

What is a dwelling?

For the purposes of this fact sheet, a dwelling is defined as a Class 1a single dwelling being a detached house and being the only dwelling on the allotment.

Why is a building permit required?

Building surveyors assess these proposals against the *Building Code of Australia* to ensure that the structure is safe and does not compromise anyone's rights to daylight, privacy, structural adequacy, health and safety. A building permit also protects consumers against poor workmanship.

What rules need to be followed?

You must comply with certain rules before a building permit can be issued. While there are a range of rules that may require consideration, you **must** comply with the following ones.

1. Getting a planning permit

In some areas, planning permits or approvals may be required particularly for multiple dwelling or rural developments. This information can be obtained from the Wodonga Council planning department on (02) 6022 9300.

Please note: *If a planning permit is required, a building permit cannot be issued until the planning permit and endorsed plans have been issued.*

2. Minimum street setbacks - (Table 409 Building Regulations 2006)

Adjoining development context	Minimum setback from front street	Minimum setback from a side street
Existing dwellings on adjoining allotments facing the same street	The average distance of the setbacks of the front walls of the existing buildings on the adjoining allotments facing the front street, or 9m, whichever is less	Not applicable
Existing dwelling on one adjoining allotment facing the same street and no building on the other adjoining allotment facing the same street	The same distance as the setback of the front wall of the existing building on the adjoining allotment facing the same street, or 9m, whichever is less	Not applicable
No existing dwellings on adjoining allotments facing the same street	6m for a building facing a declared road and 4m for a building facing any other street	Not applicable
Corner allotments If there is a building on the adjoining allotment facing the same street	The same distance as the setback of the front wall of the existing building on the adjoining allotment facing the front street, or 9m, whichever	The same distance as the setback of the front wall of the existing building on the adjoining allotment facing the side street, or 2m, whichever

If there is no building on the adjoining allotment facing the same street	is less 6m in respect of a declared road and 4m in respect of other streets	is less 2m
		The same distance as the setback of the front wall of the existing building on the adjoining allotment facing the side street, or 2m, whichever is less 2m

*Some parts of the dwelling such as porches, decks and eaves may encroach into the minimum prescribed setback. Refer to your designer or the building services team for more info.

3. Setback from side and rear boundaries

Dwellings may be constructed to the side and rear boundary, subject to certain conditions (see below) and providing they have the appropriate fire rating. If the neighbour's habitable room window(s) face the side or rear boundary opposite the proposed dwelling, a light court to that window is required at a minimum of 3m² and a minimum dimension of 1m clear to the sky.

Please note: The area of the light court may include land on the adjoining allotment. (Refer reg. 416 [2])

4. Walls on boundaries

Dwellings can be constructed on or within 1m of a side or rear boundary of an allotment. The length of the carport must not, either by itself or when combined with the length of any existing wall or carport, be greater than the greater of:

- 10m plus 25 per cent of the remaining length of the boundary of the allotment or
- The length of any wall or carport constructed on the adjoining allotment which is within 150mm of the boundary of that allotment.

(Refer reg. 415[2])

5. Side and rear setbacks

A dwelling or part of the dwelling constructed on or within 150mm of a side or rear boundary of an allotment must not exceed an average height of 3m and a maximum height of 3.6m along the boundary. If part of the dwelling abuts an existing wall, it may be constructed to the same height as that wall.

(Refer reg. 415 [3])

For buildings over 3.6m in height, the minimum setback required is 1m plus 0.3m for each 1m above 3.6m (i.e. a setback ratio of 1:3 for heights over 3.6m up to 6.9m).

(Refer reg. 414 [2])

6. Daylight to habitable room windows

A habitable room window must face either an open space or light court at least 1m clear to sky or an open verandah or an open carport (*Open = at least 1/3 perimeter open*).

(Refer reg. 420 [1])

7. Other considerations

Please be aware that there are other considerations that may affect your siting including fire ratings, overshadowing, overlooking, provision of private open space, covenants, Section 173 agreements, building envelopes, bushfire prone areas and the location of easements and/or services.

If you can't comply:

Should constraints on the proposed design or site make it difficult for you to comply with any one of the above stated rules, a sketch should be made and the matter discussed with the building surveyor. It may be possible to obtain consent to vary the regulations for the proposal via a "report & consent" application.

The municipal building surveyor at Wodonga Council makes assessments of this nature for a fee. It is important to note that such an application may not be approved.

Please note: The information in this fact sheet is a guide only. Regulations can change, so before undertaking any development, please check with the building services team at Wodonga Council on (02) 6022 9300.