

Implementing ResCode – New Provisions for Residential Development in Victoria

On Friday, 24 August 2001, ResCode, the new provisions for residential development, came into effect across Victoria. The new provisions in planning and building make the residential development process more certain, more locally responsive and more user-friendly.

The community, industry and councils have all played a key role in working with the Victorian Government to develop ResCode. Its goals of respecting neighbourhood character, protecting amenity and promoting sustainable development will be met through changes to the Building Regulations and all planning schemes.

ResCode's key focus is to respect neighbourhood character, protect amenity and promote more sustainable development. Importantly, the standards to achieve these goals have been significantly strengthened compared with the *Good Design Guide* and *VicCode 1*.

The Victorian Government is giving councils a residential planning system that recognises that different municipalities have different planning needs.

The new provisions introduce consistent objectives and standards for all housing to three storeys in height and provide a choice of planning tools that councils can use to vary the Statewide standards to suit local circumstances.

New environmental standards will reduce run-off into waterways, protect solar access to habitable room windows and promote energy efficiency. Overshadowing and overlooking standards will apply to single dwellings.

ResCode is about a lot more than building and planning controls. It's about our neighbourhoods and communities, about how Victorians live, and will ensure that Victoria remains one of the world's most liveable places.

www.doi.vic.gov.au/rescode

What ResCode means to you

ResCode retains simple processes for approving housing while increasing standards and adding new standards to better protect amenity, character and the environment

You want to build or subdivide

You want to build a new house

Most single houses or extensions to single houses will not need a planning permit. Check the local Planning Scheme or ask council if your proposal needs a planning permit.

If you DON'T need a planning permit

All single dwellings need a building permit. The Building Regulations contain the ResCode standards that apply to most single dwellings. Extensions to single dwellings usually need a building permit.

If your design does not meet a standard in the regulations, you or the building surveyor can ask the council to approve a variation from that standard or redesign your proposal.

If you DO need a planning permit

Check with your council about what standards will apply to the design of your new house or extension.

Contact council to apply for a planning permit. If your planning permit application needs to be assessed against the ResCode standards, you will be required to include a Neighbourhood and Site Description and a Design Response.

You will usually need to provide public notice of your planning permit application. Your council will tell you which neighbours you must inform, and how.

Once you have a planning permit you will also need a building permit. The building permit must comply with the planning permit.

You want to build more than one dwelling on a block

A planning permit is always needed to build more than one dwelling on a block. Your planning permit application will be assessed against the ResCode standards. The application process includes providing a Neighbourhood and Site Description and Design Response, and, in most cases, requirements to give notice with appeal rights for applicants and objectors.

You will also need a building permit for the development. This permit must comply with the planning permit.

You want to subdivide land

You will need a planning permit to subdivide land. Your application for a subdivision will need a Context and Site Description and a Design Response.

You want to protect aspects of your neighbourhood

Under ResCode, councils have new ways to look after neighbourhood character. Communities can work with council to use the new tools to achieve or maintain a preferred neighbourhood character.

The Neighbourhood and Site Descriptions that accompany a planning application provide information about the existing neighbourhood character.

Councils can develop local policies to help guide applicants, council and VCAT decisions on planning permit applications.

The new Neighbourhood Character Overlay (NCO) requires a planning permit for single dwellings. It can introduce planning demolition controls and protect trees.

A Schedule to the residential zones can be introduced across a municipality by your council to change the six key character standards for all residential

development, in both the planning and building permit systems. The six standards that the schedule can vary are – street setback, building height, site coverage, side and rear setbacks, private open space, and front fences.

Ensuring the right tools are in place to preserve the character of your neighbourhood will need consultation and careful thought by the community and your council.

New houses are proposed in your street

You have heard that a new house will be built near you. Will you be consulted?

If you hear new houses are proposed near you, you can ask your council if they need a planning permit and whether you will be notified as part of that application process.

If a development only needs a building permit, you may be consulted if there is an application to council for a variation to the Building Regulations and council thinks you could be affected by the variation.

You see a notice on site saying a planning permit application to build a house or units has been made OR you get a letter telling you of this planning permit application. What can you do?

You can ask the council to see the planning permit application for the development. If you think that you will be affected by the proposal, you can contact council for the appropriate form and submit a written objection stating the problems and how you will be affected.

You are contacted by council about a variation to the Building Regulations. What can you do?

You will be contacted if a neighbour has asked council to vary a building regulation for a single house proposal and council thinks your property could be affected. You can then make a submission to the council.

You work in the building industry

Building practitioners can still use their knowledge of existing application processes, as ResCode does not change the basic processes for approving residential development and subdivision. However it has upgraded the standards that are applied to single dwellings and multi-unit development.

Planning permit application process

The same planning permit application process as before applies. New standards now apply and some existing standards have

been modified. The ResCode provisions each have an objective and a standard. New decision Guidelines help council decide if the objectives are met. The process for reviewing planning decisions at VCAT remains the same.

Building permit application process

As under the previous system, most single dwellings only need a building permit. The building permit application process remains the same. The process for seeking a variation to the Building Regulations and the

building permit appeal process also stays the same. The things that have changed are:

- new standards have been applied and some existing standards modified
- decision guidelines for councils (and the Building Appeals Board) when considering variations to the standards now apply
- consultation with potentially affected property owners has been formalised.

planning permit

Applying for a planning permit under ResCode

Find out if a planning permit is needed. If so, talk to council and your neighbours about their expectations of development in the area before finalising your application.

Step 1. Submit application including the Neighbourhood and Site Description and Design Response. Your application must include sufficient information for the council to be able to assess whether your proposal meets the planning scheme requirements.

Step 2. Receive advice that council is satisfied with your Neighbourhood and Site Description

Step 3. If required, give notice to potentially affected residents

Step 4. Council determines whether to approve or refuse the application

Step 5. If you are not satisfied with council's decision you can ask the VCAT* to review the decision.

Terms used in the planning system

Design Response. A document that shows how the proposed design responds to the constraints and opportunities identified in the Neighbourhood and Site Description.

Giving Notice. A process of notifying neighbours and others about a planning permit application and giving them a chance to object to the proposal.

Local Planning Policy Framework. Sets out the local strategy and any local policies for a municipality in the planning scheme.

Municipal Strategic Statement. Forms part of a municipality's planning scheme and provides a broad outline and vision regarding existing and future land use within the municipality.

Neighbourhood and Site Description. An analysis of a site and its surroundings that must be submitted with a planning permit application for residential development. Councils must approve this before considering the permit application.

Notice of Decision. If council supports a planning permit application, but written objections were received, council will issue a Notice of Decision to grant a permit. This gives time for the applicant and objectors to ask VCAT to review the decision.

Overlay. A planning control over a piece of land that determines the type of development that can occur on that land. All land is under a zone in a planning scheme that controls the use of that land, but only some land is subject to extra controls through an overlay.

Planning Permit. A permit issued for the use of land or buildings and to carry out buildings and works.

Planning Scheme. Sets out policies and controls for the use, development and protection of land for an area. It is a legal document with general principles for land use and development and specific policies dealing with settlement, environment, housing, economic development, infrastructure and particular uses and development.

Schedule. A part of the planning scheme that sets out specific local requirements. The schedule to the residential zones can change six ResCode standards in residential areas.

* **VCAT.** The Victorian Civil and Administrative Tribunal. This body hears applications for review of planning decisions.

building permit

Applying for a building permit for a single dwelling under ResCode

Find out if a planning permit is needed for your proposed single dwelling or extension. If so, ask council how to apply for a planning permit.

Step 1. If a planning permit is **not** required submit your building application to a registered building surveyor – either at council or in private practice. Your application must include sufficient information for the building surveyor to assess whether your proposal meets the siting standards for single dwellings in the Building Regulations.

Step 2. The building surveyor will assess whether your design complies with the Building Regulations, (including any changes made to the standards by a schedule to the zone in the planning scheme). If the proposal complies with the Building Regulations the building surveyor will issue the building permit

Step 3. If it fails to comply, you can resubmit your application, or apply to council for a Report and Consent to vary the relevant building regulation.

When considering an application to vary a building regulation the council must assess the application against the decision guidelines. If it thinks the amenity of nearby properties will be affected it will notify the owners and give them an opportunity to make a submission.

Step 4. If the council refuses consent to a variation the building surveyor must refuse the permit.

Step 5. If an applicant is not satisfied with the decision they can appeal to the Building Appeals Board.

Terms used in the building system

Building Appeals Board (BAB). The appeal body to hear appeals under the building system. This includes appeals against refusals to issue building permits.

Building Permit. Building works generally need a building permit. Building permits are issued by registered building surveyors and can be obtained from a council or a building surveyor in private practice.

Building Regulations. These set the standards for building in Victoria. They include the ResCode siting and design standards for single dwellings which do not need a planning permit.

Decision Guidelines. They accompany most of the new standards for residential development. In the planning permit system the decision guidelines assist the responsible authority (council or VCAT) to decide if each objective is met. In the building permit system the decision guidelines set out the circumstances where council or the BAB may consent to a variation to the relevant building regulation.

Report and Consent. A mechanism for obtaining council consent to vary the standards required under the Building Regulations.

ResCode resources online

Visit www.doi.vic.gov.au/rescode to access the range of ResCode resources online. Features of the site include:

- commonly asked questions
- outlining the standards
- provisions
- Building Regulations
- roadmap to ResCode
- links to other relevant planning sites.

For further information contact:

The planning department or building surveyor at your local council

The Building Control Commission
Tel: (03) 9285 6400
www.buildcc.com.au

Department of Infrastructure
www.doi.vic.gov.au/rescode

Freecall: 1800 012 346
Fax: 9655 6919

Email: rescode@doi.vic.gov.au

The role your council plays in administering ResCode

ResCode empowers councils by providing them with a range of tools to manage the future residential development within their municipality. It sets out the provisions which councils will use to decide on applications for housing and subdivisions, and tools for varying those provisions to suit local conditions. The tools councils use to decide on a planning permit application are in the relevant planning scheme.

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