



Lead Agency Framework

**A guidance note for
implementation**

Department of the Premier and Cabinet

This guideline is intended to provide clarity surrounding the lead agency framework. It is not binding on the Government. The advice contained in this guideline is not intended to be legal advice.

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Approval Agency: An agency responsible for providing advice on applications or approving applications.

Approvals Process: The pathway by which a proposal comes to the attention of a lead agency, undergoes proposal scoping and approvals scoping, is assessed by approval agencies and is approved or refused by those agencies.

Approvals Scoping: The phase of the approvals process where the proponent is assisted in identifying the approvals required, the information necessary to accompany their applications and the issues that will need to be addressed to obtain approval.

Case Management: All major or State significant proposals will be allocated to a senior officer or a case management team within a department. The officer or team is responsible for assisting and guiding proponents through the approvals process and monitoring and resolving any issues. The case management approach for each individual project will be determined by the lead agency.

Lead Agency: The agency responsible for coordinating the approvals process.

Legislation: The relevant State and Commonwealth laws that set out the approvals required for a proposal from the relevant Minister or statutory body.

Major Proposal: A proposal that is deemed by the lead agency to meet criteria to warrant more intensive case management. Likely to be Level 2 or 3 proposals according to the criteria detailed in this document.

Proposal Scoping: The phase of the approvals process where the proponent is assisted in identifying the scope of the proposal for which approval will be sought.

State Significant Proposal: A proposal that is deemed by Cabinet to be critical to the advancement of the State of Western Australia or the nation based on environmental, social, economic or heritage considerations. They are likely to be Level 3 proposals according to the criteria detailed in this document.

The aim of this guidance note is to help departments put in place structures, policies and procedures to give effect to the Lead Agency Framework.

It will assist officers within lead agencies and approval agencies to fulfil their role within the Lead Agency Framework.

This guidance note:

- Sets out the responsibilities and accountabilities of agencies for the delivery of the Lead Agency Framework;
- Gives the agencies the ability to manage their interests in the Lead Agency Framework;
- Supports agencies to deliver the required outcomes by giving direction and guidance; and
- Disseminates information to agencies so that they can effectively fulfil their roles.

The guidance note identifies the roles and responsibilities of the five lead agencies in Western Australia. Approval agencies and their respective roles and responsibilities are also described.

The guidance note describes the general criteria by which lead agencies will determine a proposal's level of significance and the resources they give to those proposals. It gives examples of some of the coordinating mechanisms available to lead agencies.

The guidance note also outlines the administrative issues to be addressed when the proponent is the Government of Western Australia. Lead agencies oversee the approvals pathway for proposals through administrative arrangements with approval agencies to ensure the timely delivery of approvals or advice.

The statutory roles and functions currently assigned to agencies remain unchanged under the Lead Agency Framework.

Various reviews of approvals processes in Australia and overseas have recognised the value of a Lead Agency Framework.

A lead agency provides a single entry point for proponents, coordination of the approvals process across government for all proposals, case management of proposals throughout the approvals process and guidance and information on the approvals process. The Lead Agency Framework applies to all proposals no matter their size, complexity or environmental, economic or social impact.

On 10 August 2009 Cabinet approved the Lead Agency Framework for approvals. It applies both to State initiated proposals, such as the Kimberley Browse LNG Precinct, Perth-Bunbury Highway and the Ord-East Kimberley Expansion Plan. It also applies to proponent initiated proposals, such as Gorgon JV, Karara Iron Ore Project and Belmont Park Development.

Administrative arrangements

The lead agency approach requires that assistance with, or coordination of, approvals for a proposal is administered by one department. This agency is responsible for providing proponents with information on statutory requirements and coordinating the necessary approval processes. This includes assisting proponents to identify the potential impacts of the proposal on matters such as infrastructure, the environment and regional communities as well as the social considerations that arise from the proposal.

Consultation

Lead agencies will consult on each proposal with relevant agencies. Statutory roles and functions currently assigned to agencies remain unchanged.

In broad terms, the Lead Agency Framework operates by:

- Nominating a single agency responsible for case management, either through existing (or upgraded) project tracking systems, or through an identified case manager within the lead agency; and
- Scoping the proposal upfront and determining the approvals required, identifying the potential for approvals under Commonwealth legislation and setting indicative timeframes.

The Lead Agency Framework explicitly acknowledges that some proposals may be complex and require both primary and secondary approvals. As such, it is important that proponents receive accurate information about relevant legislative and administrative requirements to assist them in scoping the range of approvals necessary to implement their proposal.

This guidance note outlines:

- Lead agencies and the scope of the proposals they will be responsible for guiding through the approvals process;
- Criteria for assigning different levels to proposals;
- Roles and responsibilities of lead agencies;
- Roles and responsibilities of approval agencies;
- Process adopted when the State is the proponent;
- Coordinating mechanisms; and
- Monitoring and evaluation mechanisms.

The effectiveness of the Lead Agency Framework is dependent upon:

- Identification of internal and external stakeholders and their roles for the relevant phases of the proposal;
- Responsibility, authority and accountability for the proposal – this means roles and responsibilities must be clear, formally given and managed;
- A formal reporting structure and feedback mechanisms;
- Identification of interfaces with other proposals;
- Appropriate resourcing and skills within agencies;
- Fostering a culture of case management and problem solving, good communication, cooperation and respect between all parties; and
- Quality information being submitted by proponents.

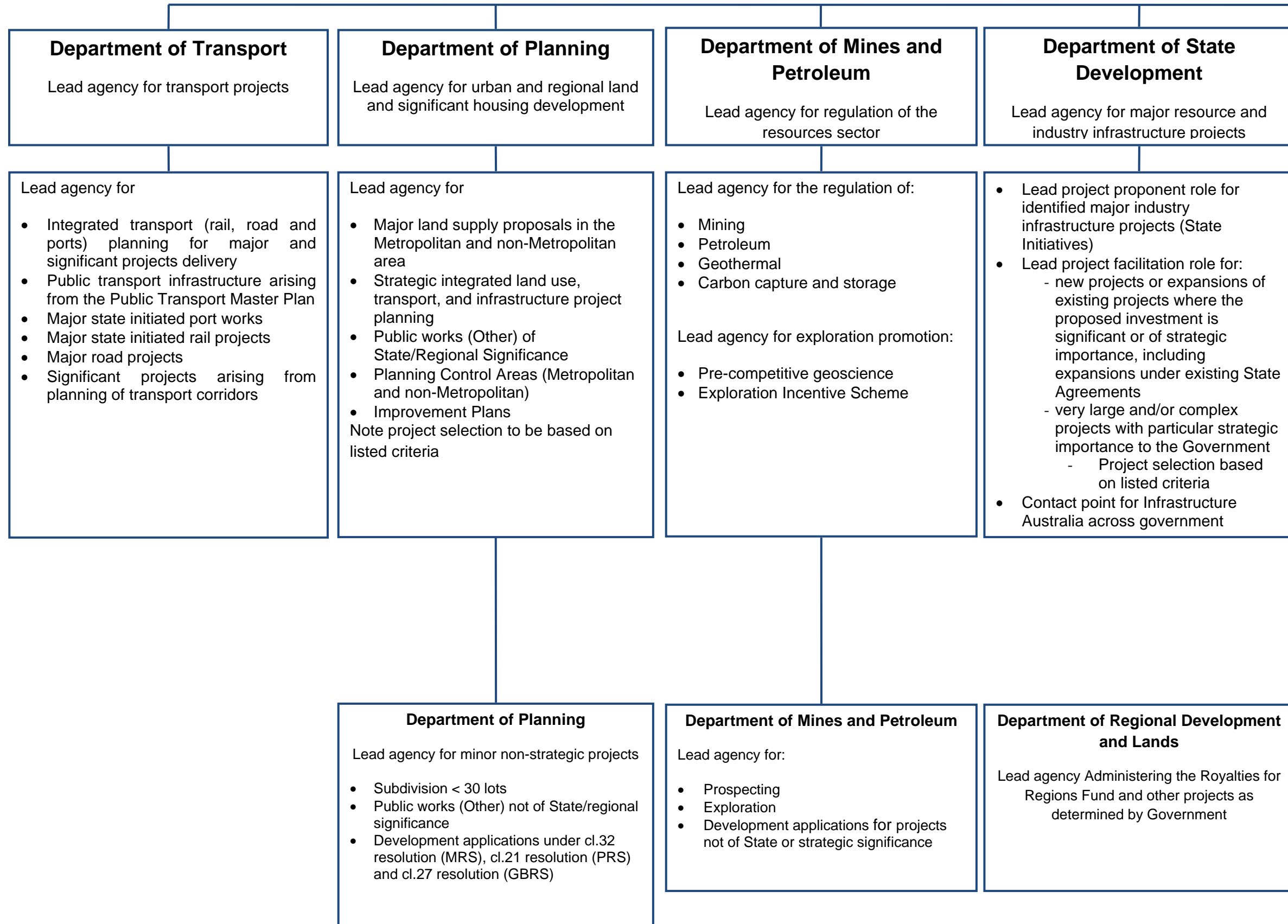
Allocation of a particular proposed status does not imply that the Government guarantees the commercial success or otherwise of the proposal. It also does not absolve the proponent from meeting less than the full statutory and other requisite criteria of relevant approval processes.

Lead Agencies – Scope of Proposals

The Lead Agency Framework applies to all resource, infrastructure, transport, land and housing proposals and developments.

Diagram 1 shows the types of proposals for which each lead agency has responsibility. This is a broad allocation of responsibility and serves as a guide.

Diagram 1: Lead Agency Framework – Departmental responsibilities



Approvals and advice for proposals are given by the following agencies

Western Australian Planning Commission

- Subdivisions
- Development applications under region planning schemes

Environmental Protection Authority

- Assess and provide public advice on proposals likely to have a significant effect on the environment
- Develop statutory policy and advice to protect the environment

Department of Environment and Conservation

- Regulate pollution and clearing of native vegetation
- Manage and regulate CALM Act lands and waters and provide advice on activities that affect these
- Manage and provide advice on biodiversity, wetlands, contamination, pollution and waste, and environmental harm

Department of Indigenous Affairs

- Assessment and advice on proposals likely to have an effect on Aboriginal heritage
- Assessment and advice on access to and use of lands held by the Aboriginal Lands Trust
- Develop administrative policy and advice to protect Aboriginal heritage and manage lands held by the Aboriginal Lands Trust

Department of Water

- Water Licensing
- Beds and Banks

Department of Health

- Provide advice and guidelines on acceptable use and background levels of hazardous substances
- Provide permits to use some substances
- Regulation of *Health Act, 1911*

Department of Mines and Petroleum

- Tenure for exploration and development projects
- Environmental approvals
- Petroleum pipeline licences
- Facilitation of native title agreements
- Occupational safety and health
- Dangerous goods

Local Government

- Building Approvals

Commonwealth Department of Environment, Water, Heritage and the Arts

- EPBC Controlled Actions

Department of Regional Development and Lands

- Assembles and delivers Crown land for particular uses in accordance with the statutory provisions of the LAA

Department of Transport

- Integrated transport planning that arises from, and meets, the aims of land use planning
- Ensure all aspects of intermodal transport are taken into consideration
- Evaluating the transport economics of different transport solutions
- There are no known projects where transport is not an important element in the delivery and ongoing operation of the project

Level 2 and 3 Proposals

Level 1 Proposals

Lead Agency Responsibilities

Department of State Development

Department of State Development (DSD) is the lead agency for major resource and industry infrastructure proposals. DSD is also the contact point for Infrastructure Australia across government. DSD will be the project proponent for identified major industry infrastructure proposals (State Initiated Projects). DSD will have the lead proposal facilitation role for new proposals or expansions of existing proposals where the proposed investment is significant or of strategic importance. This includes expansions under existing State Agreements, and very large and/or complex proposals with particular strategic importance to the State. DSD and the Department of Mines and Petroleum (DMP) have reached agreement on which resource proposals fall under the jurisdiction of DSD.

DSD is the agency responsible for administering various State Agreement Acts. State Agreements are contracts between the Government of Western Australia and proponents of major resources and infrastructure proposals which are ratified by an Act in State Parliament. A State Agreement Act will normally require tenure to be granted by the Minister for Lands, for particular purposes and in specified areas, pursuant to the *Land Administration Act 1997 (WA)*.

State Agreements have been used over the past 50 years to foster major developments, including mineral, petroleum and related downstream processing proposals, together with associated infrastructure investments. Such proposals require long term certainty, extensive or complex land tenure and are often located in relatively remote areas of the State requiring significant infrastructure development.

Lead Agency Responsibilities

Department of Mines and Petroleum

The Department of Mines and Petroleum (DMP) is the lead agency for mining, petroleum, geothermal and carbon capture and storage proposals. DMP is also the lead agency for the promotion of exploration initiatives including the Exploration Incentive Scheme.

DMP is the agency responsible for administering the *Mining Act 1978 (WA)*. All minerals are the property of the Crown and a mining title must be obtained before any exploration or mining may be undertaken. The *Mining Act 1978* provides that all Crown land is open for mining and anyone can make an application for the grant of a mining tenement over any area of Crown land.

Sections 24, 24A and 25 of the *Mining Act 1978* require the Minister for Mines and Petroleum to consult with the relevant Minister responsible for administration of specified categories of Crown land, and to obtain the consent of that Minister, prior to proceeding with grants of tenure or approvals to mine under that Act. Section 16(3) of the Act also requires that prior to making any disposition under the *Land Administration Act 1997*, the Minister for Lands must obtain the approval of the Minister for Mines.

DMP is also responsible for administering a number of petroleum Acts. Petroleum exploration and production undertaken in WA are subject to a range of State and Commonwealth Acts.

- *Petroleum and Geothermal Energy Resources Act 1967*: Allows for the exploration and recovery of petroleum or geothermal resources. The Act grants title to allow a proponent to use land in order to explore or produce oil, gas or geothermal resources.
- *Petroleum Pipelines Act 1969*: Pipelines as projects are subject to the full range of approvals that relate to any user of land. They require environmental, native title, Aboriginal heritage and planning approvals. In addition, pipelines on land have their own approval Act that recognises the technical and safety issues associated with a petroleum pipelines. Legislative approvals processes exist for the grant of a pipeline licence (onshore), permit to construct (onshore) and consent to operate (onshore).
- *Petroleum (Submerged Lands) Act 1982 (WA) and the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Cth)*: State and Commonwealth legislative approvals processes exist for the granting of a pipeline licence (offshore), permit to construct (offshore) and consent to operate (offshore).

DMP and DSD have reached agreement on which resource proposals fall under the jurisdiction of DSD.

Lead Agency Responsibilities

Department of Planning

The Department of Planning (DoP) is the lead agency for strategic urban and land housing proposals in urban and regional Western Australia, identified as:

- Major land supply proposals in the metropolitan and non-metropolitan area;
- Strategic integrated land use, transport and infrastructure proposals;
- Public works (other) of State/regional significance;
- Planning Control Areas; and
- Improvement plans.

DoP is the agency responsible for administering the *Planning and Development Act 2005 (WA)* (PD Act). The PD Act is the primary statute covering land use planning and the sustainable use and development of land in Western Australia. Under the Act, the Minister is given powers and functions with regard to local planning, regional planning and infrastructure co-ordination.

The Western Australian Planning Commission (WAPC) has responsibility for, among other things, providing advice to the Minister on Local Planning Schemes, including their amendments; developing Region Schemes and State Planning Policies; determining subdivision applications; determining development applications where required by the relevant Region Scheme; coordinating and promoting land use, transport planning and land development in the State in a sustainable manner; and, establishing and overseeing statutory planning committees.

The WAPC has also delegated some of its powers to local governments, such as for built strata applications.

Responsibility for development approvals within Local Planning Schemes rests with the respective Local Government Authority (LGA). If a proposal within a Region Scheme area is considered by the WAPC, both WAPC and LGA approvals may be required before the proposed development may be implemented.

Lead Agency Responsibilities

Department of Transport

The Department of Transport (DoT) is the lead agency for integrated transport planning for major and significant proposal delivery, public transport infrastructure arising from the Public Transport Master Plan, major State initiated port, rail and road proposals, and significant projects arising from planning for transport corridors.

DoT is the agency responsible for administering the *Transport Coordination Act 1966 (WA)* which provides for the coordination, planning and advancement of all forms of transport in the State.

Transport agencies, including Main Roads WA, Public Transport Authority (PTA) and the Port Authorities, operating under their individual legislation, are responsible for modal planning and the operation of the transport network including the delivery of transport related projects.

Transport agencies are generally involved in the delivery of projects which are funded by or include a contribution from or are ultimately owned or managed by the State. They also have a role in the transport component of development projects such as Oakajee.

Department of Regional Development and Lands

The Department of Regional Development and Lands (DRDL) is the lead agency administering the Royalties for Regions Fund.

DRDL's role in relation to Royalties for Regions is to administer and coordinate the implementation of the Royalties for Regions Fund. It provides assurance that the funds are controlled and are accounted for through a number of mechanisms to ensure the best outcome from the expenditure of these funds for the State.

DRDL is responsible for defining rules and performance requirements for the program and does so in consultation with stakeholders. It is responsible for establishing reporting requirements and monitoring the performance of allocated funds.

In addition, DRDL is the lead agency for some government initiated proposals determined by Government.

The Lead Agency Framework applies to all proposals. The levels of assistance provided by lead agencies are determined by applying the criteria detailed in the table on the following page.

The level of complexity, the significance of the project to the State or the level of impact the project will have on the environment and infrastructure determines how assessment of those projects is tailored to meet requirements.

For instance, a proposal to build a new desalination plant requiring many separate approvals from several agencies requires a thorough, in-depth environmental, social and economic assessment. This may require the lead agency to appoint a senior project officer (perhaps a senior project team) to monitor the progress of the project.

Diagram 2 sets out criteria that broadly apply to all proposals received by lead agencies. Each lead agency also has criteria tailored to its own situation which categorise projects as either Level 1, 2 or 3. These criteria are provided in the following Chapter.

It can be seen from the table over the page that some projects that meet criteria at Level 3 could be considered as State significant. Only unique projects of State or national significance will be classified by Cabinet as being “State significant projects”.

Level of Proposals

Diagram 2: Levels of assistance by proposal complexity and impact.

Proposal Classification	Assistance provided	Monitoring/Reporting
<p>Level 1 Such a proposal would be characterised as being small to moderate in scale and capable of being accommodated through existing environmental, social and economic assessment processes. The majority of proposals received by agencies would be classified as Level 1.</p>	<p>The Lead Agency may provide initial advice and support through an appointed project officer. Service could include referral and introduction to relevant agencies, negotiating with applicants and referral to relevant agencies where issues arise.</p>	<p>Agencies to monitor status of proposals by using existing website reports and quarterly reports. Proponents may be requested to provide updates to the lead agency as required.</p>
<p>Level 2 This level includes non-standard moderate to large scale or complex proposals. These proposals are likely to have a significant capital investment and employ a large number of people for an extensive period of time.</p>	<p>The lead agency, in addition to application tracking and approvals management, will appoint a project manager/case officer to assist with proposal scoping, approval planning and inter-agency coordination.</p>	<p>The lead agency will monitor progress across Government and assist in the identification and resolution of issues impeding the approvals process. Agencies to report using existing website reports and quarterly reports. Proponents will be requested to provide regular reports on progress.</p>
<p>Level 3 These proposals would be very large or complex proposals, those that have significant investment or have potential to create significant employment. Some proposals that are of critical strategic importance to the State or to Australia will be referred to Cabinet for consideration for “State significant” status.</p>	<p>The lead agency will assign a senior officer or senior project team to assist with Government related aspects of project definition, infrastructure, industrial land, regional issues, coordination and interaction with agencies relating to key statutory approvals, stakeholder recognition and consideration of agency timelines and negotiations in the State’s interest.</p>	<p>Progress will be monitored on a case management basis by agency heads led by the lead agency. Monitoring will focus on coordination and progress of approvals across Government. Lead agencies should create website pages devoted to Level 3 proposals for reporting on their progress through various stages of the approvals process and provide links to key documents in the process. Proponents will be requested to provide monthly updates.</p>

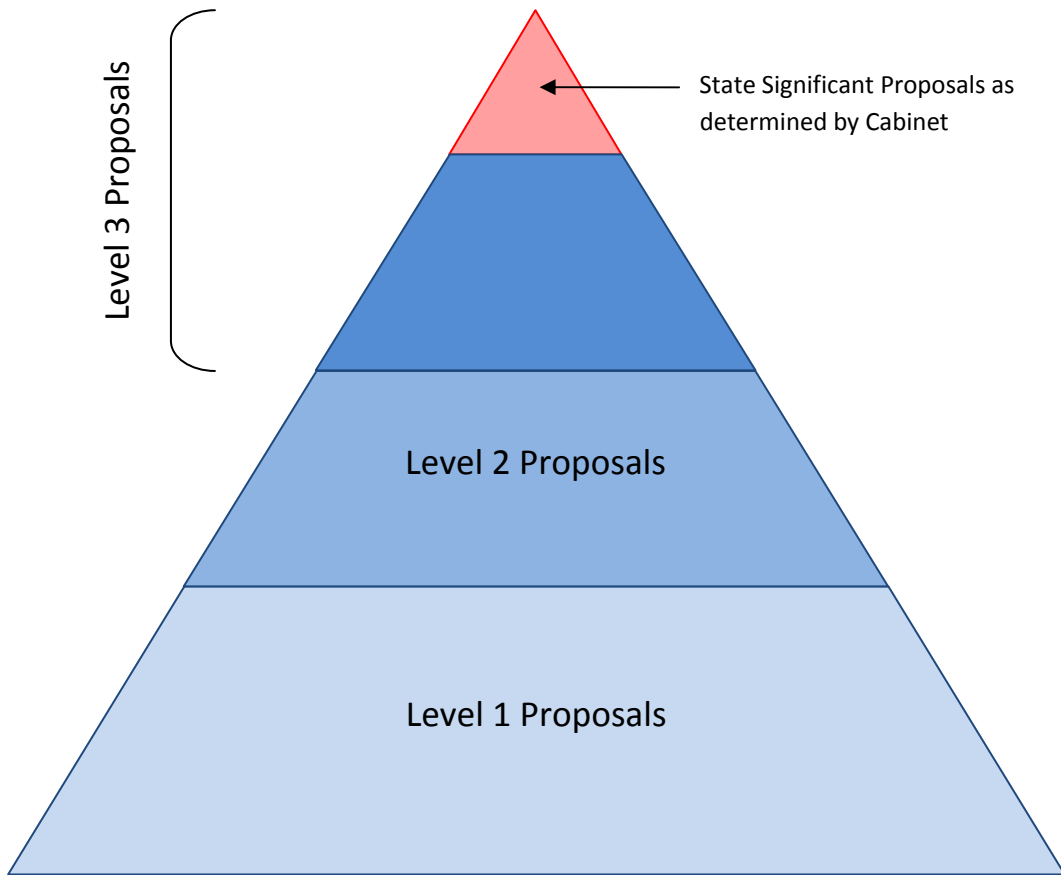
Level of Proposals

The level into which a proposal falls will determine the level of case management provided by the lead agency and the type of reporting required by both the lead agency and the proponent.

Lead agencies have developed their own criteria to enable them to recognise the type of proposal that will fall into each Level. These criteria are publicly available. It is emphasised that the criteria are indicative and the status accorded to proposals may alter during the course of obtaining approvals. This may be due, in part, to changes in the scope of the proposal and development stage of the project.

The number of proposals that fall within each category is likely to vary. The majority of proposals should fall into Level 1, significantly fewer in Level 2 and 3 respectively, and only the most critical proposals considered to be State significant and referred to Cabinet. Diagram 2 represents the selection process.

Diagram 3: Notional representation of proposals in each level.



State Initiated Projects

Many infrastructure, transport and regional development proposals are initiated by State agencies. Often, Government departments or authorities are given the responsibility for delivering a project. For instance, the Perth Transport Authority is responsible for delivering major transport projects in Western Australia.

Occasionally, the lead agency will also be the proponent. This is the case for projects such as the Kimberley Gas Precinct, where DSD is the proponent and also the lead agency responsible for coordinating approvals across government.

Where the proponent is also the lead agency it is important for agencies to ensure that potential conflict of interests are addressed.

In regard to planning proposals, DoP is the lead agency, approvals are obtained from WAPC.

Roles and Responsibilities of Lead Agencies

Introduction

The roles and responsibilities of a lead agency, when assisting proponent initiated proposals and projects can include:

- Meeting with proponents to scope the proposal up-front before applications are lodged;
- Advising on community and stakeholder consultation requirements and arranging meetings with key stakeholders;
- Providing dedicated case management officers within agencies. It is expected that case management officers and case management teams will be allocated to Level 2 and 3 proposals;
- Arranging meetings for proponents with approval agencies to scope the range of issues that need to be addressed and what approvals will be required;
- Negotiating timelines between agencies for provision of approvals or advice, preferably at the outset of the proposal;
- Facilitating parallel processing at the outset;
- Monitoring of timelines for assessments and provision of advice across government through existing project tracking systems or through inter-agency working groups;
- Resolving bottlenecks and managing issues to achieve timeframes and milestones;
- Where issues cannot be resolved at officer level, referring this to a more senior level for resolution;
- Coordinating condition setting between approval agencies and proponents to prevent overlap and duplication; and
- Creating training modules for staff involved in case management.

Roles and Responsibilities of Lead Agencies

Project Scoping Phase

Also referred to as a “pre-lodgement meeting” this is the phase of the approvals process where the proponent meets with the lead agency to identify the scope of the project for which approval will be sought and the statutory and information requirements it raises.

Pre-lodgement meetings will assist the relevant department to identify the nature and scale of the proposal, the statutory requirements and any fatal flaws in the proposal. It will guide proponents on the information required to be submitted with the proposal and help them to identify all relevant stakeholders as well as enabling them to give informed consideration to the timelines involved.

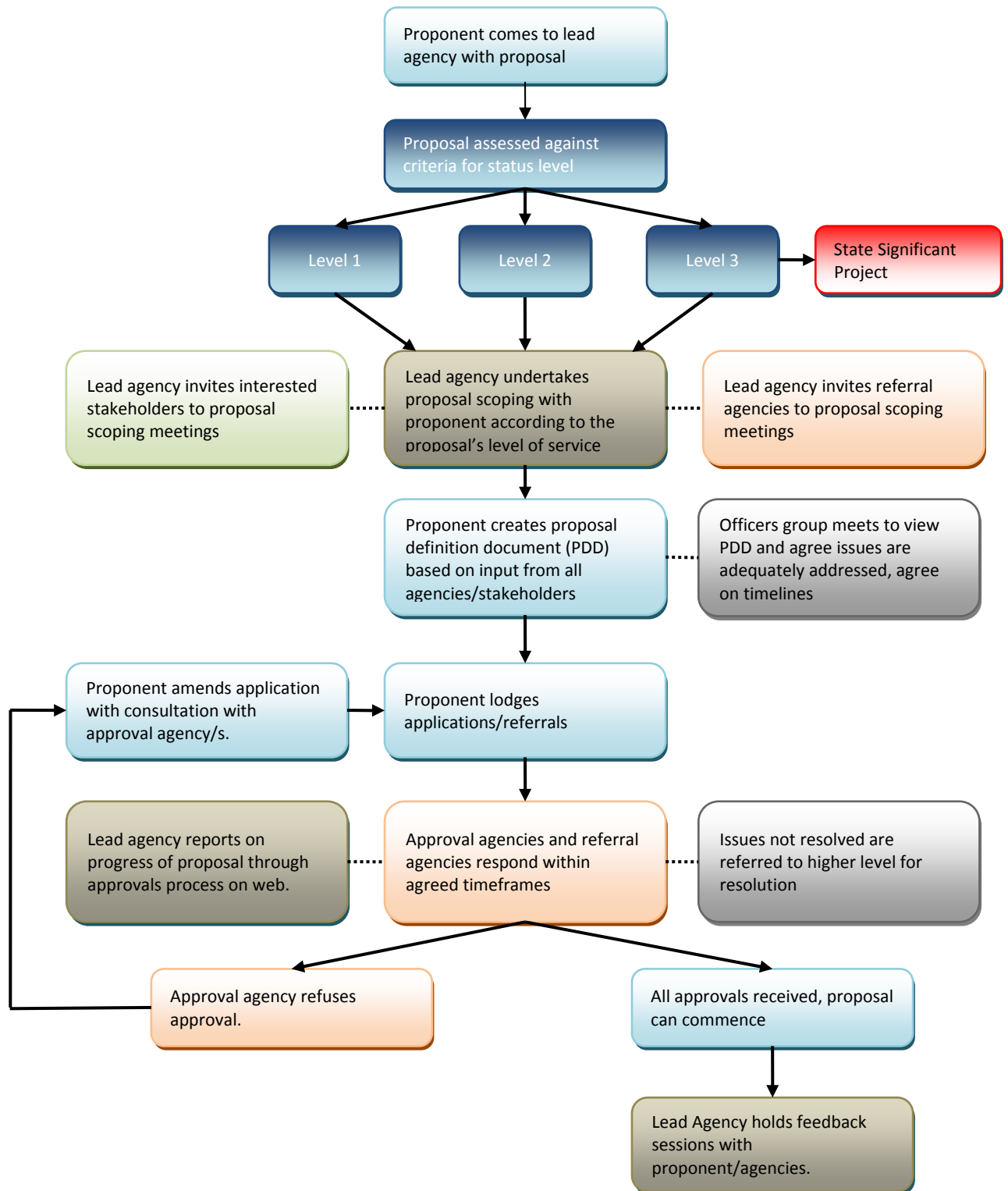
Undertaking pre-lodgement discussions with proponents will assist in ensuring applicants are aware of statutory approval requirements, that applications are not submitted until all the information required by all approval agencies is completed and that statutory requirements can be met.

It would be useful for approvals agencies to participate in project scoping meetings, where the range of approvals required for a proposal are being considered.

Diagram 4 illustrates the process by which a project enters the Lead Agency Framework and is coordinated by the lead agency, including the various coordinating mechanisms.

Roles and Responsibilities of Lead Agencies

Diagram 4: Coordination of approvals under lead agency framework.



Roles and Responsibilities of Lead Agencies

Department of State Development:

Level 1: Such a proposal would be characterised as being moderate in scale and capable of being accommodated through existing environment, social and economic processes

Assistance provided: DSD will provide initial advice and support through an appointed project officer. Service would include referral and introduction to relevant departments (e.g. DMP for mineral or petroleum proposals).

Level 2: These proposals would tend to be new proposals or expansion of existing projects where the proposed investment is significant or of strategic importance. Most expansions under State Agreements would fall into this category.

Assistance provided: DSD will assign a project manager to assist with Government related aspects of proposal definition, infrastructure, industrial land, regional issues, coordination and interaction with agencies in relation to key statutory approvals.

Level 3: These proposals would usually be very large and/or complex proposals with particular strategic importance to the State Government.

Assistance provided: DSD will establish a senior project coordination team to assist with Government related aspects of proposal definition, infrastructure, industrial land, regional issues, coordination of key statutory approvals and if requested by Government, negotiation of a State Agreement.

Roles and Responsibilities of Lead Agencies

Department of Mines and Petroleum

Level 1: The majority of mining and petroleum tenure and activity applications and proposals received by DMP would be characterised by this service level.

Service provided: DMP will ensure clear guidelines and checklists assist proponents and will assess applications and proposals against published target timelines. Proponents will have access to DMP online lodgement and application approval tracking services. DMP will work with other agencies to extend approvals tracking across Government. DMP will monitor approval progress and provide pre-proposal consultation advice and support to proponents as required.

Level 2: This service level is characterised by applications and proposals that cannot be dealt with against published timelines or, for a variety of reasons, where a more urgent assessment is required.

Service provided: DMP would consult with the proponent and other agencies to identify approval issues and possible solutions. In addition to normal application approval tracking services, DMP may provide a case manager to assist with pre-proposal consultation advice, project scoping, issue identification, escalation measures and resolution strategies. These services would include regular approval progress updates.

Level 3: These proposals would be characterised by applications or proposals that are more complex and require multiple concurrent approvals.

Service provided: DMP would support the proponent in the development of a project definition document and ongoing approvals coordination and, where appropriate, provide a referral and introduction to relevant departments (e.g. DSD).

Roles and Responsibilities of Lead Agencies

Department of Planning

The DoP has developed criteria to determine a significant/major proposal which will require a higher level of case management than is currently utilised will be provided.

Applications are not eligible (Level 1):

- For structure plans or subdivision applications, where the site is not appropriately zoned within the relevant Region Scheme and Local Planning Scheme and/or is premature or inconsistent with the required strategic framework (such as Regional Structure Plan/Corridor Plan).
- For subdivision applications, where the required structure plan has not been approved.
- For structure plans and/or subdivision applications, where the proposal relates to rural or rural residential development.

Assistance provided: Officer Level: SCL 1, 2 & 3 reports to relevant team leader (SCL 4)

Case Management Criteria for Structure Plans/Subdivision Applications

- Structure Plans in urban Greenfield and infill areas providing for significant residential development and/or employment generation, where the land is appropriately zoned within the relevant Region Scheme and Local Planning Scheme.
- Subdivision (including strata and survey strata) applications within the Metropolitan (Perth & Peel) area:
 - For Greenfield sites, the application proposes the creation of 200 or more residential lots;
 - For infill sites (existing urban areas such as the inner city areas), the application proposes the creation of 30 or more residential lots; and
 - For non-residential purposes, where employment or economic development will be generated (industrial, commercial, mixed use etc) and where the application proposes the creation of 30 or more lots.
- Subdivision (including strata and survey strata) applications within the regions:

Roles and Responsibilities of Lead Agencies

- For Greenfield sites within regional centres/growth areas (such as Busselton, Dardanup, Albany, Geraldton) the application proposes the creation of 200 or more residential lots;
 - For infill sites within regional centres/growth areas, the application proposes the creation of 30 or more residential lots;
 - For Greenfield sites outside of regional centres/growth areas, the application proposes the creation of 30 or more residential lots;
 - For non-residential purposes, where employment or economic development will be generated (industrial, commercial, mixed use etc) and where the application proposes the creation of 30 or more lots.
- Other proposals at the discretion of the Director General of DoP on the advice of the relevant Executive Director.

Assistance Provided

For Level 2 Proposals: Officer Level: SCL 3 & 4 reporting to relevant director (SCL 5)

For Level 3 Proposals: Officer SCL 4, 5 or 6, reporting to the Director General.

Case management criteria for all other proposals

- Strategic integrated land use and infrastructure projects – where identified as a Government priority or agency priority (as agreed by the relevant DGs). This may include regional centre/activity centre developments as well as specific projects where the DoP has been granted funding to manage, such as the Perth Waterfront.
- Public works (other) of State/Regional Significance – as identified by the relevant agency (as agreed by the DGs of the relevant agencies), including works required to facilitate development of growth areas, economic growth and employment, as well as hospitals, TAFE's and universities.
- Other proposals at the discretion of the Director General of DoP on the advice of the relevant Executive Director.

Roles and Responsibilities of Lead Agencies

Applications determined by the WAPC are required under the PD Act to be referred to relevant agencies for advice, and a 42-day referral period provided for within the

Act. For Level 1 applications, these will be dealt with under current DoP/WAPC processes where the application is referred to the relevant agencies when received and the agencies advised to provide comments within 42 days. Reminder letters are sent at the end of the 42-day period when responses have not been received.

For Level 2 applications, along with referring the application to the relevant agencies, as discussed above, the DoP/WAPC will also advise the agency of its priority as a Level 2 application under the Lead Agency Framework.

Roles and Responsibilities of Lead Agencies

Department of Transport

Level 1 and Level 2: These proposals would be characterised as being moderate in scale and the approvals capable of being accommodated through existing project management processes within the agency. Responsibility for delivery generally rests with a single Transport delivery agency. Typical examples of projects in this category include road upgrades or extensions, rail passing loops, route realignments, minor dredging and berth upgrades in ports.

Assistance provided: DoT will provide advice and support only where requested by the relevant Transport agency. Service could include coordination and interaction with agencies in relation to key statutory approvals.

Level 3: These proposals would usually be major or State significant proposals with particular strategic importance to the State Government or multi-modal projects requiring cross agency coordination. Typical projects would include the Fremantle Outer Harbour and related transport links and multi-modal projects such as the Esperance Transport corridor.

Assistance provided: DoT will nominate a senior officer to assist with cross-government related aspects of the project, project scoping and coordination of key statutory approvals.

Roles and Responsibilities of Lead Agencies

Department of Regional Development and Lands

Department of Regional Development and Lands (DRDL) is responsible for the case management of government initiated proposals within regional WA where directed by the Government. The level of State significance may be more subjective in relation to such projects. Some projects may be small in monetary and immediate impact terms but may have long term ramifications—for example, new technologies (such as wave and tidal energy), carbon sequestration and regional growth projects which may lead to invigoration of an entire region over an extended period.

Level 1: Such a proposal would be characterised as being moderate in scale and capable of being accommodated through existing environmental, social and economic process.

Assistance Provided: DRDL will provide advice, support and coordination through a designated project officer.

Level 2: These proposals tend to be new proposals or expansion of existing projects where the proposed investment is significant or of strategic importance.

Assistance Provided: DRDL will assign a project manager to provide advice, support and coordination.

Level 3: These proposals would be very large and/or complex proposals with particular strategic importance to the Government.

Assistance Provided: DRDL will establish a senior project coordination team to assist with proposal definition, infrastructure, regional issues and coordination of key statutory approvals. Where required as ancillary to identified proposals, DRDL's Lands Division will allocate appropriate priority and resources to ensure Crown land solutions are delivered in a timely and effective manner, with case managers being nominated to participate in discussions, negotiations and reporting.

Role of Approval Agencies

Within the Lead Agency Framework, various government agencies are required to give advice and issue approvals. They may also provide input into strategic planning and policy advice. The range of agencies includes:

Western Australian Planning Commission
Environmental Protection Authority
Department of Environment and Conservation
Department of Indigenous Affairs
Department of Water
Department of Health
Department of Mines and Petroleum
Local Governments
Department of Regional Development and Lands
Department of Transport

Approval agencies will provide reciprocal levels of case management as a project receives from a lead agency:

- Meeting with proponents during the approval scoping phase to determine the issues that need consideration, the information that is required from the proponent and the negotiated timeline for the approvals process;
- Providing advice or make decisions consistent with the negotiated timeline. Timelines may be negotiated according to the significance or complexity of the project and the agreed level of assistance;
- Contribute to relevant working groups and standing committees; and
- Implement policy and procedures consistent with the Lead Agency Framework.

It may be necessary for approvals agencies to create inter-agency administrative agreements for the timely provision of advice or approvals for designated major or State significant projects.

Commonwealth EPBC Act Approvals

The Department of the Premier and Cabinet (DPC) will coordinate approvals with the Commonwealth Department of the Environment, Water, Heritage and the Arts on a case-by-case basis, where necessary. The lead agency for liaising with the Commonwealth on environmental approvals is the Department of Environment and Conservation (DEC).

Responsibilities of Proponents

A proponent who submits quality information with their application is more likely to experience timely and predictable approvals processes. Lead agencies have a role in assisting proponents to meet approvals requirements. Within this context agencies have produced guidelines and checklists that set out statutory requirements.

Proponents have a responsibility to:

- ensure they have regard for all relevant guidance statements and information;
- work with lead agencies and approval agencies to scope their project and the approvals process;
- ensure that their proposal is supported by quality information collected and submitted within agreed timelines;
- respond to reasonable requests for more information within agreed timelines;
and
- undertake quality community and stakeholder consultation.

Lead agencies will, in turn, assist proponents to meet the above criteria.

Coordinating Mechanisms

Since the effectiveness of the Lead Agency Framework is dependent upon administrative coordination across portfolios, administrative measures that facilitate coordination and clear decision-making processes are necessary.

It is expected that lead agencies and approval agencies will create internal procedures and protocols to embed the Lead Agency Framework within their own organisation. It is important that these internal procedures align with those of other agencies to ensure that all department procedures interface effectively with each other. The creation of administrative agreements, case management, memoranda of understanding, internal guidelines and training are all elements of the Lead Agency Framework. A range of mechanisms are available.

Project Tracking Systems

Agencies will utilise and upgrade existing project tracking systems to enable officers to track approvals within their organisation. Officers should be able to see an application's status, including whether the application is in stop-the-clock, referred to another agency for advice, assessment is complete or if it is pending a decision.

The Statutory Approvals Tracking System (StATS) system will enable case managers to track the progress of approvals for a proposal across Government. StATS is a common-user platform that can be accessed by both Government and proponents to track all approvals for a proposal across government. It is anticipated that the first phase of StATS will be operational in early 2010.

Officer Working Groups

Officer working groups comprise senior case management officers from lead agencies and approval agencies who meet regularly to resolve issues surrounding approvals and monitor the progress of proposals through the approvals process. Officer working groups are also used to negotiate approval timelines for proposals. Officer working groups would be formed on a case-by-case basis where a need is identified.

Case Management

The level of case management will vary depending on the strategic importance, level of investment or complexity of the proposal.

Case management ensures that:

Coordinating Mechanisms

- information on Government approval processes is provided;
- all relevant Government processes are coordinated so that, as far as possible, they occur simultaneously and without duplication;
- Government responds to issues raised by the proposal; and
- assistance is provided for identifying and accessing existing Government programs.

Mechanisms for case management include using:

- project tracking systems;
- liaison with officers from approval agencies; and
- inter-agency working groups

Memoranda of Understanding

Memoranda of Understanding between lead agencies and approval agencies assist to clearly delineate the roles and responsibilities and resources of lead agencies and approval agencies when coordinating approvals for major or State significant projects.

Inter-agency Taskforce/Committee

Lead agencies can form an inter-agency taskforce or committee comprising of senior/directorial officers from the lead agency and other relevant approval agencies, chaired by the lead agency. The committee would monitor the progress of the approvals process, resolve issues where they occur and provide advice to relevant Ministers.

Cabinet designation

Designation of State significant proposals and the lead agency responsible for the case management and coordination of approvals for these proposals will be made by Cabinet.

Monitoring and Evaluation Mechanisms

The implementation of the Lead Agency Framework, and the impact it has on approvals efficiency, equitability, transparency and effectiveness, will be monitored.

Agencies may monitor proposals through:

- Internal administrative measures with deadlines for implementation;
- Creation of MoUs with deadlines for implementation;
- Provision of guidance material on websites;
- Inclusion of case management data in quarterly reports; and
- Self reporting on progress of Level 3 projects on websites.

The effectiveness of the Lead Agency Framework will be assessed against criteria such as:

- Time taken to obtain agency responses/approvals;
- Number of appeals against major projects;
- Overall time taken for projects to obtain all approvals such that the project can be implemented; and
- Questionnaire or survey for participating proponents and stakeholders/community groups.