

Referral of building permit application / building design to Council for report and consent

Building Regulations 2018 Part 5



OFFICE USE ONLY

App No: _____ Date Received: _____

To: The Municipal Building Surveyor, City of Port Phillip

PROPERTY DETAILS		
Street number:	Street/Road:	
Suburb:	Postcode:	
Allotment Area (m ²):	NB If allotment is under 500m ² a planning permit is required.	
If a Building Permit application has been lodged with a Building Surveyor that relates to the matter applied for in this application, please provide details of the Relevant Building Surveyor:		
OWNER'S DETAILS		
Owner's Name:		
Owner's Postal Address:		Postcode:
Owner's Phone Number (business hours):		
APPLICANT DETAILS		
Applicant Name:		
Applicant's Postal Address:		Postcode:
Applicant's Phone Number (business hours):		
Applicant's Email:		
I, <input type="checkbox"/> Owner <input type="checkbox"/> Agent of Owner hereby give a copy of a building permit application or building design to Council, and apply for Report and Consent in accordance with Schedule 2 of the <i>Building Act 1993</i> for the following prescribed matters under Schedule 5, Part 2 of the <i>Building Regulations 2018</i> :		
Tick	Reg	Reporting Matter
<input type="checkbox"/>	73(2)	Maximum street setback
<input type="checkbox"/>	74(4)	Minimum street setbacks
<input type="checkbox"/>	75(4)	Building height
<input type="checkbox"/>	76(4)	Site coverage
<input type="checkbox"/>	77(3)	Permeability
<input type="checkbox"/>	78(6)	Car parking

<input type="checkbox"/>	79(6)	Side or rear setbacks
<input type="checkbox"/>	80(6)	Walls or carports on boundaries
<input type="checkbox"/>	81(6)	Daylight to existing habitable room windows
<input type="checkbox"/>	82(5)	Solar access to existing north-facing habitable room windows
<input type="checkbox"/>	83(3)	Overshadowing of recreational private open space
<input type="checkbox"/>	84(9)	Overlooking
<input type="checkbox"/>	85(3)	Daylight to habitable room windows
<input type="checkbox"/>	86(3)	Private open space
<input type="checkbox"/>	87(2)	Siting of a Class 10a building
<input type="checkbox"/>	89(3)	Front fence height
<input type="checkbox"/>	90(2)	Fence setback from side or rear boundary
<input type="checkbox"/>	91(5)	Fences on or within 150 mm of side or rear boundaries
<input type="checkbox"/>	92(2)	Fences on intersecting street alignments
<input type="checkbox"/>	93(6)	Fences must not include barbed wire
<input type="checkbox"/>	94(6)	Fences and daylight to habitable room windows in existing dwelling
<input type="checkbox"/>	95(3)	Fences and solar access to existing north-facing habitable room windows
<input type="checkbox"/>	96(3)	Fences and overshadowing of recreational private open space
<input type="checkbox"/>	97(2)	Masts, poles, etc.
<input type="checkbox"/>	109(1) & (2)	Projections beyond street alignment
<input type="checkbox"/>	134(4)	Buildings above or below certain public facilities
Quantity required: x \$290.40 each = Total to Pay \$		
A card payment fee applies. For current fee details, please visit www.portphillip.vic.gov.au/card-fees.htm .		
Have you read the Application Guidelines for the regulations you are applying for?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Applicant's Signature:		Date:

How to apply:

Submit this form and the required supporting documentation:

Email: helpbuilding@portphillip.vic.gov.au

Post: Municipal Building Surveyor, City of Port Phillip, Private Bag 3, St Kilda VIC 3182

You will receive an invoice for the application fee.

Should you have any queries or wish to discuss this matter further please do not hesitate to call the Building team on 9209 6253 or email helpbuilding@portphillip.vic.gov.au.

Documents to be provided:

1. A letter requesting the consent and report outlining reasons/justification for the request to vary the requirements of Part 5 of the *Building Regulations 2018*. The letter is to justify/assess the varied design proposal and how it satisfies the Ministers Decision Guidelines (MG-12). A copy of the guidelines can be obtained from the web site of the Victorian Building Authority.
2. A letter/statement from the appointed relevant building surveyor stating that all Siting matters relating to Part 5 of the *Building Regulations 2018* have been assessed and confirmation in relation to the nature of the dispensation matters to be sought (detail all specific non-compliance/s).
3. Provide a copy of the current (within 90 days) Certificate of Title (inclusive of any covenants and Section 173 agreements) and registered Plan of Subdivision. A copy of the Certificate of Title and registered Plan of Subdivision can be obtained from Landata via the website at www.landata.vic.gov.au.
4. Provide 1 complete set of architectural drawings scaled at 1:100, marked up, notated, coloured and highlighted showing the areas of non-compliance for which the report and consent is sought. The plans are to include floor plan layouts, a site plan layout (inclusive of the location of adjoining buildings and habitable room windows if applicable), elevations, sectional details and shadow diagrams (if applicable). Please ensure that all wall heights, building heights etc are dimensioned on the plans and area shown from natural ground level. The site plan is to show all boundaries, setbacks, easements, existing building(s), proposed works and north point.

Please note that a lack of information and associated documentation in relation to an application is likely to result in processing delays and/or refusal. The above documentation/information will vary for applications relating to projections over the street alignment pursuant to Part 5 of the *Building Regulations 2018*. The Council will seek the comments of the affected adjoining property owners upon being satisfied that all information/documentation has been provided. The advertising period in seeking the comments of the affected adjoining property owners is to be a minimum of 14 days.

Advice for Building Regulations and Rescode:

Application/Design Considerations

Section 188A of the *Building Act 1993* requires that Council **must refuse** to give consent to a design which does not comply with Ministerial Decision Guidelines which apply to a particular regulation. Applicants will need to be fully aware of these guidelines and demonstrate that the proposal satisfies all the relevant guidelines with respect to the particular regulation to avoid an automatic refusal.

Advertising

Section 188A of the *Building Act 1993* 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 override the possibility that Council may be obliged to advertise.

Privacy Notification: Personal information required on this form is for the purposes of dealing with this request. It will be used solely by Council for this primary purpose or other directly related purposes. The applicant understands that the personal information provided is for the purposes of dealing with the request and he/she may apply to Council for access to and/or amendment of the information. Request for access and/or correction should be made to Council's Information Privacy Officer (phone Council Assist on 9209 6777).