Australian Government | MURRAY–DARLING BASIN AUTHORITY

[redacted]

17 February 2022

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Dear David

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

Thank you for the *VMFRP Hattah Lakes North* 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
- considered likely to trigger further approvals associated with works to Joint Venture (JV) assets (Clause 56 of the Agreement) (refer below).

Our assessment also provides the following representations for your attention:

- given the operating plan is in draft, we seek commitment to include the MDBA in ongoing work to finalise the operating plans and their implementation within the SDLAM reconciliation process, as well as operational planning and governance arrangements
- in finalising the operating plan, the risk and mitigations described in the Clause 49 referral documents should be included
- the operating plan and associated Environmental Water Management Plans for all The Living Murray (TLM) icon sites need approval from the Southern Connected Basin Environmental Watering Committee (SCBEWC)
- 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
- 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
- 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.

- the installation of a new regulator, the Wallawalla Causeway and Bitterang levee works are considered Joint Venture assets and require approval under Clause 56
- the works for the Wallawalla Causeway include an increased crest height to facilitate higher inundation levels – this will impact more greatly than road surface renewals.

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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