



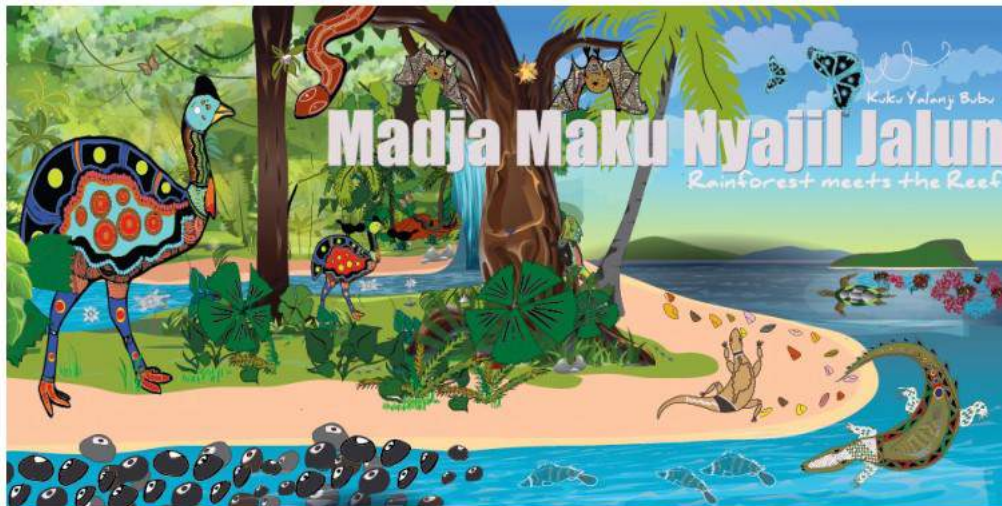
DOUGLAS SHIRE COUNCIL

SPECIAL COUNCIL MEETING

MINUTES

6 SEPTEMBER 2018

ENSURING EXCELLENCE IN GOVERNANCE
ACCOUNTABLE AND TRANSPARENT DECISION-MAKING
ENGAGING, PLANNING, PARTNERING
CELEBRATING OUR COMMUNITIES



Douglas Shire Council would like to show its appreciation by acknowledging local indigenous artists Lenice Schonenberger, Loretta Pierce (Lenoy) and Ronald Bamboo for providing the cover artwork entitled "**Daintree Ferry**"

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON THURSDAY, 6 SEPTEMBER 2018 COMMENCING AT 4.00PM**

1. PRESENT

Cr Julia Leu (Mayor) (via teleconference), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Darryl Crees (Acting Chief Executive Officer), Joanne Jacobson (Acting General Manager Corporate Services), Michael Kriedemann (Acting General Manager Operations), Neil Beck (Team Leader, Planning) and Brenda Jang (Executive Assistant).

Acting Chair – in the absence of the Mayor, Cr Noli took the Chair

ACKNOWLEDGEMENT OF COUNTRY

Cr Noli acknowledged the Kuku Yalanji people who are the Traditional Custodians of the Land and paid respect to their Elders both past and present and extended that respect to other Indigenous Australians present.

ORDER OF BUSINESS SUSPENDED

The Acting Chair suspended the order of business with the standing orders to enable Item 3.1 to be considered in the first instance.

Moved Cr Kerr

Seconded Cr Carey

Carried unanimously

3.1 MAYOR TO ATTEND MEETING VIA TELECONFERENCE

Moved Cr Carey

Seconded Cr Zammataro

“That Council resolve to allow Mayor Leu to attend this Special Council Meeting via teleconference.”

Carried unanimously

APOLOGIES

No apologies.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Michael Kerr declared a real conflict of interest in Agenda Item 3.2 (as defined in section 173 of the Local Government Act 2009) due to being the President of the Association who has lodged the application and being the main author of the application about to be debated. For this reason Cr Kerr proposes to exclude himself from the meeting while the matter is debated and the vote is taken.

MEETING WITHDRAWAL

Cr Kerr declared a real conflict of interest in regards to Item 3.1 due to being the President of the Association which has lodged the application, is the main author of the application about to be debated and withdrew from the meeting at 4.03pm.

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON THURSDAY, 6 SEPTEMBER 2018 COMMENCING AT 4.00PM**

3.2 ANIMAL KEEPING TEAMSTERS CLOSE

Neil Beck, Team Leader Planning

Moved Cr Carey

Seconded Cr Noli

“That Council issue a Negotiated Decision Notice to upgrade the Preliminary Approval to a Development Permit for the Material Change of Use application for Animal Keeping (Dog & Cat Boarding Kennels) Primarily Indoors with Ancillary Facilities including Caretaker’s Accommodation over land described as Lot 10 on RP804923 located at 6 – 8 Teamsters Close Craiglie subject to the following:-

A. APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Site Plan & Elevations</i>	<i>Concept Plans – Sheet 1 Revision F</i>	<i>4 July 2018</i>
<i>Site Plan</i>	<i>Concept Plans – Sheet 1.1 Revision F</i>	<i>4 July 2018</i>
<i>Floor Plan 1/4</i>	<i>Concept Plans – Sheet 2.0 Revision F</i>	<i>4 July 2018</i>
<i>Floor Plan 2/4</i>	<i>Concept Plans – Sheet 2.1 Revision F</i>	<i>4 July 2018</i>
<i>Floor Plan 3/4</i>	<i>Concept Plans – Sheet 2.2 Revision F</i>	<i>4 July 2018</i>
<i>Floor Plan 4/4</i>	<i>Concept Plans – Sheet 2.3 Revision F</i>	<i>4 July 2018</i>
<i>Typical Run Configuration</i>	<i>Concept Plans – Sheet 2.4 Revision F</i>	<i>4 July 2018</i>
<i>Approved Technical Supporting Report</i>		
<i>Acoustic Report prepared by Acoustic Works</i>	<i>2018205 R01D 6-8 Teamsters Close Craiglie ENV</i>	<i>30 August 2018</i>

Note – The above schedule of the approved plans will require amending to comply with conditions of this Development Permit.

B. ASSESSMENT MANAGER CONDITIONS AND ADVICES

Assessment Manager Conditions

1. *Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:*
 - a. *The specifications, facts and circumstances as set out in the application submitted to Council; and*
 - b. *The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.*

Except where modified by these conditions of approval

Timing of Effect

2. *The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.*

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON THURSDAY, 6 SEPTEMBER 2018 COMMENCING AT 4.00PM**

Amendment to Design

3. *The proposed development must be redesigned / amended to accommodate the following changes:*

a. *Provided updated architectural drawings to reflect the recommended treatments to both the Caretaker's Residence and the existing shed to reflect the recommendations of the Acoustic Report dated 30 August 2018. Further amendments maybe required in order to achieve compliance with conditions of this Development Permit.*

Further detail is required with respect to the extent of the roof area over the proposed runs and its relationship with the existing building. Further guidance from the acoustic engineer will be required in finalising the design to achieve the recommendations contained within the approved report.

b. *Run 4 is not approved as part of the suite of approved plans. An amended Site Layout Plan excluding Run 4 is required.*

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Acoustic Report / Noise Emissions

4. *Average maximum noise level (L_{max,T}) of dogs must not exceed at an affected building:*

- *Day (7am to 6pm): Background noise level L_{90,T} + 10 dBA*
- *Evening (6pm to 10pm): Background noise level L_{90,T} + 5 dBA*
- *Night (10pm to 7am): Background noise level L_{90,T} + 5 dBA*

Average noise level (L_{Aeq,15mins}) from the facility must not exceed:

- *Day (7am to 6pm): Background noise level L_{90,T} + 5 dBA*
- *Evening (6pm to 10pm): Background noise level L_{90,T} + 3 dBA*
- *Night (10pm to 7am): Background noise level L_{90,T} + 0 dBA for residential receptors outside the industrial estate.*

Unless otherwise approved by the Chief Executive Officer.

For the purpose of this condition, an affected building means a building at which noise can be heard and/or at a place or premises including in or on the place or premises.

Compliance with this condition requires the background noise level of the affected buildings to be established namely Receivers 1, 4 & 7 as detailed in Figure 2 of the Acoustic Report dated 30 August 2018.

Such detail is required prior to the issue of the Development Permit for Building Work.

Outdoor Runs

5. *Dogs are not permitted to be within the outdoor runs between the hours of 6.00pm – 8.00am Monday to Saturday and not at all on Sundays unless otherwise approved by the Chief Executive Officer.*

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON THURSDAY, 6 SEPTEMBER 2018 COMMENCING AT 4.00PM**

No more than 2 dogs are permitted to be within each individual run at any one time. Static collars must be placed on dogs that have a tendency to bark in order to manage noise impacts.

Acoustic Compliance Monitoring

- 6. The Applicant must undertake Acoustic Compliance Monitoring to ensure the development complies with the anticipated noise levels and effectiveness of the attenuation treatments of the building.*

The time at which the Acoustic Compliance Monitoring is to take place must be established in consultation with Council and is to be undertaken at a time when the facility is operating at or near full capacity or at a time that reflects the typical operating environment.

Caretaker's Accommodation

- 7. The Recommendations of the Acoustic Report prepared by Acoustic Works dated 30 August 2018 for noise attenuation treatments to the Caretaker's Residence must be incorporated into the design. Advice for the acoustic engineering confirming the working drawings for the Caretaker's Residence are consistent with the recommendations of the acoustic report must be submitted to Council prior to the issue of a Development Permit for Building Work.*

Certification that all noise attenuation treatments to the building have been undertaken in accordance with the recommendations of the acoustic consultant must be submitted to Council prior to the issue of a Final Inspection Certificate or Commencement of Use, whichever occurs first.

Kennel / Boarding Facility

- 8. The Recommendations of the Acoustic Report prepared by Acoustic Works dated 30 August 2018 for noise attenuation treatments to the existing shed and outdoor areas must be incorporated into the design in addition to any other attenuation measures required in order to comply with conditions of this Development Permit.*

Advice for the acoustic engineering confirming the working drawings for the upgrades of the existing shed and outdoor areas are consistent to achieve the necessary attenuation measures must be submitted to Council prior to the issue of a Development Permit for Building Work.

Certification that all noise attenuation treatments to the building and outdoor areas have been undertaken in accordance with the recommendations of the acoustic consultant must be submitted to Council prior to the issue of a Certificate of Classification or Commencement of Use, whichever occurs first.

Local Law Registration

- 9. The facility must be registered with Council under the applicable Local Law prior to the Commencement of Use. Any conditions or requirements of the Local Law approval are to compliment and be in addition to the conditions of this Development Permit with respect to the operational aspects of the facility. In the event of an inconsistency or perceived*

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON THURSDAY, 6 SEPTEMBER 2018 COMMENCING AT 4.00PM**

inconsistency with the Local Law approval and this Development Permit, the Local Law approval will prevail.

Car Parking Area

10. *Onsite parking spaces fronting Teamsters Close must be line marked for six (6) car parking spaces as detailed on the approved plans. All parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked and maintained at all times.*

Waste Management

11. *The kennels and outdoor areas must be cleaned and hosed out regularly to ensure the facility is kept clean and tidy at all times as detailed within the Operating Procedures Manual and to ensure odour is appropriately managed.*

All solid waste must be collected at regular intervals, bagged and placed within an airtight container and placed within the refuse area on the Owen Street frontage of the site. The refuse facility must be monitored to ensure the bins are emptied on a regular basis and to ensure odour is appropriately managed.

Refuse Storage

12. *The refuse storage area must be enclosed, roofed and bunded and fitted with a bucket trap connected to sewer. A hose cock connection must also be provided.*

Liquid Waste Disposal

13. *Trade waste discharge to sewer must be in accordance with Council's Trade Waste Environmental Management Plan (TWEMP).*

A report and hydraulic drawings demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work.

In particular, the plans are to illustrate:-

- a. *A silt trap of an appropriate size down stream of the bucket traps before entering the sewer network;*
- b. *All pipe work used to carry trade waste must be suitable for this purpose eg HDPE or RIOPIANO.*

All works must be implemented in accordance with approved plans prior to Commencement of Use.

Damage to Council Infrastructure

14. *In the event that any part of Council's existing sewer, water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to the mobilisation of heavy construction equipment, stripping and grubbing. The applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.*

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON THURSDAY, 6 SEPTEMBER 2018 COMMENCING AT 4.00PM**

Lighting

15. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

Lawful Point of Discharge

16. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Advertising Signage

17. All signage associated with the use must be: contained on the building façade/wall (not projecting above the building height); as a free-standing sign not exceeding a height of 2m or area of 10m²; to the satisfaction of the Chief Executive Officer.

The signage can only be externally illuminated and no lighting is to spill beyond the property boundary. Signage can only relate to the use conducted on the premises.

Advices

1. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
2. For information relating to the Planning Act 2016 log on to www.dsdip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.

LAND USE DEFINITIONS*

In accordance with the 2018 Douglas Shire Planning Scheme the approved land use is defined as follows.

<i>Column 1 Use</i>	<i>Column 2 Definition</i>	<i>Column 3 Examples</i>	<i>Column 4 Does not include the include following examples</i>
<i>Animal Keeping</i>	<i>Premises used for boarding, breeding or training of animals. The use may include ancillary temporary or permanent holding facilities on the same site and ancillary repair and servicing of machinery.</i>	<i>Aviaries, catteries, kennels, stables, wildlife refuge.</i>	<i>Aquaculture, cattle studs, domestic pets, feedlots, grazing of livestock, non-feedlot dairying, piggeries, poultry meat and egg production, animal husbandry.</i>

**This definition is provided for convenience only. This Development Approval is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme.*

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON THURSDAY, 6 SEPTEMBER 2018 COMMENCING AT 4.00PM**

B. Further Permits

1. *The following Development Permits are required to be obtained before the development can be carried out:*
 - a. *Development Permit for Building Works.*
 - b. *Development Permit for Plumbing Works*

C. Currency period for the approval

Under section 85(1)(a)(i) of the Planning Act 2016, the relevant period for the Preliminary Approval is six (6) years starting from the day the approval takes effect.

D. Reasons for Decision

The reasons for this decision are:

1. *Sections 60, 62 and 63 of the Planning Act 2016:*
 - a. *The development application and revised Acoustic Report dated 30 August provides an assessment of the adjacent and nearby properties with respect to anticipated noise levels. The Acoustic report dated 30 August in conjunction with conditions of the Development Permit will adequately address noise emissions.*
 - b. *to ensure the development satisfies the Strategic Framework and associated benchmarks of the 2018 Douglas Shire Planning Scheme; and*
 - c. *to ensure compliance with the Planning Act 2016.*
2. *Findings on material questions of fact:*
 - a. *the development application was properly lodged to the Douglas Shire Council on 14 June 2018 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*
 - b. *the application was properly notified;*
 - c. *the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2018 Douglas Shire Planning Scheme in making its decision as Assessment Manager.*
 - d. *the content of the revised Acoustic Report dated 30 August 2018 and other supporting information.*
 - e. *regard was given to a number of submissions lodged in response to the application, in particular those that raised concerns over noise impacts.*
3. *Evidence or other material on which findings were based:*
 - a. *the development triggered impact assessable development under the Assessment Table associated with the Industry zone code;*

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON THURSDAY, 6 SEPTEMBER 2018 COMMENCING AT 4.00PM**

- b. *Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and*
- c. *the applicant's reasons have been considered and the following findings are made:*
 - i. *Subject to compliance with conditions of this Development Permit and the implementation of the recommendations of the Acoustic Report dated 30 August 2018, the development satisfactorily meets the Planning Scheme requirements."*

For: Cr Carey, Cr Noli, Cr Leu

Against: Cr Zammataro

Carried

CLOSURE OF MEETING

The meeting closed at 4.42pm

CONFIRMED THIS DAY OF 2018

.....
MAYOR/CHAIR