How does the EES process work?

Referral
Project referred to Minister for Planning

A project is referred by a proponent or decision-maker in accordance with the referral criteria.

Decision
Minister's decision on the need for an EES

The Minister will make one of three decisions, normally within 20 business days of receiving a referral with adequate information:

Yes, EES is required
If an EES is required, the Minister will specify the process to apply. Decisions on whether to approve the projecct are then put 'on hold' until an EES process has been completed.

No, EES is not required
Decision-makers can proceed to decide whether to grant approval to the project.

No, EES is not required but conditions must be met
Conditions must relate to the project location, design or mitigation measures, or set requirements for further studies or consultation.

Scoping
Scoping requirements for EES studies and report set by Minister

The matters to be investigated and documented in an EES are set out in the 'scoping requirements' issued for each project by the Minister. The extent of investigation required will depend on the level of risk to aspects of the envronment.

Draft scoping requirements for an EES are prepared after considering input from the proponent and agencies. These are released for at least 15 business days for public comment before the scoping requirements are finalised.

Preparing the EES
Proponent prepares the EES

The project proponent is responsible for preparing a quality EES, as well as for consulting with stakeholders. A study program and consultation plan will be devised, consistent with the scoping requirements, and a time schedule will be agreed with the Department of Environment, Land, Water and Planning (DELWP).

A Technical Reference Group, with membership drawn from government agencies, local government and regional authorities, will usually be appointed to provide technical advice to both DELWP and the proponent on preparing a quality EES.

Public review
Exhibition of EES and lodgement of submissions

When the EES is complete, the Minister will release it for public comment within a period of 20 to 30 business days. Interested members of the public and organisations can make written submissions in response.

The Minister may appoint an inquiry to consider the effects of the project, having regard to the EES studies and public submissions. The inquiry may take the form of:
- a desktop review of written submissions; or
- a roundtable conference with submitters; or
- a formal hearing, at which the proponent and submitters can make presentations, potentially with expert witnesses.

Making an assessment
Minister's assessment of environmental effects

In preparing the assessment, the Minister considers relevant information, including the EES documents, public submissions, the proponent's response to submissions and any inquiry report. The assessment is normally provided to decision-makers and proponent within 25 business days of receiving the inquiry report.

The assessment may conclude that the project:
- will have an acceptable level of environmental effects; or
- will not have an acceptable level of environmental effects; or
- would need major modifications and/or further investigations to establish that acceptable outcomes would be achieved.

Informing decisions
Decision-makers consider the assessment

Government and statutory decision-makers must consider the Minister's assessment. While the Minister's assessment provides recommendations and is authoritative advice, it is not binding on decision-makers.