



***MAJOR PROJECT ASSESSMENT:***

***Project Application for Development of a  
Dental Hospital***

***84-86 Kiora Road, Miranda***

***Proposed by the Russo Family Trust***

***MP 11\_0009***



Director-General's  
Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

August 2012

## ABBREVIATIONS

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CIV	Capital Investment Value
Council	Sutherland Shire Council
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PPR	Preferred Project Report
Proponent	Russo Family Trust
RtS	Response to Submissions

Cover Photograph: Artist Impression of proposal looking north from Kiora Road

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## EXECUTIVE SUMMARY

This is a report on a Project Application seeking approval for development of a dental hospital at 84-86 Kiora Road, Miranda. The site is located within the Sutherland Shire Local Government Area. The Proponent is the Russo Family Trust. The proposal, as exhibited, seeks approval for demolition of existing improvements on site and construction of a part 6/7 storey dental hospital.

The Environmental Assessment (EA) was publicly exhibited for 51 days from Wednesday 14 December 2011 until Friday 2 February 2012. The Department received 6 submissions from public authorities including Sutherland Shire Council. 29 submissions were received from the general public, of which 19 submissions objected to the development including a petition containing 682 signatures. A further 4 public submissions objecting to the development were received from the Proponent as a result of the Proponent's independent consultation process (total of 23 submissions objecting to the proposal). The main issues raised in submissions relate to carparking and the proposal is an over development of the site.

In response to these submissions, the Proponent submitted a Preferred Project Report (PPR) which provides the following key amendments:

- changes to the car parking design and operation including provision of a valet service;
- modified internal building layouts to comply with disabled access requirements;
- modified design to the southern façade;
- demolition of existing buildings and excavation;
- construction of a part 6/7 storey dental hospital with a total GFA of 1938.5m<sup>2</sup> comprising:
  - various specialist dental treatment services, day surgery facilities, and inpatient accommodation;
  - a shop/café at the upper ground floor with a GFA of 43m<sup>2</sup>;
  - 2 x business identification signs reading "Gentle Dental Care" on the northern and western façades of the building; and
  - fully automated 3 level basement car stacker containing 40 car spaces; and
  - ground level parking with valet service for use of the basement car park comprising a combined pick up/drop off and loading bay (PDLB), and a waiting bay car space.

The Department has considered the merits of the proposal in accordance with the objects of the Environmental Planning and Assessment Act 1979 (EP&A Act) and ecologically sustainable development, also taking into consideration the issues raised in all submissions. The Department considers the proposed car parking provision and operation is acceptable (subject to recommended conditions) and the bulk, height, scale and building design is consistent and compatible with the existing context and character of the immediate locality, in particular the Miranda Fair Westfield shopping centre.

The Department is satisfied that the impacts of the proposal have been addressed in the EA, PPR, Statement of Commitments and recommended conditions of approval. It is considered that the impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. The Department considers the proposed development is also in the public interest as it will provide a range of public benefits including a modern, purpose built dental facility to service the locality adjoining key public transport infrastructure within an existing town centre, and will assist in Miranda, together with Caringbah, developing into a Major Centre as identified in the draft South Subregional Strategy.

In this regard, the Department recommends that the Project Application be **approved**, subject to recommended conditions.

The Project Application is to be determined by the Deputy Director General under delegated authority from the Minister, as Sutherland Shire Council has not objected to the proposal, no political donations have been declared in respect of the proposal, and less than 25 public submissions objecting to the proposal have been received.

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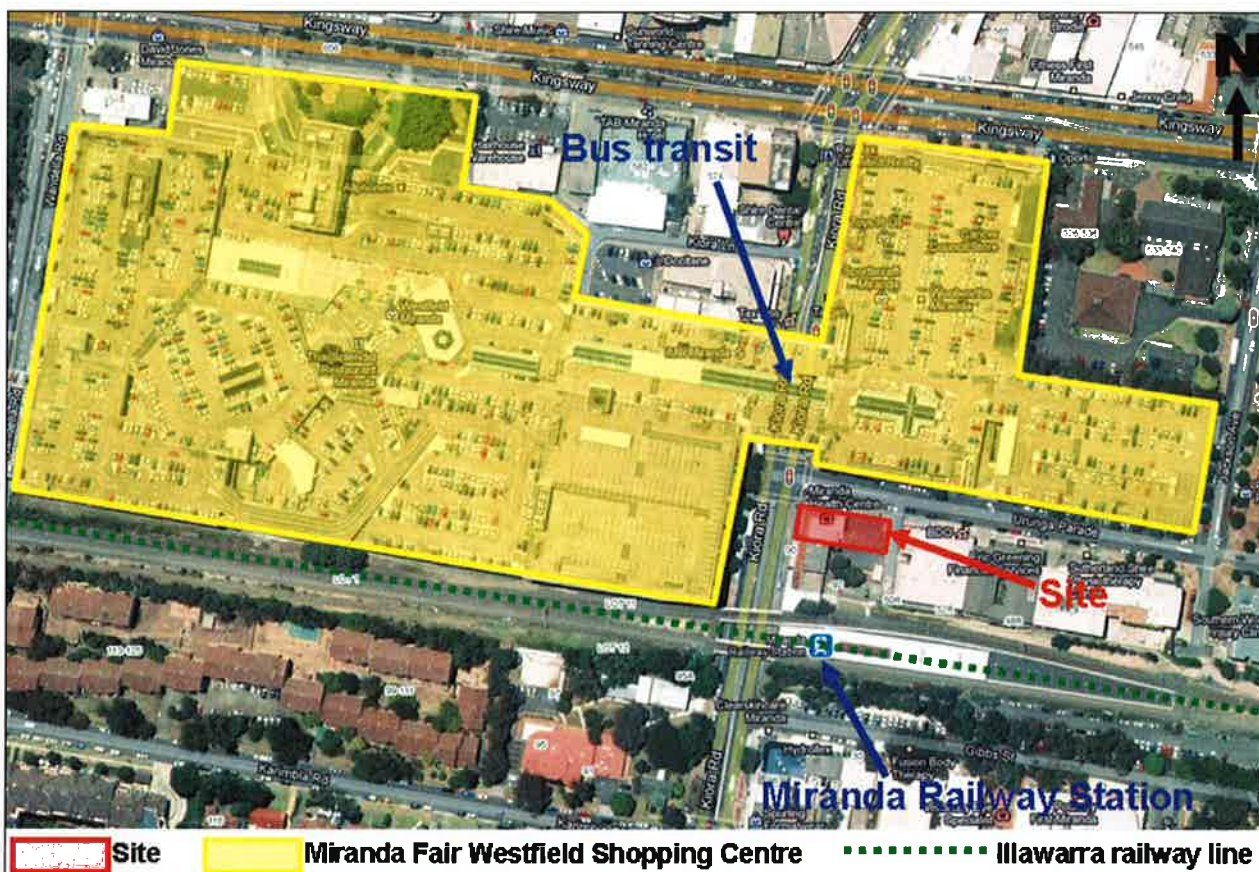
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## 1. BACKGROUND

### 1.1 Site Location and Context

The subject site, known as 84-86 Kiora Road with the legal description Lot C DP 415413, Miranda is located at the north eastern corner of the Kiora Road and Urunga Parade intersection (**Figure 1**). The site is a narrow rectangular shaped corner allotment with an area of 490.5m<sup>2</sup> and the land falls approximately 2 metres from the east west and 0.6 metres from the north to south and holds frontages to:

- Kiora Road (13.4 metres in length);
- Urunga Parade (36.6 metres in length); and
- Urunga Lane (13.4 metres in length).



The site is located in the southern part of the Miranda town centre, within the Sutherland Shire Local Government Area (LGA) (**Figure 1**). The Miranda town centre is the strongest retail centre in the Sutherland LGA, as identified in the draft South Subregional Strategy, and provides a cluster of retail, health and employment services. The site is located approximately 30 metres to the north of the Miranda railway station and along the primary walking route from the railway station to Miranda Fair Westfield shopping centre.

The site is well serviced by public transport being located approximately 30 metres from the Miranda railway station and along a number of local and regional bus corridors including the Miranda to Hurstville bus line. The nearby Miranda railway station is serviced by the Eastern Suburbs and Illawarra railway lines providing connections to the Hurstville and Sydney CBD major centres.

The site is located approximately 8 kilometres and 22 kilometres from Hurstville and the Sydney CBD, respectively (**Figure 2**).



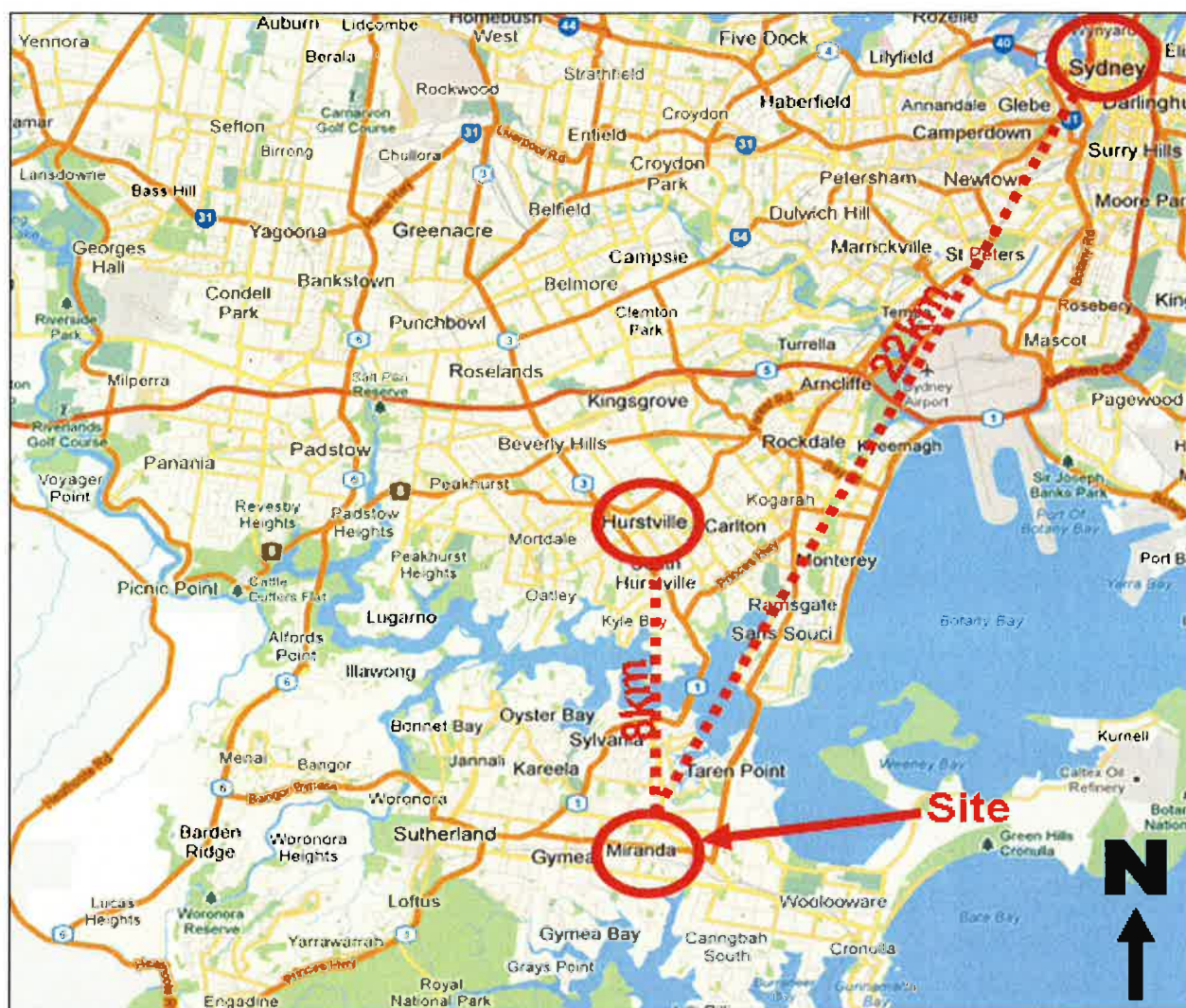


Figure 2: Site location in context of Sydney (Source: Google Maps)

## 1.2 Existing Site Features

The site currently comprises a two storey commercial building facing Kiara Road with at-grade car parking at the rear of the site. The building is currently occupied by a bottle shop at the ground floor and tax agent at the first floor. Vehicular access is via Urunga Lane (Figures 3 and 4).

## 1.3 Surrounding Development

The site is located within the Miranda town centre which predominantly comprises retail and medical uses. Immediately outside of the town centre is generally low density residential developments. More specifically:

- Immediately to the north and west is the Miranda Fair Westfield shopping centre which occupies a significant portion of the Miranda town centre. The height of the shopping centre ranges from 20.5 metres directly opposite the north east corner of the site, to 27.6 metres at the corner of the shopping centre adjacent to Kiara Road and bridge section over Kiara Road (Figure 5).
- Immediately to the north at street level under the Miranda Fair Westfield shopping centre overbridge at Kiara Road is a bus transit zone which provides access to a number of local and regional bus routes (Figure 6).
- To the east, along the same side of Urunga Parade as the site, are a cluster of commercial buildings comprising a mix of business and medical uses located to the west of the site varying in height between two to four storeys.



- Immediately to the south are a number of two storey mixed use commercial buildings with shop top housing with the railway line and Miranda railway station beyond.



**Figure 3:** View looking south east from intersection of Kiora Road and Urunga Parade showing the site (left) and Miranda railway station (right) (Source: Google Maps). Redline indicates extent of the frontage.



**Figure 4:** View looking south west from intersection of Urunga Lane and Urunga Parade showing the Miranda railway station (back left), the rear of the site (middle) and Miranda Fair Westfield Shopping Centre (back right) (Source: Google Maps). Redline indicates extent of the frontage.





**Figure 5:** View looking west from Urunga Parade showing the site (left) and Miranda Fair Westfield Shopping Centre (back and right) (Source: Google Maps). Redline indicates extent of the frontage.



**Figure 6:** View looking north from Kiara Road showing the bus transit/stops (left and right) under the Miranda Fair Westfield shopping centre overbridge (Source: Google Maps)



## 2. PROPOSED PROJECT

### 2.1 Project Description (as exhibited)

The Environmental Assessment (EA) as exhibited seeks Project Application approval for the following:

- demolition of existing buildings and excavation;
- construction of a part 6/7 storey dental hospital comprising:
  - various specialist dental treatment services, day surgery facilities, and inpatient accommodation;
  - shop/café on the upper ground floor; and
  - fully automated 3 level basement car stacker containing 43 car spaces.

### 2.2 Preferred Project Report (PPR)

Following the public exhibition of the EA, the Department advised the proponent of a number of issues which required further consideration, and requested the submission of a PPR. The main issues raised were in relation to car parking and traffic, and building and urban design.

The following chronology illustrates the key aspects in the evolution of the PPR:

- On 2 May 2012, the proponent submitted a response to submissions and a Preferred Project Report (PPR) for the proposal.
- On 23 May 2012, the proponent submitted additional information (requested by the Department) to justify the proposed car parking provision, clarify access arrangements at Urunga Lane, and properly respond to issues raised in public submissions.
- On 19 June 2012, the proponent submitted a response to Council's PPR submission, in particular with regards to Council's concerns for a colonnade at Kiara Road.

The proposal as refined within the PPR is detailed in **Table 1**.

**Table 1: Key Project Components**

<b>Aspect</b>	<b>Description</b>
<b>Project Summary</b>	Project Application for demolition of existing structures on site and development of a dental hospital
<b>Land Uses</b>	Dental hospital and upper ground level café/retail.
<b>Demolition</b>	Demolition of existing structures and excavation.
<b>Building Envelope</b>	Construction of a part 6/7 storey dental hospital including lift overrun and chimney stacks
<b>Parking</b>	3 levels of basement car parking containing a car stacker to provide car parking for 40 cars comprising: <ul style="list-style-type: none"> <li>• 30 car parking spaces for staff; and</li> <li>• 10 car parking spaces for visitors.</li> </ul> Ground level parking with valet service for use of the basement car park comprising: <ul style="list-style-type: none"> <li>• combined pick up/drop off and loading bay (PDLB); and</li> <li>• 1 waiting bay car space.</li> </ul>
<b>Dental Hospital</b>	Components and services of the dental hospital include: <ul style="list-style-type: none"> <li>• lower ground level - reception, and department of oral and restorative surgery</li> <li>• upper ground level - lobby, café/retail, access to car lift, and loading and waiting way;</li> <li>• level 1 - department of radiology, and department of periodontal treatment;</li> <li>• level 2 - department of orthodontics and endodontic, and department of cosmetic surgery;</li> <li>• level 3 - department of implants and restorative, and prosthetics and restorative clinic;</li> </ul>

<b>Aspect</b>	<b>Description</b>
	<ul style="list-style-type: none"> <li>level 4 - department of special needs, and a post operative teaching and lecturing area; and</li> <li>level 5 - inpatient accommodation and staff amenities.</li> </ul>
<b>Signage</b>	2 x business identification signs reading "Gentle Dental Care" (future operators of the site) along the northern and western façades of the building.
<b>GFA/FSR</b>	
<b>Site area = 490.5m<sup>2</sup></b>	1938.5m <sup>2</sup> / 3.95:1
<b>CIV</b>	\$17.35 million

Key changes in the PPR include:

- amendments to the car parking design and operation including:
  - installation of an additional car pallet changer in the basement car parking resulting in a reduction in the number of car spaces from 43 to 40;
  - replacement of the proposed disabled parking/loading space with a pick-up/drop-off and loading space;
  - incorporation of valet parking service to assist visitors and persons with a disability to park their cars in the automated basement car park.
  - increased 900mm setback at Urunga Lane to allow for widening of the lane; and
  - car lift has been setback 1150mm further from Urunga Lane.
- minor amendments to internal layouts to comply with disabled access requirements;
- removal of plant machinery at each level; and
- amended design at the southern façade.

Images of the PPR are shown in **Figures 7, 8, 9 and 10.**



**Figure 7:** Artist Impression of PPR looking west along Urunga Parade toward the northern and eastern facades (Source: PPR)



**Figure 8:** Artist Impression of PPR looking north along Kiara Road toward the southern and western facades (Source: PPR)



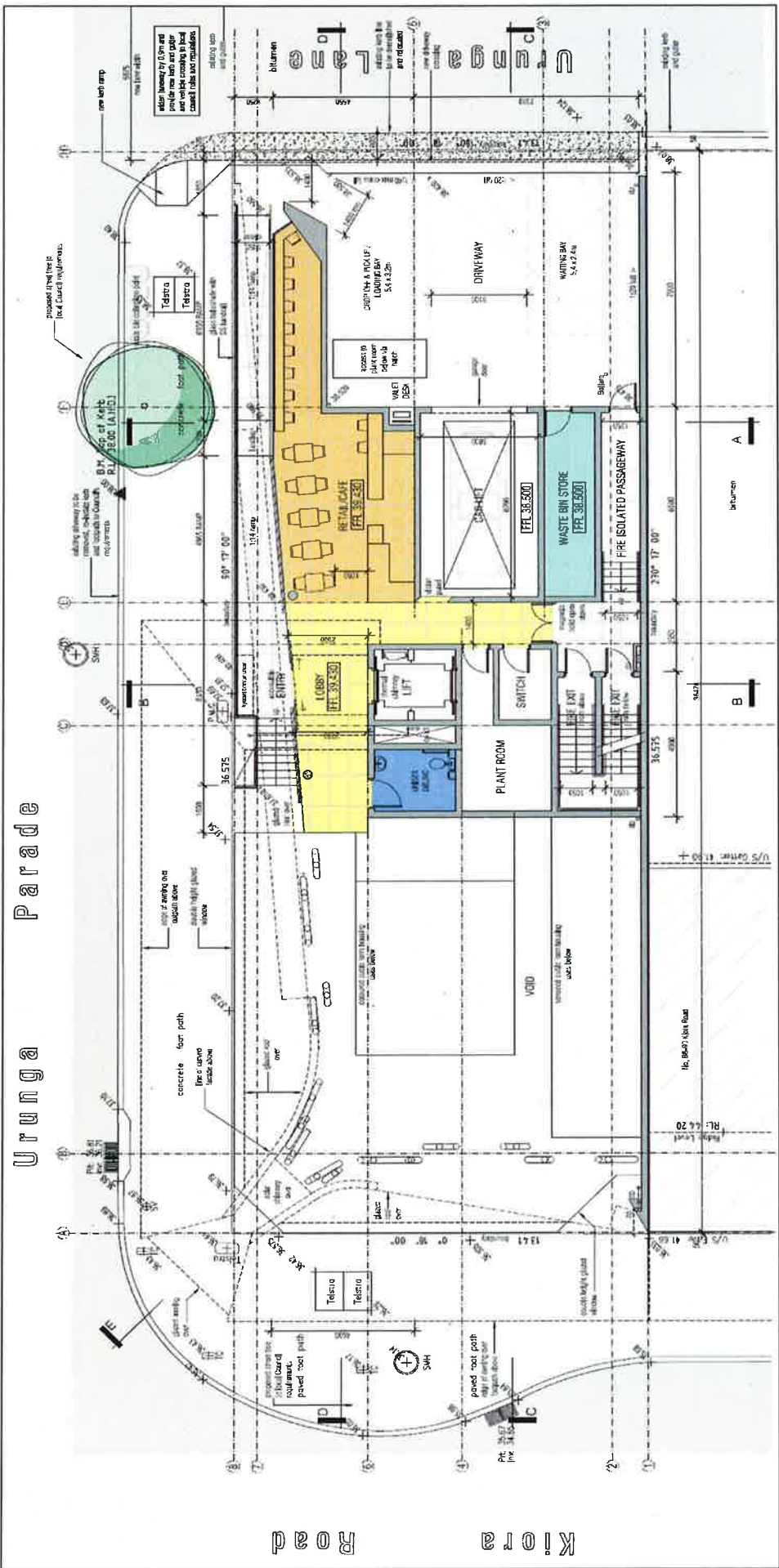


Figure 9: Upper ground floor plan of PPR (Source: PPR)

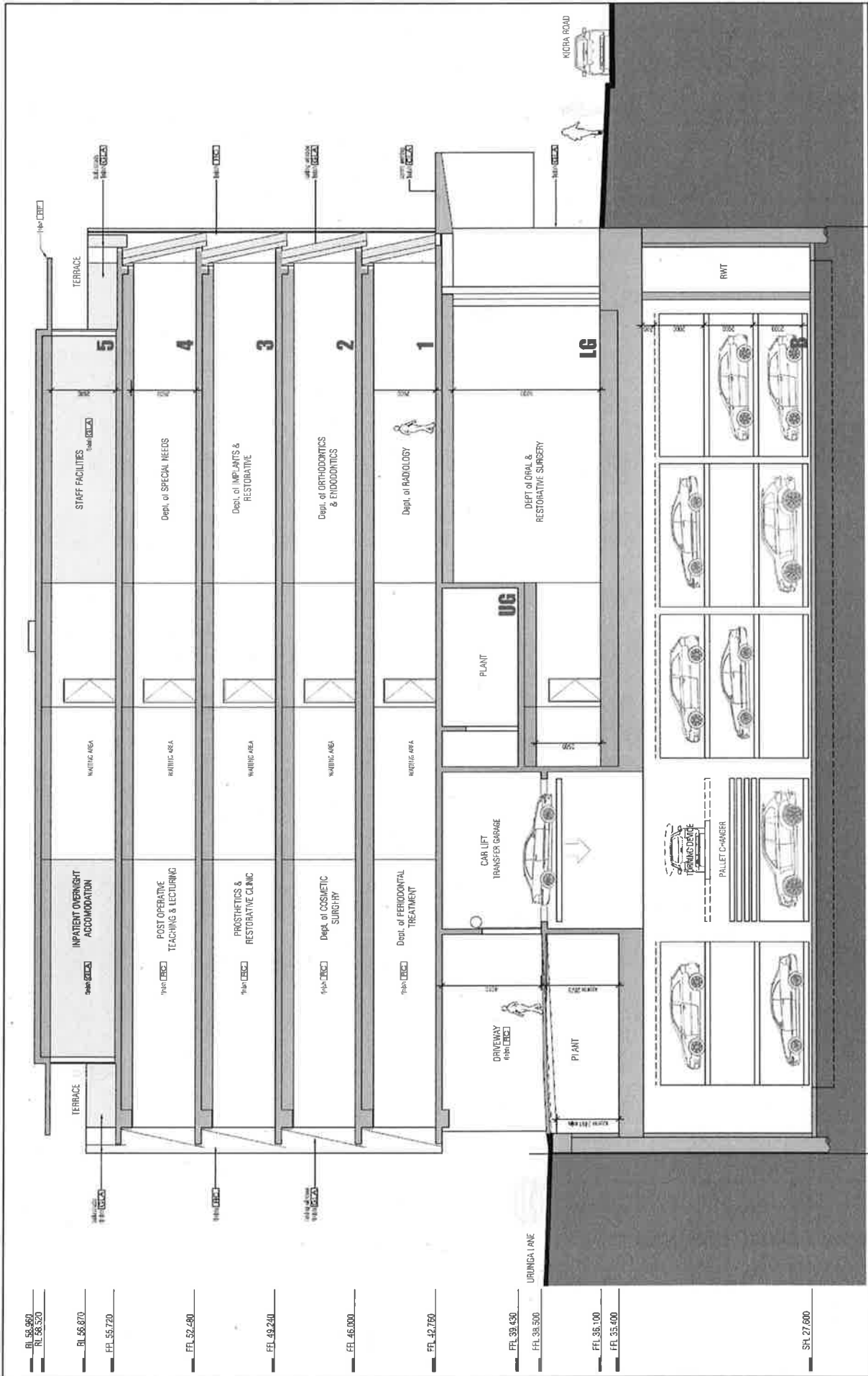


Figure 10: East West section plan of PPR (Source: PPR)

## **2.3 Project Need and Justification**

### **NSW 2021**

NSW 2021 is the NSW Government's strategic business plan for setting priorities for action and guiding resource allocation. NSW 2021 is a ten year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability and strengthen the local environment and communities. The proposal represents a significant investment in the provision of health care services within a town centre benefiting from excellent access to existing public transport infrastructure.

### **Metropolitan Plan for Sydney 2036**

The Metropolitan Plan for Sydney is a strategic document that guides the development of the Sydney Metropolitan area towards 2036. The Plan has been developed to enhance Sydney's population growth, plan for its changing population, generate more suitable and affordable housing and jobs closer to home, create more efficient transport and infrastructure delivery whilst ensuring Sydney develops into a more sustainable city and maintains its global competitiveness. The Plan identifies the need to build upon existing health infrastructure to improve the quality and level of health services for communities.

The proposed dental hospital will ensure that Sydney's growing population has access to a world-class purpose built dental hospital, within a building design that incorporates ecologically sustainable development principles and promotion of sustainable transport. The proposal will also create employment opportunities in the Health Services Sector.

### **Draft South Subregional Strategy**

The Draft South Subregional Strategy identifies Miranda as a Town Centre which combined with nearby Caringbah provides a large retail, health and education cluster. The Strategy identifies the potential for Miranda together with Caringbah for further growth to become a combined Major Centre.

The proposal is consistent with the Subregional Strategy as it will contribute to providing updated and complementary health services for Miranda and the nearby medical facilities such as Sutherland Hospital and those located nearby in Caringbah. This will contribute to Miranda's development into a major centre.

## **3. STATUTORY CONTEXT**

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### **3.1. Major Project**

The proposal is a major project under Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act) because it is development for the purpose of a hospital with a capital investment of more than \$15 million under clause 18 of Schedule 1 of State Environmental Planning Policy (Major Development) 2005.

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects. Director-General's environmental assessment requirements (DGRs) were issued in respect of this project prior to 8 April 2011, and the project is therefore a transitional Part 3A project.

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 of the carrying out of the project under section 75J of the EP&A Act. In this regard, the Deputy Director General may determine the application on the Minister's behalf under delegation as Sutherland Shire Council has not objected to the proposal, no political donations have been declared in respect of the proposal, and less than 25 public submissions objecting to the proposal have been made.



### 3.2. Permissibility

The development site is zoned Zone 8 – Urban Centre under the Sutherland Local Environmental Plan 2006. The proposed hospital and cafe are permissible within the zone.

### 3.3. Environmental Planning Instruments

The proposal is generally consistent with relevant Environmental Planning Instruments (EPIs). The Department's consideration of relevant SEPPs and EPIs is provided in **Appendix D**.

### 3.4. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) to encourage:
  - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
  - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
  - (iii) the protection, provision and co-ordination of communication and utility services,
  - (iv) the provision of land for public purposes,
  - (v) the provision and co-ordination of community services and facilities, and
  - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
  - (vii) ecologically sustainable development, and
  - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The proposal is consistent with the objectives of the EP&A Act as it will facilitate the orderly and economic development of the site; provision of additional community services and promotes the social and economic welfare of the community through the provision of a dental hospital.

### 3.5. 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:

- (a) the precautionary principle,
- (b) inter-generational equity,
- (c) conservation of biological diversity and ecological integrity,
- (d) improved valuation, pricing and incentive mechanisms.

The Department considers that the proposal represents a sustainable use of the site as it proposes to provide a modern dental hospital within an established town centre adjacent to a cluster of medical practices with excellent access to public transport, ensuring that the proposal will benefit future generations.

The proposal incorporates ESD principles within its design and commits to these in its future operation as detailed in the ESD report, prepared by VIM Sustainability, as included with the Environmental Assessment.

Noting the above, the Department considers the proposal is consistent with the key principles of ESD. A further detailed assessment against ESD principles is set out in **Appendix D**.

### 3.6. Statement of Compliance

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

## 4. CONSULTATION AND SUBMISSIONS

### 4.1. Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the Environmental Assessment (EA) of an application publicly available for at least 30 days. In addition, Departmental policy is to extend exhibition periods to a minimum of 45 days during school holidays. In this regard, after accepting the EA, the Department publicly exhibited it from Wednesday 14 December 2011 until Friday 2 February 2012 (51 days) on the Department's website, and at the Department's information centre, Sutherland Shire Council and Miranda Library. The Department also advertised the public exhibition in the Sydney Morning Herald, the Daily Telegraph and the St George/Sutherland Leader on 14 December 2012 and notified landholders and relevant State and local government authorities in writing.

The application, Director-General's Environmental Assessment Requirements, Environmental Assessment, and Response to issues raised in submissions (in Preferred Project Report) were placed on the Department's Website. This satisfies the requirements in Section 75H(3) of the EP&A Act.

The Department received 6 submissions from public authorities including Sutherland Shire Council. 29 submissions from the general public were received. Of these 19 submissions objected to the development including a petition containing 682 signatures. A further 4 public submissions objecting to the development were forwarded from the Proponent as a result of the Proponent's independent consultation process (being a total of 23 public submissions objecting to the proposal).

### 4.2. Public Authority Submissions

6 submissions were received from public authorities in response to the EA, and a further submission was received in response to the PPR. The submissions from public authorities are summarised in **Table 2**.

**Table 2:** Summary of public authority submissions

Sutherland Shire Council	
EA	<p>Council supports the proposal in principle and supports the relaxation of local parking and FSR controls. However the following issues are noted:</p> <ul style="list-style-type: none"><li>• categorisation of the proposal as a dental hospital based on the proposed in patient facilities offered;</li><li>• the proposed non compliance with FSR and setback controls can be supported subject to provision of a pedestrian colonnade at Kiora Road similar to the Miranda Fair Westfield shopping centre.</li><li>• proposal's impact upon the development potential of adjoining properties to the south of the site;</li><li>• traffic and car parking impacts including:<ul style="list-style-type: none"><li>• lack of pick up/drop off areas for patients;</li><li>• potential for queuing of vehicles at Urunga Lane onto Urunga Parade;</li><li>• lack of adequate car parking provision for patients; and</li><li>• need for construction management plan.</li></ul></li><li>• proposal requires further consideration and a compliant design with regards to access to and within the building for persons with a disability; and</li><li>• the Department should consider whether the proponent's independent consultation process may have compromised the Department's public exhibition process.</li></ul>

<b>PPR</b>	Council supports the provision of a dental hospital but remains concerned with following: <ul style="list-style-type: none"> <li>the car parking requirements may be relaxed however provision of parking spaces for patients and vehicular access is not satisfactory;</li> <li>the lack of a readily usable accessible car parking space;</li> <li>the proposed pick up/drop off area is inadequate; and</li> <li>the design fails to provide a colonnade which would provide significant community benefit by way of a continuation of the colonnade from Westfield to Miranda railway station. A colonnade would also offset the apparent bulk of the development at the human scale and variation to local upper level setback controls.</li> </ul>
<b>Roads and Maritime Services (formerly Roads and Traffic Authority)</b>	
<b>EA</b>	The RMS raised no objection to the proposal, and provided standard conditions with regards to on-site management plans, operation of the disabled parking provisions etc.
<b>Transport for NSW</b>	
<b>EA</b>	Transport for NSW raised no objection to the proposal.
<b>RailCorp</b>	
<b>EA</b>	RailCorp requested the imposition of a number of conditions which seek to protect railway infrastructure during construction and occupation.
<b>Environment Protection Authority (EPA)</b>	
<b>EA</b>	EPA recommended a number of conditions be imposed with regard to radiation control; environmental management plans; construction noise and vibration; air quality; and soil and water.
<b>NSW Health</b>	
<b>EA</b>	NSW Health support the proposal as the proposed dental hospital may ease the pressure for local public hospital beds and some oral health services.
<b>Sydney Water</b>	
<b>EA</b>	Sydney Water advised that the existing water and wastewater system has capacity to service the development.

#### 4.3. Public Submissions

29 submissions were received from the public. Of the 29 public submissions, 10 (33.3%) submissions supported the proposal and 19 submissions (66.7%) objected to the proposal including a submission from Westfield's and a petition containing 682 signatures. A further 4 public submissions objecting to the development were forwarded from the Proponent as a result of the Proponent's independent consultation process.

The key issues raised in all public submissions are listed in **Table 3**.

**Table 3:** Summary of issues raised in public submissions

<b>Issue</b>	<b>Proportion of submissions in total (%) (includes supporting submissions)</b>
Car parking provision	54.8%
Proposal is not a hospital but a dental clinic	41.2%
Proposal is an overdevelopment of the site	38.7%
Adverse traffic impacts	25.8%
Oversupply of dental practitioners in the locality	22.6%
EA details inaccuracies regarding dental services offered	22.6%
Public exhibition period is inadequate	16.1%
Proponent's independent consultation process is unacceptable	12.9%
Proposal provides inadequate facilities for persons with a disability	9.7%
Adverse impacts on public transport	6.5%



Issue	Proportion of submissions in total (%) (includes supporting submissions)
Impacts on adjoining properties	3.2%
Adverse car parking impacts on Westfield	3.2%
Overshadowing impacts	3.2%
Adverse impacts on 88-90 and 92-94 Kiora Road (southern adjoining properties)	3.2%

The Department has considered the issues raised in submissions in its assessment of the proposal as detailed in **Section 5**.

#### 4.4. Proponent's Response to Submissions

The Proponent provided a response to the issues raised in submissions in the form of a PPR (**Appendix C**). The Department considers that the PPR adequately addresses concerns raised in submissions as discussed in **Section 5** of this report.

## 5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

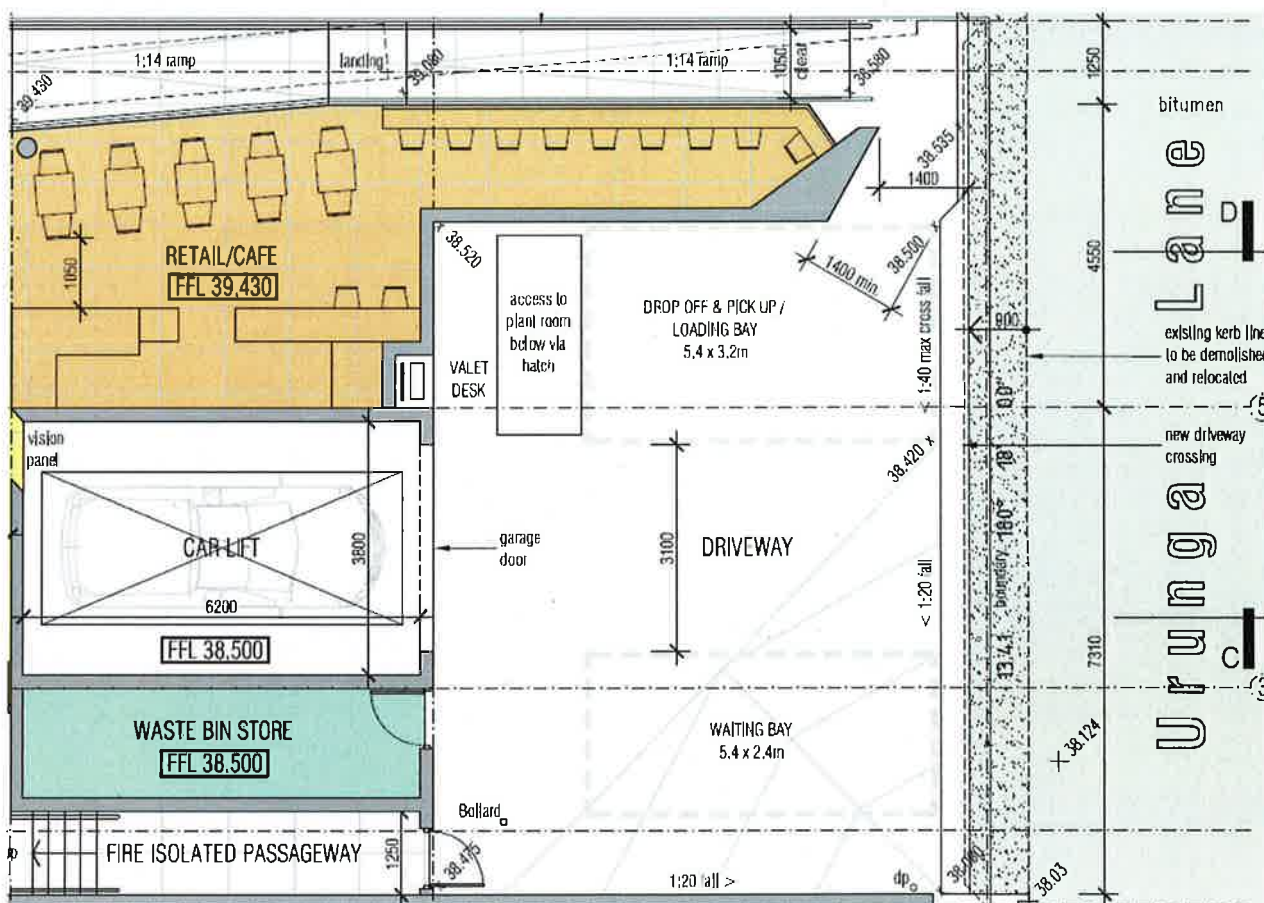
- car parking, access, and traffic; and
- built form.

### 5.1. Car Parking, Access, and Traffic

#### 5.1.1. Car Parking

The proposal incorporates a three level basement car park comprising a fully automated car stacker system with capacity for 40 vehicles. The proponent proposes to allocate 30 car spaces for hospital employee parking and 10 car spaces for visitor/patient parking. Vehicular access to the site and basement car stacker is via Urunga Lane, a service lane at the rear of the site (**Figure 11**).

The car park area at the ground floor also accommodates a combined pick up/drop off and loading bay (PDLB), and a waiting bay for vehicles waiting to access the car stacker.



**Figure 11:** Layout of car parking at ground floor (Source: PPR)

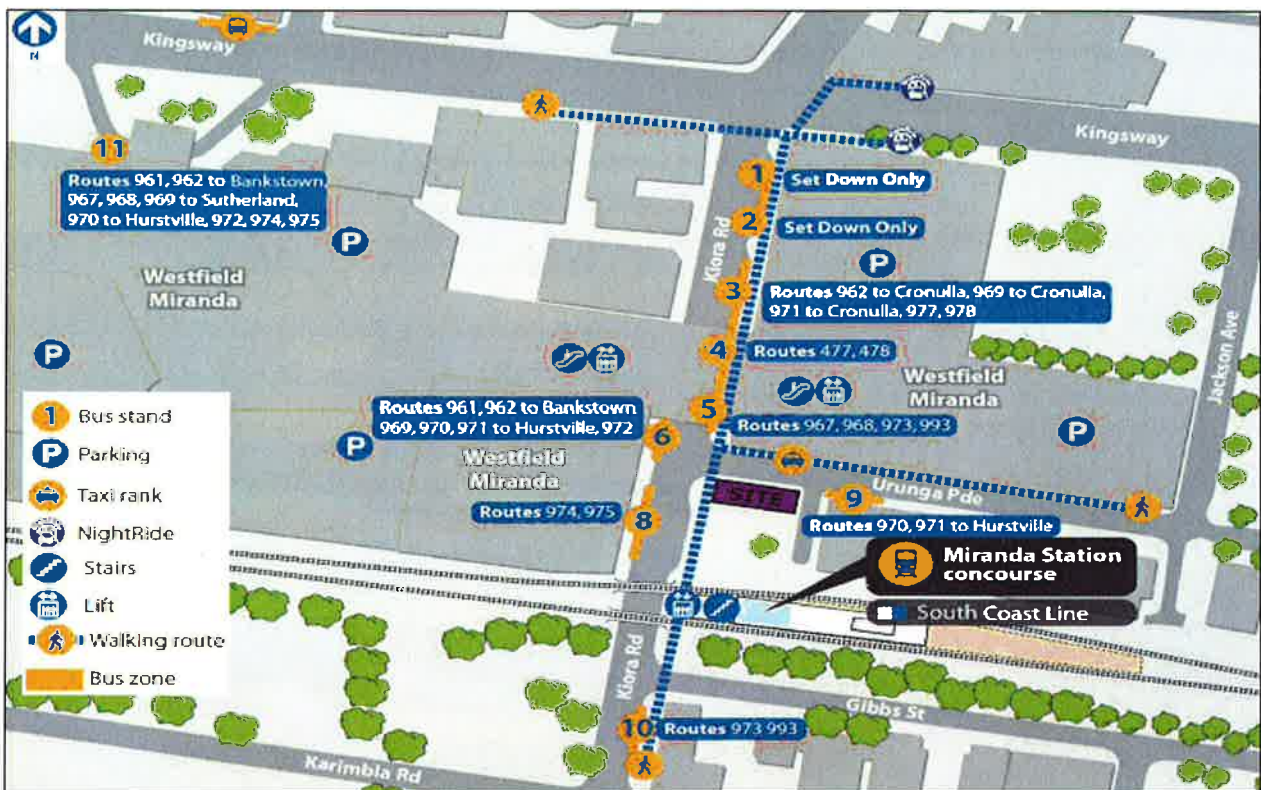
#### Car Parking Numbers

The Sutherland Shire Development Control Plan 2006 (SDCP 2006) prescribes that the proposed dental hospital would require the provision of 61 car parking spaces. A comparison of the proposal and required car parking under SDCP 2006 requirements is shown in **Table 4**.

**Table 4:** Comparison of car parking requirements

	Proposal	SDCP 2006 requirement	Proposed car parking	Department recommended car parking
<b>Doctors/employees</b>	28 doctors+ 58 employees	47.3	30	29
<b>Visitors</b>	36 beds/treatment chairs	12	10	10
<b>Café/retail</b>	43m <sup>2</sup>	1.4	0	1
		60.7	40	40

The EA and PPR were accompanied by a Traffic and Parking Assessment study prepared by Traffix (Traffix report). The Traffix report contends that Council's car parking rates are a maximum rate of car parking provision and fails to take into account the site's excellent access to public transport services, being located within close proximity to Miranda railway station and a number of bus routes as shown in **Figure 12**. In addition, the Traffix report notes that given the site's spatial constraints, the provision of a car stacker is the only viable option available for the proposed dental hospital to allow for the proposed provision of car parking spaces for the site.



**Figure 12:** Public transport within proximity of the site (Source: EA)

The Traffix report argues that the proposed car parking provision of 40 car spaces and patient / staff allocation is acceptable for the following reasons:

- the car parking provision and allocation are based upon the known operational requirements of the future operators of the site having regard to staffing levels, rosters and visitation patterns;
- the car parking provision reflects the site's accessibility to public transport and is in keeping with the minimalist approach as required in the Director General Environmental Assessment Requirements and wider state objectives;
- a high proportion of future visitors are likely to access the site via public transport; and
- the proposal commits to preparing Transport Access Guides prior to issue of a construction certificate identifying:
  - local public transport options available;
  - location of taxi ranks in the locality;



- location of local services within walking distance; and
- location of car share vehicles within reasonable walking distance (if any).

In addition, the Traffix report recommends that car parking allocation be reviewed on a regular basis to ensure that the mix of staff and patient car parking is adjusted to reflect the car parking demands of the dental hospital.

Council supports a relaxation to its parking controls given the site's central location and access to key public transport infrastructure. However, Council has raised concern that there is an insufficient supply of car parking for future patients to support the likely demand for car parking and the proponent's justification for patient car parking allocation is not credible.

The RMS and Transport for NSW have not raised any concern with regard to car parking.

The Department has considered all comments received from Council, the public and the Proponent and notes that the proposed car parking provision is currently deficient in 21 car parking spaces when compared to SDCP 2006 controls. The Department considers that whilst the proposal does not comply with SDCP 2006 requirements of 61 car spaces, the proposed car parking provision of 40 car spaces is adequate to service the future car parking demand for the following reasons:

- Council's car parking rates for staff do not properly reflect the site's central location being located within an existing town centre and benefiting from high accessibility to public transport including rail and bus services which provide for suitable alternatives to car use;
- the Department notes patient car parking is deficient in 2 car spaces only, which is considered a minor departure;
- the proposed car parking allocation for patients is based upon the operation requirements of Gentle Dental Care (future operators of the site) having regard to staffing levels, rosters and visitation patterns;
- the proposed pick up/ drop off bay for patients, and Travel Access Guide together with the recommended work place travel plan (as discussed below) will assist in offsetting demand for car parking;
- a minimalist approach in car parking provision should be adopted for the proposal in keeping with the Director General's Requirements issued for the development and wider state objectives of the Metropolitan Plan for Sydney 2036, and draft Subregional Strategy relating to environmental targets by reducing car dependency; and
- the site is constrained in its ability to provide additional car parking due to its small size, narrow width, corner location and orientation to three street frontages.

Notwithstanding, the Department considers it appropriate to allocate one of the staff car spaces for use by the proposed ground floor retail/café in accordance with SDCP 2006 requirements.

The Department recommends a condition be imposed requiring provision of a minimum of 40 car spaces in the basement car park comprising 10 visitor car spaces, 29 dental hospital staff car spaces and 1 café car space. (**Condition G1**). The Department agrees with the Traffix reports recommendation for ongoing review of car parking requirements, however any changes arising from the future review would need to be appropriately considered as part of a request to modify the recommended parking allocation.

In addition to the above, the Department recommends that the Proponent be required to prepare a green travel plan (refer to **Condition F3**) for future employees and visitors to the dental hospital to encourage sustainable forms of transport to the site and shall include:

- the proposed travel access guide;
- encouraging use of public transport by employees and visitors;
- investigating a travel pass scheme to provide reduced cost annual public transport tickets;
- introducing car pool schemes;

- raising awareness of health benefits of walking and cycling; and
- encouraging cycling by providing secure bicycle parking including provision of lockers and changing facilities for staff on site (**Condition C3**).

#### *Accessible car parking*

Council has raised concern that a dedicated accessible car parking space has not been provided as would normally be required for a hospital facility.

The proposal seeks to provide car parking for persons with a disability within the automated basement car park via a valet service. Discussions with the Proponent have indicated that this will require that persons with a disability park their vehicles within the apron of the car park area before a valet will then assist in parking the vehicle into the automated basement car stacker. The Proponent has indicated that priority car parking will be provided to persons with a disability in the allocated patient car parking and be arranged during booking of appointments for the hospital.

In addition, it is noted the Proponent's access report considers that the proposed parking arrangements for persons with a disability do not require an accessible car parking space under the Building Code of Australia and that the set down area is adequate.

The Department considers the proposed managed car parking arrangement for persons with a disability is a satisfactory alternative in lieu of a dedicated accessible car parking space, given the spatial constraints of the site. The Department recommends that a condition be imposed requiring submission of detailed car park operation management plan to Council for approval detailing the procedures for the car park management system and priority visitor/patient car parking for persons with a disability (**Condition C23**).

#### *Combined pick up/drop off and loading bay (PDLB)*

The dental hospital proposes a combined pick up/drop off bay (PDLB) along the northern apron of the car park area measuring 5.4m x 3.2m (**Figure 10**). The PDLB will allow vehicles to enter the site in a forward direction but vehicles will be required to exit the site by reversing onto Urunga Lane. In addition, the Proponent notes that loading will occur very occasionally throughout the day, generally outside of peak hours and will be able to accommodate small rigid vehicles.

Council has raised concern that the PDLB is not suitable and has requested that all vehicles enter and exit the site in a forward direction. The RMS has also requested that vehicles enter and exit the site in a forward direction.

The Department has considered Council's comments and despite the proposed PDLB requiring vehicles to reverse onto Urunga Lane, the Department considers the proposed PDLB to be acceptable for the following reasons:

- The site is constrained in its ability to provide a pick up/drop bay and loading bay with on-site turning given the site's small corner allotment size, dimensions and multiple street frontages.
- The proposed PDLB complies with minimum accessible car parking space requirements and is located adjacent to the ramp accessing the building.
- Subject to appropriate management of loading times, the PDLB will be available for use by patients throughout most of the day. As discussed above, a condition has been recommended requiring submission of a detailed car park operation management plan which shall also require the dental hospital limit deliveries and loading on site to outside peak times to ensure minimal disruption to the pick up/drop off availability.
- The proposed vehicular access/egress is the most suitable option available for the site as discussed in **Section 5.1.2**.
- The reversing of vehicles on to Urunga Lane can be safely undertaken for the following reasons:
  - Urunga Lane is a service lane with minimal traffic;

- the proposed laneway widening of 0.9m will allow for additional maneuvering space to assist traffic along the laneway;
- there is considered to be sufficient clearance for vehicles accessing Urunga Lane to see vehicles reversing from the site; and
- vehicles entering into Urunga Lane or driving along Urunga Lane are likely to be traveling at slow speeds.

Notwithstanding the above, the Department recommends that a condition be imposed requiring a suitably qualified traffic consultant review and recommend additional mitigation measures to limit the potential for vehicular collision as cars reverse onto Urunga Lane such as installation of a convex traffic mirror at the Urunga Lane / Urunga Parade intersection to provide a clear view of traffic along the laneways for vehicles entering Urunga Lane (**Condition C24**).

In addition, the Department notes there are four 15 minute short stay public car spaces located on Kiora Road, between the railway station and the site. Whilst the Department does not rely on this facility as part of its assessment, it offers an alternative pick up/drop off area for visitors. Overall, the Department is satisfied there is adequate pick up/drop off options on and off the site for visitors.

### 5.1.2. Vehicular Access

Vehicular access to the site is provided via Urunga Lane, a service lane at the rear of the site. The proposal seeks to widen Urunga Lane at the frontage of the site by 0.9 metre to allow for two way traffic along Urunga Lane as requested by Council in their EA submission. The proposed car parking layout will also allow for two waiting vehicles to queue at any one time (one on either side of the lift) within the car park apron.

Operation of the automatic car stacker will require patients to park their vehicles within the car lift waiting area and exit their vehicle. The car stacker then automatically stores and retrieves vehicles within the basement car park via an electronic system adjacent to the car lift that has a 90 second turn around time. The automated car stacker contains two vehicle retrieval and turning plates which allow vehicles to enter and exit the lift and site in a forward direction.

Due to the complexity of using the automated car stacker system and potential for delays, the Proponent proposes a car park management system to ensure an efficient operation of the car park comprising:

- requirement for staff utilising the car stacker to arrive between 6am and 8am;
- a valet service be provided from 8am to 5pm daily for visitors/patients utilising the on-site visitor/patient car park. Visitors/patients including persons with a disability are to arrive after 8am and be made aware of parking arrangements when making their appointment to visit the dental hospital. Visitor/patients will then be required to park their vehicles within the apron of the car park area where the valet will then park the vehicle within the car stacker; and
- loading be restricted to outside of peak hours, where possible.

Council considers the proposed vehicular access/egress to be unsatisfactory as the proposed car park does not comply with minimum queuing distances.

The Traffix report finds that the probability of queuing occurring beyond the site boundary is 2%. This complies with the relevant Australian Standard requiring any queuing to remain on the site 98% of the time.

The Department notes Council's concerns and the findings of the Traffix report. As discussed in **Section 5.1.1**, a detailed car parking management plan is recommended to be prepared which will require the following to minimise potential for queuing through:

- staff being required to arrive between 6am and 8am, outside of core patient times; and



- all loading be undertaken outside of the peak hours of 6am to 9am and 3pm to 6pm, where possible (**Condition C24**).

In addition, the Department notes the proposed PDLB requires vehicles to reverse onto Urunga Lane. As discussed in **Section 5.1.1** the Department is satisfied the reversing of vehicles can be safely undertaken and will not adversely impact on vehicular access to the site.

In consideration of the above, the Department is satisfied that the proposal is unlikely to result in any queuing beyond the site boundaries.

In addition, the Department considers that the proposed vehicular access/egress is the most suitable option available for the site given Kiora Road and Urunga Parade carry significant amounts of traffic in comparison to Urunga Lane, a service lane.

Overall, the Department considers the proposed vehicular access/egress arrangements to be satisfactory.

### 5.1.3. Traffic

Public submissions have raised concern with the likely increase in traffic as a result of the proposed development. The Traffix report projected that traffic generated by the proposed development can be accommodated within the local road network, without adversely affecting the current level of service achieved at key intersections and road capacities.

In particular, it projects that the proposed development will generate approximately 18 vehicles per hour based on car parking provision for 43 car spaces as originally proposed in the EA (noting that the PPR has reduced this figure to 40 car spaces). The study provides an assessment of traffic impacts on the most critical intersection, the Urunga Parade/ Kiora intersection fronting the site, during the critical afternoon peak. The Traffix report projects that the increase in vehicles will have negligible impacts on the performance of the intersection with additional delays of only 0.1 seconds. The intersection will therefore continue to operate at the same satisfactory service level of B.

The Department considers that traffic impacts of the proposal will be immaterial as the additional delay of 0.1 seconds will be imperceptible. Further it is noted that the RMS and Council have not raised concerns with regards to traffic generation or intersection performance.

## 5.2. Built Form

Concerns were raised by Council and the public regarding the built form of the proposal. The Department considers that the built form is most appropriately tested through an assessment of:

- density; and
- height, setbacks and building design.

### 5.2.1. Density

The dental hospital proposes a total GFA of 1938.5m<sup>2</sup>, including a shop/café at the upper ground floor with a GFA of 43m<sup>2</sup>. The site has an area of 490.5m<sup>2</sup>. The proposal therefore has an FSR of 3.95:1.

The Sutherland Shire Local Environmental Plan 2006 (SLEP 2006) prescribes a maximum FSR for the site of 2.5:1. The proposal therefore exceeds Council's FSR control by 712.3m<sup>2</sup>.

Council considers that the proposed development warrants a relaxation in FSR controls given its location adjacent to key public transport infrastructure and the Miranda Fair Westfield shopping centre. Council however qualifies this support subject to provision of a colonnade at the Kiora Road frontage and appropriate car parking (the Department's assessment of these aspects of the proposal is provided in **Section 5.2.2** and **5.1.1** respectively).

Public submissions have raised concern at the non compliance with FSR controls and the impact on adjoining properties.

The Department has considered the density sought by the proponent. The key issues associated with the amount of floor space proposed relate to the bulk, scale and visual impact of the building, impacts of the building form to adjoining properties and traffic and parking. Each of these issues are discussed in separate sections of the report and are found to be acceptable. In particular, the Department considers that the proposed density is acceptable given that:

- the density of the proposal will not result in any significant impacts on the amenity of adjoining buildings as discussed in **Section 5.3**;
- the proposed building envelope complies with the height controls as prescribed in SLEP 2006 and building form with regards to building mass, scale and design are compatible with the surrounding context of the site as discussed further in **Section 5.2.2**;
- the additional non compliant floor space provides the opportunity for additional healthcare / dental services that will benefit the public;
- the proposal contributes to a number of wider State strategic planning objectives by:
  - providing a modern medical facility within an established town centre and medical hub;
  - providing employment opportunities close to public transport and within an established town centre; and
  - contributing to Miranda, together with Caringbah, developing into a Major Centre specialising in retail, health and education clusters.

Overall, the proposed quantum of floor space is considered acceptable in terms of height, bulk and scale in the context of the surrounding area together with acceptable amenity impacts.

#### **5.2.2. Height, setbacks and building design**

The proposed dental hospital is part 6/part 7 storeys with a maximum height of 21.96 metres (24.9 metres including lift over run and chimney stacks).

The proposal complies with the maximum height control of 28 metres (7 storeys) set out by the Sutherland Shire Local Environmental Plan 2006 (SLEP 2006). On this basis, the proposed height is acceptable.

The proposal has a nil setback at the ground level to the Kiora Road and Urunga Parade main frontages. The upper levels are provided with a varied setback of 0-1.5 metres at the Kiora Road frontage and 0-2.5 metres at the Urunga Parade frontage. The uppermost level is further setback by 3.8 metres to Kiora Road and 4.3 metres to Urunga Parade.

The proposal does not comply with the Sutherland Shire Development Control Plan 2006 (SDCP 2006), which requires a minimum 2 metre setback be provided above the ground floor levels. Notwithstanding, Council has advised that the proposed building design and setbacks are generally acceptable in consideration of the constraints of the site being a small corner allotment. The Department agrees with this view.

However, Council considers that a pedestrian colonnade with tree planting should be provided at the Kiora Road frontage to offset the proposed non compliances with setback controls, floor space controls and car parking controls. Council considers that a colonnade and tree planting similar to that provided at the Kiora Road frontage of Miranda Fair Westfield shopping centre would enhance the relationship with the public domain and establish a pedestrian link between Miranda railway station and the shopping centre. The colonnade will also offset the bulk of the dental hospital at the human scale and the proposed variations to setbacks at Kiora Road whilst providing considerable community benefit in combination with adjoining sites to the south.

The Proponent considered several options for provision of a colonnade at Kiora Road (**Figure 13**) but argues that the provision of a colonnade, and tree planting similar to that at the Kiora Road frontage of Westfield is not practical and not possible for the following reasons:

- provision of a colonnade will impact on the design and architectural integrity of the proposed dental hospital as it will:
  - restrict the effectiveness of the active street frontages at the ground floor;
  - restrict the functionality of ground floor operations; and
  - alter the design integrity of the building as a whole.
- there is no formal DCP requirement for a colonnade, preventing Council from requiring adjoining landowners to provide a continuous colonnade in the future;
- the existing footpath width of 4.39-6.86 metres at Kiora Road exceeds the Westfield overall useable footpath width of 2.7 metres due to colonnade poles and bus stop area; and
- tree planting matching those of the Westfield alignment is not possible at Kiora Road due to underground services.

The Proponent proposes a 3 metre wide awning along the Kiora Road and Urunga Parade frontage in lieu of the colonnade and commits to delivery of a streetscape improvement plan that includes upgraded paving and street furniture, including some low level planting, for the public domain along both Kiora Road and Urunga Parade frontages.

The Department has considered both Council's and the Proponent's comments. The Department considers that the provision of a colonnade at the Kiora Road frontage is not required to justify the proposed design and non compliance with Council's FSR, setback and car parking controls for the following reasons:

- a colonnade will detrimentally impact on the potential to provide a useable space at the ground floor, active street frontages and appropriate car parking access for the site given the site's spatial constraints being a small and narrow corner allotment with 3 street frontages;
- the provision of a colonnade for the frontage of this site in isolation provides little material benefits, noting that there is no detailed public domain strategy or DCP requirement that is available to enforce provision of a colonnade for adjoining properties, nor any guarantee adjoining properties will ever be redeveloped;
- the Department recommends that a condition be imposed requiring the proposed awning at Kiora Road be increased from 3 metres to 4 metres to cover the extent of the footpath to improve pedestrian amenity in lieu of a colonnade (**Condition C1**). In this regard, the Department considers that the proposed awning (subject to recommended modifications) and streetscape improvements will provide a high amenity pedestrian environment and enhance the public domain in lieu of a colonnade;
- there is sufficient pedestrian width in the existing footpath to accommodate pedestrians; and
- the proposed building mass, scale and height provides an appropriate response to the context of the locality consistent with building bulk, mass and scale of Miranda Fair Westfield Shopping Centre which dominates the immediate locality (**Figure 14**).

Overall, the Department considers that the proposed building design is well resolved and provides an attractive streetscape presentation to each frontage. The proposal is well articulated with a clearly defined base, middle and top which accentuates the corner location of the site and the selected materials and finishes will enhance the appearance of the development and locality, and maximise natural sunlight. The proposed mass, scale, height and building design responds appropriately to the site's constraints and provides an appropriate building form within the Miranda town centre.



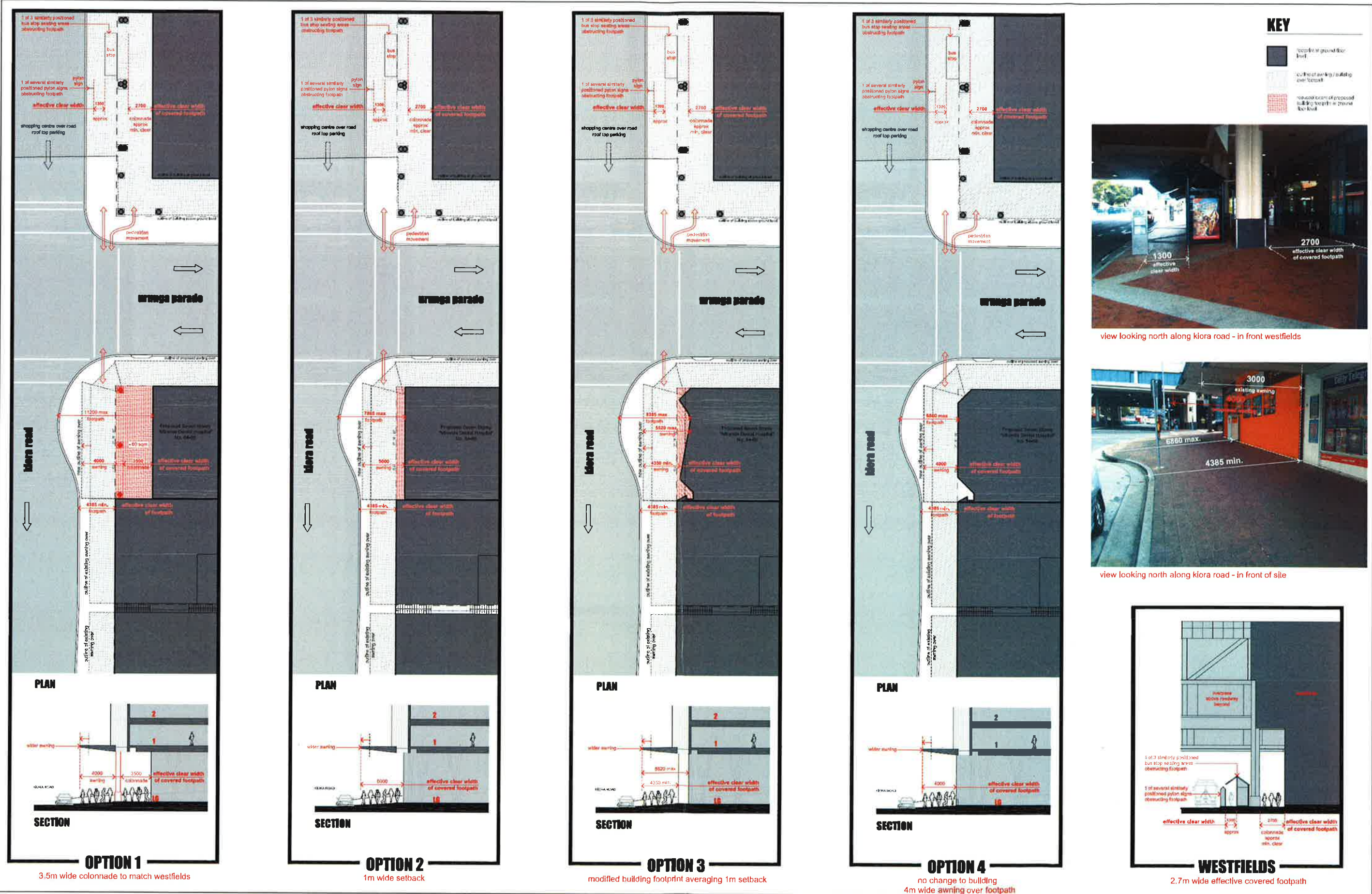


Figure 13: Options considered for potential colonnade at Kiara Road. Proposal is seeking partial implementation Option 4 (3 metre wide awning). Department recommends full implementation of Option 4 (4 metre wide awning) (Source: PPR).



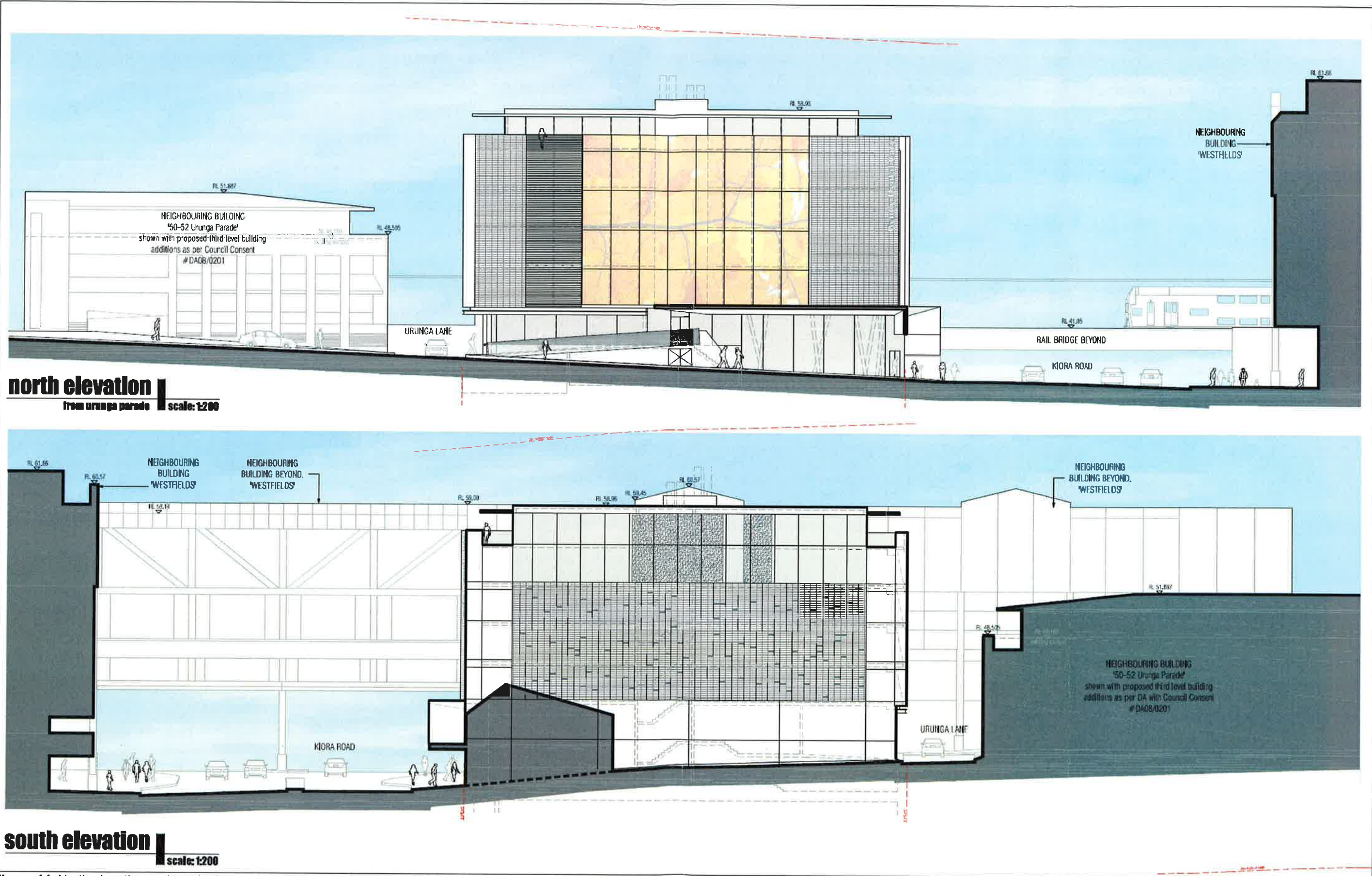


Figure 14: North elevation and south elevation showing mass, scale and height of proposal in context of locality (Source: PPR)

### 5.3. Other

All other general issues are discussed below:

Issue	Department's Comment
<p><b>Amenity impacts on adjoining properties</b></p>	<p>Public submissions have raised concern at the proposal's extent of non compliance with FSR controls and the potential overshadowing impacts on adjoining properties.</p> <p>The proposal is supported by shadow diagrams which demonstrate that during the winter solstice the adjoining properties to the south (88-90 Kiora Road and 92 Kiora Road) and east (50-52 Urunga Parade) currently receive some sunlight at 12pm (approximately 1 hour for the southern properties and 3 hours to parts of the western façade of the eastern property) which will be reduced to close to none by the development.</p> <p>The Department notes that the adjoining properties to the south currently contain shop top housing at the upper level and the east is a building containing various medical practices. Whilst the development will remove the current solar access to these properties, it is important to note the site is located within an existing town centre zoned primarily for commercial development. In addition, the proposed building heights are consistent with those prescribed under SLEP 2006 as discussed in <b>Section 5.2.2</b>. Therefore a level of shadow impact on the adjoining properties to the south and west is inevitable and therefore considered acceptable.</p> <p>In addition to the above, public submissions have also raised concern that construction of the proposal, in particular the basement car park, may result in potential damage to adjoining properties.</p> <p>The Department recommends a condition be imposed requiring dilapidation reports be prepared prior to any construction to safe guard the potential for damage on adjoining properties (<b>Condition D5</b>).</p>
<p><b>Impact on development potential of adjoining property to the south (88-90 Kiora Road)</b></p>	<p>The dental hospital proposes windows along the upper two levels of the southern façade. The Proponent accepts that any views and sunlight available via these windows are short term given the potential for development of the adjoining property at 88-90 Kiora Road to a similar height and scale as the development. The Proponent notes the building has been designed to ensure that natural light is still available to the upper levels of the building should any new development to the south cover the upper level windows.</p> <p>In this regard, the Department recommends a condition be imposed requiring a restrictive covenant be placed on the windows of the southern façade removing any solar access rights to these windows, and that these windows be required to be retro fitted with a fire rated wall should the adjoining property to the south be redeveloped to a similar height with nil setback at this boundary (<b>Condition F2</b>). In this regard, the Department is satisfied that the proposed windows at the southern façade will not impact on the development potential of the adjoining property to the south should it be developed.</p>
<p><b>Access for persons with a disability</b></p>	<p>Council's submission to the EA raised concern that the proposed dental hospital fails to provide a compliant design with regard to access to and within the building for persons with a disability in accordance with the Building Code of Australia.</p> <p>The PPR changed the design of the building to provide disabled access measures to and through out the building. In addition, the PPR was accompanied by an access report prepared by BCA Access Solutions which provides recommendations for the development to ensure compliance with relevant BCA requirements. The Statement of Commitments proposes to adopt the recommendations within the development.</p> <p>The Department recommends a condition be imposed requiring that the development demonstrate compliance with access for persons with a disability requirements as detailed in the access report (<b>Condition C19</b>). In this regard the Department is satisfied the proposal will afford appropriate access for persons with a disability.</p>

<b>Construction impact on access to Urunga Lane</b>	<p>Public submissions have raised concern that the proposal will impact on access at Urunga Lane during construction.</p> <p>The Proponent maintains that 3 metre wide access will be maintained at Urunga Lane for through traffic during all stages of construction and will be detailed in the Construction Traffic Management Plan to be submitted to Council.</p> <p>The Department recommends that a condition be imposed requiring access be maintained at all times during construction to all properties requiring access via Urunga Lane (<b>Condition E1</b>).</p>
<b>Proponent's independent community consultation</b>	<p>The Proponent undertook an independent community consultation process through Flagship communications running from 20 December 2011 to 3 February 2012. The consultation involved distribution of information brochures and feedback sheets to 100 nearby businesses and residents. As a result of the consultation, 4 public submissions were received by Flagship communications which have been forwarded to the Department including a report summarising and responding to the issues raised.</p> <p>Council and public submissions have raised concern that the independent public consultation undertaken by the Proponent was during the same period as the Department's public consultation process and may have compromised the integrity of the Department's exhibition process.</p> <p>As discussed in <b>Section 4</b>, the Department's community consultation was undertaken in accordance with Section 75(3) of the EP&amp;A Act. Despite the Proponent's independent community consultation process being undertaken during the same period as the Department's consultation process, the Department is satisfied that this has not compromised or adversely impacted upon the Department's public exhibition process as clear instructions for making submissions were provided on the Department's website, within newspaper advertisements and written correspondence to landholders and relevant authorities. In addition, the Department notes that the submissions forwarded by the Proponent have been considered as part of the Department's assessment.</p>
<b>Classification as a hospital</b>	<p>Public and Council submissions raised concern that the proposed private dental facility is not a hospital but an oversized dental facility which affords minimal public benefit.</p> <p>The Department notes that the definition of a Hospital pursuant to Clause 18 (1), Schedule 1 of State Environmental Planning Policy (Major Development) 2005 provides:</p> <p><b>"Clause 18 Hospitals</b> (1) <i>Development that has a capital investment value of more than \$15 million for the purpose of providing professional health care services to people admitted as in-patients (whether or not out-patients are also cared for or treated there)...</i>"</p> <p>The proposed dental facility will provide professional health care services to in patient facilities. It is noted that three in-patient suites comprising a total of 4 beds are proposed at the upper level of the dental hospital. The Department is satisfied the proposed dental facility is a hospital as defined above and will provide public benefits through the provision of a modern dental hospital available to the wider locality.</p> <p>Notwithstanding, it is noted that Council has recommended a condition be imposed requiring that the nurse's station on level 5 be staffed whilst any of the inpatient suites are occupied, and that these rooms only be used for inpatient accommodation and not for storage, overnight staff or specialist accommodation or the like.</p> <p>The Department considers Council's condition to be reasonable to ensure the dental facility continues to operate as a hospital (<b>Condition G9</b>).</p>



## 6. CONCLUSION

The Department has assessed the merits of the proposal taking into consideration the issues raised by public and agency submissions. The key issues raised in submissions relate primarily to car parking provision, vehicular access, traffic impacts, and the built form. The Department notes the following key findings:

- the proposed car parking provision and operation is acceptable subject to recommended conditions;
- the proposal will not result in any significant additional traffic on the local road network; and
- the proposal is acceptable in terms of density, height and scale and building design in the context of Miranda town centre.

The Department is satisfied that the impacts of the proposal have been addressed in the EA, PPR, Statement of Commitments, and recommended conditions of approval. It is considered that the impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance.

The Department considers the proposed development is in the public interest as it will provide public benefits that are of merit, including:

- providing a modern purpose built dental hospital within an existing town centre and medical hub, adjoining key public transport infrastructure;
- urban renewal/consolidation of the existing Miranda Town centre with a new well resolved and articulated building that fits in contextually with the locality;
- providing a high quality and environmentally efficient dental hospital which incorporates ecologically sustainable development principles;
- contributing to Miranda together with Caringbah developing into a Major Centre as identified in the draft South Subregional Strategy;
- reducing car dependency and encouraging use of public transport infrastructure; and
- providing employment opportunities through the construction and operation of the development.

Council's recommended conditions of approval have been incorporated into the recommended instrument of approval, where relevant. The Proponent has reviewed the recommended conditions of approval and raises no objection.

## 7. RECOMMENDATION

It is recommended that the Deputy Director General, as delegate for the Minister for Planning and Infrastructure;


- (a) **consider** the recommendations of this report;
- (b) **approve** the Project Application, subject to conditions, under Section 75J of the *Environmental Planning and Assessment Act 1979*; and
- (c) **sign** the attached instrument of Approval (**Appendix E**).

Endorsed by:



Alan Bright  
**Acting Director  
Metropolitan and Regional  
Projects South**

Endorsed by:



Chris Wilson  
**Executive Director  
Major Projects Assessment**

Approved by:

Richard Pearson  
**Deputy Director-General  
Development Assessment &  
Systems Performance**

## **APPENDIX A   ENVIRONMENTAL ASSESSMENT**

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See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4508](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4508)

## **APPENDIX B SUBMISSIONS**

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See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4508](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4508)

## **APPENDIX C    PROPONENT'S RESPONSE TO SUBMISSIONS**

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See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4508](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4508)



## APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

### Ecologically Sustainable Development (ESD) principles

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:

- (a) *if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- (b) *the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- (c) *the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- (d) *improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The Department has considered the development in relation to the ESD principles and has made the following conclusions:

**Precautionary Principle** – the application is supported by technical and environmental reports and studies which conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts have been identified. No significant climate change risks are identified as a result of this proposal. Mitigation measures are outlined in the Proponent's Statement of Commitments and recommended conditions of approval.

**Inter-Generational Principle** – the site's redevelopment for a state of the art dental hospital, incorporating ecologically sustainable design principles will ensure that the environment is protected for future generations. The site's location within an existing town centre and potential future major centre benefitting from excellent access to public transport will ensure that the proposal will benefit future generations.

**Biodiversity Principle** – there is no threat of serious or irreversible environmental damage as a result of the proposal. The site has a low level of environmental sensitivity. The site does not contain any known threatened or vulnerable species, populations, communities or significant habitats and will not harm the existing biological diversity or ecological integrity.

**Valuation Principle** – the valuation principle is more appropriately applied to broader strategic planning decisions and not at the scale of this proposal. The principle is not considered to be relevant to this particular Project application.

On this basis, the Department is satisfied that the proposal is consistent with the principles of ESD.

### Section 75I(2) of the Act / Clause 8B of Regulations

Section 75I(2) of the Environmental Planning and Assessment Act 1979 and clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director General's Report is to address a number of requirements. These matters and the Department's response are set out following:

<b>Section 75I(2) criteria</b>	<b>Response</b>
Copy of the proponent's environmental assessment and any preferred project report;	The Proponent's EA is at <b>Appendix A</b> and Preferred Project Report <b>Appendix C</b> .
Any advice provided by public authorities on the project	A summary of the advice provided by public authorities on the project is set out in <b>Section 4</b> of the report.
Copy of any report of a panel constituted under Section 75G in respect of the project;	No statutory panel was required or convened in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project;	Each relevant SEPP that substantially governs the carrying out of the proposal is identified below, including an assessment of the proposal against the relevant provisions of the SEPP.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division,	An assessment of the proposal against relevant Environmental Planning Instruments is provided below.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate;	The environmental assessment of the Project Application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	In accordance with Section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.
<b>Clause 8B criteria</b>	<b>Response</b>
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in <b>Section 5</b> of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest/public benefits are discussed in <b>Section 5</b> and <b>6</b> of this report.
The suitability of the site for the project	The development of the site will provide a state of the art dental hospital building which is well resolved and articulated. The development will provide jobs in an existing town centre and medical hub close to key public transport infrastructure. The site is suitable for the proposed development.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in <b>Section 4</b> of this report.

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project. The Department's consideration of relevant SEPPs and EPIs is provided below.

## State Environmental Planning Policy (Major Development) 2005

The Project remains a Part 3A project under the former provisions of Schedule 1, Clause 18, Group 7 of the Major Development SEPP, "*hospitals*" as DGRs were issued prior to 8 April 2011. The project has a capital investment value (CIV) of more than \$15 million and has been determined as an important project in achieving State and regional planning objectives.

## State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 requires that relevant public authorities be consulted with about certain development during the assessment process or prior to development commencing. As such, the RMS has been notified and given the opportunity to make representations in respect of the proposed development. **Section 4.2** and **Section 5.1** of this report details the RMS's comments. The Department will also notify the RMS of its determination of the subject proposal.

## State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose. The Proponent has undertaken a Stage 1 and 2 Environmental Site Assessment in respect of the development. The assessment finds that the site is suitable for use as a dental hospital. Mitigation measures have also been recommended.

## State Environmental Planning Policy 64 – Advertising and Signage

State Environmental Planning Policy 64 requires a consent authority to consider any signage proposed is consistent with the objectives of the SEPP and has been assessed in accordance with Schedule 1. The proposed dental hospital includes two business identification signs reading "Gentle Dental Care", running vertical along the north and western façade of the dental hospital. The Department is satisfied that the proposal is consistent with the objectives of the SEPP as it is compatible with the desired amenity and visual character of the area, and provides effective communication in a suitable location with a high quality design and finish. An assessment against Schedule 1 is provided below.

SEPP 64 – Schedule 1 Assessment Criteria:	
Matter	Comment
<b>Character of the area</b>	The proposed sign is considered to consistent with the character of the area and similar to the Westfield business identification sign and other signs on Urunga Parade.
<b>Special areas</b>	The site is within an existing built up town centre with clusters of retail and medical uses surrounding the site. In this regard, the proposal will not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.
<b>Views and vistas</b>	The proposed signage will not obscure or compromise any existing views.
<b>Streetscape, setting or landscape</b>	The proposed signage is a simple design of characters and will not detract from the existing streetscape.
<b>Site and building</b>	The proposal is compatible with the scale, proportion and characteristics of the dental hospitals.
<b>Associated devices, logos and illumination</b>	The proposed signage is not proposed to be illuminated and lit up.
<b>Road safety</b>	The proposed signage will not impact on road safety as it is not proposed to be illuminated and is above the street level.
Other Considerations:	
<b>The Public Benefit</b>	The proposed signage will assist in identifying the dental hospital which assists in raising public awareness of the dental services available.

## Sutherland Shire Local Environmental Plan 2006 (SLEP 2006)

Local Environmental Plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations for this application as Section 75(2)(e) of the Act 1979 require the Proponent to address such standards and provisions and the Department to duly consider them. The Departments consideration of the relevant development standards are provided below:

	Provisions	Proposal	Compliance
<b>Zone</b> <b>Zone 8 – Urban</b> <b>Centre</b>	Medical Facilities including hospitals, and retail	Hospital and retail	<b>Yes</b>
<b>Height</b>	28 metres	21.96 metres (24.9 metres including lift over run and chimney stacks)	<b>Yes</b> *See <b>Section 5.2.2</b> for further discussion
<b>Floor space ratio</b>	2.5:1	3.95:1	<b>No</b> *See <b>Section 5.2.1</b> for further discussion



## **APPENDIX E    RECOMMENDED CONDITIONS OF APPROVAL**

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# Project Approval

## Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, I the Deputy Director General, Development Assessment Systems Performance, approve the Project Application referred to in Schedule 1, subject to the conditions in Schedule 2.

Deputy Director-General  
Development Assessment & Systems Performance  
Department of Planning & Infrastructure

Sydney

2012

### SCHEDULE 1

<b>Application No.:</b>	MP11_0009
<b>Proponent:</b>	Russo Family Trust
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	84-86 Kiora Road, Miranda Lot C DP415413
<b>Project:</b>	<p>Project Application approval for the following:</p> <ul style="list-style-type: none"><li>• demolition of existing buildings and excavation;</li><li>• construction of a part 6/ part 7 storey dental hospital comprising:<ul style="list-style-type: none"><li>• various specialist dental treatment services, day surgery facilities, and inpatient accommodation;</li><li>• shop/café on the upper ground floor;</li><li>• fully automated 3 level basement car stacker containing 40 car spaces; and</li><li>• two signs along the northern and western façades of the building.</li></ul></li></ul>

### NOTES RELATING TO THE DETERMINATION OF MP11\_0009

#### Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant

#### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

#### Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

## DEFINITIONS

<b>Act</b>	means the Environmental Planning and Assessment Act, 1979 (as amended).
<b>Advisory Notes</b>	means advisory information relation to the approved development.
<b>BCA</b>	means the Building Code of Australia.
<b>Principal Certifying Authority</b>	has the same meaning as Part 4A of the Act.
<b>Council</b>	means Sutherland Shire Council.
<b>Department</b>	means the Department of Planning & Infrastructure or its successors.
<b>Director General</b>	means the Director General of the Department or his nominee.
<b>Environmental Assessment (EA)</b>	means the Environmental Assessment Report for the Miranda Dental Hospital development dated November 2011.
<b>Minister</b>	means the Minister for Planning and Infrastructure.
<b>MP 11_0009</b>	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
<b>Preferred Project Report (PPR)</b>	means the Preferred Project Report for the Miranda Dental Hospital.
<b>Proponent</b>	means the Russo Family Trust or any party acting upon this approval.
<b>Regulation</b>	means the Environmental Planning and Assessment Regulation, 2000 (as amended).
<b>Subject Site</b>	has the same meaning as the land identified in Part A of this schedule.

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**End of this Section**

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## SCHEDULE 2

### PART A- ADMINISTRATIVE CONDITIONS

#### A1. 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 dental hospital with a GFA of 1938.5m<sup>2</sup> comprising:

- 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 façades of the building.

#### 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, 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:

<b>Architectural (or Design) Drawings prepared by Geoform Design Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
1.01	A	Title Sheet	17/04/2012
1.02	A	Site Plan	17/04/2012
2.01	A	Basement Floor Plan	17/04/2012
2.02	A	Lower & Upper Ground Floor Plans	17/04/2012
2.03	A	Level 1 & 2 Floor Plans	17/04/2012
2.04	A	Level 3 & 4 Floor Plans	17/04/2012
2.05	A	Level 5 Floor Plan & Roof Plan	17/04/2012
3.01	A	Context Elevations	17/04/2012
3.02	A	South & West Elevations	17/04/2012
3.03	A	North & East Elevations	17/04/2012
4.01	A	Sections A & B	17/04/2012
4.02	A	Section C	17/04/2012
4.03	A	Sections D & E	17/04/2012
<b>Engineering (or Design) Drawings prepared by EFWF</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
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.

**A3. Inconsistencies between Document**

In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

**A4. Prescribed Conditions**

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

**A5. Compliance with Building Code of Australia**

All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

**A6. Lapsing of Approval**

This approval shall lapse 5 years after the determination date shown above in this Instrument of Approval, unless the development has been physically commenced.

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**End of this Section**

## **PART B - GENERAL**

### **B1 Further Approvals**

The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):

- shop fit out and use for the café/retail.

### **B2 Approvals Required under the Roads Act or the Local Government Act**

No works, uses or activities shall not be carried out on public land (including a road) adjacent to the development site without approval under the Roads Act 1993 and/or the Local Government Act 1993. An application, together with the necessary fee, shall be submitted and approval granted by Sutherland Shire Council prior to any works, uses or activities commencing on public land.

### **B3 Costs to Roads and Maritimes Services**

All works associated with this approval shall be at no costs to the RMS.

### **B4 Works or Assets in Public Areas**

The proposed development generates a need for works to be undertaken by the Proponent/Developer in the road reserve in conjunction with the development:

- (a) A temporary concrete footpath crossing for construction vehicle access.
- (b) Road pavement construction between the existing sealed pavement and the lip of the proposed kerb and gutter where replacement kerb and gutter or vehicular layback crossings are constructed and where existing pavement has failed fronting the development or fails during the course of the development construction.
- (c) Stormwater drainage work comprised of connection of the proposed development stormwater drainage system to the piped drainage system in either Kiora Road or Urunga Parade.
- (d) Demolition of existing kerb and gutter at the proposed point of access and replacement with a concrete layback crossing.
- (e) Removal of all redundant layback and footpath crossings and reconstruction with integral concrete kerb and gutter.
- (f) Construction of 150mm barrier type kerb and gutter across the full frontages of the site where required,
- (g) The footpath crossing in Urunga Lane to be 10.5m wide.
- (h) Removal and reconstruction of any damaged or cracked sections of kerb and gutter
- (i) Provision of street landscaping.
- (j) Adjustment to public services infrastructure where required.
- (k) Reconstruction of the entire frontage footpaths in Kiora Road North and Urunga Parade to the levels and gradients determined by Council
- (l) Provision of pedestrian kerb ramps at the intersections of Kiora Road North with Urunga Parade and Urunga Parade with Urunga Lane.

An application under the Roads Act, together with the necessary fee, shall be submitted and alignment levels shall be issued by Council prior to the issue of a Construction Certificate. Approval under the Roads Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in enforcement action by Council.

Survey and design plans for the above works shall be prepared by Council's Engineering Division and issued by Council's Civil Assets Manager. A fee quotation may be obtained by submitting a "Detailed Frontage Design" application to Council. The application form can be obtained from Council's web site.

**Before seeking a Construction Certificate**, for a complete understanding of the requirements and procedures for frontage works or queries relating to the administration, holding and release of the required bond, contact Sutherland Shire Council's Civil Assets Manager.

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**End of this Section**

## PART C – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### **C1 Streetscape Improvement Plan**

Prior to the issue of a Construction Certificate, a streetscape improvement plan shall be submitted to Council for approval and shall include a 4 metre wide awning along the Kiora Road frontage and 3 metre wide awning at the Urunga Parade frontage, and upgraded paving and street furniture, including some low level planting, for the public domain along both Kiora Road and Urunga Parade frontages.

The approved streetscape improvement plan shall be fully completed prior to the issue of an occupation certificate and at no cost to Council.

### **C2 Management Plan for Treatment of Windows/Glazing to Southern Elevation**

Prior to the issue of a Construction Certificate, detailed information is to be submitted to the consent authority demonstrating how the upper two levels of window/glazing that form part of the southern side wall will be treated/modified/replaced to be appropriately fire rated if a building is developed on the adjoining site to the south to RL59.00 and running the full length of the southern common boundary. The information must demonstrate how the modifications will be accommodated by the structural fabric of the building, to meet BCA requirements, and accommodate temporary relocation/closure of facilities affected by such works.

### **C3 Bicycle Parking and Locker Facilities**

Prior to the issue of a Construction Certificate, amended plans shall be submitted incorporating bicycle parking within the development and provision of lockers for staff.

### **C4 S.94A - Contribution for Miranda Centre Core Commercial Land S94A Levy Plan**

Pursuant to s.80A(1) of the Environmental Planning and Assessment Act 1979, and Council's Section 94A Contribution Plan for Miranda Centre Core Commercial Land, a contribution of **\$173,478.16** shall be paid to Sutherland Shire Council towards the cost of works contained in the contribution plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan. The amount payable of monetary s.94 contributions will be indexed on 1 July each year in accordance with the Contribution Plan and the following formula:

$$\text{Current outstanding Contribution} \times \text{current IPD} \div \text{previous year's IPD}$$

Payment shall be made prior to the issue of the Construction Certificate.

The Contributions Plan may be inspected or a copy purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

### **C5 Environmental, Damage and Performance Security Bond**

Before the commencement of any works (including demolition) or the issue of a Construction Certificate, the applicant shall provide security to Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with the Council or a satisfactory guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information shall be submitted to Council at least two (2) days **prior** to the commencement of works.

Should any public property and / or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred shall be deducted from the security.

A request for release of the security deposit may be made to Council after all works relating to this consent have been completed. Such a request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to use of the consent.

The value of the bond shall be **\$150,110.00**.

- Bond amount includes a non refundable administration fee of \$110. Where the bond takes the form of a Bank Guarantee, the \$110 administration fee must be paid separately and not included in the bank guarantee.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount / bond purpose is permitted on a Bank Guarantee. Multiple bonds would require multiply bank guarantees to be lodged.

Note: All enquiries in relation to bonds should be directed to Council's Civil Assets Manager on 9710 0134.

## **C6 Noise and Vibration**

Prior to the issue of a Construction Certificate a detailed Noise and Vibration Assessment shall be undertaken in accordance with the *Interim Construction Noise Guideline* (DECC 2009).

The information from this noise and vibration assessment should also inform the Construction Management Plan (noise and vibration sub plan). Particular attention should be given to identifying any highly significant noisy activities that may be undertaken at the site. This includes, but is not limited to; rock breaking, jack hammering, crushing, pole driving and blasting. The Plan should also detail appropriate management strategies, monitoring programs and mitigation measures to ensure that noise generated from the proposed works is minimise as far as practicable and achieves the desired noise criteria as identified in the noise assessment.

## **C7 Construction Site Management Plan and Traffic Management Plan**

A detailed Construction Management Plan (CMP) shall be prepared for all demolition, excavation and construction works for the site for the duration all stages of the demolition and construction works.

This plan shall fully detail the methods by which each phase of the works is to be accomplished, methods of materials and waste delivery and removal, storage, site office and facility location, craneage, concrete pumping, site elevators, stormwater and groundwater storage, treatment and discharge, hoardings and the like, location of Work Zones together with details relative to the construction of road frontage works, provision for pedestrians during such works and the provision, adjustment, augmentation and/or relocation of public utility services and conduits or the like.

The CMP shall also address the range of construction management matters including but not limited to noise and vibration control, hazardous materials, odour control, site soil and water management. The CMP shall be submitted to the Accredited Certifier for endorsement as part of the Construction Certificate.

In preparing the CMP, the applicant shall liaise with Sutherland Council's Director Engineering where it is proposed to use or occupy any public lands adjoining the site for any of the above purposes.

A Construction Traffic Management Plan (CTMP) shall be prepared for the development having regard to the requirements of the approved Construction Management Plan for all phases and stages of demolition, excavation and construction. The plan shall detail the routes to be employed within the Sutherland Shire, nominate the ultimate destination/s of all demolition and excavation material and identify the proposed traffic control mode for the intersections during the demolition and construction period.

The CTMP shall demonstrate that 3 metre wide access will be maintained at Urunga Lane for through traffic during all stages of construction.

This plan shall be submitted to Sutherland Council's Director Engineering for approval prior to the issue of any Construction Certificate or any demolition.

#### **C8 Nomination of Engineering Works Supervisor**

Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately accredited certifier to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's current "Specification for Civil Works Associated with Subdivisions and Developments".

The engineer shall:

- a) provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
  - i) all relevant statutory requirements;
  - ii) all relevant conditions of development consent;
  - iii) construction requirements detailed in the above Specification; and
  - iv) the requirements of all legislation relating to environmental protection;
- b) on completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval; and
- c) certify that the Works As Executed plans are a true and correct record of what has been built.

#### **C9 Sydney Water - Referral Requirements**

The plans approved as part of the Construction Certificate shall be submitted to a Sydney Water Quick Check agent or Customer Centre to determine as to whether the development will affect Sydney Water's sewer and water mains, stormwater drains and / or easements, and if further requirements need to be met. Plans will be stamped appropriately.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building Development and Plumbing then Quick Check; and
- Guidelines for Building Over / Adjacent to Sydney Water Assets - see Building Development and Plumbing then Building and Renovation.

#### **C10 Public Utility Authorities**

Arrangements shall be made to the satisfaction of all Utility Authorities and telecommunications providers including cable television network providers in respect to the services supplied to the development by those authorities. The necessity to provide or adjust conduits/ services within the road and footway areas shall be at full cost to the applicant.

#### **C11 Drainage Design - Detailed Requirements**

A detailed drainage design shall be prepared in accordance with Sutherland Development Control Plan 2006 (Chapter 8 - Ecologically 'Sustainable Development'; Section 6 - 'Stormwater Management'), "Australian Rainfall and Runoff (1987)", Council's Drainage Design Manual and Council's "On-site Stormwater Detention Policy and Technical Specification" as required.

The design shall include:

- a) A detailed drainage design supported by drainage calculations.
- b) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum.
- c) A longitudinal section of the pipeline/s within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- d) Water from pathways and access drives shall be prevented from entering the road reserve as surface flow. This can be achieved by constructing a box drain at the boundary equipped with a 300mm wide grate and frame to collect the flow or directing the flow to a sag pit within the property.



- e) The rate of discharge of stormwater from the site to a drainage system under Council's control shall be controlled so that it does not exceed the pre-development rate of discharge. Specific certification from the designer to this effect shall be incorporated in the submitted drainage plans / details.

A design certificate issued by an appropriately accredited person to the effect that these design requirements have been met shall accompany the Construction Certificate. Stormwater shall be connected to the existing piped system within the road reserve.

### **C12 Building Ventilation**

To ensure that adequate provision is made for ventilation of the building mechanical and / or natural ventilation systems shall be provided. These shall be designed, in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.
- d) The Public Health Act - 1991.
- e) The Public Health (Microbial Control) - Regulation 2000.
- f) AS 3666.1 - 2002.
- g) AS 3666.2 - 2002.
- h) AS 3666.3 - 2000.

Details of all mechanical and / or natural ventilation systems, along with specific certification provided by an appropriately qualified person verifying compliance with the abovementioned requirements, shall accompany the Construction Certificate.

### **C13 Noise Control - Design of Plant and Equipment (Continual Operation)**

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems, shall be designed and / or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.

The Project Specific Noise level shall be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the Department of Environment and Conservation's Industrial Noise Policy.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

Details of the acoustic attenuation treatment required to comply with this condition, shall be prepared by a practising acoustic engineer and shall be submitted with the Construction Certificate.

### **C14 Submission of Fire Safety Schedule**

A Fire Safety Schedule shall be issued by an appropriately qualified person and provided to Council as part of the Construction Certificate in accordance with the *Environmental Planning and Assessment Regulation 2000*. This schedule shall distinguish between current, proposed and required fire safety measures, with the minimum standard of performance being indicated for each fire safety measure. The Fire Safety Schedule shall identify each fire safety measure that is a Critical Fire Safety Measures and the intervals at which supplementary fire safety statements shall be given to the Council in respect of each such measure.

### **C15 Structural Details**

Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be submitted to the Principal Certifying Authority in accordance with the terms of this Approval and comply with the requirements of the Building Code of Australia.

**C16 Noise and Vibration**

Prior to the issue of a Construction Certificate, the Proponent must incorporate in the development all the measures recommended in the Noise and Vibration report compiled by Acoustic Logic (Reference 20110256.1/2903A/R2/RL) dated 12 April 2011.

**C17 Stray Currents and Electrolysis from Rail Operations**

Prior to the issue of a Construction Certificate, the Proponent is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Proponent must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

**C18 Crane Operation and Aerial Operations**

Prior to the issuing of a Construction Certificate, the Proponent is to submit to the Rail Authority a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.

**C19 Access for People with Disabilities**

Prior to the issue of the relevant Construction Certificate, plans shall be submitted to the Principal Certifying Authority demonstrating general compliance with the recommendations of the Access report prepared by BCA Access Solutions dated 18 April 2012.

**C20 Long Service Levy**

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

**C21 Builders Indemnity Insurance**

The Proponent, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

**C22 Waste Management Plan**

Prior to the issue of a Construction Certificate for any works (including excavation), a Waste Management Plan is to be prepared and submitted to the Principal Certifying Authority.

The Plan is to include the following:

- (a) the amount of demolition, excavation and construction wastes likely to be generated and how these materials are to be sorted and dealt with;
- (b) the design and construction of the internal roads, driveways, turning circles and other infrastructure required for waste services in the development is in accordance with the stated document;
- (c) all waste generated by the approved development (including residents, businesses and any other activity on the site) are to be collected by a private waste contractor;
- (d) bulky waste items collected by a private waste contractor;
- (e) commitment to providing an on-site caretaker to manage the storage and removal of waste generated by the approved development; and
- (f) commitment to retain the demolition, excavation and construction waste/recycling dockets will be retained on-site to confirm which authorised waste/recycling facilities received the material for recycling or disposal.

The Waste Management Plan is to be implemented prior to commencement of works and during the course of construction.

### **C23 Car Park Operation Management Plan**

Prior to the issue 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.

### **C24 Vehicular Collision Mitigation Measures at Urunga Lane**

Prior to the issue of a Construction Certificate, a suitably qualified traffic consultant shall review and recommend mitigation measures to limit the potential for vehicular collision as cars reverse onto Urunga Lane and shall be approved by Council. As a minimum, this shall include installation of a convex traffic mirror at the Urunga Lane/Urunga Parade intersection to provide a clear view of traffic along the laneway for vehicles entering Urunga Lane.

### **C25 Compliance Report**

Prior to the issue of the relevant Construction Certificate, the Proponent, or any party acting upon this approval, shall submit to the Principal Certifying Authority a report addressing compliance with all relevant conditions of Part B and C of this approval.

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**End of this Section**

## **PART D – PRIOR TO COMMENCEMENT OF WORKS**

### **D1 Public Liability Insurance**

Prior to the commencement of work or the issue of a Construction Certificate, the owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. Evidence of this policy shall be submitted to Council prior to commencement of work or the issue of a Construction Certificate.

### **D2 Pre-Commencement - Notification Requirements**

No works in connection with this development consent shall be commenced until:

- a) A Construction Certificate has been issued and detailed plans and specifications have been endorsed and lodged with Council;
- b) A Principal Certifying Authority has been appointed. Council shall be notified of this appointment along with details of the Principal Certifying Authority, and their written acceptance of the appointment; and
- c) Notice of commencement has been provided to Council 48 hours prior to commencement of construction work on the approved development.

### **D3 Pre-commencement Inspection**

The pre-commencement meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. Prior to this meeting the relevant sections of the Environmental Site Management Plan (ESMP) must be implemented. The meeting must be attended by a representative of Council's Civil Assets Branch, the PCA, the builder/site manager of the building/civil construction company and where necessary the supervising engineer. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Inspect the implementation of relevant sections of the ESMP such as safe passage for pedestrians, the installation of sediment and erosion controls, hoardings, Work and Hoarded Zones;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Discuss/explain any sections of the development consent that may require clarification or elaboration;
- iv) Confirm that a Construction Certificate has been issued where necessary and all Council fees paid;
- v) Vet the compliance of any special/specific conditions of consent;
- vi) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments - January 1996; and,
- vii) Confirm that the builder/site manager/principal contractor has a copy of the Sutherland Shire Development Control Plan 2006 and Environmental Specification 2007.

### **D4 Sign to be Erected on Site**

A rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position on the site. The responsibility for this to occur is that of the principal certifying authority or the principal contractor.

The signage, which must be able to be easily read by anyone in any public road or other public place adjacent to the site, must:

- a) show the name, address and telephone number of the principal certifying authority for the work, and
- b) show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

#### **D5 Dilapidation Survey and Report (Private Property)**

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures upon the following lands, has been completed and submitted to Council:

- 50-52 Urunga Parade;
- 88-90 Kiora Road; and
- 90 Kiora Road.

The dilapidation report must include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report and Vibration Impact Report and subsequent reports and addendums. In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

**Note:** A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

#### **D6 Geotechnical Report to Railcorp**

The Applicant shall provide a Geotechnical Engineering report to RailCorp for review by RailCorp's Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, and demolition- and excavation- induced vibration in rail facilities, and loadings imposed on RailCorp.

#### **D7 Excavation Works**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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**End of this Section**



## **PART E – DURING CONSTRUCTION**

### **E1 Access to Urunga Lane**

Vehicular access shall be maintained at Urunga Lane for through traffic at all times of construction.

### **E2 Geotech**

All construction works shall comply with the recommendations of the Geotechnical Investigation report prepared by Jeffery and Katauskas Pty Ltd dated 15 April 2011, reference 23955SrptREV1 as submitted with the EA.

### **E3 Environmental Site Management DCP**

All work shall be undertaken in accordance with the objectives and controls in Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management and the approved site management plan.

### **E4 Permitted Hours for Building and Demolition Work**

To minimise the noise impact on the surrounding environment all building and demolition work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays.

### **E5 Toilet Facilities**

Toilet facilities shall to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) shall be a standard flushing toilet, and
- b) shall be connected:
  - i) to a public sewer, or
  - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
  - iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause shall be completed before any other work is commenced.

### **E6 Demolition Work**

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

- a) The demolition of the existing building shall be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- b) It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a dilapidation report supported with suitable photographic records. This information shall be submitted to Council prior to the commencement of work. Any damage other than that noted prior to commencement of the demolition shall be the responsibility of the owner of the property for repair or reinstatement.
- c) The applicant shall ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.
- d) If demolition is to commence prior to the issue of a Construction Certificate, the applicant shall submit to Council a Site Management Plan - Demolition for assessment prior to the commencement of any demolition work. This plan shall satisfy the objectives of Council's Environmental Site Management Development Control Plan and shall consider the following:
  - i) What actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from demolition activities, crossings by heavy equipment, plant and materials deliveries and the like;
  - ii) The proposed method of loading and unloading demolition machines within the site;

- iii) The proposed areas within the site to be used for the storage of demolished material and waste containers during the demolition period;
  - iv) How it is proposed to ensure that soil / demolished material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
  - v) The requirements of any site specific Development Control Plan that may affect this development site.
- e) **Pre-Commencement Inspection**  
 If demolition is to commence **prior** to the issue of a Construction Certificate, the Builder/principal contractor shall undertake a pre-commencement site inspection with Council's Engineering Compliance Officer and Council's Civil Asset Manager. The purpose of this inspection is to facilitate the implementation of the consent specifically with regard to the impact on the public way and to clarify any matters of concern.

Note: An inspection fee shall be paid to Council prior to the meeting. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

### **E7 Support for Neighbouring Buildings and Roadways**

As the excavation associated with the erection of the development extends below the level of the base of the footings of buildings on an adjoining allotment of land and the road reservations, the person causing the excavation to be made:

- a) Shall preserve and protect the building and the road reserves from damage.
- b) If necessary, shall underpin and support the building and the roadway in an approved manner.
- c) Shall, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land or the road reserve, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- d) The owner of the adjoining allotment of land nor Sutherland Shire Council is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

### **E8 Protection of Public Places**

To protect public safety and convenience during the course of constructing the works covered by this consent, the following matters shall be complied with:

- a) If the work involved in the erection or demolition of a building:
  - i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed, inconvenienced, or rendered unsafe; or
  - ii) building involves the enclosure of a public place,  
 A hoarding or fence shall be erected between the work site and the public place. In this instance it has been determined that a "B" Class hoarding is required and shall be installed on the Kiora Road North and Urunga Parade frontages of the site.
- b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

The hoarding, fence or awning shall be removed and any damage to any public place reinstated to Council's satisfaction when the work has been completed.

### **E9 Noise Control during Construction and Demolition**

To minimise the impact on the surrounding environment the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.

### **E10 Geotechnical and Structural Engineers Reports**

A Geotechnical engineer's report shall be prepared relative to the stability and suitability of the existing site materials to support the proposed development and all associated structures and to indicate any constraints to be placed on earthmoving plant and equipment. This report shall make recommendations and form the basis for the production of the Structural Engineer's report and the preparation of structural drawings for the development and for the types of excavation plant and equipment to be employed on the site.

During the course of excavation, should site conditions be encountered that vary from the initial findings, a revised Geotechnical Report shall be prepared that makes amended recommendations relative to the methods of excavation and support of the excavation together with any amended structural works that shall be required for the foundations or the development itself.

All rock anchors within 3m of the road surface of Kiora Road North, Urunga Parade and Urunga Lane are to be removed only following the completion of final stabilisation works.

The report shall be provided to the Accredited Certifier, to be endorsed as forming part of the Construction Certificate. As such, copies shall be provided to the PCA and to Sutherland Shire Council.

A Structural engineer's report shall be prepared based upon the recommendations of the Geotechnical Report. This report shall include details of the methods by which the surrounding roadways, all public utility infrastructure and the abutting developments shall be supported during the course of excavation and construction within the subject site. The report shall also detail methods by which all supports required for all such works shall be removed from the abutting properties and the public road reserve following the completion of construction.

The report shall be provided to the Accredited Certifier to be endorsed as forming part of the Construction Certificate.

### **E11 Environment Protection and Management**

The environment protection and management measures described in the required Environmental Site Management Plan (including sediment controls and tree protection) shall be installed or implemented prior to commencement of any site works and continuously maintained during the period of construction or demolition. These measures shall generally be in accordance with the requirements of Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

### **E12 Dewatering of Excavation**

Any water from excavations to be discharged to Council's stormwater system must meet the following criteria:

- a) It shall not contain a concentration of suspended sediment exceeding 50 mg/L.
- b) It shall have a pH of between 6.5-8.
- c) It shall comply with the ANZECC Guidelines for Marine and Freshwater Quality, for Protection of Aquatic Ecosystems (95% protection level).

Water testing shall be carried out to ensure compliance with the above by a suitably qualified environmental scientist, and results provided to Council upon request. A permit may be required to discharge water to Council's stormwater system. Consultation with Council shall be undertaken prior to discharge of any water to stormwater.

### **E13 Contamination**

All works shall be undertaken in accordance with SEPP 55, relevant guidelines and the recommendations of the Stage 2 Contamination Assessment prepared by Environmental Investigations, report no. E1427.1AA and dated 17 November 2011.

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**End of this Section**

## **PART F – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE**

### **F1 Prior to Occupation or Use of the Development**

The Development shall not be occupied or used until:

- a) A Final Occupation Certificate is issued and provided to Council for the development; or
- b) An Interim Occupation Certificate is issued and provided to Council for the development. This shall clearly identify the part of the development to which the Interim Occupation Certificate relates.

### **F2 Restrictive Covenant to Solar Access Rights**

Prior to the issue of an Occupation Certificate, a restrictive covenant shall be created under Section 88B of the Conveyancing Act 1919, removing any solar access rights to the windows/glazing on the southern façade of the building. The covenant shall also require that these windows/glazing be treated/modified/replaced to ensure compliance with relevant BCA requirements, if a building is developed on the adjoining site to the south to RL59.00 along the southern common boundary.

Registered title documents, showing the restriction, must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

### **F3 Green Travel Plan**

Prior to the issue of an Occupation Certificate, the Proponent shall prepare for implementation a location specific detail sustainable work place travel plan for employees and visitors to the site to support the use of non-car modes of transport. The plan shall include the following measures / objectives:

- travel access guide as detailed in the EA;
- encouraging use of public transport by employees and visitors;
- introduction of travel pass scheme to provide reduced cost annual public transport tickets;
- encouraging car pooling;
- raising awareness of health benefits of walking and cycling; and
- encouraging cycling by providing secure bicycle parking including provision of lockers and changing facilities for staff on site.

Notices of the travel access guide are to be installed in entrances and waiting areas of the dental hospital identifying local public transport routes.

### **F4 Works As Executed Information**

Certification shall be provided from a registered surveyor to the effect that:

- a) All civil engineering works required by this development consent have been carried out in accordance with the terms of the development consent and the approved engineering drawings with regard to location and level.
- b) All pipes, pits and detention facilities lay within their relevant existing or proposed easements.
- c) All rights-of-way or positive covenants required by conditions of this development consent have been provided.

### **F5 Works As Executed Drawings**

Certification shall be provided from the supervising engineer acting as an Accredited Certifier, to the effect that:

- a) All civil engineering and stormwater works associated with development have been carried out in accordance with the terms of the development consent, the approved engineering drawings and in the case of public works Council's "Specifications for Civil Works associated with Subdivisions and Developments".
- b) The construction of the drainage system for the proposed development has been carried out generally in accordance with the requirements of the approved stormwater drainage plans, Council's stormwater management policy and guidelines and Council's On-site Detention Policy and has been carried out in order that stormwater runoff downstream is not increased as a result of the development and that all assumptions made during the design remain valid. Works-as-Executed drawings certified in the above manner and containing all relevant information as required by Council's "Specification for Civil Works Associated with

Subdivisions and Developments" shall accompany the Subdivision / Occupation Certificate.

#### **F6 Survey for building levels and location**

The Occupation Certificate shall be accompanied by a Certificate from a Registered Surveyor certifying that the building has been built to the reduced levels and boundary setbacks shown on the approved plans.

#### **F7 Works in Roadway**

A completion certificate from the supervising civil engineer shall be submitted with Occupation Certificate. This shall certify that all works undertaken in the road reserve have been completed in accordance with the conditions of the required Roads Act approval/s and the conditions of this Development Consent.

#### **F8 Geotechnical Certification**

Certification shall be provided from the supervising Geotechnical Engineer to the effect that related works have been carried out and completed in accordance with the recommendations of the geotechnical engineer's report and that any rock anchors utilised to stabilise the excavation works have been removed.

#### **F9 Section 73 Compliance Certificate**

A Compliance Certificate under s73 of the Sydney Water Act, 1994, shall be submitted to Council by the PCA prior to the issue of an Occupation Certificate or before the issue of a Subdivision Certificate. Sydney Water may require the construction of works and/or the payment of developer charges.

*Advice from Sydney Water:*

*An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or by telephone 13 20 92.*

*Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services as well as building, driveway or landscaping design.*

#### **F10 Post Construction Dilapidation Report**

The Proponent shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report; and
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to the Department and Council.

#### **F11 Structural Inspection Certificate**

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings.
- The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.



## **F12 Waste and Recycling Collection Contract**

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of **all trade waste** pertaining to the relevant stage of construction. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

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**End of this Section**

## **PART G – DURING OPERATIONS**

### **G1 Car parking provision**

The car spaces in the automated basement levels shall be allocated as follows:

<b>Car Parking Space</b>	
Dental Hospital employee car spaces	29
Visitor/Patient car Spaces	10
Retail/Café car spaces	1
<b>Total car spaces</b>	<b>40</b>

### **G2 Signage At Urunga Parade**

Appropriate signage, visible at Urunga Parade shall be provided indicating that visitor/patient parking is available on site free of charge.

### **G3 Bicycle Facilities**

Bicycle parking and lockers facilities for staff shall be provided within the developed in accordance with the approved Construction Certificate Plans.

### **G4 Annual Fire Safety Statement**

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

### **G5 Road Signage**

All works/regulatory signposting associated with the development shall be carried out at no cost to Council or the Roads and Maritime Services.

### **G6 External Lighting**

All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area nor to motorists on nearby roads.

### **G7 Noise Control - Plant & Equipment (General)**

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation or refrigeration systems, shall be operated and maintained in such a manner so that the noise emitted does not exceed a LAeq sound pressure level of 5 dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

### **G8 Ventilation - Operation**

To ensure that adequate ventilation within the building, all mechanical and / or natural ventilation systems shall be operated and maintained in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.
- d) The Public Health Act - 1991.
- e) The Public Health (Microbial Control) - Regulation 2000.
- f) AS 3666 - 2002.
- g) AS 3666.2 - 2002.
- h) AS 3666.3 - 2000.

**G9 Use of Inpatient 'Studios'**

The nurse's station on Level 5 must be staffed whilst any of the inpatient suites (shown as "Studios") are in use for inpatient accommodation. These rooms shall only be used for inpatient accommodation and are not to be converted, used or adapted for any other use, such as storage, overnight staff or specialist accommodation, or the like.

**G10 Provision of a Valet for Parking Operations**

To ensure that efficient and effective vehicular access to the site is maintained and that access to the visitor spaces in particular is available during trading, a valet shall be employed/contracted on a permanent basis and be stationed onsite generally in the 'stacker' and driveway apron area during trading hours.

**G11 Use of Radiation Apparatus**

The owner of the practice must ensure that radiation apparatus are registered and those using them are licensed. During the registration process, the radiation apparatus must be tested and certified by an EPA accredited radiation expert. The apparatus must meet the requirements of the publication *Radiation Guideline 6*.

In addition, the structure of the radiology department must ensure that members of the public do not get more than 1 mSv of radiation a year from x-ray apparatus and occupationally exposed persons must not get more than 20 mSv a year. This may require a shielding assessment to be carried out. *Radiation Guideline 7* can provide guidance on radiation shielding design assessment and verification requirements. EPA does not accredit persons to carry out shielding assessments.

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**End of this Section**

## ADVISORY NOTES

### **AN1. Requirements of Public Authorities for Connection to Services**

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

### **AN2. Application for Hoardings and Scaffolding**

A separate application shall be made to Council for approval under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (a) Architectural, construction and structural details of the design.
- (b) Structural certification prepared and signed by a suitably qualified practicing structural engineer.

The Proponent shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of works.

### **AN3. Use of Mobile Cranes**

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Principal Certifying Authority:

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
  - i. at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
  - ii. at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

### **AN4. Construction Inspections**

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the Building Legislation Amendment—Quality of Construction Act, 2002 for each stage of construction, such as the following:

- (a) Foundations,
- (b) Footings,
- (c) Damp proof courses and waterproofing installation,
- (d) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (e) Structural beam and column framing,
- (f) Timber wall and roof framing, and
- (g) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

### **AN5. Noise Generation**

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act 1997, or exceed approved noise limits for the site.

**AN6. Temporary Structures**

An approval under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 to certify the structural adequacy of the design of the temporary structures.

**AN7. Disability Discrimination Act**

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

**AN8. Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

**AN9. Street Numbering**

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy, prior to the occupation of the building(s) or commencement of the use. If street numbers or a change to street numbers is required, a separate application shall be made to Council.

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**End of this Section**



### **SCHEDULE 3 – Statement of Commitments**

## 5.0 Revised Statement of Commitments

In response to the submissions received, the following revised Statement of Commitments are made by Russo Family Trust in respect of environmental management, mitigation and monitoring measures that are to be implemented to manage and minimise any potential impacts of the project (revisions are shown in ***bold italics***).

### 5.1 Traffic and Parking

All access, servicing and internal layout will be provided in accordance with AS 2890.1:2004 and AS 2890.2 – 2002.

***Of the 40 on-site car parking spaces 30 will be allocated to staff and 10 to visitors/patients.***

A Transport Access Guide (TAG) will be prepared during the CC Stage. It will be located in common areas and will identify such aspects as:

- Local bus stop locations;
- Bus and rail time tables;
- Location of taxi ranks in the locality;
- Location of local services within walking distance such as convenience stores, supermarkets and other retail related areas;
- Location of car share vehicles within reasonable walking distance (if any).

***In addition, a car parking management system will be put in place where:***

- ***Staff will be directed to arrive between the hours of 6am and 8am.***
- ***Visitors/patients will arrive after 8am.***
- ***For visitors/patients requiring access to the hospital by car, a valet will be available from 8am to 5pm to place all visitor/patients cars into the stacker.***
- ***All visitor/patients, in particular special needs patients, will be made aware of the parking arrangements when making their appointment to visit the dental hospital.***

***Along the eastern frontage of the subject site, Urunga Lane will be widened by 900mm to provide sufficient width for two vehicles to pass in the lane.***

A Construction Traffic Management Plan (CTMP) will be prepared when more detailed information will be available and a builder is appointed. It will address requirements during each stage (demolition, site preparation, excavation, construction, fit-out and landscaping) and will include consideration of times of operation, truck access routes, site access, average truck frequencies, truck sizes, parking for construction workers, work zone requirements, pedestrian control, traffic management plans and any road occupancy applications.

All construction employee-parking demands will be contained within the site as far as practicable. Investigations will be undertaken as to the staging of the construction activities and these will take into account the need to provide adequate parking for employees prior to the completion of the basement car park. The use of basement car park will be available following their completion. The CTMP will address all relevant matters in detail as discussed above.

***The following principles will also underpin the preparation of the CTMP:***

- **Reliance on Urunga Parade will need to be limited to off-peak times to avoid impacts on queuing effects on approach to the traffic signals at Kiora Road and should not under any circumstances encroach within 10 metres of this intersection to maintain adequate sight lines.**
- **Reliance on articulated trucks will be avoided as far as practicable.**
- **A Work Zone will be considered for Urunga Lane and for the first 13 metres of the set-down area (closest to the site).**
- **Vehicular access to the site during construction will be maintained via Urunga Lane.**
- **All signage and traffic control plans will need to be in accordance with RMS Traffic Control at Work Sites and AS 1742.**

***As part of the CTMP a Community Consultation Plan will be prepared in accordance with the details provided in Section 3.4 of this report.***

***An Air Quality Management Plan will be developed as part of the CTMP. This plan will identify all reasonable and feasible measures to minimise the generation of dust from the premises during demolition and construction.***

***A Soil and Water Management Plan (SWMP) will be developed as part of the CTMP in accordance with the details provided in Section 3.4 of this report.***

## **5.2 Built Form & Urban Design**

***The owner of the building accepts that natural light and views from the south facing windows may be short term given that in future it is likely that adjoining site to the south could also be developed to a similar scale of seven (7) storeys.***

***Windows to the south elevation will be adequately protected from the spread of fire in anticipation of the adjoining site to the south being eventually developed with a similar 7-storey building.***

***The proponent will work with Council to develop a streetscape improvement plan that details changes to the paving and street furniture, including planting, for the public domain along both Kiora Road and Urunga Parade immediately in front of the subject site. The works will be informed by decisions made in relation to the treatment of footpaths around Westfield Shopping Centre and will be undertaken by the proponent at no cost to government.***

## **5.3 Flood Impact**

**The driveway slab to the car lift will be shaped to divert overland water flow away from the site by creating an artificial crest in the driveway about 3m behind the kerb line. The critical point is on the northern side of the driveway where the freeboard is approximately 140mm. The crest should be around 160mm higher than the kerb in this location.**

**A sump pump will be incorporated in the basement in the event that water ever enters the building.**

## 5.4 Geotechnical

The building will be designed and constructed in accordance with the recommendations prepared by Asset Geotechnical and summarised in **Table 4** of the Environmental Assessment.

## 5.5 Public Domain

Street trees will be planted on the footpath as detailed in the architectural plans submitted with the application.

## 5.6 Ecologically Sustainable Development (ESD)

The ESD principles identified in the report prepared by Vim Sustainability (refer Section 7.5) will be implemented during the design development process.

## 5.7 Drainage

A rainwater tank will be provided to capture stormwater runoff for toilet flushing, laundry appliances, irrigation and car washing.

A trash screen is to be provided on the outlet of the last pit prior to the connection to Council's stormwater drainage system in the street.

## 5.8 Contamination

Given the restricted access within the existing building area an inspection will be carried out once the existing building is demolished to confirm that the subsurface condition of this area is consistent with the remainder of the site.

Should site soils require excavation and disposal from the site, then these soils should be classified in accordance with the DECCW (2009) *Waste Classification Guidelines*.

Any soils to be imported onto the site for the purpose of back-filling excavated areas will be Virgin Excavated Natural Materials (VENM) and will also require validation testing in accordance with the relevant EPA/DECC regulatory guidelines to confirm soil suitability for the proposed land use.

A Hazardous Materials Assessment will be carried out prior to any site demolition.

## 5.9 Noise and Vibration

In relation to construction noise emissions, a detailed assessment of noise emissions from construction activities will be undertaken at Construction Certificate Stage ***in accordance with the Interim Construction Noise Guideline 2009. The information from this noise and vibration assessment will also inform the Construction Management Plan through a noise and vibration sub plan in accordance with the details outlined in Section 3.4 of this report.***

Notwithstanding this, the following general recommendations in order to limit noise and vibration emissions will be adopted:

- During excavation – use of ripping where possible rather than hammering; and,
- Use bored piles rather than any driven piles where possible.

## 5.10 Social Impacts

In order to minimise and negative social impacts from job losses for the current operational cosmetic surgeon and the existing bottle shop staff, possibilities for employment of these people by MDH will be explored.

## 5.11 Environmental Protection

*Once construction of the radiology practice is complete the owner of Miranda Dental Hospital will ensure that radiation apparatus are registered and those using them are licensed. During the registration process, the radiation apparatus will be tested and certified by an EPA accredited radiation expert.*

*The structure of the radiology department will also ensure that members of the public do not get more than 1 mSv of radiation a year from x-ray apparatus and occupationally exposed persons will not get more than 20 mSv a year (this may require a shielding assessment to be carried out).*

## 5.12 Servicing Infrastructure

*The drinking water main available for connection on the southern side of Urunga Parade will be upsized from the existing 100mm to a 150mm main.*

*Should the development generate trade wastewater, the property owner will submit an application for permission to discharge trade wastewater to the sewerage system before business activities commence.*

*Prior to the commencement of any physical works, the property owner/developer will engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development.*

## 5.13 Accessibility

*Requirements and recommendations to achieve compliance with the Premises Standards, Building Code of Australia and Australian Standards for accessibility identified in the Accessibility Report will be adopted in the proposed development.*