

<b>JRPP No:</b>	<b>2012SYE005</b>
<b>DA No:</b>	<b>DA11/1259</b>
<b>LGA:</b>	<b>Sutherland Shire</b>
<b>Proposed Development:</b>	<b>Construction of a Six Storey Building Comprising a Residential Aged Care Facility &amp; Health Services Facility Over Two Basement Parking Levels</b>
<b>Site/Street Address:</b>	<b>1034-1036 Old Princes Highway, Engadine (Lot 2 DP 786685)</b>
<b>Applicant:</b>	<b>Moran Health Care Group Pty Ltd</b>
<b>Submissions:</b>	<b>9</b>
<b>Recommendation:</b>	<b>Approval</b>
<b>Report By:</b>	<b>Greg Hansell - Environmental Assessment Officer (Planner) Sutherland Shire Council</b>

## Assessment Report and Recommendation

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### 1.0 EXECUTIVE SUMMARY

#### 1.1 Reason for Report

Pursuant to the requirements of State Environmental Planning Policy (State and Regional Development) 2011, this application is referred to the Joint Regional Planning Panel (JRPP) as the development has a capital investment value of more than \$20,000,000. The application submitted to Council nominates the value of the project as \$31,250,000.

#### 1.2 Proposal

The application is for the demolition of an existing public car park and the construction of a six (6) storey building, comprising a 136 bed residential aged care facility and a ground floor 'health services facility', over two (2) levels of basement car parking at the above property.

#### 1.3 The Site

The subject site is located on the western side of Caldarra Avenue, just south of Old Princes Highway, in Engadine.

#### 1.4 The Issues

The main issues identified are as follows:

- Building height.
- Car parking provision.
- Servicing arrangements.

#### 1.5 Conclusion

Following detailed assessment of the proposed development, the current application is considered worthy of support, subject to minor amendments to the basement car park layout and means of pedestrian access between the

ground floor and basement levels of the building. These amendments can be addressed by way of the issue of 'deferred commencement' consent with appropriate conditions.

## 2.0 DESCRIPTION OF PROPOSAL

The proposed development is for the demolition of an existing public car park and the construction of a six (6) storey building, comprising a 136 bed residential aged care facility and a ground floor health services facility, over two (2) levels of basement car parking. The proposed building is located generally in the south-eastern half of the site adjacent to Caldarra Avenue. The proposal also includes 45 public car parking spaces within the upper basement level and the continuation of the town square, through the building, to Caldarra Avenue.

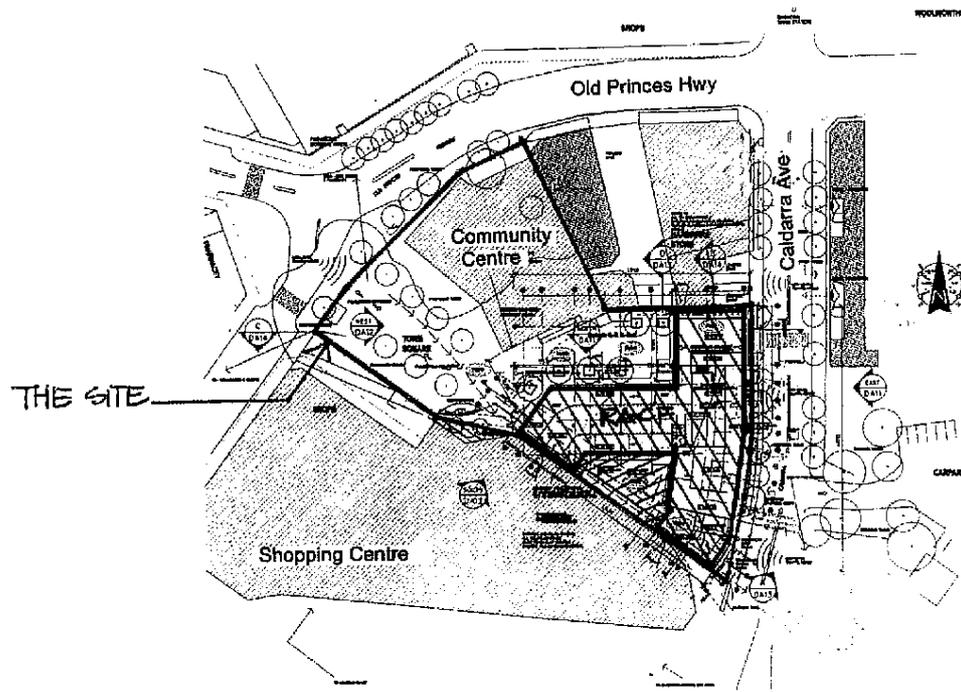


Figure 1: Site Plan of Proposal

The building essentially comprises eight (8) levels. The lowermost two (2) levels incorporate car parking and servicing facilities; the uppermost five (5) levels house the residential accommodation; and the intervening ground floor level includes the 'health services facility' and a lift lobby to the residential aged care facility. Due to the fall of the land, the lowermost two (2) levels are substantially underground.

Vehicular access to and from the basement car park and servicing area is provided via a single driveway crossing in Caldarra Avenue. Pedestrian access into the residential aged care facility is to be provided via a lobby on the southern side of the town square extension through the building and via lifts from both levels of the basement car park. Pedestrian access into the ground floor health services facility is to be provided via several entries located around its perimeter. A separate lift and stairway that connect the upper basement car parking level to the town square are to be provided for use by the general public and the staff and visitors associated with the ground floor level health services facility.

The proposed building includes the following key elements:

- A lower basement level exclusively for the use of the residential aged care facility and containing 33 parking spaces, laundry facilities, plant rooms, general storage areas and a lift lobby.
- An upper basement level containing 61 parking spaces, a service area for delivery vehicles and ambulances, waste storage areas, plant rooms, general storage areas, staff rooms, kitchen facilities, a lift lobby for the residential aged care facility and a lift and stairs for public access to the town square and the ground floor health services facility.
- A ground floor level containing a lift lobby for the residential aged care facility accessed from the town square extension through the building and 1210 square metres of leasable floor space intended for use as a health services facility, the precise details of which are not known at this stage. Tentatively, the ground floor plan indicates three (3) potential tenancies ranging in size from 161 square metres to 584 square metres and typical uses may include a medical centre and ancillary services.
- Five (5) upper floor levels, each containing residential accommodation of between 21-33 en-suite bedrooms, together with communal lounge, dining, sitting and outdoor terrace areas.
- Administration facilities for the residential aged care facility at second floor level including the main reception area, offices and meeting rooms.
- Private balconies for all en-suite bedrooms located on the uppermost four (4) floor levels and rooftop courtyards on the first and topmost floor levels.

### **3.0 SITE DESCRIPTION AND LOCALITY**

The subject land is known as No. 1034-1036 Old Princes Highway, Engadine. The north-western portion of the site is occupied by a new multi-purpose hall/community centre and town square. The south-eastern portion of the site, upon which the proposal is located, is currently occupied by a public car parking area.





*Figure 4: Site of Proposal looking west from Caldarra Avenue*



*Figure 5: Site of Proposal looking east from the town square*

The site has a north-west to south-east orientation and is irregular in shape. It has frontages of 71.625 metres to Caldarra Avenue and 80.745 metres to Old Princes Highway. The site has a total area of 6024 square metres.

The site falls from Old Princes Highway, generally in a south-easterly direction. There is a change in level between the highest and lowest points of the site of approximately three (3) metres.

There are a number of trees, mostly of exotic species, located throughout the existing public car park. A major drainage easement traverses the site, adjacent to its south-western boundary.

The site is within the Engadine Town Centre. The streetscape and urban environment in the immediate vicinity of the subject land is characterised by a mix of retail, commercial, industrial and community facility developments. The surrounding buildings are typically two (2) – three (3) storeys in scale.

Directly adjoining the site to the north are shops and offices and to the south is a shopping complex with two (2) supermarkets and a range of smaller specialty shops. Across the road to the east are community facilities, shops, offices and service industries. The site and surrounding locality make up the commercial 'core' of Engadine.

#### **4.0 BACKGROUND**

Development consent was granted by Council to Development Application No. 05/1006 for 'Demolition of all Existing Structures and Construction of a Four (4) Storey Building Containing Accommodation of 89 Places for Seniors Living (Residential Care Facility) and the Construction of a Multi Purpose Hall and Offices, New Public Square and Basement Car Parking for 74 Vehicles" on the subject site on 15 February 2006.

This development consent was subsequently modified on 31 October 2007, principally to allow for the construction of the development in two stages, whereby the multi-purpose hall and major part of the town square would form the first stage and the residential aged care facility, basement car parking and remainder of the town square would form the second stage. The first stage has been constructed and has been operational since 2010.

A similar proposal to that now before the JRPP was considered by the Panel towards the end of 2010. That proposal, which accompanied Development Application No. 10/0917, involved the demolition of the existing car park and the construction of a six (6) storey building comprising a 120 bed residential aged care facility (including a ground floor day respite centre) over a single level basement car park. It also included public car parking within the basement and the extension of the town square, through the building, to Caldarra Avenue. Development consent was subsequently granted by the JRPP to that proposal on 15 December 2010.

Development Application No. 10/0917 was quite similar, in terms of built form, to the current proposal. The main differences between the approved development and the proposal now before the JRPP are summarised as follows:

- The day respite centre has been deleted and the ground floor level has been redesigned to accommodate a lift lobby for the residential aged care facility and floor space intended for use as a 'health services facility', the precise details of which are not known at this stage. Tentatively, the ground floor plan indicates three (3) potential tenancies ranging in size from 161 square metres to 584 square metres and typical uses may include a medical centre and ancillary services.
- The ground floor level administrative facilities and support services have been relocated to the second floor and basement levels.
- The number of aged care beds has increased from 120 to 136.
- An additional basement level has been provided, increasing the number of on-site car parking spaces from 71 to 94 spaces.
- The height of the building has increased by as much as 800mm at its topmost roof level, as a result of a minor increase in the floor-to-floor heights of the residential floor levels.
- The facades have been modified by way of vastly different architectural treatments and finishes and the inclusion of private balconies on the uppermost four (4) floor levels of the building.

A history of the current development proposal is as follows:

- A development application for alterations and additions to the approved residential aged care facility (Development Application No. 11/1128) was submitted on 18 November 2011.
- The application was considered by Council's Architectural Review Advisory Panel ('ARAP') on 12 December 2011.
- The application was withdrawn on 13 December 2011 in order to resolve procedural issues.
- The current application was submitted on 21 December 2011.
- The report from ARAP in relation to the plans accompanying the recently withdrawn development application (for essentially the same design) was issued on 9 January 2012.
- The application was placed on exhibition with the last date for public submissions being 1 February 2012. Nine (9) submissions were received. These are discussed in detail below.
- An Information Session was held on 17 January 2012 and five (5) people attended.
- The application was considered by Council's Submissions Review Panel on 9 February 2012.

By way of clarification, the plans accompanying the development application now before the Panel are essentially the same as the plans that accompanied the recently withdrawn development application, albeit they include some

minor design revisions in response to the comments provided during the ARAP meeting on 12 December 2011.

## 5.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the statement of environmental effects, plans and other documentation submitted with the development application, the applicant has provided adequate information to enable an assessment of this application.

## 6.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Sutherland Shire Development Control Plan 2006. Two hundred and forty two (242) adjoining or affected owners and occupants were notified of the proposal and nine (9) submissions were received as a result.

Submissions were received from the following properties:

Address	Date of Letter	Issues
16 Morrison Avenue, Engadine	21/02/12 (received)	1, 2, 5 & 11
424/15 The Avenue, Heathcote	03/02/12 (received)	2
5 Strickland Street, Heathcote	27/01/12	1, 2, 3, 4, 5 & 10
6 Banbal Road, Engadine	15/01/12	1, 2, 3 & 5
10/1008 Old Princes Highway, Engadine	30/01/12	2, 8 & 9
1160 Old Princes Highway, Engadine	23/01/12	7
20 Cassandra Crescent, Heathcote	16/01/12	5 & 6
3 Banbal Road, Engadine	20/01/12	1, 2, 3, 4 & 5
26 Sirius Place, Engadine	11/01/12	1

The issues raised in these submissions are as follows:

### 6.1 Issue 1 – Number of Storeys/Building Height

Some of the objectors are concerned about the height and number of storeys of the proposed building, particularly in that it will be significantly out of character with the scale of surrounding buildings and will adversely affect the existing amenity of the town centre.

Comment: This matter is addressed below in the "Assessment" section of this report.

### 6.2 Issue 2 – Loss of Council Car Park

Some of the objectors are concerned about the removal of the existing ground level car park to make way for the proposed building, based on the view that car parking provision within the town centre is already limited and well utilised and the loss of any further car parking spaces will only worsen this situation.

Comment: This matter is addressed below in the “Assessment” section of this report.

### 6.3 Issue 3 – Sunlight Access to Town Square

Some of the objectors are concerned about the height of the proposed building in terms of its overshadowing impact on the town square, particularly during the mornings.

Comment: Shadow diagrams submitted by the applicant indicate that the shadows cast by the proposed building, during the more critical daylight period of 9.00am to 3.00 pm in mid-winter, will not adversely affect the town square. Shadows cast by the proposed building will largely fall on the shopping centre complex to the south of the site and Caldarra Avenue to the east of the site. The multi-purpose hall in the north-western half of the site has a greater overshadowing impact on the town square in this respect.

### 6.4 Issue 4 – Aesthetic Quality

Some of the objectors consider the proposed building to be unattractive. Their basis for this concern appears to relate partly to its height and bulk in relation to surrounding buildings, such as the multi-purpose hall.

Comment: The aesthetic quality of the proposed building is considered acceptable. This conclusion is supported by the report findings of ARAP. In this regard, the Panel found that the changes to the building aesthetic have been developed in a competent, well balanced manner and both the scale and density of the building remain an appropriate response to the existing and future desired character of the site.

### 6.5 Issue 5 – Suitability of Site

Some of the objectors question the appropriateness of the site for the proposed building, both in terms of its scale and intended use as a residential aged care facility. The compatibility of a residential aged care facility within a shopping centre context is questioned from the perspectives of residential amenity, character and accessibility. The scale of the proposed building is considered to be inappropriate, having regard to the relatively low scale of surrounding buildings such as the multi-purpose hall and the ‘open’ character of the town square.

Comment: As discussed elsewhere in this report, the scale of the proposed building is considered reasonable, having regard to the town centre context of the site and the ‘stepping’ of its built form. The intended use of the site for the purposes of a residential aged care facility is permissible with consent by virtue of the provisions of the Seniors Housing SEPP. The site is well located with respect to services and facilities that future residents may require and is highly accessible to a range of public transport options.

There is no residential development immediately adjoining or adjacent to the site and hence residential amenity impacts will be negligible. The proposed building incorporates design features to protect the amenity of the future residents of the facility from adverse impacts associated with surrounding

retail development. These design features include acoustically designed building elements, privacy screens and landscaping.

#### 6.6 Issue 6 – Inadequate Car Parking Provision

The objector is concerned about the lack of consideration given by the applicant to the need for visitor car parking associated with the residential aged care facility.

Comment: This matter is addressed below in the “Assessment” section of this report.

#### 6.7 Issue 7 – Parking for Community Transport Vehicles

The submission requests that provision be made for short term parking for community transport vehicles in close proximity to the proposed residential aged care and health services facilities, in the event of the approval of the development application. The organisation that provides these transport services has found that many of the residents of residential aged care facilities have close family members that are in need of such services.

Comment: A representative of the community transport organisation that lodged the submission has since clarified that a short-term car parking space within the basement car park of the development would be sufficient for their purposes and that provision for bus parking within the basement would not be necessary. This requirement can be reinforced through a suitable condition of development consent (refer Condition 6).

#### 6.8 Issue 8 – Traffic/Parking Impacts During Construction

The objector is concerned about the likely reduction in the availability of car parking spaces in the vicinity of the site during the construction stage of the proposed development, due to the parking demands of construction workers vehicles, trucks and the like.

Comment: The construction management plan submitted with the development application indicates that on-site parking for construction workers is not practicable and surrounding car parking facilities will be utilised to the extent permitted by law. Given the constraints imposed by the town centre context of the site and surrounding development and the various factors at play in the construction process, such impacts will be difficult to mitigate and are largely unavoidable. However, it is relevant to consider that these impacts will be temporary.

#### 6.9 Issue 9 – Loss of Public Access

The objector is concerned about the loss of pedestrian access through the site, during the construction stage and following completion of the proposed development. Pedestrians will be forced to walk longer distances in order to access services and facilities within the town centre.

Comment: The proposal, upon completion, provides for pedestrian access through the site, by virtue of the extension of the existing town square through the proposed building to Caldarra Avenue. However, the construction

management plan submitted with the development application indicates that pedestrian movement across the site will be diverted and denied during the entire construction phase. Given the extent of excavation and building works proposed and the high priority given to public safety and occupational health and safety issues, this inconvenience to pedestrians is largely unavoidable. However, it is relevant to consider that this inconvenience will be temporary.

#### 6.10 Issue 10 – Impact on Setting of War Memorial

The objector is concerned about the bulk and scale of the proposed building and its adverse impact on the setting of the war memorial and the ambience of commemorative services held at the memorial. Presently, the openness of the town square and the back drop of the mature trees in the Council car park make a positive contribution to the setting of the war memorial and the ambience of commemorative services.

Comment: It is accepted that the setting of the war memorial will be changed significantly by the proposal and that the openness of the town square and the backdrop of mature trees in the car park, at present, makes for a pleasant outlook. Having regard to the high quality aesthetics of the proposed building, the recently established tree, shrub and ground cover planting that provides a backdrop to the war memorial and the new tree planting proposed for the town square extension, it is considered that the setting of the war memorial and ambience of commemorative services held at the memorial will not be adversely affected to such an extent as to warrant refusal of the application on such grounds.

#### 6.11 Issue 11 – Loss of Trees

The objector is concerned about the loss of the mature trees within the existing car park, on the basis that they make a positive contribution to the character of the shopping centre.

Comment: All of the existing trees located in and around the existing car park are intended for removal. Whilst it is accepted that these trees currently add to the ambience of the town centre, none of them are considered to be of such significance as to warrant retention. This is consistent with the assessment of the two (2) previous development applications for aged care buildings on the site. Further, the retention of mature trees on sites within higher density town centre contexts, such as the subject site, is far less practicable and feasible in comparison to sites within lower density residential contexts or areas of high ecological significance.

The treed character of the site will be restored to some extent, having regard to the canopy tree planting proposed by the applicant within the town square extension and adjacent footpath area in Caldarra Avenue.

## 7.0 STATUTORY CONSIDERATIONS

The subject land is located within Zone 12 – Special Uses (Community Facilities) pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006 ('SSLEP 2006').

The majority of the proposed development, consisting of 'seniors housing' comprising a 'residential care facility', is a prohibited land use within the relevant special use zone. However, it is permissible under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ('the Seniors Housing SEPP').

The proposed use of the ground floor of the building as a 'health services facility', tentatively comprising a medical centre and ancillary services, is a prohibited land use within the relevant special use zone. However, it is permissible under the provisions of Clause 57(1) of State Environmental Planning Policy (Infrastructure) 2007 ('the Infrastructure SEPP').

The NSW Department of Planning & Infrastructure has determined in writing that the relevant special use zone is equivalent to 'Zone SP2 Infrastructure' as listed in Clause 56 of the Infrastructure SEPP. Development for the purpose of a 'health services facility' is permitted with consent within 'Zone SP2 Infrastructure' and equivalent land use zones.

The remaining aspects of the proposed development, namely the public car parking area and the continuation of the town square through to Caldarra Avenue, are defined as a 'car park' and 'community facility' respectively for the purposes of SSLEP 2006 and are permissible with consent within the zone.

In addition to the Seniors Housing SEPP, Infrastructure SEPP and SSLEP 2006, the following environmental planning instruments, development control plans, codes or policies are relevant to the assessment of this application:

- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy No. 55 – Remediation of Land.
- Sutherland Shire Development Control Plan 2006 ('SSDCP 2006').

## **8.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS**

The application was referred to internal and external specialists for assessment. No responses were received from the NSW Police Force and Energy Australia. The following comments were received.

### **8.1 Building**

Council's building surveyor has undertaken an assessment of the application with respect to the provisions of the Building Code of Australia (BCA) and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal. It is noted that the proposal complies or is capable of complying with the relevant provisions of the BCA.

### **8.2 Environmental Health**

Council's environmental health officer has undertaken an assessment of the application with respect to building ventilation, noise impacts from the

operation of the facilities and noise impacts from traffic and the operations of adjacent land uses and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal.

### 8.3 Development Assessment Engineer

Council's development engineer has undertaken an assessment of the application with respect to stormwater management, vehicular access, car parking and servicing arrangements, traffic management, site management and public works requirements and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal.

### 8.4 Environmental Scientist

Council's environmental scientist has undertaken an assessment of the application with respect to potential site contamination and groundwater issues and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal. It is noted that the issue of potential site contamination was adequately resolved in the assessment of the previous development applications for the site. It has been determined that the site is suitable for the proposed use.

### 8.5 Landscape Architect

Council's landscape architect has undertaken an assessment of the application with respect to tree retention/removal and landscaping. Concerns were raised over the southerly aspects of the dementia courtyard and terraces on Levels 4 and 5, the removal of all existing trees from the site, the lack of variety in the proposed tree planting and the maintenance demands of the climber planting and associated mesh screens within the building under-croft in the north-eastern corner of the site. These matters are addressed in detail in the 'Assessment' section of this report.

### 8.6 Architectural Review Advisory Panel

Council's Architectural Review Advisory Panel ('ARAP') considered the development proposal at its meeting held on 12 December 2011 and the ARAP report was issued on 9 January 2012. The report was based on the plans that accompanied the previous development application that was subsequently withdrawn due to procedural issues and replaced by the current development application. The issues raised in this report remain relevant to the current proposal given that few significant design changes have been made. A full copy of this internal report is provided in Appendix "B". This report concluded as follows:

*"The aesthetic treatment of the building envelope has changed significantly [since the previous JRPP approved scheme]. However the changes have been developed in a competent, well-balanced manner. The scale and density of the proposed development remain largely consistent with that of the approved development application.*

*The revised design has created the potential to improve the level of amenity provided to residents and the connection of the facility to the*

*adjoining public space. However for this potential to be realised, further development of the following issues is recommended:*

- *Ground floor RACF entry.*
- *Servicing and access to the medical facility.*
- *Detail treatment of the medical tenancy entrances.*
- *Detail treatment of balconies.*
- *Refinement of landscaping, including additional planting.”*

#### 8.7 Council's Urban Designer

Council's urban designer has assessed the plans accompanying the current development application and advises that few significant changes have been made in response to the comments raised at the previous ARAP meeting. These changes are limited to the extension of the dementia courtyard by 1.5 metres in a south-westerly direction, the nomination of zones within the shopfront glazing for signage for future ground floor tenancies and the amplification of the scale and density of planting within the dementia courtyard and other roof terraces.

Council's urban designer also advised that, based on the experience and expertise of the applicant in the design and operation of residential aged care facilities, it is not essential for the proposal to fully respond to all of the detailed comments from ARAP. Most of the comments are suggestions for improvements rather than 'fatal' criticisms and relate to incidental aspects of the proposal. The urban design quality of the proposal is considered to be generally adequate. The only issue that requires further attention relates to the quality and utility of the pedestrian access between the ground floor health services facility and the basement levels below. This matter is addressed in detail in the "Assessment" section of this report.

#### 8.8 Community Services

Council's Community Services Unit has undertaken an assessment of the application with respect to crime risk, general accessibility and access for people with disabilities and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal.

#### 8.9 Traffic Engineer

Council's traffic engineer has undertaken an assessment of the application with respect to traffic generation and car parking provision and the design of the vehicular access and car parking and service areas. Some concerns were raised over the general layout of the upper basement level car park and the lack of detail regarding the servicing requirements of future ground floor uses. These matters are addressed in detail in the "Assessment" section of this report.

#### 8.10 Waste Services

Council's Waste Services Unit has undertaken an assessment of the application with respect to the appropriateness of the proposed waste storage and collection arrangements and raises some concerns over the potential for vandalism of the waste bins, given the frequency of waste collection

proposed. This matter is addressed in detail in the “Assessment” section of this report.

## **9.0 ASSESSMENT**

Following a detailed assessment of the application having regard to the heads of consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

### **9.1 Provisions of Seniors Housing SEPP**

The proposal satisfies the overall aims and relevant provisions of the Seniors Housing SEPP in the following respects.

#### **9.1.1 Type of Residential Accommodation**

Clause 11 provides as follows:

*“In this policy, a residential care facility is residential accommodation for seniors or people with a disability that includes:*

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility.”*

The plans and supporting information accompanying the development application clearly demonstrate that the proposal comfortably falls within the above definition of a ‘residential care facility’.

#### **9.1.2 Location and Access to Facilities**

The applicant has provided satisfactory written evidence demonstrating how residents of the proposed development will have access to the necessary services and facilities, in accordance with the provisions of Clause 26. In this regard, the site is centrally located within a town centre that provides for a wide range of retail, commercial, recreational and social services and public services such as a library, community centre and the like and is within reasonable walking distance of accessible rail services (at Engadine Railway Station) that can take residents, if necessary, to other major town centres at Sutherland, Miranda and Hurstville.

The applicant also indicates they will provide a bus service for residents of the residential care facility for recreational outings and the like. This requirement can be reinforced through a suitable condition of development consent (refer Condition 58).

#### **9.1.3 Water and Sewer**

Water and sewerage infrastructure is presently available to the site. The applicant has submitted plans and written information that demonstrates that the facility will be connected to a reticulated water system and will have

adequate facilities for the removal of sewage, in accordance with the provisions of Clause 28.

#### 9.1.4 Site Compatibility

A site compatibility certificate in accordance with Clause 24 is not required in this instance, despite the 'special uses' zoning of the land, as development for the purposes of hospitals is permitted under the provisions of SSLEP 2006. In a similar case involving a different site, but the same applicant and land use zone, written advice was obtained from the NSW Department of Planning to the effect that a site compatibility certificate under Clause 24 was not required in that case. This advice is equally relevant to the current proposal.

The proposal is considered to satisfy the relevant site compatibility criteria as set out in Clause 25. The proposal is considered to be compatible with the surrounding land uses, having regard to the following factors:

- The site and surrounds are not subject to any natural hazard risks such as flooding or bushfire or any known significant environmental values such as remnant bushland or endangered flora and fauna.
- The site is centrally located within a higher order town centre that offers a wide range of services and facilities and within reasonable walking distance of a range of public transport options including rail, bus and taxi services.
- The site is conveniently located immediately adjacent to a range of complementary facilities and services, including community services for the elderly and the new multi-purpose hall and town square.
- The site is adjoined by commercially zoned sites that are developed principally for retail and office uses and major residential development is well removed from the site and hence the amenity impacts associated with a taller, bulkier building are of less consequence in this case.
- Adjoining and adjacent sites immediately surrounding the site are not residentially zoned or developed exclusively for residential purposes and hence issues of overshadowing, overlooking, visual bulk and like impacts on residential amenity and character, as a result of the bulk, scale and height of the proposal, are minor in this case, particularly given the nature of the development and its intended occupants.
- The property at No. 998 Old Princes Highway, Engadine, 30 metres to the north-east of the subject site, is occupied by a three (3) storey mixed commercial/residential building comprising of dwellings on the upper two (2) levels and at the rear of the ground floor level. Given the north-south orientation of the dwellings in that building and the oblique view of the proposal obtained from a minor portion of those dwellings, the location of the proposal to the south on a lower contour and the significant screening provided by other buildings and trees in the

vicinity, amenity impacts of the proposal on these dwellings are minimal.

- The immediately adjoining commercial and retail developments to the south and north are orientated away from the site, such that visual and acoustic privacy, overshadowing and visual bulk impacts arising from the proposal are lessened.

#### 9.1.5 Site Analysis

The site analysis information accompanying the development application is considered satisfactory in terms of the requirements as outlined in Clause 30. The development application clearly demonstrates that the proposal has evolved from a proper site analysis that identifies the key opportunities and constraints of the site.

#### 9.1.6 Design Principles

Clause 32 requires that consent must not be granted unless the consent authority is satisfied that the proposal demonstrates that adequate regard has been given to certain design principles. These relate to neighbourhood amenity and streetscape, visual and acoustic privacy, solar access and design for climate, stormwater, crime prevention, accessibility and waste management. The relevant design principles are discussed as follows.

- Neighbourhood Amenity and Streetscape

Clause 33 provides as follows:

*“The proposed development should:*

- (a) recognise the desirable elements of the location’s current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*
- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:*
  - (i) providing building setbacks to reduce bulk and overshadowing, and*
  - (ii) using building form and siting that relates to the site’s land form, and*
  - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
  - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*

- (f) *retain, wherever reasonable, major existing trees, and*
- (g) *be designed so that no building is constructed in a riparian zone.”*

Comment: It is considered that adequate regard has been given to this design principle.

Much of the general locality is characterised by commercial buildings that exhibit nil or minimal setbacks to street frontages and the proposal is consistent with this prevailing character.

Given the context of the site within a commercial town centre rather than a predominantly residential locality or mixed use precinct, it is considered that the design principles relating to maintenance of ‘appropriate residential character’ and ‘reasonable neighbourhood amenity’ should not be strictly applied in this case. These design principles appear to be based on the expectation that such developments would take place within residential areas and not commercial areas. In any case, the siting, bulk, scale and height of the proposed building do not give rise to any unreasonable adverse overshadowing, overlooking, noise or visual bulk impacts on the surrounding neighbourhood.

The proposal relies mostly upon the tree, shrub and ground cover plantings proposed within the public domain areas to provide amenity and soften and complement the bulk and scale of the residential care facility building. This approach is sympathetic to other planting in the streetscape and consistent with other large developments in the Engadine Town Centre.

Whilst all of the existing trees located in and around the existing car park are intended for removal, this is not considered unreasonable in the particular circumstances of this case. None of the trees are considered to be of such significance as to warrant retention. This is consistent with the assessment of the two (2) previous development applications for aged care buildings on the site. This landscape outcome, whereby few (if any) trees are retained, is to be anticipated in an established commercial centre.

- Visual and Acoustic Privacy

Clause 34 provides as follows:

*“The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:*

- (a) *appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*
- (b) *ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.”*

Comment: It is considered that adequate regard has been given to this design principle.

With the exception of the dwellings within the three (3) storey mixed commercial/residential building at property No. 998 Old Princes Highway, Engadine, 30 metres north-east of the subject site, there are no residential neighbours in the immediate vicinity of the proposed building. The existing adjoining commercial buildings to the north and south of the site are orientated such that the privacy of their occupants is not unduly compromised by the proposal.

The far northern elevation of the proposed building features a substantially solid wall with minimal fenestration. The east-facing bedroom windows and private balconies at the northern extremity of the building are partially obscured from view by a combination of blade walls, solid balustrades and privacy screens. On this basis, any direct viewing of these bedrooms and balconies from the dwellings at No. 998 Old Princes Highway, Engadine (to the north-east of the site) will be limited.

The acoustic privacy of residents of the development has been adequately addressed by the use of a combination of structural elements, screening devices and landscaping.

- Solar Access and Design for Climate

Clause 35 provides as follows:

*“The proposed development should:*

- (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*
- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.”*

Comment: It is considered that adequate regard has been given to this design principle.

As mentioned previously, the only residential development in the immediate vicinity of the proposed building is located 30 metres to the north-east of the site. Given that the proposed building is located to the south-west of these dwellings, no overshadowing of these dwellings will occur as a result of the development.

The existing adjoining commercial buildings to the north and south of the site are orientated such that their access to daylight and sunlight is not unduly compromised by the proposal. Further, shadow diagrams submitted by the applicant indicate that the shadows cast by the proposed building will not adversely affect the town square or war memorial.

The proposal has been designed to maximise cross ventilation and access to sunlight and daylight in main communal/living spaces, such that energy use will be reduced and thermal comfort increased.

- Stormwater

Clause 36 provides as follows:

*“The proposed development should:*

- (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.”*

Comment: It is considered that adequate regard has been given to this design principle.

The stormwater drainage plan submitted with the application indicates a range of measures that are intended to be incorporated for the purposes of minimising the impacts of stormwater runoff. These measures include the provision of a 46 cubic metre rainwater tank, adjacent to the upper basement level, to collect roof water for re-use in irrigation and the like and tree, shrub and ground cover planting within planter boxes at ground level and in the rooftop courtyards and terraces to allow for moisture uptake.

- Accessibility

Clause 38 provides as follows:

*“The proposed development should:*

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.”*

Comment: It is considered that adequate regard has been given to this design principle.

Pedestrian accessibility from the proposal to local facilities and public transport services is more than adequate. The basement car park provides for convenient access and parking for visitors. By virtue of the nature of the proposal and its intended occupants, access for those residents and visitors with mobility issues is well catered for.

- Waste Management

Clause 39 provides as follows:

*“The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.”*

Comment: It is considered that adequate regard has been given to this design principle.

The proposal is to incorporate waste facilities that separate recyclables from other waste and allow for their separate collection.

#### 9.1.7 Development Standards

Clause 40 stipulates a minimum site size requirement of 1000 square metres and a minimum site frontage requirement (as measured at the building line) of 20 metres. The subject site readily satisfies these development standards, being 6024 square metres in area and having a frontage of 71.6 metres measured at the building line.

#### 9.1.8 Other Standards

Clause 48 requires that a consent authority must not refuse consent to a residential care facility on the grounds of building height, density and scale, landscaped area and parking for residents and visitors, if certain numerical standards are met. It is also noted that these standards do not impose any limitations on the grounds on which a consent authority may grant development consent. On this basis, a consent authority is not limited in its capacity to grant approval for an aged care facility if the proposal departs from these standards.

These standards are addressed as follows.

- **Building Height**

*“A consent authority must not refuse consent.....if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys)”*

Comment: The proposed building achieves a maximum height from ground level to the topmost ceiling level of 22.2 metres. This maximum height occurs towards the southern corner of the site.

Whilst the 8 metre building height standard is appropriate in a low-scale, low-density residential context, it has much less relevance in a heavily built-up commercial centre. The town centre context and central location of the site, commercial nature of surrounding development and proximity to a range of transport options makes the site conducive to more intense forms of development, including taller buildings such as is proposed.

It is also relevant to consider that the height of the proposed building is partly a consequence of the enlargement of the town square extension through the building from a single storey opening to a two storey opening and the relocation of the rooms that were in this space to the upper levels of the building. On this basis, there is a significant public benefit, in terms of the

quality of the urban environment in the open space surrounding the proposed building, particularly when viewed from the town square to the west. This increased height was a response to previous recommendations from ARAP and is seen to improve the overall design.

The proposed building is located within a depression within the local topography and this assists in reducing the perceived scale of the building, especially when viewed from upslope locations in either direction along Caldarra Avenue. The proposed building takes on a 'stepped' form where it adjoins the northern and south-western boundaries of the site, further helping to reduce its bulk and scale in comparison with the surrounding lower scale buildings. The proposed building 'steps down' in height towards the southern corner of the site (i.e. the lowest point of the site) in conformity with the fall of the land. Further, a significant component of the building will be screened from view from other areas by commercial development in the foreground.

With the exception of the dwellings within the three (3) storey mixed commercial/residential building at property at No. 998 Old Princes Highway, Engadine, 30 metres north-east of the subject site, there is no residential housing within the immediate vicinity of the site and hence no immediate overshadowing, overlooking and visual bulk impacts on any residents.

The height of the proposed building is acceptable on its merits.

- Density and Scale

*"A consent authority must not refuse consent.....if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less"*

Comment: The density and scale of the proposed building are generally acceptable in the circumstances, particularly having regard to the permissible 2:1 floor space ratio that prevails over adjoining commercial sites to the north and south of the site and the bulk and scale of existing newer buildings in the locality.

The proposed building achieves a floor space ratio of approximately 1.62:1. This calculation is based on the area of the overall site and includes the ground floor level health services facility. If the multi-purpose hall is included in the calculation, a floor space ratio of approximately 1.85:1 is achieved.

- Landscaped Area

*"A consent authority must not refuse consent.....if a minimum of 25 square metres of landscaped area per residential care facility bed is provided"*

Comment: The proposal achieves a landscaped area per bed of 21 square metres. This calculation includes the public open space areas throughout the entirety of the site, but excludes the rooftop gardens.

The extent and quality of the landscaped area as proposed are generally acceptable in the circumstances, particularly given the function of the proposal and the town centre context of the site.

This development is being undertaken in a densely developed urban centre rather than a low density residential area. Seniors housing is not typically developed in these locations. Additionally, the demand for outdoor recreational space is somewhat reduced, having regard to the nature of the proposal and its intended occupants. This development is being established for residents requiring a high level of care. Many of these residents cannot move beyond their room without assistance and some will require a secure environment. A limited outdoor recreation area and minor variation to the landscaped area standard is therefore justified.

- Parking for Residents and Visitors

*“A consent authority must not refuse consent.....if at least the following is provided:*

- (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and*
- (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and*
- (iii) 1 parking space suitable for an ambulance”*

Comment: The residential aged care facility comprises a total of 136 beds. The applicant indicates that 28 people are to be employed and on duty at any one time. On the basis of this information, 28 parking spaces and a space suitable for an ambulance are required for the residential aged care facility.

The proposal is consistent with this standard, in that it makes provision for 33 parking spaces within the lower level basement car park for use by staff and visitors of the facility and a parking space suitable for an ambulance adjacent to Caldarra Avenue.

## 9.2 Car Parking Provision

Some of the submissions raise concerns over the removal of the existing Council car park. This car park is available 24 hours a day, seven (7) days a week and provides for two (2) hour parking from 8.30 am to 6.00 pm, Mondays to Fridays and from 8.30 am to midday, Saturdays and unrestricted parking at all other times. The proposal includes provision for ‘replacement’ public parking within the upper basement level of the proposed building. Whilst this facility will no longer be at grade and in the open, the total number of parking spaces available to the general public will be maintained.

Prior to the commencement of construction of the multi-purpose hall in the north-western half of the site, the Council car park comprised of 54 parking spaces. This number was subsequently reduced to 45 parking spaces, whilst the multi-purpose hall was under construction. At the same time, a new Council car park comprising of nine (9) parking spaces was constructed in

Caldarra Avenue, directly opposite the site, to compensate for the loss of parking from within the site.

The proposed upper basement car park makes provision for 45 parking spaces for the general public. Taking into account the nine (9) parking spaces that were provided across the road in Caldarra Avenue as a direct action relating to the development of the site, the proposal does not result in any net loss in parking for the general public. Based on discussions with representatives from Council's Property Division, these parking spaces will be made available for use by the general public at times and with such limitations that are deemed appropriate, by Council's Engineering and Property Divisions, with respect to the varying and changing needs of the surrounding shopping centre and community facilities. This approach is consistent with the management of other Council car parks.

With respect to medical facilities, the car parking requirements of SSDCP 2006 prescribe a minimum of one (1) space per doctor (on the basis of the total number of doctors likely to be on the premises at any one time) plus one (1) space per three (3) employees (on duty at any one time) plus one (1) space for every three (3) beds for visitor parking and one (1) space suitable for an ambulance (defined as small rigid vehicle in AS2890.2).

Given that no precise details are available at this stage as to the proposed uses of the ground floor health services facility, the applicant has made the assumption (based on the proposed leasable floor space) that there is likely to be five (5) doctors and ten (10) support staff occupying the floor space at any one time. On this basis, nine (9) parking spaces and a space suitable for an ambulance would be required to serve the ground floor health services facility. The proposal satisfies this requirement, in that it caters for 16 parking spaces within the upper level basement car park for use by staff and visitors of the facility and a parking space suitable for an ambulance adjacent to Caldarra Avenue.

As outlined earlier in this report, Council's traffic engineer has undertaken an assessment of the application with respect to the design of the car parking areas and raises some concerns over the general layout of the upper basement level car park.

Given that the car park at this level will be designated primarily for public parking and will thus have a high turnover, an additional access aisle that enables vehicles to circulate around the car park, similar to that included in the previous proposal, will be required. This will necessitate some minor modifications to the car parking layout, the result of which will be the likely loss of three (3) parking spaces. Notwithstanding this reduction in car parking provision, the overall number of car parking spaces provided in the modified car park layout (as recommended by Council's traffic engineer) will still be more than adequate in terms of Council's requirements.

The applicant has chosen to locate all of the staff and visitor car parking associated with the residential aged care facility on the lower basement level

and all of the staff and visitor car parking associated with the health services facility on the upper basement level. It is presumed that the car parking spaces associated with the residential aged care facility have been segregated and located within the lower basement level, primarily for reasons of maximising their security and ensuring their on-going availability for staff and visitors associated with the facility.

Given that there is likely to be shared use of the public parking spaces by both visitors of the residential aged care facility and patrons of the multi-purpose hall/community centre, it may be appropriate to relocate the visitor parking component of the residential aged care facility to the upper basement level and designate these spaces as additional public car parking spaces. This option would necessitate the relocation of the car parking spaces associated with the ground floor health services facility to the lower basement level. This arrangement would provide for more efficient use of the public, visitor and staff parking spaces and result in a net public benefit.

There may be other options available in the allocation of car parking spaces that improve opportunities for public car parking. This matter requires further resolution, with a view to maximising public car parking within the upper basement level, as far as practicable.

Further information should be submitted to resolve the design deficiencies of the upper basement level car park and final allocation and location of public, staff and visitor car parking spaces. These matters can be addressed through a suitable 'deferred commencement' condition of development consent (refer Condition 1).

### 9.3 Servicing Arrangements

The proposed development includes a service area for delivery and waste collection vehicles, adjacent to the southern corner of the site and directly accessible from Caldarra Avenue. The configuration of this service area and its associated turning facilities is no different to that which was included in the previously approved development. These arrangements are considered to be satisfactory for the residential aged care facility, subject to the size of the vehicles accessing the service area being restricted to 'small rigid vehicles' and such vehicles being required to undertake reverse movements wholly within the boundaries of the site and not within the road carriageway of Caldarra Avenue. These restrictions can be reinforced through a suitable condition of development consent (refer Condition 54).

As outlined earlier in this report, Council's traffic engineer raises some concerns over the lack of detail regarding the servicing requirements of future ground floor uses. The operational management plan prepared by the applicant indicates that waste generated by the ground floor health services facility will be stored in the garbage room adjacent to the loading dock and that general and clinical waste collection will be carried out by private contractors. However, no information is provided regarding the arrangements for deliveries associated with future ground floor uses. Given the limited opportunities for kerbside parking in Caldarra Avenue and the importance of

ensuring convenient access for delivery personnel and their vehicles it is considered appropriate that the loading area/dock, the corridor between this facility and the lifts and the lifts themselves, be available for use by delivery personnel associated with future uses of the ground floor health services facility. These requirements can be reinforced through suitable conditions of development consent (refer Conditions 51, 52 and 54).

Concerns are raised by Council's Waste Services Unit over the number of bins that would be placed at the kerb at waste collection times and the potential for vandalism of the waste bins, given the frequency of waste collection proposed. To ensure that the bins are placed at the kerb for the shortest amount of time possible, it has been suggested that this waste management issue could be resolved by the waste services contractor calling ahead. This requirement can be reinforced through a suitable condition of development consent (refer Condition 55).

#### 9.4 Urban Design Quality

Most of the design issues raised by ARAP are suggestions for refinement rather than fatal criticisms and relate to the detailing of elements of the proposal. No significant issues were raised in terms of the overall bulk, scale, height and character of the building. The proposal's contemporary design and use of modern materials will make a positive contribution to the urban quality of the Engadine Town Centre. The only issue that requires attention is the relationship between the ground floor health services facility and its basement car parking area.

Both ARAP and Council's Assessment urban designer raise strong concerns over the quality of the pedestrian access between the ground floor health services facility and the basement levels below. In this regard, there is no direct lift access from the basement car parking levels to the ground floor health services facility. The statement of environmental effects indicates that access to the centralised lift facilities at the upper basement level will be restricted to staff of the residential aged care facility. Staff and visitors of the future ground floor uses will be forced to use the public lift to gain access to the ground floor, requiring them to leave the building and walk some distance before re-entering the building. The following extract from the ARAP report is relevant in this respect:

*"The applicant explained that the medical facility tenancies would be dependent upon the public car park lift to provide access for staff, customers and servicing. People using the lift would be required to exit the lift and walk outside the building through the public space to access each tenancy. This configuration is considered to be a poor solution for access and servicing of this facility. Consideration should be given to the provision of a separate ground floor entry to the medical facility by providing direct access to the facility from the basement car park. The entry should be kept separate from the RACF entry to allow a clear street address to be established for both the RACF and the medical facility."*

Council's urban designer has recommended some simple modifications to the ground floor plan to resolve the above concerns. In particular, the provision of a separate lobby for the ground floor health services facility on the eastern side of the centralised lift facility and an internal corridor from this lobby to the vicinity of the centralised toilet facilities is recommended. These design and operational changes can be addressed through suitable conditions of development consent (refer Conditions 1 and 52).

As outlined earlier in this report, Council's landscape architect raises concerns over the southerly aspects of the dementia courtyard and terraces on Levels 4 and 5, the removal of all existing trees from the site, the lack of species variety in the proposed tree planting and the maintenance demands of the climber planting and associated mesh screens.

Whilst it is accepted that the mature trees on the site currently add to the ambience of the town centre, none of them are considered to be of such significance as to warrant retention. Furthermore, the treed character of the site will be restored and the impact offset to some extent, having regard to the canopy tree planting proposed by the applicant within the town square extension and adjacent footpath area in Caldarra Avenue.

The suggestion from Council's landscape architect of a garden bed including trees, shrubs and ground covers at the southern corner of the site, to compensate for the loss of the existing grove of Casuarina trees at this location, is not feasible having regard to the constraints imposed by the reduced setbacks at the upper floor levels of the building and the on-site servicing and manoeuvring areas at this location. In particular, the proposed garden bed would conflict with the manoeuvring area required to ensure that delivery vehicles enter and exit the site in a forward direction. This was an important requirement in the previously approved aged care development.

The south facing courtyards and terraces were included in the previously approved development and the current proposal is not dissimilar in this respect. Although north facing courtyards would improve the amenity of the facility, the current arrangements are deemed acceptable, given the nature of the occupants.

Accordingly, it is considered unreasonable and unnecessary to insist upon major design changes to address the above concerns. The remaining concerns of Council's landscape architect relate to landscaping details that can be readily incorporated into the proposal with minimal impact. These design changes can be addressed through a suitable condition of development consent (refer Condition 8).

#### 9.5 Future Use of Ground Floor

The statement of environmental effects accompanying the development application states that development consent for the specific use and internal layout of the ground floor level health services facility will be sought at a later stage. In essence, the applicant is seeking a 'partial consent' pursuant to the provisions of Section 80(4) of the Environmental Planning & Assessment Act,

1979. This requirement can be reinforced through a suitable condition of development consent (refer Condition 4).

## **10.0 SECTION 94 CONTRIBUTIONS**

The Section 94A Levy Plan for Engadine Centre which attracts contributions from commercial development does not apply to the subject site.

## **11.0 DECLARATION OF AFFILIATION**

There was no declaration of affiliation, gifts or political donations noted on the development application form submitted with this application.

## **12.0 CONCLUSION**

The proposed development is for the demolition of an existing car park and the construction of a six (6) storey building comprising a 136 bed residential aged care facility and a ground floor health services facility over two (2) levels of basement car parking at Nos. 1034-1036 Old Princes Highway, Engadine. The proposal also includes public car parking within the upper basement level and a continuation of the town square, through the building, to Caldarra Avenue.

The subject land is located within Zone 12 – Special Uses (Community Facilities) pursuant to the provisions of SSLEP 2006, wherein the proposed development (with the exception of the extension to the town square and the public car parking) is prohibited. However, by virtue of the application of the Seniors Housing SEPP and Infrastructure SEPP to the site, the residential aged care and health services facilities are permissible with development consent.

The application was placed on public exhibition and nine (9) submissions were received as a result. The matters raised in these submissions have been discussed in this report and include building height/number of storeys, car parking provision, aesthetic quality, site suitability, impacts during construction and impacts on the amenity of the town square and war memorial.

The bulk, scale, external appearance and internal amenity of the proposed building and configuration and treatment of the proposed open spaces are considered reasonable, subject to some minor amendments as outlined in this report. Overall, the proposal has adequately met the relevant design principles of the Seniors Housing SEPP. Furthermore, construction of this building will deliver a much needed facility to Engadine and it is considered on balance that the social benefits of the proposal outweigh any adverse impacts.

In conclusion, the application satisfies the underlying aims of the Seniors Housing SEPP in that it increases the supply and diversity of residences that meet the needs of seniors or people with a disability, makes efficient use of

existing infrastructure and services and is of good design. The future uses of the ground floor health services facility will complement the residential aged care facility and enhance the amenity of the town square.

The application has been assessed having regard to the relevant heads of consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979, the provisions of the Seniors Housing SEPP, Infrastructure SEPP and SSLEP 2006 and all relevant development control plans, codes and policies. Following detailed assessment, it is considered that Development Application No. 11/1259 may be supported for the reasons outlined in this report.

### **13.0 RECOMMENDATION**

That Development Application No. 11/1259 for 'Demolition of an Existing Car Park and the Construction of a Six (6) Storey Building Comprising a 136 Bed Residential Aged Care Facility and a Ground Floor Health Services Facility, over Two (2) Levels of Basement Car Parking' at Lot 2 DP 786685 (Nos. 1034-1036) Old Princes Highway, Engadine be approved, subject to the draft conditions of consent detailed in Appendix "A" of the Report.