9.3.6 Dual occupancy code

9.3.6.1 Application

1. This code applies to assessing a material change of use if:
2. assessable development where this code is an applicable code identified in the assessment benchmarks column of a table of assessment for a material change of use (section 5.5) or a neighbourhood plan (section 5.9); or
3. impact assessable development for a dual occupancy or a use of a similar nature.
4. When using this code, reference should be made to section 1.5 and section 5.3.3.

Note—The following purpose, overall outcomes, performance outcomes and acceptable outcomes comprise the assessment benchmarks of this code.

Note—Where this code includes performance outcomes or acceptable outcomes that relate to:

* Air quality assessment, guidance is provided in the Air quality planning scheme policy;
* significant vegetation, guidance is provided in the Vegetation planning scheme policy.

9.3.6.2 Purpose

1. The purpose of the dual occupancy code is to assess the suitability of development to which this code applies.
2. The purpose of the code will be achieved through the following overall outcomes:
3. Development has a site area and frontage width that is sufficient for the scale and form of the dual occupancy to deliver a comfortable living environment with minimal impacts on neighbours.
4. Development in the Low density residential zone is located on larger sites and reflects the low density form and character of these locations.
5. Development of a new building is of a bulk and scale that positively contributes to the intended form and character of the local area and street context.
6. Development is of a height that is appropriate to the strategic and local context and is in keeping with community expectations consistent with the following:
7. 3 storeys in the Up to 3 storeys zone precinct of the Low–medium density residential zone;
8. 2 or 3 storeys in the 2 or 3 storey mix zone precinct of the Low–medium density residential zone;
9. 2 storeys in the 2 storey mix zone precinct of the Low–medium density residential zone;
10. 2 storeys in the Infill housing zone precinct of the Character residential zone;
11. 2 storeys in the Low density residential zone.
12. Development provides boundary setbacks and separation of buildings that contribute to the amenity of residents within and adjoining the site.
13. Development in lower density residential areas reflects the amenity, form and character of these areas.
14. Development ensures that the siting of a building and any built to boundary walls do not negatively impact on the privacy and amenity of adjoining residents.
15. Development ensures that the proportion of buildings to on-site open space provides a high level of residential amenity for occupants and adjoining residents including access to natural light, sunlight and breeze to support outdoor subtropical living.
16. Development provides private open space for each dwelling that enhances residential amenity and provides for outdoor living to capitalise on Brisbane’s subtropical climate.
17. Development provides on-site landscaping that accentuates Brisbane's subtropical landscape character, positively contributes to the immediate streetscape, interfaces with neighbouring premises, supports outdoor living and subtropical planting, assists in reducing urban heat island effects and is located to support the retention and establishment of large, subtropical shade trees.
18. Development provides on-site parking which does not negatively impact on residents or the amenity of adjoining streetscapes.
19. Development addresses, overlooks and positively contributes to the immediate streetscape.
20. Development protects and provides visual privacy for residents adjoining and within the site through appropriate separation of buildings and screening.
21. Development is compatible with nearby existing uses that have the potential for off-site air emissions, considers the health and wellbeing of occupants and does not adversely impact on the continued operation of those existing uses.

9.3.6.3 Performance outcomes and acceptable outcomes

Table 9.3.6.3.A—Performance outcomes and acceptable outcomes

|  |  |
| --- | --- |
| Performance outcomes | Acceptable outcomes |
| PO1  Development has a site area and frontage width that is sufficient to:   1. accommodate the scale and form of dual occupancy buildings considering site features such as heritage or character buildings, significant vegetation and slope; 2. deliver useable private open space for each dwelling; 3. achieve safe and convenient vehicle access to the site; 4. accommodate on-site parking and vehicle manoeuvring for residents and visitors; 5. minimise the impact of new driveways on the streetscape and the availability of on-street parking; 6. not adversely impact on the amenity and privacy of adjoining residents.   Note—Guidance on significant vegetation is provided in the Vegetation planning scheme policy. | AO1  Development site area and frontage width meets the minimum requirements set out in:   1. a neighbourhood plan; or 2. if no neighbourhood plan applies or no requirements are specified in the neighbourhood plan, the requirements set out in Table 9.3.6.3.B.   Note—The site frontage is measured at the property line on the primary road boundary. |
| **PO2**  Development in the Infill housing zone precinct of the Character residential zone respects the intensity and form of the neighbourhood and demonstrates appropriate development intensity. | AO2  Development in the Infill housing zone precinct of the Character residential zone is limited to 1 dwelling per 300m2 of site area. |
| PO3  Development is of a bulk and scale that is consistent with the intended form and character of the local area having regard to:   1. existing buildings that are to be retained; 2. significant infrastructure or service constraints such as tunnels; 3. existing and proposed building heights in the local area and street; 4. the impact of slope on the building envelope; 5. adjoining buildings and separation of buildings to maintain amenity and privacy. | AO3  Development is contained within the building envelope for the site created by applying:   1. the maximum building height; 2. front, rear and side boundary setback requirements; 3. acceptable outcomes for built to boundary walls.   Refer to Figure a.  Note—This acceptable outcome can be demonstrated by the preparation of a building envelope plan, elevations and sections. |
| PO4  Development has a building height which is consistent with the streetscape, local context and intent for the area having regard to:   1. proximity to high-frequency public transport services; 2. the predominant height of existing or approved buildings in the street; 3. providing appropriate separation and a sensitive transition between houses and higher scale building forms; 4. street conditions such as street width; 5. the topography of the area and site slope; 6. view points and corridors; 7. solar access to adjoining residences. | AO4.1  Development has a maximum building height that complies with:   1. a neighbourhood plan; or 2. if no neighbourhood plan applies or no requirements are specified in the neighbourhood plan, the requirements set out in Table 9.3.6.3.B.   Editor's note—The site frontage is measured at the property line on the primary road boundary. |
| AO4.2  Development in the 2 or 3 storey mix zone precinct of the Low–medium density residential zone where adjoining a lot containing a dwelling house (where no approval for development other than a dwelling house exists) has a building height within 10m of the common boundary that does not exceed 9.5m or 2 storeys. |
| PO5  Development provides a front boundary setback that:   1. defines the street edge; 2. creates a clear threshold and transition from public to private space; 3. assists in achieving visual privacy to ground-storey dwellings from the street; 4. relates to the existing streetscape and setback pattern. | AO5  Development provides a street frontage setback that complies with:   1. a neighbourhood plan; or 2. if no neighbourhood plan applies or no requirements are specified in the neighbourhood plan, the requirements set out in Table 9.3.6.3.C. |
| PO6  Development provides a rear boundary setback that:   1. provides for open space and landscaping; 2. supports the separation of buildings to provide visual and acoustic privacy without reliance on screening; 3. maximises the opportunity to retain and protect significant vegetation or establish large subtropical shade trees.   Note—Guidance on significant vegetation is provided in the Vegetation planning scheme policy. | AO6.1  Development provides a rear boundary setback that complies with:   1. a neighbourhood plan; or 2. if no neighbourhood plan applies or no requirements are specified in the neighbourhood plan, the requirements set out in Table 9.3.6.3.C. |
| AO6.2  Development in a newly developing or large-scale infill development area on a lot with an average depth of 25m or less, except where adjoining an existing dwelling house, provides a rear boundary setback that is:   1. 3m, where the building is 1 storey and less than 4.5m in building height; or 2. 4.5m, where the building is 2 storeys and less than 7.5m in building height. |
| PO7  Development provides side boundary setbacks that:   1. minimise the impact of development on the amenity and privacy of adjoining residents; 2. contribute to the rhythm and pattern of the streetscape in keeping with the intended neighbourhood character; 3. provide for natural light, sunlight and breezes. | AO7  Development provides side boundary setbacks that comply with:   1. a neighbourhood plan; or 2. if no neighbourhood plan applies or no requirements are specified in the neighbourhood plan, the requirements set out in Table 9.3.6.3.C.   Refer to Figure b and Figure c. |
| PO8  Development in the Low density residential zone or Character residential zone provides side boundary setbacks that reflect the character and form intended for these areas that is generally characterised by separate buildings. | AO8  Development in or adjoining the Low density residential zone or Character residential zone:   1. does not incorporate built to boundary walls; or 2. incorporates a built to boundary wall only where the built to boundary wall matches the extent of an existing built to boundary wall on the adjoining property; or 3. includes a maximum of one built to the boundary wall on a side boundary where the owner of an adjoining premises does not object.   Editor's note—Confirmation in writing in the form of a statutory declaration from the registered owner of the adjoining premises is required to be submitted to demonstrate compliance. |
| PO9  Development in the Low–medium density residential zone, Medium density residential zone or High density residential zone provides side boundary setbacks at ground-storey level that reflect a more intense form of development and may include built to boundary walls. | AO9  Development in the Low–medium density residential zone, Medium density residential zone or High density residential zone:   1. may incorporate built to boundary walls located on both side boundaries; or 2. does not incorporate built to boundary walls where adjoining premises are located in the Low density residential zone or Character residential zone unless the owner of the adjoining premises does not object to a building being located less than 1.5m from their side boundary.   Editor's note—Confirmation in writing in the form of a statutory declaration from the registered owner of the adjoining premises is required to be submitted to demonstrate compliance. |
| PO10  Development that involves built to boundary walls does not impact on the amenity or privacy of residents of adjoining premises. | AO10.1  Development ensures that a built to boundary wall is:   1. for non-habitable rooms or spaces only where the adjoining lot is more than 300m2; 2. not located within 1.5m of a window of a habitable room in an adjoining dwelling house; 3. not located within the front or rear boundary setbacks; 4. where on the side boundaries of a corner lot, located towards the front of the lot and separated; 5. a maximum height of 3m from the ground level; 6. low maintenance and constructed of pre-finished materials.   Refer to Figure d. |
| AO10.2  Development ensures a built to boundary wall has a maximum length of:   1. 15m, where located in the Low–medium density residential zone, Medium density residential zone or High density residential zone; or 2. 9m, where permitted in the Low density residential zone or Infill housing zone precinct of the Character residential zone. |
| PO11  Development ensures that the proportion of buildings to open space and landscaping on a site:   1. is in keeping with the intended form and character of the local area and immediate streetscape; 2. provides for a high level of residential amenity including access to natural light, sunlight and breeze; 3. supports outdoor subtropical living and subtropical planting. | AO11  Development has a building footprint or site cover that complies with the requirements set out in:   1. a neighbourhood plan; or 2. if no neighbourhood plan applies or no requirements are specified in the neighbourhood plan, the maximum building footprint is 50%. |
| PO12  Development is of a bulk and scale akin to a domestic dwelling and minimises overbearing development for adjoining dwelling houses and their private open space. | AO12  Development results in a combined total length of the building or building components that does not exceed 25m.  Note—Length includes garages, decks, balconies, verandahs and other projections. Length excludes eaves and sunhoods. |
| PO13  Development provides open space and landscaping that:   1. comprises primarily private open space; 2. provides residents with useable private outdoor space; 3. provides outlook for dwellings; 4. provides deep-planting areas to retain significant vegetation to protect or establish large subtropical shade trees; 5. reduces a site’s impervious areas; 6. provides natural shade to mitigate heat island impacts.   Note—Guidance on significant vegetation is provided in the Vegetation planning scheme policy. | AO13.1  Development provides private open space which comprises:   1. for ground-floor dwellings, a minimum area of 35m2 and a minimum dimension of 3m, of which a minimum of 12m2 is covered; 2. for dwellings above ground floor, a balcony with a minimum area of 16m2 and a minimum dimension of 3m.   Note—The measurement of private open spaces must not include areas for utilities such as hot water systems, air-conditioning units, rainwater tanks or other utilities. |
| AO13.2  Development incorporates private open space that is directly accessible from the main internal living space and is located with a north or east orientation. |
| AO13.3  Development locates open space and landscaping to:   1. protect and retain significant vegetation; 2. provide an opportunity for the establishment of large subtropical shade trees; 3. provide an opportunity for the co-location of deep planting areas to support the retention of significant vegetation and establish large subtropical shade trees within the street or on adjoining premises. |
| PO14  Development minimises the impact of car parking on the streetscape. | AO14  Development for covered car parking on a site is:   1. located behind the front building line; 2. not more that 40% of the street frontage. |
| PO15  Development ensures that a building is orientated to the street to facilitate casual surveillance of the street and to provide visual interest. | AO15.1  Development results in the entry to each dwelling being covered, lit and visible from the street. |
| AO15.2  Development has windows or balconies on the facades facing the street.  Note—This acceptable outcome/performance outcome is not applicable for a dual occupancy dwelling located at the rear of the site. |
| PO16  Development ensures that front boundary fencing:   1. facilitates casual surveillance of the street; 2. enables the use of private open space; 3. assists in highlighting entrances to the property; 4. provides a positive interface to the streetscape.   Refer to Figure e. | AO16.1  Development ensures that:   1. the height of a new fence on a street frontage is a maximum of: 2. 1.2m, where fence construction is solid or less than 50% transparent; 3. 1.5m, where fence construction is at least 50% transparent; 4. 1.8m and solid, where the site is on an arterial road; or 5. no fencing is provided. |
| AO16.2  Development ensures that where a solid front fence or wall above 1.2m high and longer than 10m is provided, indentations of a minimum depth of 0.5m, material variation or landscaping are provided to add visual interest and soften the visual impact. |
| AO16.3  Development ensures that side fencing provided in front of the main building line on the front boundary is not more than 1.2m high where solid or 1.5m where 50% transparent to the front boundary, except where it has a noise mitigation function. |
| PO17  Development minimises direct overlooking between dwellings via building siting and layout and the design of windows, balconies and screening devices. | AO17.1  Development that is within 2m for the ground storey, or 9m for storeys above, of a neighbouring dwelling house (refer to Figure f) incorporates windows, decks, balconies, terraces or roof decks that:   1. are offset from the window of a habitable room in the adjacent dwelling house to limit direct outlook; or 2. where a window: 3. has a sill height of 1.5m above the floor level of that storey; or 4. is covered by fixed obscured glazing in any part of the window below 1.5m above floor level of that storey; or 5. has fixed external screens; or 6. where at the ground storey, are screened by fencing to a height of 1.8m above ground level. 7. where a deck, balcony, terrace, or roof deck, has fixed screening.   Refer to Figure f. |
| AO17.2  Development ensures that a roof deck or viewing platform is:   1. set back a minimum of 1.5m from the side boundary; 2. no more than 7m above ground level or on an upper storey roof, whichever is the lesser.   Note—Screening provisions apply to these spaces to the side boundary, in order to protect adjoining residents’ amenity and privacy. |
| AO17.3  Development that results in a direct view from balconies, terraces, decks or roof decks into windows of habitable rooms, balconies, terraces and decks in an adjacent dwelling, including screening from floor level to 1.5m above floor level. |
| AO17.4  Development incorporates screening devices that are:   1. solid translucent screens, perforated or slatted panels or fixed louvres that have a maximum of 25% openings, with a maximum opening dimension of 50mm, that are permanently fixed and durable (refer to Figure f); 2. offset a minimum of 0.3m from the face of any window; 3. hinged or otherwise attached to facilitate emergency egress. |
| PO18  Development is located to achieve the air quality (planning) criteria in Table 9.6.3.6.D and odour criteria in Table 9.3.6.3.E.  Note—An air quality impact report prepared in accordance with the Air quality planning scheme policy can assist in demonstrating achievement of this performance outcome. | AO18  Development is located at least 150m from a spray painting workshop.  Note—This distance is to be measured between the building containing the spray painting workshop and the property boundary of the sensitive use. |

Table 9.3.6.3.B—Site requirements and building heights

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Zone | Zone precinct | Maximum  building height | Minimum site requirements | |
| Site area (m2) | Frontage width (m) |
| Low density residential | – | 2 storeys and 9.5m | 3,000 | 40 |
| Character residential | Infill housing | 2 storeys and 9.5m | 800 | 20 |
| Low–medium density residential | 2 storey mix | 2 storeys and 9.5m | 600 | 15 |
| 2 or 3 storey mix where:   1. the site has frontage to a road with a reserve width of 15.5m or more; 2. a dedicated pedestrian access point of the site is within 400m walking distance of a dedicated public pedestrian access point of a railway or busway station.   Note—Development in the 2 or 3 storey mix zone precinct of the Low-medium density residential zone where adjoining a lot containing a dwelling house (where no approval for development other than a dwelling house exists) has a building height within 10m of the common boundary that does not exceed 9.5m and does not exceed 2 storeys. | 3 storeys and 11.5m | 600 | 15 |
| 2 or 3 storey mix - in all other circumstances | 2 storeys and 9.5m | 600 | 15 |
| Up to 3 storeys | 3 storeys and 11.5m | 600 | 15 |

Note—Car parking areas more than 1m above ground level are considered a storey and included in the calculation of height.

Note—Walking distance can be demonstrated on a site context plan.

Editor’s note—Section 1.7.7 applies where the maximum building height is specified in storeys and the development includes a space that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, that contains only a bathroom, shower room, laundry, water closet or other sanitary compartment.

Table 9.3.6.3.C—Boundary setbacks

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Building/wall height | Minimum boundary setback (m) | | | | |
| Front | | Rear | | Side |
| To balcony | To wall | To balcony | To wall |
| 1 storey and up to 4.5m | 4 | 6 | 4.5 | 6 | 1.5 |
| 2 storeys and up to 9.5m | 4 | 6 | 4.5 | 6 | 1.5m to 4.5m  2.0m to 7.5m then  2.0m plus 0.5m /3m above 7.5m |
| 2 storeys and up to 9.5m and where located on a lot with a street frontage of 15m or less | 4 | 6 | 4.5 | 6 | 1.5m to 7.5m then  1.5m plus 0.5m /3m above 7.5m |
| 3 storeys and up to 11.5 m | 4 | 6 | 6 | | 1.5m to 4.5m  2.0m to 7.5m then  2.0m plus 0.5m /3m above 7.5m |

Note—

* Boundary setbacks to balconies are measured to the edge of the balcony or balustrading, whichever is closer to the boundary.
* For development located on a site with 2 or more street frontages, all common boundaries with adjoining lots are considered side boundaries.
* Roofing of terrace areas on car parking structures are to comply with boundary setback requirements for balconies.

Table 9.3.6.3.D—Air quality (planning) criteria

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Pollutant | Averaging time | Health outcome protected | Criteria including background (µg/m³) | Criteria including background (ppm) |
| Particulate matter less than 10µm (PM10) | 24 hours | Health and wellbeing | 50 | - |
| Particulate matter less than 2.5µm (PM2.5) | 24 hours | Health and wellbeing | 25 | - |
| Annual | Health and wellbeing | 8 | - |
| Acetone | 1 hour | Health and wellbeing | 22,000 | 9.2 |
| Benzene | Annual | Health and wellbeing | 10 | 0.003 |
| Cumene (isopropyl benzene) | 1 hour | Odour | 21 | 0.004 |
| Ethyl acetate | 1 hour | Odour | 12,100 | 3.5 |
| Ethyl acrylate | 1 hour | Odour | 0.4 | 0.0001 |
| Ethyl butyl ketone | 1 hour | Health and wellbeing | 4,200 | 0.9 |
| Ethylbenzene | 1 hour | Health and wellbeing | 8,000 | 1.8 |
| MDI (diphenylmethane diisocyanate) | 1 hour | USEPA extremely toxic | 0.04 | - |
| Methyl ethyl ketone | 1 hour | Odour | 3,200 | 1.1 |
| Methyl isobutyl ketone | 1 hour | Odour | 230 | 0.05 |
| Methyl styrene | 1 hour | Odour | 140 | 0.029 |
| n-Butanol | 1 hour | Odour | 500 | 0.16 |
| n-Butyl acetate | 1 hour | Odour | 1,020 | 0.21 |
| n-Hexane | 1 hour | Health and wellbeing | 3,200 | 0.9 |
| Styrene | 1 hour | Odour | 65 | 0.014 |
| 7 days | Health and wellbeing | 280 | 0.06 |
| TDI (toluene-2,4-diisocyanate; toluene-2,6-diisocyanate) | 1 hour | USEPA extremely toxic | 0.04 | - |
| Toluene | 1 hour | Odour | 958 | 0.23 |
| 24 hours | Health and wellbeing | 4,100 | 1 |
| Annual | Health and wellbeing | 410 | 0.1 |
| Xylenes (as a total of ortho, meta and para isomers) | 24 hours | Health and wellbeing | 1,200 | 0.25 |
| Annual | Health and wellbeing | 950 | 0.2 |

Note—

* Criteria that are stated in µg/m3 are able to be referenced to 0\*C.
* Criteria that are stated in ppm are to be expressed as volume/volume.
* Averaging times of 1 hour or less are to be presented using the 99.9th percentile concentration of the total site impact from dispersion modelling and background concentration for all pollutants in the above table, or the maximum concentration from dispersion modelling if no background concentration is available.
* Averaging times of greater than 1 hour are to be presented using the maximum concentration of the total site impact from dispersion modelling and background concentration for all pollutants in the above table, or the maximum concentration from dispersion modelling if no background concentration is available.

Table 9.3.6.3.E—Odour criteria

|  |  |  |  |
| --- | --- | --- | --- |
| Pollutant | Averaging time | Health outcome protected | Criteria (odour units-OU) |
| Odour | 1 hour | Odour | 0.5OU for tall stacks |
| Odour | 1 hour | Odour | 2.5OU for ground level and wake-affected plumes from short stacks |

Note—Odour criteria are to be evaluated using the 99.5th percentile concentration from dispersion modelling.











