

REPORT AND CONSENT APPLICATION – REGULATION 74A

(BUILDING REGULATIONS 2018, PART 5)

Step 1. Please provide the property details

Street no.		Street name		
Suburb			Post code	
Lot no.		LP/PS		

Step 2. Are you the owner of the property?

- Yes No (Please attach a completed agent authorisation form.)

Step 3. Please provide a brief description of the project

Step 4. Applicant Details (All correspondence will be sent to Applicant)

Company				
Name				
Postal Address				
Mobile		Email		

Step 5. Property Owner Details

Company				
Name				
Postal Address				
Mobile		Email		

Step 6. Please provide details of the Relevant Building Surveyor (RBS)

RBS Name & Registration number			
Company name			
Postal Address			
Mobile		Email	

Step 7. Ensure you have attached the following documents

- Fully completed application form.
- Agent authorisation form. (If required, see page 4)
- A copy of the title not more than 6 months old and in the current owner/s name/s
- A copy of the plan of subdivision and any restrictive covenants on the title. For example: Section 173 Agreements.
- 1 copy of the site plan per regulation. (Scale not less than 1:500)
- 1 copy of the architectural drawings per regulation e.g. floor plan and elevations. (Scale not less than 1:100)
- Fully completed adjoining owner comment forms and signed copies of the plans. (If required)

Note: You must provide Council with evidence that you have given adjoining property owners the opportunity to comment on the proposed variations. If you are unable to directly contact the adjoining property owner, you can source their details via the [City of Ballarat website](#) for report and consent purposes.

You will need to provide evidence to Council that the plans and comment form have been served to the adjoining owner by registered post. This means providing copies of the documents served and tracking details to Council.

Step 8. Complete this declaration

- I confirm that a Building Permit has not been issued for any work that relates to this application.
- I confirm that building work has not commenced in relation to the building/structure.
- I confirm that the information contained within this application is true and correct.
- I understand that it is an offence to provide false or misleading information under Section 246 of the Building Act 1993.

Your signature		Date	
Company name			
Your full name			

Step 9. Return this form and the required documents via one of the methods below

- Save and email this Word document to building@ballarat.vic.gov.au
We will e-mail you out a schedule of fees to pay online, or
- Print this form and bring it into The Phoenix Building 25 Armstrong St Sth, Ballarat. You will be able to pay over the counter from 8.15am – 5pm Monday to Friday

Step 10. The 2024/25 payable fee is \$448.30 per Regulation you are applying to vary

Office use only (PP/BPA) 2024/25

Receipt number	
Date received	

FAQs

1. Fees for report and consent applications are set by legislation and are not refundable regardless of the outcome of your application.
2. Fees are payable per Regulation you are applying to vary.
3. The Relevant Building Surveyor (RBS), appointed to issue the building permit is the appropriate person to determine whether Report and Consent is required. Council suggests the plans be fully assessed by the RBS prior to making an application.
4. A Report and Consent application is subject to assessment in accordance with Section 188 of the Building Act 1993. Further information may be requested by Council to assist in making a decision regarding this application.
5. Council does not have the statutory power to issue a Report and Consent after a Building Permit has been issued for the building work and/or after the building work has commenced.
6. Minister Guidelines M/G 12 are available from the [VBA website](#) to assist in addressing the details of your variation.
7. The minimum response time for an application is 3 weeks.

Note: Your personal information is being collected by City of Ballarat for the purpose of your processing your Report and Consent application in accordance with the *Building Act 1993*. Your information will be stored in Council's Customer Database and used to identify you when communicating with Council and for the delivery of services and information. For further information on how your personal information is handled, refer to Council's Privacy Policy at www.ballarat.vic.gov.au

AUTHORISING SOMEONE TO ACT ON YOUR BEHALF

(AGENT AUTHORISATION UNDER SECTION 240 & 248 OF THE BUILDING ACT 1993)

Step 1. Which property do you want this authorisation to apply to?

Street no.		Street name		
Suburb			Post code	
Lot no.		LP/PS		

Step 2. Who are you authorising?

Company			
Name			
Postal Address			
Mobile		Email	

Step 3. In relation to the above property, what are you authorising this agent to do?

- Access archived building permit documents
- Act on my behalf for a Report and Consent application
- Act on my behalf in relation to any Building Notice or Building Order
- Act on my behalf for the purpose of making any application, appeal or referral under the Building Act
- To make representations and act on my behalf regarding an application to resolve illegal building works

Step 4. Please provide your details and signature

Your signature		Date	Click or tap to enter a date.
Your full name			
Postal Address			
Mobile		Email	

DETAILS OF YOUR VARIATION

Regulation 74A – Building setback for small second dwellings does not comply

Step 1. Please provide the details of your variation

Proposed setback (small dwelling) _____

Required setback (front wall of primary dwelling) _____

Adjoining setbacks _____ & _____

Step 2. Please provide reasons to support your request.

Note: Council’s approval of a variation is determined by its compliance with the Minister’s Guidelines. The fields below address each of the decision guidelines that Council must consider in deciding whether to approve or refuse your variation request.

The objective of Regulation 74A is to ensure that small second dwellings are sited to respect the existing or preferred neighbourhood character.

Please provide your reasoning on how your variation will meet **ALL** of the following three (3) criteria:

- a) The setback is consistent with a building envelope, if one has been approved under a planning scheme or planning permit and or specified in an agreement under section 173 of the *Planning and Environment Act 1987*.

- b) The setback will not result in a disruption of the streetscape.

- c) The setback is consistent with any relevant neighbourhood character objective, policy or statement set out in the relevant planning scheme.

AND at least **one** of the following criteria:

- d) The setback of the small second dwelling from the side street will be more appropriate taking into account the prevailing setback within the street; or



- e) The setback of the small second dwelling from the side street will be more appropriate taking into account the preferred character of the area, where it has been identified in the relevant planning scheme; or

- f) The siting of the small second dwelling is constrained by the shape and or dimensions of the allotment; or

- g) The siting of the small second dwelling is constrained by the slope of the allotment or other conditions on the allotment; or

- h) There is a need to decrease the setback to maximise solar access to habitable room windows and or private open space; or

- i) The setback will be more appropriate

Step 3. Impacted adjoining property owners must be consulted as part of a Report and Consent Application for this regulation.

Download as many [Adjoining owner/s comment forms](#) as required from our website. Make sure you complete the 'Details and location of proposed building works' table at the top of the form. You will need to supply the adjoining owner/s with the partially completed comment form and copies of the plans of your proposed building works.

You can request adjoining property owner details through the [City of Ballarat Website](#) for Report and Consent purposes.

We recommend you send the comment form and plans via registered post. You can then provide The City of Ballarat with a copy of the documents to the adjoining owner and the registered post tracking details as part of your application. This will serve as proof of attempt to consult.

Note: The documents must be signed by the legal property owner, tenants are not legal property owners.



ADJOINING OWNER/S COMMENT FORM

(BUILDING REGULATIONS 2018, PART 5)

Q. Why am I receiving this form?

A. An adjoining property owner is applying to the City of Ballarat to vary a Building Regulation for siting under Part 5 of the Building Regulations 2018.

Under Section 188 of the Building Act 1993, Council must provide adjoining property owners with an opportunity to view the plans and provide comment regarding a proposal that may impact them.

Please work through the steps below to be consulted regarding this application.

Step 1. Review the details in the table below

The details below have been provided by the applicant applying for Council Report and Consent and will help inform you about the impact to your property.

Details and location of proposed building works (Applicant to complete)			
Street No.		Street Name	
Suburb		Post code	
Nominate which Building Regulation/s			
Briefly describe the variation....			
Why are you applying to vary....?			
I have attached the following plans...			

Step 2. View and sign the provided plans

Make sure you have been provided with all the plans listed in the proposed building work section above. Review and sign each plan, even if you object. This way we can check you have been provided with the same information as Council.

We suggest you keep a copy of the plans and this document for your records.

Step 3. Do you consent or object to the proposed siting variation/s.

I/we, being the affected adjoining property owners, have viewed the plans and documentation of this application to variation to the Building Regulations 2018, and

- I/we **consent** to the proposed siting variation/s.
- I/we **object**** to the proposed siting variation/s.

All objections must provide details of the reasons for the objection to the siting variation:

**For your objection to be considered, this comment form and the signed plans must be returned within 10 business days of receipt and be signed by the legal owner of the impacted property.

Note: All comments received by Council are given due consideration as part of the decision-making process. The fact that an adjoining owner objects does not compel Council to refuse an application. Council will carefully consider the application against the Minister's Guidelines, site conditions and other factors.

Notification of the City of Ballarat's decision will not be conveyed to adjoining owners.

Step 4. Complete the declaration below

Declaration			
I declare that I am the legal owner of the affected property listed below and I am aware that the proposed works are designed outside of the siting requirements prescribed by the nominated Regulation/s of the Building Regulations 2018.			
Your signature		Date	Click or tap to enter a date.
Your full name			
Your impacted property address			

Step 5. Return a copy of this form and the signed plans via one of the methods below

- Scan and email the documents to building@ballarat.vic.gov.au or
- Bring the documents into The Phoenix Building 25 Armstrong St Sth, Ballarat from 8.15am – 5pm Monday to Friday
- Alternatively, you may have been provided with a reply-paid envelope or the applicant may return them for you.

Note: Your personal information is being collected by City of Ballarat for the purpose of collecting property owner comments for a Report and Consent application in accordance with the Building Act 1993. Your information will be stored in Council's Customer Database and used to identify you when communicating with Council and for the delivery of services and information. For further information on how your personal information is handled, refer to Council's Privacy Policy at www.ballarat.vic.gov.au