

# Template for letter of offer

[#Your Company/Agency Letterhead#]

Date: [#date#]

The General Manager  
Hornsby Shire Council  
296 Peats Ferry Road  
HORNSBY NSW 2077

Dear General Manager,

## **LETTER OF OFFER – PLANNING AGREEMENT IN ASSOCIATION WITH [#BRIEF DESCRIPTION OF PLANNING AGREEMENT AND STREET ADDRESS/LOT AND DP#]**

We, [#the proponent's name#], offer to enter into a Planning Agreement with Hornsby Shire Council, on the terms set out in this letter.

### **1.0 Parties to the Planning Agreement**

We propose that the parties to the Planning Agreement be:

- (a) Hornsby Shire Council
- (b) [#the proponent#]
- (c) [#others, if relevant#]

Written consent of [#the name of the proponent#] and all affected landowners is enclosed at the end of this letter.

### **2.0 Description of the property**

The property to which this Planning Agreement will relate is located at [#address#], known as [#Lot and DP number#].

### **3.0 Details of the [#development application/planning proposal#]**

The proposed Planning Agreement is associated with the [#proposed development application / development application / complying development certificate / modification / planning proposal#] for [#provide brief details of the application or planning proposal#].

### **4.0 Contributions and timing**

The Planning Agreement will provide for the following contributions and benefits:

- (a) - [#List the nature of contributions and specify any other relevant obligations or benefits, as well as the estimated cost or value of each contribution item and proposed timing/staging of delivery #]

### **5.0 Previous experience**

[#Name of the proponent#] has past experience in delivering infrastructure projects similar

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to the works proposed in the draft planning agreement including:

(a) [#provide information about the proponent's past experience#].

### **6.0 Application of Section 7.11, 7.12, or 7.24 of the *Environmental Planning and Assessment Act 1979***

The value of the contributions and benefits associated with this Planning Agreement [#will exclude/will not exclude#] any contributions required under sections 7.11, 7.12, or 7.24 of the *Environmental Planning and Assessment Act 1979*.

[#Option 1 - If the agreement excludes the application of section 7.11 to the development#]  
The benefits under the planning agreement are to be taken into consideration in determining a development contribution required under section 7.11 of the *Environmental Planning and Assessment Act 1979*.

[#Option 2 - If the agreement does not exclude the application of section 7.11 to the development#] The benefits under the planning agreement are not to be taken into consideration in determining a development contribution required under section 7.11 of the *Environmental Planning and Assessment Act 1979*.

### **7.0 Resolution of Disputes and Enforcement**

If there is a dispute between the parties to the planning agreement, we agree to participate in a mediation. Other methods of resolving any dispute are to be specified in the planning agreement.

To allow for enforcement of the planning agreement, security will be provided to Council.

### **8.0 Costs**

We agree to pay Council's costs incurred in the planning agreement process, including all legal fees and consultant fees. We understand that invoices are required to be paid by the due date and in circumstances where payment is not made, it is acknowledged that Council will cease work in relation to the matter.

### **9.0 Relevant Policies and Templates**

We have prepared this Letter of Offer having regard for Council's Planning Agreement Policy, Planning Agreement Template and Explanatory Note template. We acknowledge that if Council accepts this Letter of Offer, the future planning agreement and explanatory note will be negotiated and prepared in accordance with those policies and templates.

### **10.0 Conclusion**

We request Council's acceptance of this Letter of Offer.

Should you have any questions or require further information, please contact [#name#] at [#contact Information#].

Yours sincerely,

[#Name#]

[#Designation#]

[#Company/Agency Name#]

[#Contact Information#]

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**Consent of owners of the land affected**

I/We consent to the matters set out in the Letter of Offer addressed to Hornsby Shire Council regarding the [#proposed development application / development application/ complying development certificate/ modification/ planning proposal#] for [#provide brief details of the application or planning proposal#].

[#Option 1 – if a company#]

EXECUTED by [#Company Name#] )  
in accordance with section 127 of )  
the *Corporations Act 2001* )

.....  
Director

.....  
Director/Secretary

.....  
Name of Director – please print

.....  
Name of Director – please print

[#Option 2 – if an individual #]

EXECUTED by

.....  
Landowner

.....  
Name of Landowner