



**Whitehorse City Council**  
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ABN: 39549568822

**APPLICATION FOR REPORT ONLY - THIS APPLICATION IS ONLY FOR EXISTING WORKS**  
**Building Regulations 2018**  
**PARTS 5 & 6**

**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 a Council's comments with respect to existing works that are not in accordance with the **Building Act 1993** for the following matters under the provisions of the **Building Regulations 2018**.

Tick	Regulation	Reporting Matter
	73	Maximum street setback
	74	Minimum street setback
	75	Building height
	76	Site coverage
	77	Permeability
	78	Car parking spaces
	79	Side or rear boundary setbacks
	80	Walls or carports on boundaries
	81	Daylight to existing habitable room windows
	82	Solar access to existing north-facing windows
	83	Overshadowing of private open space
	84	Overlooking (window or raised open space)
	85	Daylight to habitable room windows
	86	Private open space
	87	Siting of appurtenant Class 10 buildings
	89	Front fence height
	90	Fence setback on side or rear boundaries
	91	Length or height of side or rear boundary fence
	92	Fence within 9 metres of an intersection
	94	Fences and daylight to windows in existing dwelling
	95	Fence & solar access to existing north-facing habitable room windows
	96	Fences and overshadowing of recreational private open space
	97	Masts and poles
	109	Projections beyond a street alignment
	134	Buildings above or below certain public facilities

Signed \_\_\_\_\_

Dated \_\_\_\_\_

**FEE: \$520.00 (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

PLEASE EMAIL APPLICATION TO [customer.service@whitehorse.vic.gov.au](mailto:customer.service@whitehorse.vic.gov.au)

**DOCUMENT CHECKLIST / SUPPORTIVE INFORMATION**  
**COUNCIL REPORT ONLY APPLICATIONS**  
**THIS APPLICATION IS ONLY FOR EXISTING WORKS**

**INTRODUCTION**

An application for **Report Only** (existing non compliances) will be assessed in the same manner as with a Report and Consent application. Applications for **Report Only** to vary the Building Regulations with respect to siting of single dwellings and outbuildings need to demonstrate that they meet the Objective and Ministerial Decision Guidelines in respect to the relevant Regulation.

**HOW TO APPLY FOR COUNCIL REPORT ONLY – EXISTING WORKS ONLY**

An application for the report and consent of Council in relation to the siting requirements of the Building Regulations 2018 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. issued in the last 90 days.
- 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 Regulations 2018 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-MG-12.pdf](http://www.vba.vic.gov.au/_data/assets/pdf_file/0006/18789/Ministers-Guidelines-MG-12.pdf)

- A copy of any Section 37 direction, Building Notice, Building Order, Building Order Minor Works is to be provided as part of this application.
- One (1) copy 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) .

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.
- Application Fee of **\$520.00** (inc GST) per Regulation for which the report and consent of Council is sought.

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

**ADVICE SHEET**  
**BUILDING REGULATIONS & RESCODE – REPORT ONLY APPLICATIONS**  
**THIS APPLICATION IS ONLY FOR EXISTING WORKS**

**Application Considerations**

An application for **Report Only** (existing non compliances) will be assessed in the same manner as with a Report and Consent application being; 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.

**Documentation**

Applicants must ensure that adequate information is submitted with an application for **Report Only**. If such information is not present –

- (1) application 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.

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**

An application for **Report Only** (existing non compliances) will be assessed in the same manner as with a Report and Consent application being; 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) .

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**

An application for **Report Only** does not supersede/exempt any requirement for a Planning Permit. Please contact Councils Planning Department for further information regarding these requirements on 9262 6421.

**Decision Time Frame**

Council will endeavour to report on the above as soon as possible, however there are no statutory time limits for a response to **Report Only** in the Building Regulations 2018. Please consult with Council as to time frames at referral.

**Email Address:** [customer.service@whitehorse.vic.gov.au](mailto:customer.service@whitehorse.vic.gov.au)      **Telephone:** 9262 6421

***The information requested on this form is in accordance with Schedule 6 (Part 2) of the Building Regulations 2018. The personal information collected on this form will be used solely by Council for the purpose of processing an application for Report Only. The information will not be released unless required by law. The applicant may apply to Council for access and/or amendments to the information.***