

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

## Clause 4.6 – Building Height Development Standard

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

**May 2023**

Prepared under instructions from  
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3D HEIGHT PLANE

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Sarah George Consulting

SOCIAL IMPACT ASSESSMENT

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Matt Pullinger

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Sutherland Shire Council

COUNCIL REPORT ON AFFORDABLE HOUSING – JULY 2022

## 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 242 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;
- 50% of the total residential floor area as Affordable Housing under the SEPP 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 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.

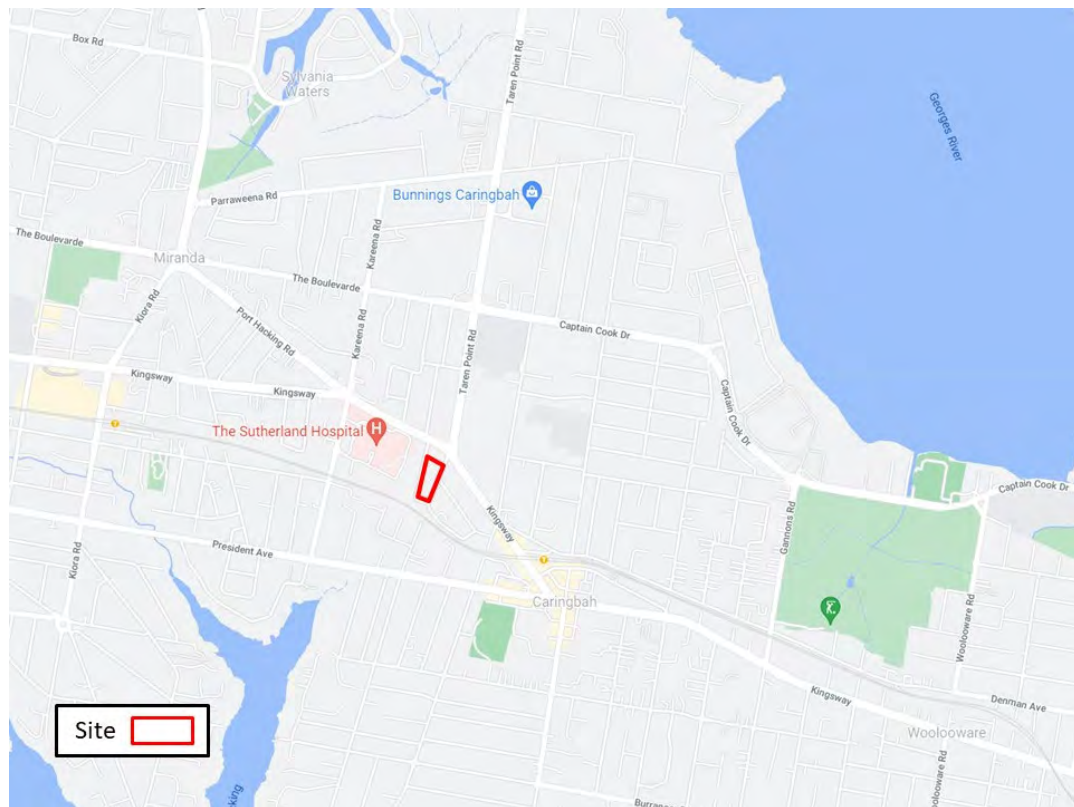


Figure 1:

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.**

Finally, on 11 July 2022, Council considered a report titled “Local Housing Strategy 2041: Social and Affordable Housing”. The report identified the following:

- Supporting opportunities for affordable and secure housing is proposed as one of the objectives of the Local Housing Strategy 2041.
- The need for social housing exceeds the current social housing stock in Sutherland, waiting times generally exceed 10 years and there has been an increase in the number of applicants over the past three years. Property and rental prices in Sutherland Shire are above the Greater Sydney average, meaning there are few properties affordable for households on low and moderate incomes
- **Actions to support social and affordable rental housing are needed to provide housing opportunities for workers in key sectors such as child care, aged care, health, hospitality and emergency services. Households comprising young adults starting their careers, recently separated parents and older people on a reduced retirement income are also in need of affordable housing options. State led incentives has seen affordable rental housing make up 3% of new dwellings in Sutherland Shire.**
- The recommended planning actions include setting an affordable rental housing target of 5% of all new dwelling approvals, the preparation of an Affordable Housing Policy and Contributions Scheme, **and consideration of changes to FSR and DCP provisions to support affordable rental housing and priority social housing projects.**

The report also specifically identifies the difficulty in taking up FSR incentives for delivering affordable housing, due to the inherent conflict with the height control:

FSR bonuses for affordable rental housing can also be offered in the Local Environmental Plan (LEP). Sutherland Shire Local Environmental Plan 2015 does not include any FSR incentives. Discussion with developers and

community housing providers has highlighted the difficulty of realising bonus FSR within the current SSLEP2015 height controls. **FOR THIS APPROACH TO DELIVER MORE AFFORDABLE RENTAL HOUSING IN SUTHERLAND SHIRE, AN INCREASE TO MAXIMUM BUILDING HEIGHT IN AREAS WHERE AFFORDABLE RENTAL HOUSING IS APPROPRIATE OR DESIRED WILL BE REQUIRED**. It is recommended that the Housing Strategy identify areas where FSR bonuses are appropriate for development that includes affordable rental housing. This will need to be supported by changes to the maximum, permissible height.

The recommendations of the report were adopted in full by Council.

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

Address	DA No.	Approval Date	Description	Variation
11-13 Hinkler Ave, 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 Hinkler Ave, 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 426-428 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



## 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;
- 50% of the total residential floor area as Affordable Housing under SEPP 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 123 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 (4,716sqm) 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.

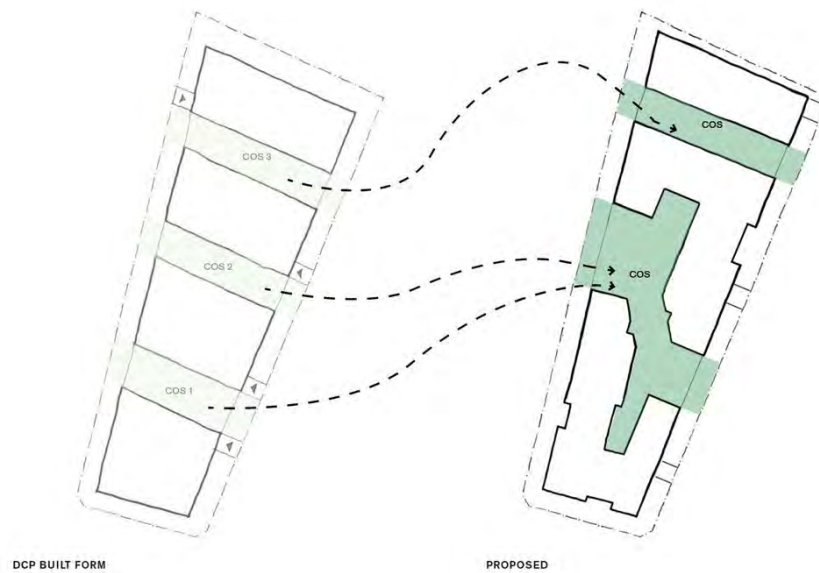


Figure 5:

The proposal can deliver more ground floor common open space

Figure 6:

Proposal maximises solar access to common open space compared with DCP



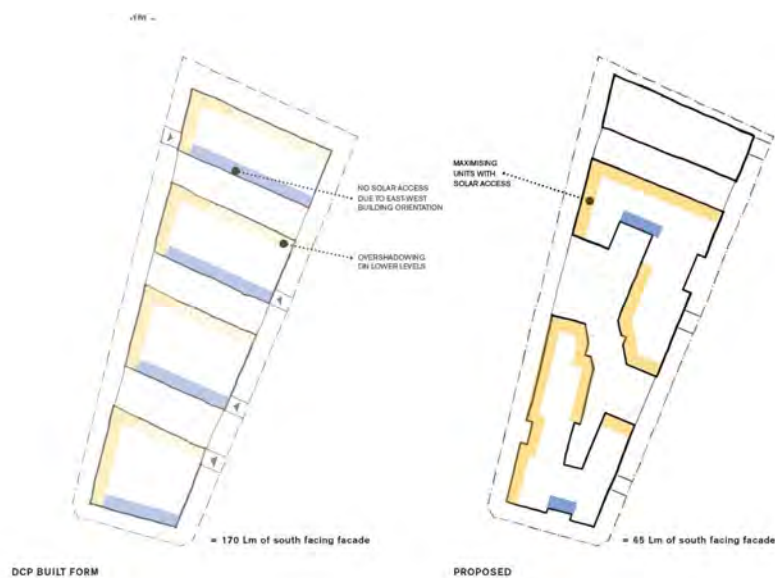
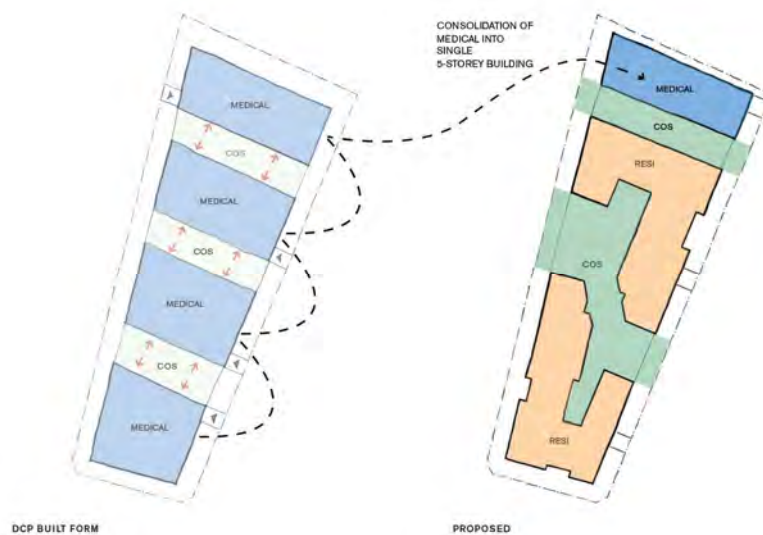


Figure 7:

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





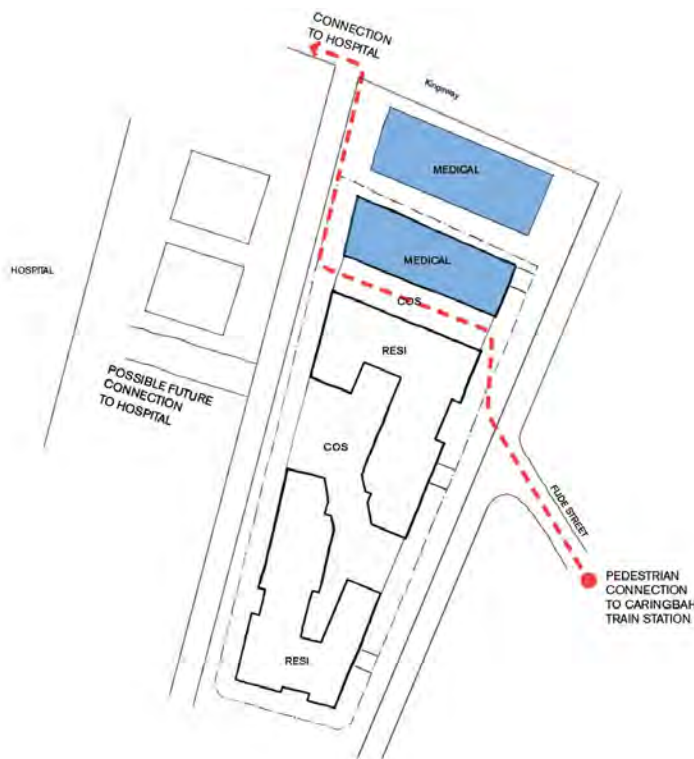


Figure 9:

The proposal provides a publicly accessible through site link

Figure 10:

The proposal provides better apartment outlook

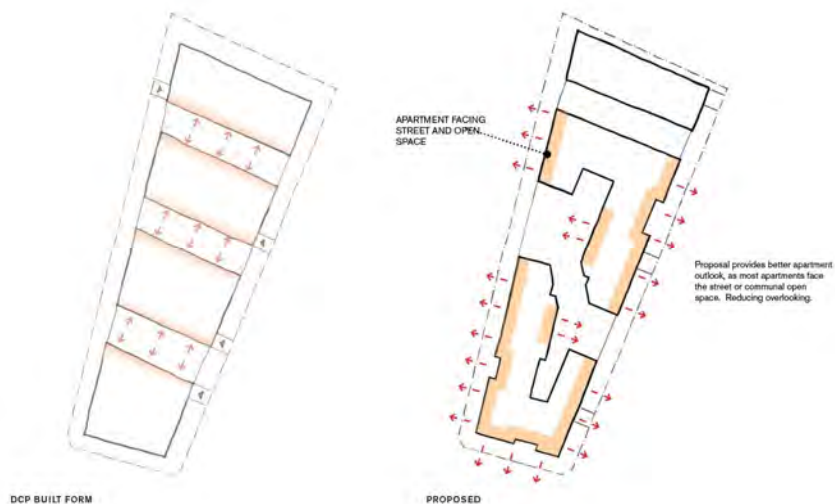




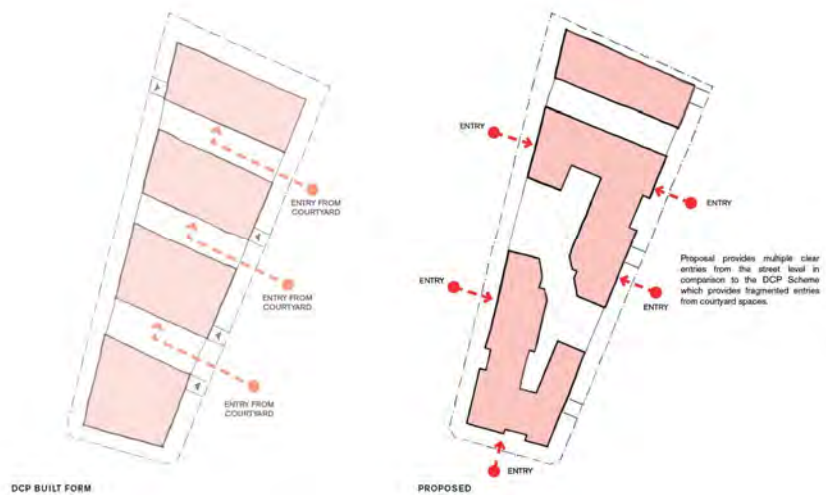


Figure 11:

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



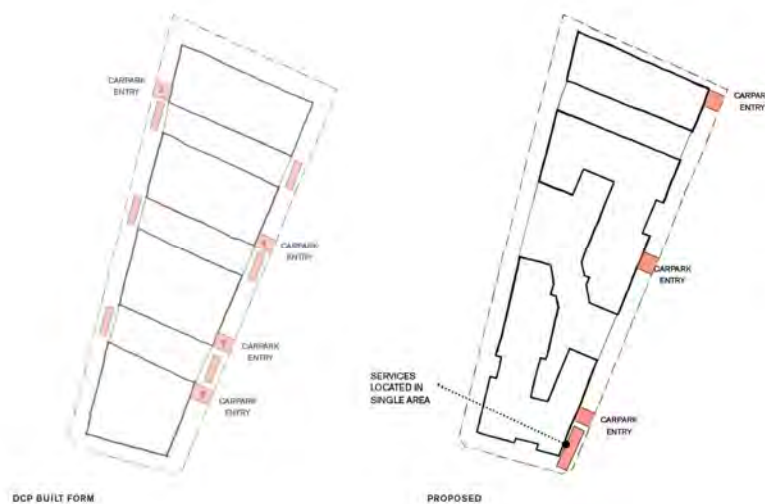


Figure 13:

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 1.45 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 lift slightly protruding above the height plane.

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.

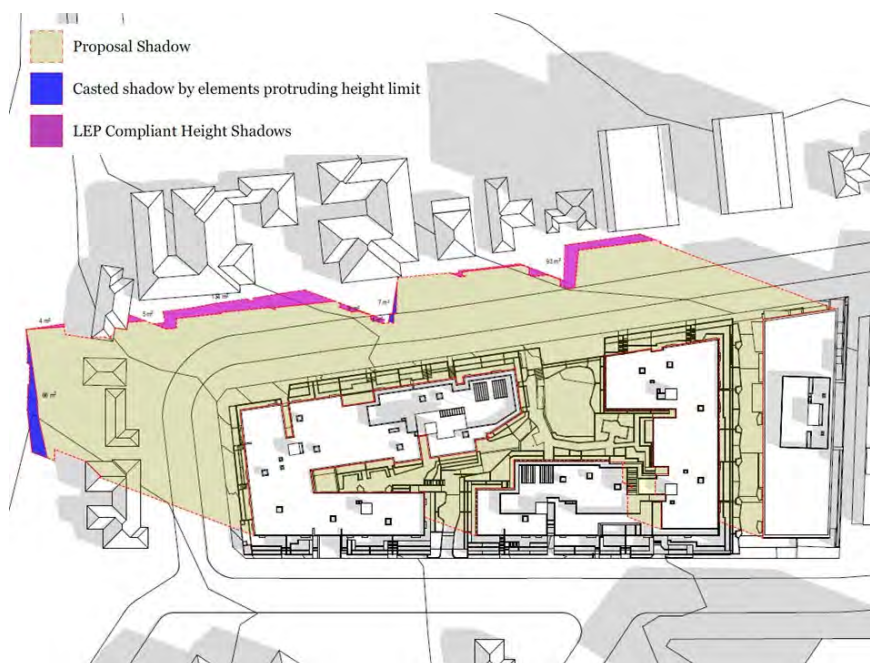


Figure 14:

9am shadow



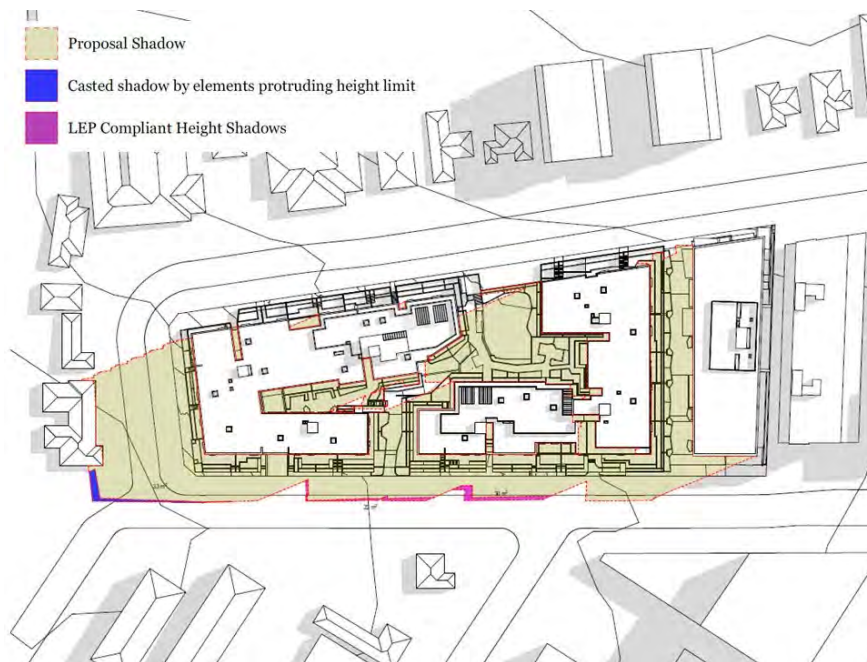


Figure 15:

12pm shadow

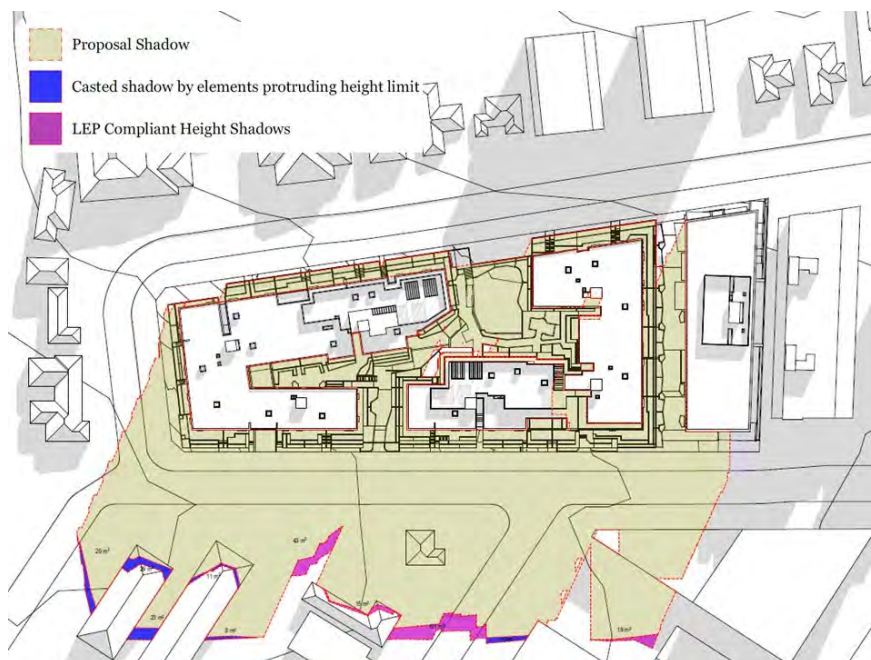


Figure 16:

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 30% 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.

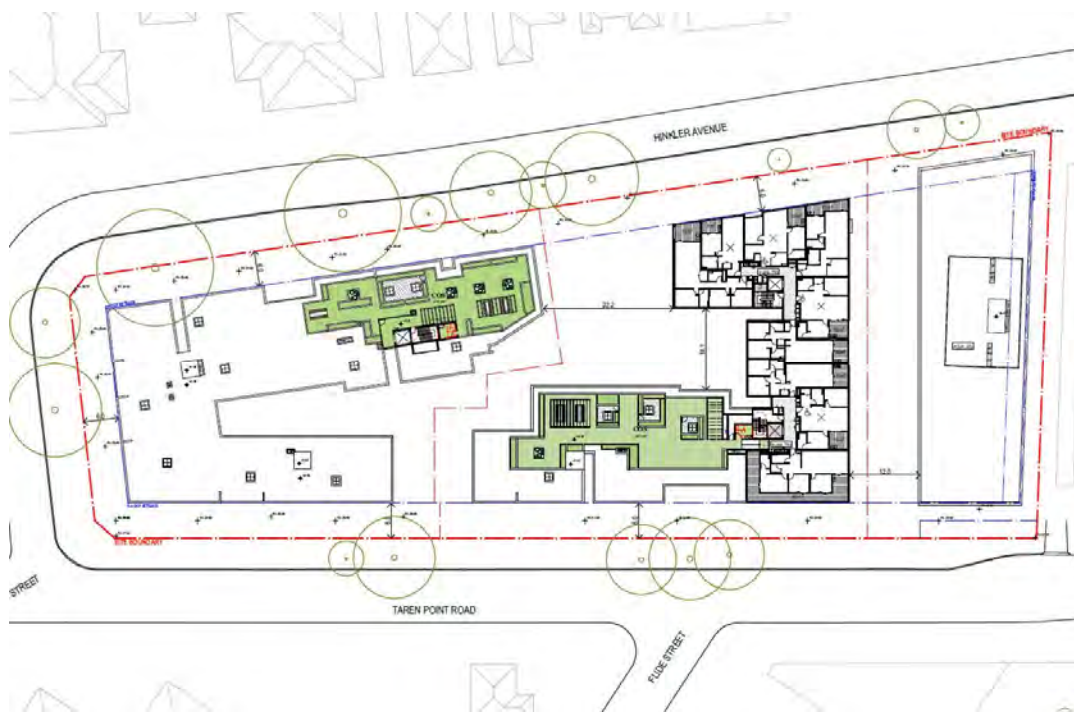


Figure 17:

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 proposed development includes a common, connected two-storey basement and a single unifying podium, which services the three the structures proposed above ground level, known as 'Building A', 'Building B' and 'Building C'. In light of the design of the common basement, the proposed development is clearly one structure and satisfies the definition of a 'building' - which includes 'any structure'.

Furthermore, 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	23.3 metres (lift overrun)	3.3 metres or 16.5%
B	21.7 metres (lift overrun)	1.7 metres or 8.5%
C	21.8 metres (lift overrun)	1.8 metres or 9%

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.

The subject site creates some difficulty in achieving 2 hours solar access from 9am to buildings within the development, due to the orientation and alignment of Taren Point Road on the eastern side of the site, however, the proposed height variation is not of any consequence to this issue. Moreover, the extent of height variation allows for the use of the roof tops for common open space and amplifies the access to sunlight for future occupants. This would not be possible with strict compliance with the height control.

(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

Address	DA No.	Approval Date	Description	Variation
11-13 Hinkler Ave, 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 Hinkler Ave, 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 426-428 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 a 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.
- Finally, strict compliance could be achieved by squashing the building further into the ground, but this would result in diminished amenity for ground floor apartments and result in a larger number of apartments which are excessively lower than the adjacent public domain.

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 242 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.

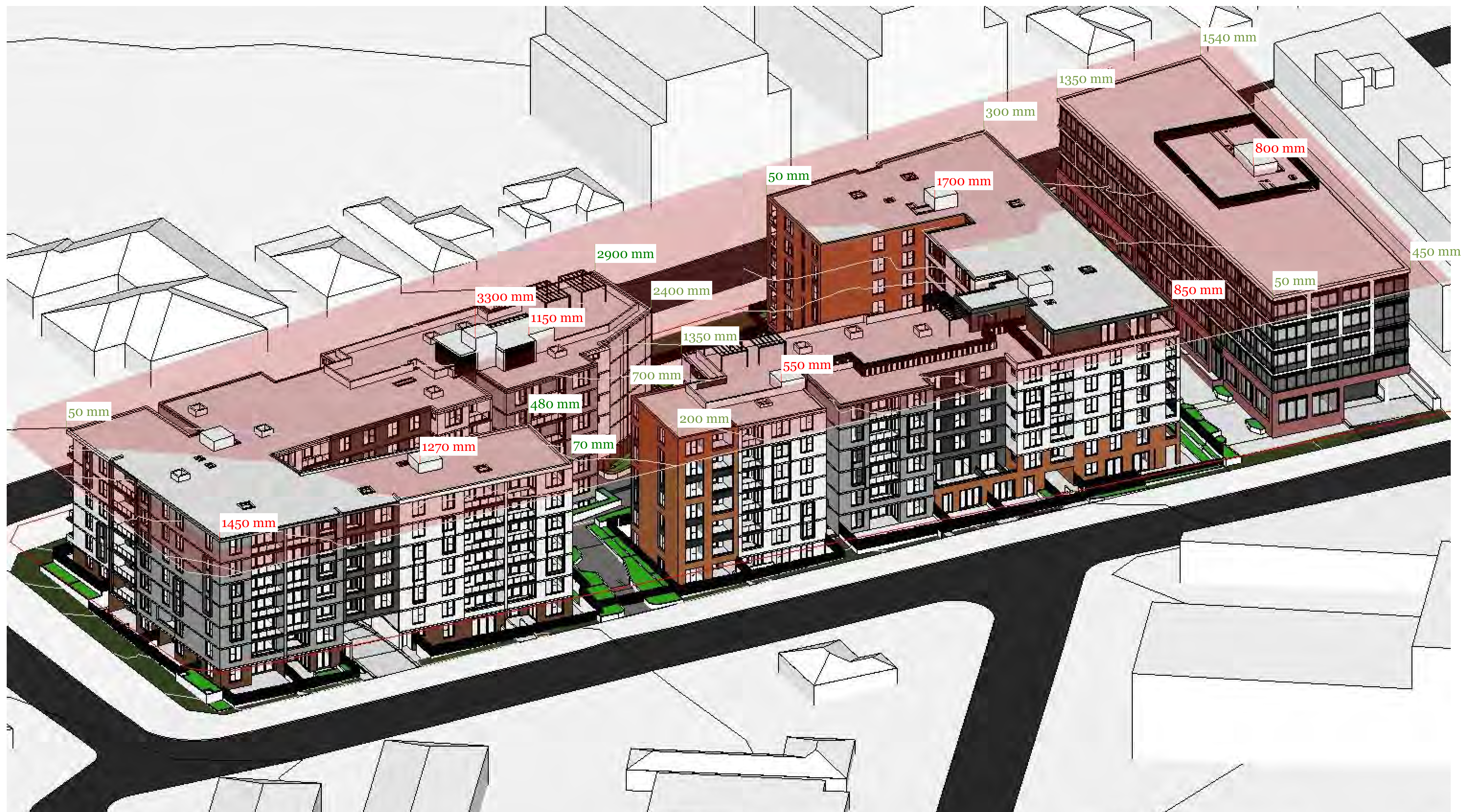
Finally, the proposed development and height variation is in the public interest because it facilitates a development which is consistent with the objectives of the standard and the zone and which delivers significant public benefits and design benefits beyond those anticipated by planning controls including 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



# 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**

**May 2023**

Prepared for: Landmark Group

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

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## Appendices

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**Appendix C - Qualifications & Experience of Author**

## 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.

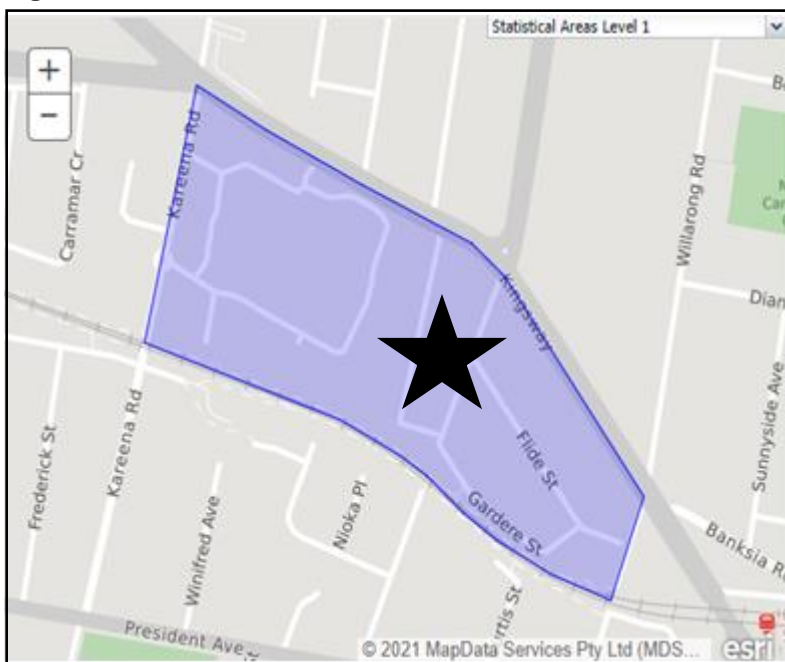
Communal open space and landscaped spaces are provided for residents on the ground floor.

### 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

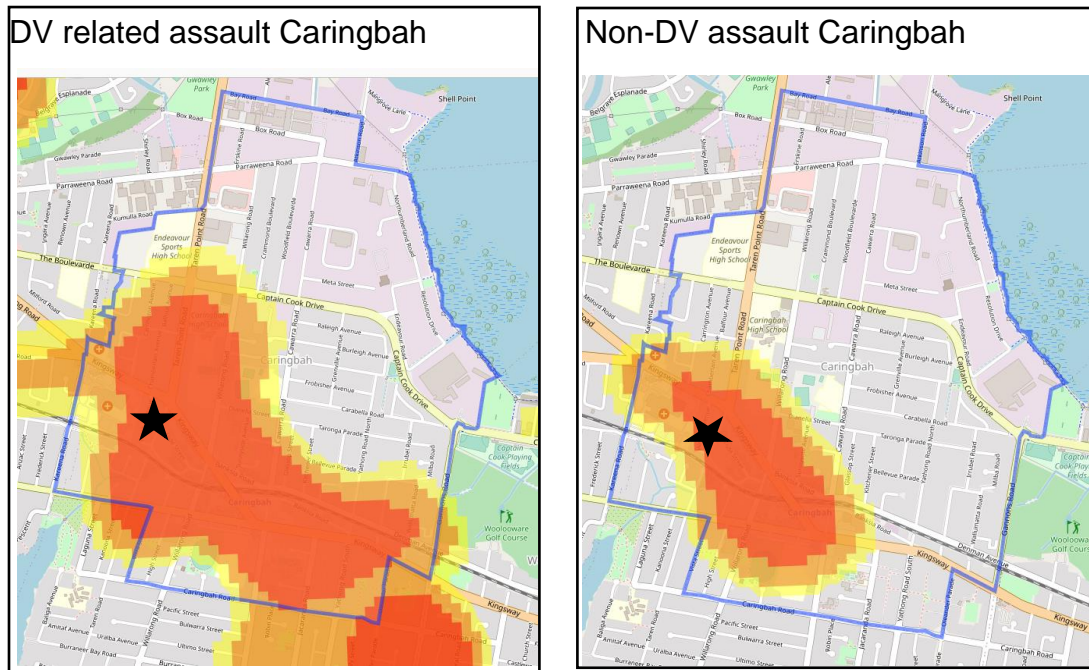
densities and low rates of assault, non-domestic assault, assault Police, robbery and theft compared to the Sutherland LGA and NSW.

**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

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Regards,

A handwritten signature in black ink, appearing to read 'Sarah George', with a stylized flourish 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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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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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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Regards,

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Sarah George  
Social Planning Consultant

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

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

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

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,

A handwritten signature in purple ink, appearing to read 'Noelani', followed by a comma.

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

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

**SUTHERLAND SHIRE POLICE AREA COMMAND**

Locked Bag 5102 Parramatta NSW 2124

T 02 9542 0899 EN 58899 F 02 9542 0708 EN 58708 W [www.police.nsw.gov.au](http://www.police.nsw.gov.au)  
TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

**TRIPLE ZERO (000)**

Emergency only

**POLICE ASSISTANCE LINE (131 444)**

For non-emergencies

**CRIME STOPPERS (1800 333 000)**

Report crime anonymously

## **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

4 Phillips Street  
ALEXANDRIA  
NSW 2015  
AUSTRALIA

M +61 413 990052

matthew@pullinger.com.au

18 May 2023

Hinkler 1 Ave Pty Ltd and Hinkler 2 Ave Pty Ltd and Hinkler 3 Ave Pty Ltd  
Level 29, 2 Chifley Plaza  
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 a 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.

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 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.

# APPENDIX D

Sutherland Shire Council

**COUNCIL REPORT ON AFFORDABLE HOUSING  
– JULY 2022**

D



# **Business Paper**

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## **Shire Strategic Planning Committee**

**Monday, 11 July 2022**

**6:30pm**

**Council Chambers,  
Level 2, Administration Building,  
4-20 Eton Street, Sutherland and Remotely**

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**SUTHERLANDSHIRE**

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**PLN019-22      LOCAL HOUSING STRATEGY 2041: SOCIAL AND AFFORDABLE  
HOUSING**

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**PLN019-22****Attachments:** Nil

In accordance with section 375A, this matter requires a planning decision as it involves the exercise of a function of Council under the *Environmental Planning and Assessment Act 1979* relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act but does not relate to an order under Division 2A of Part 6 of that Act.

**EXECUTIVE SUMMARY**

- Supporting opportunities for affordable and secure housing is proposed as one of the objectives of the Local Housing Strategy 2041.
- The need for social housing exceeds the current social housing stock in Sutherland, waiting times generally exceed 10 years and there has been an increase in the number of applicants over the past three years. Property and rental prices in Sutherland Shire are above the Greater Sydney average, meaning there are few properties affordable for households on low and moderate incomes
- Actions to support social and affordable rental housing are needed to provide housing opportunities for workers in key sectors such as child care, aged care, health, hospitality and emergency services. Households comprising young adults starting their careers, recently separated parents and older people on a reduced retirement income are also in need of affordable housing options. State led incentives has seen affordable rental housing make up 3% of new dwellings in Sutherland Shire.
- The recommended planning actions include setting an affordable rental housing target of 5% of all new dwelling approvals, the preparation of an Affordable Housing Policy and Contributions Scheme, and consideration of changes to FSR and DCP provisions to support affordable rental housing and priority social housing projects.

**REPORT RECOMMENDATION**

The Shire Strategic Planning Committee resolve, in accordance with their Delegation,

THAT:

1. The report 'Local Housing Strategy 2041: Social and Affordable Housing' be received and noted.
2. Land and Housing Corporation's proposal to enter into a Collaboration Agreement be considered through a further report.

3. The following are investigated for inclusion in the draft Local Housing Strategy 2041:
  - i. Mechanisms to support LAHC priority social housing projects.
  - ii. An affordable rental housing target of 5% of all new dwelling approvals in the period 2021 to 2041.
  - iii. Areas where floor space ratio and height bonuses are appropriate to encourage affordable rental houses.
  - iv. Review of DCP requirements to support affordable rental housing.
4. An Affordable Housing Policy be prepared based on the content of this report.
5. An Affordable Housing Contributions Scheme be prepared for any areas that benefit from significant planning uplift and implemented through the new comprehensive Local Environmental Plan.
6. The approach to affordable housing detailed in this report be included in the draft Local Housing Strategy 2041 which will be returned to Council as a final document prior to exhibition.

## PURPOSE

This report seeks Council's endorsement of approaches to support social and affordable rental housing in the Local Housing Strategy 2041.

## BACKGROUND

This report forms one of a series of reports that relate to specific key elements of the Housing Strategy. Council's resolutions on each key issue will allow the draft Local Housing Strategy to be completed. Once its contents are finalised, the completed document will be reported to Council for adoption prior to being placed on public exhibition.

Addressing the shortage of affordable housing is a matter for all levels of government. Although the government focus to date has been on increasing housing supply in an attempt to improve housing affordability, increased supply has not translated to improved affordability for purchases or renters. As economic conditions change, this is becoming an increasingly important topic of public debate.

A key objective of the *Region Plan - A Metropolis of 3 Cities* is for housing to be more diverse and affordable. The Plan notes that although a diversity of housing types, sizes and price points can help improve affordability, other measures are necessary to increase the supply of affordable rental housing. The Region Plan and the South District Plan require councils to prepare an Affordable Rental Housing Target and Contribution Plan Scheme to assist in delivering more affordable housing for very low to low income households. The Region Plan recommends affordable rental targets to be applied in defined precincts prior to rezoning. The Plan notes: *'Within Greater Sydney, targets generally in the range of 5-10% of new residential floor space are viable'*. So as not to inhibit housing supply outcomes, the application of the target must be based on a viability calculation for a site or a precinct, using the viability tool supplied by Department of Planning and Environment (DPE) and the Greater Sydney Commission (GSC).

Sutherland Shire's Local Strategic Planning Statement (LSPS) identified that *'research and policy development is required to facilitate more affordable rental housing in Sutherland Shire.'* The LSPS committed Council to the following actions:

*'10. 2 Undertake research and policy development work to facilitate affordable rental housing.'*

*10.4 Collaborate with the Community Housing Providers Industry Association, Community Housing Providers, not-for-profit housing providers, charities and the broader industry to deliver affordable rental housing and to explore ways that supply can be enhanced.'*

The Department of Planning and Environment's approval for current Housing Strategy: Stage 1 directed Council to *'commit to an Affordable Housing [Contributions] Scheme and include this narrative of Council's approach on affordable housing within the Stage 2 LHS'*.

One of the proposed objectives for the Local Housing Strategy is: *'Recognise that people have differing needs and circumstances and support opportunities for affordable and secure housing'*. This encompasses support for the delivery of more social housing, recognising affordable rental housing as essential social infrastructure and committing to an affordable housing policy.

## DISCUSSION

Greater Sydney is one of the least affordable housing markets globally and is the least affordable Australian city – posing challenges for purchasing and renting. Property prices in the Sutherland Shire are high and increasing in line with the rest of Sydney. Although Sutherland Shire is a suburban area relatively far from the Central Business District (CBD), median prices are significantly above average in Greater Sydney for houses and within the average for units. The median price for the September 2021 quarter for a detached dwelling was \$1,661,000 compared to \$1,320,000 for Greater Sydney, with \$844,000 compared to \$800,000 in Greater Sydney for strata titled dwellings. This is potentially due to a historically high proportion of large, detached dwellings in the housing stock, high levels of environmental amenity and good connection to the rest of the metropolitan region. For households on very low incomes, home purchase is not an option. In many cases, home purchase places even moderate income households in housing stress. Increases in housing costs since 2016, disproportionate to income growth, are likely to have increased levels of housing stress in the Sutherland Shire.

Rents are also more expensive than the average of Greater Sydney. In the December 2021 quarter, median weekly rent was \$520 (flat) and \$800 (house) as compared to median weekly rent of \$480 (flat) and \$580 (house) for Greater Sydney. Over the long term, affordability of existing housing stock is deteriorating for very low and low income households. Affordable is defined as where housing costs represent no more than 30% of household income. Rental bonds data from NSW Fair Trading for 2019 indicates that while 17.7% of rental stock in Sutherland Shire was affordable for low income households, only 1.5% of rental stock was affordable for very low income households.

A 2021 survey of rental properties available in Cronulla, Engadine, Jannali and Sutherland found that of the 351 appropriate properties advertised, none were affordable for couple households on income support (including the aged pension). At 30%-45% of income, only 5% of rental properties advertised were affordable for these households. For two-income households on minimum wages, 19% of advertised properties were affordable, but for a one income household on the minimum wage, no properties were affordable. At 30%-45% of income, 34% of properties were affordable for two income households on minimum wages, and 21% of properties were affordable for a single income household with two children. This situation is not likely to have changed over the past year.

While some people who are on very low incomes live in social housing, other people are in circumstances where they struggle to pay for their housing in the private market. This can include, for example, a young person looking for accommodation close to family or work, a recently separated



person with children who cannot meet their existing housing payments, or an older person on a reduced retirement income. When individuals are priced out of areas or have to sacrifice other necessities to pay for housing, the consequences negatively affect the quality of life for that person or family, and the resulting inequity impacts the whole community. The loss of workers in lower paid key sectors can cause also local labour shortages for services like childcare, aged care, health, tourism, hospitality and emergency services. Providing more affordable dwellings for lower income households will support the area's productivity, cultural vitality and encourages social cohesion.

### **Social Housing**

Social housing is housing that is publicly owned by Land and Housing Corporation (LAHC) and leased to the most vulnerable people in the community by the Department of Communities and Justice, Community Housing Providers, Aboriginal Housing Office or Aboriginal Community Housing. Residents in social housing have a greater security of tenure than people in private rental properties and pay rents that scale with their income. Tenants access homes through an application process and progression through a lengthy waiting list. Tenants can apply for rental subsidies, which are specific to each person's circumstances.

Demand for social housing greatly exceeds the available dwellings. There were approximately 44,000 applicants (households) on the NSW public housing waiting list at 30 June 2021. Social housing stock in Sutherland Shire is insufficient to meet demand, and waiting times are very long. As of 30 June 2021, there were 498 general and 151 priority applicants on the NSW Housing register for CS08 - Sutherland Allocation Zone (Sutherland Shire LGA), with expected waiting times of five to 10 years for two-bedroom properties and 10+ years for all other properties. The number of applicants has increased over the past three years, with a 20% increase in priority applicants.

In 2016 (census) there were 2,056 households renting social housing in Sutherland Shire, representing 2.6% of households. This compares to 4.6% of Greater Sydney households renting social housing. The number of public housing dwellings in the Sutherland Shire has been relatively stable since 2006, despite a growing need for affordable housing.

Sutherland Shire's Local Strategic Planning Statement includes the following action:

*'10.3 Collaborate with NSW land and Housing Corporation to support the renewal of social housing in Sutherland Shire.'*

Council officers have been liaising with officers from Land and Housing Corporation to understand their assets, programs and future priorities. LAHC has proposed a Collaboration Agreement between themselves and Council to consolidate the relationship that has been built and establish principles for working together. Areas for collaboration may include identification of priority areas, promoting information exchange and studies, identification of issues that require a strategic response, communications and stakeholder engagement etc. LAHC has entered into similar agreements with

councils in southern NSW. It is recommended that consideration be given to LAHC's proposal to enter into a Collaboration Agreement.

LAHC has a program to renew their assets to meet contemporary design standards and to provide more social housing. Redevelopment of larger land assets or precincts is undertaken using the 'Communities Plus' model, which delivers a mix of tenures - social housing, affordable rental housing and housing for the private rental market. LAHC is currently investigating priority opportunities in Caringbah centre and Gymea. The Local Housing Strategy can support such priority opportunities through identifying necessary changes to floor space ratio (FSR) and height controls or other strategic opportunities or interventions to support more housing in these locations. It is recommended that Council officers continue to liaise with LAHC regarding these precincts and that these be considered for inclusion in the Local Housing Strategy.

### **Affordable Housing**

The term 'affordable housing' is distinct from 'housing affordability'. Housing affordability is a general term used to describe people's financial ability to participate in the housing market as either a purchaser or renter. 'Affordable housing' is rental housing with rent set below market price so that it costs less than 30% of gross household income (typically measured against the median household income for a geographic area). This assists lower income earners, many of whom are key workers working locally who might otherwise be priced out of an area.

Key workers are essential to an area's economic sustainability and social diversity and include:

- Essential service workers e.g. teachers, nurses, emergency service workers
- Administrative and other workers in the financial and professional services sectors
- Hospitality and tourism sector workers e.g. baristas and cleaners
- Essential infrastructure workers e.g. bus drivers
- Cultural and creative sector workers e.g. artists and actors.

In Sydney, the maximum household income eligibility limits for affordable housing in 2021-2022 are \$68,600 per annum for a single person and \$102,900 for couples. Higher thresholds apply for households with children (up to \$20,000 extra per child).

The terms 'affordable housing' and 'affordable rental housing' are used interchangeably. To avoid confusion, this report will use the term 'affordable rental housing'.

Affordable rental housing may be owned by private investors, local government, charitable organisations or community housing providers. It is usually managed by community housing providers. Applications for affordable rental housing properties are made to, and assessed by, the property manager, and tenants enter into residential tenancy agreements with the community housing provider as landlord.

Discussion with community housing providers has indicated a preference for locating affordable rental housing in centres or within proximity to public transport, so residents can easily access services, shops and employment opportunities.

### ***Affordable Rental Housing Targets***

An affordable rental target demonstrates a commitment by Council to affordable rental housing. It can be a target for the development of a total number of affordable rental dwellings in Sutherland Shire over a specified time, or it can be a target for a specified percentage of new dwellings in specific areas to be affordable rental housing. An affordable rental housing target can also nominate specific target groups to benefit from affordable rental housing e.g. older women, single parents, emergency service workers. Affordable rental targets can help Community Housing Providers (CHPs) to access funding and identify the best development partners.

The Region Plan recommends affordable rental targets to be applied in defined precincts prior to rezoning. The Plan notes: *'Within Greater Sydney, targets generally in the range of 5-10% of new residential floor space are viable'*. However, so as not to inhibit housing supply outcomes, the Plan notes that application of the target must be based on a viability calculation for a site or a precinct, using the viability tool supplied by Department of Planning and Environment (DPE) and the Greater Sydney Commission (GSC).

Councils across Greater Sydney have different targets and approaches. Inner West Council sets a target of 15% of new residential floor space outside of Affordable Housing Contribution Scheme Areas while City of Sydney sets a target of 7.5% of city housing to be affordable rental housing by 2030. In contrast, Northern Beaches Council and Parramatta City Council set a target for the delivery of a minimum of affordable dwellings between 2016 and 2036. Other councils do not set an affordable rental housing target.

Since 2016, 271 affordable rental dwellings have been approved in Sutherland Shire. One of the developments delivered is the 46 unit apartment building in Belmont Street, adjacent to Sutherland Library, which is managed by St George Community Housing. There are applications including at least 19 affordable dwellings currently under assessment. Affordable rental dwellings represent 3% of all new approved dwellings over the past five years. It is recommended that the draft Housing Strategy propose an affordable rental housing target of 5% of all dwelling approvals for the period 2021 to 2041. Setting a completions target is unrealistic as delivery is beyond Council control.

### ***Mechanisms to Support Increased Affordable Rental Housing Supply***

There are a range of policy levers available to encourage the provision of affordable rental housing:

- Floor space ratio (FSR) bonuses
- Affordable Housing Contributions Scheme
- Planning agreements between Council and a developer

- Land availability
- Provisions with the Development Control Plan (DCP)
- Other initiatives

### ***Floor Space Ratio (FSR) Bonuses***

FSR bonuses can be offered as an incentive to provide a component of affordable rental housing within a development, or for a whole affordable rental housing development. The Housing State Environmental Planning Policy (SEPP) offers a floor space ratio (FSR) bonus where development includes a minimum of 20% affordable rental housing. Affordable rental housing must meet the same design standards as apply to other forms of residential development. The affordable rental housing component must be managed by a Community Housing Provider (CHP) as affordable rental housing for a period of 15 years, after which it can revert to the private market for rent or sale.

FSR bonuses for affordable rental housing can also be offered in the Local Environmental Plan (LEP). Sutherland Shire Local Environmental Plan 2015 does not include any FSR incentives. Discussion with developers and community housing providers has highlighted the difficulty of realising bonus FSR within the current SSLEP2015 height controls. For this approach to deliver more affordable rental housing in Sutherland Shire, an increase to maximum building height in areas where affordable rental housing is appropriate or desired will be required. It is recommended that the Housing Strategy identify areas where FSR bonuses are appropriate for development that includes affordable rental housing. This will need to be supported by changes to the maximum, permissible height.

### ***Affordable Housing Contributions Scheme***

The *Environmental Planning and Assessment Act 1979* allows all councils to set development consent conditions requiring developers to dedicate land or pay a contribution towards affordable rental housing provision through a local Affordable Housing Contribution Scheme.

Affordable rental housing contribution schemes typically are 'value capture' schemes applying to selected precincts, areas or developments where an uplift is created by changes to planning controls. Schemes typically apply to specific areas where upzoning will create sufficient uplift to make affordable rental housing delivery financially viable for developers. In setting the contribution, Council must demonstrate that the contribution does not affect development viability.

Key considerations for implementing value capture schemes include the timing (value capture should apply to land that is subject to a proposal for a rezoning so that the 'cost' is priced into the proposal), calculation of the value capture, community support for the proposed upzoning and acceptance of the outcomes e.g. additional height, FSR, increased traffic movements etc.

A contributions scheme can require the payment of a monetary contribution to be used for the provision of affordable rental dwellings or require development to include a specific percentage of

affordable rental dwellings. Where an 'in-kind' contribution is required, the dwellings are dedicated to Council. Council can choose to:

- retain ownership and management of these dwellings
- retain ownership and hand management to a CHP
- transfer ownership of the dwellings to a CHP

Where a monetary contribution is collected, Council can choose to hold the funds and develop affordable rental housing or transfer the funds to a CHP to utilise for the provision of affordable rental housing in Sutherland Shire.

The approach adopted by councils in Greater Sydney has been varied. While most allow monetary or in-kind contributions, developer preference seems to be a monetary payment. Councils, such as Willoughby and Canada Bay, use the monetary contributions to purchase additional affordable rental housing which is managed by a CHP on behalf of council. Others such as City of Sydney transfer the funds to a CHP who use the funds to purchase land and construct affordable rental housing in specified areas.

Research has suggested that CHPs prefer to receive funding to develop and manage affordable rental housing, rather than manage in-kind dedications. Funding allows Tier 1 and Tier 2 CHPs to leverage funding from federal and state funding programs as well as private equity to deliver more affordable rental housing. It has been estimated that if CHPs hold title to affordable rental housing, they can leverage this to provide 30% more housing than if the title is held by others. CHPs have also indicated that it is easier and more cost-effective to manage a whole affordable rental housing development than individual dwellings within a larger unit. For example, some developments may include gyms, swimming pools etc which increase operating costs.

As noted earlier, the Department of Planning and Environment requires Sutherland Shire to commit to such a scheme as part of this Local Housing Strategy. This requires the preparation of an Affordable Housing Policy and Contributions Scheme to be prepared and implemented through the new Local Environmental Plan. It is proposed that contributions only be collected in areas which benefit from development uplift, either through increases to the FSR or rezoning. This will allow the market to factor in the contribution requirement to feasibility calculations early on. It is proposed that in preparing the Contributions Scheme, a 3%, 5% and 7.5% contribution be tested to determine the impact on development viability and delivery of affordable rental housing.

### **Planning Agreements**

Council can enter into planning agreements with developers for dedication of land, monetary contributions, delivery of affordable rental housing or any combination of these to deliver affordable rental housing. This could be instead of, or in addition to, local infrastructure contributions. Affordable rental housing that is delivered under a planning agreement as a dwelling-in-kind can be managed by

Council or by a community housing provider. An example in Sutherland Shire is the Planning Agreement to provide affordable rental housing with the Woollooware Bay development. In this case, the agreement was a condition of consent imposed by the consent authority, the Department of Planning.

The ministerial direction released in March 2019 specifies the conditions required for councils to negotiate planning agreements for the provision of affordable rental housing. Councils must prepare an Affordable Housing Policy and an Affordable Housing Contribution Scheme, with an associated clause in the Local Environmental Plan. The contribution required must be 'reasonable' and may be required instead of the section 7.11 development contribution.

### **Land Availability**

One of the key challenges to the delivery of affordable rental housing by community housing providers is the cost of land. Well located land for affordable rental housing is land which is located within or close to centres where services, employment and transport are easily accessible. This is land which is also in demand for retail, business, commercial and high density residential uses. Councils such as City of Sydney have made land available to CHPs at no cost or at a reduced cost. For example, City of Sydney has dedicated surplus land to St George Community Housing to develop and manage an affordable rental housing project in Redfern.

Sutherland Shire owns significant land in the local government area. The land is leased as commercial property, accommodates community venues, leisure centres and provides public open space and parking. One of the proposed Implementation Actions in the draft Property Strategy is to 'Identify opportunities to rationalise, reuse, dispose and reinvest in the property portfolio to maximise long term value for the community'. When this action is carried out in 2023/24, this could include consideration of opportunities to support affordable rental housing.

### **Reconsider DCP Provisions**

The Housing SEPP allows in-fill affordable rental housing to provide less parking than required by Sutherland Shire Development Control Plan 2016. This assists in reducing the construction costs for affordable rental housing provided under the SEPP.

If Council includes an FSR bonus in the LEP to encourage affordable rental housing, this will provide an alternative mechanism for affordable rental housing approval. In a similar way that the Housing SEPP assists in reducing construction costs for affordable rental housing, Council could consider introducing flexibility around some DCP requirements, for example parking for affordable rental housing in Sutherland Shire. It is recommended that such matters be considered with the comprehensive review of the DCP to support the new comprehensive LEP.

**Other Initiatives: Leadership, Partnership, Advocacy and Community Development**

Councils can develop working partnerships with Community Housing Providers, the not-for-profit sector, the State and Commonwealth Governments, the private sector, other councils and the financial sector to help deliver affordable rental housing. Councils, individually and in partnership with stakeholders and the not-for-profit sector, can advocate to other levels of government for improved housing outcomes for people on very low to moderate incomes.

Affordable rental housing undertaken by a social housing provider (as defined in the Housing SEPP) is exempt from development contributions under Sutherland Shire Council's S7.11 and S7.12 Plans. Other financial initiatives that could be explored include concessions on application fees for affordable rental housing projects.

The survey of affordable housing advocacy groups also has suggested that Council can play an important role in communicating why affordable rental housing is important in Sutherland Shire, and positively promote the benefits of affordable rental housing to the community. This can assist in addressing some of the stigma which is attached to the term 'affordable housing'.

**RESOURCING STRATEGY IMPLICATIONS**

The preparation of the Local Housing Strategy forms part of the Strategic Planning Unit's program and is carried out within the budget of Strategic Planning.

**COMMUNITY ENGAGEMENT**

In mid-2021, Council invited a range of advocacy groups that work with people from Sutherland Shire who require or are in affordable rental housing or who provide affordable rental housing to participate in a survey. The survey sought information on:

- Local affordable rental housing trends
- Barriers to accessing and providing affordable rental housing
- Enablers to accessing and providing affordable rental housing
- Expectations of Council's role around affordable rental housing

The results of this survey were used to further explore these areas through online workshops, and to guide further discussion with community housing providers. The results of this engagement have informed the above discussion relating to affordable rental housing. Community engagement relating to affordable rental housing will form part of the exhibition of Stage 2 of the Local Housing Strategy.

**STRATEGIC ALIGNMENT**

This report contributes to achievement of the 2022 Community Strategic Plan - 'Outcome 6 - A high quality urban environment, supporting a growing and liveable community'. It is consistent with CSP Strategy 6.1 'Facilitate a diverse housing mix that provides choice and meets the needs of all community members'.



It specifically delivers on the following actions in the Delivery program:

Delivery Program (2022-2026) Principal Activities	Operational Plan 2022/23
6A. Support enhanced housing diversity, accessibility and affordability to meet the diverse needs of our community.	6A.23.01 Develop the Housing Strategy to facilitate the delivery of housing in the Sutherland Shire to 2036.

## POLICY AND LEGISLATIVE REQUIREMENTS

The *Environmental Planning and Assessment Act 1979* includes an object 'to promote the delivery and maintenance of affordable housing'. The NSW state policy on affordable housing is set out in the *NSW Affordable Housing Ministerial Guidelines 2020/21*.

The Greater Sydney Region Plan: A Metropolis of Three Cities, the South District Plan, and Sutherland Shire Council's adopted Local Strategic Planning Statement (LSPS) include objectives and actions to facilitate the provision of diverse housing, including social and affordable housing. The Region Plan and the South District Plan require Councils to prepare an Affordable Rental Housing Target and Contribution Plan Scheme. The DPE has directed Council to commit to an Affordable Housing [Contributions] Scheme and an approach on affordable housing when preparing the Local Housing Strategy.

The NSW Government has released a *Guideline for Developing an Affordable Housing Contribution Scheme*. Councils are required to prepare an Affordable Housing Policy to allow the implementation of an Affordable Housing Contributions Scheme and to enter into Planning Agreements for affordable housing.

## CONCLUSION

Housing affordability is an important social and planning issue with implications for individual's and families' quality of life. It also has important implications for local employment levels, community diversity and cohesion. Supporting the renewal of social housing and increasing the supply of affordable rental housing will contribute to facilitating diverse and secure housing tenure options within Sutherland Shire. This can provide opportunities for residents with social and family connections in Sutherland Shire or who work in essential services and key economic sectors to live in Sutherland Shire in housing that they can afford.

## RESPONSIBLE MANAGER

The manager responsible for the preparation of this Report is the Manager Strategic Planning, Mark Carlon.

File Number: 2020/395203





# Minutes

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## Shire Strategic Planning Committee

**Monday, 11 July 2022**

**6:33pm**

**Council Chambers,**

**Level 2, Administration Building,**

**4-20 Eton Street, Sutherland and Remotely**

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SUTHERLAND SHIRE



**PLN019-22                      Local Housing Strategy 2041: Social and Affordable Housing**  
**File Number: 2020/395203**

MOTION: (Councillor Steinwall/Councillor Scaysbrook)

The Shire Strategic Planning Committee resolve, in accordance with their Delegation,

**THAT:**

1. The report 'Local Housing Strategy 2041: Social and Affordable Housing' be received and noted.
2. Land and Housing Corporation's proposal to enter into a Collaboration Agreement be considered through a further report.
3. The following are investigated for inclusion in the draft Local Housing Strategy 2041:
  - i. Mechanisms to support LAHC priority social housing projects.
  - ii. An affordable rental housing target of 5% of all new dwelling approvals in the period 2021 to 2041.
  - iii. Areas where floor space ratio and height bonuses are appropriate to encourage affordable rental houses.
  - iv. Review of DCP requirements to support affordable rental housing.
  - v. Investigate what changes to the planning framework would be necessary to achieve an affordable rental housing target of between 5-10%.
4. An Affordable Housing Policy be prepared based on the content of this report.
5. An Affordable Housing Contributions Scheme be prepared for any areas that benefit from significant planning uplift and implemented through the new comprehensive Local Environmental Plan.

6. The approach to affordable housing detailed in this report be included in the draft Local Housing Strategy 2041 which will be returned to Council as a final document prior to exhibition.

RECOMMENDATION: (Councillor Johns/Councillor Strangas)

(AMENDMENT CARRIED TO BECOME THE RECOMMENDATION OF THE COMMITTEE)

THAT:

1. The report 'Local Housing Strategy 2041: Social and Affordable Housing' be received and noted.
2. Land and Housing Corporation's proposal to enter into a Collaboration Agreement be considered through a further report.
3. The following are investigated for inclusion in the draft Local Housing Strategy 2041:
  - i. Mechanisms to support LAHC priority social housing projects.
  - ii. An affordable rental housing target of 5% of all new dwelling approvals in the period 2021 to 2041.
  - iii. Areas where floor space ratio and height bonuses are appropriate to encourage affordable rental houses.
  - iv. Review of DCP requirements to support affordable rental housing.
  - v. Investigate what changes to the planning framework would be necessary to achieve an affordable rental housing target of between 5-10%.
4. An Affordable Housing Policy be prepared based on the content of this report.
5. The approach to affordable housing detailed in this report be included in the draft Local Housing Strategy 2041 which will be returned to Council as a final document prior to exhibition.

A VOTE was taken on the AMENDMENT and the names of the Councillors voting FOR and AGAINST were as follows:

**FOR:**

Councillor Carol Provan  
Councillor Marcelle Elzerman  
Councillor Leanne Farmer  
Councillor Kent Johns  
Councillor Louise Sullivan  
Councillor Carmelo Pesce  
Councillor Haris Strangas  
Councillor Peter Scaysbrook

**AGAINST:**

Councillor Jack Boyd  
Councillor Jen Armstrong  
Councillor Diedree Steinwall  
Councillor Greg McLean

Councillor Stephen Nikolovski

Councillor Laura Cowell

**Total (10)**

**Total (4)**

The AMENDMENT on being put to the Meeting was declared carried to become the MOTION.

A VOTE was taken on the MOTION and the names of the Councillors voting FOR and AGAINST were as follows:

**FOR:**

Councillor Carol Provan

Councillor Marcelle Elzerman

Councillor Leanne Farmer

Councillor Kent Johns

Councillor Louise Sullivan

Councillor Carmelo Pesce

Councillor Haris Strangas

Councillor Peter Scaysbrook

Councillor Stephen Nikolovski

Councillor Laura Cowell

**Total (10)**

**AGAINST:**

Councillor Jack Boyd

Councillor Jen Armstrong

Councillor Diedree Steinwall

Councillor Greg McLean

**Total (4)**

The MOTION on being on being put to the Meeting was carried to become the RECOMMENDATION of the Committee.





# Minutes

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## Council Meeting

**Monday, 25 July 2022**

**6:30pm**

**Council Chambers,**

**Level 2, Administration Building,**

**4-20 Eton Street, Sutherland and Remotely**

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SUTHERLANDSHIRE



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**PLN019-22                      Local Housing Strategy 2041: Social and Affordable Housing**  
**File Number: 2020/395203**

**Minute No: 155**

RESOLVED UNANIMOUSLY: (Councillor Johns/Councillor Provan)

THAT:

1. The report 'Local Housing Strategy 2041: Social and Affordable Housing' is received and noted.
2. Land and Housing Corporation's proposal to enter into a Collaboration Agreement be considered upon finalisation of further reports and policy finalisation.
3. Council's preference for the use of the term 'affordable dwellings' rather than 'affordable housing' be reflected in all future documents and reports.
4. A further report be provided to the relevant standing Committee which provides further information and recommendations that include but not limited to the following:
  - a. Identify opportunities and mechanisms to achieve an affordable dwelling target in excess of 5% within Sutherland Shire.
  - b. Explain and identify how Sutherland Shire LEP 2015 could be amended to provide incentives for affordable dwellings.
  - c. Provide advice on other ways Council can promote new affordable dwellings without relying on a contributions scheme.
  - d. Provide advice on any research that is available which explores whether affordable dwelling contributions schemes result in costs being borne by homebuyers rather than being absorbed via additional contribution plans, schemes or taxes.
  - e. Continue further collaboration and discussion with all affordable Housing Providers on alternative mechanisms to deliver affordable dwellings without relying on a contributions scheme and invite all industry sectors to address a Council Committee or Working Group.
  - f. Provide further advice on how an Affordable Housing Contributions Scheme could incorporate a mechanism to ensure that contributions collected through an Affordable Housing Contributions Scheme be dedicated to the provision of affordable dwelling within a reasonable radius of the project/s where the contributions are collected.
  - g. Review current assessment policies of Sutherland Shire Council to better support affordable dwellings in Sutherland Shire which may also include the removal of any impediments or administrative blockages.
  - h. Collaborate with community housing providers and the state government to improve organisational understanding of affordable dwellings and their positive community impact.
  - i. Undertake a community education and engagement program to increase community understanding of affordable dwellings and their positive community impact.

- j. Review of all Council's planning instruments inclusive of the Sutherland Shire LEP and Development Control Plans and any other planning instruments to allow the meeting of Council's affordable dwelling target.
- k. Identifies distinctly how affordable dwelling targets may be achieved utilising current planning instruments in conjunction with the current state policy platform.
- l. Considers impacts of amendments to Clause 4.6 to provide deliberate flexibility while also relying ensuring merit assessments are undertaken.

The MOTION was put to the vote and carried unanimously to become the RESOLUTION.

During debate on PLN019-22 the following Procedural Motion was moved:

PROCEDURAL MOTION: (Councillor Pesce/Councillor Provan)

That Councillor Johns be granted an additional two minutes to address Item PLN019-22.

A VOTE was taken on the PROCEDURAL MOTION and it was carried unanimously.

