

MINIMUM STREET SETBACKS

Guidelines for Report and Consent to vary Building Regulation 74



Legislative Provision 74

Minimum street setbacks

- (1) If—
 - (a) an allotment is in a zone of a planning scheme specified in Schedule 6; and
 - (b) a schedule to that zone specifies a setback from a street alignment—
a building on that allotment must be set back from a street alignment not less than the relevant setback specified for the street alignment in the schedule.

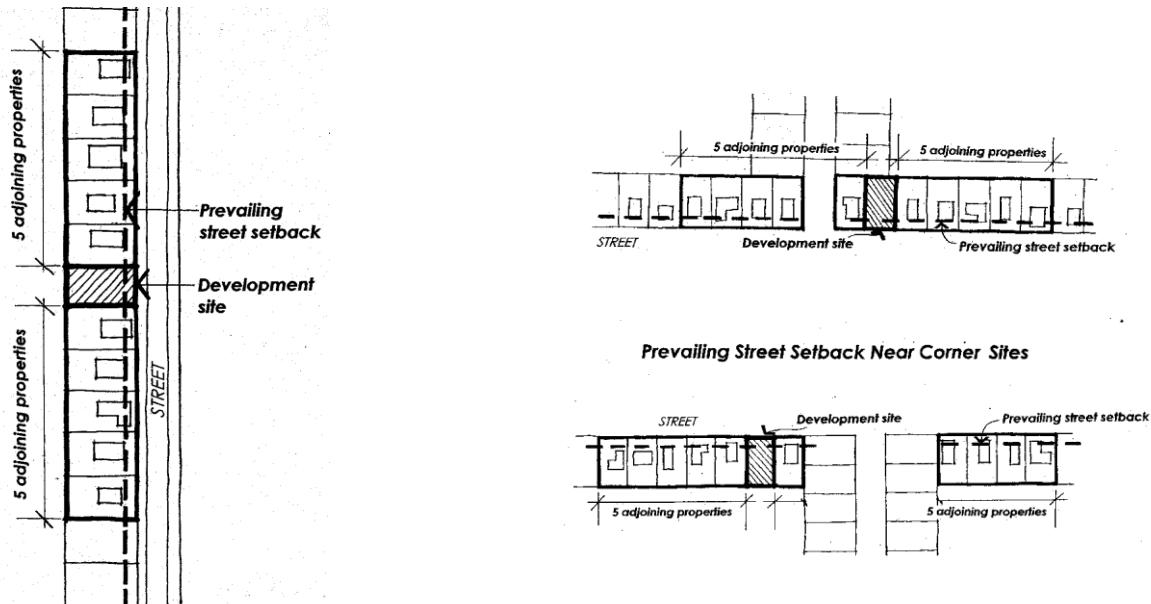
Please refer to the applicable schedule.
- (2) If subregulation (1) does not apply, a building must be set back from a street alignment not less than the distance specified in respect of that alignment in Table 74 of the Building Regulations 2018.
- (3) The following may encroach into the setback distance required by sub-regulation (1) or (2) by not more than 2.5m—
 - (a) porches, verandahs and pergolas that have a maximum height of less than 3.6m above natural ground level;
 - (b) eaves, fascia and gutters;
 - (c) sunblinds and shade sails;
 - (d) permanent & fixed screens referred to in regulation 84(5)(d) or 84(6); and
 - (e) decks, steps or landings less than 800mm in height.
- (4) In this regulation "**street**" does not include lane, footway, alley or right of way.
- (5) For the purposes of this regulation, an allotment does not adjoin another allotment if its boundary only touches the boundary of the other allotment at one point (for example, at a corner).

Monash Objectives

- To ensure that setbacks of new buildings are in context with the surrounding environment.
- To encourage consistent setbacks which help to visually unify diverse types of buildings.
- To enhance the quality of residential areas by creating open and spacious streetscapes.
- To maintain the Garden City image by providing the space in which a large garden with upper canopy trees can develop.
- To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Monash Guidelines

Dispensation to reduce the front setback to less than the regulation standard will generally only be granted where the front setback is not less than the "Prevailing Street Setback". The Prevailing Street Setback is the setback calculated by averaging the setback of the five adjoining residential properties on both sides of the development. Where there are fewer than five residential properties between a street end or corner, or a non-residential use and the development site the Prevailing Street Setback is the setback calculated by averaging the setback of the five next residential properties fronting the street (if any) on both sides of the property.



An encroachment into the prevailing setback will generally only be approved where the proposed setback has regard to:-

- the shape and or dimensions of the allotment; or
- the slope of the allotment or other conditions on the allotment; or
- maximization of solar access to habitable room windows and or private open space; or
- retention of significant vegetation on the allotment.
- any setback requirement in a restriction registered on Title or in a legal agreement.
- the neighbourhood character objectives, policy and statements set out in the Monash Planning Scheme

Information Required

An application to Council for Report and Consent for Regulation 74 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 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 Monash Guidelines that are applicable.
- Photos and details of the existing setbacks of properties in the immediate neighbourhood.

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