

# INFORMATION SHEET – APPLICATIONS FOR COUNCIL REPORT & CONSENT

## Building Act 1993 and Building Regulations 2018 – Applications for Council Report and Consent

Subject to Schedule 2 of the Building Act 1993, the relevant building surveyor must not decide an application for a permit that is required by the Act or the Building Regulations or by any other Act or Regulations to be reported on, or consented to, by a reporting authority unless the report or consent has been obtained.

Information to be included with application for Council Report & Consent		Tick
1	Fee (as listed on the application sheet)	
2	Up-to-date, clear copy of Certificate of Title, including plan of subdivision	
3	Proof of Ownership for the allotment	
4	A complete written explanation of the reasons for seeking the variation	
5	Written comments from any adjacent affected property owners where applicable. (Note: Under Schedule 2 Clause 4A(2) & Ministers Guideline MG/03 Council may be required to notify nearby property owners who may be detrimentally affected, regardless of any comments that are received with the application)	
6	Two (2) copies of the building permit application documents and plans relating to the matter for which report & consent is sought – as a minimum this will include site plan, floor plan & elevations, certificate of title & title plan	
7	A complete copy of any other authorities approval for the variation, if applicable	

### Design Considerations

Council as the reporting authority may require an applicant to provide additional information or documents, or amend the application before the reporting authority considers the application.

1. The prescribed time within which Council as the reporting authority must decide an application for a permit:
  - (a) ceases to run at the time when any request is made to the applicant to provide additional information or documents or amend the application; and
  - (b) recommences only when the information, documents or amended application are supplied to the Council as the reporting authority.
2. **Application may be refused if information not provided**
  - (a) If additional information or a document or an amended application required to be supplied by an applicant is not supplied within the time specified by Council as the reporting authority, Council may refuse the application.

### Design Documents

The applicant (relevant building surveyor, owner, developer, architect / draftsman) for report & consent must ensure that where necessary, the information listed in the table above is submitted with any application referred to Council. If such information is not present or is inaccurate, the applicant should be aware that Council may,

- (1) request further information be submitted to enable determination of the application; or
- (2) refuse consent (where such information is clearly necessary and not supplied to enable the determination to be made); or
- (3) result in a flawed decision being made – for which the applicant may be accountable and may lead to a revocation of any consent that relied on the information supplied. If revoked the relevant building surveyor who relied on any such consent would also have to revoke any building permit issued that relied on the report & consent for which flawed information was supplied.

Council advises that any applicant should make themselves aware of the relevant regulations and guidelines or use a suitably experienced advisor / consultant / relevant building surveyor.

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## Notification to Affected Owners

Clause 4A of Schedule 2 of the Building Act requires that Council as the reporting authority, in reporting on, or considering whether to consent to, the application:

- (a) must have regard to the guidelines in force under Section 188A of the Building Act; and
- (b) if in the opinion of Council as the reporting authority the application may result in a nearby allotment suffering detriment, it must give the owner of the allotment an opportunity to make a submission in respect of the possible detriment; and
- (c) must consider any submission made; and
- (d) must refuse to give its consent to the application if the application does not comply with any matter set out in those guidelines.

## Decision Time Frame

Pursuant to Regulation 34(1)(a)(i) of the Building Regulations 2018 the time after receipt of a copy of an application for the reporting authority to report on or consent to an application relating to a single dwelling under clause 6 of Schedule 2 of the Act if consent and report is required in relation to a matter referred to in Part 4 is 15 business days.

Although Council will endeavour to meet the above time limit, it may not be met particularly where Council seeks submissions from adjoining owners. Please consult with Council as to time frames at time of referral.

An owner has rights of appeal to the Building Appeals Board 1300 421 082 - including (within 30 days) - any:

- requirement of a reporting authority to give more information or amend a permit application (s138 of Building Act)
- the determination or exercise of discretion, or
- failure within a reasonable time to make a determination or exercise that discretion (s144 of Building Act).

Loddon Shire Council

41 High Street, Wedderburn, Victoria

PO Box 21, Wedderburn, Vic 3518

Telephone: (03) 5494 1200 Facsimile: (03) 5494 3003

Email: [loddon@loddon.vic.gov.au](mailto:loddon@loddon.vic.gov.au)

Web: [www.loddon.vic.gov.au](http://www.loddon.vic.gov.au)

## Privacy statement

Personal information collected by Council is held securely and used in accordance with the Privacy and Data Protection Act 2014. Council may disclose this information to other organisations if required or permitted by legislation. Should you wish to access or modify this information, please contact Council on (03) 5494 1200 or email [loddon@loddon.vic.gov.au](mailto:loddon@loddon.vic.gov.au)