

Hattah Lakes North and Belsar-Yungera Floodplain Restoration Projects EES Scoping Requirements

Hattah Lakes North and Belsar-Yungera Floodplain Restoration Projects EES – Final Scoping Requirements FAQ

June 2021

What is the purpose of EES scoping requirements?

Lower Murray Urban and Rural Water Corporation (LMW) is preparing a single environment effects statement (EES) to cover both the Hattah Lakes North and Belsar-Yungera Floodplain Restoration Projects. The scoping requirements set out the matters to be investigated and documented within the EES.

The EES will include a description of the proposed project, rigorous assessment of its potential effects on the environment and approaches to mitigation.

The final EES scoping requirements have been issued by the Minister for Planning and are available on the Department of Environment, Land, Water and Planning (DELWP) website:

<https://www.planning.vic.gov.au/environment-assessment/browse-projects/projects/hattah-lakes-north-floodplain-restoration-project-and-belsar-yungera-floodplain-restoration-project>

Did the public have an opportunity to comment on the scoping requirements?

Yes. Draft scoping requirements for the EES were exhibited on the Engage Victoria website for 15 business days until 14 May 2021. Notice of the draft scoping requirements' exhibition was advertised in metropolitan and local newspapers.

A total of seven submissions were received during the public exhibition period. Most of the submissions were from individuals.

Submissions received have been provided to the proponent to inform the ongoing development of the EES.

What issues were raised in public submissions on the draft scoping requirements?

The submissions raised a variety of potential environmental, amenity and socio-economic issues, most of which were already covered in the draft scoping requirements. The key issues raised in the submissions were:

- the context of the project's relationship to statutory policies, plans and strategies, specifically the Murray-Darling Basin Plan;
- need for independent expert peer review of EES documentation;
- consultation and engagement with stakeholders;
- need for assessment of alternatives;
- assessment of impacts to biological, cultural heritage and socioeconomic values, as well as cumulative impacts;
- characterisation of existing environment;
- assessment of indirect impacts on floodplain values;
- consideration of potential impacts of climate change on water availability;
- assessment of the project under the EPBC Act; and
- potential impacts to downstream Ramsar wetland sites.

Draft scoping requirements for the EES prepared for the Lindsay Island and Wallpolla Island Floodplain Restoration Projects were displayed at the same time as those of the EES for the Hattah Lakes North and Belsar-Yungera Floodplain Restoration Projects. Given the connection and similarity between the projects, submissions received for

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the Lindsay Island and Wallpolla Island draft scoping requirements were also considered in preparation of the final scoping requirements for the Hattah Lakes North and Belsar-Yungera Floodplain Restoration Projects EES.

What revisions have been made to the draft scoping requirements in response to public submissions?

In most instances, the draft scoping requirements adequately addressed the concerns raised by submitters. However, refinements and editorial changes to the scoping requirements were made to address specific issues and clarify requirements. These changes included:

- direct reference to consideration of potential impacts on land access added;
- specific mention of assessment of impacts on recreational use of land and waterways included;
- further emphasis added to assessment of potential effects on beneficial water uses downstream;
- context added regarding the project's relationship to the Murray-Darling Basin Plan;
- direct reference to assessing potential increases in visitation of project areas; and
- consolidation of references to assessment of project benefits in a new section for clarity.

What happens now the Minister has issued the final scoping requirements?

The proponent will proceed with the necessary information-gathering and investigations to examine impacts and address the matters set out in the scoping requirements and to inform the EES. The proponent will conduct its studies and prepare the EES in close consultation with DELWP and the Technical Reference Group (TRG) that DELWP has put in place for this EES.

The proponent will engage with the public and stakeholders about the EES process, its associated investigations and potential environmental effects of the projects, ensuring it provides opportunities for input and feedback on its investigations. The proponent's consultation plan can be viewed on the DELWP website:

<https://www.planning.vic.gov.au/environment-assessment/browse-projects/projects/hattah-lakes-north-floodplain-restoration-project-and-belsar-yungera-floodplain-restoration-project>

When the proponent believes the EES is ready, it will be reviewed by DELWP, and the Minister for Planning will decide whether to authorise the EES to be exhibited. If authorised, the EES will be placed on exhibition and public comment, typically for a period of 30 business days.

An inquiry will be appointed for the Hattah Lakes North and Belsar-Yungera Floodplain Restoration Projects EES under the *Environment Effects Act 1978*. The inquiry will consider the EES and submissions received about the EES, undertake a formal hearing process and report to the Minister, who will then make an assessment of the project's environmental effects.

After the Minister has made his assessment, the inquiry report and the Minister's assessment will be published on the DELWP website.

The Minister's assessment will be considered by statutory decision-makers responsible for the project's approvals (including the Commonwealth with regard to the required approvals under the EPBC Act).

When does the proponent expect to publicly exhibit its environment effects statement?

The EES is expected to be on public exhibition in early 2022. During the exhibition period, the public can make submissions on the EES.

What is the Victorian Murray Floodplain Restoration Project?

The Victorian Murray Floodplain Restoration Project (VMFRP) consists of nine discrete environmental works projects. The projects propose works to restore a more natural inundation regime to improve the ecological condition

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across Murray River Floodplains. The Hattah Lakes North Floodplain Restoration Project and Belsar-Yungera Floodplain Restoration Project form part of the VMFRP.

The projects propose works to return a more natural flood regime to approximately 1,130 hectares of the Hattah Lakes Floodplain Complex, within Hattah-Kulkyn National Park and Murray-Kulkyn National Park and across 2,374 hectares of the Belsar-Yungera Floodplain Complex. The proposed works include the following key components:

- Large and small regulators;
- Containment structures;
- Culverts;
- Spillways;
- Hardstand areas;
- Pipeline;
- New access tracks and realignment/upgrades to existing access tracks; and
- Borrow pit sites to supply fill material to support construction.

Why is an Environment Effects Statement (EES) required for the Hattah Lakes North and Belsar-Yungera Floodplain Restoration Projects?

In December 2020 the Minister for Planning determined under the *Environment Effects Act 1978* that LMW should prepare a single EES for the Hattah Lakes North and Belsar-Yungera Floodplain Restoration Projects. The projects as proposed could have a range of significant effects relating to:

- the floodplain ecosystem;
- threatened species and ecological communities listed under the *Flora and Fauna Guarantee Act 1988* and the *Environment Protection and Biodiversity Conservation Act 1999*; and
- Aboriginal cultural heritage values.

An EES is the most comprehensive and robust assessment process available in Victoria. The EES will provide an integrated and transparent examination of both proposed projects and their environmental effects.

What about the Commonwealth Environment Protection and Biodiversity Conservation Act?

The Hattah Lakes North and Belsar-Yungera Floodplain Restoration Projects were also referred (separately) to the Australian Government under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The projects were also referred to the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). A delegate for the Commonwealth Minister for the Environment determined on 19 May 2020 (Hattah Lakes North) and 29 September 2020 (Belsar-Yungera) that the projects are 'controlled actions', requiring assessment and approval under the EPBC Act. The provisions for the Australian Government's controlled action decision under the EPBC Act are:

- Listed threatened species and communities (section 18 and 18A); and
- Ramsar wetlands (sections 16 and 17B) (Hattah Lakes North only).

The EES process has been accredited by the Commonwealth to assess impacts on matters of national environmental significance under the EPBC Act. This will occur consistent with the requirements under the Bilateral (Assessment) Agreement between the Commonwealth and the State of Victoria. There will be no separate assessment by the Commonwealth.