



Grampians Wimmera Mallee Water
East Grampians Rural Pipeline & Concept Plan Project
Planning and Approvals Strategy

October 2018

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1. Introduction

1.1 Project Understanding

Grampians Wimmera Mallee Water (GMMWater) is planning to undertake the East Grampians Rural Pipeline (EGRP) project ('the Project'). The Project would extend the existing rural stock and domestic pipeline networks to deliver water to the Rural Supply Area (RSA) to enhance the agricultural productivity of the eastern Grampians region.

The proposed method of extra water supply is via a reticulated pipeline network, with the water sourced from larger storages in reliable catchments. The project plans to deliver 1,600km of pipeline servicing 530,000 hectares of land is proposed to be installed as a part of the project.

A business case was submitted to the State and Federal governments for the entire project area (RSA) which estimated that the project would require approximately \$85 million to construct. On 30 April 2018, the Victorian State Government announced it would contribute \$32 million towards the construction of the Project. The additional \$32 million sought from the Commonwealth to enable delivery of the full project scope has not been confirmed to date. The concept design progressed based on a reduced project scope to enable delivery of the project to the available budget of approximately \$40 million.

Given the ongoing dry conditions experienced in the East Grampians region, GMMWater proposes to proceed with the implementation of the EGRP reduced scope area.

Preliminary studies are being undertaken to understand the potential ecological impacts and statutory approvals that are likely to be required to proceed with the project. GMMWater met with the Department of Environment, Land, Water and Planning (DELWP) to discuss the ecological studies and statutory approvals.

GHD has been engaged by GMMWater to provide advice on the statutory approval process which will be presented to the GMMWater Board then subsequently presented to DELWP.

1.2 Study Area

The RSA is located in the Hopkins Catchment of the Western District in western Victoria. The RSA surrounds the township of Ararat, with a radius of approximately 45 kilometres and includes approximately 334,000 hectares of farm land and township land. The RSA is located approximately 200 kilometres west of Melbourne, Victoria.

Two study areas have been considered as part of this assessment, as follows:

- The RSA
- The reduced scope area of the RSA.

The RSA includes private and public land. The northern point of the RSA is near Great Western and the southern point is near Lake Bolac. It extends from Lake Muirhead in the west and close to Beaufort in the east.

The RSA is located within:

- Dundas Tablelands, Central Victorian Uplands, Goldfields, Greater Grampians, Victorian Volcanic Plains, and Wimmera Bioregions.
- Pyrenees Shire, Ararat Rural City and Southern Grampians Shire. Additional works in the Northern Grampians Shire may be required for works on the Fyans to Ararat main and at Lake Fyans pump station though this is outside the scope of this assessment.

- Glenelg Hopkins Catchment Management Authority area and Wimmera Catchment Management Authority area.

1.3 Proposed Works

The project within the RSA would involve installing about 1,600 kilometres of stock and domestic pipeline.

It is understood that approximately 500 km of pipeline is proposed to be installed as a part of the reduced scope RSA.

Pipeline placement is expected to occur within private property only. In order to connect the pipeline between properties, road reserves and waterways are expected to be directionally drilled. A nominal eight metre wide works corridor has been applied to the trunk pipeline and five metres to the distribution pipeline when considering potential impact to areas of modelled native vegetation as a part of this ecological desktop assessment informing this strategy.

1.4 Desktop Ecological Study

This planning strategy has been prepared with regards to the findings of the *Flora and Fauna Desktop Assessment, September 2018* undertaken by GHD. This report should be read in conjunction with this strategy.

The RSA is situated within a highly modified landscape, however many ecological values are expected to persist including intact patches of remnant native vegetation and habitat for threatened flora, fauna species and communities. The removal or disturbance of areas mapped as native vegetation, scattered trees or habitat should be avoided where possible.

The *Flora and Fauna Desktop Assessment* concluded that there is the potential for the EGRPP to require referral under the Victorian *Environmental Effects Act 1978* (EE Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

GHD has now been engaged to undertake ecological surveys for the full project scope.

1.5 Reference Project

GWMWater has successfully delivered a similar project in the Loddon area known as the South West Loddon Pipeline Project (SWLPP) which is proposed to be used as a 'reference project' to demonstrate how potential impacts on native vegetation can be minimised by design refinements and construction methodology. Over the course of the SWLPP, GWMWater was able to use the results of the desktop and detailed ecological assessments to create a final design and construction footprint that reduced the number of EVC intercepts to 5% of the amount identified at desktop level. Ultimately only 23.3 hectares (ha) of native vegetation were impacted when installing 1,300 km of pipeline. GWMWater intends to apply this same approach to avoidance and minimisation to the Project.

The SWLPP was referred to the Minister for Planning to advise on whether an Environmental Effects Statement (EES) was required. Referral Number 2017R02 determined that an EES was not required subject to conditions. Further details of these conditions are discussed below in Section 2.2.2.

1.6 Purpose of this Strategy

GWMWater met with DELWP in August 2018 to discuss the environmental approvals and planning pathway options for the project. DELWP advised that if a referral is submitted under the *Environmental Effects Act 1978* (EE Act), it will need to consider the RSA as a whole, and not just the reduced scope area.

The purpose of this report is to outline the key findings of a preliminary planning, heritage and environment approvals scoping exercise to understand likely approvals triggers, particularly in terms of:

- The potential need for and timing of referrals under the EE Act and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
- The recommended planning approval pathway under the *Planning and Environment Act 1987*.

1.7 Scope and Limitations

This report has been prepared by GHD for Grampians Wimmera Mallee Water and may only be used and relied on by Grampians Wimmera Mallee Water for the purpose agreed between GHD and the Grampians Wimmera Mallee Water as set out in section 1.6 of this report.

GHD otherwise disclaims responsibility to any person other than Grampians Wimmera Mallee Water arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report (refer section(s) 1.6 of this report). GHD disclaims liability arising from any of the assumptions being incorrect.

1.8 Assumptions

This assessment is based on the following assumptions and exclusions:

- GHD has not undertaken any external engagement with government agencies / authorities
- Our assessment has drawn on the findings of the *Flora and Fauna Desktop Assessment* (GHD, September 2018) and discussions with the GMMWater project team.

2. Environmental Approvals Pathways

GWMWater understand that the Project has the potential to trigger referrals under the EPBC Act and the EE Act based on known ecological values of the area.

This planning strategy outlines the elements of the approvals that could potentially delay or limit the project and advise an approach as to best manage the risk and timeframes of these approvals.

2.1 Environment Protection and Biodiversity Conservation Act 1989

The EPBC Act provides for the protection of the environment, especially matters of national environmental significance (MNES). Under the EPBC Act, a person must not take an action that has, will have, or is likely to have a significant impact on any MNES without approvals from the Australian Government.

Matters of National Environmental Significance (MNES)

There are nine matters of national environmental significance protected under the EPBC Act. Not all of these are relevant to every project. The MNES relevant to the Project are:

- *listed threatened species and ecological communities.*

The EPBC Act protects Australia's native species and ecological communities by providing for:

- *identification and listing of species and ecological communities as threatened*
- *development of conservation advice and recovery plans for listed species and ecological communities*
- *development of a register of critical habitat*
- *recognition of key threatening processes*
- *where appropriate, reducing the impacts of these processes through threat abatement plans.*

Referral of Project

A referral is made to determine whether a proposed action will need formal assessment and approval under the EPBC Act.

A significant impact is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts. A project proponent should consider all of these factors when determining whether an action is likely to have a significant impact on the environment.

The referral application generally takes 20 business days to process, after which the Commonwealth Minister makes a determination on the need or otherwise for approval under the EPBC Act. If approval is deemed necessary, a formal assessment and approval process commences.

A referral can result in three outcomes

- Not a controlled action
- Not a controlled action provided it is undertaken in a certain manner

- A controlled action in which the project will required assessment under the approach deemed under the EPBC Act.

The Flora and Fauna Desktop Assessment identified three MNES that may be relevant to works within the reduced supply area, including listed flora, fauna and communities, migratory species and Ramsar sites. More detailed field surveys are required to determine whether a significant impact on listed flora, fauna and communities is possible and therefore whether a referral is required for impacts to these MNES.

Two Ramsar sites are located well downstream of the reduced supply area. Neither of these is expected to be significantly impacted by the EGRPP.

The Flora and Fauna Desktop Assessment concludes that the need for a referral under the EPBC Act cannot be determined until alignment refinement has been undertaken as part of detailed design. Impacts to EPBC Act species and communities will be taken into consideration as a priority during the detailed design phase of the project, and habitat avoided where possible. This will determine whether the EGRPP is likely to significantly impact on MNES and therefore require a referral to the Commonwealth Minister for the Environment for a determination as to whether the proposed action is a controlled action under the EPBC Act.

2.1.1 Reduced Project Area Referral

The project area being investigated has been reduced based on available funding. The reduced supply area is part of a larger RSA where work is intended to occur if funding is available. We understand that GHD has now been engaged to undertake ecological surveys for the full pRSA.

Under Section 74A of the EPBC Act, the Minister may not accept the referral if they are not satisfied that the subject of the referral is a component of a larger action.

A referral to the Department of Environment and Energy (DoEE) under the EPBC Act would need to appropriately address the entire project area.

2.1.2 Recommended Approach for the EGRPP

GHD considers that insufficient information is currently available to determine whether the EGRPP would require a referral under the EPBC Act. Through delivery of the SWLPP, GMMWater has demonstrated that avoidance measures can be implemented to reduce potential impacts on MNES to the extent that a referral under the EPBC Act is not required. GMMWater proposes to implement the same measures to avoid impacts where possible when delivering the EGRPP. This will involve refining the alignment and construction method during detailed design to aim to avoid areas of high biodiversity value and efforts to avoid impact to MNES.

The ecological surveys that GHD has now been engaged to undertake in late 2018 will provide the necessary information to understand the risk and impacts to EPBC listed species and communities and provide advice on the potential need for referral under the EPBC Act.

It is therefore recommended that the decision on referral under the EPBC Act be deferred until the ecological surveys have been completed in late 2018.

2.2 Environment Effects Act 1978

The EE Act provides for assessment of proposed projects (works) that have the potential to have a significant effect on the environment. The Act does this by enabling the Minister administering the EE Act to decide whether an Environment Effects Statement (EES) should be prepared.

The referral criteria can be individual potential environmental effects or a combination of potential environmental effects. Many of the listed potential effects that may warrant a referral are related to flora and fauna. There are also other triggers such as social, economic and other environmental triggers that may need to be considered for the project.

According to DSE (2006), a referral under the EE Act would be warranted if a project were to result in any individual potential environmental effects that might be of regional or state significance (see p.7, DSE 2006).

2.2.1 Desktop Ecological Assessment

The *Flora and Fauna Desktop Assessment* concluded that the Project may trigger an EES based on the extent of impacts to Endangered EVC's (>10 ha removed) (individual criterion), or potential clearing of 10 ha or more of native vegetation (combined criterion). It was estimated that:

- The reduced scope area would intercept between 22.62 -25.87 hectares of Endangered EVCs for the two options explored
- Over 500 km of pipeline is proposed in the reduced scope area. Based on the modelled EVC data, the preliminary pipeline designs intersect between 40.20 -49.09 hectares of native vegetation for the two options explored.

These area calculations are based on an 8-m wide construction footprint for the trunk pipeline and a 5 m construction footprint for the distribution pipeline. These figures do not take into consideration any avoidance and minimisation strategies that would be implemented during detailed design. Avoidance of impacts on endangered EVCs would be a high priority for the project.

2.2.2 Reference Project

The SWLPP was referred to the DELWP early in the project development process, and before it was possible to quantify the likely impact of the project on flora and fauna once avoidance and mitigation measures had been implemented. The Minister determined that the project did not require an EES, subject to conditions being complied with. Reason for the decision notes:

- *There is a number of potential adverse effects and related uncertainties in relation to significant environmental values across the project extent, in particular for biodiversity and cultural heritage values*
- *Whilst the proponent has developed a high level strategy to avoid and minimise impacts through design, site selection and construction methods, at this stage there is not sufficient information on the design and environmental values to establish the feasibility and likely effectiveness of the strategy.*
- *Given the project extents include many Aboriginal heritage places, Heritage Inventory Sites and Register Places, conservation reserves and parks, watercourses, threatened flora and fauna and threatened ecological communities of National and State significance, the potential for significant impact to these values need to be assessed. This should occur when the design and survey work has been completed and the details of the avoidance and mitigation strategy are well understood.*
- *The conditions set out through the decision provide the most appropriate means for assessing, managing and approving the residual impacts, cognisant of the proposed approach to the delivery of the project.*

The Minister's decision required that GMMWater prepare a Project Design and Impact Assessment (PDIA) Report.

2.2.3 Recommended Approach for the Project

Referral of the RSA or the Reduced Scope Area

GMMWater requested advice as to whether it is possible to submit a referral only for the reduced scope area as there is not sufficient funding for the overall RSA. GHD's recent experience is that in instances where a project has been referred under the EE Act, DELWP has required the whole project to be referred, not just part of a project. DELWP has provided this advice for projects that are being undertaken in defined stages, as well as projects that have physically separate elements.

If GMMWater is continuing to seek the additional funding to deliver the project to the overall RSA, it is likely that DELWP would require the referral to cover the overall RSA.

Referral Based on the Desktop Flora and Fauna Assessment or After Field Surveys

The most likely trigger for a referral under the EES Act relates to impacts to Endangered EVC's (>10 ha removed) (individual criterion), or potential clearing of 10 ha or more of native vegetation (combined criterion).

There are two broad options in terms of the timing for the referral:

- Option 1 – prepare the referral based on desktop information and the concept design.
- Option 2 – defer a decision on the potential need for a referral until after field flora and fauna investigations have been undertaken in late 2018 and opportunities to avoid or otherwise minimise impacts have been identified.

The main advantage of Option 1 is that it would enable the referral to be submitted earlier in the project development process. The main disadvantage of Option 1 is that there would be a high degree of uncertainty regarding the likely impacts of the EGRPP and it is possible that the Minister's decision may be that an EES is required, or that an EES is not required but similar conditions are imposed to the SWLPP.

The main advantage of Option 2 is that it would enable the results of the flora and fauna field investigations to be used to refine the design, particularly in areas where there are high biodiversity values. GMMWater is proposing to implement avoidance and mitigation measures and it is possible that the project may not exceed the triggers for referral under the EE Act. The SWLPP demonstrates that GMMWater has recent experience implementing measures to avoid potential impacts where it is feasible and reasonable.

If it is decided that a referral is required, Option 2 would enable the referral to include the results of the field investigations which would:

- Assess and quantify the potential impacts with a higher degree of certainty relative to Option 1
- Provide the opportunity for any conditions imposed in the Minister's decision to be tailored to the potential impact.

Recommendation

It is recommended that:

- Flora and fauna field investigations be undertaken in late 2018 to enable the potential impacts on flora and fauna to be better quantified. This quantification would consider the effect of avoidance and mitigation measures such as changes to the alignment or

construction method. This would assist to decide whether the EGRPP would trigger referral under the EE Act.

- If it is determined that a referral is required, DELWP should be consulted. This would involve confirming that the referral should cover the overall RSA. As GMMWater does not have funding secured at this time to deliver the Project to the RSA, DELWP should be advised that the referral would indicate that:
 - The Project would be delivered in stages, subject to funding being available
 - The referral would contain greater detail regarding the potential impacts in the reduced scope area as opposed to the remainder of the RSA. This is due to background studies and detailed design not being undertaken for the remainder of the RSA until funding is available for these tasks.

3. Planning Approval Pathways

3.1 Local Government Areas

The RSA spans four local government areas (LGAs), as follows:

- Ararat Rural City Council
- Southern Grampians Shire Council
- Pyrenees Shire Council
- Northern Grampians Shire Council (potentially).

The reduced scope area is mostly confined to Ararat Rural City Council (ARCC) with a small section located within the Pyrenees Shire Council.

It should be noted that, as the pipeline alignment has not been finalised, a detailed planning assessment has not been undertaken.

3.2 Definition of Works

Pipeline

Pursuant to Clause 74 of all planning schemes, the use and development of land for the purpose of a pipeline and all associated works is defined as a 'minor utility installation', being:

'Land used for a utility installation comprising any of the following:

a) sewerage or water mains....'.

Vegetation Removal

Under the general terms at Clause 72 of all planning scheme, 'native vegetation' is defined as

'Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses'.

The Guidelines for the removal, destruction or lopping of native vegetation, (Department of Environment, Land, Water and Planning, 2017) define removing native vegetation as being 'to destroy and/or lop native vegetation'.

3.3 Planning Provisions

A preliminary desktop review of the Project considers the following planning provisions are relevant.

3.3.1 Uses, Buildings and Works not Requiring a Permit

The following exemptions (in all Victorian planning schemes) apply to the project:

- Clause 62.01 allows the 'use of land' associated with a minor utility installation to be undertaken without the need to obtain a planning permit, other than a requirement in the Public Conservation and Resource Zone (PCRZ)
- Clause 62.02-1 allows 'buildings and works' associated with a minor utility installation to be undertaken without a planning permit other than a requirement in the PCRZ.

Clause 62.02-3 states that any exemption relating to the construction or carrying out of works does not extend to the 'removal, destruction or lopping of trees and the removal of native vegetation'.

3.3.2 Zones and Overlays

The Planning Zones and Overlays applicable to the Project are shown in Figure 1 and Figure 2.

It appears that the majority of the Project area will be located within the Farming Zone (FZ).

Overlays located across the Project area with the potential to intersect the alignment are:

- Environmental Significance Overlay (ESO)
- Vegetation Protection Overlay (VPO)
- Heritage Overlay (HO)
- Bushfire Management Overlay (BMO).

With the exemptions at Clauses 62.01 and 62.02-1 as referenced above in mind, it is unlikely that the Project will trigger the requirement to obtain a planning permit for 'use and/or development' where located in the Farming Zone.

3.3.3 Clause 52.17 Native Vegetation

The purpose of Clause 52.17 is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is to be achieved by taking the following steps:

- *Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*
- *Minimise impacts on Victoria's biodiversity from the removal of native vegetation.*
- *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*

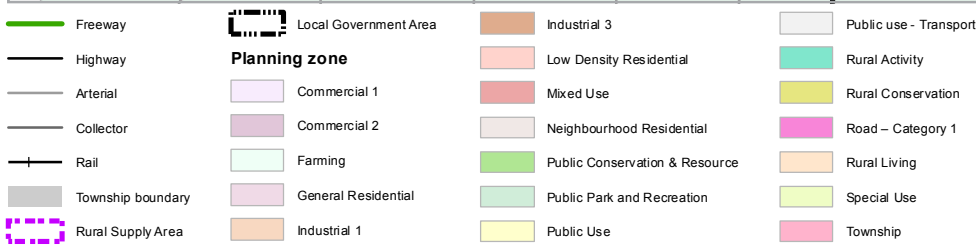
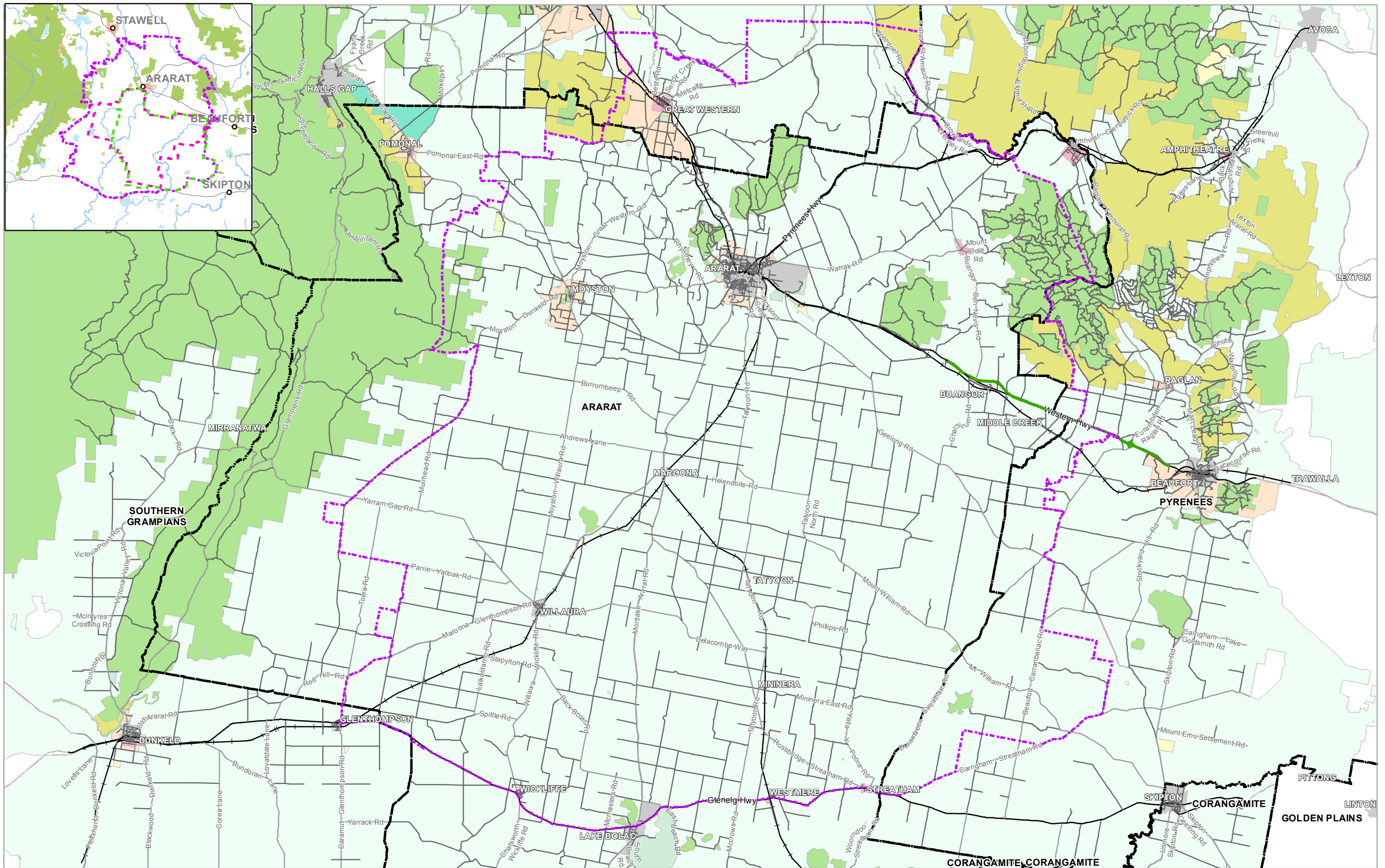
Native vegetation is expected to be impacted as part of delivering the Project. A permit under Clause 52.17 would therefore be required for the removal of native vegetation.

As per Clause 52.17, a permit for the removal of native vegetation is likely to be required for the project, and offset requirements for the project would be confirmed once the detailed design and construction footprint have been finalised.

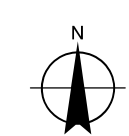
An application to remove, destroy or lop native vegetation must be classified as either a low, moderate or high risk based pathway, as defined in the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

It is likely that the project will need to follow the Detailed Assessment Pathway when applying for any permits to remove native vegetation under the P & E Act.

Accordingly, any permit application lodged would likely require referral to DELWP.



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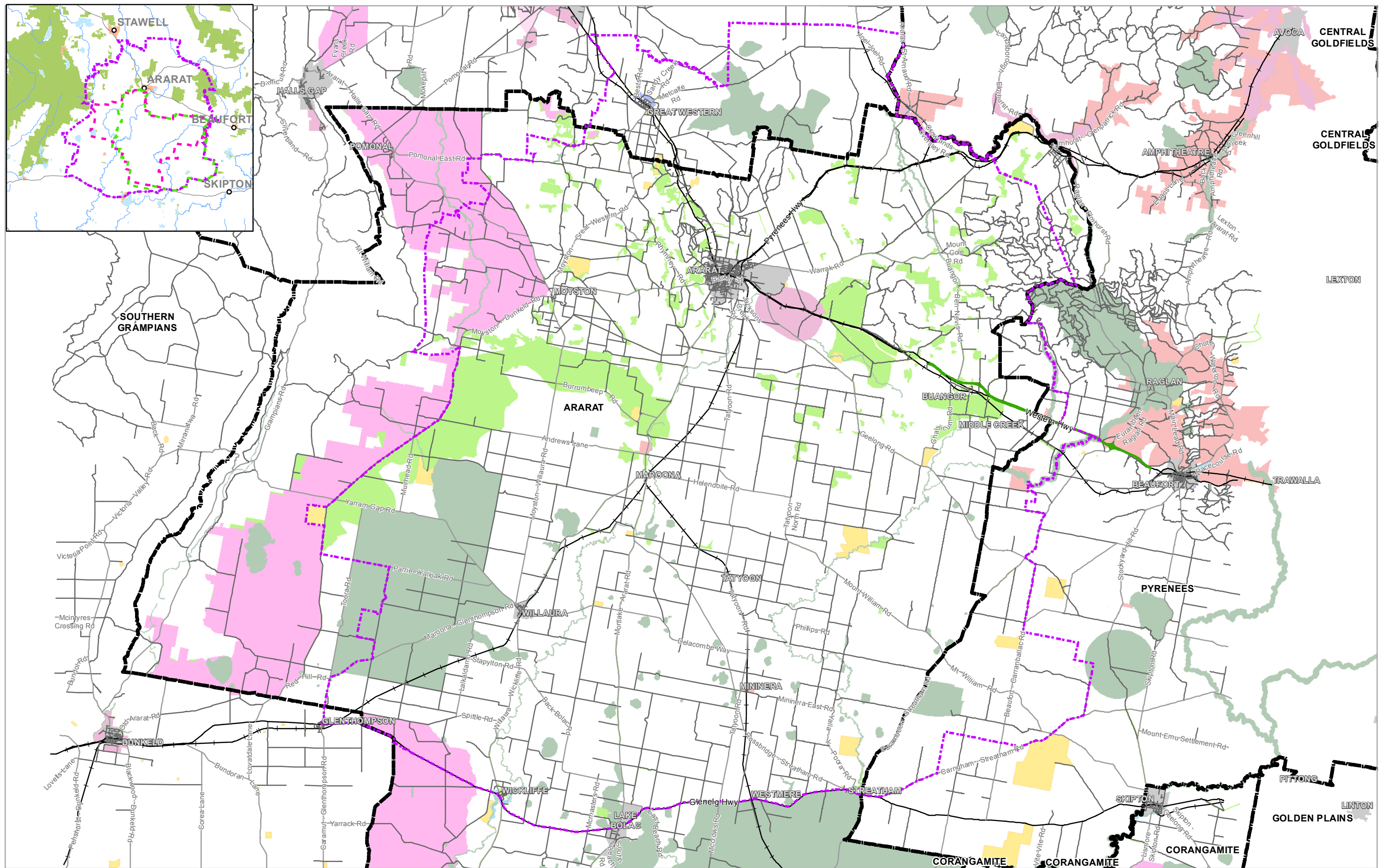
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Job Number 31-36347
 Revision design
 Date 06 Sep 2018

Planning Zones

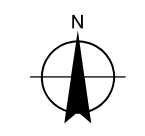
Figure 1

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- Freeway
- Highway
- Arterial
- Collector
- Rail
- Rural Supply Area
- Local Government Area
- Township boundary
- Planning overlay**
- Vegetation Protection
- Environmental Significance
- Design And Development
- Development Plan
- Heritage
- Floodway
- Land Subject to Inundation
- Special Building
- Erosion Management
- Airport Environs
- Environmental Audit
- Public Acquisition
- Restructure
- Road Closure

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 Date 06 Sep 2018

Planning Overlays

Figure 2

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3.4 Planning Approval Pathways

The following section outlines the planning approval pathway options for the project:

- A planning permit under Part 4 of the P & E Act
- A planning scheme amendment under Part 3 of the P & E Act.

3.4.1 Planning Permit Application

Without a confirmed project and construction footprint, the relevant planning provisions applying to the Project cannot be confirmed. Planning permit triggers will be reviewed once the alignment is confirmed.

A planning permit application involves the applicant lodging a planning permit application with Council (the responsible authority). Key risks to the project associated with this pathway include:

- Potential to attract objectors
- Application becomes 'politicised' at a local level regardless of planning merit
- Council may refuse the application (regardless of the officer recommendations to support or otherwise)
- Decision is open to VCAT challenge by third parties
- Plans need to be endorsed by Council through this method which provides for no on-site flexibility through construction methods.

The approximate timeframe for this pathway is anticipated to be 6-8 months (excluding VCAT) post lodgement but this is influenced by the specifics of the project and position of the responsible authority.

3.4.2 Planning Scheme Amendment

A planning scheme amendment (PSA) proposes to make changes to the local planning scheme (ie. Ararat planning scheme) or multiple planning schemes. The PSA may include a request to introduce a project Specific Control Overlay (SCO) which would apply to the Project land to facilitate and guide development outcomes. As part of the SCO, a Vegetation Removal Offset Strategy could be used to address the vegetation removal requirements of the entire project area. This Strategy can nominate a staged approach to development and vegetation offset requirements.

Through the PSA process, all use and development controls including any native vegetation removal requirements can be exempt from the planning permit process. An amendment can be prepared by a municipal council, the Minister for Planning or other Ministers or public authorities authorised by the Minister for Planning.

With the Project in mind, there are differing forms of PSAs that might be considered and these are discussed below.

Planning Scheme Amendment – via Council

This particular pathway involves the proponent requesting Council to prepare a PSA.

Key risks to the project associated with this pathway include:

- Council must be supportive from the very start of the process and agree to seek authorisation for the Minister for Planning to prepare the amendment
- Council has the ability to effectively abandon the request at multiple stages of the process
- Involves public exhibition period and (if submissions received) a Panel Hearing

- Is open to, and often influenced by, local level politics
- Is typically a lengthy process that is reported to full Council meetings at various stages
- At the end of the process the amendment may be refused, with no appeal rights

The approximate timeframe for this pathway is typically in the order of 12 months post lodgement.

Planning Scheme Amendment – via Minister s20(4)

This process involves the proponent requesting the Minister for Planning (Minister) to prepare a planning scheme amendment pursuant to section 20(4) of the *Planning and Environment Act 1987*.

The purpose of the amendment (ie. to introduce a Specific Control Overlay) remains the same as the intent above, however s20(4) enables a Minister to exempt themselves from the notice requirements ‘if the Minister considers that compliance with any of those requirements is not warranted or that interests of Victoria or any parts of Victoria make such an exemption appropriate’.

A number of tests must be met to demonstrate to the Minister that appropriateness of having a PSA processed under this pathway, and consultation with the local Council (at a minimum) should be undertaken to gauge levels of support.

A key risk to this pathway is that there may be a perceived lack of transparency in the decision making process, as it does not involve any formal public and/or Advisory Committee input into the decision making. Furthermore, a Minister may refuse to process the PSA under this pathway.

The approximate timeframe for this pathway is anticipated to be in the order of 4-6 months post lodgement.

Planning Scheme Amendment – via Minister s20(5)

This process also reflects the process outlined above, however provides the Minister with the ability to ‘consult with the responsible authority or any other person prior to exercising their powers under sub-section (2) or (4)’.

This pathway typically involves the appointment of an Advisory Committee with *Terms of Reference* in place and provides stakeholders with an ability to make submissions.

The approximate timeframe for this pathway is anticipated to be in the order of 6+ months post lodgement

3.4.3 Reference Project

We understand the SWLPP underwent a planning scheme amendment via a 20(4) amendment process.

The SWLPP project introduced an Incorporated Document into the affected planning schemes (four Council areas) within which the project was located. Recent changes to the structure of planning schemes through Amendment VC148 has seen the transition away from the use of Incorporated Documents to using Specific Control Overlays (SCO).

3.5 Recommendations / Considerations

A State led (ie. Minister as Responsible Authority) PSA is considered to be a preferred approvals process as it has the potential to provide the greatest flexibility to the project and removes potential risks associated with VCAT challenge.

PSA documentation can be prepared irrespective of EPBC Act and EE Act referral outcomes, but should only be commenced once confirmation of project alignment and ecological impact is confirmed. A Native Vegetation Offset Strategy will be a critical element of the planning scheme amendment documentation, so early consideration and consultation with DELWP will be required.

A PSA should not be submitted to the department until the strategy is confirmed upon completion of detailed ecological assessments, but can be requested at any stage.

Understanding that GHD has now been engaged to undertake targeted ecological surveys for the Project area, the PSA approval pathway is preferred.

4. Approval Strategy Recommendations

Ecological surveys will be undertaken in late 2018 to enable the potential impacts on flora and fauna to be better quantified. This exercise will consider the effect of avoidance and mitigation measures, including changes to the alignment or construction method. This will in turn assist to determine whether the Project will trigger referral under the EE Act and / or EPBC Act.

If it is determined that a referral is required under the EE Act and / or EPBC Act, DELWP and / or DoEE should be consulted. This should involve discussion of the following matters:

- The referral(s) would indicate that the project would be delivered in stages, subject to funding being available
- The referral(s) would contain greater detail regarding the potential impacts in the reduced scope area as opposed to the remainder of the RSA. This is due to background studies and detailed design not being undertaken for the remainder of the RSA until funding is available for these tasks.

With the above in mind, we believe that a State led PSA be further considered and discussed with DELWP as it has the potential to provide the shortest planning approval timeframe, provides the greatest flexibility and removes the potential for VCAT challenge.

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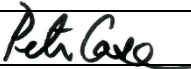
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20526/[https://projects.ghd.com/oc/Victoria1/eastgrampiansruralpi/Delivery/Documents/Grampians Wimmera Mallee Water Report.docx](https://projects.ghd.com/oc/Victoria1/eastgrampiansruralpi/Delivery/Documents/Grampians%20Wimmera%20Mallee%20Water%20Report.docx)

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Revision	Author	Reviewer		Approved for Issue		
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