

DAYLIGHT TO HABITABLE ROOM WINDOWS

Guidelines for report and consent to vary Building Regulation 85



Legislative Provision 85

Daylight to habitable room windows

- (1) A habitable room window of a building on an allotment must face—
 - (a) an outdoor space or light court with a minimum area of 3 m² and minimum dimension of 1m clear to the sky, not including land on an adjoining allotment; or
 - (b) a verandah on the allotment if it is open for at least one third of its perimeter; or
 - (c) a carport on the allotment if—
 - (i) it has 2 or more sides open; and
 - (ii) it is open for at least one third of its perimeter.
- (2) For the purposes of sub-regulation (1), a side of a carport or verandah may be taken to be open if the roof covering of the carport or verandah adjacent to that side is not less than 500mm from another building on the allotment or the adjoining allotment boundary.
- (3) 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.

Minister's Guidelines

Objective

To allow adequate daylight into new habitable room windows of the dwelling.

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 85 of the Building Regulations 2018, if –

- (a) the area of the window is larger than 10% of the floor area of the habitable room.

Information Required

An application to Council for report and consent for Regulation 85 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 non compliance 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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