

**For Public Notice via Internet**

**REASONS FOR DECISION UNDER *ENVIRONMENT EFFECTS ACT 1978*  
(REFERRAL NUMBER 2022-R08)**

**Proponent**

Goulburn-Murray Water

**Project**

Sunday Creek Reconfiguration Project

**Description**

The project, located on Yorta Yorta country, is intended to deliver water for irrigation and other purposes to the northern end of Sunday Creek, an anabranch of the Murray River, via a new pump and pipeline to replace the existing delivery of water via Lake Moodemere. The project is intended both to save water and to enable Lake Moodemere to revert to a more natural wetting-drying cycle, while still controlling lake levels for recreational and environmental purposes.

**Decision**

The Minister for Planning has decided that an environment effects statement (EES) is not required for the Sunday Creek Reconfiguration Project, as described in the referral accepted on 12 October 2022, subject to the following conditions:

- a) An environment report for the Sunday Creek Reconfiguration Project needs to be prepared in consultation with the Department of Transport and Planning (DTP), Department of Energy, Environment and Climate Action (DEECA), Heritage Victoria, Parks Victoria, and North East Catchment Management Authority and completed to the satisfaction of the Minister for Planning. The report needs to examine and document the following:
  - i. the predicted impacts on native vegetation and biodiversity values, including listed communities and species of flora and fauna under the *Flora and Fauna Guarantee Act 1988*;
  - ii. options for development configurations/ layouts (including mapping that clarifies the locations of proposed project infrastructure, works and construction) to avoid and minimise adverse environmental impacts;
  - iii. the mitigation measures proposed to avoid, minimise and/or manage potential impacts on native vegetation and biodiversity values examined in the report, including use of no-go zones;
  - iv. an assessment of the ecological impacts of the change in water levels, flow, and regime; and
  - v. an assessment of the potential historic heritage values within the site, and any required mitigation measures to prevent impacts on known or discovered sites.
- b) The environment report (condition (a)) is to be completed to inform the form of the proposal that is examined through planning and approval processes, in particular under the *Planning and Environment Act 1987*.
- c) An environmental watering plan (EWP) informed by the predictive water modelling, needs to be completed by the proponent to the satisfaction of the Minister for Planning prior to the commencement of works. The EWP needs to be prepared in consultation with DTP and other relevant agencies including DEECA, Parks Victoria and the North East Catchment Management Authority. The EWP needs to cover all areas potentially affected by the project including Sunday Creek, the Northern Marshes and Lake Moodemere, and needs to include:

- i. a monitoring program for ecological values, including ecological health of the wetland complex; and
  - ii. contingency planning for unexpected adverse effects.
- d) An environmental management framework (EMF), informed by the findings and conclusions of the environment report and EWP needs to be completed by the proponent to the satisfaction of the Minister for Planning prior to the commencement of works. The EMF needs to be prepared in consultation with DTP, DEECA, Heritage Victoria, Parks Victoria, the Environment Protection Authority, and North East Catchment Management Authority and include a statement of all environmental commitments for the project.
- e)

**Reasons**

- There is uncertainty regarding the balance between intended ecological benefits of the project and the potentially significant adverse ecological effects of the project. Assessment of the potentially significant effects is necessary to ensure their extent, related uncertainty and acceptability are adequately understood and inform decisions about the project. There is also uncertainty about potential impacts to a historic heritage site that may occur within the project area.
- 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 *Water Act 1989*, *Aboriginal Heritage Act 2006* and the *Environment Protection Act 2017*.

**Date of decision:**

16/17/23