



Our reference: InfoStore
Contact: Kathryn Sprang
Telephone: 4732 7834

28 March 2025

Ms Grace Macdonald
Planning Manager – NSW
ESR Australia and New Zealand

Sent by email:
Grace.Macdonald@esr.com

Dear Ms Macdonald

Letter of Offer – Westlink Industrial Stage 2 – SSD 56983729

I refer to your letter dated 5 March 2025 regarding an offer to enter into a voluntary planning agreement (VPA) for construction of part of a Collector Road (CR7) and associated land dedication (CR7 and RA6). The purpose of this letter is to provide feedback on the offer.

Type of Agreement

It is understood from our most recent meeting on 27 March 2025, that there are commercial business agreements in place in relation to the delivery of Abbots and Aldington Road upgrades that may complicate proceeding with an amended VPA. While an amended VPA is Council's preference, a specific VPA for CR7 and RA6 can be accommodated, if this is more streamlined for ESR's commercial arrangements.

Feedback on the offer

A review of this offer has been undertaken, and feedback is provided, detailed in the table below.

Penrith City Council
PO Box 60, Penrith
NSW 2751 Australia
T 4732 7777
F 4732 7958
penrith.city

Matter	Comments
Net Developable Area (NDA)	Amendments are required to the NDA plan and credit calculations to address the following: <ul style="list-style-type: none">The roundabout (RA6) is only nominated a total area of 1500m2 in the Mamre Road Precinct Contribution Plan. Therefore, NDA exclusions for the roundabout can only amount to 1500m2

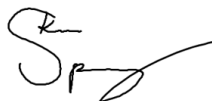
	<p>and given only half of the roundabout is located on ESR land the whole 1500m² cannot be excluded from the NDA on ESR land. The NDA plan/numbers are to be amended to rectify this.</p> <ul style="list-style-type: none"> The Contribution Plan (CP) background report states collector roads are to have a width of 25.6m (variable only at key intersections- which there is no key intersection in this instance). The area for CR7 exceeds a width of 25.6m per the area nominated (CR7 should have a max area of 263 x 25.6m = 6,732.8m² in accordance with the CP).
Interim Works	<p>It is noted that the ultimate connection of CR7 on both the north and south boundary cannot be achieved at this time. It is understood that the ultimate road cannot be delivered up to the boundaries and there may be batter works or other temporary measures/redundant works until formal connections are made.</p> <p>A plan is requested to be submitted that:</p> <ul style="list-style-type: none"> Shows that there will be a portion of land that will be dedicated (without works) to facilitate the future roundabout. The plan should show and quantify the area and length of the land to be dedicated without roadworks. Quantify and shows the area and length of the collector road proposed to be delivered by ESR in its ultimate design/where no part is redundant for tie in works. <p>N.B. Credits for road works will only be recognised where the ultimate road design is delivered, hence the request to show and quantify areas and length of ultimate road works, interim road works and land to be dedicated with no works.</p>
Receipt of Credits	<p>Council's standard position is that credits for works/dedication will be recognised once the works are complete, and the land is dedicated.</p> <p>It is acknowledged that the Offer states the road won't be dedicated to Council until formal</p>

	<p>connection is established. It is unknown at this time when the formal connection to the north will be made.</p> <p>The offer should be amended to note that ESR acknowledges that credits won't be received until such time as the land (with completed works) is dedicated to Council.</p> <p>Alternatively, as discussed in a meeting with you on the 27 March 2025, we can consider an arrangement where the land is dedicated to Council and a Deed of Agreement is in place for ESR to manage/maintain the road until such time as formal connections are realised.</p>
Security	<p>The Offer shall be amended to detail the proposed security and insurance of contributions, in accordance with Council's Penrith Developer Infrastructure Agreements Policy.</p> <p>Council's standard position is that security for works will be returned once the works are complete, and the land is dedicated.</p> <p>It is acknowledged that the Offer states the road won't be dedicated to Council until formal connection is established. It is unknown at this time when the formal connection to the north will be made.</p> <p>The offer should be amended to note that ESR acknowledges that security will be retained by Council until such time as the land (with completed works) is dedicated to Council. Alternatively, we encourage you to discuss this matter with us further if you wish to pursue another arrangement.</p>
Timing and Thresholds	<p>The Offer is to outline intended triggers or thresholds for the delivery of the works, dedication and any monetary payment in accordance with Council's Penrith Developer Infrastructure Agreements Policy.</p>
Estimated Value of works	<p>Please supply an estimated value of works of the road delivery documented by a quantity surveyor</p>

	or appropriately qualified designed for review, in accordance with Council's Penrith Developer Infrastructure Agreements Policy.
Identification of risks	Please identify risks associated and indicate which party will bear these risks, in accordance with Council's Penrith Developer Infrastructure Agreements Policy.
Tendering	Please detail the tendering process to select the nominated contractor who will deliver the works.
Plan Administration	The offer states that a plan administration fee will be paid, and this is 1.5% of the estimated value of works, which is not supported. Administration fee is to be based on total NDA as per the Mamre Road Precinct Contribution Plan.
Credit Certificate	Council can readily calculate credits obligations and credits which can be incorporated into the proposed VPA (in recognition of works and land dedication). Therefore, there is no need for a credit certificate. Please amend the Offer to remove reference to Council issuing a credit certificate.
Determination of SSD	You are reminded that the Offer will need to be accepted prior to the SSD being determined. It is also requested that ESR communicate to DPHI, that a condition is to be applied that states; <i>The land for the collector road and roundabout (CR7 & RA6) is to be dedicated to Council free of cost.</i>

If you have any further questions regarding this matter, please contact me on 4732 7834 or Kathryn.sprang@penrith.city.

Kind Regards



Kathryn Sprang
Senior Planner

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