



WAPC

Western
Australian
Planning
Commission

Swan Valley Statutory Planning Committee

Terms of Reference

The terms of reference for the Swan Valley 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. The Swan Valley Planning Act 2020 prescribes the establishment of a Swan Valley Statutory Planning Committee to undertake certain planning functions related to the Swan Valley.

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 Swan Valley Statutory Planning Committee (SVSPC) has been established to undertake specific statutory planning functions within the Swan Valley on behalf of the WAPC as prescribed by s.43 of the *Swan Valley Planning Act 2020*. Its purpose is to develop and apply statutory planning frameworks which deliver the strategic direction, policies and plans developed under the *Swan Valley Planning Act 2020* and the *Planning and Development Act 2005*.

2. OBJECTIVES, SCOPE & FUNCTIONS

The key objectives of the SVSPC are to:

- Undertake the statutory planning functions prescribed within the *Swan Valley Planning Act 2020* including but not limited those related to:
 - The preparation, review, maintenance and amendment of the Swan Valley Planning Scheme.
 - The preparation, determination, review, maintenance and amendment of subsidiary planning instruments prepared under the Swan Valley Planning Scheme including local development plans and local planning policies.
 - The determination of applications for subdivision (including strata subdivision).
 - The determination of applications for approval of leases and licenses.
 - The determination of applications for the use and development of land and other such functions as apply to the responsible authority for the Swan Valley Planning Scheme.
 - Approval of management plans and arrangements and condition compliance in relation to the above.

- Enforcement activities in relation to the above.
- Provide advice, make recommendations and determine applications in accordance with authority delegated to it.
- Provide advice to the WAPC on the effective and efficient delivery of statutory planning functions within the Swan Valley.
- Provide advice to the Swan Valley Leadership Group on statutory planning matters.

3. DURATION

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

4. AUTHORITY, ACCOUNTABILITY & DECISION-MAKING

The SVSPC has been established as a committee under Schedule 2 of the *Planning and Development Act 2005* through the *Swan Valley Planning Act 2020* and is accountable to the WAPC. Minutes of SVSPC meetings will be referred to the WAPC.

The Committee is established to undertake the WAPCs statutory planning functions within the Swan Valley. 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* and the *Swan Valley Planning Act 2020*.

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

5.1 The SVSPC is prescribed in the Swan Valley Planning Act 2020 and shall comprise of:

5.1.1 The Chairperson of the WAPC or another member of the WAPC nominated by the WAPC with the approval of the Minister to act as chairperson of the SVSPC.

5.1.2 At least two additional members of the WAPC who are also members of the WAPC's Statutory Planning Committee, appointed by the WAPC with the approval of the Minister.

5.1.3 A person appointed by the WAPC with the approval of the Minister to represent the Swan Valley local governments.

5.1.4 2 other persons appointed by the WAPC with the approval of the Minister to represent the interest of Swan Valley residents and businesses.

Appointments shall be for a term of up to 5 years, more usually 2-4 years corresponding with the terms of WAPC board members or, in the case of elected Associate Members, the election cycle.

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 SVSPC may be invited to attend on behalf of, or in addition to members. Prior agreement must first be obtained from the Chairperson of the Committee.

6. MEETING, OPERATION & SUPPORT

Meetings will be:

- Held as required - generally one meeting 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 SVSPC 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 SVSPC 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 SVSPC 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 SVSPC.
- The SVSPC 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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