



# Report and consent: Part 5 siting and Part 6 projections

## What you need to do



### Complete the form

Make sure all sections are complete and you have supplied all supporting documents.



### Submit application

This form and supporting documents must be submitted via email or by mail.



### Receive your invoice

Once your application is lodged you will receive an invoice within two working days.

## Read before starting

Below are some things people often miss when submitting their application. Making sure you include this information will prevent delays and save you time.

### Application/Design Considerations

Under Section 188A of the Building Act 1993 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

Under Section 188A of the Building Act 1993, 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. Comments of adjoining owners tendered by the referring building surveyor or applicant will not override the possibility that Council may be obliged to advertise. Council will seek the comments of the affected adjoining property owners

upon being satisfied that all information/documentation has been provided. The advertising period is a minimum of 20 days.

### How to apply

Submit this form and required supporting documentation:

- ✉ [helpbuilding@portphillip.vic.gov.au](mailto:helpbuilding@portphillip.vic.gov.au)
- ✉ Municipal Building Surveyor  
City of Port Phillip  
Private Bag 3  
St Kilda VIC 3182

## Supporting documentation checklist

Ensure you have the following documentation as part of your application:

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 Building and Plumbing Commission website at [www.vba.vic.gov.au](http://www.vba.vic.gov.au)

A letter/statement from the appointed relevant building surveyor stating that all Siting matters relating to Part 5 and/or Part 6 of the Building Regulations 2018 have been assessed and confirmation in relation to the nature of the dispensation matters to be sought (all noncompliances to be specifically detailed and quantified).

For Part 6 (projections) applications; a letter/statement from the appointed relevant building surveyor, site plan including boundaries, kerbs, footpaths etc., elevations and sections which clearly depict the proposed projection.

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](http://www.landata.vic.gov.au).

Provide one 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 and a site plan layout which is inclusive of the location of buildings on adjoining allotments and all windows (nominating which are habitable and non habitable room windows), elevations, sectional details and shadow diagrams (if applicable, and including shadowing of solar panels on adjoining allotments). 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.

**1 Declaration**

All the information in this application is true and correct.  
I have provided all necessary supporting information and documents.

I am the:  
Owner  
Agent of owner

I have read the Application Guidelines for the regulations I am applying for.

**2 Applicant details – person who wants the report and consent**

Company Name

First name

Last name

Unit number

Number

Street name

Suburb / locality

State

Postcode

Best phone number to contact you on

Email

**3 Owners details – if same as applicant, go to question 4**

First name

Last name

Unit number

Number

Street name

Suburb / locality

State

Postcode

Best phone number to contact you on

Email

**4 Property details**

Unit number

Number

Street name

Suburb / locality

Postcode

Allotment area (m<sup>2</sup>)

## 5 Relevant building surveyor details

First name Last name

Organisation Registration Number

Best phone number to contact you on Email

## 6 Permit details

I, the Owner/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 Building Act 1993 for the following prescribed matters under Schedule 5, Part 2 of the Building Regulations 2018:

### Part 5:

73(2) Maximum street setback	85(3) Daylight to habitable room windows	96(3) Fences and overshadowing of recreational private open space
74(4) Minimum street setbacks	86(3) Private open space	97(2) Masts, poles, etc.
74A(3) Building setback for small second dwellings	86A(2) Private open space for small second dwellings	
75(4) Building height	86B(2) Accessibility of small second dwellings	<b>Quantity required Part 5:</b>
76(4) Site coverage	87(2) Siting of Class 10a buildings	x \$461.30 each =
77(3) Permeability	89(3) Front fence height	Total to Pay
78(6) Car parking	90(2) Fence setbacks from side and rear boundaries	
79(6) Side or rear setbacks	91(5) Fences on or within 150 mm of side or rear boundaries	<b>Part 6:</b>
80(6) Walls and carports on boundaries	92(2) Fences on intersecting street alignments	109(1) and (2) Projections beyond street alignment
81(6) Daylight to existing habitable room windows	94(6) Fences and daylight to habitable room windows in existing dwelling	<b>Quantity required Part 6:</b>
82(5) Solar access to existing north-facing habitable room windows	95(3) Fences and solar access to existing north-facing habitable room windows	x \$329.60 each =
83(3) Overshadowing of recreational private open space		Total to Pay
84(9) Overlooking		

## Office use only

Application  
number

Date  
lodged

For further information or a large print version

☎ 03 9209 6253    🌐 [portphillip.vic.gov.au/planning-and-building](http://portphillip.vic.gov.au/planning-and-building)    ✉ [helpbuilding@portphillip.vic.gov.au](mailto:helpbuilding@portphillip.vic.gov.au)

### Privacy policy

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).