

18 February 2025



Ms Bronwen Sandiland
Independent Pricing and Regulatory Tribunal
PO Box K35
HAYMARKET POST SHOP NSW 1240

Dear Bronwen,

REVIEW OF IPART'S APPROACH TO ASSESSING CONTRIBUTIONS PLANS

1. I write in response to the Discussion Paper and supporting reports prepared by the Independent Pricing and Regulatory Tribunal (IPART) on the proposed refinements to the iPART contributions plans assessment approach in NSW.
2. Walker Corporation (Walker) is a major landowner and property developer with a wide range of development experience across NSW over many years. Walker is the lead developer and major landowner within the Appin (Part) Precinct of the Greater Macarthur Growth Area. Walker controls approximately 95% of the Appin (Part) Precinct with the ability to deliver 12,000+ new homes.
3. This submission focusses on inconsistencies in the contributions assessment approach that have been made evident during our recent review of the draft Appin Contributions Plan.

Planning to Inform Contribution Plans

4. The spatial allocation of land uses, in particular open space, is determined at the rezoning stage.
5. A significant body of detailed work is undertaken during the rezoning stage for any development, which informs the NEXUS between lot yields, forecast population, and the amount and spatial arrangement of community infrastructure.
6. Departure from the assumptions relied upon during the rezoning stage jeopardises the intended planning outcomes, undermines the expected infrastructure demand and frustrates the spatial allocation of land uses that underpin the land use zoning.
7. It also poses a significant risk to the feasibility of a development outcome should any CP not be informed by the technical studies that informed the rezoning.
8. Any Contributions Plan (CP) should reflect the site analysis and site-responsive master planning that supported the development rezoning.

9. Specifically, open space provision is determined at the rezoning stage, rather than through later CP's. CP's cannot be divorced from the strategic planning framework and should not be developed in isolation of the planning context.
10. Any review by iPART of a CP should initially ensure that the relevant assessed and endorsed rezoning Community Needs Analysis Study is used to inform the CP. Conflicting Needs Analysis studies, commissioned and developed in isolation of the strategic planning context, and based on differing ideologies, should not inform any CP assessment by iPART.
11. IPART must be empowered to critically review the CP in the context of the strategic planning framework, and not be limited solely to a review of the CP as put forward by the Council.

Inconsistency of Planning Policies

12. Best Practice site-responsive masterplans are predicated upon the efficient use of land, consistent with the DPHI's directions, that maximise opportunities for dual use spaces and the use of otherwise constrained land for infrastructure purposes.
13. This includes the primary open space network, secondary open space network corridors and connections, riparian corridors and ridgelines which can provide significant visual and public amenity for any future community and are often significant to First Nations peoples. This land also could contain existing mature trees which contribute towards tree canopy cover, improves air quality and is critical to the mitigation of the urban heat.
14. Local Council Planning Policies that influence CP's must be consistent with the Local Infrastructure Contributions Practice Notes and other Directions published by the DPHI. This may include local policies that are focussed on restricting the type of land that can be considered for the siting of infrastructure or that extend the base level embellishment beyond the framework noted in the DPHI Practice Note.
15. IPART should be empowered to align CP's to DPHI's direction where local policies are inconsistent.

Essential Works List

16. The Essential Works list should encourage the efficient use of land and encourage complementary community amenity on land that serves a dual purpose.
17. The Essential Works list should encourage the provision of a balanced open space network, based essentially on a 'blue-green' grid, that includes equitable, accessible and multi-functional active sports parks, with complementary dual use open spaces of environmental lands and infrastructure for recreation and community use.
18. The NSW Government Architects *draft Greener Places Design Guide (Appendix: Planning considerations for each recreation type)* recognises that it is best practice to encourage complementary community amenity on land that serves a dual purpose to support the efficient use of land such as:

- a. riparian corridors that support interpretive nodes, lookouts, play spaces, cycle paths and picnic nodes;
- b. stormwater detention basins that can support active playing fields and dog off leash areas;
- c. bushland areas that offer opportunities for shaded and sensitive natural play spaces, respite, enhanced biodiversity and urban cooling;
- d. transition spaces such as Asset Protection Zones, that support walking and cycling trails, fitness and interpretive nodes; and
- e. easements that also support active transport connectivity walking and cycling trails, community gardens, fitness nodes and dog off leash areas.

Benchmarks

19. Benchmarking provision standards should be interpreted as a guide only.
20. Aggregated benchmarks should reflect a diversity of open space types and open spaces on land that can support dual uses.
21. Walker raises concern that the recently reviewed draft Appin Contributions Plan is not aligned with the updated benchmark costs and factors/constraints proposed for consideration.
22. As part of iPART's review of the assessment approach, we suggest that iPART and DPHI should ensure that the **Section 7.11 Practice Note, Essential Works List, draft Greener Places Design Guide**, and **Cost Benchmarks** align.
23. We note that iPART's assessment approach is focussed on performance metrics and that iPART use the published Draft Greener Open Spaces Design Guide as a point of reference for assessments. iPART should make representations to DPHI to finalise the Draft Greener Open Spaces Design Guide should this continue to be referenced as a guiding document for the provision of community open space.

Conclusion

24. CP's must be consistent with the endorsed strategic planning framework that informed the rezoning rather than developed in isolation. IPART has a pivotal role in ensuring that CP's are fit for purpose and this must include alignment with the strategic planning framework.
25. Non-conformance, for example by relying on conflicting community needs analysis studies produced in isolation, may affect an acknowledged NEXUS, and impact both project feasibility and the intended planning outcomes.

Should you have any questions or require additional information, please do not hesitate to contact

Yours faithfully,

Walker Corporation Pty Limited



Attachments

Submission to iPART on Draft Appin Growth Area Contributions Plan

Cc: Chantelle Chow, A/Director, Southern, Western and Macarthur Region, Local Planning & Council Support, Planning Land-Use Strategy, Housing and Infrastructure, Department of Planning, Housing and Infrastructure



24 January 2025

Ms Bronwen Sandiland
Independent Pricing and Regulatory Tribunal
PO Box K35
HAYMARKET POST SHOP NSW 1240

Dear Bronwen,

DRAFT REPORT – ASSESSMENT OF DRAFT APPIN GROWTH AREA CONTRIBUTIONS PLAN 2024

1. I write in response to the Draft Report prepared by the Independent Pricing and Regulatory Tribunal (IPART) during its assessment of the Draft Appin Growth Area Contributions Plan 2024 (Draft Appin CP) prepared by Wollondilly Shire Council (Council).
2. Walker Corporation (Walker) is the lead landowner and developer within the Appin (Part) Precinct which comprises the only rezoned land within the Appin Growth Area. Walker controls approximately 95% of the Appin (Part) Precinct with the ability to deliver 12,000+ new homes.
3. Walker wrote to IPART on 27 August 2024 to raise our concern with the Draft Appin CP, specifically the significant inconsistencies between the Draft Appin CP and the spatial allocation of land uses that underpinned the rezoning of the Appin (Part) Precinct and the expected dwelling yields.
4. These issues have not been resolved and any premature approval and adoption of the Draft Appin CP will result in a misalignment between the planning and infrastructure contributions frameworks.
5. The spatial allocation of land uses under the Draft Appin CP does not reflect the site-responsive master planning that supported the rezoning. It poses a significant impact to the delivery of the agreed master planned outcome for the Appin (Part) Precinct, including a reduction in the supply of land and housing to market, and reduced demand for infrastructure proposed to be delivered through the contributions plan.
6. A copy of Walker's previous correspondence to IPART is included as an attachment to this submission.

Planning Context for Appin (Part) Precinct

7. The Appin (Part) Precinct rezoning was finalised in June 2023 and is the outcome of the Department of Planning, Housing and Infrastructure's (DPHI) Technical Assurance Panel (TAP) process which involved expert advice from specialist consultants and engagement with key agencies including Wollondilly Shire Council.
8. The rezoning included the gazettal of a Precinct Plan and land use and zoning regime under Appendix 10 of the State Environmental Planning Policy (Precincts - Western Parkland City) 2021, along with an exhibited draft Precinct Structure Plan (PSP) which provided more granular detail on how the Appin (Part) Precinct will be developed.
9. A significant body of detailed work was undertaken during the rezoning stage for the Appin (Part) Precinct which informed lot yields, densities, and the amount and location of infrastructure.

10. Exhibition of an updated Precinct Structure Plan (PSP) and a draft Development Control Plan (DCP) by DPHI is imminent. The seventh iteration of the PSP is consistent with the rezoning masterplan having been refined through detailed master planning in collaboration with DPHI and the Council over a period of more than two years.
11. The Draft Appin CP is however inconsistent with the rezoning masterplan and the PSP and DCP meaning that the planned outcome for the Appin (Part) precinct will be compromised if the spatial allocation of land uses under the Draft Appin CP is pursued in favour of the masterplan informed by the technical studies that informed DPHI finalisation of the rezoning.

Previous exhibition of Draft Appin CP by Council

12. Walker engaged infrastructure contributions specialists GLN Planning (GLN) to review the Draft Appin CP when it was exhibited by Council in March 2024.
13. GLN's submission identified the misalignment between the Draft Appin CP and the planning framework that underpins the rezoning, along with discrepancies in works cost estimates and land valuations informing the contributions plan.
14. Following the public exhibition period, the Council updated the Draft Appin CP to address some of the cost-related aspects of the submission, however the inconsistencies between the planning framework for the Appin (Part) Precinct and the Draft Appin CP remain.

Information used to prepare Draft Appin CP

15. Section 3.2.1 of IPART's report advises that there are several key documents that have not been prepared or published which will be used to inform and support the contributions plan. Despite these inadequacies, IPART has proposed to proceed with the assessment of the Draft Appin CP on merit.
16. The Council has advised that it does not expect material changes to the Draft Appin CP once it receives the supporting documents.
17. Walker respectfully submits that this position is inherently flawed as the Draft Appin CP disregards the PSP and DCP. The misalignment between the Draft Appin CP and the underlying planning framework must be resolved before the Draft Appin CP is finalised.
18. The infrastructure provision for land outside the Appin (Part) Precinct is often pro-rated or based upon Council's estimates. As detailed planning occurs for these areas, updated documents and strategies are released, and the broader Appin precinct is developed over an anticipated 30 to 40 year period, the implications for the contributions plan will likely be significant.
19. The rezoning of the Appin (Part) Precinct was finalised based on a suite of supporting studies that informed the masterplan and spatial allocation of land uses. It is considered inappropriate to preference the recommendations of a new study over those that informed the rezoning of the Appin (Part) Precinct.
20. The Draft Appin CP relies upon a new social infrastructure study, commissioned at significant cost to ratepayers, which disregards the TAP process and the previously recognised and supported site responsive and culturally respectful open space needs analysis and spatial arrangements.
21. The basis for determining the size of the open space areas in the Draft Appin CP is unclear. Comparing the land area allocated for several of the active open space areas to the areas included in other contemporary growth area contributions plans, it appears that Council has over-estimated the land area required for these assets. This results in greater land take than is likely required, and in turn increases land acquisition costs and contribution rates.
22. We request that IPART require the Council prepare indicative layouts for each open space area to justify the land allocations proposed.

Alignment of Draft Appin CP with Planning Framework

23. The Draft Appin CP should align with the underlying planning framework that applies to the Appin (Part) Precinct including the PSP and DCP currently being considered by DPHI. The most significant inconsistencies relate to the allocation of land identified in the rezoning masterplan for residential purposes being repurposed for open space under the Draft Appin CP. We enclose an overlay of the Draft Appin CP and the PSP that demonstrated the inconsistencies and the resultant impacts.
24. In its current form, the Draft Appin CP will result in adverse planning outcomes including:
- The vision for a new community at Appin, designed to capitalise on the unique site opportunities and constraints, and agreed through the TAP process, is compromised. The impacts are broad and undermine the planned provision, amenity and design of open space and public domain, design response to both Country and conservation, and dwelling yield and typologies.
 - The Draft Appin CP apportions approximately 60% of the infrastructure with the Appin (Part) Precinct land which represent only 55% of the dwelling yield, representing a disproportionate infrastructure burden.
 - The proposed Draft Appin CP open space regime poses a reduction of approximately 3,800 dwellings (29%) to the yield approved under the rezoning, at a time when land releases, housing supply and housing affordability is a key focus of both the NSW and Commonwealth governments.
 - The Draft Appin CP fails to consider that the reduced land area proposed for residential development reduces the achievable dwelling yield which in turn translates to a reduced demand for the infrastructure proposed under the Draft Appin CP.

Benchmarks

25. Benchmarking does not consider the practicality to deliver infrastructure, especially types with significant land area requirements, and particularly in places of high land value or with constrained land availability. Provision standards should be interpreted as a guide only. The Draft Appin CP should aim for a well-researched and evidence-based balanced outcome, tailored for site specific conditions, which was the outcome of the TAP process.

Council's Dedication of Land Policy

26. The site-responsive masterplan for the Appin (Part) Precinct is predicated upon the efficient use of land, consistent with the DPHI's direction, and maximises opportunities for the use of otherwise constrained land for open space purposes.
27. This includes the primary open space network, secondary open space network corridors and connections, riparian corridors and ridgelines which provide significant visual and public amenity for the future community and are significant to First Nations peoples. Much of this land contains existing mature trees which contribute towards tree canopy cover, improves air quality and is critical to the mitigation of the urban heat. It includes the use of a mix of constrained and unconstrained land in a variety of locations, whilst the Draft Appin CP proposes to use only unconstrained land which impacts on dwelling yield.
28. In December 2024, Council adopted an updated Dedication of Land policy which, among other things, does not permit the Council to accept the dedication of constrained lands, which are defined as transmission easements, conservation land, riparian corridors and the like.
29. This position is reflected in the Draft Appin CP and means that only unconstrained developable land – land which is often best suited for neighbourhood centres and housing of a variety of typologies and densities – is identified for open space purposes. The implications of this approach are two-fold – a reduction in dwelling yield and net developable area as noted earlier in this submission, along with increased land acquisition costs under the Draft Appin CP.

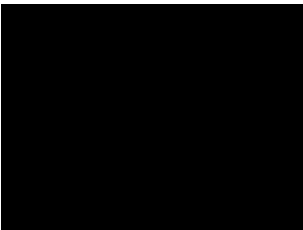
30. We understand that this matter falls outside the remit of IPART's powers, it is directly relevant to the inconsistency between the Draft Appin CP and the underlying planning framework and should be acknowledged by both IPART and DPHI when making their recommendations on the Draft Appin CP.

Conclusion

31. Walker's landholdings in Appin have the potential to deliver supply 12,000+ dwellings over 20+ years and play an important role in addressing housing supply and affordability within Greater Metropolitan Sydney.
32. The Draft Appin CP is inconsistent with the planning framework that underpins the rezoning of the Appin (Part) Precinct and has the potential to reduce planned housing supply by approximately 3,800 dwellings or 29%, whilst simultaneously increasing land acquisition costs, and infrastructure costs per dwelling.
33. Walker requests that IPART and DPHI require the immediate amendment of the Draft CP to align with the underlying adopted planning framework, including the PSP and DCP (when finalised) to ensure consistency. This will also ensure that the vision for Appin agreed during the TAP process can be realised, supporting land release and housing supply and the creation of a vibrant and well-serviced community.
34. Walker would appreciate an opportunity to meet with IPART to discuss the Appin planning context and the issues outlined in this letter.
35. Should you have any questions or require additional information, please do not hesitate to contact Nathan Croft at [REDACTED].

Yours faithfully,

Walker Corporation Pty Limited



Attachments

Overlay of Draft Appin CP and PSP mapping

Submission to Wollondilly Shire Council on Draft Appin Growth Area Contributions Plan

WT Partnership peer review of works costs – Draft Appin Growth Area Contributions Plan

Letter to IPART on Draft Appin Growth Area CP – August 2024

Link to planning proposal documentation for Appin

[Appin \(part\) precinct | Planning Portal - Department of Planning and Environment](#)