

## Exemption for Class 10a buildings

### Aim

To advise building owners and building practitioners about the exemption for Class 10a buildings under Item 1 of Schedule 3 to the *Building Regulations 2018* (the Regulations).

### Exemption

A freestanding Class 10a building is exempt from all Parts of the Regulations, and from any requirement for a building permit, provided it—

- has a floor area not greater than 10 square metres;
- is no more than 3 metres in height, or if within 1 metre of a boundary, is no more than 2.4 metres in height;
- is not constructed of masonry;
- if appurtenant to a building of another Class on the same allotment, is located no further towards the frontage than the front wall of the building to which it is appurtenant;
- if not appurtenant to a building of another Class on the same allotment, it must be the only Class 10a building on the allotment and be set back at least 9 metres from the front street alignment and at least 2 metres from each side street alignment.

If the proposed Class 10a building does not meet the above requirements, an owner or their agent should seek the advice of a building surveyor about obtaining a building permit.

### Requirements under other legislation

It should be noted that the exemption only applies to the building legislation. There may be requirements applicable to a Class 10a building under other legislation. For example, the consent of a service authority may be required to construct a Class 10a building over an easement, or within a specified distance of works of a water supply authority.

In addition, there may be restrictions under a planning scheme, depending on the zone in which the Class 10a building is to be constructed.

Owners and builders should contact the relevant authority for advice as to whether such restrictions are applicable.

### Class 10a building appurtenant to a building of another class

A Class 10a building that is not eligible for the exemption, and that is appurtenant to a building of another class, must be on the same allotment as the building to which it is appurtenant, unless approved under the Subdivision Act 1988 or any corresponding previous enactments (regulation 87(1)).

If an owner does not wish to comply with regulation 87(1), the owner, or their agent, must seek the report and consent of the relevant council.

#### 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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