

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA17/1344
<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>	21 December 2017
<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>	Refuse

## Executive Summary

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Council is in receipt of a development application seeking consent for the continued use of the site as a greyhound boarding training and breeding 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 boarding, training and breeding establishment, with retrospective approval of an existing shed, dam works and associated site works. However, Condition No. 2 of DA12/1295.01 restricted the use of the site to a 12 month trial period from the date of determination of DA12/1295.01, requiring the applicant to submit a new application to Council for the continued use of the site.

Given that the application DA12/1295.01 was determined on 6 May 2014, the twelve (12) month trial period lapsed on the 6 May 2015. Notwithstanding this, it is understood that the development continued to operate beyond the trial period without development consent. In response to a noise complaint relating to dog barking, Council undertook a compliance investigation relating to the subject development. As a result of this investigation, the current application was lodged seeking development consent for the continued use of the site.

The application has been referred to the Local Planning Panel as the cumulative number of community submissions received in relation to the applications for the use of the site as a greyhound boarding, training and breeding establishment exceed ten (10) submissions (DA17/1344 received 3 submissions, DA12/1295.01 received 3 submissions, DA12/1295 received 14 submissions).

### **Key issues raised:**

- The subject site does not meet the requirements for animal boarding and training establishments under Penrith Development Control Plan 2014, specifically the site has a frontage of less than 90m (being approximately 70m), and proposes kennels less than 150m to an existing residential dwelling (located within approximately 130m).
- Notwithstanding the above non-compliances, consent (DA12/1295.01) was granted on a 12 month trial basis given that documentation was submitted providing acoustic modelling to demonstrate that the proposal was capable of achieving acceptable noise levels, and subject to the imposition of conditions requiring a range of noise mitigation measures to be implemented.
- Whilst it is acknowledged that the current application was accompanied by acoustic assessments which conclude that the development complies with relevant noise criteria levels, there are a number of unresolved matters relating to the methodology and level of detail of the acoustic assessments provided. As a result of these unresolved matters, Council cannot with certainty be satisfied that the development will generate acceptable noise levels without adverse impact upon neighbouring properties.
- During the exhibition period of the application, three (3) submissions from the adjacent and adjoining properties were received relating to nuisance dog barking among other matters.

In conjunction with the uncertainties surrounding the acoustic assessments, the community submission received, and noting that an additional two (2) formal noise complaints have been lodged with Council regarding nuisance dog barking (4 November 2015, 3 February 2017), Council cannot with certainty be satisfied that the proposed nature scale of development is suitable for the site with specific regard to acoustic impacts.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken, and given the above unresolved matters, the application is recommended for refusal.

## 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 events have occurred in relation to the site:

- **19 October 2012** A formal complaint was registered with Council regarding land clearing at 38-44 Keech Road Castlereagh.
- **21 November 2012** A site inspection was undertaken by Council's Development Compliance officers, which confirmed unauthorized works had occurred on the site including extensive land clearing, erection of a shed, and dam works.
- **25 September 2013** Development consent (DA12/1295) was granted for the use of the site for a greyhound boarding, training and breeding establishment with retrospective use of an shed, dam works and associated site works. It is noted that the consent for the use of the site was limited to a 12 month trial period.
- **6 May 2014** A modification application (DA12/1295.01) to amend condition 2 and condition 7 was granted approval. This consent permitted the increase in the number of greyhounds on the site to twelve (12) adult greyhounds and twenty-five (25) pups, and limited the consent to a 12 month trial period from the date of determination of DA12/1295.01.
- **4 November 2015** A community disputes and grievances was lodged regarding nuisance dog barking at the site (Ref. DC15/0908)
- **3 February 2017** A formal noise complaint was registered with Council regarding dog barking at the site (Ref. AC17/0206).
- **21 December 2017** The current development application was lodged seeking approval for the continued use of the site.

## Proposal

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The application seeks consent for the following works

- Continued use of the site as a greyhound boarding, training and breeding establishment including up to 12 adult greyhounds and 24 pups;
- Approval of an existing exercise 'round yard' located at the rear of the site.

It is noted the original application included retrospective approval for a shed, dam works and associated site works. Given the trial period applies to the use of the site only, rather than physical works, this application does not consider the shed, dam works and associated site works, as consent was previously 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

- **Section 79C - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

### **Section 79C(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, 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 review of historic aerial photographs and an inspection of the site, it can be seen that fill material has been imported onto the property. There is a light coloured fill which appears to be used as an additional driveway entrance on the western portion of the property. The origin and contamination status of the fill is not known and Council cannot, with certainty, be satisfied that the site is not contaminated. However, in respect to this application, it is noted that no building works are proposed that would disturb the soil.

#### **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)**

<b>Provision</b>	<b>Compliance</b>
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Does not comply - See discussion
Clause 4.3 Height of buildings	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 proposal is inconsistent with the following objective of the RU4 Primary Production Small Lots zone:

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*  
In considering the surrounding residential land uses, the application has not satisfactorily demonstrated that the development will generate acceptable noise levels, and as such not result in adverse amenity impacts. Given this uncertainty, the proposed nature and scale of development is not supported. This is outlined further within the assessment report in relation to Penrith Development Control Plan 2014 compliance and likely Impacts.

### Clause 4.3 Height of buildings

The proposal does not involve building works, and as such no changes to existing building heights are proposed.

## Section 79C(1)(a)(iii) The provisions of any development control plan

### Development Control Plan 2014

Provision	Compliance
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 79C(1)(a)(iv) The provisions of the regulations

The application does not propose building works, and as such, the application is satisfactory in regards to the Regulations.

## Section 79C(1)(b)The likely impacts of the development

### Acoustic Impacts

Whilst it is acknowledged that the application was supported by acoustic assessments which conclude that the development complies with relevant noise criteria levels, there are a number of unresolved matters relating to the methodology and level of detail of the acoustic assessments provided. As a result of these unresolved matters which are detailed below, Council cannot with certainty be satisfied that the development will generate acceptable noise levels.

The accompanying Environmental Noise Impact Assessment (ENIA) provides an acoustic assessment of the development in operation, measured over a period of seven days. The ENIA concludes that the operations of the facility comply with the established noise criteria. However, this acoustic assessment provided in the ENIA is unsatisfactory for the following reasons:

- The assessment of the noise levels generated in the outdoor kennels at night considers six pups and two adult dogs. However, the application seeks consent for up to 24 pups located in the outdoor kennels. As such, the noise assessment has not considered the impact of the development at full

capacity.

- The ENIA does not provide a cumulative assessment of noise levels, for example consideration has not been given to time periods in which both the 12 adult dogs in the shed and the 24 pups in the outdoor kennels may be barking at the same time.
- Further to the above, the report has not provided an assessment of the noise associated with distressed dogs or pups.
- The ENIA references the sleep disturbance criteria included in the Noise Guide for Local Government. The Noise Policy for Industry provides a contemporary assessment methodology for sleep disturbance which should be applied. When considering the noise level graphs included in support of the report, noise events exceeding 50dBA do occur on the site overnight, and it appears that periods of barking extend for longer than the 90 seconds suggested in the discussion regarding night time barking. It is noted that no commentary has been provided regarding the number or length of night time barking events and the impact this may have on sensitive receivers.

A supplementary acoustic report titled *38-44 Keech Road, Castlereagh Greyhound Facility - Operating Scenario Assessment*, prepared by Day Design Pty Ltd, dated 8 August 2018 was submitted, providing an acoustic modelling assessment for three different operating scenarios, as detailed below:

- Scenario 1: All windows and roller door open
- Scenario 2: All windows open and roller door half open, Gyprock barrier installed to half of opening
- Scenario 3: All windows and back door open, roller door closed with Gyprock barrier installed behind.

The scenario assessment concludes that noise levels generated by the greyhound facility during all proposed operating scenarios will comply with the relevant noise criteria. However, the report does not clearly identify the number of dogs that were taken into consideration during this scenario assessment. Nor does this report address matters such as cumulative noise levels, or noise associated with distressed dogs/pups. This report also relies on the Noise Guide for Local Government, rather than the Noise Policy for Industry.

In considering the above unresolved concerns, and noting that three (3) submissions from the immediate adjacent and adjoining lots have been received identifying disruptive dog barking from the site, the application has not satisfactorily demonstrated that the proposed scale of development is suitable for the site in regards to acoustic impacts. As such, the scale of the development is not supported.

### **Water Management**

In respect to water management, the application is considered capable of complying subject to conditions. To ensure that waste associated with the greyhounds is not carried with water and dispersed into the surrounding environment, potentially causing both adverse environmental and amenity issues, conditions of consent should be applied if the application was supported, prohibiting the hosing out of the shed and outdoor kennels, and requiring dry cleaning methods that limit the use of water.

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

The proposal is unlikely to generate significant increases in traffic and will have minimal impact on the local road system.

### **Tree Management**

The site is mapped as containing *Castlereagh Scribbly Gum Woodland* which is listed as a *Vulnerable Ecological Community* under the *Threatened Species Conservation Act 1995*. It is noted the site has undergone significant unauthorised clearing and has been subject to compliance action from Council as a result of the activities. The current application however does not propose the further removal of any vegetation.

## **Section 79C(1)(c) The suitability of the site for the development**

The application has not demonstrated that the site is suitable for the proposed scale of development in respect to generating acceptable noise levels without adverse impact on neighbouring properties. As such, the proposed use is considered incompatible with surrounding and adjoining residential land uses.

## **Section 79C(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 residences in the area, and the public exhibition occurred between 8 January 2018 and 31 January 2018. Council received three (3) submissions in response.

The following issues were raised in the submissions received and have formed part of the assessment.

<b>Issue Raised</b>	<b>Comments</b>
<i>Loss of Amenity:</i> <ul style="list-style-type: none"><li>Noise (during day and night periods)</li><li>Odour</li></ul>	<ul style="list-style-type: none"><li>Noise impacts are noted. Refer to discussion under 'Likely Impacts' in this report.</li><li>To mitigate impact of potential odour generated by dog waste, conditions of consent could be recommended if the proposal was supported requiring the shed and outdoor kennel to be cleaned by dry methods only, limiting the use of water, so that waste is not dispersed across the site.</li></ul>
<ul style="list-style-type: none"><li>Non-compliance with Penrith DCP 2014</li></ul>	<ul style="list-style-type: none"><li>Noted. The site does not comply with the required 90m frontage, and kennels are proposed within 150m of an existing dwelling.</li></ul>

## Referrals

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

<b>Referral Body</b>	<b>Comments Received</b>
Environmental - Environmental management	Not supported

## Section 79C(1)(e)The public interest

The application is not considered in the public interest for the following reasons:

- Whilst it is acknowledged that the application was supported by acoustic assessments including an Environmental Noise Impact Assessment (ENIA) dated 1 September 2017, and *Operating Scenario Assessment*, dated 8 August 2018, which concludes that the development complies with relevant noise criteria levels, the following concerns regarding the acoustic assessments are unresolved, and as such Council cannot be satisfied that the development will generate acceptable noise levels.
  - The ENIA provides logged data of noise levels generated by the site during operation, however, the assessment considers noise levels relating to a total number of 20 dogs. The assessment does not consider noise levels for the site at full capacity (36 dogs).
  - Further to the above, the ENIA does not consider cumulative noise levels or noise associated with distressed dogs/pups.
  - The *Operating Scenario Assessment* does not clearly identify the number of dogs that were taken into consideration during this scenario assessment. Nor does this report address matters such as cumulative noise levels, or noise associated with distressed dogs/pups.

Given the above, Council cannot be certain that the development will generate acceptable noise levels, and as such, is in the public interest

- Further to the above, three submissions were received during the exhibition period of the application, with each submission raising concern regarding nuisance dog barking among other matters. In addition to these submissions received, it is noted that two (2) additional formal noise complaints relating to nuisance dog barking were lodged with Council (4 November 2015, 3 February 2017).

In considering the community submissions received and formal noise complaints, in conjunction with the unresolved matters regarding the supporting acoustic assessments, the development in its current form is not considered to be in the public interest.

## 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 does not satisfy the aims, objectives and provisions of these policies.

It has not been satisfactorily demonstrated that the development will not result in adverse levels of noise, and as such the proposal is not considered in the public interest or suitable for the site. Given this, the application is recommended for refusal, for the attached reasons.

## Recommendation

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1. That development application DA7/1344 for the continued use of the site as a greyhound boarding training and breeding establishment at 38-44 Keech Road Castlereagh be refused for the following reasons:



## Refusal

### 1 X Special 02 (Refusal under Section 4.15C(1)(a)(i) of EPA Act 1979)

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 X Special 04 (Refusal under Section 4.15(1)(a)(iii) of EPA Act 1979)

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 X Special 07 (Refusal under Section 79C(1)(b) of EPA Act 1979)

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 proposed scale of development, can be managed at an acceptable level.

### 4 X Special 9 (Refusal under Section 4.15C(1)(d) of EPA Act 1979)

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.

# 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).

It is noted that the above non-compliances were identified in the assessment of the original development application DA12/1295. However, notwithstanding these non-compliance, consent was granted on a 12 month trial basis given that documentation was submitted providing acoustic modelling to demonstrate that the proposal was capable of achieving acceptable noise levels, and subject to the imposition of conditions requiring a range of noise mitigation measures be implemented. This condition was not complied with and the use continued operation beyond the stipulated trial period as an unauthorised land use.

The current application which stemmed from compliance investigations was supported by an Environmental Noise Impact Assessment (ENIA) providing an acoustic assessment of the development in operation, measured over a period of seven days. This acoustic assessment occurred subsequent to the implementation of noise mitigation measures required by the previous consent, including the erection of a 1.8m timber fence along the southern boundary of the site, the internal acoustic treatment of the shed and implementation of a noise management plan. It is noted that the ENIA concludes that the operations of the facility comply with the established noise criteria.

However, the acoustic assessment is considered unsatisfactory as the assessment did not consider noise levels at the development's full capacity (12 adults, 24 pups), or provide assessment of cumulative noise levels, such as time periods in which both the 12 adult dogs in the shed and the 24 pups in the outdoor kennels may be barking at the same time. Further to the above, the acoustic assessment references the sleep disturbance criteria included in the Noise Guide for Local Government. Rather, the Noise Policy for Industry provides a contemporary assessment methodology for sleep disturbance and should be applied.

In considering the concerns above, and noting that three (3) submissions from the immediate adjacent and adjoining lots have been received identifying disruptive dog barking from the site, the application has not satisfactorily demonstrated that the proposed scale of development is suitable for the site in regards to acoustic impacts. As such, the scale of the development is not supported.



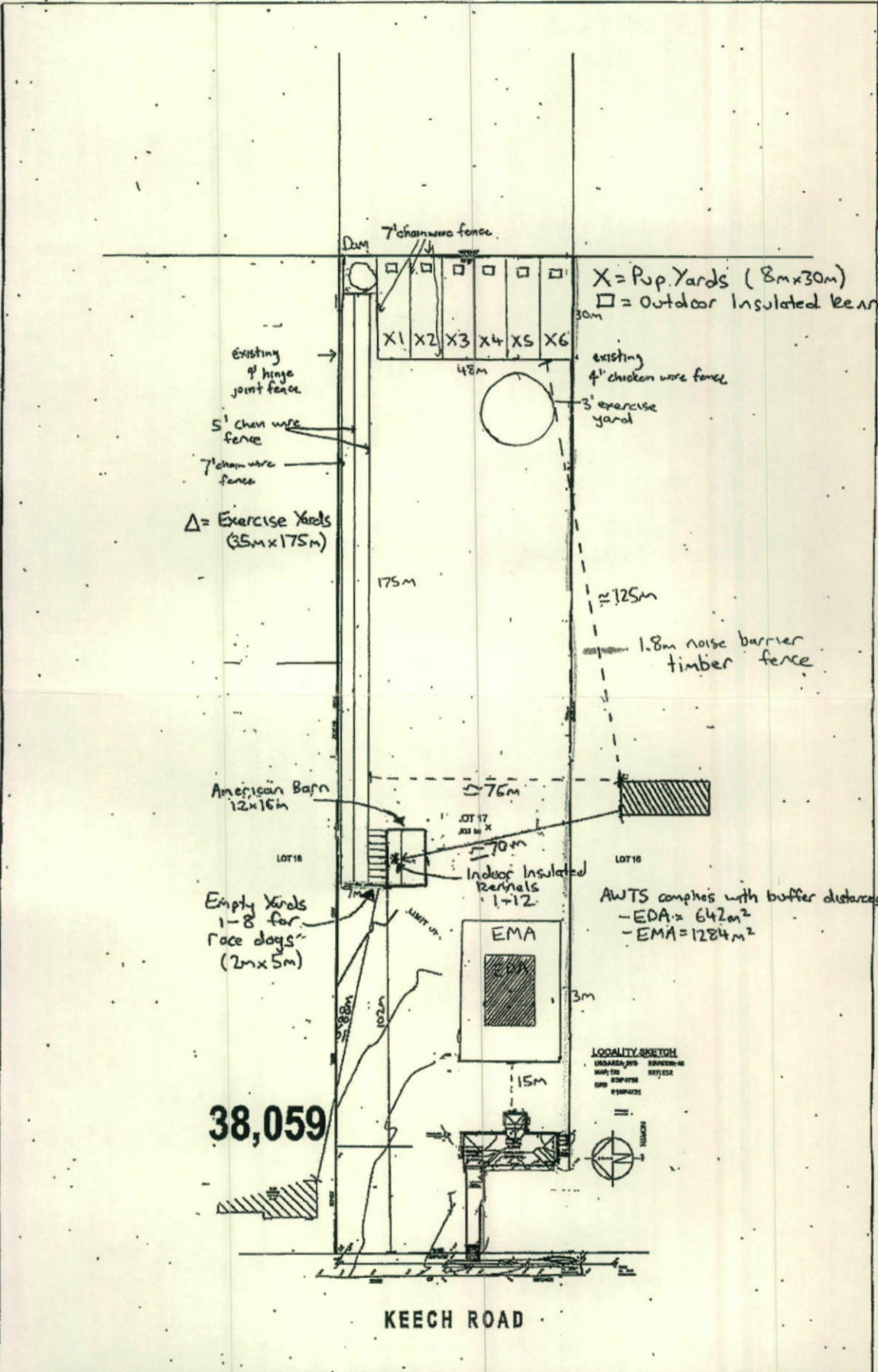
CONTRACT NO. 600593  
 DRAWING NO. 600593-01  
 DATE: 14/11/11

1	PRELIMINARY	12/11/11
2	CONCEPT PLANS	15/01/12
3		
4		
5		

CLIENT	MR. M. M. K. PRYCE
ADDRESS	KEECH ROAD
CITY/TOWN	CASTLEMEACH
POSTCODE	2740
CONTACT	PENRITH
DATE	17/11/11
SCALE	1:1000

PROJECT	SOMERSET GRANGE
CLASSIC	
LOCATION PLAN	
DATE	11/00
SCALE	1:1000
DATE	4/11

APPROVALS	
OWNER	
DATE	
600593	

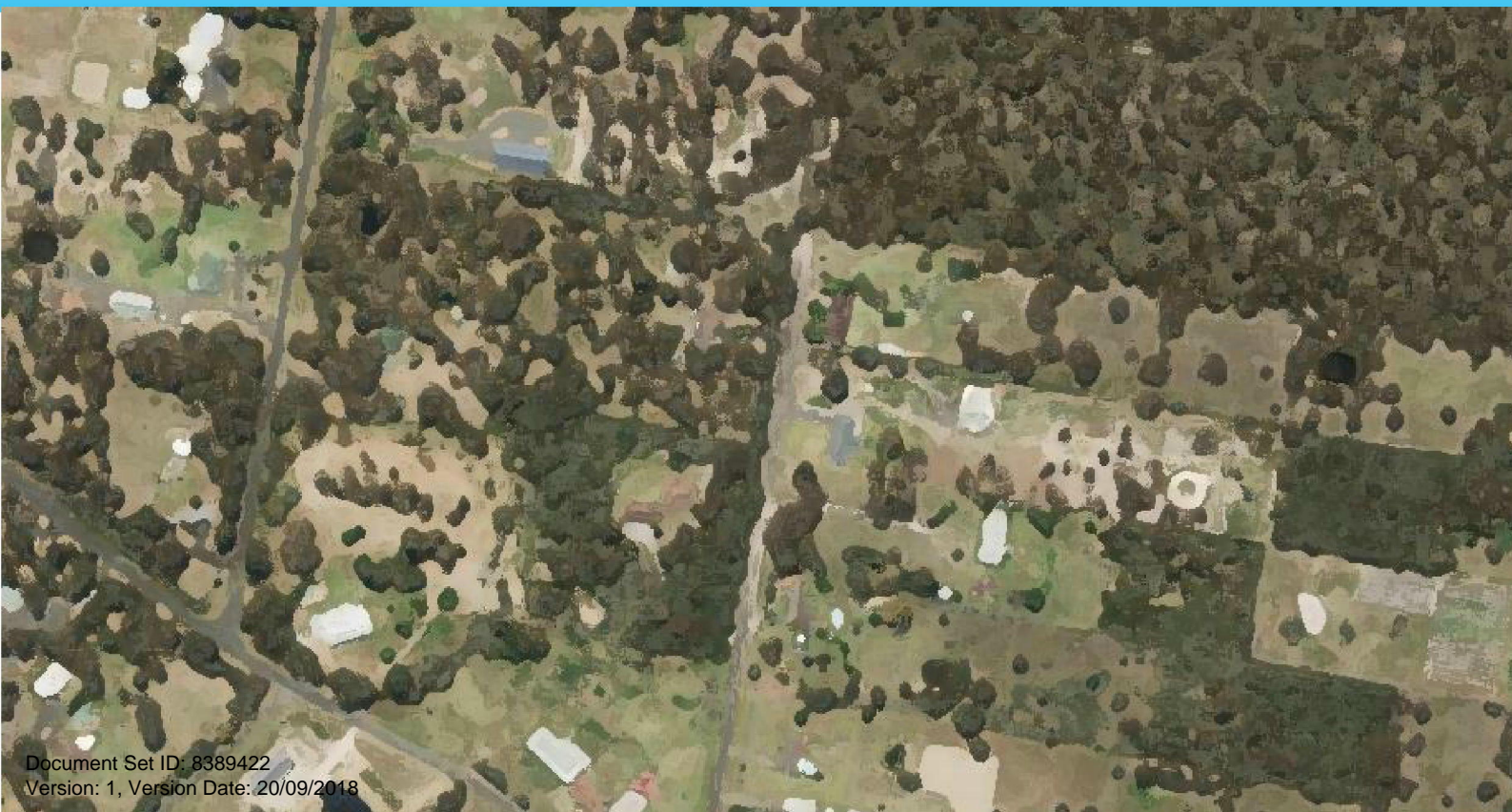


## Statement of Environmental Effects

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** MPlA 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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# Table of Contents

<b>1</b>	<b>INTRODUCTION</b>	<b>1</b>
1.1	Project Overview	1
1.2	Report Structure	1
1.3	History and Purpose of the Application	1
1.4	Supporting Documentation	2
1.5	Legislation, Environmental Planning Instruments and Policies to be considered	2
1.6	Consent Authority	2
<b>2</b>	<b>THE SITE AND SURROUNDS</b>	<b>3</b>
2.1	The Subject Site	3
2.2	Existing Development and Use of Site	4
2.3	Topography	4
2.4	Vegetation	4
<b>3</b>	<b>PROJECT DESCRIPTION</b>	<b>5</b>
3.1	The Proposed Use of the Site	5
3.2	Built Form	5
3.3	Vehicular Elements	5
3.4	Signage	5
3.5	Stormwater Drainage	5
3.6	Waste Management Strategy	5
<b>4</b>	<b>STATUTORY CONTEXT</b>	<b>6</b>
4.1	Summary Table	6
4.2	Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River	6
4.3	Penrith Local Environmental Plan 2010	6
4.4	Penrith Development Control Plan 2014	11
<b>6</b>	<b>SECTION 79C ASSESSMENT</b>	<b>13</b>
6.1	Section 79C(1)(a)(i) – Any Environmental Planning Instruments	13
6.2	Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument	13
6.3	Section 79C(1)(a)(iii) – Any Development Control Plan	13
6.4	Section 79C(1)(a)(iia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 93f	13
6.5	Section 79C(1)(a)(iv) – The Regulations	13
6.6	Section 79C(1)(b) – The Likely Impacts of the Development	13
6.6.1	Flora and Fauna	13
6.6.2	Stormwater and Flooding	13
6.6.3	Traffic Generation and Parking	14
6.6.4	Noise Impacts	14
6.6.5	Heritage Issues	14
6.6.6	Visual Impact	14
6.6.7	Social and Economic	14
6.7	Section 79C(1)(c) – The Suitability of the Site	14
6.8	Section 79C(1)(d) – Any Submission Made	14
6.9	Section 79C(1)(e) – The Public Interest	14
<b>7</b>	<b>CONCLUSION AND RECOMMENDATION</b>	<b>16</b>

## List of Figures

---

Figure 1 Subject Site.....	3
Figure 2 Wider Locality .....	3
Figure 4 Land use zoning map .....	8

# 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.

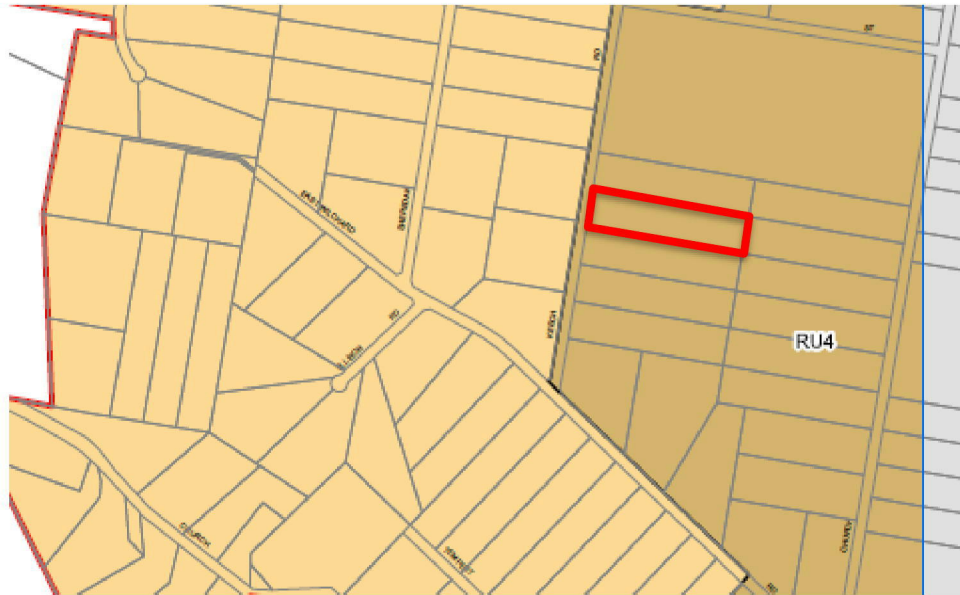


Figure 3 Land use zoning map

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



<b>Part 7 Additional Local Provisions</b>		
<b>Provision</b>		<b>Comment</b>
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
<p><b>B Objectives</b></p>	<p>The proposal is consistent with the objectives in that:</p> <ul style="list-style-type: none"> <li>• The potential impact on the locality will be minimized once all conditions and aspects of the DA have been complied with.</li> <li>• Internal circulation drainage and aesthetic appeal was addressed in the original DA</li> <li>• The site has previously been considered by Council to be suitable for the proposed use.</li> </ul>
<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>

**4) Operations for Dog Boarding, Training or Breeding Establishments**

- a) Dogs are to be confined to their individual runs or exercise areas at all times.
- 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.

Noted. The existing facility operates as per these provisions.

## 6 Section 79C Assessment

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

---

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.

# WASTE MANAGEMENT PLAN

## DEMOLITION, CONSTRUCTION AND USE OF PREMISES

If you need more space to give details, you are welcome to attach extra pages to this form.

PLEASE COMPLETE ALL PARTS OF THIS FORM THAT ARE RELEVANT TO YOUR DEVELOPMENT APPLICATION (DA).

IF YOU NEED MORE SPACE TO GIVE DETAILS, YOU ARE WELCOME TO ATTACH EXTRA PAGES TO THIS FORM.

Council will assess the information you provide on this form along with your attached plans. We will take into account the types and volumes of waste that could be produced as a result of your proposed development, and how you are planning to:

- minimise the amount of waste produced
- maximise re-use and recycling
- store, transport and dispose of waste safely and thoughtfully.

### APPLICANT DETAILS

First name	Surname
<input type="text" value="Warwick"/>	<input type="text" value="Stimson"/>
Postal Address	
Street No.	Street name
<input type="text"/>	<input type="text" value="P O Box 1912"/>
Suburb	Post code
<input type="text" value="Penrith"/>	<input type="text" value="2751"/>
Contact phone number	Email address
<input type="text" value="0247312730"/>	<input type="text" value="warwick@stimsonandbaker.com.au"/>

### DETAILS OF YOUR PROPOSED DEVELOPMENT

Street No.	Street name
<input type="text" value="38-44"/>	<input type="text" value="Keech Road"/>
Suburb	Post code
<input type="text" value="Castlereagh"/>	<input type="text" value="2749"/>

What buildings and other structures are currently on the site?

*Dwelling, boarding kennels, sheds.*

Briefly describe your proposed development

*Use of site as animal boarding and breeding facility. Retrospective approval of associated structures.  
No physical works proposed.*

Applicant Signature	Date
<input type="text" value="[Signature]"/>	<input type="text" value="20/12/17"/>



## SECTION 1: DEMOLITION

\*Please include details on the plans you submit with this form, for example location of on-site storage areas/containers, vehicle access point/s.

Materials		Destination		
		Re-use and recycling		Disposal
Material	Estimated volume (m <sup>2</sup> or m <sup>3</sup> )	ON-SITE* Specify proposed re-use or on-site recycling	OFF-SITE Specify contractor and recycling facility	Specify contractor and landfill site
Excavation (eg soil, rock)				
Green waste				
Bricks				
Concrete				
Timber (Please specify type/s)		N/A		
Plasterboard				
Metals (Please specify type/s)				
Other				

## SECTION 2: CONSTRUCTION

\*Please include details on the plans you submit with this form, for example location of on-site storage areas/containers, vehicle access point/s.

Materials		Destination		
		Re-use and recycling		Disposal
Material	Estimated volume (m <sup>2</sup> or m <sup>3</sup> )	ON-SITE* Specify proposed re-use or on-site recycling	OFF-SITE Specify contractor and recycling facility	Specify contractor and landfill site
Excavation (eg soil, rock)				
Green waste				
Bricks				
Concrete		N/A		
Timber (Please specify type/s)				
Plasterboard				
Metals (Please specify type/s)				
Other				

### SECTION 3: WASTE FROM ON-GOING USE OF PREMISES

If relevant, please list the type/s of waste that may be generated by on-going use of the premises after the development is finished.	Expected volume (average per week)

### SECTION 4: ON-GOING MANAGEMENT OF PREMISES

If relevant, please give details of how you intend to manage waste on-site after the development is finished, for example through lease conditions for tenants or an on-site caretaker/manager. Describe any proposed on-site storage and treatment facilities. Please attach plans showing the location of waste storage and collection areas, and access routes for tenants and collection vehicles.

*Refer to SOE.*

# **NOISE MANAGEMENT PLAN**

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

**38-44 Keech Road, Castlereagh**

## 1. INTRODUCTION

The following noise management plan has been prepared for Penrith City Council consideration and approval. The noise management plan should be read in conjunction with the Acoustic Assessment prepared by Noise and Sound Services and Environmental Noise Impact assessment prepared by Day Design Consulting.

## 2. OPERATION

The facility will operate in accordance with the recommendations in the Acoustical Assessment prepared by Noise and Sound Services. These recommendations have been confirmed by an independent acoustic consultant. Both consultants confirmed the facility complies with the NSW Government's Industrial Noise Policy Intrusiveness Criteria.

### Number of dogs

Although the acoustic assessment used a noise source from a property with 75 dogs and still complied with noise goals, the facility only plans to accommodate half that amount. This consists of 12 dogs housed in the indoor kennels and up to 24 dogs in the outdoor kennels at any given time. To ensure the facility complies with the 24 pup limit careful planning goes in to the number of dogs that have pups at any one time based on the current number of pups in the outdoor yards and their progression to become race dogs. To ensure a maximum of 12 dogs are maintained in the inside kennels, when new pups are ready to become race dogs and the older dogs are close to retirement, regular communication with greyhound adoption agencies such as Greyhound rescue, Greytt Greys rescue, Greyhound Adoption Program are established to find suitable homes for the retired greyhounds which in turn frees up a kennel for the pup that has progressed in to a race dog.

### Managing feeding times

Feeding time is a period that can stimulate the dogs and may result in dogs within the barn and outside yards barking. Feeding will occur on a daily basis and be restricted to occur between 10:30am -11:00am. To reduce the likelihood and duration of any potential barking during feeding time all preparation will be completed for all dogs out of site in the facilities inside the barn. After the food has been prepared all dogs will be given the food at the same time. This will reduce the duration of any potential barking considerably.

### Management of the exercise in long yard and round yard

Typically, dogs will use the exercise yards in the morning between 9:30-10:00am and/or the afternoon between 1:30-2:00pm. One dog will exercise along the 175 metre straight track or round yard at any one time. In the straight track the dog will be free galloped with no mechanical aid/lure. In the round yard the use of a round arm will be manually pushed by the handler with its operation similar to a car tyre turning on an axel with no apparent noise emitted. Occasional short term barking may occur as the dog finishes the run at the eastern end of the site as it may interact with the pups in the outdoor yards. To mitigate this a handler will be present as the dog finishes the run it will be placed immediately on a lead and led back up to the barn. To reduce any potential interaction screening will be installed.

### Management of dogs returning from race meets

Usually between 1-3 dogs will be taken to a race meet at a given time, with 1-2 race meets participated in each week. The majority of race meets that the dogs compete in are conducted between the hours of 7:00am to 10:00pm. However occasionally when travel time is taken into consideration, returning dogs from race meets may fall outside the above times. Dogs returning from late night race meetings would typically occur two to three times a month and would typically involve two to three dogs. The returning dogs would not normally bark between the trailer and the barn as they are accompanied by a handler. Dogs within the barn may bark at the arrival of the returning dogs. To mitigate the potential impact of any noise the returning dogs will enter through the single door on the southern façade into the grooming area which is separated from the kennels by a plasterboard partition wall, thereby maintain the internal noise barrier between the kennels and the outside.

### Additional Systems or Controls to reduce adverse impact

Experience has shown the potential for dogs to bark are when they are uncomfortable and need to urinate or pass faeces, when they are hungry, when they are bored through lack of regular stimulation or when they are distressed. Having a good understanding of the above causes allows appropriate controls to be put in place to reduce any adverse impacts of the facilities operation.

The facility will be managed to a strict routine with feeding times, use of empty yards and exercise occurring consistently at the same time every day. Experience has shown having the dogs in a regular routine reduces nuisance barking. Dogs will be released in to empty yards 4 times a day at regular intervals. When in the yards the dogs will be under constant supervision to mitigate barking. Regular stimulation of the dogs will occur through exercise in the yards and when they are taken to official race meets to trail or race. Distressed or injured dogs will be placed in an isolated sound proof kennel to reduce the interaction with remaining dogs. The facility will be managed by an experienced canine handler who has extensive experience and knowledge of greyhounds.

An important practice in developing well behaved kennel dogs is to ensure they become familiar with the racing and kennelling environment and, therefore, do not experience fear and excitement that may precipitate barking. This is done usually at a young age when pups are learning to race. They are sent away to a break in school where they have the opportunity to become familiar to the environment. To aid with this from a young age all pups will have constant interaction with people and will be taught basic handling skills such as walking on a lead.

To ensure the acoustic integrity of the kennels are maintained and also for security reasons the roller door on the western side of the shed will be closed at night and at other times it is not necessary to be open for operation and environment control.

### Ongoing monitoring and review

All dogs temperaments are different which naturally lends itself to some dogs being better kennel dogs than others. It is important to be familiar with the behaviour and temperaments of every dog in the kennels and recognise if there are any disruptive dogs in the kennels. As one disruptive dog can result in unsettling of the remaining dogs in the kennels. With close supervision and monitoring a disruptive dog can be identified and dealt with as soon as possible with additional controls implemented to improve their behaviour if required. This may include temporary isolation with the use of a barking mussel for short periods when under supervision. As part of the ongoing monitoring it is important to continue this practice as new dogs enter the kennels as it can change the dynamic of the kennel.

As part of the ongoing monitoring of the facility, the kennels will be closely monitored when returning race dogs from meets late at night. If it is found that returning race dogs are disturbing the other sleeping dogs one strategy that could avoid disrupting the settled dogs in the barn is to place returning race dogs late at night in isolation overnight in temporary kennels located in the house to avoid any interaction with remaining dogs located in the barn. The returning race dogs could then be returned to their permanent kennel in the morning.

## **3. CONCLUSION**

Operating the facility in accordance with the above noise management plan will ensure that the noise levels emitted by the facility complies with the EPA's acceptable noise limits at all nearby residential neighbours. Day Design Consulting has confirmed this by logging actual data during the day, evening and night over a 7 day period while the facility was under normal operation. They have also confirmed the facility complies during all of the proposed operating scenarios in their latest report including all windows and roller door open.





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# Environmental Noise Impact Assessment

Greyhound Facility  
38–44 Keech Road, Castlereagh, NSW

REPORT NUMBER  
**6308-1.1R**

DATE ISSUED  
**1 September 2017**

## Prepared For:

Mr Mathew Pryce  
1 Diamantina Avenue  
Windsor Downs NSW 2756

Attention: Mr Mathew Pryce



## Revision History

Status	Date	Prepared	Checked	Comment
Draft	30/08/2017	Adam Shearer	Stephen Gauld	By email, for client review
Final	01/09/2017	Adam Shearer	Stephen Gauld	

Document 6308-1.1R, 14 pages plus attachments

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## TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY .....	4
2.0	CONSULTING BRIEF .....	5
3.0	SITE AND DEVELOPMENT DESCRIPTION .....	6
3.1	Previous Development Application .....	6
3.2	Site Description .....	7
3.3	Development Description .....	7
4.0	ACOUSTICAL CRITERIA .....	9
4.1	Existing Ambient and Background Noise Levels .....	9
4.2	Noise Guide for Local Government .....	10
4.3	Project Specific Noise Criteria .....	10
5.0	GREYHOUND FACILITY NOISE EMISSION .....	11
5.1	Adult Dogs Barking In the Shed at Night .....	11
5.2	Pups Barking In the Outdoor Kennels at Night .....	12
5.3	Adult Dogs in the Exercise Yards .....	13
6.0	NOISE IMPACT STATEMENT .....	14

## TABLES

Table 1	Noise Sensitive Receptors .....	7
Table 2	Rating Background Levels – 46–50 Keech Road, Castlereagh .....	9



## 1.0 EXECUTIVE SUMMARY

A greyhound facility located at 38-44 Keech Road, Castlereagh, NSW, requires an environmental noise impact assessment to accompany a development application for to council.

The facility is located on the eastern side of Keech Road, situated on land zoned RU4 'Primary Production Small Lots' under Penrith Local Environment Plan (LEP) 2010.

Rural residential properties bound the site to the north, east and south. Rural residential properties also exist on the opposite side of Keech Road to the west. The facility and the receptor locations are shown in Figure 1.

The facility comprises 12 kennels within an acoustically treated shed for adult dogs, outdoor exercise yards, six outdoor kennels for pups and caters for up to 36 dogs (12 adults and 24 pups).

The dogs are kept inside the kenneling area between the hours of 10 pm and 7 am, 7 days a week, except on the occasional race day when they may be returned to the kennels after 10 pm.

This assessment addresses the potential noise impact from the facility at the neighbouring receptors.

Acceptable noise limits are derived from the NSW Environment Protection Authority (EPA) *Noise Guide for Local Government* at all receptors during the day, evening and night. Consideration is also given to the *Noise Guide for Local Government* sleep disturbance criterion of 48 dBA L<sub>1, 1 minute</sub> during night time hours.

Measurements and calculations show that the level of noise emitted by the facility, complies with the EPA's acceptable noise limits at all nearby residential neighbours.



## 2.0 CONSULTING BRIEF

Day Design Pty Ltd was engaged by Mr Mathew Pryce to assess the environmental noise impact of a greyhound facility at 38-44 Keech Road, Castlereagh, NSW.

This commission involves the following:

### Scope of Work:

- Inspect the site and environs
- Measure the background noise level at critical locations and times
- Prepare a site plan identifying the proposal and nearby noise sensitive locations
- Establish acceptable noise level criteria
- Quantify noise emission from the facility
- Calculate and measure the level of noise emission, taking into account building envelope transmission, distance loss, ground absorption, etc
- Provide recommendations for noise control if necessary
- Prepare an Environmental Noise Impact Assessment Report.



### 3.0 SITE AND DEVELOPMENT DESCRIPTION

#### 3.1 Previous Development Application

A Development Application (DA12/1295.01) was approved on 12 September 2014 for the use of the site at 38-44 Keech Road, Castlereaigh as a Greyhound Facility, which has since lapsed. As part of the Development Application an Acoustical Assessment of the proposed use as a Greyhound Facility was conducted by Noise and Sound Services (NSS), Report No. nss 21895 – Final, dated February 2013, to ensure the operation would satisfy all relevant noise criteria.

Noise controls were recommended in the NSS Report, with the following being incorporated into the final building construction, site construction and noise management plan:

*Site:*

- A 1.8 metre high lapped and capped timber fence has been constructed along approximately 200 metres of the southern boundary of the site;
- A 2.4 metre high lapped and capped timber fence exists on a section of the northern boundary of the site.

*Exercise Yards:*

- The adult dog exercise yards are bounded by 1.8 metre high timber sound barriers.

*Kennel Area:*

- The internal northern, eastern and western walls of the shed are lined internally with 100 mm thick cool room panels;
- The southern wall (approximately 3 metres) is constructed with an internal layer of plasterboard and an external layer of fibre cement on a 90 mm timber stud with the cavity lined with 75 mm thick glasswool insulation;
- The pedestrian access doors located at the southern end of the kennel are of solid core construction;
- Kennels are separated by a solid divider.

*Noise Management Plan:*

- The operators follow a strict noise management plan;
- The roller door on the western side of the shed is only opened when necessary to move the dogs to the exercise yards during the day for approximately 30 minutes;
- Dogs returning to the shed after 10 pm are placed in the kennels through the doors on the southern side of the shed;
- The dogs are kept inside the kennels between the hours of 10 pm and 7 am, 7 days a week.



- Barking dogs are dealt with as soon as possible;
- All dogs are fed during the day, 7 am to 6 pm.

### 3.2 Site Description

The greyhound facility is located on the eastern side of Keech Street on land zoned RU4 'Primary Production Small Lots' under Penrith Local Environment Plan 2010.

Rural residential properties bound the site to the north, west and south. Rural residential properties also exist on the opposite side of Keech Road to the west. The facility and its closest receptors are shown in Figure 1 and as follows in Table 1:-

**Table 1 Noise Sensitive Receptors**

Receptor and Type	Address	Direction from site	Distance
R1 – Residence	32 Keech Road	North	85 m
R2 – Residence	81 Church Street	East	370 m
R3 – Residence	46-50 Keech Road	South	65 m
R4 – Residence	29-39 Keech Road	West	165 m

Distances are based from the centre of the kennel area (shed) to the assessment location at the receptors as a reference point. Each kennel (inside and outside) is at a different distance from the receptor, some closer and some further than the distance outlined above. Specific distances from each area where dogs may be located are used in all calculations.

### 3.3 Development Description

The site currently operates as a greyhound facility with capacity for 36 dogs.

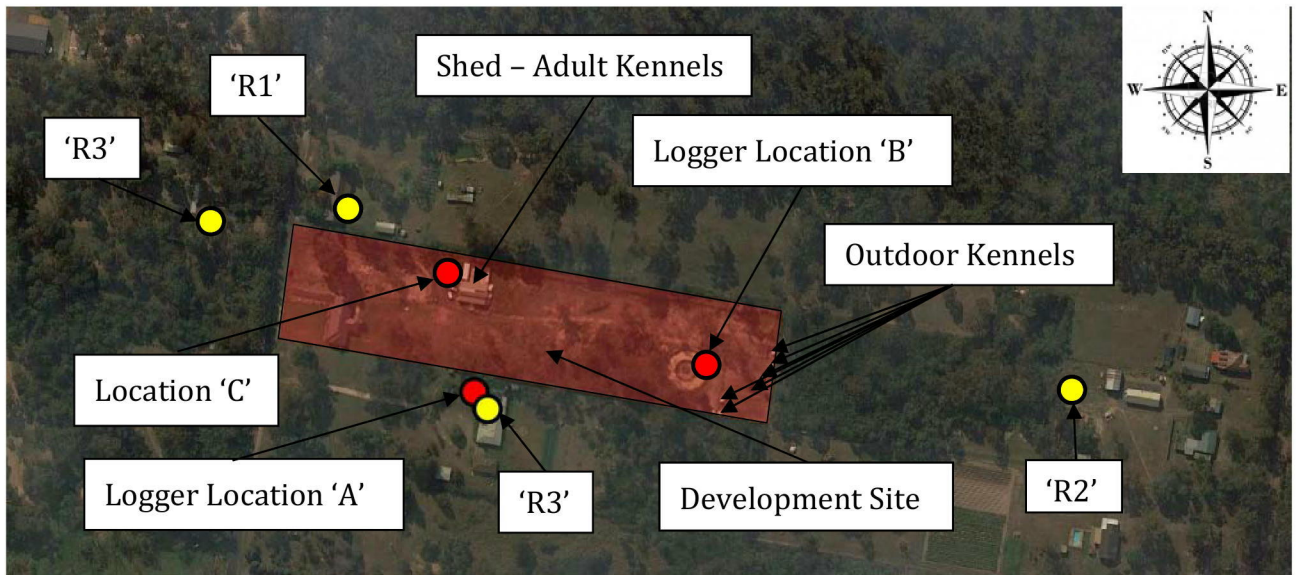
The adult dogs are kept in the 12 existing kennels within the acoustically treated shed for the majority of each day. Three times per day the adult dogs are moved, in groups of four, to fenced (lapped and capped timber) exercise yards at the rear of the shed for 5 minutes at a time. The maximum amount of adult dogs outside at any one time is four.

The adult dogs are kept inside the kenneling area between the hours of 10 pm and 7 am, 7 days a week, except on the occasional race day when they may be returned to the kennels after 10 pm.

The pups are kept in six outdoor kennels at the rear of the site. The outdoor kennels are located within a fenced (cyclone wire) exercise yard. The pups are free to leave the kennels and exercise at any time of the day, evening or night.

As part of a previous Development Application, a 1.8 metre high lapped and capped timber fence has been constructed along approximately 200 metres of the southern boundary of the site. It is also noted that a 2.4 metre high lapped and capped timber fence exists on a section of the northern boundary of the site. Both boundary fences are shown in Figure 2.





**Figure 1. Location Plan – 38 – 44 Keech Road, Castlereagh, NSW.**



**Figure 2. Fence Locations – 38 – 44 Keech Road, Castlereagh, NSW.**





#### 4.0 ACOUSTICAL CRITERIA

This section presents the noise guidelines applicable to this proposal and establishes the project specific noise criteria.

##### 4.1 Existing Ambient and Background Noise Levels

The  $L_{90}$  background noise level is a statistical measure of the sound pressure level that is exceeded for 90% of the measurement period (typically 15 minutes).

The Rating Background Level (RBL) is defined by the NSW EPA as the median value of the (lower) tenth percentile of  $L_{90}$  ambient background noise levels for day, evening or night periods, measured over a number of days during the proposed days and times of operation.

The background noise level should be measured at a location representative of the potentially affected receptors, in the absence of any noise sources that may be associated with the proposed development.

A noise logger was placed approximately 5 metres from the north-western façade of 46-50 Keech Road, Castlereagh, shown as Logger Location 'A' in Figure 1, from Monday 21 August to Monday 28 August 2017. The results of the background noise survey are shown in the attached Appendix B and below in Table 2.

Details of instrumentation used during the noise survey can be seen in the attached Appendix A.

**Table 2 Rating Background Levels – 46–50 Keech Road, Castlereagh**

Noise Measurement Location	Time Period	$L_{90}$ Rating Background Level	Existing $L_{eq}$ Noise Level
Logger Location 'A'	Day (7 am to 6 pm)	33 dBA	46 dBA
	Evening (6 pm to 10 pm)	33 dBA	39 dBA
	Night (10 pm to 7 am)	33 dBA	42 dBA

Meteorological conditions during noise monitoring consisted of clear skies with negligible wind and temperatures between 4 and 23°C. Conditions were ideal for noise monitoring.



## 4.2 Noise Guide for Local Government

The Environment Protection Authority (EPA) published the *Noise Guide for Local Government* in June 2013. The policy is specifically aimed at assessing noise from light industry, shops, entertainment, public buildings, air conditioners, pool pumps and other noise sources in residential areas.

The EPA in Section 2.2.1 of the Noise Guide for Local Government states that a noise source is generally considered to be intrusive if the noise from the source when measured over a 15 minute period ( $L_{eq, 15 \text{ minute}}$ ), exceeds the background noise ( $L_{90, 15 \text{ minute}}$ ) by more than 5 dB.

The noise from the source is measured or assessed at the most affected point within the residential property boundary, or of that is more than 30 metres from the residence, at the most affected point within 30 metres of the residence. For upper floors the noise is assessed outside the nearest window.

The Noise Guide for Local Government states in Section 2.2.4 that where sleep disturbance is being assessed, the  $L_{A1, 1 \text{ minute}}$  or  $L_{Amax}$  noise level is most appropriate, and the measurement position should be outside the bedroom window. Sleep may be disturbed if the source noise level exceeds the background noise by more than 15 dB.

## 4.3 Project Specific Noise Criteria

The measured background noise levels at Logger Location 'A' have been used to establish the most stringent noise criteria at the receptor locations as follows:

*Residential Receptors:*

- $(33 + 5 =)$  **38 dBA**  $L_{eq, 15 \text{ minute}}$  during the day, evening and night; and
- $(33 + 15 =)$  **48 dBA**  $L_{1, 1 \text{ minute}}$  at night (10 pm – 7 am Monday to Saturday or 10 pm – 8 am on Sundays and Public Holidays)



## 5.0 GREYHOUND FACILITY NOISE EMISSION

The main source of noise from the facility is the dogs barking while inside kennels at night and in the exercise yards during the day.

We have been informed by the operators that all doors and windows to the shed are kept closed during the night.

### 5.1 Adult Dogs Barking In the Shed at Night

Unattended noise level measurements of the adult dogs in the indoor kennels were carried out from Monday 21 August to Monday 28 August 2017 using two environmental noise loggers. Noise logger #106 was placed at the nearby residential receptor 'R3' (Logger Location 'A'), approximately 85 metres to the south of the shed with noise logger #116 placed inside the shed. 12 adult dogs were kept in the indoor kennels over the seven nights of monitoring.

Subsequent to a review of the indoor noise level data, periods of barking were identified (noise levels > 80 dBA  $L_{eq, 1 \text{ second}}$ ) on all nights.  $L_{eq}$  noise levels during the night time periods ranged between 23 and 103 dBA  $L_{eq, 1 \text{ second}}$  inside the kennel area, with the corresponding outdoor noise levels ranging from 30 to 79 dBA  $L_{eq, 1 \text{ second}}$ . Several barks were identified over the seven night period.

We have overlaid the noise level graphs from inside and outside for the seven nights of monitoring and attached them as Appendix C to I. A detailed assessment of the graphs found a significant period which identified the correlation between dogs barking inside the kennels and the outdoor noise levels. The period of interest is attached as Appendix J with annotations provided to analyse the measured noise levels.

The measured  $L_{eq, 1 \text{ second}}$  at the residential receptor was **45 dBA** when a dog / s was barking within the kennels, with the simultaneous  $L_{eq, 1 \text{ second}}$  reverberant sound pressure level of 103 dBA within the kennels. This is equivalent to a  $L_{eq, 15 \text{ minute}}$  noise level of 15 dBA for one dog bark at the receptor location.

Upon review of the ambient noise surveys, the maximum amount of time the dogs continuously barked (reverberant sound pressure of > 80 dBA) was for approximately 1.5 minutes (90 seconds). Assuming each bark lasts for 1 second and is at the measured noise level (103 dBA), 90 barks would result in an  $L_{eq, 15 \text{ minute}}$  noise level of **35 dBA** at 'R3', which is within the noise criteria in Section 4, and is considered acceptable.

The measured noise levels are also below the sleep disturbance criterion of **48 dBA**  $L_{1, 1 \text{ minute}}$ , and are therefore acceptable.

Day Design is of the opinion that compliance with the noise criteria at the nearest residential receptor, 'R3', will assure compliance at all other receptor locations.



## 5.2 Pups Barking In the Outdoor Kennels at Night

Unattended noise level measurements of the pups in the outdoor kennels were also carried out from Monday 21 August to Monday 28 August 2017 using two environmental noise loggers. Noise logger #106 was placed at the nearby residential receptor 'R3' (Logger Location 'A'), approximately 200 metres to the west of the outdoor kennels with noise logger #118 placed approximately 6 metres from the boundary of the exercise yards, shown as Logger Location 'B' in Figure 1. Six pups and two adult dogs were kept in the outdoor kennels over the seven nights of monitoring.

Subsequent to a review of the noise level data from logger #118, periods of barking were identified (noise levels > 60 dBA  $L_{eq, 1 \text{ second}}$ ) on all nights.  $L_{eq}$  noise levels during the night time periods ranged between 40 and 84 dBA  $L_{eq, 1 \text{ second}}$  next to the kennel area, with the corresponding noise levels at the nearby residence ranging from 30 to 79 dBA  $L_{eq, 1 \text{ second}}$ . Several barks were identified over the seven night period.

We have overlaid the noise level graphs from the two locations for the seven nights of monitoring and attached them as Appendix C to I. A detailed assessment of the graphs found a significant period which identified the correlation between pups barking inside the kennels and the outdoor noise levels. The period of interest is attached as Appendix K with annotations provided to analyse the measured noise levels.

The measured  $L_{eq, 1 \text{ second}}$  at the residential receptor was **44 dBA** when a dog / s was barking in the outdoor kennel area, with the simultaneous  $L_{eq, 1 \text{ second}}$  sound pressure level being 84 dBA 6 metres from the boundary of the exercise yards. This is equivalent to an  $L_{eq, 15 \text{ minute}}$  noise level of 14 dBA for one dog bark at the receptor location.

Upon review of the ambient noise surveys, the maximum amount of time the dogs continuously barked (sound pressure of > 70 dBA) was for approximately 1 minute (60 seconds). Assuming each bark lasts for 1 second and is at the measured noise level (84 dBA), 60 barks would result in a  $L_{eq, 15 \text{ minute}}$  noise level of **32 dBA** at 'R3', which is within the noise criteria in Section 4, and is considered acceptable.

The measured noise levels are also below the sleep disturbance criterion of **48 dBA**  $L_{1, 1 \text{ minute}}$ , and are therefore acceptable.

Day Design is of the opinion that compliance with the noise criteria at the nearest residential receptor, 'R3', will assure compliance at all other receptor locations.



### 5.3 Adult Dogs in the Exercise Yards

Noise level measurements of dogs in the exercise yards of the facility were carried out on Monday 20 August, 2017, approximately 7 metres to the west of the adult exercise yards, shown as Location 'C' in Figure 1. Four dogs were moved to the exercise yards for 5 minutes at a time, with a total of eight barks being measured over approximately 5 minutes.

During our measurements the instantaneous sound pressure level (SPL) was noted when dogs barked within the exercise yards with maximum levels of 74 dBA.

Based on the measured instantaneous SPL and a 10 dB reduction for the 1.8 metre high sound barrier fences around the exercise yards, the calculated maximum  $L_{eq, 15\text{minute}}$  noise level of dogs barking continuously for 1 minute (60 barks) at the residential receptor 'R3', is **33 dBA**. The calculated noise levels are within the acceptable noise criteria and is therefore considered acceptable. Up to 3.5 minutes of continuous barking (210 barks) will still comply with the noise criteria of 38 dBA.

Day Design is of the opinion that compliance with the noise criteria at the nearest residential receptor, 'R3', will assure compliance at all other receptor locations.



## 6.0 NOISE IMPACT STATEMENT

Day Design Pty Ltd was engaged by Mr Mathew Pryce to assess the environmental noise impact of an existing greyhound Facility at 38-44 Keech Road, Castlereagh, NSW.

Measurements and calculations show that the level of noise emitted by the greyhound facility meets the Environment Protection Authority's noise level requirements as detailed in Section 4 of this report, and is therefore acceptable



**Adam Shearer**, BCT (Audio), MDesSc(Audio & Acoustics), MAAS  
Senior Acoustical Consultant

for and on behalf of Day Design Pty Ltd

## AAAC MEMBERSHIP

Day Design Pty Ltd is a member company of the Association of Australian Acoustical Consultants, and the work herein reported has been performed in accordance with the terms of membership.

## Attachments:

Appendix A – Ambient Noise Survey Instrumentation

Appendix B – Ambient Noise Survey

Appendix C to I – Measured Noise Levels – Night 1 to 7

Appendix J – Measured Adult Dog Barking Event – Night 2 – 5.35 am to 5.37 pm

Appendix K – Measured Pup Barking Event – Night 2 – 11.29 pm to 11.30 pm



Noise level measurements and analysis in this report were made with instrumentation as follows:

**Table A – Noise Survey Instrumentation**

Description	Model No.	Serial No.
Infobyte Noise Logger (Type 2)	iM4	106
Condenser Microphone 0.5" diameter	MK 250	106
Infobyte Noise Logger (Type 2)	iM4	116
Condenser Microphone 0.5" diameter	MK 250	116
Infobyte Noise Logger (Type 2)	iM4	118
Condenser Microphone 0.5" diameter	MK 250	118
Modular Precision Sound Analyser	B&K 2270	264 4584
Condenser Microphone 0.5" diameter	B&K 4189	263 8722
Acoustical Calibrator	B&K 4231	272 1949

An environmental noise logger is used to continuously monitor ambient noise levels and provide information on the statistical distribution of noise during an extended period of time. The Infobyte Noise Monitor iM4 is a Type 2 precision environmental noise monitor meeting all the applicable requirements of AS1259 for an integrating-averaging sound level meter.

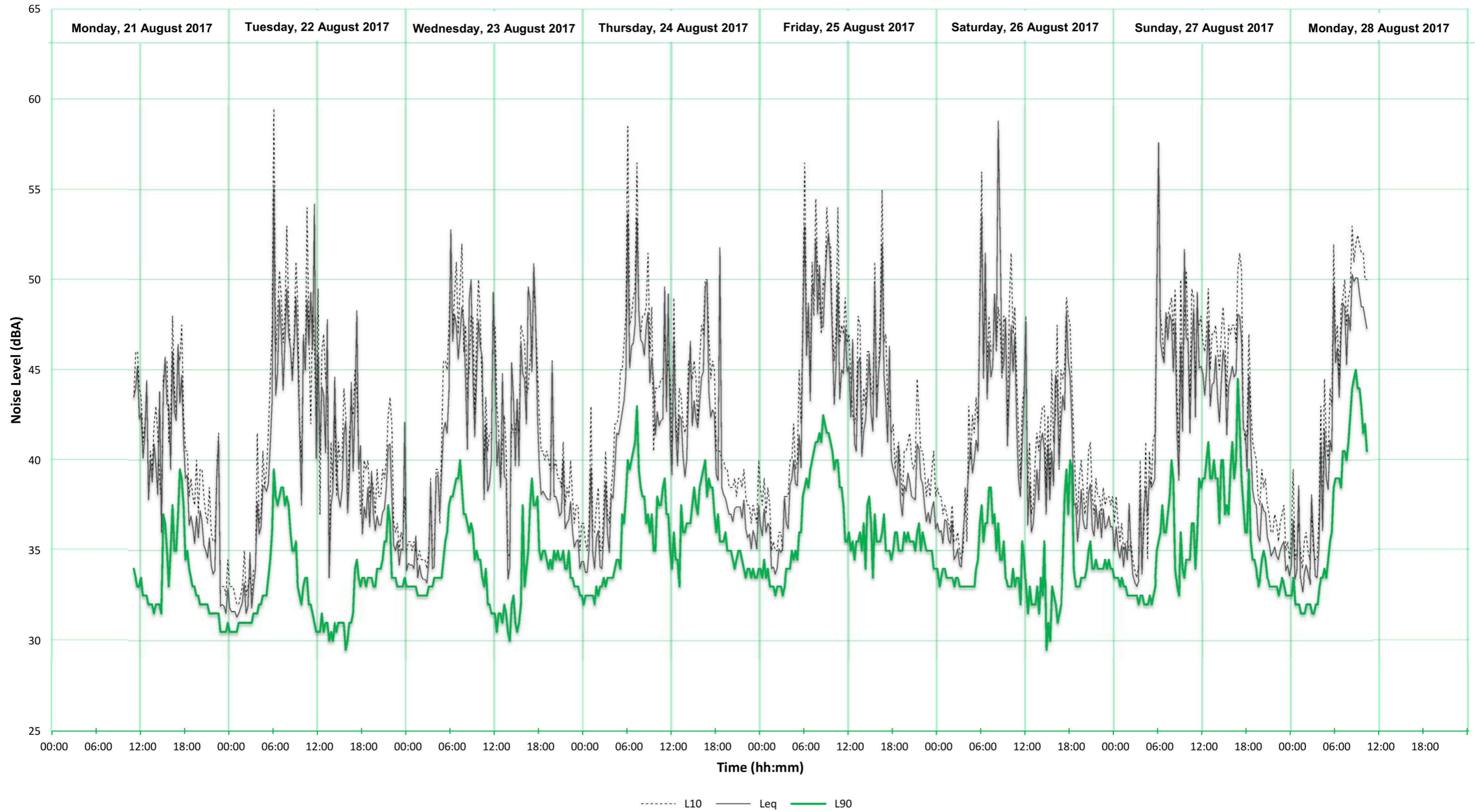
The **B&K 2270 Sound Analyser** is a real-time precision integrating sound level meter with octave and third octave filters, that samples noise at a rate of 10 samples per second and provides  $L_{max}$  and  $L_{min}$  noise levels using both Fast and Slow response and  $L_{peak}$  noise levels on Impulse response time settings. The meter is frequency weighted to provide dBA, dBC or Linear sound pressure level readings as required.

All instrument systems had been laboratory calibrated using instrumentation traceable to Australian National Standards and certified within the last two years thus conforming to Australian Standards. The measurement system was also field calibrated prior to and after noise surveys. Calibration drift was found to be less than 1 dB during attended and unattended measurements. No adjustments for instrument drift during the measurement period were warranted.



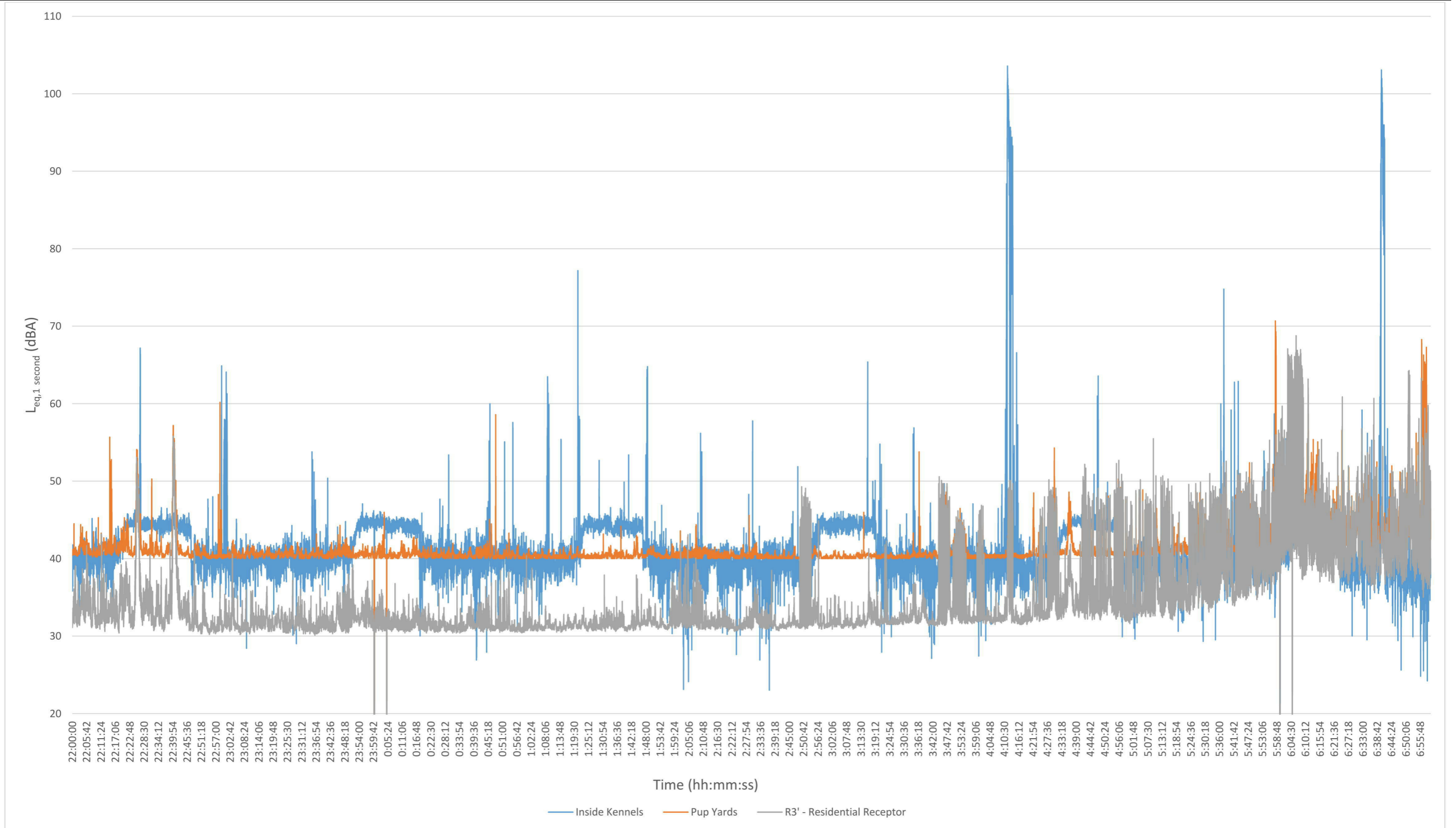
# AMBIENT NOISE SURVEY

Located at 46 - 50 Keech Road, Castlereagh, NSW

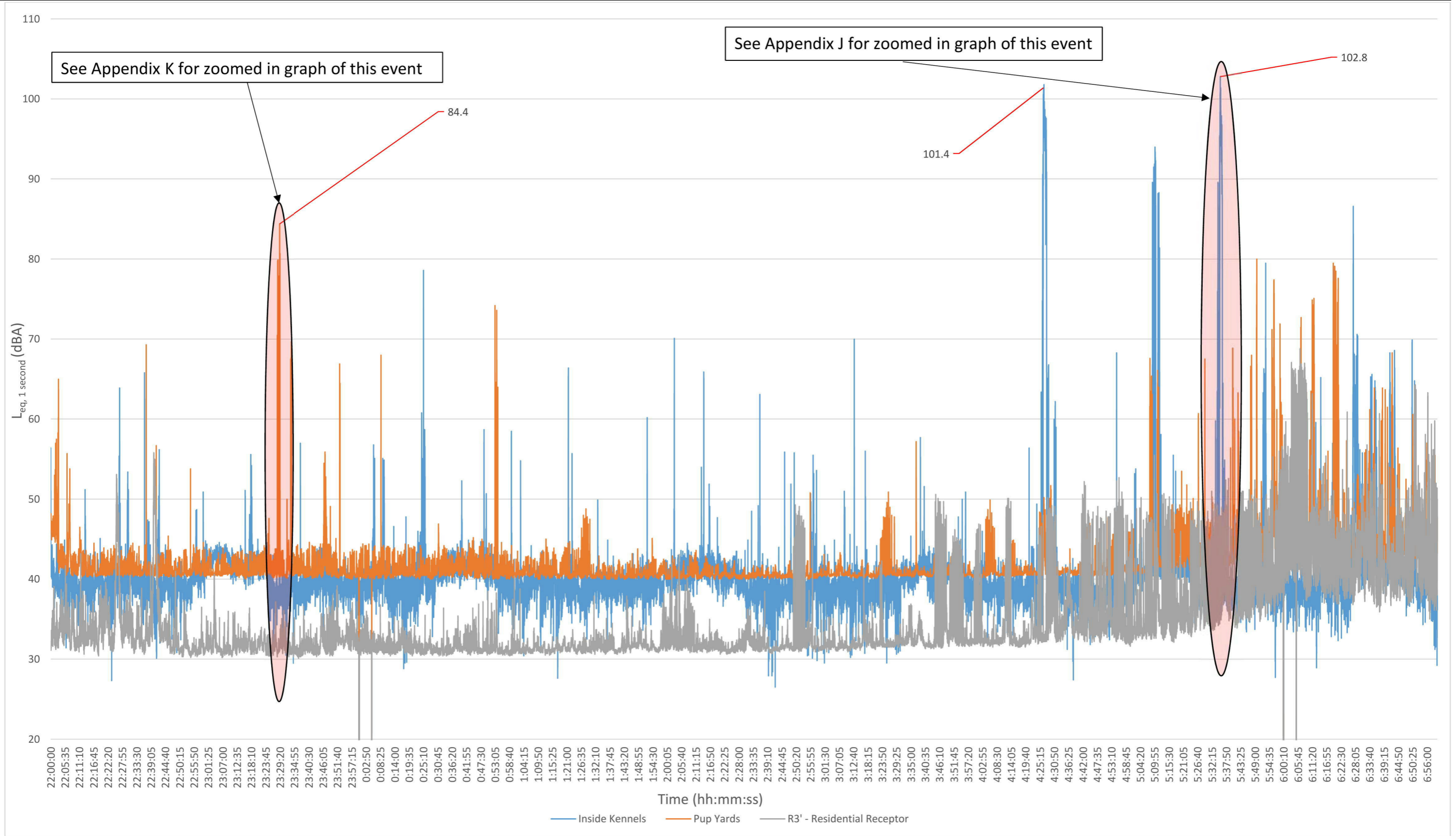




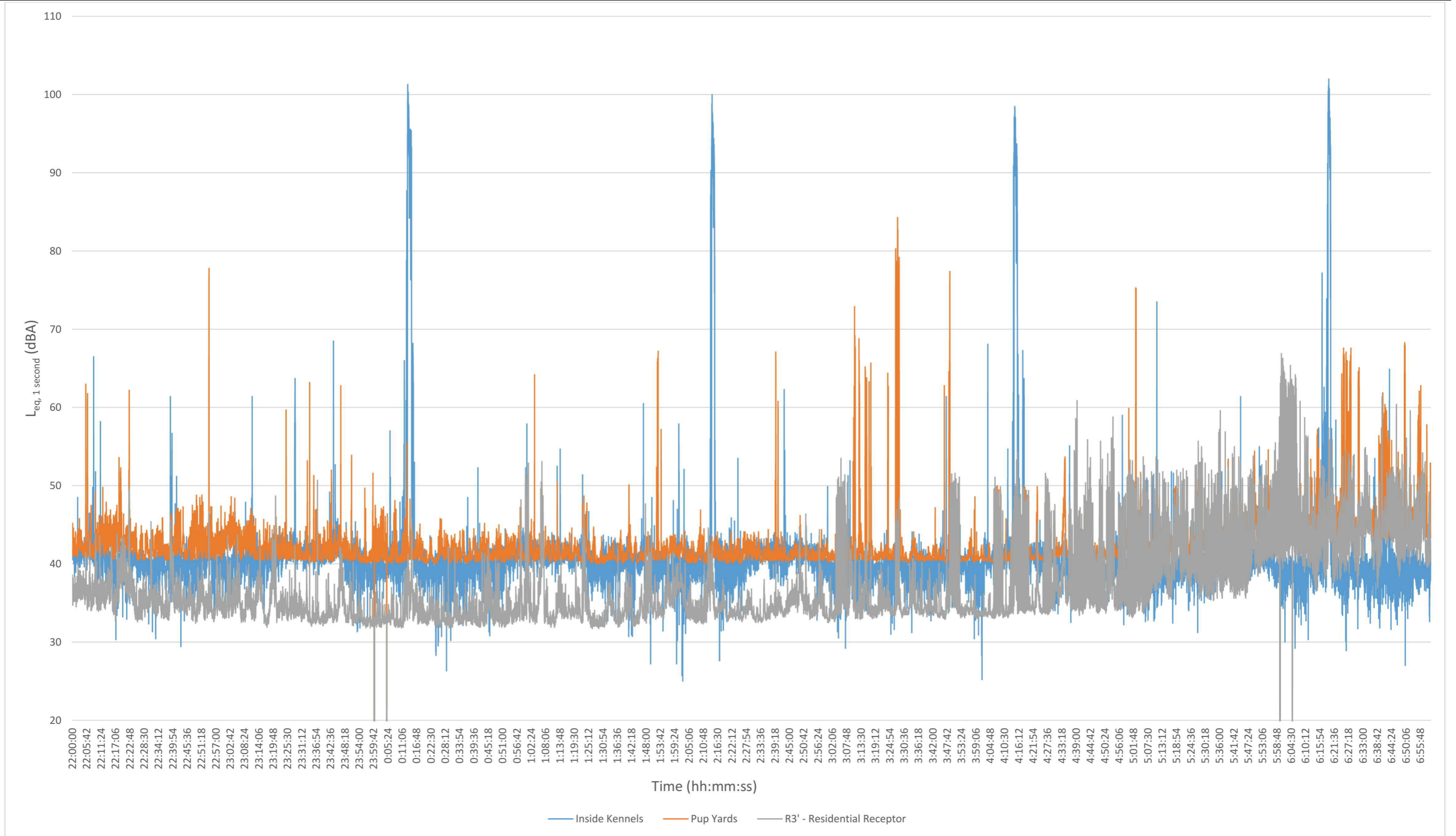
# Comparison of $L_{eq, 1 \text{ second}}$ Noise Levels – Night 1, 10 pm – 7 am, 21/08/2017 – 22/08/2017



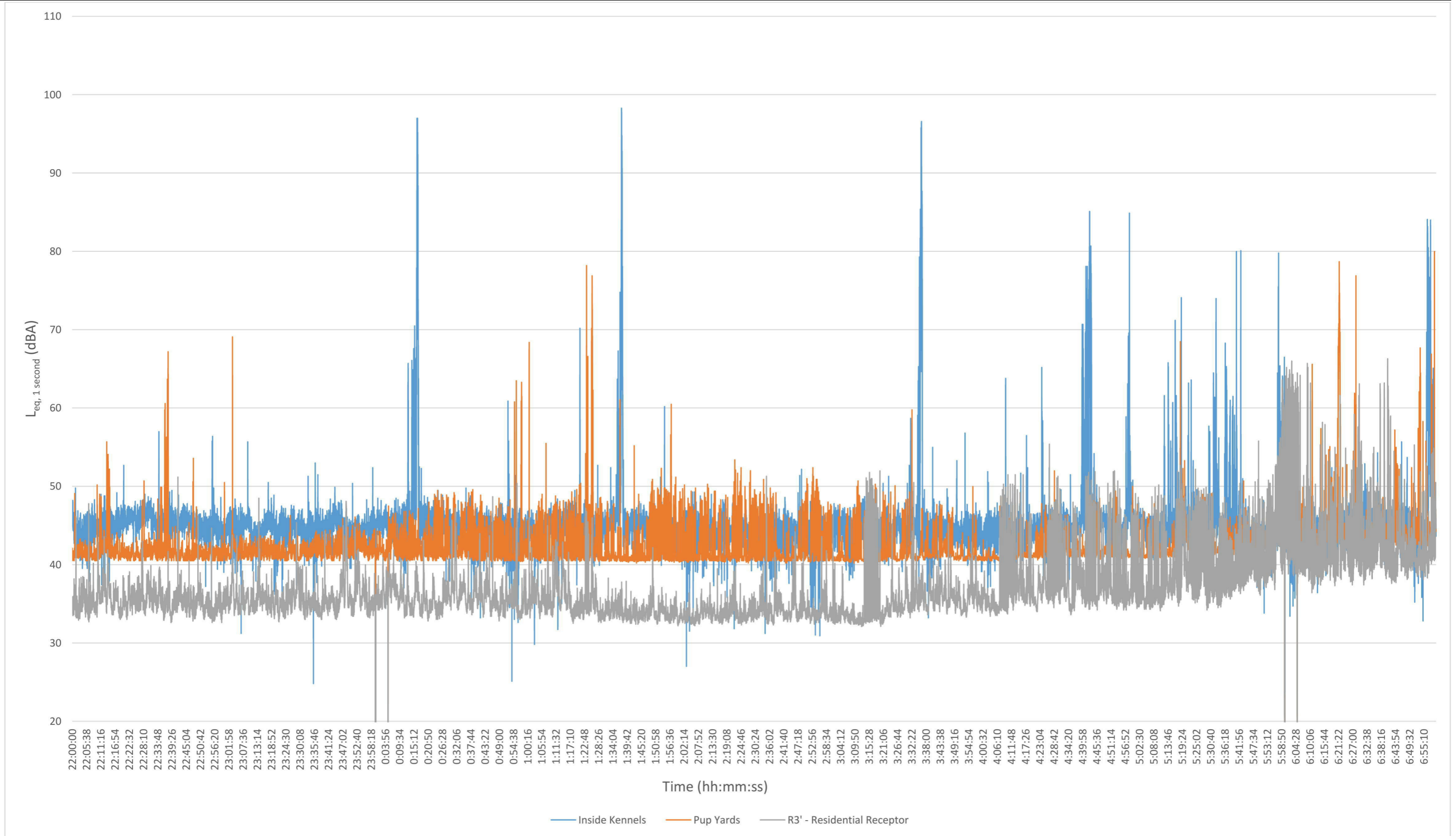
# Comparison of $L_{eq, 1 \text{ second}}$ Noise Levels – Night 2, 10 pm – 7 am, 22/08/2017 – 23/08/2017



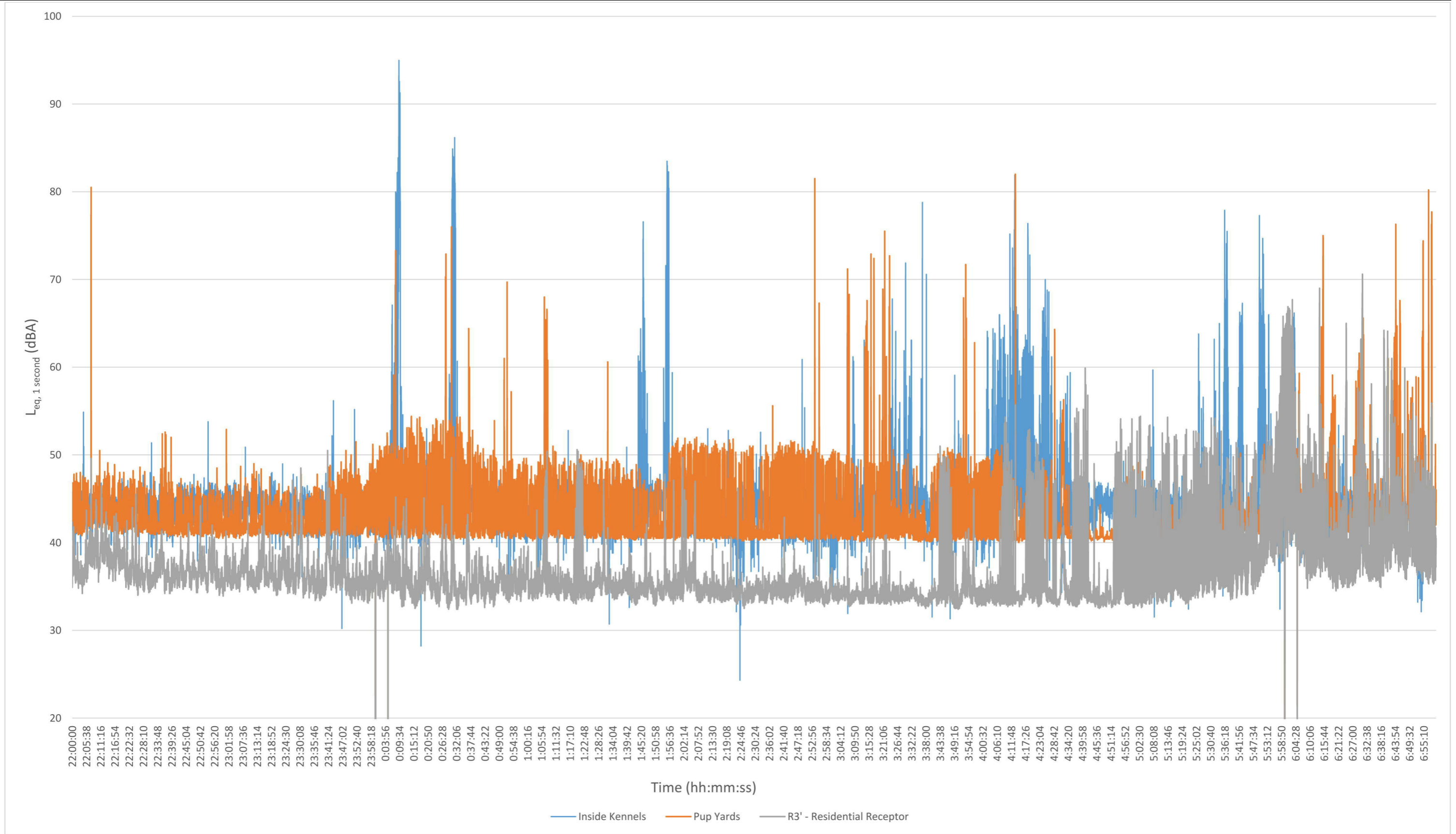
# Comparison of $L_{eq, 1 \text{ second}}$ Noise Levels – Night 3, 10 pm – 7 am, 23/08/2017 – 24/08/2017



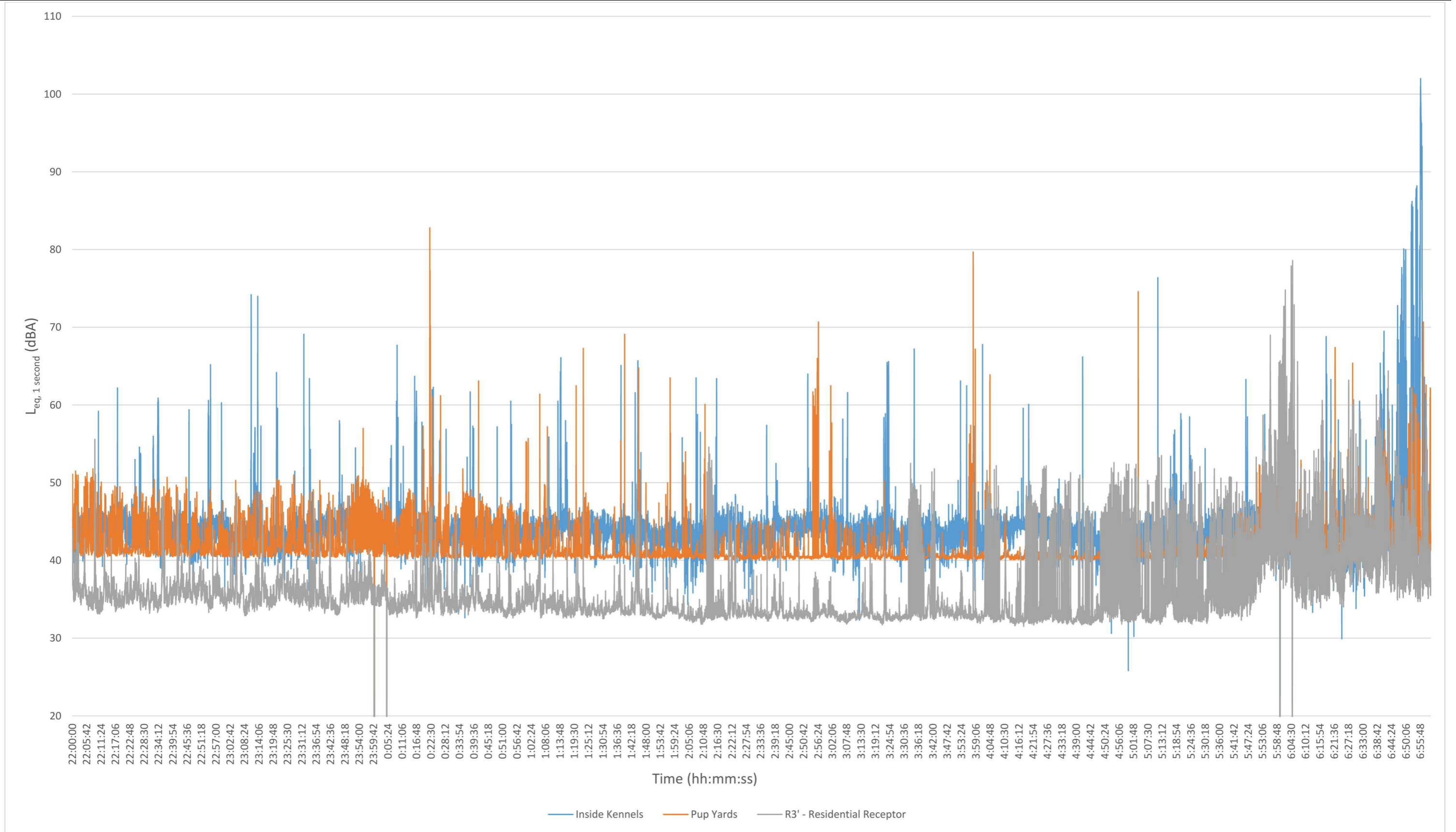
# Comparison of $L_{eq, 1 \text{ second}}$ Noise Levels – Night 4, 10 pm – 7 am, 24/08/2017 – 25/08/2017



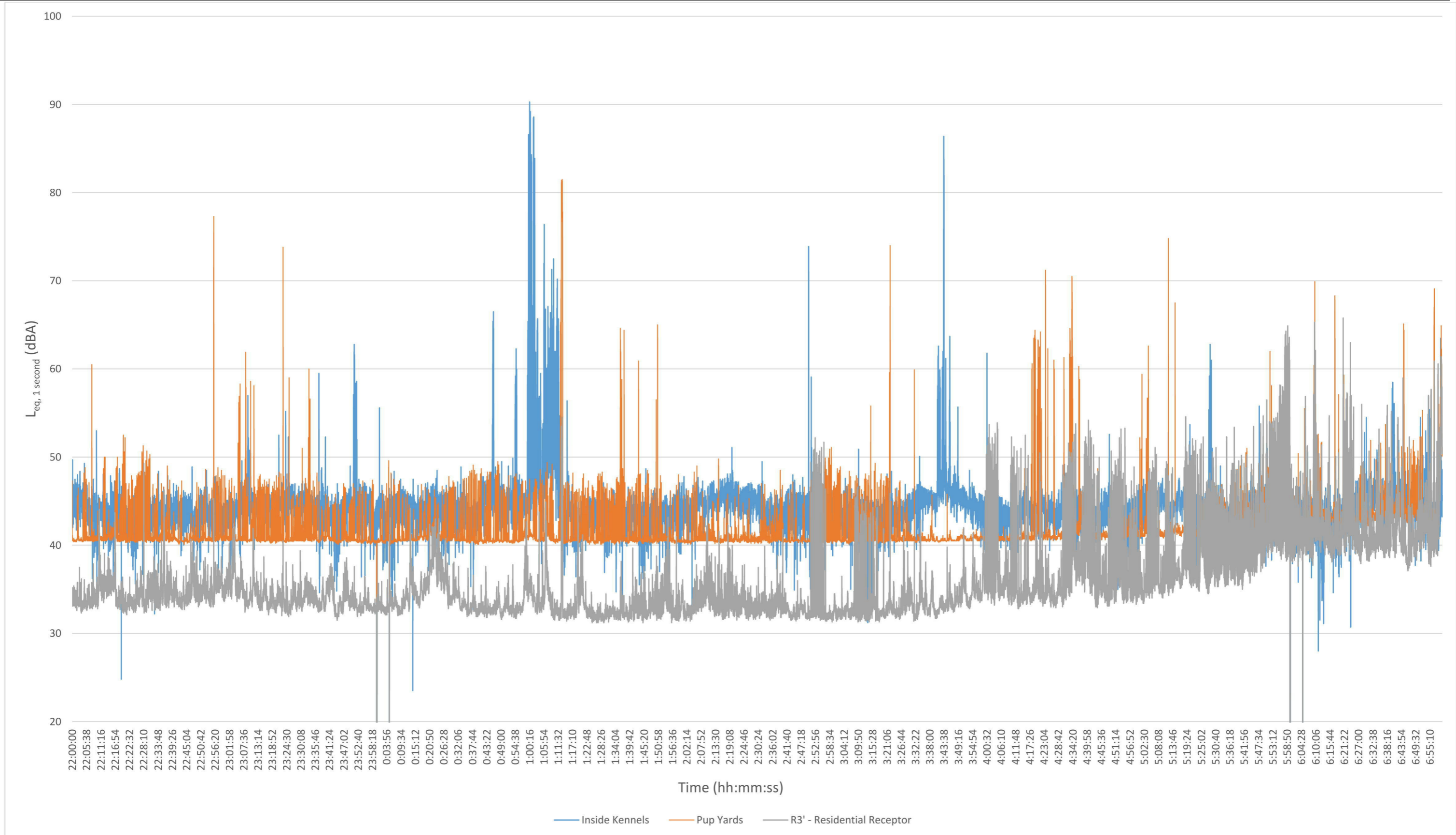
# Comparison of $L_{eq, 1 \text{ second}}$ Noise Levels – Night 5, 10 pm – 7 am, 25/08/2017 – 26/08/2017



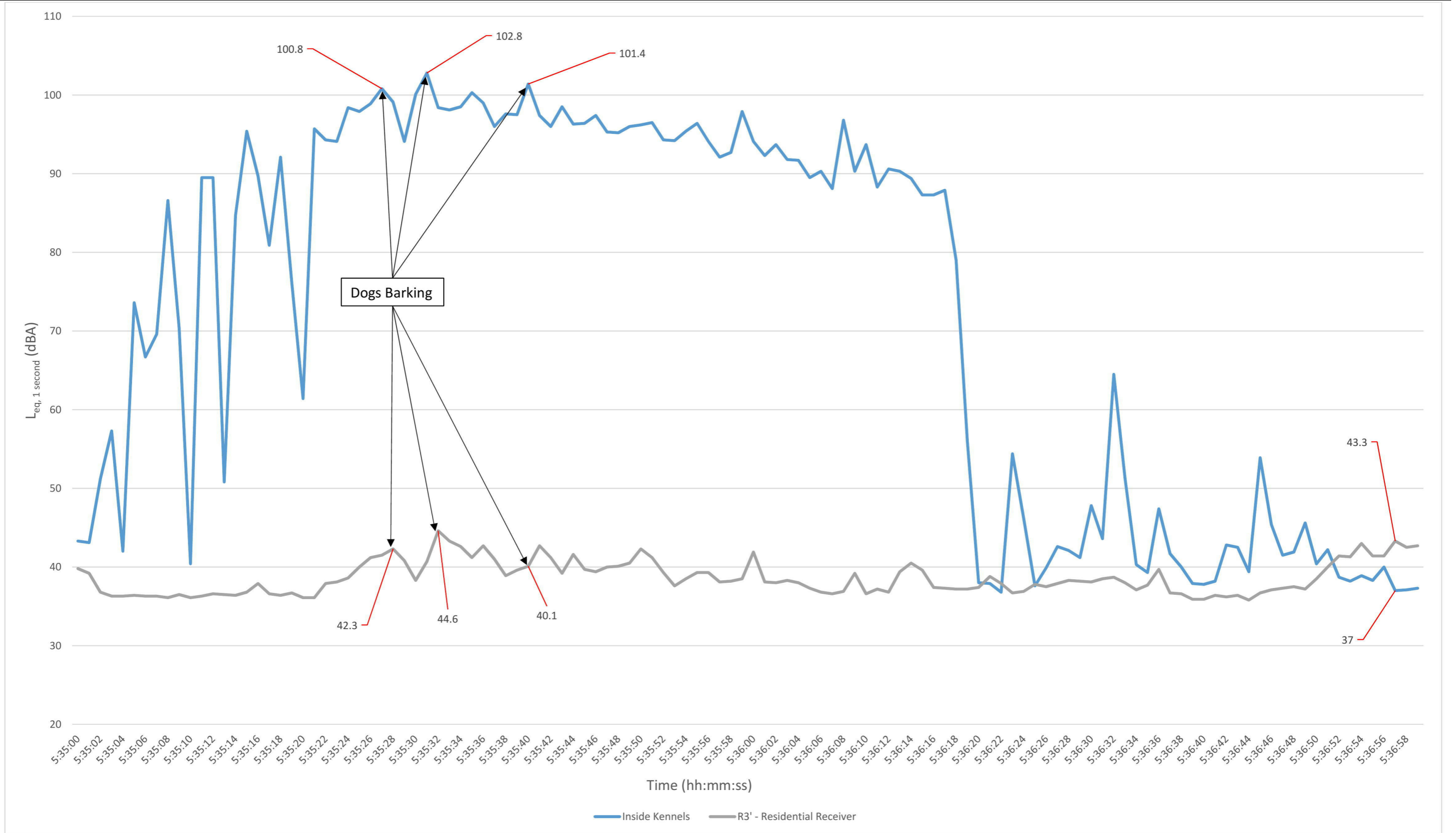
Comparison of  $L_{eq, 1 \text{ second}}$  Noise Levels –  
 Night 6, 10 pm – 7 am, 26/08/2017 – 27/08/2017



# Comparison of $L_{eq, 1 \text{ second}}$ Noise Levels – Night 7, 10 pm – 7 am, 27/08/2017 – 28/08/2017



# Comparison of $L_{eq, 1 \text{ second}}$ Noise Levels from the Inside Kennels to the Residential Receiver - Night 2, 05.35 am – 05.37 am, 22/08/2017





# Comparison of $L_{eq, 1 \text{ second}}$ Noise Levels from the Pup Yards to the Residential Receiver - Night 2, 11.29 pm – 11.30 pm, 22/08/2017

