

APPLICATION FOR COUNCIL REPORT AND CONSENT

Part 5 of the Building Regulations 2018



the place
to live

TO: The Municipal Building Surveyor

Application No. _____

Property Details

Number: _____ Street/ Road: _____

Suburb: _____ Postcode: _____

Applicant Details

Owner/Agent: _____

Contact Person: _____ Telephone: _____

Postal Address: _____ Postcode: _____

Email: _____

Regulations to be varied

73	Maximum street setback		85	Daylight to habitable room windows	
74	Minimum street setback		86	Private open space	
75	Building height		87	Siting of a Class 10a building	
76	Site coverage		89	Front fence height	
77	Permeability		90	Fence setbacks from side & rear boundaries	
78	Car parking		91	Fences on or within 150mm of side or rear boundaries	
79	Side & rear setbacks		92	Fences on intersecting street alignments	
80	Walls on boundaries		94	Fences and daylight to windows in existing dwelling	
81	Daylight to existing habitable room windows		95	Fences and solar access to existing north-facing habitable room windows	
82	Solar access to existing north-facing windows		96	Fences & overshadowing of recreational private open space	
83	Overshadowing of recreational private open space		97	Mast poles etc.	
84	Overlooking		134	Buildings above or below certain public facilities	

THE VARIATIONS SOUGHT ARE TO BE CLEARLY MARKED / HIGHLIGHTED ON THE PLANS. FAILURE TO DO SO MAY RESULT IN THE APPLICATION BEING RETURNED

Important note: The applicant must explain why the proposal could not be designed to comply with Part 5 of the Building Regulations 2018. This explanation must be in accordance with the Minister's Guidelines.

Clause 4A of Schedule 2 of the Building Act 1993, requires Council to refuse consent if the proposal does not meet the Guidelines (attach a separate sheet, if there is insufficient space).

Proposed Work

Provide a description of the proposed works and reasons for requesting council consent.

Building Permit

Has a building permit been issued for the building work relating to this application? Yes / No

If Yes, has building work commenced? Yes / No

Adjoining Owners Comments

Comments from the adjoining owners are to be obtained in accordance with Council's Adjoining Owners Comment Form.

Do you require Council to obtain the comments of the relevant adjoining owners on your behalf? Yes No
(Please refer to notes)

Fees

Description	Price	Total
Consent Fee (per Regulation)	\$311.80	\$
Report where permit has been issued / or works which have commenced	\$442.00	\$
Report(s) for each additional regulation (s) where permit issued and works have commenced	\$442.00	\$
Council to prepare & issue letter of notification to relevant adjoining owners (per site/per regulation, as applicable)	\$256.00	\$
Total amount payable		\$

Signature

I also acknowledge that it is an offence to knowingly make any false or misleading statement or provide any false or misleading information in relation to an application.

Signature of Owner or Agent. _____ Date . _____

PRIVACY STATEMENT

The collection and handling of personal information is accordance with Council's Privacy Policy which is displayed on Council's website and available for inspection at, or collection from, Council's customer service centre/s.

Supporting Documentation

An application for Report and Consent of Council must include:

1. A copy of the 'Certificate of Title and subdivision plan' showing any current covenants or Section 173 agreements under the Planning & Environment Act 1987 that may apply to the subject allotment (no more than 1 month old).
2. One set of developers endorsed approval or Town Planning endorsed approval plans if applicable.
3. Working drawings clearly showing the subject allotment, the adjoining properties (rear and side), the location and setback of the habitable room windows in the adjoining buildings, the area set aside as private open space, boundary fence heights, north points, the secluded private open space of the adjoining properties, relevant elevations and sections appropriately dimensioned and shadow diagrams where appropriate or when required by the regulations.
4. Written comments from the affected adjoining property owners must be obtained or please consult with the Municipal Building Surveyor for further direction. (See Notes)
5. The applicant must explain why the proposal could not be designed to comply with Part 5 of the Building Regulations 2018.
6. Your application should consider and address the relevant part of the [Ministers Guideline MG12](#). Ministers Guideline 12 is available on the Victorian Building Authority website www.vba.vic.gov.au.

Notes

NOTE:

- Any adjoining owner comments submitted by the applicant may not necessarily override Council's standard notification process. Failure to submit written comments from affected adjoining owners including where served by registered mail will require Council to notify adjoining owners directly which will incur additional fees. Darebin City Councils standard Adjoining Owner's Comment Forms are available, which need to be signed by all affected adjoining owners and opposite the street, if required. Relevant fees are applicable.
- If you require Council to obtain comments of the relevant adjoining owners on your behalf, this application together with any other relevant information may be made available to them.
- Further information, in addition to the above, may be requested after initial assessment of the application. Lack of information is likely to result in delays.
- An incomplete application or an application without the required fee will not be registered as received by council and will be returned to the applicant. If an application has not addressed the Minister's Guidelines adequately, as required, a refusal could result.
- It is the applicant's responsibility to ensure an application identifies all relevant Regulations for which the Report and Consent of Council is required. City of Darebin, as the reporting authority, will not assess which regulations require an application to Council and accept no responsibility for regulations not identified as part of this application.
- All enquiries regarding which consents are required for regulations that are applicable to the application should be directed to the Relevant Building Surveyor. If an applicant has not addressed a request for further information within the prescribed period, a refusal could result.
- A copy of the Building Notice or Inspection Direction from the Relevant Building Surveyor is to be provided where the building permit has been issued or where works have commenced.

Refunds

Council will only refund fees for a report and consent application where a determination has not been issued.

If you wish to withdraw an application, you must put your request in writing.

After confirmation of application fees paid, Council will provide you with a refund after the following amounts have been deducted:

- i. A \$155 administration fee for the cancellation of the application.
- ii. An amount calculated at the rate of \$85.00 per hour or part thereof for time spent on the application.
- iii. Any external expenses incurred in processing the application, including external consultants fees and other statutory fees and charges.