







INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2018.131.1
Address	11A Moonbie Street, Summer Hill
Proposal	Change of use and fitout as an opioid substitution therapy clinic, an accessible ramp and associated landscaping.
Date of Lodgement	19 July 2018
Applicant	Charter Health Pty Ltd
Owner	MGC Wealth Pty Ltd
Number of Submissions	119
Value of works	\$371,8000
Reason for determination at Planning Panel	>10 submissions
Main Issues	Security, conflict of uses, access, vehicle parking, streetscape.
Recommendation	Deferred commencement
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

**Too many objectors to identify on map*



Figure 1: Aerial view of subject site and context.



Figure 2: Site viewed from Moonbie Street.

1. Executive Summary

This report is an assessment of the application submitted to Council for the first use and fitout of a vacant ground floor tenancy at 11A Moonbie Street, Summer Hill as an opioid substitution therapy clinic. The application was notified to surrounding properties and 119 submissions received.

The main issues that have arisen from the application include:

- Security
- Conflict of uses
- Access
- Front setback

Subject to the imposition of conditions, the issues raised will be addressed and therefore the application is recommended for Deferred Commencement consent.

2. Proposal

The proposal is for the use and fitout of a vacant ground floor tenancy as an opioid substitution therapy clinic which will be referred to as 'the clinic' for the purposes of this report.

The vacant tenancy is located in an approved but yet to be built 2-storey boarding house with a basement garage.

Pedestrian access to the clinic is from a separate private entrance fronting Moonbie Street. A secondary 'staff entry' is provided off the residential entry corridor of the approved boarding house.

6 car spaces in the basement are allocated to the clinic which will be used exclusively by staff of the clinic, not by patients. The basement is accessed from Moonbie Street. Access to the clinic from the basement is via a stairwell or lift both of which are shared with the boarding house.

The proposal includes changes to the approved front landscaping, as well as changes to access to the clinic including a new accessible ramp.

Operating hours

The proposed operating hours of the clinic are as follows:

6.00am – 4.00pm, Mondays to Fridays,
7.30am – 12.00 midday on Saturdays,
9.00am – 12.00 midday on Sundays.

Specific services will be provided between the following times:

The dispensary for patients with employment between 6.00am and 7.00am.

The dispensary for all other patients between 7.00am and 4.00pm.

Doctors for consultation between 7.00am and 4.00pm.

Counsellors, psychologists and social workers between 9.00am and 4.00pm.

The clinic will be open 365 days a year.

Patient and staff numbers

The clinic will provide services to a maximum register of 300 patients. Most patients use the clinic two or three times a week, averaging approximately 90 patients a day.

The clinic will have two full-time staff, four part-time staff and eight casual staff.

The clinic also includes consulting rooms which will be rented to 6 general practitioners whose sole function will be to prescribe opioid substitution therapy to patients of the clinic.

No general medical services will be provided to the public.

3. Site Description

The subject site is located on the western side of Moonbie Street between Short Street to the north and Regent Street to the south. It is legally known as Lot C in DP 310221.

The site is roughly rectangular in shape with an area of approximately 1,578sqm. It has a primary street frontage to Moonbie Street and a small (3.05m) secondary access handle to Bartlett Street which has previously been used as a driveway.

Currently the site is occupied by single storey building which has historically functioned as a private hospital and medical centre. The private hospital portion of the building is currently vacant. The medical centre portion of the building is currently occupied and used as an opioid substitution therapy clinic. Further history of the site can be found under the heading 'Background'.

Adjoining the site to the north and south are 2-storey detached dwelling houses. Adjoining the site to the west fronting Bartlett Street are single storey detached dwelling houses. The area is largely characterised by 1 and 2-storey detached dwelling houses as well as some 2 and 3-storey flat buildings. It is noted that to the south-east of the site on the other side of Moonbie Street is 'Summer Hill Children's Centre'.

The site is not identified as containing a heritage item and is not located in a heritage conservation area, however the neighbouring buildings to the south (Nos. 15-17 Moonbie Street) and west (Nos. 6 and 8 Bartlett Street) are listed heritage items.

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
6.62. 4288	Convert dwelling to private hospital	Approved – 30 November 1962
6.1963.4449	Operating theatre	Unknown - 28 March 1963
6.1963.4496	Amendment to BA 4288/62	Approved – 21 May 1964
6.1976.74	Internal alterations	Approved – 15 March 1978
6.1978.336	Alterations to hospital	Approved – 20 August 1978
6.1978.440	Internal alterations to hospital	Approved – 30 October 1978
16.2003.3	Fire upgrade	Approved – 18 March 2003
10.2015.240	Alterations and addition including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons and use of part of the building as a Medical centre.	Refused – 8 March 2016
10.2017.58	The demolition of existing improvements and construction of a 2-storey building comprising a 26-room boarding house plus manager's room and associated basement parking for 12 vehicles, 6 motorbikes and 12 bicycles.	Approved – 10 October 2017

Previous consent for boarding house

On 10 October 2017, consent (10.2017.58) was granted for the demolition of all structures and construction of a 2-storey, 26-room boarding house with a ground floor tenancy with no specified use, and a basement garage.

The proposal as lodged indicated that the ground floor tenancy was to be used as a 'medical centre'. It was unclear at the time whether the medical centre was intended to be used specifically as a opioid substitution therapy clinic which falls under the broader definition of 'medical centre' in the Ashfield LEP 2013. Given the lack of information provided with the application (information that would be required to assess such a use) no approval was granted for the use of the tenancy in this consent and the following condition was imposed:

I Conditions that are ongoing requirements of development consents***(3) Vacant Area***

Separate Development Consent must be obtained for the use of the "vacant" area prior to the occupation of that part of the premises.

It is noted that there was no objection in principle to the tenancy being used as a medical centre and no other conditions were imposed restricting its future potential use. Rather, the assessment of any future use would be subject to a separate development application.

It is also noted that a number of conditions were imposed referring to a 'medical centre'. It is assumed that these conditions were imposed in error, and they give no implied approval for the use of the tenancy.

Current use as an opioid substitution therapy clinic

No consent from Council can be found or produced pertaining to the current use of the site as an opioid substitution therapy clinic. It is noted that a Council resolution on 24 August 2004 resolved the following:

1/2 That Council notes that there is no legal basis on which the Council can close down or relocate the methadone clinic at 11a Moonbie Street.

2/2 That Council writes to the management of the clinic requiring them to write to each of their clients who attends the clinic in the mornings requiring them not to attend the site before 5.50am weekdays, 7.50am Saturdays and 8.50am Sundays, and that all client should wait for the premises to open with in the lattice enclosed entry foyer to the front door area.

The applicant has submitted that the existing clinic has been operating on the site since at least 1990 as it was accepted as a lawful use in proceedings by the NSW Land and Environment Court in that same year - *Ashfield Municipal Council v Richard Walter Pty Limited* [1990] NSWLEC 82 (26 July 1990). The summary of the proceeding states that a 'methadone maintenance programme' was in operation on the site from at least 1986 and that this use had been operating for an unspecified period of time before this.

History of incidents/complaints

Data provided by the NSW Police has shown that reported offences in the Summer Hill ward were lower than the NSW State average and that incidents of drug offences, disorderly conduct, malicious damage to property and theft in in the ward between July 2017 and June 2018 were at a rate of 0-10925.8 (being the lowest possible rating). It was also demonstrated that the ward does not have a significantly differing crime rate to neighbouring or similar wards.

A search of Council's records have shown that over the past 5 years, only 1 recorded complaint has been received by Council in regards to the operation of the existing clinic, which have been summarised below:

- Concern that operating hours have been extended.
 - o In response to a Councillor request, Council investigated this matter and provided the following report on 10 March 2014:
'Council has contacted the manager of the premises and advised him of the latest complaints. He confirmed that the premises are now operating until 4:00pm on weekdays. He advised that Council and Ashfield Police were consulted prior to the change. The later operating hours are designed to minimise the number of people who have to attend the premises at 6:00am (before going to work), which has been a source of complaints in the past.'

The new hours allow some of their clients to attend the premises after finishing work.'

It is noted that the applicant provided a letter of support from the Summer Hill Child Care Centre dated 27 August 2018 which is located on the opposite side of Moonbie Street. The applicant also provided a letter of support with the subject application from the Ashfield Business Chamber Inc. dated 4 June 2018.

4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter/ Additional Information
7 November 2018	<p>Council planners requested further information and clarification on a number elements of the proposal including:</p> <ol style="list-style-type: none"> 1. How will patients receive treatment during demolition and construction? Specific details of the contingency plan/s must be provided. 2. Further details are required of the intended lodgers of the approved boarding house on the site. Is it intended to be used by patients of the opioid substitution therapy clinic? Who will operate the boarding house? 3. What is the existing capacity and proposed capacity of the opioid substitution therapy clinic? 4. What is the existing and proposed staff numbers of the opioid substitution therapy clinic? 5. Acceptance of responsibility for managing adverse behaviour of the opioid substitution therapy clinic patients. 6. The proposal makes changes to the landscaping at the front of the site and includes a new platform lift. It is recommended that the platform lift be replaced with an accessible ramp. Please note that as the proposal makes design changes to the base consent for the building (10.2017.50.01), a condition requiring the amendment of the base consent will need to be imposed. 7. Concerns are raised over patients who use the basement car park also using the boarding house lift. What prevents a patient accessing the boarding house on the levels above? The current configuration would require patients using the basement or stairs to exit the site via the Moonbie Street residential entrance to access the clinic. To resolve these conflicts it is recommended that the allocated car parking be used only for staff, this should be included in the Plan of Management. 8. Are the north-facing louvers operable? I.e. can staff/customers use this opening for egress?

19 November 2018

The applicant provided a response and amended plans in reply to the points raised by Councils planners. The applicants response was as follows:

1. *During demolition and construction, the operation of the clinic will be split into two functions. Firstly; administration, counselling and social services (the 'hub') and secondly; dosing (the 'spokes'). An appropriately zoned commercial space in Leichhardt has been leased for the hub. No drugs will be on the premises. The spokes are a combination of dosing from the existing methadone clinic at Royal Prince Alfred Hospital and a network of pharmacies in the Inner West that already provide opiate substitute therapy. The NSW Department of Health, Sydney Local Health District and the Pharmaceutical Regulatory Unit have been fully engaged in this process and have provided all necessary permissions and agreements.*
2. *The clinic and the boarding house are completely separate entities. Patients of the clinic will be expressly prohibited from living in the boarding house in the terms of their treatment by the clinic. Clarifications regarding the intended lodgers of the boarding house and it's operations should be directed to the developer, MGC Wealth Management.*
3. *The Clinic is licenced to provide services to a maximum of 300 clients, and at any time has in the order of 270-280 clients. Most clients come to the clinic two or three times each week, so on average there are in the order of 90 client presentations to the clinic each day. The capacity of the clinic will not change.*
4. *The clinic has two full time staff, four part time staff, eight casual staff, and rents consulting room to six general practitioners. The staffing levels of the clinic will not change.*
5. *Management of client adverse behaviour is detailed in the Clinic's 'Policy and Procedure Manual', which was submitted with the DA as 'Plan of Management'.*
6. *The platform lift was replaced with an accessible ramp.*
7. *The POM was amended to show that parking is for staff only and not to be used by patients.*
8. *The louvers are operable for ventilation only, not for access.*

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ashfield Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

5(a)(i) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the 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 an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

5(a)(ii) Ashfield Local Environment Plan 2013 (ALEP 2013)

The application was assessed against the following relevant clauses of the Ashfield Local Environmental Plan 2011:

(vi) Clause 2.3 - Land Use Table and Zone Objectives

The property is zoned R2 – Low Density Residential.

The proposed use is defined as a ‘medical centre’ which is permitted with consent in the zone. The LEP defines a ‘medical centre’ as follows:

‘...premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.’

It is noted that a ‘medical centre’ can only be for ‘out-patients’ meaning a patient who attends for treatment without staying overnight. It is considered that providing lodging to patients of the clinic in the attached boarding house would not constitute an out-patient clinic. The applicant has stated that patients of the clinic will be prohibited from lodging in the approved boarding house on the subject site. Nevertheless, to ensure compliance with the definition of a ‘medical centre’, it is a recommended condition of consent that patients of the clinic are restricted from lodging in the approved boarding house and that the Plan of Management of both the boarding house and the clinic be updated to reflect this.

The objectives of the zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The clinic is located within a proposed mixed-use building, the majority of which is approved as a boarding house which will provide for the housing needs of the community.

The proposed opioid substitution therapy clinic, which as mentioned is defined as a 'medical centre', provides a facility and service to meet the day to day needs of residents.

The development is permissible with Council's consent under the zoning provisions applying to the land. The development is considered acceptable having regard to the objectives of the R2 – Low Density Residential zone, particularly as it provides "facilities or services to meet the day to day needs of residents".

(vii) Part 4 – Principal development standards

The following table provides an assessment of the application against the development standards:

Standard	Proposal	% of non compliance	Compliances
Floor Space Ratio Permitted: 0.7:1	No change	N/A	Yes
Height of Building Permitted: 8.5m	No change	N/A	Yes

5(b) Draft Environmental Planning Instruments

Draft Environment SEPP

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the Comprehensive Inner West Development Control Plan 2016 (the DCP).

Part	Compliance
Chapter A – Miscellaneous, Part 8 – Parking	
PC2 – Bicycle and motorcycle parking	Yes. See further discussion below table.
PC2 – Car parking rates	Yes. See further discussion below table.
Chapter A – Miscellaneous, Part 6 – Safety by Design	
PC1 – General	Yes. See discussion below this table.
Chapter A – Miscellaneous, Part 5 – Landscaping	
PC1, PC2, PC3, PC4	See discussion below this table.

The following provides discussion of the relevant issues:

Car and bicycle parking

In accordance with the DCP, medical centres generate the requirement for 1 space per 25sqm of gross floor area. The clinic has a gross floor area of 153sqm thus requiring 6 car spaces. The proposal includes 6 car spaces in the basement for the clinic in accordance with this part of the plan. As discussed elsewhere in this report, patients of the clinic are restricted from using the basement and as such these spaces cannot be used by them. There are no specific requirements in the DCP for the provision of car parking for patients.

There are no specific bicycle parking requirements for medical centres, the nearest comparable use would be a 'hospital' which requires 1 bicycle space per 20 employees 1 bicycle space per 30 beds. The clinic will not have more than 20 employees thus generating the need for 1 bicycle space. The proposal includes 3 bicycle spaces in the basement for the clinic. As discussed elsewhere in this report, patients of the clinic are restricted from using the basement and as such these spaces cannot be used by them.

Although the clinic does not have any 'beds' in which to determine patient bicycle parking rates, it is still considered appropriate to provide patient bicycle parking. As such, it is a recommended condition of consent that 2 x Class 3 (bicycle racks or rails) bicycle spaces for patients are provided near the entrance of the clinic in a visible area while not obstructing the path of travel and ensuring minimal loss of landscaped area. The parking should be designed in direct consultation with the following Australian Standards: AS2890.1, AS2890.3 and AS2890.6.

Deliveries and emergency vehicles

No off-street parking spaces have been provided for delivery or emergency vehicles, specifically ambulances. Given the nature of the use, it is desirable that a dedicated on-site space be provided for these vehicles.

Council's Engineers have noted that the size and clearance height of the basement garage are insufficient to facilitate delivery or emergency vehicles without further excavation. Ambulances require a parking bay of 5.4m x 3.2m, a clearance height of 3.3m-3.8m and a turning circle of 15m. Standard delivery vehicles require a parking bay of 5.7m x 2.7m, a clearance height of 2.7m and a turning circle of 15m.

It is noted that there is a vehicle waiting bay adjoining the basement driveway which has dimensions of 6m x 3m and could facilitate an ambulance or delivery vehicle while not obstructing vehicle movement. Given the small number of car spaces in the basement and the low probability/frequency of ambulances/delivery vehicles attending the site, the vehicle waiting bay is considered acceptable to facilitate occasional short-term parking of these vehicles.

Council's Engineers have also noted that the parking layout of the basement as shown on the supplied plans is not in accordance with Condition D24 of consent No. 10.2017.58 most notably that 3 of the clinic parking bays are 2.4m wide instead of the required 2.6m, and that the disabled bay of the clinic is not dimensioned. Furthermore, the aisle width in front of the lift is only 5.67m whereas AS2890.1 requires 5.8m (Class 3 for a Medical Clinic) contrary to Condition D24. These conditions are still required to be satisfied.

Hours of operation

The proposed hours of operation are as follows:

6.00am – 4.00pm, Mondays to Fridays,
7.30am – 12.00 midday on Saturdays,
9.00am – 12.00 midday on Sundays.

The hours are consistent with the existing opioid substitution therapy clinic. The proposal does not intensify the existing use as it will service the same number of patients and therefore it can be assumed that the additional amenity impacts (if any) on nearby properties would be minimal. A modernised building and a new development consent in fact provides an opportunity to better address any current impacts of the clinic.

It is noted that the proposed opening at 6.00am is to provide treatment to patients before work, and the anticipated number of patients arriving at this time will not be a significant proportion of the approximately 90 daily patient presentations.

It is a recommended condition of consent that the clinic's management must inform all of their patients who attend in the mornings that they must not attend the site before 5.50am weekdays, 7.20am Saturdays and 8.50am Sundays, and that all patients should wait on the landing next to the clinics entrance.

Safety by design

The development as approved in DA No. 10.2017.58 provides adequate passive surveillance to the street by the inclusion of extensive glazing and balconies on the façade.

To minimise areas obscured from the public domain where persons could loiter, it is a recommended condition of consent that the small 'breakout area' to the north of the boarding house entrance and in front of window WD-03 SH be replaced with a planter box. It is noted this area is likely to be reduced in size given the recommended relocation of the accessible ramp as discussed under the heading 'landscaping' below.

To prevent unrestricted access to the landscaped northern setback, it is a recommended condition of consent an optically permeable fence (with option for a lockable gate) with a height of 1.8m be included across the side setback.

The NSW Police have recommended a number of conditions including (but not limited to); installation of CCTV, signage, lighting, methods and devices for restricting access to portions of the building, and security locks to openings. Where relevant, these conditions have been included in the consent. It is recommended that some of these conditions relating to security (such as security locks to openings) apply not just to the clinic but the whole building.

It is also a recommended condition of consent that the ground floor boarding rooms fronting Moonbie Street (G.02 and G.04) are to be amended to include operable fanlights or operable glass louvers so they do not rely on keeping the balcony doors open to obtain natural ventilation and improve the security and internal amenity of these units.

Conflict of uses

Concerns have been raised that the boarding house may be partly, extensively or exclusively used by patients of the opioid substitution therapy clinic. The change from transient boarding house clientele to semi-permanent concentration of the clinic's patients could result in significant adverse amenity and other social impacts on the area. This is not withstanding the issue of the possible inconsistency with the definition of a 'medical centre' as discussed elsewhere in this report.

Nevertheless, the applicant has confirmed that patients of the clinic will be restricted from lodging in the boarding house and a condition of consent to this effect has been recommended. A condition has also been recommended that the boarding house operator must confirm with the clinic that all prospective lodgers are not patients of the clinic. Likewise, the clinic must confirm with the boarding house operator that any prospective patients are not current lodgers of the boarding house.

The boarding house entrance is located at the centre of the building and the clinic entrance near the northern edge. To improve legibility and to minimise potential conflicts between the two uses (such as patients trying to gain access through the boarding house entrance and vice versa) it is a recommended condition of consent that clear and legible business/building identification signs be placed over or on each of the entrances and front gates identifying the respective use

Landscaping

Council planners requested that the proposed chairlift which would provide access to the clinic from Moonbie Street be replaced with an accessible ramp to ensure that ongoing accessibility is achieved by passive not mechanical means.

The applicant provided revised plans which included an accessible ramp however this was at the expense of a significant portion of the front landscaping. It is considered that the ramp could be relocated closer to the building so as to minimise its impact on the front landscaped area. A condition to this effect has been recommended. It is also recommended that the landscape plan be updated to show extensive significant plantings in the portion of the front setback in front of the proposed ramp so that this area will not be trafficable but remain visually appealing. The plantings however must not create any areas of concealment.

Amending DA

The proposal makes a number of changes to the fabric and operation of the building approved in DA No. 10.2017.58. As such a condition requiring the modification of development consent 10.2017.58 pursuant to Section 4.17(1)(b) of the EP&A Act 1979 be imposed to ensure consistency between the two consents and better respond to the proposed use of the ground floor tenancy.

Where relevant, the conditions of consent in consent No. 10.2017.58 apply to the subject development application. In the event of any inconsistency, the conditions of this consent (10.2018.131.1) shall prevail.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal additional impact in the locality.

5(e) The suitability of the site for the development

The site is zoned R2 – Low Density Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with Comprehensive Inner West DCP 2016 for a period of 28 days to surrounding properties. A total of 119 submissions were received, 2 of which were in support. It is noted that most of the objections are *pro forma*.

The following issues raised in submissions have been discussed in this report:

- Co-location of the proposed opioid substitution therapy clinic with the approved boarding house. Interaction between lodgers and patients and associated social risk - see Section 5(c)
- Negative impacts on neighbourhood amenity (noise, disturbances etc.) – see Section 4(a), 5(c) and further discussion below.
- Crime, security and anti-social behaviour by patients and their impact on nearby residents – see Section 4(a) and 5(c)
- Non-compliance with the NSW Methadone Clinic Accreditation Standards and Guidelines for the Establishment of Methadone Clinics – see comments from Ministry of Health in Section 6(b).
- No consent can be found or produced for the existing use as an opioid substitution therapy clinic – see Section 4(a).
- How the clinic continue to operate during demolition and construction – see Section 4(b).
- The Inner West Local Planning Panel precluded the use of the tenancy as an opioid substitution therapy clinic during the assessment of the consent for the boarding house (10.2017.58) – see Section 4(a).
- The use is not permitted in the R2 – Low density residential zone – see Section 5(a)(ii).
- Use of the boarding house by patients of the clinic – see Section 5(c).

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: The demographics of area have changed since the existing clinic began operation. The area is more family oriented and therefore the use does not well reflect the current/future demographics of the community.

Comment: The clinic will provide a service to meet the day to day need of residents and will replace and upgrade a long-standing part of the neighbourhood.

Issue: The close proximity of the clinic to a childcare centre and primary school.

Comment: It is noted that the Summer Hill Childcare Centre has provided written support for the proposal. No reported incidents can be found regarding its relationship with the existing clinic.

Given the distance from Summer Hill Primary School (~250m south of the subject site), the lack of reported incidents by or associated with pupils/staff of the school regarding the existing clinic, and that the proposed clinic has the same capacity and operating hours as the existing clinic, the proposal is not anticipated to have unreasonable adverse impacts on the school.

Issue: Lack of consultation with the community by the applicant.

Comment: Consultation with the community by the applicant is not a prerequisite of the lodgement of a development application. The DA has been publicly exhibited by Council in accordance with planning legislation.

Issue: Acoustic impacts.

Comment: Conditions of consent have been recommended which will require that the noise generation from the clinic will not unreasonably affect nearby amenity. The POM includes a number of measures to address and manage noise impacts from patients of the clinic. As discussed elsewhere in this report, only one recorded noise complaint has been received by Council in the last 5 years.

Issue: Traffic and parking impacts.

Comment: The proposal provides car parking in accordance with the requirements of the DCP, and as such the traffic movements will be in accordance with that excepted for a use of this type. Given that the intensity and hours of operation are not changing, there is anticipated not to be any net change to traffic and parking impacts. In addition to this, the proposal includes more off-street car parking spaces designated to the clinic than currently provided thus reducing the clinics impact on on-street car parking.

The applicant provided a response to the submissions which is summarised as follows, comment has been provided where necessary:

- *The Clinic has been in operation at this site for 36 years, and therefore has 'existing use' rights. The Clinic has been independently accredited by NSW Health every three years since 2003 and the location of the Clinic has not been an issue.*
Comment: 'Existing use rights' as per Division 4.11 of the EP&A Act 1979 do not apply to the proposal as the proposed use is not prohibited.
- *There is no evidence that low cost accommodation will target vulnerable members of the community. There is no evidence that Planning Panel's statement that 'the medical centre shall not be used as a drug rehabilitation centre' was on the basis of its proximity to low income accommodation. The use of the space by the Clinic is the*

subject of this DA. Clients of the Clinic will be prohibited living in the low cost accommodation by the terms of their being treated by the Clinic.

Comment: See Section 4(a).

- *This application is based on the 36 years of 'existing use' rights. The operation of the Clinic was accepted as lawful in proceedings in the Land and Environment Court Ashfield Municipal Council v Richard Walter Pty Ltd [1990] NSW LEC 82 (26 July 1990).*

Comment: See Section 4(a).

- *On 24 August 2004 the Minutes of the Development Approvals Committee Meetings resolved That Council notes that there is no legal basis on which the Council can close down or relocate the methadone clinic at 11a Moonbie St.*

Comment: See Section 4(a).

- *The Clinic has made temporary arrangements for its operation during the construction period. The Clinic will not be operating from temporary facilities on site.*

Comment: See Section 4(b)

- *This DA is to uphold the 'existing use' rights of the operational Clinic [therefore the NSW Methadone Clinic Accreditation Standards and Guidelines for the Establishment of Methadone Clinics do not apply].*

Comment: See Section 4(a) and 6(b).

- *There is no evidence of concerns from schools, and the child care centre has provided a letter of support for this DA.*

Comment: Noted.

- *The majority of the Clinics clients live in or close to Summer Hill, and as Ashfield police will verify that it is preferable to the community for addicts to be in treatment rather than in active addiction.*

- *The Clinic has been independently accredited by NSW Health every three years since 2003...*

- *The Clinic is a member of Ashfield Police Community Safety Precinct and the Ashfield Chamber of Commerce and attends all meetings.*

Comment: Noted.

- *Based on the parking requirements for medical centre use – which this scheme fully complies with - the traffic movements will be in accordance with that excepted for a use of this type and will not place additional strain on the road network. In addition, the majority of patients live within close proximity to the clinic and arrive by public transport. The excellent public transport links are a key reason for the desire to maintain the clinic's current location.*

Comment: Noted.

- *Parking on the street has been changed to 2 hours maximum for non-permit holders, which increases parking availability on the street.*

Comment: Noted.

- *The clinic is not a high noise generating use. There is no machinery on site, and ventilation/air handling etc will be carried out as part of the broader development which has been approved. The clinic does not propose to play music or make use of any loudspeakers or tannoy system - other than would be expected for residential style entry systems. Patient coming and going is not an inherently noisy activity which can be assessed appropriately by an acoustic report. Should there be any associated anti-social behaviour this will be subject to the clinic's management plan, police and Council action. This is no different to any anti-social behaviour which could take place in any location at any time of day or night throughout the year.*
Comment: Noted.

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Building
 - o No objection was raised to the proposal.
- Health
 - o No objection subject to the imposition of recommended conditions of consent largely relating to waste disposal and acoustic impacts.
- Community Services and Culture
 - o Community Services and Culture unit reviewed the application in conjunction with the applicant's response to the objections. It was concluded that the applicant's response to the objections of local residents serves as an appropriate analysis of the social impact of the proposal, and its broader context subject to the following items being addressed:
 - § *The proponents offer that Methadone Clients will be prohibited living in the affordable accommodation by the terms of their being treated by the clinic should be accepted and the mechanism for how this prohibition will operate needs to be identified.*
 - § *The offer of the proponent to accept responsibility for managing adverse behaviour of methadone centre clinics should be accepted.*
 - § *The need for a Contingency Plan of Management for moving the methadone clinic during the knockdown/rebuild phase needs to be foreshadowed.*

The above items were subsequently addressed by the applicant (as discussed in Section 4(b) of this report) and given these developments, support was recommended for the proposal.

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- NSW Police
 - o On 12 November 2018, comments were received from the NSW Police. The following findings and information were provided to Council:

- § It was noted that reported offences in the Summer Hill ward were lower than the NSW State average.

- § Incidents of drug offences, disorderly conduct, malicious damage to property and theft in the Summer Hill ward between July 2017 and June 2018 were at a rate of 0-10925.8 which is the lowest possible rating.

No objection was raised to the proposal after review. A number of conditions of consent were recommended, most notably:

Surveillance

- § Installation of CCTV.

- § Fences at the front of the property be transparent.

- § Maintenance of landscaping in the front garden to remove any obvious concealment areas.

Territorial Reinforcement

- § Installation of 'private property', 'warning, these premises are under electronic surveillance' etc. signs.

- § Directional and wayfinding signage.

Access Control

- § Installation of 'private property', 'warning, these premises are under electronic surveillance' etc. signs.

- § Directional and wayfinding signage.

Territorial Reinforcement

- § Swipe cards for the boarding house and basement garage.

- § Construction of windows and window-frames.

- § Windows fitted with locks.

- § An area for emergency services to access the grounds.

- NSW Ministry of Health
 - o On 26 September 2018, comments were received by the NSW Ministry of Health (Drug Alcohol and Other Drugs Unit). No objection was raised to the proposal after review and the following comments were provided:

- § *NSW Health is committed to supporting the delivery of accessible opioid treatment that best meets the individual needs of those who seek it.*

- § *[NSW Clinical Guidelines: Treatment of Opioid Dependence] provide clinical guidance and policy direction for opioid treatment in NSW for use in generalist health settings and specialised alcohol and other drug or opioid treatment clinics. They primarily relate to access to, and the*

delivery of, patient care rather than anything relating to the establishment of clinics.

- § *The related policy documents include the NSW Methadone Clinic Accreditation Standards (published in 2000), which provide a set of standards that form the basis of an accreditation program for all licensed methadone clinics in NSW; and the Guidelines for the Establishment of Methadone Clinics in NSW in 2000, which informs persons wanting to establish a clinic. Consistent with these standards, the United Gardens private clinic has held a licence at 11 Moonbie Street, Summer Hill since 1988. The licence is current to 30 September 2019. For all clinics delivering opioid treatment, maintaining accreditation is a condition attached to the licence. Whilst there may be some relevancy within these documents relating to accessibility, location and building requirements, given that this application is to reinstate an existing clinic (which has been issued a licence which has been subject to the guidelines) it is evident that these considerations have been taken into account in the preparation of this DA.*

Contextually, although there have been regulation changes that mean that no new private clinics can be established, existing ones are 'grandfathered'. Given that the existing Clinic is proposing to continue to exist and provide services, the grandfathering provision applies.

In terms of the relevant responsibilities of the NSW Ministry of Health, the Ministry is responsible for ensuring that opioid treatment clinics are licensed and regularly inspected by the relevant accreditation company. The Pharmaceutical Regulatory Unit within the Ministry has ongoing responsibility to ensure facilities comply with aspects of the Poisons and Therapeutic Goods legislation.

- On 30 November 2018, further comments were received by the NSW Ministry of Health (Drug Alcohol and Other Drugs Unit) following Council seeking clarification on some matters raised during notification and in the previous correspondence dated 26 September 2018.

The Ministry's assessment is based on our understanding that the United Gardens Clinic has been a long standing accredited and licensed opioid treatment clinic. The operation of the United Gardens Clinic is regulated under the NSW Poisons and Therapeutic Goods Regulations 2008 and the Clinic has been licensed continuously for more than twenty years.

The Clinic has a long history of maintaining accreditation and providing a valuable service to clients which meets the standards set by a reputable quality assurance organisation (Quality Innovation Performance). United Gardens Clinic has been accredited under the Australian Excellence Service Standards (ASES), with accreditation valid until 2021. As part of their accreditation, United Gardens Clinic is required to comply with the NSW Methadone Clinic Accreditation Standards established by NSW Health. Service provision is also underpinned by the NSW Clinical Guidelines: Treatment of Opioid Dependence – 2018 that provide clinical guidance and policy direction for opioid treatment in NSW.

In NSW there are a fixed number of private opioid treatment clinics (eleven). No new licenses have been issued to establish a private opioid treatment clinic since 2006. From the Ministry of Health's perspective

United Gardens Clinic has not ceased to be a licensed opioid treatment clinic, therefore they do not have to re-apply for approval and can continue operations as long as they continue to fulfil their licensing conditions. The superseded and obsolete NSW Health circulars (Circulars 95/53, 2000/2 and 2001/78) relate only to the establishment of opioid treatment clinics and therefore do not apply to United Gardens Clinic's Development Application.

The Ministry also understands that the Land and Environment Court made a decision (in 2004) that there was no legal basis for the Council to close down or relocate the service.

United Gardens has demonstrated commitment to maintaining community engagement and proactively identifying strategies to manage any impacts on public amenity through ongoing communication and consultation with the local police, business community and the local childcare centre. In our role as system manager, the Ministry of Health works to ensure there are mechanisms to support ongoing monitoring of the quality of clinical service delivery provided and timely responses to any relevant incidents.

While the Ministry acknowledges the community concerns about United Gardens' renovation and reoccupation, the clinic is providing an evidence based treatment service that is known to reduce drug related harms and impacts on the community and is doing so in compliance with licensing regulations. NSW Health is committed to evidence based treatment of opioid dependence. Opioid treatment has been shown to improve the quality of life and well-being of opioid dependent individuals, and provide significant reductions in adverse health and social consequences. There is also evidence that opioid treatment leads to a substantial reduction in criminal offending and that areas in close proximity to opioid treatment clinics do not have higher levels of crime.

7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the proposal.

A contribution was already paid for the ground floor tenancy and boarding house portion of the building and as such no contribution is required to be paid for this proposal. The carrying out of the development therefore would not result in an increased demand for public amenities and public services within the area.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and Comprehensive Inner West Development Control Plan 2016. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for the issue of a Deferred Commencement consent subject to the imposition of appropriate conditions.

9. Recommendation

- A. That the Inner West Planning Panel, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant deferred commencement consent to Development Application No: 10.2018.131.

Attachment A – Recommended conditions of consent

CONDITIONS

DA 2018.131.1

11A Moonbie Street SUMMER HILL 2130

Description of Work as it is to appear on the determination:

Fitout and use of a ground floor tenancy as an opioid substitution therapy clinic.

PART A

Deferred Commencement conditions to be satisfied prior to activation of consent:

This consent shall not operate until such time as the following additional/revised information is provided to the satisfaction of Council:

1. The development consent 10.2017.058.1, approved on 10 October 2017, shall be modified pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessments Act 1979 as follows:

- a) The drawings in Condition A1 shall be amended where relevant to reflect the plans approved in Condition A1 of Part B of this consent (10.2018.131.1) as amended by any relevant conditions in Part A of this consent.
- b) The approved 'Plan of Management' (1618_POM/REV.C) dated April 2018 in Condition A1 is to be revised to include the following:

Patients of the opioid substitution therapy clinic located on the ground floor (approved in 10.2018.131.1) are not permitted to lodge in the boarding house.

The operator of the boarding house will confirm with the operator of the opioid substitution therapy clinic located on ground floor that any and all prospective lodgers are not patients of the clinic.

The 'revision number' and date (month and year) of the revised Plan of Management must be updated accordingly.

- c) Insert a new condition as follows:

I Conditions that are ongoing requirements of development consents

(1A) Restriction on lodgers

Patients of the opioid substitution therapy clinic on the ground floor are not permitted to lodge in the boarding house.

C Design changes

(1) Windows

The windows and window-frames of the building at ground floor must be of solid construction. These windows must be fitted with locks that comply with the Australian Standard – Mechanical Locksets for windows in buildings, AS:4145 <http://www.standards.org.au> to restrict unauthorised access.

- d) Modification of the following conditions:

I Conditions that are ongoing requirements of development consents

(13) Parking Access – Medical centre

The parking bays proposed for the Medical centre of the development must be easily accessible and be clearly designated, marked, and signed. ~~Access to these bays must not be restricted in any way by security doors or intercom access during business hours approved for the commercial development.~~

Notice of such modifications must be given to Council in accordance with Section 97 of the Environmental Planning and Assessment Regulations 2000, prior to any work pursuant of this consent.

NOTE: Where applicable, the conditions of consent in consent No. 10.2017.58.1 apply to consent No. 10.2018.131.1. In the event of any inconsistency, the conditions of this consent (10.2018.131.1) shall prevail.

2. The Plan of Management dated 2018 must be updated to include the following;
 - a) Patients of the clinic are restricted from lodging in the boarding house at the boarding house which is located within the same building.
 - b) The operator of the clinic will confirm with the operator of the boarding house located in the same building that any prospective patients of the clinic are not current lodgers of the boarding house.
 - c) The clinic's management will inform all of their patients who attend in the mornings that they must not attend the site before 5.50am weekdays, 7.20am Saturdays and 8.50am Sundays, and that all patients should wait on the landing next to the clinics entrance.

The 'revision number' and date (month and year) of the revised Plan of Management must be updated accordingly.

3. The proposed accessible ramp in the front setback must be relocated closer to the building so as to minimise its impact on the front landscaped area. The architectural plans and the landscape plan must be updated to reflect this and show extensive significant plantings between the ramp and the front fence to prevent this area being readily accessible or used to the satisfaction of Council. The plantings must not create any areas of concealment.
4. The front fence and gates fronting Moonbie Street must be of timber pickets or metal balusters (with a height of no more than 1.2m) so as to be optically permeable and minimise any areas of concealment. The gates must include legible business identification signage which identify the respective uses (the clinic and boarding house) to the satisfaction of Council.
5. A 1.8m high optically permeable fence (with lockable gate if desired) in-line with the façade must be included from the northern side elevation of the building to the northern (side) boundary so as to prevent unrestricted access to the northern side setback to the satisfaction of Council.
6. Two (2) x Class 3 (bicycle racks or rails) bicycle spaces are provided near the entrance of the clinic in a visible area while not obstructing the path of travel and ensuring minimal loss of landscaped area. The parking should be designed in direct consultation with the following Australian Standards: AS2890.1, AS2890.3 and AS2890.6 to the satisfaction of Council.

7. The small 'breakout area' to the north of the boarding house entrance and in front of window WD-03 SH must be replaced with a non-trafficable planter box to minimise areas obscured from the public domain.
8. Boarding rooms G.02 and G.04 are to be amended to include operable fanlights or operable glass louvers so they do not rely on keeping the balcony doors open to obtain natural ventilation at the expense of security.

The operational development consent will be issued by Council (in writing) after the applicant provides sufficient information to satisfy Council in relation to the conditions of the deferred commencement and any conditions that arise as a result of satisfying the above matters.

If the applicant fails to satisfy Council as to the above matters within 24 months from the date of determination or this consent will lapse.

PART B

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 drawing numbers prepared by and date stamped by Council and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

Approved Plans:

Drawing No.	Title/Description	Prepared by	Revision	Date
DA.01	Site Plan & Site Analysis	Mdp	E	18 November 2018
DA.02	Approved Basement Carpark	Mdp	E	18 November 2018
DA.03	Proposed Ground Floor Plan	Mdp	F	18 November 2018
DA.04	Proposed East Elevation	Mdp	E	18 November 2018
DA.05	Proposed North Elevation	Mdp	E	18 November 2018
DA.06	Proposed Section AA-BB	Mdp	E	18 November 2018
DA.09	Landscape Plan	Mdp	E	18 November 2018

Supporting Documents:

Title/Document	Prepared by	Issue/Revision	Date
United Gardens Policy And Procedure Manual	Unknown	2018	2018
Waste Management Plan	Planning Integrity	-	18 July 2018
Access Capability Statement for DA Submission (Ref: 18286)	CodePerformance	-	5 July 2018

In the event of any inconsistency, the conditions of this consent shall prevail.

(2) Compliance with conditions from consent No. 10.2017.58.1

Where applicable, the conditions of consent in consent No. 10.2017.58.1 apply to consent No. 10.2018.131.1. In the event of any inconsistency, the conditions of this consent (10.2018.131.1) shall prevail.

(3) Signage

A separate development application for any proposed signs (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

(4) Loading/unloading

All loading and unloading and waste collection in connection with the use must be carried out only between the hours of 7:00am to 6:00pm Mondays to Saturdays and must occur on-site.

(5) Operating hours

The hours of operation of the site being restricted in the following:

6.00am – 4.00pm, Mondays to Fridays.

7.30am – 12.00 midday on Saturdays.

9.00am – 12.00 midday on Sundays.

B Design Changes

Nil.

C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate**(1) CCTV**

- a) CCTV Cameras should be strategically mounted at the entry and exit points to monitor unauthorised access and prevent opportunistic crime and anti-social behaviour, assaults etc. Additional to the stated location should include but are not limited to:

- ramp for underground car park to cover vehicular access
- wide angle CCTV to cover waste rooms and store room as well as stairwell/life access
- entrance to office area/sign in sheet and lobby area
- cover the bicycle parking area

- b) Sensor lighting to be used in underground car park during dark hours to work in conjunction with CCTV (incandescent, fluorescent or halogen lighting as colour rendition is more appropriate).

(2) NSW Police conditions

- a) Glass frontages or windows to the clinic must have chemically hardened glass, toughened laminated glass with PVB interlayer and transparent polycarbonate sheeting, so as to be resistant to breakages given the product kept on the property.
- b) The windows and window-frames of the building at ground floor must be of solid construction. These windows should be fitted with locks that comply with the Australian Standard – Mechanical Locksets for windows in buildings, AS:4145 <http://www.standards.org.au> to restrict unauthorised access.
- c) An Emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplace, AS:3745:2002 should be prepared and maintained by your development to assist management and staff in the event of an emergency. This standard sets out the requirements for the development of procedures for the controlled evacuation of the building, structures and workplaces during emergencies. Further information in relation to planning for emergencies can be obtained from

Emergency NSW <http://www.emergency.nsw.gov.au> or Emergency Management Australia <http://www.ema.gov.au>.

- d) Management should provide Police and council with contact details of the managers and caretakers of the premises. These numbers should also be placed in the common areas and in the office areas. A contact number for external complaints by surrounding neighbours should be provided to nearby residents. This number could be placed on all entry points to the site.
- e) Individual swipe card entry should be used as security for units, common areas, clinic and carpark to reduce the risk of stealing and break and enters. This will enable the ability for cards to be deactivated when a tenant vacates. It is suggested that swipe cards and combination locks are issued with a deposit bond eg \$50 which is to be refunded upon vacating the premises and returning the items. This reduces the risk of having keys copied and used later by ex-tenants to access keys property.

(3) Signage

- a) Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders.
- b) The basement car park is to have clear and legible signage which states 'Residents and Staff Only', restrict all access to the car park where possible to reduce the risk of theft from motor vehicles, swatting or entrapment.
- c) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime. These measures will assist in minimising the risk of unauthorised access and protect tenants and their property.
 - "Private Property" "Warning, trespassers will be prosecuted"
 - "Do Not leave valuables in vehicles"
 - "Warning, these premises are under electronic surveillance"
 - No cash left on premises
 - No Drugs left on premises (if possible)
 - "Secure bicycles"
 - "Lock it or Lose it"

(4) Loading/unloading during construction

Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

(5) Mechanical Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided.

The ventilation systems are to be designed, constructed and operated in accordance with the:

- The Building Code of Australia,
- Australian Standard AS 1668 Part 1 – 1998,
- Australian Standard AS 1668 Part 2 – 2012,
- Australian Standard 3666.1 – 2011,
- Australian Standard 3666.2 – 2011; and
- Australian Standard 3666.3 - 2011.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council (the consent authority).

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

(6) Trade Waste Licence Agreement

Waste water arising from the use must be directed to the sewers of the Sydney Water under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of Sydney Water prior to discharge to the sewer. Details of the requirements of the Trade Waste Agreement must be obtained prior to the issue of a Construction Certificate. Plans detailing how compliance will be achieved must be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

(2) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

(3) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(4) Air-conditioning units

Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
 - i) 10:00pm to 7:00am on Monday to Saturday; and
 - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

(5) Disposable sharps

Disposable sharps waste container shall be installed and shall conform to Australian Standard AS 4031. A licensed waste contractor shall be engaged to dispose of the waste. Waste receipts for all sharps waste shall be available to Council upon request.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(6) Mechanical ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided.

The ventilation systems are to be designed, constructed and operated in accordance with the:

- The Building Code of Australia,
- Australian Standard AS 1668 Part 1 – 1998,
- Australian Standard AS 1668 Part 2 – 2012,
- Australian Standard 3666.1 – 2011,
- Australian Standard 3666.2 – 2011; and
- Australian Standard 3666.3 - 2011.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council (the consent authority).

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

(7) Trade waste license agreement

Waste water arising from the use must be directed to the sewers of the Sydney Water under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of Sydney Water prior to discharge to the sewer. Details of the requirements of the Trade Waste Agreement must be obtained prior to the issue of a Construction Certificate. Plans detailing how compliance will be achieved must be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

E Conditions that must be complied with during construction or demolition

(1) Waste Management Plan

All requirements of the approved Waste Management Plan must be implemented during the demolition and/or excavation and construction period of the development. Adequate measures need to be in place to ensure the ongoing waste management of the site.

Keep receipts of where waste will be taken to be treated or disposed. The receipts must be presented to the Principal Certifying Authority prior to issue of the occupation certificate.

(2) Work hours

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:

- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

- 8:00 am to 12:00 pm, Monday to Saturday; and
- 2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

Noise arising from the works must be controlled in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

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**(1) Occupation certificate**

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

(2) Bin storage area

The bin storage area must:

- be well lit with artificial lighting to be provided. Control switched to be located outside and inside the room in close proximity to the entry door
- have hot and cold water outlet with hose cock for cleaning of the bins and storage area.
- drain to sewer
- have adequate ventilation which complies with provisions of Australian Standard
- have doors which provides a minimum of 1200mm clearance to allow manoeuvring of bins.

(3) Fire alarm details - Principal Certifying Authority

Details of the proposed Fire Alarm system shall be submitted to the Principal Certifying Authority for its consideration prior to installation including a certificate, prepared by a person competent to do so, setting out the:-

- (i) basis of design
- (ii) standard to which the system is to be installed; and
- (iii) including all relevant documentation including wiring diagram and details of detectors.

At the completion of the installation a certification shall be submitted to the Principal Certifying Authority containing the following:-

- (i) inspection, testing and commission details;
- (ii) date of inspection, testing and commissioning;
- (iii) the name and address of the individual who carried out the test;
- (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

H Conditions that are ongoing requirements of development consents**(1) Staff Entry**

The internal entrance to the clinic labelled 'staff entrance' on the approved plans must not be used at any time by patients of the clinic.

(2) Basement Carpark

Patients of the clinic are prohibited from accessing or using the basement carpark.

(3) Internal Lift

Patients of the clinic are prohibited from using the internal lift.

(4) Patient arrivals

The clinic's management must inform all of their patients who attend in the mornings that they must not attend the site before 5.50am weekdays, 7.20am Saturdays and 8.50am Sundays, and that all patients should wait on the landing next to the clinics entrance.

(5) Maintenance of landscaping

Maintenance of the landscaping in the front garden area, any obvious concealment areas which may be used to commit or conceal an offence need to be prevented and removed if/when any plants cause this problem

(6) Waste

- a) The collection point for the clinic's garbage and recycling bins should be from the rear lane as per the boarding house.
- b) The clinic must have valid and current contract/s for garbage and recycling collection for disposal or processing of all waste streams.
- c) Non reusable sharps containers which meet the Australian Standards for safe disposal of sharps to be available. Clinical waste collection and disposal contracts are to be held on site.
- d) Waste dockets from demolition and construction waste to be retained on site.

(7) Basement access

The roller shutter door at the entrance of the basement must be closed at all times when authorised persons are not gaining access to/from the garage.

(8) Air-conditioning units

To preserve the streetscape, air conditioners or any plant equipment shall not be placed along the street façade or any place/part of the building that is visible from the public domain.

(9) Health Impacts

The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.

(10) Acoustic impacts

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

(11) Public address systems - prior consent required

A public address system or sound amplifying equipment shall not be installed in or upon the premises so as to cause or permit the emission of sound onto any public place unless the prior consent of Council has been obtained.

I Advisory Notes

(1) Application for a Construction Certificate

The required application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate. **WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

(2) Compliance with the Disability Discrimination Act - liability

This decision does not ensure compliance with the Disability Discrimination Act. The owner, lessee, operator and/or manager of the premises is advised that under the *Disability Discrimination Act 1992*, it is illegal to discriminate against a person with a disability by means of restricting access to or within the building. If access is restricted the owner, lessee, operator and/or manager of the premises may be liable for prosecution and/or a successful appeal to the Human Rights and Equal Opportunities Commission. You should therefore investigate your liability under that Act. Australian Standard 1428 - Design for Access and Mobility, Parts 2, 3 and 4 may assist in determining compliance with the *Disability Discrimination Act 1992*.

(3) Tree preservation

Where tree removal or work has not been approved by this Development Consent, the developer is notified that a general Tree Preservation Order applies to all trees (with the exception of certain species) in the Municipality of Ashfield with a height greater than five (5) metres. This order prohibits the ringbarking, cutting down, topping, lopping*, pruning, transplanting, injuring or wilful destruction of such trees except with the prior approval of the Council. Written consent from Council for such tree works must be in the form of a "Tree Preservation Order Permit for Pruning or Removal of Protected Trees" to be obtained from Council.

- * Lopping may be carried out without consent only to maintain a minimum clearance of 500mm from power lines, pruning to remove dead wood/branches and minor pruning of branches overhanging buildings to a height of 2 metres only with the agreement of the owner of the tree. Contact Council's One Stop Shop - telephone 9716 1800, for details of the Tree Preservation Order.

(4) Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

Reason for the imposition of conditions

Unrestricted consent would be likely to cause injury:

- a) to the amenity of the neighbourhood
- b) to the heritage significance of the area
- c) to the heritage significance of the property
- d) to the amenity of the neighbourhood due to the emission of noise
- e) to the amenity of the neighbourhood due to the creation of a traffic hazard

and further, would not be in the public interest.

Compliance with Building Code of Australia

- (1) All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187 or 188.

NOTES

- (i) This approval does not relieve an applicant of the obligation to obtain any other approval required under Section 68 of the Local Government Act, 1993 and Ordinances or Section 4.12 of the Environmental Planning & Assessment Act, 1979 or any other Act or Regulation.
- (ii) Further approval(s) – see above, may be required in addition to this development consent. Plans and specifications submitted for building works must comply with the Building Code of Australia, any relevant condition of development consent and/or other code or requirement of Council at the time of approval.

Ask Council if you are unsure of what procedures you need to follow.

SECTIONS 8.2, 8.7 AND 4.53 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

You are advised that:

- Under the provisions of Section 8.2 of the Environmental Planning and Assessment Act, 1979, an applicant may request Council to review a determination of the applicant's development application, other than an application for designated development. Any request for a review must be made within six (6) months of the date on which the applicant received notice, given in accordance with the regulations, of the determination of the application and be accompanied by the fee prescribed in Section 257 of the Regulations.
- If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.
- Under the provisions of Section 4.53 of the Environmental Planning and Assessment Act, 1979, unless the development, which is the subject of this consent, is commenced within five (5) years from the date of determination, the consent will lapse.

Attachment B – Plans of proposed development

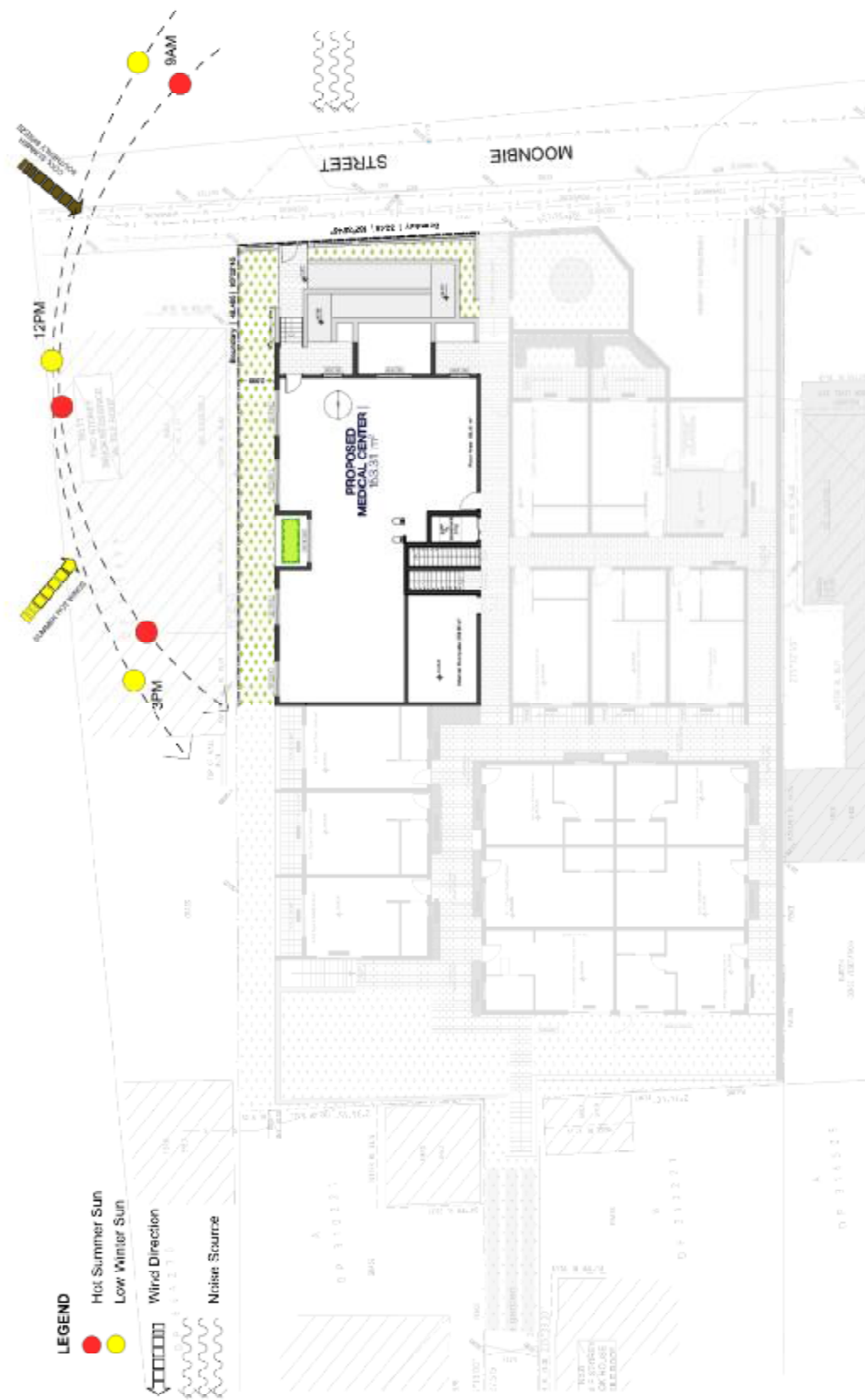
Plans

PROPOSED MEDICAL CENTRE (GROUND FLOOR) / 11A MOONBIE STREET SUMMER HILL

Drawing schedule

Layout No.	Layout Name
SA-00	COVER PAGE
SA-01	SITE PLAN & SITE ANALYSIS
SA-02	APPROVED BASEMENT CARPARK
SA-03	PROPOSED GROUND FLOOR PLAN
SA-04	PROPOSED FIRST FLOOR PLAN
SA-05	PROPOSED SECOND FLOOR PLAN
SA-06	PROPOSED SECTION A-A 1/11
SA-07	SECTION B-B 1/11
SA-08	LANDSCAPE PLAN
SA-09	LANDSCAPE ARTIST





LEGEND

- Hot Summer Sun
- Low Winter Sun

Wind Direction

Noise Source

Site PLAN & SITE ANALYSIS

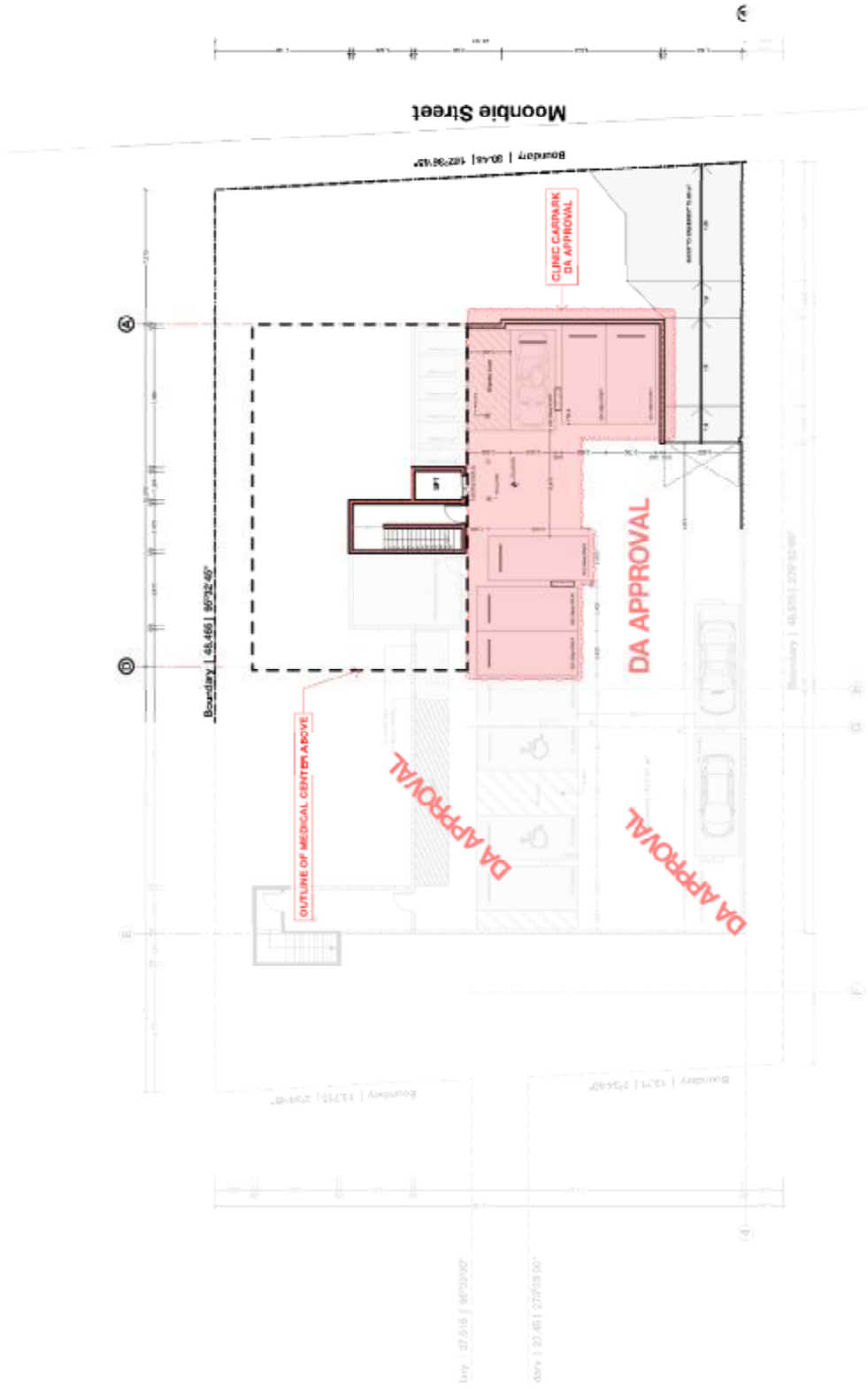
Site Address: 113 Moombie Street
 Summer Hill NSW 2130
 Project No: 1912/DC/918
 Date: 15.11.18
 Drawing No: DA.01
 Revision: E
 Client: Anlad Senklers Clinic

Scale: 1:200 @ A3
 Drawn: DMJ
 Project No: 1912/DC/918
 Date: 15.11.18
 Drawing No: DA.01
 Revision: E

MOONBIE STREET

mcp [M]
 mcp CONSULTANTS
 113 Moombie Street
 Summer Hill NSW 2130
 Phone: 02 9390 1234
 Fax: 02 9390 1235
 Email: info@mcp.com.au
 Website: www.mcp.com.au

Inner West Local Planning Panel
 113 Moombie Street
 Summer Hill NSW 2130
 Phone: 02 9390 1234
 Fax: 02 9390 1235
 Email: info@mcp.com.au
 Website: www.mcp.com.au



Environmental Partnership
 2012/2013
 7188 8181

mbd [M]

mbd is a registered professional services provider under the Professional Services Act 2009. It is a member of the Institute of Environmental Designers (IED) and the Institute of Environmental Designers (IED) is a member of the Institute of Environmental Designers (IED).
 The Institute of Environmental Designers (IED) is a not-for-profit organisation that provides a range of services to its members, including professional indemnity insurance, public liability insurance, and professional indemnity insurance.

Scale	2:500 @ A3
Client	UWLJ
Project No.	191030059104
Date	10.11.18
Drawing No.	Rev. 01
	E

The address
 Ground Floor
 118 Moombie Street
 Summer Hill NSW 2130
Project Number
 UWLJ-191030059104
Lot C | DP910021
 Client
 United Gardens Clinic

The APPROVED BASEMENT CARPARK



PREPARED BY
 ARCHITECT
 PARTNER
 1300 721 815

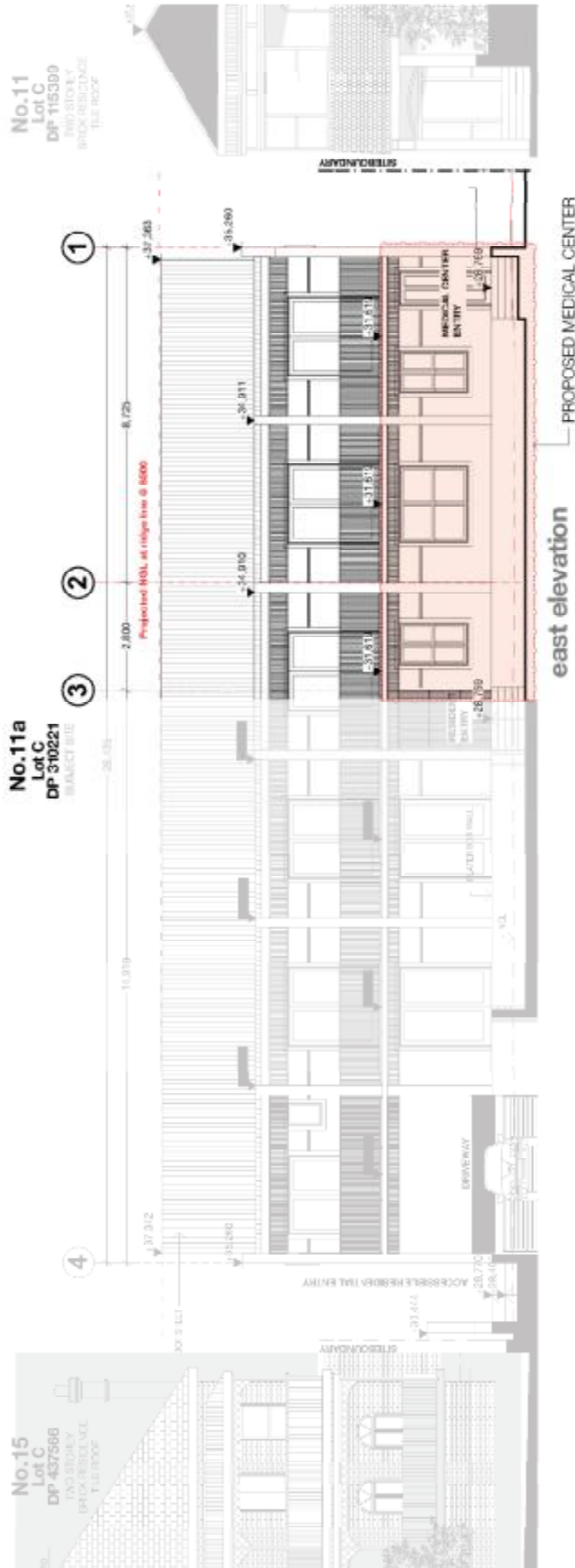


1:100 @ A3
 DWG-1
 13030406/004
 18.11.18
 DA-03 E

Site Address
 Ground Floor
 11a Moonbie Street
 Summer Hill NSW 2130
 File Number
 Lot C / DP910221
 Client
 United Gardens Clinic

The PROPOSED GROUND FLOOR PLAN

Scale: 1:100 @ A3
 Drawing No: 13030406/004
 Date: 18.11.18
 Revision: E
 DA-03



No.11
Lot C
DP 115309
TWO STOREY /
BRICK RESIDENCE
TILE ROOF

No.11a
Lot C
DP 310221
TWO STOREY /
TILE ROOF

No.15
Lot C
DP 437568
TWO STOREY /
BRICK RESIDENCE
TILE ROOF

PROPOSED EAST
ELEVATION

Site address:
Ground Floor
118 Moorlands Street
Summer Hill NSW 2130

Project No. TFC240093UM
Date 18.11.18
Drawing No. 00.04

Scale 1:100 @ A3
Client GMP/J
Project No. TFC240093UM
Date 18.11.18
Drawing No. 00.04

Architect
Urban Gardens Clinic

Architect
Urban Gardens Clinic

Architect
Urban Gardens Clinic

Architect
Urban Gardens Clinic

Architect
Urban Gardens Clinic

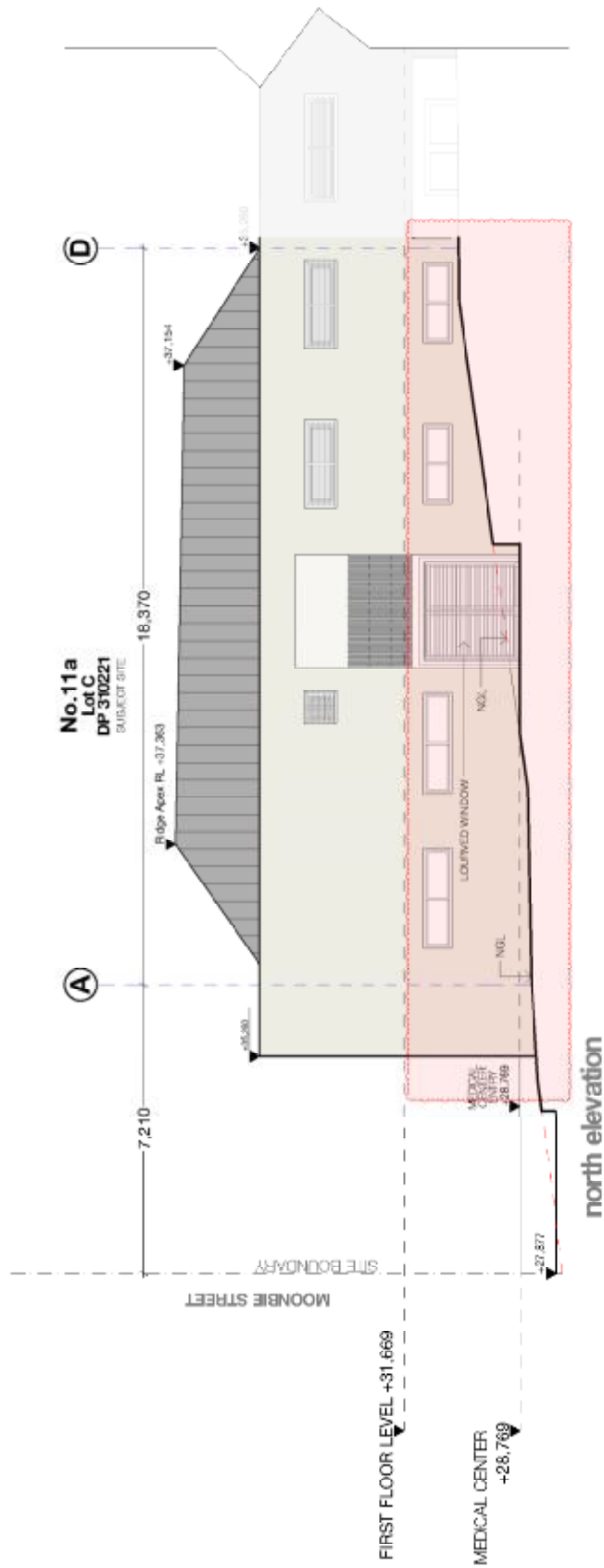
Architect
Urban Gardens Clinic

Architect
Urban Gardens Clinic

Architect
Urban Gardens Clinic

Architect
Urban Gardens Clinic

Architect
Urban Gardens Clinic



The PROPOSED NORTH ELEVATION

Site address: Ground Floor, 11a Moonbie Street, Summer Hill NSW 2130
 File number: LRIC | DP310221
 Client: United Gardens Clinic

Scale: 1:150 @ A3
 Drawn: GMS/aj
 Project No: 1012100005/UM
 Date: 15.11.18
 Drawing No: DAA05
 Revision: E

DESIGNED BY
 1012100005

PROJECT NO
 1012100005/UM

DATE
 15.11.18

DRAWING NO
 DAA05

REVISION
 E

DESIGNED BY
 1012100005

PROJECT NO
 1012100005/UM

DATE
 15.11.18

DRAWING NO
 DAA05

REVISION
 E

DESIGNED BY
 1012100005

PROJECT NO
 1012100005/UM

DATE
 15.11.18

DRAWING NO
 DAA05

REVISION
 E

DESIGNED BY
 1012100005

PROJECT NO
 1012100005/UM

DATE
 15.11.18

DRAWING NO
 DAA05

REVISION
 E



measured
parameters

mtp [M]
measured parameters

measured parameters

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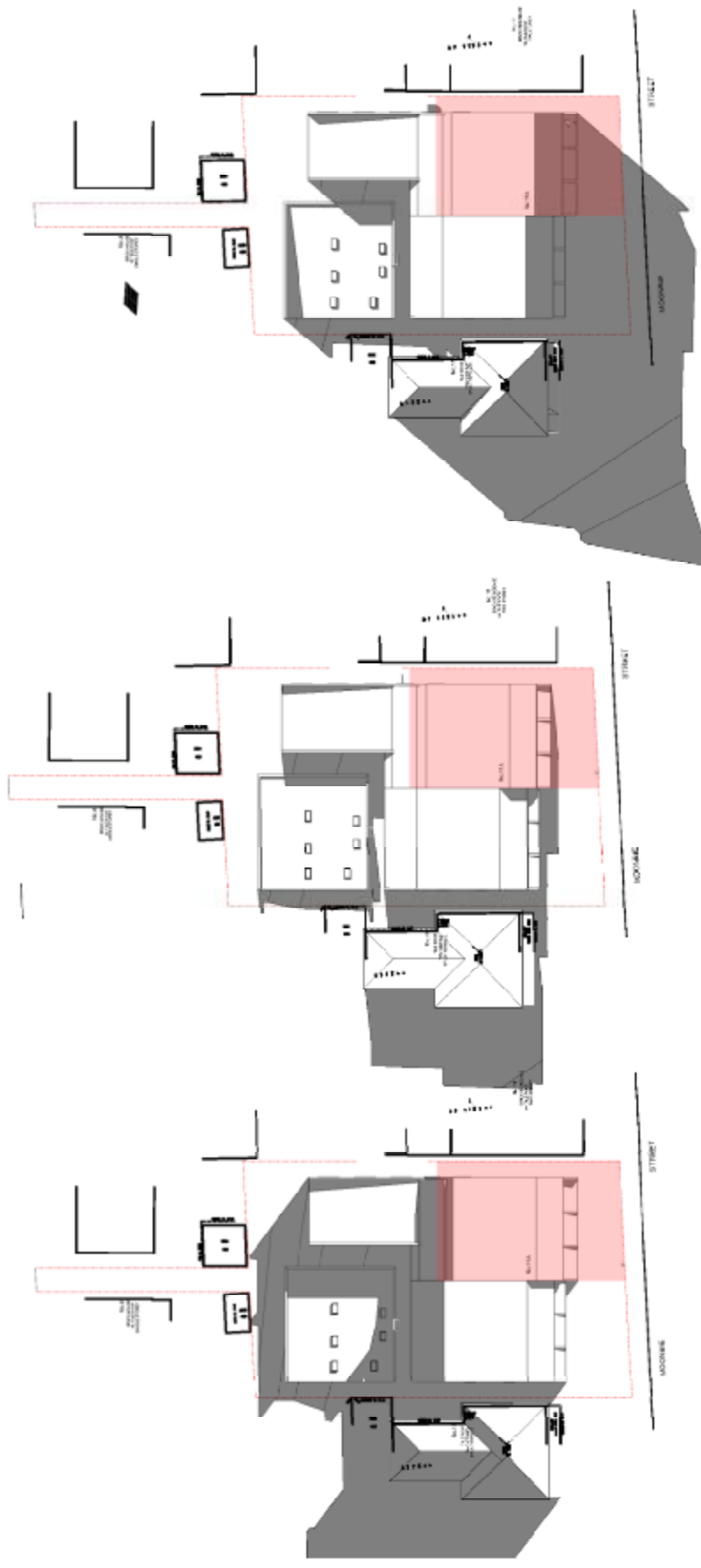
measured parameters

measured parameters

measured parameters

measured parameters

measured parameters



MEDICAL CENTER LOCATION ON GROUND

Site Address
 Ground Floor
 11a Moolba Street
 Summer Hill NSW 2130

Project No. 1510160391M
Date 15.11.18
Drawing No Rev:01
DA.07 E

Scale 1:250 N.A.S.I.
Drawn GML/J
Project No. 1510160391M
Date 15.11.18
Drawing No Rev:01
DA.07 E

Architect
 MDP
 Check all dimensions and site conditions prior to commencement of site work. No liability for errors or omissions. All dimensions and site conditions are subject to change without notice. All dimensions and site conditions are subject to change without notice. All dimensions and site conditions are subject to change without notice.

monument
MDP
MDP
 17/11/18
 7/12/18

