

APPLICATION FOR REPORT AND CONSENT SITING VARIATIONS

PARTS 5 and 6 - BUILDING REGULATIONS 2018



the place to live

APPLICATION INFORMATION

Use this form to apply for a Report and Consent to vary a siting, design, or access requirement of Parts 5 and 6 of the Building Regulations 2018

Submit this form and supporting documents by post to **P.O BOX 91 Preston VIC 3027** or via email to building@darebin.vic.gov.au

APPLICANT DETAILS

First Name:	<input type="text"/>	Surname:	<input type="text"/>
Company Name:	<input type="text"/>		
Postal Address:	<input type="text"/>		
Telephone:	<input type="text"/>	Mobile:	<input type="text"/>
Email:	<input type="text"/>		

PROPERTY DETAILS

Unit No.:	<input type="text"/>	Street No.:	<input type="text"/>	Street Name:	<input type="text"/>
Suburb:	<input type="text"/>	Postcode:	<input type="text"/>		

OWNER DETAILS

First Name:	<input type="text"/>	Surname:	<input type="text"/>
Company Name:	<input type="text"/>		
Postal Address:	<input type="text"/>		
Telephone:	<input type="text"/>	Mobile:	<input type="text"/>
Email:	<input type="text"/>		

DESCRIPTION OF BUILDING WORK

Provide details of the proposed building work (i.e. New Dwelling / Alterations or Additions to Existing Dwelling / Outbuilding / Fence / Small Second Dwelling)

Building Permit and Building Work

Has a Building Permit been issued for the building work relating to this application?	<input type="button" value="Yes"/>	<input type="button" value="No"/>	Has the building work in relation to this application been commenced?	<input type="button" value="Yes"/>	<input type="button" value="No"/>
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DESCRIPTION OF THE PROPOSED VARIATION

Provide details of the specific variation against the prescribed requirement (i.e. To permit a front setback of 5.5 metres in lieu of the 6.0 metres setback required under Regulation 74). A description must be offered for each Regulation for which Report and Consent is sought

APPLICATION FOR REPORT AND CONSENT – SITING VARIATIONS

REGULATIONS TO BE VARIED

Tick each Regulation for which for which a variation is being sought.

Part 5 - Division 2 – Single Class 1 Buildings and associated Class 10a Buildings

Reg 73	Maximum Street Setback	<input type="checkbox"/>
Reg 74	Minimum Street Setback	<input type="checkbox"/>
Reg 74 A	Building Setback Small Second Dwelling	<input type="checkbox"/>
Reg 75	Building Height	<input type="checkbox"/>
Reg 76	Site Coverage	<input type="checkbox"/>
Reg 77	Permeability	<input type="checkbox"/>
Reg 78	Car Parking	<input type="checkbox"/>
Reg 79	Side and Rear Setbacks	<input type="checkbox"/>
Reg 80	Walls and Carport on Boundaries	<input type="checkbox"/>
Reg 81	Daylight to Existing Windows	<input type="checkbox"/>
Reg 82	Solar Access to North-Facing Windows	<input type="checkbox"/>
Reg 83	Overshadowing of Private Open Space	<input type="checkbox"/>
Reg 84	Overlooking	<input type="checkbox"/>
Reg 85	Daylight to Habitable Room Windows	<input type="checkbox"/>
Reg 86	Private Open Space	<input type="checkbox"/>

Reg 86 A	Private Open Space – Small Second Dwelling	<input type="checkbox"/>
Reg 86 B	Accessibility for Small Second Dwelling	<input type="checkbox"/>

Part 5 - Division 3 – Single Class 10a Buildings

Reg 87	Siting of Class 10a Buildings	<input type="checkbox"/>
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Part 5 - Division 4 – Class 10b Structures

Reg 89	Front Fence Height	<input type="checkbox"/>
Reg 90	Fence Setbacks from Side and Rear Boundaries	<input type="checkbox"/>
Reg 91	Fences on Boundaries	<input type="checkbox"/>
Reg 92	Fences on Intersecting Street Alignments	<input type="checkbox"/>
Reg 94	Fences and Daylight to Existing Windows	<input type="checkbox"/>
Reg 95	Fences and Solar Access to North-Facing Windows	<input type="checkbox"/>
Reg 96	Fences and Overshadowing of Private Open Space	<input type="checkbox"/>
Reg 97	Masts, Poles, Aerials, Antennas, Flues, etc.	<input type="checkbox"/>

Part 6 – Projections Beyond Street Alignment

Reg 109	Projections beyond Street Alignment	<input type="checkbox"/>
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ADJOINING PROPERTY OWNER'S NOTIFICATION

Do you require Council to notify the relevant adjoining property owners? *

Yes

No

*Notification fees apply

SUPPORTING DOCUMENTATION CHECKLIST

The following supporting information and documents must be submitted with your application.

Incomplete submissions may not be lodged or may result in delays in the assessment of the proposal.

1. Completed and signed **Application Form**
2. Current copy of the **Title and Title Plan** (issued within 90 days) and inclusive of any covenants or agreements listed on the title search.
3. **Written statement from the applicant** describing the proposal. The submission must outline the proposed variations, explain why the proposal could not be designed to comply with Part 5 of the Building Regulations and **address the criteria under the Minister's Guidelines MG-12 relevant to each regulation**. A copy of the Minister Guidelines MG-12 can be obtained on the Victorian Building Authority website [VBA \(MG-12\)](#)
4. **Written statement from the Relevant Building Surveyor** confirming the siting matters that do not comply with Part 5 of the Building Regulations, and for which a report and consent are required.
5. **Architectural Drawings** (site plan, floor plans, elevations) of the proposal. Plans must be drawn to scale and show, as required:
 - a) the subject site and the adjoining allotments.
 - b) the proposed buildings with annotated dimensions.
 - c) the existing buildings on the site and the adjoining allotments.
 - d) the location of habitable room windows, and private open space.
 - e) shadow diagrams and overlooking diagrams.

Plans must clearly indicate the extent of the non-compliant siting matter through the use of colours, hatches, or annotations.
6. **Written comments from the affected Property Owners** confirming they have sighted the plans, understand the proposal and either support or object to the proposed variations. You may use this [Approved Form](#) to obtain the neighbour's comments.
7. Where an application relates to building work already carried out, provide a copy of the Enforcement Action issued by the RBS.

APPLICATION FOR REPORT AND CONSENT – SITING VARIATIONS

SCHEDULE OF FEES

Application Fees		No. of Regulations	Total
Lodgement Fee - (per Regulation)	\$311.80	<input type="text"/>	\$ <input type="text"/>
Report Only Fee - (per Regulation) When a Building Permit has been issued or the Building Work has commenced	\$442.00	<input type="text"/>	\$ <input type="text"/>
Notification Fees		No. of Properties	Total
Notification to the relevant adjoining property owner (per property to be notified)	\$256.00	<input type="text"/>	\$ <input type="text"/>
		TOTAL PAYABLE	\$ <input type="text"/>

IMPORTANT INFORMATION

Application Process

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. Further information may be requested after initial assessment of the application. Lack of information is likely to result in delays. Failure to provide the additional requested information will result in cancellation of the application. Council will make all endeavours to process an application within fifteen working days.

Minister's Guidelines Considerations

Pursuant to Schedule 2 Clause 4A(2)(d) of the Building Act 1993, Council must have regard to a guideline issued under Section 188A of the Building Act 1993 – Minister's Guidelines MG-12, when considering an application. Council must refuse to give consent to an application if the application does not comply with any matter set out in those guidelines.

Adjoining Property Owners Notification (Advertising)

Pursuant to Schedule 2 Clause 4A (2)(b) of the Building Act 1993, if Council believes that the application may result in a nearby allotment suffering detriment, it must give the owner of the allotment an opportunity to make a submission in respect of the possible detriment. Please note that if the applicant provides adjoining property owners' comments, but Council is not satisfied that the relevant property owners have sighted and understood the proposed variations, Council may still need to notify (advertise) the proposal to them.

If an application requires notification to the neighbours, please allow additional fifteen days for processing of the application.

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 make a writing request prior to a decision of the application being made.

Council will provide you with a refund after the following amounts have been deducted:

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

Privacy Collection Statement

City of Darebin collects personal information via this form to process your application and for related purposes which the individual to whom the information relates may reasonably expect. Council will not release or provide access to personal information to any other person or body, unless (a) it has been authorised to do so by the person to whom the information relates, (b) it is permitted or required to do so by law, or (c) it is appropriate or required in the performance of the functions of Council.

APPLICANT DECLARATION

I declare that I have provided the documents required for an application for a report and consent in accordance with Schedule 2 of the Building Act 1993, and that the information contained within is true and correct.

Applicant Signature:

Date:

Applicant Name:



Contact Us

- 8470 8899
- building@darebin.vic.gov.au
- 274 Gower Street, Preston VIC 3072
- PO BOX 91, Preston VIC 3072