

This is NOT a building permit – A separate building permit is required

# CONSENT & REPORT

APPLICATION TO COUNCIL FOR APPROVAL  
TO VARY THE BUILDING REGULATIONS 2006



**Regulation 418- OVERSHADOWING OF RECREATIONAL PRIVATE OPEN SPACE**

To: Municipal Building Surveyor, Hindmarsh Shire Council

**PROPERTY DETAILS**

Number ..... Street .....

Suburb ..... Postcode.....

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

Postal Address .....

Suburb .....Postcode .....

Telephone .....Mobile .....

Hereby seek the consent and report of Council in accordance with Schedule 2 of the Building Act 1993, for variation of a Building Regulation **418- Overshadowing of secluded private open space**. I have notified the owner of the property and they have consented to the application.

Signed .....Date .....

**ACCOMPANYING THIS APPLICATION IS:**

- Description of proposal and justification of compliance with the Minister's decision guidelines
- Copy of Title.
- Fee of \$217.50 (amended 1/7/2010)
- Two 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.
- Shadow diagram showing non-compliance with Regulation 418
- 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)

**Regulation 418—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 2005) 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 418 of the Building Regulations 2006, 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 408. 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.

**A F F E C T E D    O W N E R**  
**C O M M E N T    F O R M**  
**Building Regulations 2006**

**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 2006 and have:

- (a) **no objection** to Council issuing consent to the proposed siting of the building/structure pursuant to Building Regulations Part 4 or,
- (b) I request that Council **not issue** consent to the proposed siting of the building/structure pursuant to Building Regulations Part 4.

**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.

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 Terry Baker from Council's Building Services Department for further information on ph. 5391 4444