

REGULATION 73
Building Regulations 2018
APPLICATION FOR 'REPORT & CONSENT'
ASSESSMENT CRITERIA – SECTION B
MAXIMUM STREET SETBACK



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 73** 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 facilitate consistent streetscapes by discouraging the siting of principal single dwellings at the rear of allotments.

DECISION GUIDELINES

The reporting authority may give its consent where a principal single dwelling does not comply with Regulation 73 (Maximum 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*; and

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

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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; and

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at least one of the following criteria apply;

d) The setback will be more appropriate taking into account the desire or need to retain vegetation on the allotment; or

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e) The setback will be more appropriate taking into account the prevailing setbacks of existing buildings on nearby allotments; or

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

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

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

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