

Scenic Rim Planning Scheme 2020

Dual Occupancy - June 2023

What is Dual occupancy?

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

- a. a residential use of premises involving—
 - i. 2 dwellings (whether attached or detached) on a single lot or 2 dwellings (whether attached or detached) on separate lots that share a common property; and
 - ii. any domestic outbuilding associated with the dwellings; but
- b. does not include a residential use of premises that involves a secondary dwelling.

Examples include: Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single community title scheme under the *Body Corporate and Community Management Act 1997*, two dwellings within the one body corporate to which the *Building Units and Group Title Act 1980* continues to apply.

It does not include: *Dwelling house, multiple dwelling, secondary dwelling.*

What level of assessment is required for a Dual Occupancy?

In some cases, *Dual occupancy* (and associated structures such as carports and sheds) is **Accepted 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 services and infrastructure influence the category of assessment for a *Dual occupancy*.

For example, provided that all acceptable outcomes under the relevant codes are met, *Dual occupancy* is **Accepted subject to requirements** where located in:

- Emerging Community Zone - if obtaining access from a constructed road;
- Low Density Residential Zone (where no precinct applies) - if on a lot 800m² and located on a corner lot where each dwelling has access to separate constructed roads;
- Low-medium Density Residential Zone - on a lot 800m² or greater and located on a corner lot where each dwelling has access to separate constructed roads.
- Rural Zone (where no precinct applies) - if on a lot 8000m² or greater and obtaining access from a constructed road;
- Rural Residential Zone (where no precinct applies) - if on a lot 8000m² or greater and where not located in the *Tamborine Mountain Community*;
- Rural Residential Zone – Rural Residential A Precinct - if on a lot 2 ha or greater and where not located in the *Tamborine Mountain Community*;
- Township Zone (where no precinct applies) - if on a lot 2000m² or greater where connected to the reticulated sewerage network; or on a lot 8000m² or greater where not connected to the reticulated sewerage network; and
- Township Zone – Township Residential Precinct - if on a lot 2000m² or greater where connected to the reticulated sewerage network; or on a lot 8000m² or greater where not connected to the reticulated sewerage network.

For detailed information on the category of assessment for a *Dual occupancy* in each zone, please refer to **Section 5.5 Categories of Development and Assessment - Material Change of Use**.

Dual Occupancy Code

Section 9.3.4 Dual Occupancy Code of the Planning Scheme outlines the criteria that applies to a *Dual occupancy* development identified as **Accepted subject to requirements**. An extract of this code is provided below. Please note however, a *Dual occupancy* is also required to meet the acceptable outcomes of the relevant Zone Code in addition to the below acceptable outcomes. Please see the Planning Scheme **Part 6 Zones** for further details on the Zone Code requirements.

Acceptable Outcomes of the Dual Occupancy Code
The <i>Dual occupancy</i> obtains access from a <i>constructed road</i> .
The lot has a minimum frontage width of 20m.
A minimum of 1 covered car parking space per dwelling of <i>Dual occupancy</i> is provided on-site.
The covered car parking spaces are set back a minimum of 1m from the front building façade of the <i>Dual occupancy</i> .
The <i>Dual occupancy</i> provides: <ol style="list-style-type: none"> 1. a shared driveway; or 2. a separate driveway to each <i>dwelling</i> where the <i>Dual occupancy</i> is located on a lot with two street frontages.
Where in the Low Density Residential Zone (Where no precinct applies) or Low-medium Density Residential Zone, the dwelling units of the <i>Dual occupancy</i> share a common wall.
Where located on a site having two street frontages, each <i>dwelling</i> of the <i>Dual occupancy</i> is oriented to address a separate street frontage.
The <i>Dual occupancy</i> prevents direct overlooking of the main internal living areas and private open space of nearby <i>dwelling</i> s through measures such as: <ol style="list-style-type: none"> 1. offsetting the development from the adjacent dwellings by a distance sufficient to limit direct views into the adjacent windows; or 2. incorporating sill heights a minimum of 1.5m above floor level; or 3. utilising screening devices, such as fixed frosted or textured glazing, for any part of the window below 1.5m above floor level; or 4. providing fixed external screens.
The private open space for each <i>dwelling</i> of the <i>Dual occupancy</i> has: <ol style="list-style-type: none"> 1. minimum dimensions of 5m x 5m; and 2. a maximum gradient not exceeding one in ten.
The window of at least one habitable room of each <i>dwelling</i>

of the <i>Dual occupancy</i> overlooks the street or adjoining public spaces.
Where located outside of a <i>waste water connection area</i> , the <i>Dual occupancy</i> : <ol style="list-style-type: none"> 1. is established on lots greater than 8000m²; and 2. disposes of all waste water on-site. <p>Note - A <i>Site and Soil Evaluation</i> for the design of the on-site waste water management systems will be required to indicate compliance with this outcome.</p>
Where located outside of a <i>drinking water connection area</i> , each <i>dwelling</i> of the <i>Dual occupancy</i> is connected to an on-site water supply with a storage capacity of at least 45000L.
Domestic outbuildings in a <i>residential zone</i> : <ol style="list-style-type: none"> 1. have a combined total <i>gross floor area</i> that does not exceed: <ol style="list-style-type: none"> a. 55m² on a lot 600m² or smaller; or b. 110m² on a lot greater than 600m² and up to 2000m²; or c. 200m² on a lot greater than 2000m²; and d. does not exceed the <i>gross floor area</i> of any dwellings on the site; and 2. are a single <i>storey</i> structure; and 3. have a <i>building height</i> that does not exceed the <i>building height</i> of any residence on the premises.

What happens if I do not meet the acceptable outcomes of the Code?

If the proposed *Dual occupancy* does not meet the relevant acceptable outcomes of the *Dual Occupancy Code* and the relevant Zone Code, planning approval (a code assessable application) is required from Council for assessment only against those matters that the proposed *Dual occupancy* did 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 *Dual occupancy*. For example, an Overlay may **increase the category of assessment from Accepted development to Code 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 [ePlan and Mapping](#) 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 2 building) requires a Development Permit for Building Works issued by a Building Certifier under the *Building Act 1975*.

Related Information

The *Dwelling Houses and Secondary Dwellings* fact sheet can be found on the Scenic Rim Planning [Fact Sheets – Scenic Rim Regional Council](#)

Infrastructure Charges may apply

Payment towards the extra demand generated by your new development on the trunk infrastructure network is generally required. The infrastructure charges are levied in accordance with the Charges Resolution which can be found at [Infrastructure Charges – Scenic Rim Regional Council](#)

Further information about Infrastructure Charges is available in the *Infrastructure charges* fact sheet which can be found at [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 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 2020 – Scenic Rim Regional Council](#)