

Northern Victoria Irrigation Renewal Project – Expert Review Panel

May 31, 2010

Greg Wilson
Secretary
Department of Sustainability & Environment
8 Nicholson Street
East Melbourne VIC 3002

Dear Secretary

ADVICE ON REVIEW OF REQUIREMENT FOR ENVIRONMENTAL WATERING PLANS (EWPS)

The Minister for Environment and Climate Change endorsed the Northern Victoria Irrigation Renewal Project (NVIRP) Expert Review Panel (ERP) and charged it with the responsibility to provide advice to NVIRP, the Minister for Water, and the Secretary of the Department of Sustainability and Environment (DSE) in relation to the relevant conditions in the decision of the Minister for Planning that an Environmental Effects Statement (EES) is not required for the NVIRP. The ERP is Denis Flett (Chair), Jane Roberts and Terry Hillman and all are independent consultants experienced in the ecological relationships to hydrology, and the consequences of hydrological changes.

Condition 5 of the Minister for Planning's decision that an EES is not required for the NVIRP stipulates that Environmental Watering Plans (EWPs) are required for 'at risk' waterways and wetlands before operation of the relevant NVIRP work commences. The determination also allows the opportunity for waterways and wetlands to be removed from the list following advice from the ERP that the waterway or wetland would not be at risk such as to warrant an EWP.

In order to identify 'at risk' waterways and wetlands a waterway short-listing report¹ and a wetland short-listing report² were developed. These reports were approved by the Secretary DSE (then Peter Harris) on 13 August 2009 following advice from the Expert Review Panel (ERP). The purpose of the short-listing reports was to identify valued waterway and wetland ecosystems that are potentially at risk of hydrological changes resulting from the operation of NVIRP. The outcome was a short-list of four waterways and a short-list of ten wetlands that warranted the development of EWPs and one waterway that required further investigation to determine the need for an EWP. The resulting short-lists are presented in column 1 of Attachment A.

Further investigation, commissioned by NVIRP, found one short-listed waterway, Nine Mile Creek (immediately downstream of Serpentine Creek Outfall), and one short-listed wetland,

1 Feehan Consulting (2009) Northern Victoria Irrigation Renewal Project Waterway Short-listing Report – Final Report, 11th August, Victoria

2 HydroEnvironmental (2009) Northern Victoria Irrigation Renewal Project Wetland Short-listing Report, 7th August, Victoria.

Little Lake Meran, would not be at risk such as to warrant an EWP. Reports reviewing the requirement for an EWP were developed instead.

The ERP is pleased to place on record our advice on the *Review of Requirement for EWP: Little Lake Meran* and *Review of Requirement for EWP: Nine Mile Creek (immediately downstream of Serpentine Creek outfall)*. This advice is presented in Table 1 of this letter.

The ERP is satisfied that the reviews have been conducted thoroughly and are consistent with the provisions of both the original approved WCMF³ and the relevant amendments in the WCMF Version 2⁴, in particular those amendments relating to the assessment of the requirements for mitigation water.

Table 1: Expert Review Panel advice

Document Reviewed	Advice
<i>Review of Requirement for EWP: Little Lake Meran</i>	The ERP supports the findings that mitigation water is assessed as zero and no EWP is required. The report follows the relevant provisions detailed in the WCMF (August 2009 version and Version 2) and reaches a sound conclusion supported by the logic of the review process.
<i>Review of Requirement for EWP: Nine Mile Creek (immediately downstream of Serpentine Creek outfall)</i>	The ERP accepts the conclusion that the high environmental values identified at the relevant section of Nine Mile Creek are not affected by incidental water including leakage, which was the focus of this review. The ERP supports the conclusion that no EWP is required, noting that the relevant provisions detailed in the WCMF (August 2009 version and Version 2) have been followed in the review.

The process undertaken to review the requirement for an EWP demonstrates the value and importance of providing increasingly closer scrutiny in identifying wetlands and waterways that may need an EWP and is consistent with the precautionary principle.

The ERP supports the conclusion that no EWP is required for Little Lake Meran and Nine Mile Creek (immediately downstream of Serpentine Creek outfall). It is the advice of the ERP that the documents listed in Table 1, which have been prepared by NVIRP, are acceptable and warrant being approved. The ERP recommend that Little Lake Meran and Nine Mile Creek (immediately downstream of Serpentine Creek outfall) be removed from the short-lists of waterways and wetlands requiring EWPs. The ERP also suggest that Twelve Mile Creek be removed from the short-list as it has been included in the Loddon River EWP. Column 2 Attachment A presents the recommended changes to the short-lists should the advice presented in this letter be accepted.

³ NVRIP (2009) Water Change Management Framework, August 2009. Northern Victoria Irrigation Renewal Project, Shepparton, Victoria.

⁴ NVRIP (2010) Water Change Management Framework, Version 2, 18 May 2010, Northern Victoria Irrigation Renewal Project, Shepparton, Victoria.

The ERP is pleased to have had the opportunity to provide this advice in the interests of progressing the environmentally responsible operation of the modernised irrigation system for which NVIRP has responsibility.

Sincerely,



Denis Flett

Chair

Northern Victoria Irrigation Renewal Project Expert Review Panel

Copy To:

- 1. The Hon. Tim Holding, Minister for Water**
- 2. Murray Smith, Chief Executive Officer of the Northern Victoria Irrigation Renewal Project**

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Attachment A - Short-lists of wetlands and waterways requiring an EWP and recommended changes

Short-listed wetlands and waterways as approved by Secretary DSE 13 August 2009	Recommended change to short-list
Wetland	
Johnson Swamp ⁵	No change
Lake Elizabeth	No change
Lake Murphy	No change
McDonalds Swamp	No change
Lake Leaghur	No change
Lake Yando	No change
Little Lake Boort	No change
Lake Meran	No change
Round Lake	No change
Little Lake Meran	Remove from short-list
Waterway	
Campaspe River	No change
Loddon River	Change to Loddon River including Twelve Mile Creek
Broken Creek	No change
Twelve Mile Creek	Remove from short-list (included in Loddon River EWP)
Nine Mile Creek (immediately downstream of Serpentine Creek outfall) (further investigation required to determine the need for EWP)	Remove from short-list

⁵ This EWP was approved by the Minister for Water on 18 August 2009.