



SITING RELAXATION

This fact sheet is intended to assist with determining referral agency requirements in accordance with Schedule 9 and 10 of the Planning Regulation 2017. The purpose of the Queensland Development Code (QDC) MP 1.1 and 1.2 is to provide good residential design that promotes the efficient use of a lot and provide acceptable amenity to the surrounding residents.

Acceptable solutions are prescribed by the QDC but when a dwelling house and/or a Class 10 structure cannot achieve these provisions, an application for boundary setback dispensation is required to be submitted to the Council. This is called a Referral Agency Application which is assessed against the performance requirements of the QDC. Relevant plans and reasonable justification are required to support the proposal.

Front (road) boundary setbacks

In the township zone, the setback for structures is typically 6 metres from the front boundary for lots larger than 450 square metres. The acceptable setback dimension may vary depending on:

- The configuration of the block – corner allotments;
- the setback pattern within the street; and
- the features and height of a swimming pool barrier.

Structures over 2 metres high on corner allotments must be clear of the 9x9 metre corner truncation. An open carport cannot be located within the 6 metre front boundary setback if there is an alternative location on the site that can comply with acceptable solutions.

These setback distances differ for properties located in other zones.

Side and rear boundary setbacks

In the residential zone, the side setback for structures is typically 1.5 metres from side and rear boundaries, however Class 10a structures (such as sheds and carports) can be less when the total building length is not more than 9 metres and the structure is open. The acceptable setback dimension may vary depending on:

- the height and length of the proposed structure;
- narrow lots with 15 metres or less property frontage;
- the location of other structures within the boundary setback;
- the proximity of habitable rooms of neighbouring dwellings; and
- the features and height of a swimming pool barrier.

Where a wall or structure is located less than 750mm to a common boundary it must be maintenance free. These setback distances differ for properties located in other zones.

Apply for Referral Agency Assessment

Preparing a Referral Agency advice request can be a complex task.

Unless you understand the legal requirements and Council's planning rules, you may find it useful to get expert help.

Referral Agency advice can be obtained in two ways:



1. By a private building certifier as part of a building approval

Applications lodged this way are processed in accordance with strict statutory timeframes. Council will provide the referral agency response to the assessment manager (private building certifier) to include in the building approval decision notice. To apply through a private building certifier, engage your preferred certifier and follow their advice. Building Certifiers are the assessment managers of development applications for building work and will be able to assist you through the process from beginning to end including referring your application to Council if required. (Note: if you are engaging a building certifier, they will take care of the application process on your behalf.)

2. As an early response for advice before applying for building approval

A property owner can seek an assessment for early response before formally applying for building approval. Early response applications are not subject to specific timeframes for response, and Council has the right to provide a partial or no response.

Mandatory supporting information

Your Referral Agency application must be accompanied by mandatory supporting information including (but not limited to) scaled, fully dimensioned and numbered site plans, floor plans, elevations and site photographs.

You may also need to submit additional documents such as specialist reports, aerial photography and written support from affected neighbours (see details below). We can only assess your proposal if you provide all the required information.

Drawings and Plans

- Lodgement of relevant accurate and dimensioned drawings scaled;

- Drawings are to include:
 - all existing and proposed buildings and structures;
 - all existing and proposed vegetation / landscaping;
 - all existing and proposed driveways / vehicle crossings;
- The drawings will need to show a north point and suitable references (e.g. title, date, version and draftsman);
- Drawings are to include:
 - fully dimensioned site plan (minimum scale of 1:200) indicating setbacks measured to outermost projection for all existing (where relevant) and proposed building work/s;
 - fully dimensioned elevation/s, and section/s where necessary, indicating building heights above the natural ground level (at all relevant outermost projections);
 - A natural ground level "line" ("assumed" if necessary) is to be included as part of the elevation(s) /section(s);
 - floor plan/s as necessary; and
 - an accurate site cover figure expressed as a percentage;

Specialist reports

Referral Agency Assessment Report – Justifying how the proposal satisfies:

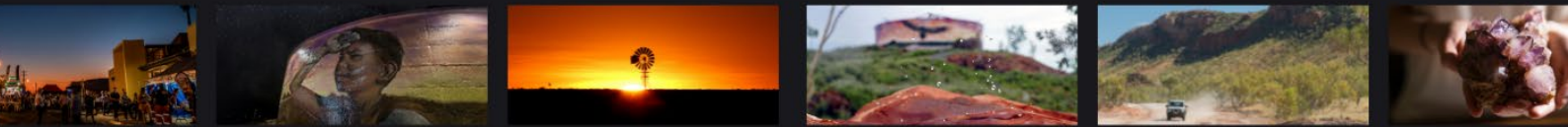
- Amenity and Aesthetics requirements;
- Queensland Development Code (MP1.1, MP1.2); and/or

Supporting documents

Lodgement of current (dated) coloured photographs clearly indicating the location of the proposal, adjoining properties, streetscape and immediate surrounds.

Details showing where the photograph was taken from (and from what direction) are also required.

Lodgement of current aerial photography clearly showing the proposal in relation to



adjoining properties and the surrounding locality;

- Positive written comment/s submitted from all affected adjoining owner's (where required);
- Any related correspondence or emails with the Council regarding the matter.

Application fee – Payment of the prescribed application fee that may be obtained from the Council's website.

Advising neighbours of proposed building works

While not mandatory, we recommend you consult with your neighbour as part of an application for referral agency assessment. This ensures your neighbours are aware of any variations you are seeking against the Queensland Development Code (QDC) and allows you to consider design solutions to address any of their concerns before proceeding with an application to Council.

There is no law that requires a homeowner to consult with the community regarding a siting dispensation. For this reason, there are no appeal rights for neighbours.

Forms

Application Form - **FRM-IE3030-06 Siting relaxation** must be completed if you need Council approval to build closer than permissible to the property boundary (a siting relaxation), excess height and site coverage and amenity and aesthetics.

Information request

Sometimes, even if you provide all the mandatory information, we may issue an information request.

The information request allows us to seek information that was not included in the original application or clarification about particulars of the building work. The referral agency may request any information it believes is necessary for the assessment of the development

application, such as better plans, more information to address the performance criteria or photos of the site.

Further information

For further information, please contact Cloncurry Shire Council:

- Phone: 07 4742 4100
- Fax: 07 4742 1712
- Email: council@cloncurry.qld.gov.au
- Address: Cloncurry Shire Council Administration Office, 38-46 Daintree Street, Cloncurry QLD 4824
- Mailing Address: PO Box 3, Cloncurry QLD 482