

NEW SUMMARY OF SUBMISSIONS
Lots 1 & 2 Rowley Road, Darling Downs / Amendment to Town Planning Scheme No. 2 - Local Structure Plan
PA20/419

Submitter	No	Submitter Comments	Officer Comment	Officer Recommendation
Government Agencies				
DMIRS IN21/2567	1.	The Department of Mines, Industry Regulation and Safety (DMIRS) has determined this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.	Noted - We appreciated your response and time to review the Lots 1 & 2 Rowley Road Local Structure Plan Amendment 2.	
DoT IN21/2674	2.	The Department of Transport (DoT) has reviewed the information provided and do not have any comment to provide.	Noted - We appreciated your response and time to review the Lots 1 & 2 Rowley Road Local Structure Plan Amendment 2.	
DPIRD IN21/3008	3.	The Department of Primary Industries and Regional Development (DPIRD) does not object to the proposed amendment to the Local Structure Plan for the abovementioned area	Noted - We appreciated your response and time to review the Lots 1 & 2 Rowley Road Local Structure Plan Amendment 2.	
ATCO IN21/3142	4.	ATCO operates DN63PE PEHP gas mains within the adjacent road reserves and pre-laid services within this proposed area of Amendment. ATCO has no objection to the Amendment No. 2 to the Structure Plan to register with the Shire, subject to the requirement as described below:	Noted - We appreciated your response and time to review the Lots 1 & 2 Rowley Road Local Structure Plan Amendment 2.	

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		<ul style="list-style-type: none"> - there is a small portion of existing DN63PE extending into proposed Lot 93 that is required to be relocated outside of the private Lot 93 by cutting and capping, and associated costs are to be met by the proponent. - The proponent is to contact eservices@atco.com and request they prepare a Cost Estimate for the relocation of the existing gas main “the works”, accepting those charges for the works to proceed, prior to the development or change in land tenure of the property. 		
DFES IN21/3525	5.	<p>DFES notes that the Shire of Serpentine-Jarrahdale referral letter dated 21 January 2021 states “<i>Amendment no. 2 to the approved structure plan will re-code a portion of the structure plan area in the north-east from R40 to R20.</i>” Planning Bulletin 111/2016 provides guidance on exemptions from the requirements of <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> (SPP 3.7) and the deemed provisions where proposals do not result in the intensification of development (or land use).</p> <p>Retrospective compliance with SPP 3.7 and the Bushfire Protection Criteria in the <i>Guidelines for Planning in Bushfire Prone Areas</i> (Guidelines) may not be practical given the late stage of the planning process and substantial progression of civil works. DFES further notes that when comment was sought by the Western Australian Planning Commission from DFES at the subdivision stage, a BMP was not made available or subsequently provided. Consequently, the BioDiverse Solutions BMP (2016) Appendix 4 to the Whelans Town Planning report has not been assessed by DFES.</p>	<p>The applicant has provided an updated BMP for the Structure Plan & Subdivision approval which has already been granted.</p> <p>The Shire officers note that in depth consultation and analysis was undertaken prior to the advertising of the LSP with the applicant, consultant and Western Australian Planning Commission to overcome the implementation of the BMP in accordance with SPP 3.7 and the Bushfire</p>	

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		<p>While this proposal does not need to comply with SPP 3.7, as DFES did not have the opportunity to assess the structure plan advice is offered below to assist in decision making and in reducing the vulnerability of the site to bushfire. Please note that DFES has not undertaken a comprehensive assessment of the structure plan. Our advice is as follows based on SPP 3.7 and the Guidelines:</p> <ul style="list-style-type: none"> - Although unlikely to affect the BAL-ratings, vegetation within Plot 1 east of Hilbert Road cannot be wholly excluded with the limited information and photographic evidence available. Sown pasture and herbfield is specifically referenced in Table 2.3 of AS3959 as vegetation types that are classified as Class G Grassland. Should the Proponent seek exclusion on the basis of grassland managed in a low fuel state a crown canopy cover assessment should demonstrate the canopy to be less than 10%(upon maturity) and an enforceable mechanism is required to provide certainty that the proposed vegetation exclusion can be achieved in perpetuity and that they are enforceable. - Plot 2 cannot be wholly substantiated as currently being Class D Scrub with the limited information and photographic evidence available. The plot contains <i>Casuarina obesa</i> that appears to currently exceed 5 m in height and upon maturity will exceed 7 m and will maintain a crown canopy cover exceeding 75%. - The BMP assumes that vegetation within Plot 2 will be modified to low threat status. DFES recommends that an agreement with the landowner of Plot 2 be prepared. The agreement should clearly state the vegetation modification and management standards to be applied 	<p>protection criteria in the <i>Guidelines</i>.</p>	

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		<p>to the vegetation. An enforceable mechanism is recommended to provide certainty that the proposed management measures can be achieved in perpetuity. DFES considers that the City, as the responsible authority, should review the agreement and be satisfied that it is an enforceable mechanism for ensuring the proposed bushfire mitigation measures within the BMP can be achieved in perpetuity. DFES recommends that a Landscape Management Plan should be prepared to further detail the nature of proposed modifications to Plot 2 to achieve low threat status in accordance with AS3959 Clause 2.2.3.2(f).</p> <ul style="list-style-type: none"> - Vegetation within Plot 2 currently poses a threat to housing in close proximity that may not have been constructed to the appropriate BAL-rating (based upon the BioDiverse Solutions BMP). The BMP proposes the modification of Plot 2 by the developer 'prior to occupancy'. Modification to a low threat status should occur as soon as practical and prior to endorsement of the Structure Plan Amendment. - The exclusion of Plot 3 within the Hilbert Road reservation as managed to low threat in accordance with AS3959 is not substantiated with the limited information and photographic evidence available. The BMP states that slashing will maintain grass below 100 mm during the bushfire season (not all-year round) and has not identified who is responsible for the management. It is further noted that Plot 3 has been incorrectly designated as Plot 2 in the Vegetation Classification Map. 		

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		<p>- The BAL ratings cannot be validated for the reasons outlined above. It is the responsibility of the proponent to ensure the proposal complies, in addition to SPP 3.7 and the Guidelines, with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.</p> <p>Should the Shire seek to apply SPP 3.7 the bushfire management measures within the BMP should be refined to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire.</p>		
<p>DWER IN21/3604</p>	<p>6.</p>	<p>The Department does not object to the proposed local structure plan amendment for Lots 1 and 2 Rowley Road in Darling Downs and has no comments.</p> <p>In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.</p>	<p>Noted - We appreciated your response and time to review the Lots 1 & 2 Rowley Road Local Structure Plan Amendment 2.</p>	
<p>Department of Health (DOH) IN21/4346</p>	<p>7.</p>	<p>The DOH has no objection to the proposed amendment to re-code a portion of the structure plan area in the northeast from R40 to R20.</p> <p>To counter potential transport noise impacts you could consider incorporation of additional sound proofing / insulation, double glazing on windows and other appropriate building/construction measures.</p>	<p>Noted - We appreciated your response and time to review the Lots 1 & 2 Rowley Road Local Structure Plan Amendment 2.</p>	

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Water Corporation IN21/4391	8.	<p><u>Water</u> Reticulated water is currently available to the subject area. All water main extensions, if required for the development site, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.</p> <p><u>Wastewater</u> Reticulated sewerage is currently available to the subject area. All sewer main extensions, if required for the development site, should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.</p> <p><u>Drainage</u> The subject area falls within the Birrega Drainage Catchment in the Mundijong Drainage District, a rural drainage system.</p> <p>Major drainage infrastructure is located within and adjacent to the subject area. The developer is required to fund the full cost of protecting or modifying any existing Water Corporation drainage facilities or infrastructure which is affected by the development.</p> <p>The developer is responsible for the relocation of the Birrega Drain that traverses the site as indicated in the Structure Plan. The developer should engage a consultant engineer to deliver the drainage infrastructure including the road crossing culvert immediately to the west. Refer - https://www.watercorporation.com.au/Developing-and-building/Subdividing/Headworks-delivery</p>	Noted - We appreciated your response and time to review the Lots 1 & 2 Rowley Road Local Structure Plan Amendment 2.	

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		<p>Future governance and maintenance of this drain will need to be determined as this rural drain will be located in an urban area. The Water Corporation recommends the developer should arrange discussions between the Water Corporation and the Shire of Serpentine - Jarrahdale at an early stage regarding the governance and maintenance so that any future subdivision process is not held up.</p> <p>Rural drains are not designed to give flood protection at all times and some inundation of land can be expected. Water Corporation maintains its existing drains to ensure they are capable of clearing water from adjacent rural properties within three days of a storm event, where contours and internal drainage make this physically possible.</p> <p>Developments within this catchment are required to contain the flows from a one in one-hundred-year storm event on site. Discharge to Water Corporation drains must be compensated to pre-development levels.</p> <p>To achieve a wide range of benefits to the community and the environment the Water Corporation recommends that the developer creates a Living Stream. Please refer to the Department of Water and Environmental Regulations and the Water Corporations 'Drainage for Liveability Fact Sheet - Living Streams in Water Corporation assets' by following this link: – https://pw-cdn.watercorporation.com.au/media/WaterCorp/Documents/About-us/In-the-community/Drainage-for-liveability-living-stream-fact-sheet.pdf</p> <p><u>General Comments</u></p> <p>The developer is expected to provide all water and sewerage reticulation if required. A contribution for water and sewerage headworks may also</p>		

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		<p>be required. In addition, the developer may be required to fund new works or the upgrading of existing works and protection of all works. Water Corporation may also require land being ceded free of cost for works.</p> <p>The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid.</p>		
<p>Department of Education IN21/4519 IN21/4137</p>	9.	<p>The Department has reviewed the information in support of the amendment and is satisfied that the proposal would have no impact on the educational needs of the area. The amendment is likely to result in a reduced student yield generated with the Structure Plan area.</p>	<p>Noted - We appreciated your response and time to review the Lots 1 & 2 Rowley Road Local Structure Plan Amendment 2.</p>	
<p>Main Roads IN21/5425 25/2/2021</p>	10.	<p>In response to your correspondence dated 21 January 2021, Main Roads has no objections and offers the following comments.</p> <p>Main Roads comments in the letter dated 3 March 2016 (enclosed) remain current. Main Roads preference for the intersection of Rowley Road and Hopkinson Road is for a roundabout and not traffic signals.</p> <p>Should traffic signals be proposed, this will require the approval of Main Roads in accordance with the powers pursuant to r.297 of the Road Traffic Code 2000 (WA).</p> <p>Supporting information about the procedure can be found on the Main Roads' website > Technical & Commercial > Road & Traffic Engineering > Roundabouts & Traffic Signals Guidelines for the Selection of Intersection Control.</p> <p>Main Roads requests a copy of the City's final determination on this</p>	<p>Noted - We appreciated your response and time to review the Lots 1 & 2 Rowley Road Local Structure Plan Amendment 2.</p>	

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		<p>proposal to be sent to planninginfo@mainroads.wa.gov.au quoting the file reference above.</p> <p>See (IN16/4540).</p>		
<p>DBCA IN21/5646</p>	<p>11.</p>	<p>The Department of Biodiversity Conservation and Attractions - Swan Region Office has no comments on the proposed structure plan.</p>		
Consultants				
<p>Robertsday IN21/4712</p>	<p>12.</p>	<p>We act on behalf of Peet Limited, the managers of the Peet Forrestdale Syndicate (Hilbert Park Estate – located north of the subject site) and Peet Oakford Syndicate (The Avenues – Located to the east of the subject site).</p> <p>The purpose of the submission on the above mentioned Amendment to the approved Local Structure Plan for Lot 1 and 2 Rowley, is to support the proposed re-coding of a portion of the structure plan area from R40 to R20 as a logical response to market demands.</p> <p>Given, however, the time that has passed since the approval of the original structure plan, we request that this amendment process be used to identify and stipulate a range of developer obligations and contributions.</p> <p>Over time these issues have been separately resolved through various approvals and appropriate coverage in the Local Structure Plan will provide certainty to the approval and delivery agencies, the landowner and adjoining developers.</p>	<p>The Structure Plan area does not require any Development Contributions within the Shire's current Town Planning Scheme No.2 or Draft Local Planning Scheme No.3 for the subject site. Developer contributions are usually applied to lots as a part of a subdivision approval.</p> <p>The amendment seeks only to re-code the subject site from R40 to R20, to align with approved subdivision WAPC 152638, which the</p>	

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		<p>BACKGROUND</p> <p>The approved Lots 1 and 2 Rowley Road Local Structure Plan is located directly adjacent to the MRA Wungong Redevelopment Area the west, north and east, and on the jurisdictional boundary between the Shire of Serpentine Jarrahdale and the City of Armadale.</p> <p>This locational context presents a unique challenge to the staging, coordination and delivery of infrastructure and facilities to accommodate urban development within the surrounding growth corridor. This is a particular concern given the absence of a developer contribution scheme over the Lots 1 and 2 LSP area, whilst the surrounding growth are is included within the Wungong Urban Development Contribution Scheme which itself is subject to ongoing review.</p> <p>In an effort to provide upfront orderly and proper co-ordination of these issues, this submission requests that the Part 1 provisions of the LSP be modified to identify the land requirements and contributions that have now been formalised through planning processes, specifically to address Rowley Road, Hopkinson Road and the Berriga Main Drain. The key issues relevant to each of these infrastructure items is as follows:</p> <p>ROWLEY ROAD</p> <p>Rowley Road (north) provides a key east-west connection from the South East Development Corridor through to Tonkin Highway, the Kwinana Freeway and adjacent Industrial areas. It is planned to be a District Entry Road, with a proposed road reserve of 33 metres to accommodate a future dual carriageway standard.</p>	<p>proponent is currently progressing. No conditions relating to development contributions were placed on the recent subdivision approval WAPC 159469. This request does not appear to have any associated or clear need and nexus to what is an already approved and implemented structure plan. Officers note that the required infrastructure needing to support the implementation of the already zoned land and approved Structure Plan of the area, in the absence of a Scheme gazette development contribution plan, is done through conditions of subdivision determined by the WAPC.</p>	

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		<p>In line with Clause 1.3.2.2 Development Infrastructure and Land of the approved Metropolitan Redevelopment Authority's Developer Contribution Scheme, adjoining developers are required to make a 50% contribution to the Rowley Road north extension (between Hopkinson and Hilbert Road) as part of the Peet Forrestdale Hilbert park Estate development, to an interim standard of a single carriageway road. The DCS covers the balance upgrade cost to the full district level design.</p> <p>Peet Limited have provide a bond to the Armadale Redevelopment Authority (now Development WA) for the 50% portion of this base upgrade, with the remaining 50% contribution to be provided by the developers of Lot 1 and 2 Rowley Road, who will gain access to the estate from this section of road.</p> <p>As the subject site falls outside of MRA DCS area, it is requested that this contribution is stipulated within the Part 1 provisions of the LSP, together with the associated ceded on additional land to facilitate roundabout and intersection requirements.</p> <p>HOPKINSON ROAD</p> <p>Hopkinson Road is a key north-south local distributor road and is currently developed as a rural standard single carriageway. It will need to be upgraded to an urban standard road with associated provision of roundabout and intersection truncations and road treatments. Whilst not covered in the MRA DCS the standard of upgrade should be generally in accordance with the Road Avenue A, specified in the MRA Movement Network Policy.</p>	<p>The matter of contributions towards the upgrading of roads and infrastructure have been therefore addressed through the relevant subdivision approvals (and conditions) for Lots 1 & 2 already issued. It would not be possible to contemplate retrospective application of a development contribution area and plan in the circumstances of land having already been zoned, structure planned and extensively developed.</p>	

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		<p>As both 'Oakford – The Avenue' and Lots 1 and 2 Rowley Road benefit and gain access from Hopkinson Road, a 50% cost share arrangement for the upgrade is appropriate in line with relevant legislation.</p> <p>For the removal of doubt, it is requested that this arrangement also be formalised in the updated LSP and applied as a condition to subsequent subdivision approvals over the site.</p> <p>BIRREGA MAIN DRAIN</p> <p>The Water Corporation's Birrega Main Drain traverses the south western portion of the Lots 1 and 3 Rowley Road SLP area.</p> <p>Consistent with the Wungong Urban Water Master Plan. The Birrega Main Drain has been realigned as it traverses through 'Oakford – The Avenue' to the west of the subject site and is proposed to be transformed into a living stream.</p> <p>In line with this plan, the drain is also planned to be realigned on the southern boundary of Lots 1 and 2 Rowley Road as well as upgrading of the culvert capacity under Hopkinson Road as per authority requirements. These recommendations are in line with the JDA's Birrega Main Drain and the upgrading of culvert infrastructure should be formalised within the LSP provisions, and any pre-development flow maintained on site as per earlier approvals.</p>		

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		<p>PROPOSED AMENDMENTS TO PART 1 PROVISIONS</p> <p>To formalise the abovementioned contributions and requirements, it is recommended that 'Subdivision and Development Requirements' within Part 1 of the Lots 1 & 2 Rowley Road LSP be amended as follows:</p> <ol style="list-style-type: none"> 2. A 50% contribution is required to upgrade Hopkinson Road to an agreed urban standard including ceded of required roundabout and intersection truncations. 3. Realignment of the Birrega Main Drain and upgrading of culvert infrastructure under Hopkinson Road is required to facilitate a living stream and maintain pre-development storm water flow rates into the downstream portion of the Birrega Main Drain. <p>SUMMARY</p> <p>Peet Limited support the proposed amendment to re-code a portion of the approved LSP for Lots 1 & 2 Rowley Road, subject to modifications to the part 1 provisions to address land requirements and contributions relating to Rowley Road, Hopkinson Road and Birrega Main Drain.</p> <p>These modifications will address long standing issues in the area resulting from the site's jurisdictional particulars, and provide increased certainty to key agencies, the developer and adjoining land-owners on the delivery expectations for key infrastructure within the area.</p>		

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		<p>Subdivision and Development Requirements:</p> <table border="1" data-bbox="521 496 1503 1378"> <tr> <td data-bbox="521 496 620 884">4.1</td> <td data-bbox="620 496 922 884">Land Use & Permissibility</td> <td data-bbox="922 496 1503 884"> <p>The Structure Plan Map outlines the Zones and Reserves applicable within the Structure Plan Area and these will guide future subdivisions and development of the land.</p> <p>Land use permissibility within the Structure plan Area shall generally be in accordance with the corresponding Zone under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS 2).</p> </td> </tr> <tr> <td data-bbox="521 884 620 1174">4.2</td> <td data-bbox="620 884 922 1174">Residential Density</td> <td data-bbox="922 884 1503 1174"> <ol style="list-style-type: none"> 1. Residential densities applicable to the Structure Plan Area shall be those residential densities shown on the Structure Plan Map. 2. The Structure Plan shall provide for a minimum 15 dwellings per site hectare at the subdivision approval stage. </td> </tr> <tr> <td data-bbox="521 1174 620 1378">4.3</td> <td data-bbox="620 1174 922 1378">Local Development Plans</td> <td data-bbox="922 1174 1503 1378"> <ol style="list-style-type: none"> 1. Local Development Plans (LDP's) are required to be prepared and implemented pursuant to the provisions of TPS2 and the Planning & Development (Local Planning Schemes) Regulations 2015, for lots </td> </tr> </table>	4.1	Land Use & Permissibility	<p>The Structure Plan Map outlines the Zones and Reserves applicable within the Structure Plan Area and these will guide future subdivisions and development of the land.</p> <p>Land use permissibility within the Structure plan Area shall generally be in accordance with the corresponding Zone under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS 2).</p>	4.2	Residential Density	<ol style="list-style-type: none"> 1. Residential densities applicable to the Structure Plan Area shall be those residential densities shown on the Structure Plan Map. 2. The Structure Plan shall provide for a minimum 15 dwellings per site hectare at the subdivision approval stage. 	4.3	Local Development Plans	<ol style="list-style-type: none"> 1. Local Development Plans (LDP's) are required to be prepared and implemented pursuant to the provisions of TPS2 and the Planning & Development (Local Planning Schemes) Regulations 2015, for lots 		
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			<p>with the following site attributes, but not limited to:</p> <ul style="list-style-type: none"> i. Lots with direct boundary frontage to an area of Public Open Space; ii. Lots subject to Noise Attenuation provisions; and iii. Lots serviced by a rear laneway (rear-loaded lots). 		
	4.4	Developer Contributions	1. A 50% contribution is required to construct a portion of Rowley Road North to an interim, single carriageway standard, in line with the adjoining requirements of the approved Wungong Urban Development Contribution Scheme.		
Surrounding Neighbours					
J & K Hooper IN21/3587	13.	27 Choctaw Place We have no objections to the proposed plan to change the north east end from R40 to R20 as long as it still remains A private estate. The sections remain the same size as we were informed when we purchased and not made smaller with lane ways and 14 house blocks/sections.	Noted - We appreciated your response and time to review the Lots 1 & 2 Rowley Road Local Structure Plan Amendment 2.		

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		One suggestion I would like to suggest instead of sections on the north east end why not move the reserve play area to this end. It would make it more feasible with the adjacent estate and safer for the kids to play. A walkway/cycleway could be incorporated for easy access from both estates.		
M. Hooper IN21/4151	14.	26 Choctaw Place (Lot 90) We are happy with the proposal so long as the land to be developed on Choctaw place does re-code to R20 as proposed and the estate remains a private estate	Noted - We appreciated your response and time to review the Lots 1 & 2 Rowley Road Local Structure Plan Amendment 2.	