



Information sheet

Sunshine Coast Planning Scheme 2014

Dual occupancy

This information sheet has been prepared to provide a summary of the requirements for dual occupancy development under the *Sunshine Coast Planning Scheme 2014*, including when a development approval is required and which parts of the planning scheme apply.

What is a dual occupancy?

A dual occupancy is a term for two dwellings on a single lot. In accordance with the *Queensland Planning Provisions*, under the *Sunshine Coast Planning Scheme 2014*, a dual occupancy is defined as:

“Premises containing two dwellings each for a separate household, and consisting of:

- *a single lot, where neither dwelling is a secondary dwelling*
- *two lots sharing common property where one dwelling is located on each lot ”*

A common example of a dual occupancy is a duplex.

What is the category of development and assessment for a dual occupancy?

Under the *Sunshine Coast Planning Scheme 2014*, a material change of use for a dual occupancy (e.g. two new dwellings on a vacant lot, or the addition of a new dwelling (which is not otherwise defined as a secondary dwelling in association with a dwelling house) constructed on the same lot as an existing dwelling) is ‘accepted development’ subject to requirements, in the following zones:

- Low density residential zone, if not located in Precinct LDR1 (Protected housing area); and
- Medium density residential zone.

‘Accepted development’ subject to requirements means that the development must comply with particular requirements of the planning scheme. These requirements are contained within the codes that are applicable to the development (for example, the Dual occupancy code is the principal code that applies to dual occupancy development). If the dual occupancy complies with all of the requirements for accepted development in the applicable code/s (i.e. all of

the relevant acceptable outcomes), then no development approval for a material change of use is required to be obtained from Council.

Where accepted development is unable to comply with one or more of the applicable acceptable outcomes of an applicable code, then the development becomes assessable development requiring code assessment.

In accordance with Schedule 6, Part 2, Section 2 of the *Planning Regulation 2017*, a planning scheme *may* be prevented from making a material change of use involving certain residential buildings assessable development. It should be noted that this provision does not apply to dual occupancy development in the Sunshine Coast region, as Council has opted not to apply this item to such buildings.

Other circumstances where category of development or category of assessment may be changed include:

- the development site is subject to particular local plan provisions; or

In the Sippy Downs local plan area, the category of development and assessment for dual occupancy is elevated to assessable development requiring impact assessment within certain precincts.

- the development site is subject to certain mapped overlays that have the effect of changing the category of development or category of assessment.

Overlay maps are located in Schedule 2 (Mapping) of the *Sunshine Coast Planning Scheme 2014*. For a dual occupancy that is accepted development, the category of development *may* be elevated to assessable development (requiring code or impact assessment) if the development site is subject to the acid sulfate soils overlay, airport environs overlay, biodiversity, waterways and wetlands overlay, height of buildings and structures overlay and the heritage and character areas overlay. Refer to section 5.10 (Categories of development and categories of assessment – overlays) of the planning scheme to confirm whether the category of development or category of assessment is changed by these overlays.

It is important to note that all dual occupancies must obtain a development approval for building work (i.e. a ‘building approval’), even if there is no development approval required for the material change of use under the planning scheme. In the

Sunshine Coast region, building approvals are issued by private building certifiers.

Under the *Sunshine Coast Planning Scheme 2014*, a material change of use for a dual occupancy is 'assessable development' requiring code assessment in the Tourist accommodation zone. A dual occupancy is also subject to code assessment in the Major centre zone, District centre zone and Local centre zone if it forms part of a mixed use development (e.g. if it is located in the same building as a non-residential use such as a shop or a restaurant). In all other zones, unless otherwise specified in local plan provisions, a dual occupancy is 'assessable development' subject to impact assessment.

A development approval under the planning scheme is required to be obtained from Council for assessable development.

Which properties are located in Precinct LDR1 (Protected housing area)?

Under the *Sunshine Coast Planning Scheme 2014*, Precinct LDR1 (Protected housing area) applies to properties in the Low density residential zone at the following locations:

- Beerburum;
- Buderim (plateau);
- Caloundra (Aroona, Dicky Beach, Moffat Beach, Kings Beach and Shelly Beach);
- Caloundra West (part of Little Mountain);
- Coolum (Town of Seaside and The Boardwalk);
- Eudlo;
- Golden Beach/Pelican Waters;
- Kawana (parts of Bokarina, Minyama and Wurtulla);
- Maleny, Montville and Mapleton;
- Maroochy North Shore (parts of Marcoola, Mudjimba, Pacific Paradise and all of Twin Waters); and
- Mooloolaba.

The specific properties included in Precinct LDR1 (Protected housing area) of the Low density residential zone are shown on the zone maps in Schedule 2 (Mapping) of the *Sunshine Coast Planning Scheme 2014*.

Dual occupancy development in Precinct LDR1 (Protected housing area) of the Low density residential zone is subject to impact assessment and is identified in the planning scheme as an inconsistent use that is not intended to occur in this particular precinct.

What requirements does the Dual occupancy code contain?

Under the *Sunshine Coast Planning Scheme 2014*, the purpose of the Dual occupancy code is to ensure dual occupancies are appropriately located, achieve a high level of comfort and amenity for occupants, maintain the amenity of neighbouring premises and are compatible with the character and streetscape of the local area.

In order to achieve this purpose, the Dual occupancy code contains requirements for accepted development (relevant acceptable outcomes) and assessment benchmarks for assessable development (purpose, overall outcomes, performance outcomes and acceptable outcomes) for:

- location and site suitability;
- built form (building height, site cover, density, streetscape character and design, building setbacks);
- landscaping and private open space;
- safety and security;
- access and car parking;
- services and utilities; and
- filling or excavation.

What other parts of the planning scheme apply to dual occupancy development?

If the dual occupancy is either accepted development or assessable development subject to code assessment, and the development site is subject to a mapped overlay (for example, flood hazard, steep land), then the development *may* require assessment against the applicable overlay code(s).

If the dual occupancy is subject to code assessment, then the development application will also require assessment against the applicable zone code and local plan code, and a limited number of other development codes in certain circumstances.

If the dual occupancy is identified as assessable development subject to impact assessment under the *Sunshine Coast Planning Scheme 2014*, the development application for a material change of use is assessed against the entire planning scheme, to the extent relevant, and public notification of the application must be undertaken by the applicant.

Part 5 (Tables of Assessment) of the *Sunshine Coast Planning Scheme 2014* details which sections of the planning scheme a proposed development is required to be assessed against.

The 'Application' section of each planning scheme code further clarifies which provisions of the code comprise the requirements for accepted development and the assessment benchmarks for assessable development.

Need further information?

For further information about the requirements for dual occupancy development, the *Sunshine Coast Planning Scheme 2014* is available on Council's website. Alternatively, you may contact Council directly with your enquiry.

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Disclaimer

The contents of this information sheet deals with technical matters in a summary way only and has been prepared to assist the community to understand the *Sunshine Coast Planning Scheme 2014*. Please refer to the *Sunshine Coast Planning Scheme 2014* for further detail.

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