

Making it easier to build small second dwellings

Planning and building framework

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Acknowledgement of Country

The Department of Transport and Planning proudly acknowledges Victoria's Aboriginal communities and their ongoing strength in practicing the world's oldest living cultures.

We acknowledge their ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices. We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, cultural practices and broader aspirations to achieve self-determination.

We acknowledge the diversity in Victorian Aboriginal communities, and that Victoria is home to many Victorian Traditional Owner knowledge systems, languages, customs and protocol. We acknowledge the historic and ongoing leadership of Aboriginal Victorians in protesting systemic racism and their solidarity and activism in struggles for migrant and refugee rights.



Description of artwork

Aaron (Gunaikurnai) 'Movements Between the Five Clans' 2019, acrylic on canvas.

'The tracks are going between the five clans of the Gunaikurnai and the hands are the symbols of my spirit travelling around the campsites.'

This artwork was created through programs provided by the Torch. The Torch provides art, cultural and arts industry support to Indigenous offenders and ex-offenders in Victoria. The Torch aims to reduce the rate of re-offending by encouraging the exploration of identity and culture through art programs to define new pathways upon release.





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The broader housing challenge

Housing affordability is at an all-time low and rents are rising at the fastest rate in 15 years. Housing is not keeping up with demand and the average time for a planning permit is going up. This has resulted in more demands on councils.

Victoria's Housing Statement

On 20 September 2023, the Victorian Government announced the *Housing Statement: The decade ahead 2024-2034*, a plan to provide more homes, including more affordable homes. The housing statement includes many reforms to Victoria's planning system to boost the supply of high-quality and diverse housing to deliver better outcomes for the community.

It also includes a plan to make it easier to build a small second dwelling.

More housing choice for changing needs

Victorians need different homes for different life stages, including being close to family and friends as they get older, supporting loved ones to live independently, living close to work and having opportunities for intergenerational living. The housing market should be able to provide different types of housing that are affordable.

Small second dwellings on the same lot are becoming an increasingly popular housing choice to meet these needs.

Limitations of current process

Many properties across Victoria can have a small second dwelling, but current planning requirements make that hard because:

- Approval for a modest 'granny flat' often goes through the same assessment as a larger residential development for two or more dwellings – this is too complex and takes too long.
- Applications must be publicly advertised and third parties can request a VCAT review.
- A dependent person's unit had to be moveable, accommodate a dependent person and was difficult to enforce. There were no siting requirements either.

Making small second dwellings easier to build

It is now much easier to build a small second dwelling of up to 60 square metres after changes to the planning and building systems.

Most of the time, a small second dwelling that meets the requirements does not need a planning permit, but a building permit is always needed.

With better integration of the planning and building systems, the assessment processes for a small second dwelling makes it easier to have more choices and more affordable housing for everyone.

The changes came into operation on 14 December 2023 through:

- Amendment VC253 to the Victoria Planning Provisions and all planning schemes; and
- Building Amendment (Small Second Dwellings) Regulations 2023.



The changes

What is a small second dwelling?

Planning

The Victoria Planning Provisions and all planning schemes include the land use term 'small second dwelling'.

Land use term	Definition
Small second dwelling	<p>A building with a gross floor area of 60 square metres or less, on the same lot as an existing dwelling and used as a self-contained residence, which must include:</p> <ul style="list-style-type: none"> • a kitchen sink; • food preparation facilities; • a bath or shower; and • a toilet and wash basin.

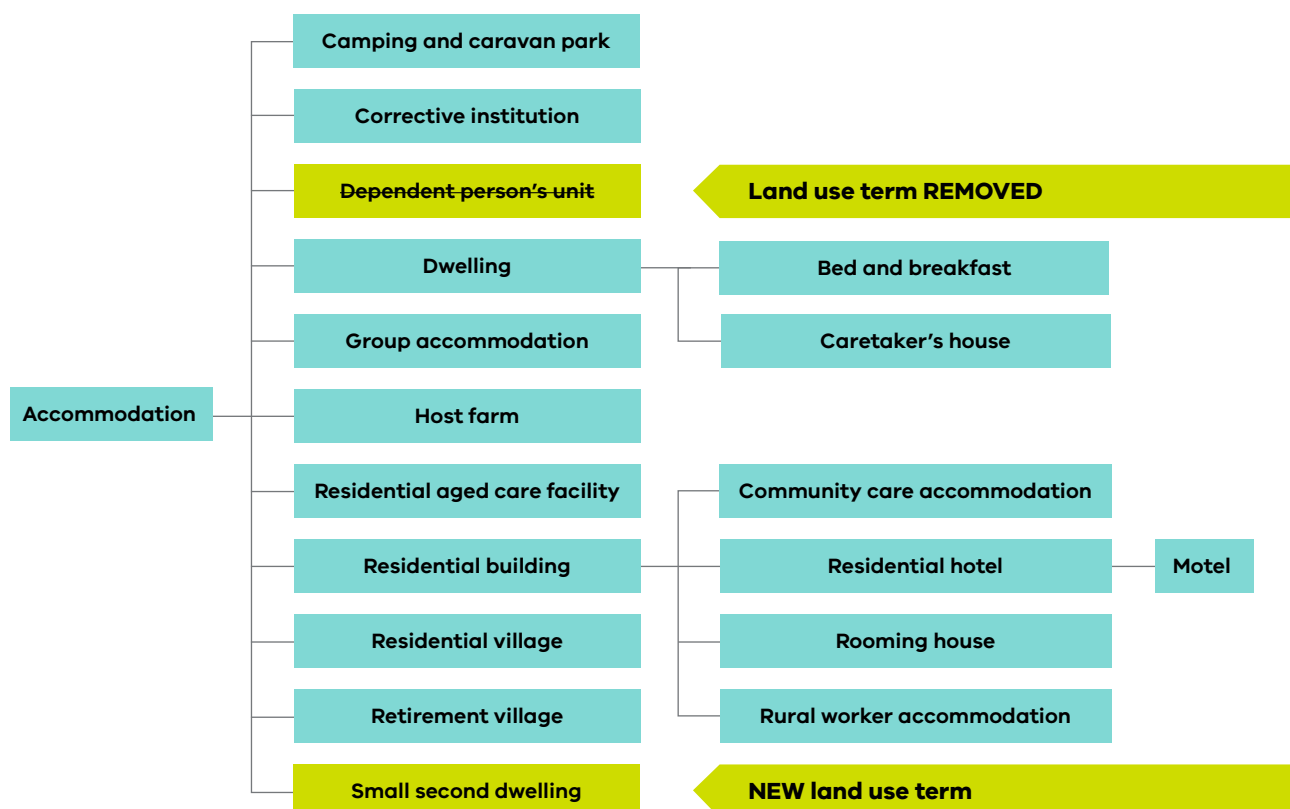
Building

The definition of a small second dwelling is included in Part 5 of the *Building Regulations 2018*.

Term	Definition
Small second dwelling	A Class 1a building with a gross floor area that is equal to or less than 60m ² on the same allotment as an existing building that is a single dwelling.

A 'small second dwelling' is a form of 'accommodation'.

The land use term 'dependent person's unit' is no longer included in clause 73.03 (Land use terms).



When is a planning permit required?

Residential zones

The residential zones include the land use term 'small second dwelling' and apply conditions and requirements for the use and development of land for a small second dwelling.

Planning permit requirements in the residential zones are set out below.

Zone	Is a planning permit required to use land?	Is a planning permit required to develop land?
General Residential Zone Mixed Use Zone Neighbourhood Residential Zone Residential Growth Zone Township Zone	<p>No planning permit required if all conditions are met. A small second dwelling is prohibited if the conditions are not met.</p> <p>Conditions:</p> <ul style="list-style-type: none"> • Must be no more than one dwelling existing on the lot. • Must be the only small second dwelling on the lot. • Must not be connected to a reticulated gas supply. • Must be connected to wastewater treatment, water and energy supply (Township Zone). 	<p>No planning permit required if the lot is 300sqm or greater, otherwise a planning permit is required.</p>
Low Density Residential Zone	<p>No planning permit required if all conditions are met. A small second dwelling is prohibited if the conditions are not met.</p> <p>Conditions:</p> <ul style="list-style-type: none"> • Must be no more than one dwelling existing on the lot. • Must be the only small second dwelling on the lot. • Must not be connected to a reticulated gas supply. • Must be connected to wastewater treatment, water and energy supply.. 	<p>No planning permit required.</p>

If a planning permit is required, the application may be eligible for fast-track 10 day assessment under VicSmart if the application meets the specified criteria in the planning scheme.

Rural zones

The rural zones include the land use term 'small second dwelling' and apply conditions and requirements for the use and development of land for a small second dwelling.

Planning permit requirements in the rural zones are set out below.

Zone	Is a planning permit required to use land?	Is a planning permit required to develop land?
Rural Living Zone Farming Zone Rural Activity Zone	<p>No planning permit required if all conditions are met. A small second dwelling is prohibited if conditions are not met.</p> <p>Conditions:</p> <ul style="list-style-type: none"> • Must be no more than one dwelling existing on the lot. • Must be the only small second dwelling on the lot. • Must not be connected to a reticulated gas supply. • Must be connected to an appropriate supply of wastewater treatment, water and energy. • Must be setback a specified distance from and on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>. • Must be setback the specified distance from a wind energy facility (Farming Zone). 	<p>No planning permit required unless within a specified setback from a road, boundary, dwelling, other small second dwelling or waterbody and earthworks aren't required.</p>
Green Wedge Zone Green Wedge A Zone Rural Conservation Zone	<p>Planning permit required. A small second dwelling is prohibited if conditions are not met:</p> <ul style="list-style-type: none"> • Must be no more than one dwelling existing on the lot. • Must be the only small second dwelling on the lot. • Must not be connected to a reticulated gas supply. • Must be connected to an appropriate supply of wastewater treatment, water and energy. 	<p>Planning permit required.</p>

The rural zones require a planning permit for any new building proposed within a specified setback from an existing small second dwelling, consistent with the existing requirement for a dwelling.

Other zones

A small second dwelling is prohibited in a commercial zone.

Part A of the Urban Growth Zone (which applies to land where no precinct structure plan applies) includes the land use term 'small second dwelling' and apply conditions and requirements for use and development of land for a small second dwelling.

Zone	Is a planning permit required to use land?	Is a planning permit required to develop land?
Urban Growth Zone (Part A)	<p>No planning permit required if all conditions are met. A small second dwelling is prohibited if the conditions are not met.</p> <p>Conditions:</p> <ul style="list-style-type: none">• Must be no more than one dwelling existing on the lot.• Must be the only small second dwelling on the lot.• Must not be connected to a reticulated gas supply.• Must be connected to an appropriate supply of wastewater treatment, water and energy.	<p>No planning permit required unless the development is within a setback from a road, boundary, dwelling, other small second dwelling or waterbody and earthworks aren't required.</p>

The Urban Growth Zone (Part A) requires a planning permit for any new building proposed within 100 metres of an existing small second dwelling, consistent with the existing requirement for a dwelling.

Other zones may include conditions and requirements that apply to a small second dwelling.



Overlays

Some overlays have been specifically updated to include a small second dwelling as summarised in the table below. Other overlays also include planning permit and other requirements that may apply to a small second dwelling.

Overlay	Is a planning permit required?
Heritage Overlay	<p>A planning permit is not required if:</p> <ul style="list-style-type: none"> • Building height must not exceed 5 metres; and • Must be finished in muted tones and colours. <p>Otherwise, a planning permit is required.</p>
Design and Development Overlay	<p>A planning permit is not required if:</p> <ul style="list-style-type: none"> • Building height must not exceed 5 metres; and • Must be finished in muted tones and colours. <p>Otherwise, a planning permit is required.</p> <p>A requirement specified in a schedule to the overlay that applies whether or not a planning permit is required, continues to apply.</p>
Neighbourhood Character Overlay	<p>A planning permit is not required if:</p> <ul style="list-style-type: none"> • Building height must not exceed 5 metres; and • Must be finished in muted tones and colours. <p>Otherwise, a planning permit is required.</p>
Significant Landscape Overlay	<p>A planning permit is required.</p> <p>The application is eligible for VicSmart.</p>
Airport Environs Overlay and Melbourne Airport Environs Overlay	<p>A planning permit is required, and other requirements apply.</p>
Other overlays	<p>Existing requirements continue to apply. Planning permit and other requirements may also apply to a small second dwelling.</p>

Siting, design and amenity requirements

The siting, design and amenity requirements that apply to a small second dwelling are the same across the planning and building systems. The existing requirements for a single dwelling also apply to a small second dwelling, with some changes. Local variations to the requirements in planning schemes continue to apply to both a single dwelling and a small second dwelling.

If a planning permit is required for a small second dwelling in a residential zone (other than the Low Density Residential Zone), siting, design and amenity requirements are assessed through the planning permit process. The assessment is made against clause 54 of the planning scheme (One dwelling on a lot or a small second dwelling).

If a siting, design and amenity assessment is not required as part of a planning permit, the assessment will occur under Part 5 of the *Building Regulations 2018*.

List of siting, design and amenity requirements in the planning and building systems

Siting, design or amenity requirement for a small second dwelling	Planning scheme clause and standard	Building regulation	Purpose of the requirement
Neighbourhood character	54.02-1 Standard A1	No building regulation	Ensures that the design of a small second dwelling responds to the features of the site, surrounding area and respects the neighbourhood character.
Street setback	54.03-1 Standard A3	Reg 74	Ensures that the setback of the small second dwelling from the street respects neighbourhood character and makes efficient use of the site.
Building height	54.03-2 Standard A4	Reg 75	Ensures the building height of a small second dwelling is considered.
Site coverage	54.03-3 Standard A5	Reg 76	Ensures that the site coverage of all the buildings on the site (including the existing dwelling and small second dwelling) respects the neighbourhood character and responds to the features of the site.
Permeability	54.03-4 Standard A6	Reg 77	Ensures that the site area covered by pervious surfaces from the existing dwelling and small second dwelling reduce stormwater runoff and facilitates on-site stormwater infiltration.
Energy efficiency protection	54.03-5 Standard A7	No building regulation	Ensures that the small second dwelling is designed to reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
Significant trees	54.03-6 Standard A8	No building regulation	Ensures that the retention of significant trees on the site are encouraged.

Building setback (new)	54.03-7 Standard A9	Reg 74A	<p>New standard. Ensures walls of a small second dwelling are set back behind the front wall of the existing dwelling.</p> <p><i>See next section for new standard.</i></p>
Safety and accessibility (new)	54.03- Standard A9.1	Reg 86B	<p>New standard. Ensures safe and convenient access for occupants of a small second dwelling.</p> <p><i>See next section for new standard.</i></p>
Side and rear setbacks	54.04-1 Standard A10	Reg 79	Ensures the height and setback of the small second dwelling respects the neighbourhood character and limits the impact on existing dwellings on neighbouring lots.
Walls on boundaries	54.04-2 Standard A11	Reg 80	Ensures that the location, length and height of a wall on a boundary respects the neighbourhood character and limits the impact on existing dwellings on neighbouring lots.
Daylight to existing windows	54.04-3 Standard A12	Reg 81	Ensures adequate daylight for existing habitable room windows of existing dwellings on neighbouring lots.
North-facing windows	54.04-4 Standard A13	Reg 82	Ensures a small second dwelling continues to provide daylight to existing north-facing habitable room windows in existing dwellings on neighbouring lots.
Overshadowing open space	54.04-5 Standard A14	Reg 83	Ensures a small second dwelling does not unreasonably overshadow existing secluded private open space on neighbouring lots.
Overlooking	54.04-6 Standard A15	Reg 84	Ensures a small second dwelling does not overlook into existing secluded private open space and habitable room windows on neighbouring lots.
Daylight to new windows	54.05-1 Standard A16	Reg 85	Ensures that habitable room windows of a new small second dwelling have adequate daylight.
Private open space (new requirements)	54.05-2 Standard A17	Reg 86	<p>New requirements for a small second dwelling and existing dwelling to ensure an appropriate amount of private open space and convenient access from a living room for occupants.</p> <p><i>See next section for new updated standard.</i></p>
Detailed design	54.06-1 Standard A18	No building regulation	Ensures that the design detail of a small second dwelling respects neighbourhood character.

Understanding the new standards

New building setback standard

This standard only applies to small second dwellings.

Building setback	
Requirement	<p>Walls of a small second dwelling should be set back behind the front wall of the existing dwelling on the lot, facing the frontage.</p> <p>Porches, pergolas, verandahs, and eaves should not encroach into the setback of this standard.</p>
Description	Ensures walls of a small second dwelling are set back behind the front wall of the existing dwelling.

New safety and accessibility standard

This standard only applies to small second dwellings.

Safety and accessibility	
Requirement	<p>A small second dwelling should be provided with a clear and unobstructed path from the frontage that:</p> <ul style="list-style-type: none">• Has a minimum width of at least 1 metre. If the path is longer than 30 metres, the path should have a minimum width of at least 1.8 metres.• Has a minimum clear height of at least 2 metres, with nothing encroaching.• Has a gradient no steeper than 1 in 14.• Has a cross fall no steeper than 1 in 40.• Is sealed or has an all weather access.
Description	Ensures safe and convenient access for occupants of a small second dwelling.

Updated private open space standard

This updated standard applies to small second dwellings and applies new requirements to one dwelling and a small second dwelling on the same lot.

Private open space	
Requirement	<p>A dwelling with a small second dwelling on the same lot should have private open space of an area and dimensions specified in a schedule to the zone.</p> <p>If no area or dimensions is specified in a schedule to the zone, a dwelling with a small second dwelling on the same lot should have secluded private open space consisting of an area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.</p> <p>A small second dwelling should have a secluded private open space consisting of an area of 8 square metres with a minimum dimension of 1.6 metres and convenient access from a living room.</p>
Description	New requirements for a dwelling and small second dwelling on the same lot to ensure an appropriate amount of private open space and convenient access from a living room for occupants.

Other requirements

Subdivision prohibited

All zones that permit the use of land for a small second dwelling prohibits its subdivision onto a separate lot by specifying that:

A planning permit cannot be granted to allow a separate lot to be created for land containing a small second dwelling.

This ensures that a small second dwelling is always on the same lot as an existing dwelling.

Particular provisions

Some particular provisions in planning schemes set out requirements that consider the impact of new development on existing dwellings. Applications under these clauses must now consider the impacts on a small second dwelling:

- Clause 52.20 (Victoria's big housing build).
- Clause 53.17 (Residential aged care facility).
- Clause 53.20 (Housing by or on behalf of Homes Victoria).
- Clause 54 (One dwelling on a lot or a small second dwelling).
- Clause 55 (Two or more dwellings on a lot and residential buildings).
- Clause 58 (Apartment developments).

Car parking

Clause 52.06 (Car parking) does not require on-site car parking for a small second dwelling. Owners may choose to provide car parking.

Transitional provisions for dependent person's units

New transitional provisions allow a dependent person's unit to continue to be established for a specified period of time. These provisions are set out in all planning schemes at clause 52.04 (Transitional provisions for a dependent person's unit). These provisions allow a dependent person's unit to continue to be established for a specified period of time.

To support the rebuilding of dependent person's units damaged or destroyed by the 2009 Victorian bushfires, clause 52.14 (2009 Bushfire – Replacement Buildings) continues to apply.

A dependent person's unit may also have existing use rights under clause 63 if it was constructed before the approval date of Amendment VC253.

Development contributions plans

Existing development contributions plans exempt a small second dwelling from the requirement to pay a development infrastructure levy and a community infrastructure levy.

The Minister's Direction on the preparation, content and reporting of contributions plans specifies any new Development Contributions Plan prepared must exempt a small second dwelling from a requirement to pay a development infrastructure levy and a community infrastructure levy.

Relevant local schedules to the Development Contributions Plan Overlay reflect this.

Other exemptions

Clause 62.02 exempts buildings and works associated with a moveable unit as defined in the *Housing Act 1983*, carried out by or on behalf of the Chief Executive Officer, Homes Victoria.

Consequential changes and existing requirements

A detailed list of the changes made by Amendment VC253 is available at [Planning Scheme – Amendments](#).

Note that while many planning scheme clauses may not have been changed by the amendment, requirements may still apply to small second dwellings.

List of resources

Planning

Planning website	Information about small second dwellings
Browse planning scheme amendments	Find more information about Amendment VC253 which introduced the changes
Guide to Victoria's Planning System	A guide to interpretation and administrative procedures about the planning act and planning schemes
PPN15: Assessing an application for one or more dwellings in a Residential Zone	Guide for responsible authorities assessing a planning application for one or more dwellings on a lot and for residential buildings
PPN16: Making an application for one or more dwellings in a Residential Zone	Guide for applicants about what to look for in a planning scheme, and information to provide with an application under the residential development provisions
PPN27: Understanding the residential development provisions	Information about the interpretation and applications of the residential standards in clause 54 and 55
PPN84: Applying the minimum garden area requirement	Guide to the minimum garden area requirement in the Neighbourhood Residential Zone and General Residential Zone

Building

Victorian Building Authority (VBA)	Information and resources about building in Victoria
Minister's Guideline MG-12 Siting and design of single dwellings	Guide to the considerations to be applied to the design and siting of single dwellings and small second dwellings under the building regulations



