



Mr Alistair Jones  
Director General  
Department of Water and Environmental Regulation  
Prime House  
8 Davidson Terrace  
JOONDALUP WA 6027

Email- Alistair.Jones@dwer.wa.gov.au

19 April 2024

Dear Mr Jones

**Re: DWER Approvals and Impact on Investment in WA**

WMRR is the national peak body for all stakeholders in the essential waste and resource recovery (WARR) industry. Nationally, we have more than 2,000 members representing over 500 individual entities, operating in a broad range of organisations, the three (3) tiers of government, universities, and NGOs. The Western Australian branch of WMRR has a diverse group of industry stakeholders who meet monthly to discuss key opportunities and challenges for the WA industry.

WMRR has noted that as the WARR industry continues to mobilise to deliver key infrastructure in WA, our members are consistently raising concerns in relation to the excessive time being taken to process approvals by the Department, noting that this has become a significant barrier to ongoing investment by industry. Of particular concern to industry are Part V Prescribed Premises Works Approvals and Licences, as well as Part IV Environmental Impact Assessments.

Industry appreciates that the Department of Water and Environmental Regulation (DWER) and the Environmental Protection Authority (EPA) like industry itself, are both facing resourcing challenges, which may have resulted in significant delays in granting approvals. We do note however that DWER's target timeframe is 60 business days to assess an application, outlined in the DWER *Procedure: Prescribed premises works approvals and licences*. This 60-day period includes:

- Validating the application and supporting information;
- Public advertising;
- Directly referring the application to relevant stakeholders;
- Assessing the application;
- Drafting the decision report and works approval/licence/registration/amendment; and
- Considering application comments on the draft.

Information provided to WMRR by its members however indicate that multiple applicants have experienced much longer assessment timeframes and, on many occasions, a general lack of communication from DWER regarding the status of an application. One (1) recent example from an applicant includes a licence amendment application that was submitted in late May 2023, with the DWER validation completed in late June 2023 and the application accepted (and invoice paid) approximately two (2) weeks later. When DWER was then contacted in late January 2024, advice was received that the draft works approval was nearly complete and scheduled to undergo internal review in February 2024. The draft works approval was received at the end of March 2024 however, representing as total assessment timeframe of 40 weeks (280 days) in total.

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Another applicant submitted a Works Approval Application on 31 July 2023, and only received an invoice from DWER confirming that the project had been validated and placed in the system for assessment on 19 September 2023, a delay of 50 days just to process the initial application- with no clarity in the interim as to whether the application had been received or accepted.

These are just two (2) of many examples that have been brought to WMRR's attention, further, the assessment of key management plans required under proponents' Part IV EPA Approvals have also been subject to unacceptable delays and processing times. For example, a simple waste management plan was submitted by an applicant on the 7 March 2023, an invoice for the assessment was issued two (2) and a half months later. A request for further information was received five (5) months after that, and a determination on the plans was received in late December 2023, with the process taking over ten (10) months to complete.

Another applicant referred a critical project to the EPA in October 2021, with an additional RFI response provided to the EPA in February 2023. Due to delays with the assessment process, the EPA identified the need for a Section 43A referral to include additional infrastructure, which was also submitted in February 2023. Subsequently, the EPA accepted the Section 43A referral in July 2023, a 15-week assessment period, and has only provided an additional RFI response in March 2024 to information provided in February 2023. Excluding stop the clock periods, this represents a 71 week assessment timeframe for the EPA to date, over a 2.5 year period, with additional assessments anticipated following submission of a response to the latest RFI.

Projects cannot progress or investment occur with this level of uncertainty and delay. A key challenge faced by proponents in the WARR industry is constant changes in the services required to support their communities and local businesses. Often these changes require an amendment to a licensing condition. The industry relies on DWER having sufficient resources to allow the target timeframe of 60 days for an assessment to be met consistently. Without this certainty, community expectations are not met, and trust is eroded in WARR service providers. To meet the targets in the State Waste Strategy, it is critical that new infrastructure is constructed soon, however the current timeframes for approval pose a challenge towards being able to deliver this infrastructure in a timely manner, particularly given that two (2) sets of approval (Works Approval and a Licence/Licence Amendment) are often required.

Regrettably, the introduction of a fee-based system on a "user pays" basis for environmental regulation has failed to improve the performance of the department. WMRR provided a submission in December 2022 expressing our opposition to this model as it failed (amongst other things) to acknowledge the State and Local Government contributions already being realised including Waste Levy, GST, Payroll Tax, Land Tax, and Rates.

WMRR acknowledges the reforms DWER has undertaken to deliver "*a regulatory framework for emissions and discharges where the level of regulatory intervention is proportionate to risk, and the way we regulate activities is fit for purpose, streamlined and effective*". We see the strategy is falling short however in terms of the stated objectives. In this regard we would like to meet with you as soon as possible to discuss how we can work together to achieve the state's necessary infrastructure targets and deliver both the investment and jobs that are required in WA to ensure that our industry grows to meet both state and national targets.

Please contact the undersigned to arrange a meeting either at [gayle@wmrr.asn.au](mailto:gayle@wmrr.asn.au) or 0429 076 713. We look forward to discussing this matter with you further.

Yours sincerely

Gayle Sloan

**Chief Executive Officer**

Waste Management and Resource Recovery Association of Australia

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