



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

11th September 2007

DSDS5	PROPOSED KENNELS LOT 9 DP259236 No. 33 MINES ROAD, DEEP CREEK FILE: T6-07-246 JGR {Folio No. *}
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SUMMARY:

Reporting that Council has received an application to construct kennels for the keeping of greyhound dogs for which objections have been received.

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Applicant: K Heuston
Subject Property: Lot 9 DP 259236
 33 Mines Road, Deep Creek
Zone: 1(a1) (Rural "A1")

Background

Council received complaints regarding barking dogs at the above premises. Council investigated and determined that consent was required for the operation of dog boarding/breeding kennels.

A Local Development Application was submitted on 15 June 2007.

Proposed Development

It is proposed to construct a new kennel 12m long x 5m wide consisting of ten (10) pens. The walls are to be masonry construction and the roofing is to be insulated corrugation iron with peg board.

The property is 10ha and the kennels are to be located at the rear section of the property 100m from the side boundary. The topography of the land is undulating. ([Appendix J – Page G64](#))

Heads of Consideration

The proposal has been examined having regard for the Heads of Consideration identified under section 79c(1) of the Environmental Planning and Assessment Act with the following matters considered to be of particular relevance to the proposal.

Kempsey Local Environmental Plan 1987 (KLEP)

The proposal is defined as an “animal breeding/boarding establishment” under clause 5 of the Kempsey Local Environmental Plan 1987 and is permissible with Council’s consent within 1(a1) (Rural “A1”) zone.

The proposal is not contrary to any State Environmental Planning Polices or North Coast Regional Environmental.

Council Policy M13:5 – Dogs - Keeping of and Kennels

Council’s policy M13:5 – Dogs - Keeping of and Kennels is relevant to this proposal.

The proposal has been assessed in accordance with Council’s policy. Dogs – Keeping of and Kennels. A summary of the assessment is provided as follows: -

STANDARD	REQUIRED	PROPOSED	COMPLIES Yes/No
Ratio Dogs per site	1 per hectare	10	Yes
Setbacks Kennels Main road	200	<200m	Yes
Side Boundary	60m	>100m	Yes
Nearest Dwelling	150	>150m	Yes
Kennel Construction:			
External Walls	150mm Blockwork	150m Blockwork Plus Foam Insulation	Yes
Roof	Metal/6mm Sheet 50mm/Batts	Metal/6mm Sheet 50mm Batts	Yes
Internal Walls	6mm Cement Sheet	6m Cement Sheet	Yes
Floor	Concrete Pad 1.8m	Concrete Pad 1.8m	Yes
Fencing Around Pens and Kennels	1.8m Mesh	1.8m Mesh	Yes
Effluent Disposal	Floor to slope to silt trap then septic tank and trenches	As per requirements	Yes
Faeces Removal	Collect daily bagged disposed to bins for removal	As per requirements	Yes
Hygiene Management water supplied	Clean water drinking and wash down	To supply tank & pump	Yes
Rodent Free	<ul style="list-style-type: none"> ▪ Keep food in sealed containers ▪ Decomposed food shall not be permitted to remain on the 	Applicant agree pens to be kept clean at all times	Yes

	premises		
Noise	Kennel operator to demonstrate ability to quieten dogs quickly	Agree	Yes
	Feed Dogs Evening	Agree	Yes
	Dog lock down 8pm-7am April September	Agree	Yes
	8pm-6pm October March	Agree	Yes
	Operators shall ensure that dogs do not bark after 8pm	Agree	Yes
	Earth Mounds and Planting to be provided around Kennels exposed areas and runs	To Be Provided	Yes

Noise

The major area of potential concern with this type of development is noise from barking dogs.

As can be seen from the assessment table, the measures to overcome the potential for noise have been addressed, however, given topography and climatic conditions there is always potential for noise issues. With the construction of suitable premises and the management of the complex noise can be minimised to accepted levels.

Public Exhibition

The proposal was advertised in accordance with Council's policy with six (6) objections being received, (three (3) being confidential) are summarized as follows: - [\(Appendix K Part 1, Part 2 – Page G65\)](#)

Submission

- Control and regulate the number of dogs in particular the keeping of additional pups during breeding seasons.

Planning Comment

- Council's Policy states that the licensee of the kennel may keep one (1) litter of pups on the premises providing the litter is removed from the premises within six (6) months if the total number of dogs exceeds the number of dogs permitted. The Development Consent should restrict the number of dogs to ten (10).

2. Dogs barking and noise.	2. In accordance with Council's policy the dogs must be locked down inside the kennel between 8.00pm-7.00am April-September and 8.00pm to 6.00am October to March, operators must ensure dogs do not bark after 8.00pm. These should be conditions of Consent. See noise.
3. Barking dogs has been a source of irritation since December 2006.	3. Council is aware that there has been an issue in the past. The applicant has submitted an application to formalise the keeping of ten (10) greyhounds on the property. With the construction of appropriately built kennels it is considered noise can be adequately controlled.
4. What sound barriers will be implemented?	4. Vegetation screening, earth mound as well as the kennel being constructed as per requirement in table (see noise).
5. Waste	5. Waste from the facility will be disposed of in accordance with table (1) information – septic system plus bagging of faeces.
6. Potential to draw wild dogs to the area	6. Wild dogs are administered by rural lands boards and there is no evidence supporting this claim.
7. Protection of Animals	7. This matter is policed by the Greyhound and Harness Racing Regulation Authority and is concerned in their Policy "NSW Greyhound Animal Welfare Policy". Council must ensure that the kennels are constructed to control adverse impacts such as noise, waste and runoff with in turn to the welfare of the dogs.
8. Proximity to neighbouring dwellings.	8. The neighbouring dwellings are greater than the required 150metres from the proposed kennels (Appendix L – Page G82)

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| 9. Kennels to have an affect on native animals moving through the area. | 9. The vegetation adjacent to the kennels could not be classified as a wildlife corridor as it has been cleared over the years. |
| 10. Additional traffic movements. | 10. The development if approved is for ten (10) dogs only. The additional traffic movements for this scale of activity would be minimal. |

REPORT IMPLICATIONS:

- ***Environmental***

Waste effluent from the proposal will be treated by a septic system and disposed of sub-soil.

- ***Social***

There is potential for noise issues and loss of amenity to adjoining property owners.

- ***Economic (Financial)***

Financial (minimal)

- ***Policy or Statutory***

The application has been assessed under section 79c of the Environmental Planning and Assessment Act 1979, Kempsey Local Environmental Plan 1987 and Council Policy: Dogs – Keeping of and Kennels.

RECOMMENDATION:

- A. That the application is approved subject to the following Conditions:-**
- 1. The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
 - 2. Work on the complex is to be commenced and completed within thirty (30) days of approval for the mound and sixty (60) days for the kennels.**
 - 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 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.
5. Concrete blocks are to be treated in accordance with AS 3700.
6. Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
7. Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).
8. Roofwaters are to be directed by means of sealed pipes to rubble drains 3000mm x 600mm x 600mm, located not less than 3 metres from the building. Details are to be provided with the plans for the required Construction Certificate.
9. This Consent is for a maximum of ten (10) dogs only.
10. The operator of the kennel must keep a register in which shall be registered the date of the birth of each litter, number of puppies contained in the litter, the colour and sex of each puppy.
11. Noise Emission Control Measures
 - a. The kennel operator shall at all times quieten barking dogs quickly. When necessary measures shall be adopted to ensure dogs do not bark after 8.00pm;
 - b. Animals are to be feed evenings;
 - c. Dogs shall be closed into kennel between the hours:-

8.00pm to 7.00am	April to September
8.00pm to 6.00am	October to March

B. That the objectors be advised of Council decision.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES