

Implementation Guideline

No. 3 – Demolition, Removal or Relocation of a Building

Date of Resolution

This guideline was adopted by Council on 28 October 2019.

Purpose of the Guideline

The purpose of this guideline is to assist with the implementation of the Amenity and Aesthetics Referral Provisions, as adopted by Council in accordance with the *Planning Act 2016*. In particular, this guideline relates to the demolition, removal and/or relocation of a building.

Council's Implementation Guidelines assist to apply a standard approach to the interpretation and implementation of the relevant aspects of the Amenity and Aesthetics provisions. They offer a degree of certainty to applicants, Council and the community. Where an applicant is proposing a solution that is different from the guidelines, the onus is on the applicant to demonstrate the facts and circumstances to support the solution.

Discretion may be Applied

Notwithstanding the actual provisions contained in the guideline, care must be exercised in its application in order to consider:

- (i) the specific impacts on individual cases, including nearby land; and
- (ii) whether non-compliance, by a marginal amount (including a specific numerical standard) would affect the overall intent of this guideline.

Background

Uncontrolled demolition, removal and relocated buildings may result in unacceptable outcomes to the amenity and aesthetics and/or be in extreme conflict with the character of the locality in which the works are proposed.

Measures are necessary to enable Council to set reasonable and relevant controls regarding the suitability of any demolitions, removal or relocation as well as the built form and standard of construction within a proposed locality.

Council also considers that a performance security bond may be required for such development to ensure that works are completed to meet construction standards, legislative timeframes and development outcomes.

Application of this Guideline

Referral agency assessment considerations and exceptions for building work involving demolition, removal and/or relocation are listed below:

1. Demolition or Removal

- (i) Appropriate plans and/or photographs must be supplied accurately identifying the building proposed to be demolished/removed.
- (ii) If the building has local heritage or cultural significance, consideration should be given to relocation within the Ipswich local government area.
- (iii) The demolition or removal of a Class 1 or 10a building/structure requires referral, except where:
 - (a) emergency works are carried out under the *Planning Act 2016*, s166 – Exemptions if emergency causing safety concern; or
 - (b) under the *Building Act 1975* the building/structure being demolished or removed would NOT be considered prescribed work (assessable building work) if being constructed at the present time (e.g. a garden shed not exceeding 10m² in area with a height less than 2.4m and appropriate boundary setbacks).
- (iv) **Security Bond** – demolition or removal of any prescribed building or Class 10 structure will require referral agency assessment for the determination of performance security pursuant to the *Planning Regulation 2017*, Schedule 9, Part 3, Division 2, Table 7, regardless of whether the work is subject to amenity and aesthetics referral (e.g. commercial building storage shed).
- (v) A condition of approval may require the completion of certain works, such as disconnection of services or removal of all building materials and debris before a final building inspection certificate can be issued. The payment of a security bond for site works in accordance with Council's Register of Fees and Charges may also be required.
- (vi) Where a security bond is required, the applicant can request the bond be released once the building has been removed and a final certificate has been given by a building certifier. An inspection will be carried out to confirm the site is in a clean and tidy state.

2. Relocation

- (i) The term relocation refers to the process of permanently reinstating a building or structure from one location onto another.
- (ii) To demonstrate the suitability of a building for relocation the applicant must submit evidence of the buildings current structural and aesthetic condition and any proposed works, including but not limited to:
 - (a) Current floor and elevation plans (photographs may be acceptable where original elevation plans are not available due to the age of the building);
 - (b) Proposed site and floor plans detailing any additional works, repairs or extensions; and
 - (c) Elevation plans showing proposed external building finishes (materials and colours).
- (iii) All asbestos containing material **MUST** be removed from the building at the current site **BEFORE** relocation occurs. Evidence from a suitably qualified person may be requested where this has occurred.
- (iv) **Security Bond** – The referral agency assessment will include a determination of performance security pursuant to the Planning Regulations 2017, Schedule 9, Part 3, Division 2, Table 7, regardless of whether the work is subject to amenity and aesthetics referral (e.g. commercial building storage shed). A condition of approval will require the payment of a bond (cash bond or bank guarantee) in accordance with Council's Register of Fees and Charges.
- (v) A reduced bond amount may be applicable where the applicant can demonstrate, through the provision of written quotes from appropriately licensed companies or trade persons, that the cost of completing all works to the standard required by the Referral Agency Response and all associated approvals is less than the prescribed bond.

Aspects to be considered include, but are not limited to:

- Painting Interior
- Painting Exterior
- Restumping
- Plumbing
- Electrical
- Cladding
- Renovate Kitchen/Bathroom
- Re-roofing
- Tie Down
- Insulation
- Stairs
- Earthworks/retaining

- (vi) Where a reduced bond is accepted, a contingency amount of up to an additional 15% of the quoted works may be applied to cover any incidental costs should the applicant fail to complete the necessary work.

- (vii) During the reinstatement process a request can be made for incremental returns of the cash security bond after completion of certain aspects/stages. Any such return will be subject to a satisfactory inspection by Council's Building staff, however the bond will not be reduced below the value of any remaining works required to be completed. Inspection fees may apply to bond reductions.
- (viii) Full return of the security bond will only occur once the building has a final building certificate, a plumbing final inspection certificate (if applicable) and a satisfactory inspection.

Building Approval

The construction of a Class 1 or Class 10 building constitutes assessable building work in accordance with the *Building Act 1975* and as such requires a building approval, in addition to an amenity and aesthetics approval, prior to the commencement of building work. The building approval will consider matters such as:

- (i) the footing, foundation and structural integrity of the proposed building;
- (ii) site wind and soil conditions verified by a Registered Professional Engineer of Queensland (RPEQ);
- (iii) associated earthworks, varied cut/fill, retaining or batters; and
- (iv) stormwater discharge and runoff.

Other Approvals

- (1) A referral agency response for a siting variation may also be required, pursuant to Schedule 9, Part 3, Division 2, Table 3 of the *Planning Regulation 2017*, if the wall lengths, boundary clearances or site coverage of the proposed and any existing buildings exceed the limits contained within the Queensland Development Code.
- (2) If the proposed building relies on access other than the primary residential access, a Driveway Permit will be required **BEFORE** an amenity and aesthetics approval. For further information, please refer to Council's website, www.ipswich.qld.gov.au/residents.
- (3) If the proposed building will be located over or near a service providers infrastructure, additional approvals may be required from Queensland Urban Utilities (sewer or water) or Council (stormwater) **BEFORE** an amenity and aesthetics approval.