

PART B: DETAILS OF YOUR VARIATION

Regulation 83 – Overshadowing: proposed building reduces sunlight to a Recreational Private Open Space (RPOS) of an existing dwelling on an adjoining allotment and does not comply

Step 1. Please provide the details of your variation

Area of RPOS on adjoining allotment _____

Amount of sunlight required from RPOS on the adjoining allotment _____

Existing amount of sunlight available to the adjoining RPOS _____

Proposed amount of sunlight available to adjoining RPOS _____

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 83 is to ensure buildings do not unreasonably overshadow existing secluded private open spaces

The reporting authority may give its consent to an application for a building permit for a principal single dwelling or a small second dwelling (as applicable) that does not comply with regulation 83 (Overshadowing of recreational private open space) of the Regulations if all of the following criteria apply:

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

- b) **The setback is consistent with a building envelope that has been approved under a planning scheme or planning permit and or specified in an agreement under section 173 of the Planning and Environment Act 1987.**

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.