

Hi Rebecca.

Normally, we would present a NDN more formally on letterhead, however in the interest of time and cost please accept the following.

We write to raise concerns regarding the conditions imposed on the above referenced Decision Notice and to explore the possibility of a NDN to achieve a more reasonable and practical outcome.

Upon reviewing the conditions, we note the following key concerns:

1. Inconsistency with Adjacent Approvals:

- a. The shed on the neighboring property, which is substantially larger than the approved shed on this site, was only required to provide a 3m landscaping strip.
- b. Despite this condition, the required landscaping has not been planted, and in fact, it appears that the road verge has been cleared on that property, contrary to comments within Officers response via email on the 13 Feb 2025.
- c. In contrast, there is more existing screening within the road verge adjacent to 5714 Captain Cook Hwy, than what currently exists on the neighboring property.
- d. The adjoining shed is a far more dominant feature within the streetscape, along with the scattered plant, machinery and materials across the site, than what the the proposed development presents.
- e. The development on 5714 Captain Cook Hwy does not obscure or impact on key views. It is considered that view from the road offers limited scenic value.

2. Setback Requirements & Road Reserve Alignment:

- a. Council has noted that the approved shed is closer to the road boundary; however, this is only due to the dog-leg in the road reserve. The approved development is setback approximately 39m from the road pavement.
- b. In practical terms, the shed is aligned equivalently to the neighbouring shed and maintains a comparable setback from the road pavement. The proposal plan (extract below) illustrates this, along with the difference in scale.



3. Site Constraints:

- a. The requirement for such a wide landscape buffer impacts the overall site layout by pushing the approved shed further back, which in turn forces the Dwelling House further east. This presents a number of practical and design challenges, including:
 - i. Topographical Constraints: The proposed design intentionally utilises the existing higher ground to optimise natural drainage, minimise site disturbance, and reduce the need for extensive earthworks or retaining structures.
 - ii. Engineering and Cost Implications: Sliding the layout to accommodate additional landscaping will necessitate additional engineering solutions such as filling to ensure structural stability and compliance with building and drainage regulations. These additional works increase construction complexity and cost.
 - iii. Efficient Use of Land: The proposed design takes a balanced approach to site utilisation by maximising the use of the naturally elevated areas while maintaining appropriate setbacks and screening.

The provision of an excessively wide landscape buffer introduces unnecessary constraints that diminish the site's functionality without providing any significant planning benefit.

4. Existing Bamboo Screening:

- The bamboo screening was established prior to the lodgement of the Development Application. The bamboo was selected for it is fast growing and will achieve screening sooner than other species. The Applicant has carefully selected a clumping, non-invasive species of bamboo, which ensures that the screening remains manageable, contained, and environmentally appropriate for the location.

5. Impact of the 5m Wide Landscaping Buffer Requirement:

- A 5m-wide landscaped screening buffer significantly encroaches into the developable area of the site, potentially pushing the proposed Dwelling House into the lower, more constrained areas.
- Given the circumstances, we believe that a more practical landscaping solution should be considered that balances visual amenity with the site's functional and topographical constraints.

Request for a Negotiated Decision Notice

Given the above factors, we believe it would be reasonable to request a Negotiated Decision Notice to amend the landscape buffering condition to a more proportionate and site-responsive solution. It is proposed that given that the development is of a domestic scale and purpose, the existing row of bamboo and fruit tree planting will provide sufficient screening of the development and we kindly request that the landscaping condition is removed or amended to reflect the existing extent of planting provided.

Regards,

Daniel Favier

Senior Town Planner

B.Env.Plan



Town Planning and Project Services

PO Box 1040, MOSSMAN QLD 4873

P. 0418 826 560

E. admin@aspireqld.com

W. www.aspireqld.com

ABN 79 851 193 691