

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA20/0181
<b>Proposed development:</b>	Continued Use of the Site for a Greyhound Boarding, Training and Breeding Establishment
<b>Property address:</b>	38 - 44 Keech Road, CASTLEREAGH NSW 2749
<b>Property description:</b>	Lot 17 DP 223614
<b>Date received:</b>	8 April 2020
<b>Assessing officer</b>	Lucy Goldstein
<b>Zoning:</b>	RU4 Primary Production Small Lots - LEP 2010
<b>Class of building:</b>	N/A
<b>Recommendations:</b>	Deferred Commencement

### Executive Summary

Council is in receipt of a Development Application for the continued use of the site as a Greyhound 'Animal Training and Boarding Establishment' at 38-44 Keech Road, Castlereagh.

A previous consent (DA12/1295 as amended by DA12/1295.01) granted approval for the use of the site as a 'Greyhound Animal Boarding, Training and Breeding Establishment', with retrospective use of an existing shed and associated site works at the subject site. Importantly, the consent DA12/1295.01 restricted the use of the site as a greyhound facility to a 12 month trial basis only, requiring a further development application to be lodged with Council for the continued use of the site. However, the 12 month trial period was left to lapse by the applicant (expiring on 6 May 2015).

Subsequently, a further application DA17/1344 was lodged with Council, seeking the continued use of the site as a greyhound facility for a maximum of 12 adult dogs and 24 pups. In January 2019, Council determined DA17/1344 for refusal, on the grounds that the site was not considered suitable for the proposed scale of development in regards to noise impacts generated by the use.

Council is now in receipt of the current application, which seeks the continued use of the site with a reduced number of dogs of up to 10 adults and 12 pups on the site at any one time.

Under Penrith Local Environmental Plan 2010, the subject site is zoned RU4 Primary Production Small Lots, and the proposal is defined as an 'Animal Training and Boarding Facility' which is a permissible land use in the zone with Council consent.

The application has been notified to adjoining and surrounding properties, and the exhibition of the proposal occurred between 27 April 2020 and 11 May 2020. Council received one submission, raising concerns regarding noise impacts, which has formed part of the assessment of the application.

Key issues identified throughout the assessment of the application include:

- **Site Suitability**

The site has a frontage of less than 90m (being approximately 70m) and proposes the use of kennels that are located less than 150m from an existing residential dwelling (being located approximately 130m), being non-compliant with the controls under Chapter D.1 of Penrith Development Control Plan 2014.

Notwithstanding this, the current proposal is considered to meet the overall objectives of Chapter D.1, as the proposal has been designed to mitigate impacts on surrounding properties. Notably, the current application

proposes a reduced number of dogs on the site of up to 10 adults and 12 pups, and the application has been accompanied by a detailed Operational Management Plan, providing clear detail as to how the site will be practically managed on a day to day basis.

- **Acoustic Impacts**

The application was supported by an Environmental Noise Impact Assessment, which provides an assessment of the noise levels generated by the proposal. The report concludes the proposal will comply with the established noise criteria. Importantly, it is acknowledged that whilst the established noise criteria will be complied with, activities at the site may from time to time be heard by neighbours, and found to be offensive. Due to this inherent challenge in assessing acoustic impacts, careful consideration has been given to potential impacts of the proposal on the amenity of the surrounding residential context. However, on balance, the proposal in its current form is considered to adequately mitigate noise and amenity impacts.

- **Waste Water**

The proposal seeks to clean the 'Empty Yards' area using a high pressure cleaner. It is noted that the previous consent (for a trial period of the development) required dry cleaning methods only, so as to ensure waste water was not generated by the development and dispersed into the environment, resulting in potential adverse environmental impacts. However, the current proposal seeks to capture the waste water generating by hosing out the 'Empty Yards' and drain this to the existing septic system. Whilst in principal, Council's Environmental Management Officer supports the measure to capture and treat the waste water, detailed plans of the drainage works are required to ensure the drainage works are suitable. As such, the application is recommended for deferred commencement, requiring further drainage details to be prepared by a suitable qualified professional, and submitted and approved by Council prior to the issue of an operational consent.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval by way of deferred commencement, subject to conditions.

## Site & Surrounds

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The subject site is situated on the eastern side of Keech Road, Castlereagh, approximately 300m from its intersection with East Wilchard Road. Keech Road is a cul-de-sac road, with the subject lot being second from the end of the road.

The site is regular in shape, with a front and rear width of approximately 70m, lot depth of approximately 290m, and total land area of 2 hectares. The site is orientated in a westerly direction and has a gentle slope from the front to the north eastern corner.

The site has an existing dwelling and rural shed located at the front of the site. The site is intermittently vegetated towards the rear of the site, with a small dam located in the north-eastern corner of the site.

The surrounding area is characterised by rural/ residential development.

### Background Information

Council's records indicate that the following applications apply to the site:

- **25 September 2013** Development consent (DA12/1295) was granted for the continued use of the site as greyhound 'Boarding, Training, Breeding Establishment' with retrospective use of a shed, dam works and associated site works. Under consent DA12/1295 the use of the site was limited to a 12 month trial period, to ensure that the facility could be appropriately managed so as not to result in adverse amenity and noise impacts. The consent permitted a maximum number of 12 adults and 18 pups on the site.
- **6 May 2014** A modification application (DA12/1295.01) was approved to permit an increase in the maximum number of dogs permitted on the site to 12x adults and 25x pups. It is noted the modification consent maintained a 12 month trial period from the date of determination of DA12/1295.01.
- **21 December 2017** A development Application (DA17/1344) was lodged seeking the continued use of the site as a greyhound training and boarding establishment, as the 12 month trial period associated with DA12/1295.01 was left to lapse. On 10 January 2019, Council determined DA17/1344 for refusal based on the site being considered unsuitable for the scale of the greyhound facility, in regards to noise impacts generated by the use.
- **5 December 2019** A pre-lodgement (PL19/0089) meeting was undertaken to discuss opportunities for a revised proposal, with a reduced number of dogs to address the issues raised in the past application DA17/1344. A revised Acoustic Assessment was submitted at the pre-lodgement meeting, which was generally to the satisfaction of Council's Environmental Health Officer. Council's written-lodgement advice issued subsequent to the meeting (dated 11 March 2020) advised that the proposal was suitable for lodgement.
- **8 April 2020** The current application DA20/0181 was lodged proposing a reduced number of dogs, comprising 10 adult dogs and 12 pups, and providing revised Acoustic Assessment Report and detailed Operational Management Plan.

## Proposal

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The application seeks consent for the following works:

- Continued use of the site as an 'Animal Boarding or Training Establishment' for greyhound dogs, permitting a maximum of up to 10 adult dogs and 12 pups on the site at any one time;
- Use of an existing exercise 'round yard' located at the rear of the site for training purposes.

It is noted that the original consent DA12/1295 granted approved for the use of the site as a greyhound facility on a 12 month trial basis, and approved a shed, dam works, onsite sewage management system, and associated site works. The trial period associated with the use of the site has since lapsed, and currently there is no active consent for the use of the site as a greyhound facility. It is important to note, that the trial period applied to the use of the site only (rather than the physical works approved by DA12/1295), and as such, this application does not consider the shed, dam works and associated site works, as consent has previously been granted for these works under DA12/1295.

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 4.15 - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

### **Section 4.15(1)(a)(i) The provisions of any environmental planning instrument**

#### **State Environmental Planning Policy No 55—Remediation of Land**

Clause 7 of the State Environmental Planning Policy No 55—Remediation of Land (SEPP 55), requires the consent authority to consider, when determining an application for development, whether the land is contaminated and if the land is contaminated, whether 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.

In assessing the proposal against the requirements of SEPP 55, the proposal is considered acceptable for the following reasons:

- The predominate use of the site has been historically for residential purposes, which is compatible with the proposed use greyhound training and boarding facility in terms of contamination considerations;
- In review of historic aerial photographs, it can be seen that sandy coloured fill material appears to have been imported at the front portion of the site, forming an additional driveway entrance. The applicant has detailed that this material is crushed sandstone for landscaping purposes, which is consistent with the appearance of the material from photographs. The proposal also does not involve any building works that will disturb this area. As such, the risks are considered minimal.

With consideration to the above, the proposal is considered to be satisfactory in respect to the requirements of SEPP 55.

## Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

### Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion

#### Clause 2.3 Permissibility

Under Penrith Local Environmental Plan 2010, the site is zoned RU4 Primary Production Small Lots. The proposal is defined as an 'Animal boarding or training establishment' meaning *'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 proposal is a permissible land use in the zone, with Council consent.

#### Clause 2.3 Zone objectives

The current proposal in reducing the scale of development (by reducing number of dogs on the site), the application is considered to be com with the objectives of the RU4 Primary Production zone, through a reduced scale of development (via reducing the number of dogs on site).

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*  
In considering the surrounding residential land uses, the application was supported by an Acoustic Assessment which has demonstrated that the proposal in its current form will be capable of complying with the noise criteria identified for the site.
- *To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land; and To maintain the rural landscape character of the land.*  
The application does not seek approval for physical built works. The proposed use will not result in the necessity of tree or vegetation removal, or physical works, and as such will not result in impacts to the existing streetscape or alter the character of the rural landscape.
- *To ensure that development does not unreasonably increase the demand for public services or facilities.*  
Given the proposed scale and nature of the proposal, the application is unlikely to result in unreasonably increase in the demand for public services or facilities.

## Section 4.15(1)(a)(iii) The provisions of any development control plan

### Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D1.1. Rural Character	N/A
D1.2. Rural Dwellings and Outbuildings	N/A
D1.3. Farm buildings	N/A
D1.4 Agricultural Development	Does not comply - see Appendix - Development Control Plan Compliance
D1.5. Non-Agricultural Development	N/A

## Section 4.15(1)(b) The likely impacts of the development

### Acoustic Impacts

The application was supported by an Environmental Noise Impact Assessment, which provides an assessment of the noise levels generated by the reduced number of dogs proposed (being 10 adults and 12 pups). The report concludes that with the mitigation measures currently in place at the site, including acoustic perimeter fencing, insulation within the shed, and implementation of a Noise Management Plan, the proposal will comply with the established noise criteria.

The Environmental Noise Impact Assessment calculates that the following established noise criteria apply to the residential receptors:

- 38 dBA *Leq, 15 minute* during the day and evening, and
- 48 dBA *L1, 1 minute* at night (10pm-7pm Monday to Saturday, and 10pm-8am Sundays and Public Holidays).

The report calculates that the proposal (at worst case scenario) will comply with the above established noise criteria, as summarised below:

- *Adult Dogs Barking in the shed at night* could generate noise levels of up to 44 dBA *L1, 1 minute* at night (calculated in the scenario when all 10x dogs bark)
- *Pups barking in the outdoor kennels at night* could generate noise levels of up to 44 dBA *L1, 1 minute* at night (calculated in the scenario when all 12x dogs bark)
- *Adult dogs in the exercise yards* could generate noise levels of up to 38 dBA *Leq, 15 minute* during the day

The Environmental Noise Impact Assessment was reviewed by Council's Environmental Health Officer, and was found to be generally satisfactory.

The Environmental Noise Impact Assessment was also accompanied by an Noise Management/ Operation Plan, providing further detail regarding the specific management practices used on site to minimise potential noise impacts, and reiterate the measured incorporated into the acoustic assessment.

Importantly, it is acknowledged that whilst the established noise criteria will be achieved, activities at the site may, at time to time be heard by neighbours, and found to be offensive. As such, potential impacts on the surrounding residential amenity has been carefully considered as part of this assessment. However, on balance the current proposal is considered to be acceptable in terms of noise impacts, given that the scale of the proposal has been significantly reduced (from 12 adults and 24 pups; to 10 adults and 12 pups), and that no community submissions were received in response to this application, and no recent formal noise complaints have been registered with the Council (since February 2017). It is also noted that the proposed use is a permissible land use in the zone with Council consent.

### **Water Management**

The Wastewater Report prepared by Anderson Environmental Consultants Pty Ltd (dated April 2013, ref Document 1963) has been reviewed by the Environment Team previously in the assessment of this development proposal (DA12/1295 and DA17/1344). Council's Environmental Management Officer was generally satisfied with the proposed sizing and calculations for the effluent disposal area and associated Aerated Wastewater Treatment System (AWTS). In addition, all buffer distances shown appear to comply with Council's On-site Sewage Management and Greywater Reuse Policy (2014). It is noted that the original development consent contained a number of conditions relating to the OSSM system, and these have again been recommended for inclusion in the development consent to ensure that they are still a part of a valid operational consent.

Further to the above, the current proposal seeks to clean the "Empty Yards" as identified on the Site Plan via hosing (rather than dry cleaning methods only, which was required under the past consent). Concerns were raised that the waste water generated by this hosing should be appropriately captured and treated. In response, the application proposes to drain this water to the existing OSSM system. Whilst in principal, Council's Environmental Management Officer supports the measure to capture and treat the waste water, further detail of the drainage works is required to ensure waste water will be suitably captured. As such, the application is recommended for deferred commencement, requiring further drainage details (as detailed below) to be submitted and approved by Council prior to the issue of an operation consent.

- a stormwater management and drainage plan, prepared by a suitably qualified professional (plumber, stormwater engineer, wastewater consultant) is to be submitted to, and approved by Council that demonstrates the following:
  - (a) appropriate separation and management of wastewater and stormwater is achieved for the 'Empty Yards' area and the development; and
  - (b) 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, the 'Empty Yards' area is to be cleaned using dry-cleaning methods only, and is 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.

### **Waste Management**

The 'Noise Management/Operation Plan' provides information regarding the proposed waste management practices. The proposal seeks to use Council's Green Waste bin to dispose of solid waste (dog feces). This is consistent with Council's waste guidelines, and as such is considered appropriate.

### **Access, Traffic and Transportation**

Given the nature and scale of the proposal, the application is unlikely to generate significant increases in traffic, outside of typical vehicle movements associated with a residential use. The Noise Management/ Operation Plan identifies that dogs are usually transported for racing purposes either via a standard vehicle, or dog trailer. Dogs returning from late night races would typically occur 2-3 times per month, normally involving up to 2 dogs. A handler is always present whilst dogs are travelling, minimising barking events.

## Section 4.15(1)(c) The suitability of the site for the development

The proposal in its current form is considered suitable for the subject site for the following reasons:

- The proposed use is a permissible land use in the zone;
- The application has demonstrated that noise levels generated by the use will comply with required noise levels;
- The proposal will not alter the streetscape and is compatible with the surrounding rural character.

## Section 4.15(1)(d) Any Submissions

### Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the application was notified to nearby and adjoining residents.

Council notified seven (7)x residences in the area, and the public exhibition occurred between 27 April 2020 and 11 May 2020. It is noted that the current proposal was notified to the same residences as notified under the previous application DA17/1344. In addition to the seven (7)x residences notified, two (2) additional neighbouring properties who wrote submissions objecting to past applications (DA17/1344 and DA12/1295) were also notified as part of this application.

Council received one submission. The matters raised in the submission have formed part of the assessment, as summarised below:

Matter Raised	Comment
Concern that the proposal was subject of a past application (DA17/1344) which was refused by Council.	The current application seeks an amended proposal by way of a reduction in the number of dogs on the site, and was supported by additional information (notably an updated acoustic assessment) that addresses previous assessment issues that ultimately formed reasons for refusal of DA17/1344. The main reasons for refusal of DA17/1344 centred around noise impacts, which have been addressed in the current application, see discussion below.
Noise Impacts	The suitability of the proposal in terms of noise impacts has been a key issue in the assessment of the application. The application was supported by an Environmental Noise Impact Assessment (ENIA Report), which provides detailed assessment of the noise levels generated by the proposal. The ENIA Report demonstrates that the proposal complies with all noise criteria levels, including daytime, evening and night time levels. The Report also demonstrates that noise criteria levels are complied with in the scenario that the shed door is opened at times during the day. The ENIA report has been assessed by Council's Environmental Management Officer, and found to be acceptable. Conditions of consent have been imposed requiring the development to comply with the supporting Noise Management Plan and acoustic assessment report.
Compliance with consent	The development will be required to comply with conditions of consent. Any development operating outside of a consent may be subject to compliance action by Council's Development Compliance Department.

### Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Environmental - Environmental management	No objections - subject to conditions



## **Section 4.15(1)(e)The public interest**

The proposal in its current form is considered unlikely to generate significant issues of public interest for the following reasons:

- The proposal has been reduced in scale proposing 10 adult dogs and 12 pups, compared to the past application DA17/1344 which proposed 12 adults and 24 pups;
- The application has demonstrated that noise criteria levels can be complied with;
- The application has been supported by an Operational Management Plan to mitigate impacts on surrounding properties. Compliance with the Operational Management Plan will be enforced via condition of consent;
- The proposal was neighbour notified, and Council received no submissions. Further, in review of Council's records there have been no recent formal noise complaints regarding the subject premise.

## **Section 94 - Developer Contributions Plans**

The proposal will not result in additional residential dwellings, and as such contribution fees do not apply to this application.

## **Conclusion**

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In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014 the proposal generally satisfies the aims, objectives and provisions of these policies.

The proposal in its current form is considered suitable for the site, and is unlikely to result in significant issues of public interest.

Accordingly, the proposal is recommended for approval by way of deferred commencement, and subject to conditions.

## **Recommendation**

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That Development Application DA20/0181 for the continued use of the site as an 'Animal Boarding or Training Establishment' for Greyhound Dogs at 38-44 Keech Road Castlereagh be approved by way of deferred commencement, subject to the attached conditions (Development Assessment Report Part B).

## General

1 [A001 - Approved plans table](#)

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 [A020 - Use of building](#)

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 [A025 - Sign on Residential property](#)

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 [A034 - Keeping of dogs](#)

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 [A Special Code of Practice](#)

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 [B005 - Mud/Soil](#)

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

## Environmental Matters

7 [D005 – No filling without prior approval \(may need to add D006\)](#)

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 **D013 - Approved noise level 1**

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 **D014 - Plant and equipment noise**

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 **D026 - Liquid wastes**

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 **D Special Canine Handler**

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

12 **D Special Cleaning Products**

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 **D Special Distressed Dogs**

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

14 **D Special Food**

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 **D Special Noise Complaints**

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 **D Special Noise Magement/Operation Plan**

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 **D Special Operations**

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 **D Special Waste**

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 **L008 - Tree Preservation Order**

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 **L012 - Existinglandscaping (for existing development)**

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

## Operation of OSSM

### 21 R101 - Operational Approval prior to use

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 R102 - OSSM System Type and Disposal Area (all systems)

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 1284m<sup>2</sup>.

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 R104 - No alterations without approval

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 R105 - Plumbing Code of Australia

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 R106 - AWTS - Design of Irrigation System

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 [R107 - AWTS - Irrigation pipework \(surface or sub-surface\)](#)

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 [R109 - No effluent runoff](#)

There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves.

28 [R110 - EMA Signage](#)

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 **R111 - AWTS Servicing**

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 **R114 - EMA Turfed**

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 **R115 - No structures on EMA**

No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area.

32 **R116 - Diversion of stormwater**

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 **R117 - No plants for human consumption within EMA**

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 **R118 - EMA protected from stock damage**

The effluent management area shall be protected from possible stock damage.

35 **R119 - Wastewater and Native Trees**

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.

## **Schedule 1 (Deferred Commencement)**

36 **S Special (Deferred commencement condition)**

**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.**



# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### D1 Rural Land Uses

#### Chapter D1 Rural Land Uses, Section 1.4.4 Animal Boarding Or Training Establishments

The proposal does not meet the development controls under Penrith DCP 2014 relating to animal boarding and training establishments, specifically the site has a frontage less than 90m (being approximately 70m), and the proposed kennels are located within 150m from an existing residential dwelling (located approximately 127m from the adjoining dwelling to the south).

As such, a merit based assessment has been undertaken, and the proposal has been considered against the objectives of these controls have been considered, as summarised below:

*a) To allow the development of these establishments while minimising the impact on adjoining land uses and the local road system;*

The current application was supported by an Environmental Noise Impact Assessment, which concludes that with the mitigation measures currently in place at the site, the proposal (at the reduced scale) will comply with the established noise criteria. The Environmental Noise Impact Assessment was also accompanied by an Noise Management/ Operation Plan. This plan provides further detail regarding the management practices used on site to minimise potential noise impacts, and reiterate the measured incorporated into the acoustic assessment. The proposal will not result in increased traffic demand.

*b) To encourage establishments which are designed to promote efficient internal circulation, drainage and aesthetic appeal; and*

The current proposal does not involve physical works, and will not impact on the existing streetscape.

*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 proposed scale of development is considered suitable for the site, providing sufficient separation from neighbours to minimise amenity impacts.