

REPORT & CONSENT

APPLICATION TO COUNCIL FOR APPROVAL TO VARY THE *BUILDING REGULATIONS 2018*

Regulation 79(414) – SIDE & REAR SETBACKS

To: Municipal Building Surveyor, Alpine Shire Council

PROPERTY DETAILS

Number Street

Suburb Postcode.....

I,
Owner Agent of the Owner Relevant Building Surveyor

Postal Address

SuburbPostcode

MobileEmail

Hereby seek the consent and report of Council in accordance with *Schedule 2 of the Building Act 1993*, for variation of a **Building Regulation 79 – Side & Rear Setbacks**. I have notified the owner of the property and they have consented to the application.

SignedDate

ACCOMPANYING THIS APPLICATION IS:

- Description of proposal and justification of compliance with the Minister's decision guidelines
- Copy of Title.

- One set 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.
- 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)
- If approval is granted for the variation a Building Permit will be required.



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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 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: The reporting authority may give its consent where a single dwelling, does not comply with *regulation 79 of the Building Regulations 2018*, if -

(a) the setback will me more appropriate taking into account the prevailing setback of existing buildings on nearby allotments; or

Comment

(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

(c) the slope of the allotment and or existing retaining walls or fences reduces the effective height of the building; or

Comment



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(d) the building abuts a side or rear lane; or

Comment

(e) the building is opposite an existing wall built to or within 200mm of the boundary; or

Comment

(f) the setback will not result in a significant impact on the amenity of these included private open space and habitable room windows of existing dwellings on nearby allotments; or

Comment

(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 Environment Act 1987*, and

Comment

(h) the setback will not result in any disruption of the streetscape; and

Comment

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

Comment

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 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.

