

## **What Is The Purpose Of The Plan?**

This Development Control Plan (DCP) applies to the City of Broken Hill. It establishes and outlines development policy and design guidelines relating to the establishment of stables for the keeping of horses within residential precincts of the City. and is provided as a guide for persons wishing to construct stables and associated structures within the City of Broken Hill.

The techniques and standards described herein are not limited to the examples given, and consideration will be made with regard to other materials and construction techniques where the applicant can prove that they will meet the objectives of this Development Control Plan.

The plan is also provided to ensure that a suitable standard of construction is obtained for the construction of these facilities so as to prevent or reduce the potential for nuisances and or health problems within the community.

This document should be read in conjunction with Council's policy for the keeping of horses within the City of Broken Hill.

This Development Control Plan in conjunction with the Environmental Planning and Assessment Act, 1979 (as amended), Local Government Act, 1993 and the Broken Hill Local Environmental Plan will be used as a guide in determining development applications for horse stable developments within the City of Broken Hill and in particular, residential precincts therein.

Developers are required to liase with relevant Council officers prior to preparation of plans for stable development to ensure that proposals comply with this DCP.

In the event of any inconsistencies between this Plan and the Broken Hill LEP 1996, the provisions of the LEP shall prevail.

## **Objectives of DCP**

- To provide clear and specific guidelines for people wishing to construct horse stables within the City of Broken Hill.
- To allow for the high level of demand existing within Broken Hill for developments of this nature.
- To provide a mechanism whereby people may apply to Council for variations in the methods and materials used in construction of stables and associated structures.
- To allow for the construction of stables in areas where the potential for conflict exists, i.e. in residential areas.

- To encourage the location of stables, especially those of a large and or intense nature, into areas specifically designed to cater for such activities. Council may need to provide areas specifically for that purpose within its planning instruments.
- To provide a suitable environment for the keeping of horses in such a manner whereby the suffering of horses will be prevented from occurring. Note: all matters pertaining to animal welfare are the responsibility of the RSPCA.
- To encourage development to be sympathetic to the topography of the land, character, and scale of the surrounding development, and minimise impact on the environment
- To encourage a high standard of design, both functionally and aesthetically, which will have due regard to the needs of occupants, neighbors and local amenity
- To allow for the keeping of horses within a residential precinct without limiting consideration of normal residential uses
- To ensure stables development meets the relevant objectives of the Broken Hill Local Environmental Plan 1996.

## **Definitions used in this Plan**

**Advertised development** is development within a Residential Precinct that is of such a nature as to require the proposal to be advertised. All such items as listed within the LEP will fall into this category.

**Council** Broken Hill City Council

**DCP** Development Control Plan

**Development**

- a) the erection of a building or structure
- b) the installation of major plant or equipment
- c) carrying out of site works involving land fill, excavation or drainage
- d) use of land, buildings or work
- e) subdivision of land.

### **Dwelling**

A room or number of rooms occupied, or used or so constructed or adapted so as to be capable of being occupied or used as a separate domicile.

**Dwelling house**

A building containing one but not more than one dwelling/flats etc.

**Height**

The distance measured vertically from any point on the ceiling of the top most floor of the building to the ground level immediately below that point of where there is a Cathedral ceiling to the top plate.

**Horses**

Means one or more animals of the equine family and includes, donkeys, asses, ponies as well as those members commonly known as horses.

**LEP**

Broken Hill Local Environmental Plan 1996

**Residential Area**

An area zoned as 2c (City) under the Broken Hill Local Environmental Plan and classified as residential under Development Control Plan no. 1 - Residential.

**Rural Residential**

Are areas defined as 1c (rural residential) in the Broken Hill Local Environmental Plan.

**Schools**

Means a place used for the education of children or others not necessarily related to each other.

**Setback**

A requirement that a building be a specified minimum distance from a boundary (usually from a road reserve).

**Stables**

A building and yards used for the accommodation of one or more horses, donkeys or the like.

## **Statement of Environmental Effects**

A statement outlining the impacts of the development on the neighborhood. A copy of a format for a statement is provided in attachment 1.

## **Development Applications**

Development Applications are required for the purpose of determining land use for stables for the keeping of horses within the city of Broken Hill.

Construction Certificates are required to be obtained prior to any construction works being undertaken.

Design guidelines for stables are contained in this DCP.

## **Matters For Consideration**

Council will take into consideration:-

- any establishments of similar usage in the City;
- decisions of the Courts;
- requirements and matters for consideration under Section 79 C of the Environmental Planning and Assessment Act 1979;
- requirements of Council's Local Environmental Plan; and
- any requirement or matter raised by this DCP.

## **Notification Process**

For the purpose of providing notification to neighboring properties and those properties likely to be affected by a development, notification will be in accordance with Council's Development Control Plan no. 5 – Neighbor Notification which ensures that all persons that can be reasonably shown to be affected are notified.

## **Standards**

### **Number of Horses**

The number of horses to be kept depends on a number of factors including, area available, distances to shops, schools and residences etc. and the potential for nuisance.

The existence of other stables in the area may not be an excuse for the new stables as the cumulative impact needs to be considered. All applications will be considered entirely upon the merits of the application. The following areas are suggested as minimums for the respective uses:-

- Holding Yards – (standing area only), = 40m<sup>2</sup> (not including area of stables).
- Working Yards = 100m<sup>2</sup> (not including the area for stables and a holding yard). It is not recommended that working areas be incorporated into stable complexes within residential areas due to potential problems with dust and noise. Stables in these areas should be passive with the exercising of the horses being carried out off site, however a minimum passive exercise area of 40m<sup>2</sup> should be provided in addition to holding yards;
- Stables – (not including tack sheds or feed sheds) , = 16m<sup>2</sup> per. horse.

**Note:** It is the owner's responsibility to ensure that the animals are supplied with suitable accommodation. Failure to supply the basic requirements could result in actions by the RSPCA under the Cruelty to Animals Act.

### **Owner Occupied Sites**

Stables for non-commercial uses will only be considered when in conjunction with an existing residence or an application for a new residence lodged at the same time as the application for stables. This is to ensure that the applicant is in a position to act with speed and efficiency in the event that a nuisance does occur. Applications for commercial horse keeping establishments will need to satisfy Council of their ability to respond to nuisances as part of an ongoing management and maintenance plan.

### **Minimum Allotment Size**

The minimum allowable lot size with regard to a residence and stables within a residential area is 2100 m<sup>2</sup>.

### **Distances (From Other Buildings)**

Under the provisions of this Development Control Plan and schedule 5 of the Local Government Act, 1993, there are minimum distances from certain buildings and public places which must be complied with. Such distances apply to any part of the stables or yards. Distances stated by this Development Control Plan are in excess of the minimum distances provided under the Local Government Act and are as follows:-

- Dwelling, School, Shop, Office, Workshop, Church or other place of public worship, public hall or premises used for the preparation and or sale of food - 25 metres.

In addition, a local requirement is that no structure, yard or the like is to be within three metres of a side or rear boundary. This provision is to ensure that horses are not able to damage existing fences or shrubbery. This distance is included within the 25 metre distance referred to above.

**Note:** Council may need to take account of the likely impact upon known or likely future development, e.g. If an area is planned for a school or residential uses etc.

## **Construction & Materials**

### **Floor**

The floor shall be constructed of concrete, 100mm thick and suitably reinforced. All junctions between floors and walls are to be coved. Floors shall be graded at a minimum fall of 2 degrees to a discharge point, presumably the door. A concrete apron one-(1) metre in width is to be placed in front of the door. Use of materials such as straw and rice hulls is permitted provided they are changed on a regular basis. As a minimum, such material should be changed once a week, however in warm weather or where a nuisance exists, the frequency of changing may need to be increased to remove any nuisance. The applicant should monitor this situation closely and take appropriate action.

Council may also approve other suitable flooring such as hard masonry or pavers, provided such floors are properly constructed with sufficient falls to drain all wastes to a given point external to the stable. Council may in some circumstances require such drainage to be connected to the Country Energy sewer.

### **Walls**

Are to be of a solid construction, being masonry or concrete or a similar material to a height of 1200 mm. Alternative construction shall be allowed for construction above 1200 mm in height subject to compliance with normal building standards. Use of timber kick boards is allowed as a lining to solid construction but not as an alternative.

### **Roofs**

A clearance of 2.75 metres should be maintained throughout. Construction shall be as for walls above 1200 mm. All roof waters are to be disposed of in a suitable manner so as not to create nuisance.

### **Openings**

All openings shall be of sufficient size to allow horses to enter and exit the structure in safety, however as a guide, openings for doors shall be 1200 mm in width and 2400 mm in height.

## **Ventilation**

Suitable ventilation should be provided in the form of openings between the roof and walls. Should the amount of openings be less than 3 m<sup>2</sup>, or alternative methods be proposed, then the approval of the Environmental Services Department should be sought prior to construction. Use of screens for cold weather is permitted subject to suitable design and the permission of Council.

## **Shelters**

Are open sided structures to give shelter from the elements. They should not be enclosed without Council permission. They should comply with relevant building standards for the construction of structures and should be provided with paving for the floor area.

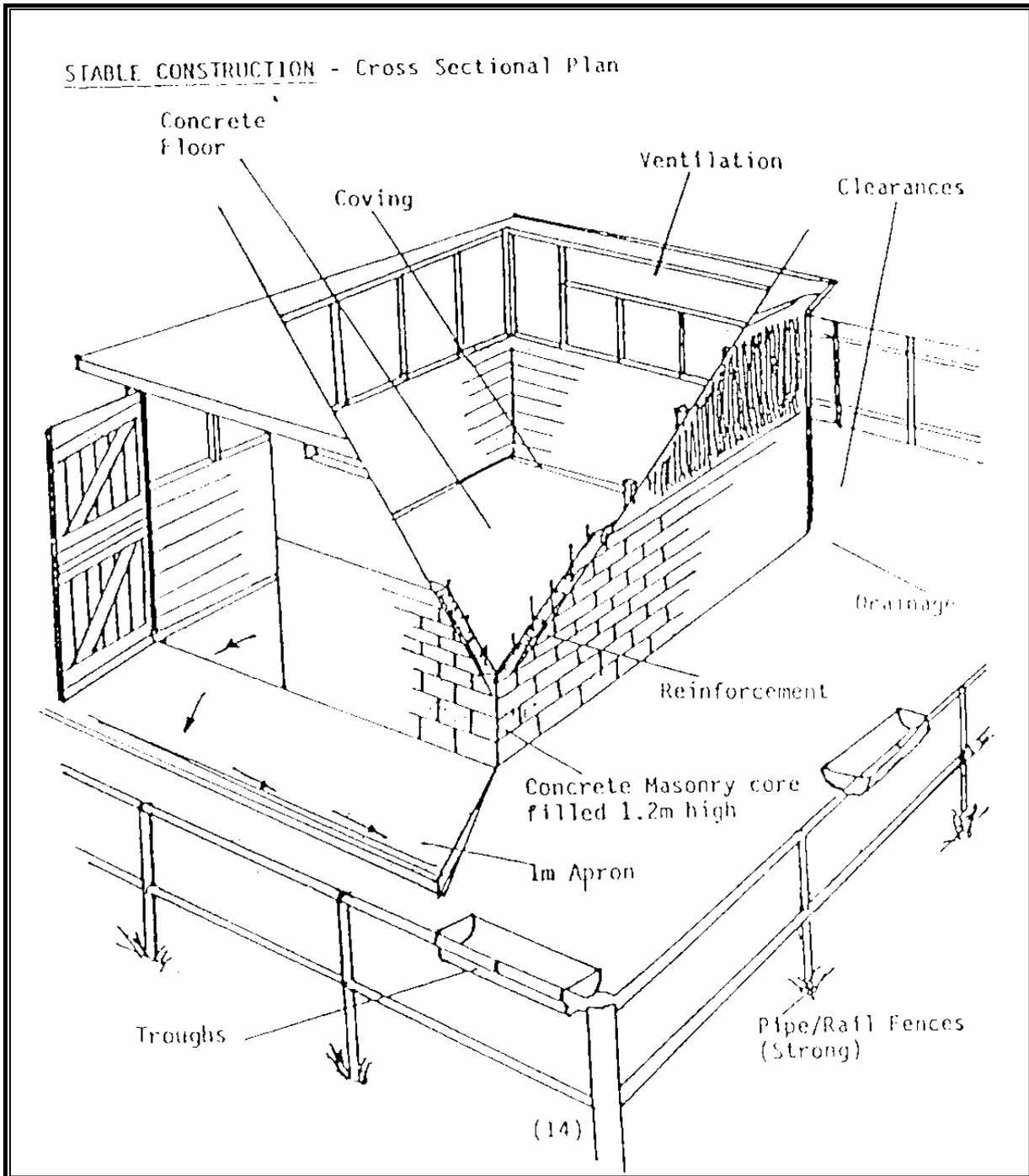
## **Feed Sheds**

Shall be constructed in order to ensure the control of vermin. Containers with tight fitting lids shall be used for the storage of all feed material. Water supplies shall be designed to ensure that no nuisance occurs and that no provision is made whereby the breeding of mosquitoes is allowed to occur.

## **Fences**

Additional fences shall be erected a minimum of 3 metres inside of boundary fences in order to stop horses from:-

- a) Damaging boundary fences;
- b) Damaging trees and shrubs in neighboring properties



## Waste Disposal

### Manure disposal

All manure, feed waste and damp bedding is to be collected daily and stored in suitable airtight storage bins.

## **Drainage**

All yards, enclosures and stables are to be suitably drained to ensure that no ponding occurs. All waste waters, including water from hose down procedures shall be maintained on site. No waste is to be disposed of to the storm water system. In exceptional circumstances, Council may require wastes to be disposed of to Country Energy's sewer system. Approval of the Water Board may be required.

## **Nuisance Control**

Even the most conscientious horse owner will have problems from time to time. The nuisance that arises will ultimately impact upon the neighborhood, but the degree of that impact can be minimised. As a guide, the following checklist can be used to determine possible reasons for the nuisance and is therefore a good starting point for resolving the problem.

- Are there too many horses for the block?
- Are the stables too close to the neighbors?
- Are the stables being cleaned out daily?
- Is there adequate fly and vermin control?
- Are the stables built to the current standards? If not, can they be brought up to standard?

## **Fly Control**

- Keep all containers for manure and feed covered
- Collect all manure and other wastes daily
- Remove wastes at least once a week
- Seal all cracks and potential breeding areas
- Use knock down sprays, surface residual sprays, fly baits etc.
- Keep premises clean at all times

**Note:** be careful with pesticides as they can poison animals and people.

Should approval be granted subject to conditions, Council will conduct ongoing surveillance and monitoring of the operation and the reactions of adjoining properties. This shall be conducted on a three monthly schedule for the first twelve months of operation. Failure to comply with conditions of approval may result in Council rescinding the approval.

***Please be aware that keeping of horses is an emotive issue within residential areas and improper control of stables will lead to complaints. Council will be able to serve notices to require certain works to be carried out or in some cases, may even rescind approvals for keeping horses. It is in your interest to ensure that your stables are maintained in a clean and tidy condition and kept free from vermin and other nuisances.***

## Procedures For Dealing With Applications For Horse Stables

- All matters as outlined in the Environmental Planning & Assessment Act, 1979 shall be complied with. In particular Council shall determine applications by assessment of all matters raised by section 79 C of that Act. These matters and any matters raised by this Development Control Plan will be assessed in determining the application.
- All applications shall be assessed on receipt by Council as to the need for compliance with the notification procedures of Development Control Plan No. 6.
- Wherever possible, the application will be dealt with by staff under delegation. If objections to the proposal are received within the notification period in accordance with the criteria adopted by Development Control Plan No. 6, the matter will be referred to the next meeting of Council for determination. **Note: All submissions received after that period will be noted but may not be referred to within the report to Council.**
- Under no circumstances should the application be deferred beyond the statutory period of 40 days unless insufficient information has been provided with which to assess the application.
- If requested, an on site meeting between all relevant parties may be carried out in order to try and resolve the issues. Failure by the applicant to agree to this procedure will not jeopardize his/her application, which will still be considered on its merits.

**STATEMENT OF ENVIRONMENTAL EFFECTS  
FOR THE KEEPING OF HORSES**

Applicants Name: \_\_\_\_\_

Address of proposed development: \_\_\_\_\_

\_\_\_\_\_  
Description of proposal, including number of horses proposed. Note: number should contain variations expected, i.e. number of horses proposed should include intermittent use as well as full time occupation of the site.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To allow Council to adequately assess this application, the applicant must:-

- a) demonstrate that consideration has been given to the environmental impact of the development; and
- b) set out any steps to be taken to mitigate any likely adverse environmental impact.

**EXISTING BUILDINGS AND WORKS**

I. Will the project involve the demolition or alteration of any building or structure on the allotment?

\_\_\_\_\_  
\_\_\_\_\_

II. Are the buildings listed as a Heritage item under Council's LEP, the Heritage Council and or National Trust?

\_\_\_\_\_  
\_\_\_\_\_

**LANDFORM, VEGETATION AND WILDLIFE**

Vegetation includes any native or introduced species, but does not include species that are declared as noxious weeds. Wildlife is defined as any native species and in particular any species listed as endangered or threatened under the “Threatened Species Act.”

I. Does the project involve the permanent destruction of any vegetation?

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II. If so, what species and what measures are to be undertaken to prevent or minimise the impact.

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III. Does the project destroy, damage or threaten the natural habitat of any substantial colony of native animals, whether on the site or near the project?

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IV. If so, what measures are to be undertaken to prevent or minimise the impact.

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V. Will the project permanently, or significantly affect any natural features of the site, such as water bodies, rock outcrops etc.?

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VI.If so, what measures are to be undertaken to prevent or minimise the impact.

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VII.Is the site subject to flooding, subsidence, slip, bush fires or other such risks?

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**WASTES AND EFFLUENT**

I. What measures will you be undertaking to ensure that there are no instances of odours, dust or other material escaping from the site?

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II. What measures will you be undertaking to ensure the disposal of manure and straw waste is carried out in such a manner that no nuisance occurs to adjoining or other neighboring properties?

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**NOISE**

- I. What measures will you be undertaking to ensure that noise from the operation does not allowed to become a nuisance to adjoining or other neighboring properties?

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**TRAFFIC**

- I. What is the estimated number of traffic movements per week for vehicular and or pedestrian traffic?

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- II. What measures will be undertaken to ensure that noise, dust etc. from such traffic movements does not become a nuisance?

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**VERMIN**

- I. What measures will be undertaken to prevent the breeding of vermin such as flies, mice rats etc?

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**SOCIAL AND ECONOMIC**

I. What benefits will this project have with regard to the local community?

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**MISCELLANEOUS**

I. Will the project produce any known or suspected impact upon the environment other than as indicated above?

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**ANY OTHER MATTERS IN SUPPORT OF APPLICATION**

Are there any other matters that will help in determining your application? Please advise in the following space. If insufficient room is available, please use a separate sheet and securely attach it to this document.

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Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

### STANDARD CONDITIONS OF APPROVAL

These conditions are provided as an indication of possible conditions that may be applied.

1. The applicant shall be required to consolidate the allotments, to be used for stables with the adjoining dwelling allotments, into one title.
2. The number of horses kept on the premises shall not exceed \*.
3. This approval is granted without prejudice to any action deemed necessary by Council should a nuisance arise.
4. The stable shall be constructed with masonry walls to a minimum height of 1.2m, with a concrete floor to prevent the breeding of flies and to enable proper sanitation of the stable.
5. The stable and yards shall be located at least 25 metres- clear of adjacent dwellings or premises.
6. The yarding and fences shall be of sufficient construction and strength to contain any horse.
7. Dung/manure bins shall be provided with a flanged top, covered by a close fitting, airtight lid.
8. Manure shall be removed from the stables and yards daily. The manure bins shall be emptied \* weekly. Bedding, straw and floor coverings shall be removed weekly. All manure shall be disposed of at Council's waste depot in the approved areas set aside for that purpose.
9. A concrete apron 1m in width shall be provided outside the stable and graded away from the stables.
10. The stable floor, feed room and a stable apron are required to be constructed of paved material or concrete and graded, so as to enable proper drainage of these areas. The yard areas are to be graded to prevent the ponding of water and liquid. Drainage disposal is to be to the satisfaction of Council's Environmental Officer.
11. Sanitation measures, fly control and disposal of wastes shall be the requirements and satisfaction of Council's Environmental Officer.
12. Feed and water troughs shall be installed in a manner and location so as to avoid rodent vermin, mosquito infestation, drainage problems or conditions ideal for fly breeding.

13. The masonry walls are to be reinforced with vertical steel rods and all cores filled with concrete, so as to prevent voids becoming potential sources for fly breeding.
14. Guttering down piping shall be provided to the stables to convey all roof waters clear of the building, avoiding poor drainage and condition favorable to mosquito/fly breeding.
15. A shelter provided to give a horse protection against the weather, shall not be enclosed, or be constructed in any manner contrary to the requirements of the Council. The floor of a shelter shall be paved.
16. A vegetation barrier of advanced growth species, for reasons of shade and landscaping, shall be provided within the perimetres of the boundaries. The barrier shall be 3 metres wide and secured by a fence of sufficient means to prevent the entry of any horse.
17. Detailed plans of construction outlining the preceding requirements are to be submitted to the Council's Environmental Services Division for approval.
18. That immediate remedial measures shall be taken if in the opinion of Council, injury is being caused to the amenity of the neighborhood due to any nuisance, traffic hazard or otherwise and that the use shall cease if it is considered that the use can no longer be tolerated.

### INFORMATION FOR NEIGHBOURS

Some of the most common objections that Council receives are due to a lack of understanding of the law and how it works. Many submissions made to Council are emotional and dealing with issues that Council can not legally take in to account when determining an application. As such many believe that their submissions have not been given proper consideration and the problem has a tendency to become highly emotive and political. If submissions are to be made, they should be clear and to the point and they should be able to back up the assertions made. These submissions would have a much greater chance of being taken in to account in the decision making process.

Some of the most commonly asked questions and comments made in submissions are similar to the following examples.

- ***The proposal will reduce the value of my property.*** Experience has shown that this is seldom the case and even where it has occurred, it is usually of a degree that is almost impossible to attribute to that proposal.
- ***I have an allergy and my health will suffer as a result.*** Although Council is sympathetic to these problems, there is no provision under law for Council to consider these matters as such. Applicants would probably have a common law right to sue the applicants for damages, however legal advice should be sought prior to any action in this regard.
- ***The activity is not a residential use and when I bought my house it was all residential in this street.*** With the exception of commercial scale activities, the keeping of a horse in a residential area has long been considered as normal behavior in Broken Hill. In addition, the activity (including commercial establishments), is not prohibited in the city of Broken Hill. As such, each application must be considered on the application's merits and being in a residential area is not sufficient grounds for refusal.
- ***The activity will create problems with flies, dust noise and odors.*** All horse keeping activities have the potential to create nuisances by way of noise, dust, odor and vermin, however there are many existing facilities that have been able to co-exist with residential uses by means of good management practices. Council therefore has standard conditions to cover these areas of complaint. Failure to comply with these conditions can result in the rescinding of the approval, especially for ongoing offences.
- ***Will the proposal increase traffic in the area?*** The answer to this question is always based upon a number of factors such as the number of horses and the frequency of activities that the horse needs to attend. In practical experience however, the impact upon traffic movements is seldom of a significant degree.

**BROKEN HILL CITY COUNCIL**

**RECORD OF MONITORING OF ADJOINING OR AFFECTED OWNERS**

**CONSENT APPLICATION NO. \_\_\_\_\_ FOR THE KEEPING OF HORSES**

<b>3 MONTH</b>	<b>6 MONTH</b>	<b>9 MONTH</b>	<b>12 MONTH</b>
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<p><b>AFFECTED PROPERTY DETAILS</b></p> <p><b>AFFECTED PROPERTY</b> Address: _____</p> <p>Owner: _____</p> <p>Owners Address: _____</p> <p>I, _____ of _____</p> <p>declare that I have been notified regarding operation of stables. I do not/do wish to make any submission to Council for consideration in its determination of the likely effect on adjoining property.</p> <p>SIGNATURE: _____</p>
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My submission is as follows: (or is attached to this document for your determination)

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**CITY OF BROKEN HILL**  
**DEVELOPMENT CONTROL PLAN NO. 7**  
**KEEPING OF HORSES**

Adopted by Council

February 8, 1999

Adopted by Council

September 28, 2005