



19 February 2025

Planning Officer: Carl Ewin  
Direct Phone: 07 4086 4649  
Our Reference: MCU/24/0022

Taylor J Skinner  
C/- Neil Beck Town Planner  
32 Yarun Close  
WONGA BEACH QLD 4873

Dear Applicants,

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 19 February 2025, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No: MCU/24/0022  
Street Address: 17 Effley Street, Mareeba  
Real Property Description: Lot 224 on SP297023  
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

#### DECISION DETAILS

Type of Decision: Approval  
Type of Approval: Development Permit for Material Change of Use – Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses)  
Date of Decision: 19 February 2025

### CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is **six (6)** years starting the day that this development approval takes effect. (Refer to Section 85 “Lapsing of approval at end of currency period” of the *Planning Act 2016*.)

### INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “*necessary infrastructure condition*” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

### ASSESSMENT MANAGER CONDITIONS

#### (C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

##### (a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 All conditions of this development permit must be complied with to the satisfaction of Council's delegated officer **prior to the commencement of the use** except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.

3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Hours of Operation

3.4.1 The dog boarding component is permitted to operate 24 hours per day, 7 days per week. Dogs boarded at the facility must not be allowed outside the building for exercise between the hours of 8.00pm and 7.00am.

3.4.2 The dog daycare component must not operate outside the hours of 7.00am to 6.00pm Monday to Friday, 8.00am to 4.00pm Saturday, and 9.00am – 1.00pm Sunday.

3.4.3 The dog training and classes component must not operate outside the hours of 7.00am - 8.00pm Monday to Friday; 8.00am – 5.00pm Saturday, and 9.00am – 3.00pm Sunday.

3.5 Boarding/training/daycare Capacity

A maximum total of 40 dogs can be accommodated on-site at any time spread across the boarding, training and daycare components of the approved use. Records of dogs boarded, trained or minded on-site must be kept demonstrating compliance with this condition and must be made available to Council officers upon request.

3.6 Waste Management

3.6.1 On site refuse storage areas must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer, 1.8m high solid fence or building.

3.6.2 Dog faeces must be collected and disposed of through an approved disposal method, as approved by Council's delegated officer. Dog Faeces must not be disposed of into Council's sewer system.

3.6.3 Dog Faeces and urine must be disposed of regularly and effectively, so as to not cause any detectable odour nuisance to any adjoining allotment or sensitive receptor, at all times.

3.7 Acoustic Fencing/Insulation

3.7.1 Prior to building works commencing, the applicant/developer is to submit a fencing plan to Council for review and approval that must include the following:

- 1.8 metre high, neutral colour, sound reflective acoustic fencing installed along the entire eastern boundary and extend along both

the northern and southern boundaries to a point 10 metres past the front (western) face of the outdoor exercise yards.

- 1.8 metre high, neutral colour solid screen non-acoustic fencing along the remainder of the northern and southern property boundaries to a point in line with the front building façade (including fence returns between the side boundaries and the building). Front/side boundary fencing forward of the building is optional and may be chain mesh or similar.
- Solid screen non-acoustic fencing (constructed to a height that effectively screens dogs from each other) must be installed between the outdoor exercise yards. The front face of the exercise yards may be chain mesh or similar.

All fencing included on the approved fencing plan must be built prior to the commencement of the use, to the satisfaction of Council's delegated officer.

- 3.7.2 The design of the acoustic fencing mentioned in 3.7.1 must be endorsed by a suitably qualified acoustic engineer to achieve the desired levels of noise reduction outlined in the *Noise Impact Assessment prepared by XNoise Version 1.1 dated 7 November 2024*. Design plans for the fencing must also be submitted to Council for review prior to any building works commencing.

All acoustic and non-acoustic fencing must be maintained in accordance with the approved design/location and in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

- 3.7.3 The exterior walls and roof of the facility must be constructed to be acoustically insulated in accordance with the recommendations and design included in Appendix D of the *Noise Impact Assessment prepared by XNoise Version 1.1 dated 7 November 2024*, to the satisfaction of Council's delegated officer. Any alternative acoustic insulation design must be endorsed by a suitably qualified acoustic engineer and submitted to Council for review prior to construction commencing.

### 3.8 Emissions

Emissions associated with the development (e.g. light, noise, dust, odour) must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act (1994)* to any sensitive receptor.

### 3.9 Operational Noise Management Plan

The applicant/developer/operator is required to submit for approval by Council's delegated officer an Operational Noise Management Plan (ONMP) containing best practice procedures that are to be implemented for minimising noise emissions from the premises. The ONMP must include provisions for dealing with noise complaints, including the maintenance of a complaint register, as well as dealings with dogs that are known to bark or howl excessively.

The approved ONMP must be complied with at all times. The operator must actively manage noise from dogs accommodated at the facility such that the occurrence of excessive noise is prevented.

All records required to be maintained under the ONMP must be made available to Council upon request.

### 3.10 Acoustic Controls Generally

3.10.1 All external windows, doors and roller doors of the building must remain closed at all times when not in use.

3.10.2 No more than 10 dogs are to be accommodated at any one time across the 5 outdoor exercise yards. Each exercise yard must house only 1 dog, or multiple dogs if from the same household. All dogs within the exercise yards must be exercised under an appropriate level of supervision to ensure the effective control of barking/howling.

3.10.3 Dog training and classes carried out during evening hours (6.00pm – 8.00pm) should limit the use of outdoor areas where possible to minimise noise nuisance during this more noise sensitive time period. Dog numbers for training/classes is not capped but must not result in any exceedance to the facilities 40 dog total capacity, at all times.

3.10.4 When outside the confines of the building, dogs engaged in classes/training must be under the direct supervision and control of either a staff member or the dog owner, at all times (does not include dogs in outdoor exercise yards).

## 4. Infrastructure Services and Standards

### 4.1 Access

An industrial access crossover must be constructed (from the Effley Street kerbing to the property boundary) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

#### 4.2 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with a minimum of 8 on-site car parking spaces, inclusive of 1 disabled parking space which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces and internal driveways must be concrete or asphalt sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces, and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

A sign must be erected in proximity to the access driveways indicating the availability of on-site parking.

#### 4.3 Stormwater Management

4.3.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.3.2 Prior to building works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

4.3.3 The Stormwater Management Plan and Report must include provisions to intercept and control stormwater flows along driveways.

4.3.4 The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.

4.3.5 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

#### 4.4 Landscaping

4.4.1 A landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The landscape plan must include the following:

- a 1.5-metre-wide landscape strip along the entire front boundary of the site excluding the access driveway. The landscape strip must include shrubs, plants and trees that will grow to form an attractive visual buffer of no less than 3 metres in height at maturity and should include at least 25% larger more advanced plant stock.

4.4.2 All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).

4.4.3 The landscaping of the site must be carried out in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained for the life of the development to the satisfaction of Council's delegated officer.

#### 4.5 Water Supply

4.5.1 Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.5.2 A water service connection must be provided to the subject lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.6 Sewerage Connection

4.6.1 Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.6.2 The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual Standards (as amended) to the satisfaction of Council's delegated officer.

#### REFERRAL AGENCIES

Not Applicable.

<b>APPROVED PLANS</b>
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The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1	Proposed Site Plan	Francis Kerr Design	6 November 2024
2	Proposed Floor Plan	Francis Kerr Design	6 November 2024
3	Proposed Elevations	Francis Kerr Design	6 November 2024
4	Proposed Elevations	Francis Kerr Design	6 November 2024

<b>ADVISORY NOTES</b>
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The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

(D) ASSESSMENT MANAGER'S ADVICE

(a) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(b) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

(c) A Trade Waste Permit will be required prior to the commencement of use.

(d) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(e) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.



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(f) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.environment.gov.au](http://www.environment.gov.au).

(g) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the “cultural heritage duty of care”). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

(h) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a **general biosecurity obligation**) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](#) or contact Biosecurity Queensland 13 25 23.

(i) Potential Industry Zone Impacts

The applicant should take note:

- The subject site is within the Mareeba Industrial Park which will continue to be used and developed for heavy industrial purposes;
- It can be expected that the subject site will experience off site impacts from industrial activities, including but not limiting to, noise, odours, and dust that may cause a lesser level of amenity than that experienced in other non-industrial zones.

**PROPERTY NOTES**

Not Applicable.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

**SUBMISSIONS**

There were sixteen (16) properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below:

Name of Principal submitter	Address
1. Carlie Roll	carlieroll@hotmail.com
2. Mark Freeman	PO Box 777, Kuranda QLD 4881
3. Julie Birdsall	364 Bilwon Road, Biboohra QLD 4880
4. Shaun Gardiner	<a href="mailto:shaun.gardiner@gmail.com">shaun.gardiner@gmail.com</a>
5. Marc Jackson – Enviroplas Recycling Pty Ltd	PO Box 497, Smithfield QLD 4879
6. Inez Goodman	8 Bundanoon Court, Mareeba QLD 4880
7. Kathleen Freeman	10 Morong Street, Kuranda QLD 4881
8. Felicity Pollard President of Friends of the Animals Inc. and Employee at Mareeba Animal Refuge	<a href="mailto:pollardf24@gmail.com">pollardf24@gmail.com</a>
9. Faith Blanch	100 Walsh Street, Mareeba QLD 4880
10. Serena Lynch	111 Rowntree Road, Petersville SA 5571
11. Lisa McGrath	<a href="mailto:lisa_mcgrath@outlook.com">lisa_mcgrath@outlook.com</a>
12. Katherine Hare	<a href="mailto:1kathare@gmail.com">1kathare@gmail.com</a>
13. Abigail Hansen	30 Thirty Hereward Hwy, Blacktown NSW 2148
14. Scott Johnson	111 Rowntree Road, Petersville SA 5571
15. Joy Wundersitz	92 Cross Road, Myrtle Bank SA 5064
16. Bonnie Stanley	193 White Hut Road, Stanley Flat SA 5453

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**RIGHTS OF APPEAL**

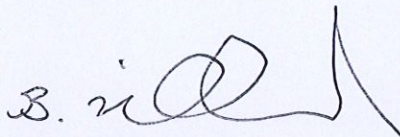
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

**OTHER DETAILS**

If you wish to obtain more information about Council's decision, electronic copies are available on line at [www.msc.qld.gov.au](http://www.msc.qld.gov.au), or at Council Offices.

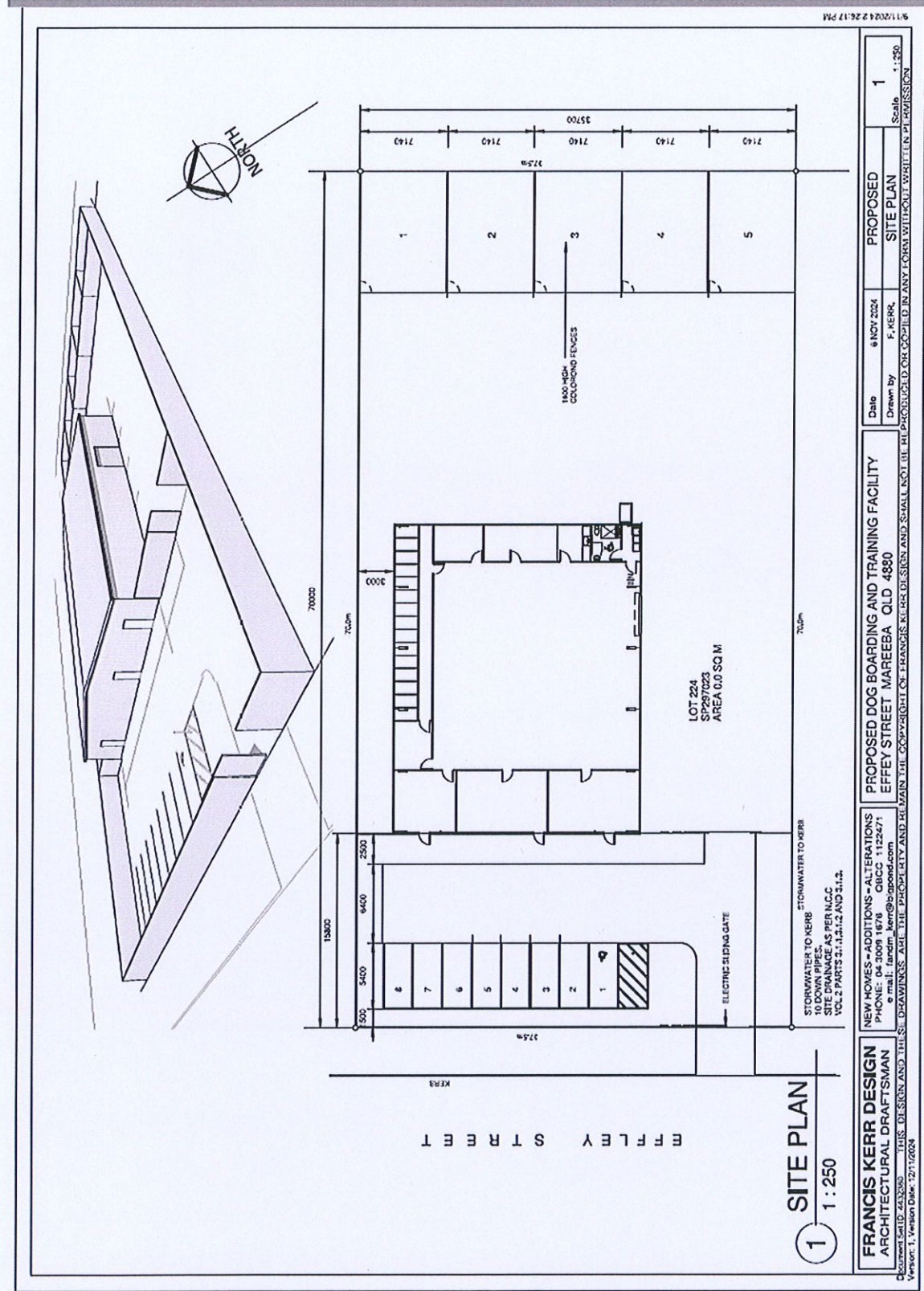
Yours faithfully



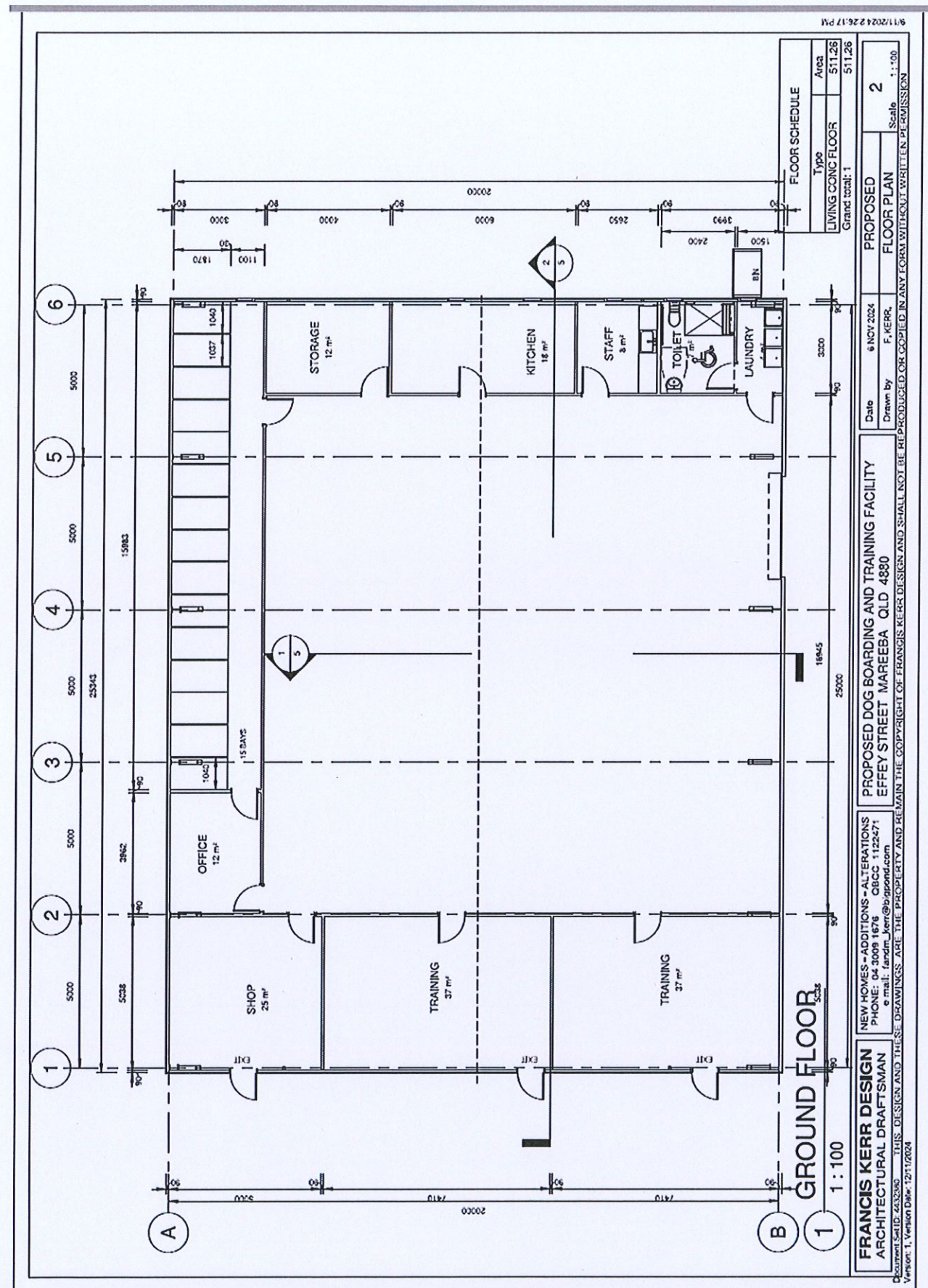
**BRIAN MILLARD**  
**COORDINATOR PLANNING & BUILDING**

Enc: Approved Plans/Documents  
Appeal Rights

Approved Plans/Documents



9/2/2025  
B. KERR



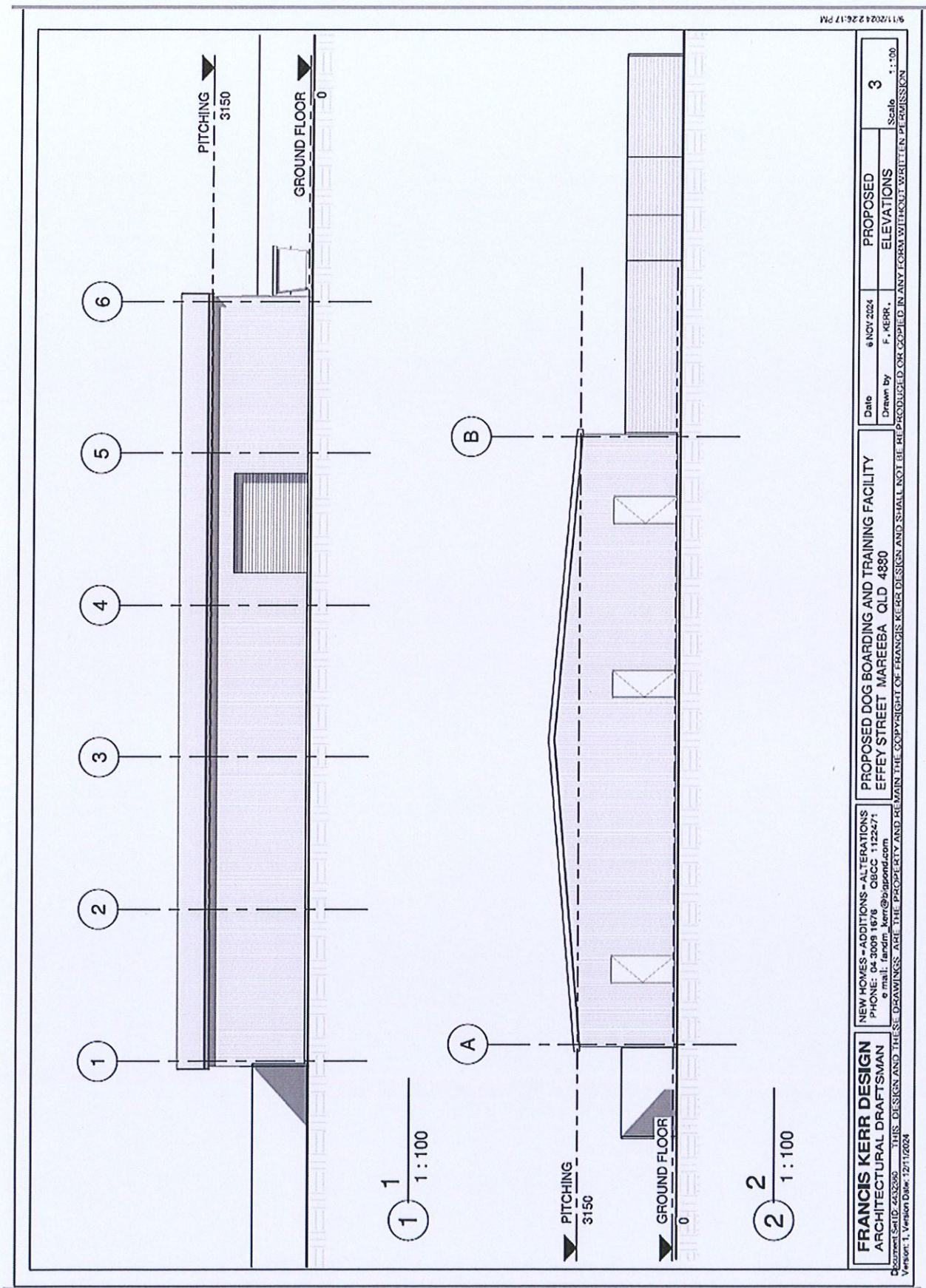
Date: 6 NOV 2024  
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 Scale: 1:100  
**PROPOSED FLOOR PLAN**

**PROPOSED DOG BOARDING AND TRAINING FACILITY**  
 EFFEY STREET MAREEBA QLD 4880

NEW HOMES - ALTERATIONS - ADDITIONS  
 PHONE: 04 3099 1676  
 e-mail: Landm.kerr@supadom.com

**FRANCIS KERR DESIGN**  
 ARCHITECTURAL DRAFTSMAN  
 Document No: 4432950  
 Version: 1, Version Date: 12/1/2024

19/2/2025  
 S. Kerr



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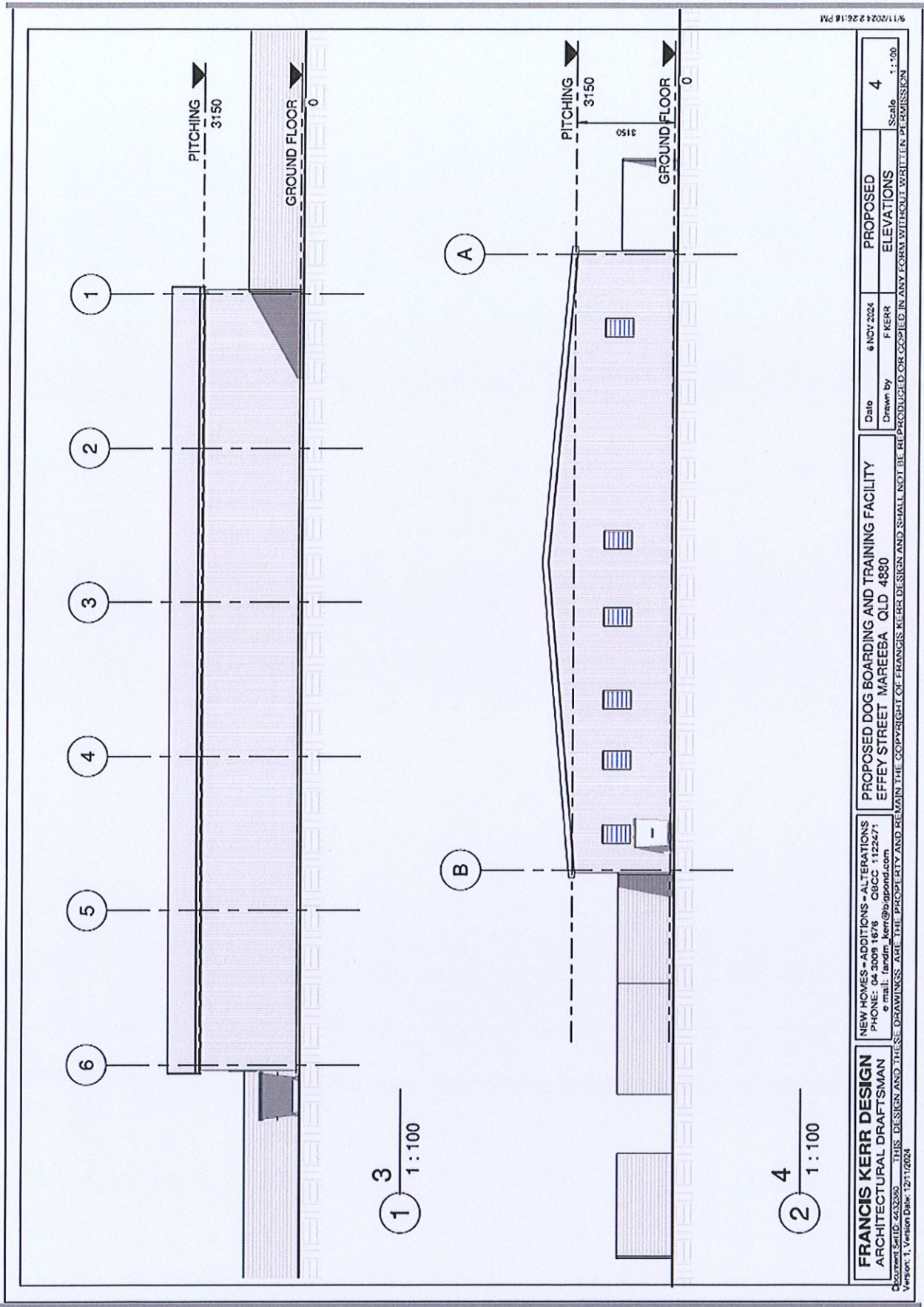
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PROPOSED DOG BOARDING AND TRAINING FACILITY  
 EFFEY STREET MAREEBA QLD 4890

NEW HOMES - ADDITIONS - ALTERATIONS  
 PHONE: 04 3009 1676 O&C 1122471  
 e mail: frank.kerr@bigpond.com

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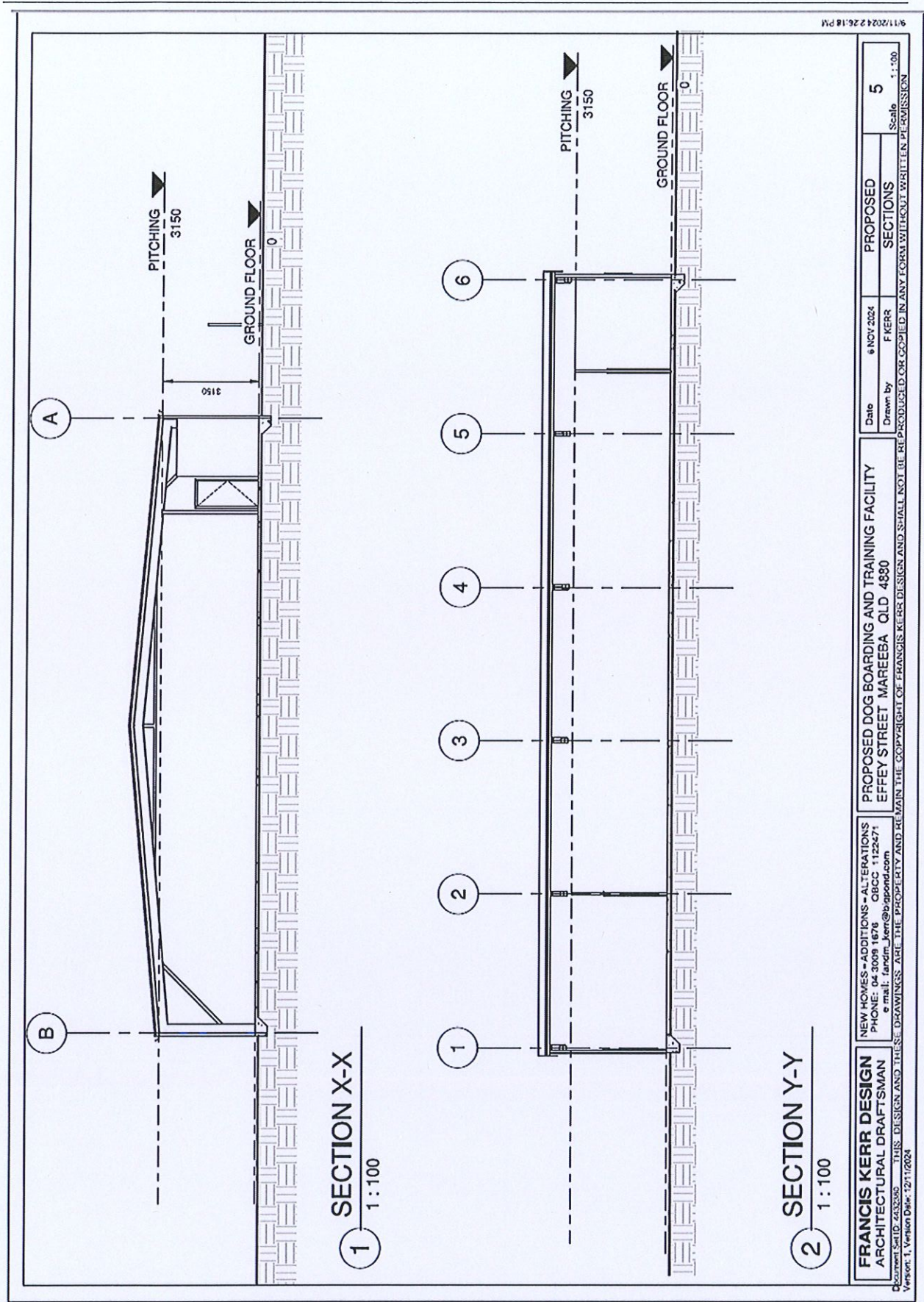
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PROPOSED DOG BOARDING AND TRAINING FACILITY  
 EFFEY STREET MAREEBA QLD 4880

NEW HOMES - ADDITIONS - ALTERATIONS  
 PHONE: 04 2009 1878 CBCC 1122471  
 e mail: f.kerr@bhpond.com

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PROPOSED DOG BOARDING AND TRAINING FACILITY  
EFFEY STREET MAREEBA QLD 4880

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## Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
- (a) Matters that may be appealed to –
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) The person-
    - (i) who may appeal a matter (**the appellant**); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note –*

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

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- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
- (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund-
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

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

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –

*decision* includes-

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or failure to make a decision; and
- (d) a purported decision ; and
- (e) a deemed refusal.

*non-appealable*, for a decision or matter, means the decision or matter-

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

#### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.