



**BUILDING REGULATIONS 2018
REFERRAL OF BUILDING DESIGN TO COUNCIL FOR
CONSENT OR REPORT
(NON – SITING MATTERS)**

To: THE MUNICIPAL BUILDING SURVEYOR, CITY OF GREATER BENDIGO.

Re:

(Subject Address) Number		Street/Road.	
Suburb			
Design Description			

I,

Relevant - Building Surveyor		Owner		Agent of Owner	
Name					
Postal Address					
Telephone					

I hereby give a copy of a building design/building permit application to Council for consent or report in accordance with Schedule 2 of the Building Act 1993 for the following matters under Regulation 3 (b) & (c) of the Building Regulations 2018

Reg.	Matter To Be Reported on.	Fee
130	Building over an easement vested in Council (Additional legal and administrative costs may apply if an agreement is required.)	\$283.40
64	Combined Allotment	\$283.40
109	Projections beyond street alignment	\$283.40
134	Building above or below certain public facilities	\$283.40
116 (4)	Precautions over a street and hoardings	P.O.A
153 (2)	Construction of buildings on land liable to flooding	\$283.40
154 (1)	Building on designated land	\$283.40

This referral is to be accompanied by the information listed on the attached advice sheet:

Signed:.....**Dated:**...../...../.....

Council will endeavour to report on the above as soon as possible; however it is possible that the time limits of the Building Regulations 2018 will not be met - particularly where Council notifies adjoining owners.
Please consult with Council's Building Services as to time frames at referral.



ADVICE SHEET

Information to be included with Application

- Fee (as listed on the application sheet).
- Up-to-date, clear copy of Certificate of Title, including plan of subdivision.
- Proof of Ownership for the allotment.
- A complete written explanation of the reasons seeking the variation.
- Letters of consent/ approval from any adjacent affected property owners where applicable.
- Clear and complete design or building permit application documents and plans (2 copies please)
- Clear and complete details of buildings, etc on adjacent and effected properties.

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.

Local Factors

Although the Planning Scheme has been amended by ResCode it should be noted that:

- a planning permit is required for the construction or extension of one dwelling on a lot less than 300m² in a Residential 1 zone

Design Documents

Regulations 25 (2) of the Building Regulations 2018 includes additional document requirements for building permit applications. Included are:

- *The location dimensions and area of impermeable surfaces covering the allotment if necessary for the purposes of Regulation 77.*
- *The location and dimensions of car parking spaces for the purposes of Regulation 78.*
- *The location, dimensions and area of secluded private open space for the purposes of Regulation 86.*

Building surveyors must ensure that, where necessary, the above information is obtained **before** applications are referred to Council. If such information is not present, (1) consent will be refused (where such information is clearly necessary) or (2) a flawed decision may be made – for which the building surveyor may be accountable.

Persons other than building surveyors (such as architects, draftspersons and owners) who apply for consent will need to be aware that Council may request further information in broad terms. Such persons must ensure they are aware of the relevant regulations and guidelines or use a suitably experienced advisor/consultant.

Decision Time Frame

Pursuant to Regulation 34 of the Building Regulations 2018 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 8 is 10 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. 1300 421 082 or email registry@buildingappeals.vic.gov.au) - 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)

City of Greater Bendigo
Building Services
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