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Department of **Environment Regulation**

REPORT

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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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Approvals summary

Works approvals and licences

Major resources projects

For major resources projects 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

Licence applications

- Four new licence applications were received in the third quarter of 2014–15; one greater than the preceding quarter, but fewer than in the first quarter 2014–15 (when eight were received).
- Two licence applications were decided, fewer than the number in the preceding four quarters (four, five, ten and five respectively). The average processing time for a decision remains at 43 days as reported in the preceding quarter.
- The percentage of licence applications decided within the time frame of 60 working days remains on target at 100 per cent.

Works approvals

- In the third quarter of 2014–15, DER received a total of 20 new works approval applications—fewer than in the preceding four quarters (36, 29, 22, and 26).
- Thirty works approvals were decided, more than the previous two quarters of 2014–15 (17 and 29) and on par with the third quarter in the 2013–14 financial year.
- The average processing time decreased to 49 days, compared to quarters one and two in 2014–15 (50 and 57 days respectively).
- DER decided 80 per cent of works approval applications within 60 working days, an increase from the previous quarter's percentage of 59 per cent, but a decrease compared to the first quarter (86 per cent within 60 working day time frame).

Summary

Overall, the third quarter of 2014–15 showed an increase in the percentage of major resources projects works approvals decided within the 60 working day time frame, and a decrease in the average processing time. The percentage of major resources projects licence applications decided remained on target and consistent with the second quarter 2014–15.

DER's industry regulation reform program has been refocused to provide a broader strategic direction to the overall delivery of the business, which is expected to improve DER's regulatory performance.

It is anticipated that performance will continue to improve progressively with the ongoing implementation of the reform program, and benefits will be evident from the fourth quarter of 2014–15.

Non-major resources projects (other projects)

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

Delivery status

Licence applications

- Nine new licence applications were received, fewer than in the first and second quarters of 2014–15 (10 and 22).
- Nineteen licences were decided by DER in this quarter, more than in the preceding 2014–15 quarters (10 and 3).

Works approvals

- DER decided 72 per cent of works approval applications within the 60-day time frame, an increase in percentage from the previous quarter (59 per cent) and closer to achieving the target of 80 per cent.
- Eighteen works approval applications were decided by DER in the third quarter 2014–15, one greater than the preceding quarter (17) and fewer than the first quarter 2014–15 (21).

Summary

The average time to process an other projects licence application was 49 days and DER performed above its target in deciding 84 per cent within 60 days. The average processing time has been above target for both quarter two and three of 2014–15 for other projects licence applications.

The average processing time for other projects works approval applications decreased during this quarter to 48 days, compared to the three preceding quarters (64, 49 and 53 respectively).

DER has refocused its reform program, which will result in a more streamlined and timely approvals process. Performance is expected to continually improve as a result of the ongoing reforms.

Approvals summary data applications—Works approvals and licences

Department of Environment Regulation	Q3 2013–14	Q4 2013–14	Q1 2014–15	Q2 2014–15	Q3 2014–15
Works approvals (major resources projects only)					
No. of applications carried over from previous quarter	35	39	35	27	36
No. of new applications received	36	29	22	26 [^]	20
No. of applications granted/refused	30	33	29	17 [^]	30
No. of applications withdrawn	2	0	1	0	2
Average time for decision (working days)	53	50	50	57	49
Percentage of applications decided within target time frame of 60 working days (target is 100%)	90	94	86	59	80
No. of applications open as of end of quarter	39	35	27	36 [^]	24
Licences (major resources projects only)					
No. of applications carried over from previous quarter	20	17	17	14	10
No. of new applications received	1	7	8	3	4
No. of applications granted/refused	4	5	10	5	2
No. of applications withdrawn	0	2	1	2	1
Average time for decision (working days)	43	35	48	43	43
Percentage of applications decided within target time frame of 60 working days (target is 100%)	100	100	100	100	100
No. of applications open as of end of quarter	17	17	14	10	11
Works approvals (other projects)					
No. of applications carried over from previous quarter	35	43	43	43	36
No. of new applications received	31	24	24	14	18
No. of applications granted/refused	20	23	21	17	18
No. of applications withdrawn	3	1	3	4	2
Average time for decision (working days)	47	53	49	64	48
Percentage of applications decided within time frame of 60 working days (target is 80%)	90	70	76	59	72
No. of applications open as of end of quarter	43	43	43	36	34
Licences (other projects)					
No. of applications carried over from previous quarter	16	15	13	20	32
No. of new applications received	7	6	10	22	9
No. of applications granted/refused	8	7	3	10	19
No. of applications withdrawn	0	1	0	0	2
Average time for decision (working days)	42	74	56	38	49
Percentage of applications decided within time frame of 60 working days (target is 80%)	88	57	67	90	84
No. of applications open as of end of quarter	15	13	20	32	20

[^]Three works approval applications were omitted from Q2 2014–15 reporting. These works approvals have been included in this report. Q2 2014–15 data have been adjusted accordingly.

Native vegetation clearing permits

For native vegetation clearing permits, targets are 80 per cent of applications to be decided¹ within 60 calendar days of receipt, and 100 per cent of applications to be decided 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)², 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 98 native vegetation clearing permit applications in the third quarter of 2014–15, fewer than in the preceding four quarters (115, 103, 107, and 130 respectively).
- DER made 93 decisions on applications, which is fewer than the 126 decisions made in the previous quarter and 117 decisions at the same time last year, but greater than the 85 decisions made in the first quarter 2014–15. The average time to make a decision was 54 days, more than 52 in the preceding quarter, but less than 60 days in the first quarter 2014–15.
- DER decided 59 per cent of applications within the 60-day time frame (target = 80 per cent). 86 per cent of applications were decided within 90 days (target = 100 per cent) and 14 per cent of decisions took longer than 90 days.
- The number of open clearing permit applications at the end of this quarter increased to 153, more than in the preceding four quarters (130, 124, 145 and 148).

Summary

The decreased performance can partly be attributed to the rollout of a new clearing permit system, relevant training and staff leave. However, DER acknowledges that its risk-based approach to decision-making (having regard to the sensitivity of the environment, magnitude of impact/s and urgency of the clearing), ongoing monitoring of performance, and continual improvements to processes must be maintained.

DER is reviewing its current processes to determine further improvements which will enable better performance. A targeted program has been developed aimed at reducing the number of open applications. It is anticipated that performance will progressively improve and benefits of this approach will be evident in the fourth quarter of 2014–15.

¹ 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.

² Under s 20 of the *Environmental Protection Act 1986*, 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 2013–14	Q4 2013–14	Q1 2014–15	Q2 2014–15	Q3 2014–15
No. of applications carried over from previous periods	132	128	123	144	148
No. of applications received	115	103	107	130	98
No. of decisions that were subject to 'stop the clock'	73	53	53	62	38
Average time in 'stop the clock' for decisions in days	126	131	158	70	107
Average time for decisions in days (excluding time in 'stop the clock')	52	38	60	52	54
No. of decisions on applications	117	107	85	126	93
No. of outstanding applications at end of quarter	130	124	145	148	153
Percentage of applications that were finalised within time frames					
60 days (target = 80% of applications finalised)	61	63	64	62	59
90 days (target = 100% of all applications finalised)	94	94	93	96	86
More than 90 days	6	6	7	4	14

Clearing permits—time frame data for DMP applications/decisions

Department of Mines and Petroleum	Q3 2013–14	Q4 2013–14	Q1 2014–15	Q2 2014–15	Q3 2014–15
No. of applications carried over from previous periods	37	37	49	50	42
No. of applications received	47	67	63	39	57
No. of decisions that were subject to 'stop the clock'	25	41	38	30	21
Average time in 'stop the clock' for decisions in days	16	32	24	44	67
Average time for decisions in days (excluding time in 'stop the clock')	39	54	47	69	22
No. of decisions on applications	47	55	63	47	48
No. of outstanding applications at end of quarter	37	49	49	42	51
Percentage of applications that were finalised within time frames					
60 days (target = 80% of applications finalised)	79	87	86	75	96
90 days (target = 100% of all applications finalised)	100	100	97	96	100
More than 90 days	0	0	3	4	0