

*This updates the previous Practice Note-2014-06 issued April 2014*

## Purpose

Regulation 134 of the *Building Regulations 2018* (the Regulations) relates to buildings above or below certain public facilities. This Practice Note explains under what circumstances the provisions of regulation 134 must be complied with and regulations 98 to 110 of Part 6 of the Regulations should be read in conjunction with this practice note.

## Purpose of Regulation 134

Regulation 134 is intended to be read as a stand-alone provision, dealing with “a building”, including a part of a building, constructed above or below certain public facilities. It relates to a broader range of buildings than those described in the other projection-related regulations. Accordingly, regulation 134 clarifies that this requirement relates to all buildings above or below the prescribed public facility and is not aimed at building work projecting from other buildings.

Consent by council pursuant to regulation 134 eliminates the need to obtain a modification to regulation 98 from the Building Appeals Board (BAB).

## Application

Examples of public facilities to which this regulation applies include a street, railway, bus terminal or other similar public facility. The term “above or below” a certain public facility should only be construed to mean an elevated or tunnel type building, or structure such as the elevated multi-level pedestrian

overpasses connecting major department stores.

An airline terminal building constructed at ground level, or bus shelters built at street level, should not be regarded as constructed above a public facility.

## Protection related regulations

Regulations 98 to 110 inclusive all deal with situations where a part of a building, or attachment to a building, projects beyond the allotment boundary.

Pursuant to regulation 98, these projections are as-of-right, provided that they meet the prescribed limitations of the regulation. Regulation 109 provides discretionary powers for the council to vary the as-of-right requirements.

## Further information

### Want to know more?

If you have a technical enquiry, please email [technicalenquiry@vba.vic.gov.au](mailto:technicalenquiry@vba.vic.gov.au) or call 1300 815 127.

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