

## REPORT & CONSENT APPLICATION PART 5 SITING | BUILDING REGULATIONS 2018

**APPLICANT DETAILS:**

Name: .....  
 Postal Address: ..... Postcode: .....  
 Email: ..... Phone:.....

**OWNERS DETAILS:**

Owner/s' Name:.....  
 Owner/s' Postal Address: ..... Postcode: .....

**PROPERTY DETAILS:**

Number:..... Street/Road: .....  
 Suburb: ..... Postcode: .....  
 Lot/s:.....LP/PS:..... Crown Allotment: ..... Section: .....  
 Parish: ..... Township: .....Volume: ..... Folio: .....

**PROPOSED WORK DESCRIPTION** (i.e. carports, dwellings, sheds etc.):

.....

Please tick the required regulation:

Reg No	Reporting Matter
73	Maximum street setback not complying with Reg. 73
74	Minimum street setbacks not complying with Reg. 74
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 space not complying with Reg. 86
87	Siting of Class 10a buildings not complying with Reg. 87
89	Front fence height not complying with Reg. 89
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 and daylight to habitable room windows in existing dwelling not complying with Reg. 94
95	Fences and solar access to existing north-facing habitable room windows not complying with Reg. 95
96	Fences and overshadowing of recreational private open space not complying with
97	Masts. Poles etc. not complying with Reg. 97

**This application is to be accompanied by the information listed on the advice sheet.**

**DECLARATION:**

- 1. I confirm that a building permit has not been issued for the proposed work.
- 2. Building works have not commenced.
- 3. This information is true and correct.
- 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:**

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

**SUBMISSION:**

- 1. Provide reasons why the variation to **each** (if multiple variations are applied for) of the applicable building regulation/s should be applied to your situation, and:
- 2. Demonstrate how your proposal meets the Ministers Guidelines MG-12 for any of the following regulations; 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 89.
- 3. The Ministerial Guidelines and Practice Notes are available from the Victorian Building Authority at: [www.vba.vic.gov.au/building/resources](http://www.vba.vic.gov.au/building/resources)

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Attach additional sheets if required.

**Application fees must be paid at the time of submission.**

## ADVICE SHEET

### REPORT AND CONSENT PART 5 OF THE BUILDING REGULATIONS 2018

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

- 1.** Fee: Please refer to Building Fees at [https://www.mountalexander.vic.gov.au/Building\\_Services](https://www.mountalexander.vic.gov.au/Building_Services)
- 2.** Current copy of Certificate of Title or proof of ownership for the allotment (only if the property has been recently purchased and the purchasers 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 address the relevant decision criteria outlined in the Ministerial Guidelines MG-12, Note -not all Part 5 regulations are detailed in MG 12.
- 5.** 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:**

Council will be applying the recommendations from Victorian Building Authority's Practice Note 57-2018 that Council be responsible for notifying the adjoining owner that an application has been made for Report and Consent.

Council will send the adjoining owner/owners the submission documents and a comment form. The adjoining owner will be given 10 business days to forward the comment form to Council.

#### **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/home](http://www.vba.vic.gov.au/home)

#### **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 57-2018 Clause 6 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 5471 1759 or by e-mail: [building@mountalexander.vic.gov.au](mailto:building@mountalexander.vic.gov.au)