



**CITY OF WHITEHORSE
APPLICATION FOR REPORT & CONSENT
(Dispensation)
Building Interim Regulations 2017
PARTS 4 & 5**

PROPERTY ADDRESS

Number _____ Street/Road _____ Suburb _____

Design Description _____

I, Owner Agent of Owner (Please tick)

Name _____ Telephone (Business hours) _____

Company Name _____

Postal Address _____

Email Address _____

Hereby apply for the Report and Consent of Council in accordance with the *Building Act 1993* for the following matters under the provisions of the *Building Interim Regulations 2017*.

Tick	Regulation	Reporting Matter
	408(3)	Maximum setback from a street boundary not complying with Reg. 408
	409(4)	Minimum setback from a street boundary not complying with Reg. 409
	410(4)	Building height not complying with Reg. 410
	411(4)	Site coverage not complying with Reg. 411
	412(2)	Impermeable surfaces covering more than 80% of an allotment area - Reg. 412
	413(6)	Car parking spaces not complying with Reg. 413
	414(6)	Side or rear boundary setbacks not complying with Reg. 414
	415(5)	Walls or carports on boundaries not complying with Reg. 415
	416(6)	Building setbacks not complying with Reg. 416 (daylight to existing habitable room) window
	417(6)	Building setbacks not complying with Reg. 417 (solar access)
	418(3)	Building design not complying with Reg. 418 (overshadowing of private open space)
	419(9)	Window or raised open space not complying with Reg. 419 (overlooking)
	420(3)	Building design not complying with Reg. 420 (daylight to new habitable room)
	421(4)	Private open space not complying with Reg. 421
	422(2)	Siting of appurtenant Class 10 buildings – Reg. 422
	424(3)	Front fence height not complying with Reg. 424
	425(3)	Fence setback on side or rear boundary not complying with Reg. 425
	426(5)	Length or height of side or rear boundary fence not complying with Reg. 426
	427(1)	Fence within 9 metres of an intersection not complying with Reg. 427
	428(6)	Fence setback not complying with Reg. 428 (daylight to existing habitable room)
	429(5)	Fence setback not complying with Reg. 429 (solar access)
	430(3)	Fence design not complying with Reg. 430 (overshadowing)
	431	Mast, pole, etc. exceeding certain height limits – Reg. 431
	513(1),(2)	Projections beyond a street alignment – Reg. 513
	515(2)	Buildings above or below certain public facilities – Reg. 515

Signed _____

Dated _____

FEE: \$262.00 (no GST) PER REGULATION TO BE CONSIDERED. PLEASE NOTE: APPLICATIONS WILL NOT BE LODGED OR ASSESSED WITHOUT RECEIPT OF PAYMENT OF STATUTORY FEE(S).

OFFICE USE: FEE _____ DATE _____ RECEIPT No _____ ACCOUNT AP/PP/BUILD2

ADVICE SHEET

APPLICATION FOR REPORT & CONSENT (Dispensation)

Application 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, who need to either be the owner of the property or an authorised agent of the owner (not the relevant building surveyor), 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 for which the report and consent of Council is sought to avoid an automatic refusal.

Documentation

Applicants must ensure that adequate information is submitted with an application for Council report and consent. If such information is not present –

- (1) consent will be refused (if such information is clearly necessary) or
- (2) a flawed decision may be made – for which the applicant is likely to be accountable.

It is an offence under Section 246 of the Building Act 1993 for a person to make a false or misleading statement or provide any false or misleading information.

Persons who apply for consent will need to be aware that Council may request further information in broad terms. Such persons must ensure they are aware of the relevant regulations and guidelines or use a suitably experienced advisor/consultant.

Advertising

Section 188A 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.

Council to advertise on behalf of the applicant (upon written request only)

Council may be requested in writing to obtain adjoining allotment owner(s) comments in relation to a proposal. An advertising fee of **\$66.00** (incl. GST) per property to be advertised to is payable for this service prior to any advertising material being sent to an adjoining allotment owner. A minimum advertising period of 14 days applies.

Acceptable standards of documentation for applicants obtaining adjoining allotment owner(s) comments

Should advertising be carried out by an applicant, the applicant must ensure that advertising material / information provided to the adjoining allotment owner(s) adequately reflects the nature of the proposal and extent of non-compliance(s) and must include;

- a copy of plans with the area(s) of non-compliance clearly identified.
- a statement clearly specifying details of the departure from the regulation.
- a statement from the adjoining allotment owner that clearly indicates that either no objection or objection to the proposal is offered.

Through the adjoining allotment owner(s) comments, it must be clear to Council's assessing officer that the adjoining allotment owner(s) have an understanding of the nature of the proposal, specific to the deviation from the regulation to which Council report and consent is sought.

Planning Controls

Item 16A of Schedule 5 of the Building Regulations identifies the City of Whitehorse Planning Scheme as having siting controls within its Residential Growth Zone (RGZ), General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) which may impose siting constraints in addition to Part 4 of the Building Interim Regulations 2017.

Visit the interactive map at www.landata.vic.gov.au to obtain current information in relation to your subject property.

Postal Address

City of Whitehorse –
Attn: Municipal Building Surveyor
Locked Bag 2,
NUNAWADING DELIVERY CENTRE VIC 3131

Email Address: customer.service@whitehorse.vic.gov.au

Telephone: 9262 6303

The information requested on this form is in accordance with Schedule 4 (Part 2) of the Building Interim Regulations 2017. The personal information collected on this form will be used solely by Council for the purpose of processing an application for Council report and consent. The information will not be released unless required by law. The applicant may apply to Council for access and/or amendments to the information.

DOCUMENT CHECKLIST / SUPPORTIVE INFORMATION

COUNCIL REPORT & CONSENT APPLICATIONS

(Dispensation)

INTRODUCTION

Applications for Council report and consent to vary the building regulations with respect to the siting of single dwellings and outbuildings need to demonstrate that the objective and Ministerial Decision Guidelines in respect of the relevant regulation have been met.

If an application does not meet the Decision Guidelines, Clause 4A(2)(d) of Schedule 2 of the Building Act 1993 requires that the reporting authority (Council) *must refuse* consent.

HOW TO APPLY FOR COUNCIL REPORT & CONSENT (Dispensation)

An application for the report and consent of Council in relation to the siting requirements of the Building Interim Regulations 2017 must contain the following information and documentation for the application to be considered:

- A completed application form - including a brief design description (eg construction of carport), contact details and selection of the regulation(s) for which the report and consent of Council is sought.
- A recent copy of Title, including any covenants, Section 173 agreements, plan of subdivision etc.
- A letter requesting the report and consent of Council to vary the specific building regulation that outlines the reasons / justification for the request (reasons for the request in relation to the Building Interim Regulations 2017 and *Minister's Decision Guidelines*). Refer to Minister's Guideline MG12 for decision guidelines specifically relating to the regulation for which the report and consent of Council is sought by clicking the link below -
http://www.vba.vic.gov.au/_data/assets/pdf_file/0006/18789/Ministers-Guidelines-MG12.pdf
- A written description of the non-compliance(s) prepared by the relevant building surveyor (the building surveyor engaged for issuing the building permit) that clearly specifies the details and nature of the proposed deviation(s) from the requirements of each regulation for which the report and consent of Council is sought.

Example *To permit the construction of the eastern external wall of the dwelling addition (i.e. WIR & ensuite) having a maximum wall height of 3.7m and an average wall height of 3.3m, in lieu of the prescribed maximum wall height of 3.6m and maximum average wall height of 3.2m pursuant to the requirements of Regulation 415.*

- Two (2) copies of plans for the proposed construction with area(s) of non-compliance clearly identified.
Plans must include appropriately dimensioned details of the subject allotment, adjoining properties, location(s) of habitable room windows, private open space(s), secluded private open space(s), overlooking and overshadowing diagrams, elevations and sections as relevant to the specific regulation(s) for which Council report and consent is sought.
- Written comments from owner(s) of adjoining properties that may suffer detriment as a result of the proposal.
Should advertising be carried out by an applicant, the applicant must ensure that advertising material / information provided to the adjoining allotment owner(s) adequately reflects the nature of the proposal and extent of non-compliance(s) and must include:
 - a copy of plans with the area(s) of non-compliance clearly identified.
 - a statement clearly specifying details of the departure from the regulation.
 - a statement from the adjoining allotment owner that clearly indicates that either no objection or objection to the proposal is offered.

Through the adjoining allotment owner(s) comments, it must be clear to Council's assessing officer that the adjoining allotment owner(s) have an understanding of the nature of the proposal, specific to the deviation from the regulation to which Council report and consent is sought.

- Advertising Fee of **\$66.00** (inc GST) per property to be advertised to is payable should Council be requested in writing to obtain adjoining allotment owner(s) comments in relation to the proposal.
- Statutory Application Fee of **\$262.00** (no GST) per Regulation for which the report and consent of Council is sought.

A lack of information in relation to an application will result in processing delays and/or refusal.

Should you require any further information please contact the City of Whitehorse Building Services Department on telephone: 9262 6421.