

DA Form 1 – Development application details

Approved form (version 1.0 effective 3 July 2017) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development**, use this form (*DA Form 1*) **and** parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	HOMELESS ANIMAL SOCIETY AND BOARDING KENNELS INC. (PAWS AND CLAWS)
Contact name <i>(only applicable for companies)</i>	C/- Elizabeth Taylor – Town Planner
Postal address <i>(P.O. Box or street address)</i>	23 Valley Street
Suburb	Freshwater
State	QLD
Postcode	4870
Country	Australia
Contact number	Liz - 40552548
Email address <i>(non-mandatory)</i>	liz@elizabethtaylor.net.au
Mobile number <i>(non-mandatory)</i>	Liz - 0407584966
Fax number <i>(non-mandatory)</i>	N/A
Applicant's reference number(s) <i>(if applicable)</i>	ET18-021

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application
<input type="checkbox"/> No – proceed to 3)

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2, and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

- Street address **AND** lot on plan (all lots must be listed), **or**
 Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon; all lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		6-8	Teamsters Close	Craiglie
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	10	RP804923	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- Additional premises are relevant to this development application and their details have been attached in a schedule to this application
 Not required

4) Identify any of the following that apply to the premises and provide any relevant details

In or adjacent to a water body or watercourse or in or above an aquifer
 Name of water body, watercourse or aquifer: _____

On strategic port land under the *Transport Infrastructure Act 1994*
 Lot on plan description of strategic port land: _____
 Name of port authority for the lot: _____

In a tidal area
 Name of local government for the tidal area (if applicable): _____
 Name of port authority for tidal area (if applicable): _____

On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*
 Name of airport: _____

Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*
 EMR site identification: _____

<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	<input type="text"/>

5) Are there any existing easements over the premises?
Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

Yes – All easement locations, types and dimensions are included in plans submitted with this development application

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

Material change of use Reconfiguring a lot Operational work Building work

b) What is the approval type? *(tick only one box)*

Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Dog and Cat Boarding Kennels primarily indoors and ancillary facilities, including Caretaker's accommodation

e) Relevant plans
Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).

Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

Material change of use Reconfiguring a lot Operational work Building work

b) What is the approval type? *(tick only one box)*

Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)*

e) Relevant plans
Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
Dog and Cat Boarding Kennels primarily indoors and ancillary facilities, including Caretaker's accommodation	Animal keeping and Caretaker's accommodation	1	Approx. 750m ²

8.2) Does the proposed use involve the use of existing buildings on the premises?

- Yes
 No

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

--

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

- | | |
|--|--|
| <input type="checkbox"/> Subdivision (complete 10)) | <input type="checkbox"/> Dividing land into parts by agreement (complete 11)) |
| <input type="checkbox"/> Boundary realignment (complete 12)) | <input type="checkbox"/> Creating or changing an easement giving access to a lot from a construction road (complete 13)) |

10) Subdivision

10.1) For this development, how many lots are being created and what is the intended use of those lots:

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?

- Yes – provide additional details below
 No

How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment
12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?

<input type="checkbox"/> Road work	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify:	_____	

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

Yes – specify number of new lots: _____

No

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)
 \$ _____

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
 Douglas Shire Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

Yes – a copy of the decision notice is attached to this development application

Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached

No

PART 5 – REFERRAL DETAILS

17) Do any aspects of the proposed development require referral for any referral requirements?
Note: A development application will require referral if prescribed by the Planning Regulation 2017.

No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the chief executive of the Planning Regulation 2017:

Clearing native vegetation

Contaminated land (unexploded ordnance)

<input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have not been devolved to a local government)</i> <input type="checkbox"/> Fisheries – aquaculture <input type="checkbox"/> Fisheries – declared fish habitat area <input type="checkbox"/> Fisheries – marine plants <input type="checkbox"/> Fisheries – waterway barrier works <input type="checkbox"/> Hazardous chemical facilities <input type="checkbox"/> Queensland heritage place <i>(on or near a Queensland heritage place)</i> <input type="checkbox"/> Infrastructure – designated premises <input type="checkbox"/> Infrastructure – state transport infrastructure <input type="checkbox"/> Infrastructure – state transport corridors and future state transport corridors <input type="checkbox"/> Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels <input type="checkbox"/> Infrastructure – state-controlled roads <input type="checkbox"/> Land within Port of Brisbane’s port limits <input type="checkbox"/> SEQ development area <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – community activity <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – indoor recreation <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – residential development <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – urban activity <input type="checkbox"/> Tidal works or works in a coastal management district <input type="checkbox"/> Urban design <input type="checkbox"/> Water-related development – taking or interfering with water <input type="checkbox"/> Water-related development – removing quarry material <i>(from a watercourse or lake)</i> <input type="checkbox"/> Water-related development – referable dams <input type="checkbox"/> Water-related development – construction of new levees or modification of existing levees <i>(category 2 or 3 levees only)</i> <input type="checkbox"/> Wetland protection area
Matters requiring referral to the local government: <input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have been devolved to local government)</i> <input type="checkbox"/> Local heritage places
Matters requiring referral to the chief executive of the distribution entity or transmission entity: <input type="checkbox"/> Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • The chief executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Brisbane core port land
Matters requiring referral to the Minister under the Transport Infrastructure Act 1994: <input type="checkbox"/> Brisbane core port land <input type="checkbox"/> Strategic port land
Matters requiring referral to the relevant port operator: <input type="checkbox"/> Brisbane core port land (below high-water mark and within port limits)
Matters requiring referral to the chief executive of the relevant port authority: <input type="checkbox"/> Land within limits of another port
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works, or development in a coastal management district in Gold Coast waters
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works, or development in a coastal management district

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application <input type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and the development application the subject of this form, or include details in a schedule to this development application (if applicable).		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application <input type="checkbox"/> I do not agree to accept an information request for this development application Note: By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. Further advice about information requests is contained in the <u>DA Forms Guide</u> .

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – the yellow local government/private certifier's copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

Yes – the required attachment (form EM941) for an application for an environmental authority accompanies this development application, and details are provided in the table below

No

Note: Application for an environmental authority can be found by searching “EM941” at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:

Proposed ERA threshold:

Proposed ERA name:

Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

Yes – *Form 69: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application

No

Note: See www.justice.qld.gov.au for further information.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

Yes – this development application is accompanied by written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

No

Note: See www.qld.gov.au for further information.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

No

Note: The environmental offset section of the Queensland Government’s website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala conservation

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work within an assessable development area under Schedule 10, Part 10 of the Planning Regulation 2017?

Yes

No

Note: See guidance materials at www.ehp.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, taking overland flow water or waterway barrier works**?

Yes – the relevant template is completed and attached to this development application

No

Note: DA templates are available from www.dilgp.qld.gov.au.

23.7) Does this application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water** under the *Water Act 2000*?

Yes – I acknowledge that a relevant water authorisation under the *Water Act 2000* may be required prior to

commencing development

No

Note: Contact the Department of Natural Resources and Mines at www.dnrm.qld.gov.au for further information.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**

Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

Note: Contact the Department of Natural Resources and Mines at www.dnrm.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

Note: Contact the Department of Environment and Heritage Protection at www.ehp.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the Water Supply Act)?

Yes – the ‘Notice Accepting a Failure Impact Assessment’ from the chief executive administering the Water Supply Act is attached to this development application

No

Note: See guidance materials at www.dews.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district?**

Yes – the following is included with this development application:

Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)

A certificate of title

No

Note: See guidance materials at www.ehp.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government’s **Local Heritage Register**?

Yes – details of the heritage place are provided in the table below

No

Note: See guidance materials at www.ehp.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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Brothels

23.14) Does this development application involve a **material change of use for a brothel?**

Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*

No

Decision under section 62 of the *Transport Infrastructure Act 1994*

23.15) Does this development application involve new or changed access to a state-controlled road?

- Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
- No

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

Yes

Note: See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of *Form 2 – Building work details* have been completed and attached to this development application

Yes
 Not applicable

Supporting information addressing any applicable assessment benchmarks is with development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

Yes

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (*see 21*)

Yes
 Not applicable

25) Applicant declaration

By making this development application, I declare that all information in this development application is true and correct

Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager’s and/or referral agency’s website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the *DA Rules* except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment	
<i>Note: For completion by assessment manager if applicable</i>	
Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

The *Planning Act 2016*, the *Planning Regulation 2017* and the *DA Rules* are administered by the Department of Infrastructure, Local Government and Planning. This form and all other required development application materials should be sent to the assessment manager.

Individual owner's consent for making a development application under the *Planning Act 2016*

Covepine PTY LTD
ACN 091 904 648
Trustee Under instrument no#705331916
of
PO Box 6771
Cairns QLD 4870

as owner of the premises identified as follows:

6-8 Teamster Close, Craiglie
Lot 10 RP804923

consent to the making of a development application under the *Planning Act 2016* by:

Elizabeth Taylor – Town Planner

on the premises described above for:

Material Change of Use: Animal Keeping

Sheila Adam
SHEILA A ADAM
.....
DIRECTOR
28/5/18
.....
Date

TOWN PLANNING REPORT

**APPLICATION FOR MATERIAL CHANGE OF USE
ANIMAL KEEPING
(PRIMARILY INDOOR FACILITY)
WITH ANCILLARY FACILITIES
INCLUDING CARETAKER'S ACCOMMODATION
LOCATED AT 6-8 TEAMSTERS CLOSE, CRAIGLIE
BEING LOT 10 RP804923**

**PREPARED BY
ELIZABETH TAYLOR
TOWN PLANNER**

**PREPARED FOR
HOMELESS ANIMAL SOCIETY AND BOARDING KENNELS INC.
(PAWS AND CLAWS)**

JUNE, 2018

1.0 INTRODUCTION

This Application for Material Change of Use (MCU) relates to a site located at 6- 8 Teamsters Close, Craiglie. The Application seeks to establish a dog and cat boarding Facility, primarily indoors, with ancillary services including Caretaker's accommodation, on the site for Paws and Claws. The proposed uses are defined as Animal keeping and Caretaker's accommodation in the Planning Scheme.

This report addresses the relevant sections of Douglas Shire Planning Scheme 2018, FNQ Regional Plan 2010 – 2031, Planning Act 2016 and Planning Regulation 2017.

The development of the site does not trigger referral to the State through the State Assessment Referral Agency (SARA). However, the proposed use is Impact assessable and on that basis Public Notification of the Application is required.

2.0 THE SITE AND LOCALITY

2.1 The Site

The site is described as Lot 10 RP804923; it is rectangular in shape, generally level and has an area of 2027m² and frontage to both Teamsters Close and Owen Street.

The site is zoned Industry under the current Planning Scheme.

The site is improved with a large industrial building, previously used by Lotsa Printing but currently untenanted with the entrance addressing the Teamsters Close frontage. There is an existing shed adjacent to the Owen Street frontage, car parking for seven (7) cars to the Teamsters Close frontage and the site is landscaped and connected to all urban services

Adjoining the site to the north is the Cleanaway waste transport depot that operates from 4am and includes Caretaker's accommodation; adjoining the site to the south is the Origin Energy gas depot.

2.2 The Locality

The site is located in the industrial area of Craiglie, which is currently developed in a triangular shape and bounded by the Captain Cook Highway to the east, rural land to the west and Beor Street to the south and contains approximately 55 industrial lots.

Teamsters Memorial Park is located on the corner of Beor Street and Captain Cook Highway to the south and is zoned Recreation and Open Space. Other land to the south of Beor Street is zoned Industry but currently remains undeveloped and vacant. The surrounding land further to the south, west and north is zoned Rural.

The lots in the developed industrial area of Craiglie are a mix of sizes and development is also mixed; of the 55 lots approximately 15 lots, or over 25%, are vacant. The mix of uses in this industrial area of Craiglie includes: self- storage facilities, mechanical shops, Origin Energy depot, showrooms, raw materials yard, commercial offices, signage shops, party hire, fencing contractor, gymnasium, salvage yard, picture framer, tradesman sheds, concrete batching plant, transport depot, guitar maker, landscaper, among others.

Some of the developments have been built as a number of smaller commercial tenancies on one lot for a range of different users, under a body corporate system. Other premises are large and developed for more typical industrial activities. Some lots with frontage Captain Cook Highway include retail services, such as a bottle shop and a service station.

The Craiglie industrial area is not a typical industrial area, with a mix of commercial uses, indoor sport and recreation use, service industry uses, low impact, medium impact and high impact industrial uses and service station and allied retail uses.

3.0 BACKGROUND

Paws and Claws has been in operation in Douglas Shire for the past 25 years opening a private animal boarding kennel at Craiglie in 1999. This Facility operated successfully for 17 years until Paws and Claws were forced to vacate in 2016 due to the redevelopment of the site for a new Service Station, which is currently under construction.

In order to ensure the Facility has a long term and secure future in owner operated premises Paws and Claws had been searching for a new site to purchase, prior to the forced vacate of the former Craiglie site, Unfortunately the search has been more difficult than anticipated with various sites being deemed unacceptable by either the Council, through the Planning Scheme zoning of land, the community due to a perception of detrimental amenity impacts and the State government due to the conservation status (real or otherwise) of targeted land.

Paws and Claws has a strong community/volunteer base and also works directly with the Council in trying to re-house abandoned and surrendered animals in an effort to avoid unnecessary euthanasia and has re-housed between 100 – 150 animals per annum over the years.

The Council pound can only accommodate six (6) animals with no opportunity to expand at the current premises. On the Council web site the following information is provided with regard to animal management at the pound.

Holding time for impounded animals

Dogs and Cats: Three (3) days for Non-Registered, Five (5) days for Registered, after which they are disposed of in accordance with Council policy. Horses, Cattle, Goats: Five (5) days, after which they are disposed of in accordance with Council policy.

Re-homing of unclaimed Cats & Dogs

Council fully promotes the re-homing of unclaimed cats and dogs. Council endeavours to work with recognised animal re-homing and adoption organisations to re-home suitable animals. This ensures that animals are re-homed responsibly.

Unwanted animals

Council may accept dogs or cats that an owner no longer wants, however it is preferred that the owner either have the animal destroyed by a vet or find an alternative home themselves.

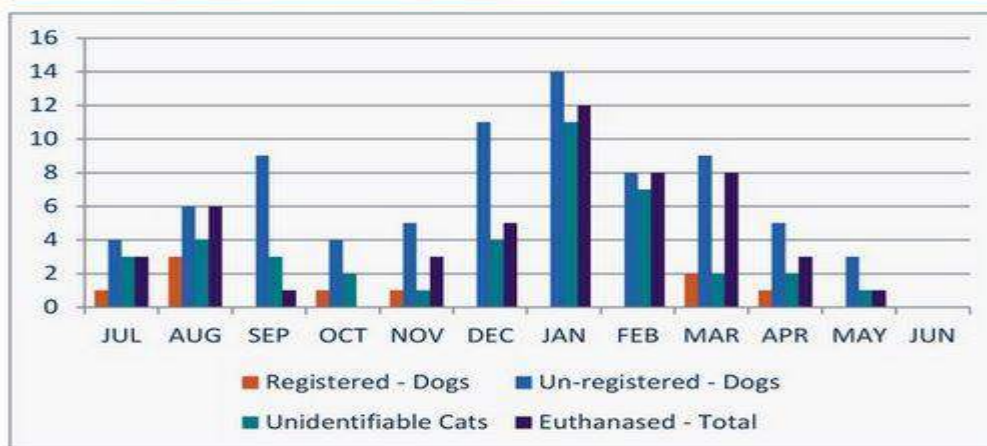
Outlined below is a graph and information taken from the July 2017 Paws and Claws Newsletter, which identifies the number of dogs and cats impounded by the Council over an 11 month period, between 01 July 2016 and 31 May 2017.

The graph, below, shows:

- in the 11 month period between 01 July 2016 and 31 May 2017 a total of 81 dogs and 37 cats were impounded;
- being a total of 118 animals;
- of these 118 animals, 50 animals were euthanasia;
- which equates to over 40%.

Council updates on managing stray dogs

3.2 Animal Impoundments



	March	April	May
Registered - Dogs	2	1	0
Un-registered - Dogs	9	5	3
Unidentifiable Cats	2	2	1
Euthanased - Total	8	3	1

Explanatory Notes: The figure represent the numbers of dogs and cats impounded over the period and the number of animals that were not claimed or rehomed and instead were euthanized.

Interpretive Comments: Active patrols in identified areas continue with numbers spearing to stabilise.

It is clear that the services offered by Paws and Claws are of significant community benefit and the good working relationship between Council and Paws and Claws will continue once a new Facility is operational.

Since vacating the Craiglie site, Paws and Claws has run a foster care program within the local community, which has been very successful but has recently ceased to operate due to a lack of regular foster carers.

In order to progress the establishment of a new Facility Paws and Claws has investigated and adopted a more contemporary, urban animal refuge/boarding model that sees these types of facilities establish in industrial areas, where animals are kept primarily indoors with controlled exercise in designated runs, during the day. This model has proven popular in many towns and cities where the need, particularly for animal boarding, is high but facilities are non-existent due to a lack of available rural land.

The trend for people in units and high density developments to have pets and the trend for people to take their pets on vacation has seen a demand for a new type of animal accommodation to be provided in the form of urban animal short term accommodation centres, located in inner city areas and close to airports for the convenience of customers. Examples Include:

- The Pet's Hotel — located 5km from Melbourne CBD in Port Melbourne and located in an industrial business park, next door to the Fields Knitwear factory; and
- Hanrob Pet Hotels, located in close proximity to both Tullamarine Airport in Melbourne and Sydney airport.

A similar type of pet accommodation model is proposed by Paws and Claws for the Facility they are seeking to establish in the industrial area of Craiglie, although it will not just have an animal boarding function but will continue to work actively with the Council and the community in housing strays, abandoned and surrendered animals until they can be re-housed, in order to avoid the euthanasia of perfectly healthy and happy animals.

The proposed new Facility and how it will operate is described in detail below in section 4.0 of this report.

4.0 PROPOSED DEVELOPMENT

It is proposed to redevelop the site for boarding kennels for cats and dogs, primarily an indoor facility, with allied services and facilities including Caretaker's accommodation.

The Facility

The facility will comprise the conversion of the existing industrial building to contain:

- Reception and shop;
- Administration office;
- Ablutions and staff room;
- Store;
- Cattery;
- Quarantine area;
- Grooming room;
- Three (3) isolation pens;
- Ten (10) pens for puppies;
- Dog kennel area containing 38 kennels with pens;
- Cleaners store, general storage and food preparation area.

Access from the building is provided direct to three (3) dog runs, with a fourth dog run located adjacent to the Owen Street frontage of the site. Access is also provided at the rear of the building direct to the Caretaker's accommodation, which is located adjacent to the Owen Street frontage and

comprises two (2) bedrooms, lounge /kitchen/dining and a bathroom. A covered car parking space for the caretaker is provided adjacent to the Caretaker's accommodation.

The main entrance to the facility will be from Teamsters Close, with seven (7) existing car parking spaces on-site adjacent to the entrance to the facility.

A copy of Concept Plans for the redevelopment of the site for the proposed development is attached at [Appendix 1](#).

Operation of the Facility

The Facility will operate between the hours of 8:00am and 4:00pm seven (7) days per week. Staff and volunteers will commence cleaning and feeding from 8:00am. Adoption visiting will only be permitted between the hours of 9:00am to 12:00pm and 2:00pm to 4:00pm, 7 days per week.

The Facility will provide a safe refuge for homeless animals, with staff endeavouring to find suitable homes within the broader community and to provide boarding accommodation for animals, as a service to the general community. Commercially operating a refuge; boarding kennel and other associated animal care services including grooming.

The business model developed for the Facility provides for the Facility to be operated by an Operations Manager who will also be in charge of other activities, including the offsite Charity Shop and fundraising. The Operations Manager will oversee the Facility Manager who will be in charge of the property and may be the person living full time on site or a caretaker, who is not the Facility Manager, will live on site and be in charge of the property after hours. The property will be staffed by four (4) part time Kennel Attendants, two (2) casual Kennel Attendants and the many Paws and Claws volunteers who will assist at the Facility.

The Volunteers will assist in food preparation, feeding, cleaning and walking of the Facility animals. Facility staff will handle all arrivals, departures, rotation of animals through the runs, cleaning, feeding and bathing of animals. All Staff and Volunteers must adhere to the Paws and Claws Standard Operating Procedures Guide 2018".

The Facility is anticipated to operate between 70% and 100% boarding and rescue dogs will vary depending on the time of year. The Facility will be divided to cater for 20 Boarding dogs and 18 refuge dogs. This will allow change over pens for cleaning and maintenance. Three (3) separate Isolation pens will be used for new arrivals.

The Facility will have four (4) runs with a maximum of two (2) dogs in each run at any one time. All dogs in external pens will be monitored for excessive noise and bark deterrents, such as static collars will be used, as necessary, to ensure the Noise Management Policy is adhered to. No animals will be in the external yards for any reason between the hours of 6pm and 8am.

The Facility will once again encourage volunteers to walk the dogs off- site, which allows the animals to release built up energy and experience different smells and experiences. This worked very successfully at the previous refuge with most animals being walked twice daily. Many backpackers came and took dogs for the day and many locals came to take a dog to the beach for a run. We see no reason why this successful arrangement cannot be instigated again. All volunteers will be educated on the Dog Walking Policy which includes methods of not disturbing neighbours, waste collecting and training methods. Only staff will walk boarding animals, if permission has been given by the owners for the animal to go off -site.

Surrendered and boarding dogs and other animals will only be received and depart during operating hours of the Facility. All animals found walking the streets must be processed through Douglas Shire Council, prior to coming to the Facility. Only in extreme emergencies will the Facility have a 24 hour number for the onsite manager/caretaker.

All kennels and yards must be kept clean of animal faeces at all times. The removal of faeces is paramount to ensuring the business remains clean and odour free. All used pens will be cleaned, as required, with a minimum daily cleaning schedule implemented. All waste material collected will be stored in secure plastic bags which will be kept in a lidded rubbish receptacle and stored at the rear of the property. Contract collection of this waste will be organised as required to ensure build up and odour does not occur.

Deliveries to the property other than boarding animals will be minimal with most items required being donated. Required deliveries such as cleaning chemicals and merchandise for the shop will use the rear entrance. Deliveries will only be accepted during business hours which may include animals from Douglas Shire Council – Animal Management Team, The Pet Store Smithfield, IGA and Coles Supermarkets, Coxen Chemicals and General Businesses in Port Douglas and Mossman.

The property will only require security lighting at the entrance and rear of the property. All areas of the property will have 24 hour video and audio surveillance. As the Facility manager or a caretaker will live on site full time and both front and rear entrances will be gate locked it will not be necessary to have 24 hour lighting on run areas.

The Facility will be well managed and will operate in accordance with all regulatory approvals, policies, relevant regulations and the paws and Claws Standard Operating Procedures Manual 2018.

Odour/Cleanliness and Noise Issues

The day to day operation of the Facility and issues such as odour and noise will be managed through implementation of the Paws and Claws Standard Operating Procedures Manual – dated May 2018. This Manual calls up other accredited standards and guidelines, such as; at Appendix T the Pet Industry Association (PIAA) Standards & Guidelines for Best Practice Boarding Facilities/Establishments & Doggy Day Care Centres – June 2016 and at Appendix U the Commercial Boarding Kennels – Pollution Solutions, Brisbane City Council and at Appendix Q

Noise Compliance Policy. A copy of the Paws and Claws Noise Compliance Policy is attached at [Appendix 2](#).

A full copy of the Paws and Claws Standard Operating Procedures Manual – dated May 2018 has been provided to Council by drop box, due to the size of the document, for the purposes of being available during the public notification of the MCU application.

Noise from barking dogs is clearly the most important issue to be managed in the Facility. To this end Acoustic Works, Brisbane has been engaged to undertake acoustic tests and to prepare a report to be submitted to Council in relation to identifying measures to be built into the building to attenuate noise and identify other noise management initiatives, if appropriate, specifically for the operation of the Facility at this specific site. A copy of correspondence received from Acoustic Works, is attached at [Appendix 3](#).

The acoustic testing will commence on 18 June 2018 and upon receipt of the Acoustic Report it will be lodged with Council. It is expected that Council will issue an Information Request requesting an Acoustic Report due to IDAS timelines following lodgement of the MCU application but it is important that any submitters reading this report during the public notification period are fully aware that the report was commissioned prior to lodging the MCU application with Council and was not initiated by Council.

4.0 TOWN PLANNING ASSESSMENT

The proposed development is defined in the Planning Scheme as ‘Animal keeping’ and ‘Caretaker’s accommodation’ – as follows:

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
<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>
<i>Caretaker’s accommodation</i>	<i>A dwelling provided for a</i>		<i>Dwelling house.</i>

	<i>caretaker of a non-residential use on the same premises.</i>		
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Under the Planning Scheme, development is:

- Exempt development;
- Self – assessable development;
- Code - assessable development;
- Impact - assessable development; and
- Impact- assessable development (Inconsistent use).

Animal Keeping is not Exempt development or Self- assessable development on any land within the Shire and therefore a planning application and assessment against the Planning Scheme is required to enable the use to established anywhere in the Shire.

It is a land use that is:

- Code - assessable development, on land in only one (1) of the 14 zones under the Planning Scheme- the Rural zone;
- Impact- assessable development, on land in six (6) of the 14 zones under the Planning Scheme – the Conservation zone, Environmental management zone, Industry zone, Recreation and open space zone, Rural residential zone and Tourism zone; and
- Impact assessable development- inconsistent, on land in 7 of the 14 zones under the Planning Scheme – Centre zone, Community facilities zone, Low density residential zone, Low medium density residential zone, Medium density residential zone, Special purpose zone and Tourist Accommodation zone.

Clearly, the preferred location for Animal keeping is in the Rural zone, subject to assessment against the relevant codes. However, based on an assessment against the whole of the Planning Scheme other locations will be considered on land in the six (6) zones, listed above, which includes the Industry zone.

On the basis that the site is zoned Industry the proposed development is Impact-assessable development and so an assessment is required against the whole of the Planning Scheme, where relevant. The relevant provisions of the Planning Scheme are, as follows:

- Strategic framework;
- Industry zone code;
- Local plan code;

- Animal keeping code;
- Access, parking and services code;
- Advertising devices code;
- Environmental performance code;
- Infrastructure works code; and
- Landscaping code.

In assessing the proposed development against the relevant provisions of the Planning Scheme it is important to undertake the assessment based on:

- the location of the site and the surrounding land uses and activities;
- how the site is proposed to be redeveloped to accommodate the proposed development; and
- how the facility will operate on a day to day basis.

The site is fully serviced, all on-street works are in place, buildings and landscaping exist and so on that basis only a broad overview assessment against the codes relating to these issues is provided below.

STRATEGIC FRAMEWORK

The strategic framework (SF) sets the policy direction for the Planning Scheme, as endorsed by Council and the community and is the basis for guiding appropriate development within the Planning Scheme area for the life of the Planning Scheme.

The SF includes six (6) Themes and although each Theme can be read independently, the SF in its entirety represents the policy intent for the Planning Scheme. Some provisions of the SF are outlined and discussed below by Theme, where relevant, to the assessment of this application.

Theme 1 - Settlement pattern

The Settlement pattern for the Shire is broadly shown on the SF Maps. Under the SF mapping the site is included in the 'Urban area' designation on SF Map1 and Industry area on SF Map 2.

Strategic outcomes that are relevant include:

(4) Industrial activities are located in areas that are separate from sensitive land uses.

While the proposed use is not identified as an industrial activity it is proposed to be located in the industrial area of Craiglie, which is removed from sensitive land uses, which suits the type of development proposed.

3.4.2 Element – Urban settlement

(5) Industrial development occurs in clusters in Mossman South and adjacent to the

Mossman sugar mill close to the Mossman town centre. A newer industrial land subdivision is established on the western side of the Captain Cook Highway in Craiglie. Marine-orientated industry, and associated tourism activities, occurs adjacent to Dickson Inlet in Port Douglas.

3.4.2.1 Specific outcomes

(1) The settlement pattern for Douglas Shire is shown on the Strategic Framework map contained Schedule 2.

(9) Local plans provide localised planning responses and desired development outcomes for communities.

The proposed development is not in conflict with the SF mapping designations or the Local Plan, which is discussed in more detail below in this report.

3.4.3 Element – Activity centres – Not Applicable

3.4.4 Element – Industry areas and activities

(1) Growth in manufacturing, property and business services and transport and storage will continue to contribute to Douglas Shire's economy. The infrastructure required to support industry and business development will continue to be planned and provided.

3.4.4.1 Specific outcomes

(1) Sufficient land and infrastructure is supplied in Industry areas such as Craiglie and Mossman South to accommodate new and expanding enterprises.

(5) The industry area at Craiglie is a mix of commercial services / service industries. However, it will not be promoted as an area suitable for land uses that rely heavily on the highway for exposure to trade/function.

The proposed development is a commercial/community service development that is suitably located within an industrial area.

3.4.5 Element – Residential areas and activities - Not Applicable

3.4.6 Element – Rural residential areas – Not Applicable

3.4.7 Element – Mitigation of hazards - Not Applicable

3.4.8 Element – Recognition of the rights and interests of native title landholders - Not Applicable

Theme 2 - Environment and landscape values

3.5.2 Element – Aboriginal cultural heritage values - Not Applicable

3.5.3 Element – Biodiversity- Not Applicable

3.5.4 Element – Coastal zones- Not Applicable

3.5.5 Element – Scenic amenity- Not Applicable

3.5.6 Element – Air and acoustic protection and hazardous materials

(1) Other than the Mossman Sugar Mill and some of the marine industries in Dickson Inlet at Port Douglas, there are no areas of land devoted to the heavier forms of industry that would generate significant air or acoustic problems. As a result, it is possible that new industrial development may present future challenges. The key management approach in planning is to separate sensitive land uses from generators of nuisance. Given the historical development of the Shire (i.e. the Mossman sugar mill and port industries), this is not always practical and mitigation measures need to be implemented as an alternative.

(My Emphasis)

3.5.6.1 Specific outcomes

(1) The air and acoustic environment and hazardous materials are carefully managed to maintain the health and well-being of the community and the natural environment.

(2) Industries that have the potential to cause greater air and acoustic impacts and/or that include hazardous materials are separated from sensitive land uses.

(3) New noisy recreational activities such as major motorsport activities are not likely to be compatible with the amenity of the Shire. Impacts on sensitive receiving environments, including environmental habitats is to be avoided.

Note – Air and acoustic impacts are avoided and/or mitigated to comply with appropriate standards, Environmental Protection (Air) and Environmental Protection (Noise) Policy standards.

The proposed development can be conditioned to comply with the Environmental Protection (Air) and Environmental Protection (Noise) Policy standards and any recommendations made in the Acoustic Works Noise Report.

Theme 3 – Natural resource management

3.6.2 Element – Land and catchment management - Not Applicable

3.6.3 Element – Primary production, forestry and fisheries

(1) Primary production is a significant part of the natural resource and landscape value of the Shire. The Shire's townships and villages rely heavily on their surrounding sugar cultivation, tropical agriculture, horticulture and grazing industries. In particular, the primacy of the sugar cultivation will continue as a dominant rural pursuit in the Shire due to the critical importance of the sugar

industry to the Shire. Continued support is necessary to ensure the continued prosperity of these townships through the exclusion of non-agricultural land use activities in primary production areas.

3.6.3.1 Specific outcomes

(1) The viability of agricultural land is protected and maintained. Land uses that have the potential to conflict with on-going primary production are not established in rural areas.

(2) Rural areas include a range of rural activities of varying scale depending on land suitability and access to appropriate infrastructure, with development being consistent with prevailing land uses in the area.

(3) Lot reconfiguration does not result in the further fragmentation of rural land. Boundary realignments only occur where improved agricultural production or environmental protection outcomes are demonstrated, or where they resolve encroachments.

Animal keeping has traditionally established on Rural zoned land, or in some instances, Rural residential zoned land. However, there is a lack of available/suitable land for a stand- alone Animal keeping facility on either Rural zoned land or Rural residential zoned land in the Shire and a State and Council policy of no further fragmentation of rural land and no new Rural residential zoned land exacerbates this problem. This has resulted in the operators, be necessity, considering and adopting a new approach to the facility, where it operates, on industrial zone land, primarily indoors, in a controlled built environment where noise and odour can be adequately managed.

3.6.4 Element – Resource extraction – Not Applicable

Theme 4 - Strong communities and identity

3.7.1 Strategic outcomes

(4) Development is managed to enhance the character and identity of existing and future communities, providing services, facilities, parks, recreation areas, places to work, live and play and to celebrate culture, history and identity.

The Facility will provide a much needed service the local community and assist Council in animal management.

3.7.2 Element – Social planning and infrastructure - Not Applicable

3.7.3 Element – Active communities - Not Applicable

3.7.4 Element – Sense of place, community and identity - Not Applicable

3.7.5 Element – Housing choice and affordability - Not Applicable

3.7.6 Element – Arts and culture - Not Applicable

3.7.7 Element – Cultural and landscape heritage - Not Applicable

3.7.8 Element - Strengthening Indigenous communities - Not Applicable

Theme 5 - Economy

3.8.1 Strategic outcomes

(1) A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities is supported by the sustainable use and management of the Shire's natural resources.

The Facility will employ locals and re-establish Paws and Claws in the Shire, after a long period when the type of services offered were unavailable in the Shire.

3.8.2 Element – Economic growth and diversification - Not Applicable

3.8.3 Element – Tourism – Not Applicable

3.8.4 Element – Primary production

(1) Primary production, in particular the dominant sugar industry, and associated manufacturing has always been a significant contributor to Douglas Shire's economy. Considerable opportunities exist to add value to primary produce and to diversify the base income of the rural sector and improve employment opportunities. The Shire's competitive strengths of rich agricultural soils, tropical climate with high rainfall, and proximity to Cairns should be promoted to attract new industries complementary to the Shire's lifestyle.

3.8.4.1 Specific outcomes

(3) The availability and viability of rural land for on-going agricultural uses is not compromised by inappropriate or incompatible development.

The long-standing State and local planning policy to:

- protect Good Quality Agricultural Land (GQAL) from fragmentation;
- to protect the viability of the existing primary production sector; and
- to actively encourage agricultural diversification;

has resulted in limited opportunities for establishing modest Animal keeping facilities in Rural areas in the Shire; prompting a need to consider, investigate and adopt a different animal keeping model, one that is becoming increasingly popular in cities and urban areas.

3.8.5 Element – Innovation and technology - Not Applicable

Theme 6 - Infrastructure and transport

3.9.2 Element – Energy – Not Applicable

3.9.3 Element – Water and waste management – Not Applicable

3.9.4 Element – Transport - Not Applicable

3.9.5 Element – Information technology - Not Applicable

In summary, the SF outlines the broad policy direction for development in the Shire and therefore relies on other sections/elements of the Planning Scheme to provide more detailed guidance to determine if a proposed development is suitable or not. However, in general terms there is no identified direct conflict between the proposed development and the SF and the Application must be assessed on its merits.

INDUSTRY ZONE CODE

Industry zone code

Purpose

(1) The purpose of the Industry zone code is to provide for a range of service, low or medium impact industrial uses. It may include non-industrial and business uses that support the industrial activities where they do not compromise the long-term use of the land for industrial purposes.

(2) The local government purpose of the code is to:

(a) implement the policy direction set in the Strategic Framework, in particular:

*(i) Theme 1: Settlement pattern,
Element 3.4.4 – Industry areas and activities.*

*(ii) Theme 2: Environment and landscape values,
Element 3.5.6 – Air and acoustic protection and hazardous materials.*

*(iii) Theme 5: Economy,
Element 5.8.2 – Economic growth and diversification,
Element 5.8.5 – Innovation and technology.*

(b) provide and protect land that is accessible and serviced for the location of industry;

(c) manage development to maintain an industrial amenity and provide adequate separation to sensitive land use activities.

(d) ensure the long term dominance of the Mossman Mill as an industrial activity on Industry zoned land in Mossman will continue to contribute to the development and prosperity of the town.

(e) recognise the opportunity to consolidate further industrial development around the Mosman Mill site to create a low /medium impact industry precinct in Mossman.

(3)The purpose of the code will be achieved through the following overall outcomes:

(a) Uses and works for industrial purposes are located, designed and managed to maintain safety to people, avoid significant adverse effects on the natural environment and minimise impacts on adjacent non-industrial land.

(b)The scale, character and built form of development contributes to a high standard of amenity.

(c) Development has access to development infrastructure and essential services.

(d)The viability of both existing and future industrial activities is protected from the intrusion of incompatible uses.

(e)Industrial uses are adequately separated from land uses to minimise the likelihood of environmental harm or environmental nuisance occurring.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	COMMENT
For self -assessable and assessable development		
PO1 <i>The height of buildings and structures is consistent with those of nearby buildings.</i>	AO1 <i>Buildings and structures are not more than 10 metres in height.</i>	Buildings exist
PO2 <i>Buildings and structures are setback to contribute to an attractive and consistent streetscape appearance and to protect the amenity of other land uses.</i>	AO2.1 <i>Buildings, structures, display and storage areas are set back a minimum of:</i> <i>(a) 8 metres to a State-controlled road;</i> <i>(b) 6 metres from any other road frontage(s).</i>	Buildings exist
	AO2.2 <i>Where a site has a common boundary with land in an Industry zone, the buildings are setback</i>	Not Applicable

	<p><i>either:</i> <i>(a) 0 metres from the side and rear boundaries;</i> <i>or</i> <i>(b) 2.5 metres or ¼ of the height of the building, whichever is the greater;</i> <i>and</i> <i>(c) not any distance between 0 metres and 2.5 metres.</i></p> <p><i>Note – Building Code requirements must be satisfied.</i></p> <p>AO2.3 <i>Where a site has a common boundary with land not in an Industry zone, the buildings, structures, display areas and storage are setback 2.5 metres or ¼ of the height of the building, whichever is the greater from the common boundary.</i></p> <p><i>Note – Building Code requirements must be satisfied.</i></p>	Not Applicable
<p>PO3 <i>The site coverage of buildings ensures that there is sufficient space available to cater for services, landscaping and the on-site parking and manoeuvring of vehicles.</i></p>	<p>AO3 <i>The site coverage of buildings does not exceed 60%.</i></p>	Buildings exist
<p>PO4 <i>Development provides a quality workplace.</i></p>	<p>AO4.1 <i>Pedestrian entrances to buildings are:</i> <i>(a) easy to identify from the street and on-site car parking areas;</i> <i>(b) provided with sun and rain protection consisting of a minimum width of 900mm and</i></p>	Complies and building exists.

	<p><i>positioned immediately above the entry way.</i></p> <p>AO4.2 <i>Any office or sales spaces are orientated toward the street and are provided with human scale elements (including, but not limited to, windows, doors, shading devices and variations in construction materials, colours etc.).</i></p> <p>AO4.3 <i>Customer parking is located at the front of the building between the building and the street or to the side of the building with clear visibility to the street.</i></p> <p>AO4.4 <i>Any gates are sliding, or alternatively, open inward to the site so that the adjoining footpath reserve is not blocked when gates are open.</i></p> <p>AO4.5 <i>Car parking surfaces are constructed or coated with glare-reducing materials.</i></p>	<p>Complies</p> <p>Complies</p> <p>Not Applicable</p> <p>Complies</p>
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<p>P05 <i>The appearance and amenity of development is enhanced through landscaping works.</i></p> <p><i>Note – Planning scheme policy –Landscaping provides further guidance on meeting the performance outcome.</i></p>	<p>A05.1 <i>A minimum of 20% of the site is provided with space available for landscape planting.</i></p> <p>A05.2 <i>A 2 metre landscape planting strip for dense planting is provided along the road frontage(s), except that a 3 metre strip is provided along any frontage to the Captain Cook Highway.</i></p> <p>A05.3 <i>Landscape planting beds adjacent to parking and manoeuvring areas are protected from vehicle encroachment by a 150mm high vertical kerb edge or similar durable obstruction.</i></p> <p>A05.4 <i>Landscape planting consists of hardy tropical species suited to Douglas Shire’s climatic conditions.</i></p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
<p>P06 <i>The movement of traffic on roads is not compromised by the loading and unloading of goods.</i></p>	<p>A06 <i>All delivery/pick up vehicles are situated entirely within the site when being loaded and/or unloaded with goods.</i></p>	<p>Can comply</p>
<p>P07 <i>Industrial areas are not characterised by a proliferation of advertising signs and/or the use of large advertising signs.</i></p>	<p>A07 <i>No wall signs or painted advertising are located on the walls of industrial buildings facing, or visible to, the Captain Cook Highway.</i></p>	<p>Can comply</p>
<p>P07 (sic) <i>The movement of traffic on roads is not compromised by access and egress to the site.</i></p>	<p>A07.1 (sic) <i>Site access for vehicles is limited to one point per road frontage. or</i></p>	<p>Complies</p>

	<p>A07.2 <i>If needed, two access points separated by a minimum of 10 metres to facilitate on-site vehicular manoeuvring for large vehicles.</i></p> <p>A07.3 <i>Sufficient space is available for vehicles to manoeuvre within the site so as to enter and leave the site in forward gear.</i></p>	<p>Not Applicable</p> <p>Complies</p>
<p>PO8 <i>Development collects and disposes of waste materials and caters for spillages in a manner that prevents contamination of land or water.</i></p>	<p>A08.1 <i>Sources of potential contaminants are roofed and sealed with impervious surfaces and provided with 110% storage capacity bund for spillage containment.</i></p> <p>A08.2 <i>Roof and storm water are directed away from areas of potential contamination.</i></p> <p>A08.3 <i>Contaminating materials are stored at levels above the defined flood / storm tide event, whichever is the highest.</i></p>	<p>A designated waste area is proposed and can be conditioned to comply</p> <p>Complies – building exists</p> <p>Can comply, (if dog faeces are considered to be 'contaminated material')</p>
For assessable development		
<p>PO9 <i>The establishment of uses is consistent with the outcomes sought for the Industry zone and protects the zone from the intrusion of inconsistent uses.</i></p>	<p>AO9 <i>Uses identified in Table 6.2.5.3.b are not established in the Industry zone.</i></p>	<p>Complies</p>
<p>PO10 <i>Development does not lower the standards of amenity in terms of air, noise, odour, electrical interference and vibrations</i></p>	<p>AO10 <i>No acceptable outcomes are prescribed</i></p>	<p>Can comply – refer to this report and the Acoustic Works Noise Report.</p>

<i>at any land use associated with the: (a)the Accommodation activity group, located outside the Industry zone; (b)the Sensitive land use activity group, located outside the Industry zone.</i>		
PO11 <i>New lots contain a minimum area of 1000m².</i>	AO11 <i>No acceptable outcomes are prescribed</i>	Complies – 2027m ²
PO12 <i>New lots have a minimum road frontage of 20 metres</i>	AO12 <i>No acceptable outcomes are prescribed</i>	Not Applicable, lot exists.
PO13 <i>New lots contain a 20 metre x 40 metre rectangle.</i>	AO13 <i>No acceptable outcomes are prescribed</i>	Not Applicable, lot exists

The proposed development can comply with the relevant provisions of the Industry zone code.

LOCAL PLAN CODE

Port Douglas/Craiglie local plan code

Purpose

(1) The purpose of the Port Douglas/Craiglie local plan code is to facilitate development outcomes consistent with community values, the local tropical built-form and protection of the natural environment within the Port Douglas/Craiglie local plan area, while providing a platform for investment and prosperity.

In addition, the purpose of the code is supported by the Port Douglas Waterfront Master Plan which provides a clear strategic direction for the incremental transformation of the Port Douglas Waterfront, including the following objectives:

- (b) To set out a vision for revitalisation of the waterfront;*
- (c) To protect and enhance the environmental attributes; and*

(2) To provide a flexible framework, expressed through several key strategies that will assist the Council and community in managing change.

(3) The purpose of the code will be achieved through the following overall outcomes:

- (a) Port Douglas will continue to develop as the premium destination for international and domestic tourists in the Far North Queensland Region,*

while also acting for permanent residents attracted to the associated lifestyle.

- (b) Major tourist, retail, dining and entertainment facilities will consolidate in the Town Centre and the Waterfront North sub-precincts, with improved pedestrian connections between the town centre and the waterfront.*
- (c) Craiglie will develop as an integrated residential community with some low scale tourism development opportunities in appropriate locations. Craiglie will also function as small scale commercial and light industry node, providing employment opportunities for the Shire's permanent resident population.*
- (d) All forms of development will complement the tropical image of the town through distinctive tropical vernacular, urban design and landscaping.*
- (e) Character will be enhanced through the identification of gateway sites, landmarks, main approach routes and pedestrian thoroughfares and view corridors;*
- (f) The Flagstaff Hill, Dickson Inlet, Four Mile Beach and other areas of scenic and environmental significance will be protected from development. Vegetation cover will dominate over built form.*
- (g) Vegetation, iconic to the character of Port Douglas, including the avenues of Oil Palms, is retained and where appropriate supplemented.*
- (h) Development will be indistinguishable from view from Four Mile Beach. In addition, any development on Flagstaff Hill will be indistinguishable when viewed from vantage points in Port Douglas.*
- (i) Residential areas are designed as pleasant, functional and distinctive, in visually well-defined areas.*

The purpose of the code will be further achieved through the following overall outcomes:

- (a) Precinct 1 –Port Douglas..... – Not Applicable*
 - (i) Sub-precinct 1a –Town Centre.....– Not Applicable*
 - (ii) Sub-precinct 1b –Waterfront North..... – Not Applicable*
 - (iii) Sub-precinct 1c –Waterfront South..... – Not Applicable*
 - (iv) Sub-precinct 1d –Limited Development.....– Not Applicable*
 - (v) Sub-precinct 1e –Community and recreation..... – Not Applicable*
 - (vi) Sub-precinct 1f –Flagstaff Hill–..... Not Applicable*
- (b) Precinct 2 –Integrated Resort –..... Not Applicable*

(c) *Precinct 3 –Craiglie Commercial and Light Industry*

(13) *In addition to the overall outcomes, development in the Craiglie Commercial and Light Industry precinct facilitates the following overall outcomes:*

(a) *development supports the tourism and marine industries in Port Douglas, along with the small-scale commercial and light industry land uses that support the local economy that would otherwise be better suited to a location outside the Port Douglas Centre Precinct unless they pose a safety issue;*

(b) *development adjacent to the Captain Cook Highway presents an attractive appearance to the highway. The rain-trees, melaleucas and eucalypt trees along the Captain Cook Highway are retained where possible, taking into account the Department of Transport and main Road’s requirements;*

(c) *retailing activities are generally restricted to those which are ancillary and necessarily associated with the primary service and light industry nature of the area;*

(d) *adjacent residential areas are protected from industry nuisances*

(e) *lots fronting Downing Street, between Dickson Street and Beor Street, are provided with an appropriate standard of road access and infrastructure, prior to development occurring.*

(d) *Precinct 4 –Old Port Road / Mitre Street –..... Not Applicable*

(e) *Precinct 5 –Very Low Density Residential/ Low Scale Recreation/Low Scale Educational/Low Scale Entertainment Uses Precincts –..... Not Applicable.*

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	COMMENT
<i>For self- assessable and assessable development</i>		
<i>Development in the Port Douglas/Craiglie local plan area generally</i>		
<i>PO1</i> <i>Pedestrians, cyclists, motorists and public transport users can easily move into and through the precinct along planned connectivity routes, identified on the Port</i>	<i>AO1</i> <i>A pedestrian and cycle movement network is integrated and delivered through development.</i>	Not Applicable- There are no planned connectivity routes shown on the plans for Craiglie.

<p><i>Douglas / Craiglie local plan maps contained in Schedule 2.</i></p>		
<p>PO2 <i>Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the context of Port Douglas / Craiglie (as identified on the Port Douglas/ Craiglie Townscape Plan map contained in Schedule 2).</i></p>	<p>AO2.1 <i>Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the lush tropical character of the town, including:</i> <i>(a)the tree covered backdrop of Flagstaff Hill;</i> <i>(b)natural vegetation along watercourses, in particular the Mowbray River, Beor Creek and Dickson Inlet;</i> <i>(c) the tidal vegetation along the foreshore;</i> <i>(d)beachfront vegetation along Four Mile Beach, including the fringe of Coconut Palms;</i> <i>(e)the oil palm avenues along the major roads;</i> <i>(f) the lush landscaping within major roundabouts at key nodes;</i> <i>(g)Macrossan Street and Warner Street;</i> <i>(h)Port Douglas waterfront.</i></p> <p>AO2.2 <i>Development protects and does not intrude into important views and vistas as identified on the Port Douglas Townscape Plan map contained in Schedule 2, in particular:</i> <i>(a)Flagstaff Hill;</i> <i>(b)Four Mile Beach;</i> <i>(c) Across to the ranges over Dickson Inlet;</i> <i>(d)Mowbray Valley.</i></p> <p>AO2.3</p>	<p>Not Applicable- the site is already developed and in any event is not sited in a location to be affected.</p> <p>Not Applicable</p>

	<i>Important landmarks, memorials and monuments are retained.</i>	Not Applicable
PO3 <i>Development contributes to the protection, reinforcement and where necessary enhancement of gateways and key intersections identified on the Port Douglas /Craiglie local plan maps contained in Schedule 2.</i>	AO3 <i>Development adjacent to the gateways and nodes as identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 incorporates architectural features and landscaping treatments and design elements that enhance the sense of arrival and way finding within the town.</i>	Not Applicable
PO4 <i>Landscaping of development sites complements the existing tropical character of Port Douglas and Craiglie.</i>	AO4 <i>Landscaping incorporates the requirements of Planning scheme policy SC6.7 –Landscaping, in particular landscaping should be capable of achieving a 60% screening of development within 5 years and predominantly consists of endemic vegetation.</i>	<i>The site is already landscaped.</i>
PO5 <i>Development does not compromise the safety and efficiency of the State-controlled road network.</i>	AO5 <i>Direct access is not provided to a State-controlled road where legal and practical access from another road is available.</i>	<i>Not Applicable- the site does not have direct access to a State controlled road.</i>
For assessable development		
Additional requirements for: Precinct 1 –Port Douglas (i) Sub-precinct 1a –Town Centre (ii) Sub-precinct 1b –Waterfront North (iii)Sub-precinct 1c –Waterfront South (iv)Sub-precinct 1d –Limited Development (v) Sub-precinct 1e –Community and recreation (vi)Sub-precinct 1f –Flagstaff Hill Precinct 2 –Integrated Resort Precinct 4 –Old Port Road / Mitre Street Precinct 5 –Very Low Density Residential/ Low Scale Recreation/Low Scale Educational/Low Scale Entertainment Uses		
PO6/AO6 to PO64/AO64 - Not Applicable		

Additional requirements for Precinct 3 – Craiglie Commercial and Light Industry precinct

<p>PO65 <i>Development supports the tourism and marine industries in Port Douglas, along with the small-scale commercial and light industry land uses that support the local economy that would otherwise be better suited to a location outside the Port Douglas Town Centre Precinct.</i></p>	<p>AO65 <i>Development consists of service and light industries and associated small scale commercial activities.</i></p>	<p>The proposed development will support the tourism industry as boarding and allied services offered at the Facility will be available for pets of tourists travelling through or staying in the area and the use is better suited to a location outside the Port Douglas Town Centre but still central to clientele.</p> <p>In addition, backpackers often visited the former facility and walked dogs on the beach, a highlight of their stay in the local area. This will also be possible at the proposed new site, due to its accessible location.</p>
<p>PO66 <i>Development on lots adjacent to the Captain Cook Highway is sited, designed and landscaped to provide an attractive visual approach to Port Douglas with all buildings, structures and car parking areas setback a sufficient distance from the frontage to enable landscaping to soften or screen the appearance of the development.</i></p>	<p>AO66.1 <i>Buildings and structures are setback 8 metres from the Captain Cook Highway frontage, or no closer to the Captain Cook Highway frontage than buildings and structures on adjoining sites (averaged), whichever is the greater.</i></p> <p>AO66.2 <i>The setback area to the Captain Cook Highway frontage is landscaped with advanced dense planting including tree species (100 litre bag stock), which will, at maturity, exceed the height of the building(s) on the site.</i></p>	<p>Not Applicable- the site is not located adjacent to the Captain Cook Highway and it is not visible from the highway.</p> <p>Not Applicable- the site is not located adjacent to the Captain Cook Highway and it is not visible from the highway.</p>

	<p>AO66.3 <i>Advertising signs are discreet in appearance with no large advertising signs, including tenancy signs, located on or near the Captain Cook Highway frontage, or within any landscaped setback area.</i></p> <p>AO66.4 <i>Car parking areas, loading and other service areas are designed to be screened from the Captain Cook Highway and are located so as to not be visually prominent from the Captain Cook Highway.</i></p>	<p>Not Applicable- the site is not located adjacent to the Captain Cook Highway and it is not visible from the highway.</p> <p>Not Applicable- the site is not located adjacent to the Captain Cook Highway and it is not visible from the highway.</p>
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ANIMAL KEEPING CODE

Purpose

(1) The purpose of the Animal keeping code is to assess the suitability of development to which this code applies.

(2) The purpose of the code will be achieved through the following overall outcomes:

- (a) sites are of a size and configuration capable of accommodating the use;*
- (b) the amenity of the locality and adjoining sensitive land uses is maintained;*
- (c) animals are protected from vermin, wind, rain, sun and extreme weather conditions;*
- (d) adequate facilities are provided for the collection and disposal of animal waste.*

Performance outcomes	Acceptable outcomes	Comment
<i>For assessable development</i>		

<p>PO1 <i>The site has sufficient area and frontage to accommodate:</i> <i>(a) buildings and structures;</i> <i>(b) setbacks;</i> <i>(c) access, parking, manoeuvring and circulation;</i> <i>(d) pedestrian access;</i> <i>(e) landscaping;</i> <i>(f) the keeping of animals consistent with the amenity of adjoining and nearby properties;</i> <i>(g) servicing requirements such as waste and recyclable material storage facilities and collection areas;</i> <i>(h) adequate separation between buildings, pens, waste disposal areas and other service facilities from wells or bores, and adjoining sensitive receiving environments.</i></p>	<p>AO1 <i>The use is located on a lot with a minimum area of:</i> <i>(a) 1 hectare for a kennel;</i> <i>(b) 1 hectare for a cattery;</i> <i>(c) 2 hectares for a stable;</i> <i>(d) all others – lot size is determined on the number and type of animals to be kept.</i></p>	<p>Does not comply with the Acceptable outcome. However, the type of Facility proposed is based on a new model, which provides for domestic animals to be kept primarily indoors in an acoustic, noise attenuated building/s, located in an industrial area, where the requirement for a 1 hectares site is negated by the way the Facility operates. On that basis the Performance outcome can be achieved.</p>
<p>PO2 <i>Setbacks from all external boundaries:</i> <i>(a) ensures the efficient use of the site;</i> <i>(b) maintains the visual character of the locality;</i> <i>(c) protects the amenity of nearby sensitive land uses and environments.</i></p>	<p>AO2.1 <i>The use is setback in accordance with Table 9.3.1.3.b, as follows:</i> <i>-For kennels and cattery Road frontages – min. of 50 metres</i> <i>Side and rear boundaries- min. of 15 metres</i> AO2.2 <i>Animals are kept in enclosures, inside buildings at all times between the hours of 6.00pm and 7.00am.</i> AO2.3 <i>A person who is</i></p>	<p>Does not comply with the Acceptable Outcome but is considered to comply with the Performance outcome, for the reasons outlined above.</p> <p>Can comply</p>

	<i>responsible for the supervision of the operation of the development is accommodated on the site at all times.</i>	Can comply
<p>PO3 <i>Noise and odour levels generated by the use are compatible with that experienced in the locality.</i></p> <p><i>Note – A Noise impact assessment report is likely to be required to demonstrate compliance with this particular performance outcome.</i></p>	<p>AO3 <i>No acceptable outcomes are prescribed</i></p>	Can comply, refer to Acoustic Works Noise Report and commentary about odour in this report, above.
<p>PO4 <i>The use:</i> <i>(a) does not have openings that face adjoining sensitive land uses;</i> <i>(b) ensures facilities that house animals incorporate noise attenuating measures;</i> <i>(c) ensures buildings are ventilated to minimise potential for odour nuisance.</i></p>	<p>AO4 <i>No acceptable outcomes are prescribed</i></p>	<p>(a) Complies (b) Will comply (c) Will comply</p>
<p>PO5 <i>The use:</i> <i>(a) ensures the safe, humane and hygienic keeping, breeding, training and care of animals;</i> <i>(b) ensures protection of animals from wind, rain, sun, extreme weather conditions and vermin.</i></p>	<p>AO5 <i>The use:</i> <i>(a) ensures buildings used to house animals are roofed;</i> <i>(b) provides facilities that are available for the isolation of animals suspected of having an infectious condition;</i> <i>(c) provides floors that are impermeable to assist cleaning and drainage;</i> <i>(d) provides animal -proof fencing immediately</i></p>	Can comply

	<p><i>surrounding kennels and catteries, including pens and runs, that:</i></p> <p><i>(i) are a minimum of 2 metres high;</i></p> <p><i>(ii) are constructed of mesh, chain or similar materials;</i></p> <p><i>(iii) prevent animal escape through climbing, jumping or digging.</i></p>	
<p>P06</p> <p><i>The collection and disposal of animal waste:</i></p> <p><i>(a) does not adversely impact on the quality of receiving waters;</i></p> <p><i>(b) minimises odour impacts on nearby sensitive receiving environments.</i></p>	<p>A06</p> <p><i>The use:</i></p> <p><i>(a) ensures solid wastes are collected and placed in weather, fly and vermin proof receptacles and disposed of by a licensed disposal service;</i></p> <p><i>(b) ensures drainage and disposal of liquid waste is diverted to:</i></p> <p><i>(i) Council's sewerage system under the conditions of a Trade Waste Permit; or</i></p> <p><i>(ii) a wastewater treatment system; or a holding tank for collection by a licensed liquid waste transporter.</i></p>	Will comply
<p>P07</p> <p><i>Storm water is managed to ensure contaminants are diverted away from buildings, structures and areas used for the keeping or washing of animals and waste disposal areas.</i></p>	<p>A07</p> <p><i>No acceptable outcomes are prescribed</i></p>	Will comply

The proposed development can generally comply given the type of indoor Facility proposed and can be conditioned to comply with the relevant provisions of the Code.

CARETAKER'S ACCOMMODATION CODE

Purpose

(1) The purpose of the Caretaker's accommodation code is to assess the suitability of development to which this code applies.

- (2) *The purpose of the code will be achieved through the following overall outcomes:*
- (a) *caretaker's accommodation is used for genuine caretaking or property management purposes;*
 - (b) *an acceptable level of amenity is provided to the caretaker.*

Performance outcomes	Acceptable outcomes	Comment
For self-assessable and assessable development		
PO1 <i>The caretaker's accommodation is of a small scale.</i>	AO1 <i>The gross floor area of the caretaker's accommodation is not greater than: (a) 120m² in a Rural zone; (b) 80m² in any other zone.</i>	Complies
PO2 <i>The caretaker's accommodation provides sufficient outdoor private open space for the reasonable recreation and domestic needs of the resident(s).</i>	AO2.1 <i>Development: (a) at ground-level provides private open space of at least 30m² with a minimum dimension of 3 metres that is screened from other activities on site; or (b) located entirely above ground floor level provides a private open space comprising a balcony or deck or open roof space, with a minimum horizontal dimension of at least 8m² and minimum dimension of 2 metres, which is directly accessible to a living area.</i>	Can comply with the Performance outcome.
	AO2.2 <i>The caretaker's accommodation is provided with: (a) an outdoor service court with a minimum area of 5m² to facilitate clothes drying; (b) an area for general</i>	Can comply

	<p>storage;</p> <p>(c) an area for the storage of a garbage receptacle;</p> <p>(d) a designated covered car parking space;</p> <p>(e) separate occupant access, independent from access to any non-residential building on the site.</p>	
<p>PO3</p> <p><i>The caretaker's accommodation is necessary for the operation of the primary use of the site</i></p>	<p>AO3.1</p> <p><i>Only one caretaker's accommodation is established per site.</i></p> <p>AO3.2</p> <p><i>The caretaker's accommodation is occupied only by the proprietor, manager or caretaker of the use where located in an Industry or Centre zone; or</i></p> <p>AO3.3</p> <p><i>The caretaker's accommodation is occupied only by the proprietor, manager or caretaker of the use where located in any other zone together with any immediate family of that person.</i></p> <p>AO3.4</p> <p><i>The caretaker's accommodation is located on the same lot as the primary use.</i></p>	<p>Complies</p> <p>Complies</p> <p>N/A</p> <p>Complies</p>
<p><i>Additional requirements in a Rural zone</i></p>	<p>N/A</p>	<p>N/A</p>

The proposed development can comply with the Code.

ACCESS PARKING AND SERVICING CODE

(1) The purpose of the Access, parking and servicing code is to assess the suitability of access, parking and associated servicing aspects of a development.

(2) The purpose of the code will be achieved through the following overall outcomes:

- (a) sufficient vehicle parking is provided on-site to cater for all types of vehicular traffic accessing and parking on-site, including staff, guests, patrons, residents and short term delivery vehicles;*
- (b) sufficient bicycle parking and end of trip facilities are provided on-site to cater for customer and service staff;*
- (c) on-site parking is provided so as to be accessible and convenient, particularly for any short term uses;*
- (d) development provides walking and cycle routes through the site which link the development to the external walking and cycling network;*
- (e) the provision of on-site parking, loading/unloading facilities and the provision of access to the site do not impact on the efficient function of street network or on the area in which the development is located;*
- (f) new vehicular access points are safely located and are not in conflict with the preferred ultimate streetscape character and local character and do not unduly disrupt any current or future on-street parking arrangements.*

The site of the proposed development includes seven (7) on-site car parking spaces, located adjacent to the building and the Teamsters Close site frontage and one (1) car parking space is located at the rear, adjacent to the Caretaker's accommodation.

Under the provisions of the Code Table 9.4.1.3b sets out car parking requirements for specific land uses. Caretaker's accommodation requires the provision of one (1) car parking space and one (1) space is provided. Where no specific requirements are specified, as is the case for Animal keeping, the Code requires:

'Sufficient spaces to accommodate the number of vehicles likely to be parked at any one time.'

The seven (7) car parking spaces provided, plus one (1) additional space provided adjacent to the new Caretaker's accommodation is considered sufficient on-site car parking to service the Facility.

ADVERTISING DEVICES CODE

(1) The purpose of the Advertising devices code is to ensure that advertising devices are established in a manner which is consistent with the desired character and amenity of Douglas Shire.

(2) *The purpose of the code will be achieved through the following overall outcomes:*

- (a) *an advertising device complements, and does not detract from the desirable characteristics of the natural and built environment in which the advertising device is exhibited;*
- (b) *third party advertising devices are not encouraged to establish in the Shire, being contrary to the unique character, lifestyle and environmental attributes of the Shire;*
- (c) *an advertising device is designed and integrated into the built form so as to minimise visual clutter;*
- (d) *an advertising device does not adversely impact on visual amenity of a scenic route, heritage building or public open space;*
- (e) *an advertising device does not adversely impact on rural, rural residential, residential, environmental management or conservation areas;*
- (f) *an advertising device does not pose a hazard for pedestrians, cyclists or drivers of motor vehicles.*

The site of the proposed development incorporates signage that will be repurposed for the proposed Facility and satisfies the outcomes sought in the Code.

ENVIRONMENTAL PERFORMANCE CODE

(1) *The purpose of the Environmental performance code is to ensure development is designed and operated to avoid or mitigate impacts on sensitive receiving environments.*

(2) *The purpose of the code will be achieved through the following overall outcomes:*

- (a) *activities that have potential to cause an adverse impact on amenity of adjacent and surrounding land, or environmental harm is avoided through location, design and operation of the development;*
- (b) *sensitive land uses are protected from amenity related impacts of lighting, odour, airborne particles and noise, through design and operation of the development;*
- (c) *stormwater flowing over, captured or discharged from development sites is of a quality adequate to enter receiving waters and downstream environments;*
- (d) *development contributes to the removal and ongoing management of weed species.*

PERFORMANCE	ACCEPTABLE	COMMENTS
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OUTCOMES	OUTCOMES	
<p>Lighting PO1 <i>Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.</i></p>	<p>AO1.1 <i>Technical parameters, design, installation, operation and maintenance of outdoor lighting comply with the requirements of Australian standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.</i></p> <p>AO1.2 <i>Development that involves flood lighting is restricted to a type that gives no upward component of light where mounted horizontally.</i></p> <p>AO1.3 <i>Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.</i></p>	<p>Can comply or can be conditioned to comply. (Outside lighting is only proposed to the front and rear of the premises for security purposes).</p> <p>Can comply or can be conditioned to comply, if relevant.</p> <p>N/A</p>
<p>Noise PO2 <i>Potential noise generated from the development is avoided through design, location and operation of the activity.</i></p> <p><i>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</i></p>	<p>AO2.1 Development does not involve activities that would cause noise related environmental harm or nuisance; or</p> <p>AO2.2 Development ensures noise does not emanate from the site through the use of materials, structures and architectural features to not cause an adverse noise impact on adjacent uses.</p> <p>AO2.3 The design and layout of development ensures</p>	<p>Refer to Appendix 3 and the Acoustic Works Noise Report.</p> <p>Will comply</p> <p>Car parking area exists.</p>

	<p>car parking areas avoid noise impacting directly on adjacent sensitive land uses through one or more of the following:</p> <p>(a) car parking is located away from adjacent sensitive land uses; (b) car parking is enclosed within a building; (c) a noise ameliorating fence or structure is established adjacent to car parking areas where the fence or structure will not have a visual amenity impact on the adjoining premises; (d) buffered with dense landscaping.</p> <p>Editor's note - The Environmental Protection (Noise) Policy 2008, Schedule 1 provides guidance on acoustic quality objectives to ensure environmental harm (including nuisance) is avoided.</p>	
<p>Airborne particles and other emissions PO3 Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity.</p> <p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p>	<p>AO3.1 Development does not involve activities that will result in airborne particles or emissions being generated; or</p> <p>AO3.2 The design, layout and operation of the development activity ensures that no airborne particles or emissions cause environmental harm or nuisance.</p>	<p>N/A</p> <p>N/A</p>

	<p>Note - examples of activities which generally cause airborne particles include spray painting, abrasive blasting, manufacturing activities and car wash facilities. Examples of emissions include exhaust ventilation from basement or enclosed parking structures, air conditioning/refrigeration ventilation and exhaustion. The Environmental Protection (Air) Policy 2008, Schedule 1 provides guidance on air quality objectives to ensure environmental harm (including nuisance) is avoided.</p>	
<p>Odours PO4 Potential odour causing activities associated with the development are avoided through design, location and operation of the activity.</p> <p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p>	<p>AO4.1 The development does not involve activities that create odorous emissions; or</p> <p>AO4.2 The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.</p>	<p>Compliance will be achieved with the Performance outcome.</p> <p>Compliance will be achieved with the Performance outcome.</p>
<p>Waste and recyclable material storage PO5 Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses.</p>	<p>AO5.1 The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.</p>	<p>Can comply and can be conditioned to comply</p>

<p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p>	<p>AO5.2 Waste and recyclable material storage facilities are located, designed and maintained to not cause an adverse impact on users of the premises and adjacent uses through consideration of:</p> <p>(a) the location of the waste and recyclable material storage areas in relation to the noise and odour generated; (b) the number of receptacles provided in relation to the collection, maintenance and use of the receptacles; (c) the durability of the receptacles, sheltering and potential impacts of local climatic conditions; (d) the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and sensitive receiving waters and environments.</p> <p>Editor’s note - the Environmental Protection (Waste Management) Policy 2008 provides guidance on the design of waste containers (receptacles) to ensure environmental harm (including nuisance) is avoided.</p>	<p>Can comply and can be conditioned to comply</p>
<p>Sensitive land use activities PO6 Sensitive land use activities are not established in areas which will receive potentially incompatible impacts on</p>	<p>AO6.1 Sensitive land use activities are not established in areas that will be adversely impacted upon</p>	<p>The only sensitive land use found in an industrial area is Caretaker’s accommodation, where the residential amenity is</p>

<p>amenity from surrounding, existing development activities and land uses.</p>	<p>by existing land uses, activities and potential development possible in an area; or</p> <p>AO6.2 Sensitive land activities are located in areas where potential adverse amenity impacts mitigate all potential impacts through layout, design, operation and maintenance.</p>	<p>not typical of the amenity found in a residential area.</p> <p>The Cleanaway site, adjoining the subject site, includes Caretaker's accommodation and this has been taken into account by Acoustic Works and considered in light of the existing industrial character and amenity of the area and the fact that work starts at 4am at the Cleanaway site, resulting in reduced amenity for the caretaker on that site.</p>
<p>Stormwater quality PO7 The quality of stormwater flowing over, through or being discharged from development activities into watercourses and drainage lines is of adequate quality for downstream environments, with respect to: (a)the amount and type of pollutants borne from the activity; (b)maintaining natural stream flows; (c)the amount and type of site disturbance; (d)site management and control measures</p>	<p>AO7.1 Development activities are designed to ensure stormwater over roofed and hard stand areas is directed to a lawful point of discharge.</p> <p>AO7.2 Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.</p> <p>AO7.3 Soil and water control measures are incorporated into the activity's design and operation to control sediment and erosion potentially entering watercourses, drainage lines and downstream receiving waters.</p> <p>Note - Planning scheme policy - FNQROC Regional</p>	<p>The site and the existing development are already connected to a lawful point of discharge.</p> <p>As above</p> <p>As above</p>

	Development Manual provides guidance on soil and water control measures to meet the requirements of the Environmental Protection Act 1994. During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.	
Pest plants (for material change of use on vacant land over 1,000m²)	Not Applicable

LANDSCAPING CODE

(1) The purpose of the Landscaping code is to assess the landscaping aspects of a development.

(2) The purpose of the code will be achieved through the following overall outcomes:

- (a) The tropical, lush landscape character of the region is retained, promoted and enhanced through high quality landscape works;*
- (b) The natural environment of the region is enhanced;*
- (c) The visual quality, amenity and identity of the region is enhanced;*
- (d) Attractive streetscapes and public places are created through landscape design;*
- (e) As far as practical, existing vegetation on site is retained, and protected during works and integrated with the built environment;*
- (f) Landscaping is provided to enhance the tropical landscape character of development and the region;*
- (g) Landscaping is functional, durable, contributes to passive energy conservation and provides for the efficient use of water and ease of ongoing maintenance;*
- (h) Landscaping takes into account utility service protection;*
- (i) Weed species and invasive species are eliminated from development sites;*

(j) Landscape design enhances personal safety and incorporates CPTED principles.

The site is already landscaped and following the conversion of the side areas to dog runs, the site will still have landscaped areas to the two (2) site frontages and the northern side boundary and will include landscaping around the Caretaker's accommodation, for use as an outdoor area for the occupant/s. The extent of landscaping proposed will improve the visual amenity of the site, provide an outdoor area for the caretaker and buffer screening and is considered adequate for the Facility and achieves the outcomes sought by the Code.

5.0 CONCLUSION

The proposed development is representative of a new model in boarding and kennel facilities for domestic dogs and cats in industrial locations.

Paws and Claws has been searching unsuccessfully for a new home for several years now and so has chosen to adopt the urban model, now becoming commonplace in industrial urban areas in cities and near major airports.

The key to the success of these urban facilities is dependent upon:

- the development of a primarily, indoor Facility that operates from a state of the art, noise attenuated building; and
- the day to day management of the Facility operates to a high standard and in compliance with all approvals, policies and regulations.

The proposed development is generally compliant with the Planning Scheme, as outlined above, but is non-compliant with the traditional specific provisions outlined in the Animal keeping code, relating to site area and setbacks. These specific provisions relate directly to large rural/rural residential sites that operators of these types of Facilities have traditionally targeted for development. However, it is considered that although the Acceptable outcomes of some of the Animal keeping code have not been met, the proposed Facility can achieve the Performance outcomes, due to the type of contemporary, state of the art Facility proposed.

All planning applications must be assessed on their merits and the detailed information provided with this application seeks to ensure that both Council and the community have a thorough understanding of the type of development proposed, which is a move away from the traditional boarding kennels model to an urban Facility that operates in an industrial area, from a noise attenuated building under strict approvals and operational and management requirements.

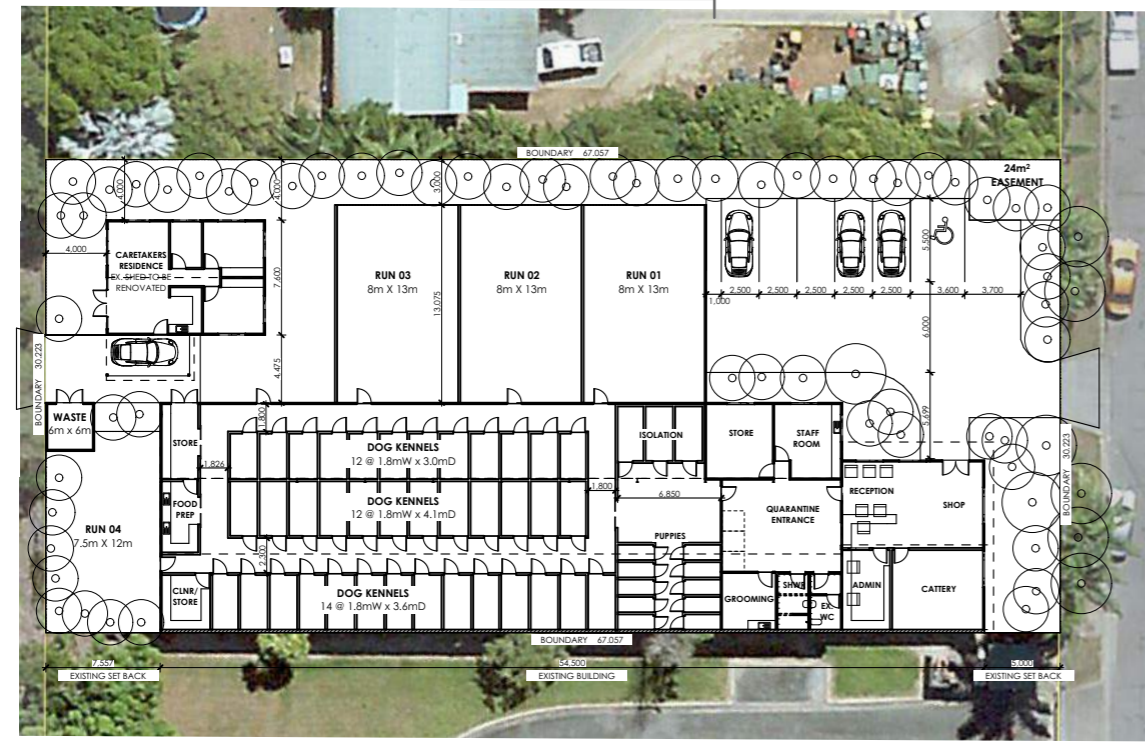
The application is recommended to Council for approval, subject to reasonable and relevant conditions.

EA TAYLOR
June, 2018

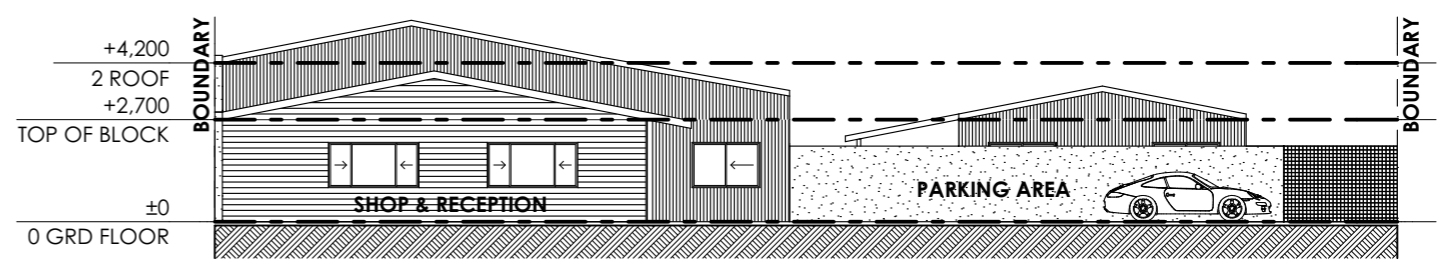
APPENDIX: 1



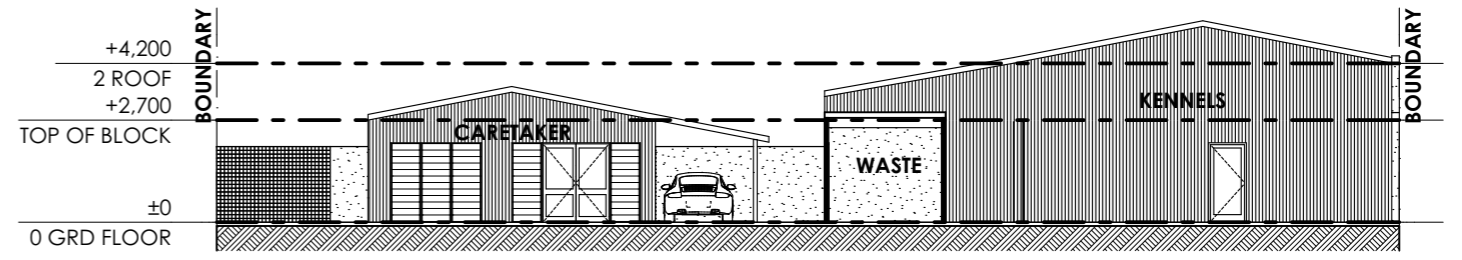
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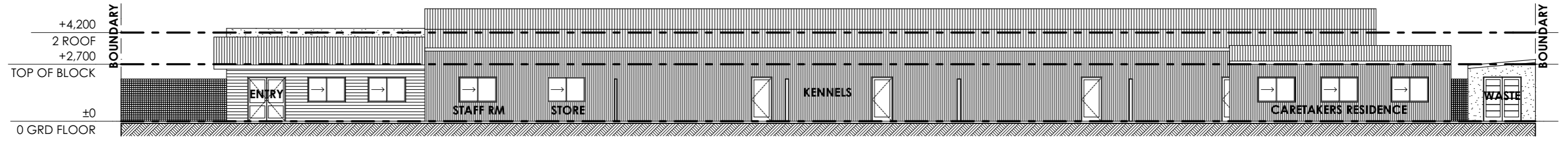
SITE PLAN
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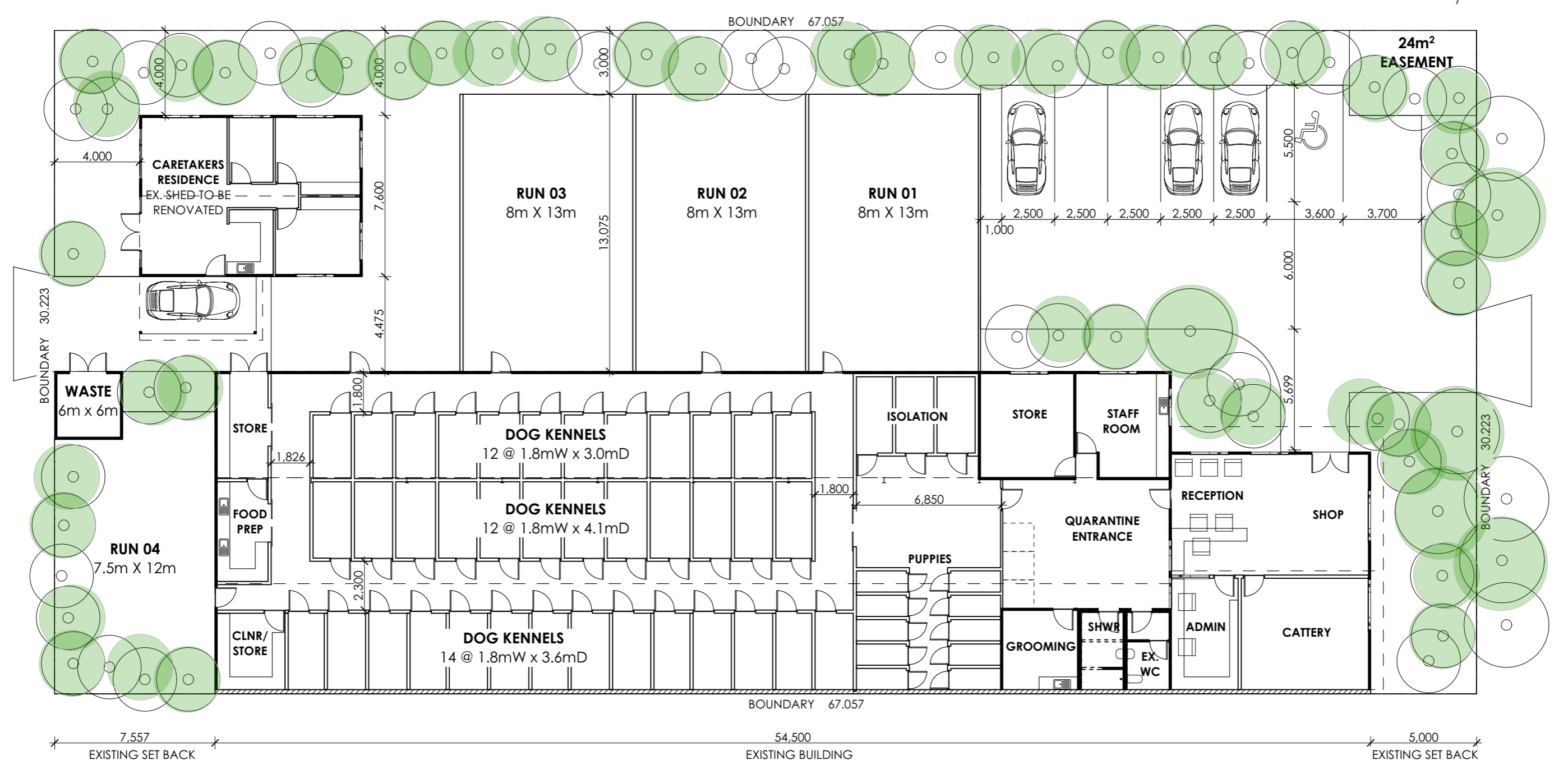
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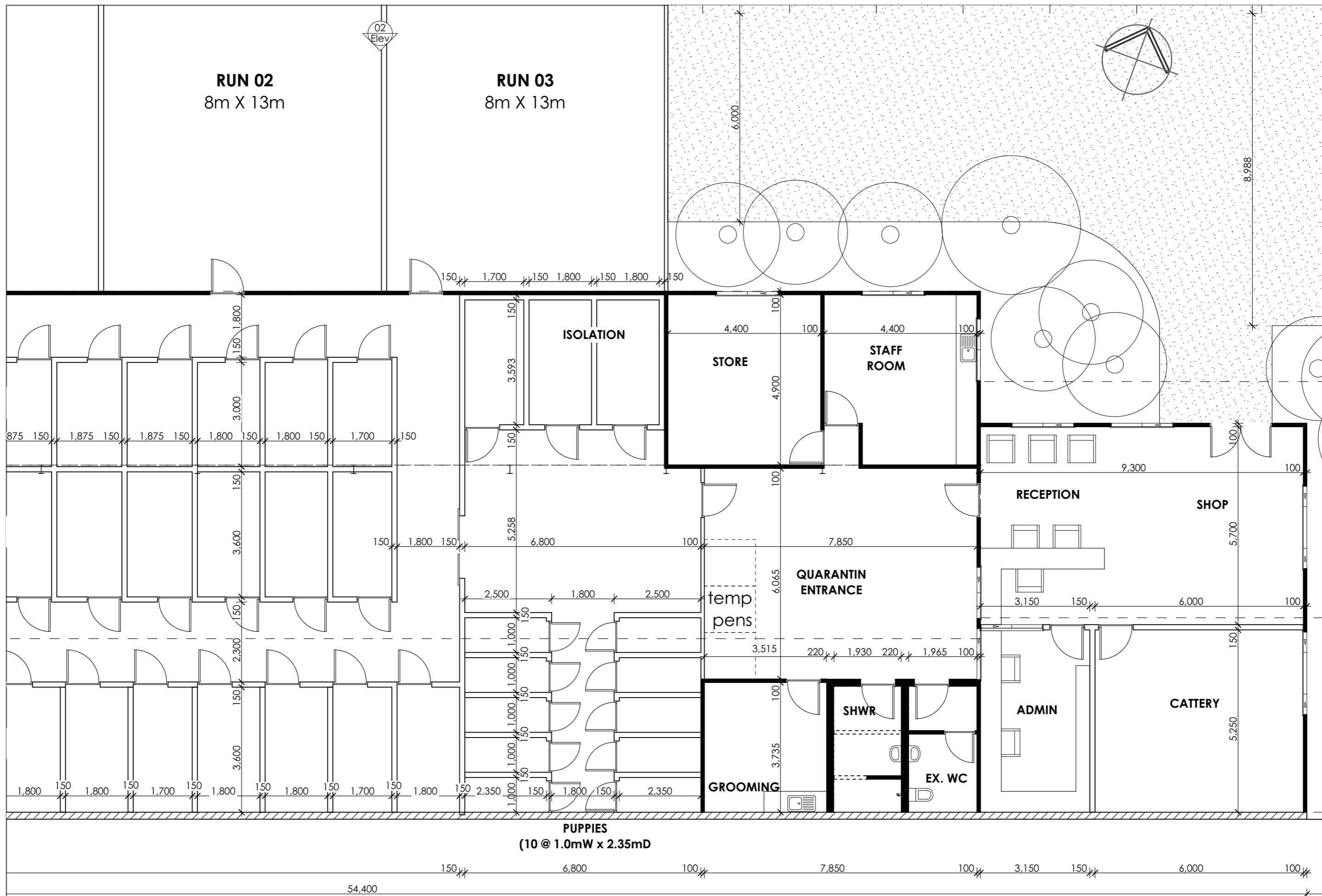
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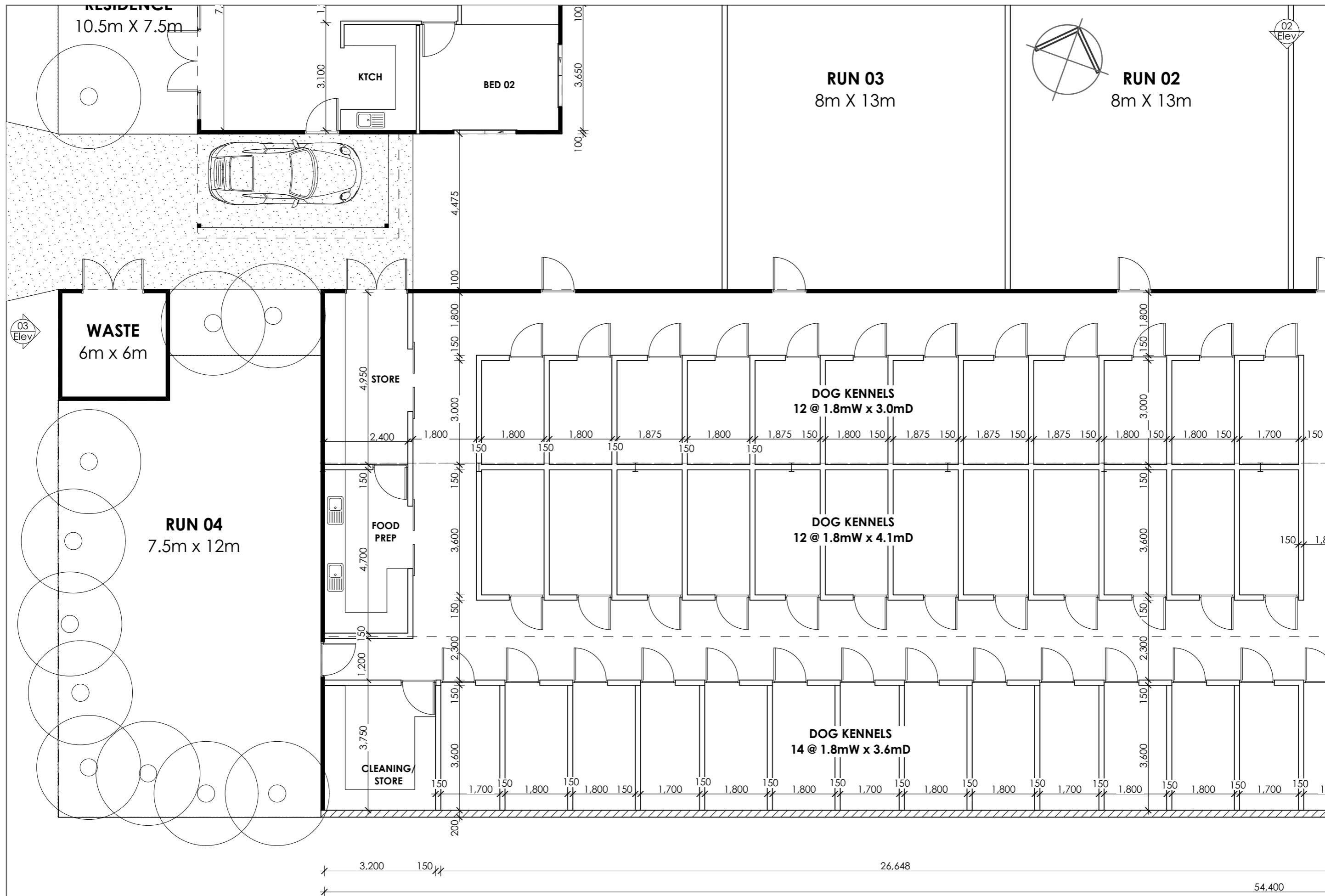
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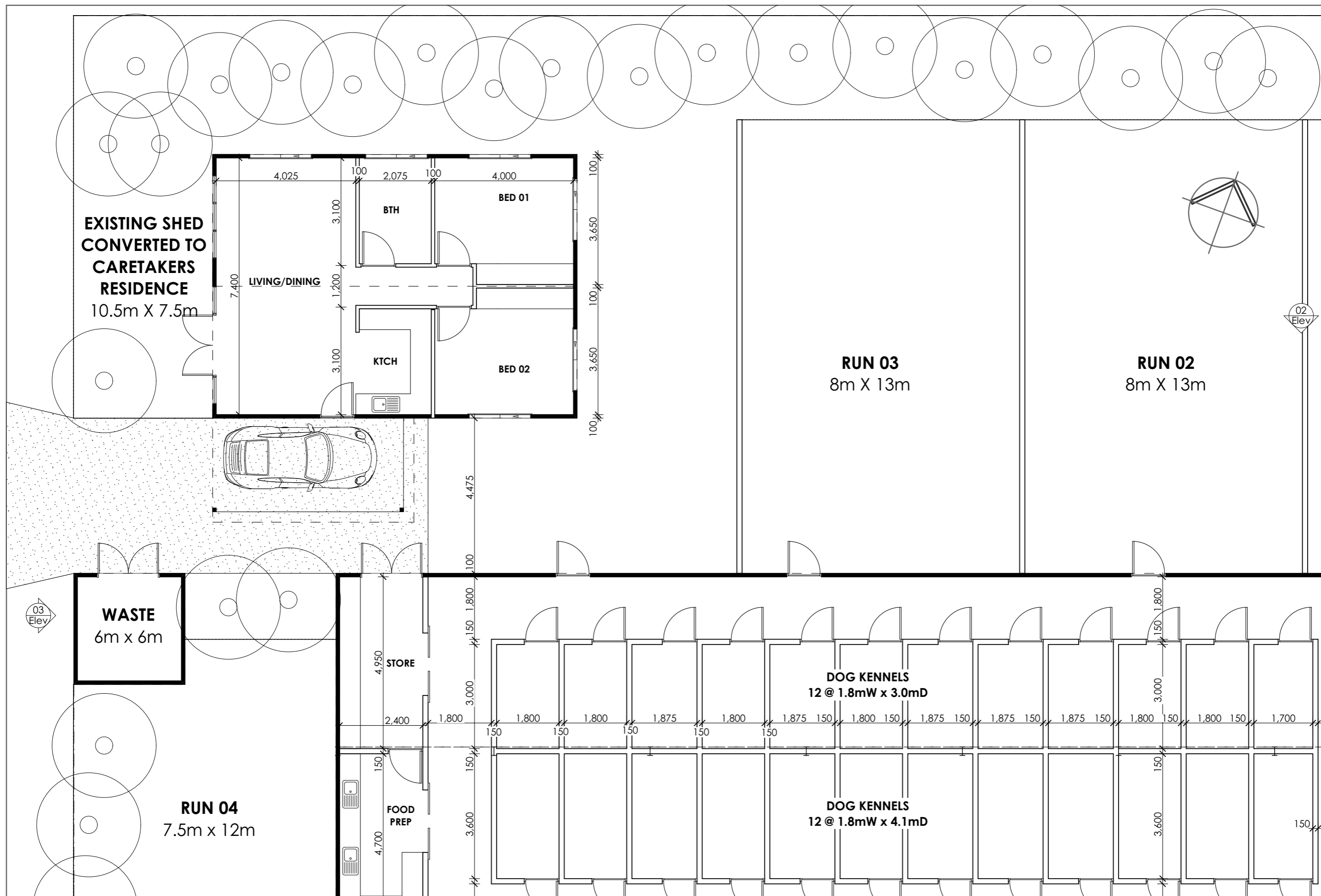


FLOOR PLAN 1/3
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REV D
A3 SHEET
12/06/2018

FLOOR PLAN 2/3
1:100



FLOOR PLAN 2/3
1:100

APPENDIX: 2



Noise Management

Operational Management: Noise Management of the Homeless Animal Society and Boarding Kennels Inc Facility 6-8 Teamsters Close Craiglie QLD 4877

1. Definition: Facility = Dog Rescue Centre, Dog Boarding Kennel, Cat Boarding Cattery, Grooming and sale of Pet merchandise

2. Prelim

The Noise Management Policy is related to operational aspects of the facility.

3. Requirements

All management practices will meet all QLD Legislative requirements including the Animal Care and Protection Act 2001, the Animal Management (Cats and Dogs) Act 2008 QLD and the Environmental Protection Act 1994.

4. Noise Conditions Outcomes Method

- 4.1 Ensure Compliance with the relevant conditions as set by Development Application approval
- 4.2 Implement appropriate noise management measures to meet Development Application approval
- 4.3 Daily recorded noise levels
- 4.3 Adhere to Complaints Handling protocols if they occur

5. Noise Management Measures

Noise Management is designed to minimise the noise emitted from the facility in relation to animal-based noise.

5.1 Noise Management Measures objective overview;

The primary objective of noise management is to ensure that all noise is managed and maintained to be below the thresholds set within the acoustic thresholds at adjoining neighbouring properties. It is also to ensure noise is managed for the Caretakers accommodation, which is located on site of the facility and protection of the staff and volunteers who work at the facility.

The noise management is primarily within 2 distinct zones – daytime noise and night-time noise and each has its distinct noise management approach.

5.2 General Considerations;

The day time and night time noise levels from the adjacent businesses already provide a high level of constant noise, including trucks and machinery. Our goal is to not impact any of the surrounding businesses with continuous noise that would be considered by a normal person to be obtrusive and degrading to any other neighbouring property.

There is caretaker accommodation with the estate and the nearest residential estate is 400meters away.

During the day dog noises may still be heard, this is unavoidable as dogs enter or exit the property. It is natural for a dog to bark to express themselves either with excitement, enjoyment or warning. With procedures adhered to in this policy any noise will be kept to a minimum and an acceptable level and not impact on surrounding businesses.

It must be stressed again that legal and regulatory commitment is to ensure that the regulated noise levels required are achieved.

At night the dogs will be housed in the acoustically designed kennel building fitted out in accordance with noise attenuation measures specified by the Acoustics Engineer.

This will be a superb acoustically designed facility, like no other in the region.

The acoustic design of the kennel building will be designed by an Acoustic Engineer who specialises in ensuring compliance with the noise requirements and aims to minimise noise and provide no sleep disturbance at night for the on-site caretaker or for neighbors.

5.3 Day Time Noise Management

Daytime noise is an expected outcome of housing dogs in any dog kennel environment. This operational policy will not achieve complete silence of dog noise during the day. However, the day to day operational regime has been developed to specifically target the minimisation of daytime noise.

Day Time Noise Minimisation Measures

- Rotate 8 dogs in the 4 caged runs for the purpose of daily exercise as per statutory requirements.
- Whilst not in the fenced runs each dog should be secured in its allotted individual internal enclosure inside the noise attenuated building.
- Each run is separated by solid screening to avoid stimulation of dogs seeing other dogs in nearby runs.
- No Customers, Visitors, Complainers*, Neighbours, Regulatory persons or any persons other than Facility staff or management are to access the dog kennel run areas without the express authority of the Operations Manager, as this can disturb the dogs, which in turn can cause them to bark.
- Walk or move dogs singly and not in pairs, unless the walking dogs are compatible.
- Ensure as little as possible external stimulation including when moving around the kennel Facility such as at feeding time.
- Soft ambient music is to be played within the indoor kennel area. This has been proven to relax the animals and create less stimulation.
- Chew toys and entertainment items are to be provided to animals whilst in there indoor areas.

* Complainers are persons or others that have lodged a complaint regarding the Facility

5.4 Night Time Noise Management

The dog kennel building will be acoustically designed to minimise noise and all external doors and hatches will be closed with the dogs housed individually within their internal rooms and at night lights are dimmed.

Night Time Noise Minimisation Measures

- Ensure all dogs are secured within their “internal” enclosures – ie within the kennel building – as per the following;
- All animals must be indoors between the hours of 6pm to 8am;
- All internal doors are closed within the facility and dogs secured internally;
- All external doors to the kennel building are closed after access and egress and after lock up at night;
- Air conditioner is on, providing a comfortable environment for sleep;
- Lights turned off in the kennel building at night;

- Check and monitor security devices are working where required – to ensure security devices are operational and ready;
- Ensure security lighting does not shine directly into the kennel building doors/windows;
- During the night the on-site manager/caretaker will monitor for unusual noise and investigate its cause and take immediate action to remove the cause.
- Call the police if trespassers are observed.

6 Complaints Handling Management

Complaints regarding noise will follow the Complaint Handling policy used for all complaints handling. The Complaint Handling policy has been provided in a separate document.

7. Non-Operational Delivery of Noise Management Compliance

7.1 Ensure the following 'one off' Noise Management tests and reports are delivered;

1. Prior to Occupation Certificate, a certification report from an appropriately qualified Acoustic Engineer to be provided confirming that the noise control measures requested by Council conditions are achievable and have been implemented.
2. Within 60 days of the kennels being used [i.e. following issuing of the Occupation Certificate] and at 80% capacity - conduct an 'Acoustic Compliance Test' – recording the names of dogs and their owners to prove the 80% capacity was achieved during the 'Acoustic Compliance Test' and a report of the results to be provided to the Council.

7.2 Acoustic Compliance Test

Provide Council with a full 24 hour day cycle of noise measurements– ie day and night noise readings. This will be conducted with a minimum of occupancy of 80% capacity,100% will be the aim. The compliance testing will be conducted by a qualified Acoustic Engineer.

8. Ongoing Noise Compliance Tests

The facility will have 24 hour video and audio recording for security and complaint protection and recalling. These recordings will be held for 14days.

APPENDIX: 3

7th June 2018

Reference: *P2018301 L01A S1 6-8 Teamsters Close Port Douglas ENV*

Michael Kerr
Paws and Claws Port Douglas
P.O. Box 1145
Port Douglas QLD 4877

Dear Michael,

RE: Proposed Homeless Animal and Boarding Kennel 6-8 Teamsters Close Port Douglas

Acoustic Works has been engaged to undertake a noise impact assessment for the proposed homeless animal and boarding kennel located at 6-8 Teamsters Close, Port Douglas. A site inspection and unattended noise monitoring is scheduled to commence on Monday 18th June 2018, in order to measure the existing ambient noise levels. The site survey will be conducted to identify sensitive receivers in the vicinity of the site and the assessment to determine any required acoustic treatments or management controls. A report detailing the findings of the investigation, including development site details, measured noise levels, calculation methodology, results, and recommendations will be provided for submission to council.

Yours faithfully,



Paul Lonard B.Env.Sc
Senior Acoustic Consultant
acousticworks)))