

City of Belmont Stable Premises Local Law 2015



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HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995
City of Belmont

City of Belmont Stable Premises Local Law 2015

Made by the Council of the City of Belmont under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

1. Citation

This Local Law may be cited as the *City of Belmont Stable Premises Local Law 2015*.

2. Commencement

This local law comes into operation on the date of its publication in the *Government Gazette*.

3. Repeal

The *City of Belmont Health (Stables Premises) Local Laws 1999* published in the *Government Gazette* on 14 April 1999 is repealed.

4. Application

This local law applies to the district.

5. Interpretation

In this local law, unless the context otherwise requires -

Act means the *Health Act 1911*;

associated building means a feed room, gear room, shoeing area, hosing down area, shelter or veterinary treatment room connected to the care and management of horses;

Building Code means the latest edition of the Building Code of Australia (BCA) published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that code;

dwelling house means a building used solely for human habitation, and also means any part of a building which is designed for use as a self-contained unit for living purposes and is used solely for human habitation, but does not include open verandas or patios;

Environmental Health Officer means any Environmental Health Officer appointed by the local government under the Act;

habitable room has the meaning given to it in the Building Code;

horse means any animal belonging to the subspecies *Equus ferus caballus*;

local government means the City of Belmont;

Local Planning Scheme means the City of Belmont's Local Planning Scheme No. 15 as amended or substituted from time to time;

Residential and Stables Zone has the meaning given to it in the Local Planning Scheme;

sleeping quarters means a room within a stable premises that is used by people for resting purposes but is not a place of residence;

stable premises means a building for the keeping, caring and feeding of one or more horses;

stall means a single compartment in a stable premises in which one horse is kept;

training/walking ring means an area where horses are temporarily contained for the purposes of training and exercise;

walk-in/walk-out stall means a single compartment in a stable premises with a sand floor and with a floor area of a minimum of 28 square metres for the keeping of one horse; and

yard means an area contained by a fence or rails where horses are kept during day-light hours only.

6. Requirement for Registration

- (1) No person shall keep or stable any horse within the district of the local government other than in a stable premises registered under this local law.
- (2) No person shall keep or stable in any stable premises a greater number of horses than the number for which the stable premises is registered.
- (3) Registration shall only be granted in the name of the owner of the property or an occupier holding a lease on the whole of the property on which the stable premises are situated.
- (4) The provisions of this local law are in addition to, and do not derogate from, the provisions of any other written law.
- (5) No person shall fail to comply with a condition of registration imposed by the local government under clause 9(1)(b).

7. Application for Registration

- (1) Every application for the registration of a stable premises shall be made in the form prescribed in Schedule 1 and shall be accompanied by such plans and other information as required by the local government.
- (2) Any applications for the renewal of a registration shall be submitted –
 - (a) during the month of June;
 - (b) prior to the expiry of the registration; and
 - (c) in the form prescribed in Schedule 2.

- (3) Subject to clause 10(3), the new owner or occupier holding a lease on the whole of the property shall, within 28 days of sale, transfer or agreement, make an application in the form prescribed in Schedule 3, together with the prescribed fee set in accordance with clause 11.
- (4) Where the owner or occupier of a registered stable premises intends to -
 - (a) alter or amend the buildings, facilities or land designed and/or used for the keeping of a horse or horses and equine activities; or
 - (b) keep horses in excess of the number permitted on the current certificate of registration,the owner or occupier shall make application for variation of registration substantially in the form of Schedule 4 to this local law and lodge the application with the local government with the prescribed fee, together with such plans, specifications, drawings, particulars and information as the local government may require in relation to the variation.
- (5) Notwithstanding clause 21, a person who submits an application in an incorrect form does not commit an offence under this local law.

8. Property Inspection

Upon receipt of a new application, the local government may cause the property to be inspected by an Environmental Health Officer who will report on the sufficiency of the property and such other matters as are required by this local law.

9. Determination of Applications

- (1) Upon an application for registration, renewal of registration, variation of registration or change of registration being made, the local government may:
 - (a) approve the application;
 - (b) approve the application, subject to such conditions it sees fit; or
 - (c) refuse the application.
- (2) Where the local government approves an application, it shall, upon being paid the registration fee prescribed under clause 11, issue a Certificate of Registration, substantially in the form of Schedule 5.

10. Expiry, Suspension and Cancellation of Registration

- (1) A registration is valid from the date of issue until the upcoming 30 June, unless it is suspended or cancelled prior to that date under this local law.
 - (2) If a registration is not renewed prior to 30 June in the year following its date of issue, the registration shall expire.
 - (3) A current registration will be cancelled if the owner of the property or an occupier holding a lease on the whole of the property either sells the property or relinquishes the lease.
 - (4) Where a person to whom a registration has been granted -
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- (a) fails to comply with a condition of registration; or
 - (b) is convicted of an offence under this local law,
- the local government may by written notice to such person, suspend or cancel or refuse to renew the registration.
- (5) Where the local government suspends or cancels a registration under subclause (4), the suspension or cancellation will be effective from –
 - (a) the date specified in the written notice; or
 - (b) the same day on which the notice is issued, if no date is specified in the written notice.
 - (6) Where a registration has been suspended under subclause (4), the local government may reinstate the registration by issuing a written notice.

11. Prescribed Fees

Where fees are required to be paid for the registration, renewal of the registration, or a variation or change to the name on the registration, the fee shall be as fixed from time to time by the local government under section 344C of the Act.

12. Requirements for the Construction of Stable Premises

- (1) The construction of a stable premises and its situation with respect to adjacent buildings must be in accordance with the Building Code, any local law and the Local Planning Scheme, but the local government may waive strict compliance with this requirement with respect to any approved stable premises in existence prior to the day of this local law coming into force.
 - (2) Subject to subclause (3), all stable premises and associated buildings must be built in brickwork or other materials approved by the local government and provided with a concrete floor having a minimum thickness of 75 millimetres. The finished floor level shall be 75 millimetres above the surrounding surface level and where required, drained to the sewer or as otherwise approved by the local government.
 - (3) Every stable premises shall be constructed with full height external walls to the requirements of the Building Code. Partition walls between stalls shall not be less than 1.5 metres high. Full height partition walls must provide a minimum area of 0.5 square metres of permanent ventilation, not more than 300 millimetres below the roofline.
 - (4) Every stall shall have an area of not less than 12 square metres with walls not less than 3 metres in length.
 - (5) Every stall shall be provided with a roof that covers the entire floor area of the stall and allows for a minimum ceiling height of 2.7 metres with an average ceiling height of 3 metres.
 - (6) The construction of walk-in/walk-out stalls must comply with the following conditions -
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- (a) The site being well drained with the highest known water table no closer than 1.2 metres below the ground or sand floor level, which may be achieved artificially.
 - (b) A bed of crushed, compacted limestone or any other proposed alternative acceptable to the local government, with a minimum thickness of 300 millimetres shall be laid under the sand floor.
 - (c) Whether natural or imported sand, it must be clean, coarse and free from dust.
 - (d) Footings shall be a minimum of 450 millimetres below ground level.
 - (e) The design must provide a minimum access width of 1.5 metres and must allow sufficient access for small earth moving machinery.
 - (f) The minimum floor area shall not be less than 28 square metres and shall have a minimum ceiling height of 2.7 metres with an average ceiling height of 3 metres.
 - (g) Walls shall have a minimum length of 4 metres.
 - (h) The roofed area shall not be less than 80 percent of the floor area.
 - (i) In all other respects subclause 12(1) shall apply.
- (7) Rooms used for the purposes of general administration or as sleeping quarters must be separated from the stable premises by a door.

13. Yards and Training/Walking Rings

- (1) Yards and training/walking rings shall conform to the following requirements -
- (a) The site being well drained with the highest known water table no closer than 1.2 metres below the ground or sand floor level, which may be achieved artificially.
 - (b) The minimum floor area shall not be less than 28 square metres and the sides of each yard or training/walking ring shall not be less than 4 metres in length.
 - (c) A 300 millimetres thick bed of crushed and compacted limestone, or any other proposed alternative acceptable to the local government, shall be laid under the sand.
 - (d) Whether natural or imported sand, it must be clean, coarse and free from dust.
 - (e) Yards and training/walking rings shall be provided with a fence or railing at a distance of not less than 1.2 metres from the boundary of any adjoining property not in the same ownership or occupation as the registered stable premises, except when in accordance with paragraph (d).
 - (f) Where a yard or training/walking ring abuts a boundary fence with a minimum height of 1.8 metres and built of masonry or other approved materials of similar or better qualities, the yard or training/walking ring is not required to have a rail 1.2 metres from the boundary.
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- (g) On a corner lot, yards and training/walking rings may be permitted to the street boundary, provided the boundary fence is 1.8 metres high and constructed of masonry or other material of similar or better quality.
- (2) Any roof erected over the whole or part of a yard or training/walking ring must have a minimum ceiling height of 2.7 metres with an average ceiling height of 3 metres.

14. Limitation of Number of Horses

- (1) A person shall not keep more than the following number of horses on a property:
- (a) Where the total area of the property is less than 900 square metres – six horses;
- (b) Where the total area of the property is between 900 and 1,400 square metres – six horses, plus an additional horse for every 50 square metres for which the total area of the property exceeds 900 square metres;
- (c) Where the property is in excess of 1,400 square metres – sixteen horses, plus an additional number of horses as approved by the local government.
- (2) Subclause (1) does not restrict the conditions which may be imposed by the local government under clause 9(1)(b).

15. Required Minimum Setbacks

The structures identified in Column 1 of Table 1 shall be set back in accordance with the required setbacks described in Column 2 of Table 1.

Table 1

Column 1	Column 2
Structure	Required Setback
Stalls and walk-in/walk-out stalls	No less than 6 metres from dwelling house on same property
	No less than 10 metres from dwelling house on adjacent property
	No less than 15 metres from commercial premises
Yards and training/walking rings	No less than 6 metres from dwelling house on same property
	No less than 10 metres from dwelling house on adjacent property
	No less than 15 metres from commercial premises
Associated buildings - feed room, gear room, shoeing area, hosing down area, shelter or veterinary treatment room	No less than 6 metres from dwelling house on same property
	No less than 10 metres from commercial premises
	No less than 10 metres <u>from any habitable room</u> of a dwelling house on adjacent property

16. Exemption for Existing Stable Premises

- (1) Notwithstanding clause 15, the local government may vary or not apply the required setback between an existing structure described in Column 1 of clause 15 and any proposed building on an adjacent property.
- (2) (a) (i) Where an existing stable premises is demolished and new stables premises are proposed, the existing setbacks can be used.
(ii) The setbacks cannot be less than those of the existing stable premises prior to demolition.
- (b) Where the exemption specified in 16(2)(a) is utilised, the new stable premises must be built and operational within two years of the demolition of the existing stable premises.

17. Waste Receptacles

- (1) (a) Every stable premises must have mobile or free-standing fly-proof waste receptacles of a size, number and construction approved by an Environmental Health Officer.
(b) All stable premises waste including soiled bedding and manure produced on the premises shall be placed into a waste receptacle approved for that purpose.
(c) The contents of such receptacles shall be removed from the stable premises at least once in every week and more often if required by written notice from an Environmental Health Officer.
(d) All reasonable steps must be taken to ensure that the lid of each receptacle is kept closed at all times except when depositing waste or during cleaning of the receptacle.
- (2) Receptacles in which waste is placed shall not be situated closer than 10 metres from any habitable room on the same property or any premises or dwelling house on an adjacent property.

18. Feed Storage

Every stable premises shall have impervious rodent-proof containers for the storing of horse feed.

19. Cleanliness Standards

The person in whose name the stable premises is registered shall ensure that:

- (a) all manure and soiled bedding is swept up and placed in the approved waste receptacles at least once every day;
 - (b) all waste receptacles are kept in a sanitary condition and the contents of such receptacles removed in accordance with clause 17(1)(c);
 - (c) any surface of any building, stable premises or associated building is sprayed with an approved residual pesticide as required by written notice from the local government;
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- (d) any sand, wood shavings, sawdust or other materials are removed and replaced when impregnated with urine, manure or any other offensive matter; and
- (e) stable premises are kept in a clean and sanitary condition and as far as practicable, free from flies, rats, other vectors of disease and offensive odours.

20. Maintenance Standards

- (1) The person in whose name the stable premises is registered shall ensure that:
 - (a) the stable premises and associated buildings are maintained in good working order, sound weatherproof condition and are fit for use, including but not limited to:
 - (i) roofs, walls, floors, guttering, downpipes and on-site storm water disposal systems; and
 - (ii) doors and windows.
 - (b) Fences, railings and gates in the stable premises and associated buildings are maintained in good working order and repair.

21. Offence and Penalties

- (1) A person must not, in connection with an application under this local law –
 - (a) give any information that the person knows is false or misleading; or
 - (b) give any information which is false or misleading with reckless disregard as to whether the statement is false or misleading.
 - (2) Any person who commits a breach of or fails to comply with any of the requirements of this local law, or fails to comply with any lawful direction commits an offence and shall be liable to:
 - (a) a penalty which is not more than \$1,000 and not less than:
 - (i) in the case of a first such offence \$100.
 - (ii) in the case of a second such offence \$200.
 - (iii) in the case of a third or subsequent offence \$500.
 - (b) a daily penalty which is not more than \$100 and not less than \$50, if the offence is a continuing offence.
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CITY OF BELMONT

City of Belmont Stable Premises Local Law 2015

Schedule 1 - Application for Registration of a Stable Premises

I, the undersigned, hereby apply to have the undermentioned property registered as a stable premises. I confirm that I have enclosed the prescribed fee per clause (11).

Full Name: _____

Postal Address: _____

Property Address: _____

Email Address: _____

Contact Telephone No: _____

Owner

Occupier holding a lease on the whole of the property

If Occupier holding a lease on the whole of the property, complete Owner's name and address.

Owner's Name: _____

Owner's Postal Address: _____

Number of stalls*: _____

Land Area of Property (in m²): _____

Signature: _____

Date: _____

** Number of horses permitted to be kept shall not exceed the number of stalls for which the property is registered*

CITY OF BELMONT

City of Belmont Stable Premises Local Law 2015

Schedule 2 - Application for Renewal of Registration of a Stable Premises

I, the undersigned, hereby apply to renew the registration of the undermentioned property as a stable premises:

Full Name: _____

Postal Address: _____

Property Address: _____

Email Address: _____

Contact Telephone No: _____

Owner

Occupier holding a lease on the whole of the property

If Occupier holding a lease on the whole of the property, complete Owner's name and address.

Owner's Name: _____

Owner's Postal Address: _____

Name:

(PRINT CLEARLY USING BLOCK CAPITAL LETTERS)

Signature:

Date:

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**Schedule 3 - Application for Variation of Name on
Registration of a Stable Premises**

I (Full Name) _____

of (Address) _____

Owner

Occupier holding a lease on the whole of the property

Apply for Variation of Name on Registration of the stable premises situated at:

It is proposed to vary/change the name on the registration to (full details of name/s to be stipulated on registration)

of (address/es of new person/s nominated) _____

I/We confirm that the prescribed fee per clause (11) is enclosed.

Date _____ Signature _____

Date _____ Signature _____

Date _____ Signature _____

Date _____ Signature _____

Date _____ Signature _____

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Schedule 4 - Application for Variation to a Stable Premises

I (Full Name) _____

of (Address) _____

Email: _____

Contact Telephone No: _____

Owner

Occupier holding a lease on the whole of the property

If Occupier holding a lease on the whole of the property, complete Owner's name and address.

Owner's Name: _____

Owner's Postal Address: _____

Apply for variation to the stable premises situated at:

The registration is currently in the name of (Full Name) _____

of (Address) _____

It is proposed to vary/change the stable premises (*full details of intended variations including plans, specifications, drawings, particulars and information as the local government may require*).

Date _____ Signature _____

Date _____ Signature _____

Date _____ Signature _____

CITY OF BELMONT

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**Schedule 5 - Certificate for Registration as a Stable
Premises**

This is to certify that the premises situated at _____

and owned/leased by _____

are registered as premises upon which horses may be kept from the date of issue of this Certificate until 30 June next, unless this Certificate of Registration is previously cancelled, suspended or is deemed to be invalid in accordance with this local law.

The maximum number of horses to be kept on the premises at any one time is _____

This Certificate is issued subject to compliance with the *Health Act 1911* and its Regulations and local laws as amended from time to time in force thereunder; and the *City of Belmont Stable Premises Local Law 2015*.

Dated at Belmont this _____ day of _____.

This Local Law was made by the City of Belmont at an Ordinary Meeting held on 26 May 2015.

The common seal of the City of Belmont)
was affixed by the authority of the Council)
in the presence of -)

Stuart Cole
CHIEF EXECUTIVE OFFICER

Phil Marks
MAYOR

Date: _____

Consented to _____
EXECUTIVE DIRECTOR
PUBLIC HEALTH

Date: _____
