



**REGULATION 79**  
**Building Regulations 2018**  
APPLICATION FOR 'REPORT & CONSENT'  
ASSESSMENT CRITERIA – SECTION B  
**SIDE & REAR SETBACKS**

**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 respects the existing or preferred character and limits the impact on the amenity of existing dwellings.

**DECISION GUIDELINES**

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 Regulation 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; and

**Comment:**

.....

.....

.....

- b) The setback is consistent with a building enveloped, 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

**Comment:**

.....

.....

.....

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

**Comment:**

.....

.....

.....

- d) The setback is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme; and

**Comment:**

.....

.....

.....

**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; or

**Comment:**

.....

.....

.....

- 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; or

**Comment:**

.....

.....

.....

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

**Comment:**

.....

.....

h) The building abuts a side or rear lane; or

**Comment:**

.....

.....

.....

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

**Comment:**

.....

.....

.....