

ASSESSMENT REPORT

MIRANDA DENTAL HOSPITAL MP 11_0009 (MOD 3)

1. INTRODUCTION

This report is an assessment of a request to modify the Project Approval MP 11_0009 for the Miranda Dental Hospital at 84-86 Kiara Road, Miranda. The request has been lodged by PPD Planning Consultants on behalf of Russo Family Trust (the Proponent), pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to increase the building height, reduce the number of car parking spaces, amend the access arrangements, erect additional signage and various other internal and external design amendments.

2. SUBJECT SITE

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



Figure 1- Site location

3. APPROVAL HISTORY

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

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

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

Table 1: Summary of approved modifications

MOD	Modification	Date Approved
1	<ul style="list-style-type: none"> • Amendments to the building design, including: <ul style="list-style-type: none"> - relocation of the approved plant room from the basement and Level 3 to an enlarged plant at the roof level to accommodate a new theatre, surgeries and office space; - conversion of the approved void space on upper ground floor level to a mezzanine, conference and administration area; - relocation of bicycle storage from lower ground floor to the basement; - modification to the floor levels in the basement car park and additional excavation; and - reduction in the approved Section 94 contribution consistent with Council's S94A levy plan. 	12 March 2013
2	<ul style="list-style-type: none"> • Clarification of the range of medical uses on the site. 	28 November 2014

4. PROPOSED MODIFICATION

The Proponent lodged a Section 75W modification request seeking approval to increase the building height, reduce the number of car parking spaces, erect additional signage and make various other internal and external design amendments. The proposed modifications are summarised in **Table 2**.

Table 2: Summary of proposed modifications

Proposed Modification	Description
<i>Building Height</i>	<ul style="list-style-type: none"> • increase the overall building height by 2.18 m to the main roof line (from RL 58.96 to RL 61.14) and by 1.74 m to the top of the lift overrun and plant room (from RL 61.16 to RL 62.99). The height of all floor levels has been increased to accommodate larger beam sizes and air conditioning ducts in the ceiling space;
<i>Rooftop Plant Room</i>	<ul style="list-style-type: none"> • increase the footprint of the plant and equipment room on the roof to accommodate the hospital's requirements;
<i>Car Parking</i>	<ul style="list-style-type: none"> • reduce the total number of car park spaces within the automated parking stacking system by two, from 40 car spaces to 38 car spaces due to the constraints of the car stacker system;
<i>Signage</i>	<ul style="list-style-type: none"> • increase the number of building identification signs from two to six;
<i>External Finishes/Design</i>	<ul style="list-style-type: none"> • replace the terracotta finish on the southern elevation with concrete; • provide a new image/finish on the northern elevation glass screen; • replace the concrete roof with a lightweight metal roof; • replace the water feature on the northern elevation at Level 5 with a glass skylight;

<p><i>Internal Layout Amendments</i></p>	<p><i>Lower Ground Level</i></p> <ul style="list-style-type: none"> • lower the ceiling height to accommodate a substation pit above and adjust the floor levels, stairs and ramps; • adjust the internal layout including: <ul style="list-style-type: none"> - replacement of operating theatre with a staff room; - increase the number of surgery rooms from five to seven; - reconfigure the amenities; - relocate the recovery room; and - add services cupboards; <p><i>Upper Ground Level</i></p> <ul style="list-style-type: none"> • increase the size of the plant and equipment room; • reduce the retail tenancy to 26 sqm; • add a new substation and gas room; • relocate the electrical switch room; and • add a parking valet desk adjacent to the drop-off/pick-up.
<p><i>Other Design Amendments</i></p>	<ul style="list-style-type: none"> • decrease size of rainwater tank in basement to 17,000 litres; • adjust the driveway and waiting bay to accommodate the substation; • modify the kerbline adjacent to the driveway; and • install a new planter box behind the building directory.

The key internal and external design changes are illustrated in **Figures 2 to 7**.

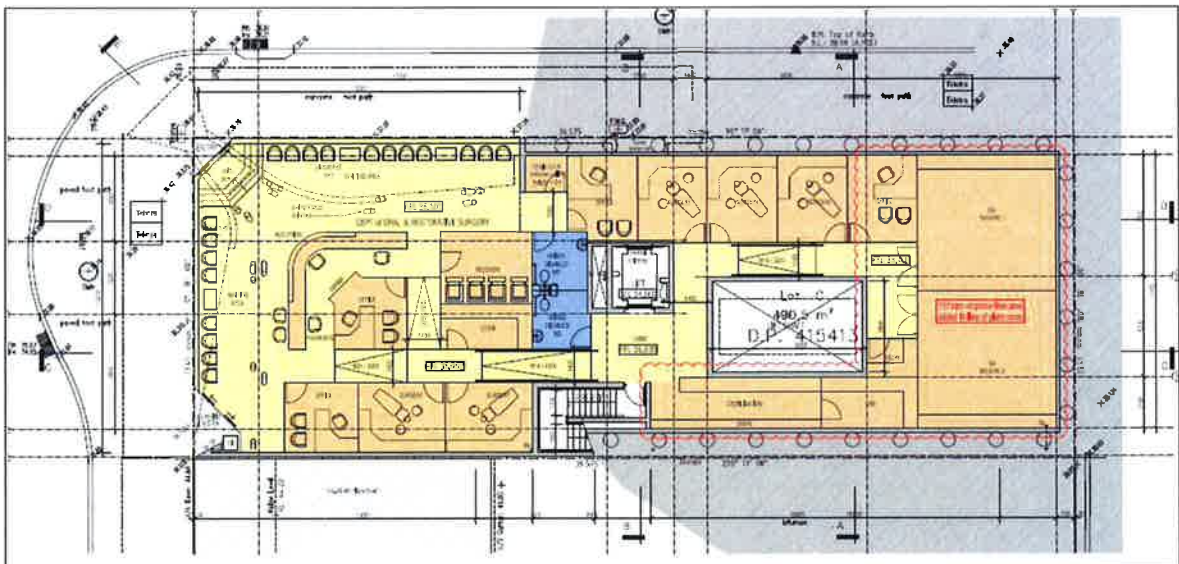


Figure 2- Lower ground floor (Approved MOD 1)

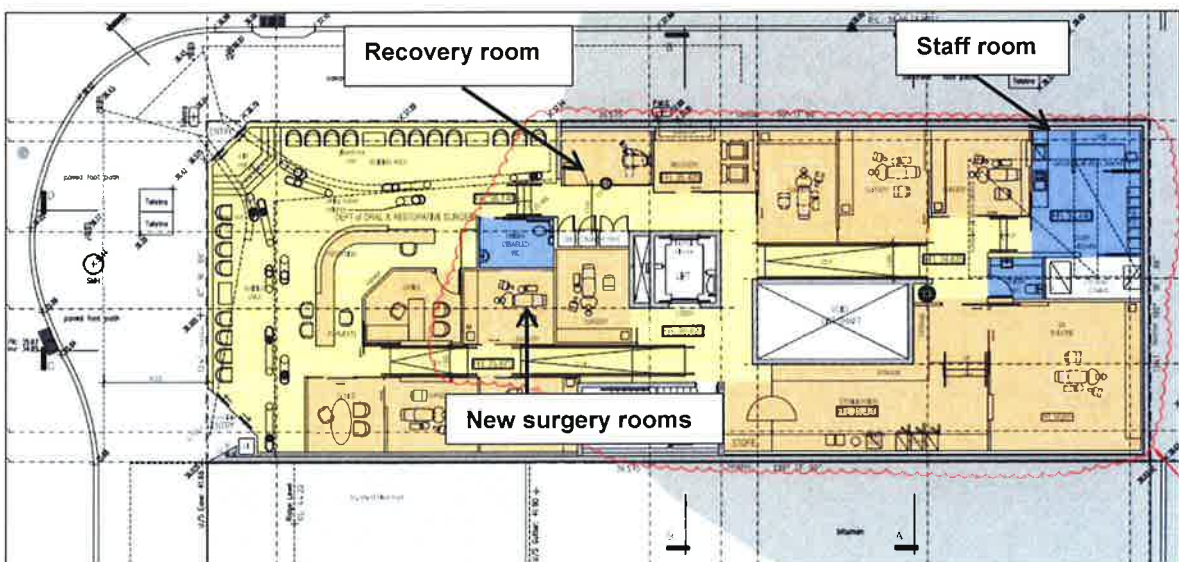


Figure 3- Lower ground floor (Proposed MOD 3)

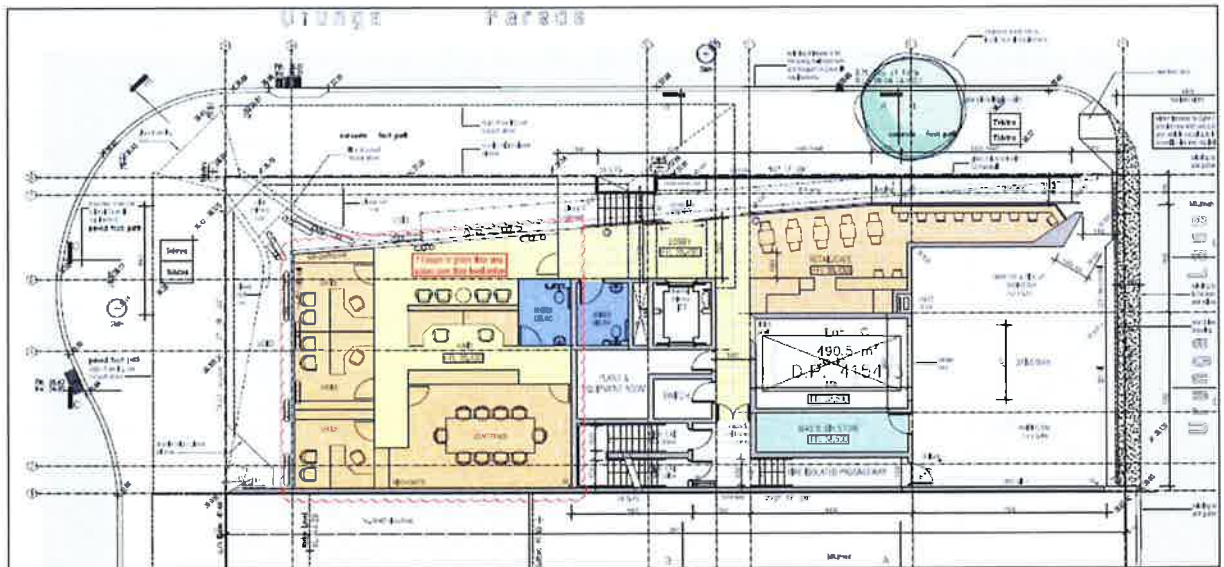


Figure 4- Upper ground floor (Approved MOD 1)

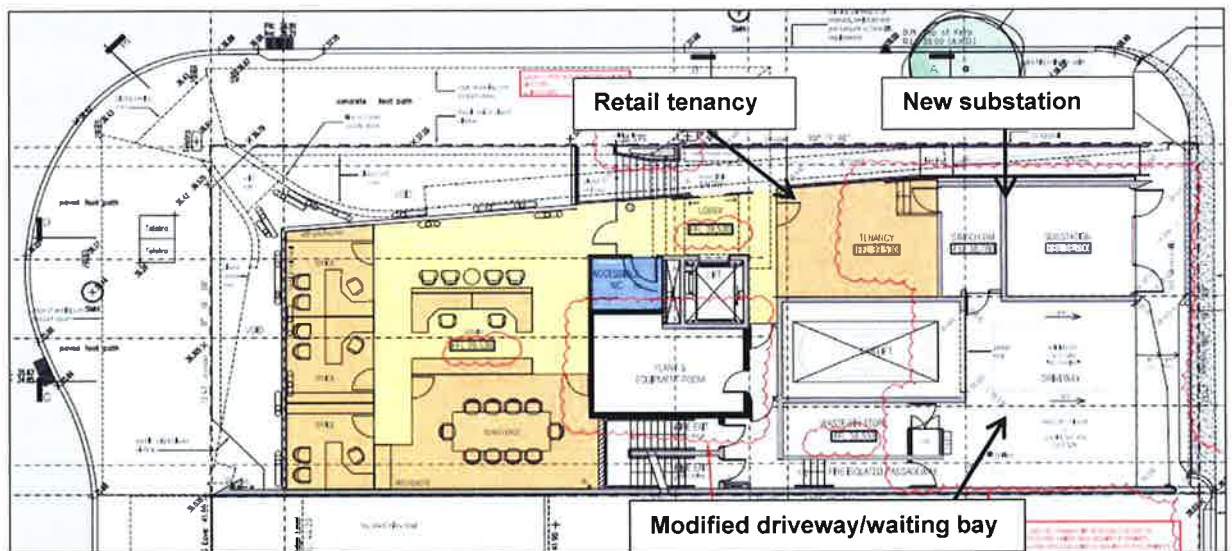


Figure 5- Upper ground floor (Proposed MOD 3)

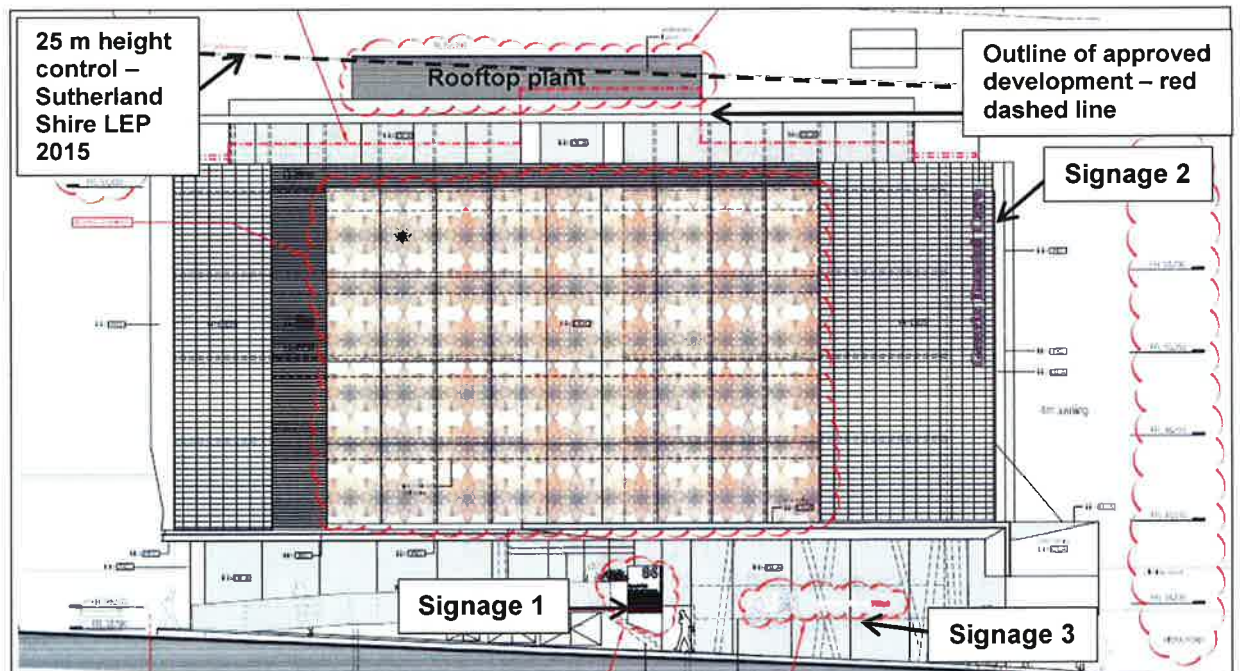


Figure 6- Northern elevation (Proposed MOD 3)

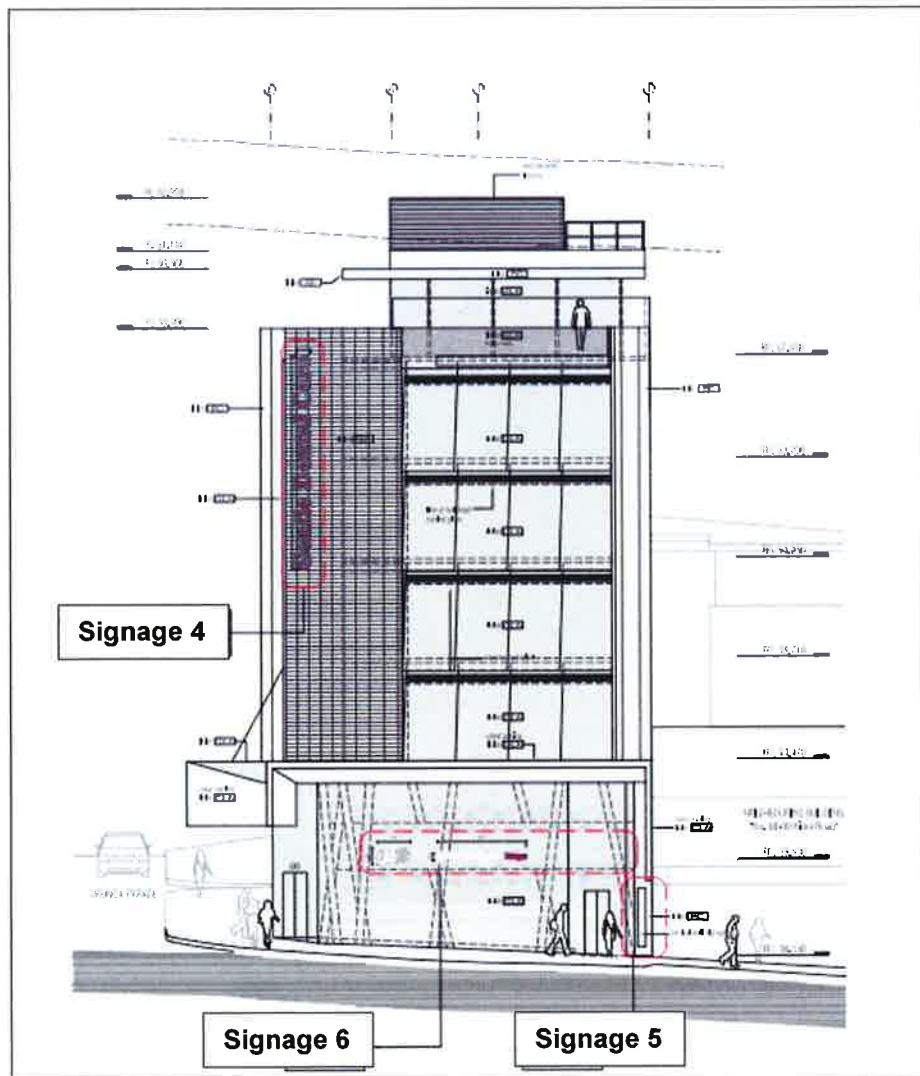


Figure 7- Western elevation (Proposed MOD 3)

5. STATUTORY CONSIDERATION

5.1 Section 75W

The application was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former Section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of Section 75W of the EP&A Act and the proposal does not constitute a new application.

5.2 Approval Authority

The Minister for Planning is the approval authority. However, in accordance with the Minister's delegation, dated 14 September 2011, the Planning Assessment Commission (the Commission) may determine the application under delegation as Sutherland Shire Council (Council) has objected to the proposal.

6. CONSULTATION

The Department made the application publicly available on its website, notified surrounding landowners and consulted with Council about the proposed modification.

The Department received four submissions (Council, Sydney Trains and two public submissions).

Council objects to the proposed reduction of on-site parking as the proposal is already considered deficient in parking and there is a lack of on-street parking in the vicinity of the site. Council also suggested the vehicle drop-off area should be accessible at all times for people with a disability and not shared with other uses such as a loading bay.

Council also provided comments regarding the lack of justification for increasing the building height above the 25 metre height limit and sought clarification regarding aspects of the hydraulic analysis in the Proponent's flood assessment report.

Sydney Trains raised no objection to the proposal.

Two **public submissions** were received objecting to the proposed reduction in car parking due to the existing parking and traffic congestion in the area and the proposed additional signage.

On 15 December 2016, the Proponent provided a Response to Submissions (RtS) and further information in response to the issues raised above (**Appendix B**). Further justification for the reduction in parking and the increase in height, drawings illustrating the extent of the encroachment above the 25m height limit and additional flood impact information were provided.

7. ASSESSMENT

The Department considers the key issues associated with the proposed modification are:

- built form and visual impacts;
- reduction in car parking; and
- car park access arrangements.

All other issues are considered in **Table 3**.

7.1 Built Form and Visual Impact

The proposal includes the following design modifications to the approved built form:

- an increase in the floor levels to accommodate structural and mechanical ventilation in the ceiling space, resulting in a corresponding increase in building height of 2.18 m to the top of the roof; and
- expansion and enclosure of the rooftop plant.

A perspective view of the proposal is shown in **Figure 8** below.



Figure 8 - View from Kiora Road

The proposed changes would result in the development slightly exceeding the 25 m height control under *Sutherland Shire Local Environmental Plan 2015* (LEP 2015) by a maximum of 470 mm at the north-western corner of the plant room (refer to **Figure 6**). Council raised concern about the increase in building height above the 25 m height control under LEP 2015.

The Proponent's RtS provides justification for the proposed increase in building height, stating that only the rooftop plant room louvre screening exceeds the 25m height limit, the objectives of the building height standard are still met, the scale of the building is consistent with the character of the street and the minimal increase will not have any amenity impacts.

The Department considers the proposed building height is acceptable, as:

- the encroachment above the 25 m height control is minor and relates to the proposed plant room which is set back from the edge of the building and appropriately screened to ensure it would not form a dominant visual element of the building (refer to **Figure 8**);
- the scale of the proposal is compatible with the adjacent Westfield Shopping Centre which has a height control of 30 m; and
- the additional building height would not result in any unreasonable overshadowing, view loss or privacy impacts on the surrounding commercial properties and the public domain.

On this basis, the Department is satisfied the proposed changes to the built form are acceptable and would not result in any adverse visual or amenity impacts.

7.2 Car Parking

The approved development includes a fully automated car stacker system over a three level basement with capacity to accommodate 40 vehicles. Of these, 30 car spaces are allocated to employees and 10 car spaces to patients/visitors.

The proposed modification seeks to reduce the number of on-site car parking spaces by two (from 40 to 38 spaces) comprising one staff car space and one patient/visitor car space. The proposed reduction arises due to design requirements and restrictions of the stacker system not anticipated at the time of the original application.

Council object to the proposed reduction in car parking as it considers the proposal is already deficient in on-site parking and there is a significant shortage of on-street parking in the vicinity

of the site.

The two public submissions object to the proposal based on the lack of public parking and existing traffic congestion within the surrounding streets.

The Proponent's parking assessment justifies the reduction in parking on the basis that:

- the site has excellent access to public transport, being immediately adjacent to Miranda Railway station and Miranda Bus interchange;
- the site is located within an established commercial centre where many visitors will choose to walk rather than drive; and
- parking would be managed efficiently on site in accordance with the Operational Traffic Management Plan (OTMP) submitted as part of the modification application.

The Department notes the *Sutherland Draft Development Control Plan 2015* does not include car parking rates for hospitals. Rather it requires the submission of a traffic report to determine appropriate car parking provision. A traffic assessment was submitted with the original application, and an updated assessment was provided with the modification. The on-site parking demand of 40 car spaces was assessed under the original proposal based on the known operational requirements of other similar facilities having regard to staffing levels, rosters and visitation patterns.

The Department considers the proposed reduction of two on-site parking space is acceptable for the following reasons:

- the reduction of two car parking spaces is considered to be minor (representing a 5% decrease);
- the site has excellent access to public transport, with Miranda Train Station located 50 m away from the site;
- the change to the staff car parking is minor and remains at the same rate as originally assessed (1 space per 3 staff) after calculations are rounded;
- on site bicycle storage facilities are provided for staff; and
- visitor parking would be carefully managed by the operator through an OTMP, which requires:
 - parking being made available by reservation only;
 - patients being made aware of the parking arrangement when booking their appointment; and
 - provision of a valet service.

The Department also notes the site's ability to provide additional on-site parking is constrained by its size and the limitations of the car stacker system.

The Department is therefore satisfied the proposed reduction in car parking is minor and acceptable, particularly given the site's excellent access to public transport and on-site car parking would be appropriately managed in accordance with the OTMP.

7.3 Access to the Carpark

The approved development includes a combined drop-off/pick-up/loading bay, a separate driveway and a waiting bay in an undercroft parking area accessed via Urunga Lane (see Figure 9).

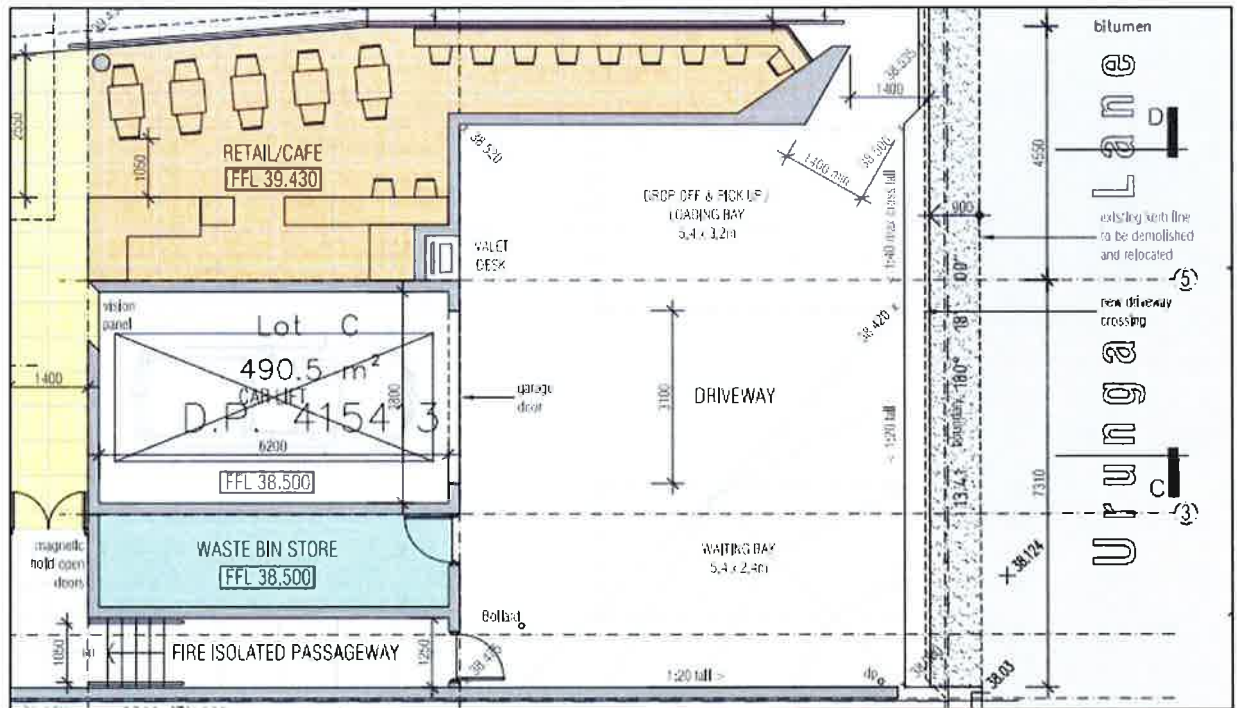


Figure 9- Approved access arrangements

The proposed modification seeks to reconfigure the access arrangements to accommodate a substation required to service the development. This has reduced the space available for vehicular access. A combined drop-off/ pick-up/loading bay and a waiting bay located within the driveway is now proposed (see Figure 10).

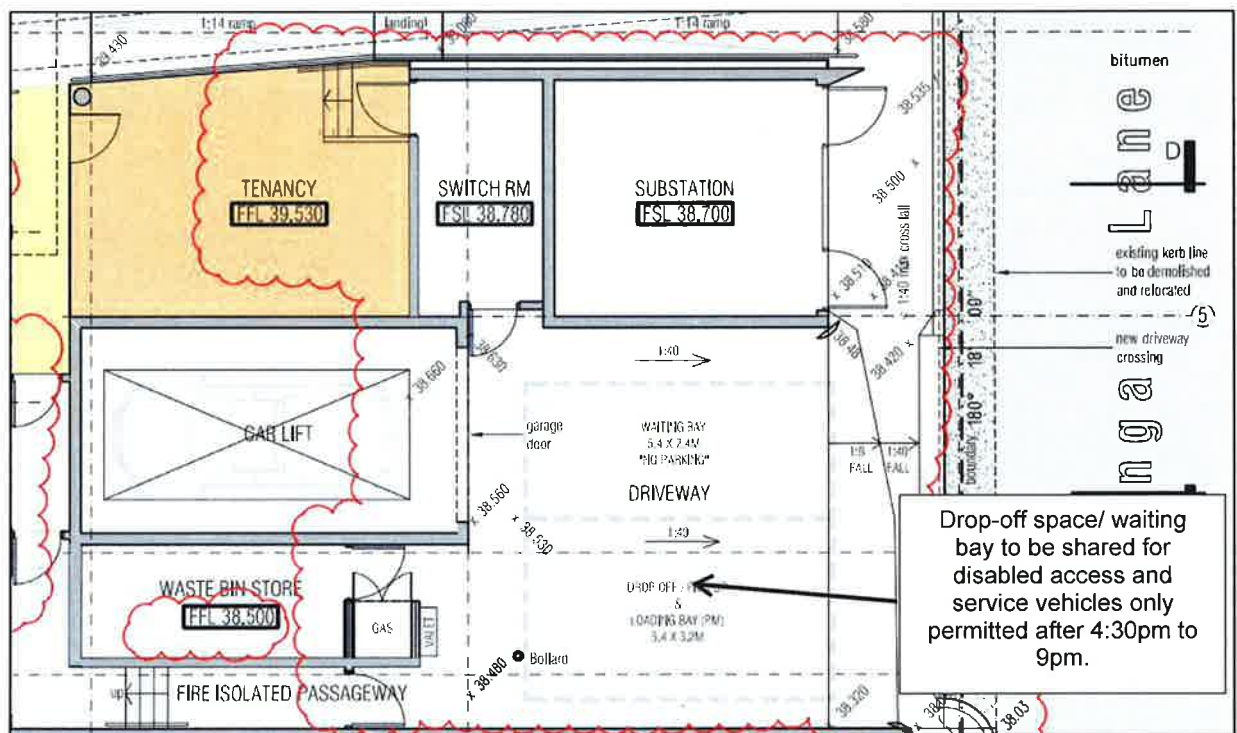


Figure 10- Proposed access arrangements

The two bays are required to accommodate cars waiting when the car stacker is in use. The drop-off/ pick-up/loading bay will also be used as a drop off space for people with a disability when required.

The Proponent advised that it considered other locations on the ground floor for the substation. However, the proposed location is required due to its proximity to an existing high voltage feeder within Urunga Lane. It also allows for access to the substation and it achieves compliance with ventilation requirements.

Council has raised concerns with the plans showing the disabled car space being shared with a loading bay and considers the disabled car space should remain free and accessible at all times.

In response, the Proponent has confirmed the space would be used as a drop-off/ waiting bay only and not a disabled parking space, but it would allow for people with a disability to be dropped off. The space would also be used as a loading bay for service vehicles after patient visitor hours, between 4:30 pm - 9:00 pm.

The Proponent also submitted an Access Report to assess the proposed use of the drop-off/waiting bay as a drop off space for disabled persons against the Building Code of Australia (BCA) 2016, Disability Standards and relevant Australian Standards. The report confirms accessible parking is not required in a car parking area where a parking service is provided and direct access to any of the car parking spaces is not available to the public. The report also confirms there is sufficient space in the driveway for drop off of accessible vehicles including those fitted with a rear loading ramp or hoist for a wheelchair.

The Proponent has also submitted an OTMP, which outlines the proposed access configurations for various periods within the day. The configurations are based on the expected ingress and egress patterns, and take into consideration the use of the disabled car space. The OTMP notes during patient hours (9am to 5pm), the drop off area will be staffed by a valet who would assist all visitors, including disabled persons. The OTMP suggested that appointments for persons with a disability must only be scheduled between 9:30 am and 10:30 am, with the valet to be informed by reception of the appointment.

The Department considers the proposal would provide appropriate access for persons with a disability in accordance with relevant requirements, noting a valet would be on site to assist patients and to manage other vehicle movements. However, the Department does not support restricting the hours where patients with a disability can make appointments and considers such a restriction to be unreasonable. A condition is therefore recommended requiring the OTMP to be updated to remove this restriction, so that persons with a disability can access the facility at any time during normal patient hours. A condition is also recommended requiring an update of the OTMP to include management protocols to enable staff members with a disability to work at the site and access the carpark. In addition, a condition requiring signage within for drivers entering the site, outlining the waiting arrangements is recommended.

The Department has also considered the potential traffic impacts associated with the modified access arrangements, particularly as a result of the reduced space available for access and the combined use of the driveway for a waiting space. This has the potential to cause conflicts with vehicles entering and exiting the stacker, particularly for visitors and patients who are not familiar with the waiting and entry arrangements. However, the Department notes the access arrangements would be carefully managed in accordance with the OTMP. Further, existing condition G10 requires the provision of a full time valet (during patient hours) who would be responsible for the management of vehicle movements within the waiting / driveway area. The Department considers the provision of a valet during patient hours, in conjunction with appropriate training for staff and instructional signage would ensure access by staff and visitors can be adequately managed to appropriately minimise potential traffic queuing and congestion.

The Department also notes deliveries would be restricted to after 4.30 pm. The Department

considers this an essential operational requirement as the use of the loading bay for service vehicles during operating hours would result in unacceptable conflicts between staff and patients visiting the site. A condition is therefore recommended requiring all deliveries to take place outside of patient appointment hours. As the site is surrounded by commercial development and does not adjoin any residential premises, the Department considers out of hours deliveries would not cause any unacceptable noise or amenity impacts.

The Department's assessment concludes the access arrangements can be suitably managed on site subject to the recommended conditions.

7.4 Other Issues

Table 3: Assessment of other issues

Issue	Consideration	Recommendation
<i>External Design Changes</i>	<ul style="list-style-type: none"> • Key changes to the external finish include: <ul style="list-style-type: none"> – a new image/ finish on the glass screen on the northern elevation; – replacement of the terracotta façade finish with a pattern concrete finish on the southern elevation; and – replacement of a rooftop water feature with a glass skylight. • The Department has reviewed the design changes and is satisfied the proposed changes would not significantly alter the overall appearance of the building or result in any unacceptable visual impacts. Overall, the building would retain a range of high quality façade elements and finishes, ensuring it makes a positive contribution to the streetscape. 	No additional conditions or amendments necessary.
<i>Flooding</i>	<ul style="list-style-type: none"> • Modifications to the driveway and kerb necessitated a review of the flood impacts on the site. Accordingly, a flood impact assessment was submitted with the modification and Council raised the following issues in relation to the Proponent's assessment: <ul style="list-style-type: none"> – the extent of the catchment area has been underestimated; – the analysis needs to include all storms from 1 year to 100 year event with a 50% pit blockage; and – the analysis needs to include consideration of the flows at the end of Urunga Lane. • The Proponent submitted additional information with the RtS in response to these issues, advising that: <ul style="list-style-type: none"> – the additional catchment area drains in the opposite direction to the site and therefore does not form part of the catchment; – the analysis included storms from the 2 to 100 year events and demonstrated flows can be contained in the driveway gutter. As such the 1 year event would have smaller flows; – there is no need to include an analysis of 50% blocked pits as all inlet pits are located downstream of the site; and – flows entering Urunga Lane are from the catchment upstream of the site and are not affected by the development. • The Department has reviewed the Proponent's response and is satisfied the additional information has appropriately addressed Council's concerns, and the proposed changes would not result in any unacceptable flooding impacts. 	No additional conditions or amendments necessary.
<i>Signage</i>	<ul style="list-style-type: none"> • The proposed modification includes the erection of four additional business identification signs on the building, resulting in a total of six signs. • The Department has considered the additional signage and is satisfied the proposed signage is adequately integrated into the overall building design and is consistent with the commercial character of the area. • The Department is satisfied the proposed signage would not result in any adverse visual impact and is appropriate for the site. 	No additional conditions or amendments necessary.

8. CONCLUSION

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

- the proposed height variation is minor and it would not result in unreasonable visual impact;
- the proposed scale and height of the building would be consistent with the adjacent Westfield Shopping Centre;
- the modified building would not result in adverse impacts on the adjoining commercial properties or the public domain in terms of overshadowing, view loss or privacy;
- the reduction in parking is minor and considered to be acceptable given the availability of public transport; and
- access to the parking spaces can be adequately managed through the OTMP and on site Valet.

Consequently, the Department considers the modification is approvable subject to the recommended conditions.

9. RECOMMENDATION

It is recommended that the Planning Assessment Commission, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report, noting the Department considers the modification is approvable;
- **determines** that the Proponent's request is a modification under Section 75W of the EP&A Act;
- if the Commission determines to modify the approval, **signs** the notice of modification (**Appendix A**).

Prepared by:
Thomas Mithen
Planning Consultant



Natasha Harras
Acting Director
Modification Assessments



Anthea Sargeant 21/4/17
Executive Director,
Key Sites and Industry Assessments