

## Schedule of Submissions Draft Shire of Toodyay Local Planning Scheme No. 5

**Note: All submissions are noted, however the terminology of “Dismiss”, “Upheld”, or “Partially Upheld” is typically used for recommendations to the Western Australian Planning Commission (WAPC). In the Council’s Recommendation column, if a submission is only “Noted”, it does not make it clear to the WAPC whether the Council agrees or does not agree with the submission. If a submission is “Upheld”, it means that Council agrees that the amendment should be modified as a result of the submission. If a submission is “Dismissed”, it means that no modifications are recommended.**

No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation								
1	Statewest Planning on behalf of the owner of 480 Julimar Road, West Toodyay (postal address supplied)	<ul style="list-style-type: none"> <li>Seeks Council's support for an Additional Use to be applied to the site of Lot 1 (480) Julimar Road, West Toodyay: 'Holiday Accommodation' (allocating it as a 'D' use) in the proposed Local Planning Scheme No 5 for the following reasons: <ul style="list-style-type: none"> <li>It is currently reserved for parks and recreation but is privately owned.</li> <li>It is proposed to be zoned Residential R2.5 (which the owner has no objection to), but its subdivision potential is limited by: <ul style="list-style-type: none"> <li>Its configuration;</li> <li>Its environmental values;</li> <li>Its extensive frontage to the Avon River (in the context of its total lot size); and</li> <li>The Special Control Area affecting its western (riverfront) portion.</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Agree</li> <li>Lot 1 (480) Julimar Road, West Toodyay is currently classified as a local scheme reserve (PR Recreation and Conservation: Parks and Recreation), possibly an anomaly in LPS4;</li> <li>Existing development on Lot 1 includes a single dwelling and associated structures;</li> <li>Lot 1 is proposed to be zoned Residential R2.5 in LPS5;</li> <li>Lot 1 is located on the banks of the Avon River with scenic views;</li> <li>Lot 1 is impacted by Special Control Area 2 in LPS5 (Flood Prone Area); and</li> <li>The submission is supported on the basis that the additional use will facilitate the orderly planning and development of the area in a manner that respects the character and environmental values of the area, and will be responsive to the current and future community needs and aspirations.</li> </ul>	<ul style="list-style-type: none"> <li>That the submission be upheld through modification of LPS5 (as advertised) as follows: <ul style="list-style-type: none"> <li><u>Text Modifications</u> Under Schedule 1 – Additional Uses, add the following: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Description of land</th> <th>Additional use</th> <th>Conditions</th> </tr> </thead> <tbody> <tr> <td>12</td> <td>Lot 1 (480) Julimar Road, West Toodyay</td> <td>Holiday Accommodation</td> <td>The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.</td> </tr> </tbody> </table> </li> <li><u>Map Modifications</u> Modify the Scheme Map (Map 3) by adding annotation “A12” to Lot 1 (480) Julimar Road, West Toodyay</li> </ul> </li> </ul>	No.	Description of land	Additional use	Conditions	12	Lot 1 (480) Julimar Road, West Toodyay	Holiday Accommodation	The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.
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12	Lot 1 (480) Julimar Road, West Toodyay	Holiday Accommodation	The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.									
2	Leslie and Kevin Hug – owners of Toodyay Caravan Park located at 122 Railway Road, Toodyay (postal address supplied)	<ul style="list-style-type: none"> <li>Seeks Council's support for an Additional Use: Caravan Park be applied to Lots 20, 23 and 24, (122) Railway Road, Toodyay</li> <li>The Caravan Park is being referenced as "Residential" and not acknowledged as a 'Caravan Park'</li> </ul>	<ul style="list-style-type: none"> <li>Agree</li> <li>Including 'Caravan Park' as an Additional Use on the lots will alleviate any non-conforming uses; and</li> <li>The submission is supported on the basis that the existing caravan park in this location is compatible with adjoining land uses and will not compromise the likely future amenity of the locality.</li> </ul>	<ul style="list-style-type: none"> <li>That the submission be upheld through modification of LPS5 (as advertised) as follows: <ul style="list-style-type: none"> <li><u>Text Modifications</u> Under Schedule 1 – Additional Uses, add the following: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Description of land</th> <th>Additional use</th> <th>Conditions</th> </tr> </thead> <tbody> <tr> <td>13</td> <td>Lots 20, 23 &amp; 24 (122) Railway Road, Toodyay</td> <td>Caravan Park</td> <td>The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.</td> </tr> </tbody> </table> </li> </ul> </li> </ul>	No.	Description of land	Additional use	Conditions	13	Lots 20, 23 & 24 (122) Railway Road, Toodyay	Caravan Park	The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.
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No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation
				<ul style="list-style-type: none"> <li>➤ <u>Map Modifications</u> Modify the Scheme Map (Map 4) by adding annotation "A13" to Lots 20, 23 &amp; 24 (122) Railway Road, Toodyay</li> </ul>
3	Roderick and Marie-Anne Cant, owners of Lot XXX (postal address supplied)	<ul style="list-style-type: none"> <li>• Questions how the Shire intends to protect residents of Julimar from disturbances and off-site impacts caused by mining exploration, mine development and mining operations</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li> <li>• The current Scheme does not distinguish between mining operations determined by the Department of Mines, Industry Regulation and Safety under the <i>Mining Act 1978</i>, or by the local government or a development assessment panel under the <i>Planning and Development Act 2005</i>.</li> </ul> <p>The inclusion of mining operations in the zoning table of Draft LPS5 is intended to be used to 'trigger' the consultation process outlined in section 120(2) of the <i>Mining Act 1978</i>. Accordingly, 'Mining Operations' was expressly included in the zoning table of Draft LPS5 as a discretionary use. This will allow the local government to advise the Minister for Planning and the Minister for Mines and Petroleum that proposed mining operations may conflict with the local planning scheme.</p> <p>'Mining Operations on Minerals to Owner' land is an 'A' use for 'Rural' zone, and an 'X' use for all other zones. It is a key aim of LPS5 to provide a rational framework for decisions with regard to land use and that the assessment and classification of land resources on the basis of capability and suitability are an essential facet of the planning process.</p>	<ul style="list-style-type: none"> <li>• That the submission be dismissed.</li> </ul>
4	Urbanista Town Planning on behalf of the owner of 111 Clarkson Street, West Toodyay (postal address supplied)	<ul style="list-style-type: none"> <li>• Advises that Reid's Mechweld has operated from the property for more than 18 years;</li> <li>• Reid's Mechweld is a business that is registered for the manufacture of agricultural equipment. The primary activities on the site relate to <ul style="list-style-type: none"> <li>➤ Agricultural harvesting equipment manufacturing</li> <li>➤ Agricultural implement manufacturing;</li> <li>➤ Agricultural planting equipment manufacturing; and</li> <li>➤ Tractor attachment, agricultural, manufacturing.</li> </ul> </li> <li>• Suggests an Additional Use: Industry – Light to be applied to the site of Lot 77 (111) Clarkson Street, West Toodyay in LPS5;</li> <li>• Conditions to proposed Additional Use: <ol style="list-style-type: none"> <li>1. Planning approval is required for the additional land uses —subject to the discretion of local government by granting planning approval, having regard to the matters set out in cl. 67 of Schedule 2 of the regulations (deemed provisions).</li> <li>2. Development shall be in accordance with plans approved by local government and will require the issue of planning approval.</li> <li>3. The local government may require planning approval applications to be advertised in accordance with cl. 64 of Schedule 2 of the regulations (deemed provisions).</li> </ol> </li> <li>• Submits the additional use validates the existing land use which commenced prior to both the current LPS4 and draft LPS5.</li> <li>• Contends the suggested amendment will offer confidence to the landowner to continue their operations without confusion, and will provide a clearer framework for the local government to govern the site, as necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• Disagree</li> <li>• Accepting this proposed change is counter to the objectives of the zone and would be detrimental to the amenity of the area.</li> </ul>	<ul style="list-style-type: none"> <li>• That the submission be dismissed.</li> </ul>
5	Robert Pearce, owner of Lot XXX (postal address supplied)	<ul style="list-style-type: none"> <li>• There appear to be inconsistencies with the colour coding and numeral marking of the Rural Residential zoned areas on the Scheme Maps.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. Disagree. Planning staff inspected the Scheme Map and found no inconsistencies with the colour coding and numeral markings.</li> </ul>	<ul style="list-style-type: none"> <li>• That the submission be partially upheld by amending the Zoning Table (Table 4) in Draft LPS5 (as advertised) by designating the symbol 'A' to the Rural</li> </ul>

No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation
		<ul style="list-style-type: none"> <li>• Considers that 'Caretaker's Dwelling' should be a use that may be considered for approval in the 'Rural' and 'Rural Smallholdings' zones.</li> <li>• Considers that 'Commercial Vehicle Parking' should be a use that may be considered for approval in the 'Rural Residential' and 'Rural Enterprise' zones.</li> <li>• Considers that 'Family Day Care' should be a use that may be considered for approval in the 'Rural Residential' and 'Rural Smallholdings' zones.</li> <li>• Questions why the construction of a 'Single House', an 'A' use in the 'Rural Enterprise' zone, requires advertising first.</li> <li>• Considers that 'Tourist Development' should be a use that may be considered for approval in the 'Residential' and 'Rural Residential' zones.</li> <li>• Considers that the development requirements for outbuildings (where the R-Codes apply) in Part 4 – General Development Requirements – are too onerous. Suggests more flexibility is required.</li> <li>• Disagrees with the provisions of clause 32(6)(a). Considers that it should be the landowner – not the local government – who determines the frontage of a lot with more than one street frontage.</li> <li>• Considers that the provisions of clause 32(8) (parking of commercial vehicles in residential zones) may not be practicable/achievable in Toodyay.</li> <li>• Considers that the minimum lot size (i.e., 40ha) for the erection of one (1) additional dwelling on a rural lot in clause 32(12)(b) requires further consideration "due to the demand and need for alternative living conditions".</li> <li>• Not sure if Toodyay currently has a 'Rural Enterprise' zone, and unsure how this zone would function in the context of Toodyay's rural lifestyle.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. Disagree. The use class 'Caretaker's Dwelling' is a habitable building associated primarily with an industrial business (or private community purpose) that is conducted on the same site by a person having the care of buildings, plant, equipment and grounds of that site. It is considered the use class is inappropriate for the Rural and Rural Smallholdings zones.</li> <li>• Noted. Disagree that Commercial Vehicle Parking would be an appropriate use in the Rural Residential zone due to the potential for adverse impacts on the amenity of localities (i.e., undue generation of noise, fumes, odours and the like). Visual amenity of Rural Residential zoned properties may also be compromised as viewed from the street or adjacent properties. Commercial vehicle parking in the newly assigned Rural Enterprise zone is associated with light industrial development, therefore the parking of commercial vehicles in the zone is implicit.</li> <li>• Noted. Agree.</li> <li>• Noted. Single house has been assigned an 'A' use in the Rural Enterprise zone because of the potential for land use conflict between sensitive receptors (i.e., dwellings) and light industrial land uses.</li> <li>• Noted. Disagree. Tourist development, as defined by LPS5, is inappropriate (due to amenity concerns) as there is the risk of land use conflict through appropriate separation and/or increased vehicle volumes in established neighbourhoods.</li> <li>• Noted. There is sufficient flexibility/scope for Council to consider variations to the general development requirements in Part 4 of LPS5. Refer to clause 34 – Variations to Site and Development Requirements.</li> <li>• Noted. Disagree. Clause 32(6)(a) clearly states the local government "may" (not must) determine the street frontage.</li> <li>• Noted. Disagree. The provisions of clause 32(8) are based on sound planning theory and rationale. Again, there is sufficient flexibility/scope for Council to consider variations to the provisions under clause 34 – Variations to Site and Development Requirements.</li> <li>• Noted. Disagree. It is considered 40ha is an appropriate minimum size for the erection of an additional dwelling on a lot zoned Rural. Notwithstanding the 40ha standard, there is sufficient flexibility/scope for Council to consider variations to the minimum 40ha standard under clause 34 – Variations to Site and Development Requirements.</li> <li>• Noted. No, whilst provision has been made for the zone in LPS5, it is yet to be created through the rezoning process. Additional employment land has also been identified east of Toodyay townsite as a new Rural Enterprise zone to provide suitably zoned land for larger home businesses and occupations, such as plumbers and concreters, to reside and work.</li> </ul>	<p>Residential and Rural Smallholding zones for the Family Day Care use class.</p>
6	Kevin Banks-Smith on behalf of the owner of 116 Timberden Drive, Julimar (postal address supplied)	<ul style="list-style-type: none"> <li>• Fully supportive of proposed changes</li> <li>• Property currently too small for viable farm use;</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> <li>• Noted. Rezoning change is consistent with the action 7.10(d) of Council's adopted Local Planning Strategy 2018.</li> </ul>	<ul style="list-style-type: none"> <li>• Dismissed</li> <li>• That the submission be dismissed.</li> </ul>

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		<ul style="list-style-type: none"> <li>Will seek approval for a potential 5 lot subdivision of the property.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Schedule 5 of the Draft LPS5 under (2):               <ol style="list-style-type: none"> <li>No further subdivision is permitted.</li> <li>The keeping of livestock on any lot is to be restricted to outside of fenced tree preservation areas, or inside of fenced building envelopes.</li> </ol> </li> </ul>	
7	Stephen Hanson (postal address supplied)	<ul style="list-style-type: none"> <li>Objects to the 20m boundary setback on the basis that it will increase bushfire risk.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Disagree. There is no evidence to support the notion that reduced setbacks will increase bushfire risk of property in the Rural Residential zone.</li> </ul>	<ul style="list-style-type: none"> <li>That the submission be dismissed.</li> </ul>
8	Lori Reeve (address supplied)	<ul style="list-style-type: none"> <li>Objects to the rezoning of 'Rural' zoned land to the 'Rural Smallholdings' zone in the Timberden Drive estate;</li> <li>Claims Zoning is for revenue raising.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Zoning change is consistent with the action 7.10(d) of the adopted Local Planning Strategy 2018.</li> <li>Noted. Disagree that zoning change is for revenue-raising, or that the change in zoning will devalue properties in the estate (normally not a relevant planning consideration).</li> </ul>	<ul style="list-style-type: none"> <li>That the submission be dismissed.</li> </ul>
9	Jacquie & Peter Lacy (address supplied)	<ul style="list-style-type: none"> <li>Do not wish to see existing use rights (parking of school buses) taken away by the change in zoning of Lot 502 Julimar Road from Special Residential to Residential.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. LPS5 will not remove the ability to apply for development approval for parking of commercial vehicles in the Residential zone.</li> </ul>	<ul style="list-style-type: none"> <li>That the submission be dismissed.</li> </ul>
10	Jo Hart (address supplied)	<ul style="list-style-type: none"> <li>Generally poor internal and external references in the Scheme-Text;</li> <li>Submits that zoning provisions seem to be more in keeping with peri-urban, semi-urban and urban lifestyle areas;</li> <li>Document heading hierarchy at 'car parking requirements' on page 33 is ambiguous;</li> <li>Scheme Maps are difficult to interpret;</li> <li>Submits that Morangup properties should be zoned 'Rural Smallholding' rather than 'Rural Residential' due to current 4 to 40 ha size range;</li> <li>Submits that the Zoning Table (Table 4) requires modification to allow more local relevant small businesses to be operated;</li> <li>The 'commercial vehicle parking' land use class in the Zoning Table should be designated an 'A' use rather than an 'X' (not permitted) use;</li> <li>The 'mining operations' land use class in the Zoning Table should be an 'X' use rather than an 'A' use in the 'Rural' zone due to incompatibility with environmental values in the Shire;</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Opinions regarding document formatting is not a valid planning consideration.</li> <li>Noted. Disagree. Personal opinion.</li> <li>Noted. Opinions regarding document formatting is not a valid planning consideration.</li> <li>Noted. Disagree. The Rural Smallholding zone seeks to replace the Rural Living zone to align zone names with those in the Model Scheme Text (part of the 2015 Regulations).</li> <li>Noted. Disagree. It is considered the range and permissibility of commercial land use classes in the Zoning Table of LPS5 sufficiently aligns with the objectives of the Commercial zone.</li> <li>Noted. Disagree. Commercial vehicle parking is a non-permitted land use in the Rural Residential, Rural Enterprise, Environmental Conservation, Mixed Use and Private Community Purposes due to the potential for adverse impacts on the amenity of localities (i.e., undue generation of noise, fumes, odours and the like). Visual amenity of Rural Residential zoned properties may also be compromised as viewed from the street or adjacent properties.</li> <li>Noted. Disagree. The current Scheme does not distinguish between mining operations determined by the Department of Mines, Industry Regulation and Safety under the <i>Mining Act 1978</i>, or by the local government or a development assessment panel under the <i>Planning and Development Act 2005</i>.</li> </ul> <p>The inclusion of mining operations in the zoning table of Draft LPS5 is intended to be used to 'trigger' the consultation process outlined in section 120(2) of the <i>Mining Act 1978</i>. Accordingly, 'Mining Operations' was expressly included in the zoning table of Draft LPS5 as a discretionary use. This will allow the local government to advise the Minister for Planning and the Minister for Mines and Petroleum that proposed mining operations may conflict with the local planning scheme.</p>	<ul style="list-style-type: none"> <li>That the submission be partially upheld through the inclusion of the following heading and subclauses under clause 32 of Draft LPS5 (as advertised):           <p><b>Nature Based Parks</b></p> <p>82. Nature based park proposals shall be accompanied by information that –</p> <ol style="list-style-type: none"> <li>outlines the scale of the proposal, including but not limited to, the number of camps, maximum number of campers, access arrangements to the site and any proposed structures;</li> <li>identifies environmental values and sets out measures for protection and rehabilitation;</li> <li>demonstrates waste disposal is in accordance with Government policy, or is otherwise removed from and disposed offsite;</li> <li>demonstrates adequate separation distances and/or buffers from incompatible land uses on adjacent or nearby locations; and</li> <li>any other information the decision maker considers relevant.</li> </ol> <p>83. In considering a proposal for the development of a Nature based park the decision maker shall refer any application which propose:</p> <ol style="list-style-type: none"> <li>clearing of native vegetation to the government department/s responsible for the environment; and</li> <li>the installation of an on-site effluent disposal system to the government department/s responsible for human and environmental health.</li> </ol> <p>84. Nature based park proposals will not be supported where in the opinion of the decision maker, the proposal detrimentally impact or undermines surrounding land uses, and in particular, where</p> </li> </ul>

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		<ul style="list-style-type: none"> <li>• Contends that the general development requirements for outbuildings listed under clause 26(4) are highly restrictive and prescriptive, and not suited to the largely rural character of the Shire of Toodyay;</li> <li>• Considers that the clauses (clauses 32(15) – 32(28) under 'Development (Rural, Rural Residential, Rural Smallholding) take no account of emerging trends in living and alternative lifestyle options such as the "tiny house movement" and multi-generational occupancy of properties;</li> <li>• Submits that clause 32(77) in the Scheme "can never be met" on the basis that extractive industries will always have an adverse effect on the environment or amenity in the locality;</li> <li>• With respect to clause 32(77), considers that there is insufficient and in some instances no reference to environmental considerations and/or Shire of Toodyay adopted environmental strategies;</li> <li>• Suggests that more conditions should be included under clause 32(79) to deal with groundwater as an amenity, the impacts of airborne dust on rainwater supply, size of vehicles permitted, and conditions managing blasting; and</li> <li>• Considers that the size of exempt advertising signs in Schedule 7 is insufficient (i.e. too small to be easily read from a vehicle).</li> </ul>	<p>It is a key aim of LPS5 to provide a rational framework for decisions with regard to land use and that the assessment and classification of land resources on the basis of capability and suitability, are an essential facet of the planning process.</p> <ul style="list-style-type: none"> <li>• Noted. There is sufficient flexibility/scope for Council to consider variations to the general development requirements in Part 4 of LPS5. Refer to clause 34 – Variations to Site and Development Requirements.</li> <li>• Noted. Agree that emerging trends and alternative lifestyle options (i.e., eco-tourism/short-term accommodation) be given special consideration in LPS5 for the Rural zone only.</li> <li>• Noted. Disagree. Extractive industries provide vital resources to the community for building, construction and infrastructure. However, extractive industry activities have <u>the potential</u> to have negative impacts on people and the environment. Rather than singling out the words "adversely affect" in subclause 77(a), it should be read in full context – that is: the local government will only support extractive industries where it can be demonstrated that the extraction of minerals or basic raw materials will not adversely affect the environment or amenity in the locality <u>of the operation during or after excavation</u>, including the provisions of subclauses 77(b) and 77(c).</li> <li>• Noted. Disagree. The provisions of clause 32(77) should be read with the relevant provisions of clause 67(2) in the <i>deemed provisions for local planning schemes</i>.* * <i>The deemed provisions for local planning schemes form part of every local planning scheme in the State.</i></li> <li>• Noted. Disagree. Clause 32(79) clearly states it is not intended to be an exhaustive list of matters to consider.</li> <li>• Noted. Disagree. The maximum size for an exempt sign primarily serves to avoid proliferation of signs on individual sites and buildings, and to ensure that the display of advertisements does not adversely impact on the amenity of surrounding land. Where signs exceed the maximum permitted size, development approval will be required.</li> </ul>	<p>the proposal undermines the ability for continued agricultural use of Rural land.</p> <p>85. No clearing of native vegetation is permitted to occur. <i>Note: Nature Based Park applications are required to be in accordance with the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulations 1997.</i></p> <ul style="list-style-type: none"> <li>• That the submission be partially upheld through the inclusion of the following definition in clause 38 (division 2) of LPS5:</li> </ul> <table border="1" data-bbox="2184 615 2822 1251"> <thead> <tr> <th data-bbox="2184 615 2504 667">Land use</th> <th data-bbox="2504 615 2822 667">Definition</th> </tr> </thead> <tbody> <tr> <td data-bbox="2184 667 2504 1251">nature based park</td> <td data-bbox="2504 667 2822 1251"> <p>means a facility in an area that:</p> <ol style="list-style-type: none"> <li>1. is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and</li> <li>2. has been predominately formed by nature; and</li> <li>3. has limited or controlled artificial light and noise intrusion.</li> </ol> </td> </tr> </tbody> </table>	Land use	Definition	nature based park	<p>means a facility in an area that:</p> <ol style="list-style-type: none"> <li>1. is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and</li> <li>2. has been predominately formed by nature; and</li> <li>3. has limited or controlled artificial light and noise intrusion.</li> </ol>
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11	Christine Lavery (address supplied)	<ul style="list-style-type: none"> <li>• Submits that the consultation was neither appropriate or valid as people should be told what the changes to the Scheme are; and</li> <li>• Opposes reduced setbacks from 30m to 20m in the Rural Residential zone on the basis that it will increase bushfire risk.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. LPS5 was advertised strictly in accordance with Part 4 (preparation or adoption of local planning scheme) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</li> <li>• Noted. Disagree. There is no evidence to support the notion that reduced setbacks will increase bushfire risk of property in the Rural Residential zone.</li> </ul>	<ul style="list-style-type: none"> <li>• That the submission be dismissed.</li> </ul>				
12	John Lucas (address supplied)	<ul style="list-style-type: none"> <li>• Suggests that the development requirements for the Residential zone is changed to permit the parking of school buses (by definition, school buses are commercial vehicles).</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. LPS5 will not remove the ability to apply for development approval for parking of commercial vehicles in the Residential zone.</li> </ul>	<ul style="list-style-type: none"> <li>• That the submission be dismissed.</li> </ul>				
13	Barbara and Francis Moran (address supplied)	<ul style="list-style-type: none"> <li>• Considers the wording in the Scheme is too complicated to interpret.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. The format and Scheme Text of LPS5 was prepared in accordance with the Model Scheme Text in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, and with the guidance of the Department of Planning, Lands and Heritage. A Local Planning Scheme is a legal document that sets out policies and controls for how land in a particular local government area can be used and developed. It contains information about long term planning and strategies and about how infrastructure and development will occur in the area.</li> </ul>	<ul style="list-style-type: none"> <li>• That the submission be dismissed.</li> </ul>				

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14	Paul Clarke (address supplied)	<ul style="list-style-type: none"> <li>Submits that Rural Living zoned properties should be able to have a retail outlet on their property to sell produce on their property.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Disagree. The Rural Smallholding zone seeks to replace the Rural Living zone to align zone names with those in the Model Scheme Text (part of the 2015 Regulations).</li> </ul>	<ul style="list-style-type: none"> <li>That the submission be dismissed.</li> </ul>
15	Sydney and Ann Sinclair (address supplied)	<ul style="list-style-type: none"> <li>Expresses support for the continued parking of commercial vehicles (Mr John Lucas' school buses at Lot 502 Julimar Road in Toodyay) in the Residential zone.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. LPS5 will not remove the ability to apply for development approval for parking of commercial vehicles in the Residential zone.</li> </ul>	<ul style="list-style-type: none"> <li>That the submission be dismissed.</li> </ul>
16	Dan Pearce (RobertsDay Town Planners) on behalf of the owner of Lots 44 – 46 Stirling Terrace and Lot 300 Goomalling-Toodyay Road, Toodyay	<ul style="list-style-type: none"> <li>Suggests alternative construction to the draft provisions for the proposed Special Use No. 15 area (Catholic Church Heritage Precinct) as follows: <ul style="list-style-type: none"> <li>1. <i>Table 2 details the current land use permissibility within the current 'Mixed Business' zone:</i> <ul style="list-style-type: none"> <li>Highlighted items in yellow are uses proposed by the Shire as part of the proposed rezoning to 'Special Use No. 15' in Draft LPS5. These uses are supported.</li> <li>Highlighted items in green are uses proposed by the Shire as part of the proposed rezoning for which land use definitions do not currently exist in LPS4. The uses are supported but the relevant land definitions should be included in the new LPS5.</li> <li>Highlighted items in magenta are uses not currently identified in the Special Use zone, which the owners consider appropriate for inclusion in the final provisions.</li> <li>Highlighted items in blue are uses which are not currently permissible in the Mixed Business zone but which the owners consider appropriate for inclusion in the final provisions given the purpose of the new zone.</li> </ul> </li> </ul> </li> </ul> <p><i>The recommended uses omit most retail, large format and industrial uses, as well as uses such as tavern, that we understand were of concern to surrounding residents.</i></p> <p><i>It is proposed that the uses highlighted in Table 2 would be incorporated into column 2 of the Amendment grouped by land use permissibility.</i></p> <ul style="list-style-type: none"> <li>2. <i>We believe the requirement for an LDP to guide development approval is unnecessary. Given the current subdivision approval (which once implemented may facilitate creation and therefore independent development of individual lots), we suggest removing the requirement for an LDP and require consideration of the same matters as part of a development application. In the event that new titles are not created then the same provisions apply to development on any part of the land, thereby protecting the strategic heritage and environmental values identified in the draft provisions.</i></li> <li>3. <i>Making the preparation of a Heritage Impact Assessment to accompany a DA to be at the discretion of Council having regard to whether the scope of works proposed merits the preparation of such a report i.e., in the case of an applicant proposing a change of use to office, with only minor work such as painting and no external works, the submission of a full Heritage Impact Assessment would appear to be onerous and unnecessary.</i></li> <li>4. <i>Considering the approved subdivision cedes the foreshore area adjacent the Avon River we suggest provisions relating to flooding and foreshore management / access be removed.</i></li> <li>5. <i>Inclusion of a residential density code consistent with the construction and density of the current Clause 4.7.3 of the Town Centre zone providing a context for future residential development.</i></li> </ul>	<ul style="list-style-type: none"> <li>Noted. This change is no longer appropriate as the ownership of these parcels of land has gone to others and us no longer under one entity.</li> </ul>	<ul style="list-style-type: none"> <li>That the submission be dismissed.</li> </ul>
17	Department of Biodiversity, Conservation and Attractions (DBCA)	<ul style="list-style-type: none"> <li>Notes that the proposed Rural Smallholding zone will provide for the subdivision of land for lot sizes ranging from 4 to 40 ha;</li> <li>Submits that several of the lots to be zoned Rural Smallholding contain large areas of native vegetation that have not been surveyed for threatened species and ecological communities. Then submits that, prior to rezoning lots</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> <li>Noted. The Council recently engaged an environmental consultant to prepare a Local Biodiversity Strategy (LBS) for Shire of Toodyay. The LBS will provide a process for</li> </ul>	<ul style="list-style-type: none"> <li>That the submission be partially upheld through modification of Draft LPS5 (as advertised) Scheme Map as follows: <ul style="list-style-type: none"> <li>Amend Scheme Map 1 by designating R42808, R42370, R19900, R19904 and</li> </ul> </li> </ul>

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		<p>which contain vegetation, targeted surveys for threatened species and communities should be undertaken to determine if intensification of land use is appropriate and potential impacts to biodiversity values can be avoided or managed;</p> <ul style="list-style-type: none"> <li>Notes that designation of "tree preservation areas" and "natural vegetation preservation and/or remnant vegetation areas" could provide a suitable mechanism for the Shire to protect vegetation, ecological corridors, habitat for conservation-significant flora and fauna and riparian vegetation;</li> <li>Notes that there is an area adjacent to Wilkerson Road and Ridley Circle, West Toodyay, (Maps 2 and 3) that is proposed to be rezoned from Rural to Rural Residential, which will allow subdivision to create one to four hectare lots. This area adjoins Rugged Hill Nature Reserve and contains populations of threatened flora listed for protection under the <i>Biodiversity Conservation Act 2019</i>. Further notes that the proposed amendment to Rural Residential may increase lot densities and development in this area leading to vegetation clearing and indirect impacts to the adjacent conservation estate;</li> <li>Recommends that the Scheme Text should include a requirement that environmental assessments are undertaken to identify threatened flora, fauna and ecological communities with a view to inform any strategic or statutory planning proposal which facilitates the subdivision of lots containing remnant vegetation in the proposed and existing Rural Residential zone;</li> <li>Specific comments regarding LPS5 Scheme Maps:</li> </ul>	<p>assessing the ecological significance of Local Natural Areas in the Shire, and for determining their protection status by assessing constraints and opportunities for protection.</p> <ul style="list-style-type: none"> <li>Noted. Once the Shire's Local Biodiversity Strategy has been adopted, the local government will consider whether to amend LPS5 at a later stage (i.e., post gazettal) to include tree preservation and natural vegetation areas.</li> <li>Noted.</li> <li>Noted. Once the Shire's Local Biodiversity Strategy has been adopted, the local government will consider whether to amend LPS5 at a later stage (i.e., post gazettal) to make it a requirement that environmental assessments are undertaken to identify threatened flora, fauna and ecological communities.</li> </ul>	<p>R13971 as 'Environmental Conservation' Local Scheme Reserves;</p> <ul style="list-style-type: none"> <li>➤ Amend Scheme Map 2 by designating R21429, Lot 889 on DP 415818 and Lot 70 on Plan 407481 as 'Environmental Conservation' Local Scheme Reserves; and</li> <li>➤ Amend Scheme Map 4 by Designating Lot 110 Racecourse Road, Toodyay as 'Public Open Space' Local Scheme Reserve.</li> </ul>																		
		<table border="1"> <thead> <tr> <th data-bbox="519 934 647 982">Map #</th> <th data-bbox="647 934 1006 982">Issue</th> <th data-bbox="1006 934 1451 982">Comment</th> </tr> </thead> <tbody> <tr> <td data-bbox="519 982 647 1178">1</td> <td data-bbox="647 982 1006 1178"><i>Drummond Nature Reserve (R 42808) and Camerer Nature Reserve (R 42370) are proposed to be zoned Rural</i></td> <td data-bbox="1006 982 1451 1178"><i>These nature reserves should be shown as Environmental Conservation reserves consistent with other DBCA managed conservation estate.</i></td> </tr> <tr> <td data-bbox="519 1178 647 1373">1</td> <td data-bbox="647 1178 1006 1373"><i>Poison Gully Nature Reserve (R 19900) and A-Class nature reserve (R 19904) are proposed to be reserved as Public Open Space</i></td> <td data-bbox="1006 1178 1451 1373"><i>These nature reserves should be shown as Environmental Conservation reserve consistent with other DBCA managed conservation estate.</i></td> </tr> <tr> <td data-bbox="519 1373 647 1568">1</td> <td data-bbox="647 1373 1006 1568"><i>'Dewars Pool' Section 5(1)(g) reserve (R 13971) surrounded by Julimar State Forest is proposed to be reserved as State Forest</i></td> <td data-bbox="1006 1373 1451 1568"><i>This reserve should be reserved as Environmental Conservation to better reflect the reserve purpose.</i></td> </tr> <tr> <td data-bbox="519 1568 647 1764">2</td> <td data-bbox="647 1568 1006 1764"><i>Rugged Hill Nature Reserve (R 21429) is proposed to be reserved as Public Open Space</i></td> <td data-bbox="1006 1568 1451 1764"><i>This nature reserve should be shown as Environmental Conservation reserve consistent with other DBCA managed conservation estate.</i></td> </tr> <tr> <td data-bbox="519 1764 647 1908">2'</td> <td data-bbox="647 1764 1006 1908"><i>Lot 889 Chitty Road, Hoddy's Well (DP 415818)</i></td> <td data-bbox="1006 1764 1451 1908"><i>This lot is owned and managed by DBCA and is a proposed addition to the existing Clackline Nature Reserve. The lot should be reserved as Environmental Conservation.</i></td> </tr> </tbody> </table>	Map #	Issue	Comment	1	<i>Drummond Nature Reserve (R 42808) and Camerer Nature Reserve (R 42370) are proposed to be zoned Rural</i>	<i>These nature reserves should be shown as Environmental Conservation reserves consistent with other DBCA managed conservation estate.</i>	1	<i>Poison Gully Nature Reserve (R 19900) and A-Class nature reserve (R 19904) are proposed to be reserved as Public Open Space</i>	<i>These nature reserves should be shown as Environmental Conservation reserve consistent with other DBCA managed conservation estate.</i>	1	<i>'Dewars Pool' Section 5(1)(g) reserve (R 13971) surrounded by Julimar State Forest is proposed to be reserved as State Forest</i>	<i>This reserve should be reserved as Environmental Conservation to better reflect the reserve purpose.</i>	2	<i>Rugged Hill Nature Reserve (R 21429) is proposed to be reserved as Public Open Space</i>	<i>This nature reserve should be shown as Environmental Conservation reserve consistent with other DBCA managed conservation estate.</i>	2'	<i>Lot 889 Chitty Road, Hoddy's Well (DP 415818)</i>	<i>This lot is owned and managed by DBCA and is a proposed addition to the existing Clackline Nature Reserve. The lot should be reserved as Environmental Conservation.</i>	<ul style="list-style-type: none"> <li>Noted. Agree that the Scheme Map (Map 1) is amended to show R42808 and R42370 as Environmental Conservation Reserves.</li> <li>Noted. Agree that the Scheme Map (Map 1) is amended to show R19900 and R19904 as Environmental Conservation Reserves.</li> <li>Noted. Agree that the Scheme Map (Map 1) is amended to show R13971 as Environmental Conservation Reserve.</li> <li>Noted. Agree that the Scheme Map (Map 2) is amended to show R21429 as Environmental Conservation Reserve.</li> <li>Noted. Agree that the Scheme Map (Map 2) is amended to show Lot 889 on DP 415818 as Environmental Conservation Reserve.</li> </ul>	
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		2	Lot 70 on Plan 407481 should be placed in the Environmental Conservation zone.	This lot has a conservation covenant, administered by DBCA, under the Transfer of Land Act 1893. It is stated in Development Control Policy, 3.4 Subdivision of rural land (WAPC 2016) that, "Following the creation of a lot under this clause, the resultant conservation lot should be appropriately zoned by the local government in the local planning scheme in a future omnibus amendment or when the scheme is reviewed."	<ul style="list-style-type: none"> <li>Noted. Agree that the Scheme Map (Map 2) is amended to show Lot 70 on Plan 407481 as Environmental Conservation Reserve.</li> </ul>								
		4	Lot 110 Racecourse Road, Toodyay, which currently contains the golf course is proposed to be reserved as Environmental Conservation	Given the land is Shire of Toodyay freehold for public recreational purposes it may be more appropriate for this reserve to be reserved as Public Open Space.			<ul style="list-style-type: none"> <li>Noted. Agree that the Scheme Map (Map 4) is amended to show Lot 110 Racecourse Road, Toodyay as Public Open Space.</li> </ul>						
18	Water Corporation	<ul style="list-style-type: none"> <li>Requests the Shire to include the odour buffer around the Toodyay Waste Water Treatment Plant (WWTP) at Lot 501 Goomalling-Toodyay Road in Toodyay in the Scheme Map and Scheme Text as a new Special Control Area (SCA), and to insert appropriate development control provisions in Schedule 3 of Draft LPS5.</li> </ul>		<ul style="list-style-type: none"> <li>Noted. Agree. Lot 501 Goomalling-Toodyay Road, Toodyay is depicted on the Scheme Map (Map 2) as Rural Smallholdings. This appears to be an oversight as the property is owned by Water Corporation and is used for treated wastewater disposal and reuse.</li> </ul> <p>It is not appropriate to assign the Rural Smallholdings zone to the site. To better reflect the intent and use of the site, it is considered appropriate to include Lot 501 in the "Public Purposes" reserve on the Scheme Map.</p>	<ul style="list-style-type: none"> <li>That the submission be upheld through modification of the Draft LPS5 (as advertised) Scheme Map (Map 2) by designating Lot 501 Goomalling-Toodyay Road, Toodyay as 'Public Purpose' Local Scheme Reserve; and</li> <li>That the submission be upheld by amending Schedule 3 in Draft LPS5 (as advertised) by adding the following to the existing list of Special Control Areas:</li> </ul> <table border="1" data-bbox="2181 1102 2831 1900"> <thead> <tr> <th data-bbox="2181 1102 2318 1213">Name of Area</th> <th data-bbox="2318 1102 2436 1213">Purpose/ Objectives</th> <th data-bbox="2436 1102 2555 1213">Application Requirements</th> <th data-bbox="2555 1102 2831 1213">Relevant Considerations</th> </tr> </thead> <tbody> <tr> <td data-bbox="2181 1213 2318 1900">SCA4 – Toodyay Wastewater Treatment Plant odour buffer Special Control Area</td> <td data-bbox="2318 1213 2436 1900">To minimise the impact of odour on surrounding areas and to protect the operations of the Toodyay WWTP by ensuring that odour sensitive land uses are not</td> <td data-bbox="2436 1213 2555 1900">Development approval is required for all development and land use within the Special Control Area.</td> <td data-bbox="2555 1213 2831 1900">In considering any application for land use or development within the WWTP odour buffer SCA, the local government will have due regard to the following: - The local government will generally not approve development which is sensitive to odour emanating from the WWTP; - The local government will consult the Water Corporation and the Department of Water and Environmental Regulation regarding the proposed development or land use for advice on the proposal and any</td> </tr> </tbody> </table>	Name of Area	Purpose/ Objectives	Application Requirements	Relevant Considerations	SCA4 – Toodyay Wastewater Treatment Plant odour buffer Special Control Area	To minimise the impact of odour on surrounding areas and to protect the operations of the Toodyay WWTP by ensuring that odour sensitive land uses are not	Development approval is required for all development and land use within the Special Control Area.	In considering any application for land use or development within the WWTP odour buffer SCA, the local government will have due regard to the following: - The local government will generally not approve development which is sensitive to odour emanating from the WWTP; - The local government will consult the Water Corporation and the Department of Water and Environmental Regulation regarding the proposed development or land use for advice on the proposal and any
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					conditions that should be imposed on approval. - The local government will have regard to relevant policies including State Planning Policy 4.1 (State Industrial Buffers) and EPA Guidance Statement No.3 (Guidance for the Assessment of Environmental Factors).
19	LandInsights Planning, Design and Environment on behalf of the owner of Lot 151 Wilkerson Road, Toodyay	<ul style="list-style-type: none"> <li>Notes that Lot 151 Wilkerson Road (the site) was identified in the Shire's adopted Local Planning Strategy for <i>Environmental Conservation</i> and <i>Rural Smallholdings</i> purposes;</li> <li>Notes that a subdivision of the Conservation Lot has been approved by the WAPC in early 2020;</li> <li>Notes that, as part of an earlier rezoning process, a detailed fauna and flora study was undertaken, which confirmed the presence of some significant flora species on the property as well as some black cockatoo habitat;</li> <li>Notes that the preparation of Council's Draft LPS5 provides a unique opportunity to ensure that the site is appropriately zoned in accordance with the Local Planning Strategy. This will have the benefit of ensuring the Conservation Lot is protected by the Scheme, and thereby shielded from incompatible rural development.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Agree. Given that the Shire's adopted Local Planning Strategy identified Lot 151 Wilkerson Road in West Toodyay (known also as 44 Francis Street, West Toodyay) for Environmental Conservation and Rural Smallholdings respectively, it is only appropriate that the zoning of the land assigned accordingly. Further agree with the submitter that the rezoning of the land is undertaken through the preparation of LPS5, and that the Conservation Lot is protected by the Scheme and shielded from incompatible rural development.</li> </ul>	establis hed within the odour buffer.	<ul style="list-style-type: none"> <li>That the submission be upheld through modification of Draft LPS5 (as advertised) Scheme Map (Map 3) by designating Lot 151 Wilkerson Road, West Toodyay 'Rural Smallholdings' zone, and by designating the newly created Conservation Lot as 'Environmental Conservation' Local Scheme Reserve'.</li> </ul>
20	Michael Wood, owner of Coorinja Winery (address supplied)	<ul style="list-style-type: none"> <li>Notes that his property at Lot 345 (5914) Toodyay Road, Hoddy's Well is zoned 'Rural Living' under LPS4 where the land use class 'Restaurant/Café' is an 'A' use and therefore Council has the discretion to approve the land use following public consultation.</li> <li>Notes that under Draft LPS5, the property zoning will change to 'Rural Smallholdings', however, 'Restaurant/Café' will now be an 'X' land use, which means it is prohibited.</li> <li>Submits that 'Restaurant/Café' land should be listed as an 'A' not an 'X' land use, in the 'Rural Smallholding' zone for the following reasons: <ul style="list-style-type: none"> <li>➤ The land use is currently a discretionary land use in the 'Rural Living' zone under LPS4. Draft LPS5 proposes that the 'Rural Living' zone be changed to the 'Rural Smallholdings' zone, which is predominately a change to the title of the zone to be consistent with the Model Provisions contained in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. The zone is largely the same zone with similar lot size ranges and zoning objectives, it is therefore submitted that the 'Restaurant/café' land use should remain as a discretionary land use.</li> <li>➤ The objectives of the 'Rural Smallholdings' zone include 'to provide for a limited range of rural land uses and incidental uses, <b>such as tourism</b> [emphasis added], where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land'. A restaurant is a tourist land use and therefore I submit that it should remain as a discretionary land use within the zone.</li> <li>➤ The 'Rural Smallholdings' zone provides for a large range in lots sizes, from 4ha to 40ha, therefore a land use, like a restaurant, is capable of being designed and sited to ensure that the activity is consistent with the amenity of the locality. It is submitted that draft LPS5 should be adjusted for a restaurant to be an 'A' use so that a merit-based assessment can be performed, and the views of adjoining landowners can be considered through a development assessment, as opposed to it being a prohibited land use and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> <li>Noted.</li> <li>Noted. Agree. Consistent with adjoining local government areas (Shires of Northam and Mundaring), the use class 'restaurant/café' is a use that can be designated a discretionary use (i.e., 'A') in the Zoning Table of LPS5 for the Rural Smallholdings zone.</li> </ul>		<ul style="list-style-type: none"> <li>That the submission be upheld through modification of the Zoning Table (Table 4) in Draft LPS5 (as advertised) by assigning the symbol 'A' to the 'restaurant/café', 'brewery' and 'industry-extractive' use classes in the Rural Smallholdings zone.</li> </ul>

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		<p>the opportunity (including the potential economic benefits and investment) being removed altogether.</p> <ul style="list-style-type: none"> <li>➤ It is submitted that keeping restaurant as an 'A' land use aligns with the vision and objectives of the Strategy Community Plan (the Plan). Specifically, if the land use remains as a discretionary land use it will assist to attract, develop, and maintain business in Toodyay, which is the strategic outcome under the economic pillar of the Plan. It will also align with the three objectives under the economic pillar of the Plan as it would: <ul style="list-style-type: none"> <li>▪ Encourage and support investment into an existing business in Toodyay;</li> <li>▪ Will add another attraction to the region, thus promoting Toodyay as a tourism destination; and</li> <li>▪ Will enable economic diversification.</li> </ul> </li> <li>• Submits that 'Brewery' which is currently listed as an 'X'/prohibited land use in the 'Rural Smallholding' zone be amended to be an 'A' land use based on similar grounds as mentioned above.</li> <li>• Submits that the use class 'Industry – Extractive', which is currently an 'A' use in the 'Rural Living' zone, but depicted as an 'X' (not permitted) use in Draft LPS5, should be designated an 'A' use in Draft LPS5 on the basis that large tracts of what will be the 'Rural Smallholding' zone remain as operational farms that have not yet been subdivided, which generally enables adequate separation distances for such a land use to exist without impacting upon the amenity of the locality.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. Agree. The use class 'brewery' is a use that can be designated as a discretionary use (i.e., 'A') in the Zoning Table of LPS5.</li> <li>• Noted. Agree. The use class 'industry - extractive' is a use that can be designated as a discretionary use (i.e., 'A') in the Zoning Table of LPS5.</li> </ul>	
21	Main Roads Western Australia	<ul style="list-style-type: none"> <li>• Part 02 – Reserves, at 'Local Reserves', at (1) Amend "Department of Main Roads" to "Main Roads Western Australia" or "Main Roads WA" in two locations.</li> <li>• Part 03 – Zones and Use of Land, questions whether use classes "Industry", "Mining Operations on Minerals to Owner Land", and "Waste Disposal Facility" are not permitted uses in all zones.</li> <li>• Notes that some proposed development (i.e. access, stormwater drainage, signage, etc.) has an impact on the Main Roads WA network. Advises that development applications must be referred to Main Roads WA for comment.</li> <li>• Part 04 – General Development Requirements (clause 32), with respect to 'setbacks', questions why a 50m setback is required from a state road for Rural and Rural Smallholding zones. Advises that Main Roads WA was not aware of requesting this requirement. Questions why the requirement is inconsistent across similar zones, i.e. Rural Residential and Rural Enterprise.</li> <li>• Under 'Development in the Rural Residential and Rural Smallholdings zones' section of clause 32, with particular reference to (16) "...and the road .." should be "... and the property boundary ..", advises that town planning stops at the property boundary and Main Roads WA is unlikely to support landscaping or permitted rural activities (under the LPS) to be undertaken within road reserves under Main Roads WA control.</li> <li>• 'Development in the Light Industry zone' section under clause 32 needs to be consistent with (16) above and for accuracy. Advises that Main Roads WA is unlikely to support the daily parking of vehicles, loading and unloading of vehicles and trade displays within the Main Roads WA road reserve. Recommends it is made clear that the clause relates to local roads only.</li> <li>• Suggests clause 78(e) is reworded</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. Agree.</li> <li>• Noted. Council submits it is appropriate that the use classes "Industry", "Mining Operations on Minerals to Owner Land", and "Waste Disposal Facility" are not permitted uses in all zones.</li> <li>• Noted. Clause 66(1) of the <i>deemed provisions for local planning schemes</i> provides that when (in the opinion of the local government) an application for development approval may affect any other statutory, public or planning authority, the local government is to provide a copy of the application to the authority for objections and recommendations.</li> <li>• Noted. Currently, in LPS4, buildings that front a designated state, regional or district road should be set back a minimum of 100m from the boundary. A 50m setback is considered sufficient from a state or major road.</li> <li>• Noted. Disagree. Council submits that clause 32(16) is correctly worded.</li> <li>• Noted. Disagree. Council submits that clause 32(43) is correctly worded, and that further modification to distinguish between local and state roads is not required.</li> <li>• Noted. Disagree. Council submits that clause 32(78)(e) is correctly worded. Where warranted, extractive industry proposals that may affect MRWA's interests will be referred to MRWA for comments under the requirements of clause 66 of the <i>deemed provisions for local planning schemes</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• That the submission be partially upheld by amending Part 02 – Reserves of Draft LPS5 (as advertised) by substituting any and all reference to 'Department of Main Roads' to 'Main Roads WA'.</li> </ul>
22	Chris & Olivia Wood (address supplied)	<ul style="list-style-type: none"> <li>• Requests Council consider inclusion of Nature Based Park as a land use definition and appropriate permissibility within Scheme No. 5.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. Agree.</li> <li>• Noted. Agree.</li> </ul>	<ul style="list-style-type: none"> <li>• That the submission be upheld through the inclusion of the following heading and subclauses under clause 32 of Draft LPS5 (as advertised):</li> </ul>

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		<ul style="list-style-type: none"> <li>Considers Nature Based Park is an appropriate land use to bolster tourism options in the Shire, and further considers this modification will be required to eliminate inconsistencies between the planning approval requirements and those under the Caravan Parks and Camping Grounds legislation.</li> </ul>		<p><b>Nature Based Parks</b></p> <p>82. Nature based park proposals shall be accompanied by information that –</p> <ul style="list-style-type: none"> <li>(a) outlines the scale of the proposal, including but not limited to, the number of camps, maximum number of campers, access arrangements to the site and any proposed structures;</li> <li>(b) identifies environmental values and sets out measures for protection and rehabilitation;</li> <li>(c) demonstrates waste disposal is in accordance with Government policy, or is otherwise removed from and disposed offsite;</li> <li>(d) demonstrates adequate separation distances and/or buffers from incompatible land uses on adjacent or nearby locations; and</li> <li>(e) any other information the decision maker considers relevant.</li> </ul> <p>83. In considering a proposal for the development of a Nature based park the decision maker shall refer any application which propose:</p> <ul style="list-style-type: none"> <li>(a) clearing of native vegetation to the government department/s responsible for the environment; and</li> <li>(b) the installation of an on-site effluent disposal system to the government department/s responsible for human and environmental health.</li> </ul> <p>84. Nature based park proposals will not be supported where in the opinion of the decision maker, the proposal detrimentally impact or undermines surrounding land uses, and in particular, where the proposal undermines the ability for continued agricultural use of Rural land.</p> <p>85. No clearing of native vegetation is permitted to occur.</p> <p><i>Note: Nature Based Park applications are required to be in accordance with the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulations 1997.</i></p> <ul style="list-style-type: none"> <li>That the submission be upheld through the inclusion of the following definition in clause 38 (division 2) of LPS5:</li> </ul> <table border="1" data-bbox="2184 1654 2831 1900"> <thead> <tr> <th data-bbox="2184 1654 2504 1711">Land use</th> <th data-bbox="2504 1654 2831 1711">Definition</th> </tr> </thead> <tbody> <tr> <td data-bbox="2184 1711 2504 1900">nature based park</td> <td data-bbox="2504 1711 2831 1900">           means a facility in an area that:           <ol style="list-style-type: none"> <li>1. is not in close proximity to an area that is built up with structures used for</li> </ol> </td> </tr> </tbody> </table>	Land use	Definition	nature based park	means a facility in an area that: <ol style="list-style-type: none"> <li>1. is not in close proximity to an area that is built up with structures used for</li> </ol>
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No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation								
23	Department of Planning, Lands and Heritage	<ul style="list-style-type: none"> <li>• Requests Council consider recommended modifications to Special Use zone No.8 (SU8) and reclassification of land in response to a submission from the landowner of Lots 16, 802 and 803 Wattening Spring Road, Wattening.</li> <li>• Advises that the proposed changes seek to update the special uses and conditions in SU8 to facilitate a future tourism proposal within the zone, and to ensure consistency with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. In addition to updating SU8, it also seeks to bring the remaining portions of rural zoned land within Lots 802 and 803 into the Special Use zone.</li> <li>• Requests Council consider modification of the Scheme Map to reclassify Lot 28826 on DP 187541 (forming part of Reserve 2393) from part 'Special use', part 'rural' zone to 'Environmental Conservation' reserve. This is to better reflect its purpose for flora and fauna conservation.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. Agree.</li> <li>• Noted. Agree.</li> <li>• Noted. Agree.</li> </ul>	<ul style="list-style-type: none"> <li>• That the submission be upheld through the rezoning of Lots 16, 802 and 803 Wattening Spring Road, Wattening and modification of Special Use No. 8 in Draft LPS5 (as advertised) as follows: <ol style="list-style-type: none"> <li>1. Reclassify portions of Lots 802 and 803 Wattening Spring Road, Wattening from 'Rural' zone to 'Special Use' zone and amend the Scheme Map accordingly.</li> <li>2. Reclassify a portion of Reserve 2393 (Lot 28826 on DP 187541) from 'Special Use' and 'Rural' zone to 'Environmental Conservation' reserve and amend the Scheme Map accordingly.</li> <li>3. Modify Part 6 by inserting the model term and definition for 'Cabin' under clause 37(1).</li> <li>4. Amending the provisions of Schedule 4 of the Scheme Text as they apply to Special Use Zone 8 to the following:</li> </ol> </li> </ul>								
		<table border="1"> <thead> <tr> <th data-bbox="507 1083 685 1113">No.</th> <th data-bbox="685 1083 1130 1113">Description of Land</th> <th data-bbox="1130 1083 1745 1113">Special Use</th> <th data-bbox="1745 1083 2828 1113">Conditions</th> </tr> </thead> <tbody> <tr> <td data-bbox="507 1113 685 1911">8</td> <td data-bbox="685 1113 1130 1911">Lots 16, 802 and 803, Wattening Spring Road, Wattening</td> <td data-bbox="1130 1113 1745 1911">           As a discretionary ('D') use:           <ul style="list-style-type: none"> <li>• Tourist Development</li> <li>• Cabin</li> <li>• Caretaker's dwelling</li> <li>• Chalet</li> <li>• Holiday accommodation</li> <li>• Holiday house</li> </ul>           and any other land uses that the local government considers consistent with the intent of this zone.         </td> <td data-bbox="1745 1113 2828 1911">           The purpose and intent of this zone is to provide for tourist accommodation and incidental shared facilities and services.           <ol style="list-style-type: none"> <li>1. Development and use is not permitted unless the local government has exercised its discretion by granting development approval.</li> <li>2. Development is address, but not limited to, the following matters:               <ol style="list-style-type: none"> <li>(a) Setbacks, as determined by local government; and</li> <li>(b) The location of on-site tourism and management facilities across the site; and</li> <li>(c) Access and traffic management for the site, including:                   <ul style="list-style-type: none"> <li>• providing safe legal ingress and egress to the development site from a constructed public road;</li> <li>• provision of any required road upgrades and/or construction to the satisfaction of the local government;</li> <li>• provision of car parking;</li> <li>• internal vehicle access and circulation; and</li> <li>• pedestrian access across the site.</li> </ul> </li> <li>(d) A Bushfire Management Plan (BMP) and emergency evacuation plan shall be prepared; and</li> <li>(e) Any other relevant matter, which the State or local government considers to be warranted to ensure orderly and proper planning of the site.</li> </ol> </li> <li>3. Development is to be provided with the following servicing arrangements:               <ol style="list-style-type: none"> <li>(a) A sustainable water supply that is sufficient for the intended use; and</li> <li>(b) A reticulated electricity supply and/or a renewable energy system commensurate with the intended use;</li> <li>(c) On-site effluent disposal in accordance with relevant State policy and health requirements;</li> </ol> </li> </ol> </td> </tr> </tbody> </table>	No.	Description of Land	Special Use	Conditions	8	Lots 16, 802 and 803, Wattening Spring Road, Wattening	As a discretionary ('D') use: <ul style="list-style-type: none"> <li>• Tourist Development</li> <li>• Cabin</li> <li>• Caretaker's dwelling</li> <li>• Chalet</li> <li>• Holiday accommodation</li> <li>• Holiday house</li> </ul> and any other land uses that the local government considers consistent with the intent of this zone.	The purpose and intent of this zone is to provide for tourist accommodation and incidental shared facilities and services. <ol style="list-style-type: none"> <li>1. Development and use is not permitted unless the local government has exercised its discretion by granting development approval.</li> <li>2. Development is address, but not limited to, the following matters:               <ol style="list-style-type: none"> <li>(a) Setbacks, as determined by local government; and</li> <li>(b) The location of on-site tourism and management facilities across the site; and</li> <li>(c) Access and traffic management for the site, including:                   <ul style="list-style-type: none"> <li>• providing safe legal ingress and egress to the development site from a constructed public road;</li> <li>• provision of any required road upgrades and/or construction to the satisfaction of the local government;</li> <li>• provision of car parking;</li> <li>• internal vehicle access and circulation; and</li> <li>• pedestrian access across the site.</li> </ul> </li> <li>(d) A Bushfire Management Plan (BMP) and emergency evacuation plan shall be prepared; and</li> <li>(e) Any other relevant matter, which the State or local government considers to be warranted to ensure orderly and proper planning of the site.</li> </ol> </li> <li>3. Development is to be provided with the following servicing arrangements:               <ol style="list-style-type: none"> <li>(a) A sustainable water supply that is sufficient for the intended use; and</li> <li>(b) A reticulated electricity supply and/or a renewable energy system commensurate with the intended use;</li> <li>(c) On-site effluent disposal in accordance with relevant State policy and health requirements;</li> </ol> </li> </ol>		
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				(d) Provision for waste management. 4. No permanent residential accommodation is permitted in the Special Use zone, except for a caretaker's dwelling. 5. The above development conditions (2-4) may be varied at the discretion of the local government and on the advice of any relevant referral agency.	
24	Tash Weir on behalf of Mahonia Operations (operating as In2thewild Tiny Holidays) (address supplied)	<ul style="list-style-type: none"> <li>Requests Council consider inclusion of a land use definition and appropriate permissibility within LPS5 for "nature based park" to better reflect accommodation services in "tiny-houses-on-wheels."</li> <li>Considers nature based park is an appropriate land use to bolster tourism options in the Shire of Toodyay, and that this modification will be required to eliminate inconsistencies between the planning approval requirements and those under the Caravan Parks and Camping Grounds legislation.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Agree. Council submits there is a need to better reflect short-term accommodation options in LPS5.</li> <li>Noted. Agree.</li> </ul>	<ul style="list-style-type: none"> <li>That the submission be upheld through the inclusion of the following heading and subclauses under clause 32 of LPS5 (General Development Standards and Requirements):</li> </ul> <p><b>Nature Based Parks</b></p> <p>82. Nature based park proposals shall be accompanied by information that –</p> <ol style="list-style-type: none"> <li>outlines the scale of the proposal, including but not limited to, the number of camps, maximum number of campers, access arrangements to the site and any proposed structures;</li> <li>identifies environmental values and sets out measures for protection and rehabilitation;</li> <li>demonstrates waste disposal is in accordance with Government policy, or is otherwise removed from and disposed offsite;</li> <li>demonstrates adequate separation distances and/or buffers from incompatible land uses on adjacent or nearby locations; and</li> <li>any other information the decision maker considers relevant.</li> </ol> <p>83. In considering a proposal for the development of a Nature based park the decision maker shall refer any application which propose:</p> <ol style="list-style-type: none"> <li>clearing of native vegetation to the government department/s responsible for the environment; and</li> <li>the installation of an on-site effluent disposal system to the government department/s responsible for human and environmental health.</li> </ol> <p>84. Nature based park proposals will not be supported where in the opinion of the decision maker, the proposal detrimentally impact or undermines surrounding land uses, and in particular, where the proposal undermines the ability for continued agricultural use of Rural land.</p> <p>85. No clearing of native vegetation is permitted to occur.</p> <p><i>Note: Nature Based Park applications are required to be in accordance with the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulations 1997.</i></p>	

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