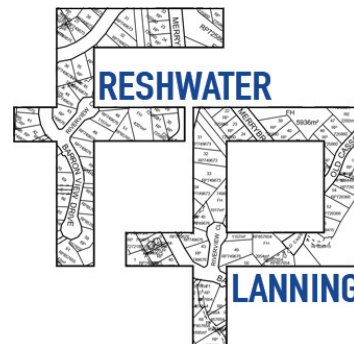


Your Ref: DA/4695:AD2023/0006073
Our Ref: F23/30



05 January, 2024

Chief Executive Officer
Cook Shire Council
PO Box 3
COOKTOWN QLD 4895

Attention: Lisa Miller
Planning & Environment Department

Dear Sir,

**RE: RESPONSE TO INFORMATION REQUEST
APPLICATION FOR RECONFIGURING A LOT – BOUNDARY REALIGNMENT AND ACCESS
EASEMENT. LOTS 801, 802 AND 811 ON C1791, 8 BANKS, 78 HELEN AND 133 HOPE STREETS,
COOKTOWN. DEVELOPMENT APPLICATION DA/4695.**

I refer to the Cook Shire Council's Information Request letter dated 07 November, 2023. The following advices are provided for your information in accordance with the Development Assessment Rules, 2017 supported by the *Planning Act, 2016*.

Information Request Item 1 – 5

Site Details

Please provide an updated site plan to show:

- 1. All existing and proposed boundary lines;*
- 2. All existing buildings and structures;*
- 3. All existing and proposed driveways/vehicular crossings;*
- 4. Dimensions detailing setbacks from all existing structures on site to the existing and proposed boundary lines.*
- 5. Adjust the proposed eastern boundary line to Lot 808, as shown on the submitted Plan of Proposed Boundary Reconfiguration drawing, to include the entirety of the existing gravel access driveway serving Lot 808.*

Attached to this Information Response is a QLD Globe Imagery demonstrating the proposed and Existing Boundaries, existing structures and driveways. It is noted that all boundaries are indicative and areas and meets and bounds are subject to final survey. However, the proposal will ensure that the proposed boundary for proposed Lot 801 will full encompass the existing access. This will be resolved at the time of Survey. If required, this can be Conditioned with any Approval for the site. Additionally, all structures will be setback in accordance with the relevant setbacks under the QDC or as per existing. It is considered that the attached sufficiently addresses the abovementioned Information Request Items. The proponents have informed Freshwater Planning Pty Ltd that *'there are no permanent structures except for the house, shed and block of units. The gardens and chook house don't exist anymore, and there are no buildings near proposed boundaries. The property has some shipping containers in a few places, but are not permanent'*.

Access

It is noted that in reference to the Plan of Proposed Boundary Reconfiguration drawing submitted with the application, a portion of the proposed Access Easement includes an existing grade of approximately 35% from the boundary line facing Hope Street. The eastern end of this proposed Access Easement is encroaching on a steep batter that is approximately 5 meters in height, with an average slope steeper than 1 in 1.5. According to the FNQROC Development Manual, the maximum allowable driveway grade is 20%.

6. *The Applicant is requested to provide additional details regarding the earthwork activities, including both cut and fill, which are necessary to make the proposed Access Easement comply with the FNQROC Development Manual Guideline's maximum grade of 20%. This should also encompass geotechnical information pertaining to the stability of both the existing and resulting batters.*

Freshwater Planning Pty Ltd has been informed that the 'current gravel driveway has a gradient of between 12 to 15 degrees and is totally within the proposed easement boundaries. The driveway will be fully concreted with appropriate stormwater (guttering) and retaining wall on the upside of it. The ground is original soil, not fill, and very hard and stoney'. It is not considered appropriate nor reasonable to provide any details in relation to the earthwork activities, cut and fill including any geotechnical reporting at this stage of the Development Assessment. As per provided within the Town Planning Report, if any significant Excavation or Filling associated with the proposed Reconfiguration is required, then any resultant earthworks will be provided as part of an Operational Works Application, this includes any Geotechnical Reporting for any new batters. No change to any of the existing batters is proposed and therefore Reporting on the existing is not required. Any appropriate Geotechnical Reporting can be conditioned as part of any Approval, if required.

Information Request Item 7

Reconfiguring of a Lot Code

Applicant to provide to address PO3 and PO4 of the Reconfiguring of a Lot Code.

The proposal does not create a rear lot with an access handle as the site contains frontage to Helen Street, however, the proposal formalises and will utilise the existing access due to the constraints of Helen Street. The proposal formalises the existing and is considered to have sufficient separation from any dwelling or units onsite. It is considered that noise amelioration and visual amenities are not required due to the existing formalisation, structures and topographical aspect of the site. As noted above, the requirement for an access handle is due to topographical physical aspects of the site while additionally formalising the existing arrangement. The handle will be appropriately sealed ensuring all weather access and mitigates any potential issues. It is considered that this handle is acceptable and appropriate for the proposal.

Information Request Item 8

Flood & Other Coastal Hazard Overlay Code

Application to be amended to include an assessment against the Flood and Other Coastal Hazards Overlay Code.

The proponents have informed Freshwater Planning Pty Ltd that the site contains 'no Flood risk, and the only place that erodes is Council land on and around the gravel turn in area off Hope Street, which we usually end up maintaining.... All the existing embankments are treed, grass, stonewalled, or have large boulders on them. Any new cut outs will be correctly retained'. The site contains existing dwellings and structures and is provided with appropriate vacant benching. Any further improvements over the site can be provided with the appropriate Engineering requirements and Geotechnical Reporting at the time of construction if required. No new building

or structures are proposed with the Reconfiguration and therefore assessment against the Code is not considered applicable in this instance.

Information Request Item 9

Bushfire Hazard Overlay Code

Application to be amended to include an assessment against PO7 of the Bushfire Hazard Overlay Code.

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The site is Mapped as contains Potential Bushfire Impact Buffering, is designated in the Low Density Residential Zone and is connect to reticulated Water. Further to this the proponents note that '*there is very minimal bushfire hazard between properties, and we maintain surrounding Council land. Water is available to all areas*'. The site contains limited vegetation that is able to be cleared under the Residential Zoning and Urban Purposes within Urban Areas. Appropriate and adequate Water Supply will be provided to each allotment along with adequate access for any emergency vehicles. The proposal has been meticulously designed to take into consideration the natural and physical characteristics of the site, and ensures to mitigate against any impact where available and appropriate. It is not considered that the proposal is in conflict with the Bushfire Hazard Overlay and is acceptable.

This completes this Response to the Information Request. Please do not hesitate to contact me, in the first instance, should you require further information in relation to the matter.

Yours faithfully,



MATTHEW ANDREJIC
FRESHWATER PLANNING PTY LTD

