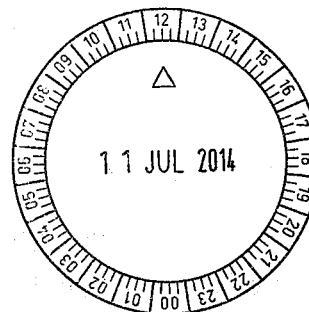


Enquiries:  
Your Ref: Petition 38



7 July 2014

Hon Simon O'Brien MLC  
Chairman  
Standing Committee on Environment and Public Affairs  
Legislative Council Committee Office  
18-132 Parliament Place  
WEST PERTH WA 6000

Dear Mr O'Brien *Simon*

**Petition 38 – Opposing Changes to Swan Valley Planning Act 1995**

I refer to your letter of 19 June 2014 seeking the City's comment on the submission by Mr Duncan Harris, President of Swan Valley and Regional Winemakers Association.

As you would be aware the Department of Planning (DoP) released a report titled "The Way Forward – Swan Valley Land Use and Development" in response to the 2012 Swan Valley Land Use discussion paper. In this document there are many recommendations including "Restricting the subdivision of priority agricultural land where this will result in lot sizes that cannot reasonably be expected to support a commercially viable agricultural, horticultural or related business, and limiting non-agricultural use of such land."

I understand that the issue of subdivision in the Swan Valley has been discussed in the "The Way Forward..." document and is articulated in the Summary of Submissions. There are varying views on this matter depending on who you talk to in the Swan Valley. However, it must be noted that the current Swan Valley Planning Act contains provisions that generally restrict subdivision to a minimum of 2ha in Area A, and to 4ha in both Areas B and C, with a proviso that subdivision into smaller lots will only be considered where this is consistent with the specific objectives of the respective Areas.



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It should also be noted that determination of subdivision is the prerogative of the Western Australian Planning Commission and the City is only a referral agency. Any recommendation that the City makes to the WAPC will be based on the minimum lot size articulated in the Swan Valley Planning Act, unless there compelling planning reasons to vary the minimum lot size. Besides any recommendation by the City of Swan might not be supported by the WAPC who has the final say in subdivision. An aggrieved applicant has the right of review at the State Administrative Tribunal.

As part of the various recommendations contained in "The Way Forward..." report the Department of Planning is currently working on developing a set of planning instruments that will strengthen the current legislative and governance framework for the Swan Valley which will enable informed and consistent decisions to be made regarding future land use and development. The Department of Planning is working in consultation with the City and the Swan Valley Planning Committee in these matters and I understand that the specific issue of subdivision would be considered as part of the review. As the Swan Valley is governed by a separate Act any future direction with respect to subdivision would be up to the Western Australian Planning Commission to determine. It is hoped that any future changes to policy would be subject to public consultation.

As the Department of Planning is conducting the review it would be useful to seek comment from the Department.

I trust the above is of assistance to your Committee in the deliberation of Petition No.38.

Yours faithfully

**M J Foley**  
**CHIEF EXECUTIVE OFFICER**