

For Public Notice via Internet

REASONS FOR DECISION UNDER *ENVIRONMENT EFFECTS ACT 1978*

Title of Proposal: Pinniger Tourism and Leisure Development

Proponent: MPD Mount Pinniger Pty Ltd

Description of Project:

MPD Mount Pinniger Pty Ltd proposes to construct a tourist and leisure resort in five stages on 163 hectares of land owned by Goulburn Murray Water in the Shire of Murrindindi. The site adjoins Lake Eildon and part of the Lake Eildon National Park and is approximately 1 kilometre east of the Eildon township.

The project consists of a resort building, including a 150-room hotel, approximately 140 eco-suites, a 40-berth marina on Lake Eildon and a public pier, cabins/camping area, a car park, an upgrade of Foggs Lookout on top of Mount Pinniger, walking tracks, new access roads and infrastructure services and unknown building activity on Point Detheridge and recreation facilities.

Decision:

The Minister for Planning has decided that an Environment Effects Statement (EES) is required for the Pinniger Tourism and Leisure Development, as described in the referral accepted on 31 May 2011.

The procedures and requirements applying to the preparation of the EES, in accordance with section 8B(5) of the *Environment Effects Act 1978* and the *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978* (Ministerial Guidelines), are as follows:

- (i) The EES is to document potential environmental effects of the proposed project as well as relevant siting and design alternatives, and associated environmental mitigation and management measures, that could enhance environmental outcomes. In particular, the EES is to assess:
 - a. Fire risk associated with the siting, design and management of the proposed project and relevant alternatives, having regard to the wider landscape setting;
 - b. The maximum extent of native vegetation removal needed to both accommodate the proposed development and mitigate fire risk;
 - c. Likely effects on flora and fauna species listed under the *Flora and Fauna Guarantee Act 1988*, including the Common Bent-wing Bat, Eastern Horseshoe Bat, Brush-tailed Phascogale, Powerful Owl and Masked Owl. Flora and fauna surveys must be prepared in accordance with methodologies to the satisfaction of the Department of Sustainability and Environment;
 - d. Effects on landscape and other environmental values of the site and surrounding areas, including implications for environmental values within the adjoining Lake Eildon National Park;

- e. Land stability and erosion risks associated with the construction and operation of the project;
 - f. Impacts of the project on Lake Eildon and its environs, including the potential discharge of stormwater, sediment and nutrients.
- (ii) The specific matters to be investigated and documented in the EES will be set out in detail in scoping requirements to be prepared by the Minister for Planning. Draft scoping requirements will be exhibited for 15 business days for public comment, before being finalised and issued to the proponent.
 - (iii) The level of detail of investigation for the EES studies should be consistent with the scoping requirements and be adequate to inform an assessment of acceptability of its potential environmental effects, in the context of the Ministerial Guidelines.
 - (iv) The Department of Planning and Community Development (DPCD) will convene an inter-agency Technical Reference Group to advise DPCD and the proponent, as appropriate, on the EES scoping requirements and the proponent's study program, the adequacy of draft EES studies, as well as coordination of the EES process with statutory approval processes.
 - (v) Before the draft scoping requirements are prepared, the proponent is to provide:
 - an inception report incorporating a preliminary project design and outline of project alternatives, together with a site hazard assessment including an assessment of fire hazards; and
 - a draft EES study program, describing proposed investigations of relevant issues.
 - (vi) The proponent is to prepare and implement an EES consultation plan for informing the public and consulting with stakeholders during the preparation of the EES, having regard to advice from DPCD and the Technical Reference Group.
 - (vii) Following the issuing of the scoping requirements, the proponent is to submit to DPCD a proposed schedule for the preparation and exhibition of the EES.
 - (viii) The proponent is to apply appropriate peer review procedures, which should be endorsed by DPCD, to enable the completion of EES studies to a satisfactory standard.
 - (ix) The EES is to be exhibited for a minimum period of 30 business days for public comment.
 - (x) An inquiry will be appointed under the *Environment Effects Act 1978* to consider environmental effects of the proposal.

Reasons for Decision:

- 1. The project has the potential for inter-related effects on fire risk, vegetation loss, fauna habitat, landscape and national park values, land stability and water quality that, in combination, are of at least regional significance and could affect the environmental acceptability of the proposal and, more specifically, because it:
 - i. has potential for significant adverse effects on biodiversity values, in large measure because of the need to remove a substantial area of native vegetation to accommodate the development footprint and mitigate fire hazards, which could affect habitat for listed flora and fauna species and have implications for the values within the adjoining Lake Eildon National Park;

- ii. could be exposed to unacceptable safety hazards as it is located in an area of high fire risk, on a site with high fuel loads and constrained access and egress;
 - iii. could have significant effects on landscape values and other environmental values associated with the environs of Mount Pinniger and Lake Eildon; and
 - iv. could have a significant effect on land stability due to the steep slopes within the project site and may result in an increased risk of erosion, local runoff and sedimentation into Lake Eildon.
2. An EES would enable an integrated, transparent and accountable assessment of the environmental effects of the project to inform decision-making for required approvals, including opportunities to avoid or minimise significant adverse environmental effects by establishing the extent, layout and form of development that the site could accommodate sustainably including appropriate mitigation measures.

Date of Decision: 30 September 2011