

Submissions Table

Forrestfield / High Wycombe Industrial Area Stage 1 - Development Contribution Plan Report - Final Adoption

Submitter	Submission	Officer Comment
1.	<p>2.2.1 Berkshire Rd.</p> <p>a) The 2m footpath on the north side of Berkshire Rd should be removed from the DCP.</p> <p>As stated, a 3m PSP (Principle <u>Shared</u> Path, it's in the name) is fully funded and to be constructed in early 2022. None of the streets in the adjacent Forrestfield Industrial area have any footpaths at all and obviously there has not been any demand for their construction over the past 20 years.</p> <p>None of the other streets in the DCA have two footpaths. There is therefore no reason to have a duplication of paths on each side of Berkshire Rd.</p> <p>Rules governing new DCPs state that external funding should be sought wherever possible and if funding is made available, the item should be removed from the DCP. Why should that principle not be followed in this case? There is no case of "Need" for this item.</p> <p>a) The consumer overhead power line servicing #307 Berkshire Rd is now redundant as that and the neighbouring property # 303 have an underground connection and pillars.</p> <p>This item should be removed from the DCP costs.</p>	<p>Berkshire Road is a 'Distributor B' classification of road, carrying 8,300 vehicles per day (measured 2020/21), with a high volume of heavy vehicles. The road has a 70 km/hr speed limit and carries Restricted Access Vehicles (RAVs). When considering the need for pedestrian paths and facilities along a road, the City considers the characteristics of the road, future pedestrian demand and safety. In this case the information supports paths being provided on both sides of Berkshire Road.</p> <p>The FF/HW DCP includes the provision of dual use paths, now called shared paths, along the roads in the precinct. Berkshire Road was identified as having one path on the north verge, and the City is supporting that commitment by the provision of a path on the north side of Berkshire Road. The DCP provides a minimum standard of pedestrian facility for this industrial area but does not meet the desirable level of facility, being paths on both sides if the road. The DCP outcome is for a path of 2.0m wide concrete path, which provides sufficient space for a cyclist and a pedestrian to pass as provided by Austroads Guide to Road Design. The path width of 2.0m is the minimum width suitable to be provided</p>

		<p>as a shared path. The DCP includes cost estimates of \$86,486 for this path.</p> <p>In 2017 the City prepared a Bicycle Plan to identify cycling routes through the City (and not just limited to the FF/HW Stage 1 Industrial Area) with aims of promoting healthy activities and active transport. This planning exercise identified a need for a strategic cycling route connecting the residential area to the east of Roe Highway, along Berkshire Road to reach the new High Wycombe Train Station. As the Berkshire Road path project was further refined, it was identified that the optimum location for the 3.0m wide shared path along Berkshire Road was on the south side (noting that it logically and safely connects to Principal Shared Paths installed by Main Roads alongside the Roe Highway). The City then sought and was successful in receiving 50% funding under the Department of Transport's WA Bike Network grant funding program. The path was approved as a shared path of 3.0m wide and is not a Principal Shared Path (which would be wider). Construction is planned to commence in June 2022.</p> <p>The City considers the shared path on the south side to be an additional facility that enhances the pedestrian facility of Berkshire Road to meet contemporary objectives of pedestrian safety and active transport for reasons set out above, as well as being designed for cycling.</p>
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		<p>In summary it is considered appropriate that the DCP retains the allocation of costs for a 2m wide footpath on the north side of Berkshire Rd is appropriate. This is consistent with the current version of the DCP Report for adoption.</p> <p>The City has confirmed that the service connection has been undergrounded to No. 307 and 303, and the overhead service connection has been removed.</p> <p>The DCP Report has been updated accordingly.</p>
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	<p>2.2.3 Milner Rd.</p> <p>a) The cost to upgrade Milner Rd should not be borne solely by the DCP.</p> <p>There has never been a “Need and Nexus” consideration for Milner Rd before, or during the life of this DCP.</p> <p>Milner Rd has been the only access to the Airport Link project site and has been used by nearly 200,000 semi-trailers since 2016. The City has been charging the principle contractor hire for the road use during the construction period. At the end of the project, the road is to be surveyed for wear and tear and additional compensation paid to the City.</p> <p>The portion of these funds that relate to Milner Rd should be used as part of the upgrade budget.</p> <p>This section of Milner Rd provides the only access to all the crane and transport yards in Eureka and Imperial Streets.</p> <p>At least 3 of the properties on the North side of Milner Rd currently use it for RAV access to their properties.</p> <p>None of these Milner Rd, or the Imperial and Eureka St properties, are within the Stage 1 DCP area and are benefitting while not contributing to the upgrade of Milner Rd.</p>	<p>Since the inception of the DCP, Milner Road has been identified as being wholly funded by the DCP. Milner Road is required to be upgraded to the standard of construction for industrial purposes to facilitate the development of the Forrestfield / High Wycombe Industrial Area.</p> <p>With regard to the contribution from the contractor undertaking works and haulage associated with the Forrestfield Airport Link (FAL) project, the City has received approximately \$146,744 towards road wear between December 2017 and December 2020. These contributions are to be used for road maintenance and not new construction.</p> <p>In addition to the road wear contributions referenced above, a one-off \$80,000 contribution towards the Dundas / Berkshire / Milner intersection upgrade was received. Given the purpose of that contribution was to assist with intersection upgrades, it was included as a credit towards the overall infrastructure cost under the DCP for the relevant intersection.</p> <p>No further contributions are expected regarding the FAL project.</p> <p>The development of other areas, particularly the industrial north of the DCP, has historically occurred</p>
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<p>Traffic forecasts included in the High Wycombe South LSP indicate that about 60% of traffic along Milner Rd will, by 2031, come to or from the areas north of Sultana Rd, outside the Stage 1 area.</p> <p>When the train station opens, there will be only 2 routes for public access to the station. Milner Rd will be one of those, and modelling shows that by 2031 7% of traffic on this section of Milner Rd will be accessing the station. Again, the station is beyond the Stage 1 area.</p> <p>As there is now a restriction on commercial traffic heading towards Maida Vale Rd, all construction and heavy traffic generated by development in High Wycombe South over the next twenty or more years, is now forced to use Milner Rd to exit to Berkshire Rd.</p> <p>Clearly, the Stage 1 DCP should not be shouldering all of the Milner Rd upgrade when so many others will use and benefit from it.</p> <p>Most of the benefit of the Milner Rd upgrade will be for users outside the DCA and the cost should be allocated accordingly.</p> <p>The City has pushed for equity in contributions, so should allow equity in access to the 3 Milner Rd properties that will be impacted by this change.</p>	<p>without a DCP and it is noted Dundas Road provided access to heavy vehicles.</p> <p>Future upgrades to Milner Road, beyond the standard prescribed through the existing DCP, will be required to facilitate development within the High Wycombe South Residential and Transit Oriented Development precincts. Alternative funding arrangements will need to be considered in the context of the future High Wycombe South DCP and in consultation with State Government agencies.</p> <p>This segment of Milner Road has been identified as RAV4 since the review of movement network requirements in the FF/HW Industrial Area in 2017.</p>
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	<p>b) Road upgrades to accommodate RAV 7 between Berkshire Rd and Nardine and RAV 4 between Nardine and Sultana Rd West.</p> <p>There are no technical reasons why RAV 7 cannot be permitted on both these sections of Milner Rd.</p> <p>To specify RAV 7 from Berkshire Rd all the way to Sultana Rd West requires only a change to the text. No changes to design or additional costs involved.</p> <p>Just this week, 2 properties in Nardine CI have been advertised for sale, and another for lease, with a major selling feature being their location on the RAV 7 network.</p> <p>There is clearly an increasing need for RAV 7 access to industrial properties and an obvious devaluing of those without it.</p>	<p>The City has further considered the implications of the request in this submission, in terms of design and cost impacts, to change from RAV4 to RAV7. On the advice of the City's consulting engineers, it was concluded that there will be no additional cost or design changes associated with this change, providing the RAV7 classification does not extend beyond the Milner / Sultana Road West intersection.</p> <p>Notwithstanding the standard of construction identified for Milner Road, should an owner-/ operator wish to seek approval for RAV7 access, the application will need to be made to Heavy Vehicles Services, Main Roads WA.</p> <p>Given this request will not materially affect the DCP the description of Milner Road has been updated under clause 2.2.3 of the DCPR to reflect the potential classification of this segment of road to RAV7.</p>
	<p>2.3 Land For Road Reserve.</p> <p>a) The Remaining Land Area column total is incorrect.</p> <p>b) The Porter Consulting Review of Cost Estimates presented at OCM 28 July 2020, (the last DCP cost review) states on page 20 (235) "no land acquisitions are expected to be required for the Milner / Sultana Rd intersection and that the City should obtain approval from the owner of #85 Milner Rd for a batter on the</p>	<p>2.3</p> <p>(a) The remaining land area column in 2.3 includes three areas that have a "*" symbol with a note stating 50% of the costs will be attributed to the DCP, given the land is associated with Sultana Road West improvements.</p>

	<p>property. The costings assumed that the owner will grant approval for the battering works”.</p> <p>Since that date, has the City sought this approval?</p>	<p>Minor amendments have been made in the DCP report to clarify this matter.</p> <p>(b) The City is yet to formally engage with the landowner of Number 85 Milner Road with regard to the battering work. Milner Road is not yet a dedicated priority under the DCP. It is anticipated that this engagement will progress in the second half of the 2022 calendar year.</p>
	<p>3.2 Area Inputs.</p> <p>a) Area of road reserve in the DCA in para 3.2 does not reconcile with the tables in item 2.3.</p> <p>Appendix E: Nardine Close Emergency Accessway.</p> <p>Why is it necessary to remove the existing bitumen surface and base and crossovers and replace them with 100mm gravel base for an emergency access? The existing driveway is actually of a superior standard.</p>	<p>3.2</p> <p>(a) Refer to the response to 2.3(A) above.</p> <p>This matter has been further considered and estimated costs have been adjusted to reflect the retention of the bitumen driveway. It should be noted that there will be a requirement to provide a water main extension between Nardine Close and Sultana Road West, which may impact on the existing bitumen surface.</p>
	<p>Appendix I: Administrative costs.</p> <p>It is notable that as the DCP progresses towards the end of its 10 year life and infrastructure items are completed, we continue to see the administration cost escalate significantly. Year 8 costs are by far the highest so far, and a forecast of another \$191,000 yet to come.</p>	<p>The rise in administration costs last financial year can be primarily attributed to the additional legal considerations in the context of a SAT challenge during the 2020 / 2021 financial year.</p>

		<p>The average yearly administration cost (including the 21/22 actual costs up until 31 March 2022) since the commencement of the DCP is approximately \$91,500.</p> <p>The estimated administration costs for the remainder of the 2021/22 and 2022/23 financial years have been updated in the DCP report for final adoption.</p>												
<p>2.</p>	<p>Objection</p> <p>Forrestfield/High Wycombe Industrial Area Stage 1 - Development Contribution Plan (DCP) Review</p> <p>I refer to the City's letter of 4 January 2022 regarding the above and am pleased to provide this submission on the 2021 DCP Review Report, on behalf of our client - XX.</p> <p>1. Our client was one of the first developers in the DCP area and has previously made the following cost contributions:</p> <table border="0" data-bbox="645 938 976 1136"> <thead> <tr> <th>Date</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>8/1/2016</td> <td>\$624,796.00</td> </tr> <tr> <td>9/6/2016</td> <td>\$520,233.00</td> </tr> <tr> <td>14/6/2016</td> <td>\$44,800.00</td> </tr> <tr> <td>Ceded Land</td> <td>\$635,180.00</td> </tr> <tr> <td>Total</td> <td>\$1,825,009</td> </tr> </tbody> </table>	Date	Amount	8/1/2016	\$624,796.00	9/6/2016	\$520,233.00	14/6/2016	\$44,800.00	Ceded Land	\$635,180.00	Total	\$1,825,009	<p>Noted.</p>
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Total	\$1,825,009													
	<p>2. These contributions were based on our client's land area of 58,579m2 and equate to an average contribution rate of \$31.15/m2.</p>	<p>Noted.</p>												

	<p>This rate is \$9.49/m² higher than the contribution rate adopted by Council on 21 December 2021 and represents an unfair overpayment of DCP contributions by our client, of \$555,914.71.</p>	
	<p>3. The above overpayment of DCP contributions is the value of the DCP refund owed to our client if the contribution rate adopted by Council in December 2021 (\$21.66/m²) becomes the final contribution rate for the DCP once all income and expenditure is known or accounted for, in accordance with clause 6.5.17.2 of the City's Local Planning Scheme No. 3 (LPS 3).</p>	<p>Clause 6.5.17 of LPS 3 provides the necessary provisions for dealing with a shortfall or excess in cost contributions when all cost contributions have been made or accounted for.</p> <p>Clause 6.5.17.2 provides for excess funds to be refunded to landowners, references a requirement to identify owners and their entitled amount. The final refund to the identified owner is not directly calculated using the final rate, but rather the surplus of funds in the reserve once all costs/contributions are accounted for.</p> <p>The structure of the method for calculating cost contributions currently ensures that landowners contribute equitably towards all infrastructure and administration costs.</p> <p>The inclusion of a dedicated cost item would introduce a cost beyond the scope of infrastructure and administration items identified in the DCP and is therefore unable to be supported.</p>
	<p>4. Our client's past overpayment of DCP contributions should not be treated as a credit to offset future DCP costs, as that would create</p>	<p>Refer to response to point 2 above.</p>

	<p>an inequitable situation whereby earlier developers bear an unfair and disproportionate burden to fund DCP cost items to the benefit of later developers.</p>	
	<p>5. Consistent with our previous communications with the City and our past submissions on annual reviews of this DCP, we again recommend that Council includes a dedicated cost item in Section 4 of the DCP Report for the payment of a refund to our client (and other past over-contributors of the DCP) upon conclusion and reconciliation of the DCP. This will bring parity and equity to the DCP by correcting the disproportionate and unfair cost burden borne by earlier developers in the DCP Area.</p>	<p>Refer to response to point 2 above.</p>
	<p>6. We are concerned by the lack of consistency in reporting timeframes used in Administration's report to Council in December 2021 and the DCP report, as outlined below (our emphasis added):</p> <ul style="list-style-type: none"> a. Paragraphs 19 and 20 of Administration's report to Council in December 2021 provide commentary on the remaining developable land and remaining land acquisition at the end of November 2021. b. Paragraph 21 of Administration's report to Council in December 2021 refers to the Land Valuation Report produced by Savills which used a valuation date of 15 September 2021. 	<p>6. In terms of the reporting timeframes, each annual DCP review provides an update regarding the actual costs expended and the outstanding estimated costs for the purposes of calculating the Cost Contribution rate. It is acknowledged that the Council Report in December 2021 cited varying dates for key inputs, for example:</p> <ul style="list-style-type: none"> i. Land Valuation – September 2021. ii. Status of remaining developable land – November 2021. iii. Actual costs incurred for infrastructure and administration costs – 30 June 2021.

	<p>c. Paragraph 24 of Administration's report to Council references remaining infrastructure costs of approximately \$2.57m at 30 June 2021 with \$4.32m spent on infrastructure works to date. We are unaware of what is meant by "to date". Furthermore, we note these figures are inconsistent with those presented in the table under Section 2.5 of the DCP Report, which references actual costs at 30 September 2021. Presumably therefore, the "Remaining" infrastructure costs listed in that table have been calculated from 1 October 2021?</p> <p>d. Paragraph 28 of Administration's report to Council references administrative costs at 30 June 2021 and estimated future administration costs for the remaining 17 months until conclusion of the DCP in May 2023. This indicates that future administration costs have been incorrectly calculated as commencing from January 2022 (being 17 months to May 2023). Contradicting these references is the table under Section 2.5 of the DCP Report, which quotes the stated actual administrative costs as at 30 September 2021. Presumably therefore, the "Remaining" administrative costs have been calculated from 1 October 2021 - being 19 months (not 17 months) from the conclusion of the DCP? This situation is further confounded by Appendix I of the DCP Report which quotes the administrative costs according to financial years (i.e. up to 30 June 2021).</p> <p>e. If the total administrative costs since gazettal of the DCP to 30 June 2021 amount to \$743,992, then this equates to an average monthly administrative cost of \$7,670 (divided by 97 months</p>	<p>Notwithstanding the dates cited in the Council report and DCPR, the calculation of the estimated costs for infrastructure and administration was current at the time of the report preparation in November 2021 and, therefore, the Cost Contribution calculation was sound.</p> <p>6. a & b. – Noted.</p> <p>6. c. – It is noted that the figures cited in paragraph 24 of the Ordinary Council Meeting report item 10.5.8 was for infrastructure works only and these figures exclude land. The actual and estimated costs contained in the Table in section 2.5 of the DCP Report are consistent with the costs cited in the Council report, after deducting costs associated with land for roads. The notation included in the top of the table included in section 2.5 states that the actuals are assessed as at 30 September 2021.</p> <p>6. d & e. The administration costs cited in paragraph 28 are correct to 30 June 2021. However, this figure should not be repeated in the Table in section 2.5 for costs up to 30 September 2021. These estimates have been corrected in the relevant sections of the DCP report.</p> <p>It is correct that the calculation of future administration costs assumed a date range of January 2022 (representing the month following the adoption</p>
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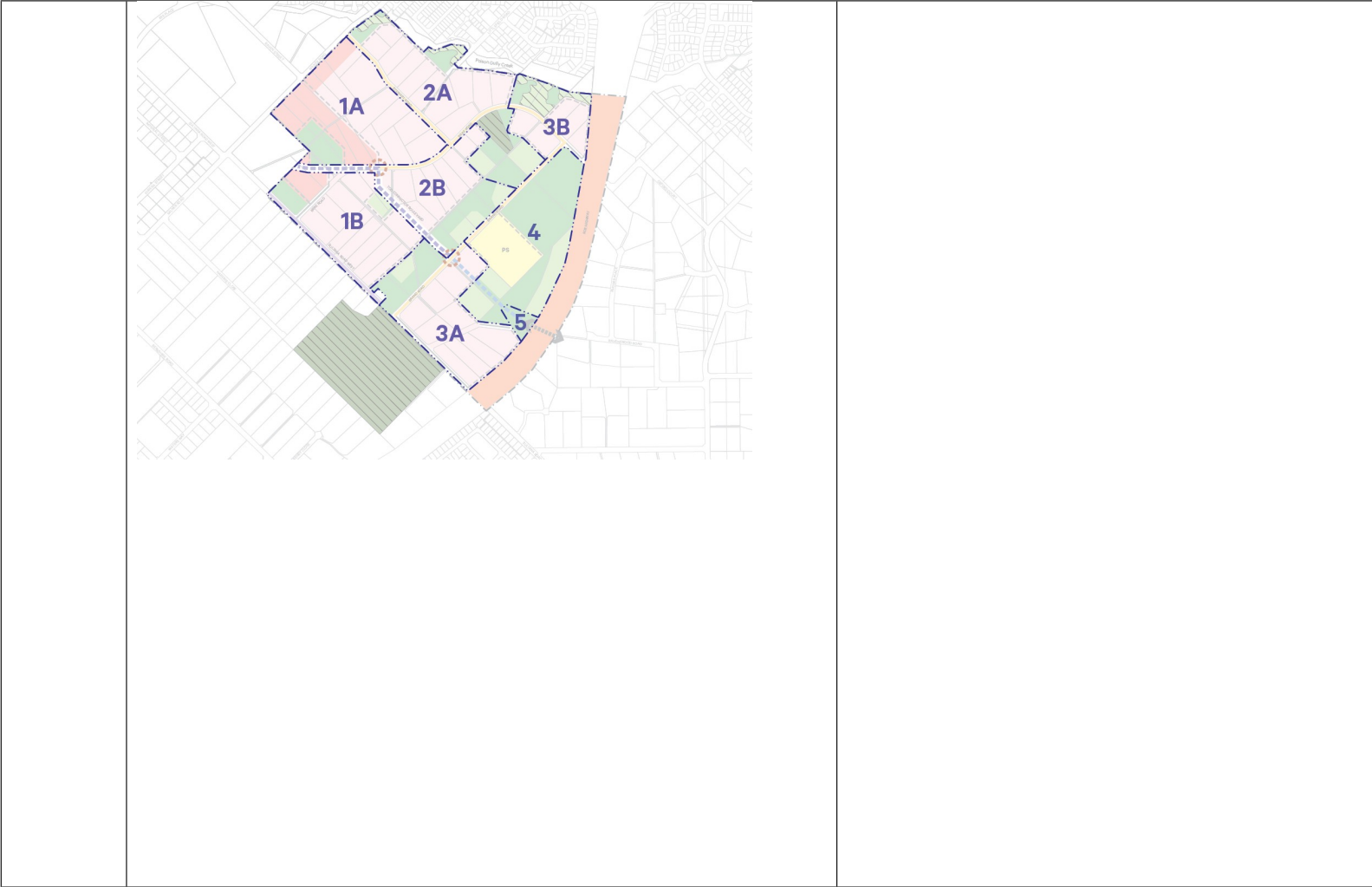
	<p>from May 2013 to June 2021). If this average monthly cost is multiplied by the remaining 23 months (commencing July 2021) of the DCP's operation, then the estimated remaining administrative costs should be reduced to \$176,410, not \$190,833 as stated in paragraph 28 of the report to Council.</p>	<p>of the draft DCP Report) until May 2023 (the end of the operational life of the DCP). For the purposes of the updated DCP Report, these costs will assume the latest administration costs and outstanding costs until May 2023.</p>
	<p>7. .Greater transparency is required around the value of funds held in the DCP account. This detail should be included in the monthly financial reports presented to Council. In this regard, we note Appendices K and M to the DCP Report quote a fund balance of \$849,959 at 30 June 2021, whereas the Special Purpose Financial Report (Appendix L) quotes a balance of \$1,251,366 at 30 June 2021.</p>	<p>Regarding the request for greater transparency, the submitter references a need for monthly financial reports being presented to the Council. It should be noted that costs associated with the expenditure and income features as part of the City's monthly Statement of Financial Activity. The preparation of specific figures consolidating the expenditure and income for this DCP, for inclusion in the monthly financial statement would require additional administrative cost which would have to be borne by the DCP.</p> <p>There is no statutory obligation to report these costs in a consolidated format, monthly. It should be noted that the City meets its transparency and reporting obligations under the SPP3.6 requirements, which is the current industry standard.</p>
	<p>8. The DCP Report should include a comprehensive analysis of the rate of development and collection of contributions to date, and projections of the same for the future. This will allow the City to publish a forecast cashflow model and to calibrate the DCP</p>	<p>Noted. The analysis provides an indication of the infrastructure costs expended and outstanding. This feedback will be further considered as part of future reviews and DCP preparation.</p>

	<p>priorities and infrastructure expenditure against the DCP's capacity to collect contributions for those purposes.</p> <p>We look forward to Council's consideration of this submission and ongoing collaboration with City staff to formalise the quantum and timing of the DCP refund owed to our client.</p>	
3. Main Roads	<p>FORRESTFIELD / HIGH WYCOMBE INDUSTRIAL AREA - STAGE 1 - DEVELOPMENT CONTRIBUTION PLAN (DCP)</p> <p>In response correspondence received on 7 January 2022 please be advised Main Roads has no objections to the annual review of the DCP. Main Roads requests a copy of the City's final determination be sent to xx. If you have any queries please do not hesitate to contact xx</p>	Noted.
4. Water Corporation	<p>Thank you for referring the DCP review to us for comment. The Water Corporation has no objections or comments on the change.</p> <p>With respect to the 'Water Reticulation' cost estimates on Page 44 of the DCP, we assume that these estimates have been undertaken by suitably qualified consulting engineer.</p>	Noted. The estimates have been assessed by a suitably qualified engineer.
5. Department of Mines, Industry	<p>Thank you for your letter dated 4 January 2022 inviting submissions on the Report outlined above. I have reviewed this Report and The Department of Mines, Industry Regulations and Safety makes no comment on this Report.</p>	Noted.

Regulation and Safety		
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<p>6.</p>	<p>CLAIMS BY THE CITY ABOUT SELLING SEQUENCE NEED TO BE SUBSTANTIATED</p> <p>The City of Kalamunda forecasts that Cell 8 will be the second phase to sell in this precinct. Refer page 2040</p> <p>I ask the City to provide the reasons for making this claim, or else change the ranking in Amended LSP and the map shown below.</p> <p>My view is that the use of the words “indicative staging” is seriously insufficient, and might even be viewed as misleading and hiding reality, given there are now so many negative factors attributed directly to Stage 1 impacts.</p> <p>The Government is aware of, and recognises, the skewed elderly age bracket in this community and that 10, 20 or 30 years means we will die here before a developer will want our properties.</p> <p>The Premier, Minister for Planning and Transport and the Chairman WAPC aware of this issue.</p> <p>MY VIEW</p> <p>My view is that this claim about staging cannot be justified. It is much more likely that this land will not sell until near the end of the project as a direct result of the Stage 1 industrial development. This might be some 20 or so years away, according to the forecasts published by the City of Kalamunda on page 1998 of the Amended LSP for Hight Wycombe South. This is unacceptable. The City knows this is a death sentence for the elderly owners in the five (5) worst affected blocks on Sultana Road West.</p>	<p>Noted. The issues raised in this submission primarily relate to the High Wycombe South Residential Precinct and are beyond the scope of the review of the DCP for the FF/HW Industrial Area - Stage 1.</p>
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	<p>I urge the City of Kalamunda to change the land use designated for these properties to that recommended by the Rowe Group. We can all then leave this area. Page 2040</p> <p>The indicative staging is shown diagrammatically in Figure 44, with a further explanation provided below:</p> <ul style="list-style-type: none"> • Stage 1A is located adjacent to the TOD Precinct in the western section of the precinct adjacent to Milner Road and encompasses Cell 06 and the Town Park. This stage will see the delivery of medium and high density residential product with high density proposed to front the Town Park and Milner Road. • Stage 1B is located south of the TOD connector and north of Sultana Road West generally encompassing Cell 07 Cell 08 with a mixture of medium and high density forms of residential development. 	
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<p>CLARIFY ROAD DIMENSIONS FOR SULTANA ROAD WEST How does the road shown in the Amended LSP for HWS Precinct, line up with the requirements for the industrial businesses in Sultana Road West.</p> <p>The DCP for Stage 1 estimates ~\$2,087,000 for road widening for Sultana Road West.</p> <p>The road width now is 6.6 metres – I measured since January 2022. The drawing below shows 7.0 metres.</p> <p>Will 0.4 metres wider, be enough for industrial businesses e.g. Golden Egg semi trailers, and Bev Chain semi trailers. (400mm is about 1 foot in the old ones. Would someone seriously dig up a road to widen it by one (1) foot.</p> <p>They have big issues manouvering in and out. And especially noticeable when it's 4 O'Clock in the morning or Sunday night. Air brakes and lights.</p> <p>FOOTPATH AND TREES Who will ever walk along Sultana Road West once the road is blocked off? Where will those people come from. The City is recommending a wall to be built in front of the residential section. Also there is industrial traffic for pedestrians to cope with.</p> <p>ROAD WIDTHS I raise this point about road width for two (2) reasons.</p> <ul style="list-style-type: none"> • The higher spec road width is required only for Stage 1, and • The DCP for Stage 1 is required to pay for 100% of the road change. 	<p>The High Wycombe South Residential Precinct Amendment contains a Transport Impact Assessment (TIA) at Appendix F. The TIA identifies Sultana Road West with two cross sections; one with a 9m carriageway between Milner and Brae Road, and one with a 7m carriageway east of Brae Road. The 9m carriageway is consistent with the road requirements under the Forrestfield / High Wycombe Stage 1 Industrial Area DCP and will cater for anticipated local residential and industrial traffic.</p> <p>The subject DCPR is a review of the contribution rate and does not propose to change land use in the FF/HW Industrial Area. Consideration of amenity impacts associated with existing land uses is beyond the scope of the current DCP review.</p>
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	<p>Power poles have been erected along this path on the south side.</p> <p>The existing road, measured at 6.6 metres, is adequate for the few cars using Sultana Road West for residential use.</p> <p>It will have far, far less cars when Sultana Road West becomes a cul de sac, just a few metres past the bridle path.</p> <p>Residential does not require the road to be widened from Brae Road to the point where Sultana Road West becomes a No-Through road.</p> <p>Stage 1 needs the road widened.</p> <p>Hence the DCP for Stage 1 should pay for 100% of the road widening.</p>	
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	<p>COUNCIL MOTIONS ENSHRINED THE CONDITIONS FOR APPROVAL TO PROCEED WITH STAGE 1</p> <p>Council voted unanimously on Motions in 2012 which enshrined the Conditions and Definitions set down by the Minister for Planning in November 2011.</p> <p>My view is that the City must comply with these two (2) Motions given that it proceeded with industrial development in Stage 1, and there is a legal obligation to do this.</p> <p>My view is the City is unable to prove it has complied.</p> <p>And further that the City needs to remedy the situation forthwith.</p> <p>The City is yet to adequately address the questions I asked at the OCM on 12 October 2021.</p> <p>I will provide an explanation as to why I believe the questions have not been adequately addressed.</p> <p>Stage 1 Industrial Development – Issues The issues include but not limited to :</p> <p>[My View]</p> <ul style="list-style-type: none"> • badly affected the attractiveness of my property to potential Developers for residential land use • The City has converted the area on the north side of Sultana Road West into defacto industrial land 	<p>The FF/HW Industrial Area LSP includes objectives for industrial development to not adversely impact on the amenity and safety of adjoining land uses. Furthermore, the High Wycombe South (HWS) LSP identifies Sultana Road West and the appropriate transition point between the industrial and future urban precincts and incorporates provisions requiring design treatments to be provided at the development stage(s) to ensure an appropriate interface.</p> <p>The City is aware of industrial operations and concerns from some residents regarding amenity impacts, and is continuing to investigate, from a development compliance perspective, the issues raised concerning light industrial activities along Sultana Road West.</p>
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	<ul style="list-style-type: none"> • the strip of land is unfit for residential living – not just in my view but measured against standards set by the State Government • The City uses my land to subsidise the business operations on the other side of the street knowing this is against my will. The DCP for Stage 1 should pay for the buffer. • The City authorises businesses to use my land as a transition buffer • landowners rights were poorly attended to in the mediation phase that led to the LSP dated July 2020. The separation distance on the north side of Sultana Road West shrunk from 200 metres in 2004 / 2016 endorsed by Governments, to zero in 2020. • The City has destroyed the peace and quiet of living in this street in contrast to the written promises made by our Councillors, the City of Kalamunda and the State Government over the past 17 years. And this threatens to continue for another 20 years, or until the respective landowners die. • discriminates between my house and other houses in the precinct, for example in Stewart Road, where there has been no impact on the lives of people living there. • unacceptable noise. This includes banging of steel which is heard 100s of metres from its source but also extends to the flow of traffic and site vehicles and reversing beepers. • After hours alarms or sirens going for hours at a time after the businesses close for the day or weekend. The COK is yet to provide or publish a process to intervene. • road congestion / narrow road which does not meet traffic standards for industry • early starts (3.30 ~ 4am) and late finishes (6 ~7pm) depending on which business 	
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- occasional weekend work or after-hours deliveries on weekends.
- attracted hoon traffic in the evenings and weekends
- various complaints by me and others to the City thusfar
- IT JUST LOOKS WRONG



Photo 1: View north-east on Sultana Road West

	<p>DCP FOR STAGE 1 DOES NOT HAVE EFFECT UNTIL ADEQUATE CONSULTATION WITH THE WIDER COMMUNITY OCM 27 August 2012 P20 Item 18 says the DCP for Stage 1 will fund .." and afford residents on the northern side of Sultana Road West an appropriate buffer to their properties."</p> <p>The Policy stipulates that DCPs do not have effect until they are incorporated into a local planning scheme and require that:</p> <p>"There is adequate consultation with the owners affected by the development contribution plan and with the wider community, as part of the local planning scheme amendment process."</p> <p>My view is this clearly sets out taking ownership and the responsibility for the DCP for Stage 1 to pay for any land that stays within the HWS residential precinct and which is then used as part of the said Interface Treatments.</p> <p>I am unaware of the City consulting with the landowners on the north side of Sultana Road West about costs associated with the impact of Stage 1 industrial development.</p> <p>Important Note If the Rowe Group submission is successful, any land used as a transition buffer and which was purchased by a Developer will contribute to the Stage 1 DCP, and not be financial burden on the DCP for Stage 1. Feedback on Stage 1 DCP and Responsibilities of Stage 1 DCP to High Wycombe South Precinct</p>	<p>The consultation processes that occurred as part of the preparation of the FF/HW Industrial Area Stage 1 DCP are not the subject of this review.</p>
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	<p>Feedback on Stage 1 DCP and Responsibilities of Stage 1 DCP to High Wycombe South Precinct</p> <p>The deadline for feedback on the Stage 1 DCP is 15 February 2022. The dates don't line up so I need to provide feedback even though I am waiting for</p> <p>a) the outcome for the ongoing submission presented by the Town Planner, the Rowe Group, acting on my behalf and</p> <p>b) which amendments, if any, will be accepted for the LSP for High Wycombe South with regards to my property and also for the other affected landowners in the vicinity of Stage 1.</p>	<p>There is not a specific requirement for public advertising of a DCP Review, however the City undertakes advertising to ensure transparency and inform the decision making process. Public advertising included letters to landowners within the FF/HW Industrial Area, a public website notice and copies being made available at the City's Administration Centre. Given the nature of the DCPR relating to a specific area for the sharing of infrastructure costs, letters were only sent to landowners directly affected by the review.</p>
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	<p>STAGE 1 DCP IS RESPONSIBLE TO PAY FOR ALL IMPACT ON THE HWS The City has never had reason to believe the DCP for Stage 1 was anything but 100% responsible for, and 100% financially liable to fund remedies to all the adverse impact that Stage 1 has on the FNP / HWS Precinct.</p> <ol style="list-style-type: none"> 1. In historical terms, residents have been here for 40 years. 2. EPA and State Government policies set out what happens when industry moves into sensitive land use areas. 3. Statements in Council Motions refer to responsibility for Stage 1 DCP to provide an adequate transition buffer. 4. Protection for the residential area in the vicinity was a specific and non-negotiable condition for the Minister for Planning in November 2011 when granting approval for the development of Stage 1 to proceed. 5. Polluter pays is the consistent theme of WA Legislation. 6. No cost to be recorded in the DCP for the HWS Precinct for anything related to “interface treatments” 7. The City has never consulted with the “wider affected community” with previous reviews, or determinations, of the DCP for Stage 1 to my knowledge. I found this review by coincidence. 8. Stage 1 uses our properties to function, by extending its boundary across us. <p>One alternative is for the affected properties in HWS to be made a Special Zone and a transition buffer established.</p> <p>The land in the transition buffer would then be sold to a developer and used for productive purposes in a way which is compatible with</p>	<p>There is no provision in the DCP to fund additional land or design treatments on Sultana Road West. The introduction of additional costs at this stage of the DCP’s life would not meet the fundamental principles of consistency and equity established under State Planning Policy 3.6 – Infrastructure Contributions (SPP3.6). There is no provision within the SPP 3.6, and consequently within the DCP, to pay compensation to properties external to the DCP area.</p>
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	<p>residential land use along the lines we discussed at our meeting on 2 February.</p> <p>In this situation the affected properties become part of Stage 1 and therefore contribute to the Stage 1 DCP of \$21.66 / m2.</p>	
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	<p>RESTORATION OF OUR RIGHTS – DATUM SET BY COUNCIL & KHIM</p> <p>The industrial development in Stage 1 has badly affected the conditions for residential living along our strip of land.</p> <p>People in the vicinity of Stewart Road are also part of this Precinct. They continue life as it was in 2012 when Council passed votes and promised to protect all landowners in this Precinct from noise and adverse impact stemming from Stage 1.</p> <p>This was the datum set for this Precinct. The KHIM had the same datum. State Government policies, the EPA and earlier Government endorsements of a transition buffer (KHIM 2004 & DSP 2016) underwrite Council's obligations.</p> <p>Our boundaries now gird unwanted emissions and disruption from Stage 1. This will likely get worse as more businesses start up in Stage 1. Stage 1 has indiscriminately destroyed the normal enjoyment of our lifestyle. We are entitled to have our rights restored and comply with the law and policies. Council can facilitate this either by</p> <ol style="list-style-type: none"> 1. allowing us to sell our land as a transition buffer or 1. using the DCP from Stage 1 to restore our lifestyle to the datum. This might not even be technically feasible within our 200-metre long boundaries. The damage may be irreparable. 	<p>As noted above, Sultana Road West is identified as the appropriate transition point between the industrial and future urban precincts, and design treatments will be required at the development stage(s) within the HWS Residential Precinct, to ensure an appropriate urban interface. In this context, the introduction of additional costs to the DCP for land to buffer the industrial area would be unjustified.</p>
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	<p>TAKE THE OPPORTUNITY TO ASSESS THE LIABILITIES</p> <p>While waiting decisions on (a) and (b), the City can use this opportunity to acknowledge, and itemise the liabilities, in the Stage 1 DCP to competently address remedies for the impact of Stage 1 industrial development on the HWS Precinct.</p> <p>This will clarify the situation for the affected landowners on the north side of Sultana Road West, and also for the City.</p> <p>I provide an estimate of the liabilities in an attachment. There may be other items the City knows of to add to the list.</p> <p>I estimate the cost for the Stage 1 DCP to address matters which affect landowners in the HWS, might be in the vicinity of \$10.7 million to \$16.4 million for just the five</p> <p>(5) properties on the central part of Sultana Road West.</p> <p>THE CITY TO CONSULT WITH AND ADVISE REMEDIES FOR THE IMPACT OF STAGE 1 ON AFFECTED LANDOWNERS IN THE HWS PRECINCT</p> <p>The uncertainty about the transition buffer continues unabated.</p> <p>The unfortunate situation has been forced on us after our land was “sanitised”, in DPLH terminology, in 2004.</p> <p>The City needs to urgently move forward with implementing its “interface treatments”, in sync with the administrative process which might deliver a transition buffer.</p> <p>The City published its proposal for a vague interface in July 2020.</p> <p>It was a radical change. There is nothing on a map to indicate its extent.</p> <p>My view is the City has delayed addressing this confronting issue, for far too long.</p> <p>Letters need to be sent to the affected landowners before the end of February, and the City’s presentation should occur during March 2022.</p> <p>The City’s presentation should include, but not be limited to</p>	
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	<p>1. what it considers will constitute an adequate buffer between Stage 1 industrial development and the nearest residential housing on the north side of Sultana Road West. The Separation Distance from the front fence line on Sultana Road West is the critical dimension, and a major determinate of the expense</p> <p>2. the technical evidence, policies and criteria on which the City bases its determinations</p> <p>3. the timeline proposed by the City to implement the plan and</p> <p>4. what contingency the City offers if its plan is implemented and proves inadequate?</p> <p>Landowners to be given a reasonable period after the meeting to review, seek advice and report back to the City.</p> <p>FINANCIAL PROVISIONS IN STAGE 1 FOR LANDOWNERS ON SULTANA ROAD WEST</p> <p>What financial provisions are in the DCP for Stage 1 for the properties along the north side of Sultana Road West to provide for contingencies which include, but not limited to</p> <ul style="list-style-type: none"> • afford adequate protection to the affected landowners • widen Sultana Road West to meet the needs of industry • acquire all or part of the land at the ruling market price of industrial land in Stage 1 <p>The KSC / COK has always acknowledged, and accepted, that this land would be impacted by industrial development. Numerous documents substantiate this.</p>	
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	<p>There was going to be an interim period even if Stage 3 had been established.</p> <p>The KHIM and District Structure Plan 2016 for the FNP also recognised a significant area of land would be affected when Light Industry was built on the land bounded by Sultana Road West, Milner Road, Berkshire Road and Roe Highway.</p> <p>A buffer of 200 metres was endorsed by KHIM and the WAPC.</p>	
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	<p>FORRESTFIELD/HIGH WYCOMBE INDUSTRIAL AREA STAGE 1 – LOCAL STRUCTURE PLAN</p> <p>December 2019 [My Comment : The Stage 1 LSP considers the SPP 4 – State Industrial Buffer Policy is relevant and justified inclusion. This should be included in the Amended LSP for High Wycombe South Precinct.]</p>	<p>Noted. The issues raised are beyond the scope of the review of the FF/HW Industrial Area Stage 1 DCP Review.</p>
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	<p>5.6 WESTERN AUSTRALIAN PLANNING COMMISSION STATEMENT OF PLANNING POLICY NO 4 – STATE INDUSTRIAL BUFFER POLICY</p> <p>The purpose of the State Industrial Buffer Policy is to provide a consistent Statewide approach for the protection and long-term security of industrial zones, transport terminals (including ports) other utilities and special uses.</p> <p>The policy is to provide for the safety and amenity of surrounding land uses while having regard to the rights of landowners who may be affected by residual emissions and risk. Planning Policy No.4 defines light industry as:</p> <p>Light Industry—means an industry;</p> <ul style="list-style-type: none"> - ‘in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and - the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.’ <p>In accordance with the requirements set out in this policy, it is considered that a buffer is not required for the subject land.</p>	<p>Noted. The issues raised are beyond the scope of the review of the FF/HW Industrial Area Stage 1 DCP Review.</p>
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	<p>[My comment : how was this conclusion reached]</p> <p>The following statement contained in the policy supports this:</p> <p>- 'in the case of industries of a light/service nature and technology parks, the impacts can usually be retained on-site or within the technology park or industrial area boundaries. This is a normal requirement of the performance-based definitions used for these industries/activities.'</p> <p>Notwithstanding the above, it is considered that the setback of buildings generally within a light industrial area provides for a sufficient buffer to surrounding land uses.</p> <p>In this instance the Structure Plan also proposed an additional setback and landscaping requirements to land to the south of Sultana Road West due to the interface to the rural residential land on the northern side of the road.</p>	
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	<p>9.2 STRUCTURE PLAN DESIGN PHILOSOPHY Excerpts from Item 9.2</p> <p>The design philosophy underpinning the preparation of the Structure Plan is to provide for a logical extension and consolidation of industrial activities that are already taking place in the locality.</p> <p>The subject land is currently abutted by light industrial uses along its southern boundary, a mixed use and special use area with light industry located along its western boundary (to the rear), Roe Highway to the east and rural residential uses to the north.</p> <p>The Structure Plan has been prepared in accordance with the recommendations of the KHIM and the anticipated outcomes of the Industrial Land Strategy and represents an appropriate and strategic response to the following considerations:</p> <p>It is proposed that an interim interface arrangement be established along the Sultana Road West frontage of the subject land through the application of design guidelines, with an expanded landscaping strip requirement in order to ameliorate any potential negative impacts associated with industrial activity on the rural residential properties on the other side of the road.</p> <p>It is expected that this requirement may be modified in the future as planning for the industrial development of Stages 2 and 3 of the Forrestfield/High Wycombe Industrial Area progresses.</p>	
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	<p>FORRESTFIELD/HIGH WYCOMBE INDUSTRIAL AREA STAGE 1 – LOCAL STRUCTURE PLAN December 2019</p> <p>Section 9.2 It is proposed that an interim interface arrangement be established along the Sultana Road West frontage of the subject land through the application of design guidelines, with an expanded landscaping strip requirement in order to ameliorate any potential negative impacts associated with industrial activity on the rural residential properties on the other side of the road.</p> <p>It is expected that this requirement may be modified in the future as planning for the industrial development of Stages 2 and 3 of the Forrestfield/High Wycombe Industrial Area progresses.</p> <p>[My comment : Nothing has happened thusfar. A decision needs to be made after consultation with landowners in the vicinity.]</p> <p>Forrestfield North Residential Precinct Local Structure Plan Volume 1 (April 2018) Schedule of Proposed Modifications – October 2018</p> <p>Action : Section 1.3.3.7 and Section 1.3.3.11 to be re-inserted into the High Wycombe South Precinct Structure Plan</p> <p>Page 35</p>	<p>Noted. The issues raised are beyond the scope of the review of the FF/HW Industrial Area Stage 1 DCP Review.</p>
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	<p>1.3.3.7 Western Australian Planning Commission State Planning Policy 4.1 – State Industrial Buffer Policy</p>	
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	<p>Page 35 1.3.3.7 Western Australian Planning Commission State Planning Policy 4.1 – State Industrial Buffer Policy The purpose of the WAPC’s State Planning Policy 4.1 – State Industrial Buffer Policy (SPP 4.1) is to provide a consistent Statewide approach for the protection and long- term security of industrial zones, transport terminals (including ports) other utilities and special uses.</p> <p>The policy is to provide for the safety and amenity of surrounding land uses while having regard to the rights of landowners who may be affected by residual emissions and risk.</p> <p>A band of land along the central part of the southern boundary of the LSP area is proposed to be developed for light industrial purposes with a single house allowance.</p> <p>This area is intended to provide a suitable land use buffer and built form interface to future residential uses to the north.</p> <p>This land use planning solution will ameliorate the impact of the more intensive industrial and logistics area to the south-west of Sultana West Road on the Residential Precinct.</p> <p>Specific development provisions in Part One of the LSP stipulate specific siting requirements for the residential component of the development and it is proposed that all potential industrial or commercial uses are assigned a discretionary use permissibility under LPS3 to ensure that any potential uses that could cause adverse amenity impacts on the remainder of the precinct are avoided.</p>	<p>Noted. The issues raised are beyond the scope of the review of the FF/HW Industrial Area Stage 1 DCP Review.</p>
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	<p>Page 37 1.3.3.11 Western Australian Planning Commission Development Control Policy 4.1 - Industrial Subdivision</p> <p>The WAPC's Development Control Policy 4.1 - Industrial Subdivision (DC 4.1) is a Statewide policy that applies to the subdivision of industrial land and provides guidance on matters the WAPC considers when determining applications for industrial subdivision.</p> <p>There are a number of policy measures that are relevant to future subdivision within the light industrial precinct including access and road layout, the provision of adequate infrastructure services, and the supply of appropriately sized and shaped lots.</p> <p>As indicated previously, a band of land along the central part of the southern boundary of the LSP area is proposed to be developed for light industrial purposes to provide a suitable land use buffer and built form interface to future residential uses to the north.</p> <p>This land use planning solution is intended to ameliorate the impact of the more intensive industrial and logistics area to the south-west of Sultana West Road on the Residential Precinct.</p>	
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	<p>GROUND ZERO – CONDITIONS AND DEFINITIONS OF THE MINISTER FOR PLANNING</p> <p>I don't think anyone contends the City of Kalamunda does not have to comply with explicit Conditions or Definitions set down by the Minister for Planning.</p> <p>The Conditions and Definitions for approval to proceed with the development of Stage 1 in the Forrestfield High Wycombe Industrial Area were set down by the Minister for Planning, Mr John Day, in November 2011.</p> <p>IMPACT OF INDUSTRIAL DEVELOPMENT IN STAGE 1 ON HWS RESIDENTIAL</p> <p>The DCP for Stage 1 must bear all the financial burden of the impact that Stage 1 has on the High Wycombe South residential precinct.</p> <p>There is no moral or legal justification to do otherwise.</p> <p>Residential was here first - some 35 years before construction began in Stage 1. There are at least three (3) alternatives.</p> <ul style="list-style-type: none"> • the “polluters” pay (via the DCP for Stage 1) or • the City of Kalamunda ratepayers pays or • the affected areas in the HWS precinct become a transition buffer and classified as light industrial land use and Developers buy the land and pay the DCP. 	<p>Noted.</p>
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Clarification

Any land released from the HWS residential precinct to be used in a transition buffer, and bought by a Developer, will contribute to the Stage 1 DCP.

Those areas will contribute to, and not be a financial burden, the DCP for Stage 1.

Road Cross Section Sultana Road West (Sultana Road West terminates at Brand Road – see map for Cell 8)

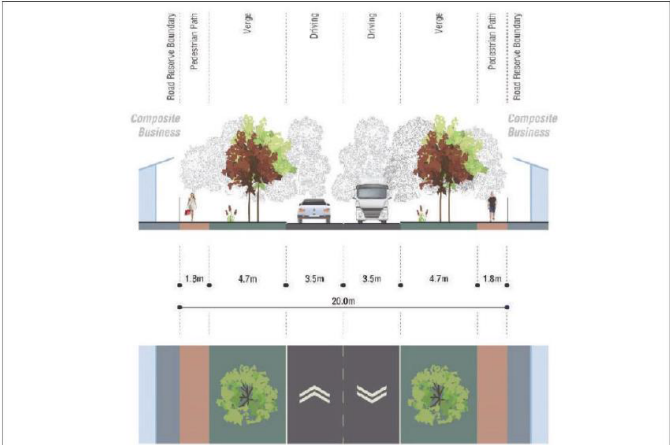




Figure 35. Road Cross Section - Sultana Road West (east of Brae Road)

Noted.

	<p>Industrial Development Strategy December 2018</p> <p>Document status</p> <table border="1"> <thead> <tr> <th>Version</th> <th>Version No.</th> <th>Author(s)</th> <th>Date</th> <th>Review</th> </tr> </thead> <tbody> <tr> <td>Draft Report</td> <td>1</td> <td>Jordan Koroveshi Mitchell Brooks</td> <td>05.12.2017</td> <td>Peter Varelis</td> </tr> <tr> <td>External Review</td> <td>2</td> <td>Jarrold Ross (TBB)</td> <td>20.04.2018</td> <td>Mitchell Brooks Chris Lodge</td> </tr> <tr> <td>Draft Report for Council</td> <td>3</td> <td>Chris Lodge Mitchell Brooks</td> <td>21.05.2018</td> <td>Raymond Dong Peter Varelis</td> </tr> <tr> <td>Final Report for Adoption</td> <td>4</td> <td>Mitchell Brooks</td> <td>21.11.2018</td> <td>Peter Varelis</td> </tr> </tbody> </table> <p>2.5 KEWDALE-HAZELMERE INTEGRATED MASTERPLAN (KHIM)</p> <p><i>Para 3. It should be noted that the KHIM is now 12 years old, and certain aspects of the plan may be outdated and require review.</i></p> <p>[My comment : The KHIM included a 200 – 240 m buffer between light industry and residential. This was at the request of the Kalamunda and Swan Shire Councils.</p> <p>The separation distance is not one of the aspects that is outdated.]</p> <p>2.6 STATE PLANNING POLICY 4.1 STATE INDUSTRIAL BUFFER / DRAFT STATE PLANNING POLICY 4.1 INDUSTRIAL INTERFACE</p> <p><i>State Planning Policy 4.1 (SPP 4.1) is a guiding document applicable to existing and new industrial areas and industrial uses.</i></p> <p><i>Its purpose is to protect industry from encroachment of sensitive land uses and, conversely, to protect sensitive land uses from potentially hazardous industrial activity. SPP 4.1 achieves this by recommending buffers be applied to industrial land where sufficient separation distances cannot be met on-site.</i></p> <p><i>It is noted that this policy is currently under review, with a key component being the appropriate planning at the residential and industrial interface. Refer to Section 5.9 of the Strategy for detailed analysis of residential and industrial interface.</i></p> <p><i>The measures contained in SPP 4.1 will be considered in this document for the purposes of managing and planning for existing and new industrial areas.</i> </p> <p>[My comment : When and how will the City act to fulfil this commitment.]</p> <p>7.1 FORRESTFIELD MARSHALLING YARDS</p> <p><i>Para 4</i></p>	Version	Version No.	Author(s)	Date	Review	Draft Report	1	Jordan Koroveshi Mitchell Brooks	05.12.2017	Peter Varelis	External Review	2	Jarrold Ross (TBB)	20.04.2018	Mitchell Brooks Chris Lodge	Draft Report for Council	3	Chris Lodge Mitchell Brooks	21.05.2018	Raymond Dong Peter Varelis	Final Report for Adoption	4	Mitchell Brooks	21.11.2018	Peter Varelis	
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	<p>Draft State Planning Policy 5.4 Road and Rail Noise (SPP 5.4) has a trigger distance of 300m from the closest freight rail track whereby sensitive land uses should be avoided or where they do occur the appropriate interface management and development conditions are required to ensure adverse impacts are minimised.</p> <p>[My comment : This is an indication of a trigger distance for a noise source from sensitive land uses.]</p> <p>7.3 FORRESTFIELD/HIGH WYCOMBE STAGE 1</p> <p>Forrestfield/High Wycombe Stage 1 comprises an area of approximately 70 ha and provides for principally transport and logistics based industrial uses. The area is zoned Urban under the Metropolitan Region Scheme (MRS) and Industrial Development under the City's Local Planning Scheme No. 3. The North-East Sub-Regional Framework supports the urban classification of the land under the MRS.</p> <p>The Industrial Development zone requires a Local Structure Plan be prepared for development guidance and permits land uses in accordance with transport- and logistics-based industries. The area is designed to accommodate Category 7 Restrict Access Vehicles (37.5m trucks) to take advantage of its proximity to Roe Highway and the significant upgrades by the state government in the Gateway project.</p> <p>The Forrestfield/High Wycombe Stage 1 Local Structure Plan provides for future road connections, subdivision and design requirements.</p> <p>There is also a Development Contribution Plan (DCP) in place that collects funds from developing landowners to develop new roads, land acquisition for roads and other common infrastructure.</p> <p>Planning for this area has been had to take into consideration the proposed Forrestfield North urban development. The planning framework has recently been reviewed to address this interface and ensure it is</p> <p>contemporary efficient, and in line with community aspirations. </p> <div data-bbox="853 959 1108 1027" style="border: 1px solid black; padding: 2px; width: fit-content;"> <p>When / how were we consulted. Please make the analysis and assumptions available.</p> </div> <p>[My comment : Our aspirations call for a transition buffer]</p> <p>A review of the planning framework investigated three key areas relating to the Forrestfield/High Wycombe Industrial Area Stage 1 Local Structure Plan:</p> <ul style="list-style-type: none"> • Land use permissibility and lot sizes; • The proposed local road network; and • The DCP. <p>A composite industrial zone has also been recommended to be introduced as a Scheme Amendment over Lot 50 which abuts the Forrestfield North development area. This will assist with appropriate industrial-residential interface management and the provision on an alternative lot product within the area.</p>	
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	<p><i>Facilitating development in this area is key to delivering the proposed infrastructure and should be the focus of the planning framework.</i></p> <p><i>Interface Limited interface concerns to the south and west with Forrestfield Industrial Area and Forrestfield Marshalling Yards respectively.</i></p> <p><i>Roe Highway provides an effective interface buffer to the Forrestfield residential area to the east.</i></p> <p><i>The interface to the north is the future Forrestfield North residential precinct which will need to be carefully managed during detailed planning.</i></p> <p><i>Road Condition The road condition is of good quality where infrastructure has been developed; reasonable kerb condition, no signs of road wear. Roads are still to be delivered and improved in the precinct.</i></p> <p>Strategies:</p> <ul style="list-style-type: none"> • Keep development contributions relevant and within relevant frameworks. • Maintain a high standard of landscaping where appropriate and road maintenance. • Attract large businesses by protecting key land parcels from subdivision. • Provide opportunity for small and medium sized businesses to benefit from, and co-locate with, larger industries where appropriate. • Ensure there are logical transition arrangements and interfaces between sensitive and industrial land uses. • Capitalise on the close proximity to the airport, freight marshalling yards and highways <p>7.13 RESIDENTIAL AND INDUSTRIAL INTERFACE</p> <p><i>Residential and Industrial interface is addressed through the requirements of SPP 4.1.</i></p> <p><i>The intention of SPP 4.1 is to prevent land use conflict between industrial areas and sensitive land uses such as residential areas. SPP 4.1 requires statutory buffers to be put in place where applicable.</i></p> <p><i>SPP 4.1 states that statutory buffers should take the form of a Special Control Area, or similar with related scheme provisions in the applicable local planning scheme.</i></p> <p><i>The size and extent of statutory buffers should be determined by potential off-site impacts and strategic planning considerations.</i></p> <p><i>The management of land use conflicts and preventing adverse impacts should ensure the co-location of industrial land uses in clusters or industrial areas.</i></p>	
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	<p>Sensitive land uses should not be considered in industrial areas.</p> <p><i>Strategic and General Industry zones should not have direct interface with sensitive zones.</i></p> <p><i>An interface of compatible land use zones should be identified in local planning schemes such as light industry, commercial zones, rural zones and public open space reserves.</i></p> <p><i>The City will ensure that interface issues and land use conflicts are addressed by ensuring there are logical boundaries between residential and industrial uses and utilising transition zones (light industry, commercial, rural and public open space).</i></p> <p><i>An example where the City has considered a transition zone is in the Forrestfield/High Wycombe Industrial Area, where a composite zone has been proposed to be introduced.</i></p> <p><i>The residential component of the zone faces the future Forrestfield North development which will be urban and the industrial component faces the industrial area. The composite zone will provide an appropriate transition from residential to industrial.</i></p> <p>Strategy:</p> <ul style="list-style-type: none"> • <i>Ensure there are logical transition arrangements and interfaces between sensitive and industrial land uses.</i> <p>REFERENCE ORDINARY COUNCIL MEETING 27 August 2012.</p> <ul style="list-style-type: none"> • Page 20. <p>Quote</p> <p>State Planning Policy No. 3.6 – Development Contributions for Infrastructure The Policy stipulates that DCPs do not have effect until they are incorporated into a local planning scheme and require that:</p> <p>“There is adequate consultation with the owners affected by the development contribution plan and with the wider community, as part of the local planning scheme amendment process.”</p>	
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	<p>Unquote</p> <p>DCP PREPARATION</p> <p>I have never been contacted about the DCP for Stage 1.</p> <p>My research is timely. By chance, I noticed the next advertisement for public comment for the DCP for Stage 1 closes on 15 February 2022.</p> <p>I will present a submission.</p>	
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	<p>BACKGROUND</p> <p>The situation along the central part of SRW and the blocks directly behind them, is diabolical.</p> <p>Landowners have heard nothing from the City about what is happening.</p> <p>The City published a new concept in the Local Structure Plan for Forrestfield North Precinct dated July 2020.</p> <p>18 months later, we need physical changes to happen. We live here. Stage 1 Industrial Development has made the situation intolerable for landowners in the vicinity.</p>	<p>The consultation processes that occurred as part of the preparation of the FF/HW Industrial Area Stage 1 DCP are not the subject of this review.</p>
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	<p>STAGED DEVELOPMENT</p> <p>The Amended LSP shows Cell 8 as Stage 1B.</p> <p>This is scheduled in the LSP to be the 2nd stage developed as Residential.</p> <p>However Cell 8 / Stage 1B is now the least attractive location for Residential Developers and new Home Owners alike.</p> <p>We will be the last or 2nd last Cell to be bought by Developers. We are talking 20 - 30 years according to the forecast by the City. SITUATION Our lifestyle has been turned on its head by the City's actions with the development of Stage 1.</p> <p>We need the City to remedy the situation forthwith. Businesses in Stage 1 permeate our environment. They use our land as an elastic extension of their boundaries.</p> <p>Our land and our minds, eyes and ears have become immersed in this industrial wasteland.</p> <p>We are being used as an industrial wasteland. We have raised objections to no avail. We need to know when construction of this Interim Interface will begin and be completed.</p> <p>We are talking about weeks and months, not years for construction to be completed</p>	<p>There is not a specific requirement for public advertising of a DCP Review, however the City undertakes advertising to ensure transparency and inform the decision making process. Public advertising included letters to landowners within the FF/HW Industrial Area, a public website notice and copies being made available at the City's Administration Centre. Given the nature of the DCPR relating to a specific area for the sharing of infrastructure costs, letters were only sent to landowners directly affected by the review.</p>
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	<p>CONFLICT</p> <p>People involved on both sides of the road are getting agitated. There is tension between landowners and the industrial businesses. The City has to move quickly to resolve the issues. It needs to establish the Plan and roll it out to all the parties.</p>	
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	<p>DCP</p> <p>The SCM 23 August 2012 Page 14 sets out that the DCP for Stage 1 ..."will afford residents on the northern side of Sultana Road West an appropriate buffer to their properties."</p> <p>Legislation in WA adopts the Principle of the polluter pays.</p> <p>Stage 1 Industrial Development is the cause of our concerns.</p> <p>There are State Government Policies which provide protection for residential land use when new industrial development encroaches.</p> <p>The houses have been here for 40 years.</p> <p>The Minister for Planning set the specific Conditions in November 2011 for Stage 1 to proceed.</p> <p>Mr John Day was also the Member for Kalamunda. He had a sound understanding of what was needed and what needed to be achieved.</p> <p>The City enshrined the Minister's instructions in Council Motions passed in April and June 2012. Some key criteria are</p> <ul style="list-style-type: none"> • No adverse impact • No noise • No fumes <p>The landowners in this precinct have no moral or legal obligation to pay to protect ourselves from Stage 1 Industrial Development.</p>	<p>There is no provision in the DCP to fund additional land or design treatments on Sultana Road West. The introduction of additional costs at this stage of the DCP's life would not meet the fundamental principles of consistency and equity established under State Planning Policy 3.6 – Infrastructure Contributions (SPP3.6). There is no provision within the SPP 3.6, and consequently within the DCP, to pay compensation to properties external to the DCP area.</p>
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	<p>Clearly all costs for the protective measures that need to be put in place against Stage 1, have no place in the DCP for High Wycombe South.</p> <p>The City alluded to a commitment in the Minutes of the OCM of 23 August 2012</p> <p>ESTIMATES FOR STAGE 1 DCP FUNDING TO REMEDY ADVERSE IMPACT ON HWS – FIVE (5) PROPERTIES ONLY</p> <p>Estimates for inclusion in Stage 1 DCP to provide an adequate buffer and remedy the issues - current and emerging - because of Stage 1 industrial development.</p> <p>Could range from \$10.7 million to \$16.4 million</p> <p>I have only addressed matters pertaining to the five (5) properties along the central part of SRW.</p> <p>I've tried to set out contingencies for the City to consider. There might be others that I missed.</p> <p>The financial provisions should include :</p> <ol style="list-style-type: none"> 1. Acquisition of land to provide a separation distance to once again be a zone free of industrial noise, as we were in June 2012. Land acquisition price in the DCP is currently \$275 / m2 and increasing. The Council will own the land. <p>My house is about 40 metres from and the front fence and noise extends well past my house. I can hear it at the back of my block. The block is 200 metres long.</p> <p>The minimum distance from the fenceline for a house the City might consider likely would be 100 metres.</p> <p>The value of the land is \$6,875,000 using a 50 metre width of the block.</p>	
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ALTERNATE OUTCOME FOR DCP				
DCP NEEDS TO PROVIDE FUNDING TO BUY LAND				
Sultana Road West				
Street No	Valuation \$/m2	Metres from Front Fence		
		100	150	200
#105	275	1,375,000	2,062,500	2,750,000
#111	275	1,375,000	2,062,500	2,750,000
#117	275	1,375,000	2,062,500	2,750,000
#123	275	1,375,000	2,062,500	2,750,000
#129	275	1,375,000	2,062,500	2,816,000
Total		\$6,875,000	\$10,312,500	\$13,816,000

Explanation of the chart above.

Example assume the City says it estimates the separation distance is 100 metres for each block. Five (5) blocks * 100 m deep * 50 m wide @ \$275 / m2
= \$6,875,000. [Likely to be insufficient separation distance].

And if the separation distance were to be 150 metres, then the land acquisition costs are \$10,312,500.
Anything beyond 150 metres makes it impractical to relocate our houses. In this instance the City would have to buy the whole of the subject land. 5.024 hectares @ \$275 / m2 = \$13,816,000.
The market value has likely increased so it might be 10% higher at \$15,100,000.

	<p>Building a wall and taking it down if it provides no technical advantage. The land also slopes downhill near 123 and 129 Sultana Road West. The height of the wall will have to increase for these two (2) properties. Only guessing but the wall would be 250 metres long at least.</p> <p>Estimate \$100,000. The City can judge that as it lists the wall in the LSP as one part of the interface.</p> <p>3. A secondary and parallel road is mentioned as one interface treatment. Acquisition of land is already included in the separation distance. The road might be 250 metres. Estimate for construction costs \$300,000.</p> <p>4. A landscape buffer is also mentioned in the interface treatments. Estimate \$70,000. 250 metres long.</p> <p>5. Relocate houses, provide three (3) below ground pools and sheds to the back of the (5) blocks. Utilities and access to the front of the blocks need to be constructed. Septic tanks / sewerage.</p> <p>Five (5) houses, sheds and below ground pools. Assume \$450,000 average each. Estimate \$2,250,000.</p> <p>6. The second 50% component of the cost of widening Sultana Road West (SRW) to meet the needs of Stage 1 industrial development. \$1,100,000</p> <p>Summary</p> <table border="0" style="width: 100%; margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">150mm</td> <td style="text-align: center;">> 200 m</td> </tr> <tr> <td>Separation distance 150m</td> <td style="text-align: center;">\$10,312,000</td> <td style="text-align: center;">\$15,100,000</td> </tr> </table>		150mm	> 200 m	Separation distance 150m	\$10,312,000	\$15,100,000	<p>As noted above, Sultana Road West is identified as the appropriate transition point between the industrial and future urban precincts, and design treatments will be required at the development stage(s) within the HWS Residential Precinct, to ensure an appropriate urban interface. In this context, the introduction of additional costs to the DCP for land to buffer the industrial area would be unjustified.</p>
	150mm	> 200 m						
Separation distance 150m	\$10,312,000	\$15,100,000						

	Build wall 250 m long \$ 100,000	N/A	
	Parallel road \$ 300,000	N/A	
	Landscape buffer \$ 70,000	N/A	
	Relocate houses, pools, sheds \$ 2,250,000	N/A	
	The second 50% of cost – SRW \$ 1,100,000	\$1,100,000	
	Demolition five (5) houses		\$200,000
	=====		
		TOTAL \$14,132,000	\$16,400,000

	<p>WRONG DECISION TO LOCK THESE FIVE (5) PROPERTIES INTO RESIDENTIAL</p> <p>I believe the City is wrong - and for many reasons - to lock my property, and the four (4) adjacent properties, into Residential status given the proximity and impact of Stage 1 Industrial Development compounded by the personal circumstances.</p> <p>I support the analysis and recommendations of the Rowe Group to establish a transition buffer across the residential land nearest to Stage 1 Industrial Development.</p> <p>And land uses in the transition buffer to be compatible with residential land in the vicinity.</p> <p>D, A or X uses under the Local Planning Scheme must be excluded.</p>	<p>Noted. The issues raised are beyond the scope of the review of the FF/HW Industrial Area Stage 1 DCP Review.</p>
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<p>7.</p>	<p><i>Late Submission – Received 13 April 2022</i></p> <p>RE: Lots 51 and 308 Sultana Road West, High Wycombe – Nardine Close Road Widening and Emergency Accessway – Stamp Duty Liability xxx has been engaged to represent xxxxx in ongoing discussions regarding inclusion of stamp duty liability in the deed of agreement for ceding of land from Lots 51 and 308 Sultana Road West, High Wycombe to widen the Nardine Close road reserve and create an Emergency Accessway (EAW) between Sultana Road West and Nardine Close.</p> <p>We are writing to seek the City's agreement to reimburse the proportionate cost of the stamp duty incurred by the current landowners of Lots 51 and 308 as applicable to the land required for road widening and the EAW, due to the City having not purchased the land prior to the time of acquisition by each landowner and the land only being capable of use for public purposes upon each acquisition.</p> <p>We also seek to demonstrate that this reimbursement could be subsequently recouped by the City from the Forrestfield / High Wycombe Industrial Area Stage 1 – Development Contribution Plan (the DCP).</p> <p>This letter is sent to the City in response to the email sent from xxxx (City of Kalamunda) xxxxx (formerly CFO of xxx) on 24 March 2022, and comprehensively details xxxxs position regarding this matter.</p> <p>Copies of this email and the previous discussion are attached for your reference. Context The Forrestfield / High Wycombe Industrial Area Local Structure Plan (the Structure Plan) was approved by the Western Australian Planning Commission in December 2019.</p>	<p>The submission outlines grounds for a request for the City to reimburse a landowner the proportionate value of the stamp duty paid for the portion of Lot 308 that is required for road widening and the portion of Lots 51 and 308 that is required for the emergency accessway.</p> <p>It is not considered that funds from the Development Contribution Plan should be used to reimburse landowners for stamp duty incurred on historical transactions.</p> <p>In this regard, it is important to acknowledge that The DCP does not include any provision for costs associated with reimbursement of stamp duty.</p> <p>Furthermore, the City is only able to acquire land and construct infrastructure in the order of priority identified in the DCP and subject to the availability of funds.</p> <p>The City has no control over the imposition of stamp duty by the State Government through property transactions, or the purchase of land outside of the arrangements controlled by the DCP.</p> <p>In this instance, the subject parties elected to proceed with the property transaction, and therefore triggering stamp duty, prior to the City seeking an agreement from the landowner to acquire road and emergency</p>
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	<p>Conclusion It is requested that the City reimburses the proportionate value of the stamp duty paid by xxxx and xxxx as part of their respective property transactions for the portion of Lot 308 to be ceded for road widening and the portions of Lots 51 and 308 to be ceded for the emergency accessway on the following grounds:</p> <ul style="list-style-type: none"> • The City of Kalamunda is exempt from paying stamp duty on property transactions; • The road widening and EAW land was only capable of being used for public purposes managed by the City before and after the date of each property transaction; • The City had the opportunity to acquire the land prior to each property transaction and chose not to, thereby passing the stamp duty liability onto the new owners; and • It is not fair or reasonable for xxxx and xxxx to bear the stamp duty liability on the road widening and EAW land as a result of the City's choice not to acquire the land earlier. The stamp duty costs are recoverable by the City from the Forrestfield / High Wycombe Industrial Area Stage 1 – Development Contribution Plan, achievable by including the costs in the DCP prior to finalising the current DCP review. This action would meet the principles of State Planning Policy 3.6 – Infrastructure Contributions. <p>We would welcome the opportunity to meet with the City to progress towards a resolution that is acceptable to all parties. Should you wish to discuss this matter further please contact</p>	<p>access way land. The introduction of additional costs to the DCP retrospectively is not considered reasonable.</p> <p>The introduction of these costs would not be consistent with the DCP allowance for other land acquisitions in this precinct.</p>
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