

15 March 2024

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By email: [REDACTED]

Dear [REDACTED],

Re: Feedback on Review of small second dwellings reforms

Thank you for reaching out to Master Builders Victoria regarding the review of the small second dwellings reforms introduced in December 2023. We appreciate the opportunity to provide feedback on our experience with these amendments and the implementation of the associated regulations.

Our members have encountered some inconsistencies between the definitions in the Victoria Planning Provisions (VPP) and Building Regulations (BR) versus the material available on the website regarding what constitutes a small second dwelling. Specifically, there is confusion around whether the gross floor area of 60 square meters includes the roof area. While some guidelines state that a small second dwelling should be self-contained and have a gross floor area of 60 square meters or less, other sources suggest that the roof area should be included in this calculation.

We acknowledge the importance of roof area for features such as associated verandahs or carports. However, considering eaves as part of the gross floor area seems to diverge from the intended purpose of these regulations. The rules around floor area are interpreted differently in building regulations compared to planning legislation, which has led to some confusion and practical difficulties in implementation.

To address this, we suggest that eaves on a secondary dwelling be considered an allowable exemption up to a maximum of 450 mm, plus gutter. This adjustment would align the regulations more closely with the practical considerations of small second dwelling designs. Without this exemption, a 60 square meter design incorporating eaves results in a net internal floor area of around 46 square meters, effectively reducing the usable space by approximately 23%. This reduction can significantly impact the functionality and livability of these dwellings.

Additionally, the restriction that access to the second dwelling must be off the frontage of the property has been an area of concern. This term is not clearly defined in the regulations and implies that access should be from the primary frontage, which is defined. This requirement would necessitate applications for secondary frontages and rear access lanes in the planning system or through report and consent, complicating the process.



Furthermore, the determination of the frontage setback when a report and consent is approved on the existing home. We advocated for the primary frontage approved as part of the report and consent to be recognised as the required setback from the frontage, ensuring clarity and consistency in the application of these regulations.

We hope this feedback is helpful in your review process and would welcome further discussion to clarify and refine these regulations. We are keen to ensure that the implementation of these reforms supports the development of small second dwellings effectively and practically.

We welcome the opportunity to discuss this matter with you. The best point of contact regarding setting a meeting is Victoria Giddens, [REDACTED]

Thank you for considering our perspective on this matter. We look forward to contributing to the ongoing refinement of the small second dwelling regulations.

Yours sincerely

[REDACTED]

Dr Corrie Williams
Executive Director, Collaboration & Innovation

[REDACTED], Building Policy Projects and Intergovernmental
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