

Department of Planning, Housing and Infrastructure

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Flide Street, Caringbah, Affordable Housing

State Significant Development Assessment Report (SSD 84862461)

June 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Executive Summary

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the State significant development (SSD) application for the Flide Street, Caringbah, Affordable Housing development (SSD-84862461).

Homes NSW (the Applicant) proposes to construct two residential flat buildings (8 and 14 storeys), containing 164 apartments (104 social housing and 60 affordable housing) at 2 Flide Street, Caringbah in the Sutherland Shire local government area (LGA). The site currently contains 38 existing social housing dwellings.

The proposal has been assessed concurrently with a State Assessed Rezoning Proposal (SARP) which amended the *Sutherland Shire Local Environmental Plan 2015* (SSLEP) to increase the maximum building height from 16 m to 50 m and the floor space ratio (FSR) from 1.2:1 to 4:1 for the site.

The project has an estimated development cost (EDC) of \$118,751,344 and is expected to generate 424 construction jobs.

The project is classified as SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is development carried out by Land and Housing Corporation (operating as Homes NSW) with an EDC of greater than \$30 million in accordance with section 26 of Schedule 1 of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP). Consequently, the Minister is the consent authority for the project under section 4.5A of the EP&A Act.

The Department exhibited the environmental impact statement (EIS) from 23 October 2025 until 6 November 2025. During the exhibition period, the Department received:

- 8 public submissions (6 objections and 2 support)
- comments from Sutherland Shire Council (Council)
- advice from the 4 Government agencies.

Key issues raised relate to building height, vehicular access and traffic generation, resident amenity, and construction impacts.

The Applicant submitted a Response to Submissions report and additional information to address issues raised by the Department, Council, Government agencies and public submissions (see **Appendix A**). Key refinements made to the proposal included relocating vehicular access from Gardere Street to Willarong Road and amendments to parking and servicing layouts.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions, the Applicant's response and the additional information.

The Department's assessment concludes that the proposal is acceptable as it:

- would support the NSW Government's priority to deliver well-located social and affordable housing in an accessible area close to Caringbah train station and Caringbah town centre and align with Council's aims to increase affordable housing in well serviced areas
- is permissible with consent and would provide high density housing consistent with the transitioning character of the Caringbah centre, and the objectives of Zone R4 High density residential under the SSLEP
- would not result in unreasonable overshadowing, view or privacy impacts to adjoining properties
- would provide a high level of internal and external amenity for future residents of the affordable housing development, in line with the principles and design criteria of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) and the Apartment Design Guide (ADG)
- would deliver public and economic benefits through generating up to 424 construction jobs.

The Department has recommended conditions to appropriately address any residual issues.

The Department considers the project to be in the public interest and recommends that the proposal be approved, subject to conditions.

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1 Introduction

1.1 The proposal

Homes NSW (the Applicant) seeks approval for two residential flat buildings, up to 8 and 14 storeys in height, containing 164 social and affordable apartments at 2 Flide Street, Caringbah in the Sutherland Shire Local Government Area (LGA).

The project description and mitigation measures provided in the EIS are the subject of this report and will form part of the development consent if the project is approved.

An overview of the proposed development is provided in **Section 2**.

1.2 Project location

The site is shown in **Figure 1** to **Figure 2**, and project location details are described in **Table 1**.

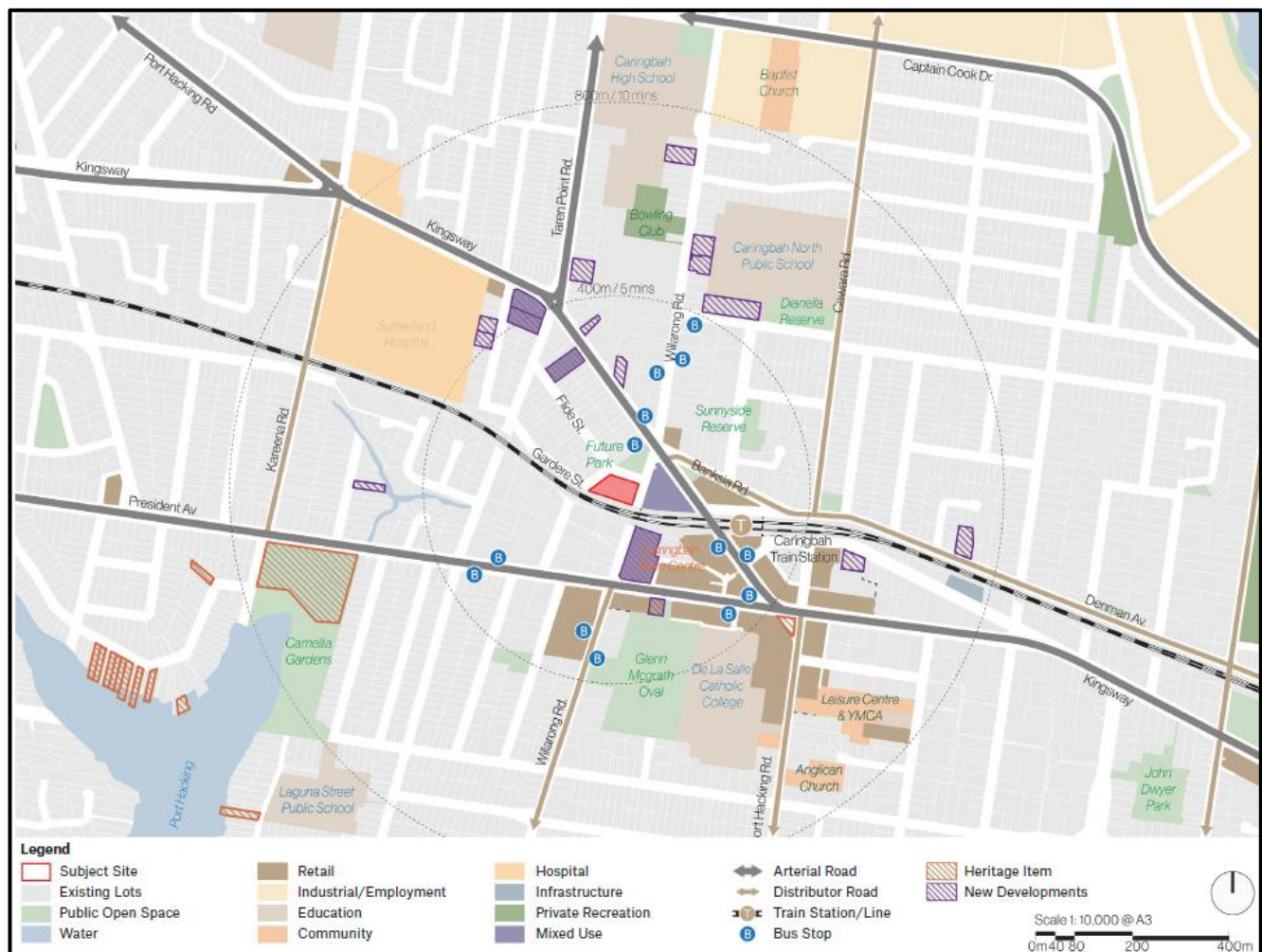


Figure 1 | Local Context Map (source: Applicant EIS)



Figure 2 | Immediate locality map, subject site outlined in red (base source: Near Map)

Table 1 | Local context map, subject site shaded red (Source: Applicant's EIS)

Aspect	Description
Address	2 Flide Street, Caringbah
LGA	Sutherland Shire
Legal description	Lots 57, 58, 59, 60 and Lot 80 in DP 8147
Site area	3,596 m ²
Existing development	Two 3 storey buildings containing 38 social housing dwellings.
Surrounding context	The site is located approximately 100 m west of the Caringbah town centre and on the western edge of the Caringbah Medical Precinct. North and west of the site is predominantly low-density residential. A future town centre park is intended to be established by Council immediately north of the site and would include the closure of Flide Street between Gardere Street and Willarong Road. East of the site is a large shop top housing high-density development, approximately 10 storeys in height. The southern boundary adjoins a branch of the T4 Eastern Suburbs & Illawarra railway line, with low-rise apartment buildings (3–4 storeys) beyond.

Aspect	Description
Topography	The site falls approximately 3 m from north to south, and 1 m from east to west.
Existing access	Vehicular and waste services access to the site is provided via Gardere Street from two existing vehicle crossings. Both crossings are proposed to be decommissioned.
Public transport	The site is located approximately 350 m walking distance from Caringbah Train Station and 210 m from bus stops along Kingsway.
Biodiversity	Sydney Turpentine Ironbark Forest is located on the northern and western boundaries.
Covenants	A historic covenant was registered in 1921 on Lot 80 in DP 8147 requiring the land be fenced and to restrict any advertising hoarding being installed.

1.3 Sutherland Shire LEP amendment - State Assessed Rezoning Proposal

The proposal has been assessed concurrently with a State Assessed Rezoning Proposal (SARP) to enable the greater height and density to be achieved at the site. The SARP was publicly exhibited concurrently with this SSD application from 23 October 2025 until 6 November 2025. On 26 June 2026, amendments to the *Sutherland Shire Local Environmental Plan 2015* (SSLEP) were gazetted. The amendments:

- increased maximum building height on the site from 16 m to 50 m
- increased maximum floor space ratio (FSR) on the site from 1.2:1 to 4:1.

In summary, the Department considered the rezoning acceptable because:

- the site is zoned as R4 High density Residential which supports high density residential developments in urban areas. Recently approved development around the site include high density residential developments and the proposed heights would not set an undesirable precedent for the emerging character of the area
- the site benefits from its close proximity to services including Caringbah train station, Caringbah local centre, and Sutherland Hospital and the associated medical precinct
- the unique characteristics of the site, with three street frontages, high density development adjoining to the east, and a railway line to the south, enable additional density to be accommodated without causing adverse amenity impacts to surrounding sites in terms of visual privacy or overshadowing
- it would facilitate development aligned with NSW Government priorities to deliver a strong pipeline of social and affordable housing, and Council's aims to increase affordable housing in well serviced areas.

2 Project

2.1 Project overview

The proposal seeks approval for the construction of two residential flat buildings, 8 and 14 storeys, to deliver 164 affordable housing apartments, with basement parking, landscaping and associated works. The key aspects of the project are provided in detail in the Project Description chapter of the EIS (see Appendix A).

The development comprises a tenure mix of 104 social housing units and 60 affordable units. Homes NSW propose to deliver the project in partnership with a community housing provider (CHP), who will develop and manage both the social and affordable housing for a minimum 25 year period. The land will be retained by Homes NSW, while the dwellings will be managed by a CHP, consistent with Homes NSW's management of its broader affordable/social housing portfolio across NSW.

The proposal is outlined in Table 2 and shown in Figure 3 to Figure 5.

Table 2 | Key aspects of the project

Aspect	Description
Site preparation	Vegetation removal and basement excavation
Uses	Construction of two residential flat buildings including 164 apartments for the purpose of affordable housing. The tenure mix for this development proposes: 104 social housing units (63.4%) 60 affordable housing units (36.6%).
Building height	- Social housing building: maximum height of 49.6 m (14 storeys). - Affordable housing building: maximum height of 31.4 m (8 storeys)
Gross floor area (GFA)	GFA: 3,995 m² / FSR: 3.89:1
Vehicular access and parking	- Vehicle access and waste collection from Willarong Road - Two levels of basement car parking for 83 car parking spaces and 2 motorcycle spaces
Communal open space and landscaping	1,259 m² (35%) of communal open space 1,460 m² (40%) of landscaping 782 m² (22%) of deep soil
EDC	\$118,751,344
Employment	424 construction jobs
Lot consolidation	Lot consolidation and stratum subdivision into three lots: - Social housing building - Affordable housing building - Communal areas.



Figure 3 | Render of proposal, viewed from corner of Flide Street and Gardere Street (source: Bates Smart)



Figure 4 | Render of proposal, viewed from Willarong Road (source: Bates Smart).

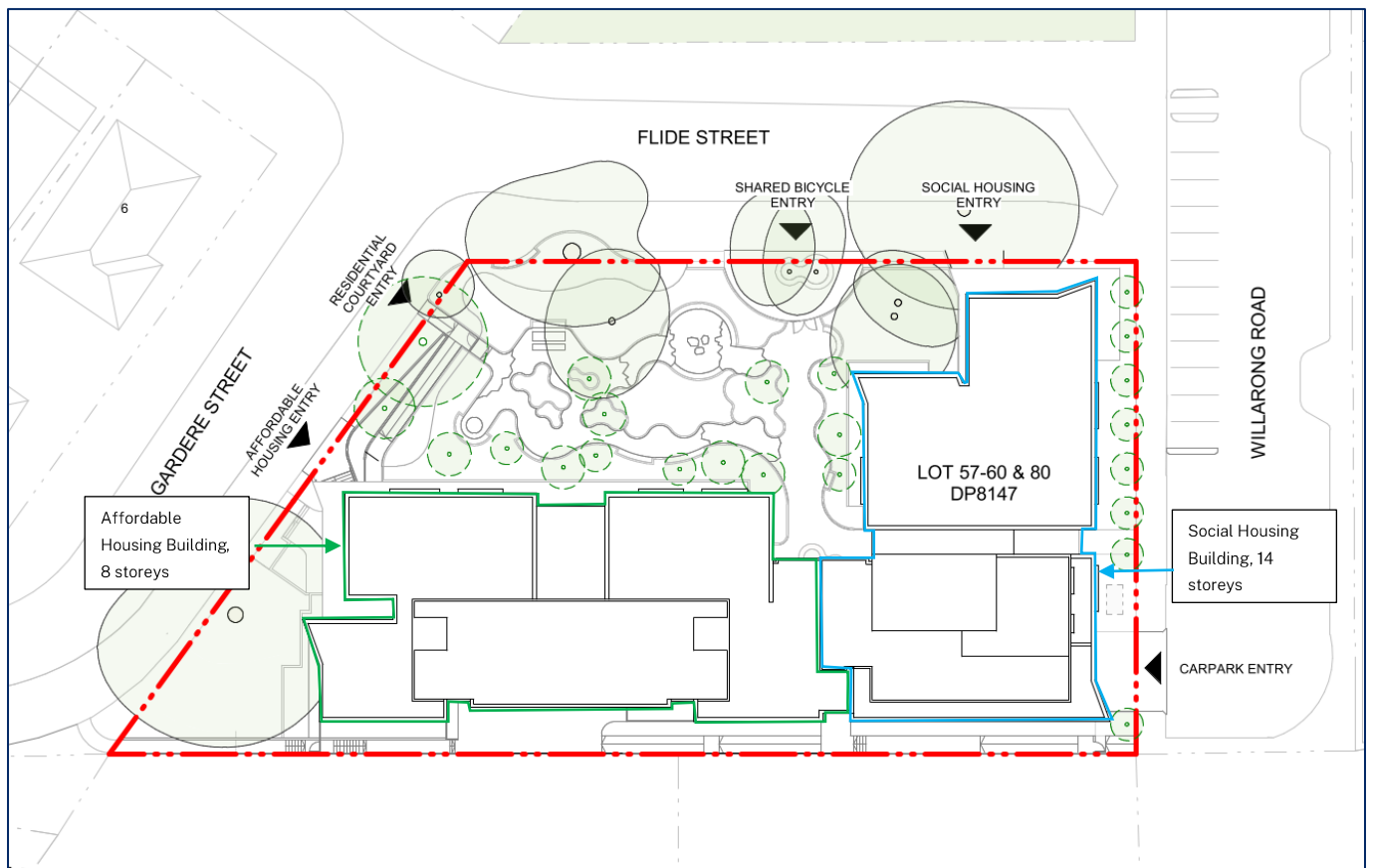


Figure 5 | Site Plan, showing social and affordable housing buildings (source: Bates Smart)

3 Statutory context

3.1 Housing supply

The NSW Government has a target of 377,000 well-located homes by 2029. This policy supports the National Housing Accord that provides a national target of delivering 1.2 million new, well-located homes by 2029.

In December 2023, the Government introduced a new SSD pathway for the Land and Housing Corporation (operating as Homes NSW) and Aboriginal Housing Office to deliver social and affordable housing with an EDC of over \$30 million, or where the development would deliver more than 75 new homes. This reform aims to support the delivery of social and affordable housing developments by these agencies.

This SSD application has been submitted pursuant to these initiatives that aim to support the delivery of social and affordable housing.

3.2 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought, and the permissibility of the project are provided in Table 3 below.

Table 3 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The project is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) and section 26 of Schedule 1 of the Planning Systems SEPP, being development carried out by Land and Housing Corporation (operating as Homes NSW) that has an estimated development cost of greater than \$30 million.
Consent authority	The Minister for Planning and Public Spaces is the consent authority under section 4.5(a) of the EP&A Act.
Permissibility	The site is zoned R4 High Density Residential under SSLEP. Residential flat buildings are permissible with consent in the zone.

3.3 Other approvals and authorisations

Under section 4.41 of the EP&A Act, certain authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.

Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with any SSD development consent for the project.

The Department has consulted with and considered the advice of the relevant Government agencies responsible for these other authorisations in its assessment of the project (see **Section 4** and **Section 5**). Suitable conditions have been included in the recommended conditions of consent (see **Appendix D**).

3.4 Planning Secretary's environmental assessment requirements

The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 3 June 2025 and is sufficient to enable an adequate consideration and assessment of the project for determination purposes.

3.5 Mandatory matters for consideration

3.5.1 Matters of consideration required by the EP&A Act

Mandatory matters for consideration include:

- matters of consideration required by the EP&A Act
- objects of the EP&A Act and ecologically sustainable development (ESD)
- biodiversity development assessment report
- matters of consideration required by the EP&A Regulation
- matters of consideration required by environmental planning instruments.

The Department's consideration of these matters is summarised in **Appendix C**. As a result of this consideration, the Department is satisfied that the development meets statutory requirements.

4 Engagement

4.1 Exhibition of the EIS

4.1.1 Public exhibition of the EIS

After accepting the development application and EIS, the Department:

- publicly exhibited the project from 23 October 2025 until 6 November 2025 on the NSW Planning Portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from relevant Government agencies and Council
- undertook a site visit on 24 November 2025.

The Department received 8 public submissions (2 support and 6 objections), advice from 4 Government agencies and comments from Council.

The Department asked the Applicant to respond to the issues raised in submissions and comments received from Government agencies and Council. The Applicant provided the Response to Submissions (RtS) to the Department on 27 February 2026 (see **Appendix A**).

The Department made the RtS and additional information publicly available on the NSW Planning Portal and notified the relevant Government agencies and Council. A summary of the key issues raised in submissions and agency advice is provided below.

4.1.2 Summary of advice received from Government agencies

A summary of the Government agency advice is provided in **Table 4**. A link to the full copy of the advice is provided in **Appendix A**.

Table 4 | Summary of agency advice

Agency	Advice summary
Transport for NSW (TfNSW)	TfNSW requested all vehicular access be provided via Willarong Road, as the intensification of road users turning right from Kingsway into Hinkler Avenue, resulting from the development, would impact the surrounding classified road network. Following the relocation of vehicular access via Willarong Road as part of the Applicant’s RtS, TfNSW raised no objection to the proposal.

Agency	Advice summary
Sydney Trains	Sydney Trains raised no objection to the proposal, subject to recommended conditions of consent to protect rail land and operations, due to the proximity of the proposal to rail infrastructure.
Ausgrid	Ausgrid provided general advice on existing electrical infrastructure and any potential requirements for additional works. Ausgrid raised no objection to the proposal and supplied standard regulatory material to support safety in design.
Sydney Water	Sydney Water provided recommended conditions should the application be determined regarding section 73 Compliance Certificate and Building Plan Approval.

4.1.3 Summary of council submissions

Council provided comments on the EIS and RtS. A link to Council's submission is provided at **Appendix A**. Comments and issues raised by Council are summarised below.

- The proposal's height and density is appropriate within the strategic direction of the locality, and the site is well-positioned to accommodate more housing.
- The proposal should provide additional consideration of overshadowing impacts to sites to the south.
- The waste servicing arrangement must make sure no loss of on street parking along Willarong Road and provide an external bin holding bay for Council staff to service the development.
- A conceptual public domain plan should be prepared to confirm appropriate frontage works, or relevant conditions should be applied.
- Comments and conditions relating to basement layouts, construction traffic, and landscaping and tree removal requirements.

4.1.4 Summary of public submissions

The Department received 8 submissions (2 support and 6 objections) during public exhibition of the EIS.

The submissions in support of the project, cited the increased availability of well-located affordable housing in proximity to services and public transport.

The key issues raised in the objections are listed in **Table 5** and a link to all submissions in full is provided in **Appendix A**.

Table 5 | Key issues raised in public objections on the EIS

Issue	Number and % of submissions
Height, bulk, and scale	5 (83%)
Traffic and car parking	5 (83%)
Impacts on surrounding infrastructure	4 (66%)
Construction impacts	3 (50%)
Amenity impacts – overshadowing and privacy	2 (33%)
Inconsistency with planning controls	2 (33%)
Concentration of social and affordable housing	2 (33%)
Impact to property values	2 (33%)

5 Assessment

The Department has assessed the proposal, considering all documentation submitted by the Applicant, all issues raised in submissions and all advice provided by Government agencies.

The Department considers the key assessment issues associated with the proposal are:

- built form
- amenity
- traffic and car parking.

5.1 Built form

5.1.1 Site layout, bulk and scale

Public submissions raised concerns that the height and scale of the development was excessive and would alter the existing character of the locality.

Concerns relating to height and density were considered in the Department's assessment of the concurrent rezoning proposal which recently amended the SSLEP to introduce an increased building height of 50 m and 4:1 FSR controls at the site (Section 1.3).

The proposed development is consistent with the updated controls, with a maximum building height of 49.6 m and a floor space ratio (FSR) of 3.89:1.

The Applicant's urban design report outlines the site layout and built form response to the new building height and FSR standards, detailing that the building massing has been designed to achieve a sensitive response to the surrounding development context, as well as the sites constraints and opportunities (Figure 6). Key design responses are set out below.

- Variable building heights: the development incorporates a transition in building heights from east to west to respond to the surrounding context, with the tallest building (14 storeys/49.6 m) located on the site's eastern edge adjacent to existing height density development opposite and the emerging high-density Caringbah town centre, then stepping down to an 8 storey (31.4 m) built form toward the western boundary, to provide an appropriate interface with the low and mid-rise housing area (6 storeys).
- Open space integration: the site layout concentrates the built form in the southern portion of the site, adjacent to the railway corridor, allowing for a generous communal open space to be provided to the north, strengthening the interface with the future Caringbah town centre park and enhancing openness and amenity for residents and the public domain

- Vegetation retention: the building façades incorporate physical articulation and modulation to enable the retention of significant vegetation along the northern and western site boundaries to maintain the locality's landscape character and soften the appearance of the development.

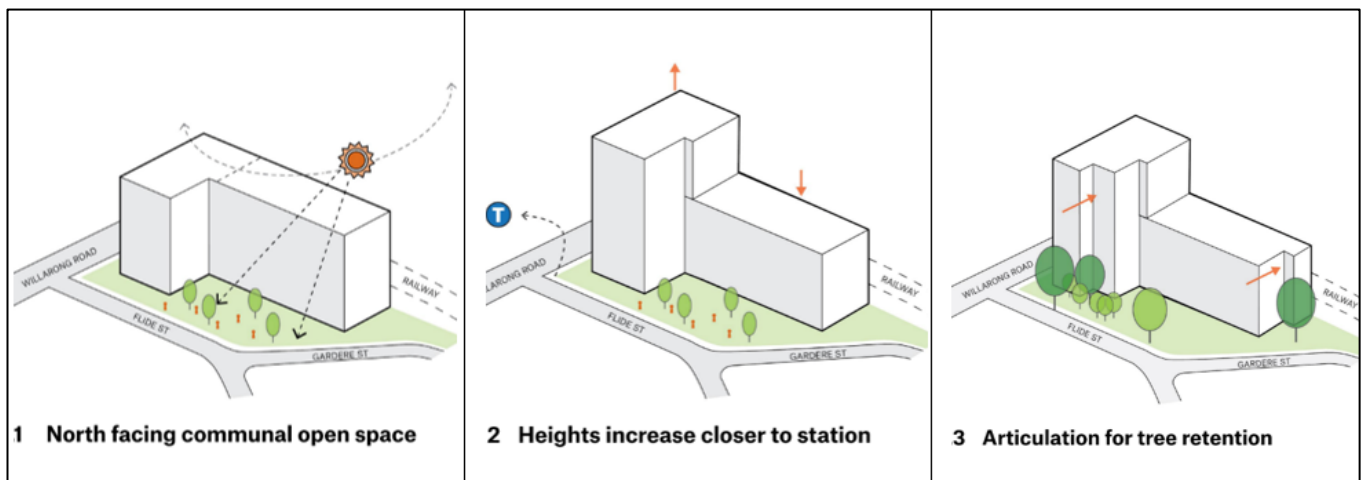


Figure 6 | Site configuration and massing strategy (source: Bates Smart).

The Department has considered public submissions and the Applicant's urban design response and is satisfied that the proposed site layout and building massing provides an appropriate response to the built form controls, the site and its surrounds. The development adopts a considered configuration through height transitions, open space provision and landscape integration. The Department is satisfied that these elements result in a well-resolved design that responds appropriately to the emerging development context and minimises amenity impacts to surrounding sites.

5.1.2 Public domain interface

Council advised that land to the north of the site on Flide Street, between Willarong Road and Gardere Street, is planned for future closure and would form part of a new town centre park (Figure 2). Town centre park works would include upgrades to the public domain, including at the subject site's interface, and amendments to street parking surrounding the site.

The Applicant's Design Report demonstrates that the design of the proposal would provide a positive interface with the future park, as:

- the bulk of the built form is concentrated to the southern portion of the site, away from the future park to embrace the northern park edge and reduce visual bulk and amenity impacts
- the frontage to the park would be activated through locating the communal open space adjacent to the future park site, and including pedestrian entries along this frontage, which are clearly defined and avoid the inclusion of blank walls addressing the park
- significant vegetation is retained along the Flide Street frontage to contribute to the future landscaped character and soften the appearance of the development

- apartments are primarily oriented towards the park to improve casual surveillance and to take advantage of the outlook.

Council has also identified the need for broader public domain upgrades associated with the future park and surrounding streets, including works such as undergrounding of power lines, street lighting, footpaths and changes to on-street parking.

The Applicant has acknowledged that frontage works will be required to improve the development interface with the future park and general public domain outcomes. However, due to the preliminary status of the future park design, the Applicant has requested that conditions relating to public domain works do not impact upon the delivery of the subject development.

The Department is satisfied that the development would achieve a positive interface with the future park site and has recommended conditions requiring public domain upgrades for standard frontage works. Due to the preliminary stage of the park design, the requirement of public domain upgrades is timed to ensure they will not restrict the development being carried out.

5.2 Amenity

5.2.1 Overshadowing to adjoining properties

Public submissions raised concern about overshadowing impacts to surrounding sites, particularly to apartments at 360 Kingsway, immediately east of the site. Council requested further consideration be given to overshadowing impacts on properties south of the development.

To determine the reasonableness of overshadowing, the ADG recommends that 70% of neighbouring apartments should continue to receive at least 2 hours of direct solar access to living areas and private open space during midwinter, or where solar access requirements are currently not met, they should not be reduced by more than 20%.

The Applicant provided shadow diagrams and a detailed shadow analysis to illustrate the overshadowing impacts generated by existing and proposed structures during 9 am to 3 pm at mid-winter. A summary of additional overshadowing impacts is provided below:

- properties south of the site, on the opposite side of the railway line, would experience up to 2 hours of additional overshadowing in the morning, however would be largely unaffected from midday onwards, and would retain adequate solar access in accordance with the ADG
- the 12 storey development currently under construction at 178–188 Willarong Road, southeast of the site, would experience increased overshadowing between 1 pm and 2 pm, however impacted apartments would retain sufficient solar access in accordance with the ADG
- 360 Kingsway, east of the site, would experience increased overshadowing only from 1 pm onwards. The solar analysis demonstrates that 72.5% of units (129 of 178) currently receive

at least 2 hours of direct solar access. The proposal would reduce this to 71.3% (127 units), however overall the building would continue to meet the ADG requirement of 70% of units receiving at least 2 hours of solar access.

While the proposed development would result in some additional overshadowing impacts to neighbouring properties, the Department considers the extent of overshadowing generated by the proposal to be acceptable as neighbouring properties continue to receive solar access consistent with ADG recommendations.

5.2.2 Solar Access

The ADG recommends that a minimum of 70% of proposed apartments should receive a minimum of 2 hours of direct sunlight to living rooms and private open space between 9 am and 3 pm on June 21. The ADG also recommends that no more than 15% of proposed apartments within a building receive no direct sunlight on June 21.

The solar access analysis for the development shows the following rates of direct sunlight are achieved for the development between 9 am and 3 pm on June 21:

- 67% (110) of apartments receive more than 2 hours of direct sunlight
- 10% (16) of apartments receive no solar access.

The development proposes a minor variation of 3% to the ADG recommended solar access requirements. The Applicant states that the shortfall is due to site constraints with the southeast orientation of the Willarong Road frontage, and that when the time frame is extended to 8 am, 90% of all apartments would receive more than 2 hours of solar access on June 21.

Despite the shortfall in solar access, the Department is satisfied that overall the proposal meets the intent of the ADG and provides an acceptable level of solar amenity for future residents for the following reasons:

- the proposed building separation to neighbouring sites is consistent with Apartment Design Guide recommendations to maximise daylight penetration
- the configuration of buildings across the site ensures that only 10% of apartments receive no solar access on June 21, meeting the requirements of the ADG
- despite the shortfall of solar access to individual apartments, the communal open space receives direct solar access during all hours between 9 am and 3 pm
- the 3% variation is minor, and when the timeframe is extended to include 8 am, 90 % of apartments would receive 2 hours of solar access.

5.3 Traffic and car parking

5.3.1 Operational Traffic Generation

Public submissions raised concerns about potential traffic impacts resulting from the proposal. TfNSW initially raised concerns that vehicular access to the site via Gardere Street would intensify the number of road users at a nearby intersection turning right from Kingsway (classified road) into Hinkler Avenue, and subsequently impact on the surrounding classified road network.

As part of the RtS, the Applicant relocated the vehicular access to Willarong Avenue, which would enable road users to turn right from Kingsway at a signalised intersection (Figure 7). TfNSW raised no objection to the revised vehicular access, and associated traffic generated by the proposal.



Figure 7 | Revised vehicular access route to the site, via signalised intersection from Kingsway onto Willarong Road (source: Near Map).

The Applicant's amended TIA included traffic generation impacts and SIDRA modelling of nearby intersections following the relocation of the vehicular access. The TIA concluded:

- the proposal would generate 31 vehicle trips (24 additional) in the morning peak and 25 vehicle trips (19 additional) in the evening peak periods with 249 daily trips (192 additional)

- Kingsway/Willarong and Kingsway/Taren Point Road intersections would continue to operate at the same level of service (LoS) as the base scenario for both existing and future 2035 conditions (ranging from levels B to C), with a negligible impact to intersection delays.

The Department also notes that the site is well serviced by public transport, being within 350 m walking distance of Caringbah train station, which is anticipated to reduce reliance on private vehicle use.

The Department has considered the Applicant's TIA, the comments by TfNSW, and concerns raised in public submissions. The Department is satisfied that the additional traffic generated by the proposal would not result in adverse impacts to the current and future operation of the surrounding local and Classified road network.

5.3.2 Car Parking

Public submissions raised concerns about the lack of resident parking spaces provided with the development. Council did not raise any concerns with the number of car parking spaces.

The Housing SEPP provides a non-discretionary development standard (NDDS) establishing a minimum parking standard of 0.4 spaces per 1 bedroom unit, 0.5 spaces per 2 bedroom unit, and 1 space per 3 bedroom unit. This equates to a minimum of 82.3 parking spaces (rounded to 83) for the proposed development.

A consent authority must not require a more onerous standard or refuse an application on the grounds of car parking if it provides the minimum amount set out by the NDDS.

The proposal includes 83 car parking spaces (including 9 accessible spaces), including 82 resident spaces and 1 visitor space. Whilst there is no visitor parking space requirement under the Housing SEPP, the Department is satisfied that the minimum NDDS car parking requirements for the development have been met.

The Department also notes that, while the visitor space is not technically required, its provision would help ease demand for visitor parking and may also be able to be used by residents.

The Department acknowledges the concerns raised in public submissions, however considers the car parking arrangement are acceptable on merit as:

- the site is located in a highly accessible area, within 350 m of Caringbah train station, which is anticipated to reduce reliance on private vehicle use
- the proposal includes one visitor parking space, despite no formal requirement, which would be able to be used by residents and visitors of the site for short periods of time
- the traffic impact assessment demonstrates that the parking provided with the development is not anticipated to generate adverse traffic impacts on the surrounding road network.

5.4 Other issues

The Department's consideration of other issues is summarised in Table 6 below.

Table 6 | Assessment of other issues

Consideration	Recommended conditions
Waste Management As part of the RtS, the Applicant provided an operational waste management plan (OWMP) which proposed kerb side waste collection along Willarong Road, with waste bins to be collected by Council directly from the ground level waste room twice weekly. Council raised concerns that the kerb side loading zone would result in a loss of five on-street parking spaces along Willarong Road and advised that on-site waste collection arrangements should be in accordance with Council's policy to allow staff to collect waste bins. To address Council's concerns, the Applicant amended the proposal by relocating the waste loading area onto the driveway, allowing on street parking to be retained and unimpacted, and providing a bin holding area integrated within the development, for Council staff to access from the driveway without accessing internal areas of the site. Council have advised the revised waste strategy addresses its concerns, subject to further detailed design revisions regarding the groundcover treatment of the bulky goods pick up area, and for minor landscaping amendments to ensure the adequate clearances to the substation are achieved. The Department has considered the concerns raised by Council and reviewed information submitted by the Applicant to amend the waste servicing arrangements. The Department is satisfied that the amended design generally satisfies the concerns raised by Council and would deliver a positive outcome through providing adequate waste servicing for the development, without impacting existing on-street parking arrangements, and the wider public domain. The Department has recommended conditions for the OWMP and Landscape Plans to be updated to reflect the revised waste servicing arrangement provided within the Architectural Plans, and to nominate appropriate groundcover and substation clearances within the Willarong Road frontage.	The Department recommends the following conditions: • OWMP to be updated to reflect revised waste management strategy • Landscape Plans to be amended to: ○ reflect design amendments within the Architectural plans ○ provide turf groundcover to the bulky goods pick up area ○ Ensure adequate clearances are achieved to the substation
Biodiversity The site is not mapped on the Biodiversity Values Map, however, contains mature native trees mapped as Sydney Turpentine Ironbark Forest , which is identified as	The Department recommends the following conditions:

Consideration	Recommended conditions
a Critically Endangered Ecological Community under the <i>Biodiversity Conservation Act 2016</i> (BC Act). The EIS advises that the protected trees are located along the western and northern boundaries of the site, and are proposed to be retained through the development, with works affecting this vegetation limited to pruning branches of two trees to facilitate the project. A BDAR waiver was granted on 19 September 2025 on the basis that the development is not likely to have any significant impact on biodiversity values. The Aboricultural Impact Assessment Report (AIA) submitted with the application provides details on the retention of the significant vegetation and includes recommendations for tree protection and pruning during construction works associated with the development. The EIS also recommends that a pre-clearance surveys be undertaken prior to commencement of works. Council has recommended conditions of consent relating to landscape planting species and tree protection measures during construction works. The Department considers that the significant vegetation located on the site can be adequately protected, subject to the recommendations of the AIA and EIS, and therefore is satisfied the development would not result in adverse impacts to biodiversity across the site.	• pre-clearance surveys to be undertaken prior to commencement of works • the recommendations of the AIA to be implemented during construction works • A suitably qualified arborist to supervise tree protection works
Noise and vibration (operational) The site adjoins an operational rail corridor (T4 line) to the south. The Applicant's Noise and Vibration Impact Assessment (NVIA) provided an assessment of internal (noise intrusion) and external (noise emission) noise during operation. The NVIA confirmed the proposal would be capable of achieving compliance with the operational noise criteria for residential accommodation adjacent to a rail corridor under the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport SEPP) and <i>Development Near Rail Corridors and Busy Roads– Interim Guideline</i>, subject to the implementation of recommended acoustic treatments for walls, roof and glazing, a sealed façade and the design and layout of mechanical services. The Department is satisfied potential noise impacts associated with adjacent rail corridor would not adversely impact the amenity of existing and future residents, subject to implementation of the recommendations of the NVIA.	The Department recommends the following conditions: • implementation of recommendations outlined in NVIA.

Consideration	Recommended conditions
Groundwater and excavation The Applicant submitted a Geotechnical Investigation, and groundwater impact assessment (GIA) which advised that groundwater levels at the site were observed between RL 25.0 and RL 30.2. The proposed basement structure involves excavation to an approximate depth of RL 28.3, and therefore the GIA concludes that the proposal would likely intercept groundwater. The geotechnical investigation provided recommendations on site foundations, basement design to control seepage, groundwater treatment and disposal. Council recommended conditions relating to Water Access License requirements for groundwater extraction. The Department has considered the findings of the geotechnical investigation and GIA, and is satisfied that groundwater can be appropriately managed, subject to conditions relating to water licencing.	The Department recommends the following conditions: • Water Access License to be obtained if groundwater extraction exceed 3 ML/year
Construction impacts Public submissions raised concerns about construction impacts on the locality including noise and vibration, dust, and the duration of construction. Council noted that Gardere Street and Flide Street were unsuitable to accommodate large construction vehicles, and requested that Willarong Road be nominated as the primary construction route. The application included a NVIA which identifies that construction noise is predicted to exceed 'highly noise affected' levels of 75 dBA at sensitive receivers in some instances. A Construction Noise and Vibration Management Plan has been prepared and which details mitigation measures to minimise impacts such as, acoustic barriers and mechanical plant silencers, respite periods, and notification to surrounding residents. The Traffic Impact Assessment (TIA) submitted with the application estimates that construction vehicle traffic would peak at around 6–8 movements per hour during concrete pours, but would generally remain below 10 movements per day for the remainder of the works. The TIA was amended as part of the RtS to nominate Willarong Road as the only construction route to the site, addressing Councils concerns associated with access via Gardere Street. To help manage dust impacts, the TIA identifies measures including restricting dust producing works on windy days, protecting stockpiles, and providing a wheel wash area for trucks to reduce debris leaving the site. The Department notes that the construction timeframe is anticipated to run for approximately 18 months, and the proposed hours of construction under the	The Department recommends the following conditions: • preparation of a Construction Environmental Management Plan, • construction vehicles access to the site is restricted to via Willarong Road • standard construction conditions, including ICNG hours of construction.

Consideration	Recommended conditions
preliminary construction management plan are consistent with the Interim Construction Noise Guideline as follows: - Monday to Friday: 7 am until 6 pm - Saturday: 8 am until 1 pm - No work on Sundays and public holidays. The Department has considered the community submissions and reviewed the supporting documentation. While some disturbance from construction activities is unavoidable, the Department is satisfied that the proposal can be appropriately managed to minimise adverse amenity impacts to surrounding residents, subject to conditions of consent requiring the preparation and implementation of construction management plans.	
Development Contributions The Department notes the Sutherland Shire Local Contributions Plan 2018 includes exemptions for social and affordable housing carried out by a ‘social housing provider’ as defined by the Housing SEPP. In accordance with the Housing SEPP, the Land and Housing Corporation (acting as Homes NSW) is a social housing provider. Therefore, the proposal is exempt from local infrastructure contributions. Under the Ministerial order dated 30 June 2024, the Housing Productivity Contribution does not apply to affordable housing that is provided by or on behalf of a social housing provider. As Homes NSW is a social housing provider, the proposal is exempt from the Housing and Productivity Contribution.	No conditions recommended

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development (**Appendix C**), advice from Government agencies, local councils and public submissions (**Section 4**), and Government policies and plans.

The Department's assessment concludes the proposal is acceptable as it:

- will renew 38 existing social housing dwellings and deliver 164 new social (104 dwellings) and affordable (60 dwellings) apartments which aligns with the NSW Government priorities to deliver a strong pipeline of social and affordable housing under the National Housing Accord, and Sutherland Shire Council's aims to increase affordable housing in well serviced areas
- would support the NSW Government's priority to deliver well-located social and affordable housing in an accessible location close to the Caringbah town centre, train station and medical precinct
- delivers substantial public benefits by dedicating all apartments as affordable housing, addressing critical demand for affordable housing in the area
- is permissible with consent and would provide high density housing consistent with the transitioning character of the Caringbah centre, and the objectives of Zone R4 High density residential under the SSLEP
- would provide a high level of internal and external amenity for future residents of the affordable housing development, in line with the principles and design criteria of the Housing SEPP and the ADG
- would not result in unreasonable impacts on neighbouring properties and surrounding locality, in relation to overshadowing, view loss, privacy, or traffic generation
- would deliver public and economic benefits through generating up to 424 construction jobs

The Department has recommended a range of conditions to manage any residual environmental impacts. Refer to the recommended conditions at **Appendix D**.

The Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent.

Consequently, the Department considers the project be approved, subject to conditions.

7 Recommendation

It is recommended that the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of Flide Street, Caringbah, Affordable Housing (SSD 83294209) subject to the conditions in the attached development consent
- **signs** the attached development consent (**Appendix D**).

Recommended by:



Peter Mcmanus
Team Leader
Social and Diverse Housing

Recommended by:



Paulina Wythes
Director
Social and Diverse Housing

Recommended by:



Ben Lusher
Executive Director
Housing and Key Sites Assessment

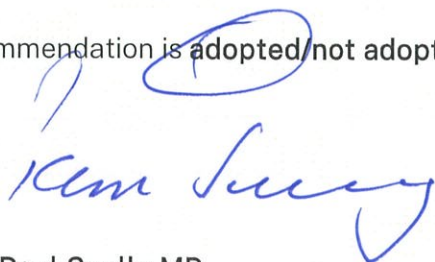
Recommended by:



Madeleine Thomas
A/Deputy Secretary
Deputy Sustainability and Assessment

8 Determination

The recommendation is ~~adopted~~/not adopted by:

A handwritten signature in blue ink, appearing to read "Paul Scully". Above the signature, the word "adopted" from the preceding line has been circled in blue ink.

The Hon Paul Scully MP

Minister for Planning and Public Spaces

Dated: 26 June 2016

Appendices

Appendix A – List of referenced documents

The following documents can be accessed at <https://www.planningportal.nsw.gov.au/major-projects/projects/flide-street-caringbah-affordable-housing>

- Environmental Impact Statement
- Response to submission report
- Applicant's additional information
- Submissions (public and Council)
- Government agency advice.

Appendix B – Community views for draft Notice of Decision

Table 7 | Key issues and how they have been considered

Issue	Consideration
Building height	The application has been assessed concurrently with a State Assessed Rezoning Proposal, which includes amendments to the SSLEP to permit a maximum building height of 50 m and a maximum FSR of 4:1 at the site. The proposal includes two 8 - 14 storey buildings, achieving a maximum building height of 49.6 m. The development complies with the recently amended height and FSR provisions applying to the site. While the scale of the proposal exceeds the existing built form character immediately surrounding the site, the character of surrounding locality is undergoing transition, with the site being located in the low and mid rise housing area, and recent development approvals in proximity to the site achieving up to 17 storeys The Department considers that the proposal provides an appropriate response to the desired future character of the locality, locating the 14 storey component of the development adjacent to other, existing and recently approved, higher density developments between 10 and 12 storeys, and stepping down to an 8 storey built form to the west, to provide an appropriate transition to the surrounding low and mid rise housing area, and adjacent to medical precinct. <i>Recommended conditions</i> No conditions recommended
Amenity impacts (Overshadowing and visual privacy)	The Department acknowledges that the proposal would result in some additional overshadowing to sites immediately south and east compared with the existing development. However, the detailed solar access analysis has been provided which demonstrates that neighbouring properties would retain adequate solar access on June 21 in accordance with the Apartment Design Guide requirements. The proposal complies with the applicable height, FSR, and building separation controls to maintain visual privacy, and therefore the Department is satisfied that the overshadowing and visual privacy impacts are acceptable and consistent with those anticipated by the controls. <i>Recommended conditions</i>

Issue	Consideration
	No conditions recommended
Construction impacts	The Department acknowledges that some construction impacts are unavoidable due to the proximity of neighbouring properties in an established urban area. However, these impacts are temporary, restricted to approved hours of construction, and can be appropriately minimised and managed by conditions of consent. The application included a Noise and Vibration Impact Assessment (NVIA) which identifies that construction noise is predicted to exceed ‘highly noise affected’ levels of 75 dBA at sensitive receivers in some instances. A Construction Noise and Vibration Management Plan has been prepared and which details mitigation measures to minimise impacts such as, acoustic barriers and mechanical plant silencers, respite periods, and notification to surrounding residents. The Traffic Impact Assessment (TIA) submitted with the application estimates that construction vehicle traffic would peak at around 6–8 movements per hour during concrete pours but would generally remain below 10 movements per day for the remainder of the works. To reduce construction traffic impacts on the local road network, Willarong Road is nominated as the only construction route to access the site. To help manage dust impacts, the TIA identifies measures including restricting dust producing works on windy days, protecting stockpiles, and providing a wheel wash area for trucks to reduce debris leaving the site. <i>Recommended conditions</i> • Restrictions on hours of construction in accordance with the Interim Construction Noise Guideline. • Detailed management plans must be prepared and implemented during construction, including a Construction and Environmental Management plan, a Construction Pedestrian and Traffic Management Plan, a Construction Noise and Vibration Management Plan, and other sub plans.
Car Parking and traffic generation	Car parking The Housing SEPP provides a non-discretionary development standard (NDDS) establishing a minimum parking standard of 0.4 spaces per 1 bedroom units, 0.5 spaces per 2 bedroom units, and 1 space per 3 bedroom

Issue	Consideration
	units. This equates to a minimum of 82.3 parking spaces (rounded to 83) for the proposed development. The proposal includes a total of 83 car parking spaces, comprising 82 resident spaces (including 9 accessible spaces) and 1 visitor space. The Department notes that the visitor parking space is not technically required, but its provision would ease demand for visitor parking, and may be able to be used by residents. Overall the Department is satisfied the proposed parking arrangement meets the NDDS and is acceptable as: - the site is located in a highly accessible area, within 350 m of Caringbah train station, which is anticipated to reduce reliance on private vehicle use - the proposal includes one visitor parking space which would be able to be used by residents and visitors of the site for short periods of time - the traffic impact assessment demonstrates that the parking provided with the development is not anticipated to generate adverse traffic impacts on the surrounding road network. Traffic generation The Traffic Impact Assessment (TIA) advises that additional traffic generated by the development can be accommodated without adversely affecting the surrounding road network as levels of service (LoS) of surrounding intersections remain unchanged from pre to post development scenarios. The site is located within walking distance of Caringbah train station and various bus stops connecting to a variety of routes, which will reduce the reliance on private vehicle use. <i>Recommended conditions</i> No conditions recommended
Management of social housing developments	The development will be managed by a Community Housing Provider (CHP) which will include the implementation of tenancy management protocols. The Department has recommended a condition requiring an Operational Plan of Management to be prepared prior to the occupation of the site, outlining ongoing management requirements and measures to manage and minimise any operational impacts on the surrounding community.

Issue	Consideration
	<i>Recommended conditions</i> The Department has recommended conditions requiring the preparation and implementation of an Operational Plan of Management
Impact to property values	The Department has undertaken a detailed assessment of the proposal's amenity impacts, as outlined in the Department's assessment report. Subject to the recommended conditions, the development is considered to have acceptable impacts. The Department is satisfied the proposal is unlikely to result in any significant adverse amenity impacts. <i>Recommended conditions</i> No conditions recommended

Appendix C – Statutory considerations

Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is shown in Table 8 below.

Table 8 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix C
EP&A Regulation	Appendix C
Likely impacts	Section 5
Suitability of the site	Section 3 and Section 5
Public submissions	Section 4 and Section 5
Public interest	Section 4, Section 5 and Section 6

Objects of the EP&A Act

In determining an application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act (section 1.3), including the principles of ecologically sustainable development (ESD). Consideration of those factors is described in Table 9 below.

As a result of the analysis, the Department is satisfied the development is consistent with the objectives of the EP&A Act and the principles of ESD.

Table 9 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal promotes the social and economic welfare of the community by providing affordable housing in an area well serviced by good access to transport and urban services, and, in doing so, contributes to the achievement of State, regional and local planning objectives. The proposal would not impact any natural or artificial resources, agricultural land, or natural areas.

Object	Consideration
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes ESD initiatives and sustainability measures, which would allow the proposal to meet the BASIX requirements and achieves an average 8.2 NatHERS rating.
(c) to promote the orderly and economic use and development of land,	The proposal involves the orderly and economic use of land through the efficient development of an underutilised urban site within the Low- and Mid-rise housing area and is within walking distance of Caringbah town centre and train station, and Caringbah Medical Precinct. Residential development on the site is permissible with consent, and the form of the development has regard to the existing and future character of the locality.
(d) to promote the delivery and maintenance of affordable housing,	The proposal would provide 164 units for the purposes of affordable housing, including 104 for social housing purposes (low to very low income).
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal will not adversely affect the protection of the environment. A BDAR waiver was granted for the development as it is considered that the development is not likely to have any significant impact on biodiversity values.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<u>Built and Archaeological Heritage</u> A Historic Heritage Constraints Assessment was submitted with the application, which advised: - the site does not contain any listed heritage items and has a low potential for historic heritage values to be identified. - The proposal would be unlikely to impact the nearby Transport Asset Management Section 170 Heritage and Conservation Register item (Caringbah Railway Station Group) as views between the site and item are obstructed by existing structures. - an unexpected heritage finds procedure (including a brief heritage induction for all contractors) should be prepared and implemented throughout works. Council raised no concerns regarding heritage impacts. The Department is satisfied the proposed development is acceptable in terms of potential heritage impacts given the site does not contain any State or local heritage listed items and would be unlikely to impact the nearby Section 170 heritage item. Appropriate conditions are recommended relating to unexpected finds. <u>Aboriginal Cultural Heritage</u> An Aboriginal Due Diligence report was submitted with the application, which concluded the site does not contain and is not likely to contain any

Object	Consideration
	Aboriginal objects. To mitigate harm to any unknown Aboriginal objects within the subject area, the report recommended a stop-work procedure be developed to manage any unexpected Aboriginal items. The Department concludes the proposal would not result in any significant Aboriginal cultural heritage impacts, subject to the implementation of an unexpected finds protocol.
(g) to promote good design and amenity of the built environment,	The proposal has been designed to minimise amenity impacts to neighbours and the surrounding environment and to provide good levels of internal amenity. Other amenity impacts would be managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal demonstrates that construction work will be undertaken with national construction standards, relevant regulation and a site-specific construction management plan. Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate any impacts. The conditions of consent will ensure the development is accessible and capable of complying with the requirements of the relevant sections of the National Construction Code. Ongoing management and maintenance of the development shall be undertaken by the building management.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposed development as outlined in Section 4, which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the application which included notifying adjoining landowners and displaying the application on the Department's website. The Applicant's RtS and additional information was made available on the Department's website. Engagement activities carried out by the Department are detailed in Section 4

Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle

- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Applicant has committed to achieving the following minimum sustainability targets:

- an average of 8.2 star NatHERS rating
- meets or exceed BASIX minimum Energy and Water requirements
- meet or exceed the BASIX thermal performance requirements.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The conservation principle has been applied through the retention of existing trees on site and provision of new landscaping around, on and within the development and the valuation principle has been applied through the efficient use of the site, application of sustainability measures and creation of new employment opportunities during construction of the development.

The Department has recommended conditions requiring the implementation of ESD measures and minimum sustainability targets.

Subject to the above conditions, the proposed development would be consistent with ESD principles, and the Department is satisfied the future detailed development is capable of encouraging ESD, in accordance with the objects of the EP&A Act.

Biodiversity development assessment report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

The site contains trees along the western and northern boundaries which comprise of the Sydney Turpentine Ironbark Forest, associated with the Critically Endangered Ecological Community (CEEC) Sydney Turpentine-Ironbark Forest in the Sydney Basin Bioregion. These trees are proposed to be retained, with works affecting the vegetation limited to pruning to facilitate the project.

A BDAR waiver request was submitted to the Department on 20 August 2025. The Environment Agency Head and the Team Leader, Social and Diverse Housing Assessments, as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 19 September 2025.

EP&A Regulation

The EP&A Regulation requires the applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects.*

The Department considers the requirements of the EP&A Regulations have been complied with. The application has considered social impacts, and the Applicant has consulted with the local community and key stakeholders.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Infrastructure SEPP)*
- *State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP)*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP)*
- *State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 (BASIX)*
- *State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainability SEPP)*
- *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*
- *Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)*
- other relevant plans, policies or guidance.

Planning Systems SEPP

The proposal is SSD under section 2.6(1) and section 26 of Schedule 2 of the Planning Systems SEPP, being development carried out by Land and Housing Corporation (operating as Homes NSW) with an EDC of more than \$30 million and will result in more than 75 dwellings.

Housing SEPP

A summary of the Department's consideration of the relevant standards contained in the Housing SEPP is provided in Table 10 below.

Table 10 | Housing SEPP compliance table

Housing SEPP standard	Consideration
Chapter 2, Part 2 – In-fill affordable housing	
15A Objective of division The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.	Complies. The proposal constitutes affordable housing as it relates to residential development carried out by Land and Housing Corporation (operating as Homes NSW).
15C Development to which division applies (1) This division applies to development that includes residential development if— (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and (b) the affordable housing component is at least 10%, and (c) all or part of the development is carried out— (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.	(1) (a) Consistent. Residential flat buildings are permitted with consent within the R4 High Density Residential zone in the SSLEP. (b) Consistent. The proposal seeks 100% affordable housing on the basis that social housing is defined as affordable housing under the Housing SEPP. (c) Consistent. The site is located within an accessible area.
16 Affordable housing requirements for additional floor space ratio (1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2). (2) The minimum affordable housing component, which must be at least 10%, is calculated as follows $\text{affordable housing component} = \frac{\text{additional building height}}{\text{(as a percentage)}} \div 2$ (3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for	(1) 100% of the proposal's GFA is used for affordable housing, and therefore a 30% FSR bonus is applicable to the development in accordance with (2). The maximum permissible FSR for the proposal is 5.2:1 (4:1 LEP base, plus 30% bonus). The proposal complies with a maximum FSR of 3.89:1. (2) As above. (3) 100% of the proposal's GFA is used for affordable housing, and therefore a 30% height bonus is applicable to the development. The maximum permissible height for the proposal is 65 m (50 m base height, plus 30% bonus). The proposal complies with a maximum height of 49.6 m. (4) The site is mapped as having a maximum permissible FSR, and therefore this section applies.

Housing SEPP standard	Consideration
residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1). (4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.	
19 Non-discretionary development standards – the Act, s 4.15 (2) The following are non-discretionary development standards in relation to the residential development to which this division applies – (a) a minimum site area of 450 m², (b) a minimum landscaped area that is the lesser of – (i) 35m² per dwelling, or (ii) 30% of the site area, (c) N/A, (d) N/A, (e) the following number of parking spaces for dwellings used for affordable housing – (i) for each dwelling containing 1 bedroom – at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms – at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms – at least 1 parking space, (f) N/A, (g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development, (h) N/A, (i) N/A, (3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	(2) (a) Consistent. The site has an area of 3,596 m². (b) Consistent. The proposal would provide a total of 1,460 m² (40%) of landscaped areas. (c) N/A. Chapter 4 applies. (d) N/A. Chapter 4 applies. (e) At least 82.3 (83) parking spaces are required for the development. The proposal provides 83 parking spaces in total, including 82 resident spaces and 1 visitor space. The Department is satisfied the development is generally consistent with the NDDS, and considers the car parking arrangement to be acceptable noting the proximity of the site to Caringbah train station and town centre, which is anticipated to reduce reliance on private vehicle use. Refer to Section 5.3 for detailed assessment. (f) N/A. (g) Consistent. Refer to ADG in Table 12. (h) N/A. (i) N/A.

Chapter 4, Part 4 – Design of residential apartment development

144 Application of chapter (2) This chapter applies to the following – (a) development for the purposes of residential flat buildings, (b) development for the purposes of shop top housing,	(2) The proposed development is for the purposes of a residential flat building. (3) The proposal relates to the erection of a new building that is greater than 3 storeys with more than 4 dwellings.
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Housing SEPP standard	Consideration
(c) mixed use development with a residential accommodation component (3) This chapter applies to development only if — (a) the development consists of — (i) the erection of a new building, or (ii) the substantial redevelopment or substantial refurbishment of an existing building, or (iii) the conversion of an existing building, and (b) the building is at least 3 storeys, not including underground car parking storeys, and (c) the building contains at least 4 dwellings.	
147 Determination of development applications and modification applications for residential apartment development (1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following — (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide, (c) Not Applicable	The Department has considered Schedule 9 in Table 11 and the ADG in Table 12.
148 Non-discretionary development standards for residential apartment development — the Act, s 4.15 (2) The following are non-discretionary development standards — (a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide, (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide, (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	(a) The proposal has been considered against the car parking requirements under Chapter 2, Part 2. (b) and (c) Complies. The ADG has been considered in further detail in Table 12.
175 Development standards — low and mid rise housing inner area	(2) Not applicable as the site has a maximum permissible building height in excess of 22 m

Housing SEPP standard	Consideration
(1) This section applies to land in a low and mid rise housing inner area in Zone R3 Medium Density Residential or R4 High Density Residential. (2) Development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m unless the consent authority is satisfied the building will have 6 storeys or fewer. (3) Development consent must not be granted for development for the purposes of a building containing shop top housing with a building height of up to 24m unless the consent authority is satisfied the building will have 6 storeys or fewer. (4) In this section, a storey does not include a basement within the meaning of the standard instrument.	
177 Landscaping—residential flat buildings or shop top housing (1) This section applies to land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential. (2) Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the Tree Canopy Guide for Low and Mid Rise Housing, published by the Department in February 2025.	(1) the site is zoned R4 high density residential and is located in the low and mid rise housing area, therefore this section applies. (2) The proposal achieves 20% tree canopy coverage across the site, consistent with the Tree Canopy Guidelines.
178 Minimum lot size for residential flat buildings or shop top housing (1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential. (2) A requirement specified in another environmental planning instrument or development control plan in relation to the following does not apply to development that meets the standards in section 180(2) or (3) (a) minimum lot size, (b) minimum lot width.	N/A. There is no minimum lot width or lot size under established at the site under another environmental planning instrument.
180 Non-discretionary development standards—residential flat buildings and shop top housing in Zone R3 or R4 (1) This section applies to development for the purposes of residential flat buildings or shop	The proposal has been assessed concurrently with a State Assessed Rezoning Proposal, which includes an LEP amendment to increase the maximum building height to 50 m, and FSR to 4:1.

Housing SEPP standard	Consideration
top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential. (2) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing inner area— (a) a maximum floor space ratio of 2.2:1, (b) for residential flat buildings— a maximum building height of 22m, (c) for a building containing shop top housing— a maximum building height of 24m.	As the LEP permits a greater height and FSR than the Housing SEPP, the relevant, the proposal is not constrained the to maximum provisions of the NDDS.

Table 11 | Department's consideration of the Schedule 9 of the Housing SEPP

Design Quality Principles	Departments Response
1. Context and Neighbourhood Character	The Department has considered the height, scale and design of the development at Section 5.1 and concludes the proposal responds to the site and surrounding area and maintains adequate levels of amenity for existing neighbouring properties.
2. Built Form and Scale	The height and scale of the development is appropriate in this location and context and the development is considered to achieve a high standard of layout, design and appearance (Section 5.1).
3. Density	The Department considered the proposed density of the site in Section 5.1 and determines it to be appropriate for the site.
4. Sustainability	The development has been designed in accordance with ESD principles and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.
5. Landscape	The proposal would provide an appropriate balance between the built form and landscaping through the provision of a landscaped communal are, retention of significant vegetation, and achieving 20% site wide canopy cover.
6. Amenity	The proposal is generally consistent with the key ADG criteria and would achieve a high level of residential amenity for future residents (see Section 5.2 and Table 12)
7. Safety	The proposal incorporates CPTED principles, including increasing opportunities for natural surveillance, implementation of adequate lighting and technical supervision (i.e. CCTV), and incorporating access control and territorial reinforcement measures.
8. Housing Diversity and Social Interaction	The development will improve affordable housing supply and provide for a mix of apartment types and opportunities for social interaction in communal areas.
9. Aesthetics	The proposal demonstrates a high standard of architectural design. The proposal uses an appropriate variety of materials, colours and textures which responds to the existing setting and the desired future character of the neighbourhood.

Table 12 | Department's consideration of ADG best practice design principles

ADG Criteria	Consideration
3A Site Analysis Site analysis illustrates design decisions have been based on opportunities and constrains of the site conditions and their relationship to the surrounding context.	Consistent. The proposal has been informed by a Design Report which includes a site analysis.

ADG Criteria			Consideration												
3B Orientation - Building types and layouts respond to the streetscape and site while optimising solar access within the development. - Overshadowing of neighbouring properties is minimised during mid-winter.			Consistent. The architecture of the proposal responds to the site conditions, streetscape and amenity of neighbouring development. The proposal has considered the impact of overshadowing and has been designed to maintain a minimum 2 hours of solar access to neighbouring residential properties mid-winter where feasible.												
3C Public Domain Interface - Transition between public/private domain is achieved without compromising safety and security. - Amenity of the public domain is retained and enhanced.			Consistent. The proposal has incorporated a landscaped setback to all street frontages and incorporates permeable fencing to clearly distinguish between the public and private domain. The proposal has located all building entries to maximise passive surveillance of the public domain.												
3D Communal and Public Open Space - Communal open space has a minimum area equal to 25% of the site. - Minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of two hours in mid-winter. - Communal open space is designed to allow for a range of activities and to maximise safety.			Consistent. The proposal would provide 1,259 m² or 35% of dedicated communal open space for future residents. In addition internal communal areas are provided at the social housing building entrance, which the Applicant has advised would be available to all residents. The principal usable part of the communal open space would receive more than 2 hours of solar access in mid-winter. The Department considers the communal space to have been designed to accommodate different activities including an open lawn area, gathering spaces and communal gardens.												
3E Deep Soil Zones For sites greater than 1,500 m², a minimum of 7% of the site with a minimum dimension of 6 m should provide for deep soil zone(s).			Consistent. The site would provide 306 m² or 8.5% of the site area as deep soil with a minimum dimension of 6 m. A further 514 m² would be provided with a dimension of less than 6 m.												
3F Visual Privacy Minimum separation distance from building to side and rear boundaries: <table><tr><th>Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6 m</td><td>3 m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9 m</td><td>4.5 m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12 m</td><td>6 m</td></tr></table> <i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room</i>			Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6 m	3 m	Up to 25m (5-8 storeys)	9 m	4.5 m	Over 25m (9+ storeys)	12 m	6 m	Consistent. The proposal achieves a minimum building separation distance of 24 m between surrounding residential properties. Adequate visual privacy is achieved within the site by orienting balconies towards the communal open space and the public domain, and incorporating sliding screens and landscaping to maintain privacy for ground floor units that front the communal open space.
Height	Habitable rooms and balconies	Non-habitable rooms													
Up to 12m (4 storeys)	6 m	3 m													
Up to 25m (5-8 storeys)	9 m	4.5 m													
Over 25m (9+ storeys)	12 m	6 m													

ADG Criteria	Consideration
Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows.	
3G Pedestrian Access to Entries - Building entries and pedestrian access connects to and addresses the public domain. - Access, entries and pathways are accessible and easy to identify.	Consistent. Pedestrian access for future residents would be provided through various entry points including Gardere Street (affordable block), Willarong Road (social block), and Flide Street (shared). All building entries address the public domain and have been designed to be easily accessible and easy to identify.
3H Vehicle Access Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Consistent. Vehicle access would be provided via Gardere Street. Pedestrian entries are separated from the vehicle access point to provide clear and safe access.
3J Bicycle and Car Parking - Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas. - For development in the following locations: - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre - Visual and environmental impacts of above ground enclosed car parking are minimised.	The proposal has considered car parking in accordance with the Housing SEPP. The Department considers the proposed car parking to be acceptable on merit as discussed in Section 5.3. Appropriate bicycle parking is provided with the development, with spaces allocated within shared facilities, as well as additional spaces within individual units. No at grade car parking is proposed. Visual impacts associated with the basement car parks are minimised through the use of screening and landscaping to the semi excavated carpark.
4A Solar and Daylight Access - Minimum of 70% of apartments' living rooms and private open spaces receive 2 hrs direct sunlight between 9 am – 3 pm in mid-winter. - Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter.	Considered acceptable. The proposal achieves 2 hours of solar access to 67% of units between 9 am and 3 pm mid-winter. While this results in a minor inconsistency, if this period is increased to 8 am to 3 pm, 90% of units would receive 2 hours of direct sunlight. A maximum of 10% of units would receive no direct sunlight during the same period which aligns with the ADG recommendations.
4B Natural Ventilation - At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated). - Overall depth of a cross-over or cross-through apartment does not exceed 18 m, measured glass line to glass line	Consistent. At least 70% of apartments up to 9 storeys would be naturally ventilated. All cross through apartments in the affordable housing block are 15 m measured glass to glass line, and 11.8 m deep in the social housing block.
4C Ceiling Heights - Measured from finished floor level to finished ceiling level, minimum ceiling heights are: - Habitable rooms 2.7 m	Consistent.

ADG Criteria	Consideration
- Non-habitable rooms 2.4 m.	
4D Apartment Size and Layout • Minimum apartment sizes - Studio 35 m² - 1 bedroom 50 m² - 2 bedroom 70 m² - 3 bedroom 90 m² - 4 bedroom 100 m². • In open plan layouts the maximum habitable room depth is 8 m from a window. • Master bedroom have a minimum area of 10 m² and other bedrooms have 9 m². • Bedrooms have a minimum dimension of 3 m (excluding wardrobes). • Living rooms have a minimum width of: - 3.6 m for studio and one bed - 4 m for 2 and 3 bed.	Consistent. All units would exceed the minimum recommended apartment sizes. All bedrooms and living rooms would be consistent with the recommended dimensions.
4E Private Open Space and Balconies • Primary balconies are provided to all apartments providing for: - Studios apartments min area 4 m² - 1-bedroom min area 8 m² min depth 2 m - 2-bedroom min area 10 m² min depth 2 m - 3-bedroom min area 12 m² min depth 2.5 m. The minimum balcony depth to be counted as contributing to the balcony area is 1m • For apartments at ground floor level or similar, private open space must have a minimum area of 15 m² and depth of 3 m. • Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building.	Consistent. All balconies would exceed the minimum recommended sizes and have been designed to be integrated into the architectural form of the building. Ground floor units that face the communal open space include private open space that would exceed 15 m². Due to the topography of the site, units facing Willarong Road on the ground floor would be elevated above ground and are therefore be provided with a balcony.
4F Common Circulation and Spaces • Maximum number of apartments off a circulation core on a single level is 8 – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core. • For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Considered acceptable. The proposal comprises of three lift cores, one for the Social Housing block and two for the Affordable Housing block. Each core would service a maximum of 8 units per level. A maximum of 30 units would share a single lift in the Affordable Housing block. However, 52 units would share a single lift in the Social Housing block. The Applicant has provided lift modelling which demonstrates that adequate level of service in accordance with Australian Standards 1735.1.1:2022, ISO 8100-32 Simulation Method for a Residential Building
4G Storage	Consistent. Units are provided with a minimum of 50% of the required storage within the apartment. Where needed,

ADG Criteria	Consideration
- The following storage is required (with at least 50% located within the apartment): - Studio apartments 4 m³ 1-bedroom apartments 6 m³ 2-bedroom apartments 8 m³ 3-bedroom apartments 10 m³	additional storage is provided within a storage cage in the basement.
4H Acoustic Privacy - Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. - Noise impacts within apartments are mitigated through layout and acoustic treatments.	Consistent. Noise transfer would be minimised through the appropriate layout of the buildings. Apartments are appropriately stacked and laid out to prevent noise transfer between apartments.
4J Noise and Pollution - In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings. - Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	Consistent. In accordance with the recommendations of the Noise and Vibration Impact Assessment, apartments would be appropriately insulated to ensure compliance from external noise sources, including the railway to the south.
4K Apartment Mix - Provision of a range of apartment types and sizes - Apartment mix is distributed to suitable locations within the building.	Consistent. The proposal would incorporate a diverse range of dwelling types and sizes (ranging from 1- to 3-bedroom units). The apartment types are varied across the development.
4L Ground Floor Apartments - Direct street access should be provided to ground floor apartments - Activity is achieved through front gardens, terraces and the facade of the building.	Considered acceptable. The proposal has not provided ground floor units with direct street access due to the topography of the site. To contribute to the activation and passive surveillance of the surrounding streets, the proposal has incorporated pedestrian access to all street frontages and a large communal courtyard that would face both Gardere Street and Flide Street.
4M Facades - Building facades provide visual interest along the street while respecting the character of the local area - Building functions are expressed by the facade	Consistent. The proposed building bulk has been minimised through the incorporation of recesses in the built form, varying materials and pallets and extensive landscaping in the communal open space. The proposed materiality has been informed by the Applicant's Connecting with Country response. The Department is satisfied the proposed built form is acceptable and would provide a positive contribution to the area.
4N Roof Design - Roof treatments are integrated into the building design and positively respond to the street. - Opportunities to use roof space for accommodation and open space is maximised - Roof design includes sustainability features.	Consistent. The roof has been designed to incorporate a flat roof with a parapet. While no rooftop landscaping is proposed, the roof design incorporates solar panels as a sustainability feature. Services and the lift cores have been located and screens to minimise sight lines.

ADG Criteria	Consideration
4O Landscape Design and 4P Planting on Structures - Landscape design is viable and sustainable. - Landscape design contributes to streetscape and amenity. - Appropriate soil profiles are provided, and plant growth is maximised (selection/maintenance). - Plant growth is optimised with appropriate selection and maintenance. - Building design includes opportunity for planting on structure.	Consistent. The Landscape Plans and Design Report demonstrate the proposal would provide a positive contribution to the streetscape. The proposal seeks to retain a number of existing and would incorporate extensive planting within the communal space. The proposal would increase the existing tree canopy coverage on site from approximately 14% to 22%.
4Q Universal Design - Universal design features are included in apartment design to promote flexible housing for all community members. Developments should achieve a benchmark of 20% of the apartments incorporating the Liveable Housing Guideline's silver level universal design features. - A variety of apartments with adaptable designs are provided. - Apartment layouts are flexible and accommodate a range of lifestyle needs.	Consistent. All units in the Affordable Housing block would achieve the ABCB Livable Housing Standard. All units in the Social Housing block would achieve the ABCB Livable Housing Voluntary Standard (equivalent to Liveable Housing Guideline's gold level). Units are of a size and layout that can accommodate a range of lifestyle needs.
4T Awning and Signage - Awnings are well located and complement and integrate with the building. - Signage responds to the context and design streetscape character.	Consistent. Awnings are proposed at building entries. No signage is proposed.
4U Energy Efficiency - Development incorporates passive environmental and solar design. - Adequate natural ventilation minimises the need for mechanical ventilation.	Consistent. ESD is considered in above in Appendix C.
4V Water Management and Conservation - Potable water use is minimised. - Urban stormwater is treated on site before being discharged to receiving waters. - Flood management systems are integrated into the site design.	Consistent. Water conservation measures are consistent with BASIX requirements, as addressed above in Appendix C
4W Waste Management - Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity. - Domestic waste is minimised by providing safe and convenient source separation and recycling.	Consistent. Waste management is considered in Section 5.4
4X Building Maintenance Building design detail provides protection from weathering.	Consistent. The proposed building has been designed to incorporate robust materials and allow ease of maintenance.

ADG Criteria	Consideration
• Systems and access enable ease of maintenance. • Material selection reduced ongoing maintenance cost.	

Infrastructure SEPP

Chapter 2 of the Infrastructure SEPP is relevant to this proposal and identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development. It also requires consultation with relevant public authorities about certain development during the assessment process.

Table 13 | Infrastructure SEPP compliance table

Standard	Consideration
Chapter 2, Part 2.3 Development controls	
Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network 2.48 Determination of development applications—other development	Section 2.48 requires the consent authority to notify the relevant utility authority about the proposal. The Department consulted Ausgrid, and its response is summarised at Section 4 . The Department has recommended conditions requiring the Applicant consult with utility providers and obtain appropriate approvals for any necessary service connections and infrastructure augmentations.
Division 15, Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors— notification and other requirements 2.99 Excavation in, above, below or adjacent to rail corridor	This Section applies as the proposal involves earthworks below 2 m within 25 m of the adjoining railway. Therefore, the proposal requires referral to the rail authority. The Department consulted Sydney Trains, who raised no objection subject to conditions. Sydney Trains response is summarised at Section 4 . The Department has recommended conditions in accordance with Sydney Trains requirements.
2.100 Impact of rail noise or vibration on non-rail development	This Section applies as the proposal involves residential accommodation adjacent to a rail corridor, which has the potential to be adversely affected by rail noise or vibration. A Noise and Vibration Impact Assessment was submitted with the application that considered potential impacts associated with rail operations and confirmed the proposal is capable of satisfying the relevant standards, policies and guidelines. The Department has considered noise and vibration in Section 5.4

Standard	Consideration
Division 17 Roads and traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations 2.122 Traffic-generating development	This proposal is identified as a traffic generating development as it is within 90 m of a classified road (Kingsway) and includes more than 75 dwellings. Therefore, the proposal requires referral to TfNSW. The Department consulted TfNSW, and their response is summarised at Section 4. The Department has considered traffic impacts in Section 5.3.

Hazards SEPP

Chapter 2 (Coastal Management) and Chapter 4 (Remediation of Land) of the Hazards SEPP are relevant to the proposed development. A summary of the Department's consideration of the relevant standards contained in the Housing SEPP is provided in **Table 14** below.

Table 14 | Hazards SEPP compliance table

Standard	Consideration
Chapter 4 Remediation of Land	
4.6 Contamination and remediation to be considered in determining development application (1) A consent authority must not consent to the carrying out of any development on land unless — (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines. (3) The applicant for development consent must carry out the investigation required by subsection (2) and must	The proposal was accompanied by a DSI prepared by Douglas Partners, which concluded the site is suitable for the proposed development subject to • preparation and implementation of an unexpected finds protocol (UFP) • preparation of a hazardous buildings material survey • a further site inspection/ walkover following removal of grass and vegetation to assesses the surface and near surface soils for potential contamination The DSI also recommended: • waste classification of soil and rock to be disposed off site prior to disposal • appropriate approvals be obtained from Water NSW and the utility owner where off-site disposal of groundwater is required An UFP prepared by Douglas Partners was submitted with the application. The Department considers the site can be made suitable for the proposed development, subject to the

Standard	Consideration
provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.	implementation of the recommendations in the DSI and UFP and has recommended conditions accordingly.

Sustainable Buildings SEPP

The Sustainable Buildings SEPP encourages sustainable residential development by setting targets that measure efficiency of buildings in relation to water and energy use and thermal comfort.

A BASIX certificate was submitted demonstrating the proposal achieves compliance with the BASIX water, energy and thermal comfort requirements under the Sustainable Buildings SEPP. The Department recommends a condition of consent requiring compliance with the BASIX certificate.

Sutherland Shire Local Environmental Plan 2015

A summary of the Department's considerations of the relevant standards contained in SSLEP 2015 is provided in Table 15. The Department considers the proposed development to be generally consistent.

Table 15 | Consideration of the relevant clauses of the SSLEP 2015

Clause	Consideration and comments
Clause 2.3: Zone objectives and Land Use Table	Residential accommodation is permitted with consent within the R4 High Density Residential zone under Clause 2.3 of the SSLEP 2015.
Clause 4.3: Height of buildings	Consistent. Following approval of the State led rezoning, the site is subject to a maximum building height control of 50 m. The proposal seeks a maximum height of 49.6 m.
Clause 4.4: FSR	Consistent. Following approval of the State led rezoning, the site is subject to a FSR control of 4:1. The proposal seeks a maximum FSR of 3.89:1.
Clause 5.21: Flood planning	The site is not mapped as flood prone within Council's current flood mapping and Council raised no concern in relation to flood impacts. Therefore, the Department is satisfied the proposal:
5.22 Special flood considerations	- is compatible with the flood function and behaviour on the land - would not increase in the potential flood affectation of other development or properties - would not adversely impact existing evacuation routes

Clause	Consideration and comments
	would not adversely affect the environment or cause avoidable erosion, the destruction of riparian vegetation or a reduction in the stability watercourses.
Clause 6.2: Earthworks	The application includes a Geotechnical and Groundwater Investigation Report. The Department is satisfied the proposed earthworks can be appropriately managed to ensure the development: - would not result in any detrimental effect on, drainage patterns and soil stability in the locality of the development - would not adversely impact the future use of the site or the amenity and structural integrity of adjoining properties - would not have a detrimental impact on waterways, drinking water catchment or environmentally sensitive areas. The Department has recommended conditions to control the quality of fill and excavated material, implementation of unexpected finds protocols, and erosion and sediment control measures.
6.4 Stormwater management	The application was supported by an Integrated Water Management Plan which details the proposed stormwater management strategy for the site, and inclusion of water sensitive urban design principles. The Department is satisfied the proposal: - provides appropriate permeable surfaces across the site to support infiltration of water - avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters. The Department as recommended conditions to manage stormwater impacts.
6.5 Environmentally sensitive land — terrestrial biodiversity	As discussed in the Appendix C, the proposal was supported by a BDAR Waiver.
6.13A Green grid links	The southern portion of the site is identified on the Green Links Grid Map. The Applicant has consulted with Council to address this matter and determined the preferred green grid connections to the Town Centre is via Gardere Street and Flide Street as opposed to along the rail corridor. The Department is satisfied the proposal would facilitate the provision of tree lined connections through the retention of existing trees and proposed landscaping.
6.14 Landscape areas in certain residential employment, conservation and waterway zones	This site is zoned R4 High density residential and therefore this clause applies.

Clause	Consideration and comments
	Approximately 40% of the site is classified as landscape area, exceeding the 30% requirement identified for the subject site under clause 6.14.
6.16 Urban design— general	The proposal has been subject to two design reviews from the State Design Review Panel. The Department is satisfied the proposal: • would be of a high-quality design and would provide good amenity to future residents • would contribute to the desired future character of the locality, which has been identified in the low- and mid-rise housing area to accommodate greater densities in proximity to public transport and commercial facilities • Provides an appropriate response to the natural topography of the site • the proposal would not impact upon views and vistas to areas of high scenic quality, ridgelines, or landmark locations • incorporates a landscaped setting that would retain significant trees, where feasible, and positively contribute to the streetscape • incorporates suitable Crime Prevention Through Environmental Design measures into the site design.
6.17 Urban design— residential accommodation	The Department is satisfied that the development would be consistent with the considerations of clause 6.17 as: • the proposal contributes to the diverse and changing population of the locality through the provision of affordable housing options. • the proposal would be of a high-quality design which delivers good amenity to future residents with sufficient private open space • incorporates a landscaped setting that would retain existing trees and positively contribute to the streetscape • would contribute to the future of the locality, which has been identified in the low- and mid-rise housing area. • has minimised amenity impacts to surrounding developments in terms of overshadowing, privacy and visual intrusion

Appendix D – Recommended instrument of consent

The instrument of consent can be accessed at <https://www.planningportal.nsw.gov.au/major-projects/projects/flide-street-caringbah-affordable-housing>