

The EPBC Act and drainage works in the Koo Wee Rup and Longwarry Flood Protection District

In late-2012, Melbourne Water commenced an extensive program of works to improve drainage in the Koo Wee Rup and Longwarry Flood Protection District (the District). These works were conducted in addition to our standard annual maintenance program.

While undertaking these works Melbourne Water is required to comply with relevant State and Commonwealth legislation. This Fact Sheet explains how the *Environment Protection and Biodiversity Act 1999* (the EPBC Act) applies to works conducted on Melbourne Water drains in the District.

What is the relevant legislation?

The EPBC Act is the Federal Government's primary piece of environmental legislation. The EPBC Act sets out the criteria for a 'matter of national environmental significance' and outlines the process by which these matters are to be addressed.

Fundamentally, the EPBC Act aims to strike a balance between the needs of the environment and the social and economic needs of the community.

How does the EPBC Act affect drainage works in the District?

The District is known to provide habitat for important flora and fauna species. These species, including the Southern Brown Bandicoot and the Australian Grayling are protected under the EPBC Act.

In accordance with the EPBC Act, Melbourne Water is required to demonstrate that its actions will **not**:

- Lead to the long-term decrease in the size of a population
- Reduce the area of occupancy of the species
- Fragment the existing population into two or more populations
- Disrupt the breeding cycle of the population
- Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.

Isn't Melbourne Water exempt from the EPBC Act when undertaking flood and drainage works in the District?

No.

Melbourne Water's powers under the Water Act must be exercised taking into account the requirements of the EPBC Act. In some instances where matters of national environmental significance are at stake, the EPBC Act takes precedence over the Water Act and Melbourne Water is required to provide assurances that EPBC listed species are being protected while works are being conducted.

How is Melbourne Water working through the EPBC requirements to deliver works that will improve the risk of flooding in the District?

- Melbourne Water has undertaken desktop studies, conducted field surveys, consulted with state and federal environment agencies and local experts to identify the areas where our works may affect EPBC listed species. We are working with the relevant agencies to ensure the necessary works are undertaken in a way that minimises impact on these species.
- Where there is potential for a high-level impact on EPBC listed species, the approvals process is more rigorous. It is imperative that the works and mitigation measures are designed carefully, potentially requiring more detailed field surveys and other investigations.
- Melbourne Water is developing controls and protection measures for use in the vicinity of known sensitive areas. This will ensure EPBC listed species are protected and it will enable the necessary flood protection maintenance works to proceed.
- A review of Melbourne Water's standard maintenance regime is also being conducted in areas considered as 'sensitive'. This review is being conducted with a particular emphasis on the techniques for sensitively managing vegetation and habitat.

For more information on Melbourne Water projects effecting the application of this legislation, please call 131 722.