

For Public Notice via Internet

REASONS FOR DECISION UNDER *ENVIRONMENT EFFECTS ACT 1978* (REFERRAL NUMBER 2020-R17)

Title of proposal: Gunbower National Park Forests Floodplain Restoration Project

Proponent: Lower Murray Rural and Urban Water Corporation

Description of Project:

The proposed Gunbower National Park Floodplain Restoration Project aims to restore a more natural inundation regime across approximately 704 ha of high-ecological-value Murray River floodplain within the Gunbower National Park. The project proposes the construction of new infrastructure and the modification of existing infrastructure within the River Murray Reserve. The project is designed to enable managed inundation of water levels ranging from 83m AHD to close to 85m AHD, using water from a combination of natural inundation events, pumped inflows from the Murray River and the National Channel and also via gravity flows through the Camerons Creek system into the Forest.

The project involves the construction of 12 small regulators, one fishway, three pipelines, two pump stations, power supply, one channel upgrade, one drop structure, three culvert crossings, two drainage outlets, access track upgrades (approximately 25km), erosion control works and a series of containment banks to divert, retain and release water in the upper and middle areas of Gunbower National Park. Project components yet to be confirmed include the extent of levee works required, power supply infrastructure and the location of borrow pits.

Decision:

The Minister for Planning has decided that an Environment Effects Statement (EES) is **not** required for the Gunbower National Park Floodplain Restoration Project, as described in the referral accepted on 9 April 2020, **subject to the following conditions:**

- a. An environment report for the project must be prepared in consultation with the Department of Environment, Land, Water and Planning (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, including for specific species and ecological communities;
 - 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 effects on biodiversity values particularly associated with:
 - listed species and communities (under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*);
 - native vegetation including large trees; and
 - threatening processes (under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*).
 - iv. assessment of predicted effects on hydrogeology and groundwater quality;
 - v. assessment of predicted effects on Aboriginal cultural heritage;
 - vi. integrated assessment of project design alternatives and/or refinements, to further avoid and minimise adverse environmental effects, including for the project layout, siting of infrastructure, management measures, project staging and timing of inundation events, also including consideration of potentially competing discipline-specific environmental priorities and predicted effectiveness of proposed mitigation and management measures;
 - vii. assessment of potential cumulative effects of the project and other sub-projects of the Victorian Murray Floodplain Restoration Project and other existing or planned projects in the area, particularly in relation to downstream aquatic environments and beneficial water uses;
 - viii. proposed native vegetation offset strategy accounting for the findings of items i to vi; and

- ix. mapping that clearly illustrates the full extent of works and inundation areas, as well as key environmental assets 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 native flora and fauna management plan, informed by the final environment report, must be prepared for the project to the satisfaction of the Secretary of DELWP. The plan must include detailed measures and procedures intended to avoid, minimise and mitigate potential impacts on native flora and fauna 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 relevant agencies and departments as directed by DELWP. 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 and departments as directed by DELWP. 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.

Reasons for Decision:

- 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 is necessary to ensure their extent, related uncertainty and acceptability are sufficiently investigated. Key uncertainties remaining include:
 - the extent of potential environmental effects and actual benefits for native vegetation and biodiversity values, as well as the feasibility and effectiveness of avoidance, mitigation and offsetting measures;
 - the potential for impacts on hydrogeology and water quality;
 - the potential for impacts on Aboriginal cultural heritage; and
 - the potential for cumulative impacts in conjunction with other projects proposed by the package of works associated with the Victorian Murray Floodplain Restoration Project.
- The conditions set out through this decision provide the most appropriate means for examining 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.
- Other residual potential effects should be readily addressed through respective statutory requirements, under the *Planning and Environment Act 1987*, *Water Act 1989*, *Heritage Act 2017* and *Environment Protection Act 1970* (to be superseded by the Environment Protection Amendment Act 2018 from 1 July 2021).

Date of Decision: 06 / 12 / 2020