

FACT SHEET

Dwelling house and dual occupancy

What is a Dwelling house and a Dual occupancy?

'Dwelling house' and 'Dual occupancy' are the terms used in the draft planning scheme for the traditional low-density, suburban dwelling form more simply known as a house or a duplex (a 'duplex' being two houses).

A 'Dwelling house' is defined in the **Planning Regulation 2017** as:

- a. a residential use of premises involving:
 - 1 dwelling and any domestic outbuildings associated with the dwelling; or
 - 2 dwellings, 1 of which is a secondary dwelling, and any domestic outbuildings associated with either dwelling.

A 'Dual occupancy' is defined in the **Planning Regulation 2017** as:

- a. a residential use of premises involving:
 - 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
 - any domestic outbuilding associated with the dwellings; but
- b. does not include a residential use of premises that involves a secondary dwelling.

In summary, Dwelling houses are contained on one lot and can have 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.

In summary, a Dual occupancy is two dwellings, on either one or two lots, and these dwellings cannot include a secondary dwelling.

Why do we assess Dwelling houses and Dual occupancies?

Generally, Dwelling houses and Dual occupancies in residential areas are accepted development (they do not require a planning application) or accepted development subject to requirements (where, if state requirements are met, no planning application is required).

Planning applications are likely only to be triggered where the proposal is outside of the residential zones, if there is a non-compliance with set standards, or a planning scheme overlay triggers assessment.

Additionally, the draft planning scheme includes requirements for dwelling houses and dual occupancies that are intended to:

- maintain the character of existing neighbourhoods;
- promote housing affordability;
- encourage a gradual increase in the number of residents in established areas; and
- protect the character and functionality of suburban streets.

A dwelling house can include a secondary dwelling and the draft planning scheme provides a set of required outcomes for a secondary dwelling. If the secondary dwelling meets these outcomes, it can be considered 'accepted development' (and will not need a planning application).

What does council assess?

If a dwelling house or dual occupancy meets all the requirements of **Part 1.0 of the Queensland Development Code**, and the required outcomes in the draft planning scheme **Dwelling House and Dual Occupancy Code**, it may be considered accepted development. If requirements cannot be achieved, a code assessable application must be submitted to council for assessment.

For further information on addressing the assessment requirements for Dwelling houses and Dual occupancies, see the **Planning Scheme Overview, Planning Scheme User Guide and Overlays** Factsheets.

If approved, what conditions are generally applied to a dwelling house or a dual occupancy development?

The development conditions within the draft planning scheme **Dwelling House and Dual Occupancy Code** are intended to protect existing suburban character. An approval will include conditions ensuring that:

- lot sizes, front boundary width and proposed boundary clearances all promote good development;
- the size of the secondary dwelling or dual occupancy allows for gardens and private outdoor space, and safe and efficient access;
- entries to the dwellings are clearly identifiable and the design of the dwellings encourage connection with the street; and
- adequate car parking is provided on-site.

In character areas, there may also be specific design requirements, and in areas affected by overlays, there may be technical issues to be resolved in a planning application.

What can trigger a development application?

If the development you are planning is in a residential zone, meets all the required outcomes in the code (or you are prepared to modify your plans to match these required outcomes) then your proposal can be considered 'accepted development' because it has met all the requirements, and it is not necessary to submit an application for code assessment*.

** This is the case in character, residential and rural zones, but in centres zones, industry zones, environment and conservation zones, dwelling houses and dual occupancies must be assessed by a development application submitted to council.*

If your Dwelling house or Dual occupancy does not meet one or more of the required outcomes, and you cannot change your plans to comply, then an application must be submitted to council for code assessment of the proposal, which if approved, will contain special conditions regarding the characteristics of your Dwelling house or Dual occupancy.

See the factsheet **Planning Scheme User Guide** and **Part 5.3 Categories of Development and Assessment** of the draft planning scheme for a complete list of assessment requirements when applying to develop a Dwelling house, Secondary dwelling or Dual occupancy.

What are the desired outcomes to be achieved?

The purpose of assessing Dwelling house and Dual occupancy development proposals is to achieve an improvement in the suburban environment when these development types occur. Specific desired outcomes that are important for dwelling houses and dual occupancies include:

- encouraging visual and social connection with the street, and an attractive streetscape;
- providing a greater choice of housing, so that suburbs appeal to the widest variety of residents;
- building designs that respond to the specifics of a site, including optimal access for pedestrians and vehicles; and
- building designs that consider privacy and access to sunlight and ventilation and are of a scale and form that is generally consistent with their surroundings.

For further information on addressing the assessment requirements for Dwelling houses and Dual occupancies, see the **Planning Scheme Overview, Planning Scheme User Guide and Overlays** Fact sheets.

This fact sheet provides general information and is provided as a guide only to assist the community to understand the draft planning scheme and its mapping. It is encouraged to view the relevant sections of the draft planning scheme and talk to a planner.