



# Secondary Dwellings & Ancillary Dwelling Units

USER GUIDE – NOVEMBER 2016

Improved housing choice relies on affordable options for small households and situations where people need to live close to families or close to their place of work. This User Guide is intended to explain how The Noosa Plan allows for secondary dwellings in association with a detached house on the same site, as well as ancillary dwellings for caretakers of business or community uses. Visitor Accommodation is covered in a separate User Guide. While this guide gives a summary of some scheme provisions you should still refer to The Noosa Plan to determine the relevant level of assessment and applicable codes.

## Definitions

The following land use definitions are taken from Part 2 of The Noosa Plan

**Detached house** means the use of premises for a single *dwelling unit* which comprises the whole of the building on one lot. The term includes uses and works incidental to and associated with the detached house. The term includes the temporary use as a display home or removal home. The use may include a *secondary dwelling* not exceeding 65m<sup>2</sup> in area.

**Ancillary dwelling unit** means the use of premises for a caretaker's residence or employee residence associated with a non-residential use on the same premises where:-

- There is no other dwelling unit on the premises, except where the non-residential use is an agricultural use;
- The gross floor area of the dwelling unit does not exceed 150m<sup>2</sup>;
- The dwelling unit is subordinate to the non-residential use;
- The dwelling unit is attached to or within 25m of the non-residential use; and
- The dwelling unit is occupied by the owner of the non-residential use or somebody employed in the non-residential use.

**Multiple housing** means the use of premises for two or more dwelling units or accommodation units as the case may be, occupied by permanent or semi-permanent residents, where the occupants may share common facilities on the site:

**Multiple housing type 2 Duplex** means the use of premises for two

dwelling units either attached or detached, on one lot.

**Visitor accommodation** means accommodation that is designed and used for visitors to the Shire and where social, recreational and dining services may be provided for visitors by owners or staff. Resident guests stay for a temporary period of time (typically not exceeding 3 consecutive months).<sup>1</sup>

**Visitor accommodation Type 1 Home hosted** means the use of premises for short term accommodation hosted by the resident family within a detached house where there is no more than 6 guests accommodated in no more than three rooms. At least one bedroom within the detached house is excluded from use by guests. Meals may be provided by the hosts, as guest cooking facilities are not available. The use includes bed and breakfast.

The following administrative definitions should also be noted:

**secondary dwelling** means a dwelling used in conjunction with, and subordinate to, a detached house on the same lot. A secondary dwelling may be constructed under a detached house, be attached to a detached house or be free standing. For clarity a detached house could not include more than one secondary dwelling.

<sup>1</sup> A building containing two or more self-contained visitor accommodation units would be classed as Visitor Accommodation Type 4 Conventional and will require planning approval.

**caretaker's residence** means a *dwelling unit* situated on the same premises as a **business use, community use or infrastructure use** where it is occupied by the owner or employee of the business or operation for reasons of ensuring security and maintenance of the business or operation.

**dwelling unit** means a building or part of a building used as a self-contained residence for the exclusive use of one household. It includes outbuildings and works normally associated with a dwelling.

**accommodation unit** means part of a building to be used as a dwelling place for the exclusive use of one household containing at least one habitable room but which is not self-contained.

**gross floor area (or GFA)** means the total floor area of a building measured from the outside of the external walls, plus for roofed unenclosed areas, any portion of floor area beyond a distance of 3 metres from the external wall. (It does not include carparking, lift shafts, stairwells or basements)

**self-contained** means containing at least a bathroom, toilet, kitchen and one habitable room.

## Secondary Dwelling

The Noosa Plan allows you to accommodate a family member, friend or any other person at your home in a secondary dwelling, allowing them to have their independence from the balance of the house. This is intended to be a longer term resident rather than a visitor<sup>2</sup> as neither a detached house nor secondary dwelling are included in the *Visitor Accommodation* land use definition.

### Is an application necessary?

Because a secondary dwelling unit is included within the definition of a detached house, it is allowable anywhere a detached house is allowed, subject to certain criteria.

For instance a detached house is generally consistent and self-assessable in the following zones:

- Detached Housing Zone;
- Semi-attached Housing Zone;

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<sup>2</sup> A separate User Guide addresses small scale visitor accommodation

- Attached Housing Zone;
- Rural Settlement Zone; and
- Rural Zone

However, inclusion of the property in overlay mapping may trigger planning assessment.

The planning scheme specifies certain development criteria which are discussed further in the following section.

A building approval will be necessary for any building works and you should discuss with your building certifier specific requirements. An application for plumbing and drainage works will need to be lodged with Council's Plumbing Services.

Infrastructure Charges will be payable for the secondary dwelling in line with Council's Charges Resolution. Contact Council to check the current charge as it is subject to annual review.

## Requirements of the Detached House Code

The use will have to comply with the various provisions of the Detached House Code, but specifically you should note:

- a) Minimum building setbacks apply to property boundaries, dependent on the zone;
- b) A maximum site cover applies to the building(s) and for some localities a minimum requirement for soft landscaping applies;
- c) In the Detached Housing, Semi-Attached Housing, Attached Housing or Visitor Mixed Use Zone, the second dwelling unit is to share a common wall and common roof with the house on-site and the two dwellings share an interconnecting door<sup>3</sup>.
- d) In other zones, the secondary dwelling is to be located within 25m of the house on-site, and no part of the detached house containing habitable rooms is more than 25m from another part of the detached house.

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<sup>3</sup> Discuss with your building certifier how to establish appropriate fire separation between the two dwelling units.

- e) The secondary dwelling will have a maximum gross floor area of 65m<sup>2</sup> where it is wheelchair accessible or 45m<sup>2</sup> otherwise<sup>4</sup>
- f) The secondary dwelling will contain no more than one bedroom;
- g) One car parking space is to be provided on site for the secondary dwelling in addition to the one required for a detached house

To meet wheelchair standards it is expected the secondary dwelling would have:

- A level entrance way with clear opening width of 820mm;
- Internal doorways with clear opening widths of at least 820mm
- Internal corridors/passageways with clear width of at least 1,000mm.
- Kitchen space designed to support ease of movement and adaptation with at least 1,200mm clearance provided in front of fixed benches and appliances and slip resistant flooring.
- A toilet with a minimum clear width of 900mm between the walls of the bathroom if located in a separate room; and a minimum 1,200mm clear circulation space forward of the toilet pan exclusive of the swing of the door., or if the toilet is located within the bathroom, the toilet pan should be located in the corner of the room to enable the installation of grabrails.
- A bathroom with a slip resistant, hobless (stepfree) shower recess, located in the corner of the room to enable the installation of grabrails.
- Walls<sup>5</sup> around the shower, bath (if provided) and toilet which are reinforced to provide a fixing surface for the safe installation of grabrails
- A bedroom or space that is of at least 10m<sup>2</sup> with one wall a minimum length of 3m and provides for a minimum path of travel of at least 1,000mm on at least one side of the bed.

<sup>4</sup> It is recognised that more space is needed to manoeuvre a wheelchair, walking frame or walking sticks around a unit.

<sup>5</sup> Except walls constructed of solid masonry or concrete

While the secondary dwelling may be rented to somebody outside of the resident household it cannot be subdivided.

## Caretaker's Residence

If the property contains a non-residential use a caretaker's residence may be appropriate. The scheme allows for an Ancillary Dwelling Unit for the operator of the non-residential use or one of their employees.

Unless the property is a working farm, this will be the **only** residence on site. It is intended to be ancillary to a non-residential use such as a shop, studio, warehouse, factory, recreational facility, etc.

On a working farm<sup>6</sup>, at least one resident of the ancillary dwelling must be, and remain, actively engaged in an agricultural use. If this ceases to be the case Council is likely to request modifications to the ancillary dwelling so it is no longer self-contained. There is no provision within the scheme for this house to have its own title (Subdivision of land is a separate process which relies on an approval to reconfigure a lot which will require compliance with both the Noosa Plan and the SEQ Regional Plan).

The Ancillary dwelling unit will have to meet requirements for the site in terms of building height, setbacks, site cover, GFA, minimum floor height etc. It will require an off street car parking space.

Ancillary dwelling units are generally 'consistent uses' in the Visitor Mixed Use Zone, Village Mix Zone, Neighbourhood Centre Zone, Business Centre Zone, Community Services Zone, Industry Zone, Rural Zone, Open Space Recreation Zone and Open Space Conservation Zone. There will be locality specific exceptions to this so reference should be made to the assessment table to confirm.

An application will always be necessary for an ancillary dwelling unit. This will be subject to either code assessment or impact assessment depending on where the premises are located.

<sup>6</sup> Having a couple of cows or a few fruit trees would not be considered bona fide agricultural pursuits warranting a caretaker. Council will need to be satisfied it is a working farm.

Within the Locality Plan, the assessment table for the applicable zone will specify the level of assessment (in column 2), and if it is code assessable, the relevant codes will be nominated in column 3.

Overlay mapping may present other implications for the location or design of an ancillary dwelling unit.

Infrastructure Charges will be payable for the ancillary dwelling unit in line with Council's Charges Resolution. Contact Council to check the current charge as it is subject to annual review.

### **Further information**

The Noosa Plan can be viewed online at <http://www.noosa.qld.gov.au/view-the-noosa-plan>

A hard copy can also be viewed at the 2<sup>nd</sup> level counter of Council's office, 9 Pelican Street Tewantin or in the libraries at Noosaville or Cooroy.

You can contact Council's Planning Assessment staff weekdays, between 9am and 5pm by phoning (07) 5329 6245 or Council's Building & Plumbing Services on (07) 5329 6480.