

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:		Surname:	
Company Name:			
Postal Address:			
Telephone:		Mobile:	
Email:			

PROPERTY DETAILS

Unit No.:		Street No.:		Street Name:	
Suburb:			Postcode:		

OWNER DETAILS

First Name:		Surname:	
Company Name:			
Postal Address:			
Telephone:		Mobile:	
Email:			

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?	Yes	No	Has the building work in relation to this application been commenced?	Yes	No
---	------------------------------------	-----------------------------------	---	------------------------------------	-----------------------------------

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

Reg 86 A	Private Open Space – Small Second Dwelling	☐
Reg 86 B	Accessibility for Small Second Dwelling	☐

Part 5 - Division 3 – Single Class 10a Buildings

Reg 87	Siting of Class 10a Buildings	☐
--------	-------------------------------	--------------------------

Part 5 - Division 4 – Class 10b Structures

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

Part 6 – Projections Beyond Street Alignment

Reg 109	Projections beyond Street Alignment	☐
---------	-------------------------------------	--------------------------

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:
 - the subject site and the adjoining allotments.
 - the proposed buildings with annotated dimensions.
 - the existing buildings on the site and the adjoining allotments.
 - the location of habitable room windows, and private open space.
 - 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)	\$474.06		\$
Report Only Fee - (per Regulation) When a Building Permit has been issued or the Building Work has commenced	\$702.49		\$
Notification Fees		No. of Properties	Total
Notification to the relevant adjoining property owner (per property to be notified)	\$277.66		\$
TOTAL PAYABLE			\$

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 \$165 administration fee for the cancellation of the application.
- An amount calculated at the rate of \$90.00 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

Council is committed to protecting an individual's right to privacy as part of its commitment towards accountability, integrity and compliance with privacy legislation.

You can view our Building Services Privacy Statement under the 'Building Services' tab at <https://www.darebin.vic.gov.au/Privacy-Statement> or ask us for a copy.

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