

Scenic Rim Planning Scheme 2020

Dwelling Houses and Secondary Dwellings - 26 September 2022

What is a Dwelling house?

Under the *Scenic Rim Planning Scheme 2020* (planning scheme), a *Dwelling house* is defined as:

A residential use of premises involving -

- a. 1 dwelling and any domestic outbuildings associated with the dwelling; or
- b. 2 dwellings, 1 of which is a secondary dwelling, and any domestic outbuildings associated with either dwelling.

What is a secondary dwelling?

A *secondary dwelling* is part of the *Dwelling house* definition and is described in the Planning Regulation 2017* as:

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.



In general terms, a *secondary dwelling* is not a duplex or *Dual occupancy*. It is more like a granny flat. For further information on duplexes or *Dual occupancy*, refer to the *Dual occupancy* fact sheet.

*** IMPORTANT NOTE:** On 26 September 2022 the *Planning Regulation 2017* was amended to remove restrictions on who can live in *secondary dwellings*.

The amended regulation makes changes to the *Secondary dwelling* definition by removing the requirement that the *secondary dwelling* must be occupied by individuals who are related to, or associated with, the household of the other dwelling.

The amendments apply to all planning schemes across Queensland, and override the definitions currently listed in Schedule 1 of the *Scenic Rim Planning Scheme 2020*.

What level of assessment is required for a Dwelling house or secondary dwelling?

In some cases, a *Dwelling house* or *secondary dwelling* (and associated structures such as carports and sheds) is **Accepted development (subject to requirements)** under the planning scheme. Planning approval is not required, provided that all acceptable outcomes under the relevant codes are met. Zoning, lot size and access to infrastructure influence the category of assessment for a *Dwelling house* or *secondary dwelling*.

For example, provided that all acceptable outcomes are met, *Dwelling houses* and *secondary dwellings* are **Accepted development (subject to requirements)** where located in:

- Emerging Community Zone - If obtaining access from a *constructed road*;
- Limited Development Zone – Historical Subdivision Precinct – if obtaining access from a *constructed road* and the lot is a minimum of 2ha; or where located in Harrisville and obtaining access from a *constructed road* and the lot is a minimum of 4000m²;
- Low Density Residential Zone (where no precinct applies);
- Low Density Residential Zone – Mountain Residential Precinct;
- Low-medium Density Residential Zone;
- Minor Tourism Zone;
- Rural Residential Zone (where no precinct applies);
- Rural Residential Zone – Rural Residential A Precinct;
- Rural Zone (where no precinct applies) - If obtaining access from a *constructed road*;
- Rural Zone – Rural Escarpment Protection Precinct - If obtaining access from a *constructed road*;
- Rural Zone – Tamborine Mountain Rural Precinct - If obtaining access from a *constructed road*;
- Township Zone (where no precinct applies); and
- Township Zone – Township Residential Precinct.

For detailed information on the category of assessment for a *Dwelling house* or *secondary dwelling* in each zone, please refer to section **5.5 Categories of Development and Assessment - Material Change of Use**.



Dwelling House Code

Section **9.3.5 Dwelling House Code** of the planning scheme outlines the criteria that applies to a *Dwelling house* (or *secondary dwelling*) identified as **Accepted development (subject to requirements)**. An extract of this code is provided below.

Acceptable Outcomes for Dwelling House and secondary dwelling		
Building height does not exceed 2 storeys and a maximum height of 8.5m.		
Setbacks comply with the following Table:		
Zone	Street Frontage Minimum Distances Measured in Metres (m)	
Low Density Residential Zone Low-medium Density Residential Zone Minor Tourism Zone Township Zone Limited Development Zone	6m	
Rural Residential Zone Rural Zone	10m	
Zone	Secondary frontage of corner lot	
Low Density Residential Zone Low-medium Density Residential Zone Minor Tourism Zone Township Zone Limited Development Zone	3m	
Rural Residential Zone Rural Zone	10m	
Zone	Side and Rear Boundary Minimum Distances Measured in Metres (m)	
	Building Height	Setback
Low Density Residential Zone Low-medium Density Residential Zone Minor Tourism Zone Township Zone	Up to 4.5m	1.5m
	For that part between 4.5m – 7.5m	2m
	For that	2m plus an

Acceptable Outcomes for Dwelling House and secondary dwelling		
	part exceeding 7.5m	extra 0.5m is added for every 3m in height or part thereof over 7.5m
Limited Development Zone Rural Residential Zone	Up to 4.5m	3m
	For that part between 4.5m – 7.5m	5m
	For that part exceeding 7.5m	5m plus an extra 0.5m is added for every 3m in height or part thereof over 7.5m
Rural	N/A	6m
A <i>Dwelling house</i> obtains access from a <i>constructed road</i> .		
A minimum of 1 covered car parking space is provided onsite		
<p>The <i>secondary dwelling</i>:</p> <ol style="list-style-type: none"> has a gross floor area not exceeding 60m²; where established on a site where access to the reticulated sewerage network is unavailable, can dispose of wastewater on-site by connection to the wastewater disposal system of the (primary) <i>Dwelling house</i>; is provided with a minimum of one off-street car parking space in addition to the requirement for the <i>Dwelling house</i>; is located within 20 metres of the outermost projection of the (primary) <i>Dwelling house</i>; and is connected to the same water and electricity supply as the (primary) <i>Dwelling house</i>. 		
<p><i>Domestic outbuildings</i>:</p> <ol style="list-style-type: none"> have a combined total gross floor area of <i>domestic outbuildings</i> within a <i>residential zone</i> that does not exceed: <ol style="list-style-type: none"> 55m² on a lot 600m² or smaller; or 110m² on a lot greater than 600m² and up to 2000m²; or 200m² on a lot greater than 2000m²; and the gross floor area of any dwellings on the site; and are a single storey structure; and have a <i>building height</i> that does not exceed the <i>building height</i> of any residence on the premises 		
Where located on a site not serviced by a reticulated water supply, the <i>Dwelling house</i> is connected to an on-site water supply with a storage capacity of at least 45000L.		

What happens if I do not meet the Acceptable Outcomes of the Dwelling House Code?

If the proposed *Dwelling house* (including *secondary dwelling*) does not meet the relevant acceptable outcomes of the Dwelling House Code, one of the following will be required:

- If the development is **in a residential zone**, then a Concurrence Agency Referral application must be submitted to Council as part of the Building Application managed by a Building Certifier.
- If the development is **not in a residential zone**, then a **Code assessable** development application is required to be submitted to Council for assessment. The development application will only be assessed against those matters that the proposed *Dwelling house* (including *secondary dwelling*) does not comply with.

What if an Overlay applies to my property?

An Overlay in the planning scheme may also influence whether planning approval is required for a *Dwelling house* (including *secondary dwelling*). For example, an Overlay **may increase the category of assessment from Accepted development to Code or Impact assessable development**.

The best way to check whether a property is affected by an Overlay is to view the planning scheme Overlay mapping online at [Online Mapping – Scenic Rim Regional Council](#) or talk to one of our planners. If your property is affected by an Overlay, please refer to section **5.10 Categories of Development and Assessment - Overlays** which will help determine whether the Overlay means planning approval is required.

Building Approval

Planning approval should not be confused with building approval. The construction of a dwelling (class 1a building) requires a Development Permit for Building Works issued by a Building Certifier under the *Building Act 1975*.

Related Information

The *Dual Occupancy* fact sheet and the *Domestic Sheds (Class 10a Structure)* fact sheet can be found on the Scenic Rim Planning [Fact Sheets – Scenic Rim Regional Council](#)

Talk to a Planner

Council's Planners are available for confidential discussions to help you navigate the planning scheme and how it affects you. Call 07 5540 5111 or alternatively email mail@scenicrim.qld.gov.au to make an appointment.

For more information

The planning scheme and mapping is available to view on Council's website [Scenic Rim Planning Scheme – Scenic Rim Regional Council](#)

Hard copies of the planning scheme and mapping are also available for viewing at Council's Customer Service Centres.

Disclaimer

This fact sheet provides general information and is intended as a guide only. It may not be comprehensive in detail and as such, customers are encouraged to view the relevant sections of the *Scenic Rim Planning Scheme 2020* or talk to a planner. Fact sheets are prepared to assist the community in understanding parts of the planning scheme.