



SHAPING THE FUTURE OF WESTERN AUSTRALIA

Swan Valley Statutory Planning Committee Agenda

Notice is hereby given the next meeting of the Swan Valley
Statutory Planning Committee will be

Meeting No. 1

Tuesday, 31 August, 2021, 9:00 am

Room 2.25, 140 William Street

This meeting is not open to members of the public

1. Declaration of opening
2. Apologies
3. Members on leave of absence and applications for leave of absence
4. Disclosure of interests
5. Declaration of due consideration
6. Confidential items
 - 6.1. Delegation of Powers by the Swan Valley Statutory Planning Committee
7. Urgent or other business
8. Items for consideration at a future meeting
9. Meeting closure

Information for SVSPC Members

Quorum: 5 of 9 members

Representation in accordance with the Planning and Development Act 2005

	<p>Mr David CADDY WAPC Chairman</p> <p><i>Schedule 2, clause 1(2)(c)</i></p>		<p>Mr Len KOSOVA Member of the Statutory Planning Committee</p> <p><i>Schedule 2, clause 1(2)(c)</i></p>
	<p>Ms Kym DAVIS Member of the Statutory Planning Committee</p> <p><i>Schedule 2, clause 1(2)(c)</i></p>		<p>Mr Lino IACOMELLA Member of the Statutory Planning Committee</p> <p><i>Schedule 2, clause 1(2)(c)</i></p>
	<p>Ms Marion THOMPSON Member of the Statutory Planning Committee</p> <p><i>Schedule 2, clause 1(2)(c)</i></p>		<p>Ms Nina LYHNE Member of the Statutory Planning Committee</p> <p><i>Schedule 2, clause 1(2)(c)</i></p>
	<p>Representative of Swan Valley Residents and Businesses</p> <p><i>Schedule 2, clause 1(2)(c)</i></p>		<p>Representative of Swan Valley Residents and Businesses</p> <p><i>Schedule 2, clause 1(2)(c)</i></p>
	<p>Representative of the Swan Valley Local Government</p> <p><i>Schedule 2, clause 1(2)(c)</i></p>		

Role of the Swan Valley Statutory Planning Committee

The Swan Valley Statutory Planning Committee is established under Schedule 2, clause 1 of the *Planning and Development Act 2005* as directed by Clause 33 of the *Swan Valley Planning Act 2020*.

The Swan Valley Statutory Planning Committee has been created as a single decision-maker to determine development applications, subdivision and structure plans, and other functions related to the Swan Valley area.

The Committee will administer the Swan Valley Planning Scheme No. 1 with delegated decision-making responsibility from the Western Australian Planning Commission.

Establishment of the Committee

On 10 August 2021, the Western Australian Planning Commission established the Swan Valley Statutory Planning Committee as required by Clause 33 of the *Swan Valley Planning Act 2020* in accordance with Schedule 2, clause 1 of the *Planning and Development Act 2005*.

Membership

The composition of the Swan Valley Statutory Planning Committee is in accordance with Section 33(2) of the *Swan Valley Planning Act 2020*.

- (2) The Swan Valley Statutory Planning Committee is to consist of —
- (a) the chairperson or, if another person has been nominated by the chairperson and approved by the Minister under the *Planning and Development Act 2005* Schedule 2 clause 4(2)(a), that person; and
 - (b) 5 other persons appointed by the Commission, with the approval of the Minister, who must be members of the Statutory Planning Committee established under the *Planning and Development Act 2005* Schedule 2 clause 4; and
 - (c) 1 other person appointed by the Commission, with the approval of the Minister, to represent the Swan Valley local government; and
 - (d) 2 other persons appointed by the Commission, with the approval of the Minister, to represent the interests of Swan Valley residents and businesses.

Delegated Authority (TBA) Powers of Committee

Swan Valley Planning Act 2020 Section 34(2)

1. Power to perform all functions and exercise all powers of the WAPC under Part 2 of the *Swan Valley Planning Act 2020*.
2. Power to perform all functions and exercise all powers the WAPC has under the *Planning and Development Act 2005* as the responsible authority for the Swan Valley Planning Scheme.
3. Power to perform all functions and exercise all powers of the Commission under the *Swan and Canning Rivers Management Act 2006* Parts 4 and 5.
4. Power to determine whether or not proposals and the ongoing implementation of the Swan Valley Planning Scheme from time to time pursuant to the *Swan Valley Planning Act 2020* comply with conditions (if any) applied pursuant to sections 48F and 48J of the *Environmental Protection Act 1986*.
5. All functions of the WAPC as set out in-
 - a. Sections 14(a), 14(c), 97, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 214, 215, 216 of the *Planning and Development Act 2005*;
 - b. The *Planning and Development (Local Planning Schemes) Regulations 2015*
 - c. Regulations 21, 22, 24 and 27 of the *Planning and Development Regulations 2009*;
 - d. *Strata Titles Act 1985* or the provisions of a strata or survey- strata scheme;
 - e. *Strata Titles (General) Regulations 2019*;
 - f. Section 52 and section 85 of the *Land Administration Act 1997*;
 - g. Section 40 of the *Liquor Control Act 1988*.
 - h. *Community Titles Act 2018*
 - i. *Community Titles Regulations 2021*
6. Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.
7. Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.

8. Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
9. Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the *Planning and Development Act 2005*.
10. Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
11. Power to defend, respond, appeal and otherwise deal with legal proceedings.

Quorum for meetings

In accordance with the Western Australian Planning Commission (WAPC), Governance Guide – Standing Orders, Section 5.1 - Quorum for meetings:

(2) A quorum for a meeting of a committee is at least 50 per cent of the number of current offices of members of the Committee.

Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Section 4 of the Western Australian Planning Commission (WAPC), Governance Guide – Standing Orders, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);
- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” is one where a member has an interest in a matter where it is reasonable to expect that the matter if dealt with by the Board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the member.

An “**indirect pecuniary interest**” refers to an interest in a matter where a financial relationship exists between a member and another person who requires a WAPC decision in relation to the matter.

A “**proximity interest**” refers to an interest of a member, or close associate of the member, in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (c) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

An “**impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an organisation or an association with any decision-making process relating to a matter for discussion before the Board or a Committee.

Members disclosing any pecuniary or proximity interests for an item cannot participate in discussion or the decision-making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision-making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

Disclosure of representations

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members.