

AGREEMENT BETWEEN PARTIES

Section 34(3)(a) and (b) of the *Land and Environment Court Act 1979*

COURT DETAILS

Court	Land and Environment Court of NSW
Class	1
Case number	16/163232

TITLE OF PROCEEDINGS

Applicant	MICHAEL FLANAGAN
Respondent	GWYDIR SHIRE COUNCIL

FILING DETAILS

Prepared for	Gwydir Shire Council , Respondent
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Legal representative's reference	SP/ZB
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AGREEMENT BETWEEN THE PARTIES

- 1 The parties have reached an agreement as to the terms of the decision in the proceedings that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its functions).
- 2 The terms of the decision are as follows:
 - (a) The appeal is upheld.
 - (b) Development Application No. DA-11/2015 for an animal boarding or training establishment being a dog breeding facility on Part Lot 95 DP 554861 also known as 556 Onus Road Copeton is approved subject to the conditions of development consent set out in Annexure "A".
- 3 Pursuant to Section 34(3) (a) and (b) of the *Land and Environment Court Act* the parties request the Commissioner to dispose of these proceedings in accordance with the terms of the decision set out in paragraph 2 above.

Note: The Court notes the agreement of the parties that each party bear its own costs.

Date: 9 December 2016

SIGNATURE

Signature of legal representative of
the Applicant

Capacity

Date of signature



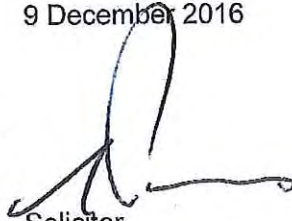
Solicitor

9 December 2016

Signature of legal representative of
the Respondent

Capacity

Date of signature



Solicitor

9 December 2016

Annexure A

PART A - GENERAL

1.1 Obligation to Minimize Harm to the Environment

The Applicant/Owner shall implement all practicable measures to prevent and/or minimize any harm to the environment that may result from the construction and operation of the development.

- 1.2 In order that the development of the land is undertaken in an orderly and coordinated manner, the development consent shall lapse ^{one month} five years after the determination date unless the development has been physically commenced as set out in s95 (4) and (5) of the Environmental Planning and Assessment Act, 1979.

- 1.2A All works required by this consent shall be completed by 30 June 2017.

1.3 Scope of Approval

The Applicant/Owner shall carry out the development generally in accordance with:

- a) DA No 11/2015;
- b) Conditions of this consent; and
- c) The following documents

Item	Council's Stamp No/Date	Drawing/Job No	Drawn by	Dated
Statement of Environmental Effects	X	X	SMK Consultants	March 2015
Site Management Plan	X	X	Stockhaven Dog Breeding Facility	August 2016

- 1.4 The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent.

Note: Any amendment to the development or to these conditions will require the consent of the Council.

- 1.5 The Applicant/Owner shall comply with any reasonable requirement/s of the Environmental Services Manager or authorised Officer of Council arising from the Council's assessment of:

- a) Any reports, plans or correspondence that are submitted by the Applicant/Owner in accordance with this consent; and
- b) The implementation of any actions or measures contained in these reports, plans or correspondence.

1.6 Heritage and Archaeology

Impact of Works – Aboriginal Relics

If any Aboriginal archaeological relics are found or uncovered during the course of the work, then all works shall cease immediately in that area and the applicant shall contact the Department of Environment Climate Change and Water and Council. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *National Parks & Wildlife Act 1974* may be required before further works can be considered in that area. The applicant shall comply with any request made by the Department of Environment Climate Change and Water and/or Council to cease work for the purposes of archaeological recording.

1.7 Rural Addressing Numbers

The applicant/owner shall make application for a Rural Addressing number accompanied by the requisite fee currently \$55.00 per number to Council's Engineering Department.

- 1.8** The Applicant shall comply with the requirements of any public authorities (c.g. Country Energy, Water Supply Authority, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

2 DOG BREEDING FACILITY

2.1 Limits on Operation

To confirm and clarify the terms of this approval, consent is given for the following;

- a. The Applicant/Owner shall not house more than the following number of dogs on the development site at any time.
 - Female – 180
 - Male – 25
 - Progeny – 195
- b. The Applicant / Owner shall conduct the dog breeding operation in accordance with the Animal Welfare Code of Practice - Breeding dogs and cats and the approved Stockhaven Dog Breeding Facility – Site Management Plan at all times.

2.2 Limits on Area

The Applicant/Owner shall not develop outside the areas currently detailed in the Statement of Environmental Effects.

2.3 Change of Use

- (a) A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions (*same meaning as it has in Part 7B of the Environmental Planning & Assessment Regulation 1994*)

Note: The obligation under this subclause to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant Development Consent.

- (b) Any change of use/classification in relation to the use of the buildings or site shall not be made until approval in writing by this Council is first obtained.

PART B - PRIOR TO COMMENCEMENT OF BUILDING WORK

1 GENERAL

1.1 Notification of Commencement of Work

At least two (2) days prior to any further work commencing on site, Council must be informed, by the submission of Form 7 of the *Environmental Planning & Assessment Regulation, 1998*, of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence

1.2 Toilet Facilities:

1. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of 1 toilet or equivalent for every 20 persons or part of 20 persons employed at the site.
2. Each toilet provided:-
 - a. must be a standard flushing toilet, and
 - b. must be connected to an accredited sewage management facility
 - c. if this is not practicable, to some other sewage management facility approved by the Council, or
3. Other device provided:-

- a. must be an accredited sewage management facility, such as a chemical closet, port-a-loo and the like, and
 - b. be approved by Council's Environmental Health Officer.
4. The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
5. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government Act (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

1.3 Advisory Note 1

Dial before you Dig

Underground assets may exist in the area that is subject to this application. In the interests of health and safety and in order to protect 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 upon contacting the Dial before you Dig service, an amendment to 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 plant 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 planning activities.

1.4 Advisory Note 2

Telecommunications Act 1997 (Commonwealth)

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 1800810443.

1.5 Advisory Note 3

Disturbance or Impact on Telecommunications Infrastructure

1. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing.
2. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

1.6 Bush Fire Protection

Asset Protection Zones

At the commencement of building works and in perpetuity the property around the building to a distance of 20 metres, shall be maintained as an inner protection area (IPA) and 10 metres, shall be maintained as an outer protection area (OPA) as outlined below;

- a. The inner protection area shall comprise of the following;
 - i. minimal fine fuel at ground level.
 - ii. vegetation that does not provide a continuous path to building/s for the transfer of fire.
 - iii. shrubs and trees that do not form a continuous canopy and vegetation is planted/cleared into clump rather than continuous rows.
 - iv. species that retain dead material or deposit excessive quantities of ground fuel are avoided.
 - v. shrubs and trees are pruned or removed so they do not touch or overhang the building/s.
 - vi. vegetation is located far enough away from the building/s

so that plants will not ignite the building/s by direct flame contact or radiant heat emission.

- b. the outer protection area shall comprise of the following;
 - i. vegetation that does not provide a continuous path for the transfer of fire.
 - ii. fuel loadings are maintained below 8 tonnes per hectare by mowing, slashing or other approved hazard reduction methods.

PART C - DURING BUILDING WORK

1 DOG BREEDING FACILITY

1.1 Operation of Plant and Equipment

The Applicant/Owner shall ensure that all plant and equipment at the site or used in connection with the development are:

- a) Maintained in a state of sound mechanical repair; and
- b) Operated in a proper and efficient manner

1.2 Onsite Waste Management

Waste generated from the dog breeding facility shall not be disposed of onsite without the prior approval of the Council.

All waste shall be taken to an approved waste facility at least once a week for disposal.

1.3 External Waste Management

Except as expressly permitted by Council, the Applicant/Owner shall not cause, permit or allow any waste generated outside the development site to be received at the development site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the development site to be disposed of at the development site.

1.4 Visual Impact

Visual Amenity

- a) The Applicant/Owner shall carry out the development in a way that prevents and/or minimises the visual impacts of the development.
- b) The Applicant/Owner shall install bunds/trees at strategic locations around the development site, and plant additional trees

along the boundary of the development site to the satisfaction of the Council in order to screen the development, as far as is practicable, from external viewers.

- c) Plantings shall include a mixture of native trees and shrubs common to the area, forming a buffer with a minimum width of 6 metres.

A plan shall be provided to Council's Director of Development and Environmental Services, including details of plant species to be used, and approved in writing prior to the issue of construction certificate.

The plant screen shall be maintained for the life of the development.

1.5 Lighting Emissions

- 1 The Applicant/Owner shall take all practicable measures to prevent and/or minimise any off-site lighting impacts including light spill and prevent contribution to sky glow from the development.
- 2 All external lighting associated with the development shall comply with *Australian Standard AS4282 (INR) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

1.6 Bushfire Management

The Applicant/Owner shall:

- a) Ensure that the development is suitably equipped to respond to any fires on-site.
- b) Assist the Rural Fire Service and emergency services as much as possible if there is a fire on-site.

1.7 Emergency Evacuation Plan (EEP)

The EEP shall be amended/adapted to include a procedure for "short notice" evacuation of animals and staff from the facility and be provided to Council's Director of Development and Environmental Services, and approved in writing prior to the issue of construction certificate.

1.8 Construction of Dog Enclosures

- a) Where timber is used in the construction of housing facilities for dogs it shall be sealed with a light coloured washable paint to facilitate cleaning.

- b) If materials used in the construction of the dog enclosures become damaged or do not continue to allow easy cleaning they shall be replaced with a more acceptable material approved by Council.

1.9 Extreme Temperatures

The operator/owner shall monitor and record daily ambient temperatures, both inside and outside of each series/section of similar type of dog enclosures, along with local weather forecasts using the Bureau of Meteorology's website www.bom.gov.au

Extreme Temperatures will be regarded as

Heat 35°C or Greater
Cold 5°C or Less

In the event of Extreme Temperatures, the procedures set-out in part 8.1 and 8.2 of the approved Site Management Plan shall be implemented and maintained at all times the extreme temperature conditions continue.

- 1.10** The implementation of this development shall not adversely affect the amenity of the neighbourhood by reason of the emission or discharge of noise, vibration, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products during both construction and the subsequent operation of the development.

2 STRUCTURES

2.1 Compliance with the Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.

2.2 Mandatory Inspections

- (a) Except as specified in (b) below, the critical stage inspections may be carried out by the Principal Certifying Authority (PCA) or, if the PCA agrees, by another Certifying Authority.
- (b) The last critical stage inspection required to be carried out must be carried out by the Principal Certifying Authority.

The applicant is advised that the critical stage inspections as listed are mandatory. Council, if chosen as the Principal Certifying Authority (PCA) will require the listed inspections.

A Compliance Certificate or other form of documentary evidence shall be issued/provided for the following applicable stages of the building construction in order that the work may immediately progress:

Stage	Work
a. Prior to Construction Certificate	Prior to the issue of a Construction Certificate
b. Footing System	After excavation for, and prior to the placement of any footings.
c. Frame work	Prior to covering of the framework for any floor, wall, roof or other building element
d. Stormwater Drainage	Prior to covering any stormwater drainage connections.
e. Completion	After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
Note: Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other condition of this consent.	

2.3 Noise Impact Control

- a. Any noise generated during the implementation/construction of the development shall not exceed the limits specified in the *Protection of the Environment Operations Act 1997*.
- b. The hours of work for any noise generating activities associated with the construction of the proposed development are limited to between 7.00 am and 6.00 pm, Mondays to Friday inclusive, and between 8.00 am and 1:00 pm on Saturdays. No works may be carried out on Sundays or on Public Holidays, or otherwise outside the stated hours except where:
 - (a) noise from the construction activity is inaudible at the nearest affected residential receiver; or
 - (b) it is necessary for the delivery of materials as requested by Police or other authorities for safety reasons; or
 - (c) where it is necessary emergency work to avoid the loss of lives, property and/or to prevent environmental harm.
- c. The premises are to be used and operated without excessive noise (namely noise sufficient to provoke justifiable public complaint, having regard to the provisions of the Protection of the Environment Operations Act, 1997 and the NSW Industrial Noise Policy or other nuisance/pollution, to maintain the amenity of the locality. The noise level L_{Aeq} must be restricted to a maximum of 5dB (A) above the background noise levels at any time, measured at the boundaries of the site.

2.4 Surface Drainage

Guttering and downpipes shall be provided to discharge surplus roof water a minimum of 3 m clear of any structure and incorporate protection against scouring of the ground surface at the point of discharge and be disposed of without nuisance.

Note: This still allows the use of a water storage tank with the system.

2.5 External Finish of Building

Design and colour of the building is to aesthetically blend into the surrounding environment and shall have a low reflectivity.

PART D - PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

1 GENERAL

1.1 Compliance with Conditions

The use or occupation of the approved development shall not commence until such time as all conditions of this development consent have been complied with. The use or occupation of the development prior to the compliance with all conditions of development consent may make the applicant/developer liable to legal proceedings.

1.1.2 Road Damage

The cost of repairing any damage caused to Council's assets in the vicinity of the subject site as a result of construction works associated with the approved development is to be met in full by the applicant/developer prior to the issue of an Occupation Certificate.

PART E – POST OCCUPATION

DOG BREEDING FACILITY

1. Environmental Management, Monitoring, Auditing and Report.

i Annual Reporting

The Applicant/Owner shall submit an Annual Environmental Management Report to the Council and the relevant agencies. This report must:

- a) Identify the standards and performance measures that apply to the development;
- b) Include a detailed summary of the complaints received during the past year, and over time compare this to the

- complaints received in previous years since the development commenced;
- c) Include a detailed summary of the monitoring results on the development during the past year;
- d) Include a detailed analysis of these monitoring results against the relevant:
 - Impact assessment criteria;
 - Monitoring results from previous years; and
 - Predictions in the SEE
- e) Identify any trends in the performance of the development shown by monitoring over the life of the development;
- e) Identify any non-compliance during the previous year; and
- f) Describe what actions were, or are being taken to ensure compliance.

ii Complaints Procedure

Throughout the life of the development, the Applicant/Owner shall ensure that the following contacts are available for community complaints;

- a) A telephone number on which complaints about the development may be registered;
- b) A web/internet site where complaints about the development may be registered;
- c) A postal address to which written complaints may be sent; and
- d) An email address to which electronic complaints may be transmitted.

The web/internet site address, phone number, the postal address and the email address shall be advertised in at least one appropriate local newspaper prior to the commencement of work at the development site. These details shall also be provided on the Applicant/Owner's internet site.

iii Complaints Register

The Applicant/Owner shall record details of all complaints received in a Complaints Register. The Register shall record, but not necessarily be limited to:

- a) The date and time, where relevant of the complaint;
- b) The means by which the complaint was made (telephone, mail or email);
- c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) The nature of the complaint
- e) Any action(s) taken by the Applicant/Owner in relation to

- the complaint, including any follow-up contact with the complainant; and
- f) If no action was taken by the Applicant/Owner in relation to the complaint, the reason(s) for no action being taken; and
- g) A sign shall be erected at the site boundary giving contact details.

The Complaints Register shall be made available for inspection by the Council or an authorized Council officer upon request. The Applicant/Owner shall also make summaries of the Register, without details of the complainants, available for public inspection.

2. Inspection by Council Officers

Council officer/s will generally carry out inspections on a 6 monthly basis to ensure that the development is being operated in accordance with the development consent and relevant documentation.

A fee will be charged for each inspection in accordance with Council's currently adopted Schedule of Fees and Charges.

PART F – GENERAL REASONS FOR CONDITIONS

The above conditions have been imposed:-

- (a) to ensure compliance with the terms of the Environmental Planning Instrument and/or Development Control Plan;
- (b) having regard to Council's duties of consideration under *Section 79C(1) of the Environmental Planning and Assessment Act, 1979 (as amended)* as well as Section 80A of the Act which authorises the imposing of consent conditions.
- (c) to protect the existing and likely future amenity of the locality;
- (d) prevent, minimise, and/or offset adverse environmental impacts;
- (e) set standards and performance measures for acceptable environmental performance;
- (f) require regular monitoring and reporting;
- (g) to protect the structure from bushfire and comply with Planning for Bushfire Protection 2006.
- (h) provide for the on-going environmental management of the development;
- (i) having regard to the circumstances of the case and the public interest; and
- (j) to ensure compliance with the *Building Code of Australia* and referenced standards.

A close-up, high-angle photograph of a dog's face, likely a pit bull mix, looking directly at the camera. The dog has light brown and white fur, large blue eyes, and a pink nose. It is wearing a black collar with a silver ring. The background is dark and out of focus.

STOCKHAVEN

Dog Breeding Facility

Site Management Plan

556 Onus Road,
Copeton
NSW 2360

August 2016

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STOCKHAVEN

Dog Breeding Facility

STOCKHAVEN

Dog Breeding Facility

Site Management Plan

556 Onus Road,
Copeton
NSW 2360

August 2016

1. Forward

The facility will be run in accordance with the “Animal Welfare Code of Practice: Breeding Dogs and Cats” as a minimum standard. Where practicable, the facility will implement best practice standards.

1.1. Dog Enclosure / Kennel

For reference, the term dog ‘enclosure’ is used throughout the document in reference to the holding/sleeping area of the dogs. All dog enclosures are designed / built in accordance with Table 1 of the “Animal Welfare Code of Practice: Breeding Dogs and Cats”. Dog enclosures will be designed and built to hold one, two or three dogs.

The term dog ‘kennel’ is used in reference to prefabricated *kennels* which will be similar to the following figure:



Figure 1: Typical Dog ‘Kennel’

Note all dog ‘kennels’ onsite will not be exactly the same as the above figure. All kennels will however, be the same in essence and function.

To reiterate, the following figure (Figure 2) depicts a dog ‘kennel’ inside a dog ‘enclosure’.



Figure 2: Dog 'Kennel' inside a Dog 'Enclosure'

Note all floors of enclosures will be impervious. As detailed in the site management plan, at least 60 of the 120 enclosures will have cement flooring while the remainder will have an 'air-gapped' floor as depicted above in Figure 2.

1.2. Air-Gapped Flooring

Where concrete flooring is not constructed, an air-gapped formply floor will be established within each dog enclosures.

The 'air-gapped' floor will cover all exposed ground area inside each enclosure thus leaving no areas of dirt flooring inside the enclosure.

The flooring will consist of formply placed upon a wooden particle product creating an air-gap between the ground and the formply.

The air-gap will act as insulation from the ground. This, coupled with the reduced thermal conductivity of formply in relation to concrete, will result in a much warmer surface in winter and a cooler surface in the summer for the dogs, as opposed to concrete. This will in-turn assist with the mitigation of extreme temperature events and increase the comfort levels of the dogs. Additional flooring such as rubber may be added on top of the formply where deemed necessary to further assist with thermal conductivity and comfort.

The removable 'air-gapped' formply flooring is softer on dog's paws than concrete resulting in greater comfort. The formply flooring adheres to Clauses 6.1.1.3, 7.3.1.2 and 7.3.1.3 of the Code being impervious and allowing for easy disinfecting.

In short, removable 'air-gapped' formply flooring maintains the benefits of concrete flooring from a hygiene perspective whilst providing better insulation and softer material for the dogs in question.

1.3. Dog Runs

The entire facility will be surrounded by a 1.8m high fence built in accordance with the "Animal Welfare Code of Practice: Breeding Dogs and Cats". This will allow dogs and puppies to utilise the entire facility for exercise, socialisation and other activities. Isolated dog runs will also be built within the facility. Each of these dog runs will have internal 1.8m high fences. These will also be utilised for exercise, socialisation and other activities.

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2. Description of Property

The breeding facility is located at 556 Onus Road, Copeton, NSW 2360, in the Gwydir Shire, approximately 30 kilometres east of Bingara.

The facility will be equipped to house up to a maximum of 180 breeding bitches with a total maximum dog occupancy of 400 dogs.

Progeny levels will vary depending upon a number of factors but, on average, each breeding bitch will have six (6) pups per litter and only one (1) litter per year (bitches will have no more than two litters over two years unless with the written approval of a veterinary practitioner in accordance with the code).

Accordingly, the facility will process a maximum two-year rolling average of 1080 progeny per year with each pup staying an average of nine (9) weeks. With an average stay of nine (9) weeks, at full capacity, average progeny levels will be 187 pups. The total number of pups at any one particular time however, will fluctuate depending upon a number of factors associated with the bitches breeding cycles and regime.

The following table outlines the *average* number of dogs at the facility:

Table 1: Separation of Dog Numbers

<i>Breeding Bitches (Max)</i>	180
<i>Male Breeders (Average)</i>	25
<i>Progeny (Average)</i>	187

The average number of dogs at full capacity (bitches, males and progeny) on the site will be 392.

Note the working dogs on the property will be registered and microchipped in accordance with Companion Animals Act 1998. The working dogs are not an element of the dog breeding facility and accordingly, are not considered in the above numbers nor in any calculations relating to the dog breeding facility.

2.1. Dog Enclosures and Occupancy Rates

The (maximum) 400 dogs and puppies will be housed in a maximum of 120 enclosures in total. At full capacity, there will be an average of 28 litters at any one time. Where appropriate, each bitch will remain with their litter. The remaining 177 dogs (Bitches and Males) will be housed in the other 92 enclosures either as a sole occupier, pairs or in threes.

Decisions to house bitches and dogs in threes, pairs or as a sole occupier will be based upon a number of factors including, but not limited to:

- Breeding Cycle
- Size
- Breed
- Nature
- Past Experience with dual occupancy.
- Compatibility

On average, the facility will house the dogs in accordance with the following figures:

- 5% Solo-Occupancy
- 25% Dual-Occupancy
- 70% Tri-Occupancy

Enclosures Sizes

All dog enclosures will be built in accordance with Table 1 of “Animal Welfare Code of Practice: Breeding Dogs and Cats” (Table 2).

Table 2: Minimum Sizes for Dog Enclosures

<i>Animal/s</i>	Min Floor Area (m²)	Min Height (cm)	Min Width (cm)
<i>Puppy/ies (+/- Bitch)</i>	3.5	180	120
<i>1 dog, <40cm height at shoulder</i>	1.5	180	90
<i>2 dogs, <40cm height at shoulder</i>	2.5	180	90
<i>Socially compatible groups of dogs, <40cm height at shoulder, housed in back yard or house</i>	1.5 per animal		
<i>1 dog, 40-60cm height at shoulder</i>	2.4	180	90
<i>2 dogs, 40-60cm height at shoulder</i>	3.6	180	90
<i>Socially compatible groups of dogs, 40-60cm height at shoulder, housed in back yard or house</i>	2.4 per animal		
<i>1 dog, >60cm height at shoulder</i>	3.5	180	120
<i>2 dogs, >60cm height at shoulder</i>	5.2	180	120
<i>Socially compatible groups of dogs, >60cm height at shoulder, housed in back yard or house</i>	3.5 per animal		

Note: Minimum floor area includes the area allocated to bedding

Source: Table 1 of “Animal Welfare Code of Practice: Breeding Dogs and Cats”.

As a guide, the following table (Table 3) lists breeds that are common to the facility. The various dog breeds will be kept in enclosures in accordance with the following table. Note that before large and medium dogs are fully grown they may be kept in smaller enclosures, but still in accordance with Table 1 of “Animal Welfare Code of Practice: Breeding Dogs and Cats” (Table 2). Also, any dog that grows larger than expected will likewise be kept in an appropriately sized enclosure, in accordance with Table 1 of “Animal Welfare Code of Practice: Breeding Dogs and Cats” (Table 2).

Table 3: Common Breed Enclosure Size

Breed	Sole Occupancy			Duel Occupancy		
	Min Floor Area (m2)	Min Height (cm)	Min Width (cm)	Min Floor Area (m2)	Min Height (cm)	Min Width (cm)
<i>Chihuahua</i>	1.5	180	90	2.5	180	90
<i>Pug</i>	1.5	180	90	2.5	180	90
<i>Jack Russell</i>	1.5	180	90	2.5	180	90
<i>Toy Poodle</i>	1.5	180	90	2.5	180	90
<i>Maltese</i>	1.5	180	90	2.5	180	90
<i>Mini Poodle</i>	2.4	180	90	3.6	180	90
<i>Cocker Spaniel</i>	2.4	180	90	3.6	180	90
<i>Beagle</i>	2.4	180	90	3.6	180	90
<i>Labrador</i>	2.4	180	90	3.6	180	90
<i>Golden Retrievers</i>	3.5	180	120	5.2	180	120
<i>Standard Poodles</i>	3.5	180	120	5.2	180	120

Note the facility may hold dogs outside of these breeds. Other breeds will be kept in enclosures sized in accordance with Table 1 of “Animal Welfare Code of Practice: Breeding Dogs and Cats” (Table 2).

2.2. Concept Plan

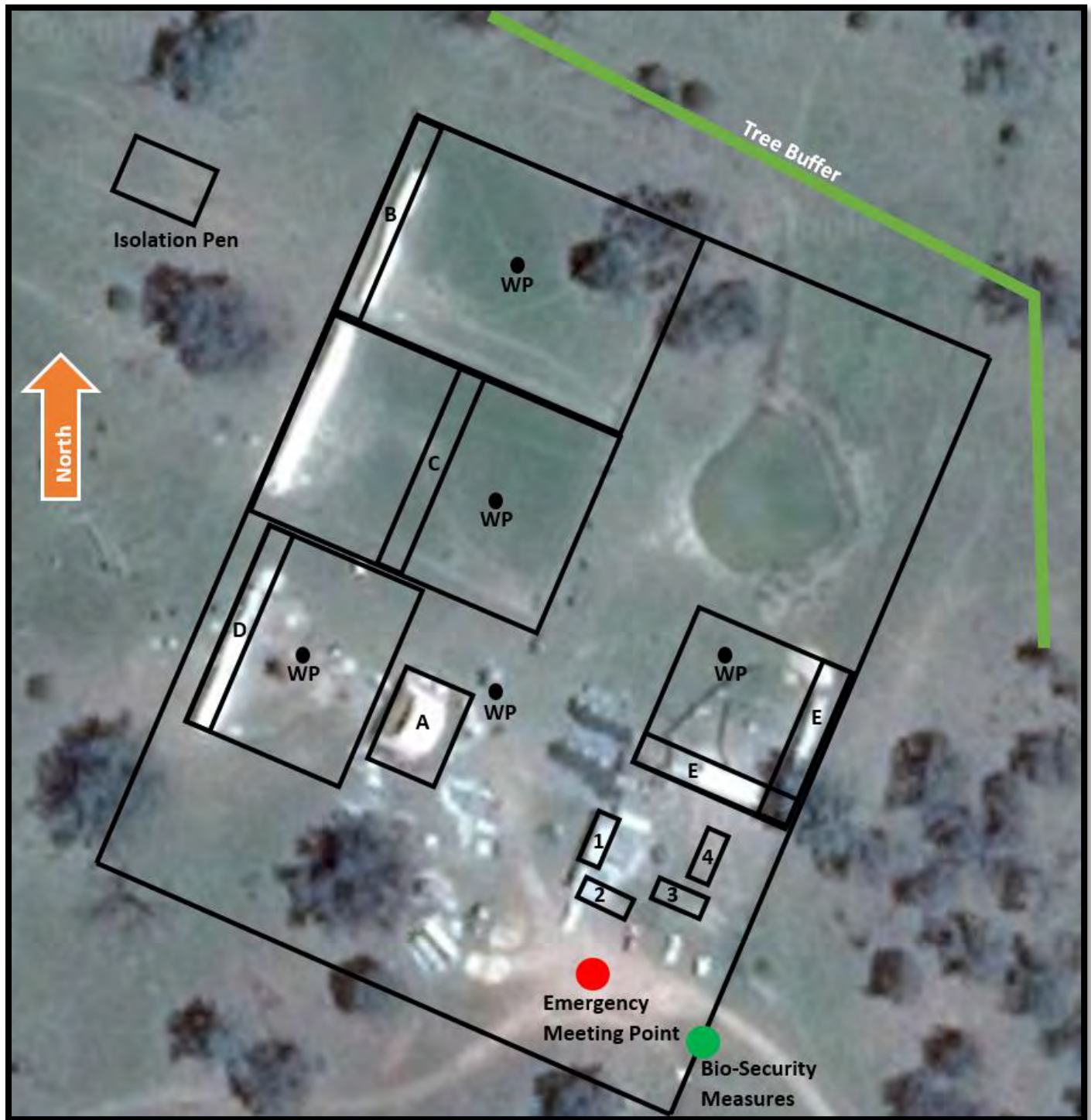


Figure 3: Concept Plan

Concept Plan Legend

1. Cabin
2. Cabin
3. Cabin
4. Cabin

- A. Whelping Enclosure – 40 Enclosures (Concreted)
- B. 10 Enclosures with isolated dog run surrounded by 1.8m fence
- C. 20 Enclosures (Concreted) with isolated dog run surrounded by 1.8m fence
- D. 20 Enclosures with isolated dog run surrounded by 1.8m fence
- E. 30 Enclosures with isolated dog run surrounded by 1.8m fence

WP. Water Point (Reticulated)

The cabins have been approved under a previous DA and are not a subject of the current one. They have been included for reference.

A. Whelping Enclosure

The whelping enclosure will consist of 40 enclosures built around two (2) shipping containers as seen in the following figure:

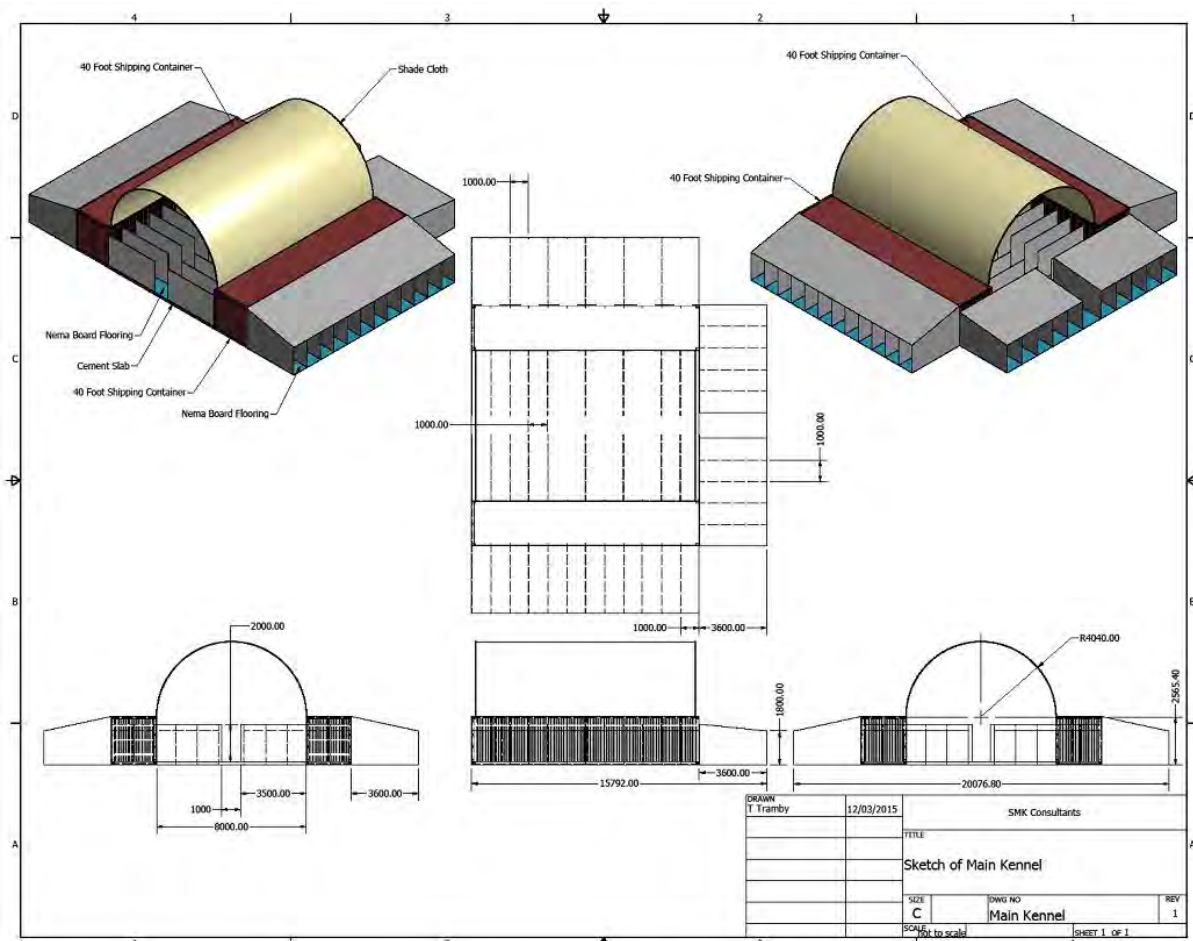


Figure 4: Whelping Enclosures

The whelping area will comprise of a structure built from two 40ft shipping containers with an adjoining shade cover. Dog enclosures will be constructed in-between and around the outside of the shipping containers and will be built in accordance with Table One (1) of “Animal Welfare Code of Practice: Breeding Dogs and Cats”.

There will be 16 enclosures built in between the containers for housing animals, eight (8) on each side and another 8 onto the back.

The whelping area will be utilised to house pregnant bitches, young litters and bitches for a period post-whelping.

The enclosures will be furnished with bedding in accordance with the NSW department of Industry and Investments’ “Animal Welfare Code of Practice: Breeding Dogs and Cats”.

Specifically, whelping bitches will be provided with a whelping box within each enclosure sized appropriately for the breed. Each whelping box will be lined with clean bedding which will be changed daily.

The whelping box will be designed and built resembling the following figure. Note all whelping boxes will not be designed exactly like the below figure, but will adhere to the same principles including:

The sides of the box will be designed to be high enough to safely contain the puppies, yet low enough to allow the mother to enter and leave comfortably, with consideration given to her protruding mammary glands. The box may also be provisioned with a doorway with adjustable height for the same purpose. The bottom of the box may be lined with specially designed "whelping pads," or layers of newspaper (or fabric) to provide insulation from cold floors and to absorb fluids. These will be changed daily and as required.

The boxes may include a low railing (termed rails, pig rails, or roll-bars) fixed to the inside perimeter of the box. This is to protect puppies from being crushed or smothered by the mother should she roll over during birthing or while asleep. This is considered especially important with larger dog breeds



Individual enclosures will be constructed as detailed in the development application's statement of environmental effects. The material used to construct the whelping boxes will vary but will maintain the principle of sturdiness. Common material to be used would include wood and plywood. Enclosures will be separated by wire mesh walls.

B. 10 Enclosures with isolated dog run surrounded by 1.8m fence

In the most northern isolated run there will be 10 dog enclosures built to the western end of the run. These enclosures will be built in accordance with the "Animal Welfare Code of Practice: Breeding Dogs and Cats". Each enclosure will vary in occupancy between one, two and three dogs depending upon a number of factors regarding noise, weather, socialisation, dog breeds etc. These enclosures will contain kennels as depicted in Figure 5. These enclosures will not be concreted but will have impermeable floors constructed out of 'air-gapped' formply as depicted in Figure 5.



Figure 5: Typical Non-Cemented Enclosure with Kennel Inside

C. 20 Enclosures (Concreted) with isolated dog run surrounded by 1.8m fence

In the most geographically central based isolated run there will be 20 dog enclosures built along the middle of the run. These enclosures will be built in accordance with the “Animal Welfare Code of Practice: Breeding Dogs and Cats”. Each enclosure will vary in occupancy between one, two and three dogs depending upon a number of factors regarding noise, weather, socialisation, dog breeds etc. These enclosures will contain kennels as depicted in Figure 5. These enclosures will be concreted.

Concreted enclosures will be largely similar to the above displayed enclosure, the only significant difference being the existence of concrete flooring.

D. 20 Enclosures with isolated dog run surrounded by 1.8m fence

In the most southern isolated run there will be 20 dog enclosures built to the western end of the run. These enclosures will be built in accordance with the “Animal Welfare Code of Practice: Breeding Dogs and Cats”. Each enclosure will vary in occupancy between one, two and three dogs depending upon a number of factors regarding noise, weather, socialisation, dog breeds etc. These enclosures will contain kennels as depicted in Figure 5. These enclosures will not be concreted but will have impermeable floors constructed out of ‘air-gapped’ formply.

E. 30 Enclosures with isolated dog run surrounded by 1.8m fence

In the most eastern isolated run there will be 30 dog enclosures built along the eastern and southern sides of the run. These enclosures will be built in accordance with the “Animal Welfare Code of Practice: Breeding Dogs and Cats”. Each enclosure will vary in occupancy between one, two and three dogs depending upon a number of factors regarding noise, weather, socialisation, dog breeds etc. These enclosures will contain kennels as depicted in Figure 5. These enclosures will not be concreted but will have impermeable floors constructed out of ‘air-gapped’ formply.

F. WP. Water Points

As displayed in Figure 3, water will be reticulated to various points (water points) around the facility. Each run will be serviced by a water point inside of the run, giving all dogs access to water at all times that their enclosures are open. Provision of water to individual enclosures will be through human intervention and the utilisation of the closest water point.

Water will be obtained from rainwater collection and a gully dam on the property. A back up system for water is available through purchase and delivery of water to the site from local water delivery contractors. The key principles of operation will be in accordance with the NSW department of Industry and Investments’ “Animal Welfare Code of Practice: Breeding Dogs and Cats”, specifically:

- Clean water will be available at all times at a temperature, quantity and quality that meets the physiological needs of the dogs and that the dog will drink.
- Food and water containers will be removed, cleaned and replaced immediately if noticed to be contaminated by urine, faeces, vomitus and the like.
- Water containers will be readily accessible to dogs, and be positioned to avoid spillage or contamination by urine or faeces.
- Water containers will be stable, non-toxic and easily cleaned/disinfected.
- Where possible, water bowls will be fixed to either a wall/fence or the ground.

Cleaning and Hygiene of the Area

The pens and areas used by the dogs are managed in accordance with the NSW department of Industry and Investments’ “Animal Welfare Code of Practice: Breeding Dogs and Cats”.

The general scope of this management is based on the following key principles:

- a. Areas housing animals within a facility will be cleaned at least once daily and Cleaning operations will utilise minimal-water methods and environmentally friendly disinfectant mitigating any risk associated with runoff.
- b. Animal enclosures will be cleaned with environmentally friendly disinfectant at least once weekly and the runoff will be controlled through a guttering system.
- c. Animal enclosures will be cleaned and disinfected before new animals are introduced or before whelping.
- d. Bedding will be cleaned or changed at least once daily and disinfected at least once a week.
- e. Exercise areas will be cleaned daily or before new dogs are introduced to the area.

- f. Preparation and storage areas, food and water containers, and utensils and equipment used in the preparation and provision of food, will be maintained to a hygienic standard.
- g. Collection drains will be cleaned daily.
- h. Dead animals or waste products such as faeces, bedding, and food wastes will be disposed of promptly and hygienically, and in accordance with the requirements of the local government authority, the relevant government department or other authorities.

Specialist advice will be sought before pest control operations are conducted, in order to protect the health and safety of the staff and the animals kept.

Isolation Unit

There is no requirement for isolation enclosure on site. The NSW department of Industry and Investments' "Animal Welfare Code of Practice: Breeding Dogs and Cats" states that "An isolation facility will be available either at the facility or at a veterinary hospital".

Isolation units will be available at two (2) 24-hour veterinary clinics located in surrounding townships.

Furthermore, an isolation unit will be constructed on site as illustrated in Figure 3. The isolation unit will consist of a kennel inside an enclosure, built in accordance with Table 1 of "Animal Welfare Code of Practice: Breeding Dogs and Cats" (Table 2). The isolation unit will have an 'air-gapped' floor and a 1.8m high surrounding fence.

3. Facility Operation

3.1. Staff Numbers

Staff numbers will be dictated by the number of dogs at the breeding facility. The facility will employ, at times of full capacity, six (6) full time equivalent staff. During times of operating at less than full capacity, staff numbers will be reduced appropriately.

This number has been calculated through the following methodology: The Association of Shelter Veterinarians Guidelines recommend a minimum of 15 minutes of care time per day for feeding and cleaning each dog housed (9 minutes for cleaning and 6 minutes for feeding).

There will be, on average: 205 Adult Dogs on Site (180 Breeding Bitches + 25 Males)
28 litters at any one time.

Accordingly, the bitches that are with puppies will co-inhabit an enclosure. Of the remaining 152 breeding bitches and 25 male dogs (177 dogs total), 70%, on average, will be accommodated in Tri-enclosures, 25% in dual-enclosures and the remaining in solo enclosures. Therefore, to account for the 15 minutes of cleaning, the facility will need to provide:

- 20 minutes each to 28 litters with their mothers
- 25 minutes to each of the 41.3 (average) sets of breeding bitches or male dogs who co-inhabit tri-enclosures

- 20 minutes to each of the 22.13 (average) sets of breeding bitches or male dogs who co-inhabit dual enclosures
- 15 minutes each to the remaining 8.85 (average) dogs who inhabit solo enclosures.

This equates to:

$$\begin{aligned} &= (20\text{minutes} \times 28\text{litters}) + (25\text{minutes} \times 41.3\text{tri-enclosures}) + (20\text{minutes} \times \\ &\quad 22.13\text{dual-enclosures}) + (15\text{minutes} \times 8.85\text{solo enclosures}) \\ &= 216775 \text{ minutes} \\ &= 36.12 \text{ hours} \end{aligned}$$

Accordingly, the facility will be required to, at full capacity, provide 36.12 hours per day to provide for the feeding and cleaning of each dog housed.

Therefore, each of the nine (9) full-time equivalent staff will be required to spend 4.013 hours a day tending to the cleaning needs of the dogs which include, but are not limited to:

- Feeding the dogs
- Providing water for the dogs
- Cleaning the enclosures / kennels
- Cleaning the runs
- Removing waste
- Providing for any other feeding or cleaning requirement of the dogs.

Additional hours are required to adequately socialise each puppy to an array of novel stimuli during the critical socialisation period (3-14 weeks of age). Ideally puppies need at least 30 minutes of socialisation each day. The facility will have an average of 168 puppies spread over 28 litters. As the puppies will stay an average of 9 weeks, and will not require socialisation before 3 weeks (but will require handling of 5minutes per puppy), the average number of puppies that require socialisation will be: 112 spread over 18.67 litters (assuming an even distribution of puppy ages over a period of 9 weeks)

While being socialised, the puppies will not be removed from their mother or siblings. Therefore, to account for socialisation, the facility will be required to provide 18.67 litters with 90 minutes of socialisation. Additionally, the facility will provide the litters under three weeks of age with 30minutes of handling. This equates to 1960 minutes, or 32 hours of socialisation a day. Spread over the nine (9) full-time equivalent staff, each staff member will be required to spend 3.5 hours a day socialising.

Socialisation activities will include, but not be limited to:

- Playing with hard and soft toys
- Walking with the puppies
- Playing fetch with rubber and natural sticks
- Ensuring puppies have sufficient physical human contact
- Teaching basics including to sit on command (Note: due to the various learning capabilities of puppies, only some puppies will be able to 'sit' by the time they are sold – The facility will not guarantee any particular dog will be able to sit on command at time of sale)

At full capacity, each of the nine full time staff members will be required to provide 4.013 hours feeding and cleaning and 3.5 hours socialising totalling 7.5 required work hours for each full time staff member thus leaving 0.43 hours remaining 'free' for each staff member.

Accordingly, the facility will be able to provide the dogs with 3.8 hours a day to meet any additional needs. These additional 'free' hours will be used to preform supplementary tasks which may include, but not be limited to:

- Daily exercise for dogs
- Daily environmental enrichment provision for adult dogs and puppies
- Daily social contact for adult dogs with humans and other dogs
- Daily health and behaviour monitoring
- Grooming of adult dogs and puppies
- Medical Checks
- Additional Socialisation
- Additional Cleaning
- Additional Feeding
- Providing for Extreme Weather Conditions
- General Cleaning of Facility
- Reviewing OH&S Compliance
- Reviewing Bio-Security Measures

When the facility is operating at reduced capacity, staff numbers will be decreased accordingly but maintain the same dog to staff ratio. The full-time equivalent staff to dog ratio will be in accordance with the following figure:

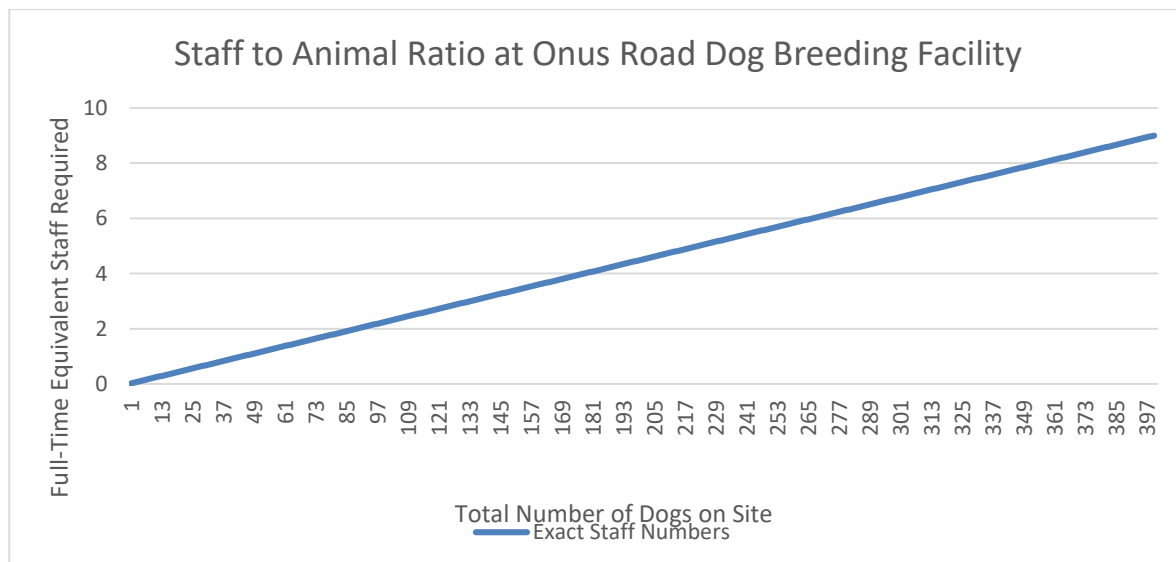


Figure 6: Staff to Animal Ratio

While the ratio allows for less than one full-time staff member to be employed, the facility will maintain, at all times, at least one full-time staff member.

3.2. Socialisation

As discussed in section 3.1, staff will provide the prescribed socialisation time allocation to each dog. Due to the staff-dog ratio employed on site, there will be additional socialisation hours available for dogs if this is deemed necessary.

3.3. Veterinary Health Checks

The Proponent shall utilise the services of veterinarians in Inverell. The health of dogs will be monitored on a daily basis by the proponent and staff to detect signs of disease, injury and distress with treatment provided where necessary. Where required, this treatment will be undertaken by a Veterinarian either on farm or at a veterinary surgery in Inverell. Where the destruction of animals is necessitated, it will be conducted in an efficacious and humane manner in accordance with the NSW department of Industry and Investments' "Animal Welfare Code of Practice: Breeding Dogs and Cats":

To ensure the health of all dogs is maintained satisfactorily:

- All dogs will be inspected at least once daily to monitor their health and well-being. The person checking the animals will note all adverse observations where an animal is not:
 - eating;
 - drinking (in the case of puppies drinking milk);
 - defecating;
 - urinating;
 - behaving normally;
 - showing any obvious signs of illness or distress;
 - able to move about freely;
 - displaying a normal coat.
- Any changes in health status will be promptly reported to the person in charge of the facility for appropriate action.
- Where there is evidence that whelping has commenced (e.g. straining or contracting) and there is no progress within two hours, the bitch will be examined and appropriate remedial action taken.
- If any dog is showing the following signs, veterinary advice will be sought:
 - Runny nose;
 - Runny, discharging or inflamed eyes;
 - Repeated sneezing;
 - Coughing;
 - Vomiting;
 - Severe diarrhoea, especially if bloodstained;
 - Lameness;
 - Bleeding or swelling of body parts (other than the vulva of a female on heat);
 - Inability to stand, walk, urinate or defecate;

- Loss of appetite;
 - Weight loss, particularly if severe or sudden;
 - Apparent pain;
 - Fits, staggering or convulsions;
 - Patchy hair loss.
 - Bloating of the abdomen;
 - Difficulty or inability to urinate or defecate;
 - Red or brown coloured urine;
 - Patchy hair loss;
 - Depression;
 - Fever;
 - Presence of external parasites;
 - Any other serious physical or behavioural abnormality.
- Bitches in the last week of pregnancy will be inspected by animal care staff at regular intervals.
- The person in charge of the facility will establish a liaison with a veterinary practitioner who is able to attend to dogs and cats, and is able to advise on disease prevention measures.
- The contact details for the veterinary practitioner will be posted in a location which enables staff and visitors to the facility to see them.
- Appropriate veterinary advice will be provided for sick or injured dogs.
- Veterinary advice will be obtained in the event of unexplained illness or deaths.
- Permission in writing will be obtained from a dog's owner or nominee if leased at the time of accepting the animal for breeding authorising the provision of necessary veterinary treatment.
- Dogs will be vaccinated against distemper, hepatitis, parvovirus and canine cough in accordance with the manufacturer's recommendations, unless with the written approval of a veterinary practitioner.
- Puppies will be vaccinated against common infectious diseases in accordance with best practice clinical guidelines, in consultation with a veterinary practitioner.
- Dogs known or suspected to be suffering from an infectious disease will not be used for breeding or be accepted for breeding under lease unless under written approval from a veterinary practitioner.
- A program for heartworm prevention for dogs will be in place and in accordance with veterinary advice.
- Internal and external parasites will be controlled through routine and preventative treatments. Note parasites include fleas, lice, ticks and gastrointestinal or heart worms
- Newly acquired dogs or dogs visiting from another location will not be mixed with the permanent population for a minimum of 48 hours.

3.4. Micro-Chipping

Micro-chipping of animals will be done in accordance with council regulations and the code.

3.5. Security

Pens will be maintained to ensure no dogs escape from the facility. Pens will not necessarily have locks on the gates but will have a locking mechanism that is unable to be operated by the dogs. All security measures shall adhere to the "Animal Welfare Code of Practice: Breeding Dogs and Cats"

3.6. Transportation of Dogs to and from the Property

Transportation of all dogs to and from the property will be conducted in accordance with the NSW department of Industry and Investments' "Animal Welfare Code of Practice: Breeding Dogs and Cats", "The Care and Management of Animals by Companion Animal Transport Agencies" and the current IATA Live Animal Regulations. Accordingly, transport that may cause distress to dogs will be kept to a minimum. All dogs will be contained or suitably restrained so that they are secure and protected from injury when transported, furthermore:

- All dogs will be transported in such a manner which addresses their size and age. Incompatible dogs will be physically separated during transport to prevent injury, harm or distress.
- Dogs will not be transported in the boot of a car.
- Vehicles will have adequate ventilation and shade, sufficient to maintain good health and to avoid distress.
- All vehicles used extensively for the purpose of transporting animals will be thoroughly cleaned and disinfected after use
- Transported dogs will have at least the minimum exercise requirements prescribed by the NSW department of Industry and Investments' "Animal Welfare Code of Practice: Breeding Dogs and Cats"
- All consignments of dogs will comply with the recommendations and requirements for animal behaviour and containers of the current IATA Live Animals Regulations.
- Containers used for dog transport will provide adequate light and ventilation.
- Any vehicle especially designed or regularly used for transporting dogs will:
 - Protect animals from injury through being free from protrusions or sharp edges in the carrying area;
 - Have non-slip floors;
 - Provide easy access and safe access for handlers;
 - Be air conditioned to protect against extremes of temperature even when stationary;
 - Protect against unauthorised release or escape of the animals;
 - Be easy to clean and disinfect; and

- Be fitted with an operational air conditioning system to the section of the vehicle where the animals are held.
- On road trips of more than two hours' duration, adequate stops will be made to allow dogs and cats the opportunity to exercise, eat, drink, urinate and defecate where appropriate; and for the enclosures to be cleaned where necessary.
- The driver of a transport vehicle will be the person in charge, and therefore responsible for the welfare of animals in the vehicle during transportation.

3.7. Breeding and Rearing Objectives

Management shall ensure that both breeding animals and the offspring they produce are as physically and behaviourally sound and healthy as possible. Dogs will be held with the best quality of life possible, and litters will only be produced with a reasonable expectation of finding homes where they are both wanted and appreciated, and are offered a similarly good quality of life.

In accordance with the NSW department of Industry and Investments' "Animal Welfare Code of Practice: Breeding Dogs and Cats" and the provisions of the Companion Animals Act 1998 concerning dangerous dogs and restricted breeds, the mating, breeding, birthing and rearing processes will be managed in a way that assures good animal welfare outcomes. Accordingly:

- Bitches and queens will not be intentionally mated during their first oestrous cycle.
- Dogs will be physically and mentally fit, healthy and free of disease at the time of being mated.
- During mating, breeding pairs will be isolated from the remaining breeding population, and monitored by the person in charge.
- Mothers in the latter stages of pregnancy will be provided with additional access to food and water, provided at frequent intervals.
- During birthing, bitches will be isolated from the remaining breeding population, and monitored by the person in charge on a regular basis to ensure that the birth proceeds in a normal manner.
- Whelping bitches will be provided with a suitable whelping box, lined with clean bedding, changed daily.
- Animals that are isolated from the remaining breeding population will be provided with additional attention and socialisation to animal carers.
- Bitches will not have more than two litters in any two-year period, unless with the written approval of a veterinary practitioner.
- Lactating mothers will be provided with additional food and water.
- Lactating mothers will be housed in such a manner that they are able to escape their young.
- Puppies will not be separated from their litter or their lactating mother until they are seven weeks of age to facilitate socialisation, except in the best interests of the puppy or their mother.

- Solid food will be offered to puppies from three weeks of age.
 - Puppies will be monitored when first offered solid food to ensure that the food is acceptable and palatable. If necessary, solid food will be moistened or softened to increase palatability.
- Puppies will be observed to ensure that they achieve a steady weight gain every week.
 - Any puppy which does not achieve a regular weight gain will be referred for veterinary consultation.
- Where a heritable disease is recognised in a breed and where there are screening procedures or a test for that disease the person in charge in the case of a dog will:
 - Have a current official evaluation or test result for the dog for such hereditary disease;
 - Provide the official evaluation or test result to the owners where the dog is to be mated to an animal not owned by the breeding facility. This will be conducted through an agent, such as a veterinary practitioner;
 - Provide the official evaluation from an agent, such as a veterinary practitioner, or test result of the sire to the new owners of any puppy.
 - Endeavour to ensure that the genetic makeup of both sire and dam will not result in an increase in the frequency or severity of known inherited disorders.
- Breeding dogs will be selected to eliminate negative behavioural traits, for example poor mothering ability or aggressiveness.
- Puppies will be encouraged to urinate and defecate away from the nesting area.
- Before any dog or pup is sold the prospective owner will be advised that the breeder has taken all reasonable steps to ensure that the animal is physically and behaviourally healthy.
- Breeders will consider the welfare of their breeding dogs and bitches when deciding on the best time to re-breed or to cease breeding their animals.
- When dogs reach the end of their useful breeding life, or when mature potential breeding stock is found to be in some way unsuitable for breeding purposes, the owner will:
 - Have such dogs spayed or castrated;
 - Settle the dogs into their new condition;
 - Either provide a pet home for the desexed dogs themselves, or to canvass for and carefully select a new pet home for the animals;
 - Exercise patience and retain responsibility for the dog until such time as a satisfactory new home is established.
 - Conduct these activities personally or through a third party.
- After delivery of a litter, the mother and young will be health checked and the birthing area will be cleaned and disinfected

- The correct paper work, including mating dates, sire's pedigree and any service agreements or litter registration forms will be supplied to the owner/lessee of the bitch when she is collected after the mating, or on payment of an agreed fee.

4. Waste Management

An average dog weighing 15kg produces 0.027kg of dry waste per day, given the majority of dogs at Stockhaven will all be small breeds of dog this amount is expected to be less and the figures below represent the absolute maximum output. The progeny have been represented at a reduced number (factor of 0.5) due to their size. This is considered a very conservative estimate.

Number of Dogs: 180 breeders (maximum) +
25 male (average) +
195 progeny (higher than average)
= 302.5 equivalent dogs

*note progeny are accounted for at half rate. 195 progeny is more than the average progeny on site but was selected to ensure a dog head count of 400 (maximum number on site). As progeny produce half the waste of full size dogs, the number of equivalent dogs on site in terms of waste production of 400 head, is 302.5 equivalent dogs.

Daily Manure Weight (kg/day) = manure production rate, kg/day * number of dogs
= 0.0267 kg/day * 302.5 dogs
= 8.08 kg/day

The current EPA Waste Classification Guidelines Part 1 classify manure and animal waste (which includes dead animals or parts of dead animals) as 'putrescible general solid waste'. In accordance with the "NSW Animal Welfare Code of Practice No. 5 – Dogs and Cats in Animal Boarding Establishments" section 4.3, droppings, bedding, food wastes and animal bodies will be disposed of promptly and hygienically. Waste will not be incinerated on site but will be disposed of off-site. Manures are classified by the Office of Environment and Heritage (NSW) as a "Category 2" organic but as the volume of waste expected will be below the threshold outlined in the Protection of the Environment Operations Act (POEO) 1997 No 156: Schedule 1, no licence will be required.

The commercial breeding facility will have droppings picked up on a daily basis to be disposed of. Outdoor runs and enclosures will be sited on flat areas and avoid areas subject to surface water runoff. If runoff occurs, gutters and downspouts will be installed on buildings to minimize runoff through enclosures, runs, and exercise areas. Where possible, outdoor enclosures and runs will be roofed, significantly decreasing the likelihood of waste runoff.

Diversions will be employed to keep rainwater from moving through exercise areas and runs. Berms or collection systems will be utilised to redirect contaminated runoff away from surface water or wellhead areas.

Waste will be disposed of off-site on an as-needed basis. That is, once bins are full, they will be taken to an off-site facility and disposed of. There will be no storage of waste in areas other than in bins, for example, on the ground.

5. Noise Mitigation

A number of noise attenuation measures shall be in place. These may include, but will not be limited to:

- A tree buffer will be grown between the facility and sensitive receptors.
- Enclosures and kennels will be arranged in a way which focuses noise away from sensitive receptors
- Noise dampening material added to the interior of dog enclosures
- Particularly noisy dogs will be housed within a kennel inside of a dog enclosure. (The double wall shall create an air-gap which will in-turn dampen noise)

The proponent shall ensure that the maximum noise level experienced at the closest residence shall not exceed background noise plus 80db.

For reference, 80db roughly the sound of an average washing machine, medium truck or a vacuum cleaner. Note this is the maximum *peak* noise experienced, not the maximum average.

6. Fire Security

As displayed in appendix A, fire risk is not considered a significant concern. There still exists however, the possibility of a significant fire event but also minor fire events. Accordingly, the facility will be equipped with three (3) Fire Extinguishers and have at least two (2) fifteen meter hoses available to connect to the water points.

6.1. Significant Fire and Evacuation Plan

Pre-Fire Mitigation

A. Inventory Checklists – An inventory check of firefighting equipment should be completed prior May 15th of each year. Any items that need to be replaced or added to the existing inventory should be noted and acquired before June 1st of each year.

Fire Equipment Inventory is to include:

- 3 x Water Fire Extinguishers
- 2 x 15 meter (Minimum) hoses
- Contact list of shelters/vets etc. available for emergency housing.

B. Staff Training – Staff will be trained on fire emergency procedures when initially employed. A revision lesson will be given annually at the full staff meeting held closest to June 1st each year.

Significant Fire Evacuation Plan

In the event that a significant fire is deemed (by RFS) to be heading towards the facility, the facility will immediately initiate the following protocol:

- 96 Hours Prior to Expected Fire Arrival
 - Close for normal operations
 - Staff and Volunteers alerted to potential disaster

- All Staff to meet at emergency meeting point as indicated on site map
 - Contact all shelters/vets etc. available for emergency housing to confirm availability
 - Establish contact with RFS
 - Establish contact with SES
 - Fill all vehicles with petrol
- 72 Hours Prior to Expected Fire Arrival
 - Begin excavation of 30% of animals (this is to be completed before the 48-hour mark)
 - Contact RFS to provide update
 - Contact SES to provide update
- 48 Hours Prior to Expected Fire Arrival
 - Begin excavation of 25% of animals (this is to be completed before the 36-hour mark)
 - Contact RFS to provide update
 - Contact SES to provide update
- 36 Hours Prior to Expected Fire Arrival
 - Begin excavation of 20% of animals (this is to be completed before the 24-hour mark)
 - Contact RFS to provide update
 - Contact SES to provide update
 - Begin removing potential fuels from site
 - Begin wide area watering to reduce flammability of site
- 24 Hours Prior to Expected Fire Arrival
 - Begin excavation of 15% of animals (this is to be completed before the 6-hour mark)
 - Commence fire mitigation tactics including:
 - Creating a water fire-break with concentrated watering
 - Filling [blocked] guttering with water
 - Removal of potential fuels from site
 - Wetting potential fuels which are unable to be removed
 - Contact RFS to provide update
 - Contact SES to provide update
- 6 Hours Prior to Expected Fire Arrival
 - Evacuate final 10% of animals
 - Evacuate all staff
 - Contact RFS to provide update
 - Contact SES to provide update

7. Staff Qualifications

The facility will employ at all times a staff member with a Level III Veterinary Nurse accreditation or equivalent pending and legislative changes. In the event of losing employees with this qualification, and with respect to the known significant challenges of resourcing rural operations with suitability qualified people, the Stockhaven Dog Breeding Facility shall make all reasonable best endeavours to replace staff with suitable qualifications.

During times of reasonable circumstances, the facility shall be staffed by either the owner or an employee with Certificate III in Veterinary Nursing qualification.

8. Extreme Temperature

During time of extreme temperatures, various procedures will be employed to mitigate the effects of the conditions, these may include, but will not be limited to:

8.1. Extreme Hot Weather Mitigation

- Providing extra water
- Providing large ice-blocks
- Additional watering of grounds
- Ensuring dogs hair is not too long
- Restricting exercise
- Providing opportunities to swim or immerse in water

8.2. Extreme Cold Weather Mitigation

- Providing Extra Blankets and Bedding
- Providing Hot-Water Bottles Inside their Bedding
- Providing coats
- Ensuring fur in not cut during times when extreme cold is predicted
- Providing additional opportunities for exercise
- Ensuring contact with cement is kept at a minimum

9. Bio Security

In accordance with the NSW department of Industry and Investments' *"Animal Welfare Code of Practice: Breeding Dogs and Cats"* section the facility will have documented and demonstrable biosecurity measures in place. These will consist of procedural measures including restricting public access to the site and having a wash bay for workers' shoes and hands upon entry on the site. Furthermore, no other animals, such as pigs and cows, will be able to access the site.

9.1. Dead Animals

Dead animals will be disposed of promptly and hygienically by either burying or disposal. Burials and or removals of dogs will take place on site within 48 hours of identifying a deceased dog.

10. Whelping Procedures

Prior to whelping, pregnant bitches will be brought into the whelping area and housed in the enclosures located between the two shipping containers. These enclosures will all be built in accordance with Table 1 of “Animal Welfare Code of Practice: Breeding Dogs and Cats” (Table 2).

Bitches will remain in here after whelping and for a period not less than three (3) weeks.

Upon weaning, bitches will go to the enclosures around the outside of the shipping containers.

After a period of not less than four (4) weeks, when it has been assessed appropriate, the bitch will return to enclosures B or C enclosures with other bitches.

During whelping, if serious dystocia is predicted or detected a veterinarian will be immediately contacted. The conditions which will be considered in the detection of dystocia may include, but not be limited to:

- Obvious malpresentation of a pup
- First stage labour (panting, restlessness, inappetence, vomiting) for more than 12 hours
- Second stage labour with weak and intermittent contractions for more than 4 hours before birth of the first pup
- Second stage labour with weak and intermittent contractions for more than 2 hours between pups
- Second stage labour with hard or continuous contractions for more than 30 minutes before the birth of the first pup or between pups
- Green vulvar discharge before the birth of the first pup
- Purulent or frankly haemorrhagic vulvar discharge
- A history of decline in rectal temperature more than 24 hours ago
- Clinical evidence of systemic illness in the bitch
- A history suggesting high risk pregnancy (previous pelvic trauma or dystocia)

11. Stormwater Mitigation

In accordance with “Animal Welfare Code of Practice: Breeding Dogs and Cats”, all dog enclosures will have a roof. Where practicable, these roofs will be guttered with downspouts installed and connected to a tank for rainwater collection. Where it is not practicable to connect to a tank, the guttering/downspout will divert the water at least 3 meters away from the dog enclosure. If deemed necessary to prevent stormwater runoff, diversion means may be installed uphill of the enclosures.

12. Staging

In accordance with s.95 *Environmental Planning & Assessment Act, 1979* (NSW), substantial commencement will occur within five (5) years of DA approval.

The facility will aim to, but only do so if favourable economic conditions exist, complete all planned works within five (5) years.

13.Social and Economic Impacts

The Gwydir Shire suffers from some economic and population segment decline and population ageing. The Shire's major employer is agriculture although even this sector has shown decline. This project is expected to provide social and economic benefit at the local levels in terms of job creation. In addition, the proposal has the potential to increase economic activity in the related supply sector, transport sector, fuel supplies and associated construction, maintenance and service industries.

Appendix A – Bushfire Attack Level Risk Assessment

PRINT OUT & ATTACH THIS BAL RISK APPLICATION FORM WITH YOUR COMPLYING DEVELOPMENT APPLICATION

SECTION TWO - BAL RISK APPLICATION FORM (To be detached and submitted)

PART A Property Details

Applicants Name: Michael Flanagan

Contact Phone Number: (H): (.....) (M):

Council: Gwydir Shire Council Reference (if known):

Lot: 95 DP: 754861

Address to be developed: "Stockhaven", 556 Onus Road, Copeton 2360

My property is on Bush Fire Prone Land: ☒ Yes ☐ No

PART B Type of Proposal

Type of Proposal:	Zoning:
<input checked="" type="checkbox"/> New Dwelling	<input type="checkbox"/> Residential
<input type="checkbox"/> Alteration/Additions to an existing building	<input checked="" type="checkbox"/> Rural

Proposal Description: *e.g. two storey house with attached garage* Relocatable Home and Animal Boarding or Training Establishment

Copy of plans attached: ☐ Yes ☐ No Copy of any relevant photos attached: ☐ Yes ☒ Yes

Assessment fee attached: ☐ Yes ☐ No Other submission requirements ☒ Yes

NOTE: The RFS will not be able to undertake a BAL Risk Assessment unless all necessary information has been submitted.

PART C Bush Fire Development Standards

Does your proposal meet all the relevant Development Standards for your land zoning? (See Section 1 - Part C)

☒ Yes ☐ No ☐ Unknown

NOTE: If your proposal does not satisfy all the development standards for your land zoning, you may need to reconsider your application for complying development or contact a qualified bush fire consultant for more information.

PRINT OUT & ATTACH THIS BAL RISK APPLICATION FORM WITH YOUR COMPLYING DEVELOPMENT APPLICATION

PART D BAL & Risk Assessment

Step 1: Assess the vegetation about the proposed building in all directions.

CATEGORY	NORTH	EAST	SOUTH	WEST
Converted vegetation (See Vegetation Chart)	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest
	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland
	<input checked="" type="checkbox"/> Tall Heath	<input checked="" type="checkbox"/> Tall Heath	<input checked="" type="checkbox"/> Tall Heath	<input checked="" type="checkbox"/> Tall Heath
	<input type="checkbox"/> Short Heath	<input type="checkbox"/> Short Heath	<input type="checkbox"/> Short Heath	<input type="checkbox"/> Short Heath
	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga
	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest
	<input type="checkbox"/> Grassland	<input type="checkbox"/> Grassland	<input type="checkbox"/> Grassland	<input type="checkbox"/> Grassland
	<input type="checkbox"/> Managed Land	<input type="checkbox"/> Managed Land	<input type="checkbox"/> Managed Land	<input type="checkbox"/> Managed Land

Step 2: Determine the distance from the building line to the vegetation in each direction as above

ASPECT	NORTH	EAST	SOUTH	WEST
Distance	>1000 m	650 m	750 m	700 m

Step 3: Determine the effective slope that will influence bush fire behaviour in each direction

CATEGORY	NORTH	EAST	SOUTH	WEST
Slope under the hazard (over 100m) [in degrees]	<input type="checkbox"/> upslope/flat	<input checked="" type="checkbox"/> upslope/flat	<input checked="" type="checkbox"/> upslope/flat	<input checked="" type="checkbox"/> upslope/flat
	<input checked="" type="checkbox"/> >0 to 5	<input type="checkbox"/> >0 to 5	<input type="checkbox"/> >0 to 5	<input type="checkbox"/> >0 to 5
	<input type="checkbox"/> >5 to 10	<input type="checkbox"/> >5 to 10	<input type="checkbox"/> >5 to 10	<input type="checkbox"/> >5 to 10
	<input type="checkbox"/> >10 to 15	<input type="checkbox"/> >10 to 15	<input type="checkbox"/> >10 to 15	<input type="checkbox"/> >10 to 15
	<input type="checkbox"/> >15	<input type="checkbox"/> >15	<input type="checkbox"/> >15	<input type="checkbox"/> >15

Step 4: Determine the Fire Danger Index (FDI) that applies to your local government area (council). Tick the relevant FDI below

FDI ☐ 100 (see Table 4, page ?) ☒ 80 (see Table 5, page ?) ☐ 50 (see Table 4, page ?)

Step 5: Match the relevant FDI, vegetation, distance and slope to determine the required APZ and Construction level

Identify the bushfire attack level for each direction, select the highest level for the entire building and record below. Note BAL-12.5 is the lowest construction level within the scope of AS3959.

Identify the Bushfire Attack Level (BAL) below:

☐ BAL-FZ ☐ BAL-40 ☐ BAL-29 ☐ BAL-19 ☐ BAL-12.5 ☒ No requirement

NOTE: BAL-40 and BAL-FZ are considered higher risk development and do not constitute complying development. You are advised to consult with a qualified bush fire consultant for more information.

NSW RURAL FIRE SERVICE BUSHFIRE ATTACK LEVEL RISK ASSESSMENT

SMK

CONSULTANTS

surveying – irrigation – environmental - town planning

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STATEMENT OF ENVIRONMENTAL EFFECTS

FOR A PROPOSED

Subdivision Transportable Cabins & Animal Boarding or Training Establishment

**“Stockhaven”
556 Onus Road
Copeton 2360**

Shire of Gwydir

**Proponent:
Michael Flanagan
“Stockhaven”
Copeton, 2360**

**Prepared by:
SMK Consultants
39 Frome Street
MOREE NSW 2400**

March 2015

SMK Consultants Pty Ltd
Document Control



Project Reference: 15-61		
Proponent: Michael Flanagan		
Installation of Transportable Homes & Animal Boarding or Training Establishment and Subdivision of Lot 95 DP754861, "Stockhaven", 556 Onus Road, Copeton 2360		
Report No. 14-139		
Prepared for:	Michael Flanagan "Stockhaven: 556 Onus Road Copeton 2360	
Prepared by:	SMK Consultants P.O. Box 774 Moree NSW 2400 Contact: Peter Taylor peter.taylor@smk.com.au Ph.02 6752 1021	
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1. Executive Summary

Applicant:	Michael Flanagan “Stockhaven” 556 Onus Road Copeton 2360
Owner:	Michael Flanagan “Stockhaven” 556 Onus Road Copeton 2360
Land involved:	Lot 95 DP754861, Gwydir and Inverell Shire Councils
Zoning:	RU1 under the Gwydir and Inverell LEP’s

1.1. Description of proposal

The proponent, Michael Flanagan, wishes to apply for:

- Subdivision of “Stockhaven”, Lot 95 DP754861;
- Utilisation of transportable homes as accommodation and;
- The construction of an animal boarding and training establishment for the purpose of breeding a range of dogs.

1.1.1. Subdivision of “Stockhaven”

The proponent, Michael Flanagan, wishes to apply for subdivision of “Stockhaven”. The existing lot would be subdivided into two lots as shown in the subdivision sketch presented in appendix 1.

The proposed subdivision will place the common boundaries between the proposed lots predominantly along an existing fence line, as shown on the subdivision sketch. The subdivision sketch has been overlaid on an aerial photograph of the land for greater clarity. Proposed Lot 1 would contain an area of 250 hectares and Lot 2 would contain the remnant area of 551.1 hectares.

Lot 1 would contain the present owner’s residence. The subdivision would enable a family settlement to occur.

The property includes land in both the Gwydir Shire and Inverell Shire. The division between the Shire runs through the middle of Sandy Creek on “Stockhaven”. This division is marked on the attached plan. The land in Inverell Shire is zoned as RU1 zone which has

a minimum subdivision area of 200 hectares. The land within the Gwydir Shire is zoned as RU1 and has a minimum subdivision size of 200 Ha. The proposed lots exceed these minimum lot size standards.

Practical access to both lots would occur via Onus Road. The main Stockhaven residence is located adjacent to Onus Road at the southern end of the property. It has a driveway onto Onus Road and this house will be incorporated in the northern section of the subdivision on proposed Lot 2. The house is located in the Gwydir Shire. No other access points are practical for this northern section of the property.

The applicant is presently developing on proposed Lot 1. Onus Road continues along the eastern boundary of Lot 1 and is used by the applicant as the main entrance road. Onus Road provides practical and legal access to Lot 1.

1.1.2. Transportable Cabins

The applicant is applying for approval to utilise three transportable cabins as accommodation on proposed Lot 1. As seen in appendix six, the proposal includes construction of works including a concrete slab and roofed area for the transportable cabins. The buildings are onsite at present. While retrospective development consent is not possible, the applicant is seeking approval for continued use and operation of the development, which has procedural precedence.

Onsite Sewerage Management System

To service the transportable cabins, the applicant is applying for approval for an onsite sewerage management (OSSM) system and issue of an accompanying building certificate (149D).

1.1.3. Animal Boarding or Training Establishment

The applicant is applying for the establishment of an animal boarding facility consisting of a number of structures, which is permissible with consent under the Gwydir Local Environmental Plan 2013. Preliminary plans of the proposed structures are presented in appendices 2, 3 and 4. The design of all dog housing structures comply with the “Animal Welfare Code of Practice: Breeding dogs and cats” as issued by the NSW Government Department of Industry and Investment.

The proposal is to be used for breeding of dogs for sale. The work will also include training. The proposal is separate from normal breeding of working dogs to be used on the farm.

While retrospective development consent is not possible, the applicant is seeking approval for continued use and operation of the development, which has procedural precedence.

2. Introduction

Michael Flanagan has instructed SMK Consultants to prepare a Statement of Environmental Effects (SoEE) for the purpose of subdividing “Stockhaven”, transportable cabins and obtaining approval for constructing and operation of an animal boarding and training establishment on his property of “Stockhaven” in the Copeton area.

The land, Lot 95 in DP754861 is located at 556 Onus Road, Copeton, NSW 2360, in the Gwydir Shire, approximately 30 kilometres east of Bingara. This proposal complies with the current zoning of the land which is RU1 Primary Production.

This report presents a Statement of Environmental Effects for the proposed development.

Persons involved in the preparation of this Statement of Environmental Effects and its appendices are:

- **Mr Thomas Tramby** (MIntBus, MCom, BE, BA)
- **Mr. Peter Taylor** (BSc. MEIANZ)

3. Proposed Development

There are three aspects to the proposed development:

- Subdivision of “Stockhaven”
- Utilisation of Transportable Cabins as Accommodation
- Development and operation of an Animal Boarding or Training Establishment for the purpose of breeding and training dogs

The current zoning for the land under the Gwydir Local Environmental Plan 2013 (LEP) is RU1 – Primary Production. The development proposal involves permissible boundary subdivision within this zone and permissible construction. It should be noted that the applicant has commenced work on the proposed development. This report presents the whole proposal when the work is completed, including construction of a permanent home on the property.

The area of the lots to be created by the proposed subdivision are detailed below:

- Lot 1: 250 ha
- Lot 2: 551.1 ha

While consent cannot be issued retrospectively for work already done, there exists procedural precedence for the approval of continued use and operation of the existing developments while the work is completed to appropriate standards of construction and operation.

3.1. Subdivision of “Stockhaven”

The applicant wishes to apply for a subdivision of Lot 95 DP754861. The existing lot would be subdivided into two lots. A sketch plan of the proposal is shown in Appendix 1.

The proposed subdivision will place the common boundaries between the proposed lots primarily along existing fence lines, as shown on the subdivision sketch. The subdivision sketch has been overlaid on an aerial photograph of the land for greater clarity. Lot 1 would contain an area of 250 hectares and Lot 2 would contain an area of 551.1 hectares. The proposed subdivision extends across the boundary of Gwydir and Inverell Shires. Lot size for the two new lots are in excess of the minimum lot size set out in the relevant Local Environmental Plan 2012 for zone RU1 which is 200 hectares.

Lot 1 would be retained for the present owner’s residence. Lot 2 would contain the main homestead on Stockhaven. The main homestead area is located in Gwydir Shire which is the only part of the farm that has practical access to Onus Road.

Onus Road consists of a gravelled road which is maintained by the Inverell Shire. It provides access to numerous farms in the Copeton area and is an arterial road off the main Copeton Dam road. The road is a formed road to the southern edge of proposed Lot 2. The road into proposed Lot 1 is mainly maintained by the proponent, however it provides practical access to forestry land to the south and west of Stockhaven.

3.2. Approval to Utilise Three Transportable Cabins for Accommodation

The applicant is applying for approval to finalise the installation of three transportable cabins on proposed Lot 1. The cabins would provide accommodation for the proponent. The works at present include three units that have been built to Australian standards for transportable cabins including:

- As 1170 SAA Loading code
- AS 1720 SAA Timber Eng. Code
- AS 1250 SAA Steel Structure Code
- AS 1288 SAA Glass Installation Code
- AS 3000 SAA Electrical Code
- AG 601 Gas Code

Additional works include construction of a cement slab to allow for an additional roofed area adjoining the transportable cabins. The transportable cabins were purchased as units from a caravan park facility. The units contain bedrooms and ablution facilities.

The proposal would include construction of an approved septic waste disposal system. The design of this is presented in section 3.4.3 of this report. A more detailed Onsite Waste water management plan would be prepared as a construction certification stage of the proposed development.

The accommodation to be developed as part of the dog breeding facility would be utilised by two adults and up to three children. The water supply is obtained from rainwater as potable water as well on farm dam water for general use. Both sources can be used for commercial purposes.

Electricity would be provided to the transportable cabins from solar power with a diesel generator backup. At a later date, single phase power could be extended to the new home site from the existing lines extending to the end of Onus Road.

Telephone service is available with mobile phone coverage.

3.3. Animal Boarding or Training Establishment

The Proponent is applying for an approval to operate an animal boarding and breeding facility. The proposal is not specifically defined within provisions of the LEP in that the intent is to breed dogs. The existing provision describe the proposal under as an *Animal Boarding and Training facility*. The proposal consists of a number of purpose built kennels with fenced areas to allow the dogs to exercise. The structures including covered pens for dogs to have litters under closer management. The dogs are separated according to size and breed to ensure appropriate animal welfare standards can be adopted for operation of the facility.

In relation to provision under the Gwydir Shire Local Environment Plan:

- The use of land for an animal boarding and training facility is considered permissible with consent under the Gwydir Local Government Plan 2013 in an area zoned as RU1. The proposal is considered as Local Development under the Environmental Planning and Assessment Act 1979.

- The proposed development is permissible with the consent of Council.

At present, the facilities include a range of kennels and dogs houses, including semi-permanent and portable structures to enable the kennels to be moved around the immediate paddock. This option reduces to the potential for land degradation for the larger dog runs and provides an option for minimising the potential for disease and health issues.

Preliminary design plans for various kennel and structures are presented in appendices 2, 3 and 4. All structures have been designed to comply with the “Animal Welfare Code of Practice: Breeding dogs and cats” as issued by the NSW Government Department of Industry and Investment.

While retrospective development consent is not possible, the applicant is seeking approval for continued use and operation of the development. Ongoing development includes construction of semi-permanent whelping kennels for breeding dogs and additional purpose built kennels for a range of dog sizes.

The following sections discusses the structures and operations of the dog breeding facility with respect to:

- Facility Size
- Micro-Chipping
- Provision of Water and Food
- Cleaning and Hygiene of the Area
- Transportation of Dogs to and from the Property
- Veterinary Health Checks
- Breeding and Rearing Objectives

The property has recently been the subject of an inspection by RSPCA. Several issues were noted in relation to construction of the pens to the relative Animal Welfare code. These issues related to mainly height of fencing, specifically the height of the fencing around exercise area and other matters are addressed in the design of the proposed structures. As indicated above, the design adheres to the “Animal Welfare Code of Practice: Breeding dogs and cats” as issued by the NSW Government Department of Industry and Investment.

The remaining transgressions found with regard to action plans, record keeping, and documentation of control programs have been addressed through the development and implementation of a series of procedures, action plans, responses and tasks. These have been collated within the sites ‘Animal Management program’ which is already in force, thus bringing operations up to standard with the “Animal Welfare Code of Practice: Breeding dogs and cats” as issued by the NSW Government Department of Industry and Investment.

3.3.1. Facility Size

The facility will be equipped to house up to 300 breeding dogs, comprising of roughly 280 bitches and 20 males, plus progeny. Progeny levels will vary depending upon a number of factors but, on average, each breeding bitch will have six pups per litter and only one litter per year. Accordingly, the facility will have a maximum of 1680 progeny in any one year with each pup staying an average of eight weeks. Note that the figure of 1680 progeny

per year is a total number over the year. With an average stay of 8 weeks, average maximum progeny levels will be around 260 pups at any one time. The total number of pups at any one particular time however, will fluctuate depending upon a number of factors associated with the bitches breeding cycles and regime.

Working Dogs

Working dogs are not subject to development approval and the number fluctuates as appropriate to needs. All working dogs will be registered as such with council. The Working Kelpie Council of Australia has been advised by the office of Local Government that working dogs will be exempt to requiring DA approvals and accordingly, their members are not affected by planning laws. For purposes of nutrient balances though, we shall use the figure of 20 as a base line figure for the number of working dogs. Note that the allocated space for waste removal based upon the nutrient balance has been increased substantially to account for any increase in total dog numbers.

The following table outlines the maximum number of dogs the facility will hold at any one time.

Separation of Dog Numbers	
Breeding Bitches	280
Male Breeders	20
Progeny	260
Working Dogs	20

Notes: The number of working dogs is indicative only; this is the maximum capacity of the facility. It is expected that the facility will generally run at around 50% capacity. Increasing the number of dogs in the facility will only occur if economic conditions are favourable.

3.3.2. Micro-Chipping

All animals that require microchipping have been microchipped. At this stage, some of the dogs on the premises which require registering have not yet been registered. This is generally a routine process within the enterprise and is proceeding accordingly. Currently, the applicant is awaiting confirmation from Council regarding dog registration. All dogs shall be registered within a reasonable timeframe upon receipt of documentation from Council. The dogs can be sold at 8 to 10 weeks of age. The dogs are sold with a micro-chip identification.

3.3.3. Structures

The animal breeding facility will comprise of three sets structures. Preliminary plans of the structures are presented in appendices 2, 3 and 4.

In accordance with the NSW department of Industry and Investments’ “Animal Welfare Code of Practice: Breeding Dogs and Cats” and the Companion Animals Act 1998 for the appropriate minimum sizes for dangerous or restricted dog enclosures, the accommodation, environment and security of animals will be of a standard which ensures their security, safety and wellbeing, accordingly:

- Vehicles, caravans, portable crates and the crawl space under any dwelling will not be used as permanent housing for dogs.

- Breeding facilities will have a continuous water supply, adequate to meet the daily requirements of the dog held.
- Breeding facilities will be designed, constructed, serviced and maintained in a way that provides for the good health and well-being of the animals, which prevents the transmission of infectious disease agents, the escape of animals and does not cause injury to either animals or humans.
- Animals will be provided with protection from rain and wind, direct sunlight or other adverse weather conditions and will be provided with a clean and dry dedicated sleeping area.
- Dog housing will meet the minimum pen sizes in accordance with the NSW department of Industry and Investments’ “Animal Welfare Code of Practice: Breeding Dogs and Cats”. These limits do not apply to dogs under veterinary care for a disease or injury. Pens will be sized in three categories, mainly small, medium and large dogs.
- Dogs will not be in extended contact with wet floors.
- All sleeping areas for dogs will have clean, hygienic, dry and soft bedding, appropriate to the species and breed, sufficient for the number of animals held, and sufficient to insulate them from the floor.
- An isolation facility will be available either at the facility or at a veterinary hospital, and will have documented and demonstrable biosecurity measures in place.
- Animals known or suspected to be suffering from a significant infectious disease or severe injury will be taken directly to the isolation facility unless written assurances from a registered veterinary practitioner regarding the appropriateness of housing with other animals is received.
- Measures will be in place to minimise the deterioration of exercise areas to bare earth.
- All facilities will have an adequate water supply and will be sewered or on a septic system, in accordance with the requirements of the local government authority, relevant government department or other authorities; or have some other adequate and acceptable method for disposal of faeces and other liquid wastes.
- Dog housing will have a shaded area when exposed to sunlight.
- Dogs will be protected from extremes of temperature.
- The duration and intensity of artificial lighting, where used, will be as close as possible to natural conditions, sufficient to allow thorough inspection and observation of animals, and which mimic the prevailing natural light cycles. Animals will be protected from excessive light which is generated from an external source.
- Animal housing areas will be provided with ventilation which is sufficient to maintain the health of the animals; while minimising undue draughts, odours and moisture condensation.

- Air ventilation devices, where used, will have an air change rate which is sufficient to distribute fresh air evenly to all of the areas holding animals; and will have a back-up system in the case that the ventilation device becomes inoperable.
- Environmental temperature will be controlled to minimise distress to dogs including the provisions of heating or cooling particularly for old, young and pregnant animals if necessary. Particular attention will be given to protections for brachycephalic breeds, especially against heat. These processes of heating and cooling will not necessarily be obtained through power-intensive means. There are a number of non-power-intensive heating and cooling options available to the proponent which will be utilised in accordance with determining factors.
- Dog breeding facilities will be located away from sources of excessive noise or pollution that could stress or injure dogs.
- Measures will be in place to protect dogs and cats from loud or sudden noise.
- Noise from barking dogs will be managed to comply with noise regulations and occupational health and safety requirements and may be reduced by one or more of the following methods:
 - Judicious use of sound proofing or suitable construction materials which reduce noise;
 - Care with dog placement to avoid unnecessary arousal;
 - Limiting external stimulation, e.g. by partitioning dog housing, judicious use of blinds or dog housing design to prevent dogs from seeing into nearby pens;
 - Holding dogs in compatible pairs;
 - Taking care to exercise dogs away from the sight of kennelled animals.
- The facility will be able to be reasonably secured to prevent access to the facility by unauthorised people.
- Dog housing will be fitted with a secure closing device that cannot be opened by the dogs and cats held.
- An animal will not be able to escape except in circumstances that cannot reasonably be foreseen and guarded against.
- Unauthorised people will not have access to dog and cat holding areas unless under the supervision of a staff member.
- Functioning firefighting equipment will be readily available and staff trained and practised in its use.
- All potential poisons and harmful substances, whether in storage or in use, will be kept out of reach of dogs and cats.
- Any security methods used will allow for ready access to dogs and cats and ready exit for staff and animals from the facility in the event of an emergency.

3.3.4. Provision of Water and Food

Water is obtained from rainwater collection as well as several gully dams on the property. A back up system for water is available through purchases and delivery of water to the site from local water delivery contractors. The key principles of operation are undertaken in accordance with the NSW department of Industry and Investments’ “Animal Welfare Code of Practice: Breeding Dogs and Cats”, mainly:

- Clean water will be available at all times at a temperature, quantity and quality that meets the physiological needs of the dogs and that the dog will drink.
- Food and water containers will be removed, cleaned and replaced immediately if noticed to be contaminated by urine, faeces, vomitus and the like.
- Water containers will be readily accessible to dogs, and be positioned to avoid spillage or contamination by urine or faeces.
- Water containers will be stable, non-toxic and easily cleaned/disinfected.

3.3.5. Cleaning and Hygiene of the Area

The pens and areas used by the dogs are managed in accordance with the NSW department of Industry and Investments’ “Animal Welfare Code of Practice: Breeding Dogs and Cats”. The general scope of this management is based on the following key principles:

- Areas housing animals within a facility will be cleaned at least once daily.
- Animal enclosures will be cleaned with environmentally friendly disinfectant at least once weekly and the runoff will be controlled through a guttering system.
- Animal enclosures will be cleaned and disinfected before new animals are introduced or before whelping.
- Bedding will be cleaned or changed at least once daily and disinfected at least once a week.
- Exercise areas will be cleaned daily or before new dogs are introduced to the area.
- Preparation and storage areas, food and water containers, and utensils and equipment used in the preparation and provision of food, will be maintained to a hygienic standard.
- Collection drains will be cleaned daily.
- Dead animals or waste products such as faeces, bedding, and food wastes will be disposed of promptly and hygienically, and in accordance with the requirements of the local government authority, the relevant government department or other authorities.
- Specialist advice will be sought before pest control operations are conducted, in order to protect the health and safety of the staff and the animals kept.

3.3.6. Transportation of Dogs to and from the Property

Transportation of all dogs to and from the property will be conducted in accordance with the NSW department of Industry and Investments’ “Animal Welfare Code of Practice: Breeding Dogs and Cats”, “The Care and Management of Animals by Companion Animal

Transport Agencies” and the current IATA Live Animal Regulations. Accordingly, transport that may cause distress to dogs will be kept to a minimum. All dogs will be contained or suitably restrained so that they are secure and protected from injury when transported, furthermore:

- All dogs will be transported in such a manner which addresses their size and age. Incompatible dogs will be physically separated during transport to prevent injury, harm or distress.
- Dogs will **not** be transported in the boot of a car.
- Vehicles will have adequate ventilation and shade, sufficient to maintain good health and to avoid distress.
- All vehicles used extensively for the purpose of transporting animals will be thoroughly cleaned and disinfected after use
- Transported dogs will have at least the minimum exercise requirements prescribed by the NSW department of Industry and Investments’ “Animal Welfare Code of Practice: Breeding Dogs and Cats”
- All consignments of dogs will comply with the recommendations and requirements for animal behaviour and containers of the current IATA Live Animals Regulations.
- Containers used for dog transport will provide adequate light and ventilation.
- Any vehicle especially designed or regularly used for transporting dogs will:
 - Protect animals from injury through being free from protrusions or sharp edges in the carrying area;
 - Have non-slip floors;
 - Provide easy access and safe access for handlers;
 - Be air conditioned to protect against extremes of temperature even when stationary;
 - Protect against unauthorised release or escape of the animals;
 - Be easy to clean and disinfect; and
 - Be fitted with an operational air conditioning system to the section of the vehicle where the animals are held.
- On road trips of more than two hours duration, adequate stops will be made to allow dogs and cats the opportunity to exercise, eat, drink, urinate and defecate where appropriate; and for the enclosures to be cleaned where necessary.
- The driver of a transport vehicle will be the person in charge, and therefore responsible for the welfare of animals in the vehicle during transportation.

3.3.7. Veterinary Health Checks

The Proponent utilises the services of veterinarians in Inverell. The health of dogs is monitored on a daily basis by the proponent and staff to detect signs of disease, injury and distress with treatment provided where necessary. Where required, this treatment is undertaken by a Veterinarian either on farm or at a veterinary surgery in Inverell. Where the destruction of animals is necessitated, it will be conducted in an efficacious and

humane manner in accordance with the NSW department of Industry and Investments’
“Animal Welfare Code of Practice: Breeding Dogs and Cats”:

To ensure the health of all dogs is maintained satisfactorily:

- All dogs will be inspected at least once daily to monitor their health and well-being. The person checking the animals will note all adverse observations where an animal is not:
 - eating;
 - drinking (in the case of puppies drinking milk);
 - defecating;
 - urinating;
 - behaving normally;
 - showing any obvious signs of illness or distress;
 - able to move about freely;
 - displaying a normal coat.
- Any changes in health status will be promptly reported to the person in charge of the facility for appropriate action.
- Where there is evidence that whelping has commenced (e.g. straining or contracting) and there is no progress within two hours, the bitch will be examined by a veterinary practitioner and appropriate remedial action taken.
- If any dog is showing the following signs, veterinary treatment will be sought:
 - Runny nose;
 - Runny, discharging or inflamed eyes;
 - Repeated sneezing;
 - Coughing;
 - Vomiting;
 - Severe diarrhoea, especially if bloodstained;
 - Lameness;
 - Bleeding or swelling of body parts (other than the vulva of a female on heat);
 - Inability to stand, walk, urinate or defecate;
 - Loss of appetite;
 - Weight loss, particularly if severe or sudden;
 - Apparent pain;
 - Fits, staggering or convulsions;
 - Patchy hair loss.
 - Bloating of the abdomen;
 - Difficulty or inability to urinate or defecate;
 - Red or brown coloured urine;
 - Patchy hair loss;
 - Depression;

- Fever;
 - Presence of external parasites;
 - Any other serious physical or behavioural abnormality.
- Bitches in the last week of pregnancy will be inspected by animal care staff at regular intervals.
- The person in charge of the facility will establish a liaison with a veterinary practitioner who is able to attend to dogs and cats, and is able to advise on disease prevention measures.
- The contact details for the veterinary practitioner will be posted in a location which enables staff and visitors to the facility to see them.
- Appropriate veterinary treatment will be provided for sick or injured dogs.
- Veterinary advice will be obtained in the event of unexplained illness or deaths.
- Permission in writing will be obtained from a dog's owner or nominee if leased at the time of accepting the animal for breeding authorising the provision of necessary veterinary treatment.
- Dogs will be vaccinated against distemper, hepatitis, parvovirus and canine cough in accordance with the manufacturer's recommendations, unless with the written approval of a veterinary practitioner.
- Puppies will be vaccinated against common infectious diseases in accordance with best practice clinical guidelines, in consultation with a veterinary practitioner.
- Dogs known or suspected to be suffering from an infectious disease will not be used for breeding or be accepted for breeding under lease unless under written approval from a veterinary practitioner.
- A program for heartworm prevention for dogs will be in place and in accordance with veterinary advice.
- Internal and external parasites will be controlled through routine and preventative treatments. Note parasites include fleas, lice, ticks and gastrointestinal or heart worms
- Newly acquired dogs or dogs visiting from another location will not be mixed with the permanent population for a minimum of 48 hours.

3.3.8. Breeding and Rearing Objectives

Management ensures that both breeding animals and the offspring they produce are as physically and behaviourally sound and healthy as possible. Dogs will held with the best quality of life possible, and litters will only be produced with a reasonable expectation of finding homes where they are both wanted and appreciated, and are offered a similarly good quality of life.

In accordance with the NSW department of Industry and Investments' "Animal Welfare Code of Practice: Breeding Dogs and Cats" and the provisions of the Companion Animals Act 1998 concerning dangerous dogs and restricted breeds, the mating, breeding, birthing and rearing processes will be managed in a way that assures good animal welfare outcomes. Accordingly:

- Bitches and queens will not be intentionally mated during their first oestrous cycle.
- Dogs will be physically and mentally fit, healthy and free of disease at the time of being mated.
- During mating, breeding pairs will be isolated from the remaining breeding population, and monitored by the person in charge.
- Mothers in the latter stages of pregnancy will be provided with additional access to food and water, provided at frequent intervals.
- During birthing, bitches will be isolated from the remaining breeding population, and monitored by the person in charge on a regular basis to ensure that the birth proceeds in a normal manner.
- Whelping bitches will be provided with a suitable whelping box, lined with clean bedding, changed daily.
- Animals that are isolated from the remaining breeding population will be provided with additional attention and socialisation to animal carers.
- Bitches will not have more than two litters in any two year period, unless with the written approval of a veterinary practitioner.
- Lactating mothers will be provided with additional food and water.
- Lactating mothers will be housed in such a manner that they are able to escape their young.
- Puppies will not be separated from their litter or their lactating mother until they are seven weeks of age to facilitate socialisation, except in the best interests of the puppy or their mother.
- Solid food will be offered to puppies from three weeks of age.
 - Puppies will be monitored when first offered solid food to ensure that the food is acceptable and palatable. If necessary, solid food will be moistened or softened to increase palatability.
- Puppies will be observed to ensure that they achieve a steady weight gain every week.
 - Any puppy which does not achieve a regular weight gain will be referred for veterinary consultation.
- Where a heritable disease is recognised in a breed and where there is screening procedures or a test for that disease the person in charge in the case of a dog or bitch will:
 - Have a current official evaluation or test result for the dog for such hereditary disease;
 - Provide the official evaluation or test result to the owners where the dog or cat is to be mated to an animal not owned by the breeding facility;
 - Provide the official evaluation or test result of both the sire and the dam to the new owners of any puppy.

- Endeavour to ensure that the genetic makeup of both sire and dam will not result in an increase in the frequency or severity of known inherited disorders.
- Breeding dogs will be selected to eliminate negative behavioural traits, for example poor mothering ability or aggressiveness.
- Puppies will be encouraged to urinate and defecate away from the nesting area.
- Before any dog or pup is sold the prospective owner will be advised that the breeder has taken all reasonable steps to ensure that the animal is physically and behaviourally healthy.
- Breeders will consider the welfare of their breeding dogs and bitches when deciding on the best time to re-breed or to cease breeding their animals.
- When dogs reach the end of their useful breeding life, or when mature potential breeding stock is found to be in some way unsuitable for breeding purposes, the owner will:
 - Have such dogs spayed or castrated;
 - Settle the dogs into their new condition
 - Either provide a pet home for the desexed dogs themselves, or to canvass for and carefully select a new pet home for the animals;
 - Exercise patience and retain responsibility for the dog until such time as a satisfactory new home is established.
- After delivery of a litter, the mother and young will be health checked by a veterinary practitioner, and the birthing area will be cleaned and disinfected
- The correct paper work, including mating dates, sire’s pedigree and any service agreements or litter registration forms will be supplied to the owner/lessee of the bitch when she is collected after the mating, or on payment of an agreed fee.

3.4. Infrastructure

3.4.1. Telecommunications and Electricity

The existing infrastructure on the property has both electricity and telecommunications connected. The proposal will not require additional services to be connected.

3.4.2. Water Supply

Town water supply is not available in the area and as such landholders rely on rain water tanks, bore water and farm dams to supply stock and domestic water. The water is utilised under a property right in accordance with the NSW Farm Dams policy.

3.4.3. Sewage

Municipal sewage is unavailable in the area and as such the existing infrastructure relies on onsite wastewater treatment systems to process and dispose of household effluent.

The transportable cabins utilise a new onsite sewerage management system (OSSM). The system involves a standard 3,000 litre septic tank and a gravity fed absorption trench system. Preliminary calculations indicate that daily wastewater production would be in

the order of 300 litres. The soil type on the property is considered a light clay material (Category 4/5) which has a long term seepage rate in the order of 0.12 to 0.5 m per day. Based on this information, the absorption trench would need to a 19m long trench to a depth of 600 mm and a width of 450 mm for complete disposal of all septic water without flooding the trench to cause surface ponding of wastewater.

Faeces is collected from the dog kennels throughout the day. This faeces is stored in a mulching area consisting of a clay surfaced area surrounded by corrugated iron walls to prevent run-on or run-off from the faeces. The mulching process takes approximately 3-months and involves an addition of lime on occasions to increase the decay rate. The mulches material is then utilised on surrounding pasture area.

The amount of faeces generated from the dogs is, at maximum, around 12kg per day. This decomposes down to an estimated 6 kg of dry matter. Annual production is estimated to be a total of up to 4.7 tonne per year. This will undergo a composting process before being selectively spread over the, conservative, reserved section of 9.6 Ha of native pasture which is held by the proponent. The compost is spread away from the dog breeding area to ensure that the potential for disease and odour is minimised. This process is further explained in section 5.

3.4.4. Stormwater

The proposal includes minimal physical works and changing of the landscape, therefore minimal impacts will occur relating to stormwater flow within the area.

3.5. Property Access

The current property access will be improved by the proponent to provide suitable access to the facility. The proposed access point (Appendix 5) will be constructed from Onus Road to the development site. This road and new access point will be a minimum of 2m in width and suitable for 2WD.

4. Planning considerations

The proposal meets all objectives as prescribed by The Gwydir Local Environmental Plan 2013 for zone RU1 which are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

Comment: This development application allows for the continued operation of a proven financially and environmentally sustainable operation.

- To encourage diversity in primary industry enterprises and systems appropriate for the area.

Comment: The development application allows for the operation of an industry which is not significant, thus generating diversity, but which is proven to be appropriate for the area.

- To minimise the fragmentation and alienation of resource lands.

Comment: The continued utilisation of the land will minimise fragmentation and alienation.

- To minimise conflict between land uses within this zone and land uses with adjoining zones

Comment: The proposal is not considered to conflict with the surrounding grazing enterprises.

4.1. Permissibility of Rural Subdivision

The proposed subdivision is considered compatible with the objectives of the site’s **RU1–Primary Production** zoning and permissible, with development consent, under the provisions of the *Inverell Local Environmental Plan 2012* and *Gwydir Shire Local Environmental Plan 2013*.

Do any policy statements from Federal or State Governments have relevance?	The Federal and State Government policies relevant to this proposal are discussed in detail within this report. The Main policies applicable to this application are the State Environmental Planning Policies (SEPP).
Are there any relevant planning studies or strategies?	Gwydir Shire Council Community Strategic Plan 2013 to 2023 supports and promotes regional and rural development in the Gwydir Shire - The proposed development aligns with this strategy.
Is there any management plan, planning guidelines or advisory document that is relevant?	Gwydir Shire Strategic Plan supports and promotes regional and rural development in the Gwydir Shire.

4.1.1. ILEP 4.2 Rural Subdivision

1. The objective of this clause is to provide flexibility in the application of standards

for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

Comment: The subdivision will provide the applicant with increased options for resource utilisation thus allowing a greater chance to achieve his primary objective of the development of a dog breeding facility.

2. This clause applies to the following rural zones:
 - a. Zone RU1 Primary Production
 - b. Zone RU2 Rural Landscape
 - c. Zone RU4 Primary Production Small Lots
 - d. Zone RU6 Transition

Comment: The land in question is zoned RU1 Primary Production

3. Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.

Comment: Not applicable as lot size is greater than minimum.

4. However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

Comment: Not applicable

5. A dwelling cannot be erected on such a lot.

Comment: Not applicable

4.2. Permissibility of Installation of Transportable Cabins

The proposed development is considered compatible with the objectives of the site's **RU1– Primary Production** zoning and permissible, with development consent, under the provisions of the *Gwydir Local Environmental Plan 2013*.

Do any policy statements from Federal or State Governments have relevance?	The Federal and State Government policies relevant to this proposal are discussed in detail within this report. The Main policies applicable to this application are the State Environmental Planning Policies (SEPP).
Are there any relevant planning studies or strategies?	Gwydir Shire Council Community Strategic Plan 2013 to 2023 supports and promotes regional and rural development in the Gwydir Shire - The proposed development aligns with this strategy.
Is there any management plan, planning guidelines or advisory document that is relevant?	Gwydir Shire Strategic Plan supports and promotes regional and rural development in the Gwydir Shire.

4.2.1. Planning Circular PS 06-018 Install of Relocatable Home

The installation of a relocatable home or associated structure on land other than in a caravan park or MHE requires approval under section 68 of the LG Act (as an activity

within Item A1 in the table to that section), unless an exemption is provided by a local approvals policy (LAP) of the council.

In applying for a section 68 approval to install a relocatable home or an associated structure on land, the applicant needs to submit with their application the plans and specifications referred to in clause 79 of the LG Regulation 2005. The installation (if approved) would have to comply with all of the design, construction and installation requirements of Division 4 of Part 3 of that Regulation (clauses 133–136 excepted) unless an objection under section 82 of the LG Act to the requirements of the regulations is lodged with the application and upheld.

In applying the relevant provisions of Division 4 of Part 3 of the LG Regulation 2005 to the installation of a relocatable home or associated structure on land that is not in a caravan park or MHE, a reference in those provisions to a caravan park is taken to refer to the land on which a relocatable home or associated structure is to be installed. (See clause 81(3) of the LG Regulation 2005.)

The requirements of Division 4 include that the home or associated structure must:

- be of a design certified by a practising structural engineer as structurally sound
- be installed in accordance with the specifications in the engineer’s certificate or such other specifications as are in the approval for the installation on the land
- have compliance plates attached.

These requirements are intended to ensure that the home meets relevant health, safety and amenity standards.

Comment: Approval is sought as it is required under section 68 of the LG Act and no exemption is being provided. The design of the dwellings has been certified by a practising structural engineer as structurally sound, they have been installed in accordance with the specifications in the engineer’s certificate and have compliance plates attached.

4.3. Permissibility of Erection Animal Boarding or Training Establishment

Under the Gwydir Local Government Plan 2013 (GLEP) an Animal Boarding or Training Establishment which includes in the definition a building or place used for breeding of animals for commercial purposes, is a permitted use within the RU1 Primary Production Zone with Development Consent.

GLEP 2013 –Dictionary (clause 1.4) - 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.

While Council cannot retrospectively issue development consent, it can approve the continued use or operations of the development. This is an approach that Council has taken in the past.

Do any policy statements from Federal or State Governments	The Federal and State Government policies relevant to this proposal are discussed in detail within this report.
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have relevance?	The Main policies applicable to this application are the State Environmental Planning Policies (SEPP).
Are there any relevant planning studies or strategies?	Gwydir Shire Council Community Strategic Plan 2013 to 2023 supports and promotes regional and rural development in the Gwydir Shire - The proposed development aligns with this strategy.
Is there any management plan, planning guidelines or advisory document that is relevant?	Gwydir Shire Strategic Plan supports and promotes regional and rural development in the Gwydir Shire.

4.4. State Environmental Planning Policies and Development Codes

The following table presents a summary and comment on State Environmental Planning Policies and development code relevance to the proposed development.

SEPP No. & Codes	Title	Relevance
No. 1	Development Standards	Not Relevant
No. 14	Coastal Wetlands	Not Relevant
No. 15	Rural Landsharing Communities	Refer following section for Rural Landsharing Review
No. 19	Bushland in Urban Areas	Not Relevant
No. 21	Caravan Parks	Not Relevant
No. 26	Littoral Rainforests	Not Relevant
No. 29	Western Sydney Recreation Area	Not Relevant
No. 30	Intensive Agriculture	Refer to following section for Intensive Agriculture
No. 32	Urban Consolidation (Redevelopment of Urban Land)	Not Relevant
No. 33	Hazardous & Offensive Development	Not Relevant
No. 36	Manufactured Home Estates	Not Relevant
No. 39	Spit Island Bird Habitat	Not Relevant
No. 44	Koala Habitat Protection	Refer following section for Koala impact review
No. 47	Moore Park Showground	Not Relevant
No. 50	Canal Estate Development	Not Relevant
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not Relevant
No. 55	Remediation of Land	Refer following section for Remediation of Land Review
No. 59	Central Western Sydney Regional Open Space and Residential	Not Relevant
No. 62	Sustainable Aquaculture	Not Relevant
No. 64	Advertising and Signage	Not Relevant
No. 65	Design & Quality Residential Flat Development	Not Relevant
No. 70	Affordable Housing (Revised Schemes)	Not Relevant

SEPP No. & Codes	Title	Relevance
No. 71	Coastal Protection	Not Relevant
	Affordable Rental Housing 2009	Not Relevant
	Building Sustainability Index: BASIX 2004	Not Relevant
	Exempt and Complying Development Codes 2008	
	Housing for Seniors or People with a Disability 2004	Not Relevant
	Infrastructure 2007	Not Relevant
	Kosciuszko National Park—Alpine Resorts 2007	Not Relevant
	Kurnell Peninsula 1989	Not Relevant
	Major Development 2005	Not Relevant
	Mining, Petroleum Production and Extractive Industries 2007	Not Relevant
	Miscellaneous Consent Provisions 2007	Not Relevant
	Penrith Lakes Scheme 1989	Not Relevant
	Rural Lands 2008	Refer following section for Rural Land Review
	SEPP 53 Transitional Provisions 2011	Not Relevant
	State and Regional Development 2011	Not Relevant
	Sydney Drinking Water Catchment 2011	Not Relevant
	Sydney Region Growth Centres 2006	Not Relevant
	Three Ports 2013	Not Relevant
	Urban Renewal 2010	Not Relevant
	Western Sydney Employment Area 2009	Not Relevant
	Western Sydney Parklands 2009	Not Relevant

4.4.1. SEPP No. 15 – Rural Landsharing Communities

The Gwydir Shire is included in schedule 1 of SEPP 15, as Yallaroi Shire, and therefore an assessment Rural Landsharing is required.

The proposal is consistent with the principles set out under State Environmental Planning Policy No 15—Rural Landsharing Communities.

1. Despite any provision in an environmental planning instrument concerned with the use of land for the purposes only of a dwelling or dwellings (as the case may be) in rural or non-urban zones, development may, with the consent of the council, be carried out for the purposes of 3 or more dwellings on land to which this Policy applies within such a zone if:

- a. the land comprises a single allotment not subdivided under the Conveyancing Act 1919 or the Strata Schemes (Freehold Development) Act 1973, and

Comment: the land comprises a single allotment not subdivided under the Conveyancing Act 1919 or the Strata Schemes (Freehold Development) Act 1973.

- b. the land has an area of not less than 10 hectares, and

Comment: At 250 hectares, the land is greater than 10 hectares

- c. the height of any building on the land does not exceed 8 metres, and

Comment: No building height will exceed 8 meters

- d. not more than 25 per cent of the land consists of prime crop and pasture land, and

Comment: The land has been retained as native pasture for grazing of cattle, thus no more than 25 per cent of the land consists of prime crop and pasture land

- e. the part of the land on which any dwelling is to be situated is not prime crop and pasture land, and

Comment: The dwellings will not be situated on any land considered prime crop or pasture land.

- f. the part of the land on which any structure or work is to be situated is not land that is a wildlife refuge, wildlife corridor or wildlife management area and development and management of the rural Landsharing community does not adversely affect any area identified as a wildlife refuge, wildlife corridor or wildlife management area, and

Comment: The land on which any structure or work is to be situated is not land that is a wildlife refuge, wildlife corridor or wildlife management area nor will any development or management of the rural Landsharing community adversely affect any area identified as a wildlife refuge, wildlife corridor or wildlife management area.

- g. the development is not carried out for the purposes of a motel, hotel, caravan park or any other type of holiday, tourist or weekend residential accommodation, except where development for such purposes is permissible under the provisions of another environmental planning instrument in the zone, and

Comment: The development is not to be carried out for the purposes of a motel, hotel, caravan park or any other type of holiday, tourist or weekend residential accommodation.

- h. the part of the land on which any structure is to be situated does not have a slope in excess of 18 degrees, or has been determined not to be prone to mass movement, and

Comment: the part of the land on which any structure is to be situated does not have a slope in excess of 18 degrees nor has it been determined to be prone to mass movement.

- i. the aims of this Policy are met.

Comment: The development fulfils the aims of the policy

In consideration of the application in pursuance of this clause, the council must take into consideration the following matters:

- a. the means proposed for establishing land ownership, dwelling occupancy rights, environmental and community management to ensure the aims and objectives of this Policy are met

Comment: The objectives of these issues are all met by the application

- b. The area or areas proposed for erection of buildings, including any proposals for the clustering of buildings

Comment: The area proposed for erection of building is suitable for construction

- c. The area or areas proposed for community use (other than areas for residential accommodation and home improvement areas)

Comment: The areas proposed for community use are suitable for this usage

- d. The need for any proposed development for community use that is ancillary to the use of the land

Comment: The proposed development will allow management to live on site which allows greater access to the dog breeding facility

- e. The availability and standard of public road access to the land

Comment: Public road access is available to the site

- f. The availability of a water supply to the land for domestic, agricultural and fire fighting purposes and, where a proposed water supply is from a river, creek, dam or other waterway, the effect upon other users of that water supply

Comment: There is a supply of water available from a number of dams in addition to rainwater collected as a potable water source. A fire fighting trailer is maintained on the property.

- g. If required by the applicant, the availability of electricity and telephone services

Comment: Not applicable

- h. The availability of community facilities and services to meet the needs of the occupants of the land

Comment: All available community facilities meet the needs of the occupants of the land

- i. Whether adequate provision has been made for waste disposal from the land

Comment: Waste disposal is adequate and is discussed in detail in this document

- j. The impact on the vegetation cover of the land and any measures proposed for environmental protection, site rehabilitation or reafforestation

Comment: The proposal will have minimal impact on vegetation cover

- k. Whether the land is subject to a risk of flooding, bush fires, landslip or erosion or whether there are areas with actual or potential acid sulfate soils and, if so, the adequacy of any measures proposed to protect occupants, buildings, internal access roads, service installations, and land adjoining the development from any such hazard

Comment: The land is not significantly subject to any risk of flooding, landslip, erosion or has actual or potential acid sulfate soils. The land is classified as bushfire prone, this is addressed below in section 5.16.

l. The visual impact of the proposed development on the landscape

Comment: The proposal will have minimal visual impact

m. The effect of the proposed development on the present and potential use, including agricultural use, of the land and of lands in the vicinity, including the need for separation and buffers to avoid land use conflicts

Comment: There are no identified or expected land use conflicts

n. Whether resources of coal, sand, gravel, petroleum or other mineral or extractive deposits will be sterilised by the proposed development

Comment: Not applicable

o. The effect of the proposed development on the quality of the water resources in the vicinity

Comment: The proposal will have no effect on the quality of water resources in the vicinity

p. Any land claims by local Aborigines and the presence of any known Aboriginal relics and sites

Comment: Not applicable

q. The impact of the proposed development on any heritage item, relic or site, or on their curtilages

Comment: Not applicable

r. Whether the land has been identified by the council as being required for future urban or rural residential expansion

Comment: Not applicable

s. Whether the development would benefit an existing village centre suffering from a declining population base or a decreasing use of the services provided in that centre.

Comment: Not applicable

4.4.2. SEPP No. 30 – Intensive Agriculture

The aims of this Policy (SEPP No.30) are:

- a. to require development consent for cattle feedlots having a capacity to accommodate 50 or more head of cattle, and piggeries having a capacity to accommodate 200 or more pigs or 20 or more breeding sows, and

- b. to provide for public participation in the consideration of development applications for cattle feedlots or piggeries of this size, and
- c. to require that, in determining a development application for cattle feedlots or piggeries of this size, the consent authority is to take into considerations so as to achieve greater consistency in environmental planning and assessment for cattle feedlots and piggeries.

Comment: As this development does not fall under the category of cattle feedlot nor piggery, SEPP No. 30 is not applicable to this application.

4.4.3. SEPP No. 44 – Koala Habitat Protection

The Gwydir Shire is included in schedule 1 of SEPP 44, as Yallaroi Shire, and therefore an assessment of Koala Habitat is required.

In accordance with SEPP 44, “Potential Koala Habitat is defined as areas of native vegetation where the trees species listed in Schedule 2 of SEPP 44 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component in the remnants. The site contains several large areas of remnant vegetation as such the site could be considered “Potential Koala Habitat”, although no confirmed sightings have ever been recorded for the area.

Assessment of the site indicated that there is potential for Koalas to pass through the area. This site however, is not considered core koala habitat as there are no known populations residing in the area.

4.4.4. SEPP No. 55 – Remediation of Land

Inspection of the property did not identify any visible contamination and it was accordingly determined that no further investigation is required.

4.4.5. SEPP Rural Lands 2008

The proposal is consistent with the principles set out under the Rural Lands SEPP for rural subdivision and dwellings.

Under this SEPP the consent Authority must take into account the following:

- (a) the existing uses and approved uses of land in the vicinity of the development,

Comment: existing uses of the proposed land and adjoining lands are grazing, cultivation and rural residential.

- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,

Comment: the proposed development is unlikely to have a significant impact on existing or future land use.

- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),

Comment: The proposed development would not result in a significant change of use of the land and therefore would not be incompatible with the existing use of the land or those adjoining.

- (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,

Comment: Not applicable

- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

Comment: No measures are required.

4.5. Environmental Planning and Assessment Regulation 2000:

The Environmental Planning and Assessment Regulation 2000 requires that certain documents must accompany a development application. This Statement of Environmental Effects and its attachments satisfy these requirements.

4.5.1. Local Environmental Plan

The proposal falls under the Gwydir Shire Council Local Environment Plan 2013. The subdivision extends across the Shire boundary into the Inverell Shire. Discussion with both Councils has indicated that the application is to be lodged with the Gwydir Shire and they will refer the application to the Inverell Shire for comment.

4.5.2. Land Use Zoning

The subject land is zoned as RU1 – Primary Production under the Gwydir Shire Local Environment Plan 2013 (The LEP). The proposed development is permissible with consent from Council under Part 2 and Part 4 of the LEP.

The objectives of the zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

Comment: The proposed development allows financially and environmentally sustainable industry.

- To encourage diversity in primary industry enterprises and systems appropriate for the area.

Comment: The development will encourage industry diversity within the region.

- To minimise the fragmentation and alienation of resource lands.

Comment: The proposal does not fragment or cause alienation of resource lands in the area it allows the property to be spilt into more manageable units.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Comment: The proposal does not create conflicts between adjoining land uses as this proposal proposes only acceptable land uses.

The assessment of the proposed development has determined that the proposal conforms to the aims and objectives of the LEP & land use zone.

4.5.3. Development Control Plan

Gwydir Shire Council has no development control plans currently in force.

5. Environmental considerations

Items considered include matters set out under Section 79C of the *Environmental Planning and Assessment Act 1979*. A summary of the major points of that consideration follows.

5.1. Land Use Conflict

The proposed development is consistent with the zoning for the lot. The lots will continue to be used for approved purposes after this proposal. The proposal is considered as compliant within the zoning under the LEP.

5.2. Land Contamination

As there has been no agricultural production activity on this land, no contamination is foreseeable thus no environmental site assessment is necessary.

5.3. Water Resources

The proposal will not require any changes to any water source, natural or supplied, within the vicinity.

5.4. Flora and Fauna

The site has been only minimally cleared. The proposed development includes minimal physical works and therefore would only have minimal impact on any threatened species, communities or populations that may occur in the area. No further assessment of Flora and Fauna is required.

5.5. Soil

There is minimal physical alteration as result of this proposal and hence there is no chance of subsidence, slip or mass movement of the soil on site.

5.6. Erosion and Sediment Control

Land slope on the property varies across the site. Erosion is considered as a minor risk. However as the physical works required is minimal, erosion and sediment controls would not be required.

5.7. Salinity

No salinity risk is present on the land.

5.8. Waste

Municipal sewage is unavailable in the area and as such the existing infrastructure relies on onsite wastewater treatment systems to process and dispose of household effluent.

The transportable cabins will require a new onsite sewerage management system (OSSM) to be installed.

5.8.1. Solid Dog Waste

In accordance with the “NSW Animal Welfare Code of Practice No. 5 – Dogs and Cats in Animal Boarding Establishments” section 4.3, droppings, bedding, food wastes and animal bodies will be disposed of promptly and hygienically. Waste will not be incinerated on site but will be composted using a windrow system in accordance with the Department of Environment and Conversation (NSW) “Environmental Guidelines on Composting and Related Organics Processing Facilities”.

Manures are classified by the Office of Environment and Heritage (NSW) as a “Category 2” organic but as the volume of waste expected will be below the threshold outlined in the Protection of the Environment Operations Act (POEO) 1997 No 156: Schedule 1, no licence will be required.

Specifically, pet waste, either composted or uncomposted, will not be used in or near crops intended for human consumption due to the variety of pathogenic organisms that can transmit illness to humans nor will it be used in areas where children are likely to play, but will be used for on ornamental crops, turf, and forestry areas with a low likelihood of human contact.

The commercial breeding facility will have droppings picked up on a daily basis and be incorporated into the composting disposal method. Outdoor runs and pens will be sited on flat areas and avoid areas subject to surface water runoff. If runoff occurs, gutters and downspouts will be installed on buildings to minimize runoff through pens, runs, and exercise areas. Where possible, outdoor pens and runs will be roofed, significantly decreasing the likelihood of waste runoff.

Diversions will be employed to keep rainwater from moving through exercise areas and runs. Berms or collection systems will be utilised to redirect contaminated runoff away from surface water or wellhead areas

Due to the nitrogen rich aspect of dog waste, the compost recipe will be made up on a 2:1 basis with a carbon rich material such as:

- Sawdust
- Chopped straw or hay
- Shredded newspaper
- Dog bedding
- Fallen leaves

The carbon source will be added to the dog waste as it is collected and placed in the composting bin. The compost will be kept dry until water is purposefully added.

Compost Pad

The compost pad will be constructed on a compacted sand and gravel pad that is 15cm thick to minimise potential leachate into the soil. The compost pad will be graded to a slope of approximately 3% with dikes located at either end to reduce runoff flow across the site. The compost pad will be 12m x 8m allowing a minimum separation of 1m between piles. This will allow for 3 piles to be constructed with a 3 month compost rotation.

The following minimum separation distances will be followed when positioning the pad:

Sensitive Area	Minimum Separation Distance (m)
Property Boundary	100
Residence	200
Private well or other potable water source	200
Wetlands or surface water (rivers, ponds, lakes)	200
Drainage Lines	25
Water Table (seasonal high)	2-5
Bedrock	2-5

Passively Aerated Windrows Method

The composting process employed will be the passively aerated windrows method. This method eliminates the need for turning by supplying compost material with aeration through perforated pipes embedded in each windrow. The horizontal piles formed will be 90cm in height and up to 2m wide, with a base of straw or other carbon-rich material. The length of the piles will be restricted by the composting pad size and will not exceed 5m.

The pipes will be 10cm in diameter and a minimum length of 2.5m, spaced approximately 30cm apart. Two rows of 1.2cm holes, spaced 30cm, will be drilled into the pipe. The ends of the pipes will be set in a foundation of porous gravel or sand surrounded by a grass filter strip to minimise potential leachate.

A constant temperature of 73°C will be maintained for at least 5 days to kill the harmful bacteria and parasites that can be contained in canine waste. To achieve these higher temperatures the compost windrows will be covered with black plastic and routinely monitored. After 3 months, the compost material will be mixed with the straw base and ready to spread.

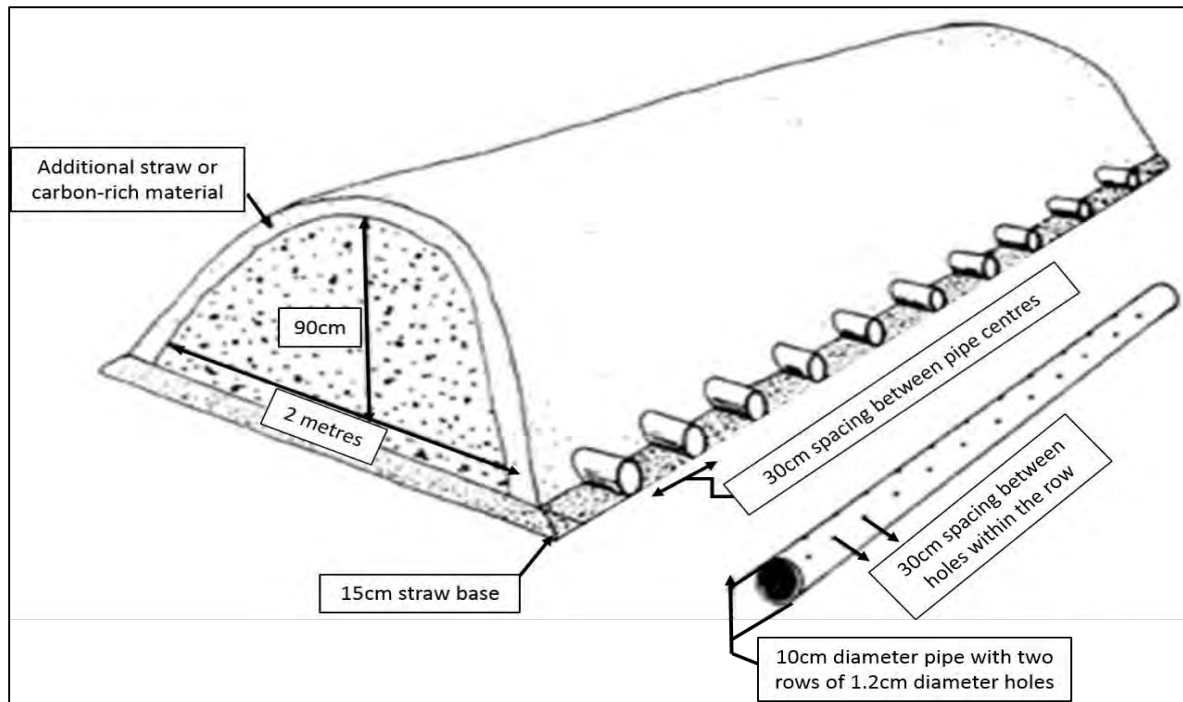


Figure 1 - Passively aerated windrow method for composting manure

Nutrient Balance

An average dog weighing 15kg produces 0.027kg of dry waste per day, given the dogs at Stockhaven will all be small breeds of dog this amount is expected to be less and the figures below represent the absolute maximum output. The number of dogs presented reflects the number of breeding bitches, male and working dogs. The progeny have been represented at a reduced number (factor of 0.5) due to their size. This is considered a very conservative estimate. We applied an extremely cautionary approach in determining the application rates for dog compost due to contention surrounding the use of dog manure as a nutrient supplement and the potential variance in concentration throughout the mix.

Note: 280 breeders + 20 male + 130 progeny + 20 working = 450 dogs

Daily Manure Weight (kg/day) = manure production rate, kg/day * number of dogs

$$= 0.0267 \text{ kg/day} * 450 \text{ dogs}$$

$$= \underline{12.015 \text{ kg/day}}$$

Nutrient Content (kg/day) = Daily Manure Weight, kg/day * Nutrient Content

Nitrogen (N) Content (5.21%)

$$= 12.015 \text{ kg/day} * 0.0521$$

$$= \underline{0.626 \text{ kg/day}}$$

Phosphate (P₂O₅) Content (2.5%)

$$= 12.015 \text{ kg/day} * 0.025$$

$$= \underline{0.3 \text{ kg/day}}$$

Potash (K₂O) Content (0.2%)

$$= 12.015 \text{ kg/day} * 0.002$$

$$= 0.024 \text{ kg/day}$$

These figures were used to determine the total production of dog manure per year, which is summarised in the following table.

	kg/dog/day	Dogs	kg/day	kg/week	kg/3months	kg/year
Solid Waste	0.02667	450	12	84	1,092	4,368
Nitrogen	0.00139	450	0.626	4.379	56.93	227.71
Phosphate (2.5%)	0.00067	450	0.27	0.757	9.84	39.36
Potash (0.2%)	0.00005	450	0.023	0.161	2.093	8.372

Note – The figures relate to the nutrient concentrations of raw dog manure and are conservative in calculating nutrient concentrations in compost.

Application Rate

Predicting the final nutrient content of composted manure is difficult as the process involves a reduction in the volume of manure and a change in the nutrient concentration. To determine the appropriate application rate of the compost we calculated the maximum yearly and quarterly application rates of the nutrient concentrations contained within the raw manure.

Maximum Applications	kg/ha/yr	kg/ha/3months
Nitrogen	200	50
Phosphate	88	22
Potash	30	7.5

The composting process increases the nitrogen concentration and this must be accounted for when determining a required area for spreading. A factor of 2 was applied to the nitrogen concentration to minimise potential over-application. The minimum area required for spreading based on nutrient concentrations is:

- Nitrogen – 2.28 Ha
- Phosphate – 0.45 Ha
- Potash – 0.28 Ha

While an area of 9.03 Ha is required, a total area 9.6 ha will be reserved for the spreading of compost with an area of 3.2ha used on a 3 month rotational basis. This additional area is allocated to further minimise any potentially negative environmental impacts from the distribution of the manure based compost. The location of the compost pad and spreading area are included in Appendix 5 in reference to the location of the dog kennels and homestead.

The use of dog waste compost will help improve soil structure which contributes to good aeration and moisture-holding capacity. It will be used as mulch material and as a soil

additive for revegetation, lawn establishment, and planting beds. It will not be used on crops grown for human consumption. When used in a potting mix or flower beds, a 25 percent compost blend will be used. As compost has a relatively high salinity it will not be used for germinating seedlings.

5.8.2. Wastewater from Operations

The routine cleaning of the main and primary kennels will result in the production of wastewater. This wastewater will drain via a guttering system to the south-eastern corner of the kennels, refer to Appendix 7. The water will then be collected and added to the composting process. This amount of waste will be negligible to the nutrient balance.

Due to the topography of the site there are no runoff concerns in relation to the transportable kennels.

5.8.3. Other Waste

Other waste, including domestic waste and waste from the dog breeding operations, will be disposed of in accordance with the Gwydir Shire Council “Waste Management Plan.”

5.9. Natural Hazards

The land is not subject to geological hazard such as volcanism, earthquake, or soil instability such as subsidence slip or mass movement. Part of the land is classified as bushfire prone land according to mapping provided by the Gwydir Shire Council /Rural Fire Service. This issues is address below. The existing residential dwelling and proposed development is considered to be flood free.

5.10. European Heritage

No heritage sites are present within the boundaries of the development.

5.11. Indigenous Heritage

Assessment of the site concluded that an Aboriginal heritage impact assessment was not required as the land contains no sensitive landforms. The probability of Aboriginal Archaeological artefacts being present on the site is minimal.

A search of the AHIMS register revealed 0 results on the properties or closely located around the properties. A copy of this report is attached as Appendix 6.

5.12. Visual and Noise Impact

No significant visual or noise impacts are foreseen regarding the development. The dog breeding facility is considered to be sufficiently isolated from other residences in order to limit the impact of dog barking relating noise on the local ambience.

5.13. Transport

The dog breeding facility is located approximately 700m off Onus Road. Onus road is a bitumen sealed road that carries mainly traffic related to residential and agricultural purposes. The number of scheduled dog movements and operational trips for the facility operating at full capacity are detailed in the following table:

Scheduled Activities	No. of Trips Per Week
<i>Dog Movements</i>	
Dog Transport	2
<i>Operational Movements</i>	
Veterinary Visits	0.5
Food + Supplies	1
Staff Access	15
Total	18.5

5.14. Access and Parking

Access to the property is currently unsuitable for the facility. A new road will be constructed to the site with access from Onus Road (Appendix 5). This new road will be a minimum of 2m in width and suitable for 2WD.

There are no issues with parking in relation to this development.

5.15. Services

No services are required as part of this development.

5.16. Social and Economic Impacts

The development will generate employment in the area thus has a positive impact on wider economic factors.

5.17. Fire Safety

Part of the land is classified as bushfire prone land according to mapping provided by the Gwydir Shire Council /Rural Fire Service. Accordingly, a SMK Consultants have undertaken a ‘Bushfire Attack Level Risk Assessment’ as prescribed by the NSW Rural Fire Service.

Property Overview

The property bordered to the east by cleared cultivation country thus there is minimal fire risk on its eastern side. The northern and southern sides of Lot 95 is thick vegetation. This poses considerable risk of fire danger to the property and would need to be addressed by the property owner via fire breaks in the event of an emergency. The area surrounding the dog breeding facility and homes is kept as short grass only for a distance of approximately 50 m to 100 m. This is considered to be acceptable in relation to an appropriate fire buffer zone.

Bushfire Attack Level Risk Assessment

The Bushfire Attack Level Risk Assessment conducted by SMK Consultants is attached to this report as Appendix 8. This assessment concluded that there is no significant risk posed to the development by bushfire.

Bushfire Evacuation

There are adequate areas of cleared vegetative to allow occupants of the farm to evacuate to on the eastern side in the event of a fire occurrence threat from the north or south.

5.18. Cumulative Impacts

When considered in the context of the zoning and surrounding land uses, it is concluded that there will be limited adverse cumulative impacts resulting from this proposal.

5.19. Welfare of Animals.

At no stage has there been any question regarding the welfare of the animals. The RSPCA inspected the facility on the 15th January 2015 and found the facilities were not up to code with respect to record keeping and pen dimensions. Every animal on the site was inspected by RSPCA veterinarians and none were found to be in poor health. Furthermore, no animal was removed due to poor health. Accordingly, there is no evidence to suggest any animal has, or is, being mistreated.

5.20. Site Design

Appendix 1 shows the proposed subdivision layout while appendices 2-4 show the design of the developments' facilities.

6. Conclusion and Recommendations

The following points provide a summary of this investigation into the proposed subdivision and development of Lot 95 DP754861.

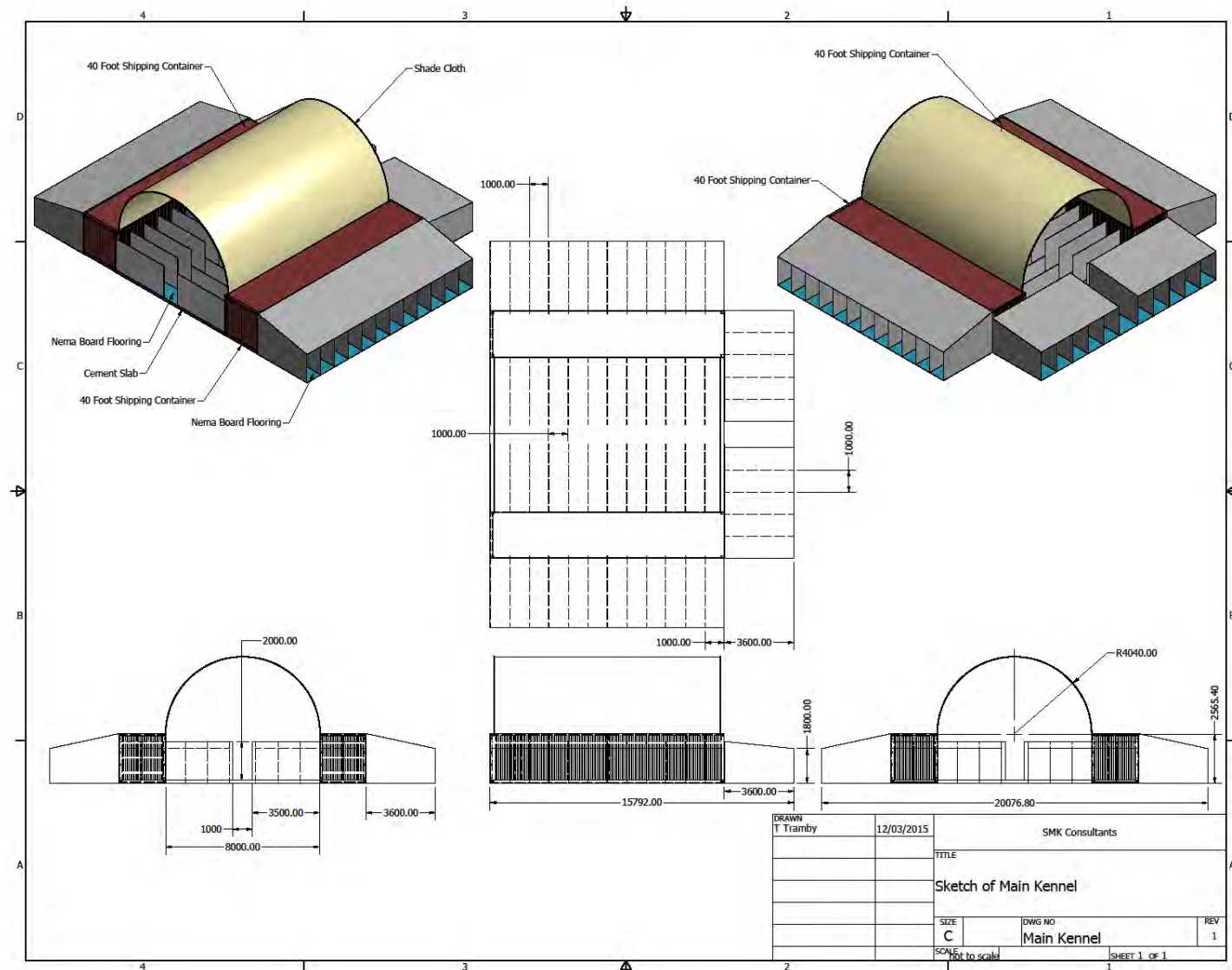
The findings of this *Statement of Environmental Effects* include –

- The proposal is considered to comply with local planning guidelines and objectives of the Gwydir Shire Council *Local Environmental Plan 2013* and applicable *Development Control Plans*;
- The proposal is not considered to have any significant environmental impact and does not pose any significant conflict with the health or amenity of the surrounding populace; and
- The proposal does not appear to pose any adverse effects to the social or economic fabric of the locality.

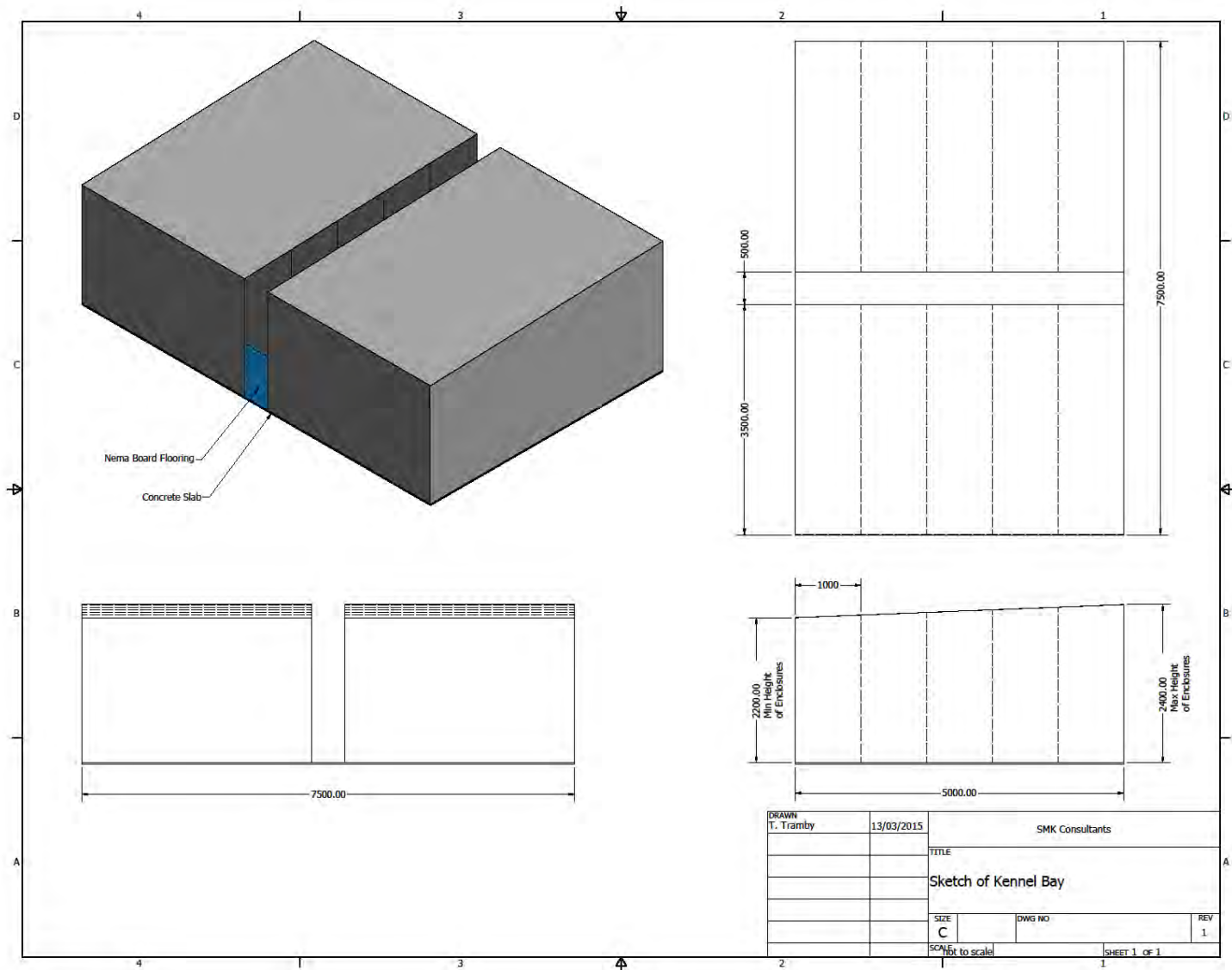
NOTES: This plan was prepared for the client noted below as a proposed subdivision. In anticipation of a subdivision application to the local authority, it should not be used for any other purpose. The dimensions, areas, and total number of lots hereon are subject to field survey and also to the requirements of the local authority and any other relevant legislation. In particular, no reliance should be placed on this plan for any financial dealings involving the land. This note is an integral part of this plan.

CL ENT: Michael Flanagan		PROJECT: PROPOSED SUBDIVISION OF LOT 95 IN DP 754861		1 of 1	
SCALES: <u>GRAPHIC</u> DATUM: <u>LOCAL</u>		A3 SMK CONSULTANTS Surveying - Irrigation - Environmental PO BOX 774 MOREE 2400 PHONE (02) 67 521021		DESCRIPTION: PROPOSED SUBDIVISION PLAN REVISION: A FIRST ISSUANCE DATE: 1-8-2011	

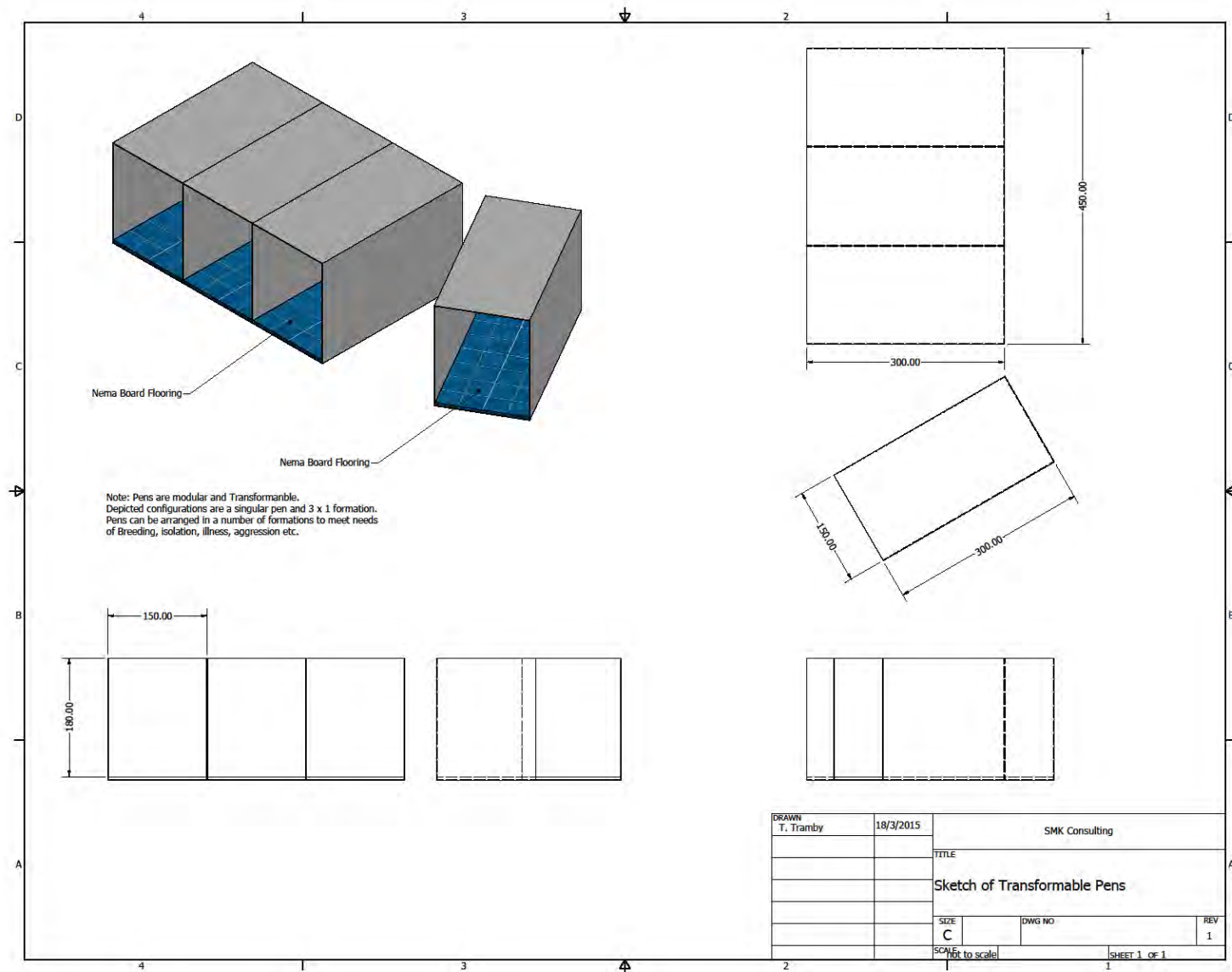
Appendix 2 – Preliminary Sketch of Main Kennel



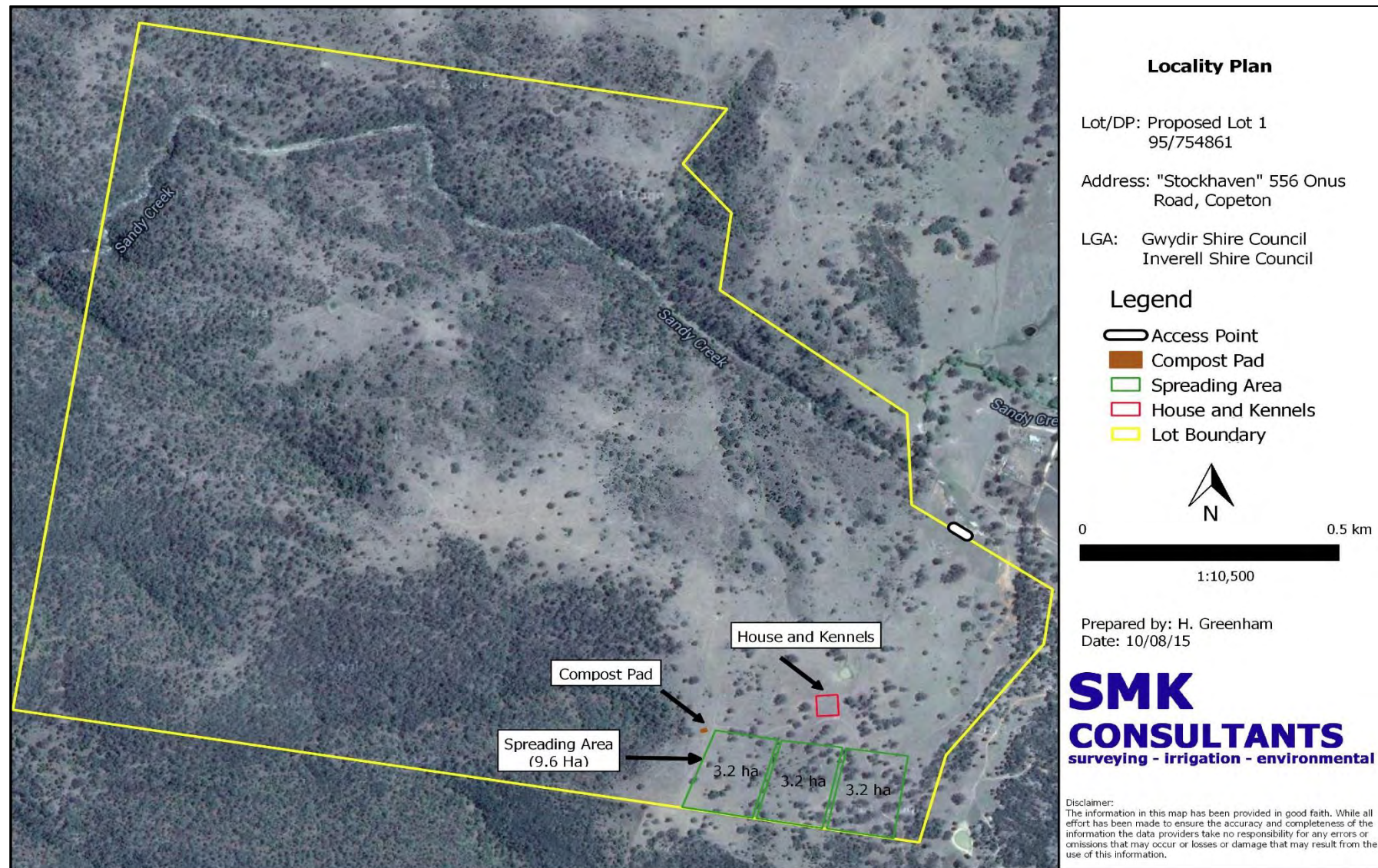
Appendix 3 – Preliminary Sketch of Kennel Bay



Appendix 4 – Preliminary Sketch of Transformable Kennel



Appendix 5 - Location of Compost Pad and Spreading Areas



Appendix 6 – AHIMS Search Results



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 15-61

Client Service ID : 165652

SMK Consultants

P O Box 774

Moree New South Wales 2400

Attention: Tom Tramby

Email: tom@smk.com.au

Date: 12 March 2015

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 95, DP:DP754861 with a Buffer of 50 meters, conducted by Tom Tramby on 12 March 2015.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

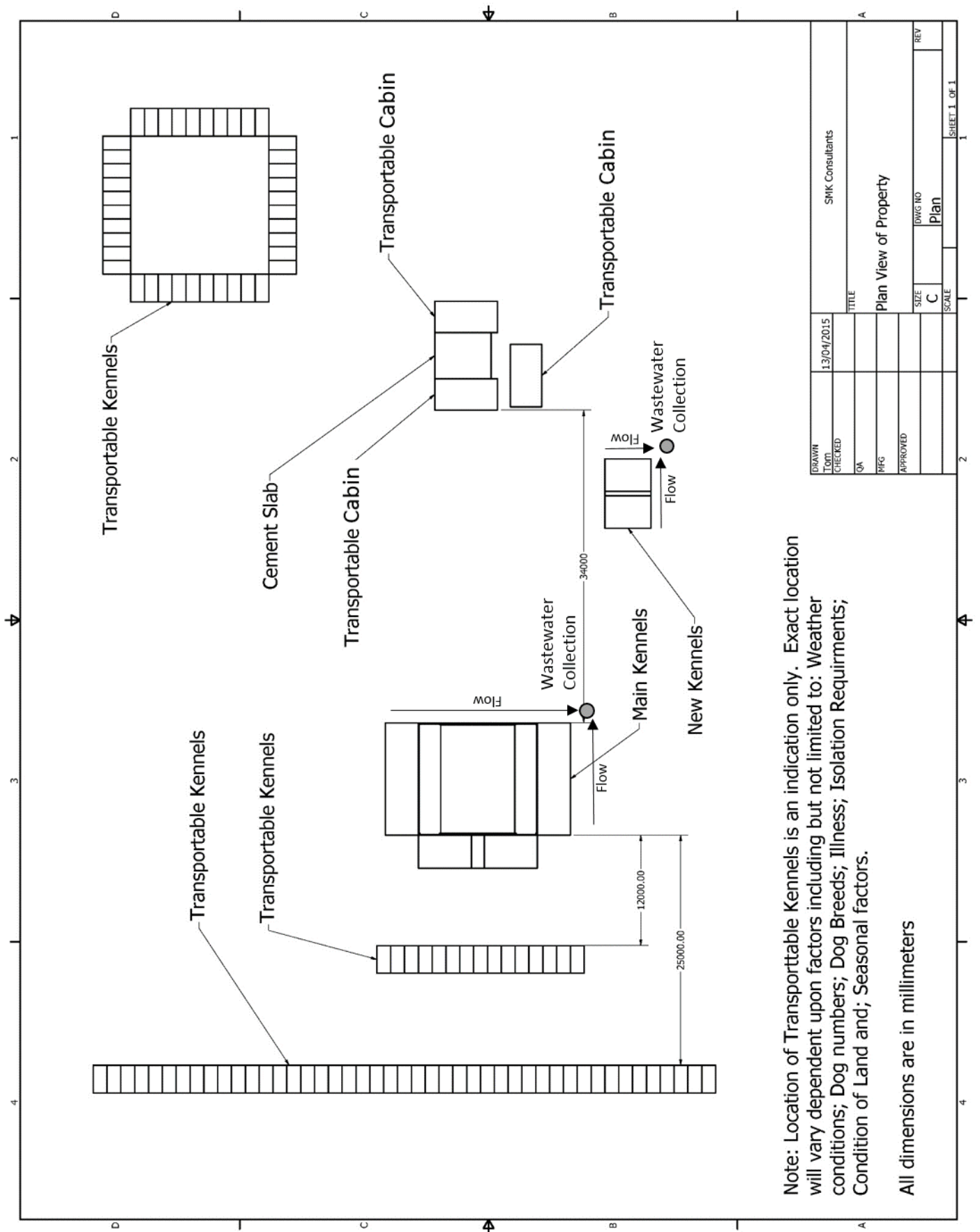
If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings.
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Appendix 7 – Plan View



Appendix 8 – Bushfire Attack Level Risk Assessment

PRINT OUT & ATTACH THIS BAL RISK APPLICATION FORM WITH YOUR COMPLYING DEVELOPMENT APPLICATION

SECTION TWO - BAL RISK APPLICATION FORM (To be detached and submitted)

PART A Property Details

Applicants Name: Michael Flanagan

Contact Phone Number: (H): (.....) (M):

Council: Gwydir Shire Council Reference (if known):

Lot: 95 DP: 754861

Address to be developed: "Stockhaven", 556 Onus Road, Copeton 2360

My property is on Bush Fire Prone Land: ☒ Yes ☐ No

PART B Type of Proposal

Type of Proposal:	Zoning:
<input checked="" type="checkbox"/> New Dwelling	<input type="checkbox"/> Residential
<input type="checkbox"/> Alteration/Additions to an existing building	<input checked="" type="checkbox"/> Rural

Proposal Description: e.g. two storey house with attached garage Relocatable Home and Animal Boarding or Training Establishment

Copy of plans attached: ☐ Yes

Copy of any relevant photos attached: ☐ Yes

Assessment fee attached: ☐ Yes

Other submission requirements ☒ Yes

NOTE: The RFS will not be able to undertake a BAL Risk Assessment unless all necessary information has been submitted.

PART C Bush Fire Development Standards

Does your proposal meet all the relevant Development Standards for your land zoning? (See Section 1 - Part C)

☒ Yes

☐ No

☐ Unknown

NOTE: If your proposal does not satisfy all the development standards for your land zoning, you may need to reconsider your application for complying development or contact a qualified bush fire consultant for more information.

PRINT OUT & ATTACH THIS BAL RISK APPLICATION FORM WITH YOUR COMPLYING DEVELOPMENT APPLICATION

PART D

BAL & Risk Assessment

Step 1: Assess the vegetation about the proposed building in all directions.

CATEGORY	NORTH	EAST	SOUTH	WEST
Converted vegetation (See Vegetation Chart)	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest
	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland
	<input checked="" type="checkbox"/> Tall Heath	<input checked="" type="checkbox"/> Tall Heath	<input checked="" type="checkbox"/> Tall Heath	<input checked="" type="checkbox"/> Tall Heath
	<input type="checkbox"/> Short Heath	<input type="checkbox"/> Short Heath	<input type="checkbox"/> Short Heath	<input type="checkbox"/> Short Heath
	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga
	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest
	<input type="checkbox"/> Grassland	<input type="checkbox"/> Grassland	<input type="checkbox"/> Grassland	<input type="checkbox"/> Grassland
	<input type="checkbox"/> Managed Land	<input type="checkbox"/> Managed Land	<input type="checkbox"/> Managed Land	<input type="checkbox"/> Managed Land

Step 2: Determine the distance from the building line to the vegetation in each direction as above

ASPECT	NORTH	EAST	SOUTH	WEST
Distance	>1000 m	650 m	750 m	700 m

Step 3: Determine the effective slope that will influence bush fire behaviour in each direction

CATEGORY	NORTH	EAST	SOUTH	WEST
Slope under the hazard (over 100m) [in degrees]	<input type="checkbox"/> upslope/flat	<input checked="" type="checkbox"/> upslope/flat	<input checked="" type="checkbox"/> upslope/flat	<input checked="" type="checkbox"/> upslope/flat
	<input checked="" type="checkbox"/> >0 to 5	<input type="checkbox"/> >0 to 5	<input type="checkbox"/> >0 to 5	<input type="checkbox"/> >0 to 5
	<input type="checkbox"/> >5 to 10	<input type="checkbox"/> >5 to 10	<input type="checkbox"/> >5 to 10	<input type="checkbox"/> >5 to 10
	<input type="checkbox"/> >10 to 15	<input type="checkbox"/> >10 to 15	<input type="checkbox"/> >10 to 15	<input type="checkbox"/> >10 to 15
	<input type="checkbox"/> >15	<input type="checkbox"/> >15	<input type="checkbox"/> >15	<input type="checkbox"/> >15

Step 4: Determine the Fire Danger Index (FDI) that applies to your local government area (council). Tick the relevant FDI below

FDI	<input type="checkbox"/> 100 (see Table 4, page ?)	<input checked="" type="checkbox"/> 80 (see Table 5, page ?)	<input type="checkbox"/> 50 (see Table 4, page ?)
-----	--	--	---

Step 5: Match the relevant FDI, vegetation, distance and slope to determine the required APZ and Construction level

Identify the bushfire attack level for each direction, select the highest level for the entire building and record below. Note BAL-12.5 is the lowest construction level within the scope of AS3959.

Identify the Bushfire Attack Level (BAL) below:

<input type="checkbox"/> BAL- FZ	<input type="checkbox"/> BAL- 40	<input type="checkbox"/> BAL- 29	<input type="checkbox"/> BAL-19	<input type="checkbox"/> BAL- 12.5	<input checked="" type="checkbox"/> No requirement
----------------------------------	----------------------------------	----------------------------------	---------------------------------	------------------------------------	--

NOTE: BAL-40 and BAL-FZ are considered higher risk development and do not constitute complying development. You are advised to consult with a qualified bush fire consultant for more information.