necked Stint and Sharp-tailed Sandpiper. As well as hosting critically endangered shorebirds such as the Far Eastern Curlew, a favourite amongst bird watchers to view. Recent research through the Commonwealth's National Environmental Science Program utilised data from the saltfields, alongside other sites including Melbourne Water's Western Treatment Plant, to identify the international significant role artificial habitat play in migratory shorebird conservation and regional habitat resilience.

The decommissioning of the Saltfields and uncertainty of its future was one of the major catalysts for the establishment of the Adelaide International Bird Sanctuary (AIBS). BirdLife Australia was engaged as one of the main stakeholders in the establishment of AIBS and - recognising the increasing reliance the shorebird population may require of the site given future scenarios of sea-level rise and urban

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expansion - strongly advocated for crown lease to be managed for its obvious conservation value.

The 'holding pattern' that was imposed upon decommission and on the current owner/operators by the Federal Government in 2014 to minimise risk to threatened shorebird species and EPBC listed coastal temperate saltmarsh was never intended to carry on indefinitely. Yet due to mismanagement it has been allowed to do so and the value of shorebird habitat and coastal saltmarsh has been degraded. Several areas have deteriorated significantly and no longer sustain the previous diversity of invertebrate communities which migratory shorebirds rely on.

We understand that the oversight and compliance matters for the saltfields fall under the Department for Energy and Mining, however as a custodian of the wildlife it supports we urge you to embrace this opportunity to maximise the habitat values of the saltfields. Outcomes of sympathetic management extend beyond bird values and include an emerging recognition of **blue carbon credits and benefits for local social and economic enterprises** (such as international eco-tourism and academic science/engineering hubs like Deakin University's Centre for Integrative Ecology).

Through our work in the area, BirdLife has consulted extensively with local and external experts into future options for the saltfields that will optimise value for shorebirds while minimising environmental risk, and the economic burden to the State. The option to reinstate tidal flows to the seaward ponds has already been trialled by your Department and in several similar sites, proving a feasible and beneficial solution – albeit a compromise to the value previously provided by a fully operational saltfield.

We encourage your leadership in intervening on the current issue and would greatly appreciate the opportunity to reopen the discussion around future planning for the site. If you would like further information, please don't hesitate to contact me at Samantha.vine@birdLife.org.au or 03 93470757.

Yours sincerely,

Samantha Vine
A/CEO



**Government
of South Australia**

**Office of the Minister for
Environment and Water**

81-95 Waymouth Street
Adelaide SA 5000

GPO Box 1047
Adelaide SA 5001

Tel 08 8463 5680
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20EW0011766

Ms Samantha Vine
A/CEO
BirdLife Australia
Suite 2-05, 60 Leicester Street
Carlton VIC 3053
Email: Samantha.vine@birdLife.org.au

Dear Ms Vine

Thank you for your letter dated 21 December 2020 regarding BirdLife Australia's concerns regarding the management of the Dry Creek Saltfields.

I appreciate that you have taken the time to write to me regarding this important issue, in particular, to advocate on behalf of the shorebird population that rely on the coastal saltmarsh for habitat. The Adelaide International Bird Sanctuary National Park – Winaityinaityi Pangkara is one of Adelaide's longest continuous sanctuary areas, providing home to more than 260 unique species of flora and fauna, including species that are protected under the *Environment Protection and Biodiversity Conservation Act 1999*. ~~The management of the commercial salt producing operation at Dry Creek has always provided a challenge for the protection of this area, with known risks to the important roosting and feeding areas for the migratory shore birds that rely on the conservation values of the area.~~

As you would appreciate, there a number of complex scientific ecological processes at the site, which have implications for a much larger network of mangroves. This is concerning and as Minister for the Environment and Water, I am committed to working with the other relevant stakeholders, including government agencies, non-government organisations and independent experts to work towards a solution, which in the short-term, prioritises the stabilisation and restoration of the site. By working with the experts, we are also considering the conservation of this area into the future, which could have substantial benefits as a carbon sequestration zone.

While the Department for Energy and Mining are the lead regulator involved with this matter, I have tasked the agencies for which I am responsible – namely the Department for Environment and Water and the Environment Protection Authority – with leading the environmental response, as they have the relevant expertise.

For further information regarding this matter, please contact Ms Lisien Loan, Director of Conservation and Wildlife within the Department for Environment and Water on lisien.loan@sa.gov.au or 0439 685 035.

Thank you for writing to me and I trust that this information is of assistance to you.

Yours sincerely

DAVID SPEIRS MP

Minister for Environment and Water

Date:

From: DEW:Minister Speirs Correspondence
Sent: Monday, 21 December, 2020 3:25 PM
To: DEW:Correspondence OCE
Subject: MINISTERIAL REQUEST - 20EW0011719 - DEW – Environment, Heritage and Sustainability [DLM=For-Official-Use-Only]

For Official Use Only

DAVID SPEIRS MP - MINISTER FOR ENVIRONMENT AND WATER MINISTERIAL CORRESPONDENCE / INVITATION REQUEST	
OCE IShare Link:	
Author:	6 - Documents
Subject:	affecting Damage to St Kilda Mangroves by high levels of brine
Action Required:	For briefing and draft response, please
Specific Requests/Notes:	
Due Date – Minister's Office:	6 January 2021
Lead MLO / Contact	Natalie Duenn

EXTENSION REQUESTS MUST BE SENT PRIOR TO THE DUE DATE BY EMAILING YOUR MLO CONTACT



20EW0011719 - 20EW0011719 CMA
 DE IN FWA StKilda... Premier's Coun...

Kristina Perris

Correspondence Officer

Office of the Minister for Environment and Water

P (08) 8463 5689

Level 10, 81-95 Waymouth Street, Adelaide SA 5000

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From: Black EO
Sent: Monday, 21 December, 2020 9:03 AM
To: DEW:Minister Speirs
Subject: 20EW0011719 EHS FW: St.Kilda Mangroves

Hi Leonie

Please see below from 6 - Documents 6 - Documents @gmail.com. 6 - is not a constituent.

Thanks

Jana

From: 6 - Documents affecting personal @gmail.com>
Sent: Sunday, 20 December 2020 11:43 AM
To: Black EO <Black@parliament.sa.gov.au>
Subject: St.Kilda Mangroves

Dear Minister,

Please take the time to look at the damage done to the St.Kilda Mangroves by high levels of brine. This is a South Australian tragedy!

<https://youtu.be/031nJHJwJRg>

Please look into this as a matter of urgency and ensure we can prevent further damage to this area and to any part of our lovely state!

Thank you,

6 - Documents
ff ti

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From: [DPC:PCU](#)
To: [DEW:Minister Speirs](#)
Subject: 20EW0011719 CM Premier's Correspondence For Information - PREM - B903982 - 6 - - Concerns Regarding Damage to St Kilda Mangroves - Please Prevent Further Damage
Date: Monday, 21 December, 2020 12:59:59 PM

Correspondence for Action / Information

ACTION DUE DATE

03-01-2021

Premier's Office Reference: 'PREM - B903982'

AUTHOR: 6 - Documents

SUBJECT: ff ti 6 - Documents - Concerns Regarding Damage to St Kilda Mangroves - Please Prevent Further Damage

ACTION REQUIRED: For appropriate action.

Please follow the link below to a secure workspace where you can access the correspondence, please upload a new version of the Action Summary once complete.

[Connect Workspace](#)

Please find comments from the Premier's Office below.

'Dear DEW colleagues - please note author's concerns about St Kilda mangroves. We will leave it to you if a response is required or not. Thanks!'

This email is intended for Environment and Water, Minister for (David Speirs) .

Information contained in this email message may be confidential and may also be the subject of legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised.

Ministerial Workflow created by [DPC Objective Support](#)

From: McNeill, Carly (DEW)
Sent: Tuesday, 22 December, 2020 12:41 PM
To: DEW:Correspondence OCE
Cc: DEW:Minister Speirs Correspondence
Subject: RE: Extension request: 20EW0011719 [DLM=For-Official-Use-Only]

Hi Vince,

I'm actually going to pull this one. Please withdraw. Corro please forward to Kate for appropriate action.

CM

From: DEW:Correspondence OCE <DEWCorrespondenceOCE@sa.gov.au>
Sent: Tuesday, 22 December, 2020 10:34 AM
To: McNeill, Carly (DEW) <Carly.McNeill@sa.gov.au>
Cc: DEW:Minister Speirs Correspondence <DEWMinisterSpeirsCorrespondence@sa.gov.au>
Subject: Extension request: 20EW0011719 [DLM=For-Official-Use-Only]

For Official Use Only

Hi Carly,

Extension request below for your consideration.

Regards,

Vince

Senior Correspondence Officer, Office of the Chief Executive

Department for Environment and Water
P (08) 8204 9320
Level 10, 81-95 Waymouth Street
ADELAIDE SA 5000
environment.sa.gov.au

<< OLE Object: Picture (Device Independent Bitmap) >>

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OMEW Reference No.	20EW0011719
Agency Ref No. (Optional)	
Author	6 - Documents ff ti
Type (PREM MP Other)	Other
Subject	St Kilda Mangroves
Current due date to OMEW	06/01/2021
Proposed due date to OMEW	15/01/2021

Reason for extension	Collaborative approach between NPWS and EHS makes this timeframe unrealistic due to the number of staff away on Xmas leave. Proposed date will allow for more considered response.
OMEW Use Only	