

What is a small second dwelling?

A small second dwelling is defined (at Clause 73.03 of the [Cardinia Planning Scheme](#)) as:

‘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:

- a) a kitchen sink;*
- b) food preparation facilities;*
- c) a bath or shower; and*
- d) a toilet and wash basin.’*

What are the requirements?

A small second dwelling must:

- *Be the only small second dwelling on a lot.*
- *Be located on a lot with an existing dwelling.*
- *Have a gross floor area of 60 square metres or less.*
- *Not be connected to a reticulated gas service.*
- *Have a kitchen sink, food preparation facilities, a bath or shower, and a toilet and wash basin.*
- *Meet all relevant requirements provided in a Zone or other planning control.*

If a permit is issued for a small second dwelling, the land cannot be subdivided in a way that would result in the small second dwelling being on its own lot.

Do I need a planning permit for a small second dwelling?

Whether a planning permit is required for a small second dwelling will depend on the Zone of the land and any Overlays or other controls that apply under the Cardinia Planning Scheme.

Check the Zones and Overlays that apply to your land via [VicPlan](#).

Land in Residential Zones

In most circumstances, a planning permit is **not required** for a small second dwelling if the land is in a residential zone (i.e. General Residential Zone, Neighbourhood Residential Zone, Low Density Residential Zone), unless:

- The area of the land is less than 300 square metres; or
- The land is affected by an Overlay or other planning control.



If a planning permit is required for development of a small second dwelling in a residential zone, the development must meet the requirements of Clause 54 of the Cardinia Planning Scheme.

Any other requirement of a one (such as the minimum garden area and maximum building height requirements) must be met.

Land in Rural Zones

In most circumstances, a planning permit **is required** to use and develop land for a small second dwelling on a lot in a rural zone (i.e. the Rural Conservation Zone, Green Wedge Zone and Green Wedge A Zone).

Additional application requirements may apply in accordance with the requirements of the zone.

Land in Other Zones

Requirements for small second dwellings in other zones not listed above may vary. For further advice, contact Council's Statutory Planning team.

Land Affected by Overlays

Overlays are planning controls that seek to address a particular issue or provide a specified outcome, with large areas of land within Cardinia Shire affected by various Overlays. Common Overlays affecting land include the:

- Environmental Significance Overlay
- Vegetation Protection Overlay
- Heritage Overlay
- Design and Development Overlay
- Bushfire Management Overlay
- Land Subject to Inundation Overlay

In addition to permit requirements and/or exemptions provided in a Zone, a planning permit may be required under an Overlay for construction of a small second dwelling, unless:

- The proposal meets an applicable exemption within the Overlay or Clause 62 of the Cardinia Planning Scheme.

Vegetation Removal

A planning permit is required to remove, destroy or lop vegetation in many areas of Cardinia Shire.

If your proposal results in the removal of vegetation, a planning permit may be required – whether or not a planning permit is required for the proposed use/development.

If the proposed small second dwelling is in close proximity to existing vegetation, it may be negatively impacted by the development. If this is the case, additional information (such as a report prepared by a qualified Arborist) may be required to be provided with a planning permit application.

Restrictive Covenants and Section 173 Agreements

Many parcels of land within Cardinia Shire are affected by Restrictive Covenants or Section 173 Agreements. These documents are registered on the title of the land, and many restrict or prohibit certain types of land use or development.

In most circumstances, Council cannot issue a planning permit if the proposal would breach or be inconsistent with a restrictive covenant or Section 173 Agreement.

Council does not have copies of these documents and cannot provide them. They can be obtained from the [Landata \(Titles Office\) website](#).

Building Permits

A building permit is a separate, usually subsequent document to a planning permit. A building permit is required for a small second dwelling – whether or not a planning permit is required.

Council does not issue building permits.

For more information regarding building permits, contact Council's Building Department (for general advice) or a Registered Building Surveyor (to obtain a building permit).

Frequently Asked Questions

1. What do I need to provide with an application for a planning permit?

Please refer to information requirements and checklist below.

2. Who can live in a small second dwelling?

There are no limitations on occupation of a small second dwelling, provided it is used as a self-contained residence.

In most circumstances, it can be rented to a third-party or used by a family member. The residential tenancy requirements that apply to a dwelling also apply to a small second dwelling. These include requirements relating to services, room sizes, facilities and smoke alarms (among other things).

More information about rental housing is available from [Consumers Affairs Victoria](#).

3. How is the 60 square metre gross floor area requirement calculated?

The 60 square metres includes the total floor area of the small second dwelling, measured from the outside of external walls or the centre of party walls, and includes all roofed areas.

4. Can I convert a garage or other existing building into a small second dwelling?

In some circumstances, it may be possible to convert an existing building for use as a small second dwelling, provided the proposal complies with:

- Any existing planning permit applicable to the land;
- Other requirements of the Cardinia Planning Scheme;
- Any restrictions on title; and/or
- The *Building Regulations 2018* and/or *Building Act 1993*.

5. What application fee applies to an application for a planning permit for a small second dwelling?

As a small second dwelling is a separate land use and development to a single dwelling, the fee for an application for a planning permit for a small second dwelling is not a Class 2-6 planning permit application fee. Rather, the applicable fee will be a Class 11-16 fee (for development) depending on the cost of the development, and a Class 1 (use of land) fee if a permit is required to use land for a small second dwelling.

For more information regarding planning fees, visit our [website](#) or contact Council's Statutory Planning team for further advice.

6. Will a small second dwelling have its own street number, and can a small second dwelling be on its own lot?

Council's Rates team can assist with assigning street numbers to new small second dwellings. For further advice/information, contact 1300 787 624.

Land cannot be subdivided in a way that would result in a small second dwelling being on its own lot. A small second dwelling must remain on the same lot as an existing dwelling.

7. Do I need to supply car parking for the small second dwelling?

No, small second dwellings do not generate any formal requirement for additional car parking. Access requirements apply for small second dwellings in rural zones.

8. Are planning permit applications for small second dwellings eligible to be assessed as a VicSmart application?

Except in limited circumstances, a planning permit application for a small second dwelling is generally **not** eligible for assessment as a VicSmart application.

9. Can I have more than one small second dwelling?

Land can only be used/developed for one small second dwelling.

If you wish to construct more than one additional dwelling, it is strongly encouraged to contact Council's Statutory Planning team for further advice. The requirements of Clause 55 (i.e. ResCode) may apply.

Important

The fact a permit can be granted for a particular proposal does not indicate or imply a permit should or will be granted. Council will assess any application lodged against the relevant facts and provisions of the Cardinia Planning Scheme, as applicable.

Any advice provided within this fact sheet is preliminary advice only and subject to change. Council endeavours to provide clear and accurate advice based on the information provided and the relevant provisions of the Cardinia Planning Scheme.

The advice within this fact sheet is current at the date of publishing but may be impacted by subsequent changes to the Planning Scheme, legislation, the proposal, referral advice, site inspections, the public notification process, and any other change of circumstance.

Further Advice

For general advice, please contact Council's Statutory Planning team on the details below.

For more detailed project/site specific advice (including written confirmation of whether a planning permit is required), it is encouraged to [request planning advice in writing](#) or arrange a [pre-application meeting](#) with Council's Statutory Planning team.

Contact Us

In Person: Visit us at our Civic Centre, 20 Siding Avenue, Officer.

Email: mail@cardinia.vic.gov.au

Phone: 1300 787 624

Web: www.cardinia.vic.gov.au

Translation Information

If you need an interpreter, call the [Translating and Interpreting Service \(TIS National\)](#) on [131 450](#) to speak to an interpreter. Ask them to phone Cardinia Shire Council on [1300 787 624](#)

National Relay Service (NRS)

TTY: 133 677 (ask for 1300 787 624)

Speak and Listen (speech-to-speech relay): 1300 555 727 (ask for 1300 787 624)

Information Requirements – Checklist

If a planning permit is required for a proposed small second dwelling, an application lodged with Council must be accompanied by the necessary supporting documentation and plans, or the application may be void and not able to be assessed.

The below information generally constitutes the minimum information required to accompany an application:

☐	A completed 'Application for a Planning Permit' form – <i>not required if the application is lodged via Council's ePlanning Portal.</i>
☐	The relevant application fee .
☐	A complete copy of title for the subject land, including: ○ A copy of the Register Search Statement (i.e. copy of title). ○ A copy of the Plan of Subdivision for the land. ○ Copies of any restrictive covenants and/or Section 173 Agreement, <i>These documents must be dated no older than 90 days and can be obtained via the Landata website.</i>
☐	Any information specifically required by the Cardinia Planning Scheme.
☐	A detailed written statement describing/detailing: ○ The site, surrounding area and proposal; ○ How any mandatory requirements of the Cardinia Planning Scheme are met; ○ How the proposal complies with and/or responds to the relevant provisions of the Cardinia Planning Scheme; and ○ Details of whether the small second dwelling is proposed to be connected to reticulated services (i.e. power, water and sewer). <i>In areas where reticulated services are not available, alternative solutions/supplies must be provided and detailed.</i> <i>If reticulated sewer is not available and a new or upgraded septic system is proposed to service the small second dwelling, a Land Capability Assessment may be required.</i>
☐	Photographs of the subject site and area where the development is proposed.
☐	If the development is likely to result in impacts to adjacent vegetation, a report prepared by a suitably qualified Arborist. <i>Note: This document is sometimes referred to as an 'Arborist Report', 'Arboricultural Assessment' or 'Construction Impact Assessment'.</i>

☐	A fully dimensioned site plan (i.e. a birds eye view of the site and proposed development), drawn to a stated scale and a minimum of A3 in size, clearly showing: ○ North clearly indicated. ○ Boundaries and dimensions of the subject site, as detailed on the plan of subdivision. ○ Location and detail of any easements, as detailed on the plan of subdivision. ○ Ground levels of the site. ○ Key features of adjoining land and the surrounding area (such as roads, neighbouring properties and buildings). ○ Location and detail of existing buildings or other features (such as fencing, driveways, waterways, earthworks) on the site. ○ Location and detail of all existing vegetation on the site, including details of species, setback from development, tree protection zone(s) and detail of whether the tree is proposed to be retained or removed. More information regarding tree protection zone(s) is available here. ○ Location and all relevant detail of the proposed development, including (but not limited to): ▪ Setbacks of the development from all property boundaries. ▪ All relevant dimensions of proposed development. ▪ All proposed works, including driveways, earthworks, retaining walls and the like.
☐	A fully dimensioned floor plan (i.e. a birds eye view of the internal layout of the development), drawn to a stated scale and a minimum of A3 in size, clearly showing: ○ North clearly indicated. ○ The internal layout of all proposed buildings, including all relevant dimensions. ○ Details of the finished floor level. ○ Location, detail and all relevant dimensions of proposed windows and doors. ○ Location and detail of any proposed internal rooms, with the purpose of the room clearly stated.
☐	Fully dimensioned elevation plans (i.e. perspective views of all sides of proposed development), drawn to a stated scale and a minimum of A3 in size, clearly showing: ○ All sides of proposed buildings, with the relevant direction (i.e. north, south etc) clearly labelled. ○ The location and detail of doors, windows, eaves, verandahs, decks or other similar features. ○ The maximum height(s) and wall height(s) clearly dimensioned for all building elevations above ground level. ○ Details of floor and ceiling heights for all elevations. ○ Location, detail and relevant dimensions of any proposed earthworks. ○ A schedule (i.e. a table) listing materials and finishes (including specific colours) of all external surfaces of the development.
☐	If the development is within a rural zone, any application must demonstrate that it meets the following requirements: ○ Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles. ○ The dwelling or small second dwelling must be connected to reticulated sewerage if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.

	○ The dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes. ○ The dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
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The information listed above comprises the minimum information generally required for an application to be lodged and reviewed by Council.

All applications are different, and Council may determine additional information (beyond that listed above) is required to assess any application.