



***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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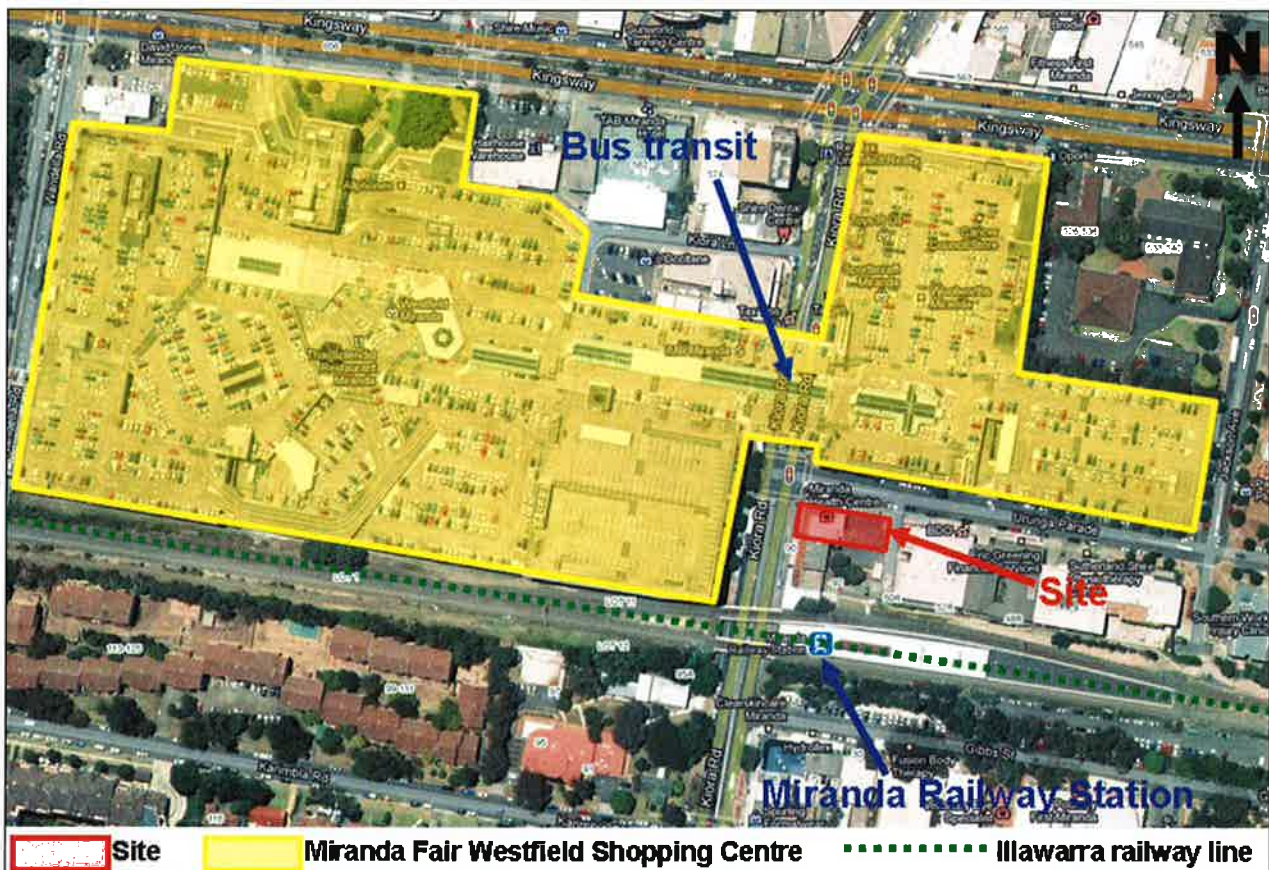
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# 1. BACKGROUND

## 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).



**Figure 1:** Subject Site and surround context (Source: Google Maps)

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**).



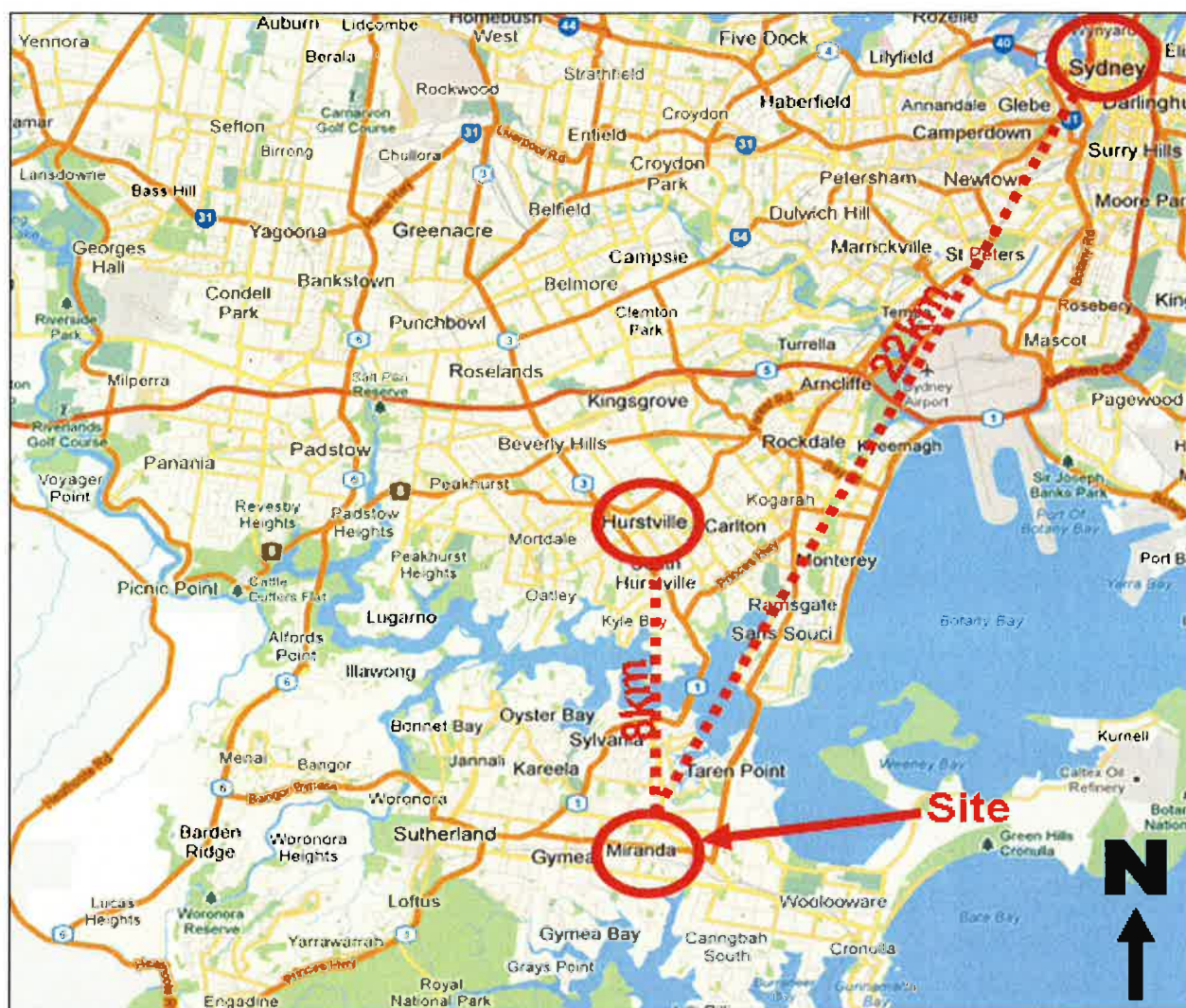


Figure 2: Site location in context of Sydney (Source: Google Maps)

## 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)



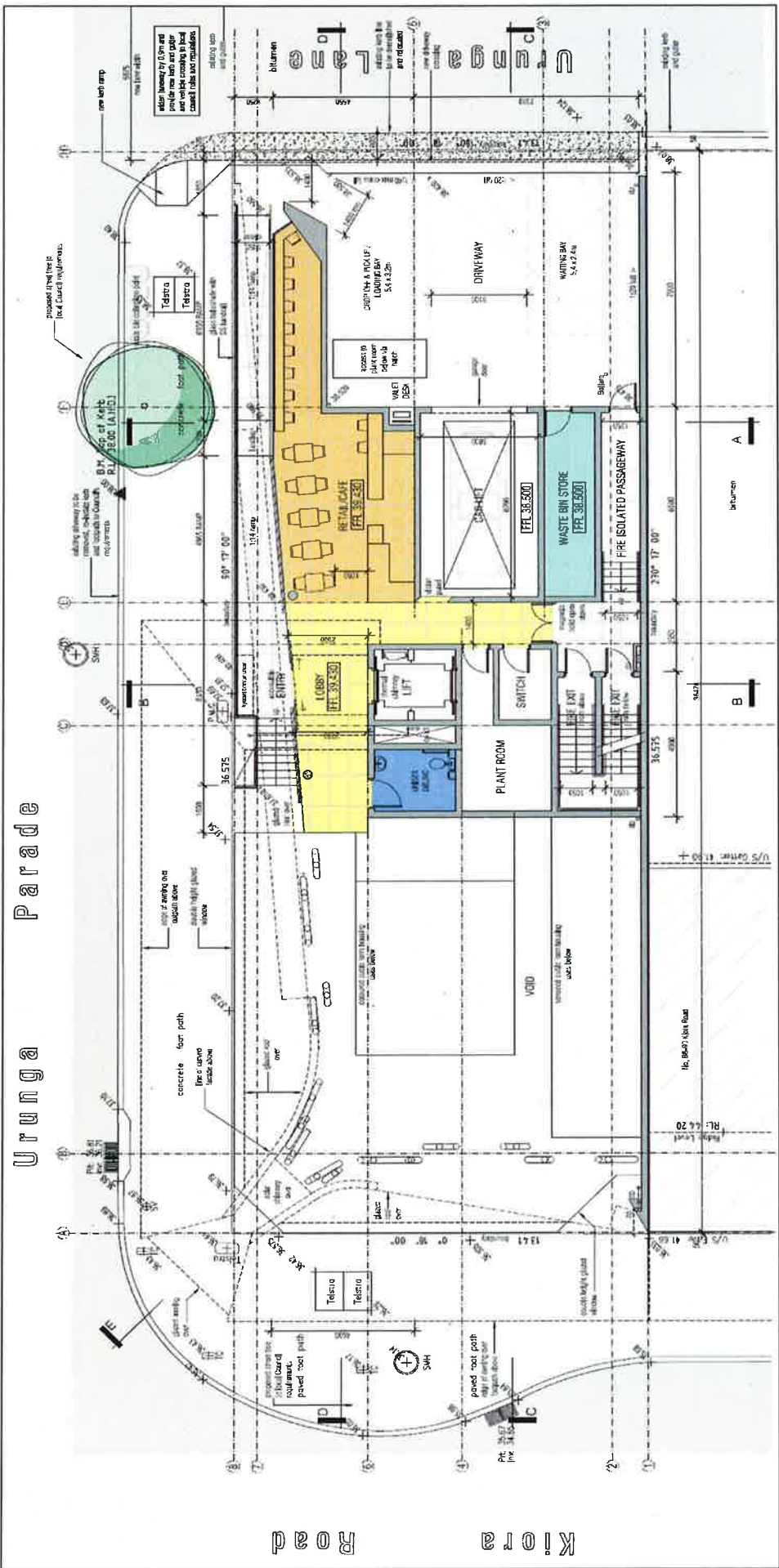


Figure 9: Upper ground floor plan of PPR (Source: PPR)

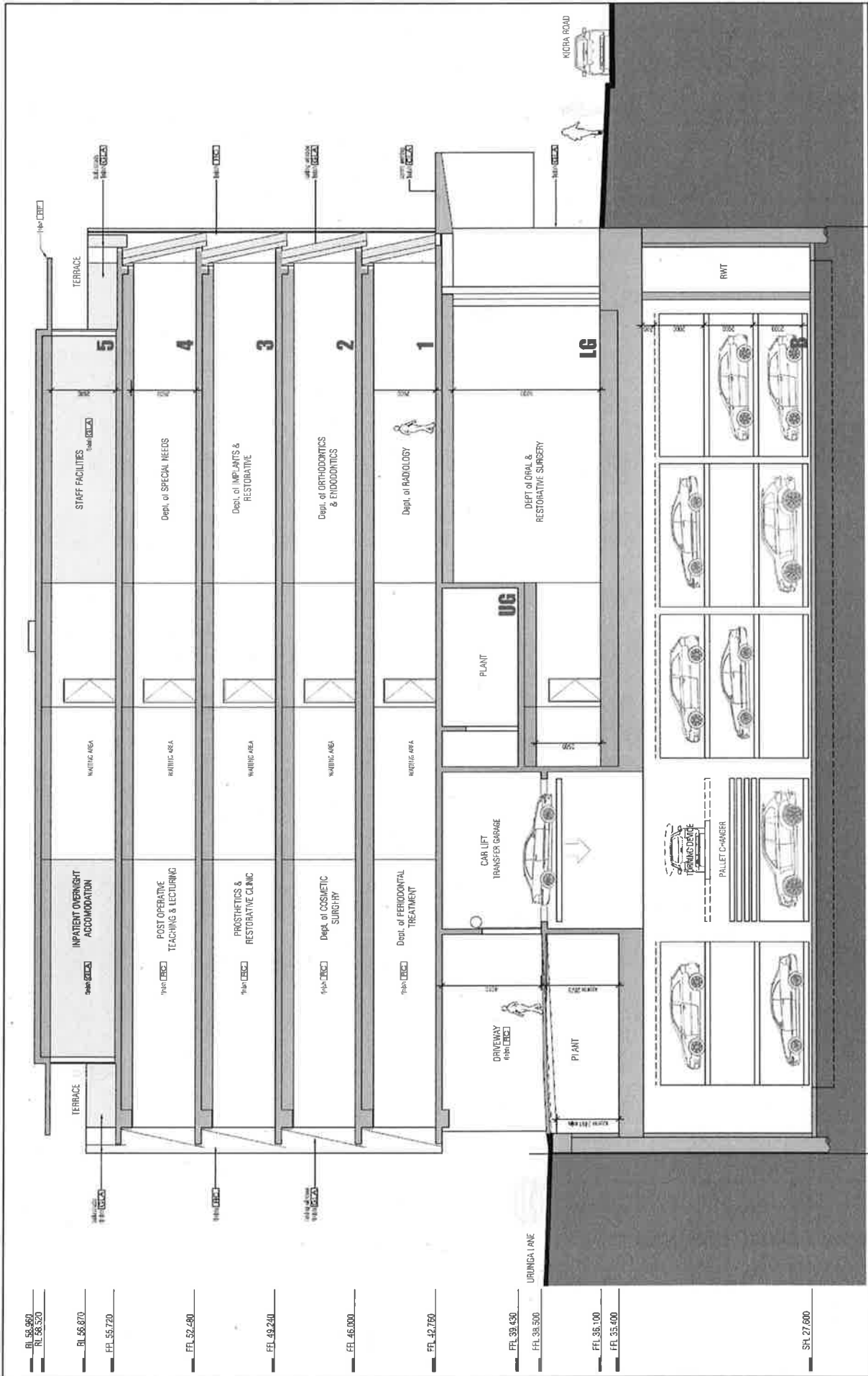


Figure 10: East West section plan of PPR (Source: PPR)

## **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:

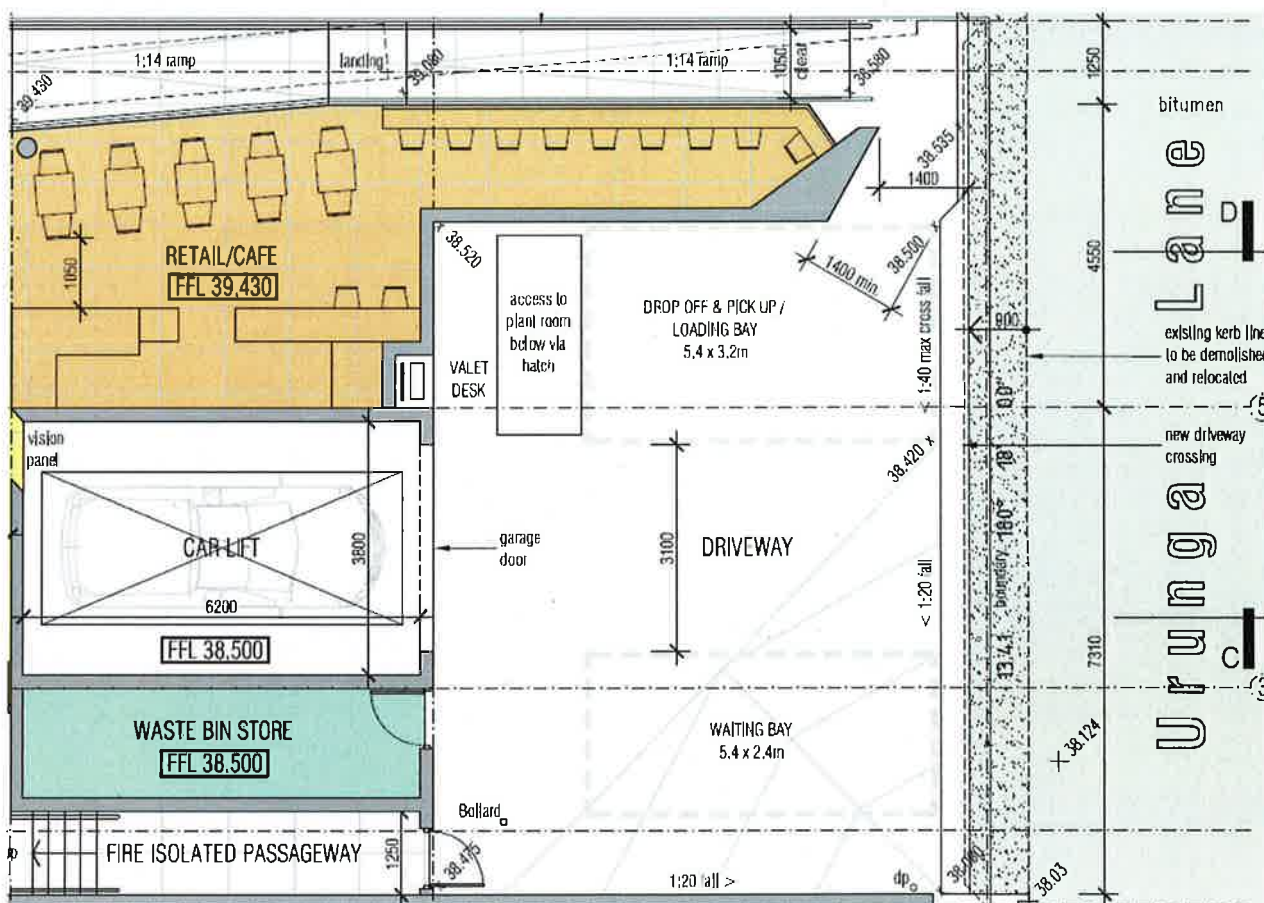
- car parking, access, and traffic; and
- built form.

### 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)

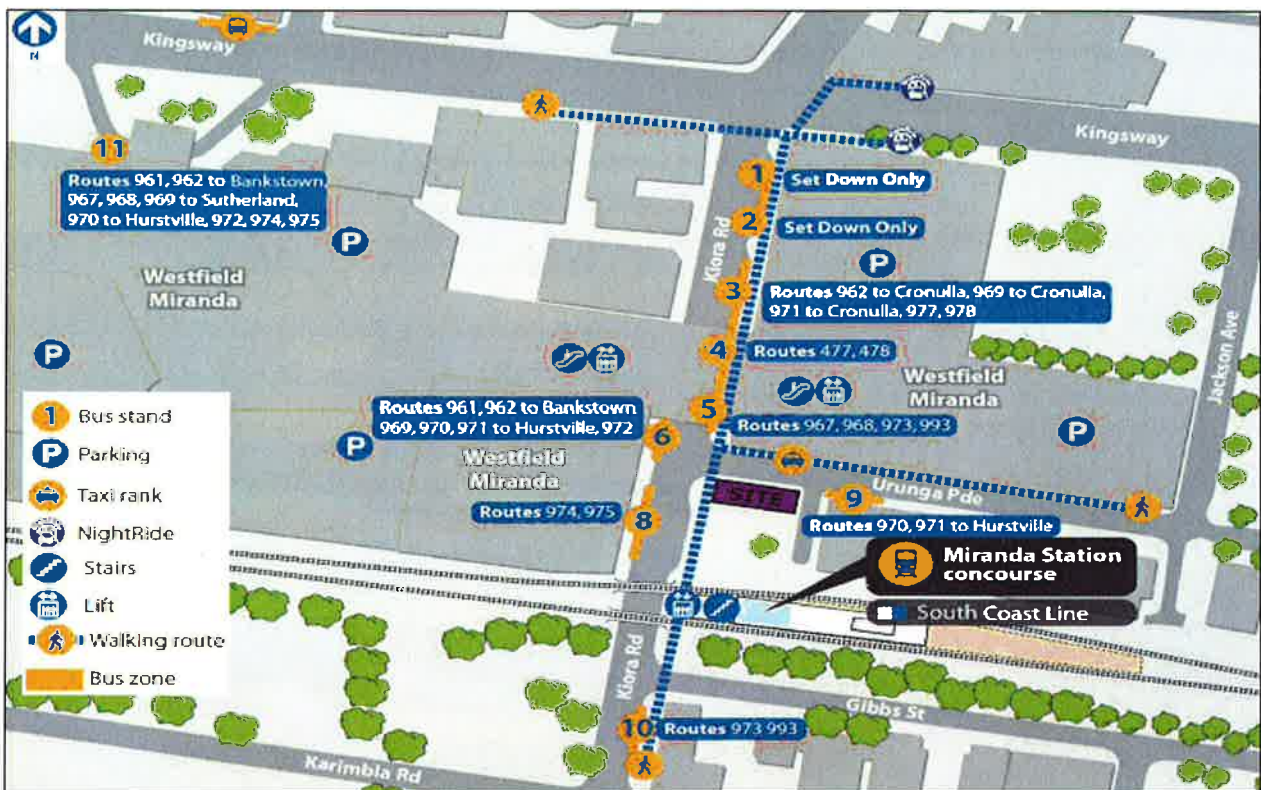
#### Car Parking Numbers

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.



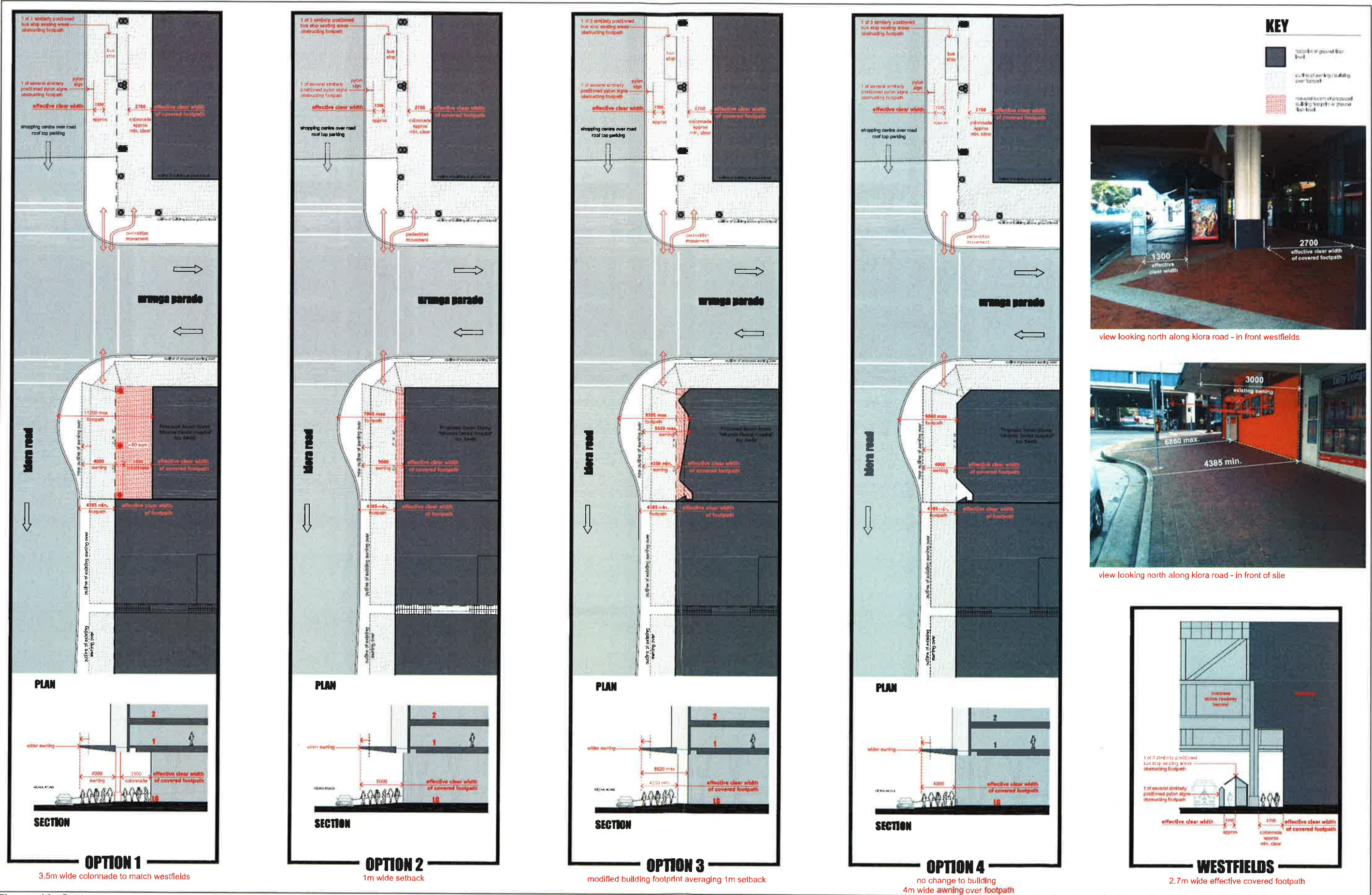


Figure 13: Options considered for potential colonnade at Kiara Road. Proposal is seeking partial implementation Option 4 (3 metre wide awning). Department recommends full implementation of Option 4 (4 metre wide awning) (Source: PPR).



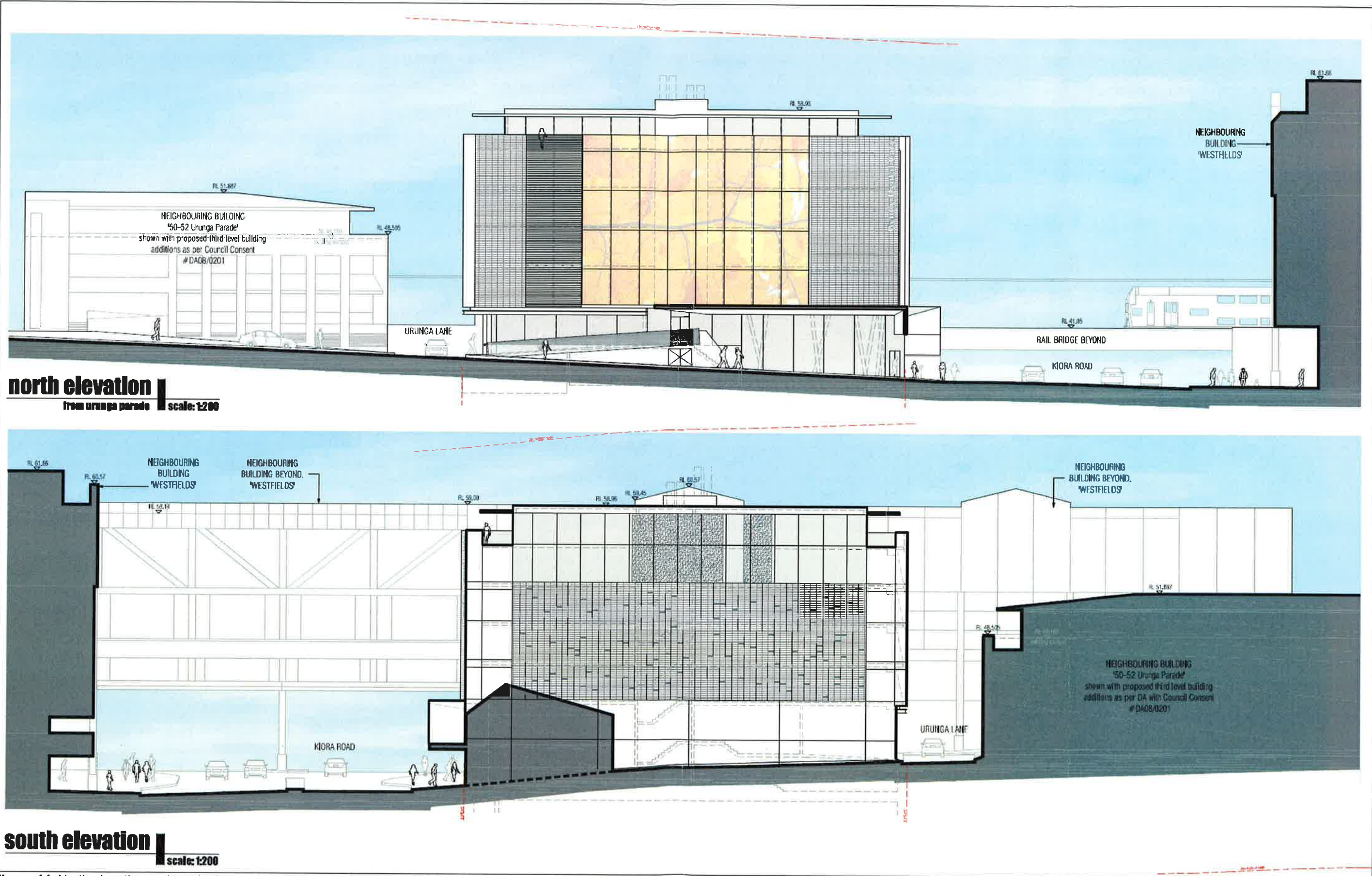


Figure 14: North elevation and south elevation showing mass, scale and height of proposal in context of locality (Source: PPR)

### 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:

 6.8.12  
Chris Wilson  
Executive Director  
Major Projects Assessment

Approved by:

 23/8/12  
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 75I(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:

	<b>Provisions</b>	<b>Proposal</b>	<b>Compliance</b>
<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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