

DA 117/16/DA/D2

Dog Breeding Facility

Lot 2 DP 701027

677 Barnes Road, Finley 2713

Development application with comprehensive supporting information submitted to Council after pre – DA meeting with proponents.

The development is an activity that is permitted in the RU1 – Primary Production Zone under Berrigan Local Environmental Plan 2013 with the consent of the Council. The activity is classified as an ‘Animal boarding or training establishment’ under the Land Use Table for the zone and is further clarified in the Dictionary to the Plan to include ‘a building or place used for the breeding of animals for commercial purposes’.

Upon receipt of the application the 5 surrounding property owners were notified of the proposal and invited to comment. Please note that the proponent visited all property owners personally to discuss the proposed development prior to the submission of the application.

No submissions were received by Council.

It should be noted that the development was to be undertaken on the site of an approved boarding kennel establishment that had recently ceased operation. The proposed use was considered an adaptive reuse of the existing facility and included the erection of an additional purpose built shed to house the additional animals.

The supporting information indicated that the proponent understands the obligations and requirements of the NSW Welfare Code of Practice for the Breeding of Cats and Dogs that has been produced by the NSW Department of Industry & Investment.

As the information provided was sufficient to assess the proposal under the provisions of the NSW Environmental Planning & Assessment Act 1979, and that there were no submissions objecting to the proposal, consent was granted

under delegated authority. Please note that there were no real grounds for refusing the proposal and, if it had been refused, there would have been the likelihood that any refusal may have been challenged in the Land and Environment Court.

Conditions of consent include the requirement for the proponent to prepare an Environmental Management Plan for the approval of the Council prior to the commencement of operations at the site. This would require an inspection of the site by Council staff to ensure that the activity meets acceptable standards. The provision of an appropriate water storage to cater for the animals welfare during the shutdown of the channel water supply would be an essential component of this Plan.

In addition the consent requires the proponent to comply with the provisions of the Animal Welfare Code of Practice.

At this time the proponent has not applied for a construction certificate for the erection of the new shedding and outdoor enclosures.

Advice from the proponent indicates that he is committed to the development and will undertake this in a responsible manner however there is no indication of when this might take place.

With regards to Pam Edwards I understand that she has a small number of animals which have the occasional litter however she does not operate on a commercial basis.