



REPORT AND CONSENT

Application to Council for Approval to vary the Building Regulations 2018

Regulation 79 – Side and Rear Setbacks

PROPERTY DETAILS		
OWNERS NAME:		
LOT NO:	LP/ PS:	STREET NO:
STREET / ROAD:		
TOWN / SUBURB:		

THE AGENT/APPLICANT (It is recommended that the Relevant Building Surveyor assists with your application)	
NAME / COMPANY:	CONTACT PERSON:
POSTAL ADDRESS:	
TELEPHONE:	MOBILE:
FAX:	EMAIL:
RELEVANT BUILDING SURVEYOR:	
TELEPHONE:	MOBILE:

I hereby seek the consent and report of Council in accordance with Schedule 2 of the Building Act 1993, for variation of **Building Regulation 79 – Side and Rear Setbacks**.

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.

INFORMATION REQUIRED FOR APPLICATION TO BE CONSIDERED:	Office Use Only
<input type="checkbox"/> Description of proposal and justification of compliance with the decision guidelines (see attached)	<input type="checkbox"/>
<input type="checkbox"/> Copy of title including plan of subdivision and any applicable covenants, agreements and/or building envelopes	<input type="checkbox"/>
<input type="checkbox"/> Fee	<input type="checkbox"/>
<input type="checkbox"/> A set of site plans to a scale of 1:500 showing all dimensions and setbacks of the proposed building, adjoining buildings and the buildings on the adjoining allotments.	<input type="checkbox"/>
<input type="checkbox"/> Floor plans of the proposed building to a scale of 1:100.	<input type="checkbox"/>
<input type="checkbox"/> Elevations of the proposed building, including the slope of the land.	<input type="checkbox"/>

DESCRIPTION OF PROPOSAL FOR APPLICATION
<p><i>Nature of Proposed Works is:</i></p> <p>With a side / rear setback of m <i>in lieu</i> of m, as required by Building regulation 79(2). With an encroachment of m <i>in lieu</i> of m, as required by Building regulation 79(3) / 79(4).</p>

Privacy Notification: The personal information requested on this form is being collected by Council for the purpose of evaluating a Building application. This information will be used solely by Council for that primary or directly related purposes. The applicant understands that the personal information provided is for the purpose of evaluating a Local Laws Permit application and that they may apply to Council for access and/or amendment of the information.

ASSESSMENT CRITERIA

The Minister for Planning in his Minister's Guideline (MG/12 dated 13 December 2023) has set out the objective and decision guidelines that Council must have in regard to when considering varying a design and siting standard.

DECISION GUIDELINES AND REASON FOR APPLICATION: The reporting authority may give its consent to an application for a building permit for a principle single dwelling or a small second dwelling that does not comply with Regulation 79 (side and rear setbacks) of the Building Regulations 2018, if all of the following criteria apply:

Provide comments or tick N/A

- N/A a. 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:

- N/A b. the setback is consistent with a building envelope, if one 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; and

Comment:

- N/A c. the setback will not result in a disruption of the streetscape; and

Comment:

- N/A d. the setback is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme, and

Comment:

at least one of the following criteria apply:

Provide comments or tick N/A

- N/A e. the setback will be more appropriate taking into account the prevailing setback of existing buildings on nearby allotments; or

Comment:

N/A <input type="checkbox"/>	f. 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:	
N/A <input type="checkbox"/>	g. the slope of the allotment and or existing retaining walls or fences reduce the effective height of the building; or
Comment:	
N/A <input type="checkbox"/>	h. the building abuts a side or rear lane; or
Comment:	
N/A <input type="checkbox"/>	i. the building is opposite an existing wall built to or within 150mm of the boundary.
Comment:	

SIGNATURE		DATE		RECEIPT NO.	
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NOTES:
<p>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 may be referred to the affected owners for comment prior to making a decision.</p> <p>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 79. 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.</p>

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