



Gold Coast City Plan

Secondary dwellings

Affordable living opportunities are a strong focus of our City Plan. To provide our residents with a variety of housing choices, the City has made it easier and more affordable to develop different types of living options. A secondary dwelling is just one of the many residential choices to cater for our growing population.

What is a secondary dwelling?

Under City Plan, a Dwelling house use is defined as—

A residential use of premises for one household that contains a single dwelling.

The use includes domestic outbuildings and works normally associated with a dwelling and may include a secondary dwelling.

The City Plan contains administrative definitions of some of the terms used in the Dwelling house use definition—

secondary dwelling	<p>‘A dwelling used in conjunction with, and subordinate to, a dwelling house on the same lot.</p> <p>A secondary dwelling may be constructed under a dwelling house, be attached to a dwelling house or be free standing.’</p>
dwelling	<p>A building or part of a building used or capable of being used as a self-contained residence that must include the following:</p> <ul style="list-style-type: none">(a) food preparation facilities;(b) a bath or shower;(c) a toilet and wash basin;(d) clothes washing facilities. <p>This term includes outbuildings, structures and works normally associated with a dwelling.</p>
household	<p>An individual or a group of two or more related or unrelated people who reside in the dwelling, with the common intention to live together on a long-term basis and who make common provision for food or other essentials for living.</p>

The above definitions make it clear that to be a Dwelling house with a secondary dwelling, both of the following must be met in relation to the use of the dwellings (which must be on the same lot)—



The Planning and Environment Court has considered what is required to satisfy these two elements.

Element 1 – Used in conjunction with each other

A functional nexus between the use of the two dwellings is required.

The focus of this requirement is the use, not the built form. An example of the residents of the two dwellings living in a way which may indicate a functional nexus include sharing meals together.

Mere physical location or proximity is not enough. So, for example, the following is not sufficient to establish a functional nexus:

- being located on the same parcel of land; or
- sharing a common driveway or street access point; or
- structural integration (for example, sharing a common wall).

If the dwellings (each being used or capable of being used as a self-contained residence and including the necessary elements required by the definition of 'dwelling') are occupied by different households, it may be difficult to demonstrate that the use of one dwelling is in conjunction with the other.

The use of one dwelling in conjunction with the other may be able to be demonstrated in the situation of a person/s living in one dwelling and unrelated to the household in the other dwelling, but arrangements are in place evidencing some joint endeavours by the residents of the two dwellings.

In contrast, it may be difficult to demonstrate two dwellings are used in conjunction with each other if the dwellings are separately rented out, whether long-term or short-term, with no joint endeavours.

Element 2 – Use of one dwelling subordinate to the other

In determining whether the use of one dwelling is subordinate to the other, built form is only one consideration. The use of one of the dwellings must be of a lower order, secondary to, or subservient to or dependent on the other.

What if the elements are not satisfied?

If the two necessary elements are not satisfied, by definition it is not a Dwelling house with a secondary dwelling. It may be a Dual occupancy use, a Rooming accommodation use or an undefined use.

Do I require a development approval from the City?

If your dwelling house (secondary dwelling) does not meet all the relevant development criteria of the City Plan, you may need to lodge a development application.

A development application is not required when you:

- are located in a residential zone (such as the low, medium or high density residual zones – including precincts); and
- meet the required outcomes in the secondary dwelling code and any other applicable codes (eg. a zone code).

A City Plan overlay may also trigger the need for a development application. Refer to the ***Do I need a development approval page*** for further information and instructions.

For further information on the required development application, please refer to the RiskSmart accepted to code assessment information on the RiskSmart development applications page.

Do I require a building approval?

Yes. If you are building a secondary dwelling you will need a building approval. Building approvals can be obtained by contacting a private certifier. Please see the private building certifier page for further information.

For more information

The decision of the Planning and Environment Court of Queensland in *Lalis v Bundaberg Regional Council* [2018] QPEC 26 sets out principles for the interpretation of 'secondary dwelling'. It can be accessed on the Queensland Courts website via this link.

For building related matters, you will need to engage a private building certifier. Please see the private building certifier page for further information.

For planning related matters, please contact our Planning Enquiries Centre on 07 5582 8708 or email: mail@goldcoast.qld.gov.au.