

YOUR REF: 15-23\L00561
OUR REF: MCUI 1617/2016 (D#785472)

19 August 2016

Dr Russell Joshua
C/- Planning Plus
PO Box 8046
CAIRNS QLD 4870

info@planningplusqld.com.au

Attention: Mr Evan Yelavich

Dear Sir

**RECEIPT AND INFORMATION REQUEST FOR
BUILDING WORKS ASSESSABLE AGAINST PLANNING SCHEME
FOR A (GARAGE/SHED) AT 63R STONEWOOD ROAD DIWAN**

Council acknowledges receipt of your application having been received on the 5 August 2016 and properly made by payment of the application fee on 10 August 2016.

Council notes that the application has been lodged on the premise that the existing House and carport were lawfully constructed. Council records include an approval for a Material Change of Use for a Dwelling House issued on 1 December 2000. No currency period is specified in the approval and this then fell to the then *Integrated Planning Act* to a four year period. As the respective Building Approval was sought within two years of the Material Change of Use, the four year period commences from 19 February 2001, being the date of the building approval. The legislation relating to currency periods requires for the Material Change of Use that the use be commenced within this period. An inspection of the property is recorded as having occurred on 3 August 2006 where no house was completed nor occupied.

Council records also include the cancellation of the Building Approval issued for the separate carport, currently positioned off the driveway, prior to the dwelling.

In order to rectify this situation it is recommended that the application lodged be varied to delete IDAS Form 6 and include an IDAS Form 5 for a Material Change of Use for the whole of the current and proposed development. No further application fee would be applicable for this change.

Concern is raised with the proposed location of development within the close proximity of the perennial waterway, in particular development within a setback of 10 metres from the top of bank. Given the locality and proximity to the waterway it is recommended development include the revegetation of a 10m setback from the top of bank to support the sustainability of the riparian corridor. Applying a 10m setback from top of bank would necessitate the deletion of the “new concrete pad” and substantially reduce the size of the new rear addition, to generally accord with the setback of the existing verandah.

Should you seek to amend the application, as recommended above, then please consider the information request below. Should you seek to pursue the current application then the following information is required in order to complete an assessment of the proposal.

Natural Amenity and Scenic Amenity Code

1. Please provide an assessment of the development against this Planning Scheme code.
2. Please nominate on the plan the top of bank. Any change of top of bank from the original position should be included. A copy of the 2000 approval that nominates a different top of bank is attached to this request.

Onsite Wastewater System

3. It is noted that the nominal location of the onsite wastewater trenches appears to be closer to the waterway compared to the location considered in the original Development Approval for a Material Change of Use. A copy of the plans associated with the Development Approval and the onsite wastewater system is attached. Condition 12 of the original approval stated, *“The septic system shall be located at least fifteen (15) metres from the bank of Little Coopers Creek.”* A copy of this original approval is attached.

Please confirm the location of the onsite wastewater treatment facility. Where the existing location varies from that of the intended location please provide a report regarding the proximity of the onsite wastewater infrastructure having regard to the waterway and compliance or otherwise with the relevant code. The purpose of requesting this report is in order for Council to make an informed decision on any variation.

As an applicant, your responsibilities in regard to the information request are outlined in section 278 of the *Sustainable Planning Act 2009*, which is attached for your information.

Please note that the information response to Council should include two (2) complete copies of the response and if plans form part of the response then two (2) sets of such plans at scale should also be provided.

If required, Council is willing to convene a meeting to discuss the above information request.

Should you require further information in regards to this matter please contact Mrs Jenny Elphinstone of Council's Development Assessment and Coordination branch, Sustainable Communities on direct telephone, (07) 4099 9482 or by email jenny.elphinstone@douglas.qld.gov.au .

Yours faithfully

Paul Hoyer
General Manager Sustainable Communities

Att

Original Approval

G:\BTP\Shared\Houston-Letter-nov2000



ENQUIRIES: Mr Malcolm Hardy
DEPARTMENT: Planning Services (07) 4099 9450

OUR REF: 123150 MRH.tap
YOUR REF:

00/.

Mr RW & Mrs CM Houston
30 Blue Hills Drive
TOOWOOMBA QLD 4350

1st December, 2000

Dear Mr & Mrs Houston

RE: DEVELOPMENT APPLICATION DECISION NOTICE – APPLICATION FOR MATERIAL CHANGE OF USE OF PREMISES NO. 048/00 – DWELLING HOUSE ON LOT 196 ON RP740952 – STONEWOOD ROAD, DIWAN

The Development Application No. 048/00 was assessed and approved with Conditions. The decision was made by the Douglas Shire Council on the 30th November 2000.

The following schedule provides all that relevant details.

1. **Referral Agencies** : Nil
2. **Conditions of Approval** :

That the applicant be advised that Council approves the Application for Material Change of Use of Premises for a Dwelling House on Residential – Rural zoned land at Lot 196 on RP 740952, Parish of Alexandra, subject to the following conditions:

1. Any erection and use and occupation of the premises shall at all times comply with the conditions laid down and provided for in the Douglas Shire Planning Scheme from time to time.
2. The provisions of the Integrated Planning Act 1997, the Building Act, the Fire Safety Act, the Health Act, the Food Act 1981 and all other relevant Acts and Regulations and the Local Laws of the Council from time to time shall at all times be observed and performed in relation to the land, the building and the use and occupation thereof.

.../2.

ADMINISTRATION CENTRE
(ALL DEPARTMENTS)

64-66 FRONT STREET, MOSSMAN

LIBRARY 14 MILL ST., MOSSMAN

PHONE (07) 4098 2599 FACSIMILE (07) 4098 2902

EMAIL douglas@dsc.qld.gov.au

PHONE (07) 4099 9496 FACSIMILE (07) 4098 3296

ALL COMMUNICATIONS TO BE
ADDRESSED TO:

THE CHIEF EXECUTIVE OFFICER

P.O. BOX 357

MOSSMAN, QLD 4873

3. Approval of satisfactory building plans and specifications in accordance with the Building Act, Council's Local Laws and the Douglas Shire Planning Scheme where applicable and generally in accordance with the approved plans, 20114 1 to 5 dated September 2000 and prepared by Folkhome Drafting Service submitted with the application shall be required prior to the commencement of the use.
 4. The issue of this Development Permit approval in no way implies building approval, either in principle or in detail, of any plans of the proposed development which may have been submitted with the application. Approval of any building works associated with the use shall be the subject of a separate Building Application in accordance with the Council's Local Laws.
 5. The provisions of the Development Permit are to be effected prior to the commencement of the specific use as granted by Council.
 6. Any proposed further clearing of vegetation including the regrowth area, will require a Permit to Damage Protected Vegetation from Council.
 7. A 45,000 litre water tank shall be installed prior to occupation of the premises.
 8. The water tank shall be fitted with a 50mm bore valve with a camlock fitting
 9. Water supply cannot be taken from Little Coopers Creek.
 10. In accordance with Section 8.5.2 of the Douglas Shire Council Planning Scheme, no change to the natural surface level of the lot shall occur without written approval of the Council's Director of Engineering Services, including remedial works for the access driveway and building site.
 11. The maximum building height shall be nine point (9.5) metres.
 12. The septic system shall be located at least fifteen (15) metres from the bank of Little Coopers Creek.
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- | | | | |
|----|--|---|--------------------------------------|
| 3. | Approval Type | : | Development Permit |
| 4. | Rights of Appeal | : | Attached standard form for Applicant |
| 5. | Assessment Manager | : | Douglas Shire Council |
| 6. | Compliance with Codes for Self-Assessable Development | : | Not Applicable |
| 7. | Properly made Submissions | : | Not Applicable |

.../3.

You are advised that the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* applies to proposed activities likely to have a significant impact on matters of 'national environmental significance', including world heritage properties. Such activities may require approval under this Act prior to any works being undertaken. Further information on the Act can be obtained from Environmental Australia's Community Information Unit (1800 803 772) or from the following web site (www.environment.gov.au/epbc). *EPBC Act Administrative Guidelines on Significance* (July 2000) are available to assist people in deciding whether activities are likely to need consideration under the Act.

Should you require any further information in relation to this matter, please do not hesitate to contact Mr Malcolm Hardy on telephone 4099 9450.

Yours faithfully

MEH 5.12.00

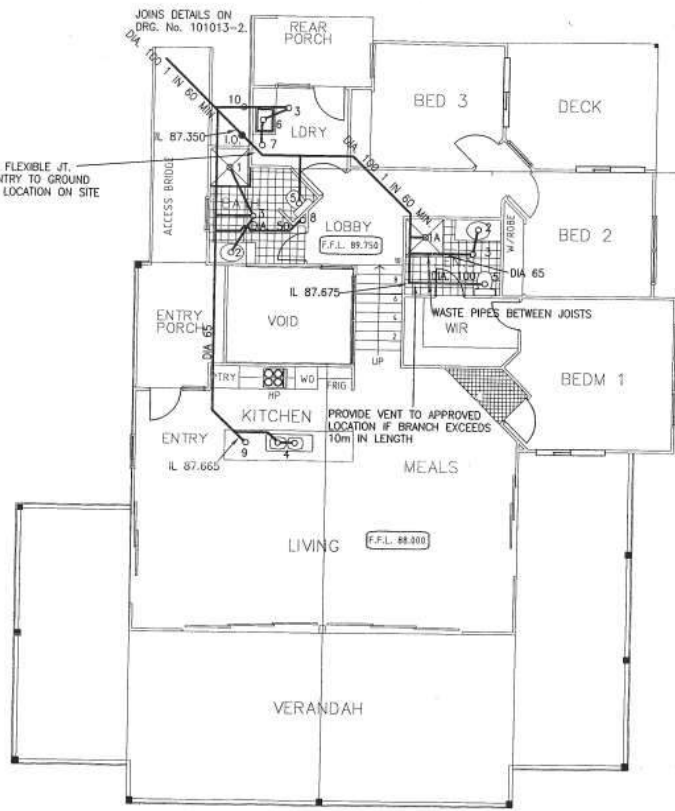
M G Kelleher
A/Chief Executive Officer



Onsite Wastewater Treatment Details From Original Application



INSTALL APPROVED FLEXIBLE JT.
AT POSITION OF ENTRY TO GROUND
SURFACE CONFIRM LOCATION ON SITE



SEWERAGE NOTES

1. MAIN DRAINS & BRANCH DRAINS TO BE 100 DIA. PIPE UNLESS SHOWN OTHERWISE
2. FIXTURE DISCHARGE PIPE DIAMETER AS NOTED IN LEGEND
3. ALL DRAINAGE DETAILS TO BE IN STRICT ACCORDANCE WITH AS3500 PART 2.2 & SUBSEQUENT AMENDMENTS
4. CHECK LOCATIONS OF STORMWATER DRAINS BEFORE COMMENCING ANY WORK TO ENSURE NO CONFLICTS WITH SEWERAGE PIPES.
5. MIN. FALLS DIA. 100 1 IN 60
6. THIS DRAWING TO BE READ IN CONJUNCTION WITH DRGS. BY FOLKHOME DRAFTING SERVICE.
7. BUILDER TO CHECK ALL LEVELS ON SITE BEFORE COMMENCING ANY WORK.
8. BUILDER TO CHECK ALL UNDERGROUND SERVICES BEFORE COMMENCING ANY WORK.
9. THIS DRG. TO BE READ IN CONJUNCTION WITH DRG. No. 101013-2.

LEGEND

1. = SHOWER 50 DIA. PIPEWORK PROVIDE TRAP IF PIPEWORK EXCEEDS 1200 TO FWG
- 1A. = SHOWER 50 DIA. TRAP & PIPEWORK
- 2 = BASIN 40 DIA. TRAP & PIPEWORK
3. = FLOOR WASTE GULLY TRAP DIA. 65 OUTLET (FIXTURE PAIR)
4. = SINK 50 DIA. TRAP & 65 DIA. PIPEWORK
5. = W.C. PAN 100 DIA. PIPEWORK
6. = LAUNDRY TUB DIA. 40 TRAP & PIPEWORK
7. = WASHING MACHINE 40 DIA. TRAP & PIPEWORK OR ALTERNATIVELY DISCHARGE OVER RIM OF LAUNDRY TUB
8. = VENT DIA. 50
9. = DISHWASHER DIA. 50 TRAP & DIA. 65 PIPEWORK
10. = OVERFLOW RELIEF GULLY TRAP
10. = INSPECTION OPENING

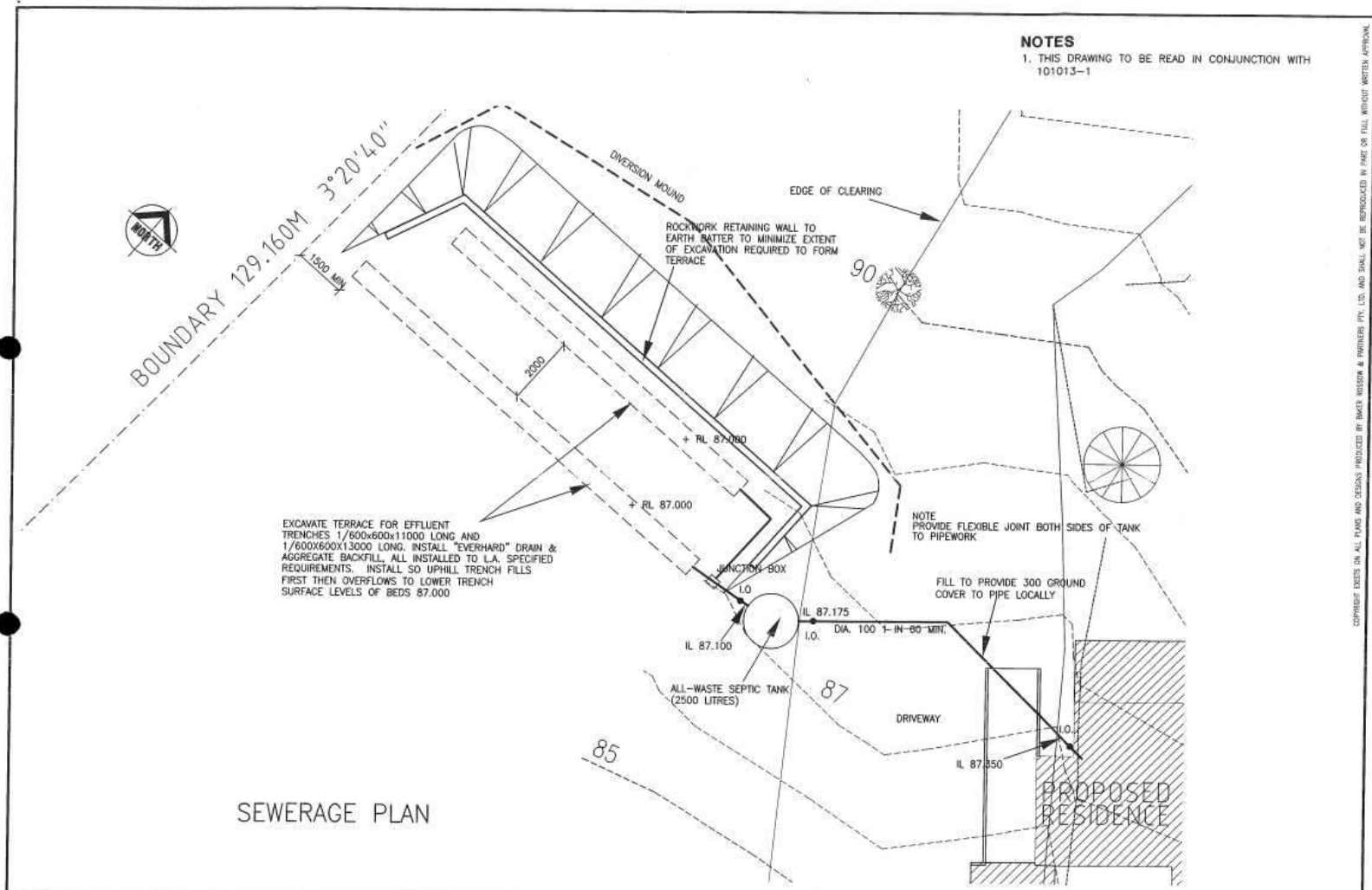
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SEWERAGE PLAN (SUSPENDED BELOW FLOOR LEVEL)

BR BAKER ROSSOW CONSULTING ENGINEERS
 120-122 CAMPBELL STREET
 PO BOX 1382
 TORNSHOLME QLD 4350
 PH: (076) 385 655
 FAX: (076) 383 558

project: PROPOSED DWELLING
 client: R. HOUSTON
 site: LOT 196 STONEWOOD RD. DIWAN (DAINTREE)

| | | | | | | | |
|------|-------|------------------|-----------|---------|-----------|--------|-----------|
| rev: | date: | details: | initials: | design: | checked: | date: | dwg.no: |
| 6 A3 | | 5 CLIENT, 1 FILE | JF | JF | CW | OCT 00 | 101013-1 |
| | | | | drawn: | approved: | scale: | revision: |
| | | | | JF | | 1:100 | 1 of 2 A3 |



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|---|--|--|-------------------------|
| BAKER ROSSOW & PARTNERS PTY LTD CONSULTING ENGINEERS 120-122 CAMPBELL STREET PO BOX 1382 TOORONGA QLD 4350 PH: (076) 385 655 FAX: (076) 383 568 | project: PROPOSED DWELLING client: R. HOUSTON site: LOT 196 STONEWOOD RD. DIWAN (DAINTREE) | sheet: 6 A3 date: 5 OCT 00 details: 5 CLIENT, 1 FILE initials: JF design: JF checked: [Signature] date: OCT 00 scale: 1:100 revision: 2 of 2 sheet no: A3 | dwg no: 101013-2 |
| | approved: [Signature] JF | revision: 2 of 2 sheet no: A3 | scale: 1:100 |

43.2016.1617
8/9 (D#785472)

Sustainable Planning Act 2009

Current as at 24 March 2016

278 Applicant responds to any information request

- (1) If the applicant receives an information request from the assessment manager or a concurrence agency (the requesting authority), the applicant must respond by giving the requesting authority—
 - (a) all of the information requested; or
 - (b) part of the information requested together with a written notice asking the requesting authority to proceed with the assessment of the application; or
 - (c) a written notice—
 - (i) stating that the applicant does not intend to supply any of the information requested; and
 - (ii) asking the requesting authority to proceed with the assessment of the application.
- (2) If the requesting authority is a concurrence agency, the applicant must also give a copy of the applicant's response to the assessment manager.

279 Lapsing of application if no response to information request

- (1) The application lapses if the applicant does not comply with section 278 within—
 - (a) for an application required by an enforcement notice or in response to a show cause notice—3 months after receiving the information request (the response period) or the further period agreed between the applicant and the entity making the information request; or
 - (b) for any other application—6 months after receiving the information request (also the response period) or the further period agreed between the applicant and the entity making the information request.
- (2) However, if the application is revived under section 280(1), the application lapses if the applicant does not comply with section 280(2).
- (3) Subsection (4) applies if—
 - (a) the applicant asks the entity making the information request to agree to extend the response period; and
 - (b) the entity does not respond to the request until 5 business days before the response period ends, or later; and
 - (c) the entity does not agree to the extension.
- (4) The response period does not end until 10 business days after the response, advising that the entity does not agree to the extension, is received.
- (5) The entity making the information request must not unreasonably refuse to extend the response period.

280 When application taken not to have lapsed

- (1) An application that, other than for this section, would lapse under section 279(1) is revived if, within 5 business days after the application would otherwise have lapsed, the applicant gives the assessment manager and the concurrence agency that made the information request written notice that the applicant seeks to revive the application.
- (2) If an application is revived under subsection (1), the applicant must comply with section 278 before the end of—
 - (a) 5 business days after giving the notice mentioned in subsection (1); or
 - (b) the further period agreed between the assessment manager and the applicant.[s 281]
- (3) If the application is revived under subsection (1), for the purpose of the IDAS process the application is taken not to have lapsed under section 279(1).