

10 OFFICER REPORTS**10.1 PLANNING AND REGULATORY SERVICES****10.1.1 Foggarthorpe Structure Plan - Drummond Street Toodyay**

Date of Report:	11 September 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	R Winslow – Acting Executive Manager Planning and Regulatory Services
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	LPP05 19/03/2009 and 28/06/2023
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider requesting the Western Australian Planning Commission (WAPC) extend the approval period for the Foggarthorpe Structure Plan so that it remains in operation for another three years.

BACKGROUND

The Foggarthorpe Residential Estate Structure Plan was first endorsed in 2007 and subsequently amended in 2016. This plan replaced an earlier structure plan prepared in 2001 to accompany Amendment 56.

As a structure plan that was endorsed prior to 2015, the plan was provided a fresh 10-year validity window by the WAPC, commencing on 19 October 2015. This window closes on 19 October 2025, after which the structure plan will cease to operate unless this approval period is extended.

Subdivision and development within the structure plan area is ongoing, with current subdivision approvals in place north of Boyagerring Brook and the Amendment 1 residential proposal on Murray Walkway / Drummond Street. Given these projects are currently proposed, it is appropriate for the Foggarthorpe Structure Plan to remain in place in the short term.

COMMENTS AND DETAILS

It is proposed to request the WAPC extends the approval period for the Foggarthorpe Structure Plan for three years ending on 19 October 2028. This extended period will allow for subdivision proposals to come to fruition and/or new strategic planning of the area to take place.

The alternative to extending the structure plan would be to allow it to lapse. Should this occur, there is no other structure plan or strategic document that will provide sufficient guidance on how the area is to be planned and developed. Officers do not recommend the structure plan lapse as it remains an important guiding document to development in the Foggarthorpe area.

Given the age of the structure plan, extending it for another ten years is not recommended. This approach is also unlikely to be supported by the WAPC. The three-year extension is considered to be the appropriate amount of time to allow for replacement planning or subdivision and development to take place.

IMPLICATIONS TO CONSIDER

Consultative:

No public consultation is required to support a request for extension of approval time for the structure plan. The advice of the Department of Planning, Lands and Heritage was sought concerning the status of the structure plan and the appropriateness of extension.

Strategic:

Shire of Toodyay Council Plan 2023:2033

Outcome 5. High quality town planning complements our rural ambience and heritage.

5.1. Provide responsible planning and development.

5.2. Enable access to affordable, sustainable, and diverse housing options.

Policy related:

The structure plan and associated design guidelines were adopted as a Local Planning Policy. Should the structure plan lapse, it will be necessary to revoke the Local Planning Policy in accordance with clause 6 of the Deemed Provisions contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions).

Financial:

There are no costs associated with requesting the WAPC extends approval period for the Foggarthorpe Structure Plan.

Legal and Statutory:

The normal time limit placed on structure plans of 10 years is set by clause 28(1) of the Deemed Provisions. Subclause (2) provides for the WAPC to extend the term of approval.

In the event that Council resolves to request an extension of approval, the request to the WAPC will take the form of a "Form 5D" application. The WAPC will then determine whether to grant, modify or refuse the request. In the event of refusal, the structure plan will lapse on 19 October 2025 and be of no further effect.

The "Form 5D" application is required to be lodged with the WAPC prior to 19 October 2025.

Risk related:

A risk associated with allowing the structure plan to lapse (i.e. the do-nothing option) will be removal of detailed planning guidance over the subdivision and development of the Foggarthorpe area. Removal of structure planning may delay subdivision and development decisions until such time as a replacement structure plan or strategic guidance is in place.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM171/09/25

MOVED Cr M Dival

SECONDED Cr J Prater

That Council instructs the Chief Executive Officer to lodge a "Form 5D" request to the Western Australian Planning Commission to extend the approval period for the Foggarthorpe Structure Plan by three (3) years, to end on 19 October 2028.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick and J Prater

Voted Against: Nil

MOTION CARRIED 5/0