

Report and Consent Application

Building Regulations 2018 – Part 5



TO: MUNICIPAL BUILDING SURVEYOR

Property address:

Lot no: _____ Street no: _____ Street name: _____ Suburb: _____

Applicant details: I, relevant building surveyor owner authorised agent of owner

Name: _____

Postal address: _____ Post Code _____

Preferred Email: _____ Phone(mobile/etc.): _____

hereby submit a copy of a building design to council for consent in accordance with Schedule 2 of the Building Act 1993 for the following matters under the building regulations.

Nature of Proposed Building Work: _____

Signed: _____ Date: _____

Tick	Reg.	Reporting Matter <small>(Reporting Matter Description modified for clarity)</small> <i>Fee as prescribed 1 July 2024: \$320.25 per regulation</i>
	73 (2)	Maximum front street boundary setback not complying with reg. 73
	74 (4)	Minimum front or side street boundary setback not complying with reg. 74
	75 (4)	Maximum building height not complying with reg. 75
	76 (4)	Maximum site coverage not complying with reg. 76
	77 (3)	Impermeable surfaces covering more than 80% of an allotment area with reg. 77
	78 (6)	Car parking spaces not complying with reg. 78
	79 (6)	Side or rear boundary setbacks not complying with reg. 79
	80 (6)	Walls or carports “on boundaries” not complying with reg. 80
	81 (6)	Building setback for daylight to existing habitable room window not complying with reg. 81
	82 (6)	Building setback for solar access to existing north facing habitable room windows. reg. 82
	83 (3)	Building design exceeding the overshadowing of recreational private open space limits. reg.83
	84 (9)	Window or raised open space not complying with the overlooking constraints of reg. 84
	85 (3)	Building design not providing compliant daylight to new habitable room windows with reg. 85
	86 (3)	Private open space not complying with reg. 86
	87 (2)	Class 10a building not appurtenant to another class of building on an allotment reg. 87
	89 (3)	Front fence height reg. 89
	90 (2)	Fence setbacks from side and rear boundaries reg. 90
	91 (5)	Fences on or within 150mm of side or rear boundaries reg. 91
	92 (2)	Fences on intersecting street alignments reg. 92
	94 (6)	Fences and daylight to habitable room windows in existing dwelling reg. 94
	95 (3)	Fences and solar access to existing North facing habitable room windows reg. 95
	96 (3)	Fences and overshadowing of recreational private space reg. 96
	97 (2)	Masts, poles, antennas, etc. not complying with height limits of reg. 97

Privacy statement: Personal information collected by Council is used for municipal purposes as specified in the *Local Government Act 1989*. The personal information will be held securely and used solely by Council for these purposes and/or directly related purposes. Council may disclose this information to other organisations if required or permitted by legislation. The applicant understands that the personal information provided is for the above purpose and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to Council's Privacy Officer on 1300 787 624 or mail@cardinia.vic.gov.au



APPLICATION CHECKLIST:

- Completed Application Form
- Proposed Architectural Drawings - complete and properly prepared plans showing all information necessary to assess compliance with all aspects of siting controls, including:
 - full dimensions
 - plan and side elevation views, material details etc.
 - location of adjoining property buildings, including frontage, side boundary setbacks, window locations and other appropriate details.
- Prescribed Fee as prescribed by the *Building Regulations 2018* (**per regulation to be assessed**) **NOTE: Application fee is not refundable.**
- A **full** copy of **Title**, including **approved** plan of subdivision and any applicable restrictions or covenants for the property.
- Design Brief - Justification in accordance with Ministers Guidelines. The Minister's Guidelines may be viewed on 'Victorian Building Authorities' website. (http://www.vba.vic.gov.au/data/assets/pdf_file/0006/18789/Ministers-Guidelines-MG12.pdf)

NOTE: The application may be refused if it does not meet these guidelines.

- Applications which may result in a nearby allotment suffering detriment can possibly be expedited by tendering **adjoining owners comments** as appropriate with the application, but it remains the responsibility of Council to determine detriment and give affected properties the opportunity to make a submission. Accordingly, additional submissions may be sought by Council in some circumstances. To ensure that adjoining property submissions properly address the relevant issues and minimise the likelihood of Council needing to repeat the approaches to such property owners **it is imperative that the Cardinia Shire Council - Adjoining / Affected Property Owners Comments (Siting) Form** is used and fully completed and that the **relevant owners sign a copy of the plans** accompanying the application. **NOTE: Any dimensions indicating non-compliance shall be highlighted to draw attention to the specific matter.** Where the adjoining affected property owner/s can either not be contacted, or do not respond to the Form that a Statutory Declaration may be accepted to confirm your actions as well as the date that the Form and associated documents were handed/forwarded to that owner (Registered mail receipts will also be accepted).

Whilst the application can be lodged by the owner, builder, architect/draftsperson or any properly *authorised agent of the owner* **it is strongly recommended that the application be made in close consultation with the Relevant Building Surveyor.** The Council is acting in the role of a prescribed reporting authority when assessing these applications and can only address the application to the extent set out in the request. It does not replace or supplement the Relevant Building Surveyor in determining the overall compliance with Part 5 of the Regulations. An incomplete compliance assessment prior to lodgement of this application may lead to multiple report and consent applications being required.

Decision Time Frame

Pursuant to regulation 34 of the Building Regulations 2018 the time after receipt of an application for report and consent to a matter under Division 2 of Part 5 is **15 business days**. Although Council will endeavour to meet the above time limit, this may not always be practicable.

Appeal Rights

An owner has rights of appeal to the Building Appeals Board (Ph. 1300-815-127) – (within 30 days) with respect to any:

- requirement of a reporting authority to give more information or amend a permit application (s138 of the Building Act)
- the determination or exercise of discretion or
- failure within a reasonable time to make a determination or exercise that discretion (s144 of the Building Act).

DESIGN BRIEF

The application should include supporting information setting out relevant design considerations/constraints which have influenced the ultimate non-compliance with the regulations.

This sheet should be used to identify the relevant Minister's Guidelines and how such guidelines have, in the opinion of the applicant, been satisfied.

Property address:

Lot no: ____ Street no: ____ Street name: _____ Suburb:

Building Regulation Being Considered: _____

Nature of Proposed Building Work: _____

Requirement (eg. Setback, height, area of shadow) _____

Proposal (eg. Setback, height, area of shadow) _____

Constraints/Justification:

Relevant design constraints (Why can't the design be made to comply)
.....
.....

Justification of Application:

Relevant Minister's Guidelines

(refer to 'http://www.vba.vic.gov.au/data/assets/pdf_file/0006/18789/Ministers-Guidelines-MG12.pdf) for a copy of these guidelines noting that Council may **refuse the application** if the proposal does not comply with the guidelines)

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How such Guidelines have been satisfied

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Signed: _____ Date: _____

Building Regulatory Matters Request for Ownership Details



Applicant details:

Full Name: _____

Postal address: _____

Phone Number/s: _____

Email Address: _____

Property/Land Details of which you seek ownership details:

Address: (including lot number, street number, street name, suburb and post code (in some cases a lot number and a copy of plan of subdivision may assist a quick response))

Lot	No.	Street/Road/etc.	Suburb	Post Code

A tick in this box indicates that a plan of subdivision is attached

Purpose for which the information will be used:

Building Regulation: _____ Building Act Section: _____

I undertake as follows:

1. to use the contact details specified above (**the information**) solely to facilitate a specific matter under the *Building Regulations 2018* inter-alia *Building Act 1993* as described above;
2. not to use or disclose the information for any other purpose without the prior written consent of Council, or as required by law;
3. not to retain, copy or disseminate the information for unrelated purposes; and
4. to keep the information secure.

I understand that personal information may only be used or disclosed in accordance with the primary purpose of collection, subject to limited exceptions set out in the *Information Privacy Act 2000*.

Applicants Signature _____ Date: _____

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Affected Property Owners Comments REQUEST
Report and Consent Application
Building Regulations 2018 – Part 5



To: _____ (owner of affected allotment)

Address: _____ (postal address)

Affected Property address:

Lot no: ____ Street no: ____ Street name: _____ Suburb: _____

Subject Property address:

Lot no: ____ Street no: ____ Street name: _____ Suburb: _____

Nature of Proposed Building Work: _____

Building Regulation/Description:

(Above should specify subject regulation and issue (eg. setback/height/shadow. etc))

Requirement (eg. Dimension/Area)

Proposal (eg. Dimension/Area)

Relevant Design Considerations (eg. Difference between requirement and proposal)

(*Delete as applicable below)

The abovementioned building proposal **has been / *is to be* referred to Council for Report and Consent relative to the variation or dispensation from the relevant siting provision of Part 5 of the Building Regulations 2018 as set out in the **attached** architectural drawings which reflect the nature of the work.

Architectural drawings attached: _____ pages, dated _____

Architectural drawings **clearly highlighting the proposed non-compliance** are attached for your information and should, in addition to the completion of this comments form, be endorsed (by signing same) to acknowledge the submitted documents that have been viewed.

NOTE: You may choose to email comments/documents to 'mail@cardinia.vic.gov.au' to the attention of the Municipal Building Surveyor.

Please note that a copy of the relevant Minister's decision guidelines may be viewed on Victorian Building Authorities website. (http://www.vba.vic.gov.au/_data/assets/pdf_file/0006/18789/Ministers-Guidelines-MG12.pdf)

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Please return comments to:

Name:.....

Address:.....

Fax:..... Email:

For further information telephone:

Affected Property address:

Lot no: ____ Street no: ____ Street name: _____ Suburb: _____

Subject Property address:

Lot no: ____ Street no: ____ Street name: _____ Suburb: _____

Nature of Proposed Building Work: _____

Building Regulation/Description:

(Above should specify subject regulation and issue (eg. setback/height/shadow. etc))

Requirement (eg. Dimension/Area)

Proposal (eg. Dimension/Area) _____

Affected Owners Initial Response:

The affected Owner is to sign in one of the below boxes which indicates the preferred response:

The affected owner is to sign in one of the below boxes which indicates the preferred response:	Having considered the request and having been given the opportunity to view the documents accompanying the application I hereby advise that I:
.....	have no objection to the proposal as set out in the attached referral application to Council; OR
.....	object to the proposal as set out in the attached referral application to Council. (If you have any objections to the proposal you must detail the basis of the objections)

Affected Owners Details:

Affected Owner Name: _____

Signed: _____ Date: _____

Telephone: _____ Email: _____

Comments (addressing Ministers Guidelines attached):

- A tick in this box indicates that comments attached.
- A tick in this box indicates that comments have been emailed to the Municipal Building Surveyor.

