



# Victoria Government Gazette

No. S 170 Wednesday 17 October  
By Authority. Victorian Government Printer

**SPECIAL**

## Subordinate Legislation Act 1994

### REGULATORY IMPACT STATEMENT

#### Building (Single Dwellings) Regulations 2001

Notice is given in accordance with section 11 of the **Subordinate Legislation Act 1994**, that a Regulatory Impact Statement (RIS) has been prepared in relation to the Building (Single Dwellings) Regulations 2001.

In December 1999, the Minister for Planning released the Government's 'State Planning Agenda, A Sensible Balance'. The Agenda introduced the Government's commitment to making the requirements for residential development in Victoria more certain, more locally responsive and more user friendly. A major initiative identified in the Agenda was the preparation of a new Residential Code for all forms of housing.

A draft Residential Code was released for public comment and led to extensive community and stakeholder consultation, followed by the appointment of an Advisory Committee and subsequent release of the Advisory Committee's Report. On the 24 May 2001, the Minister for Planning announced the Government's response to the Advisory Committee's Report. The Government accepted the main thrust of the report that recommended replacing the existing residential codes, the Victorian Code for Residential Development – Subdivision and Single Dwellings (VicCode 1) and the Good Design Guide for Medium Density Housing (GDG). Another of the recommendations was that the construction of a single dwelling on an allotment should not ordinarily be subject to the requirement of obtaining a planning permit.

The former siting controls of the Building Regulations 1994, relied on reference to certain Performance Requirements and Elements adopted under VicCode 1. On 24 August 2001, all planning schemes adopted new residential clauses resulting from the draft Residential Code and subsequent community and stakeholder consultation. The Building (Single Dwellings) (Interim) Regulations 2001 also came into operation on that date and applied consistent standards to a single dwelling on an allotment where a planning permit that regulates

siting is not required.

The proposed Building (Single Dwellings) Regulations 2001, apart from some fine-tuning, would essentially be the same regulations as the interim regulations. Since an RIS was not prepared for the interim regulations, the RIS compares the proposed regulations with those that existed prior to 24 August 2001.

The proposed statutory rule, the Building (Single Dwellings) Regulations 2001, substitutes Part 4 of the Building Regulations 1994 and would apply to a single dwelling on an allotment where a planning permit that regulates siting is not required. They provide for proposed siting requirements that are consistent with the new residential siting provisions of the Victorian Planning Provisions and aim to improve the consistency, efficiency and effectiveness of building control within the spirit of the **Building Act 1993**.

The proposed regulations have the objective of:

- (a) prescribing requirements for the siting and design of single dwellings and associated buildings; and
- (b) generally improving the operation of the Building Regulations 1994 (as amended).

The proposed regulations address similar siting requirements as contained in the former Part 4 of the Building Regulations 1994 and also introduce new siting requirements that relate to overlooking, overshadowing, protection of existing north facing windows and private open space.

The RIS concludes that the proposed regulatory amendments are the most efficient mechanism to achieve the objectives of a consistent and comprehensive approach to protecting amenity, existing character and the environment and yield a net benefit to the community.

Alternative options to the proposed regulations canvassed in the RIS include:

- Planning permits for all single dwellings;
- A planning permit if certain standards are not met; and
- Voluntary compliance.

The costs and benefits of these alternatives have been assessed in comparison to the proposed regulations. The key disadvantages of these alternatives are respectively:

- Alternative 1 – costs in terms of delays, increased cost to applicants, risk of appeals and increased workload to councils;
- Alternative 2 – cost in terms of delays, minor variations are caught up in the same process as major variations; and
- Alternative 3 – an opportunity has existed for voluntary compliance with previous codes and it has been seen to not work.

Public comments are invited on the RIS and accompanying Regulations. Copies may be obtained from the Building Control Commission, Level 27, 2 Lonsdale Street Melbourne or by contacting Freda Minus on 9285 6400. Copies can also be viewed and downloaded from the Commission's web-site at [www.buildcc.com.au](http://www.buildcc.com.au).

Written submissions will be received at the Building Control Commission, PO Box 536E, Melbourne Vic. 3001, or by facsimile on (03) 9285 6410 up to 5.00 p.m. on 14 November 2001.

TONY ARNEL  
Commissioner  
Building Control Commission

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The *Victoria Government Gazette* is available by three subscription services:

General and Special — \$187.00 each year

General, Special and Periodical — \$249.70 each year

Periodical — \$124.30 each year.

**All prices include GST.**

Subscriptions are payable in advance and accepted for a period of one year. All subscriptions are on a firm basis and refunds will not be given.

All payments should be made payable to

The Craftsman Press Pty. Ltd.

**Subscription enquiries:**

The Craftsman Press Pty. Ltd.

125 Highbury Road, Burwood Vic 3125

Telephone: (03) 9926 1233

Fax (03) 9926 1292

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ISSN 0819-5471

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Address all inquiries to the Government Printer for the State of Victoria

Government Information and Communications Branch

Department of Premier and Cabinet

Level 3, 356 Collins Street

Melbourne 3000

Victoria Australia

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The Craftsman Press Pty. Ltd.

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Victoria, Australia 3125

Telephone enquiries: (03) 9926 1233

Facsimile (03) 9926 1292

**Retail Sales**

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356 Collins Street Melbourne 3000.

Telephone enquiries 1300 366 356

City Graphics

Level 1, 520 Bourke Street

Melbourne 3000

Telephone enquiries (03) 9600 0977

**Price Code A**