

Siting and Design of Single Dwellings

This replaces previous Minister's Guideline MG/12 issued June 2005

Pursuant to section 188 A of the Building Act 1993 (the Act) I hereby issue the following guideline concerning the design and siting of single dwellings. Under clause 4A of Schedule 2 of the Act, a reporting authority must have regard to the guidelines made under section 188A in the cases set out in that clause.

PURPOSE OF GUIDELINE

The purpose of this Guideline is to set out the considerations to be applied to the design and siting of single dwellings under the building regulations where a reporting authority is considering an application for a report and consent for a variation to the standards applying to the design and siting of single dwellings. It should be noted that the definition of single dwellings includes a Class 1 building and a Class 10 building associated with a Class 1 building.

Each provision comprises a statement of the objective and matters to be considered in deciding if the objective is met. However, if any matter set out in this Guideline is not met, clause 4A(2)(d) of Schedule 2 of the Act requires that the reporting authority must refuse consent.

MAXIMUM STREET SETBACK

Objective

To facilitate consistent streetscapes by discouraging the siting of single dwellings at the rear of lots.

Decision Guidelines

The reporting authority may give its consent where a single dwelling, other than a fence, does not comply with regulation 408 of the Building Regulations 2006, if-

- (a) the setback will be more appropriate taking into account the prevailing setbacks of existing buildings on nearby allotments; or
- (b) the siting of the building is constrained by the shape and or dimensions of the allotment; or
- (c) the siting of the building is constrained by the slope of the allotment or other conditions on the allotment; or
- (d) there is a need to increase the setback to maximise solar access to habitable room windows and or private open space; or
- (e) the setback will be more appropriate taking into account the desire or need to retain vegetation on the allotment; and
- (f) 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
- (g) the setback will not result in a disruption of the streetscape; and

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- (h) the setback is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

MINIMUM STREET SETBACK

Objective

To ensure that the setbacks of buildings from a street respect the existing or preferred character of the neighbourhood and make efficient use of the site.

Decision Guidelines

The reporting authority may give its consent where a single dwelling, other than a fence, does not comply with regulation 409 of the Building Regulations 2006, if –

- (a) the setback will be more appropriate taking into account the prevailing setback within the street; 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 siting of the building is constrained by the shape and or dimensions of the allotment; or
- (d) the siting of the building is constrained by the slope of the allotment or other conditions on the allotment; or
- (e) there is a need to decrease the setback to maximise solar access to habitable room windows and or private open space; or
- (f) the setback will be more appropriate taking into account the desire or need to retain vegetation on the allotment; 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.

BUILDING HEIGHT

Objective

To ensure that the height of buildings respects the existing or preferred character of the neighbourhood.

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 410 of the Building Regulations 2006, if –

- (a) the height will be more appropriate taking into account the prevailing heights of existing buildings on nearby allotments; or

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- (b) the height will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme; and
- (c) the height 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 height will not result in a disruption of the streetscape; and
- (e) the height is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

SITE COVERAGE

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 411 of the Building Regulations 2006, 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

PERMEABILITY

Objective

To reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration.

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 412 of the Building Regulations 2006, if –

- (a) the amount of impermeable surfaces would be consistent with that of existing development on the allotment, if applicable; or
- (b) the capacity of the drainage network servicing the allotment is able to accommodate the additional stormwater that the development will cause; or

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- (c) on-site stormwater retention is able to accommodate the additional stormwater that the development will cause.

CAR PARKING

Objective

To ensure that car parking is adequate for the needs of the residents.

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 413 of the Building Regulations 2006, if –

- (a) the anticipated residents are likely to generate a lesser demand for car parking; or
- (b) the provision of car parking on the allotment would reduce the on-street car parking by equal to or more than the number of car parking spaces that would be provided on the allotment; or
- (c) the dimensions of the allotment provide insufficient width and/or depth to enable the provision of the required car parking on the allotment; or
- (d) the location of existing development on the allotment provides insufficient width and/or depth to enable the provision of the required car parking on the allotment; or
- (e) the availability of public transport and on-street parking would lessen the demand for car parking on the allotment; and
- (f) the provision of car parking is consistent with any relevant local planning policy or parking precinct plan in the relevant planning scheme.

SIDE AND REAR SETBACKS

Objective

To ensure that the height and setback of a building 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 single dwelling, which does not comply with regulation 414 of the Building Regulations 2006, if –

- (a) the setback will be more appropriate taking into account the prevailing setback of existing buildings 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 building; or
- (d) the building abuts a side or rear lane; or

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- (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.

WALLS ON BOUNDARIES

Objective

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood 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 single dwelling, which does not comply with regulation 415 of the Building Regulations 2006, if –

- (a) the location, length and or height of the wall will be appropriate taking into account the prevailing location, length and or height of boundary walls of existing buildings on nearby allotments; or
- (b) the location, length and or height of the wall 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 wall; or
- (d) the wall abuts a side or rear lane; or
- (e) the increased wall height is required to screen a box gutter; or
- (f) the location, length and or height of the wall(s) will not result in a significant impact on the amenity of existing dwellings on nearby allotments; and
- (g) the location, length and height of the wall 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 location, length and height of the wall is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

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DAYLIGHT TO EXISTING HABITABLE ROOM WINDOWS

Objective

To allow adequate daylight into habitable room windows.

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 416 of the Building Regulations 2006, if –

- (a) the building will not impact on the amenity of existing dwellings on nearby allotments; and
- (b) the building 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.

SOLAR ACCESS TO EXISTING NORTH-FACING WINDOWS

Objective

To allow adequate solar access into existing north-facing habitable room windows.

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 417 of the Building Regulations 2006, if –

- (a) the building will not impact on the amenity of existing dwellings on nearby allotments; and
- (b) the building 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.

OVERSHADOWING OF SECLUDED PRIVATE OPEN SPACE

Objective

To ensure buildings do not unreasonably overshadow existing secluded private open spaces.

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 418 of the Building Regulations 2006, if –

- (a) the proposed building will not significantly impact on the amenity of the secluded private open space(s) on nearby allotments; and
- (b) the building 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.

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OVERLOOKING

Objective

To limit views into existing secluded private open space and existing habitable room windows.

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 419 of the Building Regulations 2006, if –

- (a) the proposed building will not significantly impact on the amenity of existing dwellings on nearby allotments and or any associated secluded private open space; or
- (b) the building will not significantly increase the level of existing overlooking of habitable room windows of existing dwellings on nearby allotments and or any associated secluded private open space.

DAYLIGHT TO NEW HABITABLE ROOM WINDOWS

Objective

To allow adequate daylight into new habitable room windows of the dwelling.

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 420 of the Building Regulations 2006, if –

- (a) the area of the window is larger than 10% of the floor area of the habitable room.

PRIVATE OPENSOURCE

Objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

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 421 of the Building Regulations 2006, if –

- (a) the location of the private open space maximises the solar orientation of the allotment; or
- (b) the availability of, and access to, public open space or communal open space would lessen the demand for private open space on the allotment.

FRONT FENCE HEIGHT

Objective

To ensure front fence design respects the existing or preferred character of the neighbourhood.

Decision Guidelines

The reporting authority may give its consent to an application for a building permit for a fence, which does not comply with regulation 424 of the Building Regulations 2006, if –

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- (a) the fence will be more appropriate taking into account the prevailing heights, setbacks and design of existing front fences on nearby allotments; or
- (b) the slope of the allotment and or existing retaining walls or fences reduce the effective height of the wall; or
- (c) the fence is required for the minimisation of noise intrusion; and
- (d) the fence height will not result in a disruption of the streetscape; and
- (e) the fence height, setback and design are consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

ROB HULLS MP
Minister for Planning