

Quarterly performance report

Native Vegetation Conservation Program

1 October 2010 to 31 December 2010

January 2011



Department of
Environment and Conservation

Our environment, our future



2011020

WESTERN AUSTRALIA
Laid on the Table of the
Legislative Assembly

23 MAR 2011

This paper should not be
removed from the Chamber

Department of Environment and Conservation
168 St Georges Terrace
Perth WA 6000
Tel: +61-8-6467 5000
Fax: +61-8-6467 5562

www.dec.wa.gov.au

© Department of Environment and Conservation 2011

January 2011

All material is the copyright of the Department of Environment and Conservation. No part of the contents of the publication may be reproduced without the consent of this agency.

Questions regarding this report should be directed to:

Kelly Faulkner

Manager, Native Vegetation Conservation Branch

Department of Environment and Conservation
Locked Bag 104
Bentley Delivery Centre
Western Australia 6983

Phone: 9219 8744

Email: kelly.faulkner@dec.wa.gov.au

Contents

Purpose of report	4
Clearing provisions	4
Timeframes.....	4
Current delivery status.....	5
Quarterly statistics	5
Clearing permits.....	7

Figures

Figure 1 Number of decisions made by DEC and DMP in the last four quarters	6
Figure 2 Number of decisions made compared to target timeframes	10
Figure 3 Average time in 'stop the clock' in the last four quarters	10

Tables

Table 1 Number of decisions made by DEC and DMP	5
Table 2 Description of clearing purpose	6
Table 3 Timeframe data for Department of Environment and Conservation applications/decisions	8
Table 4 Timeframe data for Department of Mines and Petroleum applications/decisions	9
Table 5 Decisions subject to 'stop the clock'	11
Table 6 Breakdown of reasons for 'stop the clock'	11

Purpose of report

This report provides statistics on timeliness of decisions made on a quarterly basis under the clearing provisions of the *Environmental Protection Act 1986* (EP Act).

Clearing provisions

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

Under section 20 of the EP Act the CEO of the Department of Environment and Conservation (DEC) 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*; or
- an activity under a government agreement administered by the Department of State Development.

DEC's Clearing Permit System database records details of all clearing permit applications and decisions made for both DEC and DMP, and forms the basis of the published records available on DEC's website.

Further information on the clearing provisions is available at www.dec.wa.gov.au/nvc.

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 are now 80 per cent of applications to 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".

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

The number of clearing permit applications received has remained stable since July 2004 at around 600 a year. Since the end of 2007 the number of open applications has been decreasing. At the start of 2008 DEC had 239 open applications; however this has been reduced substantially to 92 open applications by December 2010, even though in the previous quarter DEC received its second highest number of applications (146). Since December 2009, DEC has cleared its backlog of applications and has no applications older than 90 days.

During this quarter, DEC received 110 clearing permit applications. DEC achieved its target timeframes during this quarter and made 86 per cent of decisions within 60 days and the remaining 14 per cent within 90 days. The average timeframe to make a decision was reduced from 44 days in the previous quarter, to 41 days this quarter.

The on-going timely delivery of decisions by DEC, which has also resulted in the substantial decrease in open applications, corresponds to DEC's risk-based approach to assessments that is based on sensitivity of the environment, magnitude of impact/s and urgency of the clearing, DEC's on going monitoring of its performance and the continual improvements to processes.

Quarterly statistics

Table 1 Number of decisions made by DEC and DMP

Purpose	Number of Decisions Made (OCT 2010 - DEC 2010)				Total
	Less than or equal to 60 days	61 to 90 days	91 to 120 days	Greater than 120 days	
State development	39	15	3	4	61
Local government	40	2	0	0	42
Utilities	12	1	0	0	13
Agriculture / horticulture / forestry	14	8	0	0	22
Basic raw materials	4	0	0	0	4
Other development	40	8	0	0	48
Total	149	34	3	4	190

Table 1 indicates the Program's progress in meeting its timeframes for each purpose.

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 Department of Environment and Conservation and Department of Mines and Petroleum) and other state development (including State Agreements) administered under delegation by the Department of Mines and Petroleum.
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.

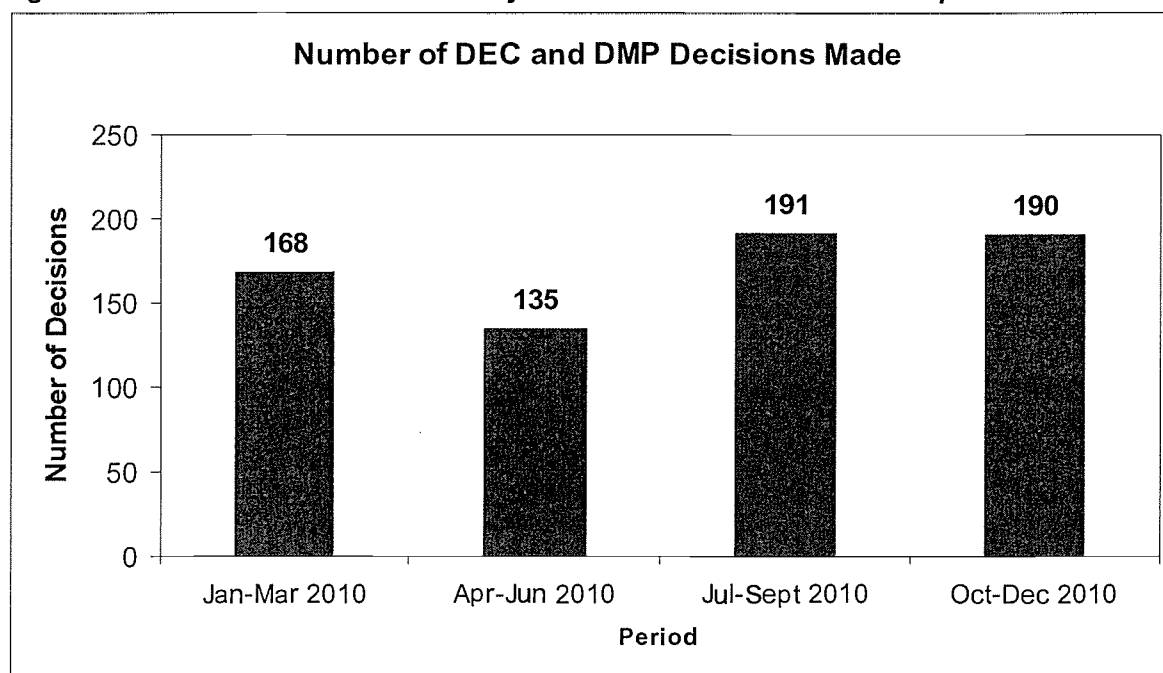
Figure 1 Number of decisions made by DEC and DMP in the last four quarters

Figure 1 indicates the total decisions made for each quarter for the Program.

Clearing permits

Tables 3 and 4 below 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 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 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 Agency (EPA)**
This status is assigned when DEC/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 Department of Environment and Conservation applications / decisions

CATEGORY	Jan-Mar 2010	Apr-Jun 2010	Jul-Sept 2010	Oct-Dec 2010
No. of applications carried over from previous periods	81	73	92	109
No. of applications received	109	104	146	110
No. of decisions that were subject to stop the clock	45	23	50	50
Average time in stop the clock for decisions in days	52	46	74	65
Average time for decision in days (excluding time in stop the clock)	43	39	44	41
No. decisions on applications	117	85	129	127
No. of outstanding applications at end of quarter	73	92	109	92
Percentage of applications that were finalised within benchmark timeframe				
60 days (80% of applications finalised)	78%	88%	80%	86%
90 days (20% of applications finalised)	22%	12%	20%	14%
>90 days	0%	0%	0%	0%

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

In addition to assessing clearing permit applications, DEC undertakes a number of other assessments associated with clearing. The statistics provided within Table 3 do not include assessments undertaken to provide advice to the Environmental Protection Authority or assessments of submissions, revegetation plans and offset proposals submitted in accordance with a purpose permit condition.

Table 4 Timeframe data for Department of Mines and Petroleum applications / decisions

CATEGORY	Jan-Mar 2010	Apr-Jun 2010	Jul-Sept 2010	Oct-Dec 2010
No. of applications carried over from previous periods	42	51	52	45**
No. of applications received	68	49	55	59
No. of decisions that were subject to stop the clock	6	7	9	7
Average time in stop the clock for decisions in days	119	56	511	251
Average time for decision in days (excluding time in stop the clock)	56	49	73	57
No. decisions on applications	61	50	62	63
No. of outstanding applications at end of quarter	49	50	45	41
Percentage of applications that were finalised within benchmark timeframe				
60 days (80% of applications finalised)	71%	80%	65%	62%
90 days (20% of applications finalised)	21%	14%	21%	27%
>90 days	8%	6%	14%	11%

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

**DMP has undertaken audits to determine the accuracy of its data. As a result of its data cleansing operation, only the figures from the second quarter onwards can be regarded as accurate.

Figure 2 Number of decisions made compared to target timeframes

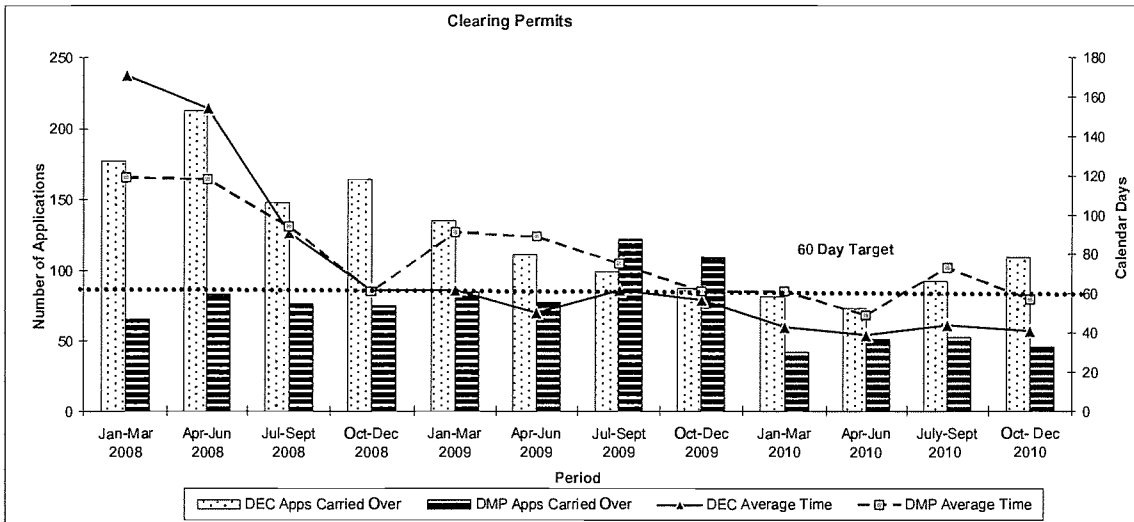


Figure 2 trend line indicates the average time (in days) to finalise an application.

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

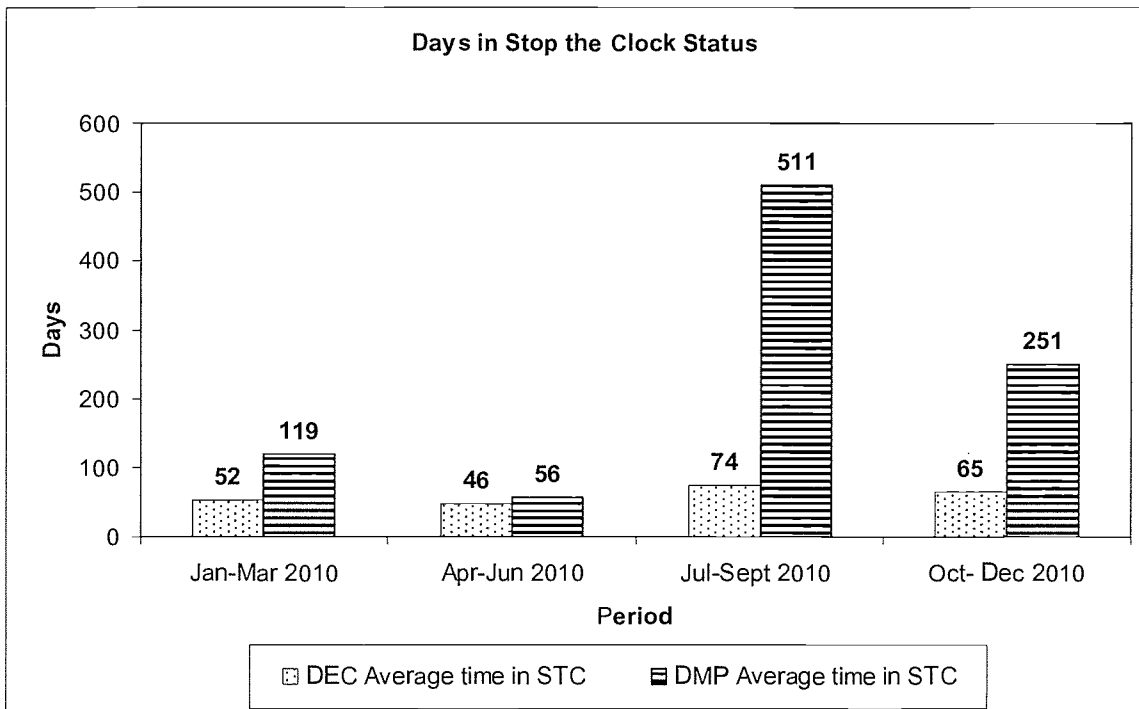


Figure 3 shows the average (mean) time in days that a decision was subject to 'stop the clock'.

Table 5 Decisions subject to 'stop the clock'

	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	7	251	50	65	57	88

Table 5 shows the number of decisions that were subject to stop the clock during the Oct – Dec 2010 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	7	251	35	68	42	99
Decision Pending	0	0	17	45	17	445
Referred to EPA	0	0	1	73	1	73
Total	7	251	53	61	60	83

Table 6 shows the number of times a stop the clock event occurred in the Oct – Dec 2010 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. The stop the clock statuses are described on page 7.