AMENITY AND AESTHETICS REFERRAL POLICY

1. Scope

The Amenity and Aesthetics Referral Policy (this Policy) applies to certain Class 1 and Class 10 buildings or structures that are considered to have significant adverse impacts on local amenity or character.

2. Purpose

The purpose of this Policy is to enable Council to regulate specific types of Class 1 and Class 10 buildings or structures that may negatively impact local amenity or character by requiring additional assessment before approval.

3. References (legislation/related documents)

Legislative reference

Building Act 1975
Building Code of Australia
Livingstone Shire Council's local planning instruments and all other applicable referral agency triggers under the *Planning Regulation 2017*
Planning Act 2016
Planning Regulation 2017
Queensland Development Code

4. Definitions

To assist in interpretation, the following definitions shall apply:

Aesthetics	Refers to the visual appeal, beauty, and design character of a proposed structure, specifically evaluated to ensure it complements or enhances the surrounding locality.
Amenity	Features, facilities, services or conveniences that enhance the overall attractiveness of a location and make it a place more comfortable, pleasant or enjoyable.
Class 1 buildings	Detached houses and townhouses.
Class 10 buildings	Structures including garages, sheds and swimming pools.
Concurrence Agency	A type of referral agency within the development assessment process that has the power to direct an assessment manager (usually the local council) to impose specific conditions on a development approval or to refuse a development application entirely.
Council	Livingstone Shire Council
Referral Agency	A state department or authority that assesses specific development applications that impact state interests.

5. Policy Statement

For the purposes of exercising the powers available under Schedule 9 of the *Planning Regulation 2017*, Council has resolved to declare that certain types of Class 1 or Class 10 buildings and structures in a certain locality, and of a certain form, may:

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

(b) be in extreme conflict with the character of the locality.

For buildings and structures listed in **Table 1** below, a concurrence agency response must be obtained from Council prior to obtaining a Development Permit for Building Work, unless identified as a 'Referral Exception'.

Council's assessment of these buildings and structures is to be undertaken in accordance with the Amenity & Aesthetics Assessment Provisions under **Schedule 1** of this Policy. The assessment provisions apply in addition to all other requirements applicable 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 *Planning Regulation 2017*.

Table 1: Referral Items, Referral Provisions and Referral Exceptions

<table>
<tr><th></th><th>Referral Item*</th><th>Referral Provision</th><th>Referral Exception</th></tr>
<tr><td>1</td><td>Class 10 buildings or structures exceeding certain dimensions</td><td>The construction, placement or extension of a Class 10 building or structure on a property* which exceeds one or more of the measurements below for that property* size:
<table>
<tr><th>Land Area (m^2)</th><th>Building Volume (%)</th><th>Apex Height</th></tr>
<tr><td>0 – 2,999</td><td>3</td><td>Height of the dwelling house (if present); or 5m</td></tr>
</table>
<table>
<tr><th>Land Area (m2)</th><th>Plan Area ($m^{2)}$)</th><th>Wall Height</th><th>Apex Height</th></tr>
<tr><td>3,000 - 20,000</td><td>120</td><td>3.6m</td><td>5.2m</td></tr>
<tr><td>Over 20,000</td><td>300</td><td>4.2m</td><td>6.0m</td></tr>
</table></td><td>A separate or concurrent application that incorporates the proposed building or structure has a valid development approval issued under Council's planning scheme or a superseded planning scheme
OR
A Class 10 building or structure constructed as an integral part of an accommodation activity*
OR
A garage or carport with a roof attached directly to an existing dwelling (or other primary use building)</td></tr>
</table>

2	Garages, carports or sheds within the prescribed road boundary setback	More than one garage, carport or shed located within the prescribed road boundary setback OR Any garage, carport or shed (or part thereof) located within the prescribed road boundary setback having a width dimension greater than 7.0m	A separate or concurrent application that incorporates the proposed building or structure has a valid development approval issued under Council's planning scheme or a superseded planning scheme OR A concurrence agency response for a variation to the Building Assessment Provisions is otherwise required from Council
3	Certain Class 1 and 10 buildings or structures on vacant land	The construction or placement of a prefabricated kit building or structure on vacant land, regardless of proposed use of the building or structure.	A separate or concurrent application that incorporates the proposed building or structure has a valid development approval issued under Council's planning scheme or a superseded planning scheme OR A concurrence agency response for a variation to the Building Assessment Provisions is otherwise required from Council
4	Transportable buildings, or structures	The construction or placement of a transportable building or structure, including shipping container, railway carriage, wagon, demountable, or converted vehicle (eg caravan, RV, trailer) or similar on or abutting land used or intended to be used for an accommodation activity*.	A concurrence agency response for a variation to the Building Assessment Provisions is otherwise required from Council
A DECISION MADE UNDER THIS POLICY DOES NOT CONSTITUTE A DEVELOPMENT PERMIT FOR BUILDING WORK AND DOES NOT ALLOW BUILDING WORK TO COMMENCE ON THE PROPERTY.			

**Note: Under this Policy:*

- *The 'Referral Item' includes any existing building or structure relocated from elsewhere within or outside the Livingstone Shire Local Government Area or relocated to a different location on the same property.*

- *Any reference to 'property' includes contiguous land parcels under the same landholding or ownership.*
- *Any reference to 'accommodation activity' means 'accommodation activity' as defined in Schedule 24 of the* Planning Regulation 2017, *with the exception of rural workers' accommodation or other non-resident workforce accommodation.*
- *Any reference to 'urban zone' means 'urban zone' as defined in Schedule 24 of the* Planning Regulation 2017.

6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time by the Council.

7. Repeals/Amendments

Version	Date	Action
1.0	06/10/2026	New Policy Adopted

THOMAS UPTON
CHIEF EXECUTIVE OFFICER

Schedule 1 – Amenity & Aesthetics Assessment Provisions

Where a proposal does not comply or cannot be conditioned to comply with the assessment provisions, alternate solutions may be considered where an equal or better outcome is achieved when considering amenity and aesthetics impacts upon the character of the area and neighbouring properties.

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1. Where in one of the following zones and on a lot exceeding 2 hectares:

- **Rural zone**
- **Rural residential zone**
- **Limited development zone**
- **Emerging community zone**

The building or structure is:

(A) not located within 50 metres of a public road; and

(B) not located within:

(i) 50 metres of an accommodation activity* on an adjoining property*; or

(ii) 20 metres of an accommodation activity* on an adjoining property*, where screened by vegetation or other external treatment (timber battening or the like) in keeping with the built form and character of the locality; and

2. Where in one of the following zones and / or on a lot of 2 hectares or less:

- **Township zone**
- **Low density residential zone**
- **Low medium density residential zone**
- **Medium density residential zone**
- **Rural zone**
- **Rural residential zone**
- **Limited development zone**
- **Emerging community zone**

The building or structure is:

(A) not located on a vacant lot; and

(B) limited to one building or structure per property*; and

(C) located behind an accommodation activity* (or other primary use building) on the same property*, and not visible from a public place; and

(D) screened from view of an accommodation activity* on an adjoining property* where screened by vegetation or other external treatment (timber battening or the like) in keeping with the built form and character of the locality; and

3. All zones

The building or structure:

(A) has a consistent painted appearance, is devoid of signage, visible rust and discolouration; and

(B) where not in an urban zone*, is finished in muted tones in keeping with the character of the locality and surrounding vegetation or other landscape features; or

(C) where in an urban zone*, is finished in a colour in keeping with the primary use building on the same property* or an adjoining urban zoned* property*, and

(D) is sited so as not to:

(i) obscure views and vistas from neighbouring properties; or

(ii) create reflection or glare to neighbouring properties, public roads or other public areas;

or

(iii) detract from the scenic amenity of a locality or obscure views and vistas where on or adjacent to a site identified under the Scenic amenity overlay of the *Livingstone Shire Planning Scheme 2018* as:

a. Scenic amenity area A or B;

b. Scenic transport route (including potential assessment area);

c. Green break;

d. Coastline foreshore;

e. Public viewer place; or

(iv) detract from, or otherwise impact on, the significance of a heritage place or 'potential assessment area' identified under the Heritage place overlay of the *Livingstone Shire Planning Scheme 2018*; and

(E) is not kept on the property for longer than 3 months in any calendar year where the building or structure is not intended to be permanent.