



Building: Siting

This webinar will start shortly to allow participants to join.



The VBA respectfully acknowledges the Traditional Owners and custodians of the land and water upon which we rely. We pay our respects to their Elders past and present.

We recognise and value the ongoing contribution of Aboriginal people and communities to Victorian life.

We embrace the spirit of reconciliation, working towards equality of outcomes and an equal voice.

Welcome

Today you will hear from:



Christian Williams

Senior Technical Advisor

Technical & Regulation Building Team

**Practitioner
Education
Series**



The Victorian Building Authority (VBA) works to ensure the **safety and compliance of building and plumbing work in Victoria** by regulating practitioners under the Building Act 1993.

Our focus is on:

- **enhancing practitioner capability and conduct;**
- **ensuring compliance with standards and**
- **protecting consumer interests.**

Through **education, oversight and enforcement**, the VBA aims to **maintain the integrity of the built environment and contribute to Victoria's economic prosperity.**

What we do

As a regulator we provide **general advice** in relation to the application of **building and plumbing standards** and the regulation of building and plumbing work. We publish material **to assist persons** carrying out functions under the Building Act 1993 and the relevant regulations **where regulations are unclear or ambiguous**

What we don't do

We **do not** publish material to **reproduce** the regulatory requirements, including the National Construction Code, referenced standards, or provide specific **compliance solutions**. Our role is not to set policy, but to support industry to understand and comply with the rules



What's in scope

Guidance and interpretation of the:

- Building Act 1993;
- Plumbing Regulations 2018;
- Building Regulations 2018;
- National Construction Code (NCC); and
- Australian Standards

What's out of scope

- Policy related issues;
- Legislation that has not yet been implemented;
- Education resources that ***are not*** for the purposes of providing ***technical content***

Practitioner Education Series



Housekeeping



Today's session will be recorded and will be available on the VBA website.



Questions can be submitted via the Q&A function. For any questions that we don't have time to answer during the session, the questions and answers will be emailed to you after the webinar.



We will be conducting live polls today. These will appear on your screen.



This webinar is scheduled to run for 60 minutes, however in some cases we may run over time in order to cover all content.

Webinar questions



We will do our best to answer as many of your questions as we can during the webinar.



However, due to the high volume of questions that we receive, we may not be able to answer your question during the webinar time.



Approximately two weeks after this webinar, you will receive an email with answers to all of the questions that were asked in this webinar.

We thank you for your patience.

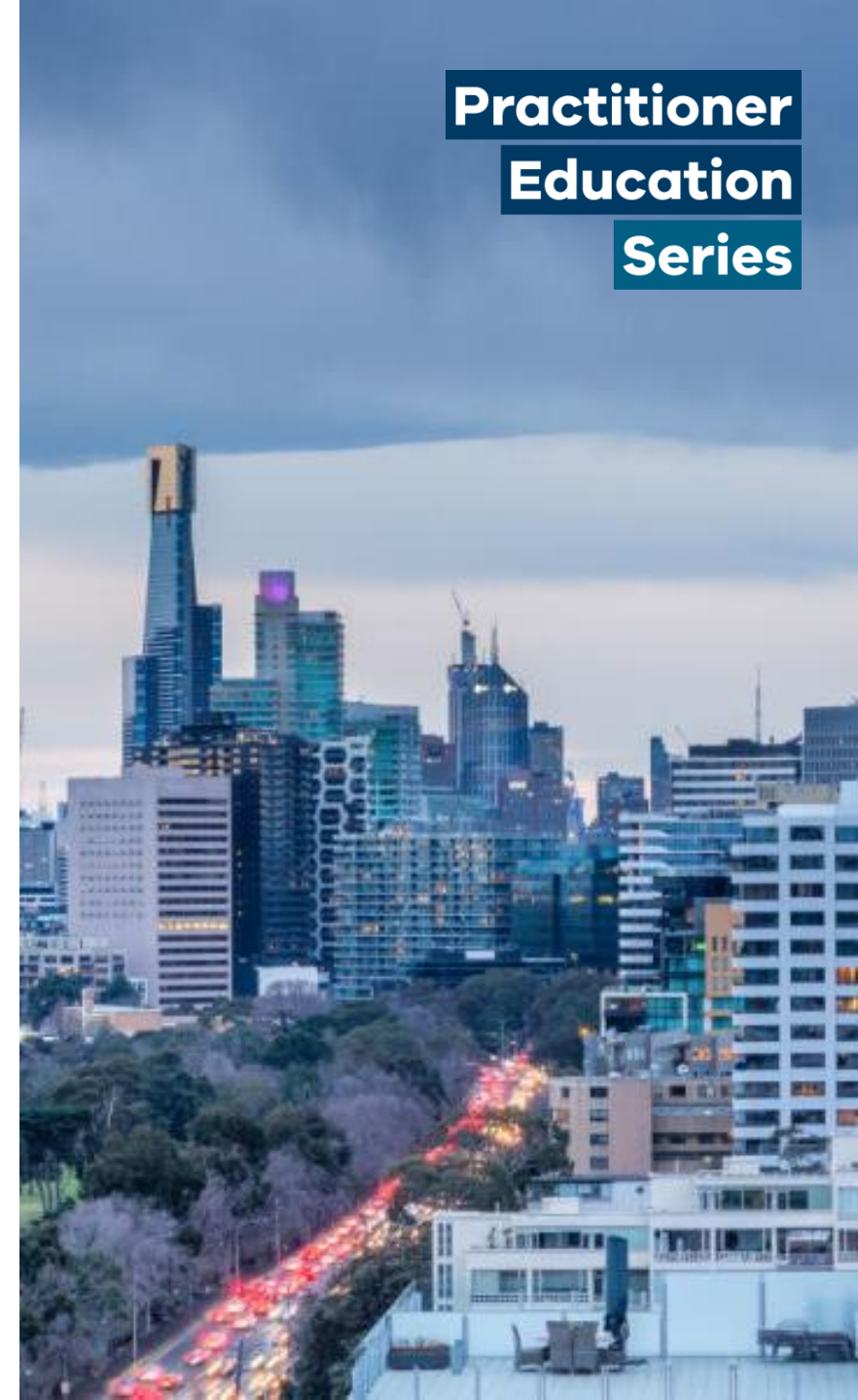
Purpose of the webinar

Why is this webinar important?



This webinar will provide guidance on the application of siting Regulations and clarify the requirements for the siting of Class 1 buildings.

**Practitioner
Education
Series**



Learning goals

After this webinar, you should:



Have enhanced your knowledge in applying the siting requirements of the Regulations



The webinar will cover:

1. What is siting?
2. Application of Part 5 of the Regulations
3. Schedule 6 of the Building Regulations
4. Report & Consent
5. Specific Siting Requirements
6. Pre-submitted questions

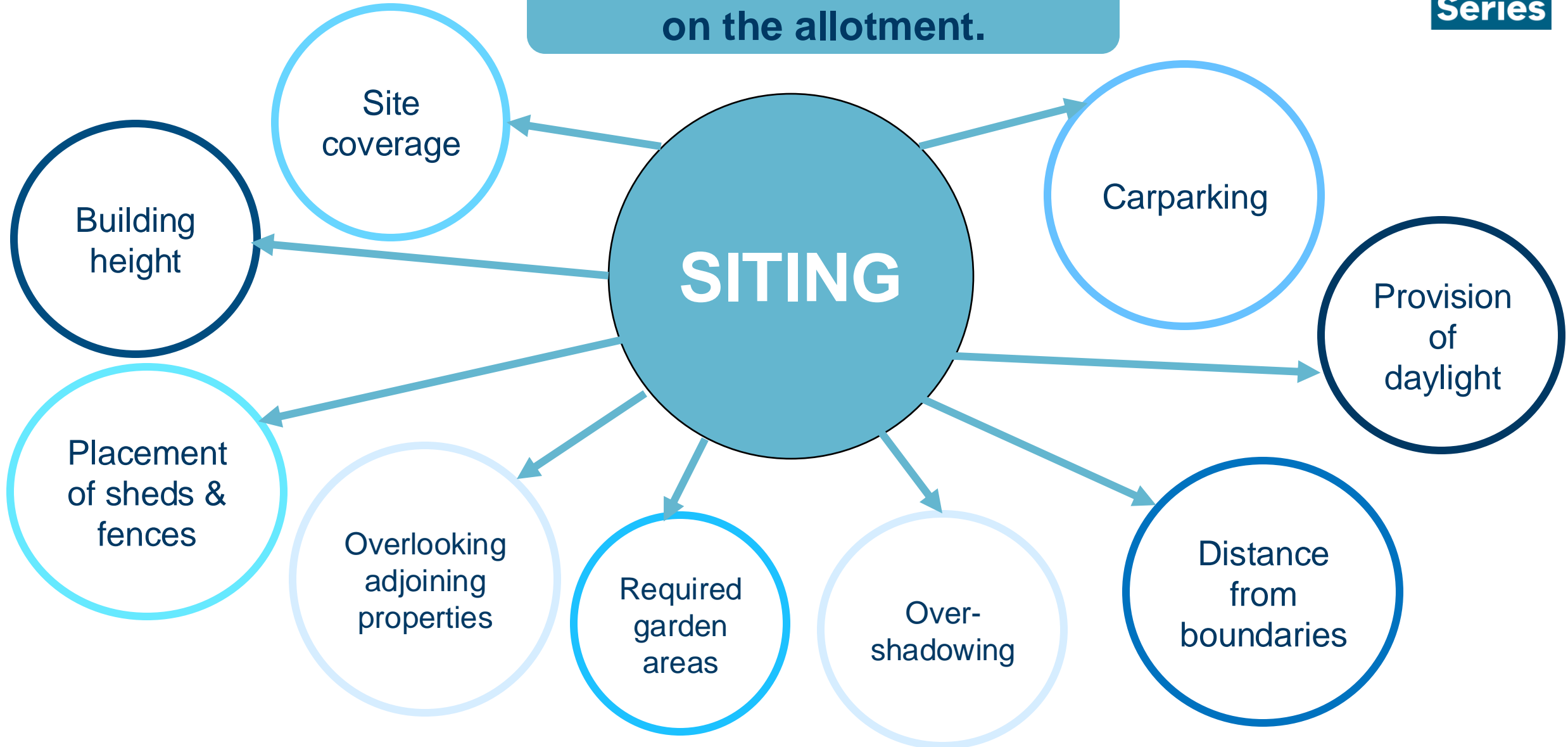


What is siting?



What is siting?

Siting: specific restrictions on the allotment.



Application of Part 5





Class 1 –
single buildings



Small second dwelling
(SSD) – Self contained
single Class 1a dwelling



Class 10a – private
garage, carport, shed
or like



Class 10b – fence,
pole, mast, antenna

Equivalent to clause 54 of the Victorian Planning Provisions (VPP)

Not applicable
when
Planning
Permit
regulates
same matter

A building is considered existing where:

It has existed complete before 01 July 1994

There is an occupancy permit (OP)

Certificate of final inspection (CFI)

Completed where no OP or CFI required



REGULATION 71: APPROVED BUILDING ENVELOPES

Specified in planning permit on or after 1 July 1994

and either:

Agreement under section 173 of the Planning and Environment Act 1987;

or:

Restriction on plan of subdivision

Override the siting matters under Part 5 of the Regulations where:

An approved envelope applies to the allotment
and;

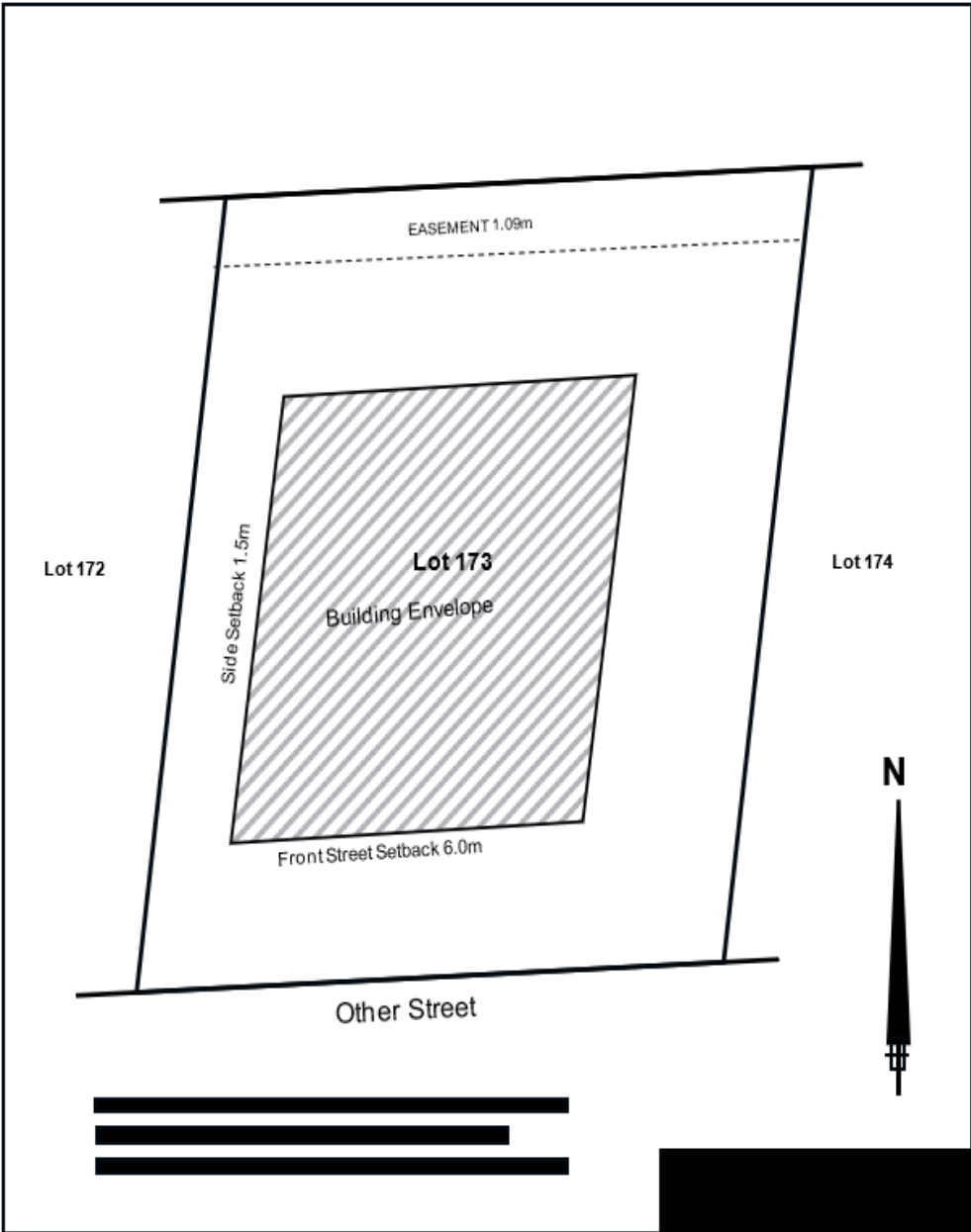
It deals with the same siting matter as the regulation
and;

The design of the building is consistent with the approved building envelope in relation to that siting matter

EXAMPLE APPROVED BUILDING ENVELOPE



Practice Note SI-02:
Building Envelopes



Quick quiz

Q1. Where an Occupancy Permit is required, a building is considered “existing” if a Certificate of Final Inspection has been issued.

A: True

B: False

Q2. An Approved Building Envelope overrides the siting requirements under Part 5 of the Building Regulations 2018.

A: True

B: False



Quick quiz

Q1: Where an Occupancy Permit is required, a building is considered “existing” if a Certificate of Final Inspection has been issued.

B: False

Q2. An Approved Building Envelope overrides the siting requirements under Part 5 of the Building Regulations 2018.

A: True



Schedule 6 of the Building Regulations



What does
Schedule 6
specify?

Particular planning schemes that where the zone to that planning scheme specifies particular siting provisions, those provisions become a **building regulation** and must be complied with instead what is specified under part 5.

What is the
intent of
Schedule
6?

To allow councils to specify their own **particular siting restrictions** to suit their municipality and its preferred neighbourhood character.



Regulations affected by Schedule 6

Regulations affected by Schedule 6

74 (1) Maximum street setback

75 (1) Building height

76 (1) Site coverage

76A (1) Minimum garden area

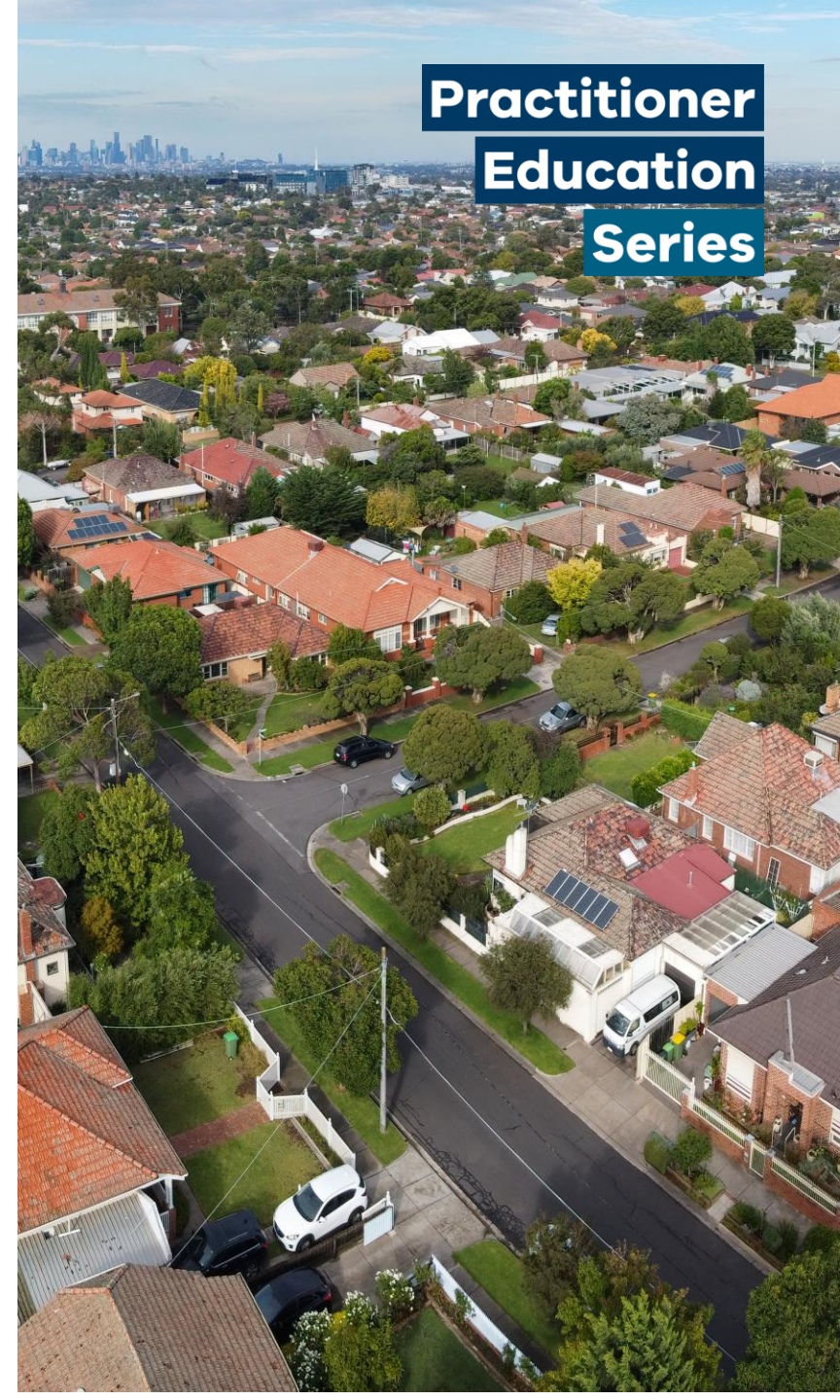
77 (1) Permeability

79 (1) Side & rear setbacks

80 (2) Wall & carports on boundaries

86 (1) Private open space

89 (1) Front fence height



VICTORIA State Government Department of Transport and Planning

Browse by topic ▾ Guides and resources ▾ Planning schemes ▾ Permits and applications ▾ Environmental assessments ▾

Search website 🔍 Log in

Home > Planning schemes

Planning schemes

Planning schemes contain the policies and provisions that control land use and development and apply to all private and public land in Victoria.

Quick access

[Browse planning schemes →](#)

[Planning property report →](#)

[Practitioner's guide to Victoria's planning schemes →](#)



[Planning schemes](#)

2.0

26/04/2024
VC252

Construction or extension of a dwelling, small second dwelling or residential building - minimum garden area requirement

Is the construction or extension of a dwelling, small second dwelling or residential building exempt from the minimum garden area requirement?

Yes

76A Minimum garden area

(1) This regulation applies if—

- a) an allotment is in a zone of a planning scheme specified in Schedule 6; and
- b) the zone in the planning scheme specifies a minimum garden area requirement; and
- c) the minimum garden area requirement in the zone applies to the allotment.

Quick quiz

Q1. Schedule 6 of the Building Regulations 2018 applies where:

- A. A planning permit is required; or
- B. There is a non-compliance with a regulation under Part 5; or
- C. The schedule to zone of the planning scheme regulates the same matter under Part 5.

Q2. Schedule 6 of the Building Regulations 2018 overrides the regulations under Part 5:

- A. At all times; or
- B. Only where the schedule to the zone in the planning scheme regulates the same matter under Part 5; or
- C. Where there is a non-compliance with a regulation under Part 5.



Quick quiz

Q1. Schedule 6 of the Building Regulations 2018 applies where:

C. The schedule to zone of the planning scheme regulates the same matter under Part 5.

Q2. Schedule 6 of the Building Regulations 2018 overrides the regulations under Part 5.

B. Only where the schedule to the zone in the planning scheme regulates the same matter.



Report and Consent



Prescribed matters listed under Part 2 of Schedule 5.



Many of these matters **relate to the siting of buildings and structures** under **Part 5**



Most siting regulations **require report & consent of the council** where compliance is not achieved



Exclusions:

- 76A minimum garden area
- 93 fences must not include barbed wire.



Report & consent also required where the matters listed under Schedule 6 have not been complied with but does not include any siting matters approved under a planning permit.





Application cannot be made after the Building Permit has been issued



Ministerial Guidelines MG-12



Minister's Guideline MG-12: Siting and Design of Single Dwellings



Siting and Design of Single Dwellings

[Published in the Government Gazette, S 677 on 14 December 2023]

I, the Hon. Sonya Kilkenny MP, as the Minister administering the Building Act 1993 (Act), hereby issue this Guideline under section 188A of the Act concerning the siting and design requirements relevant to an application for a building permit for a single dwelling, including a principal single dwelling, a small second dwelling or a front fence.

This Guideline takes effect on the date it is published in the Victoria Government Gazette.

I revoke all Minister's Guidelines, MG-12: Siting and Design of Single Dwellings, issued before the date on which this Guideline takes effect.

Purpose of this Guideline and Interpretation

The purpose of this Guideline is to set out the matters to be considered by a reporting authority when preparing a report on, and considering whether to consent to, (report and consent) a variation to the siting, design and access requirements prescribed under Part 5 of the Building Regulations 2018 (Regulations), for an application for a building permit for a single dwelling, including a principal single dwelling, a small second dwelling or a front fence.

Each provision of this Guideline comprises a statement of the objective and the matters to be considered when deciding whether the objective is met. Under clause 4A of Schedule 2 of the Act, a reporting authority must have regard to the guidelines made under section 188A in the cases set out in that clause. If any matter set out in this Guideline is not met, clause 4A(2)(d) of Schedule 2 to the Act requires that the reporting authority must refuse to give its consent to an application for a building permit.

In this Guideline—

- **existing dwelling** is a single dwelling that is already constructed;
- **principal single dwelling** is a single dwelling that is not a small second dwelling or a front fence;
- **Regulations** means the Building Regulations 2018;
- **single dwelling** has the same meaning as it has under section 188A(4) of the Act and regulation 70 of the Regulations: a building, or buildings, which is a Class 1 building and any Class 10 building associated with a Class 1 building, that is or are intended to be used as a dwelling;
- **small second dwelling** has the same meaning as it has under regulation 5 of the Regulations. (A **small second dwelling** is defined to mean a Class 1a building that is self-contained and has a gross floor area that is equal to or less than 60 m² on the same allotment as an existing building that is a single Class 1 building that is not a small second dwelling).

Siting requirement 1: Maximum street setback of a principal single dwelling

Quick quiz

Q1. A report and consent is not required where there is a non-compliance with a siting provision called up by Schedule 6 of the Building Regulations 2018.

- A. True
- B. False

Q2. Report and consent is required where there is a non-compliance with siting requirement under a planning permit.

- A. True
- B. False



Quick quiz

Q1. A report and consent is not required where there is a non-compliance with a siting provision called up by Schedule 6 of the Building Regulations 2018.

B. False

Q2. Report and consent is required where there is a non-compliance with siting requirement under a planning permit.

B. False



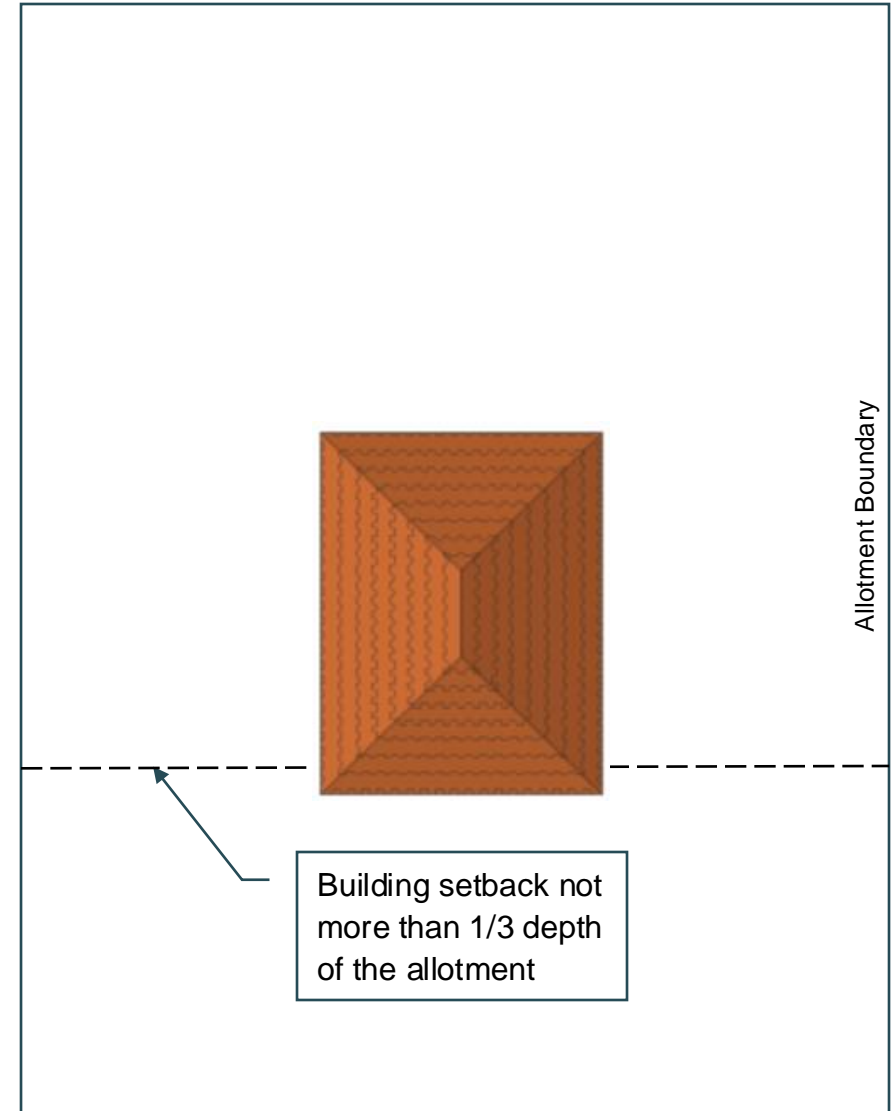
Specific Siting Regulations



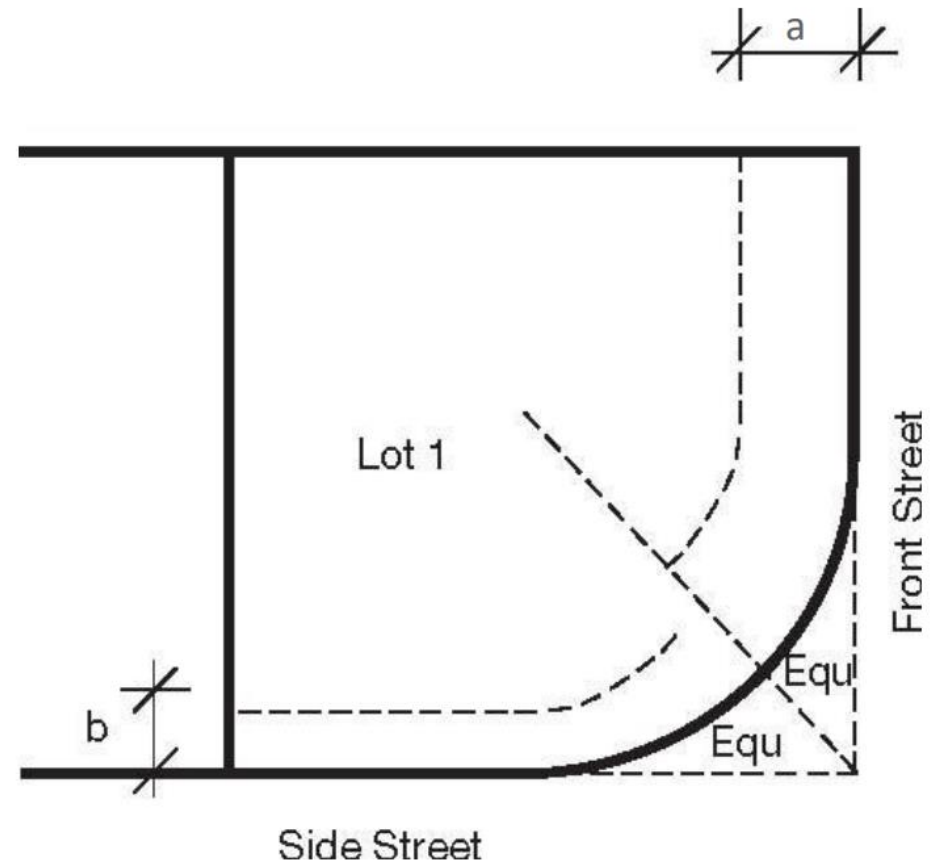
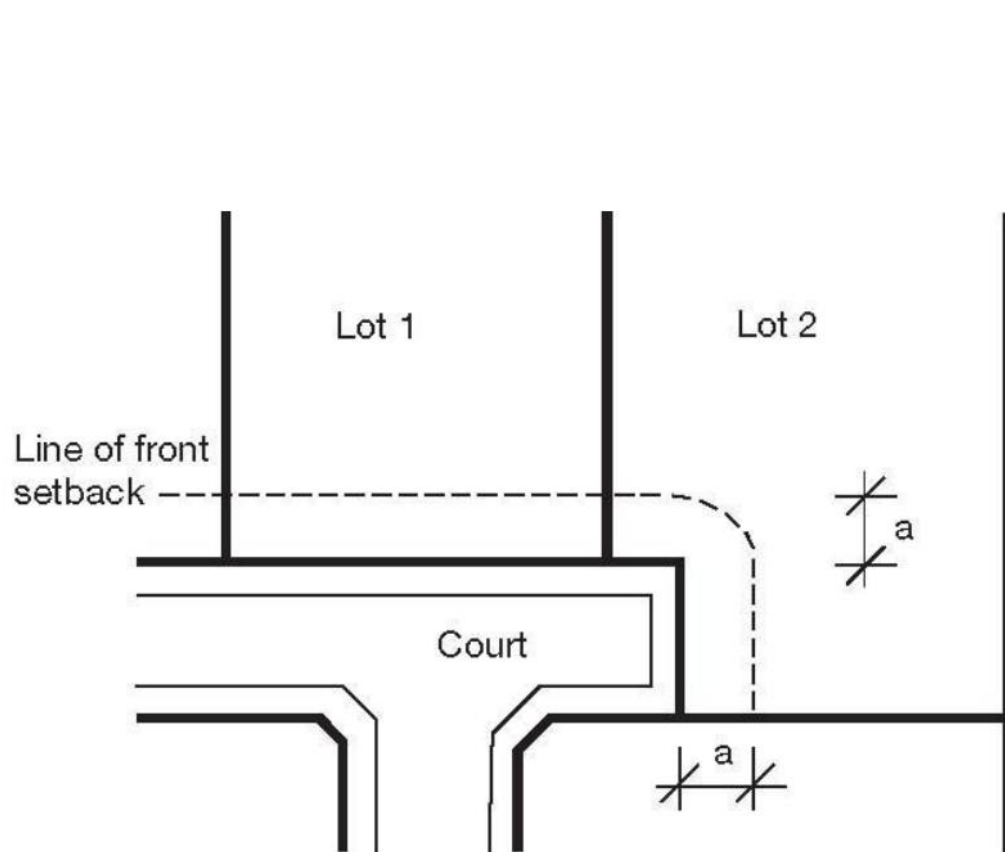
Regulation 73 Maximum Street Setback

Street:

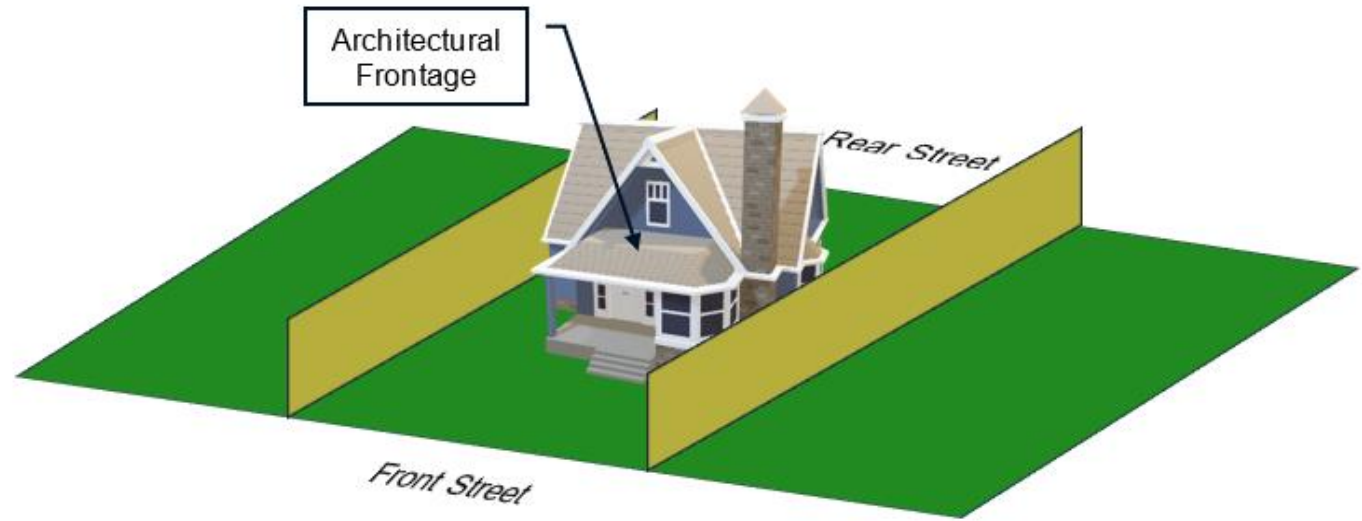
**Includes:
road, highway,
carriageway,
lane, footway,
square, court,
alley and right of
way**



The Avenue



Regulation 74: Minimum street setback



Allowable Encroachments
r74(3): may encroach into the minimum street setback to a maximum distance of 2.5m.

(a) porches, verandahs and pergolas less than 3.6 m above natural ground level (NGL)

(b) eaves, fascia and gutters

(c) sunblinds and shade sails;

(d) permanent and fixed screens r84(5)(d) or r84(6)

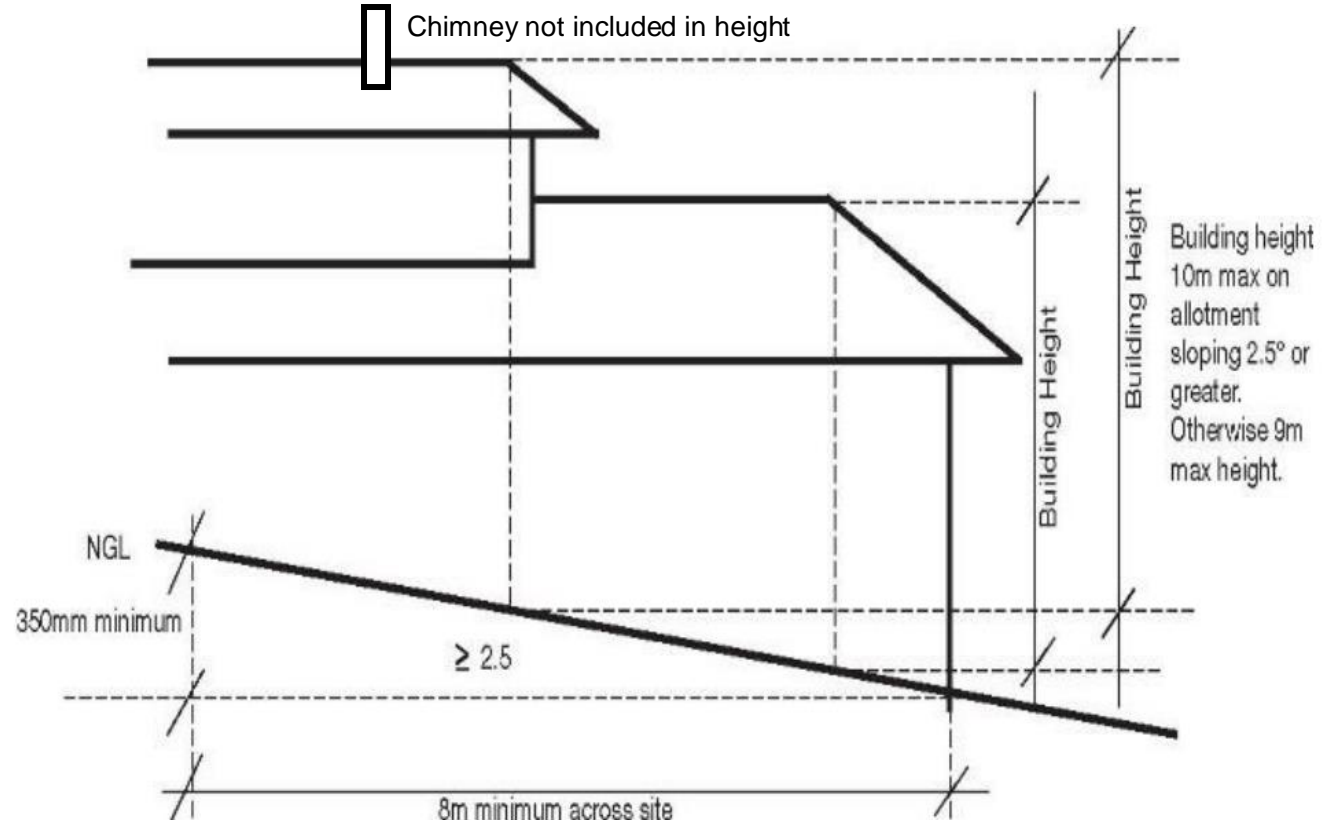
(e) decks, steps or landings < 800 mm height



the setback is once again taken from the front wall of the building and not from an encroachment such as a balcony or verandah

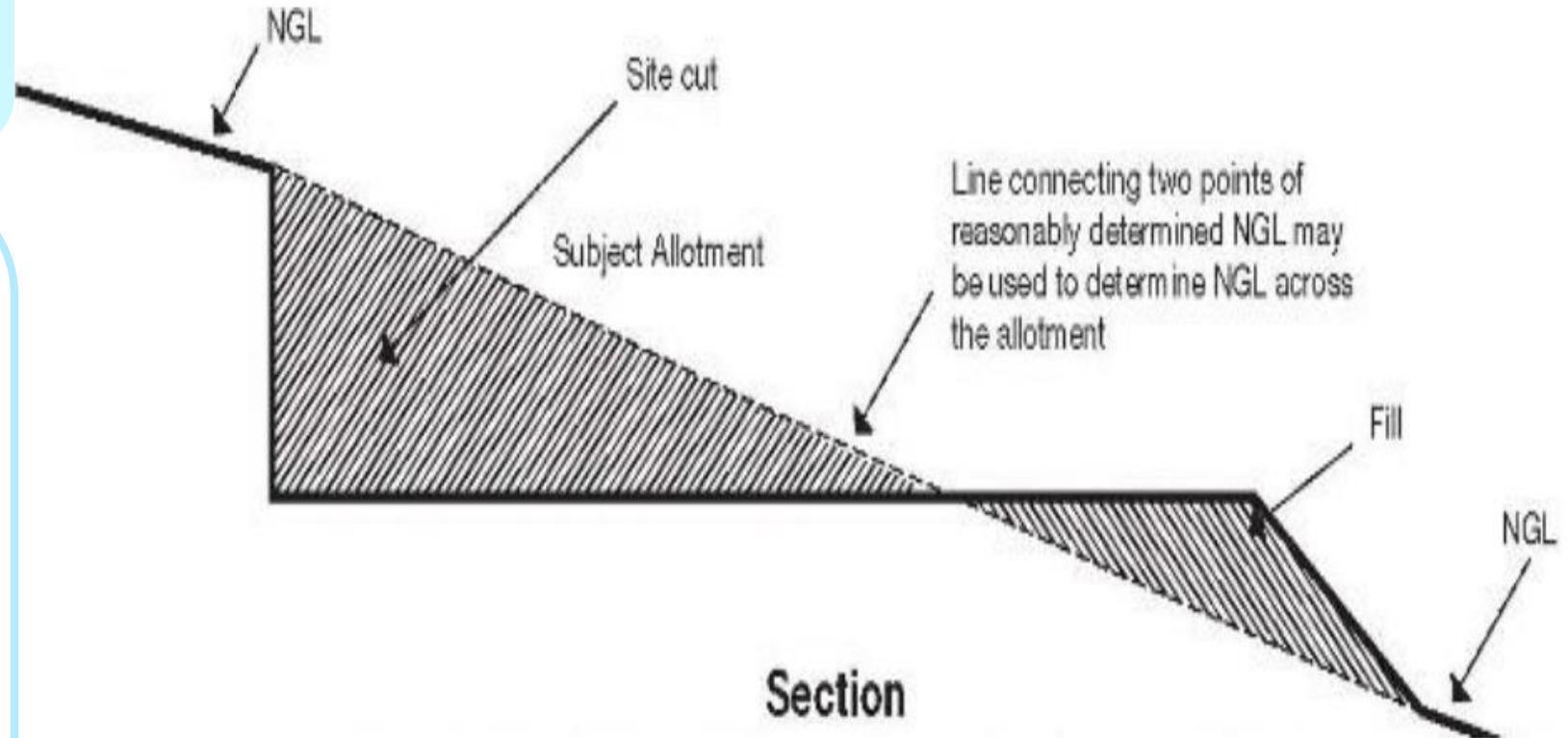
Building height:

- height in relation to – a building (other than a wall or fence) at any point
- the vertical distance between natural ground level and the top of the roof covering.



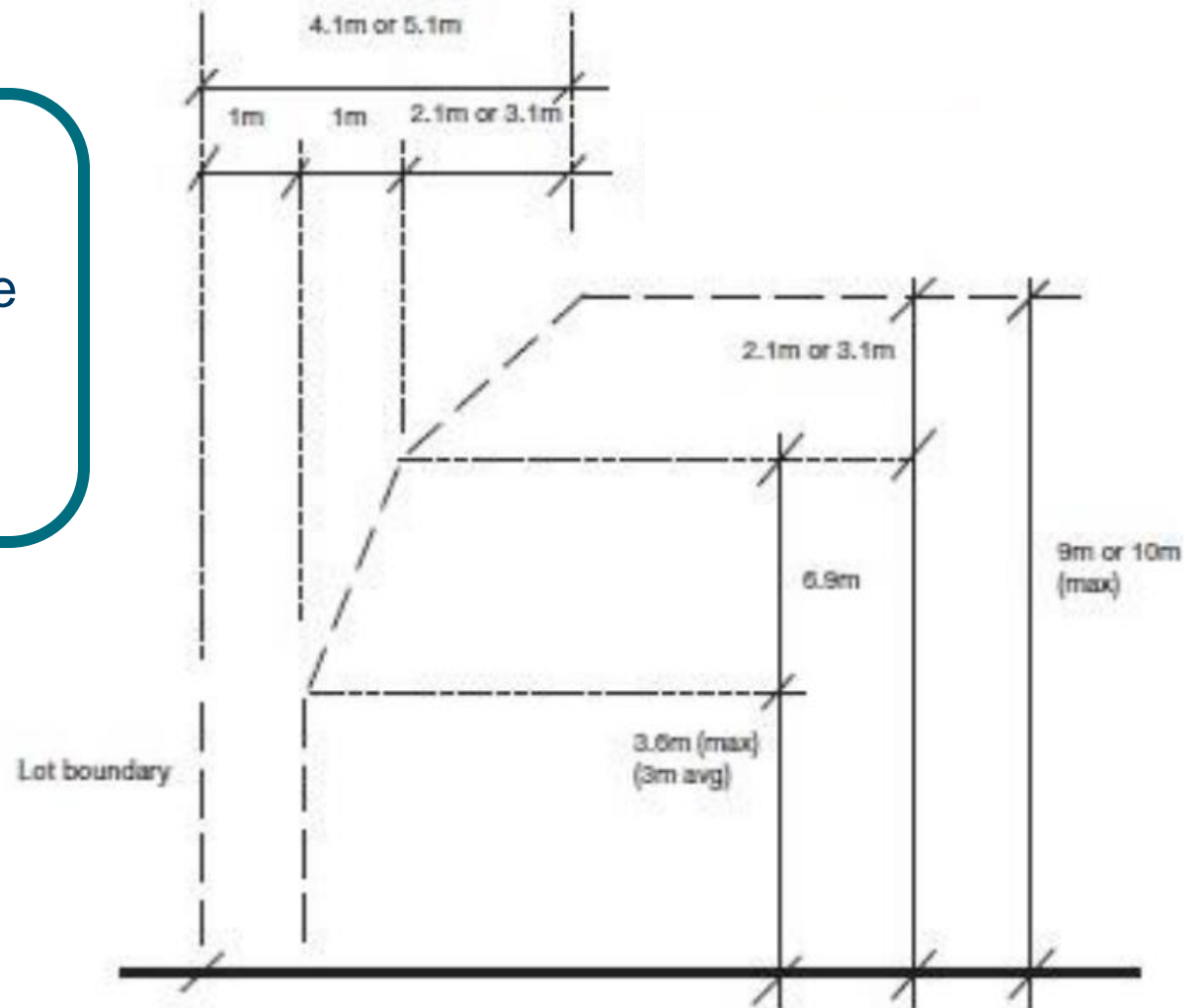
NGL not defined under the Regulations

May be taken as being the line across the allotment that connects any two points, within the allotment, or on adjoining allotments, that can reasonably be considered natural ground level as shown in the figure opposite



What is the purpose of Reg. 79?

to provide adequate separation between the proposed building and the buildings on adjoining allotments, particularly above ground floor level



May encroach fully

(a) landings not more than 2 m² and less than 1m in height

(b) unroofed stairways and ramps

(c) pergolas

(d) shade sails

(e) eaves, fascia and gutters up to 600 mm

(f) carports that comply with regulation 80

May encroach 500mm

(a) porches and verandahs

(b) masonry chimneys

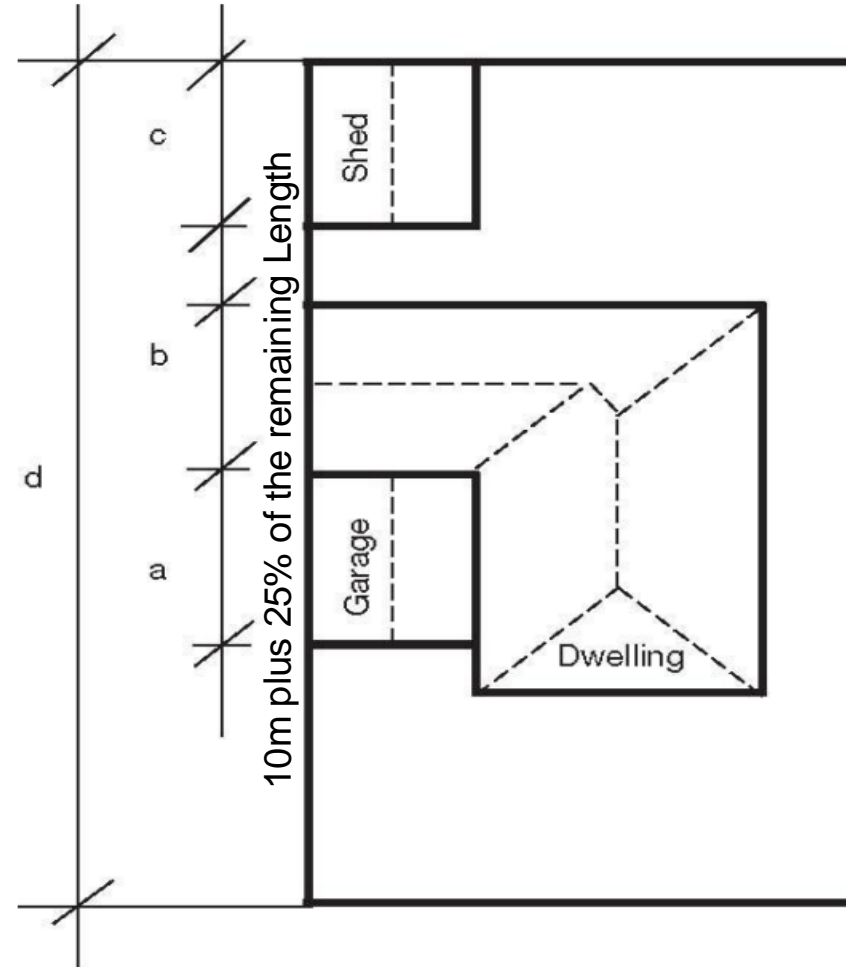
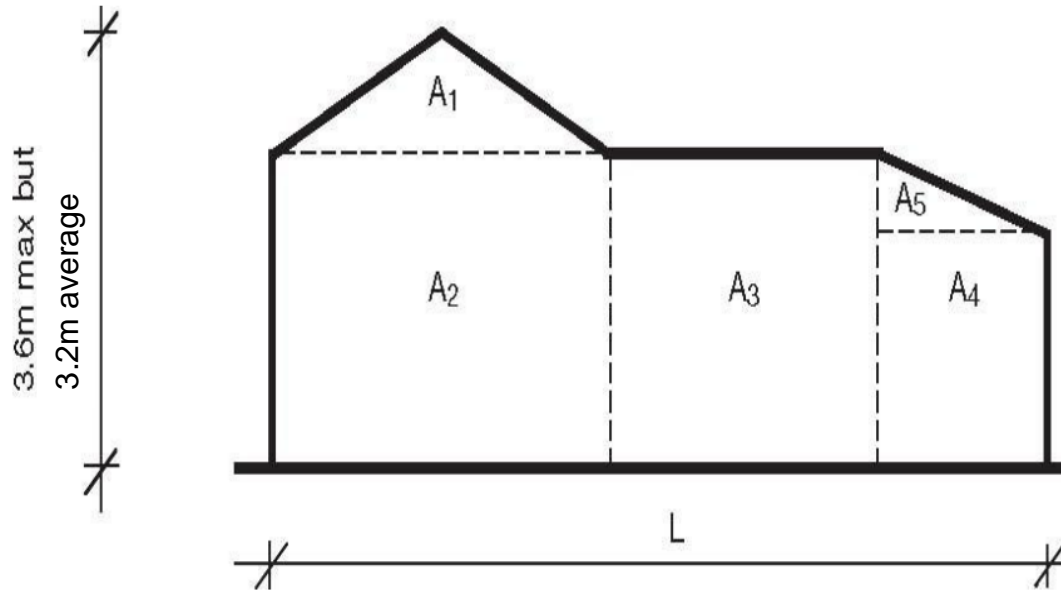
(c) sunblinds

(d) permanent and fixed screens referred to in regulation 84(5)(d) or (6)

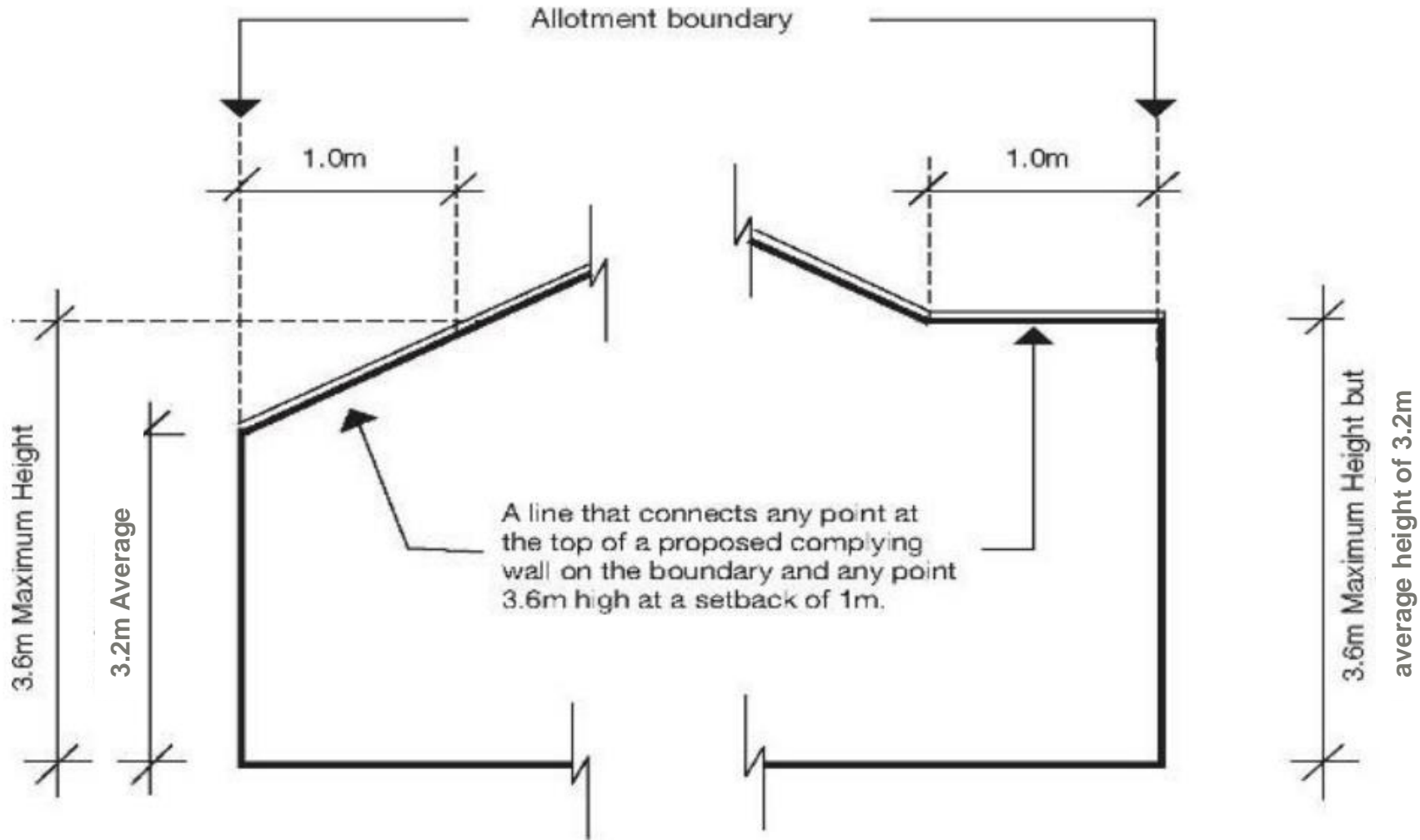
(e) flues, pipes and rainwater heads

(f) domestic fuel tanks and water tanks

(g) heating and cooling equipment and other services



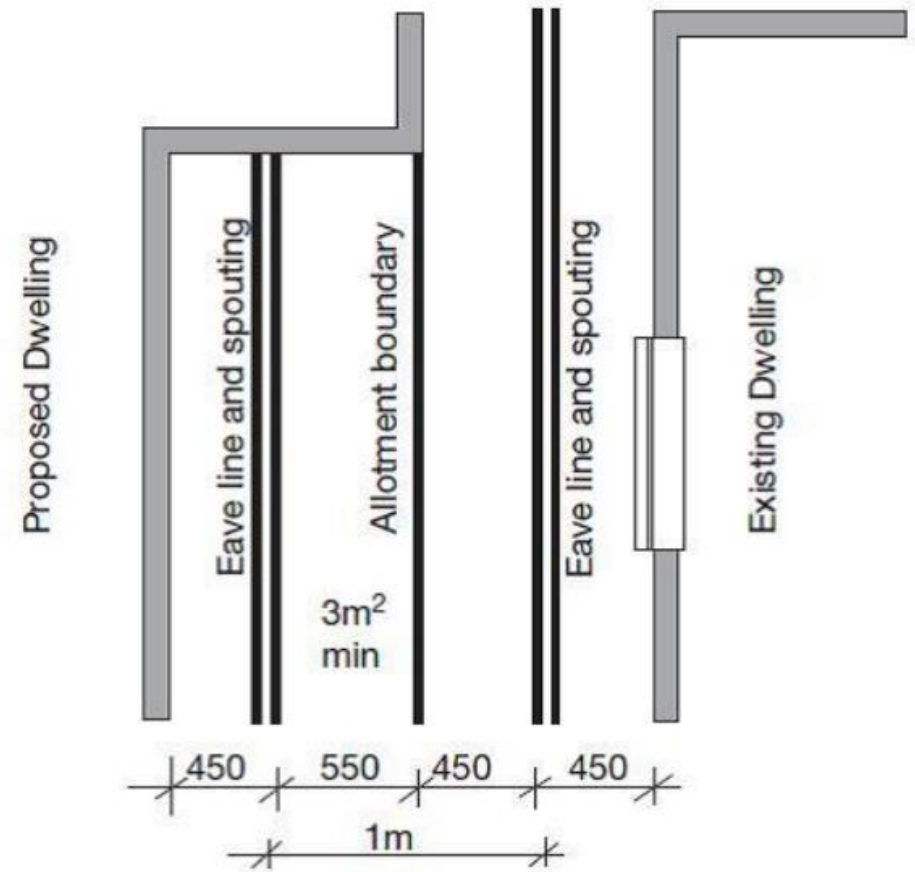
Regulation 80: Walls & carports on boundaries



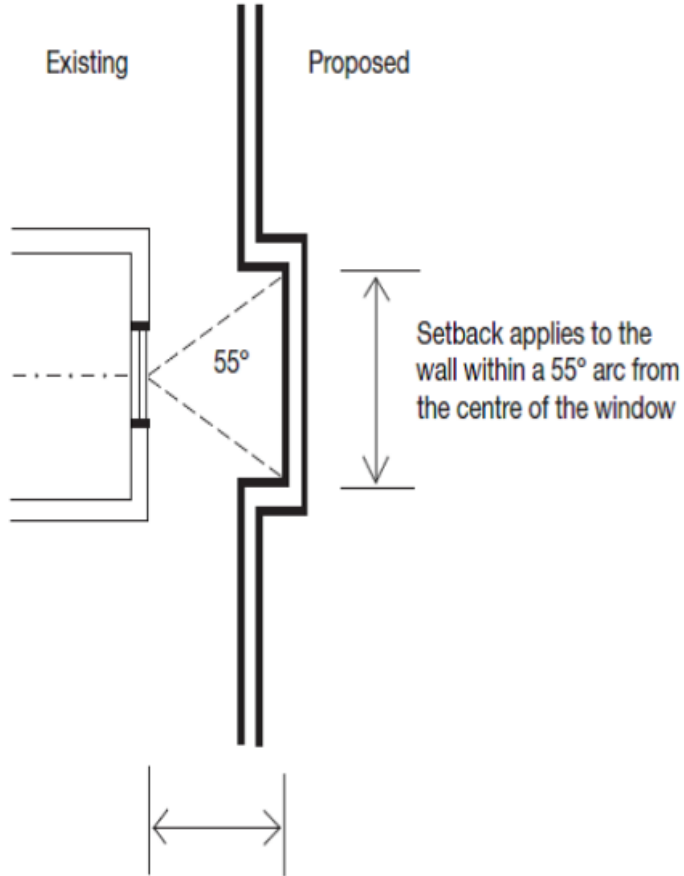
Regulation 81: Daylight to existing habitable room windows

Clear to the sky:

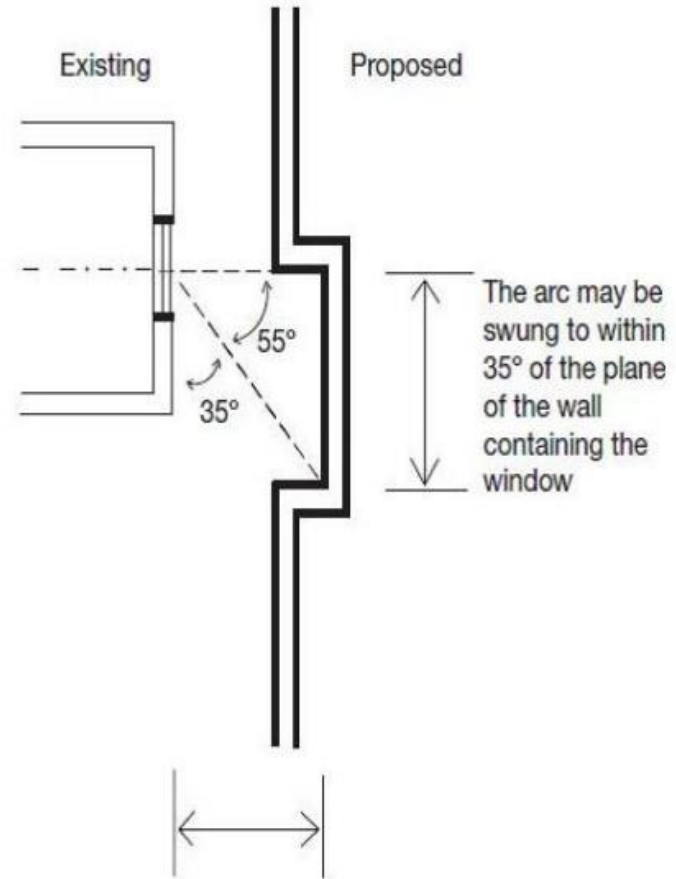
an unroofed area or an area roofed with a material that transmits at least 90% of light



1m clear to the sky including land on an adjoining allotment

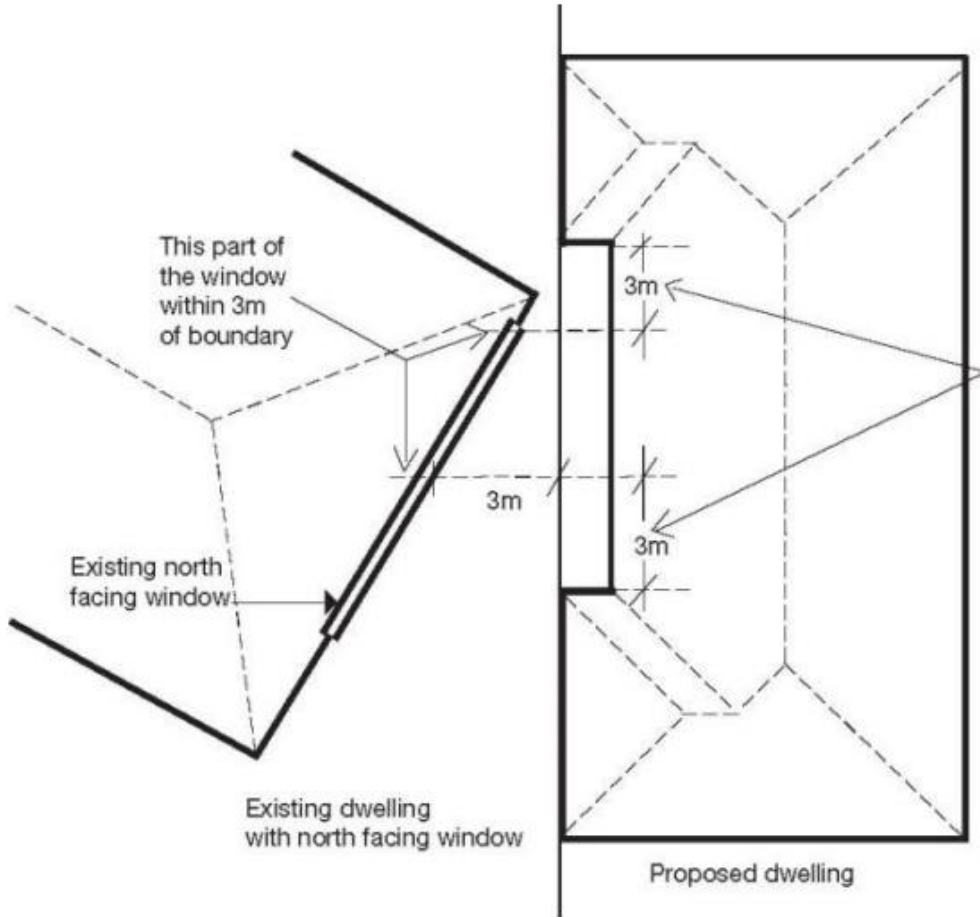


Wall setback from the window half the height of the wall if over 3m in height

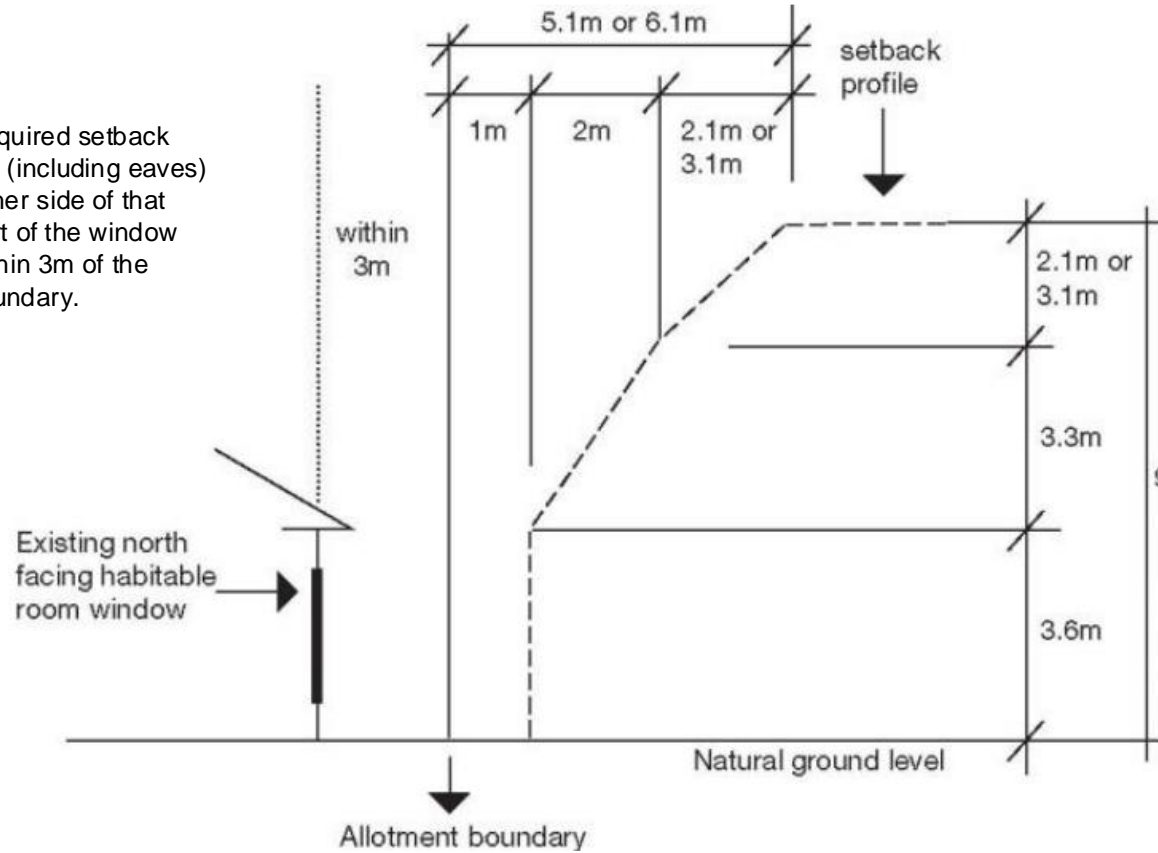


Wall setback from the window half the height of the wall if over 3m in height

Regulation 82: Solar access to existing north-facing habitable room windows



Required setback 3m (including eaves) either side of that part of the window within 3m of the boundary.



Setback provisions extend to 3.0m either side of that part of the window within 3m of the boundary.

Regulation 82: Allowable Encroachments

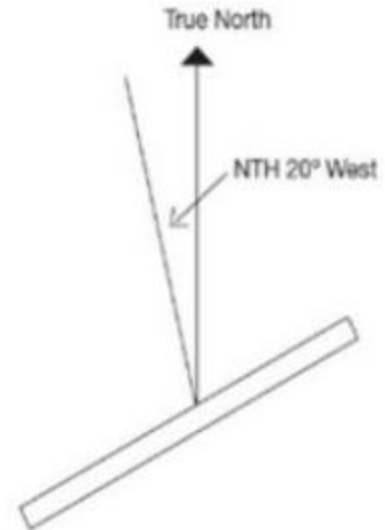
May encroach 500mm into the setback up 2.5m height:

(a) flues and pipes

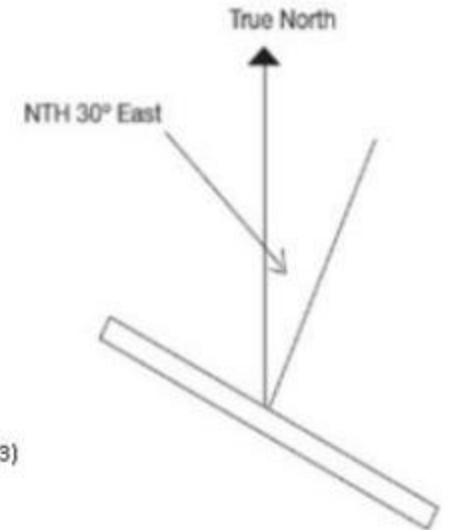
(b) domestic fuel tanks and water tanks

(c) heating and cooling equipment and other services

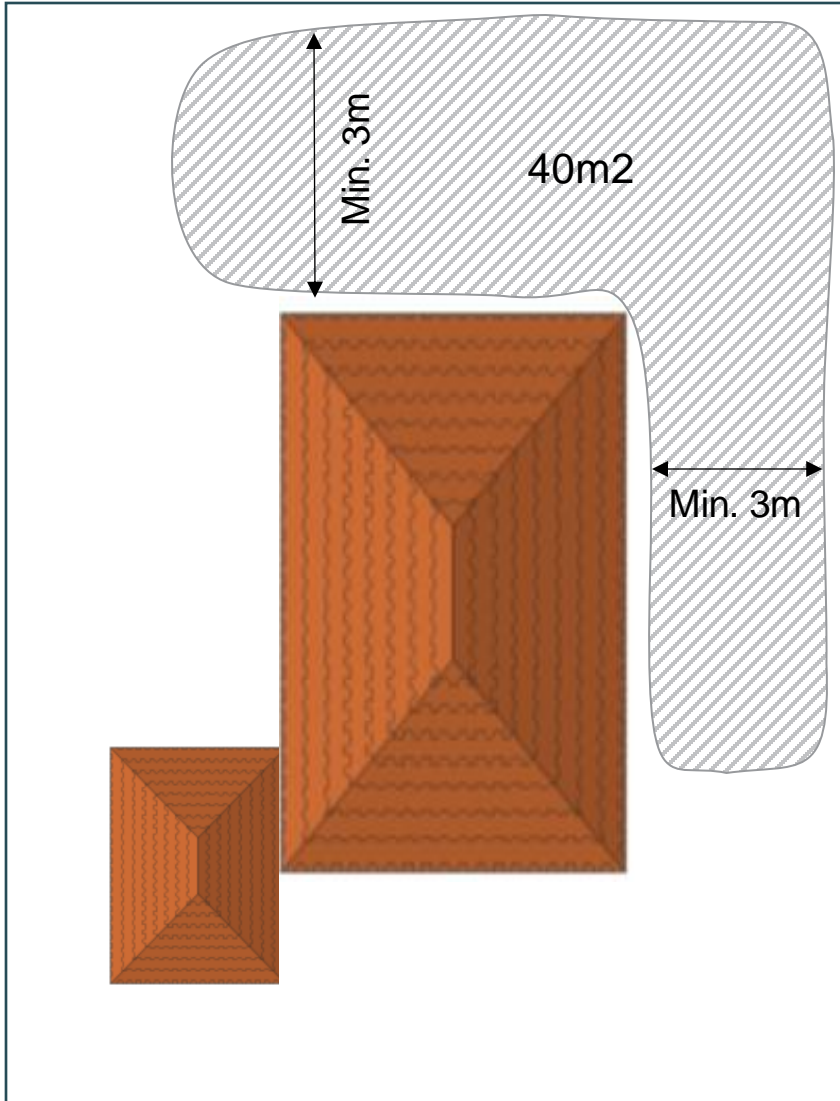
A rainwater head may encroach 500mm into the setback



Regulation 82(3)



Regulation 83: Overshadowing of recreational private open space (RPOS)



Regulation 83 requires

a minimum area of sunlight be provided to the RPOS on the adjoining allotment as the lesser of 40m² with a minimum dimension of 3m or 75%.

Regulation 83: Overshadowing of recreational private open space (RPOS)

What is RPOS?

recreational private open space means **any part of a private open space on an allotment—**

(a) **which is—**

- (i) at the **side or rear of an existing dwelling** including a small second dwelling on the allotment; or
- (ii) **within the front setback of an existing dwelling** including a small second dwelling on the allotment and which is screened for at least 90% of its perimeter by a wall, fence or other barrier that is at least 1.5 m high and that has no more than 25% of its area open; and

(b) which is **primarily intended for outdoor recreation activities**

private open space means—

- (a) an unroofed area of land; or
- (b) a deck, terrace, patio, balcony, pergola, verandah, gazebo, swimming pool or spa

Regulation 84 purpose

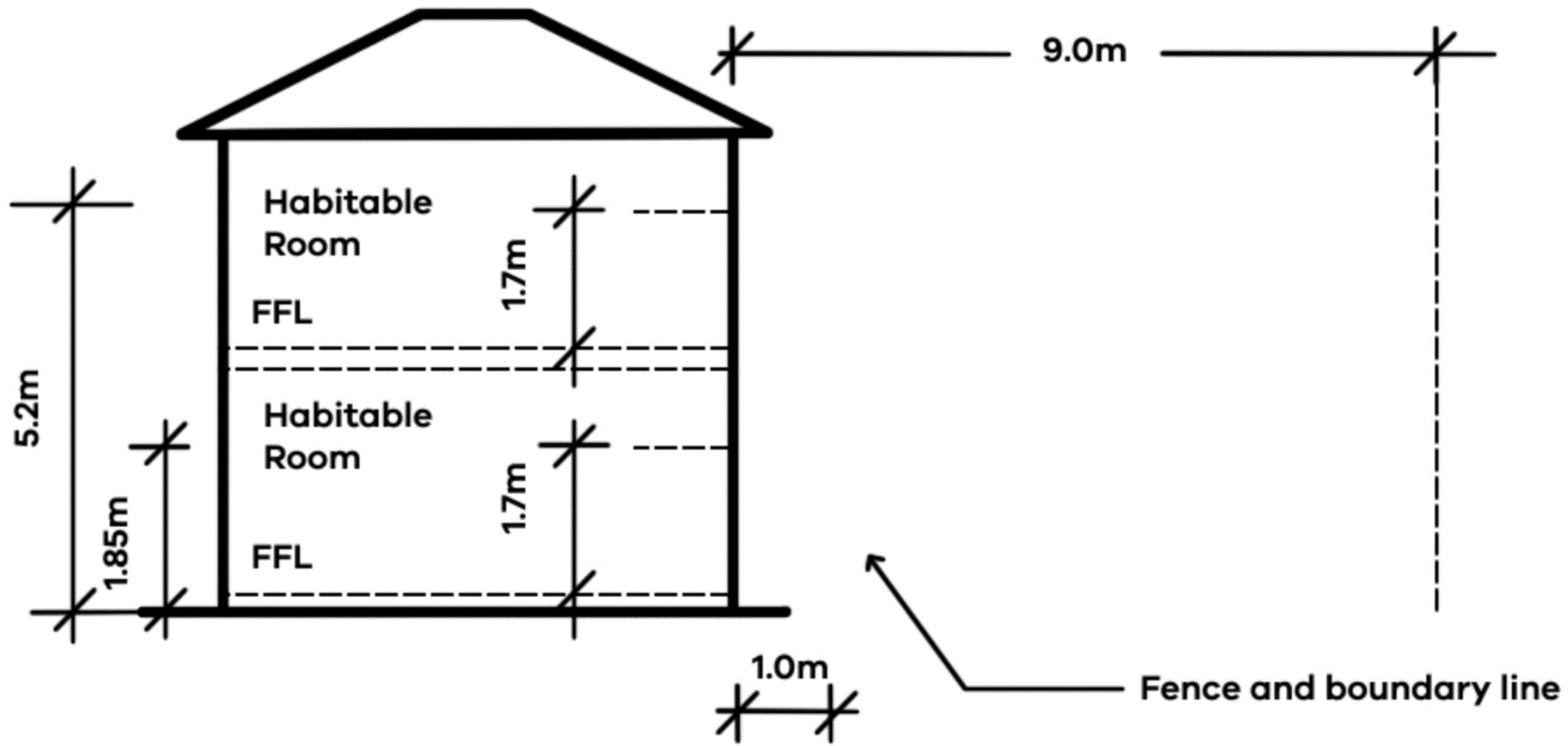
to protect existing habitable room windows and secluded private open space (SPOS) on adjoining allotments, from overlooking

Raised open space definition

a landing with an area of more than 2 square meters, a balcony, a terrace, a deck or a patio

Secluded private open space (SPOS) definition

any part of private open space on an allotment—
(a) which is **screened for at least 90% of its perimeter** by a wall, fence or other barrier that is at least 1.5 m high and that has no more than 25% of its area open; and
(b) which is **primarily intended for outdoor recreation activities.**



Compliance provisions where habitable room window is overlooking an existing habitable room window on the adjoining allotment

Where the edge of the proposed habitable room window is **offset a minimum of 1.5m** from the edge of the existing habitable room window on the adjoining allotment (see Figure)

Where the proposed window has a sill height at least 1.7m above floor level.

If the proposed window has obscure glazing in any part of the window below 1.7 m above floor level.

Where the direct line of sight is obscured by a permanent and fixed screen that has no more than 25% of its area open.

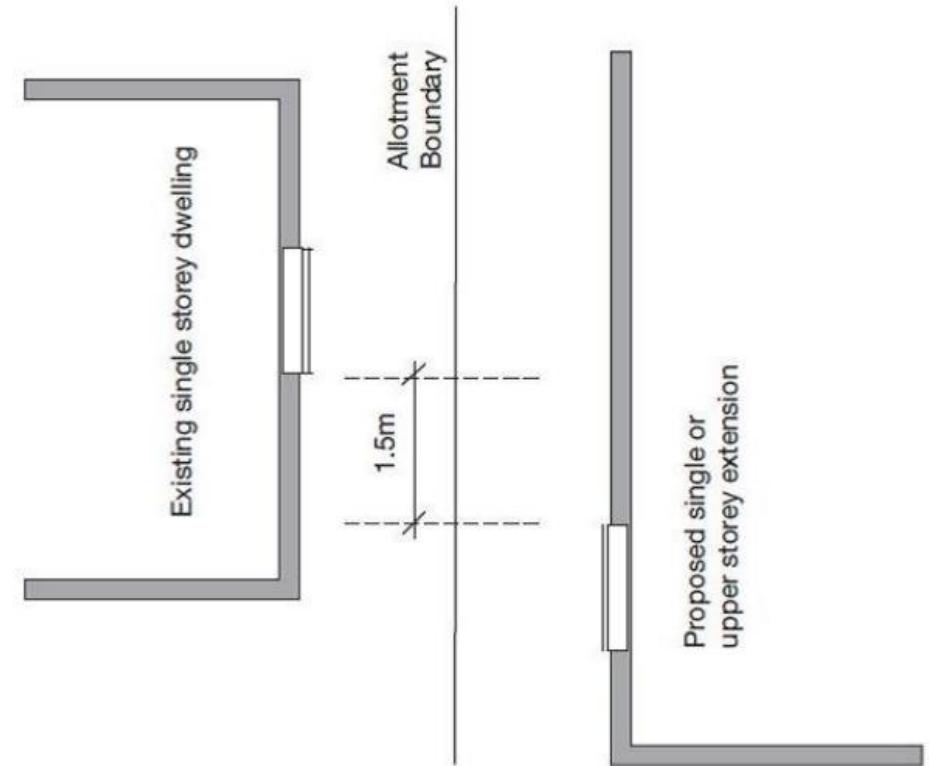


Figure 26 - Overlooking – Offset of 1.5m from edge of windows

Quick quiz

Q1. What is the maximum distance a building can be set back from a front street alignment under Regulation 73?

- A. 6 metres; or
- B. 1/3 the depth of the allotment; or
- C. 40% of the allotment.

Q2. Where an adjoining allotment does not already have the required amount of sunlight under Regulation 83, how much more can the sunlight to the RPOS be reduced?

- A. May not be reduced at all between 9am & 3pm; or
- B. May overshadow if the sunlight is not further reduced for 5 hours (e.g. between 9am and 2pm) ; or
- C. May be further reduced at anytime between 9am & 3pm if there are existing structures such as verandahs or gazebos on the adjoining allotment.



Quick quiz

Q1. What is the maximum distance a building can be set back from a front street alignment under Regulation 73?

B. 1/3 the depth of the allotment.

Q2. Where an adjoining allotment does not already have the required amount of sunlight under Regulation 83, how much more can the sunlight to the RPOS be reduced?

A. May not be reduced at all between 9am & 3pm.



Building Permits



Reminder



Plans submitted to the relevant building surveyor must contain **all relevant details** to demonstrate compliance with the siting requirements of Part 5

Conclusion

Today we have covered:

- **Siting**
- **Application of Part 5 of the Regulations**
- **Planning & Schedule 6 of the Building Regulations**
- **Specific Siting Regulations**



Q & A



Q1. Do you need to consider regulation 79 setbacks and regulation 80 walls on boundaries for an underground basement?

Q2. Where there are existing structures on the adjoining allotment such as verandahs or gazebos, do you include the shadows cast by these structures when preparing shadow diagrams under regulation 83?

Q3. Can a Class 10a building such as a shed be built on a vacant allotment under Regulation 87?

Thank you!

After this webinar: Later today

We'd love your feedback!

You'll receive an email with a quick survey

You'll receive your attendance certificate via email

In approximately 2 weeks

You'll receive an email with the answers to all of today's questions that we didn't get to, as well as those that we did

**Practitioner
Education
Series**

Copyright

© 2021 Victorian Building Authority (VBA). This publication must not be copied, reproduced, published, adapted, or communicated by any person without the VBA's prior written consent or as permitted by the Copyright Act 1968 (Cth)

Disclaimer

The information set out in the VBA's resources is for general information purposes and guidance only. It is a reader's responsibility to obtain independent advice in respect of the application of legislation, a technical instruction or industry standard relevant to their circumstances. A person's use of the VBA's resources is not a substitute for obtaining independent advice. While we have made every attempt to ensure our resources contain correct information at the date of publication, the VBA makes no warranty or representation that its resources are error free. To the extent permitted by applicable laws, the VBA, its employees, agents and consultants exclude any and all liability whatsoever for any direct, indirect, incidental, special or consequential loss or damage a person may suffer arising out of or in connection with the access and use of the VBA's resources (including any third-party material included in these resources).