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# Statement of Environmental Effects

For a proposed

Section 4.55(1A) Modification  
to DA004/2022 involving  
Farm Buildings for  
the Keeping of Horses

27<sup>th</sup> November 2024

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

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This Statement was prepared in order to demonstrate compliance with applicable environmental planning instruments as well as local plans and strategies.

Reference: 24084

Issue	Rev.	Date	Author	Approved	Issued To
Draft	1	18/11/2024	N Bartlett	N Bartlett	R Knight & K Blain
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## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

### Submission of Statement of Environmental Effects (SoEE)

Prepared under the *Environmental Planning and Assessment Act 1979*

#### SoEE Prepared by

Name Nathan Bartlett - **Managing Director**

Qualifications B. Urban and Regional Planning (UNE),  
Full Membership Planning Institute of Australia (MPIA)  
Diploma Project Management (SYD)  
Diploma Leadership and Management (TAFE NSW)  
Certificate IV Frontline Management (TAFE NSW)

Address Bartlett Planning Solutions Pty Limited  
42 Nowland Crescent  
Tamworth NSW 2340

#### In respect of

Proponent Names Ms Robyn Knight

Land on which activity is to be carried out Lot 4, DP 249440  
59 Pinegrove Road,  
Saumarez Ponds, NSW 2350

Development Section 4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

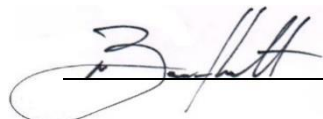
#### Statement of Environmental Effects

A SoEE is attached.

#### Certificate

I certify that I have prepared the contents of this Statement and to the best of my knowledge it is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

#### Signature



Name Nathan Bartlett  
**Managing Director**  
Bartlett Planning Solutions Pty Ltd

Date 27<sup>th</sup> November 2024

# STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

## TABLE OF CONTENTS

<b>1</b>	<b>DEVELOPMENT APPLICATION OUTLINE .....</b>	<b>5</b>
<b>2</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>6</b>
2.1	BACKGROUND .....	6
2.2	PROPOSAL .....	6
2.3	PERMISSIBILITY .....	6
<b>3</b>	<b>SUBJECT SITE AND LOCALITY .....</b>	<b>6</b>
3.1	SITE DETAILS AND EXISTING DEVELOPMENT .....	6
3.2	LAND USE CONTEXT .....	7
3.3	CONSENT HISTORY .....	7
<b>4</b>	<b>THE PROPOSAL .....</b>	<b>8</b>
4.1	DESCRIPTION OF THE DEVELOPMENT .....	8
4.2	TOTAL NUMBER OF HORSES .....	8
4.3	ACTIVITIES OF THE DEVELOPMENT .....	9
<b>5</b>	<b>STATUTORY PLANNING ASSESSMENT .....</b>	<b>9</b>
5.1	SECTION 4.15(1)(A)(I) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT: .....	9
5.1.1	State Environmental Planning Policies .....	9
5.1.2	Local Environmental Plans: Uralla Local Environmental Plan 2012 (ULEP 2012) .....	9
5.2	SECTION 4.15(1)(A)(II) THE PROVISIONS OF ANY PROPOSED ENVIRONMENTAL PLANNING INSTRUMENT .....	11
5.3	SECTION 4.15(1)(A)(III) THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN .....	11
5.4	SECTION 4.15(1)(A)(IIIA) THE PROVISIONS OF ANY PLANNING AGREEMENT .....	13
5.5	SECTION 4.15(1)(A)(IV) THE PROVISIONS OF THE REGULATIONS .....	13
5.6	SECTION 4.15(1)(B) THE LIKELY IMPACTS OF THE DEVELOPMENT .....	13
5.6.1	Impacts on the natural environment .....	13
5.6.2	Impacts on the built environment .....	13
5.6.3	Context and setting .....	13
5.6.4	Utility / infrastructure impacts .....	14
5.6.5	Air Quality .....	14
5.6.6	Noise .....	14
5.6.7	Lighting .....	14
5.6.8	Vermin .....	14
5.6.9	Bushfire and Flooding .....	14
5.6.10	Traffic impacts .....	14
5.6.11	Waste .....	15
5.6.12	Privacy and Security .....	15
5.6.13	Social issues and impacts .....	15
5.6.14	Economic issues and impacts .....	15
5.6.15	Public Domain .....	15
5.6.16	Other Land Resources .....	15
5.6.17	Cumulative impacts .....	15
5.7	SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT .....	15
5.8	SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT OR THE REGULATIONS .....	16
5.9	SECTION 4.15(1)(E) THE PUBLIC INTEREST .....	16
<b>6</b>	<b>CONCLUSION .....</b>	<b>16</b>

## FIGURES

Figure 1 - Aerial Image of Lot 4, DP 249440, 59 Pinegrove Road, NSW 2350 .....	7
Figure 2 - Cadastral Image of Lot 4, DP 249440, 59 Pinegrove Road, NSW 2350 .....	8

## APPENDICES

APPENDIX A:	SITE PHOTOGRAPHS
APPENDIX B:	HISTORICAL APPROVALS
APPENDIX C:	PLANNING CIRCULAR (PS 21-008) & COUNCIL CORRESPONDENCE
APPENDIX D:	SITE PLAN, SURVEY REPORT, BUILDING REPORT & ENGINEERING REPORT
APPENDIX E:	AHIMS REPORT

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

### 1 DEVELOPMENT APPLICATION OUTLINE

<b>Development:</b>	Section 4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses
<b>Subject Land:</b>	Lot 4, DP 249440 59 Pinegrove Road, Saumarez Ponds, NSW 2350
<b>Land Zone:</b>	<i>R5 - Large Lot Residential</i> pursuant to the <i>Uralla Local Environmental Plan 2010 (ULEP 2012)</i>
<b>Proponent:</b>	<p>The proponent for the development is Ms Robyn Knight.</p> <p>Bartlett Planning Solutions Pty Ltd has been engaged by Ms Knight to prepare a Statement of Environmental Effects to accompany a Section 4.55(1A) Modification Application to Uralla Shire Council, seeking consent for the proposed development as outlined above.</p> <p>The principal contact for this development will be Mr Nathan Bartlett:          Phone: (02) 6761 5796          Mobile: 0436 312 926          Email: <a href="mailto:nathan@bartlettplanning.com.au">nathan@bartlettplanning.com.au</a></p>
<b>Property Owner:</b>	<p>Ms Robyn Knight          59 Pinegrove Road,          Saumarez Ponds, NSW 2350</p> <p>Email: <a href="mailto:knightrm01@gmail.com">knightrm01@gmail.com</a>          Telephone: 0432 228 767</p>
<b>Development Type:</b>	Local Development
<b>List of all Relevant s4.15(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979;</i></li> <li>• <i>Environmental Planning and Assessment Regulation 2021;</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021;</i> and</li> <li>• <i>Uralla Local Environmental Plan 2012 (ULEP 2012).</i></li> </ul>
<b>Estimated Construction Value:</b>	<p>Total Cost: \$8,800.00</p> <p>Based on this Capital Investment Value (CIV) and the provisions of Section 2.15 and Part 4 of the <i>Environmental Planning and Assessment Act 1979</i>, the consent authority for the subject development application will be Uralla Shire Council.</p>

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

## 2 EXECUTIVE SUMMARY

### 2.1 Background

Bartlett Planning Solutions has been engaged by Ms Robyn Knight to prepare a Statement of Environmental Effects (SoEE) to accompany a Development Application (DA) to Uralla Shire Council (USC). This Statement provides a description of the subject site and surrounds, the characteristics of the existing development and an assessment of the perceived impacts of the structures for those relevant matters contained within Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as amended.

### 2.2 Proposal

This development application proposes a Section 4.55(1A) minor modification to DA004/2022, comprising the following farm buildings: -

- Six (6) 3 m x 3 m x 2.9 m (peak height) weather shelters; and
- One (1) round yard.

The existing structures approved under DA004/2022 are ancillary to the use of the subject land involving the keeping of horses (Agriculture) for domestic purposes. The above-mentioned farm buildings are also intended for the keeping / caring of horses for personal use on the land. Approval and a Building Information Certificate (BIC) is the appropriate mechanism in formalising the use of these structures. The subject application does not propose any alterations to existing development, nor does it propose the construction of any additional buildings. The proposal is considered to be of minimal impact to the environment and adjoining development.

### 2.3 Permissibility

Farm buildings and the of keeping horses (non-commercial) on the land are permissible with development consent pursuant to the *Uralla Local Environmental Plan 2012* (ULEP 2012), under which the site is zoned *R5 Large Lot Residential*.

The proposal is generally consistent with the applicable zone objectives, which a) aim to provide residential housing in a rural setting while preserving, and minimising impacts on sensitive areas; and b) minimise conflict between land uses within the zone and land uses within adjoining zones. The proposed development is also considered compliant with applicable statutory planning controls and with the relevant provisions of Council's *Uralla Development Control Plan 2012* (UDCP 2012) as detailed throughout this Statement.

## 3 SUBJECT SITE AND LOCALITY

### 3.1 Site Details and Existing Development

The subject land is known as, 59 Pinegrove Road, Saumarez Ponds, NSW 2350 and is described as Lot 4, DP 249440 and Lot 331, DP 257168. The property has a total area of approximately 2.65 hectares and is improved by an existing dwelling, farm buildings, storage shed and associated structures.

The subject allotment is located on the eastern side of Pinegrove Road, which is a sealed road. The land is also improved by native vegetation (shrubs and trees etc.). The subject site is surrounded by rural residential allotments predominantly utilised for rural purposes, hobby farming and residential living (refer photographs in **Appendix A**).

In accordance with the Maps accompanying the ULEP 2012, the subject site is not improved with any items of environmental heritage or affected by land reservation for acquisition. The allotment is not identified by Council to be bushfire prone or subject to inundation by flooding. Additionally, the site is not included in Council's information system for potentially contaminated land and has not been previously used for a purpose that may have resulted in contamination.

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

### 3.2 Land Use Context

The subject land is located in the *R5 Large Lot Residential* zone within Uralla Shire Council and is surrounded by mixture of rural-residential land uses. The allotment is located approximately 9.4 kilometres west of the centre of Armidale. As previously identified, the land is not identified by Schedule 5 of the LEP as being of heritage value, nor do the provisions of the Plan classify the subject land as being prone to inundation by flooding. The land is also not affected by bushfire hazards.

The allotment is currently serviced by an on-site sewerage management system, and bore water, a well and rainwater tanks for water supply. Stormwater is disposed of by connection to a rainwater tank for the stables with the overflow discharged to on-site drainage (i.e. overland flows / catch drain). Two Wheeled Drive (2WD) existing access also services the site.

The site and its locality are shown in Figure 1 below, in an annotated air photo, while a cadastral image is included as Figure 2:



Figure 1 - Aerial Image of the Subject Land, 59 Pinegrove Road, Saumarez Ponds NSW 2350

### 3.3 Consent History

There is a history of development approvals applying to the subject site that are relevant to this development application and have been outlined for reference and context.

1. Development Application No. DA004/2022 was lodged with Council 31 January 2022 and approved for Horse Stables;
2. Building Certificate Application No. BIC002/2024 was approved 28<sup>th</sup> February 2024 for a Building Certificate for the construction of Horse Stables;

Copies of the abovementioned documents are attached in **Appendix B** for further information.

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

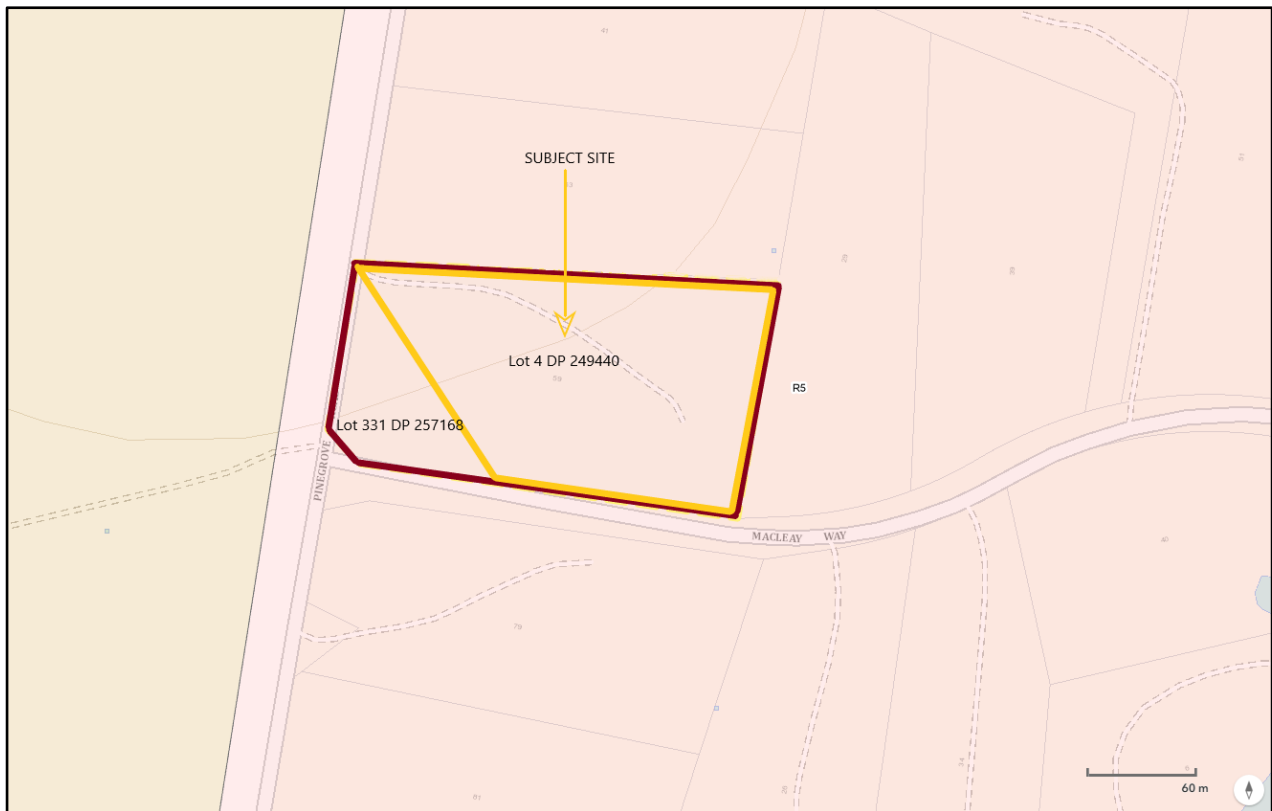


Figure 2 - Cadastral Image of Lot 4, DP 249440, 59 Pinegrove Road, Saumarez Ponds NSW 2350

## 4 THE PROPOSAL

### 4.1 Description of the Development

The property Lot 4, DP 249440, 59 Pinegrove Road, Saumarez Ponds, NSW 2350 will require a Section 4.55(1A) Modification to DA004/2022 for the approval of: -

- Farm Buildings -
  - Six (6) 3 m x 3 m x 2.9 m (peak height) Weather Shelters; and
  - One (1) Round Yard.

These Farm Buildings will be utilised by the owners for the keeping / caring of horses for personal use on the subject land.

The existing structure approved under DA004/2022 consists of aluminium steel and colorbond (neutral colours), are non-reflective and consistent with the existing dwelling and other on-site structures and surrounding development. A Building Information Certificate (BIC002/2024) was also issued 28 February 2024 for the construction of Horse Stables on the subject site (refer **Appendix B**). Approval and a Building Information Certificate (BIC) is now sought for the Six (6) Weather Shelters and single Round Yard, for use as farm buildings.

Use of the abovementioned is proposed on the basis of Planning Circular (PS 21-008) and advice provided by Mr Simon Vivers, 1 October 2024, that is attached to this Statement in **Appendix C** for further reference. Further details of the application are also outlined as follows.

### 4.2 Total Number of Horses

It is noted that Uralla Shire Council's *Keeping of Animals (Urban Areas) Policy 2013 and Draft Keeping of Animals (Urban Areas) Policy 2024* limits the keeping of horses to a density of less than One (1) horse per 1,000 m<sup>2</sup>. The proposed request for this application involves a capacity that is approximately One (1) animal per 3,000 m<sup>2</sup> on a 2.65 hectare area of land, thus satisfying this requirement of the Policy.



## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

### 4.3 Activities of the Development

The use of round yard will occur between the hours of 7am and 5pm for exercising the horses (approx. 15 minutes per horse, each day). All structures are appropriately located to eliminate any potential impacts on adjoining neighbours. The intention of the proposed development is to allow the keeping and enjoyment of horses for leisurely purposes within a safe and rural environment. It is therefore considered that approval of the minor modification on the subject land is appropriate.

A Site Plan, land surveyors correspondence, Building Certifiers Report and engineering details are included as **Appendix D** in order to provide an understanding of the scope of the development site.

## 5 STATUTORY PLANNING ASSESSMENT

The preparation of this DA has been undertaken with consideration of the relevant criteria listed in Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as amended. In determining a DA, the determining / consent authority is to take into consideration the following matters as are relevant to the application:

### 5.1 Section 4.15(1)(a)(i) The provisions of any environmental planning instrument:

#### 5.1.1 State Environmental Planning Policies

The following SEPPs are considered relevant to this DA:

##### **State Environmental Planning Policy (Resilience and Hazards) 2021**

*State Environmental Planning Policy (Resilience and Hazards) 2021* requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities, as follows:

Clause	Subject	Comments
4.6	Contamination and need for remediation to be considered in determining development applications	The subject land has historically been utilised for rural residential purposes. The site is not known to be contaminated, and a site inspection did not reveal any visual indicators of contamination. Furthermore, the site is not listed on the NSW Environment Protection Authority's online register of Records under Section 58 of the <i>Contaminated Land Management Act 1997</i> . Use of the subject land for the development is therefore considered appropriate for the proposed modification.

#### 5.1.2 Local Environmental Plans: Uralla Local Environmental Plan 2012 (ULEP 2012)

*Uralla Local Environmental Plan 2012* (ULEP 2012) applies to the subject site. The allotment is not identified by Council to be bushfire prone and is not subject to inundation by flooding. Further, the site is also not included in Council's information system for potentially contaminated land and has not been previously used for a purpose that may have resulted in contamination. The land is also not identified on Council's land reservation / acquisition map and there are no heritage items located on the property or in proximity. A review of the proposal against the relevant provisions of the ULEP 2012 is provided as follows:-

Clause	Subject	Comments
1.2 (2)	Aims	Relevant aims of the ULEP 2012 considered in this Statement of Environmental Effects include: (2) (b) to provide a choice of living opportunities and types of settlements ...

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

		<p>(e) to ensure that development has regard to the principles of ecologically sustainable development and has regard to areas subject to environmental hazards and development constraints,</p> <p>(f) to provide for flexibility in applying certain development standards, where compliance with such standards may be unreasonable or unnecessary in the circumstances of a particular development, and there is sufficient justification for varying the standards on environmental planning grounds.</p> <p>The proposed minor modification is considered to be consistent with these aims. The subject site is appropriately located and is compatible with surrounding land uses and existing development. The site attributes are conducive to the development as proposed, and the proposal is not expected to result in any unacceptable land use conflicts with surrounding properties or the environment. Relevant issues have been considered and are addressed where appropriate in this Statement.</p>
2.1	Land use zones	The subject site is zoned <i>R5 - Large Lot Residential</i> .
2.3	Zone objectives	The consent authority must have regard to the relevant zone objectives in determining a DA (see Land Use Table provisions, below).
-	Land use table	<p>In the ULEP 2012 Land Use Table, the objectives for the <i>R5 - Large Lot Residential</i> zone are:</p> <ul style="list-style-type: none"> <li>• To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</li> <li>• To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.</li> <li>• To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones</li> </ul> <p>The proposed modification of the existing structures for use as farm buildings is permissible in the R5 zone. A <b>farm building</b> is defined under the ULEP 2012 as follows:-</p> <p><i>“... means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.”</i></p> <p>The use of these buildings are ancillary to the use of the land involving the keeping of horses which is defined under the provisions of the UPLEP 2012 as <b>agriculture</b>. This land use is permitted with consent from Council and defined as follows:-</p> <p><i>“... means any of the following—</i></p> <p>(aaa) <i>agritourism,</i></p> <p>(a) <i>Aquaculture,</i></p> <p>(b) <i>extensive agriculture,</i></p> <p>(c) <i>intensive livestock agriculture,</i></p> <p>(d) <i>intensive plant agriculture.”</i></p> <p>It is important to note that the keeping of the horses on the land are not for commercial purposes as addressed throughout this report.</p>

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

		<p>It is also considered the proposed development is consistent with the relevant zone objectives and are not incompatible with surrounding development. Further, the proposal is consistent with the provisions of Planning Circular (PS 21-008) for mixed use and ancillary development.</p> <p>Adjoining land uses are generally associated with rural land uses (e.g. hobby farming, agriculture, grazing etc.) and residential living. In this regard, the use of the existing structures as farm buildings and the keeping of horses, as an agricultural use of the land, is appropriate for the locality and is not expected to result in any unacceptable conflicts with adjoining properties or the environment now or in the future.</p> <p>The s4.55(1A) modification to the approved development is also considered minor as it is substantially the same. The proposed modification is not only consistent with the approved development but also compatible with surrounding development.</p>
5.10	Heritage conservation	<p>This clause aims to conserve items of heritage significance, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance. There are no existing buildings on the property that are listed in Schedule 5 of the LEP as having heritage significance. Furthermore, an AHIMS search did not reveal any significantly listed archaeological sites, Aboriginal objects or Aboriginal places of heritage significance (refer <b>Appendix E</b>). As such, the development is considered appropriate and is not inconsistent with the provisions of this Section.</p>

### 5.2 Section 4.15(1)(a)(ii) The provisions of any proposed environmental planning instrument

At the time of preparing this Statement (November 2024):

- There were no relevant proposed environmental planning instruments or amendments to environmental planning instruments detailed on the *NSW Department of Planning and Environment* website; and
- No relevant proposed planning instruments that had been the subject of public consultation were detailed on the Uralla Shire Council website.

### 5.3 Section 4.15(1)(a)(iii) The provisions of any development control plan

The *Uralla Development Control Plan 2012* (UDCP 2012) is a comprehensive document which has been adopted by Council to provide specific guidelines and control for development throughout the Uralla Shire, complementary to the provisions of the ULEP 2012. An assessment against the relevant controls of the UDCP 2012 has been undertaken as detailed within the following Table:

Chapter	Comment
<b>4. Rural Development</b>	
4.2 Where this Chapter applies	<p>This Chapter applies to land zoned in the Uralla LEP as R5 – Large Lot Residential.</p> <p>The subject land is identified as a <i>R5 Large Lot Residential</i> zone.</p>
4.3 Biodiversity	<p>The impacts to threatened species and threatened ecology communities listed under the <i>Biodiversity Conservation Act 2016</i> (BC Act 2016) and the <i>Commonwealth Environmental Protection and Biodiversity Conservation Act 1999</i> are required to be assessed in accordance with Section 7.3 of the Act. If the</p>

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

	<p>modification is likely to have a significant impact or has been carried out in a declared area of Outstanding Biodiversity Value, the proponent must either apply the Biodiversity Offsets Scheme (or Biodiversity Assessment Method) or prepare a Species Impact Statement. There is no significant vegetation located within the area of the proposed development, and it is therefore unlikely that any threatened species have been affected.</p> <p>The area is also greater than 1 hectare and SEPP (Biodiversity and Conservation) 2021 applies. However, the provisions of Chapter 3 'Koala Habitat Protection 2020' do not require consideration as it only applies to an area of more than 1 hectare in rural and forestry zones. Chapter 4 is also not relevant as the area is not identified as being within a potential koala habitat.</p>
4.4 Bushfire Management	The subject site is not identified as being bushfire prone land.
4.5 Access to Rural Properties - General	All weather 2WD access services the subject land and structures are safe, convenient and readily maintainable. Vehicular access and manoeuvrability adequately meet Council's requirements.
<b>6 Access and Parking</b>	
6.4 Access and Traffic	There will be negligible impacts to access and traffic as a result of the proposed modification to the development. Both access and traffic will continue to remain as per the current situation, which includes the owners generally leaving and entering the property. The only change to the property may be occasional additional visits for the purposes of ensuring animal health and welfare (e.g. visit from a farrier to maintain two (2) horses instead of one (1)).
6.5 Parking Requirements	The development does not increase the demand for car parking spaces onsite.
6.6 Provision of Parking Spaces	There is no anticipation for additional visitors outside of normal use of property and trips to the site for horse welfare.
<b>11. Floodplain Development and Management</b>	
11.1 About the Chapter	The subject land is not identified as flood prone land.
<b>14. Contaminated Land</b>	
14.1 About this Chapter	There is nothing in the recent land use history that indicates the allotment is contaminated. Furthermore, a site inspection did not reveal any visual indicators of contamination, and the site is not listed on the NSW Environment Protection Authority's online register of Records under Section 58 of the <i>Contaminated Land Management Act 1997</i> . Therefore, no further action is required in this regard.
<b>Other Matters</b>	
Design	<p>The development is sympathetic to the design and scale of the rural residential environment and adjoining residential buildings.</p> <p>The development makes a positive contribution to the natural landscape for the following reasons: -</p> <ul style="list-style-type: none"> <li>• The articulation of the structures finishes / colours provides relief and interest to the existing environment; and</li> <li>• The structures maintains surrounding landscaping to ensure that the structures are visually screened.</li> </ul>

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

Building Setbacks	The provisions of this part require a 20 metre street setback and 10 metre side/rear to all buildings. The structures comply with these provisions.
Utilities	Each of the development structures are located clear of utility infrastructure.
Ridgelines	The rooflines of each of the development structures do not project above the ridgeline where visible from any public road or place.
Stormwater Drainage	The stormwater drainage for the structures have been designed to prevent stormwater damage to the built and natural environment and ensure acceptable levels of health, safety and amenity.

### 5.4 Section 4.15(1)(a)(iia) The provisions of any planning agreement

Not applicable.

### 5.5 Section 4.15(1)(a)(iv) The provisions of the regulations

The development is not listed in *Schedule 3* of the *Environmental Planning and Assessment Regulation 2021* (not designated development). Therefore, development is not deemed to require, with the exception of Uralla Shire Council, development consent by any state agency or governing body.

### 5.6 Section 4.15(1)(b) The likely impacts of the development

#### 5.6.1 Impacts on the natural environment

The subject land has no known residual value as habitat for any threatened species, populations or ecological communities, or their habitats for the purposes of *Section 1.7* of the *Environmental Planning and Assessment Act 1979*. The site has not been declared as critical habitat under the *NSW Biodiversity Conservation Act 2016*, nor is it known to host any habitat or species listed under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.

The existing structures have been designed to be cognisant of site constraints. It is considered that approval of the modification application will have a negligible impact on the natural environment.

#### 5.6.2 Impacts on the built environment

The proposal incorporates a Section 4.55(1A) minor amendment to a development approved 31<sup>st</sup> January 2022 (DA004/2022) for horse stables. The modification involves the inclusion of additional structures erected on the premises for use as farm buildings for the keeping of horses. The existing structures have been designed in order to achieve consistency with site improvements and surrounding land uses. The proposed modification will continue to allow the development, and ancillary uses to be compatible with the quality of the built environment and rural design in this locality.

Considering the nature of the modification, approval of the subject application should not lead to any conflict.

#### 5.6.3 Context and setting

The subject site is situated within an existing large lot residential setting in a rural landscape which is characterised by buildings of a similar design, construction and scale. Further, the structures on the land are consistent with the context of the immediate surroundings. The structures are also appropriately screened by other existing development and on-site vegetation. Considering the surrounding improvements, the proposed minor modification will not prejudice any existing activities and will contribute to the streetscape in a positive manner.

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

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Accordingly, the subject development is compatible with the character of the existing rural residential environment, and approval of the application should not lead to localised land use conflict.

### 5.6.4 Utility / infrastructure impacts

The site has access to on-site sewer, water, electricity and telecommunications infrastructure. The proposed modification, should it be supported, will result in farm buildings for the keeping of horses on the land. It is expected that the existing infrastructure is capable of accommodating the proposal without any expansion.

### 5.6.5 Air Quality

#### 5.6.5.1 Dust

The round yard is relocated away from neighbouring properties to minimise any potential impacts arising from dust. Further, the on-site bore water will be utilised to suppress any dust as the area will be hosed down at all times prior to use.

#### 5.6.5.2 Odour

It is anticipated odour will be negligible during the operation of the development. The following management will take place to ensure there will not be any odour impacts from the site:-

- Turning the stable bedding over daily when in use and allowing it to dry by applying lime.
- Manure will be removed from the stables and day yards daily and placed in a trailer away from neighbouring properties, which shall be removed from property weekly.
- Horses will be relocated into yards with weather shelters during day to allow natural drying and further eliminate any potential odour.

### 5.6.6 Noise

Noise dampeners have been applied to door all handles, feed bins etc associated with the development to limit metal on metal noise. Plastic feed bins will be removed from stable stalls overnight. A rear door has also been added to the stable building. Further, the proponent has also planted screening trees and installed privacy fencing.

### 5.6.7 Lighting

All external lighting complies with *AS4282:2019 'Control of the Obtrusive Effects of Outdoor Lighting'*. Further, external lighting has been carefully selected to ensure that light spill is contained, and the intensity and vertical illuminance values are within the specified limits of AS4282:2019. To assist in reducing any possibility of light pollution dimming lights have been fitted to the stables. Additionally, all lights are angled away from neighbours, and no lighting is installed on the rear of stable building. The lights have been installed on multiple switches to ensure only lighting for the areas in use and any lighting will not be left on overnight.

### 5.6.8 Vermin

For the prevention of vermin all feed shall be stored in vermin impermeable containers or feed bins.

### 5.6.9 Bushfire and Flooding

The property is not affected by inundation by flooding, and this has been addressed throughout this report. The property is also not classified as bushfire prone land under the Uralla Local Environmental Plan Bushfire Prone Land Mapping 2012.

### 5.6.10 Traffic impacts

The potential traffic generated from the proposed amendments will be largely the same as the current situation, which is easily accommodated by the existing road network. A minor increase will only occur as a result of visits concerning animal welfare.

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

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### 5.6.11 Waste

There is no significant waste implications anticipated from the approval of the subject application. The development will comply with Council's policy for waste during operation. Any waste associated with the development shall be dealt with via the land owners and Council.

### 5.6.12 Privacy and Security

Electric fence tape and additional privacy screening measures (i.e. tree planting) shall be installed / planted along the boundary fences to ensure security and privacy is maintained at all times.

### 5.6.13 Social issues and impacts

The social fabric of the locality is not expected to be adversely impacted as a result of the proposed development. Instead, minimal impacts are anticipated for this type of development. The size and location of the land is suitable for the storing and care of the horses for domestic purposes. There is no evidence to suggest the proposal will detrimentally affect the amenity or utilisation of lands within the surrounding area.

Sheep, horses, cows, alpacas and goats are common in the immediate area, and it is noted that a full stable complex, inclusive of an arena and round yards exist on land opposite property (refer photographs in **Appendix A**). Campdraft and show jumping competition horses also practice on adjoining properties. Additionally, show cattle are bred in the vicinity. In this regard, the proposed use is consistent with the agricultural activities that are common in the area. Thus, approval of the subject application is not expected to cause an unacceptable social impact.

### 5.6.14 Economic issues and impacts

There have been no negative economic impacts identified in association with the development and the keeping of horses on the site are not for any commercial benefit or gain.

### 5.6.15 Public Domain

No negative impacts on the public domain have been identified as detailed throughout this assessment report. The proposed development is consistent with other development in the locality. It is considered the zone, size and location of the subject land is suitable for the farm buildings and storing and care of horses.

### 5.6.16 Other Land Resources

There have been no identified impacts on other land resources as a result of the development being minor in nature.

### 5.6.17 Cumulative impacts

The subject site is considered to be capable of accommodating the proposal, which is compatible with surrounding land uses and development. Approval of the subject application is not expected to result in any unacceptable land use conflicts with surrounding properties or the environment.

## 5.7 Section 4.15(1)(c) The suitability of the site for the development

The subject site is considered eminently suited for the proposed development as outlined within this Statement. Photographs in **Appendix A** also depicts similar development on nearby properties that are consistent with the proposed development. In this regard, the proposal is compatible with surrounding land uses and development and approval of the application is not expected to result in any unacceptable conflicts with adjoining properties or the environment as detailed throughout this Statement.

There are no known environmental hazards or constraints associated with the allotment. The development site is also clear of relevant environmental exclusion zones considered in ULEP 2012. There have been no negative impacts on the public domain identified.

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses

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### 5.8 Section 4.15(1)(d) Any submissions made in accordance with the Act or the Regulations

This matter can only be fully considered after submission of this DA, if submissions are sought from the community and relevant agencies.

### 5.9 Section 4.15(1)(e) The public interest

Potential detrimental visual, social and environmental impacts have been thoroughly addressed in this Statement, and no detrimental economic impacts have been identified as a result of the proposed development. It is considered that the proposal building fits within the locality as detailed previously. The site attributes are conducive to the development as proposed. In this regard, approval of the subject development application is considered to be in the public interest. Letters of support for the Proposal are also attached in **Appendix F** for further information.

## 6 CONCLUSION

This application seeks a section 4.55(1A) minor modification to DA004/2022 involving farm buildings (Six (6) weather shelters, and a round yard) for the keeping of horses for personal use on Lot 4, DP 249440, 59 Pinegrove Road, Saumarez Ponds, NSW 2350. This submission has demonstrated that the approval of this proposal will have very few, if any, detrimental environmental impacts. Furthermore, the Section 4.55(1A) modification is identified as being substantially the same as the approved development. This is due to the application only formalising the use of the existing abovementioned structures as farm buildings.

Impacts of the proposed development have been examined and discussed in detail as part of this Statement, together with the public interest. Therefore, it is considered that:-

- The site is not unsuitable for the development by virtue of physical characteristics;
- The development is not in conflict with the surrounding land uses;
- The use of the structures as farm buildings and the keeping of horses on the land do not pose any adverse effects to the social or economic fabric of the locality;
- There is no negative impacts arising from this development;
- The proposal is permissible within the zone and is consistent with development on nearby land and adjoining future development; and
- On-site traffic management (i.e. access, parking, manoeuvrability, etc.) is suitable as outlined within this Statement and the accompanying development plans;
- The overall scale, integrity and general appearance of the development is considered to be appropriate for the rural setting;
- There is no anticipated traffic generation as a result of the proposed modification; and
- Adequate utility services are available in the vicinity of the development site and are capable of meeting the demands of the development.

An assessment of the applicable legislation has identified that the development is permissible with consent pursuant to the provisions of the *Uralla Local Environmental Plan 2012*. It has been demonstrated in our submission the proposed development complies with the intent of other applicable statutory planning and related policy provisions, including the *Uralla Shire Development Control Plan 2012* and *Planning Circular (PS 21-008)*. Furthermore, it is considered that this application complies with Council's overall objectives for development in *R5 - Large Lot Residential* zone. On this basis development consent and a Building Information Certificate (BIC) is now sought for the structures as detailed within this Statement of Environmental Effects and attached Appendices.





## STATEMENT OF ENVIRONMENTAL EFFECTS

*S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses*

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# APPENDIX A

## SITE PHOTOGRAPHS



## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses



PHOTOGRAPH 1 – VIEW SOUTHWEST ALONG PINEGROVE ROAD AT FRONT OF PROPERTY



PHOTOGRAPH 2 – VIEW EAST ALONG PINEGROVE ROAD AT FRONT OF PROPERTY DEPICTING THICK VEGETATION



PHOTOGRAPH 3 – VIEW SOUTHEAST AT FRONT OF SITE ON THE CORNER OF PINEGROVE ROAD AND MACLEAY WAY



## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses



PHOTOGRAPH 4 – VIEW NORTHEAST ON THE CORNER OF PINEGROVE ROAD AND MACLEAY WAY



PHOTOGRAPH 5 – VIEW NORTHEAST ALONG MACLEAY WAY DEPICTING SIDE BOUNDARY OF SUBJECT LAND



PHOTOGRAPH 6 – VIEW NORTH FROM MACLEAY WAY DEPICTING FARM BUILDING

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses



PHOTOGRAPH 7 – PLANTING OF TREES FOR SCREENING MEASURES



PHOTOGRAPH 8 – VIEW OF FARM BUILDING WITH REAR DOOR



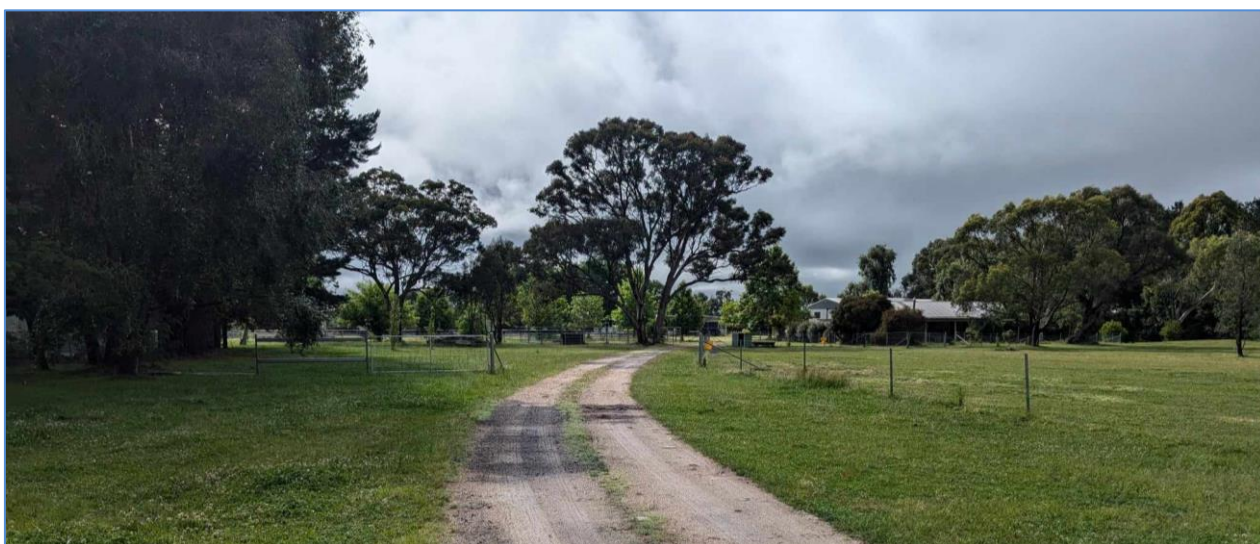
PHOTOGRAPH 9 – ADDITIONAL LANDSCAPING MEASURES AND FARM BUILDINGS DEPICTED IN BACKGROUND

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses



PHOTOGRAPH 10 – NORTHERN BOUNDARY - FARM BUILDINGS ON RIGHT & ADDITIONAL TREE PLANTING LEFT



PHOTOGRAPH 11 – VIEW EAST AT ENTRANCE OF PROPERTY TOWARD EXISTING DWELLING



PHOTOGRAPH 12 – VIEW SOUTH ON PROPERTY IN ROUND YARD OR HORSE EXERCISE AREA

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses



PHOTOGRAPH 13 – VIEW SOUTHEAST TOWARD HORSE EXERCISE AREA / ROUND YARD DEPICTING SUITABLE SCREENING



PHOTOGRAPH 14 – VIEW WEST TOWARD ROUND YARD SURROUNDED SIGNIFICANT MATURE TREE PLANTING



PHOTOGRAPH 15 – FARM BUILDING USED FOR THE KEEPING OF HORSES ONSITE

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses



PHOTOGRAPH 16 – ADJOINING PROPERTY CONTAINING SIMILAR STRUCTURES (ROUND YARD) FOR HORSES



PHOTOGRAPH 17 – NEARBY PROPERTY DEPICTING ROUND YARD FOR HORSES KEPT ON THE PROPERTY



PHOTOGRAPH 18 – LAND OPPOSITE SUBJECT SITE CONFIRMING ADJOINING HOBBY FARMING ACTIVITIES

## STATEMENT OF ENVIRONMENTAL EFFECTS

S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses



PHOTOGRAPH 19 – ADJOINING PROPERTY WITH EXISTING FARM BUILDINGS FOR THE KEEPING OF HORSES



PHOTOGRAPH 20 – NEARBY LAND WITH LIVESTOCK CONSISTENT WITH FARM ANIMALS IN THE R5 ZONE



PHOTOGRAPH 21 – NEIGHBOURING PROPERTY OPPOSITE THE SUBJECT SITE WITH HORSES





## STATEMENT OF ENVIRONMENTAL EFFECTS

*S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses*

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# APPENDIX B

## HISTORICAL APPROVALS



# Uralla Shire Council

Address correspondence to:  
General Manager  
32 Salisbury Street  
URALLA NSW 2358

Phone: (02) 6778 6300  
Fax: (02) 6778 6349  
Email: [council@uralla.nsw.gov.au](mailto:council@uralla.nsw.gov.au)  
ABN 55 868 272 018

## NOTICE OF DETERMINATION

Issued under *Environmental Planning and Assessment Act 1979* Section 81(1)(a)

### DEVELOPMENT APPLICATION

#### APPLICANT

Application No: DA-4-2022

**Applicant Name:** Mrs R M Knight  
**Applicant Address:** 59 Pinegrove Road, SAUMAREZ PONDS NSW 2350

#### 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  
**Land Use Zone:** R5 – Large Lot Residential

#### DEVELOPMENT

**Description:** Horse Stables

#### DETERMINATION – APPROVAL

**Decision Date:** 2 March 2022    **Operational Date:** 2 March 2022    **Lapse Date:** 2 March 2022

#### CONDITIONS (including Section 94 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.

**Please Note:** A copy of all conditions contained in this consent are to be provided to contractors and subcontractors working on the site, to ensure all work is carried out in accordance with this consent.

## **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.*

## Uralla Shire Council - Development Application Determination

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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.*

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.*

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*

## **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.*

## **ADVISORY NOTES – GENERAL**

16. The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
17. 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.
18. 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](http://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.
19. 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.
20. 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 CONDITIONS***

Given Council's duty to consider the matters set out in Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the consent in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 (as amended).

## ***RIGHT OF APPEAL***

If you are dissatisfied with this decision, Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice. *Note: Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.* Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 gives you the right to request a Review of Determination. Upon payment of the prescribed fees, Council will review the determination under the provisions of Sections 8.2, 8.3, 8.4 and 8.5.

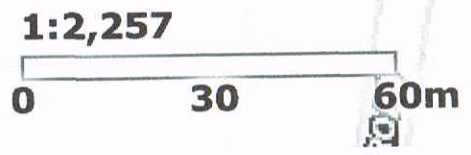
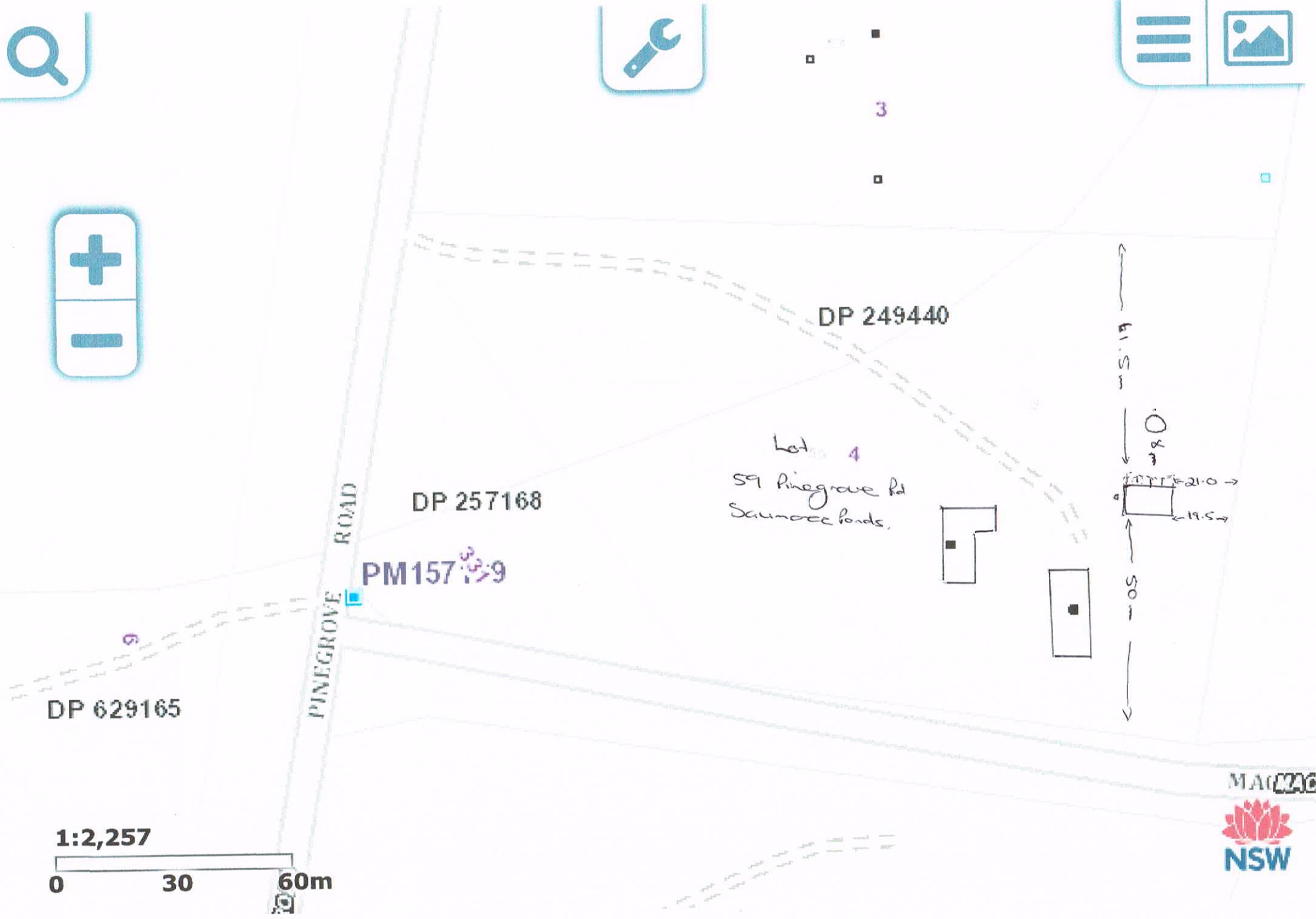
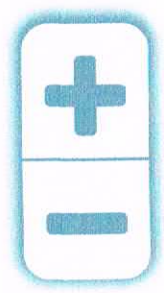
**Note:** Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 do not apply to the determination of a Designated Development, Integrated Development or Crown Applications.

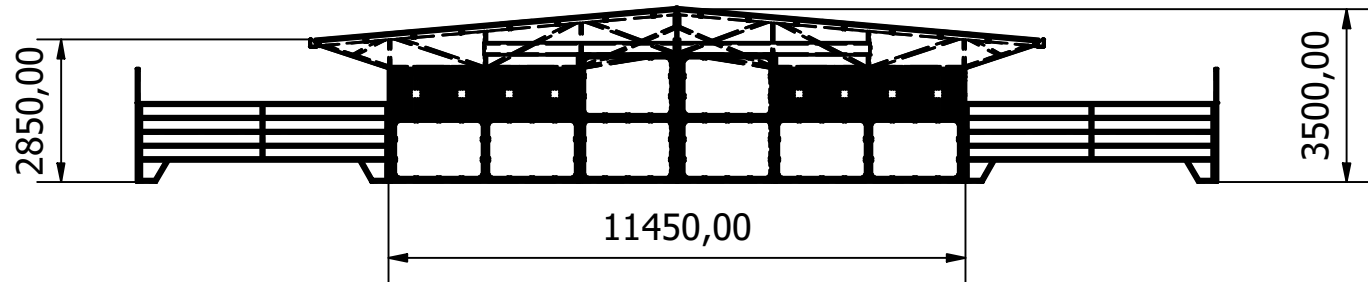
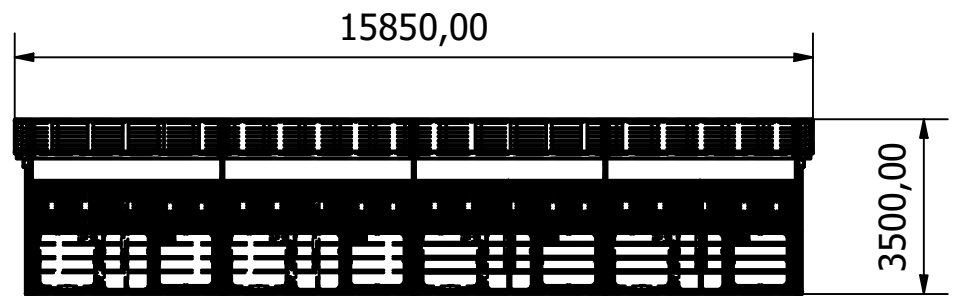
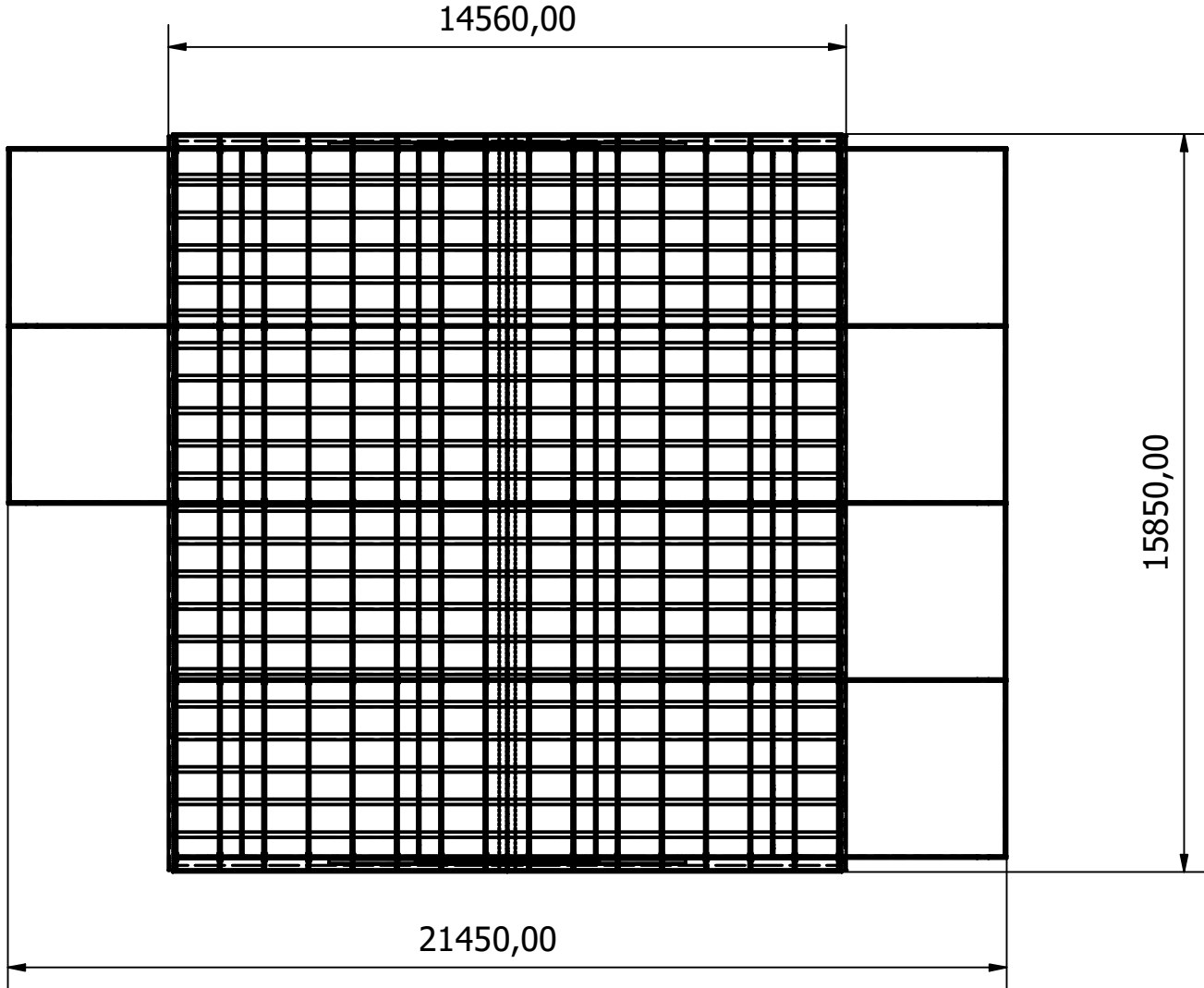
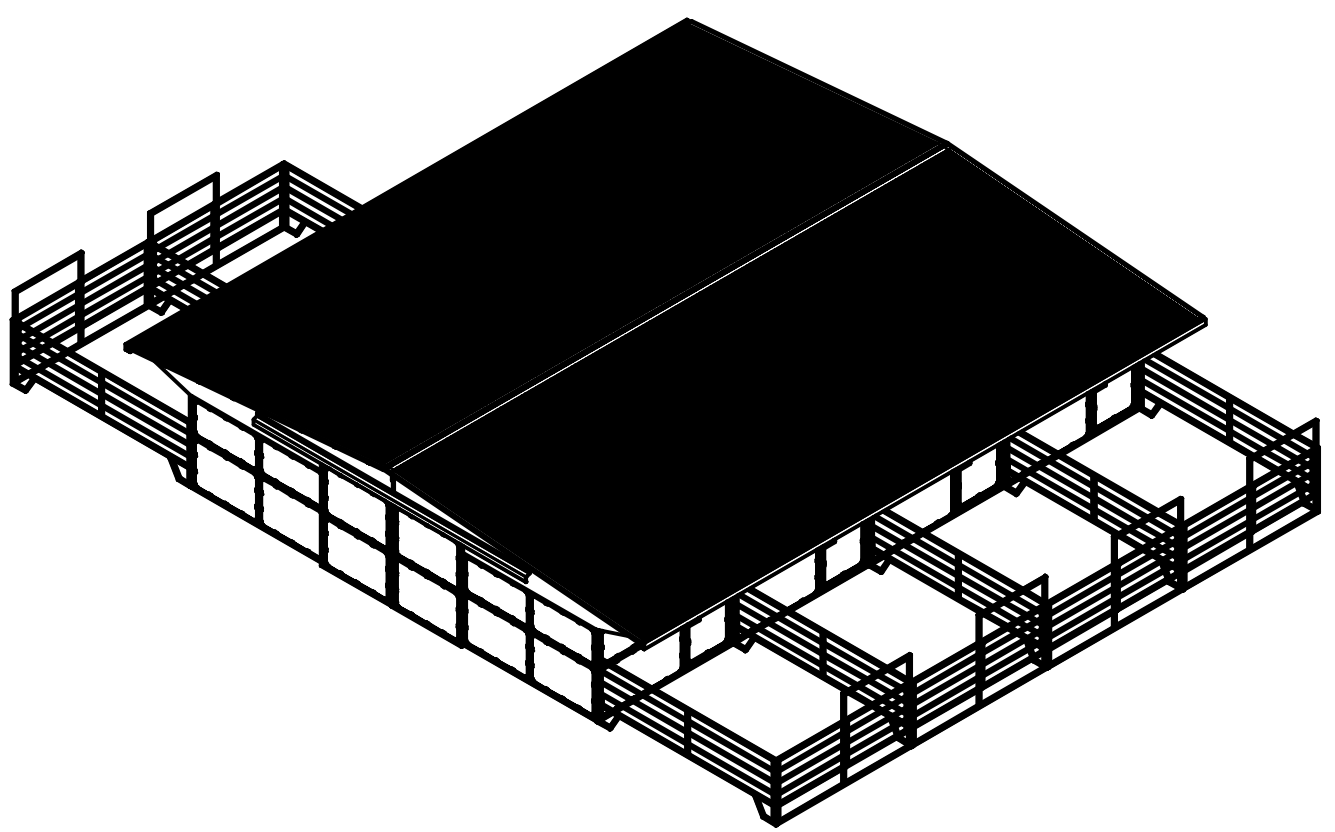
Kate Jessep  
**GENERAL MANAGER**

Per: \_\_\_\_\_



Date: 2 March 2022





Designed by deanr	Checked by	Approved by	Date	Date 15/12/2021	
		Robyn Knight GA Drawing			
		Edition	Sheet 1 / 1		





# Uralla Shire Council

Address correspondence to:  
General Manager  
32 Salisbury Street  
URALLA NSW 2358

Phone: (02) 6778 6300  
Fax: (02) 6778 6349  
Email: council@uralla.nsw.gov.au  
ABN 55 868 272 018

## BUILDING INFORMATION CERTIFICATE

Issued under *Environmental Planning and Assessment Act 1979*  
Section 6.25

<b>APPLICANT</b>		<i>Certificate No: BIC-2-2024</i>
<b>Applicant Name:</b>	Mrs R M Knight	
<b>Applicant Address:</b>	59 Pinegrove Road, SAUMAREZ PONDS NSW 2350	
<b>OWNER</b>		
<b>Owner Name:</b>	Mr R J Knight & Mrs R M Knight	
<b>Owner Address:</b>	59 Pinegrove Road, SAUMAREZ PONDS NSW 2350	
<b>LAND TO BE DEVELOPED</b>		
<b>Property Details:</b>	59 Pinegrove Road SAUMAREZ PONDS	
<b>Legal Description:</b>	Lot: 4 DP: 249440	
<b>DESCRIPTION OF BUILDING/or part of:</b>		
<b>Horse Stables</b> – This Building Information Certificate relates to Horse Stables only (identified as Item A on supporting Identification Survey [prepared by Croft Surveying & Mapping, Ref: 231391, dated 06.11.2023]), and excludes all other structures submitted as part of the application (Items B, C and D as identified on above mentioned Identification Survey).		
<b>NCC Classification(s)/of building or part:</b>	10a	
<b>CERTIFICATION</b>		

Council certifies that, in relation to the building or part of the building identified below, it appears that:

1. There is no matter discernible by the exercise of reasonable care and skill that would entitle the Council, under this Act or the *Local Government Act 1993*:
  - a. to order the building to be demolished, altered, added to or rebuilt, or
  - b. to take proceedings for an order or injunction requiring the building to be demolished, altered, added to or rebuilt, or
  - c. to take proceedings in relation to any encroachment by the building onto land vested in or under the control of the Council,
2. The Building Information Certificate operates for a period of seven (7) years from the date of issue.

### Limitations

- The Building Information Certificate is not an Occupation Certificate, and
- The Building Information Certificate does not confirm or certify that the structure complies with the National Construction Code.

Simon Vivers  
Acting Manager Development & Planning

Date: 28 February 2024

## Uralla Shire Council - Building Certificate

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### Notes:

1. A building certificate operates to prevent the Council:
  - a. from making an order (or taking proceedings for the making of an order or injunction) under this Act or the *Local Government Act 1993* requiring the building to be repaired, demolished, altered, added to or rebuilt, and
  - b. from taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the Council, in relation to matters existing or occurring before the date of issue of the certificate.
  
2. A building certificate operates to prevent the Council, for a period of 7 years from the date of issue of the certificate:
  - a. from making an order (or taking proceedings for the making of an order or injunction) under this Act or the *Local Government Act 1993* requiring the building to be repaired, demolished, altered, added to or rebuilt, and
  - b. from taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the Council, in relation to matters arising only from the deterioration of the building as a result solely of fair wear and tear.
  
3. However, a building certificate does not operate to prevent Council:
  - a. from making order No. 1 in Part 2 of Schedule 5, or
  - b. from taking proceedings against any person under section 9.50 with respect to that person's failure:
    - (i.) to obtain a development consent with respect to the erection or use of the building, or
    - (ii.) to comply with the conditions of a development consent.
    - (iii.) An order or proceeding that is made or taken in contravention of this section is of no effect.



## STATEMENT OF ENVIRONMENTAL EFFECTS

*S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses*

---

# APPENDIX C

## PLANNING CIRCULAR (PS 21-008)

### COUNCIL CORRESPONDENCE

- driveways providing vehicular access from the public road to the car park and passageways, travelators or pedestrian ramps providing pedestrian access between the public road, the car park and the supermarket, and
- a landscaped, supermarket forecourt area that provides passive recreation and access for customers.

All of the above development can be regarded as being for the one dominant purpose of a shop. The integral relationship between the various components means it is not appropriate to characterise each as being for the purpose of a 'car park', or 'roads', or 'recreational area'.

The fact there are different components or parts of varying nature comprising the development is not necessarily of importance. Obviously, the only part of the proposed development specifically intended for use as a supermarket is that part of the building which incorporates the supermarket. The other parts of the development such as the car park, driveways, access ways, and landscaped forecourt serve the purpose of enabling the supermarket to function on the land.

### Ancillary use

An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land.

To put it simply:

- if a component serves the dominant purpose, it is ancillary to that dominant purpose;
- if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right and not an ancillary use. In such circumstances, the development could be described as a mixed use development. Each principal use in a mixed use development must be permitted with consent on the land.

In the Standard Instrument Dictionary:

***mixed use development*** means a building or place comprising 2 or more different land uses.

### Example 2: Industrial premises

In the Standard Instrument Dictionary:

***general industry*** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

In the case of development for the purpose of general industry, such as a factory, the development could involve the construction of:

- the building in which the factory and its associated storehouse and loading dock is located
- an adjoining car park for employees
- driveways providing vehicular access from the public road to the car park and passageways

- fencing around the premises for security and safety, and
- a caretaker's residence for a full-time caretaker to manage and maintain the premises.

The integral relationship between the various components means it is appropriate to characterise the entire development as being for the dominant purpose of general industry, including the caretaker's residence, the built form of which could be considered to be a different, residential use of land. However, since the residence exists to serve the dominant purpose, it is properly characterised as an ancillary use and is therefore development for purposes of general industry.

However, if the proposed residence is not for a full-time caretaker at all -- but is instead a house that could be rented out to anyone, fenced off away from the industrial premises with separate access and driveway from a road -- it should be characterised as development for the purposes of a dwelling house or residential accommodation. The proper characterisation of the residence will depend on the facts.

The characterisation of the residence has the following implications:

- If the entire development is for the purpose of general industry, 'general industry' must be permitted with consent on the land for consent to be granted
- If the development is mixed use, for the purpose of general industry and as well as a dwelling house, both 'general industry' and 'dwelling house' must be permitted with consent on the land for consent to be granted.

### Considerations for characterisation

A component of a development may have features that are both ancillary and independent. If this is the case, consider the following:

- Is the component going to serve the dominant purpose of the development or is it independent?
- What is the amount of land to be used for a certain component, relative to the amount of land proposed to be used for other purposes? If the amount of land is relatively small, it is more likely to be ancillary.
- Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.
- If the component is temporary, it is more likely to be ancillary; if it is regular (that is, will constitute an ongoing use for a long period of time), it is likely to be an independent use.
- If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).

- Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.
- Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.

The above considerations are not determinative, as it depends on the facts of each case.

**Example 3: Warehouse and distribution centre**

A development application is made for the development of land for the purpose of a warehouse and distribution centre. A retail component is proposed as part of the development. Development for the purposes of ‘warehouse and distribution centre’ is permitted with consent under the Land Use Table for the relevant zone, but ‘retail premises’ is prohibited.

In the Standard Instrument Dictionary:

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

Development consent can only be granted to the development if the land is rezoned to permit ‘retail premises’. The retail premises component cannot be characterised as being ancillary to the other purpose of the development (‘warehouse or distribution centre’), however minor it may be in comparison, because the definition of ‘warehouse or distribution centre’ excludes any retail sales being made from the premises.

A non-Standard Instrument LEP may have a different definition of ‘warehouse or distribution centre’ that does not specifically exclude an on-site retail premises component. If that is the case, development consent may be granted to the development if the retail premises can be characterised as being ancillary to the dominant purpose of the development, being ‘warehouse or distribution centre’. However, if both uses are substantial components of the development and neither serves the other, the retail premises cannot be considered to be ancillary – rather, both uses should be characterised as independent, dominant purposes. This is the case even if the operations are related.

**Changes to the definition of warehouse and distribution centres 2022**

The definition of warehouse or distribution centres will be updated on 30 June 2022 to accommodate the new employment zones. The land use ‘Local distribution premises’ has been decoupled from the group term ‘Warehouse or distribution centres’ to allow the land use to be permitted in a wider range of land use zones.

This is reflective of the need to support last mile delivery; for example, click and collect bays and parcel lockers.

New definition:

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution centres.

**Changes to an ancillary use**

If an ancillary use expands to the extent it is no longer subordinate or subservient to the dominant purpose, development consent may be required for the change of use.

**Definitions that use the term “principal purpose”**

There are ten land use terms in the Standard Instrument Dictionary that use the term “principal purpose” as part of their definition.

For example, in the Standard Instrument Dictionary:

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

The use of the term “principal purpose” in such a context adds flexibility to what may be considered to be for the purpose of ‘hardware and building supplies’.

A building or place that sells goods or materials relating to the construction and maintenance of buildings and related outdoor areas **and** also sells other goods or materials or provides related or unrelated services may still fall within the definition of ‘hardware and building supplies’, but only if those other goods, materials or services do not constitute a major component of the development.

The definition makes it clear that even if these other goods or materials are sold or services provided, the principal purpose of the building or place must remain “the sale or hire of goods or materials such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas”.

**Example 4: Hardware and building supplies**

A development application is made for the development of land for the purpose of hardware and building supplies. The sale of goods or materials used in the construction and maintenance of buildings and related outdoor areas is the main purpose of the development, but the sale of goods not necessarily for this purpose is also proposed on-site. Some of the goods that will be available for sale (whether or not of a kind used in the construction and maintenance of buildings and related outdoor areas) could be considered to be more associated with a ‘specialised retail premises.’

Development for the purposes of 'hardware and building supplies' is permitted with consent under the Land Use Table for the relevant zone but 'specialised retail premises' is prohibited.

In such circumstances, development consent may be granted to the development so long the principal purpose of the development is still the sale of goods or material used in the construction and maintenance of buildings and adjacent outdoor areas. The land does not need to be rezoned to permit 'specialised retail premises' for development consent to be granted because the development when considered as a whole is not for the purpose of a 'specialised retail premises'.

## **Consultation with council**

If you have any concerns or questions as to whether a proposed development is permitted, or whether a rezoning is required, please contact your local council for assistance. Pre-DA meetings (a meeting held prior to the lodgement of any development application) with council planning staff are available in all local government areas.

## **Further information**

For further information please contact Service NSW on 13 77 88.

Department of Planning, Industry and Environment circulars are available at:

[planning.nsw.gov.au/circulars](http://planning.nsw.gov.au/circulars)

## **Authorised by:**

**Marcus Ray**

**Group Deputy Secretary Planning and Assessment**

**Department of Planning, Industry and Environment**

**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular. © State of New South Wales through the Department of Planning, Industry and Environment  
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From: **Simon Viviers** <[svivers@uralla.nsw.gov.au](mailto:svivers@uralla.nsw.gov.au)>

Date: Tue, Oct 1, 2024, 11:05 AM

Subject: RE: Inspection Wednesday 28 August - 59 Pinegrove

To: Kirsty Blain <[kirsty\\_blain@outlook.com](mailto:kirsty_blain@outlook.com)>

Cc: [knightrm01@gmail.com](mailto:knightrm01@gmail.com) <[knightrm01@gmail.com](mailto:knightrm01@gmail.com)>, Kellie Woods <[kwoods@uralla.nsw.gov.au](mailto:kwoods@uralla.nsw.gov.au)>

Dear Kirsty and Robyn,

A big apology for the delay in coming back to you. I provide the following response:

<p>1. <u>Current use</u></p> <p>Following your inspection, could you please confirm that our <u>current</u> use of the land and lighting are in compliance with the R5 zoning and original Development Application, and that noting the below, Council has no further requirements arising from that visit.</p> <p>Noting the current use includes:</p> <ul style="list-style-type: none"><li>• Not using animal shelters (still unsure what we are required to do to obtain permission for their use)</li><li>• Not using portable round yard (as above)</li><li>• Horses on property have been restricted to our pensioners (aka, retired competition horses) since September 2023.</li></ul>	<p>The current use is not inconsistent with the zoning, however a modification to the existing DA will be needed given there is form of grey area in the keeping of horses, and the existing farm building type approval gives a form of characterising the use as ancillary.</p> <p>There is technically the issue of the shelters and round yard not being removed as per the Order issued on the land, but I am comfortable with this given the test (for their retention) is the modification.</p> <p>All this is noted. Thank you.</p>
<p>2. <u>Horse Agistment on R5 Zone block</u></p> <p>Could you please advise on the Council requirements for horses on an R5 Zoned block? Noting that the Uralla LEP 2012 definition of animal boarding and training establishment excludes horse agistment, I am requesting information on what permissions are required by council and have been sought by the numerous properties in the Uralla LGA with competition horses and facilities to ensure their compliance.</p> <p>(definition from Uralla LEP, 2012 - <b>animal boarding or training establishment</b> means a building or place used for the breeding, boarding, training,</p>	<p>Adjustment is not expressly permissible. It is also noted that animal boarding or training establishment is a prohibited use in the zone.</p> <p>Adjustment would need to be considered as ancillary to agriculture (which is difficult as the site is not commercial agriculture). The summary is that horses are largely unregulated, except in some circumstances relating to the <i>conditions</i> in which horses are kept.</p> <p>It is also worth noting that the day yards and shelters are not exempt.</p>

<p>keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.)</p>	
<p>3. <u>Development Application under Planning Circular</u></p> <p>We are keen to work with Council to resolve the ongoing concerns created by the "grey area" within the legislation and prevent any further issues or uncertainty. Should your suggestion remain that the best way to achieve this is through submission of a DA for ancillary use outlining the specific land use requests and associated conditions then we will proceed with engaging a Registered Planner.</p> <p>Again, I thank you for your time and I look forward to your response in regard to points 1). and 2). and any further direction you may have on point 3).</p>	<p>Yes I feel this is our best way forward. You should lodge a modification to DA-4-2022. I have also cross checked this with some planners in Armidale, and fundamentally, given that "farm buildings" are permissible, and the definition does not require them to be on a commercial farm, this is the only real way forward.</p> <p>The modification would essentially be "Farm Building – Horse Stables and Associated structures and keeping of horses" or similar.</p> <p>I feel this is within the limits of the following circular: chrome- extension://efaidnbmnnnibpcajpcglclefindmkaj/<a href="https://www.planning.nsw.gov.au/sites/default/files/2023-03/planning-circular-ps-21-008-how-to-characterise-development.pdf">https://www.planning.nsw.gov.au/sites/default/files/2023-03/planning-circular-ps-21-008-how-to-characterise-development.pdf</a></p>

I have also provided the following response to the objector, which contains information which should be included in/addressed in the modification application.

*I have recently inspected the site, and I am satisfied that the land is not being used for an animal boarding or training establishment. In forming this conclusion, there is not sufficient evidence that the activities conducted are commercial. Development Consent ref: DA-4-2022 granted approval for horse stables. Horse stables themselves are a form of farm building, which allows for a use of the building which is ancillary to an agricultural use of the land holding. In my view, this is not necessarily limited to where it is a commercial sized holding or otherwise.*

*My instructions to the owner will be to lodge a modification to the existing Development Consent, to formally include for the stabling of horses (or similar equivalent). This would allow an avenue to restrict the number of horses, and include certain limitations with regards to:*

- *Disposal of any waste.*
- *No lighting to face towards your property (having said that, I did not observe any lighting in this fashion; I do accept that some light spill can occur).*
- *Restriction to activities within a certain distance of shared boundary.*
- *Restriction to hours of training / exercising.*
- *Prevention of commercial use.*

*The above list is not exhaustive.*



*Relevant definitions are below:*

*animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.*

*farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.*

*The modification would be notified, which would allow you to formally submit against the application. The application would be determined by Council, and ultimately Council would decide on the set of conditions which would be imposed on the use.*

*There is nothing to restrict the keeping of horses on the land (outside of the limited considerations under Schedule 2, Part 5, Division 3 of the Local Government [General] Regulation) provided that it is not for an animal boarding or training establishment. By taking a modification to the application, we could resolve the uncertainty around the number of horses on the land and the like and I consider it best for all parties.*

The location of the round yard and number of outdoor shelters would be taken into consideration in the application.

I would be happy for you to forward this thread to your consultant.

Simon Vivers

**Interim Manager Development & Planning**

Uralla Shire Council | PO Box 106 Uralla NSW 2358

**p** 02 6778 6310

[svivers@uralla.nsw.gov.au](mailto:svivers@uralla.nsw.gov.au) | [www.uralla.nsw.gov.au](http://www.uralla.nsw.gov.au)



## **STATEMENT OF ENVIRONMENTAL EFFECTS**

*S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses*

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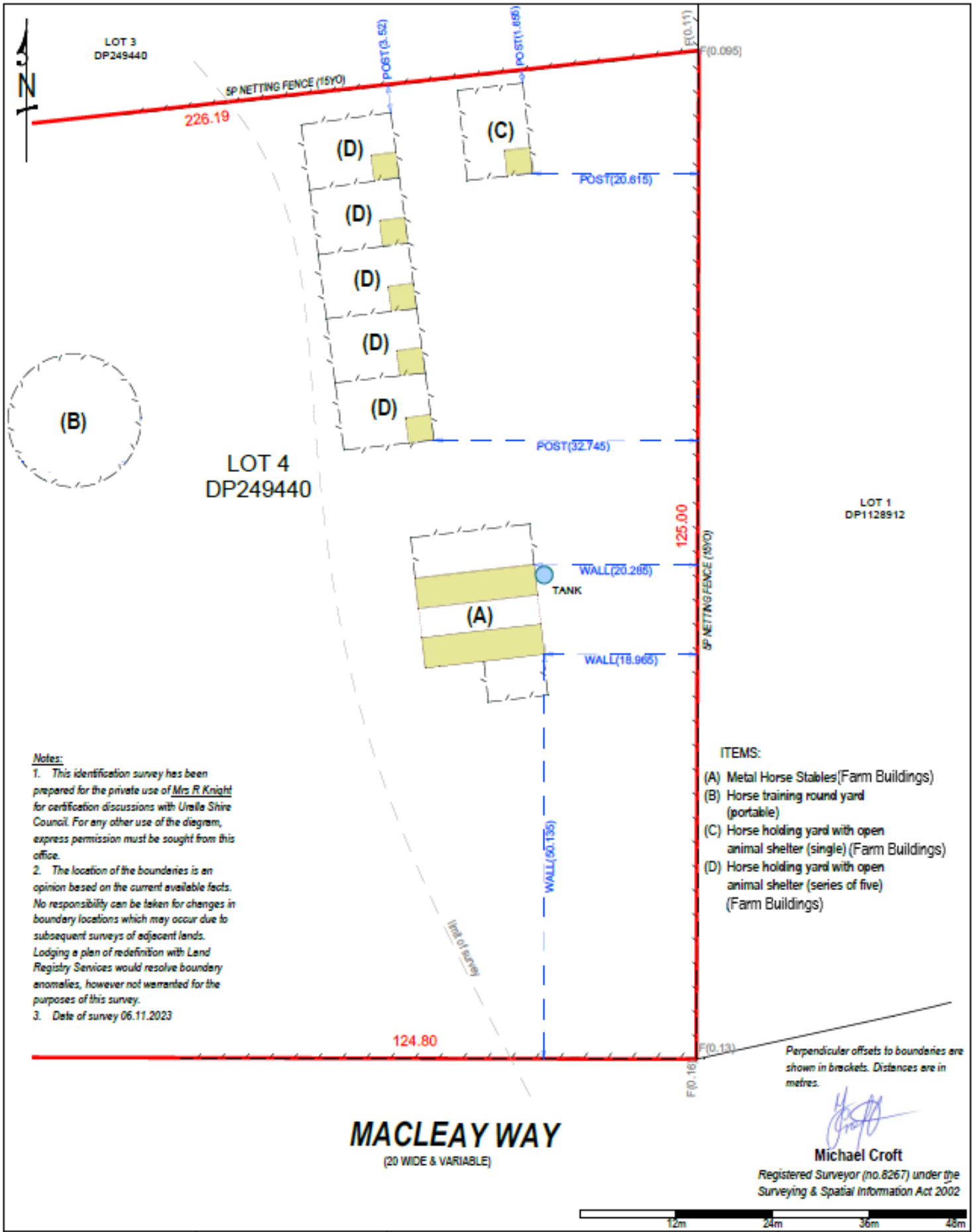
# **APPENDIX D**

SITE PLAN

SURVEY REPORT

BUILDING REPORT

ENGINEERING REPORT



**Notes:**

1. This identification survey has been prepared for the private use of Mrs R Knight for certification discussions with Urella Shire Council. For any other use of the diagram, express permission must be sought from this office.
2. The location of the boundaries is an opinion based on the current available facts. No responsibility can be taken for changes in boundary locations which may occur due to subsequent surveys of adjacent lands. Lodging a plan of redefinition with Land Registry Services would resolve boundary anomalies, however not warranted for the purposes of this survey.
3. Date of survey 06.11.2023

**ITEMS:**

- (A) Metal Horse Stables(Farm Buildings)
- (B) Horse training round yard (portable)
- (C) Horse holding yard with open animal shelter (single) (Farm Buildings)
- (D) Horse holding yard with open animal shelter (series of five) (Farm Buildings)

Perpendicular offsets to boundaries are shown in brackets. Distances are in metres.

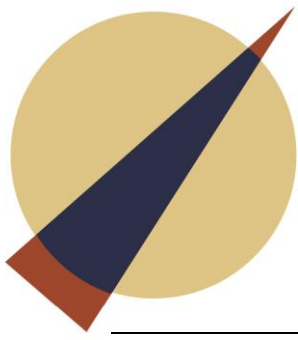
*(Signature)*

**Michael Croft**

Registered Surveyor (no.8267) under the Surveying & Spatial Information Act 2002



RR: 1:600 @ A4	Date: 06.11.2023	<b>IDENTIFICATION SURVEY DIAGRAM OF PART LOT 4 IN DP 249440</b>	
Datum: N/A	Ref: 231391		
Origin: N/A	Surveyor: Michael Croft	59 Pine Grove Rd	
RL: N/A	Drawn: SB	SAUMAREZ PONDS NSW 2350	
	Sheet: 1 of 1	Client: Mrs Robyn Knight	



**CROFT**  
surveying & mapping

PO Box 1563  
ARMIDALE NSW 2350  
phone: 02 6772 1077  
email: [office@croftsurveying.com](mailto:office@croftsurveying.com)

Michael Croft - Surveyor & GIS Analyst – mobile: 0414 782 867

---

6<sup>th</sup> November 2023

Our ref. 231391

Robyn Knight  
59 Pine Grove Rd  
INVERGOWRIE NSW 2350

*By email: [knightrm01@gmail.com](mailto:knightrm01@gmail.com)*

Dear Robyn,

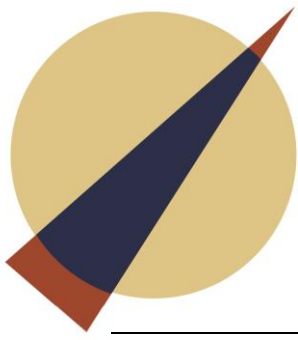
**Re Identification Survey**  
**Property – 59 Pine Grove Road, SAUMAREZ PONDS**  
**Part Lot 4 DP249440**

Thank you for your instructions to undertake a survey of this address. The following information is now provided for the identification of part of the site for building certification purposes. I confirm that you may copy my report for the purposes of this matter only. For any other use of the report, express permission must be sought from my office.

I have surveyed the position of boundary marks, metal horse stable structure, horse holding yard, portable round yard and existing fencing in the vicinity of Lot 4 DP249440, edged in red as per the Identification Diagram attached to this letter.

Apart from minor irregularities in fencing no visible encroachments were evident.

The extent of the survey area is denoted on the attached diagram.



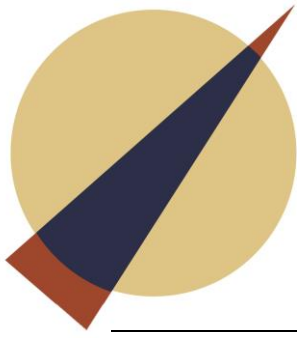
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**Item (A) – Metal Horse Stables – corner roof support posts measured (not in use)**





**CROFT**  
surveying & mapping

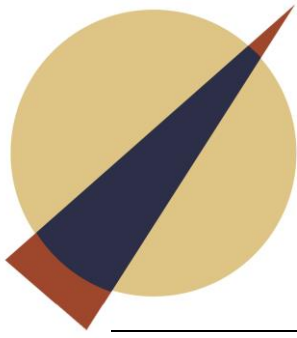
PO Box 1563  
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**Item (B) – Horse training round yard (portable) – depicted as circular on diagram**



**Note: yard panels are not fixed to the ground**



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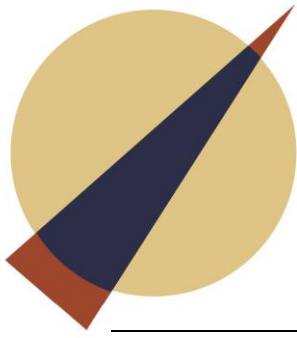
Michael Croft - Surveyor & GIS Analyst – mobile: 0414 782 867

**Item (C) – Horse holding yard with open animal shelter (single)**



Split panel removable skirt at base of open animal shelter





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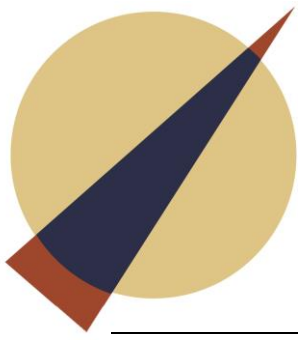
### Item (D) – Horse holding yard with open animal shelter (series of five)



Split panel removable skirt at base of open animal shelter







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This survey report refers to observations made while surveying the property on 6<sup>th</sup> November 2023 and should not be relied upon for purposes other than identification. The location of the boundaries is an opinion based on the current available facts. No responsibility can be taken for changes in boundary locations which may occur due to subsequent surveys of adjacent lands.

Yours faithfully,

**Michael Croft**  
*B.Surveying (Q.U.T.)*  
*G.Dip Geomatics (GIS) (U.S.Q.)*  
*Member of Institute of Surveyors (NSW.)*  
*Registered Land Surveyor (No.SU08267)*  
*under Surveying & Spatial Information Act 2002.*

# BUILDING REPORT



Mob. 0411 253 394  
Lic no. 209248C

PETELO TUIPULOTU  
PT CARPENTRY  
PHONE 0411253394  
EMAIL PT.PAPABEAR@GMAIL.COM  
ABN 93 297 389 151  
BUILDERS LIC. NO. 209248C  
PH. 0411 253 394

TO: ROBYN KNIGHT

PROPERTY: 59 PINEGROVE RD SAUMEREZ PONDS NSW 2350

DATE OF RECTIFICATION WORKS 17/01/24 - 19/01/24

## SUMMARY OF FINDINGS

Important note: the client acknowledges that, unless stated otherwise, the client as a matter of urgency should consider any recommendation or advice given in this report.

Please note that this report is in the capacity of a builder only

General brief description of the building and other structures on the property:

Type: class 10a 10b - animal shelters

Height: single storey

Building: steel posts and metal sheeting

Piers/footing: concrete

Floor: N/A

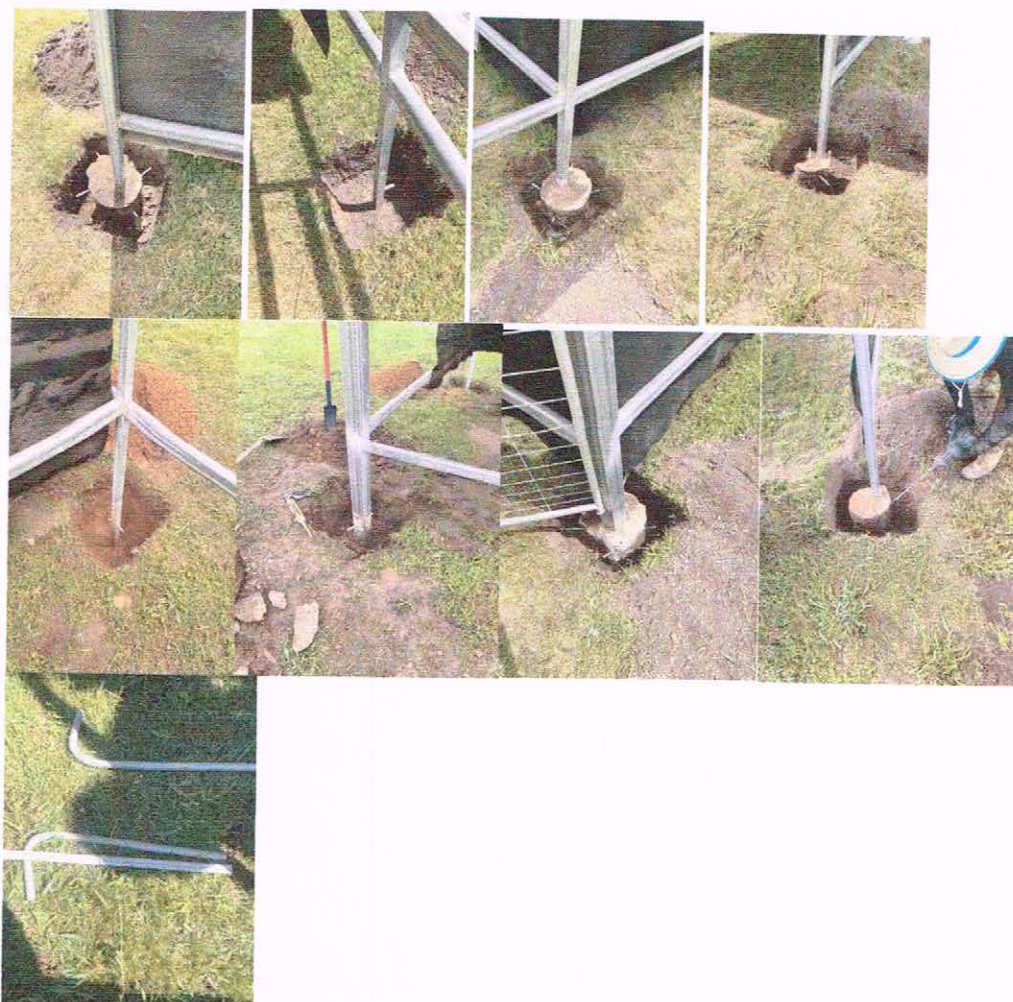
Roof: N/A

Roof space N/A

## RECTIFICATION WORKS CARRIED OUT AS INSTRUCTED IN ENGINEERS REPORT (REQUIRED ALTERATIONS )

- Re-dig posts/footings to the 6 animal shelters at Ø450 x 450 deep. In some posts, there was no concrete binding the post and in other posts they had minimal concrete coverage and was easier remove the existing concrete from the existing post where possible and re-pouring the concrete (I have attached 8 photos I thought it was unnecessary to spam you with all the photos)
- Drill additional M10 action bolts to the baseplates with a heavy duty oblong Bremick washer
- Drive 400mm stay pins to the round yard steel fencing driven in the ground with an opposing skew to each pair of stay pins

Petelo Tuipulotu  
Licence No. 209248C



## **BUILDING INFORMATION CERTIFICATE**

### **STRUCTURE DETAILS**

FILE No.	IV4153
COUNCIL REF:	
OWNER:	Robyn Knight
LOCATION:	59 Pinegrove Road, Saumarez Ponds NSW 2350
DESCRIPTION:	Animal Shelter Structures
BCA CLASS:	10a and 10b

### **Description of Structure:**

I, Andrew Dekkers, (Engineer MIEAust) inspected the property on the 10<sup>th</sup> November 2023. The site consisted of the following structures as indicated on the survey plan provided by Croft Surveying and Mapping (231391\_C dated 06/11/2023):

#### **Horse Stables**

- A prefabricated steel frame horse stable designed and supplied by Mobistall, approximately 15.5m x 14.8m, as per the Mobistall drawings.
- A total of 8 stables, 4 each along both the Northern and Southern walls, with a passageway East-West through the centre of the structure.
- Open steel framed yards adjoin the southern and northern sides of the stables.
- Concrete slab foundation
- Prefabricated wall frames comprise 50x50 SHS framing.
- Each wall frame is connected to corner posts 50x50 SHS with kit supplied brackets and 4/M8 bolts per manufacturers details.
- Each corner column (located at each corner of stable cells) is fixed to the concrete floor slab with 2/M8 hold down bolts through baseplates at each column.
- Prefabricated roof framing trusses comprise 50x50 SHS framing with 100x50 RHS Purlins.
- Trusses are fabricated in two halves, which are joined at the ridge line with 3/M10 Bolts
- Trusses are supported directly onto the corner columns of each cell with nested RHS sizes, and bolted through with 2/M8 bolts per manufacturers details.
- Roofing comprises Steel Trimdek roof sheeting generally with sections of Polycarbonate sheeting over each stable bay for natural lighting.
- Each prefabricated wall frame is clad with Formply infill sheeting, fixed into wall frames with steel interlocking lugs and washer plates.
- The ply sheeting infilling all external wall panels and all stall dividing walls provides adequate bracing for the structure.
- Roof eaves gutters fall to the east with downpipes into water tanks.
- Fence panels attached to external walls on the Northern and Southern ends of the stables.
- Electrical Lighting has been installed in the roof of the stables.

#### **Animal Shelters**

- There are six small square 3m x 3m x 2.85m high (max) skillion roofed animal shelters which are open to 2 or 3 sides (see below), connected by welding to a horse yard fence system.
- Each shelter consists of a single 90x90 SHS post with 50x50 SHS posts in the other three corners. 3 of 4 posts are integrated with the adjacent yard fences.
- The roof structures typically consist of 50x50 SHS purlins at the lower and higher edge, and one mid-purlin\*.
- \*These purlin sizes vary in some cases as follows:
  - Shelter 4 which has a 50x25 RHS centre purlin, and
  - Shelters 5 and 6, which have 40x40 SHS Top and Bottom Purlins with a 35 Equal Angle centre Purlin.
- **Note – These purlins have been upgraded as noted in "Recommendations" below and evidence sighted.**
- Trimdek roofing is connected to the purlins with Tek screws at every second rib. This roof sheeting is spanning 1.5m continuous spans. The roof sheeting strength capacity is adequate for this span based on a non-trafficable roof load. These shelters are not intended to be accessible. In the event that persons do access the roof area, the roof sheeting may be damaged by buckling or deflection, but will otherwise continue to provide adequate strength capacity.
- Shelters 1, 2 and 4 have two enclosed walls, Shelter 3 has 1 enclosed wall, and Shelters 5 and 6 have 3 enclosed walls.
- Each shelter has two cattle rails, 600mm and 1300 off the ground which provide sufficient bracing for all shelters.
- The owner indicated the post were all set into Ø300 concrete piers 600mm deep. These have not been sighted.

#### **Round Yards**

- The round yards are constructed with fence (22x) and gate (2x) panels commercially sourced from Red River Rural.
- The fence panels are 2150W x 1700H.
- The gates are 2000W x 1550H and are framed with 48 CHS surrounds.
- Each fence panel consists of 6/60mmx30mm cattle rails with 48 CHS posts with welded top caps.
- Each fence panel has 2 x 12mm steel pins each end interlocking all panels together.
- The two gateways comprise 48 CHS portal frames with 2 x 48 CHS gussets (450mm off each top corner).

**Required Alterations:**

1. The tiedown connection for the Horse Stable baseplates to slab could not be verified as being sufficient.
  - o An additional M12 Dynabolt or M10 Ankascrew with a 60x40x3.0mm washer plate should be installed at each existing baseplate.
2. The downpipes for the Horse Stables were not installed correctly. The owner was advised during the inspection.
  - o New fittings and connections have since been installed to capture the roof water into the water tanks with photo evidence supplied (Refer Photos 21 and 22). - satisfactory.
3. The 25x50 RHS and 35 EA used for the centre purlins in Animal Shelters 4, 5 and 6 are insufficient. These centre purlins need to be replaced with 50 SHS to match the other shelters. The owner was advised during the inspection.
  - o The centre purlins for the Animal Shelters 4, 5 and 6 have been replaced with 50 SHS with photo evidence supplied (Refer Photos 23 and 24).
  - o When all necessary purlins including end purlin have been supplemented (or replaced) in this manner, this requirement will be suitably addressed.
4. Some sheets of the roof sheeting for the Animal Shelters are not full spanning and need to be replaced. The owner was advised during the inspection.
  - o The roof sheeting for Animal Shelter 5 has been replaced with full spanning sheets with photo evidence supplied (Refer Photo 24).
  - o When all necessary roof sheets have been replaced, this requirement will be suitably addressed.
5. The concrete footings for the animal shelters as described by the owner have been assessed for wind uplift and are found to be insufficient for hold down capacity. Additional concrete weight is required to increase the hold down.
  - o This shall be achieved by boring down beside the existing concrete footing and filling with concrete.
  - o The size of these holes are to be Ø300mm x 750 deep (or Ø450 dia x 450 deep)
  - o The new and existing concrete shall be tied together by 2-N12 tie bars to be drilled and chemical anchored into the exposed side of each existing concrete and embedded into the new concrete.
6. The Round Yards do not have any tiedown connection to the ground.
  - o 400mm long pins are to be driven into each baseplate and adjacent pins are to be driven in at an angle greater than 30 degrees to the vertical, in opposing directions.

**Referenced Drawings:**

Refer Appendix B for the following:

- IDENTIFICATION SURVEY DIAGRAM OF PART LOT 4 IN DP 249440, REF: 231391\_C, DATED 06/11/2023
- MOBISTALL DRAWINGS DATED 28/11/2022 and 16/12/2022

**Referenced Standards:**

1. AS/NZS1170 – Structural Design Actions
2. AS4100 – Steel Structures

**Relevant Specs Codes & Publications:**

AS/NZS1170 – Structural Design Actions

AS4100 – Steel Structures

**Disclaimer and Limitations:**

Our knowledge of the building is limited to the observations described above, which define the limits of our structural assessment. We have not considered BCA compliance of other aspects of the building, such as plumbing, drainage, electrical, building geometry or termite protection.

This report does not constitute a pre-purchase inspection and must not be relied upon as such.

**Conclusions:**

- a) The buildings and structures appear to be performing satisfactorily.
- b) All existing members are adequately sized, or required additional work is as specified above.
- c) Fixings to the extent visible are suitable.
- d) When the required works listed above are complete, the structures are otherwise fit for purpose for use as Class 10a and Class 10b structures

**Evidence of Structural Suitability**

I, Andrew Dekkers of Local Government Engineering Services Pty Ltd, 17 Byron St Inverell, Certify that:

- a) To the extent possible and as described above, the existing structures are considered to be fit for purpose;
- b) The information contained is to the best of my knowledge and belief, true and accurate.

**Competent Person**

Company name: Local Government Engineering Services Pty Ltd

Name of person: Andrew Dekkers

DATE: 06/12/2023

QUALIFICATIONS: BE CIVIL, MIEAUST



-----  
SIGNATURE

**Appendix A – Photos**



*Photo 1: Horse stables*



*Photo 2: Horse stable passageway*



*Photo 3: Truss ridge and purlin connections*



*Photo 4: Wall and baseplate connection*



*Photo 5: Northern roof drainage*



*Photo 6: Southern roof drainage*



Photo 7: Formply panel connection



Photo 8: Fence panels attached to horse stable



Photo 9: Animal shelter 1



Photo 10: Animal shelter 2



Photo 11: Animal shelter 3



Photo 12: Animal shelter 4





Photo 13: Animal shelter 5



Photo 14: Animal shelter 6



Photo 15: Animal shelters 5 and 6 equal angle purlins – to be replaced



Photo 16: Round yard



Photo 17: Round yard fence panel



Photo 18: Round yard gate with surround



Photo 19: Connecting pins and CHS welded caps



Photo 20: Fence panel base plates

**Client provided photos following upgrades:**



Photo 21: Northern roof drainage repaired



Photo 22: Southern roof drainage repaired



Photo 23: RHS centre purlin replaced for Animal Shelter 4

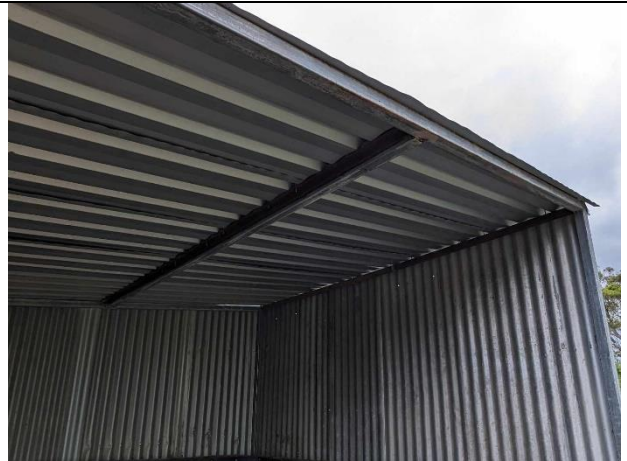
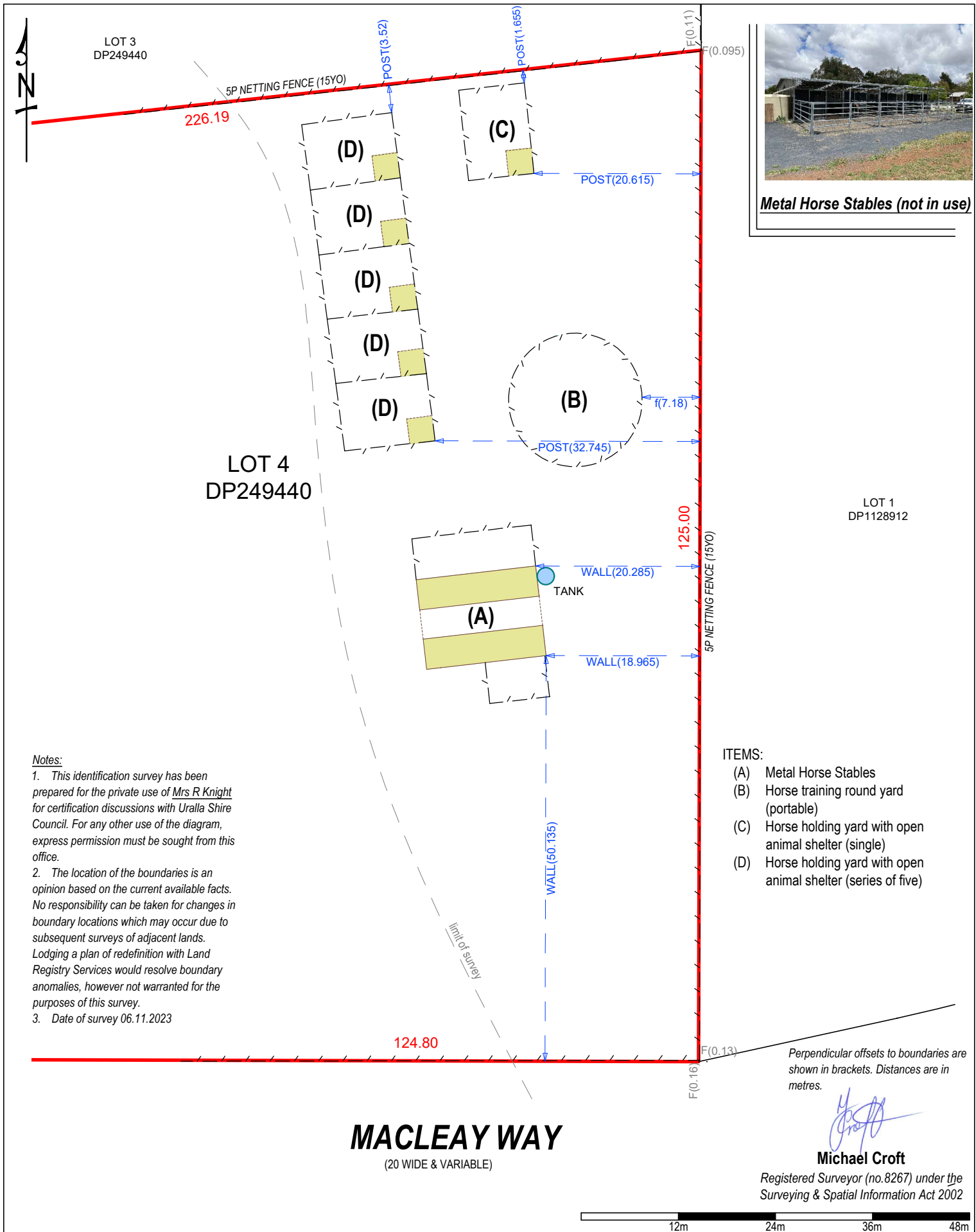


Photo 24: Equal angle centre purlins replaced for Animal Shelter 5 and 6 and new full spanning roof sheeting for Animal Shelter 5

**Appendix B – Referenced Drawings**



**Notes:**

1. This identification survey has been prepared for the private use of Mrs R Knight for certification discussions with Uralla Shire Council. For any other use of the diagram, express permission must be sought from this office.
2. The location of the boundaries is an opinion based on the current available facts. No responsibility can be taken for changes in boundary locations which may occur due to subsequent surveys of adjacent lands. Lodging a plan of redefinition with Land Registry Services would resolve boundary anomalies, however not warranted for the purposes of this survey.
3. Date of survey 06.11.2023

**ITEMS:**

- (A) Metal Horse Stables
- (B) Horse training round yard (portable)
- (C) Horse holding yard with open animal shelter (single)
- (D) Horse holding yard with open animal shelter (series of five)

Perpendicular offsets to boundaries are shown in brackets. Distances are in metres.

**Michael Croft**

Registered Surveyor (no.8267) under the Surveying & Spatial Information Act 2002

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 Datum: N/A  
 Origin: N/A  
 RL: N/A

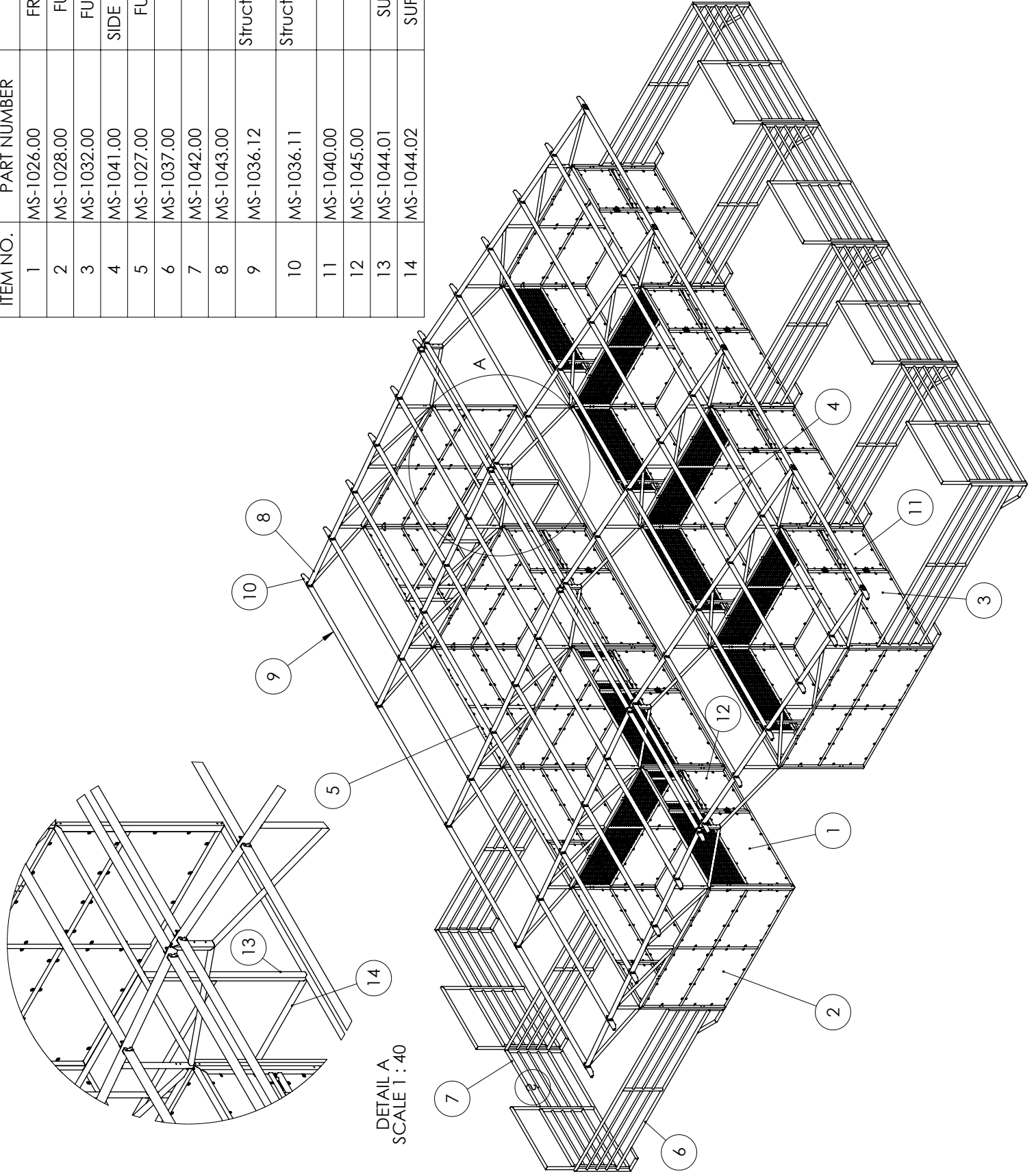
Date: 06.11.2023  
 Ref: 231391  
 Surveyor: Michael Croft  
 Drawn: SB  
 Sheet: 1 of 1

**IDENTIFICATION SURVEY DIAGRAM OF  
 PART LOT 4 IN DP 249440**  
 59 Pine Grove Rd  
 SAUMAREZ PONDS NSW 2350

Client: Mrs Robyn Knight



ITEM NO.	PART NUMBER	DESCRIPTION	QTY.
1	MS-1026.00	FRONT PANEL WITH MASH	6
2	MS-1028.00	FULLY CLAD SIDE PANEL	6
3	MS-1032.00	FULLY CLAD FRONT PANEL	7
4	MS-1041.00	SIDE PANEL WITH MESH ON TOP	4
5	MS-1027.00	FULLY CLAD BACK PANEL	2
6	MS-1037.00	FENCE SIDE PANEL	8
7	MS-1042.00	FENCE GATE PANEL	6
8	MS-1043.00	ROOF TRUSS	10
9	MS-1036.12	Structural steel rectangle hollow sections	48
10	MS-1036.11	Structural steel rectangle hollow sections	24
11	MS-1040.00	FULLY CLAD DOOR	7
12	MS-1045.00	DOOR WITH MESH	6
13	MS-1044.01	SUPPORTING PANEL(SIDE)	1
14	MS-1044.02	SUPPORTING PANEL FRONT	1



DETAIL A  
SCALE 1 : 40

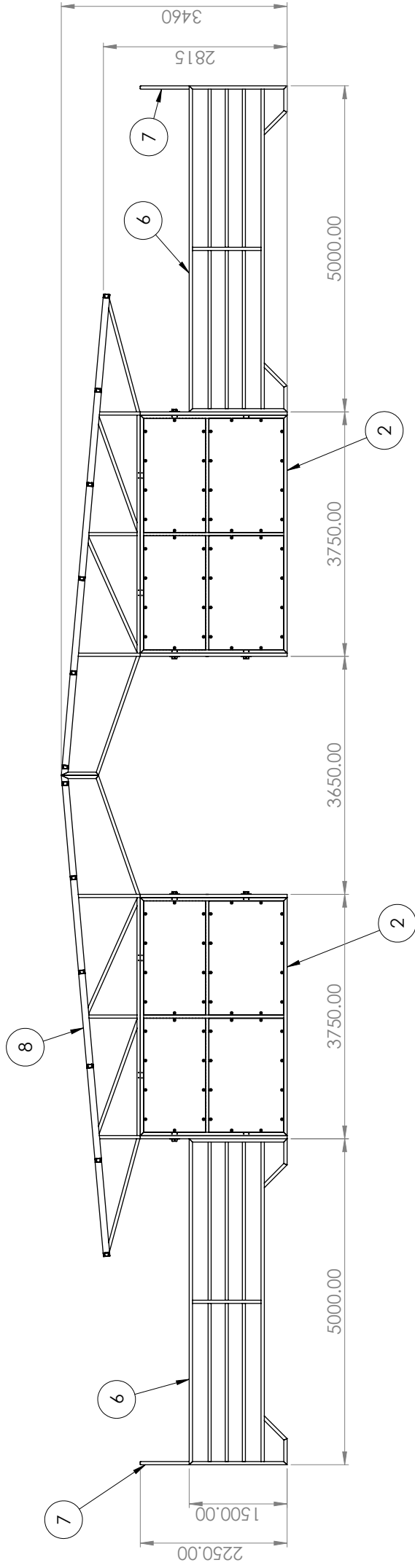


**MOBISTALL**  
 17 Huntington Place  
 Banyo, QLD 4014  
 PH: (+61) 408 489 474  
 WWW.MOBISTALL.CO

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UNITS OF MEASURE	MM
ALL DIMENSIONS ARE IN MILLIMETERS U.O.N	
DRAWN BY	S.R
DATE	28/11/2022
SCALE	1:200
SHEETS	3
DRAWING TITLE	
DRAWING NUMBER	
REVISION	00

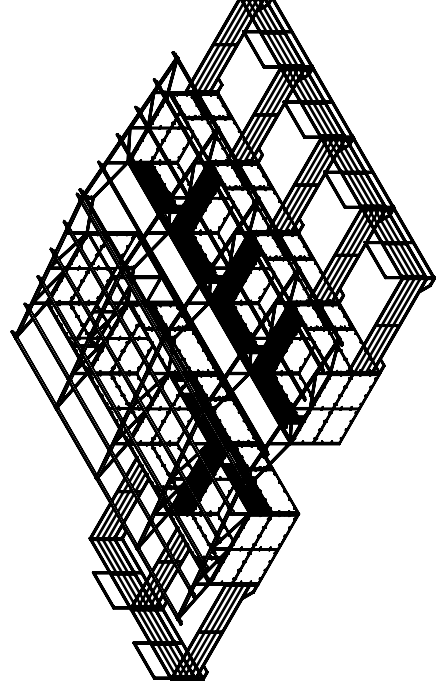
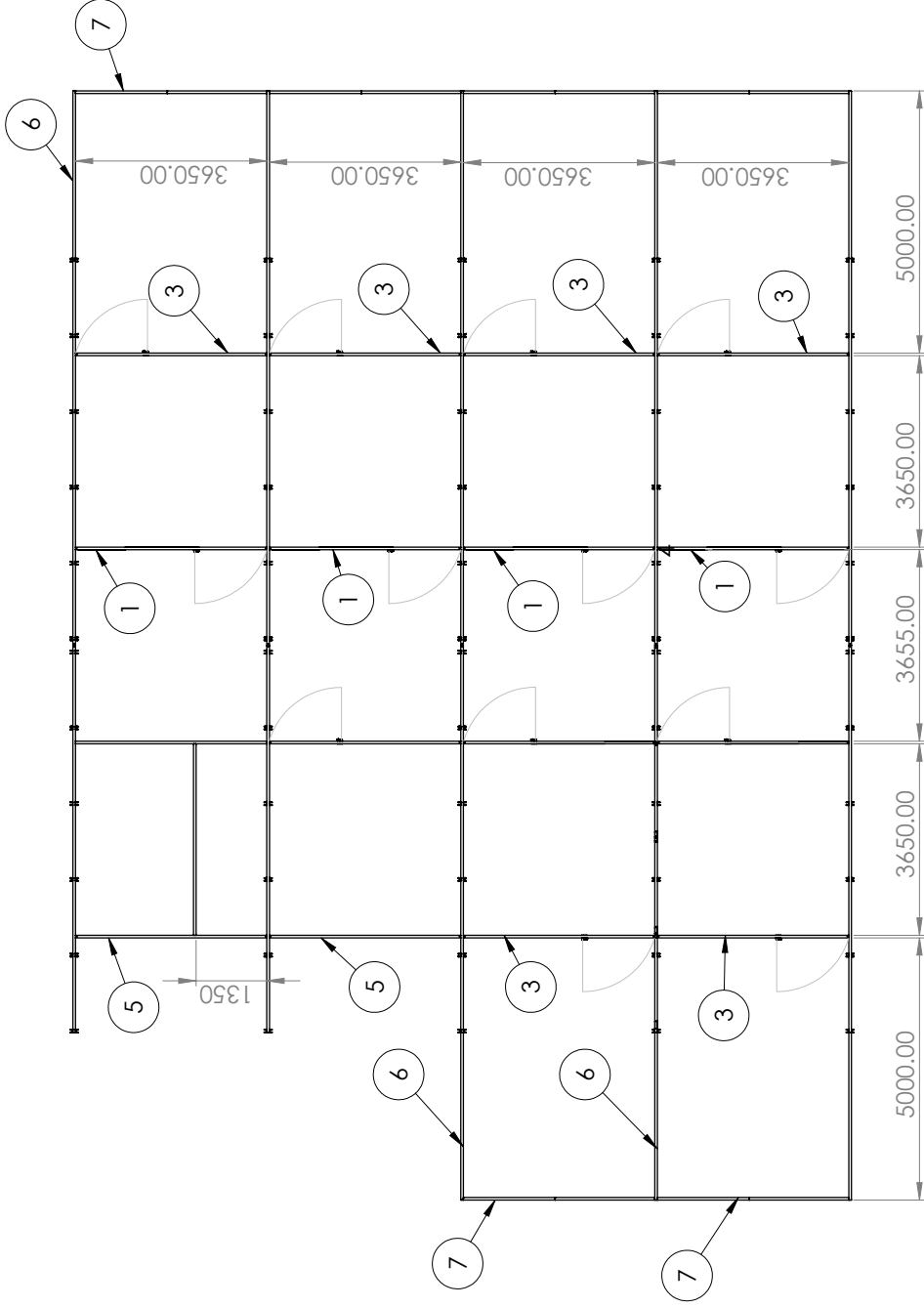


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DRAWING NUMBER	REVISION	00



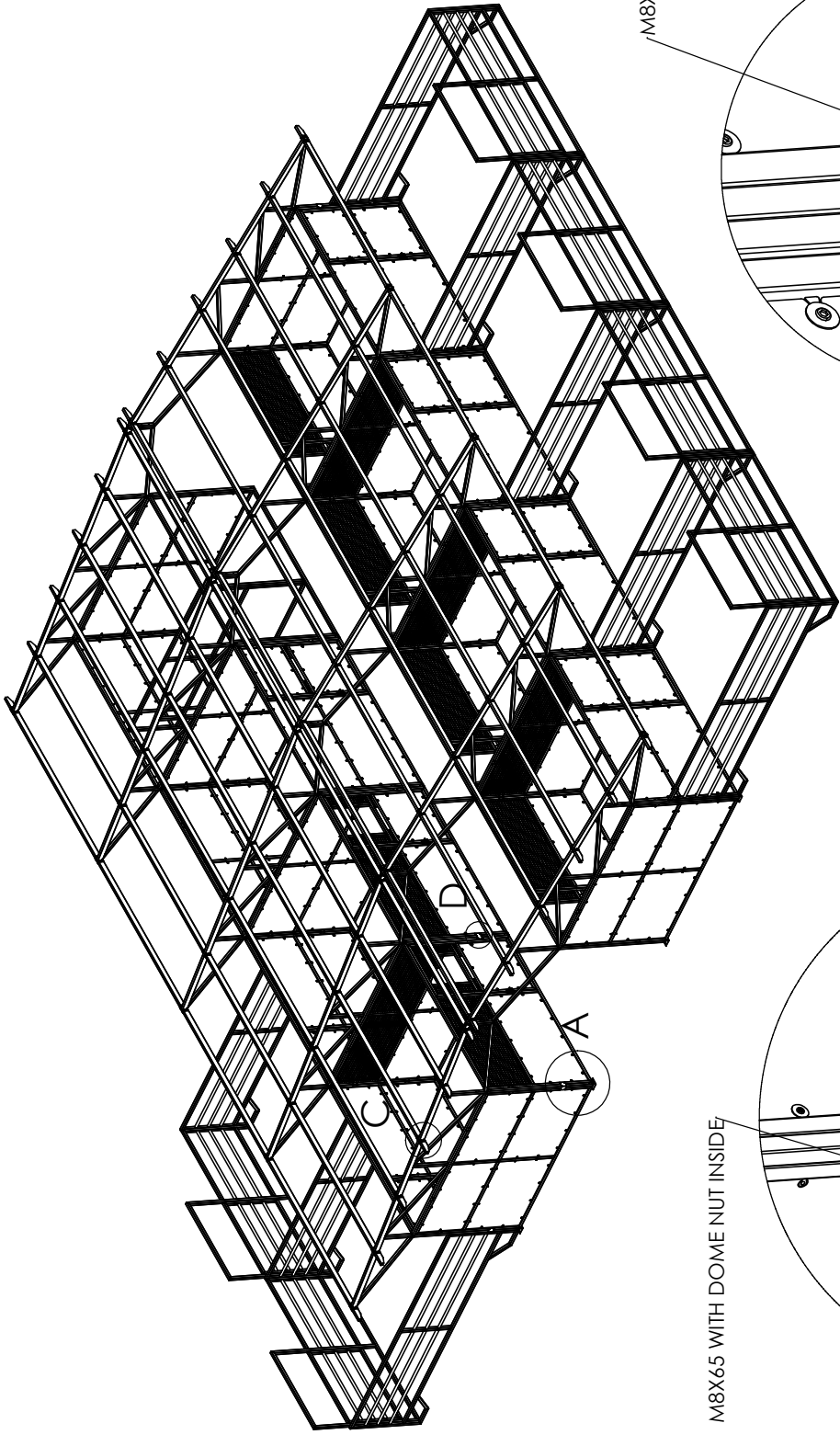
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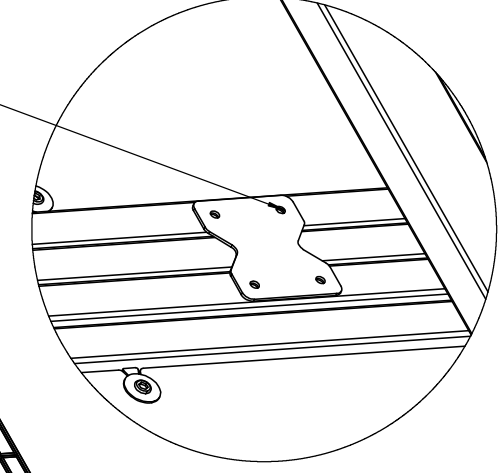
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REVISION	00

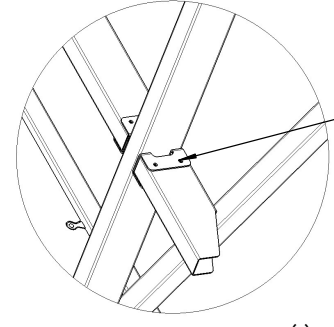
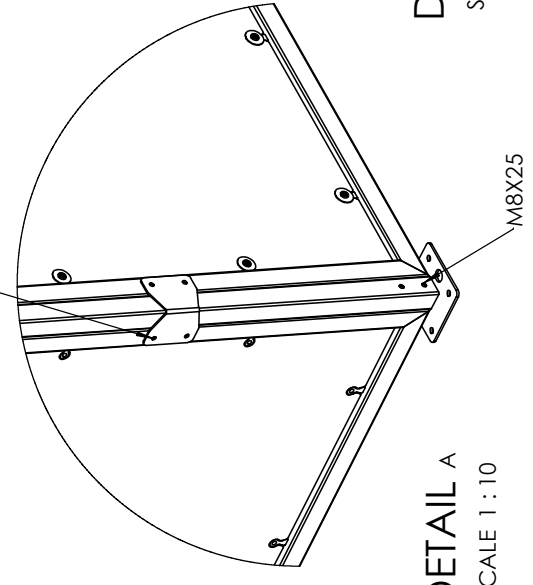
GENERAL NOTES



M8X65 WITH DOME NUT INSIDE



M8X65 WITH DOME NUT INSIDE



M8X65 WITH REGULAR NUT

**DETAIL C**  
SCALE 1 : 10

**mobistall®**

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SCALE	SHEETS
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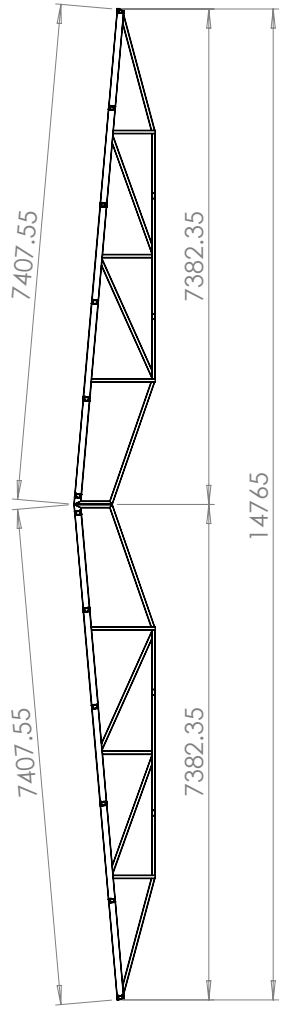
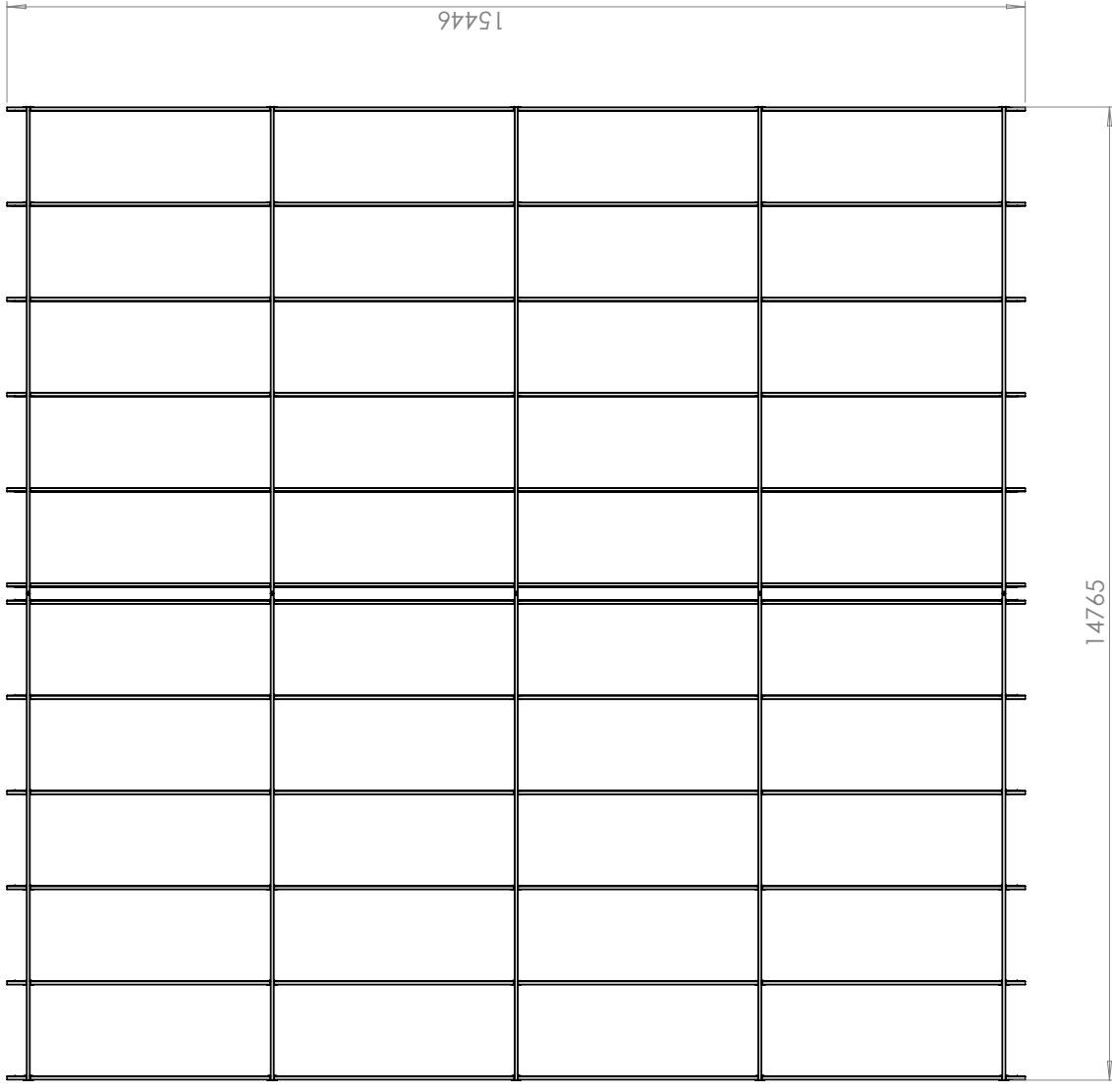
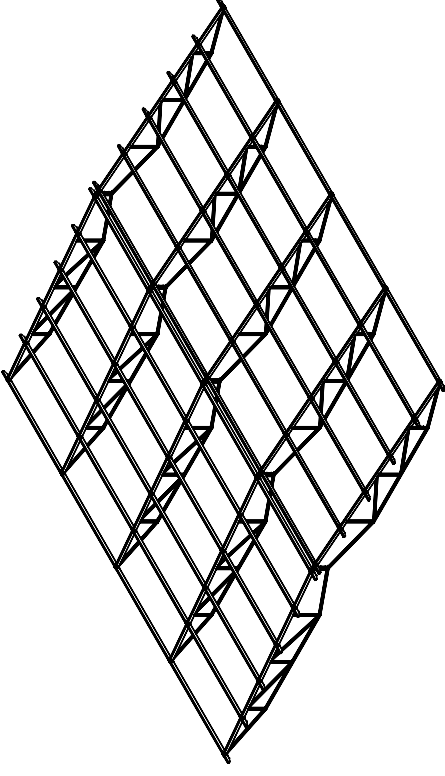
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CONNECTING PLATE OUTSIDE

DRAWING NUMBER  
**MS-1010.01**

REVISION  
00



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UNITS OF MEASURE	MM
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DATE	16/12/2022
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DRAWING NUMBER	
REVISION	00



## STATEMENT OF ENVIRONMENTAL EFFECTS

*S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses*

---

# APPENDIX E

## AHIMS REPORT

Nathan Bartlett  
42 Nowland  
Tamworth New South Wales 2340  
Attention: Nathan Bartlett

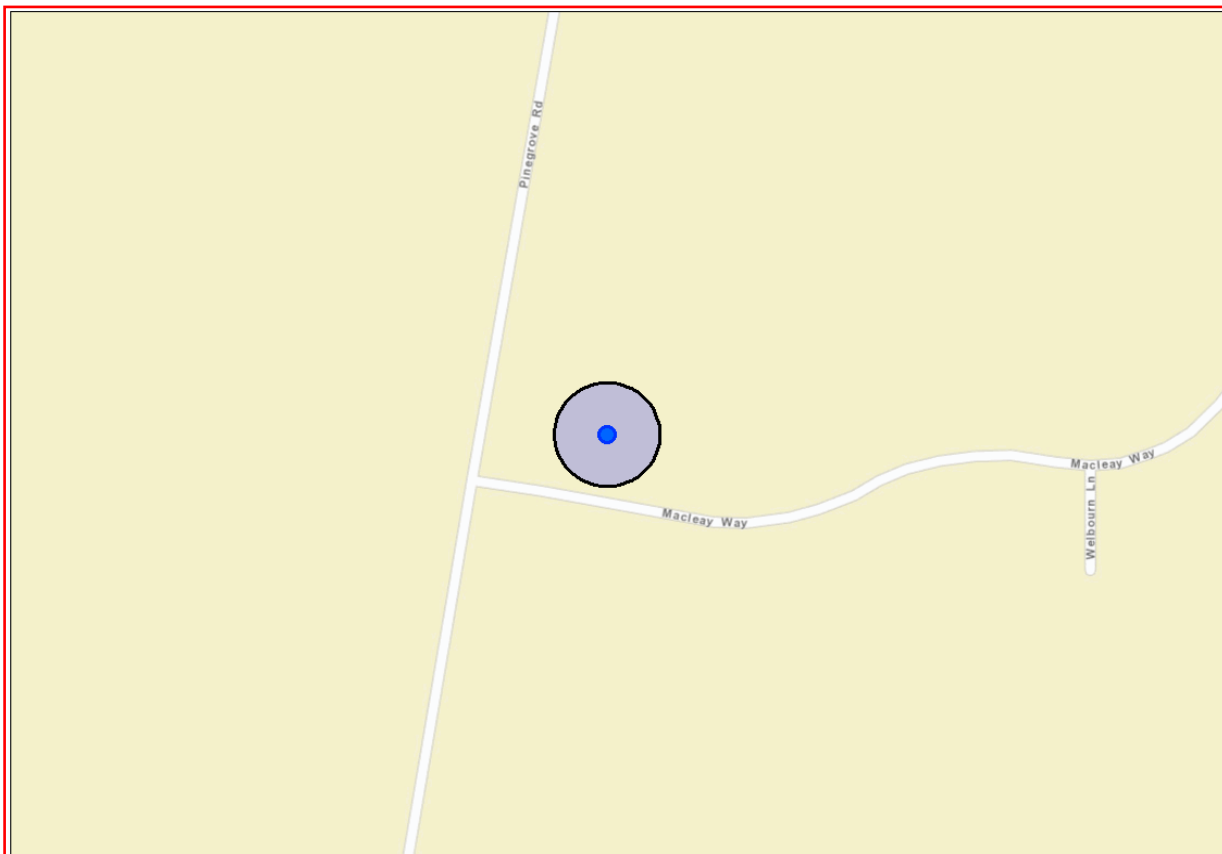
Date: 18 November 2024

Email: nathan@bartlettplanning.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Address : 59 PINEGROVE ROAD SAUMAREZ PONDS 2350 with a Buffer of 50 meters, conducted by Nathan Bartlett on 18 November 2024.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

<b>0</b>	<b>Aboriginal sites are recorded in or near the above location.</b>
<b>0</b>	<b>Aboriginal places have been declared in or near the above location. *</b>

### **If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

### **Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



## **STATEMENT OF ENVIRONMENTAL EFFECTS**

*S.4.55(1A) Modification to DA004/2022 for Farm Buildings for the Keeping of Horses*

---

# **APPENDIX F**

## **LETTERS OF SUPPORT FOR THE PROPOSAL**

Uralla Shire Council  
12 Salisbury Street  
PO Box 106  
Uralla NSW 2358

Greg Bailey & Peter Doyle  
53 Pinegrove Road  
Saumarez Ponds NSW  
2350

21<sup>st</sup> November 2024

To Whom It May Concern.

In Reference to Section 4.55 (1A) Modification to DA004/2022 – Farm Buildings For The Keeping Of Horses, Lot 4, DP 249440, 59 Pinegrove Rd, Saumarez Ponds, NSW 2350

Greg Bailey and Peter Doyle are the adjoining neighbours to Robert and Robyn Knight. Our property shares their northern boundary fence in its entirety.

We would like to show our support for their ancillary land use application regarding the keeping of horses on their property. We have absolutely no objection to the horses, or indeed the activities related to their upkeep and exercise. We are aware that the horses will be cared for and maintained entirely by them, not by any staff.

The round yard, in its new location, presents nothing to object to. Its placement is not an issue to us or our property. The dust control measures being put into place and the proposed times of use, 7.00am to 5.00pm, create no issues.

We have a full understanding of the permissions sought by Robert and Robyn Knight and fully support them. Our adjoining fence-line, going the full depth of both of our properties (53 & 59 Pinegrove Road) would be the one to have the most impact by any neighbour of any activities on their property. There is nothing negative from our standpoint.

We have never had any issues of odour caused by waste from any livestock in the Knights property, or indeed from any of our neighbours.

We have sheep to the north and west, alpacas to the east, horses to the south and two steers of our own. As stated in our last letter, we enjoy living in a rural community. To us, the proposed land use is entirely consistent with where we live and the local community lifestyle, something we thoroughly enjoy.

We are more than happy to be contacted on the below numbers if any further clarification is required.

Yours Sincerely

Greg Bailey



0410 543 252

Peter Doyle



0416 245 488



**Thunderbolt Equine Veterinary Services**

Ph: (02) 6714 9632

Email: [reception@thunderboltequine.com.au](mailto:reception@thunderboltequine.com.au)

**To whom it may concern,**

I have worked with Robyn and Robert Knight and their horses for a number of years. I am their equine veterinarian and have been very closely involved with the welfare and care of all their horses.

I have never had any cause for concern for the welfare or standard of care for any horse under the care of Mr and Mrs Knight. At all times the stables, yards and paddocks are clean and well maintained, and I have never noticed any odours, vermin or other environmental issues. The horses are all healthy and well tended, and receive gold standard care at all times.

I have visited the new facilities on Pinegrove road on numerous occasions, and consider them to far exceed industry standard.

As an equine professional, I have worked with many hundreds of horse owners and trainers in a variety of different environments, and I consider the Knights to be among the best with regards to welfare and care for their horses.

I can see no cause for concern whatsoever, and I unreservedly support the Knights in this matter.

If you have any questions please contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Calum Paltridge'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Calum Paltridge BVSc (Hons) MANZCVS

05-11-2023