

# REPORT AND CONSENT APPLICATION

## Application to Vary Building Regulations 2018

**Application Fee - \$311.80** (each subsequent regulation \$79.00)  
(Office Use Only – Code 323)



**TO** Municipal Building Surveyor, Moira Shire Council

**I Hereby** seek the Report and Consent of Council, in accordance with Schedule 2 of the Building Act 1993, for variation of Building Regulation 2018 as listed below and I confirm that the building work **has/has not** been undertaken.

### OWNER/AGENT OF OWNER

Name			
Postal Address			
City/Suburb/Town		Post Code	
Email Address		Phone Number	

### OWNERSHIP DETAILS (only if agent of owner is listed above)

Name			
Postal Address			
City/Suburb/Town		Post Code	
Email Address		Phone Number	

### PROPERTY DETAILS

Number		Street/Road					
City/Suburb/Town					Postcode		
Lot/s		LP/PS		Volume		Folio	
Municipal District	<b>MOIRA SHIRE COUNCIL</b>						

### Declaration

"I declare that I have the written authority to act on behalf of the Owner/s, as their agent, pursuant to Section 248 of the Building Act 1993. I acknowledge that no one is allowed to act as an agent for an Owner/s without the written consent of the Owner or Co-Owners and that it is an offence to do so under law. Furthermore, in accordance with sec. 246 of the Act, I acknowledge that a person must not knowingly make a false or misleading statement or to provide any false or misleading information to Council including forging signatures and that strict penalties for doing so apply".

**Agent's Signature**

**Date**

\_\_\_\_\_

The Owner/s of the site must sign this application and in doing so acknowledges that the nature of this application, if granted, is a relaxation of the provisions of the Building Regulations.

**Owner Name** \_\_\_\_\_ **Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Owner Name** \_\_\_\_\_ **Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

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**RELEVANT BUILDING SURVEYORS**

Name			
Postal Address			
City/Suburb/Town		Post Code	
Contact Person		Phone Number	

**NATURE OF WORK**

**REPORT AND CONSENT APPLICATION**  
**Application to Vary Building Regulations 2018**



**NOTE:** Regulations noted with an ★ must be accompanied in every instance with the Adjoining Owners comments

	Reporting Matter	Please Tick Required Regulation
Not complying with Reg. 73 ★	Maximum Street Setback	
Not complying with Reg. 74 ★	Minimum Street Setbacks	
Not complying with Reg. 74a ★	Building Setback for Small Second Dwelling	
Not complying with Reg. 75 ★	Building Height	
Not complying with Reg. 76 ★	Site Coverage	
Not complying with Reg. 77	Permeability	
Not complying with Reg. 78	Car Parking	
Not complying with Reg. 79 ★	Side and Rear Setbacks	
Not complying with Reg. 80 ★	Walls on Boundaries and Carports	
Not complying with Reg. 81 ★	Daylight to Existing Habitable Room Windows	
Not complying with Reg. 82 ★	Solar Access to Existing North Facing Habitable Room Windows	
Not complying with Reg. 83 ★	Overshadowing of Recreational Private Open Space	
Not complying with Reg. 84 ★	Overlooking	
Not complying with Reg. 85 ★	Daylight to Habitable Room Windows	
Not complying with Reg. 86	Private Open Space	
Not complying with Reg. 86a	Private Open Space for Small Second Dwellings	
Not complying with Reg. 86b	Accessibility for Small Second Dwellings	
Not complying with Reg. 87	Siting of Class 10a Buildings	
Not complying with Reg. 89	Front Fence Height	
Not complying with Reg. 90 ★	Fence Setbacks from Side and Rear Boundaries	
Not complying with Reg. 91 ★	Fences on or Within 150mm of Side or Rear Boundaries	
Not complying with Reg. 92 ★	Fences on Intersecting Street Alignments	
Not complying with Reg. 94 ★	Fences and Daylight to Habitable Room Windows in Existing Dwelling	
Not complying with Reg. 95 ★	Fences and Solar Access to Existing North-Facing Habitable Room Windows	
Not complying with Reg. 96 ★	Fences and Overshadowing of Recreational Private Open Space	
Not complying with Reg. 97 ★	Masts. Poles etc	

**Other Reporting Matters**

Projections Beyond Street Alignments	109	
Protection of the Public	116	
Build over Easements	130	
Buildings Above or Below Certain Public Facilities	134	
Building in areas liable to flooding. For these application types, Finished Floor Levels (FFL) and site levels must be provided and to Australian Height Datum (AHD) points. NOTE - Reduced Levels (RL) will not be accepted.	153	



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**SUBMISSION FORM**

Please provide description and reasons for this request and supporting information.

**NOTE:** Failure to provide items listed on the below checklist will result in delays responding.

I understand that the applicable fee is non-refundable and that no guarantee can be given that consent will be granted for the proposed works.

**Applicant's Signature**

**Date**

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**Collection Statement:** Moira Shire Council is collecting personal information for your Building Permit application as required under the Building Act 1993 and Building Regulations 2018, which Council has a responsibility to administer. The information collected will be used for the purpose of your Building Permit application and/or a directly related purpose. Information may be disclosed to the Victorian Building Authority (VBA) or if required or authorised by law. If you do not provide the information required, Council will not be able to process your application. You can find out more about how we use and protect your information by viewing our Privacy Statement on our website [www.moir.vic.gov.au](http://www.moir.vic.gov.au).

## ADJOINING OWNERS COMMENTS

I / We \_\_\_\_\_ the current owner / s  
(names) \_\_\_\_\_  
of property \_\_\_\_\_ have sighted and signed  
the plans in relation to the building proposal being varied from **Part 5** of the **Building Regulations 2018**.

At (property  
details) \_\_\_\_\_

For the proposed work (specify  
work) \_\_\_\_\_

**For the proposed variation** (specify variation to the regulation being sought)

Please tick the applicable box

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I / We confirm signed plans are attached to accompany my comments **as required**.

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I / We support the proposed siting variation.

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I / We have made comment below regarding the proposed siting variation for the follow reasons

### NOTE

*If you have concerns with regard to the proposed siting variation, you must provide reasons for Council to consider.*

Signature \_\_\_\_\_ Date \_\_\_\_\_ Contact Number \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_ Contact Number \_\_\_\_\_

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## CHECKLIST

The following documents are required for this application to be assessed and further information may be requested depending on the complexity of the building project.

Payment of application fees, noted at the top of page 1 on application form.

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Description of proposal, and justification as to why proposal cannot/should not comply with the Regulations

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Demonstrate (if applicable) how your proposal meets the Ministers Guidelines MG-12 for any of the following regulations; 73, 74, 74a, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 86a, 86b, 87, 89, 90, 91, 92, 94, 95, 96, 97. Each applicable Ministerial Guideline must be addressed - [https://www.vba.vic.gov.au/data/assets/pdf\\_file/0015/134304/Ministers-Guideline-MG-12.pdf](https://www.vba.vic.gov.au/data/assets/pdf_file/0015/134304/Ministers-Guideline-MG-12.pdf)

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One (1) set of plans which must include;-

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- Clearly defined details of the area subject to the Report & Consent and non-compliance
- Site plan showing all dimensions and setbacks of the proposed building and adjoining buildings
- Elevations of the proposed building with the slope of the land and heights of the buildings within 1.0m of the boundary clearly indicated.
- Plans showing any affected adjoining buildings indicating location of their habitable room windows and location of their secluded open space area
- A copy of the plan signed by the owner of any property affected by this proposal and bearing any comments that they believe should be considered when deciding this matter

### Copy of Title -

Including plan of subdivision, all relevant covenants and/or Section 173 agreement

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### Floor and Site Plan – 1 copies – (scale 1:100, 1:200 or 1:500) clearly indicating

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- Allotment dimensions, area and north direction Site plan showing all dimensions and setbacks of the proposed building and adjoining buildings
- Location of any existing building(s) on the allotment and adjoining allotments building(s) including roof eave widths, boundary setbacks of buildings, building lengths, window locations, room usage and boundary fence heights.
- Distance between the boundary line from the proposed structure and any buildings, including habitable room windows on the adjacent allotments.

### Drawing Elevations

1 copies – (scale 1:100) clearly indicating all fence heights, wall heights (measured from natural ground level to top of roof covering)

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### Written Submission

The applicant should detail the reasons for the request, together with supporting information (photographs may be included in support of the application).

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Any other relevant supporting documentation

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