

### **Legislative Provision 77**

- (1) If –
- (a) an allotment is in a zone of a planning scheme specified in Schedule 6 and
  - (b) a schedule to that zone specifies that an allotment must have a minimum area of permeable surfaces –
- the amount of the allotment that must have a permeable surface must not be less than the minimum area of permeability specified in that schedule.
- (2) If subregulation (1) does not apply, and if a building is to be constructed on an allotment, at least 20% of the area of the allotment must have permeable surface.

### **Minister's Guidelines**

#### **Objective**

To reduce the impact of increased stormwater run-off on the drainage system and to facilitate onsite stormwater infiltration.

#### **Decision Guidelines**

The reporting authority may give its consent to an application for a building permit for a single dwelling, which does not comply with regulation 77 of the Building Regulations 2018, if –

- (a) the amount of impermeable surfaces would be consistent with that of existing development on the allotment, if applicable; or
- (b) the capacity of the drainage network servicing the allotment is able to accommodate the additional stormwater that the development will cause; or
- (c) on-site stormwater retention is able to accommodate the additional stormwater that the development will cause.

## **Information Required**

An application to Council for report and consent for Regulation 77 must include:

- An application must be applied for via Council's portal along with payment of the application fee.
- A site plan showing all existing buildings, the location of the proposed work and details of nearby buildings on the adjoining properties (scale 1:200).
- Elevations showing existing and proposed buildings (scale 1:100).
- The location and extent of the noncompliance with the regulations must be clearly shown on the plans and all relevant details and dimensions must be provided.
- A full copy of title including a plan and a copy of any covenants or agreements listed on the title.
- A written submission giving supporting reasons for the dispensation to be granted. A response in writing to each of the Minister's Guidelines that are applicable.

BLD0248 - Last Updated - 01/02/2021

293 Springvale Road (PO Box 1) Glen Waverley VIC 3150 **Web** [www.monash.vic.gov.au](http://www.monash.vic.gov.au) **Email** [mail@monash.vic.gov.au](mailto:mail@monash.vic.gov.au)

**T** (03) 9518 3555 **National Relay Service** (for the hearing and speech impaired) 1800 555 660

**Language Assist** 普通话 9321 5485 Ελληνικά 9321 5482 廣東話 9321 5481 සිංහල 7005 3002 Italiano 9321 5483  
Bahasa Indonesia 7005 3001 Việt Ngữ 9321 5487 தமிழ் 7005 3003 한국어 9321 5484 हिंदी 7005 3000