

Application for Council consent to vary Part 5 of the Building Regulations 2018



Applicant details

Applicant Type (Please tick one): Property Owner Builder Designer Other

Name: _____ Company (if applicable): _____

Postal Address: _____

Suburb: _____ Postcode _____

Phone Number BH: _____ Mobile: _____

Email: _____

- New application
 Extension of time or Amendment (reference RC _____)
 Application for comment (existing building/structure)

Site Address of Works (including Lot No.): _____

Proposed Works

Check with Council's Statutory Planning Unit on 03 5950 1010 to determine if a Planning Permit may be required for your project. If a Planning Permit is required and you have already applied for Report and Consent, a refund will not be provided.

Tick	Reg	Reporting Matter (ie: non-complying item/s)	Tick	Reg	Reporting Matter (ie: non-complying item/s)
	73	Maximum street setback		85	Daylight to habitable room windows
	74	Minimum street setback		86	Private open space
	74A	Building setback for small second dwelling		86A	Private open space for small second dwellings
				86B	Accessibility of small second dwellings
	75	Building height		87	Siting of appurtenant Class 10a buildings
	76	Site coverage		89	Front fence height
	77	Permeability		90	Fence setbacks from side or rear boundaries
	78	Car parking spaces		91	Fences on or within 150mm of side or rear boundaries
	79	Side and rear boundary setbacks		92	Fences on street alignments
	80	Wall or carports on boundaries		94	Fences and daylight to habitable room windows in existing dwelling
	81	Daylight to existing habitable room windows		95	Fences & solar access to existing north-facing habitable room windows
	82	Solar access to existing north-facing habitable room windows		96	Fences and overshadowing of recreational private open space
	83	Overshadowing of recreational private open space		97	Masts, poles etc
	84	Overlooking (ie: window or raised open space)			

Please submit all information contained within the attached checklist. Incomplete applications will be refused at application stage so please ensure the checklist is completed and submitted as no refund will be provided.

Quick Code 046	Receipt Number -	Date -
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Checklist for Required Documents (tick each as completed)

Applicant Guide Only (Further Details May Be Required)

- Completed Application Form (refer attached)**
- Confirmation that a Registered Building Practitioner has reviewed the proposed plans**
I confirm that a suitably experienced registered building practitioner has reviewed the proposed plans and that **all** siting non-compliant matters have been included in this application.
Note - Drawings are to clearly identify all the non-compliant matters.
- Reason/Justification for Application**
An application for dispensation 'Report and Consent' must be accompanied by a written submission explaining how the application satisfies the relevant 'Ministers Guidelines'. Copies of the regulations and guidelines are available on the Shire website: mornpen.vic.gov.au/reportandconsent

Design Considerations

Pursuant to Section 188A of the Building Act 1993, Council **must refuse** to give consent to a design which does not comply with Ministerial decision guidelines for siting matters. Applicants will need to be fully aware of these guidelines and demonstrate the proposal satisfies all the relevant guidelines to avoid refusal of consent and fee retention.

- Site Analysis**
It may be necessary to detail the adjoining property locations, including setbacks from front and side boundaries and where relevant the locations of habitable room windows, private open space and recreational private open space. Overshadowing diagrams may be required depending on the type of work proposed and the proximity to the side and / or rear boundary. In some cases, setbacks or heights of buildings on nearby allotments may be required to justify the application including properties across the road from the subject site.
- One Set of Architectural Drawings**
Drawings should be of a scale of not less than a 1:100, including where applicable floor plans and elevations. The areas of the report and consent matter must be clearly highlighted with specific notations detailing the non-compliance(s). Where necessary the applicant may be asked to provide other information relevant to the matter(s) (e.g., schedule of finishes, eave widths, etc). The site plan must show all boundaries and setbacks, easements, existing building(s), proposed works and the North point.
- Copy of Title**
Please include a complete copy of the title documentation and attachments including covenants and Section 173 agreements. Title is to be no more than 12 months old.
- Town Planning**
In some cases, a Town Planning permit will be required in lieu of Report and Consent (e.g., site areas less than 300m²). It is the responsibility of the applicant/owner to ensure a Town Planning permit is not required prior to making an application for Council Report and Consent.

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Comments from Affected Adjoining and Other Property Owners

In most cases it will be necessary for the applicant to provide comments (refer to **adjoining owner comment form**) and **signed plans with a contact telephone number** from adjoining property owner(s) located who may suffer detriment as a result of the proposed departure from the regulatory requirement.

If unsure if you are required to provide adjoining owners comments, please do not hesitate to contact our Statutory Building Team on 03 5950 1060

Advertising

Section 188A of the Building Act 1993 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.

Application Fee: Full payment of fees is required **prior to lodgement** of the application.

FEE: \$311.80 for each dispensation.

Online: mornpen.vic.gov.au/payonline

By Cheque: Attach cheque to the application form made out to Mornington Peninsula Shire Council.

By Phone: By telephoning 1300 850 600 or 5950 1060 and paying by credit card.

Write your receipt number onto your application prior to submitting.

Receipt Number: _____

In Person – At one of the Shire Offices listed below.

Lodgement

- **Email:** Please email the completed application together with the receipt number to MPsreportandconsents@mornpen.vic.gov.au
- **Online:** mornpen.vic.gov.au/reportandconsent-varypart5
- **By Mail:** Statutory Building, Mornington Peninsula Shire, Private Bag 1000, Rosebud, 3939
- **In Person:** Statutory Building is located at the Mornington Office, Queen Street, Mornington.
You can also visit the following offices: Rosebud Office: Besgrove Street, Rosebud
Hastings Office: Marine Parade, Hastings

Signed: _____

Date: _____

Information Privacy Declaration

Council is collecting the information on this form so that it may consider your application in accordance with its legislative powers and functions, and it will only be disclosed in accordance with these powers and functions. You may access the information by contacting Council.