

PART B: DETAILS OF YOUR VARIATION

Regulation 84 – Overlooking: proposed habitable room window or private open space provides direct line of sight into the adjoining allotment’s secluded private open space or habitable room window and does not comply.

Step 1. Please provide the details of your variation

Provide a site plan showing the outline of the adjoining building, window locations, room usage and boundary fence heights. Please illustrate the boundary fence height and ground levels on elevations.

Step 2. Please provide plans showing overshadowing/overlooking

Step 3. Please provide reasons to support your request

Note: Council’s approval of a variation is determined by its compliance with the Minister’s Guidelines. The fields below address each of the decision guidelines that Council must consider in deciding whether to approve or refuse your variation request.

The objective of Regulation 84 is to limit views into existing secluded private open space and existing habitable room windows.

The reporting authority may give its consent to an application for a building permit for a principal single dwelling or a small second dwelling that does not comply with regulation 84 (Overlooking) of the Regulations if all of the following criteria apply:

- 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.**

- 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.**

Step 4. Impacted adjoining property owners must be consulted as part of a Report and Consent Application for this regulation.

Download as many Adjoining owner/s comment forms as required off our website. Make sure you complete the 'Details and location of proposed building works' table at the top of the form. You will need to supply the adjoining owner/s with the partially completed comment form and copies of the plans of your proposed building works.

You can retrieve adjoining property owner details through the [Council website](#) for Fencing (Report and Consent) purposes.

We recommend you send the comment form and plans via registered post. You can then provide Council with a copy of what was sent to the adjoining owner and the registered post tracking details as part of your application. This will serve as proof of attempt to consult.

Note: The documents must be signed by the legal property owner, tenants are not legal property owners.