

ADVICE FOR REPORT & CONSENT APPLICATIONS SITING MATTERS

BUILDING INFORMATION SHEET (2022)



Report and Consent for Siting Matters

Report and Consent is the process in which you seek approval from Council to proceed with building or construction works that may affect community assets, infrastructure or amenity. Report and Consent applications are classified as either 'siting' or 'non-siting' matters, depending on the proposal. If a Report and Consent matter affects your proposal, a building surveyor cannot issue a Building Permit until you obtain Report and Consent from Council.

The Part 5 Siting Provisions of the *Building Regulations 2018* (the Regulations) set design regulations for amenity impact, such as maximum height, minimum setbacks, overlooking and overshadowing. If your proposal does not comply with the Siting Provisions, you must apply for Report and Consent for siting variations.

When assessing a Report and Consent application for siting matters, Building Services may consult internal departments, such as Planning or Engineering. We may also consult external authorities who have a vested interest on part of a property where the building works is proposed, for example, the relevant Water Authority or VicRoads.

Building Services review the Report and Consent application, carry out a site inspection and assess the potential impact on the streetscape and adjoining properties before making a final decision. If we approve the Report and Consent application, you can proceed to apply for a Building Permit.

If we refuse the Report and Consent application, you can:

- Revise the design to comply with the Building Regulations, or
- Appeal the Council's decision at the Building Appeals Board.

Design Considerations

Pursuant to Clause 4A of Schedule 2 of the *Building Act 1993* (the Act), Council must refuse to give consent to a design which does not comply with Ministerial Decision Guidelines for Siting Matters. Designers will need to be fully aware of these Guidelines to avoid refusal of the consent. Copies of the Building Regulations, Ministerial Guidelines and Practice Notes may be viewed at the Victorian Building Authority (VBA) website www.vba.vic.gov.au.

Building Surveyors must ensure that, where necessary, the above information is obtained before applications are referred to Council. If such information is not present, (1) consent will be refused (where such information is clearly necessary) or (2) a flawed decision may be made – for which the building surveyor may be accountable.

Persons other than Building Surveyors (such as architects, draftspersons, and owners) 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.

Adjoining Owner's Comments

Council will be applying the recommendations from the VBA's Practice Note 57-2018 that Council be responsible for notifying the adjoining owner that an application has been made for Report and Consent. Council will send the adjoining owner(s) the drawings of the proposed building and a comment form.

Decision Time Frame

Pursuant to Regulation 34 of the Regulations, the time after receipt of a copy of an application for the reporting authority to report on or consent to an application relating to a single dwelling under Clause 6 of Schedule 2 of the Act if report and consent is required in relation to a matter referred to in Division 2 of Part 5 is 15 business days.

However, where the application is incomplete or additional information is required, the assessment of the application will be delayed. Contact Building Services if you need an update on the timing for your application.

Appeal Rights

An owner has the right to lodge an appeal to a decision or failure to make a decision made under the Act to the Building Appeals Board (BAB). The BAB is an independent body with the responsibility to hear appeals and make decisions under the Building Act.

For more information go to www.buildingappeals.vic.gov.au.

Already constructed buildings or works commenced without prior Report and Consent.

Council cannot issue Report and Consent if works have commenced, and the work is in relation to a matter considered under the relevant Part 5 Siting Provisions of the *Building Regulations 2018*. See the VBA Practice Note 57-2018 Clause 6 for an explanation of this matter.

An application must be made on a separate application form for these matters, please contact Council Building Services for more information.

Further Information

The following sources provide key information that relates to assessment of Report and Consent Siting Matters.

Building Act and Building Regulations:

www.legislation.vic.gov.au/in-force

Access to the Act and Regulations.

Victorian Building Authority:

www.vba.vic.gov.au.

Access the Ministerial Guidelines and Practice Notes, and other technical information.

Contact Council

If you have any further questions or would like to know more about the Report and Consent process, please contact the Council Building Services team. You may also make an appointment to speak in person should you require addition information.

Council Building Services Team:

Email: building@cgoldshire.vic.gov.au

Phone: (03) 5461 0610