

Dwelling houses

North Burnett Regional Council
Planning Scheme



WHAT IS A DWELLING HOUSE

PLANNING REGULATION 2017 DEFINITION

Planning schemes in Queensland must only use the terms defined in the legislation, the *Planning Regulation 2017*. This information sheet focuses the definitions of dwelling house but should be read together with the information sheet 'Defined uses' which contains all regulated definitions in the planning scheme.

dwelling house means a residential use of premises involving—
(a) 1 dwelling and any domestic outbuildings associated with the dwelling; or
(b) 2 dwellings, 1 of which is a secondary dwelling, and any domestic outbuildings associated with either dwelling.

REGULATED DEFINITION

This definition refers to two other important terms, 'dwelling' and 'secondary dwelling'. This information sheet explains these further on the following pages.

This Information Sheet explains the planning scheme provisions about houses.

TAKE A LOOK AT WHAT'S INSIDE:

What is a 'Dwelling house'
Secondary dwelling
Design criteria
Other approvals





Please refer to info sheet DH-001 for further information on Dwelling house

TWO IMPORTANT TERMS—

dwelling means all or part of a building that—

- (a) is used, or capable of being used, as a self-contained residence; and
- (b) contains—
 - (i) food preparation facilities; and
 - (ii) a bath or shower; and
 - (iii) a toilet; and
 - (iv) a wash basin; and
 - (v) facilities for washing clothes

secondary dwelling means 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.

REGULATED DEFINITIONS
BUT NOT USE DEFINITIONS

CATEGORIES OF ASSESSMENT

A material change of use for a Dwelling house is—

- **accepted development** in the General residential zone, Rural residential zone, Rural zone, and Township zone
- **accepted subject to requirements** in the Centre zone and Community facilities zone
- **code assessable** in the Industry zone and the Open space and recreation zone.

Even though a MCU for a dwelling house is accepted development in the residential zones, the building work is assessable under the scheme. This is due to the effect of the *Planning Regulation 2017* that prevents a planning scheme from making the MCU assessable under the scheme.

Building work for a Dwelling house (class 1a(i) or class 10 building under the BCA) is **accepted subject to requirements in the General residential zone, Rural residential zone, Rural zone, Township zone, and Centre zone.**

NEED FOR A PLANNING APPROVAL

MATERIAL CHANGE OF USE

Developing a new Dwelling house on vacant land is always 'making a material change of use of premises' (MCU). The level of assessment, however, depends on the zone in which the development is proposed. Not all situations create the need for an approval under the planning scheme.

BUILDING WORK



The Planning Act 2016 defines 'building work' but basically means building, repairing, altering, underpinning, moving or demolishing a building or other structure.

When building work is subject to requirements, the proposal must comply with all of the acceptable outcomes of the Dwelling house code of the planning scheme, otherwise it will require a code assessable development application to be lodged with Council.



DESIGN CRITERIA

DWELLING HOUSE CODE

The Dwelling house code (section 9.3.2 of the Planning Scheme) is the Council's assessment criteria for any dwelling house that requires approval under the planning scheme. The code defines alternative provisions to those in the Queensland Development Code MP1.2.

In particular it contains performance and acceptable outcomes for—

- the Historic lots overlay (see separate Information sheet, HL-001)
- size and scale of domestic outbuildings (i.e. sheds) and secondary dwellings.

SUMMARY OF CRITERIA

Here are some relevant outcomes from the Dwelling house code—

- outbuildings in the General residential and Township zones - maximum of 110m² and 4m high
- outbuildings in the Rural residential zone - maximum of 150m² and 6m high
- secondary dwellings - minimum lot size of 800m² and a GFA not more than 60m².

EXAMPLE—

Dwelling house and secondary dwelling

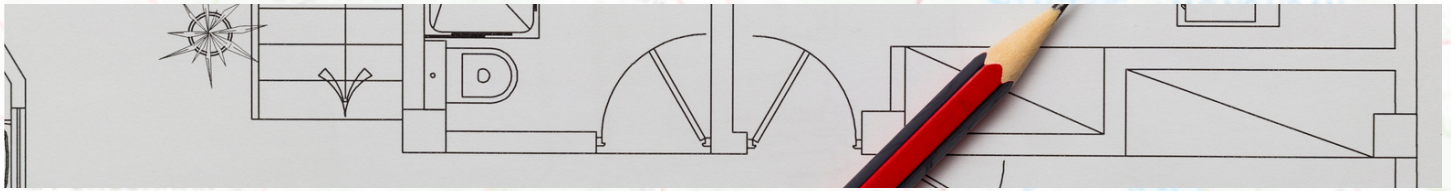
Sarah lives in a dwelling house on her **rural zoned** lot and would like to build a granny flat on the same site.

- ☒ The site is over 800m².
- ☒ The proposed granny flat is less than 60m² and is smaller in size and scale than the dwelling house she resides in.
- ☒ The granny flat will be in conjunction with and subordinate to the existing dwelling.
- ☒ The proposed granny flat fits the **Secondary dwelling** definition and therefore the proposal falls under the use definition **Dwelling house**.

Now that Sarah has identified what defined use her proposal falls under, she can check the level of assessment to see if her proposal requires a development application for a material change of use to be lodged at Council.

After looking at Section 5.5 of the NBRC planning scheme, Sarah understands that the proposed Secondary dwelling is **accepted** and does not require a development application for a material change of use to be lodged at Council.

Next Sarah checks under Section 5.7 of the NRBC planning scheme to see whether her proposal is assessable building work. She discovers if her development complies with the applicable requirements in the Dwelling house code, it is accepted and does not need planning approval. If it does not comply, she will have to lodge a code assessable development application for building works.



BUILDING APPROVAL

All dwelling houses need to obtain a building approval (i.e. a development approval for building work), whether or not a development approval is required under the planning scheme.

Building approvals require assessment against the Building Code of Australia and Queensland's Building and Plumbing Regulations. In the North Burnett Region, building approvals are issued by Council or private building certifiers.

PLUMBING APPROVAL

Not all plumbing works require approval from Council. Your licensed plumber or building certifier can help you to determine if the work requires approval from Council.

APPROVAL TO CONSTRUCT ACCESS

If your lot is within Historic lot overlay and has no legal access to a constructed road you may first need to construct the road. This work will require approval. It would be prudent to discuss your circumstances with us.

ENCOURAGING ECONOMIC DEVELOPMENT

We have a long and proud history of development, prosperity and resilience. With readiness we also face challenges including distance, drought, flood and connectivity. Always receptive to new technology and new ideas, as the digital revolution continues to disrupt and expand economies around the world, North Burnett is gearing up to make the most of emerging opportunities.

The Council is committed to drive ongoing economic growth and innovation in North Burnett.

North Burnett Regional Council aims to be an innovation leader – a destination for business, investment and skills.

Contact Us

Call us for more information about the planning scheme and making an application.



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