

Animal boarding or training establishment, including boarding and/or breeding kennels for dogs and cats in rural areas

Purpose

The purpose of this chapter is to provide guidance for persons establishing and operating premises for animal (e.g. dog or cat) breeding and or boarding establishments, to protect residential amenity surrounding the establishments, minimise land use conflict and ensure best practice animal welfare practices.

This chapter applies to those zones where animal boarding and breeding establishments are permitted with consent and intended to apply to the Rural Zones RU1, RU2 and R5 zones.

For the purposes of this chapter an “animal boarding or training establishment” is as defined under the Upper Lachlan LEP 2010 (as amended) as:

animal boarding or training establishment means *a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.*

An animal boarding or training establishment is separately defined under the LEP and therefore does not fall within the “commercial premises” “agricultural” or “industrial” land use definitions.

The following documents are prescribed under the *Prevention of Cruelty to Animals Act 1979* (POCTA). It is a requirement that people involved in the care and welfare of dogs and cats must comply with (and not limited to) these documents:

- [Animal Welfare Code of Practice - Animals in pet shops](#)
- [Animal Welfare Code of Practice - Breeding dogs and cats](#)
- [NSW Code of Practice No 5 - Dogs and cats in animal boarding establishments](#)
- [NSW Code of Practice No 9 - Security dogs](#)
- [Animal Welfare Code of Practice No 1 – Companion Animal Transport Agencies](#)
- [NSW Code of Practice No 8 - Animals in pet grooming establishments](#)

All applications for animal boarding and/or breeding establishments shall be assessed giving due consideration to the *Prevention of Cruelty to Animals Act 1979* (NSW) and the *Animal Welfare Code of Practice – Breeding Dogs and Cats 2021* (NSW), *Animal Welfare Code of Practice - Dogs and Cats in Animal Boarding Establishments*, or any of the future iterations. All assessments must give priority consideration to the *Environmental Planning and Assessment Act 1979* (NSW).

Please refer to Department of Primary Industries for amendments or any further requirements. Compliance with this Chapter does not remove the need to abide by the requirements of the *Prevention of Cruelty to Animals Act 1979* and any other laws and regulations, for example; the *Local Government Act 1993*, or the *Companion Animals Act 1998*.

The intent of the policy is to only apply to animal breeding and boarding facilities of cats and dogs. This policy does not apply to farm (working) dogs or companion animals unless commercial breeding is proposed. It applies to the welfare of dogs and cats which are involved in the business of breeding and raising puppies and kittens for fee or reward. It does not apply to one-off accidental litters.

The incidental breeding of animals by pet shops, pounds or shelters are activities for which the standards are set by other Codes recognised by the *Prevention of Cruelty to Animals Regulation 2012*. As such, this does not fall within the scope of this Chapter

Objectives

- To ensure applicants undertake all necessary measures to minimise the impacts on adjoining land uses.
- Provide consistent and transparent assessments of Development Applications and modification applications to existing Development Applications;
- Clarify the requirements and standards applying to animal breeding or boarding establishments;
- To ensure development satisfies current legislation and encourage best practice design, construction and operation of animal breeding and animal boarding facilities for dogs and cats;
- To ensure development adequately addresses potential impact assessment to minimise any potential adverse amenity impacts on adjoining land users through appropriate design, location, size and layout; construction, operation and monitoring.

Controls

Animal Welfare Code of Practice - Breeding dogs and cats

General

- a. Any animal breeding establishments must meet the Standards of the Animal Welfare Code of Practice – Breeding Dogs and Cats 2021) under law.
- b. Any animal breeding establishments are encouraged to meet the Guidelines Applicants will be required to demonstrate how they propose to meet the standards via a management plan/ plans and documentation at the time of lodgement of the DA or modification application. outlined in the Code by way of plans and documentation

NSW Code of Practice No 5 - Dogs and cats in animal boarding establishments

General

Any animal boarding establishments must comply with the Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishments, under law. Applicants will be required to demonstrate how they propose to meet the Code via a management plan/ plans and documentation at the time of lodgement of the DA or modification application.

Distance of kennels from residential dwellings, setbacks and land use conflict assessment

- a. No establishments are to be erected or operated within 200 metres of any adjoining residential dwellings not associated with the premises.
- b. All applications must address how the impacts on any dwellings within a 500m radius area will be minimised (including but not limited to noise, odour, dust, visual amenity, biosecurity, biodiversity and ecosystems etc.).
- c. All establishments (including associated development components) are required to be setback a minimum of 10m from all property boundaries.
- d. The suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses.

Note: you can find a simplistic template and more information about the completion of a Land Use Conflict Risk Assessment in accordance with the Department of Industry's *Land Use Conflict Risk Assessment Guide* at https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0018/412551/Land-use-conflict-risk-assessment-LUCRA-guide.pdf

- e. An assessment of the impact on agricultural resources and agricultural productivity in the locality.

Acoustical compliance

- a. Proposed establishments within 500m of any residential dwelling are to provide a noise impact assessment prepared by a suitably qualified and experienced acoustic consultant. This assessment will need to address background, intrusiveness, amenity, sleep disturbance and any mitigation measures (assessed against worst case scenario).
- b. The breed and number of animals to be kept on the premises, daily activities to minimise noise from the premises.
- c. The Noise impact assessment will need to be assessed at the design, pre-construction, post construction and operational phases of development to ensure compliance. Should circumstances change or a formal complaint is received, further acoustic assessment (at the Applicant's expense) will be required to ensure the development meets the requirements of the consent and applicable noise assessments.
- d. Any establishment proposing to operate with more than four (4) breeding adults will require the animals to be housed in a building.
- e. Any building used for the housing of animals is to be soundly constructed and soundproofed to prevent any noise nuisance. Noise levels emitted from the premises must not exceed acceptable noise limits as set by and assessed against relevant current standards including *NSW Noise Policy for Industry (2017)* and *NSW Noise Guide for Local Government*. The occupation of the kennels will not be permitted until evidence is furnished to Council from an Acoustic Engineer.
- f. Method and means to respond to barking dogs (both during the day and night) and likely time to action.
- g. Any on-going non-compliance will require any or all of the following depending on the severity of the non-compliance (and not limited to):
 - re-design,
 - reduction in numbers,
 - removal of specific animals,
 - alternate management measures or the like

Animal confinement and numbers

Dog breeding or boarding facilities shall hold no more than 20 adult dogs to include no more than 15 bitches for breeding at any time and all animal welfare guidelines and restrictions on litter frequency in a set period must be adhered to.

Cat numbers at a boarding and breeding facilities shall be assessed on the merits of the application.

Dogs and cats shall at all times be kept within the confines of the kennels and exercise yards except during their receipt or release.

The confinement must ensure protection from extreme elements such as heat, cold and snow/frost. Housing shall ensure bedding remains dry during rain and storms.

Storage and preparation of food

All feed is to be stored and prepared in a properly constructed building capable of being easily cleaned, maintained and kept free of vermin.

Exercising of dogs

Dogs are to be exercised under supervision in a suitably sized, purpose built area/enclosure located on-site.

Storage and disposal of excrement

All excremental waste and loose hair, if not removed immediately, is to be collected in an impervious fly-proof container which is to be emptied and cleansed at least once in every seven consecutive days. All such wastes shall be deposited at a Council agreed waste disposal depot and shall not be incinerated or buried on the premises

Drainage, waste water and effluent management

The drainage system shall be constructed so as to ensure the collection of all waste water shall drain via earthenware or plastic pipe to a suitable arrestor pit thence to a properly constructed absorption drain. Details of all proposed drainage are to be submitted and approved by Council. Any on-site effluent disposal facility shall be purpose built to the facility and not treat human waste. And must not be located within 100m of a watercourse.

Animal breeding or boarding establishments shall not be located on land that is identified as flood liable land or within drainage lines or natural depressions which results in periodic periods of waterlogged soil.

Landscaping

The proposal shall use natural screening and trees landscaping of sufficient height and density adequate to screen the development. The landscaping is to be established prior to commencement of the development. A detailed landscape plan is to be submitted with the development application.

Biosecurity and disease control

The Work Health and Safety Act 2011 places an obligation on the staff of the Establishment as a person conducting a business or undertaking and workers to provide a safe and healthy workplace. Safe Work Method Statements that support activities for the keeping of dogs and cats must be used in identifying, assessing and controlling risks.

In line with the requirements of the Biosecurity Act 2015 and associated Regulations - A secure isolation facility must be provided on site in order to segregate animals which have an infectious disease, creating noise and the like. The facility must be clearly identified on submitted plans. If this is not achievable on site, then a secure isolation facility at a nearby veterinary hospital must be identified in the application and written into the Management Plan

Transport and traffic

An assessment of the peak and average traffic generation, hours of operation, staff and visitor traffic generation must be undertaken and submitted as part of the Development Application.

Environmental management plan

An environmental management plan which addresses, but is not limited to the following matters:

- Treatment and disposal of litter and effluent
- Odour, pest and dust management
- Noise management
- Land use conflict
- Food storage and vermin control
- Erosion control measures
- Waste and waste water management and details of any onsite waste management facilities
- Water balance plan - details of water requirements and supply arrangements
- Chemicals and fuel storage
- Landscape plan

- Transport and traffic generation
- Operational management plan
- Complaints management program
- An Emergency Management Plan (including but not limited to fire, flood, pest and biosecurity),

Note – you can find a simplistic template and more information at: [Get Ready Animals | NSW State Emergency Service](#) . An Emergency Management Plan should be reflective of the size and scale of the facility. The template provided in the link may not be adequate in meeting the needs of all facilities and the applicant should take this into consideration when drafting the required Emergency Management Plan

Application to include

Applicant details and description of the proposal including

- a. The applicant must be registered with an Australian Business Number (ABN) and provide evidence as part of their application that they are registered for GST.
- b. The applicant must provide their Breeder Identification Number (BIN) in their application.
- c. The applicant must identify the breed of dogs or cats proposed to be bred and boarded onsite.
- d. The maximum number of adult animals and breeding animals to be kept on the site at any time.
- e. Statement of Environmental Effects – including number of staff, hours of operation (open to visitors/customers).
- f. Plans and specific reports.