



28 June 2011

Our ref: DB/10205

The General Manager  
Burwood Council  
PO Box 240  
BURWOOD NSW 2134

**Attention: Mr Brian Olsen**

Dear Sir,

**re: DA 65/2011 8-10 Brighton Street Croydon - Request for Additional Information**

Reference is made to DA65/2011 lodged by Catholic HealthCare Limited for seniors housing on the site of the Inner West Health Centre and to your request for additional information. Reference is also made to DA No. 279/2002 for the for the Inner West Health Centre Stage 1 (will include a community health centre, nursing home and hostel, accommodation for older persons and persons with a disability) and construction of a basement carpark for 200 vehicles at 24 Liverpool Road Croydon approved by Council on 10 December 2002 (the Stage 1 Consent).

We advise as follows.

**1. Compliance with Section 83D(2)**

Section 83D(2) and (3) of the EP&A Act states:

*(2) While any consent granted on the determination of a staged development application for a site remains in force, the determination of any further development application in respect of that site cannot be inconsistent with that consent.*

*(3) Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a staged development application.*

We have sought advice from Maddocks and Lindsay Taylor Lawyers in relation to this clause.

The advice from Maddocks is included as Attachment 1. This advice is to the effect that the proposed development is considered to be consistent with the Stage 1 consent.



To the extent that the consent authority forms the view that the determination of the DA65/2011 is inconsistent with the consent granted by Council to DA 279/2002, advice was sought from Lindsay Taylor Lawyers (Attachment 2). This advice is to the effect that any inconsistency can be resolved by the inclusion of a condition of consent pursuant to Section 80A(1)(b) of the EPA Act which provides as follows:

*(1) Conditions—generally*

*A condition of development consent may be imposed if:*

*....*

*(b) it requires the modification or surrender of a consent granted under this Act or a right conferred by Division 10 in relation to the land to which the development application relates,*

Such a condition has been prepared for consideration by the consent authority:

*'Prior to the issue of any construction certificate, the consent to DA 279.2002 is to be modified in accordance with clause 97 of the Environmental Planning and Assessment Regulation 2000 as follows:*

*The description of the development in Condition (A) of the Conditions of Approval be amended to read as follows:*

- A part 1, part 2 storey Community Health Centre with a maximum floor area of 4000m<sup>2</sup>*
- A part 1 part 2 part 3 storey Nursing Home and Hostel containing 127 beds and having a maximum floor area of 8500m<sup>2</sup>.*
- Dwellings for older persons or persons with a disability pursuant to the provisions of State Environmental Planning Policy No. 5 (SEPP 5) – Housing for Aged Persons or Persons with a Disability being the Independent & Assisted Living Accommodation buildings and having a maximum floor area 15000m<sup>2</sup> being part 2, part 4 and part 6 storeys.*
- A refurbishment and extension of the existing heritage listed cottage on the corner of Brighton Street and Liverpool Road.*
- Shops and offices servicing the needs of occupants, visitors and staff of the site and having a maximum floor area of 150m<sup>2</sup>.*
- 400 car parking spaces associated with uses on the site, contained in 2 separate car parks and the construction of the northern car park for the Community Health Centre and the Nursing Home & Hostel.*
- Associated site works and tree removal including drainage.*
- The building envelopes and heights as indicated on the submitted Masterplan Nos ADOM 1001 – 1004 ~~Issue 4 dated 27.10.03 inclusive.~~ **Issue 5 dated 24.06.11 inclusive***
- Subdivision of the site into 5 allotments at ground level plus a stratum subdivision that includes the main northern most car park servicing the Community Health Centre and the Nursing Home & Hostel as indicated on drawing No's VD00001, VD000201 and VD000101.*



- *The erection of car parking structures in accordance with drawings No's AD111101 (Issue 02), AD111101 (Issue 03), AD114101, AD114201, AD114301, AD133001.*

Copies of the amended drawings referred to in the above condition, being Drawings ADOM 1001 to 1004 Issue 5 dated 24.06.11 inclusive, are attached (Attachment 3). The modifications included in these drawings and their associated environmental impacts are described below. These deal with potential inconsistencies in the area of access arrangements and the height of 2 storey buildings.

#### **Changes to Access Arrangements**

The access points in the Stage 1 Consent and the changes proposed in the condition outlined above (and reflected in DA 65/2011) are described in the following table:

<b>Stage 1 Consent Access Arrangements</b>	<b>Proposed Access Arrangements</b>
1. A northern entry and exit to Croydon Avenue intended primarily as a porte cochere (a two way loop with the southern entry) and to provide access to the rear car parks of the dwellings in the 2 storey buildings fronting Croydon Avenue	This access remains and changes to a porte cochere function only
2. A southern entry and exit from Croydon Avenue designed primarily to provide access to the basement car park	This access remains as an entry and exit point with the driveway set back further from the southern boundary of the site
3. A northern entry only from Brighton Street primarily to provide access to the rear car parks of the dwellings in the 2 storey buildings fronting Brighton Street	This access point is removed
4. A southern exit only to Brighton Street serving as a second exit from the basement car park and from the rear garages of the two storey dwellings fronting Brighton Street	This access remains and changes to an entry and exit. Its location changes from a location right on the southern boundary providing a greater setback from the southern boundary

These changes result from the incorporation of the parking from the 14 units in the two storey buildings fronting Brighton Street and Croydon Avenue into the basement and the resulting improvement in landscaped area for residents and increased setbacks for the access ways from the southern boundary.

Our traffic consultant has advised that the maximum peak hour traffic generation on the southern access points as proposed of 15 vehicle movements per hour.

Consideration has been given to the impacts that these changes might have on the amenity of the residential areas to the south of the site in terms of traffic noise. There will be no appreciable change in traffic generation and consequently no appreciable change in noise levels.

The impact of noise generated by vehicle movements associated with the development on existing traffic noise levels, including vehicle noise from the use of the access driveways on residential dwellings to the south of the site was addressed in the acoustic impact assessment submitted with the development application with the report finding that *currently the traffic noise levels (Leq) along the southern boundary are approximately 50 to 60 dB(A), and it is not anticipated that there will be any increases in these existing traffic noise levels as a result of the vehicle movements on the access driveways.*

It is noted that the driveways are located further away from the southern boundary with a landscaped area for planting some 1.5 metres wide at the Croydon Avenue site and 1.9 metres wide at the Brighton Street. These dimensions are as per DA65/2011. The Stage 1 Consent drawing ADOM 1001 Rev 4 shows no planting area adjacent to Brighton Avenue and a small planting area to Croydon Avenue.

In relation to the subject development application (DA65/2011), consideration has been given to reducing the driveway width from the proposed 6 metres to 5.5 metres and to possible adjusting the location of the driveway further north. A driveway width of 5.5 metres is acceptable on traffic grounds. In this manner it would be possible to increase the setback at least 0.5 metres to 2 metres at Croydon and 2.4 metres at Brighton. An appropriately designed acoustic fence could be constructed such as a lapped and capped timber fence or a masonry fence if required by the Council or the JRPP.

It is consequently concluded that the changed access arrangements reflected in the modification of the Stage 1 Consent would have no significant amenity impacts.

#### **Changes to Building Envelopes**

The modifications include a minor change to the building envelope for the 2 storey buildings fronting Croydon Avenue and Brighton Street. They also include a change to the building envelope of the four storey buildings fronting Croydon Avenue and Brighton Street. In relation to the two storey building, the changes include:

- A marginal increase in overall building height to allow a pitched roof form rather than a flat roof form in the Stage 1 Consent. The inclusion of the pitched roof form results in the upper elements of the roof being above the identified plane to a minor extent. Wall heights remain within the envelope with the proposed building having a wall height well within the envelope.
- A reduction in the foot print of the two storey buildings with a greater setback from the southern boundary and a small increase in building size to the rear of each 2 storey building.

In relation to the four storey buildings fronting Croydon Avenue and Brighton Street, the changes include the removal of the four storey element above the northern driveways resulting in a significantly reduced building footprint to each street and a clear separation between buildings when viewed from Croydon Avenue and Brighton Street.

These changes are considered an improvement in the overall design of the development.



## **2. Need for a Site Compatibility Certificate**

You have requested clarification on the need for a site compatibility certificate under SEPP (Housing for Seniors or People with a Disability) 2004.

Having regard to clauses 4 and 24 of this policy, we note that the land is zoned for an urban purpose being in a special uses zone where hospitals are permissible.

Furthermore your attention is drawn to clause 6 of the SEPP which provides that State Environmental Planning Policy No 5—Housing for Older People or People with a Disability as in force immediately before its repeal continues to apply to and in respect of any development application that relates to development for which a development consent was granted under the Policy as referred to in section 80 (4) of the Act. Consequently the site compatibility provisions of the SEPP do not apply to this application and there is no requirement for a site compatibility certificate.

We trust that you will find the application acceptable and look forward to a prompt and favourable determination.

Yours faithfully,  
**BBC Consulting Planners**

A handwritten signature in black ink, appearing to read 'Dan Brindle', is written over a light blue horizontal line.

**Dan Brindle**  
**Director**

**Email** [dan.brindle@bbcplanners.com.au](mailto:dan.brindle@bbcplanners.com.au)



## **ATTACHMENT 1**

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## Maddocks

Contact Cecelia Rose  
Direct 02 8223 4105  
Email [cecilia.rose@maddocks.com.au](mailto:cecilia.rose@maddocks.com.au)  
Partner Stan Kondilios  
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23/06/2011

Michael Norman  
Catholic Healthcare Limited  
Legal Department  
PO Box 858  
EPPING NSW 1710

Dear Michael

**Advice regarding Stage 3 Development Application for Independent Living Units - Croydon  
Masterplan Consent  
Property: 8-10 Brighton Street, Croydon**

You have asked us to advise on the following issue:

1. Is the current development application for the construction of independent living units for older persons pursuant to SEPP 5 being Stage 3 (Stage 3 DA), consistent with the development consent granted by Burwood Council (Council) for the stage 1 development of the Inner West Health Centre comprising a community health centre, nursing home and hostel, accommodation for older persons and persons with a disability and associated basement car parking (Stage 1 Consent)?

We set out a summary of our conclusions below and following is our consideration of the above outlined issues.

### Executive Summary

- Sections 80(4) and 83D of the *Environmental Planning and Assessment Act 1979 (EP & A Act)* are relevant for the issues addressed in this advice.
- The Stage 3 proposal complies with the requirement set out in section 83D(2) in that it is consistent with the earlier development consent granted for Stage 1.

This advice provides a concise answer to these questions but if you require further legal reasoning we can provide you with additional detail.

### Information relied upon in the preparation of this advice

We have relied on the following information provided by you in the preparation of this advice:

- Notice of Determination dated 13 December 2002 for the Stage 1 Consent;
- Notice of Determination dated 3 September 2003 for the Stage 2 Consent;
- Statement of Environmental Effects prepared by BBC Planners for Stage 3 DA dated April 2011 (SEE);
- Architectural Drawings prepared by Campbell Luscombe Architects, Drawing No. DA1, DA4 to DA20, Issue A, dated April 2011;

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- ## Background



This condition can be imposed pursuant to section 80(5) of the EP & A Act which provides a power to impose a condition on a consent granted pursuant to section 80(4) requiring that a further consent be obtained:

(5) A development consent referred to in subsection (4) may be granted ***subject to a condition that the development*** or the specified part or aspect of the development, or any thing associated with the development or the carrying out of the development, ***must be the subject of another development consent***. (emphasis added)

However, on 30 September 2005, section 80(5) was modified by the Amending Act<sup>1</sup> (and are current to date) as follows:

**(4) Total or partial consent**

A development consent may be granted:

- (a) for the development for which the consent is sought, or
- (b) for that development, except for a specified part or aspect of that development, or
- (c) for a specified part or aspect of that development.

(5) The consent authority is not required to refuse consent to any specified part or aspect of development for which development consent is not initially granted under subsection (4), but development consent may subsequently be granted for that part or aspect of the development.

**Note.** See also Division 2A for special procedures concerning staged development applications.

Division 2A, being sections 83A to 83D of the EP & A Act relating **specifically** to staged development applications were inserted by the Amending Act in conjunction with the amendments to section 80(5).

Section 80(4) remained the same and is an express power to grant consent to only part of a development application. No part of Division 2A provides a power to determine a staged development applications. That power remains in section 80(4).

The decision of her Honour Justice Jagot in *Barana*<sup>2</sup> discusses the relationship between sections 80(4) and (5) and Division 2A dealing with staged development applications. In *Barana*, a development application was lodged in July 2005 (ie before the amendments to the EP & A Act) and granted in June 2006.

Her Honour held that section 80(5), before it had been amended performed a similar function to that of section 83B(4) in that both provisions intended to ensure that any consent to part of a development application effectively regulates the manner in which the deferred part of that development will be dealt with in the future<sup>3</sup>.

The Stage 3 DA can simply be determined in accordance with the power imposed under section 80(4) and (5) of the current legislation. As such, we are of the view that the Stage 3 DA should be assessed under the current staged development application provisions (ie Division 2A of the EP & A Act).

We note that the SEE does seek consent for the Stage 3A DA as a staged development application pursuant to section 83B(2).

<sup>1</sup> *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005.*

<sup>2</sup> *Barana Properties (No. 1) Pty Ltd v Sydney City Council* [2007] NSWLEC 812.

<sup>3</sup> *Barana* at [33] to [39].

### Question – Consistency

As the Stage 3 DA is to be assessed in accordance with the staged development application provisions of the EP & A Act, it must comply with section 83D(2):

(2) While any consent granted on the determination of a staged development application for a site remains in force, the determination of any further development application in respect of that site cannot be inconsistent with that consent.

The question of any "inconsistency" will entail a "merits" assessment of the Stage 1 Consent and the Stage 3 DA.

The SEE for the Stage 3 DA identifies that the development is generally consistent with the approved building envelopes and heights. Minor variations include:

- the deletion of two vehicular access ways, one to Brighton Street and one to Croydon Avenue;
- non-compliances in Buildings B and D in relation to articulation zones;
- minor intrusion of the building envelope of Building C caused by the lift and stair services;
- the pitched roof form on Buildings A and E penetrate above the height plane for these buildings.

In interpreting a provision of an Act, the construction that would promote the purpose or object underlying the Act will be preferred to a construction that would not promote that purpose or object.

It is not appropriate for section 83D(2) to be read too narrowly. The purpose of an approval of the nature of the Stage 1 Consent is for a general indication to be given of the type of development and what it is to "look like" (ie height, location on the land, setbacks etc) and then for the "detail" to be provided as part of the later development application. The later development application should not be inconsistent in terms of the overall "concept" or "idea" of the proposal.

For example, if differences resulted in a change of the number of storeys or different types of residential uses, this might result in the later development application being inconsistent. A narrower interpretation of the word "inconsistent" (such as "different" or "not the same as") would be contrary to the intention of the Amending Act which inserted the provisions relating to staged development applications.

A common sense and practical interpretation should be given to the word "Inconsistent".

The differences between the Stage 1 Consent and the Stage 3 DA do not amount to there being an "inconsistency" as contemplated by section 83D(2).

This conclusion is based on two, but related issues.

Firstly, the proposed buildings are generally within the building envelopes as approved in the Stage 1 Consent. Minor differences arise as a result of the proposed roof form for Blocks A & E and lift overrun on Block B, C and D but they are not substantial differences. Another way to assess consistency is to consider the impacts that arise from the proposed differences. From our understanding of the minor amendments proposed, they will not create or impose additional impacts external to the site beyond those envisaged by the original staged development consent.

Furthermore, the buildings comply with the approved storey heights (ie habitable rooms are not proposed for the roofs) and in the case of Blocks B and D, propose substantially less built form.

As a consequence of this compliance, the Stage 3 DA satisfies all of the relevant conditions imposed in the Stage 1 Consent (as indicated in the SEE from page 26). This includes the condition 8 under

S I T E P L A N  
Maddocks

the heading "Conditions to be Referred to the Minister for Planning" relating to vehicular access to the proposed independent living units. As such, in our view there may be no *need* to modify the conditions of the Stage 1 Consent.

Modification would only be required if taking a strict and narrow interpretation of the meaning of "inconsistent". As discussed above, a strict interpretation would not be appropriate in the circumstances.

Moreover, the condition imposed in the Stage 1 Consent that would need to be modified relating to building envelopes is not descriptive and states that:

The building envelopes and heights as indicated on the submitted Masterplan Nos ADOM 1001 – 1004, Issue 4 dated 27.10.03 inclusive.

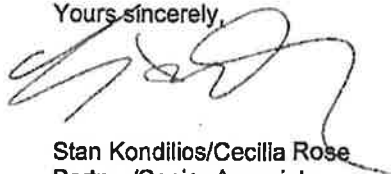
The condition does not prescribe that development is to be "*in accordance with*" (contrast with the conditions relating to car parking) or provide some detailed planning control such as "*the height of the buildings is to be no greater than x metres*".

We note that there have been a number of section 96 modification applications lodged in relation to the Stage 1 consent. We have based our conclusion of "consistency" on the most recent version of the Stage 1 consent – that is, including all the amendments made to it through various modification applications. This approach is consistent with his Honour Justice Talbot's decision in *Ebsworth v Sutherland* [2006] NSWLEC 603. His Honour in that matter determined that when assessing amended plans forming the basis of a section 96 modification application, the plans to be assessed were those incorporate of all previous amendments – that is because section 96 has the effect of modifying the consent in total (it is not a "separate consent" that is created when a modification application is approved). Similarly here, the appropriate point of comparison to base an assessment of "consistency" upon is the Stage 1 consent, as modified.

For these reasons the Stage 3 proposal complies with the requirement set out in section 83D(2) in that it is consistent with the earlier development consent granted for Stage 1. Accordingly, there may be no need to update plans or amend the above condition. However it may be helpful to have consolidated plans which show the most recent version of the proposal.

Please contact Stan Kondilios on **02 8223 4102** or Cecilia Rose on **02 8223 4105** with any queries.

Yours sincerely,



Stan Kondilios/Cecilia Rose  
Partner/Senior Associate  
Public Law, Planning and Environment



## **ATTACHMENT 2**



lindsaytaylorlawyers

**Confidential**

24 June 2011

Our ref: CHC00111

Your ref:

Mr Dan Brindle  
BBC Consulting Planners  
PO Box 438  
BROADWAY NSW 2007

**Email**

Dear Sir

**Advice re modification of staged development consent 279/2002 – 24 Liverpool Road, Croydon**

1 I refer to your conference with Stuart Simington on 21 June 2011.

**Background**

- 2 On 13 December 2002, Burwood Council granted consent to DA 279/2002 (**Consent**) for the re development of the site of the former Croydon Hospital at 24 Liverpool Road Croydon (**Site**). The Consent was modified pursuant to s96 of the *Environmental Planning and Assessment Act 1979 (EPA Act)* on 25 June 2004.
- 3 The Consent approved stage 1 works and a Site masterplan including buildings for the following uses:
  - 3.1 community health centre,
  - 3.2 nursing home and hostel,
  - 3.3 independent and assisted living accommodation
  - 3.4 shops and offices for occupants, visitors and staff on the Site, and
  - 3.5 parking.
- 4 The Consent contains a condition:

*'... the works being carried out in accordance with the plans and specifications submitted on 13/09/02 and on 3/11/03 and with the following conditions of consent...*
- 5 Planning condition No. 6 requires further consent for works not the subject of the stage 1 early works approval:

lindsaytaylorlawyers

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*Submission of Stage 2 development applications for the erection and fitout of buildings and structures and associated vehicle access, parking, landscaping and other infrastructure works which have not been included in the Stage 1 early works development consent*

- 6 A Stage 2 development application (**Stage 2 DA**) has been submitted for our client, Catholic Healthcare, and the application is currently before the Joint Regional Planning Panel (**JRPP**).
- 7 The Stage 2 DA proposes development that could be considered to be inconsistent with the Consent, in particular, the approved Site masterplan.

### **Advice required**

- 8 I am asked to advise whether it is possible for the JRPP to impose a condition on its determination of the Stage 2 DA which requires the necessary modification of the Consent to resolve the inconsistency?

### **Advice**

- 9 For the reasons set out below, I consider that the JRPP can impose the condition.
- 10 The Consent was granted as a staged development consent in accordance with s80(4) of the EPA Act as it then was.
  - (4) **Staged development**  
*A development consent may be granted:*
    - (a) *for the development for which the consent is sought, or*
    - (b) *for that development, except for a specified part or aspect of that development, or*
    - (c) *for a specified part or aspect of that development.*
  - (5) *A development consent referred to in subsection (4) may be granted subject to a condition that the development or the specified part or aspect of the development, or any thing associated with the development or the carrying out of the development, must be the subject of another development consent.*
- 11 The EPA Act currently contains provisions (introduced in 2005) which make more specific provision in relation to staged development than was the case when the Consent was granted. Relevantly, Division 2A of Part 4 of the EPA Act:
  - 11.1 defines a *staged development application* to be a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications; (s83B(1));
  - 11.2 allows a staged development application to set out detailed proposals for the first stage of development and seek consent for that (s83B(1)); and
  - 11.3 provides that:
    - 11.3.1 while any consent granted on the determination of a staged development application for a site remains in force, the determination of any further development application in respect of that site cannot be inconsistent with that consent (s83D(2));
    - 11.3.2 but that this does not prevent the modification in accordance with the EPA Act of a staged development consent (s83D(3)).

- 12 As the Consent was approved as a staged development prior to the introduction of the above provisions and there are no transitional provisions which give Division 2A any relevant retroactive operation, I do not think that the Site is subject to the restriction in s83D(3) by virtue of the terms of the Consent.
- 13 However, there is case law which suggests that a similar position applies at general law. In *Rutland v Shoalhaven City Council* (1997) 94 LGERA 370 Bignold J held that a development consent cannot be granted to development that is contrary to an existing condition of development consent.
- 14 Then in *Wingecarribee Shire Council v Pancho Properties Pty Ltd* [2001] NSWCA 271, the NSW Court of Appeal held that a development application to use a dwelling required to be demolished by a condition of a previous consent was nevertheless not *destined to fail*. The Court held that conditions imposed under s80A(1)(b) allow the inconsistent development application to be approved subject to a condition requiring a relevant modification or surrender of the previous consent.
- 15 Section 80A(1)(b) of the EPA Act provides as follows:
- (1) **Conditions—generally**
- A condition of development consent may be imposed if:*
- ....
- (b) *it requires the modification or surrender of a consent granted under this Act or a right conferred by Division 10 in relation to the land to which the development application relates, or*
- 16 In *Waverley Council v C M Hairis Architects* [2002] NSWLEC 180, Talbot J held that a condition imposed on the granting of consent under s80A(1)(b) of the EPA Act which requires the modification of another consent is an alternative to s96 as a means to modify a development consent.
- 17 Talbot J recounted the relevant history of the EPA Act. The introduction of the modification power in s96 (then s102) was an amendment to the original form of the EPA Act aimed at avoiding the need to submit a development application (with all of its attendant assessment processes) in order, merely, to achieve a relatively minor modification of a consent.
- 18 In that regard, the modification of a consent achieved in accordance with a condition imposed under s80A(1)(b) is not restricted by the requirement in s96 that the development to which the consent as modified relates must be substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).
- 19 Therefore, in this case, if the JRPP is satisfied that the Stage 2 DA merits consent, the JRPP can resolve any inconsistency between the Stage 2 DA and the Consent by imposing conditions on its approval of the Stage 2 DA that require the appropriate modification of the Consent pursuant to s80A(1)(b). This can occur without the need for a prior s96 modification of the Consent.
- 20 Clause 97 of the *Environmental Planning and Assessment Regulation 2000* (**Regulation**) sets out the way in which a consent is to be modified pursuant to a condition imposed under s80A(1)(b) of the EPA Act.
- 21 You have proposed the following condition of consent be imposed on the determination of the Stage 2 DA to resolve the inconsistency:
- 'Prior to the issue of any construction certificate, the consent to DA 279.2002 is to be modified in accordance with clause 97 of the Environmental Planning and Assessment Regulation 2000 as follows:*



*The description of the development in Condition (A) of the Conditions of Approval be amended to read as follows*

- *A part 1, part 2 storey Community Health Centre with a maximum floor area of 4000m<sup>2</sup>*
- *A part 1 part 2 part 3 storey Nursing Home and Hostel containing 127 beds and having a maximum floor area of 8500m<sup>2</sup>.*
- *Dwellings for older persons or persons with a disability pursuant to the provisions of State Environmental Planning Policy No. 5 (SEPP 5) – Housing for Aged Persons or Persons with a Disability being the Independent & Assisted Living Accommodation buildings and having a maximum floor area 15000m<sup>2</sup> being part 2, part 4 and part 6 storeys.*
- *A refurbishment and extension of the existing heritage listed cottage on the corner of Brighton Street and Liverpool Road.*
- *Shops and offices servicing the needs of occupants, visitors and staff of the site and having a maximum floor area of 150m<sup>2</sup>.*
- *400 car parking spaces associated with uses on the site, contained in 2 separate car parks and the construction of the northern car park for the Community Health Centre and the Nursing Home & Hostel.*
- *Associated site works and tree removal including drainage.*
- *The building envelopes and heights as indicated on the submitted Masterplan Nos ADOM 1001 – 1004 ~~Issue 4 dated 27.10.03 inclusive.~~ Issue 5 dated 23.06.11 inclusive*
- *Subdivision of the site into 5 allotments at ground level plus a stratum subdivision that includes the main northern most car park servicing the Community Health Centre and the Nursing Home & Hostel as indicated on drawing No's VD00001, VD000201 and VD000101.*
- *The erection of car parking structures in accordance with drawings No's AD111101 (Issue 02), AD111101 (Issue 03), AD114101, AD114201, AD114301, AD133001. '*

22 In my view, the condition is appropriate.

23 If the JRPP grants consent to the Stage 2 DA subject to the condition above, our client will be able to obtain a construction certificate and the Consent will be modified once Council is given the requisite notice of modification under cl 97 of the Regulation.

24 I trust the above advice assists.

25 Should you have any further queries please call Stuart Simington of my office on 8235 9704.





Yours sincerely,

**Dr Lindsay Taylor**

Direct: 8235 9701

Fax: 8235 9799

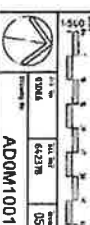
Mobile: 0417 997 880

Email: [lindsay.taylor@lindsaytaylorlawyers.com.au](mailto:lindsay.taylor@lindsaytaylorlawyers.com.au)

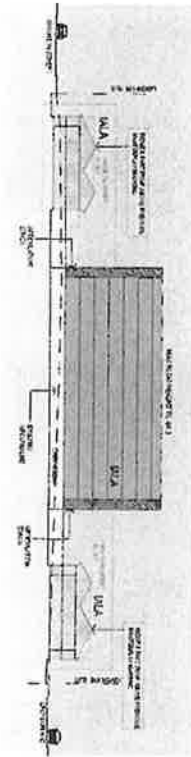
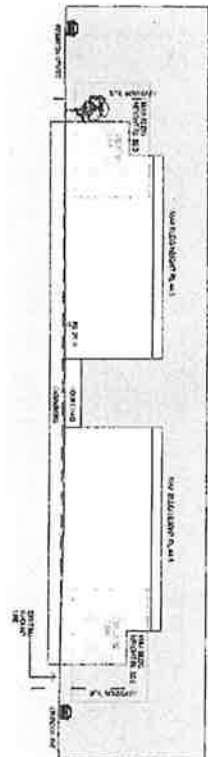
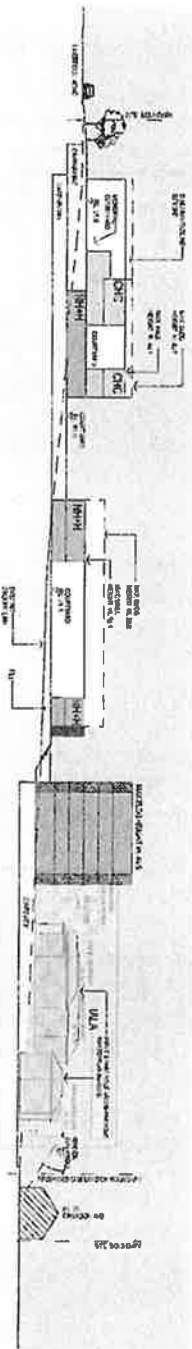
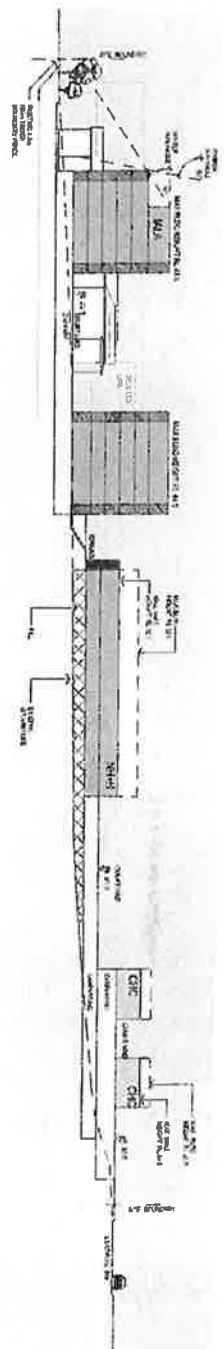


## **ATTACHMENT 3**

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## LEGEND & NOTES

- [illegible]


## HH BUILDING ENVELOPE SECTION

FF BUILDING ENVELOPE SECTION

66 BUILDING FINISHES SECTION

EE BUILDING ENVELOPE SEC 110

**ASSIGNED BY**

	
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**福成**

MASTERPLAN -  
SECTIONS 2

INNER WEST HEALTH CENTRE

Allen Jack + Collier Architects

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DATE: 10/10/2001

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2. Address	
3. Telephone	
4. E-mail	
5. Date	

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**CSAHS**

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**THE AUTHOR:** Dr. William D. O'Neil is a professor of psychology at the University of North Carolina at Charlotte. He is also a past president of the American Psychological Association.

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