



## REQUEST FOR REPORT AND CONSENT APPLICATION FOR BUILDING IN AREAS LIABLE TO FLOODING

REGULATION 153(2) | BUILDING REGULATIONS 2018

**TO: MUNICIPAL BUILDING SURVEYOR – MOUNT ALEXANDER SHIRE COUNCIL**

**FROM APPLICANT:**

Owner or Agent (*circle*): .....

Postal Address: .....

Postcode: .....

Phone: ..... Email: .....

**OWNERSHIP DETAILS** (*Only if agent or owner is listed above*):

Owner's Name: .....

Postal Address: .....

Postcode: .....

Phone: ..... Email: .....

**PROPERTY DETAILS:**

Number: ..... Street/Road: .....

Suburb: ..... Postcode: .....

Lot/s: ..... LP/PS: ..... Vol: ..... Fol: .....

**PROPOSED BUILDING DESCRIPTION:** .....

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**Pursuant Regulation 153(2) of the Building Regulations 2018, I hereby request consent from Council to building on an allotment that is in an area liable to flooding.**

**SIGNATURE:**

Signature of Applicant: ..... Date: .....

The following documents are required for this application to be assessed:

1. Current Copy of Title and Title Plan.
2. Survey plan showing AHD site/floor levels.
3. Working drawings showing floor levels to AHD.
4. Fee: Please refer to [Building Fees](#)

# ADVICE SHEET

## REPORT AND CONSENT PART 10 OF THE BUILDING REGULATIONS 2018

### **Decision Time Frame:**

Council is required to make a decision within the time limits pursuant to Regulation 34 of the Building Regulations 2018.

### **Appeal rights:**

An owner has the right to lodge an appeal to 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 <http://www.buildingappeals.vic.gov.au>

### **The following is an extract from The Building Regulations 2018:**

#### 153 Report and consent for building in areas liable to flooding

This regulation does not apply to: —

a Class 10 building; or

an unenclosed floor area of a building; or

an alteration to an existing building if the area of the existing building is not increased by more than 20 m<sup>2</sup>.

The report and consent of the relevant council must be obtained to an application for a building permit if the site is on an allotment that is in an area liable to flooding.

The report and consent of the relevant council under sub regulation (2) need not be obtained to an application for a building permit if: -

a planning permit is required for the construction of the building; and

the relevant planning scheme regulates the level of the lowest floor of the building in relation to any flood level declared under the Water Act 1989 or otherwise determined by the floodplain management authority or the relevant council.

The relevant council must not give its consent under sub regulation (2) if it is of the opinion that there is likely to be a danger to the life, health or safety of the occupants of the building due to flooding of the site.

In its report under sub regulation (2) the relevant council may specify a level for the surface of the lowest floor of a building on the site.

Before specifying a floor level under sub regulation (5) the relevant council must: -

consult with the floodplain management authority for that site; and

specify a level at least 300 mm above any flood levels declared under the Water Act 1989 or otherwise determined by the floodplain management authority, unless the

113 Authorised by the Chief Parliamentary Counsel floodplain management authority consents to a lower floor level.

The relevant council must without delay advise the floodplain management authority and the sewerage authority for that site of the floor level (if any) specified under sub regulation (5).