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Department of **Environment Regulation**

# Regulatory Performance Report Approvals Summary

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**Questions regarding this report should be directed to:**

Department of Environment Regulation  
Locked Bag 33 Cloisters Square  
PERTH WA 6850

Phone: +61 8 6467 5000

Fax: +61 8 6467 5562

Email: [info@der.wa.gov.au](mailto:info@der.wa.gov.au)

Web: [www.der.wa.gov.au](http://www.der.wa.gov.au)

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## Approvals Summary

### Works Approvals and Licences

#### Major Resource Project

For major resource project approvals, the Department of Environment Regulation (DER) has set a target to decide (grant or refuse) 100 per cent of works approval and licence applications within 60 working days.

#### Delivery Status

##### Works Approvals

- In Q3 2015–16, the Department did not receive any new works approval applications. In the previous four quarters, 20, 18, 19 and four applications were received. The reduction in applications may be a result of publication of DER's [Guidance statement: licensing and works approvals process](#) in September 2015, which encourages existing licence holders to seek approval for changes to their prescribed premises through a licence amendment application, rather than a works approval application.
- Seven works approvals were decided, which was one third the number decided in the previous quarter.
- The average processing time decreased from 73 working days to 72 working days, which is an increase from the corresponding quarter in 2014–15 (49 working days).
- DER decided 86 per cent of works approval applications within 60 working days, which is an improvement compared to the previous quarter.

##### Licence Applications

- Two new licence applications were received in Q3 2015–16; a decrease from the preceding quarter, and less than in Q3 2014–15 (when four were received).
- Seven licence applications were decided, more than the four applications decided in the previous quarter and the corresponding quarter in 2014–15 (when two were decided). The average processing time for a decision was 40 working days, which was less than half the time taken in the previous quarter (average time of 85 working days).
- The percentage of licence applications decided within the time frame of 60 working days increased from 50 per cent in the previous quarter to 100 per cent of decisions being made within 60 working days.

#### Summary

DER's performance with respect to major resource project works approval applications improved on the previous quarter, with 86 per cent decided within the 60-working day time frame (from an increase from 76 per cent in the previous quarter) and a decrease of one working day in the average time for a decision (73 working days to 72 working days). The number of open applications decreased from 19 to eight.

The Department decided 100 per cent of major resource project licence applications within the time frame of 60 working days, increasing from 50 per cent in the previous quarter. The average time for a decision decreased from 85 working days in Q2 2015–16 to 40 working days in Q3 2015–16.

DER refocused its Industry Regulation business improvement program in 2015 to deliver a range of significant reforms. The reform program aligns with DER's [Guidance Statement: Regulatory Principles](#) and the recently published [Guidance Statement: Setting Conditions](#).

DER is developing a comprehensive risk-based approach to its regulatory functions under Part V Division 3 of the *Environmental Protection Act 1986* (EP Act). The [Guidance Statement: Regulatory Principles](#) are being supported by a risk based assessment framework and the development of a series of detailed documents and process improvements for more efficient, effective, transparent, consistent and accountable environmental regulation in Western Australia.

### **Non-major Resource Project (Other Project)**

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

#### **Delivery Status**

##### **Works Approvals**

- DER decided 62 per cent of works approval applications within the 60 working day time frame, a slight decrease from the previous quarter (63 per cent) and short of the 80 per cent target.
- Thirty-four works approval applications were decided by DER in Q3 2015–16, which is more than twice the number decided in the preceding quarter (when 16 were decided) and almost double the number decided in the corresponding quarter in 2014–15 (when 18 were decided).

##### **Licence Applications**

- Fifteen new licence applications were received in Q3 2015–16, similar to the previous quarter (when 14 were received), and more than the number received in Q3 2014–15 (nine).
- Fifteen licences were decided by DER in Q3 2015–16, which is slightly more than the number decided in the preceding quarter (14), and less than the corresponding quarter in 2014–15 (19).

#### **Summary**

The average time to process an other project licence application was 44 working days, which was an improvement of 22 working days when compared to the previous quarter (66 working days). The percentage of other project licence applications decided within the 60 working day time frame was 87 per cent, which exceeded the 80 per cent target. The number of open applications decreased from 28 to 20.

The average processing time for an other project works approval application increased from 62 working days during Q2 2015–16 to 80 working days this quarter. Thirty-four applications were decided in Q3 2015–16, nearly double the 16 applications decided the previous quarter. Six of the applications decided in Q3 2015–16 were protracted applications. DER decided 62 per cent of applications within the 60-working day time frame, against a target of 80 per cent.

**Approvals Summary Data Applications—Works Approvals and Licences**

Department of Environment Regulation	Q3 2014–15	Q4 2014–15	Q1 2015–16	Q2 2015–16	Q3 2015–16
<b>Works approvals (major resource project only)</b>					
No. of applications carried over from previous quarter	36	24	42 <sup>1</sup>	37	19
No. of new applications received	20	18	19	4	0
No. of applications granted/refused	30	10	21	21	7
No. of applications withdrawn	2	2	0	1	2
No. of applications declined <sup>3</sup>	n/a	n/a	3	0	1
Average time for decision (working days)	49	53	50	73	72
Percentage of applications decided within target time frame of 60 working days (target is 100%)	80	80	71	76	86
No. of applications open as of end of quarter	24	30	37	19	8 <sup>2</sup>
<b>Licences (major resource project only)</b>					
No. of applications carried over from previous quarter	10	11	14 <sup>1</sup>	15	16
No. of new applications received	4	4	7	5	2
No. of applications granted/refused	2	5	5	4	7
No. of applications withdrawn	1	0	2	0	1
No. of applications declined <sup>3</sup>	n/a	n/a	0	0	0
Average time for decision (working days)	43	58	44	85	40
Percentage of applications decided within target time frame of 60 working days (target is 100%)	100	40	100	50	100
No. of applications open as of end of quarter	11	10	14	16	8 <sup>4</sup>
<b>Works approvals (other project)</b>					
No. of applications carried over from previous quarter	36	34	53 <sup>1</sup>	54	56
No. of new applications received	18	16	35	30	15
No. of applications granted/refused	18	13	19	16	34
No. of applications withdrawn	2	2	7	5	7
No. of applications declined <sup>3</sup>	n/a	n/a	8	7	2
Average time for decision (working days)	48	71	97	62	80
Percentage of applications decided within time frame of 60 working days (target is 80%)	72	69	31	63	62
No. of applications open as of end of quarter	34	35	54	56	28
<b>Licences (other project)</b>					
No. of applications carried over from previous quarter	32	20	28 <sup>1</sup>	33 <sup>5</sup>	28
No. of new applications received	9	7	17	14	15
No. of applications granted/refused	19	7	7	14	15
No. of applications withdrawn	2	1	3	5	6
No. of applications declined <sup>3</sup>	n/a	n/a	1	0	2
Average time for decision (working days)	49	37	41	66	44
Percentage of applications decided within time frame of 60 working days (target is 80%)	84	71	71	79	87
No. of applications open as of end of quarter	20	19	34	28	20

<sup>1</sup> These figures have been updated to include all received applications that have been carried over from the previous quarter. Previously this figure only included those applications accepted for assessment.

<sup>2</sup> One application moved to other projects.

<sup>3</sup> Declined means the application did not meet the CEO's requirements to accept. The figure was reported on for the first time in Q1 2015–16.

<sup>4</sup> Two expired Application Identification Numbers with no application lodged have been excluded.

<sup>5</sup> One open application was re-categorised a major resource project.

## Native Vegetation Clearing Permits

For native vegetation clearing permits, DER has a target of deciding 80 per cent of applications<sup>1</sup> within 60 calendar days, and 100 per cent of applications within 90 calendar days.

DER's clearing permit system database records details of clearing permit applications and decisions made for both DER and the Department of Mines and Petroleum (DMP)<sup>2</sup>, 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 relates to DER only.

### Delivery Status

- DER received 96 native vegetation clearing permit applications in Q3 2015–16, which is one of the lowest of the previous four quarters (98, 101, 129 and 95).
- DER made 88 decisions on applications, which is less than the 102 decisions made in the previous quarter and fewer than the 93 decisions made in the corresponding quarter in 2014–15. The average time to make a decision was 67 calendar days, which is similar to the lengths of time in the previous four quarters (54, 57, 58 and 74 calendar days).
- DER decided 40 per cent of applications within the 60 calendar day time frame (with the target being 80 per cent). Seventy-three per cent of applications were decided within 90 calendar days (target of 100 per cent) and 27 per cent of decisions took longer than 90 calendar days.
- The number of outstanding clearing permit applications increased from 173 in the preceding quarter to 181 at the end of this quarter, and similar to the preceding three quarters (153, 169 and 201).

### Summary

The number of outstanding native vegetation clearing permit applications has increased this quarter. It is acknowledged that significant improvements to performance are required to address the trend. DER's program to address the backlog of applications was re-focused to ensure the backlog of protracted applications are largely resolved by Q4 2015–16 and time frames are continually monitored to ensure improvement. Additional resources were re-allocated within the Department to address the clearing permit time frames.

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<sup>1</sup> A 'clearing permit decision made' means an application to clear has been granted, given an undertaking to grant, refused, declined, withdrawn, amended, revoked or suspended.

<sup>2</sup> Under s 20 of the EP Act, the Chief Executive Officer (CEO) of DER has delegated decision-making on clearing applications to 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*.
- An activity under a government agreement administered by the Department of State Development.

**Clearing permits—time frame data for DER applications/decisions**

Department of Environment Regulation	Q3 2014–15	Q4 2014–15	Q1 2015–16	Q2 2015–16	Q3 2015–16
No. of applications carried over from previous periods	148	153	169	180	173
No. of applications received	98	101	129	95	96
No. of decisions that were subject to 'stop the clock'	38	32	60	64	37
Average time in 'stop the clock' for decisions in days	107	59	67	67	71
Average time for decisions in days (excluding time in 'stop the clock')	54	57	58	74	67
No. of decisions on applications	93	85	97	102	88
No. of outstanding applications at end of quarter	153	169	201	173	181
<b>Percentage of applications that were finalised within time frames</b>					
60 calendar days (target = 80% of applications finalised)	62	59	53	57	40
90 calendar days (target = 100% of all applications finalised)	96	86	85	86	73
More than 90 calendar days	4	14	15	14	27

**Clearing permits—time frame data for DMP applications/decisions**

Department of Mines and Petroleum	Q3 2014–15	Q4 2014–15	Q1 2015–16	Q2 2015–16	Q3 2015–16
No. of applications carried over from previous periods	42	51	41	49	46
No. of applications received	57	47	59	46	51
No. of decisions that were subject to 'stop the clock'	21	30	22	15	19
Average time in 'stop the clock' for decisions in days	67	14	8	19	15
Average time for decisions in days (excluding time in 'stop the clock')	22	50	48	43	46
No. of decisions on applications	48	57	53	49	41
No. of outstanding applications at end of quarter	51	41	47	46	56
<b>Percentage of applications that were finalised within time frames</b>					
60 calendar days (target = 80% of applications finalised)	96	91	94	98	95
90 calendar days (target = 100% of all applications finalised)	100	96	98	100	100
More than 90 calendar days	0	4	2	0	0