



Building Newsflash

Local Governments

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Setbacks to allotments having two road boundaries

Purpose

To provide advice on the application of the setback provisions contained in section 36 of the *Standard Building Regulation 1993* (SBR), to an allotment having two road boundaries.

Background

Section 36 of the SBR requires that all buildings and structures must have at least a 6 m road boundary clearance.

The Department has been advised that where an allotment has a road abutting the “front” and “rear” of an allotment, some certifiers have interpreted that the 6 m setback applies to the major access frontage only. The issue arises mainly where it is proposed to erect a Class 10a building towards the “rear” boundary of an allotment, but the rear boundary abuts a road.

Interpretation

The purpose of the 6 m setback is to minimise the impact of buildings upon the amenity of the streetscape. This can apply whether the front of a building is orientated towards a road, or not, and regardless of whether access is provided from the “rear” road. Therefore under section 36, a 6 m setback automatically applies to both road frontages.

However, a request can be made to the local government to vary the setback provisions of section 36, under section 48, which allows a local government to vary the requirements of division 2 for a specific application.

Where an application that does not comply with the section 36 setback provisions is submitted to a private certifier for assessment, the application must be referred to the local government under section 20. The private certifier cannot approve the application unless the local government gives a relaxation.

Where an allotment has a restricted access strip, or similar constraint to access, section 36 would not apply if the access strip is a separate allotment. The boundary would be deemed a rear or side boundary, and the setback provisions of section 38 would apply.

In some local government areas, alternative siting provisions may be contained in a local law that existed prior to 30 April 1998, or in the planning scheme, that over-ride the SBR siting provisions.

Related Newsflashes

- Siting Requirements (Issued 4/9/98)
- Fire Separation Assessment and Boundary Setback Relaxations (Issued 26/10/01)
- Length of Class 10a buildings (Issued 28/03/02)

Please contact Mr John Lamb on (07) 323 71712 should you require further information regarding these matters.