

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**

### **PART 6—PROJECTIONS BEYOND STREET ALIGNMENT**

#### **98 Projections beyond street alignment**

Except where otherwise provided in this Part, a building must not project beyond the street alignment.

#### **99 Architectural features—narrow street**

- (1) An architectural feature of a building on a narrow street must not project beyond the street alignment.
- (2) Despite subregulation (1), an architectural feature may project beyond a narrow street no more than 240 mm horizontally beyond the street alignment and at a height of at least 2.7 m above the level of the street if—
  - (a) any footpath or kerb forming part of the street is not more than 240 mm in height above the street level; and
  - (b) the architectural feature is constructed from non-combustible material.

#### **100 Architectural features—medium street**

An architectural feature of a building on a medium street must not project beyond the street alignment unless the architectural feature—

- (a) projects no more than 600 mm horizontally beyond the street alignment; and
- (b) is at least—
  - (i) 5 m in height above any part of the street that may be used by a motor vehicle; or
  - (ii) 2.7 m in height above the level of the street in any other case; and
- (c) is constructed from non-combustible material.

#### **101 Architectural features—wide street**

An architectural feature of a building on a wide street must not project beyond the street alignment unless the architectural feature—

- (a) projects no more than 1.2 m horizontally beyond the street alignment; and
- (b) is at least—
  - (i) 5 m in height above any part of the street that may be used by a motor vehicle; or
  - (ii) 2.7 m in height above the level of the street in any other case; and
- (c) is constructed from non-combustible material.

#### **102 Windows and balconies**

- (1) A window or balcony must not project beyond the street alignment—
  - (a) of a narrow street; or
  - (b) of a medium street.
- (2) A window or balcony must not project beyond the street alignment of a wide street—
  - (a) more than 1 m horizontally; and
  - (b) at a height less than—
    - (i) 5 m above any part of the street that may be used by a motor vehicle; or
    - (ii) 3 m above the level of the street in any other case; and
  - (c) within 1.2 m of the side boundary of an adjoining allotment.

#### **103 Verandahs**

A verandah must not project beyond the street alignment unless the verandah—

- (a) is set back at least 750 mm from the kerb; and
- (b) is at a height of at least 3 m above the level of the street.

#### **104 Sunblinds and awnings**

A sunblind or awning must not project beyond the street alignment—

- (a) more than 2.4 m horizontally; and
- (b) at any height less than—
  - (i) 5 m above any part of the street that may be used by a motor vehicle; or
  - (ii) 2.4 m above the level of the street in any other case.

#### **105 Service pipes, rainwater heads and service installations**

A service pipe, rainwater head or service installation must not project beyond the street alignment—

- (a) more than 200 mm horizontally in the case of a service pipe; and
- (b) more than 300 mm horizontally in the case of a rainwater head or service installation; and
- (c) at any height less than 2.7 m above the level of the street.

## 106 Window shutters

Window shutters may project horizontally not more than 50 mm beyond the street alignment when in the fully open position.

## 107 Signs

A sign or similar Class 10b structure must not project beyond the street alignment unless the sign or structure—

- (a) is set back at least 750 mm from the kerb; and
- (b) is at a height of at least 2.7 m above the level of the street.

## 108 Service cabinet doors

- (1) A service cabinet door must not project beyond the street alignment more than 600 mm when in the fully open position.
- (2) In this regulation, **service cabinet** means a cabinet or cupboard containing a meter, electrical equipment, water connections, fire equipment or other similar equipment.

## 109 Report and consent required

- (1) The report and consent of the relevant council must be obtained to an application for a building permit to construct any of the following parts of a building if the part projects beyond the street alignment at a different height or distance to that specified in this Part—
  - (a) an architectural feature;
  - (b) a window;
  - (c) a balcony;
  - (d) a verandah;
  - (e) a sunblind;
  - (f) an awning;
  - (g) a service pipe;
  - (h) a rainwater head;
  - (i) a service installation;
  - (j) a window shutter;
  - (k) a sign or similar Class 10b structure;
  - (l) a service cabinet door.
- (2) The report and consent of the relevant council must be obtained to an application for a building permit to construct a building if any part of the building not specified in subregulation (1) would project beyond the street alignment.
- (3) The relevant council may give its consent under subregulation (1) or (2) if it considers that the projection of the part of the building beyond the street alignment will not be detrimental to the safety of the public.
- (4) Despite subregulations (1) and (2), the report and consent of the relevant council under subregulation (1) or (2) need not be obtained to an application for a building permit if—
  - (a) a planning permit is required for the construction of the building; and
  - (b) the relevant planning scheme regulates the projection of part of a building beyond the street alignment of the same class of part of building referred to in subregulation (3).

## 110 Footings adjoining boundaries are permissible

- (1) A footing may support a party wall.
- (2) A footing may extend beyond the boundaries of a street alignment—
  - (a) to a distance of not more than 300 mm if the highest projecting part of the footing is at a depth of at least 450 mm but less than 3 m below the level of the street; or
  - (b) to a distance of not more than 1 m if the highest projecting part of the footing is at a depth of at least 3 m below the level of the street.

## DECISION GUIDELINES

The following information should be outlined on your submission form as part of your application:

- Why you cannot comply with the regulation
- Why you wish to construct the works over the street boundary

## ASSESSMENT CRITERIA

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

- Ability to comply with the Regulation
- Referral to Council's Infrastructure Department
- Intended purpose of the proposed works

## 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

