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HEALTH ACT 1911

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CITY OF BELMONT

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**HEALTH (STABLES PREMISES)  
LOCAL LAWS 1999**



**HEALTH ACT 1911**

## CITY OF BELMONT

**HEALTH (STABLES PREMISES) LOCAL LAWS 1999**

Made by the Council of the City of Belmont.

**Citation**

1. These Local Laws may be cited as the "*City of Belmont Health (Stables Premises) Local Laws 1999*".

**Repeal**

2. The "*City of Belmont Stables Local Laws*" published in the *Government Gazette* of 20 December 1985, and as amended from time to time are repealed.

**Interpretation**

3. In these Local Laws, unless inconsistent with the text or subject matter—
  - "Act" means the "*Health Act 1911*".
  - "Associated Building" means a feed room, gear room, shoeing area, hosing down area, shelter or veterinary treatment room.
  - "Building Code" means the latest edition of the Building Code of Australia 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.
  - "Council" means the Council of the City of Belmont.
  - "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.
  - "Environmental Health Officer" means any Environmental Health Officer appointed by the Council under the Act.
  - "Habitable Room" has the meaning given to it in the Building Code.
  - "Horse" means a stallion, mare, gelding, colt, filly or foal.
  - "Persons" and the words applying to any person or individual includes a corporation.
  - "Rolling Yard or Longeing Yard" means a roofed or unroofed area where horses are contained or exercised and may roll after being washed down.
  - "Sleeping Quarters" means a building used for housing employees.
  - "Stable" means a building for the keeping, caring and feeding of one or more horses.
  - "Stall" means a single compartment in a stable in which one horse is kept.
  - "Yard" means an area where horses are temporarily contained by a fence or rails.

**Application**

4. As from and after the date of these Local Laws coming into operation—
  - (1) No person shall keep or stable any horse within the City of Belmont except in a stable registered under these Local Laws.
  - (2) No person shall keep or stable in any stable a greater number of horses than the number for which the stables 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 stables are situated.

**Registration**

5. (1) Every application for the registration of a stables premises shall be made in the form prescribed in Schedule 1 and shall be accompanied by such plans and other information as is required by the Council.
  - (2) Application for the renewal of any registration shall be made annually during the month of June and the certificate of registration then in force shall be lodged with the application for renewal. Every application for the renewal of a registration of a stables premises shall be made in the form prescribed in Schedule 2.
  - (3) If any person in whose name a stables premises is registered desires to have the name on the registration varied or changed an application shall be made in the form prescribed in Schedule 3, together with the prescribed fee set in accordance with clause 9.

**Property Inspection**

6. Upon receipt of a new application the Council shall 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 these Local Laws.

**Certificate of Registration**

7. If upon application for registration or renewal of registration it appears to the Council that such application will be granted, it shall, upon being paid the registration fee prescribed in clause 9, issue a Certificate of Registration, with or without conditions, substantially in the form of Schedule 4.

**Expiry and Cancellation of Registration**

8. Every registration or renewal of registration of a stables premises shall be in force from the day it is granted until the 30th day of June next and no longer, but may be sooner suspended or cancelled by the Council upon conviction for breach of any of the Local Laws, orders or regulations to which the same is subjected.

**Prescribed Fees**

9. 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 Council under section 344C of the Act.

**Requirements for the Construction of Stables**

10. Every stables premises in respect to which application is made for registration must fulfil all of the following requirements—

- (1) (a) The construction of a stable and its situation with respect to adjacent buildings must be in accordance with the Building Code, any Local Laws and the Town Planning Scheme of the City, but the Council may waive strict compliance with this requirement with respect to any approved stable in existence prior to the day of these Local Laws coming into force.
- (b) All stables and associated buildings must be built in brickwork and provided with a concrete floor having a minimum thickness of 75mm. The finished floor level shall be 75mm above the surrounding surface level and where required, drained to the sewer or as otherwise approved by the Council, except when in accordance with subclause (2).
- (c) Every stall shall have an area of not less than 11 square metres and walls not less than 3 metres, measured either horizontally or vertically, except when in accordance with subclause (2).
- (d) Every stall shall be provided with a roof that covers the entire floor area of the stall.
- (e) Every stable 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 300mm below the roof line. Openings within external walls for doorways and grilles shall be fixed to the satisfaction of the Council.
- (2) The construction of any stable with a sand floor may be permitted by Council, subject to the following conditions—
  - (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. This may be achieved artificially.
  - (b) A 300mm thick bed of crushed limestone shall be laid under the sand of the stable.
  - (c) Whether natural or imported sand, it must be clean, coarse and free from dust.
  - (d) Footings to each stable shall be a minimum of 450mm below ground level.
  - (e) The stable design must allow for the access of small earth moving machinery into each individual stall to maintain the correct floor height.
  - (f) The minimum floor area of each stall shall not be less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally.
  - (g) The roofed area of each stall shall not be less than 50 percent of the floor area of the stall.
  - (h) In all other respects subclause (1) shall apply to the stable building.

**Waste Receptacles**

11. (1) (a) Every stables premises shall be provided with mobile or free-standing fly proof receptacles of a size, number and construction approved by an Environmental Health Officer.
- (b) All stable waste including soiled bedding and manure produced on the premises shall be placed into the approved waste receptacle.
- (c) The contents of such receptacles shall be removed from the premises at least once in every week and more often if required by notice in writing from an Environmental Health Officer to do so.

(2) Receptacles in which wastes are placed shall not be situated closer than 10 metres from any habitable room on the same property or any office, commercial premises or residence on an adjacent property.

**Feed Storage**

12. Every stables premises shall have approved impervious rat-proof containers for the storing of horse feed.

**Proximity of Structures to Houses**

13. (1) No part of any stall shall be less than 10 metres from any habitable room of a dwelling house on the same property or 15 metres from any office or commercial premises or habitable room of a dwelling house on an adjacent property, except when in accordance with subclause (3).

(2) No Associated Buildings shall be less than 6 metres from a dwelling house on the same property or 10 metres from any office or commercial premises or habitable room of a dwelling house on an adjacent property, except when in accordance with subclause (3).

(3) Council may relax the requirements of subclauses (1) and (2) if in the opinion of Council, exceptional circumstances justify a variation and no likely adverse health effect will arise as a result of the variation.

(4) No stall or any Associated Buildings shall be closer than 6 metres to any dwelling house.

(5) No office or sleeping quarters on the stables premises shall be closer than 6 metres to any stall, yard or associated buildings including those on any adjacent property. Sleeping quarters are to be fitted with bathroom and water closet facilities as determined by the Council and shall only be approved where a dwelling house exists and continues to exist on the same property.

**Yards**

14. (1) "Yards" are to be constructed of approved material and shall conform with the following requirements—

(a) A 300 mm thick bed of crushed limestone, or any other proposed alternative acceptable to the Swan River Trust, shall be laid under the sand of all yards including longeing and rolling yards.

(b) A minimum distance of 6 metres is to be maintained between a yard and any dwelling house and not less than 15 metres from an office, commercial premises or "habitable room" of any dwelling house, on any adjacent property.

(c) Yards 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 occupation and/or possession, except when in accordance with paragraph (d).

(d) Where a yard abuts a boundary fence built of brickwork with a minimum height of 1.8 metres, the yard is not required to have a rail 1.2 metres from the boundary.

(e) On a corner lot the yards may be permitted to the street boundary, provided the boundary fence is constructed in brickwork to 1.8 metres high.

(2) A shelter with a maximum roof width of 2 metres, may be erected in a "Yard" for the protection of horses subject to the structures being approved by Council and having—

(a) (i) a roof with a minimum clear height of 2.4 metres and a wall on one side adjoined by a wall along one-third of the distance of one other adjoining side, or

(ii) a curved cantilever type roof with a minimum clear height of 2.4 metres and a wall on one side adjoined by a wall along one-third of the distance of one adjoining side, or

(iii) a suitably supported roof with a minimum clear height of 2.4 metres and no walls.

(3) A longeing or rolling yard is not to be constructed within 10 metres from any habitable room of a dwelling house on the same property or 15 metres from any office or commercial premises or habitable room of a dwelling house on an adjacent property.

**Limitation on Numbers of Horses**

15. (1) Notwithstanding the restrictions which may prevail by any other means, on properties with an area—

(a) less than 900 square metres, no more than four (4) horses shall be accommodated.

(b) between 900 square metres and 1400 square metres, no more than eight (8) horses shall be accommodated.

(c) in excess of 1400 square metres, the number of horses which may be accommodated shall be subject to specific approval by Council.

(2) The maximum site coverage within the stable zone shall be in conformity with the Council Town Planning Scheme as amended.

**Cleanliness and Maintenance**

16. The person in whose name the stables premises is registered, shall with respect to such stables premises—

(1) Cause all manure and offensive litter thereon to be carefully swept up at least once every day and forthwith placed in the approved waste receptacle.

(2) Remove and carry away or cause to be removed and carried away from such stables premises the contents of the approved waste receptacle at least once every week, and more often if required by notice in writing from an Environmental Health Officer to do so.

(3) Spray, or cause to be sprayed with an approved residual pesticide any surface of any building, stable or associated buildings and shelter if required by notice in writing from an Environmental Health Officer to do so.

(4) Remove or cause to be removed any sand, wood shavings, sawdust or other material, when such sand or other material has become impregnated with urine, manure or any other offensive matter.

(5) Employ all means and adopt such precautions as may be necessary to keep the stables in a clean and sanitary condition, in good repair and as far as practicable free from flies, rats, other vectors of disease and offensive odours.

**Offences and Penalties**

17. (1) Any person who makes a false statement in connection with any application under these Local Laws shall be guilty of an offence.

(2) Any person who commits a breach of or fails to comply with any of the requirements of these Local Laws 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) if the offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

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CITY OF BELMONT

*Health (Stables Premises) Local laws 1999*

**Schedule 1**

**APPLICATION FOR REGISTRATION OF A STABLES PREMISES**

I, the undersigned hereby apply to have the undermentioned property registered as a stables premises—

Name in full .....

Address .....

Address of Property .....

Whether Owner or Occupier .....

Owner's name and address, if Occupier

.....

.....

\*\* Number of stalls .....

Area of land in square metres .....

Date ..... Signature .....

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

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**Schedule 2**

**APPLICATION FOR RENEWAL OF REGISTRATION OF A STABLES PREMISES**

I, the undersigned hereby apply to have renewed the stable registration of the undermentioned premises—

Name in full .....

Address .....

Situation of Premises .....

Whether Owner or Occupier .....

Owner's name and address, if Occupier

.....

.....

Date ..... Signature .....

CITY OF BELMONT  
*Health (Stables Premises) Local laws 1999*  
**Schedule 3**  
**APPLICATION FOR VARIATION OF NAME ON REGISTRATION OF**  
**STABLES PREMISES**

I (Full Name) .....  
 of (Address) .....  
 .....

Apply for variation of name on Registration of the stables premises

situated at .....  
 .....

The registration is currently in the name of (full name) .....  
 of (address) .....  
 it is proposed to vary/change the name on the registration to (full details of name/s to be stipulated  
 on registration)  
 .....  
 .....

of (address of new persons nominated) .....  
 .....  
 .....

Date ..... Signature .....

Date ..... Signature .....

Date ..... Signature .....

Date ..... Signature .....

\* All parties involved are required to date and sign this form

CITY OF BELMONT  
*Health (Stables Premises) Local laws 1999*  
**Schedule 4**  
**CERTIFICATE FOR REGISTRATION AS A STABLES 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 or is deemed to be  
 invalid in accordance with these Local Laws.

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 and its Regulations and Local  
 Laws from time to time in force thereunder and any conditions imposed pursuant to the *City of Belmont*  
*Health (Stables Premises) Local Laws 1999*.

Dated at Belmont this ..... day of ..... 1999.

Made by the Council of the City of Belmont at its Ordinary meeting held on the 15 March 1999.

The Common Seal of the City of Belmont was hereunto affixed by authority of the Council.

PETER PASSERI, Mayor.  
 BRUCE GENONI, Chief Executive Officer.

Consented to—

Dr C. F. QUADROS, delegate of Executive Director, Public Health.

Dated this 26th day of March 1999.

