

Section 75 W Modification (3)

Environmental Assessment Report

Miranda Dental Hospital
86 Kiora Road, Miranda

Submitted on behalf of:
Russo Family Trust

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ppd | planning consultants

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1 Executive Summary

This report has been prepared to support an application made pursuant to Section 75W of the Environmental Planning and Assessment Act 1979 (the "Act") to modify Project Approval MP 11_0009 for a dental hospital at 84 – 86 Kiora Road, Miranda granted on 23 August 2012 by the Department of Planning and Infrastructure as delegate for the Minister for Planning.

The application is made by the Russo Family Trust, the proponent nominated in the Project Approval.

Notably, Section 75W was repealed with the repeal of Part 3A of the Act, but has continuing effect for any major project approved before the repeal date.

The proposed modifications relate to the following key issues:

- Building height
- Car parking
- Signage
- Built form and urban design
- Storm water management

Many of the modifications are a direct result of detailed design work being undertaken as part of the development application process. There is no change in the approved gross floor area of the building and the development will continue to provide significant public benefit.

It is considered that the proposed modified development:

- does not alter the dominant purpose of the development;
- does not alter the principal purpose of the Project Approval; and
- there is an absence of any significant environmental impacts resulting from the modifications.

It is considered that the proposed modifications should receive favourable consideration.

2 Introduction

This application is submitted to the NSW Planning and Environment (P&E) in support of proposed modifications to Project Approval MP 11_0009 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979*. Project Approval MP 11_0009 permits construction of a dental hospital at 84-86 Kiora Road, Miranda.

PPD Pty Ltd has prepared this application on behalf of the Russo Family Trust. The application provides background information on the project approval and a subsequent approved modifications, details of the proposed modifications and an environmental assessment of the proposed modifications.

In the preparation of this application, due consideration has also been given to the Department's Planning Circular "How to characterise development" issued on 21 February 2013.

3 Project Application

3.1 Project approval

On 23 August 2012 NSW P&E determined to approve Project Application MP11_0009 to develop a dental hospital at 84 – 86 Kiora Road, Miranda.

Project approval was granted to the development as described below:

- demolition of existing buildings and excavation;
- construction of a part 6/ part 7 storey dental hospital comprising;
 - 1938.5sm of GFA
 - various specialist dental treatment services, day surgery facilities, and inpatient accommodation;
 - shop/café on the upper ground floor;
 - fully automated 3-level basement car stacker containing 40 car spaces; and
 - two signs along the northern and western facades of the building.

3.2 Modification approval

Modification Approval 1

On 12 March 2013 NSW D&E determined to approve a modification to the Project Application MP11_0009.

The proposed modifications included:

- Relocate approved plant from the basement and level 3 to enlarged plant at roof level to accommodate a new theatre, surgeries and office space;
- Convert approved void space on upper ground floor level to a mezzanine conference and administration area;
- Relocate bicycle storage from lower ground floor to basement;
- Changes to floor levels to basement car park including extra excavation; and
- Reduce approved Section 94 contribution to be consistent with Council's S94A levy plan.

As a result of the proposed modifications the GFA was also increased to 2,164.5sm (+226sm).

Modification Approval 2

On 28 November 2014 NSW D&E determined to approve a second modification to the Project Application MP11_0009.

The proposed modifications included:

- provisions for various specialist dental services, day surgery facilities, and in patient accommodation and medical specialists, diagnostic and other services;
- a shop/café on the upper ground floor;
- fully automated three level basement car stacker containing 40 spaces; and
- two signs along the northern and western facades of the building.

4 Proposed Modifications

4.1 Modifications to Project approval

Table 1 provides a list of the architectural plans lodged with this application. The plans have clouding and notes that detail the proposed modifications.

Table 1: Architectural plans detailing the proposed modifications

Drawing No.	Issue	Title
1.01	C	Title Sheet
1.02	C	Site Plan
2.01	C	Basement Plan
2.02	C	Lower & Upper Ground Floor Plans
2.03	C	Level 1 & Level 2 Floor Plans
2.04	C	Level 3 & Level 4 Floor Plans
2.05	C	Level 5 Floor Plan & Roof Plan
3.01	C	Context Elevations
3.02	C	South & West Elevations
3.03	C	East & North Elevations
3.04	A	Signage - North
3.05	A	Signage - West
4.01	C	Sections A & B
4.02	C	Section C
4.03	C	Sections D & E
5.01	A	3D Render Image – View from Urunga Parade
5.02	A	3D Render Image – View from Kiora Road

Many of the modifications are a direct result of detailed design work being undertaken as part of the development application process. Table 2 provides a summary of the proposed modifications and reasons why the modifications are being sought. The table needs to be read in conjunction with the architectural plans lodged with this application (refer Table 1).

Table 2: Summary of Proposed Modifications and Reasons for Modifications

Mod. No.	Proposed Modification	Reason for Modification
1	Increase building height (excluding lift overrun and plant room) from 23m to 25m	<p>The height of the building is increased by 2m as a direct result of structural engineers detailing for beam sizes in combination with the requirements for air conditioning ducts in ceiling space.</p> <p>The beam sizes for flooring were only estimated as part of the project application. Detailed design work from structural engineers as part of the construction design works has resulted in an increase in size from what was originally estimated.</p> <p>Each Finished Floor Level</p>
2	Car park spaces reduced from 40 to 38 spaces plus 1 bicycle pallet.	Detailed design work from car stacker manufacturer has indicated the need for a transfer bay for the stacker to operate efficiently and one of the car stacker bays to be used for bicycle storage.
3	Signage to be increased from 2 signs to 6 signs	Because there are a number of separate tenancies within the building there is a commensurate requirement for additional signage.
4	Electrical substation to replace proposed ground level waiting bay. The floor level below the substation has been lowered to achieve adequate ceiling height.	<p>Ausgrid have indicated that the existing nearby substation does not have sufficient capacity to service the proposed development. Application has been made to Ausgrid for an 800amp substation and the only place that it can be located is where the existing parking bay is located.</p> <p>Floor level to substation has been lowered to achieve adequate ceiling height due to substation pit requirement from Ausgrid.</p>
5	Roof plant room increased in size	Increase in the number of mechanical plant equipment required to adequately service the advanced medical equipment has resulted in the need to increase the size of the plant room.
6	Patterned "Formliner" concrete finish to replace terracotta finish to south elevation	Have not been able to get approval from neighbours to place scaffolding over their property making it very difficult to clad the wall to the south elevation with a terracotta finish.
7	Image/finish on wall paneling to north elevation to be changed for new image	Original application had an indicative image to the wall paneling on the north elevation. A number of alternate images have been considered and a final preferred image has been adopted as detailed in the architectural plans.
8	Rainwater tank in basement has	Revised structural engineers details have adjusted the size of

	decreased in size to 17,100 litres.	the rainwater tank.
9	New planter box behind building directory	A planter box has been included primarily as a design feature to be incorporated with the building directory.
10	Plant and equipment room on ground level increased in size	Engineering requirements for new plant and equipment has necessitated an increase in the size of the room.
11	Water feature to north elevation to be replaced with glass skylight	To reduce weight requirements to upper levels and keep beam sizes down and overall height of building to 25 metres.
12	Concrete roof changed to light weight roof	To reduce weight requirements to upper levels and keep beam sizes down and overall height of building to 25 metres.
13	Changes to driveway and waiting bay with updated kerb outline to match civil engineers requirements.	Changes required because of the requirement for a substation.

4.2 Statement of Modification Sought

The following conditions of consent are to be amended by the insertion of the **bold and underlined words / numbers** and deletion of the ~~struck out words / numbers~~ as follows:

AI. Development Description

Development approval is granted only to carrying out the development described in detail below:

Demolition of existing buildings and excavation and construction of a part 6/part 7 storey building, the principal purpose of which is a dental hospital with a GFA of 2,164.5 sm comprising:

- various specialist dental treatment services, day surgery facilities, and in patient accommodation and medical specialists, diagnostic and other services as described in the following table:

Category	Medical Uses
Specialist dental services	General dentist Paediatric dentist Orthodontist Endodontist Periodontist Dental therapist Dental education centre Dental hygienist Dental technician
Medical specialists	Oral surgeon Neurologist

	Trigeminal neuralgia Cosmetic surgeon Psychologist Ears, nose and throat specialist Endocrinologist
Diagnostic services	Radiology Pathology Pharmacist
Other related uses	Sleep Apnoea Clinic Pain clinician Gastrologist Dietician Thoracic specialist Myofunctional specialist Cardiologist Urologist Orthopaedic surgeon

- a shop/café on the upper ground floor;
- fully automated 3 level basement car stacker containing ~~40~~ **38** spaces **and one bicycle pallet**; and
- ~~two~~ **six** signs along the northern and western facades of the building.

Condition A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with the Environmental Assessment dated November 2011 prepared by Economia PDS and all Appendices, **including Operational Traffic Management Plan Version 1.4 dated 12 August 2016**, except where varied by

The Preferred Project Report, and all Appendices,

The Proponent's Statement of Commitments included in the PPR (Schedule 3); and

The following drawings:

Architectural (or Design) Drawings prepared by Geoform Design Architects			
Drawing No.	Revision	Title	Date
<u>1.01</u>	<u>C</u>	<u>Title Sheet</u>	<u>1/08/2016</u>
<u>1.02</u>	<u>C</u>	<u>Site Plan</u>	<u>1/08/2016</u>
<u>2.01</u>	<u>C</u>	<u>Basement Plan</u>	<u>1/08/2016</u>
<u>2.02</u>	<u>C</u>	<u>Lower & Upper Ground Floor Plans</u>	<u>1/08/2016</u>
<u>2.03</u>	<u>C</u>	<u>Level 1 & Level 2 Floor Plans</u>	<u>1/08/2016</u>
<u>2.04</u>	<u>C</u>	<u>Level 3 & Level 4 Floor Plans</u>	<u>1/08/2016</u>

<u>2.05</u>	<u>C</u>	<u>Level 5 Floor Plan & Roof Plan</u>	<u>1/08/2016</u>
<u>3.01</u>	<u>C</u>	<u>Context Elevations</u>	<u>1/08/2016</u>
<u>3.02</u>	<u>C</u>	<u>South & West Elevations</u>	<u>1/08/2016</u>
<u>3.03</u>	<u>C</u>	<u>East & North Elevations</u>	<u>1/08/2016</u>
<u>3.04</u>	<u>A</u>	<u>Signage - North</u>	<u>1/08/2016</u>
<u>3.05</u>	<u>A</u>	<u>Signage - West</u>	<u>1/08/2016</u>
<u>4.01</u>	<u>C</u>	<u>Sections A & B</u>	<u>1/08/2016</u>
<u>4.02</u>	<u>C</u>	<u>Section C</u>	<u>1/08/2016</u>
<u>4.03</u>	<u>C</u>	<u>Sections D & E</u>	<u>1/08/2016</u>
<u>5.01</u>	<u>A</u>	<u>3D Render Image – View from Urunga Parade</u>	
<u>5.02</u>	<u>A</u>	<u>3D Render Image – View from Kiora Road</u>	
Engineering (or Design) Drawings prepared by EFWF			
Drawing No.	Revision	Name of Plan	Date
SW-00	B	Stormwater Services Site Soil Erosion & Sediment Erosion Plan	26/04/2011
SW-01	C	Stormwater Services Roof Plan Basement Plan	26/04/2011
SW-02	C	Stormwater Services Upper & Lower Ground Plans	26/04/2011
SW-01	C	Stormwater Services Levels 1 to 4 Plans	26/04/2011
SW-01	C	Stormwater Services Sections	26/04/2011

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

Condition C23 Car Park Operation Management Plan

Prior to the issue of a Construction Certificate, a detailed car park operation management plan shall be submitted to and approved by Council which provides details in regard to:

- Details of how staff utilising the car stacker will arrive between 6am and 8am to reduce the potential for queuing beyond the site;
- Staff training in use of the car park;
- Procedures for booking and use of visitor/patient car parking with priority for persons with a disability;
- Valet's duties and responsibilities;
- Suitable alternatives to continue to provide a valet service for visitors/patients after 5pm when the valet is off duty;
- Vehicular and pedestrian access management;
- Safety and security management;
- Details of how deliveries will be managed to be restricted to outside of peak hours of 6am to 9am and 3pm to 6pm where possible; and
- Ongoing review requirements.

The car park management and operation (including hours of deliveries) to the development must comply with the detailed car parking management plan approved.

5 Assessment

The following provides an assessment of the key issues that relate to the proposed modifications.

5.1 Building height

A key development control standard at the time of the project approval was a maximum number of storeys applying to the proposed development of seven (7) storeys (28m max). Since the issue of the Concept approval SSLEP 2006 has been superseded by SSLEP 2015 that has a maximum height limit of 25m for the subject site.

The modified building height is 25 metres (excluding lift over run and plant room) in compliance with the maximum building height identified for the subject site in SSLEP 2015. The modified building height will also continue to meet the objectives of the building height standard because:

- The scale of building remains compatible with adjoining development, particularly the adjoining Miranda Westfield Shopping Centre that has a maximum height limit of 30 metres;
- The scale of building is consistent with the desired scale and character of the street and locality in which the building is located and is dominated by the bulk and scale of Westfield Miranda;
- The proposed minimal increase in height will continue to allow reasonable daylight access to all buildings and the public domain;
- The proposed minimal increase in height will have minimal impacts on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion; and
- The proposed minimal increase in height will not impact on the transition in building scale from higher intensity employment and retail centre of Miranda to surrounding residential areas.

The Concept approval is for a part 6/ part 7 storey building. The proposed modifications do not change the number of approved levels.

The proposed modifications do not raise any additional issues in relation to the building height.

5.2 Car parking

The proposed modifications to the provision of car parking has been reviewed by a qualified traffic engineer. A copy of their report is provided in Appendix 1.

In summary, the traffic engineer has provided an Operational Traffic Management Plan to be used as the basis for parking allocation and management within the subject development to encourage the parking efficiencies detailed in their report.

5.3 Signage

An additional 4 signs are proposed as part of this application. The additional signage is detailed in the architectural plans lodged with this application. It is considered the additional signage does not raise any additional issues because:

- They will be compatible with the amenity and visual character of the commercial core;
- They will provide effective communication in appropriate and suitable locations;
- They will be of a high quality design and finish;
- They have been designed to integrate with the design of the building;
- They do not dominate or clutter the streetscape;
- Pedestrian movement is not restricted by the location of advertising;
- They relate to the use of the premises only and provide effective and necessary communication of the various services located on the subject site; and
- They are located so they do not obscure important architectural features of the building.

5.4 Built form & urban design

The proposed modifications do not result in any change to the approved gross floor area and at a modified height of 25 metres, the building is compatible with the dominant Miranda Westfield Shopping Centre which is located immediately to the North and West of the subject site.

The southern elevation remains divided into two layers with the upper levels utilising more transparent and visually softer materials than the base to minimize visual bulk until such a time that the adjoining site is developed.

The design quality of the northern elevation is maintained with an image on the wall that will continue to bring relief and a sense of dynamism to the façade form.

5.5 Accessibility

Given the proposed changes to the on-site car waiting bay, a review of the provision of access for people with a disability has been undertaken (refer [Appendix 2](#)).

The report concludes that the proposed drop-off area is designed to minimise the risk of a Disability Discrimination Act (DDA) complaint and the proponent/occupant commits to monitor the disability access on an ongoing basis to ensure their obligations under the DDA are met.

5.6 Stormwater management

ISE Building Services has been engaged to size and document the on-site detention (OSD) and rainwater tank system for the proposed development

located at 84 Kiora Road, Miranda (refer [Appendix 3](#)). The report concludes a rainwater tank with a volume of 17.1kL is considered acceptable to address Council's OSD and water re-use requirements.

5.7 Flooding

Changes to the driveway and waiting bay with updated kerb outline to match civil engineers requirements has necessitated a review of flood impacts on the site. A Flood Impact Assessment has been undertaken (refer [Appendix 4](#)) and confirms that the overland flow in Urunga Lane is at least 300mm below the driveway at the building entry in accordance with Council requirements.

5.8 Public Benefit

In addition to the public benefit identified in the original Environmental Assessment of the project application the proposed modifications will ensure that the proposal will operate as a world best practice dental hospital offering essential infrastructure and access to other related medical facilities to achieve the efficient delivery of service to patients.

6 Conclusion

This Section 75W application seeks modifications to the Project Approval MP 11_0009 for a dental hospital at 84 – 86 Kiora Road, Miranda.

This environmental assessment has demonstrated how the proposed modifications to the Project Approval will have very limited environmental consequences beyond those that have been the subject of the original project assessment.

The proposed modified development:

- does not alter the dominant purpose of the development;
- does not alter the principal purpose of the Project Approval; and
- there is an absence of any significant environmental impacts resulting from the modifications;

It is considered that the application to modify Project Approval for MP 11_0009 should receive favourable consideration.

