

DECISION ON PROJECT: Warburton Mountain Bike Destination**Decision under section 8B(3)(a) of the *Environment Effects Act 1978***

Assessment through an environment effects statement (EES) under the *Environment Effects Act 1978* **is required**, for the reasons set out in the attached Reasons for Decision.

Procedures and requirements under section 8B(5) of the *Environment Effects Act 1978*

The procedures and requirements applying to the EES process, in accordance with both section 8B(5) 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 the investigation and avoidance of potential environmental effects of the proposed project, including for any relevant alternatives (such as trail realignments), as well as associated environmental mitigation and management measures. In particular, the EES should address:
 - a. Effects on biodiversity and ecological values within and near the site including: native vegetation; ecological communities and species of flora and fauna listed under the *Flora and Fauna Guarantee Act 1988*, *Environment Protection and Biodiversity Conservation Act 1999*; and other habitats or protected species;
 - b. Effects on surface and groundwater hydrology, quality and aquatic ecology within and near the project site;
 - c. Effects on Aboriginal and non-Aboriginal cultural heritage values in the vicinity of the project site, based on field surveys to verify the findings of any desktop studies;
 - d. Effects on the land uses of the site and surrounding areas;
 - e. Effects on land stability and erosion related to the construction and operation of the project;
 - f. Effects of project construction and operation on amenity, including increases in traffic and potential air quality, visual amenity and noise effects on nearby sensitive receptors (especially residents);
 - g. Positive and adverse socio-economic effects, at local and regional scales, potentially generated by the project, including impacts on the capacity of local community infrastructure; and
 - h. Potential cumulative impacts and benefits in relation to any other existing or planned projects or tourism developments in the area.
- (ii) The matters to be investigated and documented in the EES will be set out in detail in scoping requirements prepared by the Department of Environment, Land, Water and Planning (the department). Draft scoping requirements will be exhibited for 15 business days for public comment, before being finalised and then issued by the Minister for Planning.
- (iii) The level of detail of investigation for the EES studies should be consistent with the scoping requirements issued for this project and be adequate to inform an assessment of the potential environmental effects (and their acceptability) of the project and any relevant alternatives, in the context of the Ministerial Guidelines.
- (iv) The proponent is to prepare and submit to the department a draft EES study program to inform the preparation of scoping requirements.
- (v) The department is to convene an inter-agency technical reference group (TRG) to advise the proponent and the department, as appropriate, on scoping and adequacy of the EES studies during the preparation of the EES, as well as coordination with statutory approval processes.
- (vi) The proponent is to prepare and submit to the department its proposed EES consultation plan for consulting the public and engaging with stakeholders during the preparation of the EES. Once

completed to the satisfaction of the department, the EES consultation plan is to be implemented by the proponent, having regard to advice from the department and the TRG.

- (vii) The proponent is also to prepare and submit to the department its proposed schedule for the studies, preparation and exhibition of the EES, following confirmation of draft scoping requirements. This is to enable effective management of the EES process on the basis of an agreed alignment of the proponent's and department's schedules, including for TRG review of technical investigations and the EES documentation.
- (viii) The proponent is to apply appropriate peer review and quality management procedures to enable the completion of EES studies and documentation to an acceptable standard.
- (ix) The EES is to be exhibited for a period of no less than 30 business days for public comment, unless the exhibition period spans the Christmas–New Year period, in which case 40 business days will apply.
- (x) An inquiry will be appointed under the *Environment Effects Act 1978* to consider and report on the environmental effects of the proposal.

Notification

The following parties (proponent and relevant decision-makers) are to be notified of this decision in accordance with sections 8A and 8B(4)(a) of the *Environment Effects Act 1978*:

- Yarra Ranges Council
- Executive Director of Aboriginal Victoria
- Executive Director of Heritage Victoria
- Secretary Department of Environment, Land, Water and Planning
- Minister for Energy, Environment, and Climate Change
- Minister for Planning
- Environment Protection Authority
- Port Phillip & Westernport Catchment Management Authority
- Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation (the Registered Aboriginal Party)



RICHARD WYNNE MP
Minister for Planning

Date: 21 / 05 / 2020