

Environment Report Advisory Note

 Guidance for proponent

Version [1.1]



VICTORIA
State
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1. Introduction

The purpose of this advisory note is to provide proponents and their consultants, and government agencies with further information on the Environment Report process and what it entails for proponents in particular. It includes information to assist with the preparation of an Environment Report and outlines the differences between the Environment Report and Environment Effects Statement (EES) processes defined in the *Ministerial Guidelines for assessment of environmental effects under the Environment Effects Act 1978* (eighth edition, 2023) (Ministerial Guidelines). This advisory note supplements and is to be read in conjunction with the *Ministerial Guidelines*.

This advisory note supports the Victorian Government's *Economic Growth Statement* (EGS), released in December 2024, which seeks to further normalise the use of Environment Reports as an alternative, focused, quicker assessment process. There is an EGS target of 12 months for completing an Environment Report.

The Impact Assessment Unit (IAU) administers the *Environment Effects Act 1978* (the Act) on behalf of the Minister for Planning in accordance with the Ministerial Guidelines.

2. Legislative and policy context

In Victoria, a proposed project capable of having a significant effect on the environment is referred under the Act and may require assessment under the Act.

As set out on page 20 of the Ministerial Guidelines, following referral of a project, the Minister for Planning can decide if:

- (a) an EES is required; or
- (b) an EES is not required if conditions specified by the Minister are met, including for example preparation of an Environment Report; or
- (c) an EES is not required.


If a 'no EES with conditions' decision is made by the Minister, the conditions can require an Environment Report process is completed for the proposed project. This is a second, tailored, quicker tier of assessment, which is an alternative to the EES process.

The Minister may require an Environment Report in circumstances where a project has few potentially significant adverse effects that are less complex, and does not need integrated assessment. The Environment Report process is typically focused on discrete environmental effects, where the potential for a significant effect is limited to a particular aspect of the environment or a few discrete aspects. Details regarding the scoping and preparation of an Environment Report are provided in the Ministerial Guidelines (page 35).

The Environment Report process is an accredited state assessment process, for projects that are also a 'controlled action' under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). **Accredited assessment** processes are used in Victoria to reduce duplication when a proposal that has been determined to be a 'controlled action' (requiring assessment under the EPBC Act) also requires assessment of the same or similar matters under state law. Having the state facilitate a single process not only helps proponents by reducing duplication, but also aligning engagement and relevant decision-making. The accredited state assessment processes are set out in an Assessment Bilateral Agreement between the Commonwealth and Victoria made under the EPBC Act (EPBC Bilateral Agreement).

3. Purpose of an Environment Report

The purpose of an Environment Report is to assess impacts of a project, when there are specific, discrete matters with the potential for significant environmental effects. The Environment Report is a focused, readable document, supported by necessary technical impact assessments, that are proportionate to the



relevant environmental risks. While the technical impact assessments are required to examine the relevant impacts, they may also be helpful to avoid duplication associated with supporting other statutory processes.

4. Difference between an Environment Report and an EES

Figure 1 outlines how the Environment Report and EES processes differ.

Key differences are:

- The environmental assessment for an Environment Report will typically focus on a single or small number of key matters and be limited to a particular aspect of the environment, or a few discrete aspects.
- Typically, there is no Technical Review Group (TRG) established for an Environment Report process; necessary engagement with technical agencies/ regulators is targeted and flexible.
- If a scoping document is required as a part of an Environment Report process, it is issued by the department and generally not exhibited for public comment.

Public review of an Environment Report is typically limited to situations where it is being undertaken as an accredited state assessment for a 'controlled action' under the EPBC Bilateral Agreement, or to align with public review required for the project as part of another statutory processes. It can also be required by the Minister in a condition of the No EES decision.

- A Minister's Assessment is not typically prepared/ required for an Environment Report, except where it is being undertaken as an accredited state assessment process under the EBPC Bilateral Agreement, or where it is required by another statutory decision-maker. When the Minister issues an assessment of the project's effects for an Environment Report, it is not typically published or publicly available.

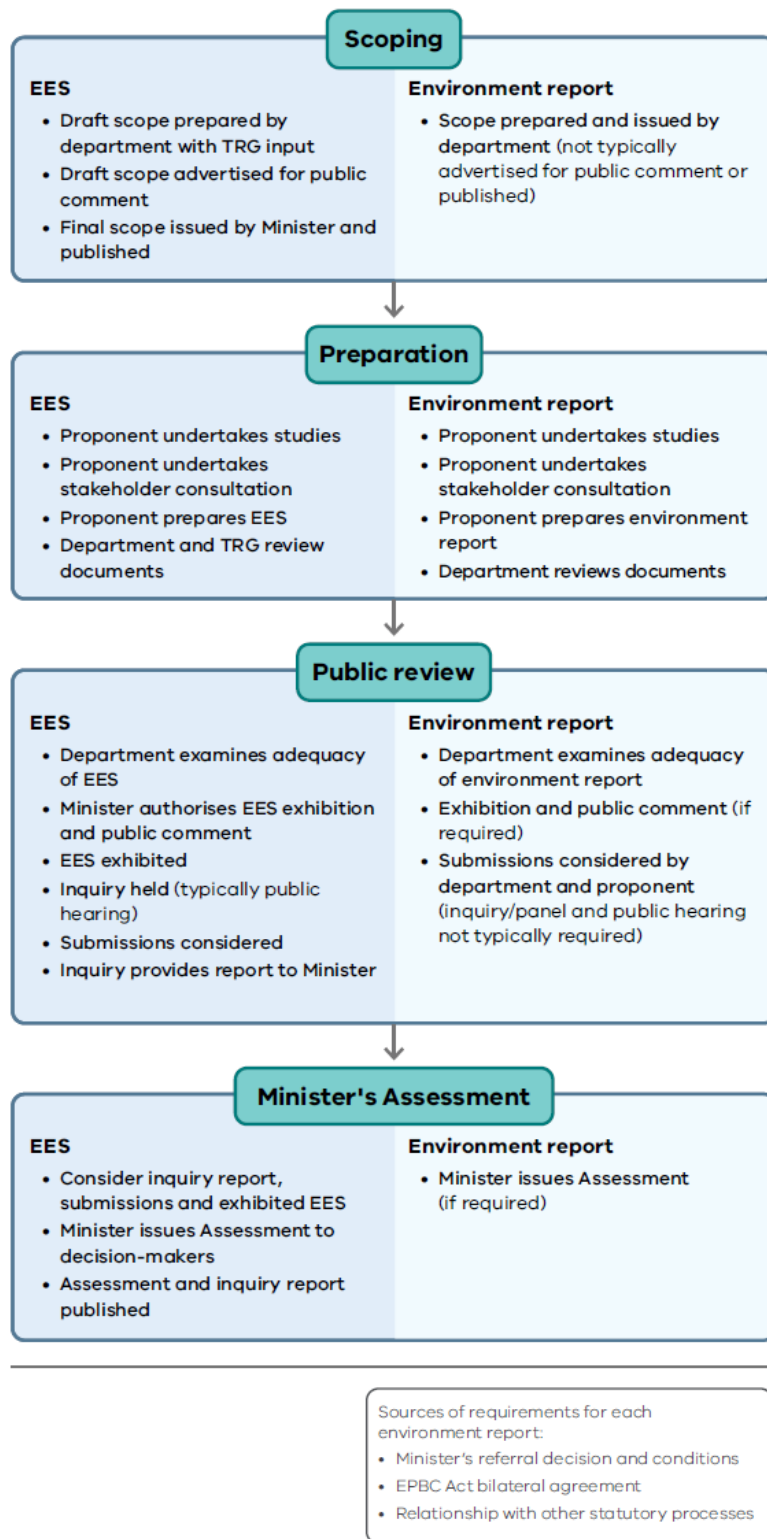


Figure 1 Environment Report in comparison to an EES (Source: Figure 3 Ministerial Guidelines (2023))



5. Roles and responsibilities

The IAU

The IAU is responsible for preparing and providing the scoping document (when required), as well as facilitating targeted agency engagement where appropriate, and reviewing the draft and final versions of the Environment Report.

Engagement with the IAU is to occur during the preparation of an Environment Report process. The frequency and approach to engagement with IAU (and any relevant agencies/ regulators) will be tailored, focused and should be agreed between the proponent and IAU at the start of the process.

An initial pre-commencement meeting is held between the IAU, the proponent and their consultant, following which subsequent engagement/ meetings occur as required to discuss project updates, schedule, survey and study methods, progress with the impact assessments, and engagement with other agencies.

Other government agencies

Other relevant government agencies/regulators are responsible for providing technical and policy advice upon request by the proponent and IAU during development of Environment Reports. This is likely to involve some meetings, engagement and review of the relevant technical impact assessment(s).

The proponent

At the start of the Environment Report process, the proponent is responsible for the following:

- Establishing a team with the capabilities, experience and expertise needed to prepare the Environment Report and undertake the necessary technical assessments. The team would typically have or be led by a consultant with experience in environmental impact assessment and expertise relevant to the matters being examined in the Environment Report. Developing constructive working relationships with the IAU team and relevant government agencies.
- Developing an achievable, efficient schedule for development, review and completion of the Environment Report.

During preparation of the Environment Report the proponent (and their consultants) is responsible for:

- Facilitation of regular co-ordination meetings with IAU (recommended to commence with fortnightly meetings).
- Constructive and earnest engagement with other relevant government agencies, determined in discussion with the IAU.
- Completion of the necessary technical impact assessments for relevant matters.
- Clear tracking and management of the schedule for development, review and completion of the Environment Report.
- Preparation of a clear, focused, quality Environment Report that adequately addresses the scope and the conditions specified by the Minister.

6. Environment Report stages

This section outlines the typical assessment pathway for an Environment Report, noting that the Minister's decision under the Act will have conditions specific to each project that will influence the pathway. There are sometimes differences in pathways for accredited and non-accredited assessments, as described in each of the stages where relevant.



Scoping

The scope of an Environment Report is the specific matters needing to be examined and documented by the proponent. It is informed by the 'reasons for decision' published by the Minister for Planning.

When necessary, the IAU will also prepare a formal scoping document for an Environment Report, such as when it is an accredited assessment process. The scope/ scoping document informs what technical studies/ impact assessments may be needed and what they are to examine, and what the Environment Report needs to include. The IAU may undertake targeted engagement with government agencies to obtain relevant policy and technical advice to inform development of the scoping document. A draft is not typically exhibited.

The scoping document will be specific about the aspects of the existing environment that are to be characterised in the Environment Report and the relevant interactions between the proposed project and sensitive areas/ environmental receptors that are to be the focus of assessments.

Preparation and submission

Technical assessments

Targeted technical assessments of relevant matters will be required to support the development of an Environment Report. The impact assessments need to address the matters set out in the scope/ scoping document (when required), including matters specific in the conditions set by the Minister ('reasons for decision'), and where applicable, the requirements of applicable statutory processes being addressed together with the Environment Report to reduce duplication.

Technical reports will outline the relevant legislation and policy, assessment methods, characterise baseline data, environmental conditions, assess the potential impacts of the project and, outline how they are intended to be avoided or managed during project implementation.

Technical assessments prepared to inform the Environment Report are to be submitted as appendices to the main report and need to be undertaken by suitably qualified professionals.

General content, format, and style of Environment Report


The Environment Report should be 'stand-alone' such that the reader can readily understand the proposed project, the significance of relevant, likely environmental impacts of the project, without needing to refer to technical reports, documents, and references. Information provided within the referral documentation can be incorporated as appropriate and all supporting technical assessments/reports and other appendices need to be clearly referenced in the Environment Report.

The Environment Report should be written so that any conclusions are supported and can be independently understood, i.e., the information and analysis are to be clear, objective, succinct and, where appropriate, supported by maps, plans, diagrams, or other descriptive detail. It should also include a concise executive summary. Detailed technical information, studies, or investigations necessary to support the main text and assessment of relevant impacts are to be attached as appendices.

Documentation is to be prepared using a format and style that is appropriate for publication on the internet to support access by the public during its public exhibition, where this is required. The documentation must use active, plain language, include clear commitments (e.g., 'must' and 'will'), and be easy to read. Plain language means writing that is direct and avoids technical jargon.

For information about writing and accessibility, visit:

1. [Standards for accessible content](#)
2. [Victorian Government style guide](#)
3. [How to make content accessible](#)



Where an Environment Report is undertaken as an accredited assessment under the EPBC Act Bilateral Agreement, it is to include:

- Technical assessments (often for biodiversity matters) that comply with Commonwealth EPBC Act requirements and policy.
- A concise assessment of relevant social and economic impacts of the proposed project, including:
 - relevant details and outcomes of any public consultation activities undertaken
 - projected costs and benefits of the project, and the basis for the predicted costs and benefits
 - any programs to monitor ongoing changes to economic and social characteristics potentially affected by the proposed project.
- A statement outlining how the proposed action follows the principles of ecologically sustainable development, as defined in section 3A of the EPBC Act.

Submission of the draft Environment Report is to be undertaken through the [environment assessment system](#). When undertaken as an accredited assessment, the draft Environment Report will be provided to the Commonwealth by the IAU, as well as to any relevant Victorian government agencies for review. This formal review of the draft is co-ordinated by the IAU and is planned for when developing the schedule with the proponent at the start of the process.

The feedback provided on draft documentation is typically proportionate to the significance of the potential environmental effects - the proponent is to consider this feedback and prepare updated Environment Report documentation in tracked changes with clear responses to comments. The need for any additional rounds of review will be settled between the proponent and IAU and based on the significance of any outstanding comments.

Where an Environment Report is not an accredited assessment, the process is the same except that the draft report is not issued to the Commonwealth for review.

Engagement

The conditions specified in the Minister's No EES decision and, when required, the scoping document issued by IAU, provide guidance on the agencies/ regulators to be consulted while preparing an Environment Report. However, the IAU can also provide further support and advice early in the process on which agencies to engage with and how to structure this engagement.


Adequacy review

The proponent should engage with the IAU about the timing of adequacy review, when the Environment Report is ready to be finalised and submitted. This submission is to be undertaken through the [environment assessment system](#). The IAU will review the adequacy of the Environment Report in relation to the requirements in the conditions of the Minister's No EES decision and the requirements specified in the scoping document (when required). This review will also consider the proponent responses to feedback on the draft Environment Report. The IAU may consult with other relevant government agencies as a part of adequacy review.

If exhibition, public comment and a Minister's assessment is not required, the Environment Report process is completed once the final Environment Report is considered adequate. The Environment Report is determined to be adequate when it is to the satisfaction of the Minister (or delegate), at which point the Minister will provide a letter to the proponent confirming that the project has met the conditions/ requirements under the Act.

Public Review (if required)

Typically, the Environment Report is not exhibited for public comment, but should this be required (e.g., if it is specified via a condition in the Minister's No EES decision, or being undertaken as an accredited assessment



process, or to align with other statutory processes and requirements), exhibition and public review will typically entail:

- the proponent arranging a public notice of the proposed exhibition of the Environment Report
- exhibition of the Environment Report for a specified period (typically for a minimum of 14 days), seeking public comment
- receipt of public submissions by the IAU, and provision to the proponent
- the proponent documenting its responses to issues raised in submissions and submitting this along with an updated Environment Report (where required).

Minister’s assessment (if required)

As set out in the Ministerial Guidelines, a Minister’s assessment may be required for an Environment Report, to inform certain Victorian decision-makers. It is also always required when an Environment Report is undertaken as an **accredited assessment** under the EPBC Bilateral Agreement. The Minister’s assessment provides findings and conclusions on the significance and acceptability of the likely environmental effects, including recommendations for mitigation, similar to a Minister’s assessment at the end of the EES process.

The Minister’s assessment will take into account:

- the Environment Report
- public submissions received on the Environment Report, the proponent’s response to submissions, and supporting information (if exhibited)
- the report of an advisory committee if one was required (this is rare)
- the objectives and principles of ecologically sustainable development, as well as applicable legislation, policy, strategies, and guidelines.

When an Environment Report has been undertaken as an accredited state assessment process for a controlled action under the EPBC Act, the Minister’s assessment is to explicitly cover all relevant impacts on matters of national environmental significance. The Minister’s assessment is provided to the Commonwealth Minister for the Environment and Water to inform the approval decision under the EPBC Act. When a Minister’s assessment is prepared solely to inform the approval decision under the EPBC Act, the Minister’s assessment is provided to the Commonwealth for this purpose, and is not published or provided to the proponent to inform the development of their project.

7. Consultation and engagement

Registered Aboriginal Parties and Traditional Owners

Engagement with Traditional Owners is undertaken by the proponent as part of the development of the project.

The community

Engagement with the community is undertaken by the proponent as part of the development of the project.

8. Further information

Further guidance

- *Pre-referral and Referral Advisory Note*

Additional resources and references

- *Ministerial Guidelines for assessment of environmental effects under the Environment Effects Act 1978*



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