

08/05/2025

AP Ref: K128069

Council ref: SC4906

Planning Portal ref: PP-2025-61

Ms Jane Stroud  
Chief Executive Officer  
11 Manning Street,  
Kiama NSW 2533

Attn: Mr Ed Paterson, Director Planning

## PLANNING PROPOSAL – LETTER OF OFFER

### **Elambra West Lot 2 DP 1168922, No. 48 Campbell Street, Gerringong**

On behalf of the Landowner, we write to you regarding the Planning Proposal which has been submitted in relation to the above property.

Subject to finalisation of the terms via the planning agreement negotiation process, the Landowner wishes to make a formal offer under section 7.4 of the Environmental Planning and Assessment Act 1979 (EPA Act) to enter into a Voluntary Planning Agreement (VPA) on the following terms (VPA Offer).

### **Mandatory matters under section 7.4 of the EPA Act**

#### **1) Parties**

The parties to the proposed VPA will be:

- (a) SMG Property Holdings Pty Ltd as the Landowner; and
- (b) Kiama Municipal Council (Council).

#### **2) Description of the land (section 7.4(3)(a))**

The VPA will apply to the following land.

- (a) Lot 2 DP 1168922, No. 48 Campbell Street, Gerringong;

#### **3) Description of the change to the environmental planning instrument to which the agreement applies (section 7.4(3)(b)(i))**

Amendment of the Kiama Local Environmental Plan (LEP 2011 via the Planning Proposal PP-2025-61 to:

- (a) rezone the land to part R2 Low Density Residential, part E3 Environmental Management and part RE1 Public Recreation;
- (b) apply a maximum building height control of 8.5m;
- (c) apply a maximum floor space ratio control of 0.45:1;
- (d) apply a minimum lot size of 450sqm; and
- (e) identify the site on the Urban Release Area map

**4) Nature and extent of the provision to be made by the developer, and the times and manner in which the provision is to be made (section 7.4(3)(c))**

In this VPA, the role of:

- The Developer will be to deliver monetary contributions, dedicate land and carry out works in accordance with the works outlined below to deliver public benefit in connection with proposed amendments to Kiama LEP 2011 where it applies to the land; and
- The KMC will be to apply the contribution to implement public benefit works in accordance with the Planning Agreement .

The VPA offer provides that the Developer will make a contribution to local infrastructure consisting of:

- Delivery of a new access road and bridge crossing to Elambra Parade;
- Local Park (land dedication and embellishment);
- Riparian corridor (land dedication, maintenance period and a monetary contribution toward ongoing maintenance); and
- Monetary contribution towards administration (1.5% of the cost of works).

The final details and timing will be further refined through the VPA drafting.

The delivery of these works and contributions are in association of the Planning Proposal application and will ensure that the infrastructure required to support the development is delivered.

Additionally, the Landowner confirms their willingness to pay Council's reasonable legal fees and associated costs of preparing and notifying the VPA.

Once agreement has been reached in principle with the KMC, it is understood that Council will prepare a draft VPA that, following endorsement by Council, will be available for public exhibition together with the Planning Proposal. The VPA will be executed prior to the gazettal of any LEP Amendment, with delivery of the agreed public benefit to occur prior to issuance of the relevant Subdivision Certificate.

The value of the contribution and material public benefit offering is based on the subdivision of land to create 147 lots and associated infrastructure including bridge crossing, riparian corridors and local park as proposed under the submitted planning proposal and in the event of changes to the proposed controls as part of the Planning Proposal, the landowner reserves the right to adjust its planning agreement offer.

**5) Exclusion of section 7.11, 7.12 and 7.24 contributions (section 7.4(3)(d))**

This Planning Agreement will exclude the application of Section 7.11 and 7.12 contributions to the Development (being the subdivision of land and associated infrastructure). Any other future development (ie dwelling construction) will be levied in accordance with Council's contribution plan in force at that time.

The Planning Agreement will not exclude the application of Section 7.24 contributions which relate to infrastructure contributions payable to the Department of Planning Housing and Infrastructure for regional and state infrastructure.

**6) Whether benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 7.11 (section 7.4(3)(e))**

No, benefits under the VPA are not to be taken into account in determining section 7.11 contributions.

**7) Mechanisms for dispute resolution (section 7.4(3)(f))**

The dispute resolution mechanisms included in the Council's VPA template, including mediation, will be included in the VPA.

**8) Enforcement of the agreement by a suitable means (section 7.4(3)(g))**

In line with the Council's VPA policy, security of the value of development contributions can be provided via a bank guarantee to ensure the enforcement of obligations under the VPA.

The Planning Agreement will be registered on the land title within 3 months of execution and removed from the child lots upon registration.

We look forward to receipt of the Council's response to the above VPA Offer.

Please contact me to discuss any aspect of the offer and we look forward to working with

Should you have any further queries, please do not hesitate to contact us.

Yours faithfully



**Sebastian Tauni**  
**Director – Town Planning**  
**Allen Price Pty Ltd**

**ATTACHMENTS**

- Landowner's consent for Letter of Offer

8 May 2025

Ms Jane Stroud  
Chief Executive Officer  
11 Manning Street,  
Kiama NSW 2533

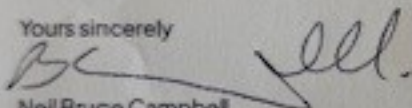
Attn: Mr Ed Paterson, Director Planning

**RE: Landowner's consent for Letter of Offer Lot 2 DP 1168922, No. 48 Campbell Street,  
Gerringong**

I refer to the aforementioned Letter of Offer dated 8 May 2025 prepared by Allen Price Pty Ltd on behalf of SMG Property Holdings Pty Ltd who is the registered owners of the property of Lot 2 DP 1168922.

I consent to the aforementioned Letter of Offer being submitted to Kiama Municipal Council.  
If you have any queries, please do not hesitate to contact the undersigned.

Yours sincerely



Neil Bruce Campbell  
Director - SMG Property Holdings Pty Ltd  
CAN: 655534473