

Lithgow City Council



Animal Boarding and Training Establishments Development Control Plan

What is a Development Control Plan?

A Development Control Plan (DCP) is a document that gives guidelines for the submission of a development application. It relates to a Local Environmental Plan (LEP) which specifies the land uses, which will require a development consent. The requirements of a DCP must be taken into consideration by Council when it is assessing a development application.

This DCP is a performance based document which outlines the objectives and implementation guidelines to be achieved for animal training and boarding establishments within the Lithgow City Council area. Council requirements are adopted as the base line standards and these may be varied only if Council is satisfied that the objectives and implementation guidelines of this plan are not compromised.

This documents sets out general controls for the establishment of new and expansion of existing animal boarding and training establishments, however, each site will be treated on its merits and only relevant controls will apply to each site.

Where does this DCP apply?

This DCP applies to the whole of the Lithgow City Council area, specifically the Rural 1(a), 2(v) Village and Industrial 4 zones in which animal boarding and training establishments are a permissible use. This DCP is to be read in conjunction with Greater Lithgow Local Environment Plan 1994 (As Amended)

Aims and Objectives

This DCP recognises the need to provide guidelines and controls for the establishment and operation of animal boarding and training establishments due to their potential for creating conflict when in close proximity to residential areas and other rural land uses. Such regulations are primarily placed on new developments.

Aims

1. To provide comprehensive guidelines for the assessment of development applications for the establishment of new animal boarding and training businesses or expansion of existing operations.
2. To minimise the potential for land use conflict between animal boarding and training establishments and other uses in the vicinity.

Objectives

1. To provide comprehensive guidelines for applicants and others interested in the assessment, establishment, expansion and operation of animal boarding and training establishments in Lithgow City Council area.
2. To lessen the impact of animal boarding and training establishments on adjoining properties.
3. To minimise the impact of animal boarding and training establishments on the rural landscape.
4. To ensure that the location, size and internal layout of animal boarding and training establishments takes into account the surrounding land uses and potential land uses.
5. To facilitate better communication and understanding between owners and the community.

What you need to Know

The name of this Plan is "Lithgow City Council Animal Boarding and Training Establishments Development Control Plan". The plan applies to land within the Lithgow Local Government area.

In assessing development applications under this Plan, Council takes into consideration controls outlined in this plan and also matters which are listed under Section 79C of the Environmental Planning and Assessment Act, 1997 (as amended)(EP&A Act).

Council requirements are adopted and may be varied if Council is satisfied that the objectives and implementation guidelines are not compromised. This plan was adopted by Council at its' meeting of 4 March, 2002 and came into force on 18 March 2002.

Where there is inconsistency between this plan and any Environmental Planning Instrument applying to the same land, the provisions of the Environmental Planning Instrument shall prevail. An Environmental Planning Instrument includes a State Environmental Planning Policy, a Regional Environmental Planning Policy and a Local Environmental Plan. Also, where there is an inconsistency between this plan and any future Development Control Plan, the provisions of the later Development Control Plan shall prevail.

It must be stressed however, that compliance with the provisions of this plan does not necessarily mean that Council will give consent to an application, nor that failure to comply with any provision will result in refusal of the application. Each application is assessed on its merits and the specifics of the particular site.

Definitions

Animal Boarding and Training Establishments means a place used for the commercial boarding, breeding, keeping or training of animals and includes riding schools.

Degradation of land is the decline in the quality of the land and its resources, commonly but not exclusively caused by inappropriate human usage. It includes soil degradation, the deterioration of natural vegetation, landscapes and water resources.

Dog includes all dogs over the age of six (6) months of age.

Environmentally Sensitive area means:

- land identified in an environmental planning instrument as and environmental protection zone; or
- land reserved as national parks or historic sites or dedicated as nature reserves or declared wilderness under the National Parks and Wildlife Act 1974; or
- land reserved or dedicated within the meaning of the Crown Lands Act 1989 for the preservation of flora, fauna, geological formations or for other environment protection purposes; or
- land declared as wilderness under the Wilderness Act 1987.

Separation Distance is an area of land, set aside to minimise the impacts of land uses on each other.

Vegetative Screening consists of naturally occurring or purpose planted vegetation (preferably species native to the area) to lessen the impacts of a development on the surrounding area.

Waterbody means:

- a. a natural water body including
 - i. a lake or lagoon either naturally formed or artificially modified; or
 - ii. a river or stream, whether perennial or intermittent, flowing in a natural channel with an established bed or in an artificially modified channel which has changed the course of the stream; or
- b. an artificial water body including any waterway, canal, inlet, bay, channel, dam, pond, or lake constructed and permanently inundated with water.

Development application process

A development application is an application for consideration of proposed land uses, which require Council's consent. It is the formal process for an applicant seeking Council approval to carry out a certain activity. The application must be made on a specific form and be accompanied by plans, fees, and a statement of environmental effects. The pre-development and development application processes are shown graphically in Figure 1.

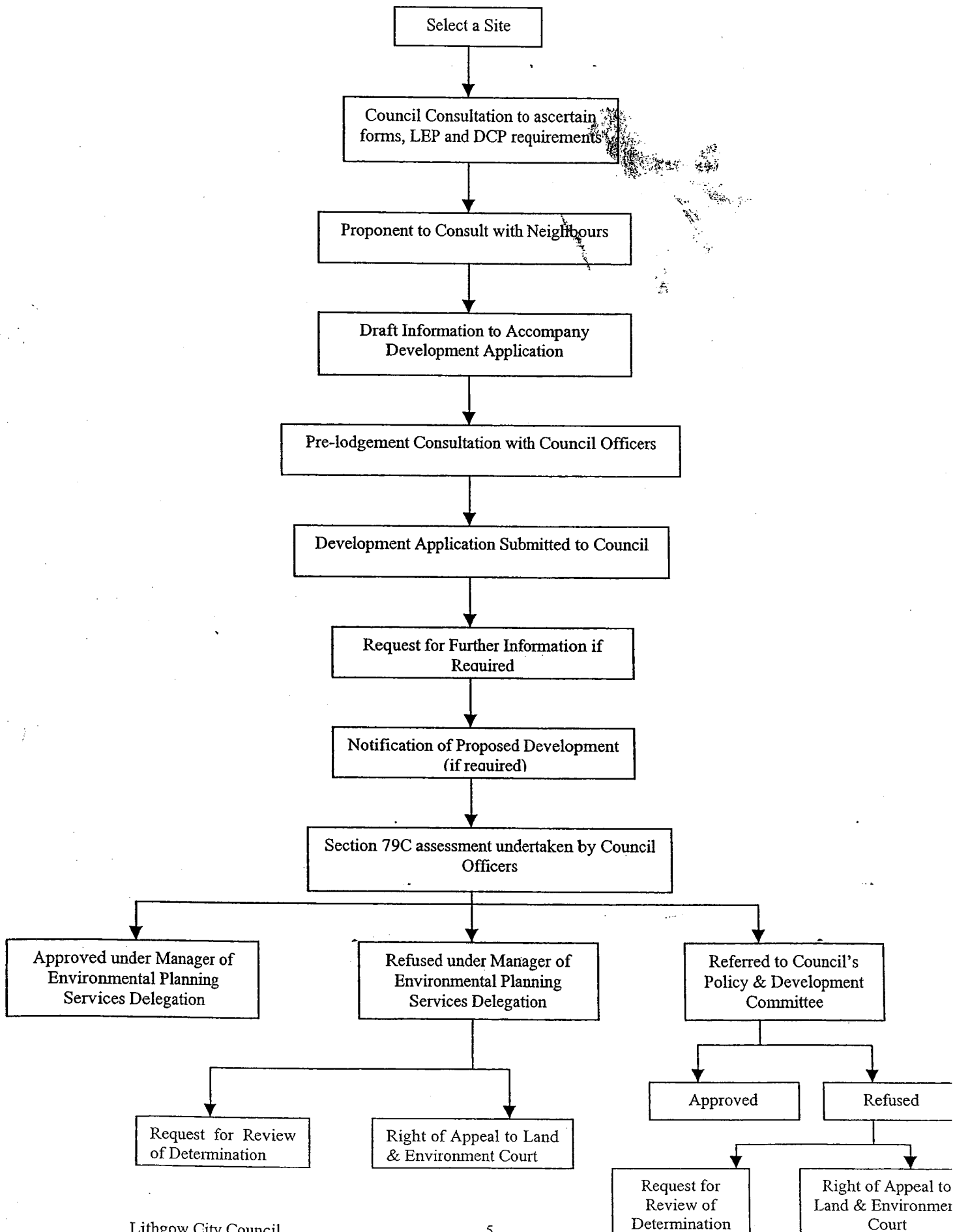
The planning process is a sequence of steps undertaken by the proponent of a development in order to have an application assessed. Applications require a strong technical basis for Council to make an informed decision. The broad framework for planning approvals is set down in the Environmental Planning and Assessment Act, (EP&A Act) 1979 (as amended).

Whilst not mandatory, professional advice and assistance is recommended to aid in the assembly and submission of the application.

Public Authority Consultation

NSW Agriculture has available the Animal Welfare Code of Practice No. 5 for the "Care and Management of Dogs and Cats in Animal Boarding Establishments". The Royal Society for the Prevention of Cruelty to Animals (RSPCA) also provides general guidelines on the operation of boarding establishments for cats and dogs in the form of a Code of Practice. In essence, the NSW Agriculture Code of Practice outlines consideration of matters relating to location, construction, waste management, noise, hygiene and health care, transport and animal welfare. The RSPCA Code of Practice focuses on animal wellbeing and health. Prior to finalising their development application, applicants should obtain a copy of these publications in order that their contents can be taken into consideration in the site selection, design

Figure 1 – Development Application Process



and proposed operation of the facility. Such information is then to be provided with the development application.

If the development is within the area of operations for the Sydney Catchment Authority (SCA) then it is likely that the application will be referred to that authority for its comments. Applicants should contact the SCA at an early stage in order to discuss likely requirements particularly with regard to water courses and effluent disposal.

Consultation with Council's Environmental and Planning Services Division regarding noise or waste disposal is advisable. Council should also be consulted prior to lodgement of the application to assist in identification of issues and to determine the need for specific additional information. The applicant should discuss the proposal with neighbours prior to lodgement of the application to ensure that they are aware of the proposal and are given an opportunity for input. Specific details on site selection are provided in Part B.

All proponents of animal boarding and training establishments should be mindful of the risk involved with property purchase prior to development approval for the intended use, ie, that the development application may be refused.

The pre-application consultation with relevant authorities, Council and neighbours allows for the identification of issues and leads to a greater opportunity for their resolution.

Early consultation with the respective authority will result in the timely identification and reduction or elimination of potential land use conflict and environmental impacts. Awareness of these matters will reduce delays in development assessment and expedite the assessment and determination process.

For Expanding Establishments

Development consent is required for the expansion of existing animal boarding and training establishments. In submitting a DA for an expanding establishment, Council will require a similar level of detail as discussed for a new animal boarding and training establishment.

After development applications have been assessed

Should development consent be granted a Construction Certificate (CC) must be issued prior to works commencing. Council or a Private Certifier may undertake this function. Council can also deal with the DA & CC concurrently should the applicant be in a position to provide an adequate amount of structural information. Depending on the structure, plans for construction certificates require detailed structural and engineering information, they must be professionally drawn.

Communication

Concerns relating to potential impacts to neighbouring properties should be dealt with in a professional and sympathetic manner such that landowners are able to maintain positive relationships with their neighbours.

Careful and efficient management of a animal boarding and training establishment will ensure that environmental impacts are minimised.

Part B – Animal Boarding and Training Establishment Guidelines

The guidelines in Part B of this Plan are advisory only unless explicitly stated as a requirement. They provide recommendations on those aspects of animal boarding and training establishments most likely to contribute to conflict between parties. They also outline the procedure to follow in planning a new establishment to ensure that the location, siting, design and operation meets the requirements of all authorities with responsibilities in these matters.

Site Selection

Objective - To achieve optimum site selection whilst minimising potential conflict with adjoining land uses.

The selection of a suitable site for an animal boarding and training establishment is vital to ensure a profitable, long term operation with minimum impact on the natural and social environment. The location should be determined after an objective analysis of the physical characteristics of the site and surrounding land uses. Consideration must also be given to proximity to urban areas and the availability of utility services.

Generally a site selected for an animal boarding and training establishment should be located in a region:-

- with a high potential for long-term sustainability in terms of its operation, infrastructure and services;
- be located having regard to other animal boarding and training establishments already operating in the immediate area;
- avoid areas identified for future development likely to be incompatible with animal boarding and training establishments;
- provide a good balance between economic physical and technical requirements;
- minimise potential impacts on surroundings;
- avoid areas prone to natural hazards such as floods and bushfires;
- have available power and water of suitable quality and in sufficient quantity to meet demands.

Individual sites require evaluation based on their individual merits relative to the nature of the application being made.

- **Zoning** – The zoning of any proposed development site should be one of the first considerations of the site selection process. In residential 2(a) zones, commercial 3 zones and smaller lot rural zones 1(c) and 1(d), animal boarding and training establishments are expressly prohibited. People seeking a rural residence for aesthetic or lifestyle reasons are unlikely to find a neighbouring animal boarding and/or training establishment a desirable development. Significant resident opposition can delay or prevent a establishment and substantially add to development costs.
- **Surrounding Land Uses** – Existing land use within one kilometre radius of any proposed animal boarding and or training establishment needs to be considered,

especially the impact of the proposal upon surrounding residential dwellings. Distances from other animal boarding and or training establishments should also be considered.

- Site area – The major factors determining the minimum site area required for an animal boarding and training establishment are the size of the development, types of neighbouring development; proposed boarding methods; distances between on-site buildings and the distance to adjacent land uses.
- Shape of Block – The shape of a proposed block of land will influence its suitability for an animal boarding and or training establishment. A narrow or irregular shaped allotment may limit the effective separation distances between conflicting land uses.
- Existing Vegetation – Where possible, trees and natural vegetation should be retained. Vegetation provides a natural screen for the property and reduces the potential for visual impact.

Implementation Guidelines

A detailed analysis of the proposed site addressing all the preceding issues is to accompany development application submitted to Council.

Council requirements

1. Animal boarding and training establishments will be permitted only in zone Rural 1(a), Village 2(v) and Industrial 4.
2. Existing trees and natural vegetation should be retained as far as possible.
3. Appropriate landscaping and vegetative screening is to be employed to minimise visual impact and contribute to the elimination of air, water and noise pollution. Landscaping shall be completed prior to the commencement of an animal boarding and training establishment.
4. The chosen site should have particular regard to the types of neighbouring development and the distances to adjacent land uses.
5. Site selection must have regard to the frequency and intensity of natural hazards.
6. Details of soil conservation measures are to be submitted with the development application. Chosen sites of structures and dog runs should avoid soils subject to extreme of expansion and extraction.

Waste Management

Objective - To minimise the impact of wastes from the animal boarding and training establishment on water and air quality.

Discussion of Issues

Management of dog and cat wastes must be an integral part of any animal boarding and training establishment. In the absence of effective waste disposal, an animal boarding or training establishment has the potential to create undue odour and potential contamination of water resources.

Wastes generated by such development may be categorised as either liquid or solid. Liquid wastes may take the form of stormwater run off while solid wastes include manure and possibly dead animals.

Effective waste management is crucial element in the successful operation of any animal boarding or training establishment.

Solid wastes

All solid wastes are to be disposed of appropriately. Detailed information shall be supplied to Council at time of lodgement of a development application detailing the proposed means of collection and its disposal. Burial of untreated wastes is not appropriate.

Disposal of animals

If any animals are considered seriously ill or injured, euthanasia should be considered. Euthanasia should only be performed by a veterinarian and only after permission from the animal's owner or nominee, preferably in writing should be obtained.

Any deceased animals are to be removed from the premises and disposed of at a Council approved garbage depot.

Other Wastes

Other wastes and by-products, such as used packaging and feed bags are to be recycled where possible, either in the existing form or constituted for other purposes. Where this is not possible, prompt and safe disposal is to be arranged. Refuse should not be permitted to accumulate around the farm as it provides ideal harbours for pests and vermin. Any refuse should be deposited at the Lithgow Landfill and not a rural garbage depots.

Implementation Guidelines

Prepare a strategy for the management of animal boarding and training establishments for both liquid and solid wastes.

Council requirements

1. A geotechnical report be undertaken to determine the suitability of the site to handle liquid wastes as well as the possibility of solid wastes.
2. A vermin control plan should be incorporated into the management plan for the animal boarding and training establishment and submitted to Council.
3. Runoff must be controlled so that it poses minimal risk to local water courses.
4. Animal faeces are to be collected regularly in all dog runs and exercise yards. Details of proposed collection and disposal are to be submitted to Council for approval. Burial of untreated wastes is not appropriate.
5. Prompt and safe disposal of by-products is to be arranged where recycling is not possible to avoid the harbouring of pests and vermin.
6. No dead animal disposal shall occur on-site, whether it be by burning or burial.

Water Management

Objectives - To prevent contamination of surface and ground waters.

Discussion of Issue

Most conventional animal boarding establishments house dogs and cats in fully enclosed structures. This contains nearly all wastes, reducing the opportunities for direct pollution of the environment. It is vitally important to properly plan the

management of runoff. Runoff must be controlled so that it has minimal impact on local water courses. There are penalties for polluting waterways whether the pollution is intentional or unintentional.

Animal boarding and training establishments do not normally create water pollution problems, however, some runoff may contain sediments, manure or nutrients. No matter whether these potential pollutants originate directly from the boarding establishment, management of runoff is essential to avoid waterlogging, erosion, sedimentation or pollution on site or on adjacent lands or waterways. Council will require that local drainage patterns be maintained and stormwater flows be effectively managed.

Implementation Guidelines

To prepare a strategy for the proper management of water emanating from the site.

Council Requirements

1. A waste water management plan is to be submitted with the development application.
2. Local drainage patterns are to be maintained and stormwater flows effectively managed.
3. All animal boarding establishments are to contain all waste water as far as practicable.
4. Runoff from shed roofs, access tracks and hard stand is to be effectively collected and stored on-site.
5. Details of any proposed sediment basins or dams are to be submitted to Council with the development application.

Farm Buildings and Landscaping

Objective - To minimise the visual impact of an animal boarding and training establishments.

Discussion of Issue

The overall appearance and maintenance standard of an animal boarding and training establishment influence community attitudes. If a boarding or training establishment is kept in a poor condition it is more likely to be blamed for causing a nuisance than a farm that is attractive and well maintained.

The environmental impact of an animal boarding and training establishment is closely linked to shed design and layout, the materials used, location of exercise yards and management of the site.

The exterior of buildings and other structures should be maintained to keep the appearance, security and functioning of the structures up to an acceptable standard. All gutters and roofing are to be kept in good order to maintain effective ventilation and appearance of all buildings.

Flooring of sheds should be constructed of reinforced concrete that will permit efficient removal of solid and liquid wastes. The design and installation of any ventilation should aim to minimise noise and maximise efficient operation.

Vegetative screen plantings can lessen the visual impact of sheds and exercise yards. Appropriately arranged species may enhance the environmental amenity of the surrounding area. Quick growing trees and shrubs should be planted around sheds where establishments are likely to create a neighbourhood nuisance. An attractive well screened and landscaped site will attract less attention from neighbours and indicates to the public that the management cares about the impact of the operation on the locality.

New animal boarding and training establishments should be made to fit in with the tone and landscape of their surroundings as far as possible. Initial care in the selection of the site, and later, the design and management of the facility can reduce the visual impact of the establishment. Farm facilities that have a high conflict potential should be placed on the most isolated part of the site, the location of potential nuisance generating operations may need to be adjusted to accommodate physical characteristics of the site, particularly topography.

Implementation Guidelines

1. Prepare site plans of existing structures and ensure that the proposed buildings and structures do not detract from the landscape character of the area.
2. Locate potential areas of conflict with adjoining properties and take appropriate steps to lessen the conflict.

Council Requirements

1. A detailed site plan indicating the location of all dwellings and existing and proposed vegetation is to be submitted to Council with the development application.
2. Annual inspections of the facility will be conducted by Council to ensure compliance with consent conditions.
3. Areas of potential conflict are to be identified and appropriate screen plantings proposed.
4. Details of the materials of construction of all sheds and farm structures are to be submitted in the development application.
5. Shed flooring is to be constructed of reinforced concrete to permit efficient waste removal and collection.
6. Vegetative screen plantings are required to lessen the visual impact of animal boarding and training establishments.
7. Details of planting density, depth, location, species and maintenance are to be submitted to Council.
8. All plantings are to be in groups and consist of advance stock.

Impact of Other Development

Objective - To minimise the potential conflict between animal boarding and training establishments and other land uses.

Discussion of issue

Animal boarding and training establishments have the potential to impact on the physical and social environments that surround them, but the reverse is equally the case.

The rural areas of Lithgow City comprise 40 hectare lots, some larger unsubdivided farms and concessional, and other lots from 2 hectares to 10 hectares.

If the economic importance of an animal boarding and training establishment is to be realised in the Lithgow area, controls must be introduced to avoid conflict between the establishments and surrounding land uses. Animal boarding and training establishments can result in conflict with nearby land uses, particularly residential activities as a result of noise and declining visual amenity.

Implementation Guidelines

Provide details of the surrounding land use and indicate measures to address the potential conflict.

Council Requirements

1. Development applications for animal boarding and training establishments are to be accompanied by a land use map indicating the land use surrounding the proposed site and measures proposed to mitigate any adverse effects thereon. Separation distances between sheds and the land use are to be indicated.
2. In rural 1(a) zones kennels are to be setback a minimum of 60 metres from the front boundary and 150 metres from residences not associated with the subject property. In other permissible zones kennels are to be setback a minimum of 20 metres from the front boundary (unless situated behind other buildings) and at least 50 metres from residences not associated with the subject property. These distances may be altered if the circumstances so warrant in 1(a) zones only. The aim of the setbacks are to ensure that a suitable distance is kept between kennels and neighbouring properties in order to minimise noise and odour. However, if alternative controls are to be implemented, Council will consider lesser distances on a merit basis.
3. All kennels are to be sited or screened so that roadways cannot be viewed by the dogs.
4. Dogs are to be housed in acoustically treated enclosures except when exercising in outdoor runs.
5. Dogs are to be confined to their enclosures excepting for exercise.
6. Wherever practicable, kennels are to be located in reasonable proximity of the dwelling house on the land on which they are located, to allow operators to adequately prevent nuisance noise from barking.
7. Council will require an assessment by a qualified acoustical consultant regarding the noise impact of kennels housing dogs on existing and likely future residential developments and mitigation measures to be implemented if necessary. This requirement may be waived in rural zones providing the previously outlined setback distances can be achieved.
8. The proximity and size of any surrounding kennels will be taken into consideration in assessing proposals. Council will have regard to the overall density of kennels in a particular area.
9. The kennel areas shall be provided with adequate fencing so as to prevent escape of animals. This shall not only be with respect to height (1.8 metres minimum being the guide for dogs) but also shall be fixed so as to prevent digging under the fence.

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10. The maximum number of dogs that may be kept on a rural holding of land in the same ownership as the development is 5 dogs per hectare. The maximum number of dogs that may be kept on a rural property for commercial boarding or training purposes is 100.
11. The maximum number of dogs that may be kept on a holding of land in the same ownership as the development in other permissible zones is a maximum of 20 dogs.

