

## Scenic Rim Planning Scheme 2020



## Dual occupancy

### What is Dual occupancy?

Under the Scenic Rim Planning Scheme, a Dual Occupancy is defined as:

- (a) *a residential use of premises for 2 households 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 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 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) - where on a lot 1000m<sup>2</sup> or greater; or on a corner lot 800m<sup>2</sup> or greater with legal dual road access;
- Low-medium Density Residential Zone - where on a lot 900m<sup>2</sup> or greater;
- Rural Zone (where no precinct applies) - where on a lot 8000m<sup>2</sup> or greater and obtaining access from a *constructed road*;
- Rural Residential Zone (where no precinct applies) - where on a lot 8000m<sup>2</sup> or greater and where not located in the *Mountain Community*;
- Rural Residential Zone – Rural Residential A Precinct - where on a lot 2 ha or greater and where not located in the *Mountain Community*;
- Township Zone (where no precinct applies) - if on a lot 2000m<sup>2</sup> or greater where connected to the reticulated sewerage network; or on a lot 8000m<sup>2</sup> or greater where not connected to the reticulated sewerage network; and
- Township Zone – Township Residential Precinct - if on a lot 2000m<sup>2</sup> or greater where connected to the reticulated sewerage network; or on a lot 8000m<sup>2</sup> 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 development (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 Dual occupancy obtains access from a <i>constructed road</i> .
A minimum of 1 covered car parking space per dwelling of Dual occupancy is provided on-site.
The covered car parking spaces are set back a minimum of 1m from the front building façade of the Dual occupancy.
The Dual occupancy provides: <ul style="list-style-type: none"> <li>(1) a shared driveway; or</li> <li>(2) a separate driveway to each <i>dwelling</i> where the Dual occupancy is located on a lot with two street frontages.</li> </ul>
The main living area of one <i>dwelling</i> of the Dual occupancy is located within 20m of a main living area of the other <i>dwelling</i> of the Dual occupancy.
Each dwelling of the Dual occupancy is orientated to address the street frontage.
Where located on a site having two street frontages, each <i>dwelling</i> of the Dual occupancy is oriented to address a separate street frontage.
The Dual occupancy prevents direct overlooking of the main internal living areas and private open space of nearby <i>dwelling</i> s through measures such as: <ul style="list-style-type: none"> <li>(1) offsetting the development from the adjacent dwellings by a distance sufficient to limit direct views into the adjacent windows; or</li> <li>(2) incorporating sill heights a minimum of 1.5m above floor level; or</li> <li>(3) utilising screening devices, such as fixed frosted or textured glazing, for any part of the window below 1.5m above floor level; or</li> <li>(4) providing fixed external screens.</li> </ul>
The private open space for each <i>dwelling</i> of the Dual occupancy has: <ul style="list-style-type: none"> <li>(1) minimum dimensions of 5m x 5m; and</li> <li>(2) a maximum gradient not exceeding one in ten.</li> </ul>
The window of at least one habitable room of each <i>dwelling</i> of the Dual occupancy overlooks the street or adjoining public spaces.
Where located outside of a <i>waste water connection area</i> , the Dual occupancy: <ul style="list-style-type: none"> <li>(1) is established on lots greater than 8000m<sup>2</sup>; and</li> <li>(2) disposes of all waste water on-site.</li> </ul> <p><b>Note</b> - A <i>Site and Soil Evaluation for the design of the on-site waste water management systems will be required to indicate compliance with this outcome.</i></p>
Where located outside of a <i>drinking water connection area</i> , each <i>dwelling</i> of the Dual occupancy is connected to an on-site water supply with a storage capacity of at least 45000L.

Acceptable Outcomes of the Dual Occupancy Code
Domestic outbuildings in a <i>residential zone</i> : <ul style="list-style-type: none"> <li>(1) have a combined total <i>gross floor area</i> that does not exceed: <ul style="list-style-type: none"> <li>(a) 55m<sup>2</sup> on a lot 600m<sup>2</sup> or smaller; or</li> <li>(b) 110m<sup>2</sup> on a lot greater than 600m<sup>2</sup> and up to 2000m<sup>2</sup>; or</li> <li>(c) 200m<sup>2</sup> on a lot greater than 2000m<sup>2</sup>; and</li> <li>(d) does not exceed the <i>gross floor area</i> of any dwellings on the site; and</li> </ul> </li> <li>(2) are a single <i>storey</i> structure; and</li> <li>(3) have a <i>building height</i> that does not exceed the <i>building height</i> of any residence on the premises.</li> </ul>

## 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 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 [www.scenicrim.qld.gov.au/mapping](http://www.scenicrim.qld.gov.au/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 here:

<https://www.scenicrim.qld.gov.au/homepage/138/scenic-rim-planning-scheme-fact-sheets>

Contact council's planning department on 07 5540 5111

**Web** [www.scenicrim.qld.gov.au/planning-and-permits/planning-schemes](http://www.scenicrim.qld.gov.au/planning-and-permits/planning-schemes) **Email** [mail@scenicrim.qld.gov.au](mailto:mail@scenicrim.qld.gov.au)

Disclaimer - This information 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. It has been prepared to assist the community in understanding parts of the Scenic Rim Planning Scheme.

## 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 [www.scenicrim.qld.gov.au/planning-and-permits/planning-schemes/infrastructure-charges](http://www.scenicrim.qld.gov.au/planning-and-permits/planning-schemes/infrastructure-charges)

Further information about Infrastructure Charges is available in the *Infrastructure charging fact sheet* which can be found at [www.scenicrim.qld.gov.au/planning-and-permits/planning-schemes/infrastructure-charges](http://www.scenicrim.qld.gov.au/planning-and-permits/planning-schemes/infrastructure-charges)

## 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](mailto: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 at [www.scenicrim.qld.gov.au/planning-and-permits/planning-schemes](http://www.scenicrim.qld.gov.au/planning-and-permits/planning-schemes).

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

Contact council's planning department on 07 5540 5111

**Web** [www.scenicrim.qld.gov.au/planning-and-permits/planning-schemes](http://www.scenicrim.qld.gov.au/planning-and-permits/planning-schemes) **Email** [mail@scenicrim.qld.gov.au](mailto:mail@scenicrim.qld.gov.au)

Disclaimer - This information 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. It has been prepared to assist the community in understanding parts of the Scenic Rim Planning Scheme.