

Adjoining Owner Comment Form
Report & Consent/Council Comments Applications
Building Regulations 2018, Part 5

Please Note:

All comments will be taken into consideration as part of the decision-making process, however an objection from an adjoining property owner will not automatically compel Council to refuse an application. Council carefully considers all applications against the Minister's Guidelines, site conditions and other factors.

Important note: Under the Building Act 1993 and Building Regulations 2018, Councillors, the Chief Executive Officer, Directors and Managers are unable to become involved in Report & Consent/Council Comments matters; which are delegated directly to Council's Municipal Building Surveyor (MBS). They are therefore unable to intervene either throughout the process or once the decision of the MBS has been made.

Unlike Planning applications, once a decision is made, there is no legal allowance under the Act or Regulations for neighbours to appeal Council's decision. Only the owner or applicant can lodge an appeal with the Building Appeals Board, and this must be done on the basis of the regulations and the Ministers Guidelines, to which applications are assessed.

Adjoining owner, please tick the box to confirm that you have read and understood the above

I am the adjoining owner to the property at which Council Consent and Report is being sought;

Adjoining Owner's Name: _____ Ph: _____

Adjoining Owner's Address: _____ Postcode: _____

I have **sighted and signed the drawings** for my neighbour's proposed building work at;

Address of site property: _____

Request/s for Report and Consent - (To be completed by the applicant)

Reg: **Statement:**

74 1. A proposed **street setback** of _____ metres for the _____ in lieu of the minimum of _____ metres, prescribed in the Building Regulations 2018;

79 2. A proposed **side setback** of _____ metres for the _____ in lieu of the minimum of _____ metres, prescribed in the Building Regulations 2018; **OR**

80 3. A proposed **average/overall height** of _____ metres for the wall **on the boundary / within 200mm of that boundary** being greater than the maximum average/overall height of **3.2 / 3.6metres**, prescribed in the Building Regulations 2018;

____ 4. A proposed (please adapt wording to suit) _____

is contrary to that prescribed in the Building Regulations 2018;

____ 5. A proposed (please adapt wording to suit) _____

is contrary to that prescribed in the Building Regulations 2018;

_____ 6. A proposed (please adapt wording to suit) _____

is contrary to that prescribed in the Building Regulations 2018;

_____ 7. A proposed (please adapt wording to suit) _____

is contrary to that prescribed in the Building Regulations 2018;

Please tick that which is applicable (to be completed by adjoining adjacent owner)

With regards to the statement/s provided on this form:

- I agree to the proposed dispensations sought
- I do not agree to the proposed dispensations sought
- I offer no comment to the proposed dispensations sought

Comments offered for consideration (please attach separate document of more space required):

Signature of adjoining owner _____ **Date** _____

Please Note:

- Council is not empowered to consider any comments not based upon the Minister's Guidelines.
 - Refer to Victorian Building Authority Website for Minister's Guideline MG-12.
- Comments such as: ".....it will affect my property value....." OR "....I do not like the design....." OR ".....it will block my view of the Bay....." OR similar, are not referred to in the Minister's Guideline MG 12. As such they cannot be taken into account by Council.
- Comments and signed drawings from the adjoining property owner/s should be returned to the applicant – **not directly to Council**. Should the comments and signed drawings be submitted directly to Council, a copy of these documents will be made available to the applicant.
- Should adjoining property owners not respond within **21 days**, from date of post or drop off handover, then the applicant may provide Council with a 'Statutory Declaration' advising that adjoining property owner/s failed to provide comment within 21 days as part of application for Report and Consent. On this basis, Council will then assess and make a decision regarding this application.

PRIVACY INFORMATION: "Council collects your personal information for the purpose of processing this application and may provide the applicant with copies of the 'adjoining owner comment form' and any associated documents provided by you. 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"