

***MODIFICATION REQUEST:  
Miranda Dental Hospital  
84 – 86 Kiora Road, Miranda***

***MP 11\_0009 MOD 1***

***Modification to the design of the approved dental  
hospital***



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

**March 2013**

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

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## EXECUTIVE SUMMARY

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The purpose of this report is to determine a request by the Russo Family Trust (the Proponent) to modify an approved Project Application MP 11\_0009. On 23 August 2012, the Deputy Director General, Development Assessment & Systems Performance approved a Project Application for the construction of a part 6 / part 7 storey dental hospital in Miranda, Sutherland.

The modification seeks to amend the Project Application MP 11\_0009 as follows:

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

In effect, the above modifications will increase the gross floor area by 226m<sup>2</sup> (from 1,938.5m<sup>2</sup> to 2,164.5m<sup>2</sup>, an increase of approximately 12%) to provide additional facilities to service the existing number of employee numbers, dentists and visiting specialists.

The Sutherland Shire Council supports the proposed modification. However, advise that additional parking should be provided to cater for the proposed increase in the floor space.

The Department is satisfied that the existing car parking provision is adequate in context of the site's location within the Miranda town centre and proximity to suitable public transport alternatives (train and bus). The Department is also satisfied that the roof top plant will not impact upon neighbouring properties. The Department concurs with Council's assessment that a reduction in Section 94 contribution is reasonable in context of a calculation based on the 'cost of construction' as defined by Council's applicable Section 94 Contribution Plan rather than the Capital Investment Value, as approved.

Based on the assessment detailed in this report, the Department recommends that the modification be approved, subject to conditions.

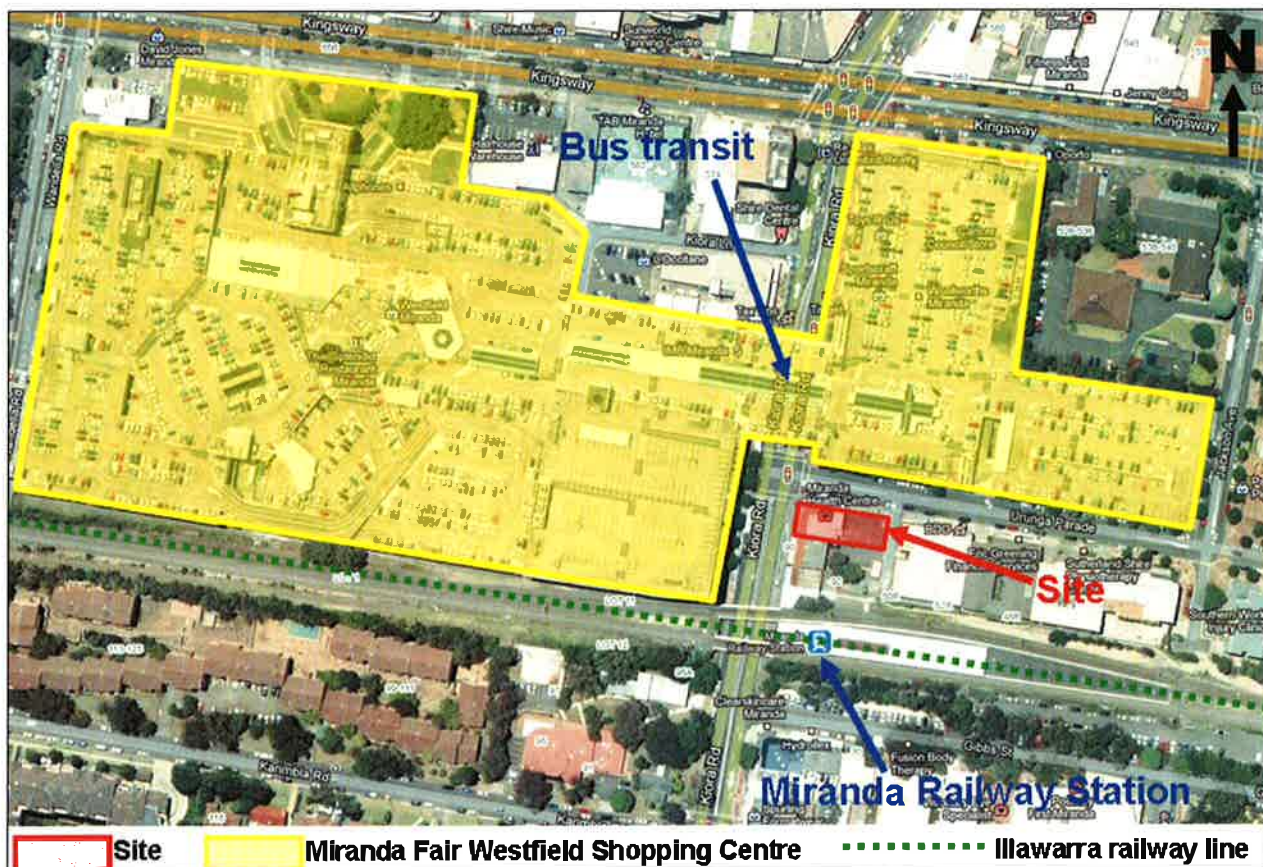
## 1. BACKGROUND

### 1.1 Site Location and Context

The site is located within the Sutherland Shire Local Government Area within the southern part of the Miranda Town Centre, at 84-86 Kiora Road, Miranda. The site is a narrow rectangular shaped corner allotment with an area of 490.5m<sup>2</sup> with frontages to Kiora Road, Urunga Parade and Urunga Lane (**Figure 1**). Surrounding uses comprise retail and medical facilities. The Miranda Fair Westfield shopping centre occupies a significant portion of the Miranda town centre. Beneath the Miranda Shopping Centre is a bus transit area providing access to a number of local and regional bus routes.

The site is located approximately 8 kilometres and 22 kilometres from Hurstville and the Sydney CBD, respectively (**Figure 2**) and is well serviced by public transport. The site is located approximately 30 metres to the north of the Miranda railway station and local and regional bus services. The site is located along the primary walking route from the railway station to Miranda Fair Westfield shopping centre. The Miranda railway station is serviced by the Eastern Suburbs and Illawarra railway lines providing connections to the town centre of Hurstville and Sydney CBD.

The site currently comprises a two storey commercial building facing Kiora Road with at-grade car parking at the rear of the site. Vehicular access is via Urunga Lane.





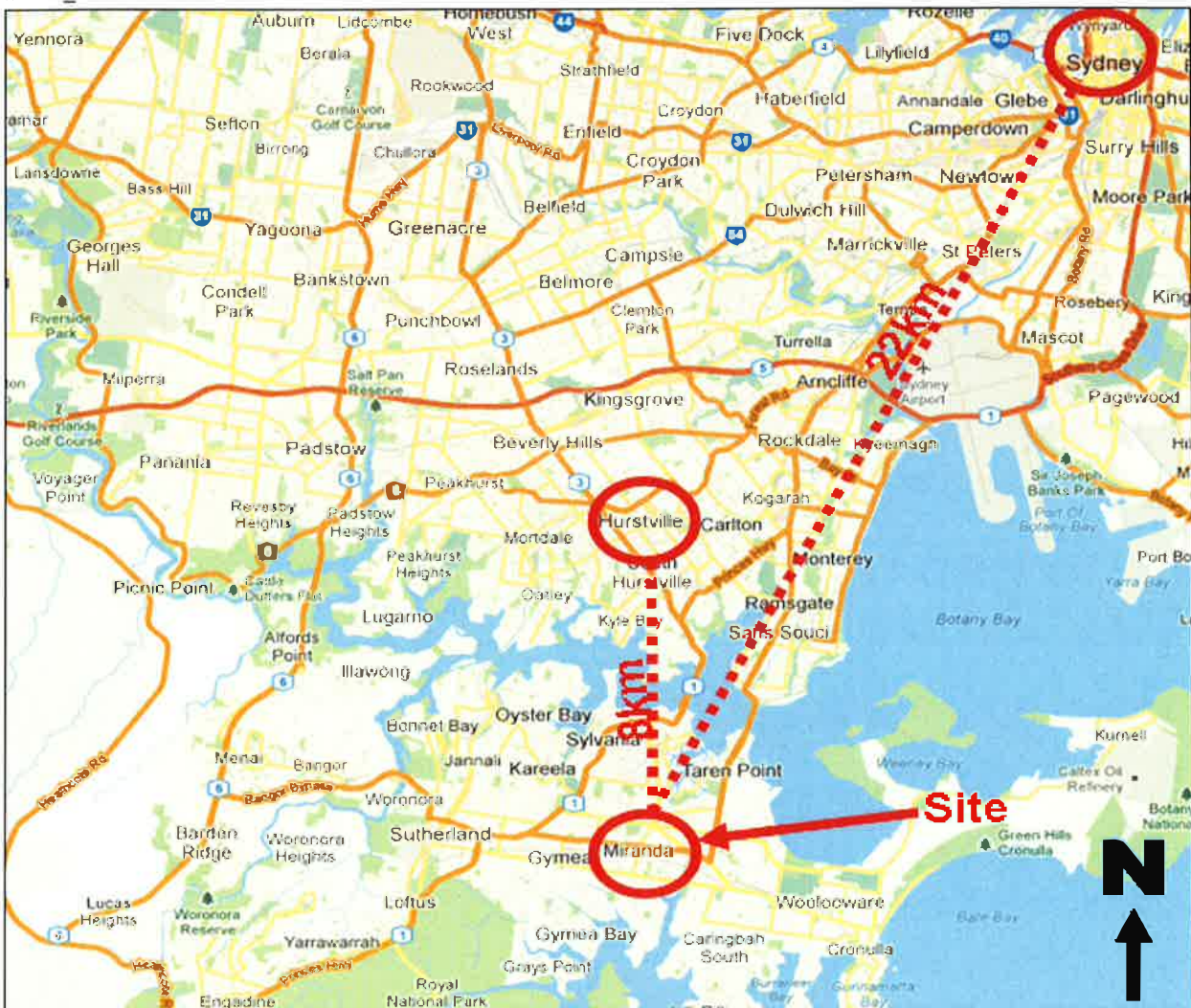


Figure 2: Site location in context of Sydney (Source: Google Maps)

## 1.2 Previous Approval

### Major Project MP11\_0009

On 23 August 2012, the Deputy Director-General, Development Assessment & Systems Performance granted approval to the Project Application for:

- 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;
  - Fully automated basement car stacker containing 40 car spaces over 3 levels; and
  - Two signs along the northern and western facades of the building.

## 2. PROPOSED MODIFICATION

### 2.1 Modification Description

This application seeks approval to modify Major Project MP 11\_0009 as follows:

- Relocate approved plant from the basement and level 3 to enlarged plant at roof level to accommodate a new theatre, surgeries and office space;
- Convert approved void space on upper ground floor level to a mezzanine conference and administration area;
- Relocate bicycle storage from lower ground floor to basement;

- Changes to the floor levels of the basement car park including extra excavation; and
- Reduce Section 94 contribution to be consistent with Council's S94A levy plan.

Specifically, the following modifications are proposed to the conditions of approval:

- Amend **Condition A2 – Plans and Documentation** to implement the proposed changes to the internal floor layout; and
- Amend **Condition C4 – S94 – Contribution** to correct the S94 calculation, which was based on the Capital Investment Value not 'construction cost' as defined by the applicable Sutherland Shire Council's S94A Levy Plan.

### 3. STATUTORY CONTEXT

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#### 3.1 Continuing Operation of Part 3A to Modify the Project Approval

In accordance with Clause 3 of Schedule 6A of the Environmental Planning and Assessment Act 1979 (EP&A Act), Section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6, continues to apply to transitional Part 3A Projects.

Consequently this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the modification of the project under Section 75W of the EP&A Act.

#### 3.2 Modification of the Minister's Approval

The modification application has been lodged with the Director-General pursuant to Section 75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including *'revoking or varying a condition of the approval or imposing an additional condition of the approval'*.

The subject modification seeks to change the terms of the determination through amending the conditions of approval and therefore modification to the of Minister's approval by way of a Section 75W is appropriate.

#### 3.3 Environmental Assessment Requirements

No additional Environmental Assessment Requirements were issued with respect to the proposed modification, as sufficient information has been provided to the Department in order to consider the application.

#### 3.4 Delegation

The Minister has delegated his functions to determine Section 75W modification requests to the Executive Director, Development Assessment Systems and Approvals where:

- the relevant Council has not made an objection;
- a political donation statement has not been made; and
- there are less than 25 public submissions in the form of objections.

In this case, the Sutherland Shire Council is generally supportive of the proposal, but raise concerns with the intensity of the proposed development on a small site with limited parking that will impact negatively on the locality. These concerns are discussed in **Section 5** of this report.

No reportable political donations have been declared in respect of the modification or approved project application. No public submissions were made on this application. Therefore, in accordance with the Minister's delegation, the Executive Director may determine this modification.

## 4. CONSULTATION AND SUBMISSIONS

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### 4.1. Exhibition

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The modification request was made available on the Department's website and referred to Sutherland Shire Council for comment. Due to the nature of the proposed modification, formal exhibition was not undertaken. No public submissions were received on the modification request.

#### **Sutherland Shire Council**

Sutherland Shire Council generally supports the proposed modification and raises no objection to modification of the contribution amount in accordance with the definition of cost of construction as defined in the Miranda Centre Core Commercial Land S94A Levy Plan.

Council raised concern with a proposed 12% increase in floor space with no additional provision for on site car parking. Further, Council raised concern over the loss of internal amenity through the conversion of the void to a mezzanine administration and conference area.

Council also raised concerns over the lack of plans or drawings to enable the proposed amendments to the roof top plant and bicycle parking to be fully understood. The proponent responded by providing additional plans clearly identifying each proposed modification.

The Department has provided detailed consideration of the concerns raised by Council and responses by the proponent in **Section 5** of this report.

#### **Public Submissions**

No submissions from the public were received.

## 5. ASSESSMENT

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The Department considers the key issues for the proposed modification to be:

- Built form;
- Car parking provision;
- S.94 Contributions; and
- Bicycle parking.

### 5.1. Built Form

The internal floor configuration is proposed to be amended to convert the approved internal void (upper ground floor level) and plant room (basement level) to provide additional facilities including an additional operating theatre, private consulting rooms (surgeries), conference room and administration area. The modification would increase the total GFA from 1938.5m<sup>2</sup> to 2164.5m<sup>2</sup> (226m<sup>2</sup> or approximately 12%) and the floor space ratio from 3.95:1 to 4.41:1. The Department notes there is no proposed increase in the numbers of employees, dentists, specialists and or patients / visitors as a result of the modification. Also there is no additional parking or changes to the vehicular access to the site proposed.

The Sutherland Shire Local Environmental Plan 2006 prescribes a maximum floor space ratio for the site of 2.5:1. The proposal therefore exceeds Council's floor space ratio control by 938.3m<sup>2</sup>.

Sutherland Shire Council raised concern with filling in the void space at the lower level as it would detract from the amenity of the space internally. In response, the proponent has advised that the



proposed floor space ratio is justified on the basis that the modification is consistent with the objectives of Council's floor space ratio based on the following grounds:

- No change is proposed to the bulk and scale of the building (with the exception of the roof top plant, discussed below);
- There is no additional impact from overshadowing / overlooking;
- There is no change to the streetscape;
- No increase in the number of employees is proposed;
- The additional facilities would service the existing employees, dentists and visiting specialists; and
- The site is very accessible to public transport including buses and trains.

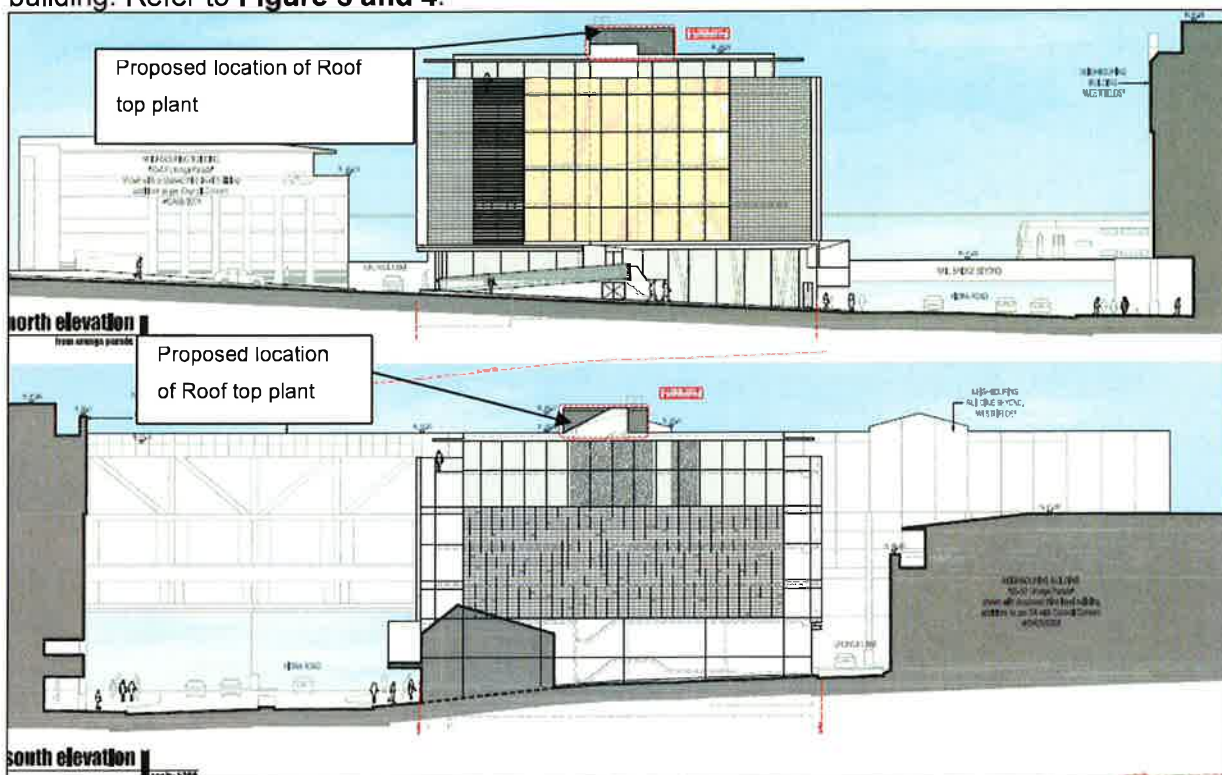
The Department has reviewed the proposed revised design of the dental hospital noting the 226m<sup>2</sup> of additional gross floor area is divided between:

- Conversion of plant area, measuring 107m<sup>2</sup>, to provide an additional theatre, three offices and two surgeries on the lower ground floor level; and
- Loss of a void area, measuring 119m<sup>2</sup>, to provide a mezzanine level administration area, conference room and two additional offices on the upper ground level.

On this basis, the additional floor space would be wholly contained within the approved building envelope and the filling in of the plant and void areas would not detract from the amenity of the space internally. The Department also acknowledges the resulting improvements to the internal floor layout to provide benefits for workplace amenity.

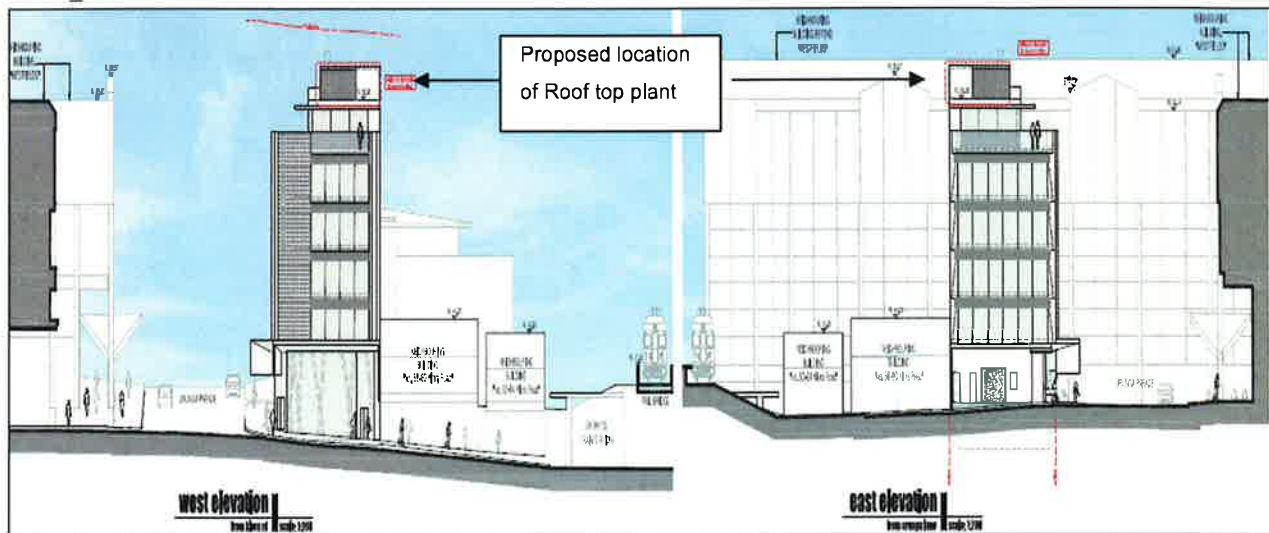
Further, the Department notes the proposed internal floor configuration would enhance the principal purpose of the Miranda Dental Hospital as a medical facility or the specific operational needs of the building in relation to its education and ancillary support areas. In this respect, the Department considers the proposed quantum of additional floor space is acceptable.

The proposed modification also involves a partial 2.2m height increase to the approved development to accommodate plant equipment relocated from the basement and level 3 of the building. Refer to **Figure 3 and 4**.



**Figure 3: North and south elevation**





**Figure 4: West and east elevations – (source: geoform design architects)**

Council advised that the roof top will be visible from the vantage points in nearby tall buildings and care should be taken to ensure that the additional height is not unattractive. The proponent advises that the roof top plant will be enclosed with louvers and setback from the edges of the building and would not be generally visible from the public domain. On this basis, the Proponent asserts that the impact of the enclosed plant room will be acceptable.

The Department notes that the footprint of the proposed roof top plant would be centrally positioned and is made up of a mix of masonry and weatherproof louvered screens. The Department is satisfied that the proposed change to the approved plant at the roof level is limited in scope and would not result in adverse visual impacts or significant overshadowing impacts to its surroundings. The additional height of the roof top plant is considered compatible with surrounding building heights and is well below the maximum permitted 28m height limit under the Sutherland Local Environmental Plan 2006 for the site.

On balance, the Department supports the proposed changes to the built form of the building given that the additional bulk will not be readily discernable from the street or from neighbouring taller buildings. Further, the Department is satisfied that the proposed roof top plant would retain a design standard commensurate with its approved contemporary design. On this basis, the changes are supported.

## **5.2 Car Parking Provision**

There is no additional on site car parking proposed by this modification application. Council raise concerns with the 12% increase in floor space without the provision of any additional on site car parking. Further, Council advised that concerns raised with the original proposal relating to traffic and parking remain and are amplified by the proposed modification.

The proposed additional office floor space (approximately 66m<sup>2</sup>) will generate a need for an additional two on-site parking spaces in accordance with the Sutherland Shire Development Control Plan 2006. The Department acknowledges that the total provision as approved, being 40 spaces, is less than the maximum required by the Council's Development Control Plan 2006, being 61 spaces. However, the original assessment considered that this reduced parking rate was acceptable due to the site's good location in relation to public transport options and the site's constrained ability to provide additional on site car parking.

In response, to Council's concerns, the Proponent has confirmed that there is no proposed increase in the number of employees and that the site is very accessible to public transport including trains and buses located within the Miranda town centre.

The Department considers that while the proposal does not comply with maximum Development Control Plan requirements, sufficient on-site parking is provided to service the future car parking demand for the following reasons:

- The numbers of staff and patients will remain consistent with the approved development;
- The existing car parking allocation for patients is based upon the operation requirements of the future operators of the site having regard to staffing levels, rosters and visitation patterns (existing **Condition C23 – Car Park Operation Management Plan**);
- The site is located within existing town centre and benefits from high accessibility to public transport including rail and bus services which provide for suitable alternatives to car use;
- The proposed pick up/drop off bay for patients, and Travel Access Guide (**Revised Statement of Commitment 5.1**) together with the recommended work place travel plan (existing **Condition F3 – Green Travel Plan**) will assist in offsetting demand for car parking;
- A minimalist approach to car parking provision is encouraged in keeping with the Council's and the Department's policy to reduce car dependency in areas with good access to public transport and services; and
- There is no proposed change to the approved access arrangements including the vehicular access point into the basement car park off Urunga Lane despite the change in basement levels and additional excavation sought.

For the reasons above, the Department is satisfied that the modification does not change the original intent of the Project Application to provide adequate parking for both staff and patients to the Miranda Dentist Hospital. The Department considers that the minor departure from Council's minimum parking controls would not detrimentally impact on the locality given that any additional demand can be readily catered for by the site's central position within the town centre and immediate walking distance to suitable public transport alternatives.

### 5.3 S94 Contributions

The proponent has requested that **Condition C4** of the approval be amended to reflect Council's calculation of 'cost of development' as defined by the Miranda Centre Core Commercial Land S94A Levy Plan and not on the Capital Investment Value, as approved.

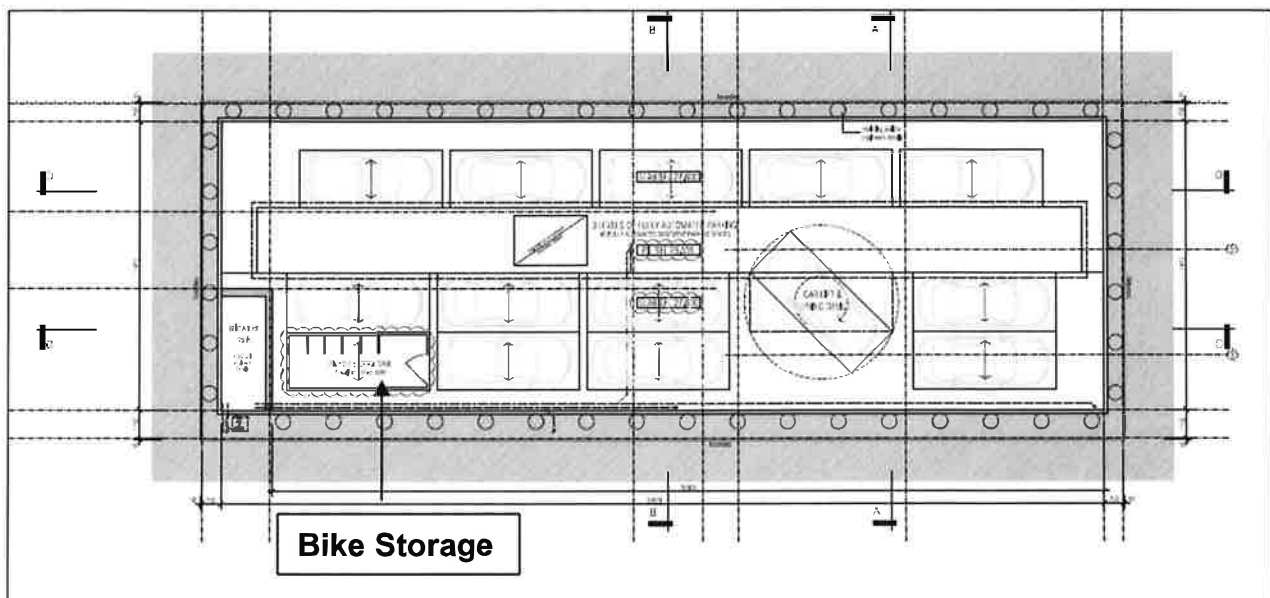
The Section 94 Contribution amount of \$173,478.16, as approved, is based on a calculation of the Capital Investment Value which includes all costs necessary to establish and operate the project. This includes fit out costs for expensive high tech equipment required for use in a dental hospital. Council's Section 94A Contributions are based on 1% of the Construction Cost for the project and exclude fit out costs necessary to establish and operate the project.

The proponent has provided a revised detailed cost report prepared by Washington Brown Quantity surveyors (**Appendix A**) which estimates the Construction Cost for the Miranda Dental Hospital to be \$123,187.50 in accordance with the applicable Section 94 plan. In effect, the contribution amount is reduced by \$50,290.66.

The Department notes Sutherland Shire Council raise no objection to the modifying the contribution accordingly. In this respect, the Department considers it reasonable to amend **Condition C4** to reduce the S94 payment as approved and impose the revised S94 contribution calculation as defined by the Miranda Centre Core Commercial Land S94A Levy Plan.

## 5.4 Bicycle Parking

The modification request seeks to relocate bicycle storage from the lower ground floor level to the basement level (in a bicycle cage within the car stacker pallet) to accommodate a theatre and private consulting rooms on the lower ground floor level (**Figure 5**).



**Figure 5: basement floor plan showing bicycle rack storage for 5 bicycles**

Council does not object to this modification but advised that bicycle parking should be safe in a practical location so that it is fully utilised. In response, the proponent advises the designated car stacker pallet has a storage cage with bicycle racks that is retrieved and returned by dialing an entry code or using swipe card. The method of storage is considered safe and practical in keeping with the storing of motor vehicles.

The Department is satisfied that relocating the bicycle storage from the lower ground floor level to the basement would still ensure safe and practical access for users.

## 6. CONCLUSION

The proposed modifications to the layout of the revised design to the Miranda Dentist Hospital represent an improvement to the internal efficiency and amenity when compared with the approved development. The Department is also satisfied that sufficient car parking spaces have been provided noting the site is located within close proximity of train and bus services. Finally, the amendment sought to the Section 94 contribution is considered reasonable as it would comply with Council's Section 94 plan.

Having regard to the above, the Department is satisfied that the proposed modifications are acceptable, subject to amended conditions.

## 7. RECOMMENDATION

It is recommended that the Executive Director, Development Assessment Systems and Approvals, as delegate for the Minister for Planning and Infrastructure:

- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modifications under delegated authority, under Section 75W of the Environmental Planning and Assessment Act, 1979; and
- (c) **sign** the attached Instrument of Modification Approval for MP 11\_0009 MOD 1 (**Appendix D**).

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