

DECISION ON PROJECT

Decision under section 8B(3)(a) of the *Environment Effects Act 1978*

Lindsay Island Floodplain Restoration Project

(Referral 2020-R16)

and

Wallpolla Island Floodplain Restoration Project

(Referral 2020-R14)

Assessment through an environment effects statement (EES) under the *Environment Effects Act 1978* is required for the reasons set out in the attached notice of reasons for decision.

Procedures and requirements under section 8B(5) of the *Environment Effects Act 1978*

The procedures and requirements applying to the EES process, in accordance with both section 8B(5) of the Act and the *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978* (Ministerial Guidelines), are as follows.

- (i) A single EES is to document the investigations and integrated assessment of the potential environmental effects of the proposed projects. The investigations and assessments are to include feasible project alternatives and design refinements (e.g. alternative project layouts, siting of infrastructure, management measures, project staging and timing and/or extent of inundation events) to avoid, minimise, and manage effects, particularly for:
 - a. adverse effects on biodiversity and ecological values within and near the project area, including effects of exacerbated threatening processes, on native vegetation, listed threatened ecological communities and protected species;
 - b. intended ecological benefits and how they relate to the predicted adverse effects on specific biodiversity values;
 - c. effects on Aboriginal and historic cultural heritage values;
 - d. potential effects on water environments and related beneficial uses;
 - e. effects on groundwater that may result in adverse changes to groundwater dependent ecosystems;
 - f. effects on the socio-economic environment, including recreational and commercial (apiary) activities in the Murray-Sunset National Park and River Murray Reserve;
 - g. effects on existing landscape values; and
 - h. potential cumulative effects, including for threatened flora and fauna, hydrology and groundwater values, with particular regard to currently operating, approved and proposed environmental watering projects in the region.
- (ii) The matters to be investigated and documented in the EES will be set out more fully in scoping requirements prepared by the Department of Environment, Land, Water and Planning (DELWP). Draft scoping requirements will be exhibited for 15 business days for public comment, before final scoping requirements are issued by the Minister for Planning.
- (iii) The proponent is to prepare and submit to DELWP a draft EES study program to inform the preparation of scoping requirements.
- (iv) The level of detail of investigation for the EES studies should be consistent with the scoping requirements and be adequate to inform an assessment of the potential environmental effects (and their acceptability) of the project and any relevant alternatives, in the context of the Ministerial Guidelines.
- (v) DELWP will convene an inter-agency technical reference group (TRG) to advise DELWP and the proponent, as appropriate, during the preparation of the EES on the scoping requirements, the design and adequacy of the EES studies, and coordination with statutory approval processes.

- (vi) The proponent is to prepare and submit to DELWP its proposed EES consultation plan for consulting the public and engaging with stakeholders during the preparation of the EES. Once completed to the satisfaction of DELWP, the EES consultation plan is to be implemented (and updated as appropriate) by the proponent, having regard to advice from DELWP and the TRG.
- (vii) The proponent is also to prepare and submit to DELWP its proposed schedule for the completion of studies, preparation and exhibition of the EES, following confirmation of the draft scoping requirements. This is to enable effective management of the EES process on an agreed alignment of the proponent's and DELWP's schedules, including for TRG review of technical studies for the EES and the main draft EES documentation.
- (viii) The proponent is to apply appropriate peer review and quality management procedures to enable the completion of EES studies to a satisfactory standard.
- (ix) The EES is to be exhibited for a period of not less than 30 business days for public comment, unless the exhibition period spans the Christmas–New Year period, in which case 40 business days will apply.
- (x) An inquiry will be appointed under the *Environment Effects Act 1978* to consider environmental effects of the project.

Notification

The following parties (proponent and relevant decision-makers) are to be notified of this decision in accordance with sections 8A and 8B(4)(a)(i) of the *Environment Effects Act 1978*:

- Lower Murray Urban and Rural Water Corporation (proponent);
- Commonwealth Minister for Environment;
- Minister for Planning;
- Secretary of the Department of Environment, Land, Water and Planning;
- Mayor of Mildura Rural City Council;
- CEO of the Mallee Catchment Management Authority
- CEO of the Environment Protection Authority;
- CEO of Parks Victoria;
- Executive Director of Aboriginal Victoria;
- Executive Director of Heritage Victoria; and
- CEO of the First People of the Millewa-Mallee Aboriginal Corporation.



HON RICHARD WYNNE MP
Minister for Planning

Date: 06 / 12 / 2020