



Mansfield Shire

**APPLICATION FOR 'REPORT & CONSENT'  
SITING VARIATIONS - PART 5 of BUILDING REGULATIONS  
COVER SHEET - SECTION A**

To: Municipal Building Surveyor  
Mansfield Shire Council  
Private Bag 1000  
MANSFIELD VIC 3724

**Office use only:**

DATE RECEIVED: .....  
FEE: \$ .....  
DATE PAID: .....  
RECEIPT NO: .....  
FILE NO: .....

**Property Address:**

No ..... Lot ..... Street .....  
Suburb ..... Postcode .....

**Applicant:**  Relevant Building Surveyor  Owner  Agent of Owner

Name .....

Address ..... Postcode .....

Contact : Tel(BH) ..... Mobile .....

Fax ..... E-mail .....

**Owner:** (if not the applicant)

Name .....

Address ..... Postcode .....

Contact : Tel(BH) ..... Mobile .....

Fax ..... E-mail .....

Brief Description of Proposal: .....

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

**Signed:** ..... **Dated** .....

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



## Regulation/s being sought for variation (please tick)

Tick	Reg	Reporting Matter	Fee
	73	<b>Max Street Setback</b> (setback more than $\frac{1}{3}$ depth of site)	\$294.60
	74	<b>Min Street Setback</b> (decrease in min street setback)	\$294.60
	75	<b>Building Height</b> (overall building height > 9m or 10m)	\$294.60
	76	<b>Site Coverage</b> (> 60%)	\$294.60
	77	<b>Permeability</b> (> 80% impermeable surfaces)	\$294.60
	78	<b>Car Parking</b> (< 2 car parking spaces)	\$294.60
	79	<b>Side &amp; Rear Setbacks</b> (building within the prescribed envelope)	\$294.60
	80	<b>Walls on Boundaries</b> (walls and carports over height or over length)	\$294.60
	81	<b>Daylight to Existing Habitable Room Windows</b> (neighbours light court provisions)	\$294.60
	82	<b>Solar Access to Existing North Facing Windows</b> (building within the prescribed envelope)	\$294.60
	83	<b>Overlooking</b> (increased overlooking into neighbours windows & SPOS)	\$294.60
	84	<b>Overshadowing of Recreational Private Open Space</b> (increase in overshadowing)	\$294.60
	85	<b>Daylight to Habitable Room Windows</b> (light court to new habitable room windows)	\$294.60
	86	<b>Private Open Space</b> (decrease area of private open space)	\$294.60
	87	<b>Siting of Class 10a Buildings</b> (outbuilding on a vacant site)	\$294.60
	88	<b>Front Fence Height</b> (height of front fence > 1.5m or 2.0m)	\$294.60
	90	<b>Fence Setback from Side and Rear Boundaries</b> (fences within the prescribed envelope)	\$294.60
	91	<b>Fences On or Within 150mm of Side or Rear Boundaries</b> (fences over height or length)	\$294.60
	92	<b>Fences on Street Alignments</b> (corner fences > 1m within 9m to intersection)	\$294.60
	94	<b>Fences and Daylight to Windows in Existing Dwelling</b> (neighbours light court provisions)	\$294.60
	95	<b>Fences and Solar Access to Existing north-Facing Habitable Room Windows</b>	\$294.60
	96	<b>Fences and Overshadowing of Recreational Private Open Space</b>	\$294.60
	97	<b>Masts, Poles etc.</b> (aerials etc > 3m (attached) or 8m (freestanding))	\$294.60
		Total	

**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**
- One set of properly prepared plans of the proposed works, including site plan (which must outline and setbacks of the neighbours properties, their habitable room windows locations, private & secluded private open space, shadow diagrams etc) floor plan/s, elevations etc. **These plans must highlight areas of non-compliance for which ‘report & 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: \$294.60 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.

**Method of Payment:**

I enclose a cheque for \$ ..... payable to MANSFIELD SHIRE COUNCIL

Please debit \$ ..... from my  Visa  MasterCard

Credit Card No. \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_ Expiry date. \_\_/\_\_

Cardholder’s Name. ....

Cardholder’s Signature.

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APPLICATION FOR 'REPORT & CONSENT'  
ASSESSMENT CRITERIA - SECTION B

# Side and Rear Setbacks – Regulation 79

## Description of Proposal and Reasons for Application

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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:**

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- 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:**

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- c) The slope of the allotment and/or existing retaining walls or fences reduce the effective height of the building; **or**

**Comment:**

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

**Comment:**

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

**Comment:**

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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:**

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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:**

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

**Comment:**

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

**Comment:**

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