

# **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

15<sup>th</sup> November 2005

<b>DSDS10</b>	<b>PROPOSED ADDITIONS TO AN EXISTING DOG KENNEL - LOT 631 DP 825397 NO. 2169 PACIFIC HIGHWAY, CLYBUCCA FILE: T6-05-245      CSR</b>
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## **SUMMARY:**

Reporting on an application to increase the capacity of an existing dog kennel to 30 dogs which requires a variation to Council's Policy.

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**Applicant:** Sallie Graham  
**Subject Property:** 2169 Pacific Highway, Clybucca  
**Zone:** 1(a3) "Agricultural Protection"

## **Description of Proposal**

The proposal involves construction of a separate extra 9 kennels and exercise yards to cater for smaller dogs.

## **Background**

An application (DA T4-95-143) for an animal boarding and breeding establishment was considered by Council at its meeting of 7<sup>th</sup> November 1995. The application at that time was for 30 dogs. In accordance with Council's Policy, Keeping of Dog Kennels, the consent was conditional upon a maximum of 20 dogs being kept at any one time. Council also resolved to advise the applicant that Council may consider approving up to 30 dogs after 12 months of operation, depending on any complaints received. Only 13 runs of the 20 approved have been constructed.

There are no records of complaints in relation to the operation of the kennels.

The application was notified in accordance with Council policy, with no submissions received.

## **Heads of Consideration**

Kempsey Local Environmental Plan 1987

The land is zoned Rural A3 Agricultural Protection Zone. Animal boarding and breeding establishments are permissible with consent.

### **Policy 13:5: DOGS – KEEPING OF AND KENNELS**

The policy provides that:

*'1.3 The ratio of dogs per site shall not exceed ten (10) per hectare or a maximum of thirty (30) dogs. This ratio is expressed as the maximum ratio possible under the most ideal means.'*

The subject lot is 18.187 ha making **18** the maximum possible dogs permissible under the policy on site.

The proposal is contrary to Council Policy, however, Council previously indicated it would consider support for 30 dogs if no complaints were received after at least 12 months operation.

### **Public Notification**

The proposal was advertised in accordance with Council's Policy with no objections having been received.

### **REPORT IMPLICATIONS:**

- ***Environmental***

***Environmental harm will be minimal. The subject site is adjacent to the Pacific Highway and noise issues should be minimal due to background noise levels of highway traffic experienced by adjoining residences/business. No complaints have been received since the use commenced.***

- ***Social***

***The provision of more boarding kennels will provide an additional service for resident dog owners.***

- ***Economic (Financial)***

***There is a small economic benefit in expanding local business.***

### **RECOMMENDATION:**

**That the Council agree to vary its Keeping of Dog Kennels Policy and the application be approved subject to the following conditions:**

- 1 The development referred to in the application is to be carried out substantially in accordance with the**

approved development plans as modified by any conditions of this consent.

- 2 No more than thirty (30) dogs above the age of six months are to be kept at the subject site at any time.
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 The application for the Construction Certificate shall include detailed design plans that comply with Council's "Dogs – Keeping of and Kennels" Policy.
- 6 The kennels and exercise areas are to be intensively landscaped from the Pacific Highway and adjoining neighbours with dense, fast growing plants. In this regard, a landscaping plan indicating species and location of plants is to be submitted and approved prior to issue of the Construction Certificate.
- 7 Between the hours of 8.00pm and 7.00am (April to September) and 8.00pm and 6.00am (October to March) all dogs, unless being exercised shall be locked in kennels so constructed as to ensure darkness inside in accordance with Council's Dogs – Keeping of and Kennels Policy.
- 8 When unattended, all dogs are to be locked in the kennels.
- 9 The applicant is to keep a register, registering the date of birth of each litter, number of pups in the litter, and dogs left for accommodation.
- 10 All dog excreta is to be collected and removed off site.
- 11 The kennels hose down waste is to be directed into an approved septic tank.
- 12 The applicant is not to spray water on the paddock immediately after heavy rain.
- 13 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.

- 14 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.
- 15 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 16 Two days prior to commencing work Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 17 The additions to dog kennel are not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.

An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.

- 18 A schedule of the fire safety measures which are to be installed in the building is to be submitted with the required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.

Detailed plans of each measure prepared by a suitably qualified person are to be submitted for approval with the required Construction Certificate.

- 19 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
  - a Carrying out water supply work.
  - b Carrying out stormwater drainage work.
- 20 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
- 21 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

**Your attention is drawn to the following requirements of the Building Code of Australia.**

- a Structural Engineer's Details for footings, slab and Kennel steel structure is to be submitted prior to any work commencing on the building.**
  - b Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.**
- 22 The hours of operation of the activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.**
- 23 Roofwaters are to be connected to the existing stormwater disposal system.**
- 24 Submit with the Construction Certificate an acceptable standard of plans, elevation and cross section drawn to a scale of 1:100 detailing the proposed method of construction.**
- 25 Submit two specifications for a Class 8 Building detailing works to be constructed.**