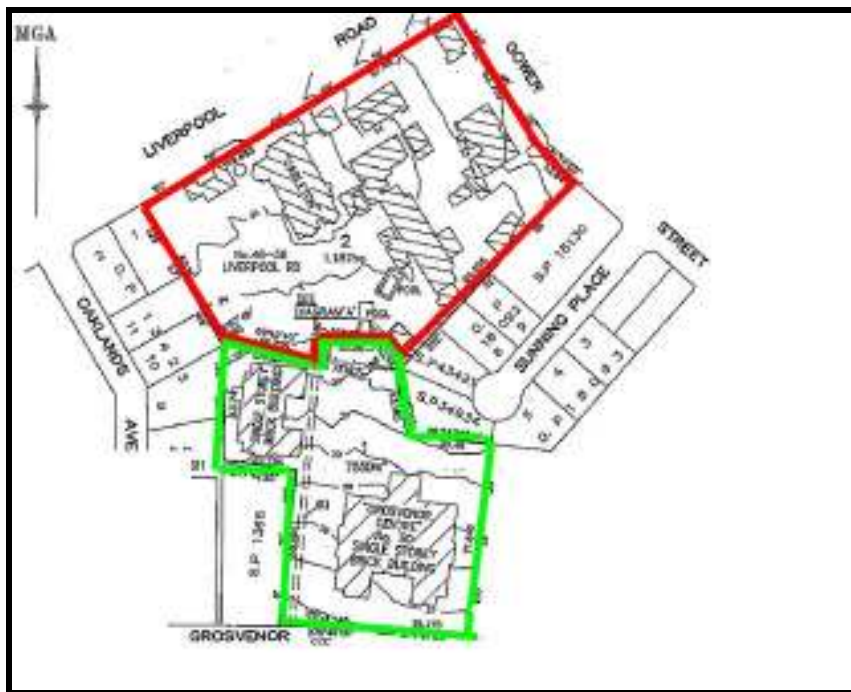


JRPP No.	2009SYE022
DA No.	DA 10.2009.167.1
Proposed Development	Subdivision DA, 46-56 Liverpool Road & 50 Grosvenor Crescent, Summer Hill
Applicant:	State Property Authority
Report By:	JOINT REGIONAL PLANNING PANEL

Assessment Report and Recommendation

Referred to the Joint Regional Planning Panel pursuant to section 89(2)(b) of the Environmental Planning and Assessment Act 1979

February 2010



1. EXECUTIVE SUMMARY

The following report is an assessment of a Crown development application (DA 10.2009.167) lodged by Lockey Land Title Solutions, acting on behalf of the Department of Human Services (Ageing Disability and Home Care)(ADHC), for the consolidation of 17 existing lots and Torrens Title subdivision of the consolidated lot into 2 new lots at 46-56 Liverpool Road and 50-54 Grosvenor Crescent, Summer Hill.

The application seeks to demarcate the boundary lines between the existing hospital site facilities (known as proposed Lot 2 in this application) and the recently completed residential health care facility (known as proposed Lot 1 in this application). The new facility is owned and managed by ADHC.

State Property Authority (SPA) has been appointed by ADHC, to manage the subdivision and divestment of the site. The application was referred to the Sydney East Region Joint Regional Planning Panel (JRPP) by SPA under section 89(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as Ashfield Municipal Council (Council) failed to determine the Crown DA within the 70 day period prescribed in the Environmental Planning and Assessment Regulation 2000 (the Regulation)

While Council assessment staff raised no concern with the proposal and recommended approval, the application could not be determined under delegation and was therefore referred to Council. On 8 December 2009, Council recommended deferral of the determination so that it could make representations to the Premier and relevant Ministers regarding the potential use of the existing hospital site (Lot 2) as community open space or some form of community use.

SPA has advised that the Government is not in a position to consider this request as the various lots comprising proposed Lot 2 were sold on 9 December 2009.

The Department of Planning has assessed this application on behalf of the JRPP, including a consideration of the views of Council and SPA. Council's deferral of the determination is not supported, and accordingly, it is recommended the DA be approved, subject to conditions.

2. SITE DESCRIPTION

The subject site is known as 46-56 Liverpool Road and 50-54 Grosvenor Crescent, Summer Hill. It has three street frontages to Liverpool Road, Gower Street and Grosvenor Crescent. The site area is approximately 19,614 square metres (**Figure 1**).

The site is split into two sections: being the former hospital and its related services to the north of the site fronting Liverpool Road and Gower Street (Lot 2); and the recently redeveloped Grosvenor Centre (residential health care facility) to the south of the site fronting Grosvenor Crescent (Lot 1).

The site is listed as a local heritage item under Ashfield Council's Local Environmental Plan 1985.

3. PROPOSAL

The Crown DA seeks development approval for the consolidation of 17 lots and re-subdivision of the consolidated Lot into 2 Lots, on Lots:

- Lots 1-9 Sec 3 DP 378
- Lot 1 DP 302371
- Lots 1-3 DP 126307
- Lots 1-2 DP 130867
- Lots 1-2 DP 562023

The proposed plan of subdivision demarcates the northern (Lot 2) and southern sections of the site (Lot 1) as shown in **Figure 2** overleaf.



Figure 1: Site View

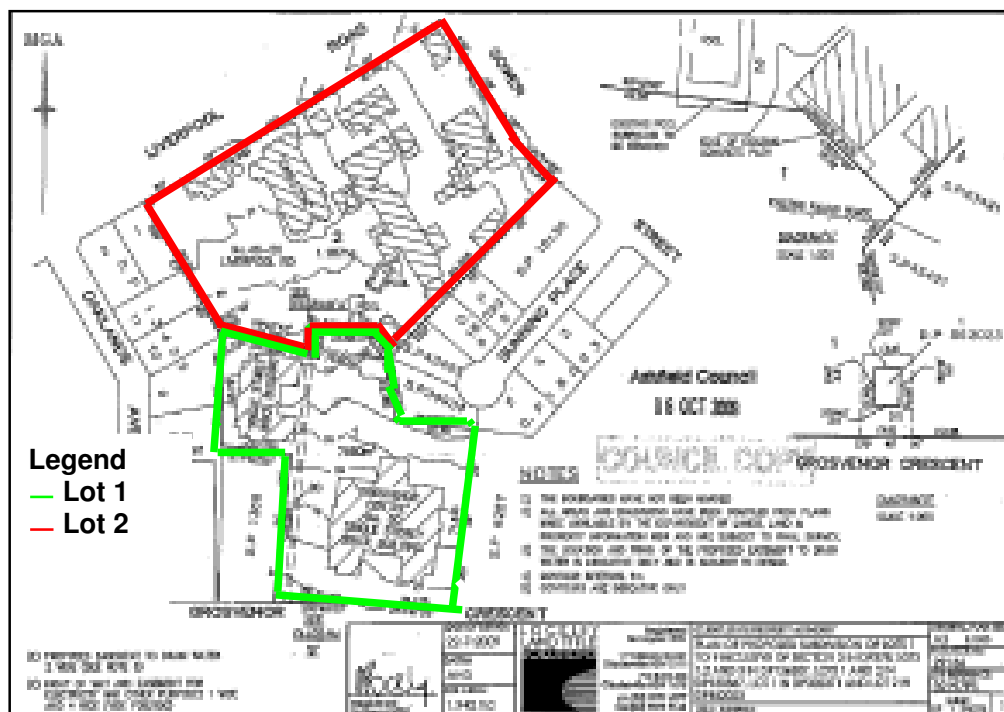


Figure 2: Proposed Subdivision Plan

4. BACKGROUND SUMMARY

- In June 2007, Council approved the demolition of the existing heritage item 'Llangollen', relocation of on-site parking and construction of a residential health care facility and landscaping works (Lot 1). The residential health care facility has been constructed.

- On 8 September 2009, the Department of Planning issued a Site Compatibility Certificate for the 'redevelopment of part of the site (Lot 2) to allow for residential land uses in the form of residential flat buildings'. The Certificate is valid for 5 years.
- On 10 September 2009, Lockey Land Title Solutions, acting on behalf of SPA, lodged the Crown DA for subdivision with Council.
- After a preliminary assessment, the DA was formally accepted on 6 October 2009.
- The DA was notified to all adjoining and nearby affected property owners and placed on public exhibition from 12 October 2009 until 4 November 2009. No submissions were received during the public exhibition period.
- Council's assessment recommended approval and draft conditions of consent were agreed to by SPA, on behalf of ADHC.
- Due to Council delegations the application could not be determined by staff, thus a report was prepared for the Council Ordinary Meeting held on 8 December 2009. The report concluded the proposal is acceptable and recommended approval, subject to conditions.
- On 8 December 2009, Council resolved:
 - ***That the application be deferred for discussion with the Premier Kristina Keneally and relevant Ministers, regarding the potential use of the site as community open space or community use, e.g. CO. AS.IT (Italian Association of Assistance), Men's Shed (Mary MacKillop Outreach); and***
 - ***That Council immediately contact CO.AS.IT and the Men's Shed regarding interest in the subject site.***
- On 9 December 2009, the existing hospital site (Lot 2) was sold.
- On 17 December 2009, SPA referred the application to the JRPP.
- On 17 December 2009, Council wrote to CO.AS.IT and Men's Shed seeking confirmation whether they would be interested in the site.
- On 22 December 2009, CO.AS.IT wrote to Council expressing interest in the site,
- On 23 December 2009, Men's Shed wrote to Council expressing interest in the site.
- On 8 January 2010, Ms Linda Burney, MP, State Member for Canterbury, wrote to Council advising a letter has been sent to the Premier requesting consideration of the matters raised.

5. ENVIRONMENTAL PLANNING INSTRUMENTS

5.1 Ashfield Local Environment Plan 1985

The site is zoned 5(a) Special Uses-Hospital and 2(c) - Residential (for Lots 1 & 2 DP 130867 known as 50 Grosvenor Crescent) under the provisions of Ashfield LEP 1985 (ALEP 1985).

The property is listed as a heritage item and is located within the vicinity of a heritage conservation area – the Oaklands Ave Conservation Area. Council's Heritage Advisor has raised no objection to the proposal.

The proposed subdivision is permissible by virtue of Clause 10A of the ALEP 1985.

5.2 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental

heritage, the visual environment, the natural environment and open space and recreation facilities.

6. CONSULTATION AND PUBLIC EXHIBITION

The proposal was notified to all adjoining and nearby affected property owners and occupants, the Councillors from 12 October 2009 until 4 November 2009. No submissions were received during the exhibition period.

It is noted that following consideration of the DA at Council's meeting on 8 December 2009, two submissions were received by Council (from CO.AS.IT and Men's Shed), expressing interest in using the subject site for community purposes.

7. JRPP's STATUTORY ROLE

Section 89(2)(b) of the EP&A Act provides that if a consent authority fails to determine a Crown DA within the prescribed time limit it may be referred by either the applicant or the consent authority to a JRPP.

Council has been unable to make a determination within the prescribed time limit of 70 days (cl.113B(1) of the Regulations), and as such SPA has referred the application (DA 10.2009.167) to the JRPP for determination.

8 CONSIDERATION OF SECTION 79C(1) OF THE EP&A ACT

Council has undertaken an assessment of the application with regard to the provisions of the EP&A Act and all matters specified under section 79C(1). Council considered the proposal is acceptable. The Department of Planning's assessment does not alter or reverse these findings.

9. POSITION OF EACH PARTY

The views of Council and SPA are summarised as follows:

Ashfield Municipal Council

Assessment staff

- The proposal complies with the provisions of the LEP and DCP.
- The proposal will have no significant adverse environmental, social or economic impacts.
- Existing lots are different sizes and shapes, not relating to existing buildings on the site insofar as the buildings and surrounds traverse existing boundary lines.
- The proposal simplifies the lot arrangement and proposes 2 lots that relate to the current uses on the site (former hospital and residential health care facility). The proposal seeks to separate two uses by a boundary line through the centre of the site.
- No objection is raised to the proposed subdivision boundary.

Elected representatives

- All Councillors resolve that the application be deferred for discussion with the Premier and relevant Ministers regarding the potential use of the site as community open space or community type uses.

State Property Authority

- The redeveloped portion of the site (Lot 1) has been developed as a new purpose built accommodation facility for clients of ADHC, leaving the remaining land (Lot 2) and buildings surplus to core business activities and available for divestment.

- The surplus land comprises approximately 9 full parcels of land and part of two other lots. The remainder of the other lots are within the area that has been redeveloped for the new purpose built care facility, and will remain in ADHC ownership.
- The Crown DA will consolidate the existing lots into 2 new lots, Lot 1 being retained and Lot 2 surplus to requirements.
- Since Lot 2 was sold on 9 December 2009, the Government is not in a position to consider and has no ability to consent to Council's proposed request.
- Moreover, as the site has been sold, SPA's ability to review the potential sale has passed.
- With regard to Council's community concerns, ADHC has committed to use the revenue raised from the sale to offset the cost of the new Summer Hill Group Homes. The new facilities provide intensive high medical treatment services for people with a disability.

10. **CONCLUSION**

Council's reasons for the deferral of the determination are not based on planning grounds, and SPA have stated the Government is not in a position to consider nor has any ability to agree to Council's request regarding the future use of the site as the proposed Lot 2 has now been sold.

It is considered that given the sale of the site, there is no justification in delaying the determination of the application. The subdivision of the site will simplify existing lot arrangements, and will ensure current and future uses of the site are separated in accordance with their relevant land title particulars. Accordingly, no objection is raised to the subdivision application.

The application has been assessed in accordance with the provisions of the EP&A Act, with all matters specified under section 79C (1) having been taken into consideration. The proposal is acceptable and is recommended for conditional approval. SPA has advised they have reviewed Council's proposed conditions and has accepted their imposition in the determination.

11. **RECOMMENDATION**

It is recommended that the JRPP:

- (A) **consider** all relevant matters prescribed under the *Environmental Planning and Assessment Act 1979*, as contained in the findings and recommendations of this report;
- (B) **approve** the subdivision application, subject to conditions, pursuant to section 80(1)(a) and section 89 of the *Environmental Planning and Assessment Act 1979*, having considered all relevant matters in accordance with (A) above;
- (C) **sign** the Determination (Attachment 1);

Prepared by:

Endorsed by:

Cameron Sargent
Team Leader
Government Land and Social Projects

Daniel Keary
Director
Government Land and Social Projects

ATTACHMENT 1

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Determination of a development application for consolidation and 2 lot subdivision, 46-56 Liverpool Road, Summer Hill (former Grosvenor Centre)

Approval of DA 10.2009.167.1

The Sydney East Region Joint Regional Planning Panel pursuant to section 80(1)(a) and section 89 of the *Environmental Planning and Assessment Act 1979* determine to give approval to Development Application No. 10.2009.167 for the consolidation of 17 lots and the re-subdivision of the consolidated lot into 2 lots, on Lots:

- Lots 1-9 Sec 3 DP 378,
- Lot 1 DP 302371,
- Lots 1-3 DP 126307,
- Lots 1 & 2 DP 130867 and
- Lots 1 & 2 DP 562023,

known as 46-56 Liverpool Rd and 50-54 Grosvenor Crescent, Summer Hill (Grosvenor Centre), subject to the conditions in Schedule 1.

The reasons for the imposition of conditions are to:

- (a) ensure the site is appropriately managed for the proposed use;
- (b) adequately mitigate the environmental impacts of the project;
- (c) protect the amenity of the local area; and
- (d) protect the public interest.

Member of the JRPP

Member of the JRPP

Member of the JRPP

Sydney,

2010

SCHEDULE 1

CONDITIONS OF APPROVAL

A General Conditions

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on 'Plan of Proposed Subdivision' prepared by Lockley Land Title Solutions and date stamped by Council on 06 October 2009, as well as any supporting documentation received with the application, except as amended by the conditions specified hereunder.

B Design Changes

Nil

C Conditions that must be satisfied prior to issuing/releasing a Subdivision Certificate

(1) Subdivision Certificate

A separate application must be made for a subdivision certificate.

(2) Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of an occupation or subdivision certificate.

(3) Stormwater disposal – easement to be created

The direction of stormwater to Council's pit in Grosvenor Crescent will require the registration of an easement across Lot 1 for the purpose of constructing and maintaining stormwater drainage structures.

In accordance with Council's Stormwater Management Code, generally the easement width is to be the pipe, box, or channel section width plus 1.5m. Variations in this width may be approved in accordance with the provisions of the Stormwater Management Code.

(4) Street Numbering

Street numbering is to be placed on the Liverpool Road and Grosvenor Crescent frontages of the site to identify the individual properties.

D Conditions that must be complied with before work commences

Nil.

E Conditions that must be complied with during construction or demolition

Nil.

F Conditions that must be complied with prior to installation of services

Nil.

G Conditions that must be complied with before the building is occupied

Nil.

H Conditions that are ongoing requirements of development consents

Nil

I Advisory Notes

Nil

Subject	DEVELOPMENT APPLICATION: 10.2009.167.1 46-56 LIVERPOOL ROAD & 50-54 GROSVENOR CRESCENT, SUMMER HILL (GROSVENOR CENTRE)
File Ref	10.2009.167
Prepared by	Martin Amy - Development Assessment Officer
Reasons	Application requires Council determination.
Objective	Council to determine the application
Strategic Plan Link	N/A
Management Plan Activity	2.11 Development & Building Control

Overview of Report

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent to consolidate 17 existing lots and Torrens title subdivision of the consolidated lot into 2 lots.

Background

1.0 Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent to consolidate the 17 existing lots and Torrens title subdivision of the consolidated lot into 2 lots. The site is listed as a local heritage item in Council's LEP.

Of the two proposed lots, one will front Liverpool Road and Gower Street (this lot contains the former hospital facilities), the other will front Grosvenor Crescent (this lot contains the recently completed residential health care facility).

The application has been made by the Crown and as such Council is not able to refuse the application except with the approval of the Minister or impose a condition of consent, except with the approval of the applicant or Minister.

2.0 Summary Recommendation

This application represents a demarcation of boundary lines between the existing hospital site facilities and the recently completed residential health care facility. There are no physical works that require development consent.

This application simplifies the existing site situation, by reducing the number of lots from 17 to 2 and in doing so, reflect the two separate uses currently on the site – the former hospital to the north of the site and the residential health care facility to the south.

Council's Heritage Adviser has reviewed the proposal and raised no concerns. The application was notified and no submissions were received. Consequently, the proposal is recommended for conditional approval and for the concurrence of the Minister be sought for the imposition of appropriate conditions (refer to recommendation).

Background

3.0 Application Details

Applicant	:	Lockley Land Title Solutions
Owner	:	Minister for Disability Services
Value of work	:	Nil
Lot/DP	:	Lots 1-9 Sec 3 DP 378, Lot 1 DP 302371, Lots 1-3 DP 126307, Lots 1 & 2 DP 130867 and Lots 1 & 2 DP 562023
Date lodged	:	06/10/2009
Application Type	:	Local
Construction Certificate	:	No
Subdivision Certificate	:	No
Section 94A Levy	:	No

4.0 Site and Surrounding Development

The combined site has frontages to Liverpool Rd, Gower Street and Grosvenor Crescent. The site area is approximately 19,614 square metres. The site is split into two sections being the former Hospital and its related services to the north of the site fronting Liverpool Road and Gower Street and the recently redevelopment Grosvenor Centre (residential health care facility) to the south of the site fronting Grosvenor Crescent.

Surrounding development comprises predominantly residential uses. There is also a nursing home in Grosvenor Crescent. Across Grosvenor Crescent is the railway line.

5.0 Development History

Previous building and development applications submitted to Council for the subject site include:

NO.	DATE	PROPOSAL	DECISION
10.2007.28	12/06/2007	Demolition of the existing heritage item "Llangollen", relocation of on	Approved

		site parking and construction of a residential health care facility and associated landscaping works.	
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The above consent is relevant for the purpose of identifying that this application seeks to divide the site between the existing site facilities and the recently redeveloped residential health care facility.

The works and associated documents required as part of this consent have been completed with the exception of the construction of stormwater pits to Grosvenor Crescent. The application has been supported by a letter confirming those works to be completed.

On 8 September 2009, the Department of Planning issued a Site Compatibility Certificate for the 'Redevelopment of part of the site to allow for residential land uses in the form of residential flat buildings'. The Certificate is valid for a period of 5 years.

The Certificate relates to the existing lots to the north of the site and the area that forms the land known as Lot B in this application. The supporting documentation indicates that Lot B is to be sold by the Department of Ageing, Disability & Home Care.

At this stage a formal development application for redevelopment of this area has not been lodged. However, it is assumed that this is likely to occur in the future following the sale of the land (Lot 2).

6.0 Zoning/Permissibility/Heritage

The site is zoned 5(a) Special Uses-Hospital and 2(c) - Residential (for Lots 1 & 2 DP 130867 known as 50 Grosvenor Crescent) under the provisions of Ashfield LEP 1985 (ALEP 1985). The property is listed as a heritage item. The property is located within the vicinity of a heritage conservation area – the Oaklands Ave Conservation Area. The proposal is permissible by virtue of Clause 10A of the ALEP 1985.

7.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act.

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 1985 (as amended)

It is considered that the proposal complies with the provisions of the Ashfield LEP 1985.

7.1.2 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities.

7.1.3 State Environmental Planning Policies

Nil applicable.

7.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

Nil applicable.

7.3 The provisions of any Development Control Plan.

The proposal has been considered against the provisions of the Ashfield Development Control Plan (DCP) 2007:

C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	The proposal was notified in accordance with this Part from 12 October 2009 until 4 November 2009. No submissions were received.
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It is considered the application complies with the parts as indicated and ultimately achieves the aims and objectives of the Ashfield DCP.

7.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

Nil applicable.

7.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have no significant adverse environmental, social or economic impacts upon the locality.

7.6 The suitability of the site for the development

The existing lots are different sizes and shapes, not relating to the existing buildings on the site insofar as the buildings and surrounds traverse existing boundary lines.

The proposal simplifies the lot arrangement and proposes 2 lots that relate to the 2 current uses on the site (former Hospital and residential health care facility). The proposal seeks to separate the two uses by a boundary line through the centre of the site. No objection is raised to the proposed subdivision boundary.

7.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants, the Councillors from 12 October 2009 until 4 November 2009. No submissions were received.

7.8 The public interest

There are no significant matters of public interest raised in the consideration of this application.

8.0 Referrals

8.1 Internal

Heritage Adviser – Provided comments at a pre-lodgement stage and raised no objection, however, queried the ‘dog-leg’ boundary treatment.

The applicant responded stating that the ‘dog-leg’ was in order for the ‘African Olive trees that form part of the heritage curtilage of the northern portion of the site (Lot 2) to be retained on that Lot.

Engineering – No objection subject to the creation of the easement in accordance with Council’s Stormwater Management Code and the construction of the pits to Grosvenor Crescent.

Comment

The easement forms part of the condition of consent and the stormwater pit work has been agreed upon via letter.

8.2 External

State Rail

RailCorp provided initial comments but these were later withdrawn.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act 1979 with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration. The proposal is acceptable and is recommended for conditional approval.

ATTACHMENTS

Attachment Subdivision Plan
1 [View](#)

1 Page

RECOMMENDATION

PART A

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2009.167.1 for the consolidation of 17 lots and the re-subdivision of the consolidated lot into 2 lots, on Lots: -

- ~~Lot 1~~ Lots 1-9 Sec 3 DP 378,
- ~~Lot 2~~ Lot 1 DP 302371,
- ~~Lot 3~~ Lots 1-3 DP 126307,
- ~~Lot 4~~ Lots 1 & 2 DP 130867 and
- ~~Lot 5~~ Lots 1 & 2 DP 562023,

known as 46-56 Liverpool Rd and 50-54 Grosvenor Crescent, Summer Hill (Grosvenor Centre), subject to conditions.

PART B

The concurrence of the Minister be sought in relation to the imposition of the following conditions of consent.

PHIL SARIN
Director Planning and Environment

CONDITIONS

A General Conditions

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on 'Plan of Proposed Subdivision' prepared by Lockley Land Title Solutions and date stamped by Council on 06 October 2009, as well as any supporting documentation received with the application, except as amended by the conditions specified hereunder.

B Design Changes

Nil

C Conditions that must be satisfied prior to issuing/releasing a Subdivision Certificate

(1) Subdivision Certificate

A separate application must be made for a subdivision certificate.

(2) Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of an occupation or subdivision certificate.

(3) Stormwater disposal – easement to be created

The direction of stormwater to Council's pit in Grosvenor Crescent will require the registration of an easement across Lot 1 for the purpose of constructing and maintaining stormwater drainage structures.

In accordance with Council's Stormwater Management Code, generally the easement width is to be the pipe, box, or channel section width plus 1.5m. Variations in this width may be approved in accordance with the provisions of the Stormwater Management Code.

(4) Street Numbering

Street numbering is to be placed on the Liverpool Road and Grosvenor Crescent frontages of the site to identify the individual properties.

D Conditions that must be complied with before work commences

Nil.

E Conditions that must be complied with during construction or demolition

Nil.

F Conditions that must be complied with prior to installation of services

Nil.

G Conditions that must be complied with before the building is occupied

Nil.

H Conditions that are ongoing requirements of development consents

Nil

I Advisory Notes

Nil

COMPLIANCE TABLE - ASHFIELD LOCAL ENVIRONMENTAL PLAN 1985	
CLAUSE 2 Aims, objectives etc. This plan aims to: (a) promote the orderly and economic development of the local government area of Ashfield in a manner consistent with the need to protect the environment; and (b) retain and enhance the identity of the Ashfield area derived from its role as an early residential suburb with local service industries and retail centres; and containing the first garden suburb of Haberfield (now listed as part of the National Estate).	Complies. It is considered that the carrying out of the proposed development will meet the aims and objectives of Ashfield LEP 1985.
CLAUSE 10 Zoning	Complies. The property is zoned 5(a) – Hospital and 2(c) – Residential. The proposal is permissible with consent by virtue of Clause 10A.
CLAUSE 10A Development consent required for change of building use and subdivision	Complies. The proposal requires development consent and this has been sought in the appropriate manner.
CLAUSE 30 Heritage provisions – aims The aims of this Part are: (a) to retain the identity of Ashfield by conserving its environmental heritage, which includes the first garden suburb of Haberfield now listed as part of the National Estate; and (b) to integrate heritage conservation into the	It is considered that the carrying out of the proposed development will meet the aims of the heritage provisions of Ashfield LEP 1985.

<p>planning and development control processes; and</p> <p>(c) to provide for public involvement in the conservation of Ashfield's environmental heritage; and</p> <p>(d) to ensure that any development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings as well as landscapes and streetscapes and the distinctive character that they impart to the land to which this plan applies.</p>	
<p>CLAUSE 32 Protection of heritage items, heritage conservation areas and relics</p>	
<p>1. <i>Requirement for development consent</i></p>	Complies. The proposal requires development consent and this has been sought in the appropriate manner.
<p>2. <i>Development consent not required</i></p>	Not applicable.
<p>3. <i>Assessment of impact on heritage significance</i></p>	Complies. It is considered that the carrying out of the proposed development will not have an adverse impact upon the heritage significance of the item.
<p>4. <i>Requirement for conservation plan or heritage impact statement</i></p>	Not applicable.
<p>5. <i>Assessment criteria for development of land within heritage conservation areas.</i></p>	Not applicable.
<p>CLAUSE 34 Notice to Heritage Council</p>	Not applicable.
<p>CLAUSE 36 Development of known or potential archaeological sites</p>	Not applicable.
<p>CLAUSE 37 Development in vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites</p>	Complies. It is considered that the carrying out of the proposal will have no adverse impact upon the heritage significance of any heritage items, conservation areas, archaeological sites in its vicinity.

