



State Code for a Dwelling House that is
a Secondary Dwelling – for consultation

DRAFT



Photos are for illustrative purposes only and are not intended to demonstrate compliance with the draft code provisions.

Front cover image credit:
Middle House by Nobel Carter Architects
Photography by Andrew Carter

Image credit:
Three House by John Ellway Architect
Photography by Toby Scott



Application

The Department of Housing, Local Government, Planning and Public Works is undertaking work to ensure this new code can meet its full intent. This includes any necessary updates to the planning and building regulatory frameworks to support statewide application of the Code for regulation of secondary dwellings where they are compliant with specific locational requirements.

Any proposal for a secondary dwelling would continue to require the necessary building approvals and permits including those under the National Construction Code, Local Planning Schemes or others such as a plumbing and drainage permit under the *Plumbing and Drainage Act 2018*.

It is intended that this code will only apply to the development of a dwelling house that is a secondary dwelling.

Where the development of a secondary dwelling is proposed concurrently with another dwelling on the lot, whether attached or detached, the Queensland Development Code mandatory part 1.1 or 1.2 and/or Local Planning Scheme would apply to the primary dwelling only and this code would apply to the secondary dwelling only. For clarity, the provisions within the applicable

Queensland Development Code and/or Local Planning Scheme would not apply to, or give consideration to, the secondary dwelling.

Specifically, where development of a secondary dwelling is proposed to be attached to the primary dwelling, this code applies only to the part of the development that is a secondary dwelling.

Purpose statement

The purpose of this code is to ensure development of a dwelling house that is a secondary dwelling is designed and sited as follows:

- a. meets the definition of a secondary dwelling under the Planning Regulation 2017;
- b. is subordinate to another dwelling;
- c. does not negatively impact upon the amenity or privacy of adjoining residents;
- d. provides reasonable outdoor living opportunities and responds to climatic conditions; and
- e. is appropriately serviced.

Performance outcomes and acceptable outcomes



Gross floor area

Performance outcomes

PO1 | Development for a secondary dwelling is smaller in size and subordinate to the primary dwelling.

Acceptable outcomes

AO1 | Development for a secondary dwelling has a maximum gross floor area of:

- 80m², where the lot size is less than 1,000m²; and
- 100m², where the lot size is 1,000m² or greater.

Policy rationale

Secondary dwellings are subordinate to the primary dwelling, otherwise they are a dual occupancy or duplex. The bulk and scale of the secondary dwelling should be responsive to the surrounding dwellings and ensure the secondary dwelling is not more dominant than the primary dwelling.

The maximum gross floor area provisions have been developed with a focus on maximising a secondary dwelling while maintaining the subordinate nature of the secondary dwelling. On lots less than 1,000m², the provisions allow for a secondary dwelling of 80m², which is intentional so as not to restrict good design solutions or prevent a 2-storey outcome where this can be achieved in accordance with the other requirements.



Separation

Performance outcomes

PO₂

The secondary dwelling is sited on the land so that:

- a. it is attached to the primary dwelling; or
- b. where not attached to the primary dwelling, it allows sufficient space to ensure access and maintenance between the buildings; or
- c. where in a rural zone, the secondary dwelling is located close to the primary dwelling to maintain its use as a secondary dwelling subordinate to the primary dwelling.

Acceptable outcomes

AO₂

Development for a secondary dwelling is:

- a. attached to the primary dwelling; or
- b. located at least 2m from the primary dwelling; and
- c. if in a Rural zone, located not more than 20m from the primary dwelling.

Policy rationale

Separation between primary and secondary dwellings can allow for privacy and climatic design consideration. The provisions propose a minimum 2 metres away from the primary building to ensure compliance with the fire separation requirement in the National Construction Code and avoid maintenance difficulties and poor amenity and design outcomes. Where separation is not practical (i.e. resulting in an unusable space such as 0.5m etc), these provisions allow a secondary dwelling to be attached to the primary dwelling.

This is on the basis that since the removal of the provisions about who can live in a secondary dwelling, it is no longer necessary to ensure a secondary dwelling is close to a primary dwelling, except where in a Rural zone. This is reflective of lot sizes typically being far greater in a Rural zone which can result in secondary dwellings being a significant distance from the primary dwelling and potential for a subdivision at a later date.



Building Height

Performance outcomes

PO₃

Building height:

- a. is consistent with the intended character of the area; and
- b. is not visually dominant with respect to the streetscape.

Acceptable outcomes

AO₃

Development for a secondary dwelling:

- a. where any part of the building is located within 5m of a road frontage, has a maximum building height of 4.5m; or
- b. otherwise, has a maximum building height of 8.5m.

Policy rationale

In line with the design principles, this provision seeks to ensure that building height of a secondary dwelling should not dominate a lot where in front of the primary dwelling and is consistent with the expected height limits in the applicable zones. It is on this basis, that a secondary dwelling should not be more than 8.5m in height regardless of its position on the lot.

In relation to secondary dwellings, or part of a secondary dwelling within 5m of the primary road frontage, it is intended that that part of the secondary dwelling should be limited to one storey (4.5m). In doing so, it is intended to manage the dominance of future built form on the streetscape and seeks to reflect (in part) the scale of a Class 10a structure that can currently be constructed in the front setback area of a lot under the provisions of the Queensland Development Code.

Setbacks

Performance outcomes

- PO4** Secondary dwellings are setback to:
- contribute positively to the intended streetscape of the area;
 - contribute positively to climate responsive design opportunities;
 - delineate between private and public space;
 - minimise impacts on the amenity and privacy of residents on adjoining properties;
 - maintain active frontages and opportunities for casual surveillance;
 - allow for access around the building.

Acceptable outcomes

AO4 Development for secondary dwellings comply with:

Minimum setbacks	Lots under 450m ²	Lots 450m ² and above
Frontage boundary	1.5m	1.5m
Side boundaries		
If 4.5m or less in building height	1m	1.5m
If over 4.5m and 8.5m or less in building height	1.5m	2m
Rear boundary		
If 4.5m or less in building height AND not attached to the primary dwelling	1.5m	2m
If 4.5m or less in building height AND attached to the primary dwelling	3m	3m
If over 4.5m and 8.5m or less in building height	3m	3m

Policy rationale

These proposed provisions introduce a reduced front setback as it is intended to facilitate opportunities for secondary dwellings in front of the primary dwelling while seeking to manage the dominance of future built form on the streetscape.

The front 5m of the street is limited to a single storey height to reflect the bulk and scale of a Class 10a structure that can currently be constructed in the front setback area of a lot under the provisions of the Queensland Development Code.

The rear and side setbacks consider the balance between maximising opportunities for secondary dwellings with privacy expectations for neighbouring properties.



Visual Privacy

Performance outcomes

PO5 A secondary dwelling is designed to minimise direct overlooking to adjoining premises through building siting, layout and the configuration of windows, balconies, privacy fences and privacy screens.

Acceptable outcomes

AO5.1 Where the sill of a window is 2m or less above ground level and the window is setback 1m or less from a common boundary, the secondary dwelling includes:

- a. a privacy fence with a minimum height of 1.8m on the common boundary; or
- b. fixed obscure glazing in any part of the window below 1.5 metres above floor level; or
- c. fixed external privacy screens covering the window.

AO5.2 Where the sill of a window is more than 2m above ground level and the window is setback 1.5m or less from a common boundary, the secondary dwelling includes:

- a. fixed obscure glazing in any part of the window below 1.5m above floor level; or
- b. fixed external privacy screens covering the window.

AO5.3 Where a deck or balcony is more than 1m above ground level and within 1.5m of a common boundary, a privacy screen at the perimeter of the deck or balcony extending not less than 1.5m above the deck or balcony floor level is provided.

Policy rationale

These provisions are included to ensure the development of a secondary dwelling manages overlooking and privacy between neighbouring properties.



Dwelling entry

Performance outcomes

- P06** Development for a secondary dwelling:
- promotes visual interest and a high level of visual amenity to all frontage boundaries; and
 - the entry to a dwelling is clearly identifiable and accessible to the public.

Acceptable outcomes

- A06** Development for a secondary dwelling is designed so that:
- it has the same address as the primary dwelling; and
 - a pedestrian connection is provided between the road frontage to the entrance of the secondary dwelling; and
 - where a secondary dwelling is partly or wholly within 5m of a road frontage, the front door is visible and accessible for pedestrians from the street.

Note: The pedestrian connection required by part (b) can rely on the primary dwellings driveway to achieve compliance with this outcome.

Policy rationale

It is intended that the address of a secondary dwelling should be the same as the primary dwelling on the basis that the definition of secondary dwelling does not allow for it to be separately titled.

It is further intended that a secondary dwelling may include a pathway at the side of the property to allow access, where a secondary dwelling is to be occupied by a separate household.



Vehicular parking and access

Performance outcomes

PO7 Vehicular parking spaces provided on-site for residents and visitors is sufficient in relation to the scale and use of the dwelling.

Acceptable outcomes

A07 Development for a secondary dwelling:

- requires no additional vehicular parking spaces, where the primary dwelling has at least two (2) vehicle parking spaces (whether covered or uncovered); or
- one (1) additional vehicular parking space is provided on the lot, either covered or uncovered.

Note: Where an additional parking space is to be provided to comply with this outcome, the requirements for parking spaces, including building setbacks should they be proposed in a building, are regulated in the Queensland Development Code.

Policy rationale

This provision will seek to clarify that development of a proposed secondary dwelling does not require additional car parking above what is already accommodated for the primary dwelling.

Outdoor living

Performance outcomes

PO8 Development for a secondary dwelling includes private outdoor living space that has usable proportions that is responsive to the size of the lot.

Acceptable outcomes

A08.1 Development for a secondary dwelling:

- shares private outdoor living space with the primary dwelling; or
- incorporates private outdoor living space that complies with the minimum requirements specified in Table 1.

A08.2 Development for a secondary dwelling maintains at least 40% of the private outdoor living space as unroofed area.

Note: Where separate private outdoor living space is being provided for the secondary dwelling that is unroofed, this will also satisfy the unroofed area outcome above (Example: If a 6m² private outdoor living space is provided on a lot under 450m² that is wholly unroofed, no additional unroofed area is required).

A08.3 Development for a secondary dwelling, where the building is wholly or partially located within 5m of a road frontage:

- incorporates frontage landscape area that complies with the minimum requirements specified in Table 1.

Table 1

Secondary Dwellings	Minimum width	Minimum area
Private outdoor living space		
Lots under 450m ²	2m	6m ²
Lots 450m ² and greater	3m	12m ²
Landscape area within frontage		
Lots under 450m ²	2m	3m ²
Lots 450m ² and greater	2m	6m ²

Policy rationale

A key design principle of Distinctly Queensland is outdoor living – *Create strong connections to the outdoors and increase amenity. Cool, shady places and access to green.* This seeks to deliver on the Queensland lifestyle and climate.

Adaptable private outdoor living space on a lot can be either shared by both the primary and the secondary dwelling or divided to provide privacy.

Instead of regulating an arbitrary site cover requirement, it is proposed to prescribe the minimum width and area of private outdoor living space that must be accommodated on the site for a secondary dwelling.

Maintaining a certain proportion of the outdoor living space as unroofed allows suitable natural light and air through the lot benefiting both dwellings.

Services

Performance outcomes

PO9 Connection to services including water, wastewater, electricity and waste collection is consistent with the primary dwelling and appropriate for the location and available infrastructure.

Acceptable outcomes

AO9.1 Development for a secondary dwelling:

- where the primary dwelling is connected to reticulated water and wastewater supply networks, the secondary dwelling is also connected to reticulated water and wastewater; or
- on land not serviced by reticulated water supply network, on-site water storage tank/s with a minimum capacity of 30,000 litres and access to the tank/s for fire trucks is provided for the secondary dwelling; and
- on land not serviced by a reticulated wastewater supply network, the secondary dwelling has a suitable on-site wastewater disposal facility for treating and disposing sewage produced by the secondary dwelling provided in accordance with the requirements of the *Plumbing and Drainage Act 2018* and any local government requirements.

Note: In relation to (b) and (c) above, the secondary dwelling may be connected to the same onsite water tank and onsite wastewater disposal facility as the primary dwelling, provided there is sufficient capacity and storage for the systems to manage the demand for both the primary and secondary dwellings.

AO9.2 Development for a secondary dwelling is provided with electricity, either via a connection provided in accordance with the requirements of the relevant utility provider or through onsite supply.

AO9.3 Development for a secondary dwelling:

- manages refuse in a shared arrangement with the primary dwelling; or
- where a separate refuse area is provided, it is not visible from the street or is screened so the refuse bins are not visible from the street.

Policy rationale

Connection to services is an important consideration and allows the provisions to only be applicable to permanent structures. This is important as without this requirement, temporary and easily movable structures could be permitted under this code.

Given these provisions will apply state-wide and there are a number of areas where water, sewer and electricity are not provided, it is necessary for the code to include provisions that deal with on-site water supply, sewerage management and electrical supply.

These code provisions also include shared refuse provision. This is on the basis that secondary dwellings will not have separate addresses and therefore should not have separate refuse collection arrangements.



Design measures

Performance outcomes

- PO10** Development incorporates design elements that respond to Queensland's tropical and sub-tropical climate and surroundings in a manner that:
- reduces the reliance on mechanical heating, cooling and lighting;
 - ensures access to sunlight and natural heating, cooling and ventilation;
 - where located on the street frontage, incorporates design variation.

Acceptable outcomes

- AO10.1** Development for a secondary dwelling where located within five (5) metres of the road frontage must incorporate a window of at least one habitable room that overlooks the street.
- AO10.2** Development for a secondary dwelling incorporates a minimum of two (2) of the following design outcomes:
- the building façade is detailed and articulated with design indentations and/or window openings;
 - includes a verandah or pergola which is open on three sides;
 - includes eaves, sunhoods and/or screens to protect openings and western walls;
 - façades use at least two materials, with the prominent material covering no more than 90% of wall area.

Policy rationale

These provisions seek to support the achievement of the design principles of the Distinctly Queensland Design Series. In implementing these code provisions, we seek to introduce minimum design measures that are not overly burdensome, but provide some simple and achievable elements to prevent poor design outcomes.

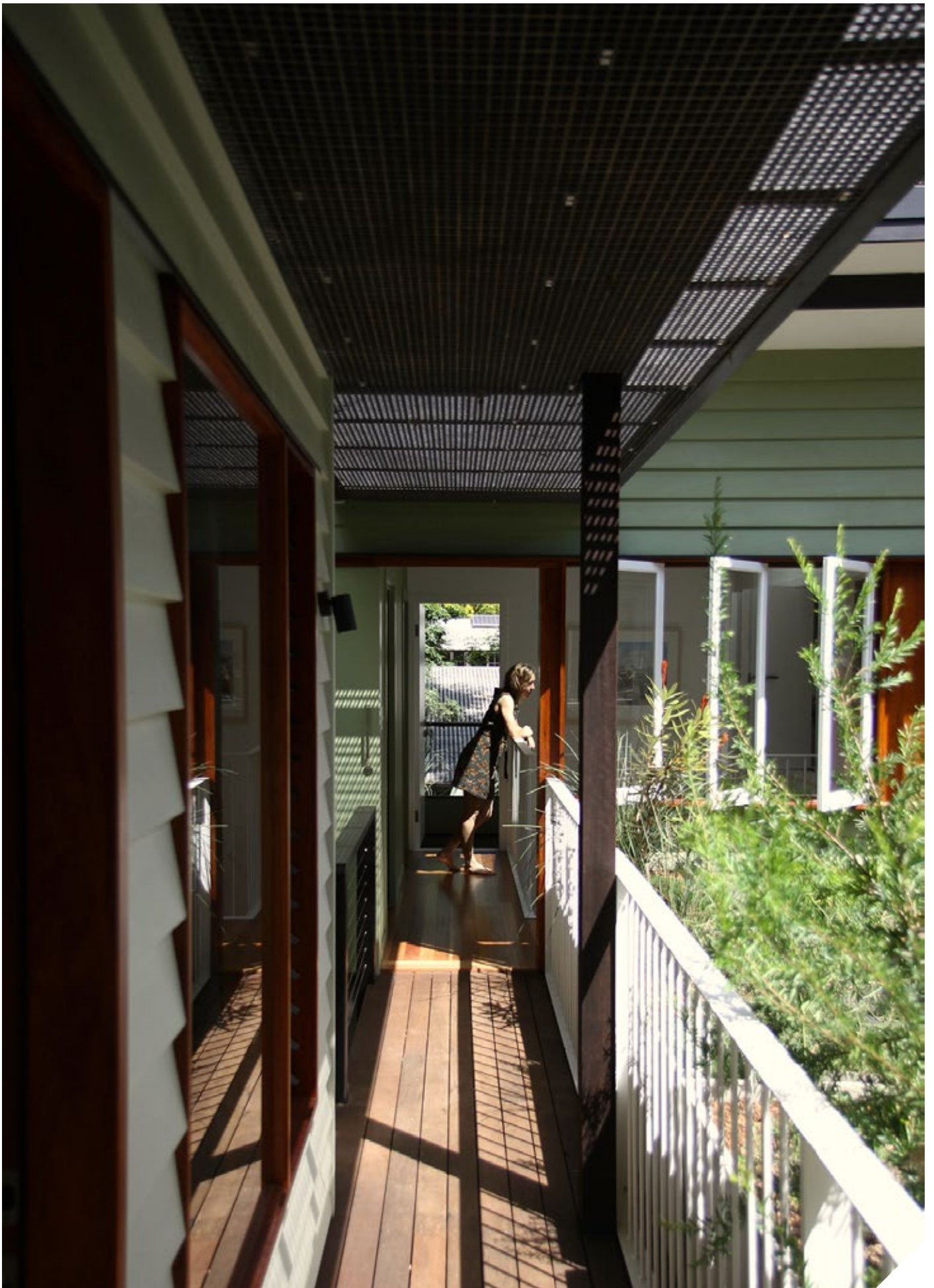


Image credit:
Middle House by Nobel Carter Architects
Photography by Andrew Carter

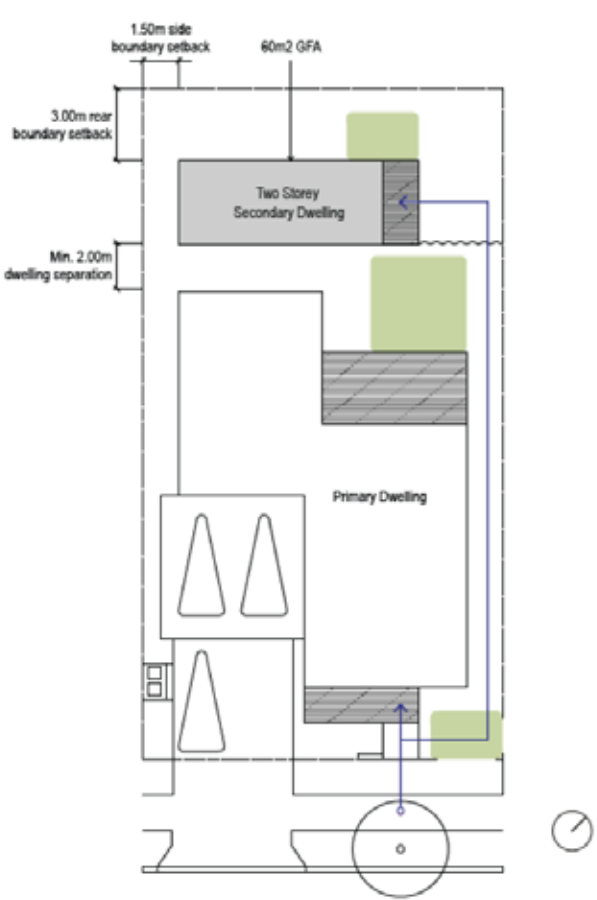


Figure a: Example of how to comply with the gross floor area, separation and setback provisions with a secondary dwelling in the rear

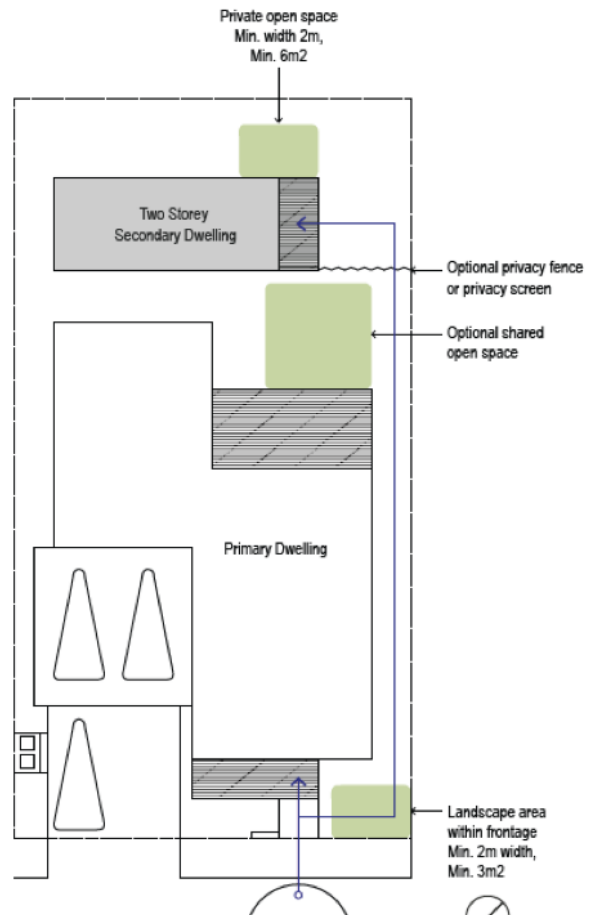


Figure b: Example of how to comply with the private outdoor living space and landscaping provisions with a secondary dwelling in the rear

Typology:
Rear Lot Double Storey

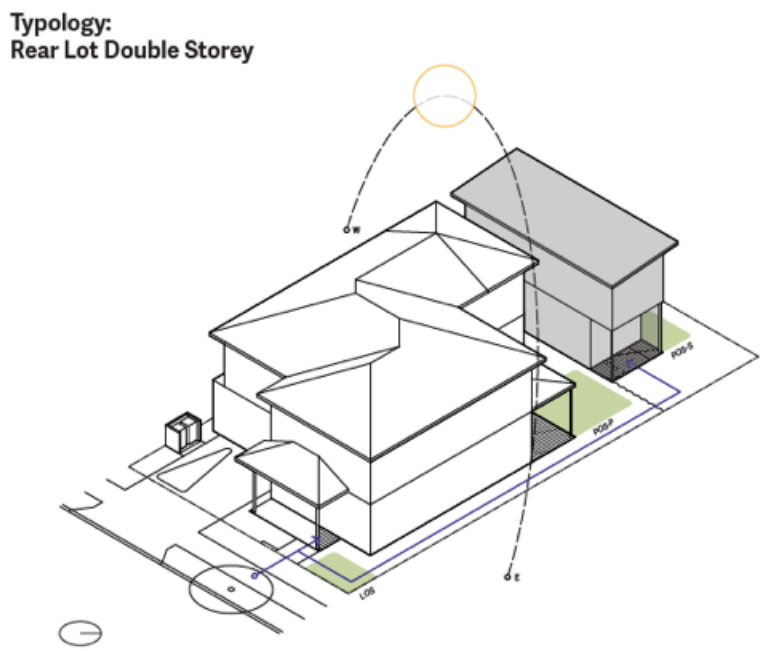


Figure c: 3D rendition of the examples in Figures a and b of a secondary dwelling in the rear

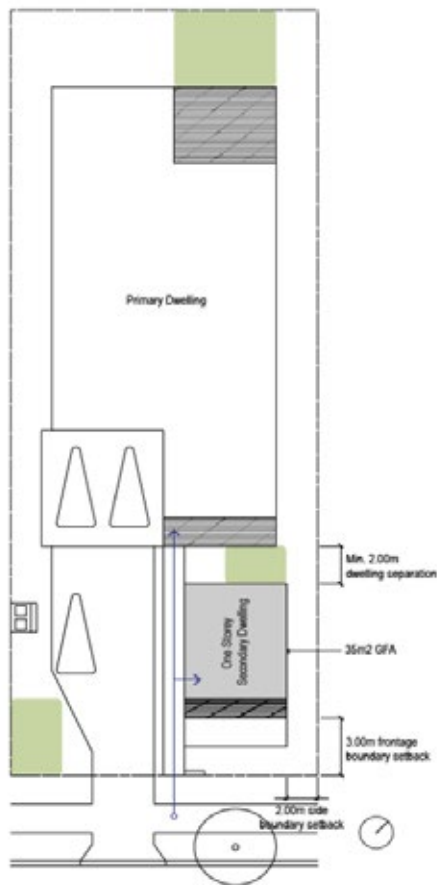


Figure d: Example of how to comply with the gross floor area, separation and setback provisions with a secondary dwelling in the front

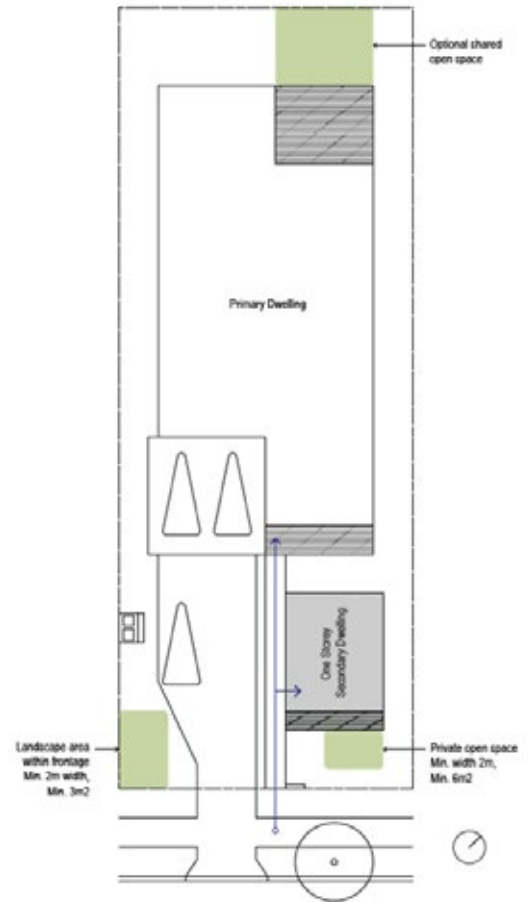


Figure e: Example of how to comply with the private outdoor living space and landscaping provisions with a secondary dwelling in the front

**Typology:
Front Lot Single Storey**

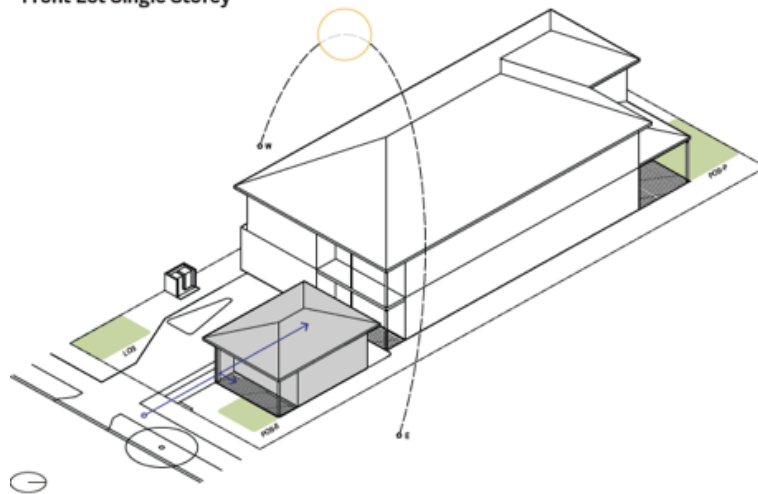


Figure f: 3D rendition of the examples in Figures d and e of a secondary dwelling in the front

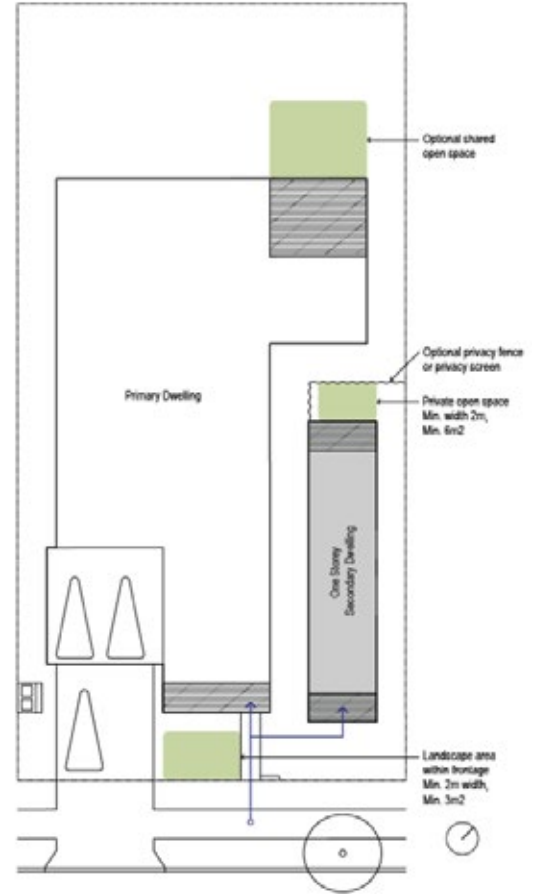
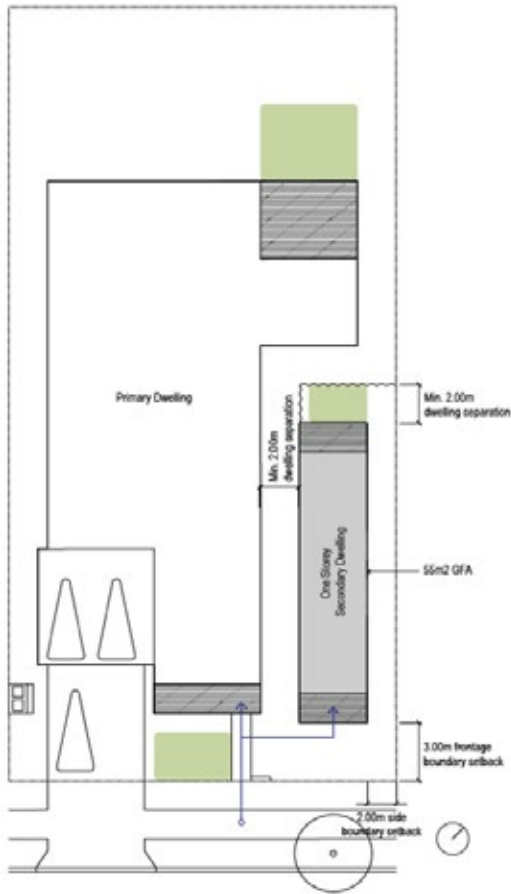
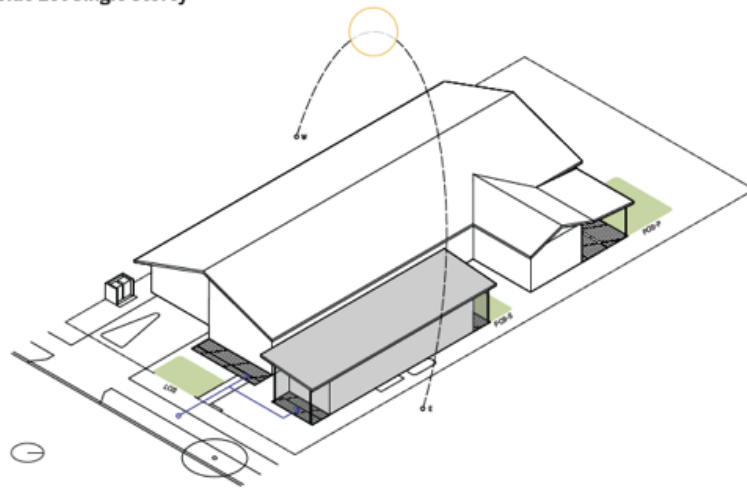


Figure g: Example of how to comply with the gross floor area, separation and setback provisions with a secondary dwelling to the side

Figure h: Example of how to comply with the private outdoor living space and landscaping provisions with a secondary dwelling to the side

Typology:
Side Lot Single Storey



Next page image credit:
Tallowood Cabin by Fouché Architects
Photography by David Charfield

Figure i: 3D rendition of the examples in Figures g and h of a secondary to the side



**Department of Housing, Local
Government, Planning & Public Works**



**Queensland
Government**