

# Application to Vary Building Regulation 74 – Minimum Street Setback

## APPLICANT DETAILS

APPLICANT NAME \_\_\_\_\_

POSTAL ADDRESS \_\_\_\_\_

PHONE (BH) \_\_\_\_\_ EMAIL \_\_\_\_\_

## PROPERTY VARIATION IS SOUGHT FOR

ADDRESS Number \_\_\_\_\_ Street/Road \_\_\_\_\_

Town \_\_\_\_\_ Postcode \_\_\_\_\_

## IMPORTANT INFORMATION

In order 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) sets of plans which include:
  - site plan 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
  - elevations of the proposal indicating the slope of land
  - any significant vegetation on the site
  - any other information that would support the application
- Copy of a current Certificate of Title
- Fee to be calculated once application form has been lodged via the online customer portal.

## 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](mailto: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 the assessment of your application for a consent and report pursuant to Building Regulation 74 (4). 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 they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to Councils privacy officer.

**DESCRIPTION OF PROPOSAL AND REASONS FOR APPLICATION**

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**ASSESSMENT CRITERIA Minimum Street Setback – Regulation 74**

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 setbacks of buildings from a street respect the existing or preferred character of the neighbourhood and make efficient use of the site.**

**Decision guidelines**

- a. the setback will be more appropriate taking into account the prevailing setback within the street; or (*comment below*)

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- 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*)

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c. the siting of the building is constrained by the shape and/or dimensions of the allotments; or *(comment below)*

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d. the siting of the building is constrained by the slope of the allotment or other conditions on the allotment; or *(comment below)*

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e. there is a need to decrease the setback to maximise solar access to habitable room windows and/or private open space; or *(comment below)*

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f. the setback will be more appropriate taking into account the desire or need to retain vegetation on the allotment; and *(comment below)*

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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)*

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

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

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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			