

# **Swan Valley Planning Scheme No.1**

## **Amendment No. 2**

***Modifications to Scheme Text provisions concerning subdivision requirements***

## **Swan Valley Planning Act 2020**

### **RESOLUTION TO PREPARE AMENDMENT TO THE SWAN VALLEY PLANNING SCHEME NO.1**

#### ***Amendment No. 2***

**Resolved that the Western Australian Planning Commission pursuant to section 16 (1)(b) of the *Swan Valley Planning Act 2020*, amend the above Swan Valley Planning Scheme by:**

- 1. Inserting the words 'subdivision and' between the words 'requirements relating to' and 'development that are' under clause 37.1.**
- 2. Replacing the word '(a)' with '1' under clause 37.2.**
- 3. Inserting the words 'for applications for development approval' at the end of the heading for clause 39.**
- 4. Inserting the following new clause 39A as follows -**

**'39A. Variations to site and development requirements for applications for subdivision approval**

- 1. In this clause -**

**additional site and development requirements means requirements set out in clauses 37 and 38.**

- 2. The Commission may approve an application for a subdivision approval that does not comply with an additional site and development requirement.**
- 3. Subclause 2 does not apply to minimum lot size requirements, which must not be varied.**
- 4. An approval under subclause 1 may be unconditional or subject to any conditions the Commission considers appropriate.**
- 5. The Commission may only approve an application for subdivision approval under this clause if the Commission is satisfied that -**
  - a. approval of the proposed subdivision would be appropriate having regard to the following matters;**
    - i. the aims of the Scheme and applicable zone objectives;**

- ii. whether the proposed subdivision will have a significant adverse effect on the rural character of the Swan Valley;
- iii. whether enforcement of the additional site and development requirement would be contrary to the public interest;
- iv. whether the proposed subdivision will facilitate the protection and conservation of a heritage building or place listed in the State Register of Heritage Places, the Aboriginal Sites Register or a Heritage List operating pursuant to clause 42;
- v. whether the proposed subdivision will facilitate the conservation of significant environmental values;
- vi. whether the proposed subdivision will facilitate the delivery of public infrastructure;
- vii. whether the proposed lots are capable of accommodating development that satisfies the requirements of this Scheme and related policies;

and

- b. non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.'

5. Inserting the following new subdivision requirement under Schedule 5, No.1, All Zones, and renumbering the remaining requirements accordingly:

- ' 1.2. Where a minimum lot size is required for the relevant zone, the minimum lot size requirement does not apply to the following:
  - a. Land required for infrastructure and/or public purposes; and
  - b. Land required for the protection of areas with biodiversity and conservation value; and



12. Deleting Schedule 5, No.3, Swan Valley Rural zone succession subdivision requirements 1.2(viii) and 1.2(ix).

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

1. The aspects of the proposed amendment concerning succession subdivision are consistent with Scheme objectives for the Priority Agriculture and Swan Valley Rural zones, thus satisfying standard amendment criteria (a) under r.34 of the Regulations.
2. The amendment is considered to have a minimal impact on land in the scheme area that is not the subject of the amendment, thus satisfying standard amendment criteria (e) under r.34 of the Regulations.
3. The amendment is not considered likely to result in any significant environmental, social, economic or governance impacts on land in the scheme area, thus satisfying standard amendment criteria (f) under r.34 of the Regulations.
4. The amendment does not reasonably satisfy the criteria for a complex or basic amendment under r.34 of the Regulations.

Dated this FIFTH day of AUGUST 2022

  
WAPC CHAIRMAN

## 1.0 INTRODUCTION

Presently, there is no discretion available to the Western Australian Planning Commission (the Commission) to approve subdivision proposals that conflict with any requirement of the Swan Valley Planning Scheme (the Scheme). Issues have also been identified with the criteria applicable to succession subdivision proposals in the Priority Agriculture and Swan Valley Rural zones, as contained in Schedule 5 of the Scheme.

An amendment to the Scheme is required in order to rectify the identified issues which have been identified through ongoing implementation of the Scheme since its gazettal in August 2021. More specifically, it is proposed to:

- Insert a new clause 39A, providing the Commission with limited discretion to approve subdivision proposals not satisfying certain Schedule 5 subdivision requirements.
- Insert a new 'All zones' subdivision requirement within Schedule 5, stipulating necessary exclusions from the minimum lot size requirements (e.g. land required for infrastructure and/or public purposes).
- Insert a new Priority Agriculture zone subdivision requirement within Schedule 5, allowing the WAPC to consider/approve subdivision necessary to acquire land for infrastructure and/or public purposes, protect areas of conservation value, or facilitate built heritage conservation.
- Modify the succession subdivision criteria applicable in the Priority Agriculture and Swan Valley Rural zones, in order to address identified challenges in the application of certain criteria and avoid duplication with requirements already applicable across all zones.

## 2.0 BACKGROUND

The Scheme was gazetted and became operational on 6 August 2021. This followed a period of review and legislative change for land use planning in the Swan Valley, which included:

- The Swan Valley Planning Review, undertaken by the late Hon John Kobelke JP and published in 2018. The independent review involved extensive community and stakeholder engagement, and outlined recommendations for the reform of the Swan Valley planning framework.
- The Swan Valley Action Plan, released in 2019 following consideration of Swan Valley Planning Review recommendations and public feedback. Key actions included development and implementation of a new *Swan Valley Planning Act 2020*, a new Swan Valley Planning Scheme and establishment of a new Swan Valley Statutory Planning Committee and Swan Valley Strategic Leadership Group.

- Introduction of the *Swan Valley Planning Act 2020*, effectively superseding the *Swan Valley Planning Act 1995*.

The Commission is the responsible authority for administering the Scheme, including assessment and determination of all applications for development approval and subdivision approval in the Swan Valley. In undertaking this role, issues have been identified with respect to the determination of subdivision applications, specifically those which conflict with scheme provisions and those which propose 'succession subdivision'. These issues are described further below.

### **Discretion to determine subdivision applications**

Prior to gazettal of the Scheme in August 2021, the determination of subdivision applications for land in the Swan Valley was subject to Section 138 of the *Planning and Development Act 2005*. This required the Commission to have due regard to the provisions of the applicable local planning scheme, but provided discretion to grant an approval that conflicts with the provisions of a local planning scheme in certain circumstances (e.g. if the approval is consistent with a region scheme that deals with substantially the same matter, or if the conflict is of a minor nature). Such discretion is necessary in order to avoid poor planning outcomes and respond appropriately to proposals that warrant special consideration.

Following gazettal of the Scheme, subdivision applications in the Swan Valley are now subject to Section 138A of the *Planning and Development Act 2005*. Compared with Section 138, Section 138A does not list any circumstances where the Commission can approve subdivision conflicting with Scheme provisions. There are no regulations setting out such circumstances either, meaning that the Commission is effectively bound by the provisions of the Scheme, regardless of the circumstance.

While clause 39 of the Scheme provides discretion to approve development applications that conflict with Schedule 5 Additional Site and Development Requirements, no such discretion is provided in the Scheme with respect to subdivision applications.

This lack of discretion unreasonably binds the Commission and requires it to refuse any application that does not comply with Scheme requirements, regardless of the circumstance. For example, an application seeking to subdivide land to create a new lot for infrastructure or future road widening purposes in the Priority Agriculture zone could not be approved, because the Scheme prohibits any subdivision unless it is an amalgamation, boundary realignment or succession subdivision. The same type of subdivision couldn't be approved in the Swan Valley Rural zone either, as it isn't for a demonstrated rural purpose and wouldn't meet the minimum 4 hectare lot size.

To rectify this situation, it is proposed to include a new clause 39A within the Scheme text, along with additional provisions within Schedule 5. Such modifications will provide

the Commission with the appropriate discretion to approve such subdivision proposals, whilst maintaining the mandatory minimum lot size requirements consistent with (and required by) the *Swan Valley Planning Act 2020*.

### **Succession subdivision**

The issue of succession subdivision in the Swan Valley was considered in the Swan Valley Planning Review (2018). It noted that many successful grape growers are close to or passed retirement age, but their adult children are generally not interested in taking over to continue grape growing on the family property.

To assist the retention and viability of long term viticultural operations, the Swan Valley Planning Review recommended the new Scheme include provisions allowing the limited creation of 'succession lots' in specific circumstances. This was intended to aid in the retention of multi-generational grape producing properties, by accommodating retiring senior family members or providing independence for younger generations of family actively engaged in grape production on the original lot.

The Swan Valley Planning Review recommended strict conditions be applied to any proposed succession subdivision. These conditions were translated into the following succession subdivision criteria contained in Schedule 5 of the Scheme, applicable within the Priority Agriculture and Swan Valley Rural zones:

- i. A subdivision application lodged within five years of the date of gazettal of this Scheme; and*
- ii. The subject land must have remained in the same/current ownership since at least 18 September 1995; and*
- iii. The subject land must have continually operated as a family-run grape growing business since at least 18 September 1995; and*
- iv. The proposed subdivision and subsequent development must not reduce the area of land under grape vines on the original parent lot as at the date of gazettal of this Scheme; and*
- v. The subdivision and subsequent development must not negatively impact the Swan Valley rural landscape character; and*
- vi. The proposed lots are each capable of accommodating a new or existing single dwelling that satisfies the requirements of this Scheme and related policies; and*
- vii. The subdivision and subsequent development must not impact native vegetation; and*
- viii. The proposed lots must have direct access to a gazetted public road; and*
- ix. The proposed lots must be capable of being serviced by essential infrastructure in accordance with relevant Government requirements.*



In assessing some applications for succession subdivision received since the Scheme's gazettal in August 2021, the following issues have been identified with the succession subdivision criteria contained in Schedule 5 of the Scheme:

- Succession subdivision criteria iv. states that "*the proposed subdivision and subsequent development must not reduce the area of land under grape vines on the original parent lot as at the date of gazettal of this Scheme*". This reliance on a single 'snapshot in time' (i.e. the gazettal date of 6 August 2021) does not account for the dynamic nature of grape growing operations, where the total area of land under vine can fluctuate from year to year.

For example, while the average vine coverage on a particular property over a number of decades could be in the order of 60%, the actual vine coverage on 6 August 2021 could be temporarily higher due to the planting of a new varietal for trialling, or lower if an area of vines had only recently been cleared. Assessing vine coverage based on a historical average, rather than a single snapshot in time, would also be consistent with other succession subdivision criteria which consider long-term land ownership and grape growing activities occurring since 18 September 1995.

- Succession subdivision criteria vii. states that "*the subdivision and subsequent development must not impact native vegetation*". As worded, there is no discretion available to consider the scale and extent of impacted vegetation, with the Scheme not distinguishing between minor impacts (e.g. the trimming of branches or removal of a single tree) and more significant impacts (e.g. wider scale clearing and/or removal of trees with particular environmental or visual landscape value).
- Succession subdivision criteria viii. and ix. require the proposed lots to have direct access to a gazetted public road and be capable of being serviced by essential infrastructure. Such subdivision requirements are already contained in Section 1 (All Zones) of Schedule 5, and are therefore unnecessary duplications within the additional criteria applicable to succession subdivision.

To rectify these issues, it is proposed to modify the wording of succession subdivision criteria iv. and vii, and to delete criteria viii. and ix.

### **3.0 PLANNING CONTEXT**

The Swan Valley is unique in its planning context, being subject to the *Swan Valley Planning Act 2020* and a single planning scheme (with the Metropolitan Region Scheme not applicable). The Swan Valley Statutory Planning Committee is the single decision maker responsible for determining all development and subdivision proposals within the Swan Valley, while the Swan Valley Strategic Leadership Group provides strategic advice and comment on proposed Scheme Amendments, policies or other planning instruments affecting the Swan Valley.

This unique planning context differs from most other planning jurisdictions in Western Australia, where most development applications are determined by the local government pursuant to its local planning scheme, but subdivision applications are determined by the Commission having regard to (but not bound by) the local planning scheme. Furthermore, most local planning schemes don't prescribe subdivision requirements to the same extent as the Swan Valley Planning Scheme.

While subdivision requirements are necessarily prescriptive in the Swan Valley Planning Scheme (as required by the *Swan Valley Planning Act 2020* and in response to issues identified through the Swan Valley Planning Review), there are inevitably instances where discretion should be available to the decision maker in order to respond to unforeseen scenarios or to avoid poor planning outcomes. The introduction of a new subdivision discretion clause within the Scheme (with appropriate limits on the scope of its use) along with modifications to Schedule 5 subdivision requirements, appropriately address this issue without requiring further regulations.

Succession subdivision is only capable of being considered in the Priority Agriculture and Swan Valley Rural zones, which comprise the vast majority of landholdings in the Swan Valley. It is akin to the creation of 'homestead lots' as described in the Commission's *Development Control Policy 3.4 - Subdivision of Rural Land*, but uniquely limited in scope and application to long-running family grape growing operations in the Swan Valley.

## 4.0 PROPOSAL

### Subdivision discretion clause

A new clause 39A. is proposed to be introduced to the Scheme, being similar in construction to existing clause 39 (dealing with development applications) and listing the specific matters to be considered when determining non-compliant subdivision applications. The proposed wording of new clause 39A is as follows:

**'39A. Variations to site and development requirements for applications for subdivision approval**

1. *In this clause - additional site and development requirements means requirements set out in clauses 37 and 38.*
2. *The Commission may approve an application for a subdivision approval that does not comply with an additional site and development requirement.*
3. *Subclause 2 does not apply to minimum lot size requirements, which must not be varied.*

4. *An approval under subclause 2 may be unconditional or subject to any conditions the Commission considers appropriate.*
5. *The Commission may only approve an application for subdivision approval under this clause if the Commission is satisfied that -*
  - a. *approval of the proposed subdivision would be appropriate having regard to the following matters;*
    - i. *the aims of the Scheme and applicable zone objectives;*
    - ii. *whether the proposed subdivision will have a significant adverse effect on the rural character of the Swan Valley;*
    - iii. *whether enforcement of the additional site and development requirement would be contrary to the public interest;*
    - iv. *whether the proposed subdivision will facilitate the protection and conservation of a heritage building or place listed in the State Register of Heritage Places, the Aboriginal Sites Register or a Heritage List operating pursuant to Clause 42;*
    - v. *whether the proposed subdivision will facilitate the conservation of significant environmental values;*
    - vi. *whether the proposed subdivision will facilitate the delivery of public infrastructure;*
    - vii. *whether the proposed lots are capable of accommodating development that satisfies the requirements of this Scheme and related policies;*
  - and*
  - b. *non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.'*

The above criteria provide the Commission with limited discretion to determine subdivision proposals that don't meet certain schedule 5 criteria, but without encouraging or facilitating proposals seeking to undermine or circumvent scheme requirements. Importantly, this discretion does not extend to the variation of minimum lot size requirements, consistent with the intent and requirements of the *Swan Valley Planning Act 2020*.

Other minor wording changes to existing Scheme clauses 37 and 39 are also proposed in order to adequately distinguish between subdivision and development in the context of Schedule 5 requirements (and variations thereto).

### **Minimum lot size exclusions**

Section 12(3) of the *Swan Valley Planning Act 2020* requires the Swan Valley Planning Scheme to either prohibit subdivision in certain areas, or set out mandatory minimum lot sizes for those areas. Accordingly, the proposed new subdivision discretion clause is limited such that it cannot be used to vary minimum lot sizes stipulated in Schedule 5.

However, there remain instances where minimum lot sizes should not reasonably be imposed upon certain forms of subdivision, and would lead to poor planning outcomes if enforced. For example:

- Where land is being set aside for future road widening or other public purposes;
- Where land is being set aside for conservation purposes;
- Where subdivision will facilitate the conservation of a state or local heritage place;
- Where a lot is reduced in size in order to provide land for infrastructure, public purposes, conservation and/or heritage purposes.
- A succession subdivision lot, which necessarily needs to be small as possible to preserve a much larger productive grape growing lot.

Accordingly, it is proposed to insert the following new 'All Zones' subdivision requirement to Schedule 5:

- '1.2. Minimum lot size requirements do not apply to the following:*
- a. Land required for infrastructure and/or public purposes; and*
  - b. Land required for the protection of areas with biodiversity and/or conservation value; and*
  - c. Land required to facilitate the built heritage conservation of a place entered in the State Register of Heritage Places under the Heritage Act 2018 section 42 or included on the heritage list; and*
  - d. A lot that is smaller than the minimum lot size as a result of removing land referred to in points a through d above; and*
  - e. A succession subdivision lot.'*

For completeness, it is also proposed to insert a new subdivision requirement 1.1(c) to the Schedule 5 'Priority Agriculture zone' provisions, which currently prohibit all subdivision proposals except amalgamations, boundary realignments and succession subdivision:

- 'c. *A subdivision necessary to acquire or set aside land for infrastructure and/or public purposes, protect areas with biodiversity and/or conservation value, or facilitate built heritage conservation of a place entered in the State Register of Heritage Places or included on the heritage list; or'*

### **Succession subdivision**

The proposed modifications to succession subdivision criteria listed in Schedule 5 of the Scheme (for both the Priority Agriculture and Swan Valley Rural zones) are detailed with track changes below:

- i. *A subdivision application lodged within five years of the date of gazettal of this Scheme; and*
- ii. *The subject land must have remained in the same/current ownership since at least 18 September 1995; and*
- iii. *The subject land must have continually operated as a family-run grape growing business since at least 18 September 1995; and*
- iv. *The proposed subdivision and subsequent development must not reduce the area of land ~~that has been historically used for grape growing under grape vines~~ on the original parent lot ~~since 18 September 1995 as at the date of gazettal of this Scheme~~; and*
- v. *The subdivision and subsequent development must not negatively impact the Swan Valley rural landscape character; and*
- vi. *The proposed lots are each capable of accommodating a new or existing single dwelling that satisfies the requirements of this Scheme and related policies; and*
- vii. *The subdivision and subsequent development must not **significantly** impact native vegetation. ~~;~~~~and~~*
- ~~viii. — The proposed lots must have direct access to a gazetted public road; and~~
- ~~ix. — The proposed lots must be capable of being serviced by essential infrastructure in accordance with relevant Government requirements.~~

With respect to criteria iv, the proposed modifications seek to remove the arbitrary reference to the Scheme gazettal date, given the challenges it presents in terms of implementation (there is no aerial imagery available for the gazettal date itself, being 6 August 2021) and the dynamic nature of grape production where the area of vines can fluctuate over time. The revised wording maintains a requirement to not reduce the area used for grape growing, but provides sufficient flexibility in how this area is calculated to account for fluctuations over time.

With respect to criteria vii, the word 'significantly' has been included to avoid the prospect of succession subdivision being unreasonably restricted by the mere presence of native vegetation, regardless of significance or value.

Criteria viii and ix have been deleted, given these are already effectively captured in the 'All zones' subdivision criteria of Schedule 5.

### **Category of Scheme Amendment**

As required by r.35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), a resolution of the Swan Valley Statutory Planning Committee to prepare an amendment to the Swan Valley Planning Scheme must:

- a) *specify whether, in the opinion of the Swan Valley Statutory Planning Committee, the amendment is a complex amendment, a standard amendment or a basic amendment; and*
- b) *include an explanation of the reason for the Swan Valley Statutory Planning Committee forming that opinion.*

The proposed amendment is considered to be a standard amendment for the following reasons:

- The aspects of the proposed amendment concerning succession subdivision are consistent with Scheme objectives for the Priority Agriculture and Swan Valley Rural zones, thus satisfying standard amendment criteria (a) under r.34 of the Regulations. Notably, the revised succession subdivision criteria:
  - seek to provide for long-term agricultural production in the Swan Valley, through limited succession subdivision of long-term family run grape growing properties which may otherwise not continue.
  - seeks to respect and enhance the cultural heritage and rural landscape character of the Swan Valley, through limited succession subdivision of long-term family run grape growing properties which may otherwise not continue.
- The amendment is considered to have a minimal impact on land in the scheme area that is not the subject of the amendment, thus satisfying standard amendment criteria (e) under r.34 of the Regulations.
- The amendment is not considered likely to result in any significant environmental, social, economic or governance impacts on land in the scheme area, thus satisfying standard amendment criteria (f) under r.34 of the Regulations.
- The amendment does not reasonably satisfy the criteria for a complex or basic amendment under r.34 of the Regulations.

## 5.0 CONCLUSION

Presently, the Commission has no power to approve subdivision proposals that are not fully compliant with the requirements of the Scheme, however, there are numerous instances where exemptions/variations are required in order to avoid poor planning outcomes (e.g. the creation of lots for infrastructure, public purposes etc). Issues have also been identified with the criteria applicable to succession subdivision proposals in the Priority Agriculture and Swan Valley Rural zones, as outlined in Schedule 5 of the Scheme.

The introduction of a new Clause 39A, along with various modifications to the 'All Zones', 'Priority Agriculture zone' and 'Swan Valley Rural' subdivision requirements in Schedule 5 of the Scheme, seek to rectify these issues while remaining consistent with the requirements and objects of the *Swan Valley Planning Act 2020*.

## **Swan Valley Planning Act 2020**

### **RESOLUTION TO AMEND THE SWAN VALLEY PLANNING SCHEME NO.1**

#### ***Amendment Number 2***

**Resolved that the Western Australian Planning Commission pursuant to section 16 (1)(b) of the *Swan Valley Planning Act 2020*, amend the above Swan Valley Planning Scheme by:**

- 1. Inserting the words 'subdivision and' between the words 'requirements relating to' and 'development that are' under clause 37.1.**
- 2. Replacing the word '(a)' with '1' under clause 37.2.**
- 3. Inserting the words 'for applications for development approval' at the end of the heading for clause 39.**
- 4. Inserting the following new clause 39A as follows -**  
**'39A. Variations to site and development requirements for applications for subdivision approval**
  - 1. In this clause -**  
**additional site and development requirements means requirements set out in clauses 37 and 38.**
  - 2. The Commission may approve an application for a subdivision approval that does not comply with an additional site and development requirement.**
  - 3. Subclause 2 does not apply to minimum lot size requirements, which must not be varied.**
  - 4. An approval under subclause 1 may be unconditional or subject to any conditions the Commission considers appropriate.**
  - 5. The Commission may only approve an application for subdivision approval under this clause if the Commission is satisfied that -**
    - a. approval of the proposed subdivision would be appropriate having regard to the following matters;**
      - i. the aims of the Scheme and applicable zone objectives;**



- ii. whether the proposed subdivision will have a significant adverse effect on the rural character of the Swan Valley;
- iii. whether enforcement of the additional site and development requirement would be contrary to the public interest;
- iv. whether the proposed subdivision will facilitate the protection and conservation of a heritage building or place listed in the State Register of Heritage Places, the Aboriginal Sites Register or a Heritage List operating pursuant to clause 42;
- v. whether the proposed subdivision will facilitate the conservation of significant environmental values;
- vi. whether the proposed subdivision will facilitate the delivery of public infrastructure;
- vii. whether the proposed lots are capable of accommodating development that satisfies the requirements of this Scheme and related policies;

and

- b. non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.'

5. Inserting the following new subdivision requirement under Schedule 5, No.1, All Zones, and renumbering the remaining requirements accordingly:

- ' 1.2. Where a minimum lot size is required for the relevant zone, the minimum lot size requirement does not apply to the following:
  - a. Land required for infrastructure and/or public purposes; and
  - b. Land required for the protection of areas with biodiversity and conservation value; and

- c. Land required to facilitate the built heritage conservation of a place entered in the State Register of Heritage Places under the Heritage Act 2018 section 42 or included on the heritage list; and
  - d. A lot that is smaller than the minimum lot size as a result of removing land referred to in points a through d above; and
  - e. A succession subdivision lot.'
- 6. Inserting the following after Schedule 5, No.2, Priority Agriculture zone subdivision requirement 1.1(b), and renumbering the remaining requirements accordingly:
  - 'c. A subdivision necessary to acquire or set aside land for infrastructure and/or public purposes, protect areas with biodiversity and/or conservation value, or facilitate built heritage conservation of a place entered in the State Register of Heritage Places or included on the heritage list; or'
- 7. Replacing Schedule 5, No.2, Priority Agriculture zone succession subdivision requirement 1.1(c)(iv) with the following:
  - 'iv. The proposed subdivision and subsequent development must not reduce the area of land that has been historically used for grape growing on the original parent lot since 18 September 1995; and'
- 8. Replacing Schedule 5, No.2, Priority Agriculture zone succession subdivision requirement 1.1(c)(vii) with the following:
  - 'vii. The subdivision and subsequent development must not significantly impact native vegetation.'
- 9. Deleting Schedule 5, No.2, Priority Agriculture zone succession subdivision requirements 1.1(c)(viii) and 1.1(c)(ix).
- 10. Replacing Schedule 5, No.3, Swan Valley Rural zone succession subdivision requirement 1.2(iv) with the following:
  - 'iv. The proposed subdivision and subsequent development must not reduce the area of land that has been historically used for grape growing on the original parent lot since 18 September 1995; and'
- 11. Replacing Schedule 5, No.3, Swan Valley Rural zone succession subdivision requirement 1.2(vii) with the following:
  - 'vii. The subdivision and subsequent development must not significantly impact native vegetation.'

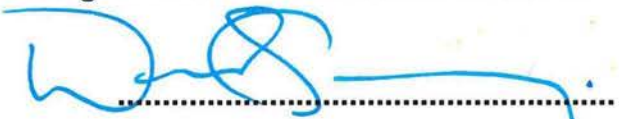
12. **Deleting Schedule 5, No.3, Swan Valley Rural zone succession subdivision requirements 1.2(viii) and 1.2(ix).**

**The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):**

5. **The aspects of the proposed amendment concerning succession subdivision are consistent with Scheme objectives for the Priority Agriculture and Swan Valley Rural zones, thus satisfying standard amendment criteria (a) under r.34 of the Regulations.**
6. **The amendment is considered to have a minimal impact on land in the scheme area that is not the subject of the amendment, thus satisfying standard amendment criteria (e) under r.34 of the Regulations.**
7. **The amendment is not considered likely to result in any significant environmental, social, economic or governance impacts on land in the scheme area, thus satisfying standard amendment criteria (f) under r.34 of the Regulations.**
8. **The amendment does not reasonably satisfy the criteria for a complex or basic amendment under r.34 of the Regulations.**


**SWAN VALLEY STATUTORY PLANNING COMMITTEE ADOPTION**

This Standard Amendment was adopted by resolution of the Swan Valley Statutory Planning Committee at the meeting of the Committee held on the 28<sup>th</sup> day of June, 2022.

  
.....  
**WAPC CHAIRMAN**

**SWAN VALLEY PLANNING COMMITTEE RESOLUTION TO ADVERTISE**

by resolution of the Swan Valley Planning Committee at the meeting of the Committee held on the 28<sup>th</sup> day of June, 2022, proceed to advertise this Amendment.

  
.....  
**WAPC CHAIRMAN**

**SWAN VALLEY STATUTORY PLANNING COMMITTEE RECOMMENDATION**

This Amendment is recommended ..... by resolution of the Swan Valley Statutory Planning Committee at the meeting of the Committee held on the ..... day of ....., 20.... and the Common Seal of the Western Australian Planning Commission was hereunto affixed by the authority of a resolution of the Committee in the presence of:

.....  
**WAPC CHAIRMAN**

**WAPC ENDORSEMENT (r.63)**

.....  
**DELEGATED UNDER S.34 AND S.35 OF  
THE SVP ACT 2005**

**DATE.....**

**APPROVAL GRANTED**

.....  
**MINISTER FOR PLANNING**

**DATE.....**