



Government of **Western Australia**
Department of **Environment Regulation**

QUARTERLY REPORTING

QUARTER 1 2013–14

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 (DER) and the Department of Parks and Wildlife (DPaW). Any information in this report for the period up to 30 June 2013 relates to activities under the former DEC.

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1 Introduction

On 1 July 2013 the former Department of Environment and Conservation separated into two government departments, the Department of Parks and Wildlife and the Department of Environment Regulation.

The Department of Environment Regulation (DER) is a regulatory agency responsible for administering environment legislation.

The following legislation administered by DER is relevant to the quarterly report:

- *Contaminated Sites Act 2003*
- *Environmental Protection Act 1986*

DER has adopted a multi-faceted approach to delivering its regulatory role, which broadly fits into three main functions:

- approvals and licensing supported by education, policy and science
- monitoring, audit and compliance inspections
- enforcement, including complaint and incident investigation.

DER has responsibility under Part V of the *Environmental Protection Act 1986* for the licensing and registration of prescribed premises, clearing permits, and administration of a range of regulations. We also monitor and audit compliance with works approvals, licences, clearing permits, and their conditions, as well as regulations, and take enforcement action as appropriate.

Under the *Contaminated Sites Act 2003*, DER regulates contaminated sites by receiving reports of known or suspected contaminated sites,

assessing and classifying contaminated sites, maintaining public information on contaminated sites, and ordering and monitoring remediation.

DER plans its industry regulation compliance activities annually, setting inspection targets and reporting on its performance.

DER aims to be an effective regulator, using a balance of proactive engagement and enforcement tools to achieve appropriate environmental outcomes in industry regulation.

DER's quarterly report provides information on the department's targets, performance, activities and outcomes for the following functions:

- works approvals and licences – number and timeliness of works approvals and licences granted for major resource and other projects, and Controlled Waste licences
- environmental compliance – industry regulation proactive compliance inspection program
- native vegetation clearing permits – number and timeliness of decisions on clearing permit applications made by DER and the Department of Mines and Petroleum (delegation under the *Environmental Protection Act 1986*)
- contaminated sites – number of classifications of reported known or suspected contaminated sites, and number and timeliness of review of mandatory auditor's reports
- environmental enforcement – statistical and supporting information outlining DER's enforcement activity and outcomes.

2 Works approvals and licences

2.1 Introduction

DER grants works approvals and licences to regulate prescribed activities, as authorised under Part V of the *Environmental Protection Act 1986*.

Major resource projects

DER (including its predecessor agencies) has tracked and reported its performance in issuing major resource project approvals since the first quarter of 2006. For major resource project approvals, DER has set a target to grant 100 per cent of works approval and licence applications within 60 working days.

The quarterly figures for major resource project works approval and licence applications are summarised in tables 1 and 2. During the first quarter of 2013–14, 19 new works approval applications were submitted, which is the lowest number received since the first quarter 2009–10. Forty works approvals were granted, an increase from 29 granted in the last quarter. DER continues to carry over a large number of open works approval applications.

DER granted 92 per cent of new works approval applications in the first quarter of 2013–14 within the target time frame. This is a slight drop in percentage since the last quarter (100 per cent); however, it is the second highest percentage

since the first quarter of 2012–13. The average processing time for works approval applications during the first quarter of 2013–14 has remained steady at 48 days.

Seven new licence applications were received in the first quarter of 2013–14 and 11 licences were granted. DER granted 100 per cent of new licence applications in the first quarter 2013–14 within the target time frame. This is consistent with the previous quarter, where 100 per cent of licences were also granted within the target time frame.

The quarterly figures for major resource project approvals granted by DER since the second quarter 2012–13, the average time taken to grant applications, and DER's performance in meeting the time frame over four quarters is summarised in figures 1 and 2.

DER is well advanced in introducing further licensing reform in its Part V approvals process that should result in a more streamlined and timely approvals process and certainty of outcome. Reform initiatives include the Re-Engineering for Industry Regulation and Environment (REFIRE) program and improvements to application processes.

2.2 Performance

Table 1. Major resource project works approval applications

Quarter	Carried over from previous quarter	New	Granted	Awaiting Part V action	Refused	With-drawn	Open at end of quarter	Percentage granted meeting target time frame*	Average time to grant (working days)
Quarter 2 12–13	31	36	40	20	0	0	27	88%	49
Quarter 3 12–13	27	46	35	21	0	2	36	83%	49
Quarter 4 12–13	36	40	29	32	0	3	44	100%	42
Quarter 1 13–14	44	19	40	16	0	0	23	92%	48

*Target time frame = 100% of applications granted in 60 working days.

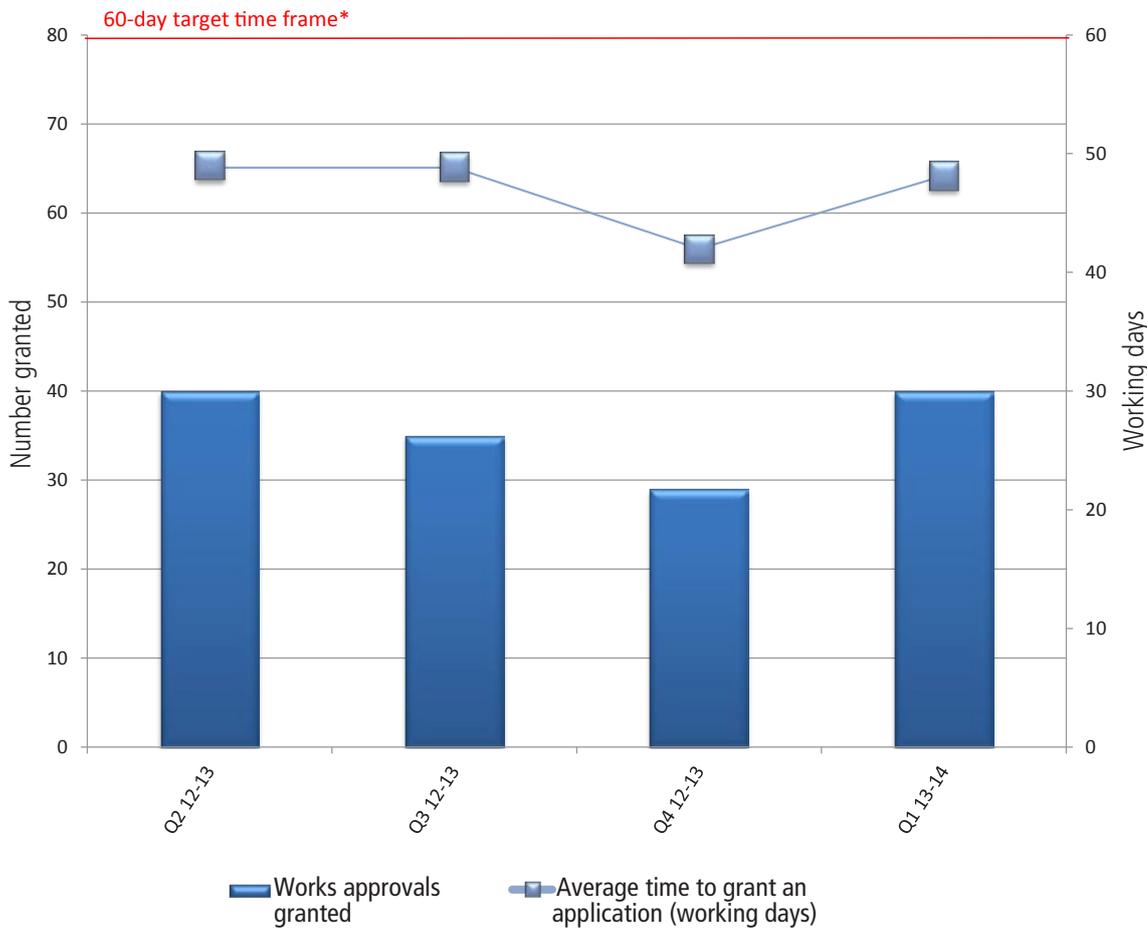
Works approvals and licences

Table 2. Major resource project licence applications

Quarter	Carried over from previous quarter	New	Granted	Awaiting Part V action	Refused	Withdrawn	Open at end of quarter	Percentage granted meeting target time frame*	Average time to grant (working days)
Quarter 2 12–13	19	16	14	7	0	0	21	86%	48
Quarter 3 12–13	21	7	9	4	0	0	19	89%	48
Quarter 4 12–13	19	13	5	7	0	2	27	100%	48
Quarter 1 13–14	27	7	11	3	0	1	22	100%	50

*Target time frame = 100% of applications granted in 60 working days.

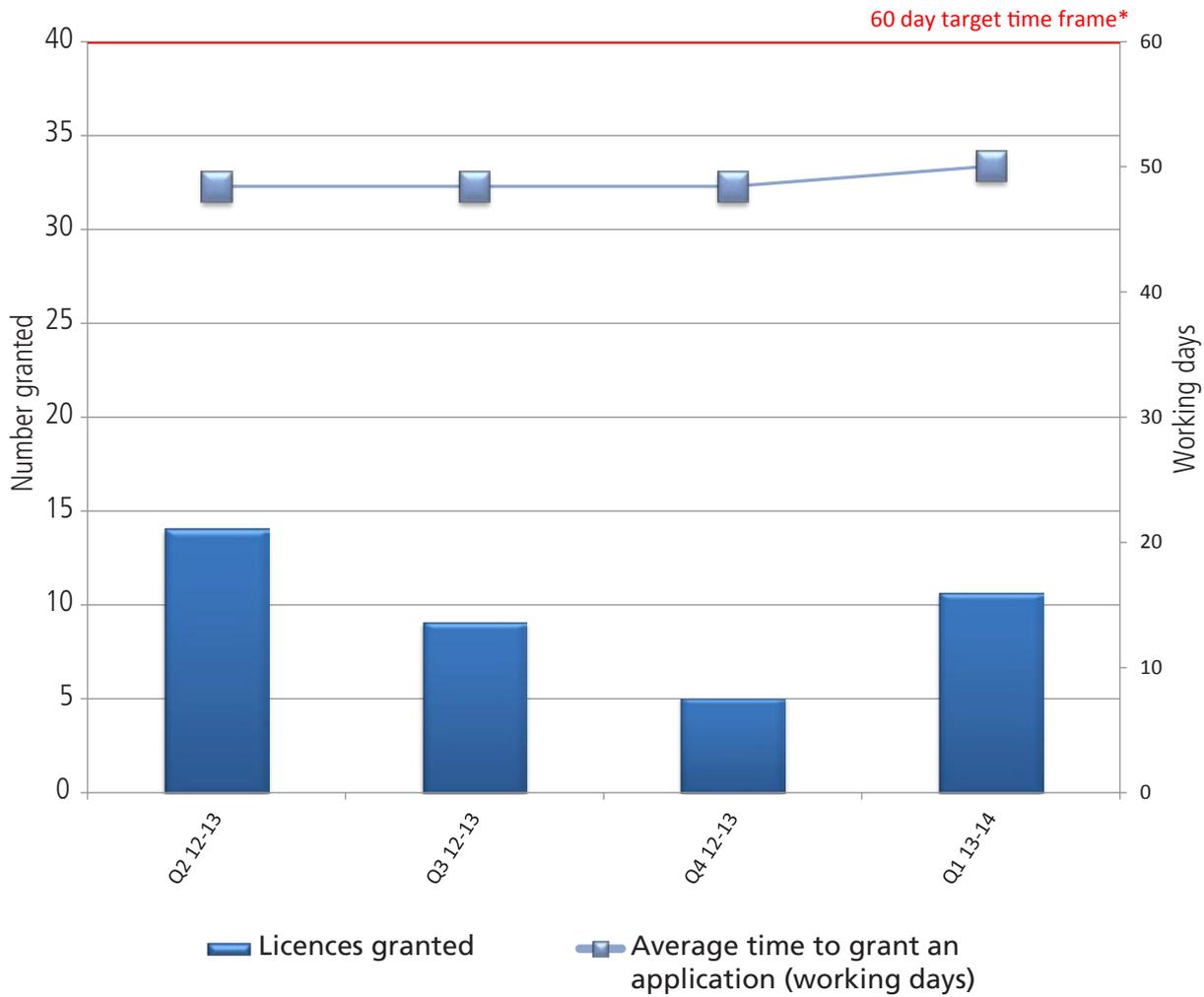
Figure 1. Summary of major resource projects works approvals granted



*Target time frame = 100% of work approvals granted in 60 working days.

Works approvals and licences

Figure 2. Summary of major resource project licences granted



*Target time frame = 100% of licences granted in 60 working days.

Other projects

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

In January 2010, tracking mechanisms were put in place to regularly monitor the progress of applications to improve DER's performance in meeting the target time frame for all works approvals and licences.

The number of other project works approval applications granted by DER in the first quarter of 2013–14 remains high, with 19 approvals being granted. DER granted 74 per cent of these new works approvals within the target time frame. This is an improvement from 68 per cent in the previous quarter.

The average processing time for other project works approval applications decreased this quarter

to 49 days, a drop from 53 days in the previous quarter.

Seventeen other project licences were granted by DER in the first quarter of 2013–14. Eighty-eight per cent of other project licence applications were granted within the target time frame in the first quarter of 2013–14. This is an improvement on the preceding quarter where 64 per cent of licences were granted within the target time frame.

The average processing time for new licence applications in the first quarter of 2013–14 was 39 days, which is the lowest processing time since recording began in the fourth quarter of 2008–09.

The quarterly figures for other project works approval and licence applications are summarised in tables 3 and 4 and figures 3 and 4.

Works approvals and licences

Table 3. Other project works approval applications

Quarter	Carried over from previous quarter	New	Granted	Awaiting Part V action	Refused	With-drawn	Open at end of quarter	Percentage granted meeting target time frame*	Average time to grant (working days)
Quarter 2 12–13	25	31	15	24	0	1	40	80%	47
Quarter 3 12–13	40	29	35	17	0	2	32	54%	61
Quarter 4 12–13	32	24	28	15	0	1	27	68%	53
Quarter 1 13–14	27	21	19	13	0	0	29	74%	49

*Target time frame = 80% of applications granted in 60 working days.

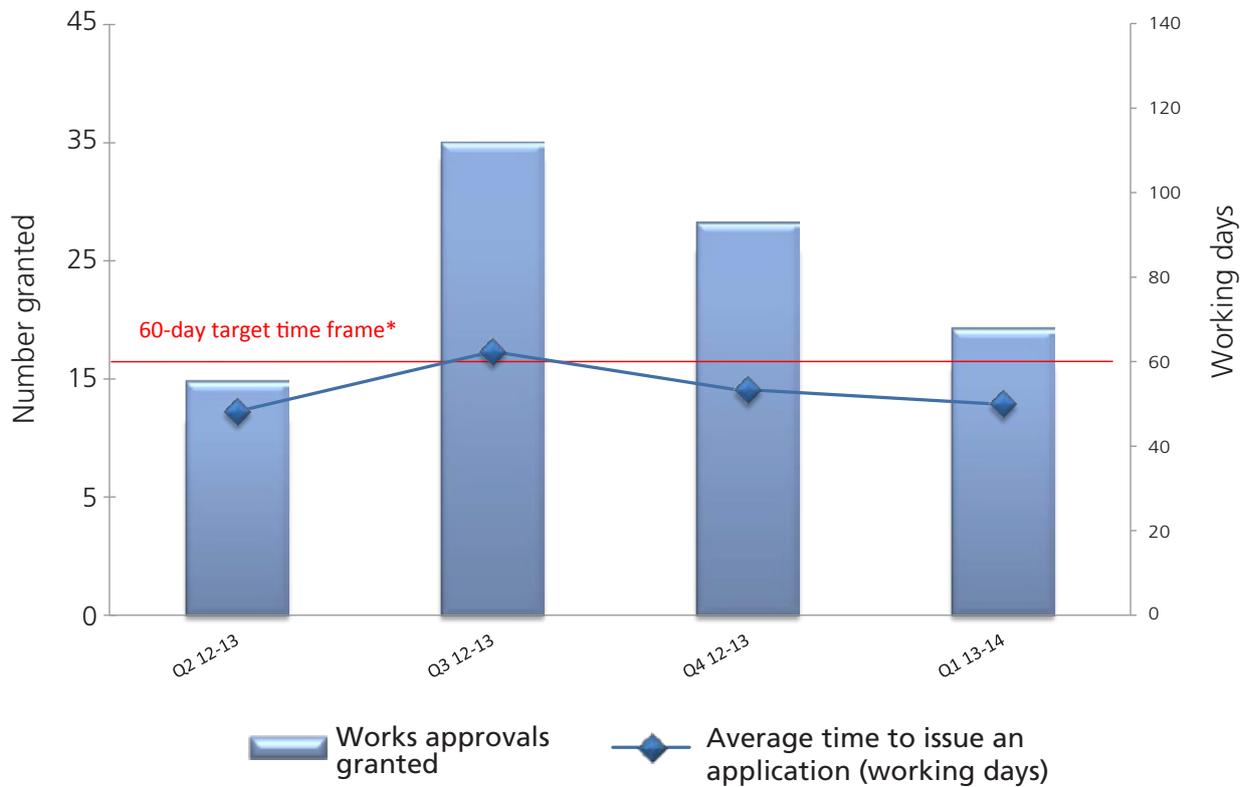
Table 4. Other project licence applications

Quarter	Carried over from previous quarter	New	Granted	Awaiting Part V action	Refused	With-drawn	Open at end of quarter	Percentage granted meeting target time frame*	Average time to grant (working days)
Quarter 2 12–13	18	17	13	12	0	1	21	85%	46
Quarter 3 12–13	21	11	10	7	0	1	21	75%	53
Quarter 4 12–13	21	11	11	7	0	2	19	64%	56
Quarter 1 13–14	19	16	17	9	0	1	17	88%	39

*Target time frame = 80% of applications granted in 60 working days.

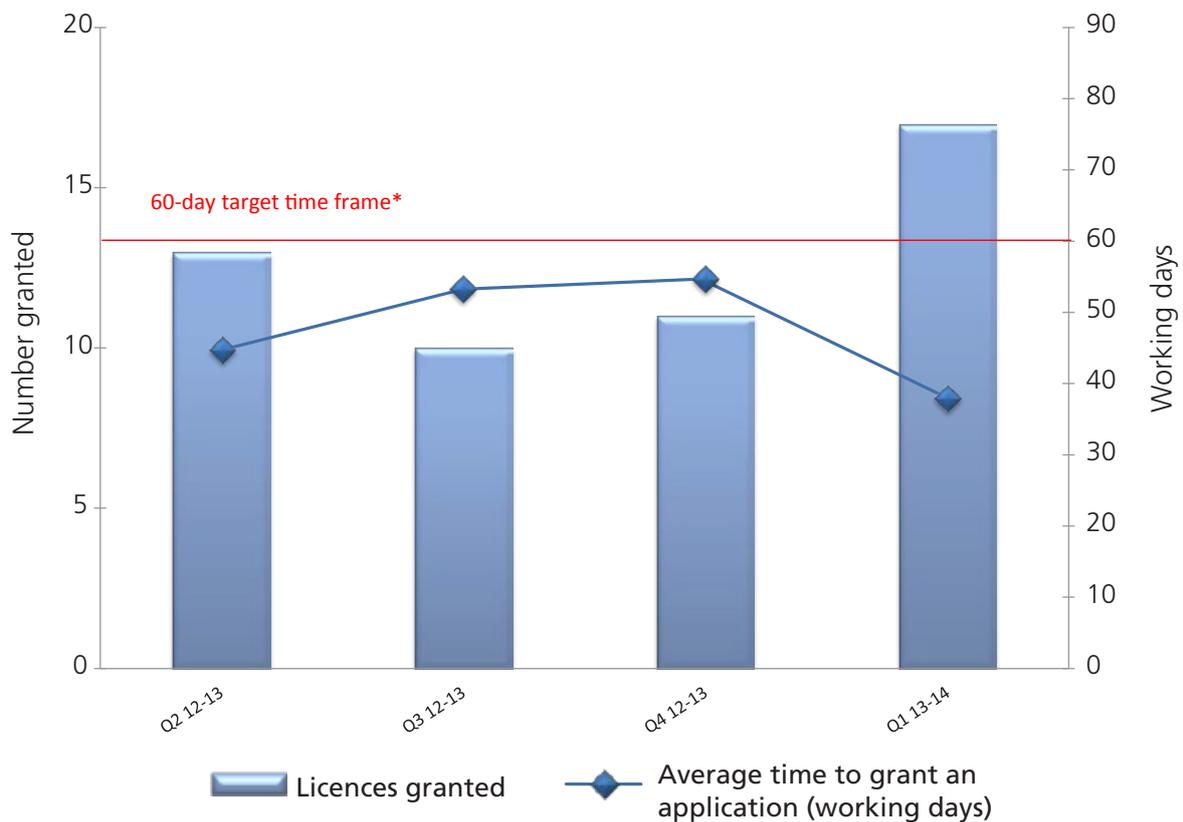
Works approvals and licences

Figure 3. Other project works approvals



*Target time frame = 80% of work approvals granted in 60 working days.

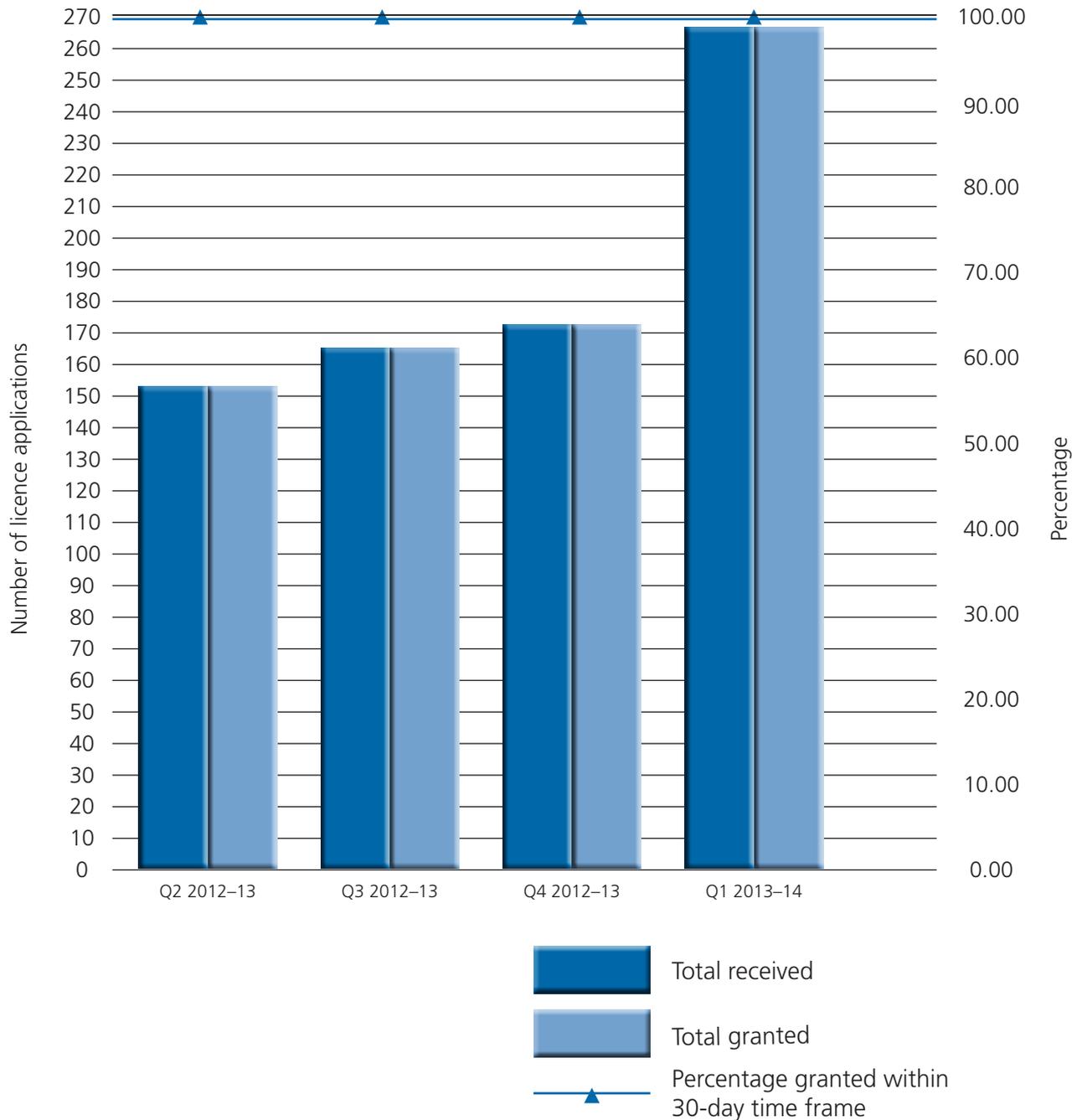
Figure 4. Other project licences



*Target time frame = 80% of licences granted in 60 working days.

Works approvals and licences

Figure 5. Controlled Waste licence quarterly approvals



Controlled waste regulation

DER assesses applications for, and grants new, controlled waste carrier, vehicle and driver licences. Figure 5 shows the number of new licence applications granted since the second quarter of 2012-13.

DER has a target to grant 100 per cent of all new licence applications within its 30-day statutory time frame.

During the first quarter of 2013-14, DER continued to achieve its target with 100 per cent of the 267 applications completed within the 30-day statutory time frame.

3 Environmental compliance

3.1 Introduction

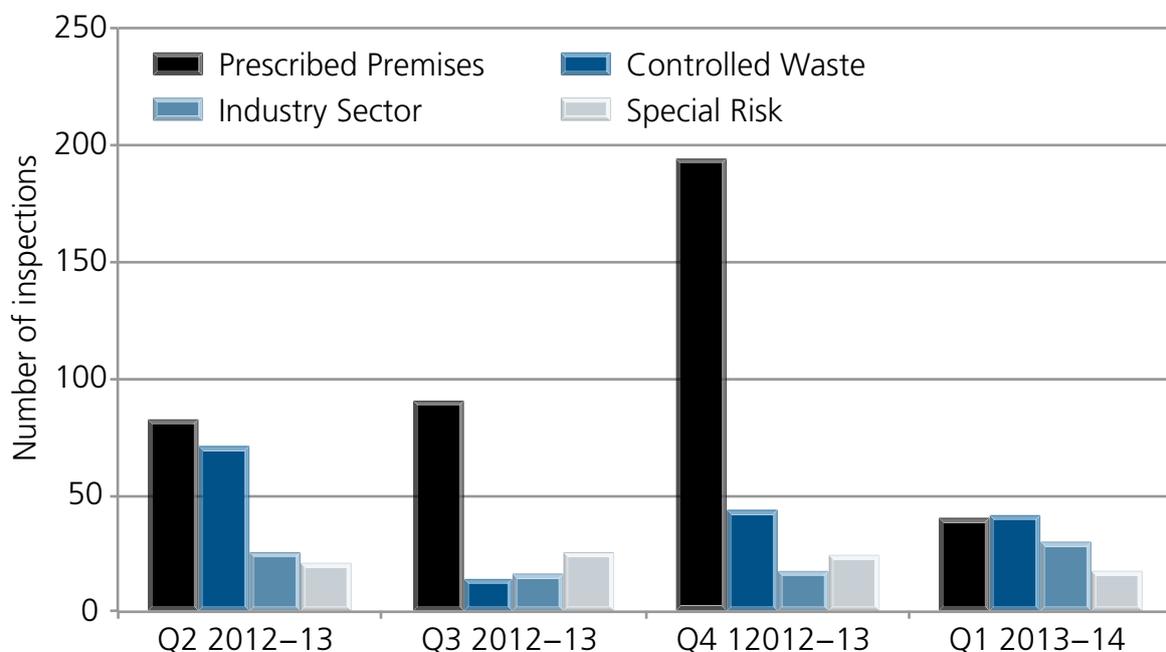
DER's proactive compliance activities in industry regulation are coordinated through its annual Industry Regulation Compliance program.

The 2013–14 Industry Regulation Compliance program (the 2013–14 program) commenced on 1 July 2013 and incorporates the following four compliance streams outlined in Table 1.

Table 1. Compliance streams

Program	Scope
Regional prescribed premises compliance program	Assessing compliance with Part V of the <i>Environmental Protection Act 1986</i> (the Act).
Controlled waste compliance program	Assessing compliance with the Environmental Protection (Controlled Waste) Regulations 2004.
Industry sector compliance program	Assessing compliance with various Regulations administered by DER.
Special risk compliance program	Addressing risks presented by industries operating outside the Act.

Figure 1: Proactive compliance inspections — Quarter 2 2012–13 to Quarter 1 2013–14



As identified in Figure 1, all 2013–14 compliance programs have commenced. A breakdown of the compliance program results for the quarter is outlined in the following sections.

Environmental compliance

3.2 Performance

Progress report—Industry Regulation compliance program 2013-14

Under the 2013–14 program, a total of 827 proactive compliance inspections are planned for the 2013–14 financial year.

A summary of the proactive inspections undertaken to date is outlined in Table 2 below.

Table 2. Industry regulation compliance program 2013–14

		2013–14 Inspection —Target	2013–14 Inspection —Actual	% Achieved
Regional prescribed premises program	Prescribed premises inspections	513	40	8
Controlled waste compliance program	General inspections	80	39	49
	Controlled waste disposal sites	10	1	10
	Targeted controlled waste industries	25	2	8
	Total	115	42	37
Industry sector compliance program	Packaged fertiliser	20	20	100
	Asbestos management in construction and demolition (C&D) recycling facilities	14	8	57
	Bulk port facilities (over the next two years compliance program)	26	0	-
	Cattle feedlots	45	0	-
	Abrasive blasting and metal coating	10	0	-
	Environmental scans of regional industrial areas	20	0	-
	Total	135	28	21
Special risk compliance program	Total	64	18	28
2013–14 Program progress as at 30 September 2013		827	128	15

Environmental compliance

Regional prescribed premises program

The regional prescribed premises program sets inspection targets for DER's prescribed premises across the state (excluding registered premises).

Eight per cent of planned inspections have been completed to date.

Controlled waste compliance program

The purpose of the Environmental Protection (Controlled Waste) Regulations 2004 is to ensure the safe and authorised transportation of controlled waste on public roads in Western Australia. The regulations place obligations on controlled waste generators, carriers, drivers and disposal sites, and the compliance program focuses on these obligations.

DER has undertaken 37 per cent of planned controlled waste inspections to date for the 2013–14 period.

Industry sector compliance program

Packaged fertiliser compliance program

The Environmental Protection (Packaged Fertiliser) Regulations 2010 came into effect on 1 January 2011 and placed obligations on packaged fertiliser manufacturers and retailers to limit the amount of nitrogen and phosphorus contained in garden, lawn and all-purpose fertilisers in packages of less than 50 kilograms throughout Western Australia.

Twenty inspections of retail outlets selling the fertiliser products were undertaken in Quarter 1, 2013–14. DER is engaging with manufacturers of non-compliant product identified during these inspections to ensure compliance with the regulations.

Asbestos management in construction and demolition (C&D) waste compliance program

The guidelines for managing asbestos at construction and demolition waste recycling facilities were released on 18 December 2012 and outline procedures to manage the risk of asbestos contamination of feedstock and products at C&D waste recycling facilities.

The asbestos management in the C&D waste compliance program commenced in January

2013. Initially, 17 licensed facilities undertaking prescribed activities under Category 13 of Schedule 1 of the Environmental Protection Regulations 1987 were amended to include conditions requiring phased compliance with the guidelines.

The amended conditions include the submission of an assessment report, which assesses the operations at the facilities against the provisions of the guidelines and where gaps in compliance with the guidelines are identified, provide an environmental improvement plan. This is the first step in the compliance management process, DER then approves the plan and monitors its implementation over a set period of time. Following implementation of the plan, the premises is reinspected and compliance with the guidelines assessed.

DER has assessed submissions provided by Category 13 licensees as required by their amended licences and has undertaken site audits of each premises to verify that the licensees are operating in line with the guidelines (refer Table 3).

DER is continuing to work with licensees who have not yet achieved compliance with the guidelines. It is anticipated that the compliance program will be completed by end Quarter 2, 2013–14.

Table 3. Asbestos management at C&D waste recycling facilities 2013–14

Scope	No. Licensees
20 category 13 licences amended	17
Environmental Improvement Plans (EIP) required	17
EIP received to date	17
EIP approved to date	17
Compliant licensees	8
Licensees inspected but not yet compliant	3

Environmental compliance

The remaining compliance streams within the 2013–14 industry sector compliance program will commence in Quarters 2–4 and will include the following:

- bulk port facilities compliance program
- cattle feedlots compliance program
- abrasive blasting and metal coating compliance program
- environmental scans of regional industrial areas compliance program.

Special risk inspection program

The special risk inspection program is undertaken by DER's pollution response officers. Twenty-eight per cent of inspections for the 2013–14 period have been undertaken to date.

4 Native vegetation clearing permits

4.1 Introduction

Clearing provisions

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

Under section 20 of the *Environmental Protection Act 1986* (EP Act), the Chief Executive Officer (CEO) of DER has delegated decision-making on clearing applications to the Department of Mines and Petroleum (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 (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.

The quantitative information presented in the tables in this report is provided for both DER and DMP. The qualitative information in the text provides information on DER only.

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

Time frames

Target time frames are 80 per cent of applications to be decided within 60 calendar days of receipt, and 100 per cent within 90 calendar days.

The time frame 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' on page 15.

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

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 decrease in the number of applications received in the last financial year 2012–13 to 752 applications.

DER continued to receive a relatively high volume of applications this quarter with 146 clearing permit applications received. The number of open applications at the end of this quarter increased to 170, compared to 166 at the end of the previous quarter and 163 at the same time last year. During this quarter, DER made 138 decisions on applications, which is higher than the previous quarter's figure of 126 decisions.

DER did not meet its time frames this quarter, with 53 per cent of decisions made within 60 days, 43 per cent within 90 days and four per cent taking longer than 90 days.

Six applications did not meet the 90-day target time frame. One application was finalised within 93 days, two within 95 days, one within 101 days, one within 111 days and one within 117 days. These applications required modifications and further information during the assessment process.

The average time frame to make a decision was 53 days, which is relatively consistent with previous quarters. Of the 138 decisions made on applications, 98 clearing permits were granted within an average time frame of 57 days. Three applications for a clearing permit were refused. Of the remaining applications, 30 were withdrawn and seven declined as the applications were not valid.

Native vegetation clearing permits

The ongoing relatively timely delivery of decisions on average 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.

Over the past three quarters cumulative applications have increased about 12 per cent and the performance against the 60-day target time frame has fallen by 15 per cent.

DER is working to improve its performance in deciding clearing permit applications.

4.2 Performance

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

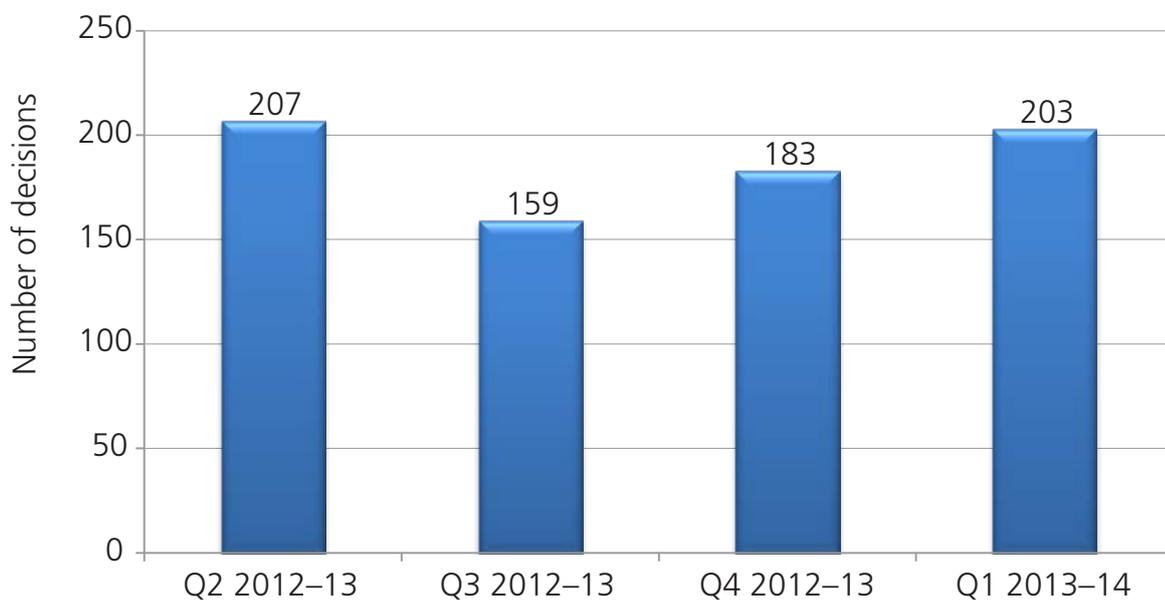


Table 1. Number of decisions made by DER and DMP

Purpose	Number of decisions made Q1 2013-14				
	Less than or equal to 60 days	61 to 90 days	91 to 120 days	Greater than 120 days	Total
State development	51	9	3	3	66
Local government	26	18	0	0	44
Utilities	5	2	0	0	7
Agriculture / horticulture / forestry	9	7	2	0	18
Basic raw materials	8	9	1	0	18
Other development	30	17	3	0	50
Total	129	62	9	3	203

Table 1 indicates the program’s progress in meeting time frames for each purpose during the quarter.

Native vegetation clearing permits

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 DER 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.

Clearing permits

Tables 3 and 4 on the following page show the number of decisions that have been made on clearing permit applications by DER and DMP, including the percentage of applications that were decided within target time frames. 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.

Native vegetation clearing permits

Table 3. Time frame data for DER applications/decisions

CATEGORY – DER	Q2 2012–13	Q3 2012–13	Q4 2012–13	Q1 2013–14
No. of applications carried over from previous periods	162	148	157	162*
No. of applications received	125	125	135	146
No. of decisions that were subject to 'stop the clock'	73	60	62	64
Average time in 'stop the clock' for decisions in days	108	108	75	149
Average time for decision in days (excluding time in 'stop the clock')	47	52	49	53
No. decisions on applications	138	116	126	138
No. of outstanding applications at end of quarter	149	157	166	170
Percentage of applications that were finalised within benchmark time frame:				
60 days (80% of applications finalised)	74%	61%	60%	53%
90 days (100% of applications finalised)	23%	35%	36%	43%
>90 days	3%	4%	4%	4%

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

Table 4. Time frame data for DMP applications/decisions

CATEGORY – DMP	Q2 2012–13	Q3 2012–13	Q4 2012–13	Q1 2013–14
No. of applications carried over from previous periods	50	43	53	48*
No. of applications received	64	56	51	48
No. of decisions that were subject to 'stop the clock'	3	2	6	33
Average time in 'stop the clock' for decisions in days	15	16	139	37
Average time for decision in days (excluding time in 'stop the clock')	61	64	68	57
No. decisions on applications	69	43	57	65
No. of outstanding applications at end of quarter	45	56	47	31
Percentage of applications that were finalised within benchmark time frame:				
60 days (80% of applications finalised)	61%	51%	49%	75%
90 days (100% of applications finalised)	25%	37%	33%	15%
>90 days	14%	12%	18%	10%

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

Native vegetation clearing permits

Figure 2. Number of decisions made compared to target time frames

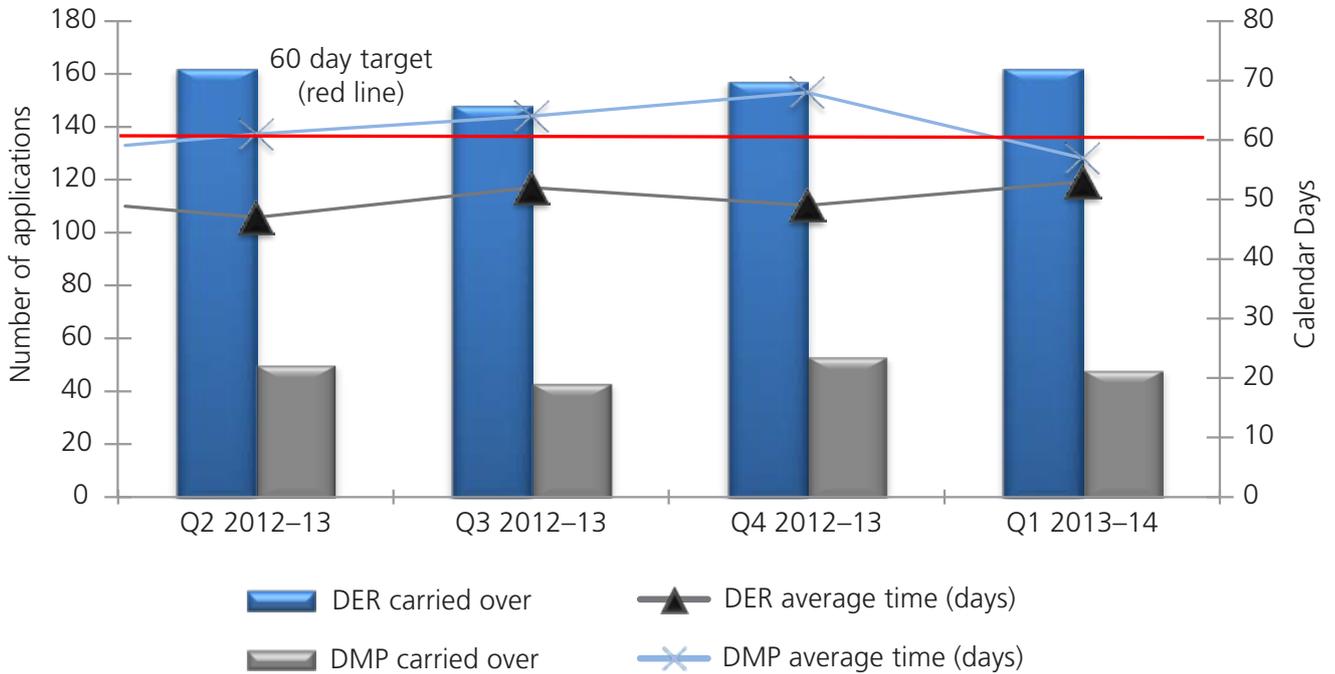


Figure 2 trend lines indicate the average time (in days) to finalise an application.

Table 5. Decisions subject to 'stop the clock'

'Stop the clock' reasons	DMP		DER		Overall	
	Number of decisions	Average days per decision	Number of decisions	Average days per decision	Number of decisions	Average days per decision
Total/average*	33	37	64	149	97	93

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'.

Native vegetation clearing permits

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

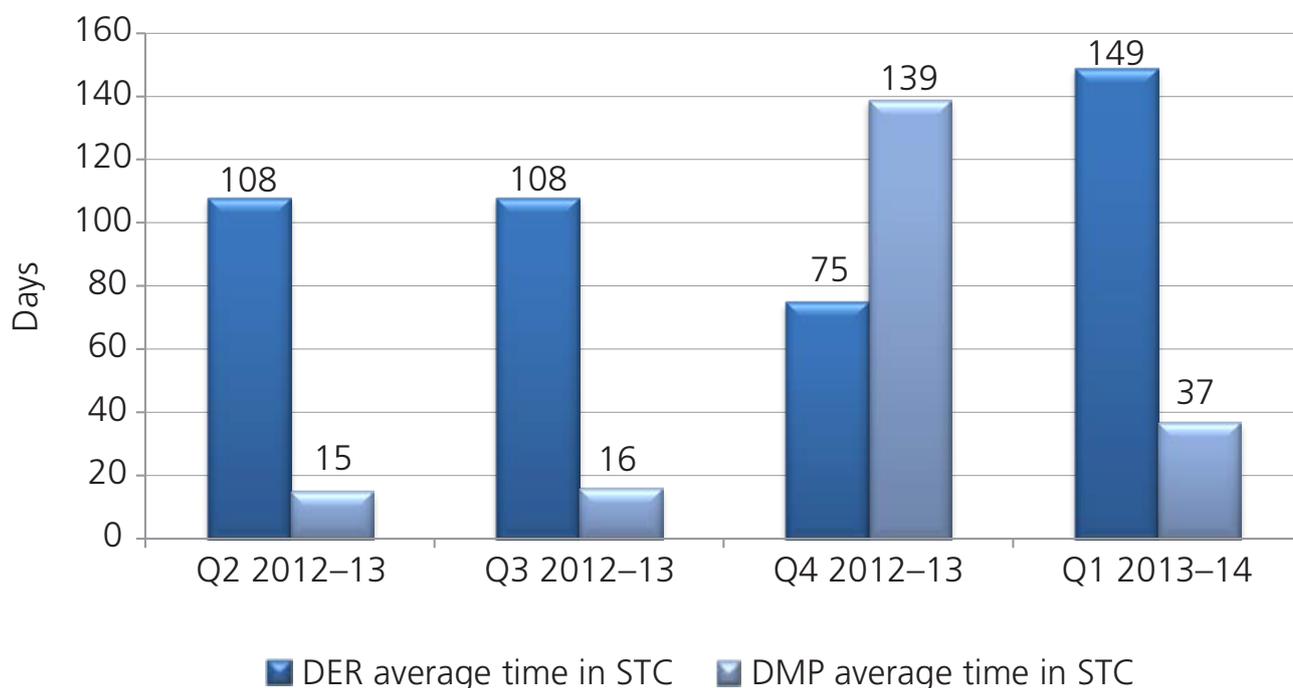


Figure 3 shows the average (mean) time in days that a decision was subject to 'stop the clock'.

Table 6. Breakdown of reasons for 'stop the clock' by number of incidents, and average days per incident

'Stop the clock' reasons	DMP		DER		Overall	
	Number	Average days	Number	Average days	Number	Average days
Waiting on applicant	32	32	47	100	79	72
Decision pending	1	183	23	211	24	210
Referred to EPA	0	0	0	0	0	0
Total/average*	33	37	70	137	103	105

Table 6 shows the number of times a 'stop the clock' event occurred during the quarter and the reason that the clock was stopped.

*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 17.

5 Contaminated sites

5.1 Introduction

Under the *Contaminated Sites Act 2003* (the CS Act), DER classifies 'known or suspected contaminated sites' reported to it, in consultation with the Department of Health (DoH).

The CS Act commenced on 1 December 2006 and introduced mandatory reporting of 'known or suspected contaminated sites'. Owners and occupiers of such sites, any person who caused or contributed to the contamination, and contaminated sites auditors engaged to report on such sites have a duty to report known contaminated sites within 21 days, and suspected contaminated sites as soon as practicable.

As a transitional provision, the CS Act provided a six-month 'period of grace' from its commencement, during which penalties for not reporting within the required time frames did not apply. This 'period of grace' for reporting historical sites expired on 31 May 2007.

By 30 September 2013, DER had received 3,350 reports of known or suspected contaminated sites (also referred to as 'Form 1s') since the CS Act commenced. Of the total number of reports, 60 per cent were received over the three-month period April to June 2007. Reporting of sites continues, with an average of 13 reports being received each month.

After receiving a report of a 'known or suspected contaminated site' DER, in consultation with DoH, assigns one of seven possible classifications (set out in Schedule 1 of the CS Act) to the site based on the risk the contamination poses to human health and the environment.

Under the CS Act, sites must be classified within 45 days of receiving the report, unless there are particular circumstances that make it necessary to extend the time.

The most common reason DER extends the classification time frame is because the proponent requests it and informs DER that investigation of the site is underway, but the resulting technical report (which will inform the appropriate classification category) is not yet complete.

If DER decides to extend the classification time frame, DER must give written notice of its decision, within 45 days of receiving the report, to all parties who must be notified of the site classification (that is, owners and occupiers of the site, relevant public authorities such as the Western Australian Planning Commission and local government authority, the person who reported the site, each person who may be responsible for remediation and any other person whom there is particular reason to notify).

Due to the very large peak in the number of sites reported over the period April to June 2007, the former Department of Environment and Conservation (DEC) was unable to classify all the 'peak period' sites within the statutory 45-day time frame, and it is likely to take a number of years to process this backlog.

DEC prioritised classification of the 'peak period' sites, based on a screening review of the information submitted. Priority was accorded to sites where the available information indicated there may be an immediate or serious risk to human health or the environment that was not being appropriately managed.

5.2 Performance

Forty-one sites were reported between 1 July and 30 September 2013 (see Table 1 and Figure 1).

By 30 September 2013, a total of 2,595 sites had been classified (made up of 16,976 individual lots or land parcels) under the CS Act (see Figure 2).

A total of 122 sites were classified between 1 July and 30 September 2013.

Table 1. Form 1s processed by quarter

Quarter	Carried forward from previous quarter	New Form 1s received	Processed within statutory 45 days	Open at end of quarter*	Exceeding statutory 45 days
Quarter 2 2012–13	18	36	44	10	0
Quarter 3 2012–13	10	29	29	9	1
Quarter 4 2012–13	9	27	27	9	0
Quarter 1 2013–14	9	41	32	18	0

*Form 1s received in the last 4 weeks of quarter still within statutory 45 days, which will be processed in the next quarter.

Mandatory auditor's reports

Mandatory auditor's reports (MARs) are required under the CS Act for some sites. For example, MARs may be required where a site is a source of contamination that has moved off-site to affect other properties, or if a site is subject to a regulatory notice, or investigation and remediation is conducted to comply with a planning or Ministerial condition.

Some MARs are reviewed only by DER (apart from routine consultation with DoH as part of the classification process). For other MARs, DER requires specialist technical advice from other agencies before processing of the MAR can be completed (for example, where asbestos or radiological contamination is present, or where a quantitative human health risk assessment was undertaken).

DER received 10 MARs between 1 July and 30 September 2013 and eight MARs were processed (one MAR remains under review and one was awaiting information from other agencies). In addition, two MARs carried forward from the previous reporting period were processed, bringing the total number of MARs processed within this period to 10.

The average processing time for all MARs completed during this reporting period was 24 days, marginally exceeding DER's 21-day target (three weeks). The average processing time for the seven MARs not requiring referral to other agencies was 18 days, within the 21-day target (see Table 2 on page 21).

Contaminated sites

Table 2. MAR review performance by quarter

Quarter	MARs received in quarter	MAR reviews completed in quarter	MARs carried forward	Average processing time (days)	MARs processed by DER only	Average time for MARs processed by DER only (days)
Quarter 2 2012–13	9	11	4	30	5	20
Quarter 3 2012–13	10	11	3	30	5	15
Quarter 4 2012–13	12	10	5	26	3	15
Quarter 1 2013–14	10	10	5	24	7	18

Figure 1. Number of sites reported and classified each period

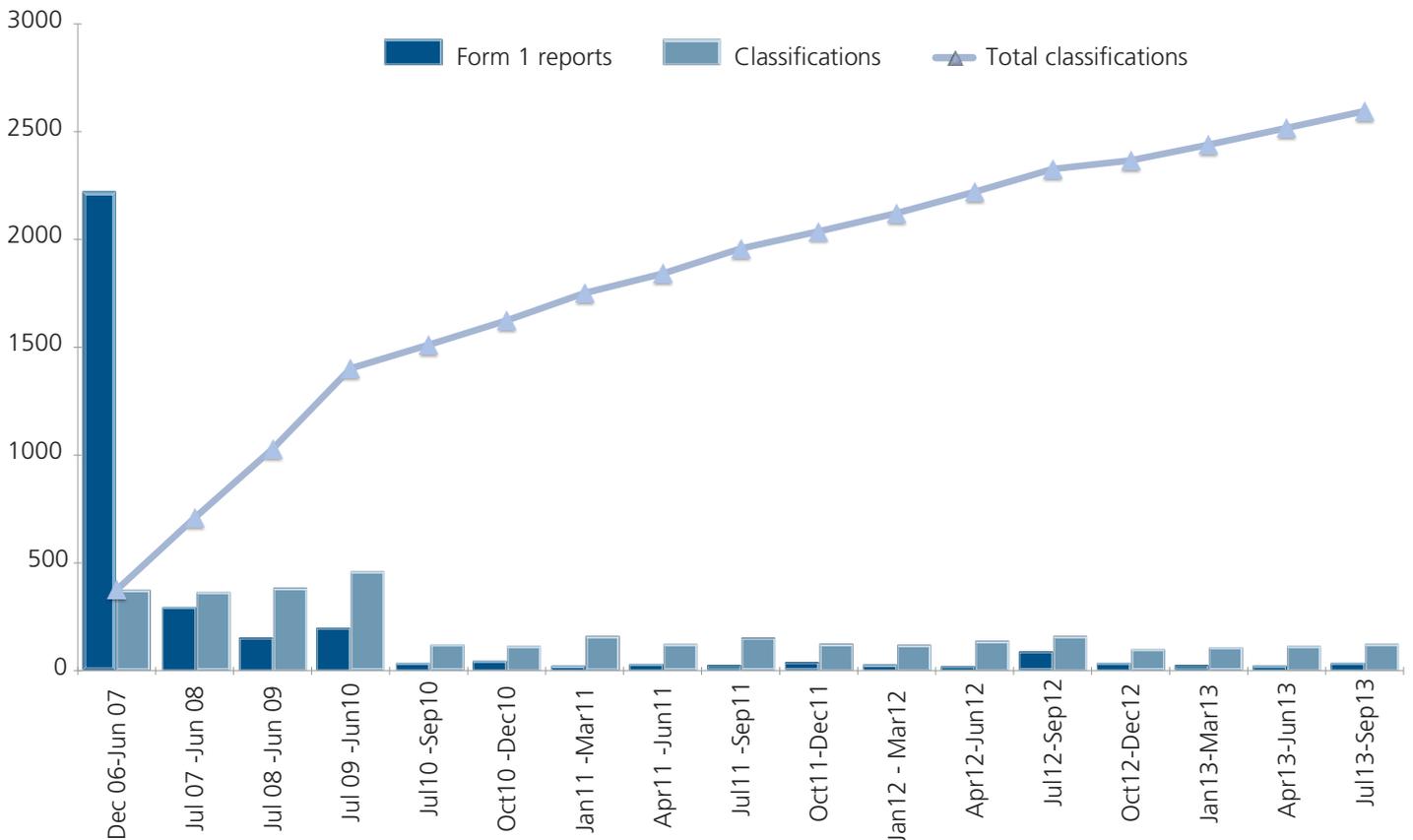


Figure 1 shows the number of sites reported and classified each financial year until June 2010, and quarterly since July 2010, as well as the steady increase in the total number of classified sites at the end of each period.

Contaminated sites

Figure 2. Classifications as at 30 September 2013

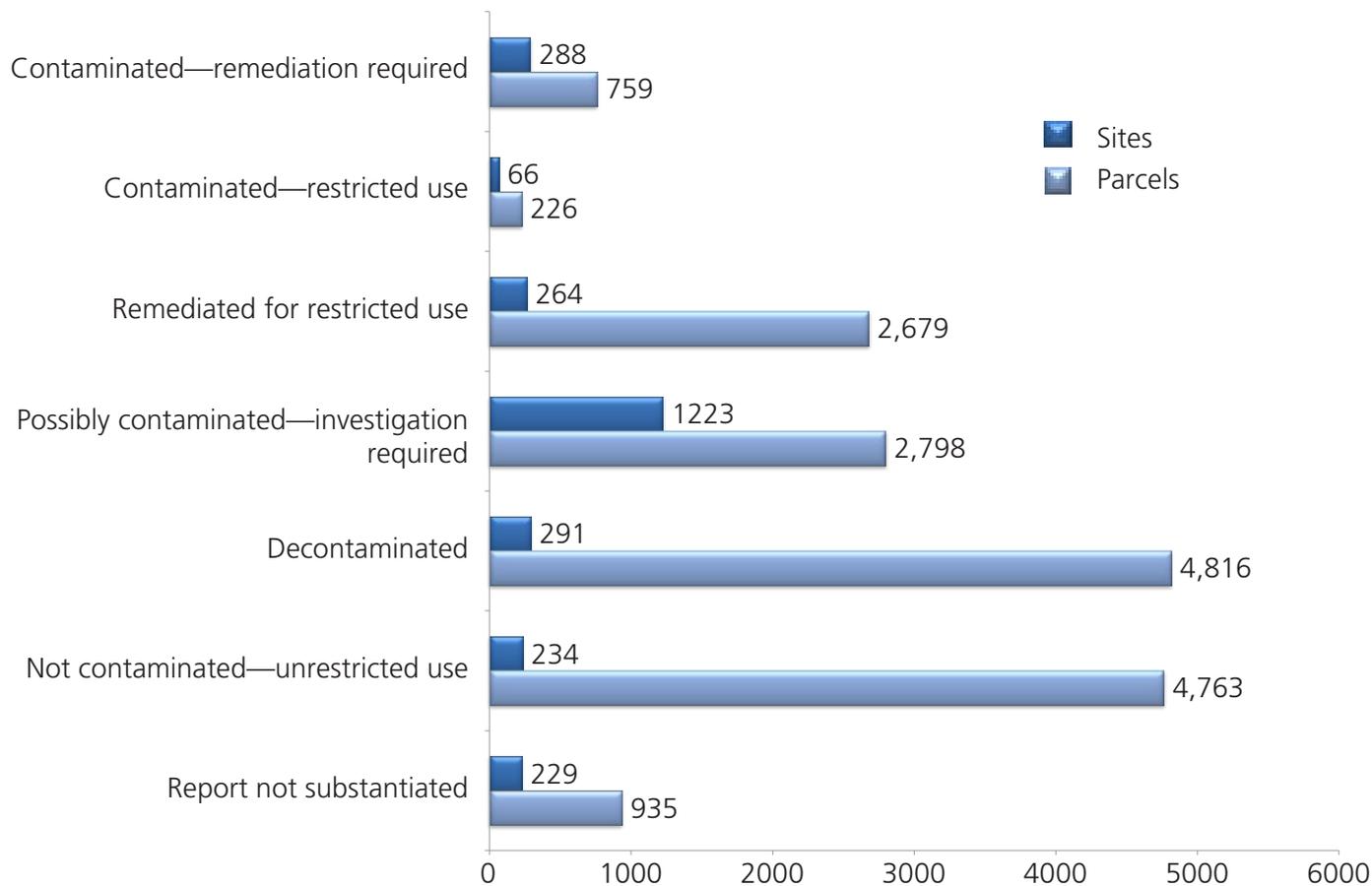


Figure 2 shows the distribution of classified sites and parcels across the seven classification categories at 30 September 2013.

6 Environmental enforcement

6.1 Introduction

This section summarises the performance of DER in delivering its role of regulator enforcing Western Australia's major environmental legislation the *Environmental Protection Act 1986*, *Contaminated Sites Act 2003*, and *Waste Avoidance and Resource Recovery Act 2007*.

The statistical data appearing in this section are obtained by interrogating DER's Incident and Complaint Management System (ICMS), a tool designed to record complaints and incidents and provide a case management framework through which investigations are conducted, and enforcement outcomes are determined.

An enforcement action is an activity undertaken by DER during the investigation process. Enforcement actions include enforcement sanctions, plus emails, further investigations, letters, licence

reviews, phone calls, prescribed actions, provision of advice, site inspections and site visits.

The information presented in this section is a summary prepared from more detailed reports. If required, more detailed information may be made available through the Environmental Enforcement Senior Analyst.

Note: The categorisation of complaints and incidents is currently under review. Categories and sub-categories of matters will vary from previous reports. A complaint is a report made to DER by a member of the public of an environmental event. This includes events such as strong odours, high amounts of smoke, noise pollution, illegal dumping or fish kill in a waterway.

6.2 Performance

Table 1. Environmental complaints / incidents by DER region

REGION	Quarter 2 2012–13	Quarter 3 2012–13	Quarter 4 2012–13	Quarter 1 2013–14
Christmas Island	3 / 0	3 / 4	2 / 2	1 / 10
Cocos (Keeling) Islands	0 / 3	0 / 0	0 / 0	0 / 2
Goldfields	11 / 69	7 / 59	6 / 74	5 / 57
Kimberley	2 / 10	2 / 8	6 / 15	4 / 8
Midwest	2 / 19	10 / 11	7 / 11	10 / 21
Perth	61 / 152	70 / 115	78 / 72	114 / 141
Pilbara	15 / 20	12 / 27	11 / 38	6 / 30
South Coast	20 / 30	24 / 65	20 / 49	21 / 34
South West	18 / 101	13 / 31	18 / 14	21 / 19
Swan	190 / 23	237 / 77	328 / 44	161 / 37
Warren	6 / 41	1 / 34	5 / 6	0 / 5
Wheatbelt	4 / 9	12 / 5	8 / 58	10 / 11
TOTAL	332 / 477	391 / 436	489 / 383	356 / 372

Environmental enforcement

Figure 1. Complaint, incident and sanction analysis, 2012 to 2013

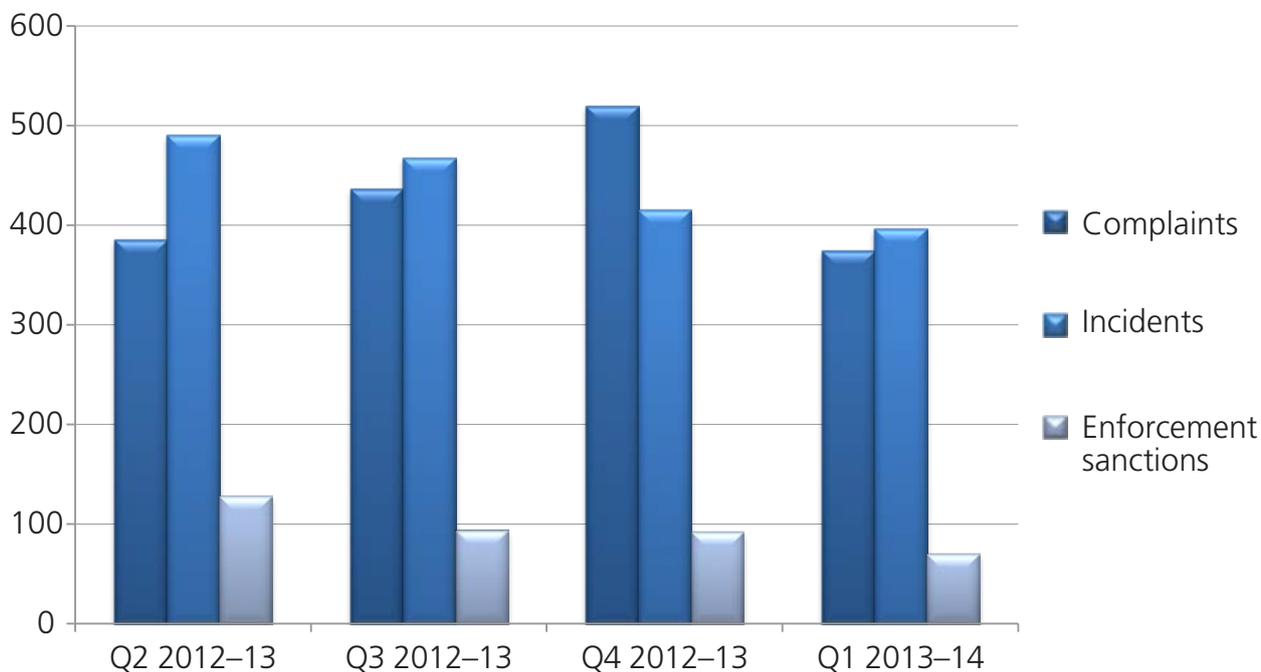
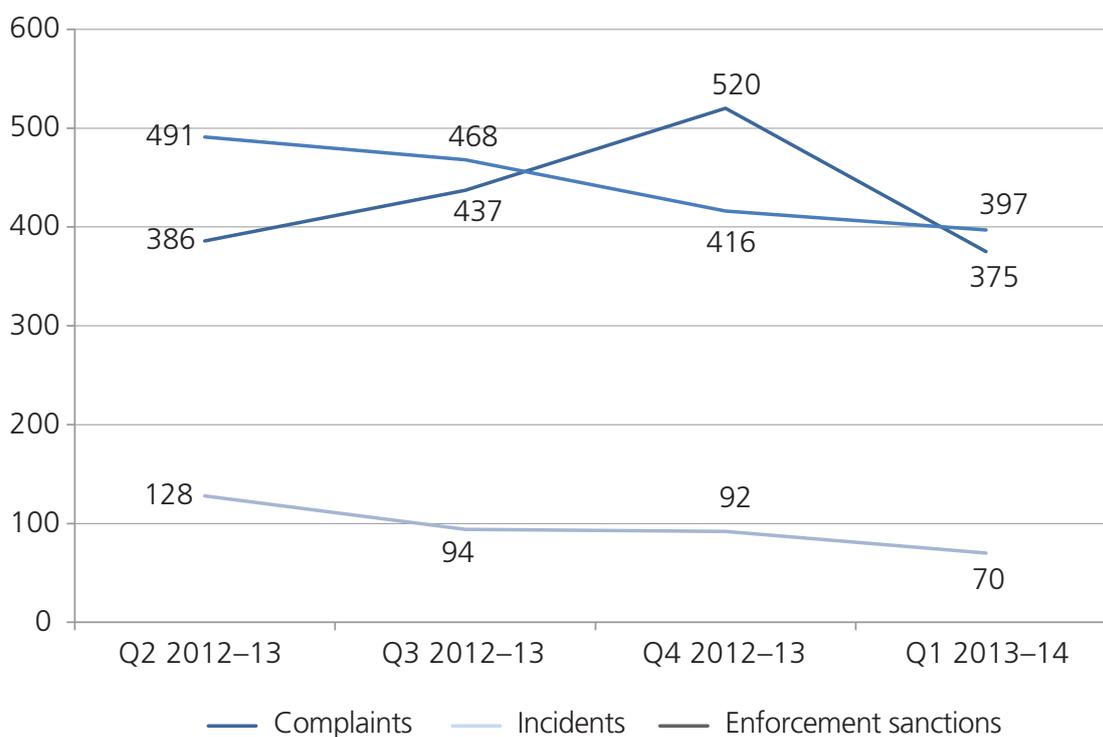


Figure 2. Complaints, incidents and enforcement sanctions, Quarter 2 2012-13 to Quarter 1 2013-14



Environmental enforcement

Figure 3. Complaints by DER region, 1 July to 30 September 2013

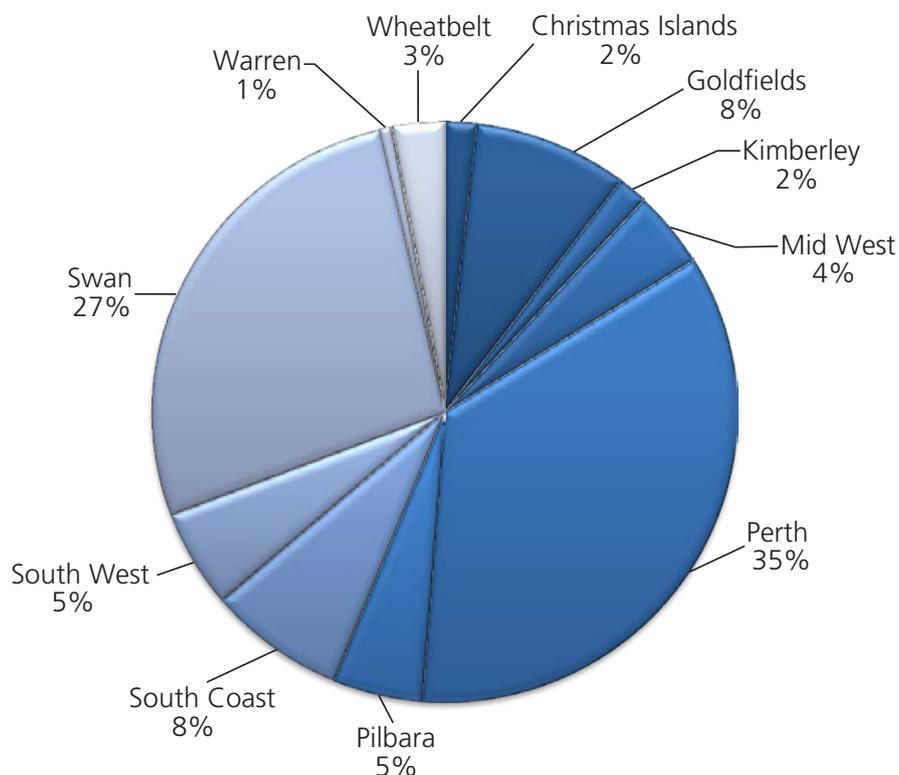
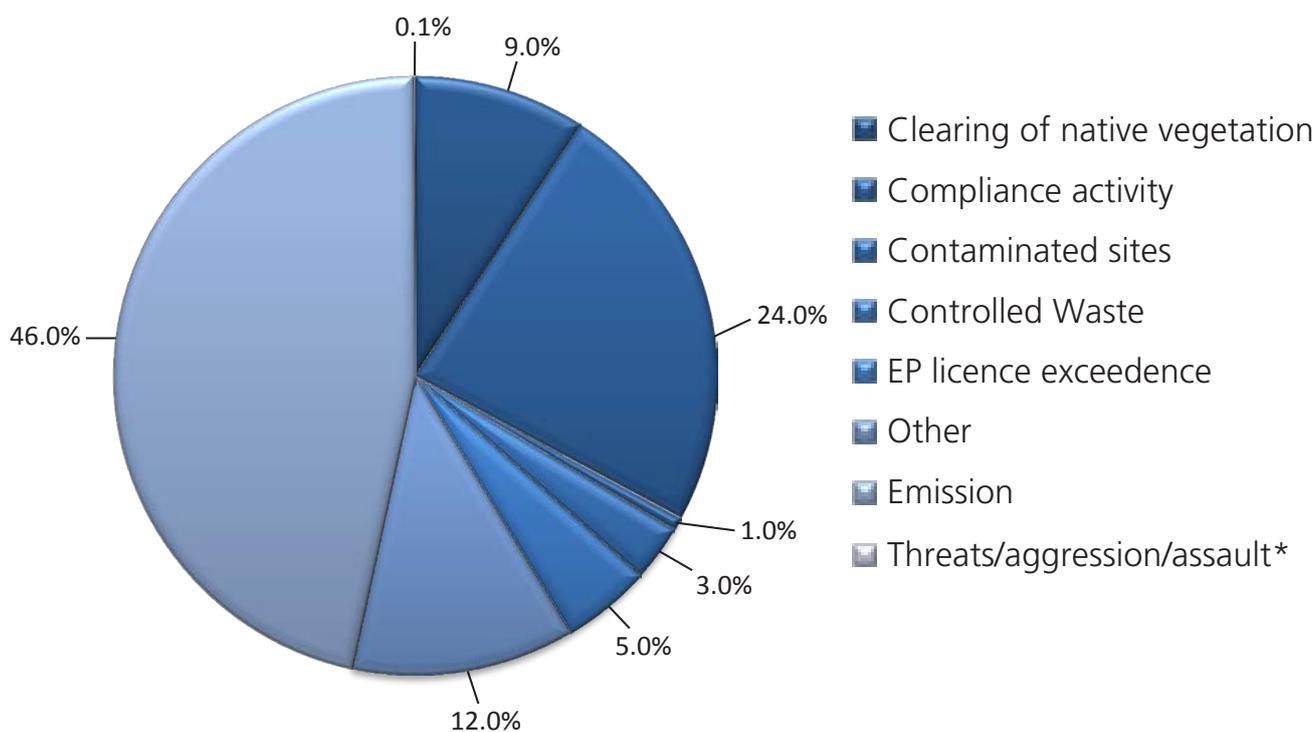


Figure 4. Complaints as percentages, 1 July to 30 September 2013



*Incidents where a DER employee is assaulted or subject to threatening or aressive behaviour.

Environmental enforcement

Table 2. Environmental complaints/incidents reported by sub-category, Q1 2013–14

Category	Complaints received	Enforcement actions undertaken
Clearing of native vegetation	67	183
Burning	1	
Cutting	56	
Draining	0	
Grazing	0	
Poisoning	1	
Unspecified	9	
Compliance activity	172	192
Clearing permit	2	
Industry licence	123	
Industry registration	23	
Landfill levy	1	
Statutory notice	0	
Unspecified	23	
Contaminated sites	5	20
Controlled waste	22	74
Disposal site	3	
Unauthorised disposal	6	
Unauthorised transport	10	
Waste generator	1	
Unspecified	2	
Emission	338	712
Air quality	8	
Dumping waste	38	
Dust	28	
Hazardous material	19	
Liquid waste	48	
Noise	26	
Odour	82	
Pesticide	0	
Smoke	16	
Solid waste	3	
Unauthorised discharge	78	
Unspecified	30	
Threat/Aggression/Assault	1	0
Unspecified	1	
Other	43	18
TOTAL	647	1199

Environmental enforcement

Table 3. Enforcement sanctions undertaken Q2 2012–13 to Q1 2013–14¹

Type of action	Quarter 2 2012–13	Quarter 3 2012–13	Quarter 4 2012–13	Quarter 1 2013–14
Environmental field notice (EFN) ²	81	64	46	41
Environmental protection notice (EPN) ³	0	1	1	1
Infringement notices ⁴	11	16	27	5
Stop work order ⁵	0	0	0	0
Letter of education ⁶	10	4	28	14
Letter of warning ⁷	15	6	15	10
Statutory direction/notice ⁸	2	0	1	1
Modified penalty ⁹	0	0	0	0
Prosecutions ¹⁰	7	3	1	3

- 1 Quarterly breakdown reflects the sanctions undertaken by the end of each quarter, on matters received during the quarter.
- 2 An environmental field notice is a non-statutory written notice of an offence. An EFN instructs the recipient to take immediate remedial actions.
- 3 An environmental protection notice is a statutory notice issued pursuant to section 65 of the *Environmental Protection Act 1986*.
- 4 An infringement notice is a modified penalty for an alleged offence requiring the payment of a fine or election to have the matter heard in court.
- 5 A stop work order is a statutory order made by the Minister pursuant to section 69 of the *Environmental Protection Act 1986*.
- 6 A letter of education is non-statutory advice to a person or business reminding them of their responsibilities under the *Environmental Protection Act 1986*.
- 7 A letter of warning is a non-statutory notice to an offender that a legislative breach has occurred and been noted on record.
- 8 A statutory direction/notice is a written direction requiring certain action be taken or ceased within a specified time, for example a pollution prevention notice.
- 9 A modified penalty is a statutory notice that an offence has occurred and that, in the opinion of DER, the offence has met the prescribed legislative requirements to minimise and remedy the environmental impact.
- 10 A DER prosecution action commences when a complaint is made (or sworn) that an entity has committed an offence under the legislation.

Environmental enforcement

Table 4. Enforcement actions undertaken by corresponding financial year quarter

Type of action	Number of actions undertaken by quarter ¹¹			
	2010–11 Q1	2011–12 Q1	2012–13 Q1	2013–14 Q1
EFN	0	58	61	54
EPN	0	1	0	1
Email	480	787	1,072	968
Further investigations	199	253	239	170
Infringement notices	13	21	21	5
Letter	235	154	154	153
Letter of education	2	10	28	20
Letter of warning	49	39	70	20
Licence review/amendment ¹²	4	16	5	9
Modified penalty brief	0	0	2	0
Phone call	575	759	1,028	824
Prescribed action ¹³	1	2	0	1
Prosecution	2	3	3	3
Provide advice	4	22	21	2
Site inspection	80	67	134	74
Site visit	127	194	172	124
Statutory direction/notice	1	2	0	3
Stop work order	0	0	0	0
Prosecutions Q1 2013–14				
Pending prosecutions				10
Current prosecutions before court				6

11 Quarters 1 for 2010-11, 2012-13 and 2012-13 include actions/sanctions undertaken by the Swan River Trust (SRT). Following machinery of government changes and the establishment of DER on 1 July 2013, Quarter 1 figures for 2013-14 do not include actions/sanctions undertaken by SRT.

12 DER may amend or revoke an existing licence for the conservation, preservation, protection, enhancement and management of the environment.

13 A prescribed action is any physical intervention undertaken by DER to remedy a breach of legislation or when undertaking remedial action. If this occurs, the occupier or polluter may be pursued for the cost of the clean-up. Such action will be taken only where authorised by legislation and in accordance with that legislation.

Environmental enforcement

Table 6. Native vegetation regulation activity, Q1 2013–14

Activity	Number
Vegetation conservation notice (VCN) ¹⁴	0 (40 Active)
Clearing applications	146
Clearing approvals	98
Letters of warning	3
Prosecutions	1

¹⁴ A vegetation conservation notice is a statutory notice given under section 70 of the EP Act when the CEO of DER suspects, on reasonable grounds, that unlawful clearing of native vegetation is likely to take place, is taking place, or has taken place on the land.

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