



Part V of the EP Act fact sheet

Requests to expedite an application

This fact sheet provides guidance on requests to the Department of Water and Environmental Regulation (the Department) to expedite the assessment and determination of applications for works approvals, licences, clearing permits and amendments under Part V of the *Environmental Protection Act 1986* (EP Act).

General

The Department assesses and determines applications for works approvals, licences, clearing permits and amendments under Part V of the EP Act. The [Fact Sheet: Regulatory services](#) outlines that the Department aims to determine 80 per cent of Part V EP Act applications within the target timeframe of 60 working days (excluding 'stop the clock periods').

The Department continues to experience a high demand for application assessment and generally processes applications in the order in which they are received. Applicants with several similar applications before the Department are welcome to indicate the priority order/sequence of their applications, and the Department will endeavor to sequence its decisions accordingly.

However, the Department receives frequent requests from applicants to expedite their application and make a decision well within the target 60 working day timeframe. This has the effect of jumping other applications in the queue causing delays in decision-making for other applicants.

Exceptional circumstances

Where an applicant demonstrates at least one of the following exceptional circumstances applies, the Department will consider the applicant's request to expedite an application:

- the application addresses an immediate or serious risk of harm to public safety, public health or the environment
- the application supports the Government's management of, or response to, an emergency under the [State Emergency Management Framework](#)
- the application is integral to delivery of a State Government priority or infrastructure project, or relates to a major project aligned with [Diversify WA](#) and is receiving project facilitation support from the Department of Energy and Economic Diversification
- the application is to correct a mistake, error, omission or misdescription in a previous approval granted by the Department under Part V of the EP Act
- the application is to amend a Part V approval to ensure that it is not contrary to, and otherwise accords with, a Ministerial Statement.



The Department is unlikely to agree to expedite applications where the applicant has not demonstrated an exceptional circumstance. For clarity, the Department considers that the following examples do not constitute exceptional circumstances:

- the applicant or approval holder is incurring standby costs because contractors have been mobilised onto a premises before an approval is granted
- the applicant's anticipated project timeframes are not being met
- the application is to address expected non-compliance with condition/s of an approval (unless an exceptional circumstance applies)
- an amendment application to extend the Environmental Commissioning or Time Limited Operation periods specified in a works approval or extend the expiry of any approval is lodged less than 60 working days before the end of the period or expiry
- in the case of licence applications:
 - compliance with a related works approval has not yet been satisfactorily demonstrated; or
 - the application is lodged less than 60 working days before the end of Time Limited Operation authorised under a related works approval.

Procedure

The Department will consider requests to expedite assessment of a Part V application as follows:

- requests must be in writing, for the attention of the Director, Statewide Delivery Environmental Regulation, to info@dwer.wa.gov.au
- requests must be supported with reasons and evidence that address at least one exceptional circumstance
- in considering requests, the Department will have regard to whether other regulatory mechanisms or tools are available or preferred
- any decision to expedite assessment of a Part V application is solely at the discretion of the Department and an applicant will be notified in writing of the decision.

In the event the Department agrees to expedite assessment of an application, this:

- does not alter the requirement for a complete application supported by all necessary supporting information. Applications that are incomplete or deficient may be declined/returned or assessment may be delayed by requests for further information
- does not compromise the quality of the Department's assessment or decision
- does not guarantee an approval will be granted (that is, after completing its assessment, the Department may still refuse to grant a clearing permit, licence, works approval or amendment)



- does not alter the Department's statutory obligations to advertise applications and seek comments from public authorities and persons with a direct interest and has no effect on statutory appeal provisions
- indicates that the Department will take proactive steps to reduce its determination timeframe as far as practicable. If the Department has also decided the Part V application is suitable for [parallel processing](#), the Department's decision will be made after the Minister for the Environment has finalised their EP Act Part IV decision.

Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of legislation. Please refer to the [Western Australian Legislation](#) website for copies of the relevant legislation.

More information

For further information, please contact the Department's Statewide Delivery – Environmental Regulation on 6364 7000.

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