

Explanatory Note

Planning Agreement

771-797 Mamre Road, Kemps Creek

1. Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a proposed Voluntary Planning Agreement (**Planning Agreement**) under s7.4 of the *Environmental Planning and Assessment Act 1979 (NSW) (Act)*. This Explanatory Note has been prepared jointly between the parties as required by clause 205 of the *Environmental Planning and Assessment Regulation 2021 (Regulations)*. This Explanatory Note is not to be used to assist in construing the Planning Agreement.

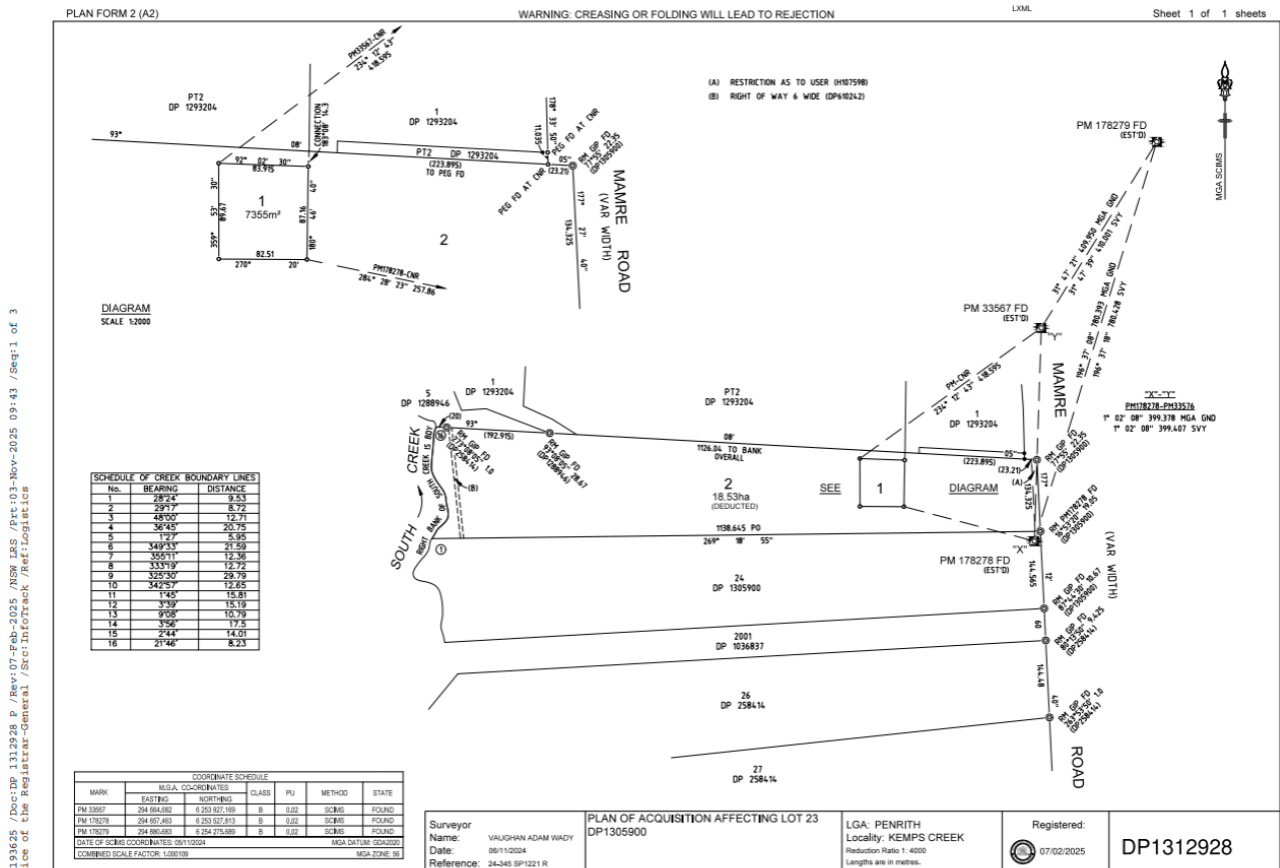
2. Parties to the Planning Agreement

The parties to the Planning Agreement are:

- Penrith City Council ABN 43 794 422 563 (**Council**)
- GPT Platform Pty Limited ATF the GPT QuadReal Logistics Trust ABN 70 890 724 696 (**Developer**)

3. Description of the Land to which the Planning Agreement applies

The Planning Agreement applies to the land comprising Lot 2 in DP1312928 and Lot 24 in DP1305900 known as 771-797 Mamre Road, Kemps Creek (**Land**).



4. Summary of Public Benefit, Objectives, Nature and Effect of the Planning Agreement

The Developer is required to provide the following Public Benefit in accordance with the Planning Agreement.

The Developer will provide:

- a. The construction of part of the Collector Road on the Land including demolition, earthworks, pavements, kerb & gutters, drainage & utilities, lighting, landscaping, line marking and signage;
- b. The construction of part of the Collector Road Batter on the Land; and
- c. The Dedication Land (being the constructed area of the Collector Road and Collector Road Batter) to Council free of cost.

The Collector Road Works and Interim Road Works will take place prior to the earlier of March 2026 or the issue of any Occupation Certificate for the development on the Land.

The **objective** of the Planning Agreement is to provide a material public benefit to be applied towards community infrastructure.

The **nature** of the Planning Agreement is a contractual relationship between the Council and the Developer for providing the Public Benefit.

The **effect** of the Planning Agreement is that the Developer will provide the Public Benefit in the manner provided for by the Planning Agreement (as applicable).

5. The Planning Agreement:

- does not exclude the application of s7.11 of the Act;
- excludes the application of s7.12 or s7.24 of the Act;
- is required to be registered on the title to the Land;
- imposes restrictions on the Developer assigning an interest under the agreement or transferring any part on the Land; and
- provides a dispute resolution method for a dispute under the Agreement, being mediation.

Additionally, within 10 business days of the Planning Agreement being executed, the Developer must provide Council with security in an amount equivalent to 125% of the Cost of Works.

6. Assessment of the Merits of the Planning Agreement and Impact on the Public

The Planning Agreement promotes:

- (1) the public interest;
- (2) and the Objects of the Act.

The Planning Agreement will provide a material public benefit in terms of an upgrade to public infrastructure and the dedication of land to Council.

7. Identification of how the Planning Agreement promotes the public interest

The Planning Agreement promotes the public interest by ensuring that the intersection upgrade works are carried out to improve road infrastructure in the locality. The Planning Agreement supports the public interest in the following ways:

- (1) By facilitating the improvement of public infrastructure to be utilised by the broader community.
- (2) By providing opportunity for community participation in environmental planning and assessment through public notification of this agreement and opportunity for the public to make submissions in response.
- (3) Promote the orderly and economic use and development of land.

8. How the Planning Agreement promotes the Guiding Principles for Councils

The Planning Agreement promotes the Council's charter under section 8 of the *Local Government Act 1993* by providing adequate, equitable and appropriate infrastructure to the community.