

CAR PARKING

Guidelines for report and consent to vary Building Regulation 78



Legislative Provision 78

Car parking

- (1) If a new Class 1 building is to be constructed on an allotment, provision must be made for 2 car parking spaces on the allotment that are accessible from the street.
- (2) Of the 2 required car parking spaces—
 - (a) one space must be at least 6 m long and 3.5 m wide; and
 - (b) the second space must be at least 4.9 m long and 2.6 m wide.
- (3) A building may project into a car parking space if it is at least 2.1 m above that space.
- (4) Despite sub-regulation (2), if the 2 required car parking spaces adjoin each other in a garage or carport or in a space constrained by walls, the double space may be 5.5 m in width.
- (5) An alteration to a building on an allotment must not reduce the number of car parking spaces on the allotment unless there are more than 2 in which case the number may be reduced to 2.
- (6) 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 carparking is adequate for the needs of the residents.

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 78 of the Building Regulations 2018, if –

- (a) the anticipated residents are likely to generate a lesser demand for carparking; or
- (b) the provision of carparking on the allotment would reduce the on-street carparking by equal to or more than the number of carparking spaces that would be provided on the allotment; or
- (c) the dimensions of the allotment provide insufficient width and/or depth to enable the provision of the required carparking on the allotment; or
- (d) the location of existing development on the allotment provides insufficient width and/or depth to enable the provision of the required carparking on the allotment; or
- (e) the availability of public transport and on-street parking would lessen the demand for carparking on the allotment; and
- (f) the provision of carparking is consistent with any relevant local planning policy or parking precinct plan in the relevant planning scheme.

Information Required

An application to Council for report and consent for Regulation 78 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 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.

BLD0249 - Last Updated – 01/02/2021