

Attachment 2

For Public Notice via Internet

DECISION UNDER ENVIRONMENT EFFECTS ACT 1978

Title of Proposal: Northern Victoria Irrigation Renewal Project (NVIRP)

Proponent: State Owned Enterprise for Irrigation Modernisation in Northern Victoria (trading as NVIRP)

Description of Project:

The project is to upgrade irrigation delivery infrastructure in the Goulburn Murray Irrigation District (GMID) through automation, remediation and reconfiguration of the channel system, in order to improve the efficiency of the irrigation systems and hence achieve water savings relative to current supply efficiencies. The project is to be undertaken in two stages:

- Stage 1 primarily involves the installation of new regulators and meters to improve the efficiency of water allocation, together with repair, replacement or upgrading and some rationalisation of existing channels (potentially including some new piping), to reduce leakage, seepage and evaporation of irrigation water. This stage is estimated to enable 225 gigalitres (GL) of water savings.

- Stage 2 is to focus on reconfiguration and rationalisation of channels and farm outlets, including replacing channels with pipes where appropriate. This stage is estimated to enable up to another 200 gigalitres (GL) of water savings.

Water savings resulting from Stage 1 are proposed to be shared equally between the environment, irrigators and supply to Melbourne via the Sugarloaf Pipeline, while savings from Stage 2 are proposed to be shared equally between the environment and irrigators.

Decision:

The Minister for Planning has decided that an Environment Effects Statement (EES) is **not required** for the Northern Victoria Irrigation Renewal Project (NVIRP) as described in the referral accepted on 20 February 2009, and summarised above, subject to the following conditions:

1. Prior to commencing any works involving either removal of native vegetation or direct construction impacts on wetlands or natural waterways, NVIRP must prepare a framework for environmental management of works to the satisfaction of the Minister for Planning, having regard to written advice to be sought from the Minister for Environment and Climate Change. This environmental framework for construction is to include but is not limited to:

- (1) A statement of environmental commitments or performance requirements in relation to proposed physical works, including compliance with *Victoria's Native Vegetation Management: A Framework for Action* (2002), applicable Regional River Health Strategies and relevant Regional Catchment Management Strategies;

- (ii) Processes and methodologies for assessing potential impacts on native vegetation as well as flora and fauna species listed under the *Flora and Fauna Guarantee Act 1988* (FFG Act) due to the implementation of NVIRP works;
 - (iii) A framework for managing impacts and assigning accountabilities for impacts on biodiversity, cultural heritage and potential acid sulphate soils, as well as drainage and flooding patterns, including but not limited to:
 - Preparation and implementation of management strategies or plans for mitigation and offsetting of impacts on native vegetation
 - Preparation and implementation of management strategies or plans for flora and fauna species listed under the FFG Act;
 - Preparation and implementation of management strategies or plans for cultural heritage;
 - Monitoring, reporting and auditing of relevant activities and environmental outcomes, including the role of an independent auditor to be appointed by NVIRP (appointee to be agreed with the Secretary, Department of Sustainability and Environment(DSE)); and
 - Mechanisms to ensure compliance by NVIRP and its contractors, as well as landholders and/or their contractors, for all construction activities within both Stages 1 and 2.
2. NVIRP must appoint an Expert Review Panel, the membership and terms of reference of which are to be endorsed by the Minister for Environment and Climate Change, to provide advice on hydrological and related ecological changes due to implementation of NVIRP.
3. Before operation of relevant works commences, NVIRP must prepare a framework for protection of aquatic and riparian ecological values through management of water allocations and flows within the modified GMID system to the satisfaction of the Minister for Water, having regard to written advice to be sought from the Expert Review Panel and following consultation with the Minister for Environment and Climate Change. This environmental framework for water management is to include but need not be limited to:
- (i) A statement of environmental commitments or performance requirements in relation to managing the ecological consequences of hydrological changes arising from implementation of NVIRP, including to avoid any contribution to diminishing ecological values in waterways and wetlands. This statement is to describe arrangements for the sourcing, allocation and management of water required to mitigate the project's potential ecological impacts;
 - (ii) Processes and methodologies for assessing both (a) the hydrology and ecological values and (b) associated ecological risks to wetlands, waterways and groundwater or seepage-dependant ecosystems potentially affected by the implementation of NVIRP, including those 'at risk' waterways listed in Attachment 1 or otherwise nominated by the Secretary DSE.

- (iii) Processes and methodologies for preparing Environmental Watering Plans to mitigate potential impacts on wetlands and waterways at risk from the implementation of the NVIRP through adaptive water management;
 - (iv) Procedures for monitoring, reporting and auditing changes in hydrological and ecological conditions in relevant waterways or wetlands associated with the project's operation, including the role of an independent auditor to be appointed by NVIRP (appointee to be agreed with the Secretary, DSE).
4. In addition, before December 2010 or such later time as determined by the Minister for Planning, NVIRP must prepare an assessment report on the ecological consequences of hydrological changes arising from implementation of NVIRP for the Murray River, the Goulburn River and the Barmah Forest Ramsar Site for review and written advice by the Expert Review Panel. The assessment report is to be prepared to the satisfaction of the Secretary DSE. It is to:
- (i) Identify the ecological values present, including any matters of National Environmental Significance (NES) protected under the *Environment Protection and Biodiversity Conservation Act 1999*;
 - (ii) Assess the potential for reduction of ecological values as a result of the predicted flow changes derived from the implementation of NVIRP, with consideration of the implications of climate change scenarios and cumulative influences within the catchment. Detailed ecological predictions are not required;
 - (iii) Identify residual sources of uncertainty; and
 - (iv) Provides advice to the Minister for Environment and Climate Change, or delegate, for consideration in future decisions on use of environmental water entitlements.
5. Before operation of relevant works commences, an approved Environmental Watering Plan is required for 'at risk' waterways and wetlands listed in Attachment A and any others nominated by the Secretary DSE, unless he or she is satisfied following advice from the Expert Review Panel that a waterway or wetland would not be at risk such as to warrant an Environmental Watering Plan. Approval of an Environmental Watering Plan is required prior to the operation of modified irrigation infrastructure that could affect 'at risk' waterways or wetlands. The Minister for Water will consider whether or not to approve an Environmental Watering Plan following advice from the Expert Review Panel.
6. Final advice from the Expert Review Panel on the environmental framework for water management (#3 above), the assessment report (#4 above), and individual Environmental Watering Plans (#5 above) is to be made publicly available.

Reasons for Decision:

1. Impacts on terrestrial vegetation and cultural heritage as a result of construction works are likely to be limited, because of the extensive prior disturbance of the landscape, the confinement of a majority of the works to existing channel alignments and the potential to adjust the siting of new infrastructure. Impacts on terrestrial vegetation can be adequately addressed through the application of *Victoria's Native Vegetation Management Framework*, while procedures under the *Aboriginal Heritage Act 2006* will provide an adequate basis for addressing potential impacts in indigenous heritage. The implementation of a robust environmental management framework by the proponent will be an effective mechanism for assessing and managing any residual construction-related impacts.
2. Any impacts of modified hydrological regimes on aquatic and riparian ecosystems are unlikely to be amenable to detailed, predictive studies (such as which might form part of an EES), but are instead suited to mitigation through adaptive management of water flows to maintain ecological values. Refinement of the assessment of risks to individual wetlands and waterways by the proponent will enable the effective targeting of efforts for development and implementation of environmental watering plans, which can then be monitored and refined over time.
3. The Victorian Government's commitment to allocate a large part of the water savings from the operation of the project to environmental flows provides a high measure of reassurance that any potential or actual risk to aquatic and riparian ecosystems from reduced flows (due to more efficient supply infrastructure) can be mitigated through environmental watering plans or otherwise rectified through adaptive management. While the potential implications of reduced seasonal inflows to the Goulburn and Murray Rivers and the Barnah Forest Ramsar site warrant further investigation and clarity of management responses, this can be achieved through a focussed investigation without requiring an EES.

Date of Decision: 14 APR 2009

Attachment A

Wetlands

- McDonalds Swamp #344450
- Round Lake #366715
- Lake Elizabeth #551457
- Johnson Swamp #355320
- Little Lake Boort #450990
- Lake Yando #507077
- Lake Leaghur #524142
- Lake Meran #533258
- Little Lake Meran #541289
- Lake Murphy #825022
- Hunts Swamp #312021
- Bray's Swamp #310694 / #313709
- Thunder Swamp #558639
- Kanyapella Basin #100002
- Kinmairds Swamp # 619057
- Golf Course Lake/Tresco Lake # 372703

Waterways

- Broken Creek
- Sheepwash Creek
- Tongalong Creek
- Tullah Creek
- Yambuna Creek
- Wells Creek
- Campaspe River
- Loddon River (downstream of Kerang)
- Bannacher / Penny Royal Creek
- Cailvil Creek
- Loddon River
- Nine Mile Creek
- Pyramid Creek
- Sevens Creek
- Twelve Mile Creek