



DATE OF DETERMINATION	9 July 2025 Note* this version replaces a superseded version issued and uploaded on the 9 July 2025 to include amendments to conditions (made before the notice of determination was issued)
DATE OF PANEL DECISION	8 July 2025
DATE OF PANEL BRIEFING	7 July 2025
PANEL MEMBERS	Annelise Tuor (Chair), Glennis James, Carol Provan, Elizelle Cilliers
APOLOGIES	Penelope Holloway
DECLARATIONS OF INTEREST	None

Briefing to discuss council's recommendation was held by videoconference on 26 May 2025. Papers were circulated electronically on 21 May 2025. The Panel deferred its decision on 3 June 2025.

The Council's supplementary assessment report was circulated to the panel on 2 July 2025. An addendum supplementary assessment report (addendum supplementary report) was circulated on 7 July 2025 prior to the Panel briefing to determine the application.

MATTER DETERMINED

PPSSSH-156 – Sutherland – DA23/0721 - 13 Endeavour Road CARINGBAH - Mixed use development (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at the site inspection listed at item 8 in Schedule 1.

On 3 June 2025, the panel deferred its determination of the matter to enable council and the applicant to hold further discussions and provide further information and assessment on matters that the applicant had raised at the briefing on 26 May 2025 (see Deferral decision dated 3 June 2025). In particular, the deferred commencement conditions requiring 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.

On 16, 19 and 23 June 2025, the applicant uploaded additional information on the NSW Planning Portal.

Council uploaded a supplementary assessment report (V1) on 30 June 2025 and updated draft conditions on 1 July 2025, which addressed the further information received from the applicant.

The Applicant provided a further response to the conditions of consent uploaded on 1 July 2025 requesting amendments (Letter to SSPP re Updated Draft Conditions – 30Jun25_RevA_Draft).

In response, on 1 July 2025, Council provided further amended draft conditions of consent to address, in part, the amendments requested by the applicant. Council also uploaded a Response to the applicant's response to the conditions (Council Response to Letter from Applicant -1 7 2025).

The above information was circulated to the Panel on 2 July 2025. The Panel requested an addendum supplementary report in relation to carparking spaces in excess of the DCP and conditions of consent. The

addendum supplementary report was uploaded on 7 July 2025. Amended draft conditions were uploaded to the portal on the 15 July to correct administrative errors to condition 19 and 34 (made before the Notice of Determination was issued).

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report, supplementary assessment report and the addendum supplementary report.

The Panel is satisfied that the outstanding matters outlined in its Deferral Decision have been addressed. In particular, the Panel notes that while the parking provision for the existing buildings 1 and 2 exceeds the DCP requirement, these excess spaces were approved under a previous DA (DA21/0777) and the parking provision for the new Buildings 3-8 complies with the DCP. Proposed Condition 122 clarifies the allocation of car spaces to individual buildings. The additional information includes design changes to Building 8 that facilitate the retention of additional trees, landscaping and details of the childcare centre.

The Panel is satisfied that required infrastructure will be delivered via the deferred commencement condition requiring the execution of a voluntary planning agreement (VPA) for the intersection upgrade works as required through the concurrence conditions provided by TfNSW. Further the applicant provided amended stormwater plans and drains modelling that demonstrates that the discharge in all storm events is not inappropriately increased.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Addendum Supplementary Report (Addendum supplementary report uploaded 7 July 2025, draft conditions uploaded 15 July 2025).

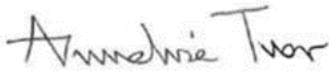



The Panel notes the applicant's objection to Condition 2(ii) - Clarification of Sequencing and Condition 36 - Trees on Private Land but is satisfied that for the reasons in Council's response to the letter from Applicant -17 July 2025, the conditions should be imposed as proposed by Council.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Traffic generation
- Extent of tree removal on site
- Inappropriate land uses on site
- Impact of bulk and scale on the surrounds
- Amenity impacts including noise, light pollution
- Support for renewal of site and sustainability measures proposed

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the briefing.

PANEL MEMBERS	
 Annelise Tuor (Chair)	 Glennis James
 Carol Provan	 Elizelle Cilliers

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-156 - SUTHERLAND SHIRE - DA23/0721
2	PROPOSED DEVELOPMENT	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.
3	STREET ADDRESS	13 ENDEAVOUR ROAD CARINGBAH 2229
4	APPLICANT/OWNER	Andrew Whiteman (Aliro) / Perpetual Corporate Trust Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Relevant Acts: <ul style="list-style-type: none"> ○ <i>Environmental Planning and Assessment Act 1979</i> ○ <i>Environmental Planning and Assessment Regulation 2021</i> ○ <i>Fisheries Management Act 1994</i> ○ <i>Roads Act 1993</i> • Environmental Planning Instruments: <ul style="list-style-type: none"> ○ <i>State Environmental Planning Policy (Planning Systems) 2021</i> ○ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ○ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> ○ <i>State Environmental Planning Policy (Primary Production) 2021</i> ○ <i>State Environmental Planning Policy (Industry and Employment) 2021</i> ○ <i>Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)</i> ○ Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Sutherland Shire Development Control Plan 2015 (SSDCP 2015) • Other considerations: <ul style="list-style-type: none"> ○ Child Care Planning Guideline (CCPG) ○ NSW DPI Oyster Industry Sustainable Aquaculture Strategy ○ NSW DPE Healthy Estuaries Oysters Guidelines ○ Sutherland Shire Section 7.12 Development Contributions Plan 2020 • Planning agreements: 28 April 2025 (PLN0009-25) - Dedication of approximately 2,662m² and signalization of Endeavor Road/Captain Cook Drive Intersection • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 19 May 2025 • Report DA Supplementary Report V1 (2025 07 04): 30 June 2025 • Attachment A – Draft Conditions of Consent – Applicant markup – 16Jun25 – 16 June 2025 • Attachment B – Amended Architectural Drawings – 16 June 2025 • Attachment C – Amended Preliminary Staging Plan – 16 June 2025

		<ul style="list-style-type: none"> • Attachment D – Childcare Solar Analysis – 16 June 2025 • Attachment E – Childcare Landscape Plan – 16 June 2025 • Attachment F – Updated NSW Child Care Planning Guidelines Response – 16 June 2025 • Attachment G – Updated Childcare Operational Plan of Management – 16 June 2025 • Attachment H – Amended Landscape Plans – 16 June 2025 • Attachment I – Amended Civil Engineering Drawings – 16 June 2025 • Attachment J – Updated Traffic and Parking Impact Assessment – 16 June 2025 • Attachment K – Childcare Traffic and Parking statement – 16 June 2025 • Attachment L – Amended Civil Engineering Drawings – 16 June 2025 • Attachment M – Childcare Fire Safety Strategy – 16 June 2025 • Attachment N – Childcare Operational Waste Management Plan – 16 June 2025 • DA Amendments and Draft Condition Amendments Covering Statement – DA23-0721- 16Jun25 – 16 June 2025 • Attachment A – Draft conditions of consent – applicant markup – 19Jun25 – 19 June 2025 • DA Amendments and Draft Condition Amendments Covering Statement – DA23-0721 – 19Jun25 – 19 June 2025 • Attachment H – Amended Landscape Plans – V2 - 23 June 2025 • Council Response to Letter from Applicant – 1 7 2025 – 1 July 2025 • Addendum Supplementary Report – 7 July 2025 • Addendum Supplementary Report Attachment A - Draft Consent Conditions V10 (2025 07 07) – 7 July 2025 • Draft Conditions_V11 (2025 07 08) – 8 July 2025 • Draft Consent Conditions_V12 (2025 07 14) – 15 July 2025 • Written submissions during public exhibition: 6 • Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 25 March 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor (Chair), Glennis James, Carol Provan, Jua Cilliers ○ <u>Council assessment staff</u>: David Sheehan, Kate Bartlett • Assessment Briefing: 24 June 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Carol Provan, Elizelle Cilliers ○ <u>Council assessment staff</u>: Sue McMahon, Kate Bartlett, Adrian Melo and David Sheehan ○ <u>Applicant representatives</u>: Colin McDonald, Andrew Whiteman, Javier Ferre, Jessica Male, Matthew McCarthy, Gordon Kirkby, Chris Curtis, Jethro Yuan ○ <u>DPHI staff</u>: Lillian Charlesworth, Joel Burgess • Assessment Briefing: 12 August 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Elizelle Cilliers ○ <u>Council assessment staff</u>: Sue McMahon, Adrian Melo and David Sheehan ○ <u>Applicant representatives</u>: Colin McDonald, Andrew Whiteman, Jessica Male, Chris Curtis, Jethro Yuan and Noa Galapo ○ <u>DPHI staff</u>: Lillian Charlesworth, Joel Burgess

		<ul style="list-style-type: none"> • Assessment Briefing: 16 December 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Carol Provan, Elizelle Cilliers ○ <u>Council assessment staff</u>: David Sheehan, Sue McMahon, Kate Bartlett ○ <u>Applicant representatives</u>: Andrew Whiteman (Aliro), Colin MacDonald (Aliro), Andrew Simpson (Aliro), Christopher Curtis (Ethos Urban), Jethro Yuen (Ethos Urban), Noa Galapo (Ethos Urban) ○ <u>DPHI staff</u>: George Dojas, Nikita Lange • Final briefing to discuss council’s recommendation: 26 May 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor (Chair), Glennis James, Carol Provan, Elizelle Cilliers ○ <u>Council assessment staff</u>: David Sheehan, Sue McMahon, Joel Di Fonzo ○ <u>Council Consultant Assessment Planner</u>: Kate Bartlett ○ <u>Applicant representatives</u>: Andrew Whiteman (Aliro), Andrew Simpson (Aliro), Christopher Curtis (Ethos Urban), Jethro Yuen (Ethos Urban), Gordan Kirkby (Ethos Urban), Joel Di Fonzo, Andy Lloyd, Lydia Watson-Moore (Allens), Felicity Rourke (Allens)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Addendum Supplementary Report (report uploaded 7 July 2025, conditions uploaded 15 July 2025)