

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

78 Car parking

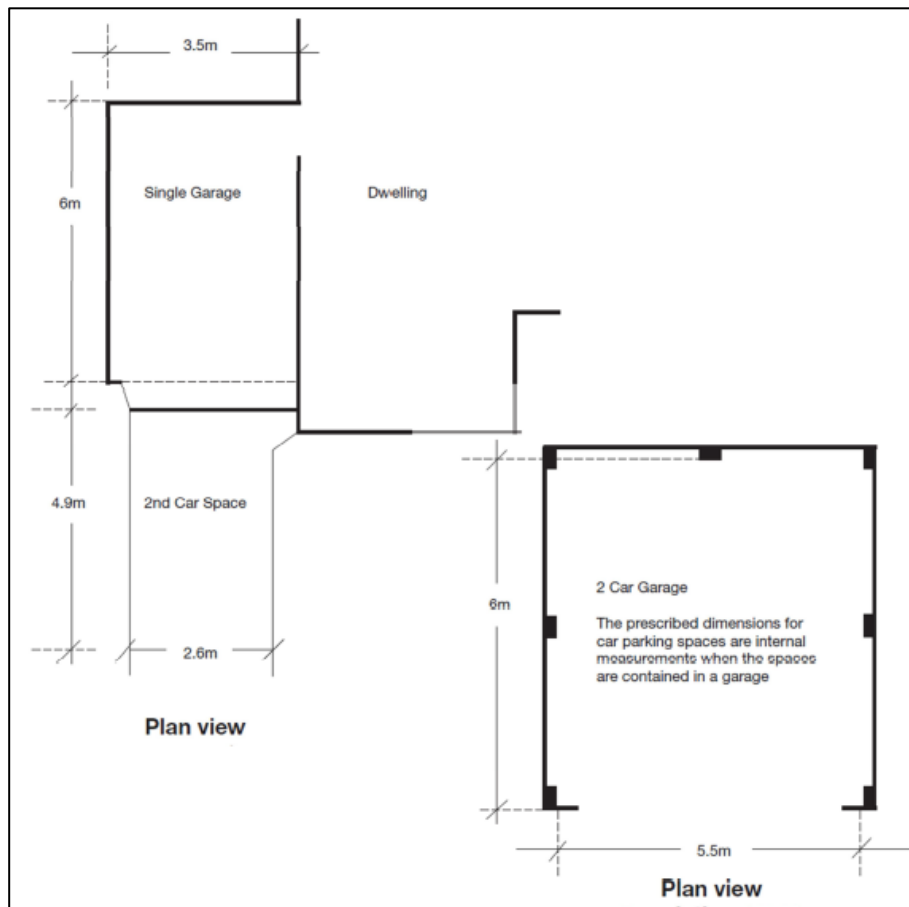
- (1) If a new Class 1 building is to be constructed on an allotment, provision must be made for 2 car parking spaces on the allotment that are accessible from the street.
- (2) Of the 2 required car parking spaces—
 - (a) the first space must be at least 6 m long and 3.5 m wide; and
 - (b) the second space must be at least 4.9 m long and 2.6 m wide.
- (3) A building may project into a car parking space if it is at least 2.1 m above that space.
- (4) Despite subregulation (2), if the 2 required car parking spaces adjoin each other in a garage or carport or in a space constrained by walls, the total space may be 5.5 m in width.
- (5) An alteration to a building on an allotment must not reduce the number of car parking spaces on the allotment unless there are more than 2 car parking spaces on the allotment, in which case the number of car parking spaces may be reduced to 2.
- (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 ensure new dwellings have adequate on-site car parking

REGULATION NOTES

Car parking spaces can be nominated anywhere on an allotment however a complying car parking space must be accessible from the street and be fully contained within the allotment. If the spaces are within a structure the dimensions are to be taken as the internal dimensions of that structure



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 78 of the Building Regulations 2018, if –

- (a) the anticipated residents are likely to generate a lesser demand for car parking; or
- (b) the provision of car parking on the allotment would reduce the on-street car parking by equal to or more than the number of car parking spaces that would be provided on the allotment; or
- (c) the dimensions of the allotment provide insufficient width and/or depth to enable the provision of the required car parking on the allotment; or
- (d) the location of existing development on the allotment provides insufficient width and/or depth to enable the provision of the required car parking on the allotment; or
- (e) the availability of public transport and on-street parking would lessen the demand for car parking on the allotment; and
- (f) the provision of car parking is consistent with any relevant local planning policy or parking precinct plan 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:

- 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 or contact the BAB on (03) 9285 6400.

REPORT & CONSENT PROCESS

