

## PART B: DETAILS OF YOUR VARIATION

### Regulation 74 – Minimum setback from a street boundary does not comply

#### Step 1. Please provide the details of your variation

Proposed setback \_\_\_\_\_ Maximum setback allowed \_\_\_\_\_

Adjoining property setbacks \_\_\_\_\_ & \_\_\_\_\_

#### Step 2. Please provide reasons to support your request

**Note:** Council's approval of a variation is determined by its compliance with the Minister's Guidelines. The fields below address each of the decision guidelines that Council must consider in deciding whether to approve or refuse your variation request.

**The objective of Regulation 74 is to ensure that the setbacks of a principal single dwelling from a street, respect the existing or preferred character of the neighbourhood and make efficient use of the site.**

The reporting authority may give its consent where a principal single dwelling does not comply with regulation 74 (Minimum street setback) of the Regulations if-

- **All of the following criteria apply:**

- a) **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.**

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- b) **The setback will not result in a disruption of the streetscape.**

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

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- **And at least one of the following criteria apply:**

d) **The setback will be more appropriate taking into account the prevailing setback within the street.**

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e) **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.**

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f) **The siting of the building is constrained by the shape and or dimensions of the allotment.**

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g) **The siting of the building is constrained by the slope of the allotment or other conditions on the allotment.**

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h) **There is a need to decrease the setback to maximise solar access to habitable room windows and or private open space.**

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i) **The setback will be more appropriate taking into account the desire or need to retain vegetation on the allotment.**

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### **Step 3. Impacted adjoining property owners must be consulted as part of a Report and Consent Application for this regulation.**

Download as many Adjoining owner/s comment forms as required off our website. Make sure you complete the 'Details and location of proposed building works' table at the top of the form. You will need to supply the adjoining owner/s with the partially completed comment form and copies of the plans of your proposed building works.

You can retrieve adjoining property owner details through the [Council website](#) for Fencing (Report and Consent) purposes.

We recommend you send the comment form and plans via registered post. You can then provide Council with a copy of what was sent to the adjoining owner and the registered post tracking details as part of your application. This will serve as proof of attempt to consult.

**Note:** The documents must be signed by the legal property owner, tenants are not legal property owners.