



STATEMENT OF ENVIRONMENTAL EFFECTS

Use of Site for a Greyhound Boarding, Training and
Breeding Establishment

38-44 Keech Road, Castlereagh

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1 Introduction

1.1 Overview

The Statement of Environmental Effects has been prepared for the proposed use of the site as an animal boarding, training and breeding establishment at 38-44 Keech Road, Castlereagh.

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

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. Please note relevant information presented in the original SEE prepared by Stimson & Baker has been used in this report.

1.2 History and Purpose

On September 2013, Council approved 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. Council time limited the consent for a period of 12 months, requiring a modification in time to remove that limitation. Due to a misunderstanding with when the 12 month time limitation commenced the modification was not submitted to Council in the requested period and as a result Council confirmed a new DA would need to be submitted for the continued use.

On January 2018, a new DA was submitted because of a misunderstanding in progressing the modification request under DA12/1295 for the continued use of the site for a greyhound boarding, training and breeding establishment under DA17/1344. There were no changes to the development proposal primary approved by council previously. However council refused this application sighting a number of concerns or issues with the development.

On December 2019 A Pre DA meeting was organised with council to discuss the development application to confirm if all previous issues raised during past DA's had been addressed. Feedback received at this meeting was mainly positive and has been incorporated in to this application. This application includes a lot of the documentation that was lodged as part of previous DA's however the documentation has been updated where required to address the reasons for refusal. The major change with this application is the significant reduction (approximately 40%) in the number of dogs compared to previous DA's.

1.3 Supporting Documentation

- Site Plan Survey by Owner
- Environmental Noise Impact Assessment by Day Design
- Noise Management/Operation Plan by Owner

1.4 Compliance with Development Standards

- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

2 The Site

2.1 The Subject Site

The subject site is Lot 17 of DP223614 located towards the northern end of Keech Road Castlereagh.



2.2 Existing Development and Use of Site

The site is currently being used as an animal training and rearing establishment consistent with previously approved development consent.

2.3 Topography

The site is relatively flat consistent with surrounding area. There are a number of similar or larger animal training facilities currently operating in close proximity to the site

2.4 Vegetation

This development will not impact on the vegetation that already exists on the site

3 Project Description

3.1 The Proposed Use of the Site

The application seeks approval for the use of the site as an animal boarding and breeding establishment comprising of

- Indoor kennels in existing barn housing a maximum of 10 dogs
- Outdoor yards housing a maximum of 12 dogs
- Straight and round exercise yards
- Empty yards

Refer to the site plan survey for further details

3.2 Built Form

Various structures were approved and installed under DA12/1295 including

- Barn containing indoor kennels
- Outdoor & empty yards
- Acoustic noise barriers

These structures are proposed to remain

3.3 Vehicle Movements

Currently access to the indoor kennels located in the barn is via the driveway on the northern end of the property. Vehicle movements are infrequent and required when dogs participate in race meets. No change to the existing arrangement is proposed

3.4 Waste Management

The housing of greyhounds on the premise will result in increased waste on site and will be managed in the following way to reduce any impact on the environment.

All waste materials stored on site will be contained within a designated waste bin. All waste will be collected daily to ensure no waste materials are able to enter neighbouring properties. All waste will be disposed of weekly through a lawful waste management facility. Currently Penrith City Council's organic green waste bins are proposed to be used as pet droppings are acceptable according to the 3 bin sorting guide.

4 Statutory Context

4.1 Penrith Local Environmental Plan 2010

The Penrith LEP is the main environmental planning instrument applicable to the site. The site is zoned RU4 Primary Small Production lots. Under the zoning Animal boarding or training establishments are permitted with consent.

- **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 proposed development is consistent with the objectives of the zone. The Part 4, Part 5 & Part 7 objectives have also been considered in respect to this development proposal and as no major works are planned are not applicable.

4.2 Penrith Development Control Plan 2014

The following relevant sections of Councils DCP have been considered below

D1 Rural Land Uses 1.4.4 Animal Boarding or Training Establishments Comment	
B Objectives a) To allow the development of these establishments while minimising the impact on adjoining land uses and the local road system; b) To encourage establishments which are designed to promote efficient internal circulation, drainage and aesthetic appeal; and c) To ensure that properties are large enough to support the required facilities and allow for sufficient setback from boundaries, adjacent land uses and public areas to minimise impacts.	The proposal is consistent with the objectives. <ul style="list-style-type: none"> - The site has previously been considered suitable by Council for the proposed use - The development is of small scale and consistent with numerous other facilities currently operating with similar topography - Acoustic report has confirmed potential impacts of development meets EPA noise level requirements
C. Controls 1) General Requirements a) Sites should be selected with consideration for the location of clients, feed supplies and adjoining land uses. 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.	The proposal is consistent with the general requirements.
2) Setbacks for Dog Boarding, Training or Breeding Establishments a) Dog boarding, training or breeding establishments will not be approved on allotments which have a frontage of less than 90m. b) Kennels shall be located a minimum of 150m from any existing dwelling or potential dwelling site. c) Kennels, which are located 150m from existing or future dwellings, shall accommodate not more than 10 dogs. d) A proportional increase in the number of dogs will be permitted as the distance from	The proposal generally complies with setbacks and number of dog restrictions. <ul style="list-style-type: none"> - Development has requested not more than 10 dogs to be housed in indoor kennels - Kennels setback > 60m from public road - In my opinion the 90m frontage and 150m distance to existing dwellings conflicts with the LEP as no 2HA property zoned RU4 where animal boarding or training establishments are a permitted land use could comply with

<p>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>the required distances. However the site has previously been considered suitable by Council for the proposed use and the Acoustic report has confirmed based off the proposed number of dogs the site configuration and setbacks meets EPA noise level requirements at existing dwellings</p>
<p>3) Design for Dog Boarding, Training or Breeding Establishments</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 proposal complies with all design requirements.</p> <ul style="list-style-type: none"> - Kennels are orientated so dogs can not see that street and located approximately 100m from the road - All kennels have concrete floors - Barn where kennels are located has been acoustically insulated - Acoustic report confirms facility meets EPA noise level requirements at nearby properties - Kennels are located inside existing barn which is consistent with the rural setting - No advertising proposed
<p>4) Operations for Dog Boarding, Training or Breeding Establishments</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>The proposal complies with all operation requirements</p> <ul style="list-style-type: none"> - Refer to operation and noise management plan for further details

Under Penrith DCP 2014 the proposed use is of a small scale only for the non-profitable enjoyment of the owner or occupier of the land, therefore the controls mentioned do not apply. However I have addressed the majority of the issues.

5 Section 79C Assessment

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

The relevant environmental planning instruments have been considered in this report. The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

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

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

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

Compliance against the relevant DCP's has been considered in section 4 of this report.

5.4 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.

5.5 Section 79C(1)(a)(iv) – The Regulations

There are no known sections of the regulations that are relevant to the proposal.

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

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

5.6.1 Noise

The facility will operate in accordance with the recommendations in the Acoustic Assessment prepared by Day Design Consulting and the Noise Operation/Management plan. The acoustic assessment confirms the facility complies with the NSW Government's Industrial Noise Policy Intrusiveness Criteria as well as the more stringent Noise Guide for local government criteria.

5.6.2 Flora and Fauna

The proposed development will not impact any significant vegetation community or threatened species

5.6.3 Heritage

There are no heritage issues associated with the development

5.6.4 Social and Economical

There are no social and/or economic impacts associated with the development

5.6.5 Traffic and Parking

The development will not create any unacceptable traffic or parking issues

5.6.6 Visual Impacts

Existing structures including barn and acoustic barriers have already been approved and have been designed to keep in with the rural character of the land

5.7 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.

5.8 Section 79C(1)(d) – Any Submission Made

The acoustic report has demonstrated the development complies with all noise goals at neighbouring properties. We welcome the opportunity to provide additional information in response to any submissions however request council take into consideration if submissions have been substantiated to support claims and weight them accordingly against a certified and accredited acoustic company who has confirmed the facility meets all noise goal requirements.

5.9 Section 79C(1)(e) – The Public Interest

The acoustic report has demonstrated the development complies with sleep disturbance and night time noise levels requirements

6 Conclusion and Recommendation

The proposed development has been assessed against the requirements of the Penrith LEP and DCP and is considered an acceptable development.

The assessment and supporting documentation concludes there will be no unacceptable impacts on the locality. It is noted the updated acoustic assessment confirms the development complies with EPA guidelines.

An assessment against section 79C of the EPA Act has not resulted in any significant issues. Accordingly, it is recommended that the proposed use of the site for a greyhound boarding, training and breeding establishment be approved.