

LOCAL PLANNING POLICY

LPP12: ANIMAL ESTABLISHMENTS

<i>Responsible Department</i>	Development Services
<i>Resolution Number</i>	C.2949
<i>Resolution Date</i>	15/02/2017
<i>Next Scheduled Review</i>	2021
<i>Related Shire Documents</i>	Local Planning Scheme No. 6
<i>Related Legislation</i>	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015

OBJECTIVES

The primary objectives of this Policy are to:

- (a) Ensure that animal establishments are undertaken in a sustainable manner;
- (b) Ensure that animal establishments do not have a significant negative impact on the natural environment; and
- (c) Ensure that animal establishments do not impact detrimentally on the amenity of adjoining landowners.

DEFINITIONS

The following are definitions that may be used as part of this Policy in addition to the definitions included in the Scheme:

“Animal Establishment” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.

“Building Envelope” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.

“Cattery” means the keeping of five or more cats over the age of six months for the purpose of boarding, breeding or training whether for commercial sale or for domestic purposes.

“Council” means the elected members of the Shire.

“Equine Facility” means the keeping, agistment or breeding of horses outside of the recommended Stocking Rates for commercial or domestic purposes and also includes a riding school or training facility.

“Horse(s)” means any breed or size of equine animal including donkeys, mules or ponies.

“Kennel” means the keeping of five or more dogs over the age of three months for the purpose of boarding, breeding or training whether for commercial sale or for domestic purposes.

“Large Animal” includes, but is not limited to, alpacas, llamas, goats, cattle, deer, sheep, poultry, camels, birds, emus and ostriches.

“Other Establishment” means the keeping of any other large animal for commercial purposes.

“Stables” and “stabling” shall be taken to mean facilities for the accommodation of horses or other large animals where each animal is housed or kept within an individual loose box, stall or yard.

STATUTORY POWERS

Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

Relationship of this Policy to the Scheme

If a provision of this Policy is inconsistent with the Scheme, the Scheme prevails. This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

POLICY STATEMENT

This Policy applies to all animal establishments in the Shire of Northam.

The Shire supports small business as part of a vibrant and diverse community and has a responsibility to regulate animal establishments to ensure these land uses are carried out in a safe and sanitary manner whilst preventing nuisances to neighbours and the surrounding environment. Compliance with this Policy will assist in providing a safe and sanitary service.

Kennels, Catteries, Equine Facilities and Other Establishments are classed as Animal Establishments and are not permitted in the Shire except in the "General Industry", "Rural", "Rural Smallholdings" and "Rural Residential" zones where they are a discretionary use under LPS6.

The Shire will not permit the establishment or maintenance of an animal establishment in any area if, in its opinion, such an establishment would adversely affect the environment, be a nuisance to or in any way be detrimental or prejudicial to adjoining residents and land.

An application for an animal establishment in the "Rural Residential" zone will be carefully scrutinised and may be refused due to the size of the land. An animal establishment will not be approved on land zoned "Rural Residential" if it is located within 1 kilometre of any "Residential" zoned land.

Nothing in this policy precludes compliance with the relevant State Government Legislation eg: the *Dog Act 1976*, the *Dog Regulations 1976*, the *Cat Act 2011* and the *Cat Regulations 2012* this includes the issuing of a licence for a kennel, cattery or a stable under the Shire Local Law as well as obtaining planning approval.

Applicants are reminded of general environmental responsibilities, as required by the *Environmental Protection Act 1986*, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm or a detriment to the locality.

Development Approval

In considering an Application for Development Approval, the Shire will require the following:

- (a) A cover letter to include:
 - The breed of animal proposed for the animal establishment;
 - The number of animals proposed to be housed in the animal establishment;
 - Whether the animal establishment is for boarding or breeding purposes or both;

- (b) If a structure or building is proposed to be constructed as part of the application the following information is required to be submitted with the application:
- Accurate **SCALED** (1:100, 1:200 or 1:500) floor plans incorporating the specific design criteria contained in this Policy including what materials are proposed to be utilised;
 - Three (3) copies of **SCALED** (1:100, 1:200 or 1:500) elevations of all sides of the structure, showing height of the wall and roof ridge measured from natural ground level;
- (c) Three (3) copies of **SCALED** (1:100, 1:200 or 1:500) site plan of the property showing distance of any proposed structure from property boundaries, existing structures and effluent disposal systems.
- (d) Details of any trees to be removed to allow for the commencement of the use or for the construction of any associated development.
- (e) Any other information the Shire may reasonably require to enable the application to be determined.

POLICY MEASURES

Kennels

1. *Design Criteria for a Kennel*

The following describes the minimum standard of construction for a Kennel within the Shire:

- (a) The walls of each kennel shall be constructed of concrete, brick, stone or steel framing sheeted internally and externally with good quality factory painted non-reflective steel sheeting or fibrous cement sheeting or other durable material approved by the Shire.
- (b) Dogs are to be housed singularly within walk in modules with an exercise yard attached to the module.
- (c) All internal and external surfaces are to be impervious and maintained as impervious.
- (d) The lowest internal height of any kennel shall be 2.4 metres from the floor.
- (e) The upper surface of the kennel floor shall be at least 10 centimetres above the surface of the surrounding ground, be constructed of concrete with a smooth impervious acid resistant finish graded to not less than 1:100 to a drain which shall be properly laid, ventilated and trapped in accordance with the effluent the wastewater disposal guidelines contained in this Policy.
- (f) Each yard for any kennel shall be kept securely fenced with a fence not less than 2 metres in height constructed of link mesh or netting, galvanised iron or timber.

- (g) Each kennel shall have a floor area of not less than 2.5 square metres for every dog kept therein over the age of three months.
- (h) All painted external surfaces shall be kept in good condition and be repainted with good quality paint every three years.
- (i) Gates for each yard shall be provided and fitted with proper catches or means of secure fastening.
- (j) The area of the yard adjacent to a kennel or group of kennels shall not be less than three times the area of the kennel or group of kennels.
- (k) Kennels are to be provided with adequate natural light and ventilation.
- (l) Kennels are to be designed and constructed to eliminate noise nuisance.
- (m) A separate food room is required. This room is to contain a sink of sufficient size to wash equipment, sealed to prevent vermin and fly access and have an external fly screened window for ventilation. The food is to be stored in metal cabinets and or refrigerators installed a minimum of 50mm above the finished floor level.
- (n) Kennels must have an isolation room to quarantine any sick or injured animals.
- (o) Kennels must have a separate "maternity" section to accommodate females and their litters.

2. Kennels Operation

The Shire will require that where an Applicant seeks to keep dogs in a kennel, the Applicant shall demonstrate to the satisfaction of the Shire:

- (a) That the kennel and yards are appropriate for the breed or kind of dog, sited and maintained in accordance with the requirements of public health and sufficiently secured.
- (b) That the dogs will be prevented to escape from the kennel or yard in which it is kept nor wander at large except for the purpose of reasonable exercise whilst under the control of a person.

3. Kennel Management Plans

An application for a Kennel must be accompanied by a Management Plan which demonstrates that:

- (a) The kennel, the yards, feeding and drinking vessels are to be maintained in a clean condition and be cleaned and disinfected at least once per day.
- (b) Reticulated water is available at the Kennel at all times via a properly supported standpipe and hose cock for the hosing down of the Kennel and floored yard.
- (c) Bedding for all dogs must be a minimum 300mm above the finished floor level.

- (d) A person in charge of the dogs must either reside on the Kennel establishment premises or within such reasonable close proximity as to enable effective control over the dogs.
- (e) Every part of the Kennel establishment must be maintained in a hygienic and clean condition, free from odour, flies, fleas, ticks and vermin.
- (f) Fire extinguishers are present within the Kennel.
- (g) All refuse, faeces and food wastes will be disposed of and how this will be achieved. All waste must be disposed of daily into an approved apparatus.

Catteries

1. *Design Criteria for a Cattery*

The following describes the minimum standard of construction for a cattery within the Shire:

- (a) The walls of each cattery shall be constructed of concrete, brick, stone or steel framing sheeted internally and externally with good quality factory painted non-reflective steel sheeting or fibrous cement sheeting or other durable material approved by the Shire.
- (b) Cats may be housed in walk-in modules that include a sleeping compartment and an exercise area or in colony pens. Cats may be multiple housed in colony pens. Each cat should have a floor area of two square metres plus an individual sleeping area. Only sterilised compatible cats should be housed in this type of accommodation.
- (c) Walk-in modules must have minimum floor areas of 1.5 square metres and contain at least two levels including raised sleeping quarters. This size is for one cat only and an additional one square metre floor space is required for a second cat. No more than two cats may be housed together in this type of accommodation.
- (d) All internal and external surfaces are to be impervious and maintained as impervious.
- (e) The lowest internal height of any cattery shall be 2.4 metres from the floor.
- (f) The upper surface of the cattery floor shall be at least 10 centimetres above the surface of the surrounding ground, be constructed of concrete with a smooth impervious acid resistant finish graded to not less than 1:100 to a drain which shall be properly laid, ventilated and trapped in accordance with the effluent the wastewater disposal guidelines contained in this Policy.
- (g) Each yard for any cattery shall be kept securely fenced with a fence not less than 2 metres in height constructed of link mesh or netting, galvanised iron or timber and be securely and completely roofed with link mesh or solid materials.

- (h) All painted external surfaces shall be kept in good condition and be repainted with good quality paint every three years.
- (i) Gates for each yard shall be provided and fitted with proper catches or means of secure fastening.
- (j) The area of the yard adjacent to a cattery or group of catteries shall not be less than three times the area of the cattery or group of catteries.
- (k) Catteries are to be provided with adequate natural light and ventilation.
- (l) Catteries are to be designed and constructed to eliminate noise nuisance.
- (m) A separate food room is required. This room is to contain a sink of sufficient size to wash equipment, sealed to prevent vermin and fly access and have an external fly screened window for ventilation. The food is to be stored in metal cabinets and or refrigerators installed a minimum of 50mm above the finished floor level.
- (n) Catteries must have an isolation room to quarantine any sick or injured animals.
- (o) Catteries must have a separate "maternity" section to accommodate females and their litters.

2. *Catteries Operation*

The Shire will require that where an Applicant seeks to keep cats in a cattery, the Applicant shall demonstrate to the satisfaction of the Shire:

- (a) That the cattery and yards are appropriate for the breed or kind of cat, sited and maintained in accordance with the requirements of public health and sufficiently secured.
- (b) That the cats will be prevented to escape from the kennel or yard in which it is kept nor wander at large except for the purpose of reasonable exercise whilst under the control of a person.

3. *Cattery Management Plans*

An application for a Cattery must be accompanied by a Management Plan which demonstrates that:

- (a) The cattery, the yards, feeding and drinking vessels are to be maintained in a clean condition and be cleaned and disinfected at least once per day.
- (b) Reticulated water is available at the Cattery at all times via a properly supported standpipe and hose cock for the hosing down of the cattery and floored yard.
- (c) Bedding for all cats must be elevated a minimum of 1.2m from the ground for higher level bedding and 300mm above the finished floor level for lower-level bedding.

- (d) A person in charge of the cats must either reside on the Cattery establishment premises or within such reasonable close proximity as to enable effective control over the cats.
- (e) Every part of the Cattery establishment must be maintained in a hygienic and clean condition, free from odour, flies, fleas, ticks and vermin.
- (f) Fire extinguishers are present within the Cattery.
- (g) All refuse, faeces and food wastes will be disposed of and how this will be achieved. All waste must be disposed of daily into an approved apparatus.

Equine Facility

1. When considering an application for an Equine Facility, the Shire requires the following information, in addition to the information described in this Policy:
 - (a) A letter describing the specific activities proposed for the Equine Facility e.g. training, agistment, riding school etc.
 - (b) For a riding school, a copy of the current Public Liability Insurance held.
 - (c) Any additional equipment that is proposed to be utilised by the activity such as carriages, floats, jumps etc.
2. Paddock stocking levels are to be in accordance with the Department of Agriculture and Food Western Australia's Stocking Rate Guidelines for Rural Small Holdings. This document is applied to all land zoned "Rural" under the Scheme.
3. When the proposed Equine Facility exceeds the stocking rates contained within the Stocking Rate Guidelines for Rural Small Holdings, a Stock Management Plan must be lodged which contains the following information:
 - (a) Insect and odour management.
 - (b) Stock rotation.
 - (c) Erosion management.
 - (d) Paddock recovery measures.
 - (e) Identification of any remnant vegetation or exclusion zones required to be fenced.
 - (f) Stable management.
 - (g) Manure collection and removal
 - (h) High quality fencing
 - (i) Landscaping including windbreaks, tree planting with double-fencing, constructed horse paths.
 - (j) Dust management.
 - (k) Nutrient/runoff management plan.
 - (l) Horse exercise program.
 - (m) Neighbour liaison.

Other Establishments

1. When considering an application for Other Establishments, the Shire requires the following information, in addition to the information described in this Policy:
 - (a) A letter describing the specific activities proposed for the Establishment including what type of animal, how many animals, purpose of keeping the animals eg: fur/wool production, meat production, domestic pets etc.
 - (b) For an Establishment involving attendance by members of the public, a copy of the current Public Liability Insurance held.
2. Paddock stocking levels are to be in accordance with the Department of Agriculture and Food Western Australia's *Stocking Rate Guidelines for Rural Small Holdings*. This document is applied to all land zoned "Rural" under the Scheme.
3. When the proposed Other Establishment exceeds the stocking rates contained within the *Stocking Rate Guidelines for Rural Small Holdings*, a Stock Management Plan must be lodged which contains the following information:
 - (a) Insect and odour management.
 - (b) Stock rotation.
 - (c) Erosion management.
 - (d) Paddock recovery measures.
 - (e) Identification of any remnant vegetation or exclusion zones required to be fenced.
 - (f) Manure collection and removal.
 - (g) High quality fencing.
 - (h) Landscaping including windbreaks, tree planting with double-fencing, constructed horse paths.
 - (i) Dust management.
 - (j) Nutrient/runoff management plan.
 - (k) Horse exercise program.
 - (l) Neighbour liaison.

Pigs

Pigs are not permitted on any land within the Shire unless applied for under the provisions of the Scheme as "Animal Husbandry – Intensive".

Effluent & Wastewater Disposal

Effluent includes sewerage from toilets and staff facilities, floor wastewater, cleaning rinse water and animal excrement. This waste must be treated and retained within the property.

If the anticipated wastewater flow, including cleaning rinse water is less than 5,000 litres per day, a permit is required from the Shire to install and use a septic tank system.

Wastewater from dog kennels and catteries will be high in organic matter, suspended solids, animal hair and cleaning chemicals which can be harmful to the environment. To prevent wastewater harming soil and plants or posing disease risks the following effluent disposal method is required:

- (a) Any floor wastewater or cleaning rinse water should be passed through a septic tank or other holding tank such as a grease trap to remove solids and animal hair.
- (b) This wastewater should then be disposed on site using subsoil absorption trenches or leach drains to prevent odours, mosquitoes and the risk of disease transmission.
- (c) Silt traps should be installed before the septic tank or grease trap to stop animal hair and solids blocking the tanks or absorption trenches.
- (d) Wastewater cannot be used for drip or spray irrigation unless it meets EPA requirements and is treated in an approved ATU.
- (e) Animal excrement should be regularly collected and disposed of onsite by burial or composting.