

VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER WENTWORTHVILL MALL DUNMORE SREET WENTWORTHVILLE

On behalf of Austino Wentworthville Pty Ltd, we provide this Letter of Offer for a Voluntary Planning Agreement associated with the Planning Proposal relating to the Wentworthville mall at Dunmore Street Wentworthville.

This letter provides an outline of the Heads of Agreement in relating to the on-site public benefits that are proposed to be included within the Voluntary Planning Agreement, which is to be negotiated and public exhibited with the Planning Proposal post Gateway Determination.

The public benefits have provided for **enhancement of the pubic domain and safety, provision of community facilities and creation of jobs.**

HEADS OF AGREEMENT

Parties	Holroyd City Council (Council); and Austino Wentworthville Pty Ltd (Landowner)
Background	JBA on behalf of the Landowner has lodged a Planning Proposal with Council seeking amendments to the Holroyd Local Environment Plan 2103. The Landowner offers to enter into a planning Agreement (the Agreement) with Council to make Development Contributions on the terms set in this outline of the Heads of Agreement.
Planning Agreement under the Act	This Agreement will be a planning agreement within the meaning of Section 93F of the Act
Application of the Agreement	This Agreement will apply to: -The Land; and -The Development

Operation of the Agreement	This Agreement will commence from the date the Agreement is signed by the Parties, following of the Amendments to Holroyd LEP 2013.
On-site community infrastructure	The Landowner propose to negotiate the details relating the provision of the on-site community infrastructure, post Gateway Determination and during the assessment of the Planning Proposal, when it is with the Department of Planning and Environment The Landowner agrees to provide the following community facilities in conjunction with future Development Consent(s): -600 m² of commercial space to allow flexible uses by Council, residents and/or community members outside the development, which is intended to be managed by Council, the development strata or a NGO. -Approximately 2,570 m² of public open space comprising: • 683 m² <i>Wentworthville Town Plaza;</i> • 593 m² <i>Forecourt Amphitheatre;</i> • 1,294 m² <i>Prichard Square</i> Embellishments to include: • CCTV cameras monitored by centre management; • Paving; • Lighting; • public art; • free wifi; • smart phone/lpad connectivity; • provision for events –power, water, sound systems etc. • street furniture; • landscaping; • elevated pot plants; • public notice board; -space for professional consulting rooms suitable for medical and hospital services. The service will be subject to further research and discussions with potential service providers.

Road works	The Landowner proposes to include provisions for a road crossing at Dunmore Street including; • surface paving; • traffic calming; and • fencing on both side sides of the street.
Application of Section 94, 94A and 94F of the Act	The Agreement does not exclude the application of Section 94, 94A and 94F of the Act to the Development.
Registration of the Agreement	The Landowner will do all things reasonable necessary to enable the Council to register the Agreement after Gateway Determination under section 94H of the Act.
Dispute resolution	If the Parties are not able to resolve any dispute within 20 business days of a dispute notice being served, then they may have recourse to litigation or other dispute resolution processes.
Enforcement	The Agreement may be enforced by any Party in any court of competent jurisdiction.
Assignment of dealings	A Party must not assign or novate the Agreement without the prior written consent of the other Party which consent is not to be unreasonably withheld.
Costs	Each Party must pay its own costs of negotiating, preparing and executing the Agreement (and any other instrument executed under the Agreement).
Defined Terms	Act means the Environmental Planning and Assessment Act 1979 (NSW) Development means the development of the Land proposed to be carried out, by the landowner in accordance with the Planning Proposal. Development Consent means consent granted under Part 4 of the Act to carry out the future development of the Wentworthville Mall. Land means land at Wentworthville Mall between Dunmore and Pritchard Streets. Planning Proposal means the Planning Proposal Report prepared by JBA dated 30 June 2015 and the Planning Proposal Amendment Report dated 27 October 2015 requesting Council to amend the Holroyd LEP 2013 as specified within the Planning Proposal documentation