



Building Newsflash

Local Councils Building Certifiers Building Designers Architects

Amenity and Aesthetic Assessments

Purpose

To provide advice on the procedures applicable to the amenity and aesthetic provisions of the *Standard Building Regulation 1993* (SBR).

Amenity and aesthetic resolution required

Before the commencement of the *Integrated Planning Act 1997*, the requirement that local governments consider the amenity and aesthetic effect of proposed development, applied automatically under the *Building Act 1975*. There was no need for local governments to make a resolution of the Council to apply these provisions.

Under the current legislation, the amenity and aesthetic provisions are now contained in section 50 of the SBR. They do not apply automatically, but may be adopted by a resolution of the local government, which must specify the forms of buildings and the localities to which the provisions apply. The resolution must only apply to building work the local government considers will have either an extremely adverse effect on the amenity or likely amenity of a locality or which may be in extreme conflict with the character of the locality.

The purpose of these provisions is to encourage local governments to identify up front, the types of development that the Council considers would be in conflict with a locality.

A recent appeal to the Building and Development Tribunal highlighted the need for local governments to adopt the amenity and aesthetic provisions by resolution. In the appeal, a local government had decided to refuse the relocation of a dwelling, on amenity and aesthetic grounds. However, as the local government had not adopted the amenity and aesthetic provisions by resolution, the Tribunal found the decision to refuse the application was unlawful.

Approval by private certifiers

Section 51 of the SBR prescribes the procedure to be followed where an application is made to a private certifier for approval of building work the subject of a local government amenity and aesthetic resolution under section 50 of the SBR.

The private certifier must not approve the application until the local government has assessed the amenity and aesthetic impact of the building work. However, if the local government does not advise the private certifier and the applicant within 5 business days, the private certifier may issue approval as if the local government has advised the development is acceptable.

Related Newsflashes

- Fire Separation Assessment and Boundary Setback Relaxations (Issued 26/10/01)
- Variation of Corner Allotment Setbacks (Issued 26/10/01)

Please contact Mr John Lamb on (07) 323 71712 should you require further information regarding these matters.