Formal Objection – SSD-84309208

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

To:
NSW Department of Planning, Housing and Infrastructure
SSD Assessments Division

Date: 10/10/2025

Subject: Formal Objection to State Significant Development Application SSD-84309208 – Landmark Group Australia Pty Ltd

Dear Assessment Team,

I submit this objection to SSD-84309208 for 6–20 Hinkler Avenue and 319–333 Taren Point Road, Caringbah.

This proposal is not a "housing solution" — it is a textbook example of planning by negotiation, relying on transient promises and opportunistic exploitation of the SSD/HDA framework.

The Department cannot endorse a project that so clearly conflicts with the local and regional planning system, the principles of fair process, and the public interest.

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1. A Pattern That Destroys Public Trust

This developer's record matters. At the nearby Caringbah Bowling Club site (DA 21/0629), the same proponent sought an uplift on the basis that half the floor area would be affordable housing, then lodged a Section 4.55(1A) modification (MA24/0109) *"to decrease the total affordable housing ratio."* The Statement of Environmental Effects confirms it *"reduces the amount of affordable housing units provided."*

That sequence — promise affordability, bank the envelope, dilute the obligation — shows deliberate use of the modification system to convert a public-benefit justification into private gain. Allowing the same company to repeat that tactic here would erode confidence in the Department and the SSD program itself.

The Housing SEPP and the EP&A Act s 4.15(1)(e) require consideration of the *public interest*. Public interest is not served when planning concessions are traded on assurances that evaporate once approval is in hand.

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2. Absence of Strategic Merit

The proposal fails every test of "strategic merit" required for an SSD or HDA-supported variation:

- **No strategic designation.** The site is absent from the *Greater Sydney Region Plan*, *South District Plan*, and the State's *Housing Delivery Area* lists.
- **Fragmented precedent.** A single 60-metre tower cluster in a local centre directly contradicts the *District Plan* principle of coordinated precinct planning.
- **Premature and unsequenced.** No supporting infrastructure strategy or corridor upgrade exists; the project pre-empts the very planning processes intended to coordinate such growth.

Without alignment to any endorsed State or regional plan, this development has **no strategic standing** under the SSD or HDA frameworks.

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3. Non-Compliance With Statutory Controls

The Sutherland Shire LEP 2015 limits height to 9 m, or 20 m only when a *health services facility* is included. The proposal reaches 60 m and removes the medical use.
The FSR control of 0.55:1 (or 2:1 with medical use) is replaced by 3.9:1.

That is not "variation"; it is **a wholesale rewriting of local planning controls for one developer's benefit**. The Department's own SSD Guidelines (2023, cl. 3.2.1) make clear that departures of this magnitude require exceptional public benefit — which this application fails to demonstrate.

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4. Dismantling the Medical Precinct

Caringbah's Medical Precinct was created to support Sutherland and Kareena Hospitals. Removing the medical function contradicts:

- *Sutherland Shire LSPS (2020)* – Priority 8: "Protect and grow the Caringbah Health and Medical Precinct."
- *South District Plan* – Objective 22: "Strengthen strategic centres for health and education precincts."

The claim of limited demand for health uses is unsupported. Deleting that use dismantles years of plan-led policy and replaces it with speculation.

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5. Infrastructure Deficiency

The *Taren Point Road – Kingsway* intersection already operates beyond capacity. Transport for NSW corridor modelling confirms this.
Yet the proposal adds 561 basement parking spaces and hundreds of daily trips, with no road upgrades, no active-transport measures, and no VPA to fund them.

That fails both the EP&A Act s 7.11 test for adequate public facilities and Housing SEPP cl. 1.8 on infrastructure readiness.
Approving it would knowingly deepen a network deficit that State agencies have already identified as critical.

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6. Environmental and Amenity Impacts

Even under SSD status, the Department must apply s 4.15(1)(b). The EIS provides no quantitative overshadowing or wind modelling to verify compliance with *SEPP 65* or the *Apartment Design Guide*.
Overshadowing of southern dwellings and wind amplification between towers are materially understated. The result breaches *Caringbah DCP 2015* transition controls and would cause permanent loss of solar access and visual amenity.

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7. Illusory Public Benefit

The “affordable housing” cited as a benefit is limited to 15 years under a private management deed, after which it reverts to market rate.
There is no enduring benefit, no community infrastructure, no public-domain works.

The claimed public return is, at best, symbolic — a 15-year gesture traded for permanent planning uplift. That is inconsistent with *Housing SEPP Div 6.5* and the Department’s own definition of *enduring public benefit.*

7.1 Internal Affordable Housing Entity – a Clear Conflict of Interest

The proponent promotes delivery of the “affordable housing” component through an *internal company-controlled provider* under the Landmark Group umbrella.
While not unlawful, this arrangement creates an inherent conflict of interest: the same commercial entity that profits from the development also determines how the limited affordable stock is allocated, managed, and returned to market.

Such self-management contradicts the intent of the **Housing SEPP Division 6.5**, which envisages *independent registered community housing providers* to guarantee transparency, arm's-length management, and continuity of affordability.

When a developer effectively acts as both *beneficiary and regulator*, the public benefit becomes circular: the uplift is granted on the promise of affordability that the proponent then administers for its own advantage.

This is not an enduring or verifiable public outcome. It is a private mechanism masquerading as public benefit, and it underscores why the Department must require independent, third-party delivery of any affordable housing component

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8. Governance, Precedent, and Integrity

The earlier approval (**SSD-68067459**) balanced modest residential uplift with dedicated medical use. The current proposal removes that use while retaining the uplift — the very definition of bad-faith modification, contrary to **EP&A Reg 2021 cl. 115(3)**.

If approved, this would set a precedent that planning conditions are negotiable post-approval.

The Department would shoulder reputational risk for enabling a repeat of the Bowling Club dilution. That is not a planning outcome; it is a governance failure.

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9. Determination Required

Given the cumulative evidence — statutory non-compliance, absence of strategic merit, loss of medical land use, infrastructure deficiency, environmental harm, lack of enduring benefit, and an established pattern of post-approval erosion of affordable housing — the only defensible outcome is refusal.

I therefore urge the Department to:

1. **Refuse SSD-84309208 outright** under *EP&A Act s 4.15(1)(e)* on public-interest grounds

Yours sincerely,

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Evidence and References

Exhibit A – Planning Alerts Record (MA24/0109)

"Modification of DA 21/0629 … to decrease the total affordable housing ratio."
Source: PlanningAlerts.org.au – Caringbah Bowling Club MA24/0109

Exhibit B – Council Statement of Environmental Effects (DA240230)

"The modification seeks to reduce the amount of affordable housing units provided from that approved …"
Source: Sutherland Shire Council DA register

Exhibit C – Original DA 21/0629 Assessment Report

"The proposal includes 50 % of total residential floor area to be provided as Affordable Housing, forming the basis of the proposed height and FSR uplift."

Exhibit D – Legislation and Policy

- *Environmental Planning & Assessment Act 1979* – ss 4.15, 4.55, 7.11
- *EP&A Regulation 2021* – cl. 115(3)
- *Housing SEPP 2021* – cl. 1.8, Div 6.5
- *SSD Assessment Guidelines 2023* – cl. 3.2.1
- *NSW Affordable Housing Reforms 2024* – title encumbrances, registered AH managers, public register