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

7 September 2018

Enquiries: Neil Beck

Our Ref: MCUI 2711/2018 (871488)

Your Ref: ET18-021

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

C/- Elizabeth Taylor - Town Planner

23 Vallely St

FRESHWATER QLD 4870

Dear Madam

Negotiated Decision Notice for Development Application - 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 above development application, please find attached the Negotiated 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

Neil Beck Acting Manager Sustainable Communities

encl.

- Negotiated Decision Notice
- Approved Plans & Acoustic Report
- Rights of Appeal
- Adopted Infrastructure Charges Notice

NEGOTIATED DECISION NOTICE — APPROVED SUBJECT TO CONDITIONS

Douglas Shire Council has assessed the Development Application as detailed below 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 Vallely 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: 6 September 2018

Decision details: Development Permit for Material Change of Use. (This Negotiated Decision

Notices replaces the Preliminary Approval dated 1 August 2018). Refer to

Schedule 1 to view conditions of approval.

5. Approved plans and specifications

Copies of the approved plans are attached. Conditions of approval require amendments to the approved plans.

6. Conditions

This approval is subject to the conditions in Schedule 1.

7. Further development permits

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

- Development Permit for Building Work
- Development Permit for Plumbing Work

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		
	20 Pecten Ave PORT DOUGLAS QLD	
Pauline Halsall	4877	pha53676@bigpond.net.au
Mrs D Grainger		
(Registrar)	Downing St INNISFAIL QLD 4860	
	61 Endeavour St PORT DOUGLAS QLD	elizabethgreen31@gmail.c
Elizabeth Green	4877	om
	Lot 23, 1 Bale Dr PORT DOUGLAS QLD	
Sarah Jenkins	4877	sarjenk14@hotmail.com
	5 Pecten Ave PORT DOUGLAS QLD	
Wayne Dabinet	4877	twofrogtree@outlook.com
	5 Pecten Ave PORT DOUGLAS QLD	!
Deborah Dabinet	4877	twofrogtree@outlook.com
Keithea Schaedler-		lapalmeraie@westnet.com.
Hildebrand	18 Ruby CI PORT DOUGLAS QLD 4877	au
	24-26 Robb Rd REDLYNCH QLD QLD	
Susan Beer	4870	susanbeer7@gmail.com
Patricia Beer	24-26 Robb Rd REDLYNCH QLD 4870	susanbeer7@gmail.com
		todd@malonesbutchery.co
Todd Malone	5-7 Teamsters CI CRAIGLIE QLD 4877	m
	300 Port Douglas Rd PORT DOUGLAS	tracy.lewis2811@gmail.co
Tracy Lewis	QLD 4877	m
	300 Port Douglas Rd PORT DOUGLAS	peterandtracy66@gmail.co
Peter Lewis	QLD 4877	m
	296 Port Douglas Rd PORT DOUGLAS	peterandtracy66@gmail.co
Stephen Warden	QLD 4877	m
Alison Gotts	16 Riflebird Cres MOSSMAN QLD 4873	alison.gotts@gmail.com
	PO Box 431 PORT DOUGLAS QLD	
Melissa Brazel	4877	melbraz23@gmail.com
	Berth 1, Closehaven Marina PORT	
Carmen Riodan	DOUGLAS QLD 4877	carmen.riodan@gmail.com
Narelle Spencer	48 Julaji CI COOYA BEACH QLD 4873	rel_le@hotmail.com
		darren@portdouglasstorag
Darren Merchel	1 Dickson St CRAIGLIE QLD 4877	e.com.au
		voermanplumbing@bigpon
Paul Voerman	PO Box 1308 MOSSMAN QLD 4873	d.com.au
	1/18 Pecten Ave PORT DOUGLAS QLD	
David Birch	4877	birchyboy61@hotmail.com
Adam Natonewski	50 Province Blvd HIGHTON VIC 3216	adam.natonewski@raywhit

		e.com
	35 Macrossan St PORT DOUGLAS QLD	
Alison & Grant Phesant	4877	info@thepavilions.com.au
Patricia Mackenzie	25 Fairview Ave NEWTON VIC 3220	buzzard2@hotmail.com
		bernieleen@westnet.com.a
Bernie Leen	25 Fairview Ave NEWTON VIC 3220	u
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
	PO Box 380 PORT DOUGLAS QLD	philwalker@category5const
Phil Walker & Di Perry	4877	ruction.com
Craig Hahn	8/11 Beor St CRAIGLIE QLD 4877	csc@portcape.com.au
		nathan.bourke@reece.com.
Nathan Bourke	41 Owen St CRAIGLIE QLD 4877	au
		rammetalworks@outlook.co
Edan Hollis	1/11 Beor St CRAIGLIE QLD 4877	m
Paul White & Annie		paautoexpress@bigpond.c
White	11/11 Beor St CRAIGLIE QLD 4877	om
Geoff Ward & Donna		geoffwardplumbing@gmail.
Ward	31A Owen St CRAIGLIE QLD 4877	com
Robert J Fleiszis	10/11 Beor St CRAIGLIE QLD 4877	portautoelec@gmail.com
		jamesdormer63@gmail.co
James Dormer	Lot 2 Ramsay Rd CRAIGLIE QLD 4877	m
Tony McGrath	2/9 Owen St CRAIGLIE QLD 4877	tony@tonymcgrath.com.au
Janette Saxon &		info@tsprintembroidery.co
Shane Saxon	51 Beor St CRAIGLIE QLD 4877	m.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
		creativesoulsstudio@gmail.
Jennifer Vorerk	13 Dulku CI CRAIGLIE QLD 4877	com
	2 Walnut St HOLLOWAYS BEACH QLD	
Tricia Miles	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	
	PO Box 774 PORT DOUGLAS QLD	
Enid Vandersluys	4877	
	PO Box 774 PORT DOUGLAS QLD	
Greg Vandersluys	4877	
Martin Smee	3 England Ave PORT ELLIOT SA 5212	
Matt Chizoniti	5/1 Beor St CRAIGLIE QLD 4877	
	PO Box 1072 PORT DOUGLAS QLD	
Michael Kwles	4877	
	PO Box 1072 PORT DOUGLAS QLD	
Raelene Kwles	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	
Creg / Ibert	PO Box 257 PORT DOUGLAS QLD	
Kira Calligaris	4877	
Tita Galligans	PO Box 546 PORT DOUGLAS QLD	
Tojindor S Samra	4877	
Tejinder S Samra	-	
Jessica Sheldrick	2/1 Beor St CRAIGLIE QLD 4877	
Pinrat Mokhwong	36/1 Beor St CRAIGLIE QLD 4877	
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	3/13 Gardeners Rd BENTLEIGH EAST	
Nicole Peeler	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	
	PO Box 257 PORT DOUGLAS QLD	
Greg Staple	4877	
Kellie Holmes	67/1 Beor St CRAIGLIE QLD 4877	
Wendy Guttesson	1/1 Beor St CRAIGLIE QLD 4877	
Mae & Son Pty Ltd	68/1 Beor St CRAIGLIE QLD 4877	
Garry Keane	11/1 Beor St CRAIGLIE QLD 4877	
	4001/87-109 Port Douglas Rd PORT	
Caroline Schmidt	DOUGLAS QLD 4877	
Damien & Natasha	10-12 Teamsters CI CRAIGLIE QLD	
Orwin	4877	
	622 South Pine Rd EATON HILL QLD	
Lindy O'Grady	4037	lindyogrady@gmail.com
	622 South Pine Rd EATON HILL QLD	ay eg. aay e gaee
Allen O'Grady	4037	lindyogrady@gmail.com
7	1007	georgepalmerqld@bigpond.
George Palmer	5 Bower CI PORT DOUGLAS QLD 4877	com
Jean-Francis	O BOWER OFF CITY BOOKERO QEB 1077	00111
Schaedler	18 Ruby CI PORT DOUGLAS QLD 4877	carlin123@westnet.com.au
Ochacaici	PO Box 752 PORT DOUGLAS QLD	cariii 123@ wc3trict.com.au
Michel & Julie Walker	4877	michelawalker@gmail.com
Reinhold and Susanne	3 Albatross CI COOYA BEACH QLD	micriciawaiker @gmaii.com
Weidner	4873	sue1408@icloud.com
vveidriei	112 St Crispins Ave PORT DOUGLAS	Sue 1408@10loud.com
Magan Nauman	QLD 4877	maagkata@gmail.com
Megan Newman	QLD 4077	meegkate@gmail.com
Charlie & Kerry	5 Harden Ct WANGETTI OLD 4077	ckbudelect@skymesh.com.
Budgen	5 Hartley St WANGETTI QLD 4877	au
0	348 Mowbray River Rd MOWBRAY QLD	cam@ondeckcatering.com.
Cameron Walton	4877	au
Trent Leen	255 Rhinds Rd WALLINGTON QLD 3221	trent@bernieleen.com.au
	1373 Mossman-Daintree Rd ROCKY	
Deirdre and Brian Lenx	POINT QLD 4873	ddlenx15@gmail.com
	112 St Crispins Ave PORT DOUGLAS	
Ben Liddell	QLD 4877	talbacares@hotmail.com
	2/21 Limpet Ave PORT DOUGLAS QLD	lorainerobertson47@gmai.c
Loraine Robertson	4877	om
Alan and eline	298 Port Douglas Rd PORT DOUGLAS	ajohnstone@jemspacific.ne
Johnstone	QLD 4877	t
	3-13 Andrews CI PORT DOUGLAS QLD	
Leona Brown	4877	ljbrown49@hotmail.com
	7 The Lake Old Port Rd PORT DOUGLAS	ann.blingitonpets@gmail.co
Ann Ireland	QLD 4877	m
Terry and Nancy	16 Pecten Ave PORT DOUGLAS QLD	johnsons@seol.net.au
	1	

Johnson	4877	
Debra Deayton	104 Black Bean Rd COW BAY QLD 4873 ddeayton@gmail.com	
Barry Kennedy	23-51 Anderson Rd WOREE QLD 4868 bakenne4@hotmail.co	
	Cnr Grant & Macrossan Sts PORT shane.nichols@ne	
Shane Nichols	DOUGLAS QLD 4877	au
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	PO Box 406 PORT DOUGLAS QLD	sales@portirrigation.com.a
Lee Foster	4877	u
	1/51 Pecten Ave PORT DOUGLAS QLD	
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Locky Laidlaw	PO Box 513 MOSSMAN QLD 4873	
Todd Goodwin	11 Marlin Dr WONGA QLD 4873	
Dean Foster	37 Kalkuri Cl WONGA QLD 4873	
	1383 Mossman Daintree Rd ROCKY	
Deborah Cockburn	POINT QLD 4873	deb@constantlogic.com.au
	26B 2 Langley Rd PORT DOUGLAS QLD	-
Karen Evans	4877	karenlevans19@gmail.com

Refer to Schedule 2 to review a description and response to the matters raised in the submissions and how those matters were dealt with in deciding the application.

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 development application and revised Acoustic Report dated 30 August provides an assessment of the adjacent and nearby properties with respect to anticipated noise levels. The Acoustic report dated 30 August in conjunction with conditions of the Development Permit will adequately address noise emissions.
 - b. to ensure the development satisfies the Strategic Framework and associated benchmarks of the 2018 Douglas Shire Planning Scheme; and
 - c. to ensure compliance with the *Planning Act 2016*.
- 2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council on 14
 June 2018 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules;
 - b. the application was properly notified;

- c. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2018 Douglas Shire Planning Scheme in making its decision as Assessment Manager.
- d. the content of the revised Acoustic Report dated 30 August 2018 and other supporting information.
- e. regard was given to a number of submissions lodged in response to the application, in particular those that raised concerns over noise impacts.
- 3. Evidence or other material on which findings were based:
 - a. the development triggered impact assessable development under the Assessment Table associated with the Industry zone code;
 - 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:
 - Subject to compliance with conditions of this Development Permit and the implementation of the recommendations of the Acoustic Report dated 30 August 2018, the development satisfactorily meets the Planning Scheme requirements.

Non-compliance with Assessment Benchmarks

Assessment Benchmark	Reasons for approval despite non-compliance with benchmark
Industry zone code	
AO2.1 Building and structures are setback 6 metres from road frontages.	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.
Animal keeping code	
AO1 The use is located on a lot with a minimum area of:	The proposal represents a new model in which the boarding of animals takes place.
	The revised Acoustic Report dated 30 August 2018 has expanded the
(a)1 hectare for a kennel;	investigation with respect to adjacent and nearby properties and has applied additional attenuation treatments to the proposed facility.
(b)1 hectare for a cattery;	
(c) 2 hectares for a stable;	Conditions of approval also require additional measurements be undertaken with respect to the existing background noise to establish pre
(d)all others -lot size is	and post development conditions in order to appropriately address noise

determined on the number	emissions.
and type of animals to be kept.	
The use is setback in accordance with Table 9.3.1.3.b, as follows:	The proposal represents a new model in which the boarding of animals takes place.
-For kennels and cattery Road frontages – min. of 50 metres Side and rear boundaries- min. of 15 metres	The revised Acoustic Report dated 30 August 2018 has expanded the investigation with respect to adjacent and nearby properties and has applied additional attenuation treatments to the proposed facility. Conditions of approval also require additional measurements be undertaken with respect to the existing background noise to establish pre and post development conditions in order to appropriately address noise emissions.
Environmental Performance code	
AO2.1- Development does not involve activities that would cause noise related environmental harm or nuisance; or AO2.2 Development activities do not cause noise related environmental harm or nuisance; or Through the use of materials noise emissions do not adversely impact on adjacent uses.	The proposal represents a new model in which the boarding of animals takes place. The revised Acoustic Report dated 30 August 2018 has expanded the investigation with respect to adjacent and nearby properties and has applied additional attenuation treatments to the proposed facility. Conditions of approval also require additional measurements be undertaken with respect to the existing background noise to establish pre and post development conditions in order to appropriately address noise emissions.

11. 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— APPROVED DRAWINGS, CONDITIONS & ADVICES IMPOSED BY THE ASSESSMENT MANAGER

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

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

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

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

B. ASSESSMENT MANAGER CONDITIONS AND ADVICES

Assessment Manager Conditions

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

Except where modified by these conditions of approval

Timing of Effect

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

Amendment to Design

- 3. The proposed development must be redesigned / amended to accommodate the following changes:
 - a. Provided updated architectural drawings to reflect the recommended treatments to both the Caretaker's Residence and the existing shed to reflect the recommendations of the Acoustic Report dated 30 August 2018. Further amendments maybe required in order to achieve compliance with conditions of this Development Permit.

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

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

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

Acoustic Report / Noise Emissions

- 4. Average maximum noise level (Lmax,T) of dogs must not exceed at an affected building:
 - Day (7am to 6pm): Background noise level L90,T + 10 dBA
 - Evening (6pm to 10pm): Background noise level L90,T + 5 dBA
 - Night (10pm to 7am): Background noise level L90,T + 5 dBA

Average noise level (LAeq,15mins) from the facility must not exceed:

- Day (7am to 6pm): Background noise level L90,T + 5 dBA
- Evening (6pm to 10pm): Background noise level L90,T + 3 dBA
- Night (10pm to 7am): Background noise level L90,T + 0 dBA for residential receptors outside the industrial estate.

Unless otherwise approved by the Chief Executive Officer.

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

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

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

Outdoor Runs

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

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

Acoustic Compliance Monitoring

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

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

Caretaker's Accommodation

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

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

Kennel / Boarding Facility

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

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

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

Local Law Registration

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

Car Parking Area

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

Waste Management

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

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

Refuse Storage

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

Liquid Waste Disposal

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

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

In particular, the plans are to illustrate:-

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

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

Damage to Council Infrastructure

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

Lighting

15. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5

metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

Lawful Point of Discharge

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

Advertising Signage

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

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

Advices

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

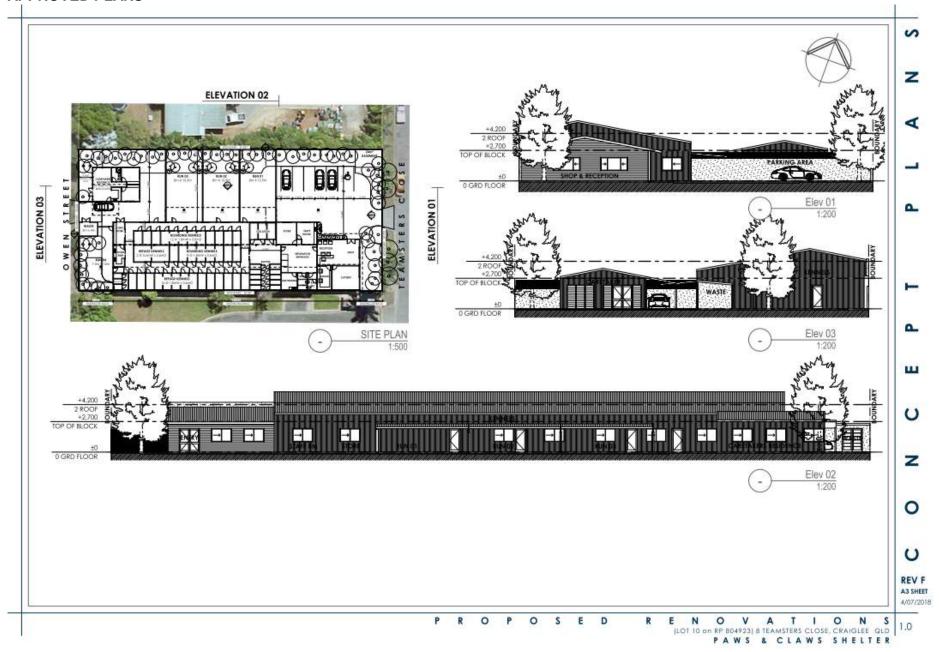
LAND USE DEFINITIONS*

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

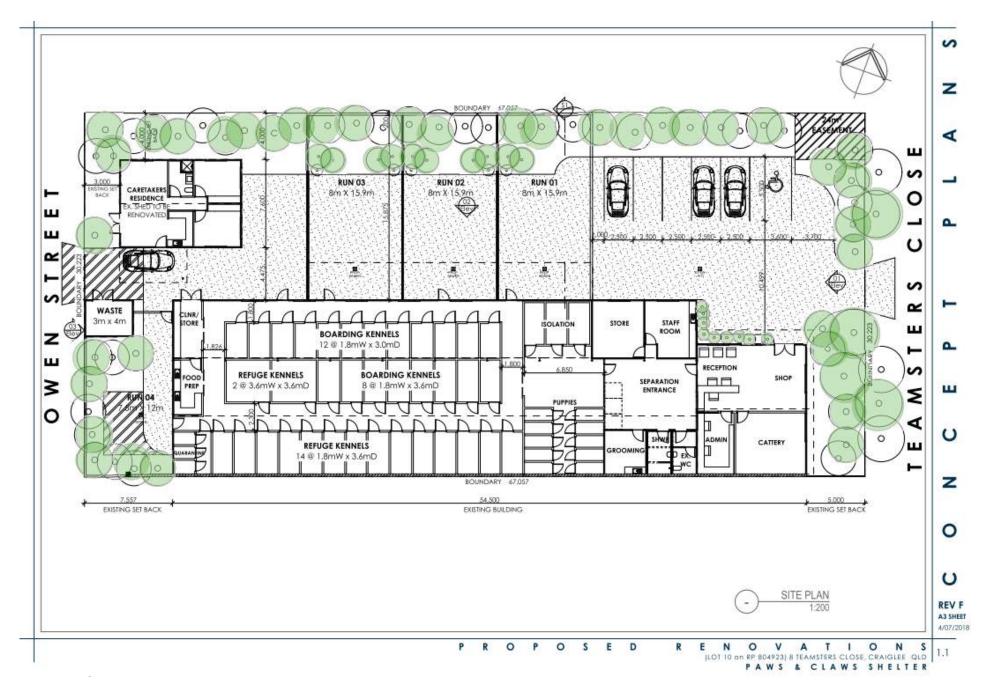
Column 1	Column 2	Column 3	Column 4 Does not include the include following examples
Use	Definition	Examples	
Animal Keeping	Premises used for boarding, breeding or training of animals. The use may include ancillary temporary or permanent holding facilities on the same site and ancillary repair and servicing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

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

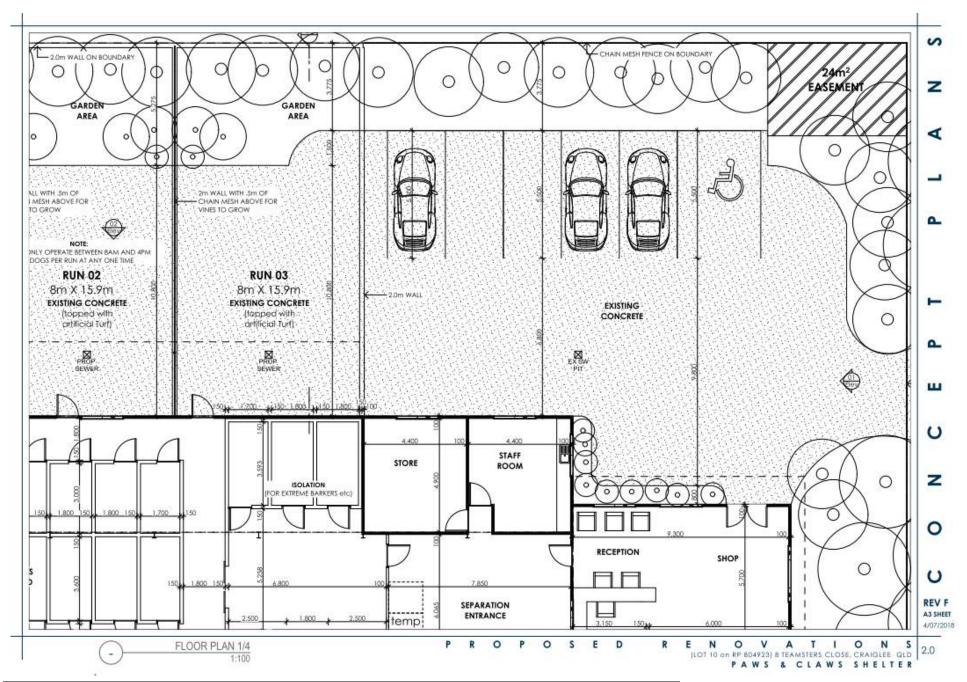
APPROVED PLANS

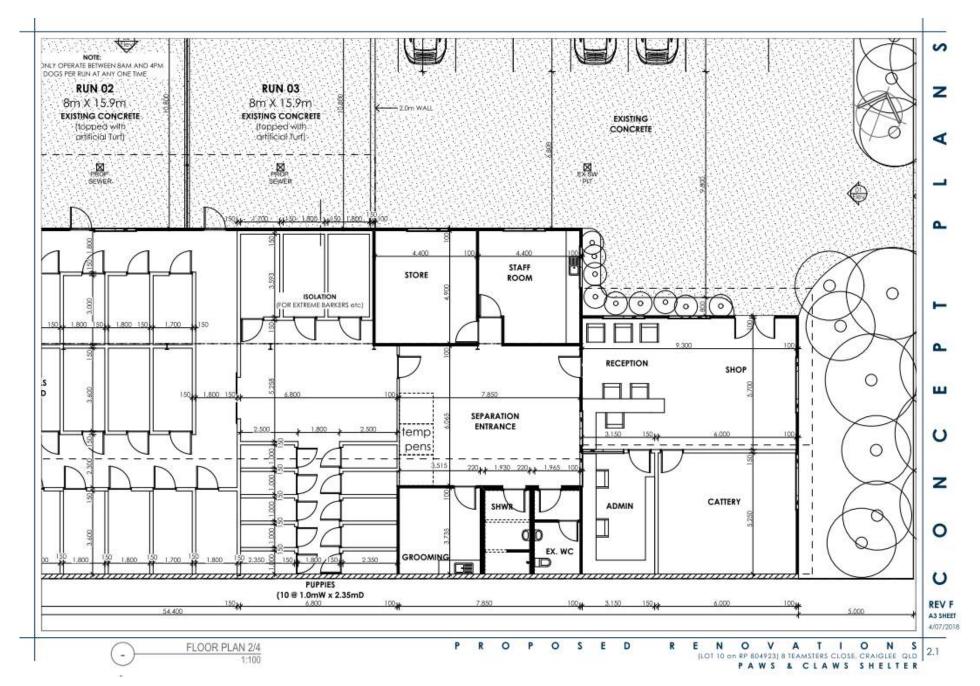


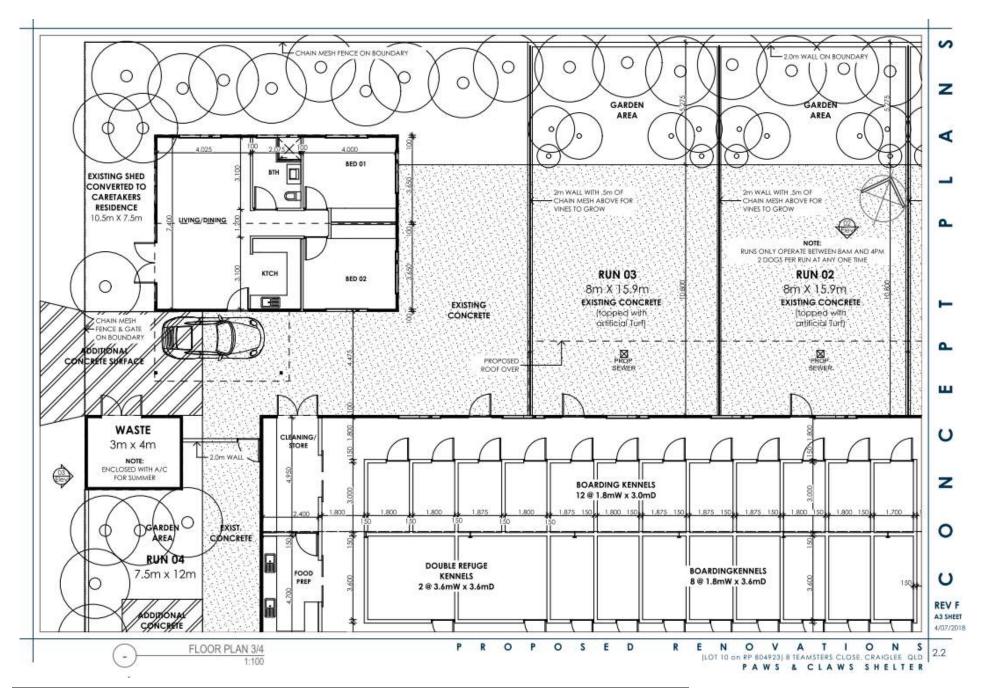
871488 43/ 2711/2018 Page 15 of 53

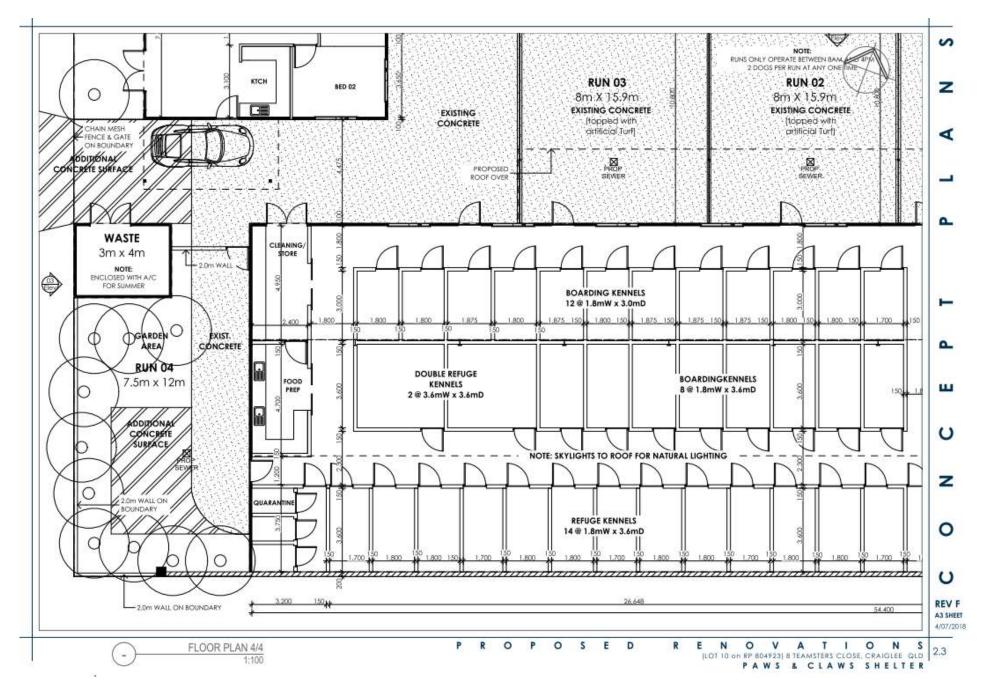


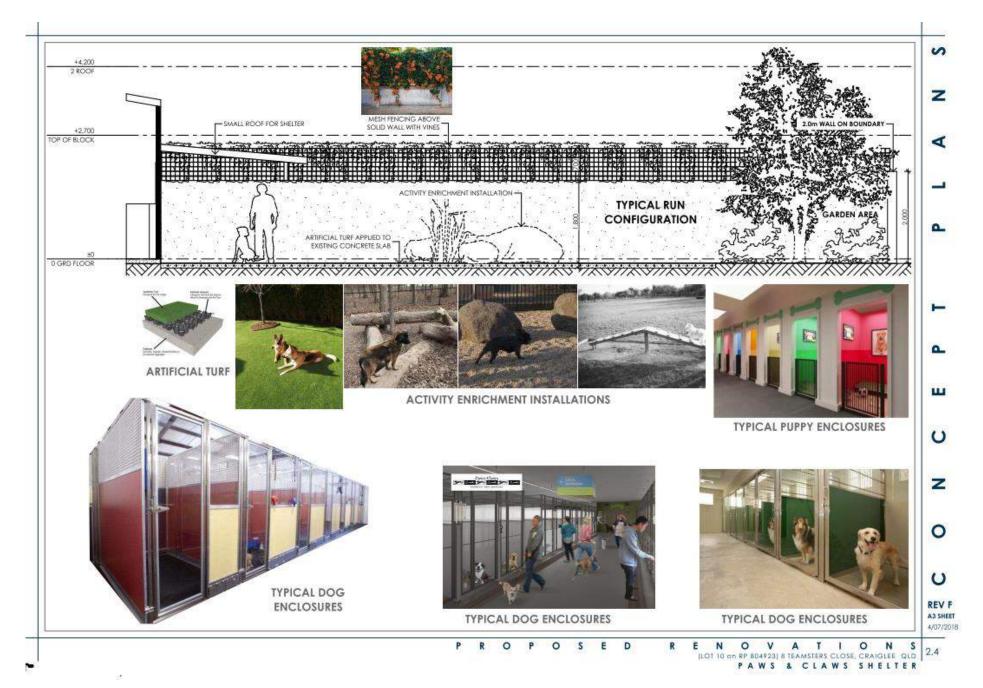
871488 43/ 2711/2018 Page 16 of 53











871488 43/ 2711/2018 Page 21 of 53

Acoustic Report dated 30 August 2018 (A PDF version of this report can be viewed on Council's website - https://douglas.qld.gov.au/download/planning-services/development_applications/Further-Supporting-Acoustic-Information_3.pdf

acousticworks)))

Proposed Animal Shelter 6-8 Teamsters Close Craiglie

ACOUSTIC REPORT









Client:

Homeless Animal Society and Boarding Kennels Inc. Attn: Michael Kerr

Reference: 2018205 R01F 6-8 Teamsters Close Craiglie ENV Date Issued: 30th August 2018

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TABLE OF CONTENTS

1.Intro	duction	on	4
2.Site D	escri	iption	4
2.1	Site	Location	4
2.2	Pro	posal	5
2.3		oustic Environment	
3.Equip		t	
		and Noise Monitoring Locations	
4.1		ceiver Locations	
4.2	Una	attended Noise Monitoring	
		Noise Levels	
5.1		asured Ambient Noise Levels	
5.2	Mon	asured Offsite Activity Noise Levels	
		ental Noise Criteria	
6.1		rironmental Noise Policy 2008	
		ental Assessment	
7.1		site Activities	
-	.1.1	Acoustic Quality Objectives	
. 7	.1.2	Background Creep	
7.2		asured Offsite Activity Noise Levels	
8.Recor		ndations	
8.1	Aco	oustic Barrier/Enclosure and Absorptive Lining	15
8.2	Mar	nagement Controls	16
8.3	Buil	lding Treatments	16
8	3.1	Caretaker's Residence	16
8	3.2		
8	3.3		
8.4	-27	site Mechanical Plant	
		1	
		ndices	
10.1		velopment Plans	
10.1			
10.2	NOE	se Monitoring Charts	15
TABLE 1	(NDE)	X .	
To	ble t-	Measured road traffic and ambient noise levels - all time periods	C43150
Ta	bla 7	Attended noise measurement results	received.
		Acoustic Quality Objectives at Noise Sensitive Properties	
		Background Creep Noise Limits	
		Acoustic Quality Objective Noise Levels, 1 hour - Receivers 1-3	
		Acoustic Quality Objective Noise Levels, 1 hour - Receivers 4-7	
Ta	ble /:	Background Creep Noise Levels, 15min	I.
FIGURE	INDE	EX	
Fig	ure 1:	Site Location (Not to Scale)	
Fig	ure 2:	Receivers and Noise Monitoring Location	
		Recommended Acoustic Barrier and Enclosure	

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1. Introduction

The following revised report is in response to a request by the Homeless Animal Society and Boarding Kennels Inc. for an environmental noise assessment of a proposed animal shelter located at 6-8 Teamsters Close, Craiglie. The revised report addresses Schedule 1, Part 1A of Douglas Shire Council's preliminary approval for the development (Ref: MCUI 2711/2018 (866422)). To facilitate the assessment, unattended noise monitoring and attended measurements were conducted in the vicinity of nearby sensitive receivers to determine the criteria and compliance of onsite activities.

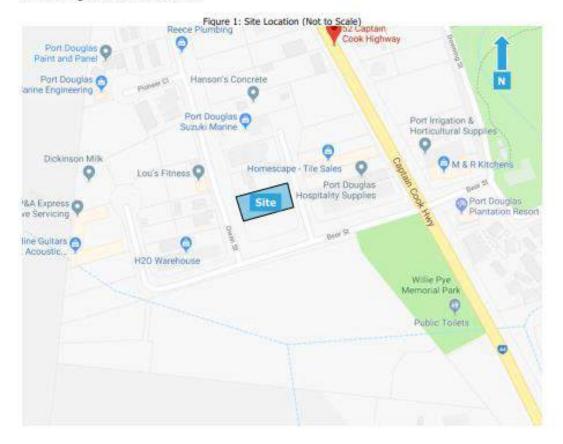
2. Site Description

2.1 Site Location

The site is described by the following:

6-8 Teamsters Close, Craiglie Lot 10 on RP804923

Refer to Figure 1 for site location.



2018205 R01F 6-8 Teamsters Close Craiglie ENV © Acoustic Works 2018

A comprehensive site survey was conducted on the 18th of June 2018 which identified the following:

- The site currently consists of two single storey shed structures which will be refurbished for the development.
- A Cleanaway waste truck depot bounds the site to the north with an Origin Energy gas depot located on the southern boundary.
- Teamsters Close bounds the site to the south, separating the development from commercial land uses.
- d) Owen Street bounds the site to the north, separating the development from commercial land uses.

During the site survey a number of caretaker's residences were identified in proximity to the site and were considered in the assessment.

2.2 Proposal

The site currently consists of two sheds which shall be refurbished for the development. The larger shed located on the southern portion of the site will be converted into the animal shelter, with the smaller one located on the north-western portion of the site to be converted into a caretaker's dwelling. The animal shelter will consist of the following;

- 38 dog kennels, 10 puppy kennels and 3 isolation kennels.
- Cattery.
- Reception and shop.
- Quarantine area, grooming, administration, staff and store rooms.

Dog runs will be provided adjacent to the northern and western façades of the animal shelter building for use between 8am and 4pm. A total of 8 dogs will use the 4 external dog runs at any one time. At all other times dogs will be located within the shelter building, which will be fully enclosed and air-conditioned.

2.3 Acoustic Environment

The surrounding area is primarily affected by road traffic noise from the local road network with nearby commercial properties potentially impacting residents in the area.

Equipment

The following equipment was used to record noise levels:

- Rion NL42 Environmental Noise Monitor
- Norsonic NOR140 Sound Level Meter
- BSWA Technology Co. Ltd Sound Calibrator

The Rion NL42 Environmental Noise Monitor and Norsonic NOR140 Sound Level Meter hold current NATA Laboratory Certification and were field calibrated before and after the monitoring period, with no significant drift from the reference signal recorded.

4. Receivers and Noise Monitoring Locations

4.1 Receiver Locations

The nearest sensitive receiver locations were identified as follows;

- 1. A single storey residential dwelling is located to the west at 52 Ramsey Road.
- The Plantation Resort consists of two storey unit buildings and is located to the east at 1 Boer Street.
- 3. A 2 storey dwelling is located to the southeast at 5903 Captain Cook Highway.
- A caretaker's residence is located adjacent the northern site boundary at 10-12 Teamsters Close.
- 5. Commercial and light industrial uses are located on the eastern side of Teamsters Close.
- A caretaker's residence is located adjacent to the east at 9-11 Teamsters Close.
- Commercial and light industrial uses are located on the western side of Owen Street.

Note that in accordance with Performance Outcome 10 of the DSC Industry Zone Code, the development must not lower the standards of amenity with respects to noise at any sensitive receiver outside of the Industry Zone. In addition, Douglas Shire Council has requested that surrounding commercial and caretaker's properties are also included in the assessment (Ref: MCUI 2711/2018 (866422)). Therefore, the above locations were chosen as being representative of the nearest residential receivers in proximity to the proposed development. Refer to Figure 2 for these locations.



4.2 Unattended Noise Monitoring

The Rion NL42 environmental noise monitor was placed at the Plantation Resort (1 Boer Street) to measure ambient noise levels. The location was selected as it was considered representative of the ambient noise environment at the nearest potentially affected receiver identified in Figure 2. The monitor was located in a free field position with the microphone approximately 1.4 metres above ground surface level. The noise monitor was set to record noise levels between the 18th and 25th of June 2018.

The environmental noise monitor was set to record noise levels in "A" weighting, Fast response using 15 minute statistical intervals. Ambient noise monitoring was conducted generally in accordance with Australian Standard AS1055:1997 Acoustics – Description and measurement of environmental noise.

For the unattended noise monitoring location refer to Figure 2.

Measured Noise Levels

5.1 Measured Ambient Noise Levels

Table 1 presents the measured ambient noise levels from the unattended noise monitoring location. Any periods of extraneous noise were omitted from the measured data prior to determining the results.

L90 dB(A) Day Date Evening Day Night Monday 18/06/18 49 39 30 Tuesday 37 30 19/06/18 50 Wednesday 20/06/18 50 36 28 21/06/18 49 37 29 Thursday Friday 22/06/18 49 39 30

48

48

49

37

39

38

31

31

30

Table 1: Measured road traffic and ambient noise levels - all time periods

Refer to the appendix for graphical representation of the measured noise levels.

Overall value

23/06/18

24/06/18

5.2 Measured Offsite Activity Noise Levels

Saturday

Sunday

Noise measurements were performed at the location of the proposed caretaker's dwelling on Monday 18th of June 2018 between 12:45pm and 1.15pm to determine any requirements for acoustic treatments, with the results as follows;

Measured activity Activity assessed noise level dB(A) Time Comments Leq 15min Observed noise included: Voices, reverse alarms, power tools, metal Offsite commercial and drops from industrial premises to the north. 52 12:45am-1:00pm industrial activity Concrete truck and vehicle movements on surrounding roads. Distant continuous plant noise. Observed noise included; Voices, reverse alarms, power tools, metal Offsite commercial and drops from industrial premises to the north. 49 1:00pm-1:15pm industrial activity Concrete truck and vehicle movements on surrounding roads. Distant continuous plant noise

Table 2: Attended noise measurement results

The measured noise impacts by attended measurement were found to be 49-52 dB(A) Leq 15min, with levels dominated by traffic and offsite industrial activity. A summary of the measured levels is provided in Section 7.2.

5.3 Measured Offsite Activity Noise Levels

To determine the bark dB noise levels, data and acoustic analysis is based on assessments previously carried out over 7 days for a facility containing 60 dogs. The kennel was of combined masonry and lightweight wall construction, as well as sections open to the exterior. The measurements were taken in the direction of open mesh fence side to provide 'worst-case' scenario'.

The noise was measured using two noise loggers set up at distances of 3m and 20m respectively from the open face of the kennels. The noise monitors were set to measure in 15 minute periods and the highest average maximum 15 minute results determined for each of the time periods. Noise levels were then converted to provide a 'source' noise level at equivalent distance of 1m.

Calculated source noise levels for 60 dogs based on the measured levels are as follows;

Table 3: Equivalent source noise levels due to 60 dogs

Time period	Source noise pressure level dB(A) @1m
a toma Anterior	Leq
Day	96
Evening	92
Night	86

Noise levels are then adjusted to allow for 38 mature dogs as proposed;

Table 4: Equivalent source noise levels due to 38 dogs

Time period	Source noise pressure level dB(A) @1m	
CONTRACTOR S	Leg	
Day	94	
Evening	90	
Night	84	

These noise levels were used for the basis of the analysis.

Environmental Noise Criteria

5.1 Environmental Noise Policy 2008

The noise criteria as applied under the Environmental Protection (Noise) Policy 2008 are as follows;

6.1.1 Acoustic Quality Objectives

Table 5 below presents the acoustic quality objectives at noise sensitive receptors as detailed in Schedule 1 of the EPP (Noise) 2008.

Table 5: Acoustic Quality Objectives at Noise Sensitive Properties

		Acoustic Quality Objectives, dB(A)						
Sensitive Receptor	Time of Day	L _{Arq,adj,1fr}	LAUGAS, UV	L _{A1,adj,1hr}				
Dwelling (outdoors)	Day and Evening (7am – 10pm)	50	55	65				
Dwelling	Day and Evening (7am – 10pm)	35	40	45				
(Indoors)	Night (10pm - 7am)	30	35	40				
Commercial and retail activity (indoors)	When the activity is open for business	45	8	59				

6.1.2 Background Creep

The Background Creep criteria are as follows;

Time-varying noise:

 $L_{Aeq,adj,T,} \leq Ambient L_{A90,T} + 5dB(A)$

Steady-state noise:

LASO,T ≤ Ambient LASO,T

The time period (T) is a time interval of at least 15 minutes, or if the noise continues for less than 15 minutes, the duration of the noise source.

Based on the results of ambient noise monitoring, the project specific background creep noise limits are shown in Table 6.

Table 6: Background Creep Noise Limits

Time Period	Noise Level Li	imits SPL dB(A		
Time Period	LANGT	L _{ASO,T}		
Day 7am - 6pm	54	49		
Evening 6pm – 10pm	43	38		
Night 10pm - 7am	35	30		

Environmental Assessment

7.1 Onsite Activities

Noise associated with the proposed development was assessed based on measurements of similar activities including boarding kennels. The calculations assume that the nominated activities are located at a representative distance within the development site to each receiver location. Any relevant shielding or building transmission loss is taken into account for these activities.

7.1.1 Acoustic Quality Objectives

The average maximum noise source levels and predicted levels at the receiver locations are shown in Table 7 and Table 8. Note: Lalo and Lal results are not shown in cases where the total duration of the events is less than the minimum time required e.g. Lalo(thr) requires noise events to occur for at least 360 seconds of an hour long period. Laeq results are not shown where the calculated total is less than 0dBA.

| Comment | Comm

Table 7: Acoustic Quality Objective Noise Levels, 1 hour - Receivers 1-3

Table 8: Acoustic Quality Objective Noise Levels, 1 hour - Receivers 4-7

*Correction due to tonality and impulsiveness as per AS1055:1997.

Compliance is predicted with the Acoustic Quality Objectives for all activities associated with the development provided the recommendations in Section 8 are implemented.

Based on the existing industrial environment, the surrounding ambient noise levels from offsite activities were found to be approximately 49-52dB(A), as detailed in Section 5.2. Therefore it is highly likely that caretaker residence's will close windows and doors and utilise air-conditioning or mechanical ventilation during the day/evening time period, hence a 20dB reduction from outside to inside was applied to Receivers 4 & 6 as allowed for in Table 7 of the Ecoaccess Guideline. As this 20dB(A) reduction is only relevant for the day/evening time period, the standard 10dB(A) reduction was applied for the night time period.

As the surrounding commercial properties are also air conditioned, the 20dB reduction from outside to inside was also applied to Receivers 5 & 7.

7.1.2 Background Creep

The noise source levels and predicted levels at the residential receiver locations (Receivers 1-4 & 6) are shown as follows;

Table 9: Background Creep Noise Levels, 15min

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^{*}Correction due to tonality and impulsiveness as per AS1055:1997:

Compliance is predicted with the Background Creep criteria for all activities associated with the development provided the recommendations in Section 8 are implemented.

7.2 Measured Offsite Activity Noise Levels

The internal acoustic quality objectives for proposed onsite caretakers residence within a habitable room is Leq 35 dB(A) during the daytime and Leq 30 dB(A) during the night time. Based on the measured noise levels, a maximum noise reduction (from outside to inside) of 22 dB(A) would be required to satisfy the criteria, refer to Section 8 for further recommendations.

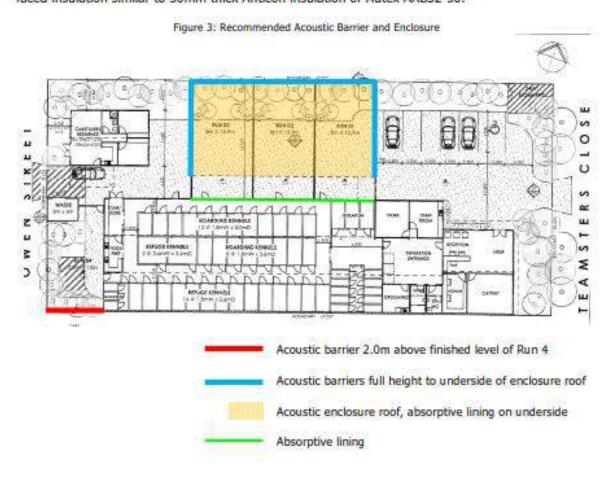
Recommendations

8.1 Acoustic Barrier/Enclosure and Absorptive Lining

To reduce noise from the external dog runs at sensitive receivers, acoustic barrier and partial enclosures are recommended to be constructed along the southern and northern boundaries nominated in Figure 3.

The acoustic barrier and roof shall be constructed using materials that achieve a minimum surface density of 10kg/m². Suitable materials may include lapped 19mm thick pine palings with 40% overlap, 9mm fibre cement sheet, masonry, aerated concrete, glass or other materials which satisfy the minimum surface density requirement. The barrier and enclosure should be free of gaps and holes.

Absorptive linings are recommended to be installed on the underside of the enclosure roof and along part of the northern facade of the existing shed, as shown in Figure 3. The lining on the shed façade should commence approximately 750mm above ground level and continue to the height of the enclosure roof. The lining is to use 50mm thick Autex AAB32-50 insulation with a density of 32kg/m³ faced with perforated FC backed with a minimum open are of 11%. The lining to the underside of the roof will cover the entire area (light fitting's exempt) and shall utilise foil faced insulation similar to 50mm thick Anticon insulation or Autex AAB32-50.



8.2 Management Controls

The assessment has demonstrated that onsite activities are predicted to comply with the criteria in Section 6 on the condition the external dog runs are limited to the daytime period (8am-4pm), 7 days per week.

8.3 Building Treatments

8.3.1 Caretaker's Residence

To achieve a suitable level of internal amenity for offsite commercial activity noise, we recommend the following:

- The external facade and roof shall achieve minimum Rw 35.
- External windows shall require minimum thickness 4mm float with acoustic seals (minimum Rw 27)
- External sliding doors shall require minimum thickness 4mm toughened glazing with acoustic seals (minimum Rw 27).

A lightweight construction option for the external walls is as follows;

 Rw 35: 6mm FC externally with 70mm stud and 75mm glasswool batts (14kg/m³) in the cavity with 13mm plasterboard internally.

For the roof system, we recommend construction as follows;

 Rw 35: Metal sheet roof with Bradford Anticon 55 insulation, 75mm glasswool Batts in the cavity with 10mm plasterboard internally, maintain a minimum cavity of 100mm.

Penetrations shall not reduce the overall acoustic performance of the installed façade/roof/ceiling systems.

8.3.2 Boarding Kennel Shed

To achieve a suitable level of amenity for onsite activity to offsite receivers, we recommend the upgrading the boarding kennel shed as follows:

- If not already existing, upgrade the external sheet metal walls and roof to include an internal lining spaced a minimum of 75mm of the sheet metal using 6mm FC with 75mm thick 14kg/m³ polyester insulation in the resulting wall cavity.
- All access doors of the boarding kennel shed are required to be a minimum 40mm solid core doors with full perimeter and drop seals with the gap at the base of the doors to be a maximum of 5mm.
- Upgrade all façade glazing of the boarding kennel shed to a minimum thickness of 10.38 laminate glass with acoustic seals (e.g. Q-lon or an equivalent product, mohair seals are not acceptable), the installed system shall achieve a minimum Rw 34.

8.3.3 Alternative Ventilation

We recommend that the animal shelter shed and all habitable rooms of the caretaker's residence have the provision for an alternative ventilation system similar to air-conditioning or mechanical ventilation to allow windows and doors to be closed.

8.4 Onsite Mechanical Plant

No information regarding mechanical services was available at the time of the assessment. We recommend that any new mechanical plant is designed to comply with the criteria as nominated in 6.1.2. We recommend an assessment by qualified acoustic consultant be conducted prior to installation to determine any requirements for acoustic treatments to mechanical plant.

Conclusion

An environmental noise assessment was conducted for the proposed animal shelter located at 6-8 Teamsters Close, Craiglie. The assessment has considered all onsite activities associated with the proposal to sensitive receivers in the vicinity of the site, on the condition the recommendations detailed in Section 8 are implemented, compliance is predicted with assessment criteria detailed in Section 6.

If you should have any queries please do not hesitate to contact us.

Report prepared by

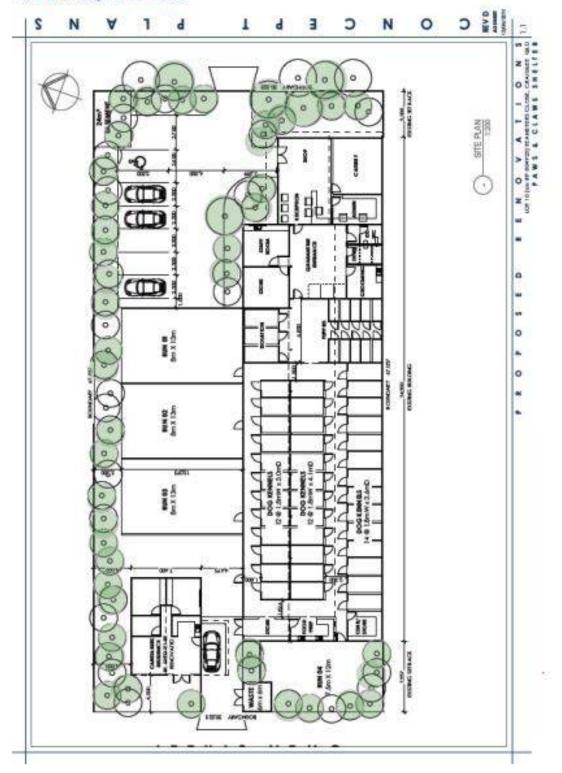
GREG PEARCE B.Eng (Mech)

Director

acousticworks))

10. Appendices

10.1 Development Plans



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Page 39 of 53

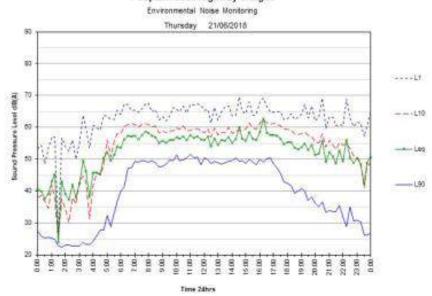
10.2 Noise Monitoring Charts

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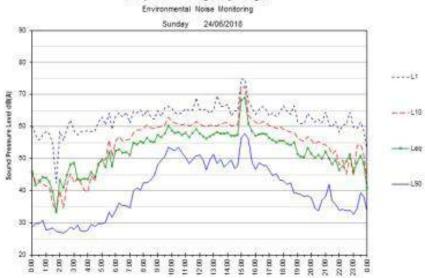
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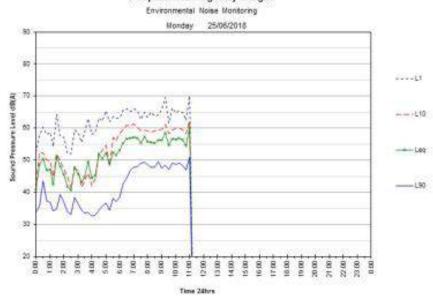
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Page 21

1 Captain Cook Highway Craiglie



1 Captain Cook Highway Craiglie



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

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.

The revised Acoustic Report dated 30 August 2018 has expanded the investigation with respect to adjacent and nearby properties and has applied additional attenuation treatments to the proposed facility.

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 original Acoustic Report lodged with the Development Application didn't t address noise attenuation properties of the building or impacts on neighbouring or surrounding properties.

The revised Acoustic Report dated 30 August 2018 has expanded the investigation with respect to adjacent and nearby properties and has applied additional attenuation treatments to the proposed facility.

Conditions of approval also require additional measurements be undertaken with respect to the existing background noise to establish pre and post development conditions in order to appropriately address noise emissions.

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 it is acknowledged that a Caretaker is identified as a sensitive land use under the State Planning Policy.

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.

Despite Caretaker's Accommodation is not being included in the above list, the decision to approve the development has given due regard to potential noise levels emanating from the site and the impacts this may have on the adjoining property. The revised Acoustic Report dated 30 August 2018 has expanded the investigation with respect to adjacent and nearby properties and has applied additional attenuation treatments to the proposed facility.

In relation to the residential amenity experienced by sensitive land uses to the east, west and south of the site, the revised Acoustic Report dated 30 August 2018 demonstrates that the proposed development will not adversely impact on sensitive land uses as defined by the Planning Scheme.

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 presented to Council on 31 July 2018.

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

This concern was initially shared by Council and for this reason a Preliminary Approval was issued.

The revised Acoustic Report dated 30 August 2018 has expanded the investigation with respect to adjacent and nearby properties and has applied additional attenuation treatments to the proposed facility.

Conditions of approval also require additional measurements be undertaken with respect to the existing background noise to establish pre and post development conditions in order to appropriately address noise emissions.

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.

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 when the application was first submitted were agreed. For this reason a Preliminary Approval was issued requiring further investigation and clarification with regard to noise impacts on adjacent and nearby properties.

The revised Acoustic Report dated 30 August 2018 has expanded the investigation with respect to adjacent and nearby properties and has applied additional attenuation treatments to the proposed facility.

Conditions of approval also require additional measurements be undertaken with respect to the existing background noise to establish pre and post development conditions in order to appropriately address noise emissions.

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.

The revised Acoustic Report dated 30 August 2018 has expanded the investigation with respect to adjacent and nearby properties and has applied additional attenuation treatments to the proposed facility.

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 must 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
 - 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—

- 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
- 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)—
 - 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—

- (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	Column 2	Column 3	Column 4 Co-respondent by election (if any)
Appellant	Respondent	Co-respondent (if any)	
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	 A concurrence agency that is not a co-respondent If a chosen assessment manager is the respondent—the prescribed assessment manager Any eligible advice agency for the application 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	Column 2	Column 3	Column 4
Appellant	Respondent	Co-respondent (if any)	Co-respondent by election (if any)
 For a development application—an eligible submitter for the development application For a change application—an eligible submitter for the change application 	For a development application—the assessment manager For a change application—the responsible entity	The applicant 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)
 For a development application—an eligible submitter for the development application For a change application—an eligible submitter for the change application 	For a development application—the assessment manager For a change application—the responsible entity	The applicant If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
3 An eligible advice agency for the development application or change 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 waiver the 20 day appeal period available under the *Planning Act 2016*

SCHEDULE 4 - ADOPTED INFRASTRUCTURE CHARGES

Paws & Claws			0		0
DEVELOPERS NA	ME		ESTATE		STAGE
6-8 Teamstern Close STREET No. 5 NAME MCUI - Animal Keeping Including Carefaker's		SUBURB	L 10 RP804923 LOT & RP No.s		PARCEL No.
#87071g			COUNCIL	ILL NO.	EXECUTY PERIOD (SEE)
DSC Reference Doc . No.		VERSION No.			
	Use	Charge	Amount Due	Amount Paid	Receipt Code & GL Cod
aral Areas - Water Only		per Use			
proposed	a a	0.00	0.00		
	u	0.00	0.00		
existing	α	0.00	0.00		
Total			0.00		
ban Areas - Water only					
proposed	а	0.00	0.00		
	0	0.00	0.00		
existing	α	0.00	0.00		
Total			0.00		Code 895 GL 07500.0135.0825
ban Areas - Water & Sower					
One Caretaker's Residence	1	10,479.00	10,479.00		
	u	0.00	0.00		
	u	0.00	0.00		
	a	0.00	0.00		
Total			10,479.00		
		TOTAL	\$10,479.00	- 12	
	l Beck			7	
spared by Ne	- Inter-		5-Sep-18	Amount Paid	
ecked by D L	amond		5-Sep-18	Date Paid	
Date Payable				Receipt No.	
endments.		8	Date		
		1		Cashier	
		- 11		-	
				1	
ote:					
e Infrastructure Charges in this Notice	are payabl	e in accordance wil	h Sections 119 and 12	O of the Plenning Act	2016.
sege rates under the current Policy are					

Any enquiries regarding infrastructure Charges can be directed to the Development & Environment, Douglas Shine Council on 07 4099 9444 or try small on enquiries@douglas.qbt.gov.au.