

‘Comments’ Required on Siting Matters As Works Were Completed Without Council Approval

Building Regulations 2018, Part 5, Divisions 2, 3 and 4
Single Class 1 Buildings and associated Class 10 Buildings for Sites over 500sqm

Council’s determination for ‘Comments’ is final and appeals cannot be lodged with the Building Appeals Board

APPLICANT NAME: (Required)

Owner* / Agent of Owner * _____ * delete where inapplicable

Contact Person: _____ Ph: _____ E: _____

Postal Address _____ Post Code _____

OWNER/SNAME: (Required)

Owner _____ Ph: _____ E: _____

Postal Address _____ Post Code _____

Contact Person _____ Telephone _____

RELEVANT BUILDING SURVEYOR (RBS): (If Known)

Company: _____ Name: _____

Contact Person: _____ Ph: _____ E: _____

Postal Address _____ Post Code _____

BUILDERS DETAILS: (If Known)

Company: _____ Name: _____

Contact Person: _____ Ph: _____ E: _____

Postal Address _____ Post Code _____

PROPERTY DETAILS / SUBJECT SITE: (Required)

Number _____ Street/Road _____ City/Suburb/Town _____ Post Code _____

Lot/s _____ LP/PS _____ Volume _____ Folio _____

Works Constructed: _____

I (the applicant) hereby give a copy of a building permit application or building design to Bayside City Council and apply for consent in accordance with Schedule 2 of the *Building Act 1993* for the following matters under Part 5 Building Regulations 2018:

All applications for Report and Consent ‘Comments’ attract a \$535.00 application fee per regulation.

Effective until 30/06/2025

(Note: If you have multiple non-compliances for the same regulation i.e. 3 x Reg 79, you would only pay once for Reg 79)

Tick	Reg	Reporting Matter (i.e. non-complying item/s)	Tick	Reg	Reporting Matter (i.e. non-complying item/s)
	73	Maximum street setback		85	Daylight to habitable room windows
	74	Minimum street setback		86	Private open space
	75	Building height		87	Siting of appurtenant Class 10a buildings
	76	Site coverage		89	Front fence height
	77	Permeability		90	Fence setbacks from side and rear boundaries
	78	Car parking		91	Fences on or within 150mm of side and rear boundaries
	79	Side and rear setbacks		92	Fences on intersecting street alignments
	80	Walls and carports on boundaries		94	Fences and daylight to habitable room windows in existing dwelling
	81	Daylight to existing habitable room windows		95	Fences & solar access to existing north-facing habitable room windows
	82	Solar access to existing north-facing habitable room windows		96	Fences and overshadowing of recreational private open space.
	83	Overshadowing of recreational private open space		97	Masts, poles etc
	84	Overlooking (i.e. window or raised open space)			

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Checklist for Required Documents

Applicant Guide Only (Further Details May Be Required)

Application Fee/s

- For details of how to pay please contact Council's Building Administration Department on 9599 4796.
- Full payment of fees is required before application can be assessed.

Completed Application Form (refer attached)

Building Notice from Relevant Building Surveyor or Bayside City Council attached

Statement from Appointed Relevant Building Surveyor Regarding Part 5 Building Regulation Assessment

This needs to include written confirmation from your appointed Relevant Building Surveyor that **all** Part 5 siting regulations of the Building Regulations 2018 have been assessed and each non-compliance requiring Council consideration is to be individually identified.

- Drawings are to show **all** the non-compliances fully dimensioned and highlighted

Reason/Justification for Application

An application for dispensation 'Report and Consent Comments' must be accompanied by a written submission explaining why the works were completed without Council approval and how the application satisfies the relevant 'Minister's Guidelines'.

2 Sets of Architectural Drawings

Drawings should be of a scale of not less than a 1:100, including where applicable floor plans and elevations. The aspect(s) of the design under consideration must be clearly highlighted with specific notations detailing the non-compliance(s). Where necessary the applicant may be asked to provide other information relevant to the matter(s) (e.g. schedule of finishes, eave widths, etc). The site plan must show all boundaries and setbacks, easements, existing building(s), proposed works and the North point.

Site Analysis

It may be necessary to detail the adjoining property locations, including setbacks from front and side boundaries and where relevant the locations of habitable room windows, private open space and recreational private open space. Overshadowing diagrams may be required depending on the type of work proposed and the proximity to the side and / or rear boundary. In some cases setbacks or heights of buildings on nearby allotments may be required to justify the application including properties across the road from the subject site.

Copy of Title and Approved Plan of Sub- division

In some cases a Town Planning permit will be required in lieu of Report and Consent (e.g. site areas less than 500m²). It is the responsibility of the applicant/owner to ensure a Town Planning permit is not required prior to making an application for Council Report and Consent. Title is to be no more than 90 days old.

Comments from Affected Adjoining and Other Property Owners

Where necessary Council may require the applicant to provide comments and **signed plans** from adjoining property owner(s) who may suffer detriment as a result of the proposed departure from the regulatory requirement. (Please utilise Council's 'Adjoining Owner Comment' form)

Please tick

- Neighbour's Comments & signed plans included in the application

Signed: _____ Dated: _____

Print Name: _____ Dated: _____

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Applicant Advice Sheet Only - Not Required To Be Submitted With Application

(Further Advice Can Be Obtained By Speaking to a Council Building Officer)

The siting requirements are as listed under Part 5 of the Building Regulations 2018 (*building regulations*). An amendment to the *building regulations* on the 1 June 2004, introduced the Bayside planning scheme as listed in Schedule 6 of the *building regulations*. The Bayside planning scheme regulates siting matters in association with: minimum street setback; side & rear setbacks; site coverage; and front fence height.

Design Considerations

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 Ministerial decision guidelines for siting matters. Designers will need to be fully aware of these guidelines to avoid refusal of consent and fee retention. Copies of the regulations and guidelines are available at Council or may be viewed at the Internet websites: http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubLawToday.nsf for the regulations and refer to Victorian Building Authority website for Minister's Guideline MG-12.

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 referring building surveyor or applicant will not over-ride the possibility that Council may be obliged to advertise. Please contact the Council's building department for a listing of those properties that require to be notified.

PRIVACY INFORMATION: "Council collects your personal information for the purpose of processing your application and for internal research purposes. Council may disclose your information to interested parties. If you do not provide your information to council, we may be unable to process your application. If you have any queries or wish to gain access to your information, please contact Council's privacy officer on 9599 4444 or at privacy@Bayside.vic.gov.au"