

# VARIATIONS TO BUILDING SETBACKS



---

### Introduction

The Residential Design Codes of WA set out the minimum setbacks from property boundaries for buildings and structures. These minimum setbacks are designed to maintain an aesthetic streetscape and to ensure that neighbours privacy and amenity is maintained. The Building Code of Australia (BCA) also has minimum setback distances relating to fire separation requirements. They also aim to protect properties from the spread of fire from one property to another. The above Residential Design Codes do allow for these setbacks to be varied in certain circumstances.

This information sheet deals with how a setback variation is considered and the process involved in gaining approval for the variation.

### Definitions

A **Setback Variation** is a variation to the boundary setbacks for buildings and structures required by the 'Acceptable Development' provisions of the Residential Design Codes.

### Information and Advice

The Residential Design Codes of WA sets out the minimum setbacks required for buildings and structures from property boundaries, under the 'Acceptable Development' provisions of the Codes.

When applying for a Building Permit or Planning Approval, the above Codes give the applicant the choice of complying with either the 'Acceptable Development' provisions of the codes, which spell out specific dimensions to property boundaries or you can choose to apply for a 'Codes Approval', which is based on the 'Performance Criteria' of the Codes. The 'Performance Criteria' give a set criterion that is to be used for the submission and determination of the proposal.

Dependent upon which setback you would like to vary will determine which 'Performance Criteria' you will need to address with your submission

### How Do I Know If I Need To Apply For A Planning Approval?

When you apply for either a Building Permit or a Planning Approval for a development, the Building Surveyor or Planner will carry out an assessment of the application against the 'Acceptable Development' provisions of the Codes. If the setbacks do not comply with these provisions, the applicant will be advised and you will have the choice of either altering the plans to meet these requirements or submitting an application for 'Planning Approval' to vary those requirements.

### How Do I Know What 'Performance Criteria' I Need To Address With My Application For A Planning Approval?

When either the Building Surveyor or Planner advises you that you require a Codes Approval, a copy of the relevant 'Performance Criteria' from the Codes will be provided to you with the application form.

---

## How Do I Make Application For A “Performance Based” Planning Approval?

To apply for a performance based approval, the following information is to be submitted:

- An application for Planning Approval is to be completed;
- All the information detailed in the checklist titled: “How to submit a Planning Application” is also required.

*Note – Neighbours comments may be required to be submitted and as such it may be helpful to discuss the proposed variation from the acceptable development provision with them prior to submitting the application.*

### Fees

Please see your Local Shire for an update of schedule of fees.

### Fines and Penalties

Nil.

### Additional Information

For detailed advice about the demolition of buildings, please call the Shire of Broome Planning Services on 9191 3456.

### Requirement Checklist Notes

- An application for Planning Approval is required if the proposal does not comply with the ‘Acceptable Development’ provisions of the Residential Design Codes;
- The application is to include a submission addressing the relevant ‘Performance Criteria’ of the Codes;
- Fess as per schedule

### Disclaimer

This information sheet is provided as generalised information. While we aim to keep the content of this document current and accurate, we accept no responsibility or warranties for actions based on the information provided. The Shire of Broome encourages you to seek professional advice before acting on any information contained within this document. Please contact the Shire of Broome if you wish to comment on the forms provided and information contained within. Any reported errors will be amended.