



*We're working for
Western Australia.*

Swan Valley Action Plan

Protecting
the Swan Valley's
unique character

October 2019



Image: Tourism Western Australia



The Government of Western Australia acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

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Published by the
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Published October 2019

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A message from the Hon Rita Saffioti MLA Minister for Planning

The State Government is committed to protecting the Swan Valley as Western Australia's first viticulture area.

Having featured as one of Western Australia's most important attractions for nearly 200 years, the Swan Valley has made significant contributions to the development of the State throughout its history.

The region is rich in Aboriginal heritage and home to a variety of important and diverse Aboriginal sites that demonstrate ongoing occupation of the area by Aboriginal people.

This area enabled the expansion of agricultural and economic activity that drove the growth and settlement of the wider Eastern Corridor including the town sites of Midland and Guildford.

Today the Swan Valley remains a critical attraction within the Perth Metropolitan Region providing a variety of tourism, agricultural and rural living opportunities.

This Action Plan outlines the recommendations from the Kobelke Review, the outcomes of community engagement and the State Government's vision for the Swan Valley. It has been developed to protect the Swan Valley's unique character, and to produce a simple, clear and contemporary framework to guide planning decisions.

Specifically, the plan seeks to ensure this valued region remains an attractive and thriving destination that balances viticulture/agriculture, lifestyle and tourism opportunities that are sympathetic to the rural setting. It will facilitate much-needed consistency for Swan Valley planning through the development of a framework specially designed for the region that will define land use and encourage appropriate development.

The large number of consultation responses reflects the high level of interest in the Swan Valley's future and underscores the importance of proper planning for the area.

We have listened to the community, and your feedback has helped shape this plan. We will continue to work with the community to advance these innovative planning initiatives.

I acknowledge the work of the late Hon John Kobelke JP in the development of this vision for the Swan Valley. His contribution has been instrumental in helping to guide the future of this celebrated region through the completion of his independent review. I knew his eye for detail, his ability to work with varying views across the community, his empathy and understanding of policy made him the ideal person to make sure that the people and businesses who call the Swan Valley home had a genuine chance to have their say on its future.

Thank you, John.



In 20 years,
I want to see the Swan Valley's...

“...rural character maintained and
supported, thriving agriculture
and grape growing industries, and
appropriate tourism.”

Community feedback

INTRODUCTION

In 2017, the Hon Rita Saffioti MLA, Minister for Planning, announced the State Government's plan for an independent review of the Swan Valley Protection Bill and the Draft Swan Valley Development Plan, led by the Hon John Kobelke. The fundamental purpose of the review was to ensure close engagement with the various interests that make up the Swan Valley community to ensure a shared vision for the area.

The Swan Valley Planning Review, *Report to the Minister for Planning: An independent review of Swan Valley planning*, also known as the Kobelke Review, was the product of a comprehensive community engagement process. This process included more than 50 face-to-face interviews and some 620 survey responses from Swan Valley residents.

In June 2018, the Minister for Planning released the Kobelke Review, which outlined recommendations for the reform of the *Swan Valley Planning Act 1995*. Building on the significant engagement garnered through the preparation of the review, more than 185 detailed submissions were received. There was broad support for the recommendations, especially those which related to the need for a bespoke planning framework and increased local control with regards to planning proposals.

Following consideration of the Kobelke Review recommendations, community feedback and discussions with Ministers representing other portfolios with an interest in the Swan Valley, the Minister has identified four broad goals for a new legislative framework for the Swan Valley.

1. Creating and sustaining a long-term vision for the Swan Valley.
2. Providing certainty to landowners, residents and small business operators.
3. Creating a dedicated and streamlined framework for decision-making.
4. Supporting the character of the Swan Valley and pursuing individual initiatives that can address long-standing issues to move the Swan Valley forward.

The APPEAL of the SWAN VALLEY

People go to the Swan Valley to...

Escape the
city

Visit
wineries

Visit
restaurants in
a rural setting

The Swan Valley attracts more
than **3.1 million** visits
a year

Estimated population
of more than **7,000** people

The NEED for a NEW PLANNING APPROACH in the SWAN VALLEY

The unique value and importance of the Swan Valley has been recognised in various metropolitan planning documents since the 1970 Corridor Plan for Perth. Since this time, the Swan Valley area has faced a variety of competing land uses, culminating in the enactment of the *Swan Valley Planning Act 1995*. The Act sought to provide increased protection for viticulture and the rural character of the area.

Since its enactment, the Act has been subject to several reviews, which have identified shortcomings in its ability to protect the Swan Valley from the encroachment of inappropriate development, while allowing tourism and viticultural business to grow and evolve. The most recent review, which saw the preparation of the Swan Valley Protection Bill and the Draft Swan Valley Development Plan, provided some important changes but was not founded on appropriate community engagement and would have relegated the role of the Swan Valley Planning Committee.

As a result, the Kobelke Review was undertaken and recognised the need for the Swan Valley community to be engaged in the planning for their area to ensure its ongoing protection and sustainability. Despite existing protections, the community has become increasingly frustrated at the deficiencies of the existing legislation, planning framework and decision-making process.

Ensuring a single decision-maker focussed on the vision and values of the Swan Valley, and a planning framework that properly reflects the community's aspirations, is critical. This will ensure decision-making that reflects the area's unique characteristics and provides a more nuanced planning framework that allows appropriate development to occur while protecting the rural character of the area.

The REVIEW

Swan Valley Planning Review

In 2017, the Minister for Planning appointed the Hon John Kobelke JP to undertake an independent review of the Swan Valley. The review centred on identifying the best measures to ensure the region's prosperity into the future as a rural, agricultural and tourism region servicing locals and visitors alike.

Mr Kobelke undertook extensive consultation with the Swan Valley community, the City of Swan, the Swan Valley Planning Committee, landowners, residents, businesses and representative groups.

The Swan Valley Planning Review was released for public feedback and has guided the development of the Swan Valley Action Plan.

What YOU SAID

Overview of community engagement

Hon John Kobelke JP

To understand the attitudes and opinions of Swan Valley residents and landowners towards the future of the area in order to guide planning, development and land use in the Swan Valley.

Who was consulted?

More than 700 people were consulted during the development of the Swan Valley Action Plan.

700 people

Swan Valley residents

Grape growers

Equine businesses

Wineries

Local businesses

State and local government

I live in the
Swan Valley
for the...

Rural character

Large blocks of land

Peace and quiet

Family connection

Agriculture

Natural environment

Space for my horses

Wineries

What you were most interested in...

Zones/land uses

92 submissions

- It is important to clearly articulate the definition of rural character.
- Seeking to promote tourism is contradicted by only allowing it as a secondary land use to a rural use.
- Need for clear direction on how ancillary tourism uses are defined and assessed.
- Not all of the Swan Valley is suited to viticulture and horticulture due to land capability.
- Themes identified include:
 - support for discouraging transport and storage depot uses
 - prohibiting sea containers and dongas unless stringent planning provisions are complied with.
- Support for and against nature-based camping.
- Consideration should be given to short-stay accommodation.

Subdivision

92 submissions

- Long-term landowner farmers should be able to subdivide after generations of farming but there should be no right to subdivide arable Swan Valley land.
- Succession subdivision is de facto subdivision and inconsistent with the intent of retaining the Swan Valley's rural character.

- Concerned about loss of rural character and urban encroachment as the Swan Valley is surrounded by new residential suburbs.

Water

81 submissions

- Water was discussed by most submitters with equine interests, grape growers/wineries, and lifestyle residents making the greatest number of comments.
- Concerns centred on the availability of water in the Swan Valley, the decrease in water tables, and equity and distribution of water allocations.

Tourism

74 submissions

- New businesses should fit with the rural nature of the Swan Valley, however, viticulture should not be forced as a land use.
- Family-friendly tourism draws visitors to the Swan Valley.
- Roadside stalls used to be central to the Swan Valley tourist experience and should return.
- Restaurants and reception centres should be allowed in the Swan Valley if designed and maintained to promote rural character and local food and wine.
- Diverse land use is part of the Swan Valley appeal.

Levies/taxes

67 submissions

- Most submissions discussing incentives and taxation highlight the potential inequity of one part of the community propping up another group.

Equine uses

63 submissions

- Equine uses should be encouraged and included in the new zoning table.
- Design controls for stables, sheds and equine fencing are not practical.

Committee

63 submissions

- A single planning authority for all Swan Valley applications is favoured as a mechanism for consistent decision-making.
- A committee would need to be independent and adequately resourced.
- Concerns about increased bureaucracy frustrating developers.
- Transparency and ethical decision-making along with due process and adequate rules/processes are important.

Operational policy

61 submissions

- Operational policies are essential to ensure clear articulation of acceptable land uses and provisions for the Swan Valley.
- The current Act lacks firm planning and policy and is difficult to interpret.
- Operational policies provide a platform to address virtually all potential management scenarios for the Swan Valley.

Renaming the Swan Valley

53 submissions

- Renaming may not respect and acknowledge the history of other suburbs in the area.
- Identifying an area to be called the Swan Valley and allowing use of the name while maintaining individual localities.
- Renaming Herne Hill as Swan Valley to act as a geographical pointer.

Vision

52 submissions

- The Swan Valley has character, tourism and lifestyle appeal that should be preserved.
- Both rural and equine lifestyle should be given greater emphasis as they contribute to the Swan Valley's rural ambience.
- The fundamental character of agricultural, viticultural and equine uses is what makes the Swan Valley iconic.

Leadership group

34 submissions

- There is general support for a strategic leadership group, or similar.
- The group should have a strategic and leadership focus as a community champion.
- It should review issues and processes to ensure both committees are independent and avoid bias.

New Act

29 submissions

The new Act should:

- reflect contemporary issues
- define rural character
- acknowledge that not all Swan Valley land is suitable for viticulture and horticulture
- include measures to manage the rural/urban interface so rural land uses are not impacted by adjacent urban development
- maintain rural amenity and sense of place by encouraging appropriate land uses
- recognise the Swan Valley as a State asset.

Right to Farm

29 submissions

- As the Swan Valley becomes more tourism-oriented, Right to Farm principles may become more important.
- Ensure development does not impact the health and safety of tourists and residents.
- The Swan Valley should be divided into areas suited to horticulture with those that are not, made available for equine pursuits.

New scheme

25 submissions

- General support for a new scheme.
- Herne Hill Village received mixed feedback with a focus on the lack of available land for new development and meeting the needs of local residents.
- The Enterprise Park received support with several submissions identifying the need to ensure visual amenity for the site is improved through new development.
- A single aged care facility had mixed support with submissions indicating a preference for it to be located in nearby urban areas.
- Some submissions suggested non-conforming rights be extended for a longer period to cover vineyards during change of ownership.
- There was significant support for restricting tourism to ancillary or secondary uses, however, it was identified that this will be difficult to enforce and assess.



THE SWAN VALLEY ACTION PLAN

The Government's response to the Kobelke review is in the form of the Swan Valley Action Plan.

The aim is to create a consistent and considered vision for the area, planning certainty, a streamlined and concentrated decision-making process, and initiatives to protect the Valley while encouraging future growth.

1. New Swan Valley Planning Act

The State Government is currently drafting a Swan Valley Planning Bill to replace the *Swan Valley Planning Act 1995*.

The new legislation will provide a clear strategic vision to clarify the connection between rural character and tourism, clearly define rural character, identify preferred rural/agricultural and tourism uses (to avoid impacts), appropriate scale of tourism development, and reiterate support for rural and equine lifestyles.

New legislation will also provide simple, clear and contemporary planning guidance to protect the unique rural character of the Swan Valley. The legislation will highlight that viticulture and suitable agriculture will take primacy and should not be restricted by other uses.

The Swan Valley Planning Bill will provide the legislative framework to reinforce the Swan Valley as the prime gourmet food and wine region of Western Australia on the door-step of Perth.

2. New Planning Areas and Objectives

The Swan Valley Planning Bill will revise the existing Swan Valley Areas A, B and C and outline objectives to provide guidance for the new Swan Valley Planning Scheme and provide key mandatory planning controls.

Swan Valley Rural Residential (former Area A)

This zone retains the existing rural residential character with more detailed guidance to ensure that the existing lifestyle, recreational and larger lots are retained as originally designed and constructed. Uses within this area are intended to be slightly expanded to provide limited, low-key opportunities for a range of rural and appropriately scaled rural tourism uses, consistent with the intention of the main land use remaining as hobby farms. The minimum lot size for the zone is to remain at 2 hectares, however, the minimum lot size for Henley Brook (Rural Residential) is to be reduced to 4,000m².

An additional provision is proposed to provide a narrow transitional area between the existing rural residential uses and the growing adjacent urban suburbs. Lots directly fronting Gnangara Road and Henley Brook Avenue within the Swan Valley Rural Residential zone may be considered for subdivision where all lots retain a minimum lot size of 1 hectare and other provisions are met.

Swan Valley Rural (former Areas B and C)

The purpose of the zone will be to maintain and protect the Swan Valley's rural character with preferred or permitted uses being viticulture and horticulture. Tourism activities that complement the Swan Valley rural character and are small in scale may be considered through development approval.

The minimum lot size for this area is to be retained at 4 hectares to secure ongoing certainty, sustainability and viability for primarily agricultural uses like viticulture, and prevent further fragmentation of rural land through subdivision. There will be provisions for succession subdivision as part of the new local planning scheme.

Herne Hill

The existing Herne Hill township area – bound by McDonald Street to the north, the railway to the east, Argyle Street to the south and Great Northern Highway to the west – is not intended to undergo significant change. Most of the township has been developed as a residential enclave and is not expected to change dramatically over coming decades, however, further policy guidance is necessary to ensure future development opportunities are consistent with local community needs.

Limited expansion of existing retail and community facilities at Herne Hill may be supported, such as facilities typical of a local centre, such as medical services (general practice) and physiotherapy.

Swan Valley Enterprise Park

An area on Great Northern Highway adjacent to the southern boundary of the Swan Valley area has been used for a variety of industry, transport and business-related uses over several decades and is proposed for redevelopment as an enterprise park.

This planning area will provide for a range of light industrial land uses and service industries that would not be supported in other Swan Valley planning zones.

3. Establish new Swan Valley Statutory Planning Authority

The Government will create a single decision-maker for all development to provide consistency and reinforce the Swan Valley's rural future.

The Swan Valley Statutory Planning Authority will be established as a sub-committee of the Western Australian Planning Commission (WAPC) and its membership will include community and specialist representation.

The Swan Valley Statutory Planning Authority will replace all other planning decision-makers for statutory planning applications in the area. This includes decisions that would ordinarily be determined by the City of Swan, a Development Assessment Panel, or other committee of the WAPC.

4. Establish the Swan Valley Strategic Planning Committee

The Swan Valley Strategic Planning Committee will also be established as a sub-committee of the WAPC.

The Swan Valley Strategic Planning Committee will provide strategic planning advice, and carry out such functions and powers of the WAPC in relation to the preparation or amendment of any planning scheme, scheme amendment, State Planning Policy or operational policy, as it relates to the Swan Valley area.

The establishment of the Swan Valley Strategic Planning Committee recognises the need to consider the broader strategic matters applicable to the Swan Valley and will provide an appropriate resource and priority to these strategic matters.

5. New Swan Valley Planning Scheme

A simplified Swan Valley Planning Scheme will deliver certainty for residents and foster the unique Swan Valley environment.

It will include land use zones and definitions to guide new ventures, remove uncertainty and encourage innovative proposals.

The scheme will provide clear, robust planning requirements to meet the needs and expectations of the community.

The scheme will be guided by the work undertaken for the 2014 interim policy and recent work by the City of Swan in relation to updating its local planning scheme.

The scheme and policies will:

- highlight the importance of rural character and visual landscape, with guidelines on the size of developments according to block size, visual landscape and the style of developments
- clarify uses suited to lifestyle properties
- define the level and scale of rural tourism encouraged for the Swan Valley.

The Department of Planning, Lands and Heritage is drafting the new local planning strategy and scheme for public comment.

The scheme and strategy will put forward:

- succession subdivision for long-term family grape-growing businesses
- a new minimum lot size of 1 hectare for Henley Brook Avenue and Gnangara Road rural residential properties
- retaining the Swan Valley Rural zone minimum lot size (4 hectares)
- the creation of a new enterprise park zone, reflecting the historical use
- identifying a suitable site for aged care facilities
- prohibiting further roadhouse/ service station uses
- prohibiting transport and storage depots/business uses
- maintain existing non-conforming use rights

- new land use zones and a Table of Land Use
- require liquor licensing applications to demonstrate how they fit with the vision/objectives for the Swan Valley.

6. Water Sustainability

The Department of Planning, Lands and Heritage is working with the Department of Water and Environmental Regulation to establish a water licensing regime specific to the Swan Valley, including:

- establishing a priority for viticulture in all water allocations and management
- water licensing provisions for grape growers to be flexible in recognition of the variations in demand due to seasonal conditions
- aligning management priorities for water licensing in the Swan Valley by:
 - expediting the metering of all bores with annual water allocations of 10,000 kilolitres or more
 - realigning the Groundwater Subarea Boundaries to the Swan Valley Statutory Planning Area, to the extent possible in keeping with best practice and good ground water science
 - working with all water licence holders to introduce water efficiency measures
 - undertaking a compliance campaign to check for any unlicensed ground water usage
 - investigating enhancing water availability with water reuse.

7. Right to Farm Provisions

The new legislation will provide fundamental protections for viticultural and horticultural operations.

Special requirements concerning the right to farm, and protecting rural land users from any applications under the tort of nuisance as they relate to noise, dust and other amenity impacts connected with agricultural and other rural uses in the Swan Valley Planning Area will be included.

8. Supporting Growth

As part of the preparation of the new legislation and the new planning framework, several supporting initiatives to encourage appropriate development within the Swan Valley are currently being investigated. These will include:

- developing time-limited land tax exemption to encourage leasing of under-utilised rural land to increase the Swan Valley's rural productivity
- pursuing initiatives that support Swan Valley grape growers and sustainable agricultural production
- developing strategies to support the equine industry and residents with horses, including:
 - a strategy for developing bridle trails in the area
 - best practice for watering pasture.

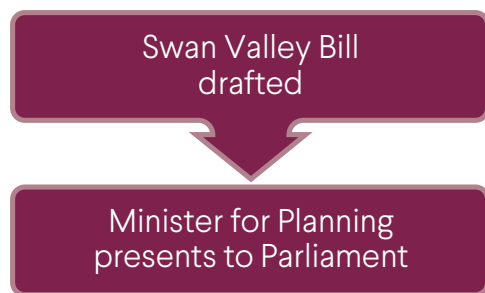
9. Renaming localities to Swan Valley

Once established, the Swan Valley Strategic Planning Committee will engage with the City of Swan, the Department of Planning, Lands and Heritage, local residents and business operators to investigate renaming areas within the Swan Valley.

DELIVERY

Delivering the Swan Valley Action Plan is a priority for the State Government. Work is progressing on drafting the Swan Valley Bill to replace the *Swan Valley Planning Act 1995*. A draft local planning strategy and draft Swan Valley Planning Scheme are also being prepared concurrently for community consultation.

Swan Valley Planning Act



Planning framework



FOR MORE INFORMATION

Visit www.dplh.wa.gov.au/swanvalley

Swan Valley Action Plan

