



# Information sheet

Sunshine Coast Planning Scheme 2014

## Secondary Dwellings

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

### What is a Secondary Dwelling?

A 'Secondary Dwelling' (e.g. granny flat or annexed unit) forms part of a 'Dwelling House'.

Under the *Planning Regulation 2017*, a 'Dwelling House' is defined as a residential use of premises involving:

- (a) 1 dwelling and any domestic outbuildings<sup>1</sup> associated with the dwelling; or
- (b) 2 dwellings, 1 of which is a secondary dwelling, and any domestic outbuildings associated with either dwelling.

A 'Secondary Dwelling' is defined as 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
- (c) occupied by individuals who are related to, or associated with, the household of the other dwelling.

For further guidance to determine if a Secondary Dwelling can be **used in conjunction with or subordinate to**, a dwelling house please refer to **Table 1: Secondary Dwelling Checklist** overleaf.



Secondary Dwelling

**Note** – Amendments were made on 26 September 2022 to the *Planning Regulation 2017* to remove controls in the planning framework around how members of a household live together.

This means that some existing lawful secondary dwellings, and all new secondary dwellings, may now be privately rented to anyone for long-term residential use, regardless of whether they are related to the occupants of the primary dwelling.

Before you rent an existing secondary dwelling, you will need to check with Council if additional approvals are required and whether the secondary dwelling complies with any other legislative or local government requirements (including, fire safety and sound transmission requirements). For information about any additional requirements, advice should be sought from a private building certifier.

A Secondary Dwelling is not the same as a Dual Occupancy, which is separately defined under the *Planning Regulation 2017*. A summary of the requirements for dual occupancies are outlined in council's [Dual occupancy information sheet](#).

### Do I need to apply for a development approval?

A material change of use for a Secondary Dwelling that is accepted development (does not require a development approval)

Under the *Sunshine Coast Planning Scheme 2014*, a material change of use (MCU) for a Secondary Dwelling (e.g. a new secondary dwelling) is generally 'accepted development' (does not require a development approval) in certain residential zones (such as the Low density residential zone) where it meets specific criteria outlined in Part 2 of Schedule 6 of the [Planning Regulation 2017](#).

<sup>1</sup> Domestic outbuilding means a non-habitable class 10a building that is –

- (a) a shed, garage or carport; and
- (b) ancillary to a residential use carried out on the premises where the building is.

**Note** – Part 2 of Schedule 6 of the *Planning Regulation 2017* outlines the circumstances where a planning scheme is prohibited from making certain types of development (e.g. a material change of use for a dwelling house (including a secondary dwelling) as assessable development (i.e. either code or impact assessable). Amendments were made to Part 2 of Schedule 6 of the *Planning Regulation 2017* on 2 December 2022, to refine the regulation of dwelling houses in lower density residential zones.

The provisions in the *Planning Regulation 2017* override the provisions in the *Sunshine Coast Planning Scheme 2014*, where providing for a material change of use for a dwelling house in certain residential zones.

As a result of the changes to the *Planning Regulation 2017*, some planning scheme overlays (such as the Height of buildings and structures overlay, the Acid sulfate soils overlay and certain Airport environs overlays and Heritage and character areas overlays) no longer trigger a material change of use for a dwelling house (including a secondary dwelling) in the Low density residential zone or the Tourist accommodation zone to become assessable development (i.e. either code or impact assessable).

The changes to the Planning Regulation relate only to planning (material change of use) applications and do not alter the requirement for other types of approvals that may be required, such as approval for building work.

For information about any additional requirements, advice should be sought from a private building certifier or by contacting Council's Development Services Branch.

### A material change of use for a secondary dwelling that is accepted development (subject to requirements)

In the Medium density residential zone, High density residential zone, Emerging community zone, Limited development (landscape residential) zone, Rural residential zone and Rural zone, a material change of use for a Secondary Dwelling is accepted development, subject to requirements.

'Accepted development subject to requirements' means that the development must comply with particular requirements of the planning scheme. These requirements are called 'acceptable outcomes' and are contained in the codes that are applicable to the development (for example, the Dwelling house code or applicable overlay code). If the secondary dwelling complies with all of the acceptable outcomes, then no development approval for a material change of use is required to be obtained from Council.

### A material change of use for a Secondary Dwelling that is assessable development

Under the *Sunshine Coast Planning Scheme 2014*, a Secondary Dwelling will require a

development approval for a material change of use in limited circumstances, such as:

- the proposed Secondary Dwelling does not meet the criteria outlined in Part 2 of Schedule 6 of the *Planning Regulation 2017* and does not comply with one or more of the relevant acceptable outcomes of the codes that are applicable to the development (e.g. the Dwelling house code or an applicable overlay code); or
- the proposed Secondary Dwelling is located in a zone that it generally not intended for this type of development (e.g. centre zones and industrial zones).

When these circumstances apply, the development application for a material change of use for a Secondary Dwelling, will be assessable development requiring either code or impact assessment.

'Assessable development requiring code assessment' means that a development approval is required to be obtained from Council. The development application is assessed against the planning scheme codes that are applicable to the material change of use.

'Assessable development requiring impact assessment' also means that a development approval is required to be obtained from Council. However, in this case, the development application is assessed against the entire planning scheme (to the extent relevant) and public notification of the application must be undertaken by the applicant.

**Note** – planning scheme zoning and overlay information for your property can be viewed in ['MyMaps'](#) – an interactive mapping tool on council's website.

### Building and Plumbing Approvals

All secondary dwellings 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.

A permit for plumbing or drainage work will also be required for a Secondary Dwelling. Plumbing approvals are issued by Council.

## Referrals to Council as concurrence agency

In certain cases, a secondary dwelling may not require a development approval for a material change of use under the planning scheme but may require referral to Council as a concurrence agency (CAR), for assessment in accordance with State planning legislation. There are also some situations that may trigger both a material change of use and require referral to Council as a concurrence agency.

Circumstances under which a referral to Council as concurrence agency may be required for a secondary dwelling include:

- where an alternative provision to the Queensland Development Code (QDC) applies under the planning scheme for the siting of a secondary dwelling (relating to boundary clearances - setbacks) and the proposed building or structure does not comply with the alternative provision; or
- where the secondary dwelling in the Low density residential zone or Tourist accommodation zone:
  - exceeds the maximum building height nominated on the Height of buildings and structures overlay; or
  - is located on land subject to the Acid sulfate soils overlay and exceeds certain excavation and filling thresholds.

As concurrence agency, Council will assess compliance with the relevant provisions of the applicable code/s (e.g. Dwelling house code or applicable overlay code/s) and has the power to require conditions to be imposed, or to direct refusal of the application.

**Note** – A material change of use (MCU) and concurrence agency referral (CAR) are separate statutory processes and therefore even if a MCU approval is required for a secondary dwelling, there may still need to be a CAR submitted to Council for assessment to regulate matters under the *Planning Regulation 2017* (e.g. siting).

In these cases, a combined application may be submitted to Council for assessment at the same time e.g. MCU and CAR, or, a CAR that has multiple triggers such as where both Schedule 9, Division 2, Table 3 and Schedule 9, Division 2, Table 8 applies to the secondary dwelling.

Please contact Council's Development Services Branch or a private building certifier to clarify if a referral to Council may be required.

## What requirements are contained in the Dwelling house code for Secondary Dwellings?

A Secondary Dwelling may be constructed under a Dwelling House, attached to a Dwelling House or be freestanding.

The Planning Scheme's Dwelling House Code includes requirements to ensure that a Secondary Dwelling is used in conjunction with, and subordinate to, a Dwelling House and that neighbourhood character and amenity is protected.

To meet the requirements of the Planning Scheme, a Secondary Dwelling will need to:

- Be located and designed to have a nexus or functional connection with the primary dwelling.

Where the Secondary Dwelling is freestanding, it is located within 20 metres of the primary dwelling (measured from the outermost projection of each dwelling).

- Be used to share common services and vehicle access arrangements.

This can be achieved by the Dwelling House and Secondary Dwelling sharing a single (common):

- water connection and meter;
- waste water connection/system;
- street number and letterbox; and
- vehicle access driveway and access point

- Be small in size, such that the Secondary Dwelling is ancillary to the primary dwelling.

Specifically, the Secondary Dwelling has a maximum gross floor area of 60m<sup>2</sup> (or 90m<sup>2</sup> in the Rural Zone or Rural Residential Zone or 45m<sup>2</sup> in the Moffat Beach/Shelly Beach/Dicky Beach area as discussed below).

- If located in the Moffat Beach/Shelly Beach/Dicky Beach area, be designed to be small and low impact.

In this particular area, the Secondary Dwelling has a maximum gross floor area of 45m<sup>2</sup> and does not exceed 4 metres in height.

- Have sufficient parking.

One additional on-site car parking space is provided for the Secondary Dwelling.

- Be located on a traditional lot.

Where located in an urban zone, the Secondary Dwelling is located on a regular shaped lot with an area of at least 600m<sup>2</sup>.

**Note** – The Planning Scheme contains several other requirements, which a Secondary Dwelling may also need to comply with including, but not limited to, property setbacks, siting, building height, services and utilities, access and parking, filling and excavation, building design and overlay constraints. Please contact Council for further clarification.

**Note** – In certain locations, residential estates may be subject to master planning approvals that vary the effect of the Planning Scheme or a Plan of Development. Check with Council or your consultant/building certifier as to whether such approvals apply to your property and whether this changes the requirements for Secondary Dwellings.

## Need further information?

For further information about the requirements for Secondary Dwellings, 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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## Table 1: Secondary Dwelling Checklist

<b>Is the Secondary Dwelling used in conjunction with, and subordinate to, a Dwelling House on the same lot?</b>	
<p>In answering this question, consider whether:</p> <ul style="list-style-type: none"> <li>• <i>There is a clear nexus or functional connection between the two dwellings.</i></li> <li>• <i>There is a clear relationship and joint residential endeavour between the two dwellings.</i></li> <li>• <i>The dwellings share common services and vehicle access arrangements (e.g. utility connections and metering, single letterbox and street number, vehicle access driveway and common waste collection bins).</i></li> <li>• <i>The Secondary Dwelling is small in size and clearly ancillary to the primary dwelling (e.g. does not exceed the floor area limits in the Dwelling House Code and is not of a scale or intensity which constitutes a material change of use for a Dual Occupancy).</i></li> </ul>	
<b>Yes</b> ↓	<b>No</b> ↓
The dwelling is a Secondary Dwelling	The dwelling is not a Secondary Dwelling under the Planning Scheme's Dwelling House definition and the use is most likely a Dual Occupancy (i.e. two dwellings comprising separate households)
<b>Is the Secondary Dwelling to be used for long-term residential use? (i.e. more than 3 consecutive months)</b>	
<b>Yes</b> ↓	<b>No</b> ↓
The dwelling is a Secondary Dwelling	The dwelling is not a Secondary Dwelling under the Planning Scheme's Dwelling House definition and the use is most likely Short-term accommodation