

Dwelling House and Secondary Dwellings



REGIONAL COUNCIL

INFORMATION SHEET



WHAT IS A DWELLING HOUSE?

Under the *Lockyer Valley Planning Scheme* ('the Planning Scheme'), a Dwelling house is defined as:

A residential use of premises involving—

- a. One dwelling and any domestic outbuildings associated with the dwelling; or*
- b. Two dwellings, one of which is a secondary dwelling and any domestic outbuildings associated with either dwelling.*

WHAT IS A SECONDARY DWELLING?

A 'secondary dwelling' is part of a Dwelling house and defined in the Planning Scheme (SC1.2 Administrative terms) 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*
- b. occupied by individuals who are related to, or associated with, the household of the other dwelling.*

DO I NEED A PLANNING APPROVAL FROM COUNCIL FOR A DWELLING HOUSE (INCLUDING SECONDARY DWELLING)?

In certain zones*, a Dwelling house (including secondary dwelling) is **Accepted development** under the Planning Scheme. This means planning approval isn't required provided the relevant Acceptable outcomes of the Dwelling house code and any applicable overlay code are met. The checklist at the end of this document includes the relevant Acceptable outcomes of the Dwelling house code and overlay codes.

If the proposed Dwelling house cannot meet all relevant Acceptable outcomes of the Dwelling house code and any applicable overlay code, a planning application must be submitted to Council.

If the Dwelling house is located in an overlay, this may mean a planning application is required even if complying with the Dwelling house code.

A Dwelling house located in the Flood hazard overlay under the *Temporary Local Planning Instrument 2024 (Flood Regulation)* (TLPI) requires a planning application for a Material change of use to be submitted to Council unless the land is in the flood investigation area only and Council's latest flood modelling shows the land is not subject to flooding.

**These are the Emerging community zone, Low density residential zone, Low-medium density residential zone, Mixed use zone (excluding secondary dwelling), Rural zone, Rural residential zone and Township zone.*

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This fact sheet is designed to be a guide to the Planning Scheme on Dwelling houses and Secondary dwellings. Additional information can be obtained from the relevant Planning Scheme.

If you require further specific information, please contact Council's Customer Service on 1300 005 872. Please note this fact sheet may be updated by Council at any time with the most recent version available on Council's website. If you have a printed copy, please see Council's website to ensure you have the latest version.

Need further
information?

WHAT TYPE OF PLANNING APPLICATION IS REQUIRED?

If a Dwelling house in a residential zone⁺ does not comply with the Acceptable outcomes of the Dwelling house code, the building application for the Dwelling house will be referred to Council for assessment.

⁺*Residential zones are the Low density residential zone, Low-medium density residential zone, Rural residential zone and Township zone.*

If a Dwelling house is not in a residential zone, and the Acceptable outcomes of the Dwelling house code or overlay code cannot be met, a planning application for a Material change of use must be lodged to Council.

For a secondary dwelling on land outside the residential zones and rural zone, a planning application for Building works must be lodged to Council. This Building works application is assessable under the Planning Scheme and separate to the Building works approval obtained from a building certifier.

Council's [Application Requirements and Processing Fact Sheet](#) provides details on what is required to be submitted with a planning application.

WHAT IS THE ZONING OF MY PROPERTY AND IS IT AFFECTED BY ANY OVERLAYS?

The zoning and any overlays for a property can be determined by using Council's [Planning Scheme interactive maps](#). Council's [Flood Information Portal \(FIP\)](#) can be used to determine whether the land is included in the Flood hazard overlay under the TLPI.

A [User Guide](#) on the Lockyer Valley Planning Scheme portal including the interactive maps is available.

WHAT DOES IT MEAN IF MY PROPERTY IS AFFECTED BY AN OVERLAY?

If the Dwelling house is located within an overlay, there may be additional requirements that need to be met or the development may become assessable and require a planning application to be lodged to Council.

The relevant Tables in Part 5.10 of the Planning Scheme and the TLPI identify the category of development and assessment, and whether an overlay code applies. If applicable, the relevant overlay code in Part 8 of the Planning Scheme and TLPI should be reviewed to ensure the development complies with the Code.

DO I NEED ANY OTHER APPROVALS?

At a minimum, a Dwelling house and/or secondary dwelling will require [Building approval](#) from a building certifier, and a [Plumbing and drainage permit](#) from Council.

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Checklist for Accepted development requirements:

PLANNING SCHEME REQUIREMENTS	COMPLIES ✓/✗/NA						
<p>The land is located in one of the following zones:</p> <ul style="list-style-type: none"> - Emerging community zone - Low density residential zone - Low-medium density residential zone - Mixed use zone (excluding secondary dwelling) <ul style="list-style-type: none"> - Rural zone - Rural residential zone - Township zone 							
DWELLING HOUSE CODE							
<p>AO1.1 Clearing of vegetation within the Biodiversity overlay and identified as a matter of environmental significance occurs only if:</p> <ol style="list-style-type: none"> a. the vegetation is identified as a Matter of Local Environmental Significance only; b. the amount cleared is no more than 3,000m² only and in a single location. 							
<p>AO2.1 Building height is 8.5m or less, regardless of slope. <i>Note—For domestic outbuildings, the Queensland Development Code requirements apply for building height.</i></p>							
<p>AO3.1 Building setback are consistent with the below table:</p> <table border="1" data-bbox="150 864 1273 1028"> <thead> <tr> <th data-bbox="150 864 644 913">Zone</th> <th data-bbox="644 864 1273 913">Setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="150 913 644 976">All urban zones and Rural residential zone</td> <td data-bbox="644 913 1273 976">As required under the Queensland Development Code.</td> </tr> <tr> <td data-bbox="150 976 644 1028">Rural zone</td> <td data-bbox="644 976 1273 1028">10m from all boundaries.</td> </tr> </tbody> </table> <p><i>Note—For domestic outbuildings, the Queensland Development Code requirements apply for setbacks.</i></p>	Zone	Setback	All urban zones and Rural residential zone	As required under the Queensland Development Code .	Rural zone	10m from all boundaries.	
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All urban zones and Rural residential zone	As required under the Queensland Development Code .						
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<p>AO4.1 Shipping containers, sheds and industrial buildings used as Dwelling houses and domestic outbuildings are modified to have a residential appearance.</p>							
<p>AO5.1 Where network service infrastructure is available, a Dwelling house is connected to:</p> <ol style="list-style-type: none"> a. the stormwater drainage network or another lawful point of discharge; b. a pressurised reticulated water and sewer networks. <p>AO5.2 Where the network service infrastructure is unavailable a Dwelling house is connected to:</p> <ol style="list-style-type: none"> a. a minimum water supply dedicated for domestic supply of 45,000 litres with a minimum 10,000 litre reserve for firefighting purposes; b. an on-site domestic wastewater treatment system that is consistent with the Queensland Plumbing and Wastewater Code. 							
<p>AO6.1 The lot on which the Dwelling house is located has direct access to a constructed road, which is connected to the constructed road network. <i>A constructed road is a road located on a road reserve which is trafficable and has improved the natural surface by clearing, grading and by the addition of at least 100mm of gravel pavement and crossroad drainage.</i></p> <p>AO6.2 The Dwelling house has only one driveway and crossover.</p>							
<p>AO7.1 Car parking space is provided as follows:</p> <ol style="list-style-type: none"> a. Dwelling house without secondary dwelling — two spaces; b. Dwelling house with secondary dwelling — three spaces. <p><i>Note—Vehicle parking may be provided as a tandem car parking space, where the tandem space is within the lot boundaries.</i></p>							
<p>AO8.1 Driveways and vehicle crossovers are located a minimum of one metre from:</p> <ol style="list-style-type: none"> a. street trees; b. stormwater installation outlet or stormwater gully inlet; c. electricity pole or pillar box. 							
<p>AO9.1 Filling does not cause an adverse effect or an actionable nuisance from flooding or stormwater on adjacent premises. <i>Note—Development is to be connected to the Council's drainage network in accordance with section 77 of the Local Government Act. It is an offence under the section 80 of Local Government Act, to restrict or redirect stormwater.</i></p>							

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PLANNING SCHEME REQUIREMENTS	COMPLIES ✓/*/NA
<p>Requirements for a secondary dwelling</p> <p>AO10.1 A secondary dwelling within the Rural zone or Rural residential zone is located within 20m of the primary dwelling.</p> <p>AO10.2 A secondary dwelling has a maximum <u>Gross Floor Area</u> of:</p> <ol style="list-style-type: none"> in a residential zone or the Township zone — 70m²; elsewhere — 100m². <p>AO10.3 A secondary dwelling has no more than two bedrooms.</p> <p>AO10.4 A secondary dwelling shares private open space with the primary dwelling.</p> <p>AO10.5 A secondary dwelling uses the same driveway and vehicle crossover as the primary dwelling.</p> <p>AO10.6 A secondary dwelling shares all service connections with the primary dwelling.</p>	
BUSHFIRE HAZARD OVERLAY CODE	
<p>The Dwelling house is within an approved development envelope area; OR</p> <p>The Dwelling house is on a lot with an area of 2,000m² or less; OR</p> <p>The Dwelling house is on a lot more than 2,000m² and complies with the following Acceptable outcomes:</p> <p>AO1.1 Development is:</p> <ol style="list-style-type: none"> located within 60m of the street frontage; and accessed by a sealed driveway with a gradient of 12.5 per cent or less that is consistent with the design requirements set out at Table 8.4-5: Accepted driveway access requirements; positioned in the lowest hazard area of the site. <p>AO2.1 A Dwelling house is connected to a pressurised reticulated water supply.</p> <p>OR</p> <p>AO2.2 A Dwelling house, that is unable to connect to a pressurised reticulated water supply and is connected to a partially or fully static water supply, provides:</p> <ol style="list-style-type: none"> a tank that is underground or is of non-flammable construction and has minimum water supply dedicated for fire-fighting exclusive of domestic supply no less than 22,500 litres; and water supply on site within the firefighting asset protection zone, that provides a safe and clear access for 15 tonne fire appliances to manoeuvre to a hardstand area within 6m of the water supply; and water supply within 10m from each building (other than a Class 10 building); and signage at the access of the property to direct firefighting services to the firefighting water supply; and a metal firefighting standpipe connection above ground and fitted with a 50mm ball valve and camlock coupling; or if the water supply is underground an accessible opening a minimum of 200mm diameter to accommodate suction lines. <p>AO2.4 Water from an on-site domestic wastewater treatment system is irrigated within the nominated asset protection zone.</p>	
FLOOD HAZARD OVERLAY CODE (see Temporary Local Planning Instrument 2024 (Flood Regulation))	
<p>The Dwelling house will not be located in the Low, Medium or High flood hazard areas.</p> <p>If the Dwelling house is proposed to be located in the Flood investigation area only, Council's most recent flood modelling shows the land is not subject to flooding in the Defined Flood Event.</p> <p><i>Refer to TLPI Appendix D: Defined Flood Level Maps</i></p>	
HELIDON MANAGEMENT AREA OVERLAY CODE	
<p>The Dwelling house will not be located within the Helidon management area overlay.</p> <p><i>Note: A Dwelling house within this overlay is impact assessment development and planning approval is required.</i></p>	

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PLANNING SCHEME REQUIREMENTS	COMPLIES ✓/✗/NA
<p>INFRASTRUCTURE OVERLAY CODE</p> <p>The Dwelling house is within an approved development envelope area; OR</p> <p>If the Dwelling house includes an on-site domestic wastewater treatment system, it is not located within a buffer for:</p> <ol style="list-style-type: none"> raw water intake; weir; water bore. <p>AND</p> <p>The Dwelling house is not located within:</p> <ol style="list-style-type: none"> 20m of an existing or planned substation; 50m of an Electricity infrastructure corridor; a buffer for an Emitting activity; or a buffer for a Waste facility; or a buffer for a Pump station for bulk water supply, water supply, or sewer; or a High pressure gas pipeline buffer and the pipeline is not within the Open space zone or Community facilities zone or a road reserve. <p>OR</p> <p>The Dwelling house complies with the following acceptable outcomes:</p> <p>AO1.1 The development footprint of a Dwelling house (including a secondary dwellings and domestic outbuildings) is setback a minimum:</p> <ol style="list-style-type: none"> 10m from a pump station for water supply or sewerage; 20m from a Substation; 50m from a major electricity infrastructure corridor; 100m from a High pressure gas pipeline; 100m from a Bulk water pump station or Bulk water storage or Bulk water raw water intake; 100m from a water bore; outside of the mapped buffer area for a waste facility or emission separation area for an emitting activity. <p>AO1.2 Onsite wastewater treatment systems are located outside of the bulk water storage area buffer (100m).</p> <p>AO1.3 Dwelling houses (excluding domestic outbuildings) within a buffer mitigates and minimises adverse effects on human health, amenity and wellbeing by:</p> <ol style="list-style-type: none"> being set back as far as practicable from the impact activity; orientating buildings so bedrooms face away from the impact activity; positioning domestic outbuildings between the impact activity and living spaces; positioning the development on the windward side (prevailing south-east winds) of the impact activity; positioning barriers or fences between the development and the impact activity. <p><i>Note—Compliance with this Acceptable outcome may be demonstrated by clearly providing a plan that notes the setback to nearby infrastructure including any proposed onsite wastewater treatment system.</i></p> <p>AO1.4 Dwelling houses (excluding domestic outbuildings) incorporate noise attenuation measures such that noise levels do not exceed 5db(A) above background noise level where within:</p> <ol style="list-style-type: none"> 10m of a pump station or substation. 50m from the lot boundary of a concrete manufacture facility; 100m from the lot boundary of an Extractive industry not involving blasting; 100m from a shooting range; 100m from a sawmill; 250m from the property boundary of an Extractive industry involving blasting or a Motor sport facility. <p><i>Note—Compliance with AO1.3 and AO1.4 may be demonstrated by providing a plan that notes the separation distances to nearby infrastructure.</i></p>	

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PLANNING SCHEME REQUIREMENTS	COMPLIES ✓/✗/NA
STEEP LAND OVERLAY CODE	
<p>The Dwelling house is located within an area with slope less than 15 per cent; OR The Dwelling house is located within an approved development envelope area; OR The Dwelling house complies with the following Acceptable outcomes:</p> <p>AO2.1 Either:</p> <ul style="list-style-type: none"> a. buildings, outbuildings and/or vegetation clearing does not occur on that part of the site with steep slopes or very steep slopes; or b. all buildings, outbuildings and/or vegetation clearing are consistent with a development envelope area approved at subdivision stage. <p>AO2.2 No vegetation clearing is proposed.</p> <p>AO2.3 Overland flow paths that have been previously cleared are rehabilitated and effectively stabilised to accommodate any increase in stormwater flow from the development.</p> <p>AO2.4 Property stormwater installations (including roof guttering and rainwater tank overflows) are directed to the stormwater drainage network to avoid an actionable nuisance from increased on-site groundwater, ponding of water and water concentration onto surrounding slopes or overland flow paths.</p> <p>AO2.5 Either:</p> <ul style="list-style-type: none"> a. all wastewater is disposed of by a sewerage connection; or b. where sewerage connection is not available, onsite wastewater treatment systems are located on that part of the site that has a slope of 10 per cent or less; and c. where subsurface disposal of effluent is proposed, the potential landslide risk achieves a low or acceptable risk. <p>AO3.1 Vehicle access and driveways are no more than 20m in length and less than 20 per cent slope.</p> <p>AO3.2 Vehicle access and driveways within steep or very steep slope areas are provided with a slip-resistant surface (e.g. broom brushed concrete or 10mm coarse gravel bitumen).</p> <p>AO3.3 Where earthworks are required for a driveway, it is confined to the proposed driveway area with the ground level being retained in all remaining areas.</p> <p>AO8.1 Earthworks are minimised and limited to a height of:</p> <ul style="list-style-type: none"> a. 2m adjoining a non-residential site; b. 1.2m adjoining a residential site; c. 0.9m adjoining a public road, Park or other public area. <p>AO8.2 Earthwork cuts and retaining walls incorporate subsoil drainage systems that direct stormwater to the stormwater drainage network or existing overland flow path.</p> <p>AO8.3 Earthwork cuts that are greater than 900mm high, are separated by terraces with a minimum width of 1.5m or equal to the height of the cut, whichever is the greater.</p> <p>AO8.4 Retaining walls are 1.5m in height or less compared to the ground level.</p> <p>AO8.5 The crest of any cut or toe of any fill, or any part of any retaining wall or structure, is located no closer than 600mm to any boundary of the lot.</p> <p>AO8.6 All retaining walls are designed and certified by an RPEQ. Boulder walls or loose blocks must not be used as retaining walls on sites steeper than 20 per cent.</p> <p><i>RPEQ means Registered Professional Engineer of Queensland</i></p>	