



PART B: DETAILS OF YOUR VARIATION

Regulation 74a – Building setback for small second dwellings does not comply

Step 1. Please provide the details of your variation

Proposed setback (small dwelling) _____

Required setback (front wall of primary dwelling) _____

Adjoining 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 74A is to ensure that small second dwellings are sited to respect the existing or preferred neighbourhood character.

Please provide your reasoning on how your variation will meet ALL of the following three (3) criteria:

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.

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

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

AND at least one of the following criteria:

d) The setback of the small second dwelling from the side street will be more appropriate taking into account the prevailing setback within the street; or

e) The setback of the small second dwelling from the side street will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme; or

f) The siting of the small second dwelling is constrained by the shape and or dimensions of the allotment; or

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

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

i) The setback will be more appropriate

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

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 contact Ararat Rural City Council Rates Department to obtain owner details for 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.