

PPSSSH-103 - 6-20 Hinkler Avenue & 319-333 Taren  
Point Road, Caringbah

DA21/1251

## ASSESSMENT REPORT APPENDICES

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## Submissions Summary

Location of Submitter	Date submission received	Issues raised
Flide Street John Bevan	22/12/2021	Grossly overcrowded Traffic
	08/02/2022	Area already congested with hospital parking – roads are single file. Overdevelopment Privacy and noise problems for neighbours High blocks of units will destroy the amenity even further Increased noise and dust during and after construction Traffic flow at Hinkler and Taren Point Roads are at crisis point
3 Gardere Street Caringbah Luke Slater	01/02/2022	Parking is already a problem. Traffic will worsen, it is already restricted
14 Flide Street (5-7 Gardere Street) Caringbah Lee Graham	03/02/2022	Large structure Road traffic – jammed with hospital staff already Parking Road widening is required
	21/10/2022	Traffic and parking – road widening is required. Currently it is one way Congestion with vehicles. 1 car park/unit is insufficient. Submission is supported by two elderly neighbours.
301/11 Hinkler Avenue Caringbah Con Tsolakis	03/02/2022	Traffic flow is restricted already and this will worsen it
	04/02/2022	Parking is already a problem from hospital staff
	22/10/2022	Hinkler Avenue is very narrow when cars are parked on both sides which interrupts traffic flow. There is currently limited parking and time restrictions. Existing residents cannot enter and leave their sites due to cars.  Potential for accidents with disabled patients and wheelchairs from the Sylvanvale disability home due to unauthorised car parking

Location of Submitter	Date submission received	Issues raised
<p>5/17-21 Gardere Street Caringbah</p> <p>Matthew Ziems</p>	<p>16/02/2022</p>	<p>Negative social impacts – construction dust, dirt, noise, air quality, vibration and sleep disturbance.</p> <p>Increase in traffic from construction works</p> <p>Plant and equipment will strain surrounding road infrastructure</p> <p>Hazard to pedestrians due to excessive mobile plant and equipment movement.</p> <p>Lack of parking in area</p> <p>Impact of 240 apartments and medical building on the local character, scenic quality and general feel of the area.</p> <p>Increase in traffic</p>
<p>8/17-21 Gardere Street Caringbah</p> <p>Keilly Watson (employee of SSC)</p>	<p>17/02/2022</p>	<p>Height exceedance.</p> <p>Height controls applying to the R3 zone (9-15 and 17-21 Gardere Street should be put into place.</p> <p>Lack of onstreet parking in the narrow streets</p> <p>Lack of forward thinking for traffic issues.</p> <p>Hinkler Avenue is already damaged from construction trucks (photos)</p> <p>Proposed driveway is opposite 17-21 Gardere Street's driveway at a place where it is only one way due to the narrow street.</p> <p>17-21 Gardere Street has midwinter sun in the afternoon which will be overshadowed by 3pm impacting half their townhouses and also 33A and 33B Hinkler Avenue and the railway reserve. Shadowing could be reduced by increased setbacks and lower building heights on Taren Point Road.</p> <p>Accessibility – a minimum of 705m from Caringbah Train station is not accessible for less able-bodied people.</p> <p>There is still vacant commercial space at 416-418 Kingsway despite opening 12 months ago. We do not need more medical centres.</p> <p>Lack of community facilities in immediate area.</p> <p>Should be rezoned to R3 for construction of family townhouses and communal open space and retention of mature street trees.</p> <p>Public safety for residents at Sylvanvale residential homes at 21-23 and 25-29 (Flide Street?).</p> <p>Environmental issues:</p> <ul style="list-style-type: none"> <li>• Grey headed flying fox</li> </ul>

Location of Submitter	Date submission received	Issues raised
		<ul style="list-style-type: none"> <li>• Light spill</li> <li>• Lack of green space</li> <li>• Removal of trees</li> <li>• Flooding</li> </ul>
	03/11/2022	Very nearly identical to her previous submission
Hinkler Avenue Helena	17/02/2022	<p>Affordable housing – which building will they be in?</p> <p>Communal open space – where is it and what facilities?</p> <p>Noise pollution – construction staging, monitoring of noise. An acoustic report is requested.</p> <p>Will construction coincide with other developments on Hinkler Ave? When will it start/end?</p> <p>Contamination potential of land and impact on the health of neighbours. Monitoring of health and disturbance.</p> <p>Congestion in Hinkler Avenue which is already high due to other construction.</p> <p>Lack of capacity at nearby schools.</p> <p>Concern about likely tenants of affordable housing.</p> <p>Building height – want further details</p> <p>What will the medical centre consist of? – she does not want addiction services</p> <p>Street parking is already scarce and there is already congestion.</p> <p>Wants access to the survey plan, shadow diagrams and stormwater plans</p>
19 Flide Street Caringbah Geoffrey Sanders	18/02/2022	Non-compliance with the Caringbah Medical Precinct zoning with medical suites at the bottom of buildings allowing for an extra two levels, but they are seeking 5-6 levels using affordable rental housing which only applies for a limited time
5/17-21 Gardere Street Caringbah Kim Ziems	18/02/2022	<p>Building height exceedance. Buildings are not lower on Flide Street</p> <p>9-15 and 17-21 Gardere Street are zoned R3 and are family homes and the same controls should apply.</p> <p>Limited on street parking. The streets are one way when cars are parked on both sides.</p> <p>New drainage infrastructure is required to divert away from the stormwater drain on Gardere Street.</p> <p>Driveway is opposite driveway of 17-21 Gardere Street – road widening and no parking would be required.</p>



Location of Submitter	Date submission received	Issues raised
		Traffic problems with current road traffic flow Loss of trees providing natural habitat
11/17-21 Gardere Street Caringbah  Antonella Lavorato	3/11/2022	Public safety of pedestrians and drivers on Taren Point Road, particularly swept paths from large trucks servicing the development from the south entrance on Taren Point Road close to the corner. The traffic report is based on no vehicle being permitted to park on the opposite side of the road. The parked cars and tight entry with a large 12.5 HRV could put pedestrians at risk which is not addressed in the Social Impact Assessment.
11/17-21 Gardere Street Caringbah  Bradley Russell-Davison	3/11/2022	Identical to the above submission
9/17-21 Gardere Street Caringbah  John Lupa	3/11/2022	Feedback time is too short  Building heights exceed the R4 zone control by up to 145.62%. Buildings A & B do not include medical facilities so should not get the height increase.  The social impact analysis incorrectly states the train station is 120m away – it is more than 640m.  What are the details of the affordable housing?  Vehicular and pedestrian traffic identified in the Police letter is not addressed.  Traffic congestion. The traffic assessment does not make sense and does not take into account recent developments.  Reduction in quality of life and property values.  Commercial space is still vacant.  Shadow diagrams do not go beyond 3pm  Loss of trees and natural habitat.
33 Hinkler Avenue Caringbah  Ilija Stamatov	3/11/2022	Identical to the above submission
<b>Total of unique submissions:</b>		Original notification: 11 from 9 different submitters  Renotification: 4. Additionally one resubmitted the same submission from the original notification and 2 submitters lodged identical submissions to 2 other submissions. The copies and the resubmission are not included in unique submissions.  Total unique submissions: 15

## Appendix B

### Development Control Plan 2015 Compliance Tables

<b>Sutherland Shire Development Control Plan 2015</b>
<b>Chapter 9: R4 Caringbah Medical Precinct</b>

<b>Subject</b>	<b>Control</b>	<b>Provided</b>	<b>Compliance</b>
Amalgamation	As per DCP amalgamation in groups of 4 lots	Amalgamation of 16 units	No but accepted that 16 lots provide for alternative building forms and acceptable with an appropriate building form
Min. frontage width (if non-compliant with amalgamation plan)	26m	Approximately 170m to the east and west and 55m to the south	Yes
Medical floor space ratio	25% of GFA	4795m <sup>2</sup> in HSF The allowable FSR under SSLEP is 18,862m <sup>2</sup> . The DCP requires 25% as HSF (4715m <sup>2</sup> )  Proposal is 25.4% of SSLEP GFA. The additional uplift arises from SEPP Housing and should be applied to residential housing	Yes, for GFA prior to SEPP Housing GFA uplift.  The 25% is a DCP requirement and it is considered that it is unreasonable to require 25% of the SEPP Housing uplifted GFA to be HSF GFA.
Medical floor space location	Located on Ground and First Floors only	Located in Levels 1-5 of the Building C	No, however the reasoning set out to encourage a large user in a single space is considered acceptable

Streetscape and Built Form	<p>Development must be designed and sited so that it addresses the street and must have clearly identifiable entries.</p> <p>Pedestrian entries and internal circulation to health services and residential uses should be separate and clearly differentiated.</p> <p>Building form must be articulated and avoid large expanses of unbroken wall.</p>	<p>Sited to have Buildings A &amp; B face the street more than would occur under the amalgamation plans.</p> <p>The pedestrian entries via Taren Point Road and Hinkler Avenue into the COS are clear, however pedestrian entry into the buildings is very obscure. Pedestrian entry to Building A from the central courtyard is near the top of the ramp from Hinkler Avenue but there are no elevations showing how this will be clearly identified. The lobby is small, under the unit above and there is nothing particularly identifying it as an entry. There is another pedestrian entry at the south end of Hinkler Avenue which is also narrow and deeply inset.</p> <p>Building B is via two narrow pathways either side of Unit B2.1.01 which are tucked away (including the eastern one on the diagonal). The western entry has no lobby to indicate a building entry.</p> <p>Entry to HSF is clearly identifiable on the through-link</p> <p>On all sides articulation is mostly provided by the balconies of the units and by entrances via the COS from both Hinkler Avenue and Taren Point Road. Additionally on Hinkler Avenue Building A there are two small slot indents and an inset of two balconies. On Taren Point Road in Building B there is one slot inset and another inset about halfway along. Level 7 on Building B facing Taren Point Road is inset with a balcony such that the glazing provides an impression of recession.</p> <p>The Montages also provide some additional articulation via window framing which is not</p>	<p>Yes</p> <p>No –poor entry identification except for the HSF. Further information required to justify that entries are clear</p> <p>Yes</p> <p>Yes, reasonably articulated provided the detailing in the montages is included within the final plans. Further detailed information or consent conditions is required to ensure this.</p>
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Subject	Control	Provided	Compliance
	<p>Facades are to be composed with an appropriate scale, rhythm, and proportion.</p> <p>Development on street corners should be designed to define and address both street frontages.</p> <p>All parking is to be located in a basement.</p> <p>The finished roof levels of basements are to be located at or near ground level.</p>	<p>well demonstrated in the elevations – Streetscapes. Further information is required to ensure those finishes and articulation elements would be retained in the final building form.</p> <p>Building form is articulated, however the expanse of the building form is such that the articulation is difficult to discern in the streetscape elevations</p> <p>Façades are very long and hard to agree that they are in proportion to the desired future character of the area.</p> <p>Development addresses Hinkler Ave and Taren Point Road.</p> <p>All parking is within basement.</p> <p>Finished roof level of basement is below ground level.</p>	<p>Partial</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>Lift overruns and service plants must be integrated with well-designed roof structures.</p> <p>The need for additional building services must be resolved at design stage and integrated with overall design of the development.</p>	<p>Residential lift overrun centrally positioned and not visible from the street.</p> <p>Fire booster location is not agreed by Council's engineers. Council's landscaping officer is concerned that the other services within the landscaping are compromising the required substantial setback landscaping</p>	<p>Yes</p> <p>No. Further detailing on services, including on finishes such as down pipes is required</p>
Street setback	6m with no articulation zone	<p>6m for Building A and B and east elevation of HSF excluding HSF articulation.</p> <p>3m for HSF on Hinkler Avenue</p>	<p>Yes, Building A &amp; B</p> <p>No for HSF on Hinkler Ave and articulation on Taren Point Road</p>
Basement in articulation zone	6m (no articulation permitted)	<p>6m for Building A and B</p> <p>3m for HSF</p>	<p>Yes, Building A &amp; B</p> <p>No HSF</p>

Subject	Control	Provided	Compliance
Private courtyards in front setback	Must not compromise potential for large scale indigenous trees to complement the scale of the building	Courtyards extend up to 3m inside the 6m setback. Combined with retaining walls, paths and services the proposal limits the amount of large-scale indigenous trees able to fit onto the site is compromised	The design of the development with subterranean dwellings makes satisfaction of this objective more difficult that would be the case with a design which raised the units closer to natural ground level
Side and Rear setback (building envelope plan)	Minimum side boundary setback at ground level on the northern boundary is 9m Minimum side boundary setback at ground level on the southern boundary is 3m Floors above 4 storeys to be setback a further 3m for ADG separation	Note this is based on the amalgamation/building envelope plan. 6m provided from HSF to northern boundary – giving 9m separation to existing dwellings on building to the north. Privacy screening provided. Landscaping plan includes no substantive planting on north side of HSF.  12m separation between HSF and Building B at all levels.	No. Accepted that the setbacks are altered by the amalgamation of 16 lots. HSF north setback could be acceptable if greater planting were provided, noting that the HSF could be viewed as not habitable.  No between HSF and Building B at levels 5-7. An additional setback of the HSF at these levels could improve solar access to lower-level north facing Building B units.
Landscape design	Deep soil setbacks to be: 6m front 3m side and rear	6m provided to Building A & B 3m for HSF street 3m HSF to north	Yes, Building A & B No, HSF Street Yes, HSF to North
	Include indigenous canopy trees with a minimum height of 8m, if possible planted 3m from structures	Of the 24 trees proposed in the deep soil, 16 (66%) are <i>Pyrus "chancei"</i> – a pear native of China and Vietnam up to 11m. One further is <i>Acmena smithii</i> which grows to 5m, and another is an <i>Acer</i> to 4m. 6 of 24 trees (25%) are native growing to > 8m. The two <i>Tristania</i> 'Luscious' must be planted closer than 3m as they are in the 3m deep soil zone outside the HSF.	Yes. There are native trees >8m so the control is met. Improved tree selection could be conditioned Planting is somewhat restricted due to the number of incursions into the deep soil zone
	Street trees selected from Council's Native Plant Selector	Yes, although greater variety could be conditioned	Yes.
	Ground floor courtyards must not extend into the 3m landscape strip	None beyond the 3m	Yes

Subject	Control	Provided	Compliance
	Communal open space a minimum of 25%	29.8% (2814m <sup>2</sup> ) COS includes the throughlink with no direct access for the residents. Plans include pathways <3m (approx. 16m <sup>2</sup> ). Throughlink is 7.5x 63=473m <sup>2</sup>	Yes, if throughlink included. No if not. If the throughlink is not included the COS will be 24.9%. On merit, considered acceptable.
Building layout	Medical component minimum floor to floor height of 4m	4m at ground level 3.6m above	No but considered acceptable as control written with thought that medical centres were on the ground floor only
Solar access:	NB RFB are subject to ADG controls	See ADG	No
Visual and acoustic privacy	NB RFB are subject to ADG controls for visual privacy.  Windows of HSF should not overlook residential POS	See ADG  South side of HSF overlooks balconies and POS of north facing Building B	No  No
Adaptable units	20% of 234 units = 47 units	47 units identified.	Yes
Livable units	10% of 234 units = 24 units	25 provided.	Yes
Safety and security	Enhance opportunities for natural surveillance. Effective lighting	Ground level units are generally below ground so surveillance would generally be from the level above. Lighting not specified. Pedestrian entries are recessed and difficult to locate	Partial. Street surveillance will be achieved. Wayfinding is not clear to pedestrian entries
Car parking	Residential parking subject to Housing SEPP. Control 18.2.5 states where development is subject to RTA Traffic Generating development, the RTA prevails over the DCP numbers. THE HSF is covered in the RTA.  However, under <b>DCP rates Residential Building A:</b> 1 x 1br (56 units) = 56 1.5 x 2br (53 units) = 79.5 2 x 3br (6 units) = 12 Total= <b>Min. 147.5 spaces</b> <b>Residential visitor:</b> 1 per 4 units = 29 spaces <b>TOTAL Building A resi DCP = 177</b>  <b>RTA Rates Building A</b> 0.6 x 1br (56 units) = 33.6	See Housing SEPP analysis  <u>Building A</u> 121 resi + 29 visitors = 150 spaces total provided	Yes, under SEPP Housing for residential.  No under the DCP table, but Yes under the RTA numbers which override the DCP table  <u>Building A</u> No under DCP table requirement  Yes, under RTA Requirement

Subject	Control	Provided	Compliance
	<p>0.9 x 2br (53 units) = 47.7 1.4 x 3br (6 units) = 8.4 Total= <b>Min. 89.7 spaces</b> <u>Residential visitor:</u> 1 per 5 units = 23 spaces TOTAL Building A resi RTA = 113</p> <p><u>Residential Building B DCP Table:</u> 1 x 1br (34 units) = 34 1.5 x 2br (71 units) = 106.5 2 x 3br (14 units) = 28 Total= <b>Min. 168.5 spaces</b> <u>Residential visitor:</u> 1 per 4 units = 30 spaces TOTAL Building B resi = 199</p> <p><b>RTA Rates Building A</b> 0.6 x 1br (34 units) = 20.4 0.9 x 2br (71 units) = 63.9 1.4 x 3br (14 units) = 19.6 Total= <b>Min. 103.9 spaces</b> <u>Residential visitor:</u> 1 per 5 units = 24 spaces TOTAL Building B resi RTA = 124</p> <p><u>Medical facility DCP Table:</u> 1 per 35m<sup>2</sup> GFA (4795m<sup>2</sup> total) = <b>137 spaces</b></p> <p>Medical facility RTA 4/100m<sup>2</sup> GFA = 120</p> <p>Car wash bay: 1 for first 30, then 1/20 dwellings: Building A: 5 required Bled B: 5 required</p> <p><u>Bikes</u> 1/10 car park spaces: Building A: 150 spaces = 15 Building B: 162 spaces = 16 HSF:132 - 13</p>	<p><u>Building B under DCP Table</u> 133 resi + 29 visitors = 162 spaces total provided</p> <p>132 medical spaces</p> <p>132</p> <p><u>Carwash</u> Building A = 2 Building B = 1</p> <p>16 16 14</p>	<p><b>Yes, under the relevant SEPP Housing</b></p> <p>Building B No under DCP table requirement</p> <p>Yes, under RTA Requirement</p> <p><b>Yes, under the relevant SEPP Housing</b></p> <p>No – 5 shorts under DCP Table</p> <p><b>Yes, under the relevant RTA</b></p> <p><u>Car wash</u> - No</p> <p><u>Bikes</u> Yes Yes Yes</p>
Garbage bins	Max. 50% of street frontage to enable kerbside collection	N/A – Engineers require collection within the driveway by HRV, max 5% grade	No HRV loading truck loading bay provided in Building B

## Housing SEPP Compliance Table

## Housing SEPP – Part 2 Div 1 Infill Affordable Housing

Subject	Control	Provided	Compliance
FSR	If less than 50% of GFA of building used for Affordable housing $Y = AH/100$ where AH is the % of the GFA of the building used for affordable housing	Determined by the SSPP that the % GFA for the purposes of this clause is over the residential buildings Residential GFA is 18,049m <sup>2</sup> Affordable = 7584m <sup>2</sup> = 42% affordable. Max FSR is 2.42:1. Achieved = 2.42:1	Yes
<b>Clause 18 Non-discretionary Development Standards</b>			
Subdivision	450m <sup>2</sup>	Exceeds this	Yes
Landscaped area	30% landscaped area as defined: <i>not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area.</i> Site area 9431 (2829m <sup>2</sup> required)	Plans show: 862m <sup>2</sup> Ground 2856m <sup>2</sup> level 1 1021m <sup>2</sup> Level 7 4739m <sup>2</sup> Total (50.2%)  It appears they have omitted a claimed 248m <sup>2</sup> ground floor on the corner of Taren Point Road and Hinkler Avenue which would bring this to 4987m <sup>2</sup> (53%)  Do not agree the following areas are open air recreational facilities: - area on north side of HSF which is over the basement (~50m <sup>2</sup> ) - entry pathway from Taren Point Road (including over the OSD) (~20x7 = 140m <sup>2</sup> )	Yes, even with disputed areas removed



Subject	Control	Provided	Compliance
Deep Soil	15% with minimum dimensions of 3m Site area 9431m <sup>2</sup> (1415m <sup>2</sup> required). Definition - <i>landscaped area with no buildings or structures above or below ground</i>	Plans show: >6m: 1512m <sup>2</sup> >3m: 506m <sup>2</sup> Total: 2,018m <sup>2</sup> (21.4%)  This includes some areas excluded from Landscaped Area such as paths, steps. Likely that the total is below this but will still comply with 15%	Yes
Solar access	Living rooms and private open spaces of at least 70% of dwellings get 3 hours direct solar access 9am-3pm midwinter	Bld A: 52/115 (45%) get 2 hours (not 3 hours)  Bld B: 51/119 units (43%) get 2 hours (not 3 hours)	No - a clause 4.6 is required but not provided. It is likely that very few get 3 hours sunlight
Parking	<u>Residential Bld A:</u> 0.5 x 1br (56 units)= 28 1 x 2br (53 units)= 53 1.5 x 3br (6 units)= 9 Total= <b>Min 90 spaces</b>  <u>Residential Bld B:</u> 0.5 x 1br (34 units)= 17 1 x 2br (71 units)= 71 1.5 x 3br (14 units)= 21 Total= <b>Min 109 spaces</b>	Bld A = 150        Bld B - 162	Yes        Yes
Minimum internal areas as per ADG	1br: 50m <sup>2</sup> 2br: 70m <sup>2</sup> 3br: 90m <sup>2</sup> (Add 5m <sup>2</sup> if second bathroom proposed)	All units comply	Yes

## Appendix D

### 6-20 Hinkler Avenue and 319-333 Taren Point Road

#### An assessment of the proposal having regard to the design quality principles of SEPP 65

Design Quality Principles	Assessment
<p><b>Principle 1:</b></p> <p><b>Context and Neighbourhood Character</b></p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The immediate context of the site is best described as an area in transition from a low-density residential neighbourhood consisting predominantly of 1 and 2 storey single dwellings, into a medical precinct that capitalises on the neighbourhood's close proximity to Sutherland Hospital.</p> <p>The desired future character of the neighbourhood is outlined in Sutherland Shire LEP 2015, section 6.21 Caringbah Medical Precinct and Chapter 9 of Sutherland Shire DCP Caringbah Medical Precinct.</p> <p>The current proposal provides a mixed-use facility that contains a medical facility totalling 25% of the permissible GFA for the site (not including SEPP housing uplift), the remainder of the development consists of residential units. This approach is consistent with desired future character of the neighbourhood as outlined by Council controls. However, the proposal is not consistent with the desired future character of the neighbourhood in the following ways:</p> <ul style="list-style-type: none"><li>- Council controls permit buildings up to 6 storeys (SSCDP 2015, Chapter 9) with a maximum height of 20m (SSCLEP 2015, section 6.21)</li></ul> <p>The proposal consists of a 7-storey building in excess of the maximum 20m height control. The bulk / scale of the building is not consistent with the desired future character of the neighbourhood.</p>

	<ul style="list-style-type: none"> <li>- Council controls require (SSCDCP 2015, Chapter 9, Map 3) requires a minimum street setback of 6m.</li> </ul> <p>The proposed medical facility is set back 3m from Hinkler Avenue. This interrupts the line / rhythm of the street and minimises potential for landscaping to the street.</p> <ul style="list-style-type: none"> <li>- <i>To ensure that there are high quality areas of private and public domain, with deep soil setbacks for the planting of substantial landscaping including large scale indigenous trees which will complement the scale of buildings up to 6 storeys, particularly in the building setbacks adjacent to Kingsway, Caringbah, (SSCLEP 2015, section 6.21, 4).</i></li> </ul> <p>The proposed medical building provides a reduced setback to Hinkler Avenue and the majority of residential units are located significantly below street level. This results in the street setbacks being dominated by steps and retaining structures, reducing the potential for large scale indigenous trees.</p> <ul style="list-style-type: none"> <li>- <i>Ensure future development creates and maintains a high standard of amenity for residents (SSCDCP 2015, Chapter 9, objective 5.1, 4)</i></li> </ul> <p>The proposal provides numerous subterranean units addressing the street and fails to meet ADG objectives for both cross ventilation and solar access. A high standard of residential amenity has not been achieved.</p> <ul style="list-style-type: none"> <li>- Building interfaces with the cross-site link do not contribute to creating an active space with a clear identity for the proposed laneway. Residential units on the southern side of the cross-site link protect</li> </ul>
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	<p>the privacy of residents by interfacing with the space in a defensive manner typical of a suburban back yard, this is in direct contrast to the shear glass wall of the medical building on the southern side of the cross-site link.</p> <p>The quality of the lane could be improved by elevating residential units above the level of the lane (approximately 1-1.5m, in accordance with ADG objective 4L-2) to accommodate secure terraces that overlook and engage with the lane without compromising the privacy of residents.</p>
<p><b>Principle 2: Built Form and Scale</b></p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposal consists of a 16-lot amalgamation, this is significantly in excess of the 4-lot amalgamation pattern envisaged by Council controls. The proposed 16 lot amalgamation pattern is a positive outcome that creates the potential for massing strategies that are superior to the built form strategies outlined in Councils DCP.</p> <p>The massing strategy proposed wraps the perimeter of the site with built form, creating units orientated towards Taren Point Road and Hinkler Avenue. The proposed alternative massing strategy has created several negative outcomes:</p> <ul style="list-style-type: none"> <li>- The units fronting Hinkler Avenue receive a reasonable level of solar access from their north-west orientation. However, units fronting Taren Point Road receive a minimal level of solar access from their south-eastern orientation. The minimum level of solar access recommended by the ADG has not been achieved.</li> <li>- The southern end of the courtyard is 9m wide and 6 storeys high, the narrow proportions of the courtyard results in a space that receives a minimal level of direct solar access and creates potential privacy issues between apartments / circulation areas located on opposing sides of the courtyard (contrary to objective 3F-1).</li> </ul>

	<ul style="list-style-type: none"> <li>- The separation provided between the proposed medical facility and residential building is 12m. A minimum of 18m is recommend for buildings above 4 storeys in height (objective 3F-1).</li> <li>- The majority of units addressing the street are located below street level. This diminishes the proposals potential to interface with the street, restricts outlook from ground floor units, creates potential privacy issues between ground floor units and the street and reduces the potential for landscaping in street frontages.</li> </ul> <p>The proposed built form strategy has created fundamental issues in relation residential amenity and street interface. It is noted that many of these issues could be addressed by reducing the GFA of the proposal</p>
<p><b>Principle 3: Density</b></p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposal has opted to include the FSR bonus permitted by SEPP housing, this has resulted in a building that is 3982sqm in excess of the maximum GFA anticipated by Council controls.</p> <p>The proposal presents as an over development of the site. The FSR bonus afforded by the Housing SEPP has pushed the site beyond its maximum capacity, resulting in buildings that provides a poor level of residential amenity and a compromised street interface.</p>
<p><b>Principle 4: Sustainability</b></p> <p>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on</p>	<p>The proposal meets the minimum requirements of BASIX, NATHERS and section J.</p> <p>However, the proposal fails to meet minimum ADG standards for both solar access and cross ventilation.</p>

technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.	Several residential corridors will be dependent upon artificial lighting 24 hours a day. Ground level and level 1 corridors are of particular concern.
<p><b>Principle 5: Landscape</b></p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management.</p>	<p>The central courtyard space receives minimal direct solar access, is tightly proportioned and overlooked by numerous units. This space provides limited opportunities for activities but can be developed to provide an attractive entry courtyard. The raised turf area should be developed as an accessible space that can be utilise by all occupants.</p> <p>The open driveway located at the southern end of the narrow courtyard provides an extremely poor interface with the adjoining residential units.</p> <p>The roof top areas of Communal open space will receive good solar access and provide a reasonable level of amenity to residents. Detail section should be provided to determine if skylights located within the communal open space compromise the privacy of residential units.</p> <p>The proposals interface with the street is compromised by subterranean units serviced by courtyard located below street level, numerous retaining structures and steps. The potential to provide large scale indigenous street trees has been significantly compromised.</p>
<p><b>Principle 6: Amenity</b></p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access</p>	<p>Units are generally providing functional spaces that meet minimum ADG dimensional requirements. However, the following ADG objectives have not been achieved:</p> <ul style="list-style-type: none"> <li>- 53% of units have the potential for cross ventilation. The proposal fails to meet minimum ADG objectives (60%, objective 4B-1).</li> <li>- 45% of units in Building A and 43% of units in building B receive a minimum of 2 hours solar</li> </ul>

<p>to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</p>	<p>access between 9am and 3pm on the 21<sup>st</sup> of June. The proposal fails to meet minimum ADG objectives (70%, objective 4A-1).</p> <ul style="list-style-type: none"> <li>- 11% Of units in building A receive no solar access between 9am and 3pm on the 21<sup>st</sup> of June. The proposal fails to meet ADG objectives (15%, objective 4A-1).</li> <li>- 21% Of units in building B receive no solar access between 9am and 3pm on the 21<sup>st</sup> of June. The proposal fails to meet ADG objectives (15%, objective 4A-1).</li> <li>- Units A2.1.08, B3.2.06, A1.2.03, A1.2.04, A1.3.04, A1.3.03, B3.3.03, A1.4.04, A1.4.03, B3.4.03, A1.5.04, A1.5.03, B3.5.03, A1.6.04, A1.6.03, B3.6.03, B3.7.03 contain habitable rooms with no access to a window (contrary to Objective 4D-1).</li> </ul> <p>Unit A2.G.01 contains a full-size bedroom with no window.</p> <ul style="list-style-type: none"> <li>- Unit A2.1.01 is servicing a bedroom with a high-level window (contrary to objective 4A-2)</li> <li>- The combined living dining and living room spaces of several single sided units exceed the maximum 8m (contrary to Figure 4D.3).</li> <li>- Building separation within the central courtyard space does not meet minimum ADG separation requirements (objective 3F-1), resulting in potential acoustic and visual privacy issues.</li> <li>- The visual privacy of unit A3.1.05 is compromised by the proximity of an access ramp overlooking its POS and living room.</li> </ul> <p>A direct and accessible point of entry has not been provided to all units. Units A1.G.01, A1.G.02, A1.1.01 and A1.1.02 front Taren Point Road but do not appear to have</p>
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	<p>an accessible path of travel provided from the street (Taren Point Road) to these units.</p> <p>Residential entries are generally concealed from the street and will be reliant upon signage to direct visitors to appropriate entrances.</p>
<p><b>Principle 7: Safety</b></p> <p>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>A high level of casual surveillance is provided to the entry courtyard. However, it is unclear if the residential courtyard is secured from the street. (Note, if a secured space is proposed it is unclear how visitor access is managed)</p> <p>Entries to the residential building are not clearly identifiable.</p> <p>To allow the central courtyard to be used an entry courtyard, it will need to be well lit in the evening. This may create conflict with residential units overlooking this space. It is unclear how this potential conflict will be managed.</p>
<p><b>Principle 8: Housing Diversity and Social Interaction</b></p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.</p>	<p>The proposal provides an appropriate mix of uses consistent with Councils vision for this precinct.</p> <p>The proposal provides a reasonable mix of apartment sizes but would benefit from slightly more 3 bedroom units.</p> <p>The proposal also provides both accessible and liveable units consistent with Councils requirements.</p> <p>The proposal provides a range of communal space that will facilitate both incidental and active forms of social interaction.</p>
<p><b>Principle 9: Aesthetics</b></p> <p>Good design achieves a built form that has good proportions and a balanced</p>	<p>Perspectives show a contextually appropriate design intent.</p>



<p>composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>To ensure the architect's design intent is realised, larger scale detail sections (minimum 1:20) should be provided to assist in providing a better understanding of the quality of finish being proposed. The sections should show balcony / balustrade details, soffit finishes and material junctions. Types of balustrades, handrails, screens and fences must be clearly documented.</p> <p>To ensure the quality of finish illustrated in the perspectives is achieved servicing of the building must also be resolved. The location of service risers, car park exhausts, AC condensers, down pipes and fire hydrant boosters should be documented.</p>
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Apartment Design Guide Compliance Tables

Apartment Design Guide (ADG) – Key Controls

Subject	Control	Provided	Compliance
Building setbacks	Up to 12m (4 storeys): 3m non habitable 6m habitable	On all levels:  Between the two arms of Building A the minimum is 9m from habitable to non-habitable.	Complies for all levels
	12 – 25m (5-8 storeys): 4.5m non habitable 9m habitable	Between Building A and B over the central COS: 10.7m from habitable to blank wall. 12m approx. from habitable to habitable e.g. A3.2.06 to B1.2.03.	Complies for levels 1-4. Does not comply for levels 5 & 6 (18m required). However, highlight windows in Bld A means this could be acceptable.
		Between Bld A and B on the west side entry: - 12.5m Ground level habitable to blank wall - 12.6m L1-L6 habitable to habitable.	Complies Gnd  Complies L1-3 Does not comply L4-6.
		Between Bld A & B COS entry on Hinkler Ave is 15.5m habitable to habitable.	Complies L1-4. Does not comply L5-6
		Between two arms Bld B: L1: 11.6m (approx.) habitable to habitable B3.1.01 to B2.1.06	Does not comply L1



Subject	Control	Provided	Compliance
		includes the following units which are not: B1.1.03-B1.6.03 (6 units) B1.2.07-B1.5.07 (4 units) B2.2.04-B2.5.04 (4 units) I.e. 14 less units so 59/119 or 50%  All units <18m in depth	Yes
Apartment size	1br: 50m <sup>2</sup> 2br: 70m <sup>2</sup> 3br: 90m <sup>2</sup> (Add 5m <sup>2</sup> if second bathroom proposed)	All units compliant.	Yes
Ceiling heights	2.7m floor to ceiling 3.1m floor to floor	2.7m 3.1m	Yes Yes
Private open space: 1 br apartment 2 br apartment 3 br apartment	Primary balconies: 8m <sup>2</sup> , min. 2m depth 10m <sup>2</sup> , min. 2m depth 12m <sup>2</sup> , min 2.4m depth	All units compliant	Yes
Communal open space (COS) Size:	Min. 25% (2358m <sup>2</sup> )	29.8% (2814m <sup>2</sup> ) COS includes the throughlink with no direct access for the residents. Plans include pathways <3m (approx. 16m <sup>2</sup> ). Throughlink is 7.5x 63=473m <sup>2</sup>	Yes, if throughlink included. No if not. If the throughlink is not included the COS will be just less than 25%. On merit, considered acceptable.
Solar Access:	Direct sunlight to at least 50% of COS for 2 hours, 9pm – 3pm	4 hours achieved to 50% solar access due to the roof COS. Ground level COS will get some solar access (not 50%) between 2-3pm only	Yes

Subject	Control	Provided	Compliance
Residential storage	<p>6m<sup>3</sup> per 1br apartment</p> <p>8m<sup>3</sup> per 2br apartment</p> <p>10m<sup>3</sup> per 3br apartment</p> <p>At least 50% of storage to be located within the apartments</p>	<p>Each unit appears to have sufficient (50%) storage internally.</p> <p>The storage schedule is incorrect. 117 (not 123) storage cages are shown in Bld A. 105 not 119 storage cages shown in Bld B. Therefore, there are insufficient, however plenty of room for additional cages</p>	<p>Yes, internally</p> <p>No, in the basement however conditions could require additional storage cages in the basement as there is room for them. On merit acceptable with conditions.</p>



11 November 2022

TfNSW Reference: SYD22/00135  
Council Reference: DA21/1251

Manjeet Grewal  
General Manager  
Sutherland Shire Council  
Locked Bag 17  
Sutherland NSW 1499

Attention: Amanda Treharne

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**CONSTRUCTION OF MIXED DEVELOPMENT (HEALTH SERVICE FACILITY & RESIDENTIAL UNITS)  
319 – 331 TAREN POINT ROAD AND 6 – 20 HINKLER AVENUE, CARINGBAH**

Dear Ms Grewal

Reference is made to Council's letter of 7 September 2022 seeking comment from Transport for NSW (TfNSW) on the updated traffic models associated with the abovementioned development application.

TfNSW has reviewed the updated traffic models and provides the following requirements for inclusion in any development consent:

1. A dedicated right turn bay shall be constructed in the Kingsway to safely store vehicles turning right into Hinkler Avenue. This road work shall be undertaken by reallocating lane space between the existing kerbs on Kingsway as generally depicted in the hand drawn sketch provided in **TAB A** for illustration purposes only and is subject to further refinement and change as part of the detailed design review process.

*Note: Although not depicted on the hand drawn sketch, the above road works will likely require a pavement re-sheet on Kingsway to ensure the new line marking is clearly visible and will also require removal of existing on-street parking on Kingsway.*

2. Prior to the release of a Construction Certificate for the first building structure on the subject site, the developer shall submit certified copies of the civil road design plans associated with the dedicated right turn bay on Kingsway to TfNSW for approval and enter into a Works Authorisation Deed.
3. The dedicated right turn bay on Kingsway will require vehicle turning restrictions at the Chamberlain Avenue intersection at Kingsway to left turn movements only. Prior to commencing any road works on Kingsway, the applicant shall prepare a Traffic Management Plan (TMP) that assesses the traffic impacts of the vehicle trips displaced by the proposed prohibited right turn movements at this intersection. The TMP shall be submitted to TfNSW and Council for review.
4. Prior to submitting the civil design plans for the dedicated right turn bay on Kingsway, the applicant shall undertake community consultation with any residents affected by the proposed right turn prohibition at the intersection of Chamberlain Avenue and Kingsway. This consultation should be undertaken to the satisfaction of Council.
5. Prior to the release of any Occupation Certificate, the dedicated right turn bay on Kingsway at the Hinkler Avenue intersection shall be fully constructed and operational.
6. All works associated with the proposed development shall be at no cost to TfNSW.

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27-31 Argyle Street Parramatta NSW 2150  
PO Box 973 Parramatta CBD NSW 2124

W [transport.nsw.gov.au](https://transport.nsw.gov.au)

For more information, please contact the undersigned on 0418962609 or by email at [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Yours sincerely,



**James Hall**  
**Senior Land Use Planner**  
**Land Use Assessment Eastern**  
**Planning and Programs, Greater Sydney Division**

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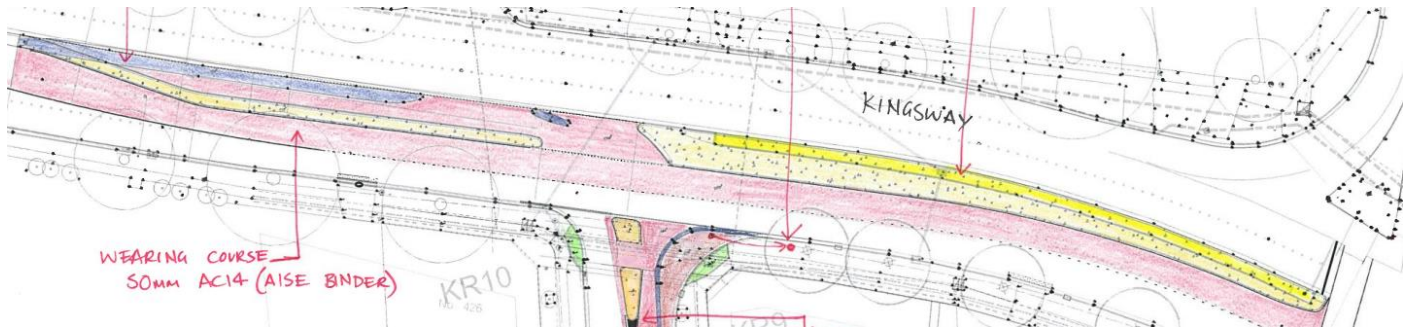
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**W** [transport.nsw.gov.au](http://transport.nsw.gov.au)

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TAB A



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3



**ISSUE:**

Submission regarding Development Application No. DA21/1251 by Senior Constable Katherine Dodd.

**BACKGROUND:**

See attached file.

**COMMENT:**

**Development Application No.: DA21/1251**

**Proposal:** Demolition of existing structures and construction of a mixed-use development (health service facility and residential units) with Torrens title and stratum subdivision

**Property:** 319 Taren Point Road, Caringbah, 12 Hinkler Avenue, Caringbah, 329 Taren Point Road, Caringbah, 20 Hinkler Avenue, Caringbah, 321 Taren Point Road, Caringbah, 10 Hinkler Avenue, Caringbah, 18 Hinkler Avenue, Caringbah, 8 Hinkler Avenue, Caringbah, 333 Taren Point Road, Caringbah, 323 Taren Point Road, Caringbah, 16 Hinkler Avenue, Caringbah, 6 Hinkler Avenue, Caringbah, 325 Taren Point Road, Caringbah, 14 Hinkler Avenue, Caringbah, 327 Taren Point Road, Caringbah, 331 Taren Point Road, Caringbah

**Police Ref: D/2022/108661**

We refer to your development application which proposes the demolition of existing structures and construction of a mixed-use development comprising of medical office and health service facilities and stratum subdivision at 6-20 Hinkler Avenue and 319-333 Taren Point Rd, Caringbah.

The proposed development will result in a significant increase in activity, both in and around the location. Such activity will subsequently increase the potential risk of crime.

Of particular concern will be the increase in vehicular and pedestrian traffic in and around the development. There is limited on street parking at the location due to being in the vicinity of Sutherland Hospital.

**Sutherland Shire Police Area Command**

Sutherland Police Station

109 Flora St, Sutherland

Telephone 02 9542 0899 Facsimile 02 9542 0708 F/Net 58899 F/Fax 58708 TTY 9211 3776 (Hearing/Speech impaired)

**NSW POLICE FORCE RECRUITING NOW 1800 222 122**

**WWW.POLICE.NSW.GOV.AU/RECRUITMENT**

After perusing the paperwork, the following suggested treatment options are submitted for consideration including a number of Crime Prevention through Environmental Design (CPTED) factors that should be considered in this development.

## **Surveillance**

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance.

- **Lighting and Technical Supervision**

Lighting should meet minimum Australian standards. Effective lighting contributes to safety by improving visibility, increasing the chance that offenders can be detected and decreasing fear. Special attention should be made to lighting the entry and exit points from the buildings, pathways throughout the site, car park and access/exit driveways.

The access/exit driveways need to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended. At the same time throughout the site transition lighting is needed to reduce vision impairment, i.e. reducing a person walking from dark to light places.

Security lighting should not illuminate observers or vantage points. Within the residential complex, observers are likely to be “inside” dwellings. Light should be projected away from buildings towards pathways and gates – not towards windows and doors. Additionally, the central pathway through the complex should provide adequate lighting for pedestrian safety. The attached development application does not specify such lighting considerations.

- **Landscaping**

The safety objective of “to see and be seen” is important in landscaped areas. Research and strong anecdotal evidence suggest that vegetation is commonly used by criminals to aid concealment through the provision of entrapment pockets. Dense vegetation can provide concealment and entrapment opportunities.

Species can be selected for different locations based on their heights, bulk and shape. A safety convention for vegetation is: lower tree limbs should be above average head height, and shrubs should not provide easy concealment. It is recommended that 3-

5m of cleared space be located either side of residential pathways. Thereafter, vegetation can be stepped back in height to maximise sightlines.

Given the inclusion of shrubs and trees throughout the site within the proposed development, it must always be emphasised that the vegetation be kept trimmed and maintained.

## Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property.

Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. The proposed development application does not specify access control measures throughout the development. It is, however, crucial that these access control measures be considered.

Consideration should be given to installing security shutters at the entry to the underground car park area. It is noted that the following 'can be conditioned' - "*where security measures to car parks are provided an intercom system shall be installed for visitors to gain entry. This system shall incorporate a CCTV system to ensure that the visitor space availability can be determined*" (Annexure B, SSDCP 2006 Compliance Table, p.15). This security control measure should strongly be considered prior to approval of this development application.

Police would recommend that all residents are allocated access cards to provide temporary activation of security shutters to the basement area. This security access control measure could also be used to gain access into the pool area – access/safety control measures are not specified within the development application.

The proposal does not specify the type of locks to be fitted to roller doors within the basement car park area. Police would recommend that garage doors are designed and installed to the Australian Standards, fitted with quality locks. Within the local area, a common modus operandi of break and enter offenders whilst targeting premises of similar nature, is to access the residential premise via the garage area. Hence, quality deadlock sets should be fitted to internal doors leading from the garage area into individual townhouses. Storage doors within the garage area should also be fitted with quality deadlocks.

Police recommend that the underground car parking areas be painted white to greatly help to reflect light. Painted facilities not only look larger and more spacious than unpainted car parks, but can greatly reduce the number of lights required to illuminate the car park and on-going energy costs.

Police would suggest the use of CCTV to monitor the common areas, access/exit driveways and underground car parks to ensure resident safety and security.

Internal residential entrance doors and frames should be of solid construction. These doors should be fitted with quality deadlock sets, which comply with the Australian/New Zealand standards and Fire Regulations (Australian Building Code) to enable occupants to escape in emergency situations such as a fire. Consideration should be given to installing key operated locks to windows. In addition to this, consideration should be given to installing locks that allow for windows and doors in a partially open position.

## **Territorial Reinforcement**

With few exceptions, criminals do not want to be detected, challenged or apprehended. For offenders, the capability of guardianship (to detect, challenge or apprehend) is an important consideration. It is argued that residents are more effective as guardians (crime deterrents) than passing members of the community.

Territorial reinforcement can be achieved through:

- ✓ Design that encourages people to gather in public space and to feel some responsibility for its use and condition
- ✓ Design with clear transitions and boundaries between public and private space
- ✓ Clear design cues on who is to use the space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

- **Environmental Maintenance**

Clean, well-maintained areas often exhibit strong territorial cues. Rundown areas negatively impact upon perceptions of fear and may affect community confidence to use public space and ultimately, it may affect crime opportunity. Vandalism can induce fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti, the replacement of car park lighting and general site cleanliness is important to create a feeling of ownership. Ownership increases the likelihood that people will report or attempt to prevent crime.

Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove. Often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.

The overall design of the outdoor "common areas" should include low barrier vegetation, bright/even lighting, wide/even paving, effective guardianship and an absence of entrapment opportunities. In addition to visible street numbering at the entrance to the complex, and throughout, this development should contain clearly

signposted directional signage to assist both visitors and emergency services personnel.

## Other Matters

### Lighting

Offenders within the area target this type of development, both in its construction phase and when the units are occupied. Police would recommend the use of security sensor lights and a security company to monitor the site while construction is in progress.

### Car Park Security

One of the major issues that have been brought to Police attention in this Local Government Area is the prevalence of offenders breaching the security access to the car park areas and breaking into the vehicles. Due to the isolation of the garages, these offences are not usually noticed by the owners until much later. It is suggested that this area be monitored by CCTV and appropriately sign-posted to deter potential offenders.

### Way-finding

Wayfinding in large environments such as this proposed development site can be confusing. Design and definitional legibility is an important safety issue at these locations. Knowing how and where to enter and exit, and find assistance within the development, can impact perceptions of safety, victim vulnerability and crime opportunity. Signage should *reinforce*, but not be an alternative to legible design.

### Letter boxes

Mail/identity theft costs the community millions of dollars annually. And thieves thrive off residents leaving their letter boxes unlocked. It is **highly recommended** the letter boxes are constructed of quality material and be fitted with quality and robust locks. Letter boxes that are positioned on the outside of the complex are easily accessible by offenders using master keys and residents leaving letter boxes unlocked. The use of a parcel lockbox should also be considered.

*The NSW Police Force (NSWPF) has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained in this evaluation any person who does so acknowledges that:*

- It is not possible to make areas evaluated by the NSWPF absolutely safe for the community and their property*
- Recommendations are based upon information provided to, and observations made by the NSWPF at the time the evaluation was made*
- The evaluation is a confidential document and is for use by the Council or the organisation referred to on page one*
- The contents of this evaluation are not to be copied or circulated otherwise than for the purpose of the Council or the organisation referred to on page one.*



- *The NSWPF hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations are followed.*

**RECOMMENDATION:**

There are no objections to this proposal however it is recommended the above Crime Prevention Through Environmental Design (CPTED) should be considered in this development.



Katherine Dodd  
Senior Constable  
Crime Prevention Officer  
Sutherland Shire Police Area Command  
1<sup>st</sup> March 2022  
Ph: 9542 0899

1) Sergeant Millington, Crime Co Ordinator – Sutherland Shire PAC

For information of Sutherland Shire Council.



R. Millington  
Sergeant  
3 March 2022

2) General Manager, Sutherland Shire Council



31 January 2022

Sutherland Shire Police Area Command  
Locked Bag 5102  
PARRAMATTA NSW 2124

Dear Sir/Madam

**Development Application No. DA21/1251**

**Proposal:** Demolition of existing structures and construction of a mixed-use development (health service facility and residential units) with Torrens title and stratum subdivision

**Property:** 319 Taren Point Road, Caringbah, 12 Hinkler Avenue, Caringbah, 329 Taren Point Road, Caringbah, 20 Hinkler Avenue, Caringbah, 321 Taren Point Road, Caringbah, 10 Hinkler Avenue, Caringbah, 18 Hinkler Avenue, Caringbah, 8 Hinkler Avenue, Caringbah, 333 Taren Point Road, Caringbah, 323 Taren Point Road, Caringbah, 16 Hinkler Avenue, Caringbah, 6 Hinkler Avenue, Caringbah, 325 Taren Point Road, Caringbah, 14 Hinkler Avenue, Caringbah, 327 Taren Point Road, Caringbah, 331 Taren Point Road, Caringbah

This letter is to advise that Council has received the above development application.

The application was received by Council on 13 December 2021 and will be on public exhibition from 28 January to 18 February 2022. It is being referred to NSW Police Service for a Crime Risk Assessment in accordance with the protocol established between Council and NSW Police. A copy of the application form and internal floor plans are attached. Other supporting plans and information can be accessed from Council's website at [www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au), go to Track / Development Applications.

The application seeks to construct a large mixed-use development, comprising the remainder of the residential block in Hinkler Avenue and Taren Point Road. It contains a large health service facility and upper level residential apartments.

Your comments are requested in relation to Crime Prevention through Environmental Design (CPTED) and 'Safer by Design' aspects of the proposal in addition to any general local policing issues which may be relevant in considering the application.

In making any recommendations to Council, NSW Police should be aware that Council can only request changes to a proposal or impose conditions which are *directly* related to the current proposal. For example, Council cannot use an application for additions to an existing hotel as an opportunity to retrospectively reduce approved hours of operation.

In your response please clearly indicate whether NSW Police supports the proposal or has an objection to it being approved. If supporting the proposal, please specify any modifications or conditions of consent that you consider appropriate. In accordance with the enclosed protocol, if no response is received within 21 days, Council will assume NSW Police do not have any objections to the proposal.

If you need further information or wish to meet with Council staff to discuss the proposal please contact Amanda Treharne on 9710 0462 or email [atrehane@ssc.nsw.gov.au](mailto:atrehane@ssc.nsw.gov.au) and quote the application number in the subject.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Amanda Treharne', with a long horizontal flourish extending to the right.

Amanda Treharne



Contact: David Stephens

Email: [david.stephens@waternsw.com.au](mailto:david.stephens@waternsw.com.au)

Our ref: IDAS1143460

Our file: A-42591

Your ref: DA21/1251

General Manager  
Sutherland Shire Council  
Locked Bag 17  
Sutherland NSW 1499

02 December 2022

Attention: Vivian Tran

Dear Sir/Madam

**Re: Request for Review of Revised Basement Plans**  
**Dev Ref: DA 21/1251**  
**Location: 6–20 Hinkler Ave & 319–333 Taren Point Rd, Caringbah NSW 2229**

I refer to your recent letter regarding the re-referral of an integrated Development Application (DA) proposed for the above location. The DA is being re-referred due to revised plans being received that include the addition of a third basement level. Council is seeking to verify whether the General Terms of Approval (GTA) previously provided by WaterNSW (Ref. IDAS1143460) are still valid.

WaterNSW has reviewed the proposed amendments. The information provided indicates that the proponent intends to comply with the original GTA for the construction of a tanked basement (ie. temporary construction dewatering only).

The General Terms of Approval (IDAS1143460) issued on 2 June 2022 are still current and WaterNSW has no objections to the proposed amendments.

Yours Sincerely

A handwritten signature in blue ink, appearing to read "David Stephens".

**David Stephens**  
**Water Regulation Specialist**  
**Assessments & Approvals**  
**WaterNSW**

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** IDAS1143460

**Issue date of GTA:** 02 June 2022

**Type of Approval:** Water Supply Work

**Description:** 80mm submersible pump

**Location of work/activity:** 6-20 HINKLER AVENUE CARINGBAH 2229 & 323-331 TAREN POINT ROAD CARINGBAH 2229

**DA Number:** DA 21/1251

**LGA:** Sutherland Shire Council

**Water Sharing Plan Area:** Greater Metropolitan Region Groundwater Sources 2011

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
	<b>Dewatering</b>
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to -

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

<b>Reference Number:</b>	IDAS1143460
<b>Issue date of GTA:</b>	02 June 2022
<b>Type of Approval:</b>	Water Supply Work
<b>Description:</b>	80mm submersible pump
<b>Location of work/activity:</b>	6-20 HINKLER AVENUE CARINGBAH 2229 & 323-331 TAREN POINT ROAD CARINGBAH 2229
<b>DA Number:</b>	DA 21/1251
<b>LGA:</b>	Sutherland Shire Council
<b>Water Sharing Plan Area:</b>	Greater Metropolitan Region Groundwater Sources 2011
	PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0121-00001	Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the

## General Terms of Approval

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<b>LGA:</b>	Sutherland Shire Council
<b>Water Sharing Plan Area:</b>	Greater Metropolitan Region Groundwater Sources 2011
water supply work approval (Approved Monitoring Programme)	
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website <a href="http://www.waternsw.com.au/customer-service/water-licensing/dewatering">www.waternsw.com.au/customer-service/water-licensing/dewatering</a>
GT0150-00001	The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

## **SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA 21/1251 as provided by Council:

- Groundwater Impact Assessment 6562-2-G1 Rev 1
- Geotechnical Investigation 6562-G1 Rev 1
- Architectural drawings

**Report and Recommendations of the Design Review Forum Panel  
Sutherland Shire Council DA21/1251**

Panel Members: John Dimopoulos, Harry Levine, Peter Brooker

Council Staff: Consultant (ROFF), Amanda Treharne (Team Leader)

Applicant Team: Nick Byrne (DKO), David Felicio (DKO), Joseph Scuderi (Landmark), Adam Martinez (Landmark)

DA No: DA21/1251

Project Address: 319 Taren Point Road, Caringbah, 12 Hinkler Avenue, Caringbah, 329 Taren Point Road, Caringbah, 20 Hinkler Avenue, Caringbah, 321 Taren Point Road, Caringbah, 10 Hinkler Avenue, Caringbah, 18 Hinkler Avenue, Caringbah, 8 Hinkler Avenue, Caringbah, 333 Taren Point Road, Caringbah, 323 Taren Point Road, Caringbah, 16 Hinkler Avenue, Caringbah, 6 Hinkler Avenue, Caringbah, 325 Taren Point Road, Caringbah, 14 Hinkler Avenue, Caringbah, 327 Taren Point Road, Caringbah, 331 Taren Point Road, Caringbah

Proposal: Demolition of existing structures and construction of a mixed use development (health service facility and residential units) with Torrens title and stratum subdivision

**PREAMBLE**

A proposal for the site has not previously been reviewed by Council or the DRF.

The site was viewed by the Panel members prior to the meeting.

The proposal has been considered in relation to the Design Quality Principles of SEPP 65. Detailed matters relating to Principle 5 (Landscape) are not covered by the Panel and will be separately reported by Council Officers.

Issues considered relevant to the proposal are noted below.

## COMMENTS

1. This is a large, consolidated site which substantially changes the development pattern set out in the DCP. Although some analysis was presented at the meeting, the submission contains no thorough, fully contextual urban design analysis of the implications of this, and no presentation of options leading to a preferred proposal. While there were some potential advantages noted in a general way - fewer basement parking entries, consolidation of services, a direct through site link, and the potential benefits of a perimeter block - the actual proposal demonstrates that, at the densities proposed, the potential grain of the street experience and variety of buildings envisaged in the DCP, has been traded for a large development, all designed by one hand, that is struggling to provide a satisfactory public through site link, good street interfaces with the necessary landscape character, and acceptable private amenity.
2. No account seems to have been taken of the fact that the irregular geometry of the consolidated site makes its efficient use as a residential perimeter block difficult to achieve, particularly on the southern portion, or that the DCP setbacks require common adherence across side boundaries to achieve the necessary building separation.

While the Panel accepts the proposition that a single medical building might be a more suitable development option, its detachment and separation is poorly realised in this submission, with an ill-considered public link from Hinkler Avenue to Taren Point Rd, and an unacceptable relationship with the adjacent building to the north.

There is little evidence of thought about the nature and character of the public connection between Hinkler Avenue and Taren Point Rd. At ground level, its southern side is fully occupied by disconnected buried apartments and its northern side has one entry to the medical facility (with another minor one along a passage intruding into the lane adjacent to a ramp). Above, its southern side consists of 7 levels of residential looking at the 54m long fully glazed medical centre (considered as habitable space), with 12 metres between them.

As currently configured, it is a space without an identity, lacking in the attributes that make for a successful extension of the public street network. Any through site link should be designed as a recognisable urban spatial type. It should be appropriately activated with a compatible mix of uses with its fully public nature embedded in the title arrangements, and ideally, named and signed to Council approval. It should be designed in detail in conjunction with its building interfaces with a commonly understood street-based palette of elements and materials, which may include a

rhythmic repetition of trees, lights, benches etc., all simply laid out – the proposed assortment of angled walls, random benches and ‘feature’ planter boxes is not convincing.

An equally poor, if not worse, relationship is proposed between the north face of the medical facility and the existing adjacent building built in accordance with the DCP setbacks, which, if followed across this boundary, would have 12-18m separation between buildings. Instead, a 6-9m separation is proposed, again facing residential habitable spaces across the boundary. Further, there is no possibility of any planting along the boundary, as the basement extends to the boundary for its full length, and the ground level is a lost underworld of service zones between both buildings, open at both ends to the streets.

As noted above, the medical facility does not meet separation standards and setbacks on the north and south sides of the building, nor is the required setback met on Hinkler Avenue, where there is no credible argument to support the reduced setback proposed.

3. The Panel has significant concerns with the residential buildings:

- The massing is essentially of 6 and 7 storey buildings, without any setbacks in the internal central spaces as prescribed in the ADG above 4 levels.
- The tapering courtyard of Building A is untenable in its intensity, adjacency, outlook from apartments, and its acoustic environment.
- Most of the street-facing ground floor apartments are set below street level, many substantially so. This is a poor relationship not supported by the Panel. The elevations should indicate the street level dotted so as to properly illustrate the relationship of the apartment to the street, which should be set above street level so as to allow a measure of privacy for residents as well as engagement with the street.
- Large parts of the basement footprint do not comply with the DCP deep soil setback requirement, thereby undermining the objective of the DCP :

*‘to create a new area of mixed use developments in a landscaped setting with substantial landscaped building setbacks.....intended to soften the visual impact of new developments and help to protect the R3 residential ambience of Flide Street.’*



- Aesthetically, the proposed visual grounding of the medical centre, using a brick base of 2 levels as a scaling device, seems an acceptable strategy to have been pursued across the whole development, especially given the low scale residential character opposite Taren Point Rd, between Flide and Gardere Streets. In this regard, the proposal is to avoid the current non-vertically articulated forms of 6 and 7 storeys that address those Streets, which tend to exaggerate the sense of bulk and height.
  - Common circulation spaces at ground levels are overly long and circuitous and cannot be said to be naturally lit and ventilated to an acceptable standard.
  - Common street entries are deeply recessed in awkward, unsafe spaces.
4. The staging of the development remains confusing in both vehicular organisation and traffic circulation / wayfinding, and the potential implications of the fact that the medical facility (which triggers the bonus) is proposed as the final phase of the staged construction should be a consideration as part of the approval process.
  5. There are issues that should be clarified with Council:
    - How the 'bonus on top of a bonus' (medical facility plus affordable housing) has been calculated.
    - Numerical compliance with the required deep soil and the communal open space seems to be insufficient.

## RECOMMENDATIONS

The Panel does not support the proposal and considers it to be an overdevelopment of the site. Burdened by the additional bonus of 0.5 FSR for affordable housing, which has to be accommodated within the same permissible height limit, it fails to achieve an acceptable standard of public or private amenity, as evidenced by the range of built form and amenity problems noted above. The extended basement footprint and reduced deep soil in the street setbacks goes against the controls and objectives of the DCP to generate buildings in a landscape setting, and it is questionable whether the proposal can be said to satisfy the character test of the AH SEPP.

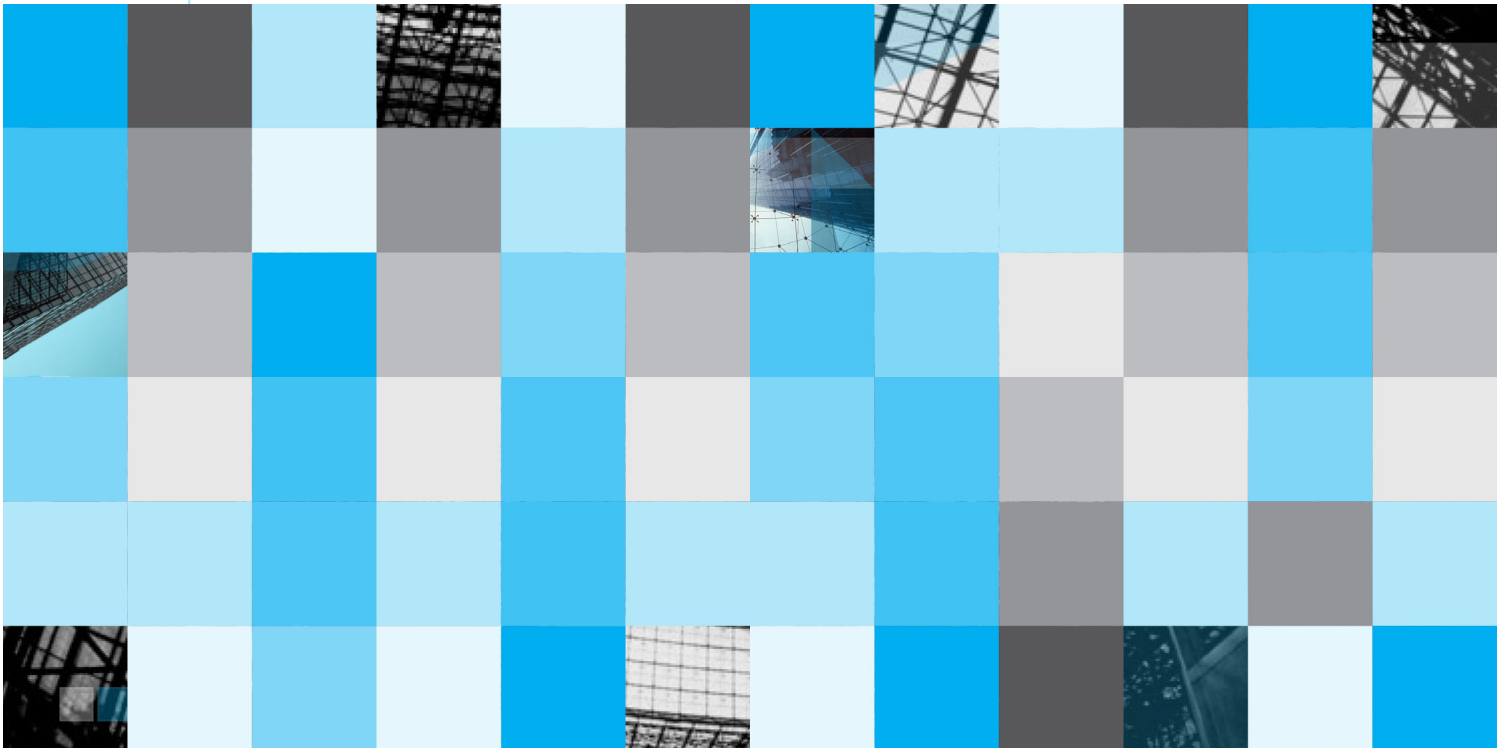
An alternative proposal should be developed that re-considers options for the site layout and develops the proposal in response to the issues noted above, and that also contains full illustrative material of the proposal in its extended urban context. This should include street

elevations of the whole block (with existing adjacent buildings) that show ground level apartment relationships with the streets.

It is unlikely that an appropriate built outcome that could be supported by the Panel will be able to realise the currently submitted FSR for the site.

John Dimopoulos

DRF Chair



6-20 Hinkler Avenue & 319-333 Taren Point Road,  
Caringbah

## Clause 4.6 – Building Height Development Standard

# Clause 4.6 – Building Height Development Standard

**6-20 HINKLER AVENUE & 319-333 TAREN POINT  
ROAD, CARINGBAH**

**October 2022**

Prepared under instructions from  
[Landmark Group](#)

by

[Aaron Sutherland](#)  
B Town Planning UNSW

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## 1.0 INTRODUCTION

Landmark Group is an Australian property development company with more than 20 years of experience and a strong reputation for delivering quality apartments. Landmark Group acquires prime development sites within Sydney's growth and transport corridors and as a builder/developer aim to deliver projects in a timely fashion and ensure a high quality outcome is achieved.

The proposed development is for demolition of existing structures and construction of a mixed use development comprising a health services facility and 234 apartments above 2 basements levels, and torrens title and stratum subdivision at 6-20 Hinkler Avenue and 319-333 Taren Point Road, Caringbah.

The vision for the site is based on the following key principles:

- The consolidation of the health services facility floor space as one distinct component of the development, rather than distributed across the development, to better facilitate a purposeful medical facility on the site;
- A 'precinct' approach to the site which optimises site permeability with the introduction of a publicly accessible through-site-link that serves to greatly improve connectivity of the local area, as well as being able to accommodate an ambulance in the event that emergency vehicle access is required to the health services facility;
- Retention and protection of the majority of existing street trees;
- 42% of the total residential floor area as Affordable Housing under the Affordable Rental Housing SEPP; and
- A distribution of built form across the site in a manner that achieves a better integration with the emerging context of the site than that which is anticipated by the DCP.

The Development Application involves a variation to the Building Height development standard at Clause 4.3 of the Sutherland Shire Local Environmental Plan 2015 (SSLEP).

Clause 4.6(2) of the SSLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the SSLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6(4) provides that development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that—
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

Clause 4.6(5) provides that in deciding whether to grant concurrence, the Planning Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

In accordance with clause 4.6(3) the applicant requests that the Building Height development standard be varied. This Clause 4.6 Written Request has been prepared on behalf of the applicant in support of the proposed variation to the Building Height development standards at Clause 4.3 of the SSLEP and justifies the proposed extent of variation.

This Clause 4.6 Written Request has been prepared having regard to NSW Planning & Infrastructure, 'Varying development standards: A Guide', August 2011, which remains a relevant policy document, being referred to in Planning Circular PS20- 002, dated 5 May 2020.

In accordance with Clause 4.6(4) the consent authority can be satisfied that this request has adequately addressed the matters required to be demonstrated by subclause 4.6(3), and that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

In accordance with Clause 4.6(5):

- (a) Sydney South Regional Planning Panel may assume concurrence under cl 4.6 in accordance with assumed concurrence notice dated 21 February 2018 (attached to Planning Circular PS 20-002, dated 5 May 2020) made under cl 64 of the EP&A Regulation 2000.
- (b) The contravention of the standard does not raise any matters of significance for state or regional environmental planning.
- (c) This Clause 4.6 request demonstrates that there are significant environmental planning benefits associated with the contravention of the standard. There is no material impact or benefit associated with strict adherence to the development standard and there is no compelling reason or public benefit derived from maintenance of the standard.

Having regard to the above the Sydney South Regional Planning Panel has the jurisdictional authority to grant consent pursuant to Clause 4.6 of the Sutherland Shire Local Environmental Plan 2015.



## 2.0 SITE DESCRIPTION AND LOCATION

### 2.1 Locality Description

The land to which the proposal relates is located in the suburb of Caringbah which is within the Sutherland Shire local government area and in particular the site is located within the Caringbah Medical precinct.

The precinct is located to the north west of Caringbah Centre and is bounded by the Kingsway to the north, the railway line to the south, the Sutherland Hospital to the northwest and Willarong Road to the southeast. The precinct is within an 800 metre radius of Caringbah railway station, providing a convenient walking distance to shops, offices, services and public transport. The precinct is also within walking distance to primary and high schools.

Council's strategy for the precinct is to develop a cluster of new medical facilities in close proximity to Sutherland Hospital and Kareena Private Hospital, and within walking distance of Caringbah Centre. The intention is for the medical cluster to provide facilities to meet the health needs of Shire residents and provide specialist medical services to the region while also providing more opportunities for residents to find local employment. The proximity to the centre means that the precinct is an appropriate place to provide additional dwellings as well as medical facilities.

The location of the site is illustrated in Figure 1 below.

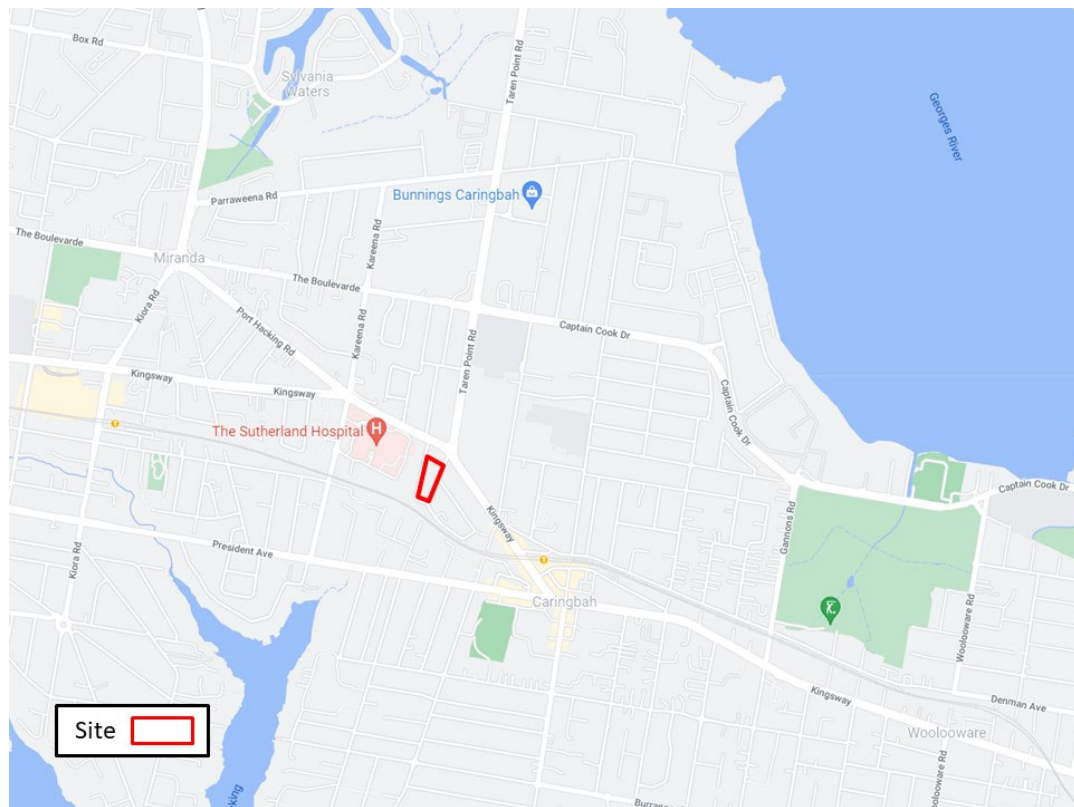


Figure 1:

Site Location: (Source: Google Maps)

## 2.2 Site Description

The development site comprises 16 allotments and is known as 6-20 Hinkler Road and 319-333 Taren Point Road, Caringbah.

The site is irregular in shape with a frontage of approximately 170 metres to Hinkler Avenue to the west, 55 metres to Hinkler Road to the south, and 170 metres to Taren Point Road to the east. The total site area is 9,431 square metres. There is a diagonal cross fall across the site from the north-western corner to the south-eastern corner of approximately **6.6 metres**.



Figure 2:

Aerial view of the site (Source: Six Maps, Department of Lands 2021)

The site is currently occupied by a detached dwelling on each site with the exception of two sites which contain a dual occupancy development. Some of the properties contain swimming pools, and a variety of vegetation exists across the site.





Photograph 1:

The northern end of the  
Taren Point Road  
frontage of the site  
(Source: Google)



Photograph 2:

The middle of the Taren  
Point Road frontage of  
the site (Source: Google)



Photograph 3:

The south-eastern  
corner of the site  
(Source: Google)

#### Photograph 4:

The middle of the Hinkler Avenue (west) side of the site (Source: Google)



#### Photograph 5:

The northern end of the Hinkler Avenue (west) side of the site (Source: Google)

### 2.3 Surrounding Development

The current context of the site is undergoing transformation as the area is developed in accordance with Chapter 9 of the Sutherland Shire Development Control Plan 2015 which applies to the Caringbah Medical Precinct.

To the immediate north of the site at 315 Taren Point Road is a recently completed mixed use development which extends from Hinkler Avenue through to Taren Point Road.

Opposite the site to the east across Taren Point Road is traditional detached housing and some townhouse development. However, these sites are zoned either R4 High Density Residential or R3 Medium Density Residential and it is likely that these sites will be redeveloped in the near future for higher density development. Similarly, the sites opposite to the south and west across Hinkler Avenue contain traditional detached housing. However, there is evidence of the emerging character of the area opposite at the northern end of Hinkler Avenue where several mixed use developments have recently been completed.

## 3.0 BACKGROUND

### 3.1 The Need for Affordable Housing

There is a clearly established housing affordability issue in Sydney including the Sutherland Shire, noting that Council have acknowledged the need for more affordable housing in the Shire, as highlighted in the Sutherland Shire Council Delivery Program 2017-2021, Outcome 6 – A Liveable Place with a High Quality of Life.

In addition, the Sutherland Shire Local Strategic Planning Statement explains the following under Planning Priority 10: Housing Choice:

**The housing strategy must consider housing affordability - critical to achieving a diverse community and providing opportunities for workers to live locally. In September 2017, only 16% of rental stock in Sutherland Shire was affordable for very low and low income households. The Affordable Rental Housing SEPP is one mechanism to deliver affordable rental housing. Research and policy development is required to facilitate more affordable rental housing in Sutherland Shire.**

**Community Housing Providers such as St George Community Housing and charities play an important role in the delivery of affordable rental housing.**

The proposal is supported by a Social Impact Assessment prepared by Sarah George Consulting which is Appendix B to this Clause 4.6 Written Report. The Social Impact Assessment identifies the following in relation to the need for affordable housing:

It is generally accepted that the cost of private accommodation in Sydney is inflated, and there is an insufficient supply of affordable housing stock for both rent and purchase. As such, there is an identified need for affordable housing. Affordable housing is generally characterised as housing that is appropriate for the needs of a range of low to moderate income households and priced so that these households are also able to meet other basic living costs such as food, clothing, transport, medical care and education. As a general rule, housing is considered to be affordable if it costs less than 30% of the gross household income.

Having available, affordable housing in an area, results in a number of positive social benefits including providing opportunities for downsizing for older residents, while remaining in the community; provision of housing for people with a disability; contribution to the diversity of housing stock in an area; and ensuring diversity of the community and population.

Affordable housing is ideally located throughout a community, but, like other forms of affordable housing such as boarding house accommodation, it is best placed in areas with good access to public transport, retail (supermarkets), recreation opportunities and medical/allied health services (hospitals, medical centres, dentists, pharmacies etc). Locating affordable housing close to transport and services reduces the reliance on private cars, encourages walking, allows for the retention of established community links and relationships and contributes to residents being able to age in place.

The subject site is ideally located within the suburb of Caringbah as it is in close proximity to key infrastructure, including:



- Caringbah Train Station
- The Sutherland Hospital
- Kareena Private Hospital
- Caringbah High School
- Caringbah North Public School
- Endeavour Sports High School

This proximity provides a greater opportunity for this site to deliver on much needed amenity, community facilities and affordable accommodation.

Sutherland Shire Council have acknowledged the need for more affordable housing in the Shire, as highlighted in the Sutherland Shire Council Delivery Program 2017-2021, Outcome 6 – A Liveable Place with a High Quality of Life, deliverable 6C states an outcome as:

*Support enhanced housing diversity, accessibility and affordability to meet the diverse needs of the community.<sup>2</sup>*

Data from the NSW Government Housing Kit indicates that data for 2019 indicated that there were low levels of affordable rental accommodation for those on low incomes (17.7%), and a reasonable supply of affordable rental accommodation for those on moderate incomes (68.8%) in the Sutherland Shire LGA. While there is a reasonable supply of affordable rental accommodation for those on moderate incomes in the Shire, the proportion is lower than that found in Greater Sydney (72.5%) and in NSW (77.4%).

In terms of affordable properties for purchase, in 2019, there were no properties for purchase in the Sutherland Shire for those on very low, or low incomes, and only 10.4% of those on moderate incomes were able to purchase an affordable property, significantly lower than that in Greater Sydney (18.5%) and NSW (32.5%).

The subject application represents a positive social impact in terms of the provision of a mix of housing type, size and affordability in the suburb of Caringbah and the wider Sutherland LGA.

The proposed affordable housing will achieve positive social benefits including providing opportunities for downsizing for older residents, while remaining in the community; provision of housing for people with a disability; contribution to the diversity of housing stock in an area; and ensuring diversity of the community and population.

### 3.2 Overview of DAs approved in Caringbah Medical Precinct

Council has approved a number of development applications in the precinct which have varied the 20 metre height control.

These examples demonstrate that Council have taken a merit based approach towards the assessment of development applications in the precinct.

The details of these application is provided below:

Address	DA No.	Approval Date	Description	Variation
416-422 Kingsway and 2B-2C Hinkler Ave, Caringbah	DA15/1434	21/9/16	mixed use building with health services and 42 apartments	Clause 4.6 for 3.2m / 16% height variation
2-4 Hinkler Ave and 315- 317 Taren Point Road, Caringbah	DA16/0766	2/2/17	mixed use building with health services and 42 apartments	Clause 4.6 for 2.6m / 12.9% height variation
11-13 HinklerAve, Caringbah	DA16/1105	7/7/17	mixed use building with health services and 18 apartments	Clause 4.6 for 2.1m /10.5% height variation
7-9 HinklerAve, Caringbah	DA17/0236	1/11/17	mixed use building with health services and 20 apartments	Clause 4.6 for 2.6m / 13% height variation
17-19 Hinkler Ave, Caringbah	DA17/0020	28/6/18	mixed use building with health services and 18 apartments	Clause 4.6 for 3.9m / 19.5% height variation
1 Hinkler Ave and 426-428Kingsway, Caringbah	DA18/1503	21/1/20	mixed use building with health services and 33 apartments	Clause 4.6 for 0.6m / 3% height variation

## 4.0 PROPOSAL

### 4.1 Project Objectives

The vision for the site is based on the following key principles:

- The consolidation of the health services facility floor space as one distinct component of the development, rather than distributed across the development, to better facilitate a purposeful medical facility on the site;
- A 'precinct' approach to the site which optimises site permeability with the introduction of a publicly accessible through-site-link that serves to greatly improve connectivity of the local area, as well as being able to accommodate an ambulance in the event that emergency vehicle access is required to the health services facility;
- Retention and protection of the majority of existing street trees;
- The provision of Affordable Housing; and
- A distribution of built form across the site in a manner that achieves a better integration with the emerging context of the site than that which is anticipated by the DCP.

The achievement of these objectives is aligned with and will fulfil the vision for the Caringbah Medical Precinct as outlined in the Sutherland Shire Development Control Plan 2015:

*The strategy for the precinct is to develop a cluster of new medical facilities in close proximity to Sutherland Hospital and Kareena Private Hospital, and within walking distance of Caringbah Centre. The medical cluster will help meet the health needs of Shire residents and provide specialist medical services to the region while also providing more opportunities for residents to find local employment. The development of specialist medical businesses in this precinct is intended to stimulate commercial activity in Caringbah Centre. Clients and workers will use the shops and services of the centre to revitalize it. The proximity to the centre means that the precinct is an appropriate place to provide additional dwellings as well as medical facilities*

### 4.2 General Description

The proposal is for a mixed use redevelopment of the site comprising the following:

- Demolition of existing buildings;
- Erection of 3 buildings above two common basement level as follows:
  - Building A – multi storey building containing 115 apartments in a perimeter edge arrangement at the southern end of the site
  - Building B – multi storey building containing 119 apartments centrally within the site
  - Building C – multi storey health services facility at the northern end of the site which extends from Hinkler Avenue to Taren Point Road.
- A central open space between buildings A and B provides for communal open space for the residents of the development;
- A publicly accessible through site link is provided between buildings B and C; and
- Torrens title subdivision into two lots, and stratum subdivision of the new northern lot into 2 stratum allotments.

### 4.3 Urban Design Approach

The site is located within the Caringbah Medical Precinct as defined by Chapter 9 of the Sutherland Shire Development Control Plan 2015 which outlines the following strategy for this Precinct:



The strategy for the precinct is to develop a cluster of new medical facilities in close proximity to Sutherland Hospital and Kareena Private Hospital, and within walking distance of Caringbah Centre. The medical cluster will help meet the health needs of Shire residents and provide specialist medical services to the region while also providing more opportunities for residents to find local employment. The development of specialist medical businesses in this precinct is intended to stimulate commercial activity in Caringbah Centre. Clients and workers will use the shops and services of the centre to revitalize it. The proximity to the centre means that the precinct is an appropriate place to provide additional dwellings as well as medical facilities.

The precinct is zoned Zone R4 High Density Residential, with mapped height 9m and mapped FSR 0.55:1. SSLEP 2015 Clause 6.21 'Caringbah Medical Precinct' allows height and FSR up to 20m (6 storeys) and FSR 2:1, if the development includes a Health Services Facility. It is important that the Health Services Facility is a significant part of the development, occupying a minimum 25% of the floor area.

The intention for the precinct is to create a new area of mixed use developments in a landscaped setting with substantial landscaped building setbacks. While development at the increased height to 20m and floor space ratio 2:1 will change this area, large trees and landscaping are intended to soften the visual impact of new developments and help to protect residential ambience of Flide Street.

The DCP sets out a minimum amalgamation requirement for development parcels and assumes that the subject site would be developed as 4 separate development parcels (i.e. Site 8, Site 9, Site 10 and Site 11), as illustrated in Map 2 of the DCP (see below):



Figure 3:

Map 2 of Chapter 9 of the SSDCP which assumes the site will be developed in 4 separate parcels (i.e. Site 8, Site 9, Site 10, Site 11)

The assumption that the site would be developed as 4 separate development parcels has dictated a limited arrangement of buildings for the site due to the small site area for each parcel and the east-west alignment of each development parcel, as illustrated in Map 3 of Chapter 9 of the SSDCP.



Figure 4:

Map 2 of Chapter 9 of the SSDCP which assumes the site will be developed in 4 separate parcels (i.e. Site 8, Site 9, Site 10, Site 11)

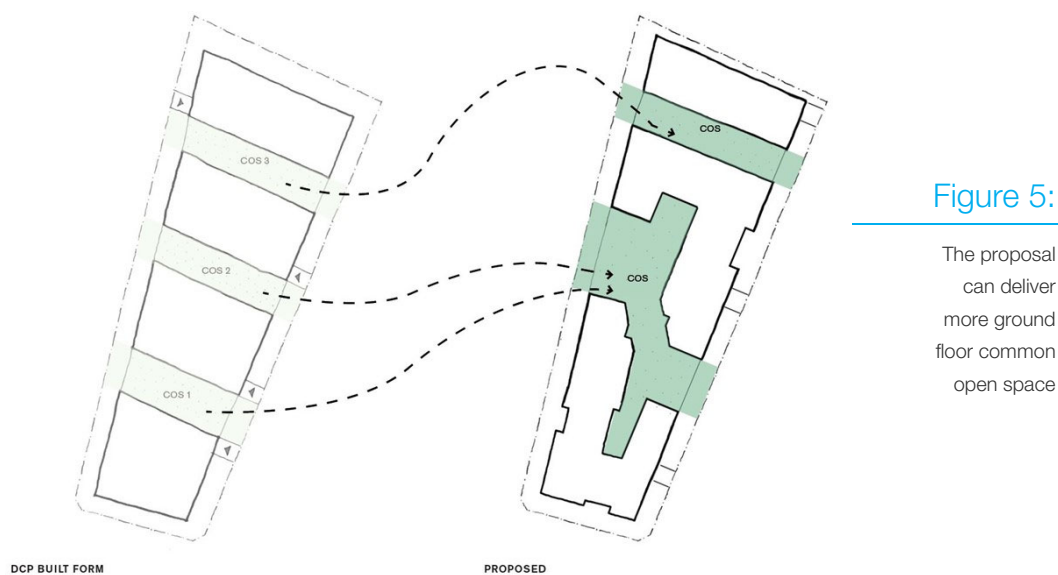
However, the subject site has consolidated all 16 allotments into a single development which enables the opportunity to achieve an alternative and significantly improved arrangement of building footprints which achieves an optimal and improved outcome in relation to:

- Consolidated rather than fragmented common open space
- Solar access improvements to open space and apartments
- Privacy between apartments
- Street interface and engagement
- Street address
- Consolidated car park entries
- Pedestrian permeability
- Consolidation of health services floorspace

The proposal provides for a superior perimeter edge form of development for the residential buildings which facilitates a much more engaged street edge condition and a more generous and consolidated centrally located common open space area. The proposal ensures a highly activated ground floor plane and the design of the proposal achieves a highly modulated built form outcome which serves to reduce the apparent bulk and mass of the development and deliver a visually dynamic outcome.

The grouping of all health services facility floor space into one component of the development at the north is more likely to attract higher grade tenants and longer term tenant stability by delivering larger floor plates within a consolidated and considered medical setting, and also facilitates a publicly accessible through site link at a critical desire line. The grouping of all health facilities also minimises adverse impacts to the residential component of the mixed use development.

Below are a series of diagrams produced by DKO Architects which illustrates a superior built form outcome when compared with the DCP.



**Figure 6:**

Proposal maximises solar access to common open space compared with DCP





Figure 7:

Proposal maximises units with 2 hours solar access with 60% reduction in south facing facade

Figure 8:

Proposal provides a better ground plane activation as the ground floor is occupied by residential and not dominated by medical



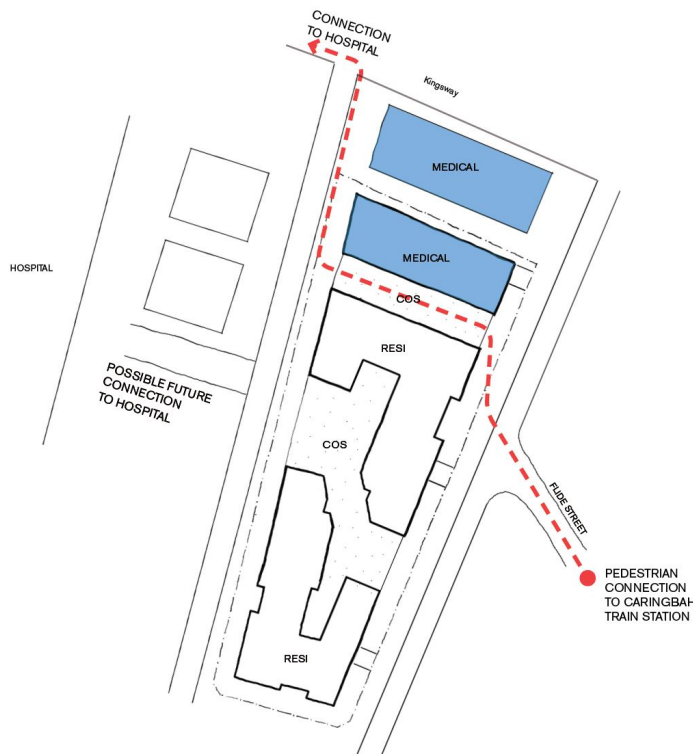


Figure 9:

The proposal provides a publicly accessible through site link

Figure 10:

The proposal provides better apartment outlook

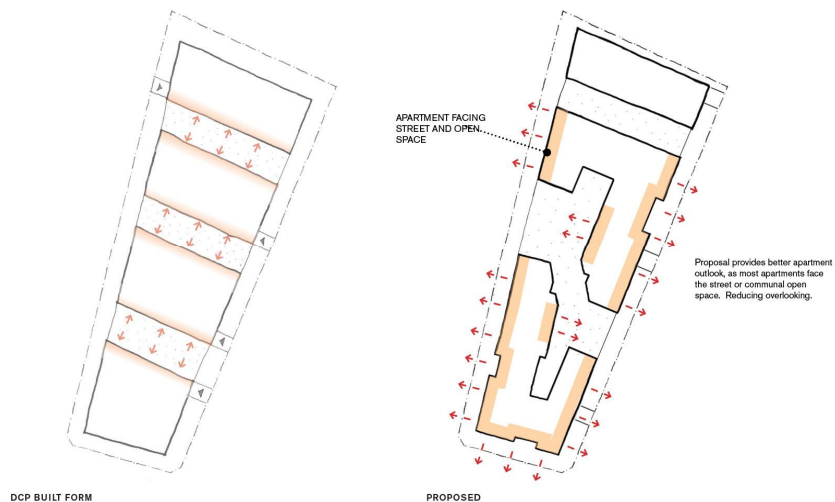


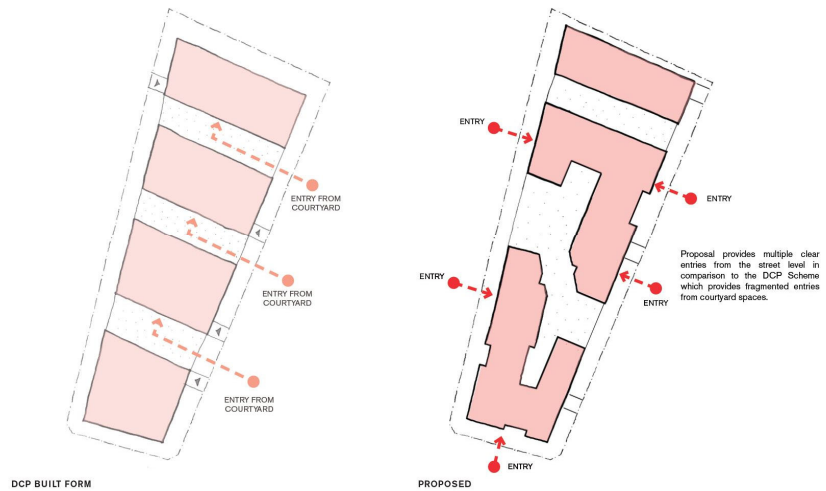


Figure 11:

The proposal provides a better address to the street rather than a fragmented approach

Figure 12:

The proposal provides multiple clear entries from the street





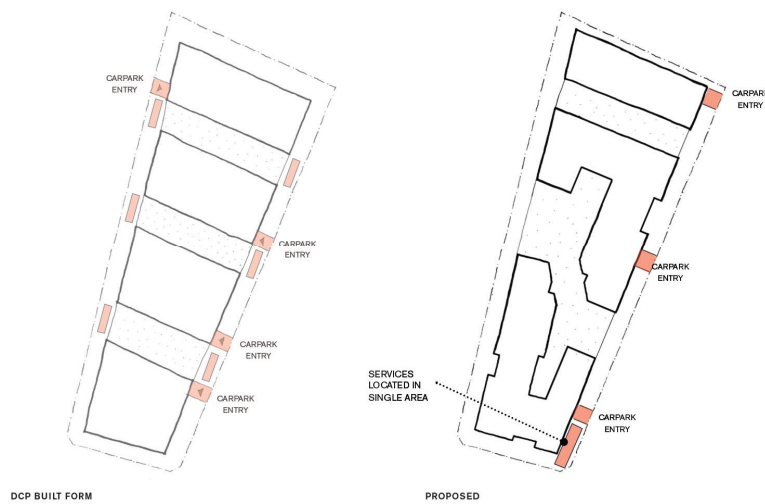


Figure 13:

The proposal minimises car park entries

The Design Report prepared by DKO Architects, with drawing excerpts above, demonstrate that the proposal achieves a far higher level of amenity for the development when compared to the pattern of amalgamation anticipated by the DCP.

The urban design approach has been peer reviewed by Matthew Pullinger who is a registered architect, renowned urban designer and also an Acting Commissioner in the NSW Land & Environment Court. His urban design analysis is attached at Appendix C and also provided below:

My role in this project has been to offer an independent peer review of the urban design proposal and subsequent amendments made in response to preliminary feedback received from Council, and in discussion with the design team.

This letter deals primarily with urban design issues, site planning considerations and the resultant urban form. To a lesser degree, I also address aspects of the proposed building configuration and general arrangement - to the extent these factors influence the presentation of the project to the public domain and the immediate context.

I don't undertake any detailed assessment of the proposal against the NSW Apartment Design Guide (ADG), which will be addressed by DKO Architecture. In any case, I don't perceive any obvious shortcomings in the proposal that brings it into conflict with the objectives and guidance offered by the ADG.

After considering the resolved development proposal and supporting documentation - its relationship to the local landscape features and the neighbouring built form (both existing and approved) - I note the following points:

The key siting strategy adopted by the proposal - which delivers meaningful public benefit - is the introduction of a shared way and publicly accessible

through-site-link that serves to improve the general permeability and connectivity of the local area.

This fundamental siting strategy establishes a direct visual and physical connection from Taren Point Road (near its intersection with Flide Street) to Hinkler Avenue at a convenient point close to the Kingsway and the Sutherland Hospital.

This through-site-link also improves access and address for the proposed 5 storey medical building.

The consolidation of medical uses into a single, stand-alone building gives greater clarity and focus to these medical uses within the precinct, and is considered to be superior to a more distributed arrangement of medical uses across the site.

The balance of the site is structured as two inter-locking residential buildings configured around a central communal open space, with clear presentation of this courtyard space to the surrounding street network along Hinkler Avenue and Taren Point Road.

The breaks proposed between buildings along Hinkler Avenue and Taren Point Road bring relief and increased greening to the streetscapes, and have been situated to maximise the solar access received by proposed dwellings and within the communal open space itself.

The detailed siting and design of the various buildings within the site seek to retain and protect the majority of existing street trees, and also configures deep soil in areas where these existing trees will benefit most.

This deep soil provision will allow further reinforcement of the street tree canopy along Hinkler Avenue and Taren Point Road.

It is clear that the pattern of site amalgamation accompanying this proposal departs from (and exceeds) that anticipated by Council's DCP. This larger amalgamated parcel is considered to present a series of urban design benefits.

Although there is a corresponding departure from the anticipated built form set out at page 12 of Chapter 9 of the DCP, the resolved development proposal maintains the permissible gross floor area, mix of uses and heights of buildings, and seeks to redistribute this building mass and uses in a targeted and intelligent manner.

As effectively a perimeter block of residential uses, the urban design benefits of this siting strategy include better-defined and activated residential streetscapes in comparison to the short ends of regularly spaced linear apartment buildings anticipated by the DCP.

Similarly, the consolidation of the residential uses into an interlocking perimeter block consolidates basement entries to two points - towards the southern end of Taren Point Road (for residential and waste management in Stage A) and towards the northern end of Taren Point Road (for residential, health-related and waste management in Stage B) - and thereby eliminates



two to three additional basement entries anticipated by the building envelopes of the DCP.

Potentially intrusive building services are also minimised and consolidated through this strategy, rather than being repeated for each of several buildings anticipated by the DCP.

The proposal generally adopts the 6m street setback for the majority of its perimeter, seeking to depart from this control to a minor extent for reasons that exhibit design merit. The breaks between residential buildings along Taren Point Road and Hinkler Avenue create opportunities for the landscaped central courtyard to contribute to the greening of both streets. It is noted these breaks effectively exceed the setback control.

Elsewhere on Hinkler Avenue - for the extent of the five storey consolidated medical building frontage - the proposal seeks to relax the setback control from 6m to 3m.

The benefit of this potential setback relaxation is to bring greater presence and address to the medical building within the streetscape. It is noted the proposed medical building presents a relatively narrow frontage to Hinkler Avenue and that the inconsistency with the numeric control is limited to approximately 18m.

In summary, the final resolved development proposal has been carefully considered in its urban design, balancing the aspirations of the applicant against those established by Council in the DCP and during pre-DA discussions.

In its resolved form, the proposal provides significant public benefit through the introduction of consolidated medical services that complement the nearby hospital and contribute to the creation of the Caringbah Medical Precinct, and configures a publicly accessible through-sitelink to improve permeability and connectivity with the primary street network.

By intelligently responding to the opportunities presented by a larger amalgamated site, the resolved development proposal represents a well-mannered, well-designed and considerate contribution to the Caringbah Medical Precinct.

#### 4.4 Response to Topography and Rooftop Amenity

The above Section 4.3 of this Clause 4.6 Written Request demonstrates the substantial urban design benefits that are achieved as a result of the consolidated nature of the subject site, which are repeated again below:

- Consolidated rather than fragmented common open space
- Solar access improvements to open space and apartments
- Privacy between apartments
- Street interface and engagement
- Street address
- Consolidated car park entries
- Pedestrian permeability

- Consolidation of health services floorspace

However, the consolidated approach also brings with it a challenge for addressing the significant diagonal cross-fall of approximately 6.6 metres across the site. Whilst the proposal provides much better street address with longer facades to each street, this requires a balanced approach to height across the site with most areas below the height plane, yet some encroachments above the height plane.

The proposed development is demonstrated to strike the correct balance for responding to the varied levels around the site noting that a significantly greater proportion of the development is below the height control than above it. In particular:

- For Building A, the south-eastern corner of the building is 1.48 metres above the height plane, whilst the north-western corner is 2.9 metres below the height plane.
- For Building B, the northern half of the building is above the height plane, whilst the majority of the roof of the south-eastern wing is below the height plane
- For Building C, virtually the entire roof is below the height plane by between 0.45 metres to 1.54 metres, with only the south-eastern corner protruding 0.05 metres above the height plane.

The area of roof with the greatest encroachment of 1.9 metres is located at the north-eastern corner of Building B, however, this encroachment is still less than the area with the greatest reduction below the height plane which is 2.9 metres at the north-western corner of Building A. The impact of the roof area with the greatest of variation to the height plane has been successfully mitigated by recessing back from the parapet of the level below and with a change in architectural expression, to preserve the achievement of a 6 storey street wall as anticipated by the planning controls.

This nuanced approach towards the fall of the site and the height plane is such that there is no meaningful shadow impact, noting that the shadow cast is in fact reduced in some areas compared with that which would result from the height plane.

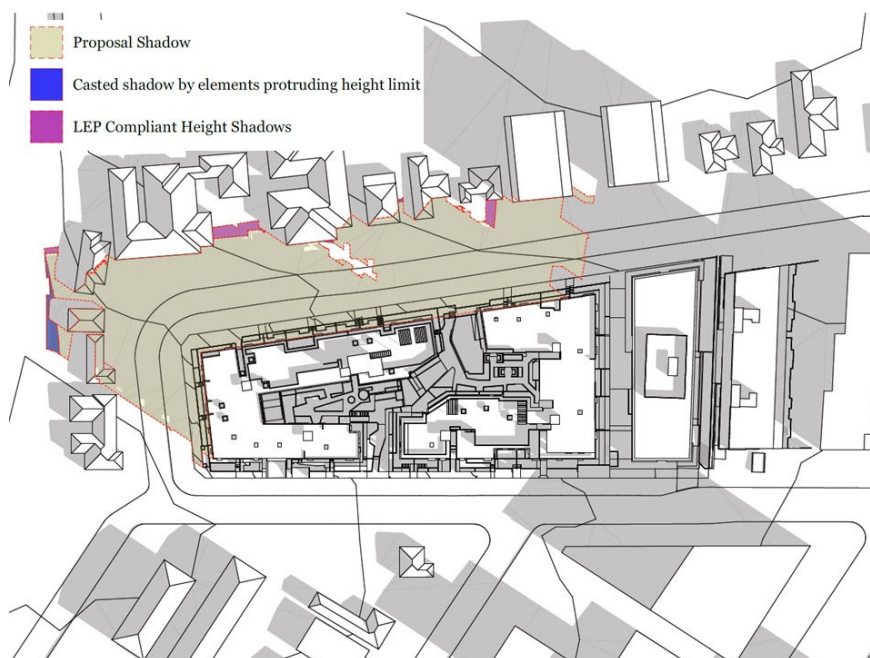


Figure 14:

9am shadow

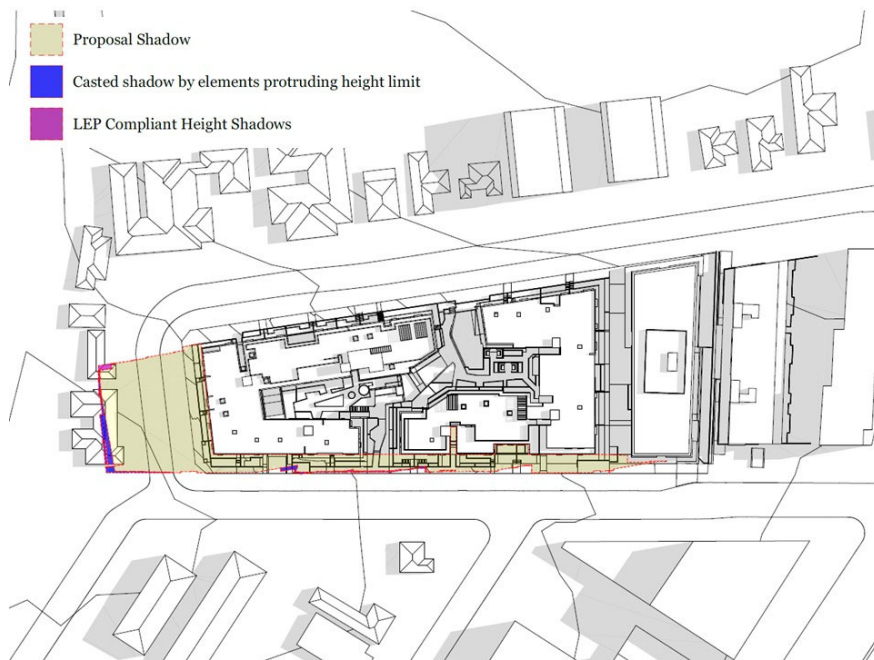


Figure 15:

12pm shadow

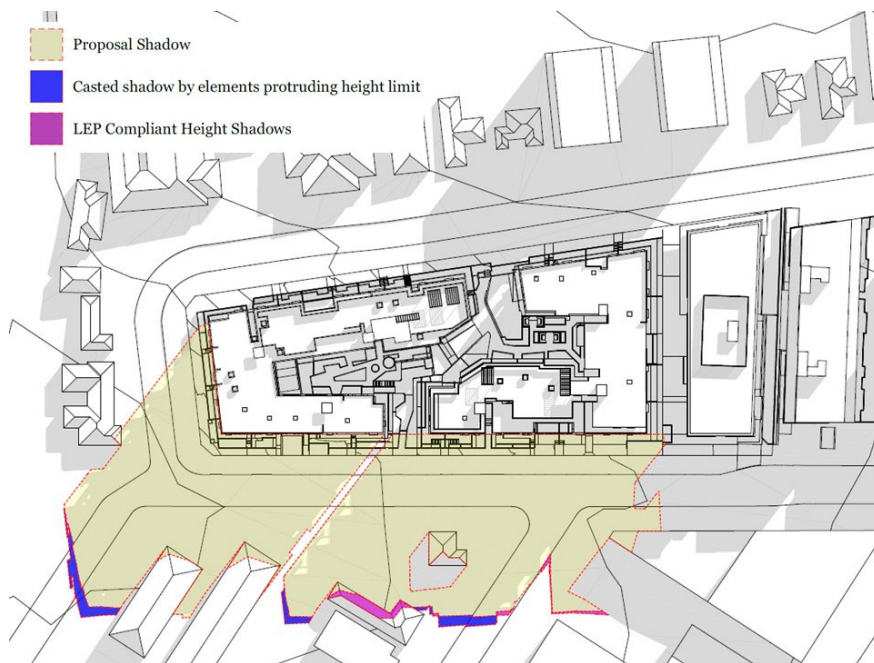


Figure 16:

3pm shadow

It is clearly apparent that a very nuanced and skilful approach has been used in responding to the height control and the topography of the site.

The discussion above has focused on the elements of roof which exceed the height control. However, there are secondary elements which exceed the height control, being the lift overruns for both Buildings A and B and to a much lesser extent Building C.

The lift overruns for Buildings A and B represent the greatest extent of variation, however, their height is as a direct consequence of the desire to maximise residential amenity by providing a generous and highly programmed roof top common open space above each building for the benefit of the residents. The proposal provides 29.3% common open space, which exceeds the minimum required 25% (which is based on the entire site area which includes the medical building, and if this part of the site was hypothetically excluded the common open space provision would be even greater as a percentage of the site occupied by the residential buildings). The lift overruns are centrally located and will not be perceptible from the public domain surrounding the site and also will not result in any additional shadow beyond the site due to their central location.

Figure 17 below indicatively illustrates the two generous roof top common open space areas which are able to be achieved as a result of the proposed height variations for the lift overruns.

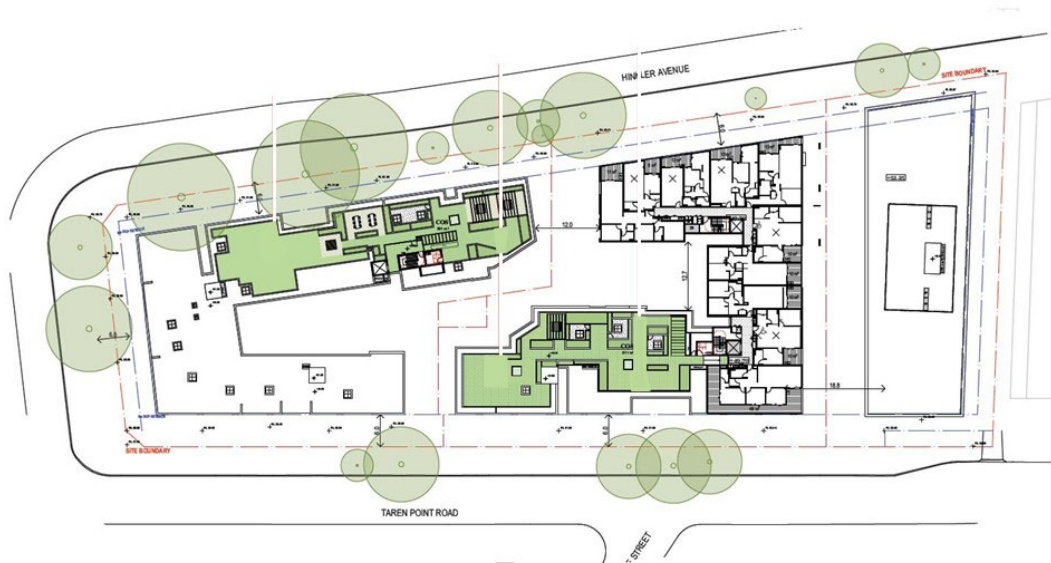


Figure 17:

Generous roof top common open space areas

The proposal provides for a scale of development which is consistent with the scale of development approved and constructed within the visual catchment of the site, notwithstanding the proposed variations to the building height control. Furthermore, the number of storeys is compatible with all other recently approved developments within the context of the site.

## 5.0 CLAUSE 4.6

### 5.1 Clause 4.6 Exceptions to development standards

Clause 4.6(2) of the SSLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the SSLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with clause 4.6(3) the applicant requests that the height of buildings development standard be varied.

### 5.2 Development Standard to be varied

Clause 4.3 states:

- (1) The objectives of this clause are as follows—
  - (a) to ensure that the scale of buildings—
    - (i) is compatible with adjoining development, and
    - (ii) is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future scale and character, and
    - (iii) complements any natural landscape setting of the buildings,
  - (b) to allow reasonable daylight access to all buildings and the public domain,
  - (c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,
  - (d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,
  - (e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings in those zones,
  - (f) to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) Despite subclause (2), the maximum height for a dwelling house on land in Zone R4 High Density Residential is 9 metres.

(2B) Despite subclauses (2) and (2A), the maximum height for a dual occupancy on an internal lot in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone E3 Environmental Management and Zone E4 Environmental Living is 5.4 metres.

(2C) Despite subclauses (2) and (2A), the maximum height for a rear dwelling that is part of a dual occupancy on land in Zone R2 Low Density Residential, Zone E3 Environmental Management and Zone E4 Environmental Living is 5.4 metres if the lot has only one road frontage.

(2D) Despite subclauses (2) and (2A), the maximum height for multi dwelling housing on an internal lot in Zone R2 Low Density Residential and Zone R3 Medium Density Residential is 5.4 metres.

(2E) Despite subclause (2), the height of the following buildings may exceed the maximum height shown for the land on the Height of Buildings Map by an additional amount specified below, but only in the circumstances so specified–

(a) a building on land identified as “Area 1” on the Height of Buildings Map (including the council-owned land at 39R President Avenue, 340R and 348R Kingsway, Caringbah) may exceed that height by 5 metres if the development provides a pedestrian plaza, pedestrian access through the land from Park Lane to Kingsway, Caringbah and vehicular access to 344–346 Kingsway, Caringbah (being Lot 1, DP 219784) and 340 Kingsway, Caringbah (being SP 13533),

(b) a building on land identified as “Area 2” on the Height of Buildings Map may exceed that height by 15 metres if there is to be a lot amalgamation and the development provides pedestrian access through the land from Port Hacking Road to President Avenue, Caringbah,

(c) a building on land identified as “Area 3” on the Height of Buildings Map may exceed that height by 5 metres if the land consists of at least 4 amalgamated lots, including 307 Kingsway, Caringbah (Lot 1, DP 13346), and the development provides pedestrian access through the site from Kingsway to Hay Lane, Caringbah,

(d) a building on land identified as “Area 4” on the Height of Buildings Map may exceed that height by 15 metres if the land has an area of at least 1,800 square metres and the development provides an enlargement of the Park Place pedestrian plaza in Caringbah,

(e) a building on land identified as “Area 5” on the Height of Buildings Map may exceed that height by 14 metres if the development will incorporate vehicular access to all lots identified as “Area 5A” on the Height of Buildings Map,

(f) a building at 40–44 Kingsway, Cronulla (being Lot 506, DP 1109821), being land identified as “Area 10” on the Height of Buildings



Map may exceed that height by 10 metres if the development is wholly for the purposes of tourist and visitor accommodation.

Building height (or height of building) is defined in the dictionary of SSLEP as the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The maximum height shown for the site is 9 metres (Zone J1) as shown in Figure 18.



Figure 18:

Extract from the  
SSLEP Height of  
Buildings Map

However, the site is located within the Caringbah Medical Precinct on land identified “Area 7” on the height of buildings map and accordingly Clause 6.21(4) provides the following:

(4) Despite clause 4.3(2), the height of a building on land to which this clause applies may exceed the maximum height shown for the land on the Height of Buildings Map by an additional 11 metres if–

- (a) the building contains a health services facility, and
- (b) the building provides a transitional scale of building height to Flide Street, Caringbah, and
- (c) the building setbacks are sufficient for the deep soil planting of substantial landscaping, including large scale indigenous trees on Kingsway frontage at Caringbah

The definition of building is contained within the SSLEP which is:

building includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the Local Government Act 1993.

The entire proposed development constitutes a “building” as it is to be constructed as a completely connected structure with attached and common basement levels and a single unifying podium. The BCA assessment report which accompanies this application describes the proposed as a “united building” containing Class 2 residential apartment and Class 9a healthcare facility connected with Class 7a common basement parking levels.

Accordingly, the proposed development benefits from an additional 11 metres resulting in a total height control of 20 metres because the building contains a health services facility. The site is not located on Flide Street and the building setbacks are sufficient for the deep soil planting of substantial landscaping.

### 5.3 Extent of Variation to the Development Standard

The proposed development results in the following variations to the height control:

Building	Max Height	Variation
A (southern)	<ul style="list-style-type: none"> <li>• Roof: 21.48 metres</li> <li>• Lift overrun: 23.4 metres</li> </ul>	<ul style="list-style-type: none"> <li>• Roof: 1.48 metres or 7.4%</li> <li>• Lift overrun: 3.4 metres or 17%</li> </ul>
B (middle)	<ul style="list-style-type: none"> <li>• Roof: 21.9 metres</li> <li>• Lift overrun: 23.7 metres</li> </ul>	<ul style="list-style-type: none"> <li>• Roof: 1.9 metres or 9.5%</li> <li>• Lift overrun: 3.7 metres or 18.5%</li> </ul>
C (northern)	<ul style="list-style-type: none"> <li>• Roof: 20.05 metres</li> <li>• Lift overrun: 20.8 metres</li> </ul>	<ul style="list-style-type: none"> <li>• Roof: 0.05 metres or 0.25%</li> <li>• Lift overrun: 0.8 metres or 4%</li> </ul>

The extent of variation to the height control is illustrated in the 3D height plane as shown in Figure 19 below and also at Appendix A:

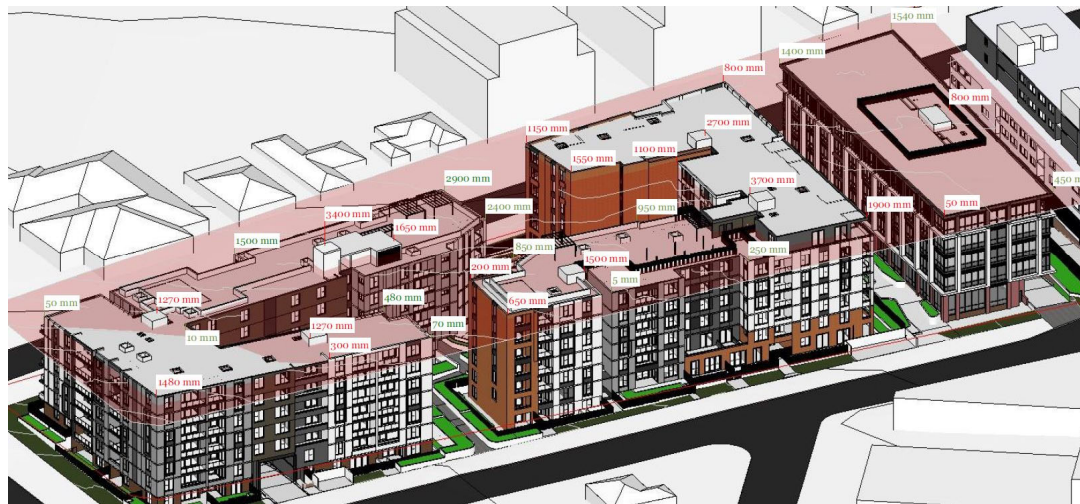


Figure 19:

3D Height plane



#### 5.4 Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Historically the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

This was recently re-affirmed in the matter of *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 [34] the Chief Judge held that “establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary”.

Whilst it is only necessary to address the first method of the five part test described in *Wehbe v Pittwater Council* [2007] NSWLEC 827, which alone is sufficient to satisfy the ‘unreasonable and unnecessary’ requirement, all five tests are addressed below followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:

##### 5.4.1 Test 1: the objectives of the standard are achieved notwithstanding non-compliance with the standard;

The specific objectives of Clause 4.3 of the SSLEP are identified below. A comment on the proposal’s consistency with each objective is also provided.

- (a) to ensure that the scale of buildings—
  - (i) is compatible with adjoining development, and
  - (ii) is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future scale and character, and
  - (iii) complements any natural landscape setting of the buildings,

In relation to the consideration of compatibility, the Land and Environment Court matter of *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 provides guidance in relation to the meaning of compatibility and also establishes a planning principle to guide this consideration. Commissioner Roseth explains that there is frequently confusion about sameness and compatibility, and specifically provides that:

*The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.*

Accordingly, an acceptable visual impact is achieved where the proposed additional height is considered to exist in harmony with its surroundings. In this instance, the additional height is localised to relatively modest areas of the development as it will be viewed from the street, and is also balanced by areas of the building and street wall which are below the height control. The proposed scale of the development is generally that which is expected by the building height control and the proposed development will

definitely achieve a harmonious relationship within the emerging context of the site, and will in fact achieve a more harmonious outcome with the building to the north than the current circumstance.

The subject proposal is consistent with the intended scale of development. The proposed height variations are predominantly point encroachments which result from the cross fall across the site and are more than equally balanced by areas of the building which are under the height control. The predominantly 6 storey scale of the development is precisely the anticipated scale of development by the planning controls.

The proposed extent of the height variation does not meaningfully impact the relationship between the scale of the development and the natural landscape setting around the buildings. The proposed development provides generous deep soil setbacks as required by the DCP.

The proposal is therefore compatible with the height and scale of surrounding and nearby development, and consistent with the desired scale and character of the street and locality notwithstanding the height variations.

(b) to allow reasonable daylight access to all buildings and the public domain.

The proposed development ensures a high level of solar access is available to all buildings and the minor nature of the height variations does not result in any meaningful difference in relation to solar access impact to the street. Figures 14, 15 and 16 illustrate the shadow as a result of the proposal development, including a comparison with the LEP building height plane. The shadow diagrams demonstrate that the additional shadow cast as a result of the proposed height variation is minimal and not meaningful, particularly having regard to the orientation of the site, the surrounding road, and the fact that the shadow only falls across opposite properties for a very short period of time. Furthermore, the areas of exceedance are also generally offset by the areas where the development is below the height plane. The proposal has been demonstrated to achieve the objective to allow reasonable daylight access to all buildings and the public domain.

(c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion.

#### Loss of Views

The subject and surrounding sites are located within the Caringbah centre and there are no identified view corridors over the subject site. Whilst the upper level apartments on the northern adjacent site might presently enjoy an outlook to the south over the subject site, this would only be as a result of the presently undeveloped nature of the subject land, and the proposed height variations will not result in any material adverse impact to views.

#### Loss of Privacy

The subject site only has one adjacent neighbour which is immediately to the north of Building C. Building C is in fact below the height control along its entire northern side and the proposed height of the development does not result in any loss of privacy.

#### Overshadowing

As discussed under Objective (a), the proposed development ensures a high level of solar access is available to all buildings and the minor nature of the height variations does not result in any meaningful difference in relation to solar access impact to the street. Figures 14, 15 and 16 illustrate the shadow as a result of the proposal development, including a comparison with the LEP building height plane. The shadow diagrams demonstrate that the additional shadow cast as a result of the proposed height variation is minimal and not meaningful, particularly having regard to the orientation of the site, the surrounding road, and the fact that the shadow only falls across opposite properties for a very short period of time. Furthermore, the areas of exceedance are also generally offset by the areas where the development is below the height plane.

#### Visual Intrusion

The proposed height variations are particularly minor and do not result in any meaningful impact in relation to visual intrusion when compared with a strictly compliant height.

(d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves.

A visual impact is considered to be changes to the scenic attributes of the landscape or vista as a result of an introduced element or building and the associated changes in the human visual experience of the landscape.

An acceptable visual impact is achieved where the proposal is considered to exist in harmony with its surroundings. In this instance, the achievement of a harmonious relationship of the proposal within its context has been demonstrated in the urban design discussion above in this Clause 4.6 Written Request. The proposal will fit comfortably within the identified urban design principles for the site and will in fact provide a significantly improved outcome compared with that which is anticipated by Chapter 9 of the SSDCP.

The proposed height variations are particularly minor and are balanced by the areas of the development which are below the height control such that the visual impact of the proposed buildings is minimised when viewed from adjoining properties and the street.

(e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings in those zones.

The only non-residential building within the development is Building C which is predominantly well below the height plane and therefore is compatible with the scale of residential buildings in the zone.

(f) to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas.

This objective is not applicable to the proposed development.

#### **5.4.2 Test 2: the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;**

The underlying objectives and purpose of the height control are relevant to the proposed development. However, the proposed development is consistent with those objectives as discussed above. The

proposed height is compatible with the existing and future scale of the surrounding buildings and will sit comfortably with the context of the site with no unreasonable impacts to adjacent properties.

**5.4.3 Test 3: the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;**

The underlying objectives and purpose of the building height standard would not be defeated or thwarted if compliance was required. However, strict compliance would simply result in a significant reduction in the delivery of affordable housing which is contrary to the objects specified in section 5(a)(i) and (ii) of the EP&A Act in particular in that strict compliance would not promoting the social welfare of the community, or achieve the most orderly and economic use and development of land.

**5.4.4 Test 4: the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;**

In order to demonstrate that a development standard has been abandoned it is necessary to establish more than a single instance of departure from that standard. As explained by Robson J in *Abrahams v The Council of the City of Sydney (No 2)* (2018] NSWLEC 85 there needs to be a pattern of abandonment and extent of which will depend on the circumstances of the case:

*A pattern of abandonment such that the development standard can no longer be said to represent the existing and/or desired character of the locality would mean that the development standard had been "virtually abandoned or destroyed" in the sense considered by Wehbe, but not all non-applications will meet this description. It will be a matter of fact and degree in the circumstances of each case.*

Council has consistently varied the 20 metre height control within the Caringbah Medical Precinct a significant number of times as illustrated below:

Address	DA No.	Approval Date	Description	Variation
416-422 Kingsway and 2B-2C Hinkler Ave, Caringbah	DA15/1434	21/9/16	mixed use building with health services and 42 apartments	Clause 4.6 for 3.2m / 16% height variation
2-4 Hinkler Ave and 315- 317 Taren Point Road, Caringbah	DA16/0766	2/2/17	mixed use building with health services and 42 apartments	Clause 4.6 for 2.6m / 12.9% height variation
11-13 HinklerAve, Caringbah	DA16/1105	7/7/17	mixed use building with health services and 18 apartments	Clause 4.6 for 2.1m /10.5% height variation
7-9 HinklerAve, Caringbah	DA17/0236	1/11/17	mixed use building with health services and 20 apartments	Clause 4.6 for 2.6m / 13% height variation

Address	DA No.	Approval Date	Description	Variation
17-19 Hinkler Ave, Caringbah	DA17/0020	28/6/18	mixed use building with health services and 18 apartments	Clause 4.6 for 3.9m / 19.5% height variation
1 Hinkler Ave and 426-428 Kingsway, Caringbah	DA18/1503	21/1/20	mixed use building with health services and 33 apartments	Clause 4.6 for 0.6m / 3% height variation

Whilst it would not be accurate to suggest that the abandonment is to the extent that the control has been “destroyed”, there is undoubtedly a pattern of abandonment of strict compliance with the 20 metre height control within the Caringbah precinct.

**5.4.5 Test 5: the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.**

The zoning of the land is not considered to be unreasonable or inappropriate.

#### 5.4.6 Summary

In summary, strict compliance with the maximum 20m height of buildings development standard is considered to be unnecessary and unreasonable in the circumstance of this site as discussed below:

- The development presents to all streets in accordance with the envisaged scale of development for the site by the planning controls and other recently approved developments under the same controls.
- The areas of encroachment to the height plane are predominantly the result of the cross fall of the site and are more than balanced by the many areas which are below the height plane.
- The areas of variation for the corners of the building and lift overruns are only relatively minor and the roof levels are predominantly below the 20 metre height control.
- The plant areas and lift overruns are located centrally within the buildings such that they will not be readily visible from the public domain.
- The greatest extent of the height variation is for lift overruns which provide access to additional roof top common open space and a significantly enhanced outdoor amenity for the residents.
- The proposed areas of variation do not result in any adverse impact to adjacent properties.
- The variation to the height plane is also a result of a desire to improve the amenity of the development by providing roof top common open space which enjoys excellent solar access.
- The non-compliance with the height control ultimately improves the urban form of the development as it allows a consistent development across the entire site and facilitates an efficient form of development for the site which responds appropriately to the topography of the site.
- The proposed variation allows for the most efficient and economic use of the land.

- Council has consistently allowed minor variations to the height control within the precinct, and whilst the development standard has not been “destroyed”, there is an abandonment of strict compliance with the control where merit can be demonstrated.
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- Having regard to the planning principle established in the matter of *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location and the proposed development will be compatible with its context.

Having regard to the foregoing, the consent authority is able to reach the requisite subjective state of satisfaction in Clause 4.6(4)(a) that the matters in Clause 4.6(3)(a) have been adequately addressed.

#### 5.5 Clause 4.6(3)(b) Are there are sufficient environmental planning grounds to justify contravening the development standard?

The Land & Environment Court matter of *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 2018, provides assistance in relation to the consideration of sufficient environmental planning grounds whereby Preston J observed that:

- in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and
- there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development

Preston J further observes at para 23 that the concept of ‘environmental planning grounds’ are those that relate to the subject matter, scope, and purpose of the *Environmental Planning & Assessment Act 1979*, including its express objects set out in s 1.3 of that Act.

The proposal provides for a scale of development which is compatible with the scale of development approved and constructed within the visual catchment of the site. However, there is a significant cross fall across the site and as a result there are components which are below the height control, whilst there are other components which are equally (although generally to a lesser extent) above the height plane. When analysed, the 3D height plane diagram in Figure 19 demonstrates that the majority of the development remains below the height plane.

In addition, the proposal provides roof top common open space which results in several elements protruding through the height plane to provide access to the roof top open space.

Strict compliance with the height control across the site would result in the following adverse consequence:

- It would discourage the proposed built form with longer facades to each street which achieve a far better streetscape outcome and instead would force a redesign back to that which is anticipated by Chapter 9 of the SSDCP with a series of bar buildings with party walls to each street. The reason for this is that bar buildings running in an east-west orientation are each able to be stepped with the north to south fall of the site and can more readily remain under the height control. Figures 5 to 13 demonstrate unequivocally

why the proposed approach to the site is far superior and so strict compliance with the height control would serve to diminish the quality and amenity of common open space, privacy between apartments, street interface and engagement, street address, consolidated car park entries, and pedestrian permeability.

- Alternatively strict compliance could be achieved by retaining the proposed site layout and arrangement of buildings, but by removing one entire floor of both Building A and B. This would result in the direct loss of at least 11 affordable housing apartments as well as a significant roof top communal open space amenity.

The environmental planning grounds to support the proposed height variation are:

- The development presents with a scale to all streets in accordance with the envisaged scale of development for the site by the planning controls and other recently approved developments under the same controls.
- The areas of variation for the corners of the building and lift overruns are only relatively minor and the roof levels are predominantly below the 20 metre height control.
- The plant areas and lift overruns are located centrally within the buildings such that they will not be readily visible from the public domain.
- The 3D massing diagrams prepared by DKO Architects as well as the Urban Design Statement prepared by Matt Pullinger demonstrate that the proposed development and height departure still achieves an appropriate contextual fit which is compatible with the adjoining development and the future streetscape.
- The proposed areas of variation do not result in any adverse impact to adjacent properties.
- The non-compliance with the height control ultimately improves the urban form of the development as it allows a consistent development across the entire site, facilitates an efficient form of development for the site which responds appropriately to the topography of the site, and supports the alternative urban design approach to the site and the many benefits that are achieved as discussed and demonstrated in Section 4.3 of this Clause 4.6 Written Request.
- The areas of encroachment to the height plane are predominantly the result of the cross fall of the site and are more than balanced by the many areas which are below the height plane.
- The variation to the height plane is also a result of a desire to improve the amenity of the development by providing roof top common open space which enjoys excellent solar access.
- The proposed variation allows for the most efficient and economic use of the land.
- Council has consistently allowed minor variations to the height control within the precinct, particularly for lift overruns.
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- The proposed development demonstrates a high quality outcome for the site which will result in the delivery of an integrated community of buildings, with the achievement of an integrated, cohesive and optimised urban design 'precinct' outcome for the subject and adjacent sites.

The objects specified in section 5(a)(i) and (ii) of the EP&A Act are:

'to encourage:

- i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose

of promoting the social and economic welfare of the community and a better environment,

ii) the promotion and co-ordination of the orderly and economic use and development of land...'

The proposed development is consistent with the aims of the Policy and the objects of the EP&A Act in that:

- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any significant additional benefits to the owners or occupants of the surrounding properties or the general public.
- Strict application of the height control would directly result in a significant reduction in the provision of affordable housing on the subject site.
- Strict compliance would require a prevent the achievement of a high quality outcome for the site including the delivery of through site link.

The proposed variations to the building height development standards allows for the most efficient and economic use of the land. On the basis of the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed non-compliances with the building height development standards in this instance.

Having regard to the foregoing, the consent authority is able to reach the requisite subjective state of satisfaction in Clause 4.6(4)(a) that the matters in Clause 4.6(3)(b) have been adequately addressed.

#### 5.6 Clause 4.6(4)(a)(i) consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

These matters are comprehensively addressed above in this written request with reference to the five part test described in *Wehbe v Pittwater Council* [2007] NSWLEC 827 for consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. In addition, the establishment of environmental planning grounds is provided, with reference to the matters specific to the proposal and site, sufficient to justify contravening the development standard.

#### 5.7 Clause 4.6(4)(a)(ii) consent authority satisfied that the proposal is in the public interest because it is consistent with the zone and development standard objectives

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

#### Objective of the Development Standard

The proposal's consistency with the objectives of the development standard have been addressed in detail in this clause 4.6 request.

#### Objectives of the Zone



Clause 4.6(4) also requires consideration of the relevant zone objectives. The site is located within the R4 High Density Residential zone.

The objectives of the R4 High Density Residential zone are:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the supply of housing that meets the needs of the Sutherland Shire's population, particularly housing for older people and people with a disability.
- To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features.
- To minimise the fragmentation of land that would prevent the achievement of high density residential development.

The proposed development provides for a residential flat development which is compatible with the emerging character of development in the R4 High Density Residential zone. The proposal provides for a total of 234 residential apartments with a mix of 1 bedroom, 2 bedroom and 3 bedroom apartments proposed. Provision is made for adaptable apartments. The proposal will provide a variety of housing types that will appropriately provide for the housing needs of the community.

In addition, the proposal importantly provides a health services facility in accordance with the vision for the Caringbah Medical Precinct as expressed in Chapters 9 of the SSDCP. The health services facility will help meet the health needs of Shire residents and provide specialist medical services to the region while also providing more opportunities for residents to find local employment.

The proposal exhibits a high level of environmental performance, provides a high level of amenity and an attractive contemporary architectural expression. The proposed development includes a comprehensive design for the landscaping of the site that will result in a residential development within a suitably landscaped setting having regard to the urban context of the site. The landscaping proposed represents an integral element in ensuring the development has an appropriate contextual fit and will positively contribute to the emerging character of the Caringbah Medical Precinct, particularly as a result of the publicly accessible through site link.

The proposed development involves the consolidation of existing allotments and will not result in the fragmentation of any land that may preclude future high density residential development.

For the reasons the proposal is considered to be consistent with the objectives of the R4 zone

The proposal has been demonstrated to be consistent with both the objectives of the building height development standard as well as the objectives of the zone and therefore the consent authority can be satisfied that the proposal is in the public interest. Furthermore, the public interest is appropriately served by providing an improved urban design outcome, within the identified environmental capacity of the site, including a publicly accessible through site link.

## 5.8 Clause 4.6(5) Secretary Considerations

The matters for consideration under Clause 4.6(5) are addressed below:

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning,

The South Sydney Planning Panel may assume concurrence under cl 4.6 in accordance with assumed concurrence notice dated 21 February 2018 (attached to Planning Circular PS 20-002, dated 5 May 2020) made under cl 64 of the EP&A Regulation 2000.

The contravention of the standard does not raise any matters of significance for state or regional environmental planning. The development does not impact upon or have implications for any state policies in the locality or impacts which would be considered to be of state or regional significance.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(b) the public benefit of maintaining the development standard,

This Clause 4.6 request has demonstrated there are significant environmental planning benefits associated with the contravention of the standard. There is no material impact or benefit associated with strict adherence to the development standard and there is no compelling reason or public benefit derived from maintenance of the standard.

## 5.9 Objectives of Clause 4.6

The specific objectives of Clause 4.6 are:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

As demonstrated above the proposal is consistent with the objectives of the zone and the objectives of Clause 4.3 notwithstanding the proposed variation to the maximum height of buildings development standard.

The architectural package prepared by DKO Architects which accompanies the subject application illustrates the relationship of the proposed development within the context of the site. It demonstrates a high quality outcome for the site which will result in the delivery of a mixed use development surrounding by landscaping and a built form that will provide for an integrated community set around a central open space area which combined with the publicly accessible through site link will contribute significantly to the amenity afforded to the general public and future occupants alike.

Requiring strict compliance with the height of buildings development standard on the subject site would not result in any meaningful benefit to the streetscape or the amenity of adjoining properties. Strict compliance would

force more bulk in other parts of the site, and would also result in a significant loss of affordable housing within Caringbah.

Allowing the flexible application of the maximum height of buildings development standard in this instance is not only reasonable but also desirable given the context of the site and desire to deliver a positive result for the site which will provide a more nuanced and sensitive urban design outcome within the Caringbah Medical precinct and a significant community benefits comprising a new publicly accessible through site link, a significant health services facility, and the very important delivery of affordable housing.

Accordingly, it is considered that the consent authority can be satisfied that the proposal meets objective 1(a) of Clause 4.6 in that allowing flexibility in relation to the maximum height of buildings development standard and will achieve an acceptable and better urban design and planning outcome in this instance in accordance with objective 1(b).

## 6.0 CONCLUSION

Strict compliance with the maximum height of buildings development standard contained within clause 4.3 of the Sutherland Shire Local Environmental Plan 2015 has been found to be unreasonable and unnecessary in the circumstances of the case. In addition, there are sufficient environmental planning grounds to justify the variation.

Finally, the proposed development and height variation is in the public interest because it facilitates a development which is consistent with the objectives of the standard and the zone and which delivers significant public benefits and design benefits beyond those anticipated by planning controls including a new publicly accessible through site link and a significant quantum of affordable housing which would be reduced if strict compliance was required. In this regard it is reasonable and appropriate to vary the building height development standard to the extent proposed.

# APPENDIX A

DKO Architects

3D HEIGHT PLANE

A



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Rev.	Date	By	Ckd	Description
A	21/10/07	DF/08/JS	HL	Issue for DA
B		CR	DF / NB	Issue for Council RFI

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Project Name  
Project Address

Hinkler Avenue  
6 - 20 Hinkler Avenue,  
Caringbah, NSW 2229

Project Number  
Drawing Name

12755  
Height Plane

Scale

1:66.67

Date

October 2021

Client

Landmark Group

Drawing Number

**DA421**

Revision

**B**

# APPENDIX B

Sarah George Consulting

## SOCIAL IMPACT ASSESSMENT

B

**SOCIAL IMPACT ASSESSMENT**  
**PROPOSED MIXED USE DEVELOPMENT, 6-20 HINKLER AVENUE & 319-333**  
**TAREN POINT ROAD, CARINGBAH**

**September 2021**

Prepared for: Landmark Group

Prepared by  
**Sarah George Consulting**  
**Social Planning Consultants**



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## Appendices

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## 1.0 INTRODUCTION

Sarah George Consulting has been engaged by Landmark Group to prepare a Social Impact Assessment of the potential impacts of the proposed mixed use development at 6-20 Hinkler Avenue and 319-333 Taren Point Road, Caringbah. This Social Impact Assessment has been prepared to accompany a Development Application to Sutherland Shire Council.

The proposed development includes the demolition of the existing dwellings on the site, site excavation to allow for basement car parking, and:

- Construction of three buildings including:
  - A five storey medical building;
  - Two multi-storey residential flat buildings with a total of 242 apartments (one, two and three bedroom), of which 50% will be dedicated affordable housing; and
  - Communal open space for residents.

Sutherland Shire Council has specific guidelines on Social Impact Assessments, namely *Chapter 41 – Social Impact* of the *Sutherland Shire Development Control Plan 2015* (DCP), which notes that residential flat buildings of more than 50 dwellings, require the preparation of a Social Impact Assessment (SIA) to accompany a development application. DCP notes the following *Heads of Consideration* to be considered in the SIA:

Residential developments:

- anti-social behaviour and crime prevention
- access and mobility
- housing mix
- participation and inclusion
- quality of life

- contribution to the existing environment
- safety and security
- transportation
- community risk perception

The SIA is also to include:

- the social impact assessment scope;
- community engagement;
- social baseline study (social profiling);
- development options including identification of issues (both positive and negative); and
- proposed monitoring framework.

This SIA includes a description of the proposed development, a demographic profile of the area surrounding the proposed development compared to the Sutherland LGA and other parts of the State, considers the potential impacts of the increased population in the area; and assesses the potential positive and negative social impacts that may arise as a result of the development.

A site visit was carried out as part of the preparation for this report.

Plans of the proposed development prepared by DKO Architecture (NSW) Pty Ltd, and additional details of the proposed development, accompany the DA.

## 2.0 SITE AND DEVELOPMENT

### 2.1 Subject site

The subject site comprises multiple allotments that front both Hinkler Avenue and Taren Point Road and has the street address of 6-20 Hinkler Avenue and 319-333 Taren Point Road, Caringbah. The sites are known as: Lots 36-41, DP15573, Lot A, B & D, DP 35462; SP70334; and Lot 10-15, DP15573 and is zoned *R4 – High Density Residential* and *R4 – Caringbah Medical Precinct* under Sutherland Local Environmental Plan 2015.

**Figure 1 – Subject site**



The subject site is located within an area of the suburb of Caringbah characterised by a mix of residential and medical facilities, largely focussed along the Kingsway and including Sutherland Hospital, and ground floor medical suites at 414-416 The Kingsway (the Hinkler).

The overall site is irregular in shape, has an area of 9431m<sup>2</sup> and is currently occupied by one and two storey residential dwellings on separate allotments.

The subject site is well serviced by public transport, being located approximately 120m from the closest bust stop (Kingsway at Hinkler) on routes 477, 478, 969, 971, 977, 985 & 988 8, 969, 977, 978), connecting the area with surrounding suburbs and Miranda Westfield, Hurstville Train Station, Miranda, Sutherland Station, and Taren Point Road. Caringbah Train Station is located approximately 120m walking distance from the subject site.

Development immediately surrounding the subject site include:

- 315 Taren Point Road, extending from Taren Point Road to Hinkler Avenue and comprising 53 apartments, to the immediate north of the site;
- 1 Hinkler Avenue – under construction
- 3 & 5 Hinkler Avenue – single storey dwellings
- 7-9 Hinkler Avenue, a recently constructed 6 storey mixed use development comprising 19 dwellings and 3 shops;
- 11 Hinkler Avenue, recently constructed 6 storey mixed use development with 18 units with retail/commercial on ground floor;
- 15– single storey dwelling
- 17 & 19 Hinkler Avenue for sale and DA approved for 18 units plus medical uses over 6 levels);
- 21-23 & 25-29 Hinkler Avenue – disability housing
- 31, 31A, 33 & 33A Hinkler Avenue – single storey dwellings
- 17-21 Gardere Street 12 town houses;
- Single and two-storey residential dwellings fronting Flide Street.

## **2.2 Proposed development**

The proposed development seeks to develop the sites in line with the high density residential zoning and capitalise on the proximity to Sutherland Hospital through the provision of medical suites in a purpose-built building.

The subject application seeks development consent for:

- the demolition of all buildings on the land;
- site excavation to provide two to three levels of basement car parking;
- the construction of a 5 storey purpose-built health service facility;
- construction of two residential flat buildings of 6 storeys with a total of 242 dwellings of 1, 2 and three bedrooms;
- site landscaping.

The proposed development is illustrated on the plans prepared by DKO Architecture accompanying the application.

On completion, the proposed development will have the following characteristics:

- A health services facility including medical services spaces on each of the floors, and an entrance lobby on the ground floor. The health services facility has a gross floor area of 4,714m<sup>2</sup>. The health services facility includes a total of 135 parking spaces.
- Building A – a total of 123 apartments comprising:
  - 54 x 1 bedroom apartments
  - 64 x 2 bedroom apartments
  - 5 x 3 bedroom apartments
  - 128 resident parking spaces
  - 31 visitor parking spaces
- Building B – a total of 119 apartments comprising:
  - 28 x 1 bedroom apartments
  - 77 x 2 bedroom apartments
  - 14 x 3 bedroom apartments
  - 133 car parking spaces

- 30 visitor parking spaces

Lift and stair access are provided from the basement car parking levels to each floor.

Each dwelling contains a balcony or courtyard, kitchen, bathroom/s and laundry.

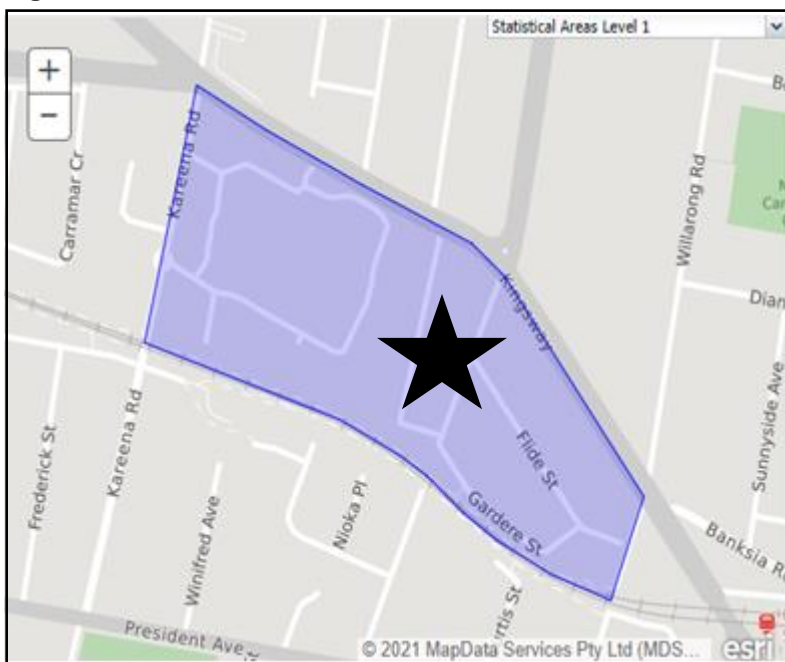
Communal open space and landscaped spaces are provided for residents on the ground floor.

### 3.0 CHARACTERISTICS & DEMOGRAPHIC PROFILE

A demographic profile of the Statistical Area Level 1 – 1160223 (SAL1), in which the subject site is located, the suburb of Caringbah, in which the subject site is located, and the Sutherland Shire LGA, compared to Greater Sydney (GS) and New South Wales (NSW) based on the data from the 2016 Census is included at Appendix A to this report, and summarised in the following.

SAL1 – 1160223 comprises an area of 0.1km<sup>2</sup> and extends to The Kingsway to the north, the railway line to the south, Kareena Road to the west, and Willarong Road to the east. The extent of the SAL1 is illustrated on Figure 2 below.

**Figure 2 – SAL1 - 1160223**



The socio-economic and demographic profile reveals:

- a greater proportion of residents who identify as Aboriginal and/or Torres Strait Islander in the SAL1 (3.8%) compared to the suburb of Caringbah (1.3%), the Sutherland LGA (1.1%), Greater Sydney (1.4%), and NSW average (2.4%). There is nothing about the proposed development that is likely to generate any negative social impacts for Aboriginal or Torres Strait Islander peoples.



- a greater proportion of people born overseas in a non-English speaking country in the SAL1 (25.9%) compared to the suburb of Caringbah (12.8%), the Sutherland LGA (11.5%), and NSW (22.0%) but less than that in Greater Sydney (30.5%). There is nothing about the proposed development that is likely to generate any negative social impacts for people born overseas in a non-English speaking country;
- a greater proportion of the population who speak a language other than English at home in the SAL1 (24.0%) compared to the suburb of Caringbah (14.7%), the Sutherland LGA (13.0%), but less than that in Greater Sydney (35.8%) and NSW (25.1%). There is nothing about the proposed development that is likely to generate any negative impacts for people who speak a language other than English at home;
- a similar proportion of the population in need of assistance to carry out day to day tasks in the suburb of Caringbah (4.5%) and in the Sutherland LGA (4.3%) compared to Greater Sydney (4.9%) and NSW (5.3%). There is nothing about the proposed development that is likely to generate any detrimental social impacts for people in need of assistance. The proposed residential part of the development includes 19.6% of the total development being dedicated to adaptable/accessible dwellings and 64 accessible parking spaces, 58 for residential use and 6 for health services facility. This characteristic is not available at the SAL1 level;
- lower unemployment rates in the SAL1 (1.6) compared to the suburb of Caringbah (3.6) and the Sutherland LGA (3.5), Greater Sydney (6.0) and NSW (6.3). Employment will be generated in the demolition, construction and fitout of the proposed development, and in the operation of the medical building and maintenance of the residential flat buildings;
- the median weekly household income of residents in the SAL1 (\$1437) is lower than that in the suburb of Caringbah (\$1568), the Sutherland LGA (\$1979), Greater Sydney (\$1750) and NSW (\$1486);
- the median age of residents in the SAL1 (43) is older than that in the suburb of Caringbah (37), the Sutherland LGA (40), Greater Sydney (36) and NSW (38);

- the average household size is slightly smaller in the SAL1 (2.4) and in the suburb of Caringbah (2.3) compared to the Sutherland LGA (2.7), Greater Sydney (2.8) and NSW (2.6);
- a greater proportion of the population have never married in the suburb of Caringbah (42.2%) compared to the SAL1 (39.5%), the Sutherland LGA (30.4%), Greater Sydney (35.5%) and NSW (34.3%);
- a smaller proportion of the population are married in the SAL1 (39.5%) and in the suburb of Caringbah (42.2%), compared to the Sutherland LGA (53.7%) Greater Sydney (49.3%) and NSW (48.6%);
- a greater proportion of divorcees in the SAL1 (12.9%) and in the suburb of Caringbah (12.0%) compared to the Sutherland LGA (7.8%), Greater Sydney (7.6%) and NSW (8.4%);
- a greater proportion of the population who are widowed in the SAL1 (11.6%) compared to the suburb of Caringbah (6.6%), the Sutherland LGA (5.4%), Greater Sydney (4.7%) and NSW (5.4%);
- there were fewer couple families with no children at the 2016 census in the SAL1 (25.0%) compared to the suburb of Caringbah (35.6%), the Sutherland LGA (34.2%), Greater Sydney (33.4%) and NSW (36.5%);
- a greater proportion of couple families with children in the SAL1 (18.5%), compared to the suburb of Caringbah (42.9%), the Sutherland LGA (51.4%), Greater Sydney (40.1%) and in NSW (37.0%);
- a greater proportion of one parent families in the SAL1 (18.7%), and the suburb of Caringbah (19.5%) compared to the Sutherland LGA (13.5%), Greater Sydney (9.1%) and NSW (9.9%);
- the majority of households recorded owning two cars in the SAL1 (32.2%) and in the Sutherland LGA (39.9%), Greater Sydney (32.8%) and NSW (36.3%), compared to the suburb of Caringbah where one car households were most common (42.3%);
- separate dwellings were the predominant form of housing in the SAL1 (56.2%) and in the Sutherland LGA (63.8%), Greater Sydney (52.5%) and NSW (59.8%) compared to the suburb of Caringbah (28.0%);

- slightly lower rates of home ownership in the SAL1 (26.4%) and in the suburb of Caringbah (27.7%) compared to the Sutherland LGA (37.3%), Greater Sydney 29.1% and NSW (32.2%);
- higher rates of residents renting privately in the SAL1 (50.0%) and in the suburb of Caringbah (32.1%), compared to the Sutherland LGA (18.9%), Greater Sydney (29.9%) and NSW (27.7%);
- a greater proportion of public housing in the suburb of Caringbah (6.3%) compared to the Sutherland LGA (2.2%), Greater Sydney (4.1%) and NSW (4.0%). Public housing data not available at the SAL1 level;
- the majority of dwellings are of three bedrooms in the SAL1 (56.0%), compared to the suburb of Caringbah (34.3%), the Sutherland LGA (35.5%), Greater Sydney (33.8%) and NSW (37.2%);
- the majority of residents are employed in professional roles in the SAL1 (24.9%), the Suburb of Caringbah (21.4%), the Sutherland LGA (24.0%), Greater Sydney (26.3%) and NSW (23.6%)
- a smaller proportion of the population working in low paying labouring jobs in the suburb of Caringbah (6.4%) and the Sutherland LGA (5.4%) compared to the SAL1 (7.3%), Greater Sydney (7.5%) and NSW (8.1%);
- a greater proportion of the population travelled to work by train in the SAL1 (14.4%) and the suburb of Caringbah (13.6%) compared to the Sutherland LGA (11.5%), Greater Sydney (10.8%) and NSW (7.4%).

The demographic profile reveals that the socio-economic and demographic characteristics of the residents of the SAL1, and the suburb of Caringbah are relatively robust, with some representations of groups potentially at heightened risk of social harm due to their particular socio-economic or demographic characteristics, including:

- Aboriginal and/or Torre Strait Islander peoples;
- Those on lower incomes;
- People residing in public housing; and

- One parent families.

The inclusion of affordable housing units within the proposed residential developments represents a positive social impact in terms of the likely diversity of the future population and the provision of affordable accommodation for those on low to moderate incomes.

There is nothing about the proposed development that is likely to generate any negative social impacts related to specific socio-economic or demographic characteristics.

## 4.0 COMMUNITY AND STAKEHOLDER CONSULTATION

Community consultation was undertaken as part of the application process, including:

- Consultation with the local community in the form of a letter distributed to properties surrounding the subject site on 21<sup>st</sup> August, 2021

In total, 163 notices were distributed to properties in the following area:

**Figure 3 – Consultation area**



- Consultation with key stakeholders, in the form of a letter sent to:
  - NSW Police;
  - Department of Communities and Justice;
  - Transport for NSW;
  - La Perouse Local Aboriginal Land Council
  - NSW Health

Consultation with the local community revealed the following:

- An email from a resident of 7 Hinker Avenue who noted dismay at the proposed high density and queried the definition of affordable housing and potential impacts on property value;
- A phone call from a resident on 23/08/21 who noted:
  - Hinkler Avenue is a narrow road and there are existing issues with two cars being able to pass at the same time and needing to queue and this being exacerbated with the proposed development;
  - an existing lack of on-street parking and additional demand for on-street parking as a result of the proposed development
  - existing parking issues due to existing issues with hospital staff parking on the streets and walking to Sutherland Hospital. Increased demand for on-street parking as a result of the proposed development; and
  - noted that existing medical suites at 416-418 The Kingsway are largely vacant still and that there was no need for more medical suites.
- A phone call from a resident on 25/08 asking questions about the proposed development and the affordable housing component.
- An email dated 25/08/21 requesting plans of the proposed development.
- An email dated 01/09/2021 raising the following areas of concern:
  - Proposed affordable housing and what type of residents may move in and where within the development the affordable rental properties will be located;
  - Where and what type of communal open space is proposed;
  - Noise pollution related to construction and whether the development will be staged and how noise and disturbance will be managed;
  - Environmental impacts associated with demolition and construction and how these will be managed;
  - Requesting to see the Statement of Environmental Effects, full plans, shadow diagrams; Acoustic report, Traffic Impact Report, Stormwater management plan; site plan and surveys;

- Impacts on pollution levels and how this will be managed;
- Impacts on congestion on Hinkler Avenue and how this will be managed during construction and asking how long construction will go for;
- Capacity of existing schools to accommodate additional demand;
- Existing 'halfway' house on Cnr Taren Point Road and issues with residents of this premise;
- Heights of proposed buildings;
- Type of tenancies within the medical centre and request for assurance that futured tenants will not provide addiction support services;
- Parking provision for medical centre uses;
- Impacts on street parking where there are existing issues on Hinkler Avenue;
- Additional traffic on completion;
- An email dated 3<sup>rd</sup> September noting the following:
  - Negative social impacts associated with the construction phase, including:
    - Increased dust, dirt, noise, air quality, vibration and sleep disturbance
    - Increased traffic due to construction workers, plant and equipment putting strain on struggling road infrastructure
    - Potential risk and hazard to pedestrians and local residents due to mobile plant and equipment movement during construction
    - Increased demand for already limited parking.
  - Negative impacts post construction:
    - Impact on local community character, scenic quality and general feel
    - Increased traffic due to apartments and medical building use
    - Increased demand for on street parking due to additional population and medical building use.
- An email dated 3<sup>rd</sup> September:
  - Querying what affordable housing means;

- Impact on property values
  - Seeking detail of communal space and where it is located and who can use it;
  - Querying how pollution, waste and noise pollution will be managed and how long construction will last
  - Asking about the proposed height of the buildings
  - Questioning how the scale of the development will fit with the existing character
  - Asking how parking will be managed
  - Impacts on traffic on small street
  - Querying the site layout and location of the buildings on the site.
- A letter forwarded by email on the 7<sup>th</sup> of September, noting:
    - The proposed development is not in keeping with the peaceful nature of the area
    - Querying the need for the medical building given the medical suits at 415 The Kingsway are largely still vacant
    - Lack of on street parking and the narrow nature of Hinkler Street
    - Demand for parking generated by those accessing Caringbah Station and Sutherland Hospital during work hours
    - Creation of light pollution at night spilling onto neighbouring properties and on local habitats
    - Overshadowing on residences on Gardere Street
    - Impact of vibrations on surrounding homes;
    - Existing issues of flooding

All written responses are included, in full, in Appendix B.

Stakeholder consultation resulted in a response from Transport for NSW. This response referred to a licensed premise and drink driving and did not raise any issues relating to the subject application. The response from Transport for NSW is included at Appendix B.



A letter from Sutherland Police Area Command (included in Appendix B) was received noting that vehicular and pedestrian traffic would be a significant issue. Police noted that plans to address this should be included utilising CPTED principles.

Traffic and parking issues are addressed in the separate *Traffic and Parking Impact Assessment* prepared by The Transport Planning Partnership accompanying the application, the conclusions of which are included in Chapter 5.10.2.

The proposed development has been assessed against the CPTED principles in Chapter 5.6.

## **5.0 SOCIAL IMPACT ASSESSMENT**

### **5.1 Population Change**

The proposed residential component of the development will result in an increase in population in the area of approximately 554 people based on the average number of people per bedroom in the suburb of Caringbah of 0.9 people.

This represents an increase in the population of Caringbah (based on 2016 Census data) of approximately 4.7%. This minor increase in population is unlikely to result in significant changes to the socio-economic or demographic characteristics in the area, particularly in the context of other, contemporary residential flat buildings recently constructed in the area, including:

- 414-418 The Kingsway;
- 7 Hinkler Avenue
- 11 Hinkler Avenue;
- 315 Taren Point Road;
- 402-398 The Kingsway and 27 Flide Street (5 storey medical centre under construction)
- 406-404 The Kingsway & 31-29 Flide Street (6 storey mixed use development with medical centre under construction)
- 426 The Kingsway & 1 Hinkler Avenue (6 storey mixed use development with medical space currently under construction)
- 21 Flide Std, DA approved for 4 storey Residential development (DA17/0888)

This increase in population is also not unexpected given the zoning of the sites for high density residential under Sutherland LEP 2015.

Given that the exiting population of the SAL1 is reasonably diverse, it can be expected that new residents will have similar socio-economic and demographic characteristics.

It is noted, that given the proportion of affordable housing proposed within the development there is potential for some changes to the socio-economic and demographic make up of the area. However, as it is affordable housing and not social or public housing proposed the target market for the affordable housing will be those on low to moderate incomes and, given the location, is likely to attract residents working in health, education and other key worker roles. There is nothing about these potential changes that are likely to generate any significant, or negative impacts, rather, they have the potential to contribute to the diversity and character of the area.

## **5.2 Access and Mobility**

A *Statement of Compliance Access for People with a Disability* prepared by Accessible Building Solutions accompanies the DA. That *Report* assesses the proposed development to ensure that site access, ingress and egress, common area access, circulation areas, accessible carparking, and passenger lifts comply with relevant statutory guidelines.

The *Access Report* concludes:

*On the basis of the above assessment, I am satisfied that the proposal can achieve compliance with the access provisions of the BCA, SEPP 65, Livable Housing and the essential requirements of AS4299 – Adaptable Housing.*

Physical access into the buildings will be via smooth paths of travel from both the car parking areas, and via both Hinkler Avenue and Taren Point Road.

Accessible parking is provided for both residents and the medical building uses.

The residential component of the development includes a dedicated 20 of the total number of dwellings being accessible/adaptable apartments, dedicated accessible car parking, smooth paths of travel and access to communal open spaces.

Medical building uses will be physically separated from residential uses through the use of clear and distinct entrances, separate lift banks, clearly signed to ensure security of residential properties and residents. Access to the residential areas will be controlled via a fob or keypad, and lift access limited through the use of security swipes.

### **5.3 Accommodation and Housing**

The proposed development site includes sites currently occupied by existing dwellings all of which have been purchased. The subject application will result in the loss of these sixteen dwellings. This minor loss in accommodation is more than offset by the proposed 242 dwellings included in the residential component of the application. The sites are zoned for high density residential and as such, the proposed residential flat buildings are in line with the desired future character of housing in the area.

The residential component of the application will provide a mix of one, two and three bedroom dwellings, contributing to type and mix of housing in the SAL1 and in the suburb of Caringbah.

As previously detailed, 50% of dwellings within the proposed residential component will be dedicated affordable housing units, and 20% (49 units) of the entire development being dedicated to accessible/adaptable dwellings ensuring the proposed accommodation is accessible for a range of residents.

It is generally accepted that the cost of private accommodation in Sydney is inflated, and there is an insufficient supply of affordable housing stock for both rent

and purchase. As such, there is an identified need for affordable housing. Affordable housing is generally characterised as housing that is appropriate for the needs of a range of low to moderate income households and priced so that these households are also able to meet other basic living costs such as food, clothing, transport, medical care and education.<sup>1</sup> As a general rule, housing is considered to be affordable if it costs less than 30% of the gross household income.

Having available, affordable housing in an area, results in a number of positive social benefits including providing opportunities for downsizing for older residents, while remaining in the community; provision of housing for people with a disability; contribution to the diversity of housing stock in an area; and ensuring diversity of the community and population.

Affordable housing is ideally located throughout a community, but, like other forms of affordable housing such as boarding house accommodation, it is best placed in areas with good access to public transport, retail (supermarkets), recreation opportunities and medical/allied health services (hospitals, medical centres, dentists, pharmacies etc). Locating affordable housing close to transport and services reduces the reliance on private cars, encourages walking, allows for the retention of established community links and relationships and contributes to residents being able to age in place.

The subject site is ideally located within the suburb of Caringbah as it is in close proximity to key infrastructure, including:

- Caringbah Train Station
- The Sutherland Hospital
- Kareena Private Hospital
- Caringbah High School

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<sup>1</sup> <https://www.facs.nsw.gov.au/providers/housing/affordable/about/chapters/what-is-affordable-housing>

- Caringbah North Public School
- Endeavour Sports High School

This proximity provides a greater opportunity for this site to deliver on much needed amenity, community facilities and affordable accommodation.

Sutherland Shire Council have acknowledged the need for more affordable housing in the Shire, as highlighted in the *Sutherland Shire Council Delivery Program 2017-2021, Outcome 6 – A Liveable Place with a High Quality of Life*, deliverable 6C states an outcome as:

*Support enhanced housing diversity, accessibility and affordability to meet the diverse needs of the community.<sup>2</sup>*

Data from the NSW Government Housing Kit indicates that data for 2019 indicated that there were low levels of affordable rental accommodation for those on low incomes (17.7%), and a reasonable supply of affordable rental accommodation for those on moderate incomes (68.8%) in the Sutherland Shire LGA. While there is a reasonable supply of affordable rental accommodation for those on moderate incomes in the Shire, the proportion is lower than that found in Greater Sydney (72.5%) and in NSW (77.4%).

### M3A- Proportion of Rental stock that is affordable

Area	% of affordable Rental stock for Very Low Incomes Jun 16	% of affordable Rental stock for Low Incomes Jun 16	% of affordable Rental stock for Moderate Incomes Jun 16	% of affordable Rental stock for Very Low Incomes Sep 17	% of affordable Rental stock for Low Incomes Sep 17	% of affordable Rental stock for Moderate Incomes Sep 17	% of affordable Rental stock for Very Low Incomes Jun 18	% of affordable Rental stock for Low Incomes Jun 18	% of affordable Rental stock for Moderate Incomes Jun 18	% of affordable Rental stock for Very Low Incomes Jun 19	% of affordable Rental stock for Low Incomes Jun 19	% of affordable Rental stock for Moderate Incomes Jun 19	Affordable Rental stock for Low Incomes Jun 19
Sutherland Shire	1.1	12.3	62.2	1.1	14.9	68.9	1.1	12.7	65.3	1.5	17.7	68.8	277.0
New South Wales	10.4	31.1	69.1	9.7	32.5	76.5	9.4	32.4	77.0	8.8	33.5	77.4	25098.0
Greater Sydney	3.2	18.0	60.2	3.9	23.1	69.9	4.0	23.2	71.1	4.5	26.5	72.5	14279.0

Source: Rental Bonds data, NSW Fair Trading

<sup>2</sup> <http://www.sutherlandshire.nsw.gov.au/Council/Strategies-Plans-and-Reports/Delivery-Program-2017-2021-and-Operational-Plan-2018-2019/Outcome-6-A-Liveable-Place-with-a-High-Quality-of-Life/Outcome-6-A-Liveable-Place-with-a-High-Quality-of-Life>

In terms of affordable properties for purchase, in 2019, there were no properties for purchase in the Sutherland Shire for those on very low, or low incomes, and only 10.4% of those on moderate incomes were able to purchase an affordable property, significantly lower than that in Greater Sydney (18.5%) and NSW (32.5%).

### M3B-Proportion of Purchase stock that is affordable

0

Area	% of affordable Purchase stock for Very Low Incomes Jun 16	% of affordable Purchase stock for Low Incomes Jun 16	% of affordable Purchase stock for Moderate Incomes Jun 16	% of affordable Purchase stock for Very Low Incomes Jun 17	% of affordable Purchase stock for Low Incomes Jun 17	% of affordable Purchase stock for Moderate Incomes Jun 17	% of affordable Purchase stock for Very Low Incomes Jun 18	% of affordable Purchase stock for Low Incomes Jun 18	% of affordable Purchase stock for Moderate Incomes Jun 18	% of affordable Purchase stock for Very Low Incomes Jun 19	% of affordable Purchase stock for Low Incomes Jun 19	% of affordable Purchase stock for Moderate Incomes Jun 19
Sutherland Shire	0.0	0.1	2.4	0.5	1.7	4.5	0.0	0.0	2.6	0.0	0.0	10.4
New South Wales	2.3	9.0	31.2	4.3	11.7	29.3	2.7	9.3	28.4	2.6	9.9	32.5
Greater Sydney	0.0	0.8	14.4	1.1	3.0	12.8	0.0	0.5	11.9	0.0	1.8	18.5

Source: Property NSW sales data

The subject application represents a positive social impact in terms of the provision of a mix of housing type, size and affordability in the suburb of Caringbah and the wider Sutherland LGA.

## 5.4 Community Services and Facilities

The proposed medical building will provide health care services to residents of the local community, in a location close to public transport and a major hospital.

As the residential flat building includes a mix of 1,2 and 3 bedroom apartments, 50% of which will be dedicated affordable housing, there may be an increase in demand for community services and facilities in the local area for those on lower incomes.

There is nothing about the increase in demand for services that is likely to result in significant social impacts. Increased demand for services and facilities can contribute to retention of existing facilities, the introduction of new facilities, and

increases in funding for community services to accommodation additional demands.

The inclusion of two and three bedroom dwellings within the residential component of the development may result in an increase in families in the area, which could result in an increased demand for childcare and education services.

This increase in demand represents a positive social impact in terms of providing support for existing child care and schools in the area. The subject site is located in close proximity to Caringbah North Public School on Cawarra Road, approximately 1.2km walking distance from the subject site, and Laguna Street Public School on Laguna Street, approximately 1.9km walking distance from the subject site. The area is well serviced by High Schools, including:

- Caringbah High School (600m walking distance from the subject site);
- Endeavour Sports High (1.0km walking distance from the subject site);
- De La Salle Catholic College (1.4km walking distance from the subject site); and
- Port Hacking High School (2.0km from the subject site)

The closest childcare centres are:

- Koala Child Care Centre, 430 The Kingsway, approximately 700m walking distance from the subject site;
- Goodstart Learning, 4 Malvern Road, Miranda, approximately 800m walking distance from the subject site;
- Dianella Early Learning Centre, 1C Dianella Street, approximately 900m walking distance from the subject site;
- Kids at Kindy, Unit 16, 65-75 Captain Cook Drive, approximately 1km from the subject site;
- Miranda Pre-Kindergarten, 30 Port Hacking Road, approximately 2.2km walking distance from the subject site.



According to the [childcarefinder.gov.au](http://childcarefinder.gov.au) website (accessed on 29/08/2021), all centres with the exception of Dianella Early Learning Centre, have capacity to accommodate additional demand.

## **5.5 Community Structure, character, values and beliefs**

The proposed development represents a change to the visual character and visual presentation of the site to the street, however, this change is not unexpected or unusual in the Caringbah Town Centre in the context of recently constructed high density residential flat buildings on Hinkler Avenue, The Kingsway and Taren Point Road. The subject application is also not unexpected given the zoning of the sites for high density residential development.

Residential flat buildings are accepted and expected developments, particularly on land zoned for such a purpose and the proposed development is unlikely to result in any material changes to the community structure, character, values or beliefs.

## **5.6 Crime & Public Safety**

The proposed unlikely to generate any negative impacts on crime and public safety in the areas. The security features included in the residential development, including both natural and electronic surveillance to surrounding streets, and improved technical surveillance results in improved safety and security in and around the site.

The controlled access to the residential part of the development will ensure the safety of residents.

The NSW Bureau of Crime Statistics and Research (BOCSAR) prepares crime *rate maps* and *hotspot maps* which identify densities of crimes in an area. The crime maps for the suburb of Caringbah indicate that the suburb generally has low

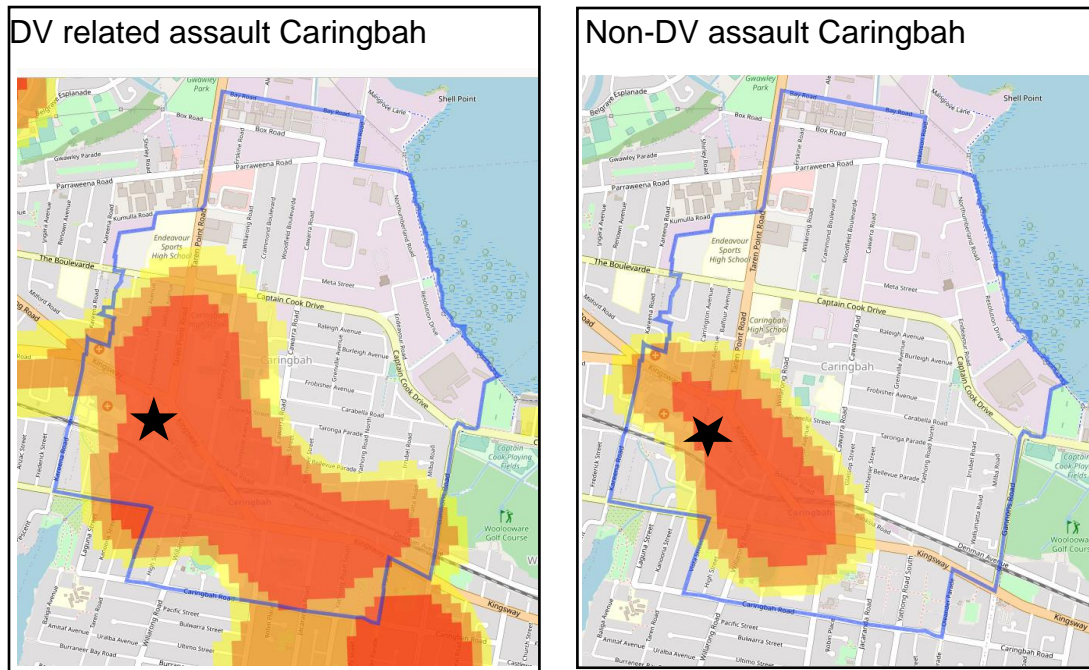
densities and low rates of assault, non-domestic assault, assault Police, robbery and theft compared to the Sutherland LGA and NSW.

**Crime rate table:**

<b>Crime</b>	<b>Caringbah suburb (per 100,000 population)</b>	<b>Sutherland LGA (per 100,000 population)</b>	<b>NSW (per 100,000 population)</b>
<b>Assault</b>	1237.9 (lowest density)	523.8 (second lowest density)	786.5
<b>Domestic Assault</b>	611.1 (medium density)	280.6 (second lowest density)	394.9
<b>Non-domestic assault</b>	595.4 (lowest density)	213.3 (second lowest density)	361.0
<b>Assault Police</b>	31.3 (lowest density)	29.9 (medium density)	30.6
<b>Robbery</b>	23.5 (lowest density)	15.2 (second lowest density)	24.3
<b>Theft</b>	2311.2 (lowest density)	1213.3 (second lowest density)	2092.9
<b>Malicious damage to property</b>	791.3 (lowest density)	430.2 (lowest density)	650.1
<b>Sexual offences</b>	235.0 (lowest density)	111.0 (lowest density)	192.2

April 2020 – March 2021 - <http://crimetool.bocsar.nsw.gov.au/bocsar/>

In terms of hotspots, the subject site is within a medium to high hotspot for domestic related assault; a medium density hotspot for non-domestic related assaults, and a low to medium density hotspot for alcohol-related assault.



There is little that the residential component of the proposed development can do to influence assaults, or domestic related assaults, other than reduce the potential for crime to occur on the premises.

As noted in Chapter 4.0, Sutherland PAC requested that the proposed development, and in particular traffic and parking in and around the proposed development be addressed through Crime Prevention Through Environmental Design Principles.

To the extent that design features can be included in the plans for a residential development, application of Crime Prevention Through Environmental Design (CPTED) principles can improve safety in and around a site.

The following comments relate to the CPTED principles of surveillance, access control, territorial reinforcement and space management and include recommendations as to how the design of the proposed development can respond

to crime reduction and prevention issues through the application of the principles for CPTED.

### **Surveillance**

Effective surveillance, both natural and technical, can reduce the attractiveness of crime targets. Good surveillance ensures that people can see what others are doing. In design terms, good surveillance includes:

- clear sightlines between public and private places;
- effective lighting of public places
- landscaping that makes places attractive but does not provide potential offenders with a place to hide or entrap victims.

The proposed development should ensure effective surveillance through the provision of clear sightlines throughout the internal areas of the residential and commercial spaces, as well as through lobbies and communal areas. This includes clear delineation, through access control and signage, denoting which spaces are public, and which are resident only/private and commercial uses.

The open community space, neighbouring residential properties and Hinkler Avenue and Taren Point Road will benefit from natural, casual surveillance from upper levels of the development, as well as from passing pedestrian and vehicle traffic. Views from the upper floors of the proposed development provide clear sightlines to surrounding streets.

The proposed accommodation uses on the site, essentially providing access 24 hours a day, 7 days a week, will result in increased activity on the site later in the evening, which increases surveillance of both internal and external areas such as in the communal open spaces, and on Hinkler Avenue and Taren Point Road. This increased activity and surveillance provides a further deterrent to potential crime on the site.

***Recommendations:***

- Lighting: Residential entrances, communal open spaces, car parks and perimeters should be well lit at night;
- Natural Surveillance: Promote natural surveillance via balconies overlooking building entries;
- Landscaping: Maintain sight lines to entry points via effective landscaping techniques using CPTED principles;
- CCTV: Ensure building and vehicle entries, communal space on residential levels is monitored via CCTV. Signage should be present to identify permanent surveillance of these areas.
- Concealment: Reduce the opportunity for hiding in bushes and landscaping in secluded areas via low planting or taller trees and canopies.

***Access Control***

Access control refers to the physical and symbolic barriers that can be included in a development to attract, channel or restrict the movement of people. Access controls can minimise the opportunities of crime and increase the effort required to commit crime.<sup>3</sup>

Development design can make it clear where people are permitted to go or where they are not permitted. By clearly identifying areas, it can become difficult for potential offenders to reach and victimise people or their property.

Access control features such as clear and legible boundary markers, and clearly defined spaces make it clear when someone is in a space they are not supposed to be in.

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<sup>3</sup> [https://www.police.nsw.gov.au/data/assets/pdf\\_file/0003/9390/duapguide\\_s79c.pdf](https://www.police.nsw.gov.au/data/assets/pdf_file/0003/9390/duapguide_s79c.pdf)

Effective access control can be achieved by creating:

- landscapes and physical locations that channel and group pedestrians into target areas;
- public spaces that attract, rather than discourage people from gathering
- restricted access to internal areas or high-risk areas such as car parks or other rarely visited areas.

Access control is often achieved through physical barriers such as fences, doors and cages as well as through signage, colour and textural changes denoting different areas.

The proposed development includes a number of access control features to clearly delineate resident and Medical spaces within the development, including:

- Access to resident parking and loading bay areas clearly signed to prevent medical building visitors accessing resident areas, and with the inclusion of clear signing to delineate resident only areas from medical building uses;
- Landscaping in the form of well-maintained trees in the Residential medical building space and around building entrances.

The access control measures included in the proposed development will reduce the potential for crime on the site, including malicious damage to property.

### **Recommendations:**

In addition to the design inclusions preventing access to resident areas by non-residents, the following recommendations should be included in respect of access:

- Designated Key Card Access: Key/swipe card access should enforce restricted access to residential lobbies and lifts, residential premises, basement car park and loading areas;

- Landscaping: Large trees should not be planted immediately adjacent to balconies to prevent the vegetation being used as a “ladder”;
- Upper Level Communal Open Space Areas: This area should be clearly designated with signage to identify who should be using communal spaces and when the spaces are accessible;
- Signage: Provide signage identifying restricted and monitored areas, including the car park; and
- Security: Ensure use of high quality locking systems, reinforced glass, signage and stickers.

### ***Territorial Reinforcement***

Territorial reinforcement includes physical cues indicating the different uses of space, but also relates to a sense of use and ownership of a space.

Territorial reinforcement can be achieved through:

- design that encourages people to gather in public space and feel some responsibility for its use and condition
- design with clear transitions and boundaries between public and private space
- clear design cues on who is to use space and what it is to be used for.

The proposed development includes clearly identified and separate entrances for residential and medical uses. These will be reinforced by appropriate directional signage and commercial/retail branding.

### ***Recommendations:***

- Landscaping: landscape design and built form to maintain distinction between residential entry and communal areas.
- Fencing: Ensure fencing or other built form that identifies a clear distinction of areas within ground floor terraces;

- Car Park: Clearly delineate spaces through signage, boom gates, physical separation and other security measures;
- Alarm: Consideration should be given to the installation of an alarm and dedicated CCTV system; and
- Signage: Provide signage to any visitors to the site which outline access control measures, emergency evacuation measures and procedures.

### ***Space Management***

Space management is linked to territorial reinforcement and ensures that space is appropriately utilised and well cared for.

Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car parking lighting and the removal or refurbishment of decayed physical environments.

A *Waste Management Plan* accompanies the application detailing the waste removal and management of residential and commercial waste from the premises.

### ***Recommendations:***

- Implementation of an on-going maintenance plan for waste, vandalism, toilets, community facilities, landscaping, fencing and lighting.

## **5.7 Employment**

As the proposed development replaces low density residential dwellings with high density residential and a medical building, no employment is lost through the proposed development.

Employment will be generated in the construction and fit out and maintenance of the proposed development.



The increase in resident population is likely to provide increased patronage at local shops and commercial premises, reinforcing existing employment at these services, and potentially resulting in increased employment opportunities in the area.

The proposed development will not generate any negative impacts on employment in the area.

### **5.8 Interaction between the New Development and the Existing Community**

The proposed development is unlikely to materially change the way the site relates to community.

The residents of the proposed residential component will interact with the existing community in the same manner that residents typically do, and there is nothing about this usual interaction that is likely to result in any negative impacts.

### **5.9 Social equity, socio-economic groups and the disadvantaged**

The proposed development is unlikely to generate any significant negative impacts in respect of social equity, socio-economic groups and the disadvantaged as essentially the development results in a continuation of an established use of the site as residential accommodation, with the addition of a building for medical uses.

As noted in Chapter 3.0, the existing residents of the suburb of Caringbah display relatively robust socio-economic and demographic characteristics, with the exception of the following groups:

- Aboriginal and/or Torres Strait Islander peoples; and
- One parent families.

The proposed accommodation will provide a mix of one, two and three bedroom dwellings, providing a range of accommodation, and a proposed 50% of the accommodation will be dedicated affordable housing providing accommodation to those on low incomes and contributing to the diversity of residents within the proposed development.. The residential component of the development is unlikely to generate negative impacts in terms of social equity, socio-economic groups and the disadvantaged, rather results in a significant positive impact.

## **5.10 Amenity**

While amenity issues are not considered to be primary social impacts, but rather secondary impacts, to the extent that they can be addressed in social impact terms, the impacts are addressed in the following:

### **5.10.1 Noise**

An *Acoustic Assessment* Report prepared by Acoustic Dynamics accompanies the application. The assessment includes a number of recommendations to control noise emissions from, and intrusive noise into the proposed residential dwellings:

The *Acoustic Report* concludes:

*An acoustic assessment has been undertaken for the Development Application for the proposed residential and medical development at 6-20 Hinkler Avenue Caringbah.*

*Acoustic Opinion and Conclusion:*

- *Site-specific noise emission criteria have been established for the residential areas surrounding the site. It is noted that mechanical services and plan have not been selected; however, preliminary calculations indicate compliance with*

*all established criteria can be achieved. Where necessary standard engineering noise controls on fans can be implemented at design stage to meet established noise criteria.*

- *Traffic associated with the development will not adversely impact on the acoustic amenity of surrounding residences.*
- *No special glazing is required on all apartments.*
- *Internal noise isolation requirements in accordance with the NCC will be achieved by adopting appropriate constructions.*

### **5.10.2 Traffic and Parking**

Traffic and on street parking were raised as issues during the consultation process by local residents, and by NSW Police.

A separate *Traffic Impact Assessment* prepared by The Traffic Planning Partnership has been prepared to accompany the DA. That report concludes:

*This report examines the traffic and parking implications of the proposed development at 6-20 Hinkler Avenue and 333 Taren Point Road, Caringbah. The key findings of the report are presented below.*

- *The development seeks the construction of a mixed use development comprising a medical centre with 4,714m<sup>2</sup> GFA and 242 high density residential apartments.*
- *The development seeks to provide a total of 457 parking spaces across 3 car parks and 3 basement levels of parking.*
- *The proposed development is expected to generate 234 and 253 net additional vehicle trips in the Am and PM peak hour.*
- *Traffic modelling results indicate that a nearby intersection would fail (function at LOS F) in future years (specifically, 2031) primarily due to background traffic*

*flow. The effect of the development would have a minor impact on the modelled intersections.*

*Overall, it is concluded that the traffic and parking aspects of the development would be acceptable.*

### **5.10.3 Overlooking**

The design of the residential flat building considers privacy and overlooking in its design and includes a number of strategies such as unit aspect and privacy treatments to address any potential concerns. Compliant separation distances are provided with additional privacy measures via landscape screening. The health services facility has been specifically designed with consideration for privacy at the interface with the northern neighbouring building.

### **5.11 Issues raised during the consultation process**

As detailed in Chapter 4.0, the key issues raised during the process related to:

- Traffic on Hinkler Avenue
- Parking demand
- Need for medical building
- Noise impacts during construction
- Impact on property values
- Environmental impacts including pollution, noise and air pollution during construction
- Type of resident
- Capacity of existing schools to accommodate additional demand;
- Overlooking and overshadowing;
- Impact on habitats from lightspill at night
- Changes to existing character of the neighbourhood;

Traffic and parking implications are assessed in the *Traffic Impact Assessment* prepared by The Transport Planning Partnership the application and discussed in Chapter 5.10.2 above.

Impacts associated with the construction of the proposed development such as noise, dust, deliveries and truck movements are able to be mitigated through conditions of consent.

***Need for more medical suites:***

A number of resident submissions raised the issue of the need for additional medical suites given the vacant medical suites in the development at 414-416 The Kingsway.

The issue of need is a market demand issue, rather than a social impact issue. In any event, the health services facility proposed under the subject application provides a different format, with the options for larger, and more flexible spaces than those currently available.

***Type of resident:***

As detailed in Chapter 4.5, affordable housing ensures that private rental housing is available to those on low to moderate incomes and differs from other types of housing such as boarding house and public/social housing.

Given the location of the site in close proximity to three hospitals, within a medical precinct the affordable housing units may be attractive to key workers such as nurses, doctors, medical students and other affiliated health care workers.

The future residents of the affordable housing component of the are likely to have similar socio-economic and demographic characteristics as existing residents of the suburb of Caringbah.

***Environmental Impacts:***

The potential environmental impacts of the proposed development re assessed in detail in the *Statement of Environmental Effects* and other reports accompanying the application.

Any asbestos or other materials identified in the existing dwellings on the site, will be removed in line with regulations.

Noise and acoustic impacts are addressed in detail, in the DA Noise Assessment accompanying the application and discussed in Chapter 5.10.1 above.

***Capacity of existing schools to accommodate demand:***

The capacity of existing schools to accommodate additional demand was raised as an issue, with the resident noting that existing schools were at capacity. Government schools are required by law, to accept enrolments from residents within their catchment areas and increased demand for school places in the area would likely have a positive impact in terms of school funding, and access to funds for school expansion.

While a proportion of future residents of the proposed residential flat buildings may choose to attend Government schools, a proportion will also choose to attend non-government schools, spreading the demand for education services across the available education facilities in the area.

***Impact on property values:***

There is no evidence to suggest that high density residential developments, on land zoned for this purpose, will impact on property values in an area. Property values are driven by many factors and currently, in Sydney, the property market is highly competitive.

***Impact on habitats:***

One resident raised concern regarding potential impacts on habitats as a result of light spill at night.

It is noted that the site is not included in the Sutherland Shire Local Environmental Plan 2015 Terrestrial Biodiversity Map.

***Overshadowing:***

The plans accompany the application indicate the predicted level of overshadowing of properties to the east of the subject site.

***Changes to neighbourhood character:***

A number of submissions raised concern about the proposed development resulting in unacceptable changes to the area, which they noted was typically quiet, green and characterised by low density residential dwellings.

As discussed in Chapter 5.1, the area around the subject site is undergoing a process of change from low density residential developments, to high density mixed use developments, in line with the zoning in the area. While the traditional housing style was low density residential, there are numerous examples around the subject site, of low density residential development being redeveloped to medium and high density residential developments.

There is nothing about the change to the area that is unexpected given the site zoning, and in the context of other, similar, developments in the immediate area.

An independent assessment of the design of the proposed development, undertaken by Matthew Pullinger Architect and accompanying the application noted that:

*In summary, the final resolved development proposal has been carefully considered in its urban design, balancing the aspirations of the applicant against those established by Council in the DCP and during pre-DA discussions.*

*In its resolved form, the proposal provides significant public benefit through the introduction of consolidated medical services that complement the nearby hospital and contribute to the creation of the Caringbah Medical Precinct, and configures a publicly accessible through-site-link to improve permeability and connectivity with the primary street network.*

*By intelligently responding to the opportunities presented by a larger amalgamated site, the resolved development proposal represents a well-mannered, well-designed and considerate contribution to the Caringbah Medical Precinct.*

***Flooding:***

One resident raised concerns regarding existing flooding issues on the southern end of Hinkler Avenue.

The subject site is not noted as flood prone land under the Sutherland Shire Local Environmental Plan 2015.

## **5.12 Public Interest**

The proposed development will provide a positive public interest benefit in the provision of employment opportunities in the construction and operation of the proposed development.

The residential development provides a mix of accommodation in the suburb of Caringbah, in close proximity to public transport and services. The inclusion of affordable housing ensures a diverse mix of residents within the development.



The proposed development will improve the presentation of the subject site to both Hinkler Avenue and Taren Point Road and provide development as envisaged in the Sutherland LEP 2015.

## 6.0 SUMMARY OF POTENTIAL CHANGES AND IMPACTS

The proposed development will result in changes to the local area, including:

- Increases in the population
- Change of the visual presentation of the site to the street
- Increase in the size and type of dwellings available
- Increased availability of affordable housing and adaptable housing
- Intensification of use of the site.

There is nothing about these changes that represent negative social impacts.

The potentially negative social impacts identified are limited to residential properties immediately surrounding the proposed development on Hinkler Avenue and Taren Point Road, and relate to:

- potential noise emissions from the proposed development in the construction and fit out proposed development; and
- increased traffic and parking on local streets associated with the residential component of the proposed development.

As discussed in Chapter 5.10, the potentially negative impacts can be minimised through:

- conditions of consent related to hours of construction, delivery of materials etc;
- implementation of the recommendations outlined in the *Acoustic Assessment* accompanying the application; and
- provision of adequate off-street parking to minimise the impact on local streets.

The *Traffic Impact Assessment* concluded the traffic and parking aspects of the proposed development would be acceptable.

The potential positive impacts of the proposed development will only be generated if the development is approved. The potential positive social impacts generated as a result of the proposed development include:

- employment generation in the demolition, construction and fitout of the proposed development;
- improvement of the presentation of the site to the street;
- provision of additional housing stock in the town centre;
- provision of a significant volume of affordable housing units;
- provision of adaptable housing; and
- provision of significant and consolidated health services within proximity to public transport and The Sutherland Hospital.

## 7.0 CONCLUSION

The proposed development for the proposed new mixed use development at 6-20 Hinkler Avenue and 319-333 Taren Point Road, Caringbah is unlikely to generate any significant adverse social impacts to neighbouring properties, residents of the SAL1, or the suburb of Caringbah.

There are some potential amenity impacts in terms of noise during construction. However, these impacts are typically controlled through conditions of consent.

Residents are likely to notice an increase in traffic around the subject site. The *Traffic Impact Assessment* concluded that this increase is not unreasonable.

This *Social Impact Assessment* concludes that the proposed development will not result in any significant adverse social impacts to neighbouring properties or in the suburb of Caringbah, rather it has the potential to result in a number of positive social impacts. There is nothing about the proposed development that suggests the application not be approved on social impact grounds.

## **APPENDIX A**

### **DEMOGRAPHIC PROFILE TABLE**

**Demographic Profile Table**

<b>Demographic Characteristic</b>	<b>SAL1 - 1160223</b>	<b>Caringbah suburb</b>	<b>Sutherland LGA</b>	<b>Greater Sydney</b>	<b>NSW</b>
Total Persons	424	11 658	218 464	4 823 991	7 480 228
Aboriginal and/or Torres Strait Islander peoples	16 (3.8%)	161 (1.3%)	2 435 (1.1%)	70 135 (1.4%)	216 176 (2.8%)
NESB Persons					
(i) No. born overseas in non-English speaking country.	110 (25.9%)	1495 (12.8%)	25,3131 (11.5%)	1 474 715 (30.5%)	1 646 057 (22.0%)
(ii) No. speaking lang. other than English at home	102 (24.0%)	1 719 (14.7%)	28 410 (13.0%)	1 727 574 (35.8%)	1 882 015 (25.1%)
In need of assistance		529 (4.5%)	9,352 (4.3%)	236 139 (4.9%)	402 048 (5.3%)
Age range:					
0-4 years	28 (6.5%)	876 (7.5%)	13,624 (6.2%)	310,173 (6.4%)	465,135 (6.2%)
5-14 years	38 (8.7%)	1,292 (11.0%)	28,029 (12.8%)	590,126 (12.2%)	921,195 (12.3%)
15-19 years	13 (3.0%)	525 (4.5%)	13,129 (6.0%)	288,362 (5.9%)	448,425 (5.9%)
20-24 years	23 (5.3%)	623 (5.3%)	12,714 (5.8%)	340,737 (7.0%)	489,673 (6.5%)
25-34 years	58 (13.4%)	1,973 (16.9%)	26,241 (12.0%)	774,405 (16.0%)	1,067,524 (14.2%)
35-44 years	68 (15.7%)	1,841 (15.8%)	30,160 (13.8%)	696,037 (14.4%)	1,002,886 (13.4%)
45-54 years	57 (13.2%)	1,405 (12.0%)	30,298 (13.8%)	627,580 (13.0%)	977,984 (13.0%)
55-64 years	63 (14.6%)	1,245 (10.6%)	27,277 (12.4%)	524,011 (10.8%)	889,763 (11.9%)
65-74 years	40 (9.2%)	919 (7.8%)	19,990 (9.1%)	372,488 (7.7%)	677,020 (9.0%)
75-84 years	20 (4.6%)	580 (4.9%)	11,056 (5.0%)	204,051 (4.2%)	373,115 (4.9%)
85 years and over	25 (5.8%)	372 (3.2%)	5,947 (2.7%)	96,022 (1.9%)	167,506 (2.2%)
Unemployment rate	1.6	3.6	3.5	6.0	6.3
Median weekly household income	\$1,437	\$1 568	\$1979	\$1750	\$1486
Median weekly rent	\$480	\$430	\$450		
Med Age	43	37	40	36	38
Ave household size	2.4	2.3	2.7	2.8	2.6
<b>Marital Status (aged 15+)</b>					
Married	147 (39.5%)	4 008 (42.2%)	95 018 (53.7%)	1 934 134 (49.3%)	2 965 285 (48.6%)

Demographic Characteristic	SAL1 - 1160223	Caringbah suburb	Sutherland LGA	Greater Sydney	NSW
Separated	14 (3.8%)	370 (3.9%)	4 548 (2.5%)	111 495 (2.8%)	190 199 (3.1%)
Divorced	48 (12.9%)	1 141 (12.0%)	13 780 (7.8%)	298 433 (7.6%)	512 297 (8.4%)
Widowed	43 (11.6%)	626 (6.6%)	9 654 (5.4%)	185 646 (4.7%)	331 655 (5.4%)
Never married	120 (32.3%)	3 343 (42.2%)	53 809 (30.4%)	1 393 988 (35.5%)	2 094 457 (34.3%)
<b>Family Structure</b>					
Couple families with dependent children under 15 years and other dependent children	49 (53.3%)	1 309 (42.9%)	30,961 (51.4%)	501 238 (40.1%)	718 364 (37.0%)
Couple families with no children	23 (25.0%)	1 086 (35.6%)	20,605 (34.2%)	416 588 (33.4%)	709 524 (36.5%)
One parent family with dependent children	17 (18.5%)	595 (19.5%)	7,968 (13.2%)	113 772 (9.1%)	192 626 (9.9%)
Other families	3 (3.3%)	54 (1.7%)	714 (1.2%)	22 992 (1.8%)	32 483 (1.6%)
<b>Car Ownership</b>					
None	29 (19.9%)	508 (10.8%)	4,325 (5.7%)	179 500 (11.0%)	239 625 (9.2%)
One	43 (29.5%)	1 992 (42.3%)	24,010 (31.4%)	603 062 (37.1%)	946 159 (36.3%)
Two	47 (32.2%)	1 562 (33.1%)	30,491 (39.9%)	532 633 (32.8%)	887 849 (34.0%)
Three	23 (15.8%)	344 (7.3%)	9,654 (12.6%)	164 918 (10.1%)	283 044 (10.8%)
4 or more	(3 or more)	147 (3.2%)	5,900 (7.7%)	89 744 (5.5%)	152 500 (5.8%)
<b>Housing (dwellings)</b>					
Sep house	77 (56.2%)	1 409 (28.0%)	48,705 (63.8%)	924 225 (52.5%)	1 729 820 (59.8%)
Semi-detached	30 (21.9%)	1 294 (25.7%)	10,368 (13.6%)	227 238 (49.8%)	317 447 (35.7%)
Unit	30 (21.9%)	1 988 (39.5%)	16,719 (21.9%)	456 233 (25.9%)	519 380 (17.9%)
Other dwelling	0	3 (0.05%)	369 (0.5%)	9 129 (0.5%)	23 583 (0.8%)
Unoccupied dwellings	26 (16.0%)	317 (6.3%)	5,284 (6.5%)	136 055 (7.7%)	284 741 (9.8%)
Home fully owned	37 (26.4%)	1 307 (27.7%)	28,488 (37.3%)	472 635 (29.1%)	839 665 (32.2%)
Being purchased	30 (21.4%)	1 513 (32.1%)	29,552 (38.7%)	539 917 (33.2%)	840 665 (32.2%)
Private rental	70 (50.0%)	1 437 (30.5%)	14,427 (18.9%)	485 404 (29.9%)	722 020 (27.7%)
Public housing	n/a	299 (6.3%)	1,691 (2.2%)	67 845 (4.1%)	104 902 (4.0%)
<b>Dwelling Structure - # of bedrooms</b>					
0	0	35 (0.7%)	188 (0.2%)	12 812 (0.7%)	17 157 (0.6%)

Demographic Characteristic	SAL1 - 1160223	Caringbah suburb	Sutherland LGA	Greater Sydney	NSW
1	15 (10.6%)	418 (8.8%)	3,467 (4.5%)	118 881 (7.3%)	157 194 (6.0%)
2	21 (14.9%)	1 822 (38.7%)	16,100 (21.1%)	402 675 (24.8%)	577 675 (22.1%)
3	79 (56.0%)	1 617 (34.3%)	27,110 (35.5%)	548 987 (33.8%)	970 001 (37.2%)
4	23 (16.3%) (4 or more)	508 (10.8%)	21,042 (27.5%)	376 427 (23.1%)	633 184 (24.3%)
5		105 (2.2%)	6,012 (4.6%)	101 053 (6.2%)	148 851 (5.7%)
6+		30 (0.6%)	1,067 (1.4%)	23 774 (1.4%)	34 370 (1.3%)
<b>Migration</b>					
Same add 1yr ago		8 860 (77.3%)	180,019 (83.3%)	3 695 742 (77.5%)	5 718 965 (77.3%)
Same add 5 yr ago		5 434 (50.3%)	127,673 (62.3%)	2 402 160 (53.2%)	3 775 527 (53.8%)
<b>Occupation</b>					
Manager	19 (10.7%)	747 (12.4%)	16,977 (15.1%)	311 762 (13.7%)	456 084 (13.5%)
Professional	44 (24.9%)	1 286 (21.4%)	27,083 (24.0%)	597 798 (26.3%)	798 126 (23.6%)
Technical & Trade	33 (18.6%)	900 (15.0%)	15,188 (13.5%)	265 056 (11.6%)	429 239 (12.7%)
Community	22 (12.4%)	733 (12.2%)	11,832 (10.5%)	218 206 (9.6%)	350 261 (10.3%)
Clerical & Admin	27 (15.3%)	946 (15.7%)	18,813 (16.7%)	331 135 (14.5%)	467 977 (13.8%)
Sales	9 (5.1%)	594 (9.9%)	10,692 (9.5%)	205 051 (9.0%)	311 414 (9.2%)
Machinery op	10 (5.6%)	292 (4.8%)	4,339 (3.8%)	128 020 (5.6%)	206 839 (6.1%)
Labourer	13 (7.3%)	383 (6.4%)	6,066 (5.4%)	171 450 (7.5%)	297 887 (8.1%)
<b>Travel to work</b>					
Car driver	93 (53.4%)	3 583 (59.7%)	68,215 (60.5%)	1 197 269 (52.6%)	1 953 399 (57.7%)
Train	25 (14.4%)	815 (13.6%)	12,937 (11.5%)	247 051 (10.8%)	252 786 (7.4%)
Bus		30 (0.5%)		125 503 (5.5%)	133 903 (3.9%)

Source: 2016 Census data ([www.abs.gov.au](http://www.abs.gov.au)) – General Community Profile – as at August 2021



## **APPENDIX B**

### **STAKEHOLDER CONSULTATION & RESPONSES**

Sarah George Consulting  
Social Planning Consultants  
PO Box 319,  
Marrickville NSW 1475  
Ph: 0418 439 813

21<sup>st</sup> August, 2021

To Whom It May Concern,

**Social Impact Assessment – Proposed Mixed Use Development, 6-20 Hinkler Avenue  
& 319-333 Taren Point Road, Caringbah**

Sarah George Consulting has been engaged by Landmark Group to prepare a Social Impact Assessment (SIA) to accompany a proposed Mixed Use Development including a medical building, and residential flat buildings on the sites at 6-20 Hinkler Avenue and 319-333 Taren Point Road, Caringbah.

As required by Sutherland Shire Council's *Chapter 41 – Social Impact of the Sutherland Shire Development Control Plan 2015 (DCP)*, as part of the preparation of the SIA, consultation with the local community and relevant Government and non-Government organisations is required.

We are writing to advise you of the proposed development and to seek any comment or feedback you may have on the development in terms of potential social impacts.

The proposed development will include:

- Demolition of existing buildings on the sites;
- Excavation to provide basement car parking over three levels;
- Construction of three buildings including:
  - Multi-storey medical building;
  - Two multi-storey residential flat buildings with a total of 240 apartments (including 1, 2 & 3 bedrooms), of which 50% will be affordable rental housing; and
  - Communal open space for resident use

The intent of the SIA is to assess the potential social impacts of the proposed development in the local area.

We would like to invite your comment on any issues you would like us to address in this Social Impact Assessment. If you wish to comment on the potential social impacts that may arise as a result of the proposed development, or would like additional information, please respond within 14 days of the date of this letter in writing to PO Box 319, Marrickville NSW, 1475; via email ([sgeorgeconsulting@gmail.com](mailto:sgeorgeconsulting@gmail.com)) or by phone (Ph: 0418 439 813 between 9.00am and 5.00pm Monday – Friday)

Regards,



Sarah George  
Social Planning Consultant

26<sup>th</sup> August, 2021

The Secretary  
Department of Communities and Justice  
Locked Bag 4028  
ASHFIELD NSW 2131

To Whom It May Concern,

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Social Planning Consultants

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Regards,

A handwritten signature in black ink, appearing to read 'Sarah George', with a small horizontal line at the end.

Sarah George  
Social Planning Consultant

26<sup>th</sup> August, 2021

La Perouse Local Aboriginal Land Council  
1 Elaroo Avenue,  
LA PEROUSE NSW2036

Email: admin@laperouse.org.au

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Regards,

A handwritten signature in black ink, appearing to read 'George', followed by a short horizontal line.

Sarah George  
Social Planning Consultant

26<sup>th</sup> August, 2021

NSW Health  
Manager  
Population Health and Partnerships Drug and Alcohol Clinical Program  
Mental Health and Drug and Alcohol Office  
Locked Mail Bag 961  
NORTH SYDNEY NSW 2059

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Regards,

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Sarah George  
Social Planning Consultant



26<sup>th</sup> August, 2021

Sutherland Shire PAC  
111-115 Flora Street  
SUTHERLAND NSW 2232

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Social Planning Consultants

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Regards,

A handwritten signature in black ink, appearing to read 'George', with a small horizontal line at the end.

Sarah George  
Social Planning Consultant

26<sup>th</sup> August, 2021

The Chief Executive  
Transport for NSW  
Locked Bag 928  
NORTH SYDNEY NSW 2059

To Whom It May Concern,

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Regards,

A handwritten signature in black ink, appearing to read 'George', with a small horizontal line at the end.

Sarah George  
Social Planning Consultant

Sat, 21  
Aug,  
13:28

Good afternoon Sarah, I have received your notice with an invitation to comment on the above proposed development.

I bought a 2 bedroom apartment at 7 Hinkler in November last year and have been absolutely thrilled to move from the Eastern Suburbs to the beautiful Sutherland Shire. Unfortunately I was too shortsighted to see where the rest of the street was going and the density of the housing to be developed around me in the next few years. After reading your letter today, I want to run screaming from the building. I want to sell, although not a great time to do that and I am absolutely destroyed that I will now be surrounded by high density apartments in what I thought would be quiet pocket of Caringbah.

Disappointed is the least I could say. Not sure what you mean by "affordable rental housing" but I sincerely hope this is not public housing. Whatever it is, it equates to decreasing the value of my apartment.

Having said all that, it is absolutely fruitless for me to contribute to your SIA as it will make not one bit of difference to the development pushing ahead and making a ghetto out of Hinkler Avenue. I have seen it done at Miranda.

Time for me to get out.  
Regards

To Sarah George Consulting,

My name is [REDACTED] and I am a resident of Hinkler Avenue. I received a letter on the 21<sup>st</sup> August, 2021, stating that your company has been hired to consult on a potential upcoming project situated directly opposite my residence. After great consideration, there are many concerns that you need to acknowledge before moving ahead with the Development Approval through our local council. The concerns I have in relation to the **'Proposed Mixed Use Development, 6 – 20 Hinkler Avenue and 319-333 Taren Point Road, Caringbah'** include:

1. **50% affordable rental housing:**

- a. I am asking that you provide confirmation in relation to which building will contain the **affordable rental housing**. Provided on the proposal letter are two different addresses. Please confirm whether the affordable rental housing will be located in **6 - 20 Hinkler Avenue OR 319 – 333 Taren Point Road, Caringbah**, as your letter lacks specificity.
- b. Will the affordable housing be for specific residents? For example, young mothers of domestic violence etc.

2. **Communal open space for resident use:**

- a. The letter mentions the development will include communal open space for residents. The lack of specificity is concerning, where the residents of Hinkler Avenue are requesting that you provide specific features of these areas. For example, will these facilities be internal and/or external, the purpose of the facilities (gym, pool, rooftop) and the capacity limits for these facilities as well as where they will be located within the building (the levels they will be built on).

3. **Noise pollution:**

- a. Questions the local residents are seeking answers for:
  - i. Will the **ENTIRE** project be built during the same periods of time?
  - ii. How will **noise pollution** be monitored?
    - Please consider the most recent news report on building sites that have not taken into consideration the surrounding residents and how it has contributed to the demise of their mental health.
  - iii. How will **environmental particles** be subsided during the builds (how can you maintain low levels of disturbed terrain for those who have serious health conditions?)
  - iv. Has the terrain been **tested** for harmful particles such as asbestos? If so, please provide proof.
  - v. Will the projects coincide with the other builds in Hinkler Avenue and Taren Point Road? If so, will you be working together to ensure that disturbance to the local community will be maintained at a minimum?
- b. The residents require a **Statement of Environmental Effects**, including the **Local Environmental Plan** and **Developmental Control Plan**.

- c. Residents are requesting an **Acoustic Report** to properly assess the noise impact of the builds prior to commencement, during the build and once the residents have moved in and medical suites have been opened.

4. **Pollution:**

- a. There is a concern for **pollution levels** within Hinkler Avenue due to the large number of workers that will be required in order to complete the projects. How will pollution be managed within these builds?

5. **Congestion in Hinkler Avenue:**

- a. There is a large amount of congestion already in Hinkler Avenue due to the many construction sites rapidly appearing. Please confirm that your build will not coincide with the current builds and that it will not congest the Avenue. We are already having to wait to access our driveways due to the many road workers already placed within the Avenue.
- b. In addition to this, please provide a **time frame** of the build, including the start date to the completion date.

6. **In area school congestion:**

- a. Local schools are at **capacity** and cannot take on the load of more students. 250 units and the 50% government housing will put unnecessary stress on our local educational locations. What **school zone** will the units be zoned for?
- b. The residents request that you **contact local principals** to obtain their opinion of the build and the detrimental effects it can have on their educational institution.

7. **Halfway house – Taren Point Road:**

- a. There is currently a half-way house located on the corner of Taren Point Road (opposite the 319-333 Taren Point Road location). It is known to the locals to be a location for drug use. The residents would like to note that they are not putting all housing commission residents in the same boat, but unfortunately it is often the fact that these residents have history of addiction. The developers of this build are placing these residents in a vulnerable position. The location of this building in conjunction with the affordable housing may exasperate addiction habits of these residents, where this will ultimately affect the local community.
- b. This half way house is regularly patrolled by our local police, where you will be putting more stress on their already limited resources.

8. **Height of building:**

- a. Please confirm how many levels the buildings will be **above** the underground carparks? This is in order to assess privacy and potential loss of view.
- b. What type of build will this be **zoned** as in the development application.
- c. With this we also request the **Elevation Plans** of the building to ensure that we can accurately assess the potential problems in relation to existing and proposed ground levels, as well as proposed height of the building.

- d. The residents of the houses and units opposite and directly next to the build are requesting the plans for **placement of windows** to ensure that **privacy** will be maintained.
- e. The residents are also requesting the **plans of the building** to ensure all views are maintained. In order to effectively conclude about the effect of this build on residents, the plan must be made available to residents.

**9. Medical Centre:**

- a. What will the 'multi-storey medical building' consist of?
  - i. The **types of facilities** included will have differing impacts on our Sutherland Shire Community and surrounding residents.
  - ii. Please confirm that there will be **NO addiction support services** such as the one that can be found near St George Hospital.
- b. Where will the patients of these medical suites be **parking**?

**10. Street parking:**

- a. The lack of parking within Hinkler Avenue is already sparse. The development of large-scale buildings will put extra pressure on residents, delivery drivers and visitors, where, it will be almost impossible to find parking.
- b. Please take into consideration the residents in houses who do not have underground parking.
- c. Where will the workers be expected to park and will this add extra pressure on our already congested and narrow Avenue?

**11. Additional traffic once build is completed:**

- a. The Avenue is already heavily congested which will only be exasperated by the 300+ new residents moving into Hinkler Avenue and Taren Point Road.
- b. Residents are requesting the **Traffic Impact Statement** in order to properly assess the impact of the build on the local residents and community.
- c. There needs to have traffic lights installed on Hinkler due to the large amount of increased traffic and the already long wait at the traffic lights on Taren Point Road. You the build include this?

**12. Survey Plan, Site Plan and Floor Plan:**

- a. I request that the residents of Hinkler Avenue and Taren Point Road have access to the **Survey Plan, Site Plan and Floor Plan** in order for them to be able to sufficiently review all documentation. The lack of detail provided in your original consultation letter does not provide the residents enough information to accurately determine the effect of the build on our local community.

**13. Shadow diagrams:**

- a. Residents are requesting **Shadow Diagrams**, which should be June 21<sup>st</sup> (or close to), in order to determine the maximum impact of the development.

**14. Storm water management plan:**



- a. The residents are requesting the ***Storm Water Management Plan*** to ensure that this has been planned for effective management and will not impact surrounding properties.

The residents of Hinkler Avenue are requesting all formal documents mentioned above are received within 14 days of your company receiving this document. We then request an extension (21 days from receiving all plans mentioned above and answers to all questions and responses to statements) on the consultation period due to the lack of information provided in your original consultation letter. We require a response emailed to [REDACTED] within 14 days of receiving this document.

Kind Regards,  
[REDACTED]



Transport  
for NSW

2 September 2021

Ms S. George  
Social Planning Consultant  
Sarah George Consulting  
PO Box 319  
Marrickville NSW 1475  
Email- sgeorgeconsulting@gmail.com

Dear Ms. George,

**SOCIAL IMPACT ASSESSMENT IN RESPECT OF A DEVELOPMENT APPLICATION AT  
6-20 HINKLER AVENUE AND 319-333 TAREN POINT ROAD, CARINGBAH**

I refer to the correspondence forwarded to Transport for New South Wales (TfNSW) seeking comment on a Social Impact Statement (SIA) to accompany a Development Application at the above location. TfNSW understands that this process is aimed at providing relevant agencies with the opportunity to comment and to raise concerns appropriate to its portfolio. In this case comments will be provided on the proposed licensed areas of the development relating to road safety, in particular drinking and driving

Alcohol related crashes are a key contributor to the NSW road toll, accounting for around 16 per cent of all road fatalities each year. TfNSW has developed a number of initiatives to address alcohol related trauma, and seeks to promote and increase the safety of all road users at risk, including pedestrians.

Measures to prevent alcohol related road crashes are detailed on the Centre for Road Safety's website ([roadsafety.transport.nsw.gov.au/stayingsafe/alcoholanddrugs](https://roadsafety.transport.nsw.gov.au/stayingsafe/alcoholanddrugs)). You are encouraged to view these and consider the prevalence of alcohol related road trauma in the local area, and how they can play a part in reducing it as part of the approval process.

If the DA and BA is approved and granted a selling licence to sell alcohol in the community, TfNSW requests the licensee to maintain awareness of any specific local alcohol-related issues impacting the community and encourages the licensee to participate in the local Liquor Accord.

TfNSW requests the licensee consider providing access to public education material within the premises (available from Council and TfNSW). This information should focus on drink driving prevention, including alternative transport options available such as taxi /ride share services and public transport (Transport Info Line 131 500 or Trip planner [transportnsw.info/trip](https://transportnsw.info/trip)), as well as information on pedestrian safety for customers that consume alcohol and may be drink walking.

Transport for New South Wales

27-31 Argyle Street, Parramatta NSW 2150  
PO Box 973 Parramatta NSW 2150

[www.transport.nsw.gov.au](https://www.transport.nsw.gov.au) | 13 22 13

TfNSW appreciates the opportunity to comment as part of this process.

Yours sincerely,



**Noelani Reardon**  
**Senior Manager Road Safety**  
**Planning & Programs**  
**Greater Sydney**

**Transport for New South Wales**

27-31 Argyle Street, Parramatta NSW 2150  
PO Box 973 Parramatta NSW 2150

[www.transport.nsw.gov.au](http://www.transport.nsw.gov.au) | 13 22 13

Hi Sarah,

I am writing in response to the letter dated 21 August which was received from Sarah George Consulting regarding the proposed Mixed Use Development of the addresses referenced above. Please see feedback/comments below:

Negative Social Impacts - Construction Phase

1. Increase in dust, dirt, noise, air quality, vibration and sleep disturbance affecting surrounding local residents, community health and general wellbeing
2. Increase in traffic due to construction workers, plant and equipment which will strain the surrounding road infrastructure due to the already over developed area and Sutherland Hospital
3. Potential risk and hazard to pedestrians and local residents due to excessive mobile plant and equipment movement required for this scale project and duration
4. Limited parking due to point 2 above. There is currently no on-street parking available Mon-Fri due to Hospital staff. This impacts local residents and visitors

Negative Social Impacts - Post Construction

1. The proposal of 240 apartments + multi storey medical building will not only impact the local communities character, scenic quality and general feel of the area
2. Increase traffic due to the proposed 240 apartments + multi story medical building
3. Limited parking due to the proposed 240 apartments + multi story medical building

Regards,

This is XXXXX, resident at the Hinkler ave.

First of all, thanks for sending through the consulting letter. As there are a number of concerns to be addressed, I would like to extend the consulting period for us to engage in further discussion and have a better understanding of the Proposed development.

Main topics:

- **50% affordable housing:** What does it mean? What type of affordable housing we are talking about?
- **Devalue of property:** what is the expected impact on the real state market? With so much offer our proprieties are likely to lose value. This will impact all residents tremendously.
- **Communal space for resident use:** Is this a public area? Or would be only for the residents of the new development? What would be in this communal space?
- **Pollution:** how pollution, waste and noise pollution will be managed? how long would the whole project take to be finalised?
- **Height of the buildings:** how high will be buildings? will it block others' views?
- **High occupancy:** how it is expected to fit hundreds or even thousands of people in such a small, quiet and no-through-road street?
- **Parking:** there is already very little public parking, how will this be managed?
- **Traffic:** how many more cars are expected to use this small street?
- **Buildings' position:** we would like further details about the positions of the buildings in the mentioned area? Where the common area will sit? where the medical centre will sit? etc

In general, we would like a lot more information to be able to understand the impact of a massive development proposal like this one.

Thanks

**Social Impact Assessment – Response to Proposed Mixed Use Development, 6-20 Hinkler Avenue & 319-333 Taren Point Road, Caringbah**

I am the owner of 8/17-21 Gardere Street, Caringbah

This part of Caringbah is a hidden gem. It is surprisingly peaceful and very quiet on the weekend. There are views to the Royal National Park from our balconies and sunsets most evenings. Flying foxes fly overhead each night from E.G. Waterhouse Camellia Gardens. In the morning and evening, the streets are filled with bird song. There are several mature remnant trees on the land proposed for development, which provide habitat for these birds. A photo of these trees taken from Hinkler Avenue looking towards the Kingsway is **attached**. If the proposed development goes ahead, all these mature trees will have to be cut down and the whole character of these streets will change.

There is an opportunity to create a “green”, village atmosphere by building larger townhouses for families and retaining the mature trees where possible. The current housing boom is for larger family homes, not units.

The existing new medical centre and apartment block adjoining the Kingsway still has empty commercial space on the ground floor, so do we really need another medical centre? Miranda Medical Centre is five minutes away by car, and one train stop from Caringbah. Why do we need two medical centres so close to each other?

Lack of on street parking. Parking is only permitted on both sides of Hinkler Street for part of the road, due to this being a narrow street. When cars are parked on both sides of the street, cars cannot pass each other. I **attach** a photo of Hinkler Avenue looking towards the Kingsway. Yellow lines prevent cars parking elsewhere along the street, including around a dangerous narrow bend on Hinkler Avenue on the corner of Taren Point Road and Gardere Street.

Owing to the proximity of Caringbah train station and Sutherland Hospital, there is no on street parking available on Gardere Street, Flide Street and Taren Point Road either during work hours. Cars are parked bumper to bumper.

The proposed development will create light pollution in the evening and spill light into the neighbouring townhouses at 17-21 Gardere Street. It will also impact on the birds roosting in the mature trees in 18 Gardere Street, which is a small nature reserve owned by State Rail. Currently these streets are quiet and peaceful in the evening, and dimly lit.

The proposed development will create additional shade on the adjoining townhouses at 17-21 Gardere Street, Caringbah, which are already in shade until midday during the winter months. Attached are four photos of the front and rear courtyards of 8/17-21 Gardere Street, taken in June 2020 at 11.00 am and against at 1 pm, showing the lack of light on these courtyards during the winter months.

The soil in these streets is a mixture of clay and sandstone. Buildings built on clay suffer cracking due to movement. The vibrations caused by the development construction will cause cracking in the townhouses at 17-21 Gardere Street.

Owing to the slope of Taren Point Road, all the stormwater comes down to the bottom of Gardere Street. There have been two floods at 17-21 Gardere Street in the last six years owing to the Council stormwater drains becoming blocked and the water backing up into the property. Any additional drainage infrastructure for the proposed development should take this into consideration when joining to Council infrastructure.

Taren Point Road is only zoned R4 on one side only. The proposed development should not exceed what is permitted under the 2015 SSC Local Environmental Plan as the other side of Taren Point Road is zoned R3.

Thank you for considering my submission.



OFFICIAL: Sensitive

Our Ref: D/2021/1128838

23 September 2021

Ms Sarah George  
Social Planning Consultant  
PO Box 319  
MARRICKVILLE NSW 1475

Dear Ms. George,

**Re: Social Impact Assessment – Proposed Mixed Use Development, 6-20 Hinkler Avenue and 319-333 Taren Point Road, Caringbah – Total of 240 apartments**

I refer to your letter dated 26 August 2021 seeking comment from this Command in relation to the potential social impact of the above proposed development.

I am writing to advise you that vehicular and pedestrian traffic in and around the proposed development will be a significant issue. Plans to address this issue should be included in the social impact assessment utilising the principles of Crime Prevention Through Environmental Design. The five components of which are natural access and control, natural surveillance, territorial reinforcement, space management and terrorism management.

If you wish to discuss this matter further, please contact Senior Constable Katherine Dodd, Crime Prevention Officer, at this Command on 9542 0899.

Yours sincerely

Craig Middleton APM  
Superintendent  
Commander  
Sutherland Shire Police Area Command

OFFICIAL: Sensitive

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## **APPENDIX C**

### **QUALIFICATIONS AND EXPERIENCE OF AUTHOR**

## **Sarah George – BA (Psych/Soc), Cert IV Youth Work; Cert IV Training and Assessment**

### **QUALIFICATIONS:**

Bachelor of Arts majoring in Psychology & Sociology (Macquarie University);  
Certificate IV – Workplace Training & Assessment, Youth Work Certificate IV (TAFE NSW), Teaching by Distance (TAFE NSW)

### **EXPERIENCE:**

In practicing as a consultant since 2006, I have completed assignments for of clients in the private, public and government sectors, including:

- preparation of Statements of Evidence and representation as an Expert Witness in the Land and Environment Court of NSW;
- preparation of the City of Sydney Council's Alcohol-Free Zone Policy Review & Guide;
- preparation of a draft Local Approvals Policy for the City of Sydney ("Sex on Premises Venues");
- preparation of Social Impact Assessments for Development Applications, including mixed use developments, residential flat buildings, Master Plan developments, licensed premises, child care centres, boarding houses, sex services premises and schools; and
- preparation of Community Impact Statements for packaged liquor outlets, on-premises licences for submission to the Office of Liquor, Gaming and Racing.

Prior to commencing as a consultant, I worked in community organisations and in the non-Government and private sectors in numerous roles including:

- Teacher, OTEN – Mental Health, Alcohol and Other Drugs, Youth Work and Community Services
- Project Officer – Education & Development & Chronic Disease Self-Management with Hepatitis NSW
- Case Manager Big Brother Big Sister Mentoring Program with the YWCA NSW

- Drug and Alcohol educator and counsellor
- Youth Worker

I also worked for several years in a Town Planning Consultancy.

Other:

Justice of the Peace for NSW

# APPENDIX C

Matt Pullinger

URBAN DESIGN PEER REVIEW

C

# MATTHEW PULLINGER ARCHITECT

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8 October 2021

Hinkler 1 Ave Pty Ltd and Hinkler 2 Ave Pty Ltd and Hinkler 3 Ave Pty Ltd  
Level 25, Aurora Place  
88 Phillip Street  
Sydney NSW 2000

Attention: Mr Adam Martinez  
Senior Development Manager

## **DEVELOPMENT PROPOSAL AT HINKLER AVENUE, CARINGBAH**

Dear Mr Martinez

This letter is offered in support of the development proposal at 6-20 Hinkler Avenue and 319-333 Taren Point Road Caringbah.

I was formally engaged on 12 July 2021, and on 16 July 2021 I attended an online meeting hosted by DKO Architecture to review a draft architectural design report and associated draft development application drawings.

I have subsequently reviewed a series of amended design proposals that incorporate a range of design refinements intended to ensure the final development proposal better integrates with the immediate urban context of the site, and meet the objectives and outcomes anticipated within Council's Caringbah Medical Precinct DCP 2015, Chapter 9.

I confirm I have previously visited the site, neighbouring buildings and general landscape and architectural character of the immediate vicinity. However, in the context of this particular project, and as a result of the constraints imposed by COVID-19, I have only been able to review site information by digital means.

My role in this project has been to offer an independent peer review of the urban design proposal and subsequent amendments made in response to preliminary feedback received from Council, and in discussion with the design team.

This letter deals primarily with urban design issues, site planning considerations and the resultant urban form. To a lesser degree, I also address aspects of the proposed building configuration and general arrangement - to the extent these factors influence the presentation of the project to the public domain and the immediate context.

I don't undertake any detailed assessment of the proposal against the NSW Apartment Design Guide (ADG), which will be addressed by DKO Architecture. In any case, I don't perceive any obvious shortcomings in the proposal that brings it into conflict with the objectives and guidance offered by the ADG.

After considering the resolved development proposal and supporting documentation - its relationship to the local landscape features and the neighbouring built form (both existing and approved) - I note the following points:

\_The key siting strategy adopted by the proposal - which delivers meaningful public benefit - is the introduction of a shared way and publicly accessible through-site-link that serves to improve the general permeability and connectivity of the local area.

\_This fundamental siting strategy establishes a direct visual and physical connection from Taren Point Road (near its intersection with Flide Street) to Hinkler Avenue at a convenient point close to the Kingsway and the Sutherland Hospital.

\_This through-site-link also improves access and address for the proposed 5 storey medical building.

\_The consolidation of medical uses into a single, stand-alone building gives greater clarity and focus to these medical uses within the precinct, and is considered to be superior to a more distributed arrangement of medical uses across the site.

\_The balance of the site is structured as two inter-locking residential buildings configured around a central communal open space, with clear presentation of this courtyard space to the surrounding street network along Hinkler Avenue and Taren Point Road.

\_The breaks proposed between buildings along Hinkler Avenue and Taren Point Road bring relief and increased greening to the streetscapes, and have been situated to maximise the solar access received by proposed dwellings and within the communal open space itself.

\_The detailed siting and design of the various buildings within the site seek to retain and protect the majority of existing street trees, and also configures deep soil in areas where these existing trees will benefit most.

\_This deep soil provision will allow further reinforcement of the street tree canopy along Hinkler Avenue and Taren Point Road.

\_It is clear that the pattern of site amalgamation accompanying this proposal departs from (and exceeds) that anticipated by Council's DCP. This larger amalgamated parcel is considered to present a series of urban design benefits.

\_Although there is a corresponding departure from the anticipated built form set out at page 12 of Chapter 9 of the DCP, the resolved development proposal maintains the permissible gross floor area, mix of uses and heights of buildings, and seeks to redistribute this building mass and uses in a targeted and intelligent manner.

\_As effectively a perimeter block of residential uses, the urban design benefits of this siting strategy include better-defined and activated residential streetscapes in comparison to the short ends of regularly spaced linear apartment buildings anticipated by the DCP.

\_Similarly, the consolidation of the residential uses into an interlocking perimeter block consolidates basement entries to two points - towards the southern end of Taren Point Road (for residential and waste management in Stage A) and towards the northern end of Taren Point Road (for residential, health-related and waste management in Stage B) - and thereby eliminates two to three additional basement entries anticipated by the building envelopes of the DCP.

\_Potentially intrusive building services are also minimised and consolidated through this strategy, rather than being repeated for each of several buildings anticipated by the DCP.

\_The proposal generally adopts the 6m street setback for the majority of its perimeter, seeking to depart from this control to a minor extent for reasons that exhibit design merit. The breaks between residential buildings along Taren Point Road and Hinkler Avenue create opportunities for the landscaped central courtyard to contribute to the greening of both streets. It is noted these breaks effectively exceed the setback control.

\_Elsewhere on Hinkler Avenue - for the extent of the five storey consolidated medical building frontage - the proposal seeks to relax the setback control from 6m to 3m.

\_The benefit of this potential setback relaxation is to bring greater presence and address to the medical building within the streetscape. It is noted the proposed medical building presents a relatively narrow frontage to Hinkler Avenue and that the inconsistency with the numeric control is limited to approximately 18m.

In summary, the final resolved development proposal has been carefully considered in its urban design, balancing the aspirations of the applicant against those established by Council in the DCP and during pre-DA discussions.

In its resolved form, the proposal provides significant public benefit through the introduction of consolidated medical services that complement the nearby hospital and contribute to the creation of the Caringbah Medical Precinct, and configures a publicly accessible through-site-link to improve permeability and connectivity with the primary street network.

By intelligently responding to the opportunities presented by a larger amalgamated site, the resolved development proposal represents a well-mannered, well-designed and considerate contribution to the Caringbah Medical Precinct.

Please feel free to contact me to discuss any aspect of this letter.

Regards,

A handwritten signature in black ink, appearing to read 'Matthew S'.

**Matthew Pullinger LFRAIA**

Registered Architect: 6226

### **Concise Curriculum Vitae**

Matthew Pullinger is an award-winning architect and urban designer, whose experience lies in the design of the city and urban centres, residential apartment buildings, commercial office buildings and also in the design of residential dwellings.

Matthew has attained the following formal qualifications:

- \_Master of Urban Design, University of Sydney, 2000
- \_Bachelor of Architecture (Hons), University of Sydney, 1995
- \_Bachelor of Science (Architecture), University of Sydney, 1992
- \_NSW Registered Architect - 6226

Matthew is a Past President and Life Fellow of the Australian Institute of Architects (NSW) and a respected leader of the architecture profession.

Since 2009 he has served as a member of a number of design advisory panels, whose function has been to provide clear, constructive advice on matters of design excellence in the built environment.

- \_2009 to date - City of Ryde, Urban Design Review Panel
- \_2014 to date - Inner West Council, Architectural Excellence Panel
- \_2018 to date - City of Sydney, Design Advisory Panel, Residential Sub-committee
- \_2018 to date - Member, NSW State Design Review Panel

Earlier in his career, Matthew worked with the NSW Department of Planning's Urban Design Advisory Service (UDAS) on urban design and public policy projects such as the State Government's initiatives to lift the design quality of residential apartment development across New South Wales, and was an author of State Environmental Planning Policy SEPP 65.