



# Application for Report and Consent - Siting

Part 5, Building Regulations 2018

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## Complete this form if you want to:

Apply to vary Part 5 of the *Building Regulations 2018* and the matter complies with the Ministers Guidelines. Part 5 contains requirements for siting matters that apply to the construction of single Class 1 buildings, an associated class 10a buildings (e.g.sheds) and Class 10b structures (e.g. fences).

## Applicant details

Name

Relevant Building Surveyor

Owner

Agent of Owner

Telephone number

Email

Postal Address

Suburb

State

Postcode

## Property details

Number

Lot

Address

Suburb

State

Postcode

I hereby apply for consent in accordance with Schedule 2 of the Building Act 1993 for the matters under Part 2 of Schedule 5 of the *Building Regulations 2018* in relation to an application for a building permit, and confirm that I have justified the proposal in accordance with Ministers Guidelines(matters requested to be nominated on the next page).

Signature

Date

## Fees/Matters being considered (See Fee Schedule)

Reg.	Reporting Matter	Fee	
<input type="checkbox"/>	73	Maximum street setback (setback more than 1/3 depth of site)	
<input type="checkbox"/>	74	Minimum street setbacks (decreased minimum front setback)	
<input type="checkbox"/>	75	Building height	
<input type="checkbox"/>	76	Site coverage (site coverage more than 60% of site)	
<input type="checkbox"/>	77	Permeability (impermeable surfaces covering more than 80% of lot area)	
<input type="checkbox"/>	78	Car parking (less than 2 car parking spaces)	
<input type="checkbox"/>	79	Side or rear setbacks (decreased side or rear setback)	
<input type="checkbox"/>	80	Walls on boundaries (increased height or length of boundary wall)	
<input type="checkbox"/>	81	Day light to existing habitable room windows	
<input type="checkbox"/>	82	Solar access to existing north-facing windows	
<input type="checkbox"/>	83	Overshadowing of recreational private open space	
<input type="checkbox"/>	84	Overlooking (increased overlooking to secluded private open space)	
<input type="checkbox"/>	85	Daylight to habitable room windows	
<input type="checkbox"/>	86	Private open space (decreased area of private open space)	
<input type="checkbox"/>	87	Siting of appurtenant Class 10a buildings (class 10a on vacant site)	
<input type="checkbox"/>	89	Front fence height (increased front fence height)	
<input type="checkbox"/>	90	Fence setbacks from side and rear boundary	
<input type="checkbox"/>	91	Fences on or within 150mm of side or rear boundaries	
N/A	92	Fences on corner street alignments – Infrastructure Department application	N/A
<input type="checkbox"/>	94	Fences and daylight to habitable windows in existing dwelling	
<input type="checkbox"/>	95	Fences and solar access to existing north-facing habitable room windows	
<input type="checkbox"/>	96	Fences and overshadowing of recreational private open space	
<input type="checkbox"/>	97	Masts, pole, etc.	

## Description of Building Work

Building Type/s

Required Dimension/s (height/setback/area)

Proposed Dimension/s (height/setback/area)

## Ministers Guidelines *Note: Details may be provided in a covering letter.*

Addresses that show the height/setback is 'prevailing' noting that if the proposal is not prevailing the application may be refused.

Other guidelines that indicate that your proposal complies, noting that the last 3-4 guidelines are read as one (and must all be compliant to enable justification). Where documents are used to justify the proposal, the document must be provided and clause/part highlighted.

NOTE: The applicant should note that if compliance with the Ministers Guidelines is not clearly provided that the application will be refused. The applicant is encouraged to discuss the matter with a design professional OR relevant building surveyor to gain a better understanding, and to consider if the application may be supported at the 'Building Appeals Board' should Council refuse to consent to the matter.

The applicant should be aware that it is not the role of Council to determine if Report and Consent is required if Council has not been appointed to issue the building permit.

Prior to submission the applicant should consider all other design options and only apply for consent if encouraged to do so by the Designer/Relevant Building Surveyor appointed relating to a building permit.

## Payment

**Applications will not be processed without the payment of fees.**

**If an application is submitted by email, a “confirmation of lodgement” will be sent by return email with a reference number to quote when paying. If payment is not received within 10 business days from your receipt of the confirmation email your application will expire and a new application will be required if you wish to proceed.**

**INFORMATION SHEET  
BUILDING REGULATIONS 2018, PART 5 - SITING**

**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 guidelines are available at [www.vba.vic.gov.au](http://www.vba.vic.gov.au)

**Local Factors (Frankston City Council only)**

Councils Planning Scheme also applies to building work that may be associated with your application:

- (1) It is the responsibility of the applicant to check if a planning permit or planning consent is required in relation to the proposed design.
- (2) Neighbourhood Character Statements may be found on Councils website, where these statements are used in the submission, the clauses that indicate compliance with the Ministers Guidelines should be highlighted.
- (3) Where a planning permit is required that regulates the same matter as that being submitted, the application submitted may be lapsed or refused. The applicant should check all planning requirements prior to lodgement of an application.

**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 applicant will not override the possibility that Council may further consult owners to ensure they have considered all factors relating to the siting provision under consideration.

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 5 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 is **15 business days**.

Although Council will endeavour to meet the above time limit, it may not be met particularly where Council require 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 within 30 days, in relation to:

- (1) the determination or exercise of discretion, or
- (2) 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**

<input type="checkbox"/>	<b>Application Fees</b> (All fees are NON REFUNDABLE and must be paid upfront) \$ (See Fee Schedule) per Regulation being considered.
<input type="checkbox"/>	<b>Completed application form</b> Ensure the form is fully completed, including being signed and dated by the applicant (refer attached).

<input type="checkbox"/>	<p><b>Copy of Title and approved plan of Subdivision</b> If applicable, provide details of any covenants, Section 173 Agreements or other restrictions that are applicable to the property.</p>
<input type="checkbox"/>	<p><b>Architectural drawings</b> 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 (e.g. contours, overshadowing, eaves detail, footing details etc).</p>
<input type="checkbox"/>	<p><b>Site Plan and Site Analysis</b> 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 5 properties either side and across the road from the subject site.</p>
<input type="checkbox"/>	<p><b>Reason/Justification for application</b> 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. NOTE: The application will be refused if it does not comply with the 'Ministers Guidelines' (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.)</p>
<input type="checkbox"/>	<p><b>Comments from affected adjoining and other property owners</b> All matters that may affect or impact on the adjoining owner requires the applicant to obtain the adjoining owners written comments and signed plans. Where available, please request for or download our 'Adjoining Owner Comment' form relating to the particular Regulation from <a href="http://www.frankston.vic.gov.au">www.frankston.vic.gov.au</a> If there are more than one Regulation Dispensation requests or an Adjoining Owner Comment Form is not available from Council, you will be required to prepare your own letter to the adjoining owner clearly explaining the siting variations being obtained/requested and highlighted on plans. For any further clarification please seek advice from the Building Team at the time of lodging applications.</p>
<input type="checkbox"/>	<p>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 to ascertain if a Town Planning Permit is required when making the dispensation application.</p>

### Privacy notice

Frankston City Council is committed to protecting your privacy. Council requires personal information to carry out its functions under the Local Government Act 1989 and other legislation and to provide services to the community. In some cases this will involve disclosure of your information to other parties, such as Council's contractors or other agencies. Your personal information will only be used and disclosed as authorised by law. For further information about how Council handles personal information, or to request access to your personal information, see [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au) or contact Council's privacy officer on 1300 322 322.

## How to submit and pay

Please submit your completed form with any required documentation and payment via one of the methods below.

 **In Person**

**via Eftpos, Visa, Mastercard, Amex, cash, cheque or money order.**

Frankston City Council - Civic Centre  
30 Davey Street  
Frankston VIC 3199


Langwarrin Customer Service Centre  
Shop 6, The Gateway  
230 Cranbourne-Frankston Road  
Langwarrin 3910

Seaford Community Centre  
1/6 Broughton Street  
Seaford 3198

 **By Mail**

**via cheque or money order**

Frankston City Council  
PO BOX 490  
Frankston VIC 3199

 **Submit by Email** Please email the completed application form with any required supporting documentation to: [info@frankston.vic.gov.au](mailto:info@frankston.vic.gov.au)  
**You will be notified how to pay by return email.**

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**OFFICE USE ONLY – Application for Report and Consent – Non Siting Matters**

Payee Name:

Address:

TOTAL \$

Prepayment Code: AP/RC – 2017 Onwards – Report and Consent