

Toga Group of Companies

Toga Pty Limited ACN 000 926 947

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07 October 2021

Mr Matthew Bullivant
Legal Services Manager
Penrith City Council

Dear Matthew ,

TOGA PENRITH: 634-638 HIGH STREET AND 87-91 UNION ROAD, PENRITH

Toga Penrith Developments Pty Ltd (**Toga**) is the applicant in relation to Development Application 20/0148 (**DA**) and seeks consent for development at 634-638 High Street and 87-91 Union Road, Penrith (**Site**).

Development Application

The DA, as amended and proposed in the Notice of Motion filed on 7 October 2021, seeks consent for a development with a 6.00:1 floor space ratio (**FSR**), utilising cl 8.7 of Penrith Local Environmental Plan 2010 (**LEP**) which applies as the Site is part of Key Site 10 as identified on the Key Sites Map in the LEP.

The original DA was accompanied by a letter from Urbis dated 19 February 2020 that offered to provide community infrastructure as part of the DA in satisfaction of cl 8.7 of the LEP (**First CI Offer**). The First CI Offer was subsequently withdrawn and was replaced with the proposal outlined in the further letter from Urbis dated 19 May 2021 (**Second CI Offer**). The Second CI Offer is now withdrawn and is replaced with the proposal for community infrastructure contained within this letter.

Revised Community Infrastructure Proposal

Having regard to the provisions of cl 8.7 of the LEP requiring the provision of 'community infrastructure' to enable approval for a development on the Site with an FSR up to 6:1 (being Key Site 10), Toga's revised community infrastructure proposal in relation to the DA is outlined below.

In making this proposal, Toga has considered the provisions of the Policy. The Policy provides useful guidance as to the monetary value of community infrastructure that Council expects to be provided and the types or nature of community infrastructure that Council would be supportive of (which relevantly includes road works). In addition, it is noted that cl 8.7(6) of the LEP defines 'community infrastructure' as "*development for the purposes of recreation areas, recreation facilities (indoor), recreation facilities (outdoor), recreation facilities (major), public car parks or **public roads***" (emphasis added) and that the Sydney Western City Planning Panel accepted the construction of the new north south road proposed along the eastern side of the site from Union Road to High Street (**N-S Road**) as community infrastructure for the purposes of cl 8.7 of the LEP in granting consent to DA18/0264 for the construction of a part twelve (12) storey and part fifteen (15) storey mixed use development including basement, podium level 1 and level 2 car parking, ground floor business and commercial

uses, 187 residential apartments and construction and dedication of a public road, stormwater drainage, civil and public domain works and landscaping at the Site.

The value of the required community infrastructure to be offered as part of the DA is calculated in accordance with the provisions of Section 2.4 of the Policy, being:

- a. \$150 per square metre of “*additional Gross Floor Area*”. (page 9);
- b. ‘Additional Gross Floor Area’ is defined as being any Gross Floor Area above the maximum total Floor Area identified on the Floor Space Ratio map within the LEP. (page 9); and
- c. “Non-residential development will not be required to provide a Community Infrastructure Contribution. Non-residential floor area is excluded from the calculation of the Community Infrastructure Contribution Value” (page 10).

Absent the application of cl 8.7 of the LEP, the maximum permissible gross floor area (**GFA**) for the Site under the LEP is 3.3:1 (which includes a 10% FSR bonus for achievement of design excellence under cl 8.4 of the LEP).

Accordingly, if Section 2.4 of the Policy is applied, obtaining development consent for the desired 6.00:1 FSR triggers a requirement for the payment of \$150 per square metre for the ‘additional’ approved residential GFA above an FSR of 3.3:1.

Based on the area of the Site being 5,407 m², this represents a maximum ‘additional’ 13,549 m² of residential GFA @ \$150 per square metre, equating to a total value of **\$2,032,350**.

This calculation is set out below:

Toga Site Area	FSR	GFA
5,407 m ²	3.3:1 (LEP)	17,843 m ²
5,407 m ²	6.00:1 (proposed)	32,428 m ² <i>Less non-residential GFA of 1,036m²</i> 31,392 m²

Proposed GFA – LEP GFA = “Additional GFA”

being

31,392 m² – 17,843 m² = 13,549 m² “Additional GFA”

As a result - 13,549 of “Additional GFA” x \$150 per m² = \$2,032,350

As such, Toga offers to provide community infrastructure in the form of the construction of the N-S Road on the Site in satisfaction of the requirement in cl 8.7 for the development the subject of the DA to include community infrastructure. The extent and design of the N-S Road is shown on the *DA Civil Plan C3-05 (Revision 12)*, titled *Staging Plan – Stage 1 – Connecting to Existing Roundabout*. The value of the N-S Road works is outlined below:

Value of Contributions included within this Offer

Policy	Contribution required
Community Infrastructure Contribution <i>New N-S Road works</i>	\$2,503,256

The proposed N-S Road is over and above the requirements of the development the subject of the DA as outlined in Traffic Impact Assessment by PTC dated 5 October 2021.

Please contact me if you have any questions.

Yours sincerely,



BERNARDO REITER LANDA
DEVELOPMENT MANAGER

MEMORANDUM

DATE	4 MAY 2021
TO	Bernardo Reiter Landa
CC	
FROM	Andrew Tan/Ian Menzies
REGARDING	Penrith VPA – Stage 1 Update

Bernardo,

As requested, we have prepared a VPA Estimate for Stage 1 of this project and advise you that WTP's VPA Cost Estimate totals \$2,503,526 excluding GST (refer to Appendix A for WTP Estimate Summary).

We attach our Executive Summary Report for your reference which includes the following:

- Construction Cost Summary;
- Information Used;
- List of Exclusions

We refer you to the attached report which includes the VPA Estimates (Appendix A).

Should you require any further information or wish to discuss any aspect of the attached, please do not hesitate to contact us.

Regards,



Andrew Tan

Senior Quantity Surveyor

A CONSTRUCTION COST

ROAD WORKS & FOOTPATH WORKS	EX-GST \$
New Road connecting to existing roundabout incl surrounding footpaths and landscaping	\$1,593,813
Subtotal	\$1,593,813
Preliminaries	\$159,381
Margin	\$87,660
Traffic Management	\$45,451
Night Works	\$270,745
Contingency	\$215,705
Total (Excl GST)	\$2,372,755
Escalation (from Aug 19 – May 21 @ 3% pa)	\$130,502
Total incl Escalation (Excl GST)	\$2,503,256

B INFORMATION USED

This Estimate has been based on the following information;

1. New Road – Stage 1 Road Works Area
2. RBG-DA SET-05.05.19 (4)
3. Email; TOGA - Updating cost plan for VPA works at Penrith

C EXCLUSIONS

The following are excluded from the estimated costs and should be provided separately in the feasibility (if applicable):

1. Land costs, legal fees, interest charges and financing costs
2. Development Application fees and charges
3. Statutory authority fees and charges (Telstra, Integral Energy, Sydney Water and Agility)
4. Artworks and sculptures
5. Development Management Fees
6. Professional Fees.

CONTACT

DETAIL	DESCRIPTION
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DOCUMENT STATUS	NAME	DATE
PREPARED BY	Andrew Tan	04.05.2021
REVIEWED BY	Andrew Tan	04.05.2021
E-SIGNATURE APPROVED	Andrew Tan	04.05.2021

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