

Our Reference: PSW/2020/5933
 Contact Officer: Geoff Broadbent
 Contact: (07) 4688 6906
 Email: development@tr.qld.gov.au

INFORMATION REQUEST
Planning Act 2016 Section 68(1)
Development Assessment Rules Part 3

David John Pemberton
 7 Moloney Street
 NORTH TOOWOOMBA QLD 4350

Email: davep@logit.com.au

13 January 2021

Dear Sir

Development Application for: Planning Scheme Works – Demolition of Neighbourhood Character Dwelling
Location: 68 Hume Street, NORTH TOOWOOMBA QLD 4350
Property Description: Lots 12 & 23 RP16720
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

Upon review of the abovementioned Development Application and supporting information, Council requires further information which demonstrates compliance with the Planning Scheme. Please provide the information requested below:-

1. JUSTIFICATION FOR DEMOLITION OF NEIGHBOURHOOD CHARACTER PLACE

1.1	<p>Issue:</p> <p>The existing Dwelling House is listed as a Neighbourhood Character Place in Planning Scheme Policy No.7 of the <i>Toowoomba Regional Planning Scheme 2012</i> (Version 24).</p> <p>The submitted development application proposes to demolish the Neighbourhood Character Place. The application therefore requires assessment against the Neighbourhood Character Overlay Code of the <i>Toowoomba Regional Planning Scheme 2012</i> (Version 24).</p> <p>The purpose of the Neighbourhood Character Overlay Code is “<i>to conserve and enhance buildings and streetscapes which contribute to the character of the local area...</i>” and Overall Outcome (a) of the Code requires that “<i>buildings and features which contribute to the established local streetscape character are retained</i>”.</p> <p>Performance Outcome PO₁ of Table 8.3.2:2 of the Neighbourhood Character Overlay Code requires that:</p> <p>“<i>The Neighbourhood Character Place is retained unless:</i> (a) <i>it is structurally unsound and uneconomically repairable; or</i> (b) <i>does not make a positive contribution to the character of the local streetscape.</i>”</p> <p>It is considered that the existing Dwelling House positively contributes to local streetscape</p>
------------	---

character, and as such, the proposed demolition is unlikely to satisfy item (b) of PO₁.

The information submitted with the Development Application, being a Structural Report prepared by Ipswich Consulting Engineers (dated 17 December 2020) and a Timber Pest Detection Report prepared by Keiran Mortimer Pest Control (dated 17 December 2020), has not demonstrated compliance with item (a) of PO₁. The submitted reports include limited detail and do not include sufficient evidence that the Neighbourhood Character Place is “*structurally unsound and uneconomically repairable*”.

Note: ‘Non-compliance’ of a Neighbourhood Character Place with current building standards is not considered to be an acceptable reason to demolish a Neighbourhood Character Place.

Information Required:

The applicant is requested to demonstrate compliance with Performance Outcome PO₁ of Table 8.3.2:2 of the Neighbourhood Character Overlay Code, by the following options:

- (a) Provide evidence that the place is structurally unsound and uneconomically viable.

To demonstrate the place is structurally unsound and uneconomically viable, the applicant must submit:

- A report prepared and certified by a registered (RPEQ) structural engineer demonstrating that the extent of structural defects/damage within the Neighbourhood Character Place including plans of the existing framing and structural elements and plans detailing the structural elements that are intact and the extent of repairs that are required. Please note that VJ walls and roof battens are not considered to be primary structural elements; and
- A schedule of costs and scope of works to repair any existing structural damage to a structurally sound state, prepared by an appropriately qualified and/or experienced estimator. It is important to note that the schedule of costs must consider those works which are required to make the building structurally sound and safe to occupy, as distinct from other cosmetic upgrades for example, new painting, fixtures, joinery, roof sheeting, internal wall sheeting and external wall cladding etc.

Once the information has been provided, a peer review of the amended Structural Report and schedule of costs and works by a suitably qualified consultant/s and an independent peer inspection of the site/building, will be required. The applicant is requested to pay the costs associated with Council engaging a suitably qualified consultant/s to undertake this peer review and inspection, and requests the applicant provide written confirmation of such. Council will obtain a fee estimate from the relevant consultant/s and provide this information to the applicant prior to work commencing on the review. As a result of this review, further information may be requested from the applicant. The applicant must pay the respective invoice prior to Council deciding the application.

Or

- (b) Provide evidence that the place does not make a positive contribution to the character of the streetscape.

It is considered the Dwelling House makes a positive contribution to the character of the streetscape. An application to demolish the Dwelling House, on the basis that it does not contribute to character, would not be supported.

Note: It is strongly recommended that the applicant consider an alternative option to the proposed demolition, to retain the Neighbourhood Character Place on Lot 12 RP16720. It is also suggested that the applicant investigate the potential for a new carport, within the front setback, and vehicle access from Hume Street. This would facilitate the establishment of a new house on Lot 23 RP16720. Should the applicant proceed with this alternate option in place of the proposed demolition, the current Development Application could be changed to propose external renovations of the existing Neighbourhood Character Place (if any), new car accommodation and access from Hume Street, and demolition/removal of the existing car

structure on Lot 23 RP16720. Any proposal for the establishment of a new Dwelling House over Lot 23 RP16720 would also require a further development application.

Note: It is recommended the applicant meet with Council Officers to discuss the above matters, prior to responding to this Information Request.

Note on Alternative Solutions

Where alternative solutions to the Acceptable Outcomes are proposed, it must be demonstrated that the respective Performance Outcomes of the Code are satisfied. Simply requesting an alternative solution does not demonstrate the Performance Outcomes are satisfied or oblige Council to favourably consider the alternative solution. Detailed material (potentially in the form of amended plans and a written report) identifying planning grounds justifying the alternative solution should be submitted. Without such representations, Council may not favourably consider the application.

Options Available in Response to this Information Request

Under the provisions of the *Planning Act 2016* and *Development Assessment Rules*, you have three (3) options available in response to this information request. You must give Council:

1. all of the information requested; or
2. part of the information requested together with a written notice asking Council to proceed with the assessment of the application; or
3. a notice –
 - a. stating that you do not intend to supply any of the information requested; and
 - b. asking Council to proceed with the assessment of the application.

Please provide one (1) electronic (preferred) or hard copy of the response to the information request to Council, including any submitted plans and supporting information. **In your response, please complete and include the attached notice advising which of the above three (3) options you are supplying.**

You must respond to this information request within a period of three (3) months in accordance with Section 13.1 of the *Development Assessment Rules* under Section 68(1) of the *Planning Act 2016* or Council will proceed with the assessment of the application based on the information currently available.

Yours faithfully



Sophie Spencer
Senior Planner, Development Services



TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

APPLICANT NOTICE FORM

Response to Information Request
Planning Act 2016 Section 68(1)
Development Assessment Rules Part 3

Application Number: PSW/2020/5933
Development Application for: Planning Scheme Works – Demolition of Neighbourhood Character Dwelling
Location: 68 Hume Street, NORTH TOOWOOMBA QLD 4350
Property Description: Lots 12 & 23 RP16720

In response to Council’s Information Request dated 13 January 2021, I/We advise the following:-

- All of the information requested.
- Part of the information requested. Please proceed with the assessment of the application.
- Do not intend to supply any of the information requested. Please proceed with the assessment of the application.

Applicant Name: _____

Applicant Signature: _____

Date: _____