

# Statement of Environmental Effects

Proposed Change of Use from an  
approved Private Use Horse Training  
Facility to include an Animal Boarding or  
Training Establishment

Lot 6, DP 18807

‘Chelsea Farm’

158 Walmar Road

Kootingal NSW 2352

## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use - Animal Boarding or Training Establishment*



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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: 24039**

Issue	Rev.	Date	Author	Approved	Issued To
Draft	1	14 February 2024	N Bartlett	N Bartlett	G Hill
Final	1	20 February 2023	N Bartlett		Tamworth Regional Council
	2	8 April 2024	N Bartlett		Tamworth Regional Council

## STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Change of Use - Animal Boarding or Training Establishment



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

Prepared under the *Environmental Planning and Assessment Act 1979*.

#### SoEE Prepared by

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Qualifications	B. Urban and Regional Planning (UNE), Full MPIA
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#### In respect of

Proponent Names	[REDACTED]
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Land on which activity is to be carried out	Lot 6, DP 18807 'Chelsea Farm' 158 Walmar Road Kootingal NSW 2352
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Proposed Development	Proposed Animal Boarding or Training Establishment
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Statement of Environmental Effects	A SoEE is attached.
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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.
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Signature	[REDACTED]
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Name	Nathan Bartlett <b>Town Planning Manager</b> Sixhills Group Pty Limited
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Date	8 April 2024
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# STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use - Animal Boarding or Training Establishment*

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## STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Change of Use - Animal Boarding or Training Establishment

### 1 DEVELOPMENT APPLICATION OUTLINE

<b>Proposed Development:</b>	Proposed Change of Use from an approved Private Use Horse Training Facility to include an Animal Boarding or Training Establishment
<b>Subject Land:</b>	Lot 6, DP 18807 'Chelsea Farm' 158 Walmar Road Kootingal NSW 2352
<b>Land Zone:</b>	<i>RU1 - Primary Production</i> pursuant to the <i>Tamworth Regional Local Environmental Plan 2010</i> .
<b>Proponent:</b>	The proponent for the development is [REDACTED]  Sixhills Group Pty Ltd has been engaged by [REDACTED] to prepare a Statement of Environmental Effects to accompany a development application to Tamworth Regional Council, seeking consent for the proposed development as outlined above.
<b>List of all Relevant S.4.15(1)(a) Matters:</b>	<ul style="list-style-type: none"><li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li><li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li><li>• <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></li><li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li><li>• <i>State Environmental Planning Policy (Industry and Employment) 2021</i></li><li>• <i>Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)</i></li><li>• <i>Tamworth Regional Development Control Plan 2010 (TRDCP 2010)</i>.</li></ul>
<b>Estimated Construction Value:</b>	Nil (No construction works, change of use only)

### 2 EXECUTIVE SUMMARY

#### 2.1 Introduction

This Statement of Environmental Effects (SoEE) has been prepared by *Sixhills Group*, on behalf of *Hill Lockart Architects* in support of a Development Application (the "DA") to Tamworth Regional Council (the "Council") for a commercial Horse Training Facility. The SoEE describes the existing site and locality, outlines the proposed development, and assesses the suitability of the proposal having regard to the relevant environmental and planning legislation.

The land which is the subject of the DA (the "subject site") is comprised of one property located at Lot 6, DP 18807, 'Chelsea Farm' 158 Walmar Road, Kootingal NSW 2352. Council approval is sought for a horse training facility (animal boarding or training establishment) and will be consistent with the rural setting of the subject land.

It is noted that a Building Information Certificate Application is also being lodged with Council for alterations / additions undertaken by the proponent after the approval of DA2022/0271 involving a private use Horse Training Facility.

## 2.2 Background

This Statement provides a description of the subject site and surrounds, the characteristics of the proposed development and an assessment of the perceived impacts of the proposal for those relevant matters contained within Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as amended.

This application is a means to obtaining approval for a horse training facility. The intent of the proponent is to provide equestrian and rider training clinics and horse related activities on the land. All equine related structures are currently existing on the site and were approved for private purposes. The proposed development involves a change of use for a commercial land use.

The following documents have been relied upon in preparing this SoEE:

- *Environmental Planning and Assessment Act 1979* (EP&A Act 1979);
- *Relevant State Environmental Planning Policies* (SEPPs);
- *Tamworth Regional Local Environmental Plan 2010* (TRLEP 2010);
- *Tamworth Regional Development Control Plan 2010* (TRDCP 2010);
- Site Plan, Floor Plan, Elevations and business operation details of the proposal provided by [REDACTED] (refer **Appendix A**);
- AHIMS Report (refer **Appendix B**);
- Photographs of the subject site (refer **Appendix C**) and;
- Historical Approvals (refer **Appendix D**).

The land, which is the subject of the DA (the "subject site"), is comprised of one property located at Lot 6, DP 180807, 'Chelsea Farm' 158 Walmar Road, Kootingal NSW 2352. Council approval is sought for the change of use to a horse training facility. The following assessment demonstrates that the application is satisfactory and is recommended for approval.

## 2.3 Proposal

The subject development application requests the approval for a 'animal boarding or training establishment' on the subject land. The development is identified as being consistent with the existing rural setting. This application will include plans and details of the proposed operation of the development.

## 2.4 Permissibility

Pursuant to Part 2 of *Tamworth Regional Local Environmental Plan 2010* (TRLEP 2010) an 'animal boarding or training establishment' is permitted in zone *RU1 - Primary Production*. It is also considered that the proposed use is classified as an ancillary use on the subject land.

The proposal is consistent with the zone objectives, which are:

- *To enable sustainable primary industry and other compatible land uses.*

Comment: The land is primarily a working farm that has been occupied by cattle and horses. It is anticipated that the development will have negligible impact on adjoining land uses as it is consistent with existing uses in the rural locality.

The proposed development will provide horse training facilities in a rural setting, enabling recreational and leisure use for the Tamworth region. **Veterinarian activities will also occur as an ancillary use to the proposal.** The proposed land use and associated activities are appropriate for the area.

- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*

Comment: The proposed development meets this objective as the activity proposed will provide training and other beneficial services for tourists and the local community. It also provides the potential for income opportunities for the owners of the property.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment: The proposal will be consistent with other developments within the rural locality. There is no evidence to suggest that the proposed development will result in or lead to any land use conflict issues. The proposal will allow the continued use of the site for rural-residential activities, which are compatible with the adjoining and surrounding land uses.

Furthermore, given the intimate nature of the property there should not be any significant conflicts with visual and acoustic privacy, or views and adjoining properties will not be affected or influenced by this proposal.

It is submitted that the development is consistent with the objectives of the *RU1 - Primary Production* zone and will in general enhance individual and community social and economic well-being.

### **3 SUBJECT SITE AND LOCALITY**

#### **3.1 Land Titles**

The subject site is held as Lot 6, DP 18807 and is described as 158 Walmar Road, Kootingal NSW 2352. The allotment is situated on the eastern side of Limbri Road and has an area of approximately 46.6 hectares.

#### **3.2 Site Details and Existing Development**

The subject land is currently improved by a dwelling house, farm buildings and sheltered horse arena. The property also currently operates a horse and cattle farm. In accordance with the maps accompanying the TRLEP 2010, the site is not classified as being prone to inundation by flooding and is not improved with any items of environmental heritage. There are no environmental planning instruments applying to the land which provide for the acquisition of the land by a public authority. However, the property is identified as being bushfire prone.

The allotment has direct road frontage to Walmar Road, which is a private road and is improved with an existing access crossing. This access is not required to be altered for the proposed development.

#### **3.3 Land Use Context**

The subject land is located in a rural precinct where minimum vegetation exists on the property. The immediate vicinity is characterised by similar sized allotments improved with a mix of dwelling houses and farm sheds. The site and its locality are shown in Figure 1 in an aerial photograph, while a cadastral image is included as Figure 2. As evident in the aerial map the site has reasonably flat land.



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FIGURE 1 - AERIAL IMAGE OF THE SUBJECT LAND, 158 WALMAR ROAD, KOOTINGAL

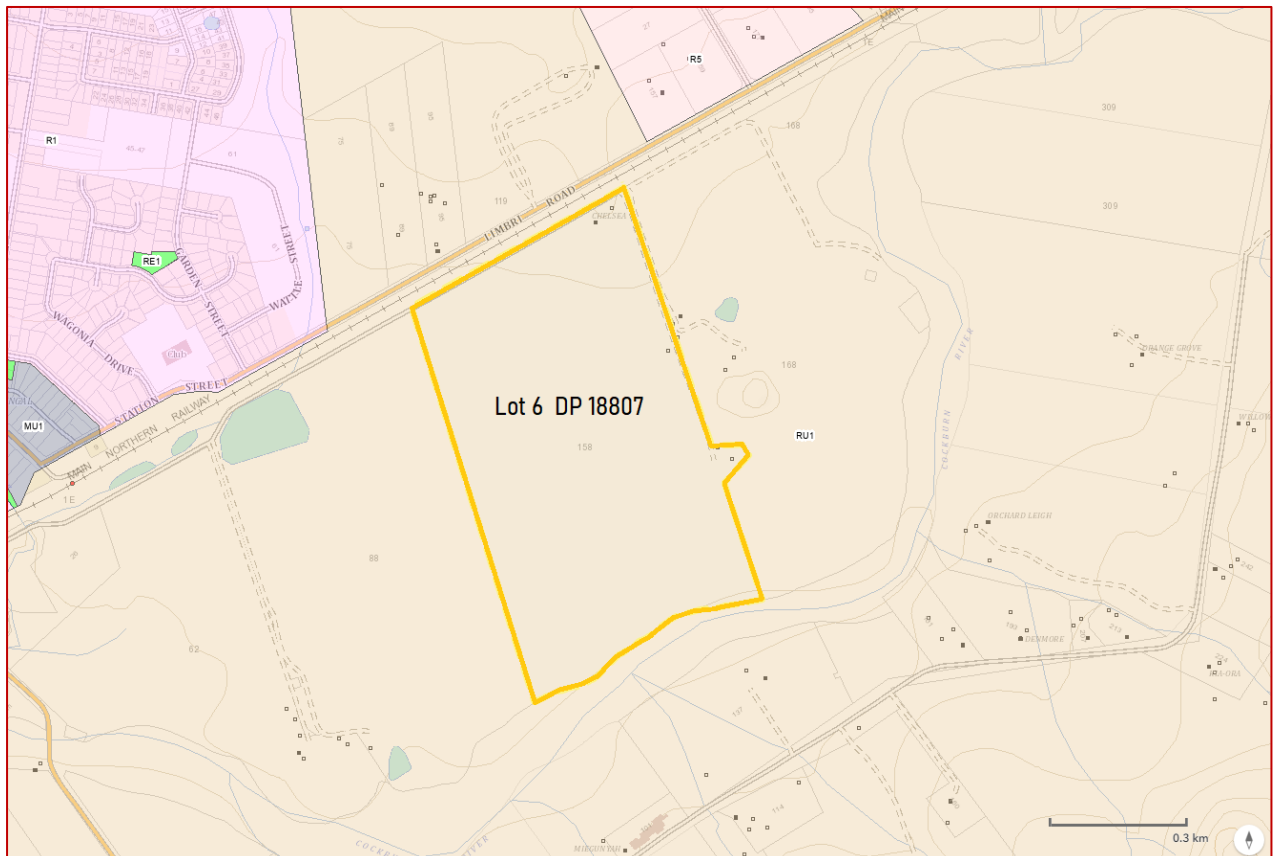


FIGURE 2 - CADASTRAL IMAGE OF THE SUBJECT LAND, 158 WALMAR ROAD, KOOTINGAL



## **4 THE PROPOSAL**

### **4.1 Description of the Proposed Development**

It is proposed that the property Lot 6, DP 18807 and is described as 158 Walmar Road, consisting of approximately 46.6 hectares, will comprise a 'animal boarding or training establishment'. The primary function of the development is to provide equestrian and rider training clinics, with two (2) employees that will assist in the running of the operation and clinics.

### **4.2 Operation of the Development**

The facility is designed to train cutting and cow horses. Therefore, stallions, broodmares and foals will be present on-site. The main operation is for private use however, the proposed component to be introduced involves clinics, show simulations and a breeding program. The breeding program will make use of outside contracted vets and farriers for horses on site only. Approximately of twenty-five (25) horses can be on-site at any time.

Monthly clinics will also be held which includes a maximum of ten (10) participants on a weekend (i.e. a maximum total of twelve (12) clinics per year). A further occasional activity will include a show simulation, involving up to twenty (20) participants, which would be invitation only. This would be held at a select time, for example, before a major event at AELEC such as the Futurity for cutting horses. This activity will only occur a maximum of five (5) times per year.

It must be noted any number of cattle brought to the site are not associated with the proposed development and will not increase as a result of the proposal. In this regard, the proposed activity relates only to horses and any cattle used for the operation of the development will be cattle that currently exist on the farm. That is, there will be no additional cattle brought to the site for the purpose of the activity. Approximately fifty (50) head of cattle is on-site at any time.

### **4.3 The Market**

The region of Tamworth has witnessed several successful developments which would favour the development of the proposed 'animal boarding or training establishment', namely: -

- Australian Equine and Livestock Events Centre (AELEC), which hosts major horse events, attracting many visitors to the area;
- An increase in mining activity, attracting high income earners and their families to the area;
- Seasonal festivals and other activities prominent in the Region of Tamworth; and
- The Country Music Festival, which continues to grow in popularity, attracting international tourists.

The features outlined above draw unprecedented large crowds of people and appeal to those in the Equine industry who admire country life. These types of people are likely to be seeking this service in a suitable environment. The location of the property is easily accessible and exists on a quiet road bordering Kootingal and is only twenty (20) minutes from Tamworth.

## **5 STATUTORY PLANNING ASSESSMENT**

The preparation of this DA has been undertaken with consideration of the relevant criteria listed in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, as amended. In determining a DA, the 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

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

The proposed development is subject to the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021*. This SEPP aims to provide a State-wide planning approach to the remediation of contaminated land, and in particular, promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health or the environment.

This Policy requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities, as follows:

Table 1: State Environmental Planning Policy (Resilience and Hazards) 2021

Clause	Subject	Comments
4.6	Contamination and remediation to be considered in determining development applications	<p>The subject land has historically been utilised for agricultural and residential purposes, with the most recent construction being a privately used sheltered horse arena.</p> <p>There is nothing in the recent land use history that indicates that 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>.</p> <p>The site is expected to be suitable in its existing state to accommodate the future development. If any contamination comes to light during the operation, the appropriate actions shall be taken in accordance with SEPP (Resilience and Hazards) 2021, work health and safety and environmental protocols in order to address any issues relating to human health and environmental protection.</p>

#### 5.1.1.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

The Application has been considered having regard to the relevant provisions of this SEPP: -

Table 2: State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause	Subject	Comments
Schedule	Traffic-generating development	<p>The design of the development has been reviewed with regard to traffic, parking and access.</p> <p><b>The current traffic for the site occurs from private movement only by the owners, farm hand / caretaker and cattle trucks, which are irregular. These movements would <u>not exceed 16 trips per day</u> (to and from) for the residence and the operation of the farm.</b></p> <p><b>The main vehicular ingress / egress to the site will be via a private road, providing access to the on-site car parking area. The proposal provides more than fifteen (15) on-site parking spaces capable of accommodating trailers or a 12 m long rigid vehicle.</b></p>

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		<p>The proposed change of use will result in a horse training facility being able to accommodate guests and their horses. There are several ways to measure the increase in traffic as a result of the development. These can be detailed as follows:-</p> <p><i>Monthly Clinics</i></p> <p>This involves traffic movement for the proposed horse training facility on a monthly basis. Approximately ten (10) vehicles with trailers will travel to and from the site over a weekend to attend a clinic every month. Thus, a maximum total of <u>forty (40) vehicle movements will occur for the duration of the weekend.</u></p> <p><i>Invitational Events</i></p> <p>This involves a show simulation, and includes up to twenty (20) participants, which is invitation only. These events will be held prior to a major event at AELEC (Futurity for cutting horses). This activity will only occur a maximum of five (5) times per year. Therefore, the <u>maximum total traffic movements for these events are forty (40) for the day.</u></p> <p>It is not expected that the proposed development will generate more than 200 vehicle movements per day as per Schedule 3 of this SEPP information. Therefore, the application is not required to be referred to the Transport for NSW (TfNSW) on this basis.</p>
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### 5.1.1.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

This consolidated Policy applies in the Tamworth regional local government area to land that has an area of more than 1 hectare. Therefore, the provisions of this Policy require consideration as part of the proposed development. This environmental planning instrument encourages the conservation and management of natural vegetation areas that provide habitat for koalas and was formerly identified as a separate Policy (SEPP (Koala Habitat Protection) 2021).

Significant disturbance and modification of the natural environment has occurred on the subject land as a result of historic land uses such as agricultural use (e.g. cattle grazing, cropping, farming etc.). In this regard, the subject land has been previously cleared to accommodate the landuses, and there are no significant stands of native vegetation located in proximity to the development site as identified in the Department of Planning and Environment's Biodiversity Values Map. A site inspection also confirmed that the proposed location of the development is largely clear of native vegetation.

In addition to the above information, there will be no additional clearing of native trees and shrubs undertaken for the development and as such, the subject application does not pose a risk to koala habitat and the provisions of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* have been met.

### 5.1.2 Local Environmental Plans: Tamworth Regional Local Environmental Plan 2010

*Tamworth Regional Local Environmental Plan 2010* applies to the subject site. The allotment is not flood affected, is not improved with any items of environmental heritage and is not identified on Council's land reservation / acquisition map.

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### Proposed Change of Use - Animal Boarding or Training Establishment

A review of the proposal against the relevant provisions of the TRLEP 2010 is provided as follows:

Table 3: Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) Provisions

Clause	Subject	Comments
1.2 (2)	Aims	<p>The relevant aims of the TRLEP 2010 considered during the preparation of this Statement of Environmental Effects is as follows:</p> <p><i>(a) to encourage the orderly management, development and conservation of natural and other resources within the Tamworth region by protecting, enhancing or conserving:</i></p> <p><i>(i) important agricultural land, and...</i></p> <p><i>(b) to allow flexibility in the planning framework so as to encourage orderly, economic and equitable development while safeguarding the community's interests and residential amenity,</i></p> <p>The proposed development is considered to be consistent with these aims. Relevant issues have been considered in this Statement.</p>
2.1	Land use zones	The subject site is zoned <i>RU1 - Primary Production</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 LEP's Land Use Table, the objectives for the RU1 zone are:</p> <ul style="list-style-type: none"> <li><i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i></li> <li><i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i></li> <li><i>To minimise the fragmentation and alienation of resource lands.</i></li> <li><i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></li> <li><i>To permit subdivision only where it is considered by the Council to be necessary to maintain or increase agricultural production.</i></li> <li><i>To restrict the establishment of inappropriate traffic generating uses along main road frontages.</i></li> <li><i>To ensure sound management of land which has an extractive or mining industry potential and to ensure that development does not adversely affect the extractive industry.</i></li> <li><i>To permit development for purposes where it can be demonstrated that suitable land or premises are not available elsewhere.</i></li> </ul> <p>An "animal boarding or training establishment" is permitted in the <i>RU1 - Primary Production</i> zone and is defined as follows:-</p>

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		<p><b><i>“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.”</i></b></p> <p>The proposed development complies with the description of this definition and the objectives as detailed throughout this report.</p>
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### 5.2 Section 4.15(1)(a)(ii) The provisions of any proposed environmental planning instrument

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

- There were no relevant proposed environmental planning instruments or amendments to environmental planning instruments detailed on the *NSW Department of Planning, Housing and Infrastructure* (DPHI) website; and
- No relevant proposed planning instruments that had been the subject of public consultation were detailed on the Tamworth Regional Council website.

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

The *Tamworth Regional Development Control Plan 2010* (TRDCP 2010) is a comprehensive document which has been adopted by Council to provide specific guidelines and control for development throughout the Tamworth region, complementary to the provisions of the TRLEP 2010. An assessment against the applicable “Step 3: General...” Development Controls of the TRDCP 2010 (Amendment No. 16) has been undertaken as detailed within the following Table:

Table 4: Tamworth Regional Development Control Plan 2010 (TRDCP 2010) Provisions

Chapter	Comment
1.8 Community Consultation	The proposed development is required to be assessed in accordance with the provisions of this Part.
Parking	There is a suitable area provided onsite for guests vehicles and horse floats/trailers. Access and on-site manoeuvrability are also adequate and comply with council’s requirements within a rural setting. Sufficient onsite carparking can be easily accommodated by the proposed development within the 46.6 hectares of land.
Building Setbacks	As the proposed recreation facility does not propose to erect any building structures, development controls regarding building setbacks do not apply.
Privacy	The proposed development does not require specific privacy controls. However, the proposed ‘animal boarding or training establishment’ is at an adequate distance apart (closest dwelling on adjoining property approx. 200 m) so that privacy is maintained. It is also noted that screening via vegetation and a road provides a suitable buffer between these two land uses.
Design	<p>The proposed development will not change any exterior of the existing approved building.</p> <p>Considering the private location of the site in the surrounding rural</p>



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	<p>environment and its screening from any public road, the land use proposed is appropriate for the locality.</p> <p>Furthermore, given the building currently exists and was deemed appropriate under a separate assessment, approval of the subject application is not anticipated to result in adverse visual impacts on the immediate or surrounding area.</p>
Site Coverage	Cumulative site coverage is not specified for the RU1 zone.
Landscaping	Landscaping currently exists as it was required to be provided for the construction of the sheltered arena. The existing landscaping complies with the requirements listed in this section of the TRDCP 2010.
Fencing	There are no alterations to existing fencing proposed as part of development works.
Utilities and Services	<p>The property is located in a rural area outside of Kootingal and has access to telecommunications and electricity infrastructure.</p> <p>An application under the provisions of Section 68 of the <i>Local Government Act 1993</i> has been previously lodged and approved by Council. The proposal is serviced by the property's existing water supply arrangement (with rainwater and bore tanks) and Onsite Sewage Management System.</p>
Traffic and Access	<p>The surrounding road network is expected to be capable of supporting the intended use of the allotment for a 'animal boarding or training establishment'.</p> <p>Access and on-site manoeuvring are expected to be safe, suitable and is readily maintainable for any vehicle that will attend the site. The access of vehicles to and from the site is achievable in a forward direction. Vehicular access and manoeuvrability adequately meet Council's requirements.</p> <p>The proposed development will utilise a private access road for ingress / egress to and from property. This private road exists along Walmar Road and is owned and maintained by the developer. Vehicular movement along this road will have a marginal increase that is capable of supporting the proposed development. There is clear and unobstructed traffic visibility in both directions along this road. There is also adequate provision for acceleration and deceleration on the private road</p> <p>The current traffic for the site occurs from private movement only by the owners, farm hand and cattle trucks, which are irregular. These movements would not exceed 16 trips (to and from) the premises and are for the operation of the farm and from the residence.</p> <p>There are several ways to measure the increase in traffic as a result of the development, which are outlined below:-</p> <p><i>Monthly Clinics</i></p> <p>Traffic movement for the proposed horse training facility also occurs on a monthly basis. Approximately ten (10) vehicles with trailers will travel to and from the site over a weekend to attend a clinic every month. In this regard their will be a maximum total of forty (40) vehicle movements for the duration of the weekend. It must be noted that attendees will find</p>

## STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Change of Use - Animal Boarding or Training Establishment

	<p>accommodation off-site as it will not be provided at the premises, hence the number of total movements.</p> <p><i>Invitational Events</i></p> <p>An occasional activity on-site will include a show simulation, involving up to twenty (20) participants, which is invitation only. These events will be held at a select time, for example, prior to a major event at AELEC (Futurity for cutting horses). This activity will only occur a total of five (5) times per year. Therefore, the maximum total traffic movements for these events are forty (40) vehicle trips. A table is provided below which summarises the current and proposed use of the site for cattle and horses.</p> <table><tr><th colspan="2">Cattle</th><th colspan="2">Horses</th></tr><tr><th>Existing Use</th><th>Proposed Use</th><th>Existing Use</th><th>Proposed Use</th></tr><tr><td>50</td><td>50</td><td>25</td><td>25</td></tr><tr><td colspan="2"></td><td></td><td>Plus an additional 10 each month (horse clinic)</td></tr><tr><td colspan="2"></td><td></td><td>Plus 20 at a rate of 5 times per year (show simulation)</td></tr></table>	Cattle		Horses		Existing Use	Proposed Use	Existing Use	Proposed Use	50	50	25	25				Plus an additional 10 each month (horse clinic)				Plus 20 at a rate of 5 times per year (show simulation)
Cattle		Horses																			
Existing Use	Proposed Use	Existing Use	Proposed Use																		
50	50	25	25																		
			Plus an additional 10 each month (horse clinic)																		
			Plus 20 at a rate of 5 times per year (show simulation)																		
Ridgelines	The development does not project above the ridgeline where visible from any public road or place.																				
Water tanks	Existing water tanks have negligible impact and are appropriately located and screened as required by the provisions of this Part. These tanks include 6 x 250,000 Litre water tanks with 65 mm storz valves.																				
Outdoor Signage	Signage identifying the development for guests will be located within the property boundary and not be seen from a public road. The proposed signage (1m <sup>2</sup> ) complies with the requirements for exempt development.																				
Outdoor Lighting	Outdoor lighting currently exists on-site and complies with the provisions of AS4282 Control of Obtrusive Effects of Outdoor Lighting.																				
Noise	Considering the separation distances between the subject land and adjoining residential receptors as well as the nature of the proposed development (i.e. minimum noise is required to be maintained), noise nuisance is not anticipated in association with the proposed development.																				
STEP 3	Other Types of Development Controls																				
Environmental effects	The proposed change of use is considered eminently suited for the proposed development as outlined within this Statement. Environmental hazards or constraints such as wetlands and threatened species are not associated with the allotment. The development site is also clear of relevant environmental exclusion zones considered in TRLEP 2010.																				

## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use - Animal Boarding or Training Establishment*

	The proposed development is not expected to detract from the integrity of surrounding activities or lead to land use conflict. Potential environmental impacts in relation to the development and mitigation measures have been addressed in this Report.
Waste Management	Waste services for the development will comply with Council's policy during operation. The storage of the bins will be in an appropriate area that is screened from the road.  Any operational wastes associated with the development shall be dealt with via waste contractors employed by the business and Council.
Soil and Erosion Control	In order to address matters relating to dust during the operation of the development the arena will be sprayed with a water cart. This not only improves the safety of the horses but eliminates any potential for dust to emanate from the site.

### 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*. Therefore, the subject DA is not deemed to require, with the exception of Tamworth Regional Council, development consent by any state agency or governing body.

As there is a change in building use proposed, the provisions of Clause 62 of the *Environmental Planning and Assessment Regulation 2021* are applicable to the subject application.

#### **Clause 62 Consideration of Fire safety**

- (1) *This section applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building.*
- (2) *The consent authority must—*
  - (a) *consider whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use, and*
  - (b) *not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building's proposed use.*
- (3) *Subsection (2)(b) does not apply to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

In this regard, the following matters are noted:

- The historic use of the building is considered to be a privately used horse training facility (Class 10a) and the proposed change of use to include commercial use with administrative office staff is considered to be Class 5 (being a building used for professional or commercial purposes);

## STATEMENT OF ENVIRONMENTAL EFFECTS

### *Proposed Change of Use - Animal Boarding or Training Establishment*

- The building was constructed with consideration being given to its future use and therefore provisions relating to fire safety requirements have been factored into the proposed commercial use, which meets the requirements of the BCA / NCC 2022;
- The existing fire safety measures on site include:-
  - emergency lighting, exit signs and smoke detection;
  - fire hose reels (refer Photographs 5 and 6 in **Appendix C**);
  - six (6) x 250,000 Litre rainwater tanks that are fitted with 65 mm Stortz valves for fire brigade access; and
- A Construction Certificate (CC) will not be required to be issued as there are no works in the building that involves approval from a Principal Certifying Authority.

Additionally, the proposed development complies with the relevant provisions of the *Disability Discrimination Act 1992* as the principal entry to the building is accessible. Accessible toilets are also available on the premises. Additionally, disabled carparks are also available at the front entrance of the building with a continuous path of travel into the building.

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

#### **5.6.1 Impacts on the natural environment**

The subject land is zoned *RU1 - Primary Production*. It is not necessary to complete an assessment to determine whether there is any habitat for any threatened species, populations or ecological communities or their habitats (for the purposes the *Environmental Planning and Assessment Act 1979*, *NSW Threatened Species Conservation Act 1995* and *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*). There are no buildings works required on the subject site. As such, it is expected that approval of the application will have a negligible impact on the natural environment.

#### **5.6.2 Impacts on the built environment**

The proposed development will not have detrimental impacts on adjacent areas. The surrounding uses within the locality will be consistent with the proposal. The proposed development includes a change of use only. The proposal is considered to be compatible with the quality of the built environment and rural setting in this locality.

#### **5.6.3 Context and setting**

The development proposes a change of use of the land to a 'animal boarding or training establishment'. This is considered to be consistent with the context and setting of the rural locality (refer photographs in **Appendix C**). The proposed development has been designed to respect the integrity of surrounding activities and has been located in order to minimise the impact on adjoining properties. Approval of the application is not expected to result in localised land use conflict.

The proposed land uses represent an efficient use of land within the RU1 zone and will result in a development consistent with the intention for the site, supported by the provisions of the TRLEP 2010. Consequently, there is no evidence to suggest the proposal will result in any significant conflict issues or adversely affect the commercial / residential / recreational amenity of the area.

#### **5.6.4 Flora and Fauna**

The proposed development does require the clearing of any trees or native vegetation. The impact of the change of use on flora and fauna in the area is not expected to be significant. Further, there are no long term impacts predicted at this site.

#### **5.6.5 Utility / infrastructure impacts**

The proposed activity will be serviced by rainwater tanks from the existing water supply. The allotment has existing connections to electrical services and on-site sewer. These existing services are capable of satisfactorily accommodating the proposed development without modification.

Stormwater drainage, water supply and sewerage works have been considered in S68 Approval LG2023-093, issued 5 January 2023. There will be no changes required to be made to the existing development as a result of the proposed change of use.

The location of the existing access crossing to the subject land is satisfactory and does not require improvements with the proposed change of use.

#### **5.6.6 Access, Transport and Traffic**

The minimal traffic increases as a result of the proposal are expected to be suitably accommodated within the surrounding road network. The existing access arrangements and manoeuvring areas are capable of accommodating the proposed development.

The proposed use of the site for a horse training facility will be consistent with the existing setting. Traffic is not intense as the short term visits to the site (e.g. clinics, training and breeding of horses) are restricted and random, as such any of these additional traffic movements are not expected to have a significant impact. Refer to Section 5.3 regarding further discussions on traffic impacts for the development.

#### **5.6.7 Public Domain**

The impacts of the development on the public domain are limited. This is due in part to the location of the development, the nature of surrounding areas and the distance of the development site from key active public spaces within the closest township (Kootinagal).

The visibility of the development from a public place is limited, and the activities proposed will have minimal impact and is considered to be consistent with existing development in proximity. Consequently, the proposed change of use is not expected to have an adverse impact on the public domain.

#### **5.6.8 Heritage**

The development site does not contain any identified items of Aboriginal heritage, nor are there any located within the vicinity of the development, that will be impacted by the proposed change of use. Refer to the AHIMS Report included in **Appendix B** for further information.

#### **5.6.9 Waste**

Effluent disposal is to be piped to the existing on-site sewage management system. All waste generated by the proposed development during its operation will be stored on site and transported by the proponent to a licenced waste management facility as required.



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use - Animal Boarding or Training Establishment*

### 5.6.10 Energy

The proposed development is expected to have a negligible impact on energy resources. The construction of the existing building under DA2022/0271 also complies with the provisions of the State Environmental Planning Policy (Sustainable Buildings) 2022.

### 5.6.11 Noise & vibration

The environment for horses are required to be predominantly quiet to prevent harm or injury to the animal or humans. Therefore, the proposed development is not expected to generate any excessive noise and/or vibration that could have an adverse impact on the amenity of the area.

### 5.6.12 Natural hazards

The subject land is not identified as being subject to flooding. However, the land is identified by the NSW Rural Fire Service as bushfire prone and Figure 3 shows the bushfire threat. Given the development is not identified as a Special Fire Protection Purpose under the provisions of Section 100B of the *Rural Fires Act 1997*, approval is not required from the NSW Rural Fire Service for the proposed change of use.

As the development is on bushfire prone land the *NSW Bushfire Protection Guidelines 2019* are to be considered.

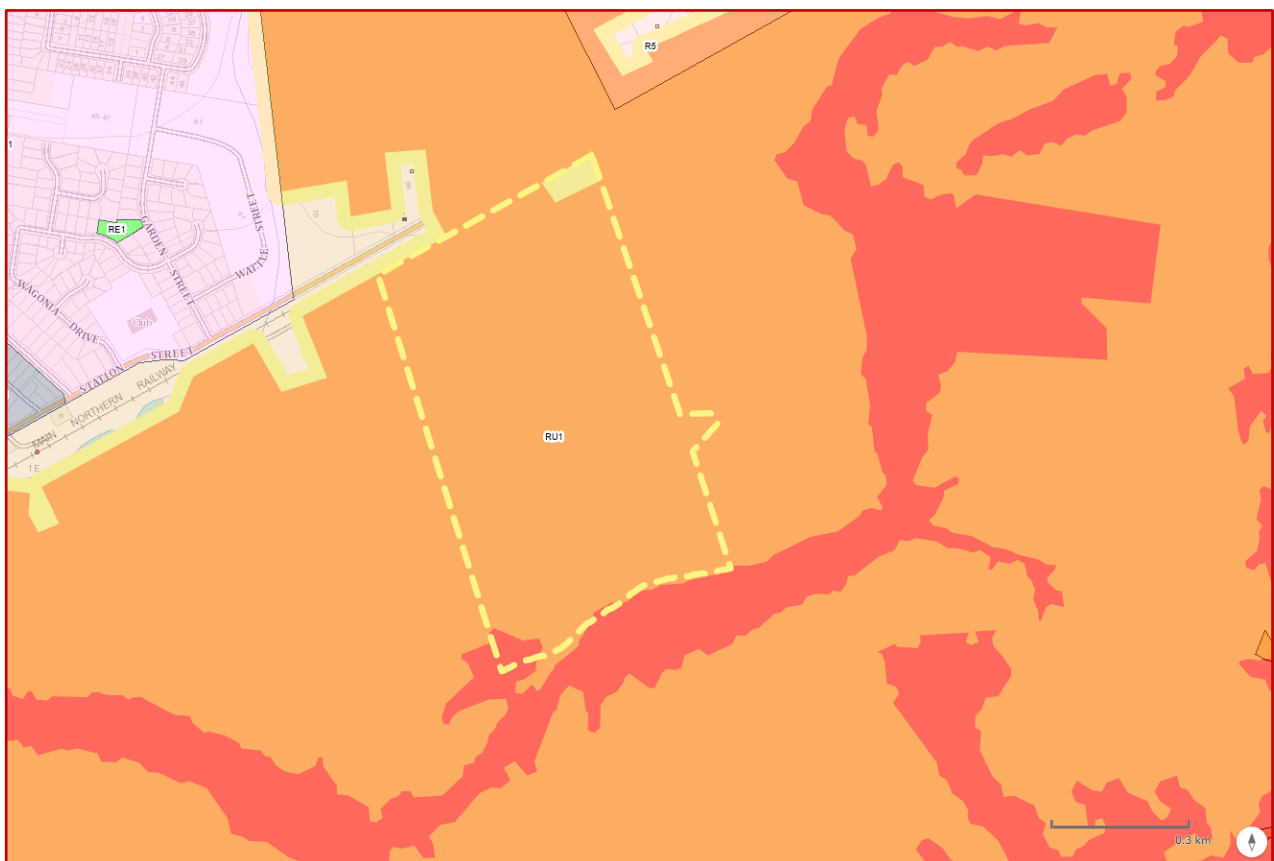


FIGURE 3 – TRLEP 2010 BUSHFIRE PRONE LAND MAP, 158 WALMAR ROAD, KOOTINGAL

### 5.6.13 Social and economic matters

There are no negative social or economic implications expected as a result of approval of the proposed development.

## **STATEMENT OF ENVIRONMENTAL EFFECTS**

### *Proposed Change of Use - Animal Boarding or Training Establishment*

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It is considered that the proposal fits within the locality as detailed previously. There will not be any negative impacts to the community as a result of the proposal. The change of use is expected to deliver a series of social benefits at local and regional level through the provision of a range of services that will facilitate needs of the equine and agricultural industry.

The approval (DA2022/0271) for the construction of the building subject to this application has ensured compliance of the development with the relevant access requirements of the Building Code of Australia (BCA). The BCA is now directly aligned with the Disability (Access to Premises - Buildings) Standards made under the *Commonwealth Disability Discrimination Act 1992*.

Economic benefits through operation of the development include long-term employment opportunities, which will generate direct and multiplier benefits to the local economy.

#### **5.6.14 Cumulative impacts**

The subject site is considered capable of supporting the development as proposed. 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.

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

Being zoned for agricultural/rural development, the subject land is by definition suitable for the proposed horse training facility (animal boarding or training establishment). The proposal appears to be consistent with the aims and objectives of the TRLEP 2010 and will allow the continued use of the site and surrounding lands.

The proposed development will have adequate access to and from the existing local road network and will also have adequate access to utility services.

Furthermore, the proposal will not lead to any unmanageable demands on existing road infrastructure, recreational or public lands, available utility services, air quality or noise levels. The proposed development will also bring economic benefits to the surrounding community.

As outlined within this Statement the subject site is considered eminently suited for the proposed development. The allotment is not subject to flooding and the development site is also clear of relevant environmental exclusion zones considered in the TRLEP 2010. However, the subject site is identified as bushfire prone land. A bushfire Safety Authority is not required for a Special Fire Protection Purpose in this instance as there are not any habitable buildings included in the development. Furthermore, an adequate and readily available supply of water is provided on-site (6 x 250,000 litre rainwater tanks) for fire firefighting purposes.

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

This issue can only be fully considered after submission of this development application if submissions are sought from the community and / or relevant agencies during public consultation.

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

Potential visual, social and environmental impacts have been thoroughly addressed in this Statement, and no detrimental economic impacts are identified as a result of the proposed development. The proposal fits within the rural locality and will allow the establishment of a permissible land use. 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.

## **6 CONCLUSION**

This application seeks Council's consent for a 'animal boarding or training establishment' at, 'Chelsea Farm' 158 Walmar Road, Kootingal NSW 2352 (held as Lot 6, DP 18807).

An assessment of the perceived impacts of this development has identified that:-

- The site is not unsuitable for development by virtue of physical characteristics;
- The likely traffic generation characteristics of this proposal will be relatively minor and should be satisfactorily accommodated within the adjoining road network;
- The proposed change of use to a horse training facility will have negligible impact on the property and as such the overall scale and general appearance of the development is considered to be appropriate for the context and setting of the property;
- This SoEE has illustrated that the proposal is in accordance with the relevant aims and objectives of the Council's TRLEP 2010 and the EP&A Act 1979;
- The resultant development will not be in conflict with the surrounding land uses;
- The proposal does not pose any adverse effects to the social or economic fabric of the locality; and
- There will not be any negative impacts arising from this development.

The subject application proposes the establishment of a permissible land use pursuant to the provisions of the *Tamworth Regional Local Environmental Plan 2010*; and in our submission complies with the intent of other applicable statutory planning and related policy provisions, including those provided within the *Tamworth Regional Development Control Plan 2010*. The proposal delivers social, environmental and economic benefits by providing a suitable horse facility to the Tamworth region. Furthermore, it is considered that this application complies with Council's overall objectives for development within the zone. Consequently, Council is requested to approve the proposed change of use comprising an animal boarding or training establishment as detailed within this Statement of Environmental Effects and attached Appendix.