

# DAYLIGHT TO EXISTING HABITABLE ROOM WINDOWS

## Guidelines for report and consent to vary Building Regulation 82



### Legislative Provision 82

#### Solar access to existing north-facing habitable room windows

- (1) This regulation applies if—
  - (a) a building is to be constructed on an allotment; and
  - (b) a north-facing habitable room window or part of a window of an existing dwelling on an adjoining allotment is within 3m of a boundary of the allotment on which the building is to be constructed; and
  - (c) the window is orientated towards the boundary and
  - (d) Will be situated below the eaves or the top of a parapet of the building being constructed.

TABLE 82—SETBACKS FROM NORTH-FACING WINDOWS

Building height at any point	Minimum Setback from side or rear boundary at that point
3-6m or less	1m
More than 3-6m but not more than 6-9m	1m plus an additional distance calculated at the rate of 600mm for every metre of height over 3-6m
More than 6.9m	3m plus an additional distance calculated at the rate of one metre for every metre of height over 6-9m.

- (3) For the purposes of sub-regulation (1), a north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
- (4) In this regulation “**north**” means true north.
- (5) The following may encroach into the setback distance required by sub-regulation (1) or (2) by not more than 500mm—
  - (a) flues and pipes;
  - (b) domestic fuel tanks and water tanks;
  - (c) heating and cooling equipment and other services.



## **Information Required**

An application to Council for report and consent for Regulation 82 must include:

- An application must be applied for via Council's portal along with payment of the application fee.
- A site plan showing all existing buildings, the location of the proposed work and details of nearby buildings on the adjoining properties (scale 1:200).
- Elevations showing existing and proposed buildings (scale 1:100).
- The location and extent of the noncompliance with the regulations must be clearly shown on the plans and all relevant details and dimensions must be provided.
- A full copy of title including a plan and a copy of any covenants or agreements listed on the title.
- A written submission giving supporting reasons for the dispensation to be granted.
- A response in writing to each of the Minister's Guidelines that are applicable.

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