



Department of **Planning,
Lands and Heritage**



Information Statement 2023

This Information Statement has been prepared in accordance with the
Freedom of Information Act 1992.

Statutory boards and committees



Government of **Western Australia**
Development Assessment Panels



Western
Australian
Planning
Commission



HERITAGE
COUNCIL



Aboriginal
Lands Trust



This information Statement was prepared and is correct as at November 2023

The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of land and waterways across Western Australia. The Department is committed to reconciliation to improve outcomes for Aboriginal and Torres Strait Islander peoples and to work together to provide a culturally-safe and inclusive environment.

Disclaimer

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This document is available in alternative formats on application to the Department's Communications and Engagement directorate.



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Introduction

This Information Statement provides details about the Department of Planning, Lands and Heritage's (the Department) operations, the kinds of documents held by the Department, and the procedures for accessing them. This Information Statement has been prepared in accordance with section 94 of the *Freedom of Information Act 1992* (the Act), which requires government agencies to publish an Information Statement annually.

Department of Planning, Lands and Heritage

The Department 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:

- providing 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
- management of reserved land under region schemes

- assembly of land for residential, industrial, infrastructure corridor, conservation and community needs
- provision of the Market-led Proposals Secretariat
- 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
- 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, Development Assessment Panels, Aboriginal Cultural Heritage Committee and Aboriginal Lands Trust.

Organisational Structure

Below is the organisational structure of the Department.

DIRECTOR GENERAL						
REFORM, DESIGN and STATE ASSESSMENT	BUSINESS and CORPORATE SERVICES	HERITAGE and PROPERTY SERVICES	LAND USE PLANNING	LAND USE MANAGEMENT	STRATEGY and ENGAGEMENT	OFFICE of the DIRECTOR GENERAL
Design and Built Environment	Financial Services	Aboriginal Heritage Conservation	Strategic Planning Instrument Preparations, Proposal Assessment, Determination and Implementation (delegated from WAPC)	Property and Risk Management	Policy and Research	Ministerial Services
Reform Delivery	Business and Information Services	Historic Heritage Conservation	Statutory Planning Proposal Assessment and Determination (delegated from WAPC)	Crown Land Administration	Infrastructure Planning and Policy Legal Services	Government Relations
State Development Assessment Unit	Human Resources	Review and Reform	Planning Advice, Assistance and Administration	Pastoral and Aboriginal Lands	Legal Services	Development Assessment Panels
Planning Appeals	Governance and Performance	Stakeholder Engagement	Regional Planning Policy Preparation and Implementation	Agreement Implementation and Land Services	Major Projects Facilitation Office	Government Architect Western Australia
	Communications and Engagement	WA Recovery Projects		Land Management and Land Divestment	Precincts and Projects	Internal Audit
	Investigations of breaches of administered legislation	WAPC Property Services			Cross-government Strategic Projects	Corporate Project Management
	Market-led Proposals	Fremantle Prison			Housing Diversity Pipeline	
		Whiteman Park			Data Analytics	

Western Australian Planning Commission

The WAPC is established under the *Planning and Development Act 2005* 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 land
- undertaking research and developing planning methods and models relating to land use planning, land development and associated matters.

Current membership of the 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. Each DAP has five members comprising a mix of technical experts and local government representatives. DAPs have the power to determine the outcomes of 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 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 (the Heritage Council) is a statutory authority established by the *Heritage Act 2018*. The Heritage Council is a body corporate and accountable for the finances and performance of the Heritage Council 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 17 of the *Heritage Act 2018*, including 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
- endeavour to prevent the destruction, deterioration of, or damage to, heritage places
- encourage public interest in, and understanding of, the cultural heritage of the State
- promote or provide education and training on heritage related matters.

The Heritage Council determines the heritage-related strategy and policy, and makes key decisions on places to be entered into the State Register of Heritage Places.

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*. The strategic vision of the ALT is to create a clear and considered plan to divest the Aboriginal lands estate in accordance with the aspirations of Native Title holders and Aboriginal residents. 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 Heritage Committee

The Aboriginal Cultural Heritage Committee (ACHC) 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 places and objects which, in the opinion of the ACHC, 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 ACHC under 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 Cultural Heritage Act 2021* (Repealed)
- *Aboriginal Heritage Act 1972*
- *Aboriginal Heritage (Marandoo) Act 1972* (Repealed)
- *Aboriginal Heritage Regulations 1974*
- *Anglican Church of Australia Diocesan Trustees and Lands Act 1918*
- *Anglican Church of Australia Lands Vesting Act 1892*
- *Anglican Church of Australia School Lands Act 1896*
- *Browse (Land) Agreement Act 2012*
- *Cambridge Endowment Lands Act 1920*
- *Canning Lands Revestment Act 1954*
- *Chevron-Hilton Hotel Agreement Act 1960*
- *City of Perth (Lathlain Park Reserves) Act 1950*
- *City of Perth (Leederville Park Lands) Act 1950*
- *Dampier to Bunbury Pipeline Act 1997*
- *Dampier to Bunbury Pipeline Regulations 1998*
- *East Carey Park Land Vesting Act 1957*
- *Forrest Place and City Station Development Act 1985*
- *Fremantle City Council Lands Act 1929*
- *Fremantle Endowment Lands Act 1929*

- *Fremantle Reserves Surrender Act 1912*
- *Geraldton Agricultural and Horticultural Society's Land Act 1914*
- *Geraldton Sailors and Soldiers' Memorial Institute*
- *Heritage Act 2018*
- *Heritage Regulations 2019*
- *Hope Valley Wattleup Redevelopment Act 2000*
- *Jennacubbine Sports Council (Incorporated) Act 1965*
- *Land Administration Act 1997*
- *Land Administration (South West Native Title Settlement) Act 2016*
- *Land Administration (Land Management) Regulations 2006*
- *Land Administration Amendment Act 2000*
- *Land Administration Regulations 1998*
- *Machinery of Government (Planning and Infrastructure) Amendment Act 2002*
- *Metropolitan Region Improvement Tax Act 1959*
- *Metropolitan Region Scheme (Beeliar Wetlands) Act 2021*
- *Metropolitan Region Scheme (Fremantle) Act 1994*
- *Parks and Reserves Act 1895*
- *Perry Lakes Redevelopment Act 2005*
- *Perth Town Hall Act 1950*
- *Perth Town Hall Agreement Act 1953*
- *Planning and Development Act 2005*
- *Planning and Development (Consequential and Transitional Provisions) Act 2005*
- *Planning and Development (Development Assessment Panels) Regulations 2011*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development Regulations 2009*
- *Port Kennedy Development Act 2017*
- *Reserves Acts (various)*
- *Road Closure Acts (various)*
- *Roman Catholic New Norcia Church Property Act 1929*
- *Swan Valley Planning Act 2020 (formerly the Swan Valley Planning Act 1995 repealed 1 August 2021)*
- *Town of Claremont (Exchange of Land) Act 1964*
- *War Service Land Settlement Scheme Act 1954*
- *Wittenoom Closure Act 2022*

Publicly available documents

The Department's website at www.wa.gov.au/dplh 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.

Department and 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 schemes and amendments
- Environmental Protection Authority bulletins
- State Administrative Tribunal decisions
- professional journals, research and reports
- relevant annual reports.

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

The Department's library holds a variety of books, heritage studies and reports. Many of these documents are available at the [State Library of Western Australia](http://www.sla.wa.gov.au).

Development Assessment Panels

The DAPs agendas and minutes are available on the Department's website. Agendas and minutes older than four years can be requested using the [DAPs document request form](#) on the Department's website.

All current applications to be considered by the DAPs are listed on the Department's website and regularly updated.

All inquiries regarding DAPs applications should be directed to daps@dplh.wa.gov.au

WAPC Committees

The Department's website also holds the agendas and minutes of the following committees of the WAPC:

- Statutory Planning Committee
- Significant Development applications under Part 17 pathway of the *Planning and Development Act 2005*.

Crown Land

Information regarding the Crown land is available for a fee in relation to:

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

State Register for Heritage Places

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.

Aboriginal Heritage

The Aboriginal Cultural Heritage Inquiry System (ACHIS) at <https://espatial.dplh.wa.gov.au/ACHIS/index.html?viewer=ACHIS> 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 generally available to the public.

Types of documents held by the Department for which a Freedom of Information (FOI) application is required include (but are 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*, 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. In accordance with section 12 of the Act, 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
- accompanied by a \$30 application fee, unless the information relates to a personal matter, in which case it is free of charge (Note- an additional charge may apply for the processing of non-personal information, which may be reduced by 25 per cent for pensioners and financially disadvantaged persons)
- addressed to the FOI Coordinator.

[FOI application form](#) is available from the Department's website.



Personal information held by the Department

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 Department 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 Act, namely:

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

On reaching a decision the Department 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.

Processing FOI applications

The Business and Corporate Service division 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 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 Act. Apart from the application fee for non-personal information, all charges are discretionary. Details of fees and charges are listed.

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%

Rights of review

Internal review

If applicants are dissatisfied with a decision, the Act provides a process whereby that decision can be reviewed. In accordance with section 40 of the 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. No fees or charges apply to internal or external reviews.

FOI Coordinator contact details

FOI Coordinator

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Decision making process

Non-personal requests

