



**APPLICATION FOR 'REPORT and CONSENT'  
BUILDING ACT 1993  
BUILDING REGULATIONS 2018**

**Property Address:**

No ..... Lot ..... Street .....

Suburb ..... Postcode .....

**Applicant:** RBS Owner Agent of Owner

Name .....

Address ..... Postcode .....

Contact : Mobile .....

E-mail .....

**Owner:** (if not the applicant)

Name .....

Address ..... Postcode .....

Contact : Mobile .....

E-mail .....

The report and consent of Council must be obtained when an application for a Building Permit varies from the requirements outlined in the Building Regulations 2018 or any of the matters in the Building Regulations in the attached table.

In order for your application to be assessed, the completed application form must be accompanied by the following:

1. Tick one or more of the matters listed in the accompanying table.
2. Provide a covering letter clearly explaining why your proposal does not comply with siting requirements and how the proposal meets the Minister's Guidelines MG-12 - [https://www.vba.vic.gov.au/\\_data/assets/pdf\\_file/0015/134304/Ministerial-Guidelines-MG-12-effective-14Dec2023.pdf](https://www.vba.vic.gov.au/_data/assets/pdf_file/0015/134304/Ministerial-Guidelines-MG-12-effective-14Dec2023.pdf)
3. Drawings showing a site plan, floor plan and elevations, relationship to neighbours/streetscape. Note: these plans must highlight areas of non-compliance for which 'report & consent' is sought.
4. A copy of the Title and Title Plan for the allotment (not older than 100 days) – <https://www.landata.online>
5. Payment of fee - \$448.30 per variation  
*Payment options*
  - Phone our Customer Service Team on 03 5775 8555 to pay via Credit Card
  - Visit our office at 33 Highett Street, Mansfield to pay over the counter



**Neighbours Comments:**

If your application relates to a reduction in setback, or if the proposed variation may impact the amenity of the adjoining property, you must give your neighbours the opportunity to make comment on your application.

You can collect the comments from adjoining property owners yourself – download and print the Neighbours Comments form and provide one copy to each of the affected adjoining properties (as determined by Council) along with a copy of architectural plans. Then, collect the completed form, including the initialled and dated plans and submit these to Council.

Or, ask Council to complete this task. This may take a little longer and hold up your application.

The application will be processed once all supporting documentation and payment has been received.

**DECLARATION**

I \_\_\_\_\_ (*print name*) hereby declare that the information provided on this form is, to the best of my knowledge, true and correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE:** It is an offence to make a false or misleading statement or provide any false or misleading information.

*Council collects information on the form for municipal purposes as specified in the Local Government Act 1989. Any personal information will be used solely by Council for these purposes or directly related purposes. Council may disclose this information to other organisations if required by legislation. The applicant understands that the personal information provided is for the above purpose. The owner of the property may access or amend this information by contacting Council's Building Department or Privacy Officer on 03 5775 8555.*



**Regulation/s being sought for variation (please tick)**

<b>Regulation</b>	<b>Matters that require Council Report &amp; Consent if they do not comply with Part 5 (siting provisions) of the Building Regulations 2018</b>	<b>Fee</b>	<b>Tick</b>
<b>73(2)</b>	Setback from a street alignment not complying with Reg 73	461.40	
<b>74(4)</b>	Setback from a street alignment not complying with Reg. 74	461.40	
<b>75(4)</b>	Building Height not complying with Reg. 75 (overall building height > 9m or 10m)	461.40	
<b>76(4)</b>	Site Coverage not complying with Reg 76 (> 60%)	461.40	
<b>77(3)</b>	Permeable surfaces not complying with Reg 77 (> 80% impermeable surfaces)	461.40	
<b>78(6)</b>	Car Parking spaces not complying with Reg 78 (< 2 car parking spaces)	461.40	
<b>79(6)</b>	Side or rear boundary setbacks not complying with Reg 79 (building within the prescribed envelope)	461.40	
<b>80(6)</b>	Walls or carports on boundaries not complying with Reg 80	461.40	
<b>81(6)</b>	Building setbacks not complying with Reg. 81 (daylight to existing habitable room windows)	461.40	
<b>82(6)</b>	Building setbacks not complying with Reg 82 (solar access to existing north facing windows)	461.40	
<b>83(3)</b>	Building design not complying with Reg 83 (overshadowing of recreational private open space)	461.40	
<b>84(9)</b>	Window or raised open space not complying with Reg 84 (overlooking)	461.40	
<b>85(3)</b>	Building design not complying with Reg 85 (daylight to habitable room window)	461.40	
<b>86(3)</b>	Private open space for a building not complying with Reg 86	461.40	
<b>87(2)</b>	Siting of Class 10a building, that is appurtenant to a building of another class, that does not comply with Reg 87 (10a building on vacant land)	461.40	
<b>89(3)</b>	Front fence height not complying with Reg 89 (height of front fence > 1.5m or 2.0m)	461.40	
<b>90(2)</b>	Fence setback from side or rear boundary not complying with Reg 90	461.40	
<b>91(5)</b>	Length or height of side or rear boundary fence not complying with Reg 91	461.40	
<b>92(2)</b>	A fence within 9m of an intersection of street alignments and exceeding height of 1m above footpath	461.40	

<b>94(6)</b>	Fence setback not complying with Reg 94 (daylight to existing habitable room window)	461.40	
<b>95(3)</b>	Fence setback not complying with Reg 95 (solar access to north-facing habitable room windows)	461.40	
<b>96(3)</b>	Fence design not complying with Reg 96 (overshadowing of recreational private open space)	461.40	
<b>97(2)</b>	A mast, pole, aerial, antenna, chimney, flue or service pipe not complying with Reg 97(1) (aerials etc >3m (attached) or >8m (freestanding))	461.40	

Notes: Siting Matters Part 5

1. Minister's Guidelines MG/03 requires that where a request is made to allow a reduction in setback requirements under Part 5 of the Building Regulations, Council is required to seek the views of the relevant adjoining owner. The neighbours will be given ten (1) business days to submit any comments for consideration.
2. Minister's Guidelines MG/12 outlines the decision guidelines Council must apply in considering a request for report and consent with respect to siting matters. Your application should address how your proposal satisfies MG/12. Copies of the Minister's Guideline MG/12 can be viewed on the Victorian Building Authority website at <https://www.vba.vic.gov.au/building/building-resource-hub>.

	Matters requiring Council's Report & Consent that are non-siting matters		Tick
<b>Reg 109(1) &amp; (2)</b>	Projections beyond street alignment	\$329.60	
<b>Reg 116(4)</b>	Precautions over a street alignment (to protect public safety during building works)	\$329.60	
<b>153(2)</b>	Construction of buildings on land liable to flooding	\$329.60	
<b>154(1)</b>	Building on designated land or designated works	\$329.60	
	Total		

**Appeal Rights:**

An owner can appeal, to the Building Appeals Board, within **30** days, any;

- . Decision to refuse,
- . Any condition/s or requirement/s imposed on the decision,
- . Failure to make a decision within the prescribed time.