

Setbacks, height and privacy

Dunlop Avenue, Ascot Vale

Setbacks, height and privacy

During our engagement with the community in late 2017 and early 2018, we heard that there were concerns about building heights and the privacy of neighbouring properties. To respond to this, we have reduced the building heights from four storeys to three and reduced the chances of overlooking into other properties.

We heard that the northern boundary is the most sensitive, as this is where the site borders the existing properties facing Francis Street. We have designed the new buildings to minimise overlooking into other properties. Most of the new balconies and windows face the street or are internal to the development site. Only 48 of the new homes (24 per cent) will face north towards the backyards of homes in Francis Street.

The overlooking requirement in the Moonee Valley Planning Scheme requires the building to be setback nine metres from the street or for screening (a visual barrier) to be provided to the upper level windows and balconies that is 1.7 metres high to limit overlooking. We are proposing to exceed the standards of the planning scheme and provide a 10 metre setback at the closest point to the street. Neighbouring properties will be located between 10 and 30 metres away from the proposed buildings. Above and beyond the planning scheme requirements, we are proposing to plant mature trees and plants along the northern boundary to further reduce privacy concerns.

The buildings on the site are currently set in an unusual zig-zag fashion. This is out of character compared to other buildings in the area. The setback from the street currently ranges from 3.4 to 22.5 metres along Dunlop Avenue. Across the road on the south side of Dunlop Avenue, the buildings are setback from five metres to 11.4 metres from the street. We want to bring the new buildings closer to the street to match the other front setbacks of buildings in the area.

We are proposing front setbacks along Dunlop Avenue from four to eight metres, with some greater setbacks built around existing mature trees. On Rothwell Street the front setback will be three metres and will be setback behind the dwelling located at 30 Rothwell Street.

Table 1: Overlooking and rear setback

	Planning scheme requirement	Proposed
Overlooking¹	9 metre setback or a visual barrier at least 1.7 metres high	10 metre setback to the rear boundary of Francis Street homes
Rear setback²	6.1 metres (for an 11 metre high building)	6.9 metre setback to the laneway

¹ Clause 55.04-6 of the Moonee Valley Planning Scheme (Overlooking)

² Clause 55.04-1 of the Moonee Valley Planning Scheme (Side and rear setbacks)

Frequently asked questions

What is a setback?

A setback is the distance that a building or property is from the street or property boundary.

What is overlooking?

'Overlooking' is a term used in town planning and referred to in the planning scheme. It means the ability for someone to have a direct view into a neighbour's backyard (private open space) or a bedroom/lounge room window (the window in a habitable room). The rules for new buildings are contained in the planning scheme. This sets out requirements so that new windows or balconies, within nine metres of a neighbouring property, cannot directly look into adjacent property habitable room windows or onto secluded private open space.

How high will be buildings be?

The buildings will have a maximum height of three storeys, or 11 metres which is a requirement in the General Residential Zone 1 (GRZ1). The buildings may appear to be different heights. This is because the site isn't flat. We have designed them to work with the natural ground level.

How far apart do the new buildings need to be from each other?

The planning scheme does not specify the distance that buildings need to be setback from each other³. Instead, new buildings need to be designed so that they allow daylight into the new homes. This is achieved through the number, size, location and position of the windows.

Will there be any overshadowing of neighbouring properties?

There will be no overshadowing to the existing dwellings facing Francis Street as they are on the north of the site. There will also be no overshadowing of the front yards of the dwellings on Dunlop Avenue during the September equinox. The overshadowing requirement in the Moonee Valley Planning Scheme uses the September equinox as the required test to determine if overshadowing is acceptable.

What is the equinox?

The equinox is the time of year where there is 12 hours night and 12 hours day

Related plans and images

- Plan 4: Building setbacks
- Image 3: Cross-sections of buildings
- Image 4: Interface sections
- Image 5: Sketch elevations along laneway - Buildings A & B
- Plan 5: Solar diagrams - June
- Plan 6: Solar diagrams - September

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³ Clause 58.04-1 of the Moonee Valley Planning Scheme (Building setback)