

Secondary dwellings

A Policy Directions Paper informing
the Better Housing Amendment



Alignment with our roadmap

The Better Housing Amendment is helping to achieve the outcomes of our Corporate Plan 2022–2027 and realise our vision:

Our Moreton Bay. Amazing places. Natural spaces.

The strategic pillar this amendment specifically relates to is:



Our well-planned places

Our well-planned places pillar aims for Moreton Bay to have a network of well-planned and connected places and spaces, enhancing lifestyle, accessibility and employment choices by 2033. This amendment will be considered in the development of our Growth Management Strategy.

Read more about Council's Corporate Plan and the pillars that underpin it at: moretonbay.qld.gov.au/Services/Reports-Policies/Corporate-Plan#a1-3



Acknowledgment

We acknowledge the Kabi Kabi, Jinibara and Turrbal Peoples as the Traditional Custodians of the lands and waterways of the Moreton Bay Region, and pay our respects to their Elders, past, present and emerging. We recognise that the Moreton Bay Region has always been a place of cultural, spiritual, social and economic significance to First Nations people.

We are committed to working in partnership with Traditional Custodians and other First Nations communities to shape a shared future that celebrates First Nations history and culture as an irreplaceable foundation of our region's collective identity.

Disclaimer

The Moreton Bay Regional Council and its officers accept no responsibility for any loss whatsoever arising howsoever from any person's act or omission in connection with any information, expressed or implied, contained within this paper. Nothing in this paper should be taken as legal advice.

Secondary dwellings

For Public Consultation

About the Better Housing Amendment

The Better Housing Amendment proposes changes to the Moreton Bay Regional Council Planning Scheme 2016 (MBRC Planning Scheme) to support better housing and better neighbourhoods across our region.

Since the MBRC Planning Scheme commenced, our neighbourhoods have grown and changed. And residents have told us they want more space in their neighbourhoods—for greenery, for privacy and for parking.

This amendment proposes a range of updates to the planning rules to enable Council to address residents' concerns and ensure we achieve housing diversity where we need it most.

The amendment includes changes related to:

- Next Generation Neighbourhoods
- Off-street car parking
- Secondary dwellings
- Student accommodation
- Warner Investigation Area boundary reduction

**Better housing,
better neighbourhoods**



Timeline



2021 - 2022

Prepare amendment

Changes drafted and submitted to State Government for review

Timing subject to change.



Mid-2023

Public consultation

A formal submission can be made on the proposed amendment



Mid/late 2023

Finalise amendment

Consider feedback and Minister signs off



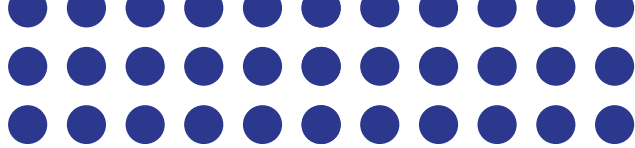
Late 2023/early 2024

Adopt amendment

Changes formally start

Secondary dwellings

For Public Consultation



What you will find in this paper

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1.1 Purpose

The purpose of this paper is to provide clear rationale to support improved building design and amenity outcomes for Secondary dwelling development in the Moreton Bay Region.

Strong population growth, housing affordability pressures and changing demographic makeup have seen new forms of housing emerge across the region.

While housing choice and diversity are important to support long-term growth management, our communities have voiced concerns about the quality, scale and intensity of Secondary dwelling development occurring under current planning scheme settings.

These problems are not unique to Moreton Bay, and there is evidence that the issues experienced here are also occurring in other local government areas.

Under State legislation, Secondary dwellings are able to occur anywhere a Dwelling house can be lawfully established. Consequently, they have occurred in most residential zones across the region.

1.2 Secondary dwelling review

As a result of concerns raised by residents, Moreton Bay Regional Council (MBRC) undertook a review of Secondary dwellings and the development outcomes being achieved.

The review confirmed that across the region, over 1,200 properties were issued with an approval for a new, or extension to an existing Secondary dwelling between 1 January 2016 and 31 December 2019.

While some of these have occurred in the traditional “granny flat” form in existing neighbourhoods, concentrations have occurred in greenfield locations where adverse design, siting and appearance issues have become particularly prevalent. Noticeable clusters have occurred in particular parts of the region - predominantly Morayfield, Caboolture and Burpengary.

On 9 December 2020, Council resolved to take actions to address perceived misunderstandings of the Secondary dwelling definition, and to prepare draft planning scheme amendments to address the adverse design and amenity impacts that have been identified by the Secondary dwelling review.

To inform future policy directions and recommendations for improvement, investigation of these issues included:

- Further scrutiny of the MBRC Planning Scheme’s current Secondary dwelling requirements, including areas of alignment or inconsistency;
- Reviewing and comparing standards with other SEQ (and Queensland) planning schemes to help identify a best practice response;
- Input and advice from Council’s design experts on best-practice urban design principles for Secondary dwelling development; and
- Documentation of key findings and recommendations into a policy directions paper (this paper).

What is housing diversity?

The term housing diversity refers to the range of housing types in a development or neighbourhood. A diverse neighbourhood has various different dwelling types and sizes—usually achieved by offering a wider range of lot sizes and promoting a variety of building forms.

Housing diversity allows for housing ‘choice’ so that people can find homes that meet their needs, life stages, budget and family size.

1.3 What is a Secondary dwelling?

Mandatory statutory definitions for a Dwelling house, Secondary dwelling and Dual occupancy are common to all local government planning schemes. A lack of clear distinction between these definitions and different housing types has caused difficulties in Moreton Bay.

There is a grey area between development that involves a Dual occupancy land use and one that involves a Dwelling House and Secondary dwelling. The distinction may turn less on the physical 'built form' differences and more on the way that the dwellings are used.

On 23 September 2022 the State government announced changes to the Secondary dwelling (and other associated housing) definitions within the *Planning Regulation 2017*.

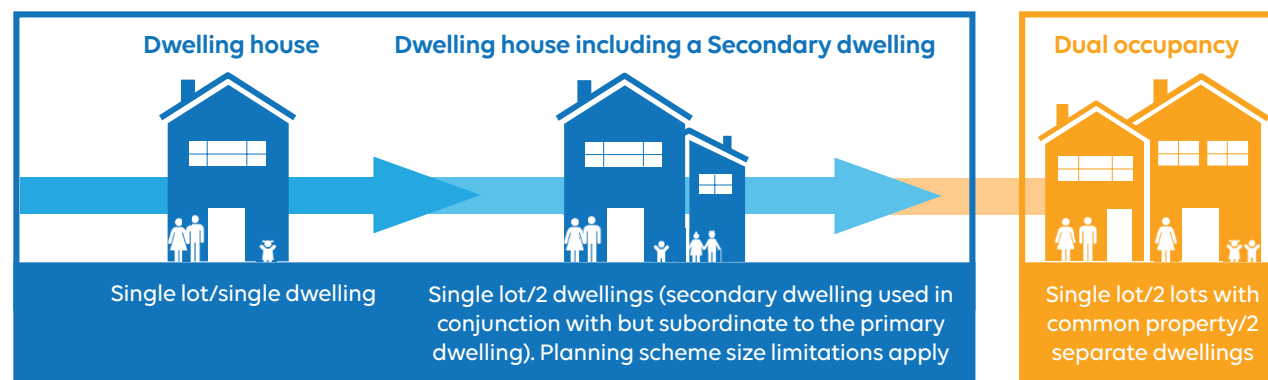
The changes remove the previous requirements for occupants of a Secondary dwelling to be related or associated to the occupants of the primary dwelling. This means that Secondary dwellings may now be privately rented to any household. However, Secondary dwellings still need to be used in conjunction with, but be subordinate to, the primary dwelling house and are intended to be smaller dwellings.

Under State legislation (the *Planning Regulation 2017*), the relevant definitions are:

- **dwelling house** means a residential use of premises involving -
 - (a) 1 dwelling any domestic outbuildings associated with the dwelling; or
 - (b) 2 dwellings, 1 of which is a secondary dwelling, and any domestic outbuildings associated with either dwelling.
- **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.

- **dual occupancy** -

- (a) means a residential use of premises involving -
 - (i) 2 dwellings (whether attached or detached) on a single lot or 2 dwellings (whether attached or detached) on separate lots that share a common property; and
 - (ii) any domestic outbuilding associated with the dwellings; but
- (b) does not include a residential use of premises that involves a secondary dwelling.



1.4 Current rules for Secondary dwellings

Requirements for Secondary dwelling development in the urban residential areas of the region are contained within the Dwelling house code (Section 9.3.1) of the MBRC Planning Scheme. This code seeks to support safe and attractive living environments.

The current rules in the planning scheme for Secondary dwelling development are:

- only one Secondary dwelling per lot;
- annexed to or located within 10m of the primary Dwelling house;
- not being located in front of the primary Dwelling house;
- a maximum Gross Floor Area (GFA) of:
 - 45m² GFA for a lot with a primary frontage less than 15m;
 - 55m² GFA for a lot with a primary frontage of 15m or more.
- 1 designated car parking space (in addition to those required for the primary Dwelling house).

Where a proposed Secondary dwelling development does not meet these requirements, Council's planners must assess the application with consideration as to whether it is:

- subordinate and ancillary to the primary Dwelling house;
- retains the low density, low intensity, residential form of a Dwelling house;
- has the appearance, bulk and scale of a single dwelling from the street; and
- maintains sufficient area for the siting of all buildings, structures, landscaping and car parking.



2

Policy directions to support better outcomes

The review identified the following key issues with Secondary dwelling development occurring within the urban areas of the region:

- misunderstanding or lack of clarity about how Secondary dwellings should operate and function;
- adverse neighbourhood amenity and privacy impacts in established neighbourhoods;
- overdevelopment concerns where occurring on small, narrow lots and in narrow streets.

These issues are experienced in slightly different ways depending on whether they occur in an infill (established area) or greenfield (new development) context and in a Suburban neighbourhood precinct versus a Next generation neighbourhood precinct location.

Based on the issues identified through the review, four key policy directions (PD) are proposed to support improved Secondary dwelling outcomes.

Section 4 of this paper outlines the recommendations to achieve these key policy directions. These recommendations seek to strike a balance between preserving the existing underlying structure and function of the current planning scheme, while providing clear rationale to support improved design, function, siting and amenity outcomes for Secondary dwelling development.

The recommendations propose changes to the development rules in the General residential zone (Urban, Next generation and Suburban neighbourhood precincts) and Emerging community zone (Transition precinct) of the MBRC Planning Scheme. The Rural and Rural residential zones will not be affected by these changes.

Secondary dwellings

For Public Consultation



Policy direction 1

Greater transparency on how Secondary dwellings need to operate

Secondary dwellings are clearly differentiated from Dual occupancy development to support improved transparency on expected outcomes.



Policy direction 2

Resolving impacts of overdevelopment on smaller lots

Secondary dwellings only occur on sites of a size and shape that can accommodate all necessary functions of a primary Dwelling house and Secondary dwelling to reduce impacts of overdevelopment on smaller lots.



Policy directions 3 & 4

Improving streetscapes and managing privacy and amenity impacts

Secondary dwellings share unrestricted access to on-site utilities and services, private open space areas and the allocated off-street car parking space to support their ongoing relationship with the primary Dwelling house.

Secondary dwellings are designed, sited and oriented on-site to avoid adverse privacy and amenity impacts to adjoining properties.

3

Recommendations for improvement

3.1 Improving how a Secondary dwelling operates

Rationale

The planning scheme lacks sufficient guidance as to how a clear relationship between a primary Dwelling house and Secondary dwelling should be achieved and maintained or quantifiable measures about how a Secondary dwelling should be used in conjunction with, but subordinate to, another dwelling on the same lot.

Current planning scheme definitions reference an outdated Secondary dwelling definition. This has caused confusion and a lack of clarity.

Poor Secondary dwelling development outcomes have made distinguishing a primary Dwelling house with a Secondary dwelling from a Dual occupancy difficult.

Recommendations



R1

Change the existing definition for a Secondary dwelling in the planning scheme to align with the state legislated definition (under the Planning Regulation 2017), to remove confusion.



R2

A new requirement for sharing common services between the primary Dwelling house and Secondary dwelling.

Shared services/arrangements are recommended for water, wastewater and electricity connections, street number, letter box, vehicle access driveway, pedestrian access point and parking areas.



R3

A new requirement for on-site open space and allocated off-street car parking to be accessible to all occupants of the primary Dwelling house and Secondary dwelling (i.e development outcomes such as fencing/other barriers that restrict access are not supported).



R4

Retain maximum GFA limitations for a Secondary dwelling, as these reinforce a Secondary dwelling being smaller in scale (subordinate to) the primary Dwelling house.

✗ Current

- Fencing
- Separation of use
- Poor access outcomes



✓ Recommended

- Shared access
- Improved connectivity and relationship
- Parking easily accessible

3.2 Resolving impacts of overdevelopment from secondary dwellings

Rationale

Overdevelopment and associated adverse amenity impacts have been identified as a result of Secondary dwelling development. Some of these adverse amenity impacts include:

- Increased numbers of cars parked on lot frontages, verges and using on-street spaces.
- Experience of increased residential density and changes in neighbourhood 'character'.
- Visible reduction in open space and on-site landscaping.
- Compromised privacy and 'space' from Secondary dwellings sited too close to boundaries.

In a small lot/ Next generation neighbourhood precinct (NGNP) scenario, compromised development outcomes have arisen from lot sizes that are too small and site coverage that is too high. These smaller sites have limited or no opportunity to adequately support the needs of both dwellings, and this is a policy gap.

In Suburban neighbourhood precincts (SNP) new subdivision development is required to have a minimum lot size of 600m², however there are established areas where lot sizes as low as 305m² have occurred.

Recommendations



R5

A new minimum lot size for Secondary dwellings in the NGNP of 450m². This will also include a primary frontage width of 10m.



R6

A new minimum lot size for Secondary dwellings in the Suburban neighborhood precinct of 600m². This will also include a primary frontage width of 12.5m.

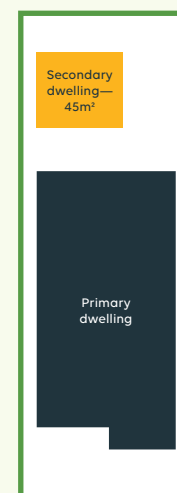


R7

To manage the scale of a Secondary dwelling that can occur, it is also proposed to refocus existing GFA requirements such that:

- Lots between 450–800m² will be limited to a Secondary dwelling with a maximum GFA of 45m²; and
- Lots greater than 800m², will be limited to a Secondary dwelling with a maximum GFA of 55m².

450m² – 800m²



✓ Recommended

800m² +



✓ Recommended

3.3 Managing amenity and privacy impacts in established urban neighbourhoods

Rationale

Amenity and privacy impacts in an established/ Suburban neighbourhood precinct (SNP) and Coastal communities precinct context, where Secondary dwellings are typically separate and freestanding, include perceptions of intrusion and proximity of development to neighbouring boundaries.

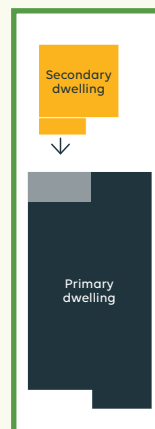
There are currently limited and ineffective controls to manage the design or siting of freestanding Secondary dwellings in established neighbourhoods. For immediate neighbours, this can impact privacy and amenity due to additional onsite activity. Also, the orientation of Secondary dwellings toward neighbours can contribute to perceptions of intrusion and changes in established neighbourhood 'character'.

Recommendations



R8

A new requirement to orientate the primary entry, and any patio, balcony or deck of the Secondary dwelling inwardly within the lot, so it faces the primary Dwelling house and not adjoining properties.



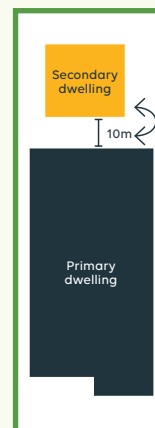
✓ Recommended

- Entryway, patio/deck 'inwards' facing
- Increased amenity
- Improved privacy outcomes



R9

Maintain the existing 10m maximum separation distance between a primary Dwelling house and a freestanding Secondary dwelling.



✓ Recommended

- Maintain maximum separation distance between dwellings at 10m

3.4 Improving streetscapes by adjusting off-street car parking outcomes

Rationale

The current off-street parking rate for Secondary dwellings is 1 car park per Secondary dwelling. This is in addition to what is required for a Dwelling house.

This rate is still relatively new in its application having been introduced in January 2020. While it is still considered appropriate, issues have been observed in the General residential—Next generation neighbourhood precinct (NGNP) and Emerging community—Transition precinct (TP). Particularly where a low base rate for the primary Dwelling house is currently in place.

Unlike in the SNP which requires a total of 4 off-street parking spaces for a Primary Dwelling house and Secondary dwelling, in NGNP and TP only 2 off-street parking spaces are required. This has resulted in an on-site 'undersupply'.

In addition, circumstances have been observed where internal fencing contributes to the inability to access on-site parking, forcing occupants of the Secondary dwelling to park on the street or on verges/ footpaths.

Adverse car parking impacts make residential neighbourhoods feel overdeveloped and contribute to the perception of compromised neighbourhood amenity.

Recommendations



R10

Retain the existing parking rate for a Secondary dwelling of 1 additional space where a site includes a Secondary dwelling.



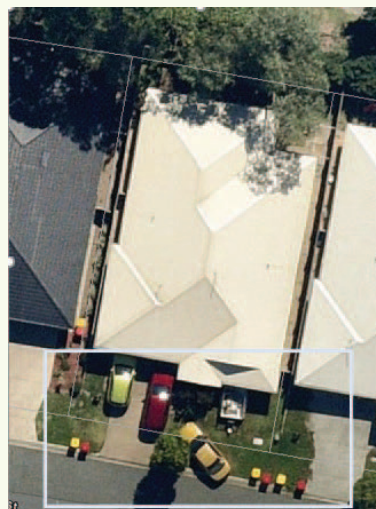
R11

Change the primary Dwelling house off-street parking rate in NGNP and TP from 1 to 2 off-street spaces.



R12

Internal fencing can create challenges for on-site access to allocated off-street car parking. The previously mentioned new requirement (R3) for on site open space and allocated off-street car parking to be accessible to all occupants of the primary Dwelling House and Secondary dwelling will assist in resolving this.



✗ Poor example

- Low car parking spaces for this Dwelling house in Morayfield are inadequate, with cars parking on verges and obstructing driveways.



For more information

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