

DECISION ON PROJECT

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

Hattah Lakes North Floodplain Restoration Project

(Referral 2020-R02)

and

Belsar-Yungera Floodplain Restoration Project

(Referral 2020-R13)

Assessment though 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 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, as well as timing and 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 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. effects on land uses and socioeconomic values;
 - e. potential effects on water environments and related beneficial uses;
 - f. effects on groundwater that may result in adverse changes to salinity or groundwater depending ecosystems; and
 - g. potential cumulative effects on threatened species, surface water and groundwater, with particular consideration of the currently operating, approved or 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 being finalised and then 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 the proponent and DELWP, as appropriate, on scoping and adequacy of the EES investigations and documentation during the preparation of the EES, as well as 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 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 technical studies, preparation and exhibition of the EES, following confirmation of 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 investigations and the EES documentation.
- (viii) The proponent is to apply appropriate peer review and quality management procedures to enable the completion of EES studies and documentation to an acceptable standard.
- (ix) The EES is to be exhibited for a period of no 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 and report on the environmental effects of the proposal.

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 Water (proponent);
- Minister for Planning;
- Minister for Environment;
- Commonwealth Minister for Environment;
- Secretary of the Department of Environment, Land, Water and Planning;
- CEO of Mallee Catchment Management Authority;
- CEO of Parks Victoria;
- CEO of Environment Protection Authority;
- Executive Director of Aboriginal Victoria;
- Executive Director of Heritage Victoria;
- Executive Director of Earth Resources Regulations;
- Mayor of Mildura City Council; and
- Mayor of Swan Hill Rural City Council.



HON RICHARD WYNNE MP
Minister for Planning

Date: 06 / 12 / 2020