



Application for Report and Consent

Siting Of Single Class 1 Buildings and Associated Class 10 Buildings.

(SITING MATTERS) Part 4, Division 2, Building Regulations 2006.

To: Building Department
Frankston City Council
PO Box 490
Frankston 3199

Civic Centre
Corner Young and Davey Streets Frankston
Phone: (03) 9784 1900
Fax: (03) 9784 1087

APPLICANT DETAILS

Name: Relevant Building Surveyor , Owner , Agent of Owner

Postal Address:

Phone:

Mobile:

Fax:

LOCATION DETAILS

Number:

Lot:

Street/Road:

Suburb:

Description of building work:

I hereby give a copy of a building permit application or building design to Council/apply for consent in accordance with Schedule 2 of the Building Act 1993 for the following matters under Part 2 of Schedule 4 of the *Building Regulations 2006*.

Tick	Req.	Reporting Matter	Fee \$210 each
	408 (3)	Maximum street setback (Setback more than 1/3 depth of site)	
	409 (4)	Minimum street setbacks (Decreased minimum front setback)	
	410 (4)	Building height	
	411 (4)	Site coverage (Site coverage more than 60% of site)	
	412 (2)	Permeability (Impermeable surfaces covering more than 80% of lot area)	
	413 (6)	Car parking (Less than 2 carparking spaces)	
	414 (6)	Side or rear setbacks (Decreased side or rear setback)	
	415 (5)	Walls on boundaries (Increased height or length of boundary wall)	
	416 (6)	Day light to existing habitable room windows	
	417 (6)	Solar access to existing north-facing windows	
	418 (3)	Overshadowing of recreational private open space	
	419 (9)	Overlooking (Increased overlooking to secluded private open space)	
	420 (3)	Daylight to habitable room windows	
	421 (4)	Private open space (Decreased area of private open space)	
	422 (2)	Siting of appurtenant Class 10a buildings (Class 10a on vacant site)	
	424 (3)	Front fence height (Increased front fence height)	
	425 (3)	Fence setbacks from side and rear boundary	
	426 (5)	Fences on or within 150mm of side or rear boundaries	
N/A	427 (1)	Fences on street alignments - Infrastructure Dept. application required	N/A
	428 (6)	Fences and daylight to habitable windows in existing dwelling	
	429 (5)	Fences and solar access to existing north-facing habitable room windows	
	430 (3)	Fences and overshadowing of recreational private open space	
	431	Masts, pole, etc.	

Date:

Applicant Signature:

Privacy Statement

The personal information requested on this form is being collected by Council for Building Regulatory matters only. This information will be used solely by Council for that primary purpose or directly related purposes and will not otherwise be disclosed without your consent or as required or permitted by law. You may apply to Council for access and/or amendment of the information.

INFORMATION SHEET

BUILDING REGULATIONS 2006, PART 4 - SITING

From 24 August 2001, siting regulations consistent with ResCode apply to building permit applications. Height and setback measures changed and new measures were introduced to regulate overlooking, overshadowing, rainwater soakage and solar orientation. Designs not in compliance with the prescribed measures cannot be granted a building permit unless Council consents to the alternative.

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 'Ministers 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.frankston.vic.gov.au> (Fact Sheet 2 and 5)

<http://www.dms.dpc.vic.gov.au> for the regulations and

<http://www.buildingcommission.com.au> for the guidelines.

Local Factors (Frankston City Council only)

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

- Local planning overlays remain unchanged
- There are currently no Neighbourhood Character overlays (Note: Council has developed Neighbourhood Character Studies and these are referred to as a part of any assessment)
- A planning permit is required for the construction, or extension of, one dwelling on a lot less than 300m² in a Residential 1 zone.

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 override the possibility that Council may be obliged to advertise.

Any relevant objection received by Frankston City Council is likely to result in a refusal to the application to give the objector an opportunity to represent their case at the 'Building Appeals Board' (and in accordance with the 'Ministers Guidelines').

Decision Time Frame

Pursuant to Schedule 3 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) within 30 days, in relation to:

- the determination or exercise of discretion, or
- failure within a reasonable time to make a determination or exercise that discretion (S144 of Building Act)

Further Information

Please refer to Frankston City Council's Building Fact Sheet 2 (General siting requirements for single dwellings and outbuildings) and Building Fact Sheet 5 ('Ministers Guidelines' for siting and design of single dwellings).

Documents Required for Council Report and Consent Assessment

- Application Fees**
\$210.00 per regulation being considered.
- Completed application form**
Ensure the form is fully completed, including being signed and dated by the applicant. (Refer attached)
- Copy of Title and approved plan of Subdivision**
If applicable, provide details of any covenants, Section 173 Agreements, or other restrictions that are applicable to the property.
- 3 Sets of Architectural drawings**
Drawings should be of a scale not less than a 1:100 including floor plans and elevations, where applicable, to the satisfaction of Frankston City Council. Where necessary, the applicant may be asked to provide a schedule of finishes. In some circumstances, it may be necessary to provide details to clarify certain issues (eg: contours, overshadowing, eaves detail, footing details, etc, etc).
- Site Plan and Site Analysis**
Showing all boundaries and setbacks, easements, existing building(s), proposed works and a North point. It may be necessary to detail the adjoining property building 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 3 properties either side and across the road from the subject site.
- Reason/Justification for application**
An application for dispensation/ 'Report and Consent' shall be accompanied by a written summary explaining how the application satisfies the 'Ministers Guidelines' and the 'Frankston Neighbourhood Character Study' where applicable.
(Contact Council's Building Department for a copy of the relevant Ministers Guidelines and Neighbourhood Character Study; alternatively this information is available on Frankston City Council's website)
- Comments from affected adjoining and other property owners**
Where necessary, Council may require the applicant to provide comments and signed plans from the affected neighbours agreeing or disagreeing with the proposed application. (After initial assessment, Council's 'Adjoining Owner Comment' form may be provided to the applicant)

Notes: The above information is a guide only. Additional information may be required to be submitted in order for a complete assessment to be undertaken depending on the nature, size and / or complexity of the building work.

In some cases a Town Planning permit may also be required for the proposal. It is the responsibility of the applicant/owner to find out whether a Town Planning permit is required when making the dispensation application.