

Our Ref: 82018069-1  
Contact: Sophie Perry

24 September 2018

The General Manager  
Kiama Municipal Council  
PO Box 75  
Kiama NSW 2533

Attention: Manager Strategic Planning – Mark Lyndon

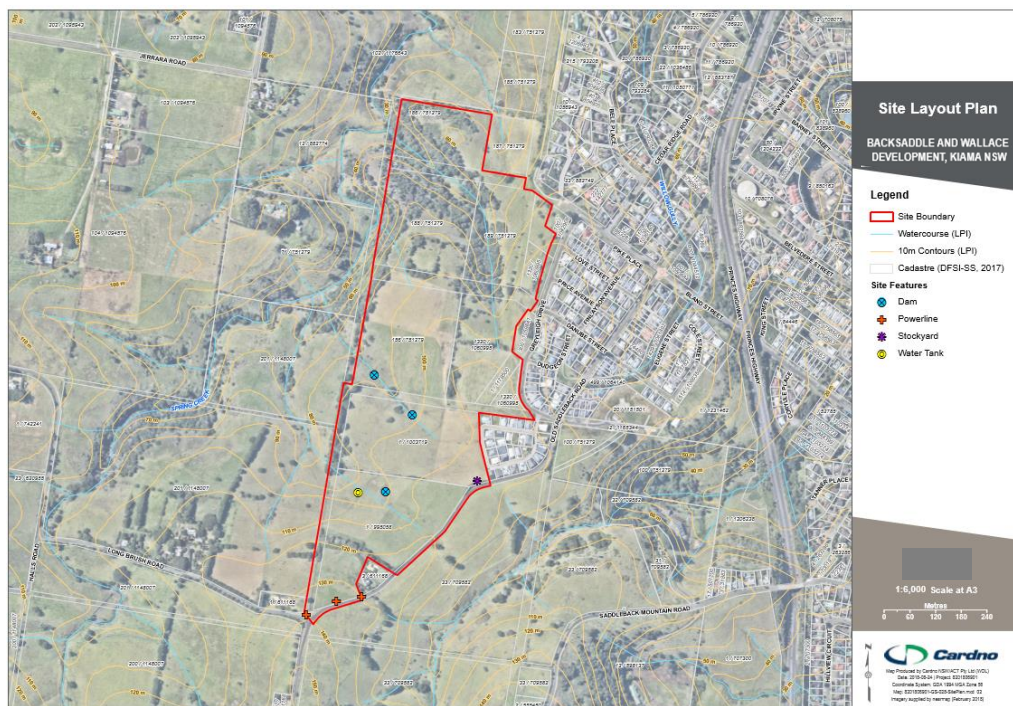
Dear Mark,

**LETTER OF OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT  
ASSOCIATED WITH PLANNING PROPOSAL APPLICATION – LAND OFF  
GREYLEIGH DRIVE AND OLD SADDLEBACK ROAD, KIAMA**

Cardno NSW/ACT have been engaged by Backsaddle Pty Ltd to prepare this letter to illustrate our willingness to enter into a planning agreement within the meaning set out in Section 7.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Note, the planning agreement would be finalised at the development application stage, with this letter aimed to commence the discussion to develop the key principles that would be developed for contributions associated with the site. These principles would then be incorporated into the planning proposal documentation package for Council endorsement.

Backsaddle Pty Ltd and Mr Chad Wallace have lodged an application for a Planning Proposal for amendments to Kiama Local Environmental Plan 2011 (KLEP 2011). The site the subject of the application is shown in **Figure 1**. The application seeks to amend the land use zones, biodiversity layers and controls for lot size, height of buildings and floor space ratio.

**Figure 1: Site Plan for Planning Proposal application**



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The application proposes to deliver a range of public benefits which may form the content of a Voluntary Planning Agreement (VPA) subject to further negotiation with Kiama Council. The VPA may address any of the following which are considered to bring potential public benefits to the existing Kiama community as well as to new residents and visitors accommodated at the site:

Public benefits to be investigated and negotiated with Council as part of the VPA include:

- > Dedication of land for public open space
- > Upgrading of the existing childrens playground in Bland Street (Lot 100 DP 1042908) and existing public reserves along the western side of Greyleigh Drive
- > Construction of public assets including shared pathways, viewing areas, street furniture and street tree planting within existing and new road reserves and verges
- > Enhanced biodiversity and improved visual amenity across the subject site with a Vegetation Management Plan (VMP) and water quality improvement methods
- > A Plan of Management (POM) for proposed and existing public open spaces
- > Improvements to the local road network and tourist facilities with the upgrading of the look-out tourist stop adjacent to the south west corner of the site
- > Restoration and inclusion of dry stone walls into the public road reserve for enhanced cultural awareness and appreciation of heritage assets
- > Improvements to the safety of the public road reserve along Old Saddleback Road with road widening, upgrades to the road shoulder and a landscaped setback to the road reserve
- > Street tree planting along Greyleigh Drive in accordance with the existing DCP Chapter 20 West Kiama
- > A new bus route and bus stops

The proposed VPA has the potential to result in:

- > Increased areas and diversity of public open space
- > Improved management of vegetation across the site
- > Efficient maintenance of public open space
- > Improved options for movement through, and use of, public open space
- > Safer roads and footpaths
- > Aesthetic improvements to the public realm
- > Restoration and protection of heritage items
- > Installation of essential services to improve asset protection and reduce bushfire risks for existing urban land.

The VPA may be delivered in a combination of works-in-kind and monetary contributions with detail to be resolved in collaboration with Council.

Parties to the proposed planning agreement are proposed to be:

- Kiama Municipal Council
- Backsaddle Pty Ltd
- Mr Chad Wallace

We understand that a VPA will be registered to the title of the land, providing Council with security.

Payment for reasonable cost for the preparation and negotiation of the planning agreement is to be determined in collaboration with Council including reasonable costs for valuation expenses as required.

We request Council make the relevant decisions on this offer in a time sequence compatible with the assessment of the application for a Planning Proposal to allow for concurrent public exhibition of the relevant documents.

We look forward to your response, please do not hesitate to contact the undersigned directly if you have any queries or clarifications.

Yours sincerely,

A handwritten signature in grey ink, appearing to read 'Sophie Perry'.

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