



## APPROVAL

### Parwan to Melton Pipeline, Victoria (EPBC 2018/8260)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

#### Details

<b>Person to whom the approval is granted (approval holder)</b>	Western Region Water Corporation
<b>ABN of approval holder</b>	67 433 835 375
<b>Action</b>	To construct a recycled water transfer pipeline, approximately 12 km in length, transecting between the towns of Parwan and Melton in Victoria [see EPBC referral 2018/8260].

#### Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.


#### Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

#### *Period for which the approval has effect*

This approval has effect until 30 June 2040.

#### Decision-maker

<b>Name and position</b>	Kim Farrant Assistant Secretary Environment Assessments (Vic, Tas) and Post Approvals Branch Department of Agriculture, Water and the Environment
<b>Signature</b>	
<b>Date of decision</b>	4 May 2021

#### Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

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## ANNEXURE A – CONDITIONS OF APPROVAL

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### Part A – Conditions specific to the action

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1. Within the **project area**, the approval holder must not **clear** more than:
  - a. 10.459 hectares of **Golden Sun Moth habitat**.
  - b. 4.961 ha of **NTGVVP**
2. Prior to the **commencement of the action**, to compensate for the loss of 10.459 ha of **Golden Sun Moth habitat** and the loss of 4.961 ha of **NTGVVP**, the approval holder must protect the **offset areas** by finalising a Section 173 agreement under the *Planning and Environment Act 1987* (Vic). The Section 173 Agreement must not be removed unless the site is **secured**.
3. Within 24 months of this approval the **offset areas** must be **secured**.
4. Within 10 **business days** of each **offset area** being **secured**, the approval holder must provide the department with:
  - a. written evidence demonstrating that all the **offset area** has been **secured**; and
  - b. **shapefiles** and the **offset attributes** for the **offset area**.
5. Prior to the **commencement of the action**, the approval holder must implement the **Offset Management Plan** for each **offset area**, and must continue to implement the **Offset Management Plan** for each **offset area** for the duration of the approval.
6. If the approval holder wishes to carry out any activity within an **offset area** other than in accordance with the **Offset Management Plan**, the approval holder must submit a revised version of the **Offset Management Plan** to the **department** for the **Minister's** written approval. The approval holder must not commence the varied activity until the **Minister** has approved the varied management plan in writing. If the **Minister** approves the revised **Offset Management Plan**, the revised version must be implemented. A revised **Offset Management Plan** must not result in a reduced environmental outcome for the **Golden Sun Moth** or **NTGVVP**.

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### Part B – Standard administrative conditions

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#### Notification of date of commencement of the action

7. The approval holder must notify the **department** in writing of the date of **commencement of the action** within 10 **business days** after the date of **commencement of the action**.

#### Compliance records

8. The approval holder must maintain accurate and complete **compliance records**.
9. If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

**Note:** **Compliance records** may be subject to audit by the **department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **department's** website or through the general media.

#### Preparation and publication of plans

10. The approval holder must keep the **Offset Management Plans** published on the **website** until the end date of this approval.

### Annual compliance reporting

11. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:
  - a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
  - b. notify the **department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within five **business days** of the date of publication;
  - c. keep all **compliance reports** publicly available on the **website** until this approval expires;
  - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
  - e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **department** within 5 **business days** of publication.

**Note:** Compliance reports may be published on the **department's** website.

### Reporting non-compliance

12. The approval holder must notify the **department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in the **Offset Management Plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
  - a. any condition which is or may be in breach;
  - b. a short description of the **incident** and/or non-compliance; and
  - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
13. The approval holder must provide to the **department** the details of any **incident** or non-compliance with the conditions or commitments made in the **Offset Management Plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
  - a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
  - b. the potential impacts of the **incident** or non-compliance; and
  - c. the method and timing of any remedial action that will be undertaken by the approval holder.

### Independent audit

14. The approval holder must ensure that an **independent audit** of compliance with the conditions of approval is conducted for the 12 month period starting from the **commencement of the action**, and that an **independent audit** of compliance with the conditions of approval is then conducted for each subsequent 12 month period until the **completion of the action**.
15. For each **independent audit**, the approval holder must:
  - a. provide the name and qualifications of the proposed **independent** auditor and the draft audit criteria to the **department** before the end of the subject 12 month period;

- b. only commence the **independent audit** once the audit criteria have been approved in writing by the **department**; and
  - c. submit the audit report to the **department** within the timeframe specified in the approved audit criteria.
16. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

#### **Completion of the action**

17. Within 20 **business days** after whichever is the earlier of
- a. the **completion of the action** or
  - b. 60 **business days** before the end date of the period for which the approval has effect,
- the approval holder must notify the **department** in writing of the date of the **completion of the action** and submit all **completion data** to the **department**.

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### **Part C - Definitions**

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In these conditions, except where contrary intention is expressed, the following definitions are used:

**Business day** means a day that is not a Saturday, a Sunday or a public holiday in Victoria.

**Clearing** (also **clear**) means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance).

**Commencement of the action** (also **commence the action**) means the first instance of any specified activity associated with the action including **clearing** and **construction**. **Commencement of the action** does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys or monitoring programs;
- ii. install signage and /or temporary fencing to prevent unapproved use of the project area;
- iii. protect environmental and property assets from fire, weeds and pests, including erection of temporary fencing, and use of existing surface access tracks;
- iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**.

**Completion data** means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **department's** preferred spatial data format is **shapefile**.

**Completion of the action** means the time at which all approval conditions (except condition 17) have been fully met.

**Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

**Compliance reports** means written reports:

- i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **Offset Management Plan**;
- ii. consistent with the **department's** *Annual Compliance Report Guidelines* (2014);
- iii. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and

- iv. annexing a schedule of all **Offset Management Plan** prepared and in existence in relation to the conditions during the relevant 12 month period.

**Construction** means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

**Cressy offset area** means the areas protected for the conservation of the **Golden Sun Moth** (shown as 'Proposed Golden Sun Moth offset site' in Attachment B) and the **NTGVVP** community (shown as 'NTGVVP offset site' Attachment B).

**Department** means the Australian Government agency responsible for administering the **EPBC Act**.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**Golden Sun Moth** means the **EPBC Act** listed threatened species *Synemon plana*.

**Golden Sun Moth habitat** means areas with ecological conditions supporting the **Golden Sun Moth**, as described in the document *Threatened Species Scientific Committee (2013 Approved Conservation Advice for Synemon plana (golden sun moth). Canberra: Department of the Environment and Energy*.

**Incident** means any event which has the potential to, or does, impact on one or more **protected matter(s)**.

**Independent** means a person(s) that does not have any individual, or by employment or family affiliation, conflicting or competing interest(s) with the approval holder; the approval holder's staff, representatives or associated persons; or the action, including any personal, financial, business or employment relationship, other than receiving payment for undertaking the role for which the condition requires an independent person.

**Independent audit** means an audit conducted by an **independent and suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019).

**Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

**Mount Gow offset area** means the areas protected for the conservation of the **Golden Sun Moth** (shown as 'Proposed high quality GSM offset site' and 'Proposed moderate quality GSM offset site' in Attachment A).

**NTGVVP** means the **EPBC Act** listed threatened ecological community Natural Temperate Grassland of the Victorian Volcanic Plain.

**Offset area(s)** means one or all of the **Mount Gow offset area** or the **Cressy offset area**.

**Offset attributes** means relevant features of the **offset area**, including the **EPBC Act** reference number, the physical address of the **offset area**, coordinates of the boundary points in decimal degrees, and the **protected matter** or **protected matters** present at the **offset area**.

**Offset Management Plans** mean the following document, provided to the department on 19 March 2021:

- *EPBC Act referral 2020/8260 Parwan to Melton Pipeline, Victoria, Offset Management Plan: Mount Gow, Shelford, Victoria (EPBC 2018/8260)*, Report for CH2M Beca on behalf of Western Water. Author: Ecology and Heritage Partners Pty Ltd, Melbourne. Final version prepared 9 February 2021.

And the following document, provided to the department on 30 April 2021:

- *EPBC Act referral 2020/8260 Parwan to Melton Pipeline, Victoria, Offset Management Plan: 6060 Hamilton Highway, Cressy, Victoria (EPBC 2018/8260)*, Report for CH2M Beca on behalf of Western Water. Author: Ecology and Heritage Partners Pty Ltd, Melbourne. Final version2 prepared 30 March 2021.

**Project area** means the location of the proposed action, shown by the red line labelled 'Study Area: Preferred Option' in Attachment C.

**Protected matter(s)** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

**Secure** (also **secured**) means to establish and register a covenant for the long-term protection of the property for the conservation of relevant **protected matters**, under Section 3A of the *Victorian Conservation Trust Act 1972* (Vic) or under a Section 69 agreement under the *Conservation, Forests and Lands Act 1987* (Vic).

**Sensitive ecological data** means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

**Shapefile** means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

**Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

**Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

## ATTACHMENTS

### Attachment A – Mount Gow Offset area for the Golden Sun Moth



## Attachment B - Cressy Offset area for the Golden Sun Moth and NGTVVP



## Attachment C – Project Area

