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15 September 2022

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Gardyne Property Services Pty Ltd (Trustee)
C/- Somerville Consultants
PO Box 1198
SPRINGWOOD QLD 4127

Dear Sir/Madam

INFORMATION REQUEST

APPLICATION NO: MCUI/55/2022
PROPERTY ADDRESS: 1-21 VIRGINIA WAY, LOGAN VILLAGE QLD 4207
PROPERTY DESCRIPTION: LOT 1 RP 199993
APPLICATION DESCRIPTION:
• **MATERIAL CHANGE OF USE - ANIMAL KEEPING**

In accordance with Part 3 (Information Request) of the Development Assessment Rules, Council in the role of the Assessment Manager, requests the following further information to be submitted for the assessment of the abovementioned development application.

1. PLANNING

Proposed Plans of Development

- 1.1. Amend the proposed plans of development to include the following:
 - 1.1.1. Clearly identify the area to be dedicated to the animal keeping use. Mark the dimensions and provide the square meterage of each area;
 - 1.1.2. Dimension the distance of proposed "Dog Daycare Area (outside)" to the adjoining western and southern boundaries;

Land use location & zoning

- 1.2. The proposed use does not comply with assessment benchmark AO1(c) or PO1(c) of the Rural residential zone code. The proposed use is a rural activity not envisaged on the subject site's Rural residential zone Park living precinct area. Provide further information demonstrating how the proposed use complies with the sites Rural residential zone purpose paragraph 1 and paragraph 2(a)(b)(c) and paragraph 3(a)(ii)(iii) (iv) and 3(e).

Further advice:

Animal keeping is not envisaged in the sites Rural residential Park living precinct. Animal keeping, involving particular types and numbers of animals is more generally intended in the separate Rural zone or Rural residential zones Cottage rural precinct.

The proposed Animal keeping, including particular types and numbers of animals must comply with the zone code purpose and benchmarks.

It is further noted that the proposed development site is not located within the employment area identified on SFM-01.00 Strategic Framework Map, therefore, assessment against the Employment Strategic Framework is not relevant.

Dwelling House

- 1.3. Amend the plans to remove dog housing from the existing dwelling house. Council officers do not support the commercial housing of dogs (where dogs are not owned or officially fostered by the resident) in a residential dwelling house.

Further Advice:

The development site is not a prescribed premises and the dogs onsite are not prescribed dogs under the Logan Planning Scheme Schedule 1 definitions.

Using the dwelling house to house dogs in a commercial arrangement, also contravenes the intended residential use of a dwelling house.

A dwelling house is defined as follows under the Logan Planning Scheme 2015 Version 8:

Dwelling house means a residential use of premises involving -

1 dwelling for a single household and any domestic outbuildings associated with the dwelling; or

1 dwelling for a single household, a secondary dwelling and any domestic outbuildings associated with either dwelling.

Council's City Standards and Animal Care officers have expressed critical concerns regarding the proposed boarding of animals within bedroom 3 living and dining space of the existing dwelling house at the site. The keeping of dogs in the dwelling house would not meet Logan City Council Local Law 9 conditions of a licence (in particular those quoted below), or the Pet Industry Association Australia (PIAA) Standards and Guidelines for best practice.

Local Law 9 Kennel Licence conditions (partial extract)

General

(a) All enclosures must be provided and maintained in such a manner so as to

(i) permit regular cleaning of all the internal and external surfaces of the enclosures and regular checking of any animal within the enclosures; and

(ii) be impervious and able to be effectively clean and sanitised; and

(iii) ensure the comfort of animals and the prevention of disease.

(iv) All surfaces of the approved premises such as walls, floors, ceilings fixtures and fittings must be kept clean and sanitised at all times

(b) Floors must-

(i) be able to be easily and effectively cleaned and sanitised; and

(ii) be unable to absorb grease, food particles or water; and

(iii) be laid so that there is no ponding of water.

(b) Walls must-

(i) be able to be easily and effectively cleaned and sanitised; and

(ii) be unable to absorb grease, food particles or water; and

(iii) be smooth.

(d) A wash tub of sufficient size to clean cages must be installed and fitted with hot and cold running water.

(e) Waste waters from animals from the washing down of floors, surfaces, enclosures and other areas must be collected and drained to an approved pre-treatment device before discharge to the sewerage system.

A complete copy of kennel license condition requirements under Local Law 9 has been attached with this information request advice. In addition, page 28 of the PIAA standards provides additional detailed guides for pen sizes. For additional information specifically on the boarding/kennel aspect of development, which requires separate approval under Councils Local law 9, please contact the Animal Care branch of Council on 3412 3412 via email council@logan.qld.gov.au.

2. STRATEGIC FRAMEWORK

Strategic Framework - 3.2 Strategic intent

- 2.1. Provide further information demonstrating how the proposed use on the subject site complies with the following strategic land use intent:

Sections 3.2.2 Residential

Section 3.2.9 Design, place making and amenity

Further advice:

Demonstrate the proposed use is compatible with each of the above statements.

The site is in the Rural landscape and rural production area (RLRPA), not the Urban footprint or Rural living area identified in the planning schemes Strategic framework and the State governments South east Queensland regional plan.

Animal keeping is not envisaged in the sites Rural residential Park living precinct. Animal keeping, involving particular types and numbers of animals is more generally intended in the separate Rural zone or Rural residential zones Cottage rural precinct.

Strategic Framework – 3.3 Settlement pattern specific outcomes

- 2.2. Provide further information demonstrating how the proposed use on the subject site complies with the following Regional landscape and rural production area settlement pattern specific outcomes.

3.3.5 - Regional Landscape and rural production area.

Specific outcome 3.3.5.1 paragraphs 1(b) and 1(c)

Further advice:

Animal keeping is not envisaged in the subject sites Rural residential zone Park living precinct and noise, odour and light emissions from the development may disrupt the surrounding areas rural residential amenity.

Strategic Framework - 3.4 Residential specific outcomes

3.4.5 - Rural residential

- 2.3. Provide further information demonstrating how the proposed use on the subject site complies with the following Rural residential specific outcomes

Specific outcome 3.4.5.1 paragraph 2(a) and 2(b).

Further advice:

Animal keeping is defined as a rural activity in the planning schemes schedule 1 activity groups. Rural activities are envisaged in the Rural residential zones Cottage rural precinct, or the alternative Rural zone, rather than the subject sites Rural residential Park living precinct.

Demonstrate how the proposed use is compatible with the sites Rural residential character and amenity characterised by high levels of resident comfort and quiet in dwelling houses on larger lots in landscaped/bushland settings.

Demonstrate how the proposed use, not being a residential activity, is reasonably able to be accommodated onsite despite the use conflicting with the sites residential zone and precinct intent and why the use is not reasonably able to be located in the alternative Rural residential zone Cottage rural precinct or separate Rural zone.

Strategic Framework - 3.11 Design, place making and amenity specific outcomes

- 2.4. Provide further information demonstrating how the proposed use on the subject site complies with the following Design amenity specific outcomes

3.11.2 – Design and place making

- 2.5. Specific outcomes 3.11.2.1 paragraph 1(a)(b)(c)(e)(g)(j)(k).

3.11.3 - Amenity

- 2.6. Specific outcomes 3.11.3.1 paragraph 1(c) and paragraph 2, paragraph 3(a) and 3(b) and paragraph 4.

Further advice:

Animal keeping is intended in the Rural zone or Rural residential zones Cottage rural precinct rather than the subject sites Rural residential zone Park living precinct

Demonstrate how the proposed Animal keeping use onsite is consistent with the intended character of the area.

In particular demonstrate how the proposed use type, scale, capacity, built form and structures:

- *will protect rural residential amenity*
- *will not generate detrimental noise, odour or light emissions, and*
- *will protect visual amenity*
- *will protect / maintain streetscape amenity.*
- *is compatible with and retains the sites rural landscape and bushland setting.*

3. ENVIRONMENTAL

Acoustic Information

- 3.1. Amend the noise assessment report to assess the noise impact from twenty (20) dogs as per the number of dogs specified in the town planning report.

- 3.2. Confirm that the data used to calculate the background noise levels has not been affected by the rainfall in the acoustic report.

Advisory note:

It is noted that the data on the 9 and 10 December 2021 should have been removed due to the large rainfall events.

- 3.3. Apply an adequate filter to remove seasonal insect/frog noises with corresponding frequencies before calculating the background noise levels as the evening and night time periods have been impacted upon.

- 3.4. Model the noise emissions from the proposed dog water area.

- 3.5. Model the noise from the indoor areas including the patio and veranda during the evening and night-time periods.

- 3.6. State if dogs are intended to occupy outdoor areas in evening and/or night.

Advisory note:

It is mentioned that the hours of operations are Monday to Saturday 7am – 6pm and Sunday by appointment only. Moreover, this assessment has been done based on the noise levels recorded when dogs are outside. It is understood that dogs allowed to stay outside only during the daytime. However, Table 4.4 shows that the noise levels of ten (10) dogs barking

comply with day/evening/night time criteria. Therefore, it is required to clearly state if dogs are intended to occupy outdoor areas in evening and/or night.

- 3.7. Change the heading of the 6th column of Table 4.3 from “LAeq,15m (Dog Barking Only)” to “LAeq,15minutes (Dog Barking Only)”.
- 3.8. As Sunday (appointment only) is being proposed, this day needs to be modelled separately as outlined in the PSP 3 noise criteria.
- 3.9. The car parking areas need to be modelled to capture the noise being emitted when the dogs are dropped off and picked up. This modelling is also to include car park conversation noise.

4. REQUEST FOR FURTHER ADVICE

In accordance with section 35 of the Development Assessment Rules, Council in the role of the Assessment Manager may, at any time before the application is decided, give further advice about the application to the applicant.

5. RESPONDING TO THIS INFORMATION REQUEST

This Information Request may be responded to by giving Council:

- (a) All of the information requested; or
- (b) Part of the information requested; or
- (c) A notice stating that none of the information will be provided.

Please indicate within your response if you have provided: all, part of or none of the required information.

If an Information Response is not provided within three (3) months of receiving this Information Request or such further period agreed with the Council, Council’s assessment will continue without the benefit of this information.

6. COPIES OF RESPONSES TO REFERRAL AGENCIES

Please also note that any referral agency for the application may make a separate Information Request. If responding to a referral agency Information Request, a copy of that response must also be given to Council in accordance with Part 3 of the Development Assessment Rules.

For further information about this application please contact Council’s Scott Robertson on (07) 3412 5982 or via email on scottrobertson@logan.qld.gov.au.

Yours faithfully

Tonia Plail
A/Principal Planning Officer
Planning Assessment & Technical Services