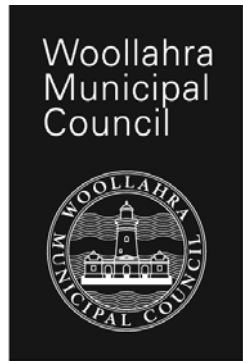


Memorandum

Date 11 February, 2013
File No. Development Application: 384/2012/1
To Development Control Committee
CC All Councillors
From D Booth-Senior Assessment Officer
Address **2 LAGUNA STREET VAUCLUSE**



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The purpose of this memorandum is twofold.

Firstly, to correct a unit number referred to on page 209 of the agenda and the subject of Condition C.1a. The recommended privacy treatment to the second of the dining/living windows of Building 2 should be to Unit 2.01, not 1.02 as stated.

The following amended Condition C.1a is provided:

In order to adequately maintain the visual privacy of adjoining properties to the north-west (111 & 113 New South Head Rd), the windows to the dining/living rooms of Units 1.01 & 2.01 and the kitchens to 1.02 & 2.02 shall be treated/designed/screened so as to prevent lines of sight into the private open space areas and habitable room windows of the adjoining properties.

Secondly, to recommend the reinforcement of the development occupier restrictions of Condition A.6 via a positive covenant, pursuant to Section 88E of the *Conveyancing Act*, being created on the title of the subject property.

The following amended Condition A.6 and a new H condition requiring the registration of the Instrument prior to the issue of a Final Occupation Certificate, are provided:

A.6 Restrictions upon the occupation of the development

In accordance with the provisions of ***Clause 18 Restrictions on occupation*** under SEPP (Housing for Seniors or People with a Disability) 2004, the occupation of the development is limited to the following:

- i) Seniors or people who have a disability,

- ii) People who live within the same household with seniors or people who have a disability,
- iii) Staff employed to assist in the administration of and provision of services to the residential care facility and the serviced self-care housing.

A positive covenant, pursuant to Section 88E of the *Conveyancing Act 1919*, shall be created on the title of the subject property, restricting the occupation of the development in accordance with the above.

H.6 Covenant for occupation of the development

A positive covenant, pursuant to Section 88E of the Conveyancing Act 1919, shall be created on the title of the subject property, restricting the occupation of the development to:

- i) Seniors or people who have a disability,
- ii) People who live within the same household with seniors or people who have a disability,
- iii) Staff employed to assist in the administration of and provision of services to the residential care facility and the serviced self-care housing.

The Instrument must be registered at the Land Property Information Office prior to the issuance of any Occupation Certificate.

David Booth
SENIOR ASSESSMENT OFFICER

Eleanor Smith
ACTING TEAM LEADER