

Building Regulations 2018 Division 2, Part 5

**REFERRAL OF BUILDING DESIGN TO COUNCIL FOR REPORT OR CONSENT
SMALL SECOND DWELLINGS (SITING)**

A current copy of title, plan of subdivision/title plan and site plan **MUST** accompany application

PROPERTY DETAILS

No	Street/Road			Suburb/Town	
Lot	LP/PS	Vol/Folio	CA/CP		Section

APPLICANT DETAILS (consent required to act as agent of owner)

Company OR Owner Name	Reference
Address	Postcode
Contact Person	Phone
Email	Mobile

PROPOSAL / DESIGN DESCRIPTION

I hereby give a copy of a building design/building permit application to the Council for report or consent in accordance with Schedule 2 of the Building Act 1993 for the following matters under Regulation 3 (b) & (c) of the Building Regulations 2018.

Tick	Reg.	Matter to be reported on	Fee
	74	Setback from a street boundary not complying - Reg. 74 (4)	\$320.20
	74A	Building Setback not complying - Reg 74A (3)	\$320.20
	75	Building height not complying - Reg. 75 (4)	\$320.20
	76	Site coverage not complying - Reg. 76 (4)	\$320.20
	77	Permeability - Reg.77 (3)	\$320.20
	79	Side or rear boundary setbacks not complying - Reg. 79 (6)	\$320.20
	80	Walls or carports not complying - Reg. 80 (6)	\$320.20
	81	Building setbacks not complying - Reg. 81 (6)	\$320.20
	82	Building setbacks not complying - Reg. 82 (5) (<i>solar access</i>)	\$320.20
	83	Building design not complying - Reg. 83 (3) (<i>overshadowing</i>)	\$320.20
	84	Building design not complying - Reg. 84 (9) (<i>overlooking</i>)	\$320.20
	85	Building design not complying - Reg. 85 (3) (<i>daylight</i>)	\$320.20
	86	Building design not complying - Reg. 86 (3)	\$320.20
	86A	Private open space not complying - Reg. 86A (2)	\$320.20
	86B	Accessibility for small second dwelling not complying - Reg. 86B (2)	\$320.20
	Other		\$320.20

***This referral is to be accompanied by the information listed on the attached advice sheet**

Signed:

Date:

Please submit form via email to buildinglodge@bendigo.vic.gov.au

ADVICE SHEET

NOTE: Application will not be considered until supporting documents have been provided.

SUPPORTING DOCUMENTS REQUIRED

- ☐ Up-to-date, clear copy of Certificate of Title, including plan of subdivision
- ☐ Proof of Ownership for the allotment OR written consent to act as agent of owner
- ☐ A complete written explanation of the reasons seeking the variation – this must relate to Ministers Guideline MG/12 (see Design Considerations below)
- ☐ Letters of approval from any adjacent affected property owners (where applicable)
- ☐ Clear and complete design or building permit application documents and plans
- ☐ Clear and complete details of buildings, etc on adjacent and effected properties.

DESIGN CONSIDERATIONS

Pursuant to clause 4A of Schedule 2 of the Building 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 consent and fee retention.

LOCAL FACTORS

Although the Planning Scheme has been amended by ResCode, it should be noted that a planning permit is required for the construction or extension of one dwelling on a lot less than 300m² in a Residential 1 zone.

DESIGN DOCUMENTS

Regulations 25 (2) of the Building Regulations 2018 includes additional document requirements for building permit applications. Included are:

- *The location dimensions and area of impermeable surfaces covering the allotment if necessary, for the purposes of Regulation 77.*
- *The location and dimensions of car parking spaces for the purposes of Regulation 78.*
- *The location, dimensions and area of secluded private open space for the purposes of Regulation 86.*

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.

DECISION TIME FRAME

Pursuant to Regulation 34 of the Building Regulations 2018 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 consent and report is required in relation to a matter referred to in Division 2 of Part 8 is 10 business days.

Although Council will endeavour to meet the above time limit, it may not be met – particularly where Council requires submissions from affected adjoining owners. Please consult with Council as to time frames at time of referral.

An owner has rights to appeal within 30 days to the Building Appeals Board (contactable by phoning 1300 421 082 or emailing registry@buildingappeals.vic.gov.au) - including any:

- Requirement of a reporting authority to give more information or amend a permit application (S138 of the Building Act)
- The determination or exercise of discretion or
- Failure within a reasonable time to make a determination or exercise that discretion (S144 of the Building Act)

ADVERTISING

Clause 4A of Schedule 2 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.

Please note that the above provision requires Council:

- To determine the possibility of detriment
- To give opportunity for any submission.