

Process for joint processing of EPA works approval and planning permit applications

Introduction This document describes the process for parallel processing of works approval and planning permit applications. EPA receives between 4-8 applications per annum which can be jointly processed.

The process has been developed in consultation with an inter-agency and local government working group consisting of representatives from *EPA, DSDBI, DoH, DEPI, Worksafe, MAV, City of Casey, Wyndham City Council, Greater Geelong City Council, Mornington Peninsula Shire, City of Greater Dandenong, Maribyrnong City Council and Cardinia Shire Council.*

Coordinating approvals processes Most projects that require an EPA works approval also require a planning permit from council in addition to other government approvals. An integrated approach to these approvals can have significant merits for stakeholders. Increasing collaboration in the pre-application stage and aligning public consultation periods streamlines the assessment phase of an application.

When to use the process The process described in this document is for projects that require both a standard works approval and a planning permit. For projects requiring a combined planning scheme amendment, planning permit and works approval, please refer to the 'DTPLI/EPA Memorandum of Understanding' for the process.

Standard Administrative Process The table below provides the process for parallel processing of works approval and planning permit applications and the responsible lead for each step. It should be read in conjunction with the **Flow chart: Summary of Joint Process.**

Process for Joint Processing of WA and PP		
Proposal meeting		
<p>Joint applications will be initiated by a proposal meeting. The meeting enables agencies to identify and discuss the elements of the proposed works that will need detailed assessment at the start of the process with the proponent, prior to the proponent lodging their applications. This helps to reduce delays, costs and the need to seek further information.</p> <p>Representatives of EPA, council and other agencies involved in the assessment of a project attend the meeting with the proponent to:</p> <ul style="list-style-type: none"> • discuss the proposal application details; • identify and resolve any potential issues; and • ensure the proponent has a clear understanding of what information is required in the application. 		
Stage	Who is responsible	Process
Proposal Meeting - Preparation		
S1	EPA & Council	Standard works approval (WA) and Planning Permit (PP) required.
PM1		<p>Advise proponent by phone or email to:</p> <ul style="list-style-type: none"> • identify any other approvals required in addition to WA/PP; • organise proposal meeting with representatives from EPA, council and any other referral agency and/or authority likely to be asked for specific advice during the assessment; • assist proponent as required and encourage proposal meetings to be held if possible, at/or near the proposal site, to allow attendees to complete a site inspection; • confirm list of attendees; and • forward necessary documentation and information referring to the proposed works including maps, design plans, modelling etc one week before meeting.
PM2	EPA, council & other agencies	<ul style="list-style-type: none"> • Ensure all relevant people within agencies and council are involved and/or aware of the scheduled meeting. • Complete preliminary review of the proposal and identify any likely issue including issues that will require expert advice to inform both WA and PP assessments.

PM2	EPA, council & other agencies	<p><u>Identifying Key Issues - points to consider:</u></p> <ul style="list-style-type: none"> ✓ Past applications in this sector and/or of the type proposed ✓ Site history - complaints, compliance issues, environmental performance ✓ Available and recommended buffer distance ✓ Size/significance of the proposal ✓ Community interest, community/stakeholder engagement and feedback ✓ Environmental impact of proposal ✓ Best practice information (i.e. extent to which best practice is adopted in the proposal) ✓ Other issues that council may need to consider <ul style="list-style-type: none"> • Discuss the review outcomes and the opportunities for information sharing with agencies and council prior to the meeting. • Discuss forward arrangements for responding to public submissions.
At the Proposal meeting		
PM3	Proponent	Attend meeting and present necessary documentation and information referring to the proposed works including maps, design plans, modelling etc.
PM4	EPA, council & other agencies	<ul style="list-style-type: none"> • Attend proposal meeting, agree on minute taker and request any issues identified at meeting are resolved, if possible, before submission of final application. • Agree on project team and lead of project team. • Agree on how EPA / council will (1) share info (2) share results of common assessment tasks (e.g. results of noise modelling). • Explain what council makes decisions about vs what EPA makes decisions about. • Decide arrangements for responding to public submissions.
	PM5	
	PM6	<p><i>Provide feedback on stakeholder analysis and mapping exercise submitted (refer to Approvals Proposal Form and Pathway Guidelines- Publication 1560).</i></p> <p><i>Discuss community engagement already undertaken (proponent will provide evidence of engagement undertaken to validate that what is stated is true) and identify any further requirements to ensure completion of a suitable approach to community engagement.</i></p>
PM7	Proponent, EPA, council & other agencies	Agree on level and type of community engagement required. Map out any engagement activities to allow for public holidays, school holidays etc. Decide who is responsible for the events. Provide proponent with details of when and how interested parties can provide comments on the proposal .
PM8		Advise proponent to formally lodge applications at the same time for parallel processing. Map out and agree on timelines for submission, assessment and statutory referral so there is a clear understanding of the timeline for determination of an approval decision.
PM9	EPA, council & other agencies	Provide proponent with a verbal summary of issues raised and agree actions.
Post proposal meeting – Meeting summary and advice		
PM10	EPA & Council	<p>Within two weeks of the meeting, forward the minutes taken and any additional matters identified to proponent. EPA also sends an assessment plan that notes the key points discussed at the proposal meeting and the plan going forward.</p> <p>Assessment plan will also make it clear to the proponent how EPA / council will (1) share info (2) share results of common assessment tasks (e.g. results of noise modelling).</p>

Joint Advertising

Joint advertising of works approval and planning permit applications is specifically allowed for under Section 20AA of the EP Act and can provide benefits for the community and proponent by:

- increasing community awareness of the approvals being sought for a project;
- enabling community objections to be dealt with more efficiently because the council and EPA are considering the application concurrently and the appropriate authority can deal with each objection; and
- streamlining processing of applications as public consultation periods are aligned.

Appendix 1 provides the template for joint advertising. Given that EPA's statutory notice period is 21

days and council's is at least 14 days, it is preferred that council extend their submission period to align public consultation periods.

Stage	Who is responsible	Process Steps
JA1	EPA & Council	<p>The joint advertising process is as follows:</p> <ol style="list-style-type: none"> EPA and/or council decide before proposal meeting which agency (EPA or council) coordinates the advertising and agree on consultation timelines. In instances where timelines cannot be aligned, the advertisement template for the project should state the specific dates for submitting comments. Advertisement costs will be agreed (Proponent to cover administration costs). Ask proponent to confirm that there is no commercial in confidence information in the WA/PP pdf application. Council or EPA must supply the agency coordinating with draft advertisement text in format consistent with Appendix 1 template. If there is to be an information sessions, include the details of the event in the advertisement. Coordinating agency must send a copy of the advert to other agency to review and seek Manager approval prior to publishing. Joint EPA and council advertisement notices to be placed in newspapers, and via notice on site. EPA and council will discuss submissions received and respond accordingly, as agreed at proposal meeting Additionally, council and EPA, assisted by engagement staff will decide what the most appropriate process is to inform the public for the specific context e.g. letter box drop, email, social media etc .

Referral of works approval and planning permit applications and responses

To assist timely and effective responses from referral agencies and authorities as early as possible into the 21 day statutory referral period, efficient referral process steps are required. By highlighting the risk level, assessment criteria and specific issues required to inform the decision making process up front, agencies and authorities can focus and/or redirect their resources dependent on the associated project risks.

Stage	Who is responsible	What happens
R1	EPA & Council	<ul style="list-style-type: none"> Send planning permit and works approvals referrals to relevant referral agencies and authorities consistent with date of advertisement of public notice. Highlight the risk level, assessment criteria and specific issues of the application requiring specific advice to inform the decision making process.
R2	Referral agencies	Respond to referrals as early as possible into the 21 day statutory referral period with information that satisfies the specific advice sought.

Coordinated Community Engagement Activities and Events

EPA has variable levels of public engagement requirements relating to the risk profile of applications.

If the risks of a project are assessed as medium to very high, according to the EPA risk matrix for engagement, a **public information session** is held two weeks post advertisement period to allow submitters one week to make informed submissions.

Based on the level of community interest received, EPA may decide to invite all interested parties to attend a **public conference** held pursuant to **Section 20B** of the *Environment Protection Act 1970*. This conference, is held for EPA to gain further understanding of the issues raised through submissions relating to a project to inform the assessment.

Planning panel hearings are mostly held for projects that require a planning scheme amendment and works approval in which a joint assessment is applied. It is common however, that a joint panel hearing may replace a 20B Conference for projects that require a works approval and planning permit. The hearing provides an opportunity for a planning panel to hear submissions covering planning permits and works approvals.

Stage	Who is responsible	What happens
EA1	EPA & Council	<ul style="list-style-type: none"> Organise public information session with proponent. Invite other relevant agencies to attend and participate. Advise proponent of their requirement to attend, participate and answer questions at the event and ensure expert advisers are available.
EA2	Proponent, EPA, council	<ul style="list-style-type: none"> Outline objectives of information session before event, develop powers table to explain what council makes decisions about vs what EPA makes decisions

	& other agencies	<p>about and agree on agenda.</p> <ul style="list-style-type: none"> At the session, explain what council makes decisions about vs what EPA makes decisions about. EPA, council, agencies and proponent to attend, participate and answer questions at this event in a coordinated manner.
EA3	EPA	Advise the proponent that a 20B Conference is required and request that they attend, participate and answer questions and ensure expert advisers are present. The conference will be scheduled to allow for public holidays, school holidays etc.
	Proponent, EPA, council & other agencies	<ul style="list-style-type: none"> Outline objectives of conference before event, develop powers table to explain what council makes decisions about vs what EPA makes decisions about and agree on agenda. EPA, council, agencies and proponent to attend, participate and answer questions at this event in a coordinated manner.
EA4	Proponent, EPA, council & other agencies	If it is decided that a joint planning panel hearing is needed, please refer to the 'DTPLI/EPA Memorandum of Understanding' for the joint process.
Forward statutory approval document to other agency to check conditions		
CC1	EPA & Council	Prior to issuing an approval decision, authorities send a copy of the statutory approval document to the other responsible authority to confirm understanding of conditions of the approval.
Notification of works approval and planning permit decisions		
N1	EPA & Council	Advise other authority and agencies when a decision has been issued. Decisions are not required to be issued concurrently.

Appendix 1

The joint advertisement template to be used is as follows:

Project Name

[Insert brief strategic context]

EPA Works Approval Applications

EPA Victoria has received the following application to issue a works approval under the Environment Protection Act 1970. A Works Approval permits work to be undertaken which will result in a discharge of waste to the environment or an increase or alteration in an existing discharge.

Application number **<Insert Company name and premises address>**

<XXXXXXXX>

<Insert Description of proposed works>

A copy or a summary of this application, accompanying plans, specifications and other information can be downloaded from our website at www.epa.vic.gov.au. under 'Works approval and licence applications open for comment'. Interested persons may, within 21 days of the date of advertisement, comment in writing on the application and may request in writing to be notified if the works approval/licence is issued. Please note that any comments received will usually be made publicly available. **(Also include standard information session wording if needed)**

Section 52

NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

The land affected by the application is located at	<i>[insert the location of the land].</i>
The application is for a permit to	<i>[insert the use, development, or other matter applied for].</i>
The applicant for the permit is	<i>[insert the name of the applicant for the permit].</i>
The application reference number is	<i>[insert reference number].</i>
You may look at the application and any documents that support the application at the office of the responsible authority,	<i>[insert name of responsible authority, and address where the application can be inspected].</i> This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority. An objection must be sent to the responsible authority in writing, it must include the reasons for the objection and state how the objector would be affected. The responsible authority will not decide on the application before *[insert a date which is at least 14 days after the date the last notice under section 52(1) or 52(1AA) of the Act is to be given]*. If you object, the responsible authority will tell you its decision.



Insert Council Logo>