9.3 Use codes

9.3.1 Animal keeping code

9.3.1.1 Application

1. This code applies to assessing a material change of use if:
2. assessable development where this code is an applicable code identified in the assessment benchmarks column of a table of assessment for a material change of use (section 5.5) or a neighbourhood plan (section 5.9);or
3. impact assessable development for animal keeping or a use of a similar nature.
4. When using this code, reference should be made to section 1.5 and section 5.3.3.

Note—The following purpose, overall outcomes, performance outcomes and acceptable outcomes comprise the assessment benchmarks of this code.

Note—Where this code includes performance outcomes or acceptable outcomes that relate to noise impact assessment, guidance is provided in the Noise impact assessment planning scheme policy.

Editor’s note—An animal permit may be required under Brisbane City Council’s Animals Local Law 2003 (Consolidated version 2009).

9.3.1.2 Purpose

1. The purpose of the Animal keeping code is to assess the suitability of development to which this code applies.
2. The purpose of the code will be achieved through the following overall outcomes:
3. Development provides animal enclosures and buildings that are located, designed and constructed to protect surrounding land uses from noise.
4. Development ensures that the design of an animal enclosure contains animals within the site.

9.3.1.3 Performance outcomes and acceptable outcomes

Table 9.3.1.3—Performance outcomes and acceptable outcomes

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| Performance outcomes | Acceptable outcomes |
| PO1  Development for animal keeping protects an occupant of a nearby sensitive use from adverse noise impacts, including sleep disturbance, through design, siting and construction that prevents or reduces the emission of noise beyond the development site by ensuring noise emissions do not exceed:   1. LAeq,adj,15min emitted from the development is not greater than the rating background level plus 3 at a sensitive use; 2. Where LAeq,adj,15min is the A-weighted equivalent continuous sound pressure level during a 15 minute measurement time, adjusted for tonal and impulsive noise characteristics, determined in accordance with the methodology described in the Noise impact assessment planning scheme policy.   Note—Rating background level is to be determined in accordance with the methodology described in the Noise impact assessment planning scheme policy.  Note—A noise impact assessment report prepared in accordance with the Noise impact assessment planning scheme policy can assist in demonstrating achievement of this performance outcome. | AO1  Development ensures that animal noise is not clearly audible and does not create a disturbance within a dwelling or its associated balconies/patios. |
| PO2  Development for a kennel protects an occupant of a nearby sensitive use from adverse noise impacts, including sleep disturbance, through design, siting and construction that prevents or reduces the emission of noise beyond the development site by ensuring noise emissions do not exceed LAmax,adj 45dB(A) measured at a nearby sensitive use.  Where LAmax,adjis the adjusted A-weighted maximum sound pressure level determined in accordance with the methodology described in the Noise impact assessment planning scheme policy.  Note—A noise impact assessment report prepared in accordance with the Noise impact assessment planning scheme policy can assist in demonstrating achievement of this performance outcome. | AO2  Development ensures that kennels, including runs, are located a minimum of:   1. 800m from the nearest dwelling not associated with the use; or 2. 200m from the nearest dwelling not associated with the use and animals are kept in an enclosed structure made of acoustically resilient material such as brick, concrete or masonry with no openings except closed solid and sealed doors and sealed windows between 6pm and 7am. |
| PO3  Development must have fencing of a sufficient height and depth to ensure that an animal cannot escape by jumping, climbing or digging. | AO3  Development provides a fence of a minimum height of 1.8m and a depth of 0.2m. |