

# Adopted Amenity and Aesthetics Resolution

## 22 February 2023

In order to achieve regulatory efficiency and streamline processes, dwelling houses (which include outbuildings) are exempt development in the Residential Living, Residential Choice, Tourist Accommodation (Precinct A on Plan of Development No. 1/90 of the development approval for Rainbow Shores), Specialised Centre (Gympie Medical Precinct), Industry Investigation (if at Kybong), Rural Residential, Township, Rural, and in some instances, Limited Development (Constrained Land) zones of the Gympie Regional Council Planning Scheme 2013.

The Amenity and Aesthetics Resolution has been adopted to ensure that, in line with community expectations, Council retains regulatory control over building work which may have an extremely adverse effect on the amenity, or likely amenity of the locality, or is in extreme conflict with the character of the locality in which it is proposed.

For the purposes of section (4), Tables 1 and 2, the following should be noted:

1. Street Frontage Setback/s and Side/Rear Boundary Setback/s refer to the minimum setback.
2. Precinct A of the Tourist Accommodation Zone refers to Precinct A on Plan of Development No. 1/90 of the development approval for Rainbow Shores.

Some common terms used in the Resolution are defined below.

Term	Definition
Basement	A space that is situated between one floor level and the floor level next below where no part of the space projects more than one metre above ground level.
Ground Level	The level of the natural ground, or, where the level of the natural ground has been changed, the level as lawfully changed. The level as lawfully changed is defined as a change made to the level of the natural ground permitted under a previous Development Permit.
Outermost Projection	The outermost projection of any part of a building or structure including, in the case of a roof, the outside face of the fascia, or the roof structure where there is no fascia, or attached sunhoods or the like, but does not include retractable blinds, fixed screens, rainwater fittings, or ornamental attachments.
Primary Street	Means: <ul style="list-style-type: none"> <li>• where a lot is vacant, the frontage most commonly addressed by other buildings in the block as the front of the lot; or</li> <li>• where a lot is not vacant, the frontage to which the front of the existing building addresses the street.</li> </ul>
Secondary Street	Other than the primary street frontage, any other frontage of a lot that abuts a street or road reserve, whether formed or unformed.
Setback	For a building or structure, the shortest distance measured horizontally from the outer most projection of a building or structure to the vertical projection of the lot.
Storey	A space that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but not a space that contains only: <ul style="list-style-type: none"> <li>(a) a lift shaft, stairway or meter room</li> <li>(b) a bathroom, shower room, laundry, water closet, or other sanitary compartment</li> <li>(c) a combination of the above.</li> </ul> A mezzanine is a storey. A roofed structure on or part of a rooftop that does not solely accommodate building plant and equipment is a storey. A basement is not a storey.

This resolution is made in accordance with Schedule 9 Division 2 Table 1 of the *Planning Regulation 2017* (PR) where building work for a building or structure 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.

## (1) Intent

The intent of this resolution is to ensure an aesthetically pleasing environment is maintained in cases where development, including a dwelling house (Class 1) or a domestic building or structure (Class 10), is exempt under the Planning Scheme and may have an adverse effect on the amenity or the future amenity of the neighbourhood in which the proposed building is to be erected.

## (2) Application to local government areas

All applications for building work within the Gympie Regional Council Local Government Area identified in section (4) below, whether lodged with Gympie Regional Council or a private building certifier, will require referral to Council as a concurrence agency prior to any development application for building work being determined by a building certifier.

*Note:*

*This referral process is a mandatory legislative provision and must be undertaken during the assessment of the development application for building work.*

*Once an assessment has been undertaken, Council will issue a response. The response shall be that either:*

- *the proposal is supported without conditions; or*
- *the proposal is supported subject to certain conditions and these conditions must be included in the development permit for building work; or*
- *the proposal is not supported, in which case the private building certifier will be instructed to refuse the development application for building work.*

The building certifier cannot issue a decision in respect of the development application for building work until such time as the response from Council has been received.

The relevant fee is set out in Council's Fees and Charges Schedule.

## (3) When resolution has effect

This resolution has effect on and from 22 February 2023.

## (4) Category of building work

If the proposed building work does not meet the specific provisions contained in this section, then the proposal must be referred to Council to undertake an assessment against the performance criteria contained in section (5).

(a) a class 1 building which does not meet the following criteria:

**Table 1 – Class 1**

Zone	Street Frontage Setback/s	Side/Rear Boundary Setback/s	Height Above Ground Level
Residential Living	Primary street – 6m Secondary street – 4.5m	Ground level – 1.5m Above ground level – 2m	Two storeys with a maximum of 8.5m in building height above ground level
Residential Choice	Primary street – 6m Secondary street – 4.5m	Ground level – 1.5m Above ground level – 2m	Two storeys with a maximum of 8.5m in building height above ground level
Township	No closer than any building on adjoining sites otherwise 6m	Ground level – 1.5m Above ground level – 2m	Two storeys with a maximum of 8.5m in building height above ground level
Rural Residential	10m	6m	Two storeys with a maximum of 8.5m in building height above ground level
Industry Investigation if at Kybong	15m	10m	Two storeys with a maximum of 8.5m in building height above ground level
Limited Development (Constrained Land) <i>Note: Only applies to minor works that do not constitute a Material Change of Use (MCU). Where a MCU is occurring, refer to the Gympie Regional Council Planning Scheme.</i>	15m	10m	Two storeys with a maximum of 8.5m in building height above ground level
Rural	15m	10m	Two storeys with a maximum of 8.5m in building height above ground level
Specialised Centre (Gympie Medical Precinct)	Primary street – 6m Secondary street – 4.5m	Ground level – 1.5m Above ground level – 2m	Two storeys with a maximum of 8.5m in building height above ground level
Tourist Accommodation: Precinct A	Primary street – 6m Secondary street – 4.5m	Ground level – 1.5m Above ground level – 2m	Two storeys with a maximum of 8.5m in building height above ground level
Other	Refer Queensland Development Code**	Refer Queensland Development Code**	Two storeys with a maximum of 8.5m in building height above ground level

\*\*The Queensland Development Code can be accessed online [athpw.qld.gov.au/construction/BuildingPlumbing/Building/BuildingLawsCodes/QueenslandDevelopmentCode/Pages/default.aspx](http://athpw.qld.gov.au/construction/BuildingPlumbing/Building/BuildingLawsCodes/QueenslandDevelopmentCode/Pages/default.aspx).

(b) building work does not include the removal, relocation, or lifting/raising of a building including:

- lifting (or raising the floor level) of any existing building, whether in the same position or moving to an alternate location within the same lot; or
- the repositioning of any building (including orientation change) within the same lot; or
- the relocation of any building from one site to another within the Gympie Regional Council local government area; or

- the relocation of any building from outside the Gympie Regional Council local government area to a site within the Gympie Regional Council local government area.

To remove any doubt, the above items relating to the relocation of any building do not apply to new buildings (previously unused) that have been manufactured or assembled in a factory or similar circumstance, and are transported to their initial site for use as a Class 1 building.

(c) building work does not include any building, whether existing or proposed, that will be classified (or re-classified) a Class 1 building and is of a 'steel kit garage/shed' or prefabricated kit construction or similar (including transportable 'site' sheds/ offices or the like) and clad with metal sheeting (or similar).

(d) a Class 10 building which does not meet the following criteria:

**Table 2 – Class 10**

Lot Size	Maximum Combined Class 10a Area*	Street Frontage Setback/s	Side/Rear Boundary Setback/s	Height Above Ground Level
Up to 600m <sup>2</sup>	36m <sup>2</sup>	Primary – 6m Secondary – 4.5m	Refer Queensland Development Code** (refer pg. 6)	3.5m
601m <sup>2</sup> up to 1000m <sup>2</sup>	54m <sup>2</sup>	Primary – 6m Secondary – 4.5m	Refer Queensland Development Code** (refer pg. 6)	4m
1001m <sup>2</sup> up to 2000m <sup>2</sup>	100m <sup>2</sup>	Industry Investigation zone if at Kybong – 15m Rural zone – 15m Rural Residential zone – 10m Any other zone – 6m	1.5m	5m
2001m <sup>2</sup> up to 4000m <sup>2</sup>	100m <sup>2</sup>	Industry Investigation zone if at Kybong – 15m Rural zone – 15m Rural Residential zone – 10m Any other zone – 6m	3m	5m
4001m <sup>2</sup> up to 10,000m <sup>2</sup>	120m <sup>2</sup>	Industry Investigation zone if at Kybong – 15m Rural zone – 15m Rural Residential zone – 10m Any other zone – 10m	3m	5m
10,001m <sup>2</sup> up to 20,000m <sup>2</sup>	150m <sup>2</sup>	Industry Investigation zone if at Kybong – 15m Rural zone – 15m Rural Residential zone – 10m Any other zone – 10m	6m	5m
20,001m <sup>2</sup> up to 40,000m <sup>2</sup>	200m <sup>2</sup>	15m	6m	Refer Queensland Development Code**
40,001m <sup>2</sup> and above	No Limit	15m	10m	Refer Queensland Development Code**

\*Does include: the area of any Class 10a roofed deck, patio, entertaining area, pergola, gazebo, whether walled or not, that is stand-alone/separated from the Class 1a dwelling, and any Class 10a carport, shed, whether walled or not, whether attached to an existing Class 1a dwelling or freestanding, over an entire allotment. Does not include the area of any attached garage or attached carport that was constructed under the same approval for a Class 1a dwelling and has a Class 1a classification on that permit; or any Class 10a roofed deck, patio, entertaining area, verandah or pergola that is attached to the Class 1a dwelling. \*\*The Queensland Development Code can be accessed online at <http://www.qld.gov.au/construction/BuildingPlumbing/Building/buildingLawsCodes/QueenslandDevelopmentCode/Pages/default.aspx>.

- (e) building work does not include shipping containers, railway carriages and the like, other than a temporary site office, on a lot.

## (5) Assessment provisions

Council, as a concurrence agency, will determine the suitability of the proposed building or structure and where necessary provide reasonable and relevant conditions with regard to the amenity and aesthetic provisions identified below.

**Table 3 – Assessment Criteria**

Performance Criteria	
Class 1a (including lifting/raising, relocation and resiting dwelling houses, or the reclassification of Class 10 buildings).	
PC1	Dwelling houses are of a size, bulk and form that is in keeping with the character of the area.
PC2	The location of the dwelling house provides for an acceptable streetscape and does not adversely impact upon the amenity of neighbouring properties.  <i>Note: Council will give consideration to increasing the maximum height above ground level beyond the 8.5m limit where works improve flood immunity for habitable rooms.</i>
PC3	Lifting, raising, resiting or relocating a dwelling house does not have an adverse impact on the amenity of the area for an extended period of time and has a reasonable standard of construction.  <i>Note: In accordance with Schedule 9 Division 2 Table 7 of the PR, Council may set a security bond, of no more than the value of the building work, for the performance of the work.</i>
Class 10 (Garages, Carports, Sheds and other structures)	
PC5	Buildings or structures are of a size, bulk and form that is in keeping with the character of the area.
PC6	The location of the building or structure provides for an acceptable streetscape and does not adversely impact upon the amenity of neighbouring properties.
PC7	Buildings or structures are designed and sited to visually integrate with the dwelling house and avoid dominating the street by minimising the: <ul style="list-style-type: none"> <li>(i) width of the structure; and</li> <li>(ii) projection of the structure forward of the main face of the dwelling house.</li> </ul>
Railway carriages, shipping containers and the like	
PC8	Railway carriages, shipping containers and the like do not detract from the visual character of the area and are sited behind an existing dwelling house on the land.

## (6) Dictionary

Unless otherwise defined in this document, words and terms used in this resolution have the meaning given in the *Planning Act 2016*, the *Planning Regulation 2017* or the *Building Act 1975*.

### **Queensland Development Code\*\* Guidance**

0m2 up to 1000m2 – side and rear boundary setbacks – normally 1.5m but if a shed and carport it can be built to boundary if:

- Walls are no higher than 3.5 m;
- Total height to apex is no higher than 4.5m;
- No Longer than 9 m along the boundary;
- And the edge of the structure is at least 1.5m from neighbour's window