



**Australian Government**

**Department of the Environment, Water, Heritage and the Arts**

**APPROVAL DECISION**

Sugarloaf Pipeline Project, Goulburn River to Sugarloaf Reservoir, Victoria  
(EPBC 2008/3960)

This decision is made under (Section 133) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

**Proposed action**

**person to whom the approval is granted** Melbourne Water

**proposed action** To construct and operate a water pipeline and associated infrastructure to transfer up to 75 gigalitres of water per year from the Goulburn River, near Yea, to the Sugarloaf Reservoir, Victoria.

**Approval decision**

**relevant controlling provisions** The approval has effect for:  
• Listed threatened species and communities (sections 18 & 18A)

**conditions of approval** This approval is subject to the conditions specified below.

**expiry date of approval** This approval has effect until July 2033.

**Person authorised to make decision**

**name and position** PETER ROBERT GARRETT  
Minister for the Environment, Heritage and the Arts

**signature**

**date of decision**

Twelve September 2007.

## Conditions attached to the approval

1. To protect the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) listed species that are known or could potentially occur in the action area, the person taking the action must implement the commitments made in the *Environmental Management Strategy July 2008* and associated documents referred to in the *Environmental Management Strategy July 2008*.
2. To protect the EPBC listed flora species that are known to occur or could potentially occur in the action area, in particular the Matted Flax-lily (*Dianella amoena*), Clover Glycine (*Glycine latrobeana*), Little Pink Spider Orchid (*Caladenia rosella*) and the River Swamp Wallaby Grass (*Amphibromus fluitans*), the person taking the action must implement the *Mitigation Plan for EPBC Act and Victorian Flora and Fauna Guarantee Act 1988 (FFG Act) Listed Flora Species July 2008*.
3. To protect the EPBC listed terrestrial species that are known to occur or could potentially occur in the action area, in particular the Striped Legless Lizard (*Delma impar*), Southern Brown Bandicoot (*Isodon obesulus obesulus*), Spotted Tail Quoll (*Dasyurus maculatus maculatus [SE mainland population]*), Growling Grass Frog (*Litoria rainformis*) and Golden Sun Moth (*Synemon plana*), the person taking the action must implement the *Mitigation Plan for Terrestrial Fauna Listed under the EPBC Act and FFG Act July 2008*.
4. To protect the EPBC listed aquatic fauna species that are known to occur or could potentially occur in the action area, in particular the Macquarie Perch (*Macquaria australasica*), Trout Cod (*Maccullochella macquariensis*) and Murray Cod (*Maccullochella peelii*), the person taking the action must implement the *Mitigation Plan for EPBC Act and FFG Act Listed Aquatic Fauna Species July 2008*.
5. Where Golden Sun Moth known habitat can not be avoided during February to September, the person taking the action must implement the experimental process of habitat slab replacement in known Golden Sun Moth habitat. The area in which the process is undertaken must be monitored for two years following the completion of the habitat slab replacement.

If monitoring indicates a decline or loss of the Golden Sun Moth population, an offset package must be submitted to the Department within 6 months of the monitoring results. This package must be approved by the Department and implemented. The offset package may include the purchasing of an area of Golden Sun Moth habitat of at least equal size for conservation and the contribution to research and recovery.

6. If the Little Pink Spider Orchid is found within the construction corridor and avoidance is not possible, the Department must be notified before construction in the area can commence and the person taking the action must provide evidence that all alternative mitigation options for this species have been exhausted prior to proposing to translocate. The Department must approve the translocation.
7. If, following the outcomes of required monitoring, the translocation and adaptive management of the Matted Flax-lily, Clover Glycine, River Swamp Wallaby Grass and Little Pink Spider Orchid is found not to have been successful, an offsets package for each relevant species must be provided to the Department within 6 months. The offsets package must be approved by the Department and implemented. The offsets package may include the purchasing of an area of known habitat of at least equal size for conservation and the contribution to research and recovery.
8. To protect the Macquarie Perch and the Growling Grass Frog, water quality must be monitored during construction of waterway crossings to meet State Environment Protection Policy (SEPP) (Waters of Victoria 2003) objectives.

If the water quality fails to meet SEPP (WoV), due to construction activities associated with the project adaptive management must be implemented. In this event the Department must be provided, within two months of the monitoring results being known, with a report stating the corrective action implemented and the results.

9. The Waterway Crossings Category A and B Plans must be provided to the Department for approval prior to construction of the waterway crossings. These plans must include turbidity controls and creeks to be tunnelled. These plans must be implemented.
10. The Water Quality Monitoring Procedure must be provided to the Department for approval prior to construction commencing of the waterway crossings. This procedure must include turbidity monitoring. This procedure must be implemented.
11. To protect EPBC listed fish species (Trout Cod (*Maccullochella macquariensis*), Murray Cod (*Maccullochella peelii*) and Macquarie Perch (*Macquaria australasica*)) that occur or may occur in the Goulburn River, the Melbourne water extracted to the Sugarloaf Pipeline must be:
  - a. not more than 75GL in any one year;
  - b. not more than 360 ML per day, with any variation in this daily pumping rate limited to a maximum of 200 ML to minimise the rise and fall in river levels upstream and downstream of the river off-take structure;
  - c. met only through controlled, pre-ordered releases from Melbourne's share of the water savings allocated to it pursuant to any bulk entitlement issued under the Victorian *Water Act 1989*;
  - d. sourced from savings **not** allocated to the Living Murray Initiative or the Waters for Rivers; and

- e. zero if the necessary regulated releases are for the maintenance of environmental flows or materially deplete water stored in Eildon Weir that is designated as being an environmental reserve.

All water savings taken from the Goulburn River must be sourced from projects that comply with the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*.

12. The pipeline crossing of the Yea River flood plain must ensure passage of groundwater. This may be achieved by use of a groundwater shunt within the deep channel to permit the water tables to equilibrate post construction across the pipeline or by some alternative method.
13. Prior to construction in the Toolangi State Forest and the Sugarloaf Forest, the person taking the action must provide the Department with the Toolangi State Forest Rehabilitation Management Plan and the Sugarloaf Forest Rehabilitation Management Plan for approval. These plans, once approved, must be implemented.
14. The person taking the action must provide by August each year an annual report on the compliance with these conditions, including the results of all EPBC listed surveys and environmental monitoring undertaken, independent audited reports of water savings achieved and the amount of water allocated for extraction, any adaptive management, any remedial actions taken and the effectiveness of the measures implemented to mitigate the impact on EPBC listed species.
15. If the person taking the action wishes to carry out any activity otherwise than in accordance with the documents identified in the above conditions relevant to EPBC listed species, the person taking the action must submit for the Department's approval a revised version of the document. If the Department approves a revised document, that document must be implemented in place of the document originally approved.
16. The person taking the action must maintain accurate records of all activities associated with or relevant to the above conditions of approval, and make them available on request by the Department. Such records may be subject to audit by the Department, and used to verify compliance with the conditions of approval.
17. If the person taking the action has not commenced construction of the action within 5 years of this approval then they must notify the Minister in writing and not commence construction without the Minister's agreement.

### **Definitions:**

**Department:** The Australian Government Department responsible for administering the *Environment Protection and Biodiversity Conservation Act 1999*.

**Minister:** The Australian Government Minister for the Environment, Heritage and the Arts.

**Known habitat:** Habitat where the EPBC listed threatened species is acknowledged to occur.

**Potential habitat:** Habitat identified as suitable for the EPBC listed threatened species.

**Construction:** Includes any machinery or vehicle activity, stockpile of soil, clearing of vegetation, excavation, erection of fencing, installation of service infrastructure and construction of buildings.

**Operation:** Includes water transfer from the Goulburn River to the Sugarloaf Reservoir.

**Adaptive Management:** is a system that can absorb and accommodate future events in whatever unexpected form they may take.

**Living Murray Initiative:** aims to achieve a healthy working River Murray system for the benefit of all Australians. This includes returning water to the River's environment.

**Water for Rivers:** has been established by three member Governments (New South Wales, Victoria and the Commonwealth), with a charter to achieve specified targets of water savings by way of water efficiency infrastructure projects, innovation and technology and where appropriate, by acquisition of water entitlements, all of which will in turn enable those savings to provide increased environmental flows to the Snowy River and River Murray systems.