

**DECISION ON PROJECT: Nyah Floodplain Restoration Project****Decision under section 8B(3) of the *Environment Effects Act 1978***

Assessment though an Environment Effects Statement (EES) under the *Environment Effects Act 1978* **is not required** for the reasons set out in the attached Notice of Reasons for Decision, **subject to the following conditions:**

- a. An environment report for the project must be prepared in consultation with DELWP and relevant agencies and departments as directed by DELWP. The report needs to be completed to the satisfaction of the Minister for Planning. The report needs to examine and document for both the construction and proposed inundation areas:
  - i. the expected benefits and ecological objectives of the project, with measurable indicators for monitoring and thresholds for action;
  - ii. assessment of project design alternatives to avoid and minimise adverse environmental effects, including options for the project layout and timing of inundation events;
  - iii. assessment of predicted impacts (direct and indirect) on biodiversity values particularly associated with
    - listed species of flora and fauna (under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*)
    - listed communities (under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*), including the FFG Act-listed Victorian Temperate Woodland Bird Community
    - native vegetation, in particular large old trees and endangered ecological vegetation classes (including the endangered Riverine Chenopod Woodland)
    - threatening processes (under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*);
  - iv. effects on groundwater hydrogeology and water quality;
  - v. potential for impacts on Aboriginal cultural heritage;
  - vi. potential cumulative impacts and benefits of the project in relation to other VMFRP projects (and other existing or planned projects in the area), particularly in relation to vegetation loss and impacts on downstream aquatic environments and beneficial water uses;
  - vii. proposed native vegetation offset strategy which takes into account the findings of items i to vi; and
  - viii. mapping that clearly articulates full extent of works/ infrastructure and inundation areas, as well as key environmental assets/values to be avoided (e.g. no-go zones).
- b. The environment report (required under condition (a)) will inform the final project design and subsequent planning and approval processes, particularly under the *Planning and Environment Act 1987*.
- c. Prior to any works and the removal of any native vegetation, a flora and fauna management plan, informed by the final environment report, must be prepared for the project by qualified consultants to the satisfaction of the Secretary of DELWP. This must include detailed measures and procedures intended to avoid, minimise and mitigate potential impacts on flora, fauna and native vegetation within the project site and inundation area during construction and operation.
- d. An environmental management framework (EMF), informed by the findings and conclusions of the environment report, must be completed by the proponent to the satisfaction of the Secretary of DELWP prior to the commencement of works. The EMF needs to be prepared in consultation with DELWP and include a statement of all environmental commitments for the project, including details of the required content and review process for additional management and monitoring plans to be developed.

- e. A construction environmental management plan (CEMP), informed by the findings and conclusions of the environment report, must be completed by the proponent to the satisfaction of the Secretary of DELWP prior to the commencement of works. The CEMP must be prepared in consultation with DELWP and other relevant agencies including Parks Victoria, Heritage Victoria, Aboriginal Victoria, the Environmental Protection Authority, and the Mallee Catchment Management Authority. The CEMP will document all avoidance and mitigation measures to be implemented for the project during construction, and responsibilities for implementation.
- f. An operating plan, informed by the findings and conclusions of the environment report, must be completed by the proponent to the satisfaction of the Secretary of DELWP prior to the commencement of works. The operating plan must be prepared in consultation with DELWP and other relevant agencies including Parks Victoria, Heritage Victoria, Aboriginal Victoria, the Environmental Protection Authority, and the Mallee Catchment Management Authority. The operating plan will document all avoidance and mitigation measures to be implemented for the project during operations (including the planned timing of inundation events), as well as responsibilities for implementation.

### Notification

The following parties (proponent and relevant decision-makers) are to be notified of this decision:

- Victorian Murray Floodplain Restoration Project (the proponent);
- Executive Director of Aboriginal Victoria;
- Executive Director of Heritage Victoria;
- Secretary Department of Environment, Land, Water and Planning;
- Minister for Planning;
- Minister for Water;
- Environment Protection Authority;
- Parks Victoria;
- Rural City of Swan Hill; and
- Mallee Catchment Management Authority.



**HON RICHARD WYNNE MP**  
**Minister for Planning**

Date: 11 / 06 / 2020