

# Statement of Environmental Effects

Accompanying a development application for

Continued use of Animal Boarding Facilities including  
Ancillary Education & Animal Care Facilities (Grooming)

At

Lot 3 DP31008

59 Porcupine Lane, TINTINHULL NSW 2352

23/10/2024

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## 1. Introduction

This statement of environmental effects has been prepared to accompany a development application for the continued use of an Animal Boarding Facility including Ancillary Education & Animal Care Facilities (Grooming) at 59 Porcupine Lane, TINTINHULL NSW 2352. The application is being lodged by [REDACTED] being the landowner, pursuant to Clause 4.12 of the Environmental Planning and Assessment Act 1979.

The proposal is for the continued use of an Animal Boarding Facility including Ancillary Education & Animal Care Facilities (Grooming).

Development Consent was historically granted by Parry Shire Council for an Animal Boarding Facility including associated Boarding Kennels on the subject land.

### **Dictionary – Tamworth Regional Local Environmental Plan 2010**

***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.

The development is permissible with consent within the R5 – Large Lot Residential Zone that applies to the land under the Tamworth Regional Local Environmental Plan 2010 (the LEP). This is due to the R5 zone being an open zone and animal boarding or training establishments not being listed as prohibited.

### **Zone R5 Large Lot Residential**

#### **1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide a mix of housing that supports and encourages neighbouring equine-related facilities and is compatible with surrounding land uses and activities.

#### **2 Permitted without consent**

Home-based childcare; Home occupations; Moorings; Roads

#### **3 Permitted with consent**

Backpackers' accommodation; Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Home industries; Markets; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Pond-based aquaculture; Tank-based aquaculture; Any other development not specified in item 2 or 4.

#### **4 Prohibited**

Advertising structures; Air transport facilities; Amusement centres; Boat building and repair facilities; Boat sheds; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Eco-tourist facilities; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Local distribution premises; Marinas; Mooring pens; Mortuaries; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor

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accommodation; Transport depots; Turf farming; Vehicle body repair workshops; Vehicle repair stations; Water recreation structures; Wharf or boating facilities; Wholesale supplies

This statement has been prepared having regard to the following documentation prepared by D&C Projects:

- Location Plan WD1,
- Site Detail A WD2
- Site Detail B WD3

## **2. Site description and analysis**

### **2.1 Location and property description**

The property is located at Lot 3 DP31008, 59 Porcupine Lane, TINTINHULL NSW 2352

### **2.2 Site characteristics**

The site is currently improved with an existing residential dwelling, detached deck, swimming pool, detached personal use sheds, shipping containers, animal care facilities (grooming room), dog kennels and yards, dog boarding facilities and is zoned R5 Large Lot Residential.

### **2.3 Surrounding development**

The allotment is surrounded by other residential development and animal boarding facilities, with such facilities being located at 64 Porcupine Lane, Tintinhull and 85 Porcupine Lane, Tintinhull.

## **3. Details of Development**

### **3.1 Development**

The application is for the continued use of an Animal Boarding Facility including Ancillary Education & Animal Care Facilities (Grooming).

The animal boarding facility has operated for several years from the site. This Development Application is seeking consent to continue this land use. The business operation consists of three main elements:

1. Animal boarding involving the boarding of throughout the day or overnight for either short or long stays and includes exercising yards.
2. Animal grooming involving the grooming of animals that are dropped off at the site on an appointment bases and are then picked up by the owners.
3. Animal Education involving training and education for dogs.

## **4. Clause 4.15 -Matters for consideration**

The following provides an assessment of the proposal against the provisions of Clause 4.15 of the Environmental Planning and Assessment Act (as amended).

***(a) the provisions of:***

***(b) (i) any environmental planning instrument***

**State Environmental Planning Policies**

SEPP (Sustainable Buildings) 2022 – Not applicable

**Local Environmental Plan**

**Tamworth Regional Local Environmental Plan 2010**

Land Zone – R5 – Large Lot Residential

Permitted with Consent – Backpackers' accommodation; Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Home industries; Markets; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Pond-based aquaculture; Tank-based aquaculture; Any other development not specified in item 2 or 4.

Height of buildings – Not adopted

Minimum Lot Size – 2ha

***(iii) any development control plan***

Tamworth Regional Development Control Plan 2010 (Amendment 17)

The proposed development of an ***animal boarding or training establishment*** is not strictly addressed in the Council's Development Control Plan. The proposed development would be best assessed against the Commercial/Retail Development Controls section of TRDCP10

**Commercial/Retail Development Controls**

**Building Setbacks**

The development does not propose any building in front of the existing building line. The side and rear setbacks all comply with the Building Code of Australia, which is greater than 3 metres and does not require any fire separation.

**Outdoor Lighting**

All outdoor lighting will comply with the Australian Standard.

**Outdoor Signage**

No additional signage proposed.

**Design**

The proposed development does not seek consent for any new buildings, only the continuation of the animal boarding or training establishment.

**Utilities and Services**

The site is suitably serviced with the required utilities required for the business operation. The site has an existing onsite waste management system for all human and liquid animal waste. The animal

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boarding or training establishment operation has an existing commercial contract for the collection and disposal of all solid waste generated by animals to a licenced waste transfer station.

The site relies on town water supply and rainwater tanks for water supply for the residents and the animals, which is considered sufficient for the continued operation. The roofs of all the buildings on site are connected to these existing rainwater tanks and the overflows are directed to overland flow downhill.

The existing road access is suitable for the operation of the animal boarding or training establishment, having a side road that provides safe access from Porcupine Lane to the subject site. The site distance of the existing driveway is more than sufficient to allow vehicles to enter and leave Porcupine Lane in a forward direction, while the side road reduces the likelihood of any vehicles impeding the safe operation of Porcupine Lane.

The site has both telecommunication and electricity supply, which is sufficient for the proposed development.

#### Parking, Traffic and Access

The site has existing access from Porcupine Road and has ample parking on the side road in front of the property. Most traffic movements are very limited to dropping off and picking up animals or employees. This is not considered likely to generate any significant traffic movements per day, and the existing parking areas are more than sufficient for the operation of the business.

#### Environmental effects

- Air quality (odour and pollution)

The operation of the animal boarding or training establishment ensures the development will not impact the air quality of the locality because of odour from animal waste or dust from traffic.

The animal waste is manually collected each day and placed in an onsite waste container, which is then disposed of via a private contractor to a licenced facility. This collection and disposal should ensure there is no build-up of wastes that could result in any odour issue for the neighbours.

The dust potentially generated by traffic of customers or employees is likely to be very limited due to the very low-speed environment that exists providing access to the site. This is also reduced by the setbacks of the existing dwelling on adjoining properties.

- Noise Emissions

The operation of the animal boarding or training establishment may result in noise being experienced by the surrounding properties from animals (dogs) being exercised while boarded. These potential noise impacts while exercising will be controlled as an employee is outside at all times supervising the animals, and the number of animals exercising at any one time is limited.

The grooming operation of the animal boarding or training establishment should not generate any significant noise as these animals are housed inside the buildings which should limit any noise impacts.

- Operational Waste Management

The animal boarding or training establishment operation has an existing operation waste management plan that involves all solid animal wastes being collected daily and then disposed of via a commercial contract to a licenced waste facility. Solid wastes include hair and nail clipping, faeces and any other organic animal matter.

- **Ongoing Waste Storage**

The operation includes a dedicated waste storage area (bins) centrally located within the property that is used to stockpile the solid wastes generated until disposed of via the commercial waste contract.

***(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F***

Not applicable

***(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)***

Not applicable

***(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,***

The development will not create significant environmental impacts on the natural and built environments. The development is a suitable use within the context of the existing site.

The development will have no adverse social impact on the surrounding area. Economic benefits will occur as a result of the development on the site in conjunction with the existing dwelling.

***The suitability of the site for the development,***

The site is currently improved with an existing residential dwelling, detached deck, swimming pool, detached personal use sheds, shipping containers, animal care facilities (grooming room), dog kennels and yards, dog boarding facilities and is zoned R5 Large Lot Residential. The existing development does not deter from the overall character and amenity of the allotment and does not pose any negative visual impacts to the surrounding neighbourhood.

***any submissions made in accordance with this Act or the regulations,***

Consideration will be given to any submissions made as a result of Council's consultation and notification processes.

***(c) the public interest.***

No adverse impacts relating to the public interest are expected to arise from the development. The proposal supports the use of the site for purposes consistent with the zoning and planning controls.

## **5.0 Other considerations**

### **5.1 Visual Impacts**

The existing development does not deter from the overall character and amenity of the allotment and does not pose any negative visual impacts to the surrounding neighbourhood, all animal boarding facilities are located behind the building line.

All areas forward of the existing building line are adequately maintained and landscaped.

## **5.2 Open Space**

The subject land is 2.02ha and provides adequate open space.

## **5.3 Overshadowing and Privacy**

No impacts to overshadowing of neighbouring properties or privacy issues caused by of the existing development.

## **5.4 Noise**

Noise from the animals kept on site is controlled via supervision and monitoring.

## **5.5 Erosion Control Measures**

Existing Sediment & Erosion Control measures on site.

## **5.6 Economic and Social Impacts**

The existing development provides positive Economic impacts via employment opportunities for the local community, there are no adverse social impacts caused by the development.

## **5.7 Environmental Benefits**

There are no adverse environmental impacts resulting from the existing development on site, noise and waste are managed appropriately.

## **5.8 Disabled Access**

Not applicable, the development will not require disabled access, as it is for animals.

## **5.9 Security, Site Facilities and Safety**

No security or safety issues posed from the existing development; all animals are kept in fenced enclosures posing no safety risks to the public.

## **5.10 Waste Management**

A current arrangement is in place for all Waste to be removed via Skip Bins and weekly Local Waste Collection.

## **5.11 Building Code of Australia**

To be assessed by a Registered Certifier prior to issue of a Building Information Certificate.

## **5.12 Traffic**

The development is not expected to have any significant traffic impact. The development does not specifically involve any truck deliveries, with most vehicles accessing the site being cars.

## **5.13 Stormwater/Wastewater Management**

Existing tanks and AWTS located on site.

## **5.14 Flooding**



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The area on which the buildings are located is not known to be flood prone.

## **6.0 Conclusion**

The development for the subject site, located at 59 Porcupine Lane, TINTINHULL NSW 2352 has been considered in terms of the matters for consideration that are contained within Clause 4.15(1) of the Environmental Planning and Assessment Act 1979 ("the Act").

As indicated in Part 4 of this Statement, the proposed development is considered to be acceptable in terms of the relevant provisions of Tamworth Regional LEP 2010, which is the principal environmental planning instrument applicable to the subject site. As such, it is considered to be acceptable in terms of Clauses 4.15(1)(a)(i) and 4.15(1)(a)(ii) of the Act.

As indicated in Part 4 of this Statement, the proposed development is considered to be acceptable in terms of all the relevant aims, objectives and standards contained within the relevant chapters of the Tamworth Regional Development Control Plan 2010 and is therefore consistent with Clause 4.15(1)(a)(iii) of the Act.

In addition, the proposed development would have a number of positive effects on both the natural and built environments, as well as a range of social and economic benefits. It is considered unlikely that the development, given its nature, scale and location, would have any detrimental impacts on the built or natural environment or any detrimental social or economic impacts on the surrounding locality. Thus, it is considered to be acceptable in terms of Clause 4.15(1)(b) of the Act.

Further, the subject site, given its location, size and features, and given it is not subject to any significant hazards relevant to the development, is considered to be, pursuant to Clause 4.15(1)(c) of the Act, suitable for the proposed development. The development provides for the better use of an existing site within a rural landscape area without having any significant adverse impacts on the existing dwelling or on the surrounding area. Thus, the proposed development is clearly in the public interest, and acceptable in terms of Clause 4.15(1)(e) of the Act.

Given the above, the development is worthy of approval, and it is requested that the development application to which this Statement of Environmental Effects relates be approved by Council as submitted.