

Amenity & Aesthetics - Impact of proposed building work

Head of Power

Local Government Act 2009
Local Government Act 2009
Sustainable Planning Act 2009
Sustainable Planning Regulation 2009
Building Act 1975

Objective

To identify building work that Council considers may have an extremely adverse effect on the amenity or character of the locality in which the work is proposed to be carried out.

Definitions

Building development permit means an approval or permit issued under the *Sustainable Planning Act 2009* by a building certifier allowing building work to be carried out lawfully.

Class 1 or Class 10 means the classification of a building or structure under the Building Code of Australia, determined by the purpose for which it is designed, constructed or adapted to be used.

Long term means a period of time exceeding thirty (30) days (i.e. consecutive or non-consecutive) except for where the subject building or structure is used in conjunction with the construction of a new dwelling on the same property, in which case a period of time exceeding ninety (90) days (i.e. consecutive or non-consecutive).

Natural ground surface means the ground level of the property on the day that the first plan of survey showing the property was registered.

Portable building means a prefabricated building which is designed and constructed for ease of relocation and includes a building made up of prefabricated modules. Examples of a portable building include a temporary construction or property sales office or mining accommodation building.

Removal building means a previously used building or structure proposed for relocation to another property.

Road boundary clearance means the minimum distance between a building or structure and the road boundary of a property, required by:

- (1) The acceptable solutions of a code under the planning schemes for Moreton Bay Regional Council; or
- (2) If (1) above does not apply, Parts MP 1.1 or MP 1.2 of the Queensland Development Code.

Site coverage that portion of a site covered by a building or other roofed structure but excluding roof overhangs of up to 600mm in width beyond the line of external walls or the line of external support columns. A roof in this context is any material which does not permit the passage of rainwater to the space directly below that material.

Solar collector means a photovoltaic solar panel or a solar hot water system.

Shade sail structure means a structure consisting of one or more flexible membranes, tensioned between anchorage points, for the primary purpose of providing shade.

Shipping container means a structure designed and fabricated primarily for use in the temporary storage and transportation of goods by road, rail or sea.

Thatched or shingled roof structure means a structure having a roof clad or covered with:

- straw, rushes, leaves or the like (e.g. Bali Hut); or
- timber shingles.

Application

The Moreton Bay Regional Council Planning Scheme (MBRC Planning Scheme) commenced on 1 February 2016 therefore this policy applies to works proposed under the MBRC Planning Scheme and for works to be considered under a superseded planning scheme being the former Caboolture *ShirePlan*, *PineRiversPlan* and Redcliffe City Planning Scheme.

For clarity:

- For works considered under the MBRC Planning Scheme sub-sections 1, 4, 5, 6, 7 and 8 apply.
- For works considered under a superseded planning scheme all sub-sections apply.

This policy applies to *Class 1* or *Class 10* buildings or structures proposed to be placed or constructed on a property within the Moreton Bay Regional Council area:-
(Italicised words are defined)

- (1) *A removal building.*
- (2) A garage, shed, carport or the like:
 - (a) having more than one storey; or
 - (b) located either wholly or partly within 6.0m of the road boundary of a property in the Caboolture district; or
 - (c) exceeding the following height limitations above the *natural ground surface* (n.b. excluding ornamental attachments and roof vents):
 - (i) 3.0m where located either wholly or partly within 6.0m of the road boundary of a property in the Redcliffe district;
 - (ii) 4.0m for land zoned: -
 - Residential A or Residential B under the planning scheme for the Caboolture district;
 - Low Density Residential, Mixed Residential or Medium Density Residential under the planning scheme for the Redcliffe district;
 - (iii) 5.0m for land zoned Rural and Rural Residential under the planning scheme for the Caboolture district.
- (3) For the Caboolture and Redcliffe districts, where the aggregate *site coverage* of existing and proposed garages, sheds, carports or the like on a property exceeds the following limitations: -

For a lot size:

 - (a) Less than 600m² – Maximum 50m²;
 - (b) 600m² to 1,999m² – Maximum 80m²;
 - (c) 2,000m² to 19,999m² – Maximum 150m²;
 - (d) 20,000m² or greater – No limit

Excludes garages and carports constructed to appear as an integral part of a dwelling (e.g. a single roof over the dwelling and garage parts of a building) and where the roof of a carport is attached directly to a dwelling (n.b. not attached via an ancillary structure such as a roofed walkway or pergola etc.).

- (4) *A portable building* for *long term* use having any of the following characteristics:

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- (a) A flat or skillion roof;
 - (b) Metal clad walls, either wholly or partly;
 - (c) A 'boxlike' shape.
- (5) A *shipping container* for *long term* use.
- (6) A railway vehicle (e.g. carriage, wagon).
- (7) The following buildings or structures located either wholly or partly within 1.5m of the side or rear boundary of a property, or within the *road boundary clearance* required for building work on a property:
- (a) *Thatched or shingled roof structure*;
 - (b) *Shade sail structure*;
- (8) A *solar collector* that is 'assessable development' under the *Building Act 1975*.

Policy Statement

For the purposes of exercising the powers available under Schedule 7 of the Sustainable Planning Regulation 2009, Council has resolved to declare that the forms of buildings and structures listed in the *Application Statement* of this policy may:

- (1) have an extremely adverse effect on the amenity or likely amenity of one or more localities within the Moreton Bay Regional Council area; or
- (2) be in extreme conflict with the character of one or more localities within the Moreton Bay Regional Council area.

In accordance with the *Sustainable Planning Act 2009*, for buildings and structures listed in the *Application Statement* of this policy, a 'concurrence agency response' must be obtained from Council prior to a decision being made in relation to any application for a *building development permit*. Applicants need to be aware that a positive response from Council, to an application triggered by this policy, is not a building development permit and does not allow building work to commence.

For a *removal building*, security must be lodged with and verified by Council prior to the issue of a *building development permit* (Refer to separate policy entitled 'Security for building work').

The requirements of this policy are additional to all other requirements applying to building work under the *Building Act 1975*, *Building Code of Australia*, *Queensland Development Code*, Council's local planning instruments and all other applicable referral agency triggers under the Sustainable Planning Regulation 2009.

Every application for consideration under this policy must include: -

- (1) a completed application form entitled 'Amenity and Aesthetics Assessment and/or Design and Siting Assessment - application';
- (2) sufficient information, in the opinion of the relevant department manager, to properly assess the application; and
- (3) the payment of fees in accordance with Council's schedule of fees and charges.

Related Documents

This Policy complements and is to be implemented in conjunction with other Council policies, directives and relevant documents published by other agencies including, but not limited to:

- 2150-077 Policy: Security for Building Work
- Application Form "Amenity and aesthetics assessment and/or Design and siting assessment"

Review and evaluation

This policy will be reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents.

A review of this policy will occur by June 2022.

Responsibility

This policy is to be:

- (1) implemented by the Manager Development Services; and
- (2) reviewed and amended in accordance with the "Review Triggers" by the Director Planning.

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