

Environmental Assessment Act

CONCURRENT APPROVAL REGULATION

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Interpretation

- 1 In this regulation:

“Act” means the *Environmental Assessment Act*;

“another enactment” or “other enactment” means an enactment other than the Act;

“eligible approval” means an approval specified under section 3;

“ministry” includes a person, board, tribunal or agency that has authority to issue or to decide to issue an approval under another enactment.

Application of regulation

- 2 This regulation applies to a reviewable project in respect of which the executive director has made an order under section 10 (1) (c) of the Act.

Eligible approvals

- 3 (1) An approval under another enactment that is required to construct, operate, modify, dismantle, abandon or otherwise undertake all or part of a reviewable project that is undergoing assessment under the Act, is specified for the purposes of section 50 (2) (g) (ii) [*regulations specifying approvals eligible for concurrent review*] of the Act.
- (2) Subsection (1) does not apply
 - (a) to a certificate of public convenience and necessity under the *Utilities Commission Act*, or
 - (b) to an approval to undertake anything that is not the subject of the assessment under the Act, whether or not connected to the reviewable project.

Applying for concurrent review

- 4 (1) If a proponent referred to in section 23 (1) [*concurrent approval process – application for concurrent review*] of the Act has filed an application for an eligible approval in accordance with the applicable other enactment, the proponent may deliver an application for concurrent review to the executive director.
- (2) The application for concurrent review under subsection (1) must
- (a) be in writing,
 - (b) identify the eligible approval that the proponent has applied for,
 - (c) be accompanied by
 - (i) a copy of the application for the eligible approval referred to in paragraph (b),
 - (ii) copies of the documents provided with that application to the ministry that has authority to issue the eligible approval, and
 - (iii) evidence that that application has been properly filed in accordance with the other enactment, and
 - (d) request that the application for an eligible approval referred to in subsection (1) be considered under the other enactment concurrently with the continuing assessment of the reviewable project under the Act.

Deadline for applying for concurrent review

- 5 A proponent of a reviewable project that applies for concurrent review of an application for an eligible approval must make the application within whichever of the following time limits apply:
- (a) if the executive director sets an earlier time limit under section 11 [*executive director determines assessment requirements*] or 13 [*executive director may vary section 11 requirements*] of the Act than is provided under paragraphs (b) or (c) for the proponent to apply for concurrent review of an application for an eligible approval, within the earlier time limit set by the executive director;
 - (b) if paragraph (a) does not apply and if the executive director does not require, under section 16 (4) (b) [*application for environmental assessment certificate – copies of application*] of the Act, copies of the proponent's application for an environmental assessment certificate, within 7 days after the date on which the executive director notifies the proponent under section 16 (4) (a) of the Act that the proponent's application for an environmental assessment certificate has been accepted for review;
 - (c) if paragraph (a) does not apply and if the executive director requires, under section 16 (4) (b) of the Act, copies of the proponent's application for an environmental assessment certificate, by the date on which the executive director receives those copies.

Executive director must decide and notify whether application is accepted

- 6 (1) If satisfied that an application for concurrent review delivered under section 4 (1) *[applying for concurrent review]* within the time limit under section 5 is in respect of an eligible approval, the executive director must
- (a) provide the proponent with written notice that the application for concurrent review is accepted, and
 - (b) provide the ministry that has authority to issue the eligible approval with written notice that the application for concurrent review is accepted and, once known, of the date on which the proponent's application for an environmental assessment certificate was accepted under section 16 (4) *[accepting application for review]* of the Act for review.
- (2) If satisfied that an application delivered under section 4 (1) is not in respect of an eligible approval or was not delivered on time, the executive director must notify the proponent in writing that the application is refused.
- (3) The executive director may consult with the ministry that has authority to issue the eligible approval before making the determination required under subsection (1) or (2).

Executive director must notify ministry if environmental assessment certificate issued

- 7 If the ministers issue an environmental assessment certificate under section 17 (3) (c) *[decision on application for environmental assessment certificate]* of the Act to a proponent whose application for concurrent review was accepted by the executive director under section 6 (1) of this regulation, the executive director must give written notice to the ministry that has authority to issue the eligible approval of the date the environmental assessment certificate was issued.

Duties of the ministry that has authority to issue the eligible approval

- 8 (1) If a ministry receives a notice under section 6 (1) (b) *[executive director must notify ministry that application for concurrent review accepted]* of this regulation, the ministry must
- (a) in accordance with the enactment under which the eligible approval is required, proceed expeditiously with its review and consideration of the proponent's application for the eligible approval, and
 - (b) within 75 days of the date on which the proponent's application for an environmental assessment certificate was accepted under section 16 (4) *[accepting application for review]* of the Act, notify the proponent and the environmental assessment office in writing of any additional information that the ministry anticipates it will require from the proponent in order to complete its review and consideration.

- (2) For the purposes of the notification required under subsection (1) (b), the ministry may take into account and make note of project design uncertainties that exist at this stage of the review.
- (3) If a ministry receives a notice under section 7 [*executive director must notify ministry if environmental assessment certificate issued*] of this regulation, within 60 days after the date specified in the notice as the date the environmental assessment certificate was issued, the ministry must
 - (a) issue the eligible approval,
 - (b) refuse to issue the eligible approval and provide reasons for the refusal, or
 - (c) specify a later date on which the proponent will be given a decision on the application for the eligible approval and provide reasons for the delay.

[Provisions of the *Environmental Assessment Act*, S.B.C. 2002, c. 43, relevant to the enactment of this regulation: sections 23 (1) and 50 (2) (g)]

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Victoria, 2003