

**Referral of Building Permit Application/Building Design  
to Council for Report and Consent (Dispensation)**

**Building Regulations 2006, Part 4, Divisions 2, 3 and 4  
Single Class 1 Buildings and associated Class 10 Buildings**



To: Bayside City Council

Re: (Subject Address) Number .....Allotment.....Street/Road.....

Suburb .....

Design Description .....

I, Relevant Building Surveyor , Owner , Agent of Owner ..... (print name)

Postal Address ..... Postcode .....

Telephone ..... Mobile ..... Facsimile .....

hereby give a copy of a building permit application or building design to Council and apply for consent in accordance with Schedule 2 of the *Building Act 1993* for the following matters under part 2 of schedule 3 of the Building Regulations:

Tick	Reg	Reporting Matter (ie non-complying item/s)	Fee (@ 1 July 2009)
	408	Maximum street setback	All applications to Council for Report and Consent attract a \$217.50 application fee per regulation.
	409	Minimum street setback	
	410	Building height	
	411	Site coverage	
	412	Permeability	
	413	Car parking spaces	
	414	Side and rear boundary setbacks	
	415	Walls or carports on boundaries	
	416	Daylight to existing habitable room windows	
	417	Solar access to existing north-facing windows	
	418	Overshadowing of recreational private open	
	419	Overlooking (ie. window or raised open space)	
	420	Daylight to habitable room windows	
	421	Private open space	
	422	Siting of appurtenant Class 10a buildings	
	424	Front fence height	
	425	Fence setbacks from side or rear boundaries	
	426	Fences on or within 150mm of side or rear boundaries	
	427	Fences on street alignments	
	428	Fences and daylight to windows in existing dwelling	
	429	Fences & solar access to existing north-facing habitable room windows	
	430	Fences and overshadowing of recreational private open space.	
	431	Masts, poles etc	

Signed ..... Dated .....

*Bayside Council's Building Control Department  
Corner Royal Ave and Bluff Road, Sandringham  
All Correspondence to: PO Box 27, Sandringham Vic 3191  
Telephone: 9599 4444 Facsimile: 9598 4474*

# ADVICE SHEET

## BUILDING REGULATIONS & RESCODE

The siting requirements are as listed under Part 4 of the Building Regulations 2006 (*building regulations*). An amendment to the *building regulations* on the 1 June 2004, introduced the Bayside planning scheme as listed in Schedule 5 of the *building regulations*. The Bayside planning scheme regulates siting matters in association with: minimum street setback; side & rear setbacks; site coverage; and front fence height.

### 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. Copies of the regulations and guidelines are available at Council or may be viewed at the Internet websites: [http://www.dms.dpc.vic.gov.au/Domino/Web\\_Notes/LDMS/PubStatbook.nsf](http://www.dms.dpc.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf) for the regulations and <http://www.buildcc.com.au/asset/1/upload/MinistersGuidelines1.pdf#17> for the guidelines.

**Bayside planning scheme (1 June 2004) now regulated minimum street setback; side & rear setbacks; site coverage and front fence height.**

Any design referred for consent under the *Building Regulations* which applied prior to 1 June 2004 will no longer be considered, unless accompanied with a **certificate, (refer section 10, Building Act 1993)**, signed by a building surveyor to whom a building permit application has been made, certifying that substantial progress was made on the design, before the amendment to the *building regulations*. The Minister for Planning has provided a guideline for the issuing of such certificates, which may be viewed at the internet website - <http://www.buildcc.com.au/asset/1/upload/MinistersGuidelines1.pdf#17>.

### 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.

Any comments of adjoining owners tendered by the referring building surveyor or applicant will not over-ride the possibility that Council may be obliged to advertise. Please contact the Council's building department for a listing of those properties that require to be notified.

### Decision Time Frame

Pursuant to regulation 307 of the Building Regulations 2006 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 4 is 15 business days.

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

An owner has rights of appeal to the Building Appeals Board (Ph 9285 6400) - including (within 30 days) - any:

- requirement of a reporting authority to give more information or amend a permit application (s138 of Building Act)
- the determination or exercise of discretion or
- failure within a reasonable time to make a determination or exercise that discretion (s144 of Building Act)

### PRIVACY INFORMATION:

**“Council collects your personal information for the purpose of processing your application and for internal research purposes. Council may disclose your information to interested parties. If you do not provide your information to council, we may be unable to process your application. If you have any queries or wish to gain access to your information, please contact Council’s privacy officer on 9599 4444 or at [privacy@Bayside.vic.gov.au](mailto:privacy@Bayside.vic.gov.au)”**