

## PART B: DETAILS OF YOUR VARIATION

### Regulation 79 – Side or rear boundary setbacks do not comply

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

Required building setback\_\_\_\_\_

Proposed building setback \_\_\_\_\_Proposed wall height\_\_\_\_\_

#### Step 2. Please provide plans showing overshadowing/overlooking

#### Step 3. 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 79 is 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**

The reporting authority may give its consent to an application for a building permit for a principal single dwelling or a small second dwelling (as applicable) that does not comply with regulation 79 (Side and rear setbacks) of the Regulations if-

#### All of the following criteria apply:

- 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.**

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- 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.**

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

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- d) 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:**

- e) The setback will be more appropriate taking into account the prevailing setback of existing buildings on nearby allotments.

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- 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.

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- g) The slope of the allotment and or existing retaining walls or fences reduce the effective height of the building.

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- h) The building abuts a side or rear lane.

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- i) The building is opposite an existing wall built to or within 150mm of the boundary.

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**Step 4. 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.