Policy Title:	**AMENITY AND AESTHETICS CONSIDERATIONS FOR DEVELOPMENT (AMENITY AND AESTHETIC IMPACT OF PARTICULAR BUILDING WORK)**
Policy Subject:	Planning
Policy No:	#2083668v3
Directorate:	Community & Development Services
Department:	Planning
Section:	Strategic Planning
Responsible Officer:	Executive Manager - Strategic Planning
Authorised by:	Director Community & Development Services
Adopted Date:	12/10/2011
Review Date:	15/02/2013
Amended Date:	15/02/2012

1.0 OBJECTIVE:

The objective of the proposed policy is to ensure that the following development for Class 10a buildings are assessed against appropriate provisions and complement the existing built environment:

- Class 10a buildings that are identified as 'Development that cannot be declared to be development of a particular type' by Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009;
- Class 10a buildings that exceed the stipulated maximum combined total use area for Class 10a buildings (excluding decks, patios, pergolas, verandahs and gazebos) on premises identified in the Hervey Bay City Planning Scheme 2006; and
- Class 10a buildings that do not meet specified acceptable solutions on premises identified in the Woocoo Shire Planning Scheme.

The policy, in concert with Council's resolution of 15 February 2012 that under the provisions of Schedule 7, Table 1, Item 17 that such development, where it does not comply with one or more of the Acceptable Solutions in Table 1.0 of this policy, where it exceeds the stipulated maximum combined total use area for Class 10a buildings, may:

(i) have an extremely adverse effect on the amenity, or likely amenity of the locality; or

(ii) be in extreme conflict with the character of the locality,

will enable Council to discharge its jurisdiction as a concurrence agency under the *Sustainable Planning Act 2009* and Regulations for such matters.

2.0 POLICY:

2.1 Intent

In accordance with Schedule 7, Table 1, Item 17 (Amenity and aesthetic impact of particular building work) of the *Sustainable Planning Regulation* 2009, Council on 15 February 2012 resolved that:

(a) building works for Class 10a buildings that are identified as 'Development that cannot be declared to be development of a particular type' by Schedule 4, Table 2, Item 2 and do not comply with one or more of the Acceptable Solutions in Table 1.0 of the Amenity and Aesthetics Considerations for development (Amenity and Aesthetic Impact of Particular Building Work) Council Policy may have an extremely adverse effect on the amenity, or likely amenity of the locality or be in extreme conflict with the character of the locality;

(b) Building works for Class 10a buildings on premises identified in the Woocoo Shire Planning Scheme which do not comply with one or more of the Acceptable Solutions in Table 1.0 of the Amenity and Aesthetics Considerations for development (Amenity and Aesthetic Impact of Particular Building Work) Council Policy may have an extremely adverse effect on the amenity, or likely amenity of the locality or be in extreme conflict with the character of the locality;

(c) building works for Class 10a buildings (excluding decks, patios, pergolas, verandahs and gazebos) on premises identified in the Hervey Bay City Planning Scheme 2006 where the total use area exceeds:

(i) where the lot is less than 600m^2- 54m^2;
(ii) where the lot is 600m^2 to less than 1000m2- 70m^2;
(iii) where the lot is 1000m^2 to less than 2000m2- 90m^2;
(iv) where the lot is 2000m^2 t less than 2ha- 110m^2; or
(v) where the lot is 2ha or more- 200m^2

may have an extremely adverse effect on the amenity, or likely amenity of the locality or be in extreme conflict with the character of the locality.

As such, Council will be triggered as a concurrence agency for such building works applications.

2.2 Applicability

2.2.1 Building works for Class 10a buildings that are identified as 'Development that cannot be declared to be development of a particular type' by Schedule 4, Table 2, Item 2 and do not comply with one or more the Acceptable Solutions in Table 1.0 of the Amenity and Aesthetics Considerations for development (Amenity and Aesthetic Impact of Particular Building Work) Council Policy.

The policy is applicable to applications for building work for Class 10a buildings identified as 'Development that cannot be declared to be development of a particular type' by Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009 (form) in the following locality:

- Premises identified in the Tiaro Shire Planning Scheme, where no overlay, as identified in the Planning Scheme and relevant to the assessment of the material change of use, applies to the premises, or only an overlay about bushfire hazards applies to the premises and the premises are less than 2000m^2..

To be clear, **Council will be a concurrence agency** in accordance with Schedule 7, Table 1, Item 17 of the *Sustainable Planning Regulation* 2009 for applications for building work for Class 10a buildings that are identified as 'Development that cannot be declared to be development of a particular type' by Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009 in the above locality **where such applications do not comply with one or more of the acceptable solutions specified in Table 1.0 of this policy**. No referral is required in instances where the acceptable solutions are met.

Relevant Overlays

The following overlays are <u>not</u> considered to be relevant to the assessment of a material change of use for residential purposes having regard to Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009. In these instances, the overlay is not considered to apply to a premises:

For Class 10a buildings:

<u>Tiaro Planning Scheme</u>

- Natural Hazards Overlay- where

  (a) the site is not located on land below 5mAHD as shown on Map OM5 subject to tidal surges and floods;

  (b) the land is not on or within 100m of land with a gradient of 1:8 or greater;

  (c) the land is located at or below 5mAHD as shown on OM5 and the development does not involve excavating 100m^3 or more of material or filling land with 500m^3 or more of material with an average depth of 0.5m or more; and/or

  (d) the land is located on land above 5mAHD but below 20mAHD as shown on OM5 and the development does not involve excavating 100m^3 or more of material at or below 5mAHD.

All other Scheme overlays applicable to subject premises (including the overlays mentioned above where the highlighted criteria are not met) are considered to be relevant overlays for the purposes of Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009.

<u>Hervey Bay City Planning Scheme, Maryborough City Plan and Planning Scheme for the Shire of Woocoo</u>

There are no overlays considered to be relevant to the assessment of a material change of use for Class 10a buildings for the purposes of Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009.

Class 1a buildings:

<u>All Scheme areas</u>

There are no overlays considered to be relevant to the assessment of a material change of use for Class 1a buildings for the purposes of Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation* 2009.

2.2.2 Building works for Class 10a buildings in the former local government area of Woocoo Shire where the development does not comply with one or more of the Acceptable Solutions in Table 1.0 of this policy.

This policy is applicable to applications for building work for Class 10a buildings on premises identified in the Planning Scheme for the Shire of Woocoo (the locality), where one or more of the acceptable solutions in Table 1.0 of this policy are not complied with. To be clear, no referral is required when all of the acceptable solutions specified are complied with. Where referral is required and Council is a concurrence agency, the assessment criteria is the performance criteria that relates to the acceptable solution/s that have not been complied with.

Developers should ensure that they check the relevant provisions of the Planning Scheme relating to Detached Dwellings for any other applications that may be required.

2.2.3 Building works for Class 10a buildings (excluding decks, patios, pergolas, verandahs and gazebos) **on premises identified in the Hervey Bay City Planning Scheme 2006 where the combined total use area exceeds:**

(i) where the lot is less than 600m^2- 54m^2;
(ii) where the lot is 600m^2 to less than 1000m^2- 70m^2;
(iii) where the lot is 1000m^2 to less than 2000m^2- 90m^2;
(iv) where the lot is 2000m^2 to less than 2ha- 110m^2; or
(v) where the lot is 2ha or more- 200m^2.

This policy is applicable to applications for building work for Class 10a buildings (excluding decks, patios, pergolas, verandahs and gazebos)on premises identified in the Hervey Bay City Planning Scheme 2006 (the locality), where the combined total use area of Class 10a buildings exceeds:

(i) where the lot is less than 600m^2- 54m^2;
(ii) where the lot is 600m^2 to less than 1000m^2- 70m^2;
(iii) where the lot is 1000m^2 to less than 2000m^2- 90m^2;
(iv) where the lot is 2000m^2 to less than 2ha- 110m^2; or
(v) where the lot is 2ha or more- 200m^2

Only PC8 is relevant to the concurrence agency assessment of these applications.

Developers should ensure that they check the relevant provisions of the Planning Scheme relating to Detached Dwellings for any other applications that may be required.

2.3 Assessment Controls

The following tables identify the specific amenity and aesthetics provisions that applications will be assessed against.

Please note that for applications for Class 10a buildings in the former local government area of Hervey Bay City, only PC8 applies.

TABLE 1.0 CLASS 10a BUILDINGS UNDER THE BUILDING CODE OF AUSTRALIA (BCA) (EXAMPLES INCLUDE CARPORTS AND SHEDS)

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION/S
Design and Siting	
PC1 The height of a building is not to unduly – (a) overshadow adjoining Detached dwellings; and (b) obstruct the outlook from adjoining lots; and (c) dominate the intended streetscape character.	**AS1.1** For a Class 10a building, regardless of slope, the maximum height is 4.5m and 3.6m to the eaves.
PC2 *As per QDC MP 1.1, P6 and MP 1.2, P6- Building maintenance.*	**AS2.1** *As per QDC MP1.1, A6 and MP 1.2, A6.*
PC3 As per QDC MP 1.1, P7 and MP 1.2, P7- Structures on corner sites.	**AS3.1** *As per QDC MP 1.1, A7 and MP 1.2, A7.*
PC4 Buildings are located so as not to interfere with natural stormwater flows.	**AS4.1** The building location and site access is not located in an overland flow path.
PC5 Development must not reduce the flood storage capacity of the creek or waterway.	**AS5.1** No filling occurs below the 1% AEP flood level.
PC6 Filling or excavation does not result in the contamination of land.	**AS6.1** The fill material is solid clean earth, free of putrid or refuse material or acid sulphate soils.
PC7 Class 10a buildings are ancillary to an existing or approved Detached dwelling.	**AS7.1** Class 10a buildings are co-located with an existing or approved Detached dwelling.
PC8 Buildings have the appearance and bulk of a Detached dwelling with ancillary outbuildings.	**AS8.1** The combined total use area for Class 10a buildings (excluding decks, patios, pergolas, verandahs and gazebos) are: (A) Where the Lot is less than 600m^2- up to 54m^2 (B) Where the Lot is 600m^2 to less than 1000m^2- up to 70m^2 (C) Where the Lot is 1000m^2 to less than 2000m^2- up to 90m^2 (D Where the Lot is 2000m^2 to less than 2ha- up to 110m^2 (E) Where the lot is 2ha or more- up to 200m^2.

3.0 EFFECTIVE FROM

This policy is effective from the date of Council's resolution to amend the policy, being 15 February 2012.

4.0 RELATED LEGISLATION:

Sustainable Planning Act 2009 and *Sustainable Planning Regulation* 2009.

Note: A separate policy exists for removal dwellings and existing or proposed buildings originally designed or constructed as a non-habitable building that is intended to be upgraded and fitted out to be used as a single detached dwelling, for example. Please contact Council's Building Services Department for further advice in this regard.

5.0 HISTORY:

Previous Policy superseded 15 February 2012.

This policy has been amended to reflect outcomes sought to further streamline development assessment processes as part of the DA Process Improvement Project. It also removes the applicability of the Policy to Rural Residential zoned land in Local Area 1 of the Maryborough City Plan and seeks to clarify the 'relevant overlays' having regard to Council's role as a Concurrence Agency for development that cannot be made development of a particular type under schedule 4 of the *Sustainable Planning Regulation* 2009.

Previous Policy superseded 7 December 2011.

The Policy has been amended to reflect the content of Building Newsflash 453 that specifies that domestic patios, verandahs, shade structures, decks and similar structures should be classified as class 10a buildings, provided they are not fully enclosed, or provided with opening partitions or doors or windows or sashes or the like that can enclose the area. As the reference to combined use area of Class 10a buildings was not intended to include these building types, which are usually attached to a house and used intermittently for domestic recreational purposes, the reference to such buildings has been amended to clarify the intent.

Previous Policy superseded 12 October 2011.

This Policy supersedes that adopted by Council at its Planning and Development Committee Meeting on 8 December 2010. It alters the policy to reflect amendments to the Hervey Bay City Planning Scheme and reflects changes to Council's resolution to specify that Council will only be triggered as a concurrence agency where the acceptable solutions of the policy are not met. It also reflects the resolution pertaining to the combined total use area of Class 10a buildings in the former Hervey Bay City Council local government area. Table 1 has also been amended to provide for consistency with the provisions of the Hervey Bay Planning Scheme.

Previous Policy superseded 8 December 2010.

This policy supersedes that adopted by Council at its Planning and Development Committee Meeting No. 4 on 12 May 2010. It differs from previous policy in that the list of overlays not considered to be relevant to the assessment of a material change of use for residential purposes has been expanded, widening the application of the policy and further minimising the need for planning applications pertaining to Class 10 buildings or structures. The exclusion of overlays or overlay provisions relating to bushfire from those considered 'relevant' is reflective of the Building Code of Australia addressing matters associated with constructing a building in a bushfire zone.

Further, the combined total use area of outbuildings on allotments between 600m^2 and less than 650m^2 has been increased from up to 40m^2 to up to 70m^2.

Previous Policy repealed 12 May 2010.

This policy supersedes that adopted by Council at its Planning and Development Committee Meeting No. 1 on 10 February 2010 and is reflective of amendments made to the *Sustainable Planning Regulation* 2009, which became effective on 26 March 2010. Policy amendments reflect that there there is currently no Council resolution to apply the provisions contained in Schedule 4 of the Regulation to attached duplexes and the amendment of the Schedule in relation to 'relevant' overlays.

As Council has not resolved under Schedule 4, Table 2, Item 2(f) that the *Sustainable Planning Regulation* 2009 applies to class 1(a)(ii) buildings comprising not more than 2 attached dwellings (attached duplexes), attached duplexes are not exempt from assessment against planning schemes as of 26 March 2010, when the amended *Sustainable Planning Regulation* 2009 came into effect.

The previous Amenity and Aesthetics Policy applied to Class 1(a)(i) buildings. Please note that the current policy does not apply to this class of building and that Council is now triggered as a concurrence agency for Class 1(a)(i) buildings under Schedule 7, Table 1, item 26 if any material change of use associated with the building work is for a residential purpose in a residential zone and would have required a development permit if schedule 4, table 2, item 2 did not apply for the use.