



## DETERMINATION OF DEVELOPMENT APPLICATION

P E N R I T H C I T Y C O U N C I L

### DESCRIPTION OF DEVELOPMENT

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DA No.	DA12/1295.01
Description of development	Modifications to Greyhound Boarding, Training & Breeding Establishment
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none"><li>▪ Class 10a</li></ul>

### DETAILS OF THE APPLICANT

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Name & Address	Mathew Pryce 1 Diamantina Avenue WINDSOR DOWNS NSW 2756
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### NOTES

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1. Your attention is drawn to the attached conditions of consent in attachment 1.
2. You should also check if the modification of the development requires a Construction Certificate to reflect the modification to the development consent subsequently issued by Council.
3. It is recommended that you read the Advisory Note enclosed with this consent.

## **DETAILS OF THE LAND TO BE DEVELOPED**

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Legal Description: Lot 17 DP 223614  
Property Address: 38-44 Keech Road CASTLEREAGH NSW 2749

## **DECISION OF CONSENT AUTHORITY**

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In accordance with Sections 81(1) (a) and 96 of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Date from which consent operates	26 September 2013
Date the consent expires	26 September 2015
Date of this decision	25 September 2013 amended on 06 May 2014 under Section 96 of the Environmental Planning and Assessment Act.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

## **RIGHT OF APPEAL**

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1. The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

2. If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

## REASONS

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The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

## POINT OF CONTACT

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If you have any questions regarding this consent you should contact:

Assessing officer	Aaron Howard Environmental Planner
Contact telephone number	(02) 4732 7774

## SIGNATURE

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Name	Aaron Howard
Signature	

For the Development Services Manager

# ATTACHMENT 1: CONDITIONS OF CONSENT

## GENERAL

- 1 The development must be implemented substantially in accordance with the plans in the table below and stamped approved by Council, and any supporting information received with the application, except as amended in red on the attached plans and by the following conditions.

Drawing Title	Drawing No.	Rev	Prepared By	Dated
Site Plan (1)	Numbered 1	-	Hand Drawn	1/07/13
Site Plan (2)	Impact on Vegetation - Numbered 2	-	Hand Drawn	1/07/13
Floor Plan	STON78892 (Sheet 1 of 6)	TM	Fair Dinkum Sheds	12/01/12
Elevations (Interior)	STON78892 (Sheet 2 of 6)	TM	Fair Dinkum Sheds	12/01/12
Elevations (Exterior)	STON78892 (Sheet 6 of 6)	TM	Fair Dinkum Sheds	12/01/12
Section	STON78892 (Sheet 3 of 6)	TM	Fair Dinkum Sheds	12/01/12
Details	STON78892 (Sheets 4 & 5 of 6)	TM	Fair Dinkum Sheds	12/01/12
Floor Plan	Numbered 3	-	Hand Drawn	1/07/13
Plumbing Plan	Numbered 4	-	Hand Drawn	1/07/13
Patial Site Survey	Numbered 5	-	RB	17/09/13
Dam Cross-Sections	Numbered 6	-	Hand Drawn	17/09/13

- 2 This consent is limited to a period of 12 months from the date of determination of DA12/1295.01. Prior to the expiry date of this consent, the applicant will be required to submit a new modification application for any continuance of the use.

***As amended on 6 May 2014 under Section 96(1A) of the Environmental Planning and Assessment Act 1979.***

- 3 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 4 The shed shall not be used under any circumstances for any commercial, industrial or habitable residential activity.
- 5 All materials and goods associated with the use shall be contained within the building at all times.
- 6 A soundproofed holding shed is to be provided for the accommodation of distressed animals.
- 7 The greyhound boarding, training and breeding establishment can board, breed and train a maximum of twelve (12) adult greyhounds and twenty-five (25) pups based on the findings of the Acoustical Assessment Report prepared by Noise and Sound Services dated February, 2013, ref nss21895 - Final. Greyhound pups reaching twelve (12) months of age eligible for full registration with Greyhound Racing NSW will be considered as adult dogs.

The applicant must seek prior approval of Penrith City Council for any proposal to increase the number of greyhounds and pups kept on the premises by lodging a development application. The development application must be accompanied by an acoustic impact report prepared by a suitably qualified consultant.

**As amended on 6 May 2014 under Section 96(1A) of the Environmental Planning and Assessment Act 1979.**

- 8 The property must be secured by appropriate fencing to ensure no greyhounds escape from the property.
- 9 Greyhounds must always be contained within their designated kennel/yard. When moving to any exercise or empty yards, greyhounds must be appropriately restrained.
- 10 No greyhound is to roam free around the property at any time.
- 11 No business or commercial activities are to occur on the site at any time. This includes, but is not limited to the following:
  - the selling of greyhounds or,
  - clients/potential customers visiting the site.

**ENVIRONMENTAL MATTERS**

- 12 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established.** These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 13 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 14 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

- 15 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 16 The operations of the facility are to comply with the following table noting that a maximum of 30 greyhounds are permitted on the site at any one time:

<b>Location</b>	<b>Activity</b>	<b>Number of dogs</b>
Indoor kennels in barn	Feeding is restricted to occur between 4:30pm and 5:30pm daily	Maximum 12 dogs
Outdoor yard and kennels	Feeding is restricted to occur between 4:30pm and 5:30pm daily	Maximum 18 dogs
Unloading of dogs after race meet	-	Maximum 3 dogs
Race dog yard	Exercise yards to be used between 9am - 11am, 1pm - 3pm and 4pm and 6pm daily	Maximum 1 dog per yard
Long yard	-	Maximum 1 dog per yard

- 17 Dog exercise areas and dog runs are not to be used between 6pm and 9am.
- 18 The premise is to be supervised by an experienced canine handler.
- 19 Distressed or injured dogs are to be housed in an isolated sound proofed kennel while in recovery.
- 20 Grass cover is to be established and maintained in outdoor kennel runs and dog exercise yards.
- 21 Hosing out kennels with water is not permitted. Kennels are to be cleaned using predominantly dry methods that limit the use of water. Acceptable methods would include sweeping, mopping and manual collection and disposal of dog waste.
- 22 Solid waste is to be disposed of at a lawful waste facility, or, if suitable recycled. Solid waste is to be stored in a designated area prior to removal for disposal or recycling. Where possible, the waste storage area is to be located so that it is not visible to adjoining land owner/occupiers. The waste storage area is to be provided with a weatherproof cover when it is unattended or not in use.
- 23 Greyhound waste generated on any walks (including outside the property) is to be collected and disposed of appropriately on return back to the subject property.
- 24 Offensive odours are not to be emitted from the site. Vapours, fumes, gases, or any other substance harmful to human health or the environment are not to be emitted from the site.

- 25 Bulk dry dog food is to be stored inside the shed. It is to be stored in a rodent proof container, and kept sealed when not in use.
- 26 Raw dog foods (such as raw bones and chicken carcasses) are to be delivered on a weekly or fortnightly basis and are to be stored only in fridges or freezers.
- 27 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Acoustic Assessment prepared by Noise and Sound Services (ref nss21895 and dated Feb 2013). The recommendations provided in the above-mentioned documents are to be implemented and incorporated into the design and construction of the development, and shall be **shown on plans accompanying the Construction Certificate application.**

A report is to be obtained from a qualified acoustic consultant certifying that the development meets the relevant noise criteria and conditions of this consent. This report is to be submitted to the Principal Certifying Authority and Council **prior to the issue of an Occupation Certificate.**

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 28 A noise barrier is to be provided as recommended in the acoustic report entitled Acoustic Assessment prepared by Noise and Sound Services (ref nss21895 and dated Feb 2013) with the exception of the barrier location. The barrier is to be timber and constructed as per the stamp approved site plan numbered 1.

Detailed plans and specifications of the sound barrier walls are to be submitted to Council **prior to the issue of a Construction Certificate.** The walls are to be satisfactorily completed **prior to the issue of an Occupation Certificate.**

- 29 A Noise Management Plan (NMP) is to be prepared and submitted to Penrith City Council for consideration and approval **prior to the issue of an Occupation Certificate.** The NMP may need to be amended to include the any comments provided by Council. The NMP is to:
- address all noise related aspects of the development's operational phases, including:
    - Managing feeding times;
    - Management of the exercise and long yard;
    - How dogs returning from race meets with be managed;
  - address the relevant conditions of this consent; and
  - recommend any systems/controls to be implemented to minimise the potential for any adverse noise impact(s); and
  - incorporate a program for ongoing monitoring and review to ensure that the NMP remains contemporary with relevant environmental standards.
  - The approved Noise Management Plan is to be implemented and complied with at all times.

- 30 In the event of ongoing noise complaints relating to the development being received by Council, the owner and/or occupier of the facility may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared and provided to Council within 45 days of being requested. The assessment report is to be approved by Council, with any recommendations being implemented in accordance with the approved assessment report.

- 31 The roller door and any other door to the existing shed is not to be open by any means

for periods of longer than 10 minutes. After 6pm the roller door is to remain permanently closed for the evening.

- 32 The Vegetation Management Plan (prepared by Jason Anderson dated 12/6/2013 ref 4098749) is to be implemented in its entirety. Specifically:
- The VMP area is to be defined using either a low see through metal fence or logs laid on the ground in the areas where the dog run fence and boundary fence will not define this area. The dog run fence can be used to define this area to the north and the boundary fence used to the south.
  - Careful removal of the pushed up soil from around the eucalypts and the respreading of this in the areas from which it was pushed.
  - Removal and ongoing management of weeds (as listed in the Flora and Fauna report prepared by Anderson Consulting, April 2013) in an environmentally sensitive manner.
  - As per the VMP, an annual report on the progress of the VMP is to be submitted to Council every year for a period of two years from commencement of construction. Reports are to be prepared by a suitably qualified bush regenerator. Council inspections may be required.
- 33 No trees or other vegetation (including understory species) are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as referenced in the approved documentation prepared by the applicant in an email received on Wednesday, 12 June 2013 (ECM ID 4133781) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
- 34 No works are to be undertaken outside of the proposed building envelope or dog runs identified in the revised plan included in the documentation prepared by the applicant in an email received on Wednesday, 12 June 2013 (ECM ID 4133781).
- 35 No fill, machinery, or materials are to be placed or stored within the drip-line of any tree.
- 36 All fallen trees, logs, leaf litter, rocks and other vegetation debris are to be retained on site as habitat and to maintain soil stability and structure.
- 37 **Prior to the issue of an Occupation Certificate**, a plan is to be provided demonstrating the Effluent Management Area has been prepared in accordance with the "Environmental and Health Protection Guidelines - On Site Sewage Management for Single Households", AS1547:2012, Penrith City Council's On-site Sewage Management and Greywater Reuse Policy and the stamped approved plan/s contained in the Effluent Disposal Report has been prepared by Anderson Consulting (dated April 2013). This plan is to be submitted before **issue of an Operational License by Penrith City Council for the system**.
- A minimum area of **1284m<sup>2</sup>** with 4m<sup>3</sup> of wet weather storage is to be designated as an Effluent Management Area and disposed of via subsurface irrigation. Treated effluent is to be distributed evenly over the irrigation area/s in accordance with the "Environmental and Health Protection Guidelines On Site Sewage Management for Single Households" and AS1547:2012 and the approved plan.
- 38 All wastewater from the dwelling and the dog facility is to be connected to the Econocycle ENC 10-1 AWTS and disposed of in the approved Effluent Management Area of **1284m<sup>2</sup>**.
- 39 This consent amends the Effluent Management Area approved under DA12/0679.



- 40 No concreting, vehicles, fencing or any other structure is to be located over any portion of the effluent disposal area.
- 41 Any alternations to the existing system are to be approved by Council prior to any works being undertaken. In the event that the existing system is to fail, Approval is to be sort by Council prior to any works being undertaken on the On Site Sewage Management System.
- 42 The design of the irrigation system for the disposal area is to be such that:
- All irrigation pipework and fittings shall comply with AS2698 "Plastic Pipes and Fittings for Irrigation and Rural Applications". In this regard:
  - the irrigation system is not to be connected to/not capable of connection to the mains water supply,
  - standard household fittings, soaker hoses, garden sprinklers and standard water hose fittings are not to be used,
  - Sub-surface drip irrigation lines are to be installed in accordance with AS1547:2012 and is to evenly distribute treated effluent over the designated disposal area.
- 43 All house sewer and plumbing work shall be carried out in accordance with Sydney Water's requirements or the Local Government (Water, Sewerage and Drainage) Regulation 1993.
- 44 Penrith City Council is both the consent authority and certifying authority for the installation of the On Site Sewage Management System (OSSM), otherwise known as a septic tank system. **It is your responsibility to contact Council's Development Services Department to organise all inspections required for the installation of the system.** In this regard, the following will require inspection:
- All drainage lines and septic tanks before they are backfilled.
  - On completion of the system's installation and prior to its commissioning, ensuring compliance with those conditions specific to the installation of the system.
- A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority.
- i. The septic tank, drainage lines and effluent disposal area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered.
  - ii. There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves.
  - iii. There shall be available all year round, adequate water supply that is available to the property.
- 45 All irrigation pipework and fittings shall comply with AS2698 "Plastic Pipes and Fittings for Irrigation and Rural Applications". In this regard:
- the irrigation system is not to be connected to/not capable of connection to the mains water supply,
  - standard household fittings, soaker hoses, garden sprinklers and standard water hose fittings are not to be used,
  - all distribution lines of the irrigation system to any standpipe shall be buried to a minimum 100mm below finished surface level.
- 46 The owner/occupier shall enter into an annual service contract with the manufacturer, distributor or other person authorised (in writing) by Penrith City Council to service the aerated septic tank(s) every three (3) months from the date of commissioning in the following manner:
- i. A three monthly service shall include a check on all mechanical, electrical and functioning parts of the aerated system including:
    - the chlorinator,
    - replenishment of the disinfectant,

- all pumps,
  - the air blower, fan or air venturi,
  - the alarm system,
  - the effluent disposal area and irrigation spray outlets,
  - the slime growth on the filter media, and
  - the operation of the sludge returns system.
- ii. On the yearly anniversary date of the commissioning of the system, an annual service of the system shall also be carried out which includes a check on the sludge accumulation in the septic tank (primary treatment tank) and the clarifier, where appropriate.
- iii. The following field tests are to be carried out at every service:
- free residual chlorine using DPD colorimetric or photometric method,
  - pH from a sample taken from the irrigation chamber,
  - dissolved oxygen from a sample taken from the final aeration or stilling chamber (although recommended) is optional.
- iv. For systems which utilise the sewage treatment principle of activated sludge or contact aeration, a sludge bulking test, known as a SV30 Test, shall also be conducted on an annual basis. This test is to determine whether the accumulated sludge is bulking, indicating that the aeration compartment(s) will require desludging.
- v. On completion of each service, a service report sheet is to specify all service items and test results, the amount of chlorine compound provided, the date the service was conducted and the technician's name. A copy of the service report is to be:
- given to the property owner and another to the applicant (if not the same), and
  - forwarded to Penrith City Council.

Each service agent shall provide a registered business office which, if unattended during business hours, is provided with a telephone answering device or service. A means of reporting a malfunction or breakdown outside normal business hours shall be available. In the event of a breakdown or malfunction, the service agent shall, within 24 hours of the breakdown or malfunction, ensure that temporary repairs are carried out to the aerated system to ensure continued operation of the system. This may necessitate provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.

- 47 The Water Management Plan (dated 17/09/13) is to be implemented in its entirety. Specifically:
- Vegetation is to be maintained along the southern side of the dam to prevent the entry of contaminants into the dam
  - Faeces and dog feed/bones are to be collected daily from all kennels and yards and are not to be disposed of in the dam.

## **BCA ISSUES**

- 48 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- a) complying with the deemed to satisfy provisions, or
  - b) formulating an alternative solution which:
    - complies with the performance requirements, or
    - is shown to be at least equivalent to the deemed to satisfy provision, or
  - c) a combination of (a) and (b).

- 49 A Building Certificate application is to be submitted to Council prior to the issue of an Occupation Certificate. The application is to be accompanied by a report by a structural engineer and survey report.

## **CONSTRUCTION**

- 50 Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

## **ENGINEERING**

- 51 All land required for vehicular access within the site is to be stabilised.

- 52 Stormwater drainage from the site shall be discharged to the:
- a) Level spreader system

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

- 53 The level spreader system for stormwater discharge of the shed shall be confirmed by the certifier to be constructed and functional prior to the issue of an Occupation Certificate

## **LANDSCAPING**

- 54 All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section F4 of Councils Landscape Development Control Plan.

- 55 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

- 56 Existing landscaping is to be retained and maintained at all times.

## **PAYMENT OF FEES**

- 57 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

Aaron Howard

Signature

For the Development Services Manager