

# REGULATION 86

## Building Regulations 2018

### APPLICATION FOR 'REPORT & CONSENT'

#### ASSESSMENT CRITERIA – SECTION B

## PRIVATE OPEN SPACE



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### DESCRIPTION OF PROPOSAL AND REASONS FOR APPLICATION

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The Minister for Planning in his Minister's Guideline MG/12 has set out the Objectives and Decision Guidelines in respect to **Regulation 86** that Council must have regard to when considering varying a design and siting standard.

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

### **OBJECTIVE**

To provide adequate private open space for the reasonable recreation and service needs of residents.

### **DECISION GUIDELINES**

The reporting authority may give its consent to an application for a building permit for –

- A principal single dwelling that does not comply with Regulation 86 (Private open space) of the Regulations, or
- A small second dwelling that does not comply with Regulation 86A (Private open space for small second dwellings) of the Regulations if –

### **at least one of the following criteria apply:**

- a) The location of the private open space maximises the solar orientation of the allotment; or

### **Comment:**

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- 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.

### **Comment:**

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