Swan Valley Planning Scheme No.1

Amendment No. 4

Insert Additional Use 15 (A15) over Lot 210 (No.3003) West Swan Road, Caversham to allow for a cafe or produce store and subdivision into two lots

Swan Valley Planning Act 2020

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

Amendment No. 4

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. Amending the Scheme Map to insert Additional Use No.15 (A15) over Lot 210 (No. 3003) West Swan Road, Caversham.
- 2. Amending Schedule 2 Additional Uses to include the following provisions relating to A15 as follows –

No.	Description of land	Additional Uses	Conditions
A15	Lot 210 (No.3003) West Swan Road, Caversham	'D' – Cafe - Produce Store (land or building wherein fodders, fertilisers and grain are displayed and offered for sale);	 Retail Floor Area is limited to 150m² in total. A maximum of one (1) 'Single House' on Lot 210 including if subdivided.

- 3. Amending Schedule 5 Additional site and development requirements at 2. Priority Agriculture zone in 1. Subdivision after 1.1 c. to insert:
 - "d. Subdivision of Lot 210 (No. 3003) West Swan Road, Caversham into two lots no less than 1 hectare in area compliant with relevant provisions of this schedule. The eastern new lot does not have a development right for a single house."

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

1. 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.

- 2. 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.
- 3. The amendment does not reasonably satisfy the criteria for a complex or basic amendment under r.34 of the Regulations.

pated this	15	day of _	December	20_22_	

WAPC CHAIRMAN

1.0 Introduction

Dynamic Planning and Developments Pty Ltd (DPD) act on behalf of the registered proprietors of Lot 210 (No. 3003) West Swan Road, Caversham (herein referred to as the 'subject site'). DPD has prepared the following report in order to seek support from the Western Australian Planning Commission (WAPC) to initiate an amendment to its Swan Valley Planning Scheme No. 1 (SVPS 1) in order to facilitate the approval and subsequent development of a 'Café" or produce store land use at the subject site. The amendment will also include the insertion of provisions enabling the site to be subdivided into two separate landholdings. The intended future development is a battle-axe subdivision with both lots achieving a minimum lot area of 1Ha, with the easternmost lot accommodating a 'Café' and the westernmost lot accommodating a residential dwelling.

This report will address in detail various issues pertinent to the proposal, these being:

- The relevant site context;
- The applicable strategic and statutory planning considerations;
- An overview of the proposed amendment;
- An explanation of the future intended development of the subject site; and,
- Relevant justification in support of the proposed amendment.

In accordance with the Swan Valley Planning Act 2020, in considering the proposed amendment we acknowledge that the WAPC must have regard to the following in the assessment of the proposed amendment:

- a) The objects of this Act:
- b) Any State planning policy that affects the Swan Valley;
- c) Any strategic document in force under the Swan and Canning Rivers Management Act 2006 Part 4 Division 2;
- d) The views of any person or body consulted under section 18;
- e) Any advice of the Heritage Council on referral under section 19(2).

It will be demonstrated in this report that the proposed amendment warrants support and initiation.

2.0 Site Details

2.1 Legal Description

The subject site comprises a total of one (1) freehold allotment being:

Address	Lot No	Deposited Plan	Area
3003 West Swan Road	210	65085	25,008m2

2.2 Regional Context

The subject site is located approximately 16.9km northeast of the Perth CBD within the municipality of the City of Swan and in the suburb of Caversham. The subject site has frontage to West Swan Road and is in proximity to Reid Highway. West Swan Road is reserved as a District Road, while Reid Highway is reserved as a Regional Road under the SVPS 1. The subject site is located within a 'Priority Agriculture' zone abutting a developing residential area to the west. The immediate area is characterised by smaller scale 'Priority Agriculture' land uses including but not limited to a range of wineries, small produce shops and cafes/restaurants that benefit from the access to the aforementioned key regional roads.

Further beyond the immediate area, the subject site is a key link to the Swan Valley agriculture and tourism area. The subject site being situated on West Swan Road places the subject site on one of the key traffic routes and tourist attraction areas within the region. Nearby land uses are complimentary to the proposed 'Café'. The proposal still allows agricultural production and provides for the provision of an attractor to the area in the form of the 'Café'.

Figure 1 below depicts the site within its regional context.

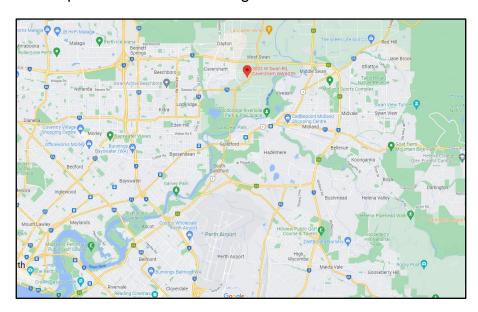


Figure 1 – Regional Context (Source: Google Maps)

2.3 Subject Site Context

The subject site is made up of one (1) freehold allotment which measures 25,008sqm in area. The subject site contains an existing vineyard. The site has access from West Swan Road via an existing crossover that will be formalised as part of future subdivision and development applications.

Figure 2 depicts an aerial of the site within its local context.



Figure 2 - Local Context (Source: MNG Access)

3.0 Statutory & Strategic Planning Framework

3.1 State Planning Framework

3.1.1 Swan Valley Planning Act 2020

The subject site is within the Swan Valley Planning Act 2020 area which specifies that the provisions of the Metropolitan Region Scheme (MRS) are not applicable. Instead, the planning for the region is governed by the Swan Valley Planning Scheme No. 1 and any relevant policies within the State Planning Framework.

The Swan Valley Planning Act 2020 together with the Swan Valley Planning Scheme No. 1 establishes a new planning framework providing clear planning guidance including appropriate tourism and development. In accordance with Part 2, Clause 17 of the Swan Valley Planning Act 2020, the WAPC will have regard to the following in the assessment of the amendment:

- a) The objects of this Act:
- b) Any State planning policy that affects the Swan Valley;
- c) Any strategic document in force under the Swan and Canning Rivers Management Act 2006 Part 4 Division 2;
- d) The views of any person or body consulted under section 18;
- e) Any advice of the Heritage Council on referral under section 19(2).

Through this report, it will be demonstrated that the proposed amendment to the to the Swan Valley Planning Scheme No. 1 to facilitate an additional use at the subject site and the subdivision into two allotments is consistent with the Swan Valley Planning Act 2020.

3.1.2 Government Sewerage Policy 2019

The Government Sewerage Policy establishes the Government's position on the provision of sewerage services in the State through the planning and development of land. The policy generally encourages the connection of new subdivision and development to reticulated sewerage where possible. However, in certain circumstances where connection to reticulated sewerage isn't possible, on-site treatment and disposal is possible.

Clause 5.1.1 of the Government Sewerage Policy outlines the circumstances where connection to reticulated sewerage is required. These circumstances have been summarised in the below table with regard to how they apply to the subject site.

Clause 5.1.1 Requirements	Subject Sites Compliance
Where the provision of reticulated	The Swan Valley Planning Scheme No.
sewerage is required by a local planning	1 does not require the subject site to be
scheme or a policy, strategy or plan	connected to reticulated sewerage.
endorsed by the Western Australian	-
Planning Commission.	

When any stage or part of any future or proposed subdivision or development is already connected to reticulated sewerage.

No stage or part of the development is connected to reticulated sewerage.

Where the responsible authority determines any future or proposed subdivision or development can be reasonably connected to reticulated sewerage

Whilst reticulated sewerage is servicing the adjoining residential development that abuts the site. Providing this service to the subject site would require an extension of some 550m and some considerable site works and fill to the subject site and all adjoining properties which simply isn't possible.

Where the responsible authority determines that the absence of reticulated sewerage will jeopardise future land uses provided for in:

- a) a proposed or approved local planning scheme or scheme amendment; or
- b) b) in a proposed or endorsed Western Australian Planning Commission policy, strategy or plan

The subject site is proposed to remain in the priority agriculture development and even as a result of the amendment will only accommodate one dwelling and one Cafe of a limited floor area. With this in mind, the future land uses are not considered to require connection to reticulated sewerage.

Where the responsible authority determines that the absence of reticulated sewerage will prejudice, physically or financially, the ability to provide sewerage to the local area.

The surrounding area is zoned 'Priority Agriculture' and is proposed to remain as such which does not require a sewerage connection.

Where the responsible authority determines the that absence of reticulated sewerage will pose an unacceptable risk to public health, the environment or water resources. This includes instances where:

udes instances where:

a) the minimum site requirements for on-site sewage systems (as defined in section 5.2) cannot be

reasonably met;

b) the impact of on-site sewage disposal is deemed likely to have a detrimental impact on the water quality of a public drinking water source area, sewage sensitive area or other waterway or wetland. Where approval of any future or proposed application without connection to reticulated sewerage is likely to set a precedent for similar proposals in the local water catchment, the

The minimum site requirements for treatment and disposal of sewerage can be achieved and there will be no impact on the water quality of the area.

This has been demonstrated in the submitted site and soil evaluation which is discussed below.

cumulative impact will be considered; and	
c) c) urban, industrial or commercial subdivision is proposed in Priority 3 public drinking water source	
areas	
Where land is being rezoned for the	Land is not being rezoned for the
creation of lots less than one hectare and	creation of lots less than one hectare.
the highest groundwater level is less	
than 0.5m below the natural ground	
level.	

As Clause 5.1.1 does not apply to the subject site, the on-site treatment and disposal of sewerage is permitted where the minimum site requirements are achieved which are noted below:

The site is located in a sewerage sensitive area and as such a minimum lot size
of 1Ha is required for on-site disposal of sewerage.

The proposed amendment proposes a minimum lot size of 1Ha and as such can be considered for on-site treatment disposal of sewerage.

Summary:

- The soils over the entire site are similar sand to sandy-silt loams over clay at various depths.
- In all areas, dripline effluent would be permissible as enough area could be found where clay was at least 600mm below the surface. Flatbed drains and conventional leach drains may also be possible depending on the local siting of the system.
- Calculations for a 5 bedroom dwelling with 6 occupants and a cafe with up to 200 customers a day and 3 staff were conducted to outline the required on-site sewerage systems that would be required as part of future development.
- In total a 225sqm irrigated area is provided for the rear block which is proposed to accommodate a single dwelling. For the cafe an area of 552.5sqm is required.
- An indicative (suggestion only) area for wastewater effluent dispersal is shown in Figure 3 below.

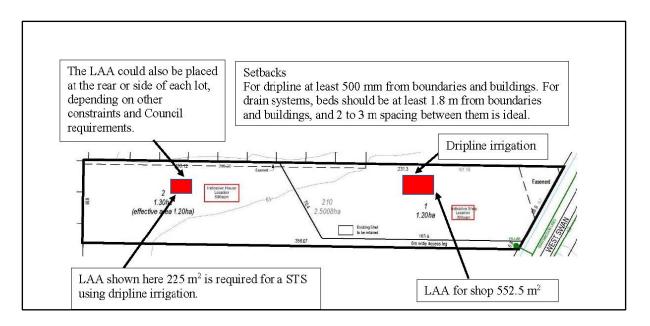


Figure 3 - Wastewater effluent dispersal

3.2 Local Planning Framework

3.2.1 Swan Valley Planning Scheme No. 1

The subject site falls within the area covered by the Swan Valley Planning Scheme No.1 (SVPS 1). Under the provisions of SVPS No.1, the subject site is zoned 'Priority Agriculture' as shown in Figure 4 below. As noted in previous sections above, the proposed Scheme Amendment seeks approval for an additional use of 'Café', and the insertion of provisions that enable subdivision at the subject site. Within the SVPS1 a 'Café' is defined as the following:

"means premises primarily used for the preparation, sale and serving of food and beverages for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988, with a net lettable area of not more than 150m²."

At present, the 'Café' land use cannot be approved in the 'Priority Agriculture' zone which is why we are seeking to amend LPS No. 1 to add an additional land use capable of approval at the subject site.

The objectives of the 'Priority Agriculture' zone are:

- 1. To protect priority agricultural land in the Swan Valley including existing vineyards and other areas of horticulture from incompatible land use and development.
- 2. To provide for long-term agricultural production in the Swan Valley by preventing further subdivision of land and protecting good quality soils from non-agricultural use and development.

- 3. To limit hospitality and tourism development and land use to where it is incidental and complements agricultural production and does not detract from the rural character and amenity of the area.
- 4. To ensure all land use and development enhances the cultural heritage, natural environment and protects the unique rural landscape character of the Swan Valley.

It is noted that the proposal is consistent with the objectives of the 'Priority Agriculture' zone for the following reasons:

- The Scheme Amendment is simply a response to a unique set of circumstances resulting from the encroaching residential development that has rendered the westernmost portion of the lot unusable for agricultural purposes. These circumstances include:
 - Water runoff and flooding.
 - The originally proposed 100m buffer to residential development being varied which has resulted in the need for the subject site to include a buffer function.
 - The water table has dropped in the area resulting in inconsistent access to water which reduces agricultural productivity.
 - Rural amenity to the west of the site damaged with an outlook of Colourbond fences and sheds.
 - Limited to no ability to manage the birds as pests which limits the viability of grape production.

Regardless of these circumstances, the Scheme Amendment does not seek to modify the 'Priority Agriculture' zoning and will continue to operate and function as a rural property as there is still the potential for the replanting of new variety vines in lieu of the existing vines on the northern aspect of the proposed easternmost lot with annual/perennial herb production on the western half of the easternmost lot. This land will be protected by the amendment through the conditions preventing the development of a 'Single House' on the easternmost lot.

- 2. The Scheme Amendment will not increase the number of residential dwellings capable of approval at the subject site despite enabling a subdivision. This will ensure the amenity of the 'Priority Agriculture' zone is retained, particularly on the easternmost proposed lot with the westernmost lot acting as a buffer to the residential development which is already non-productive land.
- 3. The 'Cafe' use will be incidental and supplementary to the agricultural activities likely to occur on the easternmost lot and will not detract from the rural

character and amenity of the area. Many other lots along West Swan Road, also have incidental shops/café/restaurants in addition to the primary agricultural land use.

4. The Scheme Amendment includes conditions to ensure that despite the subdivision, the rural landscape character will be maintained through limiting the floor space of the 'Café' and the number of residential dwellings capable of being considered at the site.

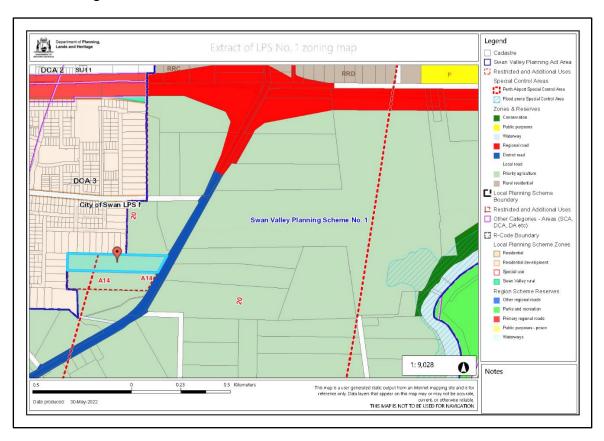


Figure 4 - Extract of SVPS No. 1 zoning map

4.0 Amendment Proposal

The proposed Scheme Amendment seeks to enable approval of the aforementioned 'Cafe' use or a produce store together with a two-lot subdivision at the subject site. Specifically, the amendment seeks to:

- 1. Designate Additional Use No. 15 (A15) over Lot 210 (No. 3003) West Swan Road, Caversham as designated on the Scheme Amendment map (refer Figure 5 / **Appendix 2**); and,
- 2. Amending Schedule 2 Additional Uses in SVPS No. 1 to include the following provisions relating to A15 (refer Table 1 below).

No.	Description of land	Additional Uses	Conditions
No. A15	Description of land Lot 210 (No.3003) West Swan Road, Caversham	'D' – Cafe - Produce Store (land or building wherein fodders, fertilisers and grain are displayed and offered for sale);	 Conditions Retail Floor Area is limited to 150m² in total. A maximum of one (1) 'Single House' on Lot 210 including if
			subdivided.

Table 1 - Proposed Schedule 2 Table Amendment

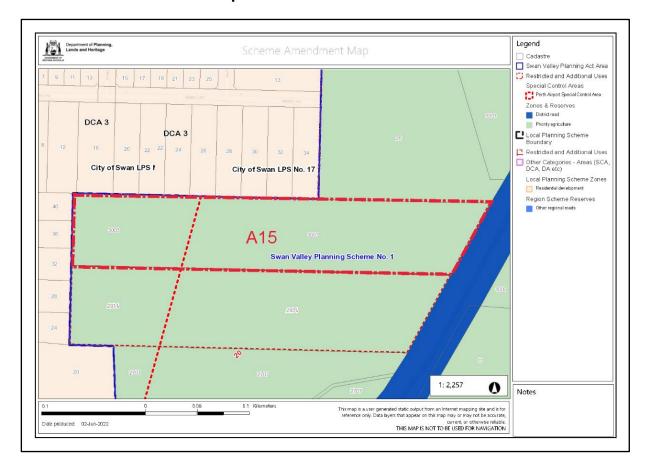


Figure 5 – Proposed Scheme Amendment Map

4.1 Concept Plan

In order to provide a contextual reference for the possible subdivision and 'Cafe' development on the site we have prepared a concept plan, which has been included in Appendix 3 and below in Figure 6. Future development applications will address the specific development requirements for a 'Café' and 'Residential' dwelling.

Whilst the applicable development concept plan is subject to change, what it details is that the proposed 'Cafe' land use is able to be accommodated on the subject site in a relatively compliant fashion whilst also integrating seamlessly with the surrounding

development and road network. Further, the location of the residential dwelling will occur on the portion of the lot that is surrounded by residential development.

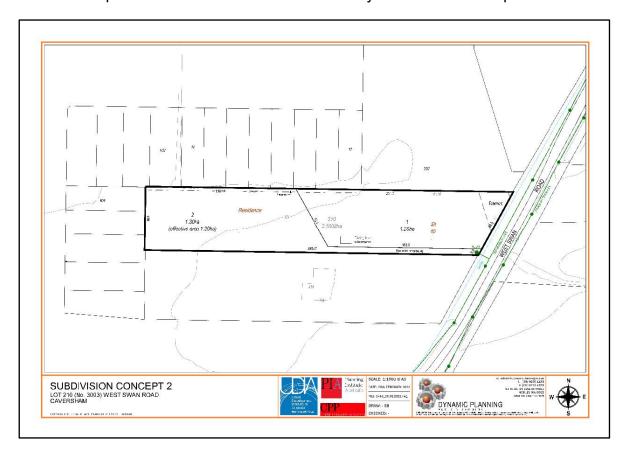


Figure 6 - Development Concept Plan

5.0 Justification

This LPS Amendment has been prepared in response to a reduction in the agricultural productivity of the subject site resulting from the encroaching residential development to the west. The amendment seeks to salvage the remaining productive agricultural land available at the subject site whilst also adding value through the ability to develop a 'Cafe' land use. The intended future development is a battle-axe subdivision with both lots being a minimum 1Ha, with the easternmost lot accommodating the 'Cafe' and the westernmost lot accommodating a 'Single House'. The proposed additional use scheme amendment is considered appropriate for initiation and subsequent approval for the following reasons:

- 1. The proposed Scheme Amendment is compliant with the Swan Valley Planning Scheme No. 1 and the objectives of the 'Priority Agriculture' zone, as demonstrated in Section 3.2.1 of this report.
- 2. The proposed subdivision will enable a more effective transition between the existing residential development that abuts the western portion of the site and

the 'Priority Agriculture' zone that abuts West Swan Road. Since the establishment of the adjacent residential land, the land at the west of the site has become less productive.

- 3. The subject site and proposed amendment has demonstrated compliance with Government Sewerage Policy 2019 and the ability to treat and dispose of sewerage onsite through the Site and Soil Evaluation.
- 4. The proposed development concept that has been prepared illustrates that a functional 'Cafe' development is able to be considered on the subject site that will integrate seamlessly with the adjoining development in the 'Priority Agricultural' zone. In addition, any future development will be able to comply with the relevant development provisions applicable to the 'Priority Agriculture' zone and specific development requirements associated with the 'Cafe' land use.
- 5. The addition of the 'Produce Store' land use will assist in supporting the remaining productive agricultural land at the site. It will also provide an avenue for the sale of products that support the broader 'Priority Agriculture' zone. Further, the 'Produce Store' land use is considered to be compatible with the 'Café' land use.
- 6. Approval of this proposed scheme amendment will not establish a precedence as there is historical correspondence with the WAPC and the Member for West Swan that recognises the loss in agricultural productivity resulting from the encroaching residential development primarily impacting the subject site and the adjoining 2931 and 2707 West Swan Road.
- 7. Previous examples of similar Scheme Amendments supporting the 'Cafe' land use can be seen throughout the Swan Valley Region. Specifically, adjacent to the subject site is A14 Lot 211 (No. 2931) West Swan Road, Caversham. A14 has an incidental restaurant 'Pasta in the Valley' and the approved additional use of 'Food and Beverage Production' with the following conditions:
 - a. Incidental to existing restaurant use.
 - b. Building envelope of 800m2 or less, located west of existing restaurant and north of existing dwelling.
 - c. Development to be designed and constructed to be sympathetic to Swan Valley rural character.
 - d. Development to be landscaped to screen from West Swan Road.

Other examples of similar Scheme Amendments supporting the 'Cafe' land use can be seen in A5 and A7. The details of the two additional use examples can be seen below in Table 2.

No.	Description of Land	Additional Uses	Conditions
5	Lot 25 on D74305	P – 'Local Shop' being limited to:	Limited to the following
	(No.1084) Great Northern Highway	imited to.	approximate retail floor areas:
	(cnr Haddrill Road), Baskerville	i. General Store ii. Newsagency iii. Hardware iv. Liquor Store v. Butcher D – Produce Store; - Office; - Fuel Sales	i. General Store and Liquor Stone (475m2) ii. Newsagency and Butcher (75m2 each) iii. Offices (100m2 each) 2. The total floor space for
		A – Bulk Fuel Supplies	all retail (excluding office and produce store) uses on the site is to be limited to 625m2 GLA. 3. A maximum of five (5)
			fuel pumps are permitted on the site.
7	Lot 3 on D47901 (No. 777) Great Northern Highway, Herne Hill	D – 'Local Shop'; - Fuel sales; - Lunch Bar; - Shop and being limited to: i. Café;	1. The total floor space for all uses on the site is limited to 350 square metres Gross Leasable Area (GLA).
		ii. Arts and Crafts Shop; and or iii. Tourist information	A Maximum of two (2) fuel pumps are permitted on site.
		Service Office.	3. The display and sale of Arts, Crafts and Tourism Information is to predominantly relate to and/or be produced in the Swan Valley to the satisfaction of Commission.
			4. The design and sitting of buildings,

	landscaping and signage is to be in keeping with the traditional rural character of the Swan Valley to the satisfaction of Commission.
	Commission.

Table 2 -A5 and A7 additional use Scheme Amendments

6.0 Conclusion

In light of the above, the proposed Scheme Amendment that seeks to amend Schedule 2 of the Swan Valley Planning Scheme No. 1 by adding the additional use of 'Cafe' and enabling the subdivision of Lot 210 (No. 3003) West Swan Road, Caversham, is considered appropriate for initiation and endorsement by the WAPC for the following reasons:

- The proposal is not within the applicable MRS area and is consistent with the provisions of the Swan Valley Planning Act 2020.
- The proposal is consistent with the Government Sewerage Policy 2019.
- The proposed amendment will not conflict with the objectives of the 'Priority Agriculture' zone, nor will it negatively impact the rural character of the Swan Valley region. In addition, it will deliver a range of benefits to the surrounding locale and visitors to the region.
- The proposed 'Cafe' or 'produce store' land use is considered supplementary to the primary land use of agricultural production. The proposed subdivision will provide a transition between the encroaching urban development from the west, while also protecting the quality agricultural land. Overall, the scheme amendment proposes development more consistent with the vision for the area and the objectives of the 'Priority Agriculture' zone.

In this regard we respectfully request that the WAPC resolve to support and approve the proposed amendment.

Swan Valley Planning Act 2020

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

Amendment No. 4

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. Amending the Scheme Map to insert Additional Use No.15 (A15) over Lot 210 (No. 3003) West Swan Road, Caversham.
- 2. Amending Schedule 2 Additional Uses to include the following provisions relating to A15 as follows –

No.	Description of land	Additional Uses	Conditions
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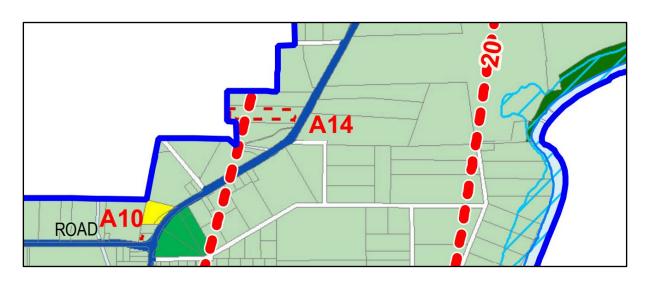
- 3. Amending Schedule 5 Additional site and development requirements at 2. Priority Agriculture zone in 1. Subdivision after 1.1 c. to insert:
 - "d. Subdivision of Lot 210 (No. 3003) West Swan Road, Caversham into two lots no less than 1 hectare in area compliant with relevant provisions of this schedule. The eastern new lot does not have a development right for a single house."

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

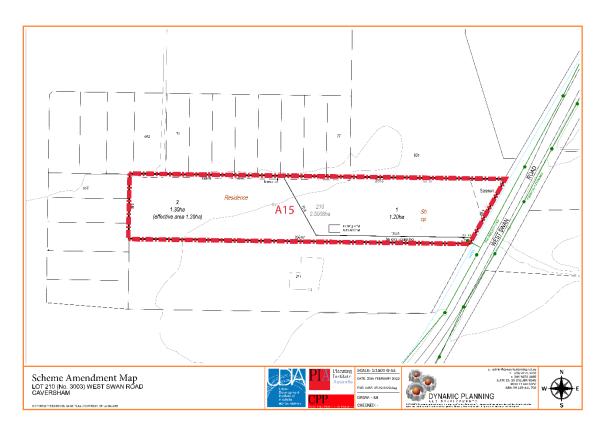
1. The amendment is considered to have a minimal impact on land in the scheme area that is not the subject of the amendment, thus satisfying standard amendment criteria (e) under r.34 of the Regulations.

- 2. 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.
- 3. The amendment does not reasonably satisfy the criteria for a complex or basic amendment under r.34 of the Regulations.

EXISTING SCHEME MAP



PROPOSED AMENDED SCHEME MAP



LEGEND



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 25 th day of October, 2022.
day of October, 2022.
WAPC CHAIRMAN
SWAN VALLEY PLANNING COMMITTEE RESOLUTION TO ADVERTISE
by resolution of the Swan Valley Statutory Planning Committee at the Meeting of the Committee held on the 25 th day of October, 2022, proceed to advertise this Amendment.
DR.
WAPC CHAIRMAN
SWAN VALLEY STATUTORY PLANNING COMMITTEE RECOMMENDATION
This Amendment is recommended
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