

DETAILED ASSESSMENT REPORT

DEVELOPMENT SERVICES

APPLICATION SUMMARY	
Application Number:	MCU18/0311
Division:	1
Applicant:	Diamond Valley Kennels Pty Ltd
Consultant:	Adams & Sparkes Town Planning & Development
Owner:	All Across Earth Worx (Holdings) Pty Ltd Tte
Proposal:	Development Permit for Material Change of Use of Premises to Establish Animal Keeping
Properly Made Date:	1 November 2018
Site Meeting	On 7 December 2020, a joint site meeting was held with the applicant and Council officers at both the existing Diamond Valley Kennels facility at 204 Ratcliffe Road, Diamond Valley and the subject site at 2312 Steve Irwin Way, Landsborough
Street Address:	2312 Steve Irwin Way LANDSBOROUGH
RP Description:	Lot 2 RP 180434
Assessment Type:	Impact
Number of Properly Made Submissions:	104* <i>*Refer to Public Notification section of report for additional information</i>
State Referral Agencies:	<u>Concurrence</u> <ul style="list-style-type: none"> • SARA at DSDILGP
Referred Internal Specialists:	<ul style="list-style-type: none"> • Development Engineer • Ecology Specialist • Environmental Health Specialist • Plumbing Specialist

PROPOSAL:

The purpose of this report is to seek Council's determination of an application for a Development Permit for a Material Change of Use of Premises to Establish Animal Keeping at 2312 Steve Irwin Way, Landsborough.

The application is before Council due to the high level of community interest.

The application is proposing Dog Breeding, Dog Kennels, and a Cattery with associated office, storage areas, driveways, carparking and acoustic barriers. The existing dwelling would be retained onsite and would be occupied by on-site residential staff.

In relation to dog breeding, the applicant is proposing 60 adult dogs excluding puppies. In relation to boarding, the applicant is proposing 24 boarding kennels on site with each kennel capable of accommodating 2 dogs. This would mean that potentially up to 48 dogs could be boarding on site at the same time. The combined maximum total of breeding and boarding dogs on the site at any one time would be 108 dogs excluding puppies.

A cattery is also proposed as a smaller ancillary Animal keeping use. The maximum number of cats boarding would be 20. No breeding of cats is proposed.

Access to the site would be via the existing access handle off Steve Irwin Way. A total of 11 marked car parks are proposed for the use.

The site is to be serviced by tank water supply.

No reticulated sewerage infrastructure is currently available in the vicinity of the site and a new wastewater treatment and effluent disposal system is proposed. Wastewater would to be treated to a secondary standard.

The proposal includes acoustic design of the proposed buildings to mitigate potential noise impacts. In addition, acoustic barriers and acoustic absorptive elements are proposed around all proposed buildings and dog exercise areas to provide noise containment.

It is proposed that the development would be staged to allow for the relocation of the existing facility at 204 Ratcliffe Road Diamond Valley to proceed first.

- Stage 1 Proposed Breeding Kennels – 40 pens, 20 runs with 60 dogs maximum
- Stage 2 Proposed Boarding Kennels/Cattery/Admin/Office– 24 kennels each with enclosed grassed yard, 2 large grassed outdoor run areas, 48 dogs maximum. Maximum 20 cats in cattery.

During the assessment of this application, the proposal was amended to address issues identified in Council's information request and further information requests. In particular the proposal was reduced in scale with the boarding component changing from 100 kennels and up to 200 dogs, to 24 kennels and a maximum of 48 boarding dogs. Combined with the 60 breeding dogs the maximum number of adult dogs on site reduced from 260 dogs excluding puppies to 108 dogs excluding puppies.

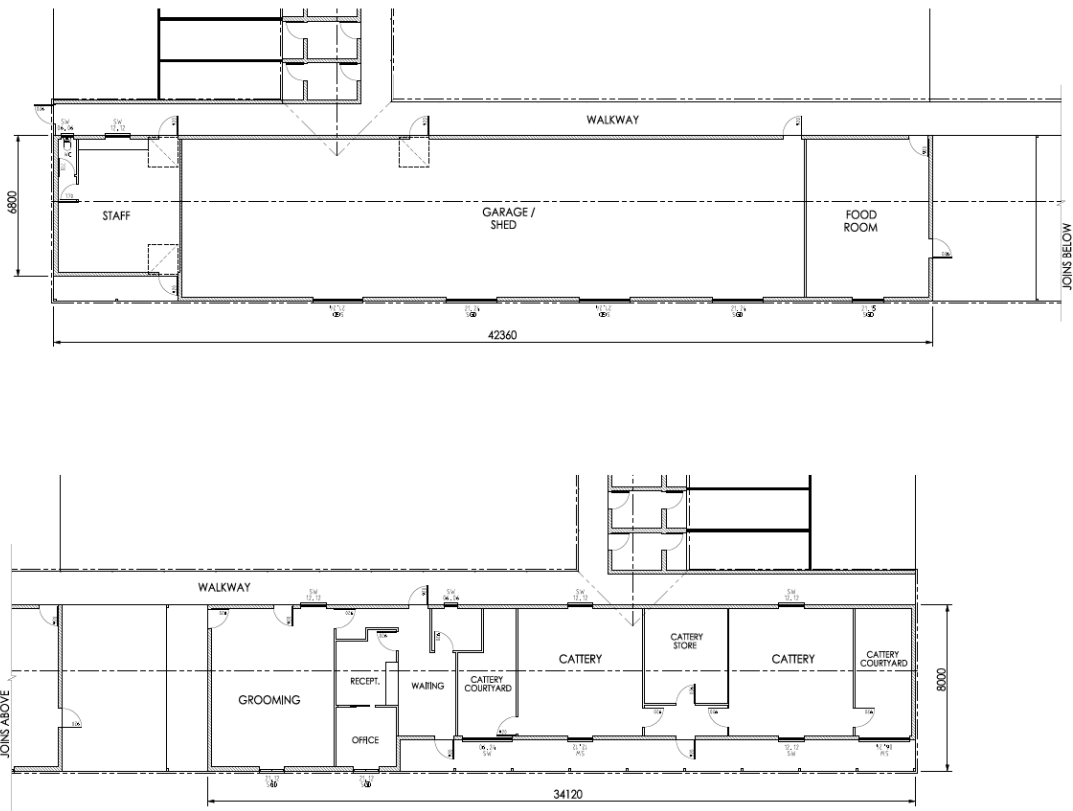
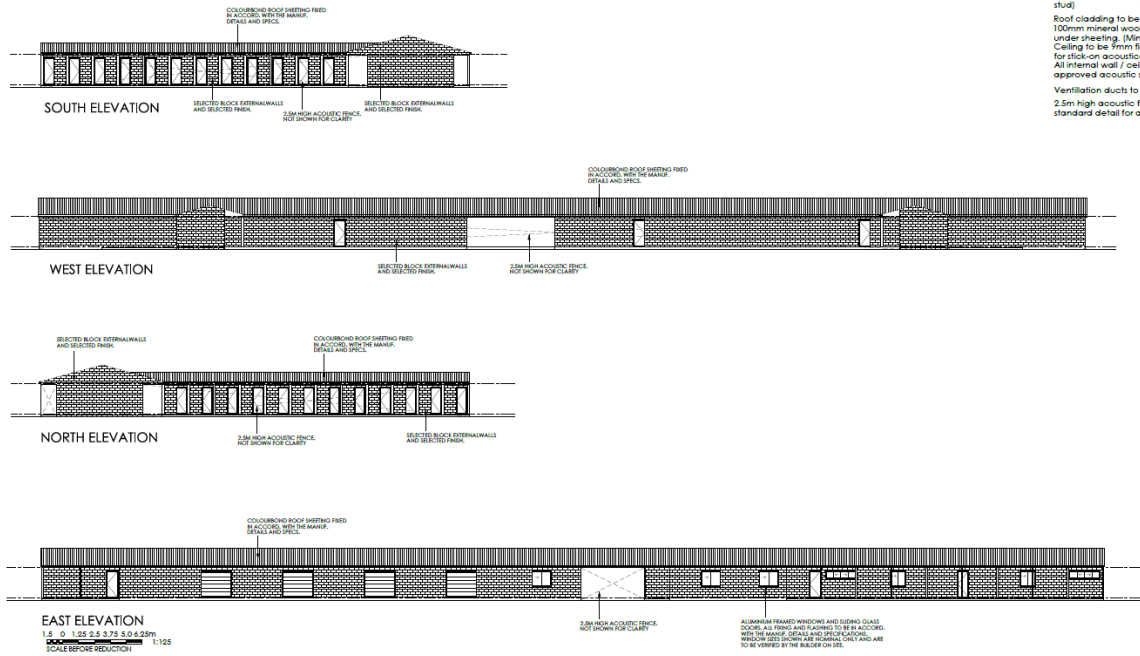


Figure 5 - Office / Admin Layout



Roof cladding to be site 100mm mineral wool or E under sheeting. (Min. 45) Ceiling to be firm fibre for stick-on acoustically. All internal wall / ceiling approved acoustic seal. Ventilation ducts to be r 2.5m high acoustic fence standard detail for acou

Figure 6 - Boarding Kennels / Admin / Office - Elevations

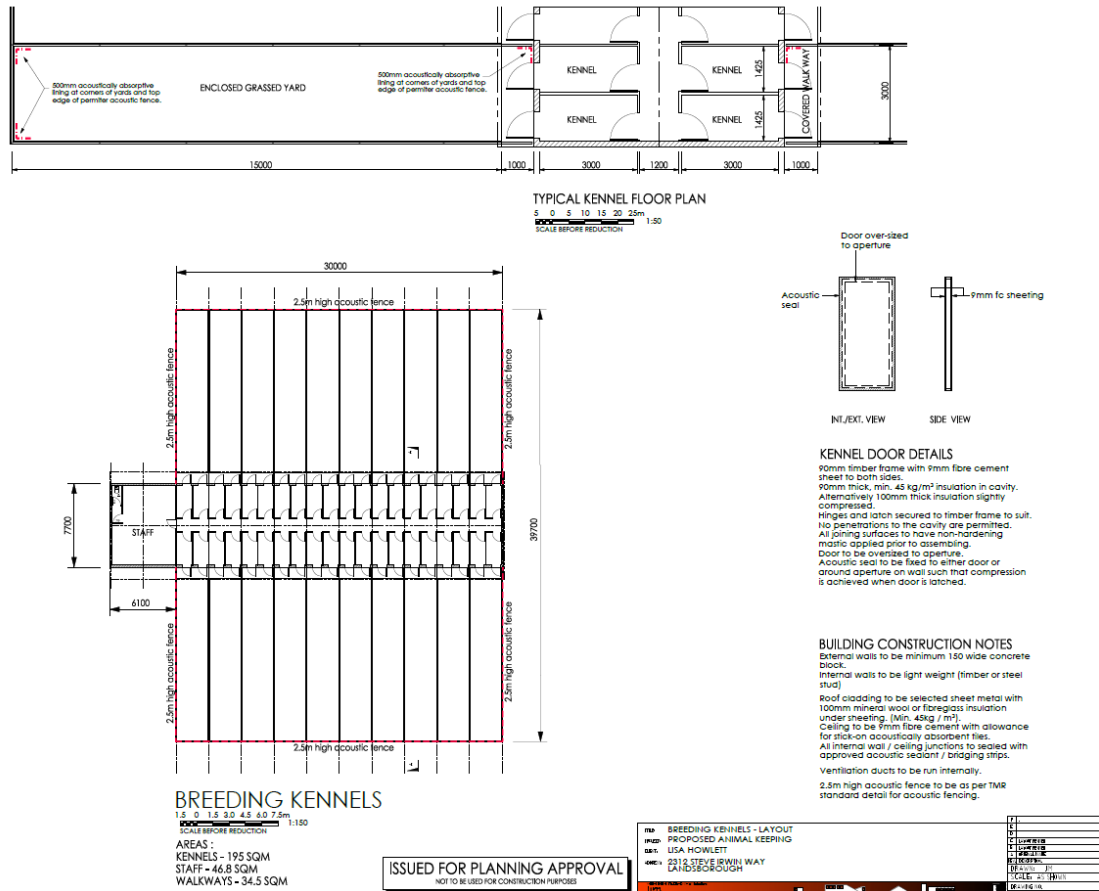


Figure 7 - Breeding Kennels Layout

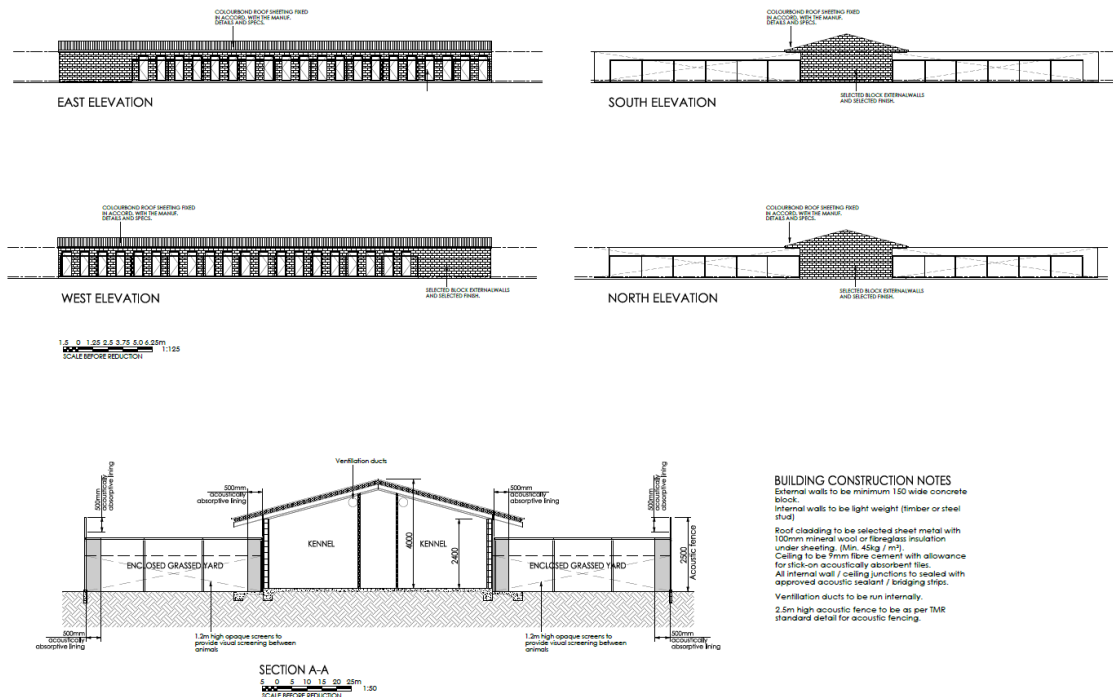


Figure 8 - Breeding Kennels - Elevations

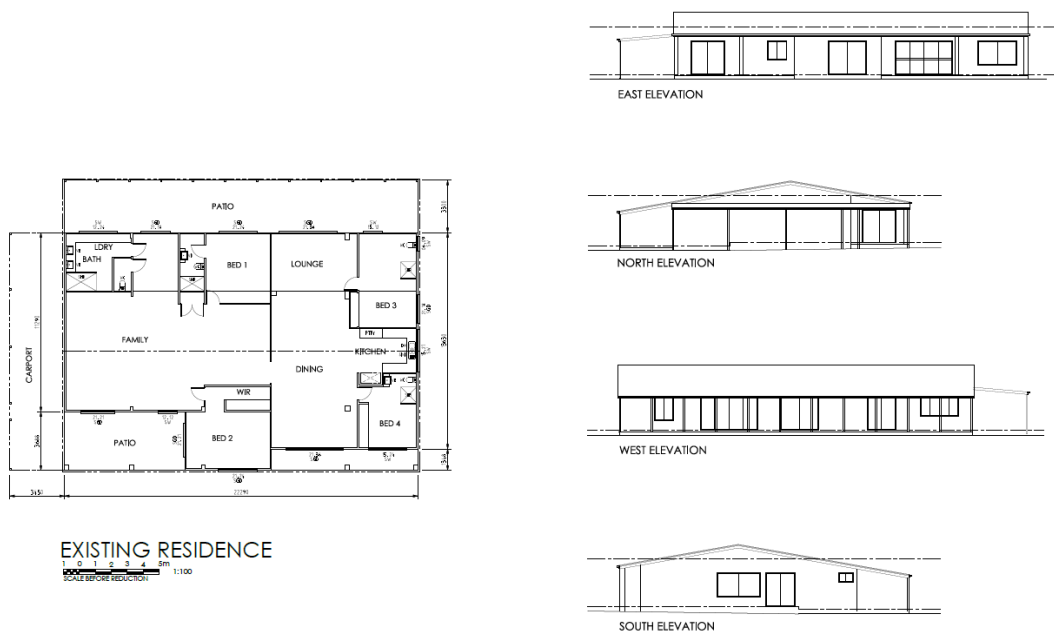


Figure 9 - Existing Residence – Plan & Elevations

SITE DETAILS:

Site Features and Location

SITE AND LOCALITY DESCRIPTION	
Land Area:	212,800 square metres (21.28 hectares)
Existing Use of Land:	Single detached dwelling and associated sheds and outbuildings
Road Frontage:	Approximately 20 metres to Steve Irwin Way
Significant Site Features:	Mature native vegetation largely not proposed to be impacted by the development. Three waterways traverse the site at various points and the proposed location of the buildings are a distance of between approximately 60m and 200m from these waterways.
Topography:	Slope less than 15% gradient
Surrounding Land Uses:	<p>The Big Kart Track is an adjoining neighbour to the north of the subject site.</p> <p>The subject site adjoins three areas of protected estate: the water catchment lands of Ewen Maddock Dam to the west (owned by Seqwater, Queensland Bulk Water Supply Authority), and Brannock Ecological Reserve to the south and east (owned by Sunshine Coast Regional Council)</p> <p>The main portion of the Ewen Maddock Dam (north of Steve Irwin Way) is located approximately 350m to the north of the site.</p>

Other than the above, the majority of land parcels in the vicinity of the site are occupied by single detached dwellings on rural allotments. The closest residence is estimated to be 240m from the proposed development.

The location of the subject site is shown below

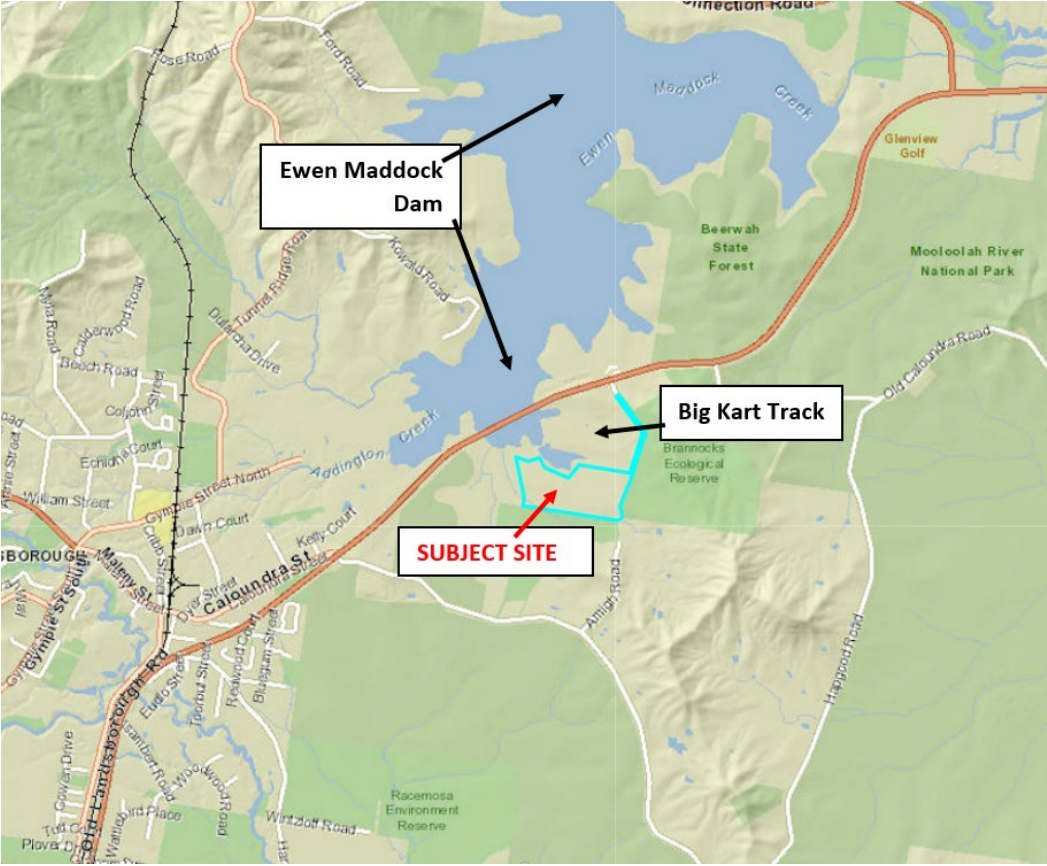


Figure 10 – Locality Plan

An aerial image of the subject site is shown below in Figure 11.



Figure 11 – Aerial Image of Subject Site

The subject site is in the Rural Zone and identified below with the surrounding zoning shown in Figure 12.

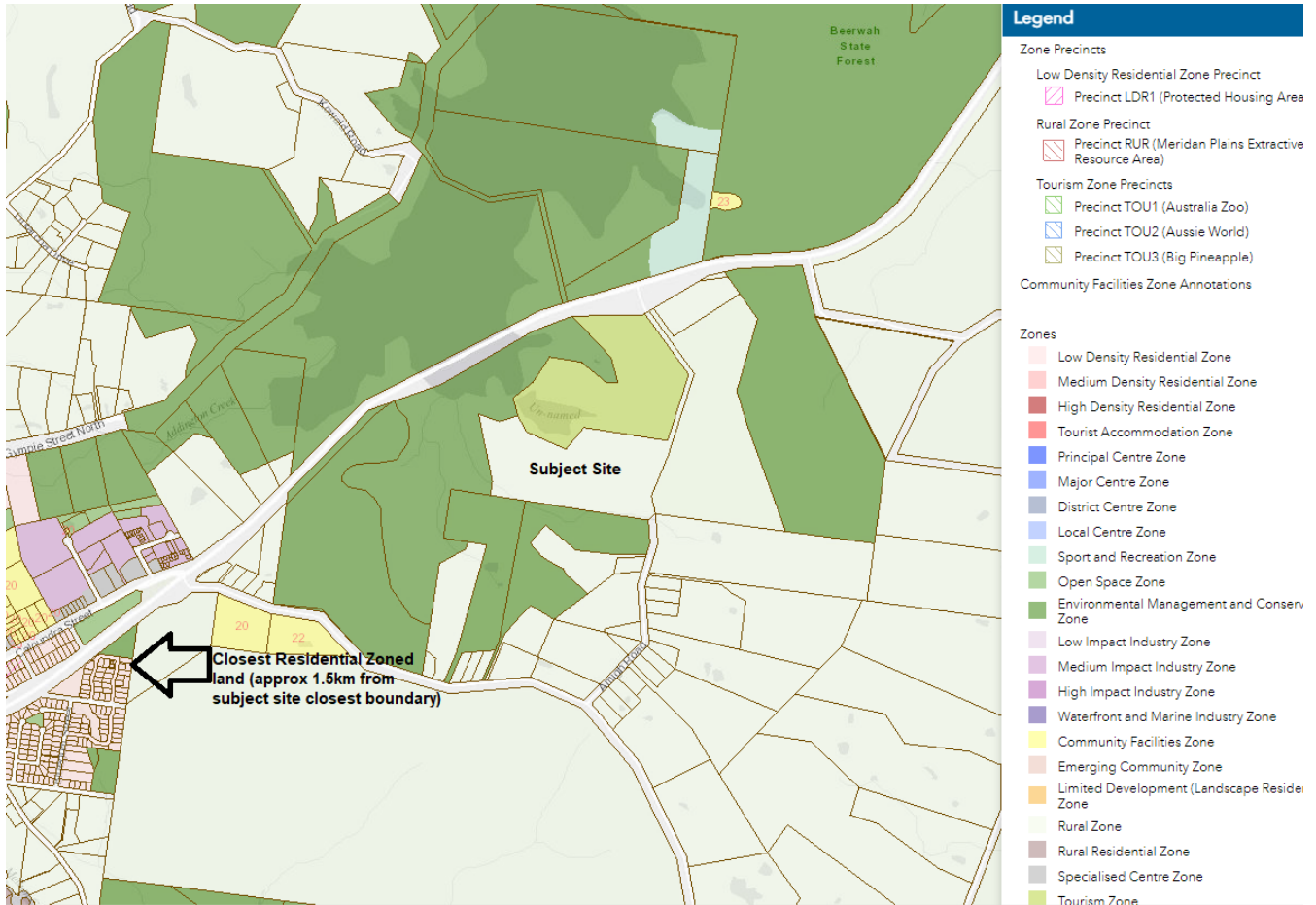


Figure 12 – Zoning of Surrounding Sites

Development History of Site

APPLICATION NO.	DECISION AND DATE
1989/10010	Town Planning Consent Application to establish an Outdoor Entertainment being a Clay Pigeon Shooting Complex, 13 February 1989
1990/BLD1174	Shelters, 26 July 1990
1990/BLD1328	Stables, 4 September 1990
1990/BLD1972	Farm Shed, 26 November 1990
1993/BLD1839	Stables, 29 September 1993
1995/10008	Town Planning Consent Application to establish an Outdoor Entertainment - Horse Riding, 6 April 1995

Background of other animal keeping facilities in the region

In relation to the existing Diamond Valley Kennels operations at 204 Ratcliffe Road, Diamond Valley, Council on 9 June 2017 provided written advice to the applicant which

confirmed existing use rights over the subject site for breeding operations (approximately 50 dogs) which commenced under the superseded *Caloundra City Plan 2004*. The subject site was located in the Rural Precinct under the superseded planning scheme *Caloundra City Plan 2004* and remains in the Rural zone under *Sunshine Coast Planning Scheme 2014*.

Under the *Sunshine Coast Planning Scheme 2014*, a number of Animal Keeping proposals have been approved within the Rural zone. These examples include:

- *MCU15/0114 - 136-166 Verrierdale Rd VERRIERDALE - Development Permit for Material Change of Use to establish Animal Keeping, Educational Establishment and Caretaker's Accommodation, approval took effect 8 July 2016.*

The application was for a specialised dog training facility to provide training of dogs for law enforcement, military, security, search and rescue, scent detection and similar uses. The facility proposed to involve training and consultancy services for dog owners and handlers, general obedience training, breeding of dogs and boarding of up to 40 dogs in a new mechanically ventilated boarding kennel building.

- *MCU15/0244 - 100 Radbourne Rd TANAWHA - Development Permit for Material Change of Use of Premises (Animal Keeping - Pet Resort), approval took effect 9 June 2016.*

This application was for a facility for short term accommodation for dogs (under 10kg) and cats and proposed to provide a high degree of comfort for the animals, thereby setting itself apart from a standard kennel facility. The proposal included five dog accommodation buildings with adjacent outdoor play areas for small dogs and 2 accommodation buildings for cats. The buildings are approximately 72m² in size.

- *MCU18/0248 - 50 Tibrogargen Drive BEERBURRUM - Development Permit for Material Change of Use of Premises to establish Animal Keeping (Cattery), approved 5 February 2019.*

The proposed cattery was proposed to be established within a shed with the operations limited to the boarding of cats. The cattery was approved over two stages, with Stage 1 (up to 50 cats) involving an expansion to the existing shed of approximately 54.18m², and Stage 2 (a further addition of 50 cats) being a further extension to the eastern side of this shed of 117.8m².

- *MCU19/0088 - 217 Mawsons Rd BEERWAH - Development Permit for Material Change of Use of Premises to Establish Animal Keeping (Keeping and Training of Horses), approved 20 November 2019.*

The application proposed to utilise the site for an equine facility for the breaking, training, spelling and rehabilitation of thoroughbred horses.

- *MCU19/0125 - 82-84 Dales Rd CHEVALLUM - Development Permit for Material Change of Use of Premises to Establish Animal Keeping (Dog Kennel - maximum 28 dogs).*

The application proposed to convert the existing dwelling into a kennel, with internal structural changes to create 22 individual enclosures to accommodate a maximum of 28 dogs within the 22 enclosures, with operations to run 24 hours a day, 7 days per week. The application was approved under delegation on 16 September 2019. During the appeal period, a submitter appeal was lodged. Ultimately the applicant elected to discontinue to the appeal which meant the application was refused.

- *MCU19/0184 - 36 Amigh Rd LANDSBOROUGH - Development Permit for Material Change of Use of Premises to Establish an Animal Keeping (Cattery – maximum 60 cats), approved 19 December 2019*

The application proposed boarding of cats only, up to 60 cats at any one time, with a total floor space of approximately 311m² (internal 260m², external 51m²). The boarding building was designed to mitigate external noise.

An additional example under Caloundra City Plan 2004 includes:

- *2008/51-00027 - 86 Woolleys Road GLASS HOUSE MOUNTAINS - Development Permit for Material Change of Use to Establish Animal Keeping & Preliminary Approval for Building Works, approved 25 March 2009*

The application proposed to establish animal keeping (dog and cat kennels) in the Rural precinct under Caloundra City Plan 2004. The facility proposed GFA of 457m² and proposed a total of 66 dog holding stalls and 16 cat holding stalls. Six of the dog stalls and four of the cat stalls were for temporary holding purposes for the transition of receiving and dispatching animals.

ASSESSMENT:

Framework for Assessment

Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following categorising instruments may contain assessment benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any temporary local planning instrument
- any variation approval

Of these, the planning instruments relevant to this application are discussed in this report.

Assessment Benchmarks Related to the *Planning Regulation 2017*

The *Planning Regulation 2017* (the Regulation) prescribes assessment benchmarks that the application must be carried out against, which are additional or alternative to the assessment benchmarks contained in Council's Planning Scheme. These assessment benchmarks may be contained within:

- the SEQ Regional Plan and Part E of the State Planning Policy, to the extent they are not appropriately integrated into the Planning Scheme; and
- Schedule 10 of the Regulation.

PLANNING REGULATION 2017 DETAILS	
Applicable Assessment Benchmarks:	<u>State Planning Policy</u> <ul style="list-style-type: none"> • Part E

State Planning Policy (SPP), Part E

The assessment benchmarks of the SPP Part E that are relevant to the development proposal do not vary the current provisions of the Planning Scheme.

Assessment Benchmarks Related to the Planning Scheme

The following sections relate to the provisions of the Planning Scheme.

PLANNING SCHEME DETAILS	
Planning Scheme:	<i>Sunshine Coast Planning Scheme 2014 (19 October 2018)</i>
Strategic Framework Land Use Category:	Rural enterprise and landscape areas
Local Plan Area:	Not applicable
Zone:	Rural Zone
Consistent/Inconsistent Use:	Potentially Consistent
Applicable Assessment Benchmarks:	Application is assessable against the whole of planning scheme, including the Strategic Framework

Strategic Framework

The Strategic Framework is an Assessment Benchmark for Impact Assessable applications and considers the following matters:

- Settlement Pattern
- Economic Development
- Transport
- Infrastructure and Services
- Natural Environment
- Community Identity, Character and Social Inclusion
- Natural Resources
- Natural Hazards

The application has been assessed against each of the themes above and found to be consistent with each. The following extracts of the Strategic Framework are relevant to the subject site with additional assessment provided.

3.3.3 Element 2 – Growth management boundaries and land use categories 3.3.3.1 Specific outcomes

...

(d) The physical extent of urban development and rural residential development is contained within defined local growth management boundaries so as to:-

(i) protect biophysical values including those within habitat areas, ecological linkages and natural waterways, wetlands and water bodies;

(ii) protect natural resources including agricultural land class A and class B1, strategic cropping land and potential strategic cropping land, rural land in general and extractive resources;

(iii) avoid natural hazards, including an allowance for the predicted impacts of climate change that may worsen these hazards;

(iv) maintain the largest possible area of land for rural, landscape and environmental protection purposes into the future;

(v) protect the discrete identities of individual places and communities; and

(vi) maximise opportunities for the efficient delivery of infrastructure and services.

...

3.3.9 Element 8 – Local settings and local planning responses 3.3.9.1 Specific outcomes

...

(b) In addition to local character and identity, five broader settings are recognised and protected on the Sunshine Coast - coastal urban areas, rural towns, rural villages, rural residential areas and rural areas.

...

3.4 Economic development

...

(10) Well-located and designed rural enterprises that provide business and employment opportunities including agribusiness.

...

3.4.1 Strategic outcomes

...

(t) Rural lands are protected and support a range of innovative and sustainable agribusinesses which contribute to the Sunshine Coast economy including niche food and beverage product and value adding production in a clean environment. Agricultural land class A and class B6, strategic cropping land (SCL), potential SCL and fisheries habitat areas are maintained to support and encourage local food production and supply growing markets external to the region. Sustainable farming practices and rural industries which supply the local population and have potential to provide education and tourism opportunities are encouraged.

...

3.4.2 Element 1 – Natural (competitive) advantage and key economic sectors 3.4.2.1 Specific outcomes

...

(b) The traditional sectors of retail, construction, tourism and rural activities are supported through the following:-

(iii) protection of rural lands and the promotion of sustainable rural enterprise.

...

Assessment:

The development avoids natural resources, is set back from waterbodies and would not cause a permanent irreversible alienation of the land from agricultural use. The proposal

is largely located within existing cleared areas on the site and does not impact upon biophysical values. The site is rural and the use of Animal Keeping is described in the planning scheme as a “rural activity”. The proposed use is consistent with what is intended to occur in a rural area.

The proposal is well-located and designed for a rural activity, appropriately separated from existing dwellings. The rural enterprise will create employment opportunities and the rural land largely remains protected through the nature of the proposal.

Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

Zone Code

Animal Keeping is defined under the *Sunshine Coast Planning Scheme 2014* as:

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.

The subject site is located within the Rural zone. “Animal Keeping” is identified as a “potentially consistent use” within the Rural zone. Animal Keeping is described in the planning scheme as a “rural activity”.

The planning scheme states that uses that are ‘potentially consistent’ with the zone require assessment to determine whether the use is appropriate for the particular site having regard to its location, nature, scale and intensity. Guidance as to what makes a use appropriate for the Rural Zone is contained in the Purpose and Overall Outcomes for the Zone in s6.2.19.2, which state, relevantly:

“

- (1) The purpose of the Rural zone code is to provide for a wide range of rural activities and a limited range of non-rural activities which complement, value add or provide a service to rural areas.
Activities in rural areas maintain and enhance the character, visual amenity and rural production capability of the area.
- (2) The purpose of the Rural zone code will be achieved through the following overall outcomes: -
...
 - (b) more intensive rural activities including *animal keeping, intensive animal industry* and *extractive industry* may also be established in the zone provided that adverse environmental and amenity impacts are avoided or appropriately managed;
 - ...
 - (f) other non-rural activities that are compatible with a rural setting and support rural enterprise or tourism are also encouraged where they do not compromise the use of the land for rural activities;
 - (g) non-rural activities are located, designed and operated to minimise conflicts with existing and future rural activities on surrounding rural lands and avoid significant effects on rural amenity including through adverse noise or traffic generation;
 - (h) intensive rural activities are not located adjacent to *sensitive land uses*, and are designed and operated to maintain the rural character and amenity of the zone;
 - ...

- (j) development does not alienate or fragment agricultural land class A and class B, strategic cropping land (SCL) or potential SCL unless:-
 - i. there is an overriding need for the development in terms of public benefit; and
 - ii. no other *site* is suitable for the particular purpose;
- (l) the built form of development integrates with and complements the predominant rural character intended for the zone and sensitively responds to the environmental and topographic features of the landscape;
- ...
- (n) development maintains and enhances the significant scenic and landscape values of the area;
- ...
- (q) development avoids as far as practicable, or where avoidance is not practicable, minimises and otherwise mitigates, adverse impacts on *ecologically important areas*, including creeks, gullies, *waterways*, *wetlands*, coastal areas, habitats and *vegetation* through sensitive location, design, operation and management;
- (r) development is designed and sited to sensitively respond to the physical characteristics and constraints of land, including flooding, *steep land*, landslide hazard and bushfire hazard, where applicable;
- ..."

The relevant matters raised in the abovementioned Purpose and Overall Outcomes of the Rural zone can be generally categorised into the following considerations:

1. rural character and visual amenity;
2. noise and traffic;
3. environmental impacts; and
4. agricultural land impacts.

Each of these are assessed in the following sections to determine the suitability of the subject site for accommodating the proposed Animal keeping use in the Rural zone:

Rural Character and Visual Amenity

The surrounding area is characterised by a vegetated areas and rural land parcels which range in size from half a hectare to over 100ha. One notable exception is the Big Kart Track which is an adjoining neighbour to the north of the subject site. The Ewen Maddock Dam is approximately 120m at its nearest point to the subject site, with a distance of more than 300m between the dam and the portion of the site proposed for development.

The adjoining site to the east is Council owned ecological reserve of over 75 ha. Parts of the locality also have a rural residential appearance characterised by small rural lifestyle properties ranging from approximately 5,000m² to 20 ha.

For the most part, dwellings and shed structures on the surrounding properties throughout the locality are either well set back from the roads or are obscured by mature vegetation (or both). The buildings and structures associated with the Animal Keeping proposal would be set back approximately 600m from the Steve Irwin Way and would not be visible from the road.

There are not expected to be any visual impacts resulting from the placement of the additional buildings and structures on the site.

The proposed land use for animal keeping is generally compatible with the rural setting and is not in conflict with the visual character and amenity of the area.

Noise Assessment

The subject site is generally well separated from residential dwellings, being located in a relatively sparsely populated area. The distance to the closest dwellings from the proposed animal keeping buildings is conservatively estimated to be approximately 240m, 300m and 550m respectively, as shown below in Figure 13. These dwellings obtain access off Amigh Road, being a different access arrangement compared to the subject site.

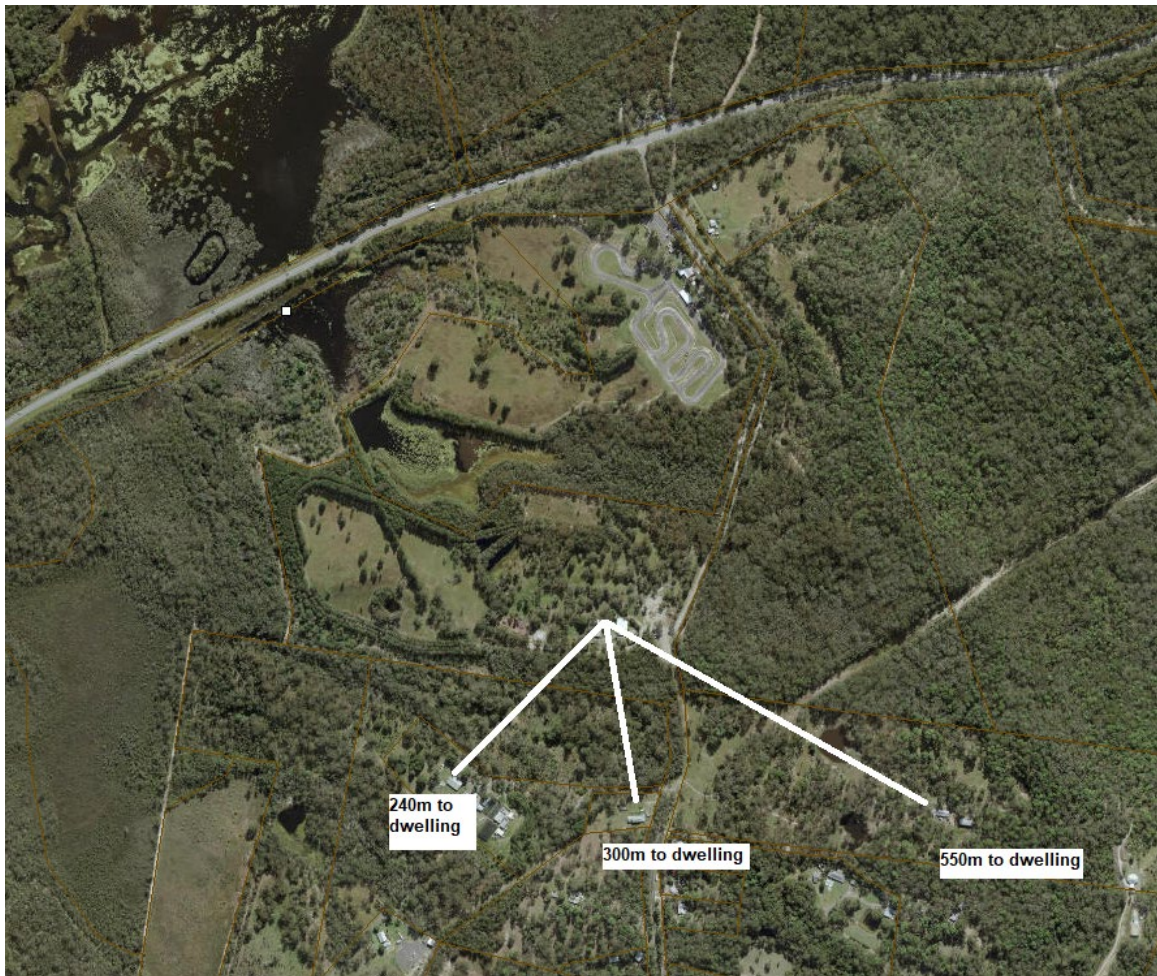


Figure 13 – Proximity of Nearby Dwellings

As a number of residential dwellings (a sensitive land use) are located within a 1km radius of the site a detailed assessment for any potential noise impacts from the proposed development was undertaken.

Council engaged an external acoustic specialist (MWA Environmental) to review the applicant's acoustic report. MWA Environmental have extensive experience with noise impact assessment for development applications (including dog kennels). Council's external acoustic specialist was asked to review the submitted noise report and provide an opinion about the merit of the proposed development in relation to Council's planning scheme requirements and adopted best practice for similar kennel uses.

A noise report was submitted with the original application and additional acoustic material was provided by the applicant in response to Council's Information Request. This was the

material that was peer reviewed by Council's external acoustic specialist and on 29 March 2021 concerns were raised with regard to the proposal, including:

- The scale of the proposal, including up to 260 adult dogs (proposed at the time) being on site.
- Exceedance of daytime noise criteria when dogs are outside between 7am and 6pm
- The design of the proposal not providing adequate detail to understand what physical means are proposed to limit/minimise/prevent stimulation of dogs to bark whilst in outdoor areas and there being no specific detailing of the construction of the kennel buildings as to how the 35 dB(A) noise reduction recommended by the applicant's acoustic expert is incorporated into the design.
- Concern that the proposal, as it was then proposed, would result in adverse noise amenity impact at surrounding sensitive receptors.

These concerns were raised with the applicant. On the 2 July 2021, in response to Council concerns, the applicant modified the proposed development, provided additional information on building design and reduced the scale of the boarding component from 100 kennels and up to 200 dogs, to 24 kennels and a maximum of 48 boarding dogs. Combined with the 60 breeding dogs the maximum number of adult dogs on site reduced from 260 dogs excluding puppies to 108 dogs excluding puppies. The revised proposal introduced new acoustic design measures into the buildings, which included a 2.5m high acoustic barrier around the full perimeter of both the breeding facility and the boarding facility and acoustic absorptive elements to provide containment of daytime noise of dogs outdoors, which was not a feature of the original development proposal.

On review of this information, Council's external acoustic specialist found that while the proposed amendments presented a scaled down development, further information was still required to objectively assess the noise amenity implications.

On 5 August 2021, the applicant provided further information, which included:

- Response to Acoustic Issues
- Amended Acoustic Report
- Amended Proposal Plans

Council's external acoustic specialist reviewed this further information and on 18 August 2021 advised the modified kennel design was a significant improvement in terms of noise containment. The following key points were made:

- The proposed construction details are appropriate in providing acceptable noise containment of dogs enclosed in the kennels during the 6pm to 7am period. Further, the proposed acoustic barriers and acoustic absorptive elements provide containment of daytime noise of dogs outdoors which was not a feature of the original development proposal.
- Suitable detail has been provided on the acoustic containment to be achieved by a mechanical ventilation (air distribution system) for the kennels.
- A maximum of 5 dogs per play area in the common dog run areas at any one time proposed by the applicant is acceptable.
- The revised acoustic report has now been prepared on the basis of the amended design proposal and provides specific acoustic detailing and recommended noise management measures. It is considered that the report adequately addresses noise amenity impacts of the now proposed development.

- The drawings provide amended sections and elevations and detail specific acoustic construction requirements.
- The location of the 2.5 metre high noise barriers is provided on the project drawings and identify that the barriers are to surround outdoor run areas. The drawings nominate that the acoustic barriers are to be constructed to Department of Transport and Main Roads Standard. This is taken to refer to the Transport and Main Roads Specifications “MRTS15 Noise Fences” (Current version March 2019). All noise barriers must achieve a minimum surface density of 15 kg/m².

The recommendation from Council’s external acoustic specialist is quoted below. This includes some additional requirements, which were not outlined within the applicant’s material.

On the basis of the amended proposal and the supporting documents provided on 5 August 2021 it is my opinion that adequate assessment and detail has now been provided such that the proposed use can be designed, constructed and operated such that the acoustic amenity of surrounding sensitive uses is not adversely affected.

Should Council decide to approve the development it should be done so on the basis of very specific conditions relevant to operating parameters, acoustic construction and noise management.

It is my opinion that conditions should include:

1. *Operating hours – Drop of and pick up – 7am to 6pm (unless otherwise by appointment for out of hours)*
2. *Hours of use of outdoor run areas – 7am to 6pm*
3. *Dogs to be housed within kennel buildings with external façade elements closed (6pm to 7am).*
4. *Limit the number of dogs in each common dog run to 5 animals per play area at the one time and to be supervised by staff at all times.*
5. *Noise Criteria - requirement for compliance with the noise criteria of Section 3.1 of the RoadPro report of 5 August 2021. This applies to all noise from the development including dog barking, car movements, car parking, mechanical plant and equipment and service and delivery activities.*
6. *The requirement for mechanical ventilation/air conditioning to be supplied to all internal kennel areas housing dogs.*
7. *The requirement for 2.5 m high acoustic barriers to MRTS15 specification.*
8. *The requirement for the acoustic absorptive treatment proposed in the outdoor run areas to achieve a minimum noise reduction coefficient (NRC) 0.7.*
9. *The requirement for acoustic absorptive lining to the underside of the internal kennel ceilings with the lining to achieve a minimum NRC 0.6.*
10. *The requirement for kennel construction to accord with RoadPro report and the project drawings.*
11. *The requirement for the use to operate with an approved Noise Management Plan.*

12. *The requirement to have a Sound Level Meter on site (not a phone app) for the purpose of noise measurements as recommended in the Noise Management Plan.*
13. *The requirement for an updated Noise Management Plan to be approved by Council prior to the commencement of use (to include relevant approval conditions relevant to noise and operating hours within the Noise Management Plan and the setting of noise levels to be used in assessing overall noise compliance when measured at nominated locations on the project site).*
14. *Post construction certification by qualified acoustic consultant that the development incorporates all of the required noise mitigation measures and complies with the numerical noise conditions.*

All the above recommendations by Council’s external acoustic specialist are recommended to be included as conditions of an approval.

Traffic Impacts

The access to the development is from a State Controlled Road, being Steve Irwin Way. This was assessed by Department of Transport and Main Roads and as part of their Concurrency Agency Response recommended conditions be attached to any development approval.

Generally, the access road to the proposed development is a 3.5m wide all weather road with 5.5m wide passing bays and road widening on bends in the road. This is acceptable and consistent with the requirements of planning scheme.

The *Transport and parking code* does not specifically list car parking and service vehicle requirements for Animal Keeping with proposals of this nature required to comply with the “*All other uses in the rural activity group*” under the code, which has the following requirements (refer to Figure 14).

Column 1 Land Use	Column 2 Car spaces	Column 3 Service vehicle spaces	Column 4 Motorcycle/scooter spaces	Column 5 Cycle spaces
All other uses in the rural activity group	Sufficient spaces to accommodate number of vehicles likely to be parked at any one time	<ul style="list-style-type: none"> • Where requiring access via a road – AV (Type A Access) • Where requiring access via a street – AV (Type B Access) 	Not required	Not required

Figure 14 – Transport and parking code requirements.

Specific car parking numbers are not nominated by the code, and the requirement is “*Sufficient spaces to accommodate number of vehicles likely to be parked at any one time*”. Eleven (11) car parks are identified on the proposal plans. This car parking arrangement is considered to be sufficient to accommodate the likely vehicles to be used at any one time and there is sufficient space on the 20 hectare site to absorb the event of additional vehicles being present from time to time. No motorcycle or bicycle spaces are required by the code.

Service vehicle requirements to be provided are:

- AV Articulated vehicle with Type A access via a road

An emergency evacuation track is required to be constructed for use during a fire emergency. The track would be from the proposed buildings to the southern boundary connecting to Amigh Road, and would be locked by a gate. Conditions are recommended to provide this track and gate.

Environmental Impacts

The site is partially mapped by Native Vegetation, Bushfire Hazard (medium hazard) and it impacted by waterways. The development adequately minimises direct and indirect impacts upon the ecologically important areas by its design and siting on the subject site. Ecologically important areas on the site are to be protected within a vegetation protection covenant, siting the proposed development within existing clearings, provision of well-formed vehicular access (for bushfire management and defence), controlled and effective management of visitor access and the implementation of a Bushfire Management Plan which adequately addresses both State Government and Council bushfire requirements.

On-site Wastewater Treatment and Effluent Disposal

The subject site does not have access to reticulated water or reticulated gravity sewer infrastructure. On-site wastewater disposal is therefore proposed. The applicant provided an On-site Wastewater Treatment and Effluent Disposal Report, which was based on the proposal of up to 300 dogs at the time. This has now been reduced to a total of 108 dogs.

Council's Plumbing Specialist has reviewed the *On-site Wastewater Treatment and Effluent Disposal* provided by the applicant and noted the following:

The report has been prepared with consideration of:

- AS/NZS 1547:2012 'On-site Domestic Wastewater Management';
- AS/NZS 1547:2000 'On-site Domestic Wastewater Management';
- Department of Infrastructure and Planning 'Queensland Plumbing and Wastewater Code' 2017; and
- SEQ Water Development Guidelines for Water quality Management in Drinking Water Catchments, 2012 (Seqwater Guidelines).

Council's Plumbing Specialist advises that the 21ha subject site would have sufficient space to treat the necessary effluent on site and relevant setbacks can comply with the Queensland Plumbing and Wastewater Code and Table 3 of the SEQ Water Guidelines. Plumbing conditions have been recommended.

Agricultural Land

Most of the site is mapped in the planning scheme as Agricultural Land - Class A and B. The proposed development is not considered to fragment or alienate agricultural cropping because it does not propose to subdivide the property. The development proposal is animal keeping which would not be dissimilar to farm animals occupying the site which require buildings to house them. Animal keeping is not a permanent irreversible alienation of the land from agricultural use. The balance of the land is still available for agricultural purposes and, given no subdivision is proposed, the whole of the land could be returned to agricultural use following cessation of the animal keeping use, should that be the highest and best use of the land in the future. In relation to impact on adjoining agricultural land, the proposed development is not of a nature that would prejudice the ability for nearby lands to be farmed.

Overall Assessment of Zoning Controls

Based on the above assessment of potential impacts with respect to visual, rural character, noise, traffic, environmental and loss of agricultural land issues, the subject site is considered appropriate for accommodating the use and therefore the proposal satisfies

the planning scheme provisions for development identified as “potentially consistent” with the Rural zone.

Overlay Codes

Land Subject to Scenic Amenity Overlay

The Steve Irwin Way is a designated Scenic Route. The development would be set back approximately 600m from the Steve Irwin Way and be screened by both the presence of the Big Kart Track and dense vegetation. The proposal would be sufficiently screened from the public realm and would not be visible from the designated Scenic Route. The development satisfies the requirements of the overlay code.

Land Subject to Water Resource Catchments Overlay

The site is identified as being within the Ewen Maddock Water Resource Catchment Area. Third Party Advice was requested from Seqwater in their capacity as the Queensland Bulk Water Supply Authority. Seqwater provided a response on 14 April 2020, which recommended approval subject to conditions.

Council’s Plumbing Specialist was also referred the application with regard to the potential impact the development could have on the Water Resource Catchment Area. Council’s Plumbing Specialist is in agreement with the review and recommendations from Seqwater and the development satisfies the requirements of the overlay code.

Land Subject to Biodiversity, Waterways and Wetlands Overlay

The site is generally surrounded by dense vegetation. The subject site adjoins three areas of protected estate: the water catchment lands of Ewen Maddock Dam (to the west), Brannock Ecological Reserve offset area (to the south) and Brannock Ecological Reserve – stage two (to the east).

The development appropriately protects and mitigates the impacts on the Ecologically Important Areas of the site. The proposed use is buffered (in excess of 50 metres) to the west by pasture and the existing house, sheds, tracks and lawn areas (in excess of 50 metres) to the south. The eastern buffer (to Brannock Ecological Reserve) varies from approximately 20m to approximately 90m (to the existing house) and the proposed development buffer varies from approximately 20 metres to about 40 metres plus an extra 5/6 metres of the Brannock Reserve fire trail. The closest waterway is over 50m from the location of the buildings and would not be impacted by the development. The proposal satisfies the requirements of the overlay code.

Land Subject to Bushfire Hazard Overlay

The applicant’s bushfire consultant has submitted a Bushfire Management Plan, which addresses both State and Council’s bushfire requirements. The access driveway provides adequate separation and access for bushfire, weed and general maintenance. An emergency evacuation track is required to be constructed for use during a fire emergency. The track would be from the proposed buildings to the southern boundary connecting to Amigh Road, and would be locked by a gate. Conditions are recommended to provide this track and gate. The proposal satisfies the requirements of the overlay code.

Height of Buildings and Structures Overlay

All proposed structures are under the maximum height of 8.5m which is consistent with the Height of Buildings and structures overlay code.

Land Subject to Landslide Hazard and Steep Land Overlay

There is a small area on the site which is subject to Landslide Hazard and steep land overlay code. The proposed development is not located within this area and satisfies the requirements of the code.

Development Codes

The following codes which regulate land use and design are applicable to this application:

- *Rural uses code*
- *Nuisance code*
- *Transport and parking code*
- *Safety and security code*
- *Stormwater management code*
- *Sustainable design code*
- *Waste management code*
- *Landscape code*
- *Works, services and infrastructure code*

The application has been assessed against each of the above applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

Code	Discussion
Rural uses code	<p>Under the planning scheme, Animal Keeping is defined as an “Intensive Rural Use” in Table SC1.1.2 (Use definitions) and the <i>Rural uses code</i> is applicable. Among other things the acceptable outcomes of the code require:</p> <ul style="list-style-type: none"> • a minimum site area of 4ha for the property, • minimum 50m road frontage setbacks, • a minimum 100m setback to any adjoining residential dwelling, • a minimum 5km separation from the nearest Residential zoned land, • a minimum 1km separation from the nearest Rural Residential zoned land, and • 50m setback from a waterway or wetland. <p>Of these, the proposal complies with all acceptable outcome requirements except the minimum separation to Residential zoned land. The associated Performance Outcome PO2 of the code is shown.</p> <p><i>PO2 The intensive rural use is located on a site which is sufficiently separated from any existing or planned residential or rural residential area or other sensitive land use to avoid any adverse impacts with regard to noise, dust,</i></p>

	<p><i>odour, visual impact, traffic generation, lighting, radiation or other emissions or contaminants</i></p> <p>In relation to the required 5km separation from Residential zoned land, the nearest residential zoned land located approximately 1.5km to the south-west. As the proposal has been assessed (and found acceptable) for potential noise impacts on residences within 240m metres of the site, the development has demonstrated it will not have any impact on dwellings approximately 1.5km away with regards to noise, dust, odour, visual impact, traffic generation lighting, radiation or other emissions or contaminants.</p>
Nuisance code	<p>The Overall Outcomes of the <i>Nuisance code</i> state that development must be located, designed, constructed and operated to maintain appropriate levels of amenity and environmental performance by not imposing unacceptable noise, light, glare, dust or odour emissions on surrounding sensitive land uses.</p> <p>Potential noise impacts were discussed earlier in this report and were found to be compliant with the appropriate acoustic building design, acoustic walls and dog management plan. Reasonable and relevant conditions are recommended.</p> <p>Dust emissions are not considered to be an issue given the distances from the site to the nearest dwellings (over 200m to the nearest dwelling). While odour and lighting impacts are also not considered to be an issue for this application, conditions are recommended to require any light spill to comply with Australian Standards.</p> <p>Dog faecal matter is to be disposed into the required on-site wastewater treatment system. Wastewater from the proposed development would primarily comprise wash-down water and limited faecal matter. Waste would primarily comprise wash-down water with limited faecal solids and in this regard treatment to an advanced secondary standard is not required. Council's Plumbing Specialist has assessed the application material, including the Land Suitability Assessment for On-site Wastewater Treatment and Effluent Disposal Report and is satisfied that the development satisfies the planning scheme requirements. Council's Plumbing Services have recommended conditions in the event of approval.</p> <p>Additional conditions are recommended requiring a site-based management plan to be prepared that identifies and deals with potential sources of environmental harm and should such harm occur, require the rectification of any issues that might arise, including in response to any potential complaints received from the community.</p>
Transport and Parking code	<p>The site fronts and obtains access from the State-controlled Steve Irwin Way and the Department of Transport and Main Roads have recommended approval of the development subject</p>

	to conditions. Council's engineering specialist has assessed the access and parking arrangements and is satisfied that it complies or can be conditioned to comply with the requirements of the code.
Stormwater management code	The applicant has provided a stormwater management plan report which proposes rainwater tanks to meet the stormwater quality management requirements. The report concludes that development would not require stormwater detention due to the minor increase in impervious area and peak flows. Council's engineering specialist has assessed the material and is satisfied that it complies or can be conditioned to comply with the requirements of the code.
Works, services and infrastructure code	An earthworks plan which demonstrates the extent of earthworks to the building platforms and access road has been provided. The proposed development avoids the part of the site with the steep land and satisfies the requirements of the code.

Assessment Benchmarks Related to a Variation Approval

Not applicable.

Assessment Benchmarks Related to a Temporary Local Planning Instrument

Not applicable.

Other Assessment Matters

In addition to the assessment benchmarks referred to above, the *Planning Regulation 2017* requires that impact assessment must be carried out having regard to:

- the regional plan for a region; and
- the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme.

South East Queensland Regional Plan (SEQRP)

The site is located within the Regional Landscape and Rural Production Area of the South East Queensland Regional Plan, as shown in Figure 15 below. The proposed development is considered a rural activity and is generally consistent with the regional land use intent, regional policies and desired regional outcomes for the Regional Landscape and Rural Production Area.

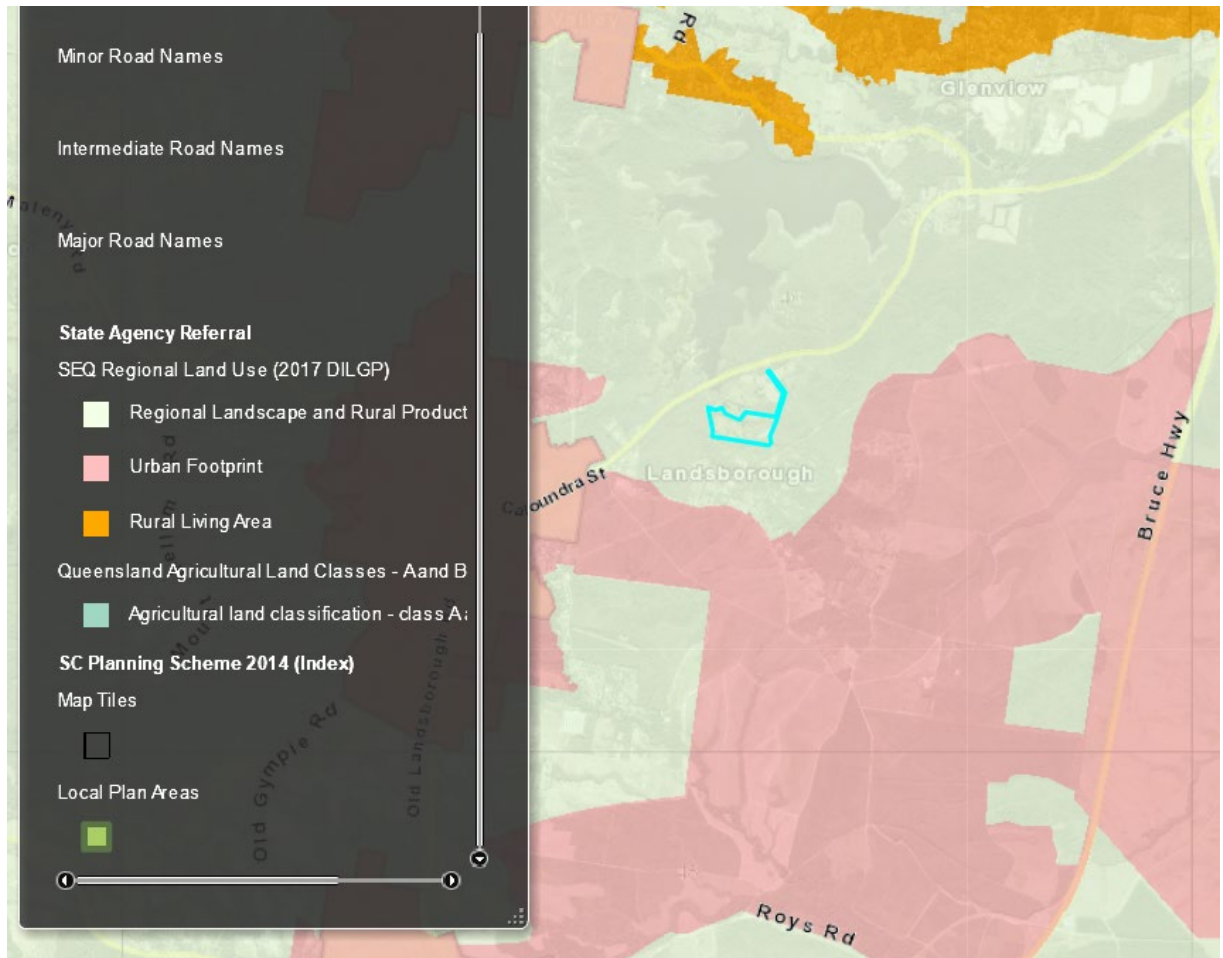


Figure 15 – South East Queensland Regional Plan Land Uses

State Planning Policy (SPP)

Since the time the *Sunshine Coast Planning Scheme* commenced on 21 May 2014, a new SPP came into effect on 3 July 2017 and must be considered for development assessment to the extent the SPP is inconsistent with the planning scheme. The proposal is consistent with the policy intent of the SPP and does not conflict with any of the identified state interests. The State Planning Policy as it relates to Good Agricultural Land is expanded upon below.

Good Agriculture Land

Pursuant to the state government mapping, the subject site is identified as containing the *Queensland Agricultural Land Classes – A and B*, refer to below image in Figure 16.

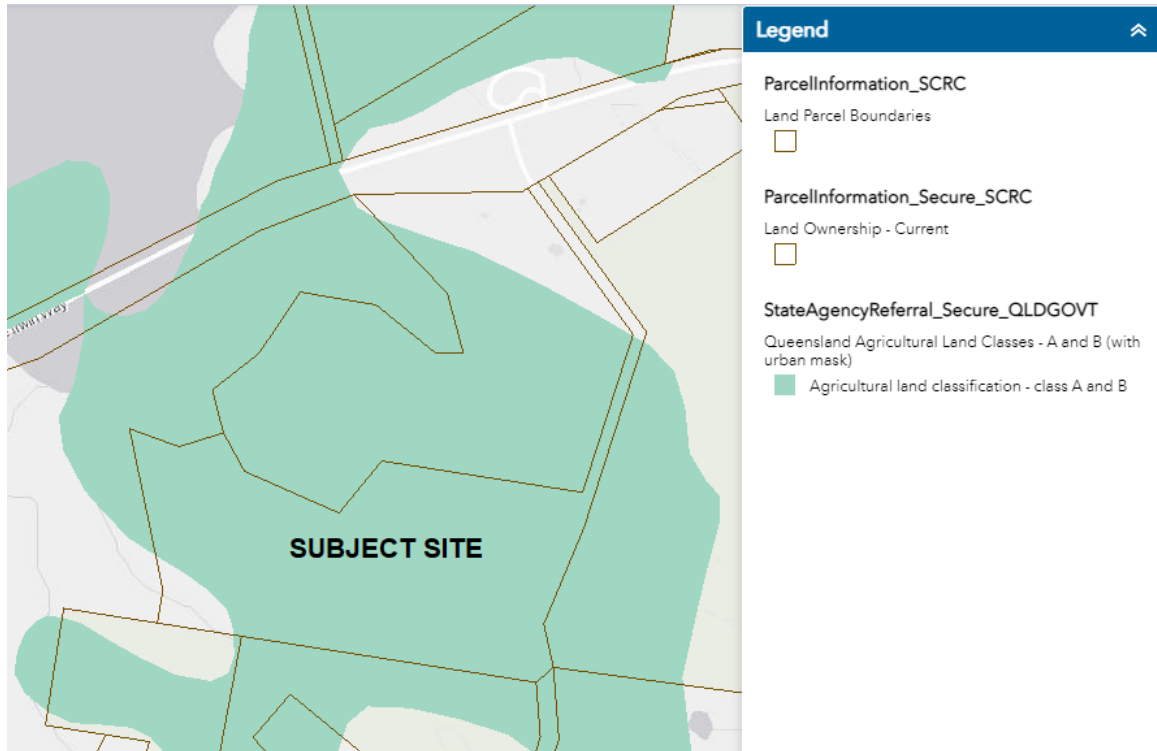


Figure 16 - Queensland Agricultural Land Classes - A and B (state government mapping)

The mapping does not show existing vegetation and does not show the existing house site and buildings. The mapping is broad overlay and often requires onsite examination to confirm the limitations. For example, the Big Cart Track is identified as Class A and B agriculture.

The development proposal is for Animal keeping, which would not be dissimilar to Intensive animal industry including the keeping of chickens, roosters, ducks, pigs, and horses, which require buildings to house them. Similarly, the whole site could be covered in greenhouses for Intensive horticultural uses. Animal Keeping is not a permanent irreversible alienation of the land from agricultural use.

The State Planning Policy interest in agriculture states:

(2) Agricultural Land Classification (ALC) Class A and Class B land is protected for sustainable agricultural use by:

- (a) avoiding fragmentation of ALC Class A or Class B land into lot sizes inconsistent with the current or potential use of the land for agriculture*
- (b) avoiding development that will have an irreversible impact on, or adjacent to, ALC Class A or Class B land*
- (c) maintaining or enhancing land conditions and the biophysical resources underpinning ALC Class A or Class B land.*

In relation to the above, the land is not being fragmented as this application is not a reconfiguration of a lot. The development would not have an irreversible impact on agricultural land as the proposed animal keeping use is not dissimilar from other intensive animal industries and agricultural uses that require buildings for the housing of animals or plants. The proposed Animal keeping buildings would be located in close proximity and within the buffer of the existing house and outbuildings on the site meaning no additional land would be alienated.

The majority of the land remains for agricultural uses. Further, the buildings could be demolished at any time to reinstate agricultural uses or be repurposed for other intensive animal or horticultural uses noting that Animal keeping falls into the Rural activity group and is a potentially consistent use in the Rural zone.

Limitation on the consideration of animal welfare concerns

Council has received legal advice which is confidential and privileged and cannot be disclosed. Council's interpretation is that a relevant matter under Section 45(5)(b) must have some connection to, or bearing upon, the application, and they must be related to town planning in some way. Matters related to animal welfare are not town planning related. Rather, they are administered through other forms of legislation.

Chief Biosecurity Officer and Deputy Director-General of the Department of Agriculture and Fisheries

Throughout the assessment process, Council has investigated what level of protection is afforded to dogs and animals in relation to their welfare. Matters relating to animal welfare are regulated by the Queensland Government through a regulatory framework that includes the:

- *Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016*, and
- *Animal Management (Cats and Dogs) Act 2008* and
- *Animal Care and Protection Act 2001*.

Animal welfare standards and guidelines for breeding dogs were introduced by the Queensland Government on 1 October 2018.

Council requested advice from the State Government via the Office of the Chief Biosecurity Officer and Deputy Director-General of the Department of Agriculture and Fisheries by letter 22 February 2021.

The request centred on Council's restriction as assessment manager to only assess matters permitted by the *Planning Act 2016*, which includes at section 45(5)(b) that an impact assessment is an assessment that "*may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise*". "Relevant matters" under the Act are limited to matters that have some connection to, or bearing on, the application, and must be related to land use planning in some way.

In relation to this application, Council expressed its concerns that it had limited assessment jurisdiction in relation to assessing animal welfare issues, the primary concern raised by submitters. In this regard Council requested advice from the Department for ongoing community education role in animal welfare management and regulation, given the limit of Council's powers on this subject matter.

On 8 March 2021, a response letter was received from the Chief Biosecurity Officer/Deputy Director-General on the matters raised. The State Government confirmed animal welfare was a state jurisdiction and reaffirmed their commitment to providing legalisation and standards that protect the welfare of all animals in Queensland, including dogs used for breeding, to meet the expectations of the community. The response letter states that the *Animal Care and Protection Act 2001* affords high levels of care and protection to all animals in Queensland, promotes the responsible care and use of animals, provides standards for the care and use of animals and protects animals from unjustifiable, unnecessary or unreasonable pain. The letter states that the current provisions of the Act and the *Animal Management (Cats and Dogs) Act 2008* are adequate and appropriate to ensure responsible dog breeding in Queensland and that there is no justification to amend current laws or to introduce additional state-wide laws.

Content of submissions

The *Planning Act 2016*, Section 45(5) states the following:-

An impact assessment is an assessment that-

....

(b) may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise. Examples of another relevant matter—

- *a planning need*
- *the current relevance of the assessment benchmarks in the light of changed circumstances*
- *whether assessment benchmarks or other prescribed matters were based on material errors*

Assessment officers sought advice as to whether Council could consider animal welfare matters as an "other relevant matter" in accordance with Section 45(5) of the *Planning Act 2016*.

Council received advice that in considering submissions received in response to the development application, Council is entitled to consider matters beyond those that directly relate to the assessment benchmarks. However, those matters which Council considers should be within the contemplation of the *Planning Act 2016*, relevant to the proposed development and related to town planning in some way (i.e. town planning considerations).

For social issues, such as those related to animal welfare to be considered relevant matters in the assessment of a proposed development, they must be related to town planning considerations and be issues within the contemplation of the *Planning Act 2016*. Council has been advised that animal welfare, ethics and the purported increase of abandoned and euthanized dogs do not fall within the scope of what the *Planning Act 2016* contemplates for maintaining social wellbeing of people and communities. Rather, what is contemplated under these provisions relates more to the creation or preservation of places and the provision of infrastructure and services that help provide for general social wellbeing in a sustainable manner. The provisions do not go as far as attempting to address any specific moral issues that might exist in society and would be regulated by other laws.

These issues are specifically controlled by the other Acts previously stated.

Potential Impact on Beerwah East Major Development Area

The application was referred to Council's Urban Growth Projects Branch to ascertain if the proposed development would have any potential impact on the Beerwah East Major Development Area. Mapping from the *South East Queensland Regional Plan 2017* (Map No MDA01 – Beerwah East) identifies that the subject site is outside the Beerwah East Major Development Area. The subject site is a minimum 750m from the Major Development Area boundary at any point (see Figure 17), more than twice the distance to the current sensitive receivers which were assessed for potential noise impacts. The Urban Growth Projects Branch had no concerns or requirements. It is therefore considered the proposal would have no impacts on the Beerwah East Major Development Area.



Figure 17 – Subject Site Distance from Beerwah East Major Development Area

CONSULTATION:

Referral Agencies

The application was referred to the following referral agencies in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*:

Department of State Development, Infrastructure, Local Government and Planning (SARA)

The Department is a concurrence agency for the following SARA trigger:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017): Development application for a material change of use within 25 metres of a state-controlled road.

The Department responded by letter dated 24 February 2020 (SARA Ref 1811-8443 SRA) stating that the application is supported subject to a number of conditions. These include requirements in relation to:

- Stormwater management to ensure no worsening or actionable nuisance to the state-controlled road.
- Road access works comprising a rural driveway with auxiliary right and left turn treatments must be provided at the road access location as part of proposed Stage 1.
- Road access works comprising a rural driveway with channelised right turn treatment and an auxiliary left turn treatment extended to a length of 175m inclusive of taper must be provided at the road access location as part of proposed Stage 2.

Other External Referrals

Third Party Referral – Seqwater

Due to the subject site being located within the Ewen Maddock Water Resource Catchment Area, Council requested the input of Seqwater in their capacity as the Queensland Bulk Water Supply Authority. Seqwater provided a response on 14 April 2020 which recommended approval subject to conditions, which are recommended to be included in any approval.

Seqwater also provided the map below (see Figure 18), which depicts the “Full Supply” level of the dam. Seqwater also noted that while a portion of the site is within the water supply buffer area, a 300m setback to the development could be achieved, which is satisfactory to Seqwater and meets their requirements.

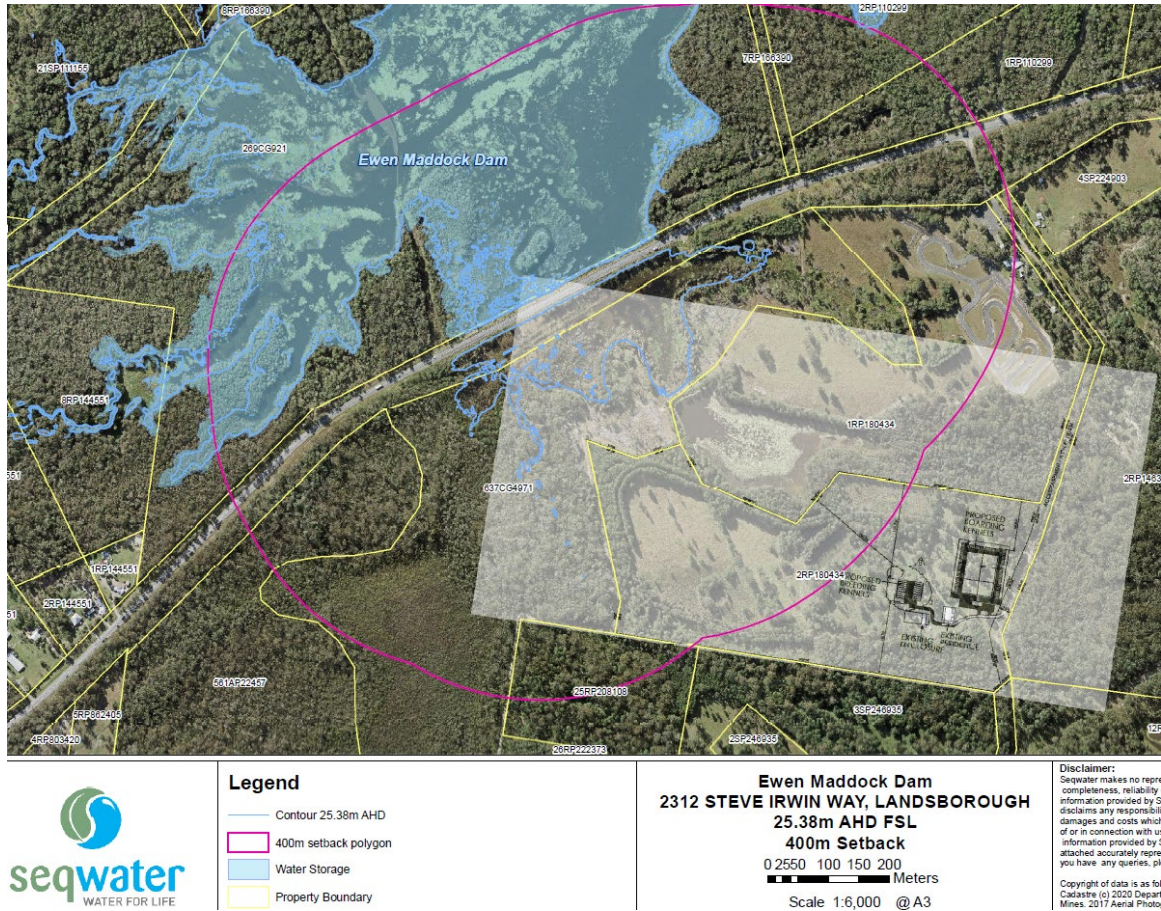


Figure 18 – Seqwater Map Showing Full Supply Level of Ewen Maddock Dam

Third Party Referral – RSPCA

Due to the nature of this proposal, Council requested advice from the RSPCA in relation to any potential concerns or requirements they would have about the proposed development.

The RSPCA provided written response dated 1 February 2019. Within this response, the RSPCA did not provide an objection to the proposal and stated that the standards laid down in the recently mandated *Queensland Animal Welfare Standards and Guidelines for Breeding Dogs and their Progeny* would need to be adhered to.

The RSPCA stated the following in relation to the design of the facility

The application documents provide architectural details including the size of the kennels and runs but do not include any other information by which to judge the welfare of future animal residents. In other words, the sizes proposed may be adequate if the care and practices carried out cater to all the needs of the animals. It is impossible to make a judgement of the animal welfare of future resident based solely on architectural details. RSPCA Qld believes that such an establishment would need to have well developed and written processes in place which provide positive welfare to all resident animals. These would need to be audited and reviewed regularly, and staff would need to adhere to them.

On the 10 June 2020, after the application received a high level of public and media interest, Council requested further advice from the RSPCA in relation to:

1. what standards of care should apply to the breeding activity - frequency of pregnancy, detachment from pups etc
2. confirmation if there are any industry or legislative standards that must be satisfied by the operator

The following response was received on 5 August 2020:

The RSPCA does not have any more to add on top of the letter sent previously.

Any dog breeding must comply with the compulsory animal welfare standards and guidelines for breeding dog and their progeny that came into force in October 2018.

...

And of course they are bound by the Animal Care and Protection Act 2001

Public Notification

The application was publicly notified for 15 business days between 3 June and 24 June 2020 in accordance with the *Planning Act 2016*. The application received a significant level of public interest. It was estimated that up to 400,000 submissions were made. Council's Information Technology server considered the volume of emails as an attack on Council's infrastructure and blocked many of the submissions. Due to the volume of submissions and issues related to the recovery of the blocked emails, Council requested relief from the Planning and Environment Court in relation to Council's processing and assessment obligations of submissions under the *Planning Act 2016* and *Development Assessment Rules 2017* (Council Ref. APL20/0037). A 25 November 2020 Judgement (Court Ref. D170 of 2020) granted this relief, while providing additional requirements to notify Oscar's Law once a decision had been made. The additional requirements include an order to publish a copy of the decision notice on Council's website, publishing a summary of the decision notice in a newspaper circulated generally in the local government area and by providing a copy to Oscar's Law.

Excluding the Oscar's Law submissions, there are 104 properly made submissions and 3,988 not properly made submissions. A common reason for the high number of not properly made submissions was due to a residential address not being provided, which is a mandatory requirement for a submission to be considered properly made under the *Planning Act 2016* and *Development Assessment Rules 2017*.

The following table provides a breakdown of the properly made submissions, not properly made submissions and whether the submitters were objecting to the development, in support of the development or expressed a neutral view.

	Number of individual submitters	TOTAL including additional information provided in separate correspondence (multiple submissions from the same submitter)
How many properly made submissions in total	104	106

How many properly made submissions objected to the proposal	68	69
How many properly made submissions were in support of the proposal	36	37
How many properly made submissions were neutral	0	0
How many not properly made submissions in total	3,988	3,992
How many not properly made submissions objected to the proposal	3,982	3,986
How many not properly made submissions were in support of the proposal	3	0
How many not properly made submissions were neutral (if any)	3	0
How many duplicate submissions in total	20	0

The following table provides a description of the matters raised in submissions received about the application, together with a statement of how those matters were dealt with in reaching a decision:

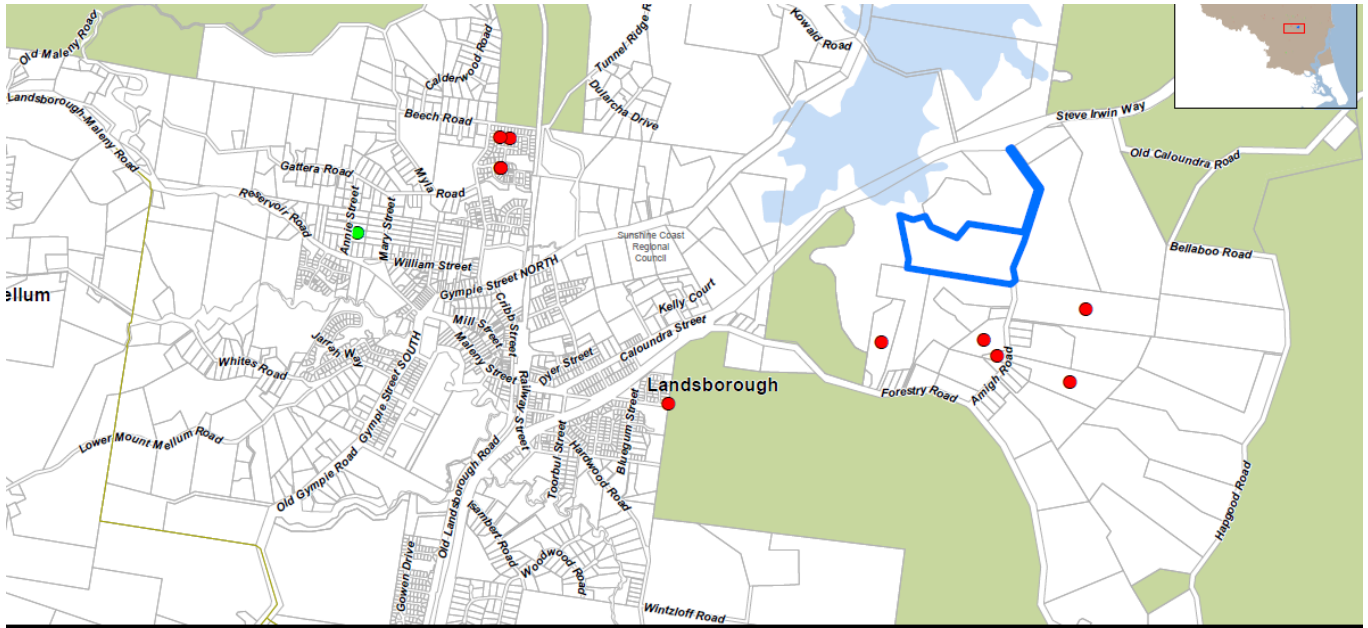
ISSUES	COMMENTS
<p>Animal welfare concerns, including:</p> <ul style="list-style-type: none"> • There are already a reported 400,000 abandoned animals across Australia every year, many of which are euthanized, and this proposal will only add to the problem • Dogs are proposed to be bred for aesthetic purposes which leads to long-term health implications for the animals • Application is lacking information on how the potential animal residents would be cared for. • A facility that breeds and sells dogs for financial gain is immoral 	<p>Animal welfare concerns are not a planning consideration relevant to the assessment of the application.</p> <p>Matters relating to animal welfare are regulated by the Queensland Government through a regulatory framework that includes the <i>Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016</i>, <i>Animal Management (Cats and Dogs) Act 2008</i> and <i>Animal Care and Protection Act 2001</i>. Animal welfare standards and guidelines for breeding dogs were introduced by the Queensland Government on 1 October 2018.</p>

<ul style="list-style-type: none"> The breeding dogs used are eventually discarded after a certain period of time. 	
<p>Noise impacts will be unacceptable and not in keeping with the rural zoning of the land</p>	<p>“Animal Keeping” is identified as a use which is a “potentially consistent use” within the Rural zone. Animal Keeping is described in the planning scheme as a ‘rural activity’.</p> <p>Noise and acoustic related concerns were a key aspect of the assessment. Since the public notification part, the application was scaled down and additional information provided. Council engaged an external acoustic specialist to assess the noise impacts and the proposal has been found to be acceptable with regards to acoustics and will meet all relevant noise criteria.</p>
<p>Proposal should be defined as “shop” rather than “animal keeping”</p>	<p>In accordance with the definitions of the <i>Sunshine Coast Planning Scheme 2014</i>, the development proposal was correctly lodged as “Animal keeping”. The application was properly made on 1 November 2018 in accordance with the requirements of the <i>Planning Act 2016</i>.</p>
<p>The proposed development is considered inconsistent with this intent of the South East Queensland Regional Plan 2017 by proposing a land use that will lead to degradation of the natural assets and regional landscape.</p>	<p>The application has been assessed against the South East Queensland Regional Plan and the application has been referred to the State Government for assessment and response in accordance with the Planning Act 2016 provisions.</p> <p>The site is located within the Regional Landscape and Rural Production Area of the South East Queensland Regional Plan. The development would not have an irreversible impact on agricultural land as the proposed animal keeping use is not dissimilar from other intensive animal industries and agricultural uses that require buildings for the housing of animals or plants. Animal keeping falls into the Rural activity group and is a potentially consistent use in the Rural zone.</p>
<p>The proposed development would detrimentally impact on the natural environmental and amenity qualities of the area, including Ewan Maddock Water Resource Catchment Area</p>	<p>Due to the subject site being located within the Ewen Maddock Water Resource Catchment Area, Council requested the input of Seqwater in their capacity as the Queensland Bulk Water Supply Authority.</p> <p>Seqwater provided a response on 14 April 2020, which recommended approval subject to conditions.</p>

	In addition, Council's plumbing team has recommended approval subject to conditions.
Impact upon the Scenic Route	The proposal would be sufficiently screened from the Steve Irwin Way and would not be visible from the designated Scenic Route. The development satisfies the requirements of the Scenic amenity overlay code.
Stormwater impacts to neighbouring properties	Council's Engineering and Environment Assessment Team are satisfied that any stormwater impacts could be appropriately mitigated without causing any unacceptable impacts.
Increase of traffic and increase of crashes at an already dangerous access point	The Steve Irwin Way is a State-controlled road. Due to this, the assessment of traffic impacts is the responsibility of the Department of Transport and Main Roads, who have recommended approval of the proposal subject to conditions which included road and intersection upgrade requirements.

Two maps are attached which identify the location of the properly made submissions. One map concentrates on the immediate surrounding area from the subject site, the other shows the whole of the Sunshine Coast Local Government Area. One submission was lodged by an adjoining landowner, who objected to the proposal.

Map of Properly Made submissions (Landsborough area in proximity to the subject site)



Legend

- MCU 18/0311
- Locality Boundaries
- For 21 (4 outside region)
- Against 69 (20 outside region)
- Estates



Scale: 1:20,000



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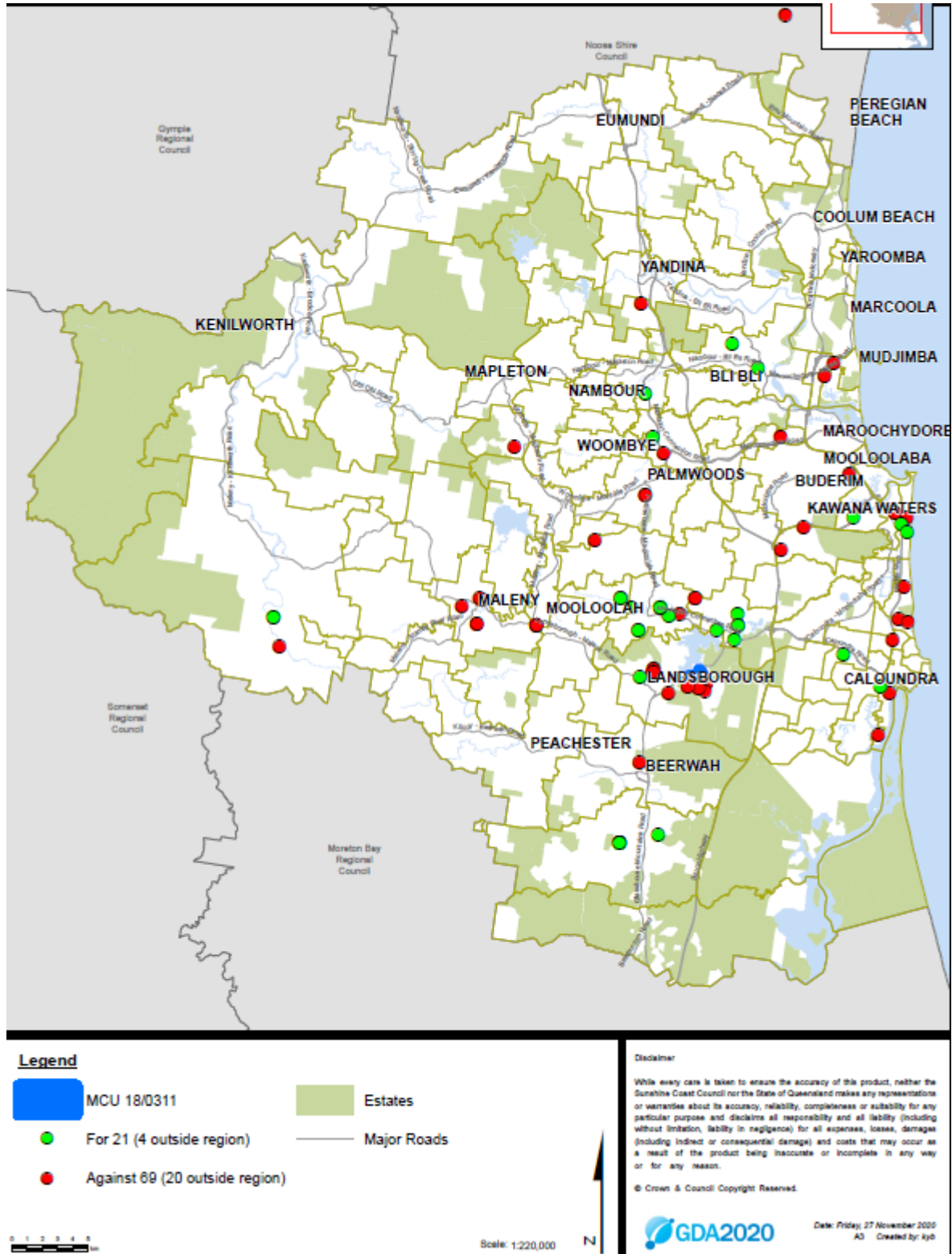
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Date: Friday, 27 November 2020

A3 Created by: kjb

Map of Properly Made submissions (whole of Sunshine Coast Local Government Area)



CONCLUSION:

The proposed development sufficiently complies with the requirements of the Planning Scheme and does not raise any significant issues that cannot be addressed by reasonable and relevant conditions. The application is therefore recommended for approval.