

# SUGARLOAF INTERCONNECTOR PIPELINE PROJECT

## TERMS OF REFERENCE

### ADVISORY COMMITTEE APPOINTED UNDER SECTION 151 OF PLANNING AND ENVIRONMENT ACT 1987

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#### 1. BACKGROUND

The Sugarloaf Interconnector Pipeline Project is a component of the Victorian Government's Water Plan, *Our Water, Our Future: The Next Stage of the Government's Water Plan*, which aims to secure Victoria's future water supplies.

Water to be transferred via the Sugarloaf Interconnector Pipeline is to be sourced from savings achieved through the modernisation of irrigation infrastructure in the Goulburn-Murray Irrigation District. The first stage of the Food Bowl Modernisation Project aims to capture up to 225 gigalitres (GL) of water that is currently lost due to inefficiencies within the current irrigation system. Water savings from the project are to be shared equally between irrigators, the environment and Melbourne.

Melbourne Water Corporation has entered into a partnership with SKM, GHD and John Holland Pty Ltd (the Sugarloaf Alliance) to deliver a pipeline and associated facilities to transfer Melbourne's portion (75 GL per year) of the water savings from an extraction point on the Goulburn River north of Yea, over the Great Dividing Range, to connect with Melbourne's water distribution network at Sugarloaf Reservoir.

In addition to the pipeline, the project infrastructure also includes a low-lift pump station, a balancing storage and high-lift pump station, inlet works at Sugarloaf Reservoir and associated electrical infrastructure.

The Sugarloaf Alliance has been progressively refining a series of options for the preferred alignment of the pipeline route. These alignment options (referred to as 'preferred' and 'non-preferred' corridors) are shown over sections A to H of the route in **Attachment 1**.

On 21 December 2007, the Minister for Planning determined that an Environment Effects Statement (EES) would not be required for the project under the *Environment Effects Act 1978*, subject to a number of conditions, namely:

1. A Project Impact Assessment (PIA) Report, building on the studies conducted by the proponent to date, is to be completed to the satisfaction of the Department of Planning and Community Development, in consultation with the Department of Sustainability and Environment:

- i. This report is to incorporate studies on the potential environmental effects and environmental management of the project, including with respect to flora and fauna, cultural heritage, land stability, landscape values, waterway environments, land use, social amenity;
  - ii. Further, the report is to incorporate a study assessing the environmental implications of transferring water savings from the Goulburn River, through an off-take via the Sugarloaf Interconnector, including:
    - a. the environmental implications of the water off-take for downstream environmental values, including any relevant matters of national environmental significance;
    - b. the rules for managing the water off-take; and
    - c. relevant environmental management measures.
2. The PIA Report, once completed to the satisfaction of the Department of Planning and Community Development, is to be exhibited for 20 business days public comment.
  3. An expert Advisory Committee is to be appointed by the Minister for Planning to review the PIA Report, any public submissions received in response to the latter report, and any other relevant information.

In relation to the second condition above, the completed PIA report is to be exhibited for public comment from 19 February until 18 March 2008. To give effect to the third condition, the Minister for Planning has appointed an Advisory Committee for the project under Section 151 of the *Planning and Environment Act 1987* to consider public submissions made in response to the report.

After the Advisory Committee provides its report to the Minister for Planning, the Minister will determine the final pipeline alignment and decide on the appropriate means of authorising the project under the *Planning and Environment Act 1987*.

On 13 February 2008, a delegate for the Australian Government Minister for the Environment, Heritage and the Arts determined that the Sugarloaf Pipeline Project is a 'controlled action' under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and also accredited the Victorian environmental assessment process as the required assessment process under that Act. The controlling provisions under the EPBC Act are sections 18 and 18A - Listed threatened species and communities.

## 2. TASK

The Advisory Committee is to investigate and provide advice in relation to the following key matters only:

- (i) The likely environmental<sup>1</sup> impacts (effects) of the Sugarloaf Interconnector pipeline project, in relation to each of the 'preferred' and 'non-preferred'

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<sup>1</sup> Under the *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978* (2006), environment "includes the physical, biological, heritage, cultural, social,

corridor alignment options, the siting and design of ancillary infrastructure, and pipeline and infrastructure construction techniques which are identified in the PIA Report, as well as, if relevant, any feasible variations to these options that could reduce adverse impacts. Relevant environmental impacts include:

- those impacts associated with construction and operation of the pipeline;
  - the downstream environmental impacts of the water off-take from the Goulburn River for transport through the pipeline; and
  - relevant impacts with respect to the controlling provisions under the EPBC Act.
- (ii) Recommendation of a preferred pipeline alignment and key construction techniques for each section of the route (A to H) from the off-take at the Goulburn River to the Sugarloaf Reservoir, as well as for the siting and design of ancillary project infrastructure;
- (iii) The environmental mitigation, off-setting, monitoring, and management measures needed to minimise adverse environmental effects of the project, including on matters of national environmental significance.

The Advisory Committee should have regard to relevant provisions of Victorian legislation, policies, strategies and guidelines, as well as the EPBC Act and associated regulations and guidelines.

**It must be noted that the strategic policy decision in relation to the intended allocation of water savings from the Goulburn-Murray Irrigation District is outside these Terms of Reference, and is not a matter for review.**

The Advisory Committee must prepare and submit a report to the Minister for Planning and the Australian Government Minister for the Environment, Heritage and the Arts that provides:

- (i) a description of the project, places affected by the project and any significant environmental assets, including threatened species listed under the EPBC Act, that are affected or are likely to be affected by the project;
- (ii) a summary of the environmental impacts, including relevant impacts on threatened species listed under the EPBC Act, of the project options for the pipeline alignment and key construction techniques, as well as for the siting and design of ancillary project infrastructure, that are preferred by the proponent;
- (iii) a description of feasible mitigation measures, and any changes to the preferred project or procedures to prevent or minimise environmental impacts on threatened species listed under the EPBC Act and any other significant environmental assets, either proposed by the proponent or suggested in public submissions to the Advisory Committee;
- (iv) to the extent practicable, a description of any feasible alternatives for the pipeline alignments and ancillary project infrastructure that have been identified by the Advisory Committee and their likely impact on threatened

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health, safety and economic aspects of human surroundings, including the wider ecological and physical systems within which humans live”.

- species listed under the EPBC Act, as well as their likely environmental implications in the context of State legislation;
- (v) recommendations for a preferred pipeline alignment and key construction techniques for each section (A to H) of the pipeline route from the off-take at the Goulburn River to the Sugarloaf Reservoir, as well as for the siting and design of ancillary project infrastructure;
  - (vi) recommended conditions for environmental mitigation, off-setting and management measures, including monitoring, enforcement and review procedures, needed to minimise adverse environmental impacts of the project, including on threatened species listed under the EPBC Act.

### 3. PROCEDURES

The Advisory Committee will commence its investigations during the public exhibition of the PIA report.

The Advisory Committee is to consider:

- (i) the exhibited PIA Report;
- (ii) any submissions received in response to the exhibited PIA Report;
- (iii) the proponent's response to submissions, including a Project Refinement Report that may put forward minor changes to the proposed project works; and
- (iv) other relevant information provided to or obtained by the Advisory Committee, at the discretion of the Advisory Committee.

Written submissions that specifically respond to the tasks of these Terms of Reference will be the principal means of providing input to the Advisory Committee process.

The Advisory Committee will consider submissions 'on the papers' but at its discretion may invite particular submitters or groups of submitters to attend a public hearing to clarify their submissions and/or to enable dialogue and closer examination on particular matters. A public hearing, if held, is not to exceed 10 sitting days.

Any hearing is to be conducted in accordance with the following principles:

- The hearing will be conducted in an open, orderly and equitable manner with a minimum of formality and without the necessity for legal representation;
- The hearing process will aim to be exploratory and constructive, where adversarial behaviour is minimised;
- The Advisory Committee will not seek to hear views or comments from submitters where their submission does not respond to the tasks under section 2 above;
- If any submitter intends to rely on expert evidence that evidence must be included in the original submission;
- Unless requested by the Advisory Committee, there will be no need for additional expert evidence to be produced; and

- The Chair may regulate the hearing in a manner he/she considers appropriate to best allow the committee to inform itself.

Planning Panels Victoria is to provide administrative support to the Advisory Committee. The Advisory Committee may also engage technical/research support, subject to the agreement of the Secretary of the Department of Planning and Community Development.

#### 4. TIMING

The Advisory Committee is required to report to the Minister for Planning in writing within four weeks of its last hearing date.

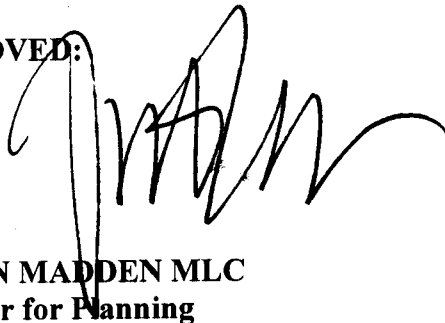
#### 5. QUORUM

The Advisory Committee may convene as a quorum of three at any time.

#### 6. FEES

The members of the Advisory Committee will receive the fees and allowances provided for under Division 1, Part 8 of the *Planning and Environment Act 1987*.

APPROVED:



**JUSTIN MADDEN MLC**  
Minister for Planning

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