

# Application to vary Building Regulation 86 – Private open space

## PROPERTY VARIATION IS SOUGHT FOR

ADDRESS                      Number \_\_\_\_\_ Street/Road \_\_\_\_\_  
Town \_\_\_\_\_ Postcode \_\_\_\_\_

## APPLICANT DETAILS

APPLICANT NAME \_\_\_\_\_  
POSTAL ADDRESS \_\_\_\_\_  
PHONE (BH) \_\_\_\_\_ EMAIL \_\_\_\_\_

## IMPORTANT INFORMATION

In order for your application to be assessed, the completed application form must be accompanied by the following:

- Description of proposal, and justification of compliance with the Minister’s decision guidelines (see attached form)
- Two (2) copies of properly prepared plans which include:
  - site plan showing all dimensions and setbacks of the proposed buildings and the provided private open space
  - floor plans of the buildings showing the rooms with access to the private open space
  - any other information that would support the application
- Copy of a current Certificate of Title
- A fee of \$299.80

## APPLICANT SIGNATURE

Signature

Date

## HOW WOULD YOU LIKE TO RECEIVE YOUR PERMIT

WILL COLLECT                       BY MAIL                       BY EMAIL

## PAYMENT OPTIONS

**CONTACT US**  
Phone 03 5760 2600 to make an EFTPOS or credit payment over the phone.  
Fax 03 5762 5537  
Email council@benalla.vic.gov.au

**IN PERSON**  
Visit the Council’s Customer Service Centre at 1 Bridge Street East, Benalla

**MAIL**  
Send this application back to us with a cheque for the full amount made payable to Benalla Rural City Council, PO BOX 227, BENALLA VIC 3671

OFFICE USE                      Date received                       Receipt number

**Information Privacy** The personal information requested on this form is being collected by Council for assessment of your application for a consent and report pursuant to Building Regulation 421(4). The personal information will be used solely by Council for this primary purpose or directly related purposes. The applicant understands that the personal information provided is for the assessment of the consent and report application and that he/she may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to Council’s privacy officer.

## DESCRIPTION OF PROPOSAL AND REASONS FOR APPLICATION

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## ASSESSMENT CRITERIA - Regulation 86 – Private open space

The Minister for Planning (Minister's Guideline MG/12, June 2005) has set out the objective and decision guidelines that Council must have regard to when considering varying a design and siting standard.

**If any matter set out in the guideline 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 provide adequate private open space for the reasonable recreation and service needs of residence.**

### Decision guidelines

- a. the location of private open space maximises the solar orientation of the allotment; or (*comment below*)

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- b. the availability of, and access to, public open space or communal open space would lessen the demand for private open space on the allotment. (*comment below*)

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OFFICE USE ONLY			
Reviewed by	BC / MBS	PC	MD
	<input type="checkbox"/> Approved <input type="checkbox"/> Refused	<input type="checkbox"/> Approved <input type="checkbox"/> Refused	<input type="checkbox"/> Approved <input type="checkbox"/> Refused
Signature			
Date			
Comments			