

Original signed by: Kim Rothe Dated: 14/9/2020

Pet Medical, Milsons Point Pty Ltd
Attention: Catherine Plummer
PO Box 250
SCONE NSW 2337

D289/17
KRR(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 289/17/4 – APPROVAL**

Development Consent Number: 289/17/4

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

Applicant: Pet Medical, Milsons Point Pty Ltd

Proposal: Modify DA 289/17 to delete Condition I9, delete the trial hours of operation Condition to allow ongoing 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. **289/17/4** 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 Condition I4 as follows: -

Hours of Operation

I4 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 of operation do not extend to 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.

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

2. Condition I9 be deleted: -

Reason for approval:

This development application seeks fitout and use of the existing building for use as a veterinary hospital. The proposed hours of operations are 8:00 am - 7.00 pm Monday-Friday, and 9:00 am to 5:00 pm Saturday and Sundays. There is to be no overnight boarding of animals at the premises only day treatment of sick animals or scheduled surgery.

The application was notified to adjoining properties and the Lavender Bay Precinct from between 1 September to 15 September 2017. Council has received *eight* (8) submissions including concerns raised by the local precinct committee. Six (6) of the submissions received raised concerns noise, waste and odour management, appropriateness of use, loading and access. Two of the submissions received were in support of the proposed new centre.

The use is a permissible activity with consent of Council in the B4 Mixed Use zone and the proposal is general compliant with Council's NSLEP and NSDCP 2013.

This assessment has considered the concerns raised in the submissions received and where concerns are identified, these can be conditioned to ensure there will be no ongoing adverse impacts arising as a result of the development. Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for *approval* subject to attached recommended conditions of development consent

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 from between 14 August – 28 August 2020.

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)