

Dwelling houses, Secondary dwellings and Dual occupancy

What is a Dwelling house?

A Dwelling house is the term in the CairnsPlan 2016 to describe a standalone house. A Dwelling house is occupied by a single household and can include associated domestic outbuildings such as a carport or shed. A Dwelling house can also include a Secondary dwelling.

A Household is a defined term and is an individual or a group of two or more related or unrelated people who reside in a dwelling, with the common intention to live together on a long-term basis and who make common provision for food or other essentials for living.

What is a Secondary dwelling?

A Secondary dwelling forms part of a Dwelling house as defined in CairnsPlan 2016. A Secondary dwelling associated with a Dwelling house is commonly known as a granny flat or relative's accommodation.

A Secondary dwelling is a dwelling that:

- is on the same lot as a Dwelling house (the primary dwelling);
- can be self-contained;
- is used by the same household as the primary dwelling;
- can be detached or attached to the primary dwelling
- is subordinate to the primary dwelling and is smaller in size.

The provisions of CairnsPlan 2016 require that a Secondary dwelling is generally:

- no larger than 250m² where on a lot exceeding 10ha or 70m² where on a lot less than 10 hectares in the Rural zone.
- no larger than 70m² in the Low density residential zone, Low-medium density residential zone, Medium density residential zone, Rural residential zone and Tourist accommodation zone, excluding Tourist accommodation zone precinct 1 – islands.
- no larger than 70m² where on a lot exceeding 450m² in all other zones.

This ensures the secondary dwelling is subordinate to the primary dwelling.

Although they can be self-contained, a Secondary dwelling must be used in conjunction with the primary dwelling and therefore cannot be separately leased or serviced (water, electricity, bins etc).

Building a second self-contained dwelling on a lot that is to be separately serviced or leased by a different household is a Dual occupancy.

What is a Dual occupancy?

A Dual occupancy is a lot containing two separate dwellings as defined in CairnsPlan 2016. This is also commonly known as a duplex. Dual occupancies allow for each dwelling to be separately serviced or sub-metered.

Please refer to Table 1 for further information on the differences between a Dual occupancy and a Dwelling house with a secondary dwelling.

Do I need to make an application for a development permit?

The level of assessment for a Material Change of Use for a Dwelling house or Dual occupancy can be determined by referring to Part 5 within the CairnsPlan 2016. Guidance on using the CairnsPlan 2016 and determining the level of assessment for development is provided in the User Guide.

A Material Change of Use for a Dwelling house is accepted development subject to requirements in all Residential zones, except where an Overlay increases the level of assessment. Where a Secondary dwelling is proposed on a lot containing an existing Dwelling house, the development of the Secondary dwelling is considered to be a Material Change of Use as it materially increases the intensity and scale of the use of the premises.

A Material Change of Use for a Dual occupancy is generally accepted development subject to requirements in all Residential zones. Accepted development subject to requirements does not

require a Development Permit. However, the use must comply with all of the requirements for accepted development. If accepted development subject to requirements does not comply with one or more of the requirements for accepted development, development becomes Code assessable.

How do I make a development application?

Lodge your development application:

- In person at Council's Administration Building at 119-145 Spence Street, Cairns
- Online at www.cairns.qld.gov.au/payments/da-online
- By mail to:
Attention: Manager, Development, Planning & Property
Cairns Regional Council
PO Box 359
Cairns Qld 4870

If you need assistance with your development application, a consultant town planner can assist in preparing and lodging the development application for you.

What is the application fee?

There is no application fee for development where it is accepted development subject to requirements and it complies with all the requirements for accepted development.

Where a development is accepted development subject to requirements but does not comply with 1-3 of the requirements for accepted development, the application fee is \$500.00.

Where the development does not comply with 4 or more of the requirements for accepted development, the application fee is \$1125.00.

Where Dual occupancy is listed as Code or Impact assessable in Part 5 of the CairnsPlan 2016, the application fee is \$1500.00

Where Dwelling house (which may include a secondary dwelling) is listed as Code or Impact assessable in Part 5 of the CairnsPlan 2016, the application fee is \$1000.00.

If approved, what conditions generally apply to a Dwelling house with a Secondary dwelling or a Dual occupancy?

Any conditions of approval will depend on the scale, nature and location of the proposed development.

However, conditions may relate to matters including, but not limited to:

- Access
- Connection to services
- Infrastructure works
- Landscaping
- Screening
- Refuse storage

Will I have to pay infrastructure charges for a Dwelling house with a Secondary dwelling or Dual occupancy?

Infrastructure charges are not applicable to a Dwelling house or a Dwelling house with a Secondary dwelling.

Infrastructure charges are applicable to a Dual occupancy and are to be paid prior to the commencement of the use.

Do I need any other approvals?

In addition to any planning approvals, you will need to obtain a Building works approval for any Building works and an approval for plumbing and drainage works. An Operational works permit may also be required for works on a local government road (driveway works).

What else do I need to know?

The planning scheme contains all the planning requirements for developing a Dual occupancy or a Dwelling house with a Secondary dwelling. However, there may be other matters that need to be considered, including but not limited to:

- Obligations under the *Body Corporate and Community Management Act 1997* for Body Corporates and Community Management Schemes
- Requirements for connections to Council's infrastructure (e.g. water, sewer etc.)
- Requirements of the telecommunications provider
- Requirements of the electricity provider
- Requirements of the Building Assessment Provisions

Check with Council to see what other requirements may apply to your proposed development.

For more information:

Phone: 1300 692 247

Visit: www.cairns.qld.gov.au

Email: townplanner@cairns.qld.gov.au

Table 1 – The differences between a Dwelling house with a Secondary dwelling and a Dual occupancy

Dwelling houses with a Secondary dwelling and a Dual occupancy are similar in that they can both include self-contained dwellings on a single site, where the dwellings can be attached or detached from each other. However there are a number of differences between the two land uses that are described in the table below.

Characteristic	Dual occupancy	Secondary dwelling associated with a Dwelling house
Minimum lot sizes	The following minimum lot sizes apply to establishing a Dual occupancy: <ul style="list-style-type: none"> • 600m² within the Low-medium density residential zone, Medium density residential zone or Mixed use zone precinct 3; or • 800m² within all other zones. 	There is no minimum lot size for a Secondary dwelling. However, the lot needs to be of sufficient size and dimension to accommodate the activity.
Size of dwelling	There is no limitation on Gross Floor Area for each dwelling. Both dwellings can be of equal size.	Secondary dwellings in the Rural zone are limited to 250m ² where on a lot exceeding 10ha or 70m ² where on a lot less than 10 hectares. Secondary dwellings in the Low density residential zone, Low-medium density residential zone, Medium density residential zone, Rural residential zone and Tourist accommodation zone, excluding Tourist accommodation zone precinct 1 – islands are limited to 70m ² . In all other zones Secondary dwellings are limited to 70m ² where on a lot greater than 450m ² . A Secondary dwelling must be subordinate to the primary dwelling.
Number of households	Dwellings can be occupied by different households and can be leased separately.	A Secondary dwelling must be occupied by persons who form part of one household with the primary dwelling and cannot be separately let.
Connections to services (electricity, water, sewerage)	Dual occupancies may have separate connections to services and/or be sub-metered (e.g. sub-metered water supply)	A Secondary dwelling cannot have separate connections or separate metering.
Access/Driveways	Dual occupancies can have one crossover / driveway, or one crossover / driveway per street frontage where the site has more than one street frontage.	A Secondary dwelling has one crossover / driveway, irrespective of the number of street frontages and shares this with the primary dwelling.
Car parking spaces	Dual occupancies are required to have 2 car parking spaces per dwelling, a total of 4 car parking spaces on the site.	A Secondary dwelling is required to have 1 car parking space in addition to the 2 parking spaces for the primary dwelling, a total of 3 car parking spaces on the site
Street address/ Letter box	Dual occupancies will have separate street addresses (e.g. 1A and 1B) and will have separate letter boxes.	A secondary dwelling will share the same street address and letter box as the primary dwelling.
Rubbish collection	Each dwelling will be provided with separate rubbish bins.	Only one set of rubbish bins will be provided.

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