



Victoria Government Gazette

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SPECIAL

Building Act 1993

BUILDING PERMIT AND PLANNING PERMIT CONSISTENCY

I, John Thwaites, Minister for Planning, issue the following Guideline under section 188(1)(c) of the **Building Act 1993** ("the Act") concerning the functions of municipal building surveyors and private building surveyors and section 24(1) of the Act. Section 188(7) of the Act provides that municipal building surveyors and private building surveyors must have regard to a relevant guideline in carrying out a function under the Act.

1. Section 24(1) and purpose of this Guideline

Section 24(1) of the Act integrates the operation of the building and planning systems by requiring the relevant building surveyor to be satisfied that any relevant planning permit or other prescribed approval that may be required for proposed building work has been obtained and that the building permit to be issued for the proposed building work will be consistent with any relevant planning permit or prescribed approval, before the building permit is issued.

The purpose of this Guideline is to set out a procedure to be followed by municipal building surveyors and private building surveyors in deciding an application for a building permit where the building surveyor must determine:

- (a) whether any relevant planning permit or other prescribed approval has been obtained; and
- (b) whether the proposed building work will be consistent with any relevant planning permit or prescribed approval.

2. Commencement

This Guideline comes into operation on 1 November 2000.

3. Determining whether a relevant planning permit has been obtained

To establish whether any relevant planning permit or other prescribed approval is required or has been obtained in relation to the proposed building work, the relevant building surveyor should take one or more of the following steps as may be appropriate in the circumstances:

- (a) obtain a copy of any relevant planning permit or prescribed approval applying to the proposed building work from the owner;
- (b) refer to the relevant planning scheme;
- (c) make an inquiry in writing to the relevant municipal council;
- (d) obtain independent professional advice from a person experienced in advising on planning schemes and the requirement for planning permits; or
- (e) obtain a Certificate of Compliance under Part 4A of the **Planning and Environment Act 1987** from the responsible authority.

4. Determining whether the building permit will be consistent with the planning permit

- (1) If a planning permit is required for the proposed building work and has been obtained, the relevant building surveyor should obtain copies¹ of the following:

- (a) the planning permit;
- (b) the plans endorsed by the responsible authority as part of that planning permit; and
- (c) any documents referred to in the planning permit (including plans, reports, drawings, plans of subdivision or agreements under section 173 of the **Planning and Environment Act 1987**).

1. The building surveyor should endeavour to obtain a copy of the documentation from the owner, or other person who obtained the permit. Only if the owner or other person can not provide this documentation should the responsible authority be asked to provide a copy.

- (2) In determining whether the building permit will be consistent with the planning permit, the relevant building surveyor should:
- (a) compare the plans lodged with the application for the building permit with those plans endorsed by the responsible authority as part of the planning permit and any documents referred to in the planning permit that have a direct bearing on the proposed building permit, to ensure that they are consistent; and
 - (b) confirm that all planning permit conditions relevant to the building permit that are required to be completed prior to commencement of the development have been complied with.
- (3) The relevant building surveyor's assessment of consistency between the building permit and the relevant planning permit should include (but not be limited to) consideration of:–
- (a) the height, area, form and configuration of the proposed building work or any part of the building work;
 - (b) the location of the proposed building on the land, including setbacks from boundaries;
 - (c) the location of windows, doors, and privacy screens;
 - (d) any conditions of the planning permit that have specific construction requirements or that require specification construction details; and
 - (e) the proposed use of the building work.

5. Amending a building permit

This Guideline should be applied by a relevant building surveyor in considering any proposal to amend a building permit.

HON JOHN THWAITES MP
Minister for Planning

Planning and Environment (Amendment) Act 2000
PROCLAMATION OF COMMENCEMENT

I, James Gobbo, Governor of Victoria, with the advice of the Executive Council and under section 2(2) of the **Planning and Environment (Amendment) Act 2000**, fix 1 November 2000 as the day on which Part 3 of that Act comes into operation.

Given under my hand and the seal of Victoria on 31 October 2000

(L.S.)

JAMES GOBBO
Governor
By His Excellency's Command

JOHN THWAITES
Minister for Planning

Crown Land (Reserves) Act 1978

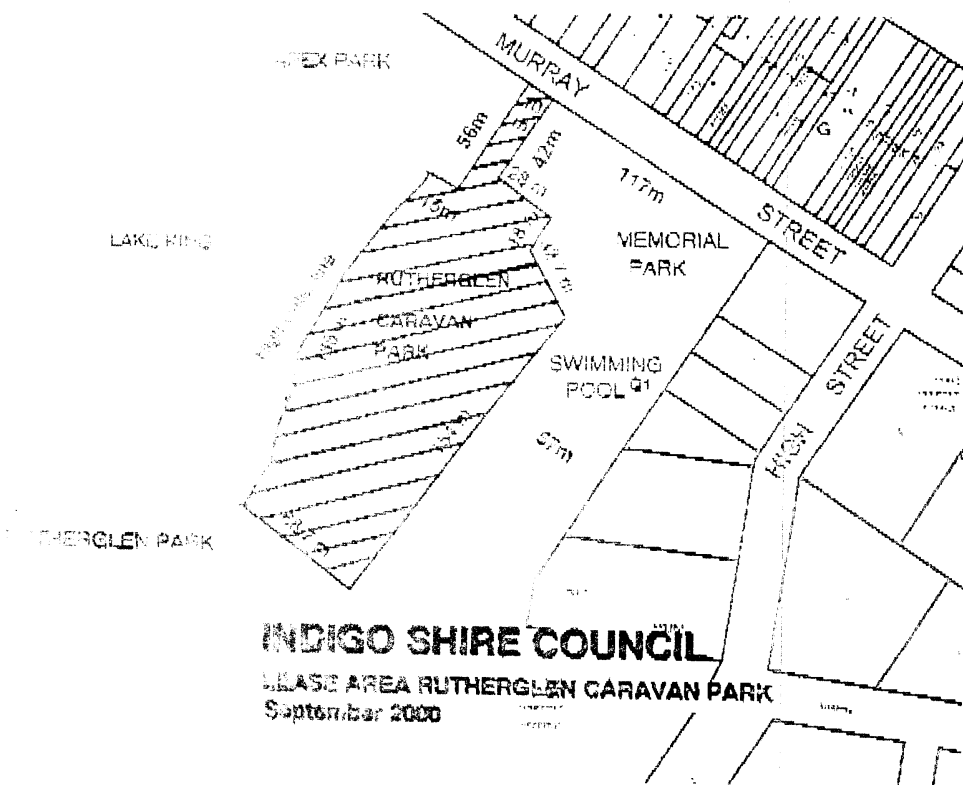
ORDER STATING INTENTION TO GRANT LEASE

Under Sections 17D and 17DA of the **Crown Land (Reserves) Act 1978**, I Sherryl Garbutt, Minister for Environment and Conservation, being satisfied that there are special reasons which make granting a lease reasonable and appropriate in the particular circumstances and to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**, approve the granting of a lease for the purposes of a caravan park by Indigo Shire Council to 05 Home Drive Pty Ltd, ACN 050 200 265, over the area of Crown land described in the Schedule below and, in accordance with Section 17D(3)(a) of the **Crown Land (Reserves) Act 1978**, state that –

- (a) there are special reasons which make granting the lease reasonable and appropriate in the particular circumstances; and
- (b) to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**.

SCHEDULE

The land shown by hatching on attached plan being the whole/part of the area known as Rutherglen Caravan Park temporarily reserved for Public Park and Public Recreation Purposes the Township of Rutherglen by Order in Council of 11 May 1954 and 28 November 1961 published in the Government Gazette 1954, page 3394 and Government Gazette 1961 page 4206.



Dated 31 October 2000

SHERRYL GARBUTT, MP
Minister for Environment
and Conservation

Education Act 1958

NOTICE OF MAKING OF AN ORDER UNDER SECTION 13

An Order of the Minister for Education was made on 31 October 2000 under sections 13(4) and 13(11) of the **Education Act 1958** removing one person as a member of the Blackburn High School Council and providing for an extraordinary school council election to be completed within six weeks from the date of publication of this notice for one Parent member position on the School Council.

MARY DELAHUNTY
Minister for Education

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