

### 9.3.4 Dual occupancy code

#### 9.3.4.1 Application

This code applies to accepted development subject to requirements and assessable development:-

- (a) being building work or a material change of use for a dual occupancy; and
- (b) identified as requiring assessment against the Dual occupancy code by the tables of assessment in Part 5 (Tables of assessment).

Note—this code does not apply to a dual occupancy which may be established as part of a mixed use building in a centre zone or the Mixed use zone.

#### 9.3.4.2 Purpose and overall outcomes

- (1) The purpose of the Dual occupancy code is to:-
  - (a) ensure that development involving a dual occupancy achieves a high level of comfort and amenity for occupants, maintains the amenity and enjoyment of neighbouring premises and is compatible with the character of the streetscape and surrounding area; and
  - (b) in limited circumstances, provide for dual occupancy development in the Rural zone to support an ongoing and viable rural sector.
- (2) The purpose of the Dual occupancy code will be achieved through the following overall outcomes:-
  - (a) a dual occupancy makes a positive contribution to the streetscape character of the area in which it is located;
  - (b) a dual occupancy is sited and designed to protect the amenity, privacy and access to sunlight of adjoining residential premises;
  - (c) a dual occupancy provides a high level of amenity and safety for residents of the dual occupancy;
  - (d) a dual occupancy is provided with an acceptable level of infrastructure and services;
  - (e) a dual occupancy in the Rural zone provides accommodation for family members of the farm unit or co-workers to assist in the continued operation of a farm in primary production.

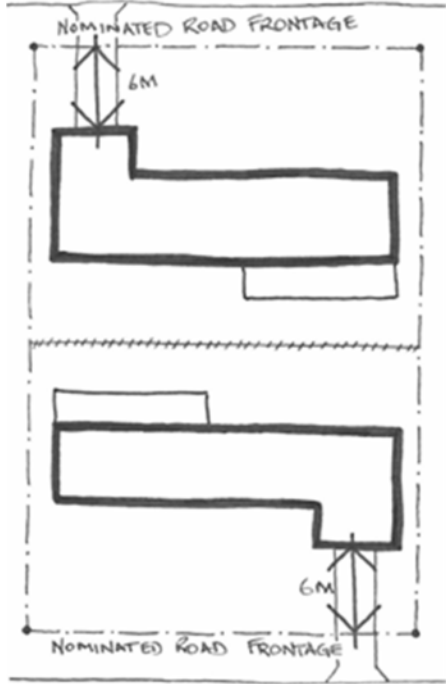
#### 9.3.4.3 Assessment benchmarks and requirements

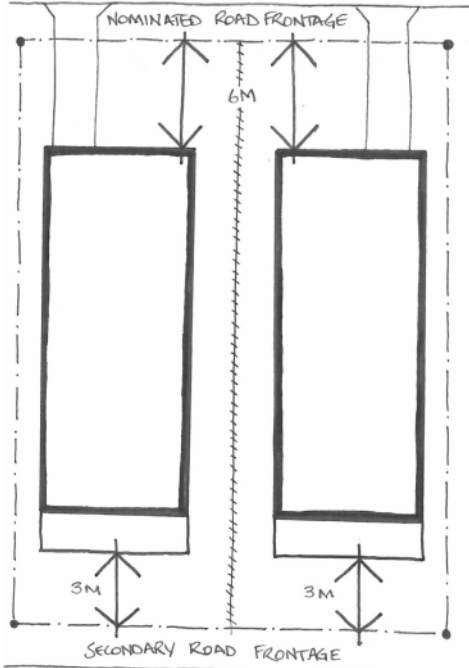
**Table 9.3.4.3.1 Assessment benchmarks for assessable development and requirements for accepted development where not located in the Rural zone**

Performance outcomes		Acceptable outcomes	
<i>Site suitability</i>			
<b>PO1</b>	The dual occupancy is located on a site which : (a) is convenient to local services and public transport; (b) has sufficient area to accommodate:	<b>AO1.1</b>	The dual occupancy is located on a lot in the Medium density residential zone or the High density residential zone.  <b>OR</b>

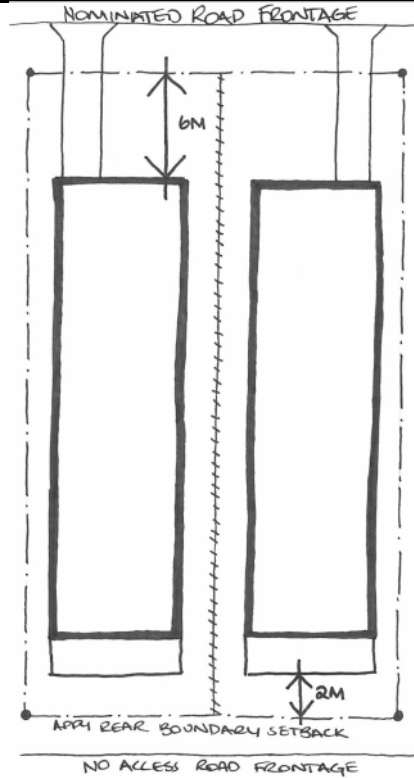
Performance outcomes		Acceptable outcomes	
	<ul style="list-style-type: none"> <li>(i) buildings and structures;</li> <li>(ii) setbacks;</li> <li>(iii) access, parking, manoeuvring and circulation;</li> <li>(iv) landscaping;</li> <li>(v) recreational and outdoor living areas;</li> <li>(vi) a development outcome which is compatible with the prevailing residential character and amenity; and</li> </ul> <p>(c) has access off a lower order road to avoid interfering with the planned function, safety, efficiency and operation of the transport network.</p> <p>Editor's note – Refer to the relevant zone code for the site for guidance on the prevailing residential character and amenity.</p>	<p><b>AO1.2</b></p> <p><b>AO1.3</b></p>	<p>The dual occupancy is located on a lot in the Low density residential zone, other than in Precinct LDR1, which has a minimum area of 800m<sup>2</sup> where fully serviced by reticulated water and sewer or 2,000m<sup>2</sup> where partly or not serviced by reticulated water and/or sewer.</p> <p><b>OR</b></p> <p>The dual occupancy is located on a lot in the Mixed use zone Precinct MU1 (Urangan Harbour) SOHO Opportunity Sub-precinct 2.</p> <p>The dual occupancy is not located on a lot in Precinct LDR1 of the the Low density residential zone.</p> <p>The dual occupancy vehicular access is located off a Major Collector, Minor Collector, Access Street, Access Place or lower order road (as identified in Part 9 – Transport and parking code, Figures 9.4.4A, 9.4.4B, 9.4.4C, 9.4.4D, 9.4.4E and 9.4.4F).</p>

**Design and siting**

<p><b>PO2</b></p> <p>The location of a building or structure facilitates an acceptable streetscape, appropriate for:–</p> <ul style="list-style-type: none"> <li>(a) the bulk of the building or structure;</li> <li>(b) the road boundary setbacks of neighbouring buildings or structures;</li> <li>(c) the outlook and views of neighbouring residents; and</li> <li>(d) nuisance and safety to the public.</li> </ul>	<p><b>AO2.1</b></p> <p>The minimum road setback is:–</p> <ul style="list-style-type: none"> <li>(a) 6m for the nominated road frontage (refer to <b>Figure 9.3.4A Nominated Road Frontage Setback</b>); or</li> <li>(b) within 20% of the average front setbacks of the adjoining dwellings where there are existing dwellings on both adjoining lots.</li> </ul> <p><b>Figure 9.3.4A Nominated Road Frontage Setback</b></p>  <p>The diagram illustrates two building footprints within a dashed rectangular boundary representing the 'NOMINATED ROAD FRONTAGE'. The top footprint is an L-shaped building with a 6m setback from the top edge of the road frontage. The bottom footprint is a more complex shape with a 6m setback from the bottom edge of the road frontage. Arrows and the number '6M' indicate the required setback distance from the road frontage to the building's edge.</p>
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Performance outcomes	Acceptable outcomes
	<p><b>AO2.2</b></p> <p>If a site has a secondary road frontage, the minimum road setback is:-</p> <ul style="list-style-type: none"> <li>(a) 3m for the secondary road frontage that is not considered a nominated road frontage (refer to <b>Figure 9.3.4B Secondary Road Frontage Setback</b>); or</li> <li>(b) Where there is no access authorised to the secondary road frontage, the rear boundary setback applies (refer to <b>Figure 9.3.4C No Access Road Frontage Setback</b>).</li> </ul> <p><b>Figure 9.3.4B Secondary Road Frontage Setback</b></p>  <p><b>Figure 9.3.4C No Access Road Frontage Setback</b></p>

AO2.3

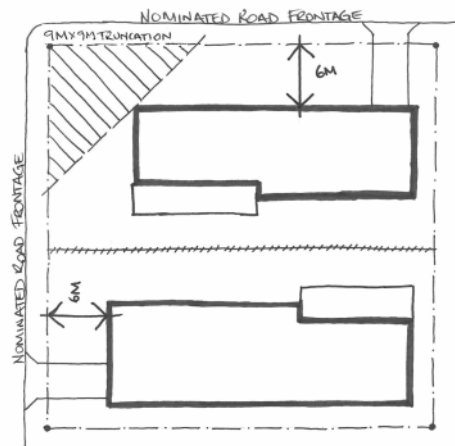


If the site is a corner lot, the minimum road setback is:-

- (a) 6m for the nominated road frontage; and
- (b) 3m for a secondary road frontage.

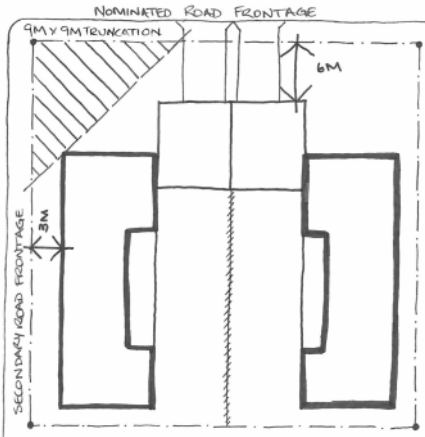
Ensure that a corner truncation of 9m x 9m is provided for clear line of site in all cases. Refer to **Figure 9.3.4D Corner Lot Nominated Road Frontage Setback** and **Figure 9.3.4E Corner Lot Secondary Road Frontage Setback**.

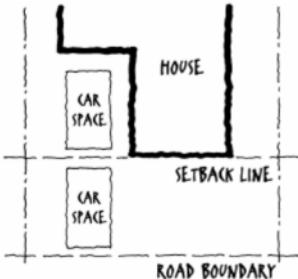
**Figure 9.3.4D Corner Lot Nominated Road Frontage Setback**



AO2.4

**Figure 9.3.4E Corner Lot Secondary Road Frontage Setback**

Performance outcomes		Acceptable outcomes	
			 <p>Garage openings facing the street do not exceed 6m or 50% of the street frontage, whichever is the lesser.</p>
<b>PO3</b>	Buildings and structures:- (a) provide adequate day light and ventilation to habitable rooms; (b) allow adequate light and ventilation to habitable rooms of buildings on adjoining lots; and (c) do not adversely impact on the amenity and privacy of residents on adjoining lots.	<b>AO3.1</b>	Except where a garage, carport or shed complying with AO3.2 below, the minimum side and rear boundary setback for a dual occupancy is:- (a) where the height is 4.5m or less – 1.5m; and (b) where the height is greater than 4.5m but not more than 7.5m – 2m; and (c) where the height is greater than 7.5m – 2m plus 0.5m for every 3m or part exceeding 7.5m.
		<b>AO3.2</b>	Any part of a garage, carport or shed within the setbacks nominated in AO3.1 above:- (a) is not more than 4.5m in height and the height to the eaves, or the wall where there is no eaves, does not exceed 3m; (b) the total length of all buildings or parts, of any class, within the boundary setback is not more than 9m along any boundary; and (c) is located no closer than 1.5m to a required window in a habitable room of an adjoining dwelling.
<b>Site cover</b>			
<b>PO4</b>	Adequate open space is provided for recreation, service facilities and landscaping.	<b>AO4</b>	The maximum site cover of the dual occupancy does not exceed 50% of the lot area.
<b>Building height</b>			
<b>PO5</b>	The height of a building does not unduly:- (a) overshadow adjoining dwellings; or (b) obstruct the outlook from adjoining lots.	<b>AO5.1</b>	Except where a garage, carport or shed, the maximum building height of the dual occupancy is:- (a) 8.5m above ground level where on a slope up to 15%; and (b) 10m above ground level where on a slope exceeding 15%.
		<b>AO5.2</b>	The maximum building height of a garage, carport or shed is:- (a) 4.5m above ground level to the highest point; and (b) 3.6m to the eaves.
<b>Building maintenance</b>			
<b>PO6</b>	The location of a building or structure facilitates normal maintenance.	<b>AO6</b>	A wall is:- (a) set back a minimum of 750mm from the side or rear boundary; or

Performance outcomes		Acceptable outcomes	
			(b) where less than 750mm to the boundary, maintenance free, such as unpainted or untreated masonry or prefinished steel sheeting.
<b>On-site car parking</b>			
<b>PO7</b>	Development provides sufficient space for on-site car parking to satisfy the projected needs of residents and visitors, appropriate for:– (a) the availability of public transport; (b) the availability of on-street parking; (c) the desirability of on-street parking in respect to the streetscape; and (d) the residents' likelihood to have or need a vehicle.	<b>AO7.1</b>  <b>AO7.2</b>	For each dwelling in a dual occupancy, space is provided for the parking of one vehicle for one or two bedroom dwelling units and two vehicles for dwellings with three or more bedrooms.  Car parking spaces may be in tandem, provided at least one space is behind the minimum road setback required in AO2.1 (refer to <b>Figure 9.3.4F Tandem parking configuration</b> ).  <b>Figure 9.3.4F Tandem parking configuration</b>  
<b>PO8</b>	Development ensures that the layout and design of vehicle access, on-site circulation systems and parking areas are safe, convenient and legible.	<b>AO8</b>	Development provides access driveways, internal circulation and manoeuvring areas and parking areas in accordance with <i>AS2890 Parking facilities – Off-street car parking</i> .
<b>Private open space</b>			
<b>PO9</b>	Each dwelling has private open space available which:– (a) has a suitable size, dimensions and slope to allow residents to extend their living activities outdoors; (b) is available for the sole use of the residents of individual dwellings; and (c) is adequately separated from each other to provide visual privacy.	<b>AO9</b>	Each dwelling has clearly defined private open space which:– (a) has an area of at least 16m <sup>2</sup> ; (b) has a minimum dimension of 4m; (c) has direct access from a living area; (d) has a slope of not more than 1 in 10; and (e) provides visual privacy from another outdoor living space by a window/balcony screen.
<b>Services and utilities</b>			
<b>PO10</b>	The dual occupancy is provided with and connected to essential infrastructure and services.	<b>AO10</b>	The dual occupancy is connected to the reticulated water supply, sewerage and stormwater drainage infrastructure networks and has an electricity supply.
<b>PO11</b>	The dual occupancy is provided with adequate areas for the storage of waste and recyclable items, in appropriate containers, which are convenient to use and service.	<b>AO11</b>	A separate waste storage area is provided for each dwelling to accommodate the permanent storage of waste and recyclable items in standard waste containers.  <b>OR</b>  A shared waste storage area over which each dwelling has control via access rights or ownership is provided to accommodate the permanent storage of waste and recyclable items in standard waste containers.
<b>Flood immunity</b>			

Performance outcomes		Acceptable outcomes	
<b>PO12</b>	For all flood events up to and including the 1 in 100 year average recurrence interval (ARI):- (a) the safety of people on the site is protected at all times; and (b) potential damage to property on the site is prevented.	<b>AO12</b>	The finished floor level of all habitable rooms is at least 300mm above the Defined Flood Level (DFL) declared by Council resolution;  <b>OR</b>  Where located in a Flood Hazard Area and a DFL declared by Council resolution is not available, the finished floor level of all habitable rooms is at least 300mm above the estimated 1 in 100 year average recurrence interval (ARI) flood level, calculated by a Registered Professional Engineer Queensland (RPEQ);  Note— The determination is to be based on information including surface contours, Flood Hazard Area mapping, flood level records and estimated extents of inundation from historic flood events.  <b>OR</b>  Where located in a Flood Hazard Area and a DFL declared by Council resolution is not available, the finished floor level of all habitable rooms is at least 600mm above the highest recorded flood level.

**Table 9.3.4.3.2 Assessment benchmarks for assessable development and requirements for accepted development where located in the Rural zone**

Performance outcomes		Acceptable outcomes	
<b>Site suitability</b>			
<b>PO1</b>	A dual occupancy in the Rural zone is located on a large site in primary production.	<b>AO1</b>	The dual occupancy is located on a lot in the Rural zone which:- (a) has an area of at least 100ha; and (b) is actively used for primary production.
<b>Bona-fide use</b>			
<b>PO2</b>	A dual occupancy in the Rural zone is used for bona-fide family purposes or to support the ongoing use of the site for primary production.	<b>AO2</b>	The dual occupancy is either:- (a) occupied by related family members; or (b) occupied by a household where one of more persons is employed or actively engaged in assisting with the rural production activities on the site.
<b>Building setbacks</b>			
<b>PO3</b>	A dual occupancy is set well back from property boundaries so as to:- (a) maintain an open or mostly open rural landscape; (b) maintain a high level of privacy between neighbouring premises; (c) protect the visual amenity of scenic rural roads; (d) avoid or minimise noise or other nuisance from sealed and unsealed roads; (e) protect the functional characteristics of the State and local road networks.	<b>AO3.1</b>	The dual occupancy has a minimum frontage setback of:- (a) 40m from a State-controlled road; (b) 20m from any other road; or (c) where there is an existing dwelling on the site, the same distance as the existing dwelling.
		<b>AO3.2</b>	The dual occupancy has a minimum setback of 10m from any side or rear boundary.
<b>Building height</b>			

Performance outcomes		Acceptable outcomes	
<b>PO4</b>	The dual occupancy has a low-rise built form to maintain the rural character and amenity of the area.	<b>AO4</b>	The dual occupancy has a maximum building height of 8.5m above ground level.
<b>Flood immunity</b>			
<b>PO5</b>	For all flood events up to and including the 1 in 100 year average recurrence interval (ARI):- (a) the safety of people on the site is protected at all times; and (b) potential damage to property on the site is prevented.	<b>AO5</b>	The finished floor level of all habitable rooms is at least 300mm above the Defined Flood Level (DFL) declared by Council resolution;  <b>OR</b>  Where located in a Flood Hazard Area and a DFL declared by Council resolution is not available, the finished floor level of all habitable rooms is at least 300mm above the estimated 1 in 100 year average recurrence interval (ARI) flood level, calculated by a Registered Professional Engineer Queensland (RPEQ);  Note— The determination is to be based on information including surface contours, Flood Hazard Area mapping, flood level records and estimated extents of inundation from historic flood events.  <b>OR</b>  Where located in a Flood Hazard Area and a DFL declared by Council resolution is not available, the finished floor level of all habitable rooms is at least 600mm above the highest recorded flood level.