

ASSESSMENT REPORT

Section 75W Modification MIRANDA DENTAL HOSPITAL MP 11_0009 MOD 4

1. INTRODUCTION

This report is an assessment of a request to modify the Project Approval MP 11_0009 for the Miranda Dental Hospital at 84-86 Kiora Road, Miranda (the site). The request has been lodged by PPD Planning Consultants on behalf of Russo Family Trust (the Proponent), pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to make changes to the finishes of the southern facade, make other minor changes to external elements, erect an additional sign, and modify the level of the lower ground floor.

2. SUBJECT SITE

The site is located within the southern part of the Miranda Town Centre adjacent to the Westfield Shopping Centre, approximately 50 metres north of the Miranda Railway Station. The site is located on the corner of Kiora Road and Urunga Parade (refer to **Figure 1**). Building works have commenced on the site.

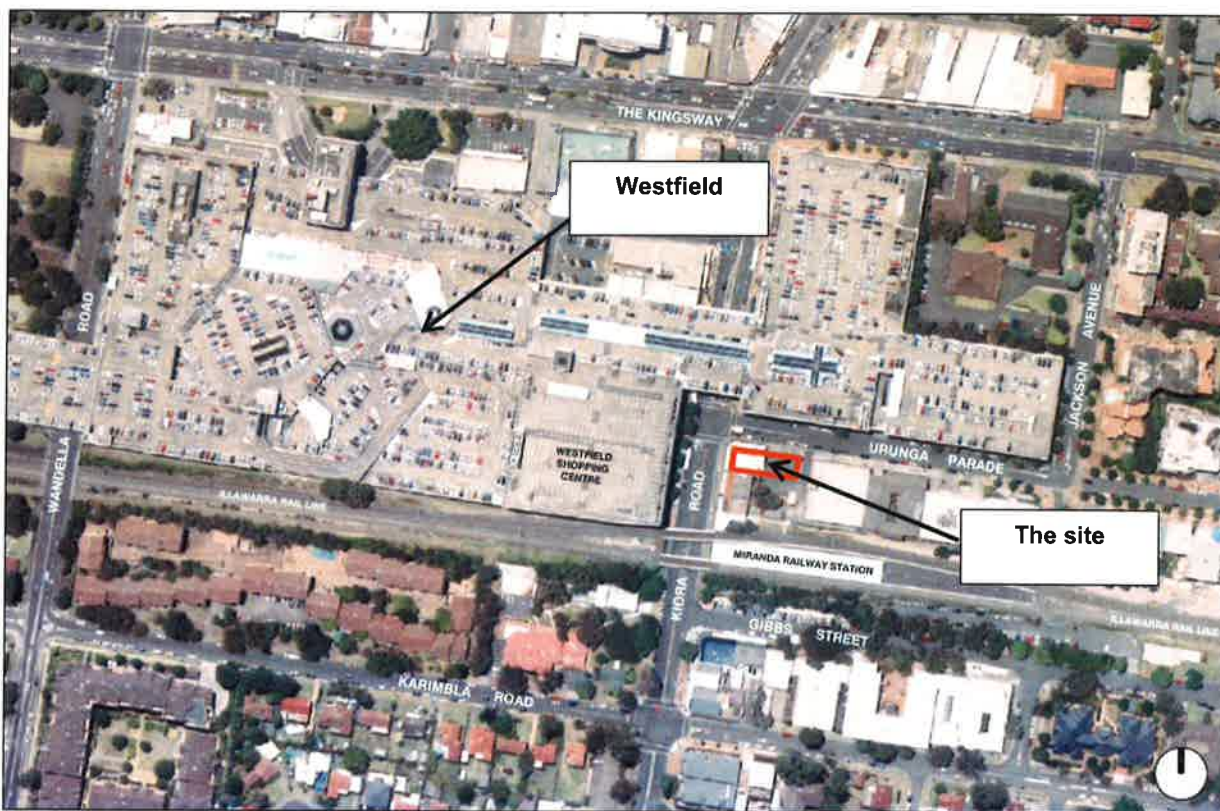


Figure 1- Site location

3. APPROVAL HISTORY

On 23 August 2012, the Deputy Director-General, Development Assessment and Systems Performance, as delegate of the then Minister for Planning granted approval for the demolition of existing buildings and excavation and construction of a dental hospital comprising:

- various specialist dental treatment services, day surgery facilities, and inpatient accommodation;
- shop/café on the upper ground floor;
- fully automated basement car stacker containing 40 spaces over three levels; and
- two signs along the northern and western facades.

This proposal has been modified on three occasions, as outlined in **Table 1** below.

Table 1: *Summary of approved modifications*

MOD	Modification	Date Approved
1	• Amendments to the building design, including: – relocation of the approved plant room from the basement and Level 3 to an enlarged plant at the roof level to accommodate a new theatre, surgeries and office space; – conversion of the approved void space on upper ground floor level to a mezzanine, conference and administration area; – relocation of bicycle storage from lower ground floor to the basement; – modification to the floor levels in the basement car park and additional excavation; and • reduction in the approved Section 94 contribution consistent with Council's S94A levy plan.	12 March 2013
2	Clarification of the range of medical uses on the site.	28 November 2014
3	• Increase building height by 2.18 m • increase the footprint of the roof plant • reduce car parking spaces from 40 to 38 spaces • increase building identification signs from two to six • change southern elevation finish from terracotta to concrete • new image on the northern elevation glass screen • replace concrete roof with lightweight metal • replace a water feature with a glass skylight	22 May 2017

4. PROPOSED MODIFICATION

The Proponent lodged a Section 75W modification request seeking approval to make changes to the floor levels, changes to aspects of the external finishes and façade designs, and additional. The proposed modifications are summarised in **Table 2**.

Table 2: *Summary of proposed modifications*

Proposed Modification	Description
Lower ground floor level	• The floor levels are proposed to be lowered by up to 0.23 m to accommodate disabled entry from the footpath. • Minor change to entry stair profile
External Finishes/Design	• Change southern façade from patterned concrete to aluminium cladding and associated change to window sill height • Air plenum image on northern elevation reduced in size and image updated • Security panel lift door added to driveway entry • Above awning tensile rods added to support awning • Deletion of an inclined column on western elevation • Minor change to column shape at south-west corner of building

Signage

- Increase the number of building identification signs from six to seven with an additional sign on western awning.

The key design changes are illustrated in **Figures 2 and 3**.



Figure 2: Perspective view of approved building indicating the location of some proposed changes (base image source: Mod 5 request documents)

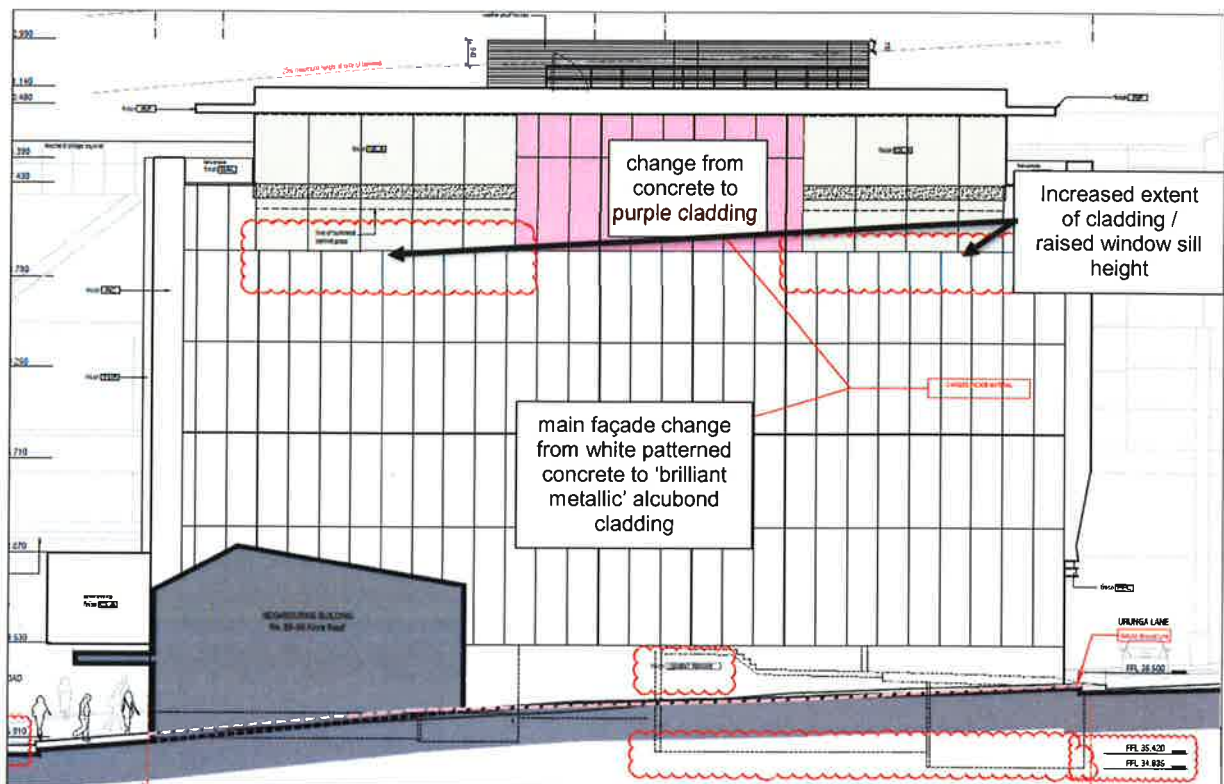


Figure 3: Proposed southern elevation indicating key changes to materials and finishes changes (base image source: Mod 5 request documents)

5. STATUTORY CONSIDERATION

5.1 Section 75W and Modification of a Minister's Approval

The project was originally approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the EP&A (Savings, Transitional and Other Provisions) Regulation 2017. The power to modify transitional Part 3A projects under section 75W of the Act as in force immediately before its repeal on 1 October 2011 is being wound up – but as the request for this modification was made before the 'cut-off date' of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

5.2 Approval Authority

The Minister for Planning is the approval authority for the request. However, the Director, Modification Assessments may determine the request under delegation as:

- Council has not made an objection;
- a political donation disclosure statement has not been made; and
- no public submissions were received objecting to the proposed modification.

6. CONSULTATION

6.1 Consultation and Submissions

The Department made the modification request publicly available on its website, consulted with Sutherland Shire Council (Council), and notified surrounding landowners of the proposed modification.

Council did not object to the proposed modification and advised:

- the proposed changes to the southern elevation are acceptable in principle but further clarification of the façade treatments, materials and finishes should be provided.
- the proposed new sign is acceptable provided it does not protrude below the approved awning.

No **public** submissions were received.

6.2 Response to Submissions

On 27 February 2018 the Proponent submitted a Response to Submissions (RTS) and submitted additional information on 15 March 2018 to clarify the materials proposed for the southern elevation and address the matters raised by Council.

7. ASSESSMENT

The Departments assessment of key issues is set out in **Table 3**.

Table 3: Assessment of key issues

Issue	Consideration	Recommendation
External Design Changes	• Key changes to the external finishes include: – Change in southern façade from patterned white concrete to aluminium cladding and concrete to chromatic purple cladding and associated change to window sill height (Figure 3) – Air plenum on northern elevation reduced in size and image updated – Security panel lift door added to driveway entry – Above awning tensile rods added to support awning	No additional conditions or amendments necessary.

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	- Deletion of an inclined column on western elevation - Minor change to column shape at south-west corner of building • The Department initially raised concerns about the proposed use of metallic cladding on the southern façade of the building as it could result in additional visual impacts, particularly if the building material is highly reflective. • The Proponent clarified the cladding has a reflectivity index of only 7.32%, well below the usual 20% reflectivity guideline. • The Department considers the proposed changes to the southern elevation would not result in unacceptable visual impacts, noting: - the elevation faces south and therefore will be in shadow at most times - the cladding is not highly reflective and is unlikely to be significantly more reflective than the approved white painted concrete finish - the change relates to the 'rear' elevation which does not face a public road. The façade is only visible because the neighbouring site is not yet developed. Once developed, the neighbouring site would obscure any views of the cladding. • The Department has reviewed all of the other design changes and is satisfied the changes are minor and would not significantly alter the overall appearance of the building or result in any unacceptable visual impacts. Overall, the building would retain a range of high quality façade elements and finishes, ensuring it makes a positive contribution to the streetscape.	
<i>Access to the Carpark</i>	• Car parking and access were key issues considered in the assessment of the original application and Modification 3, given the limited number of parking spaces available on the site and access to the car park being provided by a lift stacker. • To mitigate and manage potential traffic impacts and to ensure appropriate access would be provided, conditions were imposed requiring: - an on-site valet to manage parking and traffic during trading hours - appropriate signage to be erected advising of the availability of visitor parking on site. • The modification proposes to install a security door in the driveway entry. The Proponent advises the door has been incorporated for security purposes. • While the Department considers a security door would be appropriate to control access to the site out of hours, the Department is concerned that if the door remains closed during trading hours it may discourage visitors from accessing the on-site parking. It may also result in vehicles queuing in Urunga Lane whilst waiting for the door to open. Given the importance of ensuring appropriate access is provided to the car park, the Department recommends a condition requiring the door remain open during trading hours. • The Department considers the on-site valet would provide a sufficient level of security while the door is open during trading hours as the valet can control access to the car stacker and internal access to the remainder of the building. • The Department therefore considers the proposed security door is acceptable, subject to a recommended condition requiring it remain open during trading hours.	A condition is recommended requiring the proposed security door remain open during trading hours
<i>Signage</i>	• The proposed modification includes the erection of one additional business identification sign on the western awning (Figure 2). • Council advised the sign would be acceptable provided it does not protrude below the approved awning. • The Department has considered the additional signage against the requirements of State Environmental Planning Policy 64 – Advertising and Signage and is satisfied the proposed sign would be adequately integrated into the overall building design, would not protrude below the approved awning structure and would be consistent with the commercial character of the area. • The Department is therefore satisfied the proposed signage would not result in any adverse visual impacts and is appropriate for the site.	No additional conditions or amendments necessary.
<i>Internal Design Changes</i>	• The proposal incorporates minor changes to the lower ground floor level including lowering the floor level to facilitate level entry from Kiora Road and a minor change to the internal stair profile. • The Department considers the minor changes would improve access to the site and would not result in any adverse impacts.	No additional conditions or amendments necessary.

8. CONCLUSION

The Department has assessed the modification request and supporting information in accordance with the relevant requirements in the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis that:

- the proposed external changes to the façade are minor and would not result in adverse visual impacts
- the proposed internal modifications are very minor and would improve access to the site
- the additional sign would not result in any adverse visual impacts and is appropriate for the site, given its commercial context
- subject to a new condition, the proposal security door would not result in any adverse impacts on the operation of the approved carpark.

Consequently, the Department recommends the modification request be approved subject in accordance with the modification instrument at **Appendix A**.

9. RECOMMENDATION

It is **RECOMMENDED** that the Director, Modification Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** the request can be determined under section 75W of the EP&A Act
- **approves** the request, subject to conditions, and
- **signs** the notice of modification (Appendix A).

Recommended by:



Michelle Niles
Senior Planner
Modification Assessments

3/4/18

DECISION

Approved by:



Anthony Witherdin
Director
Modification Assessments

as delegate of the Minister for Planning

APPENDIX A: NOTICE OF MODIFICATION

The Notice of Modification can be found on the Department's website at the following address:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8984

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8984

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8984

3. Response to submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8984