

3 May 2024

Mr Chris Shannon  
Mecone Group Pty Ltd  
Email: [info@mecone.com.au](mailto:info@mecone.com.au)

### **Letter of offer to enter into a Planning Agreement in association of PP-2023-2833**

Thank you for your letter dated 12 December 2023 providing a Letter of Offer to enter into a Planning Agreement in association of the Planning Proposal lodged for a rezoning at Long Brush Road, Jerrara and Greyleigh Drives and Jamberoo Road, Kiama.

Council's Planning Agreement Policy requires early discussions with council staff to consider a proposed planning agreement, what it may contain, and for the parties to negotiate an 'in principle' position prior to the lodgement of the associated application (ie a DA or PP).

In this instance, a Letter of Offer was submitted as part of the Planning Proposal application, however there had been no prior communication with council staff on its content. The Letter of Offer to enter into a Planning Agreement was therefore noted as part of the preliminary staff assessment on the Planning Proposal, however due to the limited statutory timeframe for council staff to carry out a preliminary technical assessment it was considered that there was insufficient time to carry out any negotiations to better inform the initial staff report.

In regard to the Letter of Offer, the Council Report noted the following.

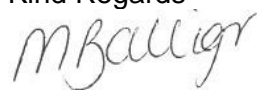
*The proposed Planning Agreement has not been approved by Council. There have been no discussions or negotiations with council staff on the content of the Letter of Offer, which is an important step in the process as set out in Council's Planning Agreement Policy. While a VPA can be a useful mechanism to obtain and secure development contributions, this will be dependent upon both parties negotiating a suitable outcome. To date there have been no discussions with council staff on the content of a VPA.*

I would like to reiterate that council staff are open to discussing a planning agreement should you wish to pursue this option in relation to any future development. As noted above, these conversations should start as early as possible, and will progress concurrently, but separate to, the consideration and assessment of any associated application (ie DA or PP).

The use of a Planning Agreement is suitable for urban release area sites, and while the items noted in the Letter of Offer are a reasonable starting point there are considerable negotiations required to achieve a point of 'in principle agreement' and any Draft Planning Agreement.

Please contact me on 4232 0444 should you wish to commence discussions.

Kind Regards



Melissa Ballinger  
**Strategic Planning Coordinator**