

Original signed by: Kim Rothe Dated: 1/8/2019

Catherine Plummer
Pet Medical Milsons Point Pty Ltd
PO Box 250
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D289/17
KRR(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 289/17/3 – APPROVAL**

Development Consent Number: 289/17

Land to which this applies: 28 Alfred Street, Milsons Point
Lot No.: X, DP: 403084

Applicant: Catherine Plummer,
Pet Medical, Milsons Point Pty Ltd

Proposal: Modify DA 289/17 to delete Condition I1, to allow overnight hospitalization of animals being treated at the clinic.

Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **289/17** and registered in Council's records as Application No. **289/17/3** relating to the land described as **28 Alfred Street, Milsons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 1 November 2017, has been determined in the following manner: -

1. To amend Conditions A1, I1, I3 and I4 as follows: -

Development in Accordance with Plans (Section 4.55 Amendments)

A1 The development being carried out in accordance with plans identified below and endorsed with Council's approval stamp.

DA289/17 Approved Plans

Plan No.	Dated	Issue	Title	Drawn by	Received
DA-01	13 July 2017	A	Site Plan and Elevation	Big City Design	18 August 2017
DA-02	13 July 2017	A	Existing / Demolition Plan	Big City Design	18 August 2017
DA-03	13 July 2017	B	Proposed Furniture Plan	Big City Design	21 September 2017

DA289/17/3 Amended Plan

Plan No.	Dated	Issue	Title	Drawn by	Received
ADA-01	13 December 2018	B	Existing Layout Indicating Proposed Overnight Accommodation	Big City Design	8 May 2019

and as amended by the following conditions and this consent.

(Reason: To ensure that the form of the development undertaken is in accordance with determination of Council, Public Information)

I. On-Going / Operational Conditions

No General Boarding of Animals

11. The subject approval does not permit the general animal boarding service of healthy animals at the premises. Only animals which have undergone or about to undergo treatment at the clinic are permitted to be retained overnight at the premises or period otherwise deemed by a qualified veterinarian.

A maximum of 4 sick or injured dogs and 12 sick or injured cats or similar sized animals suitable to be kept in the cat cages can be on the premises over night or period otherwise deemed by a qualified veterinarian.

(Reason: To ensure no boarding of animals occurs at the premises)

Noise and Impact

13. The on-going use of the premises approved under this consent must comply with all conditions pertaining to noise specified in this consent and the recommendations contained in the acoustic report prepared by Acoustic Logic report for 28 Alfred Street, Milsons Point dated 11 September 2017 and amended acoustic report prepared by Acoustic Logic report for 28 Alfred Street, Milsons Point dated 6 December 2018, must be implemented during use of the development.

(Reason: To ensure compliance with the specified levels of noise and to maintain the amenity of surrounding land uses)

Hours of Operation

- 14 The hours of operation of the veterinary centre are restricted to:

Monday to Friday 8:00 am - 7.00 pm
Saturday and Sunday 9:00 am to 5:00 pm

These stipulated hours for a trial period of twelve (12) months do not extend to sick or injured animals being kept on premises overnight for observation during the trial period allowed by Condition I9. Should the trial period not be extended, then the keeping of sick or injured animal outside the hours of operation is to cease.

(Reason: To ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

2. To insert new Conditions I9 and I10 as follows:

Hours of Operation – trial period

I9. Notwithstanding Condition I4 above, these stipulated hours do not prevent sick or injured animals being kept on premises overnight for observation, however, no general veterinarian procedures beyond emergency procedures are to be undertaken outside the stipulated hours.

The approved activity may operate for a trial period of twelve (12) months from the commencement of overnight hospitalisation of sick or injured animals. Council must be informed in writing of the date of commencing the trial period.

In order for the above trial hours of operation to be confirmed as ongoing, a modification application must be lodged with Council prior to the expiration of the trial period. The assessment of the application to continue the use in accordance with the trial, will consider amongst other things, the impact of the use on surrounding areas the performance of the operation in relation to compliance with development consent conditions.

In the event that no modification application is lodged, or an application is not approved, then the overnight boarding or sick or injured animals on the premises must cease.

Note: Any person acting on this consent is advised that any modification application to the trial hours of operation period should be submitted to Council a minimum of thirty (30) days prior to the expiration of the trial period otherwise the trial period must lapse.

(Reason: To ensure safety and security and protect the amenity of surrounding areas)

No Residential Occupancy

I10. Nothing in this consent authorises the use of the premises for ongoing overnight animal carer or residential purposes.

(Reason: To ensure compliance with the terms of this consent)

The proposed development as modified is considered to be substantially the same development as approved.

Reason for approval:

The proposal to allow for the overnight interment of animals treated at the veterinary will improve upon the services on offer at the clinic in line with best industry practices. In terms of potential impacts, the scale of impacts is considered to be supportable in the circumstances subject to the modifications to the as imposed original conditions of development consent and insertion of new conditions for the development to be the subject of a trial period to review the potential impacts and prevent residential use at the premises.

Accordingly, the recommendation of the report allows for the overnight hospitalisation of treated animals for a trial period of twelve months.

How community views were taken into account:

The owners of adjoining properties and the Lavender Bay Precinct were notified of the proposed development for a period of Fourteen (14) days between 24 May 2019 – 7 June 2019. Following this notification period there were a total of 3 submissions received.

The conditions attached to the original consent for Development Application No. 289/17 by endorsed date of 1 November 2017 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Kim Rothe**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of the Environmental Planning and Assessment Act 1979 (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved.
- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:

- (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.
 - (ii) A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
 - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 4.55 of the Environmental Planning & Assessment Act, 1979 (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER(ASSESSMENTS)