

13 April 2022

Dear David

Subject: Proposal referred under Clause 49 Schedule 1 *Water Act* (2007)

Thank you for the *VMFRP Nyah* proposal referred to the Murray-Darling Basin Authority (MDBA) under Clause 49 of Schedule 1 (Murray-Darling Basin Agreement) of the *Water Act* (2007).

In considering this proposal, we assess the possible effect of the proposal on the flow, control, use, or quality of water, in the upper River Murray and the River Murray in South Australia.

Based on the information provided, we have completed our assessment in accordance with the provisions under Clause 49 only and without regard for the 2024 SDLAM reconciliation.

Our assessment concludes the proposal is:

- unlikely to have a significant adverse impact on the flow, control, use, or quality of water of the River Murray.

Our assessment also provides the following representations for your attention:

- we seek to be included in the ongoing development and finalisation of operating plans (and their implementation within the SDLAM reconciliation process), and to ensure the operational planning/governance arrangements are appropriately linked to MDBA operational governance and broader river operations.
- we seek to review the arrangements for the operation and maintenance of the associated structures, as the project is further progressed.
- in finalising the operating plan, the risk and mitigations described in the Clause 49 referral documents should be included.
- an assessment of cumulative risks of environmental water delivery to multiple sites should be undertaken, including any water quality risks and trade-off between sites upstream and downstream.
- risk assessments and proposed mitigations to protect River Murray flow, control, use, and quality are high level; we anticipate all recommendations and appropriate measures will be undertaken to avoid negative impact to the beneficial uses of the River Murray, and recommend development of a consolidated risk and mitigation assessment/document.
- to more fully understand cumulative demand for environmental water under different water availability scenarios, consideration should be given to how these works interact with other planned floodplain environmental works and environmental demands upstream/downstream, including the proposed VMFRP projects, Victorian planning processes, and other broader demands and southern connected basin scale planning processes.

Offices

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Please note the MDBA has responsibility to regulate the River Murray and cannot guarantee water levels. As part of river operations, variation in river and weir pool levels may become more pronounced, and average levels may change significantly.

Should you have any further queries, please direct them to RiverMurrayHealth@mdba.gov.au.

Yours sincerely,

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