

12. THE KEEPING OF DOGS FOR COMMERCIAL PURPOSES

This plan, which may be cited as “Dungog Development Control Plan No. 1” – Development Control Plan for the Keeping of Dogs for Commercial Purposes, constitutes a development control plan as provided for by Section 72 of the Environmental Planning and Assessment Act, 1979.

12.1. INTRODUCTION

The intent of this document is to provide assistance with the preparation and assessment of development applications.

12.2. WHAT IS THE PLAN CALLED?

The Plan may be cited as Development Control Plan (DCP) No.28 – Keeping of Dogs for Commercial Purposes.

The DCP was adopted by Council on 19 February 2002 and became effective on 20 February 2002.

The DCP has been prepared in accordance with the provisions of Dungog Shire Council Local Environmental Plan 2006 and the Environmental Planning and Assessment Act 1979.

12.3. WHERE DOES THE PLAN APPLY?

This DCP applies to all land in the Dungog Shire Council Local Government Area where animal boarding breeding and training establishments are permitted by Dungog Shire Council Local Environmental Plan 2006.

The Plan applies to any proposal that may only be carried out with development consent or a complying development certificate.

DEVELOPMENT APPLICATIONS

Under section 79C of the Environmental Planning and Assessment Act 1979, the contents of this DCP must be considered by the Council (or other consent authority) when determining development applications.

Compliance with the minimum provisions of this DCP does not necessarily mean that an application for development will succeed, as each application will be considered on its merits.

12.4. OBJECTIVES

The objectives of the Plan are:

- Provide a standard for the establishment of Commercial dog keeping premises.
- Through the provision of high quality premises, address the impact of commercial dog keeping on surrounding properties and occupants.

- To enable the provision of consistent and prompt advice from Council to assist persons in the planning, design and management of premises to be used for the commercial keeping of dogs.

12.5. HOW DOES THIS PLAN RELATE TO OTHER PLANS?

This Plan replaces Councils Policy “Code for Erection of Dog Kennels and Keeping of Dogs”

The Local Environmental Plan applying to the land is Dungog Shire Council Local Environmental Plan 2006.

Where this plan is inconsistent with Dungog Shire Council Environmental Plan (LEP), the LEP shall take precedence.

When preparing a development application for consideration by the consent authority, regard should be given to any other DCP that may be relevant

Consideration should also be given to any Local Development DCP that may provide site specific requirements in relation to such matters as heritage, flooding and subdivision layout. Where a Local Development DCP applies, it shall take precedence over any Shire wide DCP.

12.6. VARIATIONS TO THE DCP

Council may approve minor variations to the Plan without the need to formally amend the Plan.

An application to vary any of the provisions of this plan must be in writing and clearly demonstrate that:

- (a) the application meets the aims and objectives of this plan; and
- (b) compliance with the relevant provision, or criteria contained in this plan, is unreasonable or unnecessary in the circumstances that apply.

Formal variations to the Plan may be made pursuant to the requirements of the Environmental Planning and Assessment (EP&A) Act 1979, as amended.

12.7. ADVERTISING

Council’s Policy for the advertising of Development Applications applies.

Council reserves the right to advertise any Development Application where deemed appropriate due to the type or location of the proposal.

12.8. DEFINITIONS

The following definitions apply for the purposes of this Plan:

keeping of dogs for commercial purposes is the conduct of boarding, breeding or training establishment and the keeping of dogs for convalescence, training, racing or sale.

dog kennels and housing includes caravans, garages, carports, sheds, commercially sold dog kennels, and any room forming part of a dwelling, dual occupancy, or urban housing development used for human habitation.

NOTE: All kennels and housing should comply with the principles contained in this Plan.

dog includes bitch and shall include all dogs over the age of six (6) months.

low end establishment means a small scale operation involving the keeping of up to four (4) dogs for commercial purposes.

high end establishment means large scale operations requiring significant investment and involves the keeping of more than four (4) dogs for commercial purposes.

12.9. DEVELOPMENT GUIDELINES

12.9.1 AESTHETICS OF THE NEIGHBOURHOOD

The kennels and runs should not be visually intrusive to the immediate neighbourhood. Development Applications should be accompanied by workable screening details. Suggestions are provided in this guideline.

12.9.2 CONTAINMENT

Dogs are to be positively contained. This means that dogs must be housed within premises which will ensure that the types of dog(s) kept on the premises are contained. Suggestions are provided in this guideline.

12.9.3 NOISE CONTROL

Dogs must not generate offensive noise as defined under the Protection of The Environmental Operations Act 1997. Consideration must be given to appropriate in-built features to control noise. Suggestions are provided in this guideline. An Acoustic Engineers Report may be required where it is considered that noise impact on adjoining properties is an issue.

12.9.4 HYGIENE

The design and management of the establishment must take into consideration the impact of the premises on the health and well being of occupants, nearby residents and the dog(s). Such consideration may include:

- Method of waste disposal;
- Cleanliness of housing and the ability of housing to be easily cleaned;
- Pest Control;
- Control of odours; (distances from dwellings should be considered);
- Drainage;
- Control of fleas and ticks;
- Accumulations of dogs hair.

Suggestions on design and management in order to address hygiene conditions are provided in this guideline.

12.9.5 DISTANCE OF KENNELS FROM BOUNDARIES

Consideration must be given to siting kennels and yards an appropriate distance from side and rear boundaries.

The appropriate setback distances will vary depending on circumstances and will be carefully considered during the development assessment process.

In determining an appropriate setback distance, the following should be considered:

- The location of adjoining dwellings and recreation areas and the likely noise impact on these. An Acoustic Engineer can recommend suitable setbacks consistent with kennel construction and other noise attenuation measures;
- The likely generation of odours from the kennels and yards;
- The appearance of the establishment and the impact of this on adjoining properties;
- The distraction of dogs by activities on adjoining properties, eg. Children playing vehicles entering and leaving.

12.9.6 SIZE OF ALLOTMENT

Consideration must be given to the size of allotment on which the kennel will be situated. Sizes of allotments will vary depending on circumstances and will be carefully considered during the Development Assessment process.

12.10. LOW END ESTABLISHMENTS

12.10.1 AESTHETICS

Kennels must be fully screened from the view of adjacent premises and roadways. This may be achieved by: -

- A carefully planted screen of trees and bushes.
- Wire mesh fencing over which a vine or creeper of a non-irritating nature is grown.
- A solid wall.
- A metal fence which is permanently colour treated and in good order.
- Other similar methods may be considered.

12.10.2 CONTAINMENT

Yards to be fully enclosed to eliminate escape of animal. Screening as mentioned above may achieve this. Other methods of containment are provided in "Construction" below.

12.10.3 NOISE CONTROL

Where noise impact on surrounding properties is of concern, an Acoustic Engineers Report may be required.

- The primary reason for screening from views is to prevent dogs barking at parking cars, pedestrians and animals.
- Dogs must be enclosed at night in kennels to prevent barking at distractions eg. Cats. Soundproofing of kennels may be considered.
- After dark, all yard lights to be switched off.
- Soundproofing of kennels will assist in keeping neighbourhood noise out.
- A separately screened facility should be available to separate noisy dogs from others.

12.10.4 CONSTRUCTION AND LAYOUT OF KENNELS AND HOUSING

Any construction must take into account the welfare of the animal and will be subject to the provision of the Prevention of Cruelty to Animals Act 1979 and the NSW Department of Agriculture published Welfare Codes.

12.10.4.1 FLOOR

75mm minimum thickness concrete finish with wooden float graded to a catchment drain which has fall to the outlet trap. Concrete to extend for 300mm beyond the plane of the kennel walls. Alternative impervious floor construction may be approved by Council.

12.10.4.2 WALLS

To be of a solid impervious type being capable of easy cleaning. If masonry to be smooth rendered internally to a height of 1200mm. Base of wall is to be coved to the floor. If of timber frame construction bottom plates are to be secured to a raised impervious hob of minimum height of 450mm (hob may be constructed of brick work rendered internally) which is coved at its junction with the floor.

12.10.4.3 DRAINAGE

Ample provision to be made for disposal of surface and roof drainage so as not to interfere with adjacent premises. Floor wastes and other wastes from washing down shall be disposed of to a properly constructed absorption trench after first passing through a disconnection gully with grating.

12.10.4.4 YARD AREAS

Low end facilities require an ample fenced grassed area for dog exercise (suggest 100m²). Faeces to be removed manually.

12.10.4.5 BEDDING AND SLEEPING AREAS

To be raised timber slats, hessian or equivalent, capable of being removed for cleaning purposes. Means of suspending bedding whilst cleaning should be provided.

12.10.4.6 DIVIDING WALLS

Dividing walls of cages are to be of solid material such as masonry and steel mesh. Small mesh needed to avoid nose biting.

12.10.4.7 VENTILATION

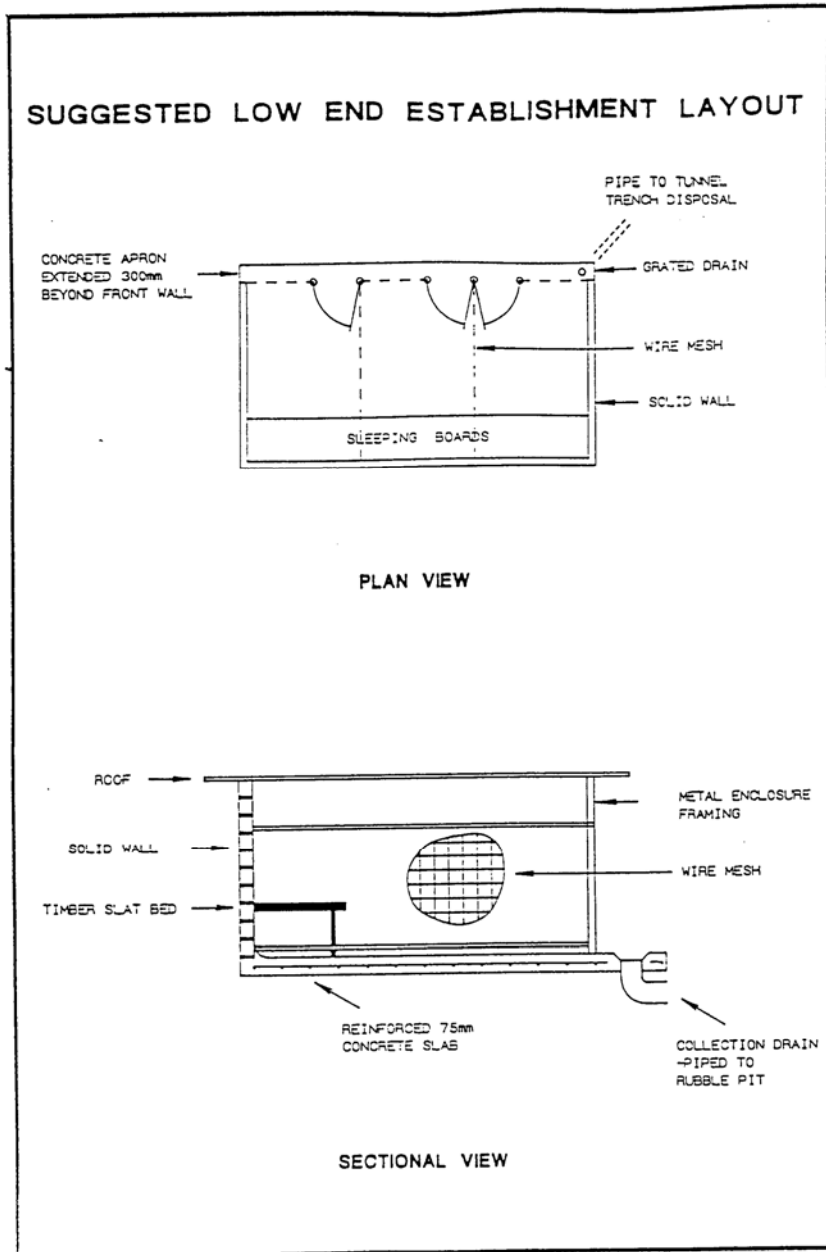
Condensation must not form on inside surfaces. Low end facilities to be passively ventilated through air spaces such as windows (located a minimum of 2m above floor level) beneath doors or simple roof or wall mounted vents.

12.10.5 HYGIENE

Cleaning of kennels and yard areas: Kennels shall be cleaned daily and all food scraps, bones and manure removed. Water shall be replenished daily and care should be taken to ensure the storage receptacles for water do not provide a breeding ground for mosquitoes.

Yard area shall be raked clean of all scraps and manure and grass shall be kept short mown.

Disposal of manure and scraps: This shall be carried out to ensure that nuisance does not arise from the breeding of flies or offensive odours. Suitable plans should be provided outlining management and disposal. Burning of manure on site is strictly prohibited. Distances of kennels and yard areas from surrounding dwellings should be considered and showing development application plans.



12.11. HIGH END ESTABLISHMENTS

12.11.1 AESTHETICS

Kennels must be fully screened from the view of adjacent premises and roadways. This may be achieved by: -

- A carefully planted screen of trees and bushes.
- Wire mesh fencing over which a vine or creeper of a non-irritating nature is grown.
- Solid wall.
- A metal fence which is permanently colour treated and in good order.
- Similar methods may be considered.

12.11.2 CONTAINMENT

Yards to be fully enclosed to eliminate escape of animal. Screening as mentioned above may achieve this. Other methods of containment are provided in "Construction" below.

12.11.3 NOISE CONTROL

High End Establishments must provide a full acoustic assessment of their proposal with their development application.

- Kennels should be fully sound proofed to keep noise in and neighbourhood noise out.
- Dogs must be enclosed at night.
- A separately screened facility should be available to separate noisy dogs from others.

12.11.4 CONSTRUCTION AND LAYOUT OF KENNELS AND HOUSING

12.11.4.1 FLOOR

75mm minimum thickness concrete finish with wooden float graded to catchment drain which has fall to the outlet trap. Concrete to extend for 300mm beyond the plane of the kennel walls. Alternate impervious floor construction may be approved by Council. Floor in enclosed areas to be treated with a waterproof paint to facilitate cleaning and avoid odours.

12.11.4.2 WALLS

To be of a solid impervious type being capable of easy cleaning. If masonry to be smooth rendered internally to a height of 1200mm. Base of wall is to be coved to the floor. If of timber frame construction bottom plates are to be secured to a raised impervious hob of minimum height of 450mm (hob may be constructed of brick work rendered internally) which is coved at its junction with the floor.

12.11.4.3 DRAINAGE

Ample provision to be made for disposal of surface and roof drainage so as not to interfere with adjacent premises. Floor wastes and other wastes from washing down shall be disposed of to a properly constructed absorption trench after first passing through a disconnection gully with grating.

12.11.4.4 YARD AREAS

Where the type of dog housed requires a yard enclosure the yard shall be such as to render cleansing and removal of refuse to be carried out effectively.

12.11.4.5 BEDDING AND SLEEPING AREAS

To be raised timber slats, hessian or equivalent, capable of being removed for cleaning purposes. Means of suspending bedding whilst cleaning should be provided. Semi-secluded beds are advisable to avoid noise at night. See diagram.

12.11.4.6 DIVIDING WALLS

Cages are to be of solid material such as masonry or steel mesh. Small mesh needed to avoid noise biting.

12.11.4.7 EXERCISE AREAS

Outside runs need to be half or totally roofed, with a concrete drained floor. A continuous supply of water should be available. Solid partitioning for concealment may be necessary for some runs. For example to avoid competition between males.

12.11.4.8 VENTILATION

Condensation must not form on inside surfaces. For High End Establishments, forced ventilation is required. This may be achieved best by wind and heat powered turbine extractors or electrical ventilators.

12.11.5 HYGIENE

Cleaning of kennels and yard areas:-

Kennels shall be cleaned daily and all food scraps, bones and manure removed. Water shall be replenished daily and care should be taken to ensure the storage receptacles for water do not provide a breeding ground for mosquitoes.

Yard area shall be raked clean of all scraps and manure and grass shall be kept short mown.

Disposal of manure and scraps: This shall be carried out to ensure that nuisance does not arise from the breeding of flies or offensive odours. Burning of manure on site is strictly prohibited.

12.11.6 SUGGESTED LAYOUT FOR HIGH END ESTABLISHMENTS

Dogs to be housed in individual runs comprising of sleeping areas, as well as exercise areas of a moderate size. The exercise area may be outside of the enclosed

building. Sleeping areas are to be entirely housed within a building capable of being closed at night.

Where exercise areas are inside the building, an enclosed pathway outside of the building will contain the dogs whilst sleeping areas are being cleaned out. This path should be drained also for ease of cleaning.

Where exercise areas are outside the building, solid doors through the wall from sleeping areas are desirable so that dogs can be contained in individual exercise runs while sleeping areas are clean. Doors must be of an easy close type design.

12.12. FURTHER INFORMATION

Further information in relation to the contents of this Development Control Plan may be obtained from Council's Environmental Services Section.