

05 March 2025

The General Manager  
Penrith City Council  
PO Box 60  
Penrith NSW 2751  
Attn: Christine Gough, City Planning Manager

Dear Christine,

**Westlink Industry Park Stage 2  
SSD 56983729 – Voluntary Planning Agreement  
Letter of Offer**

**1. Introduction**

As you are aware, on 19 December 2024, ESR and Penrith City Council (**Council**) entered into a voluntary planning agreement (**Stage 1 VPA**) in respect to the development proposed under SSD 9138102 Westlink Industry Park Stage 1 (**ESR Stage 1 SSDA**), a copy of which is attached at **Annexure A** to this letter.

ESR Developments (Australia) Pty Ltd (**the Applicant**), on behalf of itself and ESR KECT (Australia) Pty Ltd (**the Landowner**), now submit to Council's consideration, this offer in relation to the development of the balance of Westlink Industry Park estate under SSD 46983729 (**ESR Stage 2 SSDA**).

ESR Stage 2 SSDA is under assessment by Department of Planning, Housing and Infrastructure (**DPHI**). It seeks construction and operation of one warehouse building and ancillary office space, car parking and landscaping. It seeks to complete the bulk earthworks for the estate to establish future development pads, which will result in a subdivision. The estate will be fully serviced with the completion of infrastructure works associated with delivery of roads, water, power, sewer, and telecommunication.

## 2. Net Developable Area

A net developable area (**NDA**) plan is provided in **Annexure B** for the entire estate, which comprises of approximately 60 hectares. The plan is marked up to show the area governed by ESR Stage 1 SSDA (green) and ESR Stage 2 SSDA (blue). Lot 10 (purple) is a further future stage of development. Under the Stage 1 VPA, the owner of Lot 10 is expecting to receive a credit note for the dedication of land made available for the works along Abbotts Road. The developer contributions for Lot 10 will be dealt with at the time that development consent is sought for that land.

This NDA plan **Annexure B** was accepted by Council and is attached to the Stage 1 VPA.

The breakdown of NDA areas is the following:

- ESR Stage 1 (Green): 19.95ha
- ESR Stage 2 (Blue): 32.75ha
- ESR Lot 10 (Purple): 7.88ha

*Note: Lot 1 (Black) is excluded from both offers as contribution obligation has been satisfied by a monetary contribution to Council.*

The Stage 2 SSDA estimated monetary contribution obligation totals **\$19,627,375.20** (excluding indexation).

## 3. Offer to Council

The Mamre Road Precinct Section 7.11 Contribution Plan identifies ESR land is affected by the future CR7 road and RA6 roundabout.

ESR propose to reserve the land required to support the delivery of CR7 and RA6 through the creation of road lots on its subdivision plan (Lots 7 and 8). The proposed subdivision plan is attached at **Annexure C**.

In addition, ESR propose to construct a portion of CR7 road as part of the Stage 2 SSDA. As raised in Council's submissions to the Stage 2 SSDA, this road will be held in private ownership until broader road network is complete.

When the Council calls for the dedication of road and land, ESR will undertake any make good works to ensure the road is fit for the purpose of a standard public road. Once this make good is complete, a defects liability period of 12 months will commence from the date of dedication.

If the proposal is acceptable to Council, ESR will prepare a Stage 2 VPA that reflects the detailed terms of the offer set out below in **Section 4**.

#### **4. Terms of the Offer**

The details of the offer to enter into a VPA are as follows:

- a) Stage 2 SSDA is to be determined with the imposition of a condition of consent for the developer to enter into a VPA with Council in accordance with the terms of this offer.
- b) The Applicant will subdivide the future road (CR7) land in accordance with the Stage 2 SSDA approval subdivision plan.
- c) The Applicant will subdivide the future roundabout (RA6) land in accordance with the Stage 2 SSDA approval subdivision plan.
- d) The Applicant will construct CR7 road to Council's public road standard to the full width and carriageway on ESR land.
- e) No construction works are proposed for the ultimate RA6 design. This will not be delivered by ESR.
- f) The Applicant may use part of the road for its own private use until Council deems it requires the road to be made public.
- g) Council will notify the Applicant 3 months prior to the proposed dedication of road for public use to enact the ESR make good requirement prior to commencement of defects liability period.
- h) From the date of dedication of the road, ESR will provide a 12 month defects liability period to Council.
- i) Environmental assessment of the proposed works is captured under the Stage 2 SSDA. Landowners consent has been provided to support construction of the road and ancillary works under this application.
- j) Following approval, subdivision works certificates will be issue for the works associated with the subdivision, including construction of the road.
- k) Upon completion of the works, Council, as Principal Certifying Authority, will verify the works have been completed to a standard suitable to issue a subdivision certificate. Once this is issued, the land for CR7 and RA6

will be subdivision into future road lots awaiting dedication at the appropriate time.

- l) The timing of dedication is contingent on the completion of Aldington Road extension to the north of ESR's land (**Annexure D**). If it is not possible to connect the future road to existing Council owned roads, ESR are committed to retaining the land and the road will remain in private ownership until Council call for it. The land comprising the CR7 Road land and the RA6 land will both be dedicated to Council at the same time once the make good works are completed.
- m) Following completion of works and issue of subdivision certificate, Council will issue ESR a credit certificate for the value of the works contribution so residual monetary contribution can be paid at completion of road works.

## **5. Land Affected by this Letter of Offer**

The Land affected by this letter of offer is set out below. Stage 2 VPA area is also noted on the NDA plan at **Annexure B**.

- Part Lot 112, DP 1296469
- Part Lot 111, DP 1296469
- Lot 114, DP 1296469
- Lot 115, DP 1296469

## **6. Detailed Explanation of the Offer**

### **6.1 Plan Administration Contribution**

A '**Plan Administration Contribution**' totaling 1.5% of the '**Estimated Value of Works**' is payable on registration of the VPA.

### **6.2 Dedication Land Credit**

The relevant areas of the Dedication Land are shown in **Annexure B**.

The value of the relevant area of land to be dedicated and credit to be received against the Local Infrastructure Contribution is to be calculated in accordance with the amounts contained in the IDC Background Report, as outlined in Figure 1 below.

### 6.3 Offset Arrangements

Following completion of works and issue of subdivision certificate for all roads, Council will confirm the credit amount for land and works to be offset off the monetary obligation for ESR Stage 2 area.

Calculation of works and land will be valued at the date of completion and issue of Subdivision Certificate. Credits and Monetary Obligation to be assessed at the relevant indexed values at this point of time.

**Figure 1 Indicative Credits Amounts**

<b>Works Credit</b>						
Code	Description	Length/ Area	Cost of Works	Plan Administration	Total	Unindexed Rate (\$/lm or \$/m2)
CR7 (Ultimate)*	Collector Road	640m	\$5,414,400.00	\$81,216.00	\$5,495,616.00	\$8,586.90/m
CR7 (ESR only)	Collector Road	263m	-	-	\$2,258,354.70	\$8,586.90/m
<b>Land Credit</b>						
CR7 (ESR only)	Collector Road	6,787m2	-	-	\$3,902,525.00	\$575/m2
RA6 (ESR only)	Roundabout	1,750m2	-	-	\$1,006,250.00	\$575/m2
<b>TOTAL CREDIT</b>	-	-	-	-	<b>\$7,167,129.70</b>	-

\* For reference only

**Figure 2 Summary of Indicative Infrastructure Contribution Obligation**

<b>Stage 2 Contribution Obligation</b>	<b>\$19,627,375.20</b>
<b>Stage 2 Credits</b>	<b>\$7,167,129.70</b>
<b>Stage 2 Residual Contribution Obligation</b>	<b>\$12,460,245.50 (payment to Council)</b>

## **7. Maintenance Period**

ESR will be responsible for the maintenance and management of the CR7 road until Council calls for the road to be dedicated.

Following the make good of road to a public road standard and dedicated is complete, ESR to enter into a 12-month defect liability period with Council.

## **8. Timing of Works**

CR7 road works will be constructed concurrently with the delivery of the warehouse development at Lot 6. Indicative timeframes as follows:

- SSDA Stage 2 Approval: April 2025
- Construction Management Plan Approval: June 2025
- Construction Commence: July 2025
- Completion of Works, including road works: July 2026
- Issue of Subdivision Certificate: August 2026

## **9. Conclusion**

If you have any question, please do not hesitate to contact the undersigned below or Will Dwyer, Planning Consultant, [will.dwyer@esr.com](mailto:will.dwyer@esr.com)/ 0428 999 128.

Regards,



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