

Amenity and Aesthetics, and Building Work Involving Removal or Rebuilding Policy

1.0 Intent

To set Council's policy position with regard to:–

- (1) particular types of Class 1a and Class 10 development where *Council* considers these types of developments may have an extreme adverse effect on the amenity, likely amenity, or may be in conflict with the character of a particular locality; and
- (2) its referral agency role for Building Work involving Removal of a building or other structure, whether or not for rebuilding at another site or the rebuilding of a building or other structure removed from another site.

2.0 Application

Under Schedule 9, Part 3, Division 2, Tables 1 and 7 of the Planning Regulation 2017 all building applications nominated for Building Work for:–

- (1) particular types of Class 1a and Class 10 buildings and structures within the Bundaberg Regional Council area and identified in section 4.0; and
- (2) removal and/or rebuilding;

require referral to Council as a referral agency.

Where an application requires referral to Council, the applicant is required give Council, as the referral agency, a copy of the application, the required fee and a copy of the confirmation notice (given by the assessment manager). The relevant fee is set out annually in *Council's* Schedule of Fees and Charges. In addition to this material it is requested that *Council's* 'Request for Concurrence Agency Assessment' form accompany any referral.

2.1 Effective Date

This policy is effective from 1 November 2017.

2.2 Superseded Documents

This policy supersedes the Amenity and Aesthetics, and Building Work involving Removal or Rebuilding Policy (November 2015).

3.0 Policy Objectives

To ensure particular building work (involving removal or rebuilding, or building work that *Council* has declared may have an extreme adverse effect on the local amenity, likely amenity, or be in conflict with the character of the locality) protects and contributes to its surrounding built environment where people live and interact.

4.0 Policy

On 31 October 2017, *Council* declared (Item G3) in accordance with Schedule 9, Part 3, Division 2, Tables 1 and 7 of the Planning Regulation 2017 that:–

- (1) particular types of Building Work, as identified in Tables 4.1 and 4.2, may:-
 - (a) have an extremely adverse effect on the amenity, or likely amenity, of the locality; or
 - (b) be in extreme conflict with the character of the locality; and
- (2) Building Work involving the removal (including demolition) and/or rebuilding of a building or other structure removed from another site will require security and the amount, form and conditions are to be in accordance with Section 6.0 of this policy.

The assessment criteria identified in Tables 4.1 and 4.2 identify the relevant performance outcomes and acceptable outcomes for each particular type of building work. Where no acceptable outcome is provided or an alternative outcome is sought a performance based assessment is required against the related performance outcome.

Table 4.1 – Particular types of building work that are referable to Council

Column 1 Particular types of building work	Column 2 Assessment criteria
Located within a <i>Neighbourhood character area</i>	
Carports located within a road frontage setback	Table 5.1
<i>Domestic outbuildings</i>	Table 5.2
In all areas	
Any building of a <i>steel clad</i> or <i>prefabricated</i> construction to be used as a class 1a building if located on a lot –	Table 5.5
(a) included in the Low, Medium or High density residential zone, Emerging Community zone or Limited Development (constrained land) zone; or	
(b) on any Rural or Rural Residential zoned lot less than 4,000m ²	
Placement or installation of a shipping container or railway carriage*	Table 5.6
Removal or rebuilding of a Class 1a building	Table 5.7
<p>* Excludes the use of shipping containers for temporary uses such as:–</p> <ul style="list-style-type: none"> (a) construction site offices; or (b) removal storage (for a maximum of 1 month); or (c) community group storage facility located on land within the Community facilities and, Sport and recreation zones, are located where the community group meets and undertakes their activity and has the expressed permission of the land owner or trustee. <p>Note: Despite the use of shipping containers and railway carriages, in some instances, being exempt from an amenity and aesthetics assessment the placement or installation of these may still require a Building Approval. Contact your Building Certifier in this regard.</p>	

Table 4.2 – Particular types of building work that are referable to Council if non-compliant with a nominated acceptable outcome

Column 1 Particular types of building work	Column 2 Assessment criteria
Carports located within a road frontage setback associated with a dwelling	Table 5.1
<i>Domestic outbuildings</i>	Table 5.2
Construction or installation of an aerial, antenna, satellite dish, mast or tower	Table 5.3
Construction or installation of a wind turbine (wind energy generator)	Table 5.4

5.0 Controls and Assessment Provisions

Table 5.1 - Carports within the Road Frontage Setback*

Column 1 Performance outcomes	Column 2 Acceptable outcomes
<p>PO1</p> <p>Carports located within a road frontage setback:–</p> <ul style="list-style-type: none"> (1) do not have an extremely adverse impact on the <i>dwelling's</i> presentation to the street; (2) do not have an extreme adverse impact on the prevailing or <i>intended character</i> of the streetscape; (3) are not the dominant built form on the site as seen from the street; and (4) will not increase the risk to the public by reducing sight lines of vehicles manoeuvring on and off the site. 	<p>AO1.1</p> <p>A carport within a road frontage setback identified within the QDC MP 1.1 A1(a) and MP 1.2 A1(a):–</p> <ul style="list-style-type: none"> (1) has a maximum width of 6m when located on a lot with a road frontage width of 15m or more; (2) has a maximum width of 3m when located on a lot with a road frontage width less than 15m; and (3) has a maximum <i>height</i> of 3m. <p>AO1.2</p> <p>A maximum of 1 carport is located within the road frontage setback on site.</p>

Column 1 Performance outcomes	Column 2 Acceptable outcomes
	<p>AO1.3 A carport, when within the <i>Neighbourhood character area</i>, is sited behind the <i>front building line</i>.</p> <p>Note: To remove any doubt, the siting and <i>height</i> requirements prescribed above are not alternative provisions to the siting and boundary clearance <i>heights</i> nominated in the <i>QDC</i>.</p>
<p>* To remove any doubt, compliance with the Acceptable solutions in Table 5.1 does not supersede the design and siting requirements and any associated referral agency roles nominated under the QDC and the Planning Act 2016.</p>	

Table 5.2 - Domestic outbuildings

Column 1 Performance outcomes	Column 2 Acceptable outcomes										
<p>PO1 <i>Domestic outbuildings:-</i></p> <ol style="list-style-type: none"> (1) do not appear to be industrial in scale and appearance; (2) do not adversely impact on the solar access, privacy, outlook and amenity of adjoining premises; (3) do not adversely impact on the prevailing or <i>intended character</i> of the locality; (4) if located on a lot that does not have a <i>dwelling</i>, is sited and is of scale that is consistent with the surrounding built environment and will allow a suitably sized house to be located on the site; and (5) if located on the same lot as a <i>dwelling</i>, is subservient in scale and bulk to the <i>dwelling</i>. <p>Note: <i>Council</i> may approve a <i>Domestic outbuilding</i> with a <i>building height</i> or floor area greater than that nominated in AO1.3 when the development has demonstrated that the building bulk has been appropriately addressed through greater setbacks or appropriate landscaping or another measure acceptable to <i>Council</i>. As a guide for every 200mm above the nominated <i>building height</i> the building is setback an additional 0.5m to that nominated within the relevant part of the <i>QDC</i>.</p>	<p>AO1.1 Where a <i>Domestic outbuilding</i> is proposed on a vacant lot, except when located within a <i>Neighbourhood character area</i>, it is to be sited in accordance with Figure 1.</p> <p>AO1.2 Where a <i>Domestic outbuilding</i> is proposed on a lot within the <i>Neighbourhood character area</i> (whether on a vacant lot or not), no acceptable outcome is nominated.</p> <p>AO1.3 A <i>Domestic outbuilding:-</i></p> <ol style="list-style-type: none"> (1) (excluding carports, lawn lockers (max 9m²), awnings, and annexes) has a roof pitch between 9 and 26 degrees, or a minimum 5 degrees where a skillion roof; (2) has a maximum <i>building height</i> of 5.5m in a Rural or Rural residential zone or 4.8m when located in any other zone; (3) has a combined maximum floor area of all <i>Domestic outbuildings</i> in accordance with Table 5.2A below; and <table border="1" data-bbox="699 1285 1289 1487"> <caption>Table 5.2A</caption> <thead> <tr> <th>Lot size</th> <th>Combined floor area</th> </tr> </thead> <tbody> <tr> <td>< 2000m²</td> <td>90m²</td> </tr> <tr> <td>2000m² – 6000m²</td> <td>153m²</td> </tr> <tr> <td>6000m² – 2 ha</td> <td>200m²</td> </tr> <tr> <td>> 2 ha</td> <td>250m²</td> </tr> </tbody> </table> <ol style="list-style-type: none"> (4) has a maximum horizontal dimension (length or width) of 16m when in a Rural or Rural residential zone or 12m when located in any other zone. <p>Note: To remove any doubt, the <i>heights</i> prescribed in (4) above are not alternative provisions to the boundary clearance <i>heights</i> nominated in the <i>QDC</i>.</p>	Lot size	Combined floor area	< 2000m ²	90m ²	2000m ² – 6000m ²	153m ²	6000m ² – 2 ha	200m ²	> 2 ha	250m ²
Lot size	Combined floor area										
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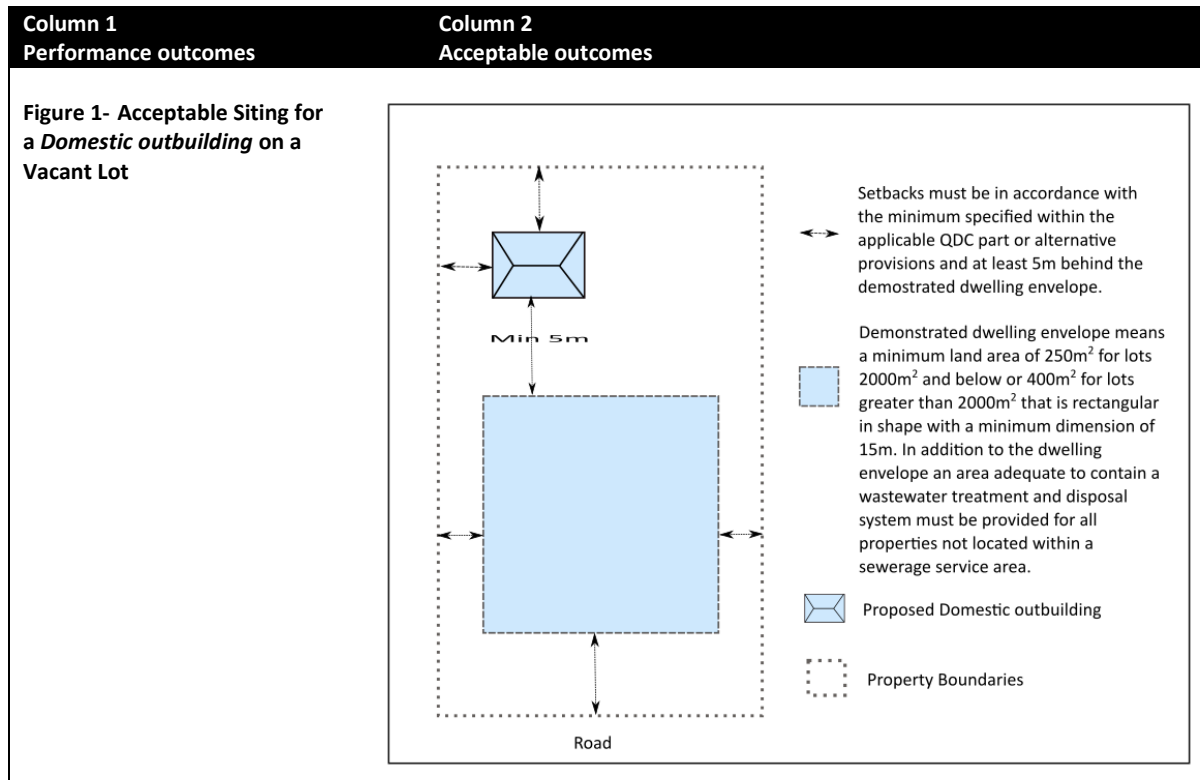


Table 5.3 - Construction or Installation of an Aerial, Antenna, Satellite Dish, Mast or Tower

Column 1 Performance outcomes	Column 2 Acceptable outcomes
<p>PO1 Construction or installation of an aerial, antenna, satellite dish, mast or tower does not: –</p> <ol style="list-style-type: none"> (1) adversely impact on the amenity or aesthetics of the streetscape and maintains the prevailing or <i>intended character</i> of the locality; (2) create visual clutter (including supporting wires); or (3) result in structures with excessive <i>heights</i>. 	<p>AO1.1 A aerial, antenna, satellite dish, mast or tower:–</p> <ol style="list-style-type: none"> (1) has a maximum <i>height</i> of– <ol style="list-style-type: none"> (a) 3.5m above the <i>height</i> of the building or structure it is attached to; or (b) 10m if freestanding. (2) is behind the <i>front building line</i>. <p>AO1.2 A satellite dish has a maximum diameter of 900mm.</p>

Table 5.4 - Construction or Installation of a Wind turbine (wind energy generator)

Column 1 Performance outcomes	Column 2 Acceptable outcomes
<p>PO1 Wind turbines do not:–</p> <ol style="list-style-type: none"> (1) adversely impact on the amenity or aesthetics of the locality and maintain the prevailing or <i>intended character</i> of the locality; (2) cause nuisance to or have unreasonable impact on the amenity of adjoining or nearby premises (including potential nuisance of a future adjoining or nearby premises). 	<p>AO1 A wind turbine: –</p> <ol style="list-style-type: none"> (1) has a maximum <i>height</i>¹ of:– <ol style="list-style-type: none"> (a) 3.5m above the <i>height</i> of the building or structure it is attached to; or (b) 10m if freestanding. (2) has a maximum rotor diameter of 3.5m; (3) is sited behind the <i>front building line</i>; and (4) has a minimum setback from neighbouring <i>dwellings</i>² in accordance with Table 5.4.1.³

Column 1 Performance outcomes	Column 2 Acceptable outcomes										
	<p>Table 5.4.1 - Wind Turbine Setbacks from Neighbouring Dwellings</p> <table border="1"> <thead> <tr> <th style="background-color: black; color: white;">Sound Pressure Level (SPL) Generated</th> <th style="background-color: black; color: white;">Minimum Setback</th> </tr> </thead> <tbody> <tr> <td>0-70dB(A)</td> <td>25m</td> </tr> <tr> <td>70-80dB(A)</td> <td>40m</td> </tr> <tr> <td>80-90dB(A)</td> <td>126m</td> </tr> <tr> <td>Greater than 90dB(A)</td> <td>200m</td> </tr> </tbody> </table> <p>¹ <i>Height</i> for a wind turbine is measured to the tip of the rotor blade at its highest point of the rotation.</p> <p>² When the neighbouring lot is vacant the setback is considered to be the closest point where a dwelling could be sited in accordance with the standard provisions of the QDC.</p> <p>³ SPLs are generally provided by the manufacturer. If no manufacturer SPL is provided independent testing should be undertaken in accordance with the <i>International Standard IEC61400-11</i>. In instances where an SPL is not provided by the manufacturer and testing is not practical it is to be assumed that the SPL is greater than 90 dB(A).</p>	Sound Pressure Level (SPL) Generated	Minimum Setback	0-70dB(A)	25m	70-80dB(A)	40m	80-90dB(A)	126m	Greater than 90dB(A)	200m
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0-70dB(A)	25m										
70-80dB(A)	40m										
80-90dB(A)	126m										
Greater than 90dB(A)	200m										

Table 5.5 – Any Building of a *Steel Clad* or *Prefabricated* Construction or Similar, to be Used as a Class 1a Building

Column 1 Performance outcomes	Column 2 Acceptable outcomes
<p>PO1 Any building of a <i>steel clad</i> or <i>prefabricated</i> construction (or similar) to be used as a Class 1a building:–</p> <p>(1) does not adversely impact on the amenity or aesthetics of the locality;</p> <p>(2) maintains the prevailing or intended character of the locality; and</p> <p>(3) does not have the appearance of a shed.</p>	<p>AO1.1 A shed that is converted to class 1a building utilises external wall materials or claddings consistent in appearance with those used in the surrounding area.</p> <p>AO1.2 All other proposed class 1 buildings, no acceptable outcomes provided.</p>

Table 5.6 - Placement or Installation of a Shipping Container or Railway Carriage

Column 1 Performance outcomes	Column 2 Acceptable outcomes
<p>PO1 Shipping containers and railway carriages do not:–</p> <p>(1) adversely impact on the amenity or aesthetics of the locality and streetscape, and maintains the prevailing or <i>intended character</i> of the locality; and</p> <p>(2) create visual clutter.</p>	<p>AO1.1 Shipping containers or railway carriages are not placed or installed on a site within the Low, Medium or High density residential zones, or the Emerging Community zone.</p> <p>AO1.2 Where in a zone other than the Low, Medium or High density residential zones only one shipping container or railway carriage is established on a site.</p> <p>AO1.3 The shipping container or railway carriage is to be sited behind the dwelling so it is not visible from the street.</p> <p>AO1.4 The shipping container or railway carriage is to be screened from the street and neighbouring lots by landscaping.</p>

Table 5.7 – Removal or Rebuilding of a Class 1a Building

Column 1 Performance outcomes	Column 2 Acceptable outcomes
Removal	
<p>PO1 Removal of a Class 1a building is undertaken in a safe and environmentally responsible manner with the resulting site left in a clear and orderly state.</p>	<p>AO1.1 All debris including any remaining stumps, foundations, plumbing fixtures and wastewater treatment systems are removed from the site.</p> <p>AO1.2 The ground surface is returned to a level state and does not contain trip hazards or excavations likely to be a safety risk.</p> <p>AO1.3 The site is capable of being practically maintained to avoid overgrown allotments.</p>
Rebuilding	
<p>PO2 A rebuilt Class 1a building makes a positive contribution to the amenity of the location it is to be sited by completion of the external renovations in a timely manner.</p>	<p>AO2.1 External walls, roofing and fixtures are free from flaking, bare or worn patches of painted surfaces.</p> <p>AO2.2 Building materials that are in disrepair (e.g. rotten and rusted) are replaced and finished to match the existing exterior.</p>
<p>PO3 A rebuilt Class 1a building:– (1) is consistent with or makes a positive contribution to the amenity and character of the locality in regard to style, scale and materials used to complete the rebuilding; (2) does not result in any nuisance in regard to reflectivity of building materials; and (3) is consistent with the character and amenity outcomes sought in the relevant Zone, Overlay, or Local plan codes of the Planning Scheme.</p>	<p>AO3 No acceptable outcome provided.</p>

6.0 Removal or Rebuilding Security

6.1 When security will be required

Security for the performance of building work will be required:–

- (1) for the removal of a building, part of a building or structure from a site; and
- (2) for the re-siting or re-building after the re-siting of a building, part of a building or structure.

6.2 How the amount of security is determined

The amount of security is determined based on the following:–

- (1) as per *Council's* Schedule of Fees and Charges; or
- (2) if no security is nominated within the Schedule of Fees and Charges, as determined by the assessment officer with consideration:–
 - (a) for removal of a building or structure–no less than that required to leave the site in a clear and orderly state in labour (as if the work is undertaken by tradespersons) and in materials; and
 - (b) for rebuilding a building or structure–no less than that required to complete the work in labour (as if the work is undertaken by a tradesperson) and for materials to complete the external renovations of the building.

- Any fee determined by Council's assessment officer shall not exceed \$20,000.00; or
- (3) *Council* may consider an alternative security amount at the Applicant's request. A request for an alternative security amount shall be:–
- (a) for removal of a building or structure–no less than that required to leave the site in a clear and orderly state in labour (as if the work is undertaken by tradespersons) and in materials. The Applicant is to provide a statement detailing the full costings associated with all building work associated with the removal; and
 - (b) for rebuilding a building or structure–no less than that required to complete the work in labour (as if the work is undertaken by a tradesperson) and for materials to complete the external renovations of the building. The Applicant is to provide a statement detailing the full costings associated with all building work associated with the rebuilding.

6.3 Form of security

The security is to be in the form of either:–

- (1) a cash bond held in trust by *Council*; or
- (2) an irrevocable bank guarantee that is to be maintained until such time as *Council* provides written advice that the security (or part of the security) can be released.

6.4 Release of security

- (1) Prior to the release of the security bond for removal:–
 - (a) all conditions of the approval are to be completed; and
 - (b) the site is to be in a clear and orderly state following the building or structure being demolished or removed with:–
 - (i) debris including any remaining stumps or foundations, plumbing fixtures and wastewater treatment systems being removed;
 - (ii) the ground surface being level and not containing trip hazards or excavations likely to be a safety risk; and
 - (iii) being capable of being practically maintained to avoid overgrown allotments; and
 - (iv) disconnection of all services by qualified personnel, including but not limited to plumbing fixtures and any wastewater treatment facilities (noting that approvals may be required under separate application for this work).
- (2) Prior to the release of the security bond for rebuilding:–
 - (a) all conditions of the approval are to be completed;
 - (b) the replacement and/or making good of all exterior wall cladding material so as to be free of any visible or performance related defects;
 - (c) the completion of all external wall finishes so as to provide a surface that is free of flaking paint, stains or rust. Wall finishes are to be renewed or replaced so as to match the colour and finish of surrounding wall areas of the building or structure; and
 - (d) the replacement and/or making good of all roof cladding materials so as to be free of any visible or performance related defects including rust, flaking paint or broken tiles.

6.5 Information requirements for applicants

- (1) Applicants should submit the following information:–
 - (a) a site plan to scale showing the location of the detached dwelling to be removed or the proposed location of the dwelling to be rebuilt;

- (b) an Engineer's Report prepared by a structural engineer registered with the Board of Professional Engineers of Queensland (RPEQ) that states:-
 - (i) the building is in a structurally sound condition that will withstand the proposed segmentation and transportation;
 - (ii) the proposed reconstruction of the building is in compliance with the structural requirements of all applicable published Australian Standards and the Building Code of Australia; and
 - (iii) listing any substandard material needing repair or replacement.
- (2) a signed written report by the licensed contractor undertaking the removal and relocation of the building or structure that includes the following:-
 - (a) the proposed route of travel for the building or structure through the *Council* area to the final site of relocation;
 - (b) the estimated total duration of time required for transporting the building from the *Council* area boundary to the final relocation site;
 - (c) confirmation that the transportation is feasible and will not result in damage to *Council* resources or property; and
 - (d) identification of any pruning of vegetation on public land that will be required to enable the transportation of the building,
- (3) a signed declaration by the owner of any property giving consent to the removal company to use the property or part of the property to transfer the building off the original site or onto the ultimate site (e.g. if using an adjacent lot to achieve appropriate turning areas etc); and
- (4) a declaration by the licensed contractor indemnifying *Council* and its employees and agents from all actions, suits, claims, costs and demands howsoever arising whether as a result of a negligent act or omission or otherwise from the movement and transportation of the building.
- (5) for removal a management plan detailing:-
 - (a) a statement and method of how the site will be left, once demolition works or removal of the building or structure is complete. This is to include:-
 - (i) the removal of all plumbing fixtures, wastewater treatment facilities, stumps and foundations; and
 - (ii) leveling the site including filling any excavations.
 - (b) a site plan to scale showing the location of the building or structure to be demolished or removed and the location of any other fixtures or infrastructure to be removed;
 - (c) the proposed methods for demolishing of the building or structure; and
 - (d) the costs for labour and materials in demolishing the building or structure and returning the site to a clear and maintainable standard.
- (6) Applicants should submit the following information for applications to rebuild a dwelling or structure removed from another site:-
 - (a) architectural drawings that accurately depict the site layout, building floor plan and all building elevations after the proposed completion of the building's reconstruction. The drawings are to be ideally at a scale no less than 1:200 for the site plan and no less than 1:100 for other required drawings. The drawings are to show the work proposed to be undertaken for the reconstruction; and
 - (b) a work schedule for completion of external renovations (including painting) including dates for completion of milestones and a schedule of costs for labour and materials for each component of work (as if that tradespersons are completing the work).

- (7) In the event that requested information as detailed above is not provided, *Council* may request this information to be provided via an Information Request in accordance with Part 3 of the Development Assessment Rules.

6.6 When security is used to complete works or remove a building or structure

At its discretion, *Council* or contractors on its behalf may complete the works if:–

- (1) the time period for completion or a time period required through a condition has expired and the applicant has not requested or been granted an extension to the relevant period; or
- (2) the works have not been completed in accordance with the approved plans, the *Building Act 1975*, the *Building Regulation 2006* or the Building Code of Australia.

7.0 Associated Documents

- Building Act 1975
- Building Code of Australia
- Building Regulation 2006
- International Standard IEC61400-11
- Planning Act 2016
- Planning Regulation 2017

8.0 Definitions

Building height – as defined in the *QDC* Parts 1.1 and 1.2.

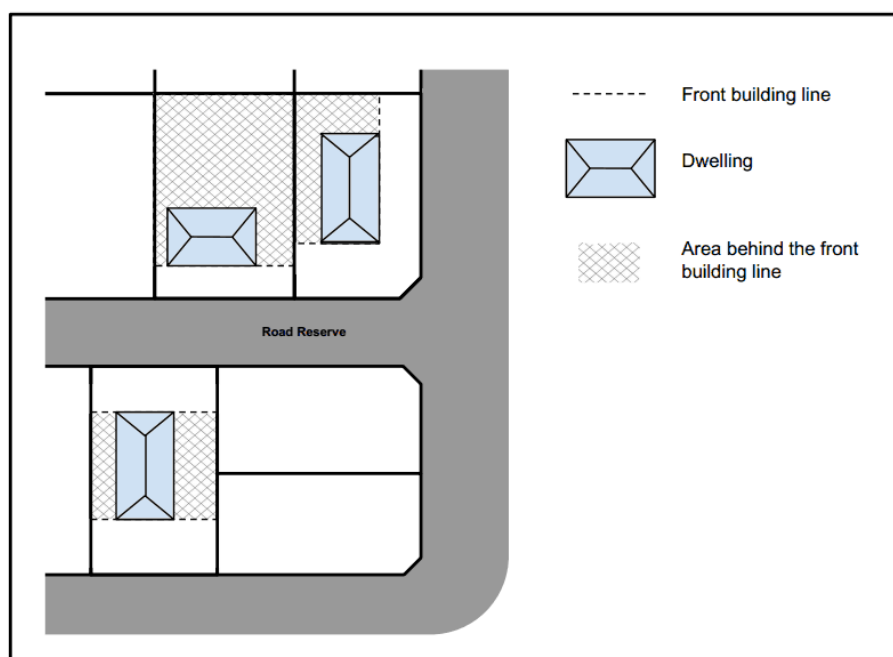
Council – Bundaberg Regional Council.

Domestic outbuilding – as defined in the Bundaberg Regional Council Planning Scheme.

Dwelling – as defined in the Bundaberg Regional Council Planning Scheme.

Front building line – a line drawn parallel to the road reserve boundary, from the front facing *outermost projection* of the *Dwelling* to the side boundaries. See Figure 2.

Figure 2 - Front building line



Height – as defined in the *QDC* Parts 1.1 and 1.2.

Intended character – means the character and amenity outcomes nominated in the relevant Zone, Overlay, or Local plan codes of the Planning Scheme.

LGA – Local Government Area.

Neighbourhood character area – a Neighbourhood character area identified in a Planning Scheme overlay.

Outermost projection – as defined in the *QDC* Parts 1.1 and 1.2.

Prefabricated – a building mostly constructed offsite and transported to site for completion. Examples include but are not limited to modular homes, manufactured homes and relocatable homes.

QDC – Queensland Development Code.

SPL – Sound Pressure Level.

Steel clad – a building clad with steel sheeting materials consistent in appearance with roof or fence sheeting products (examples include but are not limited to custom orb and trimdek) to more than 30% of the total surface area of all external walls.

Zone of influence – as defined in the *QDC* Part 1.4.