

**19.5 EDWARDS & EDWARDS V REDLAND CITY COUNCIL - P&E COURT APPEAL 461/2018 (MCU013977 MATERIAL CHANGE OF USE FOR AN UNDEFINED USE [ROOMING ACCOMMODATION] AT 41 ZEIGENFUSZ ROAD, THORNLANDS)**

**Objective Reference:**

**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services

**Responsible Officer:** David Jeanes, Group Manager City Planning & Assessment

**Report Author:** Christy Englezakis, Senior Appeals Planner

**Attachments:**

1. General Meeting Report 21/11/08
2. Council resolution
3. Draft Conditions

The Council is satisfied that, pursuant to Section 275(1) of the *Local Government Regulation 2012*, the information to be received, discussed or considered in relation to this agenda item is:

(f) *starting or defending legal proceedings involving the local government.*

**PURPOSE**

This report provides Council with an update in the matter of Edwards & Edwards v Redland City Council (Planning and Environment Court Appeal 461/2018), to inform directions with respect to settlement of the appeal.

**BACKGROUND**

This appeal relates to a development application for a Material Change of Use for an undefined use (rooming accommodation), at 41 Ziegenfusz Road, Thornlands. A report was presented to Council at the 21 November 2018 General Meeting, which set out the background to the appeal (see attachment 1). Council resolved at this meeting to instruct Council's solicitors to defend the refusal (see attachment 2).

At the Councillor briefing on 20 November 2018, further town planning advice was requested to inform Council's position on the decision to refuse the development application and any future settlement negotiations. A second expert was retained and provided the relevant advice in December 2018.

**ISSUES**

**Progress of the appeal**

The appellant's solicitor advised Council on Monday 21 January 2019 that they had been instructed to seek orders to progress the matter to a hearing. Both parties will subsequently be required to engage experts to undertake joint reporting on the issues in dispute. The appellant is seeking orders for this to occur in February. Council may, at this time, seek further without prejudice settlement discussions, which may avoid significant costs associated with the expert process.

**Further expert advice**

Council engaged [REDACTED] to provide further expert town planning advice. [REDACTED] concluded that he would have difficulty in supporting Council's decision to refuse the use as an assessment of the merits would, generally, overcome any conflict with the Redlands Planning Scheme. Where any conflict remained, it could be addressed by reasonable and relevant

conditions. [REDACTED] conclusions align with those of Council's first town planning expert, [REDACTED]

### Current use of the premises

Council's Development Control officers provided advice on 22 January 2019 that the use of the premises for rooming accommodation had ceased and the property is currently leased under a single lease agreement. It is therefore not necessary to expedite the appeal to obtain orders requiring the appellant to cease the use whilst the matter is before the Court and/or under negotiation.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

If Council does not settle the appeal, a two day hearing will proceed in June 2019.

### Risk Management

Council's position in respect of the refusal is weakened by the provision of two, independent expert opinions that conclude the amended plans could be approved with conditions.

### Financial

Council may avoid costs associated with recommencing the expert review process by undertaking further without prejudice settlement negotiations. If Council resolves not to seek further negotiations and the appellant succeeds in the appeal, adverse cost orders may be made against Council.

### People

There are no known impacts associated with this report.

### Environmental

There are no known impacts associated with this report.

### Social

There are no known impacts associated with this report.

### Alignment with Council's Policy and Plans

The further expert advice confirms that the development the subject of the appeal, as amended and with reasonable and relevant conditions, will comply with the Redlands Planning Scheme.

## CONSULTATION

Consulted	Consultation Date	Comments/Actions
Planning Assessment Unit	22/01/2019	Planning officers reviewed the second expert report and were of the opinion that the use could be approved with conditions.

Legal Services Unit	22/01/2019	
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**OPTIONS****Option One**

Council resolves to:

1. instruct Council's solicitors to undertake further without prejudice settlement negotiations and any other necessary steps to settle the appeal generally in accordance with the conditions attached to this report; and
2. maintain this report and attachments as confidential until the conclusion of the appeal.

**Option Two**

Council resolves to:

1. instruct Council's solicitors to prepare for a hearing and defend the refusal; and
2. maintain this report as confidential until the conclusion of the appeal.

**OFFICER'S RECOMMENDATION**

Council resolves to:

3. instruct Council's solicitors to undertake further without prejudice settlement negotiations and any other necessary steps to settle the appeal generally in accordance with the conditions attached to this report; and
4. maintain this report and attachments as confidential until the conclusion of the appeal.

**PLANNING AND ENVIRONMENT COURT APPEAL 461 OF 2018 - EDWARDS & EDWARDS  
(MCU013977 MATERIAL CHANGE OF USE FOR AN UNDEFINED USE (ROOMING  
ACCOMMODATION) AT 41 ZIEGENFUSZ ROAD, THORNLANDS)**

**Objective Reference:**

**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services

**Responsible Officer:** David Jeanes, Group Manager City Planning & Assessment

**Report Author:** Ellen Dwyer, Acting Principal Planner

**Attachments:** Attachment 1 – Original Plans

Attachment 2 – Amended Plans

Attachment 3 – Draft Conditions

The Council is satisfied that, pursuant to Section 275(1) of the *Local Government Regulation 2012*, the information to be received, discussed or considered in relation to this agenda item is:

- (f) starting or defending legal proceedings involving the local government.

**PURPOSE**

The purpose of this report is to provide an update to Council on the abovementioned appeal and to seek direction on the current offer to settle.

**BACKGROUND**

On 21 March 2017 Council received a development application for a Material Change of Use for an undefined use (rooming accommodation) at 41 Ziegenfusz Road, Thornlands. The application resulted from Council issuing a show cause notice after investigating the site and finding that the proposed use was already occurring without a lawful approval.

The application was decided at a General Meeting of Council on 24 January 2018 and the application was refused. The following reasons were identified for this decision:

1. The proposal is in conflict with the Urban Residential Zone Code because it is out of character in this location and would give rise to unacceptable amenity impacts.
2. The use is not anticipated by the current planning scheme and is in conflict with the overall outcomes of the Urban Residential Zone Code.

An appeal was filed with the Planning and Environment Court on 8 February 2018.

**ISSUES**

Original Application

The application lodged was for an Undefined Use (Rooming Accommodation). While the Redlands Planning Scheme did not have a definition for the proposed use, the *Planning Regulation 2017* defines Rooming Accommodation and the proposal is considered to meet the definition, which is as follows:

*Residential accommodation, if each resident—*

- (i) *Has a right to occupy 1 or more rooms on the premises; and*
- (ii) *Does not have a right to occupy the whole of the premises; and*

- (iii) *Does not occupy a self-contained unit, as defined under the Residential Tenancies and Rooming Accommodation Act 2008, schedule 2, or has only limited facilities available for private use; and*
- (iv) *Shares other rooms, facilities, furniture or equipment outside of the resident's room with 1 or more other residents, whether or not the rooms, facilities, furniture or equipment are on the same or different premises.*

The application sought retrospective approval as the site is already subject to four individual leases. The development comprises four bedrooms that are rented out to tenants, a guest bedroom and communal kitchen, dining, laundry and living areas. The applicant applied for a maximum of five tenants at any one time under four separate tenancies.

The dwelling is two storeys with an existing concreted area at the front of the dwelling that is used for on-site car parking. No further extensions or additions to the existing dwelling were proposed as part of the application; however changes were proposed to the car parking and crossover arrangements.

#### Amended Grounds of Refusal

Council provided additional grounds of refusal to particularise the grounds in Council's decision notice. Council sought advice from [REDACTED] planning expert, on the reasons of refusal in preparation of providing additional grounds. [REDACTED] advised that in his opinion, the scale of parking and hardstand, and the associated impacts on amenity were the only grounds defensible. As such, amended reasons of refusal were drafted on the basis of this preliminary advice, and have been outlined below as additional grounds to those provided on Council's decision notice.

1. The proposed development will have an adverse impact upon the residential character of the streetscape as contemplated by the Redlands Planning Scheme 2006 (**RPS**) and the draft Planning Scheme (**draft City Plan**).

#### **Particulars**

- (a) The frontage of the property comprises almost entirely of hardstand area (87%) to accommodate the five (5) car parking spaces, manoeuvring area and wide access for the development. The result is a development that presents a stark appearance in the street, more consistent with a higher density development pattern or commercial development. This is inconsistent with the low density low impact residential planning intent for the area and is incompatible with the existing local character and level of amenity created by the dominant development pattern along this part of the street, which is predominantly detached dwellings with single driveways (3m wide) and substantial landscaping;
- (b) The number of private vehicles to be parked within the hardstand area will likewise dominate the street and will present an appearance more consistent with a higher density development pattern or commercial development, which is inconsistent with the existing and planned character as outlined in 1. (a) above; and
- (c) Although landscaping has been incorporated into the proposal, due to the width of the proposed access and the limited screening potential of the proposed landscaping it provides insufficient mitigation when balanced against the extent of the impact to the streetscape.

#### **Redlands Planning Scheme (RPS)**

2. To further particularise Council's reasons for refusal identified in its Decision Notice, dated 1 February 2018, it is considered that the proposed development conflicts with the following provisions of the Urban Residential Zone Code in the RPS:
  - (a) Specific Outcome S4.4(1)(b) as the landscaping is of too minor a scale to meaningfully recognise and enhance the landscape character of the area given the visibility of the car parking and the scale of hardstand area proposed.
  - (b) Overall Outcomes 4.24.7(2)(b)(ii)(a) and 4.24.7(2)(c)(i)(a) as the proposal does not respect, protect or enhance the existing residential character and streetscape by virtue of the extent and prominence of the car parking hardstand area, which is more consistent with a higher density development pattern or commercial development.
3. The proposed development conflicts with the following provisions of the Access and Parking Code in the RPS:
  - (a) Specific Outcome S7.4 as the car parking area is not sufficiently landscaped to soften the impact of the hardstand or the extent it is visible from the street, specifically having regard to the scale of the hardstand area, the width and openness of the access and the character of the streetscape.
  - (b) Overall Outcome 8.1.3.(2)(a)(iv) as the proposed car parking area is considered incompatible with the local character.
4. The proposed development conflicts with the following provisions of the Landscape Code in the RPS:
  - (a) Specific Outcome S2 (1) as the proposed planting along the frontage of the property is insufficient to enhance the visual appearance or screen the prominent car parking hardstand area.
  - (b) Overall Outcomes 8.8.3(2)(a)(i) and (ii) as the proposed landscaping is inadequate when compared to extent of the impact of the proposed development and within the context of the existing streetscape.

#### **Draft Planning Scheme (draft City Plan)**

5. The proposed development conflicts with the following provisions of the Low Density Residential Zone Code in the draft City Plan:
  - (a) Performance Outcomes 33 and 35 as the proposed on-site landscaping will not screen the unsightly parts of the development, specifically the car parking area, and does not therefore enhance the appearance of the development sufficiently to mitigate the impact of the proposal on the surrounding residential amenity.
  - (b) Overall Outcomes 6.2.1.2(1) and 6.2.1.2(2)(b) as the extent of hardstand area proposed and the subsequent dominance of the proposed car parking is more consistent with a higher density development pattern or commercial development that is not consistent with the low density, high amenity of the streetscape and surrounding area.
6. The proposed development conflicts with the following provisions of the Transport, Servicing, Access and Parking Code in the draft City Plan:
  - (a) Performance Outcomes 12 and 13 as the proposed landscaping is insufficient to break up or soften the extent of hardstand area proposed in any meaningful way and as a result the car parking area will dominate the streetscape.

- (b) Overall Outcome 9.4.5.2(2)(e) as the proposed car parking for the development will have a considerable visual impact and will dominate the otherwise low density residential character of this part of the street.
- 7. The proposed development conflicts with the following provisions of the Landscape Code in the draft City Plan:
  - (a) Performance Outcome 1 as the proposed landscaping is inadequate to ensure the development is consistent with the streetscape and landscape setting.
  - (b) Overall Outcomes 9.4.3.2(1) and 9.4.3.2(1)(a) as the proposed landscaping fails to ensure the development: achieves a high design standard, responds to local character or makes a positive contribution to the landscape setting. The extent of the car parking hardstand area requires more substantial and meaningful landscaping to achieve these outcomes.
- 8. The Appellants have not identified any relevant matters that justify approval of the proposed development despite non-compliance with the assessment benchmarks.

### Amended Design

Council has attended mediation with the appellant and an amended design and plans have been submitted as part of a without prejudice offer. The resulting issues in dispute relate only to the adverse impact the proposed development will have on the residential character of the streetscape. Council officers and Council's town planning expert have reviewed the amended design and are satisfied that the amended plans address the streetscape and amenity concerns. The changes made to the plans are discussed below.

- **Streetscape and Amenity**

With regard to the streetscape and amenity concerns raised relating to the extent and visibility of considerable hardstand, it is noted that the alternative layout has substantially reduced these concerns. The reduction in one car space has considerably reduced the hardstand required at the throat of the driveway for onsite manoeuvring, and as a welcome consequence enables the width of the driveway and crossover to be reduced. The amended site plan satisfies the previous concerns raised about the scale of parking and hardstand being incompatible with the existing streetscape and residential character of the area.

The appearance of the use as a dwelling was undermined by the prominent visual positioning of the car parking. Through minor design changes it is easy to screen one side of the car parking, thereby reducing the visual impact on site. Through mediation it was suggested that a combination of fencing and landscaping could screen car park 4 on the western side of the driveway. The appellant provided the alternative option of a 1.8m fence with return on the western side of the driveway, to completely screen car park 4. There is merit in this approach as the nature of the development will result in multiple residences with no onus on any one person to maintain the front garden and landscaping. Fencing arguably still achieves screening, without the use looking less residential, and removes the ongoing maintenance associated with the landscaped garden.

With suitable conditions, including the requirement for a front boundary fence and return, the reduction in visible hardstand from the driveway is considered to improve the streetscape to a level that officers consider to be in compliance with the intent of the Redlands Planning

Scheme in this area. A minimum 1.8m solid close board fence is to be constructed as shown on the site plan.

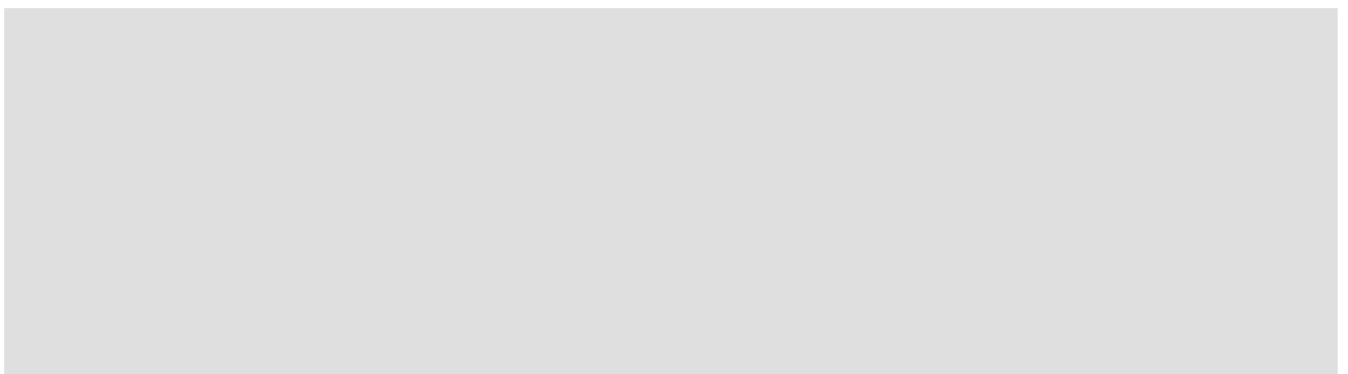
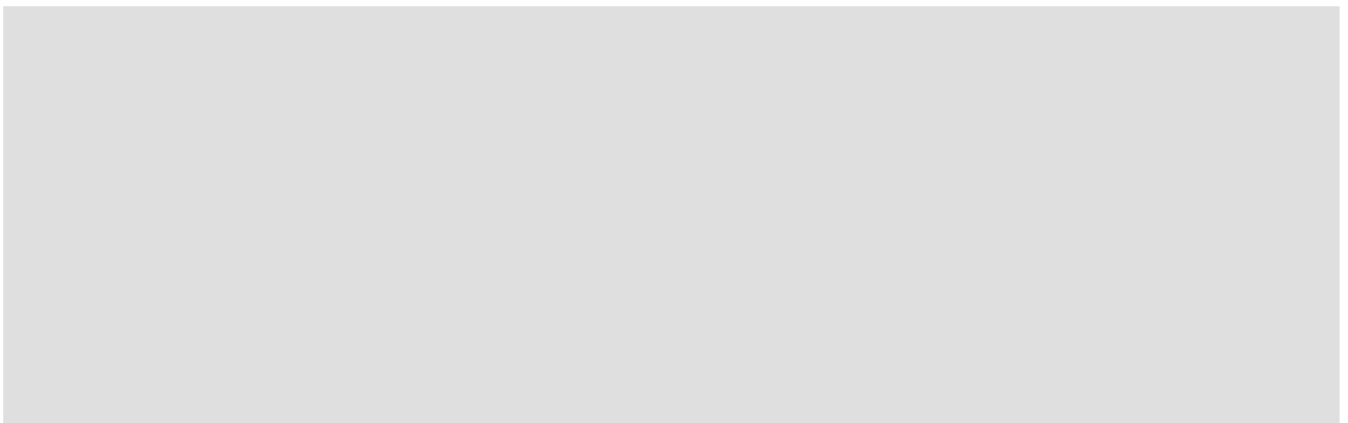
The additional City Plan grounds of refusal raised surrounding the streetscape and amenity as identified in the Low-Medium Density Residential Zone, Access and Parking and Landscaping codes are also addressed by the revised plans. The considerable visual impact of hardstand has been reduced and the development, specifically the car parking area, will not dominate the low density residential character of this part of the street.

- Car parking

During the without prejudice meeting Council discussed removing one car park to alleviate some of the amenity impacts. Four car parks provided on site for a maximum of four lease arrangements is considered to satisfactorily address the relevant parts of the planning scheme. As a result of the reduction in car parking a number of design issues that might eventuate were also discussed. These included the ability of the parks to be accessible by both forward and reverse entry, that vehicles must be able to leave the site in forward gear and that the numbers of manoeuvres required for each park be five or less turns of the wheel. All relevant concerns have been addressed in the revised parking layout, and despite the reduction in driveway width, all vehicles are able to egress from the site to a higher order road in a forward gear.

Further to the above assessment, the following will be recommended conditions to ensure the outcomes are met.

- a. The applicant is required to delineate (pavement mark) the car parks.
- b. Wheel stops on each park need to be provided.
- c. Signage for residents needs to be erected near the entrance of the dwelling to communicate that on-site manoeuvring areas must remain clear.





## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

The directions orders for this appeal require a review on 9<sup>th</sup> November 2018. The appellant has agreed to adjourn this review until after the 21st November General meeting, the application to the court for this to occur will be made by 9<sup>th</sup> November. Should Council not resolve to settle the appeal, mediation will be required on the 13<sup>th</sup> December 2018.

### **Risk Management**

There is a risk that, if Council does not accept the settlement offer and the appellant goes on to succeed in the appeal, an adverse costs order may be made against Council.

### **Financial**

See matters set out in the Risk Management section above.

### **People**

It is noted that Council received properly made submissions regarding the proposed development during the assessment period. The submitters did not elect to join the appeal as co-respondents. The planning matters raised in the submissions were:

- Inappropriate location for Rooming Accommodation;
- Unclear property usage;
- Increased traffic;
- Increased noise; and
- Safety.

It is considered that the matters raised were appropriately addressed by the original proposal, the changes proposed are not considered to impact on how the development has addressed the above concerns.

### **Environmental**

There are considered to be no environmental implications relating to the recommendation in this report.

### **Social**

There are considered to be no social implications relating to the recommendation in this report.

### **Alignment with Council's Policy and Plans**

The development the subject to the appeal has been amended such that it is now, with the proposed conditions, considered to comply with the provisions of the Redlands Planning Scheme.

## **CONSULTATION**

The content of this report has been discussed with Council's Engineering Assessment team as well as an independent planning consultant. The content has also been discussed and reviewed by Council's Legal Services team with advice from Counsel.

## **OPTIONS**

### **Option One**

That Council resolves to:

1. Instruct its solicitors to take all necessary steps to settle the appeal generally in accordance with the conditions attached to this report; and
2. Maintain this report as confidential until the conclusion of the appeal.

### **Option Two**

That Council resolves to:

1. Instruct its solicitors to take all necessary steps to settle the appeal subject to different conditions; and
2. Maintain this report as confidential until the conclusion of the appeal.

### **Option Three**

That Council resolves to:

1. Instruct its solicitors to take all necessary steps to defend a refusal; and
2. Maintain this report as confidential until the conclusion of the appeal.

## **OFFICER'S RECOMMENDATION**

That Council resolves to:

1. **Instruct its solicitors to take all necessary steps to settle the appeal generally in accordance with the conditions attached to this report; and**
2. **Maintain this report as confidential until the conclusion of the appeal.**

- 19.1 PLANNING AND ENVIRONMENT COURT APPEAL 461 OF 2018 - EDWARDS & EDWARDS (MCU013977 MATERIAL CHANGE OF USE FOR AN UNDEFINED USE (ROOMING ACCOMMODATION) AT 41 ZEIGENFUSZ ROAD, THORNLANDS)**

**COUNCIL RESOLUTION 2018/234**

**Moved by: Cr Paul Gollè**

**Seconded by: Cr Wendy Boglary**

**That Council resolves to:**

- 1. Instruct its solicitors to take all necessary steps to defend a refusal; and**
- 2. Maintain this report as confidential until the conclusion of the appeal.**

**CARRIED 6/2**

Crs Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Julie Talty and Tracey Huges voted FOR the motion.

Crs Mark Edwards and Murray Elliott voted AGAINST the motion.

Cr Paul Gleeson was not present when the motion was put.

Crs Karen Williams and Paul Bishop were absent from the meeting.

<b><u>ASSESSMENT MANAGER CONDITIONS</u></b>	<b><u>TIMING</u></b>
1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development.	
<b><u>Approved Plans and Documents</u></b>	
2. Undertake the development in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval and any notations by Council on the plans.	Prior to the use commencing and ongoing.

<b>Plan/Document Title</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Plan/Doc. Date</b>
Site Plan / Parking Bay Plan <i>As amended in red</i>	Sheet No. 1	Footprint Drafting	26/07/17 Received date
Lower Floor Plan / Upper Floor Plan	Sheet No. 2	Footprint Drafting	26/07/17
Elevations	Sheet No. 3	Footprint Drafting	22/08/13

**Table 1: Approved Plans and Documents**

3. Ensure the development is not subject to more than four (4) individual leases, and no more than five (5) persons residing in the Rooming Accommodation at any one time.	Ongoing.
<b><u>Design</u></b>	
4. Locate, design and install outdoor lighting, where required, to minimise the potential for light spillage to cause nuisance to neighbours.	Prior to the use commencing and ongoing.

<p>5. Provide no more than:</p> <ul style="list-style-type: none"> <li>a. One (1) meter box;</li> <li>b. One (1) Letter box; and</li> <li>c. Three (3) bins.</li> </ul>	Prior to the use commencing and ongoing.
<p>6. Design and construct a minimum 1.8m high, close board fence as indicated on the approved site plan.</p>	Prior to the use commencing and ongoing
<b>Access, Roadworks and Parking</b>	
<p>7. Provide four (4) car parks (including wheel stops) in accordance with the approved Site Plan (as amended in red).</p> <p>Access to car parking spaces, bin storage and driveways must remain unobstructed and available for their intended purpose.</p>	Prior to the use commencing and ongoing.
<p>8. Submit to Council for approval, engineering plans and details showing the following works are in accordance with the assessment criteria listed in Table 2: Compliance Assessment of this approval:</p> <ul style="list-style-type: none"> <li>a) Internal parking and manoeuvring areas;</li> <li>b) Removal of all redundant vehicle crossover;</li> <li>c) A minimum 5m wide type R-RSC-3 permanent vehicular crossover to the Ziegenfusz Road frontage of the site;</li> <li>d) Wheel stops;</li> <li>e) Delineation of parking bays;</li> <li>f) Internal collection of stormwater runoff from manoeuvring areas, piped to the lawful point of discharge;</li> <li>g) Footpath earthworks, topsoiling and turfing of all disturbed footpath areas;</li> <li>h) Reinstatement of concrete kerb and channel where required; and</li> <li>i) Adjustment and relocations necessary to public utility services resulting from these works.</li> </ul>	As part of request for compliance assessment.
<p>9. Install a sign at the entrance to the dwelling stating:</p> <p><i>Driveway manoeuvring area to be kept clear at all times.</i></p> <p>Clear space within the parking manoeuvring area, must be</p>	Prior to the use commencing and ongoing.

maintained to satisfy the provided turning template.	
<b>10.</b> Remove all redundant vehicle crossovers and reinstate kerb and channel, road pavement, service and footpaths in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works.	Prior to the use commencing.
<b>11.</b> Rectify any damage done to the road verge during construction, including topsoiling and re-turfing.	Prior to the use commencing.
<b>12.</b> Rectify any damage to Council infrastructure as a result of construction activities, at no cost to Council.	Prior to the use commencing.
<b><u>Compliance Assessment</u></b>	
<b>13.</b> Submit to Council, and receive approval for, Compliance Assessment for the documents and works referred to in Table 2:	Prior to site works commencing.

Document or Works Item	Compliance Assessor	Assessment Criteria
Stormwater Management Plan	Redland City Council	<ul style="list-style-type: none"> <li>• Redlands Planning Scheme Part 8 Division 9 – Stormwater Management Code</li> <li>• Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 6 – Stormwater Management</li> <li>• Queensland Urban Drainage Manual</li> </ul>
Access and Parking Plans	Redland City Council	<ul style="list-style-type: none"> <li>• Redlands Planning Scheme Part 8 Division 1 – Access and Parking Code</li> <li>• Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 15 – Access and Parking</li> <li>• Australian Standard 2890.1:2004 – Parking</li> </ul>

		Facilities – Off-street car parking
Road and Footpath Works	Redland City Council	<ul style="list-style-type: none"> <li>• Redlands Planning Scheme Part 7 Division 4 –Driveway Crossover Code</li> <li>• Redlands Planning Scheme Part 8 Division 7 – Infrastructure Works Code</li> <li>• Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 5 – Road and Path Design.</li> </ul>

**Table 2: Compliance Assessment**

<b><u>Stormwater Management</u></b>	
<b>14.</b> Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to a lawful point of discharge being the kerb and channel in Ziegenfusz Road.	Prior to the use commencing and ongoing.
<b>15.</b> Manage stormwater discharge from the site in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, so as to not cause an actionable nuisance to adjoining properties.	Prior to the use commencing and ongoing.
<b><u>Waste Management</u></b>	
<b>16.</b> Provide a refuse storage area on site that is screened from view and located a minimum of 6m from the front property boundary, for the storage of a minimum of three (3) waste collection bins.	Prior to the use commencing and ongoing.
<b>17.</b> Turf all areas of disturbance within the road verge with turf cut from a weed free source.	Prior to the use commencing.
<b>18.</b> Pay to Council a monetary contribution for street tree planting for two (2) street trees. The contribution must be calculated in accordance with the Redlands Planning Scheme Policy 3 Chapter 3 – Landscaping and must be paid at the rate current at the time of	Prior to the use commencing

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payment under Council's Fees and Charges Schedule. The current rate is \$172 per tree (2017/2018 Financial Year).	
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### **ADDITIONAL APPROVALS**

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There are no further **Development Permits** and/or **Compliance Permits** necessary to allow the development to be carried out.

- Compliance assessment as detailed in Table 2 of the conditions.
- Road Opening Permit – for any works proposed within an existing road reserve.

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### **ASSESSMENT MANAGER ADVICE**

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- **Queensland Development Code - MP2.1**  
Please note the development may be required to comply with the requirements of the Queensland Development Code MP2.1 Fire Safety in Budget Accommodation Buildings.
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- **Hours of Construction**  
Please be aware that you are required to comply with the *Environmental Protection Act* in regards to noise standards and hours of construction.
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- **Coastal Processes and Sea Level Rise**  
Please be aware that development approvals issued by Redland City Council are based upon current lawful planning provisions which do not necessarily respond immediately to new and developing information on coastal processes and sea level rise. Independent advice about this issue should be sought.
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- **Services Installation**  
It is recommended that where the installation of services and infrastructure will impact on the location of existing vegetation identified for retention, an experienced and qualified arborist that is a member of the Australian Arborist Association or equivalent association, be commissioned to provide impact reports and on site supervision for these works.
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- **Fire Ants**  
Areas within Redland City have been identified as having an infestation of the Red Imported Fire Ant (RIFA). It is recommended that you seek advice from the Department of Agriculture, Fisheries and Forestry (DAFF) RIFA Movement Controls in regards to the movement of extracted or waste soil, retaining soil, turf, pot plants, plant material, baled
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hay/straw, mulch or green waste/fuel into, within and/or out of the City from a property inside a restricted area. Further information can be obtained from the DAFF website [www.daff.qld.gov.au](http://www.daff.qld.gov.au)

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- **Cultural Heritage**

Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during the course or construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. For indigenous cultural heritage, contact the Department of Aboriginal and Torres Strait Islander Partnerships.

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