

REPORT & CONSENT

APPLICATION TO COUNCIL FOR APPROVAL TO VARY THE *BUILDING REGULATIONS 2018*

Regulation 83 – OVERSHADOWING OF RECREATIONAL PRIVATE OPEN SPACE

To: Municipal Building Surveyor, Alpine Shire Council

PROPERTY DETAILS

Number Street

Suburb Postcode.....

I,
Owner ☐ Agent of the Owner ☐ Relevant Building Surveyor ☐

Postal Address

SuburbPostcode

MobileEmail

Hereby seek the consent and report of Council in accordance with *Schedule 2 of the Building Act 1993*, for variation of a ***Building Regulation 83 – Overshadowing of Recreational Private Open Space***. I have notified the owner of the property and they have consented to the application.

SignedDate

ACCOMPANYING THIS APPLICATION IS:

- ☐ Description of proposal and justification of compliance with the Minister's decision guidelines
- ☐ Copy of Title.
- ☐ One sets of site plans to a scale of 1:500 showing all dimensions and setbacks of the proposed building, the adjoining buildings and a minimum three buildings opposite the site.
- ☐ Floor plans of the proposed building to a scale of 1:100.
- ☐ Elevations of the proposed building, including the slope of the land.
- ☐ Any significant vegetation on the site and on adjoining sites. (Provide photos)
- ☐ Written comments and signatures from the adjoining owners of the allotments that could be affected by the proposal. (Comments are to be completed on the attached form and signatures must be on one of the plans submitted and must show that the affected owners have a full understanding of the application variation being sought)
- ☐ If approval is granted for the variation a Building Permit will be required.

Regulation 83–OVERSHADOWING OF PRIVATE OPEN SPACE

DESCRIPTION OF PROPOSAL AND REASON FOR APPLICATION

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ASSESSMENT CRITERIA

The Minister for Planning in his Minister's Guideline (MG/12 dated June 2006) has set out the objective and decision guidelines that Council must have in regard to when considering varying a design and siting standard.

Note: If any matter set out in the guideline is not met, then Council **must refuse** consent.

Objective: To ensure buildings do not unreasonably overshadow existing secluded private open spaces.

Decision Guidelines: The reporting authority may give its consent where a single dwelling, does not comply with *regulation 83 of the Building Regulations 2018*, if -

(a) the proposed building will not significantly impact on the amenity of the secluded private open space(s) on nearby allotments; and

Comment

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(b) the building is consistent with a building envelope that has been approved under a planning scheme or planning permit and or included in a agreement under *section 173 of the Planning & Environment Act 1987*.

Comment

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Notes:

Council will consider the needs of the applicant and also the potential impact upon the adjoining properties and or infrastructure when making its decision. As such this application will be referred to the affected owners for comment prior to making a decision.

The personal information requested on this form is being collected by Council for assessment of your application for a Consent and Report pursuant to *Building Regulation 83*. The personal information will be used solely by Council for this primary purpose or directly related purposes. The applicant understands that the personal information provided is for the assessment of the consent and report application and that she/ he may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to Council's Privacy Officer.

AFFECTED OWNER COMMENT FORM

Building Regulations 2018

I am the adjacent relevant owner of the property at the following address:

_____ and

I have sighted the plans (drawing numbers _____) for my neighbours proposed works at:

I am aware that the proposed works are designed outside the siting requirements prescribed in the *Building Regulations 2018* and have:

- (a) **no objection** to Council issuing consent to the proposed siting of the building/structure pursuant to *Building Regulations Part 5* or,
- (b) I request that Council **not issue** consent to the proposed siting of the building/structure pursuant to *Building Regulations Part 5*.

Please clearly strike out that which is not applicable of (a) or (b) above.

Please provide your reasons for objecting to the proposal in order for Council to take into account your issue(s) for concern.

Please print your name here: _____

and sign here, _____ and date here, _____

Note: This comment form must be signed by the legal owner of the relevant property concerned. Signatures from persons renting the property will not be accepted.

Comments to be submitted within 7 business days of application, no response after this time is considered to have consent to this application.

Please do not hesitate to contact the Building Section of the Alpine Shire Council on (03) 5755 0555 if you require further information.