

ATTACHMENTS TO REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING HELD ON WEDNESDAY 18 DECEMBER 2024

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RECOMMENDATION

It is recommended that the application be approved subject to conditions as proposed in Schedule A of this report.

SCHEDULE A

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Prescribed Conditions

BUILDING CODE OF AUSTRALIA

1. The building work must be carried out in accordance with the requirements of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

IDENTIFICATION OF SITE

- 2. The developer is to provide a clearly visible sign to the site stating:
- a) Unauthorised entry to the worksite is prohibited;
- b) Street number or lot number;
- c) Principal contractor's name and licence number; or owner builders permit number;
- d) Principal contractor's contact telephone number/after-hours number;
- e) Identification of Principal Certifying Authority, together with name, address & telephone number. Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

CONTRACT OF INSURANCE

3. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, evidence that such a contract of insurance is in force is to be provided to the Principal Certifying Authority before any building work authorised to be carried out by the consent, commences.

HOME BUILDING ACT

- 4. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- a) in the case of work for which a principal contractor is required to be appointed:
- 1. The name of the licence number of the principal contractor, and
- 2. The name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
- 1. The name of the owner-builder, and
- 2. The name of the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Prior to Issue of a Construction Certificate

Nil

Prior to Works Commencing

CONSTRUCTION CERTIFICATE

Prior to commencement of any works, a Construction Certificate is to be obtained, and where Council is not the Principal Certifier, a copy is to be submitted to Council.

COMMENCEMENT OF WORK & APPOINTMENT OF Principal Certifier

6. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of building or subdivision works and Appointment of Principal Certifier.

During Construction

RELOCATE UTILITY SERVICES

7. The developer is to relocate any utility services if required, at the developer's cost.

DEVELOPMENT IN ACCORDANCE WITH APPROVED PLANS & DOCUMENTATION

8. Development is to take place in accordance with the attached stamped plans (DA No 80/2024), documentation submitted with the application and subject to the conditions, to ensure the development is consistent with Council's consent.

HOURS FOR CONSTRUCTION OR DEMOLITION

9. Construction or demolition only be carried out between 7.00 am and 6.00 pm on Monday to Friday, and 8am to 5pm on Saturdays. No construction or demolition is to be carried out at any time on a Sunday or a public holiday.

Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.

RUBBISH AND DEBRIS

10. All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing.

Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within the worksite unless otherwise approved by Council.

Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note 2: Offenders are liable for prosecution without further warning.

TOILET FACILITIES

11. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet, plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- i. be a standard flushing toilet connected to a public sewer, or
- ii. have an on-site effluent disposal system approved under the Local Government Act 1993, or
- iii. be a temporary chemical closet approved under the Local Government Act 1993.

EXCAVATIONS AND BACKFILLING

- 12. All excavation and backfilling associated with the erection/demolition of the building must:
- a) be executed safely and in accordance with appropriate professional standards, and
- b) be properly guarded and protected to prevent them from being dangerous to life or property.

EROSION AND SEDIMENT CONTROL

13. Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's WBC Guidelines for Engineering Works (see Council's website), and the Dept Housing – Soil and Water Management for Urban Development (The Blue Book).

Note: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above Policy are available from Council's Environmental Planning and Building Services Department.

CLADDING

14. All roof and wall finishes shall be comprised of low reflective surface materials.

Note 1: Sheet metal shall be of factory prefinished (eg, colorbond or galvanised iron) type material.

Note 2: Zincalume will be not accepted.

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ROOFWATER DISPOSAL

15. Roofwater from the buildings shall be disposed of to rainwater tanks via a drainage system in accordance with the Plumbing Code of Australia, with all work carried out by a licensed plumber or drainer.

DRAIN BUILDING SURROUNDS

16. The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 300 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out following the installation of the roof gutter & down pipes, and prior to the final inspection.

ROAD AND INTERALLOTMENT DRAINAGE

17. All road and inter allotment drainage is to be conveyed to the legal point of discharge in accordance with WBC Guidelines for Engineering Works.

Prior to Issue of Occupation Certificate

OCCUPATION CERTIFICATE

18. Prior to the occupation or use of the building an Occupation Certificate is to be obtained, and where Council is not the Principal Certifier, a copy is to be submitted to Council.

Ongoing

APPROVED USE

19. The approved building must not be used for any other purpose other than the approved use ie a carport. Any proposed change of use shall only be permitted with the consent of Council.

Advisory Notes

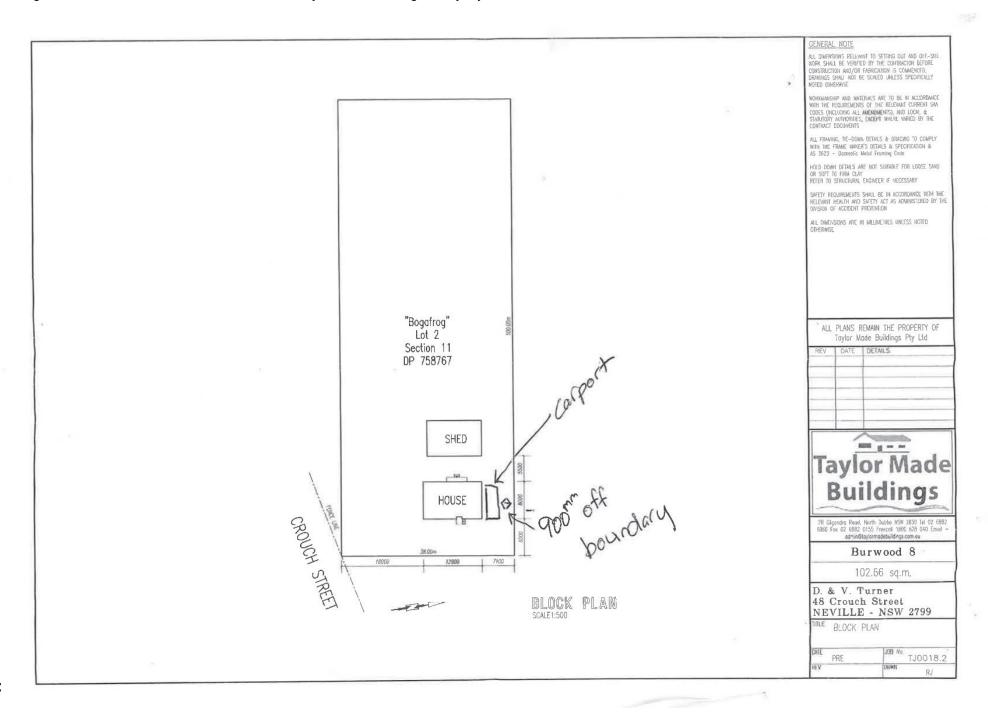
Inspection Schedule

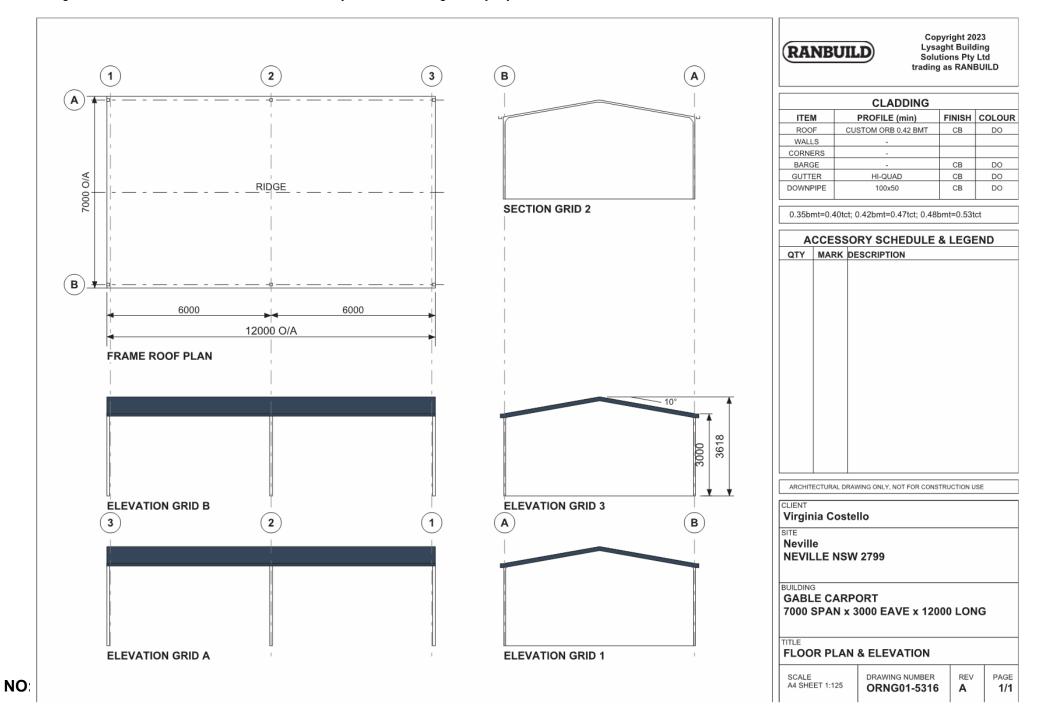
AN2. The Principal Certifying Authority is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Blayney Shire Council during construction of the work. As the Principal Certifying Authority, Council must be contacted to undertake inspections of the various stages of construction as follows:

- a. slab/footings inspection prior to the pouring of concrete.
- b. frame inspection
- c. Final/stormwater inspection at time of completion of all works.

Notice of Commencement

AN3. Notice of commencement of building works – The attached form needs to be completed and emailed, faxed or mailed to Council at least 2 days before any work commences on the site.





DRAFT CONDITIONS OF CONSENT

APPROVED PLANS

1. DEVELOPMENT IN ACCORDANCE WITH APPROVED PLANS & DOCUMENTATION

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Plan / Doc No.	Plan / Doc Title	Prepared by	Issue	Date
-	Site Plan	-	-	-
-	Internal Floor Plan	-	-	-
-	Statement of Environmental Effects	Planning Potential	-	September 2023
2308.03	Greyhound Noise Impact Assessment	Acoustik	-	21/09/2023

In the event of any inconsistency between the approved plans and documents, the approved DOCUMENTS prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

PRESCRIBED CONDITIONS

2. DOMESTIC SOLID BURNING APPLIANCE

Within 3 months of the date of the Consent, an Installation Certificate to confirm that the woodheater complies with Australian Standard AS/NZS2918:2018 - Domestic solid burning appliances - installation, shall be submitted to Council.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

NIL

PRIOR TO WORKS COMMENCING

NIL

DURING CONSTRUCTION

NIL

SECTION 68 REQUIREMENTS

NIL

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PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

3. OCCUPATION CERTIFICATE

Within 6 months of the issue of this approval, an Occupation Certificate must be obtained for the ongoing use of the building. Any preconditions required by the development consent shall been met prior to the issue of the Occupation Certificate.

ONGOING MATTERS

4. EVIDENCE OF INSPECTION

Provision of records to Council of each required site inspection by Greyhound Racing NSW is to be provided upon request.

5. CONTRIBUTION LEVY

Within 3 months of the issue of this approval, a detailed breakdown and evidence of all costs associated with the fit out of facility (eg copies of receipts / invoices for kennels, outdoor runs, kitchenette, wood heater, air conditioning, septic system, etc.) shall be submitted to Council.

If the total value of works requires payment of a development contribution pursuant to the Blayney Local Infrastructure Contributions Plan 2022 and Section 4.17 of the Environmental Planning and Assessment Act 1979, Council will issue notice to this effect.

The Blayney Local Infrastructure Contributions Plan 2022 may be viewed during office hours at Council or on Council's website.

6. NOISE

Noise levels associated with the operation of the facility shall comply with the noise limits in Table 1 below:

Table 1 Noise Limits

Location	Day ¹ L _{Aeq,15min}	Evening ¹ L _{Aeq,15min}	Night ¹ L _{Aeq,15min}	Night ¹ L _{Amax}
Nearby residences	40	35	35	52

Day = 7am to 6pm Monday to Saturday, 8am to 6pm Sundays and public holidays; Evening = 6pm - 10pm; Night = the remaining periods.

Council may direct the operator to conduct noise monitoring to determine ongoing compliance. If directed by Council, the operator, at its own expense, shall engage a suitably qualified acoustic consultant to conduct noise compliance monitoring and identify mitigation measures to achieve compliance with the noise limits.

If mitigation measures are required, the operator shall be responsible for their implementation within a reasonable period approved by Council's Director of Planning & Environmental Services.

The acoustic consultant shall be a member of the Australian Acoustical Society or be employed by a member firm of the Association of Australasian Acoustical Consultants.

Noise compliance measurements shall be conducted in accordance with the approved methods for the measurement and analysis of environmental noise in NSW (EPA, 2022).

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7. NOISE MANAGEMENT

Animals (greyhounds) on the site are to be monitored continually by the operator, and disruptive animals shall be attended to and/or isolated immediately to prevent disturbance to the other animals and neighbours, and in accordance with the approved Business and Management Plan.

8. APPROVAL OF A BUSINESS AND MANAGEMENT PLAN

Within 3 months of the issue of this approval, and before the issue of an Occupation Certificate a Business and Management Plan for ongoing operations of the development must be prepared and submitted to Council to the satisfaction of Council's Director Planning & Environmental Services.

The Plan shall address industry requirements as they relate to this particular facility and include the relevant requirements of Greyhound Racing NSW Codes of Practice, and the NSW Department of Primary Industries, NSW Animal Welfare Code of Practice No.5 – Dogs and Cats in Animal Boarding Establishments. The Plan shall also include noise mitigation measures, light glare mitigation measures, and emergency procedures.

Once approved by Council's Director Planning & Environmental Services, the facility shall be operated in accordance with the approved Business and Management Plan at all times.

9. SEPTIC SYSTEM CERTIFICATION

Within 3 months of the issue of this approval certification from a suitably qualified person shall be submitted to Council demonstrating that the existing onsite sewage management (septic) system is suitable for use by the facility.

If the system is deemed not to be suitable (by the suitably qualified person), measures shall be undertaken to ensure it is made suitable (such as maintenance, upgrade, replacement, additional system, etc) within 3 months of the advice being provided to Council.

A copy of the Business and Management Plan must be kept on-site at all times.

10. APPROVAL OF A WASTE MANAGEMENT PLAN

Within 3 months of the issue of this approval a Waste Management Plan for ongoing operations of the development must be prepared and submitted to Council for approval, to the satisfaction of Council's Director Planning & Environmental Services.

The Plan shall include details of how liquid waste is managed, including hosing down of kennels, and run-off from outdoor exercise areas, parking areas, etc; as well as solid waste management, including storage, collection and disposal of food waste, dog faeces, packaging, etc. Details of mitigation measures with regards to odour, noise, and pests is to also be included in the plan.

11. PREMISES IN A CLEAN AND TIDY STATE

The premises shall be maintained in a clean and tidy state at all times. Management of refuse and waste from the facility shall be in accordance with the approved Waste Management Plan.

12. MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICES

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps, septic system, and on-site detention) must be regularly maintained to remain effective

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for the lifetime of the facility, and to the satisfaction of Council's Director Planning & Environmental Services.

13. OUTDOOR LIGHTING

Any lighting on the site shall be designed and sited not to cause a nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity and wildlife of the surrounding area by light overspill.

All existing and proposed lighting shall comply with the Australian Standard AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

Outdoor lighting shall be limited to 7am-10pm daily, with the exception of emergencies as set out in the approved Business and Management Plan.

14. RESTRICTION ON NUMBER OF DOGS

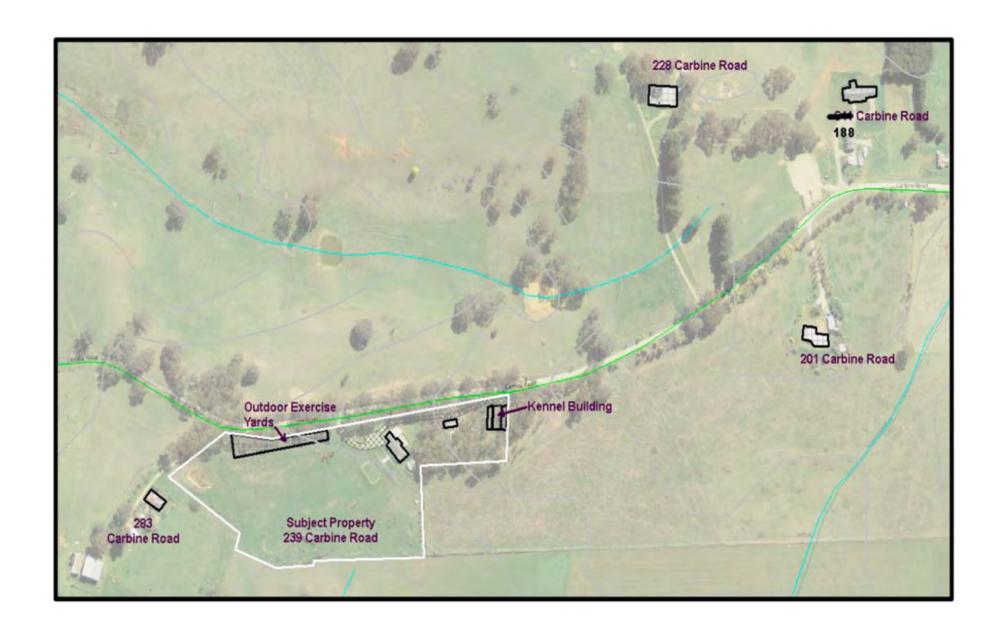
No more than 20 dogs (including puppies) shall be housed on site at any one time.

15. USE AS A COMMERCIAL BOARDING KENNEL

The development shall not be used as a commercial boarding kennel.

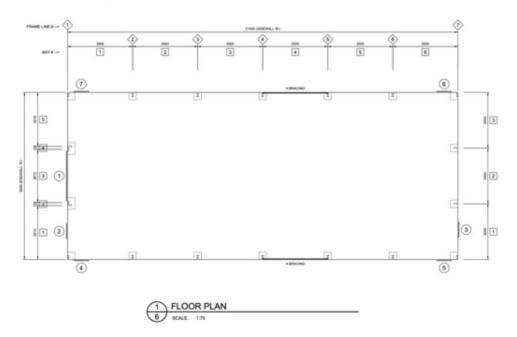
ADVISORY NOTES

NIL

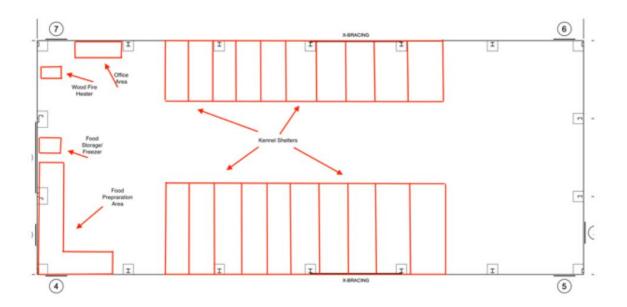


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Internal Floor Plan Layout







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SoEE

Animal Breeding & Boarding Establishment (Greyhound Facility)

Lot 10 DP 1039236 239 Carbine Road, Forest Reefs

Prepared for Greg and Helen Board

September 2023

URBAN, RURAL & REGIONAL PLANNING CONSULTANTS

Statement of Environmental Effects



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Lot 10 DP 1039236, 239 Carbine Road, Forest Reefs

Statement of Environmental Effects



1.0 INTRODUCTION

The proposed development seeks Council consent for an Animal Boarding or Training Establishment (Greyhounds) on the subject land being land legally described as Lot 10 DP 1039236, 239 Carbine Road, Forest Reefs.

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Consent is sought for the animal boarding and training of greyhound to a maximum of twenty (20) dogs at any one time.

The facility will be run by the owners who also reside onsite.

The Applicants of the DA have been in the Greyhound Industry for a combined 20 years, as such have a significant amount of experience and knowledge in the care and rearing of greyhounds. The applicants have reared greyhounds previously and are well respected and knowledgeable in the industry.

The establishment includes the following activities:

- Caring, feeding and maintaining health of the Greyhounds
- Interacting with Greyhounds
- Training
- General maintenance of property including lawn mowing
- Transportation of animals to race meets off-site

The scale of the development includes:

- Kennelling facilities for 20 greyhounds within the shed, food preparation area, office
- A maximum of 20 greyhounds on the property at any one time

Proposed hours of operation are Monday to Sunday. The facility runs 24 hours a day, seven days a week. However, hours of operation for any onsite daytime activities including exercising, feeding, cleaning would take place between 8:00am to 6:00pm daily. The facility is not open to the public for normal animal boarding or kenneling. The animals are owned and trained by the onsite landowners.

The constructed shed comprises a food preparation area, office, heater and twenty (20) individual kennels. The kennels are made of steel fencing and have the dimensions of 3000mm (long) x 1200mm (wide) and 1550mm (high).

Outdoor day and exercise runs are located along the northern boundary to the west of the access point. There are 2 runs that are fully fenced. Greyhounds are fully supervised when they are being trained or exercised.

Consent is also sought for the installation and operation of a wood fire burner located in the shed to provide heat and warmth for the animals. A Section 68 application will be included as a part of the overall development.

The proposed development for an Animal Boarding or Training Establishment (Greyhounds) is permissible under the provisions of the Blayney Local Environmental Plan (CLEP) 2012 subject to development consent of Council. The shed that is to house the greyhounds was approved under a separate development application. All other works are for the internal fitout and construction of the animal kennels.

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Lot 10 DP 1039236, 239 Carbine Road, Forest Reefs

Statement of Environmental Effects



The following SoEE report provides an assessment of the proposed development based on the relevant matters in Section 4.15 of the Environmental Planning & Assessment Act. The report also considers the consistency of the proposed development against relevant legislation, environmental planning instruments and the potential impacts that may be associated with the development.

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The application is for DA (Animal Boarding and Training Establishment) and Section 68 (Installation and Operation of a Wood Heater).

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Lot 10 DP 1039236, 239 Carbine Road, Forest Reefs

Statement of Environmental Effects



1.1 DOCUMENTATION

The Development Application consists of a completed Development Application form (online), the SoEE report, and a Noise Impact Assessment prepared by Acoustik Ref:2308.03 and dated 21 September 2023.

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1.2 DEVELOPMENT DETAILS

Applicant:	Greg & Helen Board c/o: Planning Potential
Owner:	Greg & Helen Board
Proposal:	Animal Boarding or Training Establishment (Greyhound Facility)
Location:	Lot 10 DP 1039236, 239 Carbine Road, Forest Reefs
Zone:	RU1 Primary Production

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Lot 10 DP 1039236, 239 Carbine Road, Forest Reefs

Statement of Environmental Effects



1.3 THE PROPOSAL

The proposed development seeks Council consent for an Animal Boarding or Training Establishment (Greyhounds) on the subject land being Lot 10 DP 1039236, 239 Carbine Road, Forest Reefs.

Consent is sought for the boarding and training of greyhounds for a maximum of twenty (20) animals.

Within the shed are kennels having dimensions of 3000mm (I) x 1200mm (w) x 1550mm (h). They are constructed of steel and are fully enclosed with a gate. The kennels are situated inside of the constructed shed.

The internal shed comprises the boarding facilities for the greyhounds. The shed consists of the enclosed kennels, access to outside yards, kitchen/food preparation area, office area, wood heater and reverse cycle airconditioning.

Consent is sought for wood heater as it has been installed without consent. A Section 68 approval will be required for the operation of the wood heater.

The exercise runs are fenced and are located on the northern boundary west of the driveway. There are 2 runs having dimensions of 142m (I) x 1.2m (h). The animals are fully supervised during their exercise/training time in the external yards.

1.4 Site activities and operations

Consent is sought in this application to cover the training and boarding of greyhounds. The most appropriate planning definition for land use is animal boarding or training establishment which covers the breeding, boarding, training, keeping or caring of animals for commercial purposes.

The main activities and operations to be covered by any consent include: -

- · Boarding of the animals
- · Training and exercising of any dogs
- · Feeding including food preparation
- Cleaning of yard and kennels
- General property and yard maintenance
- Transportation of animals to race events

A maximum number of greyhounds on site at any one time would be 20.

The proposed new kennels will have outside exercise areas that are individually fenced. The dogs are housed in their kennels except when being trained, exercised, transported or for toilet breaks. All greyhounds are fully supervised when outside of their individual kennels.

Proposed hours of operation are Monday to Sunday. The facility runs 24 hours a day, seven days a week. However, hours of operation for any onsite daytime activities including training, exercising, feeding, cleaning would take place between 8:00am to 6:00pm daily. The facility is not open to the public for normal animal boarding or kenneling. The operation is owned and run by the landowners.

Statement of Environmental Effects



No additional staff are associated with the operation.

One (1) full time equivalent (FTE) and one (1) part time staff are associated with the operation; these include the owners. The owners reside onsite in an existing dwelling. There may be opportunity in the future to employ casual and part-time staff once the business is established.

Parking and manoeuvring area will take place in front of the existing shed which is currently used to house the greyhounds.

Access to the site is via an existing access point off Carbine Road. The proposal does not include any changes to the existing access provisions.

Nearest residential receptors are to the NE approximately 348m away from the greyhounds kennel, and 340m to the east.

The existing site is connected to all essential services being on site water (rainwater tanks and bore), septic, electricity and telecommunications.

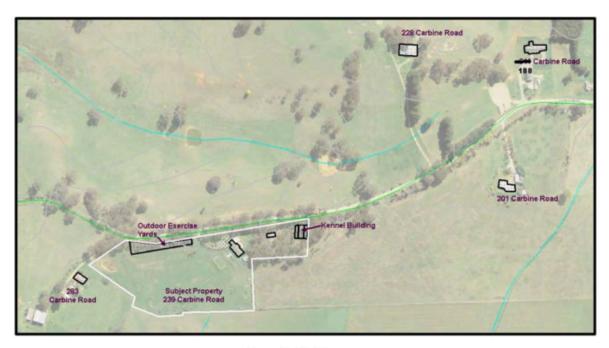
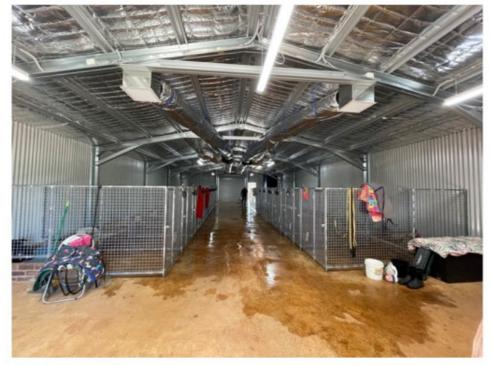


Figure 1: Site Plan

Statement of Environmental Effects



Greyhound Facility Photos



Internal layout of the Kennels

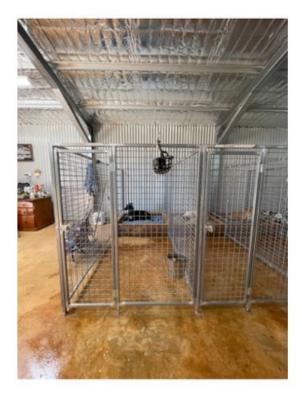


Food Preparation and Storage Area

Statement of Environmental Effects



Individual Kennel



External Yards





Statement of Environmental Effects





Entrance to the Kennels



External View of the Kennels and outdoor exercise areas

Statement of Environmental Effects





Internal entrance to Greyhound Facility & transportation fitout



Day & Exercise Runs

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Lot 10 DP 1039236, 239 Carbine Road, Forest Reefs

Statement of Environmental Effects



2.0 SITE

2.1 Location. Title and Zoning

The subject site consists of one (1) title; Lot 10 DP 1039236 with approximate site areas of 9.7 hectares. The subject land is located on the southern side of Carbine Road; approximately 2.6km from its intersection with Long Swamp Road. The site is approximately 13.8km from Millthorpe, 28km to Orange and 27km to Blayney. The land is zoned RU1 Primary Production under the provisions of the Blayney Local Environmental Plan (CLEP) 2012 as shown in Figure 2.



Figure 2: Site zoning map RU1 Primary Production

Statement of Environmental Effects



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2.2 Site Map



Figure 3: Aerial view of the subject land and surrounding locality

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Lot 10 DP 1039236, 239 Carbine Road, Forest Reefs

Statement of Environmental Effects



2.3 Site

The subject site, being Lot 10 DP 1039236 has an existing site area of approximately 3.3 hectares.

The site is approximately 13.8 km to Millthorpe, 28km to Orange and 27km to Blayney. Flyers Creek is situated approximately 600m to the sites west with Cadia gold mine situated 3km to the west and Flyers Creek wind farm to the south (currently under construction).

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The site consists of an existing dwelling, two (2) farm sheds with one shed used for the purposes of boarding Greyhound dogs, exercise yards, water tanks and fenced paddocks.

Due to the nature of the site being highly modified from its natural state and its use for grazing and residential type purposes, the sites biodiversity value is limited to sporadic remnant vegetation.

The surrounding locality is typified by agricultural holdings of varying sizes, associated rural dwellings and lifestyle lots.

The closest sensitive noise receptor is approximately 340m to the east (201 Carbine Road) and 348m to the north east (228 Carbine Road).

2.4 Access and Services

Access to the site is via an existing access point off Carbine Road.

The proposed development will retain the existing access provisions for the site.

The subject site is connected to all essential services being septic and water (rainwater tanks), electricity, and telecommunications (including NBN).

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3.0 BACKGROUND

The subject land is situated in the locality of Forest Reefs, Parish of Calvert County of Bathurst.

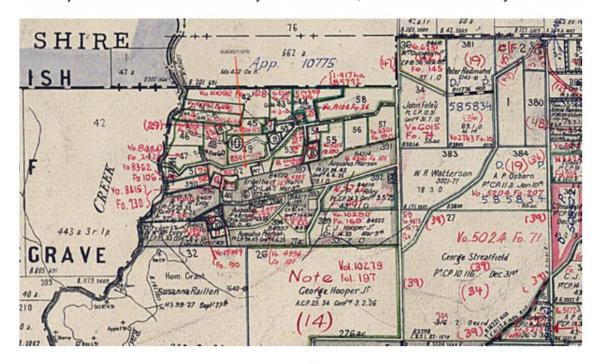


Figure 4: Parish of Calvert extract

A previous development application was submitted to Council for the construction of a shed. DA 23/2023 for a Shed/Outbuilding was approved on 5/4/2023. A Construction Certificate CC230085/1 was issued by BBAC certifiers and an Occupation Certificate was issued on 22 June 2023.

This application is submitted resulting from enquiries with Blayney Shire Council about the operation of a Greyhound Facility.

After on-site inspection of the facility and discussions with the landowners, Council has asked for a Development Application to be submitted for the boarding and training of Greyhounds.

Additionally, an independent acoustic consultant has been engaged to ensure the location and design does not impact the locality in terms of noise emission (by the animals).

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4.0 MATTERS FOR CONSIDERATION

Section 1.7 Application of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994

Section 1.7 of the EP&A Act 1979 identifies that Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 have effect in connection with both terrestrial and aquatic environments.

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There are four triggers known to require a development to be included into the Biodiversity Offset Scheme:

Trigger	Response
Trigger 1 – development occurs in land mapped on the Biodiversity Values Map (OEH)(Clause 7.1 of BC Regulation 2017)	The site is not within an area mapped on the NSW Biodiversity Values Map.
Trigger 2 – development involves clearing/disturbance of native vegetation above a certain threshold (Clauses 7.1 and 7.2 of the BC Regulation 2017)	The proposal does not involve the clearing or disturbance of any native vegetation. The land is rural land.
Trigger 3 – development is otherwise likely to significantly affect threatened species (Clause 7.2 and 7.3 of the BC Act 2016)	The land is not identified on the Blayney LEP Biodiversity Values Map. The development is unlikely to affect habitat for native fauna as there is no proposal for any removal of vegetation on the site.
Trigger 4 – development proposed in an area of Outstanding Biodiversity Value	The land is not identified as being of Outstanding Biodiversity Value.

Based on the above assessment, the proposal satisfies the relevant matters in Section 1.7. A BDAR (Biodiversity Development Assessment Report) is not required.

Section 4.15 of the Environmental Planning and Assessment Act 1979 requires Council to consider relevant matters, of which those pertaining to the application are listed below.

4.1 PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)

Clause 1.2 Aims of the Plan

The broad aims of the LEP are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to encourage development that complements and enhances the unique character and amenity of Blayney including its settlements, localities, and its rural areas,
- (b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Blayney in a way that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,

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- (c) to facilitate and encourage sustainable growth and development that:
 - avoids and minimises risks to human life and property and minimises the cost of development by restricting development in areas prone to natural hazards and significant environmental constraints, and
 - (ii) protects, enhances and conserves prime agricultural land and the contribution that agriculture makes to the regional economy, and
 - (iii) avoids or minimises impacts on drinking water catchment to protect and enhance water availability and safety for human consumption, and
 - (iv) protects and enhances environmentally sensitive areas, ecological systems, areas of high scenic, recreational or conservation value, and areas that have potential to contribute to improved environmental and scenic outcomes, and
 - (v) protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and
 - (vi) encourages the sustainable management, development and conservation of natural and human-made resources whilst avoiding or minimizing any environmental and social impacts, and
 - (vii) encourages a range of housing choices in planned urban and rural locations to address population growth and meet the diverse needs of the community, and
 - (viii) allows for the orderly growth of land uses whilst minimizing conflict between land uses within the zone and land uses within adjoining zones, and
 - (ix) promotes the efficiency and effective delivery of utilities, infrastructure and services that minimises long-term costs to government, authorities and the community.

The proposal is consistent with the aims of the LEP.

Specifically, the proposal contributes to the economic productivity of the region/locality through new business opportunities, minimises conflict between land uses (c)(ii) through design and operational management measures, ensures agricultural land that contributes to the economy is unaffected, ensures watercourses are not impacted and the groundwater is protected by the proposed activities.

Clause 1.9A Suspension of covenants, agreements and instruments

This clause provided that covenants, agreements or other similar instruments that restrict the carrying out of development upon the subject land do not apply unless such are:

- Covenants imposed or required by council,
- Prescribed instruments under s138A of Crown Lands Act 1989
- Any conservation agreement under National Parks and Wildlife Act 1974
- Any trust agreement under the Nature Conservation Trust Act 2003
- Any property vegetation plan under the Native Vegetation Act 2003
- Any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995
- Any planning agreement made under Division 6 of Part 4 of the Environmental Planning and Assessment Act 1979

A search of records identifies that the subject property is not affected by any of the foregoing covenants, instruments, agreements or plans.

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Mapping

The subject site is identified on the LEP maps in the following manner:

Land zoning map	Land zoned RU1 Primary Production
Lot size map	Not applicable
Heritage map	Not a heritage item or conservation area
Drinking water catchment map	Not located in a drinking water catchment area
Terrestrial biodiversity map	Has biodiversity sensitivity on the subject land
Groundwater vulnerable map	Is not identified as groundwater vulnerable
Riparian land and watercourses map	Not affected by an identified watercourse
Land affected by designated buffer zone	Not affected by a designated buffer zone
Flood planning map	Is not located within a flood zone
Land reservation acquisition map	Not applicable

These matters are addressed in the report following.

Blayney Local Environmental Plan (CLEP) 2012

The subject land is zoned RU1 Primary Production under the provisions of the CLEP 2012. **Animal boarding or training establishment** is permissible within the zone, subject to Council's development consent.

The standard instrument defines **animal boarding or training establishment** as 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 proposed development is consistent with the LEP standard instrument definition.

Objectives of the RU1 Primary Production Zone

The development relates to and is consistent with the zone objectives which seek to:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable function centres, restaurants or cafes and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.

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The proposal is a permissible land use in the rural zone as per the land use table.

The housing of the greyhounds within the shed provides protection to the neighbouring locality to ensure land use conflict is minimised and the ongoing uses of the surrounding land is unaffected by the proposal.

The land is not proposed for re-zoning and based on the sites intended land use, can be used for grazing purposes in conjunction with greyhound rearing or returned for this purpose at a later time. Therefore, the agricultural basis of the land can be retained.

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Part 2 - Permitted or prohibited development

The proposed development for animal boarding or training establishment is a permitted land use in the RU1 Primary Production zone subject to development consent.

Part 4 – Principle development standards

There are no relevant development standards that are applicable to the proposed development.

Part 5 - Miscellaneous provisions

There are no miscellaneous provisions that apply to the proposed development.

Part 6 - Additional Local Provisions

6.1 Repealed

6.2 Stormwater management

The objective of the clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied the proposed development has minimal impact upon urban stormwater on the land and on adjoining downstream properties, native bushland and receiving waters.

As the land is zoned RU1 Primary Production (rural land), the provisions of the clause are not deemed relevant to the proposed development.

6.3 Terrestrial biodiversity

Whilst the land is identified as having "Biodiversity" on the Terrestrial Biodiversity Map, the biodiversity is restricted to essentially along the road reserve of Carbine Road. Flyers Creek is approximately 600m to the sites west. The proposal does not include any removal of vegetation from the site. No additional measures are required to minimise or mitigate the impacts of the proposed development.

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Figure 5: Terrestrial Biodiversity Map

6.4 Groundwater vulnerability

The subject land is not identified as being "Groundwater Vulnerable".

6.5 Drinking water catchments

The subject land is not identified as being located in a drinking water catchment area.

6.6 Riparian land and watercourses

The subject land is not identified as "Watercourse" on the Riparian Lands and Watercourses Map.

6.7 Development within a designated buffer area

The land is not identified as being located within a designated buffer area and as such the provisions of the clause are not considered to be relevant to the proposed development.

6.8 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- Supply of water
- Supply of electricity
- Disposal and management of sewerage

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- Storm water drainage or on-site conservation
- Suitable road access

The subject site is connected to all necessary utility services – being electricity, onsite water and sewage disposal.

Existing shed structures and dwellings are connected to water tanks. Stormwater is collected and diverted to tanks. There is an existing access point off Carbine Road which will be used for the development.

The development will require a water system utilising on site use to ensure fresh drinking water for the greyhounds is available at all times. The land has access to bore water from the underground spring.

6.9 Location of sex services

The provisions of the clause are not relevant to the proposed development.

4.2 STRATEGIC PLANS AND POLICIES

Central West & Orana Regional Plan 2041 applies to the proposal.

The proposal is consistent with the goals of the plan.

NSW Greyhound Code of Practise

Domain	Objective	Code of Practise	Comments
Nutrition 8 hydration	To ensure that every greyhound receives the food and water needed for optimal development, health and wellbeing		Animals are fed twice daily and comprises a mixture of fresh beef and kibble.
		Greyhounds must be provided with raw meaty bones and/or chew toys to promote dental health.	
		Food must not rancid, decayed or insect infested. Uneaten food to be disposed of appropriately.	
		Food must not contain raw offal.	
		Cleaning and food storage Food containers and food preparation areas are to kept clean.	Food is stored and prepared in a meal preparation area.

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		Food is to be stored to prevent spoilage or contamination.	Food is stored in the provided fridge, freezer and air tight containers.
		Water Fresh, clean drinking water must be available at all times.	The animals have access to a safe and reliable water source through a licensed bore.
		Water containers must be safe, non-spillable, hold sufficient water and be kept clean.	5616.
Health & Wellbeing	To ensure that every greyhound enjoys optimal health and wellbeing	Monitoring health Greyhounds in care must be inspected at least twice a day.	The animals are monitored by the owner/trainer on a regular basis during the day for feeding, exercising, training and waste control.
		Veterinary care Reliable access to veterinary care must be available for all animals at all times. Any directions by a veterinarian for the treatment of pain, injury, ill health, distress or post surgical care is to be followed.	Animal welfare is in accordance with the requirements of NSW Greyhounds which ensures animals are appropriately vaccinated, groomed, cleaned and have access to veterinarian care.
		Sclerosing agents Sclerosing agents are not to be used or administered to the animals.	
		Storage, administration and treatment records A written record is to be kept of each animal in care and include vaccination records, vaccination certificates, any treatment administered by a veterinarian, medications used.	
		Vaccinations Ensure all animals have up to date vaccinations including Distemper virus, Parvovirus, Canine Adenovirus, Parainfluenza virus, Bordetella bronchiseptica.	

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		Worming and parasite management Appropriate parasite and worming control, management and storage is required to be implemented and undertaken on an ongoing basis.	
		Dental Health Monitor dental health and seek veterinary treatment where needed.	
		Grooming Animals are to be clean, nails trimmed with their coat trimmed and brushed on a regular basis.	
Greyhound Breeding	Not applicable	Not Applicable	Greyhound breeding does not apply to this development.
Housing & Environment	To ensure that every greyhound is provided with housing that provides adequate space, shelter and comfort taking into consideration the animals age, size, and behavioural needs.	Construction of housing pens and kennels All enclosures must provide adequate space for greyhounds to feed, sleep, sit, stand, stretch and move about.	Kennels and housing are all inspected by NSW Greyhounds to ensure the areas and space provided comply with the requirements of NSW Greyhounds. The dimensions of the kennels are 3000mm (long) x 1200mm (wide) x 1550mm (high).
		Greyhounds must be securely contained.	Each kennel has a secure gate and lock to ensure the animals safety.
		All enclosures and sleeping areas must be designed, constructed, maintained for the animals well being and safety.	The kennels are located within a shed structure with a maximum of 20 greyhounds. Each greyhound has its own kennel.
		Vehicles, caravans, trailers, portable crates and crawl	The landowner has a van and a trailer that is used for animal

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space under houses are not to be used as long term housing.

transportation to race events. The restraints and cages are only used for transportation purposes.

Indoor housing

Indoor housing must have adequate ventilation.

Where air-conditioning and heating is the only form of air movement the temperature must be between 16C and 26C, have effective air filtration air cleaning, and back up power in the event of power failures.

Greyhound housing area space requirements

Housing and minimum space requirements are to be provided in accordance with Table 1 of the NSW Greyhound Code of Practise.

Housing and Environment

Housing must provide the animals with adequate protection against extreme temperatures, direct sunlight, humidity, dampness, loud noises, pollution, draughts and noxious odours.

Sleeping areas

Areas where greyhounds sleep must include a raised bed or the like large enough to lay down, include dry soft, warm and clean bedding.

<u>Tethering</u>

The use of tethering require supervision and is limited to two hours per day.

<u>Cleanliness and hygiene</u> Kennels and bedding are to be maintained in clean,

hygienic and safe condition.

The shed facility has door openings for natural ventilation, in addition to both artificial heating and cooling to ensure the

animals temperature

is maintained at a

regular temperature.

All kennels have been constructed in accordance with the space requirements specified by NSW Greyhounds.

The shed provides protection against the elements for all of the animals.

Artificial heating and cooling is available to ensure appropriate temperature control for the greyhounds.

Each animal is provided with a raised sleeping area with clean bedding.

Kennels and bedding are disinfected and cleaned on a regular basis to ensure the health of the animal,

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		Pens and kennels must be disinfectant no less than four times a year. Additional cleaning is required after an outbreak of infectious disease, prior to the introduction of new animals, prior to whelping and/or the removal of pups. Preventing transmission of disease Biosecurity measures are to be implemented to reduce the risk of visitors transmitting disease to and from the facility. Animals with suspected or diagnosed infectious disease are to be isolated from other dogs. Pest control Regular pest control to ensure housing areas are free from pests and vermin.	Regular pest management is to be undertaken to ensure the control of fleas, ticks, flies, mosquitos, spiders and rodents.
		Emergency evacuation procedures Ensure all animals can be safely removed from the site in the event of an emergency. Ensure there is adequate fire protection such as sprinklers, fire extinguishers and/or smoke detectors.	An Emergency Evacuation Plan is to be prepared and updated on an annual basis.
Transporting Greyhounds	To ensure that greyhounds are transported in a safe and secure manner that provides for their wellbeing.	Standards Greyhounds must not be transported in a manner likely to cause injury or undue stress to the greyhound. Compartments and cages used for transporting greyhounds must be weatherproof, have adequate ventilation and be maintained at a comfortable temperature and humidity for the animal/s.	Greyhounds are transported in approved vehicles and fitouts in accordance with requirements by NSW Greyhounds. Internal compartments and temperature control must comply with the standards.

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		When using compartments for transportation, the animals must have enough space to lay down, stand or site.		
		Compartments/cages are to be fixed securely to the transport vehicle.		Page 25
		Compartments are cages are to be kept clean and tidy, and disinfectant a minimum of four times a year.		
		Animals transported by road must have a break every three hours and offered food, drink, exercise and toilet.		
		Transport compartments or cages may only be used for temporary housing whilst attending race meets. They must be provided with access to water whilst in transport compartments.		
Exercise, Socialisation and Enrichment	To ensure that every greyhound is provided with adequate exercise, socialisation and enrichment to provide for its wellbeing.	Standards All greyhounds (including puppies from 3 weeks of age), are to be provided with daily exposure to humans through gentle handling.	Animals are interacted with on a regular basis throughout the day.	
		All puppies and greyhounds older than 8 weeks of age must be provided regular contact with, and exposure to, other vaccinated dogs that are compatible.		
		Greyhounds are to be given opportunity for expression of normal canine behaviours to prevent stress and anxiety.		
		Greyhounds in training Greyhounds that are in training or racing must be provided with at least 30 minutes of free exercise each day (in the form of free play or being walked on a lead) and have access to toys.	outside for up to 2	
		Exercise, socialisation and enrichment plan		

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A written plan is required to address the exercise, socialisation and enrichment standards set out by the Code for each greyhound in their care.

Exercise plans are prepared in accordance with any requirements by NSW Greyhounds.

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The Plan can be suspended or varied due to an animals health (when being treated by a veterinarian).

Muzzling

Any muzzle use on a greyhound must be the correct size and fit.

Barking muzzles are not to be used.

Muzzles must not restrict panting or drinking.

Greyhounds are not to be muzzled for longer than 60 minutes at a time, and no more than two hours in a 24 hour period, unless the greyhound is being walked, being transported in a vehicle, in race day or trial kennels, acclimatising to a new environment, is subject to a dangerous dog order (under the Companion Animals Act), or by written notice of a veterinarian.

Greyhounds under 9 months of age are not to be muzzled with the exception of education training, while being transported or by written notice of a veterinarian.

Notices by veterinarians relating to muzzling must be reviewed within 6 months of the direction.

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4.3 STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Resilience and Hazards) 2021

<u>Chapter 4 Remediation of land</u> is applicable to the proposal and must be considered in any development proposal.

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The site has not been used for any approved activities which would render the soil contaminated to such a degree as to prevent the development of the land for the purposes of an Animal Boarding & Training Establishment.

There is no onsite evidence of mines, sheep dips, mixing sheds or contaminating industrial activities were identified on the site from resulting from the site walkover. The use of agricultural pesticides over the area in the past is expected to be low.

As such, the proposal is considered to be consistent with the provisions of the SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 - Koala Habitat Protection 2021 is applicable to the proposal.

Blayney Shire Council is identified in Schedule 2 of the SEPP as a LGA that is required to consider the proposed development and any impact upon kolas and koala habitat.

The land is generally cleared, with the exception of vegetation along the Carbine Road frontage and road reserve.

A specific report has not been provided as the proposed development for an animal boarding and training establishment would be unlikely to impact upon koalas or koala habitat. There is no removal of existing vegetation.

The proposal is consistent with the provisions of the SEPP.

<u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u> is applicable to the proposed development application.

The exempt and complying development code is a state planning instrument that can be used for minor development if the proposed development meets the pre-determined standards under the code.

Whilst individually some aspects of the construction works undertaken on the site may have been considered as exempt development such as sheds, farm buildings, animal shelters and fencing, the scale and commercial nature of their use requires development consent.

4.4 PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s4.15(1)(a)(ii)

There are no draft environmental planning instruments that relate to the subject land or the proposed development.

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4.5 PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)

The Blayney Development Control Plan is applicable to the proposed development.

Part E: Other Land Uses specifies objectives and controls for Animal Boarding and Training Establishments.

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E.4.1 Objectives

To ensure all animal boarding or training establishments:

- Consider site selection to minimise potential conflict with adjoining land uses;
- 2) Implement best practise with regards to design and management; and
- 3) Avoid and/or minimise the impacts on the natural environment and rural landscape.

E.4.2 Controls

- 1) Noise levels from the premises are not to exceed 35dB(A) at the boundary of the property above the existing background levels (or otherwise in accordance with the EPA NSW Industrial Noise Policy 2000) and may require a certificate from a suitably qualified acoustic engineer.
 - A Noise Assessment has been prepared and submitted with the proposal. The report concludes the predicted noise emissions do not exceed the trigger levels nominated in the NSW EPA Noise Policy for Industry.
- 2) No parts of the establishment will be permitted within 200m of the property boundary or 500m of the nearest dwelling (or suitable distance being determined by a Noise Assessment Report).

A shed is located in the north-eastern corner of the site and is within 200m of the property boundary.

A Noise Assessment has been provided by a suitably qualified consultant to assess the impact of the location of the animals within a building on the land.

The shed was constructed in 2023 and comprises colorbond wall and roof sheeting. The interior of the building is lined and includes insulation. There are roller doors at either end of the shed with internal single door openings for the animals to be moved inside and outside easily to address waste control.

Analysis based on the noise impacts of the greyhounds to the nearest residential receptors concludes that the predicted noise emissions do not exceed the trigger levels nominated in the NSW EPA Noise Policy for Industry.

3) The Applicant must provide a business and management plan that addresses the relevant industry guideline for the design of these facilities including mechanisms to manage noise etc.

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The facility has been designed and constructed in accordance with Greyhound Racing NSW licensing requirements. This includes, nutrition, health and well being, housing and environment, transportation, exercise, socialisation and enrichment.

An assessment of the NSW Greyhound Code of Practise has been provided which addresses industry guidelines for the design of facilities to breed, board and train greyhounds.

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Licensing by GRNSW will not be granted if inspection of the approved onsite facilities do not meet licensing requirements.

4) Establishments must demonstrate there is an adequate water supply and adequate methods for solid and liquid wastes so these will no impact on adjacent properties or watercourses/ground-water systems.

The land has a licensed bore which provides access to a reliable water supply. Bore licence certificate number is # 70BL228848 has been issued by NSW Water.

Based on the animals being housed with a shed structure and their exercise being fully supervised by the landowners in the exercise yards, topsoil disturbance is not anticipated.

Liquid waste is managed through the use of an onsite effluent management system and soild waste is collected on a regular basis, stored and disposed of to an approved waste management facility.

5) Council may require a Sediment and Soil Erosion Plan if an establishment is located near a watercourse or environmentally sensitive area and is likely to result in significant topsoil disturbance from animals.

A Sediment and Soil Erosion Plan is only required by Council if the greyhound establishment is in proximity to a watercourse or is located in an environmentally sensitive area. The nearest watercourse is Flyers Creek which is located approximately 600m to the west. The locality is not known to be environmentally sensitive.

Liquid and waste management is managed on site by the operators.

Based on the site, location, number of animals and management practises, a Sediment and Soil Erosion Plan is not deemed necessary.

The animal boarding and training establishment is consistent with the objectives and controls identified in the DCP.

NSW Animal Welfare Code of Practice No.5 – Dogs and Cats in animal boarding establishments

Councils DCP makes reference to NSW Animal Welfare Code of Practice for dogs and cats in animal boarding establishments.

The below provides an assessment, however further analysis has been provided specifically for the caring and training of Greyhounds referred to as NSW Greyhound Code of Practise.

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2. Responsibilities of the manager

- 2.1 The Manager of an animal boarding establishment is responsible for:
- (a) provision of accommodation and equipment which suits the physical and behavioural requirements of the animals held
- (b) the protection of animals from people, other animals or adverse environmental conditions
- (c) provision of sufficient space for animals to stand, move around freely, stretch fully and rest
- (d) provision of sufficient quantities of appropriate food and water to maintain good health
- (e) protection of animals as far as possible from disease, distress and injury
- (f) provision of prompt veterinary or other appropriate treatment in cases of illness or injury.
- (g) maintenance of hygiene of the premises and health of the animals held.
- (h) supervision of daily feeding, watering and inspection of animals held to ensure their well-being.
- (i) supervision of staff, whether working full or part-time and whether or not working for fee or reward.
- (j) collation and maintenance of relevant records.

The facility will be managed and operated by the landowners.

The facility is also required to be approved, inspected and licensed for greyhounds by NSW Greyhounds.

3. Animal housing

3.1 Location

- 3.1.1 Animal boarding establishments should be located away from sources of excessive noise or pollution that could cause injury or stress to animals.
- 3.1.2 Animal boarding establishment sites must have an adequate water supply and should be sewered or on a septic system.

The boarding established is located within a shed that has been constructed on the site. The shed is located approximately 5m from the sites eastern boundary, 10m from the sites northern boundary, 37m from the sites southern boundary.

The nearest residential receptor is located to the east and is approximately 340m to the east (201 Carbine Road) and 348m to the north east (228 Carbine Road).

The shed is insulated with the animals housed inside. The animals exercise runs are located along the northern boundary, south of the access point. The animals are fully supervised when they are outside of the shed.

An independent acoustic assessment has been submitted with the application that discusses the facilities proximity to the boundary, proximity to nearby receptors, intrusive noise trigger and amenity trigger to control noise. The report concludes that the predicted noise emissions do not exceed the trigger levels nominated in the NSW EPA Noise Policy for Industry.

3.2 Construction

- 3.2.1 Where kennel buildings/housing are constructed outdoors, they must:
 - protect from rain and wind
 - provide adequate shade
 - be partially enclosed to provide a sheltered sleeping area.
- 3.2.2 Where kennels are constructed indoors, temperature, humidity and ventilation must be considered.

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- 3.2.3 Kennel housing may be separated by either solid partitions, which help reduce noise, or by galvanised mesh or chain wire dividers. Advice should be sought on suitable construction materials for reducing noise and fighting injuries between kennels.
- 3.2.4 The internal surfaces of kennels and cat housing should be constructed of impervious, solid, washable materials. Wall/floor junctions should be sealed to facilitate cleaning and disinfection.
- 3.2.5 Floors of animal housing areas of kennels and cat housing should be made of an impervious material to assist cleaning and drainage. Sealed concrete is ideal, or sealed brick may be acceptable. Grassed or landscaped sections may form part of large outdoor runs but must be adequately maintained and not allowed to deteriorate into bare earth, which is unacceptable.

Whilst the shed has already been constructed, the animals will be housed internally each with an individual kennel per animal.

The shed has a cement slab and internal insulation, wood fire heating and reverse cycle heating and cooling.

The animals are taken outside for toilet breaks and training. The training and toilet runs are fully fenced.

All animals taken out of their kennels are fully supervised at all times.

3.3 Size

- 3.3.1 Animal housing areas, whether for single or group housing, must provide enough space for each animal to feed, sleep, sit, stand, lie with limbs extended, stretch and move about, and sufficient additional space for bedding as required by Paragraph 3.9.
- 3.3.2 Dog kennels and housing should be of sufficient height to permit easy cleaning.
- 3.3.3 Cats may be housed either in banks of cages in walk-in modules that include a sleeping compartment and an exercise area, or in colonies consisting of no more than three cats in a pen.

Greyhound kennels are located within a shed and constructed from steel. Kennel dimensions (length, width and height) are in accordance with the requirements set out by Greyhound NSW which ensures the Greyhounds have enough space to sleep, feed, stretch, lie and move about.

3.4 Drainage

Floors of kennel and cat housing should be sloped to enable wastes and water to run off (but methods of cleaning cat housing must be such that, at completion all surfaces are dry). A collection drain may be provided and fitted with fine mesh wire baskets to trap hair and waste. The baskets should be cleaned daily.

The shed that houses the animals has a cement slab with a drainage outlet connected to an onsite effluent management system. The cement slab allows for ease of regular cleaning and disinfecting.

3.5 Temperature

- 3.4.1 Animals must be protected from extremes of temperature and the environmental temperature controlled to minimise distress to animals.
- 3.4.2 Very old and very young animals which are more sensitive than others to changes in temperature may require provision of heating or cooling.

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The Greyhounds are housed indoors. Temperature is controlled through both heating, cooling and natural ventilation to ensure comfort of the animals.

3.6 Noise

3.6.1 Noise from barking dogs must be managed to comply with noise regulations and may be reduced using these methods:

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- siting kennels so that they do not face each other
- limiting external stimulation, e.g. by partitioning between kennels or using blinds
- holding dogs singly or in compatible pairs
- · turning lights off after feeding

An acoustic assessment has been submitted with the application which addresses noise from barking.

3.6.2 Cats should be housed away from dogs as they may be disturbed by barking.

The facility is for the boarding and training of greyhounds only.

3.7 Lighting

- 3.7.1 Lighting should be as close as possible, in duration and intensity, to natural conditions.
- 3.7.2 Sunlight is the preferred means of lighting, provided shaded areas are available.
- 3.7.3 Artificial light should be provided, where needed, to allow animal housing areas to be thoroughly cleaned animals to be checked.

Both natural and artificial lighting is available to the animals.

3.8 Ventilation

Ventilation should be adequate to keep animal housing areas free of dampness and noxious odours without draughts.

- 3.8.1 All kennels should be provided with a raised sleeping area and sufficient bedding, appropriate to the breed, or trampoline-style beds.
- 3.8.2 Bedding provided for animals must be changed frequently and kept clean and dry.
- 3.8.3 Cats must be provided with bedding.

The kennels provide indoor housing for a single greyhound in each kennel to a maximum of twenty (20) greyhounds only. Each kennel has a raised area for bedding to ensure the area can be kept clean and dry. Bedding and kennels are cleaned on a regular basis to reduce the likelihood of disease and control pests.

The shed has several openings to ensure adequate ventilation for the animals.

3.9 Bedding

- 3.9.1 All kennels should be provided with a raised sleeping area and sufficient bedding, appropriate to the breed, or trampoline-style beds.
- 3.9.2 Bedding provided for animals must be changed frequently and kept clean and dry.
- 3.9.3 Cats must be provided with bedding.

As above.

3.10 Security

3.10.1 Buildings housing dogs and cats must be securely lockable.

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- 3.10.2 Each individual kennel, cat cage, module or colony must be fitted with a secure closing device that cannot be opened by the animals held.
- 3.10.3 Any security methods used must allow for ready access by staff to animals and ready exit of staff and animals from the premises in the event of an emergency.
- 3.10.4 Firefighting equipment must be readily available.
- 3.10.5 A security barrier must prevent escape of animals or unauthorised entry. The kennel or cattery compound wall may form part of the security barrier, which must be fitted with at least one lockable gate.

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Each kennel has a gate and lock so the animals are safe and secure. The greyhound shed has external doors which are locked to ensure the animals safety and the neighbouring locality.

4. Hygiene

4.1 Cleaning and disinfection

- 4.1.1 Housing and exercise areas must be kept clean so that the comfort of animals can be maintained and disease controlled.
- 4.1.2 Faeces should be removed at least once daily.
- 4.1.3 Kennels and associated housing or exercise areas should be cleaned daily, and disinfected at least once each week, before new dogs or puppies are introduced and after an outbreak of infectious disease.
- 4.1.4 Cat housing should be cleaned daily and working surfaces disinfected weekly, before new cats are introduced and after an outbreak of infectious disease.
- 4.1.5 Cleaning and disinfecting agents should be chosen on the basis of their suitability, safety and effectiveness. Some common disinfectants, particularly those derived from or containing coal or wood tar products, are toxic to cats. Pine oil, phenol, cresol and chloroxylenols are such products, and must be avoided where cats are kept.

 Manufacturer's instructions for the use of cleaning and disinfecting agents must be followed, since too dilute a solution may be ineffective and too concentrated a solution may be toxic.
- 4.1.6 After cleaning, animal housing areas should be left dry. Kennels and cat runs should be dried with a mop or squeegee.

Dog runs and shelters will be cleaned daily with the outdoor day runs mown on a regular basis. The animal shelters/kennels are cleaned with waste being removed and placed in bins and cement floors being hosed out and disinfected for cleanliness regularly. Kennels will be cleaned using a portable water spray unit which will contain 100% organic cleaner.

Animal bedding will all be cleaned, washed and disinfected on a regular basis.

4.2 Pest Control

- 4.2.1 Pests, including fleas, ticks, flies, lice, mosquitoes and wild rodents, must be controlled.
- 4.2.2 Chemicals used for pest control must be registered where required under the Pesticides Act and used only in accordance with manufacturer's instructions.
- 4.2.3 Because dogs and humans may be adversely affected by pest control agents, expert advice should be sought before pest control operations are carried out.

Regular pest management is undertaken to ensure the control of fleas, ticks, flies, mosquitos, spiders and rodents.

4.3 Waste Disposal

- 4.3.1 Droppings, bedding, food wastes and animal bodies must be disposed of promptly and hygienically and in accordance with the requirements of the local government authority.
- 4.3.2 Use of a trade waste service for collection and disposal of wastes is preferred. Wastes should not be incinerated on site.

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Domestic waste is already collected, stored and removed off site to an approved waste facility. Animal waste would be treated in a similar manner.

4.4 Litter Trays

- 4.4.1 Cats must be provided with litter trays.
- 4.4.2 Sufficient depth of suitable litter material, such as commercial cat litter, sawdust, shavings, sand or shredded paper, is to be provided. Litter should be checked, scooped and replenished or changed. All litter must be changed at least once a week, when trays should be washed and disinfected. Fresh litter must be provided for new cats when they are admitted for boarding.

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Not applicable.

5. Management

5.1 Care of Animals

- 5.1.1 Animals are to be protected from distress or injury caused by other animals.
- 5.1.2 All animals must be identified.
- 5.1.3 The following information must be recorded relating to each animal admitted for boarding:
 - the animal's name
 - name, address and telephone number of its owner
 - contact telephone number
 - expected date of collection by owner
 - a description of the animal including:
 - o sex
 - breed or type
 - colour
 - o age
 - distinguishing features
 - vaccination status
 - heartworm prevention status (dogs)
 - name and contact telephone number of a veterinarian who normally attends the animal.
 - details of medical, dietary, bathing and grooming requirements
 - the animal's condition and preferably weight on arrival
 - any collars, leads or belongings brought in with the animal
- 5.1.4 Collars or leads which are likely to become entangled and endanger the animal should be removed on admission.
- 5.1.5 Cats should not be kept in the same cage or run as dogs, even if they come from the same household, unless appropriate dual accommodation is provided for families of mixed species.
- 5.1.6 Cats should preferably be housed singly except in the case of compatible cats from the same household.
- 5.1.7 Where cats are housed in groups, additional floor area per cat is required than when cats are housed singly, and increased attention is needed to prevent disease.
- 5.1.8 Dogs should preferably be housed singly or in compatible pairs.
- 5.1.9 Dogs which should be housed singly include:
 - bitches with puppies
 - · very aggressive dogs
 - old or frail dogs

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The owner/operators run the facility and all animals are owned by the landowners. There are no external animals cared for or trained by this operation.

5.2 Staff

5.2.1 Staff should respect animals and should have experience in handling them. Formal training, such as a technical college qualification in animal care, is encouraged.

5.2.2 Staff should be aware of their responsibilities and be competent to carry them out.

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There is no external staff employed. The owner/operators run the facility.

6. Health care

6.1 Disease Prevention

- 6.1.1 For dogs, vaccination against distemper, hepatitis, parvovirus and canine cough is required. A current vaccination certificate (certifying that vaccination was done in the preceding 12 months) must be produced for each dog before admission. Checking for heartworm infection is recommended before admission.
- 6.1.2 For cats, vaccination against feline infectious enteritis and feline respiratory disease is required. A current vaccination certificate (certifying that vaccination was done within the preceding 12 months) must be produced for each cat before admission.
- 6.1.3 Animals known or suspected to be suffering from an infectious disease should not be admitted for boarding.
- 6.1.4 Dogs and cats presenting worms will be wormed at the owner's expense.
- 6.1.5 Dogs less than 4 months old and cats less than 3 months old should not be admitted for boarding other than in exceptional circumstances.

Animal welfare is in accordance with the requirements of NSW Greyhounds which ensures animals are appropriately vaccinated, and have access to veterinarian care.

6.2 Health Checks

- 6.2.1 Each animal shall be checked at least once daily to monitor its health and comfort.
- 6.2.2 The person checking the animals should note whether each animal:
 - is eating
 - has a normal coat
 - is drinking
 - is defecating
 - is urinating
 - is behaving normally
 - is of normal appearance
 - is able to move about freely
- 6.2.3 Any changes in health status should be reported promptly to the animal boarding establishment manager.

Animal welfare is in accordance with the requirements of NSW Greyhounds which ensures animals are appropriately cared for and have access to veterinarian care.

6.3 Veterinary Care

6.3.1 Owners of boarding animals must be asked to sign an agreement authorising provision of necessary veterinary treatment.

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- 6.3.2 The animal boarding establishment manager should establish liaison with a veterinary surgeon who is able to attend to any animals in his or her care, and is also able to advise on disease prevention measures.
- 6.3.3 Veterinary attention must be sought by the animal boarding establishment manager or their nominee for any animal showing any of the following conditions:
 - runny nose
 - · runny, discharging or inflamed eyes
 - · repeated sneezing
 - coughing
 - vomiting
 - severe diarrhea, especially if bloodstained
 - lameness
 - inability to stand or walk
 - bleeding or swelling of body parts (other than the vulva of bitches on heat)
 - weight loss
 - no appetite
 - apparent pain
 - · fits or staggering
 - bloated abdomen
 - inability to urinate or defecate.

Animal welfare is in accordance with the requirements of NSW Greyhounds which ensures animals are appropriately cared for and have access to veterinarian care.

6.4 Isolation

6.4.1 Facilities must be available either at the animal boarding establishment or at veterinary premises for isolation of animals that are suspected or have been diagnosed as having an infectious disease.

Animals who are sick or have been diagnosed with an infectious disease must be isolated from the remaining animals, be in the care of a registered veterinarian and notify NSW Greyhounds.

6.5 Euthanasia

- 6.5.1 Euthanasia should be considered where an animal becomes seriously ill or injured during boarding and where it is recommended by a veterinarian who has examined the animal.
- 6.5.2 Permission from the animal's owner or nominee, preferably in writing, should be obtained.
- 6.5.3 Euthanasia should only be performed by a veterinarian.

Greyhounds who are euthanised must be performed by a veterinarian and in accordance with NSW Greyhounds requirements.

7. Diet

7.1 Food

- 7.1.1 Animals must receive appropriate, uncontaminated and nutritionally adequate food according to the accepted requirements for the species, breed and age. The food should be in sufficient quantity and of appropriate composition.
- 7.1.2 A variety of foods should be supplied. Canned and dry foods will form the staple diet in most cases, but fresh meat and fish may tempt fussy eaters.
- 7.1.3 Pregnant and lactating animals require approximately twice the amount of food required normally.

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- 7.1.4 Adult dogs and cats should be fed daily. Pregnant and lactating animals, pups up to 6 months of age, and kittens up to 8 months of age should be fed twice daily.
- 7.1.5 Food should be prepared hygienically and served in clean, unspillable containers.
- 7.1.6 Food should be stored appropriately, with dry food kept in a rodent-free place and fresh meat kept refrigerated.
- 7.1.7 Food containers should be preferably non-chewable and non-spillable. They must be readily accessible, positioned to avoid spillage and contamination by urine or faeces, and must be cleaned at least daily.
- 7.1.8 Uneaten food should be removed and disposed of promptly so that it does not spoil or attract vermin.
- 7.1.9 Cats should be monitored for the first 3-4 days after admission to check that they are eating.

All food will be purchased and will be stored in onsite fridges and freezers. Food preparation areas will be in the existing onsite shed.

Animals are fed twice daily and comprises a mixed of fresh beef and kibble.

7.2 Water

Fresh water must be available at all times.

The site has a licensed bore which provides access to a reliable water supply.

8. Exercise

- 8.1 Dogs must have the opportunity for exercise to:
- 8.1.1 allow them to urinate and defecate
- 8.1.2 give them contact with humans and, if appropriate, with other dogs
- 8.1.3 allow them to be checked over
- 8.1.4 let them stretch their limbs.

Greyhounds are exercised, interact with humans, have access to toys daily and given time outside to urinate and defecate.

8.2 Exercise for dogs

- 8.2.1 Exercise can be provided by:
 - allowing dogs access to an exercise area for at least 10 minutes twice daily
 - walking dogs on a lead for at least 10 minutes twice daily

Very active or old dogs may require more or less exercise than specified.

8.2.2 Dogs should not be walked on busy roads, but preferably confined on the premises for safety reasons.

Greyhounds (who are training and racing) are to be exercised in accordance with the requirements of GNSW Greyhound which requires a minimum of 30 minutes of free exercise per day per animal.

Exercise runs are available on the site. All animals are fully supervised during training and exercise.

8.3 Exercise for cats

8.3.1 Cats must have sufficient room to enable them to stretch and to move about freely.

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8.3.2 Cats should be checked daily for normal posture and mobility.

Not applicable.

9. Transport

9.1 Animals should be transported in the shortest practicable time. They must not be kept in parked vehicles in the sun or in hot weather unless adequate ventilation and shade is provided.

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- 9.2 Any vehicle especially designed or regularly used for transporting animals should:
 - protect animals from injury
 - have non-slip floors
 - be easy to clean and disinfect
 - · provide easy access and operator safety
 - protect against extremes of temperature
 - protect against unauthorised release of animals
 - be supplied with clean, secure cages or carry baskets for cats or very small dogs, and with separate compartments or partitions for larger dogs. Transport cages should permit an animal to turn around, but otherwise be small enough to avoid trauma during transport.
- 9.3 For more detailed information about animal transport, refer to the companion publication in this series entitled "The Care and Management of Animals by Companion animal Transport Agencies".

Transportation of the animals to race event used modified trailers and vans that have transport cages specifically fitted. These transport cages are in accordance with the terms of NSW greyhounds which also requires the animals to have access to a controlled temperature environment.

10. Disposal of animals

10.1 Animal boarding establishment managers must have a policy for dealing with unclaimed animals, which gives owners a reasonable opportunity to collect boarded animals.

10.2 Owners must be made aware of this policy when animals are admitted, by reading and signing a standard form which sets out the terms under which animals are accepted for boarding.

The facility is not available to the public.

The animals are owned and trained by the landowner.

4.6 PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

The proposal does not contravene the relevant provisions of the regulations.

4.7 THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

Context and Setting

The land is located within the rural locality of Forest Reefs to the south of Orange and the immediate east of Cadia Mine. The development proposes a new land use, permissible within the RU1 land use zone. The surrounding locality is typified by rural dwellings, lifestyle lots, agricultural enterprises and agricultural holdings of various sizes, Cadia gold mine and Flyers Creek Wind Farm.

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Visual amenity

The site is located in the rural locality of Forest Reefs. Many of the aspects of the development are rural in nature; metal fencing, iron/colorbond sheds and shelters. The animal shelters are situated within an approved colorbond shed, with existing landscaping and vegetation across the site facilitating heat reduction for the animals and visual presentation of the facility. It is considered that the facility will not have an adverse visual impact on the site or surrounding locality due to its integration within the site.

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Access and traffic

Access to the proposed development will be via the existing established access point off Carbine Road. No upgrades or changes to existing access provisions are proposed for the site.

Parking will take place on site in front of existing shed in a designated parking area currently utilised by the landusers.

Additional future traffic movements generated as a result of any approval will be negligible.

As the facility is operated solely by the owners of the site, the facility is not open to the public for boarding or training facilities. Excessive movements of the dogs and vehicles will not take place.

The animals are transported to greyhound races around the state through modified vehicles. The owners/operators use a modified trailer having capacity for six (6) animals at any one time. A van is also used having capacity for four (4) animals at any one time.

The animals are contained in travelling cages adapted to the vehicles and are airconditioned to ensure animal welfare measures are adhered to.

Vehicle movements associated with animal transportation a maximum of once per week per vehicle.

Air Quality

Due to the nature of the proposed landuse, odour may be deemed as a potential issue; however, the owners will maintain an exceptionally high standard of cleanliness for the facility which includes regular cleaning of the facility.

The dogs are housed within a shed, with access to outdoors to manage waste and exercise. The shed has openings at either end of the shed which also provides heating and cooling to ensure the welfare of the animals is maintained. Regular cleaning reduces any potential issues of odour. The nearest residential receptor, besides the owner's residence, is approximately 340m to the north (201 Carbine Road) and 348m to the north east (228 Carbine Road). It is considered any impact from odour would be minimal and intermittent.

Waste & Hygiene

Domestic waste is already collected, stored and removed off site to an approved waste facility. Animal waste would be treated in a similar manner. Dog runs and shelters will be cleaned daily with the outdoor day runs mown on a regular basis. The animal shelters/kennels are cleaned with waste being removed and placed in bins and cement floors being hosed out and disinfected for

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cleanliness regularly. Kennels will be cleaned using a portable water spray unit which will contain 100% organic cleaner.

Animal bedding will all be cleaned, washed and disinfected on a regular basis.

Water

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The site does have not access to a town water supply; however the land does have access to a reticulated water. A bore water supply is available (at a rate of 20 000 gallons/hour).

The animal shelter/kennels and runs will have access to a constant water supply through the sites existing bore and tank systems.

Stormwater drainage from the development is provided in a manner that returns flows to the rural catchment where applicable.

Animal Welfare

The facility is will be regulated for training and racing of greyhounds under licensing provisions with Greyhound Welfare and Integrity Commission (NSW).

Under any licensing provisions there is a requirement for compliance with the NSW Greyhound Welfare Code of Practice (January 2021). The proposed development exceeds all the requirements under the Greyhound Welfare Code of Practice.

The welfare of animals also requires the owners, trainers and keepers to abide by the requirements of the Prevention of Cruelty to Animals Act 1979 (NSW), the Prevention of Cruelty to Animals Regulation 2012 (NSW), the Local Government Act 1993 (NSW), the Greyhound Racing Act 2017 (NSW), Greyhound Racing Regulations 2018 (NSW) and NSW Animal Welfare Code of Practice.

Normal animal welfare practices are also undertaken which includes (but not limited to) the following: -

- Responsibilities of the manager/owners/trainers;
- Animal housing location, construction, size, drainage, temperature, noise, lighting, ventilation, and security
- Hygiene cleaning & disinfection, pest control, waste disposal
- Management care of animals, staff
- Health care disease prevention, health checks and off site veterinary care,
- Diet food, water, exercise
- Transport

Food

All food will be purchased and will be stored in onsite fridges and freezers. Food preparation areas will be in the existing onsite shed.

Areas will be cleaned on a regular basis to ensure control of hygiene and pest control.

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Noise

The operators have taken into consideration a number of factors relating to noise pollution, including but not limited to the nature of the activity, noise mitigation, the surrounding area, the number of people who may be affected as well as identifying noise receiver locations relative to the site.

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The level of noise from the proposed activity (animal boarding and training establishment) based on an external acoustic assessment report is considered to be acceptable. Emission of sound from the premises will be controlled at all times and will be in accordance with the provisions of the act and any recommendations from the Noise Impact Assessment.

Owners/operators reside and work on site.

Animals are supervised by the owner/operator when they are exercised and being transported at all times.

It should be noted that the subject land has a rural zoning and an expected amount of background noise is associated with rural localities including truck movements, the operation of agricultural machinery and animal noises.

A formal noise impact assessment has been prepared by Acoustik and submitted with the application.

The noise impact assessment refers to the relevant guidelines and policy for noise and includes: -

- NSW EPA Noise Guide for Local Government 2013
- NSW Environmental Protection Authority (EPA) Noise Policy for Industry (NPI)

Nearest residential receptors are identified as the following:

Type	Location	Notes
Residence	228 Carbine Road	348 m to Kennel Shed
Residence	283 Carbine Road	380 m to Kennel Shed
Residence	201 Carbine Road	340 m to Kennel Shed
Residence	188 Carbine Road	490 m to Kennel Shed

Based on the calculations undertaken for the development; greyhounds in the kennels (daytime and night time) and in the open exercise runs, noise emissions will not exceed the NPI trigger levels at residential noise receivers due to greyhounds housed within the kennels during the day and evening. Greyhounds are exercised in the open runs during the day for periods of up to 2 hours at any one time. The animals are always fully supervised.

The assessment identifies that during the night, the predicted LAmax at the closest resident (228 Carbine Road) is 50 dBA and the predicted night LAeq levels do not exceed the 40 dB LAeq, 15 min sleep arousal trigger.

During the day when the animals are exercised in the open runs, the most affected property is at 283 Carbine Road (directly to the east of the site) with a predicted level of 37dBA. The western end of the open runs is located 75m from the boundary of 283 Carbine Road.

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Based on the low background noise levels in this environment, the noise of barking/howling could be audible at nearby residences but not dominant compared to other noise common in the rural farming environment (such as heavy vehicles, trucks, farming equipment).

The sleep arousal trigger is not expected to be exceeded at any noise receiver based on the external assessment have has been undertaken for the site.

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The assessment concludes that the noise emissions do not exceed the trigger levels nominated in the EPA Noise Policy for Industry.

Impact on adjoining development

The subject land is located within a designated rural area with surrounding development including grazing and agricultural holdings of varying sizes, associated dwellings and lifestyle lots. The proposed development is not anticipated to have any adverse impact upon visual privacy, amenity or the ongoing operation of any existing nearby operations. The potential for noise as a factor has been addressed above.

Environmental Impacts

The subject land is located within the locality of Forest Reefs. The land has been highly modified from its natural state with the majority of the site being cleared land with the exception of a pocket in the north east corner of the site. Management and operation strategies of the facility ensures there is minimal risk to the environment. Furthermore, the proposal does not include any request to remove or alter any existing vegetation on the site.

Climate Change

The NSW Sea Level Rise Policy Statement 2009 outlines the Governments objectives and commitments in regard to sea level rise adaption. A key Government commitment is the promotion and support for an adaptive risk-based approach to managing the impacts of sea level rise. The proposal would not significantly contribute to climate change and will not change the risk profile of the site in regard to the impacts of sea level rise.

Ecologically Sustainable Development

All potential environmental interactions should have regard for the Precautionary Principle (prevent environmental degradation and protect the local environment), Intergenerational Equity (not to compromise the environment for future generations), Improved Valuation and Pricing of Environmental Resources (to utilise the land with minimal environmental impact to result in an economic benefit to the community) and conservation of biological diversity and ecological integrity. The proposal is not considered to present significant threats of serious or irreversible environmental damage, with the health, diversity and productivity of the environment maintained or enhanced for the benefit of future generations and will further support the conservation of biological diversity and ecological integrity.

4.8 THE SUITABILITY OF THE SITE s4.15(1)(c)

The subject site is located within a designated rural area of Forest Reefs which allows for a range of land uses including animal boarding and training establishments. The proposed landuse (animal boarding and training establishment) is a permissible use within the RU1 Primary Production zone. Adequate arrangements can be made for access, drainage,

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essential services, visual and neighbourhood amenity. On this basis, the subject site is considered to be suitable for the proposed development.

4.9 DEVELOPMENT CONTRIBUTIONS

The proposed development will be assessed in accordance with Blayney Shire Local Infrastructure Contributions Plan 2022.

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4.10 SUBMISSIONS IN ACCORDANCE WITH THE ACT s4.15(1)(d) OF THE REGULATIONS

The proposed development will be notified in accordance with Council's Community Participation Plan.

4.11 PUBLIC INTEREST s4.15(1)(e)

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts.

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5.0 CONCLUSION

This Statement of Environmental Effects (SoEE) report has been prepared as a part of the development application submission to Blayney Shire Council seeking consent for an Animal Boarding and Training Facility (Greyhounds) on land legally described as Lot 10 DP 1039236, 239 Carbine Road, Forest Reefs.

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Within the shed are kennels having dimensions of 3000mm (I) x 1200mm (w) x 1550mm (h). They are constructed of steel and are fully enclosed with a gate. The kennels are situated inside of the constructed shed.

The internal shed comprises the boarding facilities for the greyhounds. The shed consists of the enclosed kennels, access to outside yards, kitchen/food preparation area, office area, wood heater and reverse cycle airconditioning.

Consent is sought for wood heater as it has been installed without consent. A Section 68 approval will be required for the operation of the wood heater.

The exercise runs are fenced and are located on the northern boundary west of the driveway. There are 2 runs having dimensions of 142m (I) x 1.2m (h). The animals are fully supervised during their exercise/training time in the external yards.

The facility's business model is for the boarding and training of a maximum of twenty (20) Greyhounds on site at any one time and will include the following activities:

- Boarding of Greyhounds
- · Caring, feeding and maintaining health of Greyhounds
- · Interacting with Greyhounds
- Training
- Transportation of animals to race meets
- General Maintenance of property and yards

The aim of this Statement has been to:

- · describe the proposal;
- demonstrate compliance/planning merit of the proposal against the relevant statutory controls and local planning provisions; and
- provide an assessment of the likely environmental effects of the proposal.

The subject site is located within a designated rural area of Forest Reefs which allows for a range of land uses including animal boarding and training establishments. The proposed landuse (animal boarding and training establishment) is a permissible use within the RU1 Primary Production zone. Adequate arrangements can be made for access, drainage, essential services, visual and neighbourhood amenity. On this basis, the subject site is considered to be suitable for the proposed development.

The application is supported by the Statement of Environmental Effects, Noise Impact Assessment, NSW Animal Welfare Code of Practice and the NSW Greyhound Code of Practice.

The proposed development complies with the relevant aims, objectives and provisions of the Blayney LEP 2012 and the Blayney Development Control Plan. The proposal is consistent

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Lot 10 DP 1039236, 239 Carbine Road, Forest Reefs

Statement of Environmental Effects



with the regional plan, state planning policies, local planning policies, and relevant regulations and acts. The proposal is consistent and has been assessed against the NSW Greyhound Code of Practise. A section 4.15 assessment of the development indicates that the development is acceptable.

Consideration of the development's merits and the acceptable level of impact, it is requested that this application be given favourable consideration by Council.

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Any further enquiries can be made directly to our office on 0431700081.

Amanda Rasmussen Principal Planner Planning Potential

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21 September 2023

Greyhound Noise Impact Assessment

239 Carbine Road



Planning Potential

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Document Control

13 Orana Street, Orange NSW 2800		Report R	Ref:		2308.03.Report.0
		Date of I	Date of Issue:		21/09/2023
		Engineer	Engineer:		Tom Harper
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Title: Greyhound Noise Impact Assessment				
Subject:	239 Carbine Road			
Author:	Tom Harper			
Client: Planning Potential				
Client Contact: Amanda Rasmussen				

REVISION/VERIFICATION HISTORY

REVISION NUMBER	Comments - Date
0	Initial Report – 21 September 2023
1	
2	
3	
4	
5	

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1 Introduction

Acoustik was engaged by Planning Potential to provide a development application report for a Greyhound boarding facility at 239 Carbine Road, Forest Reefs (Lot 10 DP1039236).

The facility has a kennel building able to house up to 20 adult greyhounds. Two open exercise runs are located at along the Northern boundary of the lot.

The kennel building is in the Eastern end of the property with dimensions of 33 m x 9 m, the walls are sheet metal (bmt 0.45 mm) with an internal sheet metal lining and insulation in the wall cavity. The roof over the building is sheet metal roofing with insulation blanket under roof sheeting. On the Eastern and Western side of the kennel outdoor yards extend \sim 6m from the kennel building for light exercise and toileting. The exercise runs on the western side of the property are approximately 100m long and 5 m wide.

The kennel shed, and exercise runs are well constructed, and the greyhounds are managed by an experienced operator. The greyhounds stay in the kennel shed most of the day. During the day greyhounds are transported in an enclosed fitted van to the exercise yards for approximately 2 hours per day.

The outdoor areas adjacent to the kennel shed are used around mealtimes for short periods for exercise and toileting.

A map of the property and surrounding neighbouring properties is indicated in Figure 1 below and a scaled map in Appendix A.

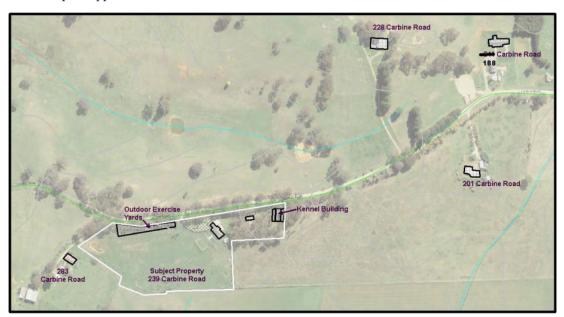


Figure 1: 239 Carbine Road and immediate surrounds

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A list of identified residential and other sensitive noise receivers are noted in Table 1 below.

Table 1: Summary of noise receiver locations relative to site

Туре	Location	Notes			
Residence	228 Carbine Road	348 m to Kennel Shed			
Residence	283 Carbine Road	380 m to Kennel Shed			
Residence	201 Carbine Road	340 m to Kennel Shed			
Residence	188 Carbine Road	490 m to Kennel Shed			

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1.1 References

The following reference material was consulted while preparing this report:

- NSW EPA Noise Guide for Local Government 2013
- NSW Environmental Protection Authority (EPA) Noise Policy for Industry (NPI)

1.2 Glossary

A short list of acoustic terms is included below:

L_{Aeq, X min(s)}: is the Sound Pressure Level (SPL) in decibels (dB), equivalent to the total sound energy over the measurement period of X minutes (or the energy average). The A signifies that an A-Weighting applied to the spectrum to simulate human hearing response

L_{Amax}: is the maximum Sound Pressure Level (SPL) in decibels (dB) that occurs during a measurement

L_{A90}: is the noise level exceeded for 90% of the measurement period, calculated by Statistical Analysis, it is considered to represent the background noise level or the noise that is present for most of the time

L_{A01}: is the noise level exceeded for 1% of the measurement period, calculated by Statistical Analysis, it is considered to represent close to the maximum noise level

L_{Ceq}, dBC or C-weighting: C-weighting is an adjustment made to sound-level measurements which takes account of low-frequency components of noise within the audibility range

Intrusive noise: is noticeably louder than the background noise and considered likely to disturb or interfere with those who can hear it. Depending on the nature of the noise source it is defined as:

- a) $L_{A90} + 5$ dB for noise sources that are continuous in nature for extended periods or all day and night typical of industrial or residential sources that are a permanent fixture.
- b) $L_{A90} + 10$ dB for noise sources that are temporary in nature like construction where the activity is limited to day time operation some elements of the noise may be continuous.

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2 Noise Measurements

During visits to the subject site, no barking or howling from the greyhounds was noted. However, it is unlikely that the greyhounds will never bark or howl. Early morning Howling is common with greyhounds but Acoustik note that the kennel shed does not have external windows so the morning occurrence of howling may not occur.

2.1 Greyhound Barking Noise Levels

Acoustik's database of Sound Levels for greyhounds in the open air and internal noise levels within kennels are listed below:

- L_{Amax} 108 dBA Maximum level of a bark/Howl SPL within a kennel
- L_{Aeq, 1 minute} 98 dBA Barking/Howling event SPL within a kennel building
- L_{Aeq, 15 minutes} 86 dBA 6 Greyhounds in open exercise runs. Sound Power Level

2.2 Environmental Noise Levels

The L_{A90} (background) levels at the site are assumed to be below the minimum L_{A90} levels nominated by the NSW EPA in the Noise Policy for Industry (NPI) document. The EPA nominates 30 dBA for the minimum L_{A90} levels during the evening and night and 35 dBA during the day. The minimum RBLs are listed in Table 2 below.

Table 2: 239 Carbine Road, Forest Reefs - Environmental Noise Levels - Minimums assumed.

	Day 7am – 6pm		Evening 6	om – 10pm	Night 10pm - 7am	
	L _{A90}	LAeq	LA90	$\mathbf{L}_{\mathbf{Aeq}}$	L _{A90}	LAeq
RBL/Ambient	35	N/A	30	N/A	30	N/A

Note*: L_{Aeq} Levels not measured as minimum levels assumed.

Carbine Road carries minimal traffic, and the subject property is located near to the end of the publicly accessible road. Noise due to farming activity, tractors and water pumps could be audible during the early morning and daylight hours. Otherwise, naturally occurring noise due to wind, insects, and birds will be the dominant noise sources.

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3 Project Criteria - Noise Triggers

The project noise criteria will be based on EPA document Noise Policy for Industry (NPI). The NPI employs two measures, the intrusive noise trigger (RBL + 5dB) and the amenity trigger to control noise so that residential acoustic amenity is protected. The overall noise trigger is the lower value of the trigger levels. The amenity level based on the type of area; rural areas receive the most protection.

We have assumed minimum RBL levels, and the amenity levels are set for a rural residential area.

The NPI Trigger levels are not intended to be treated as a mandatory requirement; if noise levels exceed the trigger a noise management response is required that includes all reasonable and feasible mitigation measures and an assessment of the impact of any residual noise that continue to exceed trigger levels. The final level of acceptable noise is determined by the regulatory authority balancing the noise impact against other social and economic benefits. As noted, the area is Rural Residential and zoned Primary Production.

The Project Amenity noise level limits the noise emissions from any one site and is equal to the Recommended Amenity Noise Level (re Table 2.2 of NPI) minus 5 dB plus 3 dB to convert the amenity limits to 15-minute assessment periods. However, in this case, as the minimum RBLs are assumed the trigger levels are controlled by the intrusive noise limits.

The project noise trigger levels are detailed in Table 3 below.

Table 3: Proposed Noise Trigger Levels – Residents to North of Site – Urban Residential

Area	Intrusive Level RBL + 5 dB	Project Amenity Noise Rural Residential	Noise Trigger dBA
Day 0700 – 1800	40	48	40
Evening 1800 – 2200	35	43	35
Night 2200 – 0700	35	38	35

3.1 Maximum Noise Level Triggers - Sleep Disturbance

Sudden Loud noise events can interrupt sleep by awakenings and disturbance to sleep stages. The following trigger levels to address sleep disturbance are set in section 2.5 of the NPI.

"Where the subject development/premises night-time noise levels at a residential location exceed:

- $L_{Aeq,15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or
- L_{AFmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,

A detailed maximum noise level event assessment should be undertaken.

The detailed assessment should cover the maximum noise level, the extent to which the maximum noise level exceeds the rating background noise level, and the number of times this happens during the night-time period."

The assessment should address frequency of occurrence, and the distribution of events over the night time and any change in environmental noise levels over the night (10 pm to 7 am)

The primary noise level parameter is L_{AFmax} and the assessment should consider all feasible and reasonable noise mitigation measures to achieve the maximum noise triggers.

3.2 Weather Induced Noise-Enhancement

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Noise-enhancing meteorological conditions are assumed by default. Day/evening periods stability categories A-D with 3 m/s source-to-receiver wind vectors and for night stability category F with wind speeds up to 2 m/s.

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4 Predicted Noise Levels

Noise levels are modelled using Predictor Version V2023 developed by DGMR Software. The Predictor model assumes a ground factor of 0.8 as the ground in the area is all agricultural land (soft ground is nominated as a value of 1 but 0.8 is used to be conservative) without any significant areas of concrete paving. Predictions assume a measurement location of 1.5 m above ground level.

As noted in Section 2 above, the subject greyhounds did not bark or howl during Acoustik's visit to site. From experience, we expect that some barking and howling is possible and the most common time that this occurs is in the early morning around sunrise.

During the day exercise run, greyhounds are monitored by the owner of the facility and barking or howling is managed to minimise noisy events. But once again a barking or howling event may occur and so a prediction of the expected noise levels is provided. Noise measurements conducted for the previous studies by Acoustik will be used to estimate noise emissions from greyhounds inside the kennel and in the open runs as quoted in section 2.1 above.

The predictor noise model includes weather induced noise-enhancement analysis for three situations.

- Greyhounds in the open runs during the day from 7 am to 6 pm. Based on L_{Aeq, 15-min} assessment.
- Greyhounds in Kennel, during the day the access doors at the Northern and Southern ends of
 the building are open to allow fresh air ventilation. We note that the kennel building includes an
 air-conditioning system to provide cooling. Based on L_{Aeq, 15-min} assessment.
- 3. Close to feeding time in the morning and afternoon greyhounds are allowed into fenced open-air yards on the western and eastern sides of the kennel building for toileting and exercise. The greyhounds are directly supervised during this time and are unlikely to bark or howl.

Note that for a residence, the project noise trigger level and maximum noise levels are to be assessed at the reasonably most affected point on or within the residential property boundary or, if that is more than 30 metres from the residence, at the reasonably most affected point within 30 metres of the residence.

Table 4 lists the $L_{\text{Aeq, 15} \, \text{min}}$ and L_{AFmax} predictions for all affected residential areas, any remaining affected residents can be examined on the attached detailed noise contour maps in Appendix B. The results are divided into day activities where dogs could be in the open runs and evening and night activities with greyhounds in kennels.

Table 4: Predictor LAeq, 15min and LAmax Noise Levels

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Description	Day Runs*	Day	Evening	Night	Compliance
L _{Aeq} Predictions	40	40	35	35	Intrusive trigger – 15-minute assessment
228 Carbine Road	29	35	34	34	1 dB below trigger level at night
283 Carbine Road	37	36	27	27	Complies
201 Carbine Road	24	31	29	29	Complies
188 Carbine Road	21	27	26	26	Complies
L _{Amax} Predictions	N/A	N/A	N/A	52	Sleep Arousal trigger
228 Carbine Road				50	Complies
283 Carbine Road				42	Complies
201 Carbine Road				45	Complies
188 Carbine Road				41	Complies

Note: The L_{Aeq} predictions are based on a 15-minute assessment, barking, and howling events for well-kept greyhounds rarely last more than 1 to 2 minutes. To be conservative, barking and howling events are modelled to occur for 3 minutes over a 15-minute period.

Note*: The predictions for day runs are based on greyhounds barking/howling in the outdoor run areas.

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4.1 Assessment

The above calculations indicate that noise emissions will not exceed the NPI trigger levels at residential noise receivers due to greyhounds housed within the kennel shed. Greyhounds are exercised in the open run areas during the day for periods of up to 2 hours.

In general, the predicted noise levels are the worst-case examples of noise emissions as we have noted that the greyhound kennel shed is well built, and the owner is an experienced handler and breeder.

During the night, the predicted L_{Amax} at the closest resident (228 Carbine Road) is 50 dBA and the predicted night L_{Aeq} levels do not exceed the 40 dB $L_{Aeq, 15 min}$ sleep arousal trigger.

During the day when the greyhounds are exercised in the open runs. The most affected property is at 283 Carbine Road, Forest Reefs directly to the east of the site with a predicted level of 37 dBA. The western end of the open runs is located 75 m from the boundary of 283 Carbine Road.

Considering the low background noise levels in this environment, the noise of barking/howling could be audible at nearby residences but not dominant compared to other noise common noise events in the rural farming environment.

The sleep arousal trigger is not exceeded at any noise receiver.

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5 Conclusion

Acoustik was engaged by the Planning Potential to provide an acoustic report to be submitted with a development application for a greyhound housing facility on the property at 239 Carbine Road, Forest Reef.

During the night and evening periods greyhounds will be housed within the kennel building. The kennel has is constructed using corrugated sheet metal walls with an inner layer of corrugated sheet metal for the walls and a corrugated sheet metal roof with an internal insulation blanket under the roof sheeting.

The predicted noise emissions do not exceed the trigger levels nominated in the NSW EPA Noise Policy for Industry.

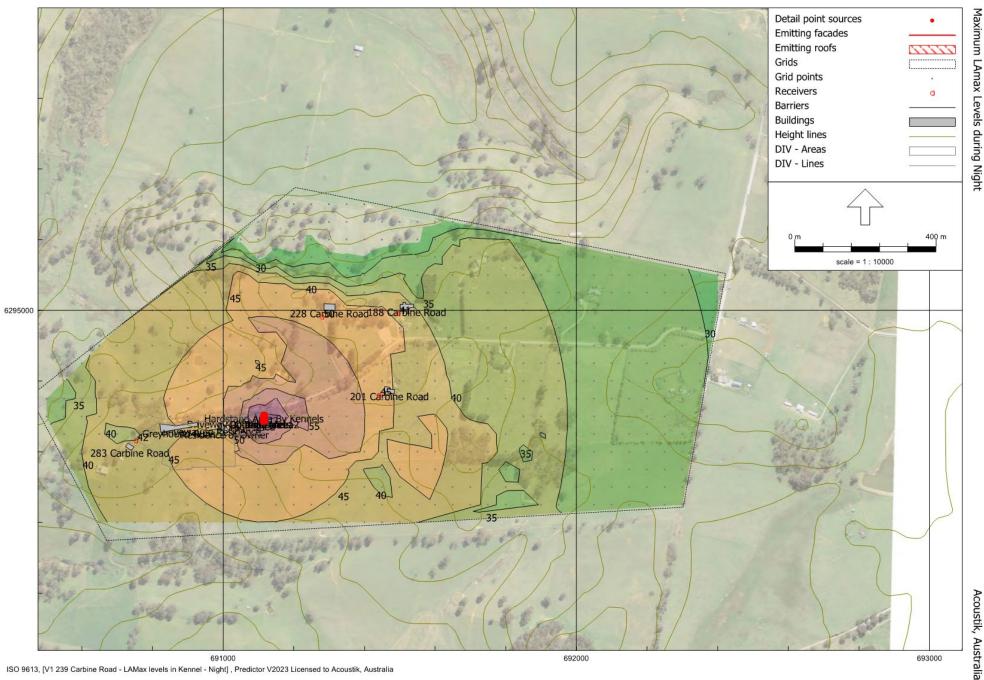
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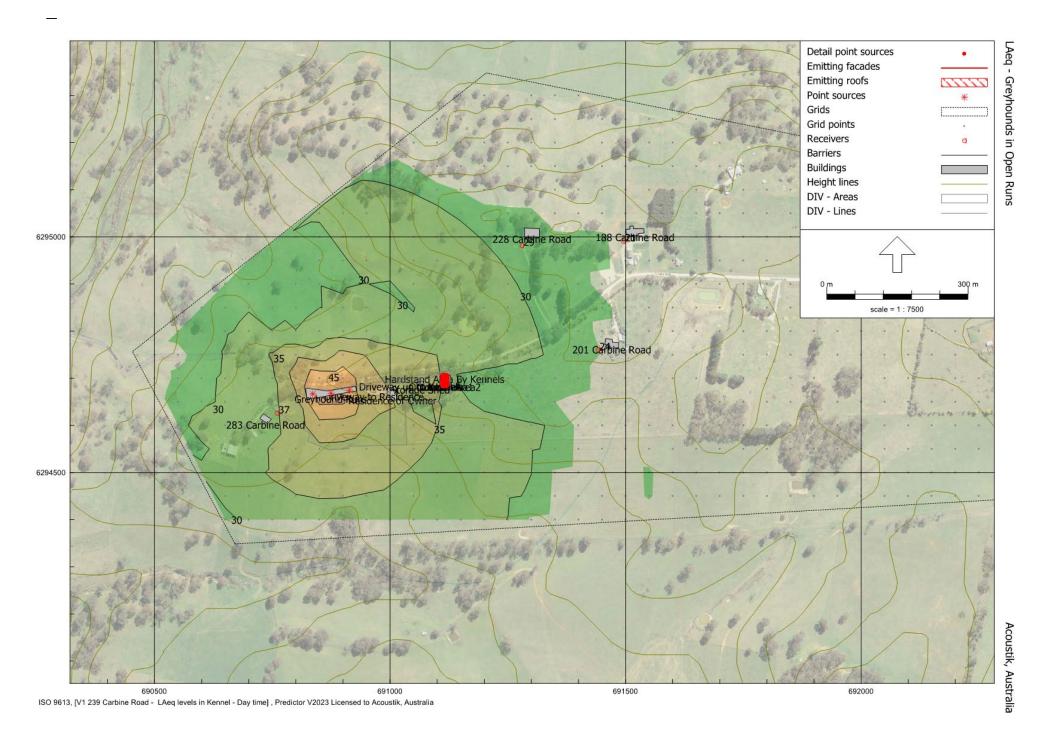
Greyhound Noise Impact Assessment - 239 Carbine Road

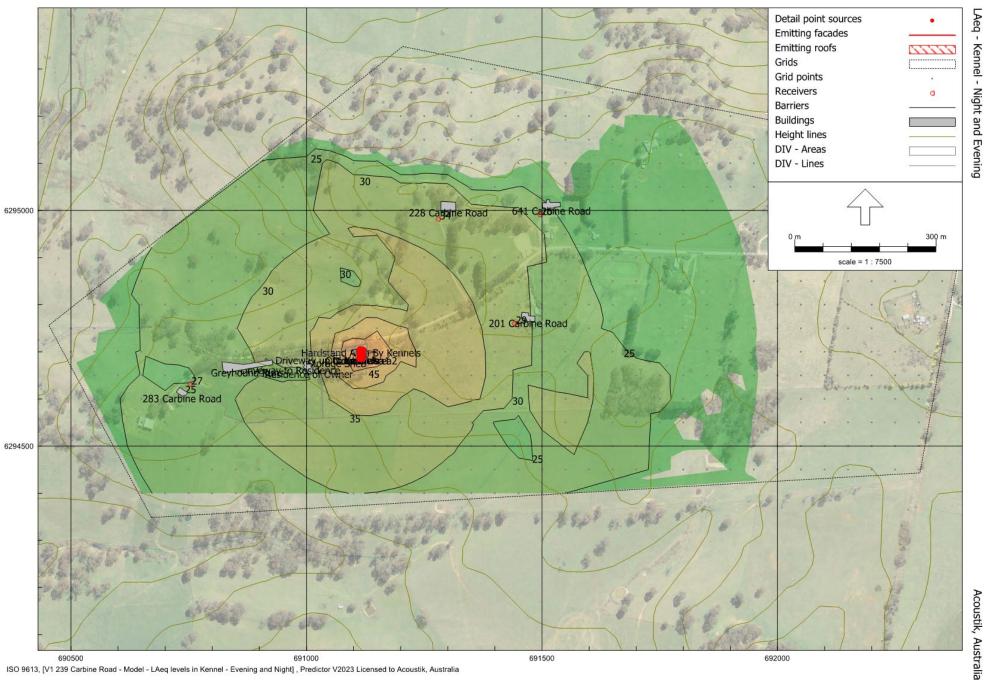
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A. Appendix A - Contour Noise Maps

Noise Contour Maps from Predictor

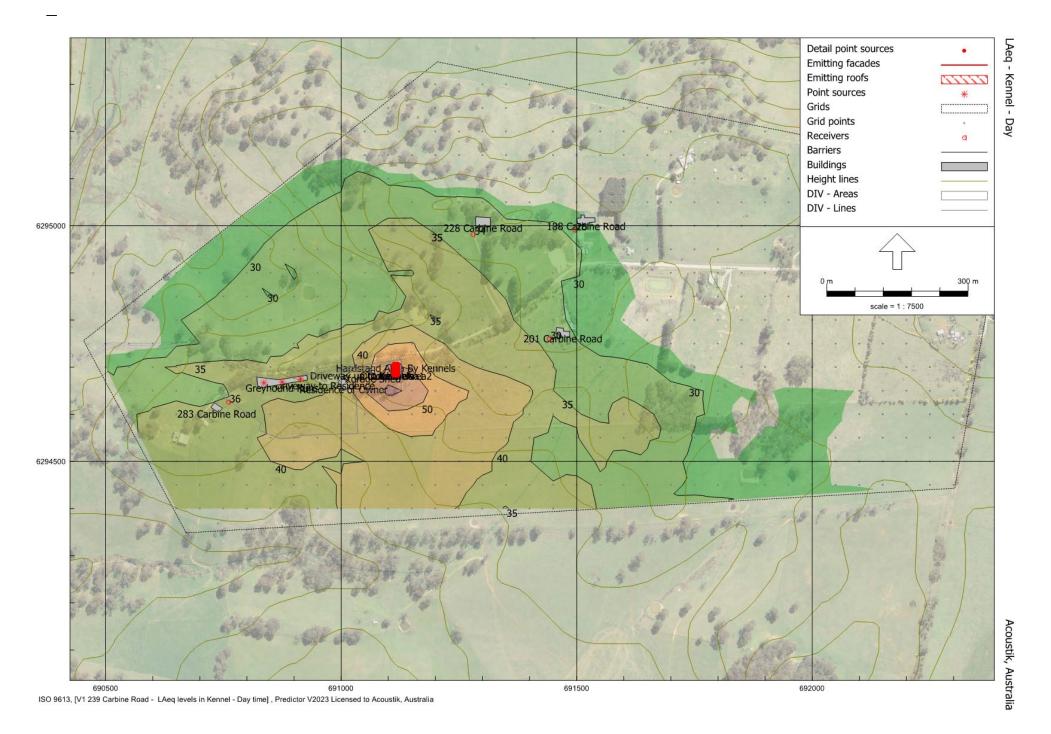






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PO Box 9060 Orange East, NSW 2800

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📞 0408 446 429

21 October 2024

General Manager Blayney Shire Council PO Box 62 BLAYNEY NSW 2799

Attention: Andrew Muir

By Email: amuir@blayney.nsw.gov.au

Our Ref: ADC_202224_BSC DA Review

Dear Andrew,

DEVELOPMENT APPLICATION PEER REVIEW – DA 116/2023 ANIMAL BOARDING OR TRAINING ESTABLISHMENT (GREYHOUND FACILITY) – 239 CARBINE ROAD, FOREST REEFS

Introduction

Andrew Crump Town Planning Pty. Ltd. (ABN 55 646 730 770) has been engaged to carry out a peer review of a development assessment of DA2023/116. An assessment has been carried out by an external consultant in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The purpose of our engagement is to peer review that assessment report due to a potential perceived non-pecuniary interest with a Council staff member who would ordinarily perform the review function.

Scope of Service

This peer review includes the following services:

- A detailed review of the DA material.
- A site visit to the facility.
- A peer review of the external consultant's development assessment report (hereafter referred to as 'the assessment report'), including the redacted public submissions, and draft conditions of consent.
- Liaison with Noise Consultant who has been engaged by Council to review the submitted Noise Assessment Report.
- · Provide Recommendations.



Subject Land

The subject land is legally described as Lot 10 DP1039236, known as 239 Carbine Road, Forest Reefs.

The site consists of an existing dwelling, two (2) farm sheds, with one shed used for the purposes of boarding Greyhound dogs, exercise yards, water tanks, fenced paddocks, and established landscaping and mature trees.

Background

The existing shed housing the greyhounds was approved by Council (DA23/2023) on the 5 April 2023. This shed comprises 20 individual kennels, constructed of steel fencing, which provides kennelling for 20 greyhound dogs. Consent was not obtained for the fit-out and use of the shed for this purpose.

Site

Site visit

A site visit was conducted on 10 September 2024. The author of this peer review met with the operator of the facility and was provided with full access to inspect the facility.

Proposal Description

The proposal effectively seeks consent for the ongoing use of the shed as an animal boarding or training establishment. It is understood that the facility is used for private boarding and training of up to 20 dogs, all of which are all owned by the onsite resident landowners, and that it is not open to the public for boarding and training of dogs owned by others.

The shed includes kennels, food preparation area, office area, and a wood fire heater. Small outdoor exercise yards are attached to both sides of the shed. The proposal also includes fenced outdoor day, and exercise runs along the northern boundary, to the west of the existing dwelling. The proposal is depicted in the site plan below.



Figure 1: Site Plan

The facility runs 24 hours a day, seven days a week. Hours of operation for onsite daytime activities including exercising, feeding, and cleaning take place between 8:00am to 6:00pm daily.

Permissibility

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The proposed development seeks consent for an 'animal boarding or training establishment'.

Pursuant to the *Blayney Local Environmental Plan 2012* (Blayney LEP), this land use is defined as follows:

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 applicant notes that the greyhound facility is for hobby purposes only and is not a commercial activity. It could be questioned as to whether the proposal in its current form meets this definition, given it the wording includes for 'commercial purposes'.

We have carried out a review of relevant case law for developments which are similar in nature and scale to the subject proposal. The two most relevant are summarised below.

Acers v Wollondilly Shire Council [2014] NSWLEC 1169

In this case, Brown C addressed the matter of characterisation for a hobby greyhound facility and made the following statements:

- A commercial activity is one that is *capable* of returning a profit, whether or not an actual profit is made or not;
- That greyhounds participating in racing should be considered;
- That selling of puppies (via breeding) should also be considered;
- That the potential to turn a profit exists if a talented dog/s wins races with significant prize money;
- That breeding and keeping of dogs is not ancillary to the dominant purpose of the site (i.e. a residential dwelling house); and
- That the authorities (the court) establish that it is possible to have a hobby that is non-commercial in nature, but still be an independent use and consequently may require development consent.

Hawkesbury Shire Council v Mitchell and Anor [1988] NSWLEC 159

In this case, Stein J noted:

- That the keeping of 10 dogs was a "significant number";
- That the land was used for two distinct purposes neither of which is subservient to the other; and
- Does not accept that because the use is a hobby of the owners and essentially noncommercial in character it cannot qualify within the (animal boarding land use) definition.

Having regard to case law and given the scale of the subject proposal (i.e. 20 dogs), it is <u>not</u> considered ancillary to the rural-residential use of the land, and despite being identified as a hobby by the applicant, it can still within the 'animal boarding or training' definition.

In any case, the proposal is considered to be a land-use which is separate to the primary approved use of land for rural-residential purposes, and for the purposes of the EP&A Act it is within the meaning of 'development' (pursuant to Section 1.5).

An 'animal boarding or training establishment', in our opinion, is the most appropriate characterisation of the development.

The land is zoned RU1 Primary Production pursuant to the Blayney LEP. Animal boarding or training establishments are permitted with consent in the RU1 zone pursuant to the Land Use Table set out in the Blayney LEP.

In conclusion, in our opinion, Council can be satisfied, that, subject to a merit assessment of the application, Council is within power to consent to this type of development in the RU1 zone.

It is noted that some parts of the assessment report refer to the proposal is an 'animal breeding and boarding establishment'. This is the former terminology for this type of land use. Notwithstanding, the assessment report correctly notes the land use terminology and definition under the LEP assessment. It is considered that the minor errors in terminology do not invalidate the other parts of the assessment carried out in that report.

Our assessment of the proposed development, having regard to the assessment report, are set out in the Matters for Consideration section below.

¹ As it is not development which is considered exempt or excluded by the EP&A Regulations, or any State Environmental Planning Policy, development consent is required for the proposed development.

Matters for Consideration

Section 1.7 - Application of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994

Section 1.7 Section 1.7 of the EP&A Act identifies that Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) and Part 7A of the *Fisheries Management Act 1994* have effect in connection with terrestrial and aquatic environments.

The assessment report concludes that the proposed development is not likely to have a significant effect on any threatened species, population or ecological communities or their habitats.

Further to that assessment, and having regard to the triggers known to insert a development into the Biodiversity Offset Scheme and the requirement for a Biodiversity Development Assessment Report (BDAR), we note the following:

- <u>Trigger 1</u>: the development does not occur on land mapped on the Biodiversity
 Values Map (OEH) (clause 7.1 of BC Regulation 2017);
- <u>Trigger 2</u>: the development does not involve clearing of native vegetation above
 the thresholds set out in clauses 7.1 and 7.2 of BC Regulation 2017 (which allows
 up to 0.5ha of clearing). It is noted that the construction of the existing shed
 involved clearing of vegetation, and it is assumed this matter was covered under
 the previous DA assessment. The subject application is for the use of the shed and
 land, to which no additional clearing is proposed or required;
- <u>Trigger 3</u>: the development is located on previously disturbed rural-residential land, and does not involve clearing of native vegetation, therefore is unlikely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016); and
- <u>Trigger 4</u>: the development does not occur in an Area of Outstanding Biodiversity
 Value (clause 7.2 of BC Act 2016).

Overall, the development does not trigger the need for a BDAR under the *Biodiversity Conservation Act 2016*. We concur with the conclusions in the assessment report with regards to this matter.

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Section 4.15

Section 4.15 of the EP&A Act requires Council to consider various matters. Those pertaining to the application are summarised in the table below, having regard to the assessment report.

Table 1: Summary of Section 4.15 Evaluation Matters

Matters	Commentary				
PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)					
Blayney Local Environmental Plan 2012 (LEP)					
Clause 1.2 Aims of Plan	The assessment report notes that the proposal is generally consistent with the broad aims of the LEP.				
	We concur with this assessment, subject to conditions of consent to minimise environmental impacts, as discussed throughout this table and report.				
Clause 2.3 Zone Objectives – RU1 Primary Production	The assessment report notes that the proposal is generally consistent with the objectives, encourages diversity in primary industry enterprises, while minimising land use conflict between uses within this zone and adjoining lands.				
	We concur with this assessment, subject to conditions of consent to minimise environmental impacts.				
Part 3 - Exempt and Complying Development	This matter was not addressed in the assessment report. Notwithstanding, the proposal is not exempt or complying development.				
Part 4 - Principal Development Standards	This matter was not addressed in the assessment report. Notwithstanding, the LEP development standards do not apply to this proposal or application.				
Part 5 – Miscellaneous Provisions	This matter was not addressed in the assessment report. Notwithstanding, the LEP miscellaneous provisions do not apply to this proposal or application.				
Clause 6.3 Terrestrial Biodiversity	The assessment report notes that the proposal does not include the removal of any vegetation from the site and thus is consistent with this Clause.				
	However, we are of the opinion that the ongoing use of the land for the proposed greyhound facility also needs to be assessed with regards to environmental impacts on the existing biodiversity located on the site, and the clusters of trees and native groundcovers in the adjacent road corridor.				
	(continued over page)				

Blayney LEP (continue	d)		
Clause 6.3 Terrestrial Biodiversity (cont)	We consider that, subject to appropriate site management of waste, particularly septic, stormwater run-off, and solid waste, the proposal is not likely to adversely impact on biodiversity.		
	Conditions of consent are recommended in this regard, including the preparation, submission, further assessment, and adherence to a Waste Management Plan, and confirmation that the existing septic system is suitable as discussed below.		
Clause 6.8 Essential Services	The assessment report notes that all required services are available and adequate.		
	However, we are of the opinion that confirmation is needed to demonstrate that the existing onsite septic system is capable of taking the additional load associated with the kennels, based on a presumption that this was designed for dwelling house use only.		
	A condition of consent is recommended that a suitably qualified person undertakes a check of the septic system and makes any necessary upgrades or installs an additional system within a reasonable timeframe.		
State Environmental P	lanning Policy (Biodiversity and Conservation) 2021		
Chapter 3 - Koala Habitat Protection 2020 & Chapter 4 - Koala Habitat Protection 2021	The assessment report notes that a specific (koala assessment) report has not been prepared because the land is generally cleared, the proposal does not involve clearing of vegetation, and the proposal is unlikely to impact on koalas or koala habitat.		
	We concur with this assessment. It is noted that the assessment report did not explicitly make reference to Chapter 3 of this Policy, however, all relevant provisions are covered.		
State Environmental P	lanning Policy (Resilience and Hazards) 2021		
Chapter 4 – Remediation of Land	The assessment report notes that land contamination was addressed during the assessment of the original subdivision and dwelling house and that no further investigation is warranted for the proposal.		
	Based on there being no change in use of the land since that time, we concur with this assessment.		
State Environmental P	lanning Policy (Sustainable Buildings) 2022		
The assessment report because it does not app	did not make comment in relation to this Policy, most probably ply.		
building (i.e. the shed is	why it does not apply; being the proposal does not involve a BASIX is not a residential building), and the Policy does not apply to non-		

residential development wholly located in the RU1 zone.

PROVISIONS OF ANY PROPOSED INSTRUMENTS s4.15(1)(a)(ii)

The assessment report notes that there are no proposed instruments that are applicable to this application. We concur with this assessment.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)

Blayney Shire Development Control Plan 2018 (DCP)

Part D - Commercial, Community and Industrial Development

NOTE: The assessment report does not reference Part D of the DCP, however it is our opinion that it is called up via Part E3 of the DCP, which states that for all other land uses (i.e. those noted in Part E or not otherwise provided for in the DCP), an application must comply with Parts D4 and D6. The relevant matters are addressed below.

D4 - Access and Parking

We consider that given the nature and intensity of the proposal (i.e. staffed and used by onsite residents, and not open to the public), the site has suitable vehicle access, circulation, loading and unloading areas, and parking areas. It is assumed that the applicant obtained the necessary Roads Act approval from Council for the recently constructed secondary access to the site, and that it has been inspected and signed off by Council's engineers.

D6 – Site Planning, Earthworks and Utilities

We consider the proposed development is capable of achieving the relevant objectives in Part D6 as follows:

- The proposal has been sited taking into account site topography and constraints.
- The visual appearance of the proposal integrates with the semirural nature of the site and surrounds.
- Significant planting between the outdoor run area and the nearest neighbours to the west and south has been carried out on the site to provide screening, integration, and a buffer.
- Amenity with neighbours can be maintained to a reasonable standard, as discussed in various sections of this table.
- Services and onsite sewer management were assessed earlier in this table. It is recommended that a Waste Management Plan and confirmation that the septic system is suitable are provided via conditions of consent. Of particular note the DCP makes reference to the possible need to enhance or replace existing septic systems.

Part E - Other Land Uses

E3 – General Controls for all Other Land Uses

The assessment report does not reference Part E3 of the DCP, however, as noted previously, it is our opinion that it applies, as it states, "all other land uses".

It notes that an application must comply with Parts D4 and D6 of the DCP, as well as other specific land use controls covered in Section E of the DCP. In this case, E4 applies, and is addressed below. D4 and D6 were addressed above.

Blayney DCP (continued)

Part E - Other Land Uses (continued)

E4 - Animal Boarding & Training Establishments

E.4.1 Animal

Training Objectives

Boarding &

Objectives (summarised):

- 1) Minimise potential land use conflict;
- 2) Implement best practice; and
- 3) Avoid / minimise impacts on the natural environment and rural landscape.

The assessment report notes that the proposal generally satisfies these objectives and has been designed in compliance with the NSW Department of Primary Industries, NSW Animal Welfare Code of Practice No.5 – Dogs and Cats in Animal Boarding Establishments.

We concur with this assessment, on the basis that waste is appropriately managed on the site, as previously discussed.

E.4.2 Animal Boarding & Training Controls

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Controls (summarised):

- 1) Noise levels not to exceed 35dB(A) at the boundary above existing background levels (or otherwise in accordance with the EPA NSW Industrial Noise Policy).
- 2) No parts permitted within 200 metres of the property boundary or 500m of the nearest dwelling house (or suitable distance being determined by a Noise Assessment Report).

The assessment report relies on the submitted Noise Assessment Report, which concludes that the noise emissions are within trigger levels nominated in the NSW EPA Noise Policy for Industry.

The submitted Noise Assessment Report has been reviewed by third party acoustic engineering consultancy, SoundIN. Their review notes that the submitted assessment is inadequate, and has several technical issues as follows:

- The closest sensitive receiver to the outdoor exercise yard has not been properly identified in Table 1 of the report, although the noise modelling appears to assess relevant noise sources and sensitive receivers.
- The assumed sound power levels for greyhounds in exercise yards
 was modelled based on 6 dogs (at a similar facility), and has not
 been adjusted for the additional noise of up to 20 dogs as
 proposed. The modelling therefore under-predicts at-receiver noise
 levels.
- The noise prediction algorithm / method has not been identified in the model, and thus it is not possible to verify if the modelling has been conducted in an appropriate manner.

(continued over page)

Blayney DCP (continued)

Part E - Other Land Uses (continued)

E.4.2 Animal
Boarding &
Training Controls
(continued)

The noise review concludes that notwithstanding the technical inadequacies, subject to implementation of effective noise management practices, the proposal would have a low risk of adverse noise impacts on nearby sensitive receivers.

It notes that effective noise management practices may include, but are not limited to:

- Reducing the number of dogs on site.
- Relocating the outdoor exercise runs to a location on the site with greater separation to sensitive receivers.
- Erecting barriers between noise sources and sensitive receivers (i.e. acoustic attenuation).

SoundIN recommends a condition of consent with regards to noise limits (as set out in the table below). The condition also notes that Council may require noise monitoring to ensure compliance (by a suitably qualified acoustic consultant, at the applicant's expense), and that the applicant will be responsible for implementation of any necessary mitigation measures within a reasonable timeframe.

Table 1 Noise Limits



We concur with the noise review carried out by SoundIN, including the recommended condition of consent. On that basis, the proposal is considered to be sited a reasonable distance from neighbouring dwellings.

3) The applicant must provide a business and management plan that addresses the relevant industry guidelines for the design of these facilities including mechanisms to manage noise etc.

The assessment report notes that the facility has been designed and constructed in accordance with Greyhound Racing NSW licensing requirements and Code of Practice, and that Greyhound Racing NSW will make licensing inspections of the premise.

While we generally concur with this assessment, we consider that the submitted Statement of Environmental Effects only provides for a list of requirements and a statement that the facility complies. This does not constitute a 'Business and Management Plan' for ongoing operations in accordance with this DCP requirement.

(continued over page)

Blayney DCP (continued)

Part E - Other Land Uses (continued)

E.4.2 Animal Boarding & Training Controls (continued)

We recommend that a separate management plan is required via condition of consent. The Plan should address industry requirements as they relate to this particular facility, and include noise mitigation measures. The Plan can be kept on site for reference, for training future staff, for site inspections by Greyhound Racing NSW, Council, any other agencies, etc.

- 4) Establishments must demonstrate adequate water supply and methods for disposal of solid and liquid wastes so these will not impact adjacent properties or watercourses/groundwater.
- 6) Council may require Sediment & Soil Erosion Plan if located near watercourse or environmentally sensitive area and likely to result in significant topsoil disturbance from animals.

The assessment report notes that the land has access to a bore for water supply, that liquid waste is managed through the onsite effluent system, and solid waste is collected on a regular basis and disposed to an approved waste facility.

As discussed previously, we consider that the applicant has not yet sufficiently demonstrated that impacts will be avoided and mitigated, and that a Waste Management Plan should be prepared, including confirmation that the existing septic system is suitable for use.

Part G – Environmental Management & Hazards

G2 – Buffers to Sensitive Land Uses

The assessment report has not considered this part of the DCP.

Likewise, we do not consider this part to be applicable. While the proposed development is located adjacent to 'sensitive land uses', being neighbouring dwellings, the nature and intensity of the proposal is not considered to be a 'higher impact use' that will produce "significant impacts" of those dwellings.

Notwithstanding, the Buffers Table set out in this part makes reference to animal boarding and training establishments, with a recommended buffer of 500m to another off-site dwelling, and 200m to a property boundary. These separation buffers already been considered in the Part E4 assessment above.

Further, and as noted previously, there is an existing planted / vegetative buffer between the outdoor run area and the nearest neighbouring dwelling to the west. Noise, onsite effluent, run-off, and waste impacts have been addressed in other parts of this report.

Blayney DCP (continued)					
Part G – Environmental Management & Hazards (continued)					
G3 – Stormwater & Drainage	The assessment report notes this matter was addressed in the LEP assessment and that adequate arrangements have been made.				
	We note that this part of the DCP only relates to residential, business and industrial zones; with reference to LEP Clause 6.2 which only relates to urban stormwater in in residential and employment zones. As the land is zoned rural (RU1), Part G3 does not apply.				
	Notwithstanding, as previously discussed, we consider that a Waste Management Plan should be prepared to discuss how run-off will be managed onsite to ensure impacts to downstream neighbours and waterways are minimised.				
G4 - Flooding	The assessment report notes that the site is not mapped as a flood planning area.				
	We note that this section of the DCP does not provide any flood provisions, with a note they will be added at a future date. As such, consideration of Part G4 is not required.				
G5 - Bushfire	The assessment report notes that the site is not mapped as being bush fire prone land. As such, consideration of Part G5 is not required. We concur with this assessment.				
G6 – Land Contamination	The assessment report notes that this matter was addressed under the Resilience and Hazards SEPP assessment.				
	We noted previously, we concur with the assessments made in relation to this matter.				
G7 – Significant	The assessment report has not considered this part of the DCP.				
Vegetation & Biodiversity	We note that this section of the DCP does not provide any provisions, noting they will be added at a future date. In any case, biodiversity has previously been assessed in the Section 1.7 and LEP sections of this report.				
G8 – Drinking Water Catchments	The assessment report notes that the site is not within the drinking water catchment area or affected by vulnerable groundwater.				
& Ground Water Vulnerability	We concur with this assessment, as the land is not mapped via the LEP as being affected by either of these constraints. As such, consideration of Part G8 is not required.				

Blayney DCP (continued)

Part G – Environmental Management & Hazards (continued)

G9 - Land & Soils

The assessment report notes that site investigations were completed during the assessment of the subdivision and dwelling house, and that there is no indication that the site might be affected by geological, soil classification / types or salinity issues that could impact on the proposed development.

We concur with this assessment. Notwithstanding, as previously discussed, we consider that a Waste Management Plan should be prepared to discuss how run-off will be managed onsite to ensure environmental impacts are minimised.

PROVISIONS OF ANY PLANNING AGREEMENT s4.15(1)(a)(iiia)

The assessment report notes that there are no planning agreements or draft planning agreements relevant for consideration as part of the assessment and determination of this application.

We have not been advised of any planning agreements that apply to the land.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

The assessment report notes that the matters prescribed by the Regulations (ss 61-64) do not apply to the proposal or application.

We concur with this assessment.

THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

Context & Setting Impacts

The assessment report notes the existing setting and that no additional landscaping is proposed due to the existing screening of vegetation.

We generally concur with this assessment, noting that due to siting and existing vegetation the proposal fits within its semi-rural surrounds and is unlikely to have adverse impacts on the context and setting, subject to suitable waste and business management as previously discussed.

Access, Transport & Traffic Impacts

The assessment report notes that additional traffic movements generated as a result of the proposal will be minimal, and as the facility is operated by the owners of the site and not open to the public, thus movements of the dogs and vehicles will be minimal (i.e. once per week per vehicle, with a total of two vehicles).

We concur with this assessment. As noted previously, it is assumed the applicant obtained the necessary Roads Act approvals from Council for the secondary access, and that this has been inspected for compliance. Based on that assumption, we consider adverse access, transport and traffic impacts to be unlikely.

LIKELY IMPACTS (con	tinued)			
Utilities & Servicing	The assessment report notes that adequate service arrangements are in place, and that the existing wood fire heater in the shed requires an installation certificate to confirm that it complies with relevant standards.			
	As discussed previously, we consider that a Waste Management Plan and confirmation that the septic system is suitable are provided via conditions of consent. Subject to these requirements, adverse impacts are considered unlikely with regards to utilities and servicing.			
	It is also noted that the applicant states that a Section 68 application would be included as part of the overall development for the wood fire burner. It is assumed that the s68 application was lodged concurrently and has been assessed by Council staff.			
Site & Internal Design	The assessment report notes that the proposal is consistent with planning controls in the LEP and DCP, as well as the Greyhound Welfare Code of Practice; and refers to details about shed construction, exercise runs, and established landscaping.			
	As discussed previously, we consider that a Business and Management Plan, a Waste Management Plan, and confirmation that the septic system is suitable, be provided via conditions of consent. Subject to these requirements, adverse impacts are considered unlikely.			
Natural & Technological Hazards	The assessment report notes that the land is not affected by natural hazards, including flooding or bushfire, that the land is unlikely to be contaminated, and that the application has not identified any technological hazards.			
	We concur with this assessment.			
Waste Impacts	The assessment report notes that the proposed waste arrangements are acceptable.			
	As discussed previously, we consider that the applicant has not yet sufficiently demonstrated that impacts will be avoided and mitigated, and that a Waste Management Plan should be prepared, including confirmation that the existing septic system is suitable for use. The Plan should include details of how liquid waste is managed, such as hosing down of kennels, as well as solid waste management, including storage, collection and disposal of food waste, dog faeces, packaging, etc.			
	Subject to conditions of consent and adherence to appropriate waste management measures, it is considered that adverse waste impacts are unlikely.			

LIKELY IMPACTS (cont	inued)			
Safety, Security & Crime Prevention	The assessment report notes that the submitted application has addressed the applicable guidelines and the Crime Prevention Through Environmental Design (CPTED) principles to ensure that t development does not create or exacerbate crime risk.			
	We concur with this assessment. Furthermore, the site has locks on the access gates to prevent unauthorised entry.			
Flora, Fauna & Biodiversity Impacts	The assessment report notes that the LEP mapped area of terrestrial biodiversity is limited to the road corridor, the proposal does not involve removal of vegetation, and that no additional measures are required to minimise or mitigate impacts.			
	As discussed previously, we recommend conditions of consent requiring preparation and further assessment of a Waste Management Plan to ensure appropriate site management of waste (septic, stormwater run-off, and solid waste).			
	Subject to adherence to appropriate waste management measures, it is considered that adverse biodiversity impacts are unlikely.			
Noise & Vibration Impacts	The assessment report relies on the submitted Noise Assessment Report and considers it acceptable.			
	As discussed previously, the submitted noise assessment was reviewed by a third-party acoustic engineer, who identified numerous technical inadequacies with the submitted assessment. Notwithstanding, their review concludes that subject to implementation of effective noise management practices, the proposal would have a low risk of adverse noise impacts on nearby sensitive receivers.			
	We concur with the acoustic engineer's review and recommended condition of consent. Subject to appropriate site management, adverse noise impacts are unlikely. Adverse vibration impacts are not likely, as no construction works are proposed.			
Social & Economic Impacts	The assessment report notes that the proposal would be unlikely to have an unacceptable impact on land-uses, residents or the environment, and as such socio-economic impacts would be within acceptable limits.			
	We generally concur with this assessment, subject to our recommendations with regards to waste management and business management, as well as the condition of consent from the acoustic consultant.			

LIKELY IMPACTS (continued	I)					
Cumulative Impacts	The assessment report notes that the proposal is likely to make a neutral / positive contribution to the environment and will have an acceptable cumulative impact.					
	We consider that the proposal is unlikely to result in adverse cumulative impacts subject to our recommendations with regards to waste management and business management, a well as the condition of consent from the acoustic consultant					
Soil & Erosion Impacts	The assessment report does not explicitly address this matter in its likely impacts assessment.					
	As discussed previously, we consider that the applicant has not sufficiently demonstrated that impacts will be avoided and mitigated, and that a Waste Management Plan should be prepared. Subject to suitable site management, adverse soil and erosion impacts are unlikely.					
Water Quality & Stormwater Impacts	The assessment report does not explicitly address this matter in its likely impacts assessment.					
	As discussed previously, we consider that the applicant has not sufficiently demonstrated that impacts will be avoided and mitigated, and that a Waste Management Plan should be prepared, including confirmation that the existing septic system is suitable for use. Subject to suitable site management, adverse water quality and stormwater run-off impacts are unlikely.					
Neighbouring Amenity Impacts	The assessment report does not explicitly address this matter in its likely impacts assessment (although it is discussed in other sections of that report).					
	We consider that the siting of the proposal is sufficiently separated from neighbouring dwellings and properties so that it will not result in adverse impacts with regards to bulk and scale, overshadowing, or privacy.					
	Waste needs to be appropriately managed on site to ensure neighbours are not adversely impacted with regards to run-off, noise, odour, pests, etc. and a Waste Management Plan is required as previously discussed.					
	Noise has been addressed in detail earlier in this assessment and is considered acceptable subject to the facility being appropriately managed.					
	Conditions of consent are recommended to ensure that neighbouring amenity is not adversely impacted as previously discussed.					

LIKELY IMPACTS (continued)			
Public Health Impacts	The assessment report does not explicitly address this matter in its likely impacts assessment.		
	Subject to conditions of consent and adherence to appropriate waste management measures, it is considered that adverse public health impacts, including odour, pests, etc. are unlikely.		

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT s4.15(1)(c)

The assessment report notes that the site has the capacity to support the proposal without adverse impacts, with recommended conditions of consent to mitigate impacts.

We generally concur with the assessment, subject to all of our recommendations as previously discussed.

ANY SUBMISSIONS MADE s4.15(1)(d)

The assessment report notes that the application was notified to adjoining landowners in accordance with the *Blayney Shire Community Participation Plan 2020* from the 5 October 2023 to 19 October 2024, and that 2 submissions were received. A detailed assessment of the issues raised was carried out.

It is noted that the notification period appears to have a typing error, being October 2023 – October 2024 (i.e. a period of over 1 year). It is assumed the notification period was just October 2023, given a 14-day notification period is required.

Following a review of the redacted submissions received by Council, we generally concur with the assessment report, subject to our recommendations as previously discussed to appropriately mitigate impacts (waste, septic, management, etc).

Notwithstanding, there appears to be a few issues raised in the submissions which were not explicitly addressed in this section of the assessment report. We have addressed these matters below.

- Increase in traffic from clients and staff the assessment report notes that additional
 traffic movements will be minimal as the facility is operated by the owners of the site and
 is not open to the public. The application also notes that movements of the dogs and
 vehicles will be minimal (i.e. once per week per vehicle, with a total of two vehicles). We
 consider that the proposal is unlikely to result in adverse traffic impacts as previously
 discussed.
- Light glare to wildlife the submission raises the issue that lights have been left on overnight at the facility, which impacts on nocturnal animals. We consider that light glare also has the potential to impact on neighbouring amenity and traffic safety. A condition of consent is recommended that all outdoor lighting is in accordance with Australian Standards, and subject to a curfew (i.e. turned off during the nighttime period of 10pm-7am, except for emergencies etc. such likely occurrences should be detailed in the Business Management Plan).
- Impacts to property values this is not a planning consideration, and no further comments are made in this regard.

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ANY SUBMISSIONS (continued)

• Impacts to future development – the submission notes that discussions with Council staff have been made with regards to future development on adjoining land, and that the facility will impact on the siting of that development. Assuming this was pre-lodgement, and that no formal application has been lodged, it should not specifically be taken into account. Neighbours and the surrounds have generally been taken into account with regards to land use conflict, noise, amenity, etc. as previously discussed. The proposed land use is permitted in the RU1 zone and is considered to be a suitable activity subject to appropriate site management as previously discussed.

THE PUBLIC INTEREST s4.15(1)(e)

The assessment report notes that the proposal complies with the LEP and DCP 2018; that there are no specific policy statements, planning studies or strategies that need to be taken into account; that there are no covenants, easements or agreements that affect the proposal in the long term; and that public exhibition and notification of the proposal generated public interest and an evaluation of the issues has been addressed; therefore the proposal poses no significant detrimental impacts on the public interest.

We concur with this assessment.

Section 7.12 - Development Contributions

The assessment report notes that the *Blayney Local Infrastructure Contributions Plan 2022* identifies that Section 7.12 levies apply to development that is not Type A (residential) or Type B (Heavy Haulage) development, and which also has a proposed cost of development in excess of \$100,000.

It goes on to note that payment of the levy is not required. Presumably this is because the applicant states the estimated cost of development is \$0.

However, because the development has already been carried out (without consent), this value does not reflect actual costs incurred with regards to the facility. Had the applicant had obtained development consent prior to the fit out of the building and construction of the outdoor runs, the estimated cost of these works should have been disclosed via a 'Cost Summary Report', as required by the Contributions Plan.

It is our opinion that the applicant should provide a breakdown of actual costs associated with the development (i.e. copies of receipts, invoices, etc. for materials, labour, consultants, etc). If the total value is over \$100,000, the levy should be charged in accordance with the rates in the Plan, which are set out in the table over page.

Blayney Local Infrastructure Contributions Plan 2022 Levy Rates:

Proposed cost of carrying out the development:	Levy Rate:
• is more than \$100,000 and up to and including \$200,000	0.5% of that cost
• is more than \$200,000	1.0% of that cost

A condition of consent is recommended to this effect. If the levy applies, the applicant should be given a reasonable timeframe to make payment to Council. We recommend a period of 3-4 months.

Draft Notice of Determination

The assessment report recommends nine (9) conditions of consent, which are summarised below, with our review comments.

- 1. **Development carried out in accordance with submitted plans** this is a standard condition to be included on all approvals. We recommend the wording be updated to be consistent with the standard condition issued by the Department of Planning.
- 2. Installation Certificate to demonstrate the woodheater complies with the Australian Standard (within 1 month) this is a prescribed condition. We concur with the recommended timeframe.
- 3. Greyhound Racing Inspection compliance evidence to be submitted to Council for the lifetime of the development - we consider this condition to be quite onerous, particularly for Council staff who have to keep records. We recommend that the condition be reworded to state that the applicant must keep records and supply them to Council (and any other authorities) if and when requested. Recommended wording is set out in the next section below.
- 4. Facility maintained and operated in accordance with Greyhound Racing Codes of Practice and all conditions of consent - we concur with this condition; however, it could be incorporated within the recommended Business Management Plan condition. Recommended wording is set out in the next section below.
- 5. Noise levels should not exceed 5dBa above the L90 background level this condition should be replaced with the one recommended by the third-party acoustic engineer as previously discussed, and as set out in the next section below.
- 6. Animal activities to be monitored continually by the operator the wording of this condition is vague, in particular, what constitutes an 'activity' of the animals. Disturbance of neighbours should also be mentioned. Recommended wording is set out in the next section below.

- 7. Companion Animals Act & Protection of the Environment Operations Act compliance the Department of Planning's condition writing guideline states that adherence to other legislation should not be included as a condition of consent. It is recommended this is moved to the advisory note section.
- 8. Clean and tidy state we concur with this condition, however, suggest it is incorporated into the recommended Waste Management Plan condition. Recommended wording is set out in the next section below.
- Refuse and waste collected and stored in an appropriate manner and disposed of
 offsite at an approved waste facility this condition should be replaced with the
 recommended Waste Management Plan condition as set out in the next section
 below.

Recommended Conditions of Consent

Based on our assessment of the development application, consultant assessment report, third party review of the submitted noise assessment, and submissions received by Council, the following conditions of consent are recommended.

It is noted that each condition needs to include a 'reason' for the condition, however the assessment report has not included these. Condition reasons have been included below.

We have also included a requirement to obtain an Occupation Certificate once all relevant conditions have been met.

GENERAL CONDITIONS

1. APPROVED PLANS AND SUPPORTING DOCUMENTATION

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

APPROVED PLANS					
PLAN NUMBER REVISION PLAN TITLE DRAWN BY DATE OF					
-	-	Site Plan	-	-	
-	-	Internal Floor Plan	-	-	

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APPROVED DOCUMENTS					
DOCUMENT TITLE	VERSION NUMBER	PREPARED BY	DATE OF DOCUMENT		
Statement of Environmental Effects	-	Planning Potential	September 2023		
Greyhound Noise Impact Assessment	2308.03	Acoustik	21/09/2023		

In the event of any inconsistency between the approved plans and documents, the approved DOCUMENTS prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

PRESCRIBED CONDITIONS

2. DOMESTIC SOLID BURNING APPLIANCE

Within 1 month of the issue of this approval, an Installation Certificate to confirm that the wood heater complies with Australian Standard AS/NZS2918:2018 - Domestic solid burning appliances - installation, shall be submitted to Council.

Condition Reason: Legislated requirement.

NIL

PRIOR TO WORKS COMMENCING

NIL

DURING CONSTRUCTION

NIL

SECTION 68 REQUIREMENTS

NIL

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

3. OCCUPATION CERTIFICATE (SECTION 6.9 OF THE ACT)

Within 4 months of the issue of this approval, an Occupation Certificate must be obtained for the ongoing use of the building.

The Principal Certifying Authority is required to be satisfied, amongst other things, that any preconditions to the issue of the certificate required by a development consent have been met (i.e. all prior to Occupation Certificate conditions).

Condition Reason: Legislated requirement.

4. CONTRIBUTION LEVY

Within 1 month of the issue of this approval, a detailed breakdown and evidence of all costs associated with the fit out of facility (i.e. copies of receipts / invoices for kennels, outdoor runs, kitchenette, wood heater, air conditioning, septic system, etc. including materials, labour, consultant fees, etc.) shall be submitted to Council.

If the total value of works requires payment of a development contribution pursuant to the *Blayney Local Infrastructure Contributions Plan 2022* and Section 4.17 of the *Environmental Planning and Assessment Act 1979*, Council will issue notice to this effect. The relevant levy must be paid to Council prior to the issue of an Occupation Certificate.

The *Blayney Local Infrastructure Contributions Plan 2022* may be viewed during office hours at Council or on Council's website.

Condition Reason: Legislated requirement.

5. APPROVAL OF A WASTE MANAGEMENT PLAN

Within 2 months of the issue of this approval, and before the issue of an Occupation Certificate, and a **Waste Management Plan** for ongoing operations of the development must be prepared and submitted to Council for approval, to the satisfaction of Council's Director Planning & Environmental Services.

The Plan shall include details of how liquid waste is managed, including hosing down of kennels, and run-off from outdoor exercise areas, parking areas, etc; as well as solid waste management, including storage, collection and disposal of food waste, dog faeces, packaging, etc. Details of mitigation measures with regards to odour, noise, and pests is to also be included in the plan.

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The Waste Management Plan must be prepared in accordance with the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and include the following information—

- i) the contact details of the person removing waste,
- ii) an estimate of the type and quantity of waste,
- iii) whether waste is expected to be reused, recycled or sent to landfill,
- iv) the address of the disposal location for waste.

A copy of the Waste Management Plan must be kept on-site at all times.

Condition Reason: To ensure resource recovery is promoted and local amenity protected during operation.

6. APPROVAL OF A BUSINESS AND MANAGEMENT PLAN

Within 2 months of the issue of this approval, and before the issue of an Occupation Certificate, a **Business and Management Plan** for ongoing operations of the development must be prepared and submitted to Council for further assessment, and to the satisfaction of Council's Director Planning & Environmental Services.

The Plan shall address industry requirements as they relate to this particular facility and include the relevant requirements of Greyhound Racing NSW Codes of Practice, and the NSW Department of Primary Industries, NSW Animal Welfare Code of Practice No.5 – Dogs and Cats in Animal Boarding Establishments. The Plan shall also include noise mitigation measures, light glare mitigation measures, and emergency procedures.

A copy of the Business and Management Plan must be kept on-site at all times.

Condition Reason: To ensure animal welfare and local amenity is protected during operation.

7. SEPTIC SYSTEM CERTIFICATION

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Within 1 month of the issue of this approval, and before the issue of an Occupation Certificate, certification from a suitably qualified person shall be submitted to Council demonstrating that the existing onsite sewage management (septic) system is suitable for use by the facility.

If the system is deemed not to be suitable (by the suitably qualified person), measures shall be undertaken to ensure it is made suitable (such as maintenance, upgrade, replacement, additional system, etc) within 2 months of the issue of this approval.

Condition Reason: To ensure adequate onsite management of wastewater, and to protect downstream properties, waterways, and the surrounding environment.

ONGOING MATTERS

8. OPERATIONAL NOISE

Noise levels associated with the operation of the facility shall comply with the noise limits in Table 1 below:

Table 1 Noise Limits

Location	Day ¹ L _{Aeq,15min}	Evening ¹ L _{Aeq,15min}	Night ¹ L _{Aeq,15min}	Night ¹ L _{Amax}
Nearby residences	40	35	35	52
Day = 7am to 6pm Monday to Night = the remaining periods	Saturday, 8am to 6	pm Sundays and pub	lic holidays; Evening :	= 6pm - 10pr

It is noted that Council may direct the operator to conduct noise monitoring to determine ongoing compliance. If directed by Council, the operator, at its own expense, shall engage a suitably qualified acoustic consultant to conduct noise compliance monitoring and identify mitigation measures to achieve compliance with the noise limits.

If mitigation measures are required, the operator shall be responsible for their implementation within a reasonable period approved by Council's Director of Planning & Environmental Services.

The acoustic consultant shall be a member of the Australian Acoustical Society or be employed by a member firm of the Association of Australasian Acoustical Consultants.

Noise compliance measurements shall be conducted in accordance with the approved methods for the measurement and analysis of environmental noise in NSW (EPA, 2022).

Condition Reason: To ensure local amenity is protected during operation.

9. NOISE MANAGEMENT

Animals (greyhounds) on the site are to be monitored continually by the operator, and disruptive animals shall be attended to and/or isolated immediately to prevent disturbance to the other animals and neighbours, and in accordance with the approved Business and Management Plan.

Condition Reason: To ensure local amenity is protected during operation.

10. BUSINESS AND MANAGEMENT PLAN

The facility shall be operated in accordance with the approved Business and Management Plan at all times.

Condition Reason: To ensure local amenity is protected during operation.

11. OPERATIONAL WASTE MANAGEMENT

The facility and premises shall be maintained in a clean and tidy state at all times. Management of refuse and waste from the facility shall be in accordance with the approved Waste Management Plan.

Condition Reason: To ensure local amenity and the environment are protected during operation.

12. RECORDS OF INSPECTION

Compliance records after each required site inspection by Greyhound Racing NSW are to be kept on site at all times. These records are to be provided to Council (or any other relevant agency or authority) if and when requested.

Condition Reason: To ensure compliance with Greyhound Racing requirements.

13. MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICES

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps, septic system, and on-site detention) must be regularly maintained to remain effective for the lifetime of the facility, and to the satisfaction of Council's Director Planning & Environmental Services.

Condition Reason: To protect stormwater systems, downstream properties, native flora and fauna, and the environment.

14. OUTDOOR LIGHTING

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Any lighting on the site shall be designed and sited not to cause a nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity and wildlife of the surrounding area by light overspill.

All existing and proposed lighting shall comply with the Australian Standard AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

Outdoor lighting shall be limited to 7am-10pm daily, with the exception of emergencies as set out in the approved Business and Management Plan.

Condition Reason: To ensure local amenity and the environment are protected during operation.

ADVISORY NOTES

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15. COMPLIANCE WITH LEGISLATION

The facility shall be operated in accordance with all relevant requirements of the *Companion Animals Act 1998,* the *Protection of the Environment Operations Act 1997,* and any other relevant legislation and policies at all times.

Conclusion & Recommendation

Overall, we consider that the proposed animal boarding or training establishment (greyhound facility) is a suitable use of the land, subject to the implementation of appropriate measures to mitigate and avoid adverse impacts on neighbours and the environment. Recommended conditions of consent are included above to ensure the development proceeds in an acceptable manner, including waste management, business and operational management, noise management, certification of the wood heater and septic system, site maintenance, outdoor lighting, and record keeping.

This conclusion is based on the following assumptions:

- That the necessary approvals were obtained for the secondary access, and that compliance inspection(s) have been carried out by Council's engineers;
- That land contamination was addressed in the development application relating to the rural-residential use of the land and construction of the dwelling house; and
- That clearing of native vegetation was addressed in the previous development application to construct the shed (noting that the clearing would have been within the allowable BC Regulation thresholds).

Subject to our recommended conditions of consent and appropriate ongoing management of the facility, the proposal is considered to be consistent with the Blayney LEP and DCP, all relevant State Planning policies, and the EP&A Act and Regulations as discussed in detail throughout this report.

It is recommended that Council approve the development application, subject to the above recommended conditions of consent.

This is Page No. 103 of the Attachments of the Extraordinary Council Meeting of Blayney Shire Council held on 18 December 2024

Development Application Peer Review – Da 116/2023 Animal Boarding or Training Establishment
(Greyhound Facility)
239 Carbine Road, Forest Reefs

Please don't hesitate to contact our office should you wish to discuss the above.

Yours Sincerely,

Andrew Crump Town Planning Pty. Ltd.

Per:

Andrew Crump

Director

Enc.

Annexure 1 – Noise Assessment Review Letter from SoundIN, dated 30 September 2024

This is Page No. December 2024	104 of the	Attachments	of the	Extraordinary	Council	Meeting	of Blayney	/ Shire	Council	held	on 18
	,	Annexure 1	- Nois	e Assessme	ent Revi	ew - So	undlN				

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30 September 2024

SoundIN Project Number: 17285 Our Ref: Letter 17285 BSC 20240930 NH Email: amuir@blayney.nsw.gov.au

Andrew Muir Blayney Shire Council PO Box 62 BLAYNEY NSW 2799

Dear Andrew

Re: 293 Carbine Road, Forest Reefs - Noise Assessment Review

INTRODUCTION

SoundIN Pty Ltd (SoundIN) has been commissioned by Blayney Shire Council (BSC) to conduct a peer review of the Noise Impact Assessment (NIA) for a proposed greyhound boarding facility at 293 Carbine Road, Forest Reefs (the Proposal).

The purpose of this review is to:

- Assess the technical adequacy of the NIA and associated assessment outcomes.
- Recommend appropriate conditions of approval relating to noise.

In conducting this review, SoundIN has reviewed the following documents:

 Greyhound Noise Impact Assessment, prepared by Acoustik, September 2023 (Acoustik Ref. 2308.03.Report.0)

TECHNICAL ADEQUACY REVIEW

SoundIN's review of the NIA has identified several issues regarding the technical adequacy of the assessment. These issues are identified in the context of the NSW EPA's *Noise Policy for Industry* (the "NPfl") and are discussed below.

Identification of sensitive receivers

Section 1 of the NIA identifies sensitive receivers near the Proposal. These receivers are shown in Figure 1 and listed in Table 1 of the NIA. Table 1 of the NIA includes the distance of nearby receivers to the proposed kennel shed, identifying that the residence at 201 Carbine Road is 340 metres from the kennel shed and the residence at 283 Carbine Road is 380 metres from the kennel shed. It is noted



Page 2

that the distances in Table 1 of the NIA imply that 201 Carbine Road is the closest receiver to the Proposal.

However, the proposed outdoor exercise yards are approximately 75 metres from 283 Carbine Road, indicating that this receiver is significantly closer to the Proposal. The noise predictions in Section 4 of the NIA indeed show that the highest predicted noise levels from the Proposal occur at 283 Carbine Road.

It is noted that the noise modelling appears to include appropriate locations for all relevant noise sources and sensitive receivers, and the distances quoted in Table 1 do not have a material effect on the assessment. However, the incomplete presentation of distances in Table 1 is potentially misleading and should be avoided.

Assumed sound power levels for greyhounds in exercise runs

Section 2.1 of the NIA states that Acoustik maintains a "database of Sound Levels for greyhounds in the open air..." and that the $L_{Aeq,15min}$ sound power level for six (6) greyhounds in open exercise runs is 86 dBA.

Section 4 of the NIA outlines the noise modelling methodology and presents predicted noise levels at receivers but does not state the total modelled sound power level for greyhounds in the exercise runs. It is understood that the Proposal would accommodate up to twenty (20) adult greyhounds. On this basis, the modelled L_{Aeq,15min} sound power level for greyhounds in the exercise yards should be adjusted upwards to reflect the additional noise from 20 dogs compared to 6 dogs and should be 91 dBA.

A note to Table 4 of the NIA indicates that the modelling assumes that the greyhounds are barking and howling for up to 3 minutes over a 15-minute period. This indicates that the modelled sound power level of the dogs has been corrected down by 5 dBA. However, as noted above, Acoustik's claimed sound power level for greyhounds in open air is already expressed as a 15-minute average level. This indicates that the modelled sound power level for the exercise runs, which is not presented in the NIA, could be erroneous and leading to under-predictions of at-receiver noise levels.

Noise prediction algorithm not identified

Section 4 of the NIA states that "Noise levels are modelled using Predictor Version V2023 developed by DGMR Software". However, the NIA does not identify the noise prediction algorithm/method employed in the model. Predictor Version V2023 is merely a software application that implements a range of outdoor noise prediction algorithms. Since the NIA does not properly identify the noise prediction algorithm used, it is not possible to verify that the modelling which underpins the NIA has been conducted in an appropriate manner.

RECOMMENDATIONS

The preceding review of the technical adequacy of the NIA has identified several issues, most notably with respect to the modelled sound power of the exercise runs. It is noted that the outdoor exercise



runs are the closest noise source within the Proposal to the most potentially affected receiver (283 Carbine Road). Based on the issues identified within the NIA, SoundIN considers the assessment to be inadequate.

Notwithstanding these issues with the NIA, SoundIN considers that, subject to the implementation of effective noise management practices, the Proposal would have a low risk of adverse noise impacts on nearby sensitive receivers.

It is noted that effective noise management practices may include, but are not limited to, the following:

- Reducing the number of dogs allowed on site
- Relocating the outdoor exercise runs to a location on the site with greater physical separation to sensitive receivers
- Erecting barriers between noise sources and sensitive receivers.

It is recommended that, if BSC grants consent to the Proposal, SoundIN recommends that the following condition is included in the consent:

Noise levels associated with the operation of the greyhound boarding facility will comply with the noise limits in Table 1 below:

Table 1 Noise Limits

Location	Day ¹	Evening ¹	Night ¹	Night ¹	
	L _{Aeq,15min}	L _{Aeq,15min}	L _{Aeq,15min}	L _{Amax}	
Nearby residences	40	35	35	52	

Day = 7am to 6pm Monday to Saturday, 8am to 6pm Sundays and public holidays; Evening = 6pm - 10pm; Night = the remaining periods.

The Council may direct the applicant to conduct noise monitoring to determine ongoing compliance. If directed by Council, the Applicant, at its expense, shall engage a suitably qualified acoustic consultant to conduct noise compliance monitoring and identify mitigation measures to achieve compliance with the noise limits. If mitigation measures are required, the applicant shall be responsible for their implementation within a reasonable period approved by the Director of Planning and Environmental Services.

The acoustic consultant shall be a member of the Australian Acoustical Society or be employed by a member firm of the Association of Australasian Acoustical Consultants.

Noise compliance measurements should be conducted in accordance with the approved methods for the measurement and analysis of environmental noise in NSW (EPA, 2022).



17285 / Blayney Shire Council

Page 4

CONCLUSION

SoundIN has been commissioned by BSC to conduct a peer review of the NIA for a proposed greyhound boarding facility at 293 Carbine Road, Forest Reefs.

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Should BSC decide to approve the Proposal, SoundIN has recommended conditions of consent that are appropriate to manage potential noise impacts from the Proposal.

We trust this letter satisfies your requirements. Please contact us if you have any further queries.

Yours faithfully

SOUNDIN

Nic Hall

Senior Engineer



30 September 2024

SoundIN Project Number: 17285 Our Ref: Letter 17285 BSC 20240930 NH Email: amuir@blayney.nsw.gov.au

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Should BSC decide to approve the Proposal, SoundIN has recommended conditions of consent that are appropriate to manage potential noise impacts from the Proposal.

We trust this letter satisfies your requirements. Please contact us if you have any further queries.

Yours faithfully

SOUNDIN

Nic Hall

Senior Engineer



This is Page No. 113 of the Attachments of the Extraordinary Council Meeting of Blayney Shire Council held on 18 December 2024

RE. Development approval application No DA2023/116

239 Carbine Rd, Forest Reefs NSW 2798

ANIMAL BOARDING AND TRAINING FACILITY

Dear Sir/Madam,

We object to and oppose the approval of this development for the following reasons:

1. Flora and Fauna destruction

- 1.1 No provision is proposed to handle waste run off/containment regarding the faeces and urine of 20 greyhounds. Could lead to possible destruction of surrounding flora.
- 1.2 The roadside corridor adjacent to the shed has been identified by Blayney Council to be of high ecological value.
- 1.3 Existing old trees and vegetation have already been removed for the erection of the greyhound specific 'shed' without permission or regard to the wildlife that inhabits that area.
- 1.4 We have concerns about the Flyers creek situated at the bottom of the hill collecting run off and potentially causing further destruction. We would appreciate a professional opinion on this.

2. Noise contamination

- 2.1 The noise of a couple of dogs with their owner is a far cry from the potential noise level of 20 dogs in the shed. What noise levels will we and our neighbors have to endure?
- 2.2 Error in noise level study, there is no figure supplied for boundary noise levels for201 Carbine Rd. 228 Carbine Rd is described as closest when in fact 201 is closest.283 is stated as being to the east when it is in fact to the west. The sound modelling predicts lower sound levels for 201 than for 228 which is more distant.
- 2.3 There is a statement regarding previous study of noise levels. Where are the results from that study?

- 2.4 Predicted sleep arousal triggers, with only a 1 or 2dB margin, hardly instills confidence in the final outcome.
- 2.5 Barking from 20 dogs (plus puppies) is not a common noise of a rural farming community.
- 2.6 Breeding in the future is a possibility as they are known to be greyhound breeders, this will increase the numbers of dogs dramatically and increase the noise considerably. There is no evidence that this has been taken into account.
- 2.7 Clients and staff (as noted they do intend to employ in the future) dropping off and picking up and transporting dogs to weekly training and races, will increase traffic on our otherwise quite dead-end road.

3. Misrepresentation

- 3.1 Is it an Animal Boarding or Training Establishment (1.0 introduction of planning document) OR an Animal Breeding and Boarding Establishment, written differently on different documents. As they are greyhound breeders, I suspect breeding will be a part of this establishment and could increase the numbers to a lot more than 20 dogs at any one time.
- 3.2 The construction of infrastructure under a previous DA, (shed for farming equipment) with no disclosure of the real intended use, and then proceeding to establish the greyhound facility without permission, reflects poorly on them.
- 3.3 In the application it states (4.0 trigger 3) "the development is unlikely to affect habitat for native fauna as there is no proposal for any removal of vegetation on the site" This is incorrect, as a significant amount of beautiful old trees and bush was removed to build the greyhound shed.
- 3.4 See 6.3 the land is identified as having Biodiversity on the terrestrial biodiversity map, the biodiversity is restricted to essentially along the road reserve of carbine road, This is unfortunately the same fence line that the shed has been built on and will be affected with run off from the shed.
- 3.5 The greyhound industry has a very poor history and the lack of disclosure in the previous development approval, DA2023/0023, indicates to us that this industry still has a long way to go regarding honesty and integrity.
- 3.6 Staff or no staff, as stated in the future once the business is established there will be staff so the sentence "there is no additional staff are associated with this operation "is misleading.

4. Noncompliance

- 4.1 The setback distances are not compliant with Council regulations E.4.2 part 2.
- 5. Animal Welfare

This is Page No. 115 of the Attachments of the Extraordinary Council Meeting of Blayney Shire Council held on 18 December 2024

- 5.1 The height of the cages are less than the industry standards, and keeping dogs in cages denies them of their natural instincts causing physical and mental suffering.
- 5.2 There is no source of natural light within the greyhound shed.
- 5.3 This industry has serious entrenched animal welfare issues. There are 6 times more greyhounds bred than can be rehomed, resulting in an overflow into refuges from overbreeding.

6. Quality of life

- 6.1 We purchased here looking for peaceful place to live out our retirement, we never expected to be confronted with a greyhound breeding, training and boarding facility down the street. The impact on the quality of our life could be considerable.
- 6.2 The value of our home will be decreased once prospective buyers realize there is a commercial greyhound facility down the road.

Conclusion

We believe that this property is not large enough for the proposed development. There are too many impacts on immediate neighbours and as such approval of this application should be denied.

Yours sincerely,

This is Page No. 116 of the Attachments of the Extraordinary Council Meeting of Blayney Shire Council held on 18 December 2024

RE: Development Approval Application No DA2023/116

While we are respectful of the experience and apparent care that the current operators of the greyhound facility are applying to the welfare of greyhounds at this site, we oppose and object to this development at 239 Carbine Road on the following grounds:

1. We object to this development proposal as a modification of the existing approved development. We submit that there was no intent at any stage for this to be a" rural shed/farm building for storage purposes including tractors and farm equipment" as described on the previous development approval [See DA 2023/0023] and the operators attempted to circumvent council regulations by describing it as such.

As such, we request that the entire initial development proposal (building and environs and nature of its use) be resubmitted, with appropriate assessment of the guidelines. With specific reference to: Section C4 (Large Lot & Rural Dwellings; E.4.1 and E.4.2 (Animal Boarding and Training Establishments) and Part G 2.6 of the BSC Development Control Plan 2018;

It appears that consent for the construction of the shed was obtained via misrepresentation and reliance on the good nature of those impacted. The purpose of the shed, as stated in the previous DA, was for the storage of agricultural machinery. As mentioned previously, this was clearly not the intended purpose.

It would appear that the applicants were, from the outset, misleading in their dealings with both their neighbours and Blayney Shire Council. At no point did they communicate with us nor did they seek council approval before clearing the site — in the process, felling several large old growth native trees and levelling a large area right up to the shared fence. This impacted the boundary between our properties and the integrity of several of the trees on our property by undercutting the ground surrounding them and impacting the roots in the drip zone of several trees, which we are concerned, makes them vulnerable during future storms.

At the time, we were concerned about the size of the shed, its proximity to the boundary and the destruction of trees but we did not object to its completion because the damage had already been done and if there was a need for the shed to be re-sited, it could involve the destruction of other existing established trees.

We anticipated that ongoing disturbance would be minimal due to the stated purpose of the shed. The initial development application for the shed as an rural shed/farm building for storage purposes was submitted only after council intervention. Similarly, this application was submitted "resulting from enquiries with Blayney Council about the operation of a Greyhound Facility" [p 14 of the submission] We contend that, as stated several times in their application, if the owners are experienced operators and trainers [p 2 and others], they should have been aware of regulations pertaining to their activity. While breeding is not listed here as a purpose of their facility, the fact that they are known as respected breeders [p2 et al] indicates that breeding should also be considered as a potential part of this proposal on the basis that disclosure has been shown to be limited and has only occurred following council intervention.

2. Potential damage to sensitive ecology, habitat and roadside flora

2.1 Flora

We would ask that there be an assessment of the potential impact on the native vegetation in the roadside corridor adjacent to the shed. The vegetation in this corridor has been identified by Blayney Shire council as High Ecological Value under the *Blayney Shire Roadside Vegetation Management Guidelines* pp 15 -17.

This vegetation is also potentially a Matter of National Environmental Significance, because it fits into the criteria for White Box - Yellow Box - Blakely's Red Gum Grassy Woodland CEEC due to the presence of Yellow Box (*Eucalyptus melliodora*) in the roadside and the presence of more than 12 non-grass native groundcover species and regeneration within the community. It is noted that the recent sealing of Carbine Road was modified to avoid impact on this significant roadside, and the protection of this area is likely to be undermined by the proposed greyhound facility (see also point 2.3 below). The *Planning Potential Submission* prepared for Greg and Helen Board states:

6.3 Terrestrial Biodiversity (p 18) "the biodiversity is restricted to essentially along the road reserve of Carbine Road". The proposed Greyhound facility is immediately adjacent to this road, within the "pocket in the North eastern corner of the site" as well as being against the fence of the part of the 201 Carbine Road property which is a continuation of this pocket of Biodiversity. This area at 201 has been registered as a Wildlife Refuge with the Humane Society International Wildlife Land Trust (Appendix 1) and an application has been lodged with the Biodiversity Conservation Trust for similar protection. The roadside vegetation is connected to woodland on our land and 239, and forms a wildlife corridor. We had a verbal agreement with the previous owner to enhance this corridor as part of The Cadia District Enhancement Project (CDEP) https://www.cadiavalley.com.au/newcrest/cvo/community-programs/cadia-district-enhancement-plan.

Further, the report describes in the section **Environmental Impacts** (p 42) that the land has been highly modified from its natural state but notes that the **exception** is a "pocket in the North eastern corner of the site". This is precisely the location of the greyhound shed and yards. The report also states that "Furthermore, the proposal does not include any request to remove or alter any existing vegetation on the site." However, this had already been done, prior to the required Council permission being sought to build the shed.

2.2 Fauna

As part of the submission to the BCT and Wildlife land trust, a wide range of animal species have been identified as using the woodland remnant between 201 and 239. Both the residents of 201 and the previous owners of 239 Carbine Road have noted and documented the presence in this area of several species of animals, including Echidna (*Tachyglossus aculeatus*). Echidna use the roadside and land on both lots (201 and 239) for foraging. The establishment of this shed and dog runs on the southern side of the shed effectively creates a barrier to the free movement of this species. It is noted that the dog runs on the southern side, which have already been built, have not been included in the application.

2.3 Waste runoff

The application under **Waste and Hygiene** (p 39) proposes that solid waste will be removed and disposed of via existing waste removal processes (presumably weekly council waste pickup). However, it is also stated that remnant solid waste and urine will be hosed out. This application does not indicate that the washout will be collected and treated, only disinfected. This waste will contain high levels of phosphorous and nitrogenous salts which are toxic to the adjacent native flora. This regular increased nutrient load is at odds with the siting of this building in a sensitive native vegetation area and fails to

address **BLEP E4.2** for the proper disposal of liquid wastes. In its current state of use, as a seven day a week greyhound facility [page 5 of their submission], the operators are routinely active at dusk and have left outside security lights on overnight - including 2 pairs which are on the eastern side and which cast light into woodland on the 201 Carbine Road property. We contend that this is a level of activity which will disturb and discourage crepuscular and nocturnal animals. It's highly likely that the noise and smell of the dogs would also be a deterrent to native fauna.

2.4 Noise [Greyhound Noise Impact Assessment, Acoustik, 21 September 2023. *their ref 2308.03.Report.0*]

We suggest that there are some errors in the submitted noise impact assessment:

- a. The discussion of the behaviour of a few dogs, in the company of their owner [p 5, p7] is a distracting anecdote but should not be used to predict the behaviour and noise of 20 animals.
- b. There is no measurement discussed of noise levels at the boundary with 201 (see BLEP2012 E 4.2 Controls)
- c. The Noise Impact Assessment describes the closest resident as 228 Carbine Road, instead of 201 Carbine Road [p 8] and describes 283 Carbine Road as to the east instead of the west [p 8].
- d. The residence at **201 Carbine Road** is due east of the eastern wall of the greyhound shed, along which 10 dog cages are situated. It is in direct line of sight of this building and westerly breezes are common. Yet the modelling predicts lower sound levels than for **228 Carbine Road** which is further away.
- d. Page 7 of the Noise Impact Assessment refers to "Noise levels conducted for the previous study" without providing any reference or link to this previous study.
- e. Some predicted values appear to be marginal and close to trigger levels— the **Sleep Arousal trigger** for **228 Carbine Road** is only 2 dB below the compliance trigger and the **night-time Intrusive trigger** level is only 1 dB below the trigger level, for both Evening and Night time at the same residence. [p7] *Acoustik* does not provide a confidence margin (i.e. ± x dB) for its modelled predictions. A 2-3% error margin would mean that the trigger level would be exceeded. Without reference to the previous study or to the error margins expected by the software used, Council should not be confident of this compliance. f. The Noise Impact Assessment states [p 8] that "the noise of howling/barking could be audible at nearby residences but not dominant compared to other noise common noise [sic] events in the rural farming community" However, the noise produced by a facility such as this is not the same as rural noise from normal rural activities which is clearly the purpose of regulations (Council E.4.2 part 2) which by default require a setback for these facilities of 200 metres from the property boundary and 500 metres from each neighbouring residence. This is not a valid argument and should not be part of this

(N.B All surrounding residences are substantially closer than 500 metres.

3. Conflict with the RU1 Primary Production Zone objectives/ Impact on Adjoining Development The *Development Application* states that the Greyhound Facility is consistent with the RU1 Primary Production Zone objectives on the site of **239 Carbine Road**. However, it effectively interferes with a similar potential for development, on the immediately adjacent **201 Carbine Road**. We have been in communication via email with BSC planners seeking clarification regarding the correct procedures to follow, as well as planning and consulting with builders to construct accommodation on the southern end of our property. Our development goal, under the Dual Occupancy development ruling, was to provide short stay accommodation for regional visitors, and which would later become our retirement dwelling, **subject to council approval**.

Our choice of building site (see Figure 1, highlighted in red) is within 100 metres of this shed (Figure 1, in yellow). It was selected for its access to the excellent view in two directions (see Figure 1, indicated in blue); its level ground; the availability of power from the nearby pole (see Figure 1, highlighted in

Assessment.

orange) and its proximity to the area we have currently set aside as part of our Humane Society Wildlife Refuge (Appendix 1). Further, an existing second road access point is close by (Figure 1, black dotted line).



Figure 1: Carbine Road showing 239 Carbine Road (left and 201 Carbine Road (right). Easternmost boundary is at the yellow line which is the site of the building subject to the development proposal.

A greyhound facility this close to a boundary, when it could have been sited elsewhere on the property is ill considered and invasive. This could have been avoided if approval had been sought prior to the establishment and operation of this facility.

4. Further considerations

It is evident that the site works and construction of the current greyhound housing facility, including yards and fencing, must represent a considerable capital input by the operators, and reflects a possible expectation of approval. While this cost might be considered by Council as a mitigating factor, compliance and amenity to all should be primary to any final approval.

Another important factor is the possible detrimental impact to the value of surrounding properties. Given the short time frame to submit this response, having not received it until the 10_{th} October, we have not had the opportunity to seek valuation advice, however we will be pursuing this.

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Additional Information

239 Carbine Road, Forest Reefs

Prepared for Helen and Greg Board

Additional Information November 2023

URBAN, RURAL & REGIONAL PLANNING CONSULTANTS

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Lot 10 DP 1039236, 239 Carbine Road, Forest Reefs

Additional Information



1.1 DEVELOPMENT DETAILS

Applicant:	Greg & Helen Board c/o Planning Potential
Owner:	Greg & Helen Board
Proposal:	Change of Use – Shed to Animal Boarding or Training Establishment (Greyhounds)
Location:	Lot 10 DP 1039236 239 Carbine Road, Forest Reefs
Zone:	RU1 Primary Production

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Lot 10 DP 1039236, 239 Carbine Road, Forest Reefs

Additional Information



Request for Additional Information and Clarification

Following discussions with Councils Town Planning Officer and the submissions received during the exhibition period, the following information is provided in support of the submitted Development Application for an *Animal Boarding or Training Establishment (Greyhounds)*.

The following matters were raised in Submission 1

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- 1. Flora and Fauna destruction
 - 1.1 No provision is proposed to handle waste run off/containment regarding the faeces and urine of 20 greyhounds. Could lead to possible destruction of surrounding flora.

Solid waste is collected on a regular basis, stored in sealed bins and removed off site to an approved waste facility.

Liquid waste from the cleaning of the shed is directed to the in-floor drain which is connected to the existing onsite effluent management system.

1.2 The roadside corridor adjacent to the shed has been identified by Blayney Council to be of high ecological value.

The development whilst in proximity to the roadside verge does not interact with this area. Animals do not roam the area, they are either located in their kennels or are exercising. The animals are not left unattended to their own devices.

1.3 Existing old trees and vegetation have already been removed for the erection of the greyhound specific 'shed' without permission or regard to the wildlife that inhabits that area.

This application is for a Change of Use for the existing structure. This application does not seek or require the removal of any vegetation.

1.4 We have concerns about the Flyers creek situated at the bottom of the hill collecting run off and potentially causing further destruction. We would appreciate a professional opinion on this.

Flyers Creek is located approximately 600m to the west of the site. More specifically the sites western boundary at its closest point is approximately 460m away (to the west) and approximately 825m from the shed location. As the development does not produce toxic waste water; only urine, the distance from the watercourse would not be adversely affected by the operation. Cleaning products used are 100% organic to ensure the environment is not affected by the cleaning the kennels and hosing of the shed.

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Figure 1: Approximate distances to Flyers Creek

2. Noise contamination

2.1 The noise of a couple of dogs with their owner is a far cry from the potential noise level of 20 dogs in the shed. What noise levels will we and our neighbors have to endure?

The predicted noise levels are presented in the report.

2.2 Error in noise level study, there is no figure supplied for boundary noise levels for 201 Carbine Rd. 228 Carbine Rd is described as closest when in fact 201 is closest. 283 is stated as being to the east when it is in fact to the west. The sound modelling predicts lower sound levels for 201 than for 228 which is more distant.

For large lot residential/rural properties the relevant noise levels are predicted within 30m of the residential façade, this is the residential area on a larger property. When assessing noise levels on large lot residential/rural properties it is not reasonable to access the noise level at the property boundary when the residence at that address is often hundreds of metres from the boundary.

There are two areas of noise generation on the subject site that require assessment. In general, when assessing noise on rural properties, one identifies and addresses how far residences are from the centre of the site. However, in this case the kennel shed is the most identifiable noise generation location. Table 1 from the report lists distances from the kennel shed. Reviewing the distances as closely as I can the residence at 201 is marginally closer by a few metres to the kennel shed compared to the residence at 228. We note that these distances are taken from web applications like google maps or the sixmaps web application. The distance measurements are not meant to be precisely accurate. The aerial imagery is used to estimate the location of residences and the prediction locations for the residential area. At distances of

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hundreds of metres a few metres difference for the prediction location will not be a significant error in prediction of noise level.

In relation to the property 228 being the closest, this could be corrected to the "most affected". Due to the terrain the residence at 228 is near to the top of a hill overlooking the kennel shed and thus has a higher predicted noise level.

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The Property 283 is obviously west of the site. The error in section "4.1 Assessment" is a minor typographic error and the location of property 283 is clearly shown on all drawings and contour maps. The report can be reissued to correct this error.

2.3 There is a statement regarding previous study of noise levels. Where are the results from that study?

To be clear, the previous study of noise levels does not relate to this site or this proposed operation.

By way of an explanation, the data is from previous studies results from the Consultant who has undertaken several studies for other Greyhound and Animal Boarding & Training facilities. Most of the data is from a trainer and breeder site with 26 greyhounds. The consultant is unable to reveal details of the Client however the accuracy of the predicted noise levels was accepted by Council and other Acoustic Consultants.

2.4 Predicted sleep arousal triggers, with only a 1 or 2dB margin, hardly instils confidence in the final outcome.

The 1 to 2 dB error margin is normal for acoustic predictions. To account for this it is Acoustik's practice to take a conservate approach to the predicted noise levels

- a. The default weather enhancing assumptions allow for noise to increase in all directions due to wind and temperature inversions.
- b. The area in this study is mostly farm/rural land with a minimum of hard paved surfaces and this would lead to an assumption of a ground factor of 1.0 meaning no reflections from the ground (0.0 means that all the ground is hard and acoustically reflective). In the report it is stated that the modelling of the ground factor was set at 0.8 to be conservative. In fact, the ground factor modellings were left at the hard ground setting as compliance was already obtained with the existing modelling and constructions
 - a) Thus, the predicted values conservatively overestimate the noise level and so the 1 to 2 dB error margin is already accounted for.
- c. Just to note that the predicted LAeq 15min predictions from barking in the shed are based an assumed duration of night time or evening barking over up to 3 mins duration. The previous studies undertaken by Acoustik found that an evening or night barking session rarely exceeded 1.5 minutes and never exceeded 3 mins. The LAeq 15 min assessment duration is noted in the report.
- 2.5 Barking from 20 dogs (plus puppies) is not a common noise of a rural farming community.

Rural farming is generally a noisy activity. Farmers are identified as workers that are susceptible to hearing loss due to the use of farm equipment such as tractors, pumps

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and other powered items. Working dogs are a normal part of that environment and are not usually housed in specialist kennelling enclosures during the evening and night that reduce barking levels. See attached Farm Noise brochure.

The measures put in place for the care of the animals (greyhounds) reduces barking in the animals.

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2.6 Breeding in the future is a possibility as they are known to be greyhound breeders, this will increase the numbers of dogs dramatically and increase the noise considerably. There is no evidence that this has been taken into account.

Whilst breeding is not the sole purpose of the operation, breeding may be included periodically. The proposal seeks consent for a maximum of 20 dogs only. This maximum number of animals would also include pups if any breeding was included. To be clear there will be more than 20 animals on site at any one time.

2.7 Clients and staff (as noted they do intend to employ in the future) dropping off and picking up and transporting dogs to weekly training and races, will increase traffic on our otherwise quite dead-end road.

To be clear, the proposal does not include any external Clients. There are no drops offs or pick ups and there are no external staff employed. The operation is owned and operated by the Landowners only. The only traffic movements would be the landowners transporting the animals to and from the site to race meets.

The noise assessment did not specifically address road noise, however the Acoustic Consultant provides the following information:

The noise limits for daytime (7 am to 10 pm) assessment for a local road is LAeq, 1 hour 55 dBA measured at the façade of the residences, that is the noise in the loudest hour. Allowing two vehicles within one hour visited the site and passed the residence at 167 Carbine Road, Forest Reefs (i.e. 4 trips past of the closest residence along Carbine road) the predicted noise level for a sedan to light truck vehicle would be less than LAeq, 1 hour 50 dBA. More than 25 light vehicles in total would need to pass this example residence to exceed LAeq,1 hour 55 dBA. The other residences along Carbine Road are at least 3 times the distance from the road compared to the residence at 167 Carbine Road and thus less affected.

3. Misrepresentation

3.1 Is it an **Animal Boarding or Training Establishment** (1.0 introduction of planning document) OR an **Animal Breeding and Boarding Establishment**, written differently on different documents. As they are greyhound breeders, I suspect breeding will be a part of this establishment and could increase the numbers to a lot more than 20 dogs at any one time.

The land use planning definition under the standard instrument is for **animal boarding or training establishment** which 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.

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The definition under the LEP covers the boarding, training, breeding, keeping and/or caring of animals for commercial purposes. The proposal whilst defined as animal boarding or training specifically identifies the keeping, boarding and training of greyhounds. As previously explained, the landowners undertake this as a hobby however for the purposes of Council regulations, the number of animals is viewed to require development consent.

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The development seeks consent for the boarding and training of the animals (greyhounds) for a maximum of 20 dogs only. Breeding may take place periodically however the maximum number of animals on site at any one time will not exceed 20 greyhounds in total (this includes any pups).

Apologies for any confusion regarding the inconsistency within the SoEE report. This was not intentional and an error only.

It is noted that the LEP identifies this land use as Animal Boarding **or** training establishment. Councils DCP document refers to Animal Boarding **and** Training Establishment so there is also inconsistency with the LEP and DCP documents.

3.2 The construction of infrastructure under a previous DA, (shed for farming equipment) with no disclosure of the real intended use, and then proceeding to establish the greyhound facility without permission, reflects poorly on them.

The construction of a shed was dealt with via DA 23/2023. This application seeks consent for the use of this structure for a purpose requiring development consent ie the boarding and training of greyhounds.

3.3 In the application it states (4.0 trigger 3) "the development is unlikely to affect habitat for native fauna as there is no proposal for any removal of vegetation on the site" This is incorrect, as a significant amount of beautiful old trees and bush was removed to build the greyhound shed.

This assessment is for the submitted DA only ie the use of a shed for an *Animal Boarding or Training Establishment*. The shed was approved and assessed under a previous application and does not form a part of this application.

This application does not seek the removal of any vegetation from the site.

3.4 See 6.3 the land is identified as having Biodiversity on the terrestrial biodiversity map, the biodiversity is restricted to essentially along the road reserve of carbine road, This is unfortunately the same fence line that the shed has been built on and will be affected with run off from the shed.

The objective of Clause 6.3 of the LEP is to maintain biodiversity by –

- (a) protecting native flora and fauna, and
- (b) protecting the ecological processes for their continued existence, and
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.

Before determining a development application for development on land to which this clause applies, the consent authority must consider—

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- (a) whether the development is likely to have—
- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The application does not seek the removal of vegetation.

The animals are securely housed within the boarding facility and are not left unattended. Ie Animals do not roam the property and beyond. When training takes place, the animals are supervised at all times within a designated area. There is minimal opportunity for the animals to adversely impact upon the vegetation to cause harm to habitat, flora or fauna.

Existing vegetation on the site will remain in place.

3.5 The greyhound industry has a very poor history and the lack of disclosure in the previous development approval, DA2023/0023, indicates to us that this industry still has a long way to go regarding honesty and integrity.

The Greyhound Industry has undergone significant reform since 2017. The updated regulations ensure ongoing compliance is closely monitored by the Welfare and Integrity Commission. Council and the public should be re-assured that the standards in place are to ensure the welfare of the animals are a priority.

With reference to the previous application, a DA initially sought consent for the construction of a shed (DA 0023/2023). This application seeks consent for a Change of Use as the main purpose of the structure will no longer be for a shed. This is the process to change a buildings classification and use through the DA process.

For context, the Landowners undertake this operation as a hobby and not a commercial business operation. Based on the number of animals involved Council have viewed that development consent is required regardless of whether it is considered a hobby by the landowners or a business.

Upon communications with Council (including site inspections by Council Officers) regarding their undertakings on site, the Landowners moved promptly to lodge a Development Application with Council for an *Animal Boarding or Training Establishment*.

3.6 Staff or no staff, as stated in the future once the business is established there will be staff so the sentence "there is no additional staff are associated with this operation "is misleading.

The operation is undertaken by the landowners only. There are no staff to be employed and there is no intention of the employment of any staff at any point in the future.

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The proposal does not seek the employment of any staff.

This operation is undertaken solely by the landowners as a hobby. Based on the number of animals involved and scale development consent is considered to be required.

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The landowners wish to stress that this is not a business operation, but a hobby in which they have been involved in the greyhound industry for over 30 years.

4. Noncompliance

4.1 The setback distances are not compliant with Council regulations E.4.2 part 2.

The DCP requires that the establishment will not be permitted within 200m of the property boundary or 500m of the nearest dwelling.

The Acoustic Assessment has been provided to justify the location to ensure local and neighbour amenity can be retained despite the establishments location on the site and proximity to the boundary.

5. Animal Welfare

5.1 The height of the cages are less than the industry standards, and keeping dogs in cages denies them of their natural instincts causing physical and mental suffering.

The kennels will be inspected and signed off to the requirements of NSW Welfare and Integrity Commission.

The landowners have been in contact with Welfare and Integrity Commission during this process. An inspection of the kennels has already taken place with the owners advised of their compliance.

It is understood that Council will continue to communicate with the Welfare and Integrity Commission to ensure compliance matters are satisfactory to both Council and the Commission.

Animal welfare matters regarding the greyhounds are discussed further below.

5.2 There is no source of natural light within the greyhound shed.

The boarding of greyhounds which includes housing and all other aspects of animal welfare are carefully monitored by the Welfare and Integrity Commission.

5.3 This industry has serious entrenched animal welfare issues. There are 6 times more greyhounds bred than can be rehomed, resulting in an overflow into refuges from overbreeding.

The Greyhound Industry is heavily regulated and in addition requiring development consent, compliance with the NSW Greyhound Welfare and Integrity Commission is also required in order to take part in Greyhound Racing. GWIC Inspectors attend

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kennels and conduct kennel inspections as a part of their functions under the Greyhound Racing Act 2017, the Greyhound Racing Rules and the NSW Greyhound Welfare Code of Practice.

The GWIC Inspectors assess compliance with the standards contained in the NSW Welfare Code of Practice, which include:

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- Nutrition and Hydration
- Health and Wellbeing
- Greyhound Breeding
- Housing and Environment
- Transporting Greyhounds
- Exercise, Socilaisation and Enrichment
- Training, Trialling and Racing
- Rehoming Greyhounds as Companion Animals

The inspections also incorporate food preparation and storage, treatment records, medications and supplements.

The kennel inspection can include any of the following:

- Routine planned routine inspections for licenced trainers
- New kennels/New Licence/Licence Upgrade these inspections assess the readiness of new kennels and participants in housing and caring for greyhounds. These inspections also cover relocated kennels and for a new breeder or trainer licence.
- **Follow Up** These inspections are conducted to address issues identified during previous inspections.
- Targeted Inspections- These inspections are usually intelligence led, where
 information has been received that an issue is or has occurred at a kennel with
 an animal or the participant. This type of inspection is also used to carry out
 out-of-competition swabbing of greyhounds.
- Positive Swab These inspections are conducted where the Commission receives an A sample notification for a positive swab for a permanently banned prohibited substance. An unannounced kennel inspection, coordinated with the serving of the A sample notification will usually be undertaken.

The regulation of the Greyhound Industry and compliance with those regulations should be sufficient to satisfy Council concerns.

6. Quality of life

6.1 We purchased here looking for peaceful place to live out our retirement, we never expected to be confronted with a greyhound breeding, training and boarding facility down the street. The impact on the quality of our life could be considerable.

The site and surrounding locality has a RU1 land use zoning which allows a range of permitted land uses subject to development consent. Animal Boarding or training establishment is one of many permitted land uses according to the land use table under the LEP provisions subject to development consent.

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Other uses that are permitted in the zone include Agritourism; Airstrips; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Ecotourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Function centres; Helipads; Heliports; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Moorings; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restaurants or cafes; Roads; Roadside Stalls; Rural industries; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems.

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6.2 The value of our home will be decreased once prospective buyers realize there is a commercial greyhound facility down the road.

Land valuations and real estate prices are not a planning matter for consideration under the EP&A Act.

It is noted that the two submissions received identify almost identical concerns. Where this is the case, the content to address these concerns are also repeated.

The following matters were raised in Submission 2

1. We object to this development proposal as a modification of the existing approved development. We submit that there was no intent at any stage for this to be a" rural shed/farm building for storage purposes including tractors and farm equipment" as described on the previous development approval [See DA 2023/0023] and the operators attempted to circumvent council regulations by describing it as such.

This application is not a modification to the original approval. This application was submitted as a new DA for a Change of Use of the existing structure (shed as approved) to house greyhounds as an *Animal Boarding or Training Establishment*.

The application to construct a structure was submitted, assessed and approved under a separation DA.

2. Potential damage to sensitive ecology, habitat and roadside flora

2.1 Flora

This application does not seek the removal of any vegetation on the site. It is acknowledged there is established road side vegetation along this portion of Carbine Road, however the animals do not interact with this space as referred to below.

Existing vegetation on the site will remain in place.

As previously discussed, the animals are housed within the boarding facility and kennels when they are not being exercised. The animals do not roam the site and are not left unsupervised.

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There is minimal opportunity for the animals to adversely impact upon the vegetation to cause harm to habitat, flora or fauna.

Furthermore, liquid waste to directed to the existing onsite effluent system. Solid waste to collected, stored and removed off site. The control of waste and the use of organic cleaning products assists in protecting the site and locality's flora and fauna.

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2.2 Fauna

Refer to the above point.

Furthermore, live baiting to train greyhounds is illegal in all states and territories across Australia. This practise is not supported by the animals Owners.

2.3 Waste run-off

Solid waste is to be collected on a regular basis, stored in sealed bins and removed off site to an approved waste facility.

Liquid waste from the cleaning of the shed is directed to the in-floor drain which is connected to the existing onsite effluent management system. All Cleaning products used are 100% organic to ensure the environment is not affected by the cleaning the kennels and hosing of the shed.

2.4 Noise

Respectfully, the Noise Assessment was prepared and undertaken by a qualified acoustic consultant who is experienced in his field of expertise. The Noise Assessment should be viewed as a professional report.

a) The discussion of the behaviour of a few dogs, in the company of their owner is a distracting anecdote but should not be used to predict the behaviour and noise of 20 animals.

The Noise Assessment is prepared by a qualified consultant who uses the relevant measures consistent in preparing noise impact assessments. These references include NSW EPA Noise Guide for Local Government 2013 and NSW Environmental Protection Authority (EPA) Noise Policy for Industry (NPI).

The predicted noise levels are presented in the report.

b) There is no measurement discussed of noise levels at the boundary with 201.

For large lot residential/rural properties the relevant noise levels are predicted within 30m of the residential façade, this is the residential area on a large lot/rural property. When assessing noise levels on large lot residential/rural properties it is not reasonable to access the noise level at the property boundary when the residence at that address is often hundreds of metres from the boundary.

There are two areas of noise generation on the subject site that require assessment. In general, when assessing noise on rural properties, one identifies and addresses how far residences are from the centre of the site. However, in this case the kennel

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shed is the most identifiable noise generation location. Table 1 from the report lists distances from the kennel shed. Reviewing the distances as closely as I can the residence at 201 is marginally closer by a few metres to the kennel shed compared to the residence at 228. The distances are taken from web applications like google maps or the sixmaps web application. The distance measurements are not meant to be precisely accurate. The aerial imagery is used to estimate the location of residences and the prediction locations for the residential area. At distances of hundreds of metres a few metres difference for the prediction location will not be a significant error in prediction of noise level.

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In relation to the property 228 being the closest, this could be corrected to the "most affected". Due to the terrain the residence at 228 is near to the top of a hill overlooking the kennel shed and thus has a higher predicted noise level.

The Property 283 is obviously west of the site. The error in section "4.1 Assessment" is a minor typographic error and the location of property 283 is clearly shown on all drawings and contour maps. The report can be reissued to correct this error.

c) The Noise Impact Assessment describes the closest resident as 228 Carbine Road, instead of 201 Carbine Road and describes 283 Carbine Road as to the east instead of the west.

Refer to the above point (b).

d) The residence at 201 Carbine Road is due east of the eastern wall of the greyhound shed, along which 10 dog cages are situated. It is in direct line of sight of this building and westerly breezes are common. Yet the modelling predicts lower sound levels than for 228 Carbine Road which is further away.

Refer to Point b) above.

The model has an allowance for wind enhanced noise in all directions.

Page 7 of the Noise assessment refers to "Noise levels conducted for the previous study" without providing any reference or link to this previous study.

To be clear, the previous study of noise levels does not relate to this site or this proposed operation.

By way of an explanation, the data is from previous studies results from the Consultant who has undertaken several studies for other Greyhound and Animal Boarding & Training facilities. Most of the data is from a trainer and breeder site with 26 greyhounds. The consultant is unable to reveal details of the Client however the accuracy of the predicted noise levels was accepted by Council and other Acoustic Consultants.

e) Some predicted values appear to be marginal and close to trigger levels – the Sleep Arousal trigger for 228 Carbine Road is only 2dB below the compliance trigger and the night-time intrusive trigger level is only 1dB below the trigger level, for both Evening and Night time at the same residence. Acoustik does not provide a confidence margin for its modelled predictions. A 2-3% error margin would mean that the trigger level

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would be exceeded. Without reference to the previous study or to the error margins expected by the software used, Council should not be confident of this compliance.

The 1 to 2 dB error margin is normal for acoustic predictions. To account for this it is Acoustik's practice to take a conservate approach to the predicted noise levels

a) The default weather enhancing assumptions allow for noise to increase in all directions due to wind and temperature inversions.

- b) The area in this study is mostly farm/rural land with a minimum of hard paved surfaces and this would lead to an assumption of a ground factor of 1.0 meaning no reflections from the ground (0.0 means that all the ground is hard and acoustically reflective). In the report it is stated that the modelling of the ground factor was set at 0.8 to be conservative. In fact, the ground factor modellings were left at the hard ground setting as compliance was already obtained with the existing modelling and constructions
 - (i) Thus, the predicted values conservatively overestimate the noise level and so the 1 to 2 dB error margin is already accounted for.
- c) Just to note that the predicted LAeq 15min predictions from barking in the shed are based an assumed duration of night time or evening barking over up to 3 mins duration. The previous studies undertaken by Acoustik found that an evening or night barking session rarely exceeded 1.5 minutes and never exceeded 3 mins. The LAeq 15 min assessment duration is noted in the report.
- f) The land has a rural zoning which implies noise from rural type activities can be audible including machinery, trucks, heavy vehicles, dogs and other animals.

Noise from animals (greyhounds) has been presented in a professional report in the form of a Noise Impact Assessment. This report demonstrates compliance with industry standards.

3. Conflict with the RU1 Primary Production zone objectives/Impact on Adjoining Development

The RU1 zoning allows for a range of rural type uses of which Animal boarding or training establishment is one of the permitted uses in a rural zone.

Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable function centres, restaurants and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.

The subject land, whilst rural in nature has been highly modified from its natural state. The land and surrounding area has been cleared and used for grazing purposes. Due to the size of the holding, the land offers little value from a productive agricultural standpoint.

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Impacts on adjoining development/land have been discussed primarily in relation to the context of noise (based on the summation of the submissions) and have been presented in the Noise Impact Assessment, the SoEE report and this submission of additional information.

4. Further considerations

For context, the Landowners undertake this operation as a hobby and not a commercial business operation. Based on the number of animals involved Council have viewed that development consent is required regardless of whether it is considered a hobby by the landowners or a business.

Upon communications with Council (including site inspections by Council Officers) regarding their undertakings on site, the Landowners moved promptly to lodge a Development Application with Council for an *Animal Boarding or Training Establishment*.

Land valuations are not deemed a planning matter for consideration under the EPA&A Act heads of consideration.

Should any additional clarification be required, please contact the office on 0431700081.

Amanda Rasmussen Principal Planner Planning Potential

AMENDED SCHEDULE "A" CONDITIONS ISSUED WITH DEVELOPMENT APPLICATION NO. 131/2007/1

STAGE ONE - LOTS 1 TO 7

- 1. The determination shall be regarded as being in accordance with the particulars and endorsed plans set out and described in Development Application No. 131/2007 registered in Council's records as of 13th February 2007 except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council.
- 2. That aerated waste water treatment systems will be required to be installed on all bocks in this subdivision other than those that will be connected to Council's sewer system.

STATUTORY

REASON: To comply with the statutory requirements of other authorities.

- 3. That documentary evidence be provided to Council that arrangements have been made with Central Tablelands Water for the supply of water.
- 4. That documentary evidence be provided to Council that arrangements have been made with Country Energy for the supply of electricity.
- 5. That documentary evidence be provided to Council that arrangements have been made with the relevant telecommunications authority for the provision of telephone services.
- 6. That an original plan of subdivision be submitted for Council's registration.

INFRASTRUCTURE

REASON: To comply with Council's requirements for the provision of infrastructure.

- 7. That an instrument under Section 88(b) of the Conveyancing Act 1919 be prepared over the following proposed lot restricting the Finished Floor Level to the specified minimum heights, with the Authority benefited being Blayney Shire Council: Lot 2 939.76m.
- 8. Tree planting for all stages as indicated on the endorsed plan, shall be planted in consultation with Council, prior to the release of the subdivision certificate for stage one.
- 9. A stock-proof fence shall be erected along all boundaries of the proposed allotments prior the release of the subdivision certificate.
- 10. That any road widening, or land resumption required for public road purposes be undertaken at no cost to Council.

ACCESS

REASON: To comply with Council's policy and requirements for the provision of access.

11. That access from the road shoulder to the property boundary be constructed to Council's policy standard of bitumen seal for distance of 15 metres, with adequate drainage to be determined by the access location, in consultation with Council. That the fencing of such access being recessed in order that the gate/ramp is situated not less than 15 metres from the edge of the existing formation to ensure that any vehicle entering the property stands clear of the existing road.

SECTION 79A

REASON: To comply with Council's requirements for the upgrading of services.

- 12. That connection to Council's sewer be provided to Lot 6 at the applicant's cost.
- 13. That where the location of any future dwelling on proposed Lot 2 allows for gravity disposal of effluent to Council's sewer, the dwelling be connected to Council's sewer.

SECTION 94 CONTRIBUTIONS

REASON: To comply with Council's policy for a contribution towards headworks.

14. That the applicant contribute \$10,720.00 towards headworks. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made. The cost of the applicable headworks during the 2007/08 financial year is as follows:-

BSC 1 Rural Roads (sealed) \$7,460.00 BSC 8 Bushfire \$1,100.00 BSC 10 Community Facilities \$2,160.00

Payment is to be made prior to the issue of a subdivision certificate.

15. That the applicant contributes \$5,360.00 towards sewer head works pursuant to the Millthorpe Development Servicing Plan (Section 64). The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made. The figure quoted is based on the 2007/2008 financial year. The payment must be made prior to the issue of the Subdivision Certificate.

GENERAL

REASON: To comply with Council's policy and requirements for development.

- 16. As Principal Certifying Authority, Council will issue compliance certificates at satisfactory completion of the following stages of work:
- a. Road works (including kerb and gutter)
- b. Stormwater

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- c. Sewer
- d Access

Inspections fees are to be paid prior to issue of Construction Certificates, in accordance with Council's Fees and Charges Schedule.

- 17. That full engineering design plans be submitted to Council for approval prior to the issue of the Construction Certificate for:
- a. Roads
- b. Sewer
- c. Kerb and Gutter
- d. Drainage
- 18. That the applicant submits to Council, prior to the issue of Construction Certificates, a services design plan for water, telephone, electricity, gas and street lighting.
- 19. That works as executed plans for road, drainage and sewer be submitted to Council, prior to the issue of the Subdivision Certificate.

STATUTORY

REASON: To comply with Council's statutory requirements.

- 20. That a Construction Certificate be submitted to Council prior to civil works commencing.
- 21. That a Subdivision Certificate be submitted to Council.
- 22. That all Certificates issued in relation to the development are to be submitted to Council.

ENVIRONMENTAL

REASON: To comply with Council's statutory requirements.

23. That the applicant install, prior to the commencement of works, adequate sediment and soil erosion controls in accordance with Council's Erosion and Sediment Control Policy (copy attached).

CONSTRUCTION

REASON: To comply with Council's policy and requirements.

- 24. That before commencement of any work, a sign is to be erected at the front boundary of the land clearly identifying the lot number and names of the owner, builder and licence number and emergency telephone contact numbers.
- 25. That any damage to Council's footpath, road or other land being restored in accordance with Council's specifications. Contact Council's Engineering Department.
- 26. That no materials or machinery to be used in the construction of the building shall be stored or stacked on Council's footpath, nature strip or roadway.

27. That there be no burning of waste material, felled trees or other material on the site.

CONDITIONS ISSUED WITH DEVELOPMENT APPLICATION NO. 131/2007/1

STAGE TWO-LOTS 8 TO 11

- 1. The determination shall be regarded as being in accordance with the particulars and endorsed plans set out and described in Development Application No. 131/2007 registered in Council's records as of 13th February 2007 except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council.
- 2. That aerated waste water treatment systems will be required to be installed on all bocks in this subdivision other than those that will be connected to Council's sewer system and Lot 8.

STATUTORY

REASON: To comply with the statutory requirements of other authorities.

- 3. That documentary evidence be provided to Council that arrangements have been made with Central Tablelands Water for the supply of water.
- 4. That documentary evidence be provided to Council that arrangements have been made with Country Energy for the supply of electricity.
- 5. That documentary evidence be provided to Council that arrangements have been made with the relevant telecommunications authority for the provision of telephone services.
- 6. That an original plan of subdivision be submitted for Council's registration.

INFRASTRUCTURE

REASON: To comply with Council's requirements for the provision of infrastructure.

7. That an instrument under Section 88(b) of the Conveyancing Act 1919 be prepared over the following proposed lots restricting the Finished Floor Level to the specified minimum heights, with the Authority benefited being Blayney Shire Council:

Lot 8 938.83m

Lot 9 937.81m

Lot 10 >935.57m

- 8. A stock-proof fence shall be erected along all boundaries of the proposed allotments prior the release of the subdivision certificate.
- 9. That any road widening or land resumption required for public road purposes be undertaken at no cost to Council.

ACCESS

REASON: To comply with Council's policy and requirements for the provision of access.

10. That access from the road shoulder to the property boundary be constructed to Council's policy standard of bitumen seal for distance of 15 metres, with adequate drainage to be determined by the access location, in consultation with Council. That the fencing of such access being recessed in order that the gate/ramp is situated not less than 15 metres from the edge of the existing formation to ensure that any vehicle entering the property stands clear of the existing road.

SECTION 79A

REASON: To comply with Council's requirements for the upgrading of services.

11. That where the location of any future dwelling on proposed Lot 7 allows for gravity disposal of effluent to Council's sewer, the dwelling be connected to Council's sewer.

SECTION 94 CONTRIBUTIONS

REASON: To comply with Council's policy for a contribution towards headworks.

12. That the applicant contribute \$5,360.00 towards headworks. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made. The cost of the applicable headworks during the 2007/08 financial year is as follows:-

BSC 1Rural Roads (sealed) \$3,730.00 BSC 8Bushfire \$550.00 BSC 10 Community Facilities \$1,080.00

Payment is to be made prior to the issue of a subdivision certificate.

GENERAL

REASON: To comply with Council's policy and requirements for development.

- 13. As Principal Certifying Authority, Council will issue compliance certificates at satisfactory completion of the following stages of work:
- a. Road works (including kerb and gutter)
- b. Stormwater
- c. Sewer
- d Access

Inspections fees are to be paid prior to issue of Construction Certificate, in accordance with Council's Fees and Charges Schedule.

14. That full engineering design plans to be submitted to Council for approval prior to the issue of the Construction Certificate for:

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- a. Roads
- b. Sewer
- c. Kerb and Gutter
- d. Drainage
- 15. That the applicant submits to Council, prior to the issue of Construction Certificates, a services design plan for water, telephone, electricity, gas and street lighting.
- 16. That works as executed plans for road, drainage and sewer be submitted to Council, prior to the issue of the Subdivision Certificate.

STATUTORY

REASON: To comply with Council's statutory requirements.

- 17. That a Construction Certificate be submitted to Council prior to civil works commencing.
- 18. That a Subdivision Certificate be submitted to Council.
- 19. That all Certificates issued in relation to the development are to be submitted to Council.

ENVIRONMENTAL

REASON: To comply with Council's statutory requirements.

20. That the applicant install, prior to the commencement of works, adequate sediment and soil erosion controls in accordance with Council's Erosion and Sediment Control Policy (copy attached).

CONSTRUCTION

REASON: To comply with Council's policy and requirements.

- 21. That before commencement of any work, a sign is to be erected at the front boundary of the land clearly identifying the lot number and names of the owner, builder and licence number and emergency telephone contact numbers.
- 22. That any damage to Council's footpath, road or other land being restored in accordance with Council's specifications. Contact Council's Engineering Department.
- 23. That no materials or machinery to be used in the construction of the building shall be stored or stacked on Council's footpath, nature strip or roadway.
- 24. That there be no burning of waste material, felled trees or other material on the site.

CONDITIONS ISSUED WITH DEVELOPMENT APPLICATION NO. 131/2007/1 STAGE THREE- LOTS 12 TO 19

- 1. The determination shall be regarded as being in accordance with the particulars and endorsed plans set out and described in Development Application No. 131/2007 registered in Council's records as of 13th February 2007 except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council.
- 2. That aerated waste water treatment systems will be required to be installed on all bocks in this subdivision other than those that will be connected to Council's sewer system.

STATUTORY

REASON: To comply with the statutory requirements of other authorities.

- 3. That documentary evidence be provided to Council that arrangements have been made with Central Tablelands Water for the supply of water.
- 4. That documentary evidence be provided to Council that arrangements have been made with Country Energy for the supply of electricity.
- 5. That documentary evidence be provided to Council that arrangements have been made with the relevant telecommunications authority for the provision of telephone services.
- 6. That an original plan of subdivision be submitted for Council's registration.

INFRASTRUCTURE

REASON: To comply with Council's requirements for the provision of infrastructure.

7. That an instrument under Section 88(b) of the Conveyancing Act 1919 be prepared over the following proposed lots restricting the Finished Floor Level to the specified minimum heights, with the Authority benefited being Blayney Shire Council:

936.74m
937.16m
938.83m
>937.81m
>937.16m
935.57m
935.15m
935.57m

- 8. A stock-proof fence shall be erected along all boundaries of the proposed allotments prior the release of the subdivision certificate.
- 9. That any road widening or land resumption required for public road purposes be undertaken at no cost to Council.

ACCESS

REASON: To comply with Council's policy and requirements for the provision of access.

- 10. An all-weather 2WD vehicular access is to be constructed to each proposed allotment. Such access shall include:
- (a) a gate or stock grid set back a minimum distance of fifteen (15) metres from the edge of the public road.
- (b) a minimum 4.0 metre wide sealed footway crossing, extending from the edge of the bitumen seal on the public road to the entrance gate or stock grid.
- (c) a 150 mm thick 3.0 metre wide concrete dish drain or 450 mm minimum diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the public road.

Access locations shall be in accordance with the locations outlined in the Safe Sight Distance Assessment prepared by MJM Consulting Engineers dated 14 June 2024 and verified as the correct location prior to construction.

Note: Any new vehicular access points are to be located such that all RMS stopping sight distances are achieved.

- 11. The applicant is to prepare and implement a Traffic Guidance Scheme that provides necessary direction to traffic or pedestrian movement through or past the work site. The Traffic Guidance Scheme is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards and is to be submitted to Council for approval PRIOR to its implementation.
- 12. Prior to the commencement of any works on Council or Roads and Maritime Services (RMS) controlled land including a public road, the applicant is to affect Public Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.

SECTION 94 CONTRIBUTIONS

REASON: To comply with Council's policy for a contribution towards headworks.

13. That the applicant contribute \$10,720 towards headworks. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made. The cost of the applicable headworks during the 2007/08 financial year is as follows:-

BSC 1 Rural Roads (sealed) \$7,460.00 BSC 8 Bushfire \$1,100.00 BSC 10 Community Facilities \$2,160.00

Payment is to be made prior to the issue of a subdivision certificate.

GENERAL

REASON: To comply with Council's policy and requirements for development.

- 14. As Principal Certifying Authority, Council will issue compliance certificates at satisfactory completion of the following stages of work:
- a. Road works (including kerb and gutter)
- b. Stormwater
- c. Sewer
- d Access

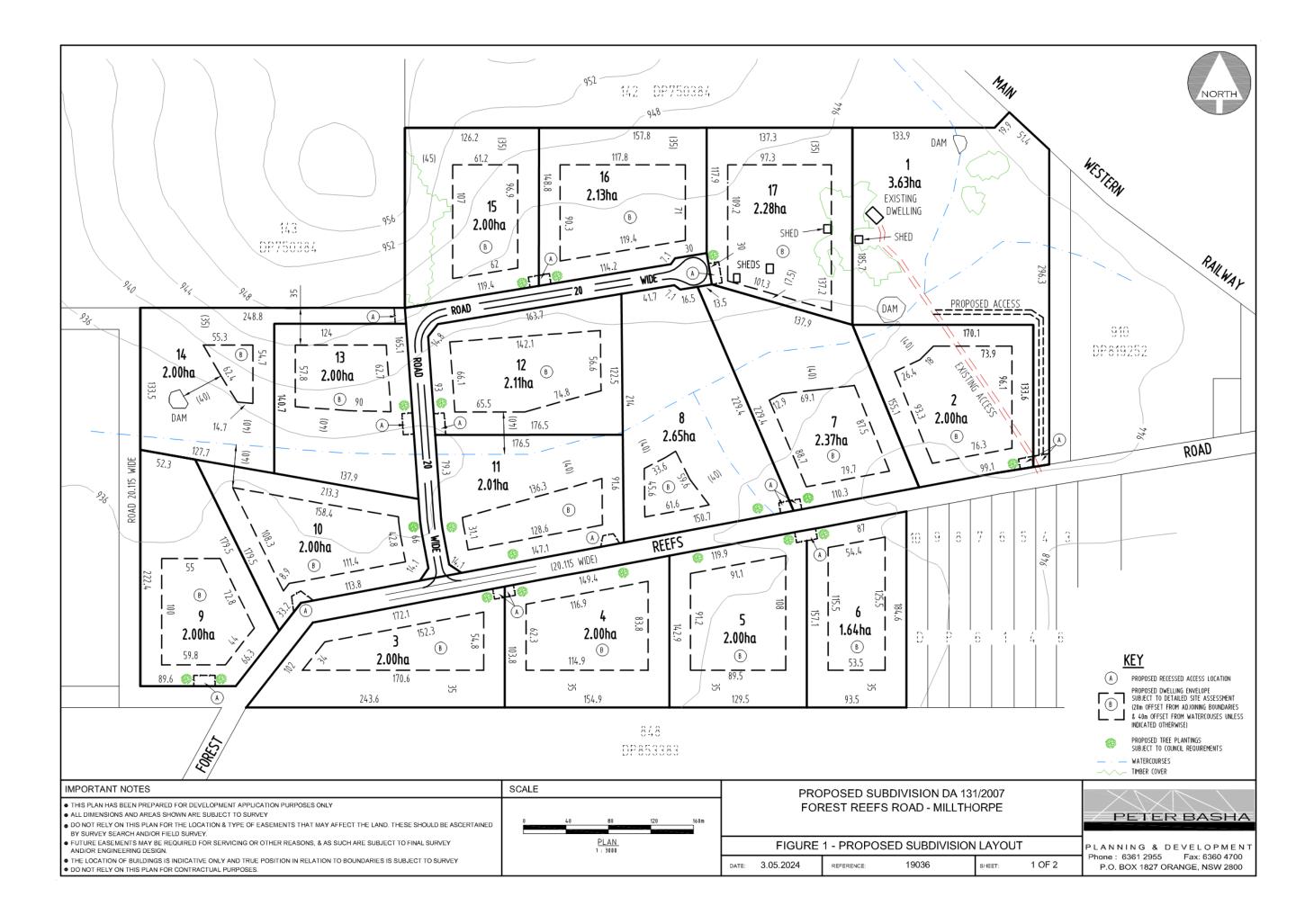
Inspections fees are to be paid prior to issue of Construction Certificate, in accordance with Council's Fees and Charges Schedule.

- 15. That full engineering design plans be submitted to Council for approval prior to the issue of the Construction Certificate for:
- a. Roads
- b. Sewer
- c. Kerb and Gutter
- d. Drainage
- 16. That the applicant submits to Council, prior to the issue of Construction Certificates, a services design plan for water, telephone, electricity, gas and street lighting.
- 17. That works as executed plans for road, drainage and sewer be submitted to Council, prior to the issue of the Subdivision Certificate.

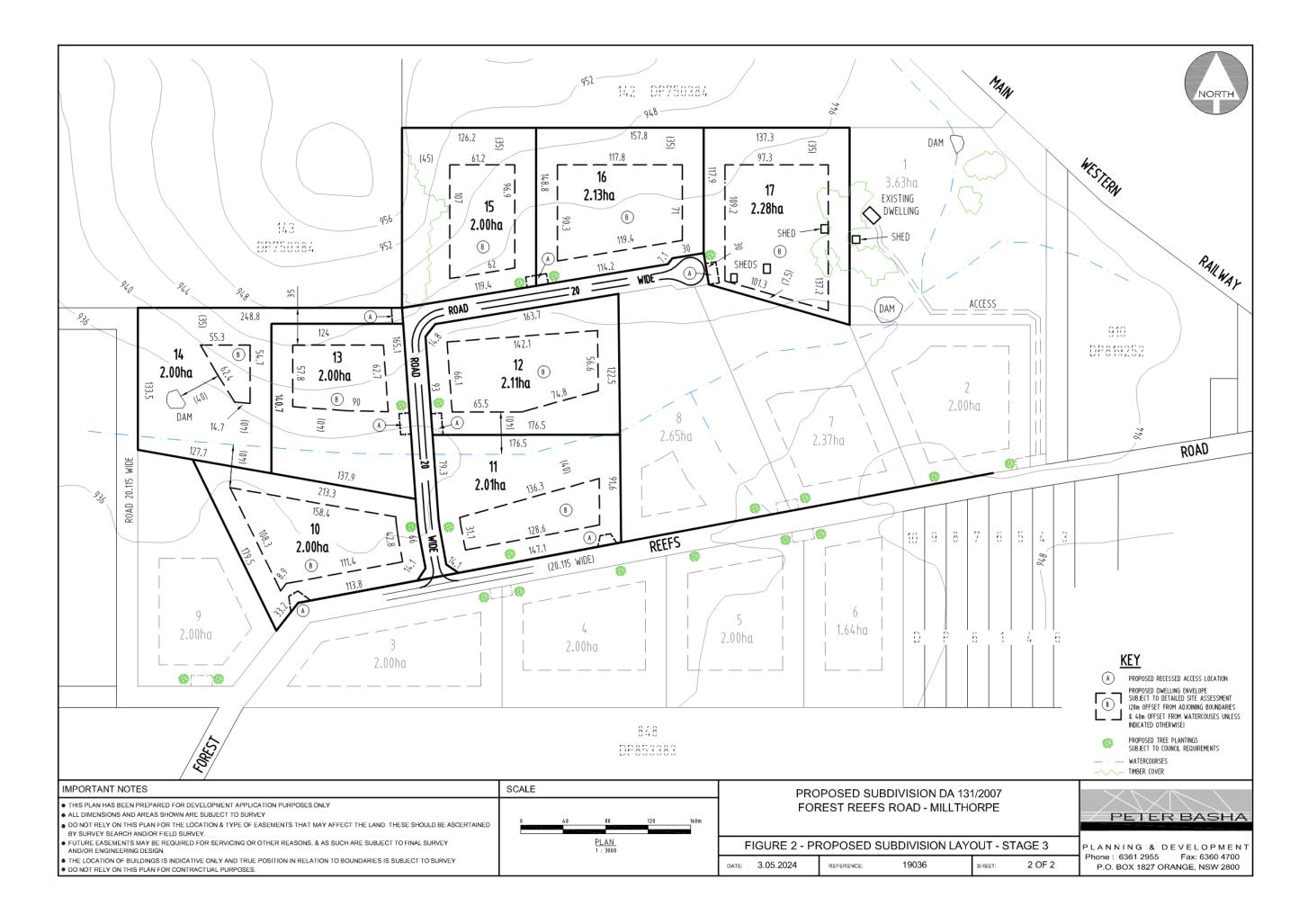
STATUTORY

REASON: To comply with Council's statutory requirements.

- 18. That a Construction Certificate be submitted to Council prior to civil works commencing.
- 19. That a Subdivision Certificate be submitted to Council.







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This is Page No. 155 of the Attachments of the Extraordinary Council Meeting of Blayney Shire Council held on 18 December 2024



Phone (02) 6921 8333 **Fax** (02) 6921 8179

Address Level 1, 37 Johnston Street

Postal PO Box 5583 Wagga Wagga NSW 2650

Email admin@mjm-solutions.com

14th June 2024

Attention: Peter Basha

Basha planning & development peter@bashaplanning.com.au

RE: SAFE SIGHT DISTANCE ASSESSMENT FOR THE PROPOSED DRIVEWAYS

Dear Peter,

This letter is in regard to the Safe Intersection Sight Distance assessment required for the proposed driveways of lot 10 and lot 11 within the subdivision (DA 131/2007) situated at Forest Reefs Road, Millthorpe, NSW.

Safe Intersection Sight Distance assessment

The locations of the proposed intersections are checked to confirm its satisfaction of the requirements for Safe Intersection Sight Distance (SISD), the minimum standard defined by Austroads – Guide to Road Design – Part 4A. It was assessed as to whether it provides sufficient distance for the driver of a vehicle on the major road to observe a vehicle on the minor road moving into a dangerous situation and decelerate safely to a stationary position before causing a collision.

For lot 11, we confirmed that, at design speeds of 60 & 80 km/hour in this section of Forest Reefs Road, there is sufficient sight distance for vehicles approaching the proposed driveway from both easterly and westerly directions to observe a vehicle entering the Forest Reefs Road from proposed driveway and to stop if the entering vehicle were to stall in the middle of the intersection.

For lot 10, the analysis revealed adequate sight distance for vehicles approaching the proposed driveway from the easterly direction at design speeds of 60 & 80 km/hr to observe a vehicle entering the Forest Reefs Road from proposed driveway. However, insufficient sight distance was observed for vehicles approaching from the westerly direction at design speeds of 60 km/hr and 80 km/hr.

We recommend relocating the proposed driveway to the west, nearer to the road bend. This adjustment will ensure a sufficient sight distance of (130m approx.), accommodating the design speed of 60 km/hr.

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CONSULTING ENGINEERS

STRUCTURAL . CIVIL . BUILDING DESIGN

Phone (02) 6921 8333 **Fax** (02) 6921 8179

Address Level 1, 25 Tompson Street

Postal PO Box 5583 Wagga Wagga NSW 2650

Email admin@mjm-solutions.com

Accompanying figures

Photo 1, photo 2, and photo 3 depict the visibility and sight distance of the proposed driveway for lot 11, illustrating views of vehicles approaching from Forest Reefs Road in both easterly and westerly directions.

The Safe Intersection Sight Distance (SISD) measured for the proposed driveway in both directions exceeds 200 meters, surpassing the SISD requirement of 123 & 181 meters for a design speed of 60 & 80 km/hr.

Photo 4, photo 5, and photo 6 depict the visibility and sight distance of the proposed driveway for lot 10, illustrating views of vehicles approaching from Forest Reefs Road in both easterly and westerly directions.

The Safe Intersection Sight Distance (SISD) measured for the proposed driveway approaching from the eastern direction exceeds 200 meters, surpassing the SISD requirement of 123 & 181 meters for the design speed of 60 km/hr & 80 km/hr. However, the measured SISD for the proposed driveway approaching from the western direction is under 100 meters, which is insufficient for the designated speeds of 80 km/hr and 60 km/hr.

Photos 7, photo 8, and photo 9 illustrate the visibility and sight distance of the proposed driveway following the recommended relocation for lot 10, illustrating views of vehicles approaching from Forest Reefs Road in both easterly and westerly directions.

The Safe Intersection Sight Distance (SISD) measured for the proposed relocated driveway approaching from the eastern direction exceeds 200 meters, comfortably surpassing the SISD requirements of 123 and 181 meters for design speeds of 60 and 80 km/hr, respectively. However, the measured SISD for the proposed driveway approaching from the western direction is approximately 130 meters, adequate for the designated speed of 60 km/hr but falls short for 80 km/hr.

Yours faithfully,

MJM CONSULTING ENGINEERS

MICHAEL MCFEETERS

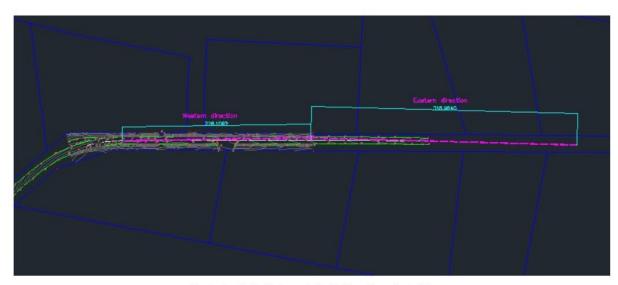


Photo 1: Sight distance in both directions (Lot 11).



Photo 2, supplied by client: Showing visibility and sight distance in eastern direction (lot 11).



Photo 3, supplied by client: Showing visibility and sight distance in western direction (lot 11).

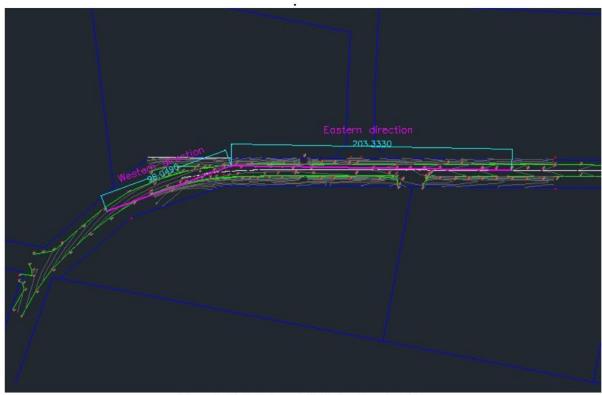


Photo 4: Sight distance in both directions (Lot 10).

Bowtort Pty Ltd Trading as MJM Solutions

A.C.N 107158350

A.B.N 16107158350

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Photo 5, supplied by client: Showing visibility and sight distance in eastern direction (lot 10).



Photo 6, supplied by client: Showing visibility and sight distance in western direction (lot 10).

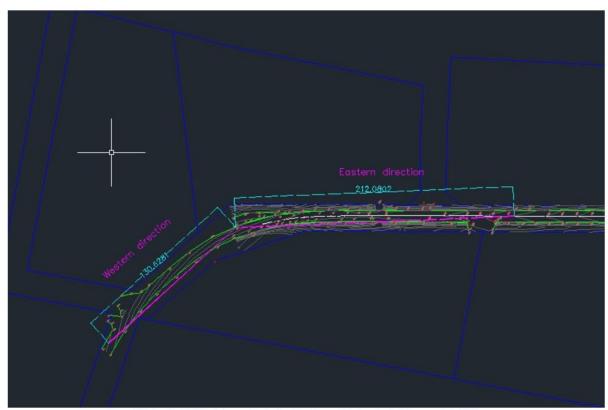


Photo 7: Sight distance in both directions (Relocated driveway Lot 10).



Photo 8, supplied by client: Showing visibility and sight distance in western direction (Relocated driveway lot 10).

Bowtort Pty Ltd Trading as MJM Solutions

A.C.N 107158350

A.B.N 16107158350

This is Page No. 161 of the Attachments of the Extraordinary Council Meeting of Blayney Shire Council held on 18 December 2024



Photo 9, supplied by client: Showing visibility and sight distance in eastern direction (Relocated driveway lot 10).

This is Page No. 163 of the Attachments of the Extraordinary Council Meeting of Blayney Shire Council held on 18 December 2024



Our Ref: MA1PJB19036.docx

3 July 2023

The General Manager Blayney Shire Council PO Box 62 BLAYNEY NSW 2799

Attention: Claire Johnstone

Dear Claire

APPLICATION TO MODIFY CONSENT – DA 131/2007 SUBDIVISION – FOREST REEFS ROAD, MILLTHORPE

Approval is sought to modify the above development application to amend the access arrangements for approved Lots 10 and 11.

In this regard, we enclose a Statement and plans which describe the proposed modification.

We trust this is satisfactory and please do not hesitate to contact our office if further information is required.

Yours faithfully

PERC

Peter Basha Planning & Development

Per:

PETER BASHA

Application to Modify Consent - DA 131/2007

Page 1

APPLICATION TO MODIFY CONSENT

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979

1.1 APPLICANT

Warren and Amanda Watts c/- Peter Basha Planning & Development PO Box 1827 ORANGE NSW 2800

1.2 OWNER OF THE LAND

Warren James Watts and Amanda Catherine Watts 160 Forest Reefs Road FOREST REEFS NSW 2798

1.3 LAND

The Notice of Determination for DA 131/2007 describes the subject land as Lots 11-37 DP 6146; Lots 184-185 DP 750384; Lot 1 DP 165683; and lot 1 DP 167714.

Since original approval was granted, the subdivision has been released in stages. As a result, the subject land is now described as Lot 6 DP 1266663.

1.4 CONSENT

DA 131/2007 granted approval for subdivision on 13 November 2007.

The Subdivision Certificate for Stage 1 of the subdivision was issued within 5 years of the date of consent. Therefore the development has been commenced and the consent has not lapsed.

1.5 PROPOSED MODIFICATION

The current consent requires access to approved Lots 10 and 11 to be provided from the new internal road.

With reference to the attached plans, it is proposed to modify the consent to allow access for approved Lots 10 and 11 to be provided from Forest Reefs Road. The proposed modification is justified generally on the grounds that a new culvert associated with recent road works on Forest Reefs Road will lead to increased flows across the approved subdivision.

In regard to the revised access arrangements for approved Lot 10:

- There is an existing drainage channel that runs inside and along the eastern boundary of approved Lot 10.
- The increased flow as a result of the new culvert on Forest Reefs Road will affect this drainage channel.
- Direct access from Forest Reefs Road would avoid the situation where future residents of approved Lot 10 would have to cross the drainage channel.
- As confirmed in a recent site inspection with Council staff, there is satisfactory sight distance in both directions along Forest Reefs Road.
- The new entrance will be constructed in accordance with Council's normal requirements.

In regard to the revised access arrangements for approved Lot 11:

- The new work on Forest Reefs Road has raised the level of that road surface. As
 a result, the new internal road to serve the approved subdivision will also have
 to be raised to coincide with the Forest Reefs Road.
- The raised level of the new internal road will make access into Lot 11 difficult, particularly as there is a need to locate the access as far south as possible so as to avoid the low-lying and wet area in the northern section of that lot.
- Direct access to approved Lot 11 from Forest Reefs Road limits the need for future residents to contend with the increased seasonally wet conditions in the northern section; and may encourage future development to remain clear of this area.
- The access to approved Lot 11 from Forest Reefs Road would be provided with satisfactory sight distance, sufficient widening and an appropriate setback to allow associated vehicles a smooth and safe transition to and from Forest Reefs Road.

I

Page 3

- As confirmed in a recent site inspection with Council staff, there is satisfactory sight distance in both directions along Forest Reefs Road, and the access point would be located just outside the 50km/h speed zone.
- There are a number of lots in the immediate vicinity of Lot 11 that already obtain direct access via Forest Reefs Road. In this context, the creation of an additional access off Forest Reefs Road to serve Lot 11 would have a negligible effect on road and traffic amenity.

1.6 POTENTIAL IMPACTS

Despite the modified access arrangements, the development remains substantially the same for which consent was granted.

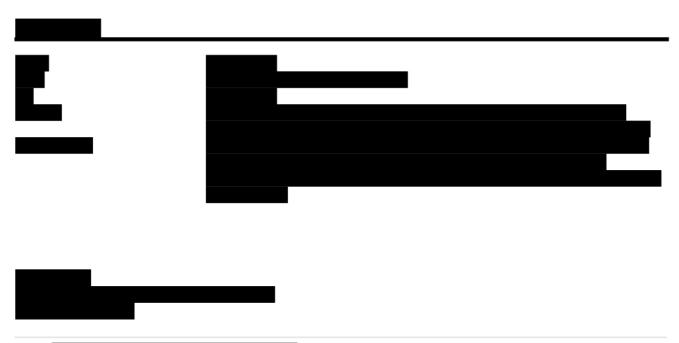
As outlined above, the potential impacts of the modification are considered minimal and do not exceed those already assessed for the development. In particular, the revised access arrangements would result in 2 less lots using the internal road. This may assist to reduce the occurrence of headlight flash on existing properties opposite the intersection of the new internal road with Forest Reefs Road.

1.7 CONCLUSION

The proposed modification can be approved on the following grounds:

- The information provided in this Statement and the attached plans demonstrate that the development as modified is substantially the same development for which the consent was originally granted.
- Following consideration of Section 4.15 of the Environmental Planning and Assessment Act, 1979, the potential impacts of the proposed modification are considered to be minimal.
- Accordingly, the proposed modification may be approved pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979.

This is Page No. 167 of the Attachments of the Extraordinary Council Meeting of Blayney Shire Council held on 18 December 2024



From:

Sent: Thursday, 14 September 2023 9:04 AM **To:** Planning <Planning@blayney.nsw.gov.au>

Cc:

Subject: IS/81069 - RE: OC/45948 - RE: IS/80682 - Submission for Modification to Proposed Development App No 2007/131/1 at 160 Forest Reefs Road, Millthorpe

Hi Jennifer,

Further to the submission we made on Friday 25th August, see attached photographs from a head on vehicle accident which occurred outside our property of Forest Reefs Road, at 6:45am on Sunday 10th September.

The accident occurred within 50 metres of the proposed road into the subdivision. Accident caused Forest Reefs Road to be closed in both directions until 8:45am.

As I was one of the first people on scene after the accident I spoke with local police who were attending. The police officers advised that it appeared the accident had taken place as the vehicle heading in an easterly direction (towards Millthorpe) was on the wrong side of the road (something which we were later able to confirm vi our security camera footage), and due to the soft edges and steep drop off of the road, it left the Coles truck driver no place to go.

We wanted to bring this to your attention given it supports the risk we identified in our submission of increased accidents on Forest Reefs Road.

Kind Regards,



From: Planning < Planning@blayney.nsw.gov.au >

Sent: Monday, August 28, 2023 1:59 PM

Subject: OC/45948 - RE: IS/80682 - Submission for Modification to Proposed Development App No 2007/131/1 at 160 Forest Reefs Road, Millthorpe

This is Page No.	168 of the	Attachments	of the	Extraordinary	Council	Meeting	of Blayney	Shire	Council	held	on '	18
December 2024												

SUBMISSION FOR ALTERATION TO PROPOSED DEVELOPMENT

Submission Document
Development Approval Application No 2007/131/1
17/08/2023

This is Page No. 169 of the Attachments of the Extraordinary Council Meeting of Blayney Shire Council held on 18 December 2024

Submission Applicants	1
Address of Submission Applicants:	

Development Application No:	2007/131/1
Address of Works:	160 Forest Reefs Road, Millthorpe NSW 2795

Public Neighbour Notification of Proposed Development dated 4th August 2023 was received by via email on 15th August 2023 at 2:35pm, from Jennifer Evans. Email included supporting information for the development application ref 2007/131/1 occurring at neighbouring property, 160 Forest Reefs Road, Millthorpe.

Request for documents was made as had not received the copy posted to their address. have confirmed that the address to which the letter was sent was correct and they also have a redirection in place to their Millthorpe PO Box. Given receipt of notification was delayed, sought extension to the submission period, which was due to close Friday 18th August 2023.

Extension of submission period was granted, refer email 16th August 2023 at 10:52am from Jennifer Evans. Submission to be received by Blayney Shire Council by 5pm Friday 25th August 2023.

1. Background

It is noted that the original Development Application, being for the subdivision of property known as 160 Forest Reefs Road, was granted as approved on 13th November 2007 under DA ref 131/2007.

Public Neighbour Notification would have occurred prior to approval, however neighbouring property Forest Reefs Road was not owned by forest Reefs Road was not owned by forest Reefs Road at that time. It could be speculated that the previous owners of neighbouring property Forest Reefs Road either had no objections to the proposal or if objections were held, submission for alterations to the proposal may not have been prepared.

As per Public Neighbour Notification of Proposed Development dated 4^{th} August 2023, the DA is now undergoing a Modification Application, with proposed modification being to access to the approved Lots $10\ \&\ 11$.

Modification is required due to recent road works on Forest Reefs Road which has altered drainage and water flows into and across the subdivision.

Given that modifications are being proposed to the original development, are seeking modification to the proposed road access to the subdivision.

Modification to the road access is not suggested in the Modification Application, however given that alterations are being sought, it does present an opportunity for further alterations to the approval, which may not have previously been considered.

As suggested in the notification letter, submission by and and and is considered relevant and well founded. We refer to the below which details the grounds on which the submission is based.

2. Identification of Risks and Concerns

Key Risks	Further Details
	There are articles published online that suggest artificial lighting and light pollution is an increasing issue in developed areas, both residential and commercial.
	Light pollution from buildings, streetlights and vehicles can disrupt natural wildlife, but also a person's sleep patterns.
	Due to this, light pollution is increasingly being considered by developers and councils in development applications and managed via by planning controls – examples mentioned in resource link below.
Light pollution at night from vehicles entering and leaving proposed subdivision	The location of the proposed road will cause vehicle headlights to shine on to the residence at Forest Reefs Road. The plan of the residence means that vehicle headlights would flood into a living area, x2 bedrooms and an ensuite bathroom, which have a northern aspect. The light pollution from vehicle headlights is likely cause sleep disruption to the residents of 143 Forest Reefs Road
	While the residence at Forest Reefs Road was not yet constructed at the time DA 2007/131 was approved, it would appear that no consideration was given to the location of any future residence, and the impact that a new road would have on the residence.
	Resources: Lindsay Taylor Lawyers - How is Light Pollution Regulated in NSW
	Mitigant(s) to Risk
	Relocation of road
	Alteration to existing road Showground Lane to create access
	Similar to light pollution, noise pollution is also increasing in urban areas, with traffic noise being the major contributor. Traffic noise has increased as a direct correlation to an increase of motor vehicle ownership and usage in NSW.
	Also like light pollution, noise pollution can impact peoples' sleep patterns or cause sleep disturbance.
	The location of the proposed road will result in increased vehicles entering and existing the subdivision, which will cause an increase in traffic noise from current levels that already exist on Forest Reefs Road.
Sound pollution from vehicles entering and leaving proposed subdivision	As mentioned above, the plan of the residence means that increased vehicle noise will be heard in the northern aspect rooms of Forest Reefs Road, being a living area, x2 bedrooms and an ensuite bathroom. The sound pollution from increased vehicles is likely cause sleep disruption to the residents of Forest Reefs Road.
Subdivision	Resource states that new road developments generally offer more opportunity for noise impacts are minimised, but again it appears that no consideration has been given to this factor.
	Resources: <u>EPA NSW Road Noise Policy</u>
	Mitigant(s) to Risk
	Relocation of road
	Relocation of road Alteration to existing road Showground Lane to create access
	7. The real of the existing road shorter build build to create decess

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Interactive crash statistics accessed via the Transport NSW Site indicate that in the subject area of Forest Reefs Road, being from the commencement of the current 80km zone (approx. 116 Forest Reefs Road) to Charles Booth Way, that there have been zero vehicle crashes. Vehicle crashes have occurred on Forest Reefs Road within the past 4 years, however they are not within the subject area.

Data in the resource is based on the incident being reported to police.

have evidence of vehicle crashes or incidents occurring in the immediate area (see annexure documents), with x2 of these being within the past month, and another within the past 12 months (29/07/2022). These incidents were reported to police by as a contributing factor may also have been that drivers were under the influence, which was witnessed by in their behaviour post the accident.

As can be seen in the photos, cars are leaving Forest Reefs Road and becoming lodged in the culvert. In the most recent x2 vehicle incidents, it is likely the soft edges of the road have contributed further to the car becoming stuck.

Road Safety & Accidents

The creation of the new road and the x2 driveways for Lot 10 and 11, will create a need for vehicles to turn off and on to Forest Reefs Road. It does not appear that there will be allowances made on Forest Reefs Road for a turning lane.

concern is that this may lead to collision accidents where motorists will not notice turning vehicles or not allow sufficient stopping distance to a turning vehicle. The mainly have this concern after being victim of such an incident, where the driver was not focussed on traffic ahead of them.

The creation of the new road will cause vehicles to be driving directly towards the residence at Forest Reefs Road. There is nothing mentioned to what preventative measures are in place to protect the residences and occupants of Forest Reefs Road, should a car fail to stop at the new intersection, and collide with the house.

It is uncertain if this risk factor has been considered in the development application, or again, if due to their being no residence yet constructed at Forest Reefs Road, no consideration was made.

Resources: Transport NSW Interactive Road Statistics

Mitigant(s) to Risk

- · Relocation of road
- Alteration to existing road Showground Lane to create access

3. Recommendations & Conclusions

Recommendations:

Further details on recommendations made above are as follows:

- Relocation of new road from current position to what is the eastern boundary of Lots 11 & 12 (see attached map annexure numbered 1). This would move the road into a position where it would alleviate all the risks identified above:
 - Vehicle headlights will not fall onto any residences or infrastructure
 - Noise pollution will not be near any residences or infrastructure
 - Given no allowance for turning lane, vehicle collisions and accidents may still pose a risk.

Block sizes for Lot 11 & Lot 12 cold be maintained as they would gain size on the western boundary, from removal of the proposed road.

Proposed road would have another cul-de-sac, near the driveway to Lot 13 and the battle-axe block of Lot 14.

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- Removal of new road an access to blocks is instead provided via existing road Showground Road (see attached map annexure numbered 2). This would move the road into a position where it would alleviate all the risks identified above:
 - o Vehicle headlights will not fall onto any residences or infrastructure
 - Noise pollution will still occur and likely be higher than current levels on the Showground Road
 - o Given no allowance for turning lane, vehicle collisions and accidents may still pose a risk.

Block size for Lot 10 could be maintained as it will absorb what area was proposed for the road on its eastern boundary. The northern boundary of Lot 10 will likely need alteration to accommodate what would be lost by Lots 13 and 14, by the altered road, now heading in an easterly direction.

Conclusion:

- are not opposed to the subdivision of 160 Forest Reefs Road, nor do they oppose the proposed alterations to access of Lots 10 and 11.
- However, they do oppose the location of the proposed road into the subdivision and this is the basis for
 this submission to consider alteration to this feature, while other amendments are being made to the plan
 and DA 2007/131/1.
- The recommendations made above offer potential solutions to identified risks, while still considering the position and aspirations of the owners of 160 Forest Reefs Road.
- wish to work with the owner of 160 Forest Reefs Road and Blayney
 Shire Council, in an amicable manner, to come to a mutually beneficial position.

4. Other Information

As noted on Blayney Shire Council letter dated 04/08/2023, in reference to the proposed development at 160 Forest Reefs Road, Millthorpe, the applicants of the submission, being declare that there is no conflict of interest, no political donations and/or gifts either made or received by those involved in the development application (Page 2, Point f).

5. Maps & Annexure Documents

- Photos of vehicle accidents on Forest Reefs Road see following pages.
- Map Annexure No 1 Planning Map showing proposed movement of road from current position, further east on Forest Reefs Road, closer towards the village of Millthorpe. Map also shows alterations that could be made to Lots to accommodate for road change.
- Map Annexure No 2 Planning Map showing removal of proposed road, and incorporation of road into
 existing access on Showground Road. Map also shows alterations that could be made to Lots 10, 13
 and 14 to accommodate for road change.

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PHOTO 1 - LEFT

Date and Time of Photo: 21/08/2023 @

10:53am

Photo Location: Outside of property Forest Reefs Road. Aspect of photo is looking east, towards the village centre of Millthorpe.

Description: Photo shows where car has veered from road onto soft edge part and caused rut.

Note: Occupants of

have already provided this picture to Blayney Shire Council, to notify of the damage.

It was provided to to support their submission as it is further evidence of vehicle accidents occurring in the vicinity of the proposed new road.

PHOTO 2 - BELOW

Date and Time of Photo: 18/08/2023 @ 6:21am

Photo Location: Outside of property Forest Reefs Road, in the vicinity where new road is currently proposed. Aspect of photo is looking north.

Description: Photo shows a car which has lost control around the bend of Forest Reefs Road, has veered from road and onto soft edge, becoming bogged.



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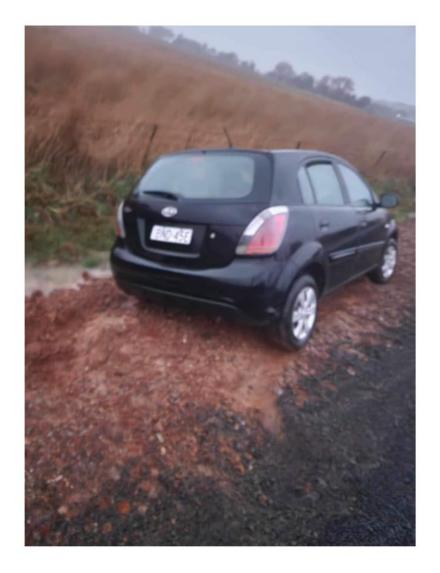


PHOTO 3 - LEFT

Date and Time of Photo: 18/08/2023 @ 6:21am

Photo Location: Outside of property

Forest Reefs Road, in the vicinity where
new road is currently proposed. Aspect of
photo is looking north west.

Description: Photo shows a car which has lost control around the bend of Forest Reefs Road, has veered from road and onto soft edge, becoming bogged.



PHOTO 4 - LEFT

Date and Time of Photo: 18/08/2023 @ 6:21am

Photo Location: Outside of property Forest Reefs Road, in the vicinity where new road is currently proposed.

Description: Photo shows close up of vehicle bogged in culvert. Includes licence plate which was provided to Orange Police.



PHOTO 5 - LEFT

Date and Time of Photo: 21/08/2023 @

10:53am

Photo Location: Outside of property Forest Reefs Road, in the vicinity where new road is currently proposed. Aspect of photo is looking west.

Description: Photo shows damage caused to edges of road as a result of vehicle losing control and becoming bogged in culvert.

PHOTO 6 - BELOW

Date and Time of Photo: 21/08/2023 @

10:53am

Photo Location: Outside of property Forest Reefs Road, in the vicinity where new road is currently proposed. Aspect of photo is looking north west.

Description: Photo shows damage caused to edges of road as a result of vehicle losing control and becoming bogged in culvert.



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Our Ref: L12PJB19036.docx

24 October 2023

The General Manager Blayney Shire Council PO Box 62 BLAYNEY NSW 2799

Attention: Claire Johnstone

Dear Claire

APPLICATION TO MODIFY DA 131/2007 SUBDIVISION - FOREST REEFS ROAD, MILLTHORPE

In response to the matters raised in submissions we advise as follows:

- 1. The new internal road and its intersection with Forest Reefs Road is already approved and is not proposed to be altered by this modification application.
- 2. The potential impacts of the modification are considered minimal and do not exceed those already assessed for the development. In particular, the revised access arrangements would result in 2 less lots using the internal road. This may assist to reduce the occurrence of headlight flash onto existing properties opposite the intersection of the new internal road with Forest Reefs Road.
- 3. The concerns raised in regard to traffic safety and movement along Forest Reefs Road are acknowledged but have no relevance to the proposed modification. Forest Reefs Road has undergone a recent upgrade by Council and it is reasonable to assume that it satisfies the relevant road design and safety standards.
- 4. The suggestion to relocate the internal road is noted. However, the proposed modification does not seek to alter the currently approved road or subdivision layout. Approval for this subdivision has been in place since 2007. It is a reasonable submission that people who have purchased land in the early stages of this approved subdivision (which includes the lots on the southern side of Forest Reefs Road) would have been aware of the approved road layout. Given that it has been in this approved configuration for some 16 years, a relocation of the approved internal road is likely be adverse to the expectations of other people who have purchased land in this subdivision; or who have become established on land that is adjacent to the suggested road routes.

We trust this is satisfactory and we look forward to a favourable determination of the modification application.

Yours faithfully

PERC

Peter Basha Planning & Development

Per:

PETER BASHA

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DA 2024/0074

Reasons for Decision

To comply with legislative statutory requirements.

DEVELOPMENT IN ACCORDANCE WITH APPROVED PLANS & DOCUMENTATION

1. Development is to take place in accordance with:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
Job No. 052- 23 Sheets 1- 4	Architectural Plans	TK Worboys Drafting & Design		09/09/2024
Certificate No: 1763396S	BASIX Certificate	Timoth Worboys	6 September 2024	6 September 2024
	Heritage Impact Statement	TK Worboys		26 September 2024
20240401	Effluent Disposal Investigation	Calare Civil		31 October 2024
	Variation to DCP Control - Justification	TK Worboys		26 September 2024
	Statement of Environmental Effects	TK Worboys		24 September 2024

As amended in accordance with any conditions of this consent.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979

PRESCRIBED CONDITIONS

BUILDING CODE OF AUSTRALIA

2. The building work must be carried out in accordance with the requirements of the Building Code of Australia. A reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

IDENTIFICATION OF SITE

- 3. The developer is to provide a clearly visible sign to the site stating:
 - a) Unauthorised entry to the worksite is prohibited;
 - b) Street number or lot number;
 - c) Principal contractor's name and licence number; or owner builders permit number;
 - d) Principal contractor's contact telephone number/after-hours number;
 - e) Identification of Principal Certifying Authority, together with name, address & telephone number.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

CONTRACT OF INSURANCE

4. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, evidence that such a contract of insurance is in force is to be provided to the Principal Certifying Authority before any building work authorised to be carried out by the consent, commences.

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HOME BUILDING ACT

- 5. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- a) in the case of work for which a principal contractor is required to be appointed:
 - 1. The name of the licence number of the principal contractor, and
 - 2. The name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
 - 1. The name of the owner-builder, and
 - 2. The name of the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

EXCAVATION WORK

- 6. Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) Protect and support the adjoining premises from possible damage from the excavation, and
 - b) Where necessary, underpin the adjoining premises to prevent any such damage.

PRIOR TO CONSTRUCTION CERTIFICATE

SECTION 7.11 CONTRIBUTIONS (TYPE A - RESIDENTIAL)

Contributions are to be paid to Council towards the provision or improvement of amenities or services (residential

subdivision/works) under the Blayney Local Infrastructure Contributions Plan 2013 (see Council's web site). The contributions to be paid are currently \$9,677 per new lot/ dwelling. The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment. Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Construction Certificate.

SEPTIC TANK GENERAL

8. An on-site waste management system is to be installed, operated and maintained on the land and the premises connected thereto, in accordance with the provisions of the Local Government (Approvals) Regulation made under the Local Government Act 1993. A Section 68 Application to install an on-site waste management system" must be submitted to and approved by Council prior to the issuing of the Construction Certificate in relation to the building.

ELECTRICAL AUTHORITIES – BUILDING

9. The developer is to furnish documentary evidence that arrangements have been made satisfactory to the relevant electrical authority and the relevant telecommunications authority, for the provision of electrical power, to fully serve the development, prior to the issuing of a Construction Certificate by Council or an accredited certifying authority.

HERITAGE REQUIREMENTS

10. A schedule of Materials and colours are to be submitted to Council and approved by Council prior to the release of the Construction Certificate in accordance with Heritage Advisors advice provided in the Advisory Notes.

LANDSCAPING PLAN

11. A Landscaping Plan is to be submitted to Council and approved by Council prior to the release of the Construction Certificate. The Landscape plan is to include a minimum of three trees to frame the front elevation and presentation to the streetscape and a minimum of one tree to the rear garden for shading. A hedge or shrubs to align with and identify the front boundary. Screening shrubs to align the side and rear boundaries sufficient to allow for screening to and from the outdoor spaces This is Page No. 181 of the Attachments of the Extraordinary Council Meeting of Blayney Shire Council held on 18 December 2024

of adjoining properties. Tree and plant species are to be specified on the Landscape Plan and be suitably appropriate for the locality.

PRIOR TO WORKS COMMENCING

DISPOSAL AREA EXCLUSIONS

12. Vehicular traffic and livestock is excluded from the disposal area.

SURFACE WATER

13. All surface water from higher levels is to be diverted away from the disposal area.

CONSTRUCTION CERTIFICATE

14. Prior to commencement of any works, a Construction Certificate for the proposed buildings is to be obtained, and where Council is not the PC, a copy is to be submitted to Council.

COMMENCEMENT OF WORK & APPOINTMENT OF PC

15. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of building or subdivision works and Appointment of Principal Certifier (PC). Compliance with fire safety standards

CLADDING

16. Roof and wall finishes shall be comprised of low reflective surface materials.

Note 1: Sheet metal shall be of factory prefinished (eg, colorbond) type material.

Note 2: Zincalume will be not accepted.

NOTICE OF PLUMBING WORKS

17. Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the Plumbing and Drainage Act 2011.

DURING CONSTRUCTION

ENGINEERING INSPECTIONS

18. The applicant is to arrange an inspection of the development/subdivision works by Council's Engineering Department, at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

F	New Gate – Rural	*	Prior to commencement of excavation works.
	Crossing	*	After compaction of base and prior to sealing
		*	Road pavement surfacing

NEW GATE - RURAL

19. An all-weather 2WD vehicular access is to be constructed to each proposed allotment. Such access shall include:

- (a) a gate or stock grid set back a minimum distance of fifteen (15) metres from the edge of the public road.
- (b) a minimum 4.0 metre wide sealed footway crossing, extending from the edge of the bitumen seal on the public road to the entrance gate or stock grid.
- (c) a 150 mm thick 3.0 metre wide concrete dish drain or 450 mm minimum diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the public road.

Note: Any new vehicular access points are to be located such that all RMS stopping sight distances are achieved.

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ALL-WEATHER INTERNAL ROAD

20. A 4 metre wide all-weather 2WD vehicular access is to be constructed from the proposed dwelling to the property boundary. This access roadway is to be appropriately formed and contain suitable measures for the prevention of soil erosion, including mitre drains and piped culverts where necessary. All such works are to comply with WBC Guidelines for Engineering Works.

ROAD AND INTERALLOTMENT DRAINAGE

21. All road and inter allotment drainage is to be conveyed to a legal point of discharge,

RELOCATE UTILITY SERVICES

22. The developer is to relocate any utility services if required, at the developer's cost.

NATURALLY OCCURRING ASBESTOS

23. If Naturally Occuring Asbestos is identified, and it is likely to be affected by the proposed works, then Clause 432 of the *Work Health and Safety Regulations 2017* (as amended) requires that a site-specific

Asbestos Management Plan is prepared in accordance with the regulations and the *Model Asbestos Policy for NSW Councils (2015)* (as amended).

HOURS FOR CONSTRUCTION OR DEMOLITION

24. Construction or demolition only be carried out between 7.00 am and 6.00 pm on Monday to Friday, and 8am to 5pm on Saturdays. No construction or demolition is to be carried out at any time on a Sunday or a public holiday.

Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.

EROSION AND SEDIMENT CONTROL

25. Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's WBC Guidelines for Engineering Works (see Council's website), and the Dept Housing – Soil and Water Management for Urban Development (The Blue Book).

RUBBISH AND DEBRIS

26. All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing.

Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within the worksite unless otherwise approved by Council.

Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note 2: Offenders are liable for prosecution without further warning.

TOILET FACILITIES

27. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet, plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- i. be a standard flushing toilet connected to a public sewer, or
- ii. have an on-site effluent disposal system approved under the *Local Government Act* 1993, or
- iii. be a temporary chemical closet approved under the Local Government Act 1993.

EXCAVATIONS AND BACKFILLING

- 28. All excavation and backfilling associated with the erection/demolition of the building must:
- a) be executed safely and in accordance with appropriate professional standards, and
- b) be properly guarded and protected to prevent them from being dangerous to life or property.

DRAIN BUILDING SURROUNDS

29. The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out following the installation of the roof gutter & down pipes, and prior to the final inspection.

DRAIN ROOFED AND PAVED AREAS

30. All roofed and paved areas are to be drained in a manner consistent with AS 3500 and WBC Guidelines for Engineering Works. The water from those areas and from any other drainage must be conveyed to:

 (a) An appropriately sized and sited on-site disposal area, in accordance with Australian Standard 3500.

Storm water disposal drains shall be connected to all roof gutter & down pipes following installation of the down pipes and/or the construction of hard standing areas and prior to the final inspection, as may be appropriate, to discharge roof water to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

Two copies of a plan showing the location of the storm water disposal system are to be submitted to Council before occupation.

Note: 'Pump-out' storm water drainage systems are not acceptable.

RAINWATER TANK OVERFLOW

31. The overflow for the rainwater tank/s is to be connected to a drainage line and conveyed to the street gutter, common drainage line or otherwise disposed of on site in accordance with Australian Standard 3500 in a manner that is not adversely affecting adjacent land.

Note 1: The rainwater tank should be maintained and protected against mosquito infestation.

Note 2: NSW Department of Health does not recommend the use of tank rainwater for drinking, showering, the washing of clothes and/or eating utensils.

Note 3: If a pump is required it must be located and operated so as not to cause a noise nuisance to adjoining properties.

DRAINAGE RECORDS

32. A works as executed plan drawn to the scale of 1 in 200 of drainage is to be submitted to Council at the time of inspection.

BASIX CERTIFICATE

33. All the required commitments shown on the BASIX Certificate and on the approved plans, are to be implemented prior to the issue of an Occupation Certificate.

LICENSED PLUMBER

34. All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the Plumbing Code of Australia.

INSPECTIONS

35. Forty – eight (48) hours notice shall be given to Council for inspection of the following:

- a) Internal and external drainage lines, prior to backfilling. The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged;
- b) Hot and cold water at rough-in; and
- c) The completed building before use.

DISCOVERY OF ABORIGINAL OBJECTS

36. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking excavation, demolition or building work, the proponent must:

(a) Not further harm the object.

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- (b) Immediately cease all work at the particular location.
- (c) Secure the area so as to avoid further harm to the Aboriginal object.
- (d) Notify the Department of Planning, Housing and Infrastructure as soon as practical on ph. 131555, providing any details of the Aboriginal object and its location.
- (e) Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and contact the NSW Police and the Department of Planning, Housing and Infrastructure.

DISCOVERY OF OTHER CULTURAL HERITAGE

37. Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately, and notification shall be provided to the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974*. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further the work can continue.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

OCCUPATION CERTIFICATE

38. Prior to the occupation or use of the building an Occupation Certificate is to be obtained, and where Council is not the Principal Certifier, a copy is to be submitted to Council.

WATER SUPPLY

39. On site water storage is to be provided for both domestic and fire fighting reserve purposes. Total storage capacity is to be a minimum of 80,000 litres including a minimum 20,000 litres fire fighting reserve as recommended by the RFS. The 20,000 litres reserved for fire fighting purposes, must meet the following, above-ground water storage tanks shall be of concrete or metal and be fitted with a 65mm Storz (brass/steel) type full flow tap with gate valve.

S138 ROADS ACT APPROVAL

40. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority shall ensure that all works associated with a s138 Roads Act approval have been inspected and signed off by Council.

S68 ONSITE EFFLUENT MANAGEMNT SYSTEM

41. Prior to the issue of an Occupation Certificate for the Dwelling, the Principle Certifying Authority shall ensure that appropriate approvals and installation have been inspected and signed off by Council.

Ongoing Matters

APPROVED USE

42. The approved building must not be used for any other purpose other than the approved use ie Residential Dwelling (only). Any proposed change of use shall only be permitted with the consent of Council.

Advisory Notes

Heritage Advice:

- select corrugated iron roofing and cladding are to be specified.
- corrugated galvanised custom orb steel or colorbond in Shale Grey or Windspray.
- traditional rolled flashings.
- standard unperforated quad gutter colour to be specified.
- Circular downpipes to match wall colour.

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- weathertex selfol 150mm Ecogroove smooth weatherboard with a painted finish is recommended.
- for a vertical orientation, Weathergroove natural 150mm is recommended.
- paint colour to be nominated for wall cladding.
- timber verandah posts are accepted subject to the size for the spacing being ex 150mm square with a suitable colour (paint) finish.
- aluminium windows are accepted subject to a suitable powder coat finish being specified.
- wall colours of Bluegum and Windspray are not suitable. Colours should be selected from warm neutrals and include Sugar Cookie, Soft Brown, Raw Canvas, Baked Clay, Natural Milk and Fusion.
- Roofs should be grey such as Shel grey, Windspray or Southerly. Gutters should be a draker contrasting colour.
- Foundation walls below the floor level on rising sites are recommended as Basalt or an earth colour contrasting the wall.
- Landscape Plan should include a minimum of three trees to frame the front elevation and presentation to the streetscape and a minimum of one tree to the rear garden for shading. A hedge or shrubs to align with and identify the front boundary. Screening shrubs to align the side and rear boundaries sufficient to allow for screening to and from the outdoor spaces of adjoining properties. Trees and species are to be specified on the Landscape Plan.

Inspection Schedule

The Principal Certifying Authority is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Blayney Shire Council during construction of the work.

As the Principal Certifying Authority, Council must be contacted to undertake inspections of the various stages of construction as follows:

- a. Internal and external sanitary drainage.
- b. Slab/footing inspection when steel is laid prior to the pouring of concrete.
- c. Frame inspection
- d. Hot and cold water prior to internal lining.
- e. Waterproofing prior to tilling.
- f. Final inspection at time of completion of all works.
- g. Final/stormwater inspection at time of completion of all works.

Notice of Commencement.

AN1. Notice of commencement of subdivision works – The attached form needs to be completed and emailed, faxed or mailed to Council at least 2 days before any work commences on the site.

TELSTRA CORPORATION LIMITED

AN2. Dial Before You Dig. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to prevent damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of pant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or panning activities.

Telecommunications Act 1997 (Commonwealth)

AN3. Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

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Earthworks

AN4 Any earthworks undertaken should be in accordance with the exempt development provisions set out at Subdivision 15 Earthworks, retaining walls and structural support of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Separate development consent is required for any earthworks not in accordance with the forgoing provisions.

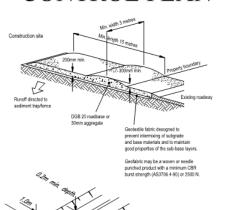
Essential Energy

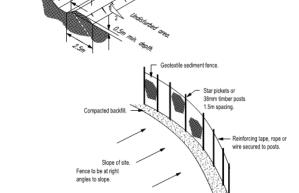
AN5 Should any electricity infrastructure be located within the property any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

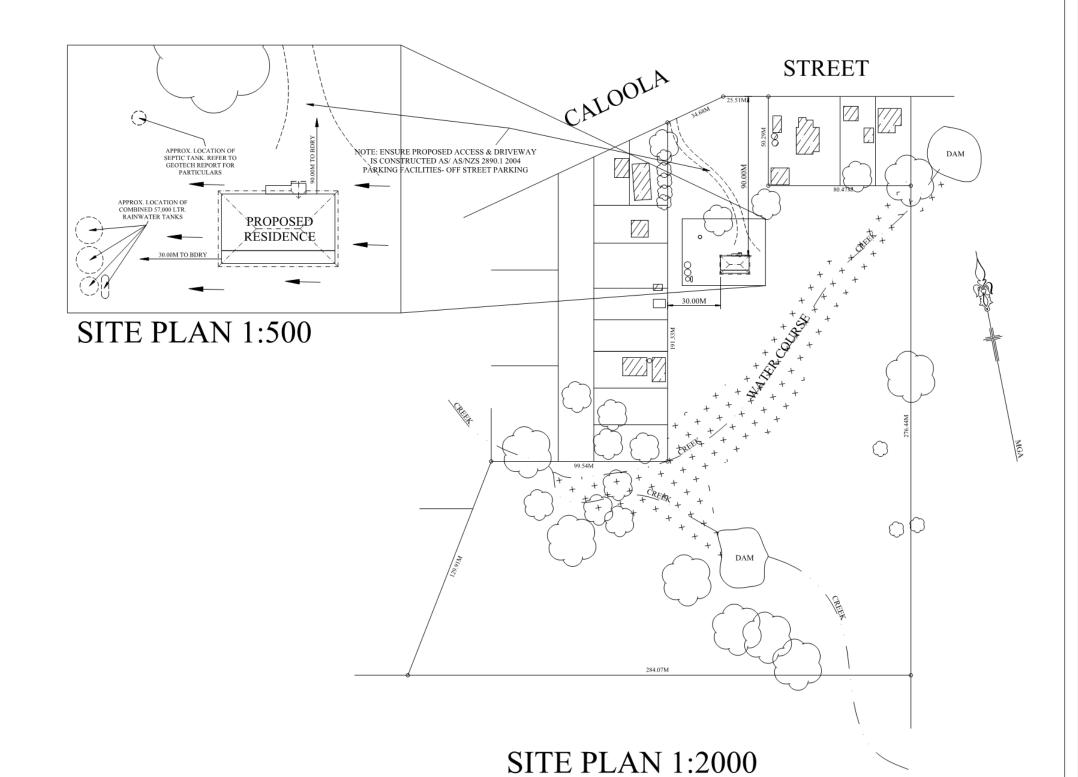
SEDIMENT & EROSION CONTROL PLAN





All erosion and sediment control measures required as conditions of building approval to be installed prior to any other work, such as cut and fill taking place on site. These measures to be maintained throughout the course of construction and satisfactory stabilisation of the site upon completion of the works.

Control measures to be in accordance with Council's information brochure, and the Department of Conservation and Land Management. All sediment control techniques including nunoff diversion techniques, sediment trapping devices, construction of entrances/exits, buffer zones and revegetation techniques shall be constructed to prevent sediment and other debris leaving the site or entering council drange system. All such control measures to be maintained in a sound and workable condition and shall not be removed from site until permanent rehabilitation measures



NOTES

ALL SHOWN DIMENSIONS TAKE PRECEDENCE OVER SCALING ALL WORK IS TO COMPLY IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS & CURRENT BCA REGULATIONS

4/4 9-09-24 **VARIOUS**

052-23

TKW

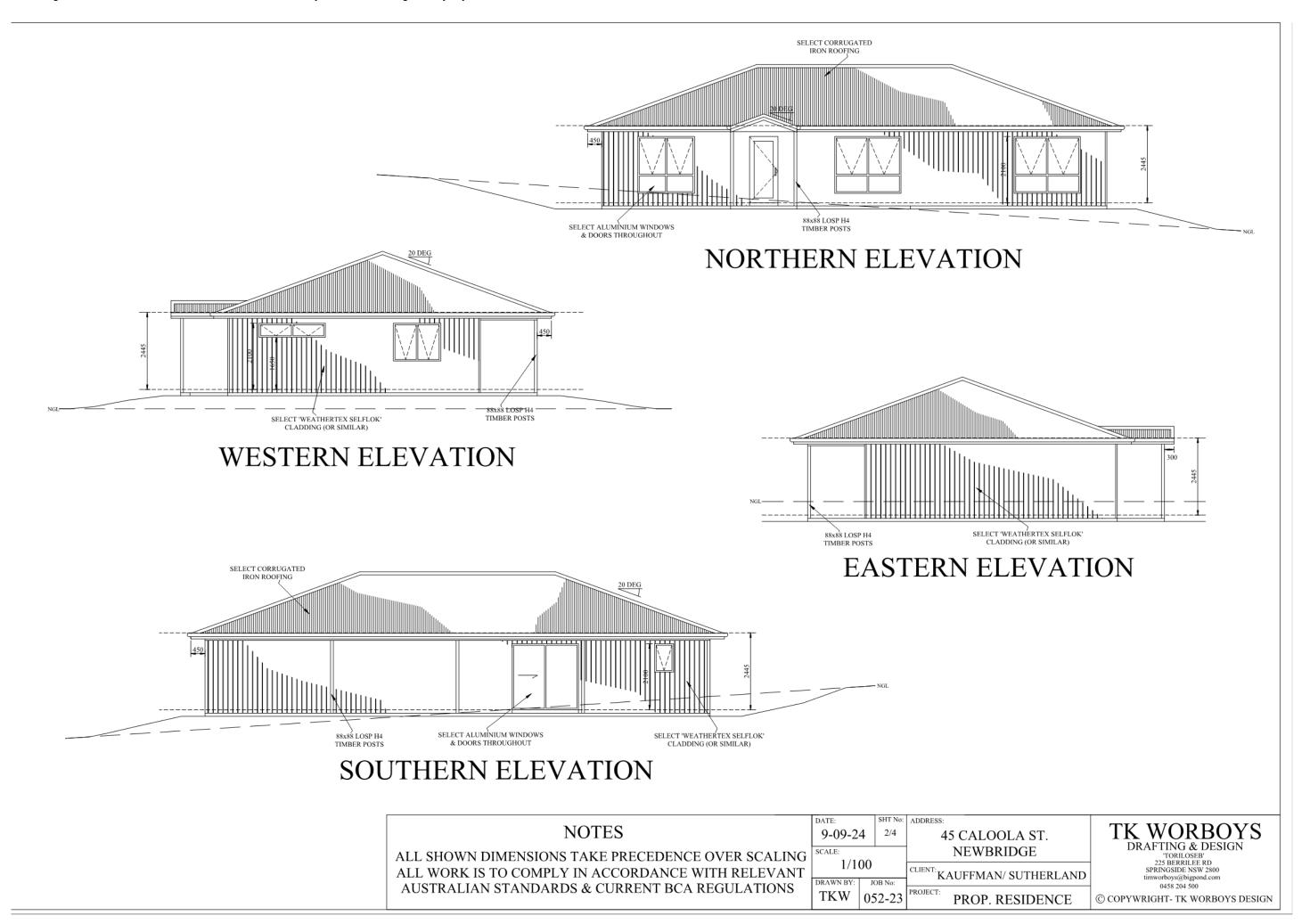
45 CALOOLA ST. NEWBRIDGE

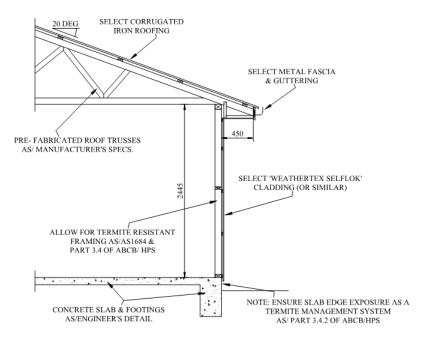
CLIENT: KAUFFMAN/ SUTHERLAND PROP. RESIDENCE

TK WORBOYS DRAFTING & DESIGN
TORILOSEBY
225 BERRILEE RD
SPRINGSIDE NSW 2800

worboys@bigpond.com 0458 204 500

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SECTION A-A 1:50

SELECT CORRUGATED SELECT METAL FASCIA & GUTTERING 240X45 GL10 PITCHING BEAM PRE- FABRICATED ROOF TRUSSES SELECT 'WEATHERTEX SELFLO CLADDING (OR SIMILAR) ALLOW FOR TERMITE RESISTANT FRAMING AS/AS1684 & PART 3.4 OF ABCB/ HPS 88x88 LOSP H4 CONCRETE SLAB & FOOTINGS AS/ENGINEER'S DETAIL

SECTION B-B 1:50

BASIX COMMITMENTS REFER TO ACCOMPANYING CERTIFICATE FOR FULL DETAILS

CERTIFICATE No. 1763396S

WATER

FIXTURES

SHOWERS: 3 STAR MIN RATING TOILETS: 3 STAR MIN RATING KITCHEN: 3 STAR MIN RATING BATHROOMS: 3 STAR MIN RATING

ALTERNATIVE WATER

INSTALLATION OF MIN 57,000Ltr RAINWATER TANK REQ. ON SITE. REFER TO BASIX CERT. FOR CONNECTION REQUIREMENTS

THERMAL COMFORT

INSULATION EXTERNAL WALL: SARKING + R3.0 INSULATION (MIN) CEILING: R5.00 INSULATION (MIN)

ROOF: THERMOCELLULAR REFLECTIVE/UNVENTILATED ROOF COLOUR: DARK (SOLAR ABSORPTANCE >0.71-0.79)

IMPROVED ALUMINIUM/ DOUBLE GLAZED/ CLEAR REFER TO FLOOR PLANS, ELEVATIONS, & SITE PLAN FOR SPECIFIC SHADING & OVERSHADOWING DETAILS.

ENERGY

HOT WATER

HOT WATER SYSTEM: GAS INSTANTANEOUS 4.5 STAR RATING (MIN)

HEATING & COOLING

COOLING SYSTEM: 1-PHASE AIRCONDTIONING 4.0 STAR RATING (MIN) HEATING SYSTEM: SLOW COMBUSTION WOOD HEATER

VENTILATION

BATHROOM: INDIVIDUAL FAN, DUCTED TO FACADE OR ROOF, MANUAL SWITCH ON/OFF KITCHEN: INDIVIDUAL FAN, DUCTED TO FACADE OR ROOF

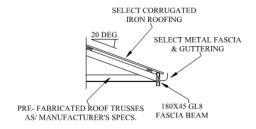
MANUAL SWITCH ON/ OFF LAUNDRY: NATURAL VENTILATION

ENSURE MINIMUM 80% OF LIGHT FIXTURES ARE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT, OR LIGHT EMITTING DIODE (LED) LAMPS.

NATURAL LIGHTING TO ALL BATHROOMS/ TOILETS

OTHER

INSTALLATION OF GAS COOKTOP & ELECTRIC OVEN IS REQUIRED. REFRIGERATOR SPACE TO BE 'WELL VENTILATED' AS DEFINED IN THE BASIX DEFINITIONS. INSTALLATION OF FIXED OUTDOOR CLOTHES LINE IS REQUIRED.



SECTION C-C 1:50

NOTES

ALL SHOWN DIMENSIONS TAKE PRECEDENCE OVER SCALING ALL WORK IS TO COMPLY IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS & CURRENT BCA REGULATIONS

DATE: SHT No: 3/4		SHT No:	ADDRESS:
		4 3/4	45 CALOOLA ST.
SCALE:			NEWBRIDGE
1/50 DRAWN BY: JOB No:		JOB No:	CLIENT:KAUFFMAN/SUTHERLAND
	TKW	052-23	PROP. RESIDENCE

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