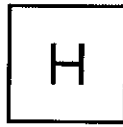


Appendix 9

Letter of Offer



HABEN

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26 August 2019

General Manager
Penrith City Council
PO Box 60, PENRITH NSW 2751

Dear Sir,

RE: Station Plaza Planning Proposal – 33-43 Philipp Street, St Mary's

We refer to the Planning Proposal submitted to Penrith City Council at the end of 2016 wherein we requested the rezoning of the land at 33-34 Philip Street St Mary's to amend the floor space ratio and height planning controls.

The original Planning Proposal was amended at Council's request, and the amended proposal was considered by Penrith City Council in April 2018. The Department of Planning and Environment issued Gateway Determination and the study requirements in August 2018. Since that time additional technical studies and addendum reports have been undertaken and submitted to Council. Since this time there has been numerous meetings and email, and in particular various meetings to discuss and resolve the technical traffic implications. The last meeting was held on 15th August 2019.

Elton Consulting, on behalf of Haben Property, have been liaising and negotiating with Penrith Council in order to enable the Planning Proposal to be placed on exhibition. Traffic generated by the site, as outlined in the Traffic Assessment and Impact Report undertaken by Ason Pty Ltd, is likely to warrant additional traffic management including the provision of traffic lights. The SIDRA model has been undertaken in consultation with RMS and Council.

The purpose of this letter is to confirm that it is Haben Property's intention to offer to enter into a voluntary planning agreement (VPA) with Penrith City Council in relation to the design, costs and works associated with:-

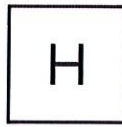
- Traffic signals at the Blair Ave/ Phillip St/ Entrance intersection, and
- Capacity improvements at the Chapel Street/ Glossop Street intersection to accommodate the creation of an additional right hand turn lane (as depicted in the diagram in **Annexure A**)

HABEN PROPERTY FUND PTY LTD

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P. 02 9302 5900
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HABEN

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In broad terms, the objective of the offer proposal will be to allow Haben Property to:

- » Enter into a VPA with Council as there is currently no inclusion of the traffic light intersection in a current Local Contributions Plan
- » Provide the statutory payment of the Penrith local contributions in addition to the above
- » Provide safe and efficient access and movement into the future development, as well as create benefits for the public for easy pedestrian, cycle or vehicular movement within the direct area of the site
- » Undertake more analysis, detailed costs and design of the said signalised intersection to ensure the public benefit value is captured

We propose to enter into a VPA with Council after the exhibition of the Planning Proposal with its operation occurring with the first development application. The timing of the implementation of the VPA is prudent, as it is at that stage when detailed design of the intersection would have occurred and necessary conditions of consent related to the nexus of the development can occur.

I trust this clarifies our intent and provides comfort to Council's engineering team that the current rezoning outcome will not prejudice Council's commercial interests in the area. We expect that VPA negotiations will commence during the exhibition period of the Planning Proposal and will progress concurrently with the rezoning process. Further, we recognise that it will be beneficial to all parties to achieve certainty on this matter in an expedient manner and we are committed to doing so.

Please do not hesitate to contact me if you have any queries.

Yours Sincerely

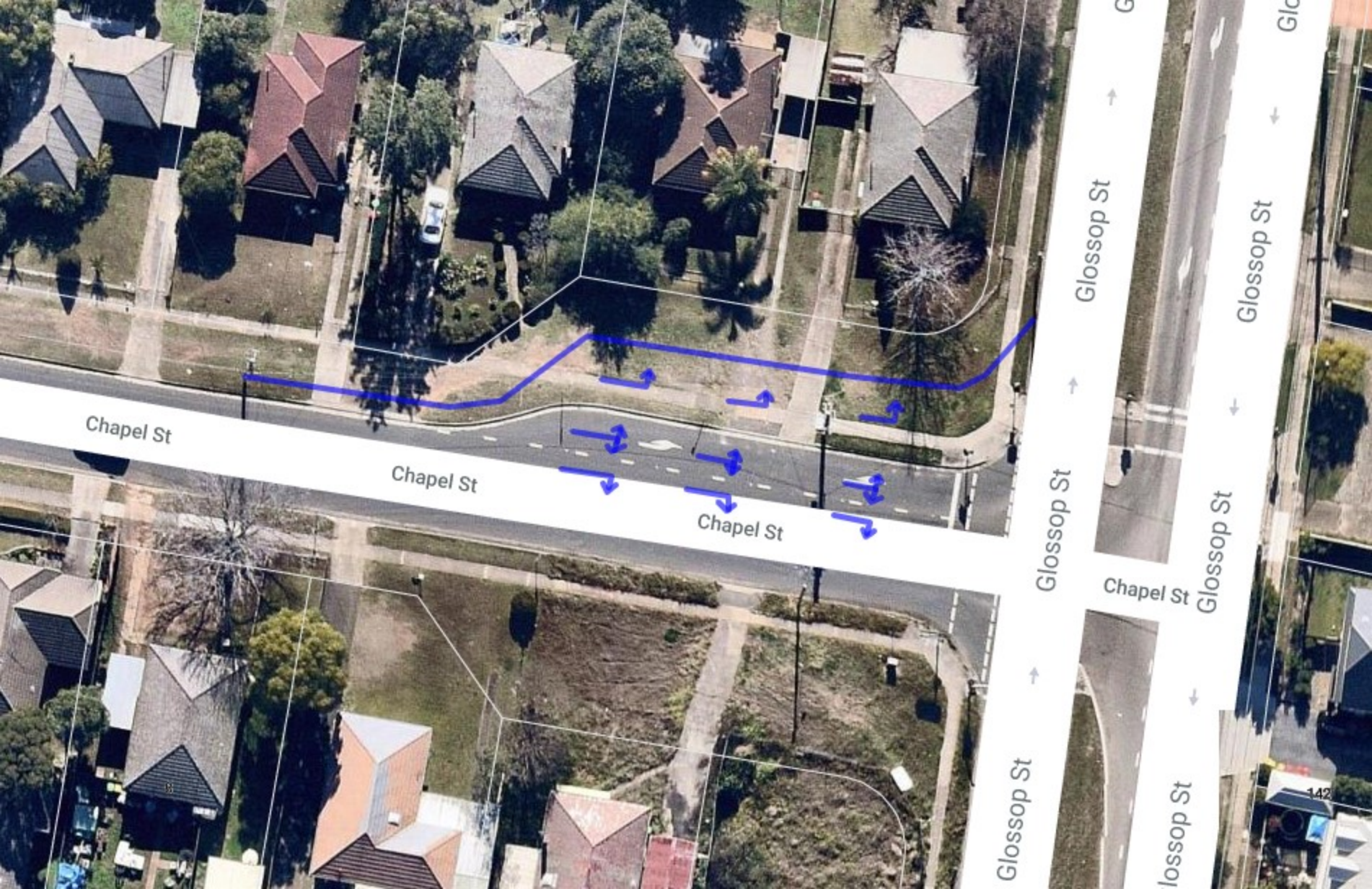
Harold Finger - OAM

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Chapel St

Chapel St

Chapel St

Glossop St

Glossop St

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