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
 - 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

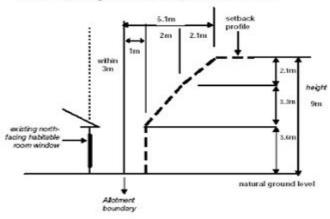
Building height at any point	Minimum Setback from side or rear boundary at that point
3-6m or less	1m
More than 3.6m but not more than 6.9m	1m plus an additional distance calculated at the rate of 600mm for every metre of height over 3.6m
More than 6.9m	3m plus an additional distance calculated at the 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.



(6) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation.

Regulation 82: Solar access to existing north-facing habitable room windows



Minister's Guidelines

Objective

To allow adequate solar access into existing north-facing habitable room windows.

Decision Guidelines

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with Regulation 82 of the Building Regulations 2018, if —

- (a) the building will not impact on the amenity of existing dwellings on nearby allotments; and
- (b) the building is consistent with a building envelope that has been approved under a planning scheme or planning permit and or included in an agreement under Section 173 of the Planning and Environment Act 1987.

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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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