

**Report and Consent – Side and Rear Setbacks - Application
Regulation 79 -**

COVER SHEET – SECTION A

To: Rob Skinner – Municipal Building Surveyor
Murrindindi Shire Council
PO Box 138
ALEXANDRA VIC 3714

Property Address:

No: ____ Lot: ____ Street: _____
Suburb: _____ Postcode: _____

Applicant: Building Surveyor Owner Agent of Owner

Name: _____

Address: _____ Postcode: _____

Contact: Tel (BH): _____ Mobile: _____
Fax: _____ Email: _____

Owner: (If not the applicant)

Name: _____

Address: _____ Postcode: _____

Contact: Tel (BH): _____ Mobile: _____
Fax: _____ Email: _____

Brief Description of Proposal:

(Full description and reasons for application/s to be detailed in appropriate Section B)

Regulation/s being sought for variation please indicate all required			
Tick	Reg	Reporting Matter	Fee
	73	Max Street Setback (setback more than 1/3 depth of site)	\$311.80
	74	Min Street Setback (decrease in min street setback)	\$311.80
	75	Building Height (Overall building height >9m or 10m)	\$311.80
	76	Site Coverage (> 60%)	\$311.80
	77	Permeability (> 80% impermeable surface)	\$311.80
	78	Car Parking (< 2 car parking spaces)	\$311.80
	79	Side & Rear Setbacks (Building within the prescribed envelope)	\$311.80
	80	Walls on Boundaries (Walls and carports over height or over length)	\$311.80
	81	Daylight to Existing Habitable Room Windows (Neighbours light court provisions)	\$311.80
	82	Solar access to Existing North Facing Windows (Building within the prescribed envelope)	\$311.80
	83	Overlooking (Increased overlooking into neighbours windows & SPOS)	\$311.80
	84	Overshadowing of Recreational Private Open Space (Increase in overshadowing)	\$311.80
	85	Daylight to Habitable Room Windows (Light court to new habitable room windows)	\$311.80
	86	Private Open Space (Decrease area of private open space)	\$311.80
	87	Siting of Class 10a Buildings (Outbuilding on a vacant site)	\$311.80
	89	Front Fence Height (Height of front fence > 1.5m or 2m)	\$311.80
	90	Fence Setback from Side and Rear Boundaries (Fences within the prescribed envelope)	\$311.80
	91	Fences on or within 150mm of Side or Rear Boundaries (Fences over height or length)	\$311.80
	92,93	Fences on Street Alignments (Corner fences > 1m within 9m to intersection)	\$311.80
	94	Fences and Daylight to Windows in Existing Dwelling (Neighbours light court provisions)	\$311.80
	95	Fences and Solar Access to existing north facing Habitable Room windows	\$311.80
	96	Fences and Overshadowing or Recreational Private Open Space	\$311.80
	97	Masts, Poles etc (Aerials etc > 3m (attached) or 8m (free standing))	\$311.80
Total			\$

Signed: _____

Dated: _____

Owner

Applicant (who has the written agency to act for the owner)

In order for your Application to be assessed in a timely manner, the following must be submitted:

- Completed Cover Sheet – **Section A**
- Completed Assessment Criteria – **Section B**
- Two (2) sets of property prepared plans of the proposed works, including site plan (which must outline and setbacks of the neighbours properties, their habitable room windows locations, private and secluded private open space, shadow diagrams etc) floor plan(s), elevations etc.

These plans must highlight areas of non-compliance for which ‘report and consent’ is being sought.

- Completed ‘Adjoining/Nearby Neighbours Comment Form’ together with a signed plan from these neighbours that show they have a full understanding of the proposed variation – **Section C**
- A full copy of a current Certificate of Title of the allotment including lot plan, plan of subdivision, covenants, agreements, easements etc.
- Fee \$311.80 per regulation.
- Any other information that would support the application (i.e. photos)

Appeal Rights:

An owner can appeal to the Building Appeals Board within **30 days**, any:-

- Decision to refuse,
- Any condition(s) or requirement(s) imposed on the decision,
- Failure to make a decision within the prescribed time.



APPLICATION FOR 'REPORT & CONSENT'
ASSESSMENT CRITERIA - SECTION B
**Side and Rear Setbacks -
Regulation 79**

Form current as at 1 July 2023

**Description of Proposal and Reasons for
Application**

The Minister for Planning in his Minister's Guideline MG/12 has set out the Objectives and Decision Guidelines in respect to regulation **79** 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.

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 respect 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 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 reduce the effective height of the building; **or**

Comment:

d) The building abuts a side or rear lane; **or**

Comment:

e) The building is opposite an existing wall built to or within 150mm of the boundary; **or**

Comment:

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:

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:

h) The setback will not result in a disruption of the streetscape; **and**

Comment:

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

Comment
