

Small Second Dwellings

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:

**Practitioner
Education
Series**



Tony Si

Technical Adviser
Technical and Regulations

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?



**Understand
what's involved
when building
a small second
dwelling.**





Learning goals

After this webinar you will be able to understand:

Definitions
Planning Permits
Siting Regulations
Building Code

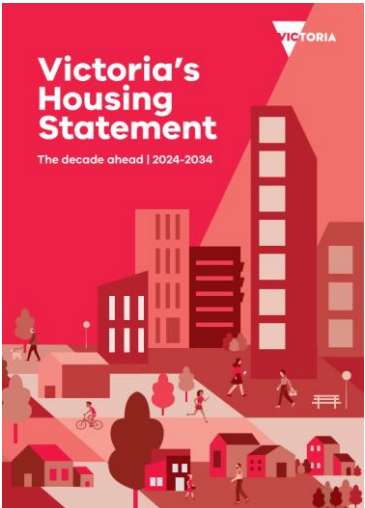


Webinar Contents

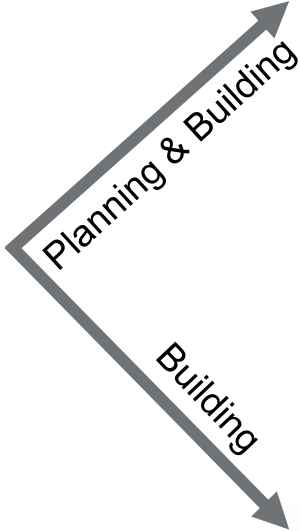
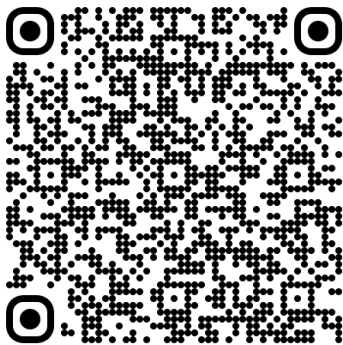
-  Building permit
National Construction Code
-  Building permit
Siting regulations
-  Planning permit exemption
-  Definitions



Background & context



Department of Transport and Planning



Definition – Small Second Dwelling

Planning

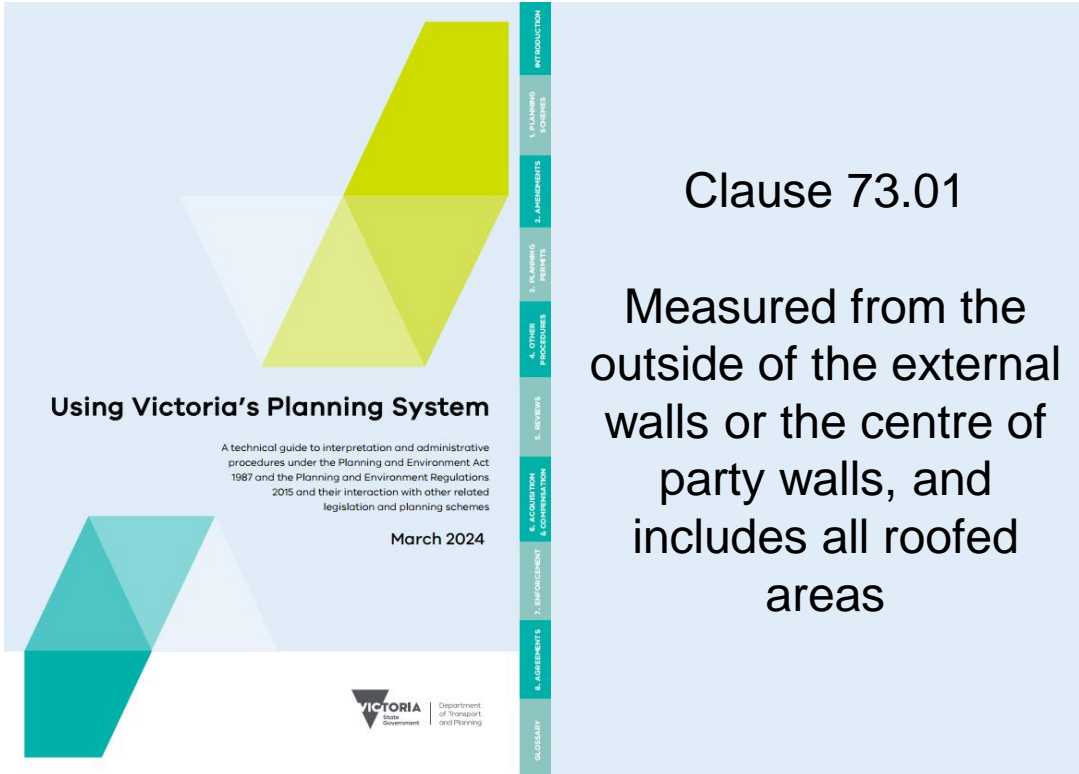
A building with a **gross floor area** of **60m² or less** on the same lot as an existing dwelling and used as a self-contained residence, which must include:

- a) A kitchen sink;
- b) Food preparation facilities;
- c) A bath or shower; and
- d) A toilet and wash basin

Building

A Class 1a building that is self-contained 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.

Definition - Gross floor area



Using Victoria's Planning System

A technical guide to interpretation and administrative procedures under the Planning and Environment Act 1987 and the Planning and Environment Regulations 2015 and their interaction with other related legislation and planning schemes

March 2024

VICTORIA
State Government | Department of Transport and Planning

Table of Contents:

- INTRODUCTION
- 1. PLANNING SCHEMES
- 2. ASSESSMENTS
- 3. PLANNING PERMITS
- 4. OTHER PROCEDURES
- 5. REVIEWS
- 6. ACQUISITION & COMPENSATION
- 7. ENFORCEMENT
- 8. ASSESSMENTS
- GLOSSARY

Clause 73.01

Measured from the outside of the external walls or the centre of party walls, and includes all roofed areas

Definition - Gross floor area

Clause 73.01

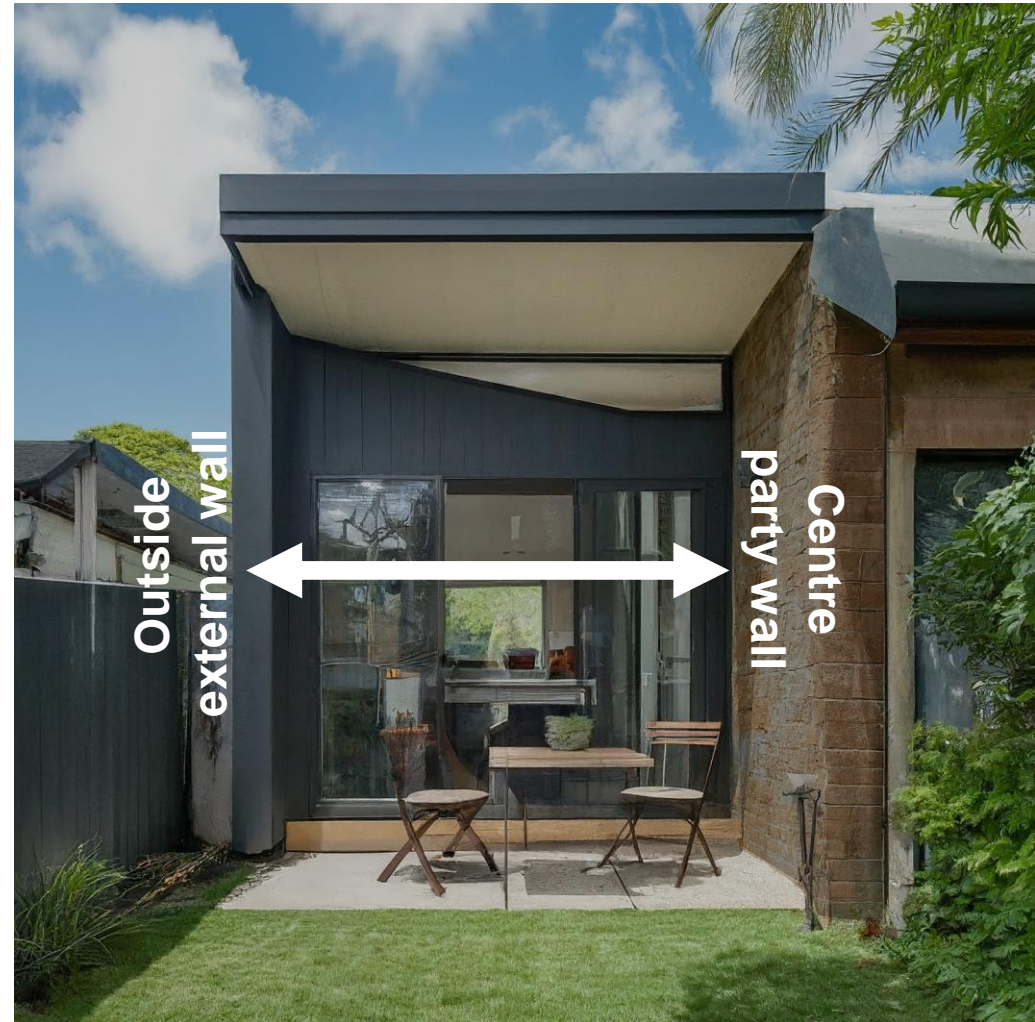
Measured from the **outside of the external walls** or the centre of party walls, and includes all roofed areas.



Definition - Gross floor area

Clause 73.01

Measured from the outside of the external walls or the **centre of party walls**, and includes all roofed areas.



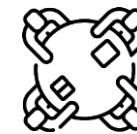
Gross Floor area

Clause 73.01

Measured from the outside of the external walls or the centre of party walls, and includes all roofed areas.



Seek confirmation from council e.g. planning certificate of compliance



Require planning permit?



Keep record for building permit



Quick quiz

Q1. A small second dwelling has maximum gross floor area of 60m².

Answer: True

Q2. You should obtain confirmation from council, if you are unsure the building is exempt from a planning permit.

Answer: True



Webinar Contents



Building permit
National Construction Code



Building permit
Siting regulations



Planning permit exemption



Definitions





Land Zones

Residential Zones

General residential, Mixed use, Neighbourhood residential, Residential growth,

Planning permit exempt if:



Allotment $\geq 300\text{m}^2$



Currently only have 1 existing dwelling on the lot



Be the only small second dwelling on lot



Not connected to reticulated gas supply



Township zone

Low density zone

Planning permit exempt if:



Allotment $\geq 300\text{m}^2$ (only Township zone)



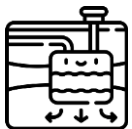
Currently only have 1 existing dwelling on the lot



Be the only small second dwelling on lot



Not connected to reticulated gas supply



Waste water treatment, drinking water supply and electricity supply



Rural living/activity zone

Farming zone

Planning permit exempt if:



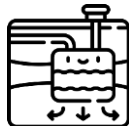
Currently only have 1 existing dwelling on the lot



Be the only small second dwelling on lot



Not connected to reticulated gas supply



Waste water treatment, drinking water supply and electricity supply



Not within specified setbacks



Green Wedge zone Rural Conservation zone

Planning permit required and SSD must:



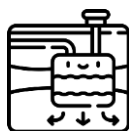
Currently only have 1 existing dwelling on the lot



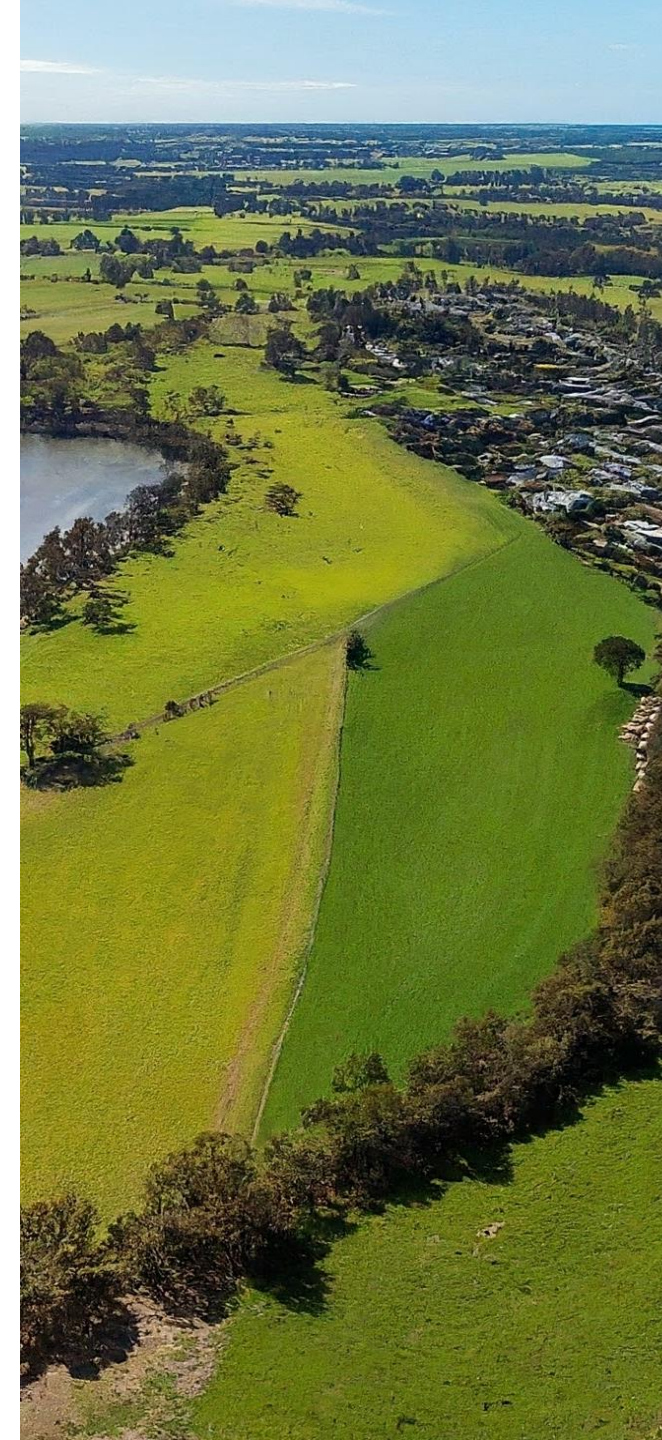
Be the only small second dwelling on lot



Not connected to reticulated gas supply



Waste water treatment, drinking water supply and electricity supply



Covenants

Easements

OTHER CONTROLS

Overlays

s173 agreements



**Download the full
Planning Property
Report (PDF)**

**View an
interactive map
online**



Quick quiz

Q1. It is possible to obtain a planning permit if you don't qualify for a planning permit exemption.





Answer: True

Q2. A common condition for a planning permit exemption is that reticulated gas cannot be connected.

Answer: True

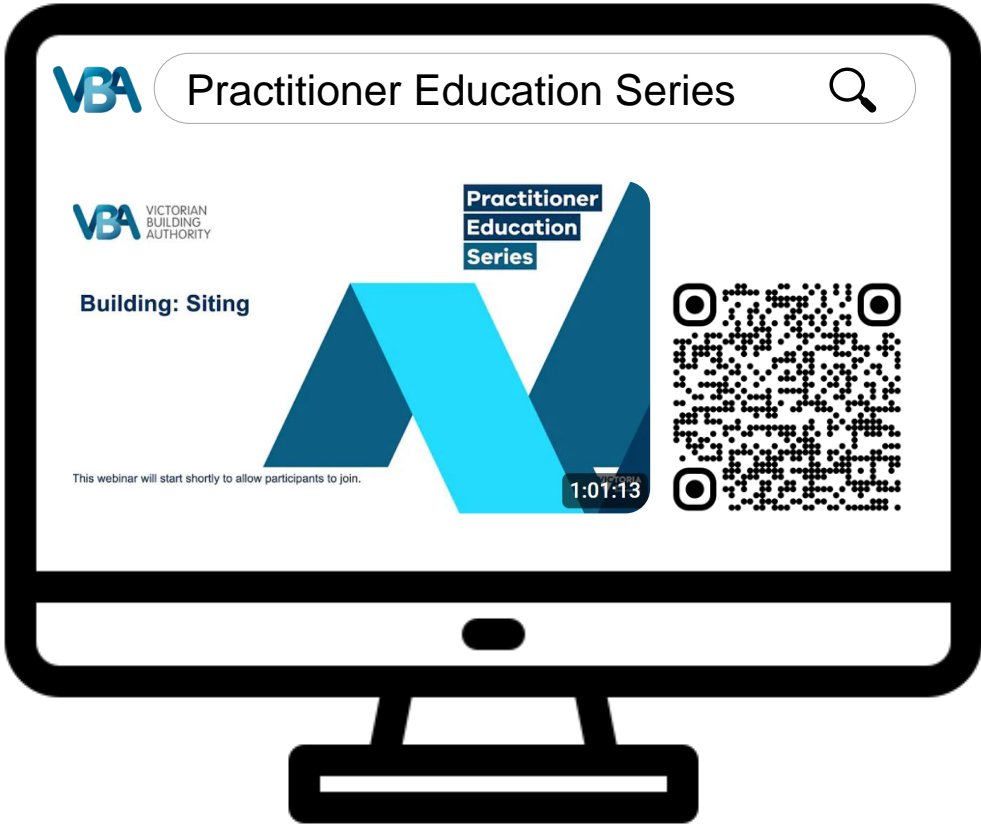


Webinar Contents

-  Building permit
National Construction Code
-  Building permit
Siting regulations
-  Planning permit exemption
-  Definitions



Siting Regulations



Siting Regulations

Minimum street setback
Reg 74



Same
allotment

SSD

Existing
dwelling



Siting Regulations

Minimum street setback
Reg 74

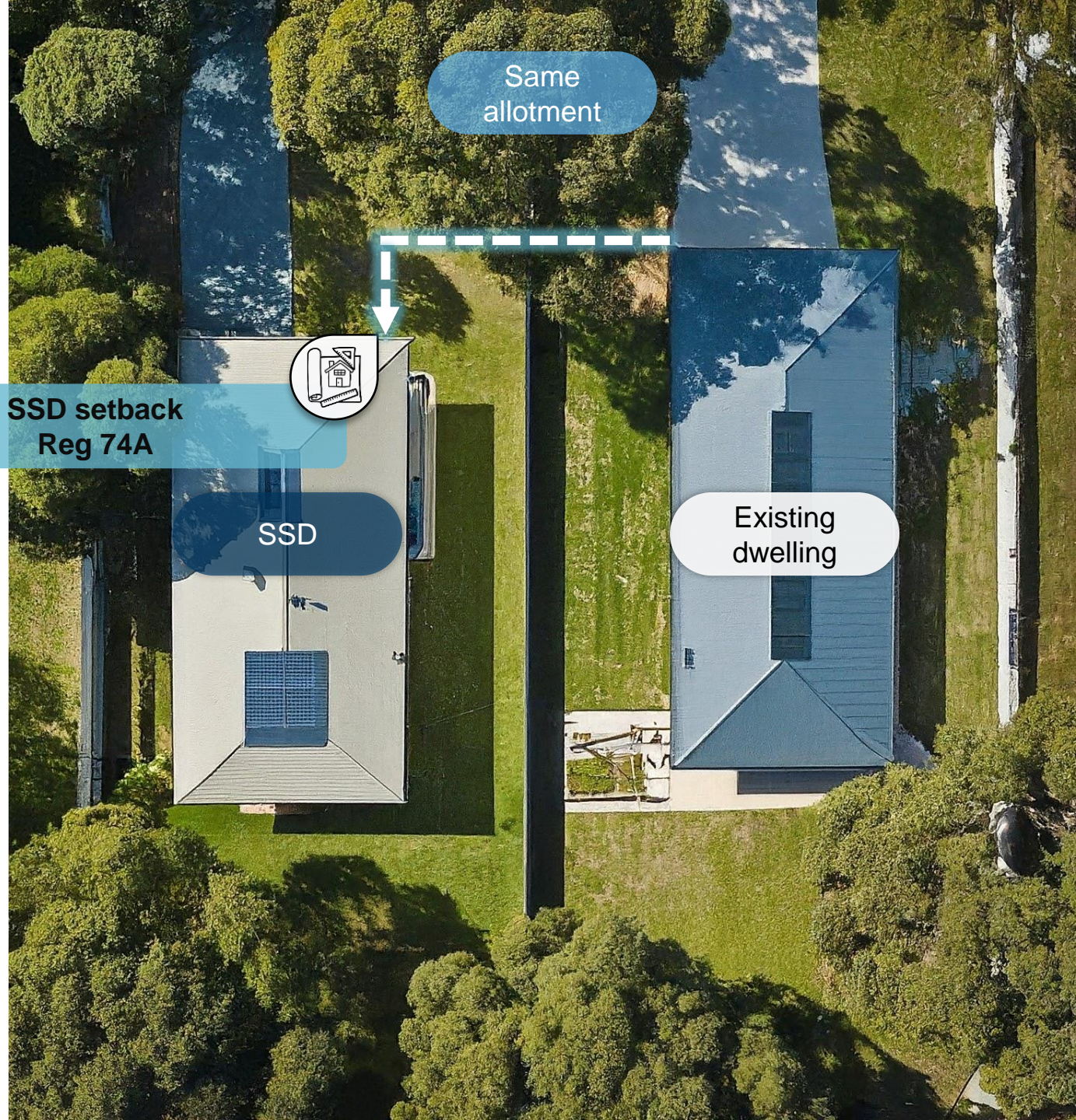


SSD setback
Reg 74A

SSD

Same
allotment

Existing
dwelling



Siting Regulations

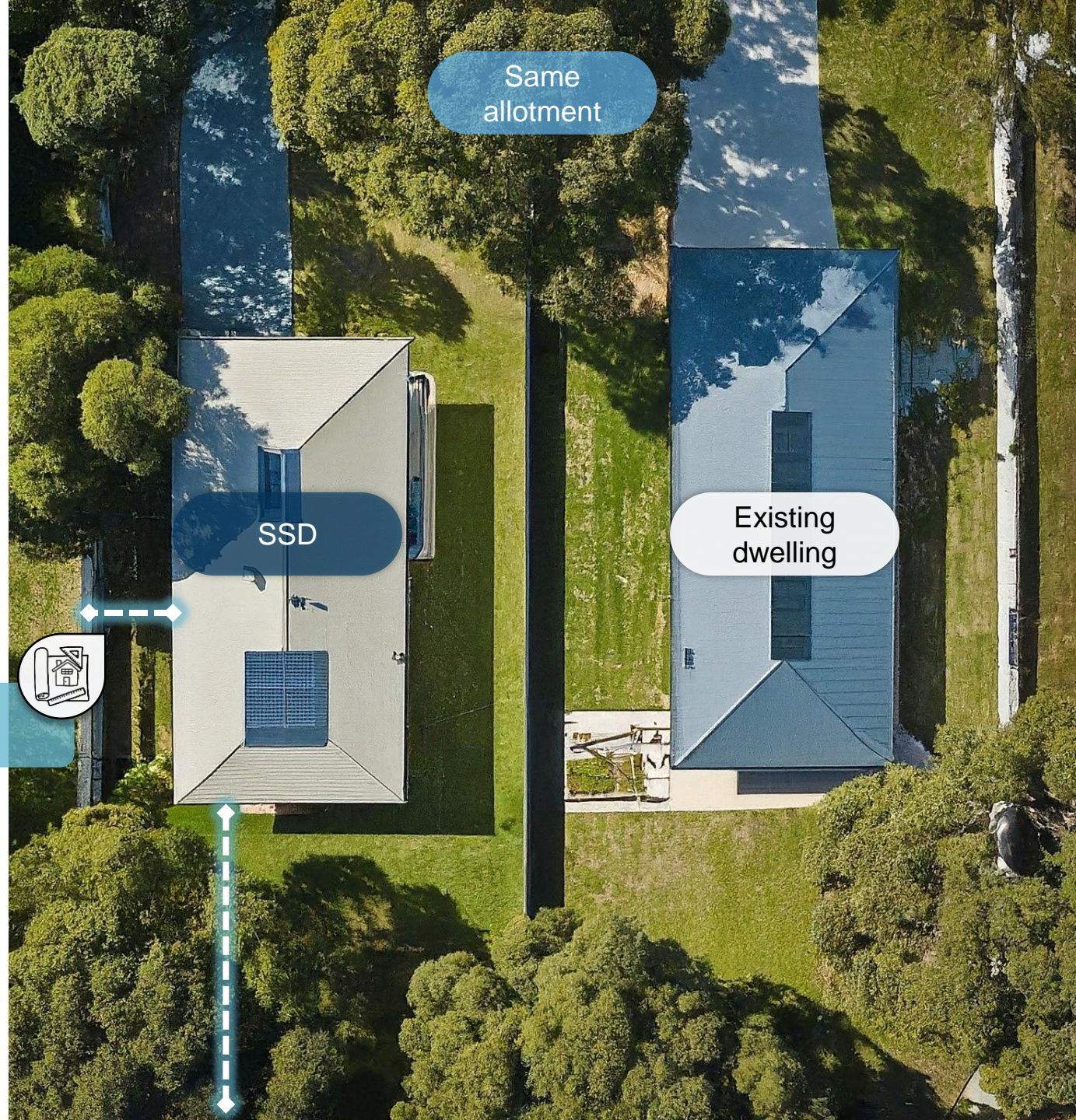
Minimum street setback
Reg 74



SSD setback
Reg 74A



Side & rear setback
Reg 79A



Same allotment

SSD

Existing dwelling

Siting Regulations

Minimum street setback
Reg 74



SSD setback
Reg 74A



Side & rear setback
Reg 79A



Site coverage
Reg 76



Same allotment

SSD

Existing dwelling

Siting Regulations

Minimum street setback
Reg 74



SSD setback
Reg 74A



Side & rear setback
Reg 79A



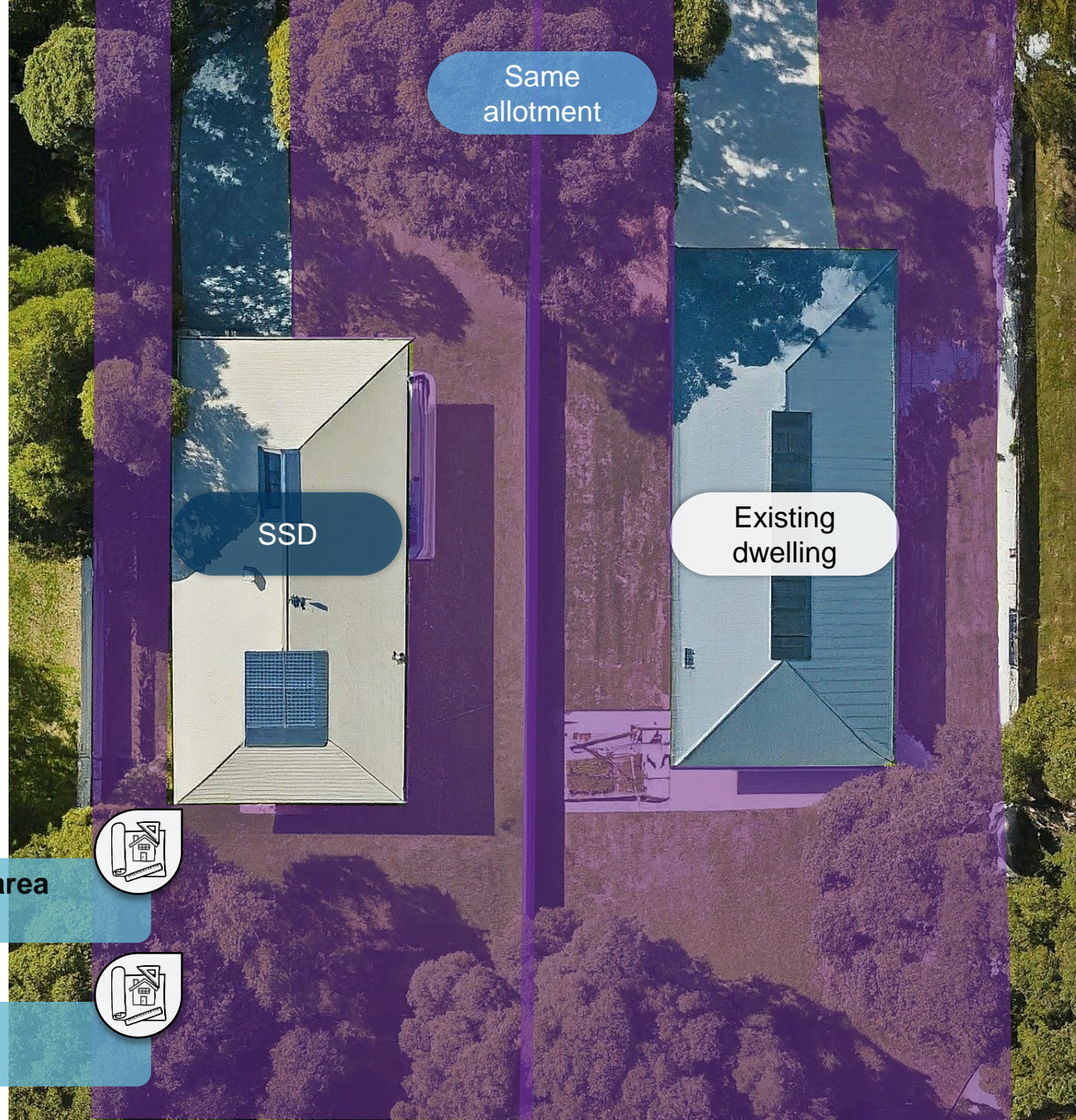
Site coverage
Reg 76



Minimum garden area
Reg 76A



Permeability
Reg 77



Same allotment

SSD

Existing dwelling

Siting Regulations

Minimum street setback
Reg 74



SSD setback
Reg 74A



Side & rear setback
Reg 79A



Site coverage
Reg 76



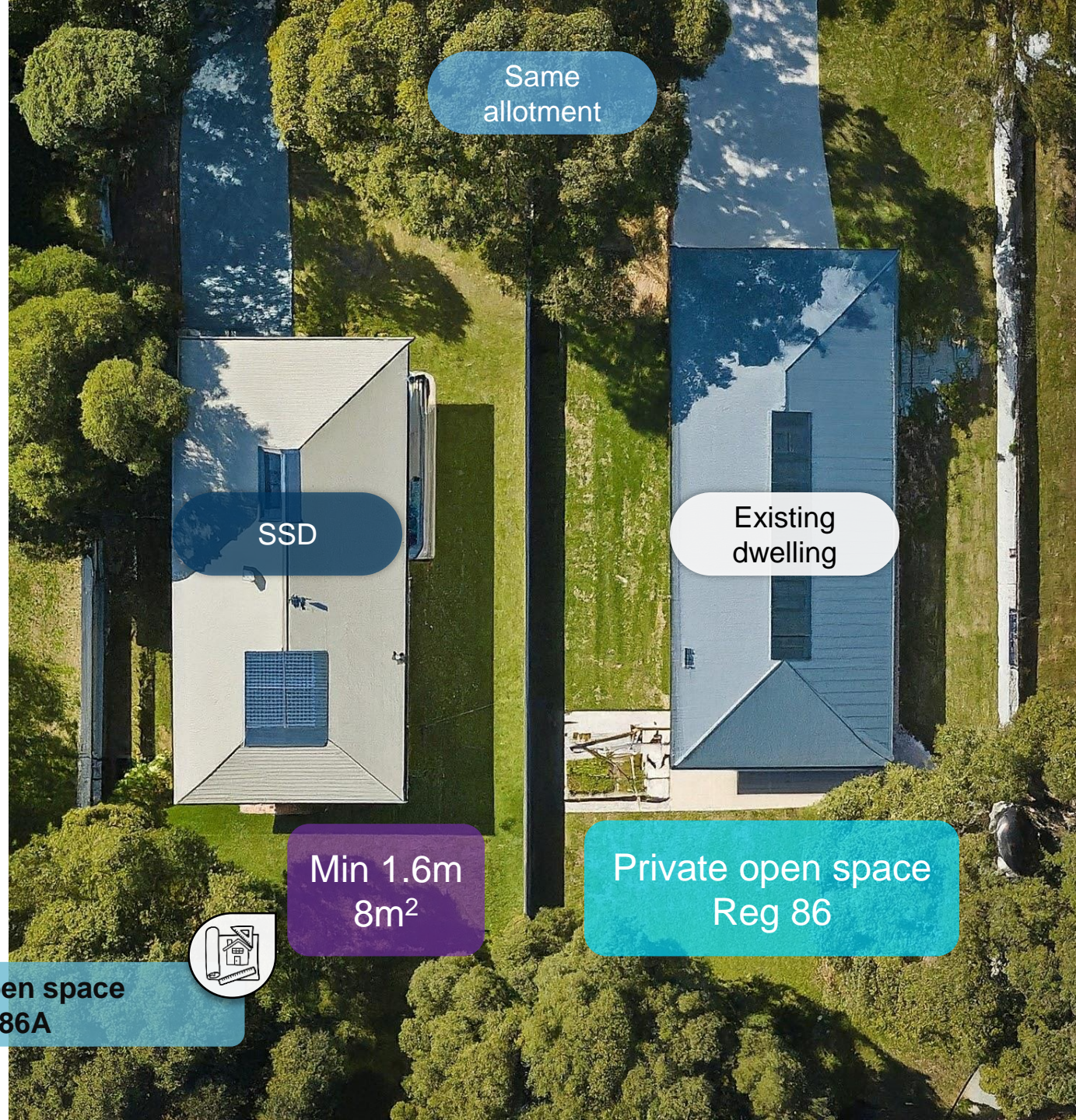
Minimum garden area
Reg 76A



Permeability
Reg 77



Siting Regulations



Same allotment

SSD

Existing dwelling

Min 1.6m
8m²

Private open space
Reg 86

Private open space
Reg 86A



Siting Regulations

Private open space
Reg 86A



Accessible path
Reg 86B

- From front street
- Min 1m wide or 1.8m if longer than 30m
- Clear height of 2m
- Not steeper than 1:14
- Cross fall not greater than 1:40
- Sealed or all-weather access



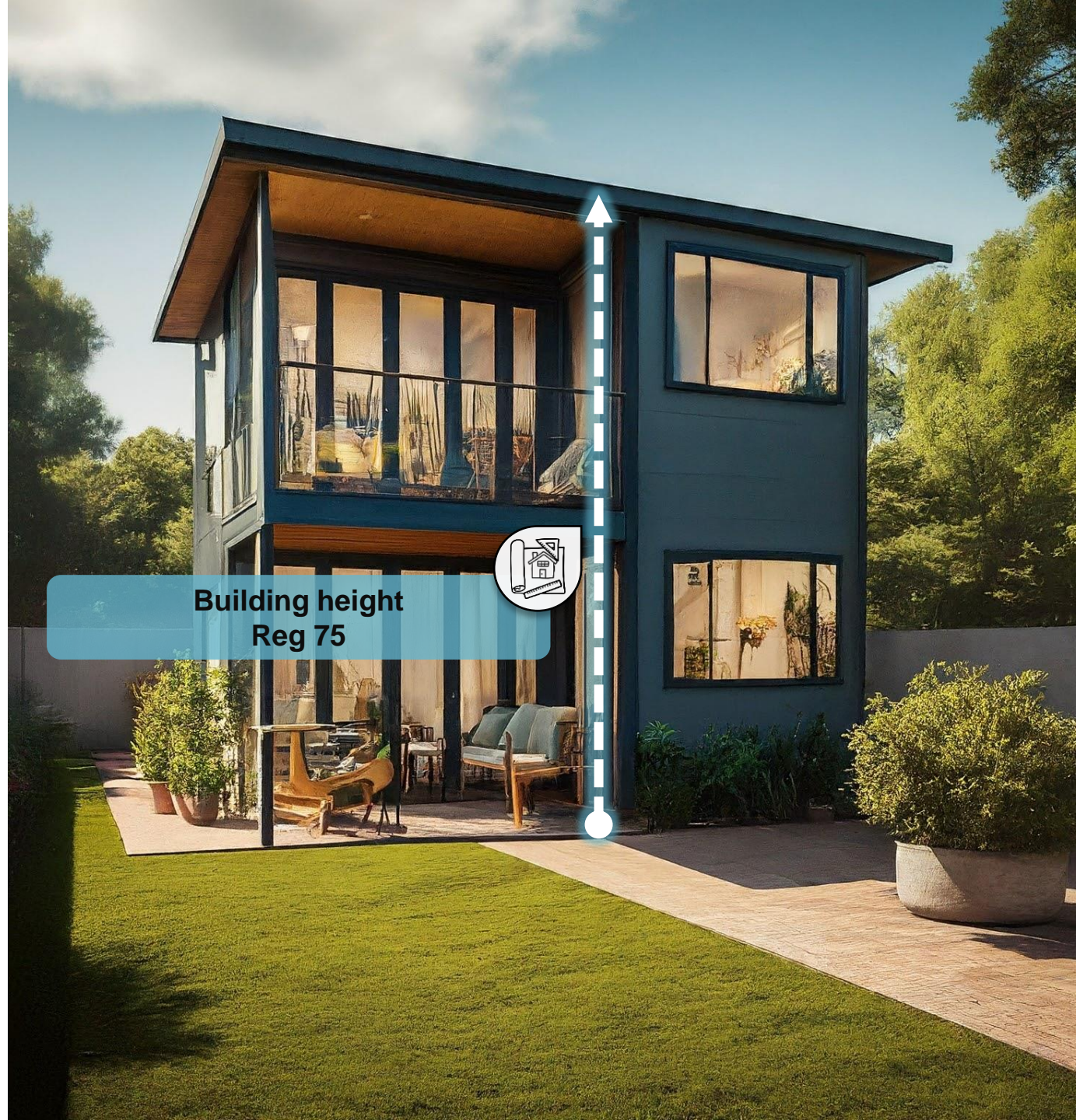
SSD

Same allotment

Existing dwelling



Siting Regulations



Building height
Reg 75

Siting Regulations

Building height
Reg 75



Walls/carports on boundaries
Reg 80



Siting Regulations

Building height
Reg 75



Walls/carports on boundaries
Reg 80



Daylight existing habitable windows
Reg 81



Daylight habitable windows
Reg 85



Adjoining allotment



Siting Regulations

Building height
Reg 75



Walls/carports on boundaries
Reg 80



Daylight habitable windows
Reg 81 & 85



Adjoining allotment

Solar access north windows
Reg 82



Siting Regulations

Building height
Reg 75



Walls/carports on boundaries
Reg 80



Daylight habitable windows
Reg 81 & 85



Solar access north windows
Reg 82



Overlooking
Reg 84



Adjoining
allotment

Siting Regulations

Building height
Reg 75



Walls/carports on boundaries
Reg 80



Daylight habitable windows
Reg 81 & 85



Solar access north windows
Reg 82



Overlooking
Reg 84



Overshadowing RPOS
Reg 83



Siting Regulations

Building height
Reg 75



Walls/carports on boundaries
Reg 80



Daylight habitable windows
Reg 81 & 85



Solar access north windows
Reg 82



Overlooking
Reg 84



Overshadowing RPOS
Reg 83



Siting Regulations Not Applicable for SSD

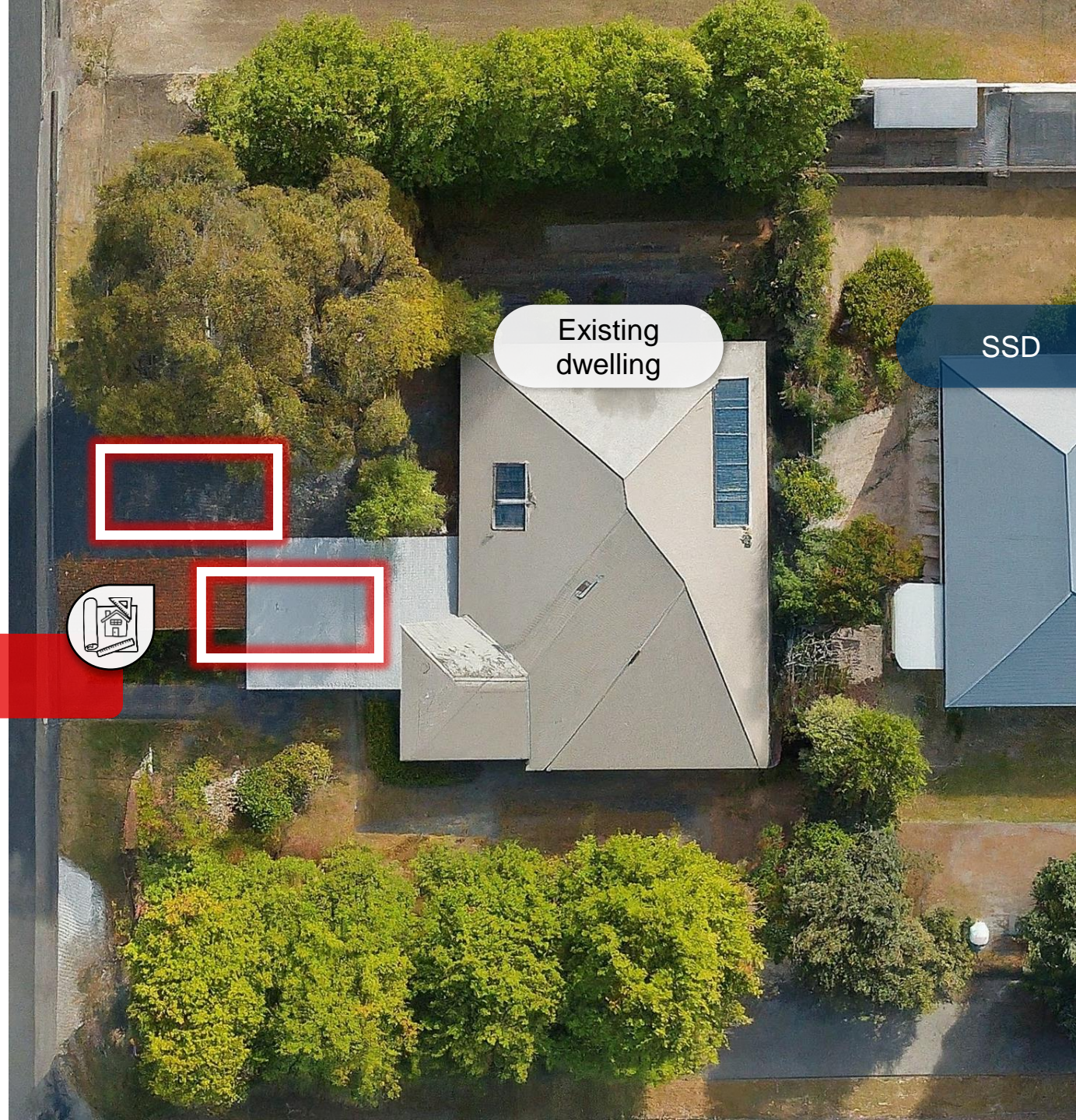


Siting Regulations Not Applicable for SSD

Max street setback
Reg 73



Car parking
Reg 78



Siting Regulations

Not Applicable for SSD

Max street setback
Reg 73



Car parking
Reg 78



Private open space
Reg 86



25m²
Min 3m

Existing dwelling

SSD



Siting Regulations Not Applicable for SSD

Max street setback
Reg 73



Car parking
Reg 78



Private open space
Reg 86



Quick quiz

Q1. The existing main dwelling and small second dwelling require their own separate private open space area.

Answer: True

Q2. A small second dwelling is required to have a car parking space.

Answer: False



Webinar Contents



Building permit
National Construction Code



Building permit
Siting regulations



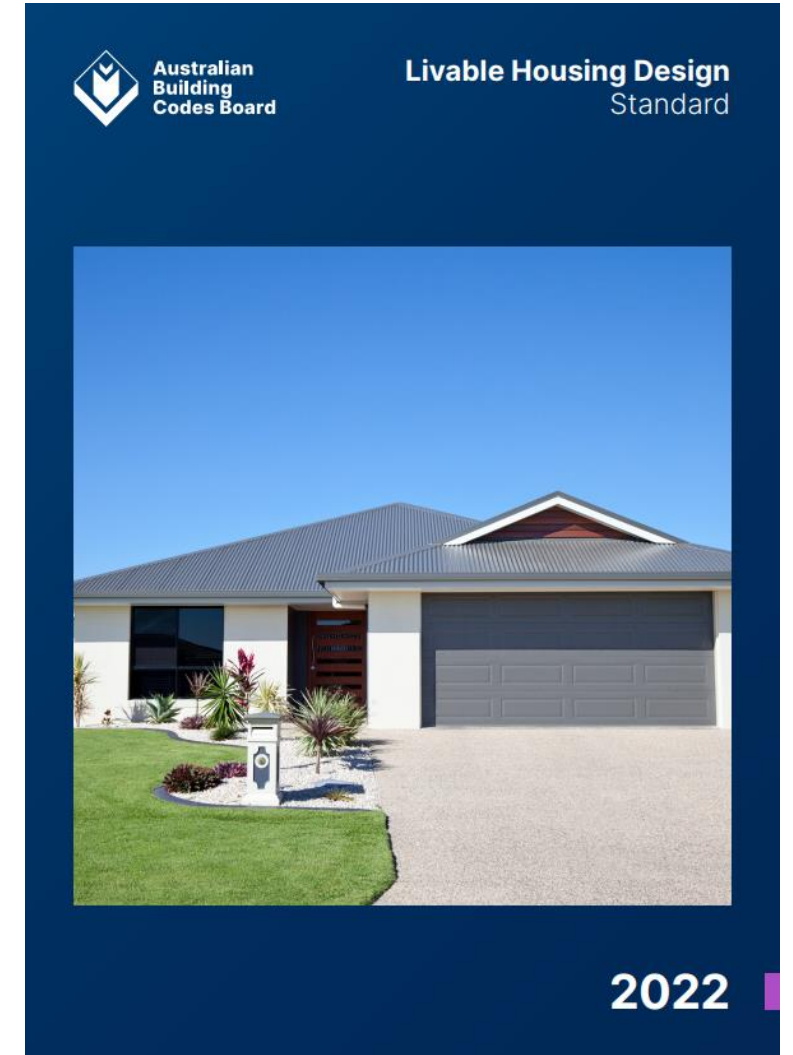
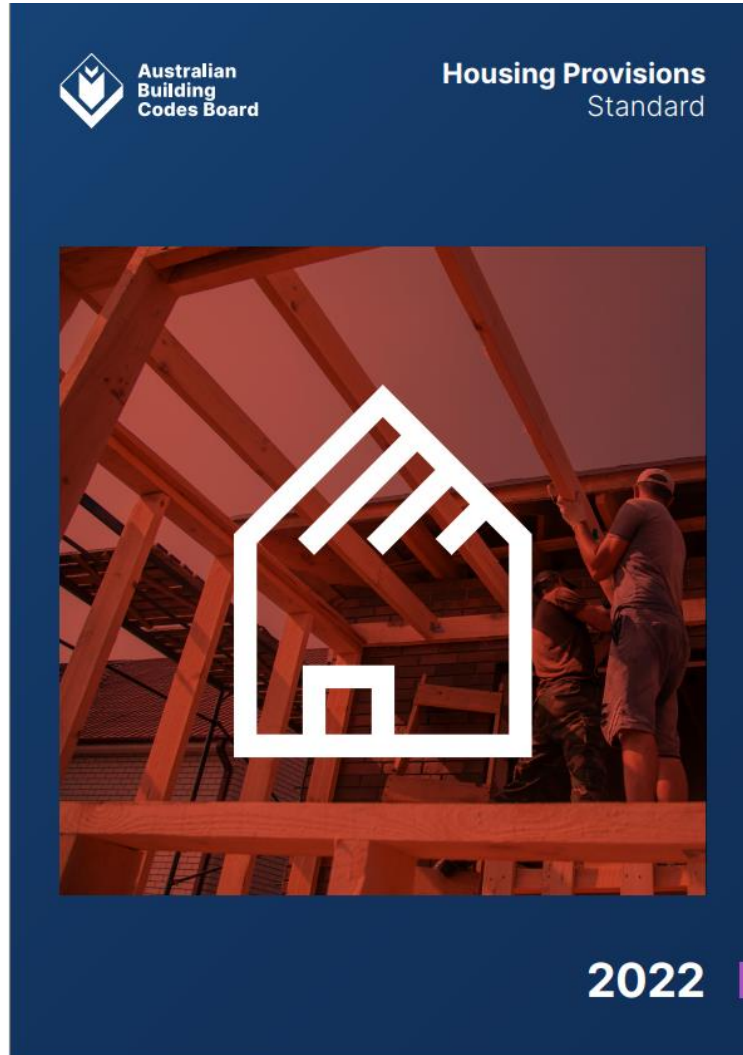
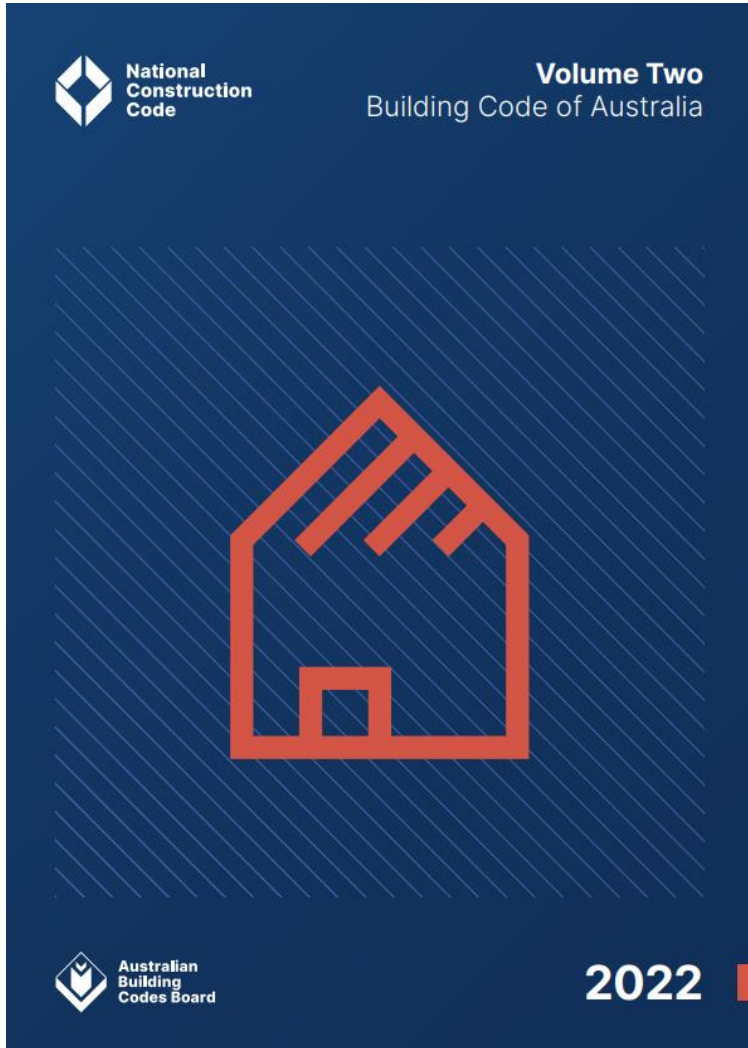
Planning permit exemption



Definitions



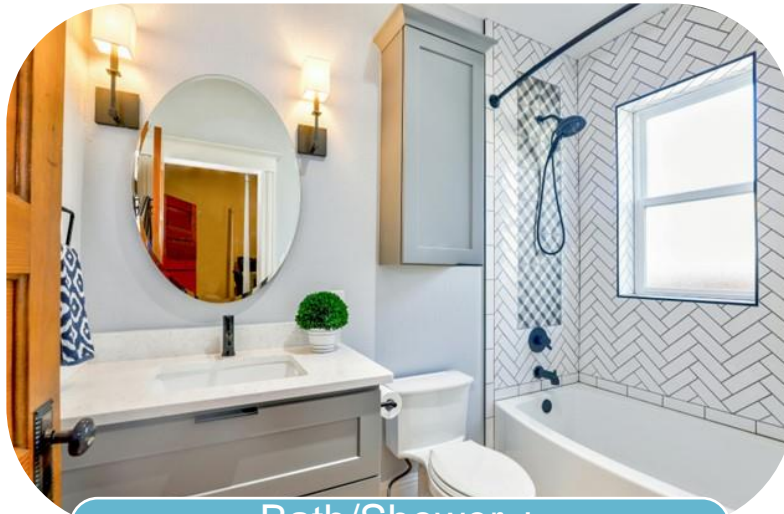
NCC - Volume Two



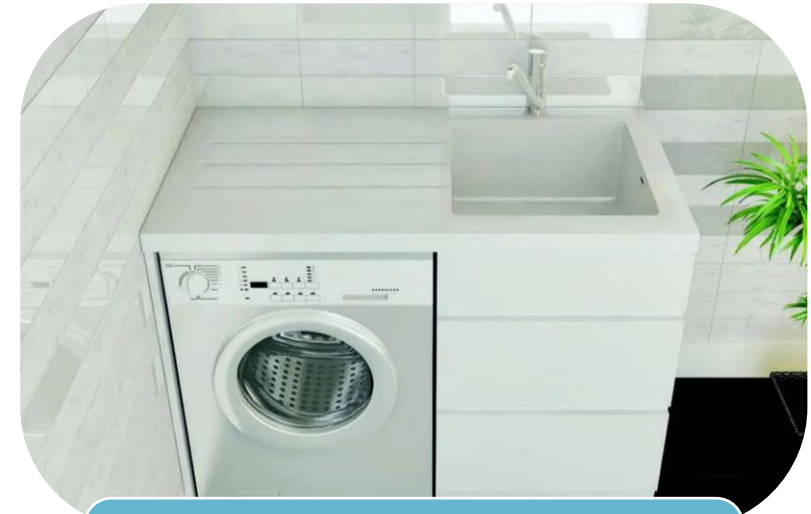
Facilities



Kitchen sink & facilities for
cooking



Bath/Shower +
Toilet & Wash basin



Clothes washing facilities

Fire Safety



Fire rated if <900mm boundary

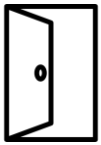


Fire rated if <1800mm other buildings

Livable Housing



Step free path to entrance



Step free entrance door



Min. widths for doors and corridors



Ground floor toilet + reinforcement



Step free shower + reinforcement



Livable Housing



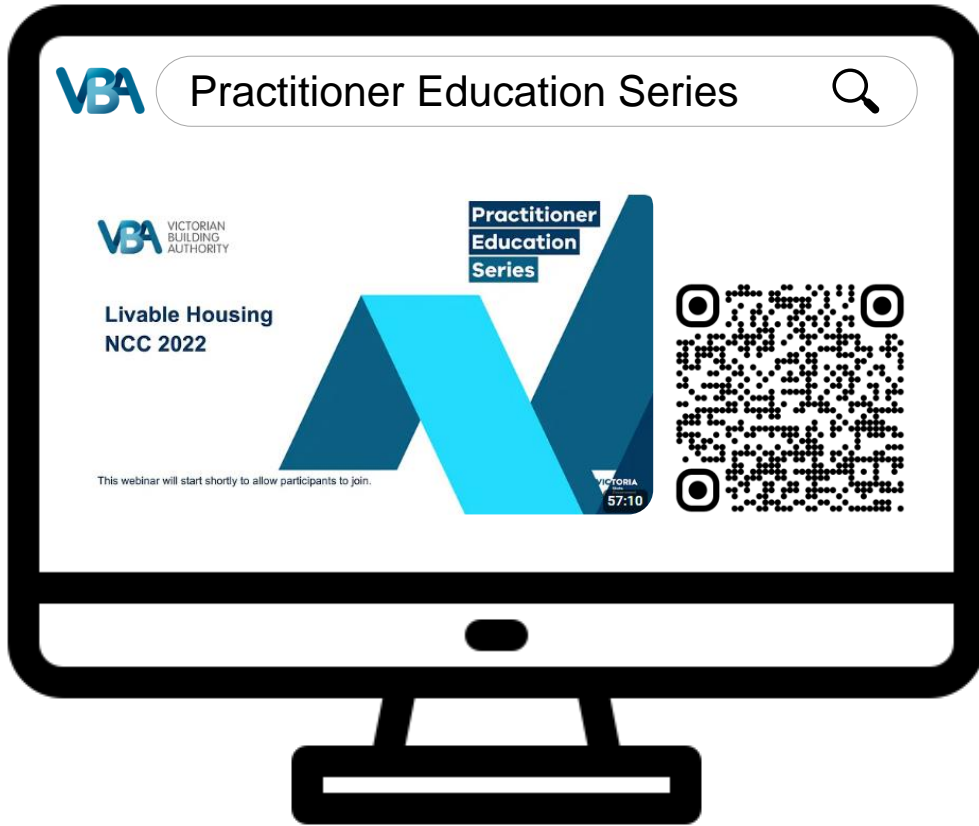
820mm

Entrance clear width

Step free path



Livable Housing



Quick quiz

Q1. A small second dwelling must comply with Volume Two of the National Construction Code.

Answer: True

Q2. The Livable Housing Design Standard applies to a small second dwelling.

Answer: True



Dependent Persons Unit



Occupants are dependent



Designed to be movable



No siting regulations



Can't be rented out to anyone



Conclusion

Today we have covered:



Building permit
National Construction Code



Building permit
Siting regulations



Planning permit exemption



Definitions



Q & A




Pre-submitted Questions

1. Do the 7-star energy efficiency requirements apply?
2. Will it be possible to comply with the livable housing requirements being limited to 60m²?
3. Can a garage be converted to a small second dwelling?



Pre-submitted Questions

4. Do you have to interconnect a smoke alarm between the main dwelling and SSD?
 5. Can the laundry facilities be detached from the SSD in another area?
 6. Does a separate garage, carport or shed provide for the SSD count towards the max floor area?
- 

Pre-submitted Questions

7. Regulation 86B accessible path to the SSD. Please provide clarification what is considered an obstruction in the path.
8. Regulation 86B what does sealed or all-weather access path mean?
9. Does the SSD require separate bins and street number?



Pre-submitted Questions

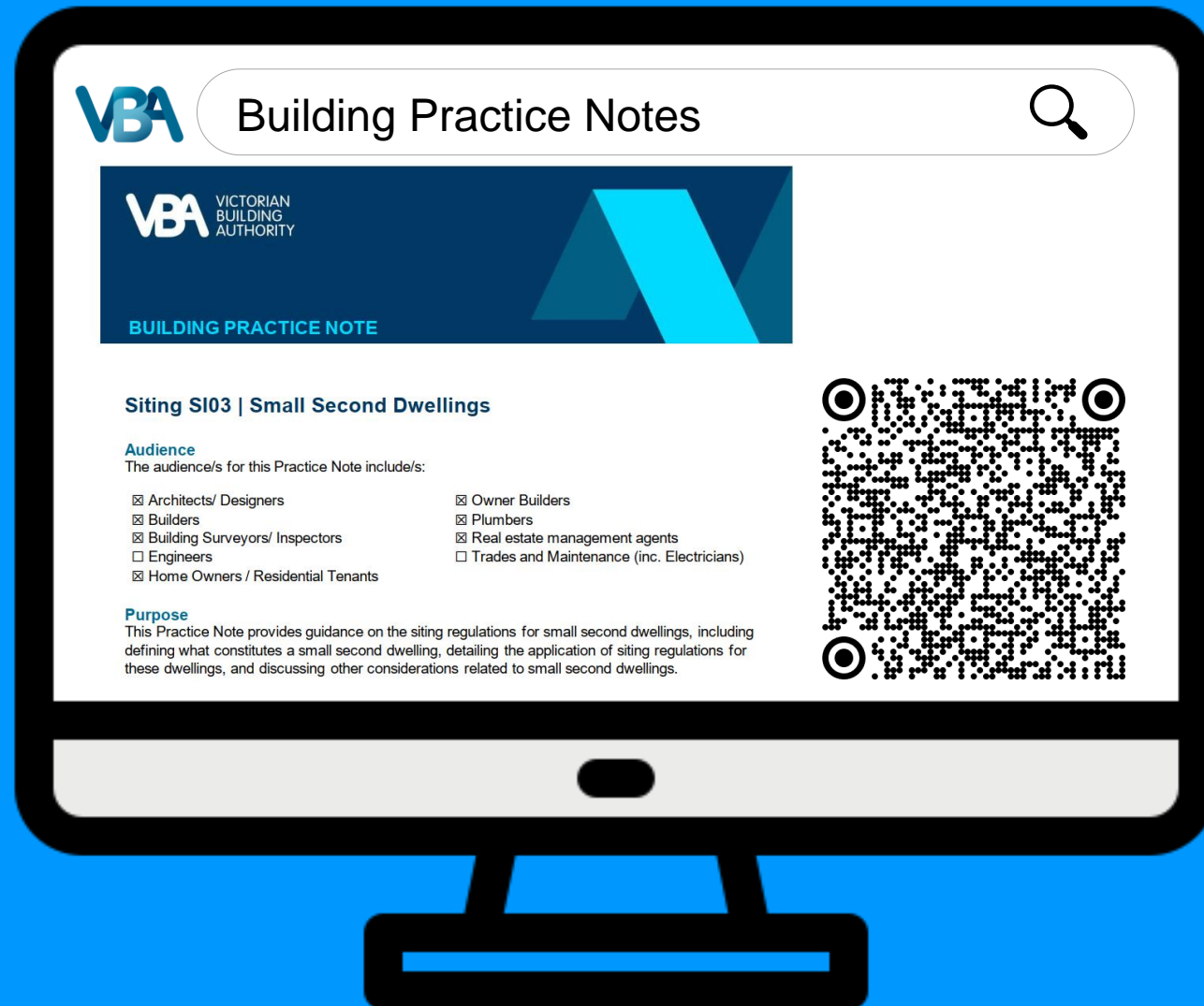
10. Does a SSD need separate electricity and water meter?

11. Can a tiny house be a SSD?

12. Can a SSD be prefabricated in a factory and craned into place on site?



Practice Notes



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

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