

Nyah, Vinifera and Burra Creek Floodplain Restoration Projects: Environment report scoping process

Nyah, Vinifera and Burra Creek Floodplain Restoration Projects Environment Report Scope - FAQs

July 2021

What is the purpose of the environment report scope?

Lower Murray Urban and Rural Water Corporation (LMW) is preparing a single environment report to examine environmental impacts associated with each of the Nyah, Vinifera and Burra Creek Floodplain Restoration Projects. These reports are required to assess impacts on matters of national environmental significance (protected under the Commonwealth EPBC Act) and impacts on other state and regional environmental values, to meet state assessment requirements under the *Environment Effects Act 1978* (EE Act). The environment report scope 'document' sets out the matters to be investigated and documented by the proponent within their environment report.

What is the environment report process LMW is undertaking?

The Victorian Minister for Planning decided under the EE Act that an environment effects statement (EES) was not required for the Nyah, Vinifera and Burra Creek projects. Each of the decisions to not require an EES were subject to conditions being met, to appropriately assess and manage specific potentially significant environmental impacts. The conditions set for each project require an environment assessment process (in lieu of an EES), including the preparation of an environmental report in consultation with DELWP and relevant agencies and departments, completed to the satisfaction of the Minister for Planning and advertised for public comment. The conditions also require preparation of an environmental management framework (EMF), native flora and fauna management plan, construction environmental management plan (CEMP) and operating plan informed by the findings and conclusions of the environment report, prior to the commencement of works.

Where are the environment report scopes published?

The environment report scope for these projects is available on the DELWP website:
<https://www.planning.vic.gov.au/environment-assessment/browse-projects/projects/nyah-vinifera-and-burra-creek-floodplain-restoration-projects>

Who prepared the environment report scope?

The environment report scope was prepared by DELWP in consultation with the Technical Reference Group (TRG) for the project. DELWP convened an inter-agency TRG to support all nine of the projects that form the Victorian Murray Floodplain Restoration Project (VMFRP) being assessed under the Act.

The organisations represented on the Technical Reference Group include DELWP (Impact Assessment, Planning, Biodiversity), DAWE, DJPR - Earth Resources Regulation, Department of Transport, First Peoples – State Relations, Heritage Victoria, Relevant Registered Aboriginal Parties, Relevant Local Councils, Relevant Catchment Management Authorities, Parks Victoria, Lower Murray Water, Goulburn Murray Water, Environment Protection Authority as well as the NSW Department of Planning, Industry and Environment.

What consultation was conducted in preparation of the environment report scope?

Feedback was received and considered on the environment report scope through consultation with the TRG for the project.

Public feedback received during the preparation of the scoping requirements for other VMFRP projects was [also](#) considered e.g. public submission on the EES scoping requirements for the nearby Hattah Lakes North and Belsar-Yungera Floodplain Restoration Projects.

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What consultation will be conducted for the environment report process?

The proponent has prepared a consultation plan for the environment report, outlining the opportunities and approaches for its community engagement during the preparation of its environment report. This consultation plan is available on the DELWP website. An addendum to this consultation plan that provides further details and timing of specific consultation activities is also available on the DELWP website:

<https://www.planning.vic.gov.au/environment-assessment/browse-projects/projects/nyah-vinifera-and-burra-creek-floodplain-restoration-projects>

What happens next?

The proponent will proceed with the necessary information-gathering and investigations to inform the preparation of the environment report. This is expected to take a number of months. The proponent will conduct its studies and prepare the environment report in close consultation with DELWP and the TRG that DELWP has put in place for the VMFRP projects.

The proponent has prepared a consultation plan for the environment report process and plans to engage with the public and stakeholders about the environment report process and its associated investigations. The consultation plan was reviewed and amended in consultation with DELWP and the TRG prior to being published on the DELWP website.

Once the environment report is prepared and DELWP is satisfied that it meets the requirements of the relevant environment report scoping document, the environment report will be made available for public comment.

It is expected that an Advisory Committee will consider the environment report and public submissions received on this, and in turn prepare a report for the Minister for Planning. As part of this process, the proponent will need to respond to issues raised in public submissions, which will result in either an amended environment report or addendum to the environment report. The Advisory Committee will consider this together with the public submissions themselves.

At the conclusion of the environment report process, the Minister for Planning will issue an assessment of the environmental effects of the project to inform the commonwealth's approval decision under the EPBC Act. The Minister's assessment report will inform relevant statutory decision-makers.

When does the proponent expect to publicly exhibit its environment report?

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

Why is an environment report required for the Nyah, Vinifera and Burra Creek Projects?

On 11 June, 7 July and 6 September 2020 the Minister for Planning decided that an environment effects statement was not required for the Nyah, Vinifera and Burra Creek projects, respectively, subject to conditions being met. The Minister's decisions require LMW to prepare an environment report (in lieu of an EES) under the *Environment Effects Act 1978* to assess and manage specific potentially significant environmental effects of the Nyah, Vinifera and Burra Creek projects.

It was considered by the Minister for Planning that there is uncertainty regarding the balance between intended ecological benefits of the project and the potentially significant adverse effects of the project. Assessment of the potentially significant effects was considered necessary to ensure their extent, related uncertainty and acceptability are sufficiently investigated. The environment report will examine these potentially significant effects and related uncertainties, including the development of adequate measures to avoid and mitigate impacts in the context of relevant policy and regulatory requirements.

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What about the Commonwealth Environment Protection and Biodiversity Conservation Act?

The Nyah, Vinifera and Burra Creek Floodplain Restoration Projects were referred (separately) to the Australian Government under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). A delegate for the Commonwealth Minister for the Environment determined on 26 June 2020 (Nyah), 4 June 2020 (Vinifera) and 16 July 2020 (Burra Creek) that the projects are 'controlled actions', requiring assessment and approval under the EPBC Act. The relevant controlling provision for MNES for each of the three projects is listed threatened species and communities (sections 18 and 18A).

A delegate for the Commonwealth Minister for the Environment also determined that the projects would be assessed by the state using accredited assessment processes under the EE Act (i.e. environmental report process) under the Bilateral (Assessment) Agreement between the Commonwealth and the State of Victoria. There will be no separate assessment by the Commonwealth. The Commonwealth Minister or delegate will rely upon the outputs of the environmental report processes to decide whether the project is approved, approved with conditions or refused under the EPBC Act.

What are the Nyah, Vinifera and Burra Creek Projects?

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 across Murray River Floodplains. The Nyah, Vinifera and Burra Creek Floodplain Restoration Projects are three of the nine VMFRP projects.

The proposed Nyah and Vinifera projects are located approximately 25km and 20km north of Swan Hill (respectively) in the northwest region of Victoria. The two project sites are to the west of the Murray River and both occur within the Nyah-Vinifera Park, which is managed by Parks Victoria. The Burra Creek project is also located on the western side of the Murray River however is further downstream between the rural localities of Piangil and Kenley, approximately 25km north of the township of Nyah and 50 km north west of Swan Hill.

The projects aim to restore a more natural inundation regime across approximately 488ha, 350ha and 403ha of significant floodplain for Nyah, Vinifera and Burra Creek (respectively) by developing structures that contain inflows from the Murray River and conducting additional pumping when required.

The projects involve the construction of structures such as regulators, containment banks, block banks, drop structures, spillways and hardstand areas to facilitate managed inundation of the floodplains. Track and road construction and upgrades will also be required. As part of the works for the Nyah project, two redundant structures (pipe and regulator) and a block bank are to be removed or decommissioned in Parnee Malloo Creek. The Burra Creek project also involves the removal of four existing blockages (banks), and modification of one existing blockage to flows within Burra Creek at Burra North.

Permanent pump infrastructure is not included in the designs however, the proposed works include hard stand areas to enable the set-up of temporary pump infrastructure when required. During operations there will be minimal activities required on site which will mainly consist of managing water release from regulators and temporary pumping where required. Maintenance will also need to be undertaken to access tracks to ensure they are suitable for use during operation.

Project components yet to be confirmed include the extent of levee works required, power supply infrastructure and the location of borrow pits.