

Report and Consent Application – General 2024/25



*South Gippsland
Shire Council*

Use this form to apply to vary one or more of the Building Regulations 2018 Part

5. Application fee: \$448.30 per Regulation.

Applicant Details

Owner Agent Draftsperson Building Surveyor

Name/s: _____

Address: _____

Town: _____ Postcode: _____

Contact Phone Number: _____

Email Address: _____

Property Details

Lot: _____ Plan Number: _____ Volume: _____ Folio: _____

Address: _____

Town: _____ Postcode: _____

Building Permit Application Reference: _____ Building Surveyor: _____

Credit Card Payments

Visa MasterCard Card No: _____

Expiry Date: _____ Cardholder Name: _____

Mandatory Field*

I hereby declare that the information provided is true and correct. I also understand that any unlawful dishonesty may result in the refusal of this application.

I give South Gippsland Shire Council permission to debit my card of the appropriate application fee, using the information provided.

Name: _____

Signature: _____ Date: _____

Application Considerations

Section 188A of the *Building Act 1993* requires that Council must refuse 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 the relevant guidelines with respect to the particular regulation to avoid an automatic refusal.

Advertising

Section 188A of the *Building Act 1993* provides that, if in the opinion of the reporting authority (Council) the application will result in a nearby allotment or property suffering detriment, it must give the owner of the allotment/property an opportunity to make a submission if they have any objections. The preferred method for gaining submissions from adjoining owners is for the applicant to submit neighbour response declaration forms at the time of application. Where ownership details are unknown Council will undertake any required advertising. Alternatively, if the applicant does not wish to obtain and submit the adjoining owner's submissions as part of their application, Council will independently undertake the advertising.

Correspondence

If any requested information is missing your application will not be assessed. We will only assess what you apply for - so if a second application is needed, e.g. for further variations, then a further processing fee will apply. All correspondence and decision outcomes will be sent via e-mail, unless otherwise requested. By providing your e-mail address you agree that a hard copy of the approval/refusal will not be sent via Australia Post in the mail.

Tick	Reg	Reporting Matter	Fee
	73 (2)	Setback from a street boundary not complying with reg. 73	
	74 (4)	Setback from a street boundary not complying with reg. 74	
	74A (3)	Small Second Dwelling not complying with reg 74A	
	75 (4)	Building height not complying with reg. 75	
	76 (4)	Site coverage not complying with reg. 76	
	77 (3)	Impermeable surfaces covering more than 80 pre cent of an allotment area.	
	78 (6)	Car parking spaces not complying with reg. 78	
	79 (6)	Side or rear boundary setbacks not complying with reg. 79	
	80 (6)	Walls or carports not complying with reg. 80	
	81 (6)	Building setbacks not complying with reg. 81 (daylight to existing habitable room window)	
	82 (5)	Building setbacks not complying with reg. 82 (solar access)	
	83 (3)	Building design not complying with reg. 83 (overshadowing of secluded private open space)	
	84 (9)	Window or raised open space not complying with reg. 84 (overlooking)	
	85 (3)	Building design not complying with reg. 85 (daylight to new habitable room/ window) 85	
	86 (3)	Private open space not complying with reg. 86	
	86A (2)	Private open space for small second dwelling not complying with reg. 86A	
	86B (2)	Accessibility for small second dwelling not complying with reg. 86B	
	87 (2)	Siting of appurtenant Class 10 buildings.	
	89 (3)	Front fence height not complying with reg. 89	
	90 (2)	Fence setback on side or rear boundary not complying with reg. 90	
	91 (5)	Length or height of side or rear boundary fence not complying with reg. 91	
	92 (2)	A fence within 9m of an intersection.	
	94 (6)	Fence setback not complying with reg. 94 (daylight to existing habitable room window)	
	95 (3)	Fence setback not complying with reg. 95 (solar access)	
	96 (3)	Fence design not complying with reg. 96 (overshadowing of secluded private open space)	
	97 (2)	Fence, pole, aerial, antenna, chimney flue pipe or other service pipe.	
	109 (1)	Projecting beyond street alignment.	
	134 (2)	Buildings above or below certain public facilities.	
	153 (2)	Report and consent for building in areas liable to flooding.	
	154 (1)	Construction on designated land/works.	
		Total Fee	

Privacy Statement

The information requested on this form is collected by Council for the purpose of processing the application. The information will be used solely by Council for that primary purpose or directly related purposes.

Description of proposed work and variations being requested, including applicable Minister's Guidelines:

Minimum/Maximum being applied for: _____

Minimum/Maximum allowed by Regulations: _____

Example: I am applying to vary Building Regulation 74 "Minimum Street Setback". We wish to build a new dwelling with reduced front setback of 8.5 metres instead of the required 9 metres due to the slope of the allotment.

Minimum/Maximum being applied for: Street setback of 8.5 metres

Minimum/Maximum allowed by Regulations: Minimum Street Setback 9 metres

Checklist

Please provide the following information to support your application:

An application for Report and Consent with respect to the Building Regulations siting requirements must contain the following:

- A completed application form.
- Current Copy of Title, including the title diagram and any covenants, caveats or Section 173 agreements Available online: **www.landata.vic.gov.au**
- One set of site plans showing property boundaries, existing structures, side view with dimensions, and aerial view with dimensions.
- Building Permit application form (from your Building Surveyor, if available)
- A written submission which clearly outlines the nature of the request and demonstrates compliance with the objectives of the Ministers Decision guidelines. See below for the website link: **www.southgippsland.vic.gov.au/downloads/file/4988/ministerial_guidelines_14_december_2023**
- Application fee of \$448.30 (non-refundable). Payments via cheque and in-office can only be accepted with hard copy submissions.
- Completed and signed neighbour response form (for each neighbour who may be impacted by your proposal).

Payment Options:



In Person

Please present this form with payment and supporting documents to South Gippsland Shire Council reception (please check website for open hours).



Via Mail

Please present post this form with payment and supporting documents to South Gippsland Shire Council, Private Bag 4, Leongatha, VIC, 3953

For any other enquiries, please contact Council via emailing council@southgippsland.vic.gov.au or calling 5662 9200.



*South Gippsland
Shire Council*

Report and Consent – Neighbour's Response

Building Act 1993

Building Regulations 2018



*South Gippsland
Shire Council*

Part A: To be completed by applicant

Property details: (To which Report and Consent is requested)

Address: _____

Town: _____ Postcode: _____

A request is being made for the Report and Consent of the Municipal Building Surveyor to vary the Building Regulations 2018:

Proposed building work: _____

Building regulation applied for: _____

Specific non-complying element: _____

Minimum/Maximum allowed by: _____

Minimum/Maximum being applied for: _____

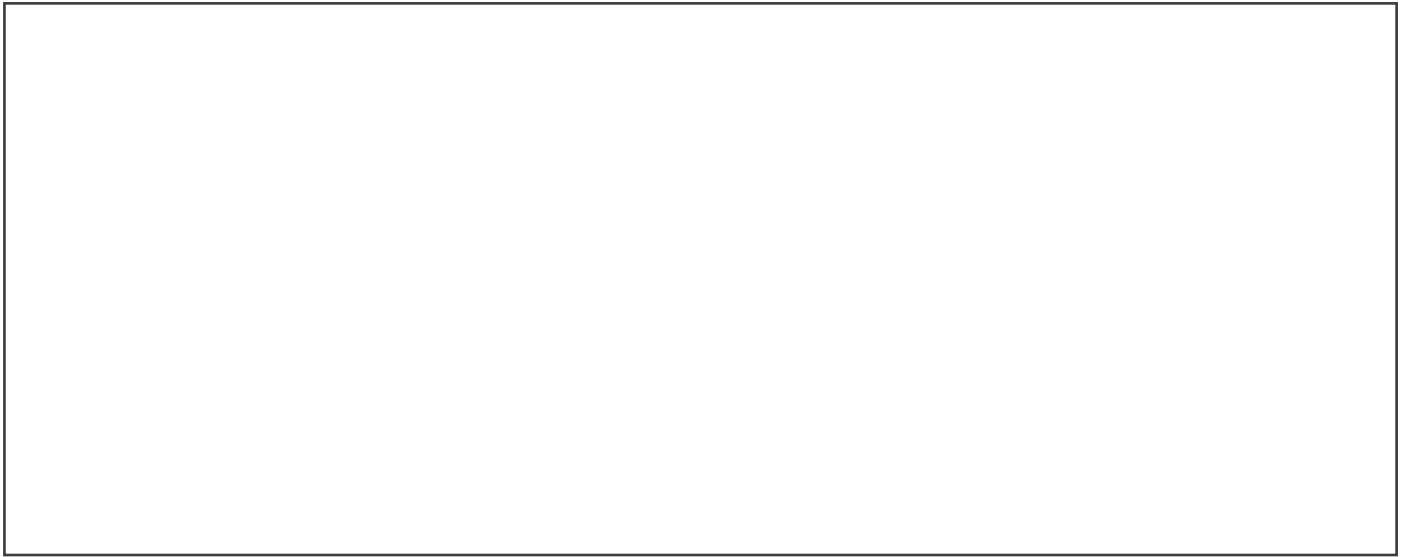
Part A: To be completed by adjoining land owner/s

Response

I/We have viewed the plans and documentation of the above-mentioned development. After taking in to account the nature of each variation requested, the impact on our property and the implications of the variation to the Building Regulations 2018 being sought, I/We

Offer no objection to the consent being granted, or;

Object to the variation being sought on the following grounds:



Adjoining Owners:

Name(s): _____

Address: _____ Postcode: _____

Adjoining Owner Signature: _____ Date: _____

Adjoining Owner Signature: _____ Date: _____