

## HEAD OF POWER

- *Planning Regulation 2017* Schedule 9, Part 3, Division 2, Tables 1 and 7

## 1. INTRODUCTION

### 1.1 Purpose

The purpose of this policy is to: -

- declare particular Class 1a and 10 buildings and structures that may have an extremely adverse effect on the amenity or likely amenity of a location, or be in extreme conflict with the character of the locality; and
- state the matters that regulate impacts on amenity or aesthetics that Council's referral agency assessment must be against.

### 1.2 Legislation

Schedule 9, Part 3, Division 2, Table 1 of the *Planning Regulation 2017* provides that a local government may declare by resolution, particular class 1(a) and 10 buildings or structures that may have an extreme adverse effect on the amenity, or likely amenity, of the locality or be in extreme conflict with the character of the locality, require referral to the local government.

Schedule 9, Part 3, Division 2, Table 7 of the *Planning Regulation 2017* specifies that referral is required to the local government for building work for removal of a building or other structure (whether or not for rebuilding at another site) or rebuilding of a building or other structure removed from another site.

### 1.3 Application

Pursuant to Schedule 9, Part 3, Division 2, Tables 1 and 7 of the *Planning Regulation 2017* all building applications for the following building work within the Bundaberg Regional Council Area will require referral to Council as a referral agency: -

- particular class 1a and Class 10 buildings and structures identified in Section 2; and
- removal and/or rebuilding of a building or other structure;

Where an application requires referral to Council, the applicant is required to 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. POLICY OUTCOMES

### 2.1 Particular building work referable to Council

The following types of building work must be referred to Council for referral agency assessment against the applicable performance criteria specified in section 3.

- Where located within a Neighbourhood character area:
  - carports located within a road frontage setback;
  - domestic outbuildings
- Removal or rebuilding of a building or other structure.

## 2.2 Particular building work referable to Council if non-compliant with specific provisions

Proposed building work that does not comply with the specific provisions set out in this section must be referred to Council for referral agency assessment against the relevant performance criteria specified in section 3.

### 2.2.1 Domestic Outbuildings

Domestic outbuildings located in an urban area or rural residential zone and rural zone that do not comply with the requirements set out in Table 1.

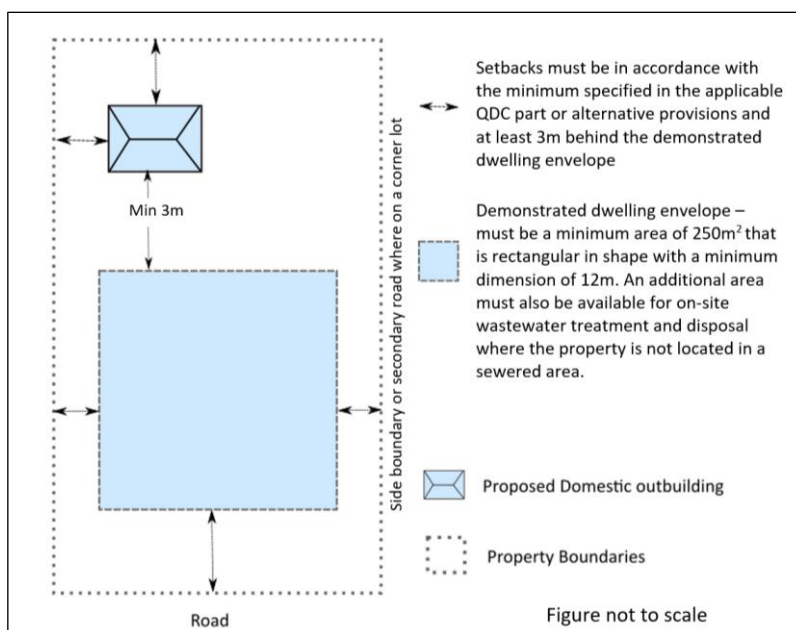
**Table 1: Domestic outbuildings**

Lot Size	Maximum combined floor area of all domestic outbuildings	Maximum building height	Maximum horizontal dimension (length/ width)
<b>Where located in an urban area</b>			
< 800m <sup>2</sup>	90m <sup>2</sup>	4.8m	12m
800m <sup>2</sup> to < 2000m <sup>2</sup>	120m <sup>2</sup>	4.8m	12m
≥ 2000m <sup>2</sup>	150m <sup>2</sup>	4.8m	16m
<b>Where located in a Rural or Rural residential zone</b>			
< 2000m <sup>2</sup>	120m <sup>2</sup>	5.5m	16m
2000m <sup>2</sup> to < 4000m <sup>2</sup>	180m <sup>2</sup>	5.5m	18m
4000m <sup>2</sup> to < 6000m <sup>2</sup>	220m <sup>2</sup>	5.7m	18m
6000m <sup>2</sup> to < 2 ha	300m <sup>2</sup>	5.7m	No referral required
≥ 2 ha	No referral required	No referral required	No referral required

### 2.2.2 Domestic outbuilding on a vacant lot

Where a domestic outbuilding is proposed on a vacant lot, except when located in a Neighbourhood character area, it is to be sited in accordance with Figure 1.

**Figure 1: Acceptable siting for a Domestic outbuilding on a Vacant Lot**



## 2.2.3 Carports within the Road Frontage Setback

- (a) A carport within a road frontage setback identified within the QDC MP1.1 A1(a) and MP1.2 A1(a):-
- (i) has a maximum dimension (width/length) of 7m when located on a lot with a road frontage of 14m or more;
  - (ii) has a maximum width (facing the road) of 4.2m and a maximum length of 7m when located on a lot with a road frontage less than 14m;
  - (iii) has a maximum height of 4.5m and *mean height* of not more than 3.5m; and
  - (iv) is not enclosed and does not have a garage door; and
- (b) A maximum of 1 carport is located within the road frontage setback on site.

Note – The siting and height requirements prescribed above are not alternative provisions to the siting and boundary clearance heights nominated in the QDC.

## 2.2.4 Shipping containers or railway carriages

A shipping container or railway carriage:

- (a) is not placed or installed on a site in a residential zone;
- (b) is to be sited behind the dwelling, or other building or structure on the site so it is not visible from the street;
- (c) is limited to one shipping container or railway carriage on a site;
- (d) is to be screened from the street and neighbouring lots by landscaping; and
- (e) is to be of a consistent colour scheme to the dwelling house or other buildings or structures on the site, to minimise the visual dominance of the structure on the site, from adjoining sites and from the street.

Note – Excludes the use of shipping containers for temporary uses such as: -

- (i) construction site offices;
- (ii) removal storage (for a maximum of 1 month); or
- (iii) community group storage facility located on land within the Community facilities or Sport and recreation zone where the community group meets and undertakes their activity, and has the express permission of the landowner or trustee.

Note – Despite the use of shipping containers and railway carriages being exempt from an amenity and aesthetics assessment in some instances, the placement or installation of these may still require a Building Approval. Contact your Building Certifier in this regard.

## 3. ASSESSMENT PROVISIONS

For particular types of building work that: -

- is specified as being referable to Council in section 2.1; or
- does not comply with the specific provisions for that type of building work in section 2.2;

the proposal must be submitted to Council for assessment against the applicable performance criteria specified in this section.

### 3.1 Domestic outbuildings, shipping containers and railway carriages

Domestic outbuildings, shipping containers and railway carriages:-

- (a) do not adversely impact on the solar access, privacy, outlook and amenity of adjoining premises;
- (b) do not adversely impact on the amenity or aesthetics of the locality and streetscape;
- (c) do not adversely impact on the prevailing or intended character of the locality;
- (d) if located on the same lot as a dwelling, is subservient in scale and bulk to the dwelling; and
- (e) where for a shipping container or railway carriage, do not create visual clutter.

## 3.2 Carports within the road frontage setback

Carports located within a road frontage setback: -

- (a) do not have an extremely adverse impact on the dwelling's presentation to the street;
- (b) do not have an extreme adverse impact on the prevailing or intended character of the streetscape;
- (c) are not the dominant built form on the site as seen from the street;
- (d) will not increase the risk to the public by reducing sight lines of vehicles manoeuvring on and off the site; and
- (e) where within a Neighbourhood character area, is sited behind the front building line.

## 3.3 Removal or rebuilding of a building or structure

- (a) Removal of a building or structure is undertaken in a safe and environmentally responsible manner with the resulting site left in a clear and orderly state. The following standard conditions will be imposed on approval: -
  - (i) All debris including any remaining stumps, foundations, plumbing fixtures and wastewater treatment systems are removed from the site.
  - (ii) The ground surface is returned to a level state and does not contain trip hazards or excavations likely to be a safety risk.
  - (iii) The site is capable of being practically maintained to avoid overgrown allotments.

These conditions may be modified, or specific conditions included as considered necessary by Council as Referral Agency.

- (b) Rebuilding of a building or structure: -
  - (i) 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;
  - (ii) ensures that the amenity of the surrounding area is protected through completion of the external renovations in a timely manner;
  - (iii) does not result in any nuisance in regard to reflectivity of building materials; and
  - (iv) is consistent with the character and amenity outcomes sought in the relevant Zone, Overlay, or Local plan codes of the Planning Scheme.

The following standard conditions will be imposed on approval: -

- (i) Complete all external works associated with the relocated dwelling within 12 months from the date of the development approval, or as otherwise approved in writing by the Referral Agency.
- (ii) Replace or make good all exterior wall cladding material so as to be free of any visible or performance related defects.
- (iii) Complete 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.
- (iv) Replace or make good all roof cladding materials so as to be free of any visible or performance related defects including rust, flaking paint or broken tiles.
- (v) Provide a copy of Form 21 Final Certificate/s covering all building works carried out under this approval to ensure that the dwelling is fully compliant with the *Building Act 1975* including, but not limited to the following works: -
  - Relocation and restumping of dwelling including all foundations; and
  - Frame, bracing and tie down whether new, or required for upgrade; and
  - Any new works whether renovations, additions, or other to bring the structure up to required NCC Classification compliance.

These conditions may be modified, or specific conditions included as considered necessary by Council as Referral Agency.

- (c) In relation to Council's security assessment for building work for removal or rebuilding pursuant to Schedule 9, Part 3, Division 2, Tables 7 of the Planning Regulation 2017, applicants will not be required to provide a security bond. Non-compliance with conditions of Council's referral agency response will be enforced through Council's development compliance functions.

## DEFINITIONS

**Council** means Bundaberg Regional Council.

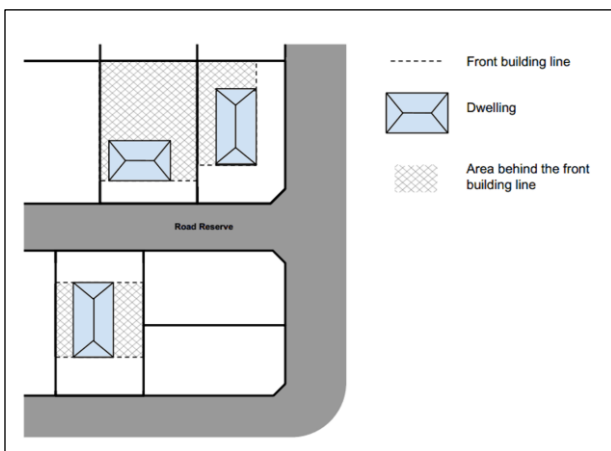
**building height** see the QDC Parts 1.1 and 1.2.

**class 1a building** means a single dwelling being a detached house; or one of a group of attached dwellings being a townhouse, row house or the like.

**domestic outbuilding** see the Planning Regulation.

**dwelling** see the Planning Regulation.

**front building line** means a line drawn parallel to the road reserve boundary, from the front facing outermost projection of the Dwelling to the side boundaries – see figure below.



**height** see 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.

**neighbourhood character area** means a Neighbourhood character area identified in a Planning Scheme overlay.

**outermost projection** see the QDC Parts 1.1 and 1.2.

**QDC** means Queensland Development Code.

**planning scheme** means the Bundaberg Regional Council Planning Scheme 2015.

**urban area** means an area identified as an area intended for an urban purpose, or for an urban purpose in the future, on a zoning map in the Planning Scheme.

## ASSOCIATED DOCUMENTS

- *Planning Act 2016*
- *Planning Regulation 2017*
- *Queensland Development Code MP 1.1 and MP 1.2*
- *Bundaberg Regional Council Planning Scheme 2015*

## DOCUMENT CONTROLS

Council will review this policy biennially or in response to changes in law or best practice.

## POLICY OWNER

General Manager Regional Growth and Development