



PENRITH CITY

MAMRE ROAD PRECINCT

DEVELOPMENT CONTRIBUTIONS PLAN 2021

(Under Section 7.11 of the Environmental Planning and Assessment Act, 1979 amended)

PENRITH
CITY COUNCIL

penrithcity.nsw.gov.au

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1. CONTRIBUTIONS SUMMARY

1.1 INTRODUCTION

The Mamre Road Precinct Development Contributions Plan 2021 (the Plan) describes the local infrastructure that is needed to support the future developments in the Mamre Road Precinct, and the contributions that will be required from developers of land in the Mamre Road Precinct to meet the cost of that infrastructure.

Those developments will mainly comprise transport, logistics and warehousing activities, along with others that are permissible in the IN1 General Industrial zone that makes up most of the Precinct. The Precinct is expected to generate 17,000 ongoing jobs when fully developed (DPIE, June 2020).

The local infrastructure that will be provided from developer contributions collected under this Plan is listed in the *Mamre Road Precinct Development Contributions Plan 2021 Background Report* prepared by Infrastructure & Development Consulting (the **Background Report**).

The infrastructure costs and the contribution rates that apply to development in the Mamre Road Precinct under this Plan are shown in section 1.5.

1.2 ABOUT THE MAMRE ROAD PRECINCT

The Mamre Road Precinct is an employment area located in the south-east corner of the City of Penrith LGA.

The Mamre Road Precinct is shown at **Figure 1** and comprises approximately 1,000 ha within the Penrith Local Government Area (LGA). It is approximately 40 km west of the Sydney CBD, 12 km southeast of the Penrith CBD and 6km northeast of the Aerotropolis Core.

The Precinct is bordered by the Warragamba Pipeline to the north, Wianamatta South Creek and Kemps Creek to the west, Ropes Creek to the east and Mount Vernon to the south (Sydney Water for DPIE, September 2020).

The Precinct is a key part of the NSW Government's strategy to provide more jobs close to where Western Sydney people live.

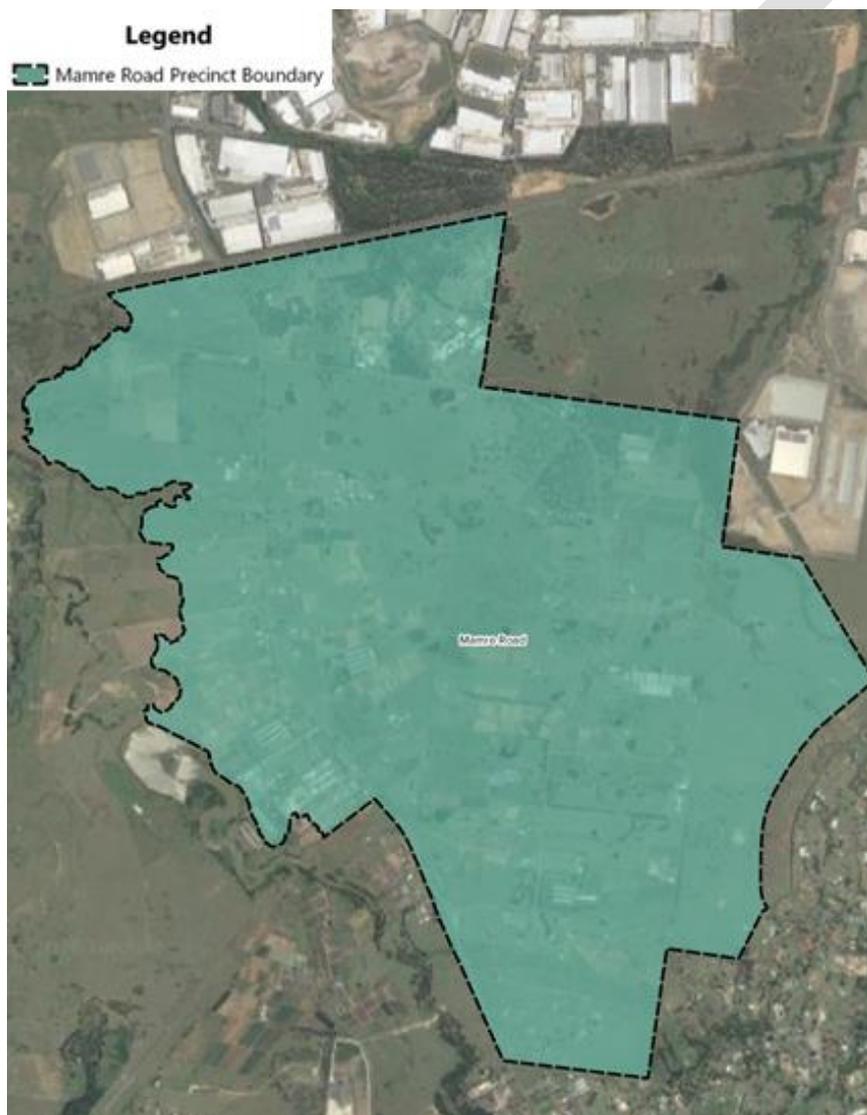
The Precinct is a recent extension of the Western Sydney Employment Area (WSEA). WSEA is a major industry and employment area located near the major transport links of the M4 and M7 Motorways.

The Mamre Road Precinct was rezoned in June 2020 under *State Environmental Planning Policy 2009 Western Sydney Employment Area (WSEA SEPP)* for predominantly industrial purposes. The new planning controls for the Precinct provide for around 850 hectares of industrial land with an approximate capacity of 17,000 jobs depending on the nature of development proposals.

The Precinct is also identified in the Western Sydney Aerotropolis Plan as a key employment area that can accommodate land uses that would not be constrained by the noise effects of the operation of the airport.

Apart from addressing an undersupply of industrial land in Western Sydney, the rezoning was intended to support the delivery of a potential future intermodal terminal to service the existing WSEA and the development of the Aerotropolis. The rezoning also included new environmental conservation areas and public open space, dual objectives being to protect significant vegetation and Wianamatta - South Creek corridor which will form the green spine of the Western Parkland City.

Figure 1 Mamre Road Precinct boundary



Source: infrastructure and development consulting

1.3 LAND AFFECTED BY THIS PLAN

Figure 2 shows the extent of the land affected by this plan.

The **Background Report** identifies that a State Significant Development (SSD) site located in the north west corner of the Mamre Road Precinct has received development approval for the first stage of the development. At the date of development approval, the site was subject to the current Section 7.12 Plan with an associated levy of 1% of the total development costs.

Therefore, the SSD development site and infrastructure located within the site (including a collector road and open space) has been excluded from this Plan. No additional levies will be collected for development within the site boundary under this Plan, and all infrastructure located within the SSD development site is expected to be provided by the developer.

Figure 2 Land affected by this plan (excludes SSD site in north-west corner of the Mamre Road Precinct)



Source: infrastructure and development consulting

1.4 SUMMARY OF LOCAL INFRASTRUCTURE NEEDS

The employment growth from the anticipated industrial development in Mamre Road Precinct will generate new demand for a range of local infrastructure including:

- transport facilities, such as new roads, road upgrades and intersections (included in this Plan),
- open space facilities, such as walking trails and cycling paths (included in this Plan), and
- stormwater drainage infrastructure (not included in this Plan and anticipated to be delivered directly by developers via conditions of consent).

Contributions of land, works and money from developers of land will be a key source of funding for the new and upgraded infrastructure not otherwise provided directly by developers under conditions of consent.

The contributions that are made by developers under this Plan will be applied by Council to deliver a schedule of local infrastructure altogether valued at \$440 million, as shown in **Table 1**.

1.5 SUMMARY OF INFRASTRUCTURE COSTS AND CONTRIBUTION RATES

This Plan levies contributions on development in Mamre Road Precinct for transport, open space and plan administration costs.

Table 1 shows the costs of infrastructure included in this Plan and the contribution rates that apply to development levied under this Plan.

Table 1 Mamre Road Precinct infrastructure costs and contribution rates (rounded)

| | Costs | Rate per ha of NDA |
|-----------------------------|----------------------|--------------------|
| Transport works | \$123,612,745 | \$170,418 |
| Transport land acquisition | \$166,307,500 | \$229,279 |
| Open space works | \$20,904,288 | \$28,820 |
| Open space land acquisition | \$127,051,800 | \$175,160 |
| Plan Administration | \$2,167,755 | \$2,989 |
| Total | \$440,044,089 | \$606,666 |

1.6 LATEST RATES TO BE USED

Contributions in **Table 1** are expressed in September 2021 dollars, representing the base period of the Plan.

The section 7.11 contribution to be imposed on a development will reflect the latest, indexed contributions rates authorised by this Plan.

Section 2.2.2 establishes how the rates to be levied must be indexed (with the works cost share of contributions indexed by the CPI and the cost of land to be acquired indexed by the Established House Price Index).

At the time of payment, it is also necessary for monetary contributions to be updated for any further inflation that occurs from the consent date (see **Section 2.4.3**).

1.7 DEVELOPMENT AFFECTED BY THIS PLAN

Developments that generate an increase in demand for local infrastructure will be required to make a reasonable contribution toward that infrastructure.

Development of land (including subdivision) within the IN1 General Industrial zone will be levied contributions under this Plan.

Contributions will be levied on the amount of NDA (in hectares) comprising the development:

- (a) at the time the land is subdivided as a final lot for the future construction of buildings and other structures

OR

- (b) if the development does not include the subdivision of land for a final lot, at the time the land is approved for a use or uses permissible with consent in the IN1 General Industrial zone,

Whichever occurs first.

Where a site, or part of a site, has been the subject of a s7.11 contribution imposed under this Plan or any subsequent plan that replaces this plan, development on the site (or part of the site) shall not be subject to any further local infrastructure contributions.

1.8 DEVELOPMENT EXEMPTED FROM CONTRIBUTIONS

This Plan does not apply to the following types of development:

- development that was permissible on the land immediately before the WSEA SEPP came into effect
- any form of residential development

- development for the sole purpose of the adaptive reuse of an item of environmental heritage
- repair and replacement of structures impacted by natural forces and unpreventable events such as fire, flooding, earthquakes, lightning etc.
- development for the purpose of infrastructure provided by Council or any other public authority
- development exempted from s7.11 contributions by a direction made by the Minister for Planning under s7.17 of the EP&A Act¹
- development that in Council's opinion does not increase the demand for the categories of public facilities and services addressed by this Plan.

Developers are encouraged to contact Council if they are unsure whether or not a contribution would apply to their development. In certain cases, developers might need to include a submission arguing the case for exemption with a development application (DA).

1.9 SUMMARY OF PAYMENT TIMING AND SETTLEMENT OPTIONS

Council's policy in relation to the timing of payments of monetary contributions is as follows:

- DAs involving subdivision works: payment to be made prior to release of a Subdivision Certificate (linen plan).
- DAs involving building works: payment to be made prior to the release of a Construction Certificate.
- Complying Development works: payment to be made prior to the works authorised in a Complying Development Certificate commencing.

More detail about the timing of payments is contained in **Section 2.4.1**.

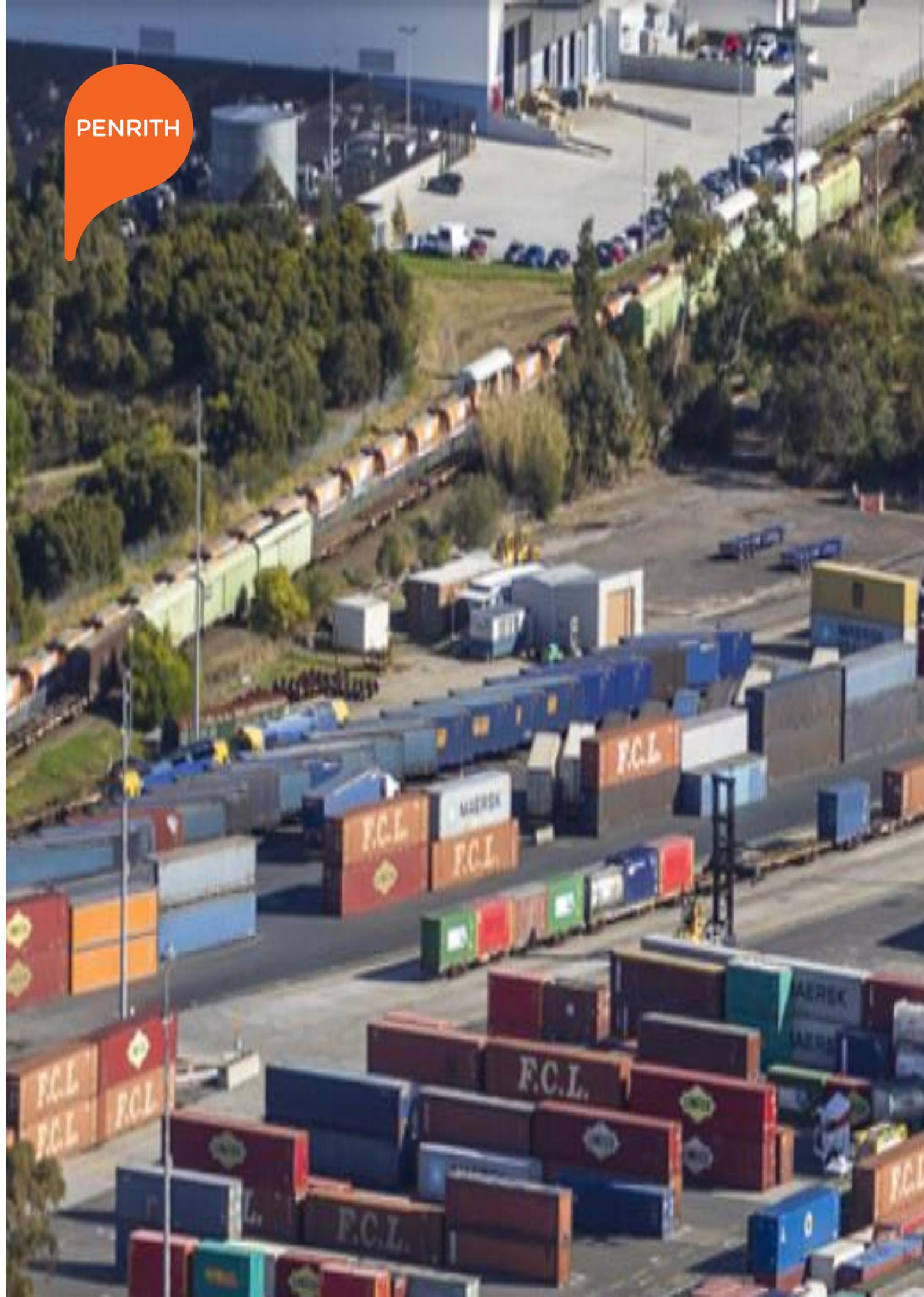
Deferred payments are only allowed in special circumstances and on written request to Council, or where authorised by a Minister's direction – refer to **Section 2.4.4**.

Instead of paying monetary contributions, a developer may choose to provide, subject to the agreement of the Council, one or more infrastructure items identified in this Plan as works-in-kind or as a land dedication.

More detail on alternative settlement options is explained in **Section 2.5**.

¹ or the corresponding sections 94 and 94A of the EP&A Act that existed immediately before the commencement of the *Environmental Planning and Assessment Amendment Act 2017*. Refer to the DPIE website for all current directions.

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2. HOW TO USE THIS PLAN

2.1 ABOUT THE PLAN

2.1.1 NAME OF THE PLAN

This Plan is called the *Mamre Road Precinct Development Contributions Plan 2021*.

2.1.2 PURPOSE OF THE PLAN

Section 7.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) authorises councils and other consent authorities to require contributions from developers for local infrastructure as part of their development approvals.

Clause 270 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) requires a local contributions plan to be in place prior to granting of development consent on land within the IN1 General Industrial zone in the Western Sydney Employment Area (including land in the Mamre Road Precinct).²

The primary purpose of the Plan is to authorise consent authorities (including accredited certifiers) when granting consent to a DA to carry out development or issuing a complying development certificate (CDC) for development on the land to which the Plan applies, to impose conditions on the development which require a contribution to be made towards either/both:

- the provision, extension or augmentation of public amenities and public services only where development is likely to require the provision of or increase the demand for those amenities and services; and
- the recoupment of the cost of providing existing public amenities and public services within the area to which this Plan applies.

Other purposes of the Plan are as follows:

- to provide the framework for the efficient and equitable determination, collection and management of development contributions toward the provision of public amenities and public services generated by development within Mamre Road Precinct.
- to ensure that development on land in the Mamre Road Precinct makes a reasonable contribution toward the provision of public amenities and public services that are required by that development.
- to ensure that the existing community is not unreasonably burdened by the provision of public amenities and public services required (either partly or fully) as a result of development in Mamre Road Precinct.
- to ensure Council's management of development contributions complies with relevant legislation and guidelines and achieves best practice in plan format and management.

² A contributions plan is not required if a planning agreement has been entered into for the matters addressed by a contributions plan, or the development is minor in nature

2.1.3 STRUCTURE OF THE PLAN

This Plan provides summary information about the local infrastructure contributions payable, how to impose, pay and settle contributions, and other administrative matters.

The **Background Report** provides more detail about the local infrastructure strategies for the Mamre Road Precinct and how contributions have been determined to fund the infrastructure requirements.

2.1.4 PLAN COMMENCEMENT

This Plan commences on the date on which public notice was given under clause 31(2) of the EP&A Regulation or the date specified in that notice if it is a different date.

2.2 CALCULATING THE CONTRIBUTION

The contribution is calculated using the rates shown in **Table 1** (as indexed in accordance with **Section 2.3**) multiplied by the NDA (in hectares) that comprises the development.

The applicable NDA will be either:

- the area of land that is the subject of a subdivision for a final lot for future development, or
- if the development does not include the subdivision of land - the area of land to be developed for a use or uses permissible with consent in the IN1 General Industrial zone.

2.2.1 WORKED EXAMPLES

Development of an entire site

A proposed development involves the subdivision of the entirety of an 8.5 ha site to create 4 lots to be used in the future for industrial development, and provide a new local road in the middle of the site.

| | | |
|---------------------------|---|--|
| Contribution | = | Development site area of 8.5 ha |
| | = | 8.5 X \$606,666 (refer to Table 1) |
| Total contribution | = | \$5,156,661 |

Development of part of a site

A proposed development of a 37 ha site involves the subdivision of 12.5 ha of the site to create 5 lots to be used in the future for industrial development, and provide a new local road to service these lots.

The remaining 24.5 ha portion of the site will not be developed under this proposal.

| | |
|---------------------------|---|
| Contribution | = Total site area of 37 ha minus undeveloped site area of 24.5 ha |
| | = Development site area of 12.5 ha |
| | = 12.5 X \$606,666 (refer to Table 1) |
| Total contribution | = \$7,583,325 |

2.2.2 INDEXING CONTRIBUTION RATES

The contributions stated in a development consent or CDC are calculated using the indexed section 7.11 contribution rates determined in accordance with this Plan.

The component of the contribution rate for works schedule items (other than land yet to be acquired) and plan administration will be indexed (subject to the Note below) as follows:

$$\frac{\$C_w \quad X \quad \text{Current CPI}}{\text{Base CPI}}$$

Where:

\$C_w is the contribution rate for works schedule items (other than land yet to be acquired) and plan administration at the time of adoption of the Plan
 = \$202,227 per ha of NDA

Current CPI is the most recent quarterly Consumer Price Index (Sydney – All Groups) (CPI) as published by the ABS at the time of the development consent

Base CPI is the CPI published by the ABS in the quarter immediately prior to the date of preparation of this Plan (i.e. 120.2)

The component of the contribution rate for works schedule items involving land yet to be acquired will be indexed (subject to the Note) as follows:

$$\frac{\$C_L \quad X \quad \text{Current EHPI}}{\text{Base EHPI}}$$

Where:

\$C_L is the contribution rate for land yet to be acquired at the time of adoption of the Plan
 = \$404,439 per ha of NDA

Current EHPI is the most recent quarterly Established House Price Index for Sydney (EHPI) published by the ABS at the time of the development consent

Base EHPI is the EHPI published by the ABS in the quarter immediately prior to the date of preparation of this Plan (i.e. 215.5)

If the contributions are not paid within the quarter in which consent (or the CDC) is issued, the contributions payable will be adjusted further in accordance with **Section 2.4.3**.

2.3 IMPOSING THE CONTRIBUTION

2.3.1 MONETARY CONTRIBUTIONS

This Plan authorises:

- the Council or a planning panel, when granting consent to a DA to which this Plan applies, and
- the Council or an accredited certifier, when determining an application for a CDC relating to development to which this Plan applies,

to impose a condition under section 7.11 of the EP&A Act requiring the payment of a monetary contribution to the Council towards:

- the provision of public amenities and public services as specified in the works schedule to meet the demands of the development; or
- the recoupment of the cost of public amenities and public services previously provided in advance of development within the area.

2.3.2 LAND CONTRIBUTIONS

This Plan authorises the Council or a planning panel, by imposition of a condition of development consent, to require in connection with any development on land to which this Plan applies (and in addition to any monetary contribution that may be sought) the dedication free of cost to the Council of any part of the development site that is land included in the works schedule in this Plan.

The area of land that may be required in the consent shall not exceed the area equivalent to the monetary contribution for infrastructure land otherwise authorised by this Plan.

The value of the land required by a consent is to be calculated in accordance with the value ascribed to the land in the works schedule, as indexed by the EHPI in accordance with **Section 2.2.2**. That value can be used to reduce the amount of monetary contributions otherwise payable.

Council will, wherever appropriate, require developers to dedicate land free of cost for the facilities identified in this Plan. Where the development does not or cannot provide the full (land) area required as a contribution, the shortfall will be required as a monetary contribution. The contribution rates included in this Plan reflect the monetary contribution required where land is not dedicated free of cost.

Where the value of the land exceeds the monetary development contribution otherwise authorised by this Plan, the developer may offer to enter into a planning agreement under s7.4 of the EP&A Act dealing with an appropriate settle-up in exchange for the dedication of the remainder.

2.3.3 OBLIGATIONS OF ACCREDITED CERTIFIERS

Complying Development Certificates

This Plan requires that, in relation to an application made to an accredited certifier for a CDC:

- the accredited certifier must, if a CDC is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this Plan.
- the amount of the monetary contribution that the accredited certifier must impose is the amount determined in accordance with this section.
- the terms of the condition be in accordance with this section.

Procedure for determining the contribution amount

The procedure for an accredited certifier to determine the amount of the section 7.11 monetary contribution for complying development is as follows:

1. If, and only if specified in writing in the application for a CDC, the applicant has requested an exemption for part or the whole of the development under **Section 1.8** of this Plan, the accredited certifier must:
 - (a) make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and
 - (b) in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the CDC, refuse the applicant's request.
2. Determine the unadjusted contributions in accordance with the rates included in **Table 1** of this Plan, taking into account any exempt development specified in **Section 1.8** and any advice issued by the Council under paragraph 1(b) above.
3. Adjust the calculated contribution in accordance with **Section 2.2.2** to reflect the indexed charge for the provision of infrastructure.

Construction Certificates

It is the responsibility of an accredited certifier issuing a Construction Certificate for building work or subdivision work to ensure that each condition requiring the payment of a monetary contribution before work is carried out has been complied with in accordance with the CDC or Development Consent.

The accredited certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with

section 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

The only exceptions to the requirement are where a work in kind, material public benefit, dedication of land and/or deferred payment arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2.4 PAYING THE CONTRIBUTION

2.4.1 TIMING OF PAYMENTS

At the time of payment, it will be necessary for monetary contribution amounts to be updated in accordance with the relevant indexes (see **Section 2.2.2** for the indexes applicable to contribution rates in the condition of consent or CDC and **Section 2.4.3** for any further adjustment required at the time of payment).

The timing for payment of contributions is as follows:

- (a) Development Applications involving subdivision works: payment to be made prior to release of a Subdivision Certificate (linen plan).
- (b) Development Applications involving building works: payment to be made prior to the release of a Construction Certificate, or Occupation Certificate if the development meets the requirements of the Minister's direction referred to below.
- (c) Complying Development works: payment to be made prior to the works authorised in a Complying Development Certificate commencing.

Payment allowed at Occupation Certificate stage for certain development identified by Ministerial direction

For a development application not involving subdivision, and having a capital investment value of \$10 million or more, timing of payment will be in accordance with the Minister's direction dated 25 June 2020 which can be accessed on the website of the Department of Planning, Industry and Environment.

The direction requires that until 25 September 2022 the contribution for these developments must be paid before the issue of the first Occupation Certificate in respect of any of the buildings to which the consent relates.

After 25 September 2022, payment will be made prior to the release of a Construction Certificate in accordance with (b) above.

2.4.2 MEANS OF PAYING CONTRIBUTIONS

Payment may be made by any means acceptable to Council provided that if the payment is not by cash or bank cheque then:

- any costs or commission payable by Council on the transaction or its collection must also be paid by the applicant; and
- the payment shall not be deemed to be received until Council's bankers acknowledge that the funds are cleared.

2.4.3 CONTRIBUTION ADJUSTMENT FOR INFLATION AT TIME OF PAYMENT

The contributions stated in a development consent are calculated on the basis of the indexed section 7.11 contribution rates determined in accordance with this Plan. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment in the following manner:

$$\$C_P = \$C_{DC} + \frac{[\$C_{DC} \times (\$C_Q - \$C_C)]}{\$C_C}$$

Where:

$\$C_P$ is the amount of the contribution calculated at the time of payment

$\$C_{DC}$ is the amount of the original contribution as set out in the development consent

$\$C_Q$ is the contribution amount applicable at the time of payment

$\$C_C$ is the contribution amount applicable at the time of the original consent.

The current contributions are published by Council on its website and are also available from Council offices.

Note: The contribution payable will not be less than the contribution specified on the development consent.

2.4.4 DEFERRED OR PERIODICAL PAYMENTS

Council will consider any request to defer contributions on its merits however, the developer must make written application.

Deferred or periodic payments may be permitted in the following circumstances:

- compliance with the provisions of **Section 2.4.1** is unreasonable or unnecessary in the circumstances of the case; or
- where the applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and

Council and the applicant have a legally binding agreement for the provision of the works or land dedication; or

- there are circumstances justifying the deferred or periodic payment of the contribution.

Council will consider whether deferred or periodic payment of the contribution will prejudice the timing or the manner of the provision of public facilities included in the works program.

If Council grants such a request it is conditional upon the applicant providing a suitable bank guarantee and deed of agreement consistent with Council's accounting practices for such scenarios.

A period for deferral of a contribution will be agreed between the applicant and Council prior to preparation of the bank guarantee. The period may be extended in circumstances acceptable to Council.

Interest and an administrative fee will be charged on deferred contributions. The amount of the bank guarantee will be calculated in the following manner:

$$G = C \times (1 + r)^P$$

Where:

G is the amount of the Bank Guarantee;

C is the contribution owing at the time the guarantee is lodged with Council;

r is the interest rate applicable on the last day of the quarter of the 90-day bank bill swap rate plus 1% rate; and

P is in years and reflects the number of years that the bank guarantee is expected to be held.

The guarantee will be terminated when the liability is met by the payment of cash or transfer of land or works or Council advises that the guarantee is no longer required.

The deed of agreement is to be prepared by Council's solicitors at full cost to the applicant.

If contributions are not paid by the agreed date the Bank Guarantee may be called up by Council.

Note: contribution payments for certain developments subject to a Ministerial direction may be deferred to Occupation Certificate stage without the need for a bank guarantee.

2.5 ALTERNATIVES TO PAYING CONTRIBUTIONS

2.5.1 WORKS IN KIND AGREEMENTS

Council encourages and may accept an offer by the applicant to provide an "in-kind" contribution (i.e. the applicant completes part or all of works identified in this Plan) as a means of partly or fully satisfying a s7.11 contribution requirement.

While an offer of settlement of contributions in-kind is encouraged, Council's decision to accept such an offer is solely at its discretion.

Offers of works in kind will be subject to and assessed under Council's Developer Agreements Policy, which is available on Council's website.

2.5.2 PLANNING AGREEMENTS

Section 7.4 of the Act allows the negotiation of planning agreements between councils, developers, and/or other planning authorities for the provision of public purposes.

Planning agreements can be offered in connection to any of the following:

- a planning proposal to change the planning controls applying to land
- a development application for consent to carry out development
- the modification of a development consent
- an application for a CDC.

Planning agreements may address contribution requirements under this Plan and any other purposes and contributions proposed by a developer that have a wider public benefit.

Offers of planning agreements will be subject to and assessed under Council's Developer Agreements Policy, which is available on Council's website.

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3. OTHER ADMINISTRATION MATTERS

3.1 RELATIONSHIP TO OTHER CONTRIBUTION PLANS

This Plan does not affect development consents or CDCs containing conditions requiring contributions or levies under another contributions plan or plans that were determined or issued prior to this plan coming into effect.

This Plan does not limit or otherwise affect any requirements for the payment of special infrastructure contributions (SICs) pursuant to Subdivision 4 of Division 7.1 of Part 7 of the EP&A Act.

3.2 SAVINGS AND TRANSITIONAL ARRANGEMENTS

A DA or a CDC which has been submitted prior to the adoption of this Plan but not determined shall be determined in accordance with the provisions of the Plan which applied at the date of determination of the application. The Plan should apply to DAs determined or CDCs issued on or after the date to which the Plan was made.

3.3 POOLING OF CONTRIBUTIONS FUNDS

Council's ability to forward fund the infrastructure in this Plan is very limited. Consequently, infrastructure provision is largely contingent upon the availability of contributions funds.

To provide a strategy for the orderly delivery of the public amenities and public services, this Plan authorises monetary contributions paid for different purposes in accordance with the conditions of various development consents and CDCs authorised by this Plan to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this Plan are the priorities for works as set out in the works schedules in the **Background Report**.

In any case of the Council deciding whether to pool and progressively apply contributions funds, the Council must first be satisfied that such action will not unreasonably prejudice the delivery within a reasonable time, of the purposes for which the money was originally paid.

3.4 ACCOUNTABILITY AND ACCESS TO INFORMATION

Council is required to comply with a range of financial accountability and public access to information requirements in relation to section 7.11 contributions. These are addressed in Divisions 5 and 6 of Part 4 of the EP&A Regulation and include:

- maintenance of, and public access to, a contributions register
- maintenance of, and public access to, accounting records for contributions receipts and expenditure

- annual financial reporting of contributions
- public access to contributions plans and supporting documents.

These records are available for inspection free of charge at the Council.

3.5 REVIEW OF THE PLAN

Pursuant to clause 32(3) of the EPA Regulation, Council may make certain minor adjustments or amendments to the Plan without prior public exhibition and adoption by Council. Minor adjustments could include minor typographical corrections and amendments to rates resulting from changes in the indexes adopted by this Plan.

Council intends to otherwise review its contribution plans with any material amendments to the assumed net development area, proposed infrastructure items or their cost of provision, to be subject to Plan amendment and public exhibition.

3.6 DICTIONARY

Except where indicated in this section, the definitions of terms used in this Plan are the definitions included in the EP&A Act, EP&A Regulation and the WSEA SEPP applying to Mamre Road Precinct.

In this Plan, the following words and phrases have the following meanings:

ABS means the Australian Bureau of Statistics.

Background Report means the *Mamre Road Precinct Development Contributions Plan 2021 Background Report* prepared by *Infrastructure & Development Consulting*, November 2021.

CDC means complying development certificate.

Council means Penrith City Council.

CPI means the *Consumer Price Index (All Groups - Sydney)* published by the ABS.

DA means development application.

DPIE means NSW Department of Planning, Industry and Environment.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2000*.

EHPI means the *Established House Price Index for Sydney* published by the ABS.

GFA means gross floor area.

IPART means Independent Pricing and Regulatory Tribunal.

Just Terms Act means the *Land Acquisition (Just Terms Compensation) Act 1991*.

LGA means local government area.

LUIIP means Land Use and Infrastructure Implementation Plan

MPB means material public benefit.

NDA means Net Development Area.

Net Developable Area means the area (in hectares) of land to which a DA or CDC relates and includes the area of proposed new roads internal to the development, but excludes land zoned E2 Environmental Conservation, SP2 Infrastructure, and any land to be reserved, dedicated or otherwise set aside for such a purpose listed below as part of the development (or is already used for such a purpose):

- the area of any existing road at the time development consent for the development is granted
- the area by which any existing road is to be widened if the development consent for the development authorises, or requires, the road widening to be carried out
- roads or other public amenities or public services included in this Plan or any other contributions plan approved under section 7.18 of the EP&A Act
- an arterial road or land for arterial road widening
- an emergency services facility
- a government school (within the meaning of the Education Act 1990)
- a health services facility owned and operated by a public authority
- a golf course
- a passenger transport facility
- public open space
- a public reserve or a drainage reserve (within the meaning of the Local Government Act 1993)
- a public utility undertaking
- a tertiary institution, including a university or TAFE establishment, that provides formal education and is constituted by or under an Act
- land identified in the WSEA SEPP Transport Investigation Area B.

Works schedule means the schedule of the specific public amenities and public services for which contributions may be required as set out in the Background Report.

Planning agreement means an agreement referred to in section 7.4 of the EP&A Act.

Security means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by an eligible financial institution consistent with credit rating requirements detailed in Treasury Circular NSW TC 08/01 or equivalent revised version.

SIC means special infrastructure contribution.

TfNSW means Transport for New South Wales.

Work in kind means the undertaking of a work or provision of a facility by an applicant which is already nominated in the works schedule of a contributions plan as a means of either fully or partly satisfying a condition of consent requiring development contributions to be made.

WSA means Western Sydney Aerotropolis.

WSEA SEPP means *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

3.7 PLAN REFERENCES

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