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Dear Madam,

**DA/12/2023 - RESPONSE TO SUBMISSIONS
RECONFIGURING A LOT (1 LOT INTO 2)
3 SEASPRAY DRIVE, AGNES WATER
LOT 28 RP803327**

We act on behalf of our clients, John and Rachel Hamilton, in relation to the development application made for a Development Permit – Reconfiguring a Lot (1 into 2). This application was lodged over land located at 3 Seaspray Drive, Agnes Water, more formally described as Lot 28 RP 803327.

The following outlines a full response to all submissions received during the Public Notification Period.

Each submission has been categorised into relevant sections to assist in addressing all the identified issues. Further justification has been provided against each section or changes have been made to rectify any perceived conflict, where reasonable.

Summarised Submitter Comments	Applicant Comments
Density	
The size of Lot 2 with exclusion of the handle is 390m ² in a zoning area requiring a minimum of 600m ² required for the Low Density Zoning. This is a 35% reduction to zone regulations and out of place to the surrounding area.	The proposed subdivision will result in lots under the prescribed minimum lot size of 600m ² when located in the Low Density Residential Zone. The proposed lot design has considered the access handle design to ensure a future dwelling can feasibly be located on future lot 2.
The proposed outcome will be significantly different to blocks surrounding Seaspray Drive and Starfish Street and will not retain the low density nature of this area with its spacious openness.	The proposed subdivision reflects blocks adjoining Starfish Street along Palm Court which have an average lot size of 450m ² . Additionally, the future built form outcome will represent the established character of the adjoining site to the west being two dwellings situated either side along Seaspray Drive and Starfish Street. Furthermore, as acknowledged in the pre-lodgment meeting with Council Officers and further noted in the application submission. The zone code prescribes a minimum of one dwelling per 400m ² . The subject site achieves this requirement which further supports that the proposed subdivision will achieve a low residential density at the site.

Summarised Submitter Comments	Applicant Comments
<p>Without future dwelling building design plans, no shading studies can be obtained, and further studies of maximum site coverage of low density 40% for dual occupancy cannot be obtained.</p>	<p>The proposed subdivision seeks to create two freehold residential lots. In accordance with the zone code and Queensland Development Code (QDC), a Dwelling House should achieve a maximum of 50% site cover or seek a further relaxation if required. This preferred site cover can be achieved with a modest single storey or a larger two storey Dwelling House.</p>
Lot Design	
<p>Development plans clearly shows the minimum building envelope of Low density dwelling (15m x 20m) cannot be achieved on Lot 2, and only a 10m x 18m would be possible, this is a 40% reduction below minimum building envelope, and will likely requiring further relaxation of setbacks, and frontages, and obstruct access to easement over council sewer asset.</p>	<p>The building envelope example submitted within the Information Request Response included the necessary offsets from the existing infrastructure located along the western boundary of the property. It is further acknowledged that Council will require the Applicant to execute an easement to stipulate the rights to protect the existing infrastructure.</p> <p>The building envelope example included the necessary offsets to the established infrastructure, however sought a relaxation to the Starfish frontage. Given the natural embankment and vegetation within the road corridor, it is considered this relaxation could demonstrate compliance with the applicable QDC requirements.</p>
<p>Reduced/Relaxation of frontage is requested for both Lot 1 and Lot 2 with Seaspray access), of 16mtr for lot 1, and 4mtr for lot 2 in this submission vs 17mr in council regulations</p>	<p>Proposed Lot 1 seeks a minor relaxation of the minimum frontage by 0.6m. Furthermore, proposed Lot 2 technically achieves the minimum frontage given the lot abuts Starfish Street with a frontage of 25m.</p> <p>Following the pre-lodgement meeting with Council, the previously suggested access from Starfish Street was considered inappropriate given the topography and requirement to introduce retaining walls, regardless of the established access points further to the west of the site. As such, the design has now included an access handle compliant with the minimum width of 4m in accordance with scheme and engineering policy.</p>
<p>Considering the small size of the proposed lots, there is potential that there will not be enough room to have adequate screening or separation from the adjoining developments.</p>	<p>Subject to the future Dwelling House designs on each proposed lot, the site could support some minor landscaping if deemed necessary. Dependent to the level of assessment, if the Dwelling House triggers an assessable application, the design will need to consider Performance Outcome 6.</p>
Vehicle Access & Parking	

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The 4 metre access driveway is too narrow and should be wide enough to have a buffer garden against the existing neighbours boundary.	The proposed access handle has been designed in accordance with the planning scheme and supporting engineering policy minimum requirements. As stipulated in both these benchmarks, the minimum access handle can be 4m, which has been achieved.
The application is also seeking the opportunity for a 2nd driveway permit for Lot 1, again not in this proposal.	The proposed development will result in two freehold lots that will obtain access from Seaspray Drive within their respective lot frontage. This is permitted in accordance with the planning scheme and Capricorn Municipal Development Guidelines (CMDG).
The development will result in too many cars parked in the street, which will create safety hazards for pedestrians and other drivers.	In accordance with the planning scheme and applicable building codes, a Dwelling House is required to have a minimum of two parking spaces available. The proposed building design will consider onsite parking requirements.
Potential Run Off	
The proposed handle drive way to access Lot 2 will likely cause erosion to the steep vegetated bank on Starfish St frontage. This will be caused by the increase of velocity of rain water running down a steep gradient on the proposed hardstand and not being able to be drained sufficiently as the council storm water access point is on the opposite side of block, and difficult to access, and drainage gradient will not be sufficient. This water will pool at low part of lot, and pour over the high embankment, and cause erosion, and potential instability of the ground, embankment and other unknown issues.	The proposed access handle design and treatment will be required to consider overland flow to ensure non-worsening can be achieved.
Potential Site Works	
Unknown extent of earthworks required to address either the gradient to allow Lot 2 Drive to proceed, or dwelling pads, parking, and other unknowns can be studied again without future plans submitted, the extent is unknown, and could be material in nature.	As the application only seeks to create two freehold tiles via Reconfiguring a Lot permit, no supporting house plans have been submitted as these would be subject to a future Material Change of Use. During the design stage of the future Dwelling House, the building pad and access will need to consider the topography of the subject site.
Obviously the applicant is unwilling to show these plans to prove the proposed lots are adequate for purpose, as no revised plans illustrating cut/fill, heights, locations, and use of retaining walls, and what the future request of relaxation of setback will be required.	
Vegetation	
There is a large mature tree on Lot 1 which is home to many bird varieties including a pair of migrating Channel Billed cuckoos. I am most concerned the applicants will remove this tree,	Proposed Lot 1 does not propose to remove the existing tree. However, the future Dwelling House may require this tree to be removed, which can be facilitated for residential purposes.

Summarised Submitter Comments	Applicant Comments
the last of what were many on 3 Seaspray Drive,	

We trust that the above is sufficient for your purposes and look forward to working with you further to achieve a favorable outcome for the development. Should you have any queries concerning the above please contact Shaunte Farrington on (07) 4972 3831.

Yours sincerely,



STEPHEN ENDERS | DIRECTOR
ZONE PLANNING GROUP