

# Planning Scheme

## Major Amendment 2



## Secondary dwellings

This information sheet is about building a secondary dwelling. Additional requirements for dwellings generally and outbuildings (like sheds and carports) are discussed on other information sheets.

### What is a secondary dwelling?

A secondary dwelling means a dwelling on a lot that is used in conjunction with, but subordinate to, another dwelling on the lot, whether or not the dwelling is—

- a. attached to the other dwelling; or
- b. occupied by individuals who are related to, or associated with, the household of the other dwelling.

This definition is prescribed by the Queensland Government and must be included in the planning scheme.

### How are secondary dwellings regulated?

New secondary dwellings are a material change of use under the current planning scheme.

The planning scheme was drafted to require a planning approval for all secondary dwellings, to ensure that local amenity was protected from hidden density increases.

Prior to 2022, secondary dwellings were required to form part of the same household as the principal dwelling on the lot. This typically was achieved by being family members of the principal dwelling. The Queensland Government changed the requirements to allow secondary dwellings to be occupied by an unrelated household, including by renting it out separately.

### What changes are proposed in Major Amendment 2?

Council has redrafted its secondary dwelling provisions, to provide more certainty about design controls and improve alignment with the changes made by the Queensland Government, including updating removing references to both houses forming a related household.

Council is also proposing removing the requirement for a planning approval for a secondary dwelling in the General residential zone, where designed in accordance with the planning scheme requirements.

### Proposed application types in the General residential zone

In 2022, the Queensland Government made changes to the *Planning Regulation 2017* that require new dwellings in the General residential zone to be assessed as a referral agency response unless affected by specific overlays. These overlays relate to natural hazards (bushfire hazard, flood hazard or landslide hazard), environmental protections (biodiversity and catchment buffers), heritage places or air transport noise.

Council is proposing amendments to identify a secondary dwelling as being accepted development in the General residential zone, and additional notes are proposed that identify where a referral agency assessment applies instead of a material change of use application.

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### Reduced setbacks for Park residential, Rural residential and Emerging community areas

Currently setbacks in these areas are 10 metres from all boundaries. Council introduced these setbacks following community concern on buildings being built too close to each other in areas intended for low density living.

Council is now proposing to reduce the side, rear and secondary frontage setbacks in the planning scheme from 10 metres to 4 metres but retaining the 10 metre primary frontage setback. This change has been proposed to acknowledge site constraints and increase the usable space on these allotments, whilst still providing generous setbacks between buildings and the property boundaries that reflect rural residential living and are larger than those prescribed in the Queensland Development Code.

### Changes to maximum size of secondary dwellings

Under the *Planning Regulation 2017*, secondary dwellings are required to be subordinate to the principal dwelling on the site. Part of meeting this requirement is ensuring that the size of a secondary dwelling is substantially smaller than the principal dwelling.

The current planning scheme has a proportional relationship, where secondary dwellings should be no more than 60% of the size of the principal dwelling. This adds additional complexity for assessing secondary dwelling applications, imposes restrictions on people with smaller houses from having secondary dwellings, and allows people with larger houses to have much larger secondary dwelling than is anticipated by the land use.

Council is proposing to provide maximum floor area sizes that apply without reference to the size of the principal dwelling as shown on the next page.

### Where should I look in the planning scheme to find out more?

- 1.6 Building work regulated under the planning scheme
- 5.3.2 Determining the category of development and the categories of assessment
- Table 5.4.1—Development under schedule 6 of the Regulation: material change of use
- Table 5.5.3—Emerging community zone (at dwelling house)
- Table 5.5.6—General residential zone (at dwelling house)
- Table 5.5.8—Rural residential zone (at dwelling house)
- Table 5.5.9—Rural zone (at dwelling house)
- Table 5.5.10—Township zone (at dwelling house)
- Table 5.7.1—Building work
- 8.2.6 Dwelling house code

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### Comparison of current and proposed provisions

The below compares the current and proposed provisions for secondary dwellings in the Dwelling house code. Please also refer to the Dwelling House information sheet for other provisions that apply to secondary dwellings.

### Additional provisions for secondary dwellings

Current provisions	Proposed provisions
<p>AO5.1</p> <p>The secondary dwelling is occupied by a relative of the principal household, which forms a single related household.</p> <p>Note -Two dwellings for separate unrelated households on the same premises is deemed to be dual occupancy.</p>	<p>AO1</p> <p>Dwellings are occupied by a single household.</p>
<p>AO6.1</p> <p>The total maximum gross floor area of the secondary dwelling shall not exceed 60 percent of the gross floor area of the dwelling house on the same site.</p>	<p>AO9.1</p> <p>Secondary dwellings, other than in the Rural zone, have a maximum gross floor area of:</p> <ul style="list-style-type: none"><li>(a) where the lot has an area of less than 2,000m<sup>2</sup>—60m<sup>2</sup></li><li>(b) where the lot has an area of 2,000m<sup>2</sup> or greater—90m<sup>2</sup>.</li></ul> <p>AO9.2</p> <p>Secondary dwellings in the Rural zone have a maximum gross floor area of:</p> <ul style="list-style-type: none"><li>(a) where the lot has an area of less than 2,000m<sup>2</sup>—60m<sup>2</sup>;</li><li>(b) where the lot has an area of 2,000m<sup>2</sup> to 5 hectares—90m<sup>2</sup>;</li><li>(c) where the lot has an area of greater than 5 hectares—120m<sup>2</sup>.</li></ul>

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AO7.1 The lot size is a minimum of 800 square metres.	AO10 The lot size is a minimum of 800 square metres.  Editor's note—In the Rural zone refer also to AO6 where dwelling houses are on lots greater than 4,000m <sup>2</sup> .
AO8.1 The secondary dwelling is no closer to the front boundary of the premises than the principal dwelling house.	AO11.1 The secondary dwelling is no closer to the primary street frontage of the premises than the principal dwelling, unless in the Rural zone and where a new principal dwelling is being constructed behind an existing dwelling.
AO6 (Transport access and parking code) The maximum number of crossovers is two for non-residential activities and one for residential activities.	AO11.2 Unless in the Rural zone, secondary dwellings gain access from the same crossover as the principal dwelling.  AO11.3 In the Rural zone, secondary dwellings gain access from: (a) the same crossover as the principal dwelling; or (b) a separate crossover where on a different road frontage, or more than 100m from the crossover servicing the principal dwelling on the same frontage.