

FACT SHEET – Granny Flats, Secondary Dwellings & Dual Occupancy

What is a Dwelling House

A Dwelling House is defined as:

"a residential use of premises involving -

- (a) 1 dwelling and 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."*

What is a Secondary Dwelling?

A Secondary Dwelling is defined as:

"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 associate with, the household of the other dwelling"*

A Secondary Dwelling must be associated with and smaller than the Primary Dwelling House and is commonly known as a granny flat or relative's accommodation.

A Secondary Dwelling, by its nature, is a dwelling that :

- Must be on the same lot as a Dwelling House, being the primary dwelling;
- May be self-contained;
- Need not be used by the same household as the primary dwelling;
- Can be detached or attached to the primary dwelling; and
- Must be subordinate to and smaller in size than the primary dwelling.

Although it is self-contained, a Secondary Dwelling must be used in conjunction with the primary dwelling but can be separately leased.

However, a Secondary Dwelling cannot be separately titled or serviced. This means one service for bins, telecommunications, letterboxes and the dwellings cannot be sub-metered for water or electricity.

What is a Dual Occupancy?

A Dual Occupancy is defined as:

"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*

does not include a residential use of premises that involves a secondary dwelling"

Dual Occupancies allow for each dwelling to be leased, titled and serviced separately. This means separate bins, telecommunications, letterboxes etc. or each unit can be sub-metered for water and electricity.



Do I need to apply for a Planning Approval?

Development under the Balonne Shire Planning Scheme 2024 is categorised as accepted or assessable. Building a secondary dwelling (granny flat) or dual occupancy materially increases the intensity and scale of the use of the premises. Therefore, an application may be required. The table below identifies all zones in the Balonne Shire Planning Scheme, and the level of assessment associated with a Secondary Dwelling or Dual Occupancy.

Development categorised as 'Accepted' does not require lodgement of a planning application to Council and can proceed to obtaining relevant Building and Plumbing approvals.

Development categorised as 'Accepted (subject to requirements)' may require lodgement of a planning application to Council. If you are unsure of the requirements, please contact Council to discuss your proposal further before proceeding.

Development categorised as 'Code' or 'Impact' Assessable require lodgement of an application to Council.

Zone	Dwelling House (including a secondary dwelling)	Dual Occupancy
Centre Zone	Impact Assessable	Code Assessable - where on lots greater than 1,000m ²
General Residential Zone	Accepted (subject to requirements) - where not located in a flood hazard area	Code Assessable - where on lots greater than 1,000m ²
Industry Zone	Impact Assessable	Impact Assessable
Recreation and Open Space Zone	Impact Assessable	Impact Assessable
Rural Zone	Accepted - where not located in a flood hazard area and not exceeding 8.5m in height	Impact Assessable
Rural Residential Zone	Accepted (subject to requirements) - where not located in a flood hazard area	Impact Assessable
Township Zone	Accepted (subject to requirements) - where not located in a flood hazard area	Code Assessable - where on lots greater than 1,000m ²