

## **SITING REQUIREMENTS SUMMARY BUILDING REGULATIONS 2006**

*Applicable to single dwellings and associated outbuildings on sites greater than 500m<sup>2</sup> in area and where the property is not located in a heritage area under the Monash Planning Scheme, otherwise a planning permit is required.*

*The Report and Consent of Council must be obtained to an application for a building permit in relation to a design that does not comply with the regulations.*

### **STREET SETBACKS** – (Regulation 408 & 409)

- Max setback for a new dwelling from the front street alignment is not to be more than 1/3 of the depth of the allotment.
- Min setback from the front street alignment is 7.6m.
- Min setback from a side street on a corner allotment is 2m, or the same as the front wall of the existing building on the adjoining allotment facing the side street whichever is the lesser.

*Note : Allowable encroachments of up to 2.5m into the above setback are;*

- *Porches, verandahs & pergolas with a max height of 3.6m above natural ground level*
- *Eaves, fascia, gutters, sunblinds, shade sails and screens*
- *Decks, steps or landings less than 800mm in height.*

### **BUILDING HEIGHT** – (Regulation 410)

- Max building height, from natural ground level to top of roof, is 9m, unless the land under the building has a slope of 2.5° or more for at least an 8m section, then the max building height is 10m
- Maximum height of any part of a building within 1m of a side or rear boundary is 3.6 metre in addition to complying with Regulation 415.

### **SITE COVERAGE** – (Regulation 411)

- Max 60% of the allotment can be covered by buildings, (but does not include the land covered by eaves, unroofed terraces, decks, patios & pergolas and unroofed swimming pools).

### **PERMEABILITY** – (Regulation 412)

- Not more than 80% of the area of an allotment can be covered by impermeable surfaces.

### **CARPARKING** – (Regulation 413)

Every allotment must have provision for the parking of 2 cars accessible from the street and

- One space must be a min 6m long x 3.5m wide and the other space must be a min 4.9m long x 2.6m wide. (if the car spaces are side by side the min width can be 5.5m)

**Note:** If alterations are being carried out on an allotment then the number of existing car spaces cannot be reduced, unless there are more than 2 spaces, in which case the number can be reduced to 2.

**SIDE AND REAR BOUNDARY SETBACKS – (Regulation 414)**

Unless a building is constructed on a boundary and complies with regulation 4.15, and provided regulations 416 & 417 are met, the minimum setback of a building from a side or rear boundary is;

- 1m for buildings up to 3.6m in height
- 1m + 300mm for every metre of height over 3.6m, for walls more than 3.6m but not more than 6.9m in height.
- 2m + 1m for every metre of height over 6.9m, for walls more than 6.9m in height (See Table 1 attached, Ratio is 1:1)

**Note:** (1) The following may encroach by not more than 500mm into the above required setback; porches, verandahs, masonry chimneys, sunblinds, screens, flues, pipes, fuel tanks, water tanks, heating and cooling equipment.

(2) The following may encroach by not more than 600mm into the above setback; eaves, fascia and gutters.

(3) The following are unlimited encroachments into the required setbacks; landings with an area of not more than 2m<sup>2</sup> and less than 1m in height, unroofed stairways and ramps, pergolas, shade sails and carports. (heights in regulation in 415 apply to carports).

**TABLE 1**

SIDE AND REAR BOUNDARY SETBACKS (REG 414)			
Proposed wall heights (m)	Required setback from boundary (m)	Proposed wall height (m)	Required setback from boundary (m)
3.6	1.00	6.8	1.96
3.7	1.03	6.9	1.99
3.8	1.06	7.0	2.10
3.9	1.09	7.1	2.20
4.0	1.12	7.2	2.30
4.1	1.15	7.3	2.40
4.2	1.18	7.4	2.50
4.3	1.21	7.5	2.60
4.4	1.24	7.6	2.70
4.5	1.27	7.7	2.80
4.6	1.30	7.8	2.90
4.7	1.33	7.9	3.00
4.8	1.36	8.0	3.10
4.9	1.39	8.1	3.20
5.0	1.42	8.2	3.30
5.1	1.45	8.3	3.40
5.2	1.48	8.4	3.50
5.3	1.51	8.5	3.60
5.4	1.54	8.6	3.70
5.5	1.57	8.7	3.80
5.6	1.60	8.8	3.90
5.7	1.63	8.9	4.00
5.9	1.69	9.1	4.20

SIDE AND REAR BOUNDARY SETBACKS (REG 414) (Continued)			
Proposed wall height (m)	Required setback from boundary (m)	Proposed wall height (m)	Required setback from boundary (m)
6.0	1.72	9.2	4.30
6.1	1.75	9.3	4.40
6.2	1.78	9.4	4.50
6.3	1.81	9.5	4.60
6.4	1.84	9.6	4.70
6.5	1.87	9.7	4.80
6.6	1.90	9.8	4.90
6.7	1.93	9.9	5.00
		10.0	5.10

### WALLS ON BOUNDARIES – (Regulation 415)

Walls of a building and carports, can be constructed to the side or rear boundary of an allotment, (unless the requirements of regulation 417 apply), provided:

- the max length of a wall/s and carports on any allotment boundary must not exceed 10metre + 25% of the remaining length of the boundary. \*Note: if a proposed wall on the boundary abuts an existing wall on the adjoining allotment then it may be constructed to the same length as that wall; and
- the average height of the wall or carport must not exceed 3.0m and a maximum height of 3.6m. (Note: if a proposed wall abuts an existing wall on the boundary then it may be constructed to the same height of that wall.)

Note : Walls within 150mm of the boundary are considered as being on the boundary.

### DAYLIGHT TO EXISTING HABITABLE ROOM WINDOWS – (Regulation 416)

- A building must be setback from a habitable room window in an existing dwelling on adjoining allotments to provide for a light court to the window of a min area of 3m<sup>2</sup> and with a min dimension of 1m clear to the sky. The area of light court may include land on the adjoining allotment.
- A wall or carport, if more than 3m average height, must be setback at least ½ its height from a habitable room window on the adjoining allotment, if the wall or carport is within a 55° angle in the horizontal plane, about a vertical axis through the centre of the window.

### SOLAR ACCESS TO NEIGHBOUR’S EXISTING NORTH FACING HABITABLE ROOM WINDOWS – (Regulation 417)

- If a neighbour has a north facing habitable room window less than 3m to a boundary, the setback of a proposed building (for a distance of 3m from the edge of each side of the neighbours windows) must be
  - 1m for walls of 3.6m or less in height
  - 1m + 600mm for every metre of height over 3.6m, for walls not more than 6.9m in height.
  - 3m + 1m for every metre of height over 6.9m, for walls more than 6.9m in height (see Table 2 attached)

**Note:** “North” means true north and north facing window is a window with an axis perpendicular to its surface oriented north 20° west to north 30° east.

**TABLE 2**

<b>SETBACKS FROM NEIGHBOUR'S NORTH FACING HABITABLE WINDOWS (REG417)</b>			
<b>Proposed wall heights (m)</b>	<b>Required setback from boundary (m)</b>	<b>Proposed wall height (m)</b>	<b>Required setback from boundary (m)</b>
3.6	1.00	6.8	2.92
3.7	1.06	6.9	2.98
3.8	1.12	7.0	3.10
3.9	1.18	7.1	3.20
4.0	1.24	7.2	3.30
4.1	1.30	7.3	3.40
4.2	1.36	7.4	3.50
4.3	1.42	7.5	3.60
4.4	1.48	7.6	3.70
4.5	1.54	7.7	3.80
4.6	1.60	7.8	3.90
4.7	1.66	7.9	4.00
4.8	1.72	8.0	4.10
4.9	1.78	8.1	4.20
5.0	1.84	8.2	4.30
5.1	1.90	8.3	4.40
5.2	1.96	8.4	4.50
5.3	2.02	8.5	4.60
5.4	2.08	8.6	4.70
5.5	2.14	8.7	4.80
5.6	2.20	8.8	4.90
5.7	2.26	8.9	5.00
5.8	2.32	9.0	5.10
5.9	2.38	9.1	5.20
6.0	2.44	9.2	5.30
6.1	2.50	9.3	5.40
6.2	2.56	9.4	5.50
6.3	2.62	9.5	5.60
6.4	2.68	9.6	5.70
6.5	2.74	9.7	5.80
6.6	2.80	9.8	5.90
6.7	2.86	9.9	6.00
		10.0	6.10

**OVERSHADOWING OF NEIGHBOUR'S RECREATIONAL PRIVATE OPEN SPACE –**  
(Regulation 418)

- After a proposed building is constructed a minimum of 75% or 40m<sup>2</sup> with a min dimension of 3m (whichever is the lesser) of an adjoining neighbour's "recreational private open space" must receive a minimum of 5 hours of sunlight between the hours of 9am and 3pm on the 22 September.
- If the adjoining allotment does not already receive the above amount of sunlight on the 22 September, then constructions on an allotment cannot further reduce sunlight to the neighbour's recreational private open space.

**Note: “Recreational private open space”** is any part of private open space which is primarily intended for outdoor recreational activity and is either at the side or rear of an existing dwelling or if within the front setback of an existing dwelling, and which is screened with 1.5m high fences or walls which are no more than 25% open and screen at least 90% of the perimeter of the private open space.

**“Private open space”** means an unroofed area of land or a deck, terrace, patio, balcony, pergola, verandah, gazebo or swimming pool.

#### **OVERLOOKING – (Regulation 419)**

- A habitable room window, a landing with an area more than 2m<sup>2</sup>, a balcony, terrace, deck or patio, (which is 800mm or more above natural ground level measured at the boundary), must not provide a direct line of sight onto a “secluded private open space” or habitable room window of an existing dwelling on an adjoining allotment within a 9m distance measured at ground level.

Note: A direct line of sight is measured within a 45° angle from the plane of the window, landing balcony, etc from a height of 1.7m above floor level of the room, landing balcony etc.

A habitable room window complies if it;

- is offset a min 1.5m from the edge of one window to the edge of the other; or
- has a sill height of at least 1.7m above floor level; or
- has obscured glazing in any part of the window less than 1.7m above floor level; or
- is obscured by a permanent fixed screen which has no more than 25% of its area open.

A landing, deck, balcony etc complies if the direct line of sight is obscured by a permanent fixed screen which has no more than 25% of its area open.

A habitable room window or raised open space less than 800mm above ground level, measured at the boundary, does not have to comply with the above provisions provided there is a 1.8m high visual barrier such as a paling fence at the boundary.

**Note: “Secluded private open space”** means private open space which is primarily intended for outdoor recreation activities and which is screened for at least 90% of its perimeter by a wall, fence, screen etc which is no more than 25% open and at a height of at least 1.5m.

#### **DAYLIGHT TO NEW HABITABLE ROOM WINDOWS – (Regulation 420)**

A new habitable room window must face;

- an outdoor space or light court on the allotment with a min area of 3m<sup>2</sup> and a min dimension of 1m clear to sky or
- a verandah on the allotment if open for at least 1/3 of its perimeter, or
- a carport on the allotment if it has 2 or more sides open for at least 1/3 of its perimeter

NOTE: a side of a verandah or carport is considered open if the roof covering is not less than 500mm from another building or boundary).

#### **PRIVATE OPEN SPACE – (Regulation 421)**

- a Class 1 dwelling must have a minimum 80m<sup>2</sup> or 20% of the allotment area, (whichever the lesser) of private open space. Of this private open space, a min 25m<sup>2</sup> with a minimum dimension of 3.0m, must be provided at the side or rear of the building with convenient access from a habitable room (other than a bedroom).

