

# Development Control Plan



Sutherland  
Shire  
Council



9.2/01  
edition 3



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## 1. Where does the Plan apply?

This Plan relates to the keeping of horses in areas within the Shire except areas zoned Rural 1(a), where specific controls under the Sutherland Shire Local Environmental Plan 2000 (SSLEP 2000) apply.

## 2. What is the purpose of the Plan?

The purpose of the Plan is to:

- a) Allow horses to be kept on land under such conditions as would prevent creation of a nuisance which is likely to disturb the normally accepted amenity of individuals or neighbouring inhabitants of any land in the Shire;
- b) Reinstate any loss of amenity of individuals or neighbouring inhabitants of any land within the Shire, caused by the keeping of any horse or horses on any land within the Shire.

## 3. Can the Plan be varied?

Objectives and standards have been set for all aspects of the plan. Each application will be considered on the individual circumstances and merits of the case in terms of the achievement of the objective stated. The standards are the guidelines to achieving the stated objectives and an applicant may request a variation to any standard, provided the objectives are still achieved.

There are two types of standards:

**The Development Standard** required or contained in SSLEP 2000 as amended.

Any proposal to vary those standards must be accompanied by a formal objection to the standard under the provisions of the State Environmental Planning Policy No.1.

**Other Standards** set out in this plan which are generally more detailed and not statutory.

Any variation to any of these standards must be supported by a statement demonstrating how the objectives are satisfied.

Any submission in support of a variation to a standard must be in writing and demonstrate an ability to achieve the objectives. (refer to Council's "Guideline to Seek a Variation to a Standard").

## 4. Making an application

After researching this document it is recommended that intending applicants consult directly with Council's Application Assessment Staff prior to preparing detailed development plans.

Pre-application consultation with staff can assist in the time taken to assess applications and reduce amendments required to plans. A prerequisite of consultation is the preparation of a Site Analysis and possibly a Development Concept Plan.

To submit a Development Application, you will need to complete a Development Application form and submit the following:

1. Five (5) copies of plans, elevations and sections, fully dimensioned and to scale (preferably 1:100), including the type of materials proposed to be used.
2. Five (5) copies of a written assessment of the proposal, addressing each section of this plan showing how the proposal meets the objectives of each section.
3. A detailed site analysis and declaration.
4. A full survey plan, prepared by a registered surveyor, indicating existing site levels at the corners of the proposed buildings, the site contours and the proposed floor levels using a fixed datum point related to Australian Height Datum.
5. Details of proposed site drainage and, where stormwater is required to drain through an adjoining property, written agreement from that landowner.
6. Five copies of shadow diagrams for 10am and 2pm in mid-winter, both existing and as would result from the proposal.
7. Fees.
8. Notification Plans.

Applicants are advised to use the services of an architect to prepare plans. The Development Application should take into account identified site constraints and objectives of the Development Control Plan.

**Note: Council will not accept a development application unless a site analysis is submitted with the application.**

## 5. Site and landscape analysis

All development requires perceptive and effective site planning. Good site analysis and design skills are therefore essential in achieving a pleasant living environment for occupants and minimising the impact on neighbours.

### Objectives:

To identify constraints and opportunities in relation to natural elements such as:

- Topography and slope;
- Geology and soils;
- Existing vegetation;
- Drainage pattern;
- Climatic conditions.

When any development is proposed to be built amongst existing dwellings, the design must take into account factors extending beyond the site including:

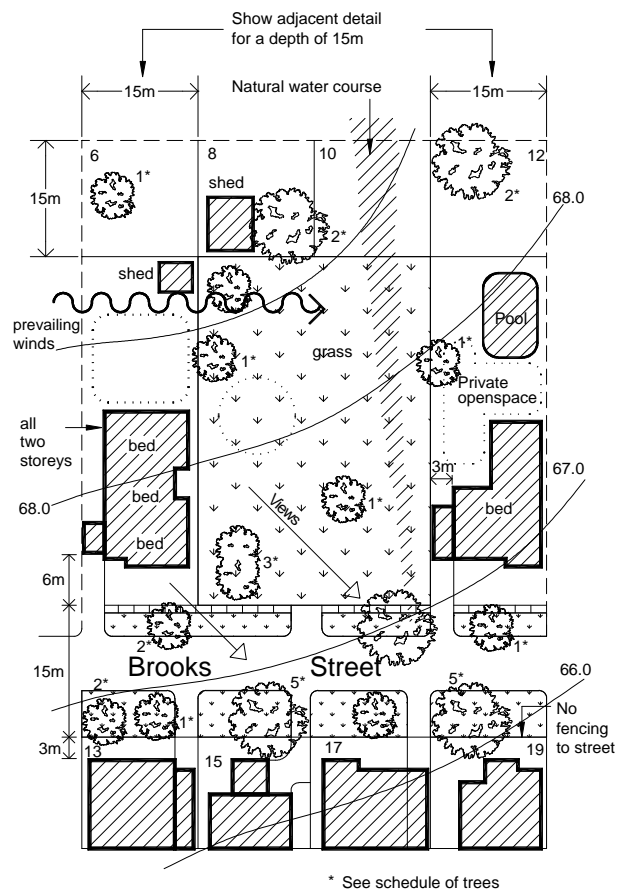
- The location and use of neighbouring sites;
- Potential constraints relating to overshadowing, overlooking, views, building bulk, landscaping and screening;
- Street character.

### Standards:

A plan of existing conditions is to be provided as a site analysis, for submission with a Development Application for any development, and should indicate:

- Location and uses of existing buildings on the land.
- Location and uses of adjacent buildings, locating window openings in the wall of adjacent buildings which face the site boundary.
- The height of adjacent buildings.
- Major trees on the site and street trees, identified by size and botanical names or common names.
- The fall of the land, showing contours at 1 m intervals and related to Australian Height Datum.
- Location of utility services and stormwater drainage lines and street crossings.
- North point.

The site analysis can be hand drawn but must be to scale, and must be accompanied by a declaration that the information provided is correct and true in every detail.



Site analysis can improve design responses. This is an example of site analysis information for a small infill site.

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## 6. Public notification

Before considering an application for development, Council must advertise or notify in accordance with Council's adopted DCP for Notification of Development Applications. Council will advise adjoining property owners and those who, in the Council's opinion, may be affected by the proposed development should it proceed.

Those notified are invited to comment within 14 days, or 28 days if the advertising occurs during December.

Proposals must also be advertised in the local press for comment within the same 14 or 28 day period. An advertising fee is required to be paid at lodgement of development applications.

In assessing and determining an application, Council will take into account matters raised in any submission received.

## 7. Why do we have a Plan?

During the last 20-25 years, the Shire has developed from very much a rural environment to one of a fairly densely populated urban environment. The average lot of land in the residential area is of the order 600-700 square metres. This clearly is too small for keeping of horses in conjunction with a household, without adversely affecting adjoining residents, if strict standards of care and control are not maintained.

Many complaints have been received by Council regarding loss of amenity from the keeping of horses on adjoining or nearby properties. The complaints cover such matters as unpleasant odours, attraction and breeding of flies, damage to boundary fences, noise, horses looking over dividing fences, and other similar problems.

Because of this, it has become necessary to control and regulate the conditions under which horses are kept so that owners of horses may continue to enjoy their interest without causing a nuisance or inconvenience to occupiers of nearby properties.

## 8. Definitions

For the purposes of this plan, the following definitions apply:

**Horse** shall include all animals commonly referred to as a horse, whether it be a mare, stallion, gelding, pony and the like, and shall include a foal, colt, filly and a donkey. A mare with foal at foot shall be deemed to be only one horse for the purpose of this Plan.

**Stable** shall mean the shelter provided to protect the horse from the natural elements of the sun, wind and rain.

**Owner**, where used in reference to an animal, includes not only the owner of the animal but also the lessee or borrower of the animal, with or without consent of the owner.

**Approved Surface Flooring** includes clay, road base, ash or packed earth.

## 9. Responsible person

Where the owner of a horse or horses is a minor, or where the owner cannot be determined or readily located by Council, the owner or lessee of the land shall be responsible for compliance with this policy.

## 10. Development consents

No person shall use, or allow to be used, any land within the Sutherland Shire as a livery stable, riding school or for the stabling, maintaining or keeping of more than one (1) horse owned by the same or separate owners, without obtaining a Development Consent.

## 11. Activity approval

Before any work is commenced in connection with the erection of any stable, feed shed, harness room or fencing, a building application together with complete plans and specifications must be approved. The opinion of the adjoining residents is taken into consideration before granting approval.

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## 12. Location of horse, stables and yards in respect of adjoining properties

Horses shall not be kept, nor shall part of any stable, corral, exercise yard or the like, be located nearer than 9 m from any dwelling, school, shop, office, factory, workshop, church, public hall, or any premises used for the manufacture, preparation or storage of food. This specified distance may be greater if the Council by resolution decides that there are special circumstances in the case which render a greater distance advisable.

## 13. Stable and fence construction

### Standards:

1. Stables shall not be constructed with walls of flat iron, asbestos cement and like materials which are easily damaged.
2. Walls may be constructed out of good quality corrugated iron provided suitable kickboards are provided to a height of 1.3 m inside the stable, and the exterior is painted a uniform colour to minimise it's impact.
3. Roofs shall be made to slope away from the adjoining properties, and eaves, gutters and downpipes shall be connected to an approved drainage system to Council's satisfaction.
4. Feed store and harness room floors shall be 100 mm thick concrete, brick or paving tiles.
5. All stables, horse shelters and the like, shall be provided with approved surface flooring at least 100 mm from the adjoining ground, and a bed of shavings, ash and soil or sand may cover the shelter or stable floor.
6. Exercise yard enclosure fences shall be constructed with 100 x 100 mm hardwood posts, spaced at 2400 mm maximum centres to which are bolted two rows of 150 x 50 mm hardwood rails, or alternatively, 50 mm galvanised pipe posts with 50 x 50 mm weld mesh panels, or with Council approval other similar materials may be used.

## 14. Conditions for keeping horses

Horses shall not be kept on any land unless the following conditions are complied with:

- a) The maximum number of horses to be kept on any property in a residential area for which a Development Consent has not been issued shall not exceed one (1);
- b) The land shall be graded and drained so as to facilitate the flow of surface stormwater away from the exercise yard;
- c) Surface water shall not be allowed to flow onto adjoining properties;
- d) Feed and drinking water shall be placed in properly constructed containers which are not capable of being easily tipped over;
- e) Manure shall be raked up daily and placed in metal or masonry containers with fly proof lids until removal from the site, and all manure bins shall be cleaned out and disinfected at least once every seven (7) days;
- f) Liberal quantities of fly bait shall be placed in all stables, manure bins, etc. and all dead flies shall be removed and the bait raked daily;
- g) Fouled shavings shall be removed from the stable at least once every seven (7) days and the stable floor shall be lime dusted;
- h) The premises shall be kept clean and tidy at all times so as not to be the cause of nuisance to the occupiers of the adjoining properties.

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## 15. Receiving, maintaining, boarding or keeping of horses

This section applies to private and publicly owned land used for the purpose of receiving, maintaining, boarding or keeping of horses, whether for a profit or otherwise, and shall include livery stables, riding schools, and land let in small lots to separate individual owners.

### **Development Consent:**

No person shall use or allow to be used any land for the stabling or keeping of more than one (1) horse, owned by the same or separate owners without first obtaining a Development Consent from this Council.

Development Consents shall be issued for limited periods of twelve (12) months only. Renewal of the Consent will only be given where the premises have been operated in a satisfactory manner and without causing nuisance to occupiers of nearby premises.

An up-to-date site plan showing all buildings, exercise yards, water points, etc., shall accompany every application for renewal of a Development Consent. All lots should be clearly numbered on the site plan.

### **Water Points:**

A water point under mains pressure, and having a hose permanently attached, shall be no further than 18 m from the furthest part of the stable or store room.

### **Site Coverage:**

Stables with attached exercise yards shall not occupy more than 50% of the site. The remaining area shall be grassed over and suitably landscaped.

### **Each horse shall occupy a separate stable**

3 x 3 m, with an attached exercise yard not less than 32 sqm and a minimum width of 3 m.

### **Serving of Mares:**

The serving or teasing of mares for copulation purposes is not permitted to be carried out on the premises.

### **Fencing:**

The whole of the stable and exercise area shall be enclosed by suitable fencing, which shall be maintained in good conditions at all times.

The person to whom a Development Consent has been issued shall primarily be responsible for the cleanliness and maintenance of the premises, including all buildings and fences.



## 16. Origin

### Reference:

Consideration has been given to the requirements of the Public Health Act and Regulations, Prevention of Cruelty to Animals Act and Regulations, the Local Government Act and Ordinances.

The views of persons directly associated with horses were obtained and a variety of stables and horseyards were inspected.

This Plan is made under the provisions of Section 289E of the Local Government Act, 1919.

Offences under the Local Government Act, 1919, and the Prevention of Cruelty to Animals Act can incur large penalties.

Compliance with this Plan alone does not relieve any person from his or her responsibilities or obligations under any other Act or Ordinance.

### Edition 1:

Adopted by Council 26 October 1987 (Council Minute No. 956).9.2 Development Ancillary to Residential

### Edition 2:

Adopted by Council on 3 November 1997 (EHC 136-98). Came into effect on 18 November 1997.

- (a) Amended to upgrade standard of presentation.
- (b) Minor alteration which make the document consistent with the Sutherland Shire Local Environment Plan 1993 as amended and other Development Control Plan.
- (c) Status of policy amended to a Development Control Plan.

### Edition 3:

Minor alterations which make the document consistent with the Sutherland Shire Local Environment Plan 2000.

Action	Date
Council Endorse Plan	5 February 2001 (EHC 213-01)
Public Notice (draft)	20 February 2001
Exhibition - Start	20 February 2001
Exhibition - Finish	20 March 2001
Council Decision	30 April 2001
Public Notice (final)	8 May 2001
In Effect	8 May 2001