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Independent Pricing and Regulatory Tribunal  
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Sydney NSW 1240  
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Dear Sir/Madam,

## **SUBMISSION ON BLACKTOWN CITY COUNCIL CONTRIBUTION PLAN NO. 22 - ROUSE HILL**

We refer to the current invitation for submissions in respect of Blacktown City Council's Contributions Plan no 22 – Rouse Hill (CP22) and the review currently underway by IPART. We appreciate the opportunity to contribute to this important review process and comment IPART for inviting feedback.

Urbis have prepared the following submission on behalf of our clients – Metro Award Rouse Hill Pty Ltd and CDMA Australia Pty Ltd, being the owners of 44 and 56 Cudgegong Road respectively. Our submission has identified two aspects of CP22 that are of particular concern to our clients, as follows:

1. Land owners affected by CP22 were not afforded suitable opportunity to provide comment on contribution plan prior to finalisation; and
2. CP22 has not established appropriate implementation arrangements, including 'savings/transition provisions' for the proper consideration of development applications lodged, under the previous contribution plan.

The matters are further set out following, which we trust will assist with IPART's consideration of the contribution plan.

### **Exhibition Period**

CP22 was placed on public exhibition by Council for the period of 20 December 2017 to 20 January 2018. While acknowledging that minimum statutory requirements for public notification may have been satisfied, conducting the notification period over the Christmas/New Year festive period is not considered appropriate, particularly for such an important planning instrument and with significant financial implications.

In addition, landowners were not contacted during the exhibition period to let them know of the opportunity to provide comment prior to finalisation of the contribution plan. It is reasonable to suggest that had there been greater awareness of the contribution plan during the notification period, further submissions would have been received – only 3 were received. Had our client been made aware of the opportunity to comment, a submission would have been lodged.

One of the submissions lodged with Council during the notification period did raise concern about the timing and manner in which the contribution plan was placed on exhibition. Council simply noted this submission and advised that it would give further consideration to such matters with the advertising of future contribution plans – a response that in our view was inadequate.

**Recommendation: As part of IPART’s review of CP22 it is recommended that procedural matters are given proper consideration. In order to redress inadequacies in the previous notification of CP22, it is requested that Council be required re-advertise the contribution plan prior to finalisation and coming into effect.**

As you would appreciate, stakeholder engagement on important matters should be advanced in accordance with effective engagement practices – providing meaningful opportunity for stakeholder input. A specific matter/question that IPART is seeking comment on is *did Council consult appropriately?* For the reasons set out, we are firmly of the view that the answer is no.

### **Savings Provisions**

Currently CP22 does not include savings provisions to allow for an effective implementation and transition from the previous contribution plan that has been in effect. This particular relates to the date of commencement and how existing applications for development consent should be handled.

**Recommendation: Relevant savings/transitional provisions should be established in CP22 so that. Development applications submitted under the existing contribution plan should be assessed and determined under the same contribution plan.**

Due to a range of factors (including for example a lack of staff resources), development applications within the Blacktown City Council area take a considerable period of time to be assessed and determined – commonly in excess of 12 months. Landowners should not be subject to significant financial burdens through contribution plans as a direct result of extended assessment/determination periods.

In the instance of an application for 44-56 Cudgegong, lodged on 31 May 2017 and expected to be determined on 27 June 2018, a direct financial implication in the order of \$10million is being experienced. As a direct result of CP22 coming into effect, the contribution per dwelling required from Council has increased from approximately \$21,800 – \$35,000 per dwelling. The equates to an increase of approximately \$10 million, from approximately \$14million to \$24.8 million. (). Other comparable and immediately adjacent applications for development consent have been determined as recently as 14 March 2018 and were subject to the previous contributions plan

As you would appreciate, contribution plans are capable of and often incorporate savings/transition provisions, such as the following examples:

#### **“6.2 Savings and transitional arrangements**

*This Plan applies to both:*

- *a Development Application (including for a s4.55 modification) or application for a CDC submitted after the date on which this Plan took effect; and*
  - *a Development Application (including for a s4.55 modification) or application for a CDC submitted, but not yet determined, on or before the date on which this Plan took effect.*
- (Source: Hawksbury City Council, Vineyard Precinct Section 7.11 Draft Contributions Plan, May 2018)”*



and

***“5. Savings and transitional provisions***

*If a development application has been made but has not been finally determined before notification of the adoption of this Plan has been published in the local newspaper, the application is to be determined in accordance with the Contributions Plan in effect at the time the application was originally made”. (Source: Mosman Section 94A Development Contributions Plans 2016)*

We consider that similar transitional provisions should have been incorporated into CP22. As part of the current IPART review, we recommend that consideration be given to establishing such an arrangement within CP22.

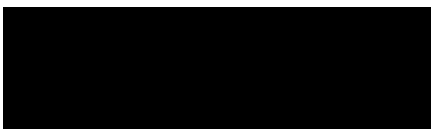
**A project commitment to achieve housing affordability.**

Our client with the project at 44-56 Cudgegong Road has specifically sought to introduce a product mix and housing of greater diversity than currently available in the area. Achieving a ‘price-point’ that is more affordable, in such a highly accessible location, has been an intended feature of the project. The ability to effectively deliver this project is now being directly compromised inadvertently through CP22 and the in which it is being implemented.

We hope to open discussion on the review of CP22 and are more than happy to discuss any future issues, comments or concerns IPART or Council may have.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact the undersigned on [REDACTED]

Yours sincerely,



Simon Wilkes  
Associate Director

CC. Blacktown City Council