



5 Milner Street,
Hindmarsh SA 5000

Phone: (08) 7127 4630

Fax: (08) 82319773

Website: www.ncssa.asn.au

Ms Peta Brettig
Senior Project Officer
Natural Resources SA Murray Darling Basin
River Murray Water Allocation Plan
GPO Box 1047
Adelaide SA 5001

Friday 14 September 2018

Re: Water Allocation Plan for the River Murray Prescribed Watercourse

Dear Ms Brettig,

The Nature Conservation Society of South Australia (NCSSA) appreciates the opportunity to comment on the updated Water Allocation Plan (WAP) for the River Murray Prescribed Watercourse. Since 1962, the NCSSA has been a strong advocate for the protection of native vegetation and biodiversity in South Australia with particular attention being paid to nationally and state listed threatened plants, animals and ecological communities and management of protected areas. NCSSA has been a long term advocate for the protection of the River Murray and allocation of water for environmental needs. Specifically, we have a long-standing interest in the ecology of the Coorong and Lower Lakes wetlands at the end of the Murray River, having previously undertaken a number of surveys of the plants and animals of that region, dating back to the 1970's (for example see Gilbertson and Foale 1977).

We commend a number of improvements in the WAP over the version we commented on in 2015 (adopted in October 2017), including:

- the inclusion of South Australian Aboriginal river nations' interests and worldviews,
- the explicit protection of additional or unregulated flows from extraction, and
- a limit being placed on extraction from the Upper Pike River anabranch (although we recommend these arrangements be made more precautionary, as per our detailed comments on the following pages).

However, we are deeply concerned that, as the WAP explicitly states, the environmental water requirements of the South Australian portion of River Murray and its floodplains cannot be met at the current level of consumptive use. In our view, this does not represent a "balance between social, economic and environmental outcomes" but an ongoing failure of our collective governance to adequately address environmental requirements as a first, necessary step to restoring the health of the system, and to allocating consumption only from the water that remains.

The South Australian portion of the River Murray and associated floodplains support wetlands of national and international importance that Australia is obliged to protect, as well as being home to a rich biodiversity that includes a number of threatened species. We therefore urge for more to be done to secure the minimum environmental requirements for a healthy river and floodplain system. In the context of the WAP, this should include the short, medium and long term plan for reducing South Australia's consumptive water use. Further,

whilst we acknowledge this is outside the scope of the WAP, we urge all members of the SA Natural Resources SA Murray Darling Basin to advocate for an increase in flows to South Australia dedicated for the environment, including the 450GL of 'upwater' that is yet to be committed by other Basin States.

Please refer to the following pages for our specific comments. If you would like to clarify or discuss any of the points raised please contact me on (08) 7127 4633 or via email at julia.peacock@ncssa.asn.au.

Yours sincerely,

A handwritten signature in blue ink that reads "Julia Peacock". The signature is written in a cursive style and is set against a light yellow rectangular background.

Julia Peacock
Nature Advocate

NCSSA comments on the Water Allocation Plan for the River Murray Prescribed Watercourse

The inclusion of South Australian Aboriginal river nations' interests and worldview

We commend the inclusion of Aboriginal water interests in this WAP. As the first peoples of the river, the interests of Aboriginal river nations should be recognised and supported. We also support their call for environmentally sustainable management of their traditional country (page 30).

We acknowledge this WAP as a starting point for an ongoing conversation and involvement of Aboriginal nations in water planning. We trust it will lead to further opportunities for Aboriginal nations to realise their aspirations of continuing culture on Country, and specifically to accessing and using cultural flows through the inclusion and allocation of water for this purpose.

We wish to refer Natural Resources SA Murray Darling Basin to two recent examples of where the rights and interests of indigenous peoples to their rivers have been enshrined in legislation, as models for consideration in future water allocation planning processes:

- the recently enacted *Yarra River Protection (Wilip-gin Birrarung Murron) Act 2017* (Vic), which recognises the Yarra River as a living entity, creates a new organisation to advocate for the river (the Birrarung council) and places at the centre Indigenous values of the river (including Victoria's first bilingual legislation, see O'Bryan 2017 for background), and
- the recognition of the Whanganui river in New Zealand as Te Awa Tupua (river ancestor), a legal entity with rights and interests of its own. This includes recognition of its cultural significance, the Maori world view that the river cannot be owned and the need for inclusion of Maori in its governance.

Restoring the South Australia portion of the River Murray and associated floodplains to health and function

We acknowledge the long history of over-extraction of water from this river system across a number of States, as well as past and current attempts that have been made to reduce water use in order to return it to health, most recently in the form of the Basin Plan. However, despite some progress being made, there is still insufficient water being made available to restore the rivers and floodplains of the Murray-Darling Basin to any sustainable level of health or function. Across the system as a whole, modelling indicates that a sustainable diversion limit of 2,750GL is inadequate and that it should be much higher, in the order of 7,000GL, in order to have a high confidence of returning the rivers and floodplains of the Basin to health. We also reject that the planned "sustainable diversion adjustment mechanisms", recently passed by the Australian Parliament, will adequately compensate for the further reduction in water dedicated to the environment.

Therefore, in the context of the Basin Plan, we urge all members of the SA Natural Resources SA Murray Darling Basin to advocate for an increase in flows to South Australia dedicated for the environment, including the 450GL of 'upwater' that is yet to be committed by other Basin States. However, we recognise that amending the Basin Plan is beyond the scope of this WAP and therefore we focus our comments on South Australia's entitlement of 1,850GL as stipulated in the Basin Plan.

We are deeply concerned that, as the WAP explicitly states, the environmental water requirements identified in the long-term environmental watering plan for the area cannot be met from the entitlement of 1,850GL. We acknowledge that the current amount dedicated for environmental flows, including through the Wetland Consumptive Pool and the Environmental Consumptive Pool, provides an important baseflow on which to build, and that capitalising on unregulated flows and ensuring co-ordination across the system will support the best possible environmental outcomes, however, we believe more needs to be done to secure the minimum environmental requirements for a healthy river and floodplain system.

The WAP acknowledges that ‘high levels of water allocation and extraction from the rivers, wetlands, and backwaters of the Basin have resulted in widespread environmental decline’ and that ‘ecological components and functions are important to the health of the system and ultimately the long-term viability of the Basin’s communities and economy’. We applaud and support these statements, and call for them to form the basis of our water allocation process. Whilst we acknowledge that “existing users were already heavily reliant on the watercourse when environmental water requirements were quantified” (page 32) and we applaud that “no more water will be granted for consumptive purposes” (page 40), the WAP should set out how we, as a community, plan to reduce South Australia’s consumptive use to a level that will truly return the river and its floodplains to health. Since irrigation forms a large component of our consumptive use, the WAP should outline the short, medium and long term changes that will be required in order to achieve this reduction.

Explicit protection for unregulated flows

We strongly support the preservation of planned environmental water for the environment, unless it is required by emergency circumstances, as outlined in Principle 6 on page 95. Although we acknowledge that in practice, this will not change how additional flows and unregulated flows are treated, we believe it is important to explicitly state this intention.

Upper Pike River Anabranh

We strongly support the recognition and protection of the high conservation values of the Pike River anabranh and floodplain, and therefore the establishment of the Management Zone that places a limit on extraction. However, we believe the arrangements in the WAP should be amended to better acknowledge the degree of uncertainty regarding this area’s vulnerability to environmental decline by:

- reducing the resource monitoring trigger (page 148) to a more precautionary 50% (rather than 80%) of the volume authorised to be taken;
- requiring metered extraction by all users to be reported on a daily basis, rather than aggregating data on amount extracted for yearly review, since the timing of extraction can be equally important as volume when determining the impact on the ecology of the system;
- actively monitoring the ecology of the system to ensure the extraction limit is resulting in the desired level of ecological protection, and using the results to improve our models of predicted response, and
- comprehensively reviewing the ecological and consumptive use data collected every 5 years, regardless of any detected change, to ensure the best information available is being used to support decision-making.

We also support the trials of weir pool water level manipulation to improve floodplain and wetland health and connectivity, as will be implemented through the *South Australian River Murray Annual Operating Plan* (page 48).

Salinity

We concur that salinity is a natural part of the river system that has been exacerbated by vegetation clearance and development of agriculture across the Basin. We agree “it is not feasible to completely revegetate the catchment and irrigated agriculture is vitally important to the State’s economy, so ongoing management is needed” (page 45), and that engineering solutions such as salt interception schemes will remain central to this. However, we would encourage Natural Resources SA Murray Darling Basin to consider all the possible alternatives to achieve salt reduction, including whether the strategic use of revegetation could support engineering solutions in reducing salinity whilst also producing other co-benefits, such as buffers and windbreaks in the landscape and habitat for crop pollinators and other wildlife.

Climate change impacts

We strongly support consideration of the likely impacts of climate change on water allocation (Section 2.6). Whilst we concur that uncertainties about the quantum and timing of climate change and its impact on water availability and demand remain, the balance of evidence suggests that a reduction in water availability is the most likely scenario and that planning for this early will result in the best outcome for the community and the environment, at the lowest cost.

References

Gilberston, D & Foale, M, 1977, *The Southern Coorong and lower Youngusband Peninsula of South Australia*, NCSSA Inc., Adelaide.

O'Bryan, K, 2017, 'Giving a Voice to the River and the Role of Indigenous People: The Whanganui River Settlement and River Management in Victoria' (2016/17) 20, *Australian Indigenous Law Review* (advance).