



Quarterly performance report

Environmental Protection Act 1986

**Environmental Protection (Clearing of Native
Vegetation) Regulations 2004**

1 April to 30 June 2013

As part of the changes to machinery of government, the Department of Environment and Conservation (DEC) was divided on 1 July 2013 into two agencies: the Department of Environment Regulation (DER) and the Department of Parks and Wildlife (DPaW).

This report relates to activities under the former DEC for the period 1 April 2013 to 30 June 2013. Quarterly reporting from 1 July 2013 will relate to the Department of Environment Regulation.

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July 2013

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Purpose of report

On 1 July 2013, the Department of Environment and Conservation (DEC) separated into two agencies: the Department of Environment Regulation (DER) and the Department of Parks and Wildlife (DPaW). From this date the newly formed DER has responsibility for administering the clearing provisions of the *Environmental Protection Act 1986* (EP Act) and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

This report provides statistics on timeliness of decisions made on a quarterly basis under the clearing provisions of the EP Act. The quantitative information presented in the tables in this report is provided for both the former DEC and the Department of Mines and Petroleum (DMP). The qualitative information in the text provides information on DEC only.

Clearing provisions

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

Under section 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 Department of State Development (DSD).

DER's clearing permit system database records 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.

Further information on the clearing provisions is available at www.der.wa.gov.au.

Timeframes

DEC initially set a target timeframe of 90 days for a decision to be made, consistent with the previous 90 day 'notification' process under the *Soil and Land Conservation Act 1945*.

Target timeframes were amended such that 80 per cent of applications would be decided within 60 calendar days of receipt, with a decision on the remaining 20 per cent within 90 calendar days.

The timeframe 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* (page 9).

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

Current 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 per annum. The number of applications steadily increased over the next three financial years with 689 applications received during 2009–10, 758 applications in 2010–11 and 833 applications in 2011–12. There has been a large decrease in the number of applications received in the last financial year 2012–13, to 516 applications.

DEC continued to receive a relatively high volume of applications this quarter with 135 clearing permit applications received. The number of open applications at the end of this quarter increased to 166, compared to 157 at the end of the previous quarter and 153 at the same time last year.

During this quarter, DEC made 126 decisions¹ on applications, which is higher than last quarter's figure of 116 decisions.

The average timeframe to make a decision was 49 days, which is relatively consistent with previous quarters. Of the 126 decisions made on applications, 103 clearing permits were granted within an average timeframe of 52 days. Two applications for a clearing permit were refused. Of the remaining applications, 16 were withdrawn and five declined as the applications were not valid.

The ongoing relatively timely delivery of decisions 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, the ongoing monitoring of performance and the continual improvements to processes.

Overall, in comparison to the target timeframes, DEC did not meet these timeframes this quarter, with 60 per cent of decisions made within 60 days, 36 per cent within 90 days and four per cent taking longer than 90 days.

Five applications did not meet the 90-day target timeframe. One application was finalised within 93 days, one within 97 days, one within 101 days, one within 104 days and one within 115 days. These applications required modifications during the assessment process requiring further information.

¹ A decision made means an application to clear has been granted, given an undertaking to grant, refused, declined, withdrawn, amended, revoked or suspended.

Quarterly statistics

Table 1. Number of decisions made by DEC and DMP

Purpose	Number of decisions made (April–June 2013)				Total
	Less than or equal to 60 days	61 to 90 days	91 to 120 days	Greater than 120 days	
State Development	34	22	7	3	66
Local Government	21	8	0	0	29
Utilities	8	1	0	0	9
Agriculture / Horticulture / Forestry	8	7	1	0	16
Basic Raw Materials	7	3	0	0	10
Other Development	35	14	4	0	53
Total	113	55	12	3	183

Table 1 indicates the program's progress in meeting timeframes for each purpose during the quarter.

Table 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 DEC 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, Main Roads Western Australia, Verve Energy, Telstra, Alinta, 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.

Figure 1. Number of decisions made by DEC and DMP in the past four quarters

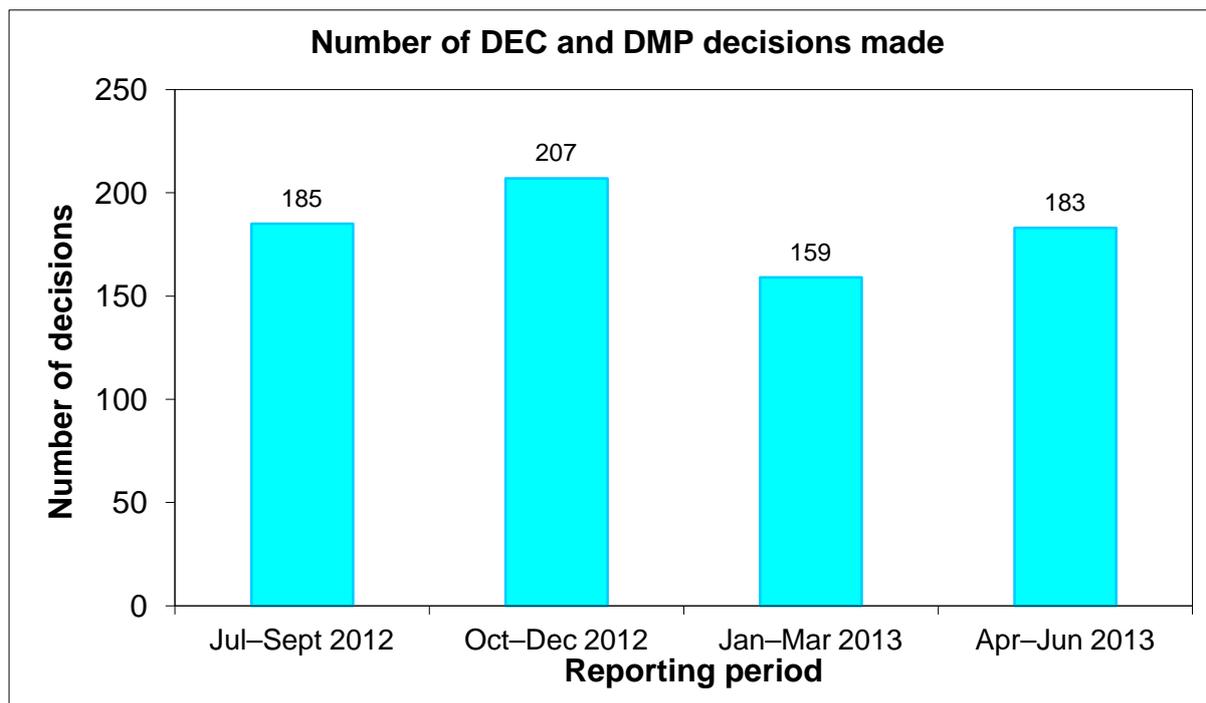


Figure 1 indicates the total decisions made during the past four quarters of the program.

Clearing permits

Tables 3 and 4 on the following pages show the number of decisions that have been made on clearing permit applications by DEC and DMP, including the percentage of applications that were decided within target timeframes. 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:

- **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 the CEO requires further information under section 51E(1)(d) of the EP Act before making a decision. This includes where the CEO advises the applicant that he or she requires evidence of planning or other relevant approvals before making the final decision. This status is also assigned when the applicant requests in writing the process to be put on hold.

- **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, that it is likely to be refused. The CEO provides an opportunity for the applicant to respond for a period of at least 30 days to meet natural justice requirements.

- **Referred to 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 it is constrained from making a decision that could implement the proposal or a related proposal under sections 41 and/or 51F of the EP Act.

Table 3. Timeframe data for DEC applications/decisions

CATEGORY – DEC	Jul–Sept 2012	Oct–Dec 2012	Jan–Mar 2013	Apr–Jun 2013
No. of applications carried over from previous periods	151	162	148	157
No. of applications received	131	125	125	135
No. of decisions that were subject to 'stop the clock'	37	73	60	62
Average time in 'stop the clock' for decisions in days	75	108	108	75
Average time for decision in days (excluding time in 'stop the clock')	51	47	52	49
No. decisions on applications	119	138	116	126
No. of outstanding applications at end of quarter	163	149	157	166
Percentage of applications that were finalised within benchmark timeframe:				
60 days (80% of applications finalised)	61%	74%	61%	60%
90 days (20% of applications finalised)	37%	23%	35%	36%
>90 days	2%	3%	4%	4%

Table 3 compares timeframe data over the last four reporting periods for DEC.

In addition to assessing clearing permit applications, DER undertakes a number of other assessments associated with clearing of native vegetation. The statistics provided within Table 3 do not include assessments of submissions, revegetation plans and offset proposals submitted in accordance with a permit condition.

Table 4. Timeframe data for DMP applications/decisions

CATEGORY – DMP	Jul–Sept 2012	Oct–Dec 2012	Jan–Mar 2013	Apr–Jun 2013
No. of applications carried over from previous periods	50	50	43	53*
No. of applications received	65	64	56	51
No. of decisions that were subject to 'stop the clock'	8	3	2	6
Average time in 'stop the clock' for decisions in days	104	15	16	139
Average time for decision in days (excluding time in 'stop the clock')	57	61	64	68
No. decisions on applications	66	69	43	57
No. of outstanding applications at end of quarter	49	45	56	47
Percentage of applications that were finalised within benchmark timeframe:				
60 days (80% of applications finalised)	62%	61%	51%	49%
90 days (20% of applications finalised)	27%	25%	37%	33%
>90 days	11%	14%	12%	18%

*This figure is not the same as the previous reporting period due to data correction occurring for the January–March 2013 period.

Table 4 compares timeframe data over the last four reporting periods for DMP.

Figure 2. Number of decisions made compared to target timeframes

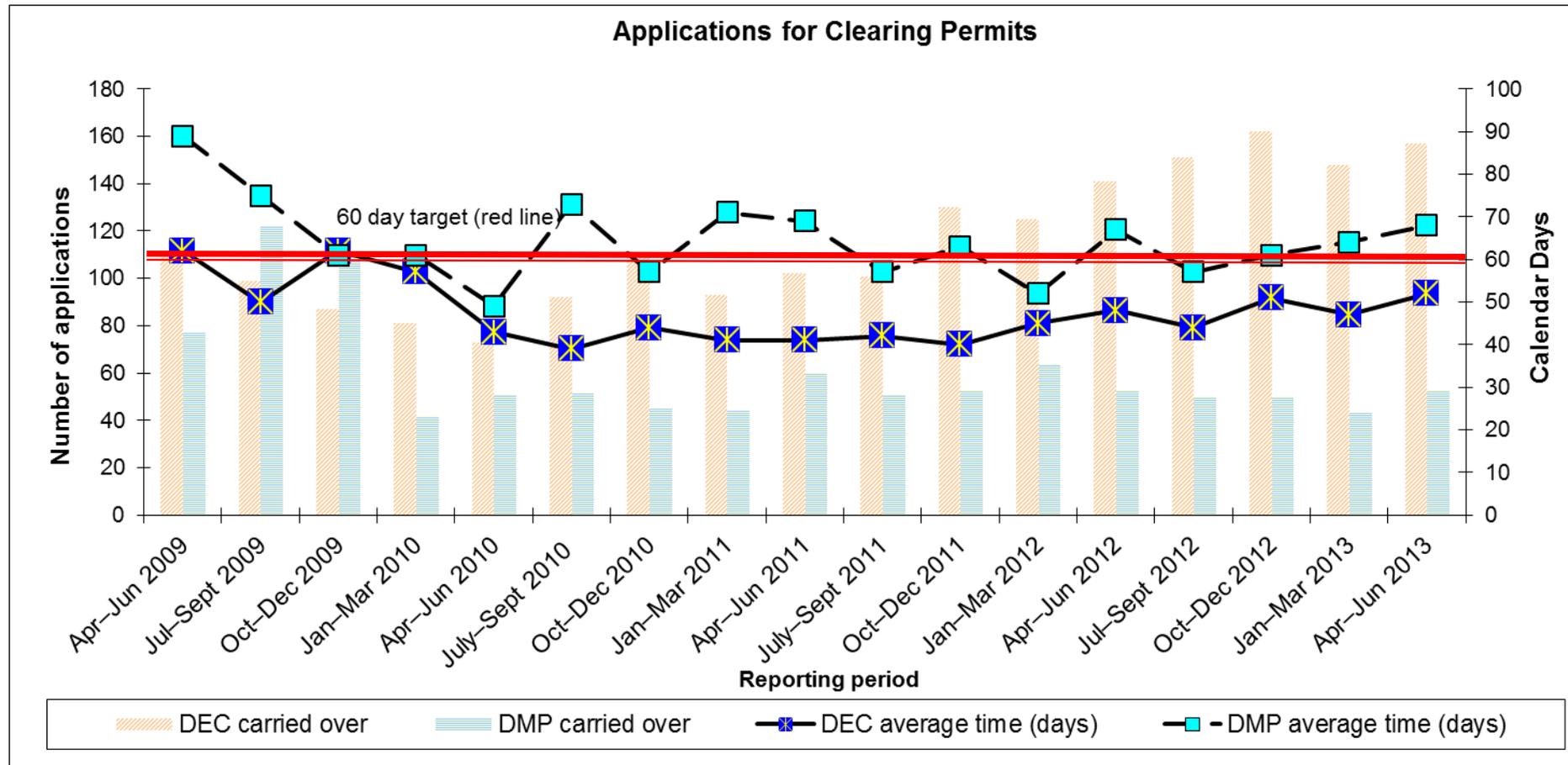


Figure 2 trend lines indicate the average time (in days) to finalise an application.

Figure 3. Average time in 'stop the clock' in the last four quarters

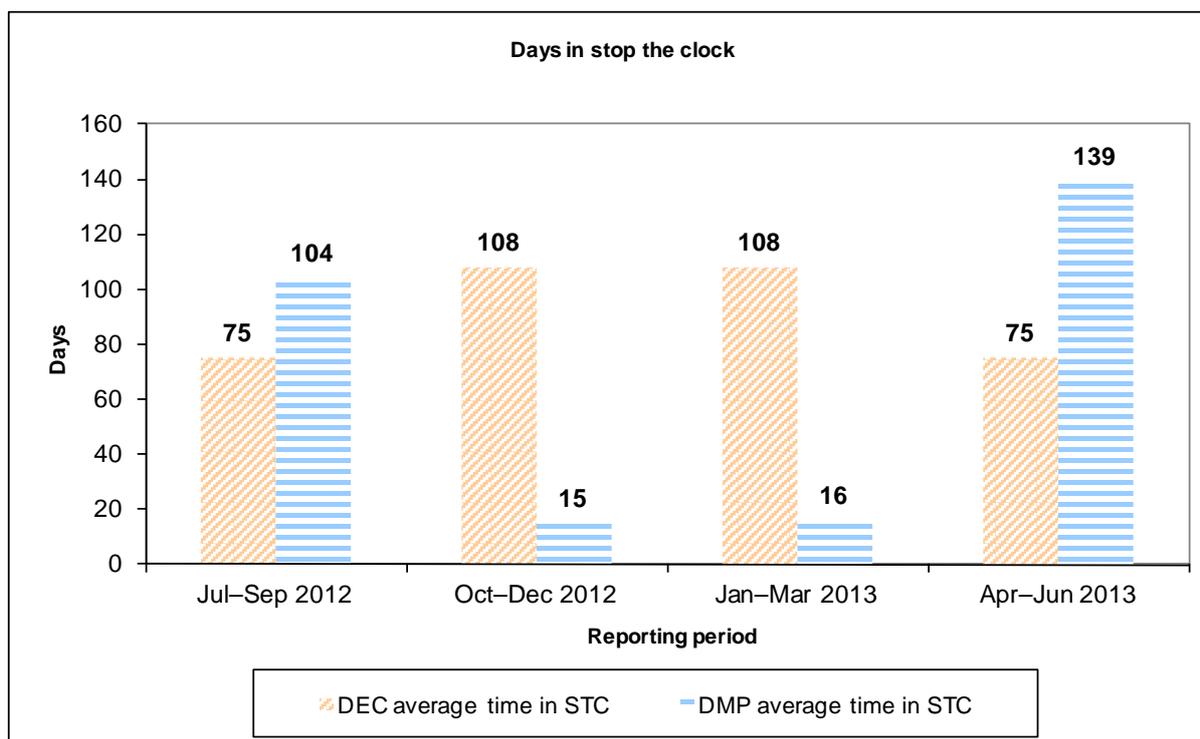


Figure 3 shows the average (mean) time in days that a decision was subject to 'stop the clock'.

Table 5. Decisions subject to 'stop the clock'

'Stop-the-clock' decision averages	DMP		DEC		Overall	
	Number of decisions	Average days per decision	Number of decisions	Average days per decision	Number of decisions	Average days per decision
Total/average	6	139	62	75	68	80

Table 5 shows the number of decisions that were subject to 'stop the clock' during the quarter and the average time in 'stop the clock'.

Table 6. Breakdown of reasons for 'stop the clock'

'Stop the clock' reasons	DMP		DEC		Overall	
	Number of incidents	Average days per incident	Number of incidents	Average days per incident	Number of incidents	Average days per incident
Waiting on applicant	6	139	52	73	58	80
Decision pending	0	0	12	70	12	70
Referred to EPA	0	0	0	0	0	0
Total/average*	6	139	64	72	70	78

Table 6 shows the number of times a 'stop the clock' event occurred during the quarter and the reason that the clock was stopped. The current status of all 'stop the clocks' are described on page 6.

*Note that a decision may be subjected to more than one incident of 'stop the clock' and hence these values may not match the total/average values shown in Table 5 on page 12.