

## 19.5 CITY PLAN: DUAL OCCUPANCY PROVISIONS

### Objective Reference:

**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services

**Responsible Officer:** David Jeanes, Group Manager City Planning & Assessment

**Report Author:** Daniel Martiri, Strategic Planner

**Attachments:**

1. Proposed Temporary Local Planning Instrument 01/18 (Dual Occupancy)
2. Proposed Major Amendments to City Plan

The Council is satisfied that, pursuant to Section 275(1) of the *Local Government Regulation 2012*, the information to be received, discussed or considered in relation to this agenda item is:

- (h) *other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.*

### PURPOSE

The purpose of this report is to:

1. Consider a Temporary Local Planning Instrument (TLPI) pursuant to Chapter 3: Part 2 and Section 7.1 of the Minister's Guidelines and Rules under the *Planning Act 2016*;
2. Consider a major amendment pursuant to Part 4 Section 16.1 of the Minister's Guideline and Rules under the *Planning Act 2016*;
3. Outline the proposed contents of the proposed TLPI and Major Amendment;
4. Seek a resolution to submit the proposed TLPI to the Planning Minister for approval in accordance with Chapter 3: Part 2 and Section 7.1 of the Minister's Guidelines and Rules under the *Planning Act 2016*;
5. Seek a resolution to submit the contents of the proposed Major Amendment to the Planning Minister and request the amendment is considered as part of General Major Amendment Package approved by Council at its General Meeting on 10 October 2018; and
6. Maintain the contents and attachments of this report as confidential until such time that the TLPI takes effect.

### BACKGROUND

Currently, City Plan seeks to rely upon the siting and design standards in the Queensland Development Code (QDC) MP1.3 for dual occupancies in a number of residential zones across the City, regardless of whether they are attached or detached. Further investigation has highlighted that at this time only attached dual occupancies and not detached dual occupancies are regulated under QDC MP1.3. The implication of this anomaly with the QDC is that detached dual occupancies may establish in a number of residential zones across the City, without any siting and design requirements. This report examines how this matter can be urgently addressed to ensure all dual occupancies, regardless of whether they are attached or detached, are regulated by appropriate design and siting requirements.

## ISSUES

Currently, the City Plan supports the establishment of dual occupancies in a number of residential zones. Table 1 identifies the categories of development and assessment and applicable assessment benchmarks in the City Plan.

**Table 1 Dual occupancy provisions in City Plan**

Zone	Category of Development and Assessment	Applicable Assessment Benchmarks in City Plan
Low Density Residential Zone	Accepted subject to requirements if: <ul style="list-style-type: none"> <li>In precincts LDR1, LDR2 or LDR4, and;</li> <li>Building height is greater than 8.5m, and;</li> <li>Density exceeds 1 dwelling per 400m<sup>2</sup> of site area</li> </ul> Otherwise Code Assessable.	Zone code
Low-Medium Density Residential Zone	Accepted	None
Medium Density Residential Zone	Accepted (if not in precincts MDR1, MDR2, MDR3, MDR4, MDR5), otherwise Impact Assessable	None (if accepted) The planning scheme (if impact)
Character Residential Zone	Code	Zone code, Healthy waters code, Infrastructure works code, Landscaping code and TSAP code
Tourist Accommodation Zone	Accepted	None
All Other Zones	Impact Assessable	The planning scheme

As Table 1 illustrates, under City Plan, dual occupancies are generally 'Accepted development' or 'Accepted subject to requirements' in residential zones. It is intended that matters associated with design and siting are generally intended to be addressed through the QDC MP1.3: Design and siting standards for Duplex housing.

### **QDC MP1.3 Overview**

QDC MP1.3 sets standards for the siting and design of building work for a Duplex. The provisions in QDC MP1.3 address the following matters:

- Front, side and rear setbacks;
- Maximum site coverage;
- Maximum building height;
- Privacy;
- Private open space;
- Car parking and;
- Structural integrity of retaining walls.

As duplexes are regulated by QDC MP1.3, a building certifier would be responsible for issuing a building approval. In the event that a proposed Duplex cannot address one of the Acceptable Solutions in QDC MP1.3, the building certifier must lodge a Concurrence Agency Request with Council, who are required to assess the development against the corresponding Performance Outcome. As a concurrence agency, Council can direct the building certifier impose conditions on the final building approval or to refuse the building application.

### **QDC MP1.3 and City Plan**

Council officers have identified a gap in use definitions between the QDC MP1.3 and City Plan. Under QDC MP1.3, a Duplex is defined as “a building containing not more than two attached dwellings’. However under City Plan, which aligns with definitions set out in the Queensland Planning Provisions, the use would be considered to be a ‘Dual occupancy’. City Plan defines a Dual occupancy as follows:

*“Premises containing two dwellings, each for a separate household and consisting of:*

- a single lot, where neither dwelling is a secondary dwelling; or*
- Two lots sharing common property where one dwelling is located on each lot.”*

The above definition allows a Dual occupancy to be comprised of two attached dwellings or two detached dwellings.

This creates an issue with City Plan which has been drafted to rely upon the siting and design standards in QDC MP1.3 for dual occupancies, regardless of whether they are attached or detached. Without the introduction of additional assessment benchmarks into the City Plan, a detached Dual occupancy in a number of residential zones would not be subject to any siting and design requirements. This has the potential to have significant implications on neighbourhood amenity, in relation to building setbacks, privacy and car parking.

### **Regulation of Dual Occupancies**

Schedule 6 of the *Planning Regulation 2017* identifies development that a local planning instrument is prohibited from stating is assessable development. This Schedule of the Regulation states that a “class 1(a) building made up of no more than 2 attached dwellings”, is included in this prohibition. However, the Schedule also states that a Council is permitted by resolution to incorporate assessment benchmarks for duplexes/dual occupancies, on top of those identified in QDC MP1.3.

A simple way Council may address the anomalies with the current QDC is to elevate the level of assessment for a Dual occupancy to a minimum of ‘Accepted subject to requirements’ in the table of assessment for a material change of use in all relevant zones. Assessment benchmarks can then be incorporated into the relevant zone codes, which require Dual occupancy developments, regardless of whether they are attached or detached, to comply with all requirements identified in QDC MP1.3. To provide further clarity ‘Notes’ (which have statutory implications) may be included in the relevant zone codes stating the definition of a ‘Duplex’ under QDC MP1.3 is linked to the definition of a ‘Dual occupancy’ under the City Plan. This approach has been successfully used by Logan City in its scheme to address the anomaly in the definition of a Duplex under QDC MP1.3 and a Dual occupancy under the City Plan.

Table 2 highlights the additional wording proposed to be included in the relevant zone codes to address this matter.

**Table 2 Assessment benchmarks for Dual occupancy siting and design**

PO	AO
<p>A Dual occupancy complies with the Performance Criteria specified in QDC part MP 1.3.</p> <p>Note—For the purpose of PO, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.</p> <p>Note—References to QDC parts MP 1.3 for the purposes of PO are to be applied as if these provisions applied to a Dual occupancy.</p> <p>Editor's note—Zone code provisions may prevail over this performance outcome to the extent of any inconsistency in accordance with section 1.5(1).</p>	<p>A Dual occupancy complies with the Acceptable Solutions specified in QDC part MP 1.3.</p> <p>Note—For the purpose of AO, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.</p> <p>Note—References to QDC parts MP 1.3 for the purposes of AO are to be applied as if these provisions applied to a Dual occupancy.</p> <p>Editor's note—Zone code provisions may prevail over this acceptable outcome to the extent of any inconsistency in accordance with section 1.5(1).</p>

Recognising the risks and the potential implications of detached dual occupancies establishing within residential zones without any design and siting requirements, it is recommended that in pursuing the changes as outlined in Table 2 Council consider the preparation of a Temporary Local Planning Instrument (TLPI). A TLPI is a statutory instrument created under the provisions of the *Planning Act 2016*, in response to an emerging planning issue, where there is ‘significant risk of serious adverse...conditions’ and a ‘delay...would increase the risk’. A TLPI sets out planning and development assessment policies to protect all or part of a local government area from adverse impacts of these emerging planning issues and prevail over the City Plan to the extent of any inconsistency. It can be effective for up to two (2) years and can remain in place while the policies associated with the TLPI can be incorporated into the City Plan via an amendment.

A TLPI requires approval from the Planning Minister before it can be implemented in accordance with processes articulated in the Minister’s Guidelines and Rules. The benefits of this approach are that the TLPI becomes effective immediately after it is approved by the Minister and is not subject to the major planning scheme amendment approval processes, which can take 6-12 months. Despite this it is important to note that even if a TLPI is implemented, an amendment to City Plan will still be required prior to the expiry of the TLPI. Recognising these circumstances it is recommended that Council pursue a TLPI while at the same time commencing a major amendment of City Plan.

The proposed major amendment would fundamentally address the same matters proposed for inclusion in the TLPI. These changes include:

- Tables of assessment: elevating the category of assessment for a Dual occupancy to a minimum of ‘Accepted subject to requirements’ in zones that are currently ‘Accepted development’; and
- Introducing new assessment benchmarks supported by Notes into the assessment benchmarks of the relevant zone codes in the City Plan that require a Dual occupancy to comply with the requirements of the QDC MP1.3.

If Council resolves to proceed with a major amendment, it could potentially still be incorporated into the existing General Major Amendment Package adopted by Council on 10 October 2018 that is currently undergoing State Interest Review.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

The TLPI and major amendment will be undertaken in accordance with the requirements of the Minister's Guidelines and Rules, a statutory document under the *Planning Act 2016* and *Planning Regulation 2017*.

### Risk Management

Undertaking a TLPI will ensure regulatory provisions can be put in place quickly thereby minimising the risks and potential implications of detached dual occupancies establishing within residential zones without any design and siting requirements. Commencing a major amendment to the City Plan at the same time will ensure the amendment process is progressing if the Minister were not to approve the TLPI.

### Financial

The proposed TLPI and major amendment to the planning scheme will be funded as part of the operating budget of the City Planning and Assessment Group.

### People

The staff resourcing required to make the proposed TLPI and major amendment to the Planning Scheme will be primarily drawn from the Strategic Planning Unit of the City Planning and Assessment Group.

### Environmental

Environmental matters have been discussed, where relevant, in the report (see attachments).

### Social

Social matters have been discussed, where relevant, in the report (see attachments).

### Alignment with Council's Policy and Plans

The proposed amendments will align with the Wise Planning and Design goals contained in Council's Corporate Plan and the Redlands Community Plan. This includes managing population growth and improving efficiencies in the City Plan.

## CONSULTATION

Area	Consultation Date	Comments/Actions
Economic Sustainability and Major Projects	September 2018	Discussed matter with Kim Kerwin (Group Manager). Further advice was sought from Jenny Roughan from Ethos Urban (planning consultants that assisted with drafting of City Plan).

## OPTIONS

### Option One

That Council resolves to:

1. commence a Temporary Local Planning Instrument as outlined in Attachment 1 pursuant to Chapter 3: Part 2 and Section 7.1 of the Minister's Guidelines and Rules under the *Planning Act 2016*;
2. commence a major amendment as outlined in Attachment 2 pursuant to Part 4 Section 16.1 of the Minister's Guideline and Rules under the *Planning Act 2016*;
3. submit the proposed TLPI to the Planning Minister for approval in accordance with Chapter 3: Part 2 and Section 7.1 of the Minister's Guidelines and Rules under the *Planning Act 2016*;
4. submit the contents of the proposed Major Amendment to the Planning Minister and request the amendment is considered as part of General Major Amendment Package approved by Council at its General Meeting on 10 October 2018; and
5. maintain the contents and attachments of this report as confidential until such time that the TLPI takes effect.

### Option Two

That Council resolves to:

1. not commence a TLPI and undertake a major amendment as outlined in Attachment 2 pursuant to Chapter 2: Part 4 and Section 16.1 of the Minister's Guideline and Rules under the *Planning Act 2016*;
2. submit the contents of the proposed major amendment to the Planning Minister (adding it to the existing General Major Amendment Package) for the purpose of completing the State Interest Review, in accordance with the process outlined in the Minister's Guidelines and Rules; and
3. maintain the contents and attachments of this report as confidential until such time that the amendment is released for public consultation, subject to Council and Ministerial approval.

## OFFICER'S RECOMMENDATION

That Council resolves to:

1. **seek approval to commence a Temporary Local Planning Instrument as outlined in Attachment 1 pursuant to Chapter 3: Part 2 and Section 7.1 of the Minister's Guidelines and Rules under the *Planning Act 2016*;**
2. **commence a major amendment as outlined in Attachment 2 pursuant to Part 4 Section 16.1 of the Minister's Guideline and Rules under the *Planning Act 2016*;**
3. **submit the proposed TLPI to the Planning Minister for approval in accordance with Chapter 3: Part 2 and Section 7.1 of the Minister's Guidelines and Rules under the *Planning Act 2016*;**
4. **submit the contents of the proposed Major Amendment to the Planning Minister and request the amendment is considered as part of General Major Amendment Package approved by Council at its General Meeting on 10 October 2018; and**
5. **maintain the contents and attachments of this report as confidential until such time that the TLPI takes effect.**



# Attachment 1: Proposed Temporary Local Planning Instrument (Dual occupancy)

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## TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2018 (DUAL OCCUPANCY)

### Redland City Plan

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#### 1. Purpose of the Temporary Local Planning Instrument:

1.1. The purpose of Temporary Local Planning Instrument 01/2018 (Dual occupancy) is to ensure that development which is a Dual occupancy is designed to:

- to protect the amenity of adjoining premises and the streetscape;
- provide sufficient vehicle parking and safe vehicle access;
- have an attractive built form that is consistent with the character of the area.

#### 2. Duration of the Temporary Local Planning Instrument:

2.1. This Temporary Local Planning Instrument 01/2018 (Dual occupancy) will have effect in accordance with the *Planning Act 2016* for a period not exceeding two (2) years from xxx, or until the Redland City Plan General Major Amendment Package comes into effect, whichever occurs first.

#### 3. Application of the Temporary Local Planning Instrument:

3.1. This Temporary Local Planning Instrument applies to the whole of the Redland City Council planning scheme area.

3.2. This Temporary Local Planning Instrument suspends the operation of the following provisions of the Redland City Plan:

- Part 5, Section 5.4, Table 5.4.1 Low density residential zone;
- Part 5, Section 5.4, Table 5.4.2 Low-medium density residential zone;
- Part 5, Section 5.4, Table 5.4.3 Medium density residential zone;
- Part 5, Section 5.4, Table 5.4.5 Character residential zone;
- Part 5, Section 5.4, Table 5.4.6 Tourist accommodation zone.

to the extent these provisions relate to the development use type 'Dual occupancy'.

3.3. This Temporary Local Planning instrument includes assessment benchmarks in addition to those currently in Redland City Plan:

- Part 6, Section 6.2, Table 6.2.1 Low density residential code;
- Part 6, Section 6.2, Table 6.2.2 Low-medium density residential code;
- Part 6, Section 6.2, Table 6.2.3 Medium density residential code;



- Part 6, Section 6.2, Table 6.2.4 Character residential zone code;
- Part 6, Section 6.2, Table 6.2.5 Tourist accommodation zone code.

#### 4. Definitions:

4.1. A term in this instrument has the meaning given it by the Redland City Plan.

#### 5. Tables of Assessment: Dual occupancy

5.1. For the purposes of administering Part 5, Section 5.4, Table 5.4.1: Low density residential zone of Redland City Plan, to the extent it relates to the 'Dual occupancy' use, the following shall apply in addition to any other provision of that Section not superseded by this temporary local planning instrument:

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Dual occupancy	<b>Accepted subject to requirements</b> Editor's note—Unless otherwise specified, development that is accepted subject to requirements will become code assessable when not complying with an acceptable outcome. However, it will only be assessable against the corresponding performance outcome (refer section 5.3.3 (2)).  Editor's note – Dual occupancies that do not comply with any relevant acceptable outcomes of the Queensland Development Code MP1.3 will require a concurrence agency referral to Council under Schedule 9 of the Regulation.	
	If: (1) not in precincts LDR1, LDR2 or LDR4; and (2) building height is 8.5m or less; and (3) density does not exceed 1 dwelling per 400m <sup>2</sup> of site area	Low density residential zone code
	<b>Code assessment</b>	
	If not in precincts LDR1, LDR2 or LDR4 and not accepted subject to requirements	Low density residential zone code

5.2. For the purposes of administering Part 5, Section 5.4, Table 5.4.2: Low-medium density residential zone of Redland City Plan, to the extent it relates to the development use type 'Dual occupancy', the following shall apply in addition to any other provision of that Section not superseded by this temporary local planning instrument:

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Dual occupancy	<b>Accepted subject to requirements</b>	
		Low-medium density residential zone code

5.3. For the purposes of administering Part 5, Section 5.4, Table 5.4.3: Medium density residential zone of Redland City Plan, to the extent it relates to the 'Dual occupancy' use, the following shall apply in addition to any other provision of that Section not superseded by this temporary local planning instrument:

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Dual occupancy	<b>Accepted subject to requirements</b>	
	If not in precincts MDR1, MDR2, MDR3, MDR4 and MDR5	Medium density residential zone code
<b>Impact assessment</b>		
If not meeting the description listed in the categories and development and assessment column.		The planning scheme

5.4. For the purposes of administering Part 5, Section 5.4, Table 5.4.5: Character residential zone of Redland City Plan, to the extent it relates to the 'Dual occupancy' use, the following shall apply in addition to any other provision of that Section not superseded by this temporary local planning instrument:

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Dual occupancy	<b>Code assessment</b>	
		Character residential zone code Healthy waters code Infrastructure works code Landscaping code Transport, servicing, access and parking code

5.5. For the purposes of administering Part 5, Section 5.4, Table 5.4.6: Tourist accommodation zone of Redland City Plan, to the extent it relates to the

development use type 'Dual occupancy', the following shall apply in addition to any other provision of that Section not superseded by this temporary local planning instrument:

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Dual occupancy	Accepted subject to requirements	
		Tourist accommodation zone code

## 6. Assessment Benchmarks: Dual occupancy

6.1. For the purposes of administering the following sections of Redland City Plan:

- Part 6, Section 6.2, Table 6.2.1: Low density residential code;
- Part 6, Section 6.2, Table 6.2.2: Low-medium density residential code;
- Part 6, Section 6.2, Table 6.2.3: Medium density residential code;
- Part 6, Section 6.2, Table 6.2.5: Tourist accommodation zone code;

to the extent it relates to the to the 'Dual occupancy' use, the following assessment benchmarks shall apply in addition to any other provision of that Section not superseded by this temporary local planning instrument:

Performance outcomes	Acceptable outcomes
<b>For development that is accepted subject to requirements and assessable development</b>	
<b>Dual Occupancies</b>	
<p><b>PO1</b>  A Dual occupancy complies with the Performance Criteria specified in QDC part MP 1.3.</p> <p>Note—For the purpose PO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.</p> <p>Note—References to QDC parts MP 1.3 for the purposes of PO1 are to be applied as if these provisions applied to a Dual occupancy.</p> <p>Editor's note—Zone code provisions may prevail over this performance outcome to the extent of any inconsistency in accordance with section 1.5(1).</p>	<p><b>AO1.1</b>  A Dual occupancy complies with the Acceptable Solutions specified in QDC part MP 1.3.</p> <p>Note—For the purpose of AO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.</p> <p>Note—References to QDC parts MP 1.3 for the purposes of AO1 are to be applied as if these provisions applied to a Dual occupancy.</p> <p>Editor's note—Zone code provisions may prevail over this acceptable outcome to the extent of any inconsistency in accordance with section 1.5(1).</p>

6.2. For the purposes of administering the following sections of Redland City Plan:

- Part 6, Section 6.2, Table 6.2.4: Character residential zone code.

to the extent it relates to the to the 'Dual occupancy' use, the following assessment benchmarks shall apply in addition to any other provision of that Section not superseded by this temporary local planning instrument:

Performance outcomes	Acceptable outcomes
<b>For assessable development</b>	
<b>Dual Occupancies</b>	
<b>PO1</b>	<b>AO1.1</b>

<p>A Dual occupancy complies with the Performance Criteria specified in QDC part MP 1.3.</p> <p>Note—For the purpose PO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.</p> <p>Note—References to QDC parts MP 1.3 for the purposes of PO1 are to be applied as if these provisions applied to a Dual occupancy.</p> <p>Editor's note—Zone code provisions may prevail over this performance outcome to the extent of any inconsistency in accordance with section 1.5(1).</p>	<p>A Dual occupancy complies with the Acceptable Solutions specified in QDC part MP 1.3.</p> <p>Note—For the purpose of AO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.</p> <p>Note—References to QDC parts MP 1.3 for the purposes of AO1 are to be applied as if these provisions applied to a Dual occupancy.</p> <p>Editor's note—Zone code provisions may prevail over this acceptable outcome to the extent of any inconsistency in accordance with section 1.5(1).</p>
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# Attachment 2: Proposed Major Amendments to City Plan

## Proposed City Plan Amendments

The proposed amendments to the Planning Scheme are as follows:

The following tables of assessment identify the categories of development and assessment for a material change of use for a dual occupancy.

**Table 5.4.1—Low density residential zone**

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Park</b> <b>Sales office</b> <b>Landing</b> Editor's note—Landings are regulated as prescribed tidal works under the <i>Coastal Protection and Management Act</i>	<b>Accepted</b>	
<b>Substation</b> <b>Utility installation</b>	<b>Accepted</b>	
	If provided by a public sector entity	
<b>Telecommunications facility</b>	<b>Accepted</b>	
	If aerial cabling for broadband purposes	
<b>Dwelling house</b>	<b>Accepted</b>	
	If not accepted subject to requirements	
	<b>Accepted subject to requirements</b> Editor's note—Dwelling houses not complying with the relevant acceptable outcomes will require a concurrence agency referral to Council under Schedule 9 of the Regulation.	
	If: (1) in precincts LDR2, LDR3 or LDR4; or (2) in Raby Bay, Aquatic Paradise or Sovereign Waters and adjoining a canal or artificial water body.	Low density residential zone code
<b>Dual Occupancy</b>	<b>Accepted subject to requirements</b> Editor's note—Unless otherwise specified, development that is accepted subject to requirements will become code assessable when not complying with an acceptable outcome. However, it will only be assessable against the corresponding performance outcome (refer section 5.3.3 (2)).  Editor's note – Dual occupancies that do not comply with any relevant acceptable outcomes of the Queensland Development Code MP1.3 will require a concurrence agency referral to Council under Schedule 9 of the Regulation.	
	If: (1) not in precincts LDR1, LDR2 or LDR4; and (2) building height is 8.5m or less;	Low density residential zone code

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
	and (3) density does not exceed 1 dwelling per 400m <sup>2</sup> of site area	
	<b>Code assessment</b>	
	If not in precincts LDR1, LDR2 or LDR4 and not accepted subject to requirements	Low density residential zone code
<b>Home based business</b>	<b>Accepted subject to requirements</b> Editor's note—Unless otherwise specified, development that is accepted subject to requirements will become code assessable when not complying with an acceptable outcome. However, it will only be assessable against the corresponding performance outcome (refer section 5.3.3 (2)).	
		Home based business code
<b>Community care centre</b> <b>Community use</b>	<b>Code assessment</b>	
	If total gross floor area of the proposed use and any existing community care centre or community use does not exceed 250m <sup>2</sup>	Low density residential zone code Healthy waters code Infrastructure works code Landscaping code Transport, servicing, access and parking code
<b>Impact assessment</b>		
Any other use not listed in this table. Any use listed in this table and not meeting the description listed in the categories of development and assessment column. Any other undefined use.		The planning scheme

**Table 5.4.2—Low-medium density residential zone**

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Dual occupancy</b> <b>Dwelling house</b> <b>Park</b> <b>Sales office</b> <b>Landing</b> Editor's note—Landings are regulated as prescribed tidal works under the <i>Coastal Protection and Management Act</i>	<b>Accepted</b>	
<b>Substation</b> <b>Utility installation</b>	<b>Accepted</b>	
	If provided by a public sector entity	

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Telecommunications facility	<b>Accepted</b>	
	If aerial cabling for broadband purposes	
<b>Dual occupancy</b>	<b>Accepted subject to requirements</b>	
		<b>Low-medium density residential zone code</b>
<b>Home based business</b>	<b>Accepted subject to requirements</b> Editor's note—Unless otherwise specified, development that is accepted subject to requirements will become code assessable when not complying with an acceptable outcome. However, it will only be assessable against the corresponding performance outcome (refer section 5.3.3 (2)).	
		Home based business code
<b>Multiple dwelling</b> <b>Residential care facility</b> <b>Retirement facility</b> <b>Rooming accommodation</b>	<b>Code assessment</b>	
	If building height is 8.5m or less	Low-medium density residential zone code Healthy waters code Infrastructure works code Landscaping code Transport, servicing, access and parking code
<b>Community care centre</b> <b>Community use</b>	<b>Code assessment</b>	
	If total gross floor area of the proposed use and any existing community care centre or community use does not exceed 250m <sup>2</sup>	Low-medium density residential zone code Healthy waters code Infrastructure works code Landscaping code Transport, servicing, access and parking code
<b>Impact assessment</b>		
Any other use not listed in this table. Any use listed in this table and not meeting the description listed in the categories of development and assessment column. Any other undefined use.		The planning scheme

**Table 5.4.3—Medium density residential zone**

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Dwelling house</b> <b>Park</b> <b>Sales office</b> <b>Landing</b> Editor's note—Landings are	<b>Accepted</b>	



Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
regulated as prescribed tidal works under the <i>Coastal Protection and Management Act</i>		
Dual occupancy	<b>Accepted</b> Accepted subject to requirements	
	If not in precincts MDR1, MDR2, MDR3, MDR4 and MDR5	Medium density residential zone code
Substation Utility installation	<b>Accepted</b>	
	If provided by a public sector entity	
Telecommunications facility	<b>Accepted</b>	
	If aerial cabling for broadband purposes	
Food and drink outlet	<b>Accepted</b>	
	If a tenancy change from an existing food and drink outlet, office or shop, and not involving any external building work	
	<b>Code assessment</b>	
	If not accepted and: (1) form part of a residential development; (2) the use is located on the ground floor; and (3) total gross floor area of the proposed use and any existing food and drink outlet does not exceed 250m <sup>2</sup>	Medium density residential zone code Healthy waters code Infrastructure works code Landscaping code Transport, servicing, access and parking code
Home based business	<b>Accepted subject to requirements</b> Editor's note—Unless otherwise specified, development that is accepted subject to requirements will become code assessable when not complying with an acceptable outcome. However, it will only be assessable against the corresponding performance outcome (refer section 5.3.3 (2)).	
		Home based business code
Multiple dwelling Residential care facility Retirement facility Rooming accommodation Short term accommodation	<b>Code assessment</b>	
	If building height does not exceed that detailed in Table 5.4.4 Building height	Medium density residential zone code Healthy waters code Infrastructure works code Landscaping code Transport, servicing, access and parking code
Community care centre Community use	<b>Code assessment</b>	
	If total gross floor area of the proposed use and any existing community care centre or community use does not	Medium density residential zone code

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
	exceed 250m <sup>2</sup>	Healthy waters code Infrastructure works code Landscaping code Transport, servicing, access and parking code
<b>Impact assessment</b>		
Any other use not listed in this table. Any use listed in this table and not meeting the description listed in the categories of development and assessment column. Any other undefined use.		The planning scheme

**Table 5.4.4—Character residential zone**

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Cropping</b> <b>Dwelling house</b> <b>Park</b> <b>Sales office</b> <b>Landing</b> Editor's note—Landings are regulated as prescribed tidal works under the <i>Coastal Protection and Management Act</i>	<b>Accepted</b>	
<b>Substation</b> <b>Utility installation</b>	<b>Accepted</b>	
	If provided by a public sector entity	
<b>Telecommunications facility</b>	<b>Accepted</b>	
	If aerial cabling for broadband purposes	
<b>Dual occupancy</b>	<b>Code assessment</b>	
		Character residential zone code Healthy waters code Infrastructure works code Landscaping code Transport, servicing, access and parking code
<b>Home based business</b>	<b>Accepted subject to requirements</b> Editor's note—Unless otherwise specified, development that is accepted subject to requirements will become code assessable when not complying with an acceptable outcome. However, it will only be assessable against the corresponding performance outcome (refer section 5.3.3 (2)).	
		Home based business code
<b>Child care centre</b>	<b>Code assessment</b>	

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Community care centre</b> <b>Community use</b> <b>Food and drink outlet</b> <b>Nature based tourism</b> <b>Office</b> <b>Outdoor sport and recreation</b> <b>Roadside stall</b>		Character residential zone code Healthy waters code Infrastructure works code Landscaping code Transport, servicing, access and parking code
<b>Impact assessment</b>		
Any other use not listed in this table. Any use listed in this table and not meeting the description listed in the categories of development and assessment column. Any other undefined use.		The planning scheme

**Table 5.4.5—Tourist accommodation zone**

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Dwelling house</b> <b>Dual occupancy</b> <b>Park</b> <b>Sales office</b> <b>Landing</b> Editor's note—Landings are regulated as prescribed tidal works under the <i>Coastal Protection and Management Act</i>	<b>Accepted</b>	
<b>Substation</b> <b>Utility installation</b>	<b>Accepted</b>	
	If provided by a public sector entity	
<b>Telecommunications facility</b>	<b>Accepted</b>	
	If aerial cabling for broadband purposes	
<b>Food and drink outlet</b> <b>Office</b> <b>Shop</b>	<b>Accepted</b>	
	If a tenancy change from an existing food and drink outlet, office or shop, and not involving any external building work.	
	<b>Code assessment</b>	
	If not accepted and: (1) part of a short term accommodation development; (2) the use is located on the ground floor; and	Tourist accommodation zone code Healthy waters code Infrastructure works code

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
	(3) total gross floor area of the proposed use and any existing food and drink outlet, office or shop does not exceed 250m <sup>2</sup>	Landscaping code Transport, servicing, access and parking code
<b>Dual occupancy</b>	<b>Accepted subject to requirements</b>	
		<b>Tourist accommodation zone code</b>
<b>Home based business</b>	<b>Accepted subject to requirements</b> Editor's note—Unless otherwise specified, development that is accepted subject to requirements will become code assessable when not complying with an acceptable outcome. However, it will only be assessable against the corresponding performance outcome (refer section 5.3.3 (2)).	
		Home based business code
<b>Caretaker's residence</b> <b>Dwelling unit</b> <b>Multiple dwelling</b> <b>Relocatable home park</b> <b>Resort complex</b> <b>Rooming accommodation</b> <b>Short accommodation</b> term <b>Tourist park</b>	<b>Code assessment</b>	
	If building height does not exceed 14m	Tourist accommodation zone code Healthy waters code Infrastructure works code Landscaping code Transport, servicing, access and parking code
<b>Community care centre</b> <b>Community use</b>	<b>Code assessment</b>	
	If total gross floor area of the proposed use and any existing community care centre or community use does not exceed 250m <sup>2</sup>	Tourist accommodation zone code Healthy waters code Infrastructure works code Landscaping code Transport, servicing, access and parking code
<b>Hotel</b>	<b>Code assessment</b>	
	If on the same site as the Point Lookout Hotel	Tourist accommodation zone code Healthy waters code Infrastructure works code Landscaping code Transport, servicing, access and parking code
<b>Impact assessment</b>		
Any other use not listed in this table. Any use listed in this table and not meeting the description listed in the categories of development and assessment column. Any other undefined use.		The planning scheme

The following tables identify the assessment benchmarks in relevant zone codes for making a material change of use for a dual occupancy.

### 6.2.1.3 Low density residential zone code – Specific benchmarks for assessment

**Table Error! No text of specified style in document..6—Benchmarks for development that is accepted subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes
<b>For development that is accepted subject to requirements and assessable development</b>	
<b>Dual occupancies</b>	
<b>PO1</b> Housing in the precinct LDR1 large lot or precinct LDR2 park residential or precinct LDR4 Kinross Road is limited to dwelling houses.	<b>AO1.1</b> Dual occupancies are not established in precinct LDR1 large lot or precinct LDR2 park residential or precinct LDR4 Kinross Road.
<b>PO2</b> In all other areas, dual occupancies occur on larger lots and in a form that is consistent with the low density, open and low-rise character of the locality.	<b>AO2.1</b> Density does not exceed one dwelling per 400m <sup>2</sup> of site area.
	<b>AO2.2</b> The site has a minimum frontage of 20m.
<b>PO3</b> A Dual occupancy complies with the Performance Criteria specified in QDC part MP 1.3.  Note—For the purpose PO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.  Note—References to QDC parts MP 1.3 for the purposes of PO1 are to be applied as if these provisions applied to a Dual occupancy.  Editor’s note—Zone code provisions may prevail over this performance outcome to the extent of any inconsistency in accordance with section 1.5(1).	<b>AO3.1</b> A Dual occupancy complies with the Acceptable Solutions specified in QDC part MP 1.3.  Note—For the purpose of AO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.  Note—References to QDC parts MP 1.3 for the purposes of AO1 are to be applied as if these provisions applied to a Dual occupancy.  Editor’s note—Zone code provisions may prevail over this acceptable outcome to the extent of any inconsistency in accordance with section 1.5(1).

In addition to the above amendments, the numbering of the subsequent performance outcomes and acceptable outcomes will be amended sequentially in Table 6.2.1.3.1

### 6.2.2.3 Low-medium density residential zone code – Specific benchmarks for assessment

**Table Error! No text of specified style in document..1—Benchmarks for development that is accepted subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes
<b>For development that is accepted subject to requirements and assessable development</b>	
<b>Dual occupancies</b>	
<b>PO1</b> A Dual occupancy complies with the Performance Criteria specified in QDC part MP 1.3.  Note—For the purpose PO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this	<b>AO1.1</b> A Dual occupancy complies with the Acceptable Solutions specified in QDC part MP 1.3.  Note—For the purpose of AO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by

planning scheme.	this planning scheme.
Note—References to QDC parts MP 1.3 for the purposes of PO1 are to be applied as if these provisions applied to a Dual occupancy.	Note—References to QDC parts MP 1.3 for the purposes of AO1 are to be applied as if these provisions applied to a Dual occupancy.
Editor's note—Zone code provisions may prevail over this performance outcome to the extent of any inconsistency in accordance with section 1.5(1).	Editor's note—Zone code provisions may prevail over this acceptable outcome to the extent of any inconsistency in accordance with section 1.5(1).

In addition to the above amendments, the numbering of the subsequent performance outcomes and acceptable outcomes will be amended sequentially in Table 6.2.2.3.1

### 6.2.3.3 Medium density residential zone code – Specific benchmarks for assessment

**Table Error! No text of specified style in document..1—Benchmarks for development that is accepted subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes
<b>For development that is accepted subject to requirements and assessable development</b>	
<b>Dual occupancies</b>	
<b>PO2</b> A Dual occupancy complies with the Performance Criteria specified in QDC part MP 1.3.  Note—For the purpose PO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.  Note—References to QDC parts MP 1.3 for the purposes of PO1 are to be applied as if these provisions applied to a Dual occupancy.  Editor's note—Zone code provisions may prevail over this performance outcome to the extent of any inconsistency in accordance with section 1.5(1).	<b>AO3.1</b> A Dual occupancy complies with the Acceptable Solutions specified in QDC part MP 1.3.  Note—For the purpose of AO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.  Note—References to QDC parts MP 1.3 for the purposes of AO1 are to be applied as if these provisions applied to a Dual occupancy.  Editor's note—Zone code provisions may prevail over this acceptable outcome to the extent of any inconsistency in accordance with section 1.5(1).

In addition to the above amendments, the numbering of the subsequent performance outcomes and acceptable outcomes will be amended sequentially in Table 6.2.3.3.1.

### 6.2.4.3 Character residential zone code – Specific benchmarks for assessment

**Table Error! No text of specified style in document..7—Benchmarks for assessable development**

Performance outcomes	Acceptable outcomes
<b>For assessable development</b>	
<b>Dual occupancies</b>	
<b>PO2</b> Dual occupancies occur on larger lots and in a form that is consistent with the low density, open and low-rise character of the locality.	<b>AO2.1</b> Density does not exceed one dwelling per 400m <sup>2</sup> of site area.
	<b>AO2.2</b> The site has a minimum frontage of 20m.

<p><b>PO3</b></p> <p>A Dual occupancy complies with the Performance Criteria specified in QDC part MP 1.3.</p> <p>Note—For the purpose PO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.</p> <p>Note—References to QDC parts MP 1.3 for the purposes of PO1 are to be applied as if these provisions applied to a Dual occupancy.</p> <p>Editor's note—Zone code provisions may prevail over this performance outcome to the extent of any inconsistency in accordance with section 1.5(1).</p>	<p><b>AO3.1</b></p> <p>A Dual occupancy complies with the Acceptable Solutions specified in QDC part MP 1.3.</p> <p>Note—For the purpose of AO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.</p> <p>Note—References to QDC parts MP 1.3 for the purposes of AO1 are to be applied as if these provisions applied to a Dual occupancy.</p> <p>Editor's note—Zone code provisions may prevail over this acceptable outcome to the extent of any inconsistency in accordance with section 1.5(1).</p>
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In addition to the above amendments, the numbering of the subsequent performance outcomes and acceptable outcomes will be amended sequentially in Table 6.2.4.3.1.

### 6.2.5.3 Tourist accommodation zone code – Specific benchmarks for assessment

**Table Error! No text of specified style in document..1—Benchmarks for development that is accepted subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes
<b>For development that is accepted subject to requirements and assessable development</b>	
<b>Dual occupancies</b>	
<p><b>PO1</b></p> <p>A Dual occupancy complies with the Performance Criteria specified in QDC part MP 1.3.</p> <p>Note—For the purpose PO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.</p> <p>Note—References to QDC parts MP 1.3 for the purposes of PO1 are to be applied as if these provisions applied to a Dual occupancy.</p> <p>Editor's note—Zone code provisions may prevail over this performance outcome to the extent of any inconsistency in accordance with section 1.5(1).</p>	<p><b>AO1.1</b></p> <p>A Dual occupancy complies with the Acceptable Solutions specified in QDC part MP 1.3.</p> <p>Note—For the purpose of AO1, a reference to “duplex” in QDC MP1.3 is taken to be “Dual occupancy” as defined by this planning scheme.</p> <p>Note—References to QDC parts MP 1.3 for the purposes of AO1 are to be applied as if these provisions applied to a Dual occupancy.</p> <p>Editor's note—Zone code provisions may prevail over this acceptable outcome to the extent of any inconsistency in accordance with section 1.5(1).</p>

In addition to the above amendments, the numbering of the subsequent performance outcomes and acceptable outcomes will be amended sequentially in Table 6.2.5.3.1

## Officer Recommendation

It is recommended that Council amend the Redland City Plan in accordance with the proposed amendments outlined above.