



Western Australia

Planning and Development Act 2005

# **Planning and Development (Western Australian Planning Commission) Regulations 2024**



# Planning and Development (Western Australian Planning Commission) Regulations 2024

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# Planning and Development (Western Australian Planning Commission) Regulations 2024

## Part 1 — Preliminary

### 1. Citation

These regulations are the *Planning and Development (Western Australian Planning Commission) Regulations 2024*.

### 2. Commencement

These regulations come into operation as follows —

- (a) Part 1 (other than regulations 3 and 4) — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on 1 July 2024.

### 3. Terms used

In these regulations —

*Commission's website* means a website maintained by, or on behalf of, the Commission;

*excluded meeting* has the meaning given in regulation 4.

**4. Excluded meetings**

- (1) For the purposes of these regulations, an *excluded meeting*, of the board or of a committee of the Commission, is any of the following —
- (a) a meeting that is held for the purpose of the Commission’s consideration or determination of —
    - (i) a significant development application as defined in section 171H(1) of the Act; or
    - (ii) an application under section 171X of the Act;
  - (b) a meeting, or part of a meeting, that the board or committee (as the case requires) decides to close to members of the public;
  - (c) a meeting, or part of a meeting, that deals with a matter of a kind referred to in subregulation (2).

Note for this subregulation:

For the purposes of paragraph (b), see regulations 18 and 27.

- (2) For the purposes of subregulation (1)(c), the matters are as follows —
- (a) legal advice obtained, or which may be obtained, by the Commission (or by the committee) and which relates to a matter to be discussed at the meeting;
  - (b) a matter that, if disclosed, would reveal any of the following —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person;
    - (iii) information about the business, professional, commercial or financial affairs of a person;
  - (c) a matter that, if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating



- or dealing with any contravention or possible contravention of the law; or
- (ii) endanger the security of the Commission's property; or
  - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.
- (3) Subregulation (2)(b) does not apply to a trade secret that is held by, or information that is about, the Commission.

## **Part 2 — Board (s. 11(1))**

### **Division 1 — General**

#### **5. Appointment of board members (s. 11(2)(a))**

The Minister must not appoint a member of the board unless —

- (a) the Minister determines a selection process for the appointment of members; and
- (b) a document setting out the selection process is made publicly available on the Commission’s website.

#### **6. Appointments to be part-time unless stated otherwise (s. 11(2)(a))**

A member of the board holds office on a part-time basis unless the member’s instrument of appointment specifies that the member holds office on a full-time basis.

#### **7. Term of office of board members (s. 11(2)(a))**

- (1) A member of the board —
  - (a) holds office for the period, not exceeding 5 years, specified in the member’s instrument of appointment; and
  - (b) is eligible, if otherwise qualified, for reappointment.
- (2) Despite subregulation (1), if the period of office of a member of the board expires by effluxion of time without a person having been appointed to fill the vacancy, the member continues in office until the earlier of the following —
  - (a) a person is appointed to fill the vacancy;
  - (b) a period of 6 months elapses after the vacancy arises.

**8. Vacancies in office of board members (s. 11(2)(b))**

The office of a member of the board becomes vacant if —

- (a) the member becomes a public service officer; or
  - (b) the member resigns the office by written notice given to the Minister; or
  - (c) the member is an insolvent under administration as defined in the *Corporations Act 2001* (Commonwealth) section 9; or
  - (d) the member is absent from 3 consecutive meetings of the board of which the member has had notice —
    - (i) for the chairperson — without leave of the Minister; or
    - (ii) for any other member — without leave of the chairperson;
- or
- (e) the member is removed from office by the Minister under regulation 9.

Note for this regulation:

For the purposes of paragraph (a), see section 10(4) of the Act.

**9. Removal of board members from office (s. 11(2)(c))**

The Minister may, by written notice given to a member of the board, remove the member from office if the Minister is satisfied that the member —

- (a) is incompetent, has misbehaved or has neglected the member's duties; or
- (b) is suffering from mental or physical incapacity impairing the performance of the member's functions;  
or
- (c) has breached any code of conduct adopted by the Commission and applicable to the member; or

- (d) has been convicted of an offence punishable by imprisonment for 12 months or more.

**10. Leave of absence of board members (s. 11(2)(d))**

- (1) The Minister may grant leave of absence to the chairperson of the board on any terms and conditions the Minister thinks fit.
- (2) Without limiting subregulation (1), the Minister may specify which deputy chairperson (if there is more than 1) is to act in the chairperson's place while the chairperson is absent.
- (3) The chairperson may grant leave of absence to any other member of the board on any terms and conditions the chairperson thinks fit.

**11. Role of chairperson of board (s. 11(2)(e))**

It is the role of the chairperson of the board to do the following —

- (a) provide leadership to the board;
- (b) develop effective operations of the Commission;
- (c) chair meetings and develop agendas for meetings;
- (d) model high standards of professionalism and integrity in the performance of the chairperson's functions;
- (e) grant leave of absence from meetings to other members of the board;
- (f) manage risks to, and reporting by, the Commission;
- (g) represent the Commission in public;
- (h) report to, and liaise with, the Minister on behalf of the Commission.

**12. Role of deputy chairpersons of board (s. 11(2)(e))**

- (1) It is the role of a deputy chairperson of the board to do the following —
  - (a) assist the chairperson of the board to perform the chairperson’s functions;
  - (b) if the chairperson is unable to act because of sickness, absence or other cause — act in the chairperson’s place.
- (2) A person appointed to be a deputy chairperson may resign as deputy chairperson at any time by written notice given to the Minister.

**Division 2 — Board procedures (s. 11(2)(f))**

**13. Procedures for board meetings**

- (1) The board must —
  - (a) adopt written procedures to be followed in connection with meetings of the board; and
  - (b) ensure a document setting out the procedures is made publicly available on the Commission’s website; and
  - (c) follow the procedures.
- (2) For the purposes of subregulation (1)(a), the board must adopt written procedures about the following —
  - (a) the publication of agendas before its meetings;
  - (b) how a person, other than a member of the board, may —
    - (i) apply to attend, participate in or make submissions at a meeting; or
    - (ii) watch and listen to the deliberations and communications that are part of the meeting’s proceedings;
  - (c) the publication of minutes after its meetings.

- (3) This regulation does not limit the matters about which the board may adopt written procedures.

**14. Board meetings**

- (1) Meetings of the board are to be held at the times and places the board determines.
- (2) However, a special meeting of the board may, on reasonable notice to all members, be convened by —
- (a) the chairperson; or
  - (b) any 2 members.
- (3) The chairperson must preside at all meetings of the board at which the chairperson is present.
- (4) If neither the chairperson nor any deputy chairperson is present, the members present must appoint a member to preside.
- (5) The quorum for a meeting of the board is —
- (a) if the board consists of 9 members — 5 members; or
  - (b) otherwise — 4 members.
- (6) Questions arising at a meeting of the board must be decided, in open voting, by a majority of the votes of members present.
- (7) If the votes of members present at a meeting are equally divided, the person presiding has a casting vote in addition to a deliberative vote.

**15. Presence at board meeting — remote attendance**

The presence of a person at a meeting of the board need not be by attendance in person but may be by that person and each other person at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.

**16. Minutes of board meetings**

- (1) The board must keep minutes of the proceedings at each of its meetings.
- (2) The Commission must make the minutes publicly available on the Commission's website.
- (3) Subregulation (2) does not apply to minutes of an excluded meeting.

**17. Certain board meetings to be open to public**

- (1) A meeting of the board that is held for the purpose of considering any of the following must be open to the public —
  - (a) determination of a development application, and the determination of other matters (such as conditions) in connection with that determination;
  - (b) approval of development in a planning control area, and the determination of other matters (such as conditions) in connection with the approval;
  - (c) approval of the subdivision of land, and the determination of other matters (such as conditions) in connection with the approval;
  - (d) endorsement of a local planning strategy;
  - (e) agreement with a recommendation in a local government's report on a review of a local planning scheme;
  - (f) approval of a local planning policy;
  - (g) approval of a structure plan;
  - (h) approval of a local development plan.

Notes for this subregulation:

1. See the following provisions of the Act —
  - (a) Part 7 (and, in particular, section 116) regarding approval of development in a planning control area;

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- (b) Part 10 (and, in particular, Divisions 2, 3 and 5A) regarding approval of the subdivision of land, and the determination of other matters in connection with an approval.
- 2. See the following provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* —
  - (a) Part 3 (and, in particular, regulation 15) regarding endorsement of a local planning strategy;
  - (b) Part 6 Division 1 (and, in particular, regulation 67) regarding agreement with a recommendation in a local government's report on a review of a local planning scheme;
  - (c) Schedule 2 Part 2 Division 2 (and, in particular, clause 4(3A)) regarding approval of a local planning policy;
  - (d) Schedule 2 Part 4 (and, in particular, clause 22) regarding approval of a structure plan;
  - (e) Schedule 2 Part 6 (and, in particular, clause 52(1A)) regarding approval of a local development plan.
- (2) The requirement in subregulation (1) is satisfied if members of the public can observe the meeting using audiovisual communication.
- (3) Despite subregulation (1), a board meeting, or a part of a board meeting, may be held without being open to the public if, because of a technological failure beyond the control of the Commission, the public cannot observe the meeting or part (as the case requires) using the audiovisual communication.
- (4) Subregulation (1) does not apply to an excluded meeting.

**18. Board may decide to close meeting**

- (1) The board may decide to close a meeting, or part of a meeting, to members of the public.
- (2) A decision to close a meeting, or part of a meeting, and the reason for the decision are to be recorded in the minutes of the meeting.



**19. Recordings of board meetings**

- (1) A person must not make or publish an audio or visual recording of a meeting of the board.  
Penalty for this subregulation: a fine of \$10 000.
- (2) Subregulation (1) does not apply to the Commission.

**20. Resolutions outside board meetings**

- (1) This regulation applies to a written resolution that —
  - (a) is given to all board members with a notice stating that the resolution is to be determined at a particular time and date (the *voting deadline*) that is at least 7 days from the resolution being given; and
  - (b) at the voting deadline, has been assented to in writing by at least —
    - (i) if the board consists of 9 members — 5 members; or
    - (ii) otherwise — 4 members;and
  - (c) at the voting deadline, no member has voted against in writing.
- (2) The resolution is as effective as if it had been passed at a meeting of the board.

## **Part 3 — Committees of Commission (s. 19(3))**

### **Division 1 — Interpretation**

#### **21. Terms used**

In this Part —

*additional committee* means a committee of the Commission other than a statutory committee;

*Executive, Finance and Property Committee* means the committee of that name established under Schedule 2 clause 3 of the Act;

*ex officio member* means a person who holds office as a member of a committee of the Commission, or as a member of a subcommittee of a committee, because the person is the holder, for the time being, of another office;

*statutory committee* means any of the following —

- (a) the Executive, Finance and Property Committee;
- (b) the Statutory Planning Committee;
- (c) the Swan Valley Statutory Planning Committee;

*Statutory Planning Committee* means the committee of that name established under Schedule 2 clause 4 of the Act;

*Swan Valley Statutory Planning Committee* means the committee of that name established under the *Swan Valley Planning Act 2020* section 33.

#### **22. Commission's power to direct not limited by regulations**

A provision of these regulations that empowers the Commission to direct a committee to do something does not limit Schedule 2 clause 1(5) of the Act.

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**Division 2 — General**

**23. Committee procedures**

- (1) The Commission may —
  - (a) determine the procedures of a committee of the Commission; and
  - (b) direct the committee to follow those procedures.
- (2) The committee must give effect to the direction.

**24. Committee records and information**

- (1) The Commission may direct a committee to give the Commission any records or information determined by the Commission.
- (2) The committee must give effect to the direction.
- (3) Other provisions of these regulations that empower the Commission to direct a committee to give the Commission records or information do not limit this regulation.

**25. Minutes of committee meetings**

- (1) A committee must —
  - (a) keep minutes of the proceedings at each of its meetings; and
  - (b) give the minutes to the Commission —
    - (i) within the time, after the meeting, determined by the Commission; or
    - (ii) if no time is determined by the Commission, within a reasonable time after the meeting.
- (2) The Commission must make the minutes of a meeting of a committee to which the Commission delegates any function publicly available on the Commission's website.

- (3) Subregulation (2) does not apply to minutes of an excluded meeting.

**26. Certain committee meetings to be open to public**

- (1) A meeting of a committee to which the Commission delegates any function must be open to the public.
- (2) The requirement in subregulation (1) is satisfied if members of the public can observe the meeting using audiovisual communication.
- (3) Despite subregulation (1), a committee meeting, or a part of a committee meeting, may be held without being open to the public if, because of a technological failure beyond the control of the Commission, the public cannot observe the meeting or part (as the case requires) using the audiovisual communication.
- (4) Subregulation (1) does not apply to an excluded meeting.

**27. Committee may decide to close meeting**

- (1) A committee of the Commission may decide to close a meeting, or part of a meeting, to members of the public.
- (2) A decision to close a meeting, or part of a meeting, and the reason for the decision are to be recorded in the minutes of the meeting.

**28. Recordings of committee meetings**

- (1) A person must not make or publish an audio or visual recording of a meeting of a committee of the Commission.  
Penalty for this subregulation: a fine of \$10 000.
- (2) Subregulation (1) does not apply to the Commission.

**29. Committees and committee members — delegated functions**

- (1) A committee or committee member must —
  - (a) keep a record of the performance of any function of the Commission delegated to the committee or committee member; and
  - (b) if directed to do so by the Commission, give the record to the Commission —
    - (i) within the time, after the performance of the function, determined by the Commission; or
    - (ii) if no time is determined by the Commission, within a reasonable time after the performance of the function.
- (2) The Commission may direct a committee or committee member not to perform a function of the Commission that has been delegated to the committee or committee member.
- (3) The committee or committee member must give effect to the direction.

**30. Vacancies in office of committee members**

- (1) The office of a member of a committee becomes vacant if —
    - (a) the member resigns the office by written notice given to the Commission; or
    - (b) the member is an insolvent under administration as defined in the *Corporations Act 2001* (Commonwealth) section 9; or
    - (c) the member is absent from 3 consecutive meetings of the committee of which the member has had notice —
      - (i) for the chairperson — without leave of the Commission; or
      - (ii) for any other member — without leave of the chairperson;
- or

- (d) the member is removed from office by the Commission under regulation 31.
- (2) Without limitation, the office of a member of a committee becomes vacant if the member —
  - (a) is a member of the board at the time of being appointed a member of the committee; and
  - (b) ceases to be a member of the board.
- (3) Without limitation, the office of an ex officio member of a committee becomes vacant if the member ceases to be the holder, for the time being, of the office because of which the member is an ex officio member.

**31. Removal of committee members from office**

- (1) The Commission may, by written notice given to a member of a committee, remove the member from office if the Commission is satisfied that the member —
  - (a) is incompetent, has misbehaved or has neglected the member's duties; or
  - (b) is suffering from mental or physical incapacity impairing the performance of the member's functions; or
  - (c) has breached any code of conduct adopted by the Commission and applicable to the member; or
  - (d) has been convicted of an offence punishable by imprisonment for 12 months or more.
- (2) If the member of the committee is appointed with the approval of the Minister, the Commission can only remove the member from office with the approval of the Minister.

**32. Role of chairperson of committee**

- (1) It is the role of the chairperson of a committee of the Commission to do the following —
  - (a) provide leadership to the committee;
  - (b) develop effective operations of the committee;
  - (c) chair meetings and develop agendas for meetings;
  - (d) model high standards of professionalism and integrity in the performance of the chairperson's functions;
  - (e) grant leave of absence from meetings to other members of the committee;
  - (f) manage risks to, and reporting by, the committee;
  - (g) represent the committee in public;
  - (h) report to, and liaise with, the Commission on behalf of the committee.
- (2) The chairperson of a committee is —
  - (a) the member of the committee appointed by the Commission to be the chairperson; or
  - (b) if the Commission does not appoint a chairperson — the member appointed by the committee to be the chairperson.
- (3) If at least 1 member of the committee is a member of the board, the committee can only appoint a member of the board to be the chairperson of the committee.

**33. Role of deputy chairpersons of committee**

- (1) It is the role of a deputy chairperson of a committee of the Commission to do the following —
  - (a) assist the chairperson of the committee to perform the chairperson's functions;
  - (b) if the chairperson is unable to act because of sickness, absence or other cause — act in the chairperson's place.

- (2) A deputy chairperson of a committee is —
  - (a) a member of the committee appointed by the Commission to be a deputy chairperson; or
  - (b) if the Commission does not appoint a deputy chairperson — a member appointed by the committee to be a deputy chairperson.
- (3) If at least 1 member of the committee is a member of the board and not the chairperson of the committee, the committee can only appoint a member of the board to be a deputy chairperson of the committee.
- (4) A person appointed to be a deputy chairperson may resign as deputy chairperson at any time by written notice given to the Commission.

**34. Subcommittees**

- (1) A committee of the Commission may from time to time establish subcommittees to assist the committee to perform its functions.
- (2) A committee may, in the resolution by which a subcommittee is established, specify the following —
  - (a) the purpose and functions of the subcommittee;
  - (b) the number of members that constitute, or may constitute, the subcommittee;
  - (c) the term of office of members of the subcommittee;
  - (d) when, if ever, the subcommittee is to be discharged (whether on a particular date or on the happening of an event);
  - (e) any qualification to be a member of the subcommittee, including (without limitation) knowledge, expertise and experience, or formal qualification, in a field;
  - (f) the persons appointed as members of the subcommittee (whether personally or as ex officio members);



- (g) the persons appointed as chairperson and deputy chairperson of the subcommittee.
- (3) A subcommittee is not required to be constituted only by members of the committee.
- (4) This regulation does not —
  - (a) limit the matters that may be specified in the resolution by which a subcommittee is established; or
  - (b) prevent the committee from altering or reconstituting the subcommittee (including by changing any of the matters permitted to be specified by this regulation) by further resolution.

### **Division 3 — Statutory committees**

#### **35. Appointment of members of statutory committees**

- (1) The Commission must not appoint a member of a statutory committee unless —
  - (a) the Commission determines a selection process for the appointment of members; and
  - (b) a document setting out the selection process is made publicly available on the Commission’s website.
- (2) This regulation does not apply to the appointment of a member of a statutory committee if the member is a member of the board.

#### **36. Executive, Finance and Property Committee meeting minutes not required to be published**

- (1) The Commission is not required to make the minutes of a meeting of the Executive, Finance and Property Committee publicly available on the Commission’s website.
- (2) This regulation applies despite regulation 25(2).

**37. Executive, Finance and Property Committee meetings not required to be open to public**

- (1) A meeting of the Executive, Finance and Property Committee is not required to be open to the public.
- (2) This regulation applies despite regulation 26(1).

**38. Former board members stop being statutory committee members**

- (1) The office of a member of the Executive, Finance and Property Committee referred to in Schedule 2 clause 3(2)(a) of the Act becomes vacant if the member ceases to be a member of the board.
- (2) The office of a member of the Statutory Planning Committee referred to in Schedule 2 clause 4(2)(a) of the Act becomes vacant if the member ceases to be a member of the board.
- (3) The office of a member of the Swan Valley Statutory Planning Committee becomes vacant if the member —
  - (a) is a member of the board at the time of being appointed a member of the committee; and
  - (b) ceases to be a member of the board.
- (4) This regulation does not limit regulation 30(2).

**39. Former Statutory Planning Committee members stop being Swan Valley Statutory Planning Committee members**

The office of a member of the Swan Valley Statutory Planning Committee referred to in the *Swan Valley Planning Act 2020* section 33(2)(b) becomes vacant if the member ceases to be a member of the Statutory Planning Committee.

**40. Swan Valley Statutory Planning Committee — removal from office**

- (1) The Commission, with the approval of the Minister, may, by written notice given to a member of the Swan Valley Statutory Planning Committee referred to in the *Swan Valley Planning Act 2020* section 33(2)(c) or (d), remove the member from office if the Commission is satisfied that the member does not represent (as the case requires) —
  - (a) the Swan Valley local government; or
  - (b) the interests of Swan Valley residents and business.
- (2) This regulation does not limit regulation 31.

**41. Swan Valley Statutory Planning Committee — establishment of subcommittees with subdelegated functions**

- (1) The Swan Valley Statutory Planning Committee may from time to time establish subcommittees to which it subdelegates any function of the Commission in accordance with the *Swan Valley Planning Act 2020* section 35(2)(b).
- (2) However, the Swan Valley Statutory Planning Committee must not establish a subcommittee to which it subdelegates any function of the Commission unless the subcommittee is established with the approval of the Commission.
- (3) Subregulation (1) applies in addition to regulation 34(1).

**42. Appointment of members of Swan Valley Statutory Planning Committee subcommittees with subdelegated functions — selection process**

- (1) The Swan Valley Statutory Planning Committee must not appoint a member of a subcommittee to which the Committee subdelegates any function of the Commission unless —
  - (a) the Committee determines a selection process for the appointment of members; and

(b) a document setting out the selection process is made publicly available on the Commission's website.

(2) This regulation does not apply to the appointment of a member of a subcommittee if the member is a member of the Swan Valley Statutory Planning Committee.

**43. Appointment of members of Swan Valley Statutory Planning Committee subcommittees with subdelegated functions — qualifications**

The Swan Valley Statutory Planning Committee must not appoint a member of a subcommittee to which the Committee subdelegates any function of the Commission unless the member is —

- (a) a member of the Committee; or
- (b) appointed with the approval of the Commission.

**44. Subdelegation of functions to Swan Valley Statutory Planning Committee subcommittees**

The Swan Valley Statutory Planning Committee must not subdelegate any function of the Commission to a subcommittee unless each member of the subcommittee is —

- (a) a member of the Committee; or
- (b) appointed with the approval of the Commission.

**45. Swan Valley Statutory Planning Committee subcommittees — subdelegated functions**

- (1) A subcommittee of the Swan Valley Statutory Planning Committee must —
  - (a) keep a record of the performance of any function of the Commission subdelegated to the subcommittee; and

- (b) if directed to do so by the Committee, give the record to the Committee —
  - (i) within the time, after the performance of the function, determined by the Committee; or
  - (ii) if no time is determined by the Committee, within a reasonable time after the performance of the function.
- (2) The Swan Valley Statutory Planning Committee may direct a subcommittee not to perform a function of the Commission that has been subdelegated to the subcommittee.
- (3) The subcommittee must give effect to the direction.

#### **Division 4 — Additional committees**

##### **46. Establishment of additional committees**

- (1) The Commission must, in the resolution by which an additional committee is established, specify the following —
  - (a) the purpose and functions of the committee;
  - (b) the number of members that constitute, or may constitute, the committee;
  - (c) the term of office of members of the committee;
  - (d) the functions of the Commission, if any, delegated to —
    - (i) the committee; or
    - (ii) a member of the committee;
  - (e) when, if ever, the committee is to be discharged (whether on a particular date or on the happening of an event).
- (2) The Commission may, in the resolution by which an additional committee is established, specify the following —
  - (a) any qualification to be a member of the committee, including (without limitation) knowledge, expertise and experience, or formal qualification, in a field;

- (b) the persons appointed as members of the committee (whether personally or as ex officio members);
  - (c) the persons appointed as chairperson and deputy chairperson of the committee.
- (3) This regulation does not —
- (a) limit the matters that may be specified in the resolution by which an additional committee is established; or
  - (b) prevent the Commission from altering or reconstituting the committee (including by changing any of the matters required or permitted to be specified by this regulation) by further resolution.

**47. Qualifications of members of additional committees**

- (1) If the Commission determines any qualification to be a member of an additional committee, the Commission —
- (a) must not appoint a member who does not hold the qualification; and
  - (b) may remove a member from office if the Commission is satisfied that the member does not hold the qualification.
- (2) Subregulation (1)(a) does not limit regulations 48 and 49.
- (3) Subregulation (1)(b) does not limit regulation 31.

**48. Appointment of members of additional committees with delegated functions — selection process**

- (1) The Commission must not appoint a member of an additional committee to which the Commission delegates any function unless —
- (a) the Commission determines a selection process for the appointment of members; and
  - (b) a document setting out the selection process is made publicly available on the Commission’s website.

- (2) This regulation does not apply to the appointment of a member of an additional committee if the member is a member of the board.

**49. Appointment of members of additional committees with delegated functions — qualifications**

The Commission must not appoint a member of an additional committee to which the Commission delegates any function unless the member is —

- (a) a member of the board; or
- (b) appointed with the approval of the Minister.

**50. Delegation of functions to additional committees and to their members**

- (1) The Commission must not delegate any function to a member of an additional committee unless the member is —
- (a) a member of the board; or
  - (b) appointed with the approval of the Minister.
- (2) The Commission must not delegate any function to an additional committee unless each member of the committee is —
- (a) a member of the board; or
  - (b) appointed with the approval of the Minister.

## **Part 4 — Transitional provisions**

### **51. Regulations extend to new board and to committees established before 1 July 2024**

- (1) In this regulation —  
*new board* has the meaning given in section 301(1) of the Act.
- (2) These regulations extend to —
  - (a) the new board; and
  - (b) a member of the new board; and
  - (c) a committee of the Commission established before 1 July 2024; and
  - (d) a member of such a committee.
- (3) However, regulation 46(1) does not apply in relation to a resolution that established an additional committee before 1 July 2024.
- (4) Accordingly, the validity of the following is not affected merely because the resolution does not comply with regulation 46(1) —
  - (a) the resolution;
  - (b) the committee, or the membership of the committee;
  - (c) anything done, or any function performed, by the committee.

### **52. Committees' completion of performance of functions started before 1 July 2024**

A committee of the Commission may, on and after 1 July 2024, complete the performance of any function the performance of which the committee started, but did not complete, before 1 July 2024.



**53. Planning documents prepared by Commission before 1 July 2024**

- (1) In this regulation —  
*2023 amendment Act* means the *Planning and Development Amendment Act 2023*.
- (2) For the purposes of section 313(2) of the Act, subregulation (3) applies to a document (however named or described) that —
- (a) is prepared by the Commission before 1 July 2024 under section 14(b) of the Act as in force before 1 July 2024; and
  - (b) is in effect or otherwise operational immediately before 1 July 2024.
- (3) On and after 1 July 2024, the document continues in effect or to be otherwise operational as if prepared by the Commission under the most applicable subparagraph of section 14(c) of the Act (as inserted by section 39 of the 2023 amendment Act), and may be revoked or amended accordingly.
- (4) For the purposes of section 313(2) of the Act, subregulation (5) applies to a document (however named or described) that —
- (a) is prepared by the Commission before 1 July 2024 under section 14(c) of the Act as in force before 1 July 2024; and
  - (b) is in effect or otherwise operational immediately before 1 July 2024.
- (5) On and after 1 July 2024, the document continues in effect or to be otherwise operational as if prepared by the Commission under section 14(d) of the Act (as inserted by section 39 of the 2023 amendment Act), and may be revoked or amended accordingly.

- (6) Without limiting subregulations (3) and (5), if the preparation before 1 July 2024 of a document to which either of those subregulations applies involved a public consultation, the document is taken to be a public planning document under each of the following if the document is available to the public —
- (a) paragraph (c) of the definition of **public planning document** in the *Planning and Development (Planning Codes) Regulations 2024* regulation 4;
  - (b) paragraph (b) of the definition of **public planning document** in the *Planning and Development (Region Planning Schemes) Regulations 2023* regulation 3;
  - (c) paragraph (c) of the definition of **public planning document** in the *Planning and Development (State Planning Policies) Regulations 2024* regulation 4.

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## Notes

This is a compilation of the *Planning and Development (Western Australian Planning Commission) Regulations 2024*. For provisions that have come into operation see the compilation table.

### Compilation table

<b>Citation</b>	<b>Published</b>	<b>Commencement</b>
<i>Planning and Development (Western Australian Planning Commission) Regulations 2024</i>	SL 2024/100 12 Jun 2024	Pt. 1 (other than r. 3 and 4): 12 Jun 2024 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2024 (see r. 2(b))

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
2023 amendment Act .....	53(1)
additional committee.....	21
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