



<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 (further Supplementary Report – 4 July 2025)</b>
<b>Applicant/Owner</b>	<b>Aliro Group Pty Ltd</b>
<b>Date of DA lodgement</b>	<b>24 November 2023</b>
<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 (4 July 2025)</li> <li>• Attachment B – Council response to Applicant letter (1 July 2025)</li> </ul>
<b>Clause 4.6 requests</b>	<b>None required.</b>

<b>Addendum prepared by</b>	<b>Report</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."*

Council provided an Addendum Report and draft Conditions on 30 June 2025, which the applicant responded to, requesting further changes. The Panel made the following further requests of Council on 3 July 2025.

*Council is to provide a further supplementary report by 10am Monday 7 July, which addresses:*

- the justification for permitting car spaces for the whole site that are above the DCP requirement (presumably this is based on the previous consent for buildings 1 and 2 which approved excess car spaces?). Also, the reason for Condition 122 b) "Any surplus parking bays must be evenly distributed through the development and be available for use by all occupants and visitors to the future development "- if the surplus parking is justified on the basis of the previous consent, the surplus car spaces should be allocated to Buildings 1 and 2? Condition 122 should state the total number of car spaces allocated to buildings 1 and 2 and the total number of car spaces allocated to buildings 3-8.*
- whether a condition should be included amending any earlier consents or requiring that if there is an inconsistency this consent would prevail.*
- Provide the latest version of the draft conditions and reasons for any conditions that remain in dispute as attachments to the further supplementary report.*

This supplementary report responds to the Panel's further queries.

## **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.



**SOLANDER FIELDS**

**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 Childcare	17	4
Building 5 Commercial	19	8
Building 6	38	6
Building 7	41	12
Building 8	16	4
TOTAL	599	132

**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 (REFER TO ARBORIST REPORT)
- ADDITIONAL EXISTING TREE TO BE RETAINED (REFER TO ARBORIST 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 SURFACES (AC OR CONCRETE) TO ENGINEER'S DETAILS
- DECOMPOSED GRANITE PERMEABLE PATH

**NOTE:**

REFER TO ARBORIST REPORT + PLANS FOR EXISTING TREES TO BE REMOVED

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### 3.0 RESPONSE TO PANEL QUERIES

Responses to the specific Panel queries on 3 July 2025 are outlined below

#### 3.1. Justification for overprovision of parking across the site

**Particulars:** *the justification for permitting car spaces for the whole site that are above the DCP requirement (presumably this is based on the previous consent for buildings 1 and 2 which approved excess car spaces?). Also, the reason for Condition 122 b) "Any surplus parking bays must be evenly distributed through the development and be available for use by all occupants and visitors to the future development "- if the surplus parking is justified on the basis of the previous consent, the surplus car spaces should be allocated to Buildings 1 and 2? Condition 122 should state the total number of car spaces allocated to buildings 1 and 2 and the total number of car spaces allocated to buildings 3-8.*

As part of the further negotiations with the applicant after the original Panel meeting on 26 May 2025, an alternative tree retention design was provided and accepted by Council that retained the originally proposed parking numbers of 559 spaces. The applicant provided an updated Traffic and Parking Impact Assessment as part of their amended proposal on 16 June 2025, which outlined the following required and proposed parking rates for the overall development.

**TABLE 9: CAR PARKING REQUIREMENTS**

Land Use	Masterplan Scale	Rate	Car Parking Required	Car Parking Provided
Building 1	26,282 GFA Warehouse Premises	1 space per 300m <sup>2</sup> GFA	87.6 (88)	190
Building 2	2,015m <sup>2</sup> GFA Warehouse Premises	1 space per 300m <sup>2</sup> GFA	6.7 (7)	12
Building 3	4,125m <sup>2</sup> GFA Warehouse Premises	1 space per 300m <sup>2</sup> GFA	13.75 (14)	24
	775m <sup>2</sup> GFA Industrial Premises (including office)	1.3 spaces per 100m <sup>2</sup> GFA	10	
Building 4	8,592m <sup>2</sup> GFA Industrial Premises (includes 20% office)	1.3 space per 100m <sup>2</sup> GFA	111.7 (112)	121
	377m <sup>2</sup> GFA Industrial Office Premises (Office space in excess of 20%)	1 space per 40m <sup>2</sup> GFA	9.4 (9)	
Building 5	68 place child care centre (1,219m <sup>2</sup> GFA)	1 space per 4 children	17	93
	112m <sup>2</sup> GFA Cafe	1 space per 45m <sup>2</sup> GFA	2.5 (3)	
	554m <sup>2</sup> GFA Office Premises	1 space per 40m <sup>2</sup> GFA	13.9 (14)	
	1,339m <sup>2</sup> GFA Industrial Premises (includes 20% office)	1.3 space per 100m <sup>2</sup> GFA	17.4 (17)	
	65m <sup>2</sup> GFA Industrial Office Premises (Office space in excess of 20%)	1 space per 40m <sup>2</sup> GFA	2.9 (3)	
	11,615m <sup>2</sup> GFA Warehouse Premises	1 space per 300m <sup>2</sup> GFA	38.7 (39)	
Building 6	2,915m <sup>2</sup> GFA Industrial Premises (includes office)	1.3 space per 100m <sup>2</sup> GFA	37.9 (38)	38
Building 7	4,673m <sup>2</sup> GFA Industrial Premises (includes office)	1.3 space per 100m <sup>2</sup> GFA	60.7 (61)	62
Building 8	1,266m <sup>2</sup> GFA Industrial Premises (include office)	1.3 space per 100m <sup>2</sup> GFA	16.4 (16)	16
<b>Total</b>	<b>66,024m<sup>2</sup> GFA</b>	<b>-</b>	<b>448</b>	<b>559</b>

Figure 3 Amended car parking requirements (McLaren Traffic)

As shown in the Table above, the 'oversupply' of parking compared to the DCP and RMS Traffic Generating Guide relates to the existing Buildings 1 and 2, not to the proposed Buildings 3-8, which propose parking numbers in line with the DCP and RMS.

Council's further review of DA21/0777, which granted consent for "*alterations and additions to the main warehouse (Building 1), demolition of existing buildings, vegetation removal, amendments to the internal ring road and carparking arrangements*" (as modified) included the following condition granting 190 spaces to Building 1:

### **37. Car parking Areas**

#### **A. Ongoing**

*To ensure that the car parking area satisfies the demands of the development:*

- i) 190 car parking spaces are to be provided in close proximity to the E1 warehouse building, generally as indicated on approved plans, for the sole use of the occupants and visitors of that warehouse building.*
- ii) it must be made available on an unrestricted basis and free of charge at all times for employees' and visitors' vehicles*
- iii) any parking nominated as visitor parking or common property must be continually available as common property.*

The previous approval was in excess of the minimum parking required under Council's planning controls and on this basis no objection was raised to the additional parking being allocated to the building at the time, however neither Councils assessment nor the applicants statement indicate that this number was required.

Council officers advised that the condition approved as part of this earlier consent merely reflected the applicant's submitted plans and development, to which no objection was raised - noting the parking number was a product of an existing oversupply which was understood to be previously attributed to the building as part of the Toyota operations. There would be no objection raised from a parking requirement point of view to a reduced number of parking spaces attributed to that development noting the number of required spaces nominated by the Applicant's traffic and parking consultant.

However, the amended design proposed by the applicant for the subject application represents an acceptable improvement to the design from the perspective of tree retention and landscaping. Accordingly, Council determined not to press the re-allocation and reduction of parking spaces to Buildings 1 and 2 given the existing consents (and to a lesser extent, commercial leases now in place).

In response to the Panel queries from 3 July, Condition 122 has been amended as follows:

#### **122 Car parking allocation**

*Car parking must be allocated to individual tenancies/building uses on the following basis:*

- a) Car parking spaces must be provided in accordance with the allocation across all buildings in the 'Amended Masterplan Traffic and Parking Impact Assessment' prepared by McLaren*



*Traffic dated 16 June 2025, and the following maximum rates:*

- i. Building 1: 190 spaces;*
  - ii. Building 2: 12 spaces;*
  - iii. Building 3: 24 spaces;*
  - iv. Building 4: 121 spaces;*
  - v. Building 5: 93 spaces;*
  - vi. Building 6 38 spaces;*
  - vii. Building 7: 62 spaces;*
  - viii. Building 8: 16 spaces.*
- b) The parking spaces identified in part a) of this condition must include the required 11 accessible parking spaces across Buildings 3-8 and these spaces must be located in close proximity to the relevant Buildings for accessibility purposes;*
- c) 17 spaces within Building 5 must be allocated for use by the childcare centre;*
- d) With respect to future uses and associated floor areas, car parking must be provided in compliance with the parking generation rates specified in Chapter 36 of Sutherland Shire Development Control Plan 2015 (as amended) or relevant Carparking Development Control Plan in force at the time or the RTA Guide to Traffic Generating Development 2002.*
- e) The car-parking provided must only be used in conjunction with the tenancies contained within the development and not for any other purpose.*

**Condition reason:** *Ensure the parking has been allocated to the correct uses.*

**Particular:** *whether a condition should be included amending any earlier consents or requiring that if there is an inconsistency this consent would prevail.*

Given that the two relevant consents now align with respect to the proposed parking numbers for Building 1 (190 spaces), an additional condition for this purpose seems unnecessary, but could be imposed by the Panel should they deem appropriate.

**Particular:** *Provide the latest version of the draft conditions and reasons for any conditions that remain in dispute as attachments to the further supplementary report.*

A further revised set of recommended conditions is provided in Attachment A, as well as a response to the applicant's request for further amendments and Council's response (Attachment B). The only conditions that appear to still be partially in dispute are:

- Condition 2(ii) – Clarification of Sequencing; and
- Condition 36 – Trees on Private Land – only related to fee schedule for replacement planting.

#### **4.0 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.

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.