

Guideline on Structuring the Letter of Offer

A letter of offer will be required to be prepared by the developer for any proposed Planning Agreements. This should be informed by the Planning Proposal (and supporting studies) or relevant DA or CDC and Council's specifications. Requests for specifications for the works should be made to Council prior to the preparation of a letter of offer.

The Planning Agreement letter of offer shall contain the following details:

- (a) Land affected by the agreement
- (b) Parties to the agreement and where necessary, authority to act on behalf of other parties
- (c) The Planning Proposal, DA or CDC to which the proposed Planning Agreement relates including description of development
- (d) Whether the proposed agreement excludes the application of section 7.11, 7.12 or 7.24 of the *Environmental Planning & Assessment Act* to the development
- (e) Details of public purposes and public benefits to be provided by the developer:
 - i. the nature and extent contributions (including works, material public benefits, land or monetary contribution) proposed to be provided by the developer
 - ii. a description of the components of the works that are works in kind (i.e. works that in accordance with the relevant contributions plan(s), and the components which are not works in kind
 - iii. plans demonstrating the location and areas of works and land dedications
 - iv. concept designs of any proposed works
- (f) The provision and the form of security / insurance such as cash deposit, bank guarantee or bond at a % to the agreed value of the public benefit being offered. For details, refer to [Planning Agreements Policy & Procedures Manual](#) (section 4.8) and Council's [Planning Agreement Template](#)
- (g) An expressed agreement that the Planning Agreement will be registered on the land title.
- (h) An expressed agreement that the developer/land owner(s) will bear the full recouping cost of legal/specialist consultants service that Council engages externally for preparing/drafting/negotiating the planning agreement.

In the case of a Planning Agreement to provide Community Infrastructure, the letter of offer will contain the following additional information:

- the amount of GFA being sought by the developer
- the total value of the Community Infrastructure offer using the latest rates for additional GFA set out in section 5.9 of the *Revised Draft Planning Agreement Policy*
- the breakdown of the total value of the Community Infrastructure offer in terms of the value of works, land, or monetary contributions.
- In the case of cash contribution, the breakdown of \$ value and timing of instalments at different phase of the development should also be advised