

# REPORT & CONSENT APPLICATION

## Part 5 Siting

### Building Regulations 2018



#### Applicant details:

Name: \_\_\_\_\_  
 Postal Address: \_\_\_\_\_ Postcode: \_\_\_\_\_  
 Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

#### Owners Details:

Name: \_\_\_\_\_  
 Postal Address: \_\_\_\_\_ Postcode: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

#### Proposed Work Description *(ie carports, dwellings, sheds etc)*

#### Property Details:

Number: \_\_\_\_\_ Street/Road: \_\_\_\_\_  
 Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_  
 Lot/s: \_\_\_\_\_ LP/PS: \_\_\_\_\_ Volume: \_\_\_\_\_ Folio: \_\_\_\_\_  
 Crown Allotment: \_\_\_\_\_ Section No: \_\_\_\_\_

*Please tick the required regulation/s:*

X	Reg	Reporting Matter
	73	Maximum street setback not complying with Reg 73.
	74	Minimum street setbacks not complying with Reg 74.
	74A	Building setback for small second dwellings not complying with Reg 74A.
	75	Building height not complying with Reg 75.
	76	Site coverage not complying with Reg 76.
	77	Permeability not complying with Reg 77.
	78	Car parking not complying with Reg 78.
	79	Side and rear setbacks not complying with Reg 79.
	80	Walls on boundaries and carports not complying with Reg 80.
	81	Daylight to existing habitable room windows not complying with Reg 81.
	82	Solar Access to existing north-facing habitable room windows not complying with Reg 82.
	83	Overshadowing of recreational private open space not complying with Reg 83.
	84	Overlooking not complying with Reg 84.
	85	Daylight to habitable room windows not complying with Reg 85.

86	Private open spaces not complying with reg 86.
86A	Private open spaces for small second dwellings not complying with reg 86A.
86B	Accessibility for small second dwellings not complying with Reg 86B.
87	Siting of Class 10a buildings not complying with Reg 87.
89	Front fence height not complying with Reg 80.
90	Fence setbacks from side and rear boundaries not complying with Reg 90.
91	Fences on or within 150mm of side or rear boundaries not complying with Reg 91.
92	Fences on intersecting street alignments not complying with Reg 92.
94	Fences & daylight to habitable room windows in existing dwelling not complying with Reg 94.
95	Fences & solar access to existing north-facing habitable room windows not complying with Reg 95.
96	Fences & overshadowing of recreational private open space not complying with Reg 96.
97	Masts, poles etc. not complying with Reg 97.

**DECLARATION:**

1. I confirm that a building permit has not been issued for the proposed works;
2. Building works have not commenced;
3. This information is true and correct; and
4. Agent of Owner : I declare I have been given permission to act on behalf of the owner.

**Notes:**

Section 248 of the Building Act 1993 (“Act”) states that: A person must not act on behalf of an owner of a building or land for the purpose of making any application, appeal or referral under this Act or the regulations unless the person is authorised in writing by the owner to do so.

Section 246 of the “Act” states that it is an offence to give false or misleading statements or documents to a person or body carrying out a function under the Act or Regulations.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**This application is to be accompanied by the information listed below.**



### **Information to be included with the application:**

1. Fee: See Council's website for the current fee schedule – An invoice will be sent on receipt of application.
2. Current copy of Certificate of Title or proof of ownership for the allotment (only if the property has been recently purchased and the purchaser's name is not on the Title) for example: a Contract of Sale.
3. Title Plan or Plan of Subdivision.
4. A written explanation supporting your proposed building design, in order to support your application, the submission is required to explain why the proposed building work cannot be designed to fit onto the allotment or to comply with the relevant part 5 sitting regulation.
5. The written submission must address how the relevant decision criteria outlined in the Ministerial Guidelines MG-12 applies. Note -not all Part 5 regulations are detailed in MG 12. The Ministerial guidelines are available at: [www.vba.vic.gov.au](http://www.vba.vic.gov.au) .
6. A set of design drawings of the proposed development including the details of any building/s located on adjacent and affected properties.

### **Adjoining Owner's Comments:**

In the interest of procedural fairness and transparency, Council will send the adjoining property owner/s the submission drawings and a comment form.

The adjoining owner will be requested to forward the comment form to Council within the regulated time frame for a decision to be made.

### **Design Considerations**

Pursuant to clause 4A of Schedule 2 of the Building Act, Council must **refuse** to give consent to a design which does not comply with Ministerial Decision Guidelines for siting matters.

Designers will need to be fully aware of these guidelines to avoid refusal of the consent. Copies of the Building Regulations, Ministerial Guidelines and Practice Notes may be viewed at the Victorian Building Authority website [www.vba.vic.gov.au](http://www.vba.vic.gov.au) .

### **Decision Time Frame:**

Pursuant to Regulation 34 of the Building Regulations 2018, the time after receipt of a copy of an application for the reporting authority to report on or consent to an application relating to a single dwelling under clause 6 of Schedule 2 of the Act if consent and report is required in relation to a matter referred to in Division 2 of Part 5 is 15 business days.

However, where the application is incomplete or additional information is required, the assessment of the application will be delayed.

### **Appeal Rights:**

An owner has the right to lodge an appeal to a decision or failure to make a decision made under the Building Act to the Building Appeals Board. The Building Appeals Board is an independent body with the responsibility to hear appeals and make decisions under the Building Act.

The BAB can be contacted by phone on 1300 815 127, or fax: 9618 9046, in person at Goods Shed North 733 Bourke Street Docklands VIC 3008, by post at PO Box 536 Melbourne VIC 3001 or on the internet at [www.buildingappeals.vic.gov.au](http://www.buildingappeals.vic.gov.au) .

**Already constructed buildings or works commenced without prior Report and Consent.**

Council cannot issue Report and Consent if works have commenced, and the work is in relation to a matter considered under the relevant Part 5 siting provisions of the Building Regulations 2018. See the VBA Practice Note BP 11 for an explanation of this matter.

An application must be made on a separate application form for these matters, please contact Council's Building Services Unit on 5461 0627 or by e-mail: [building@cgoldshire.vic.gov.au](mailto:building@cgoldshire.vic.gov.au)