



Uralla Shire Council

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NOTICE OF DETERMINATION

MODIFICATION OF CONSENT

Issued under *Environmental Planning and Assessment Act 1979* Section 4.55

DEVELOPMENT APPLICATION

APPLICANT		Application No: DA-4-2022-2			
Applicant Name:	Mrs R M Knight				
Applicant Address:	[REDACTED]				
OWNER					
Owner Name:	Mr R J Knight & Mrs R M Knight				
Owner Address:	59 Pinegrove Road, SAUMAREZ PONDS NSW 2350				
LAND TO BE DEVELOPED					
Property Details:	59 Pinegrove Road, SAUMAREZ PONDS				
Legal Description:	Lot: 4 DP: 249440; Lot: 331 DP257168				
Land Use Zone:	R5 – Large Lot Residential				
DEVELOPMENT					
Description:	Horse Stables (Modification to include Animal Shelters, Round Yard and Non-Commerical Keeping of Horses)				
DETERMINATION – APPROVAL					
Decision Date:	2 March 2022 Modified 29 April 2025	Operational Date:	2 March 2022	Lapse Date:	N/A (commenced)
CONDITIONS					
Please read all conditions carefully. The applicant/developer may arrange to meet with Council to clarify, if necessary, the precise requirements of the conditions of this consent.					
Approved Plans: Identification Survey (ref: 231391, Sheet 1 of 1, dated 06.11.2023, prepared by Croft Surveying and Mapping); unnamed plans (Sheets 1 – 5, approved by Council under delegated authority 2 March 2022)					

PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)

Compliance with National Construction Code & insurance requirements under the Home Building Act 1989

Please Note: A reference to the National Construction Code is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

1. The work must be carried out in accordance with the requirements of the *National Construction Code*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
3. For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW H102 of Volume One of the *National Construction Code*.

Erection of signs

Please Note: This does not apply in relation to:

- (a) building work, subdivision work or demolition work that is carried out inside an existing building, which does not affect the external walls of the building development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- (c) a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.
5. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

GENERAL CONDITIONS

6. The development shall be implemented in accordance with:
- (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
 - (b) The details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.

7. The owner of the property is to ensure that any structure is installed:
- (a) to meet the setback requirements of the approved plans,
 - (b) to be located within the confines of the lot, and;
 - (c) so that it does not interfere with any easements or covenants upon the land.

Reason: To avoid any structures being erected in a location where it would be inappropriate.

8. The structure is to be inspected at the following stages of construction:
- before the pouring of footings**
 - before covering drainage (under hydrostatic test)
 - before pouring any reinforced concrete structure **
 - before covering the framework for any wall, roof or other building element **
 - before covering waterproofing in any wet area**
 - before covering any stormwater drainage connections
 - when the building work is completed and all conditions of consent have been addressed**

** denotes a critical stage inspection (a mandatory inspection under Section 109C of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a *development where a critical stage or other nominated inspection has not been carried out.

Council has limited capacity for inspections, which may only be on specific days. Please contact Council well in advance to arrange an inspection.

*All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer

Reason: To ensure compliance with appropriate standards.

9. A Construction Certificate must be obtained from a Certifier before work commences.

Reason: To ensure compliance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.

ADVISING: Council has approved Building Information Certificates ref: BIC-2-2024 and BIC-10-2024 in connection with this development.

(Amendment 1 – April 2025)

10. Occupancy of the building is not to take place until the Principal Certifier (PC) has carried out a final inspection and an Occupation Certificate issued.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and to restrict the use of the premises until the terms of the Development Consent have been complied with so as to ensure the health and safety of occupants of the building.

ADVISING: Council has approved Building Information Certificates ref: BIC-2-2024 and BIC-10-2024 in connection with this development.

(Amendment 1 – April 2025)

11. Roof water is to be disposed in a manner that does not cause a nuisance for neighbouring properties, by one of the following methods:

- (a) By piping onto a hardened surface and directed away from the building.
- (b) By piping 3.0 metres clear of any building to a rubble pit.

Reason: To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.

CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

12. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifier (if the PC is not Council) at least two days before the proposed date of commencement.

Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000

ADVISING: Council has approved Building Information Certificates ref: BIC-2-2024 and BIC-10-2024 in connection with this development.

(Amendment 1 – April 2025)

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

13. The owner of the property is to ensure that any building is constructed:

- (a) to meet the setback requirements of the approved plans,
- (b) to be located within the confines of the lot, and;
- (c) so that it does not interfere with any easements or covenants upon the land.

Reason: To avoid any buildings being erected in a location where it would be inappropriate.

14. The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-

Monday to Saturday 7.00 AM to 5.00 PM

Sunday & public Holidays No construction activities are to take place.

Reason: To ensure that public amenity is not unduly affected by noise.

15. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.

CONDITIONS TO BE COMPLIED WITH DURING OCCUPATION AND ONGOING USE

16. The approved development shall be occupied in a manner which is ancillary to the residential use of the land, and shall not be occupied on any commercial basis, without further planning permission.

ADVISING: This condition has been imposed given a commercial use which is consistent with the animal boarding or training establishment definition of the LEP is prohibited within the zone.

(Amendment 1 – April 2025)

17. The approved development shall be occupied in accordance with the following limitations:

- A maximum of eight (8) horses may be located on the land at any one time, unless for a temporary duration period less than 12 hours and which excludes any overnight period, and with the consent of Council.
- Exercise of horses is limited to daylight hours, and not before 7am.
- Exercise of horses shall be undertaken in manner which prevents any material dust nuisance to an adjoining occupier.
- External lighting shall comply with *AS4282:2019 'Control of the Obtrusive Effects of Outdoor Lighting'*.
- Soft-close / noise dampeners shall be applied to the main horse stable building, to the satisfaction of Council.
- Animal feed (including but not limited to hay bales, silage, grain and supplements) shall be stored in manner (to the satisfaction of Council) which limits vermin. This includes enclosable containers where possible and prevention of unnecessary enclosed areas/habitats.
- Animal waste shall be managed to prevent vermin or odour to neighboring properties, to the satisfaction of Council. No storage of manure shall occur within 30m of an adjoining dwelling.
- The keeping of horses shall comply with the following:
Biosecurity Act 2015 (NSW)
Biosecurity (National Livestock Identification System) Regulation 2017, including holding a PIC
Schedule 2 of the Local Government (General) Regulation 2021

(Amendment 1 – April 2025)

18. Existing planted vegetation at the eastern boundary (minimum width 2m and in two rows) shall be maintained at all times, including replacement of any dead or dying species, to the satisfaction of Council.

(Amendment 1 – April 2025)

ADVISORY NOTES – GENERAL

19. The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

20. It is possible that a covenant may affect the land which is the subject of this consent. The grant of this consent does not necessarily override that covenant. You should seek legal advice regarding the effect of any covenants which affect the land.
21. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
22. Any alteration to the drawings and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act or a fresh development application. No works other than those approved under this consent shall be carried out without the prior approval of Council.
23. Telecommunications Act 1997 (Commonwealth): Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

REASONS FOR THE ABOVE APPROVAL

The proposal (as amended) complies with Clause 4.55(2) of the EP&A Act 1979.

RIGHT OF APPEAL / REVIEW OF DETERMINATION

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received this notice provided that an appeal under section 8.9 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.9 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Toni Averay
GENERAL MANAGER

Per:



Date: 29 April 2025