

Statutory Planning Committee

Terms of Reference

The terms of reference for the Statutory Planning Committee of the Western Australian Planning Commission.

The Western Australian Planning Commission (WAPC) is established under the *Planning and Development Act 2005* to provide independent advice to the Government on integrated land use planning and development, and to facilitate the preparation, implementation and delivery of state planning policies, strategies and plans through its functions and statutory decisions. Schedule 2 of the Act provides for the WAPC to establish committees to support it in delivering its functions and prescribes the establishment of a Statutory Planning Committee.

Adoption Date: 1 May 2024

Effective Date: 1 July 2024

1. PURPOSE

The WAPC has extensive responsibilities relating to regulating the use and development of land. These include:

- Making recommendations to the Minister in relation to region and local planning schemes and improvement schemes.
- Determining subsidiary planning instruments created under planning schemes including structure plans.
- Determining applications for the amalgamation and subdivision of land.
- Determining certain types and classes of applications for the use and development of land.

The Statutory Planning Committee (SPC) has been established to support the WAPC in undertaking its statutory planning functions including exercising powers to make any decisions the WAPC may delegate to the Committee. Its purpose is to develop and apply statutory planning frameworks which deliver the WAPC's strategic direction, policies and plans.

2. OBJECTIVES, SCOPE & FUNCTIONS

The key objectives of the SPC are to:

1. Support the WAPC to undertake its statutory planning functions including but not limited those related to:
 - 1.1. The maintenance of and minor amendments to region planning schemes where consistent with applicable strategic planning framework.
 - 1.2. The preparation, review, maintenance and amendment of local planning schemes (including any development contribution provisions these may entail).
 - 1.3. The determination of local planning strategies, local structure plans (standard and precinct), local development plans and local planning policies where these require the approval of the WAPC.
 - 1.4. The determination of applications for subdivision (including strata subdivision)
 - 1.5. The determination of applications for approval of leases and licenses
 - 1.6. The determination of applications for the use and development of land where this requires the approval of the WAPC excluding proposals:
 - made under Part 17 of the *Planning and Development Act 2005*
 - that are mandatory significant developments for the purposes of section 171L(2) of the *Planning and Development Act 2005*
 - subject to a section 171M Premier Authorisation under the *Planning and Development Act 2005*
 - critical to major State priority projects such as significant renewable energy facilities, the Future of Fremantle and
 - classified as 'State significant' under the Governments Lead Agency Framework

- 1.7. Approval of management plans and arrangements and condition compliance in relation to the above.
- 1.8. Enforcement activities in relation to the above.
2. Provide advice, make recommendations and determine applications in accordance with authority delegated to it.
3. Provide advice to the WAPC on the effective and efficient delivery of statutory planning functions.
4. Provide advice to local government and other government agencies and bodies on statutory planning matters.

3. DURATION

The SPC is a prescribed standing committee of the WAPC and is established indefinitely.

4. AUTHORITY, ACCOUNTABILITY & DECISION-MAKING

The SPC has been established as a committee under Schedule 2 of the *Planning and Development Act 2005* and is accountable to the WAPC. Minutes of SPC meetings will be referred to the WAPC.

The committee is established to support the WAPC in undertaking its statutory planning functions. The committee is authorised to provide advice, make recommendations and determine proposals in accordance with the authority delegated to it under section 16 of the *Planning and Development Act 2005*.

The Committee must operate in accordance with the *Western Australian Planning Commission Regulations 2024* and the Commission's Governance Manual which contains its Policies, Procedures and Code of Conduct (including its Conflict of Interest and Confidentiality requirements).

5. MEMBERSHIP & ATTENDANCE

The SPC is prescribed in the *Planning and Development 2005* and shall comprise of:

- The Chairperson of the WAPC or another member of the WAPC nominated by the WAPC to act as chairperson of the SPC.
- At least two additional members of the WAPC appointed by the WAPC.
- A person who is not a member of the WAPC who is approved by the Minister and appointed by the WAPC with knowledge, expertise and experience in urban and regional planning.

- A person who is not a member of the WAPC who is approved by the Minister and appointed by the WAPC to represent the interests of local governments.
- In the event that none of the above persons have significant experience in living and working in regional (non-metropolitan) parts of Australia, a person appointed by the WAPC to represent the interests of regional areas.
- Other such person or persons as the WAPC, after obtaining the approval of the Minister, appoints from time to time, subject to ensuring that the number of external members of the SPC do not exceed the number of WAPC members on the SPC.

Appointments shall be for a term of up to 5 years, more usually 2-4 years corresponding with the terms of WAPC board members.

Members shall have a clear understanding of their authority, responsibility and accountability and have the appropriate skills necessary to fulfil their role on the Committee.

When relevant, specialist consultants or other stakeholders who are not members of the SPC may be invited to attend on behalf of, or in addition to member(s). Prior agreement must first be obtained from the Chairperson of the Committee.

6. MEETING, OPERATION & SUPPORT

Meetings will be:

- Held as required - generally two meetings per calendar month.
- Held at a venue approved by the Chairperson - generally within the offices of the Department of Planning Lands and Heritage, with the option to attend virtually unless otherwise specified by the Chairperson of the Committee.
- Conducted in accordance with the WAPC's Meeting Procedures.
- Supported by a staff member(s) of the Department of Planning Lands and Heritage via a secretariate which will:
 - Provide at least 5 business days notice of meetings.
 - Circulate agendas and papers at least 5 business days prior to a meeting.
 - Circulate minutes endorsed by the Chair of the SPC within 5 business days of a meeting and refer a copy of these to the WAPC.
 - Undertake record keeping in accordance with the Department's policies and procedures.
 - Respond to queries from members.

A quorum for the SPC shall be in accordance with the WAPC Meeting Procedures and consist of half the number of members of the committee rounded up to the nearest whole number.

All effort should be made by members to attend all meetings. Where a member(s) is unable to attend or participate in a meeting and the SPC Chairperson considers it desirable:

- the WAPC Chairperson may nominate another member(s) of the WAPC to act as alternate for any WAPC member of the SPC.
- The SPC Chairperson may approve a proxy approved by the Minister to act as alternate for any non-WAPC member.

7. ENDORSEMENT & REVIEW

These Terms of Reference were established by resolution of the WAPC on 1 May 2024 and updated as outlined below. They will be subject to review every 5 years or earlier if so resolved by the WAPC.

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