

3 June 2021

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**Mark Carlon**

Manager, Strategic Planning  
Sutherland Shire Council  
4 - 20 Eton Street  
Sutherland NSW 2232

Via email: [mcarlon@ssc.nsw.edu.au](mailto:mcarlon@ssc.nsw.edu.au)

Dear Mark

**Public Benefit Offer – 13 Endeavour Road, Caringbah (PLN015-21)**

Reference is made to Minute No: 115 of the Council Meeting held on 24 May 2021. Specifically, the following resolution:

2. ***The Planning Proposal for the site at 13 Endeavour Road, Caringbah, be referred to the Minister for Planning and Public Spaces under Section 3.34 Environmental Planning and Assessment Act 1979 for Gateway Determination, subject to the following amendments:***

...

- e. ***Granting of 3,000m<sup>2</sup> to Council to be dedicated as Public Open Space with the Associated Floor Space Ratio (4,500m<sup>2</sup> Gross Floor Area) is transferred back to the applicant with the open space to be developed and provided by the applicant to a CX-1 grade park and that maintenance of granted land will remain the obligation of Council to maintain with the terms & conditions of transfer to be negotiated as part of the Voluntary Planning Agreement (VPA).***

In response to this resolution, Aliro confirms that we are willing to enter into a VPA for the dedication of 3,000sqm of land, with location to be elected by Aliro.

The dedication of this land is subject to 4,500sqm of floor space being transferred to the residual area of the site to compensate for the loss of permissible floor area under the floor space ratio.

We also request that if costs are incurred for the construction of the CX-1 grade park on any part of the land to be dedicated, that they be offset against applicable contributions under the ***Sutherland Shire Section 7.12 Development Contributions Plan 2016*** as part of the VPA.

Aliro Ref: 20210603\_TripleTwoNine\_Public Benefit Offer

We anticipate that the terms of the VPA will be further negotiated with Council following the Gateway Determination from the Department of Planning, Industry and Environment.

Please don't hesitate to contact me on 0433 396 263 or [dlousick@aliro.com.au](mailto:dlousick@aliro.com.au) if you wish to discuss the matter further.

Regards



**David Lousick**  
Assistant Development Manager

Encl: Extract of Minutes from Council Meeting held on 24 May 2021

Councillor Kent Johns  
Councillor Jack Boyd  
Councillor Barry Collier  
Councillor Tom Croucher  
Councillor Diedree Steinwall  
Councillor Daniel Nicholls  
Councillor Greg McLean  
Councillor Peter Scaysbrook  
Councillor Carmelo Pesce

**Total (13)**

**Total (0)**

Councillor Riad returned to the meeting at 7:44pm.

Having declared a conflict of interest in PLN015-21 and PLN016-21, Councillor Boyd left the Chamber at 7:43pm and did not participate in debate or voting on items PLN015-21 and PLN016-21.

**PLN015-21                      Planning Proposal for 13 Endeavour Road, Caringbah**  
**File Number: 2020/389086**

**Minute No: 115**

RESOLUTION: (Councillor Pesce/Councillor Croucher)

THAT:

1. The report, including the advice of the Sutherland Shire Local Planning Panel (Attachment B), be received and noted.
2. The Planning Proposal for the site at 13 Endeavour Road, Caringbah, be referred to the Minister for Planning and Public Spaces under Section 3.34 *Environmental Planning and Assessment Act 1979* for Gateway Determination, subject to the following amendments:
  - a. limit the additional use of shop to 2,000 m<sup>2</sup>;
  - b. replace the additional use of tourist and visitor accommodation with hotel or motel accommodation;
  - c. limit the additional uses of hotel or motel accommodation, function Centre and pub, to 12,500 m<sup>2</sup> in total;
  - d. amend the draft Height Map to specify a maximum 50m height limit for only a central part of the site, with 25m adjacent to Solander Fields and 30m for the remainder of the site; and
  - e. Granting of 3,000 m<sup>2</sup> to Council to be dedicated as Public Open Space with the Associated Floor Space Ratio (4,500 m<sup>2</sup> Gross Floor Area) is transferred back to the applicant with the open space to be developed and provided by the applicant to a CX-1 grade park and that maintenance of granted land will remain the obligation of

Council to maintain with the terms & conditions of transfer to be negotiated as part of the Voluntary Planning Agreement (VPA).

3. The Chief Executive Officer be given delegated authority to make any amendments that are required by the Gateway Determination before the draft planning proposal is exhibited.
4. Subject to a positive Gateway Determination, the Planning Proposal be publicly exhibited in accordance with the conditions of the Gateway Determination and Council's engagement policies.
5. Site specific Development Control Plan provisions be prepared and exhibited that seek to both facilitate the vision presented by the proponent and protect the amenity of the locality, as detailed in this report.

A **DIVISION** was taken on the RESOLUTION and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR:</b>	<b>AGAINST:</b>
The Mayor, Councillor Steve Simpson	Councillor Michael Forshaw
Councillor Carol Provan	Councillor Barry Collier
Councillor Marie Simone	Councillor Diedree Steinwall
Councillor Kent Johns	Councillor Greg McLean
Councillor Tom Croucher	Councillor Peter Scaysbrook
Councillor Daniel Nicholls	
Councillor John Riad	
Councillor Carmelo Pesce	
<b>Total (8)</b>	<b>Total (5)</b>

During debate on PLN015-21 the following Procedural Motion was moved:

PROCEDURAL MOTION: (Councillor Simone/Councillor Pesce)

That Councillor Johns be granted an additional two minutes to address item PLN015-21.

**PLN016-21            Frank Vickery Planning Proposal**  
**File Number: 2020/383533**

**Minute No: 116**

RESOLUTION: (Councillor Croucher/Councillor Provan)

THAT:

1. The report 'Planning Proposal for 101-151 Port Hacking Road Sylvania, (Frank Vickery Village)' be received and noted.