



Government of Western Australia
Department of Water and Environmental Regulation

Regulatory Performance Report 2022–23

Quarter 3





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Key statistics at a glance - Quarter 3

820	Licence and permit applications finalised
35	Form 1 reports of known or suspected contamination classified
282	Responses to requests for land use planning advice
10	Mandatory auditor’s reports under the Contaminated Sites Act 2003 finalised
1368	Reports to Pollution Watch received
118	Environmental inspections and audits undertaken
60	Convictions recorded and infringements issued
5	Referred proposals determined to be formally assessed by the EPA
4	EPA reports published under s. 44 which met the assessment timeline

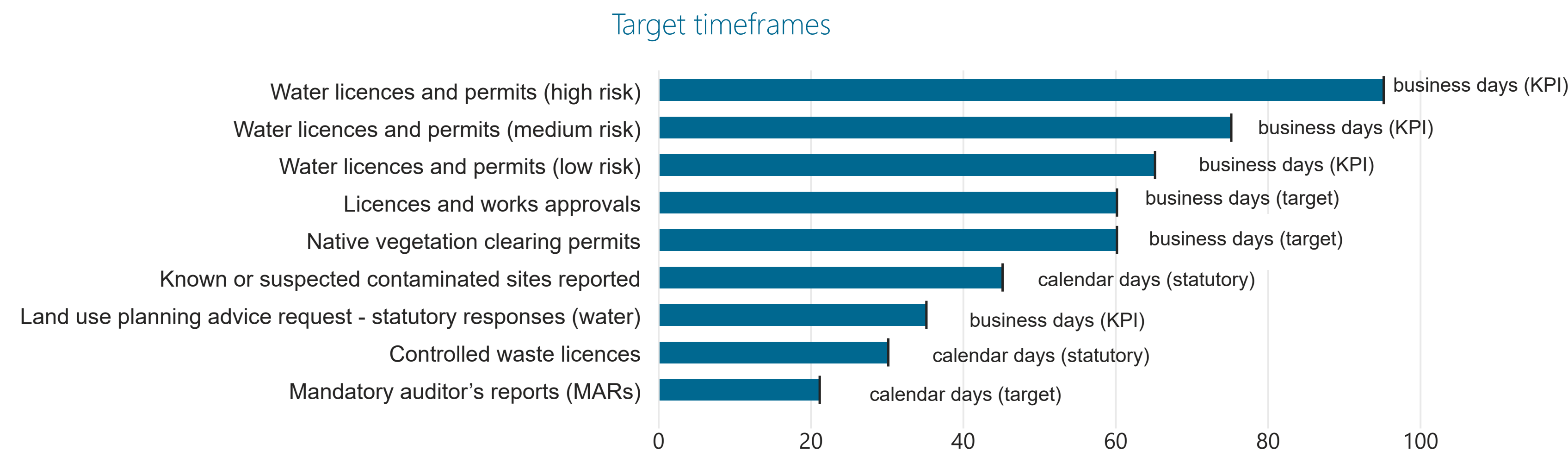
Performance improvement highlights

- **Streamline WA** reduced reporting burden pilot completed.
- Environmental impact assessments can now be managed online via **Environment Online**.
- Cross-government **Green Energy Approvals** initiative supported by the appointment of a dedicated Executive Director Green Energy.
- Progress towards **Environmental Regulation Reform** with the Strategic Review of Regulatory Delivery and Fees for industry regulation undergoing its public consultation phase.
- Improved **Regulatory Capability** via implementation of enhanced recruitment processes and Graduate Program.



How we measure our regulatory performance

The Department of Water and Environmental Regulation (DWER) measures its timeliness performance consistent with established Key Performance Indicators and statutory timeframes relevant for DWER’s application processes. Unless specified in specific KPIs or statutory timelines, DWER applies a performance target of 80% of applications assessed within target timeframes.



Stop the clock

In certain circumstances, 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 may be placed on hold during assessment. The period while the application is on hold (referred to as ‘stop the clock’) does not count towards the DWER’s target timeframes.

DWER 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, DWER 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. DWER will not ‘stop the clock’ when waiting for requested advice or information from any another government department or agency.

How we manage open applications

DWER monitors and reports on the number of open applications to ensure we are 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, DWER will respond with specific actions to reduce the number of applications back to below trigger levels.

Water - DWER manages 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 - Industry regulation manages to a trigger level of no more than 20% of open licensing applications with assessment times greater than 60 business days. This excludes applications under “stop the clock”.

DWER is taking action to reduce the number of open applications exceeding the target assessment timeframe of 60 business days, including the consolidation of amendment applications (where appropriate) which results in multiple open applications being closed as an outcome of a single decision.

Risk assignment

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 by DWER. 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.

DWER is progressing a common risk framework across water and environmental approvals. DWER’s performance reporting will progressively reflect implementation of the risk framework once developed.

Providing support to the Environmental Protection Authority (EPA)

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

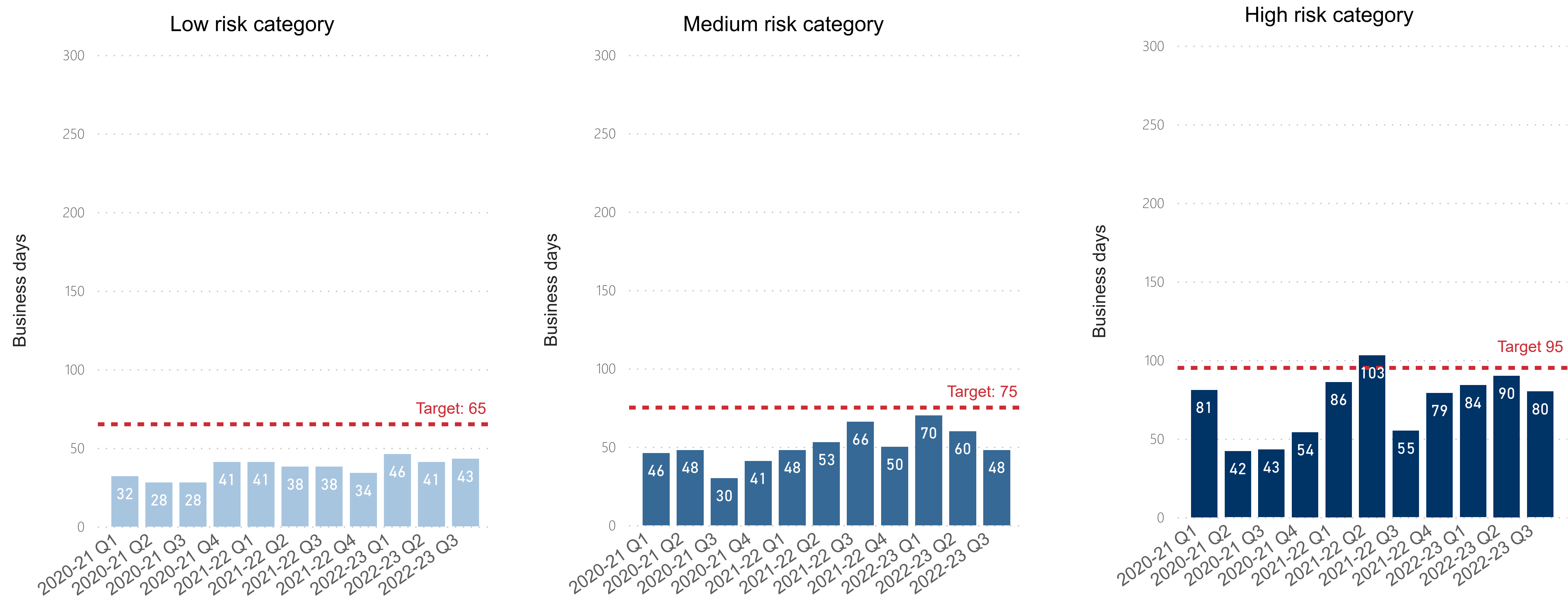


Water licences and permits

We assign a risk category to water licence and permit applications and aim to finalise applications 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.

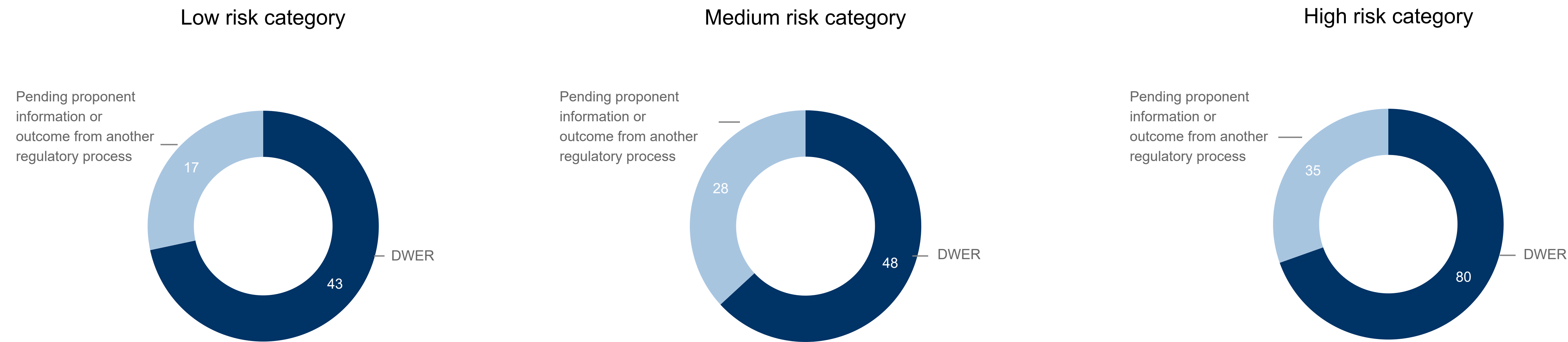
Average business days to finalise water licence applications 2020-21 to 2022-23



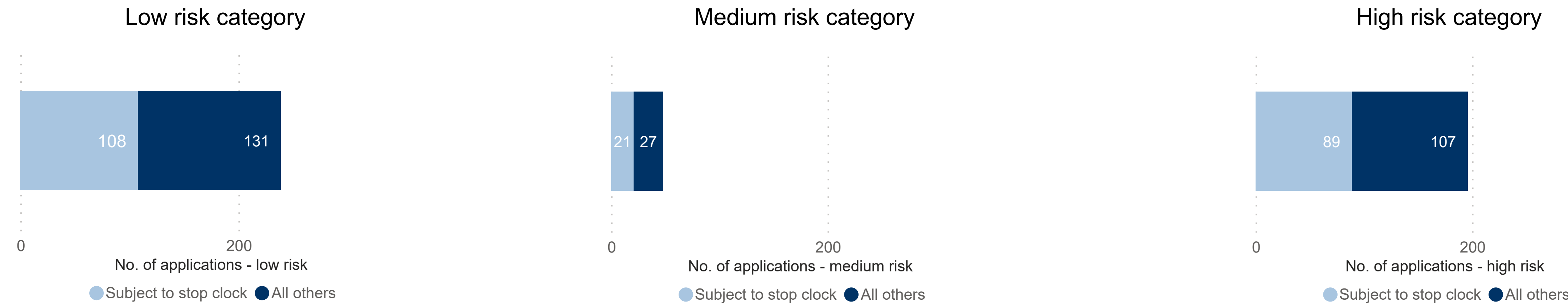
Water licensing - Life of an application

DWER is progressing development of “life of application” reporting, which will illustrate the average time an application is under assessment by DWER, pending information from the proponent and pending an outcome from other regulatory processes. Currently the latter two are reported together for water.

Average business days to finalise a water licence or permit 2022-23 Q3

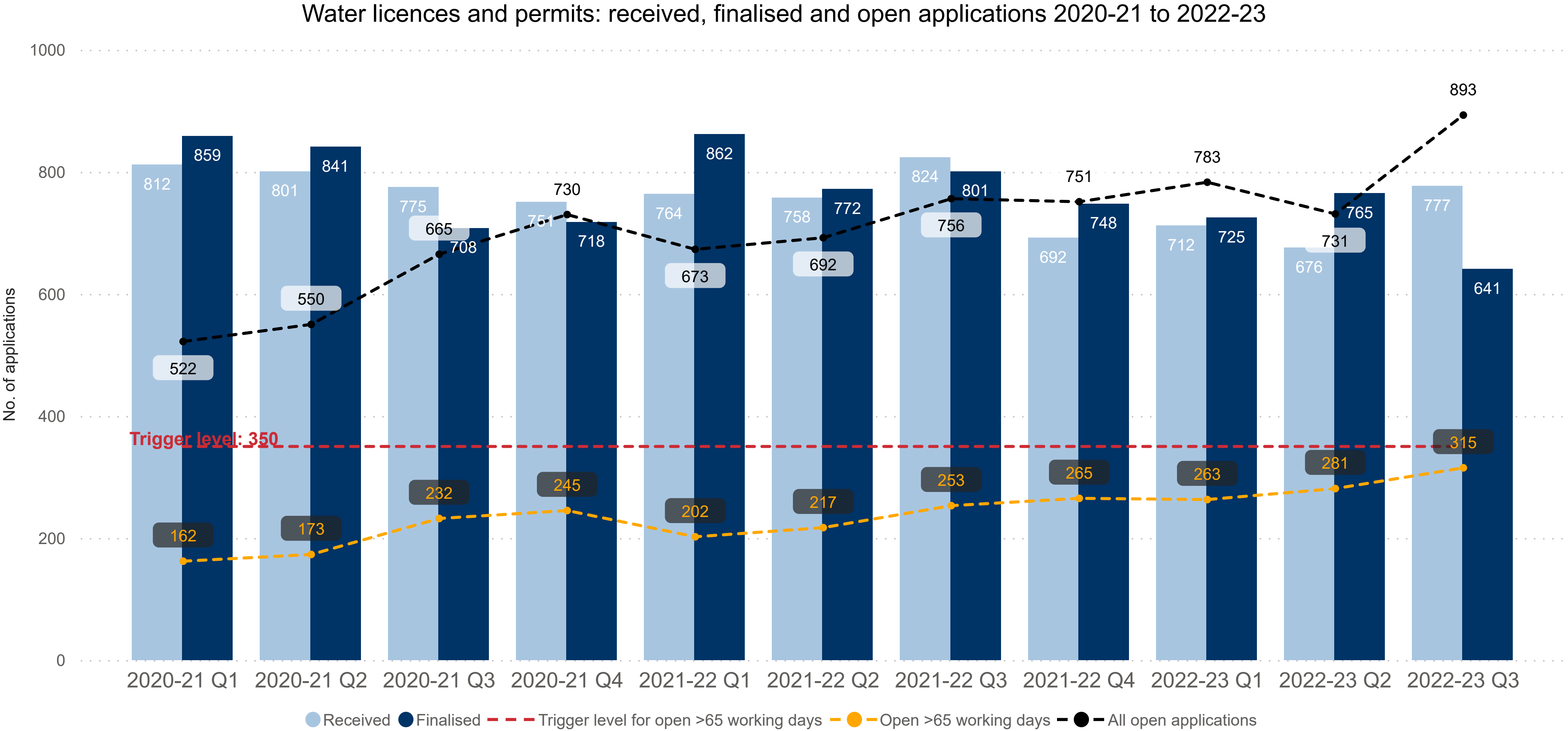


Water licence and permits applications subjected to stop clock vs others 2022-23 Q3



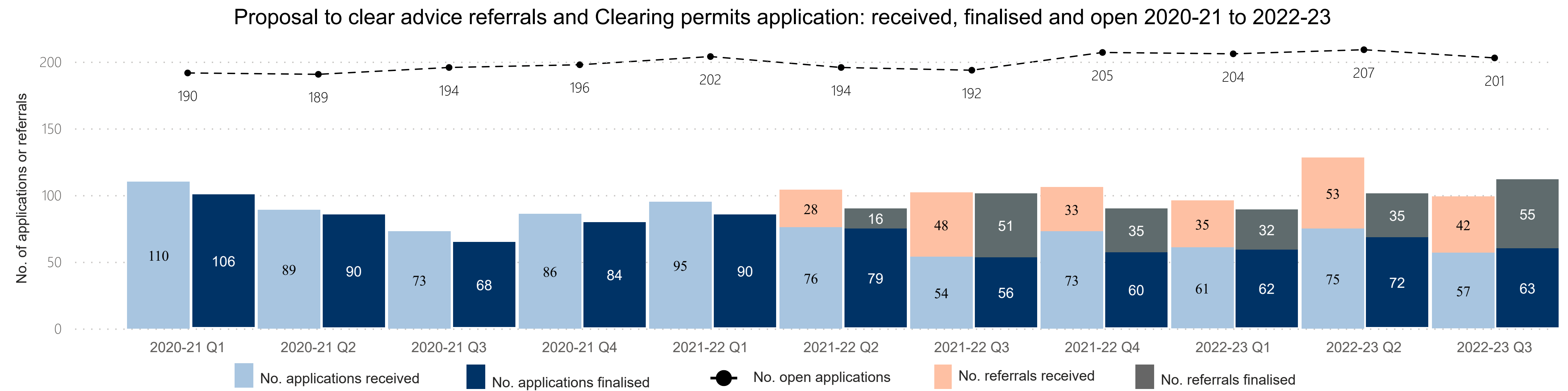
Water licensing - Managing open applications

DWER manages 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 clock’.

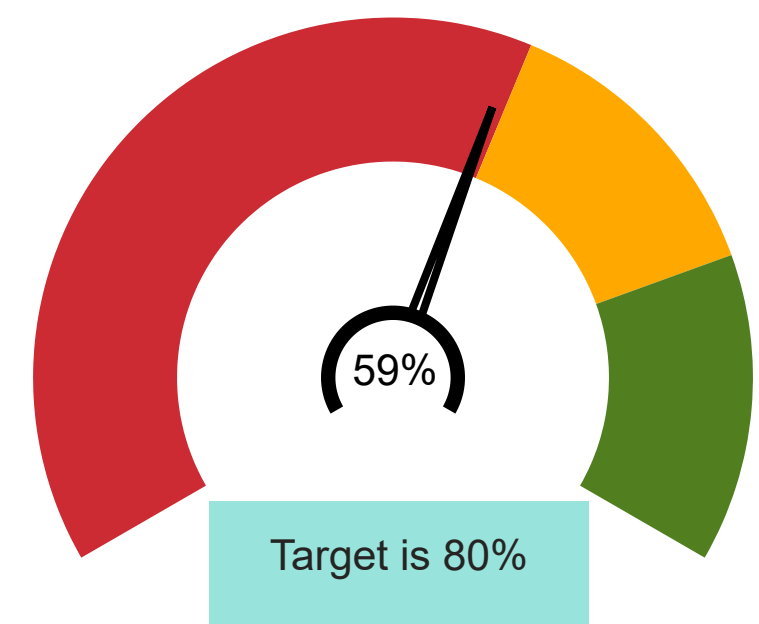


Native vegetation clearing permits

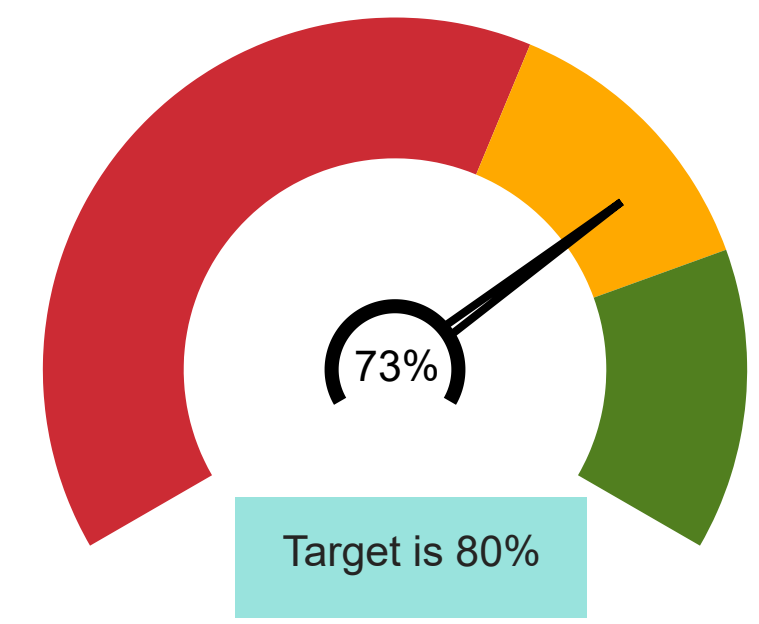
The Environmental Protection Act 1986 includes provisions to protect native vegetation while permitting approved clearing activities. The Environmental Protection Amendment Act 2020 made significant changes to the state's environmental legislation to improve efficiency and effectiveness, including the option to seek advice on native vegetation clearing projects and licensing requirements before submitting an application (*Referral Applications*). The goal is to review 80% of referrals and clearing applications within 21 and 60 business days, respectively.



Clearing permit applications finalised within target 2022-23 Q3



Referral applications finalised within target 2022-23 Q3

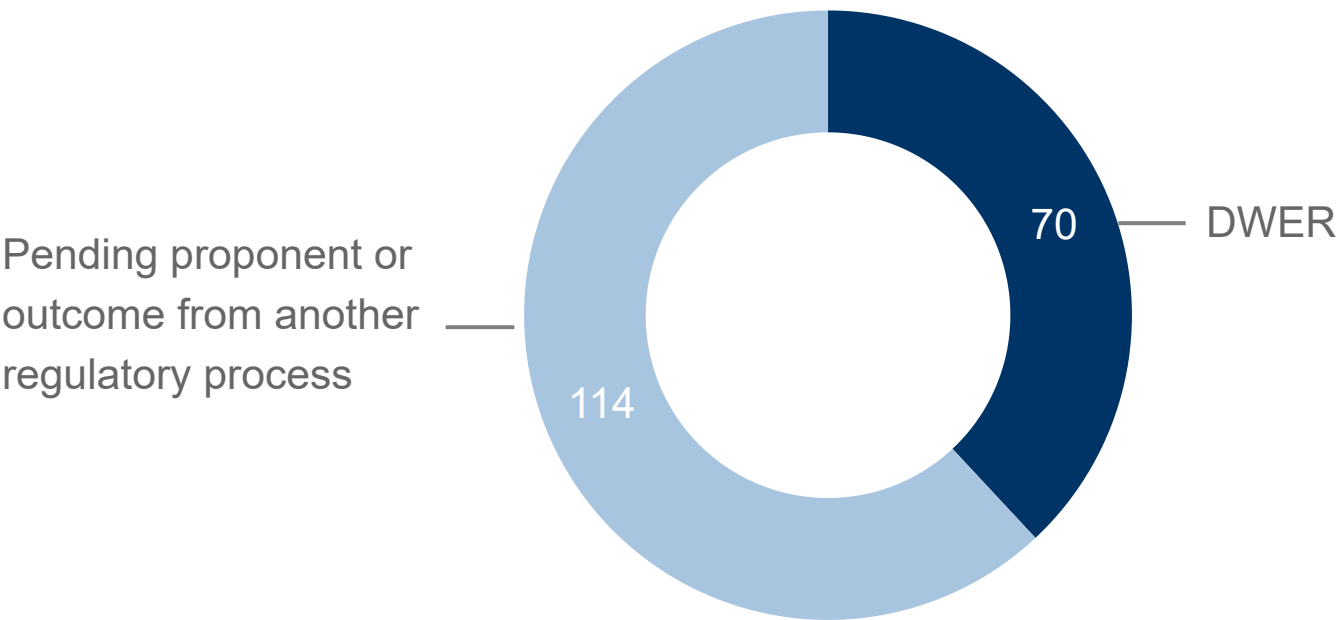


Native vegetation - Life of an application

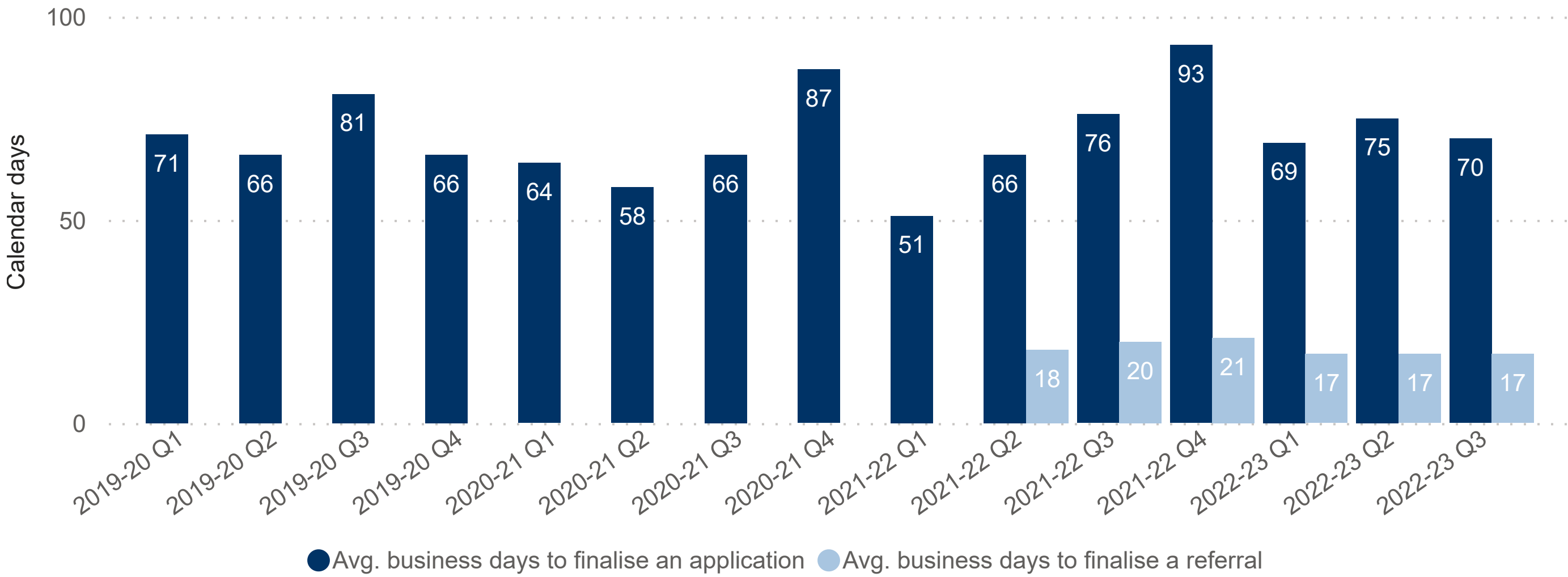
DWER is progressing development of “life of application” reporting, which will illustrate the average time an application is under assessment by DWER, pending information from the proponent and pending an outcome from other regulatory processes. Currently the latter two are reported together for clearing permits.

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

Average business days to finalise a clearing permit
2022-23 Q3



Average business days to finalise Proposal to clear advise referrals and Clearing permit applications 2019-20 to 2022-23

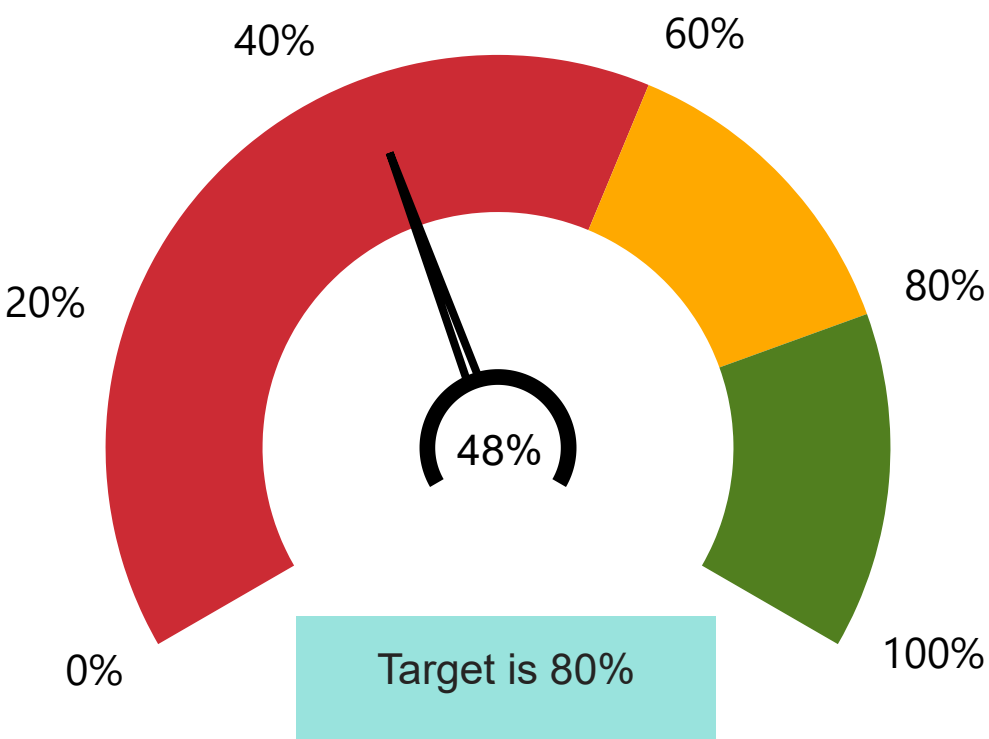


Industry regulation - Licences and works approvals

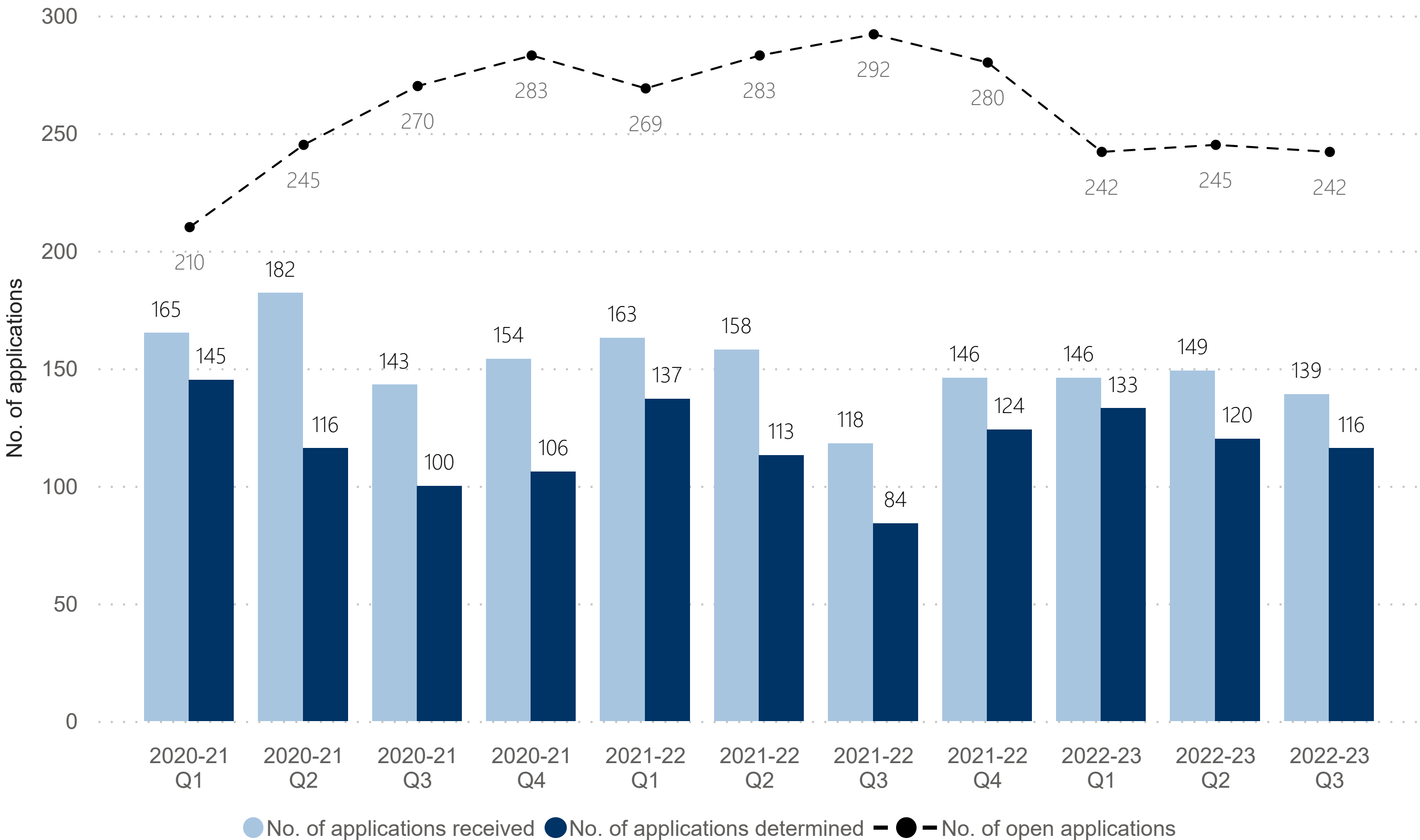
Industrial premises with potential to cause emissions and discharges to air, land or water are known as ‘prescribed premises’ and are regulated under the *Environmental Protection Act 1986* (EP Act). The EP Act requires a works approval to be obtained before constructing a prescribed industrial premises 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
2022-23 Q3



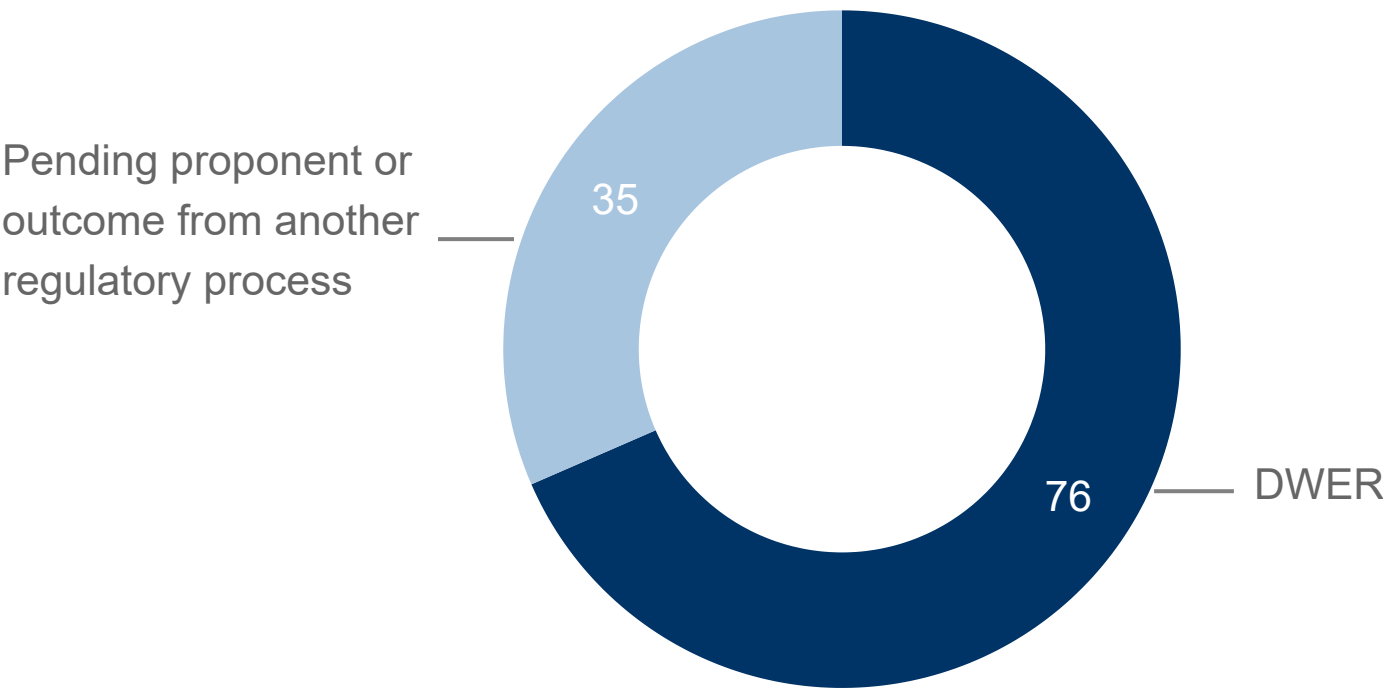
Licences and works approvals: received, finalised and open applications 2020-21 to 2022-23



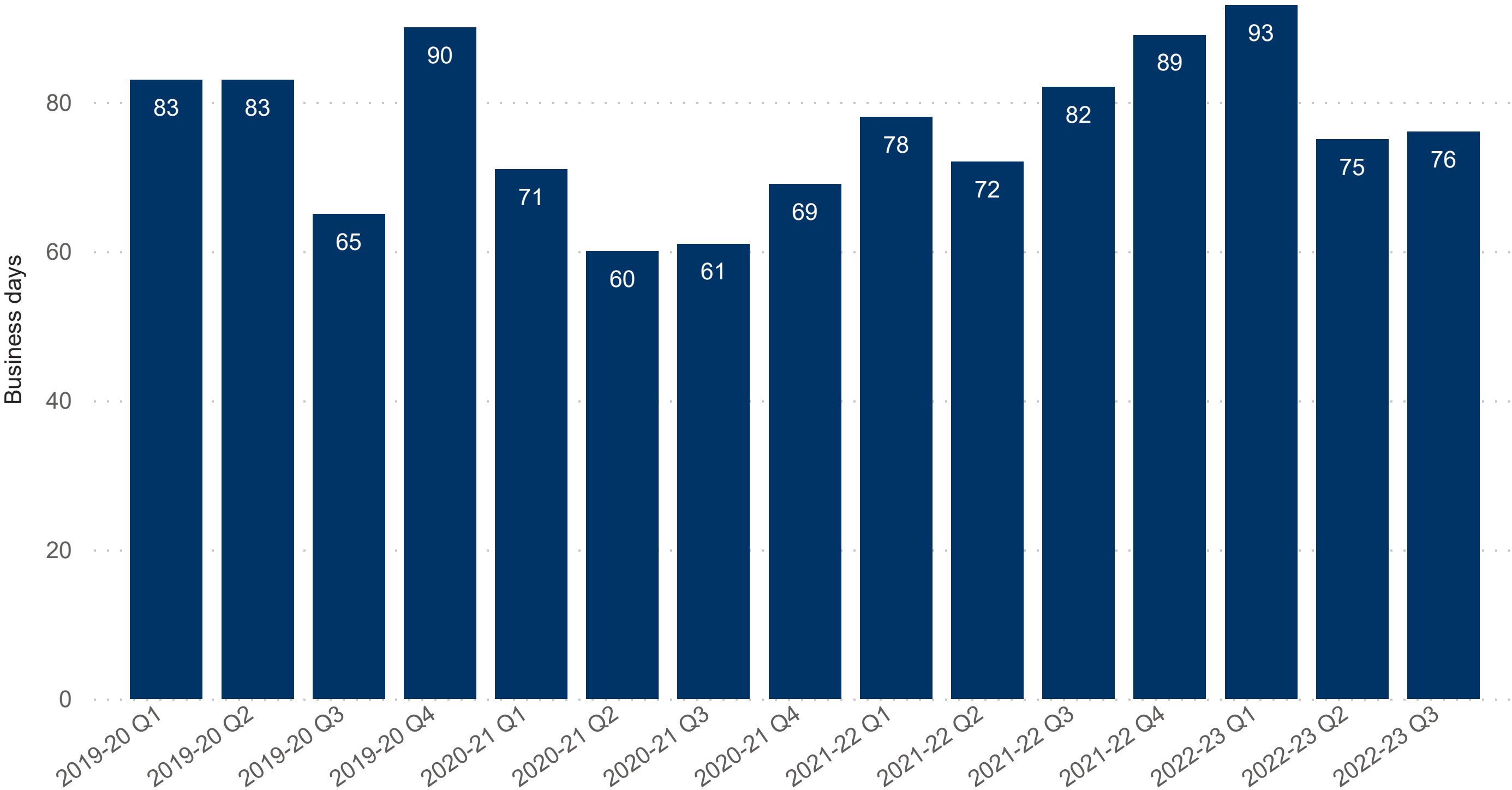
Industry regulation - Life of an application

DWER is progressing development of “life of application” reporting, which will illustrate the average time an application is under assessment by DWER, pending information from the proponent and pending an outcome from other regulatory processes. Currently the latter two are reported together for licences and work approvals.

Average business days to finalise a works approval or licence 2022-23 Q3



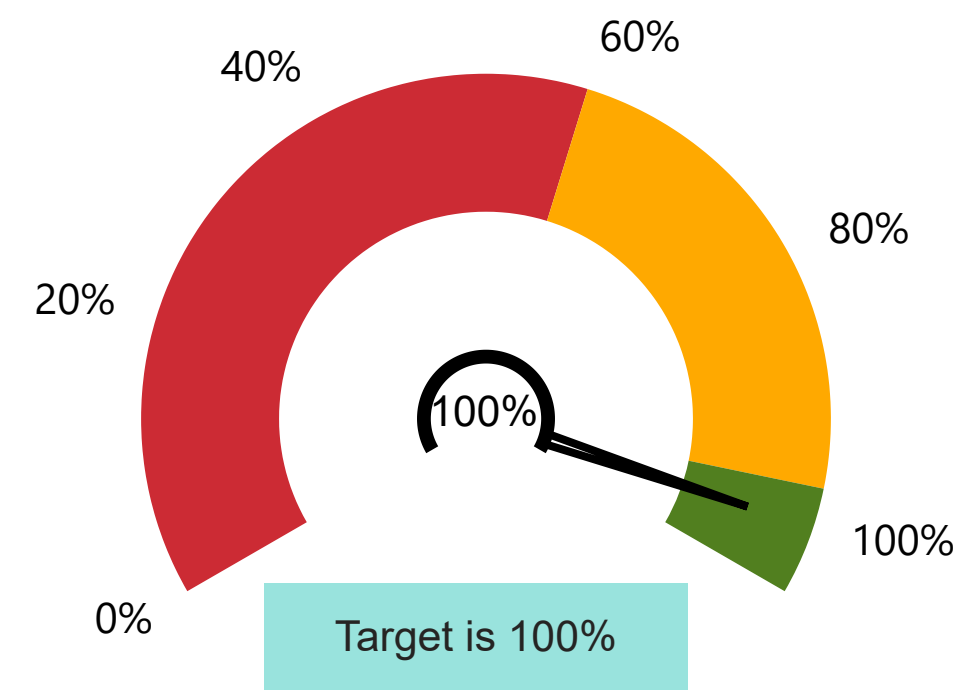
Average time (days) to finalise licences and works approvals 2019-20 to 2022-23



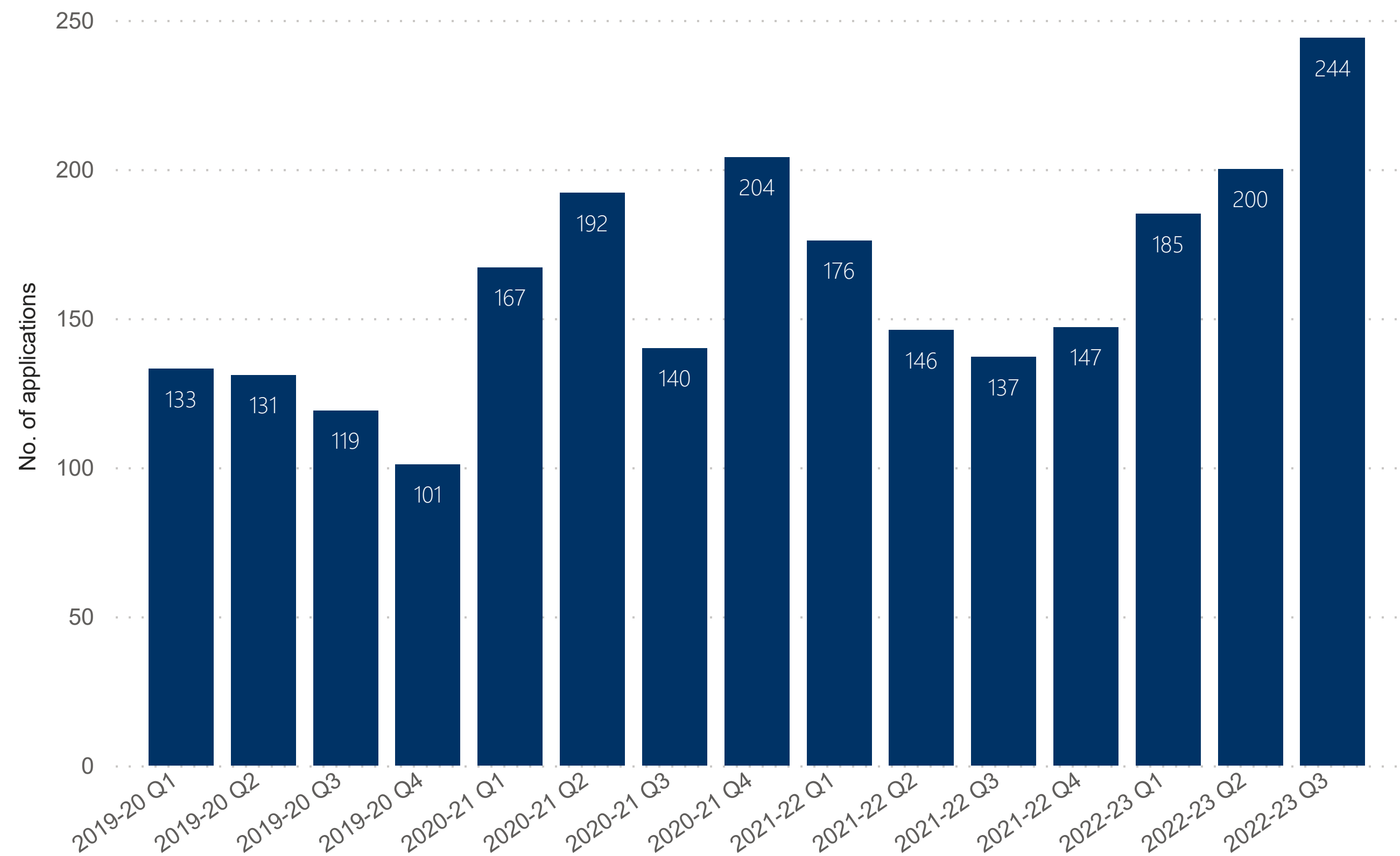
Controlled waste licences

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
2022-23 Q3



Controlled waste licences: applications received 2019-20 to 2022-23

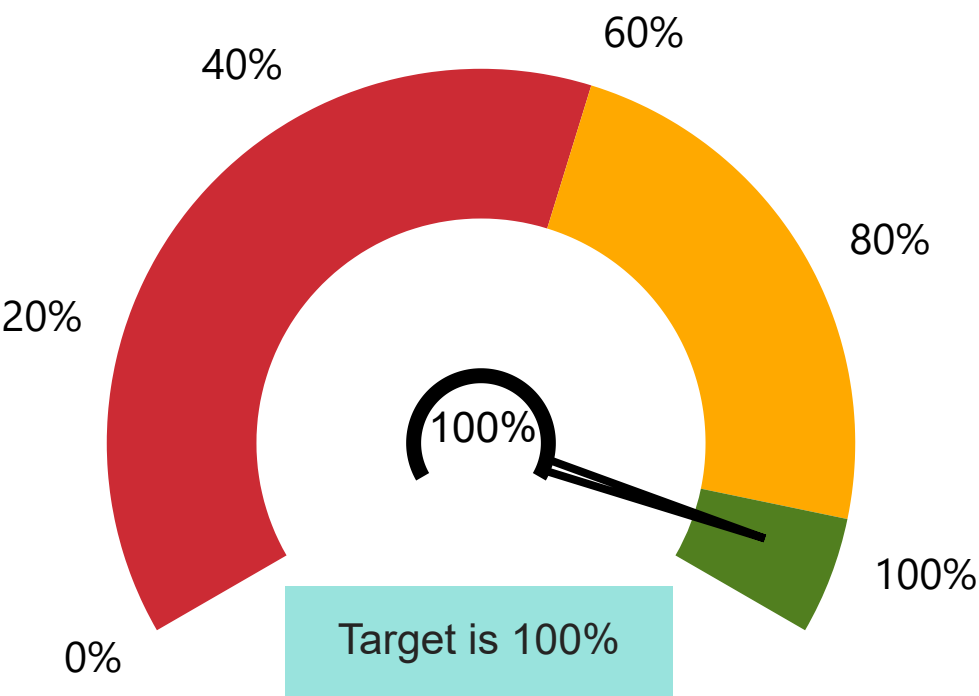


Known or suspected contaminated sites reported (Form 1s)

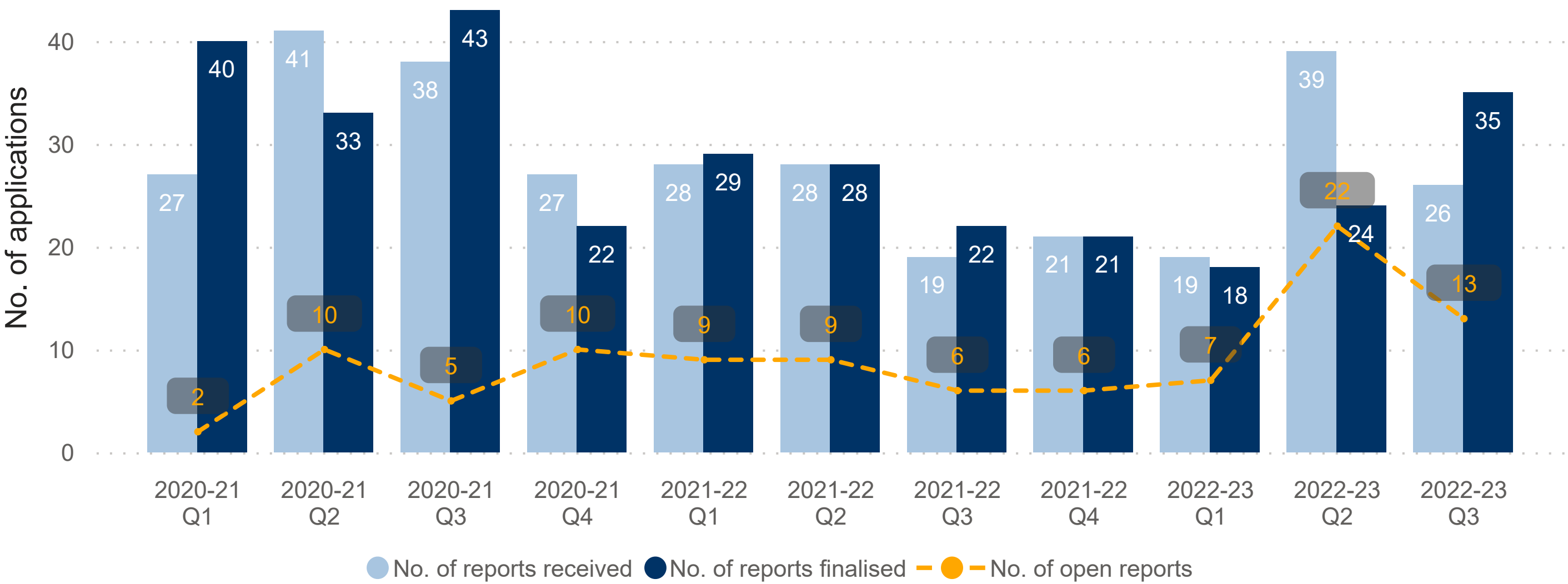
The *Contaminated Sites Act 2003* was introduced to identify, record, manage and clean up contamination in Western Australia. Certain persons (such as the owner, occupier and causer of contamination) have a duty to report known or suspected contaminated sites to the Department.

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 reported (Form 1s): finalised within target 2022-23 Q3



Known or suspected contaminated sites reported (Form 1s): received, finalised and open reports 2020-21 to 2022-23



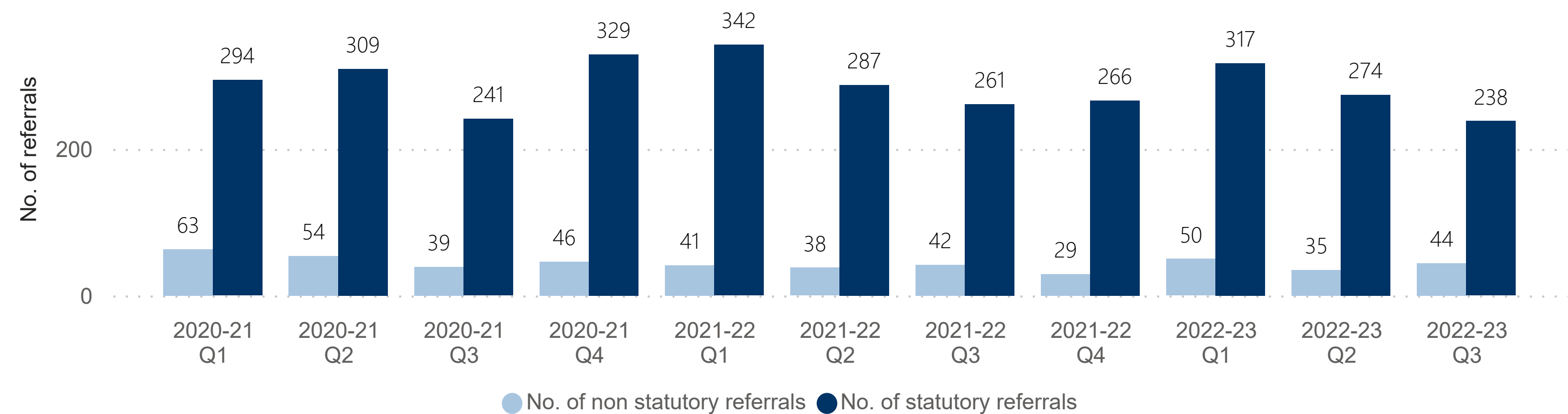
Land use planning advice request - Water



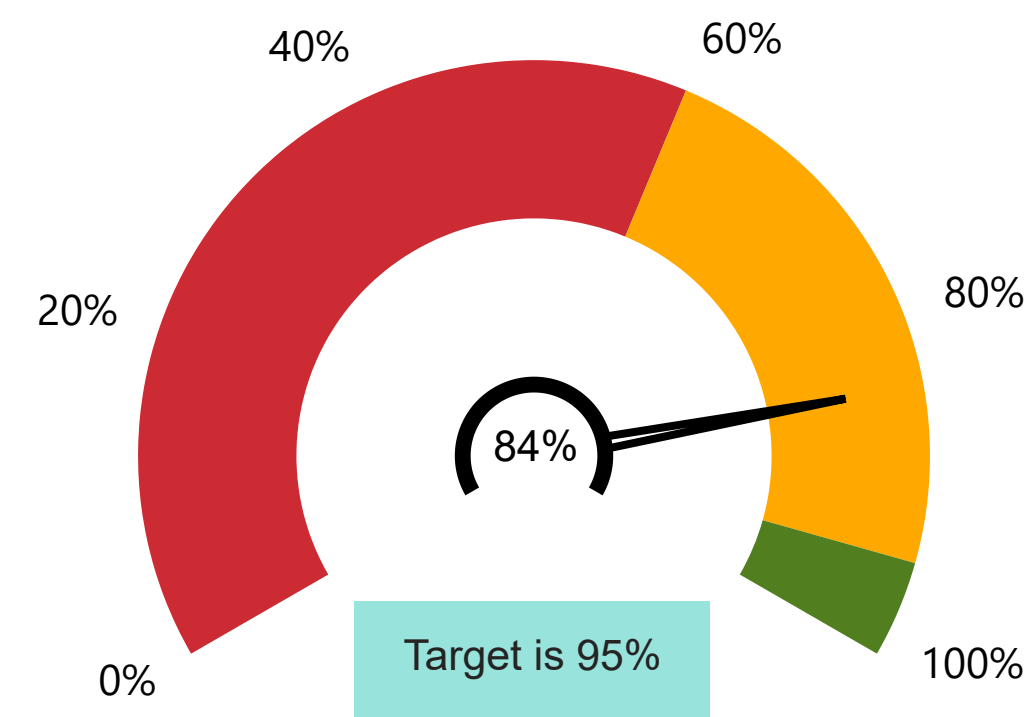
We provide advice on land use planning matters to local government and other decision-makers, such as the Western Australia Planning Commission; the Department of Planning, Lands and Heritage; and the Department of Mines, Industry Regulation and Safety.

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

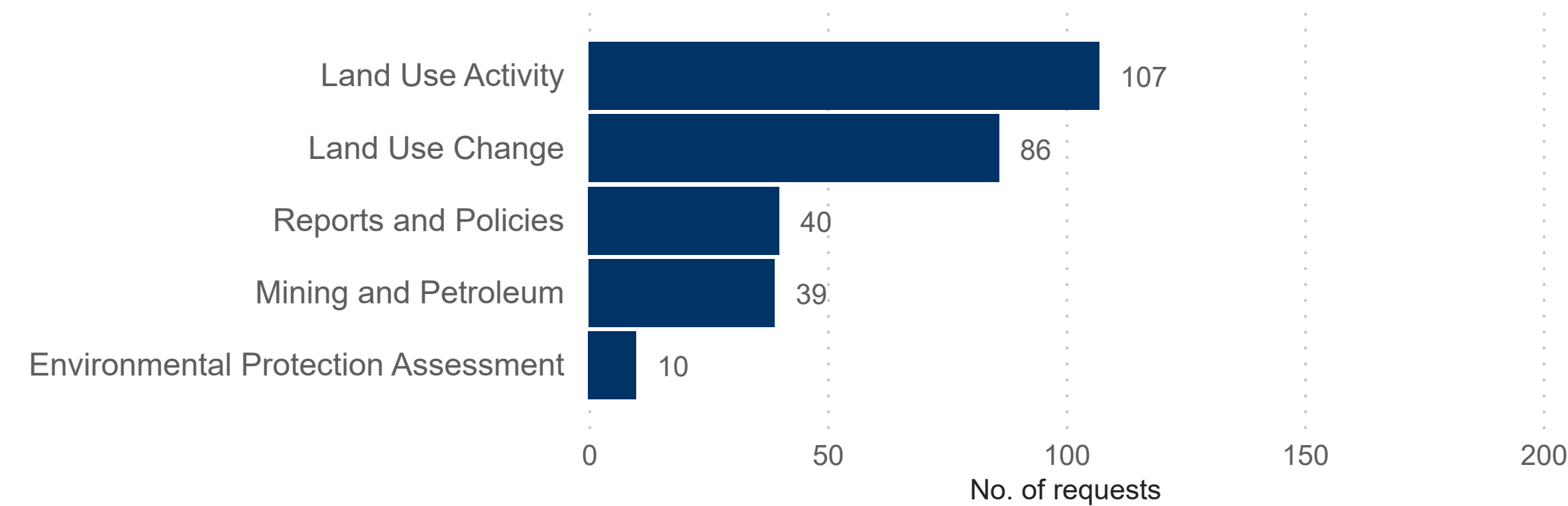
Land use planning (water) advice requests by type 2020-21 to 2022-23



Land use planning (water): finalised within target 2022-23 Q3



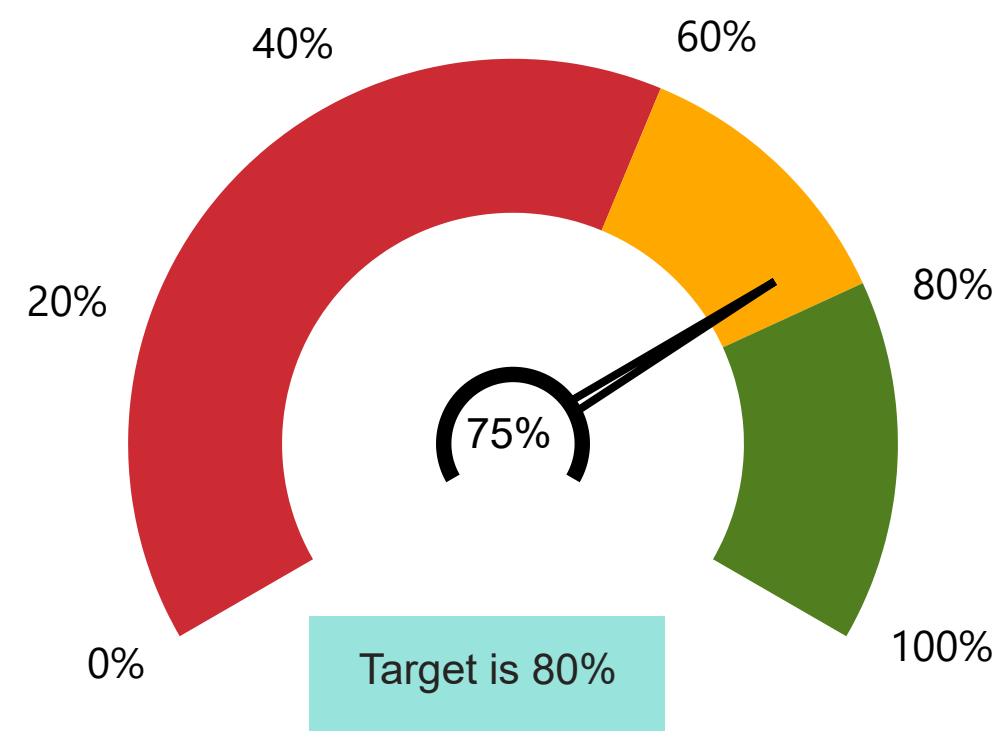
Land use planning (water) advice requests by category 2022-23 Q3



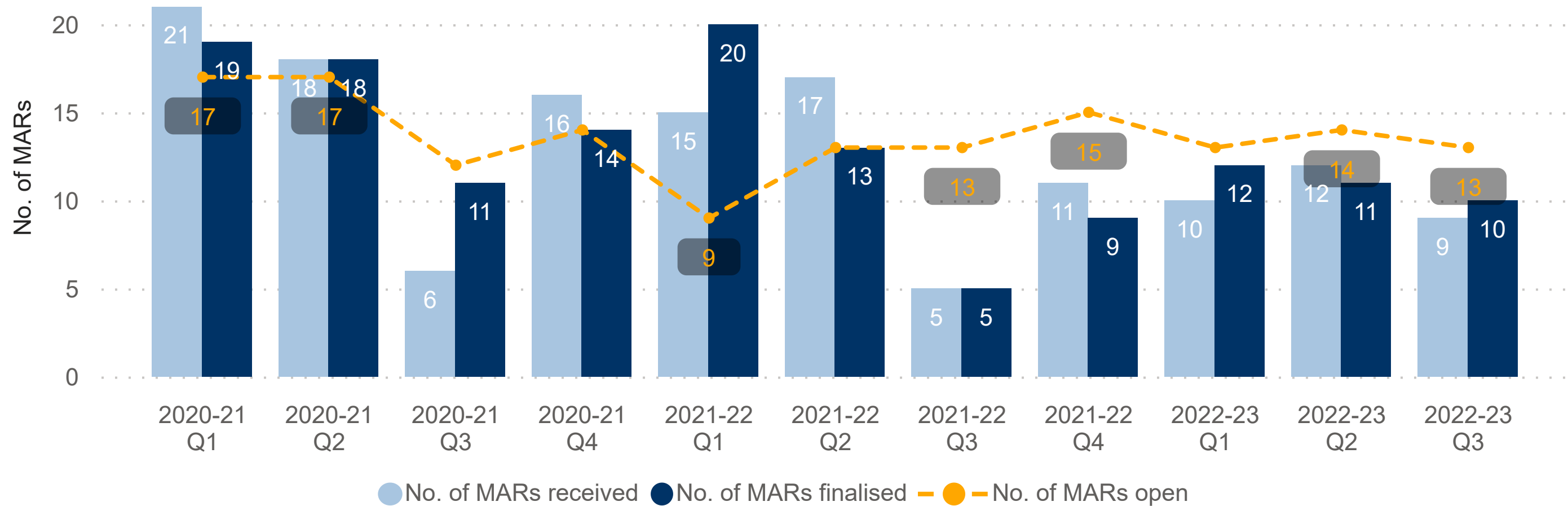
Mandatory auditor's reports (MARs)

Where MARs required under the *Contaminated Sites Act 2003* are reviewed by this department only, we aim to complete 80% of them within 21 calendar days.

Mandatory auditor's reports (MARs):
finalised within target 2022-23 Q3



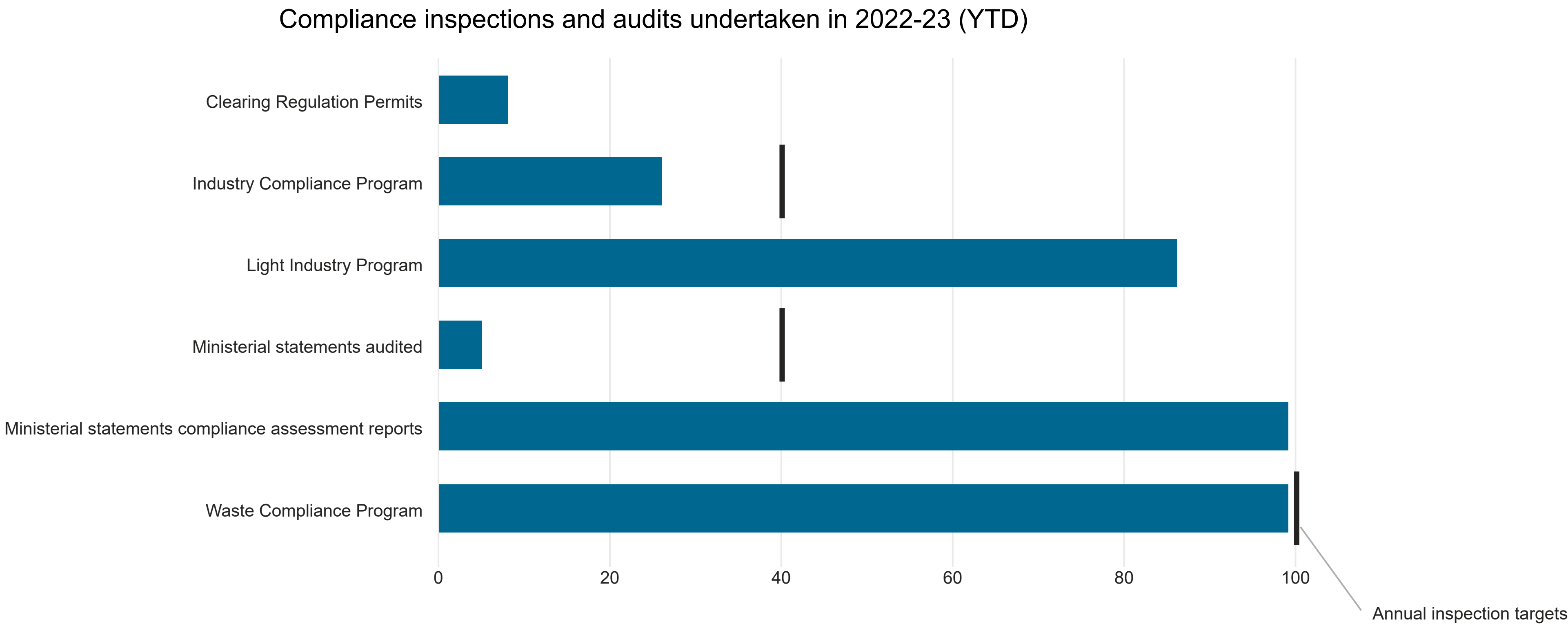
Mandatory auditor's report (MARs): received, finalised and open 2020-21 to 2022-23



Compliance monitoring - Environment

We undertake environmental regulation functions, principally under the *Environmental Protection Act 1986* (EP Act) and the *Rights in Water and Irrigation Act 1914*, of licensing, approvals and compliance and enforcement in relation to emissions and discharges; waste; noise; clearing of native vegetation; water take and water use infrastructure.

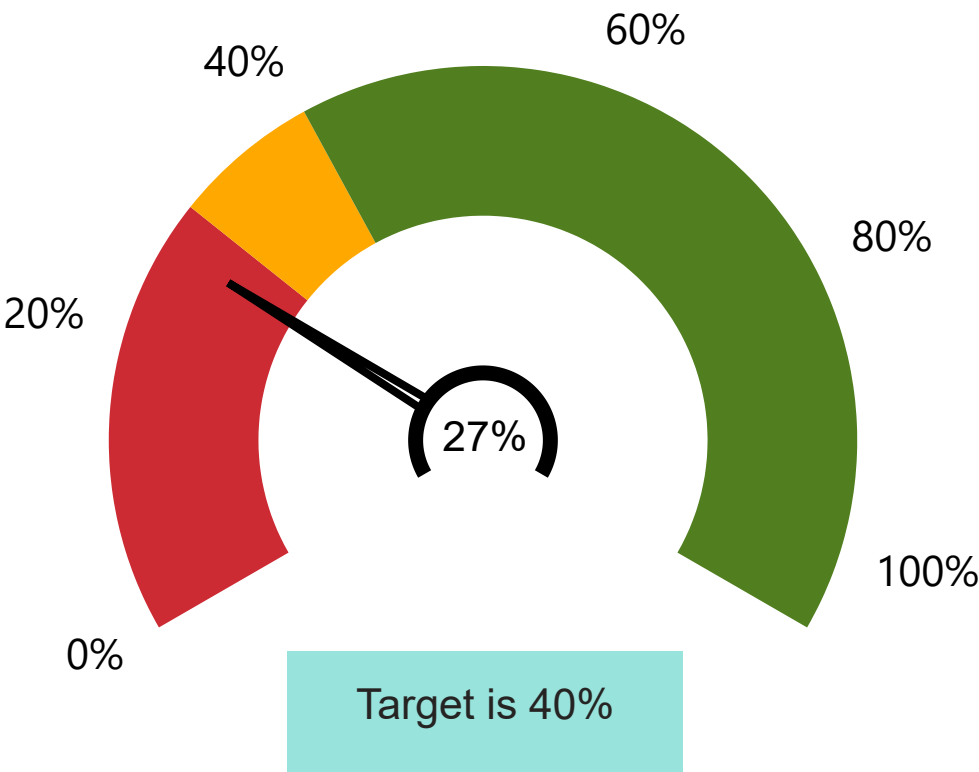
Compliance monitoring is a fundamental role of the department and a variety of methods may be used to monitor and determine levels of compliance with the requirements of legislation, licences and other statutory instruments.



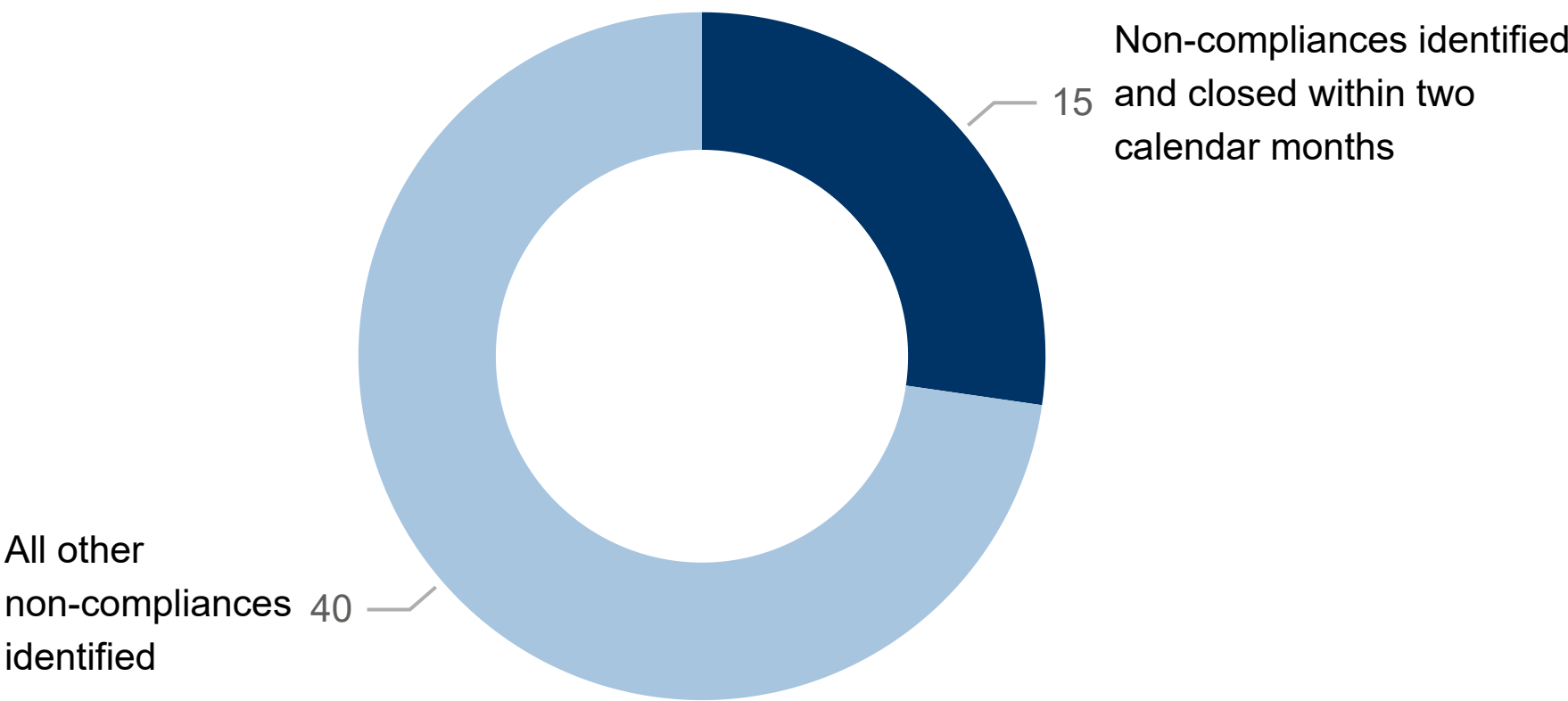
Compliance monitoring - Environment

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.

Non-compliances identified during compliance monitoring programs closed in two calendar months YTD 2022-23 Q3



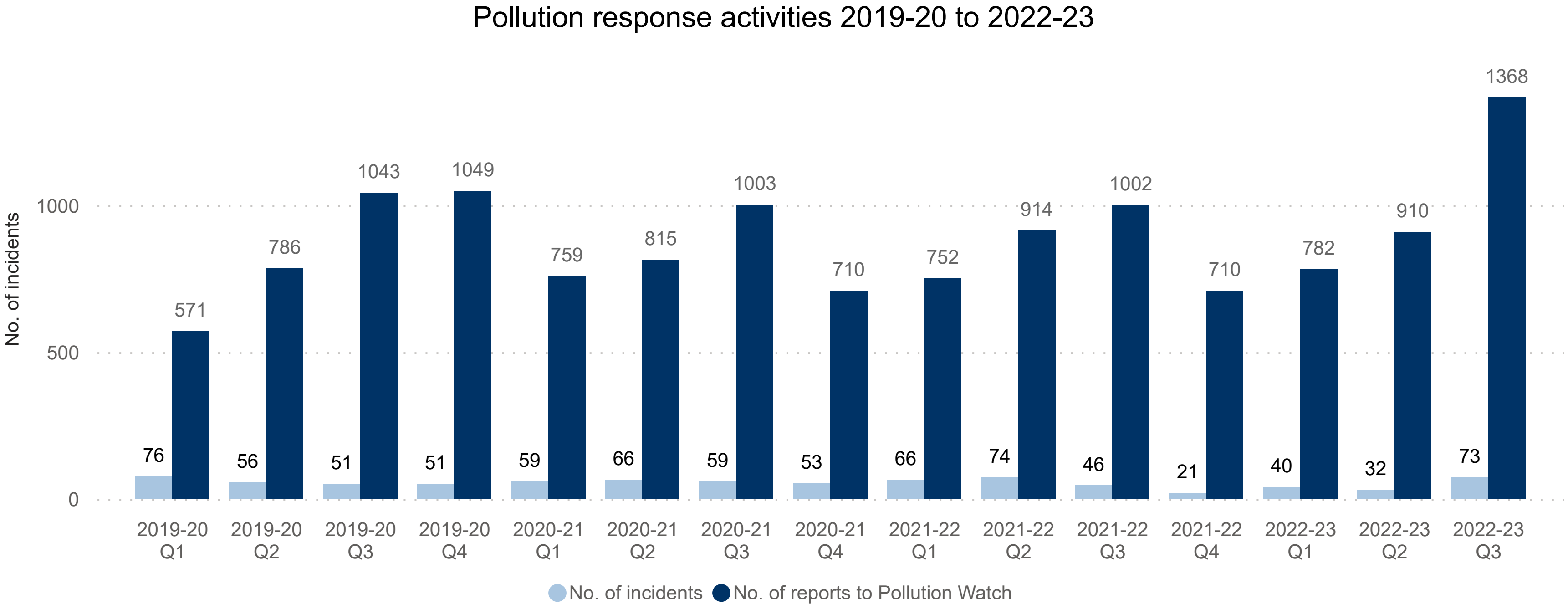
Non-compliances identified during compliance monitoring programs YTD 2022-23 Q3



Reporting pollution

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. The department undertakes a risk assessment of the issues raised in the report to determine an appropriate level of response.

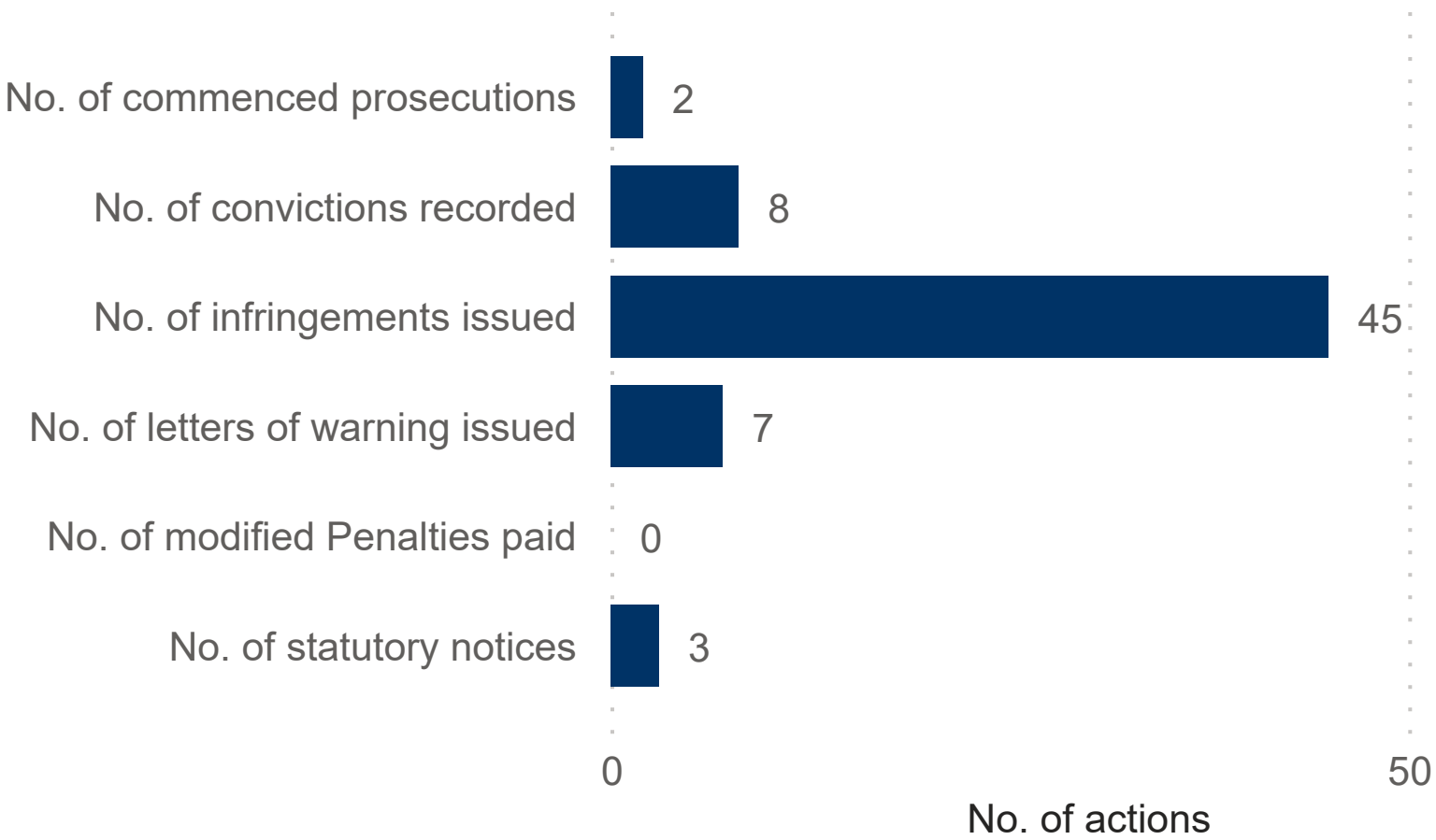
Matters requiring a high priority response (incidents) are managed by the department’s Pollution Response Officers. Pollution response officers are trained in hazardous material and emergency management. Our teams work closely with local governments, other government agencies and emergency services to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



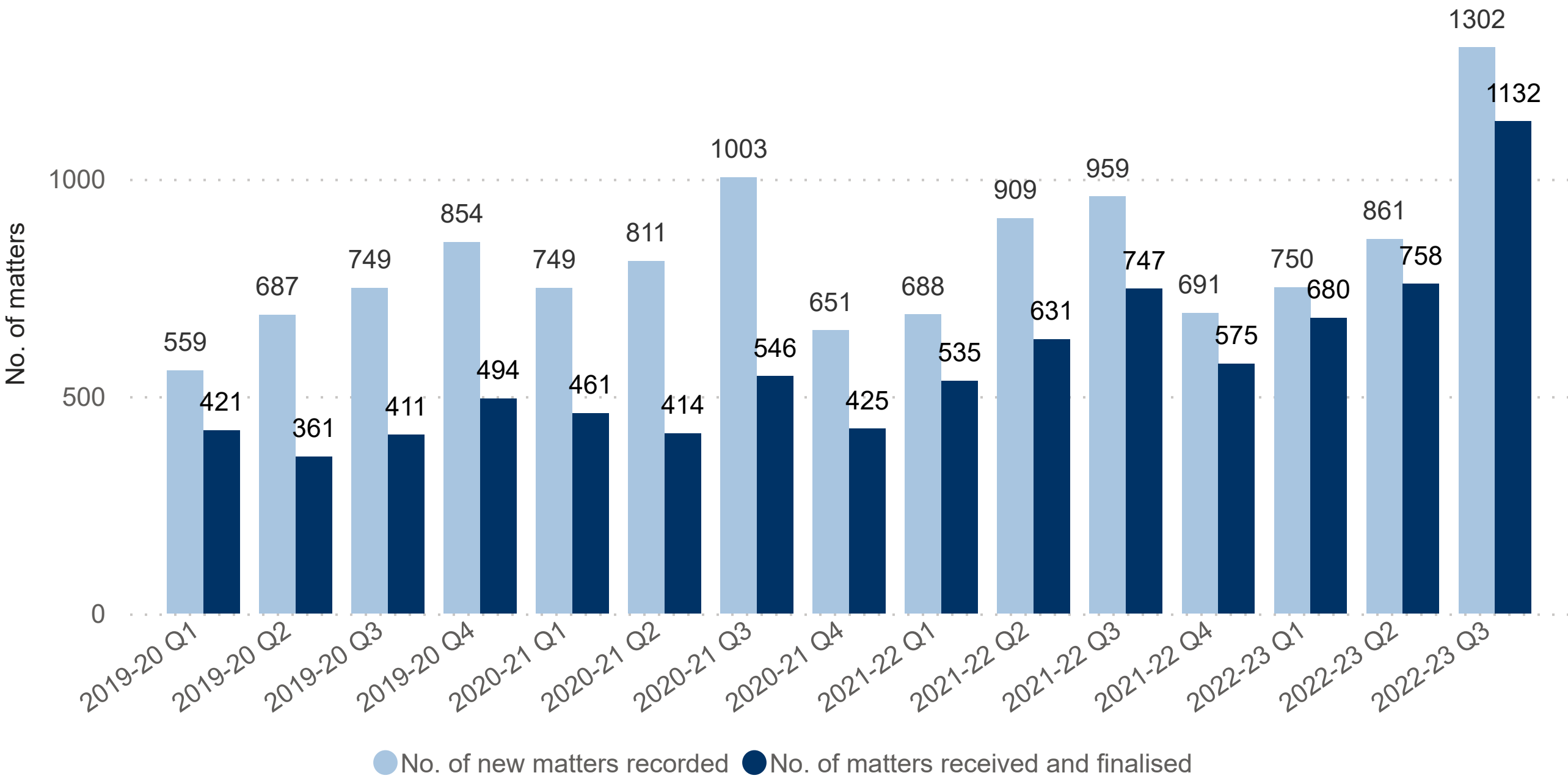
Enforcement activities - Environment

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 2022-23 Q3



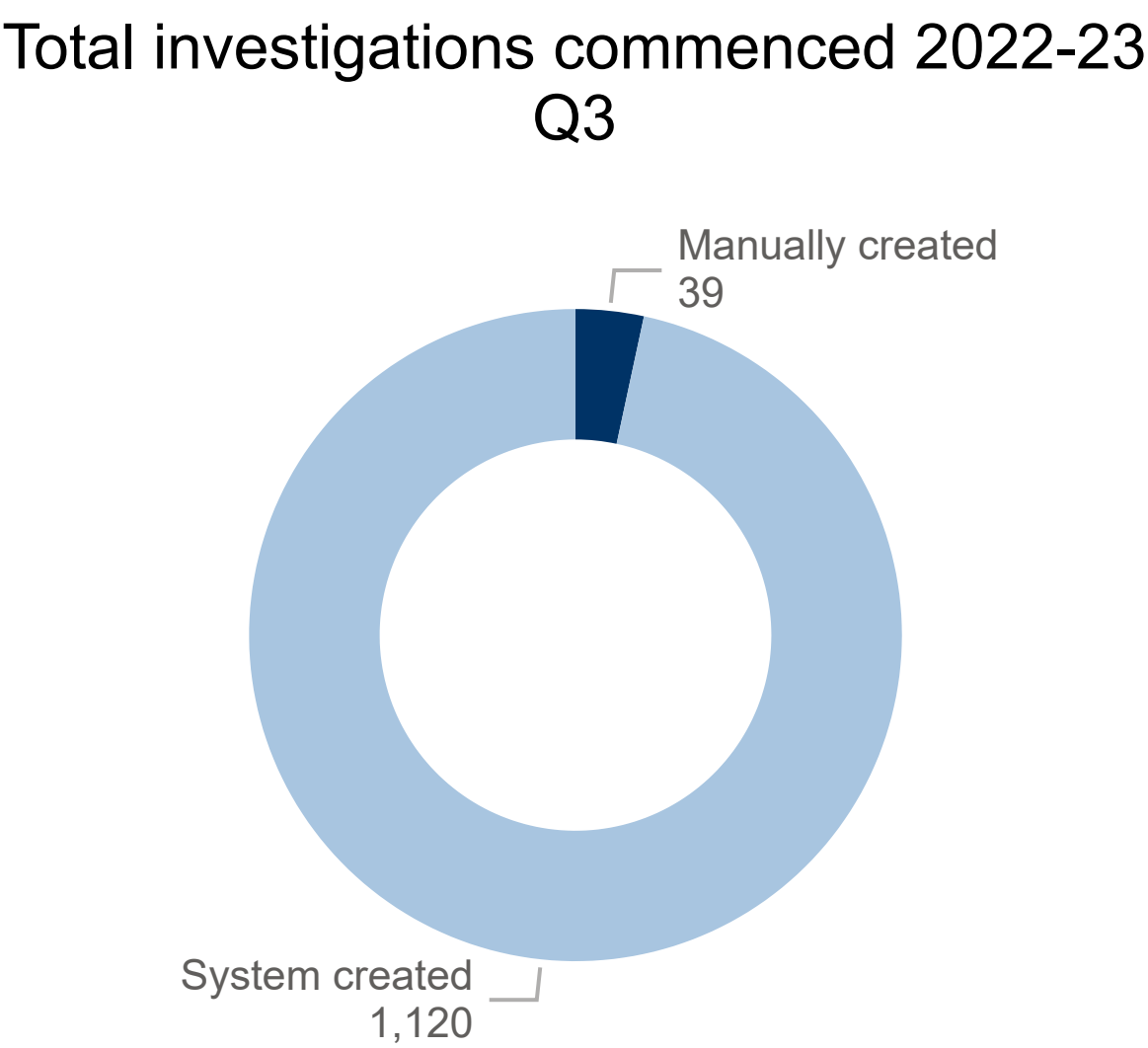
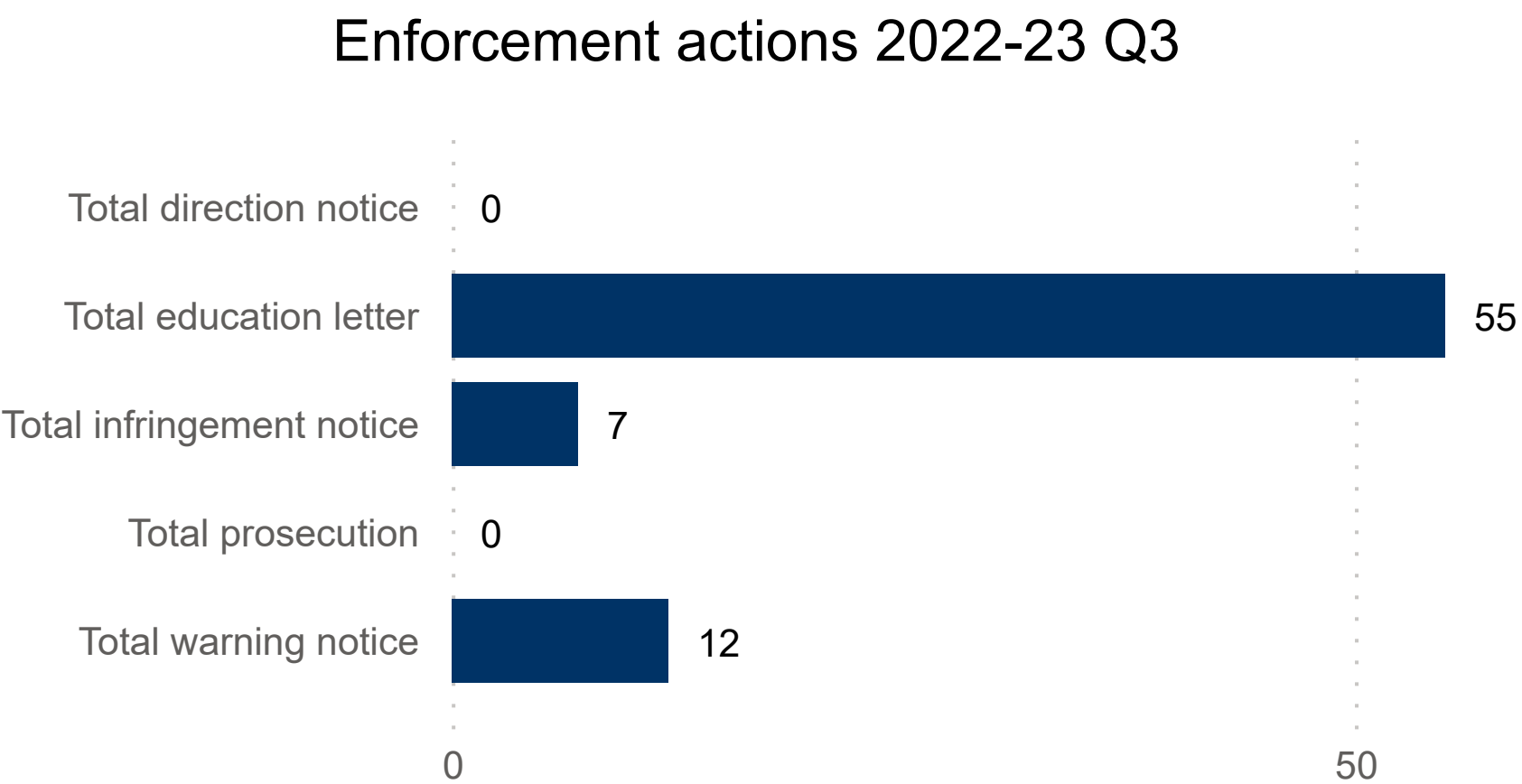
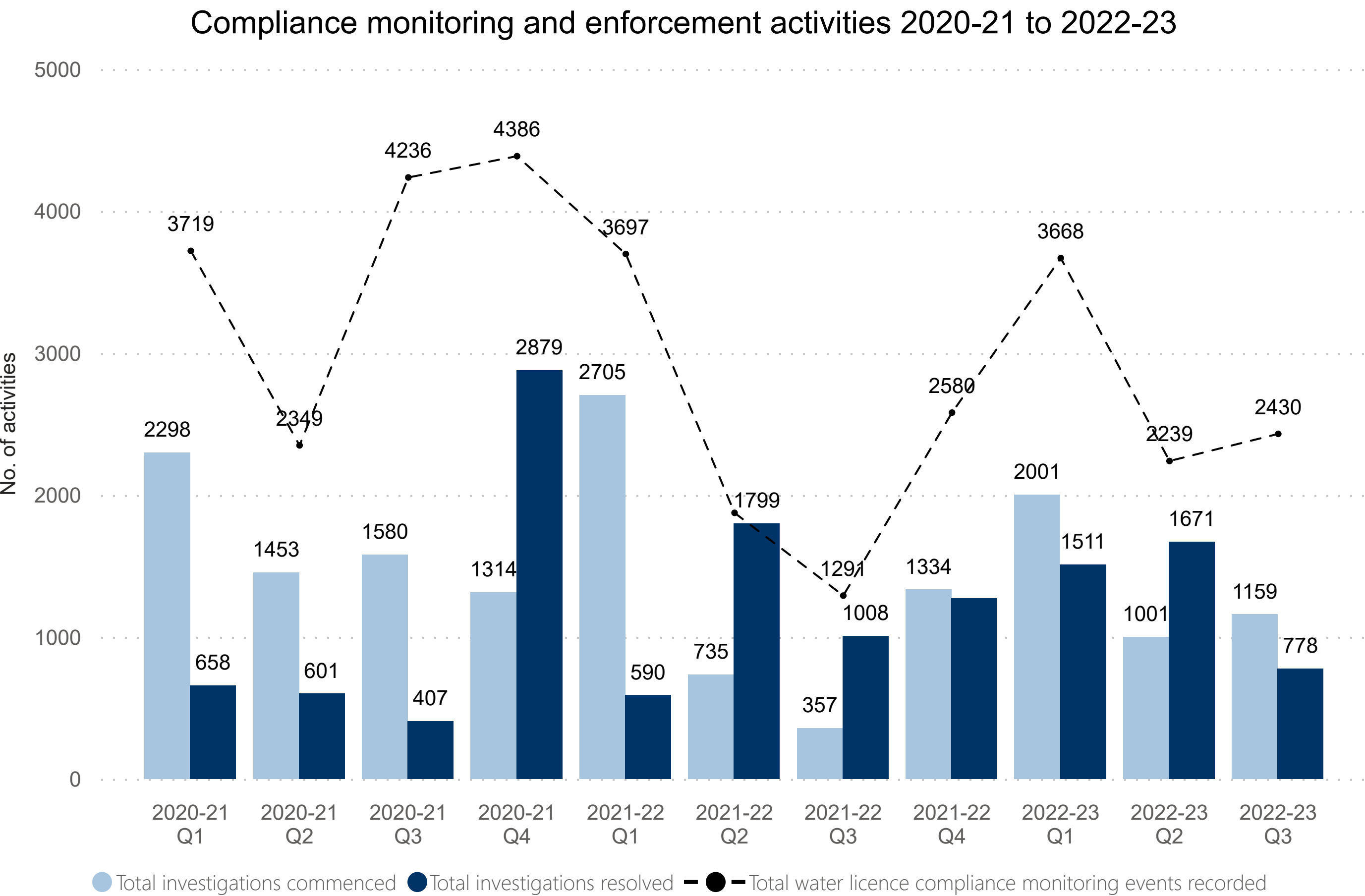
Enforcement activities (environment): recorded and finalised 2019-20 to 2022-23



Compliance and enforcement activities - Water

The Department investigates 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.

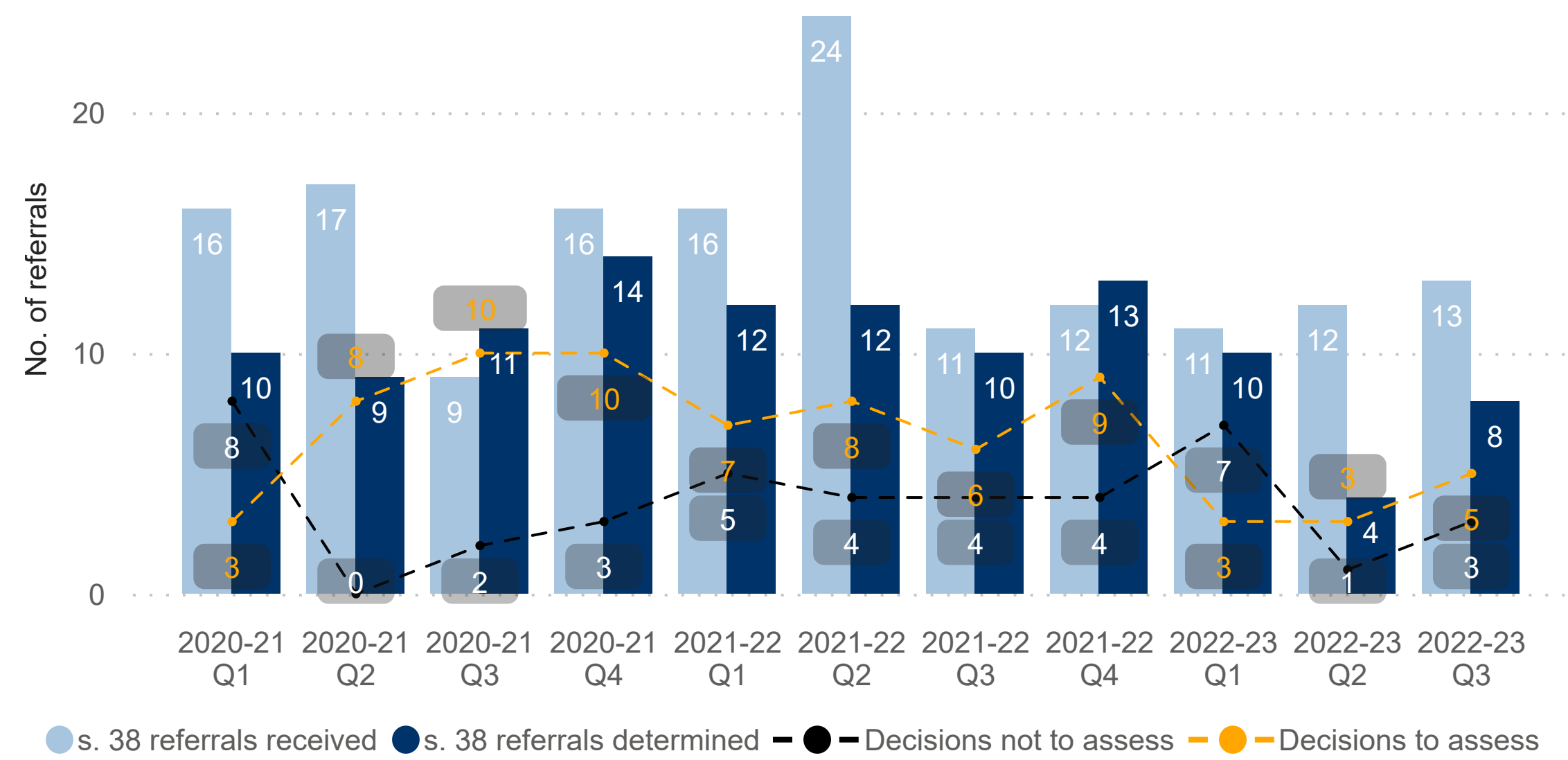
Where a prima facie case cannot be established, the investigation is resolved and the incident is closed with no enforcement action taken. This is a more common occurrence for system generated incidents than it is for incidents raised manually by officers as an outcome of a monitoring event.



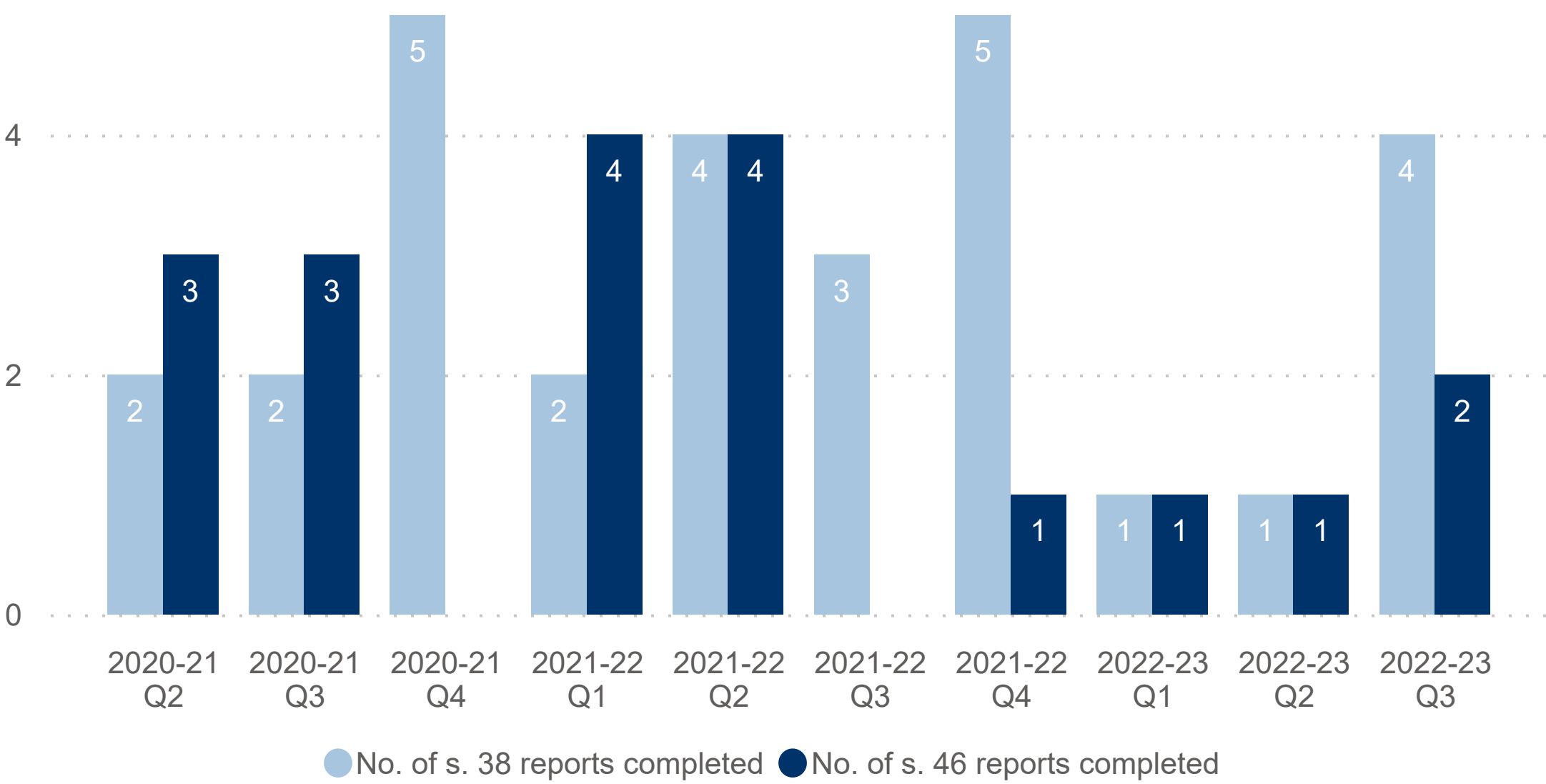
Environmental Protection Authority Services

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).

Development proposals referred to the EPA and determinations to assess



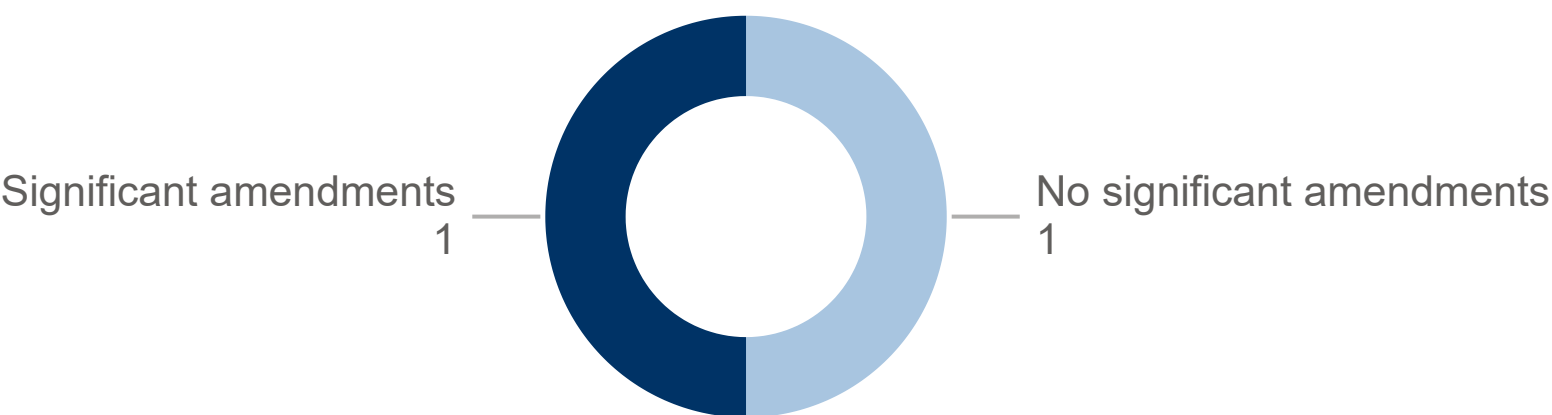
EPA reports completed



Assessments that met agreed timeframe - 2022-23 Q3



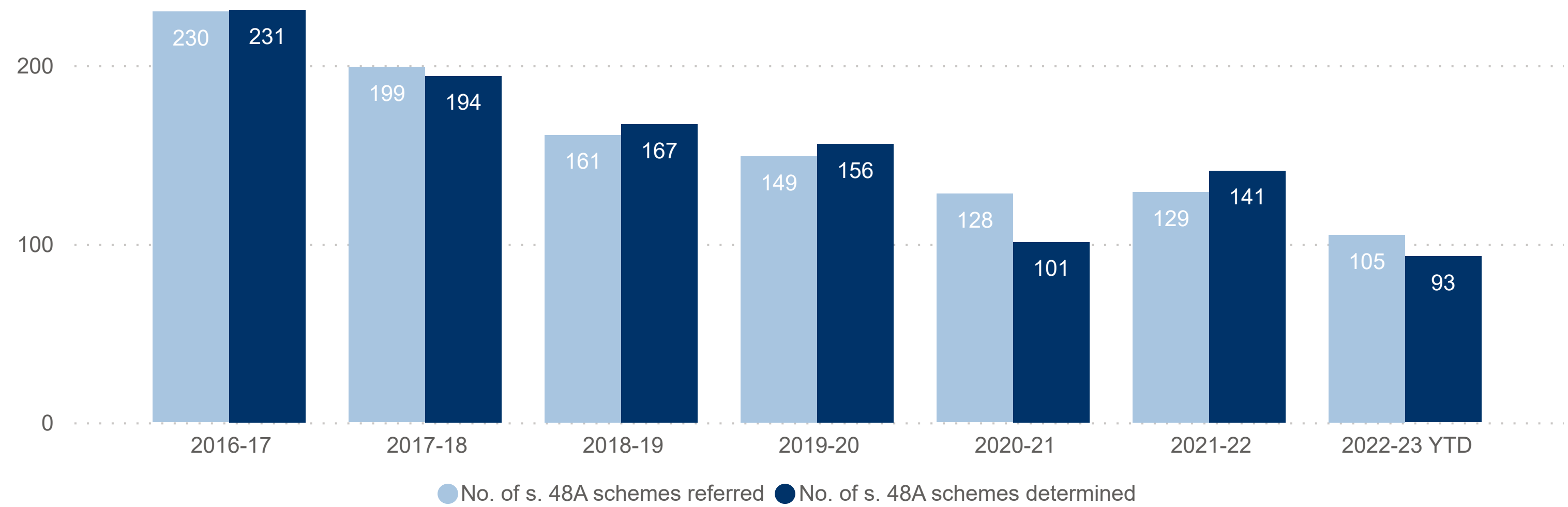
Recommended project-specific conditions significantly amended following appeals - 2022-23 Q3



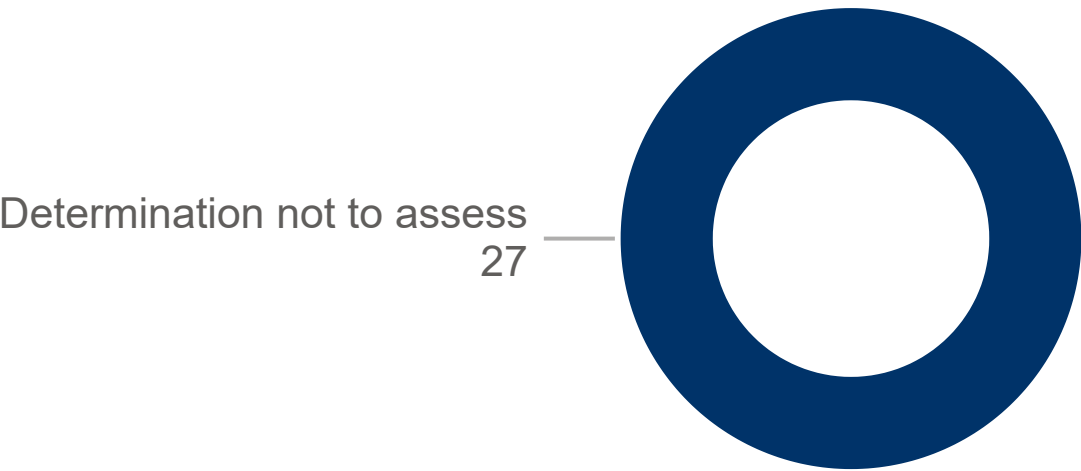
Environmental Protection Authority Services

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.

Total schemes and scheme amendments referred to the EPA



Determinations on whether to assess schemes and scheme amendments - 2022-23 Q3



Scheme referrals determined within statutory timeframe - 2022-23 Q3

