



Government of **Western Australia**
Department of **Water and Environmental Regulation**

Quarter 1

Regulatory performance report 2023–24

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Key statistics at a glance

896

Licence and permit applications finalised

42

Form 1 reports of known or suspected contamination classified

344

Responses to requests for land use planning advice

835

Reports to Pollution Watch received

139

Environmental inspections and audits undertaken

40

Convictions recorded and infringements issued

6

Referred proposals determined to be formally assessed by the EPA

2

EPA reports published under s. 44 that met the assessment timeline

11

Mandatory Auditor's Reports under the *Contaminated Sites Act 2003* finalised

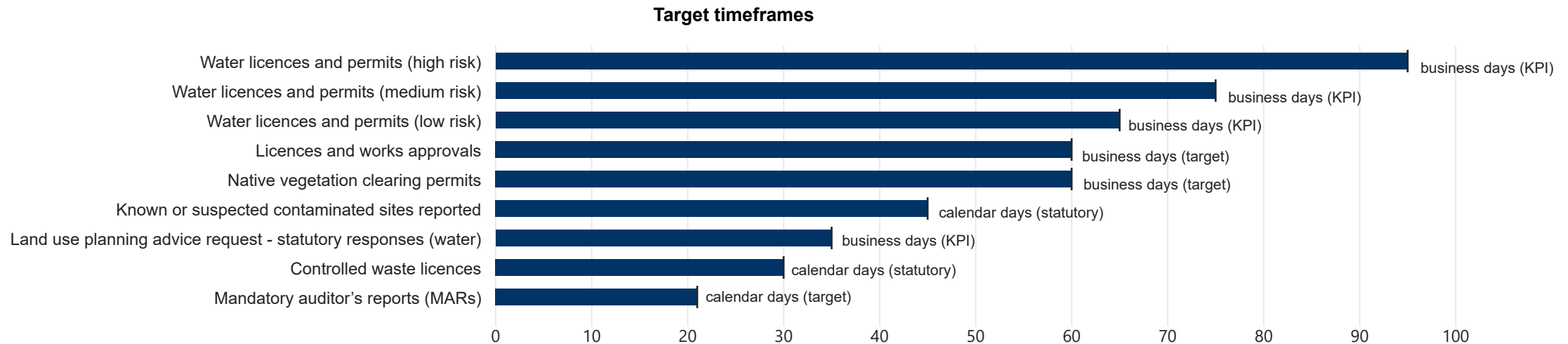
Performance improvement highlights

- Environmental impact assessments continue to be managed via **Environment Online**.
- Enhancements to **Water Online** have streamlined the acceptance and validation of water licence and permit applications.
- **Compliance and Enforcement** capability via identifying and developing technologies and delivering specialised training to support or streamline the delivery of compliance functions.
- Progress towards **Environmental Regulation Reform** continues.

How we measure our regulatory performance

Target timeframes

We measure our timeliness performance consistent with established Key Performance Indicators (KPIs) and statutory timeframes relevant for our application processes. Unless specified in specific KPIs or statutory timelines, we apply a performance target of 80% of applications assessed within target timeframes.



"Stop the clock"

In certain circumstances, we may place an application to clear native vegetation, works approvals to construct, and licences to operate prescribed premises, as well as permits to interfere with bed and banks and licences to take water on hold during assessment. The period while the application is on hold (referred to as "stop the clock") does not count towards our target timeframes.

We will "stop the clock" for an application when waiting for the applicant to provide additional information in support of their application, pay outstanding application fees or respond to draft decision documents.

In some cases, we will "stop the clock" where assessment processes and consultation requirements are being undertaken under the *Native Title Act 1993* or where a relevant outcome of an Environmental Protection Authority (EPA) assessment and associated Ministerial decision under Part IV of the *Environmental Protection Act 1986* (EP Act) is pending. We will not "stop the clock" when waiting for requested advice or information from any another government department or agency.

Trigger levels

We monitor and report on the number of open applications to ensure we're keeping up with the demand for regulatory approvals. Trigger levels are set for each instrument type, and where application numbers are in excess of the trigger level, we will respond with specific actions to reduce the number of applications back to below trigger levels.

Water - We manage to a trigger level of 350 open water licence and permit applications that have processing times greater than 65 business days. This excludes applications under "stop the clock".

Environment - We manage to a trigger level of no more than 20% of open licensing applications with assessment times greater than 60 business days for Industry Regulation. This excludes applications under "stop the clock".

We are actively taking action to reduce the number of open applications that exceed our target assessment timeframes. This includes the consolidation of amendment applications (where appropriate) which results in multiple open applications being closed as an outcome of a single decision.

Risk assignment

We are progressing a common risk framework across water and environmental approvals. Our performance reporting will progressively reflect implementation of the risk framework as it develops.

Applications for water licences and permits are assigned a risk category (low, medium or high) according to:

- The volume of water requested.
- The level of water availability in the resource where the water is being requested.
- The type of instrument being applied for.

An application is not assigned a risk category until it has been validated. An application is deemed valid once all mandatory fields are completed on the application form and all necessary supporting documentation is provided, including fees paid if applicable.

Providing support to the Environmental Protection Authority (EPA)

The EPA is an independent authority that provides advice to the Minister for Environment. As part of our regulatory function, we provide services to the EPA to conduct environmental impact assessments (EIA) of significant development proposals, strategic proposals and planning schemes.

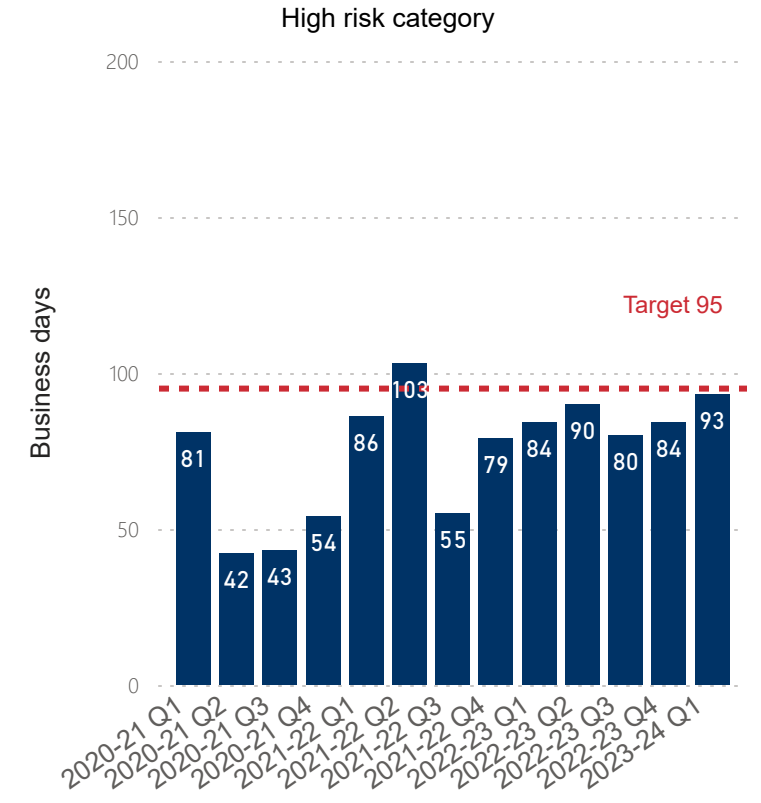
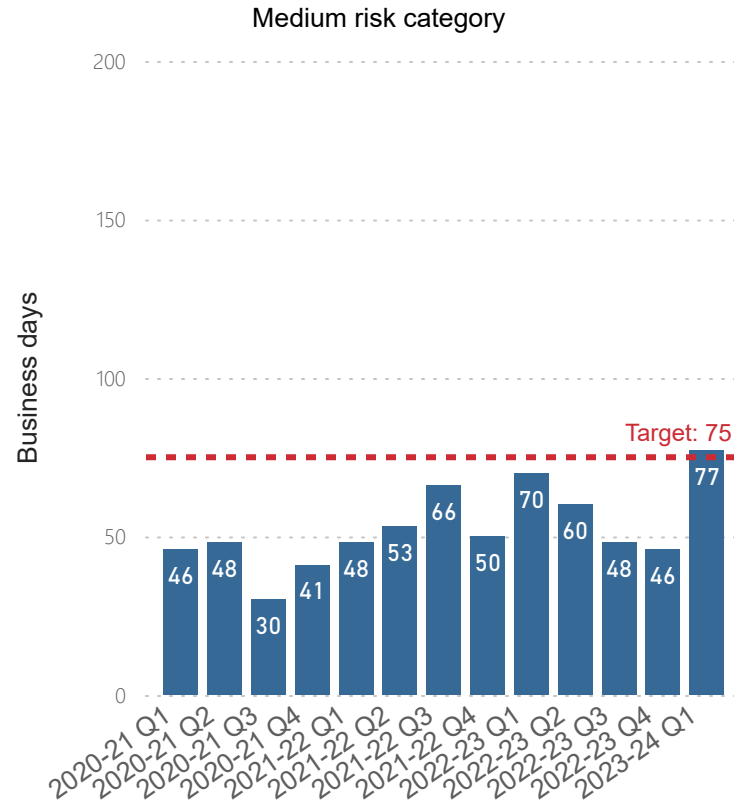
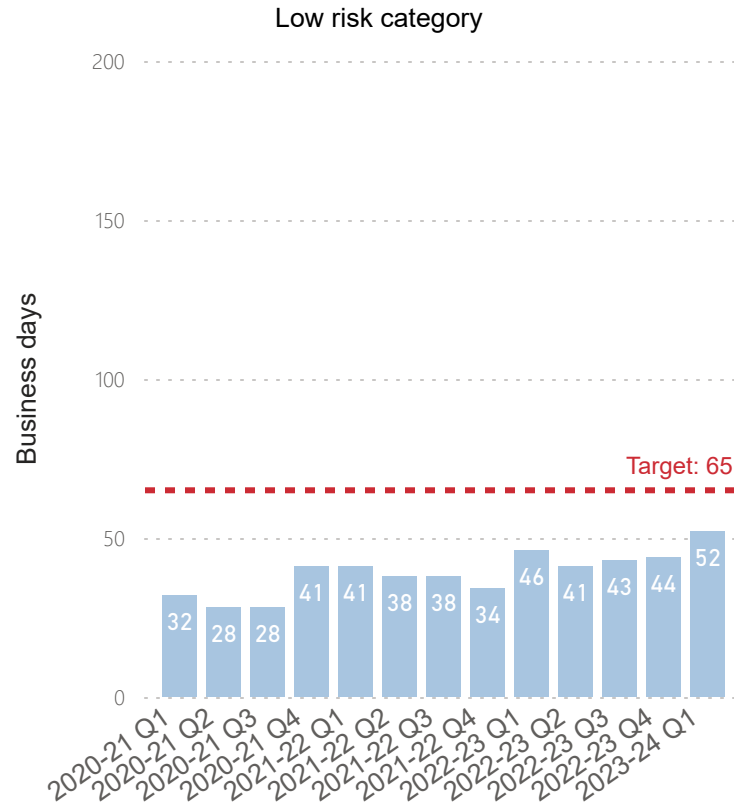
Water

Time taken to finalise water licence and permit applications

Risk categories are assigned to water licence and permit applications. We aim to finalise these within the average target timeframes for each risk category;

- 65 business days for low risk applications,
- 75 business days for medium risk applications, and
- 95 business days for high risk applications.

Average business days to finalise water licence applications
2020-21 to 2023-24

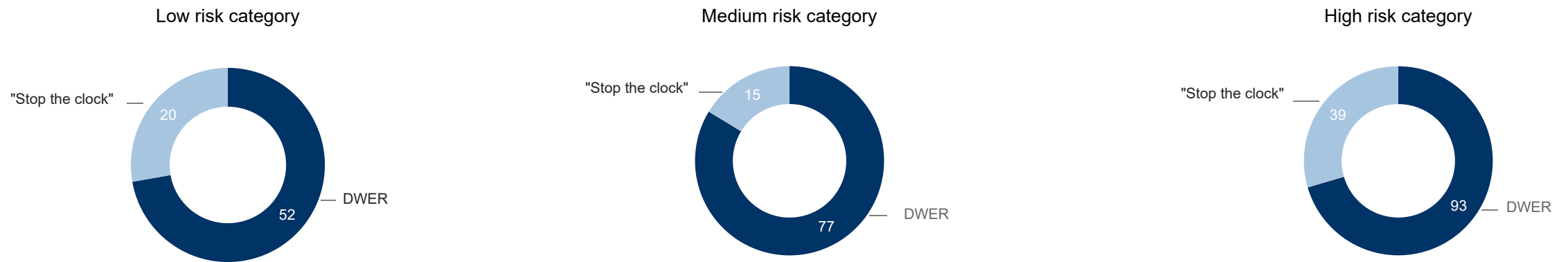


Water

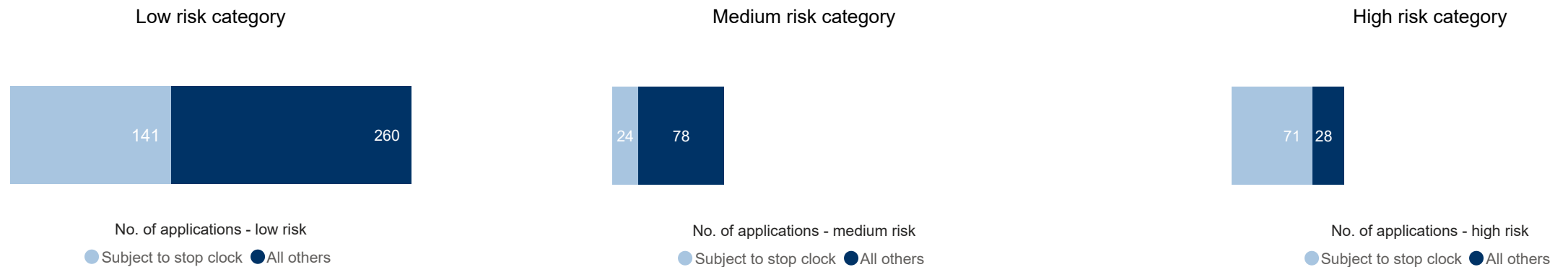
Life of an application

Life of an application reports illustrate the average time an application is under our assessment. The average time an application is under our assessment does not include the time an application is subjected to "stop the clock" (pending information from the proponent or pending an outcome from other regulatory processes). The latter two are currently reported together for water.

Water licences and permits: average business days to finalise vs average business days in "stop the clock"
2023-24 Q1



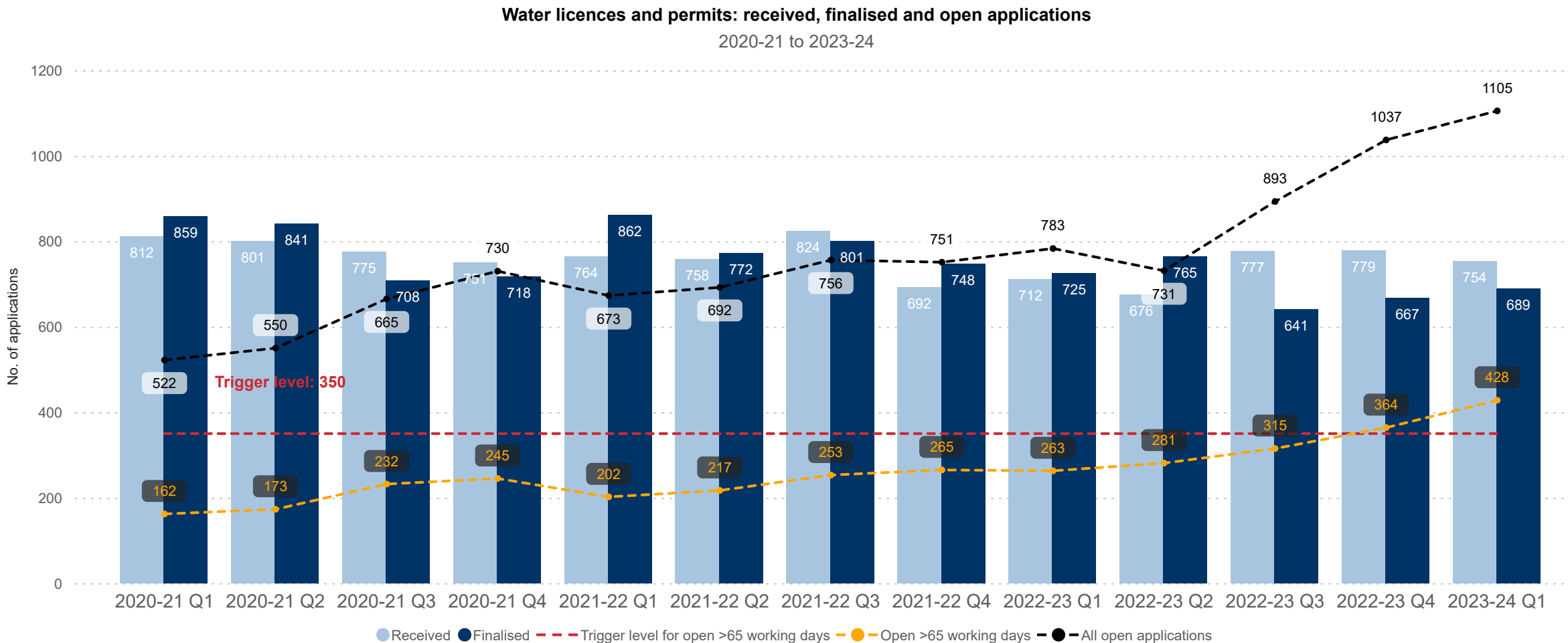
Water licence and permits: finalised applications subject to "stop the clock" vs others
2023-24 Q1



Water

Managing open applications

We manage to a trigger level of 350 open water licence and permit applications that have processing times greater than 65 business days. This excludes those applications that are under "stop the clock".



Water

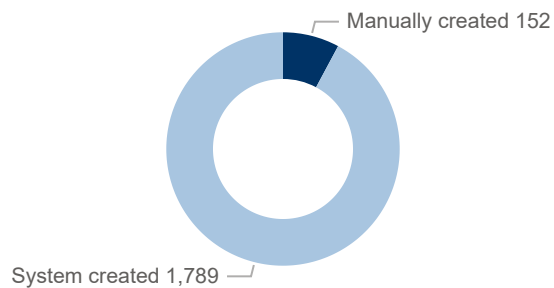
Compliance monitoring and enforcement

Under the *Rights in Water and Irrigation Act 1914*, we investigate all incidents of suspected and confirmed non-compliance with water licence terms, conditions and restrictions, detected as an outcome of on-site and off-site compliance monitoring or raised automatically by the water compliance management system.

Where a prima facie case cannot be established, the investigation is resolved and the incident is closed with no enforcement action taken. This is a more common occurrence for system generated incidents than it is for incidents raised manually by officers as an outcome of a monitoring event.

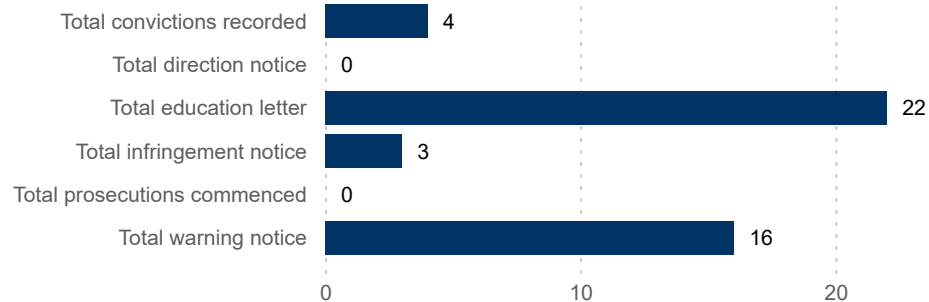
Total investigations commenced

2023-24 Q1



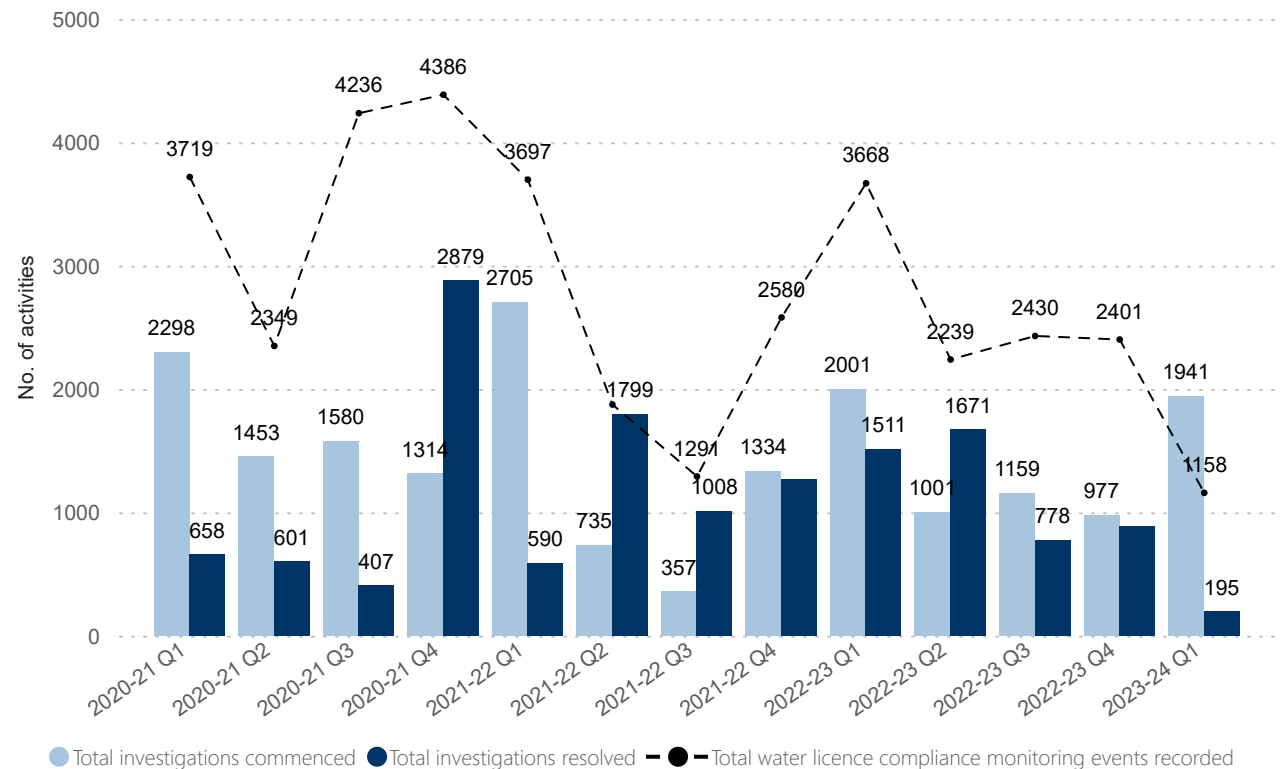
Enforcement actions completed

2023-24 Q1



Compliance monitoring and enforcement activities

2020-21 to 2023-24



*Reviewed reporting methodology, resulting in a decrease in investigations resolved for 2023-24 Q1

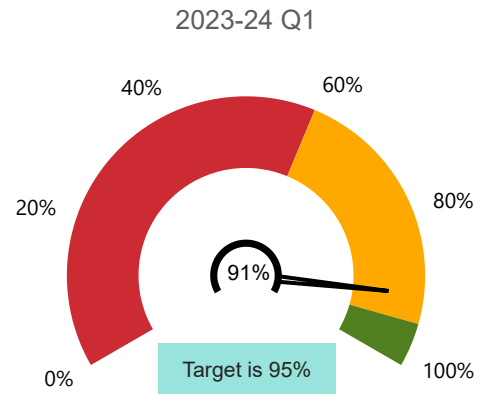
Water

Land Use Planning advice requests

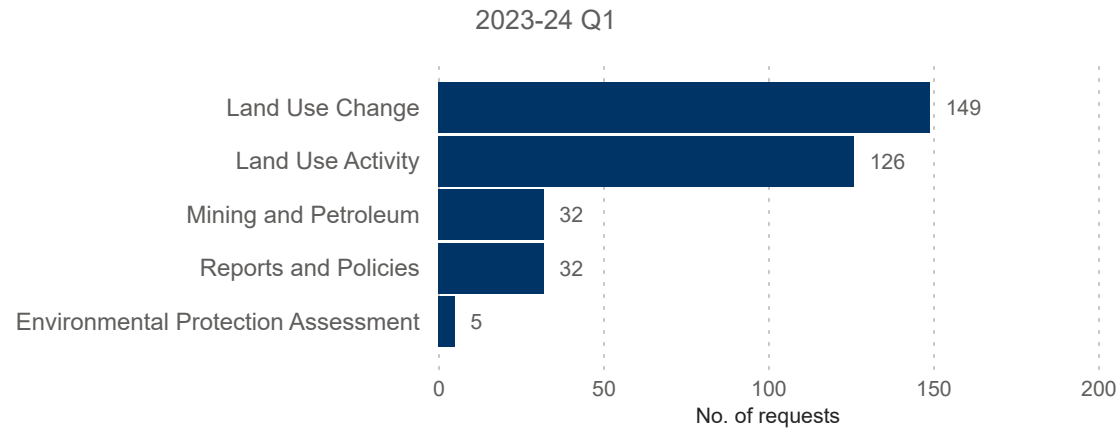
We provide advice on land use planning matters to local government and other decision-makers, such as the Western Australian Planning Commission; the Department of Planning, Lands and Heritage; and the Department of Mines, Industry Regulation and Safety.

Our target is to provide statutory advice to 95% of applications within 35 business days.

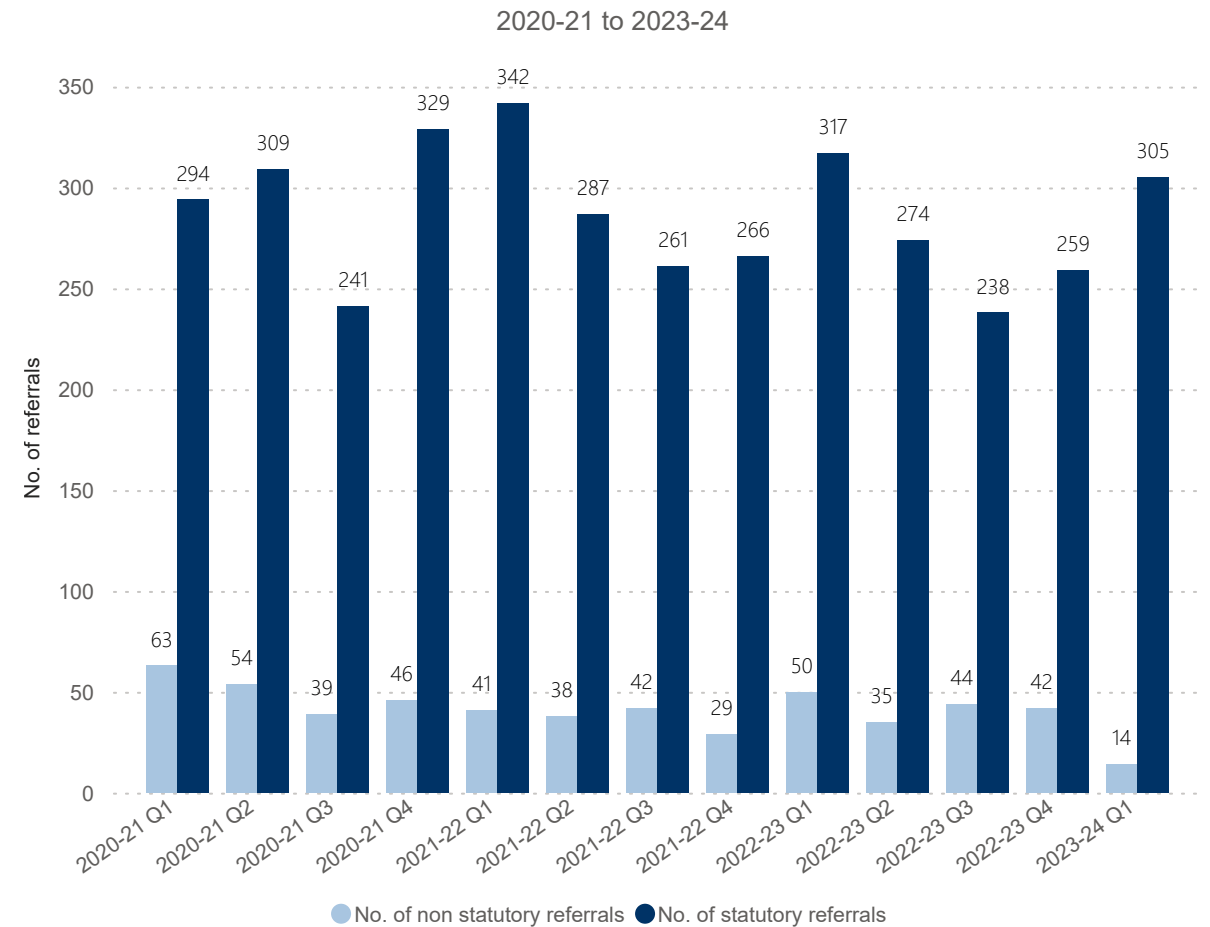
Land use planning (water): finalised within target



Land use planning (water): advice requests by category



Land use planning (water): advice requests by type

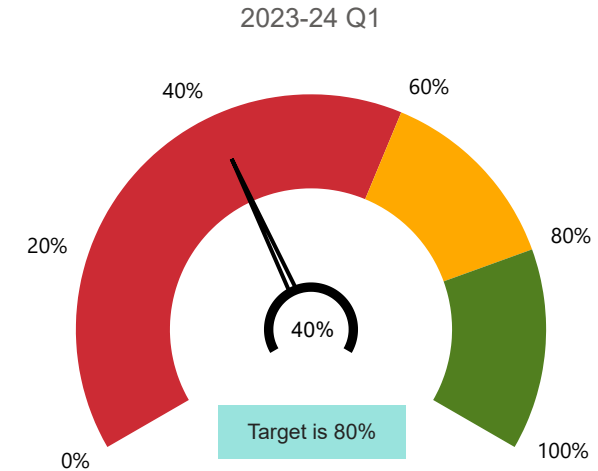


Native Vegetation Regulation

Clearing permit applications and referrals

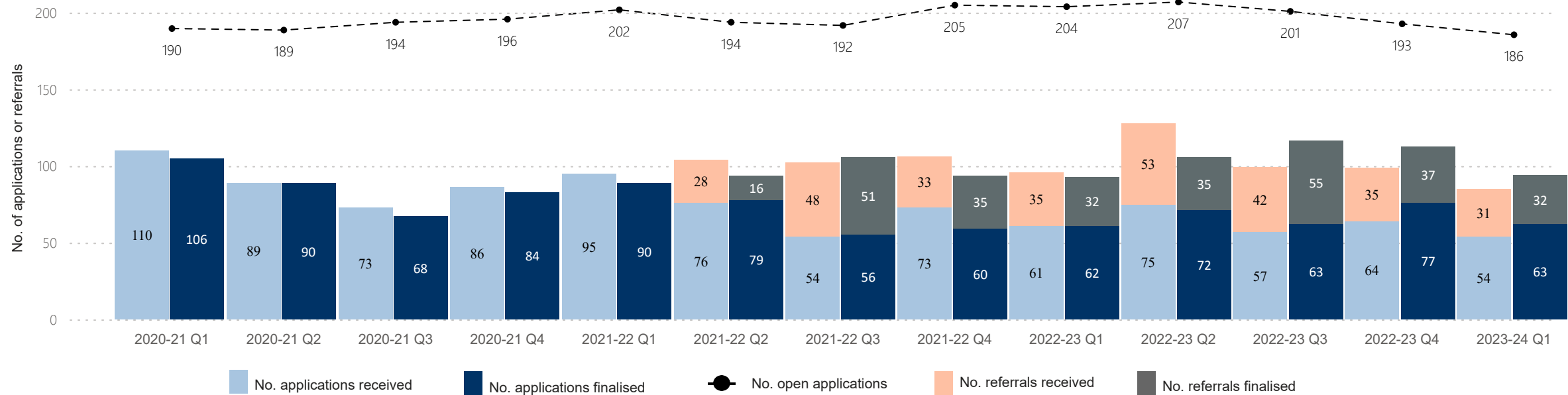
The *Environmental Protection Act 1986* includes provisions to protect native vegetation while permitting approved clearing activities. Clearing that is not already exempt from requiring authorisation may be authorised through the clearing permit process. The department's goal is to review 80% of clearing permit applications within 60 business days. Where clearing with very low environmental impacts is proposed, a proponent may use the streamlined clearing referral process to seek a decision from the department as to whether a clearing permit is required.

Clearing permit applications: finalised within target



Proposal to clear advice referrals and clearing permit applications: received, finalised and open

2020-21 to 2023-24



Native Vegetation Regulation

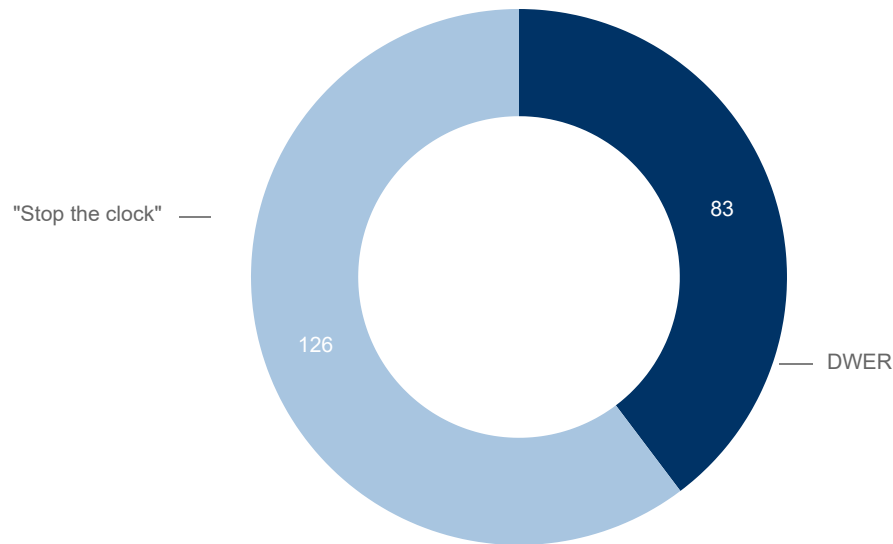
Life of an application

Life of an application reports illustrate the average time an application is under our assessment. The average time an application is under our assessment does not include the time an application is subjected to "stop the clock" (pending information from the proponent or pending an outcome from other regulatory processes). The latter two are currently reported together for clearing permits.

For information on native vegetation clearing permits granted by the Department of Mines, Industry Regulation and Safety under our delegation, please refer to the approval performance report published on their website www.dmirs.wa.gov.au.

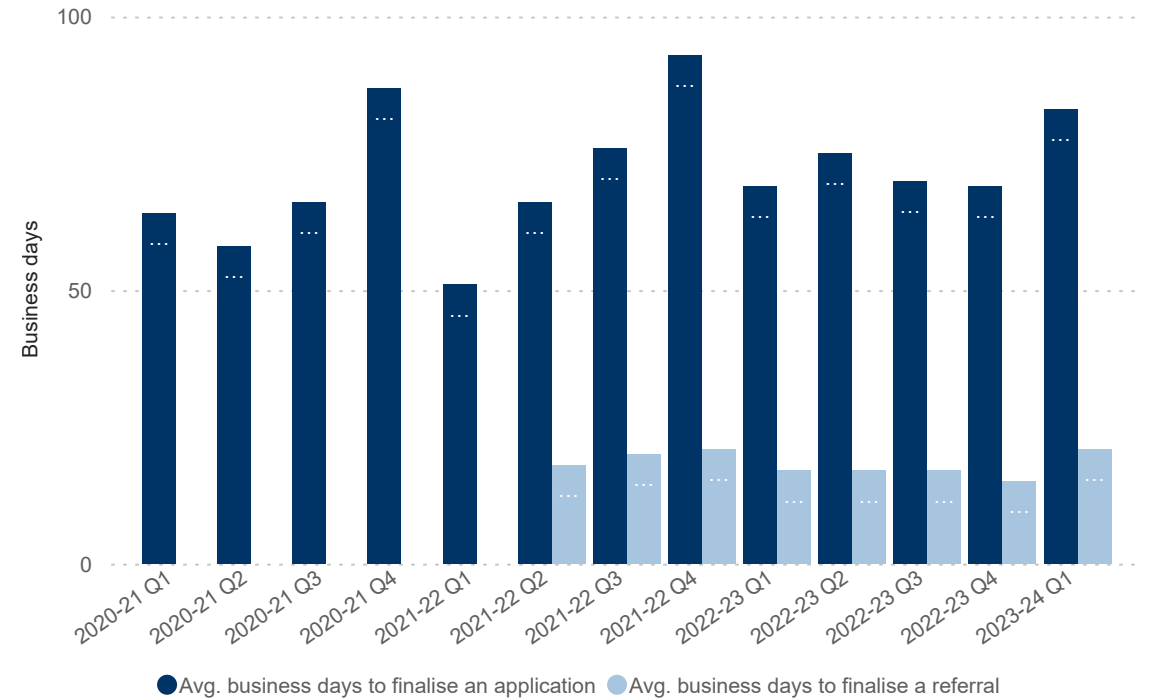
Average business days to finalise a clearing permit vs. average business days in "stop the clock"

2023-24 Q1



Average business days to finalise proposals to clear, advice referrals and clearing permit applications

2020-21 to 2023-24



Industry Regulation

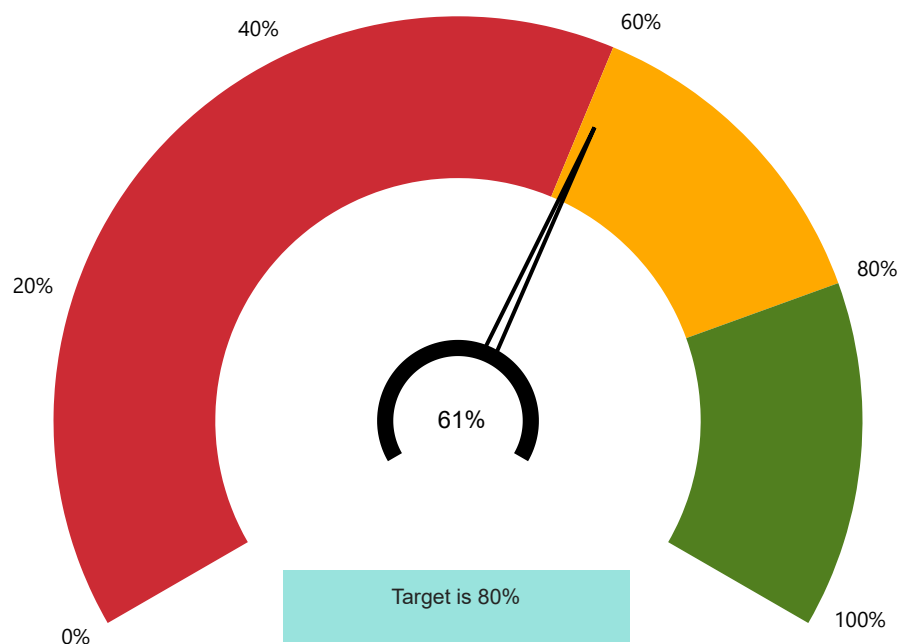
Licence and works approvals

Industrial premises with potential to cause emissions and discharges to air, land or water are known as 'prescribed premises' and are regulated under the *Environmental Protection Act 1986* (EP Act). The EP Act requires a works approval to be obtained before constructing a prescribed industrial premises and makes it an offence to cause an emission or discharge unless a licence or registration is held for the premises.

We aim to assess 80% of applications for licences and works approvals within 60 business days.

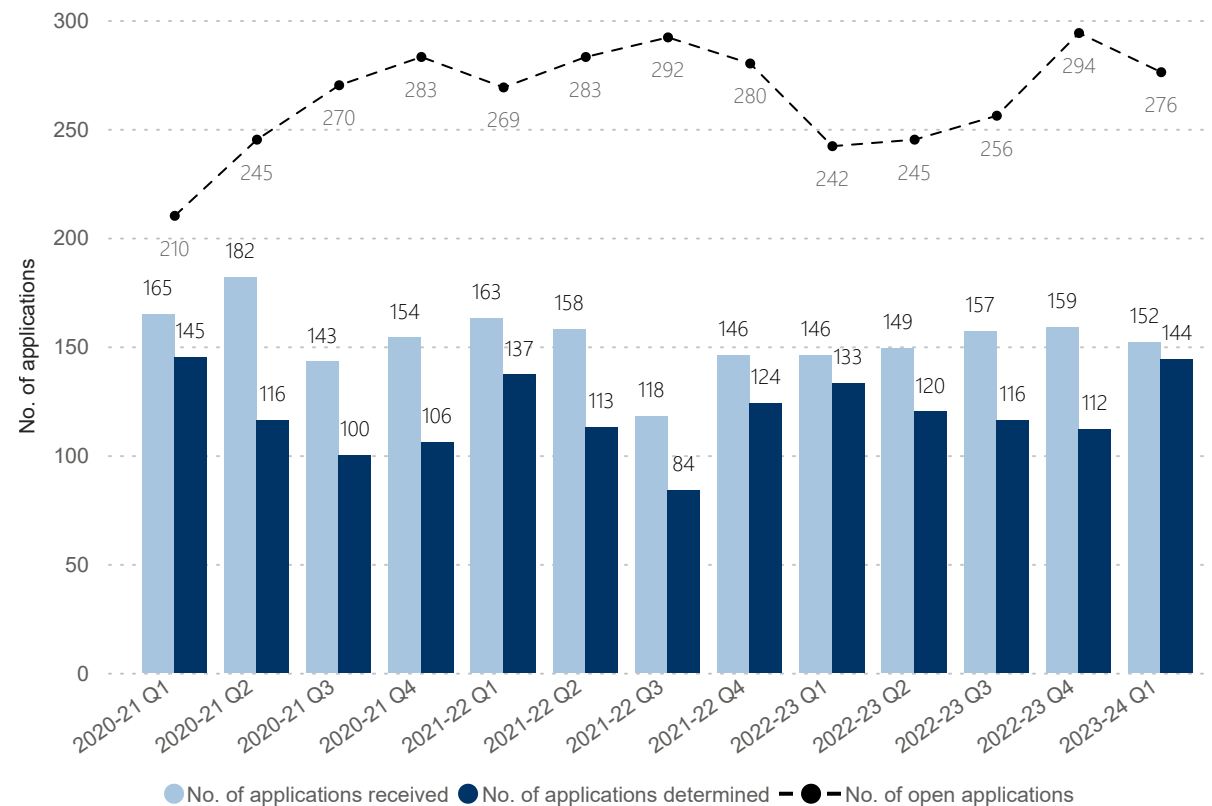
Licences and works approvals: finalised within target

2023-24 Q1



Licences and works approvals: received, finalised and open applications

2020-21 to 2023-24



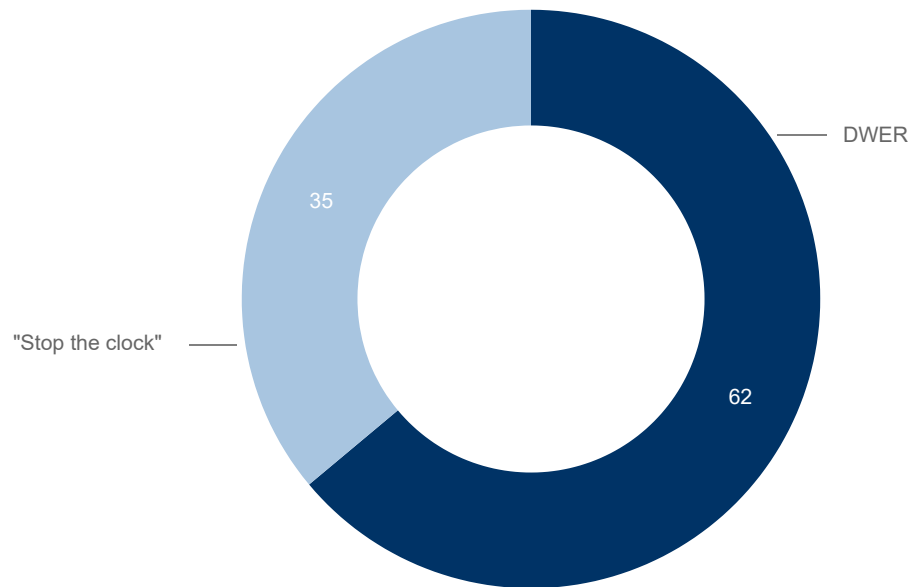
Industry Regulation

Life of an application

Life of an application reports illustrate the average time an application is under our assessment. The average time an application is under our assessment does not include the time an application is subjected to "stop the clock" (pending information from the proponent or pending an outcome from other regulatory processes). The latter two are currently reported together for licences and works approvals.

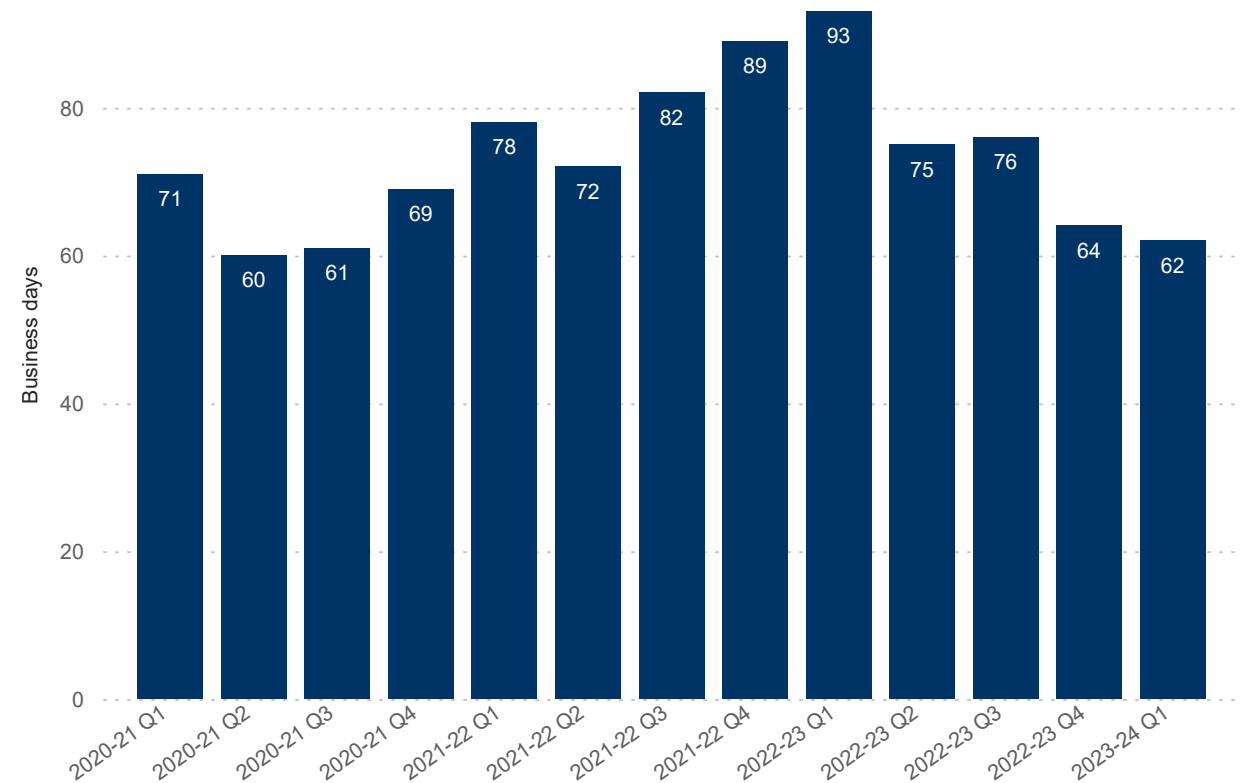
Licences and works approvals: average business days to finalise vs average business days in "stop the clock"

2023-24 Q1



Licences and works approvals: average time (business days) to finalise

2020-21 to 2023-24



Environment

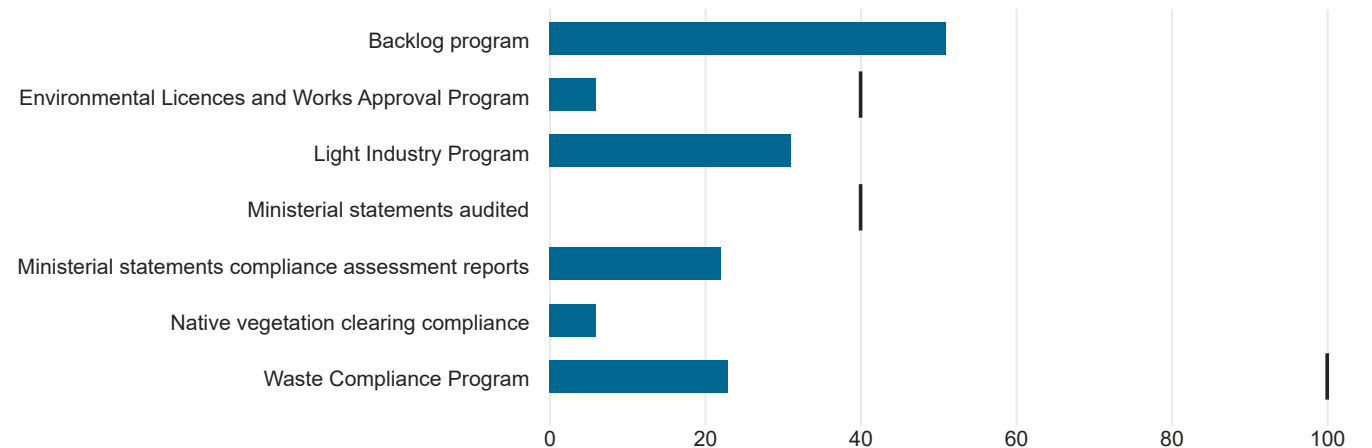
Compliance activities

We undertake environmental regulation functions, principally under the *Environmental Protection Act 1986* (EP Act) of licensing, approvals and compliance and enforcement in relation to emissions and discharges; waste; noise; and clearing of native vegetation.

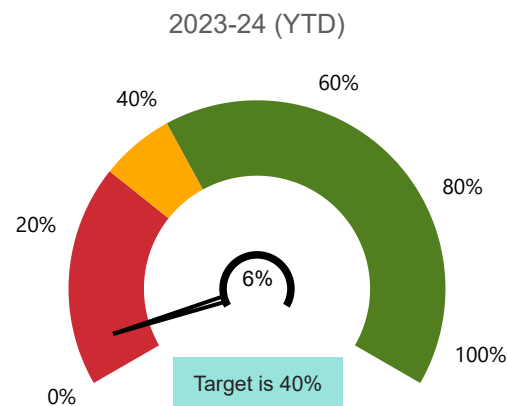
Compliance monitoring is a fundamental role of the department and a variety of methods may be used to monitor and determine levels of compliance with the requirements of legislation, licences and other statutory instruments.

We monitor the management of non-compliance identified during our compliance monitoring programs. We aim to resolve 40% of non-compliances detected within two calendar months.

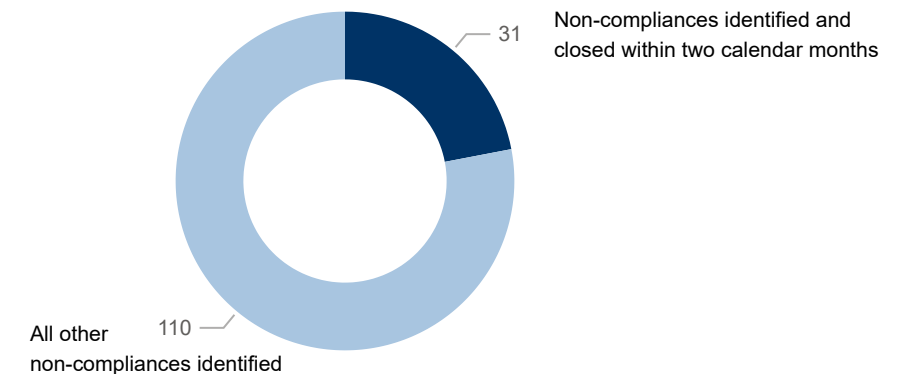
Compliance inspections and audits undertaken
2023-24 (YTD)



Non-compliances identified during compliance monitoring programs closed in two calendar months



Non-compliances identified during compliance monitoring programs
2023-24 (YTD)



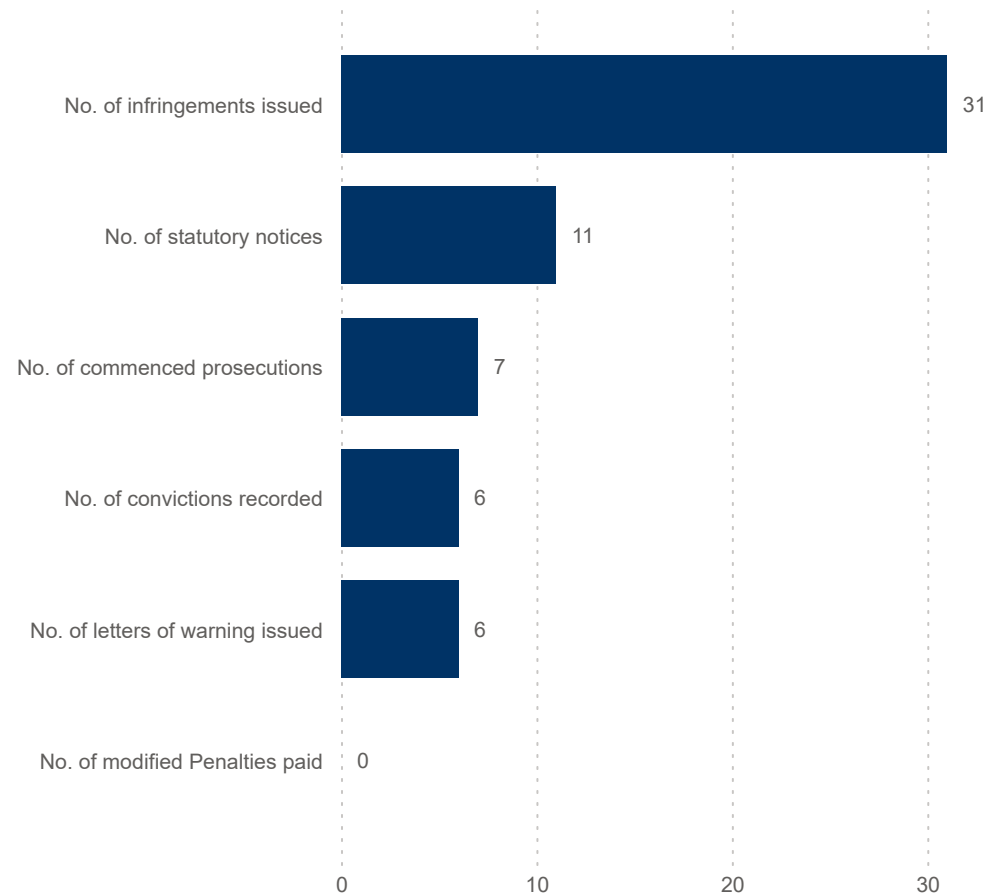
Environment

Enforcement activities

We investigate regulatory complaints and alleged non-compliances to establish whether an offence has been committed to achieve state-wide enforcement outcomes. This helps to secure compliance with the legislation that the Department administers through specific and general deterrence.

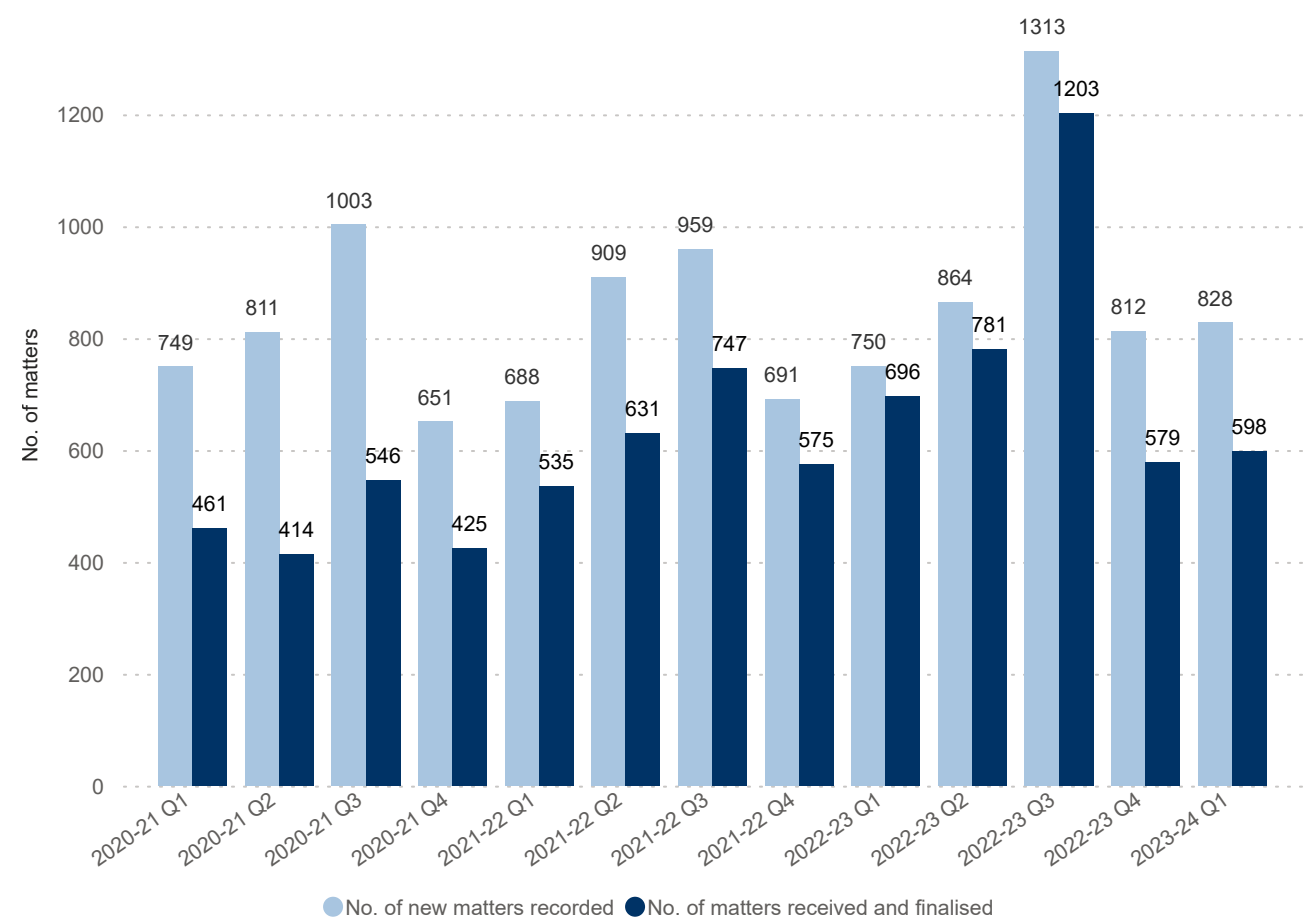
Enforcement actions completed

2023-24 Q1



Enforcement activities (environment): recorded and finalised

2020-21 to 2023-24



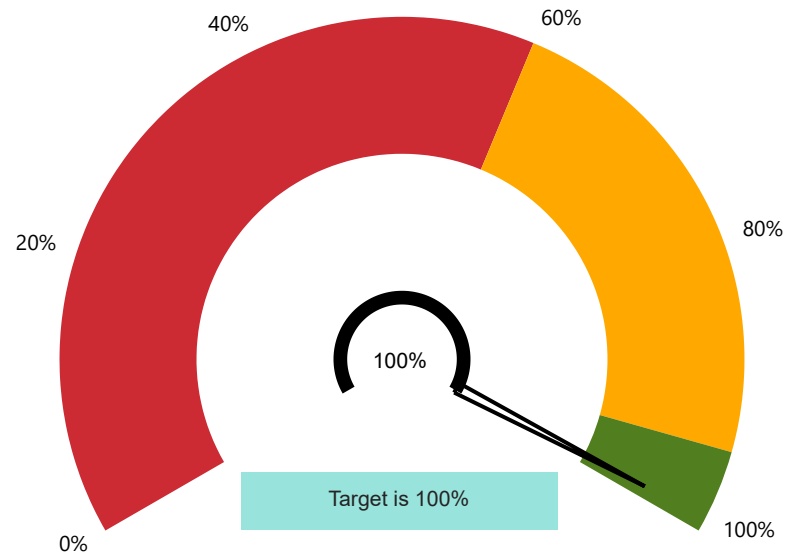
Controlled Waste

Managing open applications

We aim to assess licence applications issued under the *Environmental Protection (Controlled Waste) Regulations 2004* within 30 calendar days to enable the safe and authorised transportation of controlled waste on public roads in Western Australia.

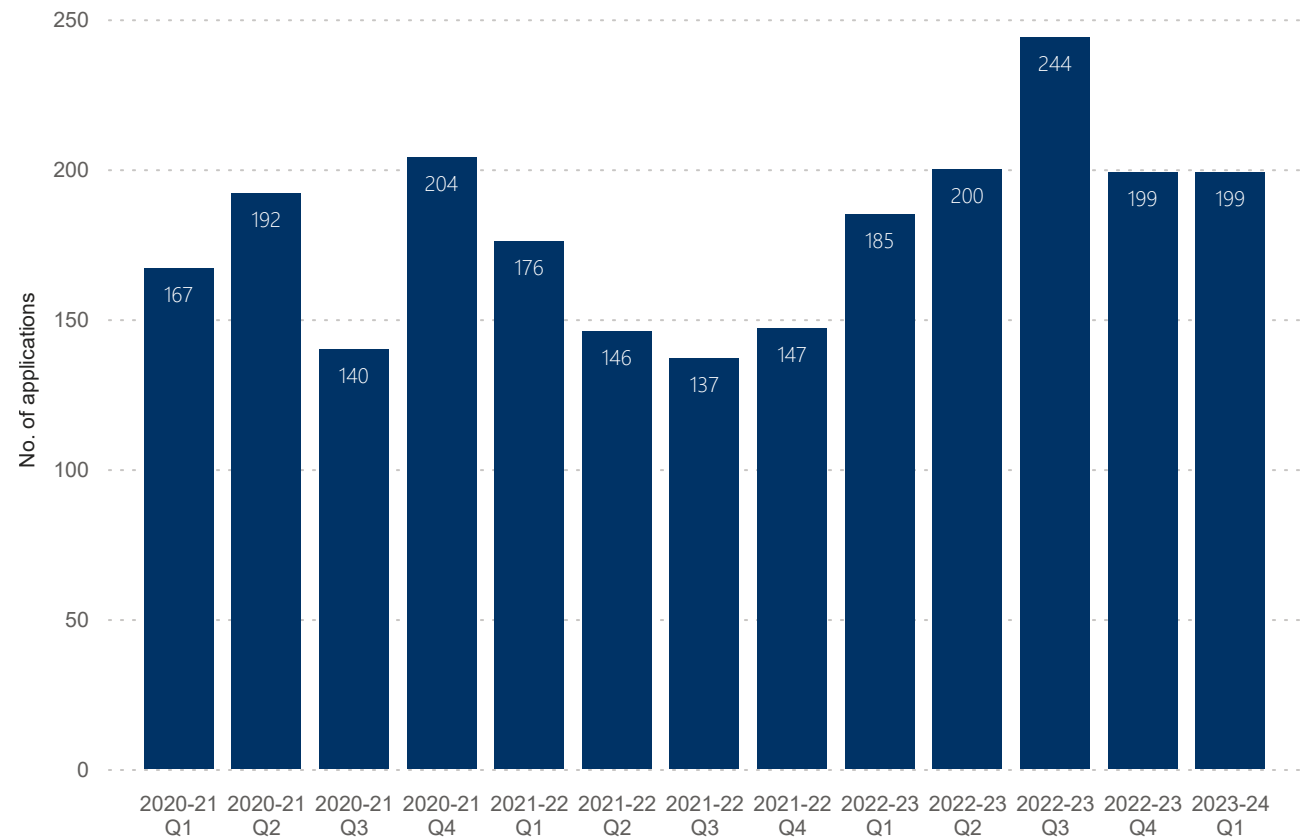
Controlled waste licences: finalised within target

2023-24 Q1



Controlled waste licences: applications received

2020-21 to 2023-24



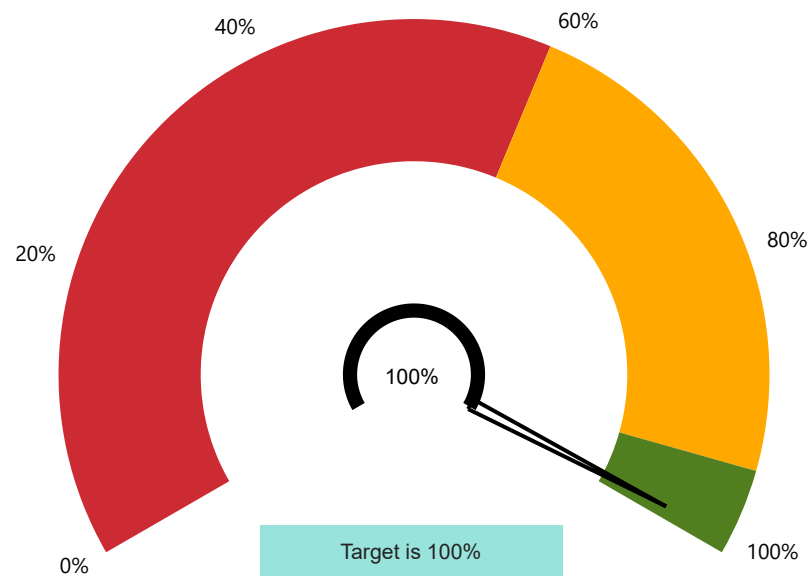
Contaminated Sites

Known or suspected contaminated sites reports (Form 1)

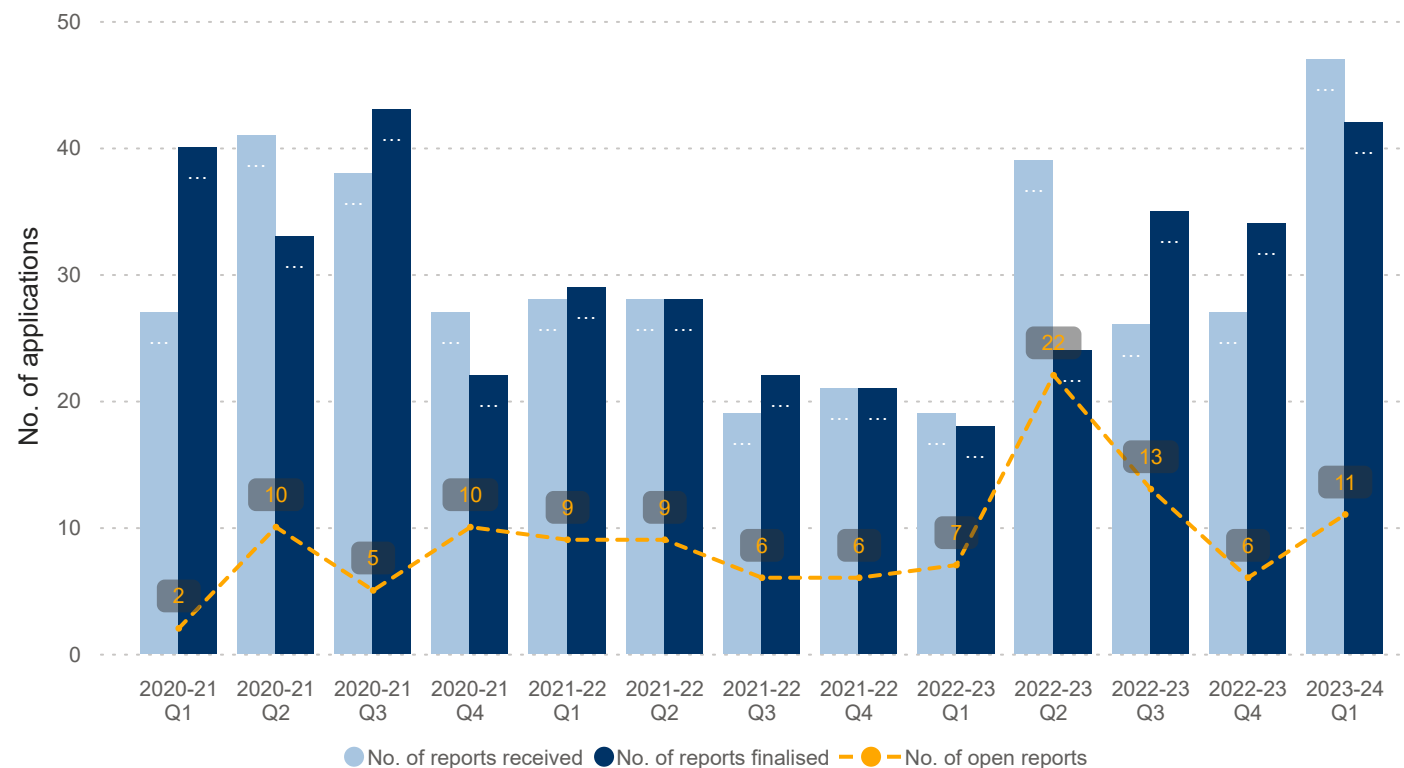
The *Contaminated Sites Act 2003* was introduced to identify, record, manage and clean up contamination in Western Australia. Certain persons (such as the owner, occupier and causer of contamination) have a duty to report known or suspected contaminated sites to us.

We are required under the Act to inquire into reports of known or suspected contamination (Form 1 reports) and determine the appropriate classification of reported sites within 45 calendar days.

Known or suspected contaminated sites reports (Form 1s): finalised within target
2023-24 Q1



Known or suspected contaminated sites reported (Form 1s): received, finalised and open reports
2020-21 to 2023-24



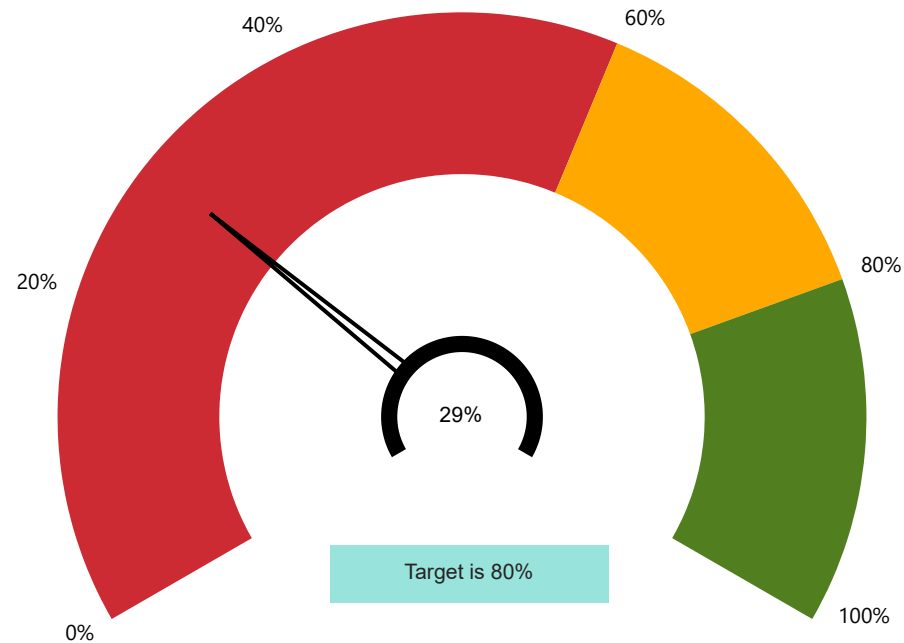
Mandatory Auditor's Reports

Managing reports

When Mandatory Auditor's Reports required under the *Contaminated Sites Act 2003* are reviewed by us, we aim to complete 80% of them within 21 calendar days.

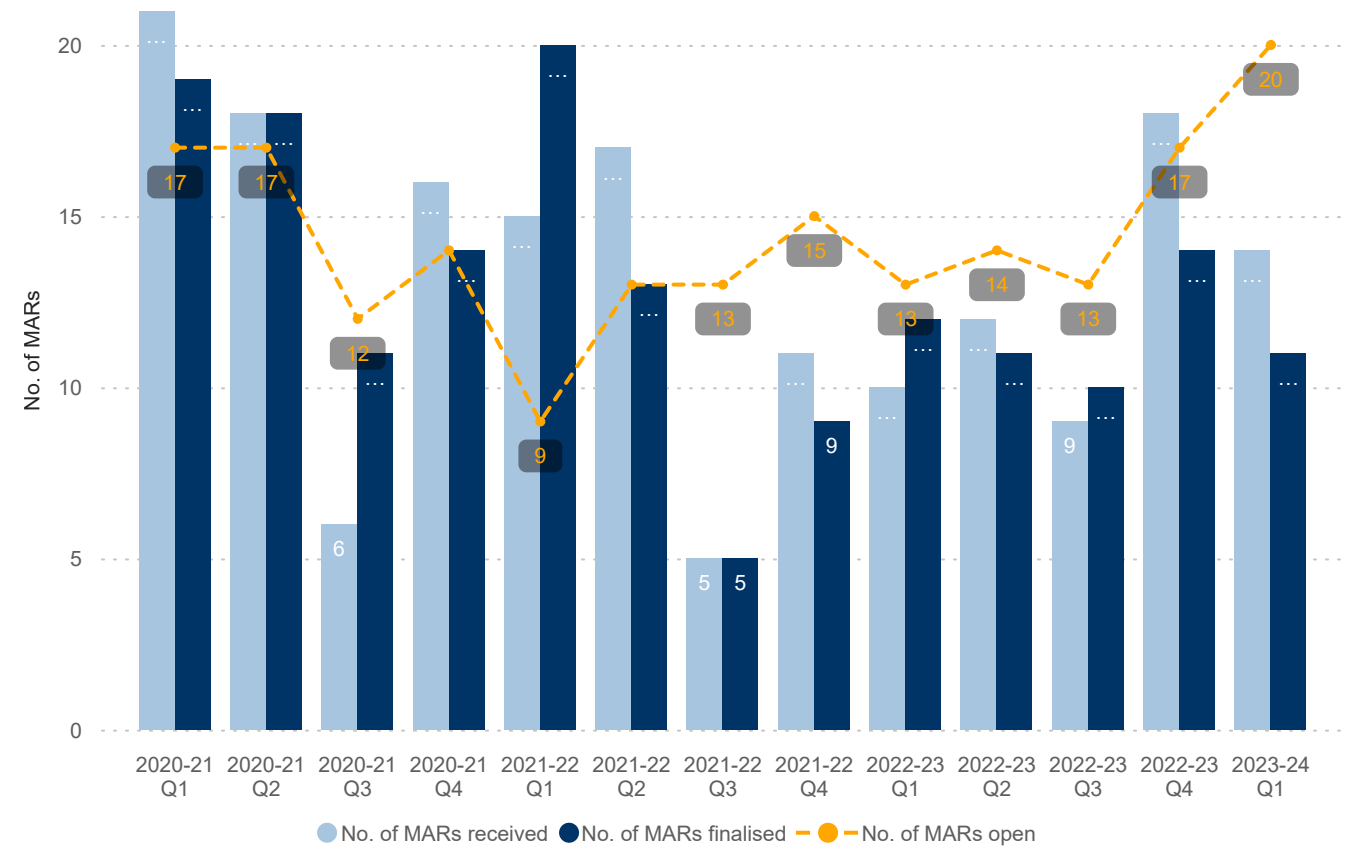
Mandatory auditor's reports (MARs): finalised within target

2023-24 Q1



Mandatory auditor's report (MARs): received, finalised and open

2020-21 to 2023-24

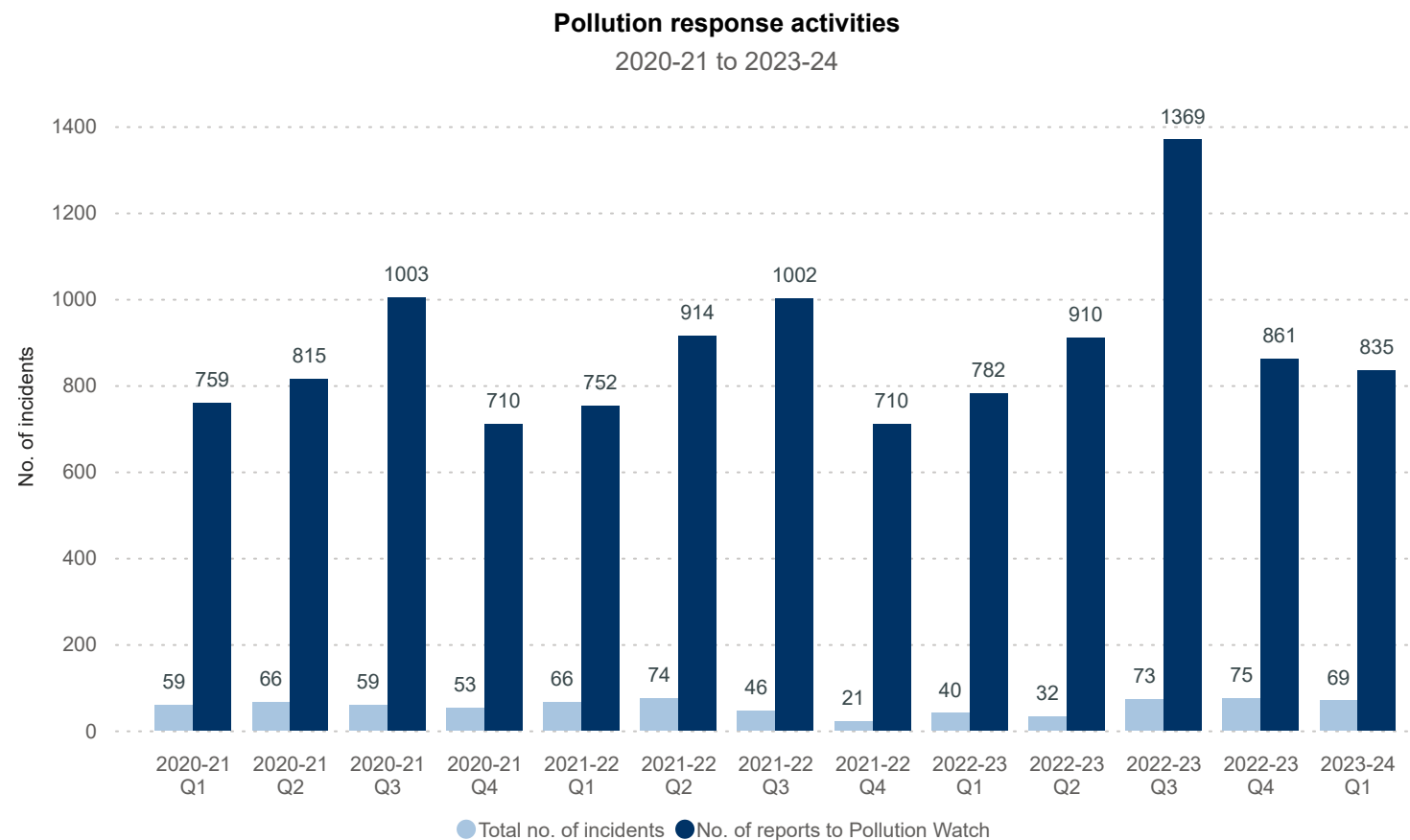
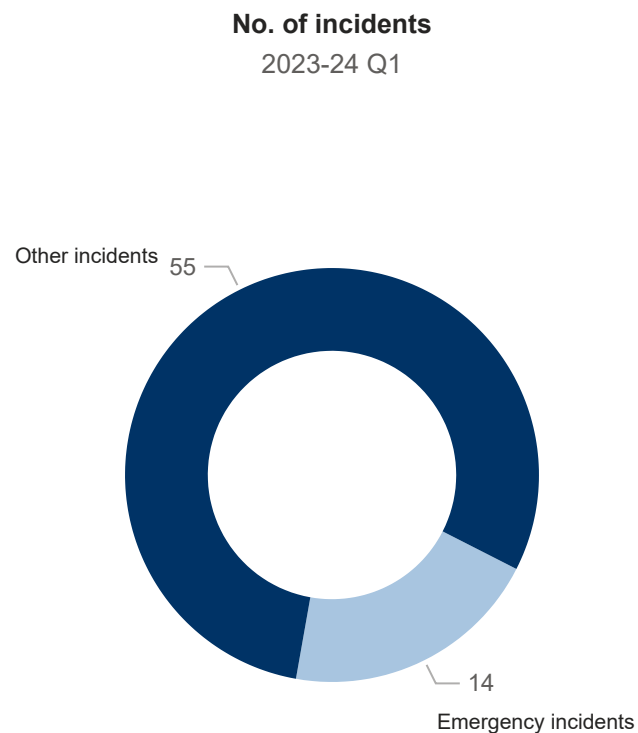


Pollution Watch

Pollution response activities

We receive reports to the Pollution Watch Service from members of the public, industry self-reporting, other regulatory authorities and intelligence gained from our field and desktop assessments. We undertake a risk assessment of the issues raised in the report to determine an appropriate level of response.

Matters requiring a high priority response (incidents) are managed by our Pollution Response Officers. These officers are trained in hazardous material and emergency management. We work closely with local governments, other government agencies and emergency services to prevent, prepare for, respond to and recover from major pollution incidents.



Environmental Protection Authority Services

Development proposals

We provide services to the Environmental Protection Authority (EPA) to conduct environmental impact assessment of significant development proposals referred under section 38 of the EP Act. The department supports the EPA in providing reports to the Minister for Environment on the assessment of development proposals (section 38 of the EP Act), and on changes to the conditions of existing proposals (section 46 of the EP Act).

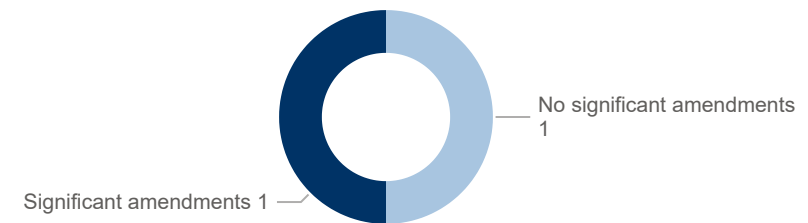
Assessments that met agreed timeframe

2023-24 Q1



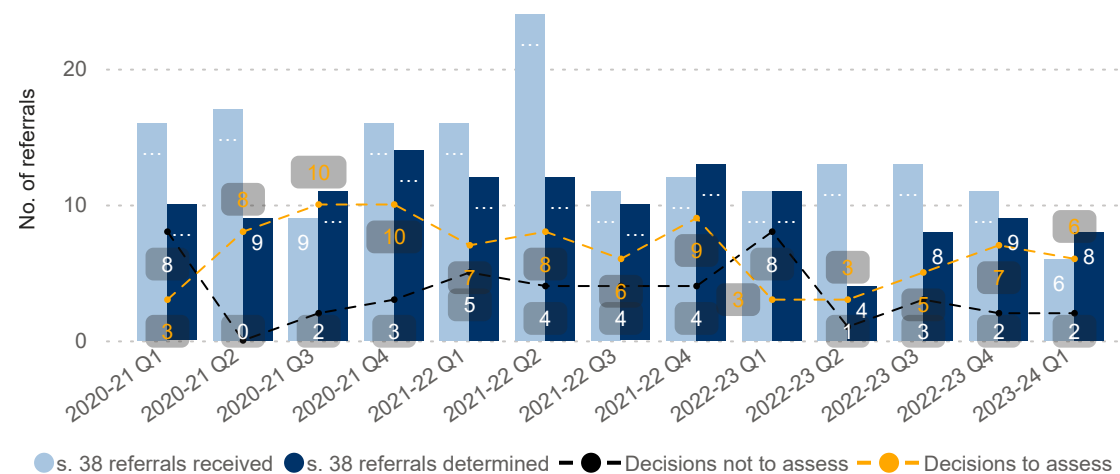
Recommended project-specific conditions significantly amended following appeals

2023-24 Q1



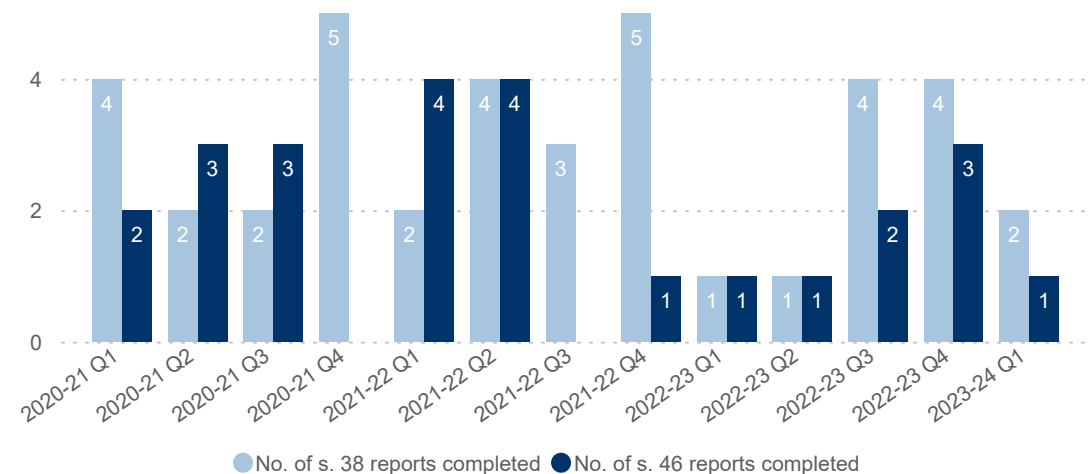
Development proposals referred to the EPA and determinations to assess

2020-21 to 2023-24



EPA reports completed

2020-21 to 2023-24



Environmental Protection Authority Services

Planning schemes and amendment referrals

We also provide support to the EPA in the environmental impact assessment of planning schemes and scheme amendments referred under section 48 of the EP Act.

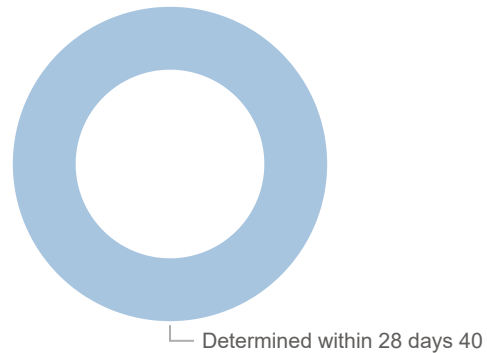
Determinations on whether to assess schemes and scheme amendments

2023-24 Q1



Scheme referrals determined within statutory timeframe

2023-24 Q1



Total schemes and scheme amendments referred to the EPA

2020-21 to 2023-24 YTD

