

Adelaide Dolphin Sanctuary Draft Management Plan 2024



The City of Port Adelaide Enfield (PAE) consists of diverse natural landscapes associated with the coast, estuaries, watercourses, wetlands, and Adelaide Plains vegetation. To the north of the City lie coastal landscapes of international conservation significance including the Adelaide International Bird Sanctuary National Park-Winaityinaityi Pangkara and the Adelaide Dolphin Sanctuary (ADS). Each of these environments offer habitat for native plants and animals, provide ecosystem services, contribute to the amenity and economy of our City, and form an integral part of our identity of place.

Council is currently developing of a City-wide Urban Greening and Biodiversity Plan that will focus on strategies and actions around protecting and enhancing our City's urban forest and biodiversity across coast, marine, freshwater and terrestrial landscapes. This plan will play a key role in delivering Council's new City Vision, to create a thriving community, a prosperous economy, a clean and green, and accessible City where people love to be.

While not having direct responsibility for the management of marine areas, Council does have stewardship over public open space areas, including coastal areas where Council has a 'care and control' role to the low watermark. This includes land-based areas within the ADS. Council was a key driver and participant in the establishment of the Sanctuary through the *Adelaide Dolphin Sanctuary Act 2005 (the Act)*. Since then, Council has supported the implementation of the former ADS Management Plan 2008 by supporting the valuable work of the Sanctuary Staff (ADS/Marine Parks Rangers) and the ADS Action Group volunteers.

We acknowledge the work of several State agencies and community and, in particular, the long running, impactful work of Dr Mike Bossley through the Whale and Dolphin Conservation (WDC) in their tireless efforts to improve our knowledge of the resident Port River dolphins and continue to advocate for their protection.

City of PAE is pleased to provide feedback on the draft Adelaide Dolphin Sanctuary Management Plan 2024. Please find Council's response to the draft Plan below:

General comments

- **Strengthened language:** The overall objectives and strategies of the draft Plan are supported, but some language should be strengthened to reinforce commitment. For example, the strategy "*Encourage users of the Sanctuary to abide by regulations and guidelines to minimise the likelihood of harm to dolphins, through ranger patrols and community education*", noting this is a legislative plan, the word 'encourage' should be replaced with 'ensure', or similar. Likewise, for several of the other strategies that begin with encourage or support.

- **The ADS Act, 2005:** While the draft Plan sets out the direction for management of the ADS over the next 7 years under themes, objectives and strategies, it does not meet the statutory requirement within the Act, which states that “*The Plan must set out— (a) the proposals of the Minister in relation to the management of the Sanctuary; and (b) the priorities that the Minister will pursue in order to achieve the objects and objectives of this Act in relation to the Sanctuary*”. While reviewing the new Plan, we were not able to clearly understand how this obligation was being addressed. In particular, what are the **priorities** that the Minister will pursue? The 2008 Plan provided clearer linkages to how the Plan would deliver on the legislative objects and objectives required by the Act. This included ranked priorities, well-defined strategies and actions and identified government agencies with a role/responsibility in implementation. A similar approach or framework to the Plan would help define the priorities, actions and responsible parties.
- **Alignment with Council's Strategy and Plan:** Council's new Urban Greening and Biodiversity Plan (in development) will take a bio-regional approach which means taking action in our City to protect neighbouring natural assets such as the Adelaide Dolphin Sanctuary, Adelaide International Bird Sanctuary National Park, Gulf St Vincent and Port River. Council staff will liaise with DEW Marine Parks/ADS Staff to ensure the opportunities to link and align with ADS management objectives and implementation programs can be put in place. A new, overarching, environmentally focused strategy will also be prepared to reflect Council's new 10-year City Vision and will include strategy statements aligned with improving the conservation of our natural areas and community assets such as the ADS.
- **Resourcing the ADS adequately:** The interim report from the 2022 Parliamentary Select Committee's investigation into the deaths of the dolphins in the ADS found that “*The number of marine safety officers and park rangers needs to be increased to provide high visibility within the ADS and respond to threats within the sanctuary.*” And that “*There needs to be a sustainable funding base to support an increase in the number of marine safety officers and park rangers dedicated to the ADS*”. Council recommends these findings are upheld and considered as part of the ADS Management Plan and implementation program.
- **More detail needed:** Overall, the draft Management Plan is lacking the details the Council and other stakeholders need to consider. Information around key elements such as delivery, funding and resourcing for the strategies is missing.

In relation to **Theme 1: Protecting dolphins from threats**

- Regarding research and monitoring in the Sanctuary: Council is supportive of the strategies under theme 1 & 2 regarding research and monitoring that builds understanding of the threats to dolphins. Council acknowledges the valuable research that has occurred to date in the Sanctuary and would like to see research not only ‘encouraged’ but supported financially and resourced accordingly by the central responsible agency, DEW. Without ongoing data collection, it will be impossible to set and monitor measurable targets, identify trends in pressures or conditions, and evaluate the success of the management framework and strategies. An inter-agency research

partnership approach will be necessary – and should include the major tertiary institutions and private research centres.

- As above, Council recommends DEW NPWS consider financial support to current and future research towards improvement of the Port River Estuary water quality, benthic and shoreline habitats including projects such as artificial oyster reef trials, sea grass monitoring and blue carbon opportunities that will benefit the dolphins.
- Regarding the strategy “*Implement and review policies and procedures that protect dolphins from harm, ensuring that they are relevant, effective and developed from evidence based research*” – Questions arise such as who the policies and procedures will relate to or be developed by? DEW NPWS or all stakeholders?

In relation to Theme 2: Maintaining and enhancing the quality of dolphin habitats

- Regarding stormwater and wetlands: City of PAE has an extensive network of stormwater drainage channels that transport stormwater from catchment in and beyond the city into our wetlands adjacent to the Port River and Barker Inlet estuary. Our Stormwater Management Plans aim to improve the capacity of major stormwater channels to add to water quality improvements, while also mitigating flood risk. Council is using water sensitive urban design to improve water quality that flows into the wetlands, creeks and river Torrens. Local government delivers the important role of wetland maintenance where water quality is improved before entering the Sanctuary.

It is important for councils and others to be made aware if there are any KPI's that need to be achieved by the wetland systems to improve water quality entering the Sanctuary. It is recommended that a coordinated effort is undertaken to investigate this further. Exploring how key stakeholders with land adjacent to the Sanctuary can achieve better water quality outcomes and ensure specific safeguards are put in place.

- Regarding strategy “*Advocate for climate change adaptation and mitigation strategies in any future management actions within and adjacent to the Sanctuary.*” - Council's regional climate partnership program, AdaptWest and our corporate Net Zero Emission Plan drive key projects for climate change adaptation and mitigation. Projects such as the living shoreline as part of the Yitpi Yartapuultiku development demonstrate Council's commitment to incorporating climate resilience in our work.
- Regarding strategy “*Encourage and support Green Adelaide, local government, EPA and other government agencies to implement water quality improvement plans and pollution mitigation programs.*” - This is significantly underfunded at present and there is a reliance on volunteer and NGO organisations to undertake crucial elements of this work. Council would like to see stronger commitment from SA EPA on this strategy and consideration for funding for stormwater quality improvement initiatives across priority areas of the catchments.

Council also has Authorised Officers under the SA Local Nuisance and Litter Control Act and the SA EPA Act who investigate storm water pollution incidents and complaints

across the City but lack capacity and funding to proactively tackle the problem in its entirety, which includes sewerage discharges by aging SA water infrastructure. Furthermore, Council is not responsible to monitor SA EPA licensed heavy industrial sites that may be argued are responsible for the bulk of the pollutants discharged into the Sanctuary.

- Council recommends an amendment to the fifth dot point strategy of Theme 2 to include the Commonwealth as a partner in the strategy statement.
*“Partner with local, state and **Commonwealth agencies and entities**, to ensure the objects of the Act are furthered in the planning and assessment of developments and other uses within and adjacent to the Sanctuary.”*

In recognition of nationally significant naval ship building projects on the Lefevre Peninsula (including the AUKUS project), partnering with Commonwealth agencies is also needed to ensure that these significant projects meet the objects of the Adelaide Dolphin Sanctuary Act.

With respect to the practical delivery of this strategy, it is important to note the following: The assessment processes under the Commonwealth EPBC Act and the State’s PDI Act for major and significant development projects provide flexibility for the objects and intents of the Adelaide Dolphin Sanctuary Act to be considered and relevant criteria to be incorporated into the assessment processes for such developments. However, outside of these infrequently used EPBC Act and PDI Act ‘major development’ and ‘environmental impact statement’ assessment pathways, all other development is assessed against the provisions of the PDI Act’s Planning and Design Code (the Code).

While the Code contains an ‘Adelaide Dolphin Sanctuary Overlay’, this unfortunately has very limited practical effect. By way of explanation, as the planning requirements of the Overlay only apply to a specific spatial area that mirrors the area defined by the Adelaide Dolphin Sanctuary Act, its requirements are only called up for development within the actual sanctuary and are not called up for development proposals on land adjacent to or nearby the sanctuary. This means that the Code’s Adelaide Dolphin Sanctuary Overlay does not address the broader intent of the Adelaide Dolphin Sanctuary Act and the interplay between the sanctuary and the land that surrounds it.

Furthermore, unlike many other Code Overlays, there is no requirement for referral to a specialist entity who can give advice or direction on development applications that may affect the sanctuary.

The Adelaide Dolphin Sanctuary Management Plan should recommend that the Planning and Design Code’s practical effectiveness in delivering the objectives of the Act be reviewed, that a referral body for development applications be nominated and that the Code’s policies for the ADS be applied to the land surrounding the sanctuary. (The latter may require the redrawing of the Overlay boundaries so that they are different from the boundaries of the sanctuary defined under the Act.)

In relation to **Theme 3: Community understanding and participation**

- Regarding opportunities and building partnerships with Kaura – Several of the strategies are not clearly defined. Council recommends DEW engage further and in depth with Kaurana meyunna on the actions under theme three to tease out specific priorities or actions they may want to take carriage over or partner in before the Management Plan is finalised. Members of Council's Aboriginal Advisory Panel may wish to be involved and further engagement should include this group.
- Regarding opportunities for improved nature-based tourism and education of tour operators within the Sanctuary:
 - Incorporate a training module into the Marine Mammal Permit for tour operators, continue to provide information online that operators can use and reference, prepare guide notes for tourism operators.
 - Work with partners/stakeholders to update, modernise and digitise sanctuary information signage and displays at key visitor locations.
 - The Dolphin Sanctuary Display room at the Port Adelaide Visitor Information Centre has low engagement and suggest a modern digitised interpretation be investigated.
 - The Dolphin Sanctuary trail, hard signage is aged/weathered and some signs and markers are no longer there. A plan to remove needs to be implemented and consideration given to whether it is replaced or incorporated into other signage or wayfinding plans that PAE, Renewal SA, DEW or other stakeholder may be undertaking or could consider to undertake.
 - Council's Visitor Information Centre (VIC) has actively supported the Dolphin Trail and other initiatives in the past, and this liaison can continue to be of great mutual benefit, including the provision of visitor information and promotional support. Currently, the VIC produce and distribute a Port River Dolphin Trail/guide brochure to visitors. The VIC staff work with the ADS rangers to fact check and update before every print run. The brochure is very popular.
 - Participation in the SA Nature Festival, either directly or in partnership with tourism operators or local government could be a good avenue to educate and engage.
- Regarding support to local groups - Supporting community organisations leading the way on action to improve the Port River and Barker Inlet Estuary is very important. The Estuary Care Foundation's Future Vision for the Port River and Barker Inlet System, and the establishment of the Friends of Port River provides an excellent opportunity to strengthen support for community led action as well as support for the work and research being undertaken by groups such as OZFish and Australian Microplastics Assessment Project (AUSMAP).

In relation to the 'annual implementation program'

- Council would like to better understand the annual implementation program that will support the delivery of the Management Plan. As a key stakeholder in the Plan's implementation, Council is keen to ensure that the roles and responsibilities identified for Council are practical and achievable and can be reflected in Council's strategic plans and programs.
- Council recommends the implementation program be transparent and prepared ahead of each financial year to ensure adequate time to enable each agency to include the tasks in their operational and budget programs for the following year.
- Regarding performance measures/specific annual targets that will form part of the implementation program. Currently, it is difficult to understand how the effectiveness of the Management Plan will be determined as there are no ranked priority actions, targets or indicators.