



21 March 2025

Clare Phelan
Chief Executive Officer
Sutherland Shire Council
4-20 Eton Street
Sutherland NSW 2232

Aliro Trusco 1 Pty Limited
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Gateway
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Sydney NSW 2000
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Dear Ms Phelan

**Summary of key elements of Aliro's Offer in respect of Endeavour Road / Captain Cook Drive intersection signalisation, and proposed Land Dedication
Site: 13 Endeavour Road, Caringbah**

1 Background

- 1.1 On 24 November 2023, Aliro Group (Aliro Trusco 1 Pty Limited) (**Aliro**) lodged development application DA23/0721 for a mixed-use development known as TripleTwoNine (**DA**) at 13 Endeavour Road, Caringbah (the **Site**).
- 1.2 During the assessment of the DA by the Sydney South District Planning Panel, Aliro has engaged with officers from Sutherland Shire Council (**Council**), Transport for New South Wales (**TfNSW**) and the NSW Department of Planning, Housing and Infrastructure (**DPHI**) regarding possible upgrades to the Endeavour Road / Captain Cook Drive intersection (the **Intersection**).
- 1.3 The Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering which accompanies the DA confirms that the Intersection is currently operating, without Aliro's development, at an unacceptable level of service, "F". The traffic modelling identifies that the DA only contributes an additional 1.1% of traffic volume (**Nexus Traffic**) to the Intersection. Despite this, Aliro understands that neither TfNSW nor Council has allocated funding nor an intention to carry out upgrade works to the Intersection in the foreseeable future. Irrespective of the DA, the Intersection will require an upgrade to return it to a suitable level of service.
- 1.4 Following consultation with Council, TfNSW and DPHI, Aliro is willing to assist the existing regional transport infrastructure issues at the Intersection through a voluntary planning agreement between Council and Aliro which will fund and facilitate the signalisation of the Intersection.
- 1.5 Aliro has also engaged with Council in relation to Aliro's intention to dedicate certain land at the south-eastern corner of the Site consisting of:
 - (a) the area of land currently occupied by two lanes of the existing Gannons Road roundabout, plus a further area required for the standard road reserve (including kerb and footpath); and
 - (b) the existing slip lane that provides access to Solander Fields,



generally as shown on the accompanying Draft Plan of Subdivision prepared by LandPartners at Schedule 1 (together the **Dedication Land**).

1.6 This letter summarises Aliro's formal offer to enter into a voluntary planning agreement in accordance with section 7.4 of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**) to facilitate:

- (a) Aliro carrying out the Intersection upgrade as 'works in kind' in lieu of Aliro making local, regional and State development contributions, in connection with the DA, and
- (b) the dedication of the Dedication Land in connection with the DA.

2 Overview

The key elements of Aliro's offer to enter into a VPA with Council include:

- (a) Aliro will dedicate the Dedication Land, as per the draft plan of subdivision at Schedule 1, prior to the issue of the first Occupation Certificate in relation to the development approved by the DA.
- (b) Aliro will fund the costs of signalisation of the Endeavour Rd intersection, at no cost to Council or TfNSW, in accordance with the concept plan design (Revised concept design plan Captain Cook Drive / Endeavour Roads refined by Northrup and endorsed by TfNSW on 20 December 2024). Captain Cook Drive at this location is a State Road.
- (c) The concept design of the intersection is subject to review and approvals by TfNSW to be provided within a specified timeframe. Aliro will obtain all necessary approvals for the intersection works.
- (d) Aliro will provide a Performance Bond to Council for the Intersection works at the time of entering into the VPA. The Performance Bond will be returned by Council once Aliro provides evidence to Council that Aliro has executed a Works Authorisation Deed (**WAD**) with TfNSW which includes provision of security to TfNSW for the intersection works..
- (e) The VPA will specify that the WAD must be entered into prior to the issue of any construction certificate for any aboveground building works (but excluding earthworks and fill) required for Buildings 6, 7 or 8, and that the intersection signalisation must be completed prior to any occupation certificate for Building 6, 7 or 8. If no WAD is entered into by a sunset date of 5 years from the date of Development Application approval, Aliro can elect to convert its obligation to perform the intersection works into an obligation to pay \$7.12 contributions to Council (as discussed further in item 1.1(g). In this situation, Aliro, will not be permitted to obtain any construction certificate for Buildings 6, 7 and 8 (being the stages of the development which would contribute Nexus Traffic to the intersection).
- (f) Should any contamination be encountered with construction of the works, Aliro will ensure the works area is safe to enable completion of the intersection works as intended, however the extent of remediation will not extend beyond or below the extent required for the intersection works. Any wider issues of contamination are considered unlikely and will not be Aliro's responsibility.




- (g) The value of the concept design intersection construction works (based on the cost estimate prepared by mbm Quantity Surveying dated 28 October 2024), is \$3,367,891. Council has agreed not to levy development contributions on DA23/0721 under s7.11 or s7.12 of the EP&A Act, as the signalisation of the intersection is considered to be works in kind for road infrastructure needed to address an existing traffic issue and to facilitate the proposed development. This contribution waiver is estimated to be valued at \$1.48 million.
- (h) The total public benefit value inclusive of land dedication and intersection upgrade works is estimated at \$6,867,791.
- (i) Aliro will pay Council's reasonable costs incurred in negotiating, drafting and entering into the VPA, to a maximum of \$10,000 plus GST.
- (j) The VPA will be registered on the title of the land that is subject of DA23/0721.

In all other respects, Aliro's offer is on the terms set out in the draft VPA provided to Council on 21 February 2025.

Aliro would like to progress negotiating and finalising this VPA as soon as possible, noting the DA is currently being assessed.

Yours sincerely

DocuSigned by:

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Andrzej Masztak

Executive Director & Chief Delivery Officer



Landowner

EXECUTED by **PERPETUAL CORPORATE TRUST LIMITED (ACN 000 341 533) AS CUSTODIAN FOR ALIRO TRUSCO 1 PTY LIMITED (ACN 630 343 654) AS TRUSTEE OF THE ENDEAVOUR SHORES TRUST** by its attorney under the power of attorney dated ~~10~~ September 2014 Book 4676 No. 134 in the presence of:

Signed by:

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Signature of witness

Peggy Ying

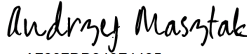
Full name of witness

3/21/2025

Date

Trustee

EXECUTED by **ALIRO TRUSCO 1 PTY LIMITED (ACN 630 343 654) AS TRUSTEE OF THE ENDEAVOUR SHORES TRUST** in accordance with section 127(1) of the *Corporations Act 2001* (Cth):

DocuSigned by:

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Signature of Director

Andrzej Masztak

Full Name of Director


3/21/2025

Date

Signed by:

54198FB914574CE...
Signature of attorney

By executing this document the attorney states that the attorney has received no notice of revocation of the power of attorney.

DocuSigned by:

BC8EF69954EF43A...
Signature of Director/Company Secretary

Sean Southon

Full Name of Director/Company Secretary

3/21/2025

Date



Schedule 1 – Draft Plan of Subdivision