



David Sheehan - 97100965
File Ref: DN24/0012

30 July 2024

Department Of Planning, Housing & Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Dear Sir/Madam

Application No. DN24/0012

Proposal: Notification of a mixed use development including in-fill affordable housing
Property: 6 Hinkler Avenue, Caringbah

I refer to your notification letter dated 26 June 2024 for the above proposal and thank you for providing Council with an opportunity to detail our concerns with the proposal.

Council is generally supportive of well-considered development applications which provide for affordable housing opportunities within the Sutherland Shire. In this location, Council's strategic planning documents encourage a medical focus, given the relative proximity to both Sutherland Hospital and Kareena Private Hospital.

Council has the following feedback for your consideration:

Overall Strategic Approach

The maximum height specified within SSLEP 2015 for this land is 9m. In recognition of the site being within the Caringbah Medical Precinct, Clause 6.21 provides for an uplift in height and floorspace for a building which contains a health services facility.

The objectives of the clause are stated within 6.21(1) and seek:

- "(a) to create a mixed use development precinct that has health services facilities and residential accommodation located adjacent to the Sutherland Hospital and within walking distance of Caringbah Centre,*
- (b) to provide employment opportunities and promote economic growth for Sutherland Shire through synergies with the existing medical facilities of Sutherland and Kareena Hospitals,*
- (c) to be a catalyst for the revitalisation of Caringbah Centre,*
- (d) to ensure that there are high quality areas of private and public domain, with deep soil setbacks for the planting of substantial landscaping including large scale indigenous trees which will complement the scale of buildings up to 6 storeys, particularly in the building setbacks adjacent to Kingsway, Caringbah,*
- (e) to protect the amenity of the adjacent areas by providing a transition to adjacent 2-storey residential development, including reasonable setbacks from side and rear boundaries and the maintenance of a transitional scale of building height to Flide Street, Caringbah,*
- (f) to improve safety and traffic flow by limiting vehicle access from Kingsway, Caringbah, to redevelopment sites."*

Clause 6.21(4) states the following in relation to height (officer emphasis in bold):

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

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

And Clause 6.21(5) in relation to FSR (officer emphasis in bold):

(5) Despite clause 4.4(2), the maximum floor space ratio **for a building on land** to which this clause applies may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by an additional 1.45:1 if—

- (a) **the building is on land identified as “Area 7” on the Floor Space Ratio Map, and**
- (b) **the building** contains a health services facility, and
- (c) **the building provides a transitional scale of building height to Flide Street, Caringbah, and**
- (d) **the building setbacks are sufficient for the deep soil planting of substantial landscaping, including large scale indigenous trees on Kingsway frontage at Caringbah.**

SSDCP 2015, Section 2, Chapter 9 - Caringbah Medical Precinct provides the following to guide the application and circumstances whereby additional height and FSR may be appropriate under the SSLEP 2015 (Council officer emphasis):

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

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

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

In addition to the above strategic intent, Control 7.2(1) and (2) provide as follows:

1. Where a redevelopment is proposed with a greater height and FSR than mapped in the Local Environmental Plan, (being 9m and FSR 0.55:1), a minimum 25% of the gross floor area of the redevelopment is to be occupied by Health Services Facilities.
2. The preferred location of the Health Services Facilities in a mixed use development is on the first floor (ground level) and the second floor of the building, in order to activate the street and to optimise solar access for the residential parts of the development

The current proposed development fails to achieve the above requirements. DA400 Rev. A indicates that it is intended to provide approximately 344m² of ‘Commercial’ GFA, and 24,133m² of Residential GFA.

The umbrella land use term 'Commercial use' is not adopted as a permitted category within the R4 zone, however a neighbourhood shop is permitted with consent, subject to being a maximum of 80m² in accordance with cl.5.4 of SSLEP 2015.

It is assumed that the 'Commercial' GFA is intended to reflect a health services facility use (as per the description of the proposal). A detailed floor layout plan with indicative fitout, elevation plans detailing entry, accessibility and glazing arrangements, or a signage strategy could not be located within the documentation provided. This information would assist with demonstration that the space has been suitably designed to be fit for purpose.

Based upon plans provided, it is apparent that the floorspace provided for a health services facility use is very much an afterthought. At 344m², this represents approximately 1.4% of the overall GFA, and falls well short of the 25% anticipated by Council in order to utilise and benefit from the provisions within the LEP.

The development fails to ensure that the Health Services Facility forms a significant part of the overall development. Despite not providing this vital precondition, or achieving consistency with the underlying objectives, the application has been presented on the basis that it has a 'base' permitted FSR of 2:1 and height of 20m. SSLEP 2015 provides that the FSR for this land is 0.55:1 and height of 9m. An uplift in FSR and height is permitted only upon satisfaction of the matters specified within cl. 6.21.

It is of concern to Council officers that the development seeks to increase the height and floorspace of each of the respective buildings, despite health services not being actually contained within each of those buildings, as required by clause 6.21.

The height and visual bulk is greater than could be reasonably anticipated by the planning controls and nearby residents, without the benefits afforded by providing the health services uses, or the envisaged block pattern specified within the SSDCP 2015, which would provide for deep soil and screen vegetation opportunities between.

The scale of this development, with a further uplift sought under the Housing SEPP is inappropriate with limited consideration seemingly afforded to the surrounding context. Again, this additional uplift is attributed across the entire site, despite affordable housing being provided in Building C only. The relationship of Building C to the rest of the development is unclear, appearing to be a stand-alone proposition, with independent basement and servicing arrangements.

Given the lower density housing and 6 storey medical developments, there is an expectation that in the event additional height were considered reasonable, that this be centrally positioned within the site to provide for a transitional height and building massing at the peripheries of the site.

Design and landscape

Insufficient consideration has been afforded in this proposal to design excellence matters specified within Clause 6.16, 6.17 and 6.18 of SSLEP 2015. In this regard both the massing and height of the development is considered inappropriate in this context, providing limited or no consideration to the height of existing and emerging re-development within the locality.

The external expression of the building is considered to lack character, being overly repetitive in form and poor in articulation with broad facades with limited recessed elements or opportunities for visual interest. This does little to assist to break the broad and tall built form envelopes, which are militantly setback 6m from the street in a flat plane, and do not respond to the existing or emerging streetscape rhythm.

The break in the envisaged development pattern envisaged within SSDCP 2015 is disappointing given opportunities for deep soil planting are far and few, being largely confined to the front setback regions of the site and the Road verge. Council is supportive of the evident attempts to retain existing vegetation within the Road reserve.

The accuracy of analysis diagrams presented within the design report and architectural set are questioned. Examples include the deep soil calculations which do not appear to have accounted for pedestrian and vehicle access ways or infrastructure, solar diagrams which are questionable in their depiction of areas which receive 2 hours of direct solar access, and the lack of detail provided to support

cross ventilation – many of apartments being reliant on skylights (are these operable?) which is a poor planning outcome.

The amenity of future occupants is of concern given the orientation of proposed buildings, in terms of the quantum and quality of direct solar access to living and private open space areas, and also to the ground floor communal garden areas.

Basement car parking, access and servicing

The following observations are made in relation to the access arrangements to and within the basement:

The internal aisle widths are insufficient to provide sufficient tolerance and amenity. This occurs not only where concurrent passenger and HRV access takes place, but also the majority of 90 degree bends. This is not an acceptable outcome with this size of development and apparent lack of site constraints. Reliance on complex, sophisticated signalling devices and/or sensors for everyday use of both carparks will place unnecessary long-term administration and management requirements upon the future body corporate. This will be exacerbated by the public and visitor usage which will be less familiar with layout and configuration.

Guidance provided within the Table 3.1 of AS2890.2:2018 give a range of driveway and aisle widths. Straight sections of the vehicle access way shared by car and truck the driveway should be 6.5m wide to accommodate a HRV and a car. For accessing the ramp from the Road, to cater for the above mentioned vehicles, the width of the vehicle accessway should be in the order of 8.1m, however may be greater depending on final design detail. The development should be redesigned to address these issues, and revised swept path diagrams prepared which detail unhindered two-way movement.

The basement ramp is too narrow at 5.5m kerb to kerb for the safe movement of a car and heavy rigid vehicle passing each other at the same time. This is confirmed on the swept path diagrams within Appendix B of the Transport Report.

Parking spaces provided for access to the medical facility are considered too narrow at 2.4m. At this width, it would be difficult for access challenged patients to comfortably access their vehicle. The appropriate user class under AS2890.1 for this land use is considered to be user class 3 which requires a minimum width of 2.6m.

The basement design details 4 round circles on either side of level access ramps. It is unclear what the purpose of these circles serves.

Road Carriageway Width

It is noted that the existing Road carriageway is narrow and presents challenging geometry for oncoming cars, cars and trucks and parked cars. Often leading to motorists needing to duck into driveways to allow for a truck to pass. Due to the size of this consolidation, these opportunities to temporarily pull in will be removed, and presents a safety issue with cars potentially needing to reverse substantial distances. The applicant is to investigate this issue further, possibly with road widening and/or creation of bays to provide passing opportunities.

It is noted that in a previous approval on this site the applicant agreed to the upgrade of Road infrastructure along Kingsway and Hinkler Road. This was necessary to improve the right turn movements. Details can be sought from Council in this regard if required.

Further to the above, your attention is drawn to diagram 6.2(2) of Chapter 9, SSDCP 2015 (provided below) which requires the property boundary of 319 and 321 to be acquired by Council to widen the road and modify the intersection.

Road widening work has occurred and the property boundaries have been adjusted No. 315-317 Taren Point Road and 416 Kingsway in accordance with this diagram in association with the development of those respective properties. The subject proposed plans do not appear to reflect the boundary adjustments required in accordance with that diagram. Amendments to the boundary will be necessary in order to accommodate improvements and infrastructure within the road reserve.



Figure 1: Map 4: Caringbah Medical Precinct Intersection Widening (SSDCP 2015, Chapter 9)

Fire Servicing

It is Council's experience that these types of developments require fire booster assembly and nearby hardstand areas for use by NSW Fire and Rescue. The hardstand areas need to be detailed to determine impacts upon on-street car parking and if compliance can be achieved with "access for fire brigade vehicles and firefighters" prepared NSW Fire and Rescue.

Booster devices and associated protection walls will need to be accounted for within setback areas, and situated to minimise their impact on impost upon any landscaped areas and tree planting.

Conclusion

Council officers are supportive of development which provides well considered, quality residential apartments and provide for much needed affordable housing within the Sutherland Shire. Whilst this development will provide for a substantial contribution in the provision of residential apartments, it does so at the cost of poor amenity, both to future occupants and nearby residents.

Further, the proposed heights and floorspace sought are grossly out of character with that which could be reasonably anticipated by Council and nearby residents given the respective controls, and without the provision of a substantial health services component which underpins the assumptions made by the applicant in terms of a 'base' building envelope.

For these reasons, the application as currently proposed is not supported by the Council, and significant amendments would be required to address the shortcomings present within this proposal.

If you need any clarification in relation to the above, please contact Council's Senior Development Assessment Officer David Sheehan on 9710 0965 or email dsheehan@ssc.nsw.gov.au.

Yours faithfully

Ben Latta
Development Assessment and Certification Manager