

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

87 Siting of Class 10a buildings

- (1) A Class 10a building that is appurtenant to a building of another class must be on the same allotment as the building of the other class unless the Class 10a building is approved under the **Subdivision Act 1988** or any corresponding previous enactments.
- (2) The report and consent of the relevant council must be obtained to an application for a building permit for the construction of a building that does not comply with this regulation

REGULATION OBJECTIVE

To restrict the construction of sheds and garages on vacant allotments that may be used for habitable purposes
To prohibit the retention of non-complying outbuildings when dwellings are demolished

DECISION GUIDELINES

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

- Why you wish to construct the shed on vacant land
- The intended use of the shed
- Proposed timeline to construct a dwelling on the property

ASSESSMENT CRITERIA

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

- Current Planning or Building Permit for the construction of a dwelling
- Allowable use or development under the Colac Otway Planning Scheme
- Intended use of building

Please contact Council's Planning Department prior to submitting an application for Report & Consent to determine if you can have a Class 10a building on vacant land under the Planning Scheme, a 'store' may not be allowable on vacant land and therefore consent could not be granted.

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

