

Item 8.1 & 8.4

Further Additional Information Ordinary Meeting

Thursday, 14 October 2021

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Related Report / Additional Information Request

Meeting:	Ordinary Meeting	Date:	14 October 2021
Requesting Councillor:	Councillor Baberowski		
Item:	8.1 – Development Permit for a Material Change of Use to Establish Animal Keeping at 2312 Steve Irwin Way Landsborough		
Confidential	No		
Circulation	13 October 2021		
Officer (title):	Development Planner	Approving GE (title):	Group Executive, Customer Engagement and Planning Services

In response to a question raised by Councillor R Baberowski, please note the following additional information for your consideration.

Questions:

- How would we respond to noise complaints at the proposed Animal Keeping facility?
- What happens to the breeding dogs after they are no longer required for breeding? ie. Are they desexed and offered for adoption or sold at an adult dog price?
- Further to my enquires to the applicant or to / through our staff on the breeding females - as I understand they need to be around 18mths old to start breeding - where do they come from before that?
How frequently do they breed and what life do they lead in between?
Same for the stud dogs - where do they come from and as with the females when are they retired and where do they go?

Response:

1. How would we respond to noise complaints at the proposed Animal Keeping facility?

Where a development approval, the conditions of the approval will require the facility to be constructed to comply with specific requirements including the approved plans and recommendations in the approved acoustic assessment. The requirements relating to the conditions of the approval would be ongoing for the life of the use. Should Council receive a complaint in relation to noise, the process for determining if there a breach of the conditions of approval is as follows:

- Based on an initial review, Council must first determine that there is a reasonable complaint. This may require the complainant to keep a noise log to show the timing, frequency and nature of the noise.
- If the initial review determines there is sufficient cause for further investigation, Council would ask the facility operator to demonstrate the use is being carried out in accordance with the conditions of the approval and/or to undertake an assessment to determine if corrective action/s are required.
- If the facility operator refuses to carry out the above step, Council would undertake an assessment (using an acoustic specialist) to determine compliance with the conditions of approval and/or to assess the noise nuisance.



- If there is a noise nuisance, Council would then ask the facility operator to propose rectification action/s, focusing on voluntary self-compliance in the first instance.
- If there is a noise nuisance and the facility operator declines to work with Council or make reasonable adjustments to reduce the nuisance, Council may issue relevant penalties under the *Environment Protection Act 1994* and the *Planning Act 2016*.

Alternatively, if Council is of the opinion that the use is causing a noise nuisance but is not at a breach of the development approval, Council may use the powers under the Local Law. *Local Law No. 2 (Animal Management) 2011* and *Subordinate Local Law No. 2 (Animal Management) 2011*, requiring dogs be managed in such a way that the barking does not disrupt or inhibit an activity ordinarily carried out on a residential premises. The penalties for breaching this requirement are currently an on-the-spot fine of \$275 or a maximum penalty of \$2,757 through the Magistrate's Court.

In the case of a breeding or kennel facility of this nature Council cannot remove or require the removal of the dog to remove the noise nuisance. Resolution of the issue is reliant on the animal handlers at the facility to manage the animals appropriately.

2. What happens to the breeding dogs after they are no longer required for breeding? i.e. are they desexed and offered for adoption or sold at an adult dog price?

The applicant has advised that once a breeding dog is retired, they are all desexed, health checked and have a dental review before Diamond Valley Kennels either sell them or give them away. The applicant advises that they are generally given to someone with a child or elderly person that has special needs. They state that they have been doing this procedure for years and have very long wait lists for people after an ex-breeding male or female.

This process is not one Council can condition or regulate.

3. How frequently do they breed and what life do they lead in between?

In relation to the frequency of breeding, Diamond Valley Kennels advised that any female could have a maximum of 2 litters per year. They state that they follow their vet's advice as to whether each individual female will have either 1 or 2 litters per year and the vet provides a written vet clearance before breeding each female.

In relation to what life they lead in between litters, the applicant states that in between litters their daily life consists of running around playing all day in big open yards, with lots of play equipment and enrichment toys. The applicant advised that currently Diamond Valley Kennel staff are with them from 6am until 6pm, and sometimes they go home with staff. The applicant advised that children often visit over weekends for play activities, the dogs receive fresh bones twice a week and pigs ears and chicken necks as treats and are fed quality dry food. The applicant states that no dog lives in a cage and never will.

4. Further to my enquires to the applicant or to / through our staff on the breeding females - as I understand they need to be around 18mths old to start breeding - where do they come from before that? Same for the stud dogs - where do they come from and as with the females when are they retired and where do they go?

The applicant advised the dogs breed twice per year and a maximum of four times in their life. Please also refer to the attached Factsheet that the applicant provided as part of their Information Response in May 2020.



In relation to where the dogs come from originally (both male and female), the applicant has advised that Diamond Valley Kennels both breed and keep their own to maintain certain bloodlines, and also buy in from other breeders to bring in new bloodlines. Where they keep their own dogs overtime, they advise that they are not bred back to their relatives. They state that this is called line breeding and a lot of registered purebred breeders do this, there is no legislative requirement in Queensland regarding line breeding and they say they are against this activity.

The applicant would be required to meet the requirements set out in the *Animal Care and Protection Act 2001*, the *Animal Management (Cats and Dogs) Act* and the Local Laws for keeping animals in the Local Government Area where the animal is residing.

The applicant has advised that once a breeding dog is retired, they are all desexed, health checked and have a dental review before Diamond Valley Kennels either sell them or give them away. The applicant advises that they are generally given to someone with a child or elderly person that has special needs. They state they have been doing this for years and have very long wait lists for people after an ex-breeding male or female.

Related Report / Additional Information Request

Meeting:	Ordinary Meeting	Date:	14 October 2021
Requesting Councillor:	Councillor W Johnston		
Item:	8.4 – September Financial Performance Report		
Circulation	13 October 2021		
Officer (title):	Coordinator Financial Services	Approving GE (title):	Group Executive Business Performance

In response to a question raised by Councillor W Johnston, please note the following additional information for your consideration.

Question:

Can a summary of all grant funding project expenditures to date be always provided with the Monthly Financial Report

Response:

A separate report has been provided to list all capital grant funded projects for the 2021/22 financial year.

List of Approved Capital Works Projects Including Grant Funding from State and Federal Government
2021/22 Financial Year

	Description	Division	Suburb	Estimated Construction Start Month	Construction Completed Month	TOTAL Grant Revenue \$'000	Project Expenditure YTD \$'000
Federal Government						(\$12,335)	\$929
1 Roads to Recovery Program						(\$4,800)	
Blackspot Funding						(\$1,009)	\$10
2	K2394 Blackspot Wust Road Doonan East of Regency Road - Stage 1	Division 09	Doonan	TBA	TBA	(\$560)	\$0
3	K2081 BlackSpot Blackall Range Road West Woombye	Division 05	West Woombye	TBA	TBA	(\$157)	\$1
4	K2085 - BlackSpot Edmund St and William St Intersection Shelly Beach	Division 03	Shelly Beach	TBA	TBA	(\$143)	\$8
5	K2083 - BlackSpot Wust Road Doonan East of Regency Road - Stage 2	Division 09	Doonan	TBA	TBA	(\$149)	\$1
Local Road and Community Infrastructure Grant Funding - Round 2						(\$6,526)	\$919
6	H3790 - LRCIP2 - Citrus Road Gravel Road Upgrade	Division 05	Palmwoods	July 2021	December 2021	(\$2,100)	\$415
7	H3799 - LRCIP2 - Zgrajewski Road Gravel Road Upgrade	Division 09	Yandina Creek	July 2021	December 2021	(\$2,200)	\$45
8	H3941 - LRCIP2 - Crosby Hill Road Pathway WOR	Division 07	Buderim	May 2021	September 2021	(\$709)	\$316
9	H4223 - LRCIP2 - Scholars Drive to Columbia Street	Division 06	Sippy Downs	June 2021	December 2021	(\$450)	\$30
10	K1484 - LRCIP2 - Meridan Way Lighting	Division 03	Meridan Plains	June 2021	September 2021	(\$250)	\$109
11	K1492 - LRCIP2 Spray Seal - Old Gympie Road Resurfacing	Division 01	Glass House Mountains	November 2021	November 2021	(\$168)	\$0
12	K1493 - LRCIP2 Spray Seal - Bald Knob Road	Division 05	Peacheater	November 2021	November 2021	(\$186)	\$0
13	K1495 - LRCIP2 Asphalt - Mountain View Road	Division 05	Maleny	October 2021	October 2021	(\$462)	\$3
State Government						(\$12,401)	\$5,232
Queensland Transport and Roads Investment Program						(\$8,000)	\$2,666
14	H3747 - Mooloolaba Transport Corridor - D and C	Division 04	Mooloolaba		November 2023	(\$8,000)	\$2,666
Unite and Recover Stimulus Package						(\$1,675)	\$2,508
15	B4741 - Place Making Mooloolaba Master Plan	Division 04	Mooloolaba	February 2021	August 2021	(\$1,600)	\$2,491
16	H9821 - Albany Lakes Park Sippy Downs Play Space	Division 06	Sippy Downs	April 2021	July 2021	(\$75)	\$17
17 Bus Stop Shelter Program						(\$247)	
18 Passenger Transport Accessible Infrastructure Program						(\$679)	
19 Passenger Transport Infrastructure Investment Program						(\$145)	
Transport Infrastructure Development Scheme						(\$210)	\$0
20	K1314 - Bli Bli State School Precinct Active Transport	Division 09	Bli Bli	April 2022	May 2022	(\$200)	\$0
21	K2436 - TIDS Talara School Precinct - Active Transport	Division 03	Currimundi	July 2021	July 2021	(\$10)	\$0
South East Queensland Community Stimulus Program						(\$1,445)	\$59
22	H0956 - SEQCSP Mooloolaba to Alex Bluff Recreation	Division 04	Alexandra Headland	TBA	TBA	(\$100)	\$0
23	H1246 - SEQCSP Landsborough Place Making Master	Division 01	Landsborough	TBA	TBA	(\$250)	\$31
24	H9957 - SEQCSP Buderim Village Park Buderim	Division 07	Buderim	TBA	TBA	(\$150)	\$0
25	K1618 - SEQCSP Caloundra Indoor Sports Stadium	Division 02	Caloundra	TBA	TBA	(\$350)	\$8
26	K1898 - SEQCSP Parkyn Parade Pedestrian Facilities	Division 04	Mooloolaba	TBA	TBA	(\$145)	\$10
27	K2259 - SEQCSP Albany Lakes Park Play Upgrade Street	Division 06	Sippy Downs	TBA	TBA	(\$250)	\$10
28	K2406 - SEQCSP Turner Park Beerwah Activation Stage 2	Division 01	Beerwah	TBA	TBA	(\$100)	\$0
29	K2449 - SEQCSP North Shore Multi-Sports Complex	Division 08	Pacific Paradise	TBA	TBA	(\$50)	\$0
30	K2478 - SEQCSP Palmwoods Warriors Football Club	Division 05	Palmwoods	TBA	TBA	(\$50)	\$0