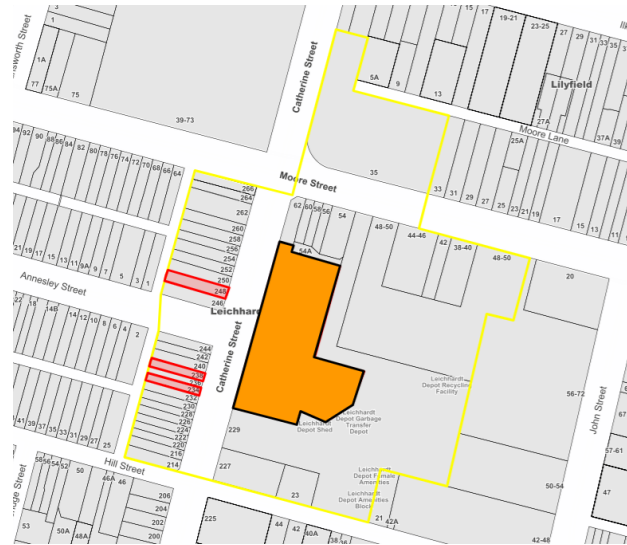







INNER WEST

DEVELOPMENT ASSESSMENT PANEL REPORT

| | |
|---|--|
| Application No. | DA/2023/1099 |
| Address | 233 Catherine Street LEICHHARDT |
| Proposal | Construction of a mezzanine level, internal fitout works and change of use of Units 3 – 5 to a Veterinary Hospital. Operating hours are 8.00am - 6.00pm Mondays to Fridays and 8.00am - 2.00pm on Saturdays. Operating hours of emergency services are 24 hours a day, Mondays to Sundays. |
| Date of Lodgement | 20 December 2023 |
| Applicant | Margaret Blackman |
| Owner | Tap III Leichhardt Pty Ltd |
| Number of Submissions | Initial: 3 |
| Cost of works | \$3,413,347.00 |
| Reason for determination at Planning Panel | Section 4.6 variation exceeds 10% |
| Main Issues | FSR variation, 24-hour operation, submissions |
| Recommendation | Approved with Conditions |
| Attachment A | Recommended conditions of consent |
| Attachment B | Plans of proposed development |
| Attachment C | Section 4.6 Exception to Development Standards |
| Attachment D | Operational Management Plan |



LOCALITY MAP

| | | | | |
|---------------|---|------------|---|---|
| Subject Site |  | Objectors |  |  N |
| Notified Area |  | Supporters |  | |

1. Executive Summary

This report is an assessment of the application submitted to Council for construction of a mezzanine level, internal fitout works and change of use of Units 3 – 5 to a Veterinary Hospital located at 233 Catherine Street Leichhardt.

The application was notified to surrounding properties and 3 submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Non-compliance with the 4.4 Floor Space Ratio (FSR) Development Standard of the Inner West Local Environmental Plan 2022;
- Proposed 24-hour operation of the emergency and critical care clinic of the veterinary hospital and non-compliance with the hours of operation for industrial land uses in the Leichhardt Development Control Plan 2013; and
- Potential amenity impacts associated with the hours of operation on neighbouring residential properties.

The non-compliances are acceptable given the following:

- The proposal primarily involves internal works within the previously approved building envelope. The proposed mezzanine level results in additional gross floor area which contributes to an increase in the variation with the FSR development standard. A Section 4.6 variation request has been submitted which is considered worthy of support;
- The assessment of the likely impacts relating to the proposed 24-hour operation has been undertaken. Subject to the imposition of recommended conditions, the proposal is not likely to result in significant adverse amenity impacts on residential amenity; and
- A condition has been included in the recommendation that a one-year trial period for the proposed 24-hour operation of the emergency and critical care clinic be imposed in order for the operator to demonstrate that the facility can provide the service without unreasonable adverse impacts on the surrounding area.

2. Proposal

Proposed Use

The proposal seeks approval for the use of Units 3 - 5 in an approved warehouse building (currently under construction) as a veterinary hospital. The warehouse was originally approved under Complying Development Certificate - CDCP/2022/0159.

As described in the submitted Statement of Environmental Effects, *“the proposed use will provide a “one-stop” comprehensive array of animal-related medical facilities, including diagnostics, treatment, surgery and rehabilitation.”*

Proposed Hours of Operation and Operational Details

It is proposed that the veterinary hospital will operate 7 days a week. Regular veterinary services will operate between the hours of 8am to 6pm Monday to Friday and 8am to 2pm on Saturday. Emergency and critical care services operating 24 hours per day.

The facility will cater for a maximum of 15 dogs and 10 cats during the regular service hours and will require a maximum of 7 staff on the premises to operate – 3 specialists and 4 support staff. There are an expected maximum of 4 visitors within the clinic at any one given time.

The facility will also operate as an emergency and critical care clinic outside of regular hours and will cater for a maximum of 4 dogs and 3 cats with a maximum of 7 staff.

Proposed works

The proposed works are located in the portion of the building previously allocated to Units 3, 4 and 5 as originally approved in the Complying Development Certificate - CDCP/2022/0159.

The proposal includes the construction of a mezzanine level with access provided from the ground level by a centrally located lift and stairway. The works and associated fit out of the space will provide the following areas and rooms:

Ground level

- Entry and waiting areas (separate waiting area for cats and dogs);
- Nine (9) x consulting rooms;
- Three (3) x surgical theatre rooms and a dirty theatre room;
- Rooms for sterilisation and isolation;
- Rooms for ICU, ECC, XRAY and Ultrasound;
- Cat ward and dog ward;
- Rooms for exercise, gait, water treadmill and drying;
- Office;
- Male, Female and accessible bathrooms; and
- Waste Storage and hydrant Pump.

Mezzanine level

- Rooms for CT machine, MRI Machine, Hot Lab.
- Control room;
- Rooms for Chemo, treatment, ante room;
- Two (2) x dog runs and wash bay;
- Office, meeting room, staff room and mothers room;
- Two (2) x Unisex bathrooms and a laundry;
- Two (2) x plant rooms.

The following miscellaneous works to the façade, roof and external spaces are proposed:

- Modification to the configuration of the approved glazed elements on the front façade involving revised door and windows;
- Minor modification to the approved awning design;
- Two (2) x roof access hatches;
- Fifteen (15) x skylights;
- External Lighting to the building, walkway and car park;
- CCTV cameras; and

Signage

- A signage strategy has been provided showing future location of signage, however signage is proposed as part of this application.

3. Site Description

The subject site is located on the eastern side of Catherine Street, between Moore Street and Hill Street, Leichhardt. The site consists of one allotment and is generally rectangular with an additional irregular shaped component to the southeast corner. The site has a total area of 4,216 sqm and is legally described as Lot 1 in DP 1272898 (231-233 Catherine Street) and Lot 6 in DP 1266673 (50 Moore Street).

The site has a frontage to Catherine Street of 96.61 metres and while the site has no secondary street frontage, there is a frontage of approximately 52.90 metres to the private lane to the East.

The site supports a warehouse building which is currently under construction. The subject application is located within the Units allocated as 3, 4 and 5 in the warehouse building. There are a number of easements on the lane relating to access and services.

The adjoining properties support a mix of single and double storey commercial and industrial buildings. Single and double storey residential buildings are located on the opposite (western) side of Catherine Street.

The subject site is not listed as a heritage item and is not located within a conservation area, however it adjoins a *Heritage Item – Landscape* (Item i1088). The item is named *Street trees—row of Port Jackson Figs* and is located in the road reserve.

A row of Port Jackson Fig trees are located on the nature strip adjacent to the western boundary.

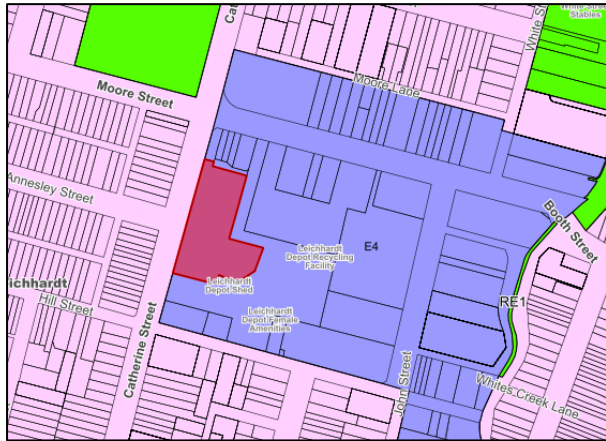


Figure 1: Zoning Map of the subject site - E4 General Industry (site highlighted red)



Figure 2: Photo of the subject site (as viewed from Catherine Street)



Figure 3: Photo of building under construction (as viewed from north on Catherine Street)



Figure 4: Photo of rear(east) of building under construction (as viewed from rear private lane)

4. Background

Site history

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

Subject Site

| Application | Proposal | Decision & Date |
|--|---|-----------------|
| CDCP/2022/0159 233 Catherine Street, Leichhardt (CDC Certificate number – 210090-01) | Demolition of the existing warehouse development and construction of a new light industrial development | 24 May 2022 |
| CDCP/2022/0127 50 Moore Street, Leichhardt | Demolition of the existing industrial warehouse premises | 28 April 2022 |

| | | |
|--|---|----------------------------------|
| (CDC Certificate number – 220011-01) | | |
| CDCP/2022/0366 233 Catherine Street, Leichhardt (CDC Certificate number – 210090-01/A) | Mod CDC1/A of 210090-01: Minor modifications to the approved design documentation including additional demolition, excavation and ancillary works (only); associated with the demolition of the existing warehouse development and construction of a new light industrial development | 20 December 2022 |
| DA/2023/0141 50 Moore Street and 233 Catherine Street Leichhardt | Consolidate the land at 50 Moore Street and 233 Catherine Street into a single Torrens title allotment, construct a new two-storey warehouse building at 50 Moore Street including a ground floor light industrial unit (Unit 8) and a first-floor light industrial unit, and make alterations to the approved light industrial units at 233 Catherine Street. Hours of operation are 7:00am to 7:00pm Monday to Saturday | 25 October 2023 |
| CDCP/2024/0160 233 Catherine Street, Leichhardt (CDC Certificate number – 210090-01/B) | Mod CDC1/B of 210090-01: Minor modifications to the approved design documentation including additional demolition, excavation and ancillary works (only); associated with the demolition of the existing warehouse development and construction of a new light industrial development | 20 May 2024 |
| MOD/2024/0121 | Section 4.55(2) modification to DA/2023/0141. Modification involves amendment to the location of the substation, modified drainage, fire egress, reconfiguration of amenities in units 6 and 8, and addition of ventilation louvres to units 6 and 8. | Under Assessment as of 28/5/2024 |

Note: For the purposes of this report, the original Complying Development Certificate - CDCP/2022/0159 will be referenced when referring to the approved warehouse structure given the number of subsequent minor CDC modifications.

The proposal relies on the structure approved in CDC certificate number 210090-01/B as well as additional works and conditions of consent within DA/2023/0141. As such, if consent is granted for the subject application it is a recommended condition of consent that the final occupation certificate must be issued for CDC certificate number 210090-01/B and DA/2023/0141 before an occupation certificate of the subject application is issued.

Related Applications

Not applicable.

Application history

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

| Date | Discussion / Letter / Additional Information |
|-------------------------|--|
| 20/01/2024 | Application Lodged. |
| 10/01/2024 – 31/01/2024 | Application notified. |
| 14/03/2024 | <p>Request for information (RFI) letter issued to the applicant requiring amendments or additional information to address the following:</p> <ul style="list-style-type: none"> • Further documentation required to support the proposed 24 hour operation and ensure that impact on residential and local amenity is minimised. Particular consideration to be given to the Leichhardt Development Control Plan LDGP2013 provisions under <i>C19 Safety by Design</i> to ensure a safe and secure environment for the occupants, visitors, neighbouring properties and members of the public. • It was advised that Council does not give permanent consent for 24-hour operation and that if consent was granted, it would be subject to an initial one (1) year trial period to ensure that the 24 hour operation of the premises does not interfere with the amenity of the locality. • Plans to be updated indicating the proposed location of lighting to address matters relating to security, safety and wayfinding at night and the measures proposed to ensure the development does not result in light spill to habitable rooms of the residential properties opposite the site on Catherine Street; • Prepare a signage strategy to enhance the legibility and wayfinding on the site (especially at night) and indicate associated illumination requirements for each sign; • Plan of Management to be updated with further and more specific detail including operational details, security and safety arrangements, delivery arrangements and complaint handling; • A Social Impact Comment to be submitted as required by the LDGP2013 and address submissions in response to the Community Engagement Process; • Plans to be amended to retain the approved window openings (shown deleted) on the western elevation to address concerns relating to amenity of the subject premises and the architectural expression of the eastern wall; • Clarification of items including: <ul style="list-style-type: none"> ○ Plans to be updated to show the context of the proposed works within the entire building; |

| | |
|-------------------|---|
| | <ul style="list-style-type: none"> ○ Plans to distinguish between the approved components of the building and the proposed works; and ○ Clarification of miscellaneous items on plans including location of roof hatches, type of voids proposed (void to ground level or ceiling voids) and proposed awnings; ● A suggestion was made that consideration be given to rationalising void spaces so that benefits could be gained from the volume and height of the approved internal envelope. A void adjacent to the mezzanine could also provide opportunities for surveillance from the mezzanine down to the ground floor; and ● Lift details to be provided and consideration to be given to ensuring the required vertical dimensions to the top and bottom of the lift are provided. |
| <p>12/04/2024</p> | <p>Revised plans and additional information were submitted in response to Council’s RFI request.</p> <p>The documentation and additional information generally addressed the items raised in Council’s RFI request.</p> <p>In accordance with Council’s Community Engagement Strategy, the amended plans were not required to be renotified.</p> <p>The amended plans are the subject of this assessment report</p> |

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 (EPA Act 1979)*.

A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards SEPP* requires the consent authority not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

As previously outlined, development was approved for the subject site under CDCP/2022/0159 and subsequently under DA/2023/0141. The approved industrial warehouse is currently under construction. The proposed works are located within the approved building and the proposal does not alter compliance with this part.

Notwithstanding, as noted in the Development Assessment Report for DA/2023/0141 there was evidence of contamination on the site. A DSI was prepared for DA/2023/0141 and a further letter submitted to clarify data gaps. Based on the report, the consent authority was satisfied that the land was suitable for the proposed use and that the land could be remediated.

The subject application does not specifically involve category 1 remediation under *SEPP (Resilience and Hazards) 2021* as remediation requirements were addressed as part of the assessment and associated conditions of consent for DA/2023/0141.

Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

Part 1 – Preliminary

| Section | Proposed | Compliance |
|-----------------------------|---|------------|
| Section 1.2 Aims of Plan | The proposal satisfies the section as follows: <ul style="list-style-type: none"> • The proposal facilitates economic growth and employment opportunities within Inner West. | Yes |

Part 2 – Permitted or prohibited development

| Section | Proposed | Compliance |
|---|--|------------|
| Section 2.3 Zone objectives and Land Use Table E4 – General Industry Zone | <ul style="list-style-type: none"> • The application proposes the change of use of part of a warehouse building (Units 3 – 5) into a veterinary hospital. • The application proposes construction works associated with the fit out of the Veterinary hospital. • Veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment. | Yes |

| Section | Proposed | Compliance |
|--|---|----------------------------|
| | <ul style="list-style-type: none"> Veterinary Hospitals are permitted with consent in the E4 zone. The proposal is not inconsistent with the relevant objectives of the zone as the proposal will not have significant impact on the operation of surrounding land uses and will provide a facility and service that will benefit the community. Furthermore, the proposal incorporates non-industrial land uses to a portion of the subject site (units 3, 4 and 5) and the remaining units on the subject site will maintain industrial land uses. | |
| Section 2.7 Demolition requires development consent | The proposal satisfies the section as follows: <ul style="list-style-type: none"> Demolition works are proposed, which are permissible with consent; and Standard conditions are recommended to manage impacts which may arise during demolition. | Yes, subject to conditions |

Part 4 – Principal development standards

| Section | Proposed | | Compliance |
|---|--|---------------------|--|
| Section 4.4 Floor space ratio | Maximum | 1:1 or 4,216sqm | No, refer to Section 4.6 discussion below. |
| | Proposed in subject application | 1.2:1 or 5060.85sqm | |
| | Variation in subject application | 844.85sqm or 20% | |
| | FSR approved in DA/2023/0141 | 1.08:1 or 4,564sqm | |
| | Variation approved in DA/2023/0141 | 348sqm or 8.3% | |
| Section 4.5 Calculation of floor space ratio and site area | The site area and floor space ratio for the proposal has been calculated in accordance with the section. | | Yes |
| Section 4.6 Exceptions to development standards | The applicant has submitted a variation request in accordance with Section 4.6 to vary Section 4.4 <i>Floor Space Ratio</i> of the Inner West Local Environmental Plan 2022. | | See discussion below |

Section 4.6 – Exceptions to Development Standards

4.4 Floor space ratio development standard

The applicant seeks a variation to the development standard in section 4.4 under section 4.6 of the *IWLEP 2022* by 844.85sqm or 20%. Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed

against the objectives and provisions of Section 4.6 of the *IWLEP 2022* below. A written request has been submitted to Council in accordance with Section 4.6(3) of the *IWLEP 2022* justifying the proposed contravention of the development standard which is summarised as follows:

- *The recent DA/2023/0141 development approval included 4564m² of gross floor area (GFA) on a site area of 4216m², and presented an 8% variation to the FSR development standard as 1.08:1.*
- *The current proposal increases the GFA of the approved/under construction building by 496.85m² by virtue of a new mezzanine level and internal reconfigurations to Units 3 – 5. This results in a total GFA of 5060.85m² and an FSR of 1.2:1 for the development on the subject site.*
- *The additional 496.85m² of gross floor area and resulting additional 12% variation (total 20%) to the FSR development standard can be attributed to the internal mezzanine area which facilitates the storage and operation of medical diagnostics machinery located within back of house area internal to the building footprint.*
- *The additional floor area does not present an intensification of use or external change to the external building form.*
- *The building on the subject site maintains a built form that is consistent with the intent of the FSR and is suitable for the subject site within the context of the locality.*
- *The variation to FSR will not result in an inappropriate density for the zoning or surrounding locality.*
- *The elements of the development which vary the control will not be visible within the streetscape, and the proposal will not impact upon the public domain or adjoining properties and will not generate unreasonable amenity impacts.*
- *The proposal meets the objectives of the development standard.*

Whether compliance with the development standard is unreasonable or unnecessary

In *Wehbe* at [42] – [51], Preston CJ summarises the common ways in which compliance with the development standard may be demonstrated as unreasonable or unnecessary. This is repeated in *Initial Action* at [16]. In the Applicant's written request, the first method described in *Initial Action* at [17] is used, which is that the objectives of the 4.4 development standard are achieved notwithstanding the numeric non-compliance.

The **first objective of Section 4.4** of the Inner West LEP 2022 is “(a) to establish a maximum floor space ratio to enable appropriate development density”. The written request states that the variation to the FSR development standard is due to internal space changes that service the operation of a permissible land use for the zone and that the building footprint remains unaltered. It is agreed that the internal works will not change the bulk and scale of the warehouse building externally. Accordingly, the breach is consistent with the first objective.

The **second objective of Section 4.4** is “(b) to ensure development density reflects its locality”. The written request states that the proposal results in a commensurate density when considering the bulk and scale and the intensity of land use for the subject site in the context of the locality. The proposal pertains to internal additions to the approved and partially built light industrial warehouse, with no significant external changes to the built form as viewed from

the streetscape of Catherine Street. The context of the surrounding locality forms a mix of industrial, retail and residential uses and having regards to the size of the subject site, the proposed intensity of use is seen as typical for the context of a large industrial lot, surrounded by other industrial uses. Accordingly, the breach is consistent with the second objective.

The **third objective of Section 4.4** is “(c) to provide an appropriate transition between development of different densities”. The written request states that the proposed variation to FSR development standard services a land use that will act a suitable transition between the residential uses to the west and heavier industrial uses to the east of the subject site. The proposed operation of a Veterinary Hospital is a land use which does not generate the intrusive activities of other typical industrial land uses such as manufacturing or mechanical repairs. The land use is supported by acoustic and traffic impact assessments confirming the land use is a good transition between heavier industry and sensitive residential receivers. Accordingly, the breach is consistent with the third objective.

The **fourth objective of Section 4.4** is “(d) to minimise adverse impacts on local amenity”. The written request states that the proposed variation to FSR development standard allows a transitional use that minimizes the potential for amenity impacts such as excessive noise on residential receivers. The proposed operations are considered to have a relatively low-intensity and low-impact within the context of the surrounding industrial use locality. Accordingly, the breach is consistent with the fourth objective.

The **fifth objective of Section 4.4** is “(e) to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain”. The written request states that the subject site adjoins a heritage landscape item i1088, being “Street Trees”, Port Jackson figs within road reserve. The proposal for use of a Veterinary Hospital including an FSR variation associated with internal works that service the use will not negatively impact the Public domain which is dominated by the (protected) landscape heritage item in the road reserve. Accordingly, the breach is consistent with the fifth objective.

Furthermore, the written request summarises as follows:

It is unreasonable and unnecessary to require compliance with the Floor Space Ratio development standard contained in the Inner West LEP 2022 due to the following reasons:

- *The variation to the 1:1 floor space ratio standard applied to the development is a result of internal fit out works including construction of a mezzanine level to support the operation of a Veterinary Hospital, permissible in the zone.*
- *The development proposal presents no change to the building footprint or external built form of the development, the changes are minor and operation of the Veterinary Hospital is consistent with the intended density of development uses within the E4 – General Industrial zone.*
- *The additional density is associated with back of house areas which do not generate additional operational intensity and additional environmental impacts.*

As demonstrated by the applicant’s submission, it is considered that the proposal achieves the objectives of the 4.4 *Floor space ratio* development standard, and that compliance is considered unreasonable and unnecessary in this instance.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

Pursuant to Section 4.6(3)(b), the Applicant advances five environmental planning grounds to justify contravening the 4.4 Floor space ratio development standard. Each will be dealt with in turn:

Environmental Planning Ground 1 – *There are no bulk and scale impacts resulting from the contravention of the development standard.* This environmental planning ground is accepted because the variation to the 1:1 FSR standard pursuant to the Inner West LEP 2022 does not alter the external form of the building on site. It is accepted that the proposed development is contained within the previously approved building envelope and as such, there will be no associated bulk and scale impacts.

Environmental Planning Ground 2 - *The contravention of the development standard does not result in an unreasonable intensification of use.* The written submission states:

The proposed addition of a mezzanine level is largely required to accommodate medical diagnostics machinery, central to the operation of a Veterinary Hospital, and does not result in an unreasonable intensification of use.

It is accepted that the mezzanine level will not likely result in a significant intensification of use. Nevertheless, it is noted that only approximately 44% of the gross floor area of the mezzanine level is for medical diagnostics machinery, with the balance being for staff and back of house purposes. Notwithstanding, it is still considered that the function of the mezzanine level will not likely result in significant intensification of use.

Environmental Planning Ground 3 - *The contravention of the development standard does not result in additional amenity impacts to adjoining properties or the public domain.* The written submission states:

The additional floor area is located within the tenancy and will not result in additional amenity impacts to adjoining properties or the public domain with regard to overshadowing, loss of outlook or views or privacy impacts, noting the warehouse has been designed in accordance with the site circumstances and the proposed works present no change to the external height or building bulk.

It is accepted that the proposed development is contained within the building envelope previously approved in Complying Development Certificate CDCP/2022/0159 and Development Application DA/2023/0141. There are no resulting amenity impacts related to the building form as no change is proposed to the approved height or bulk. As such this environmental planning ground is accepted.

Environmental Planning Ground 4 – *The proposed development meets the relevant objects of the Environmental Planning and Assessment Act, 1979.* The written submission states:

The proposed development meets the relevant objects of the Environmental Planning and Assessment Act, 1979 as follows:

- *1.3(c) - The proposal is an orderly and economic use and development of land, being a scale of development that is compatible with the future development envisioned for the nearby R1 General Residential zone, and is consistent with the planning regime for the E4 – General Industrial zone,*
- *1.3(g) - the scale of the development is compatible with development in the locality, and is an appropriate scale of development for the subject site to protect the amenity of the built environment.*

It is accepted that the proposed use is permissible in the E4 – General Industry zone and is a compatible use within the approved building on the site.

Environmental Planning Ground 5 – *The proposed development meets the relevant aims of the Inner West LEP 2022.* The written submission states that this is achieved as follows:

- *1.2.2(e) – to facilitate economic growth and employment opportunities, the proposed Veterinary Hospital offers an opportunity to increase the complexity, diversity and sustainability of the economic culture of the Inner West. The variation to the FSR development standard is central to the effective operation of the proposed Veterinary Hospital.*
- *1.2.2(h) – the proposal supports the operation of a necessary medical service for the numerous animal owners of the Inner West, and therefore represents an opportunity to produce beneficial community and cultural outcomes.*
- *1.2.2(h) – the proposal is supported by Acoustic and Traffic Impact reports that demonstrate the proposal will not result in adverse amenity impacts that typically result from the conflict of residential / industrial interfaces. The proposal therefore does not collectively or cumulatively contribute to the degradation of amenity for the nearby residential occupants.*

This environmental planning ground is accepted as the proposal generally achieves an appropriate balance between promoting economic growth, providing employment opportunities and benefitting the community by providing a Veterinary Hospital with emergency department while protecting residential amenity through measures incorporated to minimise impacts associated with the residential and industrial interface.

Cumulatively, it is considered that the applicant has established sufficient grounds to justify contravening the development standard.

Whether the proposed development meets the objectives of the development standard, and of the zone

The objectives of the E4 – *General Industrial* zone under the *IWLEP 2022* are:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
- *To protect industrial land in proximity to Sydney Airport and Port Botany and the Eastern Economic Corridor of the Greater Cities Commission.*
- *To retain existing and encourage new industrial uses to meet the needs of the community.*

Council accepts the Applicant's submission in the written request that the relevant objectives of the *E4 – General Industrial* zone are met as the proposal is not inconsistent with the objectives. The proposal will not have significant impact on the operation of surrounding land uses and will provide a facility and service that will benefit the community. The written request states:

The proposed variation to FSR development standard for the purpose of a Veterinary Hospital use meets the relevant objectives for development in General Industrial zone based on the following assessment:

- *The proposal offers a land use for the area that supports the operation of other established businesses in the locality, such as the pet-related retail stores located on Moore Street.*
- *The proposed Veterinary Hospital requires a large floorplate to accommodate the appropriate services for the land use. The use of this space within the Industrial land use zone makes use of the approved floor area plus a mezzanine level for three warehouse units (3 - 5) on the subject site, and thus represents an efficient and viable use of land.*
- *The proposed Veterinary Hospital will not impact the operation of surrounding land uses – being a mix of industrial, light industrial, retail and residential.*
- *The proposed Veterinary Hospital provides convenient access to essential (emergency and ongoing) medical services for pet owners within the local community.*

As indicated above, Council is also satisfied that the development meets the objectives of the 4.4 *Floor space ratio* development standard. As the proposal is consistent with both the objectives of the zone and the standard, it is considered in the public interest.

For the reasons outlined above, it is recommended the section 4.6 exception be granted.

Part 5 – Miscellaneous provisions

| Section | Compliance | Compliance |
|---|--|----------------------------------|
| <p>Section 5.10 Heritage conservation</p> | <p>As previously noted, the subject site is not listed as a heritage item and is not located within a conservation area, however it adjoins a landscape Heritage Item (Item i1088).</p> <p>The heritage item refers to the Street trees on Catherine Street which consist of a row of Port Jackson Figs, located in the road reserve. As such, a condition has been included in the recommendation to ensure that the street trees on Catherine Street are protected during works associated with the proposal.</p> <p>Subject to the imposition of the recommended conditions, the proposal preserves the environmental heritage of the Inner West.</p> | <p>Yes-subject to conditions</p> |

Part 6 – Additional local provisions

| Section | Proposed | Compliance |
|---|---|-----------------------------------|
| <p>Section 6.1 Acid sulfate soils</p> | <ul style="list-style-type: none"> The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section, given the proposal primarily includes fit out works to the approved building currently under construction, works are not proposed that would result in any significant adverse impacts to the watertable. | <p>Yes</p> |
| <p>Section 6.3 Stormwater Management</p> | <ul style="list-style-type: none"> Stormwater management for the site was assessed under DA/2023/0141 and the conditions related to stormwater management for the subject site remain. As such, a condition is included in the recommendation that prior to the issue of an Occupation Certificate the Principal Certifier must be provided with evidence that all conditions of related DA/2023/0141 have been satisfied. | <p>Yes, subject to conditions</p> |
| <p>Section 6.8 Development in areas subject to aircraft noise</p> | <ul style="list-style-type: none"> The site is located within the ANEF 20-25 contour. Conditions were included in the development consent for DA/2023/0141 to ensure that the building would meet the relevant requirements of Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015, thereby ensuring the building's compliance with the relevant provisions of Section 6.8 of the <i>IWLEP 2022</i>. As such, a condition has been included in the recommendation that prior to | <p>Yes, subject to conditions</p> |

| Section | Proposed | Compliance |
|---------|---|------------|
| | the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that all conditions of related DA/2023/0141 have been satisfied. | |

B Development Control Plans

Summary

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013 (LDCP 2013).

| LDCP2013 | Compliance |
|---|---------------------|
| Part A: Introductions | |
| Section 3 – Notification of Applications | Yes |
| | |
| Part B: Connections | |
| B3.1 Social Impact Assessment | Yes |
| | |
| Part C | |
| C1.1 Site and Context Analysis | Yes |
| C1.3 Alterations and additions | Yes |
| C1.7 Site Facilities | Yes |
| C1.9 Safety by Design | Yes |
| C1.10 Equity of Access and Mobility | Yes |
| C1.11 Parking | Yes |
| C1.15 Signs and Outdoor Advertising | Yes |
| | |
| Part C: Place – Section 2 Urban Character | |
| C2.2.3.3(b) Industrial Sub Area | Yes |
| | |
| | |
| Part C: Place – Section 4 – Non-Residential Provisions | |
| C4.1 Objectives for Non-Residential Zones | Yes |
| C4.2 Site Layout and Building Design | Yes |
| C4.4 Elevation and Materials | Yes |
| C4.5 Interface Amenity | Yes |
| C4.10 Industrial Development | No – see discussion |
| | |
| Part D: Energy | |
| Section 2 – Resource Recovery and Waste Management | |
| D2.1 General Requirements | Yes |
| D2.4 Non-Residential Development | Yes |

The following provides discussion of the relevant issues:

Leichhardt Development Control Plan 2013

The application was assessed against the following relevant parts of the Leichhardt Development Control Plan 2013 (LDCP 2013).

Part B – Connections

| Control | Proposed / Discussion | Compliance |
|---------------------------------|---|------------|
| B3.1 – Social Impact Assessment | <ul style="list-style-type: none"> Under this Part in Table B1, a Social Impact Comment is required to be submitted for a Veterinary Hospital. In response to the RFI, a Social Impact Comment was submitted which adequately outlined the measures included in the proposal to minimise impacts on neighbouring and local amenity. As required in this part, the Social Impact Comment addressed the concerns raised in submissions received in the Community Engagement Process. It is noted that details provided in the amended plans regarding lighting and signage and supplementary information included in the updated Plan of Management was referenced in the Social Impact Comment. | Yes |

Part C – Section 1 – General Provisions

| Control | Proposed / Discussion | Compliance |
|--------------------------------|--|----------------------------|
| C1.1 Site and Context Analysis | <ul style="list-style-type: none"> The proposal primarily involves internal works within the building envelope previously approved in CDCP/2022/0159. | Yes |
| C1.3 Alterations and additions | <ul style="list-style-type: none"> The proposal complements the scale, form and materials of the streetscape and neighbourhood character given the works are generally contained within the previously approved building form. The minor modifications to the building façade are sympathetic to the existing building. The proposal maintains views from the public domain and reasonably protects views obtained from surrounding development. | Yes |
| C1.7 Site Facilities | <ul style="list-style-type: none"> The proposal includes facilities which are integrated into the layout and design of the development and will not have an adverse amenity impact. | Yes |
| C1.9 Safety by Design | <ul style="list-style-type: none"> Given the proposed 24-hour emergency operation, <i>Safety by Design</i> is an important consideration to ensure a safe and secure environment on the subject site for the occupants, visitors, neighbouring properties and members of the public. In response to the RFI, additional information was provided that addressed initial concerns relating to safety and security on the site. In particular the following is noted: <ul style="list-style-type: none"> The signage strategy includes sufficient details to demonstrate that signage can contribute to the | Yes, subject to conditions |

| Control | Proposed / Discussion | Compliance |
|--|---|-----------------------------------|
| | <p>efficient functioning of the site by enhancing wayfinding;</p> <ul style="list-style-type: none"> ○ The proposed lighting to the carpark and entry will enhance visibility and safety on the site at night; and ○ The Operational Management Plan outlines security arrangements for the building including a duress alarm to be monitored by a 24-hour security firm, security fobs for entry to specific locations and CCTV cameras in operation 24/7. As such, a condition has been included in the recommendation that the security measures outlined in the Operational Management Plan be incorporated in the design and the associated procedures implemented on an ongoing basis. | |
| <p>C1.10 Equity of Access and Mobility</p> | <ul style="list-style-type: none"> • The application was supported by an Access Report which states that the proposed works are capable of achieving compliance with accessibility requirements. As such, a condition has been included in the recommendation that the detailed construction drawings incorporate the recommendations of the Access report. | <p>Yes, subject to conditions</p> |
| <p>C1.11 Parking</p> | <ul style="list-style-type: none"> • Whilst the DCP does not nominate specific car parking requirements for veterinary clinics, it does nominate between 2-3 spaces per 3 consulting rooms for medical centres. The proposal has 9 consulting rooms and 3 theatre rooms which would equate to 12 spaces. • A Traffic and Parking Impact Assessment was submitted with the proposal which includes the provision of 12 Parking spaces, 2 of which will be dedicated as staff spaces. • Furthermore, 2 of the spaces will be for SRV loading outside of peak times. • The proposed provision and configuration of car parking is considered acceptable and satisfies the relevant objectives of this part of the DCP. | <p>Yes</p> |
| <p>C1.15 Signs and Outdoor Advertising</p> | <ul style="list-style-type: none"> • Under this part, Table C10 provides expectations for signage in Industrial zones. <i>“Signs contribute to the functioning and viability of businesses without detracting from visual amenity Signs assist in wayfinding and locating premises. Signs are coordinated across tenancies and multiple premises on the one site”.</i> • Given the above, signage is an important consideration on the site, especially given there are multiple tenancies and there are three separate entrances for the subject premises. Furthermore, site legibility is essential at night given the proposed 24 – hour operation. The Statement of Environmental Effects submitted with the proposal, noted the intention to lodge a development application for signage at a later date, however a signage strategy was requested as part of the RFI to demonstrate that the development would incorporate appropriate signage and that attention would be given to the illumination required for key signage so that any | <p>Yes, subject to conditions</p> |

| Control | Proposed / Discussion | Compliance |
|---------|---|------------|
| | <p>associated light spill could be considered in the subject assessment.</p> <ul style="list-style-type: none"> The indicative signage shown on DA50.01C and the indicative location of the free-standing directory board shown on DA03.01 demonstrate that there is an acceptable signage strategy for the premises that is capable of meeting the provisions of this part. It is a recommended condition of consent that all future applications for the site relating to signage are not inconsistent with the signage strategy. The proposed illumination of the signage on the building is not likely to create light spill that will affect residential properties on Catherine Street as the lighting shown on the signage strategy is projected downwards and located a sufficient distance from those properties. It is noted that a future development application for the directory board located at the entry to the site (and closer to the residential properties) would consider any likely light spill impacts. A condition has also been included in the recommendation to ensure light spill complies with the relevant Australian Standard. | |

Part C – Section 2 – Urban Character

| Control | Proposed / Discussion | Compliance |
|------------------------------------|---|------------|
| C2.2.3.3(b) Industrial Sub Area | <ul style="list-style-type: none"> The proposal is considered to be a satisfactory response to the Distinctive Neighbourhood controls under this part. | Yes |

Part C – Section 4 – Non-Residential Development

| Control | Assessment | Compliance |
|--|--|----------------------------|
| C4.1 Objectives for Non-Residential Zones | <ul style="list-style-type: none"> It is noted that the warehouse building has already been approved and is under construction. Proposed works are primarily located within the approved building envelope and as such, many of the zone objectives under this part (including those related to the building envelope and siting) are not relevant to the assessment of the subject proposal. The minor alterations to the approved building façade are compatible with the character of the building. The proposal is generally consistent with the objectives of this part in terms of proposed use, as it seeks to provide a service that can be readily accessed by the community. As previously discussed, consideration has been given to elements of the proposal associated with the 24-hour operation (including lighting and noise impacts) and as outlined, a number of conditions have already been included in the recommendation to protect established residential amenity. | Yes, subject to conditions |

| | | |
|---|---|-----------------------------------|
| <p>C4.2 Site Layout and Building Design</p> | <ul style="list-style-type: none"> The proposal is generally contained within the previously approved warehouse building approved and as such is consistent with this part. | <p>Yes</p> |
| <p>C4.4 Elevation and Materials</p> | <ul style="list-style-type: none"> The proposal is consistent with this part as the minor modifications to the approved front façade, including the infill to the awning and modifications to the glazing elements (doors and windows) are compatible with the architectural presentation of the approved building. The amended plans addressed initial concerns regarding the architectural expression of the western elevation as the approved window openings (originally shown to be deleted) were reinstated on the drawings. | <p>Yes</p> |
| <p>C4.5 Interface Amenity</p> | <p>The site is located on the opposite side of Catherine Street from land located in a residential zone. Given the proposed building works are located within the previously approved building envelope of CDCP/2022/0159, the relevant and remaining C4.5 Interface amenity considerations for the subject proposal relate to likely noise associated with proposed use, noise associated with vehicle access at night (given the proposed 24 hour operation) and light spill which are discussed below:</p> <ul style="list-style-type: none"> With regard to potential noise impacts, the following is noted: <ul style="list-style-type: none"> As required by C5, noise generating activities are generally orientated away from residential uses, for instance the dog ward is located on the eastern side of the building; An Acoustic Report by Wongala Consulting Engineers was submitted with the proposal. The findings and recommendations of the report demonstrate that the proposal is capable of complying with the DCP controls. As stated in the Acoustic report, <i>“Suggested acoustic treatments and noise controls have been provided in order to ensure that the proposed operating hours and proposed use at the subject property are deemed not to exceed the requirements set out by the Leichhardt Development Control Plan 2013 and the NSW EPA Noise Policy for Industry 2017, thus ensuring there is no exceedance in acceptable noise levels at nearby sensitive receivers.</i> As such, conditions have been included in the recommendation that the acoustic treatments and recommendations contained within the Acoustic report be implemented and subsequently certified prior to the issue of an Occupation Certificate. Furthermore, a condition has been included in the recommendation to ensure the development is consistent with the industrial noise criteria of the NSW Environment Protection Authority (EPA) Industrial Noise Policy on an on-going basis. The Acoustic report recommends that a complaint handling system be implemented to record all complaints received | <p>Yes, subject to conditions</p> |

| | | |
|---|--|--------------------------------------|
| | <p>regarding noise. The Operational Management Plan also outlines measures for complaint handling. As previously discussed, conditions have been included in the recommendation to ensure that measures outlined in the Operational Management Plan be implemented on an ongoing basis.</p> <ul style="list-style-type: none"> • Consideration has been given to any likely noise impacts from vehicle movements associated with the 24 – hour operation. The letter from the applicant dated 12 April 2024 (that accompanied the response to the RFI) outlines that the 24-hour emergency department will expect small volumes of patients “- up to 2 per hour until midnight and less than 1 per hour after midnight.” Given the expected volume of patients, the likely vehicle movements at night are not likely to result in significant adverse acoustic impacts to neighbouring residential development. Notwithstanding, the volume of patients could exceed expectations and hence, acoustic impacts associated with vehicular traffic and movements are unknown. As such, a condition has been included in the recommendation that the 24 – hour emergency operation of the premises be subject to an initial one (1) year trial period. A condition of consent has also been proposed that all deliveries and waste collection occurs within the core within regularised hours. • With regard to light spill, under C11 of this part, development should not result in light spill in habitable rooms, including bedrooms or private open space of adjoining residential uses. The amended plans provided information and details regarding the proposed lighting associated with the building, carpark and signage. The proposal is consistent with C11 with regard to light spill as follows: <ul style="list-style-type: none"> ○ The lighting on the building incorporates downlights on the underside of the awning that will not spill more than 10m from the building; ○ Low bollard lighting illuminates the walkway adjacent to the building and the parking area; ○ Low brick lights are located to the western side of the carpark; ○ As shown in Section B-B and C-C on drawing DA05.01 C, the carpark is located below street level meaning that light spill from vehicle headlights will be mitigated. • A condition has been included in the recommendation to ensure that the lighting design complies with the relevant Australian Standard. | |
| <p>C4.10 Industrial Development</p> | <ul style="list-style-type: none"> • Given the warehouse building has already been approved and is under construction, a number of the controls, including those relating to the built form, siting and design on industrial lands, are not relevant to the subject proposal. The proposal is consistent with the relevant provisions of this part as follows: | <p>No, refer to discussion below</p> |

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> ○ Appropriate site facilities and basic amenities are proposed; ○ The proposed carparking complies with the provisions of Part C1.11 of the DCP; and ○ The development complies with the Waste Management provisions of the DCP. ● One of the key objectives of this part is to ensure that development for the purpose of industry <i>b. protects residential amenity for adjoining and nearby residential uses within residential zones</i>. Furthermore, Control C17 requires that: <i>“The use does not have an adverse impact on the amenity of adjoining uses or the neighbourhood by: ...c. noise generation; and d. traffic generation...”</i> Noise and traffic have been previously discussed, and subject to the imposition of the recommended conditions, it is considered that residential amenity is protected with the proposed <u>use</u> as a veterinary hospital. ● The proposed 24-hour operation, including the operation of an emergency department, is not consistent with the control - <i>C20 Hours of Operation</i> under this part. The Non-compliance is discussed below. | |
|--|--|--|

Consideration of non-compliances in Part C – Section 4 – Non-Residential Development

C4.10 Industrial Development - Control C20 Hours of Operation

The proposal seeks the standard operation veterinary hours of operation 8am – 6pm Monday to Friday and 8am – 2pm on Saturdays. In addition, with emergency and critical care services will operate 24-hours, a day 7 days a week.

As such, the proposal does not comply with the requirements of control *C20 Hours of Operation* within Part C4.10 *Industrial Development* of the Leichhardt Development Control Plan 2013:

C20 Where adjoining land in a residential zone or land approved for use for a residential purpose, hours of operation are limited to between 7am and 7pm Monday to Friday, and 7am and 3pm Saturdays excluding public holidays.

As stated in the letter dated 12 April 2024, accompanying the response to the RFI;

“The development proposal is for a specialist veterinary hospital, many of the patients at the hospital that are cared for are critically ill requiring overnight care. As such, staff must be on site to deliver this care. The provision of an emergency service allows the premises to extend the services of their existing overnight team to support the Inner West community.”

The letter provides further information regarding the extended hours of operation which is also outlined in the amended Operational Management Plan in Section 2 as follows:

- *Appointments with Veterinary Specialists are made between the hours of 8am and 5pm, Monday to Friday.*
- *Each appointment will take approximately 30 minutes.*
- *On occasion, appointments may be made on Saturday between 8am and 2pm.*
- *The Emergency Department will operate 24/7 and expects small volumes of patients – up to 2 per hour until midnight, and less than 1 per hour after midnight.*

As indicated above, the hospital will provide overnight care to patients. Staff are required to deliver this care. On this basis, it is acknowledged that the hospital needs to operate 24 hours to provide the required overnight care associated with the standard operations of a veterinary hospital.

As discussed throughout the report, the proposal to provide a 24-hour emergency services (in addition to the standard overnight services provided by the veterinary hospital) triggers additional considerations regarding neighbouring residential amenity.

Given the non-compliance, consideration must be given to the relevant DCP objectives for development on the subject site.

Relevant Objectives of Part C – Section 4 – *Non-Residential Development*

In regard to the objectives of Part C of the DCP, as the warehouse building has already been approved, not all objectives listed in C4.1 and C4.10 of this part are relevant to the proposal. The key elements of the proposal associated with the 24-hour operation that need to be considered primarily relate to the following:

- The proposed use;
- Light spill from general lighting of the building and site and Illumination associated with signage;
- Likely noise generated by patients, visitors and vehicles

As such, the relevant objectives for Part 4 in the DCP in relation to the variation are as follows:

C4.1 Objectives for non- Residential zones in Section 4 of Part C: Place in Leichhardt Development Control Plan 2013

O1 To support the provision and ongoing viability of non-residential buildings and facilities to provide goods, services and facilities that can be readily accessed by the community.

O6 To be compatible with the character of the neighbourhood, in particular streetscapes in traditional main streets.

O8 To achieve an appropriate balance between promoting economic prosperity and protecting established residential amenity.

O9 To achieve a high quality urban environment where buildings make a positive contribution to the function and visual quality of the public domain and streetscape.

C4.10 Objectives for Industrial Development within Section 4 of Part C: Place in Leichhardt Development Control Plan 2013.

O1 To ensure that development for the purpose of industry:

- a. protects the viability of industrial areas;*
- b. protects residential amenity for adjoining and nearby residential uses within residential zones;*
- c. is compatible with the character of the neighbourhood;*
- d. makes a positive contribution to the visual character of the streetscape;*

In considering a variation the following is noted with regard to the above:

- The proposed use as a veterinary hospital is permitted in the E4 General Industry zone under the IWLEP 2022;
- The proposal is consistent with the DCP objectives in Section 4 of Part C of the DCP as it provides a service that will benefit and can be readily accessed by the community;
- The appearance of the proposed elements of the building that support the 24- hour operation (including lighting and signage) is compatible with the approved (under construction) building and the character of surrounding industrial development within the neighbourhood;
- As discussed in previous sections, the proposal will not have significant impact on the operation of surrounding land, subject to the imposition of conditions recommended throughout the report;
- The proposal generally achieves an appropriate balance between promoting economic prosperity by providing a Veterinary Hospital (with emergency department) and protecting residential amenity by incorporating measures to minimise impacts associated with the extended operating hours;
- The proposed minor external alterations to the approved building façade, including the indicative signage and proposed lighting will improve the function of the overall site and will not detract from the streetscape appearance of the approved building;
- The proposed use is permissible in the industrial zone and as such protects the viability of the industrial area by providing a compatible use within the approved building on the site.

As previously discussed in the relevant sections of this report, a number of conditions have been included in the recommendation to ensure that the proposal protects the surrounding residential amenity on an ongoing basis.

Furthermore, a condition has been included in the recommendation that the proposed 24-hour emergency operation be subject to a one-year trial period..

A further application may be lodged to continue the operating hours not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions and any substantiated complaints received.

Part D – Energy

| Control | Assessment | Compliance |
|---|--|----------------------------|
| Section 2 – Resource Recovery and Waste Management | | |
| D2.1 General Requirements | <ul style="list-style-type: none"> The proposal includes a Site Waste Minimisation and Management Plan in the development application. | Yes |
| D2.4 Non-Residential Development | <ul style="list-style-type: none"> Waste and recycling storage and collection areas are provided. A comprehensive Resource Recovery and Waste Management Plan was submitted, and the proposal is deemed satisfactory from a waste and recycling perspective. Conditions have been included in the recommendation to ensure waste management is adequately implemented in the construction process and on an ongoing basis. | Yes, subject to conditions |

C. The Likely Impacts

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality.

D. The Suitability of the Site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in an industrial surrounding amongst uses generally consistent with that proposed. It is noted that the premises is adjacent to residential uses on the other side of Catherine Street.

E. Submissions

The application was required to be notified in accordance with Council’s Community Engagement Strategy between 10 January 2024 to 31 January 2024.

A total of 3 submissions were received in response to the initial notification.

The following issues raised in the submissions have already been discussed in the Report:

- Proposed 24-hour operation, 7 days a week;
- Impacts of lighting on residential amenity, including light spill from:
 - Internal lighting of the building;
 - External Lighting of the building;
 - Illuminated signage;
 - Lighting of the carpark; and
 - Headlights from vehicles using the car park at night.
- Noise impacts on residential amenity at night associated with:
 - The proposed use;
 - Noise generated by visitors/ patients at night: and

- Noise generated by vehicles entering/ exiting the carpark;

Further issues raised in the submissions received are discussed below:

| Concern | Comment |
|--|--|
| Parking | <p>Concern was raised that there is limited on street parking that is currently oversubscribed during working hours, weekend mornings and the nearby dance school operating hours.</p> <p>A Traffic and Parking Impact Assessment was submitted with the proposal and the provision of 12 Parking spaces and the use of two of the spaces for loading (SRV) outside of peak times is considered acceptable and would unlikely create adverse impact.</p> |
| Traffic | <p>Concern was raised that the Noise or Traffic Assessments do not take into consideration the increased traffic movements and associated noise generated by out of hours uses.</p> <p>As previously discussed, consideration has been given to the likely noise associated with out of hours use and the above-mentioned Noise and Traffic Assessments have been reviewed. The proposal is considered acceptable, subject to the imposition of conditions that have been recommended within the report.</p> |
| Disposal of Animal Waste | <p>Concern was raised regarding the impacts on the environment with the requirement to dispose of waste in a residential area.</p> <p>As noted, a comprehensive Resource Recovery and Waste Management Plan was submitted, and the proposal is deemed satisfactory from a waste and recycling perspective. Conditions have been included in the recommendation to ensure waste management is adequately implemented in the construction process and on an ongoing basis.</p> |
| Impact on vet business on corner of Catherine and Moore Street | <p>Concern was raised that introducing a similar business with identical services to the Vet business on the corner would impact revenue and potentially local employment. The submission noted that the (existing) vet has parking out the front, its entrance is not facing homes and that Moore Street is zoned IN2 and Catherine Street is residential zoned.</p> <p>Commercial viability is not a matter of consideration under the <i>Environmental Planning and Assessment Act 1979</i>. It is noted that the area adjacent to the site on Catherine Street is zoned residential however the subject site is zoned <i>E4 General Industry</i> under the IWLEP 2022 and a Veterinary Hospital is permissible in the E4 zone. The proposed parking and entry to the premises on Catherine Street is consistent with the controls. Notwithstanding, these elements were previously approved in CDCP/2022/0127.</p> |
| 24-hour operation for emergency services 7 days a week | <p>As indicated, the proposed 24-hour use and relevant amenity considerations have been previously discussed within this report. Amended plans in response to the RFI generally addressed Council's initial concerns regarding the proposed 24-hour operation. It is noted that this information was provided after the various submissions were received.</p> <p>The submission noted the following additional points that have not been discussed in this report:</p> <ul style="list-style-type: none"> • People arriving and leaving all through the night being a major change to the current use; |

| | |
|--|---|
| | <ul style="list-style-type: none"> • The proposal is not suitable for a quiet residential neighbourhood as there are no other late-night premises in close proximity; and • When reviewing the LEP, veterinary hospitals are preferred in commercial zones which have extended hours of operation. <p>With regard to the above comments, it is acknowledged that people arriving and leaving through the night is a significant change to the current use and that there are no other late-night premises in close proximity. While it is also acknowledged that ideally premises with similar extended hours of operation are located in similar locations, a Veterinary hospital is permitted in the E4 Zone. Notwithstanding, it is considered that the proposed intensity of the use, the measures proposed in the various documents and the conditions recommended will ensure that residential amenity is protected with regard to the proposed operating hours.</p> |
| Disregard for residential amenity | <p>Concern was raised that there has been disregard shown for residential amenity by the owner not complying with hours of construction in DA conditions.</p> <p>While any alleged non-compliance with DA conditions is not acceptable, this is not a matter of consideration under the <i>Environmental Planning and Assessment Act 1979</i> and should be raised with the Principal Certifier to investigate..</p> |
| FSR noncompliance | <p>Concern was raised with the FSR non-compliance of 20% and that there has been cherry picking of planning controls and approval pathways, resulting in a building out of character with the neighbourhood. Concern was raised that the additional floor space would add density and combined with the 24- hour operation would create unwanted activation on the quiet street.</p> <p>As previously discussed, the subject proposal primarily relates to internal works within the previously approved and under construction building. Council has assessed the subject application against the relevant controls in the IWLEP 2002 and The LDCP 2013.</p> <p>A section 4.6 Variation request was submitted with the proposal which indicates that there are sufficient planning grounds and that it is unreasonable and unnecessary to enforce compliance with development control. The additional floor space is not likely to contribute to significant adverse impacts to the neighbouring residential amenity. Conditions have been included in the recommendation to ensure that residential amenity is protected on an ongoing basis.</p> |
| More traffic to unnamed laneway between Moore Street and Annesley Street | <p>Concern was raised that more cars (than currently) travelling east along Moore Street would turn right before the lights as there is no right turn onto Catherine Street. The proposal would result in increased traffic down a narrow laneway. A suggestion was made that the vehicle access be from Moore Street.</p> <p>The vehicle access from Moore Street is at a lower level and so is not practical for vehicle access to the proposed premises. The parking arrangement for the subject portion of the site and associated premises has been previously approved.</p> |
| Information regarding Street lighting | <p>Concern was raised about lighting generally which has been previously discussed, however, the submission noted that there did not appear to be information regarding the street lighting.</p> |

| | |
|-------------------------------|--|
| | Street lighting does not form part of the proposal and additional street lighting is not required. |
| Access to the Building | <p>The question was raised as to why the buildings are not accessed from the lane at east of the site where there is also access to buildings with a similar use.</p> <p>The building was approved under a complying development certificate CDCP/2022/0127 and the proposed access points for the subject development relate to the approved plans.</p> |
| Does not comply with controls | <p>Concern was raised that the proposal doesn't comply with DCP controls and objectives including the C5 maximum wall height of 6 m required in C.2.2.3.3(b) and the objectives regarding size and scale.</p> <p>The proposed development relates to the fit out of the previously approved and under construction building and as such, these planning provisions do not apply to the proposal.</p> |

F. 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.

This has been achieved in this instance.

6. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of **\$25,034.00** would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

A condition requiring that contribution to be paid is included in the recommendation.

7. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Development Engineer;
- Resource Recovery;
- Environmental Health;
- Building Certification; and
- Property.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The applicant has made a written request pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Section 4.4 Floor space ratio standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2023/1099 for the construction of a mezzanine level, internal fitout works and change of use of Units 3 – 5 to a Veterinary Hospital. Operating hours are 8.00am - 6.00pm Mondays to Fridays and 8.00am - 2.00pm on Saturdays. Operating hours of emergency services are 24 hours a day, Mondays to Sundays at 233 Catherine Street, Leichhardt subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

| | Condition |
|----|--|
| 1. | <p style="text-align: center;">Noise – Consultant’s Recommendations</p> <p>All the recommendations contained in the acoustic report prepared by Wongala Consulting Engineers, reference NA389_1 dated 23 November 2023 must be implemented.</p> <p>Reason: To protect the amenity of the neighbourhood and ensure that the development is carried out in accordance with the consent.</p> |
| 2. | <p style="text-align: center;">Mechanical Ventilation System Certification</p> <p>The mechanical ventilation systems are to be designed, constructed and operated in accordance with the following:</p> <ul style="list-style-type: none"> a. Australian Standard AS 1668 Part 1 – 1998; b. Australian Standard AS 1668 Part 2 – 2012; c. Australian Standard 3666.1 – 2011; d. Australian Standard 3666.2 – 2011; and e. Australian Standard 3666.3 - 2011. <p>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.</p> <p>Reason: To ensure compliance with the relevant Australian Standards.</p> |
| 3. | <p style="text-align: center;">Bin Storage</p> <p>All bins are to be stored within the site.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p> |
| 4. | <p style="text-align: center;">Permits</p> <p>Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the <i>Local Government Act 1993</i> and/or Section 138 of the <i>Roads Act 1993</i>. Permits are required for the following activities:</p> <ul style="list-style-type: none"> a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application; b. A concrete pump across the roadway/footpath; c. Mobile crane or any standing plant; d. Skip Bins; e. Scaffolding/Hoardings (fencing on public land); |

| | <p>f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;</p> <p>g. Awning or street veranda over the footpath;</p> <p>h. Partial or full road closure; and</p> <p>i. Installation or replacement of private stormwater drain, utility service or water supply.</p> <p>If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.</p> | | | | | | | | | | | | | | | | |
|------------------------------|--|------------------------------|--------------------|----------------------|-------------|-----------------|-----------|---------------|--------------------|-----------------|-------------------|---------------|--------------------|-----------------|----------------------|---------------|--------------------|
| <p>5.</p> | <p style="text-align: center;">Public Domain and Vehicular Crossings</p> <p>The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for <i>Design of Vehicle Crossing and Public Domain Works – Step 1</i> form and <i>Construction of Vehicle Crossing and Public Domain Works – Step 2</i> form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.</p> <p>You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council</p> <p>Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.</p> <p>Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.</p> <p>No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p> | | | | | | | | | | | | | | | | |
| <p>6.</p> | <p style="text-align: center;">Documents related to the consent</p> <p>The development must be carried out in accordance with plans and documents listed below:</p> <table border="1" data-bbox="437 1368 1270 1592"> <thead> <tr> <th>Plan, Revision and Issue No.</th> <th>Plan Name</th> <th>Date Issued/Received</th> <th>Prepared by</th> </tr> </thead> <tbody> <tr> <td>DA02.01 Issue C</td> <td>Site Plan</td> <td>12 April 2024</td> <td>ArtMade Architects</td> </tr> <tr> <td>DA03.01 Issue C</td> <td>Ground Floor Plan</td> <td>12 April 2024</td> <td>ArtMade Architects</td> </tr> <tr> <td>DA03.02 Issue C</td> <td>Mezzanine Floor Plan</td> <td>12 April 2024</td> <td>ArtMade Architects</td> </tr> </tbody> </table> | Plan, Revision and Issue No. | Plan Name | Date Issued/Received | Prepared by | DA02.01 Issue C | Site Plan | 12 April 2024 | ArtMade Architects | DA03.01 Issue C | Ground Floor Plan | 12 April 2024 | ArtMade Architects | DA03.02 Issue C | Mezzanine Floor Plan | 12 April 2024 | ArtMade Architects |
| Plan, Revision and Issue No. | Plan Name | Date Issued/Received | Prepared by | | | | | | | | | | | | | | |
| DA02.01 Issue C | Site Plan | 12 April 2024 | ArtMade Architects | | | | | | | | | | | | | | |
| DA03.01 Issue C | Ground Floor Plan | 12 April 2024 | ArtMade Architects | | | | | | | | | | | | | | |
| DA03.02 Issue C | Mezzanine Floor Plan | 12 April 2024 | ArtMade Architects | | | | | | | | | | | | | | |

| | | | | |
|---|--|-----------------------------|------------------|------------------------------|
| | DA03.03 Issue C | Roof Plan | 12 April 2024 | ArtMade Architects |
| | DA04.02 Issue C | External Elevations | 12 April 2024 | ArtMade Architects |
| | DA05.01 Issue C | Building Sections | 12 April 2024 | ArtMade Architects |
| | DA50.01 Issue C | Signage Details | 12 April 2024 | ArtMade Architects |
| | - | Operational Management Plan | - | Busivet |
| | P223_328-1 (BCA ACCESS) JR & | BCA Capability Statement | 22 November 2023 | Design Confidence |
| | NA389_1 | Noise Impact Assessment | November 2023 | Wongala Consulting Engineers |
| As amended by the conditions of consent. Reason: To ensure development is carried out in accordance with the approved documents. | | | | |
| 7. | Works Outside the Property Boundary | | | |
| | This development consent does not authorise works outside the property boundaries on adjoining lands. Reason: To ensure works are in accordance with the consent. | | | |
| 8. | Storage of Materials on public property | | | |
| | The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council. Reason: To protect pedestrian safety. | | | |
| 9. | Other works | | | |
| | Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i> . Reason: To ensure compliance with legislative requirements. | | | |
| 10. | National Construction Code (Building Code of Australia) | | | |
| | A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code. Reason: To ensure compliance with legislative requirements. | | | |
| 11. | BCA - Consultant's Recommendations | | | |
| | All the recommendations contained in the BCA Capability Statement prepared by Design Confidence, reference P223_328-1 (BCA & ACCESS) JR dated 22 November 2023 must be implemented. Reason: To ensure that the development is carried out in accordance with the consent. | | | |

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|------------|---|
| 12. | No Approval for Signage |
| | <p>No approval is granted in this consent for any signage or signage structures. Any signage is to be subject to future application/s.</p> <p>Reason: To ensure compliance with the reasons for approval.</p> |

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

| Condition | |
|------------|--|
| 13. | <p>Noise General – Acoustic Report</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the <i>Protection of the Environment Operations Act 1997</i> and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.</p> <p>Reason: To protect the amenity of the neighbourhood.</p> |
| 14. | <p>Resource Recovery and Waste Management Plan - Demolition and Construction</p> <p>Prior to any demolition works, the Certifying Authority must be provided with a copy of the Resource Recovery and Waste Management Plan - Demolition and Construction, which includes details of materials that will be excavated and their proposed destination or reuse.</p> <p>Reason: To ensure resource recovery is promoted and local amenity protected during construction.</p> |
| 15. | <p>Bin Storage Area</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrating that the 'waste storage area' to be provided within the site will fully accommodate the number of bins required for all waste generated by a development of this type and scale.</p> <p>The area must also include 50% allowance for manoeuvring of bins.</p> <p>The bin storage area is to meet the design requirements detailed in the Leichhardt DCP 2013 and must include doorways/entrance points of 1200mm.</p> <p>Reason: To ensure resource recovery is promoted and local amenity protected during construction.</p> |

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|-------------------|--|-------------------|----------|-----------------|----------|
| 16. | <p>Waste Transfer Route</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is protected.</p> | | | | |
| 17. | <p>Security Deposit - Custom</p> <p>Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.</p> <table border="1" data-bbox="448 797 724 860"> <tr> <td>Security Deposit:</td> <td>\$35,000</td> </tr> <tr> <td>Inspection Fee:</td> <td>\$374.50</td> </tr> </table> <p>Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.</p> <p>The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.</p> <p>Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.</p> <p>A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.</p> <p>The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.</p> <p>Reason: To ensure required security deposits are paid.</p> | Security Deposit: | \$35,000 | Inspection Fee: | \$374.50 |
| Security Deposit: | \$35,000 | | | | |
| Inspection Fee: | \$374.50 | | | | |
| 18. | <p>Dilapidation Report – Pre-Development – Minor</p> | | | | |

| | <p>Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.</p> <p>Reason: To ensure Council assets are protected.</p> | | | | | | | | |
|-------------------------|---|-----------------------|--------|-------------------------|------------|----------------------|--------|-----------|-------------|
| <p>19.</p> | <p>Parking Facilities – Major (including basement)</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2018 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:</p> <ul style="list-style-type: none"> a. Minimum headroom of 3500mm must be provided throughout the manoeuvring area of an SRV; b. The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that: <ul style="list-style-type: none"> i. Car spaces adjacent to walls or fences are increased in width by an additional 300mm; ii. End spaces are provided with an additional 1m aisle extension or turning bay; and iii. The location of bollards must not encroach within the design envelope Figure 5.2 of AS2890.1 c. All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction; and d. Loading / unloading facilities must be provided on-site in accordance with the requirements of AS2890.2 – 2002. In addition, loading/ unloading must be undertaken outside of peak operating time of the Veterinary Clinic and must be signposted as such. <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP.</p> | | | | | | | | |
| <p>20.</p> | <p>Section 7.11 Contribution</p> <p>In accordance with section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:</p> <table border="1" data-bbox="437 1453 1145 1628"> <thead> <tr> <th>Contribution Category</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Open Space & Recreation</td> <td>\$5,628.00</td> </tr> <tr> <td>Community Facilities</td> <td>\$0.00</td> </tr> <tr> <td>Transport</td> <td>\$14,802.00</td> </tr> </tbody> </table> | Contribution Category | Amount | Open Space & Recreation | \$5,628.00 | Community Facilities | \$0.00 | Transport | \$14,802.00 |
| Contribution Category | Amount | | | | | | | | |
| Open Space & Recreation | \$5,628.00 | | | | | | | | |
| Community Facilities | \$0.00 | | | | | | | | |
| Transport | \$14,802.00 | | | | | | | | |

| | |
|---------------------|-------------|
| Plan Administration | \$727.00 |
| Drainage | \$3,878.00 |
| TOTAL | \$25,035.00 |

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = is the contribution at time of payment

C_{consent} = is the contribution at the time of consent, as shown above

CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 137.7 for the March 2024 Quarter.

CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres at council@innerwest.nsw.gov.au or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The

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| | <p>contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.</p> <p>Reason: To ensure payment of the required development contribution.</p> |
| 21. | <p>Long Service Levy</p> <p>Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.</p> <p>Reason: To ensure the long service levy is paid.</p> |
| 22. | <p>Light Spill</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:2019: Control of Obtrusive Effects of Outdoor Lighting.</p> <p>Reason: To protect the amenity of the neighbourhood.</p> |

BEFORE BUILDING WORK COMMENCES

| Condition | |
|-----------|--|
| 23. | <p>Standard Street Tree Protection</p> <p>Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.</p> <p>Reason: To protect and retain trees.</p> |
| 24. | <p>Tree Protection</p> <p>No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent. Any public tree within five (5) metres of the development must be protected in accordance with AS4970—Protection of trees on development sites and Council's Development Fact Sheet—Trees on Development Sites. No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.</p> <p>Reason: To ensure that trees to be retained are protected.</p> |
| 25. | <p>Construction Fencing</p> |

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| | <p>Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.</p> <p>Reason: To protect the built environment from construction works.</p> |
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DURING BUILDING WORK

| | Condition |
|------------|--|
| 26. | <p>Tree Protection</p> <p>No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent. Any public tree within five (5) metres of the development must be protected in accordance with AS4970—Protection of trees on development sites and Council's Development Fact Sheet—Trees on Development Sites. No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.</p> <p>Reason: To ensure that trees to be retained are protected.</p> |
| 27. | <p>Construction Hours – Class 2-9</p> <p>Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:</p> <p>7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm); 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and at no time on Sundays or public holidays.</p> <p>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.</p> <p>In the case that a standing plant or special out of hours 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.</p> <p>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.</p> <p>Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to 8:00am to 12:00pm, Monday to Saturday; and 2:00pm to 5:00pm Monday to Friday.</p> <p>The person acting on this consent must not undertake such activities for more than three continuous hours and must 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.</p> |

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| | Reason: To protect the amenity of the neighbourhood. |
| 28. | <p>Tree Protection Works</p> <p>All tree protection for the site must be undertaken in accordance with Council's Development Fact Sheet—Trees on Development Sites and AS4970—Protection of trees on development sites.</p> <p>Reason: To protect and retain trees.</p> |

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

| | Condition |
|-----|--|
| 29. | <p>Noise – Acoustic Report</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of <i>the Protection of the Environment Operations Act 1997</i> and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.</p> <p>Reason: To ensure compliance with the relevant Australian Standard.</p> |
| 30. | <p>No Encroachments</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.</p> <p>Reason: To maintain and promote vehicular and pedestrian safety.</p> |
| 31. | <p>Evidence of Occupation Certificate for the Building</p> <p>Prior to the Issue of an Occupation Certificate, the Certifier must be shown evidence of the final Occupation Certificate for DA/2023/0141, and the final Occupation Certificate for Complying Development Certificate number 210090-01/B.</p> <p>Reason: To ensure the approved works are undertaken in accordance with the consent of the related applications.</p> |

OCCUPATION AND ONGOING USE

| | Condition |
|-----|----------------------|
| 32. | Noise General |

| | <p>The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997</i> and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.</p> <p>Reason: To protect the amenity of the neighbourhood.</p> | | | | | | | | |
|------------------|--|-----|-------|------------------|-----------------|----------|-----------------|--------|--------|
| 33. | <p>Trial Hours</p> <p>a. The hours of operation of the premises must not exceed the following (not inclusive of overnight care of patients):</p> <table border="1"> <thead> <tr> <th>Day</th> <th>Hours</th> </tr> </thead> <tbody> <tr> <td>Monday to Friday</td> <td>8:00am - 6:00pm</td> </tr> <tr> <td>Saturday</td> <td>8:00am - 2:00pm</td> </tr> <tr> <td>Sunday</td> <td>Closed</td> </tr> </tbody> </table> <p>b. For a trial period of not more than twelve months from the issue of the Final Occupation Certificate, the hours of operation of the premises is 24 hours a day, 7 days a week for the purposes of emergency and critical care services only.</p> <p>c. A continuation of the extended hours will require a further application under the Environmental Planning and Assessment Act 1979.</p> <p>Reason: To protect the amenity of the neighbourhood.</p> | Day | Hours | Monday to Friday | 8:00am - 6:00pm | Saturday | 8:00am - 2:00pm | Sunday | Closed |
| Day | Hours | | | | | | | | |
| Monday to Friday | 8:00am - 6:00pm | | | | | | | | |
| Saturday | 8:00am - 2:00pm | | | | | | | | |
| Sunday | Closed | | | | | | | | |
| 34. | <p>Operational Management Plan</p> <p>The operation of the premises is to be complying at all times with the approved Operational Management Plan. The Operational Management Plan is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Operational Management Plan and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.</p> <p>Reason: To protect the amenity of the neighbourhood.</p> | | | | | | | | |
| 35. | <p>Signage Strategy</p> <p>All future signage relating to the veterinary clinic must be in accordance with the approved signage strategy Dwg No. DA50.01 'C' dated 12 April 2024.</p> <p>Reason: To protect the amenity of the neighbourhood and ensure that the development is carried out in accordance with the consent.</p> | | | | | | | | |

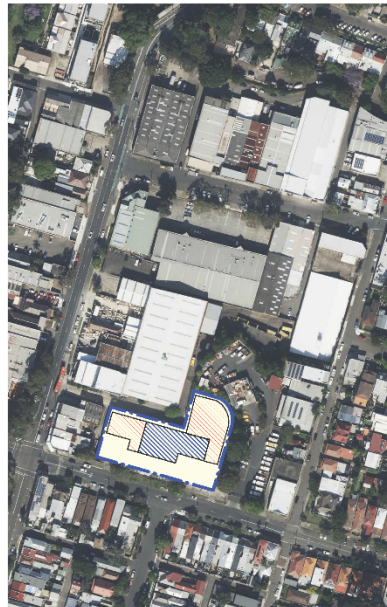
CHANGE OF USE

ONGOING USE

| | Condition |
|-----|------------|
| 36. | Deliveries |

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| | <p>All deliveries and waste collection must occur between 8:00am and 6:00pm Monday to Friday or between 8:00am and 2:00pm Saturday.</p> <p>Reason: To protect residential amenity.</p> |
|--|--|

Attachment B – Plans of proposed development



**231-233 CATHERINE STREET
LEICHHARDT, NSW 2040**
VETERINARY CLINIC
DEVELOPMENT APPLICATION (RFI) FOR COMMERCIAL FITOUT

ARCHITECTURAL DRAWING LIST (DA)

| Sheet Number | Coverage | Sheet Name | Contract Reference | Contract Date |
|--------------|---------------------------|------------|--------------------|---------------|
| DA2000 | COVER PAGE | | C | 12.04.22 |
| DA2001 | SITE PLAN | | C | 12.04.22 |
| DA2002 | IMPROVED ACCESS PLAN | | C | 12.04.22 |
| DA2003 | ILLUSTRATED EVIDENCE PLAN | | C | 12.04.22 |
| DA2004 | ASPA CALCULATIONS | | C | 12.04.22 |
| DA2005 | VERTICAL ELEVATIONS | | C | 12.04.22 |
| DA2006 | BULGING SECTIONS | | C | 12.04.22 |
| DA2007 | SPACE DETAILS | | C | 12.04.22 |

DATE: 12.04.22
DRAWN BY: [Name]
CHECKED BY: [Name]

NOTES
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CLIENT
MR. EN MANOLOS

PROJECT
COMMERCIAL FITOUT - VET CLINIC

PROJECT ADDRESS
231 - 233 CATHERINE STREET
LEICHHARDT NSW

PROJECT SHEET NAME
COVER PAGE

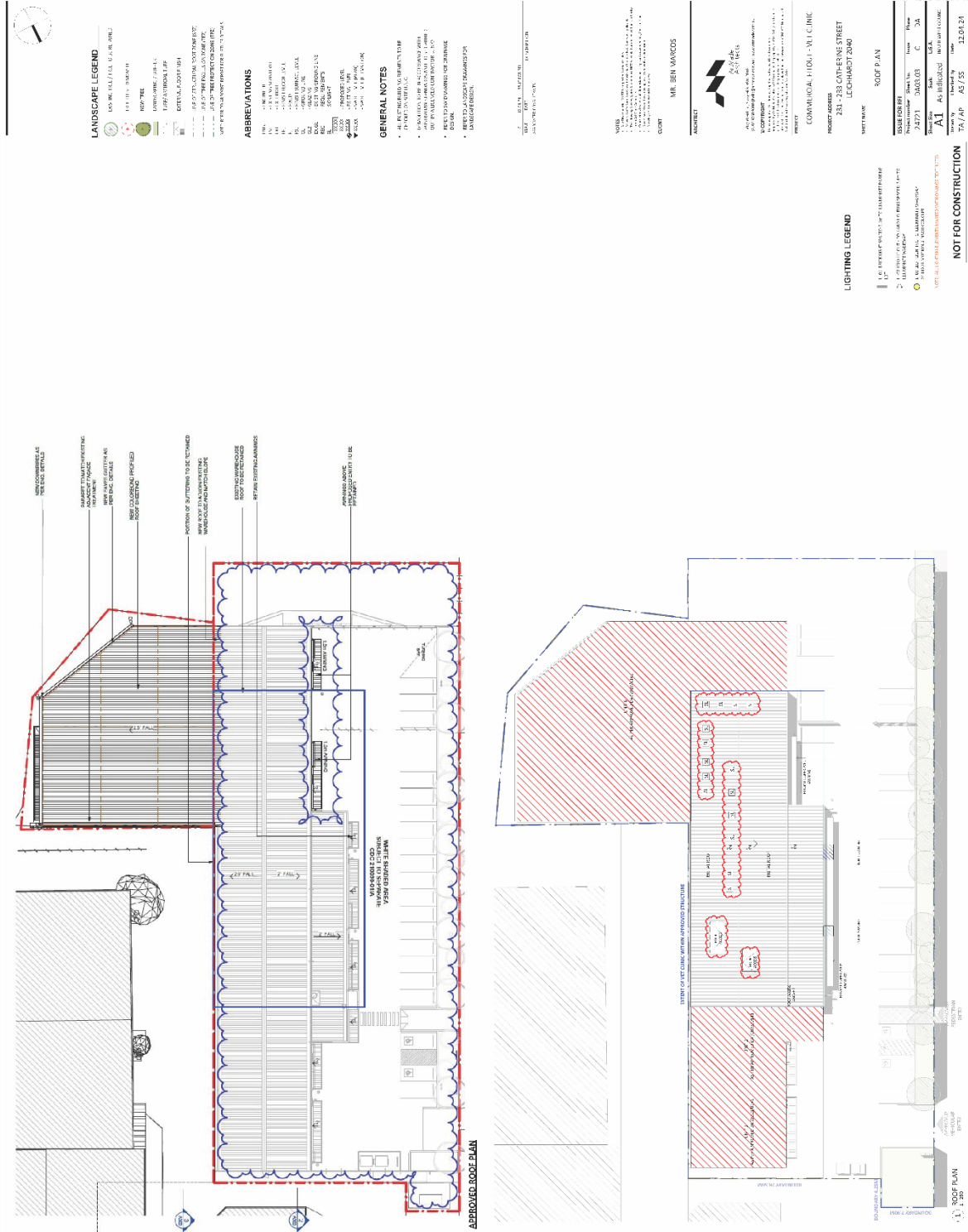
PROJECT NUMBER
231 - 233 CATHERINE STREET
LEICHHARDT NSW

PROJECT SHEET NAME
COVER PAGE

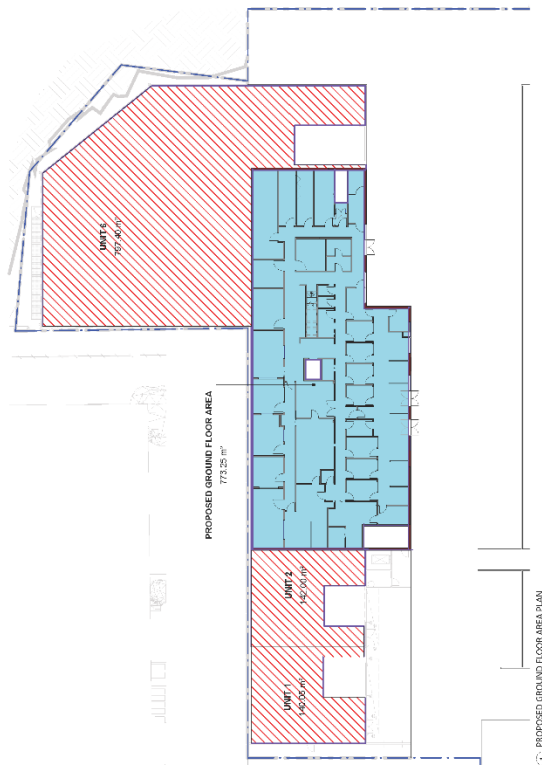
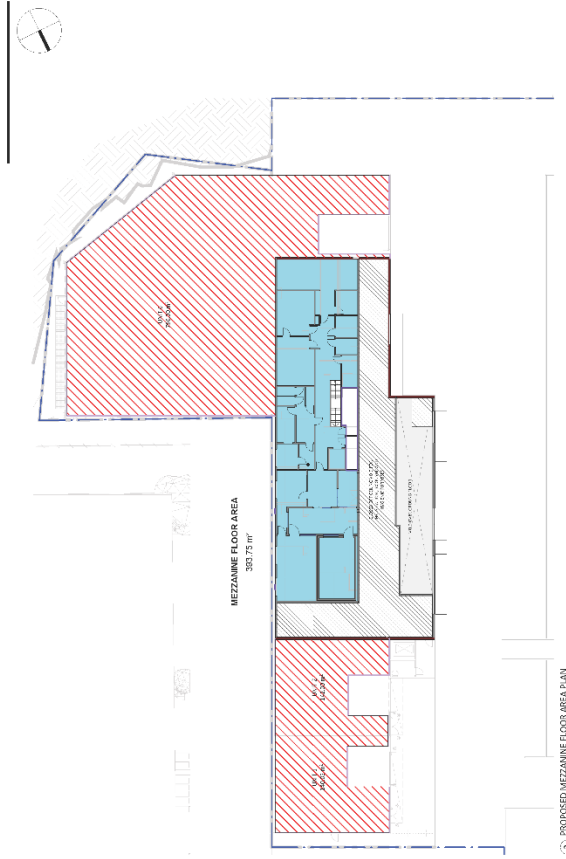
| Revision | Number | Date | By |
|----------|--------|----------|--------|
| 1 | 01 | 12.04.22 | [Name] |

NOT FOR CONSTRUCTION

DA2000-2007: 20220412
Version: 1.0, Issued: 2022-04-12



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APPROVED MEZZANINE FLOOR AREA PLAN

APPROVED GFA AS PER DA /2023 / 0141
 GFA CALCULATION - TOTAL SITE = 4,564 sqm
 FSR 1 : 1.08

PROPOSED GFA
 GFA CALCULATION - TOTAL SITE = 5,060.85 sqm
 FSR 1 : 1.2

NOT FOR CONSTRUCTION

DATE: 24/08/23
 DRAWN BY: J. J. J. J.
 CHECKED BY: J. J. J. J.
 DATE: 24/08/23

NOTES:
 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 2. ALL WALLS ARE 200MM THICK UNLESS OTHERWISE SPECIFIED.
 3. ALL FLOORS ARE 100MM CONCRETE ON 50MM SAND ON 100MM COMPACTED GRAVEL UNLESS OTHERWISE SPECIFIED.
 4. ALL ROOFS ARE 100MM CONCRETE ON 50MM SAND ON 100MM COMPACTED GRAVEL UNLESS OTHERWISE SPECIFIED.
 5. ALL CEILING ARE 100MM GYPSUM BOARD ON 50MM SAND ON 100MM COMPACTED GRAVEL UNLESS OTHERWISE SPECIFIED.

CLIENT: MR. BEN MARCOS

ARCHITECT: ARCHITECTS ASSOCIATES

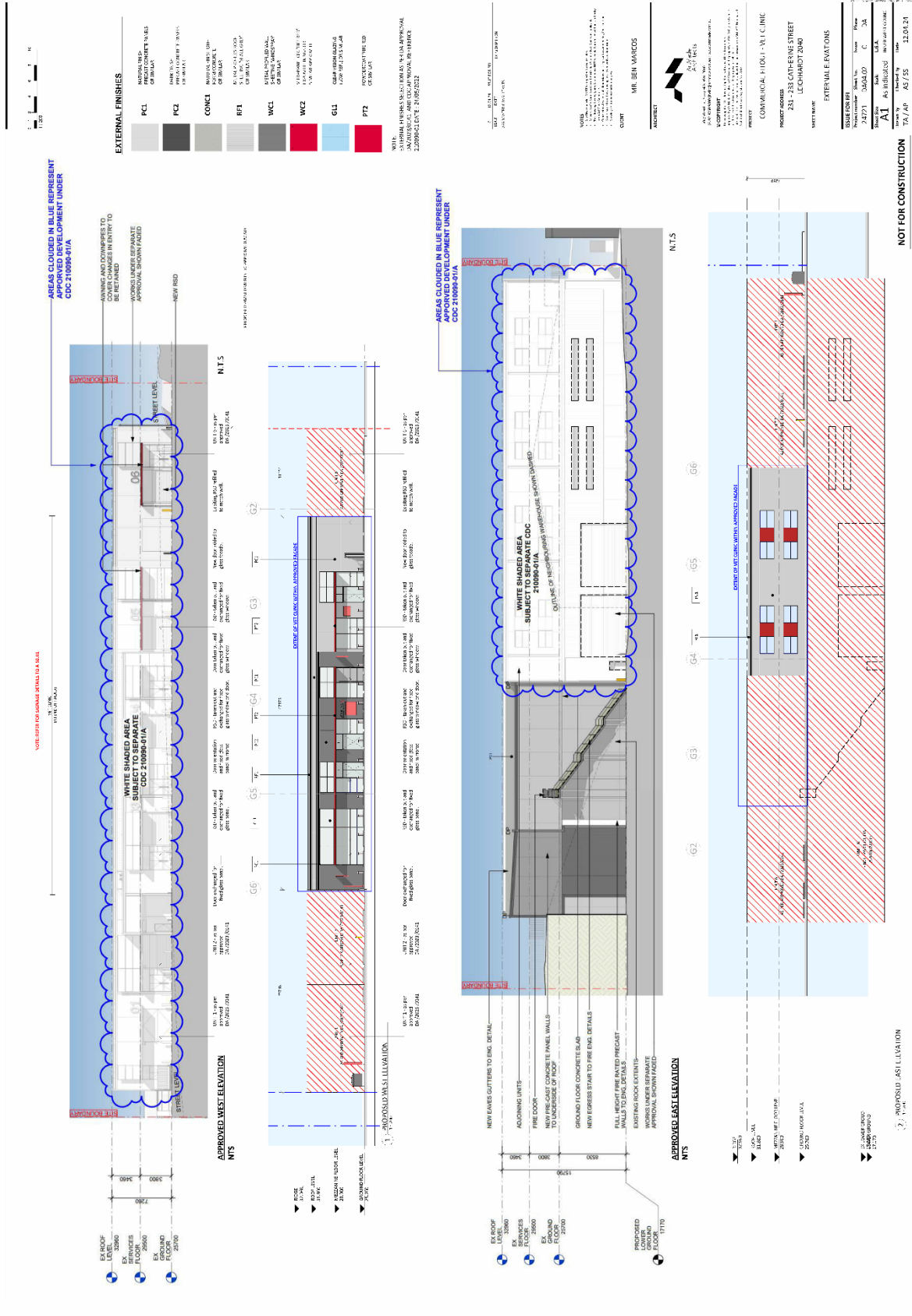
PROJECT: COMMERCIAL FITOUT - VET CLINIC
 231 - 233 CATHERINE STREET
 LEICHHARDT QLD

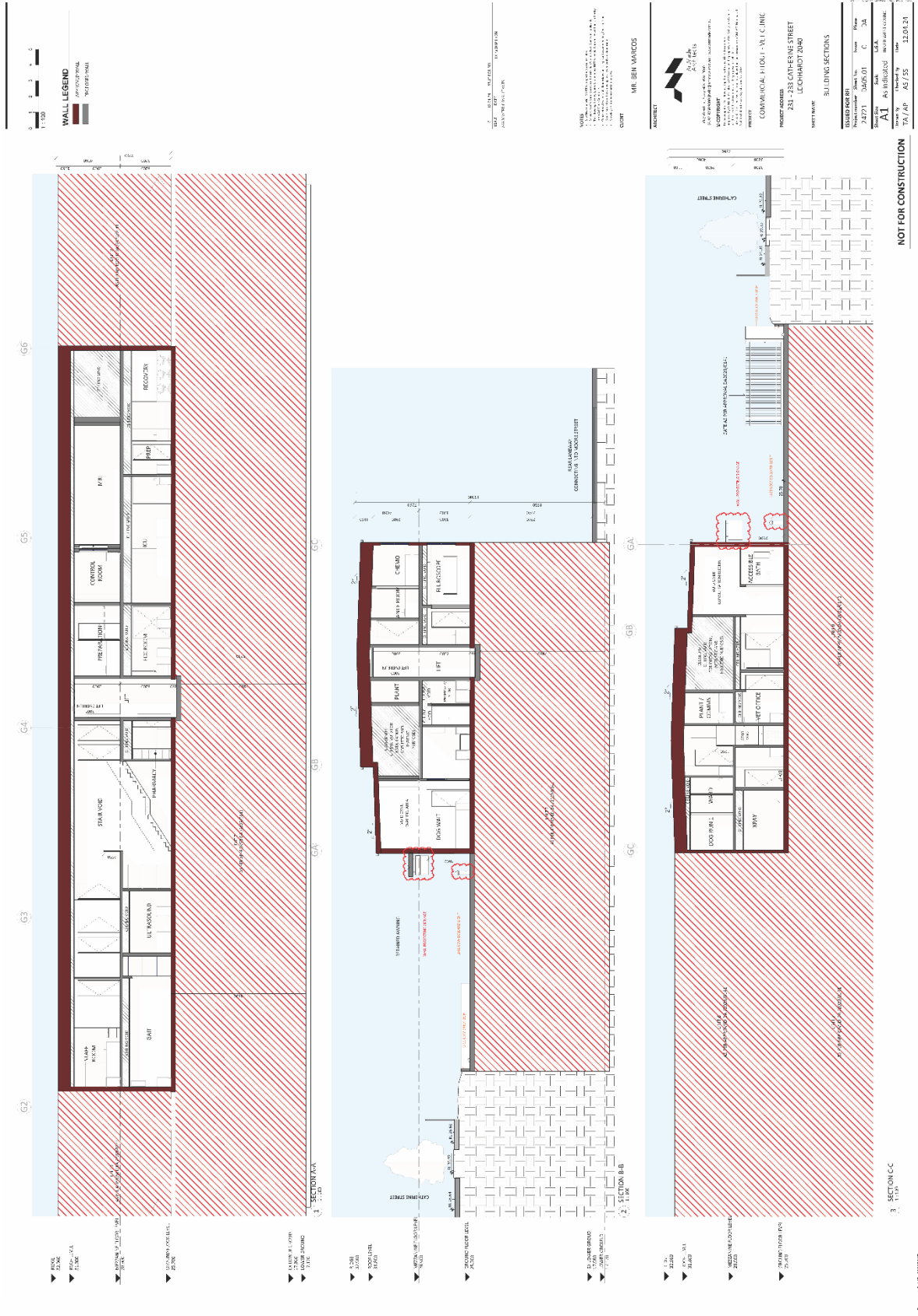
AREA CALCULATIONS

| ITEM | Code No. | Unit | Rate |
|-------|----------|------|------|
| 24721 | DA/CL/CL | C | DA |

Scale: 1:250
 Date: 24/08/23







NOTES
 1. ALL SIGNAGE MUST BE SUBMITTED TO THE LOCAL PLANNING PANEL FOR APPROVAL.
 2. ALL SIGNAGE MUST BE INSTALLED IN ACCORDANCE WITH THE LOCAL PLANNING PANEL DECISION.



TYPE 1 - PROJECTING WALL SIGNAGE

WALL SIGNAGE

CONTENT 1 - C1: BUSINESS NAME
 CONTENT 2 - C2: OPERATIONAL HOURS, PHONE NUMBERS, ADDRESS, LLC
 FEATURES: PROJECTING 3D LETTERS
 EXTERNAL GRAB: YES

DIMENSIONS: 200MM x 400MM x 50MM
 COLOUR C1: STAINLESS STEEL IMPRINT
 COLOUR C2: MOUNTED ON WEST EXTERIOR FACADE (OR-40)

BACKLIGHT: NONE
 LUMINATION: BY DOWNLIGHTS BELOW

FINAL DESIGN: TBC AT CC STAGE

TYPE 2 - WINDOW SIGNAGE

WINDOW / FOOD STICKER

CONTENT: BUSINESS OPERATING HOURS
 EXTERNAL GRAB: NO

DIMENSIONS: LESS THAN 25% COVERAGE OF SHOP FRONT
 LOCATION: TOP LEFT CORNER / WINDOW FRAMING

FINAL DESIGN: TBC AT CC STAGE

TYPE 3 - COMPANY WALL SIGNAGE

COMPANY WALL SIGNAGE

CONTENT: BUSINESS NAME
 FEATURES: PROJECTING 3D LETTERS
 EXTERNAL GRAB: YES

DIMENSIONS: 200MM x 400MM x 50MM
 COLOUR C1: STAINLESS STEEL IMPRINT
 COLOUR C2: MOUNTED ON WEST EXTERIOR FACADE (OR-40)

BACKLIGHT: NONE
 LUMINATION: BY DOWNLIGHTS BELOW

FINAL DESIGN: TBC AT CC STAGE

TYPE 4 - HOISTED SIGNAGE

HOISTED SIGNAGE

CONTENT: BUSINESS NAME
 FEATURES: PROJECTING 3D LETTERS
 EXTERNAL GRAB: YES

DIMENSIONS: 200MM x 400MM x 50MM
 COLOUR C1: STAINLESS STEEL IMPRINT
 COLOUR C2: MOUNTED ON WEST EXTERIOR FACADE (OR-40)

BACKLIGHT: NONE
 LUMINATION: BY DOWNLIGHTS BELOW

FINAL DESIGN: TBC AT CC STAGE

TYPE 5 - DOOR SIGNAGE

DOOR SIGNAGE

CONTENT: BUSINESS NAME
 FEATURES: PROJECTING 3D LETTERS
 EXTERNAL GRAB: YES

DIMENSIONS: 200MM x 400MM x 50MM
 COLOUR C1: STAINLESS STEEL IMPRINT
 COLOUR C2: MOUNTED ON WEST EXTERIOR FACADE (OR-40)

BACKLIGHT: NONE
 LUMINATION: BY DOWNLIGHTS BELOW

FINAL DESIGN: TBC AT CC STAGE



2. 3D VIEW - PROPOSED SIGNAGE

NOTES
 1. ALL SIGNAGE MUST BE SUBMITTED TO THE LOCAL PLANNING PANEL FOR APPROVAL.
 2. ALL SIGNAGE MUST BE INSTALLED IN ACCORDANCE WITH THE LOCAL PLANNING PANEL DECISION.

CLIENT
 MR. BEN MARRAS

ARCHITECT
 ARCHITECTURE
 234 - 238 CATHERINE STREET
 LEICHHARDT NSW

| ISSUED FOR | DATE | BY | REVISION |
|------------|----------|----|----------|
| 24/21 | 24/01/21 | C | 3A |

SCALE
 A1 - As Indicated

DATE
 24/01/21

NOT FOR CONSTRUCTION

Attachment C – Section 4.6 Exception to Development Standards**Chapman Planning Pty Ltd**

Suite 8/88 Mountain Street
ULTIMO NSW 2007

Phone: 9560 1718
www.chapmanplanning.com.au

12 April 2024

Clause 4.6 Variation to Development Standard

Property Description: Unit 3-5, 231 – 233 Catherine Street, Leichardt
Development: Veterinary Hospital
Development Standard: Clause 4.4 Floor Space Ratio – *Inner West LEP 2022*

Introduction

This is a clause 4.6 written request to support the development proposal for a *Veterinary Hospital* development at 231 – 233 Catherine Street, Leichardt.

This clause 4.6 seeks a variation to the 1:1 floor space ratio development standard contained in clause 4.4 – Floor Space Ratio of the *Inner West Local Environmental Plan 2022*.

The subject site has recently been redeveloped, and was approved with a new light industrial warehouse building containing 6 x units and 28 x at grade car spaces. The building and associated car spaces are currently under construction according with the DA/2023/0141 determination documentation.

The recent DA/2023/0141 development approval included 4564m² of gross floor area (GFA) on a site area of 4216m², and presented an 8% variation to the FSR development standard as 1.08:1.

The current proposal increases the GFA of the approved/under construction building by 496.85m² by virtue of a new mezzanine level and internal reconfigurations to Units 3 – 5. This results in a total GFA of 5060.85m² and an FSR of 1.2:1 for the development on the subject site.

The additional 496.85m² of gross floor area and resulting additional 12% variation (total 20%) to the FSR development standard can be attributed to the internal mezzanine area which facilitates the storage and operation of medical diagnostics machinery located within back of house area internal to the building footprint. The additional floor area does not present an intensification of use or external change to the external building form.

The request to vary the Floor Space Ratio development standard has been prepared in accordance with the principles applied in relevant case law including:

Cl4.6.231-233CatherineStreet.Leichardt

1

1. *Winten Property Group Limited v North Sydney Council* (2001) 130 LGERA 79;
2. *Wehbe v Pittwater Council* (2007) 156 LGERA 446;
3. *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009;
4. *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118;
5. *Al Maha Pty Ltd v Huajun Investments Pty Ltd* (2018) 233 LGERA 170; and
6. *RebelMH Neutral Bay Pty Limited v North Sydney Council* (2019) NSWCA 130
7. *WZSydney Pty Ltd v Ku-ring-gai Municipal Council* [2023] NSWLEC 1065

This Clause 4.6 variation request is set out in accordance with the relevant principles established by the Court including:

1. Is the development consistent with the objectives of the zone?
2. Is the proposed development consistent with the objectives of the development standard which is not met?
3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case? (cl 4.6(3)(a))
4. Are there sufficient environmental planning grounds to justify contravening the development standard and therefore the Applicant's written request to vary the development standard is well founded? (cl 4.6(3)(b))

Matters required to be demonstrated under clause 4.6(3) of the LEP

Compliance with the development standard is unreasonable or unnecessary in this particular case

Pursuant to clause 4.6(3)(a), the variation to the floor space ratio development standard is acceptable in the circumstances of this case and compliance with the development standard is considered unreasonable and unnecessary because the proposed mezzanine and internal works to the light industrial warehouse are consistent with the objective of the development standard, notwithstanding non-compliance with the standard.

• **Objectives of the floor space ratio development standard**

The objectives of the development standard at Clause 4.4 of the *Inner West LEP 2022* are:

- (a) *to establish a maximum floor space ratio to enable appropriate development density,*
- (b) *to ensure development density reflects its locality,*
- (c) *to provide an appropriate transition between development of different densities,*
- (d) *to minimise adverse impacts on local amenity,*
- (e) *to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.*

The proposed development meets the objectives of the standard based on the following:

Objective (a): The variation to the FSR development standard is due to internal space changes that service the operation of a permissible land use for the zone. As described below, the changes will not constitute an intensification of land use beyond what is envisaged by the zone objectives for E4 – General Industrial land uses, nor does the proposal change the bulk and scale of the warehouse building, externally.

The additional (beyond approved) FSR variation is attributed specifically to the following internal works, and does not result in external changes or an increase to the building footprint:

- a new mezzanine level to support the placement of medical diagnostics equipment such as an MRI, XRAY and CT machines that are bulky and take-up significant floor space; and
- removal of three (3) internal loading bays to facilitate ground floor level operations such as fit out of consulting rooms and waiting areas.

- **Objective (b):** The proposal results in a commensurate density when considering the bulk and scale and the intensity of land use for the subject site in the context of the locality. The proposal pertains to internal additions to the approved and partially built light industrial warehouse, with no significant external changes to the built form as viewed from the streetscape of Catherine Street.

The context of the surrounding locality forms a mix of industrial, retail and residential uses. The proposal is supported by Acoustic and Traffic impact assessments to demonstrate that the proposed land use is suitable for the subject site, and will not result in amenity impacts on the nearby residential receivers.

Further, the Plan of Management submitted with the application estimates the maximum of people will use the proposed *Veterinary Hospital* at any one time. Considering the size of the subject site, the proposed intensity of use is seen as typical for the context of a large industrial lot, surrounded by other industrial uses.

- **Objective (c):** The proposed variation to FSR development standard services a land use that will act a suitable transition between the residential uses to the west and heavier industrial uses to the east of the subject site. The proposed operation of a *Veterinary Hospital* is a land use which does not generate the intrusive activities of other typical industrial land uses such as manufacturing or mechanical repairs. The land use is supported by acoustic and traffic impact assessments confirming the land use is a good transition between heavier industry and sensitive residential receivers.
- **Objective (d):** As discussed above, the proposed variation to FSR development standard allows a transitional use that minimizes the potential for amenity impacts such as excessive noise on residential receivers. The proposed operations are considered to have a relatively low-intensity and low-impact within the context of the surrounding industrial use locality.

- **Objective (e):** The subject site adjoins a heritage landscape item i1088, being "Street Trees", Port Jackson figs within road reserve. The proposal for use of a *Veterinary Hospital* including an FSR variation associated with internal works that service the use will not negatively impact the Public domain which is dominated by the (protected) landscape heritage item in the road reserve.

It is unreasonable and unnecessary to require compliance with the Floor Space Ratio development standard contained in the *Inner West LEP 2022* due to the following reasons:

- The variation to the 1:1 floor space ratio standard applied to the development is a result of internal fit out works including construction of a mezzanine level to support the operation of a *Veterinary Hospital*, permissible in the zone.
- The development proposal presents no change to the building footprint or external built form of the development, the changes are minor and operation of the *Veterinary Hospital* is consistent with the intended density of development uses within the E4 – General Industrial zone.
- The additional density is associated with back of house areas which do not generate additional operational intensity and additional environmental impacts.

The development proposal is consistent with the objectives of the zone as follows:

- **Objectives of the E4 – General Industrial Zone**
 - The objectives of the E4 – General Industrial zone are as follows:
 - *To provide a range of industrial, warehouse, logistics and related land uses.*
 - *To ensure the efficient and viable use of land for industrial uses.*
 - *To minimise any adverse effect of industry on other land uses.*
 - *To encourage employment opportunities.*
 - *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
 - *To protect industrial land in proximity to Sydney Airport and Port Botany and the Eastern Economic Corridor of the Greater Cities Commission.*
 - *To retain existing and encourage new industrial uses to meet the needs of the community.*

The proposed variation to FSR development standard for the purpose of a *Veterinary Hospital* use meets the relevant objectives for development in General Industrial zone based on the following assessment:

- The proposal offers a land use for the area that supports the operation of other established businesses in the locality, such as the pet-related retail stores located on Moore Street.
- The proposed *Veterinary Hospital* requires a large floorplate to accommodate the appropriate services for the land use. The use of this space within the Industrial land use zone makes use of the approved floor area plus a mezzanine level for three warehouse units (3 - 5) on the subject site, and thus represents an efficient and viable use of land.

- The proposed *Veterinary Hospital* will not impact the operation of surrounding land uses – being a mix of industrial, light industrial, retail and residential.
- The proposed *Veterinary Hospital* provides convenient access to essential (emergency and ongoing) medical services for pet owners within the local community.

In line with the decisions in *Wehbe v Pittwater Council* [2007] NSWLEC 827 the proposal meets the first test as the objectives of the development standard and the land use zone are achieved notwithstanding the non-compliance.

There are sufficient environmental planning grounds to justify contravening the development standard

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, preferably being grounds that are specific to the site.

Preston CJ noted in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, that in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the aspect of the development that contravenes the development standard should be the focus (as opposed to the development as a whole) of any analysis.

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the floor space ratio development standard because:

- The variation to the 1:1 FSR standard pursuant to the *Inner West LEP 2022* does not alter the external form of the building on site, in particular, there are no bulk and scale impacts. The development proposal seeks full use of the internal spaces of the warehouse units to ensure proper functionality of the *Veterinary Hospital* without exceeding the intended environmental capacity or density for the site.
- The proposed addition of a mezzanine level is largely required to accommodate medical diagnostics machinery, central to the operation of a *Veterinary Hospital*, and does not result in an unreasonable intensification of use.
- The additional floor area is located within the tenancy and will not result in additional amenity impacts to adjoining properties or the public domain with regard to overshadowing, loss of outlook or views or privacy impacts, noting the warehouse has been designed in accordance with the site circumstances and the proposed works present no change to the external height or building bulk.
- The proposed development meets the relevant objects of the Environmental Planning and Assessment Act, 1979 as follows:
 - 1.3(c) - The proposal is an orderly and economic use and development of land, being a scale of development that is compatible with the future development envisioned for the nearby R1 General Residential zone, and is consistent with the planning regime for the E4 – General Industrial zone,

- 1.3(g) - the scale of the development is compatible with development in the locality, and is an appropriate scale of development for the subject site to protect the amenity of the built environment.
- The proposed development meets the relevant aims of the *Inner West LEP 2022* as follows:
 - 1.2.2(e) – to facilitate economic growth and employment opportunities, the proposed *Veterinary Hospital* offers an opportunity to increase the complexity, diversity and sustainability of the economic culture of the Inner West. The variation to the FSR development standard is central to the effective operation of the proposed *Veterinary Hospital*.
 - 1.2.2(h) – the proposal supports the operation of a necessary medical service for the numerous animal owners of the Inner West, and therefore represents an opportunity to produce beneficial community and cultural outcomes.
 - 1.2.2(h) – the proposal is supported by Acoustic and Traffic Impact reports that demonstrate the proposal will not result in adverse amenity impacts that typically result from the conflict of residential / industrial interfaces. The proposal therefore does not collectively or cumulatively contribute to the degradation of amenity for the nearby residential occupants.

Conclusion

The development proposal has a variation to the 1:1 FSR standard contained in Clause 4.4 of the *Inner West LEP 2022*; notwithstanding, the proposal does not involve any inappropriate increases to bulk and scale, and the building on the subject site maintains a built form that is consistent with the intent of the FSR and is suitable for the subject site within the context of the locality.

Specifically, the current proposal increases the GFA of the approved/under construction building by 496.85m² (additional 15%) by virtue of a new mezzanine level and internal reconfigurations to Units 3 – 5. This results in a total GFA of 5060.85m² and an FSR of 1.2:1 for the development on the subject site. The proposed 20% variation to the FSR development standard is entirely due to those internal works that service the proposed *Veterinary Hospital*. This is a central part of the effective operation of the proposed use, requiring bulky diagnostics equipment to be accommodated within additional floor space.

The variation to FSR therefore does not represent an intensification of use, nor will it result in an inappropriate density for the zoning or surrounding locality. The proposed variation is seen to be consistent with the scale of development envisioned for the site pursuant to the *Inner West LEP 2022* and *Leichardt DCP*.

The variation does not attempt to affect the planning outcome for the broader locality; rather the proposed variation with the floor space ratio is contained entirely within the existing building footprint.

The elements of the development which vary the control will not be visible within the streetscape, and the proposal will not impact upon the public domain or adjoining properties and will not generate unreasonable amenity impacts.

In my opinion, the proposed development for a *Veterinary Hospital* and variation to the floor space ratio development standard is well founded as the proposal meets the objectives of the development standard and achieves an acceptable planning outcome for the subject site that is in the public interest. In accordance with the environmental planning grounds addressed in this clause 4.6 variation, the proposed development can be supported.

Chapman Planning Pty Ltd
Member PIA

Attachment D – Operational Management Plan

Received 12 April 2024



231 – 233 Catherine Street Veterinary Specialist
Centre

Operational Management Plan

Contents

1. Overview
2. Activities
3. Summary of Operational Workflows
4. Security
5. Delivery Arrangements
6. Complaint Handling
7. Review Process
8. Other Elements
9. Conclusion
10. About BusiVet



1. Overview

Veterinary Dermatology Centre Pty Ltd ('the Client') is a unique Veterinary Service that provides a range of specialized treatments to domestic animals and the occasional exotic animal. The reputation and clientele of the client is built upon receiving referrals from primary care veterinary providers, and other specialists who don't have the skill sets, facilities, or very specialised equipment, making it a preferred destination for these clinics and professionals seeking hi-level specialised veterinary care for the pet parents they service.

Therefore as they will not be providing primary services, such as vaccinations and routine veterinary care, the demand to see patients on schedules like 15-minute appointments which is typical of primary care will not be relevant here..

Whilst the Client focuses on specialised treatments, it also recognises the importance of providing a convenient local specialist service in a part of Sydney that is underserved. The establishment of a permanent home will enable the Client to serve a larger number of animals and offer flexibility for pet owners and their service providers in this location where specialised Veterinary Services can be provided.

Benefits to the community

The emergency veterinary department is an important service to provide for Sydney's Inner West community. Having 24/7 emergency care available will support pet owners in the inner west to access veterinary care quickly, without delay, and will allow us to save the lives of many beloved family members. Having the emergency service working in the same premises as veterinary specialists allows us to provide exceptional care to the community's pets. In the event of a complex medical emergency occurring after-hours, our experienced emergency veterinarians can provide life-saving emergency care to patients, followed by additional support from the specialist team during the specialist operating hours.

The client understands that in order to continue to deliver this important service, it is important that the emergency department does not lead to any adverse impacts on neighbours. As such, we are taking



a number of measures to limit traffic, noise and light spillage, and encourage the community to communicate any further concerns.

2. Activities

The centre will have a remote call centre using technology to book and triage enquiries for all the specialities using the centre and will not be located on site.

The specialties on offer are:

- Dermatology
- Surgery
- Medicine
- Oncology
- Dental
- Emergency

These visiting specialists will use the centre on a rotating basis as they have other locations they work from and will not be there on a full-time basis.

Each specialist when consulting will require 3 rooms to operate efficiently.

Check in is all prebooked online and handled by the specialist's assistant and the automated kiosk check in desk.

The specialist's assistant prepares the room, checks in the patient, the specialist consults, the assistant does the admission or discharges the patient and the billing. They then prepare the next room and repeat the cycle rotating between 3 rooms. Based on the nature of the visit, infection sterilisation and cleaning up of diarrhoea, three rooms are needed to keep the workflow of 1 patient every 30 minutes when consulting.

Specialist consultation appointments are 30 minutes in length.

With half-hour appointments, there will be a one pet owner leaving and arriving.



Allocation of consultation rooms for specific specialities is required due to set up of specific diagnostic equipment, so every room is specifically set up and cannot be used by other specialties. For example, dental, dermatology and oncology as each requires very specific levels of infection control and controlled substances.

The specialist's assistant- on surgery days is the nurse who assists with surgery and does the check in and check out.

The euthanasia room is a room used for pet parents to say their farewells.

The emergency triage rooms are used after hours and don't conflict with specialist consulting.

Patients booked for surgery or treatments are dropped off and admitted. Based on the recovery time, pet parents are then called to collect their pet. This discharge is usually a 10-minute process.

For surgery or medicine specialist's number of surgeries per session is only one or two cases per session.

There will be 2 hospital staff on hand to facilitate for the specialists at all times.

To assist the visiting specialists with their surgery or diagnosis, a visiting radiologist will be on hand when the cases require this sort of treatment. This again is required only for a few hours on the days this diagnostic equipment is required. This may be required only 1-5 times a week.

The client will not be having a pet ambulance.

Hours of Operation

Specialist consulting will be conducted between the hours of 8:00am and 5:00pm on weekdays only, by appointment. Each consult is expected to go for a maximum of 30 minutes, meaning all consultations should be finalised by 5:30pm. From time to time, some Saturday appointments may be made available. In this situation, the consulting times available on Saturdays will be between 8:00am and 2:00pm, with our final consultation being finalised by 2:30pm. We will not be offering specialist consultations on Sundays or public holidays.

Due to the nature of an emergency service, the emergency department will see walk-ins only, and will not require bookings. As veterinary emergencies can happen at any time, this department will be operating



24-hours per day, every day of the year, including weekends and public holidays.

The after-hours team will consist of:

- One receptionist
- 1-3 veterinarians
- 2-5 veterinary nurses

The number of staff members will be dependent on the anticipated caseload. During warm months and over holidays, a veterinary emergency department will tend to be busier, requiring up to 9 people to work the overnight shift. In order to have sufficient staffing levels to treat emergency cases during quieter periods, a minimum of 4 staff members will be required to cover the overnight shift.

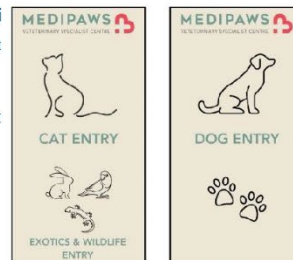
Reception and waiting area configuration and signage

As the site features two waiting areas, one for dogs and another for cats, there will be two front doors clearly marked with pictures and wording. One side will state it is for dog entry and the other for cat entry. If a client walks through the wrong door, they are able to walk around the rear of the reception desk and access the correct area. Alternatively clients can walk out of the wrong door and in through the correct one.

Our specialists will see appointments for dogs and cats only. In the event that other species are presented, they will be directed to enter via the cat entry. Based on our experience the arrival of species other than dogs or cats is extremely infrequent.

Door signage will be designed to reduce confusion for clients and minimise the risk of them entering the wrong waiting area.

Example signage to take up the entire glass front of the door:





Pet owners will enter using the same doors whether they are arriving for a specialist appointment or visiting the emergency department.

The Reception is divided by a 1.2meter high planter box that extends from the front doors to the reception desk. This is to ensure dogs and cats are unable to see each other. This will help keep dogs calm and minimize barking. This will also ensure that cats can not see dogs and become stressed.

Example planter box dividing the room:



The reception desk will be attended 24/7. When reception team members are on break, the reception desk will be covered by another member of the hospital staff.

As a safety measure, the front doors will automatically lock after-hours (6pm-7am). During after-hours the front door will need to be opened via a push button located at the reception desk reception. This will ensure that only legitimate clients of the hospital are permitted entry after-hours.

The reception desk will be manned 24-hrs a day. In the event that the receptionist has had to leave the reception desk and can not see a client at the front door, the client will be able to alert staff of their presence by pressing a button to ring a bell.

Example bell :





This bell will ring in the rear section of the hospital, alerting our hospital staff that there is a client requesting entry.

When the front door is locked, staff members will be able to enter through the front doors by using their security fob key.

Staff members will predominately use the loading dock door during daylight hours to enter/exit the hospital at the start and end of their shifts and when going on breaks, using their security fob key. This will help to minimize foot traffic and noise at reception. However, after dark, team members will access the hospital via the front doors for added security.

3. Summary of Operational Workflows

Based on the above, a resulting peak parking demand would be reflected as follows:

- 3 specialists also travel to other sites, with a parking demand of 1 space per staff (2 specialists and 1 radiologist) - 3 spaces
- 4 support staff on site at any one time (2 assistants and 2 hospital / greeter staff), either considered at 1 space per staff (4 spaces) or with consideration for 68% car drivers from journey to work data ($4 \times 68\% = 2.72$, rounded to 3 spaces)
- 4 visitors / patients on site at one space per visitor / patient - 4 spaces.

The above results in a total demand of 10 or 11 spaces (10 spaces required with Journey to Work data)

4. Security

a. Physical Security: - Identify and secure physical access points to facilities and data centres. - Implement surveillance systems and access control measures. - Conduct regular security audits and assessments.



b. Data Security: - Encrypt sensitive data during transmission and storage. - Implement firewalls, antivirus software, and intrusion detection systems. - Regularly update security protocols to address emerging threats.

c. Personnel Security: - Enforce strict access controls for employees based on roles and responsibilities. - Conduct background checks for personnel handling sensitive information. - Provide security training to employees to raise awareness.

Other Security Considerations

There will be no cash or valuables kept at reception. This means that if a client needs to walk behind reception to access a consult room or move to the other side of the waiting area, there will be no security or safety risk of doing so.

There is an admin office located immediately behind reception which will require a security fob to access. Cash payments received will be temporarily located here for ease of reception access, before being relocated elsewhere in the hospital for secure storage in the cash safe.

There will be a duress alarm at both reception and inside the admin office. The duress alarm will be monitored by a 24/7 security firm. If the alarm is triggered, the security firm will contact the General Manager, and contact the hospital to determine if assistance or emergency services are required. The alarm can only be disengaged if a nominated security password is advised to the security firm. This password will be changed periodically (twice yearly, or more often if required), with employees being notified of the current password.

Security fobs will be used in the following locations:

- Consult rooms doors leading from the consult room to the cat ward / hospital area hallways
- Admin room door leading from reception into the admin room
- The hallway between the admin room and consult room 5, leading from reception to the ECC room.
- The hallway between consult room 8 and consult room 9, at the end of the hall leading into the hospital hallway outside the vet office
- At the cat waiting entry



- At the dog waiting entry
- At the loading dock entry

These security fobs will limit access into the treatment areas of the building only. The security fobs will limit movement in one direction only, ensuring that building occupants can exit quickly in the event of an emergency.

In case of an emergency, aggressive or abusive client, or any other security risk, staff and any legitimate clients accompanied by a staff member can access the area of the hospital behind the consult rooms. Persons will not be able to access this area of the hospital without a security fob. This maintains safety of staff and clients in the event of a security risk, allowing people to be moved to safety and enabling emergency services to then be contacted.

There will be CCTV cameras in operation 24/7. These will be located:

- At the front doors looking outwards to the carpark, I am running a few minutes late; my previous meeting is running
- in reception,
- in each consult room,
- in all areas where restricted medications are stored and/or administered, and
- in the ward areas where hospitalised patients are temporarily left unattended in between treatments.

The CCTV footage will be used in real-time for patient monitoring (remote monitoring allows rest for low-risk, nervous patients) and to assess the availability of consult rooms. The footage will also be recorded and stored for a minimum of 30 days if required to assist police investigations if required.

5. Delivery Arrangements

a. Logistics: - Define transportation methods and logistics partners.
- Establish delivery schedules and service level agreements (SLAs). - Monitor and track shipments in real-time. (Refer the Waste Management Plan)



b. Inventory Management: - Implement an efficient inventory tracking system. - Set up reorder points and establish replenishment processes. - Regularly conduct inventory audits to minimize discrepancies.

c. Supplier Relationships: - Establish clear communication channels with suppliers. - Negotiate favourable terms and conditions. - Develop contingency plans for potential disruptions in the supply chain.

Other Delivery Considerations

There is a loading dock door which will only be used for waste collection, order deliveries and staff entry, so as not to go through reception and disturb clients. The loading zone will be clearly marked with signage 'Loading zone NO ENTRY'. Additional signs with arrows showing the direction to the correct 'reception' entry will be placed on these doors.

Example directional signage (minimum 420mm x 297mm):



Example signage for loading dock door (minimum 210mm x 297mm):



Deliveries to the hospital will occur during business hours on weekdays only (no weekend or public holiday deliveries) to limit noise after hours. Wholesaler deliveries will typically consist of approximately 10 medium-sized boxes per delivery. The time taken to deliver is short - typically less than 5 minutes. Wholesalers will deliver using a typical courier-sized van, and will unload boxes either by hand or with a carton trolley. Wholesalers typically deliver orders between 2 pm - 4 pm on Mondays, Wednesdays and Fridays.

The client will not be receiving large orders and do not anticipate large trucks or pallets being delivered regularly. Large truck



deliveries will be limited to significant equipment or machinery purchases and will occur very infrequently (once or twice per year only). To limit noise disturbances for neighbours, these deliveries will be booked for business hours on weekdays only.

Pathology collections will occur 7-days per week, at approximately 10am and 4pm. Pathology collection drivers use small vehicles only. These collections are quick, with couriers typically in the carpark/building for less than 2 minutes.

Example of veterinary pathology courier vehicle:



Due to the relatively small size of individual deliveries occurring on a regular basis, our delivery drivers will be encouraged to use either an allocated VET parking space or the loading zone area if outside of specialist operating hours.

Carpark Noise

There will be signage at the end of each of the vet carparks to advise clients that it is the appropriate spot to park in, while also alerting them to keep noise to minimum while entering and exiting the hospital.

Example carpark signage (size approx.. 210mm x 297mm) :





There will be no work or consultations conducted outside the hospital or in the carpark.

The waiting room is spaced out with generous seating, keeping patients separated to minimise barking.

External Lighting - minimising neighbour impact

The hospital car park will be illuminated for easy visibility and safety of clients and staff arriving or departing the hospital after dark. Due to the 24-hour emergency service, we will require the hospital car park to have a safe level of illumination at all hours. However, we are mindful of our neighbours and are taking several measures to reduce light spillage. The measures taken include:

- Utilising warm-white, low lumen, LED globes
- Strategically placing lights only in the areas required to ensure safe passage for pet owners from their vehicles to our front doors
- Ensuring that the main beam angle is directed downwards
- Utilising light shields to minimise the spread of light beyond the carpark
- Ensuring that lights are not directed towards any reflective surfaces, such as the front doors or door framing of the hospital

All windows and reception doors will be tinted to minimise illumination from the inside of the hospital spilling onto the street or neighbouring properties.

6. Complaint Handling

a. Complaint Intake: - Provide multiple channels for customers to submit complaints. Implement a centralised system for collecting and recording complaints.

b. Resolution Process: - Define a standardised process for investigating and resolving complaints. - Set realistic timelines for resolution and communicate them to customers.- Monitor and analyse complaint data to identify recurring issues.

c. Customer Communication: - Keep customers informed about the status of their complaints. - Seek feedback on the resolution process to



identify areas for improvement. - Implement corrective actions based on feedback and analysis.

Clients of the veterinary hospital will be provided with various channels for lodging feedback and complaints. All clients (excluding emotionally sensitive cases, such as those requiring euthanasia) will be automatically sent a link via sms or email to complete a survey. This survey is integrated with the hospital's Patient Management Software (ezyvet) and feedback is collated on a third-party platform (ReviewTree).

These responses will be initially handled by the Marketing Manager, with any negative responses being escalated to the General Manager. The General Manager will contact the client for further follow-up within 1 business day. If warranted, a further internal investigation of the issue may be conducted. The typical investigation time period is 1-3 business days. Following the investigation, the General Manager will contact the client with the findings of the investigation and will work with the client towards a mutually agreeable resolution.

A summary of survey responses will be reported to the General Manager on a regular basis, at least quarterly, by the Marketing Manager. Any repeating occurrences or themes may result in adjustments to operational processes or HR performance management, as required.

Complaints from the community for non-patient related issues (such as noise, etc) can be reported to reception in the first instance, with the issue being escalated immediately to the General Manager. The General Manager will contact the member of the community within 1 business day to acknowledge the complaint and request further information if required. Any resolutions or corrective actions taken will be discussed with the complainant, including appropriate timeframes for the execution of the corrective actions.

As a veterinary specialist hospital, we consider ourselves to be an important function of the community and, as such, are determined to ensure that we build a relationship of trust and open communication with our clients and community. We encourage feedback, and consider it to be fundamental to our continual improvement.

Complaints can be lodged through any of the following channels:

- Direct lodgement in person to reception
- Call main hospital phone number (not yet allocated)
- Email reception@medipaws.com.au



7. Review Process

a. Regular Performance Reviews: - Conduct regular reviews of operational performance against predefined metrics. - Identify areas of improvement and efficiency gains.

b. Feedback Loops: - Establish feedback mechanisms from both internal and external stakeholders. - Use feedback to drive continuous improvement in operational processes.

c. Documentation and Reporting: - Maintain detailed records of operational activities. - Generate regular reports summarizing key performance indicators. - Share insights and recommendations with relevant stakeholders.

The review process will work side by side with Complaints Handling to ensure the operation is continuously reviewed and improved.

8. Other Elements

a. Risk Management: - Identify potential risks and develop mitigation strategies. - Regularly review and update the risk management plan.

b. Training and Development: - Provide ongoing training for employees to enhance skills and adapt to changes. - Develop a knowledge-sharing culture within the organization.

c. Technology Infrastructure: - Ensure the availability and reliability of essential technology infrastructure. - Regularly update and maintain software and hardware systems.



9. Conclusion

This operational plan should be adaptable to the specific needs and characteristics of your project, and it's essential to regularly review and update it to ensure its continued effectiveness.



10. About Us

BusiVet is one of Australia's only dedicated Vet & Pet Care property experts. We are a data led demand driven business that partners with Pet Care operators to deliver an optimal project outcomes.

We help business operators realise their commercial visions to deliver innovation, efficiency and value to drive property solutions for growth. BusiVet can provide business and property solutions across the whole business life cycle- from concept to opening your doors for business we can partner with operators at every step.

BusiVet has an agile team of subject matter experts across data & strategic geographic site mapping, financial feasibility & business case modelling, site design & fitout and all aspects of the project life cycle..

BusiVet's competitive advantage is that we are able to connect all the dots - from the operational elements to the financial elements to the leasing, planning & development elements to deliver a customer centric offering for our clients. We pride ourselves on transparent, fact-based business cases and we aim to take the guess work out of strategic growth decisions.

Our 'best in class' benchmarking across all elements of Vet & Pet Care operations ensures we speak with authority on all elements of a successful practice. BusiVet has business operational experience, corporate experience, financial experience and development and planning experience. This broad and varied exposure to businesses over the last 20 years sets BusiVet apart from others.

BusiVet is your trusted partner to find and bring together all or specific components of your growth strategy with robust due diligence and present solid evidence to determine the success factors for each business operator.