

Yan Yean Road (Stage 2) Upgrade project – Scoping requirements Q&As

June 2019

What is the purpose of the scoping requirements?

Major Road Projects Victoria is preparing an environment effects statement (EES) for the duplication of Yan Yean Road from Kurrag Road to Bridge Inn Road, referred to as Stage 2. The scoping requirements for the EES set out the matters that need to be investigated and documented within the EES.

Final scoping requirements have been issued by the Minister for Planning and are available on the Department of Environment, Land, Water and Planning (DELWP) website: planning.vic.gov.au/environment-assessment/browse-projects/projects/yan-yeen-road-upgrade-stage-2

Why is an EES required for the Yan Yean Road (Stage 2) Upgrade project?

An EES is the most comprehensive and robust assessment process available in Victoria. The EES will provide an integrated and transparent examination of the potential environmental effects of the proposed project.

In October 2018, the Minister for Planning determined under the *Environment Effects Act 1978* that Major Road Projects Victoria should prepare an EES for the Yan Yean Road (Stage 2) Upgrade project. The project as proposed could have a range of significant effects relating to ecological and cultural values, due to the proposed clearing of a large number of trees and habitat, including the project's contribution to potential cumulative effects on the critically endangered *Lathamus discolor* (Swift Parrot) listed under the *Flora and Fauna Guarantee Act 1988* (FFG Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The EES will need to include a detailed description of the proposed project and rigorous assessment of its potential effects on the environment and approaches to mitigation.

What about the Commonwealth Environment Protection and Biodiversity Conservation Act?

The project was also referred to the Australian Government under the Commonwealth's EPBC Act. The delegate for the Minister for the Environment determined on 2 April 2019 that the project is a 'controlled action' requiring assessment and approval under the EPBC Act. The provisions for the Australian Government's controlled action decision under the EPBC Act are listed threatened species and communities (sections 18 and 18A).

The EES process is accredited to assess impacts on matters of national environmental significance under the EPBC Act through the Bilateral (Assessment) Agreement between the Commonwealth and the State of Victoria. The EES for the project will be undertaken in accordance with the bilateral agreement; there will be no separate assessment by the Commonwealth. The Victorian Minister's assessment will be provided to the Commonwealth to inform decisions about the approvals the project needs under the EPBC Act.

The final scoping requirements identify matters relating to the EPBC decision, so that the EES can appropriately address them.

What studies are Major Road Projects Victoria doing to assess impacts of the project?

Major Road Projects Victoria is investigating potential impacts of the project, with studies such as biodiversity, arboriculture, traffic and design, social impact, land use and planning, and cultural and historic heritage being undertaken.

These studies will need to include strategies to avoid, minimise or manage potential impacts.

What are the final Scoping Requirements?

The matters to be investigated and documented in each EES are tailored to each project. DELWP prepares draft scoping requirements for a project's EES on behalf of the Minister for Planning and exhibits them for 15 business days for public comment. Inputs to the draft scoping requirements are the proponent's referral and draft study program and advice from agencies via the technical reference group (TRG). Consistent with the Minister's requirement for an EES, the scoping requirements for the Yan Yean Road (Stage 2) Upgrade EES are targeted to specific issues with potential for significant effects, most notably biodiversity values. The assessment must include all potential direct, indirect, cumulative, on-site and off-site effects of the project.

Yan Yean Road (Stage 2) Upgrade EES: Scoping requirements process

Specific concerns raised by submissions largely centred around the Doreen River Red Gums, and while these were addressed under broader topics in the scoping requirements, changes in response to submissions included clearer wording around issues for investigation of the Doreen River Red Gums as well as potential for car strikes to fauna.

Was there public consultation about the draft scoping requirements?

Public comments were invited on the draft scoping requirements for this EES. They were exhibited for 15 business days closing on 17 May 2019. The exhibition of draft scoping requirements was publicised on the DELWP website and advertised in major and local newspapers. The proponent also distributed information on public exhibition through electronic and physical mailing lists at the commencement of public exhibition of the draft scoping requirements. DELWP received 76 submissions on the draft scoping requirements. All submissions were provided to the proponent and the TRG to inform ongoing development of the EES.

The proponent is required to engage with the public and stakeholders to identify and respond to their issues and inform their EES studies.

Major Road Projects Victoria has commenced, and will continue, consultation with stakeholders and the community, in accordance with the consultation plan. This plan is available on DELWP's website, was reviewed by the TRG, and will be updated as necessary throughout the EES process.

What is the Technical Reference Group and its role in the EES process?

DELWP has convened an inter-agency Technical Reference Group (TRG) at the request of the Minister for Planning to advise DELWP and the proponent on scoping and adequacy of the EES studies and documentation, as well as co-ordination of the EES process with other statutory processes for the project.

The organisations represented on the TRG are:

- DELWP
- Aboriginal Victoria
- Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation
- Parks Victoria
- Melbourne Water
- City of Whittlesea
- Nillumbik Shire Council

What happens now the Minister has issued the final scoping requirements?

The proponent will continue with the necessary information-gathering and investigations to assess the potential impacts. This generally takes at least several months. The proponent will conduct its studies and prepare the EES in close consultation with DELWP and the TRG.

When the proponent believes the EES is ready, it will be reviewed by DELWP, and the Minister for Planning will decide whether to authorise the EES to be exhibited. If authorised, the EES will be advertised for public comment for typically 30 business days. This is the key opportunity for public comment and submission on the project's environmental effects.

The Minister will appoint an independent inquiry and advisory committee that will consider the EES and any formal public submissions received and produce a report, which at the end of the process, will inform the Minister and enable him to issue an assessment of the environmental effects of the project. The Minister's assessment will inform statutory decision-makers responsible for the project's approvals (including the Commonwealth with regard to the required approvals under the EPBC Act).

After the Minister has received the inquiry and advisory committee's report and made his assessment, both the report and the Minister's assessment will be published on the DELWP website.

When does Major Road Projects Victoria expect to release its EES?

The most recent timeline for the EES, provided by the proponents to DELWP, indicates that the EES is expected to be ready for public exhibition late in 2019.