

SUMMARY OF SUBMISSIONS

River Road, Hopeland #324 (L1087) 37100 - Proposed Kennel

Referral Period 18 January 2013 to 8 February 2013

Submitter	No	Submitter Comment	Response
Department of Housing	1.	<p>Background</p> <p>The Department of Housing (DoH), is lodging the following submission. DoH is the owner of a significant parcel of land at Keralup, approximately 680 metres to the south of the subject land. DoH has been progressing the planning of Keralup in the form of amendments to the Metropolitan and Peel Region Schemes, City of Rockingham Town Planning Scheme and the preparation of a District Structure Plan (DSP) to accommodate the development of a new inland city.</p> <p>The Keralup landholding is presently zoned 'Rural' and 'Urban Deferred' under the Metropolitan Region Scheme (MRS) and 'Rural' under the Peel Region Scheme (PRS). The Western Australian Planning Commission (WAPC) approved an MRS Amendment for approximately 114.7ha of land at Keralup West, to 'Urban Deferred' on 28 December 2012. The DoH will be pursuing rezoning of the balance of the land to 'Urban' under the MRS and 'Urban Deferred' under the PRS in order for the landholding to be developed for urban uses in the future.</p> <p>Of particular relevance to the Keralup project is the separation distance to sensitive land uses and the significant impacts that the proposal will have on the future development potential and amenity of Keralup. This aspect will be discussed in further detail below.</p> <p>A DSP has been lodged with the WAPC, City of Rockingham and Shire of Murray in July 2010. The DSP has been informed by a series of detailed studies, including environmental, integrated transport and economic development studies. The DSP will provide an overarching framework for the development of land and establish the general principles for land use and design layout. Through review of the information made available from the Shire, we believe that the proposed development could significantly impact on the future development of Keralup and amenity for nearby residents.</p>	<p>Dismiss</p> <p>Stage 1 Keralup is over 5km away. Other stages have not yet commenced the lengthy rezoning process.</p> <p>Location of the kennels to the Keralup land is approximately 850 metres.</p> <p>Whilst the submitter has indicated the future area may be urban and urban deferred, the sub regional strategy is still draft and no rezoning has been undertaken less than 5km from the proposal.</p> <p>EPA recommends a buffer distance of 1,000 metres in or near urban areas and 500 metres in rural areas however the land has not yet commenced rezoning.</p> <p>Therefore, the kennels currently achieve a sufficient separation distance.</p> <p>Conditions can be placed to ensure the kennel operation remains in the current location and is not relocated any closer towards the future Keralup urban area.</p> <p>Acknowledging the future possible urban south of the site, it is recommended a five year approval be granted.</p>

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		<p>In accordance with the Environmental Protection Authority's (EPA) <i>Guidance Statement 3: Separation Distances Between Industrial and Sensitive Land Uses</i>, buffer zones are required between industrial and sensitive land uses to avoid conflicts between incompatible land uses. The protection of sensitive land uses from industrial land uses is provided through the identification of suitable buffers at the strategic and structure planning stages of the planning process. Generic separation distances have been developed by the EPA and include separation distances for dog kennels. These generic buffer distances are considered applicable by the EPA and Department of Conservation (DEC) in assessing land use applications.</p> <p>In respect of dog kennels, the EPA recommends a buffer distance of 1,000 metres in or near urban areas and 500 metres in rural areas. Given Keralup is identified for future urban development, the 1,000 metre separation distance is to be applied. Site specific data and assessments, with supporting technical information and testing (as necessary) may justify a reduced separation distance, provided these are completed in accordance with the expectations of the DEC and local government. However, in the absence of this site specific data, the generic buffer distances should apply.</p> <p>Future development will need to consider the impact of this use and be consistent with the EPA's <i>Guidance Statement 3: Separation Distances Between Industrial and Sensitive Land Uses</i> to mitigate potential impacts on surrounding land uses. From preliminary review of the Development Application plans it is estimated that the subject land is located approximately 680 metres to the north of Keralup, therefore based on the generic separation distance recommended by the EPA, a land use buffer would extend approximately 320 metres into Keralup from the northern boundary. As the buffer will encroach on land identified on the DSP as residential and mixed use this will have significant impacts on the ability to develop this portion of the site for residential purposes.</p>	

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		<p>In addition, the noise and odour impacts associated with the dog kennels may diminish the amenity of the local area and contribute to a loss of residential density and diversity.</p>	
		<p>As you are aware, the Department of Planning are progressing the sub-regional structure planning for the locality. It is likely that the sub-regional structure plan will identify other land within the vicinity of Keralup for future urban development. Consequently, the proposed development could potentially impact future residential development identified within this document.</p> <p>The proposed development, within close proximity to Keralup must take into consideration separation distances required to sensitive land uses and it is the DoH's expectation, that on the basis of orderly and proper planning, any buffers associated with the proposed land use do not have any undesirable impact on the future development potential of Keralup for residential and other sensitive land uses. It should be necessary for the proponent to take all reasonable and practicable measures to prevent or minimise emissions from their premises to surrounding sensitive land uses.</p> <p>Given the recognised development potential of Keralup, the proponent should provide supporting technical evidence that the kennels will not impact on the amenity of future residents within the Keralup development. This supporting evidence should be reviewed and approved by the DEC to ensure the criteria for noise and odour impacts have been adhered to.</p>	

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		<p>Case Study The EPA provided comment in Bulletin 987 on the Southern River - Forrestdale-Brookdale-Wungong Draft Structure Plan (WAPC) in 2000, and raised land use compatibility between existing dog kennels and proposed development as a key issue. The EPA discussed studies completed by the then Department of Environmental Protection (now DEC) in 2000 which looked at the buffer requirements associated with kennel areas. This study found that under the most critical climatic and temporal conditions, noise levels associated with the kennel areas meet the Environmental Protection (Noise) Regulations 1997 at a distance of 1,000 metres, while the Regulations are exceeded by approximately 9 dB(A) at 500 metres from the kennel areas (EPA, 2000).</p> <p>The results of these studies indicate that residences located within 1,000 metres of dog kennels may be impacted by noise in excess of the noise regulations.</p> <p>Conclusion We wish to reiterate our concern of the proposal on the Keralup development due to the limitations being imposed on the use and development of Keralup. We suggest that it should be the responsibility of the proponent to demonstrate, to the satisfaction of the DEC and Shire of Serpentine-Jarrahdale, that noise and odour will not detrimentally impact on future residents within Keralup.</p> <p>We reiterate our concern with the limitations the kennel proposal may place on the future use and development of Keralup, particularly as part of Keralup is located within 1,000 metres of the kennel site (i.e. extent of the EPA Buffer for a kennel in proximity to urban development). However, we acknowledge the Shire's comments in regard to the current zoning of Keralup East as 'rural' and the uncertainty of the timing of the rezoning process. We can confirm that DOH is progressing with the rezoning for Keralup East, with a</p>	

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		<p>request to rezone the land to be lodged in due course. As a consequence and to protect the interests of the DOH, should the Shire approve the proposed use, we agree that any approval should be time limited as you outline below. In this regard, we recommend that any approval shall be limited to a two year period, whereby the applicant is required to resubmit an application for a new approval / extension of time, every two years. This approach will allow the Shire to reassess the kennel use and its impacts, in the context of the approval of urban development within Keralup and its associated future development. In addition, this will ensure that the appropriate buffer distances can be applied until such time as the DOH obtains the appropriate approvals for Keralup and undertakes its development. The interests of the DOH will be better protected and will ensure the kennel use does not unduly limit the development potential of Keralup.</p> <p>Based on our calculations, the buffer extends approximately 80m into Keralup</p>	<p>The submitter had originally measured from the middle of the subject lot. After reviewing this, the submitter identified the proposal encroached into the 1000m urban buffer by only 80m. Given the land is still rural, the proposal easily achieves the rural buffer of 500m</p>
Serpentine Jarrahdale Residents & Ratepayers Association Inc	2.	<p>This Association has received numerous telephone calls from residents of River Road very concerned about the operating of unauthorised greyhound kennels in the area some 100 metres from surrounding properties in some instances.</p> <p>With reference to a Petition tabled at your last Full Council Meeting on 29th January, the Full Council unanimously voted to accept the Petition regarding the concerns of the residents.</p> <p>A development application was submitted approximately three months ago after some four (4) years of illegal operation. We are aware that SJ Council officers have chosen to allow the operating of these kennels whilst unauthorized and we are concerned that this will set a precedent.</p>	<p>There have been no complaints received in the last four years up to the date the plans were lodged with Council.</p> <p>Council records confirm there have been no previous issues with noise or dog related matters from Lot 1087 River Road Hopeland.</p> <p>Council's Planning staff do not consider it necessary to plan for a designated kennel zone in the Shire.</p>

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		<p>It is, therefore our recommendation that a defined designated dog kennel area be developed within the Shire in a timely manner. We note that there is pressure on the dog kennels in the northern areas to the Shire due to residential development and we fear that we could have these kennels relocated to our Shire with no jurisdiction as the Shire does not have in place safeguards for the community against this development.</p>	
<p>A & V Gow 371 River Road Hopeland</p>	3.	<p>The kennel is too close to River Road. I and my neighbours can hear the dogs barking and howling in the mornings and evenings. I object to it being in this location as it may set a precedent for the area.</p>	Refer above response.
<p>T Schwaiger 274 River Road Hopeland</p>	4.	<p>I do not support the approval of the proposed 'Dog Kennel' at the above location.</p> <p>Kennel Precedent Hopeland has no history of dog kennels. I am majorly concerned that should this kennel proposal be approved that it would set a precedent in Hopeland for more kennels to be approved significantly affecting the amenity of the area.</p> <p>Property Values My property in River Rd is 89 acres. It is a valuable property. Should such a kennel be approved I believe the value of my property would diminish significantly. Many people not wishing to live in an area with an approved 'kennel'. Other property owners in the street would also be similarly affected.</p>	<p>Refer above response.</p> <p>Land values are not a valid planning consideration.</p>
		<p>Noise The geography of Hopelands is flat flood plains - many properties are sparsely treed. As a result noise carries a long way. Although this application is a proposal I am aware that a number of dogs have been in residence in a shed on the proposed site. I have therefore experienced the dogs barking for quite some time and aside from during the day, have been aware of their barking 5.30am and 11.00pm, and during the night.</p>	<p>The owner is responsible for the management of the dogs and to control noise. If noise complaints are received they will be investigated by Council Rangers.</p>

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		<p>The blocks in River Rd are only 200 - 250m wide, this increases the density of housing around the immediate kennel site. There are 12 occupied houses within 800m of the kennel site.</p> <p>I hate to think how the more immediate neighbours who are probably only 100m from the kennel stand the barking when it is just about on their doorstep! Noise alone deters from the 'amenity' of our rural area.</p> <p>Shire of Serpentine-Jarradale Town Planning Scheme 2 5.10.2 Kennels (a) the approval shall be personal to the applicant and shall not be transferred to or assigned to any other person.</p> <p>The Development Application - Consultation and Referral Dog Kennel letter of advice I received gives no indication as to who this applicant is?</p> <p>Development Application The letter I received from the council stated that 'the applicant is seeking approval to establish and operate a licensed kennel facility for 17 dogs'.</p> <p>There is a lack of information in the application regarding the proposed kennel. An application should, at least, include the following:</p> <ul style="list-style-type: none"> • The number of adult dogs to be kept • Whether or not breeding to be carried out - if so, the anticipated number of litters per year. • Facilities to be provided - kennels, yards, training facilities etc • Design and location of all buildings and facilities • A plan showing all facilities and the position of the facilities in relation to adjoining properties. • Access arrangements 	<p>The applicant is related to the landowner.</p> <p>Plans submitted show kennels (cages) would be housed within an outbuilding.</p> <p>Racing And Wagering WA and Council's Ranger conduct health and welfare inspections that relate to the design and features of the kennels / cages.</p> <p>Access if off River Road.</p>

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L & P Webster 351 River Road Hopeland	5.	<p>Two things affect today's Ratepayers above all other things when choosing where to live - "Poultry Farms" & "Dog Kennels".</p> <p>Many Shires have regretted placing these two without looking into the future, ask Gosnells Shire the cost of relocating them has cost them dearly.</p> <p>Regarding Lot 1087, greyhound racing and kennel started as a hobby 4 years ago, we tolerated this thinking it would be short lived as the Department of Housing & Works sent out letters to owners from Lots 1090 to 1040, totalling some 950 acres, to adjoin Keralup for their future City." Since Labour lost the election, Liberals seem to be concentrating north of the River.</p> <p>While poultry farms mainly only have odour problems, Dogs if you've lived near them have noise above all else. Poultry have doctored beaks to stop cannibalism etc, dogs have muzzles mainly to stop barking & fighting, but it cannot prevent 'howling' which happens every feed time and especially on return from racing around midnight. This on a still night can carry ½ km as neighbours will confirm, should I suggest a call to the Rockingham Shire would be in order seeing their boundary is within the 1km range. While we're on the subject of Lots, (Law Relating to Keeping of Dogs - Part 4, Item 7a) -1087 is well within the 1km range which excludes 'Dog Kennels'.</p>	Refer response above.
P Duck 274 River Road Hopeland	6.	<p>The geography of Hopeland tends to be flat, as a result noise carries a long way.</p> <p>Barking and howling of dogs is not at all pleasant to live with. We have firsthand experience with this as we are neighbours to the proposed kennel site, which already has established kennels in operation for 10 - 15 dogs. It is a noise nuisance both day and night! Hopeland has no history of dog kennels.</p> <p>To establish dog kennels in Hopeland would adversely affect our environment, be a noise nuisance and be detrimental and prejudicial to residents and properties.</p>	Refer response above.
Murray Treloar Lot 2 Henderson Rd West HOPELAND	7.	<p>Being the owner / occupier of Lot 2 Henderson Rd West, Hopeland which is approximately 1 km from Lot 1087 River Rd, and the highest point in the area.</p> <p>I totally oppose the application of a greyhound kennel in our area due to excessive barking & howling day and night. This is severely</p>	Refer response above.

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		<p>affecting the peace and quiet of the area. What started as a hobby on the proposed site, has over time become a commercial establishment.</p> <p>I reject the application on the grounds of adversely affecting our environment, noise nuisance and being detrimental and prejudicial to residents and properties.</p>	
<p>Greyhounds WA CEO</p>	<p>8.</p>	<p>I have personally known the applicant for the past 14 years and I can attest to him being a fine young man with the utmost integrity, common sense and professionalism in his approach to his dogs and horses.</p> <p>The applicant is a past winner of the RWWA Young Achiever Award, a prestigious honour only given to a person that exhibits the finest of attributes.</p> <p>His involvement with greyhound racing sees him with much success and an unblemished record.</p> <p>Regular kennel inspections (by RWWA Stewards) also sees the applicants greyhounds kept in the highest of standards - clean, healthy and bright.</p> <p>The applicant is very aware of his responsibilities to his community and I am very confident that he would be prepared to address any concern that may arise and resolve it in an amicable manner.</p>	<p>Noted.</p>