

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA20/0181
Description of development:	Continued Use of the Site for a Greyhound Boarding, Training and Breeding Establishment
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 17 DP 223614
Property address:	38 - 44 Keech Road, CASTLEREAGH NSW 2749

DETAILS OF THE APPLICANT

Name & Address:	M J Pryce C/- McDonald Jones Homes PO BOX 7994 BAULKHAM HILLS NSW 2153
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DECISION OF CONSENT AUTHORITY

Penrith Council has determined to grant “Deferred commencement” consent under Section 4.16(3) of the Environmental Planning and Assessment Act 1979. In accordance with Section 4.17 of the Act, the “Deferred commencement” consent is granted subject to the conditions listed in this Notice.

The conditions listed in Schedule 1 are to be complied with prior to the commencement of the consent. On completion of all conditions in Schedule 1 that need to be satisfied before the consent can be commenced, Council will issue an operational consent for the development. If the conditions in Schedule 1 are approved by an accredited certifier, then a copy of the certification relating to the satisfaction of the Schedule 1 condition(s) are to be submitted to Council. [Note: this is to enable Council to issue the operational consent for the development as the accredited certifier cannot issue the operational consent.]

The conditions to be satisfied prior to commencement of the consent will need to be completed within 6 Months from 09 October 2020.

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

Date from which deferred commencement consent operates	9 October 2020
Date the deferred commencement consent expires	9 April 2021
Date of this decision	24 September 2020

POINT OF CONTACT

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

Assessing Officer:	Lucy Goldstein
Contact telephone number:	+61247328136

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in Schedule 1 requiring compliance prior to the development consent becoming operational.

Council will issue an operational development consent on compliance of all conditions listed in Schedule 1 by the given timeframe.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within twelve months of receiving this Notice of Determination.

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

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 56 days after the date of this notice.

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 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

SCHEDULE 1: CONDITIONS TO BE COMPLIED WITH PRIOR TO CONSENT BECOMING OPERATIONAL

Schedule 1 (Deferred Commencement)

- 1 **Prior to the issue of an operational consent and within 6 months from the date of this consent**, a stormwater management and drainage plan, prepared by a suitably qualified professional (plumber, stormwater engineer, or wastewater consultant) is to be submitted to, and approved by Council that demonstrates the following:
 - Appropriate separation and management of wastewater and stormwater is achieved for the 'Empty Yards' area and the development; and
 - Detail of how wastewater from hosing the 'Empty Yards' area will drain to the existing on-site sewage management system, including detail of surface levels, gradients, required pipework and associated infrastructure;

In the event that a suitable drainage solution is not reached, alternate conditions of consent will be included in any operational consent issued that require the 'Empty Yards' area to be cleaned using dry-cleaning methods only, and not to be high pressure cleaned. In this instance, the applicant is to discuss with Council accordingly, prior to the issue of an operational consent.

Should documentation and/or correspondence as detailed above not be received by Council within 6-months from the date of this consent, this consent shall lapse.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the following plans stamped approved by Council, those required to satisfy the Deferred Commencement Condition found in Schedule 1 of this Consent, the application form, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Document Title	Reference	Prepared By	Dated
Site Plan	-	-	June 2020

- 2 The shed is not to be used under any circumstances for any commercial, industrial or habitable residential activity.

This consent does not permit any commercial activities to occur on the site, including the selling of greyhounds.

- 3 No signs are to be displayed on the property unless as permitted under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

- 4 A maximum of 10x adult dogs and 12x pups are to be accommodated on the premises at any given time.

All dogs shall be confined to their kennels, exercise runs or exercise compounds at all times; and dogs are not permitted to roam around the property unattended.

- 5 The development shall be carried out in accordance with the Code of Practice for the Keeping of Greyhounds in Training, issued by the Greyhound Welfare and Integrity Commission, created under the Greyhound Racing Act 2017.

The use of any live animal, animal carcass or part of an animal in greyhound education or training is strictly prohibited in accordance with the Greyhound Racing Act 2017.

Demolition

- 6 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

Environmental Matters

- 7 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.

- 8 Noise levels from the premises shall not exceed the relevant noise criteria detailed in 'Environmental Noise Impact Assessment: Greyhound Facility, 38-44 Keech Road, Castlereagh, NSW' prepared by Day Design Pty Ltd, dated 12 September 2019 (Ref. 6308-4.1R).

The recommendations provided in the above-mentioned acoustic report shall be implemented and adhered to. All required acoustic fencing and kennel construction is to be maintained in line with the requirements of the approved acoustic report.

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

- 9 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 10 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

- 11 The greyhound facility is to be supervised by an experienced canine handler.

- 12 Cleaning and disinfecting agents are to be chosen on the basis of their suitability, safety and effectiveness. Manufacturer's instructions for the use of cleaning and disinfecting agents must be followed.

13 Distressed or injured dogs are to be housed in an isolated sound proofed kennel while in recovery.

14 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.

Raw dog food (such as raw bones and chicken carcasses) are to be stored only in fridges or freezers. Uneaten food must be removed and disposed of promptly so that it does not spoil or attract pests.

Fresh water in non-spillable containers must be available to all dogs at all times.

15 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.

16 The development must be carried out at all times in accordance with the 'Noise Management/Operation Plan' prepared by Mathew Pryce dated February 2020.

Should this Plan conflict with the approved Environmental Noise Impact Assessment or the conditions of this consent, then the requirements of the Environmental Noise Impact Assessment and the development consent conditions will prevail.

17 The operations of the facility are to comply with the following table:

Location	Activity	Number of Dogs
Indoor kennels in facility	Feeding is restricted to 10:00am to 11:00am daily	Maximum 10 dogs
Outdoor yard and kennels	Feeding is restricted to 10:00am to 11:00am daily	Maximum 12 pups
Exercise yard (rear of shed)	Three times per day	Maximum 4 adult dogs outside at any one time
Straight exercise yard	Three times per day	Maximum 4 adult dogs outside at any one time

The greyhound facility garage door will remain closed and dogs will be kept inside the kennels between the hours of 10pm and 7am daily, except when attending race meets. Should access be required to the kennels during this time, the side access door is to be used.

All exercising of dogs is to be supervised.

- 18 Hosing out of kennels with water is not permitted. Kennels are to be cleaned using dry methods that limit the use of water. Acceptable methods would include sweeping, mopping and manual collection and disposal of dog waste.

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.

Landscaping

- 19 No trees are to be removed, ringbarked, cut, topped or lopped or willfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

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

Operation of OSSM

- 21 The on-site sewage management (OSSM) system and effluent management area shall be installed and operated in accordance with the:

- "Environmental and Health Protection Guidelines On Site Sewage Management for Single Households"
- Australian Standards AS1547:2012,
- Council's On-Site Sewage Management and Greywater Reuse Policy,
- current (at the time of installation) NSW Health Accreditation documentation,
- the Wastewater Report (prepared by Anderson Environmental Consultants Pty Ltd, dated April 2013),
- And, the conditions of this consent.

- 22 All wastewater generated on the site is to be diverted to an Aerated Wastewater Treatment System (AWTS) and be disposed of by way of surface irrigation in the approved effluent management area. The effluent management area is to be located in accordance with the stamped approved Wastewater Report (prepared by Anderson Environmental Consultants Pty Ltd, dated April 2013), and have a minimum area of 1284m².

The system and effluent management area are to be installed and managed in accordance with the:

- "Environmental and Health Protection Guidelines On Site Sewage Management for Single Households"
- Australian Standards AS 1547:2012,
- Council's On-Site Sewage Management and Greywater Reuse Policy,
- the Wastewater Report (prepared by Anderson Environmental Consultants Pty Ltd, dated April 2013).

The system is to be utilised in accordance with Wastewater Report (prepared by Anderson Environmental Consultants Pty Ltd, dated April 2013). Any dwelling approval on the site greater than this may require a new wastewater report for Council's consideration.

- 23 The septic tank, drainage and irrigation lines and effluent management area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered.

- 24 All house drainage and sanitary plumbing shall be carried out in accordance with the requirements of the Plumbing and Drainage Act 2011 and the Plumbing Code of Australia.

- 25 The design of the irrigation system for the effluent management area is to be such that:

- The distribution line is to be buried from the tank to the designated disposal area.
- The moveable irrigation line and sprinklers (including the plume from the sprinklers) situated within the disposal area can not exceed the designated boundaries of the disposal area.
- The treated wastewater can be evenly irrigated across the entire designated disposal area, **avoiding the drip line of native trees.**

- 26 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,

Surface -

- all distribution lines of the irrigation system to any standpipe shall be buried to a minimum 100mm below finished surface level,
- spray irrigation equipment connected to distribution lines shall be fixed, and
- spray irrigation shall only use low pressure, low volume spray heads which are not capable of producing aerosols. The spray shall have a maximum plume height 400mm and a plume radius of not more than 2 metres.

- 27 There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves.
- 28 A minimum of two signs shall be erected within the effluent management area. These signs are to state "RECLAIMED EFFLUENT - NOT FOR DRINKING - AVOID CONTACT". The signage shall be maintained for the term of the development.
- 29 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,
 - the UV disinfection unit (if required),
 - all pumps and switches,
 - 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. 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.
 - iii. 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.
 - 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, parts replaced (if applicable), 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.

- 30 The effluent management area is to be turfed to the satisfaction of Council. Where a specific variety of turf is identified in the approved Wastewater Report that variety is to be installed and maintained.
- 31 No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area.
- 32 All stormwater and seepage shall be diverted away from the septic tank and the disposal area. At no time is stormwater to be directed into the Aerated Wastewater Treatment System or onto the effluent disposal area.
- 33 Orchards, vegetable gardens or any other plant species that can be used for the purposes of human consumption are not to be planted within the effluent management area. Effluent from the on-site sewage management system is not to be used on fruit or vegetables grown for human consumption.
- 34 The effluent management area shall be protected from possible stock damage.
- 35 No wastewater associated with the on-site sewage management system is to be applied or irrigated within the drip line of any native trees within the effluent management area.
It is the responsibility of the applicant to ensure the ongoing health of the trees in relation to the effluent management area.

SIGNATURE

Name:	Lucy Goldstein
Signature:	

For the Development Services Manager