

Amendment 110 to City of Kalamunda Local Planning Scheme No. 3
RESPONSE TO SUBMISSIONS



SUBMISSION	SUBMISSION	CITY RESPONSE
<p>1A</p>	<p>DCP FOR STAGE 1 PAYS FOR EVERY IMPACT IT HAS ON HWS PRECINCT</p> <p>I support the extension of the DCP for Stage 1.</p> <p>It needs to remain active as the DCP for Stage 1 must pay for every impact it has on the HWS Precinct.</p> <ol style="list-style-type: none"> 1. What is the City's plan to complete any unfinished business when the remaining land in Stage 1 is sold and the DCP lapses? 2. Do the Ratepayers of the City of Kalamunda pay? <p>The DCP Rate for land that needs to be purchased is currently \$275 / m2.</p> <p>The DCP for Stage 1 is paying for at least the following</p> <ul style="list-style-type: none"> • costs for the measures taken to form the "Interface Treatments" referred to in the LSP for HWS or • The "appropriate buffer" for HWS obligated to in the LSP and DCP for Stage 1 and • 100% of the costs for widening Sultana Road West. 50% is currently proposed to be allocated to the yet to be published DCP for HWS. This must be changed. <p>This means the DCP for Stage 1 pays 100% of the road widening costs from Milner Road to the cul de sac at 128 Sultana Road West, to a 9.0-metre-wide RAV 4 specification. The DCP for Stage 1 already provides for 50% or \$1,043,000. This amount will double to \$2,086,000.</p> <p>I qualify as one of the affected landowners on the strip of land on the northern side of Sultana Road West, and who must be consulted and</p>	<ol style="list-style-type: none"> 1. It is understood the submitter has concerns that the DCP for FFS1 will cease to operate prior to the full development of the FFS1 Industrial Area. A110 to LPS3 seeks to extend the operational period of the DCP for FFS1 to ensure the lifetime of the DCP is commensurate to the industrial development of FFS1. 2. It is understood the submitter has concern that not all development contributions for FFS1 will be collected prior to the end of the operational period of the DCP. Should this occur, the City would have the option of seeking to extend the operational period, or alternative funding sources (i.e. Municipal funds, government funding or grants) would need to be identified for the outstanding infrastructure items and would likely result in uncertainty and unacceptable delays to the delivery of necessary infrastructure. <p>DCP to fund transition provisions of the HWS LSP comments: the issues raised in this submission request funding of the transitional provisions of the High Wycombe South (HWS) Residential Precinct Local Structure Plan (LSP), which are intended to provide an appropriate buffer between the HWS LSP and FF/HW Stage 1 LSP areas. There is currently no provision within the FF/HW Stage 1 DCP to fund additional land or the transitional provisions noted in the HWS LSP. The introduction of the additional costs at this stage of the DCP's life would not meet the fundamental principles of consistency and equality established through State Planning Policy 3.6 (SPP 3.6). There is no provision in</p>

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	<p>satisfied the DCP for Stage 1 satisfactorily addresses the issues for the DCP to be valid and take effect.</p> <p>My view is the City has always failed to present a DCP for Stage 1 that is valid and in this situation, it is not entitled for the DCP to take effect, according to Council Minutes.</p> <p>The City missed an opportunity 12 months ago. The City failed to address similar submissions made then. The replies were unhelpful.</p> <p>I viewed them as dismissive. Yes, a missed opportunity. We look forward to a different response this year.</p> <p>The City's actions across the board in regards to this strip of land is of increasing concern to me and others. Council has a different role to the City.</p> <p>One hopes Council are alert to what is happening.</p>	<p>SPP 3.6, and consequently within the DCP, to pay compensation to properties external to the DCP area. The fund raised through the DCP for the FFS1 area can only be used within the DCP area.</p> <p>DCP to be amended to include 100% of costs towards SRW comments:</p> <p>The issues raised in this submission relate to the apportionment of cost allocated to the DCP towards the upgrading of Sultana Road West, and are beyond the scope of Amendment 110 to Local Planning Scheme No 3. Since the commencement of the DCP in 2013 for FF/HW Stage 1 costs have been apportioned 50% for Sultana Road West upgrades. The revision of the percentage of costs collected towards the upgrading of Sultana Road West at this stage of the DCP's life would not meet the fundamental principles of consistency and equality established through State Planning Policy 3.6.</p> <p>The validity of the FFS1 DCP comments: the Forrestfield / High Wycombe Stage 1 DCP (DCP) took effect in May 2013, when it was introduced through Schedule 12 of Local Planning Scheme No. 3 (LPS 3) through Amendment 48. The DCP is therefore currently valid and in effect, and will continue to be for the duration of the operational period outlined in Schedule 12 of LPS3; currently May 2023, and proposed to be extended a further 5 years by Amendment 110 to LPS 3. Nonetheless, the claim is not substantiated. The Forrestfield High Wycombe Industrial Area Stage 1 has been developed in accordance with the Industrial Development zone, approved by the Minister,</p>

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		and the Local Structure Plan, approved by the Western Australian Planning Commission, assessed and finalised and zoning of the area, as endorsed by the Minister, in line with normal statutory processes.
1B	<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 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 about November 2011. Council's Motions in 2012 set about guaranteeing the Minister's requirements.</p> <p>The DCP for Stage 1 is the only financial arrangement currently set up by the City to provide funding to remedy the impact of Stage 1 on the residential areas to the north of Sultana Road West.</p> <p>The time is overdue to act on this obligation.</p>	Noted. Refer to the responses provided to 1A above.
1C	<p>PROVE COMPLAINE WITH THE STATUTORY DEFINITION OF LIGHT INDUSTRY</p> <p>The City continues to claim Stage 1 is Light Industry – this is the statutory definition</p> <ul style="list-style-type: none"> • In documents sent to the WAPC 	Noted. Refer to the responses provided to 1A above.

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	<ul style="list-style-type: none"> • By continuing to rely on the authorisation of the Minister for Planning, Mr John Day and act on his Conditional approval to develop Stage 1 as Light Industry • in Council's vote on Amendment No 48 in August 2012 • in the LPS3 and • representations to landowners in this precinct <p>Please provide the proof that no noise exceeds the boundary of any of the businesses along the central part of Sultana Road West, and in relevant cases, businesses in Nardine Close.</p>	
1D	<p>FORRESTFIELD/HIGH WYCOMBE INDUSTRIAL AREA STAGE 1 – LOCAL STRUCTURE PLAN December 2019</p> <p>Previous Submission in 2022</p> <p>Last year, the City's comment was Noted. The issues raised are beyond the scope of the review of the FF/HW Industrial Area Stage 1 DCP Review.</p> <p>Firstly, SPP 4.1 was gazetted since the City's comment.</p> <p>So any doubt suggested by the City is not valid.</p> <p>SPP 4.1 says land use conflict should not be deferred to subdivision stage. The land use conflict is Stage 1 vs High Wycombe South.</p> <p>Secondly, the LSP update for Stage 1 done in December 2019 still referred to an interim interface with the situation of Stage 2 and 3 – as follows</p> <p>LSP for Stage 1 December 2019. Excerpts from Section 9.2. <i>"It is expected that this requirement</i></p>	Noted. Refer to the responses provided to 1A above.

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	<p><i>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.”</i></p> <p>Stage 3 did not exist beyond August 2014. Why is it referred to in the modified LSP for Stage 1 dated December 2019.</p> <p>The interim interface mentioned as required along the front of the former Stage 3 is still required, and must be actioned.</p> <p>So for more than eight (8) years after Stage 3 was relegated, the Stage 1 DCP has still not addressed the fact that there is a residential area opposite a Stage 1 Light Industry.</p> <p>And Stage 1 has turned out to be far worse than that described in its Local Structure Plan.</p> <p>So now is the time to address the interim interface mention in the LSP for Stage 1. The DCP for Stage 1 is obligated to provide the funds.</p> <p><i>5.6 WESTERN AUSTRALIAN PLANNING COMMISSION STATEMENT OF PLANNING POLICY NO 4 – STATE INDUSTRIAL BUFFER POLICY</i></p> <p><i>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.</i></p> <p><i>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:</i> <i>Light Industry—means an industry;</i></p>	

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	<p><i>- '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</i></p> <p><i>- 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.'</i></p> <p><i>In accordance with the requirements set out in this policy, it is considered that a buffer is not required for the subject land.</i></p> <p><i>The following statement contained in the policy supports this:</i></p> <p><i>- '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.'</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p>9.2 STRUCTURE PLAN DESIGN PHILOSOPHY Excerpts from Item 9.2</p> <p><i>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.</i></p>	

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	<p><i>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.</i></p> <p><i>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:</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	
<p>1E</p>	<p>Previous Submission in 2022</p> <p>Last year, the City's comment was</p> <p>Noted. The issues raised are beyond the scope of the review of the FF/HW Industrial Area Stage 1 DCP Review.</p> <p>SPP 4.1 was gazetted since the City's comment.</p> <p>So any doubt suggested by the City is not valid.</p> <p>SPP 4.1 says land use conflict should not be deferred to subdivision stage. The land use conflict is Stage 1 vs High Wycombe South.</p>	<p>Comments pertaining to the HWS LSP:</p> <p>The issues raised in this submission primarily relate to the establishment of the planning framework for the High Wycombe South Residential Precinct (HWS) and are beyond the scope of Amendment 110 to Local Planning Scheme No 3. The HWS Local Structure Plan (LSP) is in the process of being amended and relevant submissions were considered as part of the Council's endorsement in May 2022.</p> <p>The LSP identifies Sultana Road West as the appropriate transition point between the light industrial and future</p>

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	<p>Industrial Development Strategy December 2018</p> <p>Document status</p> <table border="1" data-bbox="443 459 981 608"> <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>The date of the Final Report for Adoption was 21 November 2018.</p> <p>On 3 December 2018, less than 2 weeks later, the City presented Council with the draft LSP for the now High Wycombe South. Council passed the Motion. There was no buffer. It had been removed by the City despite statements to the opposite in the Industrial Development Strategy.</p> <p>All the good stuff in this was jettisoned less than 2 weeks later.</p> <p>And Council and the City wonder why we are upset. We are the ones suffering because of default by the City.</p> <p>My view is the LSP continues to breach its own Industrial Development Strategy 4 years after it first breached it.</p> <p>The Stage 1 DCP must act on its obligation now, to provide the appropriate buffer in the absence of the City and us agreeing to another option.</p> <p>2.5 KEWDALE-HAZELMERE INTEGRATED MASTERPLAN (KHIM)</p> <p>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.</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	<p>urban precincts and incorporates provisions requiring design treatments to be provided at the development stage(s) to ensure an appropriate interface.</p> <p>Comments pertaining to land use conflicts of FFS1 LSP & HWS LSP:</p> <p>The issues raised in this submission raise views regarding land use conflicts between the established Forrestfield / High Wycombe Stage 1 (FF/HW Stage 1) Local Structure Plan (LSP) area and the High Wycombe South (HWS) Residential Precinct LSP and are beyond the scope of Amendment 110 to Local Planning Scheme No. 3 (LPS 3).</p> <p>The FF/HW Stage 1 LSP includes objectives for industrial development to not adversely impact on the amenity and safety of adjoining land uses. Furthermore, the HWS LSP identifies Sultana Road West as 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>Comments relating to the KHIM:</p> <p>The Kewdale Hazelmere Integrated Masterplan (KHIM) 2006 is a broad-based planning document adopted by the then state government in 2006. The document has no statutory basis and, at the time it was published, a major influence on the future development of the area, a rail link to and a train station at High Wycombe, had not been considered. Irrespective, there is no correlation between KHIM and what is proposed through Amendment 110 to Local Planning Scheme No. 3.</p>
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	<p>[My comment : The KHIM included a 200 – 240 m buffer between light industry and residential. The Kalamunda Shire Council led the way. The distance is estimated from the scale of the map. KSC would have records of the dimension.]</p> <p>The separation distance is not one of the aspects that is outdated. It is very relevant.]</p> <p>2.6 STATE PLANNING POLICY 4.1 STATE INDUSTRIAL BUFFER / DRAFT STATE PLANNING POLICY 4.1 INDUSTRIAL INTERFACE</p> <p>State Planning Policy 4.1 (SPP 4.1) is a guiding document applicable to existing and new industrial areas and industrial uses.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>[My comment : When and how will the City act to fulfil this commitment.]</p>	

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	<p>7.1 FORRESTFIELD MARSHALLING YARDS Para 4</p> <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 : The 300m is an indication of a trigger distance for a noise source to sensitive land uses.]</p> <p>7.3 FORRESTFIELD/HIGH WYCOMBE STAGE 1 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>	

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	<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 contemporary, efficient, and in line with community aspirations.</p> <p>When / how were we consulted. Please make the analysis and assumptions available.</p> <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>Facilitating development in this area is key to delivering the proposed infrastructure and should be the focus of the planning framework.</p> <p>Interface Limited interface concerns to the south and west with Forrestfield Industrial Area and Forrestfield Marshalling Yards respectively.</p> <p>Roe Highway provides an effective interface buffer to the Forrestfield residential area to the east.</p> <p>The interface to the north is the future Forrestfield North residential precinct which will need to be carefully managed during detailed planning.</p> <p>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.</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>	

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	<p>Residential and Industrial interface is addressed through the requirements of SPP 4.1.</p> <p>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.</p> <p>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.</p> <p>The size and extent of statutory buffers should be determined by potential off-site impacts and strategic planning considerations.</p> <p>The management of land use conflicts and preventing adverse impacts should ensure the co-location of industrial land uses in clusters or industrial areas.</p> <p>Sensitive land uses should not be considered in industrial areas.</p> <p>Strategic and General Industry zones should not have direct interface with sensitive zones.</p> <p>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.</p> <p>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</p>	



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	<p>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.</p> <p>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.</p> <p>Strategy:</p> <ul style="list-style-type: none"> • Ensure there are logical transition arrangements and interfaces between sensitive and industrial land uses. 	

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<p>1F</p>	<p>IT JUST LOOKS WRONG</p>  <p><small>Photo 1: View north east on Collins Road West</small></p>  <p>This is what the City tells us to put up with until 2032, 2037 or later and the noise goes on top of this.</p> <ul style="list-style-type: none"> • Tight for room • Trucks blocking the road • cones to keep the truck off the verge have been ignored and breached • people walking their dog amongst uncontrolled traffic movements • ute with cones on has moved off the road to make way for the semi trailer. 	<p>Noted. Refer to the responses provided to 1A above.</p>

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	<ul style="list-style-type: none"> • Traffic blocked from both directions – sometimes for 15 minutes. • Vehicles regularly drive on the verge behind moving trucks in frustration about the delays. <p>Stage 1 Industrial Development – Issues My view is the issues include but are not limited to :</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 de facto industrial land. Noise from Stage 1 dissipates across my property and interaction with industrial traffic. • 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 our land to subsidise the business operations on the other side of the street knowing this is against our will. The DCP for Stage 1 should pay for the buffer. • The City, by taking no action, is authorising businesses to use our 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. 	

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	<ul style="list-style-type: none"> • discriminates between our houses 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 safety or industrial use • early starts (3.30 ~ 4am) for 6 years until our deputation to the WAPC / SPC • 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 thus far are met with comments like "inappropriate time to consider this". 	

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	<p>The City has run out of space on the south side of SRW.</p> <p>The City now has to look to taking action on the northern side of SRW. Funding can only come from the DCP for Stage 1.</p> <p>My view is the use of the word “ameliorate” in the modified LSP for Stage 1 dated December 2019 was confirmation of the start of the slippery slide into greater land use conflict.</p> <p>The objective always was to comply with the Statutory definition of Light Industry.</p> <p>This is very different to ameliorate the impact.</p>	
<p>1H</p>	<p>Previous Submission in 2022</p> <p>Last year, the City’s comment was <i>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.</i></p> <p>This comment is defeated on at least two (2) grounds. 1. We were always affected stakeholders who had to be consulted, and 2. The failure to consult is the cause of the current land use conflict which SPP 4.1 directs the City to address.</p> <p>REFERENCE ORDINARY COUNCIL MEETING 27 August 2012. • Page 20. Quote 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>NOT APPLICABLE</p> <p>The issues raised in this submission primarily relate to the consultation process’ associated with the Forrestfield / High Wycombe Stage 1 (FF/HW Stage 1) DCP adopted in 2013, and are beyond the scope of Amendment 110 to LSP3. All public consultation for both the High Wycombe South Local Structure Plan (LSP) and FF/HW Stage 1 LSP have been undertaken in accordance with the City’s statutory obligations at the time of consideration.</p> <p>The Forrestfield / High Wycombe Stage 1 DCP (DCP) took effect in May 2013, when it was introduced through Schedule 12 of Local Planning Scheme No. 3 (LPS 3) through Amendment 48. The DCP is therefore currently valid and in effect, and will continue to be for the duration of the operational period outlined in Schedule 12 of LPS3; currently May 2023, and proposed to be extended a further 5 years by Amendment 110 to LPS 3. Nonetheless,</p>

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SUMBISSION	SUBMISSION	CITY RESPONSE
	<p><i>“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.”</i></p> <p>Unquote</p> <p>DCP PREPARATION</p> <p>I have never been contacted about the DCP for Stage 1.</p> <p>BACKGROUND</p> <p>The situation along the central part of SRW and the blocks directly behind them, is diabolical.</p> <p>Stage 1 Industrial Development has made the situation intolerable for landowners in the vicinity.</p> <p>SITUATION</p> <p>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.</p> <p>Noise emissions and other amenity impacts from businesses in Stage 1 permeate and abuse our environment.</p> <p>The businesses are using our land as an elastic extension of their boundaries.</p> <p>Our deputation to the WAPC / SPC helped initiate some action, e.g Golden Eggs early morning starts.</p> <p>It also gave senior management of the WAPC and the members of the SPC an awareness that something is happening here that isn't right.</p>	<p>the claim is not substantiated. The Forrestfield High Wycombe Industrial Area Stage 1 has been developed in accordance with the Industrial Development zone, approved by the Minister, and the Local Structure Plan, approved by the Western Australian Planning Commission, assessed and finalised and zoning of the area, as endorsed by the Minister, in line with normal statutory process.</p>

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SUMBISSION	SUBMISSION	CITY RESPONSE
	<p>We need to know when construction of this Interim Interface will begin and be completed or a written commitment confirming a satisfactory alternative.</p> <p>We are talking about weeks, not years for construction to be completed.</p> <ul style="list-style-type: none"> • The way the LSP has been implemented is the cause of the problems, and • The DCP for Stage 1 provides the funding to remedy the matter unless another plan is agreed to. <p>DCP The SCM 23 August 2012 Page 14 sets out that the DCP for Stage 1 ...<i>"will afford residents on the northern side of Sultana Road West an appropriate buffer to their properties."</i></p>	
11	<p>DCP FOR STAGE 1 TO COMPENSATE FOR THE CITY'S STRATEGIES</p> <p>The City wrote the documents that says the DCP for Stage 1 will afford an appropriate buffer to the residential area on the northern side of Sultana Road West.</p> <p>It has failed to honour its commitment. It has taken no action whatsoever to my knowledge.</p> <p>Our lives have become seriously threatened by the City's actions with Stage 1 and the Amended LSP for High Wycombe South.</p> <p>We intend to challenge and fight back to receive the justice and respect we are entitled to.</p> <p>We were always destined to be a light industry interface. This was first established in 2004.</p>	<p>Noted. Refer to the responses provided to 1A and 1E above.</p>

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SUMBISSION	SUBMISSION	CITY RESPONSE
	<p>We are therefore curious about why the City would grant approval in a WAPC Light Industry zone to the following four (4) adjacent businesses (and maybe a 5th), along Sultana Road West (SRW).</p> <p>These businesses are immediately opposite houses. They are on nominally 10,000m² blocks. Significant work areas.</p> <p>These are the businesses the City approved <u>to be constructed along the southern side of the Interface</u></p> <p>126 SRW Metal fabrication under construction 122 SRW Metal fabrication 116 SRW Logistics business – City admit they approved non-conforming loading docks 110 SRW Metal fabrication 104 SRW Metal fabrication (purchased in December 2022 by the owner of 110 SRW)</p> <p>How did the City determine these businesses would comply with the Statutory definition of Light Industry. Statutes are not flexible. They are a Standard.</p> <p>A standard is not something to be changed using words like ameliorated or mitigated to try to bridge the gap.</p> <p>My views is the City has delivered non-compliance with the Statutory definition of Light Industry.</p> <p>Stage 1</p> <ul style="list-style-type: none"> • What instructions did the City give the prospective businesses in Stage 1 about noise, odour and impacts on amenity, prior to the parties buying land. 	

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SUMBISSION	SUBMISSION	CITY RESPONSE
	<p>• What records does the City have to prove all businesses in Stage 1 understood then, and understand now, they are operating in a WAPC Statutory defined Light Industry zone and what that means - no noise to exceed the boundary.</p> <p>• How did Council, and the City, reconcile the uncertainty associated with these, and similar businesses in Stage 1, with the promise given to a) the Minister b) the WAPC and c) to us - the affected landowners about no noise, no odour or amenity impact from the Light Industry.</p> <p>Did reconciling uncertainty include a transition zone. If so, then please restore the transition zone forthwith.</p> <p>The City thus far will not provide us with the information for the questions immediately above.</p> <p>The City should show respect, reconsider its position and be transparent with this information.</p> <p>In October 2022, the City restated its recommendation to the WAPC that the people living in the subject land must wait until the subdivision stage (in 2032, 2037 or later) to see how much of their land is unsuitable for residential development. The land would then become a buffer or a transition zone.</p> <p>The City has publicly stated there is doubt our land will be developed for residential use because of the industrial development in Stage 1. (Council Minutes).</p>	

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SUBMISSION	SUBMISSION	CITY RESPONSE
	<p>Therefore we cry – foul. The City is pushing things under the carpet for 10+ years and leaving this elderly group to battle through the hardship. And hardship it is.</p> <p>The gazetted SPP 4.1 is in force. Therefore City must address this matter as part of a review of the planning framework.</p> <p>LSPs and DCP for Stage 1</p> <p>The City however has a primary legal obligation to fulfil the requirements set out in the LSPs and DCP for Stage 1 to fund an appropriate buffer for the residential areas on the northern side of Sultana Road West.</p> <p>We expect the City, <u>under instruction from Council if needs be</u>, to honour this commitment.</p> <p>This must be done forthwith.</p>	
<p>1j</p>	<p>MKSEA – Maddington Kenwick Strategic Employment Area Development of the MKSEA is a joint venture between the City of Kalamunda and the City of Gosnells.</p> <p>Has this JV been prejudicial to landowners of the five (5) adjacent properties along Sultana Road West?</p> <p>The DCP for Stage 1 can rectify matters by immediately providing an appropriate buffer and give the first row of residential housing what was intended from the Light /industry classification for Stage 1. No noise, no odour and no impact on amenity.</p>	<p>The correlation or relevance between the MKSEA Industrial area and FFS1 LSP area is unclear. The matters raised in this submission are beyond the scope of Amendment 110 to Local Planning Scheme No. 3. Public consultation for both areas was undertaken in accordance with the City's statutory obligations at the time of consideration.</p>

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	<p>MKSEA didn't rank in the Conclusions and Recommendations of the KHIM August 2006. Stage 1 made it to the priorities list. Recommendation # 35 and # 37 of the KHIM.</p> <p>It appears formal discussions started between the two (2) parties in about March 2007. MKSEA was a competitor. No reason for the City to help our competitor.</p> <p>The sole arterial road access to the MKSEA is off Welshpool Road and the land along Welshpool Road lies within the City of Kalamunda.</p> <p>The City's Rural land formed a strategic 13% of the area of the MKSEA.</p> <p>MKSEA needed the City of Kalamunda to rezone its land from Rural to Industrial to give access to the main body of the MKSEA.</p> <p>A critical period for the MKSEA was 2011 to 2014.</p> <p>This was same period when the key decisions were made for Stage 1, 2 and 3. For example, businesses with a component of fabrication emerged for Stage 1 in Amendment No 48 at the SCM on 27 August 2012.</p> <p>I do not recall affected stakeholders being consulted or even notified about MKSEA</p> <p>Warehouses have been constructed in the MKSEA. Warehouses were also to be a prominent part of the development of Stage 1. Stage 1 was rated a key logistics centre for the Perth Metro by the State Government. I think the word priority was used.</p>	

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	<p>Amendment No 48 dated 27 August 2012 states the City needed discretionary power to approve “businesses with a component of fabrication” to “allow greater flexibility in the range of land use activities”.</p> <p>To my knowledge, the JV between the City of Kalamunda and the City of Gosnells for MKSEA was first publicly announced in August 2014. I think it might have been on the 14th August, just 7 days after the Perth train was announced.</p> <p>The train announcement meant Stage 3’s designation was changed from Light Industry to Residential. Stage 3 was just three (3) weeks away from its designation of light industry being approved.</p> <p>The simultaneous announcement of the train and MKSEA meant nothing to residents who might have come across it on the City’s website. We had never heard of MKSEA. It was of no interest to us amongst the media swirl to do with the train.</p> <p>It wasn’t until February 2021 when MKSEA came up in research I was doing, that I became interested in the association. Many, probably most, are still unaware of the role the City has in the development of MKSEA.</p> <p>The City was, and is concurrently developing</p> <ul style="list-style-type: none"> a) its 100% share of Stage 1 and b) a strategic 13% share of a major competitor in the local industrial development market, the MKSEA. <p>There is strategic co-operation on one hand, and competition on the other.</p> <p>a. How were the marketing strategies formulated for MKSEA and Stage 1?</p>	

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	<p>b. Did the marketing strategies change after August 2014 – train announced. Stage 2 and 3 went residential. The City knew the subject land stayed a transition zone. (DSP Oct 2016 confirmed this).</p> <p>c. What consideration did the marketing strategies give to the interface along Sultana Road West.</p> <p>We need to have the discussion about whether the marketing strategies for the development of Stage 1 and the MKSEA have been prejudicial to our interests.</p> <p>Irrespective, the DCP for Stage 1 started in 2013 and remains obligated throughout.</p> <p>There is the immediate need for the DCP for Stage 1 to stop delaying and act on its obligation to establish an appropriate buffer for residential areas on the northern side of Sultana Road West.</p>	
1K	<p>Refer Review under SPP 4.1 STATUTORY PLANNING COMMITTEE (SPC) The SPC says For Item No. 5 Other Noise Sources, add new requirement <i>5.2 An acoustic assessment and management plan are to be undertaken and implemented to the satisfaction of the local government at the subdivision and/or development stage to investigate and respond to noise impacts for lots in proximity to Sultana Road West.</i></p> <p>And from this assessment the City says in the Amended LSP for High Wycombe South :</p>	<p>NOT APPLICABLE</p> <p>The issues raised in this submission raise views regarding land use conflicts where the High Wycombe South (HWS) Residential Precinct Local Structure Plan (LSP) area and FF/HW Stage 1 Industrial area LSP (FF/HW Stage 1 LSP) adjoin, and are beyond the scope of Amendment 110 to LPS3. As the submitter has identified, the HWS LSP identifies Sultana Road West as an appropriate transition point between the future urban residential areas of the HWS LSP and their interface with the existing adjoining light Industrial area of the FF/HW Stage 1 LSP. This transitional area is intended to be achieved through LSP provisions requiring design treatments on developments within the</p>

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SUMBISSION	SUBMISSION	CITY RESPONSE
	<p>21. Light Industrial Interface Management</p> <p>211 At the subdivision stage, the residential interface with the Forrestfield / High Wycombe Light Industrial Area on the western side of Sultana Road West is to be treated by one or a combination of the following treatments to ensure adequate separation between the uses and to ensure an acceptable level of amenity is maintained:</p> <ul style="list-style-type: none"> • an acoustic wall; • a landscape buffer strip; and/or • a local road running parallel to Sultana Road West to provide adequate separation. <p>FIRST PUBLIC ADMISSION</p> <p>My view is the City's acceptance of the recent instruction by the Statutory Planning Committee to add Item 5.2 to the LSP for High Wycombe South is the first public admission by the City that something is wrong.</p> <p>It has taken more than six (6) years of complaints by residents, stress, serious health complications and representations to get this public admission.</p> <p>And despite this public admission, we have an attempt by the City to defer the assessment and actions, until the subdivision stage. This is an indefinite period, likely to 2032, 2037 or worse.</p> <p>This is not only unacceptable, it is also a breach of SPP 4.1 in my view. This is described in other correspondence about this DCP review.</p> <p>It also reflects poorly on the City that it is knowingly setting out on a strategy which will cause more anguish, stress and financial damage to people who are already elderly and most have illnesses.</p> <p>However, the City has another pressing legal commitment to address.</p> <p>This is the immediate requirement to fund an appropriate buffer.</p> <p>It is the obligation in the LSPs and DCP for Stage 1.</p>	<p>HWS LSP at the development stage(s) to ensure an appropriate interface.</p> <p>Interfaces between residential and light industrial land uses are not uncommon across Perth and manageable through appropriate provisions of local planning schemes, local planning policies and design guidelines. The City has no statutory authority to retrospectively apply mitigation measures beyond the scope of development approval and conditions upon existing land uses within the FFS1 LSP area.</p>

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SUMBISSION	SUBMISSION	CITY RESPONSE
1L	<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 personal circumstances.</p> <p>I support the analysis and recommendations of the Rowe Group to establish a transition zone across the residential land nearest to Stage 1 Industrial Development.</p> <p>I support proposals by competent Developers to provide a transition zone with gradated and compatible land uses.</p> <p>D, A or X Classifications in the Local Planning Scheme LPS3 must be excluded from the transition zone.</p>	<p>The issues raised in this submission primarily relate to the establishment of the planning framework for the High Wycombe South Residential Precinct (HWS) and are beyond the scope of Amendment 110 to Local Planning Scheme No 3. The HWS Local Structure Plan (LSP) is in the process of being amended and relevant submissions were considered as part of the Council's endorsement in May 2022.</p> <p>The LSP identifies Sultana Road West as the appropriate transition point between the light 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>
1M	<p>Estimates For Funding To Remedy The Adverse Impact Of Stage 1 On HWS – Five (5) Properties Only</p> <p>The City previously rejected claims like this against the DCP for Stage 1. The gazetting of SPP 4.1 in July 2022 means these claims need to be addressed now.</p> <p>SPP 4.1 is in force.</p> <p>SPP 4.1 Section 6 Policy Measures says <i>“Strategic planning documents and planning schemes should address land use conflict and not defer its resolution or management to the subdivision or development application stage.”</i></p>	<p>NOT APPLICABLE</p> <p>The issues raised in this submission primarily relate to the establishment of the planning framework for the High Wycombe South Residential Precinct (HWS) and are beyond the scope of Amendment 110 to Local Planning Scheme No 3. The HWS Local Structure Plan (LSP) is in the process of being amended and relevant submissions were considered as part of the Council's endorsement in May 2022.</p> <p>The LSP identifies Sultana Road West as the appropriate transition point between the light industrial and future urban precincts and incorporates provisions requiring</p>

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SUBMISSION	SUBMISSION	CITY RESPONSE
	<p>The word – “should” - denotes a guideline or recommendation whenever noncompliance with the specification is permissible.</p> <p>Therefore in this instance, “<i>should address land use conflict</i>” is to be read as “<i>must address land use conflict</i>” because it is not permissible to defer its resolution to the subdivision stage for reasons that have been described in other correspondence.</p> <p>A transition zone is our preference. The City has declined requests for the transition zone to be restored after removing it in July 2020.</p> <p>Therefore, I provide estimates for inclusion in Stage 1 DCP to address land use conflict aligned with the commitment of the LSP and DCP of Stage 1 to provide an adequate buffer.</p> <p>I have only addressed matters pertaining to the five (5) properties along the central part of SRW. Street numbers 105, 111, 117, 123 and 129 Sultana Road West.</p> <p>Contingencies for the City to consider. There might be other factors that I missed. The financial provisions include : 1. Acquisition of land to provide a separation distance. The land acquisition price in the DCP is currently \$275 / m2. For example, were the minimum distance from the wall to the first row of housing determined to 150 metres to comply with the Statutory definition of Light Industry. The value of the land for the five (5) properties to be acquired is \$10,312,500. (Savills market valuation of October 2021 must have increased. A minimum would be 10%). So add \$1,000,000.</p>	<p>design treatments to be provided at the development stage(s) to ensure an appropriate interface.</p> <p>The issues raised in this submission request funding of the transitional provisions of the High Wycombe South (HWS) Residential Precinct Local Structure Plan (LSP), which are intended to provide an appropriate buffer between the HWS LSP and FF/HW Stage 1 LSP areas. There is currently no provision within the FF/HW Stage 1 DCP to fund additional land or the transitional provisions noted in the HWS LSP. The introduction of the additional costs at this stage of the DCP’s life would not meet the fundamental principles of consistency and equality established through State Planning Policy 3.6 (SPP 3.6). There is no provision in SPP 3.6, and consequently within the DCP, to pay compensation to properties external to the DCP area.</p>

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SUBMISSION	SUBMISSION	CITY RESPONSE
	<p>2. Any separation distance beyond 150 metres makes it impractical to relocate our houses any further to the rear of the block.</p> <p>If the noise penetrates beyond 150m, then the City has to buy the whole of the subject land. 5.048 hectares @ \$275 / m2 = \$13,816,000.</p> <p>3. Building a wall and taking it down if it fails. 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 450 metres long. Estimate \$1,000,000.</p> <p>4. A secondary and parallel road is mentioned as one interface treatment. Acquisition of land across other properties in Brae Road needs to be included. Estimate for construction costs \$600,000.</p> <p>5. A landscape buffer is also mentioned in the interface treatments. Estimate \$150,000. 450 metres long.</p> <p>6. Re-establish five (5) houses, below ground pools, sheds etc to the back of our blocks. Provide utilities, road access, sewer, etc Five (5) houses, sheds and below ground pools. Assume \$550,000 average each. Estimate \$2,750,000. (conservative and minimum forecast).</p> <p>7. The second 50% component of the cost of widening Sultana Road West (SRW) to meet the needs of Stage 1 industrial development. Est \$1,300,000.</p>	

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SUMBISSION	SUBMISSION	CITY RESPONSE																																							
	<p>Summary</p> <table border="0"> <tr> <td></td> <td>150m</td> <td>> 150 m (buy land)</td> </tr> <tr> <td>Separation distance</td> <td>150m</td> <td>\$10,312,500</td> <td>\$13,816,000</td> </tr> <tr> <td>Build wall 450 m long</td> <td></td> <td>\$1,000,000</td> <td>N/A</td> </tr> <tr> <td>Parallel road</td> <td></td> <td>\$ 600,000</td> <td>N/A</td> </tr> <tr> <td>Landscape buffer</td> <td></td> <td>\$ 150,000</td> <td>N/A</td> </tr> <tr> <td>Relocate houses, pools, sheds</td> <td></td> <td>\$ 2,750,000</td> <td>N/A</td> </tr> <tr> <td colspan="4">The second 50% of cost –</td> </tr> <tr> <td>Widening SRW</td> <td></td> <td>\$ 1,300,000</td> <td>\$1,300,000</td> </tr> <tr> <td></td> <td></td> <td>=====</td> <td>=====</td> </tr> <tr> <td></td> <td>TOTAL</td> <td>\$16,112,000</td> <td>\$15,116,000</td> </tr> </table> <p>Savills new valuations might add \$1,000,000 to \$1,300,000 to the respective land pricing.</p>		150m	> 150 m (buy land)	Separation distance	150m	\$10,312,500	\$13,816,000	Build wall 450 m long		\$1,000,000	N/A	Parallel road		\$ 600,000	N/A	Landscape buffer		\$ 150,000	N/A	Relocate houses, pools, sheds		\$ 2,750,000	N/A	The second 50% of cost –				Widening SRW		\$ 1,300,000	\$1,300,000			=====	=====		TOTAL	\$16,112,000	\$15,116,000	
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1N	<p>Selling Sequence Needs To Be Substantiated. Prima facie case in breach of SPP 4.1 Section 6 Policy Measures</p> <p>The City of Kalamunda forecasts that Cell 8 will be the second stage to sell in this precinct. I ask the City to provide the reasons for making this claim.</p> <p>My view is that the use of the words “indicative staging” is misleading and hiding reality, given there are now so many negative factors attributed directly to Stage 1.</p> <p>WALL One negative factor is the 2+ storey high wall. It will look like a prison. Perhaps it might get disfigured by graffiti.</p> <p>The City of Kalamunda will be well remembered for a wall around a State Government showcase residential development - if the City is allowed to build the wall.</p>	Noted. Refer to the responses provided to 1A and 1E above.																																							

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	<p>With Kalamunda Shire Council leading the way, the KHIM Final Draft August 2006, says on page 80 para 2..There was general agreement between the stakeholders that gradated land uses to create a “buffer” area was a good outcome.... This could involve the use of light or service industry zoning so as to locate lighter industrial uses at the residential interface.”</p> <p>Hence the map in the booklet showing an approximate 200 metres of transition zone – light industry interface. Not a prison wall. Oh how the Management at the City of Kalamunda has changed. Council and the City fail to appreciate why we feel deceived and misled.</p> <p>The City/s recommendation to do the acoustic assessment, at the subdivision stage, is claimed to be a breach of SPP 4.1 Section 6 Policy Measures.</p> <p>Fortunately for us, the LSPs and DCP for Stage 1 have the obligation to fund an appropriate buffer. This obligation is overdue. I hope the WAPC, Metronet, Development WA or the Minister for Planning step in and say no to a wall.</p> <p>I will maintain my objection to the wall.</p> <p>It is difficult to quantify objections about the wall until the City provides details. These details are now 4 1/2 years overdue.</p> <p>They should have been released in December 2018 when the City proposed the wall to the WAPC.</p> <p>The wall was a major departure from the transition zone.</p>	

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	<p>The City's decision to eliminate the transition zone is also the subject of other correspondence.</p> <p>Previous Submission in 2022 Last year, the City's comment was 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> <p>SPP 4.1 was gazetted since the City's comment. SPP 4.1 says land use conflict should not be deferred to subdivision stage. The land use conflict is Stage 1 vs High Wycombe South.</p> <p>Staging Forecast Unjustified My view is that the claim about staging cannot be justified.</p> <p>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.</p> <p>This might be 2032, 2037 or later according to the forecasts published by the City of Kalamunda in the Amended LSP for High Wycombe South.</p> <p>It is an unconscionable proposal.</p> <p><i>The indicative staging is shown diagrammatically in Figure 44, with a further explanation provided below:</i></p> <ul style="list-style-type: none"> • <i>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.</i> 	

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SUMBISSION	SUBMISSION	CITY RESPONSE
	<p>• <i>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.</i></p>	
<p>10</p>	<p>DCP FOR STAGE 1 DOES NOT HAVE EFFECT UNTIL ADEQUATE CONSULTATION WITH THE WIDER COMMUNITY</p> <p>OCM 27 August 2012 P20 Item 18 says the DCP for Stage 1 will.. " afford residents on the northern side of Sultana Road West an appropriate buffer to their properties."</p> <p>The State Policy stipulates that DCPs do not have effect until they are incorporated into a local planning scheme and require that: "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>I am unaware of the City consulting with any of the landowners on the north side of Sultana Road West about the impact of Stage 1 industrial development.</p> <p>We are included as affected stakeholders. We live across the road from the industrial development.</p> <p>I would like the City to describe the consultation that it considers fulfilled the requirements of a DCP taking effect.</p> <p>In the absence of receiving a satisfactory explanation, then the DCP for Stage 1 is not valid and does not take effect until consultation achieves a satisfactory outcome.</p>	<p>The Forrestfield / High Wycombe Stage 1 DCP (DCP) took effect in May 2013, when it was introduced through Schedule 12 of Local Planning Scheme No. 3 (LPS 3) through Amendment 48. The DCP is therefore currently valid and in effect, and will continue to be for the duration of the operational period outlined in Schedule 12 of LPS3; currently May 2023, and proposed to be extended a further 5 years by Amendment 110 to LPS 3. Nonetheless, the claim is not substantiated. The Forrestfield High Wycombe Industrial Area Stage 1 has been developed in accordance with the Industrial Development zone, approved by the Minister, and the Local Structure Plan, approved by the Western Australian Planning Commission, assessed and finalised and zoning of the area, as endorsed by the Minister, in line with normal statutory process.</p>

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SUBMISSION	SUBMISSION	CITY RESPONSE
1P	<p>LINK WITH THE DCP FOR HIGH WYCOMBE SOUTH</p> <p>The DCP for High Wycombe South cannot be sent for public advertising until</p> <ol style="list-style-type: none"> 1. the acoustic assessment and the response to noise impacts are agreed and 2. the funding obligations on the City of Kalamunda and / or the DCP for Stage 1 are resolved. <ul style="list-style-type: none"> • The City agrees there is uncertainty about land in Cell 8 and how much will be suitable for residential development. • At the OCM on 10 May 2022, we flagged the need to shade Cell 8 as blue. This was to indicate the land was not likely to be 100% residential. The City did not act on this recommendation. However the WAPC wisely added Item 5.2 above after our deputation. This seeks to define what we submitted on 10 May 2022 at the OCM. The Statutory Planning Committee said <i>For Item No. 5 Other Noise Sources, add new requirement 5.2 An acoustic assessment and management plan are to be undertaken and implemented to the satisfaction of the local government at the subdivision and/or development stage to investigate and respond to noise impacts for lots in proximity to Sultana Road West.</i> <p>Key words for the DCP for High Wycombe South are “.. to investigate and respond to noise impacts for lots in proximity to Sultana Road West.”</p> <p>The response must resolve the existing land use conflict between the High Wycombe South precinct and the development of Stage 1.</p> <ul style="list-style-type: none"> • The Precinct total for residential development is 61 hectares. • Cell 8 has 12 hectares. • The land in Cell 8 affected by Stage 1 might be as much as 10 hectares 	<p>The issues raised in this submission primarily relate to the establishment of the planning framework for the High Wycombe South Residential Precinct (HWS) and are beyond the scope of Amendment 110 to Local Planning Scheme No 3. The HWS Local Structure Plan (LSP) is in the process of being amended and relevant submissions were considered as part of the Council's endorsement in May 2022.</p> <p>The LSP identifies Sultana Road West as the appropriate transition point between the light 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>

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SUBMISSION	SUBMISSION	CITY RESPONSE
<p>1Q</p>	<p>RESOLVE LAND USE CONFLICT The City is the cause of the land use conflict that exists. As far back as 2004, KHIM Item 6.4.3 p80 para 2, the State Government said..<i>“There was general agreement between stakeholders that gradated land uses to create a “buffer” area was a good idea. The Kalamunda Shire Council to its credit, was prominent in establishing that resolution. SPP 4.1 gazetted in July 2022 says the same.</i> Item 6.1.3 Compatible zones, reserves and land uses <i>“..land uses should be provided to allow for a gradual land use transition between industrial and sensitive land uses.”</i> The current management of the City of Kalamunda holds a different view. It says a wall. It is a view we do not share. It is a view developed in isolation and without consultation with us or the WAPC.</p> <p>THIS SUBMISSION This submission is presented separately to the batch of documents submitted on 6 January 2023.</p> <p>This submission is that the DCP for Stage 1, and/or the City of Kalamunda, have an immediate obligation to fund an appropriate buffer for residents on the northern side of Sultana Road West.</p> <p>This is distinct from the earlier batch of submissions where:</p> <ul style="list-style-type: none"> • only the DCP for Stage 1 was to fund an appropriate buffer and • the timing also changes comes - from 2032 to now <p>The City of Kalamunda is to source somewhere between 0% to 100% of the funding and the gap to be funded by the DCP for Stage 1.</p>	<p>The Kewdale Hazelmere Integrated Masterplan (KHIM) 2006 is a broad-based planning document adopted by the then state government in 2006. The document has no statutory basis and, at the time it was published, a major influence on the future development of the area, a rail link to and a train station at High Wycombe, had not been considered. Irrespective, there is no correlation between KHIM and what is proposed through Amendment 110 to Local Planning Scheme No. 3.</p> <p>The issues raised in this submission request funding of the transitional provisions of the High Wycombe South (HWS) Residential Precinct Local Structure Plan (LSP), which are intended to provide an appropriate buffer between the HWS LSP and FF/HW Stage 1 LSP areas. There is currently no provision within the FF/HW Stage 1 DCP to fund additional land or the transitional provisions noted in the HWS LSP. The introduction of the additional costs at this stage of the DCP’s life would not meet the fundamental principles of consistency and equality established through State Planning Policy 3.6 (SPP 3.6). There is no provision in SPP 3.6, and consequently within the DCP, to pay compensation to properties external to the DCP area.</p>

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	<p>The shift in liability reflects the City's role in the conflict with land use along the interface</p> <p>STATUTORY PLANNING COMMITTEE (SPC) We raised noise as an offsite impact caused by Stage 1 in our deputation to the WAPC / SPC on 11 October 2022.</p> <p>Para 4 of the City's written Deputation on 6 October 2022 also mentioned the City's long overdue interest in noise and its offsite impacts on the residents on the northern side of Sultana Road West.</p> <p>I say overdue because complaints were first registered in 2016. Our pleas were ignored, and the complaints proved to be justified.</p> <p>The City's Written deputation is the first correspondence with the WAPC / DPLH about offsite impacts of Stage 1 industrial development that we are aware of.</p> <p>The SPC says For Item No. 5 <i>Other Noise Sources, add new requirement 5.2 An acoustic assessment and management plan are to be undertaken and implemented to the satisfaction of the local government at the subdivision and/or development stage to investigate and respond to noise impacts for lots in proximity to Sultana Road West.</i></p> <ul style="list-style-type: none"> • <i>Note we will ask the WAPC / SPC to include the words "and affected stakeholders" after "...local government..." as shown and</i> • <i>the City to fund our use of an independent expert to represent us in that process.</i> <p>IMMEDIATE NEED Our submissions on 6 January 2023, looked at the situation based on an interpretation the City seems to be suggesting.</p>	

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	<p>This is to demand stakeholders wait for Cell 8's turn to be subdivided and developed. Refer the attachment Claims By The City About Selling Sequence submitted 6 January 2023. This might be 2032, 2037 or later.</p> <p>It is an unconscionable delay, especially for the elderly persons involved.</p> <p>This correspondence takes the logical, holistic and legal interpretation, that the acoustic assessment and rezoning of the subject land "at the subdivision and/or development stage" may occur once the WAPC approves the Amended LSP for High Wycombe</p> <p>This is perhaps just days away.</p> <p>The SPC requirement says</p> <p>WHAT MUST OCCUR <i>acoustic assessment and management plan are to be undertaken and implemented to the satisfaction of the local government (.and affected stakeholders ?)</i></p> <p>WHEN MUST THIS OCCUR <i>at the subdivision and/or development stage.</i></p> <p>OUTCOME <i>to investigate and respond to noise impacts for lots in proximity to Sultana Road West.</i></p> <p>SUBDIVISION AND / OR DEVELOPMENT STAGE Subdivision and / or development stage commences the day the WAPC approves the Amended LSP for High Wycombe.</p>	

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