



<b>Panel Reference</b>	<b>PPSSSH-156</b>
<b>DA Number</b>	<b>DA23/0721</b>
<b>LGA</b>	<b>Sutherland Shire Council</b>
<b>Proposed Development</b>	<b>Retention of two existing buildings, demolition of existing structures, hardstands and tree removal, and construction of 6 new buildings in development stages. Proposed 24 hour, 7 day a week, land uses include warehouse and distribution, light industrial, industrial retail outlet, commercial, child care and café. Remaining works include internal roads and footpaths, new carparking and landscaping works and partial tree replacement.</b>
<b>Street Address</b>	<b>13 Endeavour Road, Caringbah (Addendum Report)</b>
<b>Applicant/Owner</b>	Aliro Group Pty Ltd
<b>Date of DA lodgement</b>	24 November 2023
<b>Number of Submissions</b>	<b>Council has received 6 submissions, 3 objecting to the proposal and 3 in support of the proposal.</b>
<b>Recommendation</b>	<b>Deferred Commencement Approval</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	<b>The application is identified as Regionally Significant Development in accordance with Clause 2, Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021, as the development exceeds a CIV of \$30 million. The applicant's submission / CIV is \$134,612,034.88 (excluding GST).</b>
<b>List of all relevant s4.15(1)(a) matters (only those relevant for Addendum Report)</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act (1979) and Regulations (2021)</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)</li> <li>• Sutherland Shire Development Control Plan 2015 (SSDCP 2015)</li> <li>• Child Care Planning Guideline (CCPG)</li> </ul>
<b>List all documents submitted with this addendum report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Attachment A – Amended Draft Conditions of Consent</li> <li>• Attachment B – Amended Architectural, Landscape and Civil Engineering Drawings (16 June 2025)</li> <li>• Attachment C – Childcare Landscape Plan (16 June 2025)</li> <li>• Attachment D – Updated Childcare Operational Plan of Management (16 June 2025)</li> <li>• Attachment E – Landscape Tree Retention Statement (16 June 2025)</li> </ul>

<b>Clause 4.6 requests</b>	None required.
<b>Addendum Report prepared by</b>	Kate Bartlett, Director, The Planning Studio, on behalf of Sutherland Shire Council
<b>Addendum Report date</b>	30 June 2025

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Yes**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

#### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## REPORT SUMMARY

### REASON FOR THE ADDENDUM REPORT

Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, requires this application to be referred to the Sydney South Planning Panel (SSPP) as the development has a capital investment value of more than \$30 million. The application submitted to Council nominates the value of the project as \$134,612,034.88 (excluding GST).

On 26 May 2025, the application was considered by the Sydney South Planning Panel, and was unanimously deferred on 3 June *“to enable council and the applicant to hold further discussions, provide further information and assessment... To enable the panel to make an informed decision on the development application, the panel directed that council, and the applicant hold further discussions (30 May 2025) in relation to design changes, outstanding information and disputed conditions. The matters to be discussed include reduction in car spaces and design changes to enable increased tree retention, further stormwater information, childcare centre details, timing of VPA and easement, updated documentation related to staging plans and amendments or requirements of any previous consents on the site relevant to the application.*

*Once the further information is provided by the applicant, council is requested to upload to the Planning Portal by 30 June 2025:*

- 1. An addendum assessment report which fully considers the information provided as well as the requirements under ss 2.8 and 2.8 of SEPP (Resilience and Hazards) 2021, and*
- 2. Updated draft conditions of consent.”*

To address the Panel’s request, Council officers met with the applicant on two occasions being 30 May 2025 and 16 June 2025 to discuss further changes and information, which was submitted to the Portal on 16 June 2025 and included:

- Additional retention of 17 trees (1 x high retention value, 6 x medium retention value, 10 x low retention value) achieved through the following design changes:
  - Reduced Building 8 footprint allowing additional retention of 6 trees.
  - Reduction of car parking, and rearrangement car parking and landscaping blisters along the Captain Cook Drive frontage allowing additional retention of 8 trees. The reduction of car parking is facilitated by commensurate reduction in gross floor area within Building 8.
  - Rearrangement of car parking and landscaping blisters near the entry of the Building 5 internal access road allowing for additional retention of 3 trees, including 1 tree with high retention value.

Additional information relating to the following matters was also provided to facilitate further assessment by Council:

- Additional stormwater modelling and assessment to enable removal of draft deferred commencement condition 2.
- Amended landscape plans and commentary to reflect the amended design and confirm feasibility of

additional tree retention.

- Additional information relating to the proposed childcare centre to enable removal of draft condition 5, including amended and additional architectural drawings, an amended childcare Plan of Management, and additional BCA/Access, traffic, waste and fire safety assessments specific to the proposed childcare centre.
- Amended and additional Civil Engineering Drawings to address draft conditions related to staging and provide further information relating to erosion and sediment control.
- Amended Preliminary Staging Plan to delineate proposed staging of landscaping in accordance with staging of buildings.

This addendum report responds to each of the Panel (and applicant's requests) recommends deferred commencement approval of the application, subject to conditions. The deferred commencement condition has been simplified and now requires:

- The proponent to execute and register a VPA on the title based on the letter of offer prepared by Perpetual Corporate Trust Limited (as custodian for Aliro Trusco 1 Pty Ltd), based on letter of offer dated 21 March 2025 and endorsed by Council on 28 April 2025, to enable delivery of TfNSW required road infrastructure upgrades at Captain Cook Drive, Endeavour Road and Gannons Road.

All other matters can be resolved through standard conditions of consent. Council officers sent a further 'tracked changes' mark up of draft Conditions to the Applicant on 25 June 2025, which form the basis of Attachment A to this Addendum Report. Council officers also met with the applicant on June 30 to update them on the final conditions being recommended to the Panel, prior to the addendum report and conditions being submitted to the Planning Portal.

The original assessment report included a deferred commencement condition that envisaged the retention of a significantly greater number of trees than the 17 outlined in the applicant's amended design. Given Council is now willing to recommend approval of the subject application, without the previous deferred commencement condition requiring parking reduction to retain greater trees (and to provide further opportunities for substantial onsite replacement planting) an appropriate condition has been recommended to impose the DCP required 8:1 replacement tree planting rate to offset the significant tree loss on site as a consequence of this application.

The applicant has raised objection to the imposition of this condition on the basis the nature of some trees removed, and that a VMP for revegetation work within the northern portion of the site adjacent to Woolloomare Bay forms part of this proposal. This VMP is essentially a detailed landscape plan and the area to which it pertains is not able to be developed being heavily constrained. Revegetation of this area would form a required part of the consent regardless of the applicant's VMP. Notwithstanding, the condition does acknowledge the revegetation in this sensitive portion of the site and provides for a 50% reduction in the required offset tree planting numbers. This is considered a reasonable imposition given the substantial reduction in mature trees on site.

## **PROPOSAL**

The application proposes retention of two existing buildings, demolition of existing structures, hardstands and tree removal, and construction of 6 new buildings in development stages. Proposed 24 hour, 7 day a week, land uses include warehouse and distribution, light industrial, industrial retail outlet, commercial, child care and café. Remaining works include internal roads and footpaths, new carparking and landscaping works and partial tree replacement.

## **THE SITE**

The site is located on the corner of Endeavour Road and Captain Cook Drive and is known as 13 Endeavour Road, Caringbah (legally described as Lot 2 DP714965). The site has an irregular shape with a frontage to Endeavour Road (along the western boundary) and a frontage to Captain Cook Drive (along the southern boundary), resulting in a site area of 123,898m<sup>2</sup>.

## **ASSESSMENT OFFICER'S RECOMMENDATION**

### **1.0 THAT:**

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application Number DA23/0721 subject to the conditions set out in Attachment A to the subject report.

## ASSESSMENT OFFICER'S COMMENTARY

### 2.0 DESCRIPTION OF PROPOSAL (AS AMENDED, DELETIONS IN ~~STRIKETHROUGH~~, ADDITIONS IN **BOLD/ITALIC**)

The proposal is for the retention of buildings, demolition of existing structures, hardstands and tree removal, construction of 8 buildings in a staged manner with uses, provision of estate domain works including roads and footpaths, new carparking and landscaping works.

A detailed description of the proposed development (as amended) is as follows:

- Retention of existing Building 1 and Building 2 (current tenants include Australia Post, Chopt Studio and Productions, and Woolworths), located to the western side of the site with a frontage to Endeavour Road. No changes to use, building works or parking. Existing GFA of 28,296m<sup>2</sup> to be unchanged.
- Staged early works for ~~the site each proposed new building~~, including:
  - Demolition of existing structures, buildings, and hardstand parking areas including removal of ~~459~~ **442** trees.
  - Site establishment and preparation including earthworks, construction of stormwater and services infrastructure, and augmentation of utilities as required.
- Staged construction and operation of the site following land uses across 6 new buildings (buildings 3-8) for a total gross floor area of **37,726m<sup>2</sup>** ~~38,108m<sup>2</sup>~~ – refer to **Figure 1 Proposed Amended Site Plan and Building Layout (Watson Young)**:
  - Warehouse and distribution centres with ancillary office space (Buildings 3, 4, 5, 6, 7 and 8).
  - Light industrial uses with ancillary office space up to a maximum GFA of **20,075m<sup>2</sup>** ~~20,329m<sup>2</sup>~~ across the site in these buildings.
  - Commercial office (ground floor of Building 5, total 554m<sup>2</sup>).
  - Centre-based childcare centre seeking to operate 6am-8pm Monday to Friday, with a total of 68 children and approx. 17 staff (Building 5 ground and first floor, total 648m<sup>2</sup>).
  - Café (Building 5 ground, total of 112m<sup>2</sup> and seating for ~~26~~ **36** patrons).
- Provision of a total of ~~562~~ **559** car parking spaces in a staged manner, **including 190 retained parking spaces and 369 new spaces**, and provision of 20 motorcycle parking spaces.
- The primary vehicular entry for the site will be from Captain Cook Drive. 4 vehicular access points will be provided along Endeavour Road, 3 of which will be utilised for articulated vehicles only and the remaining access point for cars.
- Operation of the site 24 hours per day, 7 days a week.
- Landscaping works and estate domain works, including estate roads and footpaths.
- Provision of estate wayfinding building identification signage.



**END EAVOUR ROAD**

**CAPTAIN COOK DRIVE**

**SOLANDER FIELDS**

**EXISTING BUILDING 1**

**EXISTING BUILDING 2**

**BUILDING 3**

**BUILDING 4**

**BUILDING 5**

**BUILDING 6**

**BUILDING 7**

**BUILDING 8**

**LEVEL 1 BUILDING 4**

**PARKING PROVISION**  
PARKING ALLOCATION SHOWN AS INDICATIVE ONLY

	CARS	BICYCLES
Building 1A	52	-
Building 1B	81	-
Building 1C	10	-
Building 1D	35	-
Building 1E	12	-
Building 2	12	-
Building 3	24	12
Building 4	121	64
Building 5 Block 1	48	12
Building 5 Block 2	13	6
Building 5 Children	17	4
Building 5 Commercial	19	8
Building 6	38	6
Building 7	41	12
Building 8	16	4
<b>TOTAL</b>	<b>599</b>	<b>132</b>

**MOTORBIKES**

20

**KEY**

- SITE BOUNDARY
- COUNCIL LAND DEDICATION
- EXISTING OVERHEAD POWER CABLE EASEMENT
- RW  
RETAINING WALL  
TO ENGINEER'S DETAILS
- FORESHORE LINE
- EXISTING TREES  
TO BE RETAINED
- ADDITIONAL EXISTING TREE  
TO BE RETAINED  
(REFER TO ARBISTOR REPORT)
- PROPOSED TREE PLANTING  
REFER TO PLANT SCHEDULE
- TURF  
REFER TO DETAIL
- MASS PLANTING BEDS  
REFER TO DETAIL AND PLANT  
SCHEDULE
- SOIL AREA / VOLUME  
FOR EXISTING TREES
- PAVEMENT SLAB  
(AC OR CONCRETE)  
TO ENGINEER'S DETAILS
- DECOMPOSED GRANITE  
PERMEABLE PATH

**NOTE:**  
REFER TO ARBISTOR REPORT + PLANS FOR  
EXISTING TREES TO BE REMOVED

DAReportDelegated.dotx



## 2.1. Construction staging / sequencing

The amended proposed Construction Management Plan provided by the applicant is shown below with individual building construction stages removed:

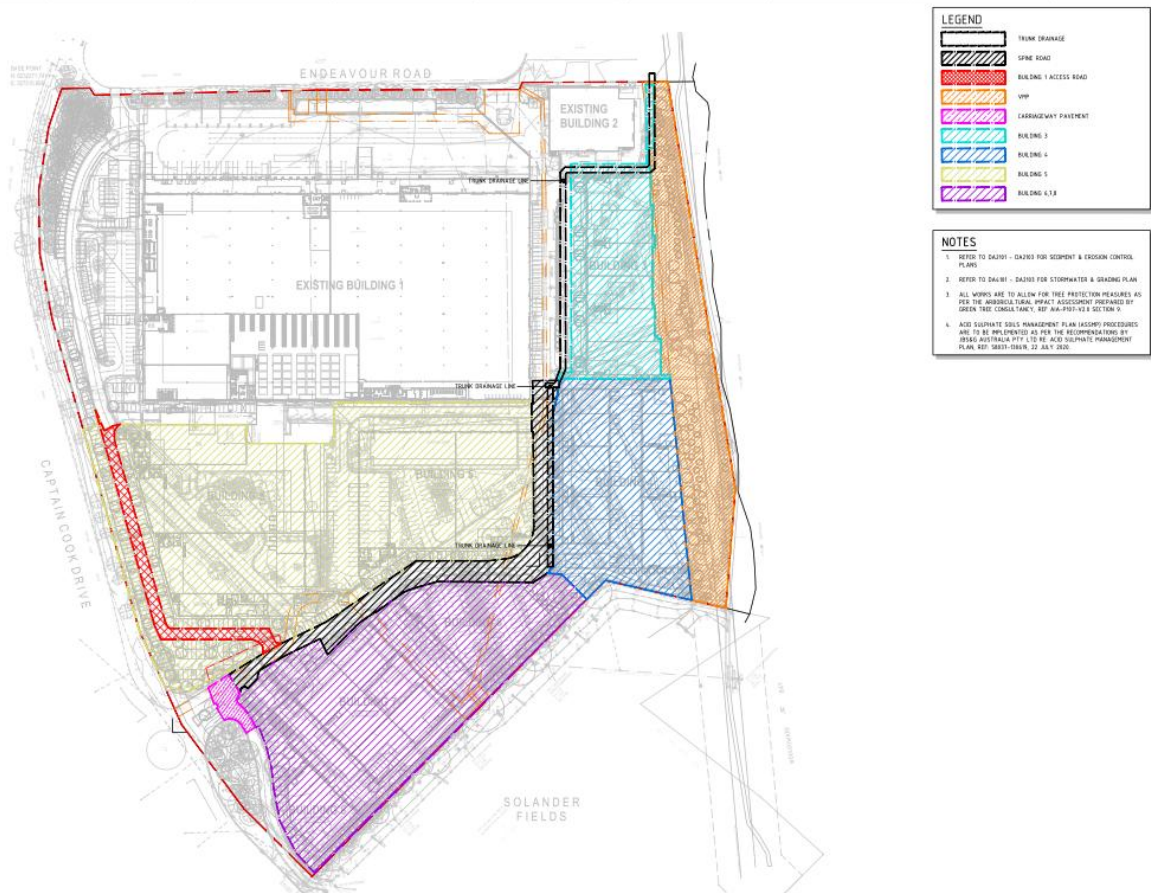


Figure 3 Proposed Construction Management Plan (Watson Young)

The applicant is now seeking that individual buildings be given the flexibility to be delivered if, and when, market conditions dictate, with sequencing to occur within individual stages as they develop.

Council raises no objection to the amended approach outlined in the above civil drawing (1501) subject to the following fundamental site infrastructure delivery occurring prior to development of any of the individual buildings 3-8:

- Construction of all road pavement, kerb and gutter and footpaths that are within the land to be dedicated to Council (subject to the VPA) in accordance the requirements of the Roads Act Approval;
- Registration of an Easement for Drainage over Council Land (Lot 4 DP714965) and construction of a piped connection to the Council drainage channel and the trunk drainage line from the outlet to the extent of Spine Road works; and
- Prior to commencement of any works associated with Building 5 Block 1, the internal carriageway which provides access from the Captain Cook side of Building 1 to Captain Cook Drive must be constructed to the Council carriageway, including those Building 5 parking spaces, kerb and gutter, drainage infrastructure and landscaping between the internal carriageway and Captain Cook Drive. This is to ensure that appropriate stormwater and landscaping infrastructure between the carriageway and Captain Cook Drive is delivered at the start of construction associated with this building – rather than at the end.



### **3.0 STATUTORY CONSIDERATIONS – AMENDED PROPOSAL**

The subject land is located within Zone SP4 Enterprise pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP2015). The proposed development, being a warehouse and distribution, light industrial, commercial, childcare and cafe, contains land uses permissible within the zone, subject to development consent from Council.

The following Acts, Environmental Planning Instruments (EPIs), Development Control Plan (DCP), Codes or Policies are relevant to the assessment of additional information provided by the applicant on 16 June 2025:

- Environmental Planning and Assessment Act 1979.
- Fisheries Management Act 1994.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Part 6.2 (Development in regulated catchments)
- State Environmental Planning Policy (Resilience and Hazards) 2021 – 2.8 and 2.9 (Development controls for coastal management areas) – also requested by Panel.
- State Environmental Planning Policy (Transport and Infrastructure) 2021 – Part 3 Early education and care facilities – specific development controls.
- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015).
- Child Care Planning Guideline (CCPG).

### **4.0 COMPLIANCE**

#### **4.1. State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and conservation SEPP) sets out the plan objectives and planning principles for the Georges River Catchment. Part 6.2 includes a number of aims and objectives for the environment and water quality within the catchment. In addition, Clauses 6.6 (Water Quality and Quantity), 6.7 (Aquatic Ecology), 6.8 (Flooding), 6.9 (Recreation and public access) and 6.10 (total catchment management) act as development threshold requirements that prevent consent being granted where the requirements of these Clauses are not met.

Initially stormwater modelling, provided with the application, did not adequately demonstrate the level of stormwater discharge into the adjacent, environmentally sensitive wetlands in Woollooware Bay. The applicant provided additional detailed Drains modelling, which Council is now satisfied adequately addresses the obligations under Part 6.2 of the SEPP and development can be granted subject to the conditions recommended in Attachment A related to delivery of required precinct-wide civil infrastructure prior to commencement of works on individual building precincts (Condition 2 – Clarification of Sequencing), and meeting the requirements in Condition 19 (Drainage Design).

#### **4.2. State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 2 Coastal Management (*previously SEPP (Coastal Management) 2018*)

Chapter 2 of the Resilience and Hazards SEPP seeks to balance social, economic and environmental interests by promoting a coordinated approach to coastal management consistent with the Coastal Management Act 2016. Chapter 2 of the Resilience and Hazards SEPP applies to land within the coastal zone across NSW.

All foreshore land within the Sutherland Shire is identified as being within the coastal zone, in some instances the coastal zone extends beyond waterfront properties. In addition, much of the Sutherland Shire foreshore is identified as being within the coastal environment area and the coastal use area. The subject site is also within the coastal zone and is also identified on the Resilience and Hazards SEPP map as coastal environment area and coastal use area.

Before granting development consent on any land within the coastal zone the consent authority must be satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

*Development on land within the coastal wetlands and littoral rainforests area (clause 2.8)*

The north-eastern portion of the site is identified as being land identified as “proximity area for coastal wetlands” on the Resilience and Hazards SEPP map. This requires the consent authority to consider certain factors, and be satisfied the development will not impact on these factors, before development consent is granted. These factors include the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment; or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Initially stormwater modelling, provided with the application, did not adequately demonstrate the level of stormwater discharge into the adjacent, environmentally sensitive wetlands in Woollooware Bay. However, Council is now satisfied the additional Drains modelling provided by the applicant adequately addresses the obligations under Clause 2.8 of the SEPP, as it shows that the discharge in all storm events is not inappropriately increased. Accordingly, development can be granted subject to the conditions recommended in Attachment A, including the imposition of Conditions 2 and 19 as discussed above.

#### **4.3. State Environmental Planning Policy (Transport and Infrastructure) 2021**

*Chapter 3: Educational Establishments and Child Care facilities (Part 3.3 Early education and care facilities)*

The application seeks approval for a childcare centre of up to 68 children within Building 5. In response to the Panel’s deferral, the applicant provided detailed additional information regarding the proposed centre’s fit out and operation, including:

- Amended architectural drawings providing additional detail regarding fit-out of childcare centre to meet obligations of the SEPP and NSW Child Care Planning Guidelines;
- Child Care Landscape Plan showing detailed layout of outdoor play areas including proposed shading and solar analysis;
- Updated compliance assessment of proposed Child Care centre against NSW Planning Guidelines
- Updated Child Care Operational Plan of Management outlining required additional operational detail,





Figure 6 Proposed Childcare Fit-out – Landscape Plan (AG Playscapes)

The additional information provided satisfies the requirements of Clauses 3.23 (matters for consideration), 3.26 (Centre-based child care facility – non discretionary development standards), in that:

- It has considered the NSW Child Care Centre Planning Guidelines, and is broadly consistent with them;
- Meets the obligations for indoor and outdoor space under the National Regulations; and
- Can provide the required 17 parking spaces identified in the DCP in front or adjoining Building 5 (Clause 3.27).

Accordingly, the fit-out and use of the premises is now recommended for approval subject to standard conditions for Child Care centres.

#### 4.4. Sutherland Shire Local Environmental Plan 2015

The proposal has been assessed for compliance against Sutherland Shire Local Environmental Plan 2015. A compliance table with a summary of the applicable development standards is contained below:

Sutherland Shire Local Environmental Plan 2015			
CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
cl6.4 Stormwater Management	The objective of this clause is to minimise the	The amended stormwater modelling has been reviewed and is now	Complies, subject to conditions

## Sutherland Shire Local Environmental Plan 2015

CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
	impacts of urban stormwater on land to which this Plan applies and on native bushland and receiving waters.	considered acceptable when assessed against 6.4(3): (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.	Refer to discussion above. The previously recommended deferred commencement condition has been deleted, and replaced with an operational condition relating to the design and construction of stormwater management measures on site.
<b>cl6.5</b> Environmentally sensitive land—terrestrial biodiversity	The land is mapped as Environmentally Sensitive Land on the Terrestrial Biodiversity Map	The proposal seeks consent for removal for slightly reduced number of existing trees (442), with the minimum amount of new landscape areas proposed and limited new planting.	<b>Complies, subject to conditions</b> Refer to discussion of landscaping and tree loss in SSDCP 2015 Section.
<b>cl6.7</b> Environmentally sensitive land—riparian land and watercourses	The land is mapped as Environmentally Sensitive Land on the Riparian Lands and Watercourses Map	The proposal's amended Drains modelling is sufficient to demonstrate that the requirements of Clause 6.7(4) are met.	<b>Complies, subject to conditions</b> Refer to discussion above.
<b>cl6.9</b> Limited development on foreshore area	The site is identified as a foreshore area	The proposed buildings are not located within the foreshore area, but landscaping and soil works are proposed.	<b>Complies</b>



#### 4.5. Sutherland Shire Development Control Plan 2015

The proposal, as amended, has been assessed for compliance with SSDCP 2015 – particularly related to the childcare parking controls, stormwater and flooding now generally complies and can be recommended subject to conditions of consent.

#### 4.6. Landscaping and tree removal

A key change made by the applicant, in response to the Panel's deferral, was to amend their design to retain 17 additional trees (1 x high retention value, 6 x medium retention value, 10 x low retention value) achieved through the following design changes:

- Reduced Building 8 footprint allowing additional retention of 6 trees.
- Reduction of car parking, and rearrangement car parking and landscaping blisters along the Captain Cook Drive frontage allowing additional retention of 8 trees. The reduction of car parking is facilitated by commensurate reduction in gross floor area within Building 8.
- Rearrangement of car parking and landscaping blisters near the entry of the Building 5 internal access road allowing for additional retention of 3 trees, including 1 tree with high retention value.

Refer to the Figures below detailing the design changes and trees to be retained.



Figure 7 Landscape Concept Plan 01 – along Captain Cook Drive (Habitat8)



Figure 8 Landscape Concept Plan 08 – Between Buildings 8 and 5 (Habitat8)

Whilst these changes are a positive improvement to the design, the development still results in the loss of 442 existing mature trees on site. Section 4.15 (Replacement Trees) requires a replacement planting ratio of 8:1 on industrial or commercial land where Council consents to the removal of an existing tree.

The original assessment report included a deferred commencement condition that envisaged the retention of a significantly greater number of trees than the 17 outlined in the applicant's amended design. Given Council is now willing to recommend approval of the subject application, without the previous deferred commencement condition requiring parking reduction to retain greater trees (and to provide further opportunities for substantial onsite replacement planting) an appropriate condition has been recommended to impose the DCP required 8:1 replacement tree planting rate to offset the significant tree loss on site as a consequence of this application. The applicant has raised objection to the imposition of this condition on the basis the nature of some trees removed, and that a VMP for revegetation work within the northern portion of the site adjacent to Woollooware Bay forms part of this proposal. This VMP is essentially a detailed landscape plan and the area to which it pertains is not able to be developed being heavily constrained. Revegetation of this area would form a required part of the consent regardless of the applicant's VMP. Notwithstanding, the condition does acknowledge the revegetation in this sensitive portion of the site and provides for a 50% reduction in the required offset tree planting numbers. This is considered a reasonable imposition given the substantial reduction in mature trees on site.

## 5.0 CONCLUSION

The application, as amended post Panel deferral, has been assessed having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The application,

as modified, now broadly complies with relevant development standards and controls subject to the imposition of operational conditions of consent, and one deferred commencement consent requiring execution of the VPA for the intersection upgrade works to ensure delivery of these works as is required through the concurrence conditions provided by TfNSW.

Sufficient information has subsequently been provided by the applicant to grant consent to the 68 place childcare centre, including fit out and operation, subject to appropriate conditions of consent.

The amended design that retains 17 existing trees is considered acceptable, subject to a condition requiring a replacement tree planting rate of 8:1 in accordance with Section 4.15 (Replacement Trees) of the DCP.

For the above reasons, the application is recommended for approval, subject to deferred commencement.

The officer responsible for the preparation of this Report is Sue McMahon, Manager Development Services.