

# BUILDING HEIGHT

## Guidelines for report and consent to vary Building Regulation 75



### **Legislative Provision 75**

#### **Building height**

1. If—
  - (a) an allotment is in a zone of a planning scheme specified in Schedule 6; and
  - (b) that zone, or a schedule to that zone, specifies a maximum height for buildings—  
the height of a building on that allotment must not exceed the relevant height specified in that zone or schedule (as the case may be).  
  
GRZ Maximum building height 11 metres  
  
NRZ Maximum building height 9 metres
2. If sub-regulation (1) does not apply, the height of a building must not exceed—
  - (a) 10m if the slope of the natural ground level at any cross section of the site of the building that is wider than 8m is 2.5 degrees or more; and
  - (b) 9m in any other case.
3. If a wall is constructed in accordance with Regulation 80, and despite Regulation 79, any part of the building on the allotment that is within 1m of a side or rear boundary and that is adjacent to the wall must be constructed so as not to exceed the height formed by a line that connects—
  - (a) any point at the top of the wall; and
  - (b) any point at a height of 3.6m at a setback of 1m from the boundary.
4. 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 ensure that the height of buildings respects the existing or preferred character of the neighbourhood.

### **Decision Guidelines**

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with Regulation 75 of the Building Regulations 2018, if–

- (a) the height will be more appropriate taking into account the prevailing heights of existing buildings on nearby allotments; or
- (b) the height will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme; and
- (c) the height 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
- (d) the height will not result in a disruption of the streetscape; and
- (e) the height 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 75 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 details of nearby buildings on the adjoining properties (scale 1:200).
- Elevations showing existing and proposed buildings (scale 1:100).
- The location and extent of the non-compliance 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.

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