8 August 2011

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SA MDB NRM Board
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Dear Hugo,

The Conservation Council of South Australia Inc (Conservation SA) welcomes this opportunities to provide comment on the draft Water Allocation Plan (WAP) for the Eastern My Lofty Ranges Prescribed Water Resources Area.

Conservation SA is the peak environment and conservation body in South Australia. Conservation SA represents over 50 member groups and their 60,000 supporters and has been a voice for the protection of South Australia's environment since 1971.

As the peak conservation body for South Australia, the Conservation Council of South Australia (CCSA) has a good understanding of the likely impacts of climate change on South Australia's future environment.

That understanding was expressed recently in CCSA's "South Australia in a Changing Climate: A Blueprint for a Sustainable Future" (http://www.conservationsa.org.au/blueprint.html). This document sets out, at a strategic level, policy positions in six key environmental areas.

Conservation SA advocates strongly for environmentally sustainable levels of water provision that protect the integrity and environmental health in the South Australian Murray-Darling Region and we hope the Board will duly consider our comments when reviewing the plan.

For further information please contact Conservation SA's NRM Facilitator, Jill Woodlands on (08) 8223 5155.

Yours sincerely,

Tim Kelly
Chief Executive

Conservation Council SA

Eastern Mt Lofty Ranges Water Allocation Plan

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The **Conservation Council of South Australia Inc (Conservation SA)** is the peak conservation body for South Australia, representing over 55 of the State's environment and conservation organisations.

Conservation SA is an independent non-profit, non party-political, community based organisation that provides resources, advice and representation for the SA environment movement, and leads many of the key conservation campaigns in SA.

Conservation SA is known for its success in developing long term community development, education, and on-ground environmental restoration programs.

Conservation SA regularly liaises with Local, State and Federal Governments, Government agencies, media, educational institutions, NGOs, unions, industry, business and other groups on matters relating to the environment and social justice.

As a community organization, much of what Conservation SA achieves is through a large network of skilled volunteers from all walks of life – for its office, on-ground, governance and campaign activities.

Conservation SA is committed to a healthy environment for South Australia.

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Overview

The Conservation Council of South Australia (Conservation SA) is pleased to comment on this draft Water Allocation Plan and supports the intent to manage the water resources of the Eastern Mount Lofty Ranges sustainably which includes providing necessary water for environmental needs.

Conservation SA commends the Board and the Department for Water (DFW) in the provision of a range of public meeting opportunities, individual appointments and targeted briefings on the WAP. Conservation SA was able to utilise two such opportunities for staff and representatives from some of our member groups which enabled a greater understanding of the WAP process and its associated limitations in the SA MDB NRM region.

Conservation SA would like to highlight the context of water allocation plans in SA. The management and allocation of water resources in South Australia is provided by the South Australian State Water Plan 2000 Volume 1 & 2 and the *Water Resources Act 1997*, which are now encompassed in the *Natural Resource Management Act (NRM) 2004*. Together with Water Allocation Plans (WAP), these provide for:

- formal provision of water for the environment
- more effective community participation
- better integration of water with natural resource management
- improved definition of rights to water.

The *Water Resources Act* and the *NRM Act* and the State and Regional NRM Plan are required to consider the water needs of ecosystems. In particular:

- balanced allocation between environmental, social and economic needs
- anticipation of future water needs
- monitoring the demands for water and if these can be met
- sustainable water use, including how one use/user might affect another use/user

Conservation SA encourage the South Australian Murray-Darling Basin NRM Board to demonstrate that all final decisions have been checked to be consistent with these criteria.

Environmental Water – National Context

The premise of the COAG water reforms, the National Water Initiative (NWI) and more recent national and state water laws, is that water can be allocated to various users once the requirements of the environment have been provided for. This is because the environment is the resource base upon which all other users depend and when protected this in turn ensures those industries and livelihoods are protected.

The COAG water reforms placed environmental water provisions at the centre of water resource management, whereas the NWI took a different approach, arguing that the environment would by default be provided for by placing water management in an economic context of security of entitlements, defined risk between governments and users, and the trading of water as a commodity to the highest dollar return industries. Regardless of the merit of these very different approaches, the environment remains at the centre of water management because all users understood that it is central to viable economies and ecological sustainability.

General comments

Environmental water requirements (EWR) and environmental water provisions (EWP)

Conservation SA recognises that the DfW and the SA MDB NRM Board have been committed to achieving equitable and sustainable water management for the SAMDB NRM region.

The objectives of the Water Allocation Plans (WAP) are usually very sound, but unfortunately they are not often fully implemented. The DfW is to be commended for developing environmental water requirements (EWR) for surface waters in this prescribed area and should now look to developing EWR for groundwater dependent ecosystems. These ecosystems are poorly understood, as is the effect of groundwater extraction on base flow. This is despite the fact that base flow is crucial for the maintenance of water dependent ecosystems (WDE), especially during the low flow season. Groundwater discharge is also known to be essential for the maintenance of wetlands and springs.

The challenge is to translate all environmental water requirements into environmental water provisions (EWP). It appears that the DfW and its technical support still face this challenge with limited quantitative knowledge.

Data collection

Essential data is missing in many circumstances, leading to uncertainty for management of the resources. Examples are the lack of information about the requirements for flow duration and frequency. Also more information is needed about distribution and variability of WDE and individual species.

Conservation SA is supportive of a robust program to advance this knowledge in order for the Board and DFW to utilise the most up to date data to avoid this situation. Whilst there are some areas where there are limitations to knowledge and data, there is ample evidence of the need to act to manage the water resources in the Eastern Mount Lofty Ranges Region.

Conservation SA recommends The SA MDB NRM Board ensures that through this Water Allocation Plan more data collection surveys as soon as practicable in some areas of uncertainty, and that on-going monitoring of all aspects should follow. In the mean time,

Conservation SA recommends conservative approaches be adopted and fully supports the precautionary approach taken thus far. In light of the limited quantitative knowledge of how water diversions and extractions affect the environment and other uses, caution is necessary.

Underlying value of environmental water

EWPs are calculated in the context of environmental objectives and policies (state, national, international) and the assets and services (social, environmental, economic) that water dependent ecosystems (WDE) provide. Environmental water is a component of all social and economic water provisions because it allows those uses to operate and to operate efficiently and sustainably. As such environmental water should never be seen as 'in conflict' with other uses. It is nevertheless still regarded as a separate category or user per se with the focus on both a healthy environment to underpin social, cultural, economic and recreational values as well as specific conservation values (e.g. biodiversity, healthy populations of indicator species, etc.).

EWPs depend on the level of landscape alteration. In highly modified landscapes, water sometimes has to be engineered to supply water to dependent ecosystems at pre-determined volumes, rate and times. Such water dependent ecosystems the Eastern Mount Lofty Ranges should be identified in this Plan.

Limitations of this WAP

The power of this WAP is limited if it is bound to protect the rights of existing users. Ideally, water use in this Prescribed Water Resource Area (PWRA) should be significantly reduced to levels that adequately meet environmental needs. This is especially important where water dependent ecosystems may already be deteriorating or degraded. As well as this, flows are already greatly reduced.
There is no mention in this WAP of any proposed reduction in the capacity or number of dams in the PWRA or any reduction in the number of wells or the volume of groundwater to be extracted.

Restoration of low flows

Conservation SA supports the logic in the WAP that gives emphasis to the restoration of low flows, establishing low flow bypasses on dams larger than 5ML, and the use of threshold diversions to achieve this. Low flows are the necessary minimum that is needed for the survival of WDE. They have also been significantly in short supply in recent times.

There is also a need to look at ways to increase water for the environment in the transition periods as well as in the low flow periods. This could be achieved by looking at incentives for voluntary action to reduce the number or capacity of dams and watercourse diversions, increasing the threshold flow to be diverted from dams, and providing incentives for water use efficiency.

Incentives for water efficiency

Conservation SA recommends that incentives for voluntary innovation in water use efficiency be implemented as a priority, along with community education. Changes to the direction, volume, rate and timing of water supply to WDE can be managed through working together with relevant stakeholders such as landholders, residents, industries, local councils and government departments. Water can be saved in both large and small ways, in domestic, agricultural and industrial settings.

Conservation SA is supportive of the Board providing both structural and financial incentives which target good water conservation measures.

Policy consistency

Conservation SA **recommends** a review and updating of relevant policies to avoid a lack of internal consistency. Policies for water, wetlands, biodiversity and conservation, and industries, development, roads, energy, waste and population need linkages and integration for effective policy implementation and consistency between separate arms of government.

There is the possibility that conflicting policy challenges may emerge. For example, the State Government has a strong population growth policy in the State Strategic Plan, which must not come at the expense of significant agricultural, economic and environmental assets and values.

Irrigation

Conservation SA recommends that water is not automatically allocated for irrigation where there is current or likely mobilisation or a rising water table. In these particular circumstances there needs to be some additional conditions to ensure that the use of allocated water does not cause significant environmental harm. Again, incentives should be provided for irrigation to be efficient, that is, for most of the water applied to be used by the plants, except where the excess is used to sustain the red gum swamps.

Climate Change

Noting that this water Allocation Plan has a relatively short timeframe of 5 years, it is understandable that climate change and adaptation measures are not comprehensively addressed in this WAP. It is however important that the WAP fully outlines the potential long term risks where climate in this region is likely to l become hotter and drier, overall, with more extreme drought and wet periods which may change the water resources and demands in the area.

The risks posed by climate change in the Eastern Mount Lofty Ranges mean that it is inevitable that water allocations will need to be adjusted through time. Conservation SA recommends that the financial risk of future adjustments must ultimately be the responsibility of landholders rather than requiring taxpayer funded buybacks.

River Murray

The local stretch of the River Murray has not been included in this PWRA. Conservation SA understands that this will be addressed through the adjacent Murray-Darling Basin Plan and recommends that that there be a more detailed integration between this WAP and the Murray-Darling Basin Plan.

Aboriginal Water Needs

Aboriginal water needs have not been identified or quantified in this WAP, although they are known to exist for various purposes within this PWRA. Conservation SA recommends that there be sensitive liaison with local aboriginal communities to determine their cultural water needs, and that these needs be taken into account in the management of the water resource.

Other recommendations

Water quality is important as well as water quantity, for both ecosystems and human use. Sufficient water flows will significantly assist in providing good water quality, through several different mechanisms.

Fish and macro-invertebrates have been chosen as the indicator species for WDE in this WAP. Conservation SA recommends that a vegetation component should also be used to measure the maintenance and resilience of WDE.

Conservation SA **recommends** that there should be more emphasis on the restoration of already degraded WDE. Revegetation and the introduction of biota would have far-reaching consequences, including for the regulation of water flows, groundwater levels and water quality.

Conservation SA notes that only one ecologist was present in the team that worked on environmental water requirements for this WAP. There was no other biologist of any kind on the team. Conservation SA **recommends** that there be a greater representation of the life sciences on the team dealing directly with ecosystems.

Connectivity of watercourses is vital for the full operation of WDE, particularly for fish migration. Whilst the development of dams in the PWRA for interfere with and reducenatural water flows other interferences such as wells, watercourse diversions, bridges, culverts and fords also need to be assessed and managed as part of this WAP.

Conservation SA **recommends** that water for artificial recharge be good quality. Also, any transfers of water allocations should adhere to the same conditions that apply to original allocations.

Specific comments

Underground water-dependent ecosystems

The WAP appears to say (p.57) that because there is limited knowledge about the ecology of groundwater aquifers where stygofauna live, and on which phreatophytes depend, that the EWR of those aquifers will not be further investigated or provided for; and that the WAP will therefore only investigate EWP from surface and watercourse water.

However, many other water dependent ecosystems are groundwater dependent ecosystems: e.g. Fleurieu Peninsula Swamps. Many of the watercourses in this PWRA are characterized by base-flow: i.e. groundwater input, particularly in the low-flow season.

Conservation SA **recommends** that a program to identify and register water dependent ecosystems that rely on groundwater be established and that these are taken into account when determining EWR.

Measuring Environmental Water Requirements

The findings from the method for measuring EWR (Government of South Australia, 2009, Environmental water requirements for the Mount Lofty Ranges prescribed water resource areas, pp.44-59) show that all aspects of the flow regime have been impacted by current land and water use; that the low flow season is the most impacted; that the impacts are largely due to dams and watercourse extractions; and that WDE are at an elevated risk of degradation and are unlikely to be sustained in the long term under the present conditions. This context highlights the reasons for the Plans notification that future water resource development will be restricted.

Conservation SA **recommends** that in light of this knowledge, it would be opportune for the WAP to highlight the need for current use to be managed towards improvement rather than to maintain current levels. While it has been decided that existing user rights be maintained, the WAP could quite easily canvas options for voluntarily reductions in water use and water use efficiency, including adoption of new or upgraded technologies for reducing water use both in and outside the home, and for rural industries. Some water users will change practices in light of the knowledge that current levels of water use are degrading the environment. Incentives are recommended, and the options and need for some restraint in water use should be put forward. Water users around Australia (domestic and agricultural) have in the past two decades significantly reduced their use of water and changed their practices, voluntarily but importantly as a result of awareness and education. This has mainly focused on available surface water in dams and watercourses, but is just as relevant to groundwater.

As part of improving knowledge and data Conservation SA also **recommends** that a region wide audit be undertaken to determine the amount and rate of water loss from the region. Increased surface run-off has resulted from eroded land, cleared land, incised channels, and impervious surfaces such as bitumen roads and agricultural drains that make arable land available and stormwater drainage systems in towns. There is more water moving through the landscape at an increased rate now than prior to vegetation clearance and development. Water that would otherwise have been stored in the region, moving slowly through the landscape is now being lost from the region and at an increased rate, leading to a drier landscape, erosion and water stressed ecosystems. Faster flash floods from cleared catchments may deliver water to swamps and watercourses at a faster rate, but water movement through and out of these systems is similarly more rapid.

Conservation SA **recommends** that the WAP is properly integrated with other NRM and catchment management planning, decision making and actions to specifically alleviate these losses. Ensuring the success of broader landscape scale NRM improvements can assist in Drought resilience by keeping winter rainfall in the landscape as far as possible through natural mechanisms.

Environmental Water Quality Requirements

Although WAPS do not usually fully address water quality issues Conservation SA sees this as key opportunity to seek some improvements in water quality. Conservation advocates that both quantity and water quality should be co-managed in a regional water plan. Quality and quantity are inextricably linked. As water use causes changes in water quality the direct relationship needs to be highlighted and who has responsibility identified. Also methods to achieve better water quality could be mentioned including keeping stock out of watercourses.

Natural flow regimes will indeed provide for water quality but whether the WAP is able to 'provide appropriate flow regimes' given the principle of 'acceptable level of risk' cannot be assumed.

Conservation SA **recommends** that the WAP cover water quality issues where there is a direct link between water use and subsequent poor water quality such as from increasing salinity or higher nutrient levels in runoff. The linkages to managing water quality through other policy mechanisms should also be clearly articulated in the WAP (e.g. NRM Act, SA MDB Board, EPA, etc) to show how these programs and their objectives are integrated into water planning in this WAP.

Indicator species selected to measure environmental health are limited to fish species and macroinvertebrate population condition (Govt of S.A.,2009). Vegetation condition also needs to be considered.

Threshold Flows

This section (p.80) needs information about how threshold flows will be managed. What are the options re infrastructure needs (permanent or temporary?); who manages the threshold flow (land owner or land manager/authority?) both in term of on-ground management and in terms of monitoring and compliance?

Error Values

Extraction limits should incorporate an error value: i.e. are they conservative to allow for the fact that existing non-licensed extractions can be greater than that reported? (Table 4.3 (p. 92, Table 4.4 pp 93-110 & Table 4.7 pp. 112-3). Conservation SA recommends that a ± percentage error value be included, thereby minimizing available extraction limits (ML) to account for plausible under-reporting and to limit the risk of further degradation by erring on the side of caution.

This approach should apply to groundwater and surface water allocations

General Allocation Criteria (pp.117-123)

Conservation SA **recommends** that the WAP describe the process of how water allocations will be monitored and assessed against these criteria in more detail. This process should be transparent and available to the public to view and to participate in.

Monitoring and Evaluation (pp.177-184)

Conservation SA **recommends** that *surface and watercourse monitoring* include sites additional to gauging stations, the data from which is not always ecologically relevant (e.g. flow). Ecologically relevant water measurements i.e. depth, velocity, channel morphology, pool riffle sequence frequency and character, could be measured in areas of high conservation value or in other areas of interest. The monitoring should be seen as a research tool as well as for adaptive management.

Council Development Plans (p185).

The linkage between Council Development Plans and the WAP is critically important. The aim of having different arms and levels of government operating consistently and synergistically should be given prominence and support.

Impacts on downstream users

Conservation SA **recommends** that the impact of water use on downstream users be included in the WAP and that this be supported by clear step-by-step processes for determining and managing such cases.

Plantation Forestry (p.40-41)

Groundwater extraction by plantation forestry has reduced the levels of the Permian Sands and fractured rock aquifers. This threatens the already critically endangered Fleurieu Peninsula swamps and wetlands. Because of this, Conservation SA **recommends** that legislation be passed to regulate the plantation forestry industry. A more appropriate location may be found for these forests elsewhere.

Conservation SA commends the fact that water reuse is expected to be instituted for intensive farming in certain areas (P.43) and that there are plans to re-use treated effluent for mining operations near Kanmantoo (P.44).

Conservation SA **recommends** that any privately owned desalination plants (mentioned on P. 44) are small-scale to minimise the risk of pollution. Desalinated water waste streams can be high in salinity, heavy metals and chemicals including anti fouling agents. Such streams must not be released to the environment. The Conservation Council also recommends that desalination plants must be consistent with South Australia's state wide desalination policy as promised in the Water for Good Strategy. Due to the energy intensity of such plants there should be a corresponding commitment to 100% accredited GreenPower.

Conservation SA commends the reuse of wastewater, both current and proposed, for open space, horticulture etc. (P.45).

It would be helpful to have a list of environmental assets in the Appendix (P.72).

The WAP states that many risks to the environment are outside the scope of this plan and will be addressed by other mechanisms (Pp.77-8). It would be helpful to know what these mechanisms will be.

Conservation SA commends the fact that, with some exceptions, no new water allocations will be made in the EMLR PWRA (P.78).

Conservation SA questions why catchment scales management objectives only provide for WDE at the end of catchments (P.81).

Even for areas containing Significant Environmental Assets, water can be taken by existing users (P.83). Conservation SA **recommends** that Significant Environmental Assets be protected .

Extra water is allocated to allow for evaporation (P.85) however Conservation SA **recommends** that water consumers are encouraged to minimise evaporation through processes including the use of covered vessels and shade from vegetation.

Conservation SA commends the use of buffer zones around existing wells, and larger buffer zones around Significant Environmental Assets (P.108).

Water Allocation Criteria

Conservation SA commends the use of principles six and seven (P.118). However, these principles need to be policed with penalties for non-compliance, similar to those described by principle nine for principle eight (P.118).

Regarding principle 17, the management plan required for allocation of water to ecosystems may be a disincentive to do this. Encouragement is needed not disincentives. Could a form be made available online to make the process of application easier so that water users are encouraged to allocate water to ecosystems?

Conservation SA commends the use of principles 23,68,72(b),74,91(b),98,120,121,146,147,149,150,152,153,154,155,165,174,187,188,189,193,194(b),195(a)(g),196,201,202,203,204,205,207,208,209,211,212,214(a),217,238,242,253,254,273,276,277,278

Permits

Conservation SA questions whether any permits should be issued for new off-stream dams at all (P.150).

Regarding Principle 170, why is the limit for dam capacity put at "twice the reasonable water requirements of the property from dams"? This seems excessive, and probably should read only "equal to the reasonable water requirements of the property from dams".

Regarding the objectives for the drainage or discharge of water into a watercourse or lake, Conservation SA recommends that objective (a) (i) should read "prevent" instead of "minimise".

Regarding the use of effluent, Conservation SA **recommends** that the objectives under section 7.2.6 should include no harm to ecosystems from effluent. This is to prevent the discharge of untreated effluent to watercourses (or an aquifer), where it can severely upset the ecological balance.

Regarding principle 206, Conservation SA **recommends** that effluent should not be permitted within the buffer zone of a Significant Environmental Asset,

Regarding principle 239, Conservation SA **recommends** that a commercial plantation forest should not be allowed to be replanted if it is in a location that is detrimental to WDE such as the Fleurieu Peninsula wetlands.

Regarding principle 227(d), Conservation SA **recommends** that the attenuation zone not overlap an environmental buffer zone at all.

Conservation SA **recommends** that principle 233(a)(ii) should include herbicides.

Conservation SA **recommends** that principle 235 state that sampling in these cases should continue, at least annually.

Regarding principle 258, Conservation SA **recommends** that the annual water use report also include water efficiency measures.

Regarding section 8.1 Water Resource Monitoring, Objective (a)(vi), Conservation SA question what baseline will be used for monitoring changes to WDE? It would be more useful to rate the condition of the WDE, rather than note any future detrimental changes, as most WDE in this PWRA are already severely degraded.

Regarding principles 266 and 267, water quality parameters should be specified, with allowance to add more.

Conservation SA commends principle 273; similar stipulations should apply elsewhere in the WAP as well, for example, regarding imported water and effluent.

Conservation SA commends principle 275; and would like to see it applied to other ecosystems as well.

Regarding monitoring and assessment of water resources and the environment (P.183), funding should be made available for on-going monitoring by the SAMDB NRM Board. This should be extended temporally and spatially, and particularly applies to principles 279 and 280.

Conservation SA commends the Angas-Bremer Irrigation Region Revegetation Booklet (Appendix C, p.213), and the fact that it is included with the WAP.

Specific Catchment Comments

Murray Group Limestone Aquifer
Here the groundwater has increased in salinity due to the current extraction rate. Current demand is not sustainable in the long term (Barnett, 2008, quoted in WAP, page 22). Therefore, Conservation SA recommends that there be incentives for voluntary reduction in the extraction rate from this aquifer through increased water efficiency measures, facilitated by community education.

Tookayerta Catchment
In this catchment here are significant wetlands that also need to be protected from over use of groundwater. (P.26) Conservation SA recommends that there be incentives for

voluntary increased water efficiency measures, facilitated by community education. Ongoing monitoring of the aquifer is also needed, with the results made public.

Angas River Plains
The groundwater is being replaced by increasingly saline groundwater. If the rate of extraction cannot be reduced at this time, Conservation SA recommends that future management of this confined aquifer be artificial recharge with fresher water (P.28.)

Bremer River Plains
The reduced flows have led to reduced frequency and duration of floods. This has significant implications for the red gum swamps, and for migration of fish. Conservation SA recommends that these flows be managed through voluntary water efficiency measures and community education in order to protect the red gum swamps.

Also, the Bremer River has high salinity, which has implications for recharge of the groundwater, and for the numerous pools and springs sustained by groundwater discharge. Conservation SA recommends that in order to protect the environment in this region, increased fresh water is returned to the Bremer River (P.29) through incentives for water efficiency measures and community education.

Mt Lofty Ranges Southern Emu Wren & Fleurieu Peninsula Swamps

Conservation SA manages the Mt Lofty Ranges Southern Emu Wren & Fleurieu Peninsula Swamp Recovery Program (RP), which is responsible for the protection and management of Fleurieu Peninsula Swamps (FPS), a Critically Endangered Threatened Ecological Community under the Environment Protection and Biodiversity Conservation Act 1999.

We have made some additional comments that are specific to the FPS.

In January 2011 Conservation SA provided a detailed response to the AMLR NRM Board on the Western Mt Lofty Ranges WAP (attached) and argued for the maintenance of the 10% extraction limit in Surface Water Management Zones that contain FPS. The quote (below) is also applicable to the Eastern Mt Lofty Ranges.

> "…**the** [FPS] **RP supports** the 10% limit on extraction and/or diversion of water above a FPS. This is because it … protect[s] the values and assets of a swamp including its role in the wider natural and economic landscape" (original emphasis).
>
> The RP recommends that the 10% limit be applied to swamps outside the Fleurieu Peninsula that have similarly high biodiversity and habitat values. Some of these places could be classified as FPS but are ineligible for consideration under the WAP because they do not occur on the Fleurieu Peninsula, as required under EPBC Act listing. For consistency and full recognition of the endangered nature of these ecosystems it is essential that they are afforded the same level of protection. (pps 7-8)

Conservation SA would also like to reiterate the knowledge gap around groundwater resources and their use and the effects of current use. We advocate for a thorough groundwater investigation, especially in the areas where groundwater dependant ecosystems like FPS occur.

The Tookayerta catchment is singled out in the draft plan as an area that could see modifications to the consumptive limit. These modifications would be up from where they

are now. Due to the presence of most of the high priority Fleurieu Peninsula Swamps in the MDB occurring in this catchment Conservation SA would like to see current consumptive use in this catchment capped at the current level. Further what are the potential modifications the Department for Water are considering?