

MAXIMUM STREET SETBACK

Guidelines for report and consent to vary Building Regulation 73



Legislative Provision 73

Maximum street setback

- (1) A new Class 1 building, other than an alteration, must not be set back from the front street alignment more than one-third of the depth of the allotment.
- (2) This regulation does not apply to an allotment equal to or greater than 0.40469 ha.
- (3) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

Minister's Guidelines

Objective

To facilitate consistent streetscapes by discouraging the siting of single dwellings at the rear of lots.

Decision Guidelines

The reporting authority may give its consent where a single dwelling, other than a fence, does not comply with regulation 73 of the Building Regulations 2018, if -

- (a) The setback will be more appropriate taking into account the prevailing setbacks of existing buildings on nearby allotments; or
- (b) The siting of the building is constrained by the shape and or dimensions of the allotment; or
- (c) The siting of the building is constrained by the slope of the allotment or other conditions on the allotment; or
- (d) there is a need to increase the setback to maximize solar access to habitable room windows and or private open space; or
- (e) the setback will be more appropriate taking into account the desire or need to retain vegetation on the allotment; and
- (f) the setback is consistent with a building envelope that has been approved under a planning scheme or planning permit and or included in an agreement under section 173 of the Planning and Environment Act 1987; and
- (g) the setback will not result in a disruption of the streetscape; and

- (h) the setback is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

Information Required

An application to Council for report and consent for Regulation 73 must include:

- An application must be applied for via Council's portal along with payment of the application fee.
- A site plan showing all existing buildings, the location of the proposed work and nearby buildings on the adjoining properties (scale 1:200).
- Elevations showing existing and proposed buildings (scale 1:100).
- The location and extent of the noncompliance with the regulations must be clearly shown on the plans and all relevant details and dimensions must be provided.
- A full copy of title including a plan and a copy of any covenants or agreements listed on the title.
- A written submission giving supporting reasons for the dispensation to be granted.
- A response in writing to each of the Minister's Guidelines that are applicable.
- Photos and details of the existing setbacks of properties in the immediate neighbourhood.

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