***Draft Small Lot Housing Code, September 2019***

Standards that establish a building envelope for a single Class 1a building and associated Class 10 buildings on an allotment.

If an adjoining allotment is not subject to this code or is not shown on the same certified plan of subdivision, regulations 414, 415, 416, 417, 418, 419, 425, 426, 428, 429 and 430 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.

**Definitions**

In this code –

“allotment” means land that can be disposed of separately under section 8A of the Sale of Land Act 1962 without being subdivided;

“bedroom” includes any room with a floor area greater than 6 square metres, that is enclosed on all sides and contains a window;

“carport” is an open style car parking structure which –

1. has 2 or more of its side open, and
2. is open for at least 1/3 of its perimeter; a side of a carport may be taken as open if the roof covering is not less than 500mm from another building on the allotment or the adjoining allotment boundary;

“Class 1a” is a single dwelling being -

1. a detached house; or
2. one in a group of two or more attached dwellings, each being a building, separated by a fire resisting wall, including a row house, terrace house, town house, villa unit, or the like;

“Class 10a” is a non-habitable building including private garages, carports, sheds, or the like;

“Class 10b” is a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like;

“clear to the sky” means an unroofed area or an area roofed with a material that transmits at least 90 percent of light;

 “declared road” means a freeway or an arterial road, both within the meaning of the Road Management Act 2004;

“existing building” & “existing wall” in relation to an adjoining allotment means any part of a building or wall -

1. for which there is an ‘occupancy permit’, that has been given to the relevant council; or
2. for which there is a ‘certificate of final inspection’, that has been given to the relevant council;

“fence” includes a screen or structure similar to a fence;

“front street alignment” means the street which the front of the dwelling faces, if the allotment has more than one street (not a lane) frontage, the plans may nominate which street is the front street;

“front wall” means the wall most forward of the building towards facing the Street Alignment;

“habitable room” means any room of a dwelling or residential building other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods;

“height” in relation to -

1. a building (other than a wall or fence) at any point, means the vertical distance between natural ground level and the top of the roof covering; and
2. a wall at any point, means the vertical distance between the natural ground level at the base of the wall and the point at which the outer wall intersects the plane of the top of the roof covering, or the top of a parapet, whichever is higher; and
3. a fence means the vertical distance between natural ground level at the base of the fence and the top of the fence at any point along the fence.

Chimneys, flues and service pipes are not included when measuring heights;

“pergola” means an open structure that is unroofed but may have a covering of open weave permeable material;

“private open space” means -

1. an unroofed area of land; or
2. a deck, terrace, patio, balcony, pergola, verandah, gazebo, swimming pool or spa;

“raised open space” means a landing with an area of more than 2 square metres, a balcony, a terrace, a deck or a patio that has a floor level more than 800mm above natural ground level.

“recreational private open space” means any part of private open space on an allotment –

1. which is -
2. at the side or rear of an existing dwelling on the allotment; or
3. is a rooftop area; and
4. which is primarily intended for outdoor recreation activities.

**“**required habitable room window” is a window that provides all or some of the minimum amount of light or ventilation to a habitable room in accordance with volume 2 of the Building Code of Australia;

“setback” from a boundary or building means a horizontal distance from that boundary or building;

“side street alignment” means, for an allotment with more than one street frontage, any other street (not lane) that is not the front street;

“simultaneously approved” means buildings that have obtained their building permits on the same day;

“site coverage” in relation to an allotment means that part of the allotment which is covered by buildings, expressed as a percentage of the area of the allotment;

“storey” means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.

“street” includes a road, highway, carriageway, lane, footway, square, court, alley and right of way (unless specified otherwise);

“street alignment” means the line between a street and an allotment;

“wall on boundary” means

1. buildings on a side or rear boundary of an allotment; and
2. carports constructed on or within 1.0 metre of a side or rear boundary of an allotment and which is open on the side facing the boundary or boundaries.

**Part 1 – Single Class 1a Building and Associated Class 10a Buildings**

1. **Maximum Street Setback**
	1. The front wall of a new Class 1a Building must not be set back from the front street alignment more than 1.5 metres than the street setback specified in Table 2.

1. **Minimum Street Setbacks and Articulation**

In this standard street does not include lane, footway, alley or right of way;

* 1. Walls of a building must be setback from front and side street alignments the distances specified in Table 2.

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| **Table 1 – Street setbacks** |
| *Designation of the allotment in the subdivision permit* | *Minimum setback from front street alignment*  | *Minimum setback from side street alignment*  |
| Type A | 4.0 metres for a building facing a Declared Road 1.5 metres for a building facing a street where there is a recreation reservice on the other side of the street and opposite the allotment3.0 metres in any other case | 1.5 metres  |
| Type B | 4.0 metres for a building facing a declared road 1.5 metres in any other case | 1 metre  |

* 1. Walls of a building must be articulated in accordance with Table 3.

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| **Table 2 – Articulation at front and side street** |
| *Minimum articulation at front Street Alignment*  | *Minimum articulation at side Street Alignment*  |
| No less than 25 percent of the area of the front façade\* of a building must be setback at least an additional 300mm. | If a wall is more than 10.0 metres in length, 10 percent of the area of the wall must be setback at least an additional 300mm |

For the purposes of this standard, the area of the front façade at this Standard, means the area of the walls of the building facing the front street and measured from a two-dimensional elevation and excludes any roof area and the area of garage and carports doors / opening.

* 1. The entrance of any garage or carport, that is accessed from the front street alignment (not a lane), must be setback no less than 5.0 metres from the front street alignment.
	2. The following may encroach into the setback distance required by standard 2.1 by no more than 1.5 metres -
	3. eaves, fascia and gutters; and
	4. decks, steps or landings less than 800mm in height;

provided these encroachments do not project over a street alignment.

* 1. At least one of the following design features must be provided to the front of the building and may encroach into the setbacks required by standard 2.1 –
	2. a porch, verandah or pergola that –
1. is open on at least 2 sides;
2. has a width that does not exceed 80 percent of the frontage of the allotment or 4m, whichever is the greater; and
3. projects at least 800mm and no more than 1.5 metres forward of the front wall;

or

* 1. a balcony on the second storey or above that –
1. has a width that does not exceed 80 percent of the frontage of the allotment or 4.0 metres, whichever is the greater; and
2. must project at least 300mm and no more than 1.0 metre forward of the front wall, if the balcony is roofed; or
3. must project at least 800mm and no more than 1.5 metres forward of the front wall, if the balcony is not roofed;

or

* 1. fin/s or sunhood/s having a minimum combined dimension of 3.1 metres which must project at least 300mm and not more than 1.0 metre forward of the front wall to which it is attached.
1. **Building Height**
	1. The height of a building must not exceed –
2. The height specified in the Zone, or if no height specified:
	1. 11.0 metres if the slope of natural ground level at any cross section of the site of the building that is wider than 4.0 metres and is 2·5° or more; and
	2. 10.0 metres in any other case.
3. **Site Coverage**
	1. The site area covered by buildings must not exceed the area specified in Table 4.\*

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| **Table 3 - Site coverage** |
| *Designation of the allotment in the subdivision permit* | *Site coverage* |
| Type A | 90 percentThe percentage may be calculated as the average of allotments that have simultaneously approved attached dwellings. |
| Type B | 100 percent |

\*When calculating site coverage under standard 4.1, eaves, fascia and gutters not exceeding 600mm in total width, unroofed swimming pools, unroofed terraces, unroofed patios, unroofed decks and pergolas may be disregarded.

1. **Permeability**
	1. The site area covered by pervious surfaces must be at least the area specified in Table 5.

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| **Table 4 - Permeability** |
| *Designation of the allotment in the subdivision permit* | *Permeable surfaces* |
| Type A | 10 percent The percentage may be calculated as the average of allotments that have simultaneously approved attached dwellings. |
| Type B | No permeable surface specified. |

1. **Car Parking**
	1. Provision must be made for the number of car parking space(s) specified in Table 6.

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| **Table 5 – Car parking** |
| *Designation of the allotment in the subdivision permit* | *Minimum number of car parking spaces* |
| Type A | 1 car parking space if the building has two or less bedrooms. 2 car parking spaces if the building has 3 or more bedrooms.  |
| Type B | 1 car parking space |

* 1. The car parking space(s) required under standard 6.1 must be accessible from a public street or lane or right of way, however, if the allotment has a frontage width of less than 6.0m access to the car parking space(s) must only be from the rear of the allotment.
	2. If 1 car parking space is required under standard 6.1 it must be at least 6.0 metres long and 3.5 metres wide.
	3. If 2 car parking spaces are required under standard 6.1 –
1. one space must be at least 6.0 metres m long and 3·5 metres wide; and
2. the second space must be at least 4·9 metres long and 2·6 metres wide.
	1. The minimum ceiling height to a garage, carport or car parking space is 2.1 metres.
	2. Despite standard 6.4, if the 2 required car parking spaces adjoin each other in a garage or carport or in a space constrained by walls, the double space may be 5·5 metres in width.
	3. If the car parking space(s) required under standard 6.1 is in a garage or carport and the door(s) or opening(s) to the garage or carport faces the front street -
3. the width of the door(s) or opening(s) must not exceed 50 percent of the width of the of the frontage of the allotment; or
4. the area of the door(s) or opening (s) must not exceed 30 percent of the area of the front façade of the building. For the purposes of this standard, the area of the front façade of the building means the area of the walls of the building facing the front street, measured from a two-dimensional elevation and excluding any roof area.

1. **Side and Rear Setbacks**

Standard 7 does not apply to a wall of a building or a carport that complies with standard 8.

* 1. A building must be set back from a side or rear boundary not less than the distance specified in Table 7.

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| **Table 6 - Side and Rear Setbacks**  |
| *Building height at any point* | *Minimum setback from side or rear boundary*  |
| 3⋅6 metres or less | 1.0 metre  |
| More than 3.6 metres but not more than 6·9 metres | 1.0 metre plus 0.3 metres for every metre of height over 3.6 metres  |
| More than 6·9 metres | 2.0 metres plus 1.0 metre for every metre of height over 6.9 metres. |

* 1. The following may encroach into the setback distance required by Table 7 by not more than 500mm –
1. porches and verandahs;
2. masonry chimneys;
3. sunblinds and sunhoods;
4. flues and pipes;
5. domestic fuel tanks and water tanks; and
6. heating and cooling equipment and other services.

* 1. Eaves, fascias and gutters may encroach into the setback distance required by Table 7 by not more than 600mm.
	2. The following may encroach into the setback distance required by Table 7 –
1. landings with an area of not more than 2 square metres and less than 1.0 metre high;
2. unroofed stairways and ramps;
3. pergolas;
4. shade sails; and
5. decks less than 800mm above natural ground level.
6. **Walls on Boundaries**
	1. The maximum height of a wall on or within 1.0 metres of a side or rear boundary, or a carport on or within 1.0m of a side or rear boundary, must not exceed 7.2 metres and two storeys unless:
7. it abuts an existing building on the adjoining allotments or will abut a simultaneously approved building on the boundary; and
8. the height difference between the existing adjoining building or the simultaneously approved building or carport does not exceed 3.6 metres.
9. notwithstanding standard 8.1(a) the length difference between the existing or simultaneously approved building must not exceed 2.0 metres, and the additional length must not impact on a light court.
	1. There is no maximum a wall may be constructed along a boundary.
10. **Daylight to Existing Habitable Room Windows**
	1. No specific standards are required to be met.

1. **Solar Access to Existing North-Facing Windows**
	1. No specific standards are required to be met.
2. **Overshadowing of Recreational Private Open Space**
	1. A building must not reduce the sunlight to any recreational private open space of an existing building on an adjoining allotment to less than 6 square metres, with a minimum dimension of 2.0 metres.

For the purposes of calculating the area of direct sunlight under this standard, the length of the shadow cast by buildings and/or fences shall be 0.9h when measured perpendicular to the building and/or fence, where h is the height of the building and/or fence and when the sun is true north.

1. **Overlooking**
	1. A window in a habitable room, where the floor level of the room is more than 2.5m above natural ground level and the window faces secluded private open space or habitable room windows of an existing dwelling within a horizontal distance of 4.5 metres, the window must either –

1. have a sill height at least 1·7 metres above floor level; or
2. have fixed obscure glazing in any part of the window below 1·7 metres above floor level.

In this standard, faces means at an angle of less than 45° to the boundary.

* 1. A Raised Open Space must be –

1. Setback 4.5 metres from a side or rear boundary; or
2. screened to a height of at least 1.7m above the floor level and be no more than 25 percent transparent.

1. **Daylight to Habitable Room Windows**
	1. Each required habitable room window of a building on an allotment must face –
2. an outdoor space or light court with a minimum area of 3 square metres and a minimum dimension of 1.0 metre clear to the sky, not including land on an adjoining allotment; or
3. a verandah provided it is open for at least one third of its perimeter; or
4. a carport provided it has two or more open sides and is open for at least one third of its perimeter

For the purposes of this standard, a side of a carport or verandah will be open if the roof covering of the carport or verandah is not less than 500mm from another building on the allotment or the adjoining allotment boundary.

1. **Private Open Space**
	1. If a dwelling on an allotment has three or more bedrooms it must have –
2. at least 24 square metres of private open space at the side or rear of the building with a minimum dimension of 3.0 metres; or
3. a balcony or roof-top area of at least 12 square metres of private open space with a minimum dimension of 3.0 metres.

Private open space may be provided in 2 or more parcels provided that each parcel is at least 12 square metres and at least 1 parcel complies with standard 14.3.

* 1. If a dwelling on an allotment has two or less bedrooms it must –

1. have at least 12 square metres of private open space at the side or rear of the building with a minimum dimension of 3.0 metres; or
2. a balcony or rooftop area that is at least:
3. 10 percent of the total floor area of the building excluding garages and carports; or
4. 6 square metres with a minimum dimension of 2 metres,

whichever is the greater.

* 1. If the private open space is provided at the side or rear of the dwelling or as a roof top area, an area of at least 6 square metres, with a minimum dimension of 2.0 metres, must have access to direct sunlight.

For the purposes of calculating the area of direct sunlight at this standard, the length of the shadow cast by buildings and/or fences shall be 0.9h when measured perpendicular to the building and/or fence, where h is the height of the building and/or fence and when the sun is true north.

**Part 2 – Class 10b Buildings**

1. **Front Fence Height**
	1. A front fence on or within 3m of the street alignment must not exceed the maximum height specified in specified in Table 15.

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| **Table 7 - Front fence height** |
| *Street type* | *Maximum fence height* |
| A declared road | 2.0 metres. |
| Any other street | * 1. metres.
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* 1. A front fence, other than a front fence to a declared road, must be at least 15 percent transparent above 700mm height.
1. **Fences Setback more than 150mm from Side and Rear Boundaries**
	1. A fence that is setback more than 150mm from a side or rear boundary must not exceed 2.5 metres in height and the part of the fence between 2.0 metres and 2.5 metres in height must be at least 25 percent transparent.
2. **Fences on or within 150mm of Side or Rear Boundaries**
	1. A fence that is on or within 150mm of a side or rear boundary must not exceed 2.5 metres in height and the part of the fence between 2.0 metres and 2.5 metres in height must be at least 25 percent transparent
		1. **Fences forward of front walls**
	2. Any part of a fence that is constructed forward of the front wall of a dwelling must comply with the height and transparency requirements of standards 15.1 and 15.2.
3. **Fences on Street Alignments**

In this standard street does not include lane, footway, alley or right of way

* 1. Despite standards 15.1 and 15.2, a fence within 3.0 metres of a point of intersection of street alignments must not exceed a height of 1.0 metre above footpath level.
	2. A fence within 1.0 metre of a side street alignment -

– must not exceed 2.0 metres in height; and

- may be solid for no more than 65 percent of its length, the remaining length of the fence must be at least 15 percent transparent

* 1. A fence on a rear street alignment must not exceed 2.0 metres in height above natural ground level.
	2. A fence adjacent to and within 1.0 metre of a street alignment or public open space must not contain barbed wire or other sharp protrusions.

1. **Fences and daylight to windows in existing building**
	1. No specific standards are required to be met.
2. **Fences and solar access to existing north-facing habitable room windows**
	1. No specific standards are required to be met.
3. **Fences and overshadowing of recreational private open space**
	1. No specific standards are required to be met.