



Building Newsflash

Local Governments

Building Certifiers

Building Designers

Architects

Length of Class 10a buildings

Purpose

To provide advice on the application of the setback concessions contained in section 41 of the *Standard Building Regulation 1993* (SBR), to Class 10a buildings.

Background

Section 41 of the SBR provides a concession for a Class 10a building from the need to comply with the side and rear boundary clearances contained in section 37, subject to the building complying with a number of conditions. One of these, subclause (c), states “the total length of all buildings facing and within the boundary clearance to any 1 boundary does not exceed 9 m”.

The Department has been advised that some certifiers have interpreted this to apply to the total length of all Class 10a buildings only.

Interpretation

The purpose of the provision is to limit the impact of buildings constructed close to a boundary, on the amenity of the neighbouring property. It therefore applies to all buildings within the setback area. It will be noted that subclauses (b) and (d) refer specifically to Class 10a buildings, whereas subclause (c) states to “all” buildings.

An example is where a house was originally built to comply with earlier bylaws, and the setback is less than 1.5 m. (typically 1.2 m to the wall and 600 mm to the fascia). Assuming the house is 9 m or more long, the concession to build within the setback area cannot be applied to any further buildings adjacent to the same boundary.

However, a request can be made to the local government to vary the setback provisions of section 38, 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 concession 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 decide the application until the local government has responded.

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)
- Setbacks to allotments having two road boundaries (Issued 28/03/02)

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