Urban Taskforce
AUSTRALIA

2 March 2009

Mr Greg Wright
General Manager
Camden Council
P O Box 183
CAMDEN NSW 2570

By e-mail: chris.lalor@camden.nsw.gov.au

Dear Mr Wright

Re: Draft Local Environment Plan No 151 for El Caballo Blanco/Gledswood

The Urban Taskforce is a non-profit organisation representing Australia's most prominent property developers and equity financiers. We provide a forum for people involved in the development and planning of the urban environment to engage in constructive dialogue with both government and the community.

The Urban Taskforce has reviewed the *Draft Local Environmental Plan No 151 for El Caballo Blanco/Gledswood* ("the plan") and must express concern with Council's decision to consider the rezoning of land outside the South West Growth Centre, but contiguous to the centre's boundary.

We do not support the proposed local environment plan and the rezoning should not proceed unless all aspects occur within all of the parameters of the growth centres framework. It is not sufficient for a quasi-growth centres policy to be followed – all aspects of the growth centres process and procedure should apply to this land.

1. **The plan will subvert the role of the growth centres**

   Council will be well aware that the growth centres was established to deliver a coordinated land release and development process. Based on this, development decisions have been made.

   Since 2005 a boundary has been drawn and the planning for the delivery of adequate and appropriate services has been painstakingly developed. Stepping outside of this process for land immediately adjacent to the growth centres boundary is not appropriate and could potentially jeopardise previous planning work.

   Seeing that there is a well established process applicable to greenfield land development in South Western Sydney any land rezoning contiguous to the growth centres boundary should only be permitted as a precinct within the growth centre and then subject to the same planning, approval and sequencing process applied to all other precincts within the growth centres boundary. This would include the rezoning of the subject land by way of state environmental planning policy, integrating the precinct, contributions and structure planning with the rest of the growth centre.

   Despite the above, of the eighteen precincts within the Growth Centre, only three have been released for development.

   If an argument can be made for the rezoning of land adjacent to the growth centres boundary, the more appropriate action would be to seek a review of the growth centres boundary as provided by the *Growth Centres Commission Precinct Boundary Review Process 2008*.

2. <u>The plan will permit the rezoning of land without the appropriate infrastructure contribution</u>

If this land is to be rezoned, the infrastructure levy arrangements should apply to this land in the same way that it applies to land within the growth centre.

The proposed clause 6.5 in the local environment plan amendment is not an adequate assurance to the community or the industry that the infrastructure levy framework developed for the growth centres can be or will be applied to this land.

Since October 2007 the NSW Government has been progressively introducing a new defacto state infrastructure contribution regime outside of the growth centres.[1] These new local environment plan provisions grant rezonings, but grant a new arbitrary power for the Department of Planning to impose infrastructure charges without even the threadbare safeguards of the existing state infrastructure contribution statutory framework.

An example of this approach is set out in clause 6.5. This clause means that development approval for a rezoned land use cannot be given by the local council unless the Department of Planning signs off on a financial contribution infrastructure normally provided by the state.

By using local environment plans (LEPs) to impose compulsory infrastructure levies, key provisions of the existing scheme are circumvented, in particular:

- The Minister is not obliged to make a determination of the level of development contributions up-front. Instead the Director-General of the Department of Planning makes a decision on compulsory charges specific to each individual development application. This reduces the transparency and certainty.
- There is no obligation on the government to publicly exhibit the proposed charges or consult with land owners or other relevant stakeholders. Again this increases the perception that charges are arbitrary.
- There is no obligation for the contribution to be "reasonable".
- There is no obligation to identify a special contributions area or any similar area to which the contributions relate.
- There is no requirement that the funded infrastructure be within a particular area.
- There is no requirement for the decision on the quantum of charges to be made publicly available.

In short, **clause 6.5 is no substitute for the growth centres infrastructure charges regime. The land holders who would benefit from the rezoning should not enjoy any special advantage over landholders located within the growth centres area.**

We ask that you carefully consider the contents of this correspondence and not proceed with the *Draft Local Environment Plan (LEP) No 151* for El Caballo Blanco/Gledswood. We are always able to provide a development industry perspective on planning policy and we would welcome the opportunity to meet and discuss these issues in more detail.

Yours sincerely
Urban Taskforce Australia

Aaron Gadiel
Chief Executive Officer

[1] For example see: *Camden Local Environmental Plan No 74—Harrington Park* cl 38; H*awkesbury Local Environmental Plan 1989* cl 55; Maitland *Local Environmental Plan 1993* cl 55; *Parry Local Environmental Plan 1987* cl 41; *Tamworth Local Environmental Plan 1996* cl 55; *Wyong Local Environmental Plan 1991* cl 42G.