**AMENDMENT TO MINISTERIAL GUIDELINES UNDER SECTION 10(1) OF THE ENVIRONMENT EFFECTS ACT 1978**

1. Any relevant project proposal for which approval is to be sought to
2. extract coal seam gas
3. develop a new coal mine
4. expand an existing approved area for coal mining

that could significantly affect the beneficial uses of water resources[[1]](#footnote-1) in a regional or State context, including because of either potential impacts on matters of national environmental significance or cumulative impacts in combination with other sources of impact, must be referred to the Minister for a decision on the need for an Environment Effects Statement (EES).

1. The Minister will require an EES for a relevant project that the Minister considers could significantly affect the beneficial uses of water resources.
2. The scoping requirements for an EES will be informed by the information guidelines issued by the Independent Expert Scientific Committee (IESC) on Coal Seam Gas and Large Coal Mining.
3. When an EES is required, the department[[2]](#footnote-2) will seek technical advice from the IESC on studies and environmental management measures relating to direct and indirect effects on water resources as well as associated beneficial uses that form part of either draft or final EES documentation prepared by the proponent.
4. Any advice from the IESC on EES documentation will normally need to be provided to the department within 40 business days of a request in order to be considered.
5. In exceptional circumstances, and where the IESC is able to respond within an agreed timeframe that would not delay statutory procedures, the department may request advice from the IESC at other points in the EES process for a coal seam gas or coal mining project.
6. The Minister is to:
7. have regard to advice received from the IESC in preparing his/her assessment of the environmental effects of a relevant project; and
8. provide reasons for relevant findings and recommendations in his/her assessment in the context of the IESC’s advice.
9. Any advice received from the IESC in response to draft or final EES documentation is to be made publicly available by the department either during or as soon as possible after the period of public exhibition for the EES. Any further advice from the IESC that is considered by the Minister in preparing his/her assessment is to be released with the Minister’s assessment.

**VICTORIAN PROTOCOL**

**UNDER THE NATIONAL PARTNERSHIP AGREEMENT**

Further to the provisions in the Ministerial Guidelines, the protocol for engagement with the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining (IESC) is as follows:

1. Any request for advice from the IESC will have regard to the IESC information guidelines.
2. Advice will be sought from the IESC for any project proposing to extract coal seam gas or to develop or to expand a coal mine that:
3. could have a significant impact on water resources; and
4. requires an Environment Effects Statement (EES) under the *Environment Effects Act 1978* (EE Act)*.*
5. Decision-makers under the *Water Act 1989* (Vic), *Mineral Resources (Sustainable Development) Act 1990* (Vic) and *Environment Protection Act 1970* (Vic) are to have regard to advice from the IESC to either the Minister for Planning or to DPCD and may also seek advice from the IESC on:
6. the setting of conditions of approval following assessment under the EE Act; and
7. any request for a variation to an approval of a project that has been subject to assessment under the EE Act.
8. DPCD will liaise with the Department of Sustainability, Environment, Water, Population and Communities in relation to projects that both are subject to the EPBC Act and for which advice has also been sought from the IESC to inform the EES process, in order to coordinate requirements under the EPBC Act and EE Act.
1. ‘Water resources’ are defined in the National Partnership Agreement [↑](#footnote-ref-1)
2. Department of Planning and Community Development [↑](#footnote-ref-2)