

WALLS ON BOUNDARIES

Guidelines for report and consent to vary Building Regulation 80



Legislative Provision 80

Walls on boundaries

- (1) This regulation applies to the construction of—
 - (a) a wall on or within 200mm of a side or rear boundary of an allotment; or
 - (b) a carport constructed on or within 1m of a side or rear boundary of an allotment and which is open on the side facing the boundary or boundaries.
- (2) The length of the wall, or of the carport, or of the wall and carport or that length combined with the length of any existing wall or carport, must not exceed the greater of the following lengths—
 - (a) 10m plus 25% of the remaining length of the boundary of an adjoining allotment; or
 - (b) the length of any existing wall or carport constructed on an adjoining allotment which is within 150mm of the boundary of that allotment if the proposed construction abuts the existing wall or carport.
- (3) The wall or carport must not exceed—
 - (a) an average height of 3.2m; and
 - (b) a maximum height of 3.6m.
- (4) Despite sub-regulation (3), if a wall or carport abuts an existing wall or carport it may be constructed to the same height as that wall or carport.
- (5) 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 location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

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 80 of the Building Regulations 2018, if–

- (a) the location, length and or height of the wall will be appropriate taking into account the prevailing location, length and or height of boundary walls of existing buildings on nearby allotments; or
- (b) the location, length and or height of the wall will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme; or
- (c) the slope of the allotment and or existing retaining walls or fences reduce the effective height of the wall; or
- (d) the wall abuts a side or rear lane; or
- (e) the increased wall height is required to screen a box gutter; or
- (f) the location, length and or height of the wall(s) will not result in a significant impact on the amenity of existing dwellings on nearby allotments; and
- (g) the location, length and height of the wall 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
- (h) the location, length and height of the wall 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 80 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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