

FENCE SETBACKS FROM SIDE AND REAR BOUNDARIES



CITY OF
MONASH

Guidelines for report and consent to vary
Building Regulation 90

Legislative Provision 90

90 Fence setbacks from side and rear boundaries

- (1) A fence exceeding 2m in height must be set back from a side or rear boundary (including a boundary that is a side or rear street alignment) not less than the distance specified in respect of that boundary in Table 90.

TABLE 90—SIDE AND REAR SETBACKS

<i>Fence height at any point</i>	<i>Minimum setback from side or rear boundary at that point</i>
More than 2.0m but not more than 3.6 m	1m
More than 3.6m but not more than 6.9 m	1m plus an additional distance calculated at the rate of 300 mm for every metre of height over 3.6m
More than 6.9m	2m plus an additional distance calculated at the rate of 1m for every metre of height over 6.9 m

- (2) 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.

Monash Guidelines

To date Minister's Guidelines have not been produced for Regulation 90. Due to the similarities between Regulation 79 and Regulation 90, Monash Council applies the Minister's Guidelines for Regulation 79 in reference to Regulation 90 applications.

The Monash guidelines for fence setbacks from side and rear boundaries are listed below. Note that a fence is considered to be a building.

Objective

To ensure that the height and setback of a fence from a boundary respects the existing or preferred 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 fence appurtenant to single dwelling, which does not comply with regulation 90 of the Building Regulations 2018, if –

- (a) the setback will be more appropriate taking into account the prevailing setback of existing fences on nearby allotments; or
- (b) the setback 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 fence; or
- (d) the fence abuts a side or rear lane; or
- (e) the building is opposite an existing wall built to or within 150mm of the boundary; or
- (f) the setback will not result in a significant impact on the amenity of the secluded private open space and habitable room windows of existing dwellings on nearby allotments; and
- (g) the setback 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 setback will not result in a disruption of the streetscape; and
- (i) the setback 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 90 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.
- Elevations showing existing buildings and design for the proposed fence.
- 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 Monash Guidelines that are applicable.

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