9.3.7 Dwelling house code

9.3.7.1 Application

1. This code applies to assessing a material change of use or building work if:
2. accepted development subject to compliance with identified requirements, where acceptable outcomes of this code are identified requirements in a table of assessment for a material change of use ([section 5.5](Part5Lowdensityresidential.docx)), building work ([section 5.7](file:///G%3A%5CCPS%5CCPED%5CCPBranch%5CC_PConf%5CPUBLICATIONS_Sandbox%5C2017_07_Planning%20Act_Amendment%5CAmended%20Docs_wTC%5CPart%209%20-%20Development%20codes%5CPart5BuildingWork.docx)), a neighbourhood plan ([section 5.9](Part5LocalPlan.docx)), or an overlay ([section 5.10](Part5Overlays.docx)); or
3. 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](Part5Lowdensityresidential.docx)), building work ([section 5.7](file:///G%3A%5CCPS%5CCPED%5CCPBranch%5CC_PConf%5CPUBLICATIONS_Sandbox%5C2017_07_Planning%20Act_Amendment%5CAmended%20Docs_wTC%5CPart%209%20-%20Development%20codes%5CPart5BuildingWork.docx)), a neighbourhood plan ([section 5.9](Part5LocalPlan.docx)) or an overlay ([section 5.10](Part5Overlays.docx)); or
4. impact assessable development for a [dwelling house](Definitions.docx#DwgHse) if not on a [small lot](Definitions.docx#SmallLot) or a use of a similar nature.
5. When using this code, reference should be made to [section 1.5](Part1.docx#Part1Pt5) and [section 5.3.3](Part5TablesOfAssessmentIntro.docx#Part533).

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

Note—Where a [dwelling house](Definitions.docx#DwgHse) on a [small lot](Definitions.docx#SmallLot), the [Dwelling house (small lot) code](DwellingHseSmallLotCode.docx) applies.

Note—Where the land is identified in an overlay such as the [Bushfire overlay map](http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/brisbane-city-plan-2014/city-plan-2014-mapping), [Flood overlay map](http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/brisbane-city-plan-2014/city-plan-2014-mapping), [Landslide overlay map](http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/brisbane-city-plan-2014/city-plan-2014-mapping), [Significant landscape trees overlay map](http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/brisbane-city-plan-2014/city-plan-2014-mapping) or [Waterway corridors overlay map](http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/brisbane-city-plan-2014/city-plan-2014-mapping), additional provisions relating to that overlay also apply. For example, minimum floor levels for a [dwelling house](Definitions.docx#DwgHse) on a site subject to certain types of flooding, are identified in the [Flood overlay code](FloodOC.docx).

Note—Where the site is located may be subject to a zone, zone precinct, neighbourhood plan or overlay, these may vary the outcomes identified in this code and to the extent that these vary, those outcomes prevail.

Note—Preliminary approvals or development approval for other aspects of development can vary the outcomes of this code and to the extent that these vary, those outcomes prevail.

Editor’s note—Depositing or allowing sediment or other water contaminants to wash or move into roadways, stormwater pipes and waterways without taking appropriate steps to prevent this occurring, is a breach of the [Environmental Protection Act 1994](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EnvProtA94.pdf). Penalties apply including fines and prosecution. Additional information, including best practice guidelines for controlling stormwater pollution from building sites, can be found in the SEQ Healthy Waterways - Water by Design program’s Erosion and Sediment Control factsheets.

Editor’s note—For a proposal to be accepted development subject to compliance with identified requirements, it must meet all the identified acceptable outcomes of this code and any other applicable code. Where it does not meet all identified acceptable outcomes, the proposal becomes assessable development and a development application is required. Where a development application is triggered, only the specific acceptable outcomes that the proposal fails to meet need to be assessed against the corresponding assessable acceptable outcomes or performance outcomes and relevant overall outcomes. Other identified acceptable outcomes that are met are not assessed as part of the development application.

9.3.7.2 Purpose

1. The purpose of the Dwelling house 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 ensures that a [dwelling house](Definitions.docx#DwgHse), including a habitable building on the [site](Definitions.docx#Site), is occupied by the same single [household](Definitions.docx#Household).
4. Development for a [dwelling house](Definitions.docx#DwgHse), including a [secondary dwelling](Definitions.docx#SecondaryDwg) or [domestic outbuilding](Definitions.docx#DomOut), incorporates design and siting to allow reasonable access to daylight and sunlight for neighbouring [dwellings](Definitions.docx#Dwelling) and private open space.
5. Development of a [dwelling house](Definitions.docx#DwgHse) provides sufficient and safe vehicle access and parking for residents.
6. Development ensures that a [dwelling house](Definitions.docx#DwgHse), including a [secondary dwelling](Definitions.docx#SecondaryDwg) or [domestic outbuilding](Definitions.docx#DomOut), does not cause adverse drainage impacts or flooding of upstream, downstream or adjoining land.
7. Development ensures that the siting of a [dwelling house](Definitions.docx#DwgHse) and any built to boundary walls do not negatively impact on the privacy and [amenity](Definitions.docx#Amenity) of adjoining residents.
8. Development for a dwelling house, including a secondary dwelling or domestic outbuilding, is of a height that is appropriate to the strategic and local context and meets community expectations. Development has a building height that is predominately:
9. 1 or 2 storeys in the Low density residential zone, Character residential zone, 2 storey mix zone precinct of the Low-medium density residential zone, 2 or 3 storey mix zone precinct of the Low-medium density residential zone, Rural residential zone, Environmental management zone, Rural zone or the Emerging community zone.
10. 3 storeys in the Up to 3 storey zone precinct of the Low-medium density residential zone or the Medium density residential zone.

9.3.7.3 Performance outcomes and acceptable outcomes

Table 9.3.7.3.A—Performance outcomes and acceptable outcomes

|  |  |
| --- | --- |
| Performance outcomes | Acceptable outcomes |
| PO1Development ensures that a building other than a dwelling house on the site:1. is used for a domestic residential purpose, in conjunction with and subordinate to the [dwelling house](Definitions.docx#DwgHse) on the same site;
2. is smaller in size and scale than the [dwelling house](Definitions.docx#DwgHse);
3. has the appearance of a building ancillary to the [dwelling house](Definitions.docx#DwgHse);
4. is occupied by members of the same [household](Definitions.docx#Household) who occupy the [dwelling house](Definitions.docx#DwgHse).
 | AO1.1Development comprises not more than one [dwelling house](Definitions.docx#DwgHse) and one [secondary dwelling](Definitions.docx#SecondaryDwg), occupied by one [household](Definitions.docx#Household) comprising:1. 1 person maintaining a household; or
2. 2 or more persons related by blood, marriage or adoption; or
3. not more than 5 persons, not necessarily related by blood, marriage or adoption; or
4. not more than 5 persons under the age of 18 and not necessarily related by blood, marriage or adoption, together with 1 or 2 adult persons who have care or control of them.
 |
| AO1.2Any development for a [secondary dwelling](Definitions.docx#SecondaryDwg) is:1. a maximum of 80m2 in [gross floor area](Definitions.docx#GFA);
2. located within 20m of the [dwelling house](Definitions.docx#DwgHse);
3. occupied by 1 or more members of the same [household](Definitions.docx#Household) as the [dwelling house](Definitions.docx#DwgHse).
 |
| PO2Development has a [building height](Definitions.docx#BuildingHeight) that:1. does not unduly overshadow adjoining [dwelling houses](Definitions.docx#DwgHse) and their associated private open space in terms of access to sunlight and daylight;
2. is consistent with the building height of dwelling houses prevailing in the immediate vicinity;
3. contains a 3 storey component only where necessary to enable a predominately 2 storey dwelling to address the local circumstances of topography (refer to [Figure a](#FigureA));
4. may be higher than adjoining properties only to the extent required to achieve the minimum habitable floor levels required for flood immunity.

Note–In interpreting PO2(b), the term ‘prevailing in the immediate vicinity’ means the building height of the majority (more than 50%) of all the dwelling houses in the same zone as the subject site and within 35m of any point of the street frontage of the subject site. | AO2Development in the [Low density residential zone](http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/brisbane-city-plan-2014/city-plan-2014-mapping), [Character residential zone](http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/brisbane-city-plan-2014/city-plan-2014-mapping), 2 storey mix zone precinct of the [Low–medium density residential zone](http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/brisbane-city-plan-2014/city-plan-2014-mapping), 2 or 3 storey mix zone precinct of the Low–medium density residential zone, [Rural residential zone](http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/brisbane-city-plan-2014/city-plan-2014-mapping), [Environmental management zone](http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/brisbane-city-plan-2014/city-plan-2014-mapping), [Rural zone](http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/brisbane-city-plan-2014/city-plan-2014-mapping) or [Emerging community zone](http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/brisbane-city-plan-2014/city-plan-2014-mapping) results in a maximum [building height](Definitions.docx#BuildingHeight) of 9.5m and:1. 2 [storeys](Definitions.docx#Storey); or
2. 1 storey if the development also 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.

Editor's note—This acceptable outcome is only for the maximum building height. Side boundary setbacks are provided in accordance with the Queensland Development Code; which vary according to the height of the building.  |
| PO3Development has a building height that:1. does not unduly overshadow adjoining dwelling houses and their associated private open space in terms of access to sunlight and daylight;
2. is consistent with the building height of dwelling houses prevailing in the immediate vicinity.

Note—In interpreting PO3(b), the term 'prevailing in the immediate vicinity' means the building height of the majority (more than 50%) of all the dwelling houses in the same zone as the subject site and within 35m of any point of the street frontage of the subject site. | AO3Development in the Up to 3 storeys zone precinct of the Low-medium density residential zone or in the Medium density residential zone results in a maximum building height of 11.5m and:1. 3 storeys; or
2. 2 storeys if the development also 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.

Editor's note—This acceptable outcome is only for the maximum building height. Side boundary setbacks are provided in accordance with the Queensland Development Code, which vary according to the height of the building. |
| PO4Development ensures that residents’ vehicles are accommodated on site. | AO4Development provides a minimum number of on-site parking spaces comprising:1. 1 car parking space for the [dwelling house](Definitions.docx#DwgHse);
2. 1 car parking space for any [secondary dwelling](Definitions.docx#SecondaryDwg) on the same site.
 |
| PO5Development ensures that the location and design of a [dwelling house](Definitions.docx#DwgHse), [secondary dwelling](Definitions.docx#SecondaryDwg) or [domestic outbuilding](Definitions.docx#DomOut) does not expose surrounding properties to additional adverse impacts of overland flow. | AO5Development and associated site works, including filling and excavation, are designed and constructed to ensure overland flow is not worsened, impeded, or otherwise diverted to adversely affect other properties. |
| PO6Development for a [dwelling house](Definitions.docx#DwgHse), [secondary dwelling](Definitions.docx#SecondaryDwg) or [domestic outbuilding](Definitions.docx#DomOut), including associated site works such as retaining walls, filling and excavation ensures that if a surface- or roof-water drainage system connection is required through an adjoining property, the surface- or roof- water drainage system is managed to prevent water seepage, concentration of run-off or ponding on an adjoining property.Note—The Queensland Development Code outlines requirements for surface- and roof-water drainage systems for Class 1 buildings and Class 10 buildings and structures where a surface- or roof-water drainage connection is not required through an adjoining property. | AO6Development for a [dwelling house](Definitions.docx#DwgHse), [secondary dwelling](Definitions.docx#SecondaryDwg) or [domestic outbuilding](Definitions.docx#DomOut), including associated site works such as retaining walls, filling and excavation ensures that if a surface- or roof- water drainage system connection is required through an adjoining property, the owner of the adjoining property has provided written permission for the connection. |
| If for a site with an approved building envelope plan or [development footprint plan](Definitions.docx#DevtFootprintPlan) |
| PO7Development is sited to complement and be consistent with the form and character of the local area, having regards to:1. values of the locality expressed in overlays, neighbourhood plans, zones and infrastructure;
2. location of buildings on adjoining sites, ensuring sufficient separation of buildings to minimise impacts on residential amenity and privacy;
3. the impact of slope.
 | AO7Development has a footprint that fits entirely within the approved building envelope or [development footprint plan](Definitions.docx#DevtFootprintPlan). |
| If in the Environmental management zone, Rural zone, Rural residential zone or in a very-low density residential area identified in a neighbourhood plan |
| PO8Development does not adversely impact on scenic features. | AO8Development maximum [building height](Definitions.docx#BuildingHeight) is located a minimum of 15m vertically below any ridgeline within 150m horizontal distance of the dwelling house. |

