Redland CITY PLAN 2018

FACT SHEET

Housing Economy Safety Environment Infrastructure

Secondary Dwellings

What is a Secondary Dwelling?

'Secondary dwelling' is an administrative term defined by the *Planning Regulation 2017* as follows:

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.

Why is Council looking to change provisions relating to Secondary Dwellings?

In September 2022, the State Government changed the definition of 'secondary dwelling'.

Before these changes, a dwelling house could include a secondary dwelling. However, the principal dwelling and secondary dwellings' occupants had to be part of one household. That household had to comprise individuals who intended to live together long-term and who made common provisions for food and other essentials for living.

Generally, secondary dwellings were small, one to two-bedroom structures used by elderly parents or adult children of the occupants of the principal dwelling house (commonly referred to as granny flats or teenager retreats).

Council did not further regulate this form of secondary dwellings in the Redland City Plan, as it was satisfied that the definition alone sufficiently regulated their use.

With the State's change to the definition, the occupants of a secondary dwelling no longer need to be related to or associated with the household of the principal dwelling residents.

Secondary dwellings can now be rented out to occupants who have no connection with the occupants of the principal dwelling house.

While Council supports the changes allowing secondary dwellings to be rented, it has identified concerns relating to potential unintended impacts on amenity, infrastructure provision and capacity.

Unlike other Local Government planning schemes in South-East Queensland, the Redland City Plan does not currently include specific provisions to restrict the size or siting of a secondary dwelling to ensure it remains 'subordinate' to the principal dwelling on the lot.

Council is increasingly seeing examples of secondary dwelling proposals that resemble larger dual occupancies in their size and operation, being established in back and front yards.

Without the introduction of appropriate benchmarks, it is expected that this will continue to occur and become more widespread, given that:

- Council currently levies infrastructure charges for dual occupancies but not for secondary dwellings.
- Dual occupancies are generally only supported on lots of 800m^2 or more, whereas there is no minimum lot size for a secondary dwelling development, and
- Dual occupancies are generally not supported in the rural zone.

There are potential impacts on infrastructure demand and servicing as a result of the definition change. The impact on infrastructure from larger 'secondary dwellings' designed to accommodate multiple occupants is likely to be equivalent to a dual occupancy. Given these potential infrastructure impacts, the levy of an infrastructure charge is considered appropriate.

There are also concerns relating to impacts on residential amenity and character for both neighbouring properties and the future occupants of these secondary dwellings.

What is Council changing?

Council is introducing new provisions to guide the development of secondary dwellings to remain 'subordinate' to the principal dwelling house on the lot. The new provisions relate to the maximum gross floor area of the secondary dwelling and compliance with the Queensland Development Code (QDC).

Council's Amenity and Aesthetics Guideline and Policy will contain these new provisions. Ultimately, Council intends to adopt these provisions into the Redland City Plan through a major planning scheme amendment.

While the State government is reviewing this planning scheme amendment, the new provisions in the Amenity and Aesthetics Guideline and Policy will apply.

The new provisions are similar to those already in other South-East Queensland local government planning schemes.

Changes to the Adopted Infrastructure Charges Resolution are also proposed to levy infrastructure charges for secondary dwellings that do not meet the new criteria.

What do the changes mean for me?

Suppose you are considering constructing a small secondary dwelling for a family member to live in or to rent out. In that case, the changes are unlikely to impact on your development.

Council will continue to support secondary dwellings at this scale by not levying infrastructure charges for small secondary dwellings that adopt the acceptable criteria and are subordinate to the principal dwelling on the lot.

If you want to build a larger secondary dwelling, you need to be aware of the updated provisions when designing the proposal. The new provisions provide a guide to what is considered a secondary dwelling as opposed to a dual occupancy.

You will need to consider what definition is the best fit for your development, taking into consideration that secondary dwellings, by definition, are to be "used in conjunction with, but subordinate to, another dwelling on the lot".

It is also important to be aware of the new infrastructure charging provisions. From 1 February 2024, infrastructure charges will be levied for a secondary dwelling where the proposed gross floor area is greater than probable solutions in item 4 of the Amenity and Aesthetics Guideline.

The changes to the Adopted Infrastructure Charges Resolution ensure that small-scale secondary dwellings can continue to be constructed without triggering payment of additional infrastructure charges.

Larger secondary dwellings will be levied to reflect their increased demand on infrastructure networks.

When will the changes come into effect?

The changes to the Amenity and Aesthetics Policy and Guideline and the Adopted Infrastructure Charges Resolution will come into effect on 1 February 2024.

These changes will remain in place while the longer-term proposal (the planning scheme amendment) is considered.

I'm a building certifier. What do I need to know?

Schedule 9, Part 3, Division 2, Table 1 of the *Planning Regulation 2017* applies to particular class 1 and 10 buildings and structures involving possible amenity and aesthetic impacts.

When the Amenity and Aesthetics Policy and Guideline changes come into effect on 1 February 2024, Redland City Council will become a referral agency for secondary dwellings under this part of the *Planning Regulation 2017*.

As of 1 February 2024, Council's Amenity and Aesthetics Guideline will include the new secondary dwellings provisions, including two new *'probable solutions'*. A note has been included to indicate that only secondary dwellings that do not comply with these probable solutions will trigger a referral to the local government under Schedule 9, Part 3, Division 2, Table 1 of the *Planning Regulation 2017*.

No referral is needed if a secondary dwelling complies with the two new probable solutions of item 4 of the Amenity and Aesthetics Guideline. This will allow small-scale secondary dwellings to gain building approval without requiring a referral agency approval.

Note that the new provisions will not apply to applications for building approval for secondary dwellings received by the assessment manager and properly made prior to 1 February 2024.

How can I have a say on the changes?

As indicated above, changes are being made to the Council's Amenity and Aesthetics Policy and Guideline to address the concerns about secondary dwelling development in the short-term. These changes will remain in place while considering the longer-term proposal (the planning scheme amendment).

The State Government will consider the proposed amendment to the Redland City Plan, and if given initial State approval, it will be publicly advertised, allowing the Redlands Coast community and other stakeholders to make submissions on the proposal. All submissions will be considered before a decision is made to progress the amendment to the next stage (which involves requesting the Minister's approval to commence the amendment).

If the amendment does not proceed, Council will reconsider whether the short-term changes made to the Amenity and Aesthetics Policy and Guideline, should be continued.