

Enquiry Phone: Environment & Sustainability Branch - (07) 3412 3412
Please Quote File: 625147-1
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08 February 2011



Geraldine Fooi Fong Robertson
17-23 Buccan Rd
BUCCAN QLD 4207

Dear Madam

REVIEW OF DECISION - KENNEL LICENCE APPLICATION

APPLICATION NUMBER: PH/KC/2374
PROPERTY LOCATION: 17-23 BUCCAN ROAD, BUCCAN QLD 4207
APPLICATION DESCRIPTION: KENNEL - OVER 20 ANIMALS

Reference is made to your correspondence of 7 September 2010 in relation to Council's decision to refuse your application for a kennel licence and the subsequent independent review of this decision. In accordance with Council's General Complaints Policy (GCP) an independent review of the decision making process and framework has been completed and I provide the following advice:

- Council acknowledges your attendance on the day of Council's Environment & Sustainability Committee meeting on 17 January 2011 which unfortunately did not commence on time due to the previous committee meeting running overtime. Please accept Council's apologies for the time over-run of the previous committee meeting which meant you were unable to stay to attend the deputation by Mr Mark Rigby on the outcome of his external independent review report.
- Please find attached a copy of the investigator's report and Council's resolution which was adopted by Council at its meeting of 25 January 2011, Minute No 7/2011, which found that "*the Council has assessed the application in accordance with the applicable Local Laws and policy and are correct in concluding that Mrs Robertson has not met the requirements of the Local Laws for a commercial kennel licence*". However, it was also noted that although there is no mandatory requirement in Council's local laws to do so, you were not provided a reasonable opportunity to comment on the critical issues and information or material that may be unfavourable to you, before the decision was made. In the interests of natural justice, Council has therefore decided to invite you to recommence the licence application process at no cost. This will ensure you are given a reasonable opportunity to comment on any critical issues, information or material prior to a decision being made. Please respond in writing within 30 days from the date of this letter if you wish to take up this opportunity to recommence the application process. It will also provide you with an opportunity to provide further information to support your application in accordance with Council's local laws.
- Attached is a copy of the applicable local law (Local Law 9 - Licensing 1999) and subordinate local law (Subordinate Local Law No. 9.1 Kennels and Cattery) 1999) under which any new kennel application will be assessed. These amended local laws were gazetted on 14 January 2011 and now apply to the whole of Logan City.
- Please note that it is acknowledged that you do have existing lawful fettered use rights and Town Planning Permit 244 which allows for up to a maximum of 75 animals to be kept on site however, in order for a local law licence to be granted for this number of animals, you must have suitable and appropriate facilities, equipment and infrastructure on site to keep this number of animals. A licence will only be issued for the number of animals that can safely, hygienically and appropriately be kept on site with consideration of the on-site facilities, equipment, management and infrastructure.



- It should also be noted that Council currently licences 154 kennels in the city which have achieved compliance with the local law requirements. These are regularly audited for compliance with the local law standards.

If you are still dissatisfied by this decision, as your complaint was made under the Councils General Complaints Process, you have a right of review through to the Queensland Ombudsman's Office. If you wish to pursue this "right of review", you can contact the Ombudsman's Office on 3005 7000 or write to PO Box 3314, Brisbane QLD 4001.

Should you have any further inquiries in relation to this matter please contact the Environment & Sustainability Branch as referenced above.

Yours faithfully



Jim McDonnell
Environment & Sustainability Manager
(on behalf of Chris Rose, Chief Executive Officer)

Att.