

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA17/1344
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:	Stimson & Baker Planning PO Box 1912 PENRITH NSW 2751
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DECISION OF CONSENT AUTHORITY

Penrith Council has determined to refuse to grant consent to the subject development application. In accordance with Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979, the reasons for refusal to grant consent are in Attachment 1.

Date of this decision	10 January 2019
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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 reasons for refusal in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Reasons for refusal

Your attention is drawn to the attached reasons for refusal in attachment 1.

Certification and advisory notes

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 six 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 six 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 28 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 28 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.

SIGNATURE

Name:	Lucy Goldstein
Signature:	

For the Development Services Manager

ATTACHMENT 1 : REASONS FOR REFUSAL

1. The application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following provisions of Penrith Local Environmental Plan 2010:
 - The proposal is inconsistent with the objectives of the RU4 Primary Production Small Lots, specifically *'To minimise conflict between land uses within this zone and land uses within adjoining zones.'*
2. The application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following: provisions of Penrith Development Control Plan 2014

Chapter D1 Rural Land Uses, Section 1.4.4. Animal Boarding or Training Facilities

- The site does not meet the required lot frontage of 90m for animal boarding or training establishments;
 - The site does not meet the required minimum 150m required from kennels to an existing dwelling or potential dwelling site;
 - The proposal is inconsistent with the objective *"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."*
3. The application is not satisfactory for the purpose of Section 4.15C(1)(b) of the Environmental Planning and Assessment Act in terms of the likely impacts of the development.
 - It has not been satisfactorily demonstrated that the noise levels generated by the development, can be managed at an acceptable level.
 4. The application is not satisfactory for the purpose of Section 4.15(1)(c) of the Environmental Planning and Assessment Act as the site is not suitable for the proposed development. The application has not sufficiently demonstrated that the site is suitable for the proposed scale of development due to its proximity to existing dwellings (being less than 150m) and generating adverse noise impacts on surrounding residential properties.
 5. The application is not satisfactory for the purpose of Section 4.15C(1)(d) of the Environmental Planning and Assessment Act due to matters raised in submissions which include:
 - Excessive levels of noise generated by dog barking, relating to the use of the site as a greyhound boarding, training and breeding establishment.
 6. The application is not satisfactory for the purpose of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act as the proposal has not demonstrated the development is satisfactory in respect to sleep disturbance and night time noise levels. As such the proposal is not in within the public interest.