

COUNCIL REPORT & CONSENT APPLICATION (Dispensation)



Building Regulations 2018, Part 5
 Referral of Building design to Council for Report & Consent
 Single Class 1 Buildings and Associated Class 10a Buildings

To **Municipal Building Surveyor**
 Email: enquiries@gplains.vic.gov.au

2021/2022 ABN 86 998 570 296
 Mail: PO Box 111 Bannockburn Phone 5220 7111
 or toll free within the Shire - 1300 363 036

1. APPLICANT DETAILS

You are the: OWNER AGENT OF OWNER (tick applicable box)

Name/ Business	Contact Person
Postal Address	
Email Address	Phone

Owner (IF NOT THE APPLICANT):

Contact Phone No.

I hereby give a copy of a building permit application or building design to Council/apply for report and consent in accordance with Schedule 2 of the *Building Act 1993* for the following matters under Schedule 5 Part 2 of the Building Regulations 2018.

2. PROPERTY DETAILS (Provision of Title & Plan of Sub-division is required to identify correct property)

Lot/s Number:	Plan of Sub-Division/ Land Plan/Title Plan:	OR	Crown Allotment No.	Section:
Road Side Number:	Street/Road Name			
Township:	Municipal District:	Golden Plains Shire		

3. REGULATION & MATTER TO BE REPORTED ON - (\$294.70 PER REGULATION)

- 73 - Maximum setback from a street boundary not complying with Reg. 73
- 74 - Minimum setback from a street boundary not complying with Reg. 74
- 75 - Maximum building height not complying with Reg. 75
- 76 - Site coverage not complying with Reg. 76
- 76A - Minimum garden area not complying with Reg. 76A
- 77 - Permeability not complying with Reg. 77
- 78 - Car parking not complying with Reg. 78
- 79 - Side or rear boundary setbacks not complying with Reg. 79
- 80 - Length and/or height of wall or carport along the boundary not complying with Reg. 80
- 81 - Daylight to existing habitable room windows not complying with Reg. 81
- 82 - Solar access to existing north-facing windows not complying with Reg. 82
- 83 - Overshadowing of recreational private open space not complying with Reg. 83
- 84 - Window or raised open space not complying with Reg. 84
- 85 - Daylight to habitable room windows not complying with Reg. 85
- 86 - Private open space does not comply with Reg. 86
- 87 - Siting of Class 10a buildings without an appurtenant class of building
- 89 - Front fence height not complying with Reg. 89 <https://www.justice.vic.gov.au/statdecs>
- 90 - Fence setback on side or rear boundary not complying with Reg. 90
- 91 - Length and/or height of side or rear fence not complying with Reg. 91
- 92 - A fence located within 9m of an intersection and greater than 1m in height
- 97 - A mast, pole etc exceeding 3m above the highest point of the roof of a building or 8m above ground when not attached to a building.

Please note: this application must be accompanied by the information listed on the attached advice sheet

Applicant's Signature

Date

4. Information to be included with Application for Report & Consent (Dispensation)

- Fee** (as listed on the application sheet).
- A cover letter including a **written explanation of the reasons** why the variation is being sought after along **with a clear statement of the variation(s)** being requested under the Building Regulations 2018.
- A **current** (less than 3 months old) copy of the registered **Certificate of Title**, including every sheet of the **Plan of Subdivision** and any encumbrances registered against the Title (ie. **Covenant, Caveats, 173 Agreements**, etc).
- Developer's consent** and endorsed plans if required.
- Written comments** and signatures from **all adjacent affected property owners** (including signed copies of architectural drawings) as directed by the Municipal Building Surveyor (see form attached). Alternatively, Council can advertise to **adjacent affected property owners** on your behalf for a fee of **\$110** (Please include this payment along with the required prescribed fee).
- Full set** of architectural drawings of the proposal (2 copies)
- Clear and complete **details and locations of buildings and structures** on all adjacent properties.

Design Documents

Regulation 25 of the Building Regulation 2018 includes additional document requirements for building permit applications. Included are:

- The location, dimensions and area of impermeable surfaces covering the allotment if necessary for the purposes of Regulation 77
- The location and dimensions of car parking spaces for the purposes of Regulation 78
- The location, dimensions and area of private open space for the purposes of Regulation 86

Building surveyors must ensure that, where necessary, the above information is obtained **before** applications are referred to Council. If such information is not present, (1) consent will be refused (where such information is clearly necessary) or (2) a flawed decision may be made – for which the building surveyor may be accountable.

Persons other than building surveyors (such as architects, draftspersons and owners) who apply for consent will need to be aware that Council may request further information in broad terms. Such persons must ensure they are aware of the relevant regulations and guidelines or use a suitably experienced advisor/consultant.

Design Considerations – Ministers Guidelines

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 the current Ministerial Guidelines for siting matters. Designers will need to be fully aware of these guidelines to avoid refusal of consent and fee retention.

It is strongly recommended that referrals be accompanied with supporting information to demonstrate that the guidelines have been considered and met by the designer.

Copies of the regulations and guidelines are available from Council or may be viewed at the following websites:
www.legislation.vic.gov.au (for the regulations) and www.vba.vic.gov.au (for the guidelines).

Advertising

Clause 4A of Schedule 2 of the Building Act provides that, if in the opinion of the reporting authority (Council), 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 the above provision requires Council:

- to determine the possibility of detriment
- to give opportunity for any submission.

Any comments of adjoining owners tendered by the applicant or their agent will not over-ride the possibility that Council may be obliged to advertise.

Decision Time Frame

Pursuant to Part 4, Division 3 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 Part 5 is 15 business days.

Although Council will endeavour to meet the above time limit it may not be met – particularly where Council seeks submissions from adjoining owners. Please consult with Council as to time frames at time of referral.

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

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

5. PAYMENT DETAILS \$294.70 per Regulation

\$

ELECTRONIC FUNDS TRANSFER	<input type="checkbox"/>	VISA	<input type="checkbox"/>	MASTERCARD	<input type="checkbox"/>	BANKCARD	<input type="checkbox"/>	EXPIRY DATE	/
Cardholders Name	Credit Card No								

Signed: **Date:**

(Signature of Cardholder)

Office Use Only ASSESSMENT COST \$294.70 GL No 30178

Information Privacy Collection Notice

Personal information collected on this form shall be used by Council's *Building Services Department* to provide you with the *property information response*. Council may disclose your information to other internal departments and will not disclose to any external party without your consent, unless required to do so by law. If you do not provide us with all required information Council will not be able to provide the *property information response*. You have the right to access your personal information and make any necessary corrections. If you have any queries or wish to gain access to amend your information please contact Golden Plains Shire's Privacy Officer on (03) 5220 7111 or enquiries@gplains.vic.gov.au c/o Building Services Department – 5220 7141.

Council will comply with its Privacy Policy and Information Privacy Principles in schedule 1 of the Privacy and Data Protection Act 2014 and the Health Records Act 2001 in relation to the use, storage and disclosure of information. If you have any queries regarding this Privacy Statement, please contact the Privacy Officer in writing to enquiries@gplains.vic.gov.au or PO Box 111, Bannockburn 3331.

Adjoining Property Owner's Comments

To:

Name			
Street Address			
Town		Postcode	
Email Address		Phone	

Your response/comments are requested for a proposed variation to the Building Regulations 2018.

Proposed Nature of Variation/Regulation* _____

(PLEASE NOTE: The Nature of Variation of the Building Regulations **MUST BE PROVIDED** in order to process this application. (Incomplete applications will not be accepted).

Proposed Works at:

I/We (Adjoining property owner/s)

being owner/s of
(address)

hereby state that I/We have inspected and fully understand the plan relating to the proposed building design and:

I/We have **NO OBJECTION** to the proposal and variations outlined in the application

I/We **HAVE AN OBJECTION** to the proposal and variations outlined in the application, for the following reasons:

Signature of affected adjoining property owner

Date

Phone number of adjoining owner: _____

Please note:

If you wish to object to the proposal, please provide a reason for Council to consider on this form or send a letter or an email to:

Municipal Building Surveyor,

Golden Plains Shire –

PO Box 111 Bannockburn 3331 or email: enquiries@gplains.vic.gov.au