

Our Ref: LM:Im: DA/4646:AD2023/0002914  
Your Ref: M3-23

30 June 2023

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Attention: Ramon Samanes

Dear Mr Samanes

#### **Information Request**

Given under section 12 of the Development Assessment Rules

Cook Shire Council has carried out a further review of your development application for the following premises.

#### **Location Details**

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Street Address:	32b Charlotte Street Cooktown 4895
Real Property Description:	Lot 8 SP206169
Local Government Area:	Cook Shire Council

#### **Application Details**

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Application Number:	DA/4646
Approval Sought:	Development Permit for Material Change of Use
Description of Proposal:	Dual Occupancy
Category of Development:	Assessable Development
Category of Assessment:	Impact Assessment

### **Information Requested**

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Cook Shire Council has determined that the following additional information is needed to assess the application:

#### **PROPOSED LAND USE**

1. Confirm whether the existing shed is to be retained on the site and clarify what the use of the shed will be and its relationship to the Dual Occupancy.

*Advice Note: The plan submitted with the application detail an existing shed to be retained and a proposed fence between proposed Unit 2 and the existing shed. Please clarify whether the proposed shed is intended to be a domestic outbuilding associated with one or both of the dwelling units. Assuming the units will be titled by Building Format Plan, please clarify whether the shed is intended to be part of the common property.*

2. Detail on the plan of the development the proposed vehicle access to the shed.

*Advice Note: It is noted that there is a gate within the existing fence along the Mason Street frontage providing vehicle access to the existing shed. Please amend the plan to address access to the shed.*

3. Amend the site plan, plan described as 'overall site plan, Sheet No. A103' to include the building footprint of the shed and detail the setback from the side boundary, Mason Street front boundary and setback from Unit 2.

#### **PROPOSED SITING OF PROPOSED DWELLING UNITS AND PRIVATE OPEN SPACE**

4. Amend the plan of development to increase private open space for Unit 2.

*Advice Notes: Council notes that the Dual Occupancy does not achieve compliance with AO2.1 of the Low Density Residential Code (6.2.1) requiring a minimum 6m setback from the Charlotte Street frontage (taken as the primary street frontage). The application is seeking a proposed setback ranging from 4.145m to 4.796m (OMP) which is accepted as a performance outcome given the characteristics of Charlotte Street. The setback proposed to Charlotte Street provides an opportunity for private open space as an extension of the semi enclosed patio of Unit 1 which is supported.*

*We note that with the proposed internal fence configuration, the Dual Occupancy development has been sited within approximately 740m<sup>2</sup> of the overall lot size of 993m<sup>2</sup>. It is considered that the proposed development has not been designed to provide a high level of residential amenity for the residents of Unit 2 and the development is not consistent with the existing and preferred*

*low density residential built form and does not achieve compliance with PO1 and the purpose and overall outcomes of the Low density residential code in its current form.*

*This can simply be addressed by either increasing the separation distance between the two units (and providing private open space adjacent to the semi enclosed patio area for Unit 2), or repositioning the internal fence between Unit 2 and the shed so that additional private open space is provided for the residents of Unit 2.*

## **ENGINEERING**

5. Council's consultant engineer is seeking further information in terms of a site grading plan to verify the proposed floor levels and the resulting earthworks interfaces on each boundary.

*Advice Note: The elevations suggest the site will be developed with a level pad. Review on LiDAR elevation data indicates up to 2.5m fall from the south-western corner to north-eastern corner of the Lot. Confirmation is needed to ensure that levelling the site will not cause adverse impacts to the adjacent lots and road verges.*

6. Based on the outcomes of the above item, provide a grading plan of the driveways, and demonstrate that the new driveways will not create additional slope or changes in slope within the verge.

## **GENERAL ADVICE – SEWER MAIN**

A sewer main runs 800mm inside the property boundary along Mason Street. Based on the proposed plans of development, the dwellings are a suitable distance from the sewer main however the proposed bin storage area and concrete driveways are positioned over the top of the infrastructure. A condition of approval will state that the property owner is responsible for all costs associated with the demolition or removal of any building or structure in the event Council needs to access to the sewer.

### **Further details**

The due date for providing the requested information is **three (3) months** from the date of this request, therefore you are required to respond no later than 22 September 2023.

In accordance with section 13.2 of the Development Assessment Rules, you may respond by giving:

- (a) all of the information requested; or
- (b) part of the information requested; or
- (c) a notice that none of the information will be provided.



As Cook Shire Council's assessment of your application will be based on the information provided, it is recommended that you provide all the information requested. In accordance with section 14.2 of the Development Assessment Rules, if you do not provide a response before the above due date (or a further agreed period), it will be taken as if you have decided not to respond to the information request and the Cook Shire Council will continue the assessment of your application without the information requested.

Please note that Council may request further advice any time before the application is decided if other matters arise as a result of public notification or further assessment of the application.

For further information, if you have a query, or to seek clarification about any of these details, please contact Council's Planning and Environment Department on (07) 4082 0500 or E-mail: [mail@cook.qld.gov.au](mailto:mail@cook.qld.gov.au).

Yours sincerely

Brian Joiner  
**Chief Executive Officer**