

FABCOT PTY LIMITED

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24 October 2016

The General Manager
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Dear Sir,

130-142 Parraweena Road, Miranda

Planning Proposal – Site specific enabling clause to permit a supermarket, café and liquor store

Local Voluntary Planning Agreement – Offer

This letter constitutes our formal offer to Council to enter into a Voluntary Planning Agreement (**VPA**) under section 93I(3) of the *Environmental Planning and Assessment Act 1979* (**EPA Act**) for the site located at 130-142 Parraweena Road, Miranda in relation to a planning proposal (**PP**) for the amendment of certain provisions of the *Sutherland Local Environmental Plan* (**SLEP**).

The mandatory elements of the proposed VPA under section 93F(3) of the EPA Act are set out below:

Description of the land (s93F(3)(a))	The site is located at 130-142 Parraweena Road, Miranda, with frontages to Parraweena Road and Kareena Road. The lot and deposited plan references are: Lots 1 and 2, DP 715461 and Lot B DP 385650 Kingsley Projects Pty Ltd as trustee for Fabcot Pty Ltd owns the land.
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Description of the change to the environmental planning instrument and description of the development application (s93F(3)(b)(i))	Planning Proposal The PP seeks to amend the SLEP as follows: The inclusion of a site specific enabling clause under Schedule 1 <i>Additional permitted uses</i> of the SLEP 2015 by way of inclusion of: 29 Use of certain land at 130-142 Parraweena Road, Miranda (1) <i>This Clause applies to land at 130-142 Parraweena Road, Miranda being Lots 1 and 2, DP 715461 and Lot B DP 385650.</i> (2) <i>Development for the purposes of a retail premises in the form of a supermarket, liquor shop and café is permitted with development consent;</i>
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 (s93F(3)(c))	Fabcot Pty Ltd offers to Council a contribution of \$100,000 towards a Master Plan of the land currently zoned IN1 General Industrial within the Taren Point Employment Area generally west of Taren Point Road, as described in the report considered by Council at its meeting held on 30 November 2015 with respect to “Remaining Minor Amendments – Sutherland Shire Local Environmental Plan 2015 - Amendment 4 Report Number EHR034-16” and “Expansion of the Bulky Goods Precinct, Taren Point” as follows: ... <i>Council officers advised the land owners that the best way to proceed with the development of individual sites is to resolve the design constraints in a masterplan which could be built into the DCP, allowing development to then progress on individual sites. In this way Council, would have certainty that redevelopment would result in good long term planning outcomes and hence support a B5 Business Development zoning. This advice was also forwarded to the land owners in writing the following day.</i> <i>Following the meeting, one of the main land owners in the precinct (100-104 Parraweena Road, 189, and 181-178 Taren Point Road) advised in writing that they do not wish to be part of a proposed masterplan for the precinct. Without the cooperation of all land owners it will be difficult to resolve the access and flooding constraints that affect the precinct. This makes it difficult to support a rezoning of the whole precinct to B5 Business Development.</i> <i>Correspondence has also been received on behalf of the owner of 173-175 Taren Point Road and 94-98 Parraweena Road. The correspondence seeks Council's support for a site specific rezoning of this land to Zone B5 Business Development. In support of the rezoning, the submission suggests that assumptions in the Gwawley Bay Catchment Flood Study may result in the study suggesting a greater flooding problem than could exist with better management of the stormwater system. The submission also</i>

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	<i>asserts that the most appropriate stormwater management decisions can be made during the development assessment stage. The submission also highlights that it is proposed to rationalise crossovers to both Taren Point Road and Parraweena Roads and create a right-of-way to ensure that future co-ordination of access can be achieved.</i> <i>The Flood Study has made assumptions based on historical flood data and these assumptions are consistent with technical standards endorsed by the Institution of Engineers. The assumptions are also consistent with the assumptions made by other councils. The rationalisation of vehicular access points, largely removes vehicular crossing which are currently redundant and the proposed right-of-way will not benefit the adjacent strata plan.</i> <i>In considering a rezoning, Council must be satisfied that the rezoning would not have adverse environmental impacts and that the uses is appropriate for the level of risk. A rezoning must demonstrate that it is consistent with local and regional planning strategies and SEPPs. It must demonstrate strategic merit as well as have site specific merit, and be compatible with surrounding land uses. Council must be satisfied that the rezoning proposal will not have adverse environmental impacts, social or economic impacts. Individual spot rezonings generally demonstrate little strategic merit. A spot rezoning will not address the constraints facing the whole precinct. A sensible solution relies on all landowners working together to resolve these. However, should the owner of 173-175 Taren Point Road and 94-98 Parraweena Road wish to pursue the proposed rezoning, a planning proposal can be prepared and lodged. This will then be subject to a detailed assessment.</i> <i>The land still has significant development potential. The land is presently zoned IN1 General Industrial and may be developed in accordance with the zone's permissible uses. Given the reluctance of all land owners to work together, it is recommended that a rezoning to facilitate bulky goods retailing (B5 Business Development zone) not be pursued at this time.</i> ... So as to enable a wider public benefit to be achieved in the Taren Point Employment Area.
Exclusion of s94, s94A and s94EF contributions (s93F(3)(d))	(a) Sections 94 and 94A of the EPA Act are to be excluded in the amount of \$100,000 as they apply to any future Proposed Development; and (b) Section 94EF of the EPA Act is not excluded as it applies to any future Proposed Development.
Whether benefits under the	No, as s94s in the amount of \$100,000 are to be excluded as they apply to any future Proposed Development.

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Agreement are or are not to be taken into consideration in determining a development contribution under s94 (s93F(3)(e))	
Mechanisms for resolution of disputes (s93F(3)(f))	The VPA will have appropriate clauses to allow any disputes between the parties to be resolved via standard mediation processes.
Enforcement of the agreement by a suitable means (s93F(3)(g))	The provision of the development contributions will be secured through the following means: (a) Registration of the VPA on the title of the Land upon gazettal of the LEP Amendment sought in the PP; (b) The VPA is to be promptly released from the title of the Land upon the payment of the amount of \$100,000 at the issue of development consent for any future proposed development as submitted as a result of the LEP Amendment;

We trust this VPA-Offer is acceptable and look forward to Council's response.

Yours faithfully,

Fabcot Pty Ltd



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