

22 February 2021

Our ref:
Your ref:

The Honourable Mr Rob Stokes MP
Minister for Planning
Department of Planning & Environment
23-33 Bridge Street
SYDNEY NSW 2000

Mail

Dear Sir,

Proposed Voluntary Planning Agreement between Altis Kemps Creek Pty Ltd and Minister for Planning – 884 – 928 Mamre Road, Kemps Creek

Introduction and Offer

- 1 Altis, Kemps Creek Pty Limited (ACN 642 091 790) ('**Altis**') is authorised by the owner of land described as 884-902 Mamre Road Kemps Creek (Lot 53 DP 259135, & 904-928 Mamre Road, Kemps Creek (Lot 52/ DP 259135). ('**Land**') to develop the Land. The Land is shown in the plan in Annexure 1.
- 2 Altis offers to enter into a VPA with you on the terms set out in this letter under section 93F of the *Environmental Planning and Assessment Act 1979* ('**EPA Act**') to satisfy clause 29 of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* ('**WSEA SEPP**').
- 3 The parties to the proposed planning agreement are Altis Kemps Creek Pty Limited and the Minister for Planning.
- 4 Altis' representative is Stephen O'Connor:
 - 4.1 email: Stephen.oconnor@altisproperty.com.au
 - 4.2 phone: (02) 9233 9560 / 0420 546 491
- 5 The key terms of the proposed planning agreement Altis offers to enter into are as set out in this letter.

Background

- 6 The Land is located within the Penrith local government area and is land to which the WSEA SEPP applies.
- 7 Altis intends to develop the Land for industrial purposes including subdivision of the Land into thirteen (13) allotments, construction of an internal public estate road, bulk earthworks, estate stormwater infrastructure, site infrastructure and services, warehouses and ancillary office for a warehouse and logistic hub precinct ('**Development**').
- 8 The proposed subdivision plan is shown in Annexure 2.
- 9 The Development is a Local Environmental Plan development within the meaning of the EPA Act.

- 10 Altis propose to lodge a State Significant Development Application (SSDA) in respect of the Development involving built form approval for one (1) building over the thirteen allotments mentioned above and all infrastructure works, including bulk earthworks, road works and servicing works. Further development applications for built form (buildings) will occur at a later state for the other 12 allotments.
- 11 Altis have completed technical investigations to facilitate the approval of this SSDA and are in the process of preparing a development control plan in respect of the Land pursuant to the WSEA SEPP and Penrith LEP. These investigations have been carried out and managed by Altis at its cost on behalf of the Department of Planning, Infrastructure and Environment (DPIE).
- 12 Satisfactory Arrangements will be provided in line with Clause 29 of the WSEA SEPP by Altis entering into a VPA to either secure monetary contributions for the proposed development, to go towards the provision of regional infrastructure, or to complete Works In Kind, delivering regional infrastructure in line with the state governments regional infrastructure plan.. The requirement to pay monetary contributions or complete Works in Kind will be registered on title of the Land, an approach consistent with developments in the remaining areas of WSEA

Basis of the Offer

Certification of Satisfactory Arrangements

- 13 The VPA is intended to provide for the making of monetary development contributions or complete Works in Kind by Altis in connection with the Development so as to enable the Director-General to provide the certification required by clause 29 of the WSEA SEPP.
- 14 Altis submits that the monetary contributions being offered allow the Director-General to be satisfied to this effect.

Calculation of the development contributions

- 15 The monetary development contributions are to be calculated based upon the 'Net Developable Area' of the Land. In this regard, Altis would agree to a definition of 'Net Developable Area' required by the Department provided the definition excluded any areas comprising existing roads to which works (such as widening), proposed future infrastructure corridors, internal estate roads and new roads that will be carried out and any areas of land that is at or below the level of a 1:100 ARI (average recurring interval) flood event.
- 16 Altis agrees to pay monetary development contributions at the rate of \$200,000 per hectare of Net Developable Area as requested by the Department and outlined in the Draft Contributions Plan

Application of development contributions

- 17 The monetary contributions offered by Altis are to be applied towards the provision of regional transport infrastructure and services.
- 18 Altis propose to carry out work on Mamre Road that benefits other sites within the precinct, that will improve the public road network and have this work recognised as works in kind under this Agreement.

Completion of Works in Kind and Dedication of Land

- 19 Altis may pay their monetary contributions by competing works associated with the planned upgrade of Mamre road and construction of an intersection that will not only service the Altis development, it will facilitate access to other land within the Mamre Road Precinct.
- 20 Altis will dedicate land within the development to the relevant acquisition authority for the upgrade of Mamre road (widening). The value of this land will be used to offset Special Infrastructure Contributions.

Timing of entry into of voluntary planning agreement and payment of development contributions

- 21 Altis offers to enter the VPA concurrently with obtaining SSDA consent
- 22 Altis agrees to pay the monetary development contributions or completing Works in Kind under the VPA at an appropriate time after the granting of consent to the Development, such as prior to the issue of occupational certificates for buildings or subdivision certificates for the Development where applicable, with payment to be made in amounts that are proportional to the area of land the subject of the relevant occupational certificates or subdivision certificates.

Costs

- 23 Altis understands the Department's legal fees for the preparation of the VPA are in the range of \$5,000.00 to \$10,000.00 and its notification fees are in the range of \$800.00 to \$1,100.00. Altis offers to pay the Department's reasonable costs of preparing, negotiating, notifying and registering the VPA. Application of s94, 94A and 94EF of the EPA Act. Sections 94, 94A and 94EF of the EPA Act continue to apply to the development.

Security

- 24 The proposed planning agreement will be registered on the title to the Land. However, the registration of the planning agreement will not flow through to any individual lots created in the development which are not intended to be further subdivided, and which are not to be dedicated to any authority.
- 25 In order to secure the payment or performance of the Development Contribution, the Developer has agreed to provide security in the form of a Bank Guarantee.
- 26 At the time that this Deed is executed by both parties, the Developer undertakes to provide a Bank Guarantee to the Minister having a face value amount of \$40,000.

Conclusion

Should you have any queries, please do not hesitate to contact Stephen O'Connor from Altis on 0420 546 491.

Kind Regards,



Stephen O'Connor
Project Director

ALTIS PROPERTY PARTNERS

ALTIS
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Annexure 1: The Land



