

4 March 2025

TfNSW Reference: SYD24-00043/07
Council's Reference: DA23/0721 (CNR-63461)

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

Attention: David Sheehan

**CONSTRUCT MIXED USE DEVELOPMENT
13 ENDEAVOUR ROAD CARINGBAH**

Dear Ms Phelan,

Reference is made to the Transport for NSW (**TfNSW**) correspondence dated 19 December 2024 in relation to the proposed development.

Following provision of the above TfNSW submission, the Applicant provided revised plans and an amended traffic and parking impact assessment (dated 7 February 2025) to Council which were forwarded for TfNSW review via the Planning Portal. We understand that there is no change to the previously approved concept plan (**TAB A**) for the provision of traffic control signals (**TCS**) at the intersection of Captain Cook Drive / Endeavour Road received 9 December 2024.

TfNSW has reviewed the above supplementary material provided and advises that:

1. TfNSW provides 'in-principle' approval under Section 87 of the *Roads Act 1993* to the provision of TCS at the above intersection, subject to:
 - a) The signal and civil works shall be generally in accordance with the indicative concept design provided in **TAB A** which is subject to further design refinement post consent as part of the Agency's Works Authorisation Deed process.
 - b) The proposed TCS shall be delivered as 'Works in Kind' (**WIK**) by the Applicant at no cost to TfNSW noting that vehicular traffic generated by the proposed development will impact the surrounding classified road network by the intensification of road users turning right from Endeavour Road onto Captain Cook Drive across multiple lanes of through traffic and vehicles turning right from Captain Cook onto Endeavour Road across multiple lanes of through traffic.
 - c) The Agency's recommended conditions of consent provided in **TAB B** being included in any development consent.

TfNSW advises that the Agency is amenable to the Applicant's request for the DA to be staged prior to the completion of the WIK associated with the construction of the TCS at the intersection of Captain Cook Drive and Endeavour Road and provides suggested conditions in **TAB B** for the staging of occupancy certificates for the above road works.

Should there be any change to the floor areas or land uses in any of the buildings within the proposed development (i.e. as shown on the Estate Masterplan prepared by Watson Young dated September 2023 Job No.21366, Drawing No. 005, Revision E dated 12.02.2025 – refer to **TAB C**), then TfNSW reserves the right to review the staging requirement of the proposed signalised intersection and requests that Council re-refer any DA back to TfNSW for comment.

Please note:

- a) TfNSW does not support an agreement that imposes time constraints on obtaining all necessary approvals from TfNSW (e.g. within 12 months of the consent date). The process of obtaining the required approvals depends on the proponent initiating the process promptly, obtaining required approvals from impacted utility providers and submitting the necessary information to TfNSW in a timely manner which is outside the control of TfNSW.
- b) TfNSW is not supportive of an agreement that requires a payment of contributions in lieu of undertaking the required works as shown in **TAB A** at the intersection of Captain Cook Drive / Endeavour Road.
- c) The timing for the provision of the intersection upgrade shown in **TAB A**, is a matter for Council to consider and determine as part of its assessment of the DA noting the comments/conditions that TfNSW has provided. Any consent and related agreements must ensure that the developer is obligated to complete the works.

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- d) The proposed traffic control signals at the intersection of Captain Cook Drive and Endeavour Road shall be at no cost to TfNSW. Any associated agreements and required guarantees should be based on a cost estimate provided by an independent quantity surveyor
- e) As Captain Cook Drive is under the care, control and management of TfNSW, should traffic movements within the existing intersection layout become unsafe in the future, the Agency may be required to make changes to permitted movements. This may include banning certain movements currently permitted at the intersection or other suitable measures to be determined at the time.

TfNSW is willing to meet with the Applicant and Council to discuss any of the above matters in further detail.

Yours sincerely,



Andrew Lissenden
A/Senior Land Use Planner – Eastern
Land Use Network & Place Planning
Transport Planning | Planning, Integration and Passenger

Encl: TAB A – Revised concept design of the intersection of Captain Cook Drive / Endeavour Road
TAB B – Recommended Conditions of Consent
TAB C – Estate Masterplan prepared by Watson Young dated September 2023 Job No.21366, Drawing No. 005,
Revision E dated 12.02.2025

TAB A – Revised concept design of the intersection of Captain Cook Drive / Endeavour Road



TAB B – Recommended Conditions of Consent

1. All buildings and structures, together with any improvements integral to the future use of the site (apart from the works at the intersection of Captain Cook Drive / Endeavour Road as shown in **TAB A**), are to be wholly within the freehold property unlimited in height or depth along Captain Cook Drive.
2. The proposed provision of traffic control signals and associated civil works at the intersection of Captain Cook Drive and Endeavour Road shall be designed to meet TfNSW requirements and endorsed by a suitably qualified practitioner. The submitted design shall be in accordance with Austroads in association with relevant TfNSW supplements (available on www.transport.nsw.gov.au). All documentation should be forwarded to development.sydney@transport.nsw.gov.au.
 - a. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of road works.
 - b. The proposed traffic control signals and associated civil works will require the applicant to enter a Major WAD with TfNSW.
3. The Applicant is to fully construct the traffic control signals and associated civil works to the satisfaction of TfNSW at the intersection of Captain Cook Drive and Endeavour Road prior to the issue of the first occupation certificate for any of Buildings 6, 7 and 8, identified in the Staging Plan prepared by Watson Young dated September 2023 Revision E (Drawing 005) dated 12 February 2025 (refer to **TAB C**).
4. Nothing in condition 3 operates to prevent the Applicant/site owner from constructing and occupying the buildings identified as Buildings 3, 4, 5 block 1, 5 block 2 and 5 commercial identified in the Staging Plan prepared by Watson Young dated September 2023 Revision E (Drawing No. 005) dated 12 February 2025.
5. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the issue of a construction certificate and the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
6. The developer is required to enter into a Works Authorisation Deed (WAD), or other suitable arrangement as agreed to by TfNSW, for the abovementioned works detailed in Points 2 and 5 that are located on or have the potential to impact Captain Cook Drive.
7. The proposed traffic control signals at the intersection of Captain Cook Drive and Endeavour Road shall be at no cost to TfNSW.

