



**APPLICATION FOR COUNCIL REPORT & CONSENT**

**Part 5—Siting, *Building Regulations 2018***

**To: The Municipal Building Surveyor – Yarra Ranges Council**

I, (Name): .....

**Email:** .....

Telephone: ..... Mobile: .....

Postal Address: .....

**Hereby apply to modify the following regulation/s:** (Tick appropriate box or boxes)

<input type="checkbox"/>	Reg. 73 to allow a maximum setback from a street boundary more than 1/3 the depth of the land
<input type="checkbox"/>	Reg. 74 to allow a setback from a street boundary closer than the minimum allowed * <b>Note: Council consent is not required if a Planning Permit is required for the building and the planning scheme regulates the front setback</b>
<input type="checkbox"/>	Reg. 75 to allow a building height of more than 9m, or 10m on a sloping allotment *
<input type="checkbox"/>	Reg. 76 to allow site coverage by building(s) of more than 60% of the allotment
<input type="checkbox"/>	Reg. 77 to allow impermeable surfaces covering more than 80% of the allotment
<input type="checkbox"/>	Reg. 78 to allow non complying car parking
<input type="checkbox"/>	Reg. 79 to allow non complying side or rear boundary setbacks *
<input type="checkbox"/>	Reg. 80 to allow non complying walls or carports adjacent to a side or rear boundary *
<input type="checkbox"/>	Reg. 81 to allow non complying encroachment on daylight to adjacent habitable room window/s *
<input type="checkbox"/>	Reg. 82 to allow non complying encroachment on solar access to adjacent north facing window/s *
<input type="checkbox"/>	Reg. 83 to allow non complying overshadowing of adjacent secluded private open space *
<input type="checkbox"/>	Reg. 84 to allow non complying overlooking of adjacent window(s) or raised open space *
<input type="checkbox"/>	Reg. 85 to allow non complying daylight to habitable room window/s
<input type="checkbox"/>	Reg. 86 to allow non complying private open space
<input type="checkbox"/>	Reg. 87 to allow the construction of a Class 10 (shed, garage, etc.) building on vacant land
<input type="checkbox"/>	Reg. 89 to allow a front fence height of more than 1.5m (or 2m for a <i>declared road</i> )
<input type="checkbox"/>	Reg. 90 to allow a non complying fence more than 2m height setback on side or rear boundary *
<input type="checkbox"/>	Reg. 91 to allow a non complying fence length or height on/within 200mm of side or rear boundary *
<input type="checkbox"/>	Reg. 92 to allow a fence height of more than 1m within 9m of a street intersection
<input type="checkbox"/>	Reg. 94 to allow a fence to encroach on daylight to existing adjacent habitable room window/s *
<input type="checkbox"/>	Reg. 95 to allow a fence to encroach on solar access to adjacent habitable room window/s *
<input type="checkbox"/>	Reg. 96 to allow a fence to overshadow adjacent secluded private open space *
<input type="checkbox"/>	Reg. 97 to allow non complying mast, pole, aerial, antenna, chimney flue pipe or other service pipe *

**For a:** (specify building type) .....

**At:**No: ..... **Lot:** ..... **Street/Road:** ..... **Suburb:** .....

**I have included: (1) One copy of the plans & documentation clearly showing the proposal, and, (2) The reasons for requesting the modification**

**Signed:** ..... **Dated:** .....

## 1. Fee for council report and consent

The fee is **\$290.40** for each regulation dispensation.

A fee is not refundable unless the application is withdrawn before Council's decision.

## 2. Reasons for the Modification

### Written reasons for the proposed modification must be provided

Applicants must demonstrate in their submission that the **Ministers Guidelines** have been considered and met in the application. Section 188A of the *Building Act 1993* requires that Council **must refuse** to give consent to a design that does not comply with the **Ministers Guidelines**.

Council may request further information and applicants must ensure they are aware of the relevant regulations and guidelines or use a suitably experienced consultant.

Copies of the **building regulations** and the **Ministers Guidelines** are available at the Victorian Building Authority (VBA) website: [www.vba.vic.gov.au](http://www.vba.vic.gov.au)

## 3. Advertising \*

Applications marked \* require a submission from the owner of the adjoining allotment.

Section 188 A of the *Building Act 1993* provides that if council is of the opinion 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 *council* must—

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

Submission (comment) by adjoining owners submitted with this application may not override the possibility that Council will advertise.

**Plans** and documentation lodged with this application will therefore be available for viewing at council offices, **or may be sent as an email**, to the owner of an adjoining allotment in order to seek a submission or comments.

## 4. Decision Time Frame

The time frame after receipt of an application for the reporting authority to report on or consent to an application under the *Building Regulations* is 15 business days. Council will endeavour to report on your application as soon as possible, however these time frames may not be met particularly where council notifies or advertises to adjoining owners.

## 5. Right of Appeal

An owner has rights of appeal to the [Building Appeals Board](#) (1300 421 082) within 30 days in relation to—

- 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 1993*)