



Quarterly reporting

Quarter 1 2014–15

Produced and published by

Department of Environment Regulation
168 St Georges Terrace, Perth
Western Australia

October 2014

As part of the changes to machinery of government the Department of Environment and Conservation (DEC) was separated on 1 July 2013 into two agencies: the Department of Environment Regulation and the Department of Parks and Wildlife. Any information in this report for the period up to 30 June 2013 relates to activities under the former DEC.

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Introduction

The Department of Environment Regulation (DER) is a regulatory agency responsible for administering environment legislation in Western Australia.

The following legislation administered by DER is relevant to the quarterly report:

- *Contaminated Sites Act 2003* (CS Act);
- *Environmental Protection Act 1986* (EP Act); and
- *Waste Avoidance and Resource Recovery Act 2007* (WARR Act).

DER has adopted a multi-faceted approach to delivering its regulatory role, which broadly fits into three main functions:

- approvals and licensing supported by education, policy and science;
- monitoring, audit and compliance inspections; and
- enforcement, including complaint and incident investigation.

DER has responsibility under Part V of the EP Act for the licensing and registration of prescribed premises, clearing permits, and administration of a range of regulations.

DER also monitors and audits compliance with works approvals, licences and clearing permits, and their conditions and regulations. Enforcement action is taken as appropriate.

Under the CS Act, DER regulates contaminated sites by receiving reports of known or suspected contaminated sites, assessing and classifying contaminated sites, maintaining public information on contaminated sites, and ordering and monitoring remediation.

Under the WARR Act metropolitan landfill operators are required to report and pay a landfill levy quarterly on the amount of waste received. DER monitors and enforces compliance with these requirements.

DER plans its industry regulation compliance activities annually, setting inspection targets and reporting on its performance. DER aims to be an effective regulator, using a balance of proactive engagement and enforcement tools to achieve appropriate environmental outcomes in industry regulation.

DER's quarterly report provides information on the Department's targets, performance, activities and outcomes for the following functions:

- works approvals and licences—number and timeliness of works approvals and licences granted for major resource and other projects;
- environmental compliance—industry regulation proactive compliance inspection program;
- native vegetation clearing permits—number and timeliness of decisions on clearing permit applications made by DER and the Department of Mines and Petroleum (through delegation under the EP Act);
- contaminated sites—number of classifications of reported known or suspected contaminated sites, and number and timeliness of review of mandatory auditor's reports; and
- environmental enforcement—statistical and supporting information outlining DER's enforcement activity and outcomes.

1. Works approvals and licences

1.1 Introduction

DER grants works approvals and licences to regulate prescribed activities, as authorised under Part V of the EP Act.

DER is well advanced in introducing further licensing reform in its Part V approvals process that should result in a more streamlined and timely approvals process and certainty of outcome.

Reform initiatives include the Re-Engineering for Industry Regulation and Environment (REFIRE) program and improvements to application processes.

Twenty-nine works approvals were decided, four fewer than the number decided in the previous quarter.

DER decided 86 per cent of new works approval applications in the first quarter of 2014–15 within the target time frame. This is a decrease in percentage since the preceding quarter (94 per cent) and is the lowest percentage since the first quarter of 2013–14.

The average processing time for works approval applications during the first quarter of 2014–15 was 50 days, which was the same as in the previous quarter.

1.2 Performance

Major resources projects

DER (including its predecessor agencies) has tracked and reported its performance in deciding major resource project approvals since the first quarter of 2006. A 'decision made' means an application for a works approval or licence has been granted or refused.

For major resource project approvals, DER has set a target to decide 100 per cent of works approval and licence applications within 60 working days.

The quarterly figures for major resource project works approval and licence applications are summarised in Tables 1.1 and 1.2.

During the first quarter of 2014–15, 22 new works approval applications were submitted compared with 29, 36 and 32 in the preceding quarters.

Eight new licence applications were received in the first quarter of 2014–15 and 10 licences were decided, which is twice the number decided in the previous quarter.

The percentage of new licence applications decided within the target time frame remains at 100 per cent.

Figures 1.1 and 1.2 provide a quarterly summary, since the first quarter 2013–14, for major resource project approvals decided by DER, the average time taken to decide applications, and DER's performance in meeting the time frame.

Table 1.1 Major resource project works approval applications

	Q1 2013–14	Q2 2013–14	Q3 2013–14	Q4 2013–14	Q1 2014–15
Carried over from previous quarter	44	23	35	39	35
New	19	32	36	29	22
Granted	40	20	30	33	29
Awaiting Part V action	16	25	35	26	12
Refused	0	0	0	0	0
Withdrawn	0	0	2	0	1
Open at end of quarter	23	35	39	35	27
Percentage decided within target time frame*	92	95	90	94	86
Average time to decide (working days)	48	49	53	50	50

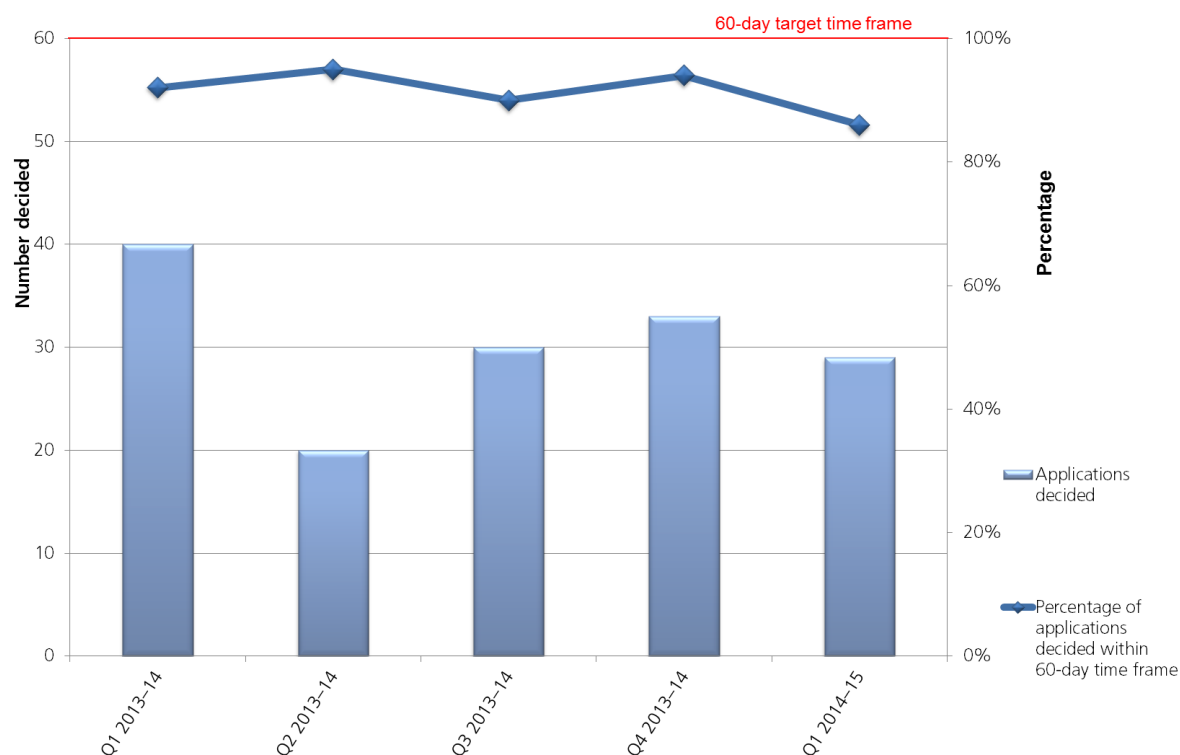
*Target time frame = 100% of works approvals decided in 60 working days.

Table 1.2 Major resource project licence applications

	Q1 2013–14	Q2 2013–14	Q3 2013–14	Q4 2013–14	Q1 2014–15
Carried over from previous quarter	27	22	20	17	17
New	7	5	1	7	8
Granted	11	6	4	5	10
Awaiting Part V action	3	3	0	6	5
Refused	0	0	0	0	0
Withdrawn	1	1	0	2	1
Open at end of quarter	22	20	17	17	14
Percentage decided meeting target time frame*	100	83	100	100	100
Average time to decide (working days)	50	45	43	35	48

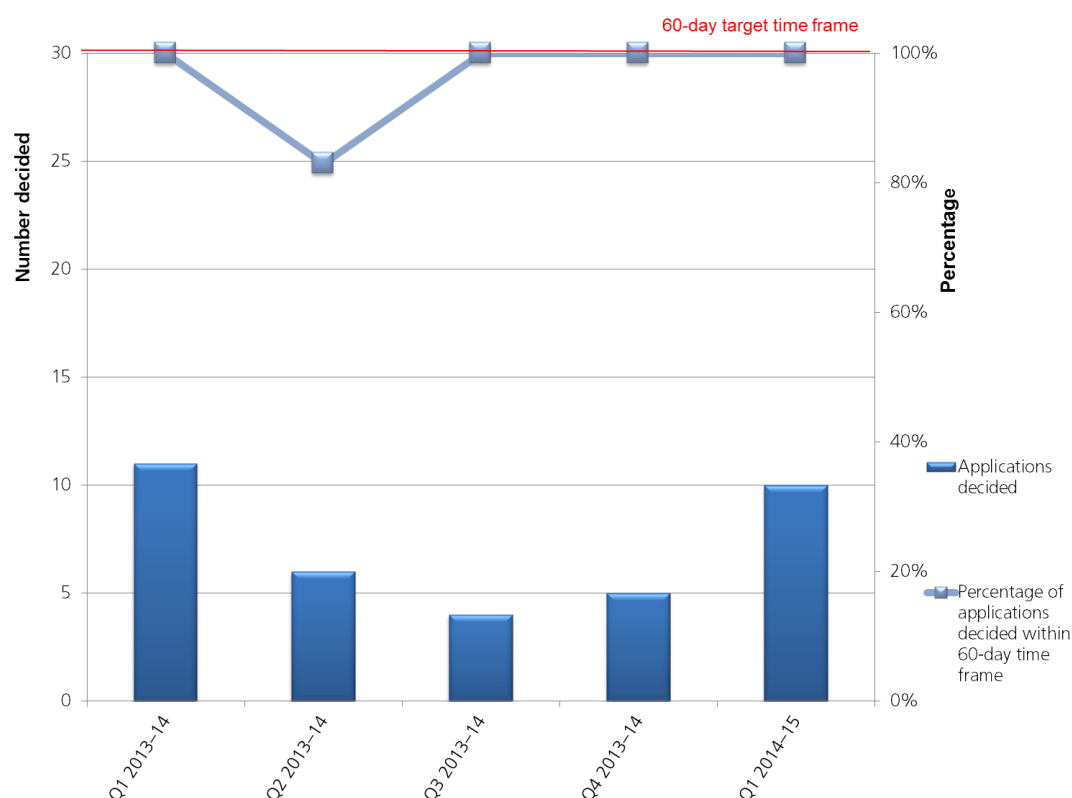
*Target time frame = 100% of licences decided in 60 working days.

Figure 1.1 Summary of major resource projects works approvals



*Target time frame = 100% of works approvals decided in 60 working days.

Figure 1.2 Summary of major resource project licences



*Target time frame = 100% of licences decided in 60 working days.

Other projects

For non-major resource project (other project) approvals, DER has set a target to decide 80 per cent of works approval and licence applications within a 60-working-day time frame.

Twenty-one other project works approval applications were decided by DER in the first quarter of 2014–15. The percentage of new approvals decided within the target time frame slightly increased from 70 per cent to 76 per cent.

The average processing time for other project works approval applications decreased during this quarter to 49 days, compared to 53 days in the previous quarter.

Three other project licences were decided by DER in the first quarter of 2014–15.

Sixty-seven per cent of other project licence applications were decided within the target time frame in the first quarter of 2014–15. This is an increase in percentage from the previous quarter.

The average time to process a licence application decreased during this quarter to 56 days, compared to 74 days in the previous quarter.

The quarterly figures for other project works approval and licence applications are summarised in Tables 1.3 and 1.4, and Figures 1.3 and 1.4.

Table 1.3 Other project works approval applications

	Q1 2013–14	Q2 2013–14	Q3 2013–14	Q4 2013–14	Q1 2014–15
Carried over from previous quarter	27	29	35	43	43
New	21	28	31	24	24
Granted	19	22	20	23	21
Awaiting Part V action	13	19	28	23	23
Refused	0	0	0	0	0
Withdrawn	0	0	3	1	3
Open at end of quarter	29	35	43	43	43
Percentage decided meeting target time frame*	74	91	90	70	76
Average time to decide (working days)	49	37	47	53	49

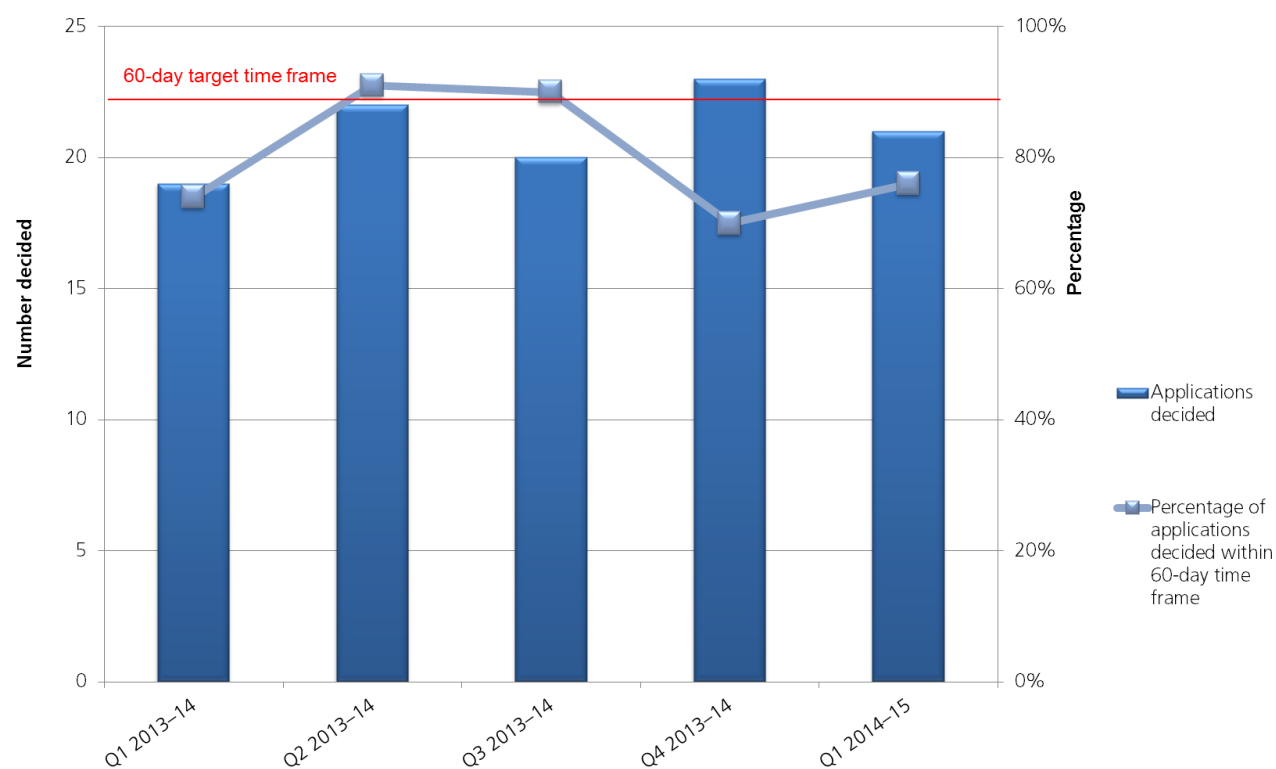
*Target time frame = 80% of works approvals decided in 60 working days.

Table 1.4 Other project licence applications

	Q1 2013–14	Q2 2013–14	Q3 2013–14	Q4 2013–14	Q1 2014–15
Carried over from previous quarter	19	17	16	15	13
New	16	12	7	6	10
Granted	17	11	8	7	3
Awaiting Part V action	9	9	10	4	11
Refused	0	0	0	0	0
Withdrawn	1	1	0	1	0
Open at end of quarter	17	16	15	13	20
Percentage decided meeting target time frame*	88	64	88	57	67
Average time to decide (working days)	39	56	42	74	56

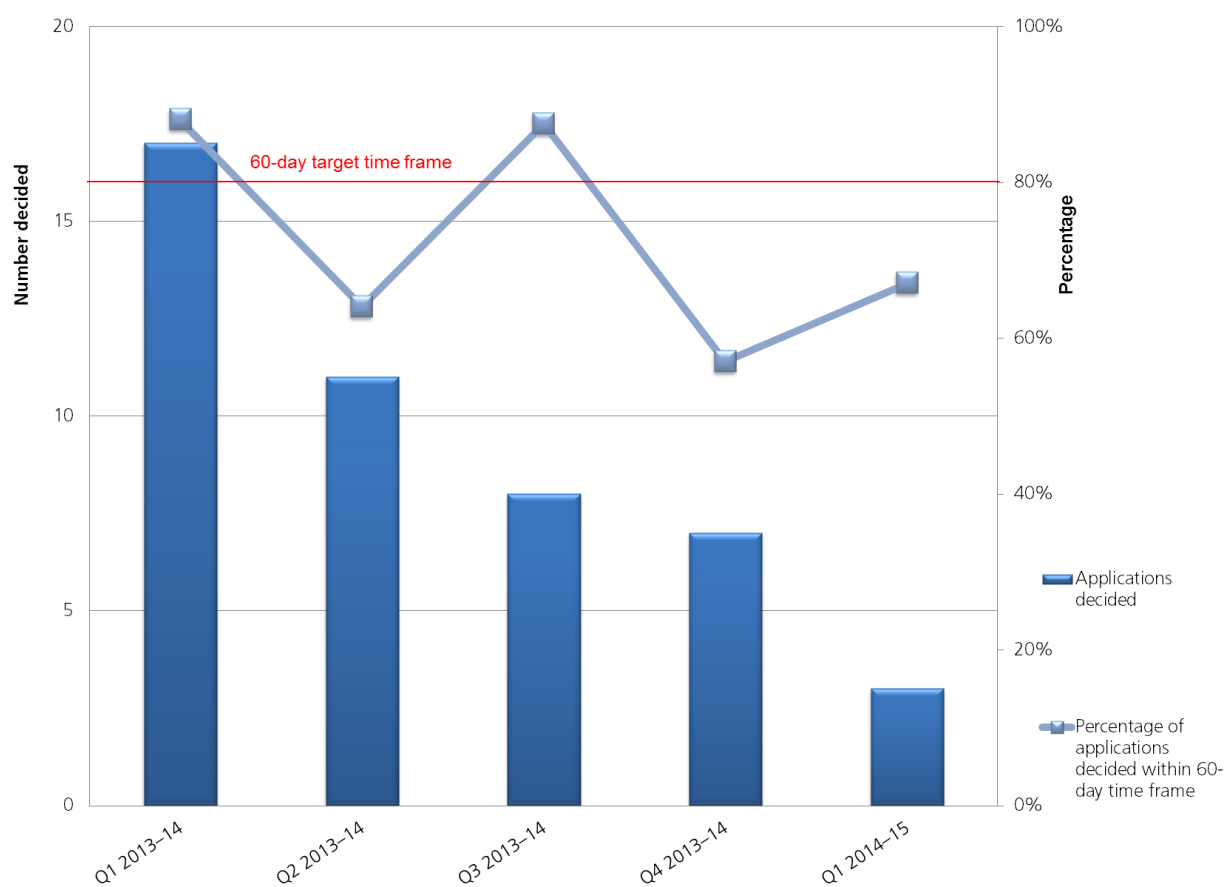
*Target time frame = 80% of licences decided in 60 working days.

Figure 1.3 Other project works approvals



*Target time frame = 80% of works approvals decided in 60 working days.

Figure 1.4 Other project licences



*Target time frame = 80% of licences decided in 60 working days.

2. Native vegetation clearing permits

2.1 Introduction

Clearing provisions

Clearing of native vegetation requires a permit unless an exemption applies.

Under s 20 of the EP Act the Chief Executive Officer (CEO) of DER delegates decision-making on clearing applications to the Department of Mines and Petroleum (DMP) for the following activities:

- an activity under an authority granted, or a requirement imposed, under the *Mining Act 1978*, the *Petroleum and Geothermal Energy Resources Act 1967*, the *Petroleum Pipelines Act 1969* or the *Petroleum (Submerged Lands) Act 1982*; and
- an activity under a government agreement administered by the Department of State Development.

DER's clearing permit system database records the details of all clearing permit applications and decisions made for both DER and DMP, and forms the basis of the published records available on DER's website.

The quantitative information presented in the tables in this report is provided for both DER and DMP. The qualitative information in the text provides information on DER only.

More information on the clearing provisions is available at www.der.wa.gov.au/nvp.

Time frames

Target time frames are 80 per cent of applications to be decided within 60 calendar days of receipt, with 100 per cent of applications to be decided within 90 calendar days.

The time frame commences from the date an application is received and ends on the day a decision is made, excluding the time in 'stop the clock'.

'Stop the clock' may only be used where there is legislative power or requirement to do so, as outlined under the section '[Clearing permits](#)'.

A 'decision made' means an application to clear has been granted, given an undertaking to grant, refused, declined, withdrawn, amended, revoked or suspended.

2.2 Performance

Delivery status

In the first five years of the clearing provisions being contained in the EP Act, the total number of permit applications received annually was consistent at about 600.

The number of applications steadily increased over the ensuing three financial years, with 689 applications received during 2009–10, 758 applications in 2010–11 and 833 applications in 2011–12.

In 2012–13 there was a decrease in the number of applications received to 752 applications, followed by a further decrease in 2013–14 to 674 applications.

DER received 107 clearing permit applications in the first quarter of 2014–15.

The number of open applications at the end of this quarter increased to 145, compared to 124 at the end of the fourth quarter of 2013–14; however, it is less than the 170 open applications at the same time last year.

During this quarter DER made 85 decisions on applications, which is lower than compared to the figure for the fourth quarter of 2013–14, 107 decisions, and 138 decisions at the same time last year.

The average time frame to make a decision was 60 days, which is higher compared with previous quarters of 38 for fourth quarter 2013–14, 52 for the third quarter, and 54 days for the second quarter.

Of the 85 decisions made on applications in the first quarter of 2014–15, 64 clearing permits were granted within an average time frame of 54 days. One application for a clearing permit was refused. Of the remaining applications, 17 were withdrawn and three declined because the applications were not valid.

The ongoing relatively timely delivery of

decisions on average corresponds to the risk-based approach to assessments that is based on sensitivity of the environment, magnitude of impact/s and urgency of the clearing, ongoing monitoring of performance, and continual improvements to processes.

Overall, DER did not meet benchmark time frames this quarter, with 64 per cent of decisions made within 60 days, 93 per cent within 90 days and seven per cent taking longer than 90 days.

Six applications did not meet the 90-day target time frame. Three applications were finalised within 100 days, two within 110 days and one within 120 days. These applications required modifications and further information during the assessment process.

DER is working to improve its performance in deciding clearing permit applications.

Figure 2.1 Number of decisions made by DER and DMP compared to the previous four quarters

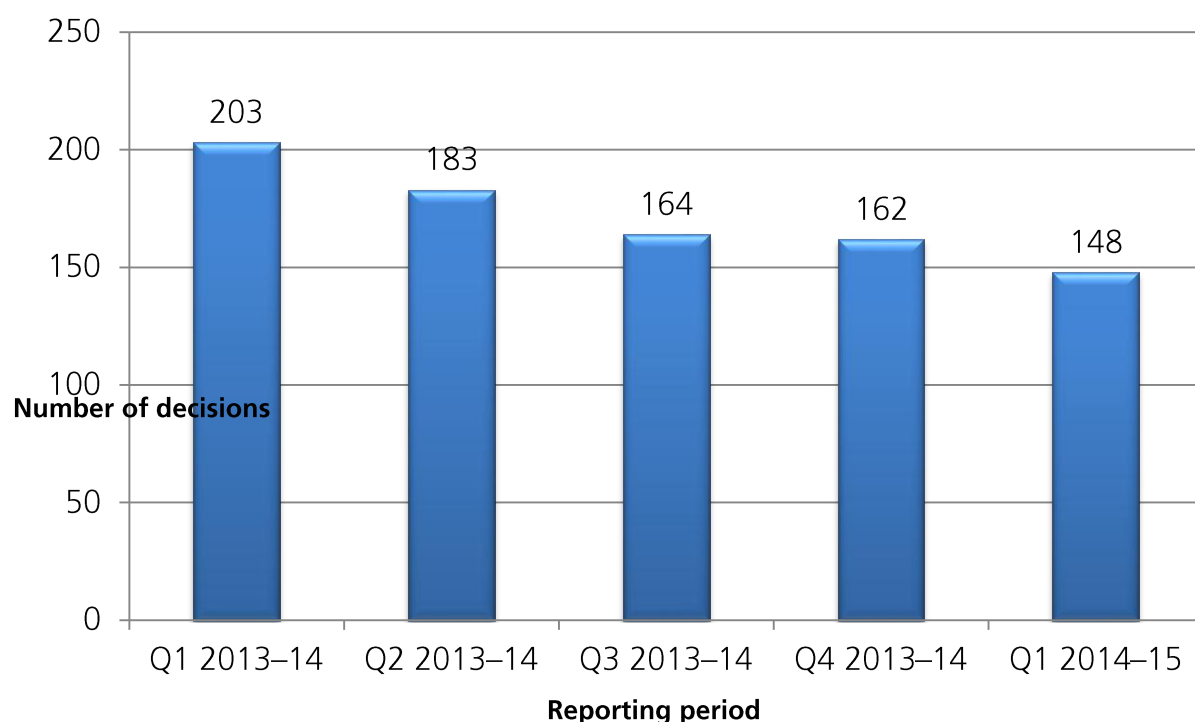


Table 2.1. Number of decisions made in Quarter 1 by DER and DMP by purpose

Purpose	Number of decisions made Q1 2014–15				
	Less than or equal to 60 days	61 to 90 days	91 to 120 days	Greater than 120 days	Total
State development	55	5	1	2	63
Local government	20	10	0	0	30
Utilities	1	1	0	0	2
Agriculture/horticulture/forestry	2	4	0	0	6
Basic raw materials	5	2	0	0	7
Other development	27	9	4	0	40
Total	110	31	5	2	148

Table 2.2 Description of clearing purpose

Purpose	Description
State development	Clearing for purposes of mineral production, mineral exploration, petroleum production, petroleum exploration (for applications administered by DER and DMP) and other state development (including state agreements) administered under delegation by DMP.
Local government	All clearing by local government authorities. This could include purposes such as road construction and maintenance, building or structures and other infrastructure.
Utilities	Clearing by utilities including Water Corporation, Western Power, Horizon Power, Main Roads Western Australia, Verve Energy, Telstra, Alinta Energy, Westnet Rail and the Public Transport Authority. This could include purposes such as infrastructure construction and maintenance, railway construction, road construction and maintenance.
Agriculture/horticulture/forestry	Clearing for the purposes of timber harvesting, plantation, horticulture, grazing and pasture, cropping, drainage, pastoral diversification and aquaculture.
Basic raw materials	Clearing for the purposes of extractive industry (e.g. sand and gravel extraction).
Other development	All other purposes not listed above, including buildings or structures, industrial, landscaping, fire hazard reduction, geotechnical investigations and fence line maintenance.

Clearing permits

Tables 2.3 and 2.4 show the number of decisions that have been made on clearing permit applications by DER and DMP, including the percentage of applications that were decided within target time frames.

Statistics are given on how many decisions were subject to 'stop the clock', and the mean time (in days) that applications were in 'stop the clock'.

'Stop the clock' may only be used where there is a legislative power or requirement to do so as follows.

'Stop the clock'—waiting on applicant

This status is assigned when an initial assessment has been undertaken and, based on the outcome of assessment, significant environmental or planning issues have been raised such that before making a decision the CEO requires further information under s 51E(1)(d) of the EP Act.

Further information includes where the CEO advises the applicant that a final decision will be deferred until the

applicant is able to provide evidence of planning or other relevant approvals.

This status is also assigned when the applicant requests in writing that the process be put on hold.

'Stop the clock'—decision pending

This status is assigned when the CEO, based on an initial assessment, considers that the application raises such significant environmental, planning or other relevant issues it is likely to be refused.

In accordance with principles of natural justice the CEO provides an opportunity for the applicant to respond for a period of at least 30 days.

'Stop the clock'—referred to the Environmental Protection Authority (EPA)

This status is assigned when DER/DMP have been notified by the EPA that a proposal has been referred and that DER or DMP is constrained from making a decision that could implement the proposal or a related proposal under ss 41 and/or 51F of the EP Act.

Table 2.3 Time frame data for DER applications/decisions

CATEGORY—DER	Q1 2013–14	Q2 2013–14	Q3 2013–14	Q4 2013–14	Q1 2014–15
No. of applications carried over from previous periods	162	171	132	128*	123*
No. of applications received	146	104	115	103	107
No. of decisions that were subject to 'stop the clock'	64	61	73	53	53
Average time in 'stop the clock' for decisions in days	149	111	126	131	158
Average time for decision in days (excluding time in 'stop the clock')	53	54	52	38	60
No. decisions on applications	138	140	117	107	85
No. of outstanding applications at end of quarter	170	135	130	124	145
Percentage of applications that were finalised within benchmark time frame					
60 days (80% of applications finalised)	53	60	61	63	64
90 days (100% of applications finalised)	96	97	94	94	93
>90 days	4	3	6	6	7

*This figure is not the same as the outstanding applications at the end of the previous quarter due to first quarter data correction.

Table 2.4 Time frame data for DMP applications/decisions

CATEGORY—DMP	Q1 2013–14	Q2 2013–14	Q3 2013–14	Q4 2013–14	Q1 2014–15
No. of applications carried over from previous periods	48	30	37	37	49
No. of applications received	48	44	47	67	63
No. of decisions that were subject to 'stop the clock'	33	26	25	41	38
Average time in 'stop the clock' for decisions in days	37	34	16	32	24
Average time for decision in days (excluding time in 'stop the clock')	57	48	39	54	47
No. decisions on applications	65	43	47	55	63
No. of outstanding applications at end of quarter	31	31	37	49	49
Percentage of applications that were finalised within benchmark time frame					
60 days (80% of applications finalised)	75	86	79	87	86
90 days (100% of applications finalised)	90	98	100	100	97
>90 days	10	2	0	0	3

Figure 2.2 Number of decisions made compared to target time frames in the previous four quarters

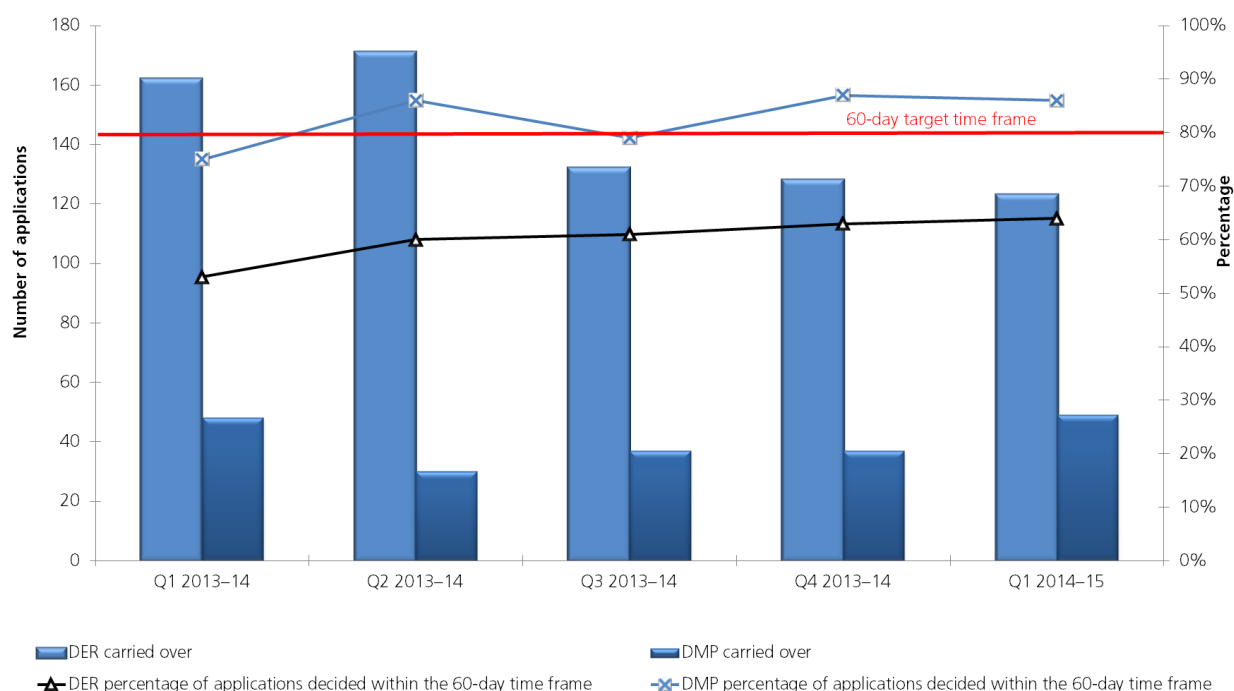


Table 2.5 Decisions subject to 'stop the clock'*

'Stop the clock' decisions	DMP		DER		Overall	
	Number of decisions	Average days per decision	Number of decisions	Average days per decision	Number of decisions	Average days per decision
Total/average	38	24	53	156	91	102

* The total/average values in Table 2.5 may not match the total/average values shown in Table 2.6 because a decision may be the subject of more than one reason for an incident of 'stop the clock'.

Figure 2.3 Average time in 'stop the clock' compared to the previous four quarters

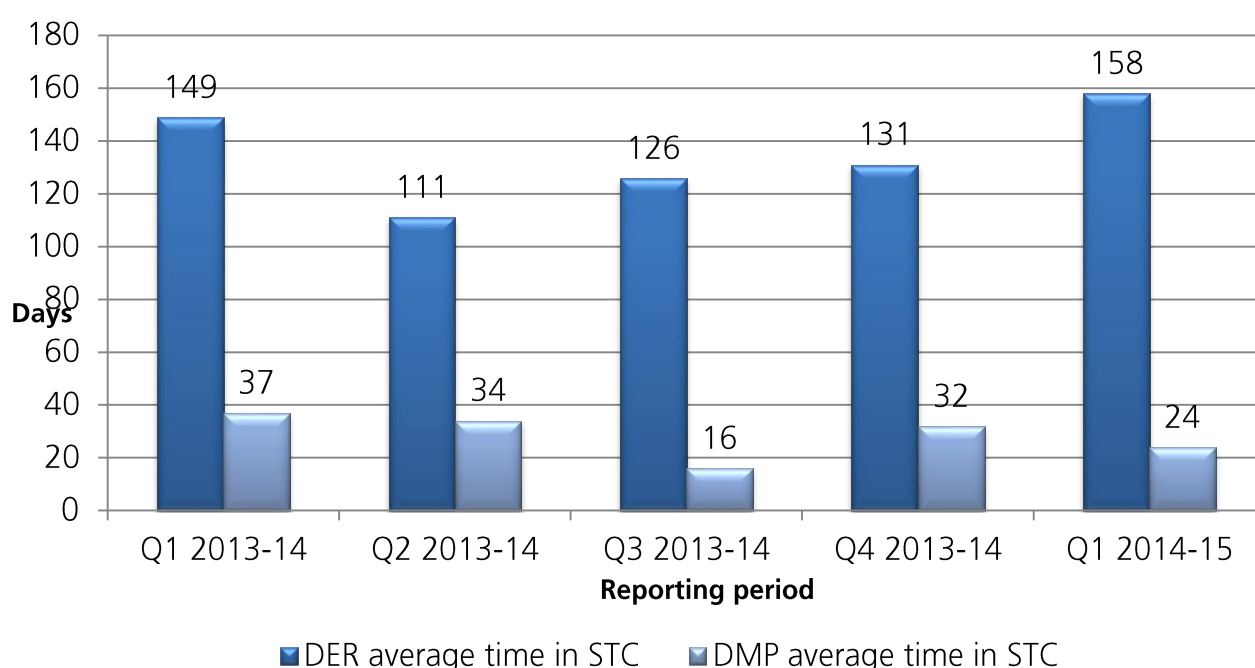


Table 2.6 Breakdown of reasons for 'stop the clock' by number of incidents, and average days per incident*

'Stop the clock' reasons	DMP		DER		Overall	
	Number of decisions	Average days per decision	Number of decisions	Average days per decision	Number of decisions	Average days per decision
Waiting on applicant	38	24	44	106	82	68
Decision pending	0	0	14	261	14	261
Referred to EPA	0	0	1	28	1	28
Total/average	38	24	59	142	97	95

* The total/average values in Table 2.6 may not match the total/average values shown in Table 2.5 because a decision may be the subject of more than one reason for an incident of 'stop the clock'.

3. Contaminated sites

3.1 Introduction

Under the *Contaminated Sites Act 2003* (the CS Act), DER classifies 'known or suspected contaminated sites' reported to it, in consultation with the Department of Health (DoH).

The CS Act commenced on 1 December 2006 and introduced mandatory reporting of 'known or suspected contaminated sites'. Owners and occupiers of such sites, any person who caused or contributed to the contamination, and contaminated sites auditors engaged to report on such sites have a duty to report known contaminated sites within 21 days, and suspected contaminated sites as soon as practicable.

As a transitional provision, the CS Act provided a six-month 'period of grace' from its commencement, during which penalties for not reporting within the required time frames did not apply. This 'period of grace' for reporting historical sites expired on 31 May 2007.

By 30 September 2014, DER had received 3,511 reports of known or suspected contaminated sites (also referred to as 'Form 1s') since the CS Act commenced. Of the total number of reports, 57 per cent were received over the three-month period April to June 2007.

Reporting of sites continues with an average of 13 reports being received each month.

After receiving a report of a 'known or suspected contaminated site' DER, in consultation with DoH, assigns one of seven possible classifications (set out in

Schedule 1 of the CS Act) to the site based on the risk the contamination poses to human health and the environment.

3.2 Performance

Fifty sites were reported in the first quarter of 2014–15 (see Table 3.1 and Figure 3.1).

By 30 September 2014, a total of 2,841 sites had been classified (made up of 19,669 individual lots or land parcels) under the CS Act (see Figure 3.2).

A total of 97 sites were classified in the first quarter of 2014–15.

Under the CS Act, sites must be classified within 45 days of receiving the report, unless there are particular circumstances that make it necessary to extend the time.

The most common reason DER extends the classification time frame is because a proponent requests it and informs DER that investigation of the site is underway, but that the resulting technical report (which will inform the appropriate classification category) is not yet complete.

If DER decides to extend the classification time frame, DER must give written notice of its decision, within 45 days of receiving the report, to all parties who must be notified of the site classification (that is, owners and occupiers of the site, relevant public authorities such as the Western Australian Planning Commission and local government authority, the person who reported the site, each person who may be responsible for remediation, and

any other person whom there is particular reason to notify).

Due to the very large peak in the number of sites reported over the period April to June 2007, the former Department of Environment and Conservation (DEC) was unable to classify all the 'peak period' sites within the statutory 45-day time frame, and it

is likely to take a number of years to process this backlog.

DEC prioritised classification of the 'peak period' sites, based on a screening review of the information submitted. Priority was accorded to sites where the available information indicated there may be an immediate or serious risk to human health or the environment that was not being appropriately managed.

Table 3.1 Form 1s processed by quarter

	Q1 2013–14	Q2 2013–14	Q3 2013–14	Q4 2013–14	Q1 2014–15
Carried over from previous quarter	9	18	23	9	11
New form 1s received	41	49	31	31	50
Processed within statutory 45 days	32	44	45	29	47
Open at end of quarter*	18	23	9	11	14
Exceeding statutory 45 days	0	0	0	0	0

* Form 1s received in the last four weeks of quarter still within statutory 45 days, which will be processed in the next quarter.

Mandatory auditor's reports

Mandatory auditor's reports (MARs) are required under the CS Act for some sites. For example, MARs may be required where:

- a site is a source of contamination that has moved off-site to affect other properties;
- a site is subject to a regulatory notice; or
- investigation and remediation is conducted to comply with a planning or Ministerial condition.

Some MARs are reviewed only by DER (apart from routine consultation with DoH as part of the classification process). For other MARs, DER requires specialist technical advice from other agencies before processing of the MAR can be completed (for example, where

asbestos or radiological contamination is present, or where a quantitative human health risk assessment was undertaken).

DER received 18 MARs in the first quarter of 2014–15 and 18 MARs were processed. In addition, five MARs carried forward from the previous reporting period were processed, bringing the total number of MARs processed within this period to 23.

The average processing time for MARs reviewed by DER only was 22 days, exceeding DER's 21-day target by one day. The average processing time for all MARs completed during this reporting period was 32 days, exceeding DER's 21-day target (three weeks).

DER continues to explore opportunities with other agencies to improve processing times.

Table 3.2 MAR review performance by quarter

	Q1 2013–14	Q2 2013–14	Q3 2013–14	Q4 2013–14	Q1 2014–15
MARs received	10	15	6	17	18
MAR reviews completed	10	11	9	13	23
MARs carried forward	5	9	6	10	5
Average processing time (days)	24	36	31	31	32
MARs processed by DER only	7	4	6	6	13
Average time for MARs processed by DER only (days)	18	15	26	17	22

Figure 3.1 Number of sites reported and classified each period

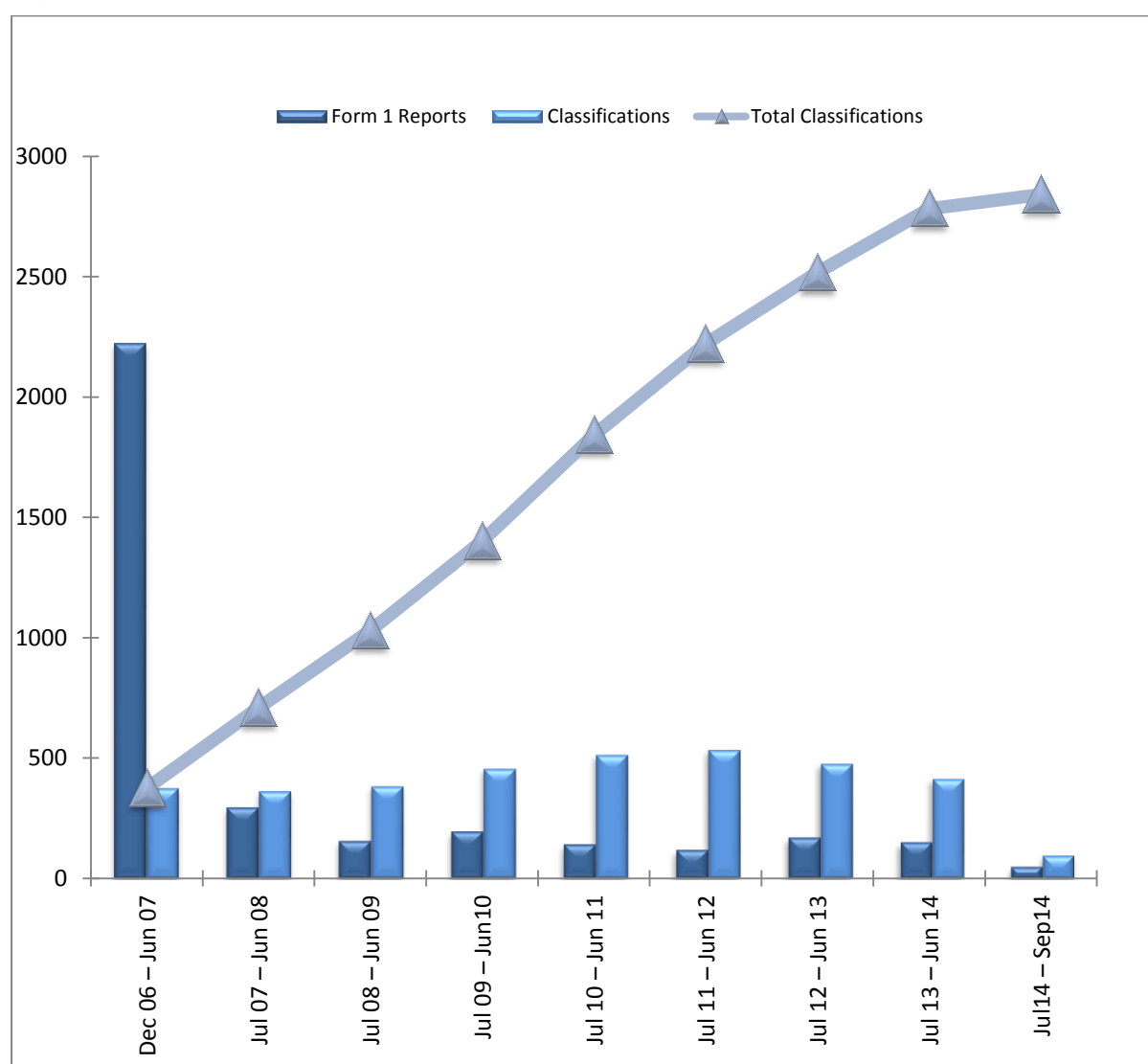
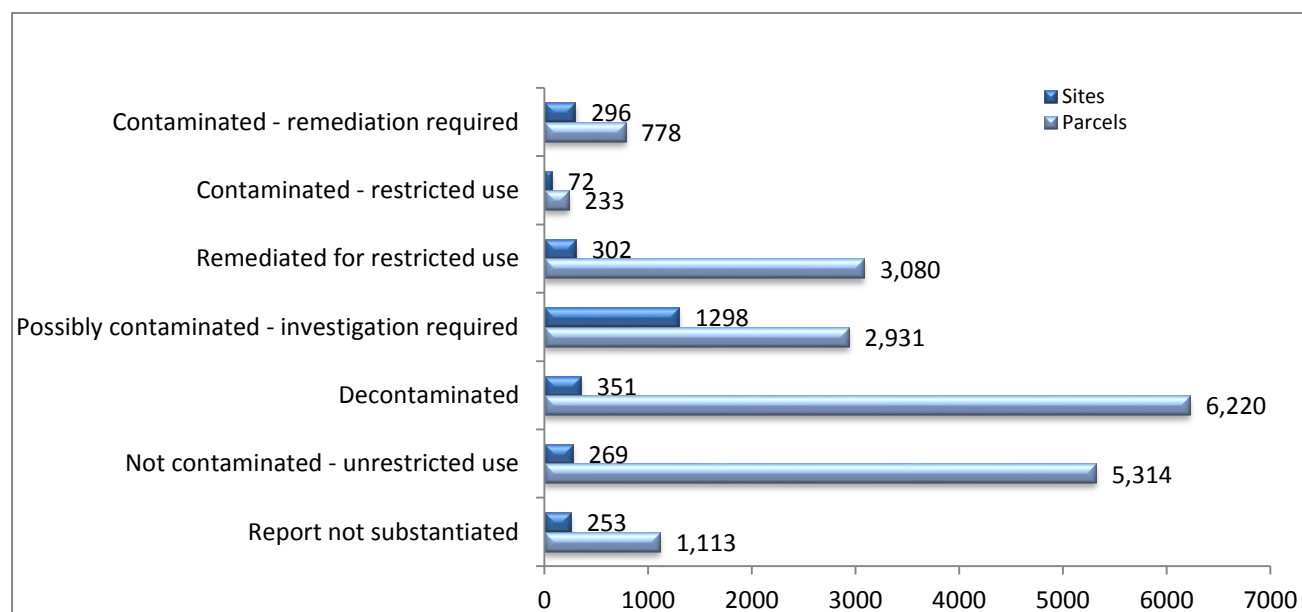


Figure 3.1 shows the number of sites reported and classified each financial year until June 2014, and quarterly since July 2014, as well as the steady increase in the total number of classified sites at the end of each period.

Contaminated sites—Quarter 1 2014–15

Figure 3.2 Distribution at 30 September 2014 of classified sites and parcels across the seven classification categories



4. Environmental compliance

4.1 Introduction

DER's planned compliance activities are coordinated through its Annual Compliance Program (the program).

There have been some changes to the 2014–15 program with the inclusion of dedicated waste and native vegetation

compliance programs, and removal of the special risk inspection program.

The program commenced on 1 July 2014 and incorporates the five compliance streams outlined in Table 4.1.

Table 4.1 2014–15 Annual Compliance Program

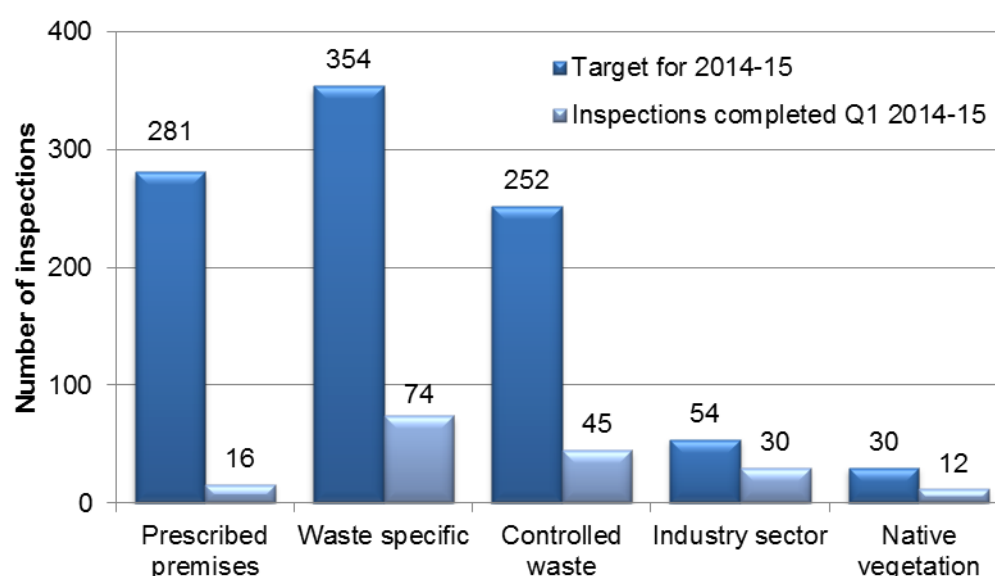
Program	Scope
Regional prescribed premises compliance program	Assessing compliance with Part V of the EP Act.
Waste compliance program	Targeted compliance at landfills and associated waste industries.
Controlled waste compliance program	Assessing compliance with the <i>Environmental Protection (Controlled Waste) Regulations 2004</i> .
Industry sector compliance program	Assessing compliance with various regulations administered by DER.
Native vegetation compliance program	Assessing compliance with the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> .

4.2 Performance

A total of 971 proactive inspections are planned for the 2014–15 financial year.

Progress to date against this target is outlined in Figure 4.1.

Figure 4.1 Inspections completed in Quarter 1 2014–15



Progress report—Annual Compliance Program 2014–15

All compliance programs have commenced, with 18 per cent of the targeted inspections completed to date. More information on individual programs is outlined below.

Regional prescribed premises program

The regional prescribed premises program sets inspection targets for DER's prescribed premises across the state (excluding registered premises).

A total of 333 prescribed premises inspections are planned for the financial year; 52 of these are included under the dedicated waste compliance program.

During the first quarter of 2014–15, DER completed 17 (six per cent) of planned inspections; 16 under the prescribed premises program and one under the waste compliance program.

Waste compliance program

A dedicated waste compliance team was established within the Department to focus on enhancing environmental performance at landfills and associated waste facilities.

The program assesses compliance with the EP Act, the *Waste Avoidance and Resource Recovery Levy Act 2007* and associated legislation.

A total of 354 inspections is planned for the waste compliance team, 52 of these being prescribed premises inspections as outlined above.

Seventy four inspections (21 per cent) were completed during the first quarter of 2014–15.

Controlled waste regulation

The purpose of the *Environmental Protection (Controlled Waste) Regulations 2004* (the CW Regulations) is to ensure the safe and authorised transportation of controlled waste on public roads in Western Australia.

The CW Regulations place obligations on controlled waste generators, carriers, drivers, and disposal sites. DER is responsible for assessing applications of new controlled waste carrier, vehicle and driver licences.

In the first quarter of 2014–15, 149 applications were assessed within the 30-day statutory time frame.

Controlled waste compliance program

The controlled waste compliance program focuses on assessing obligations of controlled waste carriers, drivers and disposal sites in accordance with licence conditions and the general provisions of the CW Regulations.

For the first quarter 2014–15, DER completed 18 per cent of planned controlled waste inspections.

Table 4.2 Controlled waste compliance program

	Target	Actual	% Achieved
General inspections	100	44	44
Controlled waste disposal sites	40	1	3
Targeted—controlled waste industry	112	0	0
Total	252	45	18

Industry sector compliance program

The industry sector compliance program incorporates the compliance streams outlined in Table 4.3.

Table 4.3. Industry sector compliance program

	Target	Actual	% Achieved
Category 67A compost manufacturing and soil blending compliance program ¹	28	28	100
Ports compliance program	26	2	8
Abrasive blasting and metal coating regulations compliance program	Industry consultation		
Used tyre regulation framework	This program is proposed to commence in the third quarter of 2014–15		
Total	54	30	55

¹ One composting premises was removed from the program due to ongoing investigations.

Category 67A compost manufacturing and soil blending compliance program

Premises undertaking compost manufacturing and soil blending in excess of 1,000 tonnes per year are managed by the Department as prescribed premises under Category 67A of Schedule 1 Part 1 of the *Environmental Protection Regulations 1987*.

A targeted compliance program was developed to assess industry compliance with licence conditions and the general provisions of the EP Act.

The program has been completed, with 28 inspections (100 per cent) undertaken in the first quarter of 2014–15.

Ports compliance program

The ports compliance program assesses compliance against licence conditions and the general provisions of the EP Act at port facilities across the state and is aligned with the regional prescribed premises program.

The program commenced in the first quarter of 2014–15 and two inspections have been completed.

Abrasive blasting and metal coating regulations compliance program

The *Environmental Protection (Abrasive Blasting) Regulations 1998* and the *Environmental Protection (Metal Coating) Regulations 2001* place obligations on operators of premises undertaking these processes.

The primary purpose of these regulations is to provide for the protection of the environment from actual or potential discharges resulting from these operations.

Industry guidelines for these regulations were developed in the 2013–14 period, and industry consultation for the guidelines will be undertaken in the second quarter of 2014–15.

Used tyre regulation framework

This compliance assessment is part of a wider departmental initiative examining the effectiveness of the current used tyre regulatory framework.

The compliance program will assess used tyre transportation, storage and processing as well as review existing overarching policies.

This program is proposed to commence in the third quarter of 2014–15.

Native vegetation compliance program

The native vegetation compliance program consists of three compliance streams:

- compliance with offsets required under approved clearing permits (the offsets program);
- compliance with vegetation conservation notices (VCNs) (the VCN program); and
- compliance with refused permit notifications.

Thirty inspections or desktop assessments are planned under the three compliance streams.

During the first quarter of 2014–15, nine desktop assessments and three site inspections were undertaken as part of the offsets program.

The offsets program will be completed during the second quarter of 2014–15, and the VCN program will commence in the second quarter.

Other compliance activities

Statutory submissions

Three hundred and ninety-one Annual Environmental Reports (AERs) and Annual Audit Compliance Reports (AACRs) were due to be submitted to DER during the first quarter of 2014–15.

Three hundred and twenty-two AERs and AACRs (82 per cent) were received.

Environmental scans

This program was established to assess industrial premises across regional areas against the general provisions of the EP Act and any subsidiary legislation, and to promote improvements in general environmental management practices.

DER completed three environmental scans in the first quarter of 2014–15.

5. Environmental enforcement

5.1 Introduction

This section summarises the performance of DER in delivering its role of regulator enforcing Western Australia's major environmental legislation: the *Environmental Protection Act 1986*, *Contaminated Sites Act 2003*, and *Waste Avoidance and Resource Recovery Act 2007*.

The statistical data appearing in this section are obtained from DER's Incident and Complaint Management System (ICMS), a tool designed to record complaints and incidents and provide a case management framework through which investigations are conducted, and enforcement outcomes are decided.

An enforcement action is an activity undertaken by DER during the investigation process. Enforcement actions include enforcement sanctions, emails, further investigations, letters,

licence reviews, phone calls, prescribed actions, provision of advice, site inspections and site visits.

The information presented in this section is a summary prepared from more detailed reports. If required, more detailed information may be made available through DER's Environmental Enforcement Senior Analyst.

Note: The categorisation of complaints and incidents is under review. Categories and subcategories of matters will vary from previous reports. A complaint is a report made to DER by a member of the public of an environmental event. This includes events such as unreasonable emissions of dust, odour and noise, pollution, and illegal dumping of waste.

5.2 Performance

Table 5.1 Environmental complaints/incidents by DER region*

Region	Q2 2013–14		Q3 2013–14		Q4 2013–14		Q1 2014–15	
	Complaint	Incident	Complaint	Incident	Complaint	Incident	Complaint	Incident
Goldfields	3	55	9	102	8	70	5	30
Greater Swan	177	190	236	157	337	95	203	84
Indian Ocean Territories (IOT)	1	6	1	7	0	5	0	2
Midwest	8	40	4	30	7	16	4	21
North West	7	83	12	78	24	211	32	24
Perth	81	125	84	125	112	164	98	216
South Coast**	19	54	22	106	16	48	11	26
Total	296	553	368	605	504	609	353	403

*DER regional boundaries changed on 1 March 2014; figures associated with the former regional boundaries are incorporated in the new regional boundaries.

Figure 5.1 Analysis—complaints, incidents and sanctions over previous four quarters

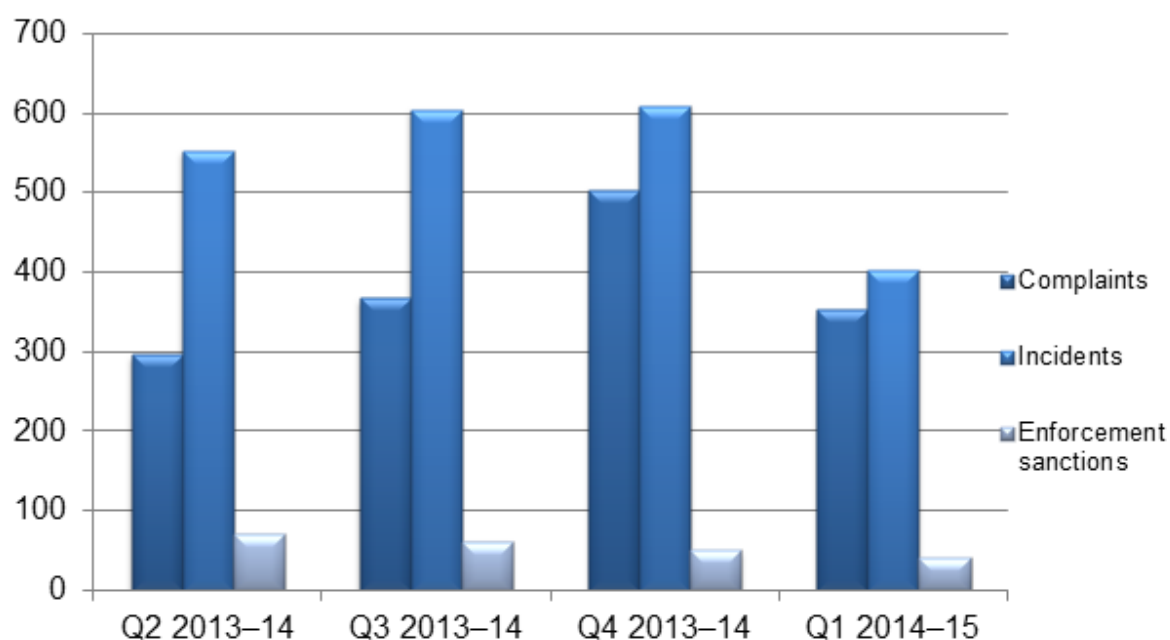
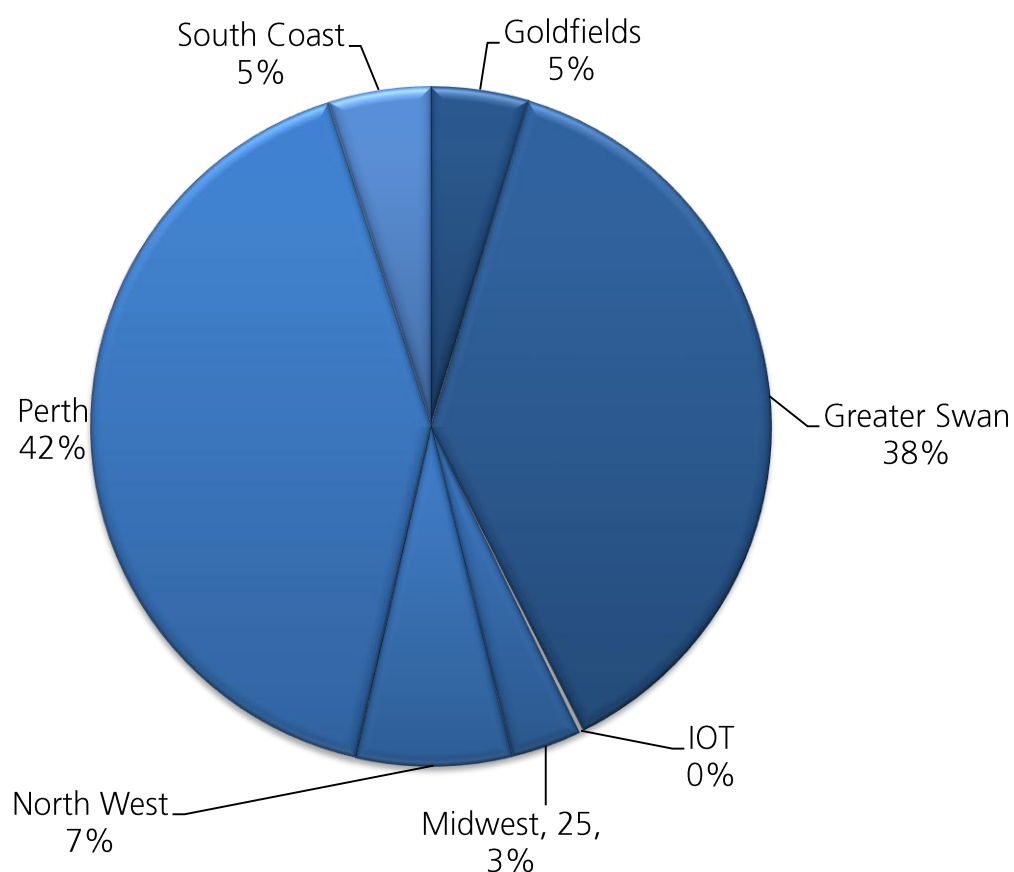


Table 5.2 Environmental complaints/incidents reported by sub-category, Q1 2014–15

Category	Complaints/Incidents	Enforcement actions undertaken
Clearing of native vegetation	33	27
Burning	0	
Cutting	30	
Draining	0	
Grazing	0	
Poisoning	1	
Unspecified	2	
Compliance	207	72
Clearing permit	3	
Industry licence	160	
Industry registration	1	
Proactive compliance	17	
Statutory notice	1	
Works approval	9	
Unspecified	16	
Contaminated sites	4	5
Controlled waste	29	15
Disposal site	11	
Unauthorised disposal	6	
Unauthorised transport	4	
Waste generator	0	
Unspecified	8	
EP licence breach	73	31
Condition Breach – Late Report	18	
Condition Breach – Licence Limit	4	
Condition Breach – Reporting Condition	11	
Condition Breach – other	17	
Unspecified	23	
Emission	404	160
Air quality	11	
Dumping waste	27	
Dust	44	
Hazardous material	17	
Light	7	
Liquid waste	59	
Noise	33	
Odour	96	
Pesticide	4	
Smoke	17	
Solid waste	10	
Unauthorised discharge	49	
Unspecified	30	

Category	Complaints/Incidents	Enforcement actions undertaken
Landfill levy	3	14
Non-payment of levy	3	
Threat/Aggression/Assault ¹	3	1
Risk rating: Moderate	2	
Risk rating: Low	1	
Other	0	0
TOTAL	756	325

Figure 5.2 Complaints and incidents received by DER region, Q1 2014–15



¹ Incidents where a DER employee is assaulted or subject to threatening or aggressive behaviour

Figure 5.3 Complaints and incidents as percentages, Q1 2014–15

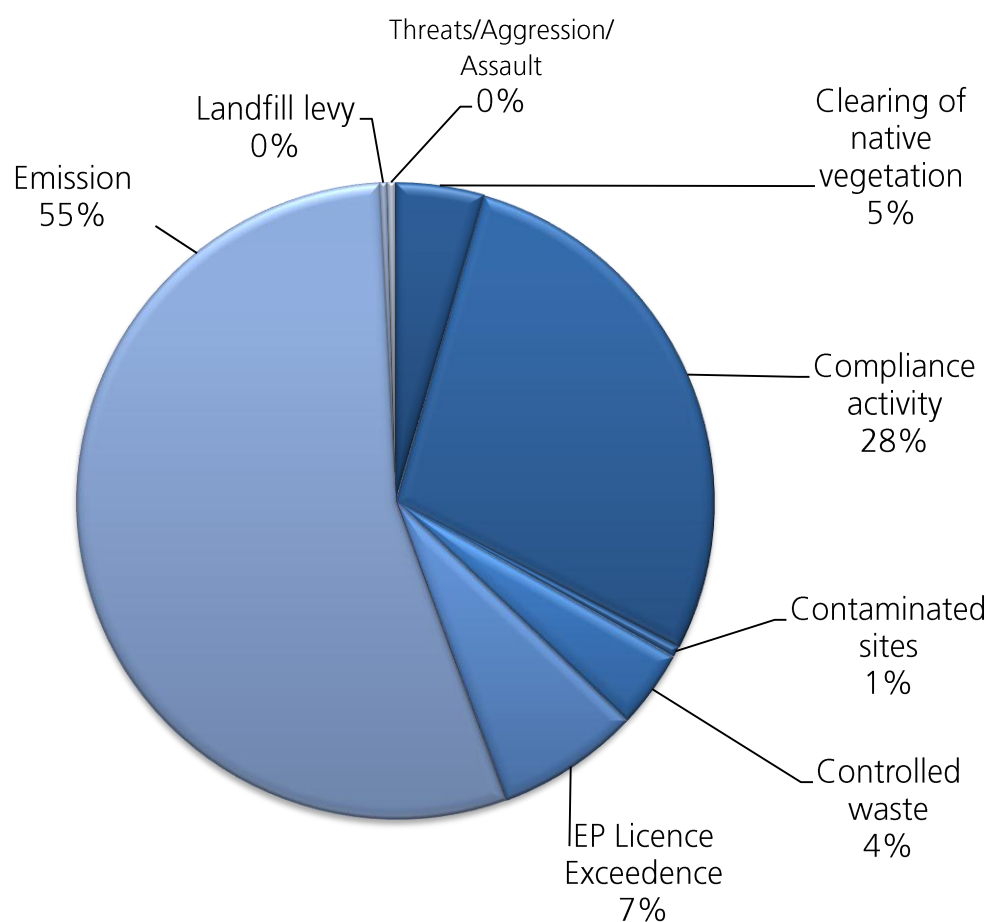


Table 5.3 Enforcement sanctions undertaken in the previous four quarters¹

Type of action	Q1 2013–14	Q2 2013–14	Q3 2013–14	Q4 2013–14	Q1 2014–15
Environmental field notice (EFN) ²	41	42	37	19	0
Environmental protection notice (EPN) ³	1	1	0	0	0
Infringement notices ⁴	5	5	4	0	6
Stop work order ⁵	0	0	0	0	0
Letter of warning ⁶	10	12	11	25	32
Statutory direction/notice ⁷	1	0	2	0	0
Modified penalty ⁸	0	0	0	0	0
Prosecutions					
Prosecutions commenced ⁹	3	4	3	0	0
Pending prosecutions		10	9	11	9
Current prosecutions before the court		9	6	4	3

¹ Quarters 4 for 2010–11, 2012–13 and 2012–13 include actions/sanctions undertaken by the Swan River Trust (SRT). Following machinery of government changes and the establishment of DER on 1 July 2013, fourth quarter figures for 2013–14 do not include actions/sanctions undertaken by SRT.

² An environmental field notice is a non-statutory written notice of an offence. An EFN instructs the recipient to take immediate remedial actions.

³ An environmental protection notice is a statutory notice issued pursuant to section 65 of the *Environmental Protection Act 1986*.

⁴ An infringement notice is a modified penalty for an alleged offence requiring the payment of a fine or election to have the matter heard in court.

⁵ A stop work order is a statutory order made by the Minister pursuant to section 69 of the *Environmental Protection Act 1986*.

⁶ A letter of warning is a non-statutory notice to an offender that a legislative breach has occurred and been noted on record.

⁷ A statutory direction/notice is a written direction requiring certain action be taken or ceased within a specified time; for example, a pollution prevention notice.

⁸ A modified penalty is a statutory notice that an offence has occurred and that, in the opinion of DER, the offence has met the prescribed legislative requirements to minimise and remedy the environmental impact.

⁹ A DER prosecution action commences when a complaint is made (or sworn) that an entity has committed an offence under the legislation.

Table 5.4 Enforcement actions undertaken by corresponding financial year quarter

Type of action	Number of actions undertaken by quarter ^{1,2}			
	Q1 2011–12	Q1 2012–13	Q1 2013–14	Q1 2014–15
EFR	80	41	41	0
EPN	1	2	1	0
Further investigations	109	169	159	114
Infringement notices	21	21	5	6
Letter of warning	1	7	14	32
Licence review/amendment ³	7	6	10	2
Modified penalty brief	2	2	6	0
Prescribed action ⁴	5	1	1	1
Prosecution	5	0	1	0
Site inspection	22	17	8	80
Site visit	67	83	42	92
Statutory direction/notice	3	0	7	0
Stop work order	2	0	1	0

¹ Quarters 1 for 2011–12, 2012–13 and 2012–13 include actions/sanctions undertaken by the Swan River Trust (SRT). Following machinery of government changes and the establishment of DER on 1 July 2013, Quarter 1 figures for 2013–14 do not include actions/sanctions undertaken by SRT.

² Emails and phone call data are no longer reported.

³ DER may amend or revoke an existing licence for the conservation, preservation, protection, enhancement and management of the environment.

⁴ A prescribed action is any physical intervention undertaken by DER to remedy a breach of legislation or when undertaking remedial action. If this occurs, the occupier or polluter may be pursued for the cost of the clean-up. Such action will be taken only where authorised by legislation and in accordance with that legislation.

Table 5.6 Native vegetation regulation activity, Q1 2014–15

Activity	Number
Vegetation conservation notice (VCN) ¹	1 (42 Active)
Clearing applications	107
Clearing approvals	64
Letters of warning	7
Prosecutions	0

¹ A vegetation conservation notice is a statutory notice given under s 70 of the EP Act when the CEO of DER suspects, on reasonable grounds, that unlawful clearing of native vegetation is likely to take place, is taking place, or has taken place on the land.

6. Contact details

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6.2 Quarterly reports

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