



Government of Western Australia
Department of Water and Environmental Regulation

Regulatory Performance Report 2022-23

Quarter 4





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Key statistics at a glance - Quarter 4

856	Licence and permit applications finalised
34	Form 1 reports of known or suspected contamination classified
301	Responses to requests for land use planning advice
14	Mandatory auditor’s reports under the Contaminated Sites Act 2003 finalised
861	Reports to Pollution Watch received
143	Environmental inspections and audits undertaken
40	Convictions recorded and infringements issued
7	Referred proposals determined to be formally assessed by the EPA
3	EPA reports published under s. 44 which met the assessment timeline

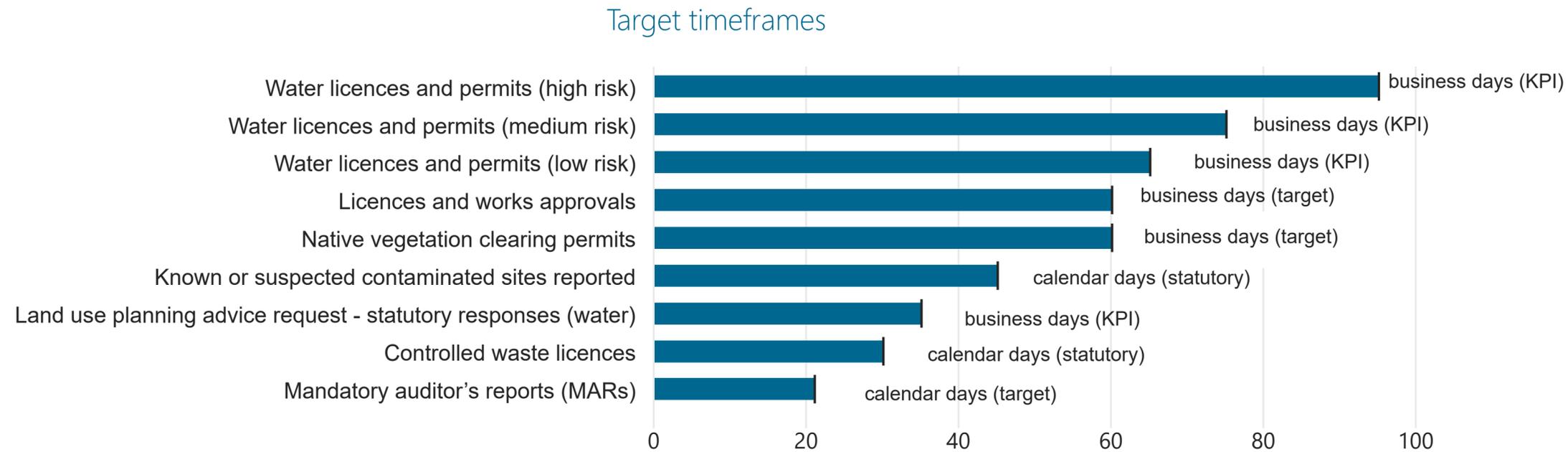
Performance improvement highlights

- 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 is ongoing with the public consultation phase having concluded and a consultation summary report prepared.
- Improved **Regulatory Capability** via implementation of enhanced recruitment processes and Graduate Program.



How we measure our regulatory performance

We measure our timeliness performance consistent with established Key Performance Indicators 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 licenses 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.

How we manage open applications

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 licence 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 timeframe of 60 business days. 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

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 we have validated it. 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.

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.

Providing support to the Environmental Protection Authority (EPA)

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

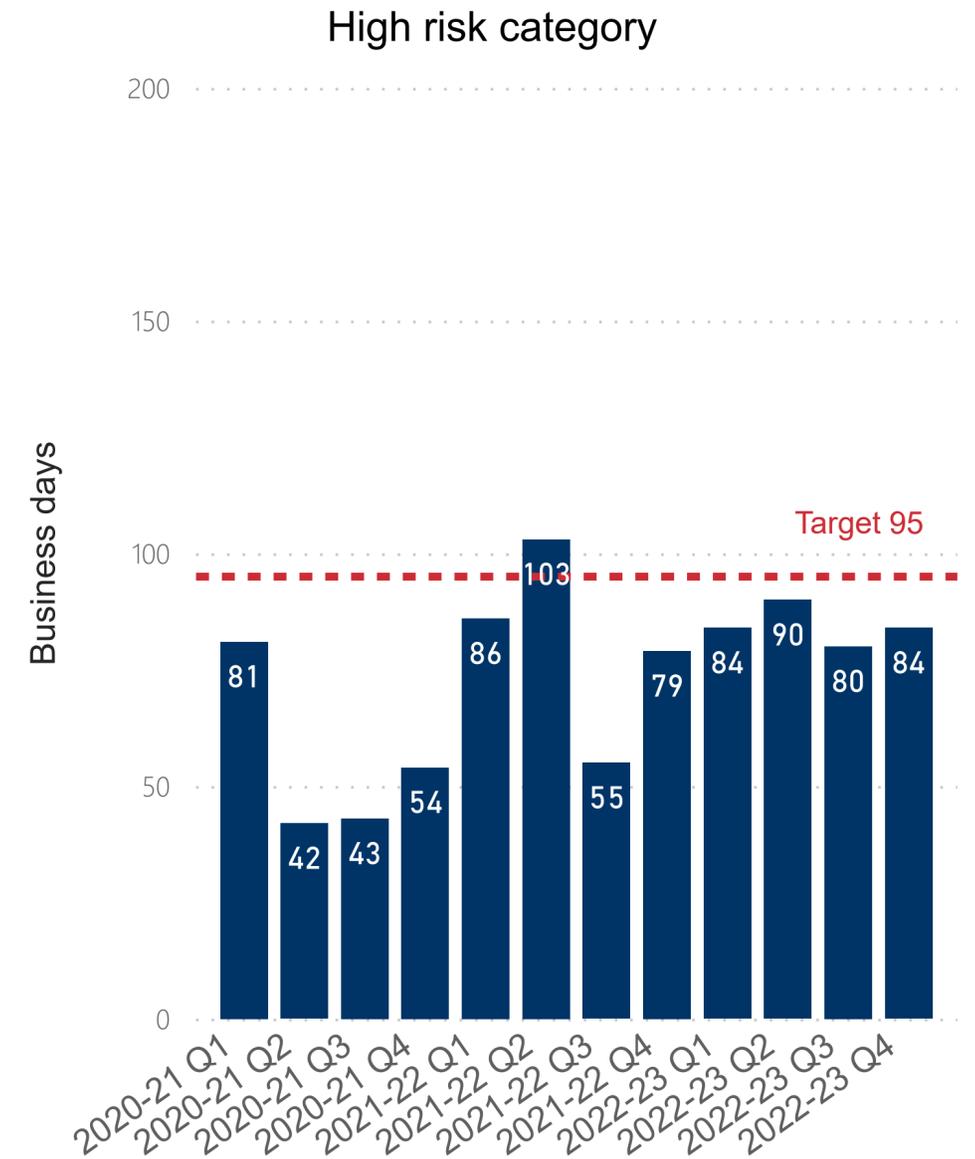
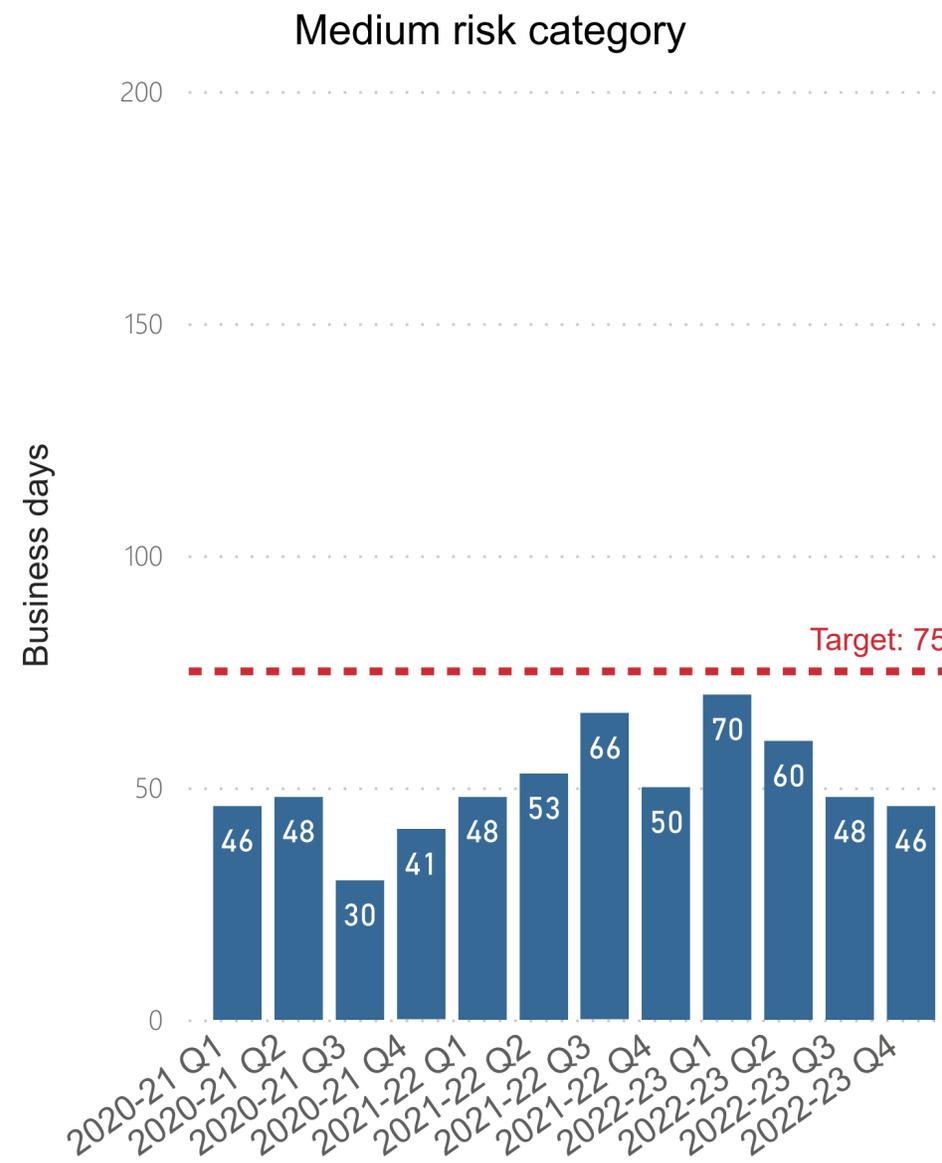
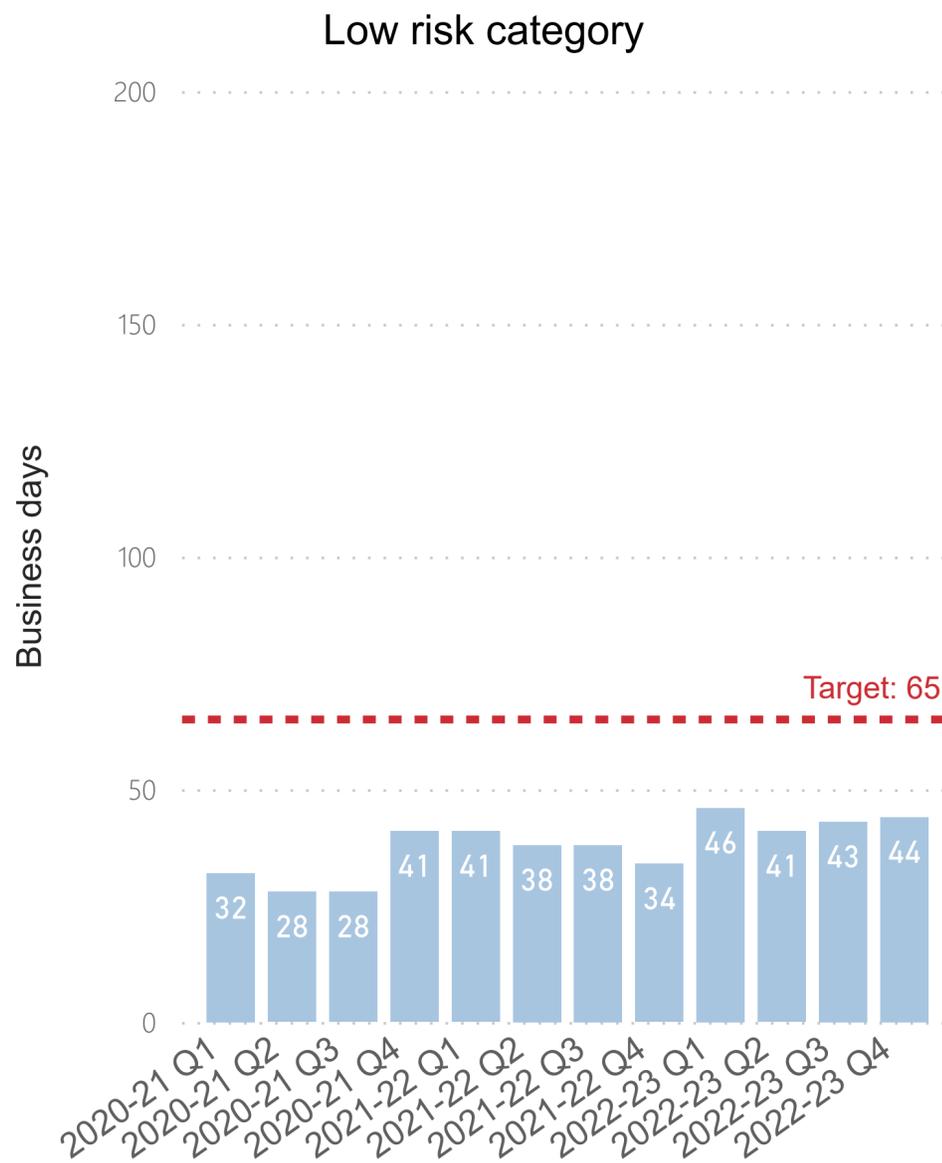


Water licences and permits

We assign risk categories to water licence and permit applications and 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.

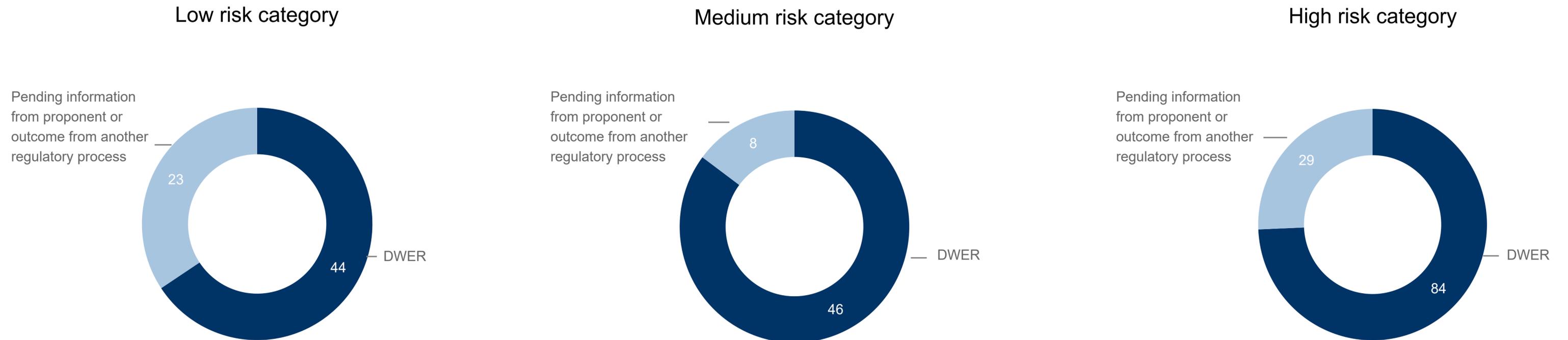
Average business days to finalise water licence applications 2020-21 to 2022-23



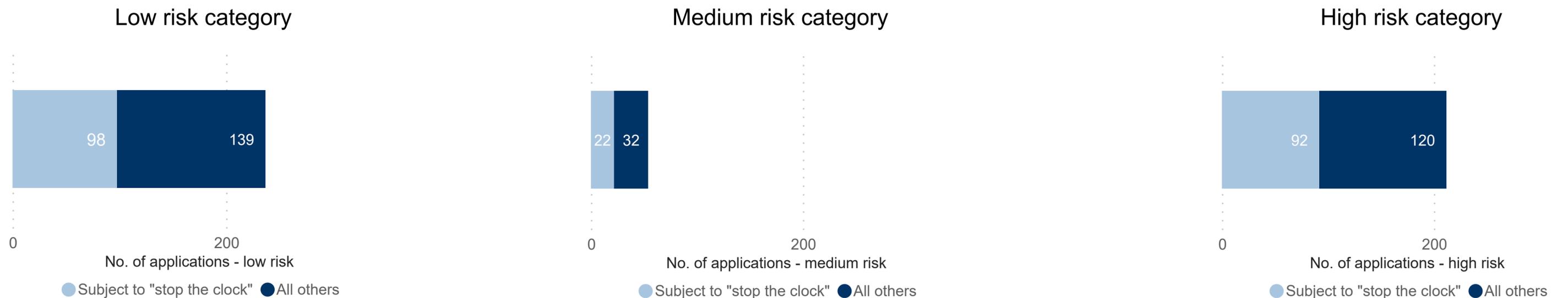
Water licensing - Life of an application

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 pending information from the proponent or pending an outcome from other regulatory processes.

Average business days to finalise a water licence or permit 2022-23 Q4



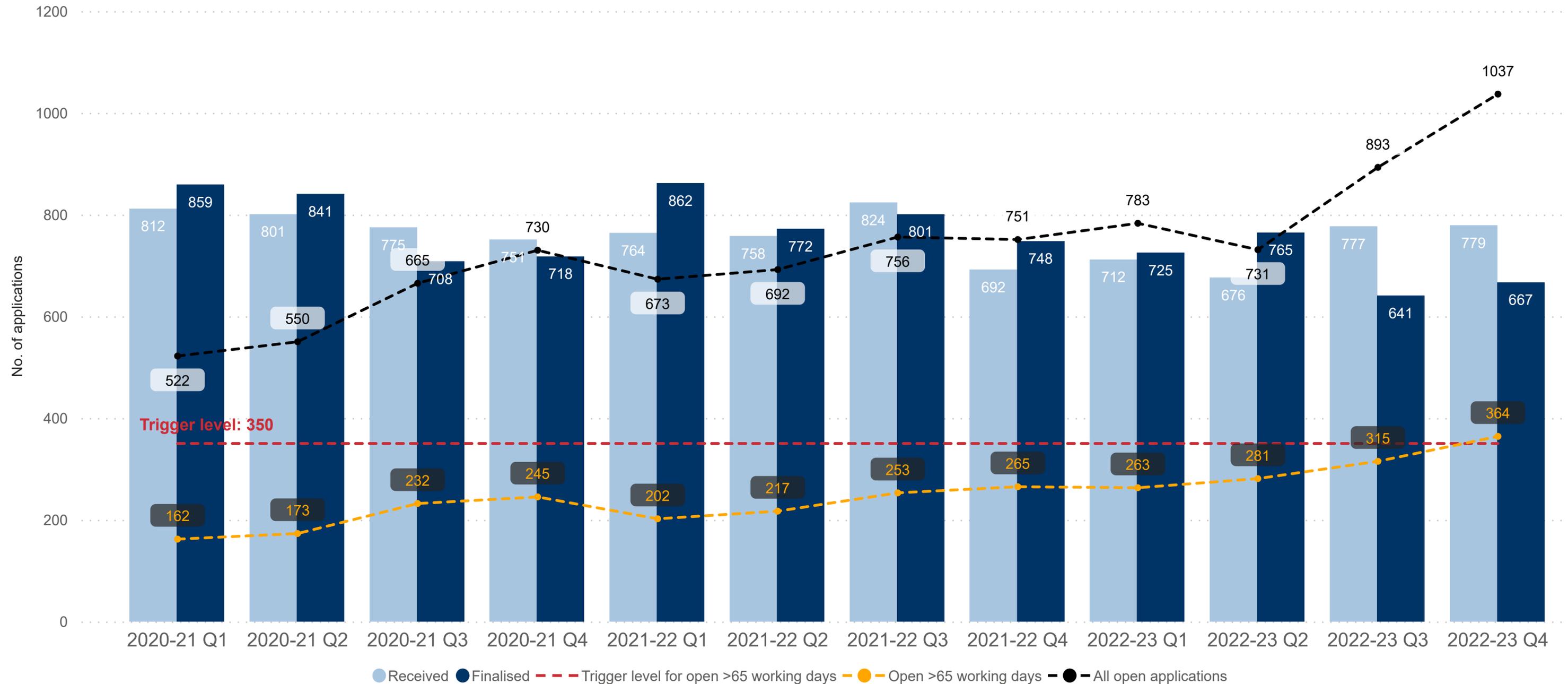
Water licence and permits applications subjected to "stop the clock" vs others 2022-23 Q4



Water licensing - Managing open applications



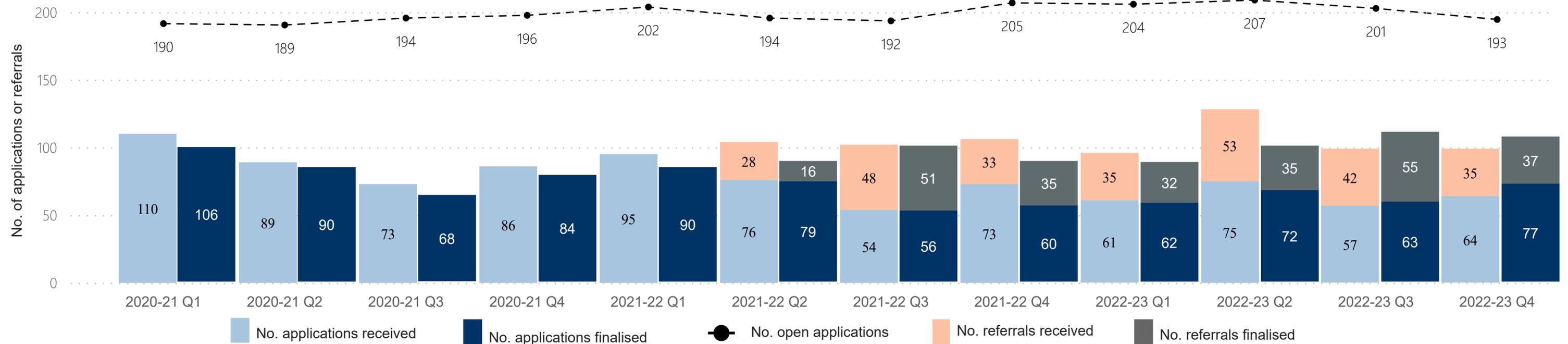
We manage to a trigger level of 350 open water licence and permit applications that have processing times greater than 65 business days. This excludes applications under "stop the clock".



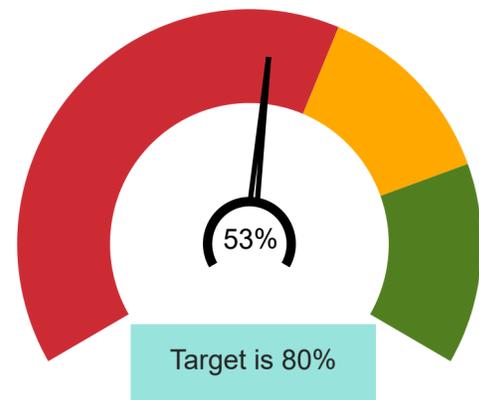
Native vegetation clearing permits

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.

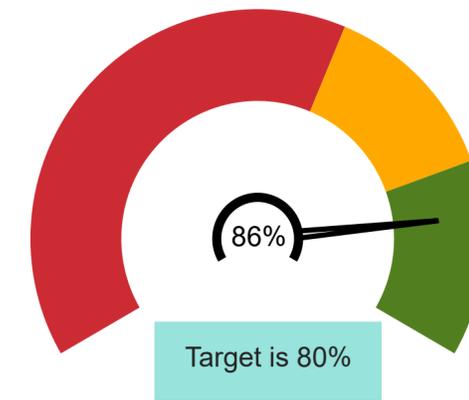
Proposal to clear advice referrals and Clearing permits application: received, finalised and open 2020-21 to 2022-23



Clearing permit applications finalised within target 2022-23 Q4



Referral applications finalised within target 2022-23 Q4

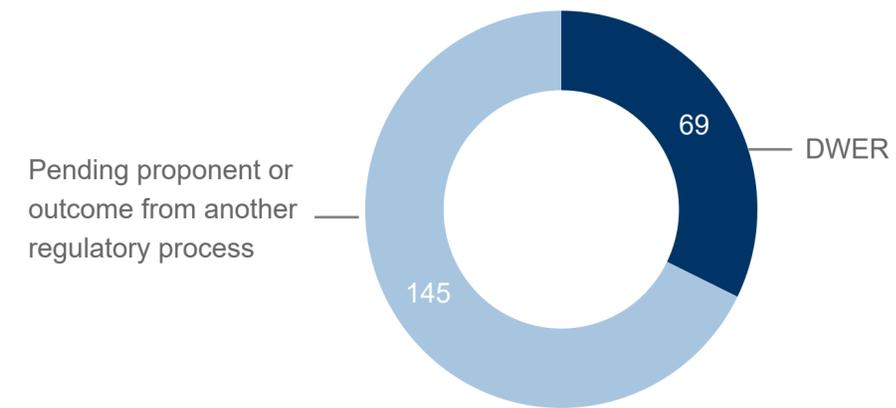


Native vegetation - Life of an application

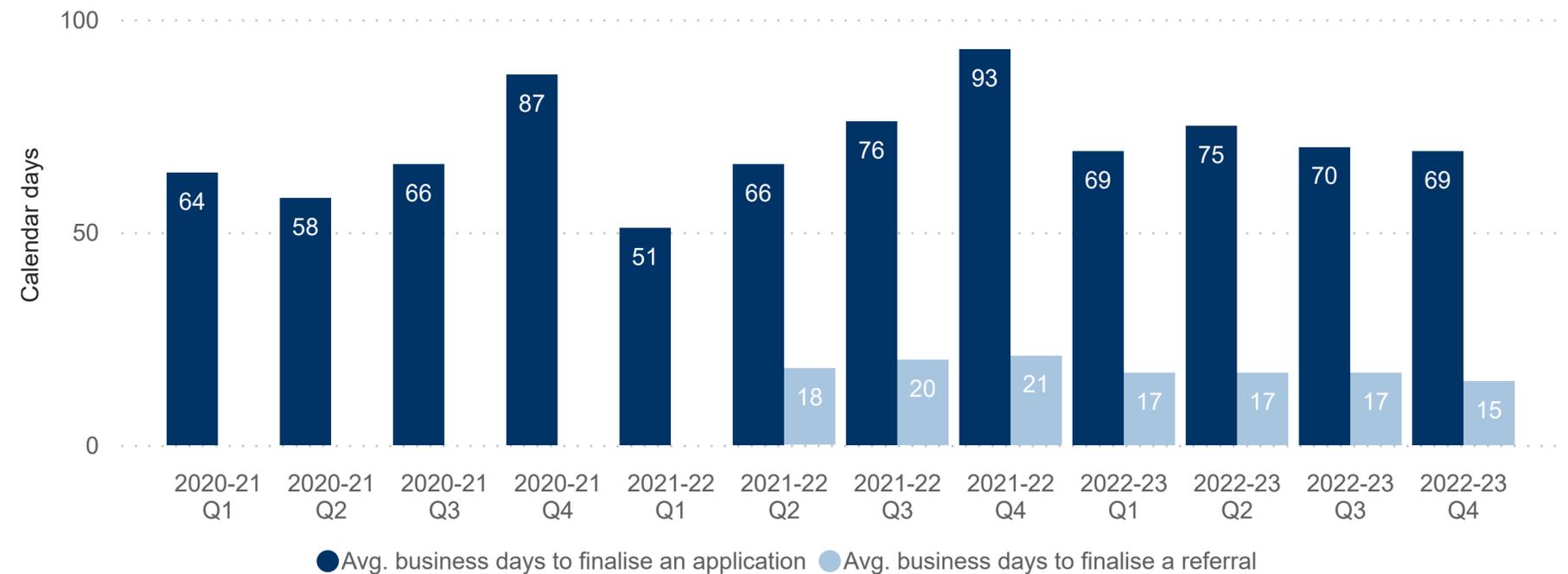
Life of an application reports illustrate the average time an application is under our assessment. The average time an application is under our assessment does not include the time an application is pending information from the proponent or pending an outcome from other regulatory processes.

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
2022-23 Q4



Average business days to finalise Proposal to clear advise referrals and Clearing permit applications 2020-21 to 2022-23

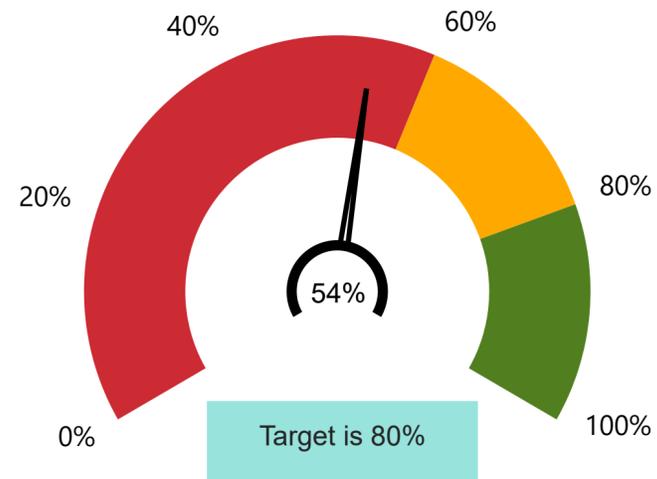


Industry regulation - Licences and works approvals

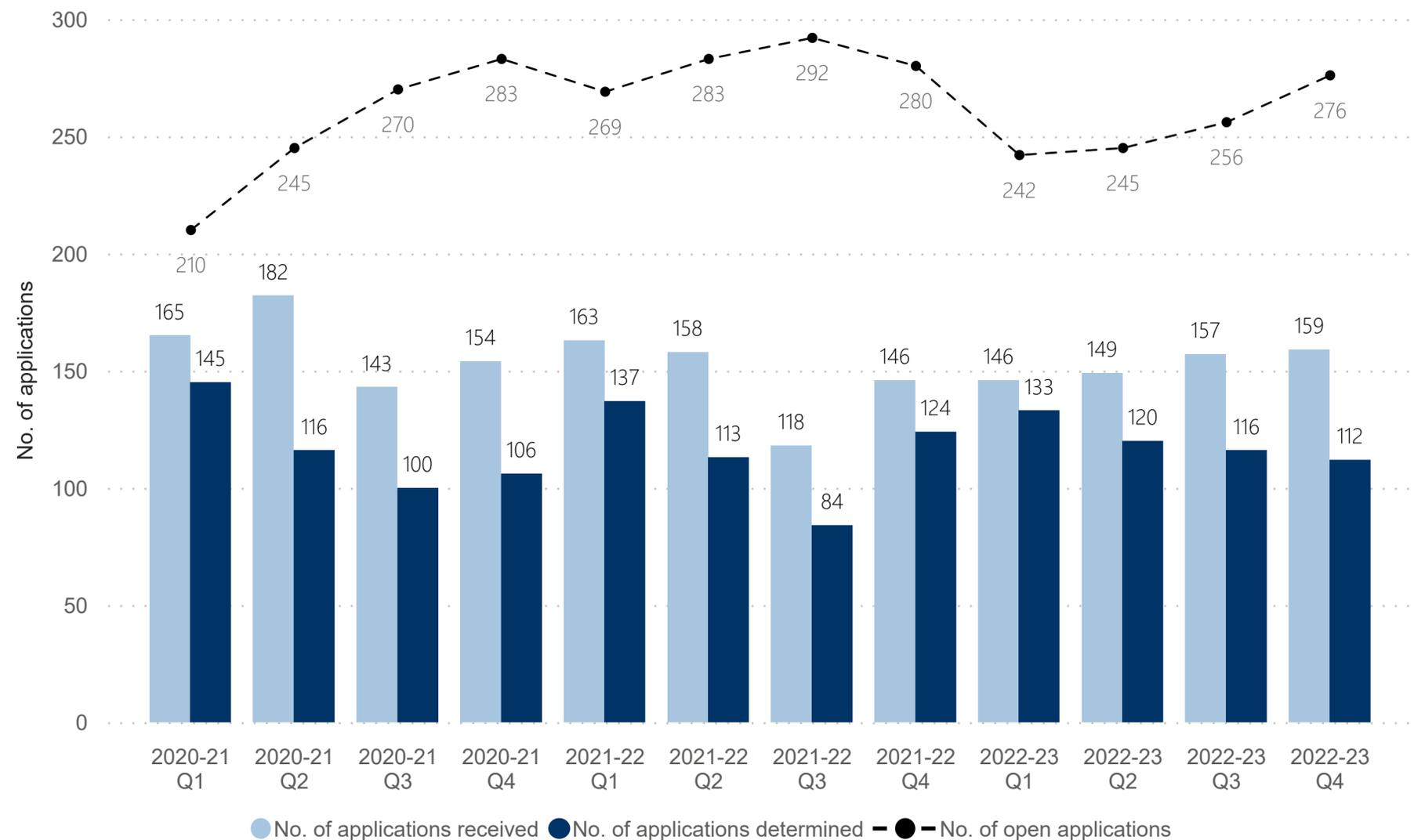
Industrial premises with potential to cause emissions and discharges to air, land or water are known as 'prescribed premises' and are regulated under the *Environmental Protection Act 1986* (EP Act). The EP Act requires a works approval to be obtained before constructing a prescribed industrial premises 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 Q4



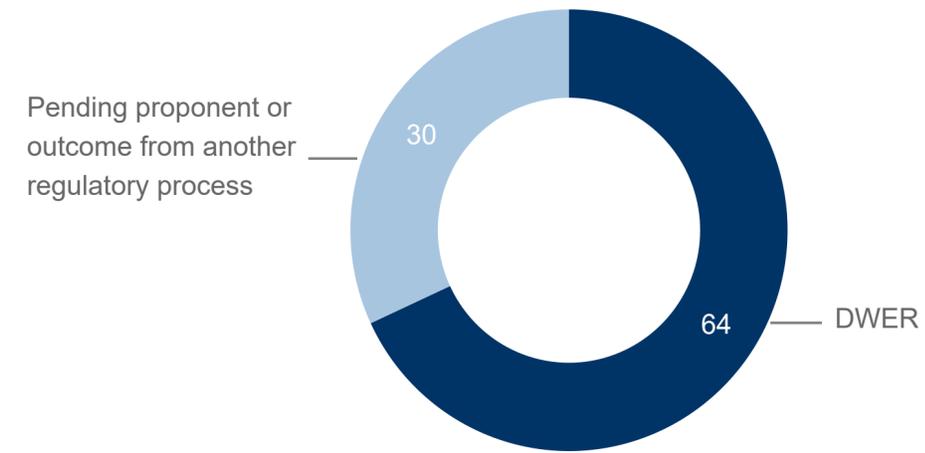
Licences and works approvals: received, finalised and open applications 2020-21 to 2022-23



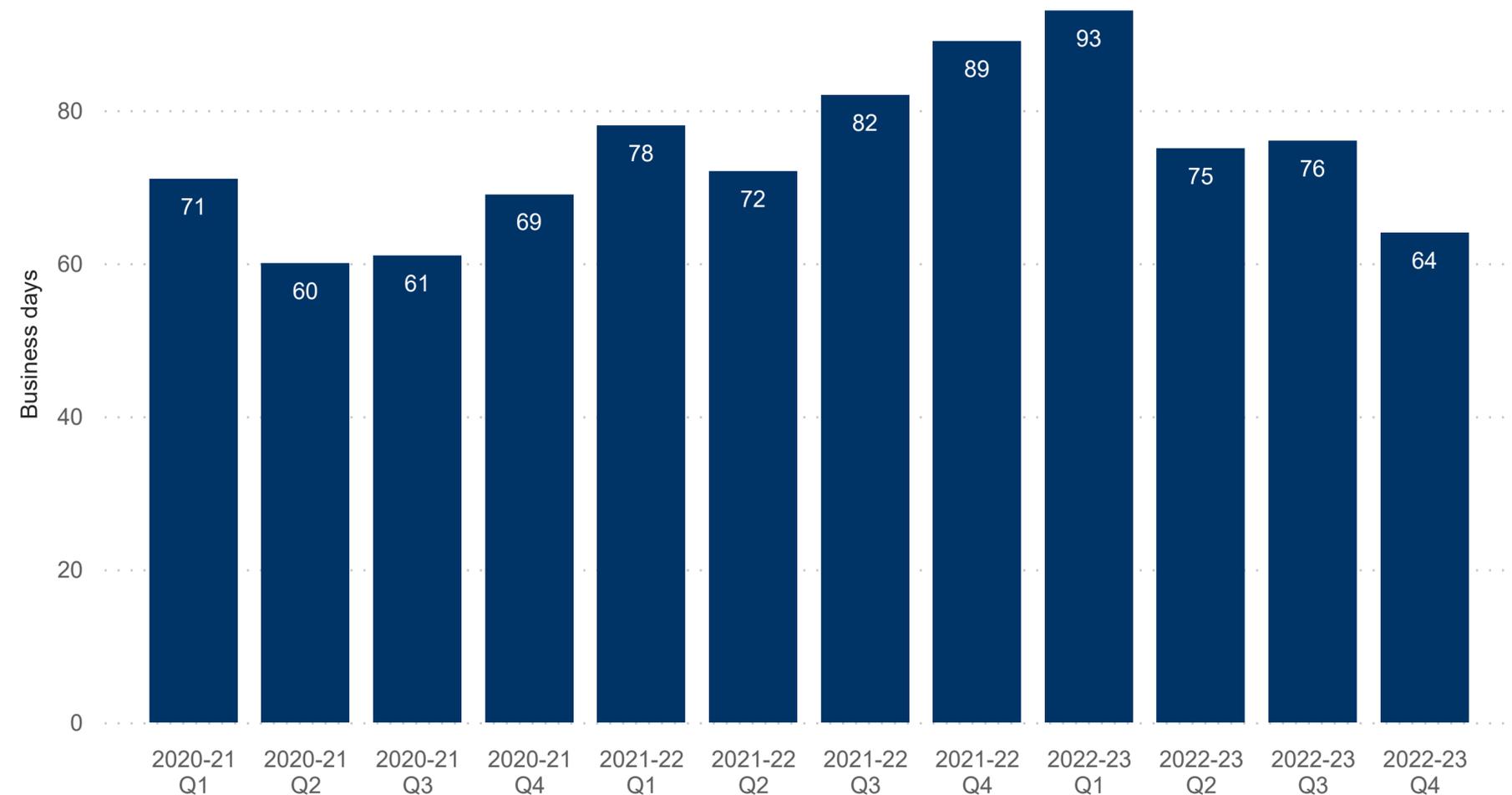
Industry regulation - Life of an application

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 pending information from the proponent or pending an outcome from other regulatory processes.

Average business days to finalise a works approval or licence 2022-23 Q4



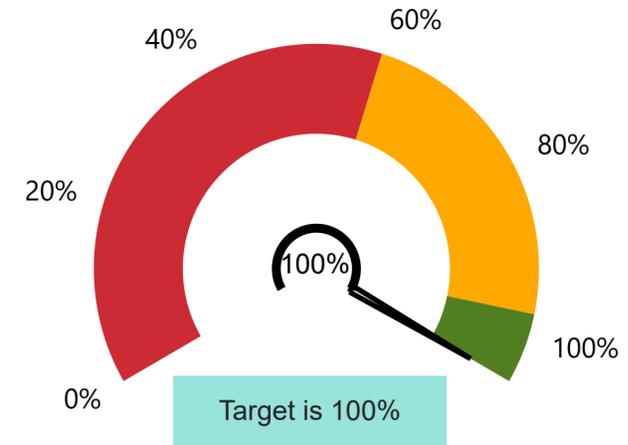
Average time (days) to finalise licences and works approvals 2020-21 to 2022-23



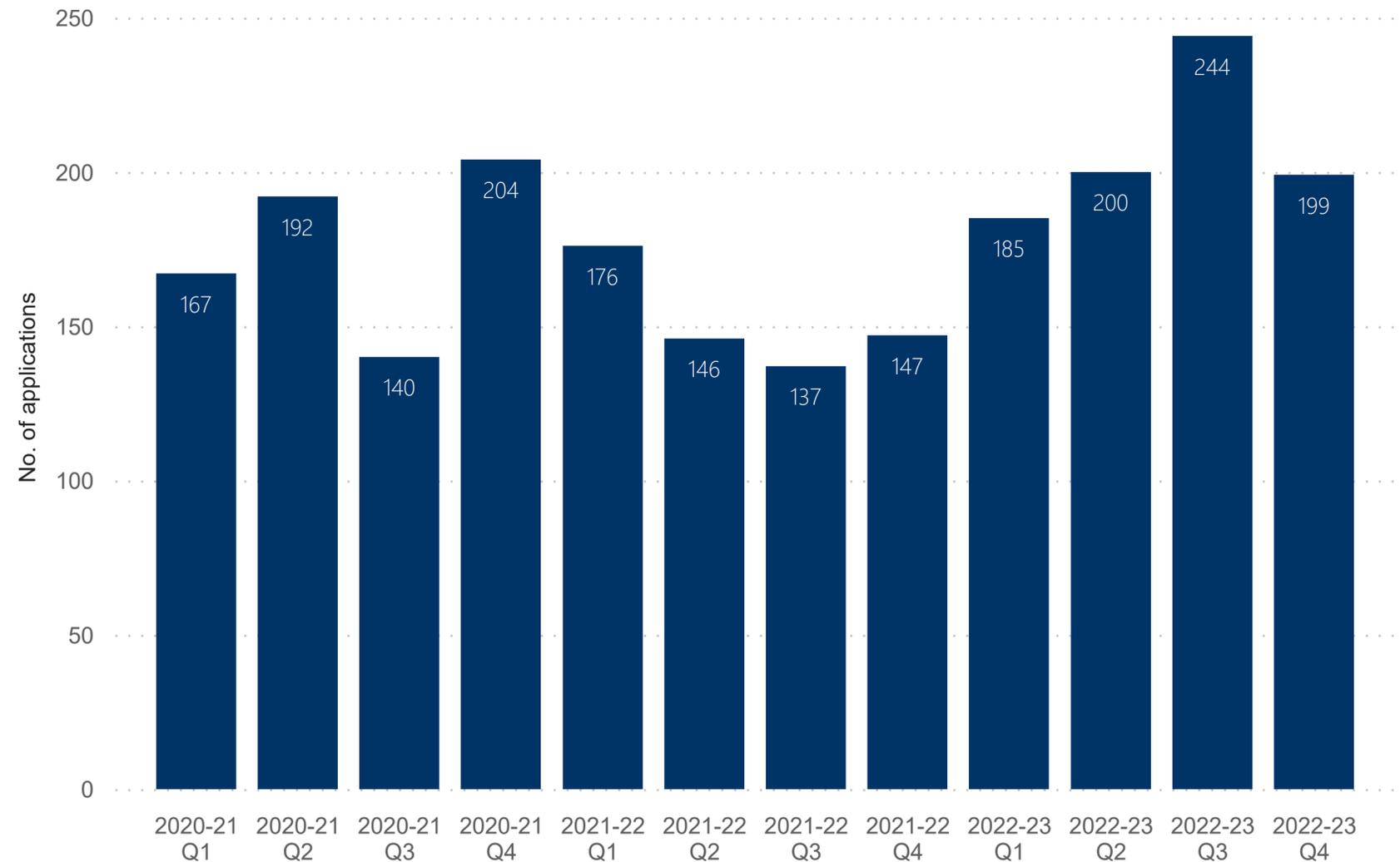
Controlled waste licences

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 Q4



Controlled waste licences: applications received 2020-21 to 2022-23

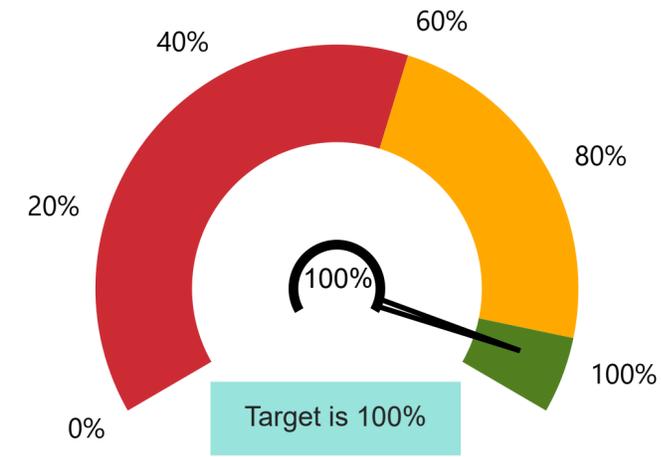


Known or suspected contaminated sites reported (Form 1s)

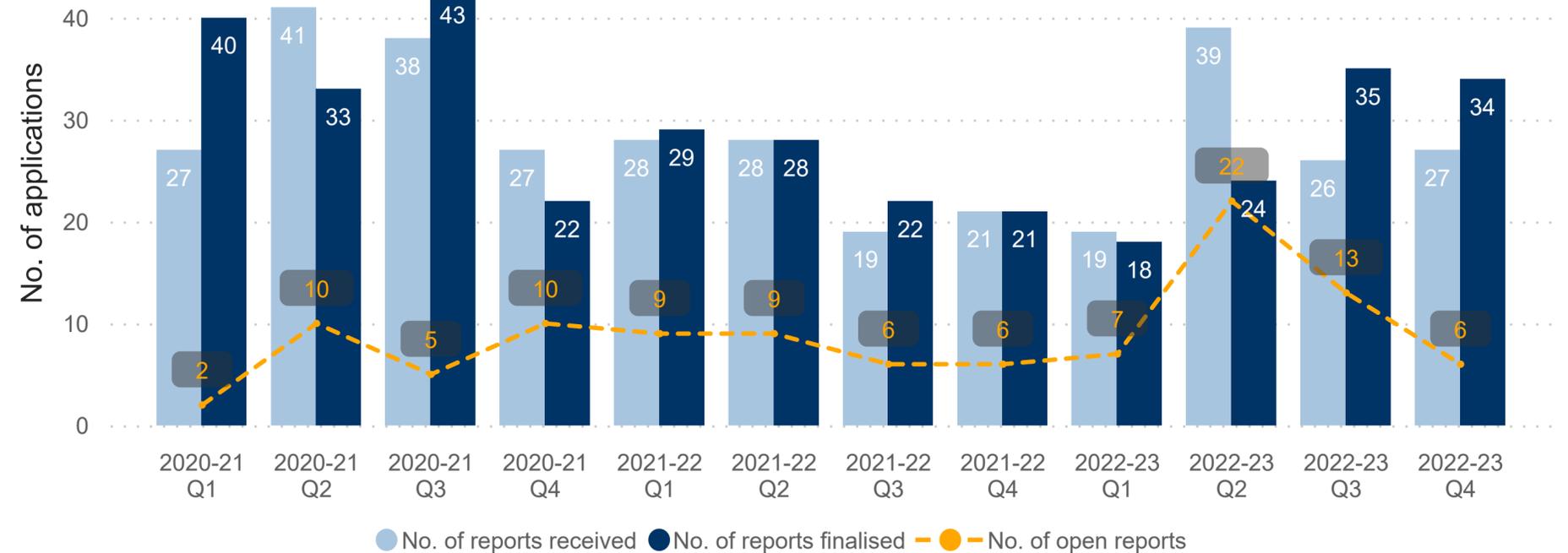
The *Contaminated Sites Act 2003* was introduced to identify, record, manage and clean up contamination in Western Australia. Certain persons (such as the owner, occupier and causer of contamination) have a duty to report known or suspected contaminated sites to us.

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 reported (Form 1s): finalised within target 2022-23 Q4



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



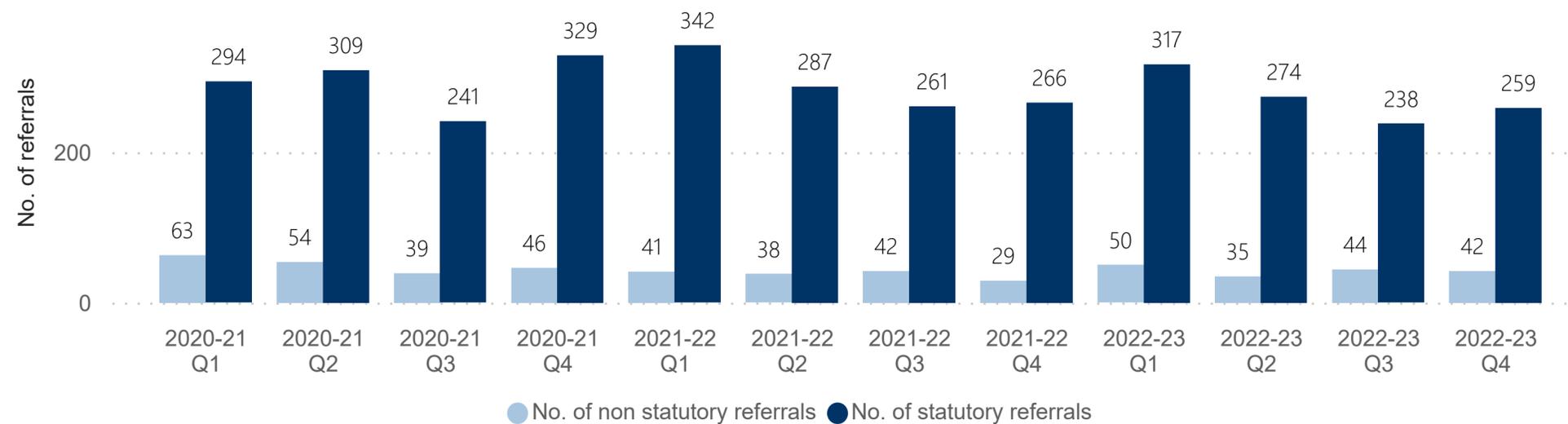
Land use planning advice request - Water



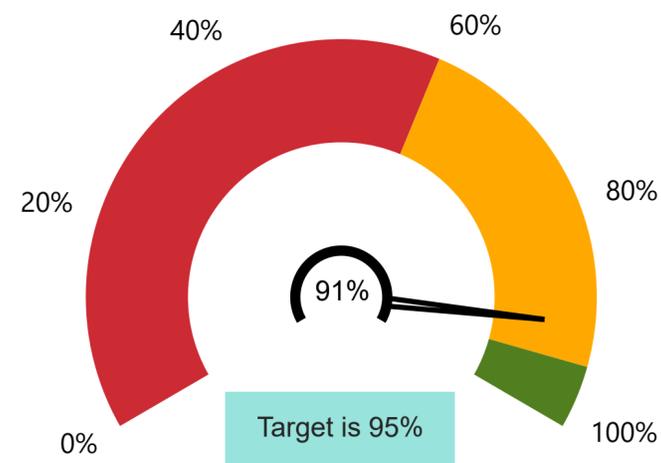
We provide advice on land use planning matters to local government and other decision-makers, such as the Western Australian Planning Commission; the Department of Planning, Lands and Heritage; and the Department of Mines, Industry Regulation and Safety.

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

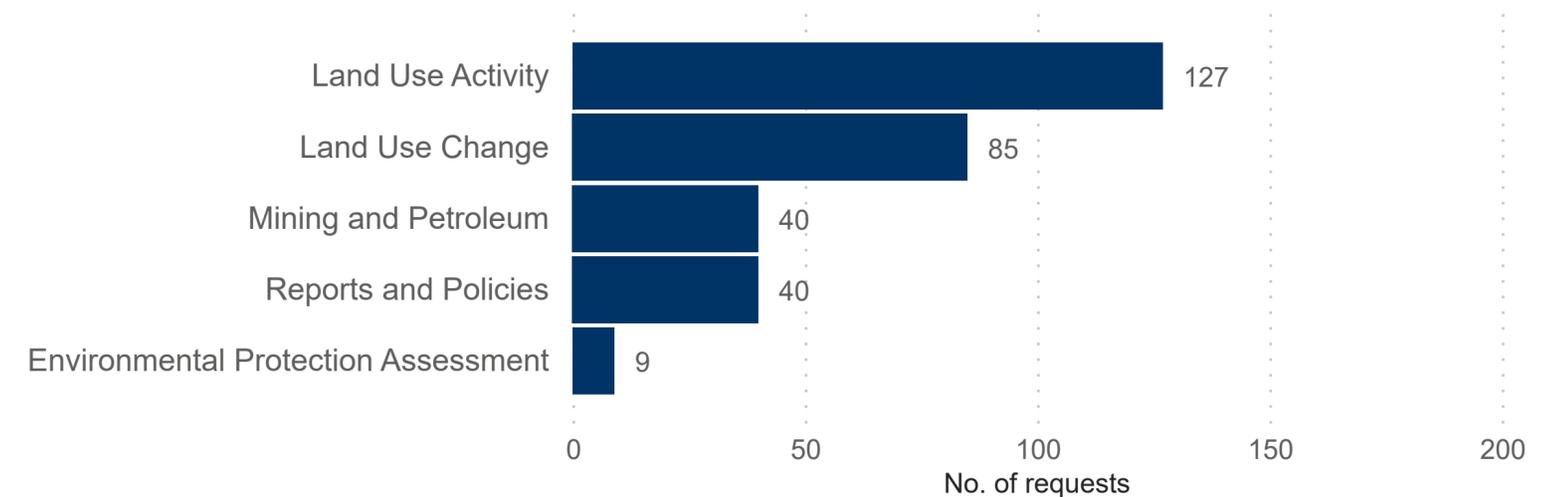
Land use planning (water) advice requests responded to by type 2020-21 to 2022-23



Land use planning (water): finalised within target 2022-23 Q4



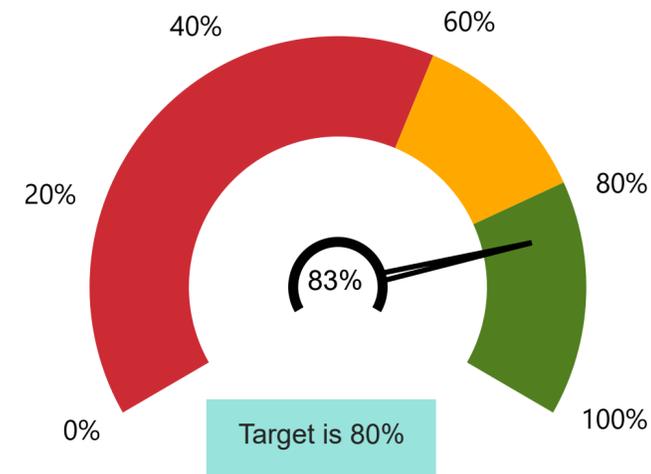
Land use planning (water) advice requests responded to by category 2022-23 Q4



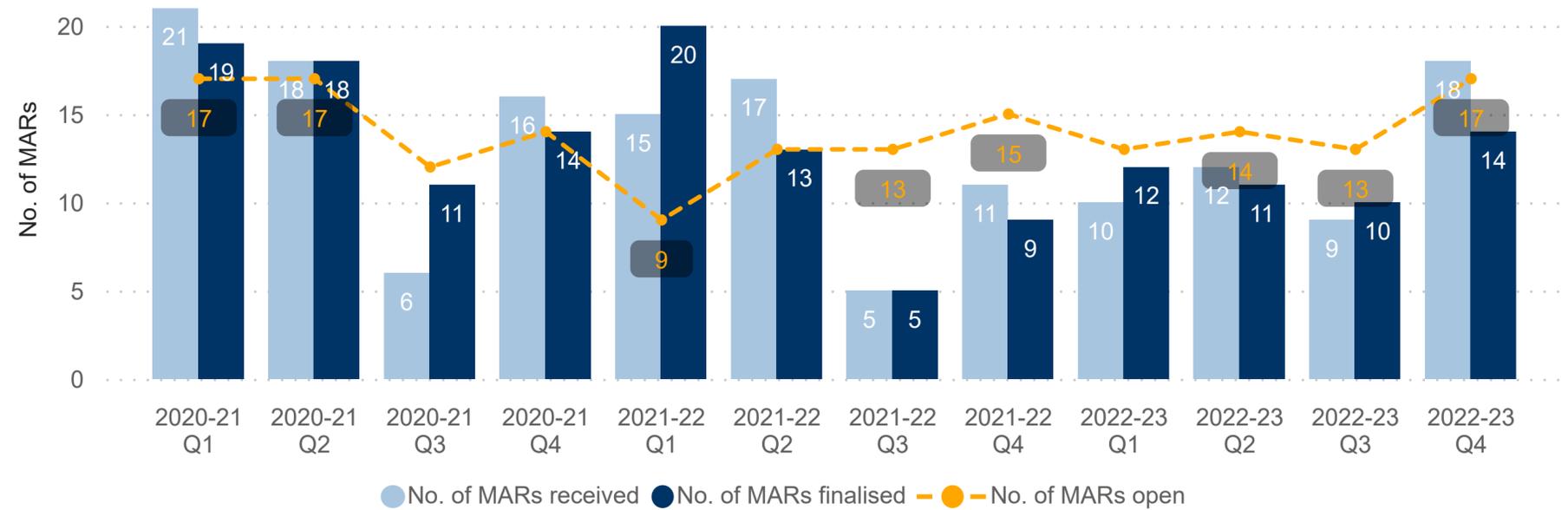
Mandatory Auditor's Reports (MARs)

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 2022-23 Q4



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

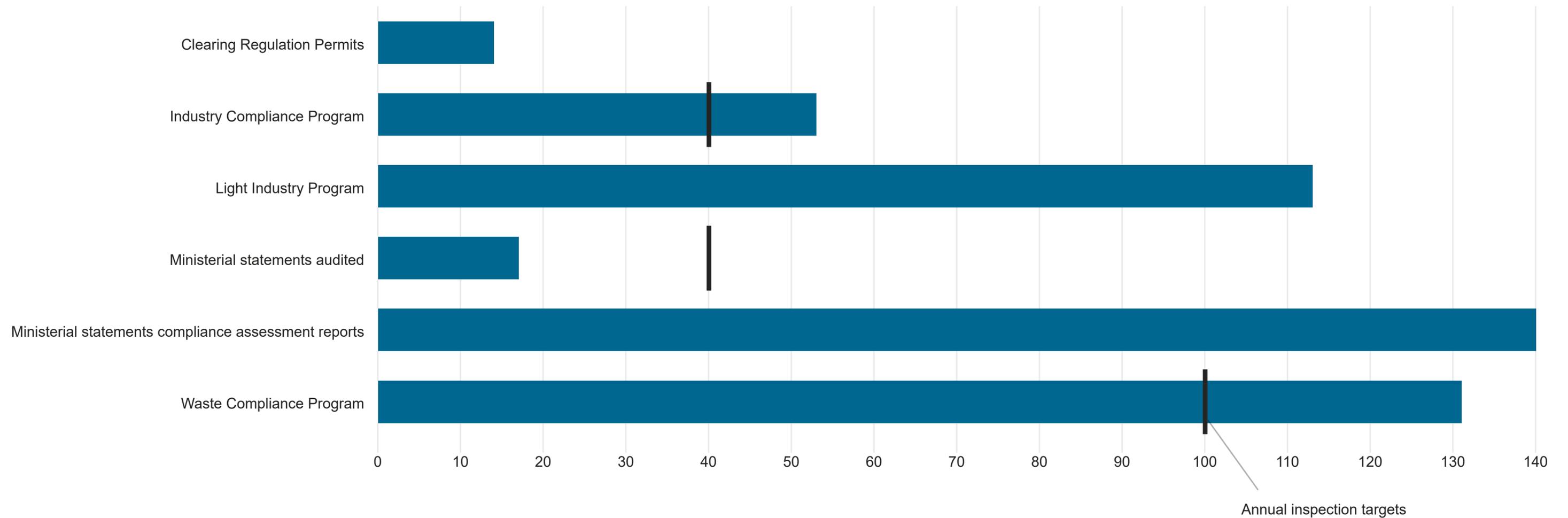


Compliance monitoring - Environment

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.

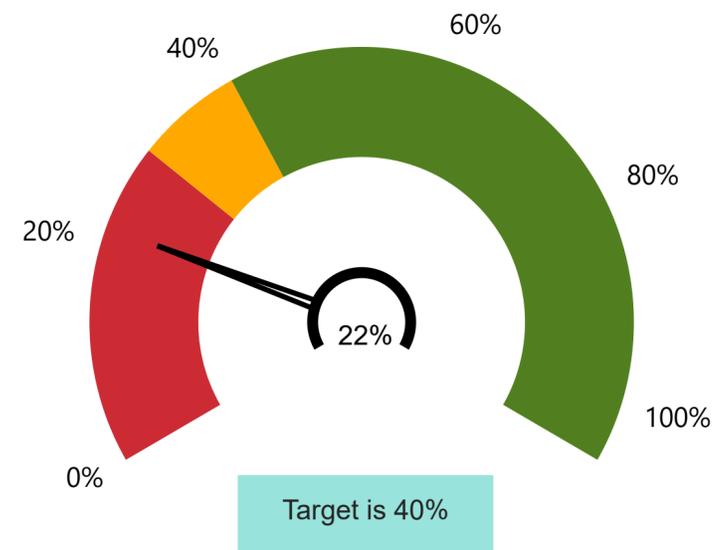
Compliance (Environment) inspections and audits undertaken in 2022-23 (YTD)



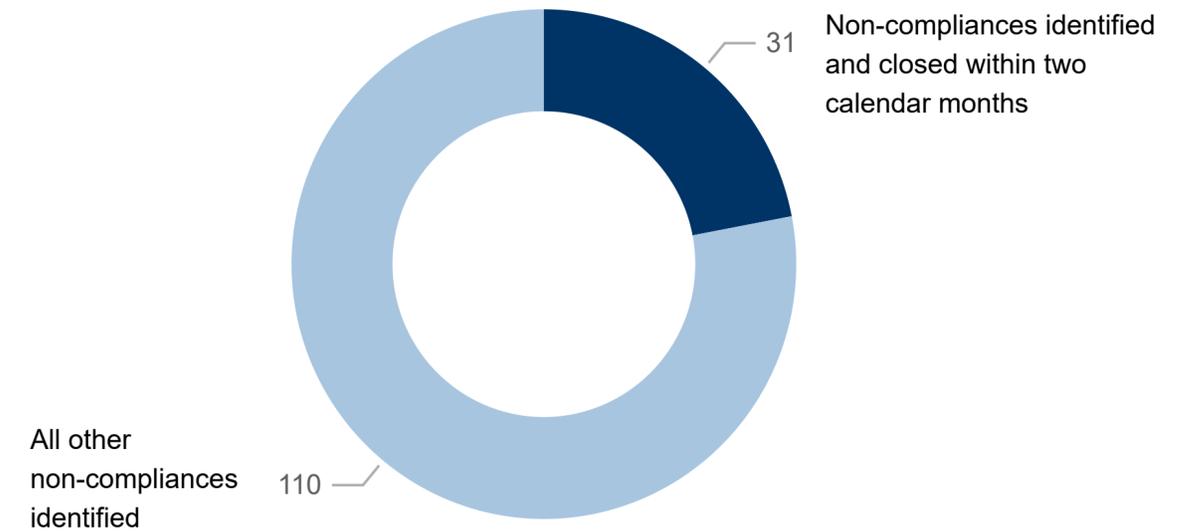
Compliance monitoring - Environment

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 (Environment) closed in two calendar months 2022-23 YTD



Non-compliances identified during compliance monitoring programs (Environment) 2022-23 YTD

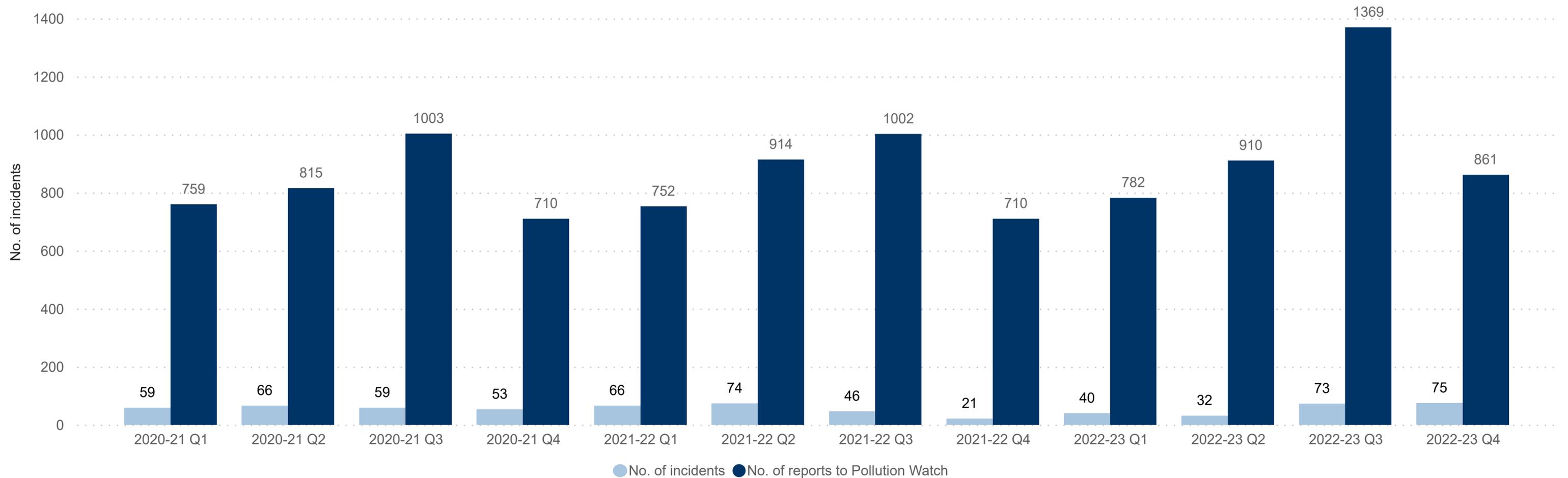


Reporting pollution

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. 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.

Pollution response activities 2020-21 to 2022-23

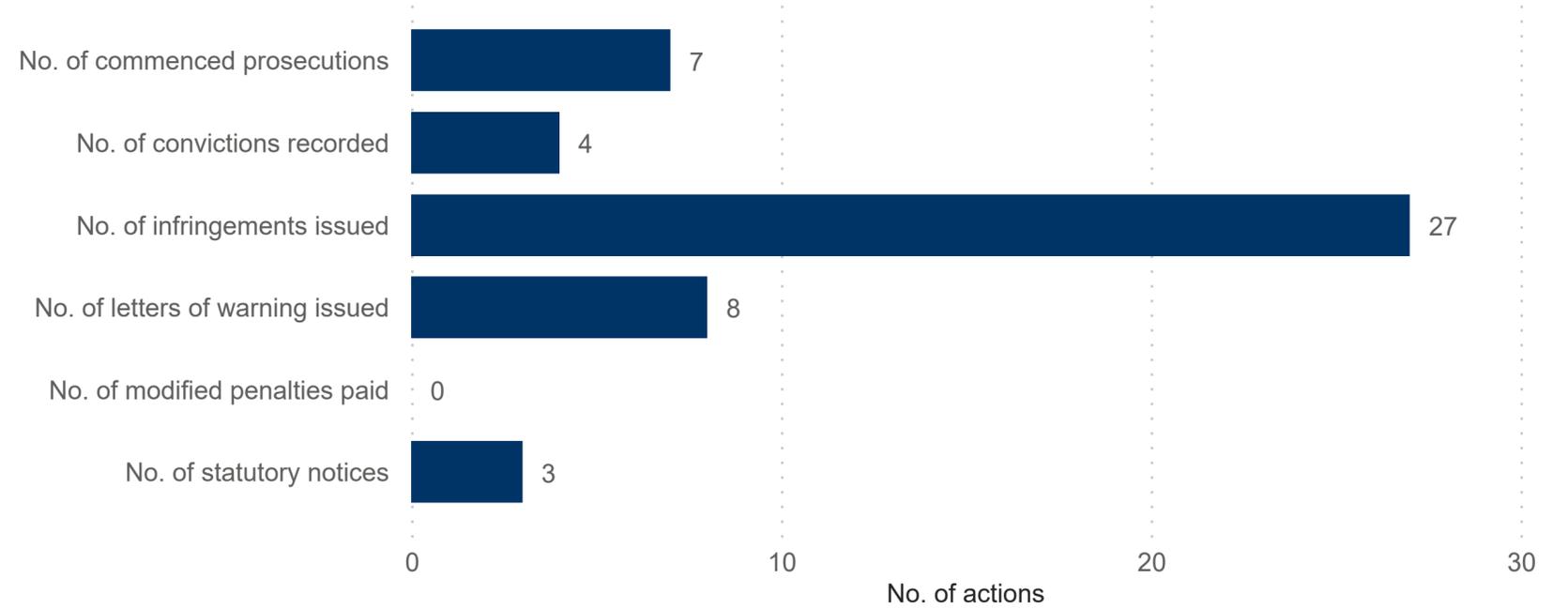


Enforcement activities - Environment

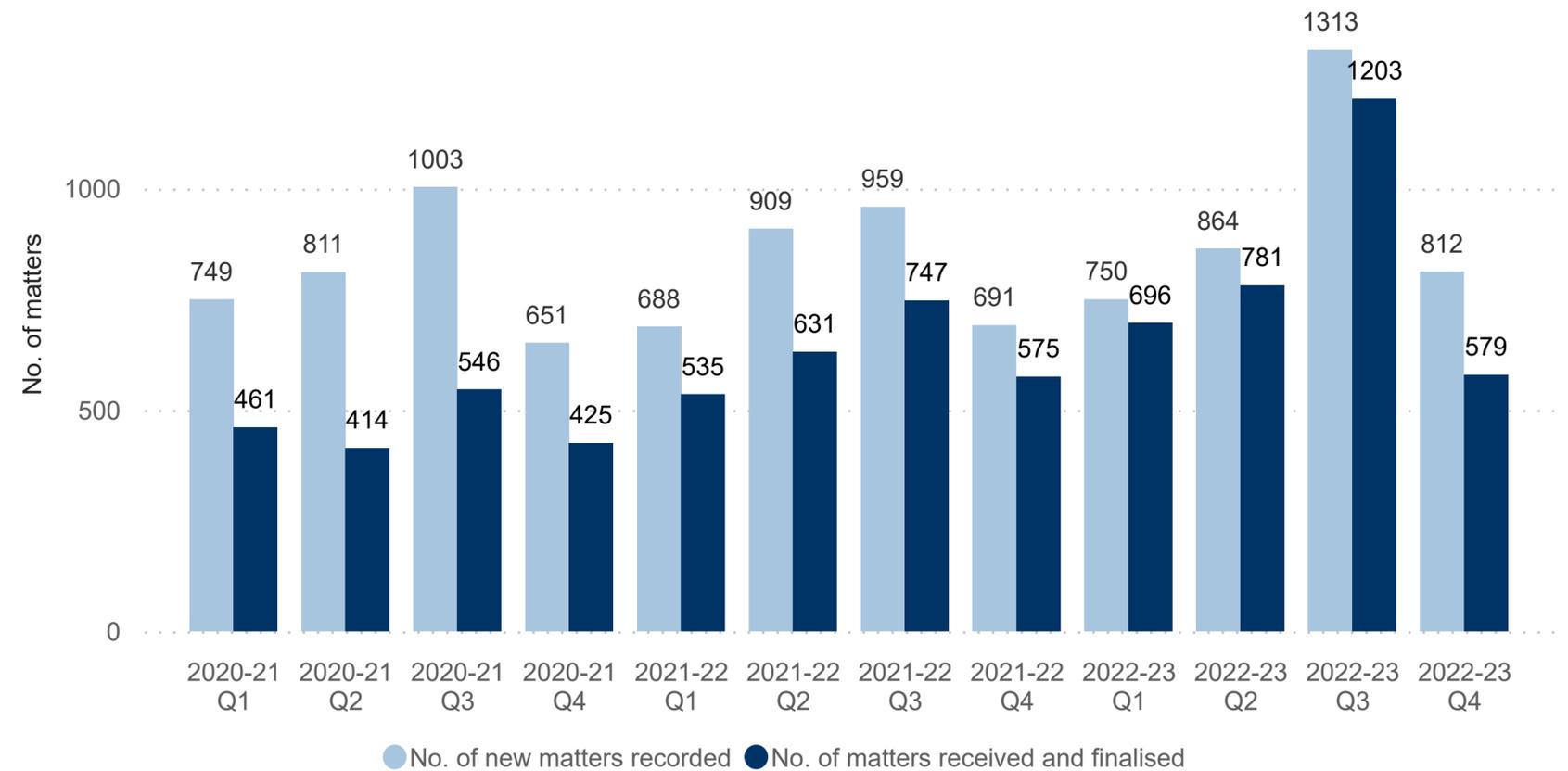
We investigate regulatory complaints and alleged non-compliances to establish whether an offence has been committed to achieve state-wide enforcement outcomes. This helps to secure compliance with the legislation that the department administers through specific and general deterrence.



Enforcement actions 2022-23 Q4



Enforcement activities (environment): recorded and finalised 2020-21 to 2022-23

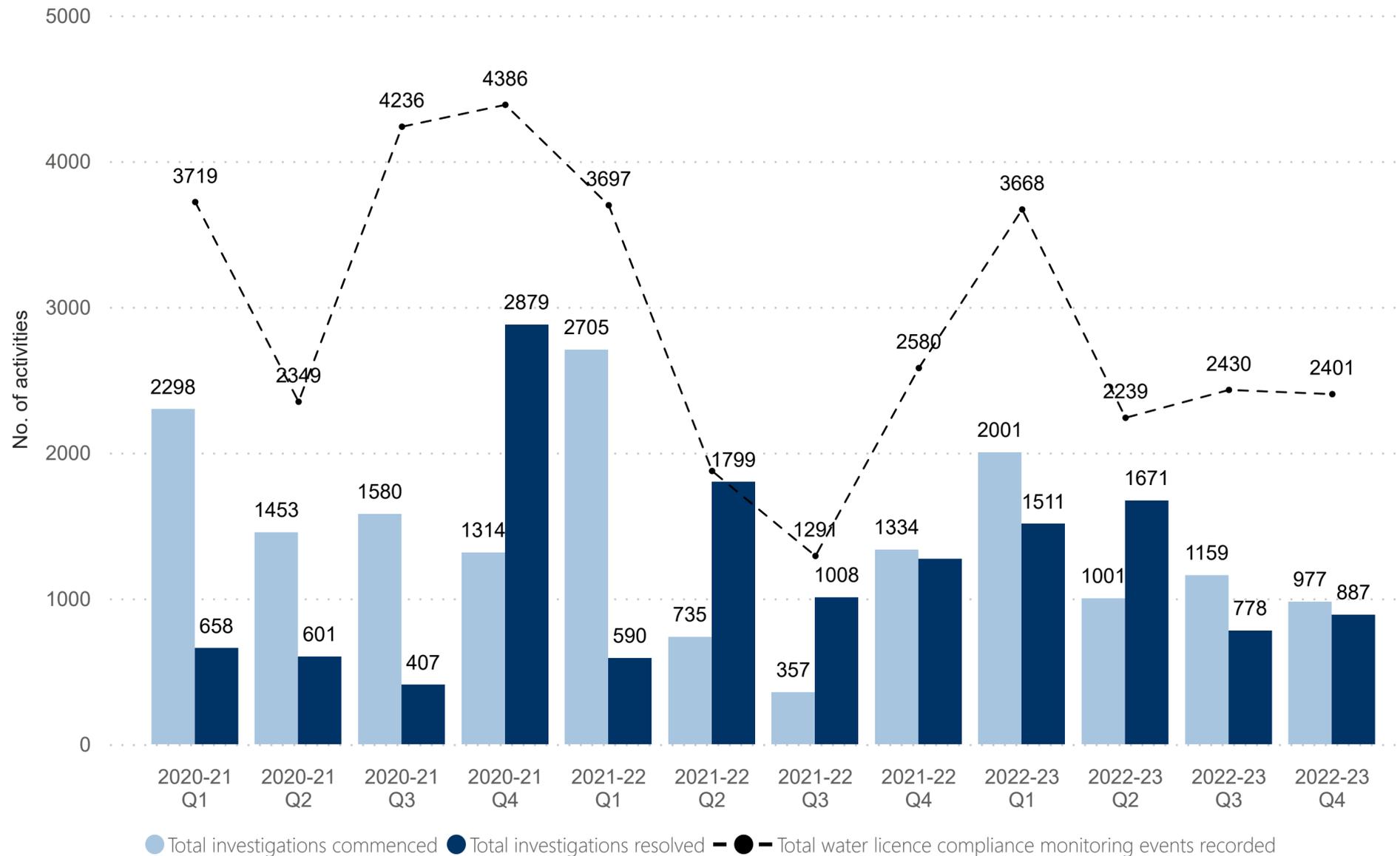


Compliance and enforcement activities - Water

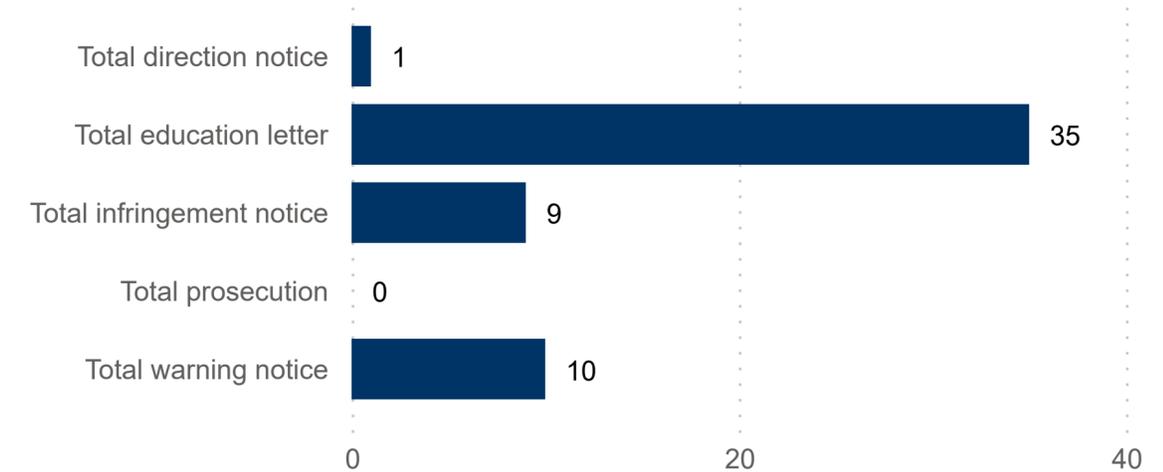
We investigate all incidents of suspected and confirmed non-compliance with water licence terms, conditions and restrictions, detected as an outcome of on-site and off-site compliance monitoring or raised automatically by the water compliance management system.

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.

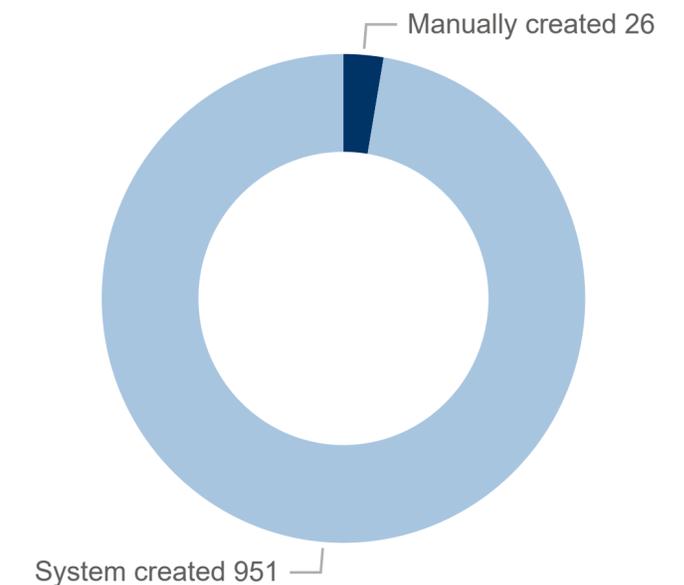
Compliance monitoring and enforcement activities 2020-21 to 2022-23



Enforcement actions 2022-23 Q4



Total investigations commenced 2022-23 Q4

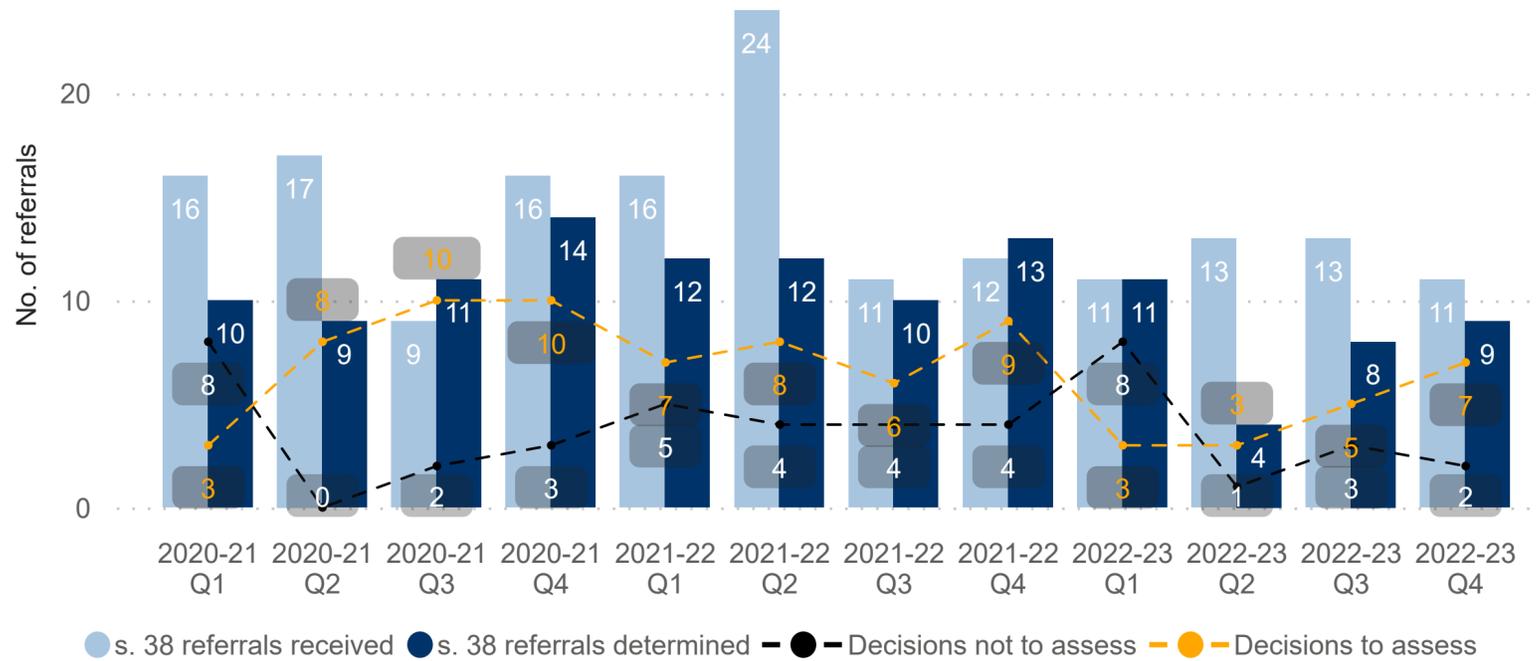


Environmental Protection Authority Services

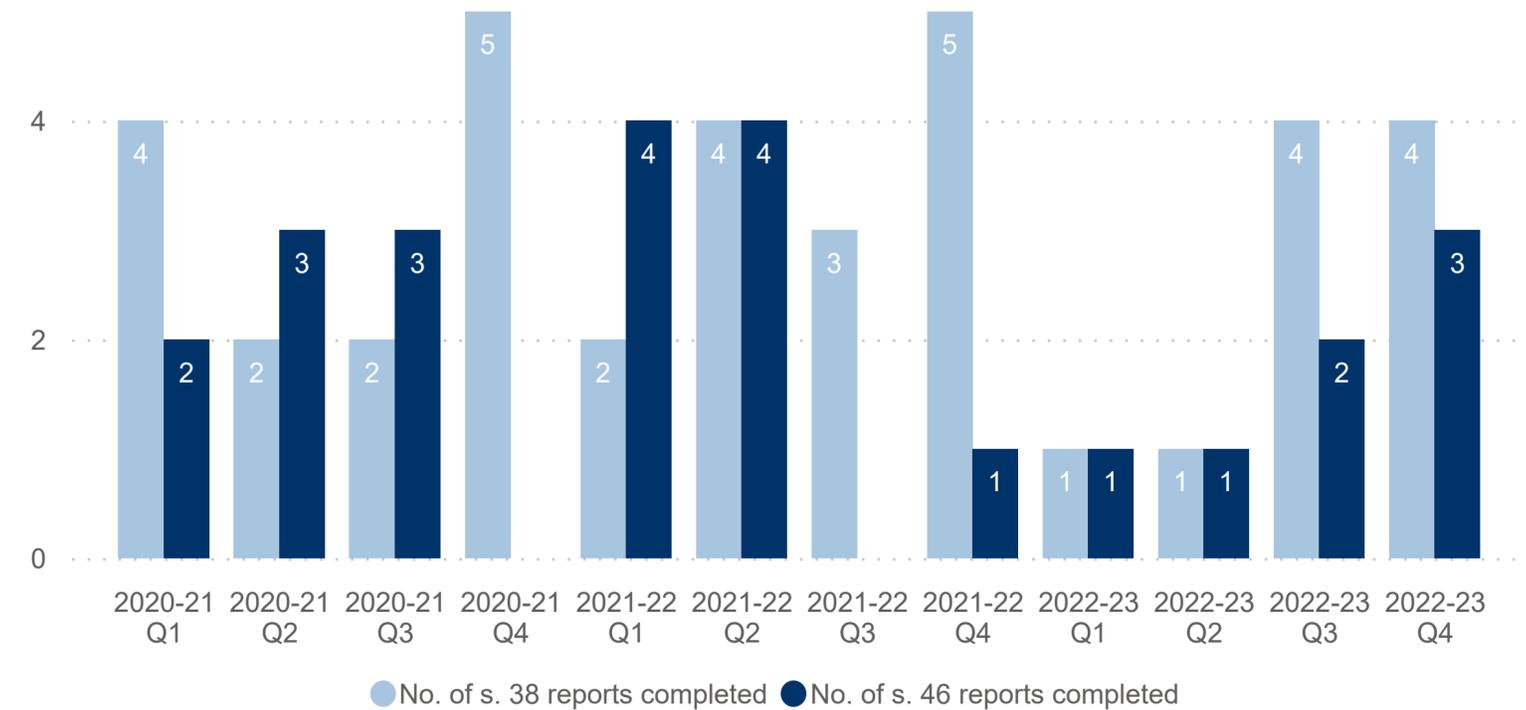


We provide services to the Environmental Protection Authority (EPA) to conduct environmental impact assessment of significant development proposals referred under section 38 of the EP Act. The department supports the EPA in providing reports to the Minister for Environment on the assessment of development 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 under s. 38 and determinations to assess 2020-21 to 2022-23



EPA reports completed 2020-21 to 2022-23



Assessment of s. 48A scheme referrals that met agreed timeframe 2022-23 Q4



Recommended project-specific conditions significantly amended following appeals 2022-23 Q4



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 2020-21 to 2022-23



Determinations on whether to assess schemes and scheme amendments 2022-23 Q4



Scheme referrals determined within statutory timeframe 2022-23 Q4

