

SHIRE OF CHITTERING

TOWN PLANNING SCHEME NO. 6

**Local Planning Policy
No. 24**

**STOCKING RATES AND
KEEPING OF ANIMALS**

**SHIRE OF CHITTERING
LOCAL PLANNING POLICY No. 24
STOCKING RATES AND KEEPING OF ANIMALS**

1. STATUTORY CONTEXT

Town Planning Scheme (TPS) No. 6 refers to land and livestock management under clauses 4.2, 5.8, 6.3 and 10.2 of the Scheme.

The Shire makes this Local Planning Policy No 24 regarding Stocking Rates and Keeping of Animals (Policy) under Part 2 of the Scheme.

If any provision of this policy is inconsistent with the Scheme then the Scheme prevails. This Policy is not part of the Scheme and shall not bind the Shire in any respect of an application for Planning Approval. The Shire shall, however, have due regard to the provisions of this Policy and the objectives that this Policy is designed to achieve before making its decision.

This policy applies to all zoned land within the Shire's district. It applies to all animals but not poultry, pigeons, reptiles, crustaceans, fish or bees, some of which are covered by the Shire's Health Local Laws. It supersedes Local Planning Policy No 24 Stocking Rates and Keeping of Animals adopted 24 January 2007.

2. DEFINITIONS

Unless the context otherwise requires, words and expressions used in this Policy have the same meaning as they have in the Scheme.

The following are definitions that relate directly to the application of this policy:

"Building Clearing Area" means the area within a defined building envelope that may be cleared for the purposes of erecting a dwelling, outbuildings and management of vegetation for gardens, car parking, driveways and fire hazard reduction;

"Council" means the Council of the Shire of Chittering;

"Large Animal" means an adult horse, cow, camel or similar sized animal;

"livestock" means any animal determined as livestock by the Stock (Identification and Movement) Act 1970 as amended and shall include all cattle, horses, pigs, sheep, goats, camels, alpaca, llama and other breeds as determined by this Act;

"Lot" has the same meaning as in the Planning and Development Act 2005, but does not include a strata or survey strata lot;

"Previously Cleared Land" means land lawfully cleared of natural vegetation;

"Property" has the same meaning as *"Lot"*;

"Scheme" means Shire of Chittering Town Planning Scheme No. 6;

"Shire" means the Shire of Chittering;

"Stock" has the same meaning as *"Livestock"*.

3. BACKGROUND

The Shire of Chittering is primarily an agricultural district, with the majority of its land used for rural, particularly pastoral, purposes.

In times of climate change and fluctuating farm prices there can be a tendency to over-stock agricultural properties, exceeding carrying capacities and resulting in environmental damage – loss of natural vegetation, soil erosion and deterioration of water resources in both quality and quantity. This damage may be gradual, over many years, or it may result from particular events such as drought or deliberate concentration of animals in feedlots prior to shipment.

While primarily rural, the Shire is also strategically located on the edge of the Perth metropolitan area and is currently undergoing a rapid influx of people, particularly those seeking a peri-urban lifestyle, where they can live with their animals. The keeping of stock can be a rewarding hobby or occupation for many small landowners and occupiers within the Shire. However, even small stock numbers, particularly horses, have the potential to cause environmental damage and can present a nuisance to adjoining neighbours. For this reason, the Council wishes to promote responsible management practices, which are environmentally sustainable and sympathetic to the needs and attitudes of the broader community.

Whatever the cause, guidelines on stocking rates and land management for the keeping of animals are desirable to prevent environmental degradation. There is no intention to interfere with normal agricultural practices. Stocking rates that are specified for small lots can be increased in individual cases where management plans are prepared. It is possible to temporarily accommodate young and old animals, whose impacts are generally less, above and beyond specified stocking rates, within the specified policy.

This policy interprets the requirements of the Scheme and has been created to help farmers, the Council, developers and land owners achieve the sustainable keeping of stock and other animals, in a manner that preserves the rural character of the Shire.

4. OBJECTIVES

The objectives of this policy are:

To encourage sustainable agriculture;

To accommodate animals commensurate with the carrying capacity of the land;

To protect the natural vegetation and water quality;

To lessen the likelihood of soil erosion and land degradation; and

To maintain the rural character of the Shire.

5. POLICY STATEMENT

5.1 General Requirements

In all zones:

- a) planning consent is required for the keeping of any animal in any zone, unless exempted (see below);
- b) planning consent is required for horse arenas, which are to be located on previously cleared areas and satisfy the setback requirements of Local Planning Policy No. 18;

- c) Council may refer any application for keeping of livestock to appropriate Government agencies for advice and in determining the application will have regard to that advice;
- d) applications for planning consent for livestock and other animals may be dealt with by the Chief Executive Officer under delegation issued by Council in accordance with Section 5.42 of the Local Government Act;
- e) as a condition of planning consent the Council may require the landowner or occupier to undertake a replanting programme or remedial works to the Council's satisfaction;
- f) as a condition of planning consent the Council may require fencing to exclude the keeping of animals from watercourses, areas of natural vegetation, areas liable to flooding and/or land where soil erosion or other land degradation may occur;
- g) all animals shall be kept secure within the confines of the property by fences or other means;
- h) a stable or any other structure used for housing stock shall be located a minimum distance of 15 metres from any dwelling on a property, in accordance with the Shire's Health Local Laws;
- i) no grazing animals are permitted in areas of uncleared natural vegetation without approval in writing of the Council;
- j) the Shire will not permit the clearing of natural vegetation on any lot to provide for the keeping of stock or horse arenas, except within a building clearing area;
- k) where trees with a diameter greater than 50mm occur within horse yards, where goats graze or where they are likely to be subjected to ringbarking by any animal, they are to be fitted with guards to prevent damage;
- l) no cats are to be kept on any lots that immediately adjoin a Local Scheme Reserve for Conservation or Parks and Recreation;
- m) all animals shall be kept in such a way as not to cause nuisance;
- n) where in the opinion of the Council at its absolute discretion land or vegetation is considered degraded or animals are causing a nuisance, a landowner or occupier may be ordered to reduce the number of animals on the lot and undertake other remedial action as is considered appropriate; and
- o) notwithstanding the number of animals permitted by this policy, special circumstances such as poor soils, the occurrence of declared rare flora, excessive land slope or wetland conditions, may reduce or totally preclude the number of animals permitted.

5.2 Agricultural Resource Zone

In the Agricultural Resource Zone:

- a) Subject to 5.1 and the requirements of this clause, the broad-acre farming of sheep, cattle and other grazing animals (classified as Agriculture-Extensive under the Scheme) at stocking rates acceptable to the Department of Agriculture, in accordance with the Shire's Local Laws, is exempt from the requirement for planning consent;
- b) Planning consent is required for the following:
 - (i) keeping of any pigs (classified as Piggery under the Scheme);
 - (ii) feedlots (classified as Animal Husbandry-Intensive under the Scheme);
 - (iii) irrigated pasture (classified as Agriculture-Intensive under the Scheme);
 - (iv) kennels and other premises for the breeding, boarding or training of animals for commercial purposes (classified as Animal Establishment under the Scheme); and
 - (v) when there is a temporary increase of more than double the usual stocking rate, as in the case of holding stock prior to shipment;
- c) Uses described in b), may be subject to advertising under Part 9 of the Scheme and where approved shall be managed in accordance with:
 - (i) the Shire's Health Local Laws
 - (ii) a Property Management Plan as described in Schedule 1, which is to accompany the application for planning consent and be approved by the Chief Executive Officer;
 - (iii) a Fire Management Plan prepared in accordance with Local Planning Policy No. 21;
 - (iv) other Local Planning Policies, as appropriate;
- d) Up to 4 dogs over the age of 3 months and the young of those dogs may be kept in accordance with the Dog Act 1976 and Shire's Local Laws, without planning consent;

- e) Other animals may be kept without planning consent, at the discretion of the Chief Executive Officer.

5.3 Townsite Zone

In the Townsite Zone:

- a) Subject to 5.1 and the requirements of this clause, the keeping of animals is permitted:
 - (i) in accordance with the Shire's Local Laws
 - (ii) with the planning consent of the Council, which may include advertising in accordance with Part 9 of the Scheme;
- b) Pigs are prohibited;
- c) Where large animals can be accommodated, planning consent is deemed to have been granted for one large animal for each two hectares of cleared site area;
- d) Other animals can be accommodated in lieu of large animals at the rate of 5 dry sheep equivalents for each hectare of cleared site area, as shown in Schedule 2.
- e) Where a Property Management Plan is prepared in accordance with Schedule 1, and it can be demonstrated that the method of management proposed (eg. irrigated pasture, supplemental feeding) is unlikely to result in degradation of land and vegetation, Council may grant approval for the stocking rates to be increased above that specified in c) and d) above, provided that the minimum lot size on which a large animal may be kept is 2,000m²;
- f) Planning consent is not required for:
 - (i) 2 dogs over the age of 3 months and the young of those dogs
 - (ii) up to 3 cats over the age of 3 months.

5.4 Rural Residential, Small Rural Holdings and Rural Retreat Zones

In the Rural Residential, Small Rural Holdings and Rural Retreat Zones:

- a) Subject to 5.1 and the requirements of this clause, the keeping of animals is permitted:
 - (i) in accordance with the approved Development Plan for the estate;
 - (ii) in accordance with the Shire's Local Laws;
 - (iii) with the planning consent of the Council, which may include advertising in accordance with Part 9 of the Scheme;
- b) Pigs are prohibited;
- c) No animal is to be kept in a vegetation protection area shown in an approved Development Plan;
- d) Where large animals are not prohibited by the approved Development Plan:
 - (i) planning consent is deemed to have been granted for one large animal for each two hectares of previously cleared site;
 - (ii) planning consent is required for the keeping of any livestock within the building clearing area of any naturally vegetated lot, subject to an approved Property Management Plan prepared in accordance with Schedule 1;
- e) Where other animals are permitted by the approved Development Plan, these are permitted in lieu of large animals at the rate of 5 dry sheep equivalents for each previously cleared hectare of site area, as shown in Schedule 2;
- f) Where a Property Management Plan is prepared in accordance with Schedule 1, and it can be demonstrated that the method of management proposed (eg. irrigated pasture, supplemental feeding) is unlikely to result in degradation of land and vegetation, Council may grant approval for the stocking rate on previously cleared land to be increased up to twice that specified in d) and f) above ie. up to a maximum of 10 dry sheep equivalents or one large animal for each hectare of cleared site area;
- g) When permitted by the Development Plan, planning consent is not required for:
 - (i) 2 dogs over the age of 3 months and the young of those dogs
 - (ii) up to 3 cats over the age of 3 months.

Schedule 1: Format of PROPERTY MANAGEMENT PLAN FOR

Title Page

Contents Page

- 1.0 Introduction - purpose of plan, lot number and area, zoning, site location, district context (including similar uses nearby), (**Map 1**: Location Plan showing the position of the property in relation to the townsite or estate, with lot boundaries, roads, major water courses);
- 2.0 Site Plan - physical features of property, such as soil type, vegetation, particularly the occurrence of uncleared bush, water courses, existing land use, buildings and water supply, condition of property at time of purchase or prior to development (**Map 2**: Existing Property eg. contours, vegetation (bush, pasture), site features, existing improvements, fire breaks, access roads);
- 3.0 The Proposal - location of any proposed house, sheds, stables/shelter, yards, arena, tree plantings (windbreaks and decorative), access ways, fences, number and type of animals including ages, height (where relevant), pasture, water and feed supply, chemical storage and use, waste collection and disposal, special equipment/lighting, any stages of development, duration of use if temporary (**Map 3**: Property Management Plan showing existing and proposed improvements, any buildings to be removed or land to be cleared and measures to protect the environment);
- 4.0 Environmental Risk - potential for damage to soils and water quality (ground and surface water), loss of natural vegetation, possibility of flies, noise, odour, dust, weeds, fire risk, disease risk;
- 5.0 Management Plan – ways of reducing hazards of bushfire, waste disposal, conserving soil, preventing erosion, preserving trees, preventing nutrients getting into water, control of sediments, dust, flies.
- 6.0 Summary - why proposal is acceptable, owner/operator's responsibilities.

Appendices - additional information as required eg. letter of support from Department of Agriculture or specialist consultant.

Endorsement Page - Shire Planner
Name Signature

Chittering Landcare
Centre Coordinator
Name Signature

Dated this day of 20.....

**Schedule 2: COMPARISON OF DRY SHEEP EQUIVALENTS (DSEs)
FOR VARIOUS GRAZING ANIMALS**

Species	Average Annual DSE Rating	No. of animals permitted at 5 DSE per hectare on a cleared 2ha site without a management plan (to be taken to nearest whole number for each property)
Alpaca	1	10
Camel	10	1
Cattle/cow	10	1
Deer	2	5
Donkey	8	1.25
Emu	4	2.5
Goat	1.5	6.66
Horse	10	1
Horse or pony 14 hands and under	6	1.66
Horse, miniature	2	5
Kangaroo	0.5	20
Llama	2	5
Mule	8	1.25
Ostrich	4	2.5
Sheep	1	10
Sheep, pregnant or lactating	2	5

With a property management plan at a stocking rate of 10 dry sheep per hectare, the following could be accommodated on a previously cleared two hectare site:

2 large horses, or
 3 ponies, or
 1 large horse and 1 cow, or
 1 cow and 10 sheep, or
 1 large horse, 1 deer, 1 llama, 2 goats and 3 sheep or
 20 sheep etc

Schedule 3: TYPICAL PLANNING APPROVAL

(Appropriate conditions are to be based on the following list)

“Council grants planning approval to the owner of (*lot number, road, locality*) for (*the proposal, eg. keeping of 2 [two] horses*), subject to the following conditions:

1. (a) Development shall generally occur in accordance with the Property Management Plan submitted with the application for planning approval (Planning Application No.); or
(b) The applicant to prepare a property management plan in accordance with Schedule 1 of Local Planning Policy 24 - Stocking Rates, addressing the following issues to the satisfaction of the Chief Executive Officer:
 - Stable design, including drainage controls of manure;
 - Manure handling and disposal to avoid odour and flies;
 - Manure management to prevent nutrient export from the site;
 - Fencing of appropriate design;
 - Pasture management to prevent soil erosion;
2. (*Natural vegetation/wetlands/watercourses*) shall be fenced to exclude livestock to the satisfaction of the Chief Executive Officer;
3. No livestock shall be permitted in areas of uncleared natural vegetation without approval in writing of the Council;
4. All trees with a diameter greater than 50mm that occur where livestock are kept are to be fitted with approved guards to prevent damage;
5. Land shall be managed in a sustainable manner and where in the opinion of the Council at its absolute discretion land or vegetation is considered degraded or animals are causing a nuisance, the landowner or occupier may be ordered to reduce the number of animals on the lot and/or undertake other remedial action as is considered appropriate;
6. Perennial pasture shall be established before livestock are introduced to the site, to prevent soil damage and wind erosion;
7. The applicant shall undertake a vegetation replanting programme of (*describe location and amount*), comprising native species, to the satisfaction of the Chief Executive Officer;
8. Fencing shall be in accordance with Local Planning Policy No. 22 - Fences;
9. All buildings shall be located within the building clearing area;
10. Any fill or soil brought on to the property shall be free of dieback;
11. Manure shall be collected daily,
 - (a) in accordance with the Shire’s Health Local Laws, and disposed of (*off-site or to the satisfaction of the Chief executive Officer*); or
 - (b) and contained within a waterproof covered area, on a concrete base, with a maximum size of 8m³, located (*describe location*);
12. Prior to the issue of a building licence there shall be approved for the development:
 - (a) Waste Management Plan, describing the collection, storage and disposal of wastes;
 - (b) Fire Management Plan, prepared in accordance with Local Planning Policy No. 21 (*required for commercial development*);
13. If the development, the subject of this approval, is not substantially commenced within a period of two years from the date of the approval, the approval shall lapse and be of no further effect. Where an approval has lapsed, no further development shall be carried out without the further approval of Council having first been sought and obtained.
14. Breach of conditions may result in cancellation of this approval.

Advice Notes:

1. This approval does not constitute a building licence;
2. The applicant should refer to the publication on Environmental Guidelines for Horse Facilities and Activities, published by the Water and Rivers Commission, 2002.
3. The applicant is encouraged to contact the Department of Water’s Swan Avon Region office to discuss water management options.
4. Should an Applicant be aggrieved by a decision of Council, the State Administrative Tribunal can be requested to review the decision. Such a request should be lodged within twenty-eight (28) days of Council’s decision.

ADOPTED FOR PRELIMINARY APPROVAL by resolution of the **Shire of Chittering** at the Ordinary Meeting of the Council held on the 16th day of May 2007.

ADOPTED FOR FINAL APPROVAL by resolution of the **Shire of Chittering** at the Ordinary Meeting of the Council held on the 18th day of July 2007.

and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

PRESIDENT.....

CHIEF EXECUTIVE OFFICER.....

Date: