



Victoria Government Gazette

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Building Act 1993

MINISTER'S GUIDELINE MG-03: INVOLVEMENT OF ADJOINING OWNERS IN SITING APPEALS

Authorising provision

I, Harriet Shing MP, Minister for Housing and Building and Minister responsible for administering the **Building Act 1993**, issue this Guideline under section 188(1)(c) of that Act.

Section 188(7) of the **Building Act 1993** provides that a municipal building surveyor must have regard to this Guideline in carrying out their functions.

Commencement

This Guideline commences operation on the date it is published in the Victoria Government Gazette.

Revocation of previous Guideline

The Minister's Guideline *MG-03 Involvement of adjoining owners in siting appeals* published in Victoria Government Gazette No. S 118 dated 22 June 2005 is revoked.

Involvement of adjoining owner in application for reduction in setback requirements

Where a building permit application seeking a reduction in the setback requirements of Part 5 of the Building Regulations 2018 requires a report and consent by the relevant council, the municipal building surveyor preparing the council's report is hereby required to seek the views of the relevant adjoining owner prior to the council issuing its consent.

If an adjoining owner objects to the proposal, and the objection is not considered frivolous, the municipal building surveyor in preparing the council's report and the municipal council in deciding the issues should bear in mind that refusal would create the situation where the applicant may lodge an appeal to the Building Appeals Board, and that this gives the affected adjoining owner the opportunity to appear as a witness of the municipal council at the appeal.

Dated 21 August 2025

HON. HARRIET SHING MP
Minister for Housing and Building

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