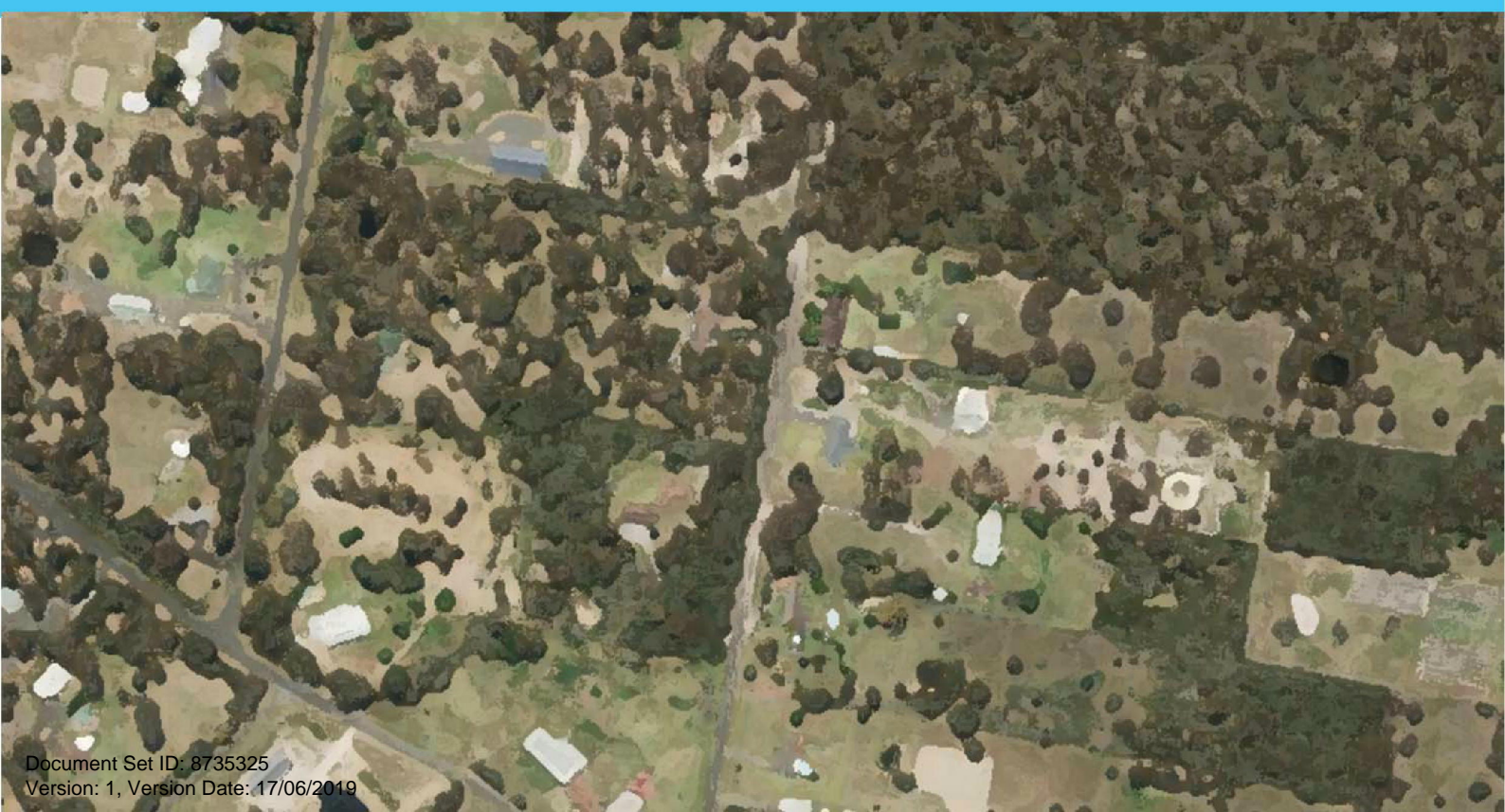


## Statement of Environmental Effects

Use of the site for a greyhound boarding, training and breeding establishment with retrospective use of an existing shed, retrospective approval for a dam and approval for associated site works.

38-44 Keech Road, Castlereagh

December 2017



## Statement of Environmental Effects

Statement of Environmental Effects prepared by:

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### Client and Land Details

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Client: Mathew Pryce  
Subject Site: Lot 17 DP 223614, 38-44 Keech Road, Castlereagh, NSW 2749  
Proposal: Use of the site for a greyhound boarding, training and breeding establishment  
with retrospective use of an existing shed, retrospective approval for a dam and  
approval for associated site works.



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**Warwick Stimson** MPiA CPP  
Director



This report dated December 2017 is provided to 'the client' exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the report and upon the information provided by the client.

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# 1 Introduction

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## 1.1 Project Overview

Stimson & Baker Planning has been engaged by Mathew Pryce to prepare a Statement of Environmental Effects in relation to a proposed use of the site for an animal (greyhound) boarding, training and breeding establishment at 38-44 Keech Road, Castlereagh. The application also seeks approval for the retrospective use of an existing shed, retrospective approval for a dam and approval for associated site works.

The site is zoned *RU4 Primary Small Production Lots* under *Penrith Local Environmental Plan 2010* with the proposal being permissible with consent.

The proposal is defined as *development* in Section 4 of the *Environmental Planning and Assessment Act 1979* (EPA Act). Section 76A of the EPA Act stipulates that the development must not be carried out on the subject site until consent has been obtained. Furthermore, the application does not trigger any of the 'integrated development' provisions of the Act and so no third-party approvals are required.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council's LEP and DCP, and Section 79C (1) of the EPA Act.

## 1.2 Report Structure

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Development Proposal – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Context – provides for consideration of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Section 79C Assessment – provides an assessment against section 79C of the EPA Act.
- Section 6: Conclusion and Recommendation – summarises the report and presents a recommendation.

## 1.3 History and Purpose of the Application

On 26 September 2013, Council approved the granted consent to DA12/1295 for use of the site for a greyhound boarding, training and breeding establishment with retrospective use of an existing shed, retrospective approval for a dam and approval for associated site works. On 20 February 2014, the client applied to Council to modify Conditions 2,7,28 and 37, and this was approved on 6 May 2014. It is noted the consent still required the installation of the

recommended noise barrier referred to in Condition 28. When it issued the consent, Council time limited the consent for a period of 12 months, requiring the proponent to lodge a further modification in time to remove that limitation. It is assumed the limitation was intended to trial the use to some extent. Obviously, the modification was not submitted to Council and consequently, compliance action has now commenced.

Reasonably, this application includes a lot of the documentation that was lodged as part of DA12/1295 however documentation has been updated where required. There are no changes to the development proposal primarily approved by Council. This application is simply required because of an oversight in progressing the modification request.

## 1.4 Supporting Documentation

The proposed is accompanied by the following documentation:

Documentation	Prepared by
Survey	TSS
Architectural Drawings	McDonald Jones, Fair Dinkum Sheds
OSSM Report	Anderson Environmental
Acoustic Assessment	Day Design Pty Ltd

## 1.5 Legislation, Environmental Planning Instruments and Policies to be considered

- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*
- *Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River*

## 1.6 Consent Authority

The consent authority for this application is Penrith City Council.



## 2 The Site and Surrounds

### 2.1 The Subject Site

The subject site is located towards the northern end of Keech Road. Measuring some 20,000sqm (approx.) in area, the site is oriented in an east west direction and is legally known as Lot 17, DP223614.



Figure 1 Subject Site



Figure 2 Wider Locality

## **2.2 Existing Development and Use of Site**

The site is currently being used as an animal breeding facility, broadly consistent with the DA12/1295 consent. Structures relating to the breeding activity have been constructed and are in place. Given the issue of previous consents not being acted on and finalised, this application is required to regularise all site activities and development.

## **2.3 Topography**

The site is relatively flat on topography, as would be expected from areas containing large scale cropping and agricultural land uses.

## **2.4 Vegetation**

This development will not impact on the vegetation that exists.



## 3 Project Description

### 3.1 The Proposed Use of the Site

This application seeks approval for the following elements on the site.

- Use of the site as an animal boarding and breeding establishment.
- Retrospective use of an existing shed.
- Retrospective approval for a dam.

In terms of the Order issued by Council on 6 July 2017 requesting removal of all structures associated with breeding activities, this application obviously requests those structures remain. It is noted all of these structures and uses have been approved previously by Council.

### 3.2 Built Form

Various structures were approved and installed under DA12/0679 and these structures are proposed to remain.

### 3.3 Vehicular Elements

No changes to the existing vehicle arrangements on the site are proposed.

### 3.4 Signage

No signage is proposed as part of this application.

### 3.5 Stormwater Drainage

No physical works are proposed as part of this application. Structures on site have been previously approved by Council.

### 3.6 Waste Management Strategy

The occupancy of greyhounds on the premise will result in increased waste on site and will be managed in the following ways to reduce any impact on the environment. The previous application proposed the following.

*The faeces will be picked up on a daily basis and placed in environmentally friendly waste disposal unit. This will solve the waste problem onsite rather than transferring the problem on to Council by placing it in the bins provided. It will also significantly reduce the odour produced as the disposal units are odour free. The indoor kennels will be washed regularly using recycled water. The liquid waste will be directed into a drain which is connected to the on-site sewer management.*

## 4 Statutory Context

### 4.1 Summary Table

The following table summarised the range of other statutory considerations relating to this proposed development.

Regulatory Requirements	Considerations
SREP No. 20	The SREP requires the consent authority to consider the potential impacts on the Hawkesbury- Nepean River system.
Penrith LEP 2010	The LEP details the Council statutory planning controls. Primarily that of land use permissibility.
Penrith Council DCP 2014	DCP's contain finer grain development controls, in this case, matters relating to setbacks, OSSM and parking are considered relevant

### 4.2 Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

The aim of SREP 20 is to protect the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Appropriate conditions of consent would normally be applied to any approval to ensure the health of the river system is not compromised by way of sediment or erosion from the works or use. However, it is noted that no physical works are proposed as part of this application.

### 4.3 Penrith Local Environmental Plan 2010

The Penrith LEP is the main environmental planning instrument applicable to the subject site. The objectives of the LEP are as follows:

- (a) *to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,*
- (b) *to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,*
- (c) *to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,*
- (d) *to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,*
- (e) *to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,*

- (f) *to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,*
- (g) *to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,*
- (h) *to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.*

It is submitted that the proposed development is not inconsistent with these objectives.

The subject site is zoned *RU4 Primary Small Production lots* with the following zone objectives applying to that zone.

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.*
- *To preserve and improve natural resources through appropriate land management practices.*
- *To maintain the rural landscape character of the land.*
- *To ensure that development does not unreasonably increase the demand for public services or facilities.*

The proposed development is consistent with the objectives of the zone in that:

- The proposed land use has been previously approved by Council and is a permissible land use in the zone.
- Additional economic activity will arise through the operation of the breeding activities.
- Appropriate mitigation measures are adopted on the site in order to minimise potential land use conflicts.
- The scale of the proposal is domestic in size and suited to the subject site.
- Appropriate practices are adopted on site to minimise any environmental impacts.
- This application would not change the character of the land.
- Public services or facilities will not be placed under any unacceptable demand as a result of the proposal.



Figure 3 Land use zoning map

The Land Use Table of the LEP nominates *Animal Boarding or Training Establishments* as a permissible form of development in the zone, given the notation on the zoning. The Dictionary definition of *Animal Boarding or Training Establishments* is:

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

The following relevant clauses have also been considered in respect of this development proposal.

Part 4 Principal Development Standards:				
Standard		Permitted	Proposed	Comment
4.1	Minimum subdivision lot size:	N/A	N/A	
4.1A	Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	N/A	N/A	
4.1AA	Minimum subdivision lot size for community title schemes	N/A	N/A	
4.1AB	Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones	N/A	N/A	
4.2	Rural Subdivision:	N/A	N/A	



4.2A	Residential development and subdivision prohibited in certain rural, residential and environment protection zones	N/A	N/A	
4.3	Height of Buildings:	N/A	N/A	
4.4	Floor Space Ratio	N/A	N/A	

#### Part 5 Miscellaneous Provisions

Provision	Comment
5.1 Relevant acquisition authority	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 Development within the coastal zone	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9 Preservation of trees and vegetation	No works are proposed
5.9AA Trees or vegetation not prescribed by development control plan	No works are proposed
5.10 Heritage conservation	N/A
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A
5.14 Siding Spring Observatory—maintaining dark sky	N/A
5.15 Defence communications facility	N/A

#### Part 7 Additional Local Provisions

Provision	Comment
7.1 Earthworks	No works are proposed
7.2 Flood planning	N/A
7.3 Development on natural resources sensitive land	N/A
7.4 Sustainable Development	N/A
7.5 Protection of scenic character and landscape values	N/A
7.6 Salinity	N/A
7.7 Servicing	N/A
7.8 Active street frontages	N/A

7.9	Development of land in flight path of proposed Second Sydney Airport	N/A
7.10	Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
7.11	Penrith Health and Education Precinct	N/A
7.12	Maximum gross floor area of commercial premises	N/A
7.13	Exhibition homes limited to 2 years	N/A
7.14	Cherrywood Village	N/A
7.15	Claremont Meadows	N/A
7.16	Glenmore Park Stage 2	N/A
7.17	Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa	N/A
7.18	Mulgoa Valley	N/A
7.19	Villages of Mulgoa and Wallacia	N/A
7.20	Orchard Hills	N/A
7.21	Twin Creeks	N/A
7.22	Waterside Corporate	N/A
7.23	Location of sex services premises and restricted premises	N/A
7.24	Sydney Science Park	N/A

## 4.4 Penrith Development Control Plan 2014

The following relevant sections of Council's DCP have been considered as follows.

### D1 Rural Land Uses

#### 1.4.4. Animal Boarding or Training Establishments

##### Control

##### Comment

##### B Objectives

The proposal is consistent with the objectives in that:

- The potential impact on the locality will be minimized once all conditions and aspects of the DA have been complied with.
- Internal circulation drainage and aesthetic appeal was addressed in the original DA
- The site has previously been considered by Council to be suitable for the proposed use.

<p><b>1) General Requirements</b></p> <p>a) Sites should be selected with consideration for the location of clients, feed supplies and adjoining land uses.</p> <p>b) The specific controls for dog boarding, training or breeding establishments are set out below. Other forms of animal boarding or training establishments will be considered based on a merit review.</p>	<p>The "General Requirements" were considered by Council in the original application to be adequate. No changes from that consideration are proposed.</p>
<p><b>2) Setbacks for Dog Boarding, Training or Breeding Establishments</b></p> <p>a) Dog boarding, training or breeding establishments will not be approved on allotments which have a frontage of less than 90m.</p> <p>b) Kennels shall be located a minimum of 150m from any existing dwelling or potential dwelling site.</p> <p>c) Kennels, which are located 150m from existing or future dwellings, shall accommodate not more than 10 dogs.</p> <p>d) A proportional increase in the number of dogs will be permitted as the distance from existing or future dwellings is increased, to a maximum of 40 dogs for 300m.</p> <p>e) Kennels should be setback a minimum of 60m from any public road.</p>	<p>Matters for consideration relating to setbacks are generally satisfied and were supported by Council in the original DA.</p> <p>This also includes the variation from the 90m site width. The width is presumably nominated in order to protect the amenity of adjoining properties, the original application, however was supported by Council despite this. At that time and based on the submission by the proponent, Council obviously considered the site suitable for the proposed use. With the completion of all previous DA requirements, there is no reason why this conclusion wouldn't be reached by Council again.</p> <p>An updated Acoustic Report has been included in this submission and confirms that the facility meets EPA noise level requirements.</p>
<p><b>3) Design for Dog Boarding, Training or Breeding Establishments</b></p> <p>a) All kennels are to be screened to ensure that dogs cannot see the street.</p> <p>b) Concrete floors are to be provided to all kennels and runs to facilitate cleaning.</p> <p>c) Sound-proofed holding sheds are to be provided for distressed animals.</p> <p>d) Applications for consent to establish kennels shall be accompanied by an acoustic study which demonstrates that the proposal can operate with acceptable impact on adjoining and nearby properties.</p> <p>e) Structures and enclosures should be designed to minimise visual impact on the streetscape and views enjoyed by adjoining properties. Large areas of light coloured or reflective materials will not be permitted.</p> <p>f) Development applications should include details of proposed advertising and sign posting.</p>	<p>The design of the facility has been previously approved by Council. No works are proposed as part of this application.</p>
<p><b>4) Operations for Dog Boarding, Training or Breeding Establishments</b></p> <p>a) Dogs are to be confined to their individual runs or exercise areas at all times.</p> <p>b) Council may consent to the sale of animals, which are bred or raised on the property, where the sale remains ancillary to the boarding, breeding, training or treating.</p>	<p>Noted. The existing facility operates as per these provisions.</p>

## 6 Section 79C Assessment

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An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 79C of the EPA Act has been undertaken.

### 6.1 Section 79C(1)(a)(i) – Any Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

### 6.2 Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument

There are no known draft Environmental Planning Instruments applicable to the subject site.

### 6.3 Section 79C(1)(a)(iii) – Any Development Control Plan

Compliance against the relevant DCP's has been considered earlier in this report.

### 6.4 Section 79C(1)(a)(iiia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 93f

There are no known planning agreements that apply to the site or development.

### 6.5 Section 79C(1)(a)(iv) – The Regulations

There are no sections of the regulations that are relevant to the proposal at this stage.

### 6.6 Section 79C(1)(b) – The Likely Impacts of the Development

The following impacts have been considered in the preparation of this development proposal.

#### 6.6.1 Flora and Fauna

No works proposed as part of this application. No impacts are expected.

#### 6.6.2 Stormwater and Flooding

No works proposed as part of this application. No impacts are expected.



### 6.6.3 Traffic Generation and Parking

No changes to the existing arrangements are proposed. The use will not create any unacceptable traffic generation or parking demand.

### 6.6.4 Noise Impacts

For the original application, a Noise Impact Assessment was submitted and accepted by Council subject to the recommendations being met.

Accompanying this application is a revised Noise Impact Assessment that updates the assessment based on the recommended construction of timber fencing having been completed.

Background noise levels were measured and considered in the context of the relevant EPA guidelines. This included the measuring of night time noise from the kennels, and these levels were below the sleep disturbance criterion and therefore acceptable.

The assessment concludes that the development meets the EPA's noise level requirements and is therefore acceptable in acoustic terms.

### 6.6.5 Heritage Issues

There are no heritage issues associated with the site or proposal.

### 6.6.6 Visual Impact

No physical works are proposed as part of this application. Built elements on site are in accordance with the consent previously issued by Council. No visual impacts would arise as a result of this application.

### 6.6.7 Social and Economic

There are no unacceptable social or economic impacts considered relevant to the proposal.

## 6.7 Section 79C(1)(c) – The Suitability of the Site

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the proposal would not result in any unacceptable impact on any adjoining landowners or buildings.

For the reasons outlined in this report the site is considered suitable for this development proposal.

## 6.8 Section 79C(1)(d) – Any Submission Made

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

## 6.9 Section 79C(1)(e) – The Public Interest

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

## 7 Conclusion and Recommendation

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The proposed development has been assessed against the requirements of the Penrith LEP and DCP and is considered to represent a form of development that is acceptable.

The assessment concludes there will be no unacceptable impacts on the locality. This includes, from an acoustic perspective, and in that regard, it is noted the updated acoustic assessment confirms the development is within EPA guidelines.

An assessment against section 79C of the EPA Act has not resulted in any significant issues arising.

Accordingly, it is recommended that the proposed use of the site for a greyhound boarding, training and breeding establishment with retrospective use of an existing shed, retrospective approval for a dam and approval for associated site works at 38-44 Keech Road, Castlereagh be approved.