

BOUNDARY CLEARANCE DISPENSATION APPLICATION & INFORMATION SHEET

How to Apply for Boundary Clearance Dispensation

Applications for boundary clearance dispensation must be submitted upon the form prescribed by the Council for that purpose, and be made by or with consent of the Registered Proprietor/s or the Registered Lessee/s from the Crown of the land for which the consent is proposed.

If the applicant/s is/are not the registered proprietor/s or registered lessee/s from the Crown, then the application is to be signed by such consenting registered proprietor/s or lessee/s.

Determining When an Application is Required

Schedule 1 – Boundary Clearances (attached) details the acceptable boundary clearances for residential parcels.

(Applicants for the Healy Heights Estate should refer to the approved building envelope plan for required boundary clearances).

Should you be applying for boundary clearance dispensation for an industrial or commercial property, you should request a copy of the relevant planning area code from Council, which details the required setbacks.

NOTE: This application may be lodged with Council where the required setback cannot be achieved for work relating to a **(Class 1) single detached dwelling or related (Class 10) structures ONLY**. Where dispensation is required for work relating to any other type of structure please consult with Council's Planning Officer to determine what action is required.

Items to Consider when Constructing Design

It is **strongly recommended** that when relevant to the application, the following items are giving serious consideration and the appropriate design be adopted to incorporate these requirements;

✚ Location of gates – gates are to open **inward** onto **your property** and **NOT** outwards onto Council land

✚ The structure and **ALL overhangs** must be contained wholly **within** the subject property and **must not encroach into the neighbouring land** in any way

✚ Roller-doors **will not be permitted** to be installed onto the front of an open carport where the carport has been **located within 6 metres** of the front boundary

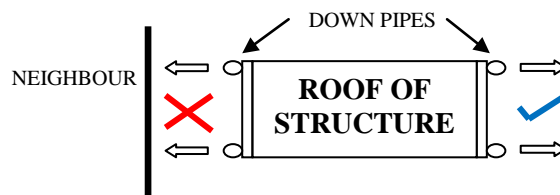
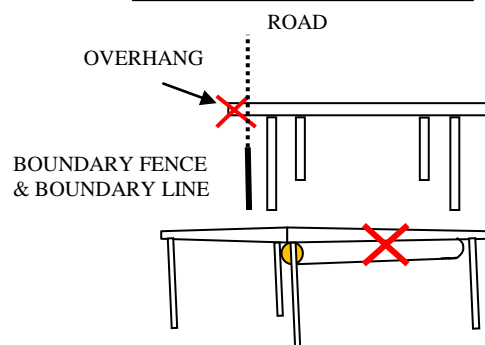
✚ Location of down pipes – water runoff from the proposed structure **MUST be directed into the owner/applicant's property** so as not to cause a nuisance to neighbouring properties

✚ The total coverage (in m²) of the roof area of all existing and proposed developments **must not exceed 50%** of the allotment.

For example:

Existing house	25m x 10m =	250m ²
Existing patio	8m x 3m =	24m ²
Existing carport	6m x 6m =	36m ²
<i>Proposed Shed</i>	12m x 7m =	<u>84m²</u>
Total Coverage		394m ²
Allotment size (area = m ²)		750m ²

Proposed shed **would not be approved** as total coverage of roof area exceeds 50% of allotment size.



APPLICATION PROCESS & STANDARD CONDITIONS

Application Process:

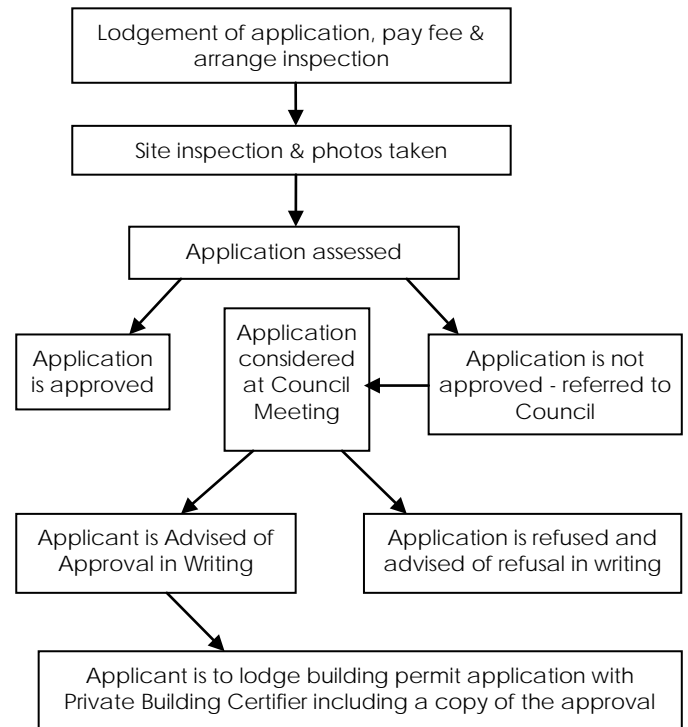
This flow chart provides a general indication of the process your application will go through from lodgement to approval or refusal.

Each application takes an average of **two (2) weeks to process**; however this is dependent upon the following:

- The completeness of the application and whether further information is required following lodgement.
- The availability of the applicant for a site inspection.

Additional time delays will occur if the application requires referral to a Council meeting.

Council strongly suggests that applicants refrain from ordering materials for construction of their proposed structure(s) and/or contracting builders until approval is obtained as payment of the prescribed fee DOES NOT guarantee approval.



Standard Conditions:

Should Council grant boundary clearance dispensation approval, conditions which include, but are not limited to the following, may be imposed on your approval:

CONDITION	WHEN CONDITION IS IMPOSED
Dispensation is valid for twelve (12) months;	Always
No work is to commence until a building permit has been obtained;	Always
Ensure water run-off from the roof is directed into own property, and does not cause a nuisance to adjoining properties;	Always
The sides of the carport are not to be enclosed at any time;	If applicant proposing to construct an open carport
Any gates along the boundary must open onto the applicant's property and NOT Council's verge/road reserve/footpath;	If applicant is proposing to construct a carport in close proximity to the front boundary
The proposed clearance from the relevant boundary is to be concreted or an impervious material laid to Council's satisfaction, and is to be kept clear of overgrowth to reduce the risk of becoming a fire hazard or harbour for vermin	If applicant proposing to build an enclosed structure less than 1.5m from any property boundary
The applicant is responsible for ensuring that the structure and all overhangs are contained entirely within the subject allotment;	Always
The applicant is responsible for obtaining consent from Council's Plumbing Section to build over or close to a Council sewer;	Where proposing to build over or closer than 1.5m to Council's sewer main the applicant must complete and lodge a 'Building over or close to a sewer - Request for consent' application form in addition to this application. (Can be obtained from Council's front reception counter)
The applicant/owner is aware that, in granting this approval, Council has NOT taken into account the location of the subject property's internal house drainage and that this is the responsibility of the applicant/owner;	Always
The applicant/owner shall bear the costs of all alterations necessary to public utility mains, services or installations necessitated by this approval, and such works shall be to Council satisfaction;	Always
When you lodge a building application for this work with your selected Private Building Certifier, please attach a copy of this letter;	Always



DEFINITIONS

Some useful definitions are provided below:

Road Boundary Clearance

For a *building* or *structure* on a *lot* means the shortest distance measured horizontally from the *outermost projection point* of the *building* or *structure* to the vertical projection of the boundary of the *lot* adjacent to a road.

Side and Rear Boundary Clearance

For a *building* or *structure*, the shortest distance measured horizontally from the *outermost projection point* of the *building* or *structure* to the vertical projection of the boundary of the *lot*.

Outermost Projection Point

The point of 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.

Open Carport:

A carport with:

- (a) Two sides or more open, and a side is also considered open where the roof covering adjacent to that side is not less than 500mm from another *building* or a side or rear allotment boundary; and
- (b) Not less than one-third of its perimeter is open.

Building Height:

The vertical distance between the highest point of a building, excluding any antennae, chimney or flues, and the natural ground surface vertically below that point.

Mean Height:

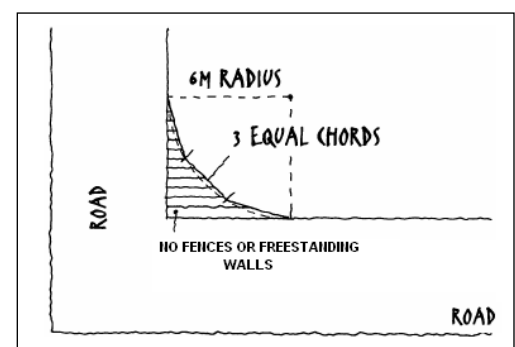
Refer to *Schedule 1 – Boundary Clearances* (attached)

Truncation (see diagram)

Applicants need to be aware that additional setback requirements apply for corner allotments.

The diagram to the right indicates the 6m x 6m equal chord truncation (shaded area), as referred to in *Schedule 1 – Boundary Clearances* which is attached.

Essentially, no buildings or structures over 2m high are permitted within the 6m x 6m truncation at the corner of the two road frontages, AND this includes fencing.



PLEASE NOTE – if your property is in close proximity to a waterway...

It is the applicant's responsibility to contact the Department of Environment and Resource Management to determine whether you are required to obtain a *Riverine Protection Permit*.

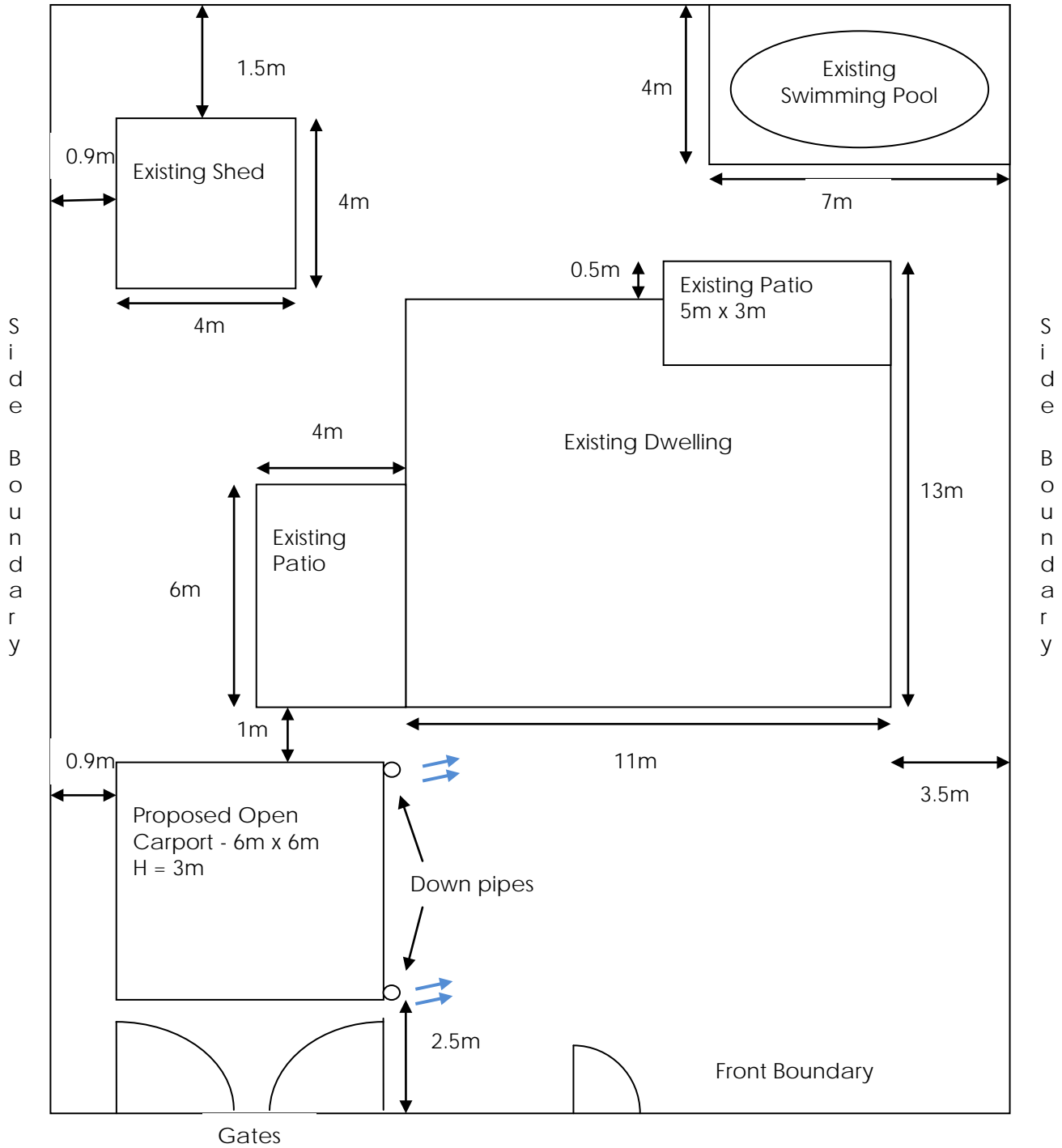
An application can be obtained by contacting Jennifer Yarrow at the Townsville office on (07) 4722 5219.



SITE PLAN EXAMPLE

If you elect to submit an unscaled site plan, it is your responsibility to ensure that it is of a **neat and legible nature**, with all dimensions and distances clearly marked. Council may request a better quality plan, should your submitted plan not be deemed adequate.

Rear Boundary



PLAN NOT TO SCALE

Street Name



SCHEDULE 1—BOUNDARY CLEARANCES

- (1) The boundary clearances in Table 1 below apply to-
- (a) each residential building on an allotment; and
 - (b) non-habitable buildings or structures located on the same allotment as a residential building; and
 - (a) any other buildings for which a code in this planning scheme nominates the application of Schedule 1,
- but with the exception of
- (a) a screen or fence not more than 2m in height if not located on a corner allotment; or
 - (b) a structure that is not part of a building and is not more that 1 m in height.

Table 1

Column 1 Boundary	Column 2 Dimension of clearance
<p>(1) Road boundary if not a corner lot</p> <ul style="list-style-type: none"> (a) Usual standard (b) Exception for open carport 	<p>6m Up to the boundary</p>
<p>(2) Road boundary if a corner lot</p> <ul style="list-style-type: none"> (a) Usual standard (b) Exception for fences, screens, ornamental structures and the like if – <ul style="list-style-type: none"> (i) the structure is 1m or less in height (ii) the structure is between 1m and 2m in height (iii) the structure is more than 2m in height 	<p>6m on both road frontages</p> <p>Up to the boundary</p> <p>Up to a 6m by 6m 3 equal chord truncation of the corner</p> <p>Up to a 9m by 9m 3 equal chord truncation of the corner</p>
<p>(3) Side and rear boundaries</p> <ul style="list-style-type: none"> (a) Usual standard if the maximum height of the building or structure is - <ul style="list-style-type: none"> (i) 4.5m or less (ii) between 4.5m and 7.5m (iii) greater than 7.5m (iv) stepped 	<p>Not less than 1.5m</p> <p>Not less than 2.0m</p> <p>Not less than 2.0m plus 0.5m for every 3m or part of 3m by which the height is greater than 7.5m</p> <p>The boundary clearance corresponding to the height of each step</p>



Column 1 Boundary	Column 2 Dimension of clearance
(b) Exception for narrow rectangular or near rectangular lots if the maximum height of the building or structure is 4.5m or less and the road frontage is - <ul style="list-style-type: none"> (i) 15.001-15.500 m (ii) 14.501-15.000 m (iii) 14.001-14.500 m (iv) 13.501-14.000 m (v) 13.001-13.500 m (vi) 12.501-13.000 m (vii) 12.001-12.500 m (viii) 11.501-12.000 m (ix) 11.001-11.500 m (x) 10.501-11.00 m (xi) 10.500 m or less 	<ul style="list-style-type: none"> 1.5 m 1.425 m 1.35 m 1.275 m 1.2 m 1.125 m 1.05 m 0.975 m 0.9 m 0.825 m 0.75 m
(c) Exception for narrow rectangular or near rectangular lots if the maximum height of the building or structure is between 4.5m and 7.5m and the road frontage is- <ul style="list-style-type: none"> (i) 15.001-15.000 m (ii) 14.501-15.000 m (iii) 14.001-14.500 m (iv) 13.501-14.000 m (v) 13.001-13.500 m (vi) 12.501-13.000 m (vii) 12.001-12.500 m (viii) 11.501-12.000 m (ix) 11.001-11.500 m (x) 10.501-11.00 m (xi) 10.500 m or less 	<ul style="list-style-type: none"> 2.0 m 1.9 m 1.8 m 1.7 m 1.6 m 1.5 m 1.4 m 1.3 m 1.2 m 1.1 m 1.0 m
(d) Exception for narrow rectangular or near rectangular lots if the maximum height of the building or structure is greater than 7.5m and the road frontage is 15.5m or less	Not less than 2.0m plus 0.5m for every 3m or part of 3m by which the height is greater than 7.5m
(e) Exception for private garages, carport, shed or the like if- <ul style="list-style-type: none"> (i) the maximum height of the building is not more than 4.5m and the mean height is not more than 3.5m; and <p>NOTE 1 Mean height is the total elevational area of the building divided by the horizontal length of the building facing the boundary.</p> <ul style="list-style-type: none"> (ii) the total length of all buildings facing and within the usual clearance of the relevant boundary is not greater than 9m; and (iii) the building is at least 1.5m from the window of each habitable room in an existing building on an adjoining lot 	Up to the boundary
(f) Exception for a pergola or other structure if - <ul style="list-style-type: none"> (i) not enclosed or roofed; and (ii) not more than 2.4m in height at the boundary; and (iii) primarily ornamental or for horticultural purposes. 	Up to the boundary



Column 1 Boundary	Column 2 Dimension of clearance
<p>(e) Exception for private garages, carport, shed or the like if-</p> <p>(i) the maximum height of the building is not more than 4.5m and the mean height is not more than 3.5m; and</p> <p>NOTE 1 Mean height is the total elevational area of the building divided by the horizontal length of the building facing the boundary.</p>	<p>Up to the boundary</p>
<p>(ii) the total length of all buildings facing and within the usual clearance of the relevant boundary is not greater than 9m;and</p> <p>(iii) the building is at least 1.5m from the window of each habitable room in an existing building on an adjoining lot</p> <p>(f) Exception for a pergola or other structure if -</p> <p>(iv) not enclosed or roofed; and</p> <p>(v) not more than 2.4m in height at the boundary; and</p> <p>(vi) primarily ornamental or for horticultural purposes.</p>	<p>Up to the boundary</p>



CHECKLIST FOR SUBMISSION OF DOCUMENTATION FOR BOUNDARY CLEARANCE DISPENSATION

THIS SHEET TO BE RETURNED TO COUNCIL

NOTE – Council will not accept an application unless the checklist below is completed and attached. The applicant may be requested to supply additional information as considered necessary or desirable by the assessing officer.

CHECKLIST – SUBMISSION OF APPLICATION FOR BOUNDARY CLEARANCE DISPENSATION

	APPROPRIATE FEE HAS BEEN CALCULATED AND PAID	
	COVER LETTER	which <u>comprehensively</u> outlines the proposal and details why the applicant is unable to site the proposed structure within the allowable building envelope.
	DETAILED SITE PLAN	preferably to scale, which must include, but not be limited to, the following:
	LAYOUT OF THE SITE	<p>to include;</p> <ul style="list-style-type: none"> o the location of all existing and proposed structures o the dimensions of all existing and proposed structures, o each structure to be marked as either 'existing' or 'proposed' o the distances separating these structures from each other, o the distance from structure to property boundaries. (Please ensure distance indicated is from boundary to outermost projection point of the proposed structure and not from boundary to the wall/floor). <p><i>"outermost projection point" of a building or structure, means the outermost projection of a structural part of the building or structure including –</i></p> <p><i>(a) If the projection is a roof and there is a fascia - the outside face of the fascia; or</i></p> <p><i>(b) If the projection is a roof and there is no fascia - the roof structure; but does not include rainwater fittings or ornamental or architectural attachments.</i></p>
	ACCESS TO THE SITE	(i.e. driveway/s) and location of (inward only permitted) opening gates
	INTERNAL TRAFFIC MOVEMENT	(i.e. turning circles) and car parking areas
	LOCATION OF SERVICES	i.e. water, sewerage, telephone and electricity mains (if known)
	PROPOSED LANDSCAPING DETAILS	
	STORMWATER	Lawful point of discharge of stormwater
	DOWN PIPE LOCATIONS	Including directional flow of water
	ELEVATION PLANS	(if applying for front boundary clearance dispensation) including the mean* & maximum height of the proposed structure/s must also be indicated
		* - Refer to Schedule 1 for calculation of mean height

SITE INSPECTION DETAILS

- Appointments for Site Inspections are made for either 11.00am or 11.30am on Tuesday and Thursday mornings.
- Applicants, or a designated representative must be available to be on site for a pre-arranged appointment of approximately 20-30 minutes.
- The attending Mount Isa City Council Officer will need to complete a checklist, and take photos of the proposed site. The Officer may have further questions in relation to your proposed development, so the applicant/designated representative should have thorough knowledge of the proposal.



BOUNDARY CLEARANCE DISPENSATION APPLICATION FORM

THIS SHEET TO BE RETURNED TO COUNCIL

APPLICANT DETAILS			
Applicant Name			
Applicant Postal Address			
Contact Number		State	
Mobile Number		Post Code	
Email			
APPLICANT SIGNATURE		DATE	
PROPERTY OWNER DETAILS			
Owner Name(s)			
Postal Address			
State		State	
Contact Number		Post Code	
Mobile Number			
Email			
OWNERS SIGNATURE		DATE	
SITE DETAILS			
Name of Property Owner or Lessee (if different to applicant)			
Property Description	Address:		
	Lot:	Plan:	
Area of Land (m ²)		Length of Road Frontage (m)	
Present Zoning of Land		Present Use Land	
PROPOSAL DETAILS (include all if more than one proposed structure on application)			
Proposed Structure/s			
Dimensions of Structure/s			
Max Height of Structure/s			
Mean Height of Structure/s			
Proposed Use of Structure/s			
Distance to Boundary	(m) FRONT	(m) SIDE	(m) REAR
OFFICE USE ONLY			
OFFICER		DATE	
SITE INSPECTION BOOKING		DATE	TUES or THURS @ 11:00am OR 11:30am
ASSESSMENT NUMBER			

PRIVACY STATEMENT

The information collected on the Form will be used by Mount Isa City Council Planning, Building & Environmental Section in accordance with your application. Your personal details will not be disclosed for a purpose outside of Council protocol, except where required by legislation (including the Information Privacy Act 2009) or as required by law. This information may be stored in the Council database. The information collected will be retained as required by the Public Records Act 2002.