



Department of **Planning,
Lands and Heritage**

*We're working for
Western Australia*

A grayscale background image showing a group of people sitting around a table in a meeting or conference room. The image is slightly blurred and has a dark overlay.

FOI Freedom^{of} Information Statement 2019

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Government of **Western Australia**
Development Assessment Panels



This information Statement was prepared and is correct as at May 2019.

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The Department of Planning, Lands and Heritage


The Department of Planning, Lands and Heritage brings together land use planning, Crown land administration functions, all aspects of heritage including Aboriginal heritage services and administration of the Aboriginal Lands Trust estate.

The Department was formed on 1 July 2017 through the Machinery of Government reforms and included the integration of:

- Department of Planning
- Department of Lands
- State Heritage Office
- Office of the Government Architect
- Aboriginal Lands Trust and Aboriginal Heritage functions of the Department of Aboriginal Affairs.

The Department's work includes:

- advice and assistance on land use planning, including for local government authorities
- development and review of State planning policies
- implementation of statutory approvals for subdivision, strata title and development applications
- delivery of key planning projects and initiatives and coordination of planning infrastructure
- assessment of local planning schemes and amendments, and review of region planning schemes
- administrative support for Development Assessment Panels (DAPs)
- management of reserved land under region schemes
- assembly of land for residential, industrial, infrastructure corridor, conservation and community needs
- administration of pastoral leases and providing support to the Pastoral Lands Board
- provision of appropriate resolution of native title in granting secure land tenure
- management of land acquired for infrastructure corridors, including the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor
- direct responsibility for all unallocated Crown land and unmanaged reserves
- investigating, identifying, reporting and managing contamination on Crown land



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- facilitating the identification and assessment of places of cultural heritage significance
- evaluating and guiding sympathetic development of State Registered places (historic heritage)
- working with Aboriginal stakeholders to promote culture and protect and manage places and objects of heritage significance
- repatriating Aboriginal human remains and cultural objects.

The Department supports the Heritage Council of Western Australia, Western Australian Planning Commission (WAPC), Pastoral Lands Boards (PLB) and Aboriginal Land Trust (ALT). The Department also receives and processes Freedom of Information (FOI) applications on behalf of these authorities.

Organisational Structure

Below is the interim organisational structure of the Department.

DIRECTOR GENERAL
Gail McGowan

BUSINESS and CORPORATE SERVICES	HERITAGE and PROPERTY SERVICES	LAND USE PLANNING	LAND USE MANAGEMENT	STRATEGY and ENGAGEMENT	OFFICE of the DIRECTOR GENERAL
People, Capability and Innovation	Heritage Operations	Regional North	Land Management Metropolitan and Peel	Metronet	Ministerial Liaison
Financial Services	Aboriginal Heritage Operations	Regional Planning Policy Coordination	Land Management South	Legal Services	Executive Management
Governance and Performance	Heritage Development	Regional South	Land Management North	Policy	Development Assessment Panels
Business Information Services	Heritage Assessment and Registration	Regional South West	Agreements and Strategic Projects	Strategic Policy & Projects	
Compliance	South West Settlement, Projects and Regional Services	Metro South & Peel	Customer Services and Systems	Urban Design & Development	
Transformational Unit	Property	Metro North	Property and Risk Management	Infrastructure Planning & Policy	
	Fremantle Prison	Metro Central	Delivery	Data Analytics	
	Heritage Policy and Practice	Schemes, Amendments & Planning Administration	Board Support	Office of the Government Architect	
	Review & Reform			Communications	

Western Australian Planning Commission

The WAPC is established under the *Planning and Development Act 2005* (PD Act) and is the statutory authority with the state-wide responsibilities for urban, rural and regional land use planning, and land development matters. The WAPC responds to the strategic direction of government and is responsible for the strategic planning of the State.

The WAPC operates with the support of the Department which provides professional and technical expertise, administrative services, and resources to advise the WAPC and implement its decisions.

The WAPC has a broad range of responsibilities, including:

- advising the Minister on land use planning and land development, legislation reform and local planning schemes
- the preparation and implementation of the State Planning Strategy to provide a vision for the future development of Western Australia
- the preparation and amendment of State planning policies
- planning for the coordinated provision of transport and infrastructure for land development
- the preparation and review of region schemes to cater for anticipated growth
- monitoring and forecasting land supply throughout the State and developing strategies to ensure the timely supply of affordable residential
- undertaking research and developing planning methods and models relating to land use planning, land development and associated matters.

Current membership of WAPC Board and its committees can be viewed on the Department's website.

Development Assessment Panels

The *Planning and Development (Development Assessment Panels) Regulations 2011* sets out how Development Assessment Panels (DAPs) function. DAPs have five members comprising a mix of technical experts and local government representatives. DAPs have the power to determine applications for development that meet certain criteria and monetary value thresholds, as an alternative to the otherwise relevant decision-making authority.

DAPs exist to provide additional transparency, consistency and reliability in decision-making on complex and significant development applications.

DAPs are not involved with, or responsible for, the preparation of planning schemes or planning policy. Their decision-making powers for applications fit within the existing planning framework for the relevant local government area.

Heritage Council of Western Australia

The Heritage Council of Western Australia is a statutory authority established by the *Heritage of Western Australia Act 1990*. The Heritage Council is a body corporate and accountable for the finances and performance of the organisation under the *Financial Management Act 2006*.

The Heritage Council comprises nine people appointed by the Governor of Western Australia on the advice of the Minister for Heritage.

The Heritage Council is responsible for fulfilling a range of functions under section 7 of the *Heritage of Western Australia Act 1990*, including in summary to:

- advise the Minister for Heritage on heritage-related matters
- maintain the State Register of Heritage Places
- provide heritage advice to referring parties and agencies
- provide or facilitate financial or technical assistance
- prevent the destruction, deterioration of or damage to heritage places
- undertake the recording, conservation and presentation of heritage places
- encourage public interest in and understanding of the cultural heritage of the State
- promote or provide education or training.

The Heritage Council determines the heritage-related strategy and policy, and makes key decisions on places to be entered into the State Register. It is also the State Government heritage advisor on planning-related strategies and policies.

Aboriginal Lands Trust

The Aboriginal Lands Trust (ALT) is the statutory board convened under the *Aboriginal Affairs Planning Authority Act 1972*. ALT members are chosen for their expertise in land and sea management, Aboriginal business and economic development and Aboriginal housing and infrastructure development. The ALT estate covers approximately 24 million hectares of land in Western Australia and includes 155 regional and remote Aboriginal communities and 28 town-based reserves, with an approximate population of 12,000 inhabitants.

Aboriginal Cultural Material Committee

The Aboriginal Cultural Material Committee (ACMC) is established under the *Aboriginal Heritage Act 1972* to:

- evaluate on behalf of the community the importance of places and objects alleged to be associated with Aboriginal persons
- where appropriate, to record and preserve the traditional Aboriginal lore related to such places and objects; to recommend to the Minister for Aboriginal Affairs (the Minister) places and objects which, in the opinion of the Committee, are, or have been, of special significance to persons of Aboriginal descent and should be preserved, acquired and managed by the Minister
- advise the Minister for Aboriginal Affairs of any question referred to the Committee, and generally on any matter related to the objects and purposes of the *Aboriginal Heritage Act 1972*
- perform the functions allocated to the ACMC by the *Aboriginal Heritage Act 1972*.

Pastoral Lands Board

The Pastoral Lands Board (PLB) of Western Australia is a statutory authority established under section 94 of the *Land Administration Act 1997*. It has joint responsibility with the Minister for Lands for administering Western Australia's pastoral leases in accordance with Part 7 of the *Land Administration Act 1997*.

The PLB has responsibilities prescribed under the *Land Administration Act 1997* to ensure that pastoral leases are managed on an ecologically sustainable basis and to develop policies to prevent degradation of the rangelands.

Legislation administered

Legislation administered by the Department includes:

- *Aboriginal Affairs Planning Authority Act 1972*
- *Aboriginal Communities Act 1979*
- *Aboriginal Heritage Act 1972*
- *Aboriginal Heritage (Marandoo) Act 1972*
- *Contaminated Sites Act 2003*
- *Dampier to Bunbury Pipeline Act 1997*
- Dampier to Bunbury Pipeline Regulations 1998
- *Environment Protection Act 1986*
- *Forrest Place and City Station Development Act 1985*
- *Heritage of Western Australian Act 1990*
- Heritage of Western Australia Amendment Regulations 2012
- *Hope Valley Wattleup Redevelopment Act 2000*
- *Land Administration Act 1997*
- Land Administration (Land Management) Regulations 2006
- Land Administration Regulations 1998
- *Metropolitan Redevelopment Authority Act 2011*
- *Metropolitan Region Improvement Tax Act 1959*
- *Metropolitan Region Scheme (Fremantle) Act 1994*
- *Perry Lakes Redevelopment Act 2005*
- *Planning and Development (Consequential and Transitional Provisions) Act 2005*
- Planning and Development (Consequential) Regulations 2006
- Planning and Development (Transitional) Regulations 2006
- Planning and Development (Local Planning Schemes) Regulations 2015
- Planning and Development Regulations 2009
- *Port Kennedy Development Agreement Act 1992*
- Road Closure Acts (various)
- *Swan and Canning Rivers Management Act 2006*
- *Swan Valley Planning Act 1995*

Publicly available documents

The Department's website at www.DPLH.wa.gov.au contains information on key services, as well as publications, planning and development policy information, current projects and policies, organisational structure and committee membership.

The online services include the application search function on the progress of personal subdivision and development applications, the ePlan service for the lodgement, payment and processing of planning subdivision and amalgamation applications, and the public mapping tool, PlanWA, that provides access to planning, land and heritage data across Western Australia.

The DAPs' agendas and minutes are available on the Department's website, as well as the agenda and minutes of the following committees of the WAPC:

- Statutory Planning Committee
- South West Regional Planning Committee
- Peel Region Planning Committee

The Department also publishes media statements, brochures, fact sheets, internal manuals, maps and statistical information online.

Access to information for a fee is available, for example, the Crown land form is available for the purpose of Crown land enquiries, in relation to:

- purchasing Crown land
- leasing Crown land
- roads
- reserves
- easements.

The Department and the WAPC publications and technical reports are also available from the State Library of Western Australia. Items include but are not limited to:

- Department publications and reports
- WAPC publications and reports
- region scheme and amendments
- Environmental Protection Authority bulletins
- State Administrative Tribunal decisions
- professional journals, research and reports
- relevant annual reports

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The State Heritage Office's library holds a variety of books, heritage studies and reports. Many of these documents are available at the Batty Library. The inHerit portal at <http://inherit.stateheritage.wa.gov.au/public> contains comprehensive information about cultural heritage places listed in the State Register of Heritage Places.

The Aboriginal Heritage Inquiry System (AHIS) at <https://maps.daa.wa.gov.au/AHIS/> provides information concerning Aboriginal heritage places in Western Australia, including:

- the location and extent of each place
- the assessment status of each place under the *Aboriginal Heritage Act 1972*
- any access restrictions to additional information that the department holds in relation to the place
- any gender restrictions.

Community consultation

The Department provides the public with opportunities to comment on proposals while they are being developed and prior to a final outcome being achieved or determined. In both strategic and statutory planning exercises, opportunity for comment and participation may be provided through:

- community workshops and committees
- formal display and submission periods
- an opportunity to speak before a hearing forum
- the release of draft reports and recommendations.

The public is encouraged to participate in the preparation of all land use plans and policies. Members of the public are invited to make submissions and participate through targeted communication vehicles such as local and community newspapers, the Department's online communications platforms, Government gazettes, local government officers, Department officers, mailbox delivery, personal briefings, specific community consultation sessions and targeted publications and reports.

Non-public information

The Department, Heritage Council and the WAPC hold operations, administrative, staff and contract information that is not available to the public.

Types of documents held by the Department for which a FOI application is required include (but is not limited to):

- audit reports and supporting documentation
- business plans
- correspondence, except where documents solely involve the individual/organisation requiring the correspondence
- incident reports
- internal memos
- Ministerial correspondence and briefing notes
- minutes, agendas and related papers not published on the website
- personnel information: except where documents solely involve the individual requiring the correspondence
- service level agreements
- tender and quotation responses.

Procedures for obtaining access to documents not publicly available

The *Freedom of Information Act 1992* (FOI Act), which came into effect on 1 November 1993, created a general right of access to documents held by State and local government agencies.

Members of the public may submit formal FOI applications for documents held by the Department, which are not publicly available. A formal application for information must be:

- in writing
- give enough information to enable the requested documents to be identified
- give an Australian address to which notices can be sent.

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- accompanied by a \$30 application fee, unless the information relates to a personal matter, in which case it is free of charge. An additional charge may apply for the processing on non-personal information. The fee is reduced by 25 per cent for pensioners and financially disadvantaged persons
- addressed to the FOI Coordinator.

Freedom of Information application forms are available from the Department's website.

Freedom of Information Officer contact details

FOI Coordinator
Department of Planning, Lands and Heritage
Gordon Stephenson House
140 William Street PERTH WA 6000
Phone: 6551 8002
Website: www.DPLH.wa.gov.au
Email: FOI@dplh.wa.gov.au

Personal information held by the agency

The right to amend personal information in a document held by the Department exists to ensure that personal information which may be used by the agency does not unfairly harm the person referred to, does not misrepresent the facts or does not give a misleading impression.

Applicants must provide details and if necessary, documentation in support of their claim that the information they seek to have amended is inaccurate, out of date or misleading. In addition, applicants must indicate how they wish the amendment to be made within the options set out in the FOI Act, namely:

- altering information
- striking out or deleting information
- inserting information
- inserting a note in relation to information.

On reaching a decision the agency will, within 30 days of receipt, give the applicant a written notice of its decision. Where the decision is made to amend information, the notice will give details of the amendment and where practicable, will include a copy of the amended document.

Requests for amendment of personal information held by the Department can be made to the FOI Coordinator.

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Processing FOI applications

The Governance directorate is responsible for processing FOI applications for the Department. The FOI Coordinator is the initial contact point for members of the public, applicants, third parties, the Office of the Information Commissioner and other public sector agencies for all FOI-related matters.

Under the FOI Act, the agency is required to respond to FOI applications within 45 days of receipt, unless an extension of time is granted.

FOI fees and charges

Applicable rate of fees and charges are set under the FOI Act. Apart from the application fee for non-personal information, all charges are discretionary. Details of fees and charges are listed below:

TYPE OF FEE	
Personal information about applicant	No fee
Application fee (for non-personal information)	\$30.00
TYPE OF CHARGE	
Charge for time taken dealing with the application	\$30.00 per hour
Charge for access time supervised by staff	\$30.00 per hour
Charges for photocopying	\$30.00 per hour for staff time and 20 cents per copy
Transcribing from tape, film or computer	\$30.00 (per hour, or pro rata)
Duplicating a tape, film or computer information	Actual cost
Delivery, packaging and postage	Actual cost
DEPOSITS	
Advance deposit may be required of the estimate charges	25%
Further advance deposit may be required to meet the charges for dealing with the application	75%
For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the charge payable is reduced	25%

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Rights of review

Internal review

If applicants are dissatisfied with a decision, the FOI Act provides a process whereby that decision can be reviewed. In accordance with section 40 of the FOI Act, internal review applications should be forwarded in writing to the Department within 30 calendar days of the date of decision. The Department has 15 calendar days to provide a response.

An application for review of a decision will not be dealt with by the person who made that decision or by a person who is subordinate to the person who made the original decision.

External review

Following an internal review, matters remaining in dispute can be submitted to the Office of the Information Commissioner for an external review. Such applications must be submitted to the Information Commissioner's office within 60 days from the date of the internal review decision for an applicant and 30 days by a third party.

No fees or charges apply to internal or external reviews.

Freedom of Information Coordinator contact details

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Decision making process Non-Personal

