



IRF24/2580

## Gateway determination report – PP-2023-2891

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Part A: 23 Kiora Road, 2–6 Willock Avenue Miranda  
Part B: Design Excellence Clause

November 24



Published by NSW Department of Planning, Housing and Infrastructure

[dpie.nsw.gov.au](https://dpie.nsw.gov.au)

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Proposal, September 2024
Council Resolution, 15 July 2024
Council Planning and Growth Committee Report, 1 July 2024
SSLPP Final Minutes, 2 April 2024
DRP Final Report, 2 May 2024
RFI - Salvation Army PP Miranda, 16 February 2024
RFI - 2nd, 15 April 2024
Planning Proposal Justification Report, 14 December 2023
Public Benefit Offer, 8 March 2024
Appendix A - Urban Design Report
Appendix B - Architectural Plans
Appendix C - Landscape Report
Appendix D - Landscape Plans
Appendix E - Survey Plan
Appendix F - Traffic and Parking Assessment
Appendix G - Civil Engineering Return Brief
Appendix H - Arboricultural Impact Assessment
Appendix I - Visual Impact Assessment
Appendix J - Services Impact Assessment
Appendix K - Communication Framework
Appendix L - Urban Design Peer Review
Appendix M - Social and Economic Impact Report

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Sutherland Shire Local Government Area (LGA)</b>
<b>PPA</b>	Sutherland Shire Council
<b>NAME</b>	Salvation Army Miranda (116 homes) and Design Excellence
<b>NUMBER</b>	PP-2023-2891
<b>LEP TO BE AMENDED</b>	Sutherland Shire Local Environmental Plan (LEP) 2015
<b>ADDRESS</b>	Part A: 23 Kiora Road, 2 – 6 Willock Avenue Miranda. Part B: All land within the Sutherland Shire LGA
<b>DESCRIPTION</b>	Part A <ul style="list-style-type: none"> <li>• Lot 2 DP 359422 (23 Kiora Road, Miranda)</li> <li>• Lot 3 DP 21777 (2 Willock Avenue, Miranda)</li> <li>• Lot 4 DP 21777 (4 Willock Avenue, Miranda)</li> <li>• Lot 5 DP 21777 (6 Willock Avenue, Miranda)</li> </ul> Part B <ul style="list-style-type: none"> <li>• All land within the Sutherland Shire LGA</li> </ul>
<b>RECEIVED</b>	12/09/2024
<b>FILE NO.</b>	IRF24/2580
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose, and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The objectives of the planning proposal are to:

- Provide for urban renewal and accommodate a mixed-use development, including a community facility for land at 23 Kiora Road and 2- 6 Willock Avenue, Miranda.
- Ensure a high standard of architectural, urban and landscape design by applying a new design excellence clause to the site, and future sites.

The intended outcomes, as outlined in the planning proposal, are *to increase the maximum permissible height of buildings and floor space ratio control pertaining to the site in association with the provision of a community facility, in order to:*

- *Contribute to the site's role as in a strategic centre providing housing, jobs and services in a mixed-use development.*
- *Facilitate a mixed use development incorporating a new community facility for The Salvation Army.*
- *Apply a Design Excellence Clause (as outlined in Planning Proposal Part B) to the site to produce an iconic, landmark building that bring together a community and create a sense of place and identity.*
- *Facilitate an active streetscape and improved public domain.*

The planning proposal states that the design excellence clause will introduce criteria for assessing future planning proposals. Council later clarified that the design competition provisions would apply to future planning proposals seeking a height of 45m or greater. However, Council's draft clause indicates that the design excellence provisions apply at the development application (DA) stage, consistent with other LEP clauses. To avoid confusion, a **Gateway condition** has been recommended to clarify that the provisions apply at the DA stage, not the planning proposal stage.

Subject to this clarification, the planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

## 1.3 Explanation of provisions

The planning proposal, containing two (2) parts, seeks to amend the Sutherland Shire LEP 2015 as follows:

Part A – Amend the planning controls for land at 23 Kiora Road and 2-6 Willock Avenue, Miranda as per Table 3 below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	E2 Commercial Centre	E2 Commercial Centre (No change)
Maximum height of the building	25m	60m
Floor space ratio (FSR)	2:1	5.5:1 Only if a minimum FSR of 0.67:1 is to be used as a community facility
Number of dwellings	0	116

The planning proposal seeks to implement the proposed controls through a local provision and includes the following draft clause:

### *6.26 23 Kiora Road, 2-6 Willock Avenue, Miranda*

*(1) The objective of this clause is to facilitate the redevelopment of land to which this clause applies for a mixed use development, including a new community facility.*

*(2) This clause applies to 23 Kiora Road, 2-6 Willock Avenue, Miranda identified as "Area 9" on the Height of Buildings Map and the Floor Space Ratio Map.*

(3) A building on land to which this clause applies and designed to accommodate a new community facility may have—

- (a) a maximum building height of 60m, and
- (b) a maximum floor space ratio of 5.5:1, but only if a minimum floor space ratio of 0.67:1 is to be used as a community facility

Part B – Introduce a design excellence clause applicable to all land within the Sutherland Shire LGA, subject to parameters set out in the clause.

The planning proposal includes the following draft clause:

#### *6.X Design excellence*

(1) *The objective of this clause is to ensure development to which this clause applies exhibits the highest standard of architectural and urban design that contributes to the natural, cultural, visual and built character values of Sutherland Shire.*

(2) *This clause applies to development involving the construction of a new building, or external alterations to an existing building, that will result in any development that—*

- (a) *is equal to or greater than 30m or 9 storeys in height, or*
- (b) *has a total lot size of 4,000 m<sup>2</sup> or more, or*
- (c) *is on land shown edged heavy black on the Design Excellence Map, or*
- (d) *includes an item listed in Schedule 5 Environmental Heritage and the estimated development cost is more than \$5 million*

*Note—*

*In determining an application for a modification of a development consent granted under this clause, the consent authority must again take the requirements of this clause into consideration (see section 4.55 (3) of the Act).*

(3) *Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that the development exhibits design excellence.*

(4) *In considering whether the development exhibits design excellence, the consent authority must be satisfied that the following criteria are met—*

- (a) *an exceptional standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) *the form arrangement and design of the building will improve water and energy efficiency above the baseline requirements*
- (c) *the form, arrangement and external appearance of the development will significantly improve the quality and amenity of the public domain,*
- (d) *the development will not detrimentally impact view corridors and landmarks,*
- (e) *the requirements of any development control plan made by the Council and as in force at the commencement of this clause,*
- (f) *the development excels in all the following matters—*
  - (i) *the suitability of the land for development,*
  - (ii) *existing and proposed uses and use mix,*
  - (iii) *heritage and archaeological issues and the constraints and opportunities of the streetscape,*

- (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- (v) street frontage heights, bulk, massing and modulation of buildings,
- (vi) environmental impacts, including sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
- (vii) the implementation of ecologically sustainable development principles,
- (viii) prioritisation of active transport infrastructure including the permeability of pedestrian networks,
- (ix) the impact on, and any proposed improvements to, the public domain,
- (x) achieving appropriate interfaces at ground level between the building and the public domain,
- (xi) excellence and integration of landscape design.

(g) the development addresses the protection and enhancement of green infrastructure

(h) the development incorporates the transition to renewable energy

(5) Development consent must not be granted to the following development to which this clause applies unless a competitive design process has been held—

(a) development relating to a building that is, or will be, higher than 45m above ground level (existing), or

(b) development on a lot with a total area of 10,000m<sup>2</sup> or greater, or

(c) development with an estimated development cost of more than \$100 million, or

(c) development on land at—

(i) [address] [DP and lot]

(ii) XXX

(d) development for which the applicant has chosen to participate in a competitive design process.

(6) Subclause (5) does not apply if—

(a) the consent authority certifies in writing that a competitive design process is not required, and

(b) a design review panel reviews the development, and

(c) the consent authority takes into account the advice of the design review panel.

(7) In deciding whether to grant development consent to development referred to in subclause (5), the consent authority must take into account the results of the competitive design process.

(8) In this clause—

**competitive design process** means a design competition held in accordance with the Design Competition Guidelines published by the Department in September 2023.

**design review panel** means a panel of at least 3 persons established by the consent authority.



**green infrastructure** means the network of green spaces, natural systems and semi-natural systems that support sustainable communities and includes waterways, bushland, tree canopy and green ground cover, parks and open spaces.

As the development site in part A of the planning proposal exceeds the building height thresholds outlined in the draft clause, it would be subject to the proposed design excellence clause and competitive design process.

In both parts of the planning proposal, the explanation of provisions, which currently only contains the draft clauses, lacks sufficient clarity regarding the policy intent. As such, the planning proposal should be revised to clearly describe the intended effects of the proposed changes in plain English, as the legal drafting will be undertaken by the Parliamentary Counsel's Office. A note should be included in the proposal to explain that the draft clauses are only indicative and will be subject to legal drafting at finalisation. A **Gateway condition** has been recommended to ensure this revision.

## 1.4 Site description and surrounding area

### Part A of the planning proposal

The subject site (part A of the proposal) is 23 Kiora Road, 2-6 Willock Avenue, Miranda, legally described as Lot 2 in DP359422 and Lot 3, 4 and 5 in DP21777, with a total area of approximately 2447sqm.

Situated at the south western corner of Kiora Road and Willock Avenue in Miranda Town Centre, the site is approximately 400 metres from Miranda Train Station and 200 metres from Westfield Miranda. It is currently occupied by the Salvation Army (TSA) Miranda headquarter, consisting of a two-storey building and car parking area.

The surrounding area consists of medium to high density residential and mixed use developments, with higher density residential uses predominating. Retail development increases in density closer to Miranda Train Station. Notable nearby amenities include Our Lady Star of the Sea Primary School and public open spaces such as Seymour Shaw Park.



Figure 1 Subject site (Source: The Planning Proposal, Sutherland Shire Council)



Figure 2 Site context (source: Urban Design Report, Turner Studio)



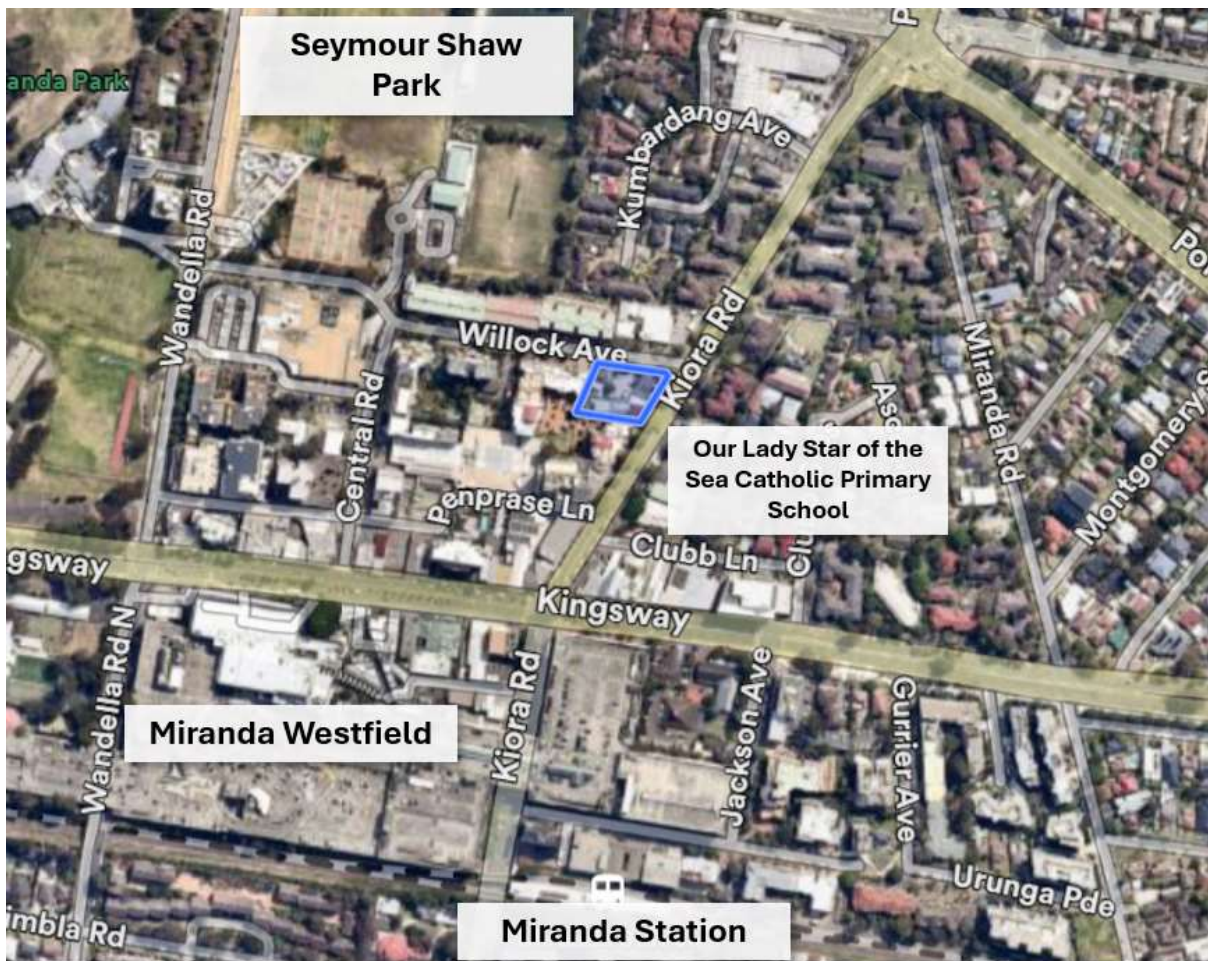


Figure 3 Wider site context (source: Nearmap, adapted by DPHI)

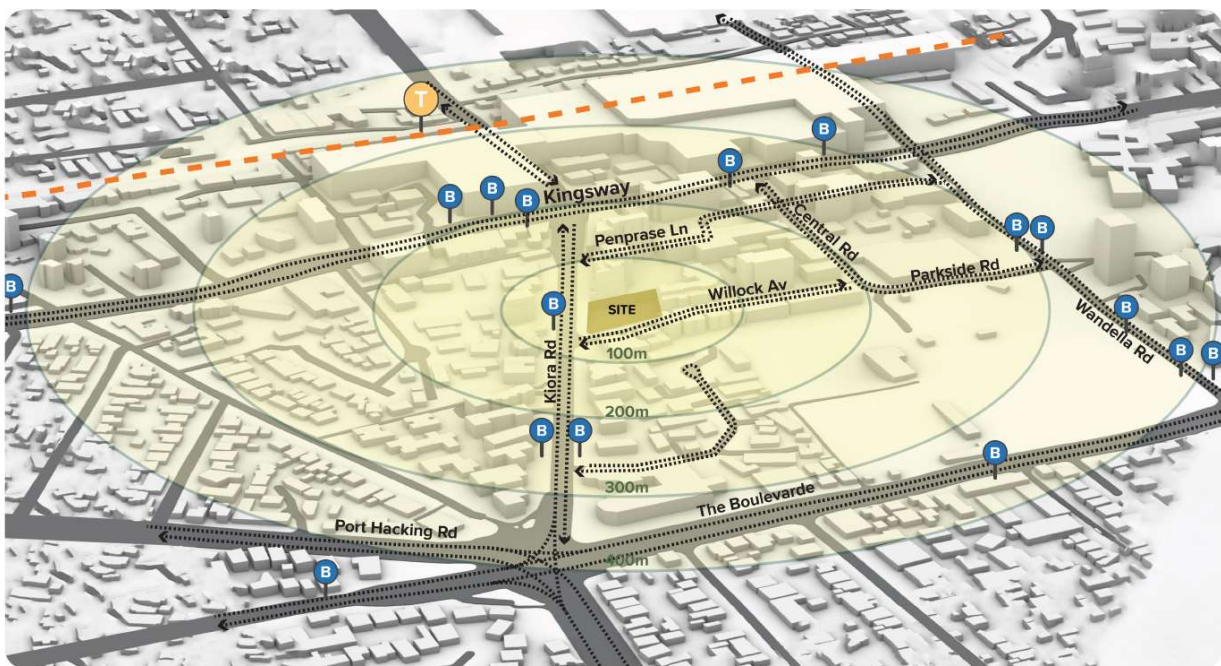


Figure 4 Surrounding transport infrastructure (source: Urban Design Report, Turner Studio)





**Figure 5 North eastern corner of the site viewed from Kiora Road (source: Urban Design Report, Turner Studio)**



**Figure 6 Subject site viewed from Kiora Road (source: Google map)**





**Figure 7 Subject site viewed from Willock Avenue (source: Google map)**

#### Part B of the planning proposal

The proposed design excellence provision will apply to any development in the LGA that falls within the proposed parameters outlined in the clause, including development that is equal to or greater than 30m or 9 storeys in height. The planning proposal indicates that land having such building height controls are generally within the centres of Sutherland-Kirrawee, Miranda, Caringbah and Cronulla. Sutherland and Miranda are the two identified strategic centres under the *Greater Sydney Region Plan* and the *South District Plan*.



**Figure 8 Land with permissible building height controls that are equal to or greater than 30m (source: The Planning Proposal, adapted by DPHI)**



Council intends to identify future sites subject to the proposed design excellence provision using the Design Excellence Map. However, this map has not been included in the current planning proposal. In an email dated 25 September 2024, Council provided clarifications in response to the Department's request for information. Regarding the Design Excellence Map, Council clarified that Place Plans are being prepared for Sutherland, Miranda and Caringbah, with future plans for Illawong, Menai and Cronulla. These plans aim to promote well-designed, high-quality buildings and will include recommendations for development uplift. While supporting growth, the Place Plans will establish mechanisms to ensure high design standards, with specific sites subject to the design excellence provisions identified through the Place Plan process.

The provision will also apply to sites of 4,000 sqm or more. Council clarified that these developments would typically require significant site amalgamation, likely yielding 60 dwellings or more, with an estimated cost of over \$30 million. Additionally, it will apply to developments involving an item of environmental heritage with costs exceeding \$5 million, targeting significant adaptive reuse of heritage items, such as the future 'Pilgrims' development at Cronulla. Council also seeks to capture future applications that apply the draft mid-rise development provisions under the low and mid-rise housing reform and a density bonus under the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) through providing 10-15% affordable housing.

The planning proposal also seeks to mandate a competitive design for process for development of or exceeding 45m in height, on a lot with a total area of 10,000 sqm or greater, or with an estimated cost of more than \$100 million, or on land specifically identified in the clause. Council clarified that, under the current Sutherland Shire LEP 2015, only two areas currently permit building heights of 45m or greater - Kirrawee South Village and Woollooware Bay precinct. Both areas, with a maximum building height control of 50m, have been fully developed in recent years and would not be subject to the design excellence provisions. The next highest permissible building height is 40m, which applies solely to the strategic centre of Sutherland.



**Figure 9 Land with permissible building height controls that are equal or greater than 40m (Source: Sutherland Shire Council)**

Council's intent is that the competitive design provisions will not apply to development compliant with the current LEP height controls but will apply to sites with a 40m maximum height seeking height and density bonus under the Housing SEPP. Under the Housing SEPP, projects that include

at least 10–15% affordable housing will be eligible for height and floor space ratio bonuses of 20–30%.

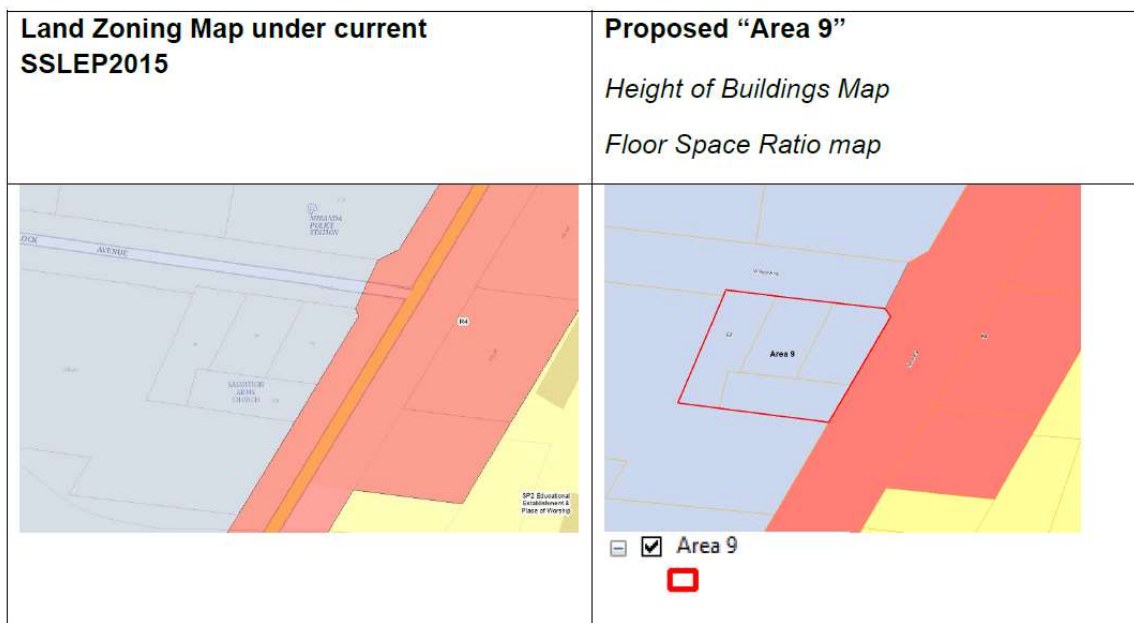
Council further noted that sites identified in future planning proposals seeking a height of 45m or greater would also be subject to the design competition provisions.

The planning proposal and Council’s subsequent clarification did not provide a rationale for the 10,000 sqm site area threshold nor did it specify which other land would be subject to the competitive design process. In consultation with the Government Architect NSW (GANSW), a **Gateway condition** has been recommended to require removal of this lot area threshold, and instead, identify relevant key sites on a map.

## 1.5 Mapping

Part A of the proposal seeks to amend the **Floor Space Ratio** and **Height of Building Maps** by identifying the subject site as “Area 9”, which will be referenced in the proposed local provision. No changes are proposed to the development standards on these maps.

The proposal includes the following mapping to illustrate the proposed changes:



**Figure 10 Proposed mapping**

To facilitate community consultation, updated mapping to show the current and proposed Floor Space Ratio and Height of Building Maps is recommended. A **Gateway condition** has been included to reflect this.

For Part B of the proposal, the draft design excellence clause currently refers to a Design Excellence Map. However, such a map was not included in the proposal. As discussed earlier, Council clarified that the current draft clause seeks to capture sites that meet the defined parameters, including development height, site area, or development value for heritage sites. Future sites subject to the clause will be identified on a Design Excellence Map following the “Place Plan” process, currently being undertaken by Council for the Sutherland/Kirrawee, Miranda and Caringbah centres. Whether the clause needs to explicitly reference a Design Excellence Map intended to identify future sites will be determined through legal drafting should the proposal progress to finalisation.

## 1.6 Background

The following is a brief timeline outlining the key events for the proposal:

**Table 4 Planning proposal timeline**

Time	Event
<b>23 January 2024</b>	The proponent lodged the planning proposal for TSA site with Sutherland Shire Council.
<b>2 April 2024</b>	The proposal was referred to the Sutherland Shire Local Planning Panel, which generally supported its referral to Gateway, subject to modifications addressing design issues and the preparation of a Voluntary Planning Agreement (VPA) to secure public benefits. The Panel also recommends that a design excellence clause be applied to the site.
<b>2 May 2024</b>	TSA site proposal was referred to the Design Review Panel, which supported some development uplift for the site but recommended reducing the proposed floor space ratio (FSR) from 5.5:1 to 5.0:1 – 5.2:1, citing concerns regarding architectural design, setbacks, solar access and street frontage activation.
<b>15 July 2024</b>	Council resolved to support the planning proposal for TSA site for referral to Gateway, subject to the inclusion of a design excellence clause which was drafted to apply to both the site and other potential sites in the LGA. Additionally, Council resolved to prepare a draft site-specific Development Control Plan (DCP) concurrently with the planning proposal.
<b>12 September 2024</b>	Council submitted the current planning proposal for gateway determination, consisting of two parts: Part A for TSA site and Part B for the LGA-wide design excellence clause.

## 2 Need for the planning proposal

The proposal for TSA site (Part A of Council's proposal) is not a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report. The Department concurs with Council's view that this planning proposal responds to the strategic context and framework. It aims to facilitate additional housing within walking distance of public transport infrastructure and services in Miranda, a strategic centre identified in the *Greater Sydney Region Plan*. The planning proposal is the best means of achieving the objectives and intended outcomes for the site, as the proposed floor space ratio and building height would not be permitted under the current planning framework.

Following the submission of the planning proposal, Council provided further explanation of the rationale behind the introduction of an LGA-wide design excellence clause (Part B of Council's proposal). Council recognises the growing need for stronger design quality controls in response to increasing pressure for higher-density developments in the Sutherland Shire. Existing mechanisms, such as the Sutherland Shire LEP 2015, the Design Review Panel, and the Sutherland Shire DCP 2015, lack the necessary strength to ensure consistently high-quality design outcomes, particularly for developments that exceed current controls. To address this, Council is proposing a design excellence clause in the LEP.

This initiative aligns with the Sutherland Shire Local Strategic Planning Statement (LSPS), which prioritises creating attractive, distinctive centres and enhancing local character. The LSPS



emphasises the importance of urban design in shaping the growth of local areas and promoting sustainability. However, the current planning framework lacks statutory provisions to deliver these design outcomes, particularly for projects involving significant uplift in height and density. Introducing a design excellence clause ensures that such developments meet the highest standards of architectural, urban, and landscape design, as envisaged by the LSPS.

The clause will secure developments that not only enhance visual appeal but also contribute to environmental sustainability, social well-being, and improved public spaces. For larger projects, design competitions may be required to promote innovation and ensure the highest design standards.

## 3 Strategic assessment

### 3.1 Regional Plan

The *Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan)*, released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years. The proposal is generally consistent with the Region Plan. A detailed assessment of consistency is discussed in the assessment of the *South District Plan* below, which is strategically aligned with the Region Plan, giving it effect.

### 3.2 District Plan

The site is within the South District and the Greater Sydney Commission released the *South District Plan* on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 5 District Plan assessment**

District Plan Priorities	Justification
Planning Priority S1 Planning for a city supported by infrastructure	<p>TSA site is located within 400 metres of Miranda Train Station and several bus stops. The site is also near schools and public open spaces. TSA proposal benefits from existing social and transport infrastructure.</p> <p>The planning proposal is consistent with this Priority, which seeks to align increased residential density with access to and use of existing infrastructure, jobs and services.</p> <p>The proposed design excellence clause supports the creation of well-designed buildings in key areas, aligning development with existing infrastructure such as public transport and community services.</p>
Planning Priority S3: Providing services and social infrastructure to meet people's changing needs	<p>The planning proposal would enable the expansion of TSA community facility and services in Sutherland Shire, enhancing emergency assistance, rehabilitation services, disaster relief, and job training. This upgraded facility adds social infrastructure to meet the evolving needs of the community.</p> <p>The planning proposal supports this priority by:</p> <ul style="list-style-type: none"> <li>• Facilitating new housing near transport and services, improving accessibility and social inclusion.</li> <li>• Retaining and enhancing the operation of the community facility.</li> </ul>
Planning Priority S4: Fostering healthy, creative, culturally rich and socially connected communities	<p>The planning proposal fosters a socially connected community by expanding and upgrading the existing community facility, which provides critical support services and fosters community engagement.</p>
Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The planning proposal facilitates residential development, contributing to housing supply in the Sutherland Shire LGA. As a strategic centre under the <i>South District Plan</i>, Miranda is designated for additional housing, and the proposal supports this by delivering 116 residential apartments, including five (5) affordable housing units for key workers, increasing housing choice near transport infrastructure and services.</p> <p>To support this planning priority, a Gateway condition is recommended that Council ensure appropriate mechanisms are in place for the delivery of affordable housing and infrastructure prior to finalisation.</p>
Planning Priority S6: Creating and renewing great places and local centres and respecting the District's heritage	<p>This priority emphasises the importance of creating places that bring people together while conserving heritage. The planning proposal seeks to enhance the local centre through mixed-use development, integrating residential and community facilities that foster vibrant public spaces.</p> <p>The planning proposal is consistent with this priority, as it seeks to enhance the qualities and characteristics of the local area through improved urban design. The introduction of a design excellence provision ensures that any new development not only aligns with the local character but also contributes to creating vibrant and high-quality public spaces.</p>

Planning Priority S12. Delivering integrated land use and transport planning and a 30-minute city	<p>The planning proposal supports this priority by providing additional housing and services near existing centres and transport infrastructure, promoting integrated land use and improving accessibility to jobs and services within 30 minutes.</p> <p>The proposed design excellence clause prioritises active transport infrastructure, encouraging development that improves pedestrian networks and interfaces with the public domain.</p>
Planning Priority S15 Increasing urban tree canopy cover and delivering Green Grid connections  Planning Priority S18 Adapting to the impacts of urban and natural hazards and climate change	<p>TSA site is not identified as prone to bushfire or flooding, nor does it contain acid sulfate soils or contamination. The planning proposal aligns with this priority by supporting development on land that is not affected by significant natural hazards.</p> <p>The proposed design excellence clause mandates that developments implement ecologically sustainable design principles, addressing environmental impacts such as solar access, energy efficiency, and water management. Additionally, the clause encourages the use of renewable energy and the protection of green infrastructure, ensuring that developments are resilient to climate change and contribute to the overall sustainability of the region.</p>

A **Gateway condition** has been recommended to require a more detailed assessment of part B the planning proposal against the relevant planning priorities in the *South District Plan*, Council's Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS).

### 3.3 Local

The planning proposal states that it is consistent with the local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The discussion in Section 3.2 District Plan largely applies here as the LSPS gives effect to District Plan priorities. The planning proposal is consistent with the following priorities, for the reasons detailed above:</p> <ul style="list-style-type: none"> <li>• <i>Planning Priority 1: Align Planning to Existing Infrastructure</i></li> <li>• <i>Planning Priority 7: Respect Local Character</i></li> <li>• <i>Planning Priority 9: Community Connections</i></li> <li>• <i>Planning Priority 10: Housing Choice</i></li> <li>• <i>Planning Priority 11: Attractive and Distinctive Centres and Places</i></li> <li>• <i>Planning Priority 12: Grow Strategic Centre Jobs</i></li> <li>• <i>Planning Priority 19: Aboriginal Heritage, Natural Habitats and Landscapes</i></li> <li>• <i>Planning Priority 20: Urban Tree Canopy</i></li> <li>• <i>Planning Priority 21: Green Grid Connections</i></li> <li>• <i>Planning Priority 22: Efficiency and Innovation</i></li> </ul>

Local Housing  
Strategy (LHS)

The Sutherland Local Housing Strategy 2020 was adopted by Council in 2020 and approved by the Department in 2021. It aims to create a framework that will deliver housing to meet the existing and future needs of the Sutherland Shire Community. The Strategy seeks to guide housing development and supply towards 2031 to ensure that demographic trends are addressed, and population growth can be adequately catered for.

The planning proposal is generally consistent with the following objectives in the Strategy:

- *To meet current and future needs of smaller sized households*
- *To meet the community need for increased housing choice*
- *To encourage redevelopment to promote the revitalisation of centres*
- *To facilitate the use of public transport and the efficient utilisation of existing and future infrastructure*
- *To consider environmental constraints in nominating locations for additional housing*

### 3.4 Local planning panel (LPP) recommendation

On 2 April 2024, the Sutherland Shire Local Planning Panel considered the proposal regarding TSA site (part A of the planning proposal). The Panel generally supported the proposal for referral to Gateway, subject to modified plans demonstrating compliance with the Apartment Design Guide (ADG), and specifically addressing key design matters including bulk and height of the podium, better articulation of the building and setbacks / separation distances. The Panel noted that the building design required further refinement and recommended preparing a site-specific Development Control Plan (DCP) concurrently with the planning proposal.

The Panel expressed concerns that the “public benefit” (including some affordable units and new Salvation Army premises) might not be sufficient to justify the additional height and FSR proposed. The Panel recommended that a draft Voluntary Planning Agreement (VPA) be prepared prior to progressing to Gateway. The VPA should include a minimum 5-10% affordable housing provision, preferably delivered in perpetuity rather than 15 years. Additionally, the VPA should include a monetary contribution to Council (to be negotiated between Council and the developer), as public domain works are considered standard requirements, not additional benefits. If required, any intersection upgrades identified through detailed modelling should also be included in the VPA.

The Panel further recommended that the amendment to the Sutherland Shire LEP 2015 should set a maximum floor space ratio of 5.3:1, based on Council’s feasibility analysis, a maximum height of 60m. The Panel also recommended that a design excellence clause be included which should apply to TSA site.

Following the Panel’s recommendations and the subsequent review by the Design Review Panel, Council resolved to support the planning proposal (the subject of this report) for referral to Gateway. The planning proposal includes a design excellence clause that applies to developments or sites meeting certain thresholds across the LGA, including TSA site.

### 3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	This Direction aims is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. As discussed above, the planning proposal is consistent with the relevant objectives within the <i>Greater Sydney Region Plan: A Metropolis of Three Cities (2018)</i> and the relevant priorities of the <i>South District Plan (2018)</i> .
1.4 Site Specific Provisions	Minor inconsistency subject to condition to resolve	<p>The Direction aims to discourage unnecessarily restrictive site-specific controls. The Direction applies as the proposal seeks to introduce local provisions that impose additional development standards and/or requirements to that already contained in the relevant land zone or LEP. The planning proposal is inconsistent with Part (c) of the Direction as it seeks to introduce additional site-specific provisions, including design excellence requirements.</p> <p>The inconsistency is minor as the provisions seek to ensure the delivery of a community facility as envisaged by TSA proposal (part A) and that the development exhibits design excellence given its prominent location. While Direction 1.4 discourages unnecessarily restrictive site-specific controls, the design excellence provision is not intended to impose prohibitive controls but rather to enhance the quality of development. The provision aligns with broader strategic goals by ensuring that prominent development meets high standards of design, contributing positively to the urban environment and public domain. Given the significant uplift, the provision is critical in ensuring that development respects and integrates with its surroundings, rather than merely adhering to baseline development controls.</p> <p>The proposed design excellence provision would introduce a competition design process for TSA site and other development of certain scale, such as exceeding 45m in height, on a lot with an area of 10,000sqm or greater, or with an estimated development cost of more than \$100 million.</p> <p>GANSW has been consulted regarding the proposed design excellence clause and the proposed competitive design process. Considering the location of TSA site within the Miranda Strategic Centre, GANSW supports Council's consideration of incorporating design competition requirements in the LEP. However, GANSW expressed concerns with the proposed 10,000sqm lot area threshold. It recommended that other significant sites subject to the competitive design process be identified through a key site provision and included on a design excellence map. Additionally,</p>

		<p>GANSW advised that any competitive design requirement should be supported by FSR and Height incentives of up to 10%.</p> <p>In line with these recommendations, a <b>Gateway condition</b> has been recommended to require reconsideration of the competitive design requirements, removing the lot area threshold and incorporating appropriate incentives. The incentives aim to minimise the financial impact of undertaking a design competition on developments. This is particularly pertinent for developments that seek to deliver additional affordable housing under the Housing SEPP. For TSA site, as proposed building height and FSR standards have been tested with consideration of the ADG, they should represent the upper limits when factoring in any competitive design incentives.</p>
3.2 Heritage conservation	Consistent	<p>This Direction requires that a planning proposal contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage of the area.</p> <p>The proposed design excellence clause aligns with this Direction by including specific provisions that address environmental heritage conservation. The clause applies to developments involving heritage-listed items and requires that such developments exhibit high standards of design that respect and enhance the heritage value of the site. By ensuring that the design and adaptive reuse of heritage buildings are integrated into the broader urban environment without compromising their historical significance, the clause facilitates the conservation of heritage items while allowing for thoughtful, high-quality development.</p> <p>The planning proposal also identifies locally listed street trees along Kiora Road (item 3102), which could be affected by the proposed development on TSA site. The proposal does not seek to amend the heritage listings. As discussed in Section 4.1 Council's Heritage and Tree Management Officers have reviewed potential impacts and raised no objections, noting that one of the trees is in poor condition and likely to deteriorate further. Council's recommendation is to have a replacement tree, with further details to be addressed at the DA stage</p> <p>The proposal is considered consistent with this direction.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>This Direction aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts; improve active and public transport access; reduce car dependency and travel demand; and provide for efficient movement of freight. This Direction applies when a planning proposal is prepared that will create, alter or remove a zone or a provision relating to urban land.</p> <p>The planning proposal is consistent with this direction as it would facilitate housing within walking catchments to public transport, shops and amenities.</p>

		The proposed design excellence clause aligns with this Direction by ensuring that developments improve active and public transport access. By prioritising factors such as pedestrian networks, active transport infrastructure, and integration with the public domain, the clause helps reduce car dependency and encourages efficient urban mobility.
6.1 Residential zone	Consistent	<p>This Direction aims to encourage a variety of housing types, make efficient use of infrastructure and services and minimise the impact of residential development on the environment and resource lands.</p> <p>The proposal will encourage a variety and choice of housing typologies to provide for existing and future housing needs, efficiently utilise existing infrastructure and services, and minimise environmental impacts.</p>
7.1 Employment zones	Consistent	<p>This Direction aims to promote employment growth in appropriate areas, protect employment land in designated zones, and support the viability of identified centres. This direction applies to planning proposals that will affect land within an existing or proposed Employment zone.</p> <p>The planning proposal aligns with this direction by maintaining and enhancing the employment generating uses on TSA site and support the viability of the Miranda strategic centre.</p>

### 3.6 State environmental planning policies (SEPPs)

With exception of SEPP (Housing) 2021, the planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing) 2021	Chapter 4 of the SEPP aims to improve the design quality of residential apartment development in NSW.	Subject to condition to demonstrate consistency	<p>The planning proposal indicates that the architectural reference scheme does not comply with the Apartment Design Guide (ADG) regarding building separation. The areas of non-compliance as identified by Council appear to relate to the building setbacks from the southern and western boundaries for storey nine (9) and above.</p> <p>The ADG specifies varied separation distances based on the types of adjoining uses (habitable or non-habitable rooms), but it is unclear how these factors were considered by Council or how the identified issues were addressed in the amended scheme based on the information provided. The Design Review Panel did not raise concerns with the building separations or significant non-compliances with the ADG, noting that</p>



the setbacks to the southern and western neighbours appear suitable and follow the ADG.

The planning proposal asserts that increased setbacks to achieve ADG compliance would not reduce the overall FSR, and that any design adjustments can be resolved at the DA stage without affecting the FSR.

Given the above, it is recommended that further clarification be provided regarding the building separation issues identified in the planning proposal and how any identified issues have been resolved, supported by necessary modelling and analysis to demonstrate the proposal's acceptability in relation to the ADG. Additionally, the assessment of the Housing SEPP should be updated to address the proposal's consistency with Chapter 4 of the Housing SEPP.

A **Gateway condition** has been included to reflect these recommendations.

## 4 Site-specific assessment

### 4.1 Environmental

#### Hazards

TSA site is not identified as land that is prone to flood or bushfire risks, and there are no identified concerns with acid sulfate soils or contamination on the land.

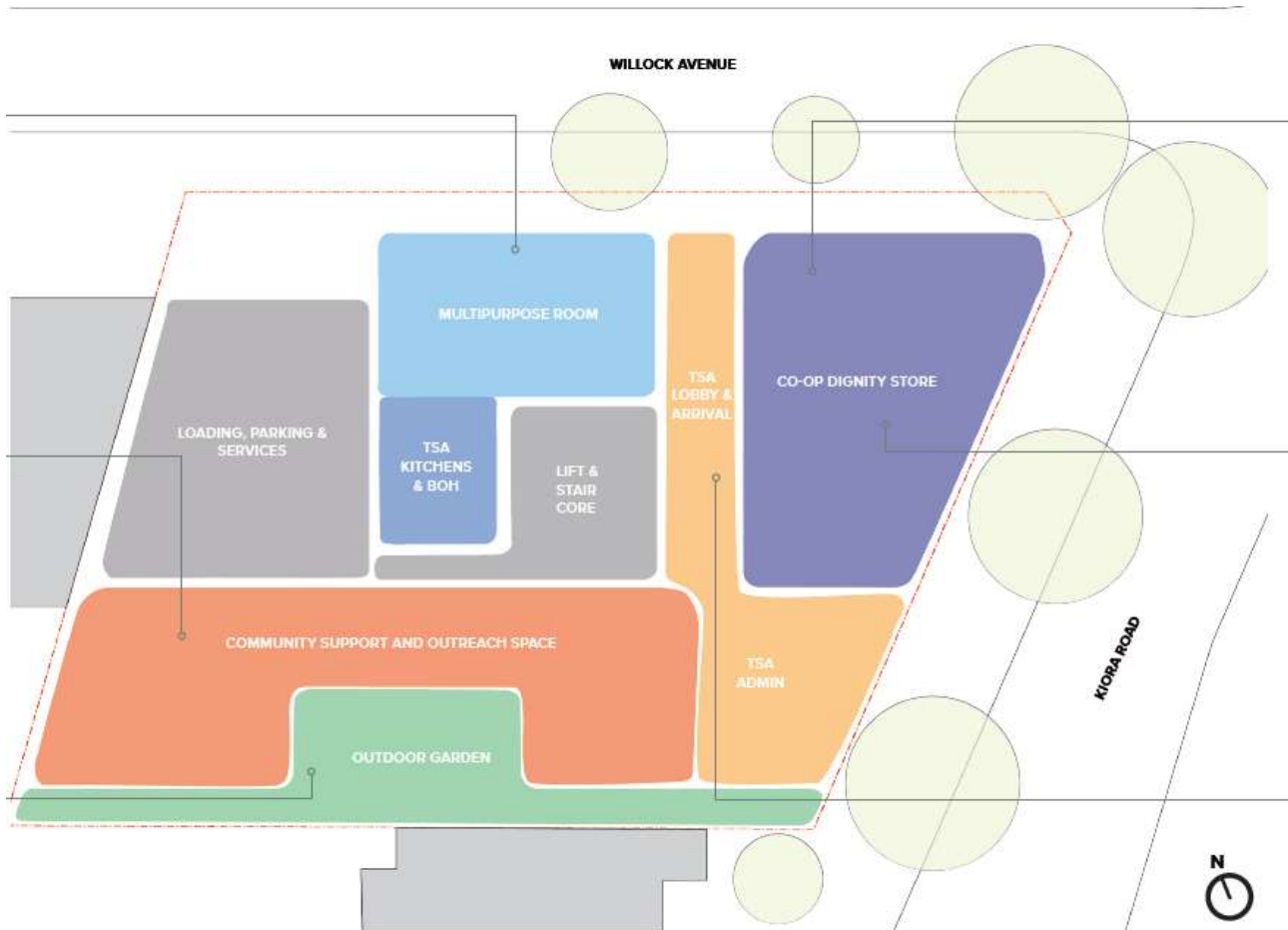
#### Heritage

The Sutherland Shire LEP 2015 identifies street trees along Kiora Road as a local heritage item (3102), which could be affected by the proposed development on TSA site. The heritage listed street trees are significant for their representation of the planting palette used in street plantings during the inter-war period, particularly in the early 1930s. These plantings reflect the community's desire at the time to enhance the amenity and aesthetic appeal of major streets, influenced by the parks and city beautiful movements. Council's Heritage and Tree Management Officers have reviewed potential impacts and raised no objections, noting that one of the trees is in poor condition and likely to deteriorate further. Council's recommendation is to have a replacement tree, with further details to be addressed at the DA stage.

#### Potential layouts and built form

An urban design report and an indicative architectural reference scheme have been provided with TSA proposal, depicting a mixed-use development of 16 storeys. The ground floor includes community, office and retail spaces, with residential apartments above. The indicative scheme yields 116 residential apartments ranging from 1 to 3 and 3+ bedrooms and provides 1500sqm of floor space for a new holistic community centre to be operated by TSA.





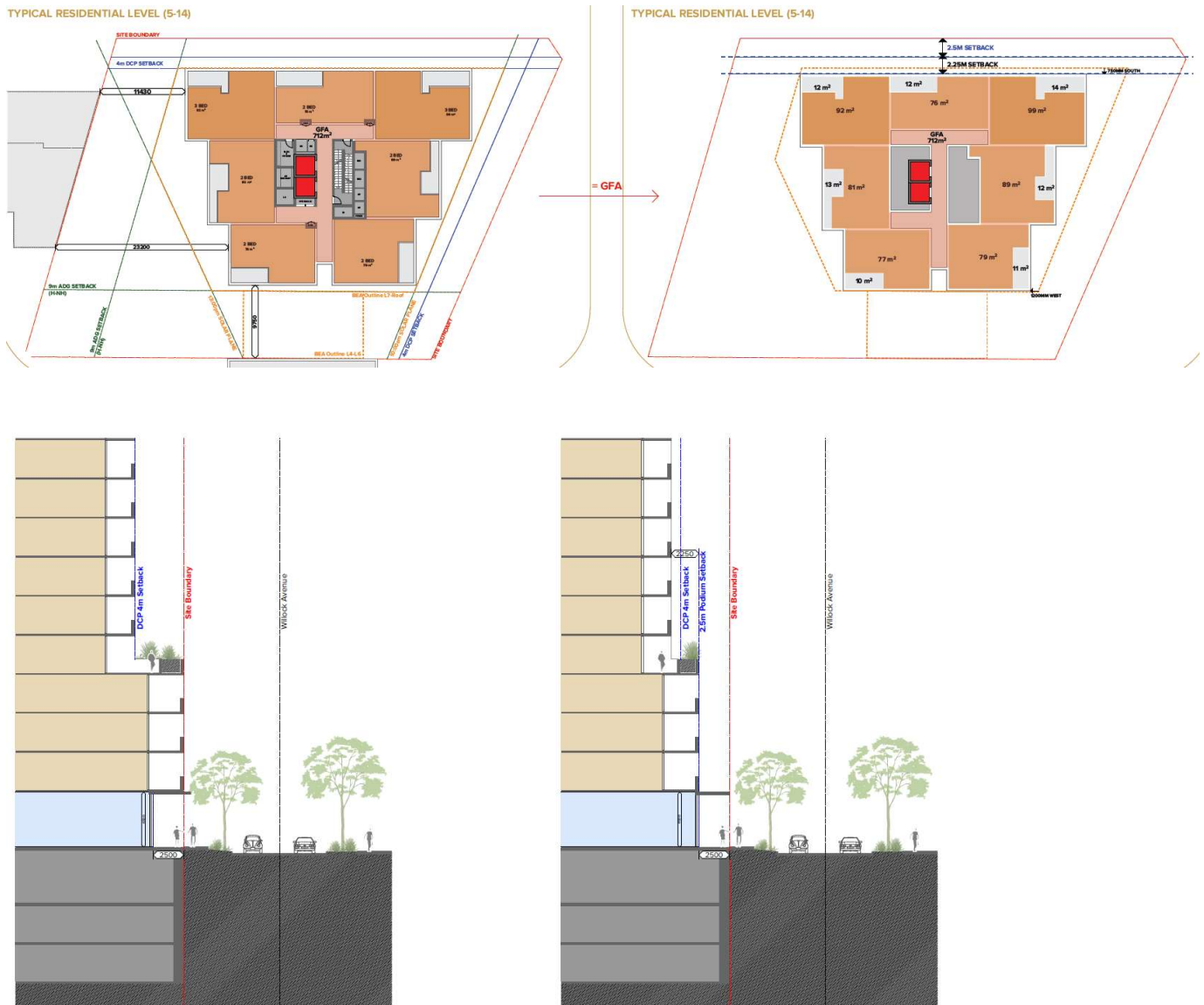
**Figure 11 Indicative ground floor layout (source: Urban Design Report, Turner Studio)**



*Extract: Concept Design – View from Willock Avenue (Left), View from Kiora Road (Right)*

**Figure 12 Built form massing (Source: The Planning Proposal, Sutherland Shire Council)**





**Figure 13 Amended scheme incorporating additional setback from Willock Avenue and redistribution of GFA (Source: Amended architectural reference scheme, Turner Studio)**

Council asserts that the proposal can accommodate the proposed 5.5:1 without creating additional overshadowing impacts onto neighbouring properties, noting that the applicant has applied a lower efficiency factor (approx. 62%) when calculating floor space from building envelope, while the typical efficiency factor for apartments is approximately 80%. The ADG provides that “A building envelope should be 25-30% greater than the achievable floor area to allow for building components that do not count as floor space but contribute to building design and articulation such as balconies, lifts, stairs and open circulation space” (page 29, section 2D Floor space ratio). Generally, 75% efficiency should be applied at the planning proposal stage for residential flat buildings.

The Department acknowledges that the applicant and Council have identified opportunities for further design refinement at the DA stage to address the ADG requirements. However, given the issues outlined above and the significant uplift proposed, it is recommended that further clarification be provided regarding the building separation issues identified in the planning proposal and how any identified issues have been resolved, supported by necessary modelling and analysis to demonstrate the proposal’s adherence to the ADG in relation to the proposed height and FSR.

Updated shadow diagrams are to be provided should there be any additional impacts resulted from the revised scheme. A **Gateway condition** has been included to reflect this.

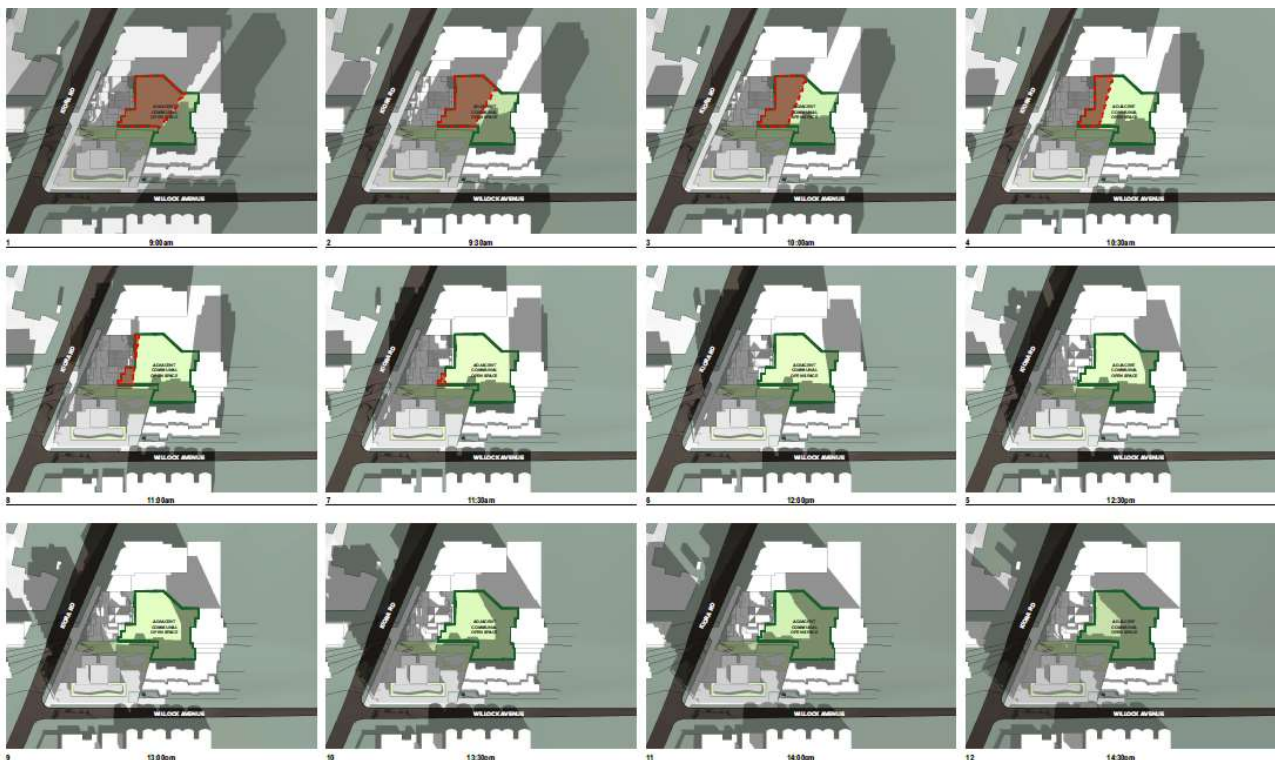
#### Public domain and street frontages

The proposal includes a 2.5m setback along Willock Avenue to facilitate footpath widening and public domain improvements. This is intended to improve pedestrian connectivity and provide a more active streetscape, in line with Council's DCP requirements. The footpath widening is intended to be secured by a future easement for public access along the entirety of the northern boundary of the site. The introduction of retail and community uses at ground level contributes to the activation of the site, which aligns with the strategic objective of enhancing the vibrancy of Miranda Town Centre.

#### Overshadowing

The indicative architectural reference scheme is designed to minimise overshadowing. The stepped design of the podium and tower orientation aims to mitigate overshadowing impacts, particularly in relation to the neighbouring communal open space to the south.

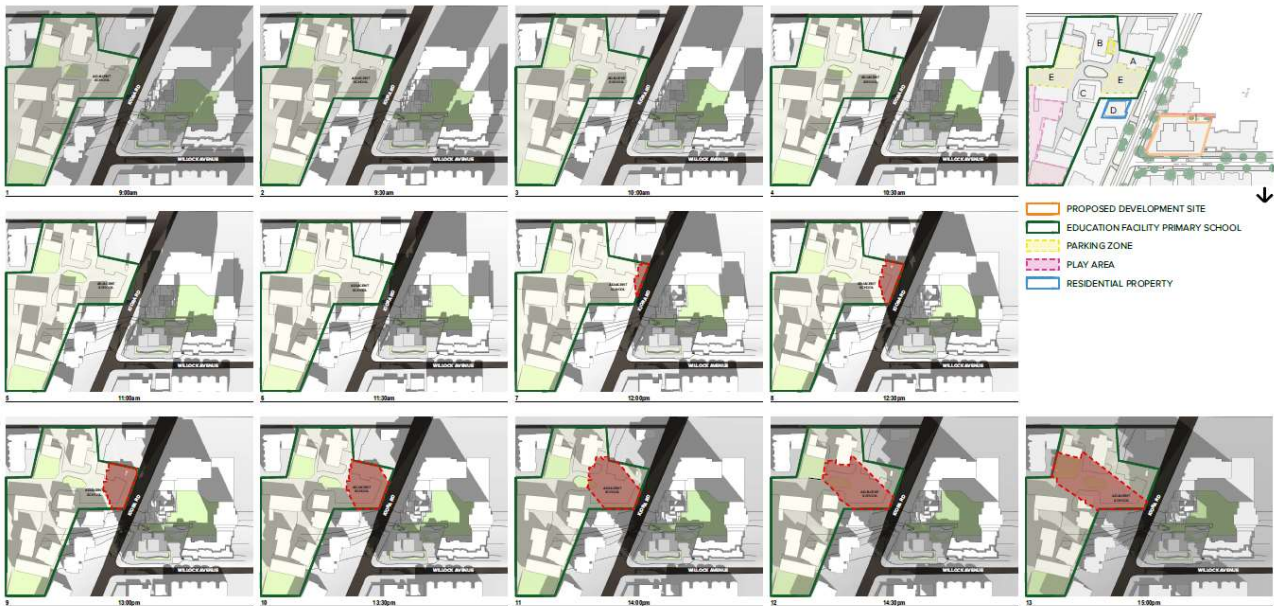
The submitted shadow diagrams shows that at least 50% of the adjacent communal open space will receive 2.5 hours of natural sunlight between 9:00am and 3:00pm during mid-winter, satisfying the minimum solar access requirements under the ADG.



**Figure 14 Shadow Diagrams \_ assessment to adjacent communal open space winter solstice (21 June) (Source: Architectural reference scheme, Turner Studio)**

Regarding potential impacts on the nearby school, the applicant provided shadow diagrams showing that the overshadowing between 9am and 3pm during mid-winter primarily affects the parking lots of the school and not the play area.





**Figure 15 Shadow Diagrams \_ assessment to adjacent school winter solstice (21 June) (Source: Architectural reference scheme, Turner Studio)**

#### Site Specific DCP

At its meeting on 15 July 2024, Council also resolved that a draft site-specific Development Control Plan (DCP) be developed and prepared concurrently with the planning proposal to address key design issues for future development application stage. The preparation of a site-specific DCP was also recommended by the Local Planning Panel to address design issues identified in the proposed architectural reference scheme, including built form, ground floor commercial/retail layout, location of key services and utilities, entries and access, connectivity, setbacks, design and articulation, landscaping and communal open space, building envelope and footprint, solar access, unit diversity, materiality and finishes, and environmentally sustainable design.

Council officers have met with the Sutherland Shire DRP to discuss the draft DCP and the design excellence clause and are working to respond to the Panel's feedback.

#### Design excellence

The proposed development on TSA site would be subject to Council's proposed design excellence clause, which aims to ensure exceptional architectural and urban design outcomes. The provision supports broader strategic objectives by ensuring that prominent development contributes positively to the urban environment and public domain. Given the significant uplift, the provision is appropriate to ensure that development exhibits the highest architectural standard, and respects and integrates with its surroundings, rather than simply meeting the baseline controls.

## 4.2 Social and economic

The proposal for TSA site is expected to deliver a range of positive social and economic outcomes, supporting both community infrastructure and housing needs while fostering local economic activity in Miranda.

The provision of 116 residential apartments, including five (5) affordable housing units, aligns with broader government priorities to address housing supply shortages. The site's proximity to public transport and local services enhances the strategic merit of the housing component, offering accessible accommodation for key workers and contributing to the economic vitality of Miranda.

The proposed upgrade and expansion of TSA community facility (from approximately 390m<sup>2</sup> to 1500m<sup>2</sup>) will enhance its capacity to deliver critical social services, including counselling, social support, and employment training. This is expected to address growing community needs in the Sutherland Shire LGA, particularly for vulnerable populations.

The proponent notes that there will be direct positive employment benefits from the enhanced operations in the new Miranda Salvation Army service. This will primarily be the increase in employment from 5 to 25 Full Time Employees. There will also be employment enhancements through the Salvation Army retail outlet, counselling rooms and a potential medical centre. Regular sessional volunteers are estimated to increase from 15 to 40-50 in the new scheme.

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from TSA proposal, and what infrastructure is proposed in support of the proposal.

Infrastructure	Assessment
Traffic and Transport	<p>The Traffic and Parking Assessment Report submitted with the proposal concludes that the development will not significantly impact local traffic conditions. The site's proximity to public transport infrastructure, including Miranda Train Station and bus services, supports the reduction of car dependency and aligns with sustainable transport objectives.</p> <p>The planning proposal notes that Council's Traffic Engineer has considered the increased demand for pedestrians crossing Kiora Road, and for increased traffic generation at Kiora Road / Willock Avenue intersection. The Traffic and Parking Assessment report confirms that signalisation is not required at Kiora Road/Willock Avenue intersection. The traffic assessment for the proposal was considered appropriate by the Local Planning Panel, given the significant uplift in height and FSR proposed.</p>
Infrastructure	<p>The proponent for TSA site submitted a Public Benefit Offer to accompany the proposal, with the intent to enter a Voluntary Planning Agreement (VPA) with Council for the purposes of section 7.7(3) of the <i>Environmental Planning and Assessment Act 1979</i> (the Act).</p> <p>The offer proposed by the proponent includes the following items:</p> <ul style="list-style-type: none"> <li>• Provision of Salvation Army community facility at ground floor.</li> <li>• 5% of the uplift floor space be dedicated as affordable housing on-site (5 dwellings), to be managed by TSA for 15 years.</li> <li>• Footpath widening along Willock Avenue via easement for public access and public domain upgrade works along the Kiora Road and Willock Avenue footpaths</li> <li>• Waive of s7.11 local infrastructure contribution (approx. \$2.32 million).</li> <li>• Monetary contribution as per the requirements of the Housing and Productivity Contribution at a rate of \$10,000 per dwelling.</li> </ul> <p>Council requested the draft VPA be exhibited concurrently with the planning proposal for broader community feedback. However, the VPA is a matter between Council and the proponent. The Gateway determination does not prevent the exhibition of the draft VPA alongside the proposal.</p>

Infrastructure	Assessment
Services and utilities	The applicant has prepared a Building Services Review to assess building services infrastructure capacity. The review, limited to desktop study, covers electrical supply, communications, stormwater drainage, sewer drainage, potable cold water and fire services water and natural gas services. The review indicates electricity supply and sewer drainage would require minor adjustment of existing services; other services can utilise existing infrastructure. Considering the findings of the review, consultations with relevant utilities (Ausgrid and Sydney Water) are recommended. A <b>Gateway condition</b> has been included to reflect this.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days. The planning proposal is categorised as a complex under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of **30 working days** is recommended and this forms part of the conditions to the Gateway determination.

### 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. It is recommended the following agencies be consulted on the planning proposal and given **30 working days** to comment:

- Ausgrid
- Sydney Water
- Transport for NSW

## 6 Timeframe

Council proposes a 9-month time frame from Gateway determination to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as complex as it involves the introduction of an LGA-wide design excellence provision.

The Department recommends an LEP completion date of 28 November 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

Given the nature of the proposal, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it aligns with the *Greater Sydney Region Plan* and *South District Plan*, and relevant SEPPs.
- it supports the priorities in Council's LSPS and Housing Strategy.
- it contributes to housing supply and enhances community services near public transport infrastructure.
- it promotes design excellence, a vibrant strategic centre, and the creation of liveable, socially connected places.
- it will deliver public benefits, such as affordable housing and public domain improvements, aligning with State and local planning objectives.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the inconsistency with section 9.1 Directions - 1.4 Site Specific Provisions requires further resolution regarding the competitive design process provision.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, the planning proposal is to be amended to address the matters set out below and submitted to the Department of Planning, Housing and Infrastructure for endorsement:
  - (a) update the Objectives to clarify that the proposed design excellence clause applies only at the development application stage, not at the planning proposal stage.
  - (b) for both parts of the planning proposal, provide a plain English explanation of the intended effects of the proposed amendments, and include an advisory note to clarify that the draft clauses are indicative and will be subject to legal drafting should the proposal progress to finalisation.
  - (c) clarify the building separation issues outlined in the planning proposal and explain how these are resolved. This should be supported by necessary testing to confirm that the proposed FSR can be accommodated in the proposed building height standard, while achieving appropriate built form and amenity outcomes, and adherence to the Apartment Design Guide.
  - (d) reconsider the proposed competitive design process requirements, addressing the following:
    - a. remove the 10,000m<sup>2</sup> lot area threshold. Instead, map relevant key sites subject to a competitive design process and provide supporting justifications, or consider identifying appropriate sites for this process in future planning.
    - b. the competitive design process is to be optional and supported with appropriate building height and/or FSR bonuses of up to 10% to incentivise participation and minimise financial impacts or delays on developments. For the subject site in Part A of the planning proposal, the proposed building height of 60m and FSR of 5.5:1 should represent the upper limits, when factoring in any competitive design incentives.



- (e) update the assessment of the *State Environmental Planning Policy (Housing) 2021* to address the proposal's consistency with Chapter 4 of the Policy.
  - (f) for Part A of the planning proposal, update the Mapping to show the current and proposed FSR and Height of Building Maps.
  - (g) for Part B of the planning proposal, provide an assessment against the relevant planning priorities in the *South District Plan*, Council's Local Strategic Planning Statement and Local Housing Strategy.
- 2. Prior to finalisation, appropriate mechanisms are to be in place for the delivery of affordable housing and infrastructure in relation to Part A of the planning proposal.
  - 3. Consultation is required with the following public authorities:
    - Transport for NSW
    - Ausgrid
    - Sydney Water
  - 4. The planning proposal should be made publicly available for a minimum of 30 working days.
  - 5. Given the nature of the planning proposal, it is recommended that the Gateway authorise Council to be the local plan-making authority.
  - 6. The timeframe for the LEP to be completed is on or before 28 November 2025.



29 October 2024

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8 November 2024

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