

22 June 2022



Town Planning and Project Services

Chief Executive Officer
Douglas Shire Council
64-66 Front Street
MOSSMAN QLD 4873

Attn: Mr. Daniel Lamond

Via email: enquiries@douglas.qld.gov.au
daniel.lamond@douglas.qld.gov.au

RE: APPLICANT RESPONSE TO COUNCIL INFORMATION REQUEST IN RELATION TO DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE INCLUDING SHED AND SECONDARY DWELLING, HOME BASED BUSINESS AND CARETAKER'S ACCOMMODATION OVER LAND ON NEWELL ROAD NEWELL, MORE FORMALLY DESCRIBED AS LOT 26 ON SP212664

Aspire Town Planning and Project Services act on behalf of on behalf of Zeus (N.Q.) Pty Ltd ACN 647 610 231 (the 'Applicant') in relation to the above described matter.

In accordance with s13.2 of the Development Assessment Rules v1.3, please accept this correspondence as the Applicant's full response to the Council Information Request.

Council Information Request Item 1 – Secondary Dwelling

The application documentation demonstrates that you are aware that the secondary dwelling must be occupied only by members of the household occupying the dwelling house on the land. The administrative definition of household from the 2018 Douglas Shire Planning Scheme is as follows:

Household

“An individual or a group of two or more related or unrelated people who reside in the dwelling, with the common intention to live together on a long term basis and who make common provision for food or other essentials for living.”

It is noted that the dwelling house land use code does not require that the secondary dwelling is a particular distance from the main dwelling. However, for the secondary dwelling to be a genuine secondary dwelling, the occupants must have common intention to live together on a long term basis and must make common provision for food or other essentials for living. The site plan proposes that the secondary dwelling is around 440 metres from the main dwelling, with separate

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vehicle access and service connection. Further, the residences are separated by three internal fences allowing no internal connectivity. Other than having occupants living in the residences on a long term basis, there is no demonstration of common provision for food or other essentials for living. For compliance with the administrative definition, this needs to be demonstrated. The land use appears to be in fact a Dual occupancy land use. Demonstrate compliance with the administrative definition.

Applicant Response

The proposed Secondary Dwelling is limited in scale (combined bedroom living and kitchenette plus separate bathroom and store, totaling 45.6sqm). There is a separate outdoor deck area. By design this is a basic single living quarters intended for genuine occupation by the father of one of the members of the main Dwelling House.

If it were the intentions of the Applicant to utilise the building as a Dual Occupancy as suggested by Planning Officers, it would make more financial sense that this building is designed to accommodate a larger household to attract a greater financial return, rather than a simple single living quarters. The building is intentionally and genuinely designed for “assisted living” and “aging in place”.

The basic design of the Secondary Dwelling should be sufficient evidence that the Occupants of the main Dwelling House and Secondary Dwelling will be genuinely, mutually dependent on each other for essentials, including care, cleaning, laundering and meals. This dependency will be less in the interim, however as years pass by, aging in place, the reliance and need to make greater common provision for food and other essentials will increase.

It is understood that Council Officers seem to be concerned with the distance between the proposed main Dwelling House and Secondary Dwelling, when in fact the planning scheme code acceptable outcomes and definitions do not prescribe an acceptable minimum distance between Dwelling House and Secondary Dwelling.

There are means of mechanical transportation on a rural property which mean “common provision” shouldn’t be defined by separation distance between Dwelling House and Secondary Dwelling. However, in effort to progress the assessment of the Development Application, the Applicant has agreed to amend the design to alternate the location of the Home Based Business and the Secondary Dwelling, so the latter is located closer to the main Dwelling House.

Please see attached the amended Site Plan which details this proposed change along with further details in relation to road access, fence lines, internal gates and road network.

Council Information Request Item 2

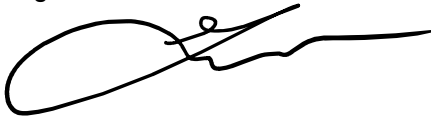
The application details that only two crossovers are proposed. Provide an amended site plan demonstrating crossover location and internal access driveway alignment. Detail whether fences are to be moved or retained and nominate gates if proposed as part of this exercise and nominate them on the site plan.

Applicant Response

Please see attached the amended Site Plan which details the proposed changes to the location of the Home Based Business and Secondary Dwelling, along with further details in relation to road access, fence lines, internal gates and road network.

Thank you for your time in considering this Full Response to Council's Information Request. If you require any further explanation of clarification please contact the undersigned.

Regards,

A handwritten signature in black ink, appearing to read 'Daniel Favier', with a large loop at the beginning and a horizontal line extending to the right.

Daniel Favier
Senior Town Planner
ASPIRE Town Planning and Project Services

Attachment I:
Amended Site Plan

