Western Australian approvals framework

Future battery industry projects

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Western Australian approvals framework

Future battery industry projects

Part 1: Overview of key Western Australian approvals

Environmental approvals

How are environmental approvals regulated in Western Australia?

Both federal and state legislation regulate environmental impacts in Western Australia.

Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)

The EPBC Act protects important flora, fauna, ecological communities and heritage sites — defined in the EPBC Act as matters of National Environmental Significance (NES) — by creating offences for taking certain actions that have, will have, or are likely to have a 'significant impact' on them.

Proponents usually refer proposals to the Australian **Department of Environment and Energy** for assessment when there is concern that a proposal may impact a matter of NES. Proponents should consider the relevance of the EPBC Act to their proposals and seek further information from the Department of Environment and Energy if required.

Part IV of the Environmental Protection Act 1986 (WA) (EP Act)

Part IV of the EP Act requires projects that are likely to have a significant effect on the environment to be referred to the **Environmental Protection Authority (EPA)** to decide if an environmental impact assessment is required. The EPA undertakes these environmental impact assessments and provides recommendations for the Minister for Environment. The EPA has recently been recognised internationally by the International Association of Impact Assessment as having leading practice impact assessment policies and procedures which are both proactive and pioneering.

The **Department of Water and Environmental Regulation (DWER)** provides advice on these assessments to the EPA. The EPA considers referred new development proposals and planning schemes, and significant changes to development proposals which have approval under Part IV of the EP Act. The EPA decides whether or not they require formal environmental impact assessment (EIA), and if so, at what level.

Any person can refer a significant proposal to the EPA except in the following situations:

- If it is a strategic proposal, only a proponent can refer it to the EPA.
- If it is under an assessed scheme, only a proponent or a responsible authority can refer the proposal to the EPA.
- If it is a significant proposal, a decision-making authority is required to refer it to the EPA.

Proponents should identify potential environmental impacts early in the planning process. Where the proposal is likely to have a significant effect on the environment, proponents should refer the proposal to the EPA for a decision on whether or not it requires assessment under the EP Act.

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In some cases, a formal assessment may not be needed where environmental impacts can be managed under Part V of the EP Act.

When deciding whether or not to assess a proposal, the EPA considers whether the potential impacts of a proposal should be assessed and/or regulated, and are likely to be significant. Where relevant, the EPA may take into account the ability of other DMAs to regulate environmental impacts, such as DWER; **Department of Mines, Industry Regulation and Safety (DMIRS)**; and/or **Department of Biodiversity, Conservation and Attractions (DBCA)**. Once a proposal is referred to the EPA, other DMAs are constrained from approving the proposal until the EPA has completed its assessment and the Minister for Environment has issued an approval.

Assessment under Part IV of the EP Act (ministerial statement)

This assessment is required for a proposal that will, or is likely to have, a significant effect on the environment if it is implemented. A ministerial statement is issued under Section 45(5) of the EP Act if the Minister for Environment determines, in consultation with other ministers, that a project proposal may be implemented. The Minister for Environment considers the EPA's report generated from the environmental impact assessment process and any public appeals prior to determining whether the proposal should be allowed to proceed and under what conditions.

Once a proposal has received approval and a ministerial statement is issued, the proponent is required to ensure that the implementation of the proposed project is carried out in accordance with the conditions set by the ministerial statement.

Once a ministerial statement is issued, DWER has the responsibility of monitoring the implementation of the proposal in order to determine if the conditions are being complied with. In some circumstances the Minister for Environment may delegate this responsibility to another DMA.

Ministerial statements and further information on the proposal assessment process is available on the EPA's website. The EPA website sets out areas the EPA will consider when determining whether a proposal will need to be formally assessed. The EPA also has a number of helpful online publications that can guide proponents in the preparation of environmental scoping and review documents.

Part V of the Environmental Protection Act 1986 (WA) (EP Act)

Part V of the EP Act regulates emissions and discharges to the environment through a works approval and licensing process, and regulates the clearing of native vegetation through clearing permit applications. Premises with the potential to cause emissions and discharges to air, land or water are known as 'prescribed premises'. The list of 'prescribed premises' is found in Schedule 1 of the Environmental Protection Regulations 1987. The EP Act requires a works approval to be obtained before constructing a prescribed premises, and makes it an offence to cause an emission or discharge unless a licence or registration is held for the premises.

DWER has responsibility under Part V Division 3 of the EP Act for granting works approvals, licences and registrations for prescribed premises. DWER's online Industry Regulation Guide to Licensing 2019 provides guidance on the licensing framework for proponents proposing to construct prescribed premises or undertake activities which are regulated under Part V Division 3 of the EP Act.

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Works approval

The EP Act requires the occupier of a premises to obtain a works approval if they carry out work (constructs, installs or alters existing infrastructure) that makes it a prescribed premises. A works approval authorises the construction of a prescribed premises. It can also authorise emissions and discharges that occur during construction, commissioning phases and for time-limited operations of the project.

Licence or registration

Projects may also require a licence or registration. The EP Act makes it an offence for occupiers of prescribed premises to cause an emission or discharge unless they hold a valid licence or registration. Licences and registrations contain conditions to protect public health and the environment from emissions discharged by prescribed premises.

Native vegetation clearing permit

The clearing provisions of the EP Act require the clearing of native vegetation to be authorised by a clearing permit, unless the clearing is subject to an exemption. Exemptions for clearing that is a requirement of a written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESA) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (WA) (Clearing Regulations).

DWER has responsibility under Part V Division 2 of the EP Act for assessing clearing permit applications. DWER's online Clearing Regulation Fact Sheet 1: Native vegetation clearing legislation in Western Australia provides an introduction to the clearing provisions of the EP Act.

In assessing a clearing permit application, the Chief Executive Officer of DWER, or their delegate, is required to consider the ten clearing principles contained in Schedule 5 of the EP Act, as well as any planning instruments and other relevant matters.

DMIRS has delegated authority under Section 20 of the EP Act to administer the clearing provisions for mining and petroleum activities regulated under the Mining Act 1978 (WA), the Petroleum and Geothermal Energy Resources Act 1967 (WA), the Petroleum Pipelines Act 1969 (WA), or the Petroleum (Submerged Lands) Act 1982 (WA); or an activity under a government agreement (state agreement) administered by JTSI. Further information on the native vegetation clearing permit process is available at the DWER website.

Rights in Water and Irrigation Act 1914 (WA) (RiWI Act)

The RiWI Act provides for the regulation, management, use and protection of water resources. This Act provides for a licensing system for taking water, bore construction; and a permitting system for activities that may damage, obstruct or interfere with water flow or the beds and banks of watercourses and wetlands in proclaimed rivers, surface water management areas and irrigations districts.

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Water Licence

DWER, as the state's water resource management agency, has responsibility for assessment and decision making for licences and permits. Most of the state's groundwater resources and surface water resources that are subject to high levels of demand are proclaimed under the RiWI Act. Proclamation is a legal process that makes managing water resources DWER's responsibility. This means DWER can actively manage water resources by using a system of licences. Once an area is proclaimed, certain water users require a licence. The RiWI Act regulates access to surface water and groundwater in Western Australia.

Water can be taken from watercourses in unproclaimed areas without a licence as long as the flow is not 'sensibly diminished' and affecting the rights of downstream users. Water can be taken from an underground water source in an unproclaimed area without a licence, where the original water sourced is non-artesian.

Water allocation plans

Water allocation plans support the RiWI Act and outline how much water can be licenced for abstraction; how much water can be taken from groundwater and surface water resources; regulate the use of water; and guide licensing decisions to enable the consideration of economic, social and environmental outcomes. Water allocation plans are usually water resource based, focussing on water resource management issues that affect water availability in the identified area.

Section 5C licence to take groundwater and surface water

A 5C licence allows the licence holder to take water from a watercourse, well and/or underground source in a proclaimed surface water and groundwater area. A water licence provides legal and secure access to water. Applicants must demonstrate legal access to the land before the DWER will issue a 5C licence. Where an applicant does not have legal access to the land, they must seek written approval from the party with legal access. It is important to note that applying for a licence does not guarantee access to water.

When assessing water licence applications, DWER considers the allocation plan, as well as Clause 7 (2) of Schedule 1 of the RiWI Act. In granting a licence, DWER may apply terms, conditions and restrictions to licences under clause 15 of Schedule 1 of the RiWI Act.

DWER's network of regional offices action water licensing activities across the state. Please note that fees may apply to licence or permit applications. Proponents can apply for water licences through DWER's online licensing management system. For further assistance in obtaining a licence or permit call 1800 508 885 or email licence.enquiry@water.wa.gov.au

Section 26D licence to construct and/or alter wells

A 26D licence is issued under the provisions of Section 26D of the RiWI Act to construct or alter wells. A 26D licence is required to commence, construct, enlarge, deepen or alter an artesian well or any non-artesian well in a proclaimed surface water or groundwater area.

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Section 11, 17 and 21A bed and banks permit

Permits are granted by DWER to authorise interference or obstruction of the bed and banks of a watercourse or wetland. Water cannot be 'taken' under a permit. However, in many instances, persons exercising their Section 10 and 21 rights in proclaimed and unproclaimed areas require a permit to undertake any actions. This includes installing any works or object that causes the obstruction of, or interference to, a watercourse or wetland or its bed and banks, in order to exercise their right to take water under these sections. Permits can be issued under the RiWI Act under the following sections:

- Section 11 permit — works relating to the taking of water in a proclaimed area where access is via road or Crown reserve.
- Section 17 permit — works relating to the taking of water in a proclaimed area.
- Section 21A permit — works relating to the taking of water in an unproclaimed area where access is via road or Crown reserve.

Exemptions — stock and domestic and firefighting water use

Under the RiWI Act Exemption and Repeal (Section 26C) Order 2011, some uses of water do not require licensing in proclaimed areas. This applies to water taken from non-artesian wells for firefighting purposes; water of stock; other than those raised under intensive conditions; domestic garden and lawn irrigation (not exceeding 0.2ha); and other ordinary domestic uses. However, all artesian take requires a licence, even for the above uses.

Water and mining approvals processes

The DWER's water licensing approach for mining is described in the Western Australian Water in Mining Guideline 2013. The approach set out in the guideline is designed to align with the approvals process of other agencies. The mining guideline is currently utilised by mining proponents as an effective tool to align ongoing government regulation and better water management across the state.

The focus of the guideline is to provide proponents with an approach to water management that aims to reduce timeframes and cross-over with other agencies where possible, identifying at the early stages potential critical water issues across the life of the project.

Can the state and federal environmental approvals be processed concurrently?

EPBC Act and EP Act approvals

The EPA's assessment requirements may be individually accredited by the Australian Government. Following the EPA's assessment, the Australian Minister for the Environment will decide whether or not to approve the proposal and, if so, issue any conditions. Guidance for when a bilateral assessment applies is available on DWER's website.

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Mining approvals

Mining Act 1978 (WA) (Mining Act)

The Mining Act provides the regulatory framework for onshore exploration and mining activities in Western Australia. Offshore activities (the first three nautical miles of the territorial sea from Western Australia's baseline) are governed by the Offshore Minerals Act 2003 (WA). The **Department of Mines, Industry Regulation and Safety (DMIRS)** assesses proposals for prospecting, mining exploration and development activities in accordance with this Act. This assessment is from an environmental, health and safety perspective.

All minerals in Western Australia are the property of the Crown, except in the case of land alienated in fee simple before the 1st January 1899 (in which case minerals other than gold, silver and precious metals are the property of the owner). Where the minerals are the property of the Crown, a mining tenement must be obtained from DMIRS in order to obtain rights to explore and extract the minerals. Mining tenements include prospecting licences, exploration licences, retention licences, mining leases, general purpose leases and miscellaneous licences.

It is a covenant of all tenements that ground disturbing activity cannot occur unless environmental approval is obtained through either a mining proposal (for mining operations) or Programme of Work (for exploration activities). DMIRS assesses environmental proposals for exploration and development activities in accordance with the Mining Act.

Mining proposals

A mining proposal can be used to support a mining lease application or be submitted in accordance with tenement conditions. A mining proposal must include a mine closure plan. Mining proposals must be submitted to DMIRS, and approval obtained from DMIRS prior to the commencement of mining operations.

A mining proposal contains detailed information on the identification, evaluation and management of environmental impacts applicable to the proposed mining operation. Mining proposals must be prepared in accordance with statutory guidelines. Conditions relating to environmental management can be imposed on a mining tenement. In some instances a mining proposal is not required, such as when proposals come under a state agreement or local government authority extractive industry licence.

Mine closure plans

All tenements that have an approved mining proposal on them must also have an approved mine closure plan (MCP). All MCPs must be prepared in accordance with the Guidelines for Preparing Mine Closure Plans 2015 and lodged as per advice available on the DMIRS website.

Approved MCPs must be reviewed after three years or at a time specified by DMIRS. The updated MCP including any changes must be submitted again to DMIRS for approval. The due date for the revised MCP is specified as a tenement condition.

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Mining approvals

Programme of Work

The Mining Act requires that a Programme of Work (PoW) is lodged in accordance with the prescribed application form and approved by the Minister (or a prescribed official) prior to an explorer or prospector conducting any ground disturbing activities with mechanised equipment.

Information on PoW Spatial (PoW-S) and PoW Prospecting (PoW-P) applications is available on the DMIRS website. Any approved activities that are conducted must be rehabilitated within six months of completion of ground disturbance or following an approved extension in accordance with tenement conditions. A rehabilitation report should then be submitted to DMIRS.

When should environmental approval be sought under other acts?

Mining, petroleum and geothermal project proposals that are likely to have a significant impact on the environment should be referred to the EPA for a decision on whether or not they require assessment under Part IV Division 3 of the Environmental Protection Act 1986 (WA). When deciding whether or not to assess a proposal, the EPA considers the significance of the potential impacts of a proposal and whether the proposal requires assessment and/or regulation by other DMAs, such as the **Department of Water and Environmental Regulation (DWER)** and/or DMIRS. DMAs such as DMIRS may assess and regulate proposals that have been issued a ministerial statement.

In addition to approvals under the Mining Act, mining, petroleum and geothermal project proposals that are likely to have a significant impact on matters of national environmental significance are subject to the environmental impact assessment process under the Environment Protection and Biodiversity Conservation Act 1999 (Cth).

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Development approvals

Planning and Development Act 2005 (WA) (P&D Act)

The P&D Act is the primary legislation that governs development and subdivision in Western Australia, and is the central legislation for strategic and statutory planning instruments.

The definition of 'development' in the P&D Act is broad and includes physical works as well as the use of any land or building. Approval is required for most forms of development, but there are some exceptions such as public works.

Planning scheme and other statutory instruments set out in the P&D Act can require development approval. Planning schemes include local planning schemes, region planning schemes and improvement schemes. Most land in Western Australia is subject to a local planning scheme. Local planning schemes are administered by the relevant local government authority.

Development approval

A local government has the power to enforce the provisions of its local planning scheme and any decisions made under the scheme. This includes the requirements for development and conditions of approval, and the requirement to obtain development approval prior to commencement of development or land use.

A local planning scheme outlines the zones and reserves of the local government area, and associated land use and development requirements. Different land uses can be designated as permitted, prohibited or requiring discretion of the relevant local government authority.

An application for development approval must be made to the relevant local government authority. Local government authorities are responsible for determining development applications on land within their local planning scheme areas, however in some instances the **Western Australian Planning Commission (WAPC)** may be responsible for determining development applications of a certain type or in a particular location due to the requirements of a region planning scheme or improvement scheme.

Proponents can contact the **Department of Planning, Lands and Heritage (DPLH)** for further information on development approvals.

Development Assessment Panels

Where an application for development is greater than $10 million (outside the City of Perth) or $20 million (within the City of Perth) in value, a Development Assessment Panel (DAP) will determine the application. DAPs determine development applications made under local and region planning schemes, in the place of the original decision maker. The DAP is an independent decision-making body comprised of technical experts and elected local government members. Joint Development Assessment Panels (JDAPs) exist to provide additional transparency, consistency and reliability in decision-making on complex and significant development applications.

Are there any exemptions for development approvals?

In addition to public works, some activities that are authorised by the Mining Act may be exempt from planning approval. Section 120(1) of the Mining Act prevents local planning schemes from prohibiting or affecting mining activities authorised under the Mining Act. The proponent, DMIRS and the relevant local government will consider the application and relevance of this clause to proposals on a case by case basis.

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Heritage approvals

Aboriginal Heritage Act 1972 (WA)

In Western Australia, the protection of Aboriginal heritage is governed by the Aboriginal Heritage Act 1972 (AHA). The AHA applies to all types of land tenure in the state and provides protection to all Aboriginal heritage places, irrespective of whether they are on the Register of Aboriginal Places and Objects. The **Department of Planning, Lands and Heritage (DPLH)** supports the Minister for Aboriginal Affairs in administering this Act. If a proposal may impact an Aboriginal site, land users must submit a notice under Section 18 of the AHA seeking the minister's consent.

Aboriginal heritage

Aboriginal sites are of immeasurable cultural, historic, educational and scientific interest and provide Aboriginal people with an important link to past and present culture.

Aboriginal heritage is likely to be the main type of heritage approval required in project development due to the regional location of many projects across Western Australia.

Proponents must exercise due diligence in establishing whether or not their proposed activity may impact Aboriginal heritage. If there is the potential that it may do so, a proponent is required to obtain approval under the AHA before any impact occurs.

Note: When the intended land use is deemed by the Environmental Protection Authority (EPA) to be a significant proposal, the Minister for Aboriginal Affairs' consent must be deferred until the Environmental Protection Act 1986 Part IV assessment is complete.

As part of the South West Native Title Settlement, all land users are encouraged to consider use of the Noongar Standard Heritage Agreement (NSHA) when their planned activity occurs within the settlement area and where an Aboriginal Heritage Survey may be required. Where land users do not elect to execute a NSHA, the key principles in the NSHA should be followed in relation to any heritage survey undertaken to ensure a consistent approach across the settlement area. More information on the NSHA is on the DPLH website.

Heritage Act 2018 (WA)

The Heritage Act 2018 provides for the identification, conservation and use of historic cultural heritage. Places that are of state significance are entered on the State Register of Heritage Places at the direction of the Minister for Heritage on the recommendation of the **Heritage Council of Western Australia**. The Heritage Council also provides advice on proposals affecting registered places. DPLH supports the Minister for Heritage in administering this Act. Heritage management is required by both state and local government including through local planning schemes.

Historic heritage

Heritage is important in understanding the state's history, identity and diversity. Western Australia's heritage is diverse and includes buildings, monuments, gardens, cemeteries, landscapes and archaeological sites.

Development proposals relating to places on the State Register of Heritage Places must be referred to the Heritage Council for advice by the decision-making authority (DMA), often the relevant local government. Any decision of the DMA must be consistent with the Heritage Council's advice.

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Dangerous goods and work health and safety approvals

The **Department of Mines, Industry Regulation and Safety (DMIRS)** is responsible for industry regulation under the following legislation.

Dangerous Goods Safety Act 2004 (WA)

The Dangerous Goods Safety Act 2004 (WA) stipulates that sites at which dangerous goods are stored or handled may require a licence, and/or the site to be determined as a major hazard facility under the Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007 (WA). If ammonium nitrate is being stored or handled at a site, then licensing under the Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007 (WA) may also apply.

Dangerous goods site licence

Sites intending to store or handle dangerous goods may require a licence, and/or the site determined to be a major hazard facility. Whether a licence will be required depends on the quantities of dangerous goods stored and handled at the site. There may also be some exemptions to licensing requirements. Dangerous goods site licences are issued on a five-yearly basis and may be renewed.

Applications for a dangerous goods site licence must be made on the approved form. DMIRS has accredited consultants that can help prepare and submit dangerous goods storage and handling proposals. The Licensing and Exemptions for Storage and Handling — Guidance Note 2015 on the DMIRS website may assist proponents to determine whether licensing applies and if so, what information is required for the licensing process.

Mines Safety and Inspection Act 1994 (WA) (MSI Act)

The MSI Act outlines general duty of care provisions to maintain safe and healthy workplaces at mining operations and protect people at work from workplace hazards. The Act outlines the obligations of management and different workplace groups, and provides penalties for breaches.

Project management plans

Proponents are not permitted to commence mining operations until they have an approved project management plan, which details the approach to managing hazards associated with health and safety. This is done by submitting an application online via the Safety Regulation System (SRS). Matters related to approvals, notifications and compliance under the MSI Act are recorded and managed through this online system.

Plant registration

Certain types of classified plant require registration with the State Mining Engineer before they can be used. Plant is considered to be any machinery, appliance, equipment, implement or tool and any component, fitting or accessory. Classified plant (such as boilers, cranes, hoists, lifts and pressure vessels) has a higher operational hazard and is governed by specific regulatory requirements.

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Dangerous Goods and Work Health and Safety approvals

Tailings storage facility(s)

The design, construction, operation and closure of all tailings storage facilities in Western Australia must comply with the MSI Act, MSI Regulations, the Mining Act and DMIRS codes and guidelines. DMIRS has an online code of practice to assist proponents to meet their legislative obligations for tailings storage facilities related to health, safety and environmental aspects.

Occupational Safety and Health Act 1984 (WA) (OSH Act)

The OSH Act provides for the enforcement, administration, coordination and promotion of occupational health and safety in Western Australia. The Act places certain duties of care for safety and health on different workplace groups.

Sometimes matters normally covered by the MSI Act are transferred temporarily to be regulated under the OSH Act, such as construction work at some mine sites. This is referred to as an instrument of declaration.

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Western Australian approvals framework

Future battery industry projects

Part 2: Frequently asked questions

How can I get help navigating and applying for approvals?

Refer to the project facilitation factsheet on the JTSI website for information on how JTSI can assist proponents with navigating the approvals frameworks for future battery industry projects.

Proponents are encouraged to engage suitably qualified and experienced consultants to prepare and progress applications for approval with the relevant DMAs.

Proponents and consultants seeking detailed information on approvals should consult the websites of the relevant DMAs in the first instance. In addition to information that is available online, many of the DMAs offer pre-referral or pre-submission meetings with proponents to scope site–specific or proposal-specific approvals requirements that may inform the preparation of approvals documentation.

How can I find an appropriate consultant to assist with the approval process?

There are a number of professional associations that can provide contact details for their members. Examples include:

- Planning Institute of Australia: https://www.planning.org.au/
- Engineers Australia: https://www.engineersaustralia.org.au/
- Environmental Consultants Association (WA): https://www.eca.org.au/

What are the likely costs associated with obtaining approvals?

There are a number of factors that affect the cost of obtaining approvals, including the characteristics and complexity of the selected site, complexity of the development (this can influence fees charged for planning approval and federal environmental approval), the extent of desktop and on-site investigations required to inform the preparation of approvals documentation, and the length of time consultants are employed to prepare, progress and obtain approvals.

Who should obtain the necessary approvals?

The appropriate person to obtain and hold the necessary approvals will depend upon the criteria associated with the approval or licence. Generally, the appropriate ‘person’ is the legal entity that will be undertaking the activity and has responsibility for ensuring compliance with any conditions imposed.

How long does the approvals process take?

Some of the legislative acts described in this factsheet outline the timeframes for some steps in the approvals process. The DMAs’ websites contain guidelines and flowcharts which outline the processes and timeframes involved for certain approvals.

For complex projects requiring several approvals, proponents and their consultants are encouraged to meet with the DMAs early on to determine the potential timeframes that may be involved in a project’s approvals, noting that this may depend on project-specific and site-specific information that may not yet be known.

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Is there an opportunity for some of the approvals to be progressed concurrently?

The environmental approval required under Part IV of the EP Act is the primary approval in Western Australia and is pre-requisite to all other Western Australian approvals described in this factsheet. Approvals required under the Australian EPBC Act can be progressed concurrently with other approvals. The proponent should decide if the proposal will be referred to the Australian Government. If it is, the Australian Government can decide if it will be progressed with the state through an accredited assessment (e.g. bilateral agreements).

Applications for works approvals, licences and clearing permits under Part V of the EP Act cannot be determined if they relate to a proposal that is being assessed by the EPA under Part IV of the EP Act. However, DWER may be able to receive and carry out a limited assessment of some Part V applications as the Part IV process nears completion. DWER will consider this on a case by case basis in consultation with the proponent.

Some approvals may be progressed concurrently but they may also be contingent on one another. For example, an application for development approval and an application for a works approval can be progressed concurrently. However, DWER will only issue a final works approval or licence authority in line with land use planning guidance published in DWER's online Industry Regulation Guide to Licencing 2019. DWER can also progress a vegetation clearing application concurrently with an associated works approval application.

Will my project become public once I apply for approvals?

Many of the approvals processes include a public comment or review period. This can range from 7 days to 3 months depending on the specific approval. The public comment or review period is usually held at the beginning of an approvals process. The DMA will publish certain information about a project on its website that is relevant to the approval being applied for. The DMAs do not publish any commercial-in-confidence information about a proposal. The DMA will work with and notify the proponent in advance of the information being made public.

Are approvals open to appeal?

Yes, the majority of approvals described in the legislative acts in this factsheet are open to appeal by members of the public. A proponent will need to address and resolve all appeals before carrying out a proposal. The individual DMAs can advise whether certain approvals are open to appeal.

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