

Application to Vary Building Regulation 79 – Side and Rear Setbacks

PROPERTY VARIATION IS SOUGHT FOR

ADDRESS Number _____ Street/Road _____
Town _____ Postcode _____

APPLICANT DETAILS

APPLICANT NAME _____
POSTAL ADDRESS _____
PHONE (BH) _____ EMAIL _____

IMPORTANT INFORMATION

For your application to be assessed, the completed application form must be accompanied by the following:

- ☐ Description of proposal, and justification of compliance with the Minister's decision guidelines (see attached form)
- ☐ Two (2) copies of properly prepared plans which include:
 - site plan showing all dimensions and setbacks of existing buildings and affected adjoining buildings
 - elevations of the proposed building with the slope of the land and maximum wall heights clearly indicated
 - plans showing any affected adjoining buildings indicating location of their habitable room windows and location for their secluded open space area
 - any other information that would support the application
- ☐ Copy of a current Certificate of Title
- ☐ A fee of \$320.20

APPLICANT SIGNATURE

Signature

Date

HOW WOULD YOU LIKE TO RECEIVE YOUR PERMIT

WILL COLLECT ☐ BY MAIL ☐ BY EMAIL ☐

PAYMENT OPTIONS

CONTACT US

Phone **03 5760 2600** to make an EFTPOS or credit payment over the phone.

Fax **03 5762 5537**

Email council@benalla.vic.gov.au

IN PERSON

Visit the Council's Customer Service Centre at **1 Bridge Street East, Benalla**

MAIL

Send this application back to us with a cheque for the full amount made payable to **Benalla Rural City Council, PO BOX 227, BENALLA VIC 3671**

OFFICE USE Date received _____ Receipt number _____

Information Privacy 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 414(6). 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 he/she 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.

DESCRIPTION OF PROPOSAL AND REASONS FOR APPLICATION

ASSESSMENT CRITERIA Side and Rear Setbacks – Regulation 79

The Minister for Planning (Minister's Guideline MG/12, June 2005) has set out the objective and decision guidelines that Council must have regard to when considering varying a design and siting standard.

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

To assist Council in determining if the objective and decision guidelines have been met, please describe how your application meets the following appropriate assessment criteria.

Objective: To ensure that the height and setback of a building from a boundary respects the existing or preferred character and limits the impact on the amenity of existing dwellings.

Decision guidelines

- a. the setback will be more appropriate taking into account the prevailing setback of existing building on nearby allotments; or (*comment below*)

- b. the setback will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme; or (*comment below*)

- c. the slope of the allotment and or existing retaining walls or fences reduce the effective height of the building; or *(comment below)*

- d. the building abuts a side or rear lane; or *(comment below)*

- e. the building is opposite an existing wall built to or within 150mm of the boundary; or *(comment below)*

- f. the setback will not result in a significant impact on the amenity of the secluded private open space and habitable room windows of existing dwellings on nearby allotments; and *(comment below)*

- g. the setback is consistent with a building envelope that has been approved under a planning scheme or planning permit and/or included in an agreement under Section 173 of the Planning and Environment Act 1987; and *(comment below)*

- h. the setback will not result in a disruption of the streetscape; and *(comment below)*

the setback is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

i. the setback is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme. *(comment below)*

OFFICE USE ONLY			
Reviewed by	BC / MBS	PC	MD
	<input type="checkbox"/> Approved <input type="checkbox"/> Refused	<input type="checkbox"/> Approved <input type="checkbox"/> Refused	<input type="checkbox"/> Approved <input type="checkbox"/> Refused
Signature			
Date			
Comments			