

Building Appeals Board



Building Setbacks

Responsibility for setback requirements for residential buildings and associated structures such as carports and sheds is as shown below.

1. Land not covered by the NT Planning Scheme (unzoned land)

In areas within gazetted building control areas, but not covered by the NT Planning Scheme, the setback requirements for residential land are determined by the Building Regulations.

The setback requirements are:

Boundary	Distance
Primary Street	7.5 m
Secondary Street (If Applicable)	2.5 m
Rear	1.5 m
Side	1.5 m

What do I do if I want to build closer than this?

To build closer to the boundary than specified above, you should apply to the **Building Appeals Board** using the attached **application form**.

2. Land covered by the NT Planning Scheme (zoned land)

On land covered by the NT Planning Scheme, setback requirements are determined by the Development Consent Authority. Enquiries about setbacks within those areas should be directed to the Development Consent Authority.

HOW TO APPLY FOR A MODIFICATION TO THE BUILDING REGULATIONS

Who can lodge an application?

An application can only be made by the owner of the property or an authorised agent.

What do I need to put with my application?

One (1) copy of a **written submission** outlining the modification you are seeking and giving supporting reasons for each.

- Two (2) copies of a site plan and one copy of a floor plan plus elevations to explain the proposal. Plans and drawings must be **legible, dimensioned (particularly showing the proposed distance to the boundary) and drawn to scale**. *A drainage plan will not be accepted as a site plan.*
- In the case of a modification to the **side or rear setback**, your plans should be shown to the **owners of the adjoining property** (including the relevant Council where Council is the owner), who should indicate their agreement and put their **name and signature on the plans** if they support your proposal. If they object, they should be advised to write to the Building Appeals Board.
- Existing and new works must be clearly defined on the drawings and items affected by a proposed modification must be **circled and identified by Clause/Regulation number**. The more information you can provide the better, but it must be clear and easy to interpret.
- **Encumbrances/Covenants** must be considered. Where the modification affects existing encumbrances/covenants, you should provide evidence that the proposal has the **support of the developer**, eg letter from developer or endorsed plans.
- Any other **additional information** that would assist the Board in its assessment of the application (e.g. photographs, proposed landscaping etc). **Photographs** are particularly useful in the case of **front setback variations**.

When will I be notified of the result of my application?

In most cases, a decision on a side or rear boundary setback modification will be made in approximately 7-10 days. All front setback variations are determined at a meeting of the Board and the timeline is dependant on the Board's meeting dates.

The Registrar will advise you of the Board's decision in writing, however you can phone the Registrar on 89998972 at any time to find out the status of your application.

CHECKLIST

Make sure you provide ALL the following. One copy is required unless otherwise indicated.

- Written submission giving:
 - Details of the required and proposed setbacks.
 - Proposed measures to dispose of stormwater runoff, if applicable.
- Fully dimensioned, plans (floor plan, and elevations), drawn to scale, showing the proposed construction.
- Fully dimensioned site plan, drawn to scale, showing the existing buildings and proposed new work. **(2 copies)**
- A site plan signed by the owner of the affected neighbouring property (includes Council where Council is the land owner, with the owner's name clearly legible).
- A copy of covenants/encumbrances, if applicable.
- Approval from the developer specifying that the proposal complies with any covenants/encumbrances if applicable.
- Evidence of ownership or owner's authorisation
- Payment.
- Completed application form.

Applications should be addressed to the Registrar, Building Appeals Board and

Posted to:

or Delivered to:

GPO Box 1680
DARWIN NT 0801

16 Parap Road
PARAP

PAYMENT DETAILS

- CREDIT CARD
 - Mastercard
 - Visa

- CASH
- EFTPOS
- CHEQUE (*payable to Receiver of Territory Monies*)

Card Number

Expiry Date:

Amount \$.....

Card Holder's Name

Signature

BUILDING REGULATIONS 1993, PART 7
MODIFICATION OF APPLICATION OF BUILDING REGULATIONS

APPLICATION FORM

PART A - Details of Application:

- 1. Street Address:
 Lot Number: _____ Town of : _____
- 2. Class of Building: _____ Regulation to be modified: _____
- 3. Variation Sought:

	Setback Required	Setback Proposed	Complies Yes or No	Structure Proposed
Front	7.5 m			
Side	1.5 m			
Side	1.5 m			
Rear	1.5 m			

PART B - Reasons for requesting modification

You must attach a written submission outlining the modifications sought and giving reasons in support.

PART C – Applicant Details

I/we apply for a site modification in accordance with the attached plans.

***APPLICANT’S NAME:** **SIGNATURE**

Contact address:	
Phone Numbers	
Business:	Home:
Fax:	Mobile:
Email Address:	

**NOTE: Where the applicant is not the owner, applicant must provide authorisation to act on the owner’s behalf.*

Office Use Only	
Receipt No:	Date:
Amount: \$	Rec'd by: