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 on a lot exceeding 10ha in the Rural zone and no larger than 70m² 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. 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 Self-assessable 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 Self-assessable in all Residential zones. Self-assessable development does not require a Development Permit. However, the use must comply with all of the relevant Acceptable outcomes within the applicable codes of the CairnsPlan 2016. If Self-assessable development does not comply with the relevant Acceptable outcomes, 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/development-
online
- By mail to: Attention: Manager, Strategic Planning & Approvals 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 Self-assessable and it complies with all the relevant Acceptable outcomes within the applicable codes of the CairnsPlan 2016.

Where a Dual occupancy is Self-assessable but does not comply with 1-3 Acceptable outcomes within the applicable codes of the CairnsPlan 2016, the application fee is $301.20.

Where the Dual occupancy does not comply with 4 or more Acceptable outcomes within the applicable codes of the CairnsPlan 2016 or where Dual occupancy is listed as Code or Impact assessable in Part 5 of the CairnsPlan 2016, the application fee is $1596.50.

Where the Secondary dwelling is Self-assessable but does not comply with 1-3 Acceptable outcomes within the applicable codes of the CairnsPlan 2016, the application fee is $301.20.

Where the Secondary dwelling does not comply with 4 or more Acceptable outcomes within the applicable codes of the CairnsPlan 2016 or where the Dwelling house (which includes secondary dwelling) is listed as Code or Impact assessable in Part 5 of the CairnsPlan 2016, the application fee is $905.80.

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

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

For more information contact
townplanner@cairns.qld.gov.au or 4044 3044
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.

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Dual occupancy</th>
<th>Secondary dwelling associated with a Dwelling house</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot sizes</td>
<td>The following minimum lot sizes apply to establishing a Dual occupancy:</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>• 600m² within the Low-medium density residential zone, Medium density residential zone or Mixed use zone precinct 3; or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 800m² within all other zones.</td>
<td></td>
</tr>
<tr>
<td>Size of dwelling</td>
<td>There is no limitation on Gross Floor Area for each dwelling. Both dwellings can be of equal size.</td>
<td>Secondary dwellings are limited to 250m² in the Rural zone where on a lot exceeding 10ha or 70m² in all other zones. A Secondary dwelling must be subordinate to the primary dwelling.</td>
</tr>
<tr>
<td>Number of households</td>
<td>Dwellings can be occupied by different households and can be leased separately.</td>
<td>A Secondary dwelling must be occupied by persons who form part of one household with the primary dwelling and cannot be separately let.</td>
</tr>
<tr>
<td>Connections to services</td>
<td>Dual occupancies may have separate connections to services and/or be sub-metered (e.g. sub-metered water supply)</td>
<td>A Secondary dwelling cannot have separate connections or separate metering.</td>
</tr>
<tr>
<td>services (electricity, water,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>sewerage)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access/Driveways</td>
<td>Dual occupancies can have one crossover / driveway, or one crossover / driveway per street frontage where the site has more than one street frontage.</td>
<td>A Secondary dwelling has one crossover / driveway, irrespective of the number of street frontages and shares this with the primary dwelling.</td>
</tr>
<tr>
<td>Car parking spaces</td>
<td>Dual occupancies are required to have 2 car parking spaces per dwelling, a total of 4 car parking spaces on the site.</td>
<td>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</td>
</tr>
<tr>
<td>Street address/ Letter box</td>
<td>Dual occupancies will have separate street addresses (e.g. 1A and 1B) and will have separate letter boxes.</td>
<td>A secondary dwelling will share the same street address and letter box as the primary dwelling.</td>
</tr>
<tr>
<td>Rubbish collection</td>
<td>Each dwelling will be provided with separate rubbish bins.</td>
<td>Only one set of rubbish bins will be provided.</td>
</tr>
</tbody>
</table>