

Variation to Part 5 of the Building regulations

What information do I need to submit with my application?

- Completed Application Form
- Application Fee
- One copy of relevant plans, elevations, shadow & overlooking diagrams, etc.
- Adjoining / Adjacent owner(s) comments in writing together with signed plans.
- MUST provide supporting comments in writing addressing the 'Decision Guidelines' (see overleaf) i.e. The applicant must demonstrate why exceptional circumstances exist, and the Regulations should not reasonably apply to this allotment.
- Copy of Certificate of title or plan of subdivision.

APPLICANTS DETAILS

Applicant (please tick)		Owner		Agent of owner
Applicant's name:				
Owner's name:				
Applicant's address:				
Email				
Phone number :			Reference no (if appl):	

PROPERTY DETAILS

Lot no:	Street no:	Street name:
Suburb:		
Side street:		

BUILDING SURVEYOR DETAILS

Name:	Practitioners no:
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INFORMATION REQUIRED (PLEASE TICK)

<input type="checkbox"/>	Maximum street setback Reg: 73	<input type="checkbox"/>	Minimum Street Setback Reg: 74
<input type="checkbox"/>	Site coverage Reg: 76	<input type="checkbox"/>	Permeability Reg: 77
<input type="checkbox"/>	Car parking Reg: 78	<input type="checkbox"/>	Side & Rear Setbacks Reg: 79
<input type="checkbox"/>	Walls on boundaries (Height & Length) Reg: 80	<input type="checkbox"/>	Daylight to existing habitable room windows Reg: 81

INFORMATION REQUIRED (PLEASE TICK)

	Solar access to existing north-facing habitable room windows Reg: 82		Overshadowing of secluded private open space Reg: 83
	Overlooking Reg: 84		Daylight to new habitable room windows Ref: 85
	Private open space Reg: 86		Front Fence Height Reg: 89
	Building above or below certain public building facilities Reg:134		Other

SIGNATURE OF APPLICANT

Signature:	Date:
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Decision guidelines for siting and design of single dwellings

Maximum Street Setback

The reporting authority may give its consent where a single dwelling, other than a fence, does not comply with regulation 73 of the Building Regulations, if—

- (a) the setback will be more appropriate taking into account the prevailing setbacks of existing buildings on nearby allotments; or
- (b) the siting of the building is constrained by the shape and or dimensions of the allotment; or
- (c) the siting of the building is constrained by the slope of the allotment or other conditions on the allotment; or
- (d) there is a need to increase the setback to maximise solar access to habitable room windows and or private open space; or
- (e) the setback will be more appropriate taking into account the desire or need to retain vegetation on the allotment; and
- (f) the setback 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*; and
- (g) the setback will not result in a disruption of the streetscape; and
- (h) the setback is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

Minimum Street Setback

The reporting authority may give its consent where a single dwelling, other than a fence, does not comply with regulation 74 of the Building Regulations, if—

- (a) the setback will be more appropriate taking into account the prevailing setback within the street; or
- (b) the setback will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme; or
- (c) the siting of the building is constrained by the shape and or dimensions of the allotment; or
- (d) the siting of the building is constrained by the slope of the allotment or other conditions on the allotment; or
- (e) there is a need to decrease the setback to maximise solar access to habitable room windows and or private open space; or
- (f) the setback will be more appropriate taking into account the desire or need to retain vegetation on the allotment; and
- (g) the setback 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*; and

- (h) the setback will not result in a disruption of the streetscape; and
- (i) the setback is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

Building height (This is a Planning requirement & is a reference only - cannot be varied under Building Regulations)

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with regulation 75 of the Building Regulations, if—

- (a) the height will be more appropriate taking into account the prevailing heights of existing buildings on nearby allotments; or
- (b) the height will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme; and
- (c) the height 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*; and
- (d) the height will not result in a disruption of the streetscape; and
- (e) the height is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

Site Coverage

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with regulation 76 of the Building Regulations, if—

- (a) the site coverage will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme; or
- (b) the site coverage will be consistent with that of existing development on the allotment, if applicable; and
- (c) the site coverage 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*; and
- (d) the site coverage is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

Permeability

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with regulation 77 of the Building Regulations, if—

- (a) the amount of impermeable surfaces would be consistent with that of existing development on the allotment, if applicable; or
- (b) the capacity of the drainage network servicing the allotment is able to accommodate the additional stormwater that the development will cause; or
- (c) on-site stormwater retention is able to accommodate the additional stormwater that the development will cause.

Car parking

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with regulation 78 of the Building Regulations, if—

- (a) the anticipated residents are likely to generate a lesser demand for carparking; or
- (b) the provision of carparking on the allotment would reduce the on-street carparking by equal to or more than the number of carparking spaces that would be provided on the allotment; or
- (c) the dimensions of the allotment provide insufficient width and/or depth to enable the provision of the required carparking on the allotment; or
- (d) the location of existing development on the allotment provides insufficient width and/or depth to enable the provision of the required carparking on the allotment; or
- (e) the availability of public transport and on-street parking would lessen the demand for carparking on the allotment; and
- (f) the provision of carparking is consistent with any relevant local planning policy or parking precinct plan in the relevant planning scheme.

Side and rear setbacks

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with regulation 79 of the Building Regulations, if—

- (a) the setback will be more appropriate taking into account the prevailing setback of existing buildings on nearby allotments; or
- (b) the setback will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme; or
- (c) the slope of the allotment and or existing retaining walls or fences reduce the effective height of the building; or
- (d) the building abuts a side or rear lane; or
- (e) the building is opposite an existing wall built to or within 200mm of the boundary; or
- (f) the setback will not result in a significant impact on the amenity of the secluded private open space and habitable room windows of existing dwellings on nearby allotments; and
- (g) the setback 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*; and
- (h) the setback will not result in a disruption of the streetscape; and
- (i) the setback is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

Walls on boundaries

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with regulation 80 of the Building Regulations, if—

- (a) the location, length and or height of the wall will be appropriate taking into account the prevailing location, length and or height of boundary walls of existing buildings on nearby allotments; or
- (b) the location, length and or height of the wall will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme; or
- (c) the slope of the allotment and or existing retaining walls or fences reduce the effective height of the wall; or
- (d) the wall abuts a side or rear lane; or
- (e) the increased wall height is required to screen a box gutter; or
- (f) the location, length and or height of the wall(s) will not result in a significant impact on the amenity of existing dwellings on nearby allotments; and
- (g) the location, length and height of the wall 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*; and

- (h) the location, length and height of the wall is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

Daylight to existing habitable room windows

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with regulation 81 of the Building Regulations, 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*.

Solar access to existing north-facing habitable room windows

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, 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*.

Overshadowing of secluded private open space

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with regulation 83 of the Building Regulations, if—

- (a) the proposed building will not significantly impact on the amenity of the secluded private open space(s) 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*.

Overlooking

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with regulation 84 of the Building Regulations, if—

- (a) the proposed building will not significantly impact on the amenity of existing dwellings on nearby allotments and or any associated secluded private open space; or

- (b) the building will not significantly increase the level of existing overlooking of habitable room windows of existing dwellings on nearby allotments and or any associated secluded private open space.

Daylight to new habitable room windows

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, if—

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

Private open space

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with regulation 86 of the Building Regulations, if—

- (a) the location of the private open space maximises the solar orientation of the allotment; or
- (b) the availability of, and access to, public open space or communal open space would lessen the demand for private open space on the allotment.

Front Fence Height

The reporting authority may give its consent to an application for a building permit for a fence, which does not comply with regulation 89 of the Building Regulations, if—

- (a) the fence will be more appropriate taking into account the prevailing heights, setbacks and design of existing front fences on nearby allotments; or
- (b) the slope of the allotment and or existing retaining walls or fences reduce the effective height of the wall; or
- (c) the fence is required for the minimisation of noise intrusion; and
- (d) the fence height will not result in a disruption of the streetscape; and
- (e) the fence height, setback and design are consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.