

AMENDMENT TO PLANNING AGREEMENT

Dated...../...../2017

Between:

Bayside Council (formerly the Council of the city of Botany Bay)

AND

Karimbla Properties No.39 Pty Ltd (ABN 96 160 693 283)

Whereas:

- A. On 7 August 2015 the parties executed a Voluntary Planning Agreement ("the agreement") in accordance with the provisions of section 93F of the *Environmental Planning and Assessment Act 1979* ("the Act").
- B. Clause 16 of the agreement states: *"any amendment or variation to this planning agreement is not effective unless it is in writing and signed by both parties"*.
- C. The parties have entered discussions and as a result of those discussions have agreed to amend or vary recital G vi and clause 4 vi of the agreement.

The agreement is hereby amended / varied as follows:

1. Recital G vi of the agreement shall as of the date of this this amendment being executed by the parties state as follows:

"Providing a monetary contribution of \$10.5 million to Council with the intention that it is to be used principally for the upgrade of the intersection of Page Street and Wentworth Avenue and for any of the other following works and services:

- (a) *Upgrade the intersection of Baker Street and Wentworth Avenue;*
- (b) *Upgrade to Jellicoe Park by providing a new soccer facility, park amenities (club house, change rooms, toilets, storage and the like) and parking (angle parking/roadworks associated with the provision of parking) and new fencing;*
- (c) *Improvements to Mutch Park, including (stage 1) a plan of management and masterplan for future embellishment, (stage 2) a skate park (shelter, lighting, toilets and parking) upgrade of existing toilets, upgrade of the existing tennis courts/multipurpose courts, and the supply or building of other recreational facilities.*

Payment shall be made as part of Stage 2A(2) and prior to the issue of any occupation certificate for Urban Block 5W in accordance with the plan annexed to the agreement and marked with the letter G".

2. Clause 4 vi of the agreement shall as of the date of this amendment being executed by the parties state as follows:

"Provide a monetary contribution of \$10.5 million to Council with the intention that it is to be used principally for the upgrade of the intersection of Page Street and Wentworth Avenue and for any of the other following works and services:

- (a) *Upgrade the intersection of Baker Street and Wentworth Avenue;*

- (b) Upgrade to Jellicoe Park by providing a new soccer facility, park amenities (club house, change rooms, toilets, storage and the like) and parking (angle parking/roadworks associated with the provision of parking) and new fencing;
- (c) Improvements to Mutch Park, including (stage 1) a plan of management and masterplan for future embellishment, (stage 2) a skate park (shelter, lighting, toilets and parking) upgrade of existing toilets, upgrade of the existing tennis courts/multipurpose courts, and the supply or building of other recreational facilities.

Payment shall be made as part of Stage 2A(2) and prior to the issue of any occupation certificate for Urban Block 5W".

3. The parties shall make all notations on the agreement and do all other things as are necessary to bring this amendment / variation to the attention of any party or third party having any interest or prospective interest in the agreement.

IN WITNESS WHEREOF the parties have set their hands and seals on/...../2017
[same date as above please]

EXECUTED as a deed on behalf of
Bayside Council by its General Manager
Pursuant to Section 683 of the Local
Government Act 1993

.....
General Manager

Executed by Karimbla Properties
No.39 Pty Ltd
(ABN 96 160 693 283)

.....
Director JAMES SIALEPIS

.....
Witness



.....
Director
DAVID CREMONA