

Advisory notes

Design and siting of buildings and structures

Purpose of these notes

The design and siting of buildings and structures within the Gold Coast City Council area is regulated by a combination of the *Gold Coast Planning Scheme 2003* (Planning Scheme), and the siting requirements of Part 3 of the *Building Act 1975* (Building Act).

Council's jurisdiction is limited to its Concurrence Agency functions under Section 33 of the Building Act in relation to assessing whether the proposed building or structure complies with the quantifiable standards under the Planning Scheme in respect of boundary clearances and site cover. If the matter is one regarding an amenity and aesthetics assessment of building work, Council's jurisdiction is limited to its Concurrence Agency functions under Schedule 7, Table 1, Item 17 of the *Sustainable Planning Regulation 2009* and Council resolution.

All other statutory assessment functions must be carried out by the Assessment Manager (Private Building Certifier) in accordance with Section 48 of the Building Act.

Council, as a Referral Agency, is responsible for Self Assessable development only as designated by the Planning Scheme. It is the responsibility of the Assessment Manager (Private Building Certifier), to ensure that the proposal does not trigger a higher level of assessment under the provisions of the Planning Scheme.

The *Building Regulation 2006* in Part 3 nominates the *Queensland Development Code* (QDC), as setting out the standard siting requirements for buildings and structures, **except** where the Planning Scheme identifies an alternative siting provision. The specific design and siting provisions are set out in Element 1 – Design and Siting of Buildings

and Structures of the QDC Mandatory Provisions 1.1 and 1.2. A copy of these documents may be obtained from the Department of Infrastructure and Planning on www.dip.qld.gov.au.

Any building setback that requires a variation to the standard building regulations requires the approval of Council as a Referral (Concurrence) Agency by way of a formal "**Referral Agency Assessment Application**". Any requirement given by Council as a Referral Agency must be included in any Development Permit given by the Assessment Manager (Private Building Certifier).

These Advisory Notes set out the guidelines acceptable to Council having regard to its Planning Scheme and other relevant legislation for building setbacks and matters relating to a Class 1a(i) (single detached residential dwelling) and a Class 10a non-habitable building (garage, carport or shed). Council may however consider variations to matters contained within these Advisory Notes commensurate with the particular amenity, character and location of the development proposed.

A Referral Agency Assessment Application may be submitted either by the land owner or an authorised person such as a Private Building Certifier. However, contact will be made by Council officers only with the applicant as nominated on the application form.

Building setbacks and site coverage

Building setbacks

In an urban context, any building is to be set back a minimum of 6 metres from a front property boundary of the site and a minimum from a side and rear boundary as under:

- 1.5 metres from the fascia that is 4.5 metres or less above ground level
- 2 metres from the fascia that is greater than 4.5 metres but less than 7.5 metres above ground level, and
- 2 metres plus an additional 500 millimetres for every 3 metres or part thereof from the fascia that is greater than 7.5 metres above ground level

For rural, semi rural areas or land the subject of a Local Area Plan under the Planning Scheme, setbacks may vary.

The Planning Scheme may also contain a 'Plan of Development' for certain areas that designates other non standard setbacks and requirements to those of the Planning Scheme.

Information on how to search for a 'Plan of Development' may be obtained from Council's Town Planning Advice Centre on telephone (07) 5582 8708.

Site coverage

Site coverage includes that portion of the net site area covered by a building, fixed structure or outdoor storage area but excludes unroofed parking areas. For residential developments, this may exclude any basement that is less than 1 metre above ground level to the top of the slab as well as eaves up to 600 millimetres in width.

The maximum site coverage in an urban context is 50% but this may vary for development on rural, semi rural land or that covered by a Local Area Plan.

Carports and garages

The Planning Scheme and the QDC both have requirements for covered vehicle spaces such as carports and garages.

Whilst the minimum setback for an enclosed garage within the front property boundary is normally

6 metres, application may be made to Council for an open carport within this front setback area by way of a Referral Agency Assessment Application. Council may consider variations to the carport design on a case by case basis.

Any carport or garage is to be constructed using materials with patterns, textures and colours compatible with those of the main building such that it visually presents as an overall combined development.

Should a new or amended vehicle crossing (at the kerb) be required, a licence for this crossing should be obtained from Council prior to the issue of a Development Permit for Building Work by the Assessment Manager (Private Building Certifier).

Carports

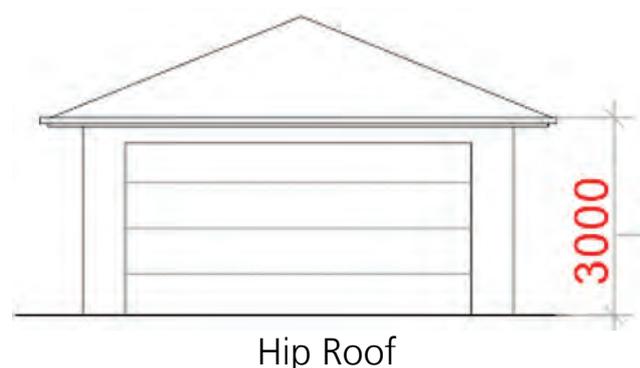
Council will consider the siting of a carport within the road front setback clearance area as covered vehicle parking. It is preferred that motor homes, caravans, trailers, boats and the like be otherwise housed outside and behind the road front setback clearance area. A shade sail does not constitute a covered car parking space as required by Part 7 Division 3 Chapter 4 of the Planning Scheme but may be provided in addition to the minimum car parking requirements.

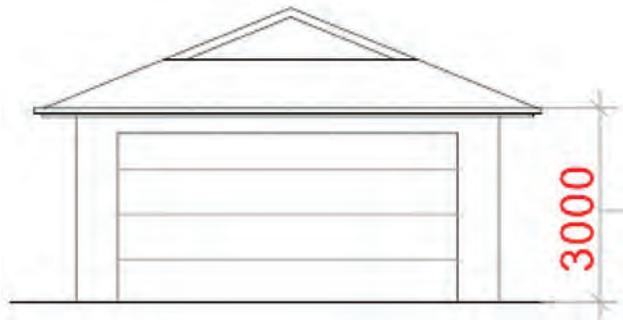
A carport should demonstrate compliance with the following guidelines.

Carport heights

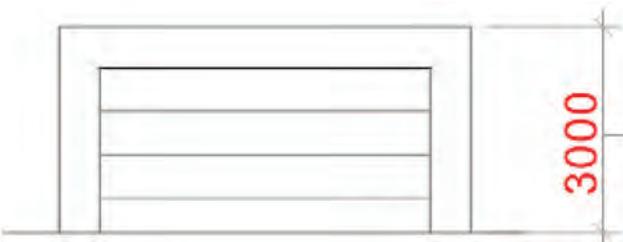
The maximum height of a carport at the road front elevation is to be :

- 3 metres from the ground level to the top of the fascia board for a hip, dutch gable or parapet roof



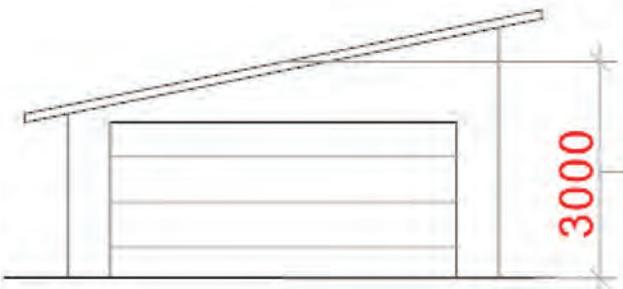


Dutch Gable Roof



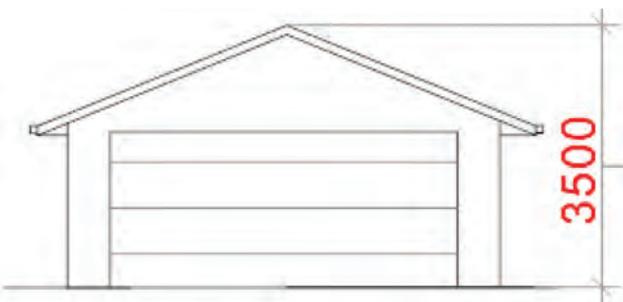
Parapet Roof

- 3 metres 'mean' height from ground level to the top of the fascia for a skillion roof



Skillion Roof

- 3.5 metres from the ground level to the top of the ridge for a gable ended roof



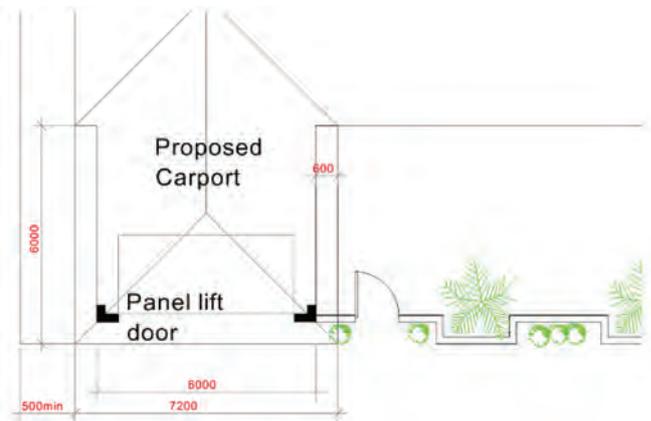
Gable Roof

For a carport with a roof configuration other than the above, it must include a fascia board of a depth that is 'balanced' with the required road front elevation supports.

Carport widths

The maximum width of a carport at the road front elevation is to be:

- 6 metres for a double carport from 'outside pier/support to outside pier/support' (without eaves), or
- 7.2 metres for a double carport with eaves (includes two 600 millimetre overhangs)



Carport setbacks

Where a carport roof proposes a gutter adjacent to the front boundary, the carport is to be set back a minimum 150 millimetres to ensure that the gutter does not project into the footpath area.

The minimum side setback clearance for a carport within the road front setback should be 500 millimetres from any adjacent boundary or building (see diagram).



Typical Front Elevation

Carport supports

The type of support provided at the road front elevation in terms of appearance should not be detrimental to the amenity of the adjacent streetscape.

Accordingly, the preferred front supports are a minimum 350 millimetre masonry piers or equivalent as an acceptable solution.

Other carport design requirements

A carport shall be open on two sides (excluding any panel lift or roller door, and the side abutting the dwelling). Additional panelling or slats that may otherwise enclose the carport are not acceptable and each of the two sides of the carport should remain open.

The gradient of the floor of the carport must comply with the Australian Standards. It is the responsibility of the Assessment Manager (Private Building Certifier), to ensure that the gradient design is acceptable prior to issue of a Development Approval for Building Work.

Garages

An enclosed garage should be setback a minimum of 6 metres from the front property boundary and, when sited within a side and/or rear boundary setback clearance areas, must:

- have a maximum mean height of 3.5 metres with a total height not exceeding 4.5 metres
- not extend more than 9 metres along or parallel to a single boundary, and
- not be closer than 1.5 metres to any window of a habitable room in an existing building on an adjoining lot

Gatehouses

A gatehouse should be separated from an open carport by a minimum of 500 millimetres in respect of any outermost projection. A gatehouse is not to be fully enclosed with any adjacent fence to not exceed 2 metres in height.

The accepted maximum height of a gatehouse is commensurate with a carport depending on its roof design (See carport diagrams).

The floor area for a gatehouse is generally a maximum of 4m² (2 metres by 2 metres); however discretion may

be given by Council should the scale of the detached dwelling promote the consideration of a larger gatehouse.

Where a gutter of a gatehouse roof is proposed along a front property boundary, the gatehouse should be set back a minimum 150 millimetres from that boundary to ensure the gutter does not project into the footpath area.

Any gatehouse should be constructed using materials with patterns, textures and colours compatible with those of the main building.

Building within a waterfront setback

For lots adjacent to a canal or waterway, Council designates a specific waterfront setback area in which the scale and dimensions of proposed buildings are monitored for hydrological reasons, for example, in times of flooding.

Information regarding Council's Standard Drawing 05-04-004 'Waterway Development Cross Section' may be obtained from Council's Town Planning Advice Centre on telephone (07) 5582 8708.

Other structures

Sheds, pergolas and rainwater tanks less than 25m² in area

■ Garden sheds

Where a garden shed is ancillary to a detached residential dwelling on the same site and, is less than 10m² in area and 2.4 metres in height, it may be located within a side or rear setback area (but not a front or waterfront setback area) and remain exempt from requiring a siting variation approval by Council. Any proposal for a garden shed within the front road setback or a waterfront setback will require a siting variation application to Council.

Placement of the garden shed should include a minimum 600 millimetre setback from a side boundary or fence. It is suggested that the shed slab should extend within this preferred setback so as to prevent the intrusion of weeds into the adjoining property.

Stormwater from the roof of the garden shed should be discharged into the stormwater drainage system for the main dwelling.

A garden shed is to be included within the calculation for the permitted site coverage for the site.

Only one garden shed per allotment is permitted without a siting variation approval being first obtained from Council.

■ Other sheds

A shed (other than a garden shed), may have a considerable impact on the residential amenity of an area.

Any Class 10 shed under 25m² in area (other than a garden shed) must therefore comply with the relevant Acceptable Solutions under the Planning Scheme including setbacks, height and site coverage in order to be exempt from a siting variation application or a Material Change of Use application to Council.

Such sized sheds must remain ancillary to the main residential dwelling on the same allotment and not be used for commercial or industrial purposes.

Where a residential dwelling has not been constructed on the site, proof of a valid building permit for a dwelling for the site is required. Alternatively, Council may accept a statutory declaration from the property owner to ensure that a dwelling is constructed within a 12 month period.

■ Pergolas

A pergola is a self supporting, open and non roofed structure for ornamental or horticultural purposes. Accordingly, pergolas may not be screened, roofed or otherwise enclosed.

A pergola should not exceed 2.4 metres in height and be no longer than 5 metres on a boundary.

■ Rainwater tanks

Where a rainwater tank is ancillary to the main residential dwelling and is less than 10m² in area and 2.4 metres in height, it may be located within a side or rear (but not a front or waterfront) setback area and is exempt from a siting variation application to Council.

Any rainwater tank proposed within a front road setback or a waterfront setback will require a siting variation application.

■ Fencing

Fencing is to be a maximum height of 2 metres from natural ground level. For corner allotments, further restrictions on height may be applicable and further

detail may be obtained from Council's Town Planning Advice Centre on telephone (07) 5582 8708.

A fence more than 2 metres in height above natural ground level requires a siting variation approval by Council.

A fence should not be placed over a retaining wall. Should this not be possible, a combined fence and retaining wall height of more than 2 metres requires a siting variation approval by Council.

A key objective of Council's city wide landscape character theme is to achieve a green and attractive residential environment and accordingly, frontage fences associated with a carport and/or gatehouse proposal must visually enhance the amenity of the streetscape.

Frontage fences that comply may:

- include a 50% open fence type construction
- provide recesses for landscape plantings that are designed to a minimum 600 millimetre depth and 600 millimetre width over 50% of the length of the frontage fence
- provide a minimum offset of 600 millimetres from the road front boundary to allow for the inclusion of landscaping over a minimum 50% of the length of the frontage fence, and
- provide for plantings immediately behind any existing frontage fence over a minimum 50% of the length of the frontage fence, capable of achieving a maximum growth height of 2.5 to 4 metres at maturity

Fencing within the waterfront setback area is limited to a maximum height of 1.2 metres and shall be of an open design to the satisfaction of Council.

■ Retaining walls

Retaining walls more than 1 metre in height above natural ground level and located within a setback area require a siting variation approval by Council together with building approval from a Private Building Certifier.

Conditions of subdivision approval may further regulate the height of retaining walls.

Although there is no legislation that prohibits the construction of retaining walls along a site boundary, Council recommends that:

- a minimum clearance of 600 millimetres be made between any retaining wall and a property

boundary to avoid any problems or disputed costs associated with the retaining wall, and

- a fence should not be placed over a retaining wall

A combined fence and retaining wall height of 2 metres or more above natural ground level will require a siting variation approval by Council.

Further information regarding retaining walls may be obtained from Council's website or by obtaining a copy of the ***Guidelines for construction of retaining walls within the city of the Gold Coast - January 2007*** from any Council office.

■ House removals

The relocation of a house to an allotment within the Gold Coast area will require an 'amenity and aesthetics' approval by Council. This may be done using the Referral Agency Assessment Application form.

Council will require the lodgement of a cash bond or bank guarantee to ensure that any required works such as connection to public utilities, external painting and landscaping will be satisfactorily completed.

Easements

Buildings and structures requiring a siting variation approval by Council will not be permitted within a registered easement.

Easements are created for the protection of public infrastructure such as water, sewerage or stormwater and it is only permissible for a building or structure to be constructed up to but not over an easement.

To determine whether there is a registered easement within the land, an easement search may be conducted through the Department of Environment and Resource Management on telephone (07) 5583 1700.

Sewerage, water and stormwater infrastructure

Prior to the issue of a Development Permit for Building Work by the Assessment Manager (Private Building Certifier), all aspects of Council's policies and relevant legislation shall be complied with for building work within 2 metres of public infrastructure including water and sewerage mains and stormwater pipes.

Should a water or sewerage main or stormwater pipe be evident on your property, you will not be permitted

to build with 2 metres of such infrastructure unless specific written approval is given by the owner of that infrastructure.

Information regarding the location of public infrastructure on your land may be obtained by undertaking a 'Search Request' at any Council office. Clarification or further questions regarding this may be directed to:

- Gold Coast Water, telephone 1300 000 928, in respect of water and sewerage main matters, and
- Council's Engineering Services Directorate, Engineering Assets & Planning Branch on telephone (07) 5582 8211 for stormwater pipes

Alternative solutions

Where an alternative to the siting provisions of Part 3 of the *Building Regulations 2006* is sought, Council is required to assess the application against the Performance Criteria of the applicable part of the Specific Development Code contained within the Planning Scheme.

An application submitted to Council for an alternative to the Acceptable Solutions outlined in the Design and Siting Standard must address all of the Performance Criteria and address how the alternative solution is equal to or better than the applicable Acceptable Solution.

For covered vehicle accommodation, any variation to the setbacks indicated by the Planning Scheme are to be assessed against a number of criteria including:

- a) the existing or proposed future development in the area
- b) the existing or proposed amenity of the area
- c) the distance between any constructed road and the proposed building, and
- d) the location of any existing vegetation that will buffer the proposed building

Any ancillary documentation describing the alternative solution proposed and submitted to Council by the applicant, will be taken into consideration when assessing the application.

Should Council not consider that the intent of the Performance Criteria has been met or that the siting of the proposed building or structure is not suitable, it may refuse the siting variation application thereby requiring the Assessment Manager (Private Building

Certifier) to also refuse the Development Application for Building Work. (See Appeals).

Amenity and aesthetics assessment

Where detached dwellings are 'Self Assessable' development in accordance with the Planning Scheme, the following buildings where not attached to a Class 1 building are subject to an amenity and aesthetics assessment by Council prior to the issue of a Development Permit for Building Work by the Assessment Manager (Private Building Certifier):

- a Class 10 building with a floor area of more than 36m² for a site under 1500m²
- a Class 10 building with a floor area of more than 54m² for a site between 1500m² and 5000m²
- a Class 10 building with a floor area of more than 72m² for a site over 5000m²
- a Class 10 building higher than 4.5 metres or a mean height of 3.5 metres, above natural ground level
- Shipping containers, railway carriages, truck and van bodies and the like
- relocatable dwellings to be moved to the site, and
- boat sheds (other than within a designated waterfront setback area)

As part of its amenity and aesthetics assessment, Council takes into consideration matters such as:

- the bulk, height and width of the intended building or structure
- the materials and colours intended
- the proposed security lighting
- potential clearing of vegetation and any less disruptive alternative locations on site
- any disruption to the amenity or character of the locality, and
- existing or proposed landscaping

Council does not accept placement of shipping containers on land less than 1500m² in site area and these must be applied for directly to the Private Building Certifier under Part 4 Section 67 of the Building Act.

For shipping containers on land greater than 1500m², it must be demonstrated that either the topography or landscaping will screen the container from adjoining properties and roadways.

The maximum time given by Council for which a shipping container may remain on site is 12 months however this may vary upon written application.

Appeals

Should you not be satisfied with the requirements of Council as a Referral Agency contained in the building permit issued by the Private Building Certifier, you may choose to appeal the matter to the Building and Development Tribunal.

Any written notice for appeal must be lodged with the Department of Infrastructure & Planning within 20 business days from the date of the building permit issued by the Assessment Manager (Private Building Certifier).

Further information regarding the making of an appeal may be obtained from:

- The Registrar
Building and Development Tribunals
Building Codes Queensland Division
Department of Infrastructure & Planning
PO Box 15009
CITY EAST QLD 4002
Telephone: (07) 3237 0403
Web: www.dip.qld.gov.au

Making a siting variation or a amenity and aesthetics application

To make an application you must:

- complete a 'Referral Agency Assessment Application' form which may be obtained from Council or online at www.goldcoast.qld.gov.au, and
- submit the prescribed fee as contained in Council's Schedule of Regulatory Fees and Charges (also available online)

As part of the assessment process for a siting variation or amenity and aesthetics application, a search of Council records together with a site inspection will be undertaken to assess the suitability and impact of the proposed development.

The time taken by Council to complete its siting assessment is dependant upon the provision of sufficient information by the applicant but is otherwise in accordance with Schedule 15 of the *Sustainable Planning Regulation 2009*.

Need more help?

Should you require further information in making a Referral Agency Assessment Application, please contact Council's Town Planning Advice Centre on telephone (07) 5582 8708.

Before you start!

Development may only commence when a Development Permit for Building Work is given by the Assessment Manager (Private Building Certifier) and that no other development permits are required by other legislation to allow the development to be carried out.

Disclaimer

Gold Coast City Council shall not be liable to any person under any circumstances whatsoever arising by virtue of a claim for breach of warranty (express or implied), tort (including negligence), strict liability or otherwise for actual, incidental, contingent, special or consequential damages, lost profits or revenues arising directly or indirectly or out of (but not restricted to) any claim arising out of the inaccuracy of any information contained in these Advisory Notes.

Any person investigating any issues addressed in these Advisory Notes should seek their own independent legal and/or technical advice and consult Council on specific matters relating to their property and any constraints thereon.

This information is intended as an advisory guide only and should not be relied upon as the sole document upon which to base your proposal. The applicant is strongly encouraged to seek their own independent legal and/or technical advice regarding their proposal and specific circumstances.

Gold Coast City Council

MCU City Wide

Implementation & Assessment Branch

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