
SUGARLOAF PIPELINE PROJECT

PROJECT IMPACT ASSESSMENT (PIA) REPORT

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I am a local writer/historian and conservationist and over the years have been involved with the following groups:

Member of the Hattah/Kulkyne National Park Advisory Group; Secretary, Sunraysia Field Naturalists' Club; President Fellowship of Australian Writers' Sunraysia Branch; Secretary Red Cliffs and District Historical Society; Junior Vice-President, Mildura Historical Society; Secretary, Red Cliffs Players; Publicity Officer, Red Cliffs Folk Festival; Committee Member Mildura Wentworth Arts Festival; Committee Member Mildura Wentworth Writers' Festival;
Current: Publicity Officer, Red Cliffs Historical Steam Railway and Cardross Progress Association Inc.

1. Major Concern

My major concern with this project is the impact it will have on listed threatened species and communities. It would appear that the Victorian Government is using

undue haste in an endeavour to get the Sugarloaf Pipeline in place and appease Melbourne water users.

It has bypassed environmental protocol and the Federal Government has been forced to step in and protect the environment when it declared the project a “controlled action” on February 13, 2008.

The Minister has utilized powers to attach conditions to a decision that an EES is not required to impose a condition that an alternative assessment process (the Public Impact Assessment Report) be followed.

I object to the decision making process that the Commonwealth Minister made under the EPBC Act to call for a PIA or EES because the proponent did not provide the Commonwealth Minister with enough information to make an informed assessment. The 87(4) of the EPBC Act requires the Commonwealth Minister may only decide on an assessment if the relevant impacts have been properly assessed, allowing him to make an informed decision.

Also, I was under the impression that when the Federal Government’s Department of Environment, Water, Heritage and the Arts made the pipeline a ‘controlled action’, a stop should have been placed on all construction work.

Imagine my surprise when I read the following in a Media Release by Paul Weller, MLA, Member for Rodney”

‘Landowners were naturally sceptical last night about the legitimacy of the intervention (controlled action) when drilling machinery was moved onto private land at Killingworth on the Goulburn River, where the proposed pumping station is to be located.’

This is indeed shades of Nowingi. If dedicated local environmentalists and others had not challenged the Victorian Government and the drilling rig company that brought the rig in to work on the Hattah-Nowingi Toxic Waste Dump during the breeding season of the vulnerable Mallee Emu-Wren, and successfully won our challenge, it could be a different story today.

I quote the following from my submission with regard to the Hattah-Nowingi Toxic Waste Dump:

“Drilling Agreement

The imminent onset of hydrology drilling on site during the breeding season of the Mallee Emu-wren activated the Alliance and culminated in the historic Drilling Agreement.

On October 8th 2004, Dr. Fiona Murdoch advised the Federal Department of Environment and Heritage that Major Projects Victoria was about to commence exploratory drilling on the site and this was likely to have a significant impact on the nesting season of the Mallee Emu-wren. The action had not been referred to the Federal Minister under the EPBC Act.

Ms Murdoch subsequently provided submissions from Mallee Emu-wren experts including Mr. Jody Gates and Mr. Andrew West (SA Dept Environment and Heritage), Dr. David Paton (University of Adelaide) and Dr. Rohan Clarke (LaTrobe University) to support this:

The only major conservation reserves where the bird occurs are Hattah/Kulkyne National Park, Murray/Sunset National Park and Big Desert Wilderness in Victoria and Billiatt Conservation Park and Ngarkat Conservation Park in South Australia.

Dramatic declines have been recorded in Billiatt (one site record – Gates 2004), and Ngarkat CP's (90% decline – Paton 2004) in south Australia. No Mallee Emu-wrens were recorded in South Australia in 'Birds Australia Atlas Survey' (Clarke (2004). The status of the bird in South Australia is vulnerable, however the current review process has identified the bird as endangered (West 2004).

In Victoria the Mallee Emu-wren is now absent from large areas of Big Desert following fires in 2002 and appears extinct in Bronzewing FFR (Clarke 2004). The Hattah/Kulkyne area supports a particularly high density of birds, whilst birds are encountered less often in Murray/Sunset National Park (Clarke 2004; Garnett 1992; Mustoe 2004).

Due to the poor dispersal ability of the bird and recent serious declines in abundance, all locations at which it

occurs are likely to be critical for foraging and breeding (Clarke 2004, Gates 2004).

Major Projects Victoria was advised by Federal DEH on October 25, 2004 to delay drilling until December. MPV decided to continue regardless.

Minister Batchelor requested an amendment to the Mildura Planning Scheme from Minister Delahunty on October 25, 2004. The amendment was made to allow the exploratory drilling to proceed without the usual permits. Minister Delahunty stated that “the preliminary work will not have a significant environmental effect,” an opinion which was at odds with current scientific opinion.

A union-endorsed, community picket line was established 25-26th October, 2004 with farmers, bird observers, conservationists and Mallee community standing firm to protect this iconic Mallee species. Negotiations finalised on October 26th, 2004 agreed to delay drilling until December 6th, 2004. The Agreement was signed by the Save the Food Bowl Alliance, Mildura Rural City Council, Murray Mallee Trades and Labour Council and Major Projects Victoria.

It was a relieved community that saw the Drilling Agreement finally signed and adhered to. However, the community still felt it had no reason to trust MPV and this has proved to be the case throughout the whole EES process.”

Environmental issues I will address down the track under **Referral** are:

- It would appear that up to 90 hectares of native vegetation would be cleared for the Pipeline project
- Some species recorded are Leadbeater's Possum, the faunal emblem of the state of Victoria, the Great Egret, Powerful Owl and Hooded Robin.
- A total of 54 rare and threatened fauna species and 36 species of rare and threatened flora are further threatened with the removal of native vegetation

The artificial construct that modern society has allowed to be placed over the Natural Environment/Biodiversity is one where 'economic value' is all that matters. All things are considered as a resource these days for someone to make money – either directly or indirectly. To quote a friend: “the phrase ‘natural resource’ and the special allowances/rights assigned to such resources has meant their near exhaustion or modification to such degree as to place anything still remaining at the greatest of risk.”

With regard to the proposed Pipeline, we see a planning construct which purports to provide “balance” between competition desires for the construction of a pipeline to provide water for Melbourne and the preservation or protection of biodiversity. This construct is neither open, fair nor transparent. It is deliberately slanted in favour of development and the concept of “off-set” will always result in destruction of

biodiversity somewhere along the chain. It is false accounting in the natural world to allow off-sets of differing habitat that someone with a vested interest is supposed to have assessed as “equivalent value” and it is encouraging the rulings that “only a little bit” is preferable to “a big bit,” and this is applauded. In reality it results in the reduction of the community asset that biodiversity represents for current and future generations.

The arbitration/appeal system that is relied upon to challenge detected disregarding of our biodiversity is also biased not to any aim of maintaining biodiversity but to the successes of those who are best resourced.

It is left to those members of the community to use their own resources in an attempt to preserve the benefit that biodiversity represents. The very nature of this adversarial system where one has to fight for the right to be heard is a very draining process.

At the very least an Environmental Effects Statement should have been set in place for this project and it was not.

The impact this project will have on the biodiversity of the area, the rare and threatened species, the Goulburn and Murray Rivers and the people living from the pipeline area along the Goulburn to the Murray, and along the Murray to Adelaide means that this project should not proceed.

There are so many other alternatives offering themselves as a future water supply for Melbourne people.

2. Referral – Minister’s Decision

I would like to comment on referrals and the Minister’s Decision to call for a PIA instead of an EES..

5 Nature and extent of likely impacts

5.1d Likely impact on the members of a listed threatened species or ecological community, or their habitat.

Whilst the answers providing the “NOT LIKELY” reply may appear to be plausible, I do not believe that this is the case. The removal of vegetation, whether it be large or small, will impact on any species, and during construction time, no matter how care is written down in the guidelines, large machines are not highly manoeuvrable and will be unable to avoid damaging further areas as well as the pipeline route.

The corridor will pass through areas of potential habitat, and although it is stated the impact will be minor, any impact is just not acceptable.

Australia is losing more species each year than any other country in the world. Projects such as the Pipeline have to be part of the reason this is happening.

No 6 Measures to avoid or reduce impacts.

- Minimising the spread of environmental weeds.

It states that vehicle wash-down points will be established during construction to remove weed seeds from material attached to earth-moving.

This is bordering on the ridiculous. There is a water shortage, unfortunately water is now a premium commodity with huge charges attached to it and yet litres of water will be wasted daily. This is just another flaw in the pipeline project. Weeds cannot be allowed to spread but water cannot be allowed to be wasted.

- Minimising the spread of *Phytophthora cinnamomi*

This has the same answer as the previous point.

- Rehabilitation of disturbed areas

Will it be guaranteed that the exact native vegetation to be removed will be used in any re-vegetation work? Back to the Hattah-Nowingi Toxic Waste Dump again: there was a flaw in its plan too. The original Mallee trees that were to be removed could not be replanted once the dump was full and capped because of the roots and the fact that eventually they would have penetrated into the waste facility and below. This had been completely overlooked.

- Developing plan to offset native vegetation

To quote from my earlier comment: “Allowing off-sets of differing habitat that someone has purported to have assessed as “equivalent value” is false accounting in the natural world.” This is another flaw in the pipeline project that will result in the reduction of the community asset that biodiversity represents for current and future generations.

No 7.1 Proposed action is NOT LIKELY to have significant impacts as follows:

- The corridor for the proposed pipeline is generally along private land ((predominately disturbed or modified agricultural land), public land (including state forest, roads and council land) and excludes roadside reserves where there is vegetation of conservation significance.

I am referring back to the Hattah-Nowingi Toxic Waste Dump.

- In Fact Sheet 1- *Industrial Waste Management: a new generation*, under Flora and Fauna it stated “*Initial flora and fauna surveys indicate that the study area is unlikely to contain critical habitat of rare or endangered flora or fauna. However, further detailed studies will be carried out during the EES.*”

This was a desktop comment, and it was also in the referral under the EPBC Act. Quite erroneous, because during the EES many rare and endangered

species were discovered on the site, and since then, extra studies have revealed even more richer results.

- Preliminary investigations have identified matters of national environmental significance within the corridor and this has allowed the Alliance to determine the best option(s) within the corridor for the proposed pipeline that will result in minimal impact to protected matters.

The fact that “matters of national environmental significance” have been identified and acknowledged is something, but “minimal impact” is just not good enough. No impact is the only acceptable answer.

- Construction methods involving tunnelling could reduce the loss of forest habitat.

This appears to be the best option so it should be used. When is it planned to notify the public and the Federal Government on all these details? Once again, there are so many ‘ifs’ and ‘buts’ but not certainties as to what methods will really be used.

- Boring under waterways as identified by the relevant Catchment Management authorities (CMAs) reducing the impacts on aquatic species and riparian habitat.

This is probably the first not likely impact that I have agreed with.

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- General mitigation measures will be applied during the construction of the proposed pipeline and their implementation will be independently audited by a Certified Environmental Practitioner.

Mitigation measures set up for the proposed Hattah-Nowingi Toxic Waste Dump were just not viable. It has to be “no impact”.

- Specific mitigation measures will be applied to reduce any impacts on the vulnerable Striped Legless Lizard and the endangered Matted Flax-lily.

Mitigation measures to reduce impacts on these vulnerable and endangered species are just not good enough. It has to be “no impact”.

Mitigation is only a meaningless word. To save the endangered Mallee Emu Wren at Hattah-Nowingi, it was stated that a couple would probably be wiped out and a fence would be built around the facility. Those outside the fence would survive the noise, traffic and people impact. This was suggested for the last viable breeding site for Mallee Emu-Wren in Australia. Reality is that mitigation is a word used to make the proponent feel good.

- The Minister has concluded that an Environmental Effects Statement is not warranted since the effects of the project are

unlikely to be significant at a State or regional level.

Considering that the number of species listed over the area is considerable and also that the Goulburn River is a Heritage River listed under the Heritage Rivers Act 1992, this is a most unconsidered, irresponsible statement. Insufficient information has been supplied, so how can the Minister come up with an informed decision.

In the Referral, Document, No 8 Assessment approach under the EPBC Act, Key Reasons were as follows:

- The referral including figures and attachments provides clear and accurate information about the presence of matters of national environmental significance and the likelihood of any significant impact.
- Representatives from the Australian Government's Department of the Environment, Water, Heritage and Arts were given a tour of the corridor for the proposed pipeline on the 17th December 2007 during which matters of national environmental significance were shown to the officials.
- The preliminary investigations, consultation was undertaken with land owners and other stakeholders to ensure that the best available information for the referral was obtained; and

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- During the preparation of the referral, liaison with relevant authorities was undertaken to ensure the preparation of the development of specific mitigating measures were not only appropriate to avoiding significant impacts but have also been successfully applied to the affected matters of national environmental significance previously on other similar projects.

My comments on the last two points:

Consultation was supposedly taken with land-owners and other stakeholders with regard to the Hattah-Nowingi Toxic Waste Dump also.

This is part of my Submission for that project.

- *How can we have any confidence in the EES process when, in secret, Major Projects Victoria was searching around rural Victoria looking at private land that could be purchased for a Toxic Waste Dump?*
- *On November 12th, 2003 regional Victoria was enraged when landholders in three areas awoke to find the Government was threatening to compulsorily acquire their land. On November 14th, the Bracks' Government announced "Following a 12 month investigation of soil types, water resources and buffer zones, experts have identified study areas near Pittong, Baddaginnie and Tiega as the areas that best*

meet criteria for the location for this facility in the State.”

- *For six months these landholders were put through horrendous stress, until on May 19, 2004 the Government announced its closely guarded secret that these three sites had been scrapped and Hattah-Nowingi had been chosen instead.*
- *The new site was situated adjacent to and close to two national parks, Ramsar wetlands and the fragile Raak Plain. When questions were raised as to what other sites had been considered by the Government, the community was refused access to this information.*
- *In Fact Sheet 1- Industrial Waste Management: a new generation, under Flora and Fauna it stated “Initial flora and fauna surveys indicate that the study area is unlikely to contain critical habitat of rare or endangered flora or fauna. However, further detailed studies will be carried out during the EES.”*
- *It also stated this in its referral to the Federal Government under the Environment Protection and Biodiversity Conservation (EPBC) Act, which is totally erroneous as community members had already advised the scientists of species found on site. The Government continued to state this claim for several months until the Flora and fauna of the area proposed*

for the Long Term Containment Facility, Nowingi, Victoria, Existing Conditions Report was released in December 2004.

- *I believe that the secrecy and lack of democratic consultation that has accompanied all efforts of Major Projects Victoria so far in bringing out the EES Reports is deplorable and totally unacceptable.*
- *From the outset, the local community has been treated with disdain and contempt by MPV. It has taken months to answer questions raised at various forums during the EES process and usually the answer has been “that is yet to be finalised,” “we do not know at this point in time,” or “that will be revealed when the EES come out.”*

As time goes by my concerns over the Hattah-Nowingi Toxic Waste Dump site have gathered momentum, and I believe that MPV’s handling of the project is a debacle of mammoth proportions. It has proceeded to run a flawed and disastrously undemocratic process that will stop at nothing to put a toxic waste dump at Hattah-Nowingi. Its secretive and undemocratic choice of the ecological and environmentally sensitive area at Hattah-Nowingi and consequent public relations blunders are monumental. No one believes that the EES Statement is open, honest, transparent and accountable as claimed by the Government because the Department for Sustainability and

Environment, which is responsible for the EES, is run by the proponent.

From observations with regard to the current project, it would appear that nothing has changed, as residents are voicing many of the same complaints.

The last referral point states:

- The Minister has concluded that an Environmental Effects Statement is not warranted since the potential effects on biodiversity and other matters are not likely to be so complex or significant as to warrant detailed scoping or major new studies. The Minister has also concluded that the suite of Project Impact Assessment studies being prepared by the proponent, if completed to a satisfactory standard, can provide a suitable body of technical investigations to inform decision-making to determine the final pipeline alignment.

I again return to my concern about the health of the Natural Environment/Biodiversity and the artificial construct that modern society has allowed to be placed over it. The Minister has done just that when he concluded *“that an Environmental Effects Statement is not warranted since the potential effects on biodiversity and other matters are not likely to be so complex or significant as to warrant detailed scoping or major new studies.”*

Factual decision-making information is required for all decisions. This is certainly true when dealing with Biodiversity matters. No engineering decisions are made without taking exhaustive data collection, modelling and testing. On the other hand, biodiversity decisions are regularly made where the scant information available is mostly from fortuitous observation. There is no systematic or complete information gathering much less any modelling or testing.

Going back to the Hattah-Nowingi Toxic Waste Dump EES where yet another case in point shows that in excess of \$12 million was spent yet biodiversity assessment was not even allocation \$100 thousand. In this case the Panel allowed itself to make decisions without any reliable decision-making data being presented to it. In actual fact the information it had to decide upon was often in conflict. This is neither right nor sustainable.

Victoria has the highest level of land clearance and biodiversity loss of any part of Australia and at the same time makes the lowest investment in this area of all the states - this is a challenge that the Governments, both State and Federal, ignore.

Money again! The Sugarloaf Pipeline Project is a major infrastructure project involving \$750 million of public investment. As such, it should be subject to proper public scrutiny from all possible angles, including environmental. Instead it is being rushed through with unnecessary haste to meet a politically

imposed deadline of supplying water to Melbourne in 2010. There are no votes in rural Victoria that count and it would seem that environmental votes are also unimportant.

It was stated that 135 days had been spent in the field with a bit more to come, whilst most of the investigations done appear to be “desk top.” This is a dangerous method when the environmental issues at stake are to be considered. It is just not a good enough assessment, and with so many ifs and buts in the documents, if approved, those building the pipeline could change routes, designs, ways of constructing the pipeline, and these changes could have a monumental effect and impact on the environment and the species.

3. Routes

I am not intimate with some of the proposed routes, though I have visited the area several times. I can only state that the impact this pipeline will have on some of the magnificent ranges it has to pass over or under, the Toolangi state forest and other areas is mind-blowing. We have a Government that certainly does not care about our outstanding environmental assets and natural features such as the mountain ranges.

I would like to quote from a letter written by my father, the late Les Chandler during World War 1.

***Methodist Soldeiers' Tent Military Camp, Seymour
25/9/15 8pm***

Dear Mother,

My cold seemed to be a long time getting right, & as I reckoned a good blow on the Trawool Hills would fix me up I left camp about 10.45am today, while no-one was looking & headed for that land of promise. I nearly headed into in to one of our sergeants first pop, but managed to dodge his powers of observation by sliding behind a shed. Then as I said before, I headed for the land of promise.

As it's a long way to "Tipperary" & I had eaten a very small breakfast, I bought two sticks of chocolate off a man on a cart, & frightened the life out of him, as he was selling inside the prohibited area. (Hawkers have to keep a certain distance from camp.) Reinforced by nut-milk chocolate I made good headway for several miles, & by the time I had gone about three I began to wish I hadn't started out. It was pretty plain that I wasn't in top-notch condition. I kept going however, & by the time I reached the Trawool Hotel, was feeling much better. I had a good wash & sat down to a "bonzar" dinner. Pea soup, baked mutton, spuds & celery sauce, stewed fruit & custard & cream & two cups of tea. I don't think I'd have eaten more than a slice of bread if I had stayed in camp.

After waiting a few minutes to settle my thoughts, I started off for Falls Creek with full instructions as to the best beauty spots from Maurice Thompson. He told me to turn left after walking a half a mile or so up the creek, & climb a hill on the left, & keep going until I came to a precipice. I turned half left & found about

three distant hills towering to the skies, about 16,000 feet up. (I don't know whether those figures are right, but it's near enough as I didn't have time to count the feet!) I thought I'd try the range on the left first, in case it happened to be the one, & after some stiff climbing I reached the top. Glorious panorama was spread out before me, but about three quarters of a mile to the right and several feet up, I could see the precipice that Maurice mentioned, so I dug my toes in & started. I got into the timber after a while, & it was quite a pleasing sensation to see nothing but trees around one. Suddenly I came out on the plateau on top, & the view that was spread out before me is something that will live in my memory.

I kept going until I came to the end, & there was almost a sheer drop of a thousand feet (genuine figures this time). The valley of the Goulburn looking south east lay before me, & range after range of mountains faded away into the dim distance. High range to the north hid the view in that direction, but to the north east again it was uninterrupted to the horizon. Looking south to the south east was where the wonder of the scene gripped me. The grandeur of it made me feel as Mr. Kendall says in his poem "& feel how small account is man, the creature, in Creation's hour." The old Goulburn winding its way in (start again tomorrow, three or four of the fellows have just come in & started talking and the game's up. I was just going to get poetic).

11.30am Sunday. (Steam up again) Just back from Church parade).

The old Goulburn is a broad streak of yellow water, winding its way in and out between the hills, its banks fringed with lovely red gums, until the water & trees merged into the blue of the distant ranges. There is scarcely a house to offend the sight, the main signs of civilization being the red road & railway lines winding away like huge serpents. Only the miles of rung timber & stumps spoil the virgin beauty of the scene, but the glorious growth of grass & the cattle & sheep grazing added a certain beauty that otherwise would have been missing. The yellow Cape Weed is just starting to flower now, & patches of gold gleamed here & there in a nursery of green. I stopped for some time watching the shadows of the clouds drifting across the landscape, now one hill-top, now another being alternatively bathed in sunshine & shadow. A new glory seems to come over everything as the sun peeps out from behind the clouds, & chasing the purple shadows away, gradually picks out the wealth of colour that awaits its caress. (There goes the cookhouse).

1.15.pm Try a little more. Too full for words now, & folks are staring to turn up in dozens, so I'm going to slide off for a tramp, as I managed to miss duty. Tell you the rest some other time. I want about 20 pages to describe it all.

Your loving son & brother, Les.

All those years ago, a soldier climbed the hills and marvelled at the views. No doubt there has been many changes since 1915 but the ranges remain still relevantly untouched until now. The ugly scar of the

pipeline will mar yet another part of our natural environment, all for the sake of Melbourne residents. Why is the Government not looking at other alternatives that are less intrusive, using vision and planning well into the future instead of scarring part of the natural heritage that belongs to all Victorians? Decisions on the magnitude of the Pipeline Project should be weighed and considered carefully, over a number of years if necessary, instead of the obvious haste which has been brought on by a knee-jerk reaction to appease Melbourne voters “who are sick of water restrictions.”

I will now quote some of the objections held by Environment Victoria on the proposed routes. It recommended to the Planning Minister that Sugarloaf Pipeline Project be subject to a full EES, but this plea was obviously ignored.

- *A potential alternative pipeline route following the Hume Highway rather than the Melba highway has been rejected on the grounds of water quality, cost and potential impact on residents in the Plenty River area. While these impacts are important, a rigorous comparison of the environmental impacts of the two alternative routes has not been carried out.*
- *The proposed Melba Highway pipeline route crosses the Diving Range and passes through areas of high landslip risk. Vegetation clearance and trenching of the type proposed for the pipeline are both key factors in increasing landslip risk and need full examination.*

Erosion management and potential exposure of acid sulphate soils are other risks associated with the project.

- *The proposed pipeline route closely follows the Melba Highway and other roads. Some of the State's most valuable remnant vegetation occurs in roadside reserves and the route will need careful assessment to avoid high value areas.*
- *The route also passes close to the Yea River wetlands, which the local community has spent much time and effort enhancing and protecting, and Yarra River wetlands which are listed in the Directory of Important Wetlands in Australia. These wetlands provide valuable ecosystem services to their catchments and need protection.*
- *The proposed pipeline route involves the clearance of up to 90 hectares of native vegetation, including clearance in two Ecological Vegetation Classes (EVCs) classified as endangered (Swampy Riparian Woodland and Riparian Scrub) where the route passes through the Toolangi State Forest. Clearance of endangered EVC's is totally unacceptable as it cannot be offset. The issue needs proper examination by the EES.*
- *The pipeline route passes through Toolangi State Forest where it abuts the boundary of the Kinglake National Park and where its natural values are indistinguishable from those of the National Park. While the Melba Highway already creates a barrier to movement of wildlife, to double the width of the area of*

disturbance and discontinuity would create a much greater impact.

- *The route passes through the habitat of many species of endangered flora and fauna, including two of Victoria's faunal emblems, Leadbeater's Possum and the Helmeted Honeyeater. A total of 36 rare and threatened flora species and 54 rare and threatened fauna species are known to occur within 5km of the proposed pipeline route. These include 8 bird species protected by international conventions and the pipeline project will need to be referred to the Federal Environment Minister under the Environmental Protection and Biodiversity Act.*

On reading these points, alarm bells are ringing loudly in my head. The Proponent has not used due diligence in refusing to give this project EES status at least. Every point should be vigorously and properly examined in the field over a long period of time. What are we doing to our natural environment just to provide 75GL of water to a thirsty city, which is demanding more and more from its rural cousins.? Surely this calls for the Precautionary Principle to be used in this case.

The Precautionary principle:

“Where 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.”

4. Planning and Environment Act.

The Planning and Environment Act 1987 is relevant to this project, as approval is required to construct and use the pipeline. Issues such as the removal of native vegetation have to be considered. It is likely that the State Minister for Planning will assume authority under the Planning and Environment Act in regard to the issuing of a Planning Permit for removal of native vegetation, as was the case with the Hattah-Nowingi Toxic Waste Dump.

The Local Government body in that case, the Mildura Rural City Council had the area listed as a conservation area. Planning Minister at the time, Mary Delahunty, overruled the Council's Planning Scheme, making way for the Government to clear native vegetation on the site. Neither the Mildura Rural City Council nor its ratepayers were overjoyed with this decision, which rode rough-shod over everything.

When the Panel were deliberating on this issue after presentations were over, its decision was based on local policy considerations, which it had taken into account.

To quote from my Submission to the Hattah-Nowingi Toxic Waste Dump:

“Minister Batchelor requested an amendment to the Mildura Planning Scheme from Minister Delahunty on October 25, 2004. The amendment was made to allow the exploratory drilling to proceed without the usual

permits. Minister Delahunty stated that “the preliminary work will not have a significant environmental effect,’ an opinion which was at odds with current scientific opinion.”

4. Acts

The undue and indecent haste with which this project is being pushed through is further highlighted when one checks some of the acts that are relevant pieces of legislations as far as the Project is concerned, but require only consent or approval to be given before an action can be taken.

It would appear that all approvals and consents have already been obtained for the Land Act 1958, the Forests Act 1958 and the Crown Land (Reserves) Act 1988.

Also the Wildlife Act 1975 and the Fisheries Act 1995, acts which require permits to take or destroy wildlife, fish and other aquatic species have permits in place to allow this to happen.

People are right to fear that this Pipeline is being pushed ruthlessly ahead regardless of the many environmental issues. Once again in the above cases, the Government is showing that it cares little for the environment when it is not waiting for the PIA to be completed and for the Federal Minister’s ruling.

5. Another Major Concern - Water

In recent years water has ceased to be an essential ingredient for urban dwellers and farmers to use at will. We have always lived in a dry continent but the current drought (which is still raging in north-west Victoria) has caused great hardship and concern. Farmers who use irrigation in Sunraysia have attempted to adapt to changed conditions and urban dwellers are gradually accepting the situation that there has to be water restrictions to allow water from rivers to be divided between the environment, farmers and urban dwellers.

What have become abhorrent are the water sales. They should never have been instigated, and frequently water is sold from one district to another when it does not even exist. Water has become a hot commodity, something that should never have happened. It allows individuals or businesses with plenty of money to buy up irrigators' water entitlements, wait for the price to rise and then sell them off at a huge increase.

Water should not be priced so that the poor, the needy and the vulnerable are unable to obtain sufficient water for survival. We could become a third world country very quickly if water continues to be bought up by the rich at the expense of the middle and lower income population.

Water unbundling is also abhorrent. When farmers are forced to sell off their water rights to obtain some money, then they are left with a piece of land (in the case of Sunraysia it could be 15 acres, in the middle of

nowhere) which they will be unable to sell off to obtain funding for their retirement years. Whoever would consider purchasing land without a water entitlement? It will turn into a dusty block of land covered with weeds that no-one wants.

The Water Act 1989 incorporates policies such as “Our Water Our Future; Securing Our Water Future Together (Victorian Government), National Water Initiative (Commonwealth and State Governments and strategies such as the “Northern Region Sustainable Water Strategy and the Central Region Sustainable Water Strategy. Neither of the latter two mention or take into account the effects of the proposed pipeline.

I believe the pipeline proposal is inconsistent with these policies.

In “Our Water Our Future” it states: *“The Great Dividing Range geographically splits Victoria. North of the Divide, the majority of available water comes from river systems that flow into the Murray River.*

As well as supporting Victoria’s northern communities, this water is used to irrigate valuable farms and crops. South of the Divide, water is used for irrigation and by the large urban populations in cities and towns, particularly along the coastal fringe.”

And.....

“If a new dam were built for Melbourne, it would need to be filled with water currently used by rural and regional communities and the environment.

North of the divide, there is a cap on further allocations from the Murray Darling River systems. As a result, if new dams were built, or existing dams expanded for towns, water would have to be purchased from somewhere else, most probably from farmers.

A new dam would take water from the Gippsland or Goulburn Valley farmers who depend on irrigation for their livelihoods.

It would also take water from stressed rivers. This would not only harm the habitat of our native plants, fish and animals, but also threaten our waterways, tourism and recreation industry. Taking more water for Melbourne from Gippsland would also be likely to harm the Gippsland Lakes, which are vital for the region’s economy.

A new dam for Melbourne would be expensive, costing Victorians about one billion dollars. These costs are not justified when there are great opportunities to use water already available for Melbourne more wisely.”

Though this refers to a new dam, a new pipeline will also create all of these problems i.e.

- Taking water currently used by rural and regional communities and the environment

-
- It could force regional towns and cities to purchase water from elsewhere – farmers
 - The Murray and its tributaries is already extremely stressed and it will suffer the harm mentioned above
 - It states a new dam for Melbourne would cost one billion dollars. At the rate it is going, that will be the cost of the pipeline and “Our Water Our Future” states, “These costs are not justified.”

The proposal is totally inconsistent with these policies.

Other issues relating to the Water Act are the management of water extraction and bulk entitlements and just what the operating rules for water extracting will be once the Pipeline is in operation. The PIA report does not provide any information on how these issues will be addressed, though it states that negotiations have commenced with DSE. This is just not good enough.

The State Government would appear to be ignoring both the Water Act 1989 (v) and Catchment and Land Protection Act 1994 (Vic). I call your attention to a book entitled “Water Law” by D. D. Fisher. It states on page 173 that “The Minister has an obligation to make sure that a continuous program of assessment of the water resources of the State is undertaken. The assessment program is detailed and comprehensive.”

Water Act 1989 (v), “In Victoria, water is allocated by the Minister by way of the grant of a bulk entitlement

to an authority or the grant of a licence to any other person. These are public processes involving the appointment of a panel to consider submissions made in respect of an application. An application must contain specific information. Particularly significant is the range of matters to which the Minister must have regard when considering an application. The lengthy list includes the following:

1. The existing and projected availability of water in the area
2. The existing and projected quality of water in the area
3. Any likely adverse effect of the allocation or use of waters on existing authorised uses of water
4. A waterway or an aquifer
5. The relevant drainage regime
6. The environment including the riverine and riparian environment
7. Any water to which the applicant is already entitled
8. Any volume of water allocated for sale
9. The need to protect the environment, including the riverine and riparian environment
10. An approved management plan for any relevant groundwater supply protection area
11. The conservation policy of the Government
12. Government policies concerning the preferred allocation or use of water resources
13. If appropriate, the management of the water and its surround or the aquifer
14. The purpose for which the water is to be used
15. The needs of the potential applicant

This obligation considerably extends the nature and scope of decision making under this system. Ecological values are just as important as human values. This is, however, more than a mere obligation to take these matters into account in considering an application. It is expected that any entitlement or licence granted, in consequence of such an application, will address quite specifically the issues that will arise as a result of the information generated by the need to consider this range of matters.”

This Pipeline Project has not taken into account the impacts and effects it will have on the Murray River, its wetlands, its icon sites, as well as settlements along the Murray all the way to Adelaide. Therefore it has not address all the issues it should have and once again this is just not good enough. Nor has it consulted people in these areas. The Minister has not been given sufficient information once again to make an informed decision that an EES is not called for.

5(a) Heritage Rivers Act 1992 and Heritage Rivers (Further Protection) Bill 21/7/2006

The Parliament of Victoria enacts as follows:

1 Purpose

The purpose of this Act is to make provision for Victorian heritage rivers by providing for the protection of public land in particular parts of rivers and river catchment areas in Victoria which have significant nature conservation, recreation,

scenic or cultural heritage attributes and to make related amendments to other Acts.

In Heritage Rivers (Further Protection) Bill an amendment to the Heritage Rivers Act 1992 states;

- Prohibit the construction in heritage river areas of new impoundments, artificial barriers and structures that impede the passage of water fauna (see clauses 3,7, 10-12)

The Goulburn River is declared to be a Heritage River under the Heritage Rivers Act 1992. Provisions under this Act provide that water must not be extracted from a Heritage River if it has certain effects on the flows.

I believe that this already happens. Current attempts to regulate the unnaturally high summer flows because they hold back the winter flows by dams and weirs upstream in the Goulburn River is one issue in question that effects the flows already.

An area for investigation is the effect of pumping the pipeline on the Goulburn's flow regime. Estimates of the time period over which pumping will occur vary from "during the irrigation season" to 330 days per year (the other days being excluded by turbidity issues). The timing of the releases of water from Lake Eildon to supply the pipeline will effect the river's flow regime and is likely to have a negative impact on its ecology.

Operation of the pipeline by the 2010 target is expected to have a considerable impact on the health of the Goulburn River. The long term intent may be to send only water savings from the Food Bowl Modernisation Project through the pipeline. However, in the first year of the pipeline's operation in all probability these savings are not expected to be available. So, the first 75 GL of water to be piped to Melbourne will be taken from the Eildon Water Quality Reserve and other infrastructure projects such as the Central Goulburn 1234 project where the savings have already been committed to the environment. The Government has not carried out a risk analysis on these environmental entitlements, nor has it established any offset or payback measures. This is yet another reason why the Minister should call for an EES which would provide for the rigorous assessment of the risks associated with the use of these environmental entitlements.

6. Sugarloaf Pipeline Project – additional comments

(a) Prior to the last State election, Labor promised it would never take water from north of the Great Dividing Range.

(b) In the Central Region Sustainable Water Strategy (Department of Sustainability and Environment, Central Regional Water Strategy, October 2006, Page 64) the Government stated it would not take water from north of the divide to meet Melbourne's growing needs. Subsequent documents suggest that at the same

time as the Government was making public statements about not taking water for Melbourne from north of the divide, the Sugarloaf Pipeline Project was on its agenda. (Evidence is contained in the DSE/DIRD information paper “Modernising Victoria’s Foodbowl – Irrigation modernisation” published in June 2007.) Page 13 of this document refers to a channel automation study undertaken in **2005** “to achieve water savings through irrigation modernisation in order to source water for the Sugarloaf Interconnector.”

(c) In June 2006, Premier Brumby announced that a North-South Pipeline, called the Sugarloaf Interconnector would be built. The Victorian Farmers’ Federation accused the Victorian government of “deceptive and deceitful conduct” because it had promised to negotiate on the North-South Pipeline, when all the time it was a ‘done deal.’ In fact members were guaranteed they would have input into the decision just the day prior to the Government unveiling its \$4.9 billion plan.

(d) It has been claimed that the State Government is blackmailing the Food Bowl - it will modernise infrastructure providing it can take the water savings provided from the Goulburn Valley to Melbourne. Under its plan, the first 75 billion litres of water go straight to Melbourne – nothing for the environment and irrigators, and at least 75 GL will go to Melbourne every year irrespective of how much is saved. And it also plans to take water from the River Murray for this Pipeline. This is outrageous. The Government should have been gradually replacing infrastructure

over the years not using blackmail to offer to carry out responsibilities it should have already been doing.

(e) Once the pipeline is built, how can we trust the Government to deliver the extra savings for the environment and irrigation?

(f) Already pipelines are being built to extract water for Bendigo and Ballarat and although the Government said there would be no spur lines, it will be continued on to Castlemaine, Kyneton and Daylesford

(g) In Sunraysia we are now into a 13 year drought with little signs that it is changing. In dry years, the demands of Melbourne, Geelong, Bendigo, Ballarat and the spur lines will take at least one third of the available water, if not more. What happens to the even drier north-west of the State that depends on irrigation for survival?

(h) When Melbourne needs more water, the Government will break yet another promise and strip more water off irrigators and the environment to win votes in the city.

(i) Water means wealth, local jobs and a better environment – when will Melbourne learn to live within its own water resources? And when will a cap be placed on the urban sprawl that continues to spread out like an octopus?

(j) I believe the State Government should invest and should have been investing in better infrastructure

in the Goulburn Valley and other irrigation areas because it's the right thing to do for the environment and irrigators – not because it wants water from the Goulburn for Melbourne.

(k) The PIA has completely ignored the fact that the Goulburn is a tributary of the Murray River and that its flows into the Murray are vital to keep that River healthy. It has not looked at the River below the Pumping Station area, nor has it considered the change in flows would have an impact on the Barmah Forest and also the Murray River.

(l) The State Government is doing to the Murray, what New South Wales and Queensland are doing to the Murray-Darling Basin. Syphoning off water that is vital to its health. It is high time that pirating water from already stressed rivers was prevented.

I am gravely concerned with the Government's motives with regard to this pipeline. There is absolutely no guarantee that in the future it will not be used to take more than the 75 GL of water to Melbourne.

I seem to remember in the beginning the pipeline was to take no more than 75 GL per year. Now this has become an average of 75 GL per year which means when Melbourne is short of water more will be taken. This can be found in Melbourne Augmentation Program. Sugarloaf Interconnector. Technical Report prepared by Capital Projects Division, Department of Sustainability and Environment, June 2007.

6.1 Are Potential Water Savings Claims Credible?

I live in the irrigation district of Sunraysia, and since the Pipeline Project has been announced, many irrigators, water engineers and other locals have been sceptical that the potential water savings exist.

In its initial announcements the Government claimed that 900GL of water was lost through leaks, evaporation and inefficiencies. Later this estimate was reduced to 870GL in an average year and 780GL when inflows are reduced. This is desktop modelling again and not estimates of actual losses. As you can see, computer modelling does not always reflect reality.

Furthermore, these estimates are estimates of losses in the total system including from rivers and lakes. In practice, recoverable losses are limited to irrigation distribution systems between each district off take and the farm (or in the case of Sunraysia) the block meter.

Actual losses from Goulburn Murray Irrigation District in 2005/6 were 662GL and in 2006/7 548GL.

One could also claim that even within districts a large proportion of losses are unavoidable or not losses at all.

- Outfalls are included in losses but a proportion of these are subsequently used by downstream irrigators or the water is re-accredited down the system as environmental water.

-
- Seepage and leaks can be reduced but in a mainly channel irrigation system such as the Goulburn Valley they cannot be eliminated.
 - It is impractical to prevent evaporation from large channels and features like the Kerang Lakes and Kow Swamp. Up to 100GL is lost in evaporation from the Kerang lakes system alone. I believe, along with many others that Government claims all or even half of these evaporative losses can be “save” are fanciful.
 - The small volume of water stolen is also included in losses. Unfortunately the problem of water theft will not be solved by the modernisation proposals. Thefts will still occur and should not be included as potential savings because it will be impossible to save water that has been stolen.
 - In the Project it shows a large proportion of so called “losses” are consistent under estimation of water volumes by Dethridge meters. This error has presumably occurred since their usage over the past 60 years. It is incorrect to describe installation of more accurate meters as “creating new water”, and once again I believe the Government has grossly exaggerated potential savings.
 - As an example of this, the Government claims the project for modernisation of the Shepparton Irrigation District will result in 50Gl of water

savings. 38Gl of water is earmarked for the Living Murray and other environmental projects and the remaining 12Gl a year irrespective of actual savings achieved.

- How can the Government claim 50Gl of potential savings from the Shepparton Irrigation District when actual losses in 2006/7 were only 35.9 Gl.
- It follows that the assumptions underpinning the Government's overall estimate of 450Gl of potential savings are similarly grossly over estimated.

Currently there is no independent audit of losses and irrigators will have no way of knowing if savings claimed to have been achieved are real or just more political spin.

A comprehensive account of water savings should be actually demonstrated before they are allocated to Melbourne, the environment and irrigators, but will this actually happen. It needs an independent authority to audit water savings to prove this.

The doubt on the actual amount of water savings and the fact that this has not been demonstrated by the project is yet another reason why and EES should be called for by the Minister.

It appears to me that the Government will be unable to provide 75GL to Melbourne, meet its commitments to

increased environmental flows and at the same time honour its promises to irrigators. The savings opportunities are simply not there.

6.2 Proposal's Impact on the environment

It goes without saying that water that can be potentially saved in the Murray Darling Basin should be available for the environment and to meet the needs of irrigators who will need additional water if the threat of reduced runoff as a result of climate change eventuates.

Commitments already existing to environmental flows to both the Snowy and Murray Rivers should take precedence over new commitments to supply Melbourne's urban water dwellers.

As yet, the Government still has not identified where all of the water to meet these existing environmental commitments to the above two rivers will come from.

In addition, the Victorian Environmental Assessment Council's (VEAC) report on the environment of the Murray River red gums emphasised the need for more environmental flows to support the environment. Premier Brumby has already stated this will not happen but it is essential for the health of the Murray that it does. It is highly hypocritical of the State Government to take water (and water many people north of the divide believe is to actually stolen water) from the parched north and take it to Melbourne and on the other hand demand (but in the case of VEAC) refuse more water for the environment.

6.3 Climate Change and Greenhouse Gas

In the very short time that I had available to me to speed read over 1000 pages of reports, it was apparent that the issue of Climate Change and Greenhouse Gas did not rate very highly.

6.3.1 Climate Change

It is obvious to everyone that Australia, and Victoria have been hit by drought, in particular the northern and western areas of the State.

Because I live in the north west I will comment on local issues in Sunraysia, but it could well apply to the rest of northern Victoria.

The area of Sunraysia, which covers both the Victorian and New South Wales sides of the Murray River is in a highly stressed state currently. Locals have always called the area the Food Bowl of Victoria, and when the three year fight against the Nowingi Toxic Waste Dump was held, "Save the Food Bowl Alliance" was officially formed to fight the issue. It believed had the Dump been built in the area then it would have lost out on billions of dollars from overseas markets through loss of its "clean, green image." They would not buy the produce.

No-one had any idea what was in store for them in the future. The area produces most of Victoria's dried fruits, fresh fruits, oranges, table grapes, wine,

vegetables, fruit juices (orange and carrot), beer, avocados, nuts, salt and dry land farming to name some of the products.

Until 2007, it produced mainly sustainable produce thanks to the Murray River, pipelining for irrigation purposes, drip irrigation and other careful husbandry.

In 2007, irrigator lost their water allocations and were only allowed about 20% of water, which meant that many of the permanent plantings have died, and of course no vegetables or other related produced was produced. Up to now there has been slight rises in water allocation but it has been much too little too late.

It is totally incomprehensible that insufficient water has been provided for permanent plantings, which in this harsh climate cannot survive without it. And it is even more totally incomprehensible that the Government prefers to ensure Melbourne's water supply into the future at the expense of the production of food., both in the Goulburn Valley and along the Murray River into South Australia.

How does it proposed to feed people in future years, if it is not produced in Victoria? And where does it propose all the people who are currently engaged in producing this food live? Everyone will flock to Melbourne to live, which will place more strain on its infrastructure, water and food requirements. It is just not logical to allow food production areas to cease to exist.



Dead Orange trees at Colignan near Mildura There was not enough water allocated to keep these trees alive. Below: Vines allowed to die for the same reason.





Les Chandler splitting pegs to plant vines, Red Cliffs Soldier Settlement after WW1



Working the block after it had been established. There are many soldier settlement irrigation settlements along the Murray and it is tragic to see that all their hard work has come to nothing because of water allocations. Permanent plantings should be guaranteed water compared with seasonal plantings. The removal of water by the Sugarloaf Pipeline is likely to impact the permanent plantings along the Murray even further.

In 2007 Mildura was the heat capital of Victoria. Figures supplied by the Bureau of Meteorology show Mildura had the highest mean temperature for the state in 2007 with an average peak of 24.9 degrees.

In December there was a long run of days in the high 30's and low 40's and currently, March 14 we have had least 10 days in high 30's to 40, with last 3 days up in the 40's and likely to continue for at least another five days.

Melbourne has a few hot days, a cool change, showers or rain, and yet it is allowed to take more water from our parched north because (in the pipeline report) Melbourne people are sick of water restrictions.

I am attaching a paper, Goulburn-Murray Water Releases 2008/9 Seasonal Allocation Outlook for your information. (See Attachment 1)

I am also attaching Report for the Week Ending Wednesday 20 February, 2008 from the Murray Darling Basin Commission. Looking at this, how can Melbourne justify building a pipeline from north of the divide? The logic of this is just astounding.

How do they think we feel north of the divide? Growers have been given 0 allocation for next year and do not know how they can continue. The crops that were produced were tiny, fruit was small and they are facing even greater hardship in 2008.

A “Vinnies Budget Grocery Store” is being set up in Mildura to provide low costs groceries in a regular grocery store and it will also train volunteers in the operation of a grocery store as a step to part time or full time employment.

The establishment of the store is expected to cost in the vicinity of \$150,000 and Mildura Rural City Council is fully supporting this concept donating \$60,000 towards it in money and infrastructure. It is hoped that other local organizations will provide the balance required.

This concept shows just how deeply concerned the local Council and other organizations are.

Urban dwellers have been on Level 4, reduced back to Level 3a earlier this year, but the high temperatures and no “showers” (Melbourne people call 5ml a shower whereas to us it is rain) our beautiful gardens have all but died off and our tourism industry is beginning to suffer.

Mark Wilgar from the Mildura Weather Station stated in the local newspaper, “Sunraysia Daily,” Wednesday January 2, 2008, that our region was in “a permanent state of deficit,” with higher evaporation levels and less rainfall. In December there was more than 300mm of evaporation for last month as opposed to less than 20mm of rainfall, which highlighted a distinct imbalance of figures. And Premier Brumby wants water for Melbourne from the parched north.

Mildura, along with all the other cities and towns along the Murray River, relies heavily on its waters to survive. And this means that all its tributary flows must be allowed to enter the Murray. If the Pipeline is built, and flows from the Goulburn to the Murray decrease, then this will exacerbate the tight water allocations down the Murray even further including all environmental flows.

55.7% of the local population of Sunraysia work in the agriculture, forestry and fishing sector, and it would appear that most people are doomed unless they all pull up stakes and head for the great metropolis, Melbourne to set up a business, earn a living or live off the day. At least there they will be guaranteed a water supply that has been stolen off them.

When looking at the pipeline and river flows, if I read the reports correctly, this was established over a 40 year period. It would be highly more realistic to have taken the last 15 years, most of which have been a drought period, to establish just how much water there is in our rivers and storages. Once again, an EES should be provided for the rigorous assessment of risks associated with climate change and actual river and storage levels and flows over a shorter period of time that is more likely to represent the future.

I am concerned with the fact that all of our rivers have been over-allocated over the past few years, not only in Victoria, but in Australia. Every drop of these over-allocations is traded or sold off, frequently bought by a third party endeavouring to make a 'killing.:' And this

has happened, when in Sunraysia, growers with permanent plantings have been forced to buy water at the exorbitant price of \$1500, not to produce a crop, but just to keep their plantings alive. This is criminal, and along with unbundling the future is very bleak for thousands of people. (See attached article)

6.3.2 Greenhouse Gas Emissions.

There has been no feasibility study or a study on greenhouse gas emission presented effectively in the reports.

To say the least, pumping water over the Dividing Range will be an energy intensive process. The pipeline will lift water from an elevation of 170m at Yea to an elevation of about 400m at the top of the Divide. Melbourne Water estimates that direct CO₂ equivalent emissions will be up to 100,000 tonnes p.a..

There will be additional greenhouse gas emissions created during the construction era of the pipeline and once again I believe the Minister must call for an EES to address how these emissions will be offset.

It states that some of the energy for the project will come from renewable sources. However, I must ask the question when, from where and what type of renewable energy will be used, because at the moment, there are no types of renewal energy sources available and with the indecent haste being applied to this project, I cannot imagine that renewal energy sources will be available by 2010.

And, as it has been stated that the project is being carried out to secure Melbourne's water supplies against the impact of climate change, then it must use all renewable energy sources for the project. Until it is available, the project should not proceed.

As there will be two pumping stations in operation, once again additional greenhouse emissions will be created. The Government must take Climate Change and Greenhouse Gas emissions more seriously.

6.4 Natural Justice

Planning Minister, Justin Madden, has frequently stated that not many people care about the Sugarloaf Pipeline Project and it is for the good of Victoria. Whilst most Melbourne people probably have not even heard of the project and many would object if they had, rural Victoria on the other hand is up in arms that yet again its concerns are being ignored and headlines such as the following appear in our local newspaper, Sunraysia Daily dated Thursday February 21, 2008:

Up to a quarter of plantings gone IT'S THEFT Pipeline 'to keep city voters happy.'

“The Government wont treat dairy cows and permanent horticultural plantings as different priorities in the drought, but they're perfectly happy to steak rural water for urban use,” he said. (see attached articles which dispute the above statement made by Justin Madden. These are just a few of many).

As stated before, 55.7% of the local population of Sunraysia work in the agriculture, forestry and fishing sector and they may be faced with working off their properties and living in Melbourne the best way they can. But why should they, when with help from the State Government, they could probably survive on their properties. If all the horticulture in Sunraysia desists, Victorians will end up paying a fortune for imported food that is not subject to the rigid rules that are in place in Australia. And of course, if there are droughts, floods or earthquakes overseas, then we may not be able to buy any food at all and quickly become the “Banana Republic” of Paul Keating’s claim.

Sunraysia is an area that has the lowest socio-economic standing in the state, with the highest rate of unemployment and homelessness, lack of infrastructure and low rates of retention in education. Probably Swan Hill, Shepparton and other cities and towns in the north are not far behind.

The fact is a wealthy economy, Melbourne, is planning to take water from a minority and low-income population, the Mallee and northern Victoria and apparently the Government has not the slightest bit of compunction about doing this.

This is a State Government that promised prior to the November 2006 State election, that if re-elected, it would not meet Melbourne’s future water needs by taking water from irrigators living north of Bendigo.

You can imagine how all of us living north of Bendigo feel by this reversal of policy.

In the US, in 1994, President Bill Clinton signed an executive order “Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” to prevent issues such as a Toxic Waste Dump or theft of water being taken from minority and low-income populations. (See web site US EPA “Environmental Justice F.A.Q.”) We need a President Clinton to look after the communities and the water environments north of the divide.

One can only question why the Victorian Government has not called for an Environmental Effects Statement before any work starts or equipment is dumped in readiness to start work on the north-south pipeline. And it could be the reason why Victoria refuses to take part in the Federal Plan – it would probably not be allowed to proceed with the pipeline.

6.5 Community Anger

Since this Pipeline Project has been announced, I have changed from concern to annoyance and finally complete anger that Victorian rural communities have been inadequately consulted. There has been deceit, distain and downright rudeness handed out for a project whose benefits will only be felt in Melbourne, while the impacts, both short and long term will be felt by the Goulburn Valley community as well as communities down the length of the Murray. An EES would have at the very least gone a long way towards addressing

community concern and for this reason alone I believe the Minister should call for an EES.

To top it off, when the PIA report was released copies took well over a week before they were available to the public, hard copies cost \$50.00 and electronic copies of a document that is more than 1000 were just out of the question. For those with computers, try downloading over 1000 pages.

I have a friend who began to copy the Report but finally gave up after 700 pages were printed as it took far too long and cost too much. She then ordered a couple of hard copies and some discs, and to date, March 15, has not received them. This is just not good enough: in fact it is denying her natural justice as she has been unable to peruse the document in full and like everyone else, has a rushed job to write her submission.

Because the PIA report itself is over **one thousand pages**, it gives those who wish to write a submission inadequate opportunity to read, consider, research and write a submission within an extremely short space of time.

I received a disc at the beginning of this week. I have speed read as much as I can, tried to do some research and had only two afternoons to write this submission, plus a couple of hours this morning. I am totally frustrated, angry and disgusted that we are being pushed well over the limit to do this in between dealing with business and household responsibilities. At the

same time I wish to place a submission in for the **Sustainable Water Strategy Northern Region Discussion paper, Managing Water Scarcity, The Next 50 Years.** I will have a little over a day to read, research and write this.

This process should have come under an EES and the public should have the opportunity to present their submissions to a Panel, call expert witness and cross-examine expert witnesses as was the case with the Hattah=Nowingi Toxic Waste Dump.

In the case of the PIA there is an advisory committee and **I would like the right to attend and present my submission.**

6.6 Melbourne's Water Problems and Solutions

I am concerned that with the current rate of population growth in Australia, as the world's driest inhabited continent, there will not be enough water to sustain future populations.

Premier Brumby has almost gloated on television, that Melbourne will soon be larger than Sydney. I believe that he should be concerned, not delighted about this fact, and there should be a population cap placed on all cities if we and they are to survive into the future.

The Victorian Government needs to apply a real vision into the future and it should be using creative and lateral thinking to help solve Melbourne's water problems.

Instead, it is taking the easy way out and thieving water north of the divide, an area that is already stressed beyond its limits.

Recycled water does not appear to have been considered as part of a solution to the City's future water shortage. Nor has stormwater runoff, because apparently it is too expensive.

Hold on a minute: we have a North-South Pipeline which is not really cost effective and is the result of panic politics to appease Melbourne voters.

Firstly, have we seen a Feasibility Study done? If so, what were the costs associated with the construction work alone. Somewhere around \$700,000 and growing daily probably, and who has to pay for it – all Victorians, including those who are having water taken off them for this project.

Dr. Wayne Chamley (Watermark Australia) has estimated that the conservative cost of transporting water over the Great Dividing Range would range between \$15,000 and \$17,000 for every megalitre. Melbourne residents currently pay under \$2 per kilolitre but water from this Pipeline will cost \$15 to \$17 per kilolitre.

So who bears the additional cost of this – Melbourne residents charged by Melbourne Water? I think not.

It will be spread out amongst all water users in the State of Victorian, and this is yet more salt rubbed into the wound.

Melbourne discharges 3000 billion litres of waste water into the sea each year at the moment as well as 500 billion litres of storm water which falls in the area each year, most of it ending up in Port Phillip Bay and Westernport as stormwater runoff.

I am led to believe that the combination of the waste and storm water is approximately one and a half times Melbourne's current consumption of potable water.

I am left wondering why no attempt has been undertaken, nor is it planned to be undertaken to substitute precious supplies of potable water with recycled or treated storm water runoff instead of taking water from the dry north of the State by an expensive pipeline to Melbourne. And why the waste water is also not recycled and used on public and private parks, all playing fields, gardens as well as industry (such as manufacturing businesses, hospitals, universities and hotels/motels) and I am sure some sort of scheme could be worked out for its replacement of potable water where suited.

Another solution is desalination plants, but only after the storm and waste water runoffs have been utilised.

At the moment, in my comments on Draft Scoping Requirements for the proposed desalination plan near Wonthaggi, I ask why the four general locations or at

least one of them on the western side of Melbourne that were investigated in more detail were not to be included under the EES? The Government has done another Nowingi Toxic Waste Dump in that only one site has been included under the EES process, thus limited the scope of the EES. Down the track a second plant may need to be created and the EES would already have been done.

I am concerned that the size of this plant is so huge and one wonders why it has to be bigger and better than elsewhere in Australia. This means more Greenhouse gas emissions and perhaps more damage to the site and ocean. Surely a smaller, friendlier plant is the best way to go.

This is a long term project that will provide water for Melbourne into the future. It should be more important to provide new infrastructure on the western side of Melbourne, the drier side of the State, therefore building perhaps two small units on that side near the Ottways and closer to Melbourne feeding into current or new infrastructure there.

There is no doubt along the track that desalinisation plants will be needed, and plants on the western side could provide cities such as Geelong, Ballarat and towns in between with a secure water service.

The present proposal to build a desalinisation plant near Wonthaggi should be downgraded in size, but still considered as a future part of Melbourne's water supply.

In the case of avoiding or minimising any adverse economic effects, when looking at the issue of supplying a secure water supply not only to Melbourne but to other parts of Victoria, a desalinisation plant is a practical way to go, but I believe in the long run it is more important to ensure the water supply regardless of cost and the cost of the Sugarloaf Pipeline to deliver water appears to be prohibitive anyway.

Both harnessing storm water and waste runoff should have first consideration.

It is also vital to avoid damage and impact on the biodiversity and species.

As in the case of the pipeline, greenhouse gas Emissions will occur when this plant is operational.

Once again, alternative technology must be used and should be put in place prior to the plant/plants being built It would be much easier to control emissions if only small, prefabricated plants were built.

Unfortunately the Government will have to look at desalination plants with the onset of Climate Change, and the utmost care should be taken to ensure the least possible impacts should occur.

Conclusion

I believe that the Sugarloaf Pipeline Project should not even have reached the stage it has today. It is totally

impractical and has been dreamed up by a Government that is in an unholy haste to appease Melbourne residents.

In this submission I have shown a number of reasons why a full and independent EES at least should be completed on this project.

And I revert to my major concern – impact on biodiversity and species. Planning Minister, Justin Madden stated, “potential effects on biodiversity, landscape, waterways and other matters are not likely to be so complex or significant as to warrant detailed scoping or major new studies, he has been contradicted by the Federal Minister to said, “it is likely to have a significant impact on listed threatened species and communities.”

The Minister must call for a full and independent EES.

Mary J chandler
Red Cliffs.

ATTACHMENTS

- No 1 Goulburn-Murray Water Releases 2008/9
Seasonal Allocation Outlook
- No 2 Murray Darling Basin Commission Report
for the Week ending Wednesday, 20 February, 2008
- No 3. Sunraysia Daily article “It’s Theft dated
21/9/08
- No 4 Sunraysia Daily article Change the Rules,
dated Tuesday February 26, 2008
- No 5 Sunraysia Daily article Water: Time to
get tough dated Friday 22,2208
- No 6. Sunraysia Daily article Water buyback
just the start? Dated Thursday 28, 2008
- No 7. Sunraysia Daily article Just a sip, dated
Tuesday March 4, 2008 and “Entering into the
Unknown”
- No 8 Sunraysia Daily article Our Shrinking
Land, The ‘dead spots’ are dated Saturday March 8,
2008

**Mary J. Chandler,
PO Box 284,
Red Cliffs. Vic. 3496**

23/8/08

**Ms Cathy Skippington,
Assistant Secretary,
Environment Assessment Branch,
Approvals and Wildlife Division,
Department of the Environment, Water, Heritage and the Arts,
GPO Box 787,
CANBERRA ACT 2601**

**REQUEST FOR RECONSIDERATION OF A REFERRAL DECISION
UNDER THE EPBC ACT 1999 S78 REGARDING SUGARLOAF PIPELINE
PROJECT, GOULBURN RIVER TO SUGARLOAF RESERVOIR VICTORIA
EPBC 2880/3960**

I wish to add additional information to my request that the Minister reconsider the referral decision of 13/02/2008 on the Sugarloaf pipeline project under the EPBC Act 1999 Section 78 clause (1)a) and aa) dated 27/7/08.

Every day there is more new and vital information coming out why there should be a referral decision for a full EES or more importantly, why this pipeline should not proceed at all. I realize we cannot keep forwarding informing but I would request that you accept the attached newspaper article and information with the rest of my material

Lindsay Is. Is one of the icon site and during the PIA the impact upon icon sites of the Goulburn and in this case the Murray River were not part of the referral. This is an unbelievable sight of the damage along the Murray River due to insufficient flows of water and I believe illustrates why no water must be taken from the Goulburn for the north-south pipeline project.

Mr. Garrett and the Federal Government must take a firm stance on this issue - are we to lose these magnificent icon areas just to allow Melbourne people to have a large amount of potable water at their fingertips at all times?

I implore Mr. Garrett to really think about the serious situation in the Murray Darling Basin and to act responsibly. Our Premier and his Government wont.

Yours sincerely,

Mary J. Chandler

WATER AND 2008 PROJECT UPDATE



TIMBERCORP
AGRIBUSINESS
INVESTMENT MANAGERS

Above average rainfall across the Murray-Darling Basin leads to higher water allocations and a much improved outlook for 2008.

Almonds ready for harvest. Photo taken February 2008.

Almond, Olive and Eucalypt Projects

February 2008

WATER MANAGEMENT STRATEGY

Since the start of the irrigation season, Timbercorp has been implementing a comprehensive management strategy to deal with reduced water allocations. This included:

- Carrying over water from the previous year;
- Maximising the advantages of our \$170 million state-of-the-art irrigation system;
- Purchasing additional temporary water; and
- Implementing a range of water saving measures.

Timbercorp's water management program has been strengthened further by excellent rainfall across the Murray-Darling Basin over the last three months, which has helped to boost storage levels and water allocations. Goulburn Murray water storages are currently 800 gigalitres higher than last year, which is more than the city of Sydney's entire annual usage.

Water allocations have progressively increased since the beginning of the irrigation season. Water entitlements on the Murray River system are now 42%, up 16% since December, and 53% on the Goulburn River. Timbercorp also has access to water rights attached to the Murrumbidgee River where current allocations are 90%.

CROP PROTECTION AND HARVEST

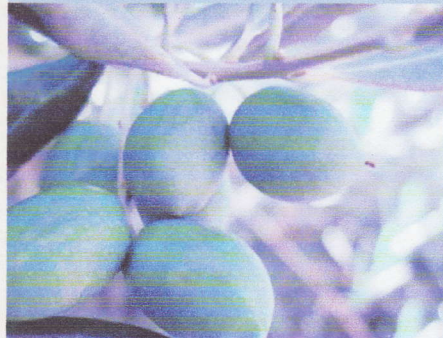
We are pleased to report that our water management strategy has proven successful in safeguarding the productivity of our crops in both the short and long term. This success is attributable, in part, to the purchase of additional temporary water.

Almonds

A water application program has been applied to our almond orchards to ensure the trees received their full water requirements at stages critical for crop yield and tree health. At other times, water saving strategies have been implemented.

Harvesting at our almond properties has now commenced and yield estimates for the 2008 almond harvest are very positive. All plantings from 2002 onwards are expected to well exceed PDS yield targets and our first planting expected to achieve approximately 85-90% of PDS yield targets.

Trees that were planted in 2007 and now make up our 2007 Timbercorp Almond Project – Post 30 June (Project now available for subscription for 2008 financial year) received a water allocation that we expect will deliver growth targets in line with PDS.



Olives

Olive trees at our Boundary Bend grove have received their full water requirement.

As such, crop estimates for all producing trees at Boundary Bend are in-line with PDS targets.

Younger, non-cropping trees, including the trees planted in 2007 that comprise the 2008 Timbercorp Olive Project (coming soon), have received their full water

Ripening olives nearly ready for harvest.
Photo taken February 2008.

requirement and are expected to record growth rates in line with their full potential.

Harvest of olives from productive groves in earlier projects is expected to commence in April.

Eucalypts

Timbercorp's eucalypt projects rely on rainfall as they are not irrigated. As such, the site selection for Timbercorp's eucalypt projects is in areas with historical annual average rainfall in excess of 600mm.

Locations of our eucalypt projects experienced average to above average rainfall in 2007.

WATER OUTLOOK

Average rainfall was achieved in many of the Murray River catchment areas in the first half of 2007, although most of the winter and early spring rainfall was well below average.

Late spring and summer saw some excellent rainfall across the Murray-Darling Basin, which has helped boost storages and improved the outlook for the region for 2008.

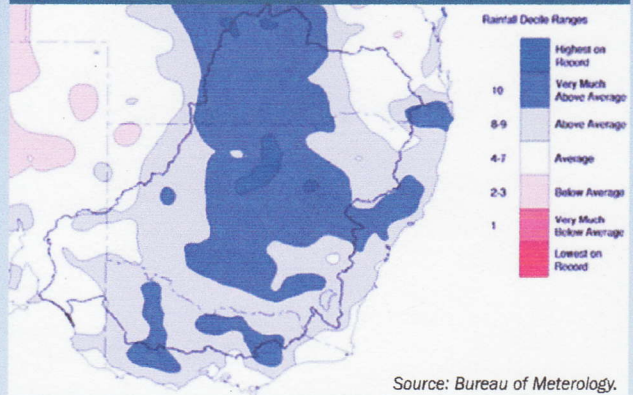
Recent flooding rains in the Darling catchment are expected to have a positive impact as water flows slowly reach the Murray.

According to the Bureau of Meteorology: "A La Niña event is firmly established in the Pacific, strengthening over the past month and contributing to the enhanced eastern Australian rainfall since November."

It is forecast that these La Niña conditions will persist until at least the start of autumn 2008. The Bureau of Meteorology has forecast that across eastern Australia the chances of exceeding the continued above average rainfall are 50%.

Currently water authorities are allowing irrigators to carryover any unused water from this season into the next. Timbercorp is already taking advantage of this provision and will have carry-over water available for next season.

Rainfall Deciles (1 Nov 2007 - 31 Jan 2008)



Source: Bureau of Meteorology.

Victorian water authorities have released their outlook for 2008-09. Under an average rainfall scenario high water allocations will be available in spring and summer, when crop water use is at its highest.

Water authorities update their allocations fortnightly and the most recent water information is available on our website at www.timbercorp.com.au.

FORECAST WATER ALLOCATIONS

RAINFALL SCENARIOS	Murray		Goulburn	
	Oct '08	Feb '09	Oct '08	Feb '09
'Wet' (well above average)	100%	100%	100%	100%
Average	63%	100%	82%	100%
'Dry' (well below average)	0%	45%	20%	45%



River flows in the Murray System.
Photo taken January 2008.