

Building: Small Second Dwellings (SSD)

Q&A

The following answers have been provided to questions asked during the [Building: Small Second Dwellings](#) on 1 August 2024.

The answers provided are correct as of 7 August 2024.

Where can I find a copy of the presentation slides?

A copy of the presentation slides and recording of the webinar are available from the [VBA website](#).

Can we have some confirmation in regard to small second dwellings (SSD) on corner allotments please. Would this be correct? You may be able to provide a path access to the SSD from the side street and not the front street as required by Regulation 86B if it is dealt with via report & consent and siting requirement 17 of MG-12?

If it would be more appropriate for a corner allotment for the path to start from a side street, then a report and consent is needed.

Are there any restrictions or prohibitive constraints, if an existing SSD be extended with a roofed deck or additional habitable room which would in turn increase the maximum beyond allowable 60m² floor area?

If the additional areas form part of the floor of the SSD, then the total floor area cannot exceed 60m² which includes the additional areas. Whether an outdoor roof area is included as part of the floor area will be determined by council planning.

Do regulations 74A, 86A and 86B of the Building Regulations 2018 (applicable to small second dwelling)? Please explain based on the below scenario: "A Class 1a building that has a kitchen, bathroom, toilet and no laundry facilities; and has a gross floor area that is equal to or less than 60m² on the same allotment as an existing building that is a single Class 1 building that is not a small second dwelling".

Yes, it is presumed that the building is a small second dwelling. If it has no laundry facility, then a building modification from the Building Appeals Board would be necessary.

Can SSD have separate meters for utility such as water, electricity?

Yes, it may be possible depending on the utility provider.

**Do you need to have laundry facilities in a small second dwelling?**

Yes, by default it is required by the deemed-to-satisfy provisions of Volume Two of the National Construction Code.

If the subject site has 'One Dwelling only' covenant, can small second dwelling still be built? Or the covenant needs to be removed?

You should seek specific legal advice regarding your specific covenant.

Does roofed area to include eaves?

Typical eaves such as 450mm eaves are generally not included however confirmation from the council planning department should be obtained that the building is less than 60m².

Why are roof overhangs included in the floor area? This forces people to design with no overhangs.

The gross floor area is a planning definition and so confirmation from each planning authority i.e. council is required where the inclusion of a roof area could result in the building being over 60m².

Is a transitional dependent persons' unit (DPU) now subject to siting per SSD rules? Or are they still exempt from siting like previous?

DPU are not subject to siting regulations under Part 5 of the Building Regulations 2018.

Is a two-storey SSD allowed, as long as the gross floor area (of ground floor) is 60m² or less?

Yes, that is correct, bearing in mind any limitations on number of storeys and building height from planning scheme and building regulations.

At what point is an eave considered a roofed area that adds to the footprint. E.g. an eave of 1.2m to provide solar protection to the north, with no associated deck, just a step down to natural ground level (NGL). Is this fully considered an eave, fully building size, or a combination?

This will depend on each council's planning department interpretation of the planning scheme definition.

If there is already a framework allowing an SSD up to 60m² what can council do? They have no jurisdiction for exemptions.

The council is the authority overseeing compliance with the planning scheme. An SSD can be exempt from a planning permit if it satisfies all the conditions for an exemption. Otherwise, a planning permit is required from the council to build an SSD. So, you need to ensure that you comply with the planning scheme by obtaining any necessary planning permits before building an SSD.

On reticulated gas, does the second dwelling trigger a need for removal of gas in the main dwelling?

The main dwelling may retain the reticulated gas connection. Only the SSD must not be connected to reticulated gas to meet the planning permit exemption condition.

Can you have SSD, if DPU is more than 30m² on site?

Yes, a DPU and SSD are separate uses. So, it is possible to have a DPU and SSD on the same land. They are independent of each other.

Could the second dwelling be built prior to the primary?

The primary main dwelling needs to be existing i.e. occupancy permit, in order to be issued a building permit for a small second dwelling.

**Is a planning permit required in farming zone, if there's overlays such as bushfire, if there's already an existing dwelling on the land?**

Generally, a planning permit for overlays will be required, however you will need to verify if a planning permit is required from the council.

Do roof decks count towards building area, or as they are unroofed these are ignorable?

The gross floor area is a planning definition and so confirmation from each planning authority i.e. council is required where the inclusion of a roof area could result in the building being over 60m².

If we propose SSD, do we need main electrical meter or a submeter will suffice?

Consult with the utility provider for options.

Regarding the 60m², is it the floor space or roof line?

The gross floor area is a planning definition and so confirmation from each planning authority i.e. council is required where the inclusion of a roof area could result in the building being over 60m².

Can report and consent approval be obtained to place the SSD in front of the existing dwelling?

Yes, it is possible to obtain a report and consent for regulation 74A.

If the existing dwelling has already got 60 per cent site coverage, can I still build second dwellings? How will site coverage will be calculated for second dwellings?

The site coverage is the total area of buildings that occupy an allotment. If current building occupies 60 per cent of the allotment, then any new buildings such as an SSD will increase the area covered by buildings. A report and consent would be required for exceeding the site coverage.

Must the accessible path of the SSD face the same street as the existing dwelling on the allotment?

Yes, the regulation 86B accessible path must be from the same front street as the existing dwelling. This is because the existing dwelling has already established the front street of the allotment. A report and consent is required where the path is to start from the side or rear of the allotment.

Wouldn't Livable Housing Design cover items in Reg 86B?

Livable housing design standard and regulation 86B are separate, however they do share similar requirements relating to the access path. All requirements of the livable housing design standard will still apply.

The floors below ground level are not considered in the calculation of rise in storeys according to the webinar, therefore is a basement storage room excluded from the SSD 60m²?

The concept of rise in storeys from Volume One of the National Construction Code is to determine the level of fire safety risk a building poses. As Volume Two is applicable to an SSD, the concept of rise in storeys has no influence. The basement would be included in the floor area as per the planning and building definition of an SSD.

Does the new energy rating apply to the SSD?

Yes, the new energy rating applies to SSD.



The webinar mentions that overlooking requirements don't apply as SSD and main dwelling are the same owner. What if they are not the same owner, that is the SSD is built on land sold under a land lease arrangement?

The regulation refers to 'adjoining allotment', so the overlooking regulation does not apply as the SSD and main dwelling are on the same allotment.

How is regulation 83 assessed if the adjoining lot has a main dwelling and an SSD? In this case, what is the minimum required sunlight to RPOS?

The required minimum area for the adjoining allotment does not change.

Being small second dwelling, can the livable housing provisions be exempt? Multiple applications are buying prefabricated cabins that do not meet these requirements

SSD is not exempt from livable design housing standards' requirements.

Do we still have the ability to construct a DPU greater than 60m², up to 100m², with no SSD?

Yes, DPU can still be constructed while there is a transitional period.

How do you justify when applying for report and consent for SSD? I.e. MG-12 does not refer to SSD?

MG-12 was updated to coincide with the introduction of SSD. The latest version of MG-12 does make reference to an SSD.

If the SSD is 1m setback from the side boundary, does it still need to be 1.8m from the main dwelling without fire rating?

Yes, it does. Fire safety requirements apply in relation to fire spread from the boundary and fire spread for separate buildings.

Can an SSD be contained to a second floor? I.e. entrance is set up with external stairs?

Class 1a buildings cannot be above or below each other. So an SSD being in a storey above the main dwelling is not possible.

Even if the prefabricated cabins are existing or relocated from other site (etc) there are still no exemptions?

If they are considered to be used as an SSD then you are correct, there is no exemption.

If the property is only 110m², can you apply for dispensation because it is not 300 sq metres?

You will need to refer to your planning scheme. A planning permit would likely be required if your land is less than 300m².

Do you need planning permit for DPU, as I understand you don't need planning permit for SSD?

A planning permit is not required for DPU however you should refer to your council planning scheme.

The function of DPU is a Class 1a, not sure how siting regulations do not apply?

Part 5 of the Building Regulations 2018 only apply to a single class 1a building being the existing main dwelling. As a DPU is a second class 1a building, Part 5 cannot apply and additionally a DPU is normally exempt from a planning permit.



Where there is a rear street frontage as well, can the SSD be accessed from the rear street rather than the street frontage?

The regulation 86B accessible path must be from the same front street as the existing dwelling. This is because the existing dwelling has already established the front street of the allotment. A report and consent is required where the path is to start from the side or rear of the allotment. An additional extra path to the SSD could be from the rear street.

If dependent persons unit complies with SSD, can it be redefined?

Yes, under an application for a building permit it would require a change of use application to classify the DPU as an SSD. We recommend contacting a registered building surveyor to undertake this process.

Is a carport allowed that is not attached to the SSD?

Yes, a carport being a Class 10a building is separate to a Class 1a small second dwelling.

Can the SSD be connected to non-reticulated gas supply?

It can, however, will no longer satisfy all conditions for a planning permit exemption. Therefore, a planning permit will be required.

I am on rural property; can I apply for multiple dwellings? I am just under three acres.

We recommend you contact council planning department (TPP). If there is an existing dwelling, then an SSD under 60m² would not require a TPP.

Would you expect a council to exempt an open covered verandah on columns/posts, excluded from floor area?

This would be at the discretion of each relevant council. We suggest obtaining a planning compliance certificate for any SSD exemptions that may apply, as this will be needed for the application for a building permit.

When calculating the floor area for SSD, does roofed areas include eaves regardless the width of the eave?

Typical eaves such as 450mm eaves are generally not included. However, confirmation from the council planning department should be obtained especially where the eaves are larger.

SSD is a separate SOU and when located above other SOU the building shall be Class 2 in accordance with BCA. Any comments.

Under the Building Regulations 2018 an SSD is defined as a Class 1a building So it is not possible for an SSD to be classed as a Class 2 building.

Can the accessible path be not straight but, have 90-degree bends to get access to the SSD?

Yes, it possible to have turns and bends so long as the path maintains the minimum width.

Will a separate building, which is exclusively for existing owners use only, be classified as an SSD? Would it need to meet all SSD requirements? Second living area with bathroom for example.

An SSD is built as a self-contained dwelling. It may be used by the owners of the main dwelling.



For further information or clarification please contact the Technical and Regulation Team via technicalenquiry@vba.vic.gov.au

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