

**NEW SUMMARY OF SUBMISSIONS**  
**Doley road Precinct / Amendment to Town Planning Scheme No. 2 - Local Structure Plan**  
**PA20/532**

Submitter	No	Submitter Comments	Applicant Response	Officer Comment & Recommendation
<b>Government Agencies</b>				
DBCA IN20/20753	1.	The Department of Biodiversity Conservation and Attractions - Swan Region Office has no comments on the proposal.	Feedback noted.	Noted – We appreciate your response via submission to the Doley Road Precinct Amendment 1 – Local Structure Plan
Water Corporation IN20/21023	2.	I refer to your letter dated 17 September 2020 inviting comments on the proposed amendments to the Doley Road structure plan.  The changes appear to be minor in nature and should not affect the Corporation's ability to service the proposed subdivision and development of the area.	Feedback noted.	Noted – We appreciate your response via submission to the Doley Road Precinct Amendment 1 – Local Structure Plan
DPLH Heritage Services IN20/21081	3.	Thank you for your correspondence regarding the proposed Local Structure Plan amendment, for Doley Road Precinct, Byford.  I note that there are no State registered heritage places in the vicinity. As such we do not propose making any comment.	Feedback noted.	Noted – We appreciate your response via submission to the Doley Road Precinct Amendment 1 – Local Structure Plan
Telstra IN20/21082	4.	Re: Referral - Shire of Serpentine Jarrahdale - Structure Plan Doley Road Thank you for your communication dated 17/09/2020 in relation to the location specified above.	Generalised comment, no specific matters raised.	Noted – We appreciate your

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		<p>The purpose of this letter is to notify you that Telstra’s plant records indicate that there are Telstra assets located within the area of the proposal. We note that our plant records merely indicate the approximate location of the Telstra assets and may not be up to date. These records should not be relied upon by you as they may not depict a true and accurate reflection of the exact location of the assets.</p> <p>We suggest that you contact Dial Before You Dig for a detailed site plan (if you haven't already) and engage a Telstra Accredited Plant Locator (APL) to determine the exact location of the asset. To obtain a list of Telstra Accredited Plant Locators (APL) please phone 1100 or visit <a href="http://www.1100.com.au">www.1100.com.au</a>.</p> <p>Once the precise location of the Telstra assets has been established, you can either arrange for the Telstra assets to be relocated or re-align your proposal to ensure they are no longer impacted.</p> <p>Telstra’s Asset Relocation team can be engaged to obtain a quote to relocate the assets from the location in question. The relocation of the assets are carried at the cost of the disturber. Please phone 1800 810 443 or email <a href="mailto:F1102490@team.telstra.com">F1102490@team.telstra.com</a> to arrange for an asset relocation.</p>	<p>The developer will ensure that any such assets in the area are identified and safeguarded or relocated prior to development.</p> <p>It is noted that area the subject of the amendment (primarily focussed around Lot 61 of D61334 @ 55 Lawrence Way, Byford) does not itself contain any identified Telstra (or other) underground public utilities or infrastructure assets.</p>	<p>response via submission to the Doley Road Precinct Amendment 1 – Local Structure Plan</p>

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		<p>Alternatively, once your proposal has been re-aligned to eliminate any impact to Telstra's assets, please contact F0501488@team.telstra.com for a re-evaluation of your proposal so that Telstra can be assured that its assets will not be affected by your development.</p> <p>As these assets comprise an essential component of the Telstra network, we take this opportunity to highlight Telstra's rights and requirements to ensure that they are understood. The following is stated for your information:</p> <p>(1) As you may be aware, Telstra's existing facilities are grandfathered under the Telecommunications Act 1997 (Cth). Schedule 3 of the Telecommunications Act enables such facilities to legally occupy land in perpetuity for the duration of that facilities' use.</p> <p>(2) Part 1 of Schedule 3 of the Telecommunications Act 1997 (Cth) authorises a carrier to enter land and exercise any of the following powers</p> <ul style="list-style-type: none"> <li>- inspect the land</li> <li>- install a facility</li> <li>- maintain a facility</li> </ul> <p>In the case of installation and planned maintenance a</p>		

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		<p>notification will be afforded and such work will generally proceed during business hours. However, from time to time, certain activities need to be carried out without delay in order to protect the integrity of the network. Such activities may require access without notice and at any time of the day or night.</p> <p>(3) If you subdivide the land at any time in the future it may become necessary, in the opinion of Telstra to remove, or alter the position of a facility. In these circumstances the carrier may enter the land and do anything necessary or desirable for that purpose. Under clause 53 of Schedule 3 to the Telecommunications Act, the person who proposes to subdivide the land is liable to pay the carrier the reasonable cost of anything reasonably done by the carrier in this regard.</p> <p>(4) There is a requirement that all access to Telstra's network is facilitated by Telstra, via the normal channels available to all customers Australia wide. Tampering with, or interfering with telecommunications infrastructure or a facility owned or operated by a carrier (being Telstra) is an offence under the Criminal Code Act 1995 (Cth). Heavy penalties may apply for breach of this prohibition, and any damages suffered, or costs incurred, by Telstra as a result of any such interference may be claimed against you. This means that you are not permitted to interfere with, repair or relocate Telstra's infrastructure, either personally or through a contractor without approval and authorisation from Telstra.</p>		

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		<p>(5) Individuals owe Telstra a duty of care that must be observed when working in the vicinity of Telstra's communication plant or assets. If Telstra's facilities are damaged as a result of any property development or any interference with such facilities, the person will be liable in tort (negligence) for any loss or damage (including consequential loss) suffered by Telstra and/or any member of the public. Telstra will not hesitate to take action to recover such loss or damage caused by such interference to Telstra's Network.</p> <p>Telstra would also appreciate due confirmation in the event that the applicant contemplates divesting its interest or control of this land, that the information contained here is passed on to the prospective owners.</p>		
Tourism WA IN20/21994	5.	<p>Tourism Western Australia (Tourism WA) thanks you for the opportunity to comment on the above plan. Tourism WA has researched this and has no comments to make. Very best regards Ross</p>	Feedback noted.	<p>Noted – We appreciate your response via submission to the Doley Road Precinct Amendment 1 – Local Structure Plan</p>
Mainroads IN20/21625	6.	<p>Thank you for your correspondence, dated 17 September 2020, inviting Main Roads to comment on the proposed Amendment No. 1 to the Doley Road Precinct Local Structure Plan (LSP). Main Roads has no objections to the proposed LSP amendment.</p> <p>Main Roads requests that a copy of the City's final determination on this Local Structure Plan amendment is sent to <a href="mailto:planninginfo@mainroads.wa.gov.au">planninginfo@mainroads.wa.gov.au</a> quoting the file reference above.</p>	Feedback noted.	<p>Noted – We appreciate your response via submission to the Doley Road Precinct Amendment 1 – Local Structure Plan</p>

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DPLH IN20/21306	7.	<p>PROPOSED LOCAL STRUCTURE PLAN — AMENDMENT — DOLEY ROAD PRECINCT, BYFORD — PA20/532 Thank you for your letter dated 17 September 2020 seeking comment from the Department of Planning, Lands and Heritage (DPLH), regarding the amendments to the proposed Local Structure Plan - Doley Road Precinct, Byford — PA20/532.</p> <p>I have reviewed the Aboriginal Heritage Register of Places and Objects as well as the DPLH Aboriginal Heritage database. The results indicate that the area does not intersect with any Aboriginal Heritage Places. Therefore, based on the information held by DPLH, no approvals under the Aboriginal Heritage Act 1972 are required.</p> <p>DPLH recommends the proponent refer to the State's Aboriginal Heritage Due Diligence Guidelines (Guidelines). The Guidelines allow proponents to undertake their own risk assessment regarding any proposal's potential impact to Aboriginal Heritage.</p> <p>The Guidelines can be found on the DPLH website at the following link: <a href="https://www.dplh.wa.qov.au/information-and-services/aboriginal-heritage">https://www.dplh.wa.qov.au/information-and-services/aboriginal-heritage</a></p>	Feedback noted. No such places of Indigenous Australian heritage significance were identified within the area the subject of the amendment.	Noted – We appreciate your response via submission to the Doley Road Precinct Amendment 1 – Local Structure Plan
DWER IN20/21751	8.	<p>The Department has assessment the amendment and associated addendum to the Byford, Doley Road Local Water Management Strategy and has no comment to offer.</p> <p>In the event there are modifications to the proposal that may have implications on aspects of environment and/or water</p>	Feedback noted.	Noted – We appreciate your response via submission to the Doley Road Precinct

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		management, the Department should be notified to enable the implications to be assessed.		Amendment 1 – Local Structure Plan
DoT IN20/22680	9.	<p>The Department of Transport (DoT) has no comment to provide for the amendment.</p> <p>DoT would recommend the document take the recently endorsed Long Term Cycling Network (LTCN) plan into consideration.</p>	<p>Feedback noted. A copy of the LTCN could not be sourced.</p> <p>No fundamental change or restriction to the movement network (for pedestrians, cyclists, or vehicles) has been made as a result of the LSP amendment.</p>	<p>Noted – We appreciate your response via submission to the Doley Road Precinct Amendment 1 – Local Structure Plan.</p>
Atco Australia IN20/23431	10.	ATCO has no objection to the Amendment to the Structure Plan to register with the Shire.	Feedback noted.	<p>Noted – We appreciate your response via submission to the Doley Road Precinct Amendment 1 – Local Structure Plan</p>

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<p align="center">DFES IN20/24233</p> <p>E17/7298</p>	<p align="center">11.</p>	<table border="1"> <thead> <tr> <th data-bbox="631 512 748 533">Issue</th> <th data-bbox="748 512 1153 533">Assessment</th> <th data-bbox="1153 512 1270 533">Action</th> </tr> </thead> <tbody> <tr> <td data-bbox="631 533 748 783">Off-site vegetation exclusion</td> <td data-bbox="748 533 1153 783"> <p><b>Insufficient information</b></p> <p>The Essential Environmental BMP has excluded vegetation located within the Soldiers Road/Railway Reservation. This vegetation cannot be substantiated as managed to low threat in accordance with AS3959.</p> <p>Technical evidence and verification (photography) should be included in the BMP to qualify the vegetation exclusion can be achieved and under what legislative instrument it is enforceable in perpetuity. If unsubstantiated, the vegetation classification should be revised to consider the vegetation at maturity as per AS3959, or the resultant BAL ratings may be inaccurate.</p> </td> <td data-bbox="1153 533 1270 783">Modification to the BMP is required.</td> </tr> <tr> <td data-bbox="631 783 748 1023">On-site vegetation exclusion</td> <td data-bbox="748 783 1153 1023"> <p><b>Insufficient information</b></p> <p>Both BMP's have excluded all vegetation within the Multiple Use Corridor as managed to low threat in accordance with AS3959.</p> <p>The BMP should clarify how the proposed groundcover, plants and trees associated with the restoration of the watercourse within the Multiple Use Corridor to become a <i>rehabilitated living stream</i> warrants exclusion from classification. If unsubstantiated, the vegetation classification should be revised to consider the vegetation at maturity as per AS3959, or the resultant BAL ratings may be inaccurate.</p> </td> <td data-bbox="1153 783 1270 1023">Modification to the BMP is required.</td> </tr> <tr> <td data-bbox="631 1023 748 1203">Vegetation classification</td> <td data-bbox="748 1023 1153 1203"> <p>DFES notes that there are disparities in the classification of pre-development vegetation between the BMP's. For example, plot 5 identifies areas of excluded vegetation in the Linfire Consultancy BMP that are classified as Class G Grassland and Class B Woodland in the Essential Environmental BMP.</p> <p>Whichever of the two BMP's are amended should apply the precautionary principle having regard to the potential for regeneration and the status upon maturity.</p> </td> <td data-bbox="1153 1023 1270 1203">Comment</td> </tr> </tbody> </table>	Issue	Assessment	Action	Off-site vegetation exclusion	<p><b>Insufficient information</b></p> <p>The Essential Environmental BMP has excluded vegetation located within the Soldiers Road/Railway Reservation. This vegetation cannot be substantiated as managed to low threat in accordance with AS3959.</p> <p>Technical evidence and verification (photography) should be included in the BMP to qualify the vegetation exclusion can be achieved and under what legislative instrument it is enforceable in perpetuity. 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With regard to the amendment area, the Linfire Bushfire Management Plan takes precedence, while for the area outside the scope of the Linfire Bushfire Management Plan, the Essential Environmental Bushfire Management Plan should be applied.</p> <p>While it is acknowledged that the Linfire BMP does not cover the entire LSP area, given that there were no material changes to any area outside of the amendment area (focussed at 55 Lawrence Way), a fully revised BMP was considered to be unwarranted, and unnecessary — only creating the potential for further conflict and confusion with the content and application of the original LSP.</p> <p>The Linfire Bushfire Management Plan was created with consideration of the</p> <p align="right">Ordinary Council Meeting - 14 December 2020</p>	<p>Point 1 - Agree a single BMP should have been provided and not just an amendment.</p> <p>Point 2 – Note that areas have been classified as low threat and we do not have the ability to ensure this in perpetuity.</p> <p>Point 3 - Soldiers Road is nearly 300m from the subject site and is not subject to assessment.</p> <p>Point 4 - As subdivision progresses surrounding areas will be subject to ongoing vegetation management and it does state within this BMP that the MUC will be managed to a low threat.</p>
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			<p>latest site conditions and the proposed LSP amendment, and represents a more accurate and up-to-date BMP for the amendment area (only).</p> <p>A common-sense approach with the application of the latest consultant reports for the amendment area, and the original consultant reports for the remaining areas should be applied.</p> <p>It is also noted that the specific lot layout is not known at this present stage, however a generalised lot layout is known.</p>	<p>Point 5 – Noted</p> <p>Point 6 – Noted, subject to ongoing vegetation management and considered low threat.</p> <p>The LSP amendment is recommended for Refusal due to the unnatural response to water management in the landscape, the impact of POS utility, the inadequate street block design and overall impact on POS provision. Therefore the approved LSP will remain in place dated 17 July 2017.</p>
<p>Department of Communities IN20/24167</p>	<p>12.</p>	<p>Proposed Local Structure Plan – Amendment – Doley Road Precinct, Byford Thank you for the opportunity for provide comment on a proposed Local Structure Plan for Doley Road Precinct, Byford. The Department of Communities notes the changes proposed to the Doley Road Precinct Structure Plan, the increased yield and reduction in public open space and</p>	<p>Feedback noted. Please refer to discussion in Harley Dykstra's feedback for further elaboration on Public Open Space matters.</p>	<p>Noted – We appreciate your response via submission to the Doley Road Precinct</p>

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		<p>recognises that the amendment is 'minor' in nature in not materially altering the purpose and intent of the original Structure Plan. Whilst the loss of public open space is regrettable the proposed design still achieves and exceeds the public open space requirement without restricting development and therefore the Department is supportive of the change.</p>		Amendment 1 – Local Structure Plan
<p>Department of Education IN20/26169</p>	13.	<p><b>Proposed Amendment No.1 to Doley Road Precinct Local Structure Plan</b></p> <p>Thank you for your letter dated 17 September 2020 providing the Department of Education (Department) with the opportunity to comment on the abovementioned amendment to the Ooley Road Precinct Local Structure Plan (LSP).</p> <p>The Department has reviewed the information in support of the amendment and is satisfied that the proposal would not in itself materially impact the educational needs of the area. As such, the Department has no in principle objections to the modifications to the LSP.</p> <p>Notwithstanding this, the Department has previously advised the Shire of Serpentine Jarrahdale (Shire) of its concerns in relation to the under provision of public primary school sites within draft Byford District Structure Plan (BDSP). Nine public primary school sites are allocated within the draft BDSP which is considered insufficient to accommodate for the educational needs of the 20,780 projected residential lots. The Department therefore wishes to continue to work with the Shire to ensure a sufficient number of public school sites are planned for within the draft BDSP.</p>	<p>Feedback noted. Generalised comment not related to this specific amendment or the amendment area.</p>	<p>Noted – We appreciate your response via submission to the Doley Road Precinct Amendment 1 – Local Structure Plan</p>

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<b>Business</b>				
<p>Harley Dykstra IN20/23782</p>	<p>14.</p>	<p>RE: DOLEY ROAD PRECINCT LOCAL STRUCTURE PLAN – AMENDMENT NO. 1 SUBMISSION ON BEHALF OF LOT 44 (NO. 91) WARRINGTON ROAD, BYFORD</p> <p>The Shire of Serpentine Jarrahdale is currently advertising proposed Amendment No. 1 to the Doley Road Precinct Local Structure Plan, which is located within the Byford urban area.</p> <p>In response to this document, Harley Dykstra would like to make a submission, on behalf of our client, Mr. Tony Marwick, who is the landowner of Lot 44 (No. 91) Warrington Road, Byford. Lot 44 is included within the eastern part of the Doley Road Precinct Local Structure Plan. This submission objects to the proposed amendment on the basis that it does not give proper consideration to the provision of public open space within the structure plan area.</p> <p>As the Shire is aware, Harley Dykstra has been discussing an alternative amendment to this Structure Plan in relation to our Client’s landholding (including a meeting in late July), which also seeks to modify the provision of public open space in the structure plan area, as it relates to Lot 44 and the adjacent Lot 45 (to the south).</p> <p>Public Open Space Calculations</p> <p>The advertised structure plan amendment report provides a calculation of public open space (POS) contribution in Table 2</p>	<p>Urbanista Town Planning welcomes the feedback of Harley Dykstra, and has provided the following comments in response to their feedback.</p> <p><b>Public Open Space Feedback Response</b></p> <p>Urbanista Town Planning acknowledges that the inclusion of the 0.381ha “deductions” area in Public Open Space was made in error and that the proposed POS equates to 9.69% with a total contributory POS area of 11.11ha.</p> <p>The proposed Doley Road Precinct LSP Amendment No. 1 including the current meandering living stream and POS design and layout was discussed and put forward to the Design SJ Technical Advisory Group at two separate meetings prior to lodgement of the LSP amendment.</p> <p>At both of these meetings (which included a range of stakeholders) and</p>	<p>The LSP amendment is recommended for Refusal due to the unnatural response to water management in the landscape, the impact of POS utility, the inadequate street block design and overall impact on POS provision. Therefore the approved LSP will remain in place dated 17 July 2017.</p>

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		<p>(refer to the Executive Summary attached at Appendix A of this submission). The table suggests that 11.49ha of POS has been provided, which represents a total of 10.02% of the Gross Subdividable Area. It is apparent, however, that the total public open space contribution has been miscalculated. It is apparent from Table 2, that the applicant has derived the total POS figure by adding the total portion of unrestricted POS, restricted POS and the total deductions. The Liveable Neighbourhoods policy requires that any deductions, which includes stormwater storage basins for 1:1 year events, are not included in the total POS contribution.</p> <p>On the basis of the above, it is clear that the POS contribution should, instead, amount to 11.11 hectares, which represents only 9.69% of the Gross Subdividable Area. This figure is calculated by combining the total areas of Unrestricted and Restricted POS together.</p> <p>This error is further compounded by the fact that Note 3, provided below Table 2, clearly (and correctly) states that “areas subject to inundation from the Small Stormwater Event (first 15mm of rainfall) are not included as restricted or unrestricted open space and are a deduction from the nett site area” (emphasis added).</p> <p>This incorrect assumption casts doubt on the validity of the overall rationale for the proposed structure plan amendment.</p> <p>Timing of Structure Plan Amendment</p>	<p>in the discussions held, there were no concerns raised about the POS design which was in the same form and scale, being 9.69% at that time.</p> <p>The primary purpose of the original and current proposed POS #5 (@ Lot 61, 55 Lawrence Way) is for functional drainage and water retention / infiltration purposes — and less so for active recreational pursuits. POS for active recreational pursuits is provided elsewhere in the wider Doley Road Precinct LSP area. One of the reasons it was considered that this design was supportable was that the primary function of this POS in the original design was as a Multiple Use Corridor serving a functional purpose — whilst also having the additional benefits in terms of connectivity, access, amenity, and design for future residents.</p> <p>The POS calculations are / were based on an indicative cross section of the proposed POS with a living stream length increase of 50m compared with the original LSP, and based on the original LSP and the Local Water</p>	

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		<p>Given the above, and our Client's intention to also prepare a structure plan amendment, we are of the view that the consideration of the advertised structure plan amendment would be premature. We hold this view on the basis that an incorrect public open space calculation will likely prejudice any assessment of our Client's alternative amendment, and also that it has the potential to adversely impact on the overall delivery of POS within the precinct, particularly if the advertised amendment were to be approved by the Western Australian Planning Commission.</p> <p>We note that the proposed amendment also raises questions in respect of the proposed Development Contribution Plan that is currently being considered by the Shire (recently advertised), given that this plan would assume a contribution of at least 10% POS for each of the structure plan areas within the DCP. This may lead to further cost implications for the development of land within this precinct/structure plan area.</p> <p>Summary</p> <p>We therefore request that the Shire does not proceed to considering the advertised structure plan on the basis of our objection, and that this be held off until the key issue identified in this submission is reviewed both in the context of this proposal and also having regard to the local structure plan amendment (in relation to our Client's land) that will be imminently forthcoming.</p>	<p>Management Strategy prepared by Urbaqua. This has resulted in an increase in the deductions area. The POS 5 deductions area approximates to 1,400sqm (0.14ha) for ≥100% Annual Exceedance Probability (AEP) rainfall events. It is noted that this intermittent living stream and the calculated area which will be filled by for ≥100% AEP rainfall events is an overestimation, given this equates to roughly (depending on specific alignment and design of the living stream) ~3m of the 32m wide living stream being filled.</p> <p>The LWMS notes that even a "worst-case" 1% AEP (formerly 1:100 year ARI) rainfall event would only result in the living stream being filled to 1.5m* of its overall 1.8m depth.</p> <p><b>Other Public Open Space comments:</b></p> <p>Notes 3 &amp; 4 at the bottom of Table 2 were essentially copied from the original LSP. It is noted that these notes reference "15mm rainfall" which is referred to in the Draft 2015 Liveable</p>	

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		<p>We trust that the above and attached provide a clear indication of our position in relation to this matter, and look forward to further discussions with the Shire prior to the structure plan amendment being progressed.</p>	<p>Neighbourhoods but not referred to in the current 2009.</p> <p>Update 02 Liveable Neighbourhoods. These notes were included for purposes of continuity with the original LSP.</p> <p>The applicant was aware that the proposed POS would be reduced, and in discussion with the City reach a mutual agreement supportive of the proposed POS design.</p> <p>The following table summarises the application of inclusion of land in POS calculations (as applicable to this proposal) based on the 2009 Update 02 Liveable Neighbourhoods:</p> <table border="1" data-bbox="1352 1106 1675 1214"> <thead> <tr> <th>Rainfall event Annual Exceedance Probability</th> <th>Liveable Neighbourhoods 2009 Update 02 Ref.</th> <th>What kind of POS is it?</th> </tr> </thead> <tbody> <tr> <td>≤ 20% AEP</td> <td>Element 4 R25</td> <td>POS (non-restricted use)</td> </tr> <tr> <td>&lt;100% AEP (to &gt;20% AEP)</td> <td>Element 4 R26</td> <td>Restricted Use POS</td> </tr> <tr> <td>≥100% AEP</td> <td>Element 4 R33</td> <td>—</td> </tr> </tbody> </table> <p><b>Timing of the LSP amendment Response</b></p> <p>With respect to the preparation of another LSP amendment by another</p>	Rainfall event Annual Exceedance Probability	Liveable Neighbourhoods 2009 Update 02 Ref.	What kind of POS is it?	≤ 20% AEP	Element 4 R25	POS (non-restricted use)	<100% AEP (to >20% AEP)	Element 4 R26	Restricted Use POS	≥100% AEP	Element 4 R33	—	
Rainfall event Annual Exceedance Probability	Liveable Neighbourhoods 2009 Update 02 Ref.	What kind of POS is it?														
≤ 20% AEP	Element 4 R25	POS (non-restricted use)														
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≥100% AEP	Element 4 R33	—														

**NEW SUMMARY OF SUBMISSIONS**  
**Doley road Precinct / Amendment to Town Planning Scheme No. 2 - Local Structure Plan**  
**PA20/532**

Submitter	No	Submitter Comments	Applicant Response	Officer Comment & Recommendation
			landholder, to unduly hold off this substantially progressed LSP amendment to await another subsequent LSP amendment is untenable. The future application of another LSP amendment (like this LSP amendment) should be considered on its own individual merits, and with respect to Public Open Space, should be considered with reference to the approved POS contribution at that time and the context of that amendment (and less so on a 10.0% POS contribution value).	
Tomahawk Property IN20/24385	15.	119 Doley Road, Byford. Lot 133 on Diagram 86350. Nearest intersection: Doley Road & Shepparton Boulevard I fully support the Shire of Serpentine Jarrahdale Town Planning Scheme No. 1 Local Structure Plan – Amendment No. 1 – Doley Road Precinct, Byford	Feedback noted. Urbanista Town Planning welcomes the positive feedback.	Noted – We appreciate your response via submission to the Doley Road Precinct Amendment 1 – Local Structure Plan
CLE Town Planning & Design IN20/24412	16.	Thank you for the opportunity to comment on Amendment 1 to the Doley Road Precinct Local Structure Plan ('the LSP' and 'the amendment'), which proposes to reconfigure part of the public open space network ('POS') proposed in that document and make other changes to the form and content of the LSP.  CLE makes this submission on behalf of Parcel Property ('Parcel'), which acts as the project manager for the Beenyup	It is noted that CLE Town Planning & Design authored the original Doley Road Precinct LSP, Urbanista Town Planning appreciates the response and feedback from CLE Town Planning & Design to the proposed LSP amendment.	The LSP amendment is recommended for Refusal due to the unnatural response to water management in the landscape, the impact of POS utility, the inadequate street

**NEW SUMMARY OF SUBMISSIONS**  
**Doley road Precinct / Amendment to Town Planning Scheme No. 2 - Local Structure Plan**  
**PA20/532**

Submitter	No	Submitter Comments	Applicant Response	Officer Comment & Recommendation
		<p>Grove residential estate being developed by the Department of Communities. Parcel (as part of the ABN Group) was the proponent of the original LSP and remains a significant stakeholder in the area.</p> <p>Parcel has no comment to make on the proposed reconfiguration of POS, which affects only Lot 61 Lawrence Way and its surrounds. However, there are several other aspects of the amendment that we trust will be given close consideration by the Shire and WAPC.</p> <p><b>Part 1 of the LSP report does not need to be amended in the manner proposed</b></p> <p>The manner and form required to be taken by structure plan reports is specified in the WAPC's Structure Plan Framework (2015). Part 1 of structure plan reports, being the implementation section, should be succinct and contain specific provisions triggering action at subsequent stages of the development process. The existing, approved Part 1 prepared for Parcel by CLE provides this, with the justification for each provision provided in Part 2.</p> <p>The reconfiguration of POS proposed by this amendment does not necessitate any modifications to Part 1 of the LSP report. Whilst it may be appropriate to update the Part 1 to reflect contemporary planning policy and practice (refer to the following section), the proposed amendments go beyond this. In particular, Section 6.2.3 of the approved Part 1, which specifies the locational criteria to be used at the subdivision stage when density codes are finalised has been significantly</p>	<p>With respect to Public Open Space matters, please refer to discussion in Harley Dykstra's feedback for further elaboration.</p> <p><b>Part 1 of the LSP report Response</b></p> <p>Urbanista Town Planning appreciates that the proposed text under Part 1 section 4.3 of the proposed LSP could be confusing, and no changes to the original intent were proposed or intended to be proposed.</p> <p>It is noted that Residential Density Codes within a LSP only apply as "due regard" (not binding), and the criteria applied therein only apply with the context of that LSP.</p> <p>As a result, and with respect to the original structure plan (Part 1 6.2.3 Locational Criteria), the following text changes are proposed under "Split Coded Land" to improve its clarity, consistency of application, and remain true to the original intent.</p>	<p>block design and overall impact on POS provision. Therefore the approved LSP will remain in place dated 17 July 2017.</p>



**NEW SUMMARY OF SUBMISSIONS**  
**Doley road Precinct / Amendment to Town Planning Scheme No. 2 - Local Structure Plan**  
**PA20/532**

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		<p>and unnecessarily re-written into a potentially confusing format. For example, reference is made in the initial paragraph to a “base density code” of R40, then, the first dot point discusses R25/40 areas. The existing, approved text is simpler and more logical in both format and content, and should be retained.</p> <p>In addition to the above, there is text in the proposed Part 1 that describes and justifies the provisions, which is content that should be in Part 2. This makes the Part 1 longer and more complex than it should be and blurs the distinction between the implementation provisions and the justification for the amendment. For example, there is a section titled “Justification for Proposal”, which is not contemplated in the Structure Plan Framework, and explanation that “The proposed POS has been reconfigured...” in Section 4.4, which is not an implementation-type statement.</p> <p>We respectfully request that the Shire scrutinises closely the need for any changes to Part 1 of the LSP. Any changes can have unintended consequences in terms of their effect on the implementation of the LSP and the consistency with which it can be applied. Unless there are compelling reasons to make changes, the approved Part 1 should be left unaltered. Parcel makes this request as the representative of the most significant landowner in the LSP area, being the Department of Communities.</p> <p><b>The amendment misses and opportunity to update obsolete provision</b></p>	<p>The applicant is happy to make to following modification should the Shire list it as a modification (Part 1, Section 4.3 page 12):</p> <p><b>Split Coded Land</b></p> <p><b>R25 / 40</b></p> <p>Where land is coded with a split density code of “R25 / 40” (for the purposes of this Local Structure Plan), the base density code of “R25” shall apply, notwithstanding the “R40” density code may be applied where either of the following conditions are met:</p> <ul style="list-style-type: none"> <li>i. The site is located on a street corner or at the end of a street block; or</li> <li>ii. The site is considered to be in an area of high amenity including within 400m of a commercial centre / neighbourhood node, around public open space, primary school, and adjacent to major public transport routes.</li> </ul>	

**NEW SUMMARY OF SUBMISSIONS**  
**Doley road Precinct / Amendment to Town Planning Scheme No. 2 - Local Structure Plan**  
**PA20/532**

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		<p>Whilst this amendment does not, in itself, necessitate wholesale changes to Part 1, there are some changes that could be made to reflect contemporary planning policy and practice. These include:</p> <ul style="list-style-type: none"> <li>- Updates to any outdated content to reflect the Structure Plan Framework; and</li> <li>- Deletion of the provision in Section 5 enabling LDPs to be prepared where a Bushfire Attack Level rating is likely to apply. The LDP Framework (2015) does not make provision for LDPs to be prepared in these circumstances, as BAL ratings are typically only confirmed when the BAL compliance certificate is issued at the construction stage, and may convey a false understanding to lot purchasers if included on an LDP and then superseded.</li> </ul> <p>Other changes, such as the changes to the locational criteria mentioned above, are not warranted and should not be supported.</p> <p><b>Standalone amendment reports would assist with the implementation of the LSP</b></p> <p>Related to the above-mentioned 'blurring' of Parts 1 and 2, we consider that implementation of the LSP would be assisted if this and future amendments were made through separate appended amendment reports, rather than through the blending of the approved version with amended version/s.</p>	<p><b>R40 / 60</b></p> <p>Where land is coded with a split density code of "R40 / 60" (for the purposes of this Local Structure Plan), the base density code of "R40" shall apply, notwithstanding the "R60" density code may be applied where either of the following conditions are met:</p> <ol style="list-style-type: none"> <li>i. The site is located on a street corner or at the end of a street block; or</li> <li>ii. The site is considered to be in an area of high amenity including within 400m of a commercial centre / neighbourhood node, around public open space, primary school, and adjacent to major public transport routes; or</li> <li>iii. where the site measures 900m<sup>2</sup> or greater.</li> </ol> <p>With respect to the relocation of additional background content in Part 1 to Part 2, this is supported.</p>	

**NEW SUMMARY OF SUBMISSIONS**  
**Doley road Precinct / Amendment to Town Planning Scheme No. 2 - Local Structure Plan**  
**PA20/532**

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		<p>The Cities of Wanneroo and Rockingham (and potentially others) amend their structure plans through amendment reports consisting of a Part 1, laid out in a similar way to the provisions contained in a Scheme amendment, and a Part 2, containing the justification for the LSP provisions proposed in that particular amendment. This leaves the original structure plan intact as a reference and for use in respect of areas or matters that are not affected by an amendment. The amendment reports are appended to the structure plan and listed in the Table of Amendments in the normal manner.</p> <p>Amendment of structure plans in this manner avoids the wholesale modification of structure plans, which diminishes their clarity as reference documents, for the sake of a limited land area or limited number of topic/s. In this case, the land area affected is relatively small, but the LSP reports are proposed to be completely reworked.</p> <p><b>The POS calculation may need to be reviewed</b></p> <p>CLE is not in possession of the full range of inputs (particularly drainage calculations) that underpin the POS calculation included in this amendment. However, from a high-level review, it appears unclear how a reduction in the gross POS area can enable an increase in POS provision from 10.00% in the approved LSP to 10.02% under this amendment. The POS Schedule shows a 0.381ha item described as 'Deductions'</p>	<p>The applicant is happy to undertake the following modification should the Shire list it as a modification:</p> <ul style="list-style-type: none"> <li>- Relocate Part 1, Section 4.2 page 11 to Part 2 to improve clarity, and according renumbering.</li> </ul> <p><b>Update obsolete provision</b></p> <p>LDPs allow for additional site-specific considerations to be taken into account through more site specific planning.</p> <p>The inclusion of this provision that LDPs may be required where sites '...are subject to the development performance standards of State Planning Policy 3.7 Planning in Bushfire Prone Areas, and have a demonstrable bush fire risk' is considered to be warranted and is a standard element of many structure plans.</p> <p>The inclusion of this provision does not bind a proponent or require the preparation of a LDP, however gives</p>	

**NEW SUMMARY OF SUBMISSIONS**  
**Doley road Precinct / Amendment to Town Planning Scheme No. 2 - Local Structure Plan**  
**PA20/532**

Submitter	No	Submitter Comments	Applicant Response	Officer Comment & Recommendation
		<p>being added to the POS contribution, which appears inconsistent with Liveable Neighbourhoods.</p> <p>We anticipate that the POS calculation, along with all other components of this amendment, will be confirmed by the Shire and the WAPC as part of the assessment process. Whatever the outcome, it is important to Parcel that the creditable rate of POS provision, which is currently compliant with Liveable Neighbourhoods, does not fall below 10%. This could, in future, place an unreasonable expectation on a future landowner, including Parcel, to bring the rate back up to a level compliant with Liveable Neighbourhoods through an additional land or cost contribution.</p> <p>We appreciate the Shire's invitation to comment on this amendment and would welcome any opportunity to provide further input into the assessment process. Should you require any further information on this correspondence, please contact the undersigned on 9382 1233.</p>	<p>the option to require a LDP to address any demonstrable site specific concerns related to bushfire.</p> <p>Notwithstanding BAL assessments may become necessary where a site is located in a designated Bushfire Prone Area and in accordance with SPP 3.7, and are not necessarily limited to the Building Permit phase of development. Where a site is located in a Bushfire Prone Area and a BAL assessment is required it does not affect the proponent at which stage of the process the BAL assessment is prepared, if it must still be prepared regardless.</p> <p>It is considered warranted that this provision remains, added clarity through additional text was included.</p> <p><b>Standalone amendment reports</b></p> <p>Noted. The layout of the submitted Amendment No. 1 was progressed based on advice received, and (with respect to Part 1 of the LSP Amendment No. 1 report versus Part 1 of the original LSP) is considered to</p>	

**NEW SUMMARY OF SUBMISSIONS**  
**Doley road Precinct / Amendment to Town Planning Scheme No. 2 - Local Structure Plan**  
**PA20/532**

Submitter	No	Submitter Comments	Applicant Response	Officer Comment & Recommendation
			remain succinct and true to the original intent of the LSP while adding additional supporting information relevant to the proposed amendment itself.	
<b>Neighbour</b>				
A Kirchner & H Sinico IN20/23460	17.	I think this will be a great addition to the area. It will break up the houses and make it feel a little less like the city. I'm really looking forward to seeing how this looks once it's all finished.	Feedback noted. Urbanista Town Planning welcomes the positive feedback.	Noted – We appreciate your response via submission to the Doley Road Precinct Amendment 1 – Local Structure Plan
S. Carr IN20/23899	18.	I have no objections to these proposals	Feedback noted. Urbanista Town Planning welcomes the positive feedback.	Noted – We appreciate your response via submission to the Doley Road Precinct Amendment 1 – Local Structure Plan
G. Reynolds IN20/25375	19.	<ul style="list-style-type: none"> <li>- Old Crossover is not wide enough</li> <li>- Hard to see to the right exciting the property</li> <li>- Pipework has collapsed underneath</li> </ul>	<p>The specific location of the subject comment is unclear.</p> <p>It is assumed the comment refers to the area marked blue in the centre image below providing crossover</p>	Noted – We appreciate your response via submission to the Doley Road Precinct

**NEW SUMMARY OF SUBMISSIONS**  
**Doley road Precinct / Amendment to Town Planning Scheme No. 2 - Local Structure Plan**  
**PA20/532**

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			<p>access from Lawrence way to 55 Lawrence Way.</p> <p>The existing crossover is suitable for residential domestic access only, and will require upgrading to service future development with respect to 55 Lawrence Way (Lot 61 D61334).</p>	<p>Amendment 1 – Local Structure Plan.</p>