



DOUGLAS SHIRE COUNCIL

# SPECIAL COUNCIL MEETING

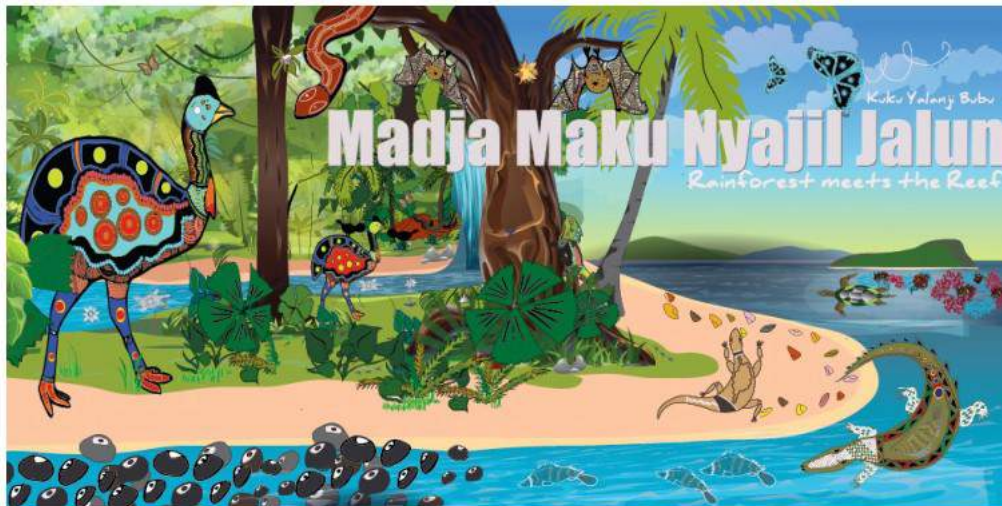
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## MINUTES

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Tuesday, 31 July 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 TUESDAY, 31 JULY 2018, COMMENCING AT 2.00PM**

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1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Joanne Jacobson (Acting Chief Executive Officer), John Rehn (Acting General Manager Corporate Services), Michael Kriedemann (Acting General Manager Operations), Tracey (Acting Manager Governance); Paul Hoyer (Manager Sustainable Communities); Neil Beck (Planning Officer); Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant)

ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

No apologies.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Michael Kerr declared a real conflict of interest in Agenda Item 3.1 (as defined in section 173 of the Local Government Act 2009) due to being the President of the Association which has lodged the application and is the main author of the application about to be debated. For this reason Cr Kerr proposes to exclude myself 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 2.02pm.

3. AGENDA ITEMS

- 3.1. MATERIAL CHANGE OF USE ANIMAL KEEPING (DOG & CAT BOARDING FACILITY) & ANCILLARY CARETAKERS ACCOMMODATION 6-8 TEAMSTERS CL CRAIGLIE  
Neil Beck, Planning Officer

**Moved** Cr Noli

**Seconded** Cr Carey

*“That Council issue a Preliminary Approval 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. ASSESSMENT MANAGER CONDITIONS & ADVICES:-**

*Acoustic Report / Attenuation Measures*

- 1. The development application advised that the proposed use will be taking place within an acoustic, noise attenuated building and that Acoustic Works Brisbane had*

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*been engaged to prepare a report in relation to identifying measures to be built into the building to attenuate noise and identify other noise management initiatives specifically for the operation of the facility at the site.*

*The Acoustic Report dated 3<sup>rd</sup> July 2018 investigates potential noise impacts on sensitive land uses external to Industry zoned land. The report does not detail noise impacts on adjacent or surrounding properties generated by the proposed use or detail existing or proposed attenuation treatments to the existing building in order to mitigate such impacts if required.*

*A noise impact assessment report must therefore be prepared to demonstrate the affect of reasonable and practicable measures proposed to be implemented to minimise the impact of noise on the existing acoustic environment of the surrounding industrial/commercial indoor and outdoor environment. The report is required to give due regard to the following:-*

- 1. the noise profile of the existing industrial estate which contains a mix of light industry and commercial service / office type uses;*
- 2. the generation of noise associated with the proposed use;*
- 3. the construction of the existing building in which the animals will be housed and the performance of any noise attenuation treatments of the existing building to mitigate the impacts of noise;*
- 4. detail any additional noise attenuation measures required to be performed to the building to minimise the impact of noise on the existing acoustic environment external to the site; and*
- 5. any other matters considered relevant by the acoustic engineer to ensure the proposed development does not unduly impact on neighbouring or surrounding properties.*

*The report must be submitted as part of any request to negotiate this Preliminary Approval or as supporting information to any new Material Change of Use application submitted over the land for the proposed use.*

*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.dsdiq.gov.au](http://www.dsdiq.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).*

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*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 Preliminary 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.*

*B. Further Permits*

- 1. The following Development Permits are required to be obtained before the development can be carried out:*
  - a. Development Permit for Material Change of Use.*

*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 content of the development application with respect to noise attenuation treatments for the proposed facility did not align with the methodology applied to investigate noise impacts associated with the development as detailed in the Acoustic Report dated 3 July 2018;*
  - 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;*

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- 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 Acoustic Report dated 3 July 2018 did not align with or support statements made elsewhere in the supporting information that the building will be an acoustically attenuated building suitable for the proposed use; and*
  - e. *regard was given to a number of submissions lodged in response to the application, in particular those that raised concerns over insufficient information concerning 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;*
  - 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 finding was made:*

*Further investigations are required to address the issue of noise and its impacts on the adjoining and nearby properties as detailed in Condition 1 of the Preliminary Approval."*

**For:** Cr Leu; Cr Noli; Cr Carey

**Against:** Cr Zammataro

**Carried**

**CLOSURE OF MEETING**

The meeting closed at 2.24pm

**CONFIRMED THIS 7TH DAY OF AUGUST 2018**

  
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MAYOR/CHAIR