

1 August 2018

Enquiries: Neil Beck
Our Ref: MCUI 2711/2018 (866422)
Your Ref: ET18-021

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

Homeless Animal Society and Boarding Kennels Inc (Paws and Claws)
C/- Elizabeth Taylor - Town Planner
23 Valley St
FRESHWATER QLD 4870

Dear Madam

Development Application for Material Change of Use – Animal Keeping (Dog & Cat Boarding Kennels) Primarily Indoors with Ancillary Facilities including Caretaker's Accommodation - 6-8 Teamsters Close Craiglie

With reference to the development application lodged with Council on 14 June 2018, please find attached the Decision Notice.

Please quote Council's application number: MCUI 2711/2018 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully

Paul Hoyer
Manager Sustainable Communities

encl.

- Decision Notice
- Copy of proposed proposal plans

DECISION NOTICE — PRELIMINARY APPROVAL ONLY (WITH CONDITIONS)

Thank you for your development application detailed below which was properly made on 14 June 2018. Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. Applicant's details

Name: Homeless Animal Society and Boarding Kennels Inc (Paws and Claws)

Postal Address: C/- Elizabeth Taylor - Town Planner
23 Valley St
FRESHWATER QLD 4870

2. Location details

Street Address: 6-8 Teamsters Close Craiglie

Real Property Description: Lot 10 RP: 804923

Local Government Area: Douglas Shire Council

3. Details of proposed development

Material Change of Use (Dog & Cat Boarding Kennels) Primarily Indoors with Ancillary Facilities including Caretaker's Accommodation

4. Decision

Date of decision: 31 July 2018

Decision details: Preliminary Approval subject to conditions. Refer to Schedule 1

5. Approved plans and specifications

The Preliminary Approval does not contain approved plans.

Copies of the proposal plans are attached.

6. Conditions

This approval is subject to the conditions in Schedule 1.

7. Further development permits

Development Permit for Material Change of Use.

Please be advised that the following development permits are required to be obtained before the development can be carried out:

8. Properly made submissions

163 submissions were received of which 109 were properly made. 67 of the 109 properly made submissions were against the development.

Properly made submissions were received from the following principal submitters:

Name of principal submitter	Residential or Business Address	Electronic Address
Pauline Halsall	20 Pecten Ave PORT DOUGLAS QLD 4877	pha53676@bigpond.net.au
Mrs D Grainger (Registrar)	Downing St INNISFAIL QLD 4860	
Elizabeth Green	61 Endeavour St PORT DOUGLAS QLD 4877	elizabethgreen31@gmail.com
Sarah Jenkins	Lot 23, 1 Bale Dr PORT DOUGLAS QLD 4877	sarjenk14@hotmail.com
Wayne Dabinet	5 Pecten Ave PORT DOUGLAS QLD 4877	twofrogtree@outlook.com
Deborah Dabinet	5 Pecten Ave PORT DOUGLAS QLD 4877	twofrogtree@outlook.com
Keitha Schaedler-Hildebrand	18 Ruby CI PORT DOUGLAS QLD 4877	lapalmeraie@westnet.com.au
Susan Beer	24-26 Robb Rd REDLYNCH QLD 4870	susanbeer7@gmail.com
Patricia Beer	24-26 Robb Rd REDLYNCH QLD 4870	susanbeer7@gmail.com
Todd Malone	5-7 Teamsters CI CRAIGLIE QLD 4877	todd@malonesbutchery.com
Tracy Lewis	300 Port Douglas Rd PORT DOUGLAS QLD 4877	tracy.lewis2811@gmail.com
Peter Lewis	300 Port Douglas Rd PORT DOUGLAS QLD 4877	peterandtracy66@gmail.com
Stephen Warden	296 Port Douglas Rd PORT DOUGLAS QLD 4877	peterandtracy66@gmail.com
Alison Gotts	16 Riflebird Cres MOSSMAN QLD 4873	alison.gotts@gmail.com
Melissa Brazel	PO Box 431 PORT DOUGLAS QLD 4877	melbraz23@gmail.com
Carmen Riodan	Berth 1, Closehaven Marina PORT DOUGLAS QLD 4877	carmen.riodan@gmail.com
Narelle Spencer	48 Julaji CI COOYA BEACH QLD 4873	rel_le@hotmail.com
Darren Merchel	1 Dickson St CRAIGLIE QLD 4877	darren@portdouglasstorage.com.au
Paul Voerman	PO Box 1308 MOSSMAN QLD 4873	voermanplumbing@bigpond.com.au
David Birch	1/18 Pecten Ave PORT DOUGLAS QLD 4877	birchyboy61@hotmail.com
Adam Natonewski	50 Province Blvd HIGHTON VIC 3216	adam.natonewski@raywhite.com
Alison & Grant Phesant	35 Macrossan St PORT DOUGLAS QLD 4877	info@thepavilions.com.au
Patricia Mackenzie	25 Fairview Ave NEWTON VIC 3220	buzzard2@hotmail.com

Bernie Leen	25 Fairview Ave NEWTON VIC 3220	bernieleen@westnet.com.au
Tony Leen	360 Shann Ave NEWTON VIC 3220	tony@bernieleen.com.au
John Chyrek	Unit 22, 1 Beor St CRAIGLIE QLD 4877	jchyrek@gmail.com
Mark rman	21 Owen St CRAIGLIE QLD 4877	
Steve Johnson	5 Cowrie St PORT DOUGLAS QLD 4877	jconstruct01@gmail.com
Phil Walker & Di Perry	PO Box 380 PORT DOUGLAS QLD 4877	philwalker@category5construction.com
Craig Hahn	8/11 Beor St CRAIGLIE QLD 4877	csc@portcape.com.au
Nathan Bourke	41 Owen St CRAIGLIE QLD 4877	nathan.bourke@reece.com.au
Edan Hollis	1/11 Beor St CRAIGLIE QLD 4877	rammetalworks@outlook.com
Paul White & Annie White	11/11 Beor St CRAIGLIE QLD 4877	paautoexpress@bigpond.com
Geoff Ward & Donna Ward	31A Owen St CRAIGLIE QLD 4877	geoffwardplumbing@gmail.com
Robert J Fleiszis	10/11 Beor St CRAIGLIE QLD 4877	portautoelec@gmail.com
James Dormer	Lot 2 Ramsay Rd CRAIGLIE QLD 4877	jamesdormer63@gmail.com
Tony McGrath	2/9 Owen St CRAIGLIE QLD 4877	tony@tonymcgrath.com.au
Janette Saxon & Shane Saxon	51 Beor St CRAIGLIE QLD 4877	info@tsprintembroidery.com.au
Louise Pidgeon	23 Pecten PORT DOUGLAS QLD 4877	pidgeon999@dodo.com.au
Elisa & Jacques Tesson	7 Seabrook Ave CRAIGLIE QLD 4877	elisa11@optusnet.com.au
Leo and Susie Conti	62 Mitre St CRAIGLIE QLD 4877	susieconti@bigpond.com
Jennifer Vorerk	13 Dulku CI CRAIGLIE QLD 4877	creativesoulsstudio@gmail.com
Tricia Miles	2 Walnut St HOLLOWAYS BEACH QLD 4870	tricianev@bigpond.com
Darren Thomson	9-11 Teamsters CI CRAIGLIE QLD 4877	
Susan Batters	24 Oak St OAK BEACH QLD 4877	sperry69@gmail.com
Wayne Morris	PO Box 1889 PORTSMITH QLD 4870	
Therese Hunter	31/1-6 Beor St CRAIGLIE QLD 4877	
Julie Franin	28/1 Beor St CRAIGLIE QLD 4877	
Philip Beadle	41/1 Beor St CRAIGLIE QLD 4877	
Katy Biffin	71 Milman Dr CRAIGLIE QLD 4877	
Garry Brooke O'Sullivan	69 Third Ave KATOOMBA NSW 2780	
Jagtar Ali	U7, 1 Beor St CRAIGLIE QLD 4877	
Barbara Shea	PO Box 1134 MOSSMAN QLD 4873	
Enid Vandersluys	PO Box 774 PORT DOUGLAS QLD 4877	
Greg Vandersluys	PO Box 774 PORT DOUGLAS QLD 4877	
Martin Smee	3 England Ave PORT ELLIOT SA 5212	
Matt Chizoniti	5/1 Beor St CRAIGLIE QLD 4877	
Michael Kwles	PO Box 1072 PORT DOUGLAS QLD 4877	
Raelene Kwles	PO Box 1072 PORT DOUGLAS QLD 4877	
Sylvia Helbig	PO Box 1958 GAWIER SA 5118	
Anton Jaceb Leen	360 Shann Ave NEWTON VIC 3220	
Greg Abert	41/1 Beor St CRAIGLIE QLD 4877	

Kira Calligaris	PO Box 257 PORT DOUGLAS QLD 4877	
Tejinder S Samra	PO Box 546 PORT DOUGLAS QLD 4877	
Jessica Sheldrick	2/1 Beor St CRAIGLIE QLD 4877	
Pinrat Mokhwong	36/1 Beor St CRAIGLIE QLD 4877	
Nicole Peeler	3/13 Gardeners Rd BENTLEIGH EAST VIC 3165	
J Quinn	49/2 Boer St CRAIGLIE QLD 4877	
Martin Litke	39/1 Beor St CRAIGLIE QLD 4877	
Milton Helbig	PO Box 1958 GAWIER SA 5118	
Greg Staple	PO Box 257 PORT DOUGLAS QLD 4877	
Kellie Holmes	67/1 Beor St CRAIGLIE QLD 4877	
Wendy Guttesson	1/1 Beor St CRAIGLIE QLD 4877	
	68/1 Beor St CRAIGLIE QLD 4877	
Garry Keane	11/1 Beor St CRAIGLIE QLD 4877	
Caroline Schmidt	4001/87-109 Port Douglas Rd PORT DOUGLAS QLD 4877	
Damien & Natasha Orwin	10-12 Teamsters CI CRAIGLIE QLD 4877	
Lindy O'Grady	622 South Pine Rd EATON HILL QLD 4037	lindyogrady@gmail.com
Allen O'Grady	622 South Pine Rd EATON HILL QLD 4037	lindyogrady@gmail.com
George Palmer	5 Bower CI PORT DOUGLAS QLD 4877	georgepalmerqld@bigpond.com
Jean-Francis Schaedler	18 Ruby CI PORT DOUGLAS QLD 4877	carlin123@westnet.com.au
Michel & Julie Walker	PO Box 752 PORT DOUGLAS QLD 4877	michelawalker@gmail.com
Reinhold and Susanne Weidner	3 Albatross CI COOYA BEACH QLD 4873	sue1408@icloud.com
Megan Newman	112 St Crispins Ave PORT DOUGLAS QLD 4877	meegkate@gmail.com
Charlie & Kerry Budgen	5 Hartley St WANGETTI QLD 4877	ckbudelect@skymesh.com.au
Cameron Walton	348 Mowbray River Rd MOWBRAY QLD 4877	cam@ondeckcatering.com.au
Trent Leen	255 Rhinds Rd WALLINGTON QLD 3221	trent@bernieleen.com.au
Deirdre and Brian Lenx	1373 Mossman-Daintree Rd ROCKY POINT QLD 4873	ddlenx15@gmail.com
Ben Liddell	112 St Crispins Ave PORT DOUGLAS QLD 4877	talbacares@hotmail.com
Loraine Robertson	2/21 Limpet Ave PORT DOUGLAS QLD 4877	lorainerobertson47@gmail.com
Alan and eline Johnstone	298 Port Douglas Rd PORT DOUGLAS QLD 4877	ajohnstone@jemspacific.net
Leona Brown	3-13 Andrews CI PORT DOUGLAS QLD 4877	ljbrown49@hotmail.com
Ann Ireland	7 The Lake Old Port Rd PORT DOUGLAS QLD 4877	ann.blingitonpets@gmail.com
Terry and Nancy Johnson	16 Pecten Ave PORT DOUGLAS QLD 4877	johnsons@seol.net.au
Debra Deayton	104 Black Bean Rd COW BAY QLD 4873	ddeayton@gmail.com
Barry Kennedy	23-51 Anderson Rd WOREE QLD 4868	bakenne4@hotmail.com

Shane Nichols	Cnr Grant & Macrossan Sts PORT DOUGLAS QLD 4877	shane.nichols@news.com.au
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Lee Foster	PO Box 406 PORT DOUGLAS QLD 4877	sales@portirrigation.com.au
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Deborah Favier	23 Lavers Rd DAINTREE QLD 4873	alndebfav@bigpond.com
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Liz Leonard	PO Box 1308 MOSSMAN QLD 4873	
Mary Perkins	70 Southarm Dr WONGA QLD 4873	
Locky Laidlaw	PO Box 513 MOSSMAN QLD 4873	
Todd Goodwin	11 Marlin Dr WONGA QLD 4873	
Dean Foster	37 Kalkuri CI WONGA QLD 4873	
Deborah Cockburn	1383 Mossman Daintree Rd ROCKY POINT QLD 4873	deb@constantlogic.com.au
Karen Evans	26B 2 Langley Rd PORT DOUGLAS QLD 4877	karenlevans19@gmail.com

Refer to Schedule 2 to review a description and response to the matters raised in the submissions.

9. Currency period for the approval

This development approval will lapse six (6) years at the end of the period set out in section 85 of *Planning Act 2016*.

10. Reasons for decision

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. the content of the development application with respect to noise attenuation treatments for the proposed facility did not align with the methodology applied to investigate noise impacts associated with the development as detailed in the Acoustic Report dated 3 July 2018;
 - b. to ensure the development satisfies the Strategic Framework and associated benchmarks of the 2018 Douglas Shire Planning Scheme; and
 - c. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council on 14 June 2018 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules;
 - b. the application was properly notified;
 - c. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2018 Douglas Shire Planning Scheme in making its decision as Assessment Manager.

- d. the content of the Acoustic Report dated 3 July 2018 did not align with or support statements made elsewhere in the supporting information that the building will be an acoustically attenuated building suitable for the proposed use.
 - e. regard was given to a number of submissions lodged in response to the application, in particular those that raised concerns over insufficient information concerning noise impacts.
3. Evidence or other material on which findings were based:
- a. the development triggered impact assessable development under the Assessment Table associated with the Industry zone code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Further investigations are required to address the issue of noise and its impacts on the adjoining and nearby properties as detailed in Condition 1 of the Preliminary Approval.

Non-compliance with Assessment Benchmarks

Assessment Benchmark	Reasons for Preliminary Approval despite non-compliance with benchmark
<p>Industry zone code</p> <p>AO2.1 Building and structures are setback 6 metres from road frontages.</p>	<p>A refuse structure is proposed to locate on the Owen Street frontage of the site. Given the limited ability to place this structure elsewhere onsite, the limited footprint of the structure and the vegetated frontage of Owen Street, the structure will not have adverse impact on the Owen Street frontage.</p>
<p>Animal keeping code</p> <p>AO1 The use is located on a lot with a minimum area of:</p> <p>(a)1 hectare for a kennel;</p> <p>(b)1 hectare for a cattery;</p> <p>(c) 2 hectares for a stable;</p> <p>(d)all others –lot size is determined on the number and type of animals to be</p>	<p>The proposal represents a new model in which the boarding of animals takes place.</p> <p>The Acoustic Report did not investigate or report on the attenuation measures required to overcome the performance outcome of the code which requires the keeping of animals is consistent with the amenity of the adjoining or nearby properties.</p> <p>The condition of the Preliminary Approval requires this to be further investigated.</p>

kept.	
<p>The use is setback in accordance with Table 9.3.1.3.b, as follows:</p> <p>-For kennels and cattery Road frontages – min. of 50 metres</p> <p>Side and rear boundaries- min. of 15 metres</p>	<p>The proposal represents a new model in which the boarding of animals takes place.</p> <p>The Acoustic Report did not investigate or report on the attenuation measures required to overcome the performance outcome of the code which requires the keeping of animals protects the amenity of nearby environments.</p> <p>The condition of the Preliminary Approval requires this to be further investigated.</p>
<p>Environmental Performance code</p> <p>AO2.1- Development does not involve activities that would cause noise related environmental harm or nuisance;</p> <p>or</p> <p>AO2.2 Development activities do not cause noise related environmental harm or nuisance;</p> <p>or</p> <p>Through the use of materials noise emissions do not adversely impact on adjacent uses.</p>	<p>The proposal represents a new model in which the boarding of animals takes place.</p> <p>The Acoustic Report did not investigate or report on the attenuation measures required to overcome the performance outcome of the code which requires the keeping of animals is consistent with the amenity of the adjoining or nearby properties.</p> <p>The condition of the Preliminary Approval requires this to be further investigated.</p>

10. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular

applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Schedule 3.

SCHEDULE 1 – CONDITIONS AND ADVICE

PART 1A—CONDITIONS & ADVICES IMPOSED BY THE ASSESSMENT MANAGER

Acoustic Report / Attenuation Measures

1. The development application advised that the proposed use will be taking place within an acoustic, noise attenuated building and that Acoustic Works Brisbane had been engaged to prepare a report in relation to identifying measures to be built into the building to attenuate noise and identify other noise management initiatives specifically for the operation of the facility at the site.

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

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

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

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

Advices

1. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

2. For information relating to the *Planning Act 2016* log on to www.dsdip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.

LAND USE DEFINITION*

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

Column 1 Use	Column 2 Definition	Column 3 Examples	Column 4 Does not include the include following examples
Animal Keeping	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.	Aviaries, catteries, kennels, stables, wildlife refuge.	Aquaculture, cattle studs, domestic pets, feedlots, grazing of livestock, non-feedlot dairying, piggeries, poultry meat and egg production, animal husbandry.

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

SCHEDULE 2 – SUMMARY OF MATTERS RAISED IN SUBMISSIONS AND RESPONSE IN MAKING DECISION

The following is a summary of the grounds of submissions, both for and against followed by an Officer comment.

Submissions in Favour

There is a desperate need for such a facility as this. There is no other suitable facility in the shire that people can take their pets to when going away.

Unwanted animals or pets that can no longer be looked after by their owners should be provided with the ability to be rehomed. It will also be good for the environment in terms of reducing the impacts that unwanted animals have on wildlife.

The site is located within an industrial area which already has noise impacts on the community and the site is in a convenient and accessible location. The facility will also assist Council with addressing unwanted animals and take the pressure off Council's facilities which are limited.

Response

The above comments are agreed with respect to having a facility such as this located in the Shire.

The facility has the ability to assist Council with the operation of the pound and the ability to rehome dogs as opposed to potentially having to destroy dogs where no alternatives can be found.

Having read the application and the Acoustic Report, the facility will not impact on residential areas or existing businesses within the estate.

Response

It is agreed that the development will not impact on the amenity of residential uses external to the Industry zone.

As identified in the body of the report, the Acoustic Report does not provide any information with respect to existing or proposed noise attenuation treatments to the building.

The building previously homed Lotsa Printing which operated on most days 24hrs a day not only running large commercial printers, but guillotines, folders and compressors. The industrial noise from these machines would easily compete with any kennel. The main printer was never turned off and so air-conditioners also ran 24/7. On most nights the large compressor located at the rear of the property, not inside pumped away at all hours of the night without any complaints ever occurring.

Businesses should not be concerned about the increase in noise considering what was there prior.

Response

The above comments are noted and the submission raises valid issues. However these comments do not takeaway that the Acoustic Report doesn't address noise attenuation properties of the building if they are present or impacts on neighbouring or surrounding properties.

Submissions Against

Inadequate separation from sensitive land uses including caretakers residences, houses, holiday accommodation and multiple dwellings with respect to noise and odour. The proposed should be a minimum of 500 metres from sensitive land uses.

Response

The separation from sensitive land uses for an animal keeping land use is generally to mitigate off-site impacts associated with noise and odour nuisance.

The Animal Keeping land use code requires a 100 metre separation distance where the site has a common boundary with a sensitive land use. It is acknowledged that this distance is not far, however the site does not share a common boundary with sensitive land uses.

The submissions have raised a requirement for a 500 metre separation distance to sensitive land uses. This figure remains unsubstantiated and is not consistent with the separation requirements of the Planning Scheme.

Sensitive land uses are a defined activity group under the planning scheme. The definition includes *Child care centre, Community residence, Detention facility, Dual occupancy, Dwelling house, including any secondary dwelling, Educational establishment, Hospital; Nature based tourism, Multiple dwelling, Residential care facility, Resort complex, Retirement facility, Short-term accommodation and Tourist park.*

Caretaker's Accommodation is not included within the activity group as a sensitive land use as they are often sited within industrial estates where the level of amenity is significantly less than that of any other area. It is considered that Caretaker's Accommodation are still entitled to a level of amenity – refer to discussion in the body of the report. However, the expectation is that it would be significantly less than that of a sensitive land use. Caretaker's Accommodation should not have the ability of inhibit or prevent industrial land being developed for purposes consistent with the Industry zone.

It is unclear why the submission nominates Caretaker's Accommodation as a sensitive land use when the land use is clearly not identified as one.

In relation to the residential amenity experienced by sensitive land uses to the east, west and south of the site, the Acoustic Report submitted with the application demonstrates that the proposed development will not adversely impact on sensitive land uses as defined by the Planning Scheme. It is important to note that this is based on no attenuation treatments to the existing building as discussed in the report. Consideration of noise attenuation treatments of the building will reduce the noise readings further. There is no concern that the facility will have a detrimental impact on the amenity already experienced by these uses.

Odour from animal waste is proposed to be kept within an enclosed waste refuse facility adjacent the Owen Street frontage of the site. Refer to the comments on odour and cleanliness within the body of the report.

The proposed use will detrimentally impact on the amenity of existing uses.

This concern is shared for the reasons highlighted in the body of the report. The investigations undertaken to date have not considered the existing noise profile of the locality or investigated noise attenuation treatments required for the building, other than the onsite Caretaker's Accommodation.

The Craiglie industrial estate contains a mix of trades and service based industries, offices, showrooms and it is essential that the proposed use will not be to the detriment of these areas as work places and an area in which to do business.

The proposal is not considered an industrial use and is not suitable to locate within the industrial precinct of Craiglie.

The proposal is not the highest and best use of industrial land.

Response

The industrial precinct of Craiglie contains a diverse range of commercial services, offices, retail and industrial uses.

The proposed use of Animal Keeping is not identified as inconsistent use to locate within the Industry zone and therefore is a potentially compatible use provided the site is suitable for the intended use and associated impacts can be addressed.

A dog boarding facility could be considered as a commercial service, however the concerns raised about the land use not being a small scale commercial use or light industry use as provided for in the Local Plan is acknowledged. It is noted that the use is taking place within an existing building and therefore the scale of the development in terms of built form and bulk remains entirely consistent.

The key consideration is amenity notwithstanding the site is located in an Industry zone. It is imperative that the proposed development does not have an unacceptable impact on adjoining or nearby properties. This is yet to be established hence a Preliminary Approval has issued.

Inadequate detail given in the application and information request response to support the application, with reference to sound attenuation for noise nuisance and odour management.

The industrial estate is a place is an area that people work and attend to business. The disruption would be completely unreasonable and would severely affect the ability to attend to business comfortably.

As we all know, dogs barking is not your average noise to tolerate, it goes to your very core of your brain in testing your nerves and sanity.

Response

The comments in relation to inadequate information with reference to sound attenuation and concerns over the impact on surrounding properties is agreed. The Acoustic Report only investigated the potential impacts on sensitive land uses external to the Industry zone. The reasons why this approach was undertaken is understood. However, no information was provided on the noise attenuation characteristics of the existing building and how that relates to the potential noise source and its effectiveness to mitigate noise emissions.

The report didn't provide any evidence of the existing noise profile of the adjacent or nearby properties in order to establish or gauge the impact that the proposed development may or may not have. It is for this reason a Preliminary Approval has issued.

The control of odour requires significant management measures. Reference is made to Paws & Claws Standard Operating Procedures and the requirement to register the facility under Council's Local Laws. These measures will ensure that odour levels will not emanate from the site to the extent it becomes a nuisance.

The nature and Scale of the proposal is not clear from the application and the ability of the site to reasonably accommodate parking, landscaping, waste storage area, wash down and manoeuvring for vehicles on and off the site is not clear.

Response

The amended plans lodged as part of the Information Request Response clearly illustrate the floor layout and number of kennels and their purpose. The final arrangement may change again as details are finalised.

Adequate landscaping is accommodated on site. The animal shelter building is an existing building with existing parking spaces. The Access, parking and servicing code does not require a minimum number of on-site parking spaces for the animal keeping land use. The code requires that adequate supply of parking spaces is provided to accommodate the likely number of vehicles to be parked at the site at any one time. The proposal includes seven (7) onsite parking spaces which is considered sufficient to satisfy the parking demand. The caretakers land use is provided with one space as per the requirement under the code.

Vehicles entering and exiting the site for the animal keeping land use can do so in the forward gear. The caretaker's parking space requires a reverse exit given the existing footprint of the shed and the building housing the kennels. The site has no need for a vehicle wash down area.

Paws and Claws struggled to manage the noise of barking dogs at its previous location. This could not be controlled by Council or the operators at the old site. Dogs will be in outside areas and they will make just as much noise as they did, despite totally unsubstantiated and hollow guarantees they have practices in place that will mitigate these noises. They didn't then, there is no belief or proof they will now. The old facility had trouble meeting its financial obligations. How does it expect to run a facility such as this.

There is no hiding from the fact that the previous site that Paws & Claws operated from was far from desirable.

The proposed development as detailed in the application is a completely different model to that which operated from Davidson Street for many years.

As discussed above, further investigations are required to ensure the building has appropriate noise attenuation measures to ensure that the use will not have an unacceptable impact on neighbouring or surrounding properties notwithstanding the land is contained within the Industry zone. Dogs placed in the outdoor run areas will be fitted with barking collars when and as necessary as stated in the application. Further, the outdoor run areas will have solid block walls to prevent visual stimulation of the dogs in an attempt to reduce barking and noise impacts.

Unlike the previous Paws & Claws site, this facility if approved will be registered under Council's Local Law. This provides Council with an opportunity to ensure the day to day operations of the facility are being undertaken in an appropriate manner and provides for an ability for Council and the operators of the facility to work closely together to ensure expectations and obligations are being met.

Financial considerations are a matter for the organisation and their Business Plan however the comments and concerns are valid.

The development will have a negative impact on property values

Impact on property values is not a planning consideration that can be taken into account when undertaking land use assessments.

There are footpaths in the industrial estate for people to walk on and there will be dog faeces on road verges. Walking of dogs along the street will generate noise and impact on business.

Response

Road verges are suitable for walking of dogs even though there are no footpaths. Walking of dogs along property frontages will not have an unacceptable impact on business just as the same way walking of dogs in residential areas do not impact on amenity.

The collection of waste is a matter for the person who is responsible for the dog and must be picked up. Staff operating the facility can stress this requirement to those who wish to walk the dogs.

SCHEDULE 3 – PLANNING ACT EXTRACT ON APPEAL RIGHTS

CHAPTER 6, PART 1 APPEAL RIGHTS

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note — See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.

- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—

- (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or
 - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

Extract of Schedule 1 of the Planning Act 2016

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

**Table 2
Appeals to the P&E Court only**

2. Eligible submitter appeals
 An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—
 (a) any part of the development application for the development approval that required impact assessment; or
 (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

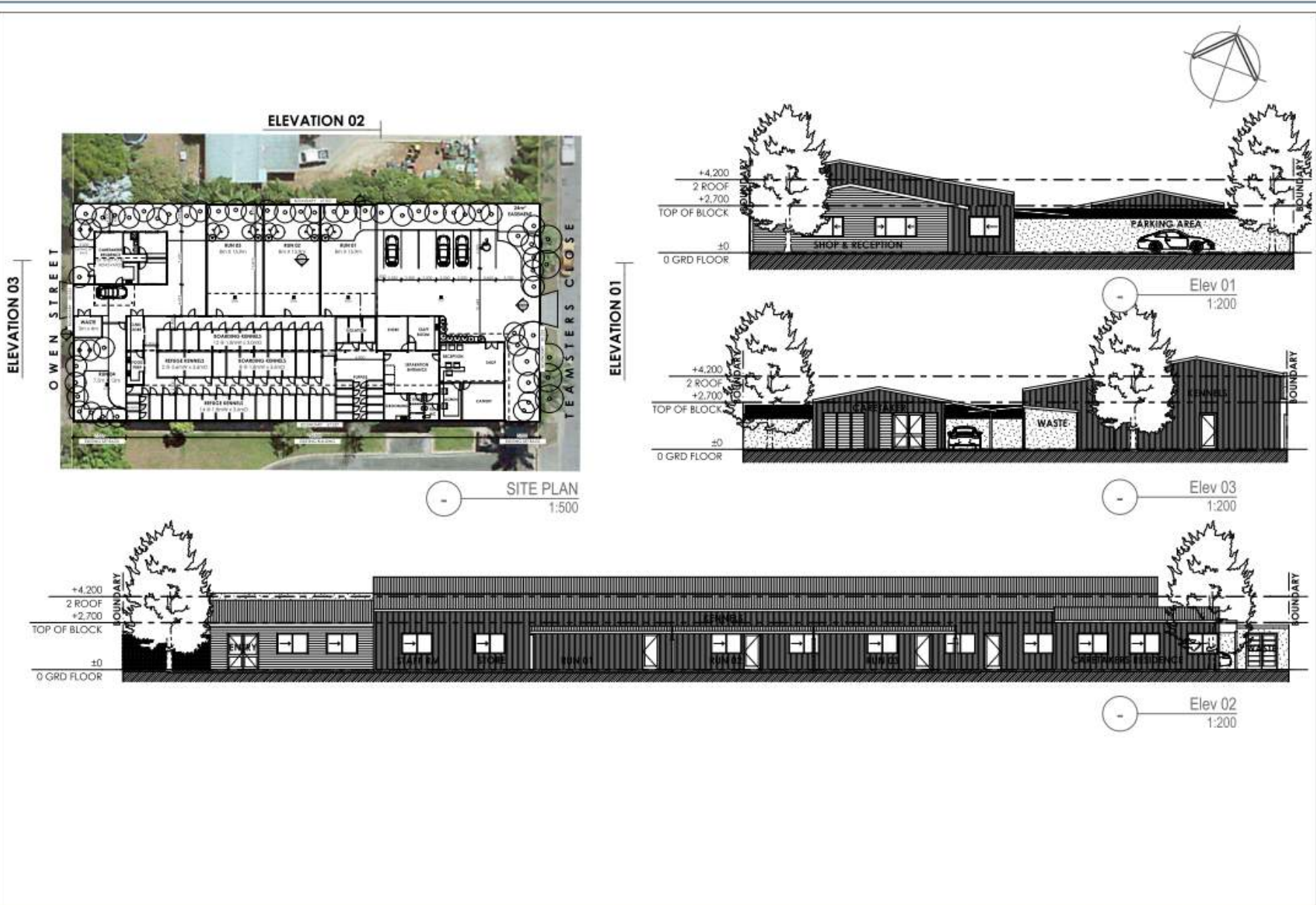
3. Eligible submitter and eligible advice agency appeals
 An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—
 (a) any part of the development application or the change application, for the development approval, that required impact assessment; or
 (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

Note:

Attached is a Rights of Appeal Waiver form (Schedule 3). Please complete and return this form if you are satisfied with the approval and agree to the conditions contained therein and you wish to waive the 20 day appeal period available under the *Planning Act 2016*

PROPOSAL PLANS



C O N C E P T P L A N S
 REV F
 A3 SHEET
 4/07/2018

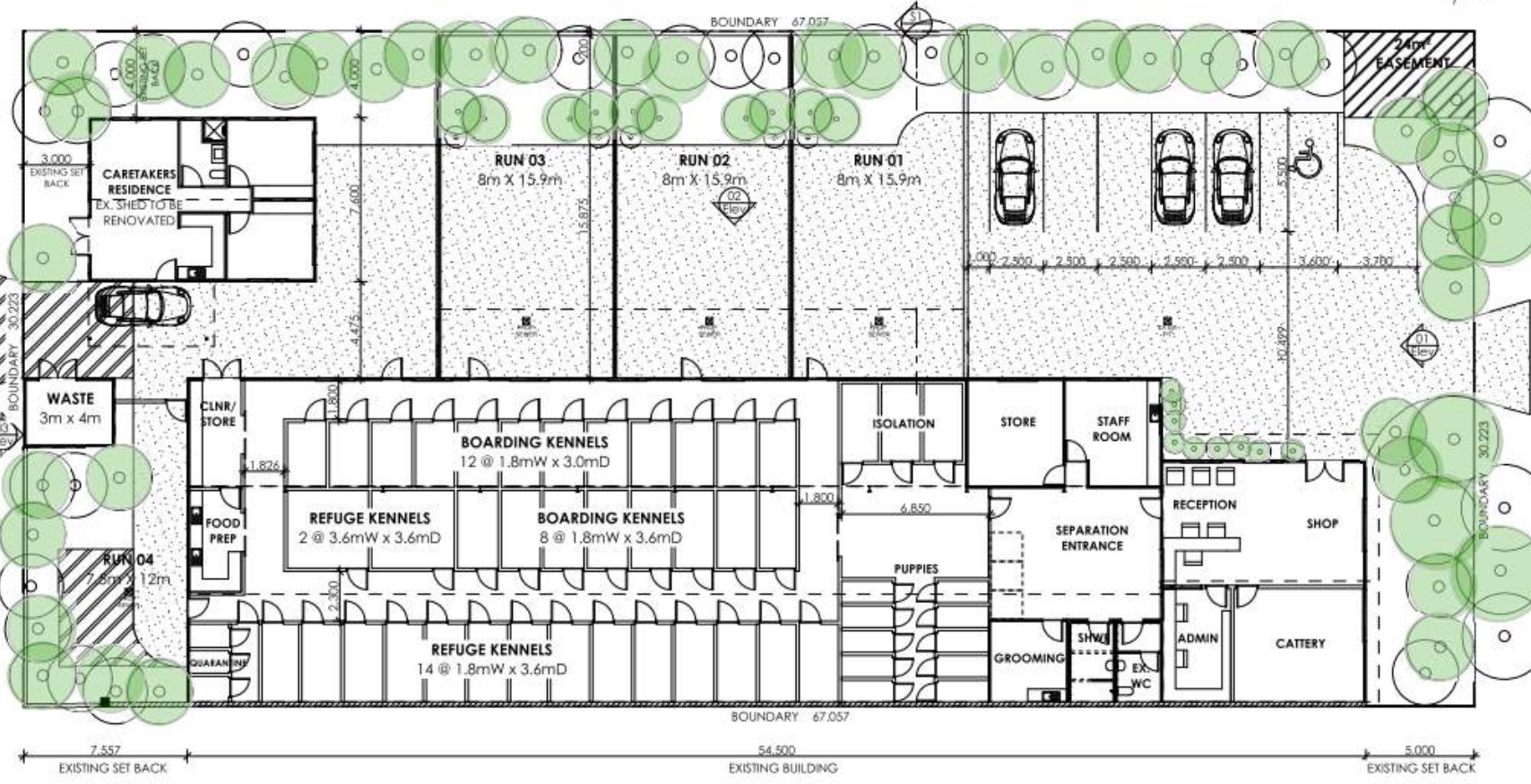
P R O P O S E D R E N O V A T I O N S
 (LOT 10 on RP 804923) 8 TEAMSTERS CLOSE, CRAIGLEE, QLD
 PAWS & CLAWS SHELTER

1.0

OWEN STREET

TEAMSTERS CLOSE

C O N C E P T P L A N S

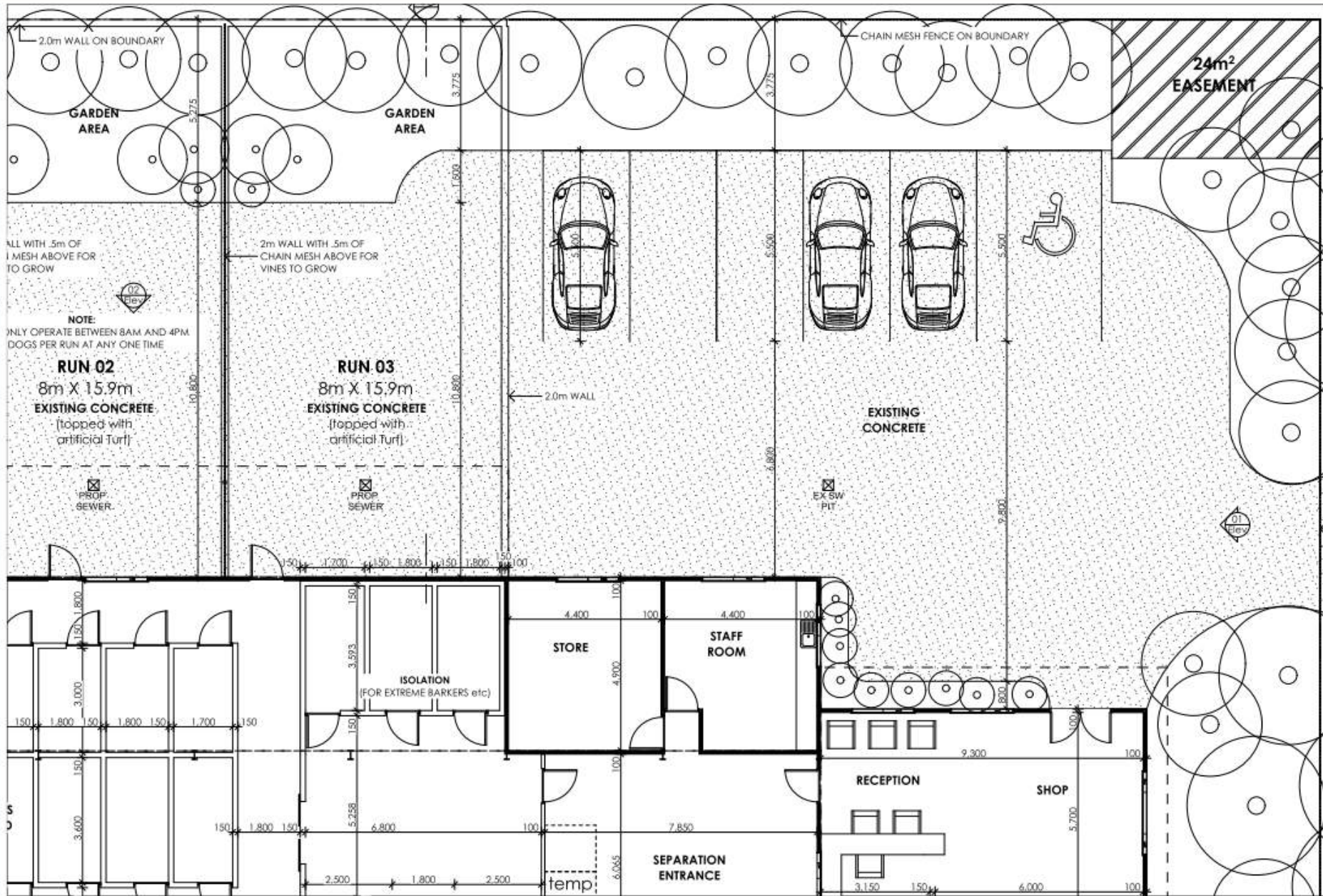


SITE PLAN
1:200

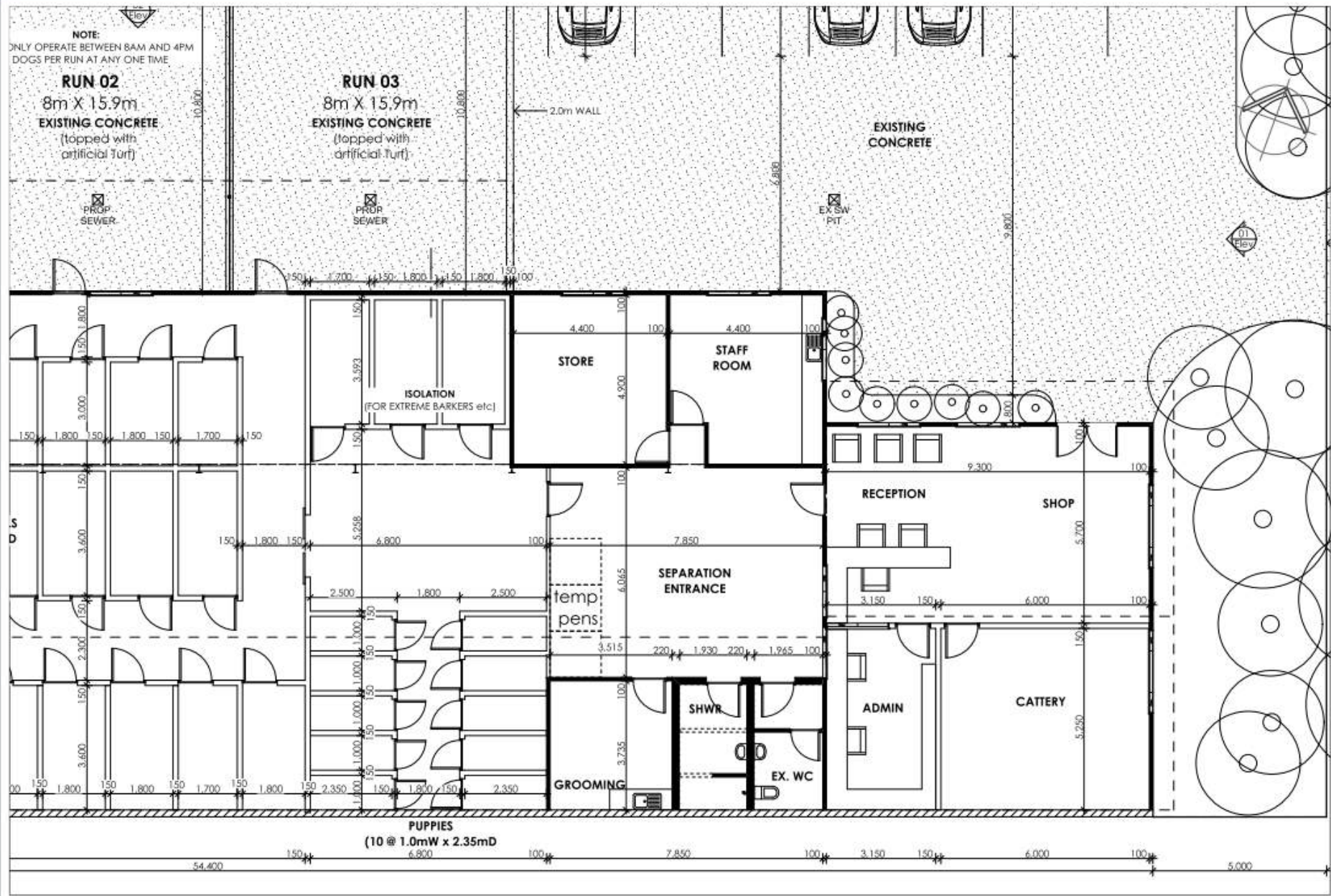
REV F
A3 SHEET
4/07/2018

PROPOSED RENOVATIONS
(LOT 10 on RP 804923) 8 TEAMSTERS CLOSE, CRAIGLEE QLD
PAWS & CLAWS SHELTER

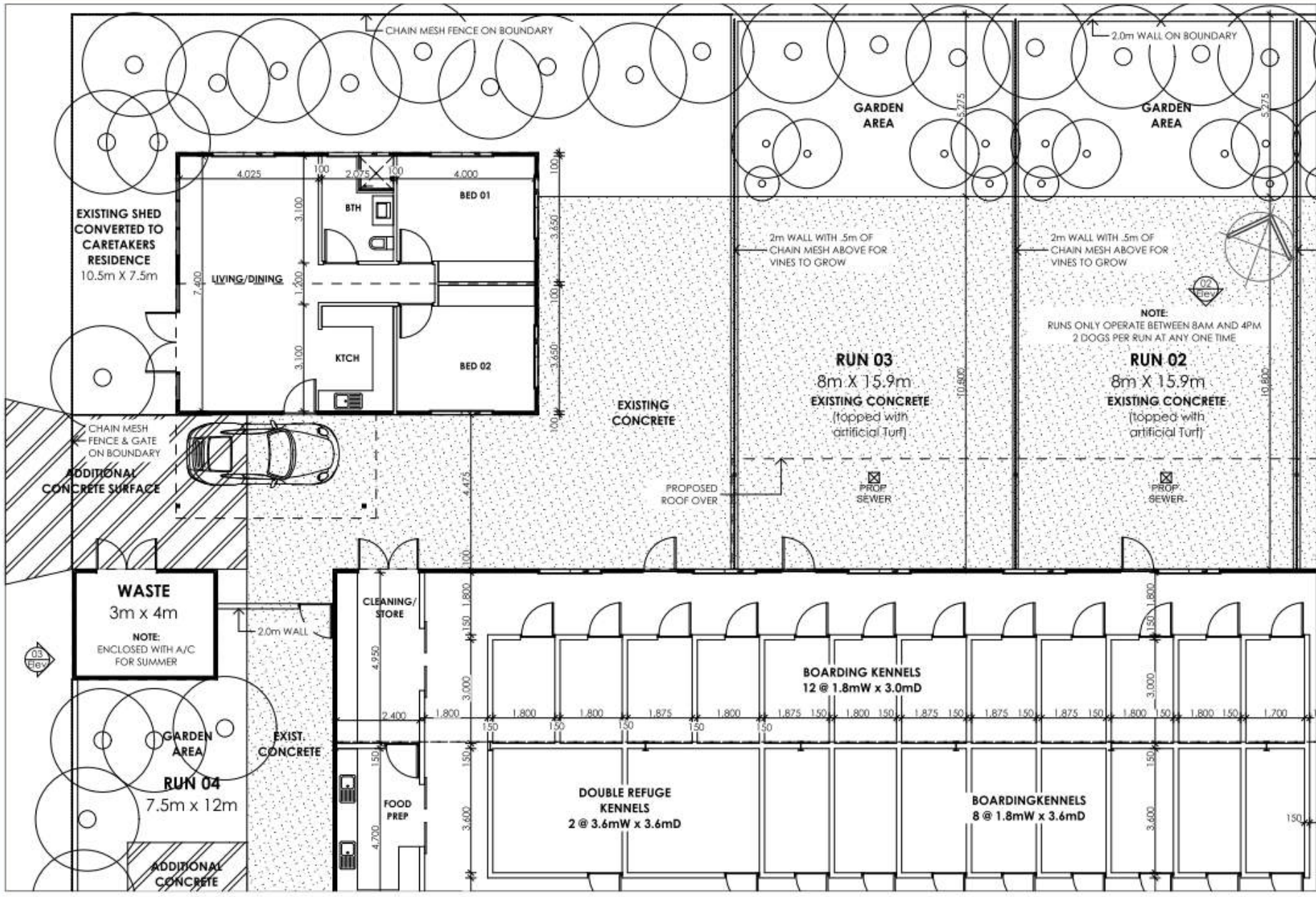
1.1



REV F
 A3 SHEET
 4/07/2016



FLOOR PLAN 2/4
1:100



NOTE:
 RUNS ONLY OPERATE BETWEEN 8AM AND 4PM
 2 DOGS PER RUN AT ANY ONE TIME

WASTE
 3m x 4m
NOTE:
 ENCLOSED WITH A/C
 FOR SUMMER

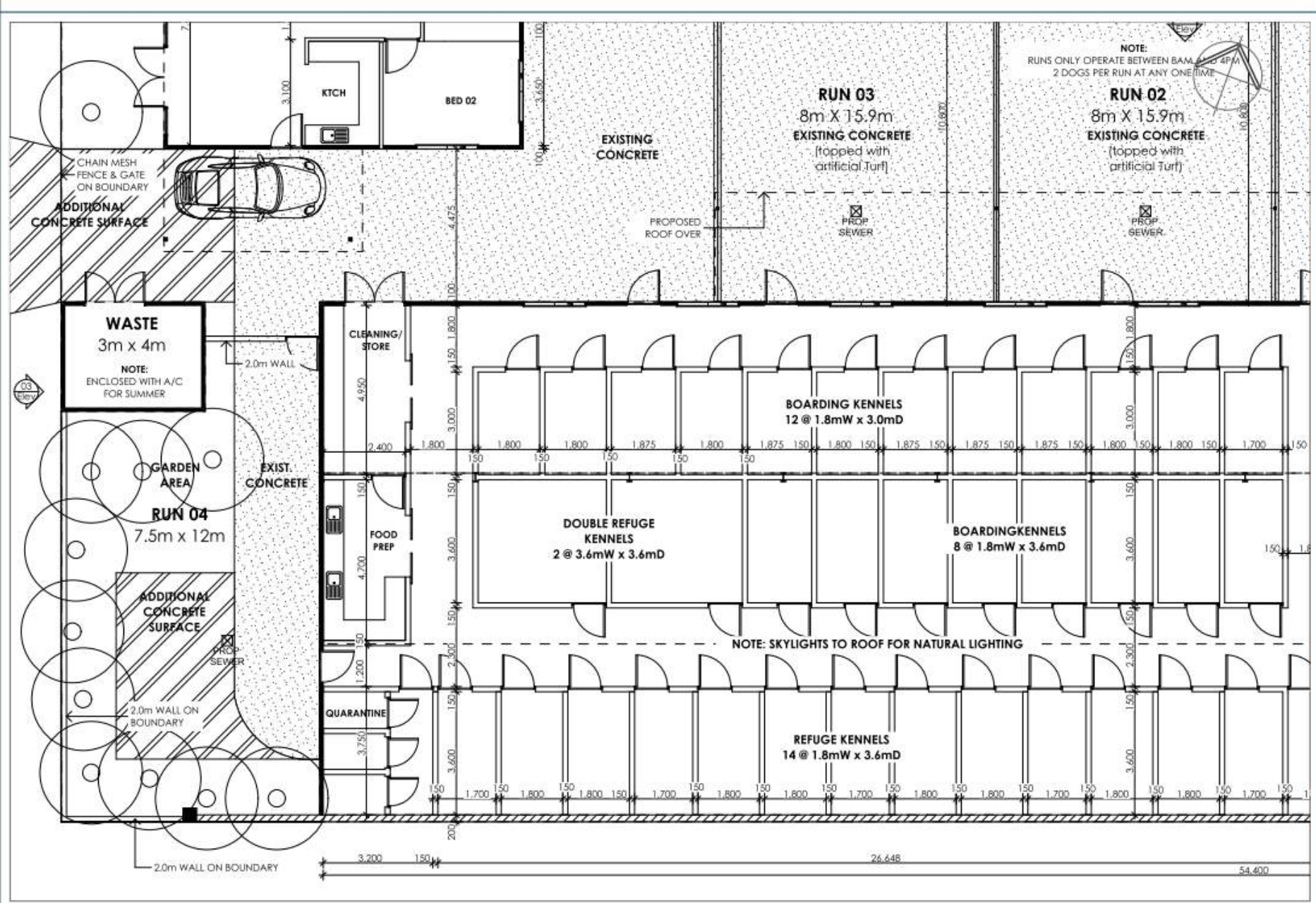
EXISTING SHED CONVERTED TO CARETAKERS RESIDENCE
 10.5m X 7.5m

BOARDING KENNELS
 12 @ 1.8mW x 3.0mD

DOUBLE REFUGE KENNELS
 2 @ 3.6mW x 3.6mD

BOARDING KENNELS
 8 @ 1.8mW x 3.6mD

FLOOR PLAN 3/4
 1:100



NOTE:
 RUNS ONLY OPERATE BETWEEN 8AM AND 4PM
 2 DOGS PER RUN AT ANY ONE TIME

RUN 03
 8m X 15.9m
 EXISTING CONCRETE
 (topped with artificial turf)

RUN 02
 8m X 15.9m
 EXISTING CONCRETE
 (topped with artificial turf)

WASTE
 3m x 4m
 NOTE:
 ENCLOSED WITH A/C
 FOR SUMMER

RUN 04
 7.5m x 12m

BOARDING KENNELS
 12 @ 1.8mW x 3.0mD

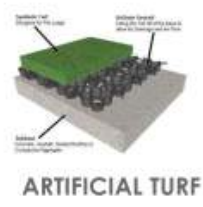
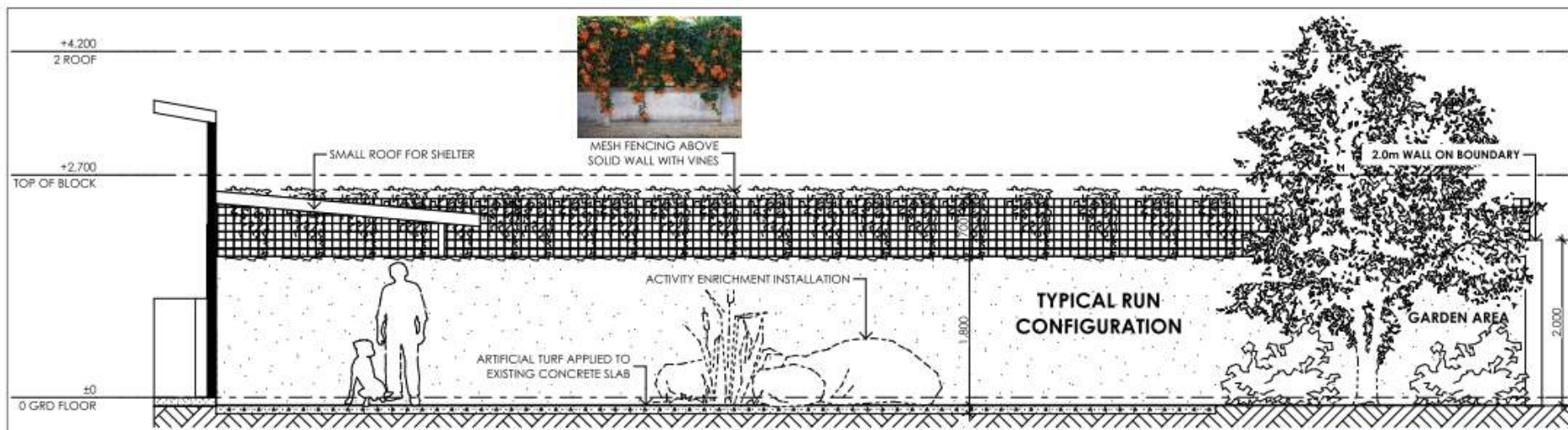
DOUBLE REFUGE KENNELS
 2 @ 3.6mW x 3.6mD

BOARDING KENNELS
 8 @ 1.8mW x 3.6mD

NOTE: SKYLIGHTS TO ROOF FOR NATURAL LIGHTING

REFUGE KENNELS
 14 @ 1.8mW x 3.6mD

FLOOR PLAN 4/4
 1:100



ARTIFICIAL TURF



ACTIVITY ENRICHMENT INSTALLATIONS



TYPICAL PUPPY ENCLOSURES



TYPICAL DOG ENCLOSURES



TYPICAL DOG ENCLOSURES



TYPICAL DOG ENCLOSURES

REV F
A3 SHEET
4/07/2018