



LOCAL PLANNING SCHEME No. 5

Amendment No. 1

Planning and Development Act 2005

**RESOLUTION TO PREPARE AMENDMENT TO
LOCAL PLANNING SCHEME**

SHIRE OF TOODYAY

LOCAL PLANNING SCHEME NO. 5 - AMENDMENT NO. 1

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amends the above local planning scheme by:

1. Reclassifying portion of Lot 9508 Burt Parkway, Nunile from Public Open Space reserve to:
 - a. Residential zone and applying a density coding of R20 and R35; and
 - b. Local Road reserve; and
2. Reclassifying Lot 8006 Murray Walkway, Nunile from Residential zone to Public Open Space reserve and removing the R10 density coding from the affected parcel.

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

- An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.

Date of Council Resolution.....


.....
(Chief Executive Officer)

Dated this day of 20.....



EXISTING SCHEME MAP

Legend


 Cadastre with Lot number

 LPS R Codes


LPS Zones

 Residential

LPS Reserves

 Drainage/waterway

 Education

 Local road

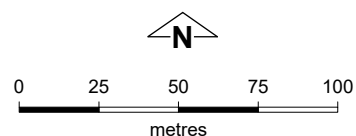
 Public open space

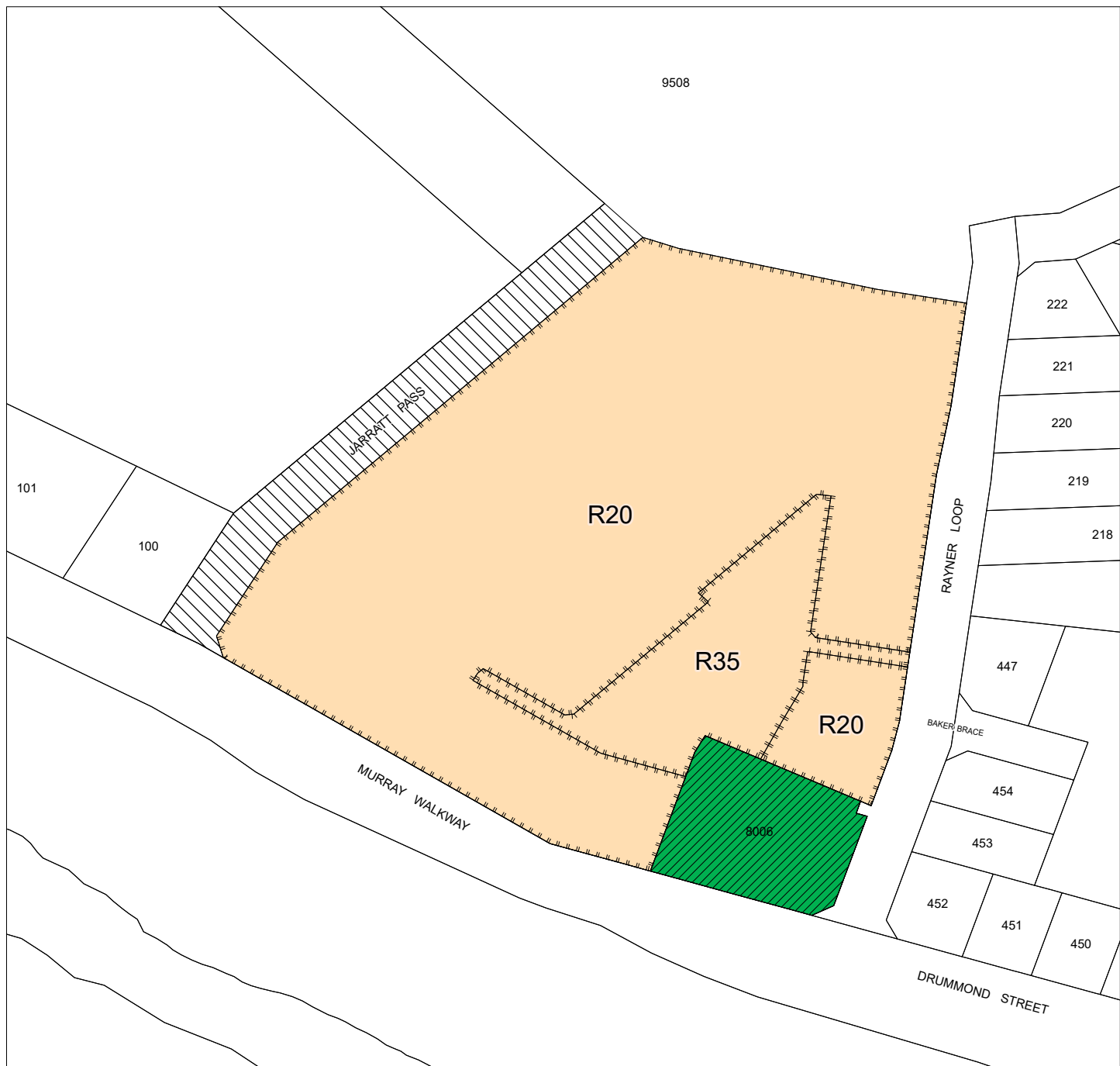
Shire of Toodyay

Local Planning Scheme No. 5


Amendment No. 1

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


Legend

 Cadastre with Lot number

 R Codes Amendments

LPS Zones and Reserves Amendments

 Local road

 Public open space

 Residential

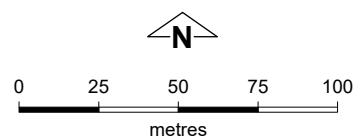
PROPOSED SCHEME AMENDMENT MAP

Shire of Toodyay

Local Planning Scheme No. 5

Amendment No. 1

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SHIRE OF TOODYAY
LOCAL PLANNING SCHEME NO. 5 - AMENDMENT NO. 1
SCHEME AMENDMENT REPORT

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1 Introduction

1.1 Proposal

This scheme amendment proposes to amend the Shire of Toodyay Local Planning Scheme No.5 (the Scheme) by reclassifying:

- a portion of Lot 9508 Burt Parkway, Nunile from Public Open Space reserve to:
 - Residential zone (with a density of R20 and R35 applied to the new zone); and
 - Local Road reserve (over the current alignment of Jarratt Pass).
- Lot 8006 Murray Walkway, Nunile from Residential zone to Public Open Space reserve.

The amendment has been prepared by the Shire of Toodyay as part of its commitment to the Federal Government Housing Support Program.

The amendment is required to facilitate the subdivision and development of housing in the town of Toodyay. This site will have a particular focus on the provision of key worker accommodation, with related markets including aged, social and affordable housing. Pre-development of the site is being assisted by federal, state and local government funding/assistance.

Lot 9508 is owned freehold by the Shire of Toodyay. It is an inverted 'L'-shaped lot with the 4.3ha portion to be reclassified being the bottom of the 'L' bounded by Drummond Street, Murray Walkway and Jarratt Pass. The remaining 9.8ha of the 14.1ha site houses the Toodyay Sports and Recreation Complex and its expansion area.

Whilst Lot 9508 has been reserved by the Scheme for public open space (POS), it is not included in the 10% POS required to be ceded to the Crown free of charge as a condition of the subdivision of residential land. This report will identify that the land is surplus to both the overall orderly and proper provision of POS in the town and to the needs of the Shire of Toodyay to support its community.

Lot 8006 houses a drainage sump and open space that was included in the original POS contribution calculations for the Foggarthorpe Structure Plan Area. The Amendment seeks to reflect this by reserving Lot 8006 as POS reserve rather than its current residential zoning.

In addition to reclassification of the site, a development concept has been prepared that illustrates the Shire of Toodyay's intentions for its subdivision and development (**Figure 5.1**). This concept is not intended as a statutory structure plan, rather a general indication of development intent and to inform the preparation of a Bushfire Management Plan (**Appendix A**).

1.2 Rationale for R20 and R35 density

A density code of R20 is proposed over the majority of the new residential zone due to the following reasons:

- The amendment site is fully serviced with water, sewer and electricity connections at three frontages;
- The proposed density acts as a stand-alone site with no shared boundaries to lower-coded lots;
- Given the availability of sewer, there is no necessity for a dual coding where a default lower coding is applied unless sewer is provided;

- The amendment site is located adjacent to the Toodyay Sports and Recreation Complex and the Avon River foreshore, both of which are reserved for public open space;
- The amendment site is located in close walking distance to the Toodyay District High School and in easy walking distance to the town centre via the existing pedestrian bridge across the Avon River;
- The R20 density is used on large areas of the Toodyay townsite with the proviso of sewer being made available;
- The R20 density would allow for efficient use of services and infrastructure; and

The R20 density would allow for a range of dwelling and tenure types to be explored for the amendment site, consistent with the Shire's intent and commitment to the Federal Housing Support Program.

Smaller areas of R35 density are proposed within the new residential zone. These are located on two grouped dwelling sites that are shown on the development concept. The intent of these two sites is to provide smaller housing more appropriate for weekday workforce accommodation and grouped housing opportunities. The R35 density has been applied to allow for a maximum of 19 grouped dwellings. The opportunity has been taken to sleeve the grouped dwelling sites to retain an R20 single house streetscape. Given the shapes of the grouped dwelling sites, detailed planning will be required to identify the internal layout and final yield. The smaller site is proposed to be utilised by the Shire of Toodyay for staff housing. The larger site may support a social housing provider or grouped dwelling developer.

Consideration was made to utilise a single density across the site or to provide for a split coding. However, the concept plan that has been developed is sufficiently progressed to allow for the boundaries of the R20 and R35 areas to be denoted in the amendment.

1.3 Associated assessments and approvals processes

Reclassification of the site is the first stage in the ultimate objective of releasing residential land targeting key workers accommodation. In event of this amendment being approved, the amendment site will be excised from the remainder of Lot 9508 by application to the Western Australian Planning Commission (WAPC). Subsequent subdivision and development that is generally consistent with the development concept at Chapter 5 will take place over time.

1.4 Importance of the amendment

There is currently a market failure in the provision of serviced land and housing to accommodate current needs and envisaged growth trends. The Shire of Toodyay is part of the AROC-Dandaragan Workforce Housing Investigation 2024, this investigation identified that the Shire has a current estimated shortage of between 95-135 private and public sector workforce dwellings.

To accommodate the private and public sector workforce anticipated between 2024 and 2031, an additional 221-261 dwellings are required over this period. Total dwellings required over the same time (all sectors) is estimated at 340-400, which is 1.6-1.9 times greater than current building activity.

There is a shortage of suitably serviced residential lots in the town of Toodyay. A recent search of vacant land for sale, with an area of up to 2,000m², identified 6 lots. Of these, 5 were 1,000m²-1350m² in area, with the final lot 350m². This amendment will support a greater range of lot sizes in the townsite and would be relatively affordable when compared with the majority of larger existing lot sizes.

The current shortfall in workforce accommodation, housing construction not meeting demand and the lack of serviced lots on the market point to a general market failure in Toodyay. This market failure has been

identified in the Workforce Housing Investigation 2024 and is not constrained to the Shire of Toodyay. Other Shires in the Wheatbelt are experiencing similar market failure and consequential shortfall in workforce housing.

This amendment will allow the Shire of Toodyay to directly intervene in the supply of residential land and housing to the benefit of the community. This amendment will clearly show that reclassification of the land from POS will not adversely impact on the provision of recreational and community infrastructure in the Shire. Rather, it will realise a community-held asset and promote continued investment and development in the town of Toodyay.

1.5 Housing supply and demand

Between 2011 and 2021, population and number of dwellings increased by 214 and 108 respectively. The average household size decreased from 2.4 to 2.3 in the same time period. Looking forward, the population in 2031 is projected to be 4,984, with 340-400 additional dwellings required between now and 2031.

Whilst the housing investigations commissioned by the Shire have focussed on workforce housing, these have also identified an undersupply in other housing sectors, such as aged accommodation. There is currently an undersupply of housing to meet public and private workforce demands of 95-135 dwellings.

In addition to workforce and specialised housing needs, Toodyay also experiences demand for commuter housing. With Perth property prices and rental values increasing dramatically over the past 5 years, there is likely to be an increase in demand for housing in Toodyay as people are shifted outwards in search of cheaper accommodation.

There is comparatively little land available for sale in the Toodyay townsite. This translates to reduced supply of new housing. Whilst alternatives to a residential lot in town exist in the surrounding rural and rural residential areas, this is unlikely to fully cater for demand.

The amendment site provides an opportunity to produce more residential supply whilst meeting the Shire's objectives related to increasing workforce housing. The amendment site is well suited as it has not been identified for any other development and is not part of the public open space requirement for the Foggarthorpe Structure Plan.

1.6 Recreation and public open space needs

Public open space provision

There is a general principle of residential land subdivision in Western Australia that a minimum of 10% of the gross subdividable area is ceded to the Crown free of cost for public open space. Whilst there are some exemptions and modifications to this approach, it applies to the subdivision of the Foggarthorpe Structure Plan area. Between 2001 and 2006, a 9ha parcel of land within the estate land holding was ceded as a condition of subdivision as "public recreation". This in effect provided the 10% POS required for the entire Foggarthorpe structure plan area. Drains / POS were anticipated to be a part of that open space but were classified as Residential land, despite their crown reserve status.

Additional land was subsequently ceded around Boyagerring Brook and some drainage/recreation sites on Drummond Street. In total, 15.6% of the gross residential subdividable land has been ceded free of cost to the Crown and subsequently vested in the Shire of Toodyay. **Figure 1.1** outlines the POS contribution for the structure plan as calculated in the 2016 version of the Foggarthorpe Structure Plan.

It is stressed that current Lot 9508 is not included as part of the POS required for the Estate. This land was purchased at commercial rates by the Shire of Toodyay in 2013, after all POS had been ceded. Lot 8006 is one of the 4 drainage sites located in Drummond Street.

	Previous (DP25741)	2007 Plan
Structure Plan Area	99.7678 ha	
Less		
• Rural Lots	27.0563 ha	-
• High School Expansion	1.385 ha	-
• Special Site	1.7048 ha	-
Gross Subdivisible Area		69.6217 ha
10% POS Provision		
Total Public Open Space		
• Lot 1 POS ceded	9.2401 ha	-
• POS – Surrounding Boyagerring Brook (usable – external to floodline)		0.94154 ha
• 4 Drainage Sites in Drummond St		0.445 ha
Public Open Space Provided	9.2401 ha	1.38654 ha
Total POS	10.62664 ha or 15%	

Figure 1.1 – Extract from Foggarthorpe Structure Plan 2016 relating to POS contributions

2001 – 2014 Recreation Concept

The 2001 Foggarthorpe Structure Plan provided for a new recreation and sporting complex to be located to the west of Boyagerring Brook. This approximately 7ha site was subsequently ceded to the Crown at no cost and vested in the Shire of Toodyay for Public Recreation. This land remains reserved to this purpose to this day. However, it is not being used or considered for recreational activity since the Toodyay Sports and Recreation Complex was constructed.

2014 Sporting Master Plan

In 2014, the Shire drew its attention to an alternative site for a future recreation complex. This site occupied 14.1ha of land that the Foggarthorpe Structure Plan identified for residential lots. The 2014 site is now Lot 9508.

The 2014 design concept is shown in **Figure 1.2** below. The concept proposed all sporting and recreational facilities to be located on the main portion of the site, north of Burt Parkway. The amendment site is shown as “public open space” with no sporting infrastructure.



Figure 1.2 – 2014 Sporting Master Plan (Full Development)

2018-19 Sporting Master Plan

During 2019, the Shire refined its sporting master plan for the precinct to improve the functionality of the site. Whilst the focus was on Stage 1, the master plan considered the football and cricket oval as a second stage. As with the previous master plan, there was no intention of developing sporting facilities on the amendment site. In this masterplan, the amendment site was removed completely.

This 2019 Masterplan forms the basis for the subsequent construction of Stage 1 (aquatic centre, ball courts, hockey/rugby/soccer pitch and pavilion).

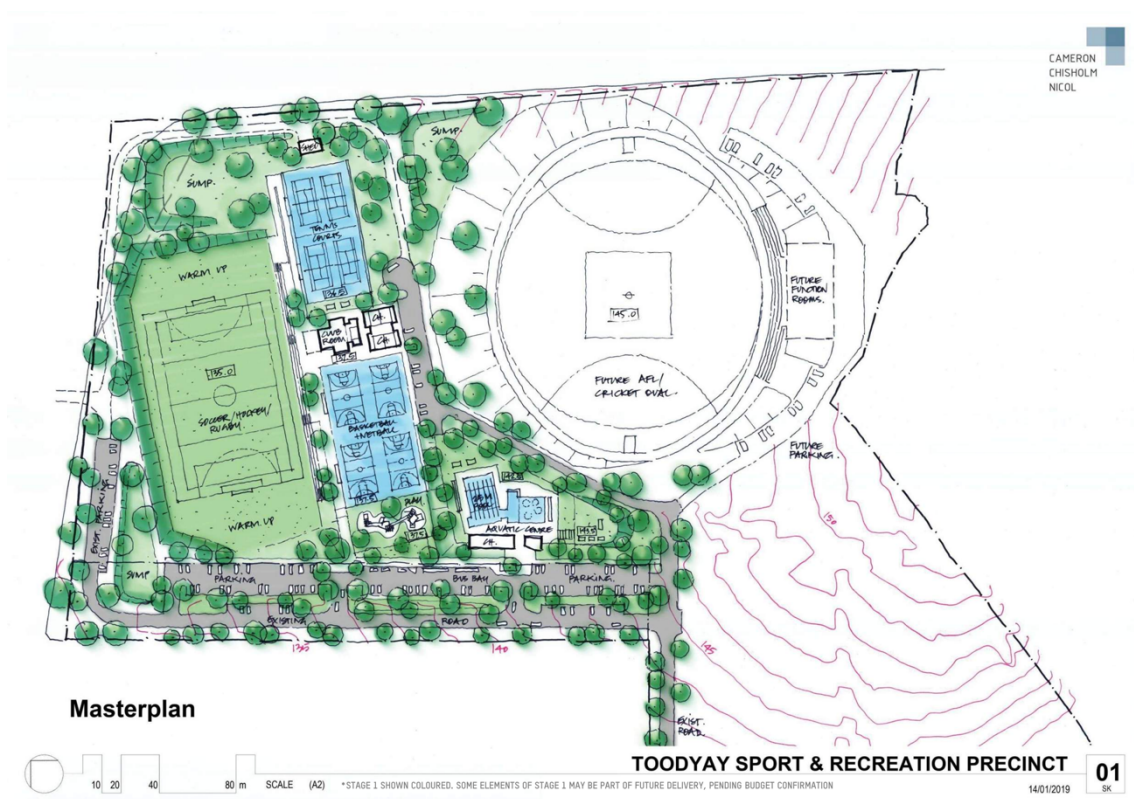


Figure 1.3 – 2019 Sporting Complex Master Plan

Current Situation

The 2019 masterplan remains the most contemporary planning document for the Toodyay Sports and Recreation Complex. Development of the football and cricket oval will depend upon funding opportunities and the Shire's capital work planning. In the meantime, filling of the oval site has taken place as opportunities arise.

Whilst there is no immediate commitment to construction of the oval, the amendment site can be independently planned and developed. The future extension of Burt Parkway to link with Drummond Street forms a natural boundary between the future recreation complex expansion and residential development of the amendment site.

2 Site context and considerations

2.1 Location

The amendment site is located to the east of Toodyay District High School and is bounded by Murray Walkway to the south, Jarratt Pass to the West and Drummond Street to the east. A future extension of Burt Parkway will be the future northern boundary of the site.

The site is located approximately 2km by road from the Toodyay Town Centre, although pedestrian access is shorted due to the presence of a footbridge across the Avon River in Newcastle Park. Bitumen road access to the town is via Stirling Terrace, Goomalling-Toodyay Road and Drummond St East.

2.2 Site area

The amendment site is 4.1ha in area. However, as the site is portion of a larger allotment, the final area and dimensions are subject to survey.

2.3 Land Details and Ownership

Lot 9508 on Deposited Plan 77718 is 14.1ha in area. The lot is shown on Certificate of Title Volume 2823 Folio 852. The registered proprietor of the lot is the Shire of Toodyay, with the purchase taking place in October 2013 (\$1.3 million).

The Certificate of Title includes the following limitations, interests, encumbrances and notifications:

1. The right to mines of coal or other minerals being excluded from a portion of the lot near the present-day rugby/hockey/soccer pitch (does not affect the amendment site);

Easements to the Shire of Toodyay for public access purposes. These easements have been converted to road reserve with the exception of the easement running east-west across Lot 9508. This was originally a future road alignment, but has been developed for the Toodyay Sports and Recreation Complex. Access across the area has been provided via Murray Walkway, Jarratt Pass and Burt Parkway. This easement does not affect the amendment site;

2. Easement burden for sewerage (benefit Water Corporation); and
3. Easement burden for drainage (benefit Shire of Toodyay).

There are no easements or other encumbrances affecting the amendment site. Future subdivision of the site will extinguish the east west public access as this need will have fallen away through the provision of an extension to Burt Parkway.

2.4 Current and surrounding land uses

Current land uses

The land is currently vacant and is cleared of most vegetation. The alignment of roads identified in the Foggarthorpe Structure Plan have been developed as narrow access tracks. There is no evidence of previous development on the amendment site.

The northern part of the site was partially filled with excavated soil that resulted from the development of the sports and recreation complex. This fill has been levelled and graded to manage weeds.

Surrounding Land Uses

The amendment site is located in an area intended to be predominantly residential, with supporting educational (Toodyay District High School) and recreational uses (Toodyay Sports and Recreation Complex). The site is located on the northern side of the Avon River, with the town centre located on the southern side. Pedestrian access to the school from the town centre is via a bridge across the Avon River at Newcastle Park.

To the east of the amendment site is a relatively new residential area with a density code of R10. Lot sizes start at 890m² with the majority 1000-1100m² in area. There are still a number of undeveloped sites in this area.

Toodyay District High School is located on a 7.1ha site to the west of the amendment site. This school caters for students from Kindergarten to Year 10. Years 11 and 12 are catered at Northam or metropolitan schools.

The Toodyay Sports and Recreation Complex is located on Lot 9508 (i.e. the same lot as the amendment site). The complex currently comprises an aquatic centre, ball courts and a grassed rugby / hockey / soccer pitch. There is also a pavilion providing community space and changing facilities. There is sufficient space located between the existing complex and the amendment site for a future football / cricket oval. Some filling of the site has occurred over time.

The southeastern corner of the site is excised for Reserve 53674 (Lot 8006), which is vested in the Shire of Toodyay for the purpose of drainage and zoned Residential R10.

Context Plan

An overall context plan of the site in relation to the southeastern part of the Toodyay Townsite is shown at

Figure 2.1.

2.5 Existing Site Characteristics

Located on the northern bank of the Avon River, the amendment site features a rising slope with an approximately 20m rise from southwest to northeast as depicted in **Figure 2.2**. The eastern side of the site has a slightly steeper incline compared to the more moderate western side. The site is largely cleared of vegetation, with a stand of trees situated near the centre.

Bitumen road access is available on the eastern, southern and western frontages. An extension of Burt Parkway along the northern edge of the amendment site will provide another access point, as well as act as the northern extent of the site.



Figure 2.1 – Context Plan

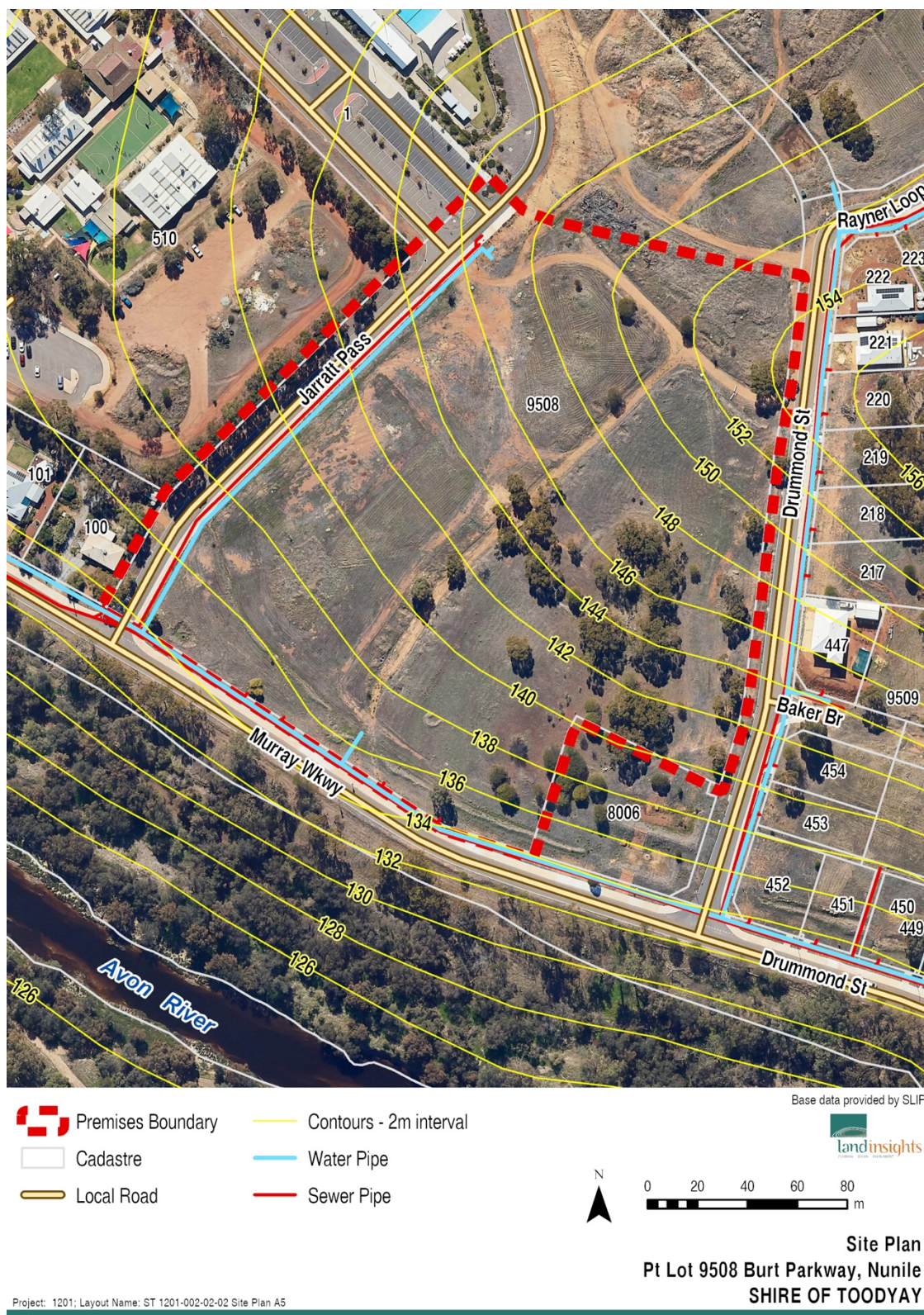


Figure 2.2 – Amendment site plan

2.6 Infrastructure requirements

The amendment site is serviced by the following:

- Water Corporation water mains and gravity sewer mains in Drummond Street, Murray Walk and Jarratt Place;
- Shire drainage in the three adjacent roads and in abutting Reserve 53674; and
- Western Power underground power in the verges of the three adjacent roads.

It can be assumed that planning of services was based on the original structure plan that included full residential development of Lot 9508. Therefore, there is spare capacity to cater for residential development of the amendment site. Furthermore, existing services are located abutting the amendment site on three sides. This allows for ease of connection or mains extension.

3 State and regional planning framework

3.1 State Planning Policy 2.0 – Environment and natural resources policy

This policy requires the integration of environmental and natural resources considerations into the planning process. Specific to this amendment, the Policy requires reclassification and rezoning to:

- Protect and enhance the natural environment;
- Promote sustainable land use; and
- Align with broader environmental goals.

The amendment site is located within the Toodyay settlement area and can be considered an infill site. The site is also located outside of flood areas and is predominantly cleared. It is an idea candidate for development when considered against the Policy principles.

3.2 State Planning Policy 3.0 - Urban growth and settlement

The purpose of State Planning Policy 3.0 (SPP 3.0) is to promote a sustainable and well-planned pattern of settlement across Western Australia. SPP 3.0 aims to ensure sufficient and suitable land for housing, employment, recreation and open space, while managing urban growth in response to social, economic, and environmental factors.

The objectives of State Planning Policy 3.0 are outlined in the table below with a comment/response on how this amendment addresses each objective.

Objective	Description	Comment / Response
Sustainable Settlement	Promote a sustainable and well-planned pattern of settlement across the state, ensuring sufficient and suitable land for housing, employment, recreation facilities, and open space.	Toodyay is a recognised regional town is close proximity to the Perth Metropolitan Region and the sub-regional centre of Northam. Residential expansion in the Toodyay townsite is supported on sustainability grounds given the concentration of existing services and community facilities.
Community Building	Build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.	The amendment proposes increasing the residential land area available in the Toodyay townsite. It is consistent with this objective.
Urban Growth Management	Manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.	The amendment proposes utilising 4.3ha of land not required for the future recreational needs of the Toodyay community. This land is located adjacent to existing residential development and located next to the Toodyay District High School. The land is predominantly cleared and is serviced. The

Objective	Description	Comment / Response
		amendment is consistent with this objective as it is considered infill development and an efficient use of land.
Sustainable Neighbourhoods	Promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.	The amendment site is located in close proximity to the Toodyay town centre, District High School and Sports and Recreation Complex. Direct pedestrian access into the town centre is via a footbridge across the Avon River. The development concept proposes a range of housing types with the ability to cater for a range of housing market sectors, including workforce housing, aged housing and affordable housing. The objective is met by the amendment.
Infrastructure Coordination	Coordinate new development with the efficient, economic, and timely provision of infrastructure and services.	Water, sewerage and underground electricity are at the boundary. Bitumen roads are provided on three frontages. Planning for the Foggarthorpe structure plan area was based upon residential development of Lot 9508. The return to residential use of a portion of this lot is readily catered by the existing services.

3.3 State Planning Policy 3.4 – Natural hazards and disasters

The purpose of SPP 3.4 is to encourage local governments to adopt a systematic approach to the consideration of natural hazards and disasters when performing statutory or advisory functions. In this case, the relevant natural hazards are flood and bushfire. Both of these hazards are enshrined in the Shire of Toodyay's planning framework.

In relation to flood, the Local Planning Strategy identified a flooding special control area (SCA), based upon state government flood data. This SCA has subsequently been placed into the Scheme. The amendment site is located outside of this flood area or flood fringe and is not located within the SCA. No special consideration of flood hazard is required for this amendment or the future development of the amendment site.

It is noted that bushfire hazard is now dealt with by standalone State Planning Policy 3.7 *Bushfire*. This is addressed in the section below.

3.4 State Planning Policy 3.7 – Bushfire

Policy

State Planning Policy 3.7 Bushfire (SPP 3.7) was gazetted in November 2024. The intent of SPP 3.7 is to implement effective, risk-based land use planning and development which in the first instance avoids bushfire risk. Where this is unavoidable, management and mitigation of the risk to people, property and infrastructure to an acceptable level is promoted.

Guidelines

The Planning for Bushfire Guidelines support SPP 3.7. The Guidelines were revised in November 2024 and provide detailed guidance on the management and mitigation of bushfire risk at all stages of the planning process. For this amendment, the requirements of Criteria 4 (Strategic Planning) and Criteria 5 (Structure Plan / Subdivision) have been applied. A Bushfire Management Plan to support this amendment and a future subdivision is included at **Appendix A**.

The Bushfire Management Plan has been prepared in full compliance with the strategic planning and subdivision elements of the Guidelines and does not require an outcomes-based approach to show compliance with the bushfire protection criteria.

The indicative Bushfire Attack Levels (BAL) for the lots shown on the Development Concept are generally BAL-LOW and BAL-12.5. The lots fronting Murray Walkway and located adjacent to the Avon River reserve are indicatively BAL-40 with a note stating that the lots are of a sufficient size to accommodate building construction to a maximum of BAL-29. This will be readily accommodated by locating the buildings behind the deemed-to-comply street setback of 6m.

The State Planning Policy and associated Guidelines have been complied with by this amendment and the Development Concept.

3.5 Government sewerage policy

The Government Sewerage Policy generally requires all new development to be connected to reticulated sewerage at the subdivision stage. The amendment site is connected to the Toodyay reticulated sewerage scheme, thereby meeting the intent of the Policy.

3.6 Residential Design Codes Volume 1

The Residential Design Codes (R-Codes) provide planning and design provisions to ensure appropriate standards of housing, promote diverse housing types and encourage sustainable development. The amendment proposes to apply a residential zone and density code of R20 and R35 to the amendment site. This will then trigger the requirements of the R-Codes Volume 1 as it relates to the ultimate development of the amendment site for dwellings.

No variations to the R-Codes are proposed to be inserted into the Scheme by this amendment.

3.7 Wheatbelt regional planning and infrastructure framework

The Wheatbelt Regional Planning and Infrastructure Framework is a regional strategic planning document that provides an overview of regional planning issues and serves as a basis for ongoing planning and

development. It was endorsed in December 2015 and will be superseded in the future by the proposed Wheatbelt Regional Planning Strategy.

The Wheatbelt framework identifies Toodyay as a key area for residential growth due to its proximity to Perth and its attractive rural lifestyle. The amendment is consistent with the framework in this regard.

4 Local planning framework

4.1 Shire of Toodyay Local Planning Scheme No.5

The amendment site is currently reserved for Public Open Space. **Figure 4.1** shows the zones and reserves in the vicinity of the amendment site. To the east is residential-zoned land with a density of R10. To the west is predominantly a public purposes reserve for the Toodyay District High School, with two Residential R10 lots on Murray Walkway.

This amendment seeks to reclassify the amendment site to Residential R20 and R35 zone and Local Roads reserve and reclassify Lot 8006 from Residential zone to PublicOpen Space reserve.

No amendments to the Scheme Text are proposed.

Special Control Areas

The amendment site is located within, or situated in proximity to the following special control areas:

SCA	Purpose / Considerations	Comment
SCA 1 – Infrastructure Toodyay Bypass Special Control Area	<p>To protect future residential development from traffic noise impacts associated with the Bypass.</p> <p>Rezoning, subdivision or development is to have regard to the potential impact of the bypass on future residential amendment.</p>	<p>The bulk of the amendment site is not located within this SCA. A small portion of the site in the northeastern corner affects the rear of two proposed single house lots.</p> <p>The northern edge of the amendment site is located approximately 200m from the outer edge of the road reserve for the future bypass. This is considered a sufficient separation based on Table 2 of the <i>State Planning Policy 5.4 Road and Rail Noise Guidelines</i> (September 2019) for an Other Significant Freight / Traffic Route located in a rural area with 100+ km/hr speed limit. No further measures are required at this distance.</p>
SCA 2 – Flood and Landscape Avon River Special Control Area	<p>To preserve the ecological values of the Avon River as a significant drought refuge for freshwater fishes and water birds.</p> <p>To ensure that any development takes place in a manner that safeguards the welfare of people in the area. To ensure that future</p>	<p>The amendment site is located outside of the SCA, with Murray Walkway forming the northern edge of the SCA.</p> <p>Whilst the considerations of the SCA are not applicable to the amendment, the principal of ensuring an environmentally-</p>

	infrastructure development does not impact the environment.	responsive development will be applied.
SCA 5 – Landscape Protection Special Control Area	<p>To maintain the integrity of landscape, particularly along the Avon River waterway and adjoining recreation sites.</p> <p>To protect and enhance the landscape and scenic values through control over location, design and siting of development.</p>	See discussion below.

Landscape Protection

The amendment site is located within SCA 5 Landscape Protection. A visual impact assessment is required to accompany rezoning requests to allow for assessment of any impacts. In this case, landscape protection and visual impact were considerations of the Foggarthorpe Structure Plan prepared in 2007. This plan provided for the amendment site to be developed for housing, consistent with the development east of Drummond Street. The development concept will see housing on the amendment site in a similar manner to the 2007 structure plan. Further, the development acts as an infill between the existing residential area to the east and the Toodyay District High School to the west.

The Shire of Toodyay may wish to consider expanding the Design Guidelines Policy for the Foggarthorpe Structure Plan to encompass the amendment area, prior to development taking plan.

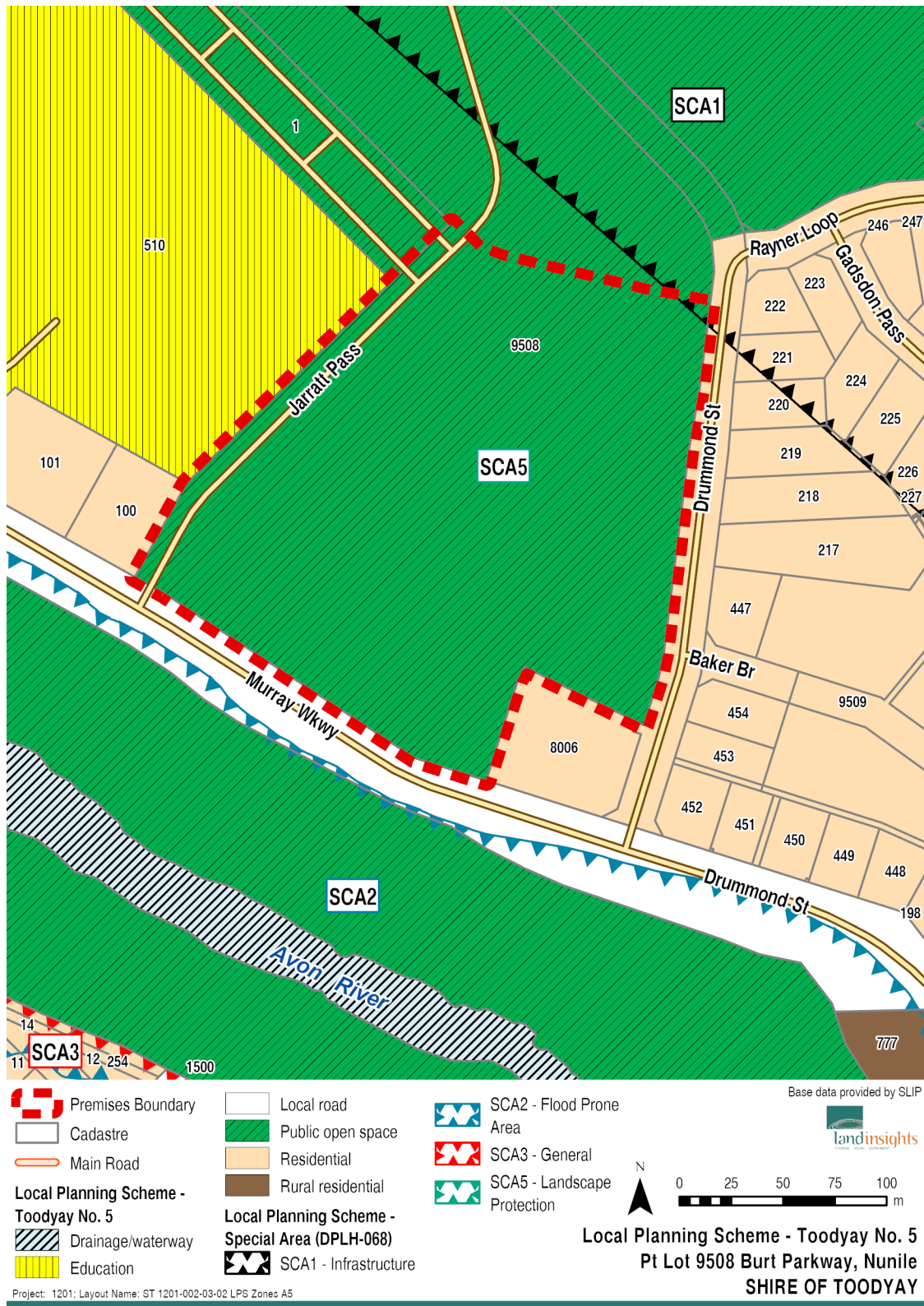


Figure 4.1 – Current Zonings and Reservations in Local Planning Scheme No.5

4.2 Shire of Toodyay Local Planning Strategy

The Shire of Toodyay Local Planning Strategy was endorsed by the WAPC in June 2018. The strategy objectives that relate to this amendment are outlined in Table 1 below together with comment on how the amendment addresses the objective:

Table 1 – Local Planning Strategy Objectives

Objective	Comment / Response
Plan for the sustainable provision of land to meet existing and future needs of the community and business.	<p>The amendment site constitutes infill development between the existing residential area to the east and the District High School to the west. It will be well-located in the context of recreational and education facilities, as well as readily accessible to the town centre via the existing road and foot bridges across the Avon River. Services have previously been installed to service residential use of the site. This amendment is consistent with the objectives of sustainability by using well-located and serviced land that is not required for recreational facilities.</p> <p>The amendment site was originally identified for residential development in 2001, with much of the road network and services installed to facilitate this development. The amendment site remained shown for residential development until 2016 when it was incorporated into the 14.1ha Toodyay Sports and Recreation Complex. Reversion to residential development will be consistent with the 2001 intent and the road and service planning that was implemented.</p>
Ensure development appropriately considers potential hazards such as flood and bushfire.	<p>Whilst the amendment site is located adjacent to the Avon River, it is on a site that is higher than the recognised floodway and flood fringe. Furthermore, the amendment site slopes upwards away from the river. Development will not require specialised consideration of flooding risk.</p> <p>The entire Toodyay townsite is recognised as a bushfire prone area. Specific consideration of management of this risk is included elsewhere in this report. However, given the amendment site constitutes infill development, it is not considered to increase the risk from bushfire over and above that risk that exists for the town more generally.</p>
Protect and manage natural environmental resources of particular national, regional, and local significance, and minimise the environmental impact associated with the use or development of land.	<p>The amendment site has been subdivided and serviced in a manner that takes into account the proximity to the Avon River and its associated riparian vegetation. Murray Walkway as a constructed public road and acts</p>

Objective	Comment / Response
	<p>as a clear boundary between the amendment site and the river foreshore.</p> <p>Development of the predominantly cleared amendment site will utilise existing services and not trigger additional environmental impact.</p>
Ensure future development takes advantage of and makes the most efficient use of available infrastructure.	Water and sewer mains and connections are available in Drummond Street, Murray Walkway and Jarratt Pass. Underground electricity mains are also located in the road verges. As these services were put in place on the assumption of a greater number of residential lots being created, there is reasonable to conclude that there is sufficient capacity to accommodate development.
Minimise the loss of productive agricultural land and areas of native vegetation by promoting sustainable development in and adjacent to existing urban areas.	Allowing development of infill land within the town area will assist in reducing the demand for additional loss of agricultural land and native vegetation.
Protect the valued landscape characteristics of the Shire's natural and rural landscapes as assets to be appreciated by residents and tourists.	The amendment site is located on the lower slopes of the Avon River valley. From a visual impact perspective, it will effectively fill in an area between the existing residential development and the Toodyay District High School rather than be visually prominent.
Ensure the development of a safe, efficient, and convenient system for the movement of both people and goods.	The road network is in place that provides convenient vehicle access into the town centre. There is also a pedestrian footbridge directly across the Avon River and into the town centre.

The Local Planning Strategy includes strategic directions and strategies for growth and settlement. Table 2 outlines those strategic directions and strategies relevant to the amendment site and provides a comment on each.

Table 2 – Growth and Settlement Strategic Directions and Strategies

Strategic direction / strategy	Comment / Response
Provide for a range of residential densities in the Toodyay townsite to facilitate the development of various housing types.	The intent for the amendment site is to provide for a range of housing types and densities to respond to housing demand. The site is 43ha in area with constructed roads and services on three sides. This will allow for a range of housing and tenure types to be considered. A development concept has been prepared to illustrate this objective.
Promote the consolidation of the townsite to reduce development costs, improve access to services, and	The amendment site is located within an existing residential area with full services available at the

Strategic direction / strategy	Comment / Response
limit the impact on natural environmental resources associated with urban expansion.	boundary. Furthermore, these services are likely to have capacity to cater for the development given the amendment site was originally identified for residential use.
Use appropriate dual density coding to promote infill development and maximize the use of existing and future infrastructure.	Dual coding is not proposed for this amendment. A density of R20 for single house sites and R35 for grouped dwelling sites is proposed for the reasons outlined in section 1.2.
Ensure development adequately considers and addresses natural constraints, including bushfire and flooding.	The site is located outside of recognised flooding areas. The amendment site is identified as bushfire prone along with the remainder of the Toodyay townsite. Bushfire is considered elsewhere in this report.
Ensure that development adequately considers and addresses landscape and biodiversity protection.	The site is predominantly cleared and located in an existing urban area.

The amendment site is identified on the strategic land use plan (Map 2) as within the Environmental Conservation current land use zone. The amendment site is located outside of the indicated 1:100 year floodplain and the Toodyay Road Bypass proposed special control areas.

The environmental conservation designation reflected the 2013 purchase of Lot 9508 for the now-constructed sports and recreation complex. The designation does not reflect the low level of environmental significance of the site, which as a cleared lot, has little environmental value.

Consistency of Amendment with Strategy

Notwithstanding the strategic land use plan, the proposed reclassification of the amendment site to residential is fully consistent with the objectives and strategic directions of the Strategy as it relates to Growth and Settlement. The amendment site is not subject to environmental conservation and is a prime infill lot with services available at the boundary. The amendment site is also surplus to the public open space needs of the town. This is consistent with the objective for the sustainable provision of land. As the amendment is considered to be consistent with the endorsed local planning strategy, it is recommended that it be considered “standard” for the purposes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4.3 Foggarthorpe Structure Plan

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

The structure plan as adopted in 2007 is shown at **Figure 4.2**. This provided for residential lots to be developed over current Lot 9508, including the amendment site. In 2016 an amendment to the structure plan was adopted

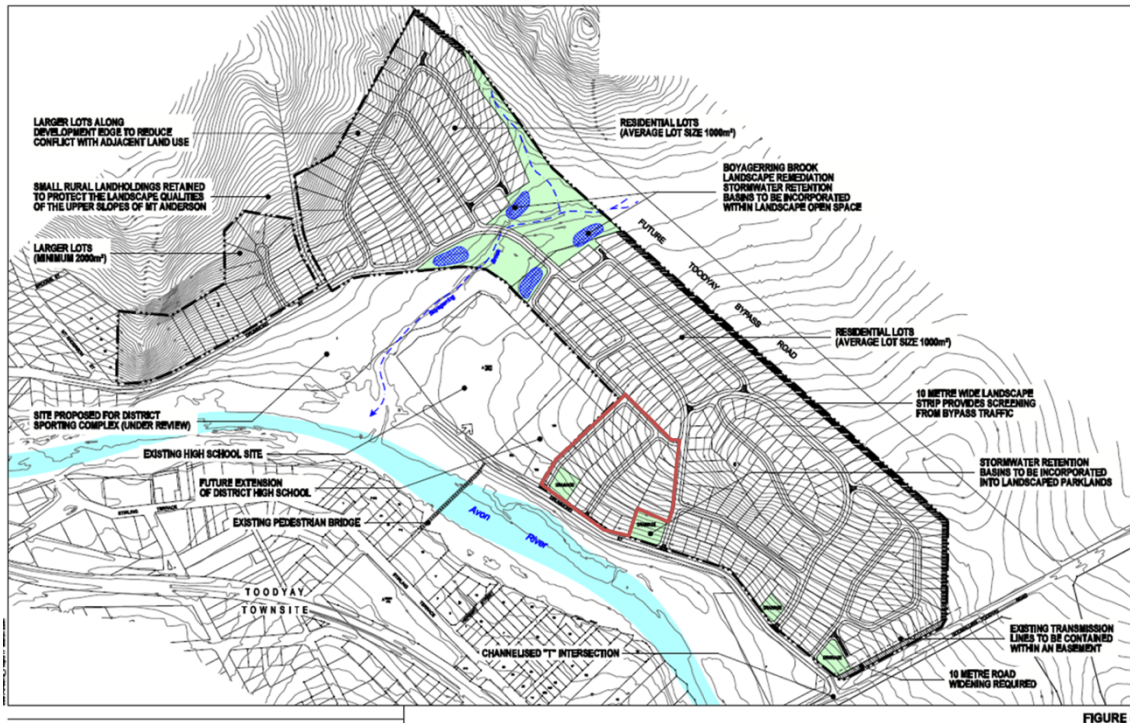


Figure 4.2 – 2007 Foggarthorpe Structure Plan (Amendment site in red)

In 2016 an amendment to the structure plan was adopted that related to Lot 9508. The amendment identifies Lot 9508 as the Toodyay Sport and Recreation Precinct as shown in Figure 4.3.

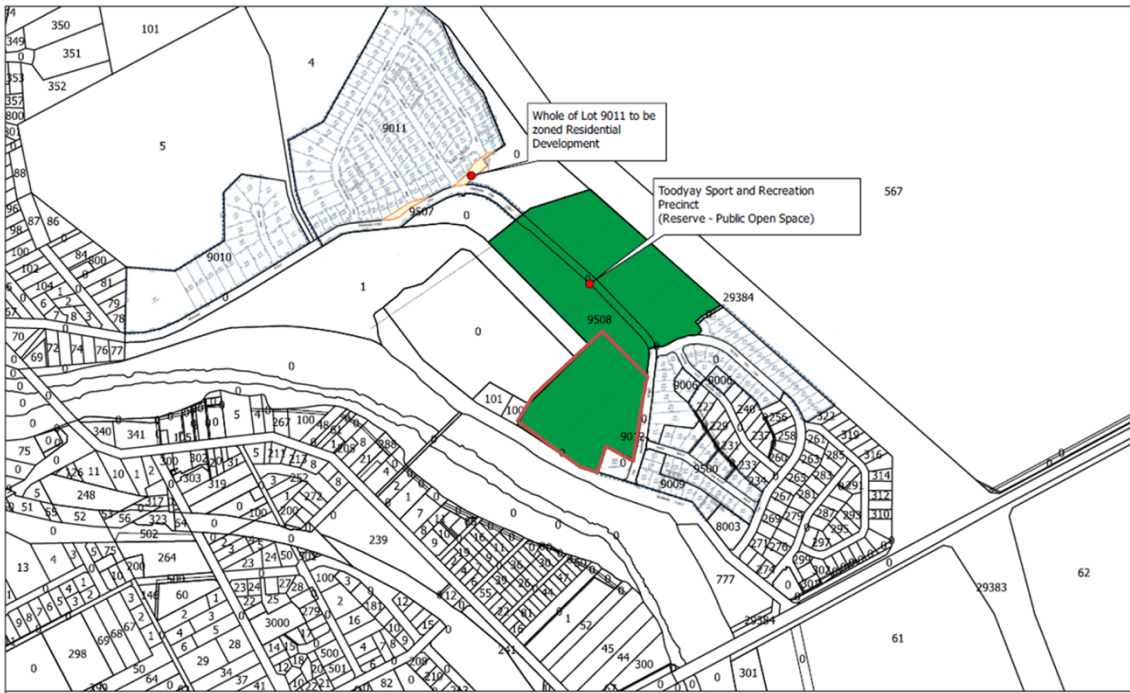


Figure 4.3 – 2016 Amendment No.1 to Foggarthorpe Structure Plan (Amendment site in red)

Implications of the amendment on the structure plan

The structure plan was adopted in 2007. For the purposes of validity, the structure plan was afforded a 10 year approval on 19 October 2015 by clause 28(4) of the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This provides an expiry of 19 October 2025.

The amendment is generally consistent with the 2007 structure plan. However, it is considered a departure from Amendment No.1 of 2016 in that it effectively reverts a portion of the amendment No.1 area to residential use.

It is likely that in the event this amendment is approved, the structure plan validity will be either expired or close to expiry. Therefore, the amendment is unlikely to have any implications on the continued operation of the structure plan.

4.4 Heritage

Aboriginal Heritage

The site has been disturbed as part of farming practices over a considerable period of time. Aerial images of the town taken in 1960 show the site as cleared and used for agriculture.

The Avon River is registered as an Aboriginal Heritage Site in two listings:

- Site 4045 Bolgart : Boolegin; and
- Site 15979 Avon River.

Development of the amendment site will not impact on these sites.

European Heritage

No places of heritage significance have been identified on or near the amendment site at either the local or state levels of protection.

5 *Development concept*

5.1 *Concept*

It is proposed to utilise a density of R20 across the majority of the 4.3ha amendment site. A density of R35 is to be provided for two grouped dwelling sites. These densities have been selected to reduce complexity and to reflect the likely lot size expectations of the community. The densities proposed will allow for a wide range of housing choice, with the exception of multiple dwellings (apartments) to ensure the character of the locality is maintained. The resultant development concept is attached at **Figure 5.1**. This concept is informed by the following site and infrastructure constraints / characteristics:

- Ensuring there is a sufficient supply of lots fronting existing roads and services was a key consideration. This allows for the efficient release of lots to market in the short term with later stages requiring road construction and service extension to follow.
- Single house lots are generally 570m² - 900m², with a prevailing lot size of approximately 630m². A total of 46 single house lots are provided in the concept. Larger lots have been placed fronting Murray Walkway to accommodate slightly larger front setbacks to avoid a BAL-40 designation.
- Two grouped dwelling sites of approximately 1,600m² and 3,500m² have been provided to accommodate up to 19 units at R35.
- Cul-de-sacs were avoided to reduce the complexity of bush fire assessment and to provide regularly-shaped lots wherever possible.
- A 16m road reserve width was provided for the internal roads to accommodate services, footpaths and street trees. An exception was made for Jarratt Pass where a 20m width is proposed to accommodate the existing alignment, footpath and services.
- Where possible, 18m-19m lot frontages are provided to allow for future side access to backyards, be consistent with surrounding areas and to accommodate site works and retaining.

The internal roads proposed in the development concept have been named using the allocated names for similar roads in the original structure plan.

It is noted that the configuration of the development concept would allow for additional single house lots to be incorporated into the future grouped housing lots. This may occur due to a desire for a larger site or to provide direct road frontage for grouped dwellings. Given the need to delineate the extent of the R35 density, it is possible that a resultant larger grouped dwelling site could have two densities (R20 and R35). Whilst this may not be considered ideal, it is a situation that can be readily coordinated by the Shire of Toodyay at the time of subdivision and development.

5.2 *Status of Development Concept*

The development concept is not intended to act as a formal structure plan or local development plan made under the Deemed Provisions. Rather, it is provided to illustrate how the amendment site could be developed, to identify densities and to allow for the formulation of a Bushfire Management Plan.

The development concept is not a detailed subdivision plan. Further refinement, including survey and engineering considerations will be needed prior to subdivision taking place. However, there is unlikely to be any significant impediment to the subdivision of the amendment site given the surrounding area has previously been developed and the site was included in the 2007 Foggarthorpe Structure Plan.

5.3 Bushfire Considerations

The development concept has been designed with compliance with the planning for Bushfire Protection Guidelines in mind at all times. The Bushfire Management Plan at **Appendix A** has assessed the development concept.

The layout meets all elements without the need for an outcomes-based approach to be taken. All lots fronting Drummond Street, Jarratt Pass and Burt Parkway will have a Bushfire Attack Level of BAL-LOW or BAL-12.5. The lots fronting Murray Parkway, which overlook the Avon River, have an indicative BAL or BAL-40. However, the lots are deeper and of sufficient size and dimension to allow for a maximum of BAL-29 when the deemed-to-comply setback provisions for R20 are used (nominally 6m setback to the street boundary).

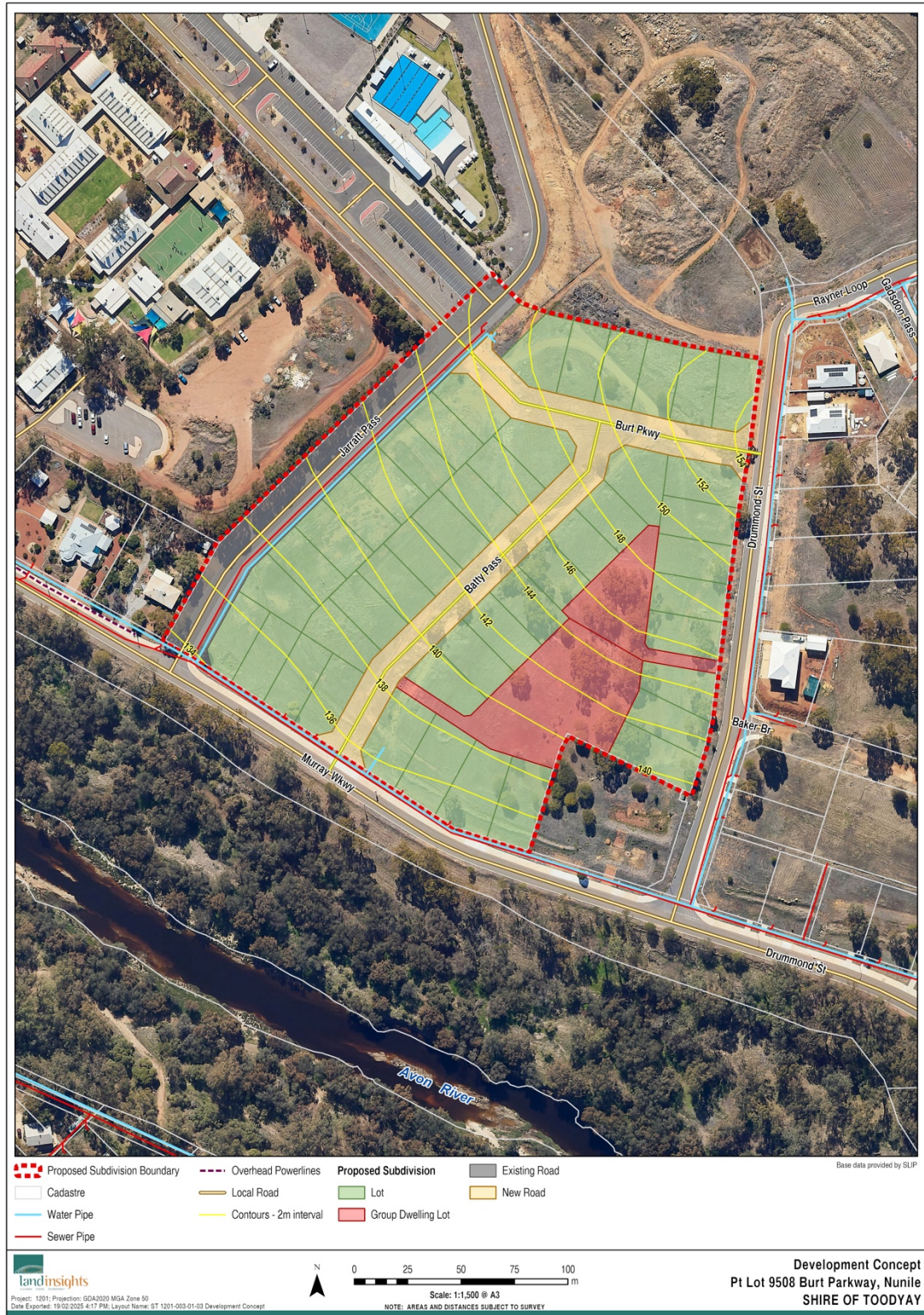


Figure 5.1 – Development Concept

6 *Overview and summary*

The amendment focuses on the reclassification of a portion of Lot 9508 Burt Parkway, Nunile from Public Open Space (POS) reserve to Residential zone and Local Roads reserve. It will also reclassify Lot 8006 from Residential zone to Public Open Space reserve. The amendment aims to facilitate the subdivision and development of housing in Toodyay, with a particular focus on key worker accommodation.

There is currently a market failure in the provision of serviced land and housing in Toodyay, with an estimated shortage of 95-135 workforce dwellings and a projected need for 340-400 additional dwellings by 2031.

Lot 9508 is a 14.1ha site owned by the Shire of Toodyay, having purchased the land freehold in a 2013 commercial dealing. The 4.3ha portion to be reclassified is currently reserved by Local Planning Scheme No.5 for POS. However, it is not part of the 10% POS that is ceded for residential land subdivision, nor is it vested in the Crown. The amendment will not adversely impact the provision of recreational and community infrastructure, with the remaining 9.8ha of Lot 9508 sufficient to cater for current and future sports and recreation needs.

Lot 8006 is vested in the Shire of Toodyay for drainage purposes. The parcel is included in the POS contributions provided with the subdivision of the existing residential area east and north of Drummond Street. The site is currently zoned Residential. It is proposed to reclassify to POS to reflect its intended purpose of open space and drainage.

The amendment aligns with various state and regional planning policies, including those related to environmental protection, sustainable settlement, and bushfire management. The proposed densities will allow for the creation of approximately 65 single and grouped dwelling lots. These will provide a positive impact on housing land supply in the town.

APPENDIX A

Bushfire Management Plan

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF TOODYAY

LOCAL PLANNING SCHEME NO. 5 - AMENDMENT NO. 1

The Shire of Toodyay under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Reclassifying portion of Lot 9508 Burt Parkway, Nunile from Public Open Space reserve to:
 - a. Residential zone and applying a density coding of R20 and R35; and
 - b. Local Road reserve; and
2. Reclassifying Lot 8006 Murray Walkway, Nunile from Residential zone to Public Open Space reserve and removing the R10 density coding from the affected parcel.

COUNCIL ADOPTION

This [Standard](#) Amendment was adopted by resolution of the Council of the Shire of Toodyay at the Ordinary Meeting of the Council held on the [\[number\]](#) day of [\[month\]](#), 20[\[year\]](#)

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the Shire of Toodyay at the Ordinary Meeting of the Council held on the [\[number\]](#) day of [\[month\]](#), 20[\[year\]](#), proceed to advertise this amendment.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for [\[support with/without modification or not support\]](#) by resolution of the Shire of Toodyay at the Ordinary Meeting of the Council held on the [\[number\]](#) day of [\[month\]](#), 20[\[year\]](#), and the Common Seal of the Shire of Toodyay was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

.....
DELEGATED UNDER S.16 OF
PD ACT 2005

DATE

Approval Granted

.....
MINISTER FOR PLANNING

DATE