



Jordan Widenstrom  
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Dear Ms Grant

**Planning Proposal – 527-533 Kingsway, Miranda SSDLEP2006 Amendment**

[In response, please quote File Ref: LP/06/678778]

Sutherland Shire Council at its meeting on 19 November 2012 (DAP016-13) resolved to endorse a planning proposal to be sent to the Department of Planning and Infrastructure for Gateway approval.

The planning proposal applies to 527-533 Kingsway, Miranda. The planning proposal seeks to amend the Sutherland Shire Local Environmental Plan 2006 to increase the maximum permissible height to six (6) storeys (approximately 25m), and the maximum permissible floor space ratio to 3.35:1 at 527-533 Kingsway, Miranda (Lot 1 DP 21256 and Lots 18 and 19 DP 8461). This is to be done by:

- Amending the map series Sutherland Shire Local Environmental Plan 2006 – Building Heights and Density for land at 527-533 Kingsway, Miranda to allow for an increased maximum building height of 25m.
- Amending the map series Sutherland Shire Local Environmental Plan 2006 – Building Heights and Density for land at 527-533 Kingsway, Miranda to allow for an increased maximum FSR of 3.35:1

In Accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*, Council submits the enclosed planning proposal for a Gateway determination. The proposal contains the following attachments:

1. Sutherland Shire Council Planning Proposal for 527-533 Kingsway, Miranda.
2. Council Report (DAP016-13) Draft Planning Proposal: Old Paddy Palin Site – 527-533 Kingsway, Miranda.
3. Proponents Planning Proposal and traffic report.



If you require further information please contact Jordan Widenstrom on 9710 0639.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'J Widenstrom', with a large, sweeping loop at the end.

Jordan Widenstrom  
Graduate Environmental Planner - Environmental Planning  
for J W Rayner  
General Manager

# Planning Proposal - Section 55 of the Environmental Planning and Assessment Act, 1979

## LOCAL GOVERNMENT AREA

Sutherland Shire Council

## NAME OF PLANNING PROPOSAL

Sutherland Shire Local Environmental Plan 2006 (SSLEP2006) (Draft Amendment No 19).

## ADDRESS OF LAND

The plan applies to 527-533 Kingsway, Miranda (Lot 1 DP 21256 and Lots 18 and 19 DP 8461).

## MAP

Attached showing the location of property affected by this plan.

## DETAILS OF THE PLANNING PROPOSAL

### 1. A statement of the objectives or intended outcomes of the proposed local environmental plan. [Act s. 55(2)(a)]

This planning proposal seeks an amendment to Sutherland Shire Local Environmental Plan 2006 (SSLEP2006) to allow for a six (6) storey (approximately 25m) commercial building with a floor space ratio of 3.35:1 at 527-533 Kingsway, Miranda (Lot 1 DP 21256 and Lots 18 and 19 DP 8461).

### 2. An explanation of the provisions that are to be included in the proposed local environmental plan. [Act s. 55(2)(b)]

Amendment to the map series SSLEP2006 – Building Heights and Density for land at 527-533 Kingsway, Miranda to allow for an increased maximum building height of 25m.

Amendment to the map series SSLEP2006 – Building Heights and Density for land at 527-533 Kingsway, Miranda to allow for an increased maximum FSR of 3.35:1.

### 3. Justification for those objectives, outcomes and provisions and the process for their implementation. [Act s. 55(2)(c)]

#### Need for planning proposal

#### 1. *Is the planning proposal the result of any strategic study or report?*

The proposed amendments contained in this planning proposal are not a direct result of any specific strategic study.

#### 2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The planning intent behind the planning proposal is to provide greater flexibility of the use of the land and in order to cater for significant commercial tenants. The planning proposal is considered to be the best means of achieving the stated objectives and

intended outcomes. Within Miranda certain precincts have already been identified for seven (7) storey, 25m, development.

The site currently has an approval for three (3) commercial floors above two (2) basement levels of parking. The roof height of the approved commercial building for this site is approximately 15.5m above natural ground level. The proposal would increase the height of the building by approximately 7.5m, creating a new roof height of approximately 25m (plus lift over runs, roof top plant etc.).

Building heights in Miranda have been reviewed as part of the preparation of the Housing Strategy which is informing the content of Sutherland Shire's Standard Instrument Local Environmental Plan. The Housing Strategy proposes to increase the height of the subject site and surrounding sites to 25m. As such it is considered appropriate that the amendment to the building height proposed under this planning proposal is the best means of achieving the intended outcomes.

SSLEP2006 sets a floor space ratio (FSR) for the subject site at 2:1 pursuant to Clause 35(11)(b). The Planning Proposal seeks to increase the FSR of 3.35:1. Preliminary modelling indicates that this is achievable and reasonable for this site.

This planning proposal will facilitate more intense commercial use of the subject land. This is considered appropriate in a commercial centre well served by public transport.

### *3. Is there a net community benefit?*

While the planning proposal is minor in nature, the proposal presents an opportunity for community benefit through increasing employment opportunities in the location.

### Relationship to strategic planning framework

- 1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The proposed amendments contained in the planning proposal are consistent with the objectives and actions within the Sydney Metropolitan Plan – Centres and Corridors South.

The planning proposal is also consistent with the Sydney South Draft Sub-regional Strategy. The Sydney South Draft Sub-regional Strategy has as a specific outcome to resolve the centres within the Sutherland Shire and "promote Caringbah and Miranda as centres of excellence' in biomedical and bioengineering research and development". The proposed amendments under this planning proposal will assist in providing appropriately sized and designed floor plans to cater for the specific needs of medical specialists and assist in achieving this outcome.

The Sydney South Draft Sub-regional Strategy supports economic development in the south sub-region, specifically in Miranda. The location of the site in the retail precinct of Miranda suggests that it may contribute to the growth outcomes under the draft strategy.

- 2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The planning proposal is not contrary to Council's community plan known as *Our Shire Our Future: Our Guide for Shaping the Shire to 2030* or local strategic planning.

3. *Is the planning proposal consistent with applicable state environmental planning policies?*

The planning proposal does not contravene any state environmental planning policies.

4. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The relevant Section 117(2) Directions (as amended) comprise:

- Direction 1.1 – Business and Industrial Zones;
- Direction 3.4 – Integrating Land Use and Transport;
- Direction 5.1 – Implementation of Regional Strategies;
- Direction 6.1 – Approval and Referral Requirements;
- Direction 6.3 – Site Specific Provisions; and
- Direction 7.1 – Implementation of the Metropolitan Strategy.

Direction 1.1 - Business and Industrial Zones

Direction 1.1 generally aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.

The direction specifies that a planning proposal must give effect to the objectives, retain the areas and locations of existing business and industrial zones, and not reduce the total potential floor space area for employment uses and related public services.

The planning proposal does not change the area or location of the existing business. The site is located towards the centre of an established retail precinct and the planning proposal will facilitate the future use of the site for commercial purposes.

Direction 3.4 – Integrating Land Use and Transport

Direction 3.4 generally aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve improved accessibility, increased choice of transport, reduced travel demand, and efficient movement of freight.

The Direction specifies that a planning proposal must locate zones that are consistent with the aims, objectives and principles of *“Improving Transport Choice – Guidelines for planning and development”*, and *“The Right Place for Business and Services – Planning Policy”*.

The planning proposal is consistent with the aims and objectives relating to urban consolidation. The site is located towards the centre of an established retail precinct serviced by public transport.

#### Direction 5.1 – Implementation of Regional Strategies

Direction 5.1 generally aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

The Direction specifies that a planning proposal must be consistent with a regional strategy released by the Minister for Planning.

The Draft South Subregional Strategy identifies that the south is to accommodate 35,000 new dwellings and 29,000 new jobs between 2004 and 2031, of which Sutherland is required to contribute 10,100 new dwellings and capacity for 8,000 new jobs.

The planning proposal will contribute to the subregional employment targets within an established centre serviced by public transport.

#### Direction 6.1 – Approval and Referral Requirements

Direction 6.1 generally aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The Direction specifies the general concurrence, consultation and referral mechanisms, and the planning proposal will satisfy those requirements.

#### Direction 6.3 – Site Specific Provisions

Direction 6.3 generally aims to discourage unnecessarily restrictive site specific planning controls.

The Direction specifies the general content of an environmental planning instrument must not introduce any development standards or requirements in addition to those that already apply in the existing or proposed zone.

The planning proposal seeks to amend the building height and density controls to facilitate the future submission of a Development Application for a more intense commercial use on the site. No site specific restrictions are proposed.

#### Direction 7.1 – Implementation of the Metropolitan Strategy

Direction 7.1 generally aims to give legal effect to the visions, and use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.

The Direction specifies that a planning proposal shall be consistent with the Metropolitan Strategy.

The Draft South Subregional Strategy identifies that the south is to accommodate 35,000 new dwellings and 29,000 new jobs between 2004 and 2031, of which Sutherland is required to contribute 10,100 new dwellings and capacity for 8,000 new jobs.

The planning proposal will contribute to the subregional employment targets within an established retail precinct.

#### Environmental, social and economic impact.

1. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The planning proposal will not have any adverse impacts on critical habitat, threatened species, populations or ecological communities, or their habitats.

2. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are no likely environmental effects from the proposed amendments contained in this planning proposal. Specific environmental impacts or environmental concerns which may result from the increased development intensity as a result of the amendments to the building height and density on the subject site will be assessed and managed as part of the development assessment process.

3. *How has the planning proposal adequately addressed any social and economic effects?*

The proposed amendment to the Height and Density Control Map contained in the SSLEP2006 will increase development potential on the site. The floor space will contribute to increase employment opportunities within the Local Government Area of the Sutherland Shire.

The planning proposal is unlikely to raise any significant social and economic concerns.

#### State and Commonwealth interests.

4. *Is there adequate public infrastructure for the planning proposal?*

The site is adequately serviced by all necessary public infrastructure.

5. *What are the views of the State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?*

Public Authorities will be consulted in accordance with the Gateway Determination once it is received.

#### **4. Details of the community consultation that is to be undertaken on the planning proposal. [Act s. 55(2)(e)]**

Council proposes that the planning proposal be exhibited in accordance with any requirements as determined by the gateway process and the requirements of Section 29 of the Local Government Act, 1993 and Section 57 the Environmental Planning and Assessment Act, 1979.

Council proposes to give notice of the public exhibition of the planning proposal:

- In the local newspaper (The St George and Sutherland Shire Leader and the Liverpool City Champion);
- On Council's website;
- In writing to relevant adjoining landowners who may be affected by the proposal.

# Development Assessment and Planning

12/11/2012 **DAP016-13**

**Planning Proposal: Old Paddy Palin Site - 527-533 Kingsway, Miranda**

**File Number: LP/06/678778**

**Director: Environmental Services (MC:JW)**

**Report Item**

**(The attachment to this report is available electronically only.)**

## REPORT IN BRIEF

### Purpose

The purpose of this report is to seek Council's endorsement of a Planning Proposal for an amendment to the Sutherland Shire Local Environmental Plan 2006 (SSLEP2006) to increase the development potential of 527-533 Kingsway, Miranda.

### Summary

This planning proposal seeks an amendment to SSLEP2006 to allow for a five (5) storey commercial building with a floor space ratio (FSR) of 3.35:1 at 527-533 Kingsway, Miranda (Lot 1 DP 21256 and Lots 18 and 19 DP 8461). The proposed increased building height (approximately 25m) is considered appropriate given that the recommendations being presented to Committee in relation to the Housing Strategy similarly propose to increase the building height for this section of the Kingsway to 25m.

No built form studies/contextual analysis have been provided by the applicant to justify an increase in FSR to 3.35:1. The primary concern raised by the Planning Proposal is that a building form utilising the proposed FSR of 3.35:1 would compromise the potential to develop high quality future buildings on adjoining sites. The depth of the proposed upper floors would mean that future units on adjoining sites would have compromised solar access and amenity. This outcome would be unacceptable. However, it is possible for the site to provide additional floor space in an acceptable manner. If the upper two floors were kept to a maximum building depth of 20 metres additional floor space could readily be accommodated.

If a reduced foot print is to be required on the additional upper levels, the full extent of the floor space being sought could not be accommodated. However, a FSR of 3.5:1 is extremely high and if approved it would be the highest FSR under SSLEP2006. Preliminary modelling of a narrow building form suggests that a FSR of 3:1 is more achievable and reasonable for this site. As part of this analysis, modelling of adjoining lots has also been investigated. If a narrow building form is repeated on these lots, they too could accommodate a FSR of 3:1 and a 25 metre height limit. It is recommended that this be provided within the Standard Instrument Local Environmental Plan (SILEP).

The proposed amendment to the height and FSR controls represent a logical extension to the commercial centre surrounding the site. The additional height and density has no significant adverse impacts on the nearby land uses. It is consistent with Metropolitan Planning for the locality and there are no significant planning issues that would arise as a result of this planning proposal.

While the issue of on-site car parking provisions is significant, it is not technically an issue that needs to be considered in an LEP amendment. However, there is little utility in Council proceeding with the amendment unless Council is ultimately prepared to support a reduced rate of parking on this site. Council's Traffic and Transport Manager recommends against this. If Council is of the view that reduced parking rates are appropriate in centres where there is accessible public transport, Council should consider reducing the car parking requirements specified in Sutherland Shire Development Control Plan 2006 (SSDCP2006).

This report seeks the endorsement of the planning proposal in order for it to be submitted for Gateway Determination with the Department of Planning & Infrastructure. Upon receiving the Gateway Determination, a public exhibition shall be held in accordance with relevant legislation and conditions of the Gateway Determination.

## **REPORT IN FULL**

### **Background**

On 6 April 2011, Sutherland Shire Council granted development consent for the construction of a three (3) level commercial building with two (2) levels of basement car parking. One level of the basement protrudes above ground level at the rear and is effectively an additional storey. This planning proposal seeks to add two (2) additional floors of commercial floor space to the approved development (DA10/1292). The result will be a five (5) level commercial building above two (2) levels of basement parking with floor space ratio 3.35:1.

The applicant seeks to provide more commercial floor space because of an unprecedented level of enquiry from large tenants seeking commercial floor space within Miranda. Essentially, the applicant has experienced enquiries from significant tenants who are seeking larger floor plans and more floor space (suites between 500m<sup>2</sup> and 2000m<sup>2</sup>). An increase in building height and FSR will allow the applicant to meet the needs of corporate tenants which will be a benefit for the Miranda business centre and may bring momentum to employment growth in Miranda.

### **Site Context**

The subject site is located at 527-533 Kingsway, Miranda. It is a significant site along the Kingsway shopping strip. The site has rear access to Clubb Lane. The property is described as Lot 1 DP21256 and Lots 18 and 19 DP 8461 and is located within Zone 8 – Urban Centre pursuant to the SSLEP2006.

The site has a frontage of 46.84m to the Kingsway, 37.45m to Clubb Lane and a depth of 38.5m giving it a total area of 1,625m<sup>2</sup>. The site slopes from Kingsway down to Clubb Lane and also slopes diagonally 4.61m from the south-western corner downwards to the north-eastern corner. Currently the site is vacant and construction of a basement carpark has commenced.

The site is located one (1) property west of the north-eastern perimeter of the Miranda Centre. The development surrounding the site is varied with a mixture of residential, educational, religious and commercial buildings. Adjoining the site to the east and the west are two (2) storey commercial buildings. To the north, across Clubb Lane, is a four (4) level residential flat building and Our Lady of the Sea Church and Primary School. The residential flat building includes private car parking spaces accessed directly off the lane.

To the south of the site, across Kingsway is Saint Luke's Anglican Church. Diagonally opposite the site to the south-east is a seven (7) storey commercial building incorporating a gymnasium, commercial floor space and a motel. Further to the south-west is Westfield's Shopping Centre. The Kingsway adjoins the site to the south and it is seven (7) lanes wide at this point.

### **Assessment of DA10/1292**

A development application was lodged in August 2010 for the demolition of existing structures and the construction of a five (5) storey commercial building (DA10/0720). This application was ultimately refused by Joint Regional Planning Panel on 3 November 2010 given the significant variations to Council's LEP and DCP controls, adverse impacts on adjoining properties and an inappropriate relationship with the street.

A subsequent development application (DA10/1292) was lodged in December 2010 for the construction of a three (3) level commercial building with two (2) levels of basement car parking. The DA was referred to the JRPP for determination. The DA was ultimately approved.

### **Key Issues**

Amending SSLEP2006 to allow for increased height and density on the site is considered to be appropriate. The site is located in the established retail precinct of Miranda and permitting increased height and density on this site is logical and consistent with surrounding built forms in the area. However, the proposal does raise some significant issues which are discussed below:

#### **1. Building Height**

The objective of this planning proposal is to amend the SSLEP2006 to allow for an increase in maximum permissible height to facilitate a five (5) storey commercial building. The roof height of the approved commercial building for this site is approximately 15.5m above natural ground level. The proposal would increase the height of the building by approximately 7.5m, creating a new roof height of approximately 23m (plus lift over runs, roof top plant etc.).

This commercial section of Miranda, which is serviced by Clubb Lane at the rear, has long been a planning anomaly. It currently has a three (3) storey height limit, yet all other commercial land along the Kingsway has permissible building heights of seven (7) storeys. It was recommended that the building height be increased during the preparation of SSLEP2006, but this was not pursued by Council.

Building heights in Miranda have been reviewed as part of the preparation of the Housing Strategy options which are reported to Committee as a separate item (DAP025-13 ). That report proposes to increase the height of the subject site and surrounding sites to 25m. As such, it is considered that the building height sought through the planning proposal is

acceptable.

Under SSLEP2006 heights are expressed in storeys, but under the SILEP height is to be expressed in metres. While the proposed building consists of five (5) commercial storeys, it has a basement car park that protrudes above ground level by more than one metre and therefore would be considered a storey under SSLEP2006. As such, it is recommended that the proposal be given a 6 storey height limit under SSLEP2006 and a 25 metre height limit under SILEP.

## **2. Building Density**

SSLEP2006 sets a maximum permissible floor space ratio for the site of 2:1. The Planning Proposal seeks a FSR of 3.35:1. In comparison, Westfield currently has the largest FSR in Miranda at 2.5:1. Some sites in Sutherland centre currently have a FSR of 3:1, but no other site in Sutherland Shire currently has a floor space ratio in excess of 3:1.

The proposed increased FSR appears to assume that the footprints of the floors below are repeated on the new upper levels. No analysis is provided to demonstrate how this form will present to the street, relate to existing built forms or fit into a broader development strategy for this precinct.

When the options were being prepared for the Housing Strategy detailed analysis was carried out to see how future built forms could be fit together to create attractive centres where residents and pedestrians received a high standard of amenity. Such studies were not carried out in Miranda because Council did not nominate it for detailed review. However, the Planning Proposal has promoted a preliminary review of the block bounded by Clubb Lane and the Kingsway.

A development strategy for this precinct should accommodate both commercial and residential building forms. It is critical that as sites are developed they do not compromise the ability of adjoining land to achieve quality development. To achieve appropriate spatial relationships between future buildings, higher buildings have to be either set back from their common boundaries so that SEPP 65 building separation standards can be achieved between adjoining buildings, or present only narrow elements to the boundary. When a narrow element is built to the boundary a residential flat building may be set against it in the future without compromising apartment quality or future resident amenity.

The primary concern raised in the Planning Proposal is that a building form utilising the proposed FSR of 3.35:1 would compromise the potential to develop high quality future buildings on adjoining sites. The depth of the proposed upper floors would mean that future units on adjoining sites would have compromised solar access and amenity. This outcome would be unacceptable.

However, it is possible for the site to provide additional floor space in an acceptable manner. If the upper two floors were kept to a maximum building depth of 20 metres additional floor space could readily be accommodated. A 20m building depth is consistent with a residential footprint, and as such a future residential flat building could be sited to the boundary without compromising the quality of the future units. This arrangement of building forms could also be repeated on adjoining sites.

If a reduced footprint is to be required on the additional upper levels, the full extent of the

floor space being sought could not be accommodated. However, a FSR of 3.5:1 is extremely high. Preliminary modelling of the narrow building form suggests that a FSR of 3:1 is more achievable and reasonable for this site.

As part of this analysis modelling of adjoining lots has also been investigated. If a narrow building form is repeated on these lots, they too could accommodate a FSR of 3:1 and a 25 metre height limit. If the 25 metres was achieved in a predominately residential building, this would produce a building of seven (7) to eight (8) storeys because lower floor to ceiling heights are appropriate.

### 3. Car Parking

The site has development approval for 3265m<sup>2</sup> of commercial floor space plus 110 parking spaces. The development of this basement car parking is currently under construction. The planning proposal seeks to increase the commercial area to 5,439m<sup>2</sup> with no corresponding increase in parking. This represents a provision of one (1) space per 49m<sup>2</sup> of floor space or a deficiency of seventy one (71) spaces with respect to SSDCP2006.

Chapter 7 of the Sutherland Shire Development Control Plan 2006 (SSDCP2006) indicates that business and office premises should provide one parking space per 30m<sup>2</sup> of gross floor area. This is a flat rate which applies to the whole area. By comparison, the Roads and Maritime Services "Guide to Traffic Generating Developments" indicates that commercial offices should provide one space per 40m<sup>2</sup> gross floor area. The guidelines also note that one space per 40m<sup>2</sup> for commercial development represents unconstrained parking.

This parking provision is in line with other centres throughout Sydney that are well serviced by public transport. The subject site is within the Miranda town centre, which is readily accessible by public transport services. Miranda railway station is within some 400 metres walking distance of the site and the area is well serviced by local bus services.

The Planning Proposal was referred to Council's Traffic and transport Manager for comment who has provided the following advice:

*"With respect to the Roads and Maritime Services(RMS) Guide to Traffic Generating Developments which suggests a rate of 1 space per 40 m2 of floor area for commercial premises in an **unconstrained situation**, the proposal would have a parking deficiency of twenty six (26) spaces. The Guide defines commercial premises as "a building or place used as an office or for other business or commercial purposes. This includes **non -medical** professional consulting rooms." The RMS rate is quite old, based on surveys undertaken in 1979 and as such RMS recommends using surveys for specific town centres. Council does not have a specific survey of parking generation rates for commercial premises in Miranda.*

*It is argued by the applicant that the parking deficiency can be justified given its location within a major commercial centre and its proximity to readily available public transport. It suggests that the site should be treated as a restrained situation with the application of reduced parking rates similar to those used in other LGA centres such as Hurstville, Kogarah and Wollongong. Whilst this argument may have merit in various locations, the subject site would not operate as a fully restrained situation as unrestricted on street parking is available within adjoining residential areas within similar walking distance to the bus interchange and railway station. This situation does not apply at centres such as Hurstville, Kogarah and Wollongong which are already constrained. As such it is considered that*

*commuter intrusion into the surrounding areas would be inevitable as a consequence of parking deficiencies on site.*

*The type of use for the office space is also relevant with respect to provision of tenant and visitor parking. Type of use is unspecified; however, medical consultancies have been alluded to by the applicant which would create a higher demand for visitor parking. Insufficient visitor parking onsite for this type of use would impact on nearby unrestricted and time limited on street parking availability and turnover.*

*Similar situations exist in the Jackson Avenue and Gibbs Street medical precincts whereby parking demands are high for this type of facility and appear not to have been adequately provided for on site.*

*Council could consider a reduced parking rate if it had some certainty or control on the use/tenancy of the commercial area and/or supporting evidence of parking demand for similar type facilities within the Miranda Centre.*

*However, based on the information submitted, the planning proposal is not supported as it is likely to have a detrimental impact on on-street parking availability in the surrounding area."*

This is primarily a development assessment issue. The Planning Proposal seeks increased height and density which can be considered in the absence of a development proposal. The developer could simply provide additional parking on site to meet the code requirements. However, in this case the basement is now under construction and as such it is highly unlikely that the developer will provide additional parking. Therefore Council needs to form a view in relation to parking because there is little benefit proceeding with the LEP amendment if Council is not ultimately prepared to consider reduced parking rates on this site and indeed elsewhere in the centre.

The subject site and Miranda centre is well serviced with respect to public transport and as such a reduced rate of parking may be appropriate. Council has previously stated its commitment to supporting growth in local jobs and this proposal will bring more jobs into Miranda centre. It should also be noted that the recommendation to increase the floor space ratio to 3:1, rather than 3.35:1, will lessen the potential shortfall in on-site parking.

#### **4. Economic Impact**

Miranda is identified as a Town Centre within the Sydney Metropolitan Plan which states:

*Caringbah and Miranda Town Centres have potential to grow over the next 25 years.....Additional growth may locate between Miranda and Caringbah. Careful strategic planning will need to be undertaken to ensure the growth of centres is complementary.*

The Sydney South Draft Sub-regional Strategy has as a specific outcome to resolve the centres within the Sutherland Shire and "promote Caringbah and Miranda as 'centres of excellence' in biomedical and bioengineering research and development (SO A2.2.4)". Amending SSLEP2006 to increase the building heights and FSR for the subject site will provide appropriately sized floor plans to assist with achieving this outcome in the future.

The Draft Sub-regional Strategy clearly identifies Miranda's context and growth opportunity. It states:

*Sutherland Town Centre is identified in the Metropolitan Strategy as a Potential Major Centre. While this centre provides local administration services, Caringbah-Miranda provides more retail, health and employment services. It is well situated and serviced by road and rail infrastructure and has the capability and potential for further growth.*

Increasing the height and density controls on the subject site will have a positive economic impact in the Miranda Centre. Miranda is centrally located, has been earmarked for growth and is already a strong retail centre in the Region. The Metropolitan Plan is targeting a 27% growth in employment up to 2036. This planning proposal will assist towards achieving this goal.

The Draft Sydney South Sub-regional Strategy states: "*there may be potential for retail/commercial floor space increases*". If adopted, this planning proposal will directly assist in achieving this objective as an increase in building heights and FSR will allow for more new business to be accommodated and may bring a momentum to employment growth in Miranda.

## **Conclusion**

The proposed amendment to the height and FSR controls represents a logical extension to the commercial centre surrounding the site. The additional height and density has no significant adverse impacts on the nearby residential and educational land uses because it is located to the south. There are no significant planning issues that would arise as a result of this planning proposal and it is consistent with Metropolitan Planning for the locality. Furthermore, no adverse economic, social or environmental impacts are envisaged.

While the issue of on-site car parking provisions is significant, it is not technically an issue that needs to be considered in an LEP amendment. However, there is little utility in Council proceeding with the amendment unless Council is ultimately prepared to support a reduced rate of parking on this site. Council's Traffic and Transport Manager recommends against this. If Council is of the view that reduced parking rates are appropriate in centres where there is accessible public transport, Council should consider reducing the car parking requirements specified in SSDCP2006.

It is recommended that Council support the preparation of an amendment to SSLEP2006 to amend the building height limit to 6 storeys and increase the floor space ratio to 3:1 to facilitate more commercial floor space in the centre. This report recommends the endorsement of the attached planning proposal in order for it to be submitted for Gateway Determination with the Department of Planning and Infrastructure. Upon receiving the Gateway Determination, a public exhibition shall be held in accordance with relevant legislation and conditions of the Gateway Determination.

Council should note that the arguments presented in this planning proposal equally apply to the remainder of the commercial block where the site is located. As such it is also recommended that the Standard Instrument Local Environmental Plan provide a building height limit of 25 metres and a floor space ratio of 3:1 for the commercially zone properties bounded by the Kingsway, Kiora Road, Clubb Lane and Ascot Place, Miranda.

**Report Recommendation:**

1. That Sutherland Shire Local Environmental Plan 2006 be amended to increase the building height standard to six (6) storeys and to increase the building density standard to permit a floor space ratio of 3:1 to facilitate a five (5) storeys of commercial development at 527-533 Kingsway, Miranda (Lot 1 DP 21256 and Lots 18 and 19 DP 8461).
2. That the Planning Proposal attached as APPENDIX 1 to this report be endorsed by Council for submission to the Department of Planning & Infrastructure for Gateway Determination.
3. That the Standard Instrument Local Environmental Plan provide a building height limit of 25 metres and a floor space ratio of 3:1 for the commercially zoned properties bounded by the Kingsway, Kiora Road, Clubb Lane and Ascot Place, Miranda.

## APPENDIX

### Planning Proposal: Old Paddy Palin Site - 527-533 Kingsway, Miranda



Planning Proposal for an amendment to the Sutherland Shire Local Environmental Plan 2006.docx

*(To view the document, double click on icon and select 'Open'. Select 'File' 'Close' to return to report.)*

#### **Committee Recommendation:**

1. That the report "Planning Proposal 527-533 Kingsway, Miranda" be received and noted.
2. That it be noted this area of the Kingsway has long been considered a planning anomaly insofar as whilst this and the adjoining sites have three (3) storey height limit, yet all other commercial land along the Kingsway has permissible building heights of seven (7) storeys.
3. That a block edge building form is more appropriate for this and the adjoining sites and as such, ample opportunity exists for north-south orientation of commercial and residential units of the adjoining sites without sterilising the development opportunity of the adjoining sites.
4. That Sutherland Shire Local Environmental Plan 2006 be amended to increase the building height standard to six (6) storeys and to increase the building density standard to permit a floor space ratio of 3.35:1 to facilitate a five (5) storeys of commercial development at 527-533 Kingsway, Miranda (Lot 1 DP 21256 and Lots 18 and 19 DP 8461).
5. That the Planning Proposal lodged with Council dated September 2012 be endorsed by Council for submission to the Department of Planning & Infrastructure for Gateway Determination.

#### **Council Resolution:**

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2. That it be noted this area of the Kingsway has long been considered a planning anomaly insofar as whilst this and the adjoining sites have three (3) storey height limit, yet all other commercial land along the Kingsway has permissible building heights of seven (7) storeys.
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# Planning Proposal

527-533 Kingsway, Miranda

Proposed Amendments to Sutherland Shire Local  
Environmental Plan 2006

Prepared by

Tim Stewart (Town Planner, BTP UNSW)  
September 2012

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## EXECUTIVE SUMMARY

This planning proposal seeks to add two (2) additional floors of commercial floor space over and above the three (3) levels already approved. The site is commercially zoned and has a site area of 1625m<sup>2</sup> and is situated on the Kingsway, Miranda and is about 280m from the railway station.

The result will be a five (5) level commercial building with a floor space ratio of 3.35:1 above two (2) levels of basement parking.

The key points of the planning proposal are:

- The need for a larger building has arisen from the significant enquiry for commercial office space within this building which is well beyond what can be catered for. This enquiry includes professional businesses as well as businesses seeking larger floor plans in the order of 2000m<sup>2</sup>.
- This planning proposal will attract new jobs to Miranda.
- This planning proposal will enable Miranda to cater for tenants seeking large office suites. These tenants will in turn attract other businesses to an area, which all strengthens employment prospects for the Shire.
- The planning proposal demonstrates that there will be a net community benefit resulting from this proposal, particularly as it brings jobs to the Shire and is well located to public transport.

Specifically this location is attractive to new businesses because of its central location within the Shire, proximity to the Hospital and Carringbah town centre, rail access to the City and the direct bus service to Hurstville Town Centre.

- There are no overshadowing impacts to adjoining owners as all shadowing falls over the Kingsway to the south.
- The Sydney Metropolitan Plan notes Miranda as the strongest retail centre in the Sutherland Shire and also acknowledges that it has potential growth over the next 25 years.
- The Sydney Metropolitan Plan has targeted a 27% increase in employment growth until 2036 and this proposal will assist in facilitating this outcome.
- Parking is proposed at a rate of 1 space per 49m<sup>2</sup> which is still more generous than several other town centres in the southern Sydney region. The Traffic and Parking Report supports this parking rate given the site's proximity to bus and rail services.
- Council has previously zoned nearby sites and precincts in Miranda for seven (7) storey development. This proposal will also result in a quality building form which will start to define Miranda as a significant town centre within Sydney.

## INTRODUCTION

This Planning Proposal has been prepared on behalf of Tristate Property Pty. Ltd. and seeks to amend the provisions of Sutherland Shire Local Environmental Plan (SSLEP) 2006 as they relate to a specific site at 527-533 Kingsway, Miranda.

In accordance with the provisions of section 55 of the Environmental Planning and Assessment Act 1979, this Planning Proposal explains the intended effect of the amendment, the justification for the amendment and the process of implementation. This Planning Proposal has also been prepared having consideration to the relevant Department of Planning and Infrastructure guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals* and Sutherland Shire Council's *Guidelines for Planning Proposals*.

This planning proposal provides the following information:

- A Statement of the objectives and intended outcomes of the proposal.
- Explanation of the provisions of the proposal.
- A summary of the justification of the objectives and outcomes.
- An outline of the implementation process for the outcomes
- Description of the subject site, approvals history and its context.
- Photographs and plans of the site and a concept plan of the final proposed outcome.
- Details of the public benefit that will result from the proposal.
- Consideration of the relevant local and state planning provisions and s.117 Ministerial Directions.
- Community consultation anticipated as part of the proposal.

The need for the additional commercial floor space which is sought by this Planning Proposal arises from the owner's level of enquiry about gaining access to commercial floor space within Miranda. Essentially, there is more enquiry that floor space and significant tenants are seeking larger floor plans and more floor space. The additional space, if approved, will allow for long term contracts to be struck with large corporate tenants which will be a boon for Miranda business centre and promote jobs within the Sutherland Shire.

A large proportion of these tenants are typically looking for floor areas of between 50m<sup>2</sup> and 500m<sup>2</sup> however there was considerable interest in suites between 500m<sup>2</sup> and 2000m<sup>2</sup>, not all of which can be accommodated. An increase in building levels will allow for more new business to be accommodated and will bring a momentum to employment growth in Miranda.

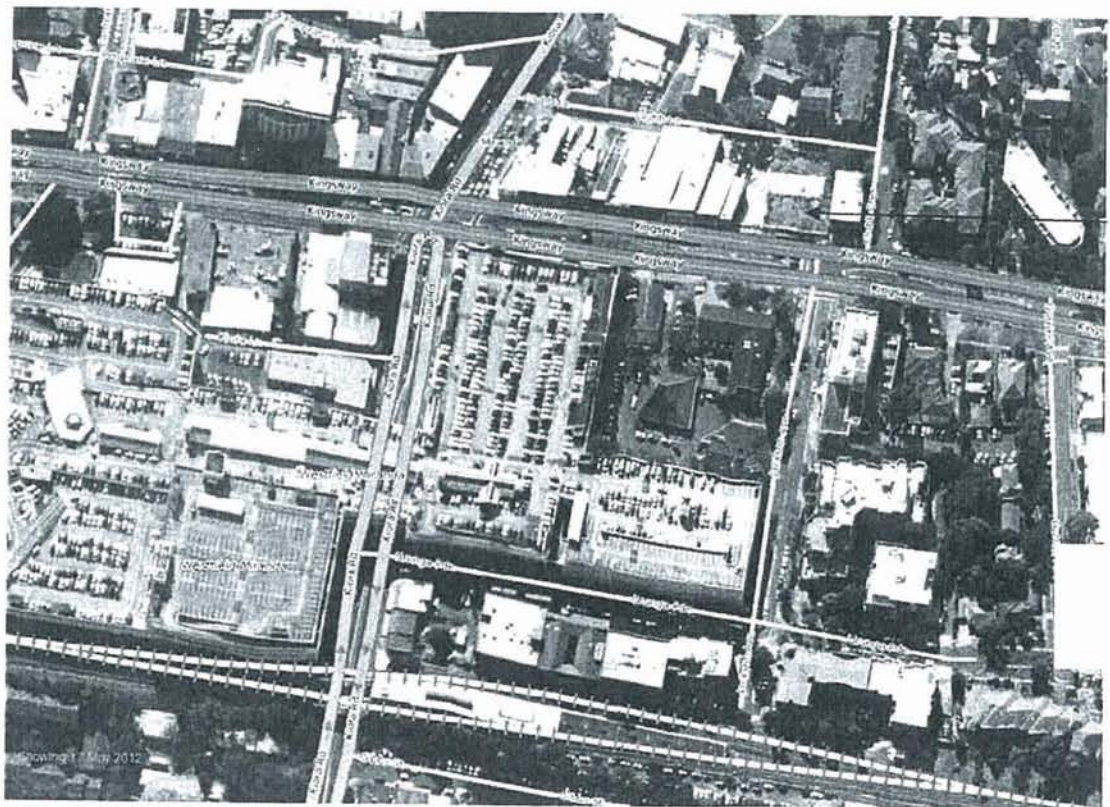
## SITE AND CONTEXT

The site is located at 527-533 Kingsway Miranda and is a significant site along a shopping centre strip with a rear access to Clubb Lane. The property is described as Lot 1 DP 21256 and Lots 18 & 19 DP 8461.

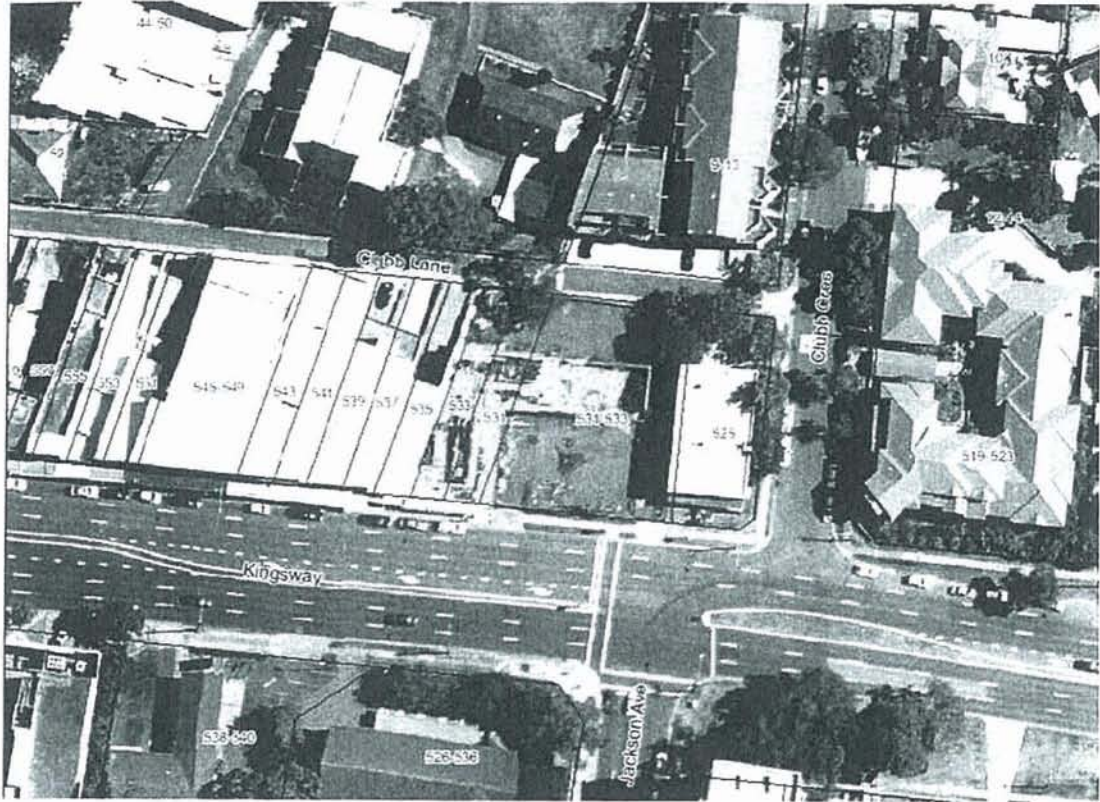
The site a frontage of 46.84m to the Kingsway, 37.45m to Clubb Lane and a depth of 38.5m giving it a total area of 1625m<sup>2</sup>. The site slopes from Kingsway down to Clubb Lane and also slopes diagonally 4.61m from the south-western corner downwards to the north-eastern corner. Currently the site is vacant and construction of a basement car-park has commenced.

Adjoining the site to the east and the west are two (2) storey commercial buildings. To the north, over the lane, is a four (4) storey residential flat building and Our Lady Star of the Sea Primary School and Church. Kingsway adjoins the site to the south and it is seven (7) lanes wide at this point. Opposite the site is Saint Luke's Anglican Church while diagonally opposite the site to the south-east is a seven (7) storey commercial building. Over the road and further west is the substantial Westfield's shopping centre which is also a seven (7) storey building form.

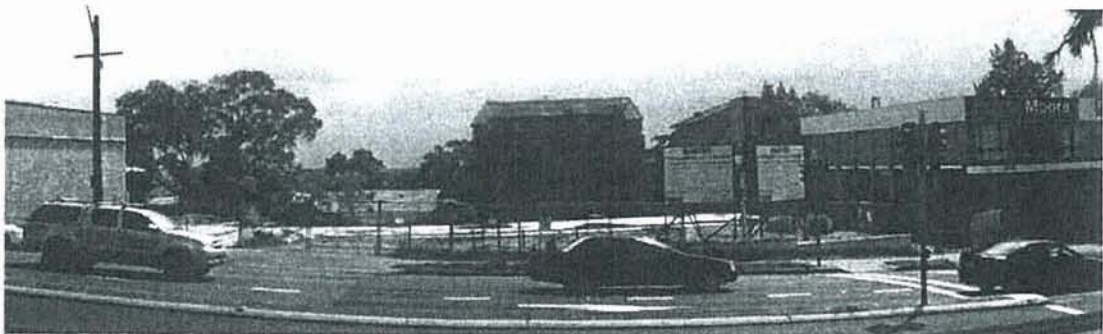
**Figure 1 – Miranda Town Centre**



**Figure 2 – Aerial view of the site**



**Figure 3 – Street view of the site**



*Source: SCC – JRPP Assessment Report*

The SSDCP identifies several maps for each of the town centres in the Shire and this includes Miranda. Map 7 identifies the portion of Kingsway in front of the site as "Town Centre Street". Within this context, it is desired to be an active street frontage with high pedestrian connectivity as well as good public transport access to local businesses. The built form is noted specifically as: "*Commercial and retail, mixed use and higher density development. Nil setbacks.*"

The site is well serviced by local public transport networks and is approximately 280m from Miranda Railway station which provides broader connectivity to Sydney suburbs and the City.

## PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to increase the height of the approved building by adding two (2) new levels of commercial floor space.

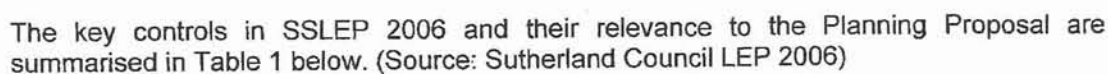
The intended outcome will be a five (5) storey commercial building with two (2) levels of basement parking.

The site currently has an approval for three (3) commercial floors above two basement levels of parking and this planning proposal seeks to add two (2) more levels which utilize the same floor plan. No additional parking is proposed.

By way of clarification, the previous DA approval for this site referenced the building as a four (4) storey building. This is because the basement area is elevated above the street level at the lower end of the site. Using the same criteria, this planning proposal would be for a six (6) storey building. The reality is that it seeks to have five (5) commercial floors above two (2) levels of basement parking.

The Sutherland Shire Council Local Environmental Plan (SSLEP) 2006 contains town planning controls for all development in the Sutherland Shire. Supporting the written document, there are seven (7) maps referred to by the SSLEP that identify specific environmental aspects that control development. The relevant maps for this proposal include zoning, height and density control.

**Figure 4 – Zoning Map**



**Table 1 – Relevant SSLEP 2006 Controls**

| SSLEP 2006 Provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Relevance to Planning Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Clause 11 Zoning Table</b></p> <p><b>Objectives of zone (Zone 8)</b></p> <p>The objectives of this zone are as follows:</p> <ul style="list-style-type: none"> <li>(a) to identify appropriate land for the provision of a wide range of retail, business and professional activities,</li> <li>(b) to promote viable businesses through increased economic and employment activity,</li> <li>(c) to provide for an integrated mix of commercial, office, retail and residential buildings,</li> <li>(d) to create attractive, vibrant and safe establishments and facilities as a focus for community spirit.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>This Planning Proposal does not seek to change the zoning of the subject land.</p> <p>Commercial suites are permitted within the zone subject to the approval of council.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>Clause 33 Building Height</b></p> <p><b>(2) Objectives</b></p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>(a) to ensure the scale of buildings: <ul style="list-style-type: none"> <li>(i) is consistent with the desired scale and character of the street and locality in which the buildings are located, and</li> <li>(ii) complements any natural landscape setting of the buildings,</li> </ul> </li> <li>(b) to allow reasonable daylight access to all buildings and the public domain,</li> <li>(c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,</li> <li>(d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,</li> <li>(e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings on land in those zones.</li> </ul> <p>(3) The consent authority must not consent to development for the purpose of a building unless it has considered the objectives of this clause.</p> <p><b>(8) Buildings in Zone 8, 9 or 10</b></p> <p>A building on land in Zone 8—Urban Centre, Zone 9—Local Centre or Zone 10—Neighbourhood Centre must not comprise more than:</p> <ul style="list-style-type: none"> <li>(a) the maximum number of storeys specified on the Height and Density Controls Map in relation to the land concerned, or</li> <li>(b) if that map does not specify a maximum number of storeys in relation to the land concerned: <ul style="list-style-type: none"> <li>(i) 2 storeys in the case of a building located on land in Zone 10—Neighbourhood Centre, or</li> <li>(ii) 3 storeys in any other case.</li> </ul> </li> </ul> | <p>All objectives relating to Building Height remain relevant.</p> <p>The Height and Density Control Map in SSLEP 2006 does not allocate a specific height control for the subject site and so is limited to three (3) storeys pursuant to Clause 33(8)(b)(ii).</p> <p>Section 3 of this report addresses the specific planning framework for the site at 527-533 Kingsway.</p> <p>In summary it is concluded that the site is capable of accommodating a five (5) storey building and that the LEP map could be varied for the subject site to nominate it as a five (5) storey precinct (or six storey building - See note below).</p> <p>NB: By way of clarification, the previous DA approval for this site referenced the building as a four (4) storey building even though it only included three (3) commercial floors. This is because the basement area is elevated above the street level at the lower end of the site. Using the same criteria, this planning proposal would be for a six (6) storey building. The reality is that it seeks to have five (5) commercial floors above two levels of basement parking.</p> <p>For ongoing clarity it will be referred to as a five (5) level building above two (2) basement levels.</p> |
| <p><b>Clause 35 Building Density</b></p> <p><b>(2) Objectives</b></p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>(a) to ensure that development is in keeping with the characteristics of the site and the local area,</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>All objectives relating to Building Density remain relevant.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <p>(b) to provide a degree of consistency in the bulk and scale of new buildings that relates to the context and environmental qualities of the locality,</p> <p>(c) to minimise the impact of buildings on the amenity of adjoining residential properties,</p> <p>(d) to ensure, where possible, that non-residential buildings in residential zones are compatible with the scale and character of residential buildings on land in those zones.</p> <p>(11) The maximum floor space ratio applying to development for the purpose of a building on a site in Zone 8—Urban Centre or Zone 9—Local Centre is:</p> <p>(a) if a floor space ratio is specified on the Height and Density Controls Map in relation to the site concerned—the floor space ratio specified on that map, or</p> <p>(b) if a floor space ratio is not specified on that map in relation to the site concerned—2:1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>The Height and Density Control Map in SSLEP 2006 does not allocate a specific floor space ratio for the subject site and so is limited to 2:1 pursuant to Clause 35(11)(b).</p> <p>The approved floor space for this site is 3265m<sup>2</sup> and the desired floor space under the Planning Proposal is 5439m<sup>2</sup>. The site area is 1625m<sup>2</sup> meaning that the approved FSR on the site is 2:1 while the proposed FSR for the site under this Planning Proposal is 3.35:1. The proposed FSR is simply the resultant ratio which emerges from the building envelope exercise.</p> <p>FSR is an extremely 'blunt instrument' in terms of creating desirable urban form. Consistent and appropriate building envelope controls will produce different FSR controls for a larger square site than it may for a narrow smaller site. It is the urban form which establishes the character of a town centre. Indeed the FSR controls used in Miranda with the building height controls are essentially encouraging towers-style buildings rather than a block-edged style of building.</p> <p>Notwithstanding, the current controls of Council have an FSR map which would need to be varied to reference the subject site and the resultant FSR.</p> |
| <p><b>Clause 48 Urban design—general</b></p> <p>The consent authority must not consent to development unless it has considered the following matters that are of relevance to the development:</p> <p>(a) the extent to which high quality design and development outcomes for the urban environment of Sutherland Shire have been attained, or will be attained by the proposed development,</p> <p>(b) the extent to which any proposed buildings are designed and will be constructed to:</p> <p>(i) strengthen, enhance or integrate into the existing character of distinctive locations, neighbourhoods and streetscapes, and</p> <p>(ii) contribute to the desired future character of the locality concerned,</p> <p>(c) the extent to which recognition has been given to the public domain in the design of the proposed development and the extent to which that design will facilitate improvements to the public domain,</p> <p>(d) the extent to which the natural environment will be retained or enhanced by the proposed development,</p> <p>(e) the extent to which the proposed development will respond to the natural landform of the site of the development,</p> <p>(f) the extent to which the proposed development will preserve, enhance or reinforce specific areas of high visual quality, ridgelines and landmark locations, including gateways, nodes, views and vistas,</p> <p>(g) the principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines and the extent to which the design of the proposed development applies those principles.</p> | <p>All matters relating to Urban Design - General remain relevant.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## PART 3 – JUSTIFICATION

The NSW Department of Planning has a publication entitled "Guidelines for Preparing Planning Proposals". It outlines a range of questions which will be answered as part of the Justification process. Prior to dealing with these questions it is appropriate to provide an urban design justification for this proposal.

### Preamble – Urban Design and Building Form

This section of the report is written as an urban design précis for the Planning Proposal.

I considered the great cities of the world have developed through a focus on appropriate building envelopes (3D massing) and quality architecture. These integrated cities have developed with very different principles to those which have underpinned the development of Australian cities. Many older cities took great care with their town plans and employed a high standard of architecture. Indeed, Sydney saw similar principles used in its early development, however over time this was lost to economic imperatives which saw the rise of the tower as the preferable city building.

With a decline in the prominence of the 'city architect' and the need for quick growth, Australia was largely left to market forces. The speed of new development between Australia's settlement and 1850 was quite pronounced and resulted in a beautiful style of architecture and building form, even in regional towns. Much of this was on the back of gold exploration and farming. By the mid 1900's however Australia saw the introduction of the first 'packaged' home-loans and variable interest rates and development spread more rapidly. To keep pace city planners needed to establish some broad design rules and so was born, a strong reliance on height and floor space controls.

While these controls may have application in a residential context, I remain unconvinced that they can develop a vibrant town centre which has buildings that define space and character and enrich the experience of passers-by. Height and floor space controls are 'blunt tools' in terms of creating urban form. They are best used to clearly define a building envelope but should not be the only control.

A good urban centre must define space, landforms and guide people around the private and public domains. The appropriate height of buildings depends on the width of streets, the hierarchy of the urban centre in its context and the need for solar access. Correct height will make the pedestrian feel 'at home' and feel a connection to the centre in which they are interacting.

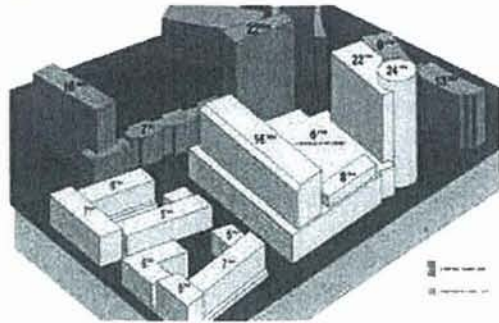


I have included some anecdotal principles and pictures to support my points:

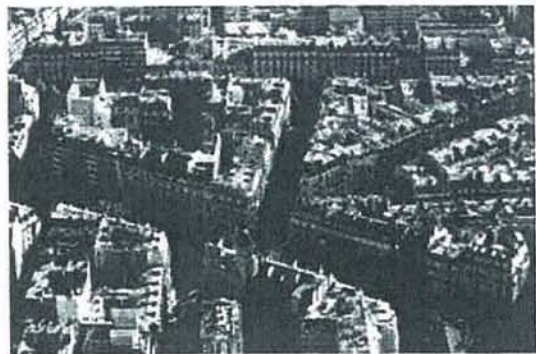
- A well designed strip of block-edged buildings (ie no front or side setbacks) can draw a person along a promenade or street and define the general pattern of the street on which they reside. The building becomes integrated into the fabric of the centre.
- The picture to the left is a London street and shows how consistent building envelopes powerfully communicate legibility, direction and give the humble street and footpath a very powerful and inviting presence.

- To the right are some building envelopes for entire blocks in Wolli Creek, Sydney and show how good planning happens well before the individual DA's are lodged.
- The photo below illustrates how building form defines space (particularly on corner sites). Building legibility is important in creating a sense of space and vitality within a town centre.

Figure 1.3 Height and Bulk, Current Planning Controls Compared to Proposal



- Below is a picture of Paris, and while Paris is not transferable in terms of scale, the picture communicates how block-edged building forms define public space and clearly communicate street pattern and create a social-presence. Sporadic setbacks and towers do not produce these spaces. The sense of place at street level here would be powerful.



- Below is Folkstone Street in England again shows the importance of block-edged building to define space, even if it is quite narrow.



- Finally, below is an early photograph of Sydney. It appears that in 200 years Australian planners and designers have lost the art of defining space, forgotten how to celebrate our street corners and ignored the fact that medium-rise block-edged buildings are one of the greatest tools to create stunning urban centres.



The pictures and basic commentary show that good urban design is not a new concept but rather that centres are underpinned by old, well-proven design principles. As Sydney grows and evolves, its regional centres and town centres must create a vibrancy and quality of building design which we are generally not seeing outside of major city centres.

It is not helpful to simply suggest that Miranda shouldn't strive for good urban planning because it is not in London or Paris. This précis is simply aiming to provide an analysis of urban design and what creates a sense of place within a town centre. It is the principles which are transferable and which must be understood as we plan our town centres within Sydney.

The difficulty has been that Sydney has really grown on the back of a series of small connected farming communities which are now major suburbs. Regeneration of the building forms within Sydney's town centres is therefore appropriate.

My contention is that when buildings within town centres are well planned, a clear building hierarchy will become evident and dramatically enhance the attractiveness and vitality of that centre.

Wider streets can often take additional building height, particularly if they are defining the primary street in that centre. Commercial suites and residential units enrich a town centre with 'people' which in turn brings shops, cafes and restaurants.

It is important to create centres outside of the CBD which bring employment back to the suburbs. This is critical in reducing travel times which then improves family interactions, local community involvement and reduces traffic congestion.



The picture to the left is the Hurstville Council town centre plan for Hurstville (prepared by Olsson and Associates for Council's DCP) and is a good example of how general 'envelope' planning can be undertaken to build a vision for a centre. It shows the importance of medium-rise block-edged building form in helping define space within a town centre.

Centres such as this will not emerge overnight. In a town centre like Miranda, many buildings will emerge ahead of the rest of the centre. The key is to ensure that these unique buildings are all a piece of a bigger urban design puzzle.

Sutherland Council has already nominated a seven (7) storey height zone in many areas on the Kingsway and even back from the main street. Ideally this would be done within a broader 'urban design' exercise to ensure that the final puzzle looks good and creates an attractive urban environment which attracts people to its core.

I consider that the Kingsway at Miranda is capable of accommodating a five (5) to seven (7) storey building form. It would also be my personal desire to see other adjoining sites emerge with buildings of the same scale. Given issues around fragmented ownership however, this would really only be likely within the context of an integrated town plan and building envelope study.

For now, the subject site has been investigated to see if it can satisfactorily accommodate a five (5) storey building form above two (2) levels of basement parking (*NB: This may be clarified as six (6) storeys by Council given their definition of a level in the previous DA*). It is my view that this is an appropriate building form for a town centre like Miranda and that the impacts of the

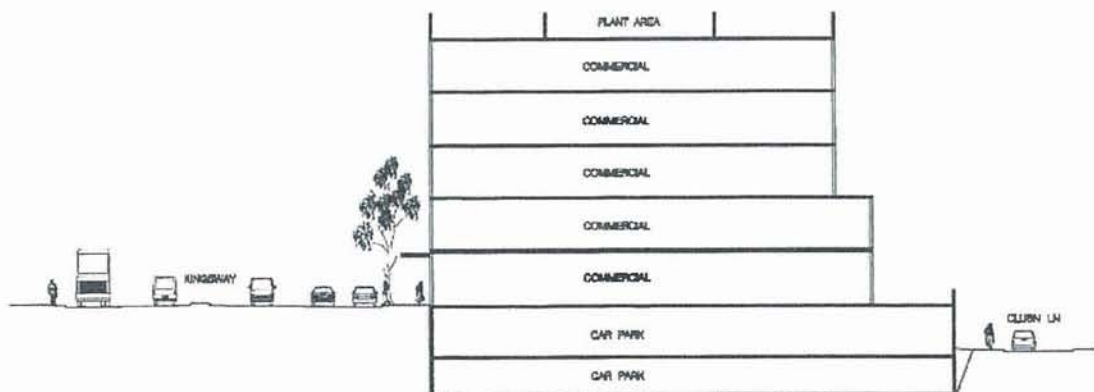
development in terms of overlooking, overshadowing, street character, urban design, traffic and parking are negligible.

The Kingsway is located to the south of the property and all overshadowing is onto the street. No new parking is being proposed which is considered appropriate for an emerging town centre with excellent rail services. This will generally mean that little additional traffic will be generated from the proposed development. The parking rate is applied at 1 space per 49m<sup>2</sup> of floor space which is considered appropriate where good transport exists. This is also supported by the Transport Planning report which is attached to this Proposal.

As I have indicated previously, it is my view that the resultant FSR from commercial buildings is largely irrelevant provided the building form is appropriate. FSR will vary from site to site depending on internal design constraints. A passer-by does not assess how much floor space is in a building but they are impacted by the size of the building and its relationship to the street below.

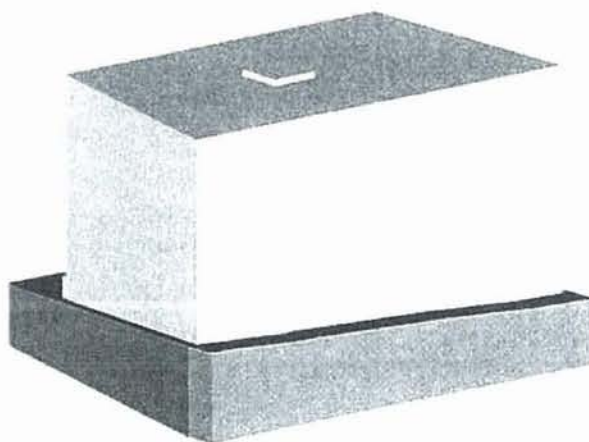
When the building form is clearly established and agreed upon, the FSR should form no precedence at all. Building height however does form a precedent insofar as consistent heights are important in defining space within an urban centre.

To this end, a brief study of the building form has been prepared for the subject site. The resultant FSR from this building using the approved floor plate is 3.35:1. The building envelope being sought is shown below and its detail will be informed by the subsequent development application, although it will be generally the same as that which is already approved.



The above section shows the appropriateness of the proposed building envelope in defining space of the width of the Kingsway.

The isometric model generically shows the building form on the subject site and the way the levels work in respect of the topography.



## Section A – Need for the planning proposal

### 1. Is the planning proposal a result of any strategic study or report?

No, this planning proposal has not arisen out of any specific study or report.

It should be noted that Miranda's omission from the draft centres strategies presents something of a mystery. Only Cronulla, Caringbah and Sutherland were studied and I understand that objections to Miranda's exclusion were noted to Council.

On this issue, I note that the Sydney Metropolitan Strategy – Centres and Corridors South includes a series of nominated actions: ACTION B1: PROVIDE PLACES AND LOCATIONS FOR ALL TYPES OF ECONOMIC ACTIVITY AND EMPLOYMENT ACROSS THE SYDNEY REGION. Within Action B1 there are a series of Strategic Outcomes. Of relevance to Miranda is SO 1.1.2 which says:

*Department of Planning and Sutherland Shire Council to resolve the future roles (consistent with the Centres Typology) of Caringbah, Miranda and Sutherland prior to Sutherland Shire completing its new Principal LEP.*

It is also worth noting the NSW Ministry for Transport 2007 publication in respect of Contract Region 11 for public transport. Region 11 stretches from Miranda in the west, Kurnell and Cronulla in the east and down to Waterfall in the south and covers an area of over 14,000 ha. The report notes the following:

*"The NSW Government's Metropolitan Strategy identifies a number of strategic centres in Sydney. Centres are concentrations of employment, retail facilities and services, and generally well serviced by public transport. The hierarchy of centres is described below, however there are no Global Cities, Regional Cities, Specialised Centres or Major Centres located in Region 11. However there are three Town Centres in Region 11 – Miranda being the largest, as well as Employment Lands at Kurnell."*

The NSW Ministry for Transport clearly defines Miranda as being larger than both Caringbah and Cronulla. The Metropolitan Strategy - "Centres and Corridors South – Key Directions" identifies Miranda as the *strongest retail centre in the Sutherland Shire* but also note that Council must "*resolve the roles of Caringbah, Miranda and Sutherland*".

It seems that excluding Miranda from the Sutherland Shire Town Centre Study was a lost opportunity and one that could penalize Miranda businesses in terms of achieving its future growth that has been identified. This Planning Proposal aims to continue the momentum that Miranda has as a significant town centre in Sydney's south.

### 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered to be the best means of achieving the stated objectives and intended outcomes. Within Miranda certain precincts have already been identified for seven (7) storey development while this site and its surrounds on the main road has not been identified.

An amendment to the SSLEP is required in terms of height and floor space because the current development controls do not encouraging the redevelopment of existing properties in order to create good urban form and attract new employment opportunities to the region.

### **3. Is there a net community benefit?**

A net community benefit arises where the sum of all the benefits of a development or rezoning outweighs the sum of all costs. The justification to proceed with the planning proposal has taken into consideration the public interest and the consequence of not proceeding with the change in height and FSR.

Table 2 below provides an evaluation of the Planning Proposal against the key criteria for a Net Community Benefit Test for retail and commercial developments set out in the Department of Planning's draft Centres Policy. The level of detail and analysis is proportionate to the size and likely impact of the proposed LEP amendment.

Based on the responses to the key evaluation criteria in Table 2, it is considered that the proposed changes to the Sutherland Shire LEP will produce a net community benefit. There are very few costs to the community inasmuch as the impact of the proposal is minimal. There is however a great opportunity to attract large commercial tenants to Miranda which will bring jobs to the region.

**Table 2 – Net Community Benefit Test Assessment**

| Evaluation Criteria                                                                                                                                                                                         | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ✓/x |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <p>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?</p> | <p>More detailed assessment of the proposal's compatibility with State and regional strategic direction is provided in Section B4 of this proposal.</p> <p>State strategic direction is clear in the Metropolitan Strategy where it says: <i>"Caringbah and Miranda Town Centres have potential to grow over the next 25 years."</i> The Planning Proposal is also about 280m of Miranda railway station and on the Kingsway which is a key local corridor, albeit not a State strategic corridor.</p> <p>Strategic Direction B – Growing and Renewing Centres is relevant to this proposal. This Direction notes that <i>"concentrating a greater range of activities near one another in centres well served by public transport makes it easier for people to go about their daily activities and helps to create lively, functional places in which to live, work, socialise and invest."</i></p> <p>In summary, the proposed amendment is compatible with the following objectives of this Direction:</p> <ul style="list-style-type: none"> <li>• improved access to retail, office, health, education, leisure and entertainment facilities, and community and personal services;</li> <li>• encouraging collaboration, healthy competition and innovation among businesses through clustering;</li> <li>• making better use of infrastructure, and making public transport improvements more viable;</li> <li>• promoting sustainable and accessible transport and healthier communities by increasing walking, cycling and public transport options for more people by making more activities available in one location;</li> <li>• slowing the growth of greenhouse gas emissions by reducing the number of car journeys needed to access services;</li> <li>• reducing pressure for development to occur in less accessible locations; and</li> <li>• creating vibrant places which operate as a focus for community activity and events, and which help to build social inclusion.</li> </ul> | ✓   |
| <p>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional or sub regional strategy?</p>                                    | <p>The proposed amendment is located in the Miranda Town Centre as identified in the Centres and Corridors South – Sydney Metropolitan Strategy. It is well noted within this document as being the strongest retail centre in the Sutherland Shire and that planning should be made for its future growth particularly in partnership with Caringbah (2km east) and the Sutherland Hospital.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | ✓   |
| <p>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</p>                                                                                  | <p>The proposed LEP responds to detailed site-specific issues and is proposed on a much larger site than those around it. Therefore it is not easily comparable to its neighbours.</p> <p>Notwithstanding that, it is contended that the entire commercial strip should ultimately adopt a similar</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N   |

| Evaluation Criteria                                                                                                                         | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | ✓/x |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                                                                                                                                             | <p>building form in order to help define urban space and bring vitality to the centre well beyond where it is currently. To that end there may be a minor shift in expectations that urban building envelope controls or a review of height controls may provide some development possibility in the future.</p> <p>Having said that, almost all of the adjoining properties are either strata blocks or small shops which are joined together and it is unlikely that these would be immediately developed.</p> <p>It is expect that a town centre strategy for Miranda will need to be developed to stimulate the redevelopment of commercial sites and also provide for more local employment options within the Shire.</p> <p>Subsequently, the expectations of the landowner or other landowners in the locality will generally remain the same, although they may be inclined to wonder what may be planned in the future for their town centre. Impact is therefore considered neutral.</p> |     |
| Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? | There are no known cumulative effects from spot rezoning in the locality that need to be considered. Most others that I am aware of include a residential component where as this one does not.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ✓   |
| Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?                                 | This proposed LEP will generate substantial employment opportunity and will bring larger tenants to the area as well. This will be a tremendous benefit for Miranda, particularly as it strengthens its relationship with Sutherland Hospital and provides valuable support services in respect of health. This provides a strong positive benefit to youth within the Shire who will be looking for employment in the future as well as all residents will benefit from better access to services and facilities which are facilitated.                                                                                                                                                                                                                                                                                                                                                                                                                                                           | ✓   |
| Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?                                     | There will be no impact on residential land - supply or affordability. This is a commercially zoned site within the town centre. It is acknowledged that residential units would be permissible however in this instance the strong demand is for commercial uses which generate local employment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ✓   |
| Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?                                      | The site is very well serviced by public infrastructure such as train and bus services as well as in ground infrastructure. Indeed the Metropolitan Plan has made assumptions about the obvious growth prospects of Miranda as a significant town centre.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | ✓   |
| Is there good pedestrian and cycling access?                                                                                                | Pedestrian access is very good and a specific cycle way is not known to exist around the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ✓   |
| Is public transport currently available or is there infrastructure capacity to support future public transport.                             | The site is about 280 metres (or 3 minute walking distance) to Miranda Station and bus services exist on the Kingsway. The bus service also connects into the St George region via a direct service to Hurstville.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ✓   |
| Will the proposal result in changes to the car distances travelled by customers, employees and suppliers?                                   | This is difficult to quantify given that all future tenants are not known and may also change over time. What is generally true is that the Planning Proposal will                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ✓   |

| Evaluation Criteria                                                                                                                                                                                                                            | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | ✓/x                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?                                                                                                                                      | positively impact travel times for local residents who now have better access to business and government services who may be likely to utilise this building.<br><br>The likely impact of reduced travel distances local residents will be a decrease in greenhouse gas emissions, reduced air pollution, reduced operating costs for vehicles, more time with family and friends, and for some, a more peaceful demeanour after not having navigated Sydney traffic for several hours. Road safety will also be improved.         | ✓                   |
| Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal?<br><br>If so, what is the expected impact?                                                            | No.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |
| Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts?<br><br>Is the land constrained by environmental factors such as flooding? | No.<br><br>No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                     |
| Will the LEP be compatible or complementary with surrounding land uses?<br><br>What is the impact on amenity in the location and wider community?<br><br>Will the public domain improve?                                                       | The LEP will be compatible with existing commercial uses adjoining the site.<br><br>The proposal will provide for improved streetscape and contribute to the revitalisation of the Miranda town centre, including extending retail uses along the Kingsway.<br><br>The proposed block-edged building form as detailed earlier in the report will significantly improve the public domain. It is also hoped that, over time, other sites will follow in order to create a vibrant, integrated and identifiable town centre.         | ✓<br><br>✓<br><br>✓ |
| Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?                                                                                                            | The proposal will add to the number of retail and commercial premises in Miranda and that will provide an increase in choice and competition.                                                                                                                                                                                                                                                                                                                                                                                      | ✓                   |
| If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?                                                                                                                       | This proposal is on a site which is part of the Miranda town centre.                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                     |
| What are the public interest reasons for preparing the draft plan?                                                                                                                                                                             | The public interest for preparing the draft plan will be a number of economic and social benefits including: <ul style="list-style-type: none"> <li>▪ It will bring more commercial businesses and therefore more jobs into the Shire;</li> <li>▪ A significant development which sets a high architectural standard and improves the Kingsway streetscape;</li> <li>▪ It communicates the revitalization of the Miranda centre – which is happening simultaneously as the upgrade to Westfield Shoppingtown. This will</li> </ul> | ✓                   |

| Evaluation Criteria                                       | Assessment                                                                                                                                    | ✓/x |
|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                                                           | bring more momentum to the region.<br>▪ It will improve sustainability due to the site's proximity to public transport and business services. |     |
| What are the implications of not proceeding at this time? | A major tenant is likely to be lost which would result in less jobs in the Shire.                                                             | ✓   |

## Section B – Relationship to strategic planning framework.

### 4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Miranda is identified as a Town Centre within the Sydney Metropolitan Plan – Centres and Corridors South. It makes the following comments:

*Miranda is the strongest retail centre in Sutherland LGA. It is situated on the Cronulla rail line and has a large Westfield's shopping centre, cinemas, motor registry, schools, library, RSL, shopping plaza, schools and sport facilities. Miranda has the potential to increase to a Combined Major Centre along with Caringbah. Together the centres provide a large retail, health and education cluster and have the potential for further growth. Significant structure planning work will need to be undertaken to further explore ways to improve and connect these two centres, which are approximately 2 km apart, with the hospital located between them.*

*In total 93 centres were identified for the south sub-region. This includes two Major Centres at Hurstville and Kogarah. In addition, Caringbah, Miranda and Sutherland were identified individually as Town Centres that may have potential to play a more significant role in the future which will need to be resolved and further investigated.*

*Caringbah and Miranda Town Centres have potential to grow over the next 25 years. Sutherland Hospital is located halfway between Miranda and Caringbah. A cluster of support and associated medical facilities have located nearby in Caringbah. Additional growth may locate in between Miranda and Caringbah. Careful strategic planning will need to be undertaken to ensure the growth of centres is complementary.*

The Sydney South draft sub-regional Strategy has some specific outcomes to resolve the centres within the Sutherland Shire and "promote Caringbah and Miranda as 'centres of excellence' in biomedical and bioengineering research and development. (SO A2.2.4)" This proposed development will provide appropriately sized and designed floor plans to assist with achieving this outcome in the future.

The draft sub-regional Strategy clearly identifies Miranda's context and growth opportunity:

*"Sutherland Town Centre is identified in the Metropolitan Strategy as a Potential Major Centre. While this centre provides local administration services, Caringbah–Miranda provides more retail, health and employment services. It is well situated and serviced by road and rail infrastructure and has the capability and potential for further growth. The recent implementation of Miranda to Hurstville Bus Corridor as well as the duplication of the Cronulla Line will further strengthen Caringbah–Miranda's important role within the sub region."*

Table 3 provides details on how the planning proposal is seen to be consistent with the relevant objectives and actions contained within both the Metropolitan Plan for Sydney and the draft Sub regional Strategy.

**Table 3 – Relationship to Strategic Planning Framework**

| <b>METROPOLITAN PLAN FOR SYDNEY 2036</b>                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>STRATEGIC DIRECTION A:<br/>STRENGTHENING THE 'CITY OF CITIES'</b>                                                                                    | <b>COMMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>OBJECTIVE A2</b><br>To achieve a compact, connected, multi-centred and increasingly networked city structure.                                        | <p>It is the clear intent of the Metropolitan Plan to establish each centre with appropriate development to stimulate appropriately located housing and employment uses to reduce travel times around the city. This proposal accords with this vision and will allow more people to work in a centre which is central to the Sutherland Shire. All this is achieved on the back of existing transport infrastructure.</p> <p>It is also a key objective of the NSW Government to locate more people closer to their places of work. This achieves that objective as well.</p> |
| <b>OBJECTIVE A4</b><br>To continue strengthening Sydney's capacity to attract and retain global business and investment.                                | <p>While this object clearly relates to larger centres than Miranda, this proposal does support this objective and also allows for appropriate decentralization of businesses which are better located close to workers.</p>                                                                                                                                                                                                                                                                                                                                                   |
| <b>STRATEGIC DIRECTION B:<br/>GROWING AND RENEWING CENTRES</b>                                                                                          | <b>COMMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>OBJECTIVE B1</b><br>To focus activity in accessible centres.                                                                                         | <p>The proposed development will maximize the use of existing infrastructure and attract more businesses to a strong existing retail centre.</p> <p>Additionally, the State Government has recently connected Miranda and Hurstville with a regional bus service. Miranda is already a very accessible centre both north to St George and centrally within Sutherland Shire.</p>                                                                                                                                                                                               |
| <b>OBJECTIVE B3</b><br>To plan for new centres and instigate a program for high quality urban renewal in existing centres serviced by public transport. | <p>Some of the key outcomes of this objective which are supported by the Planning Proposal are:</p> <ul style="list-style-type: none"> <li>• revitalise existing centres to create vibrant places where it is pleasant to live, work and socialize;</li> <li>• enhance public domain and civic spaces;</li> <li>• improve centre economies by clustering activity to enhance business viability;</li> </ul>                                                                                                                                                                    |

| STRATEGIC DIRECTION E:<br>GROWING SYDNEY'S ECONOMY                                                                                      | COMMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>OBJECTIVE E1</b><br/>To ensure adequate land supply for economic activity, investment and jobs in the right location.</p>         | <p>This proposal will deliver a positive outcome in respect of this objective. Miranda is centrally located, has been earmarked for growth and is already a strong retail centre in the Region. It will reduce journey to work times for local residents.</p> <p>The Metropolitan Plan is also targeting a 27% growth in employment up to 2036 and a major revitalization of the town centres in Sutherland Shire will need to help with this goal. This proposal supports this objective.</p>                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>OBJECTIVE E2</b><br/>To focus Sydney's economic growth and renewal, employment and education in centres.</p>                      | <p>The focus of this outcome is towards Strategic centres and town centres on the public transport network. This proposal supports this objective.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>OBJECTIVE E4</b><br/>To provide for a broad range of local employment types in dispersed locations.</p>                           | <p>This objective expressly includes local centres and this Planning Proposal helps achieve this outcome by supporting local employment opportunities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| DRAFT SYDNEY SOUTH SUBREGION STRATEGY                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| CENTRES AND CORRIDORS                                                                                                                   | COMMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>OBJECTIVE B1</b><br/>Provide places and locations for all types of economic activity and employment across the Sydney region.</p> | <p>93 centres were identified in the Southern Region including two Major Centres at Hurstville and Kogarah. The Strategy notes: <i>"In addition, Caringbah, Miranda and Sutherland while identified individually as Town Centres that may have potential to play a more significant role in the future which will need to be resolved and further investigated."</i></p> <p>The Planning Proposal supports Miranda as it works towards attracting appropriate employment users and business to achieve this objective.</p> <p>In specific reference to Miranda and a few other centres that have the future potential to increase in capacity, the Strategy notes that: <i>"There may be potential for retail/commercial floor space increases in addition to provision of higher density housing within the locality to achieve Town Centre status."</i></p> |
| <p><b>OBJECTIVE B4</b><br/>Concentrate activities near public transport</p>                                                             | <p>The planning proposal assists in achieving this objective.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

**5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

Sutherland Council has chosen not to include Miranda within its draft Centres Strategies which appears to be a missed opportunity to deliver on a key State Government outcome to resolve its relationship with Sutherland and Caringbah. The planning proposal is therefore not inconsistent with any local strategy but is drawing its context from the Sydney Metropolitan Plan.

**6. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal has been considered in relation to the following applicable State Environmental Planning Policies (SEPPs). It is not considered that the planning proposal contains any provisions that fail to accord with the application of those SEPPs:

|         |                                                   |
|---------|---------------------------------------------------|
| SEPP 6  | Number of Storeys in a Building                   |
| SEPP 22 | Shops and Commercial Premises                     |
| SEPP 32 | Urban Consolidation (Redevelopment of Urban Land) |
| SEPP 55 | Remediation of Land                               |
| SEPP    | Infrastructure 2007                               |
| SEPP    | Exempt and Complying Development Codes 2008       |

**7. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?**

**Table 4 – Assessment against Ministerial Directions**

| <b>Relevant Direction</b>                    | <b>Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.1 Business and Industrial Zones</b>     | <p>This direction outlines objectives that council must consider when assessing any application in a commercial or industrial zone. The objectives are:</p> <ul style="list-style-type: none"> <li>a) To encourage employment growth in suitable locations;</li> <li>b) Protect employment lands in business and industrial zones; and</li> <li>c) Support the viability of identified strategic centres.</li> </ul> <p>Miranda has been well identified as a centre which will grow in the future and also has a unique relationship with Caringbah and the health industry as well as a strong public transport connection locally and north into the St George region.</p> <p>It is considered the planning proposal is consistent with the objectives of this Direction.</p> |
| <b>3.4 Integrated Land use and Transport</b> | <p>It is considered that the planning proposal is consistent with the intent of this Direction as well as the relevant State Policy and Guideline is enacts. Miranda is also a centre that has been well connected by a regional bus and rail networks.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>5.2 Sydney Drinking water catchments</b>  | <p>The planning proposal is consistent with SEPP (Sydney Drinking Water Catchment) 2011 and development will have a neutral or beneficial effect on water quality.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>6.3 Site Specific</b>                     | <p>The objective of the planning proposal will require the amendment of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

|                                                             |                                                                                                                                       |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| provisions                                                  | Sutherland Shire Local Environmental Plan 2006 in order to allow the particular development proposal to proceed in the existing zone. |
| 7.1 Implementation of the Metropolitan Plan for Sydney 2036 | It is considered that the planning proposal is shown to be consistent with the NSW Government's Metropolitan Plan for Sydney 2036.    |

## Section C – Environmental, social and economic impact.

8. **Is there a likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No.

9. **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Urban design and building form were key considerations and are discussed earlier in this Planning Proposal. The main environmental impacts given careful consideration relate to overshadowing and car-parking.

Overshadowing falls across the Kingsway and has no impact on adjoining sites or any public reserve.

Parking has been studied specifically and an independent report is attached from Transport Planning and Town Planning consultants - Colston Budd Hunt and Kafes Pty. Ltd. In summary their report acknowledges the high quality of public transport available to the site and the appropriateness of lesser parking requirements in such situations. They also acknowledge that increasing employment densities strengthens demand for services which accords with government policy and strategy. It notes a blanket control in Council's DCP of 1 space per 30m<sup>2</sup> while the RMS "Guide to Traffic Generating Developments" uses 1 space per 40m<sup>2</sup>. The report concludes that the resultant allocation of 1 space per 49m<sup>2</sup> is appropriate and very much in line with other centres which are well served by public transport. It also notes that there will be no significant change in traffic impacts.

There are no other likely environmental effects as a result of the Planning Proposal which have not been assessed previously.

10. **How has the planning proposal adequately addressed any social and economic effects?**

It is not considered there will be any adverse economic effects arising from this proposal. In terms of social impacts it is considered there may be several positive effects such as:

- The ability for Miranda to offer more jobs for local residents as new business is encouraged through appropriately designed commercial buildings.
- New office space that is well located to public transport, Westfield Shoppingtown, local shops, Sutherland Hospital and local amenities; and
- Improved streetscape which starts to define the urban centre and street network through building form.

## **Section D – State and Commonwealth interests.**

### **11. Is there adequate public infrastructure for the planning proposal?**

The proposed development is very well served by public transport and road infrastructure and is about 280m of Miranda railway station. It is considered that existing networks and facilities will easily continue to service the area.

### **12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Consultation with other public authorities has not occurred at this stage. Appropriate consultation can happen at the correct time.

## PART 4 – COMMUNITY CONSULTATION

The gateway determination will specify the community consultation that must be undertaken on the planning proposal. Generally the Department adopts a 14 day or 28 day public exhibition period depending on the possible impact of the proposal.

# Colston Budd Hunt & Kafes Pty Ltd

as Trustee for C & B Unit Trust  
ABN 27 623 918 759

Our Ref: JH/8816/jj

18 September, 2012

Transport Planning  
Town Planning  
Retail Studies

Tristate Property Pty Ltd  
PO Box 1472  
DARLINGHURST NSW 1300

**Attention:** Adrian Tripodina and Daniel Napper  
**Email:** [napperdaniel@gmail.com](mailto:napperdaniel@gmail.com)

SUTHERLAND SHIRE  
COUNCIL  
  
- 8 OCT 2012  
  
RECEIVED AT COUNTER

Dear Sirs,

## **RE: PLANNING PROPOSAL FOR 531-533 KINGSWAY, MIRANDA**

1. As requested, we are writing to set down our assessment of the traffic and parking aspects of the planning proposal for the above site. The site has development approval for three levels of commercial development (some 3,265m<sup>2</sup>) plus 110 parking spaces. The planning proposal seeks to increase the commercial area to some 5,439m<sup>2</sup>, with no increase in parking.
2. Our comments are set down through the following sections:
  - site location and road network;
  - approved development;
  - proposed development;
  - public transport;
  - parking provision;
  - access arrangements and internal layout;
  - traffic generation and effects; and
  - summary.

### **Site Location and Road Network**

3. The site is at 531-533 Kingsway, on the northern side of the Kingsway and west of Clubb Crescent, at Miranda. It has frontage to Kingsway to the south and Clubb Lane to the north. There are existing commercial and retail properties surrounding the site in the Miranda town centre. The Westfield shopping centre is south and west of the site.

Suite 1801/Tower A, Zenith Centre, 821 Pacific Highway, Chatswood NSW 2067  
P.O. Box 5186 West Chatswood NSW 1515 Tel: (02) 9411 2411 Fax: (02) 9411 2422  
Directors - Geoff Budd - Lindsay Hunt - Stan Kafes - Tim Rogers - Joshua Hollis ACN 002 334 296  
EMAIL: [cbhk@cbhk.com.au](mailto:cbhk@cbhk.com.au)

Proposed Development

11. The planning proposal seeks to increase the commercial area to some 5,439m<sup>2</sup> (an additional two levels), with no increase in parking.
12. Vehicular access would be provided from Clubb Lane, as in the approved development. The internal parking layout is not proposed to change.

Public Transport

13. The site is within the Miranda town centre, which is readily accessible by public transport services. Miranda railway station is within some 400 metres walking distance of the site. Miranda is on the Eastern Suburbs and Illawarra Lines (Waterfall/Cronulla – Bondi Junction).
14. Services on these lines through Miranda operate on a 30 minute headway in each direction. During weekday peak periods, services are every 15 minutes in each direction.
15. Local bus services are provided by Veolia and Sydney Buses. There are bus stops on Kingsway, close to the site, and at the interchange in Kiora Road, adjacent to Westfield and the railway station. Services include:
  - route 477 – Rockdale, Sans Souci, Miranda;
  - route 478 – Rockdale, Brighton-Le-Sands, Ramsgate, Miranda;
  - route 961 – Barden Ridge, Sutherland, Miranda;
  - route 962 – Bankstown, Padstow, Illawong, Menai, Sutherland, Miranda, Cronulla;
  - route 967 – Miranda, Oyster Bay, Jannali, Como West;
  - route 968 – Miranda, Kareela, Jannali, Bonnet Bay;
  - route 969 – Cronulla, North Caringbah, Miranda, Thomas Holt Village, Sutherland;
  - routes 970, 971 – Cronulla, Miranda, Sylvania, Southgate, Blakehurst, Hurstville;
  - route 972 – Miranda, Frank Vickery Village, Sylvania Waters, Southgate, Kangaroo Point;
  - route 973 – Miranda, Yowie Bay;
  - route 974 – Miranda, Gympie station, Gympie Bay;
  - route 975 – Miranda, Grays Point;
  - route 977 – Miranda, Lilli Pilli;
  - route 978 – Miranda, Dolans Bay;
  - route 986 – Miranda, North Miranda; and
  - route 993 – Miranda, Sutherland, Loftus, Engadine, Woronora Heights.

16. The site therefore has excellent access to public transport services. The site's location in the Miranda town centre, close to residential, retail and other commercial uses reduces the need to travel by car to access the site.
17. It is government policy to reduce parking provision in areas with good access to public transport and where there are a mix of services and facilities provided. Co-locating complementary development in town centres reduces the need for private car travel.
18. The proposed development would increase employment densities close to existing public transport services. The proposal would therefore strengthen the existing demand for bus and rail services. This is consistent with government policy and the planning principles of:
  - improving accessibility to services and employment by public transport;
  - improving the choice of transport and reducing dependence solely on cars for travel purposes;
  - moderating growth in the demand for travel and the distances travelled, especially by car; and
  - supporting the efficient and viable operation of public transport services.

#### Parking Provision

19. Chapter 7 of the Sutherland Shire Development Control Plan 2006 indicates that business and office premises should provide one parking space per 30m<sup>2</sup> GFA. This is a flat rate which applies for the whole of the area, regardless of its location with respect to public transport.
20. By comparison, the RMS "Guide to Traffic Generating Developments" indicates that commercial offices should provide one space per 40m<sup>2</sup> GFA. The guidelines also note that one space per 40m<sup>2</sup> for commercial development represents unconstrained parking demand.
21. It is considered appropriate that the subject site provide reduced parking with respect to the DCP, given its location with respect to other services and facilities in the town centre, its good access to public transport and as a tool to limit the traffic generation of the development, consistent with government policy.

22. As previously noted, the previously approved parking provision is 110 spaces. This represents a provision of one space per 49m<sup>2</sup> for the proposed development of 5,439m<sup>2</sup>. This provision is considered appropriate for the proposed development, being located in a town centre with good access to public transport.
23. It should also be noted that the proposed parking provision of one space per 49m<sup>2</sup> compares with parking requirements in other locations including:
- |                                      |                                                     |
|--------------------------------------|-----------------------------------------------------|
| ○ Kogarah:                           | one space per 50m <sup>2</sup> ;                    |
| ○ Hurstville:                        | one space per 50m <sup>2</sup> – 60m <sup>2</sup> ; |
| ○ Crows Nest, Neutral Bay, Cremorne: | one space per 60m <sup>2</sup> ;                    |
| ○ Wollongong:                        | one space per 60m <sup>2</sup> ;                    |
| ○ Macquarie Park:                    | one space per 80m <sup>2</sup> ; and                |
| ○ Sydney Olympic Park:               | one space per 80m <sup>2</sup> .                    |

#### Access Arrangements and Internal Layout

24. As previously discussed, the approved access from Clubb Lane, via a two-way entry/exit driveway, is not proposed to change. The internal basement parking levels, including circulation, and parking area layout, would also not change.

#### Traffic Generation and Effects

25. Traffic generation of commercial development is related to the number of parking spaces provided. Commercial parking spaces typically generate some 0.6 to 0.8 vehicles per hour two-way during weekday afternoon peak hours.
26. With no change in the parking provision, compared to the approved development, traffic generation of the development would not change.
27. Therefore, the effects of the traffic on the surrounding road network would not change, compared to the approved development.

#### Summary

28. In summary, the main points relating to the traffic and parking aspects of the planning proposal for the proposed commercial development are as follows:
- the site is approved for commercial development of 3,265m<sup>2</sup>, plus 110 parking spaces. This development is currently under construction;

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- ii) the planning proposal seeks to increase the commercial area to some 5,439m<sup>2</sup>, with no increase in parking;
  - iii) the site's location in the Miranda town centre, close to residential, retail and other commercial uses reduces the need to travel by car to access the site;
  - iv) the site has excellent access to bus and rail services which service the town centre;
  - v) the proposed parking provision represents one space per 49m<sup>2</sup>, which is considered appropriate for the proposed development, being located in a town centre with good access to public transport;
  - vi) the proposed parking provision is consistent with government policy to limit traffic generation in areas with good access to public transport;
  - vii) the proposed parking provision also compares with other commercial centres which have similar or lower parking requirements;
  - viii) access, internal circulation and parking layout are not proposed to change;
  - ix) with no change in the parking provision, traffic generation of the development would not change; and
  - x) the effects of the traffic on the surrounding road network would therefore not change, compared to the approved development.
29. We trust the above provides the information you require. Finally, if you should have any queries, please do not hesitate to contact us.

Yours faithfully,

COLSTON BUDD HUNT & KAFES PTY LTD



J Hollis  
Director