

SITE COVERAGE

Guidelines for report and consent to vary Building Regulation 76



Legislative Provision 76

Site coverage

- (1) If—
 - (a) an allotment is in a zone of a planning scheme specified in Schedule 6; and
 - (b) a schedule to that zone in the planning scheme specifies a maximum site coverage for buildings must not occupy more of the allotment than the site coverage specified in that Schedule.
- (2) If sub-regulation (1) does not apply, buildings must not occupy more than 60% of an allotment.
- (3) The following items may be disregarded when calculating site coverage under sub-regulation (1) or (2) –
 - (a) not more than 600mm of width of eaves or fascia and gutters;
 - (b) unroofed swimming pools or spas, unroofed terraces, unroofed patios, unroofed decks and pergolas.
- (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 site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

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 76 of the Building Regulations 2018, if –

- (a) the site coverage will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme; or
- (b) the site coverage will be consistent with that of existing development on the allotment, if applicable; and
- (c) the site coverage 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 site coverage 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 76 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.

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