

The following information is provided to assist you with completing and submitting a Report & Consent Application to Council for a request to vary this Building Regulation.

## EXTRACT OF REGULATION

### 80 Walls and carports on boundaries

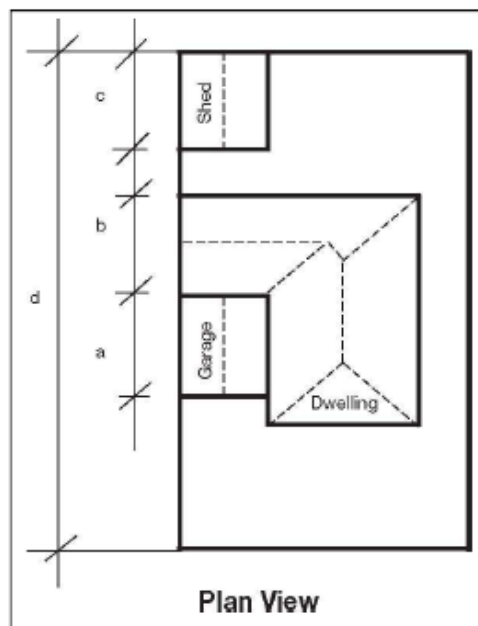
- (1) This regulation applies to the construction of—
  - (a) a wall of a building constructed on or within 200 mm of a side or rear boundary of an allotment; or
  - (b) a carport constructed on or within 1 m of a side or rear boundary of an allotment and which is open on the side facing the boundary or boundaries.
- (2) If—
  - (a) an allotment is in a zone of a planning scheme specified in Schedule 6; and
  - (b) a schedule to that zone specifies the maximum length of the wall, or of the carport, or of the wall and carport, or the maximum of any of those lengths combined with the length of any existing wall or carport— that length must not exceed any such maximum length specified in that schedule.
- (3) If subregulation (2) does not apply, the length of the wall, or of the carport, or of the wall and carport, or any of those lengths combined with the length of any existing wall or carport, must not exceed the greater of the following—
  - (a) the length of any existing wall or carport constructed on an adjoining allotment, which is within 200 mm of the boundary of that allotment, if the proposed construction abuts the existing wall or carport;
  - (b) 10 m plus 25% of the remaining length of the boundary of the adjoining allotment, in any other case.
- (4) The wall or carport must not exceed—
  - (a) an average height of 3.2 m where the average is calculated after excluding any length that is less than 2 m in height; and
  - (b) a maximum height of 3.6 m.
- (5) Despite subregulation (4), if the wall or carport abuts an existing wall or carport it may be constructed to the same height as that wall or carport.
- (6) The report and consent of the relevant council must be obtained to an application for a building permit in relation to a design that does not comply with this regulation

## REGULATION OBJECTIVE

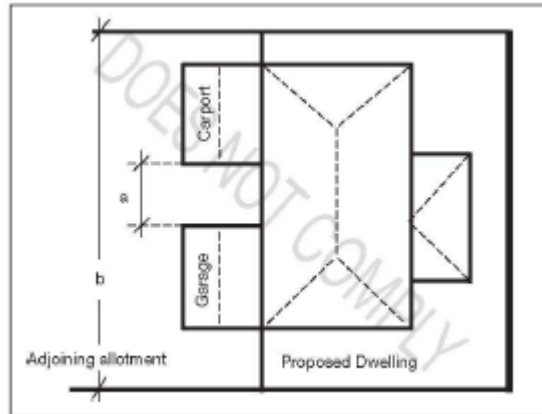
The purpose of this regulation is to protect the amenity of adjoining allotments by restricting the height and length of walls or carports that can be constructed on or within 150mm of a boundary with the adjoining allotment

## REGULATION NOTES

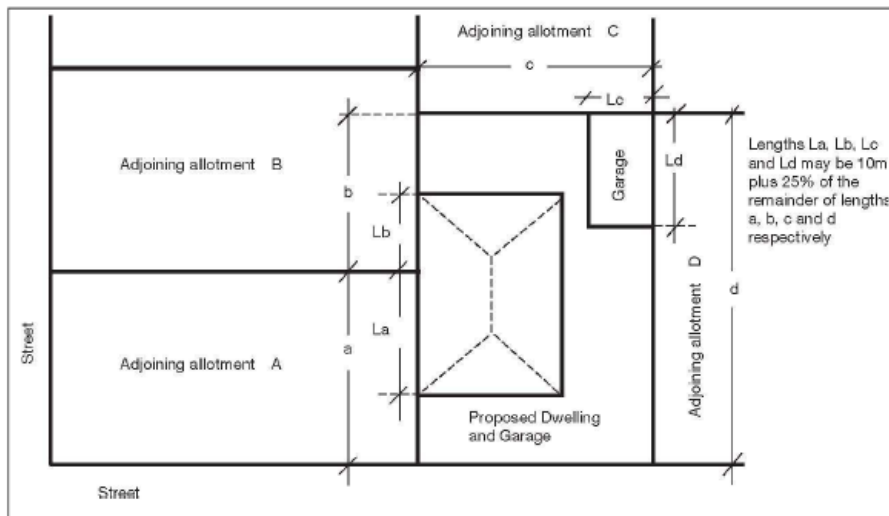
The following diagrams illustrate aspects of regulation 80(3). The maximum allowable length of all walls built on the boundary can be calculated as follows:  $a + b + c + 10 + [0.25 (d-10)]$  where  $d$  = boundary length



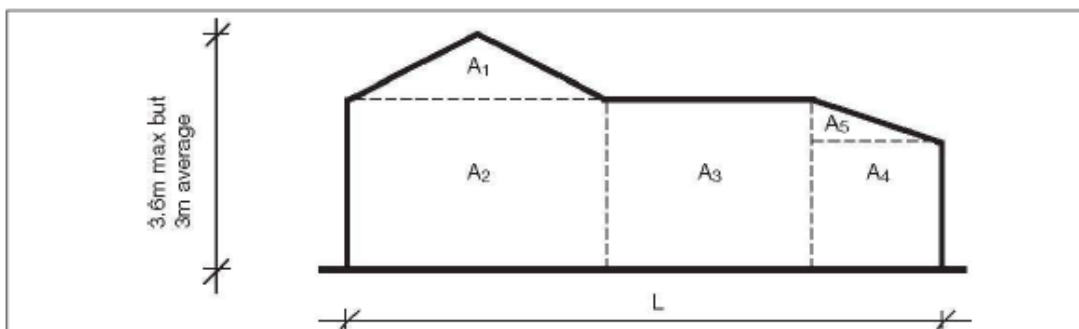
**Regulation 80(3)(A) Length Of Walls On Boundary** - THE PROPOSAL SHOWN BELOW DOES NOT COMPLY  
 The portion of the proposed wall marked (a) is not abutting an existing wall or a carport on an adjoining allotment and the length of the proposed wall is also greater than 10m plus 25% of the remainder of the length of the boundary (b).  
 The proposal requires a consent from the relevant council.



**Regulation 80(3)(B) Walls On Boundaries** - The diagram below shows how regulation 80 relates to that part of the subject boundary as it interfaces with each adjoining allotment



**Regulation 80(4) – Height of walls on boundaries** - The average height of a wall on a boundary is not to exceed 3m. The average height is calculated by dividing the total area of the wall by the total length of the wall.



**Regulation 80(4) Height of Wall Or Carport On Boundary** - The average wall height (HA) can be calculated as follows:  $HA = \frac{A1 + A2 + A3 + A4 + A5}{L}$  where A1 A2 A3 A4 A5 equals the area of that part of the wall.

Despite regulation 80(4), a wall or carport may be built to the same height as an existing wall or carport on an adjoining allotment if it abuts it. This means the proposed and existing wall or carport share the same part of the boundary. See regulation 80(5).

## DECISION GUIDELINES

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with regulation 80 of the Building Regulations 2018, if –

- (a) the location, length and or height of the wall will be appropriate taking into account the prevailing location, length and or height of boundary walls of existing buildings on nearby allotments; or
- (b) the location, length and or height of the wall will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme; or
- (c) the slope of the allotment and or existing retaining walls or fences reduce the effective height of the wall; or
- (d) the wall abuts a side or rear lane; or
- (e) the increased wall height is required to screen a box gutter; or
- (f) the location, length and or height of the wall(s) will not result in a significant impact on the amenity of existing dwellings on nearby allotments; and
- (g) the location, length and height of the wall is consistent with a building envelope that has been approved under a planning scheme or planning permit and or included in an agreement under section 173 of the **Planning and Environment Act 1987**; and
- (h) the location, length and height of the wall is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

Your submission should outline how the proposed works meets the above guidelines. The proposal must meet at least one 'or' statement (not all will be applicable) and all 'and' statements.

Please note meeting these guidelines does not guarantee the Report & Consent will be approved.

## ASSESSMENT CRITERIA

The following criteria will be used for the assessment of your application:

- Adjoining Owners Comments
- Ability to comply with the Regulation
- How the proposal meets the Decision Guidelines

## NOTES:

### WHAT IS A REPORT & CONSENT?

As set out in the **Building Act 1993** (the Act) and the Building Regulations 2018 (the Regulations), a report and consent is the process for consulting with and obtaining the approval of a reporting authority when building work may affect assets, infrastructure or amenity of the community. These include:

- Siting of a dwelling
- Building over an easement
- Building in a flood-prone area
- Fire safety matters
- Electricity sub-stations (only a report)
- Projections beyond street alignment
- Building above or below public facilities
- Precautions over street alignment (unclear)
- Installing or altering a septic tank system.

### WHEN IS A REPORT & CONSENT REQUIRED?

The Act and Regulations provide specific circumstances where a report and consent of reporting authorities is required. Division 3 of Part 4 of the Regulations prescribes the reporting authorities and the matters to be reported on. Regulation 31 refers to Schedule 5 Part 2 which lists the matters that each authority reports on. These regulations are listed on the application form.

### DO I NEED A REPORT & CONSENT IF I HAVE A PLANNING PERMIT?

Where a Planning Application has been assessed for siting, the Planning Scheme overrides the requirement to obtain a Report & Consent. The relevant Regulation will note if this is applicable. Please note not all Planning Permits will assess the siting as this depends on what triggered the need for the Permit. Where a Planning Permit has been issued and siting was not assessed the Siting Regulations must be complied with or a Report & Consent obtained.

### CONSENTING TO AN APPLICATION

A reporting authority may consent to an application as presented or place recommendations on the consent. When placing recommendations on a report and consent the prescribed reporting authority should consider the relevance to the matter being sought the recommendation and whether the RBS can reasonably enforce the recommendation.

The Report & Consent is valid for 12 months after the date of issue. If works have not commenced within this time, Report & Consent must be reapplied for. Where works have commenced within the 12 months, the Report & Consent remains valid for those works

### REFUSAL OF AN APPLICATION

A reporting authority must provide reasons for refusing an application. When a report and consent is refused, an applicant has the right to appeal the reporting authority's decision to the Building Appeals Board (BAB).

Section 144 of the Act allows an appeal to be made against a reporting authorities:

- refusal to consent to an application
- conditions imposed
- failure within a reasonable time to decide an application.

Appeals must be made within 30 days of the date the refusal was issued. An appeal can be lodged with the BAB. An application form and supporting information is to be lodged with the relevant fee. A copy of the application form can be downloaded from the Victorian Building Authority website [www.vba.vic.gov.au](http://www.vba.vic.gov.au) or contact the BAB on (03) 9285 6400.

## REPORT & CONSENT PROCESS

