



## USER GUIDE #9 - HOUSES

**This user guide provides information on how the Mackay Region Planning Scheme 2017 applies to houses, house extensions and granny flats. This user guide provides information on how this development is defined, whether an application or referral to Council is required and key planning scheme requirements.**

### MACKAY REGION PLANNING SCHEME 2017

The planning scheme is the primary instrument for managing development in our local government area.

#### The planning scheme:

- outlines a 20 year vision for the region
- identifies zones and overlays over land
- defines various forms of development
- determines the level of assessment for each type of development
- sets codes for the assessment of development

Upon coming into effect on 24 July 2017, the planning scheme replaced three previous planning schemes based on the former Mackay City, Sarina Shire and Mirani Shire local government areas.

### USE DEFINITION

Types of development are defined in Schedule 1 (SC1.1) of the planning scheme. Houses, house extensions and granny flats all come under the definition for "Dwelling House", which is:

*Dwelling house means a residential use of premises involving -*

- 1 dwelling for a single household and any domestic outbuildings associated with the dwelling; or*
- 1 dwelling for a single household, a secondary dwelling and any domestic outbuildings associated with either dwelling.*

*The following separately defined uses are not covered by the dwelling house definition:*

*caretaker's accommodation, dual occupancy, rooming accommodation, short term accommodation, multiple dwelling.*

Granny flats are 'secondary dwellings' and are further defined in Schedule 1 (SC1.2): *a dwelling, whether attached or detached, that is used in conjunction with, and subordinate to, a dwelling house on the same lot.*



In the planning scheme, the term 'outbuilding' is relevant to domestic sheds and other Class 10 structures. User Guide #10 covers domestic sheds.

## DO I NEED TO SUBMIT AN APPLICATION OR REFERRAL?

### ► Material change of use

Planning scheme zone/s and any overlay/s over your site determine whether a material change of use application to Council is required. The following levels of assessment apply to all works covered by the dwelling house definition (ie. house, shed, granny flat, extensions to these).

Dwelling houses are accepted development (material change of use application to Council not required) if the site is within one of the following zones and not affected by a relevant overlay:

- Low density residential zone
- Medium density residential zone
- High density residential zone
- Emerging community zone
- Township zone

Dwelling houses are accepted development subject to requirements (material change of use application to Council not required) if provisions in the Dwelling House Code are met and the site is in one of the following zones and not affected by a relevant overlay:

- Mixed use zone, Fringe commercial precinct (MX2) and not fronting Juliet St
- Neighbourhood centre zone
- Rural zone
- Rural residential zone
- Specialised centre zone, Tavern precinct (SC2)

A suitably competent and qualified professional (eg. building certifier, building designer, builder, town planner) can confirm whether your proposal is accepted or accepted subject to requirements and provide assistance with the necessary building works application.

Dwelling houses are code assessable (material change of use application to Council required, no public notification, code based assessment):

- if otherwise accepted subject to requirements but an acceptable outcome in the Dwelling house code has not been met (assessed against only the matters of non-compliance in this instance); or
- if otherwise accepted or accepted subject to requirements but affected by a relevant overlay:
  - Airport environs: within safety area, near navigation facility, subject to high noise levels or encroachment of operational airspace
  - Extractive resources and high impact activities: site larger than 5,000m<sup>2</sup> near a quarry or 'high impact activity'
  - Flood and coastal hazards: within hazard area and code provisions not met
  - Heritage and neighbourhood character: site includes/adjoins 'heritage place' or within 'neighbourhood character area' and for house extensions and secondary dwellings, relevant provisions are not met
  - Landslide hazard: within hazard area and code provisions not met
  - Regional infrastructure: on a substation site or in a high voltage power or railway corridor

Dwelling Houses are impact assessable (material change of use application to Council required, public notification, full assessment) if in any other zone not previously described. Dwelling houses are generally inconsistent with the intent of these zones.

### ► Building works

A building works application is required regardless of whether the works also trigger a material change of use application to Council. Building work is defined under the *Building Act 1975*. Building works applications are required for building, repairing, altering, underpinning, moving or demolishing dwelling houses, granny flats, outbuildings and most structures, unless specific works are made accepted development by a regulation.

The planning scheme does not regulate building works other than the matters listed in sections 1.6 and 1.7. The matters listed in these sections include designations of bushfire prone and flood hazard areas and alternative and varied provisions which replace the applicable provisions of the Queensland Development Code (QDC).

Licensed building certifiers are responsible for assessing building works applications. You may wish to contact a suitably competent and qualified professional to assist with building works related matters. Note that building certifiers generally work in private businesses, not at Council.

### ► Building Application Referral

Council is a referral agency for Building Works applications in some instances, including for applications that: do not comply with an acceptable solution of the QDC; or do not meet an alternative provision or varied provision; or are within a flood hazard area and a floor level is lower than that declared by Council. Council assesses the item/s of non-compliance on its merits and, as a concurrence agency, can impose conditions on the building works approval.

A suitably competent and qualified professional (eg. building certifier, building designer, builder, town planner) can assist with referrals. It should be noted that Council can provide a referral response prior to lodging your building works application.

## WHAT ARE THE KEY REQUIREMENTS?

If identified as accepted development under the planning scheme, no material change of use application is required and no planning scheme codes or provisions apply. As part of the building works application, however, relevant planning scheme provisions that are alternative and varied provisions to the QDC will apply.

If identified as accepted with requirements or code

assessable under the planning scheme, the following key requirements from the Dwelling house code apply:

#### ▪ building height

(roof apex to natural ground level):

- general - 2 storeys (8.5 metres)
- in flood hazard areas - 2 storeys (8.5 metres) + defined flood level
- in parts of Mackay Harbour and Sarina Beach - 3 storeys (11 metres)
- within the landslide hazard overlay - 10 meters

#### ▪ road frontage setbacks

- determined by zone and type of road
- lesser setbacks may apply to certain open carport, open veranda, minor structures and eaves overhanging garages (see Dwelling house code for details)

	Residential areas (urban)	Townships	Rural / rural res.
Arterial road	10m	10m	20m
Sub-arterial road	10m	10m	10m
Collector road	4.5m (house) 6m (garage)	6m	10m
Access street	4.5m (house) 6m (garage)	6m	10m
Corner lot (secondary frontage)	3m (house) 6m (garage)	3m (house) 6m (garage)	NA

#### ▪ side / rear setbacks

(apply rural and rural residential areas only):

- rural zone - sites of 1ha or more - 10m
- rural residential - sites 5,000m<sup>2</sup> or more:
  - ~ 10m from adjoining Rural zone sites
  - ~ 5m from adjoining sites within the Rural residential / other zones

#### ▪ habitable floor level

in flood hazard areas - the highest of:

- 300mm above the 1% AEP (annual likelihood) flood level or defined storm tide event
- RL 5.4m AHD (above sea level) in Mackay (see code for other areas)
- 225mm above natural ground level
- 300mm above kerb / crown of the road



- **site cover ratio**  
(proportion of site area under roof):
  - sites of 400m<sup>2</sup> or more - 50%
  - sites with an area between 250m<sup>2</sup> and 400m<sup>2</sup> - 60%
  - sites of 250m<sup>2</sup> or less - 75%
- **car parking:**
  - minimum 2 car spaces
  - maximum width of enclosed garage / carport - lesser of 7 metres or 50% of the frontage
- **secondary dwelling:**  
(applies to rural and rural residential areas only):
  - no more than 1 secondary dwelling
  - maximum size - 60m<sup>2</sup>
  - located max 20 m from the primary dwelling

Other requirements are set out in the relevant zone code, General development requirements code and any relevant overlay codes.

If the application is impact assessable, it will be assessed against the above-mentioned key requirements, the zone intent and other relevant provisions throughout the planning scheme. The circumstances of the site and proposal will also be taken into consideration.

Other detailed aspects (such as side / rear setbacks in residential areas, recreation space and screening) are regulated under building legislation and will be assessed as part of the building works application.

### FOR MORE INFORMATION:

This user guide provides an overview of planning scheme requirements and the development assessment process only. To view the planning scheme in full please visit Council's website -

[www.mackay.qld.gov.au/planningscheme](http://www.mackay.qld.gov.au/planningscheme)

### OTHER RELEVANT USER GUIDES:

#### General

- #1 Using the planning scheme
- #2 What is my zone and other planning scheme designations?
- #3 Do I need to lodge a development application?
- #5 Making a development application
- #6 The development assessment process
- #8 After a development approval is issued

#### Specific

- #10 Domestic shed
- #13 Home-based business
- #21 Flood hazard area requirements
- #22 Heritage and neighbourhood character requirements
- #23 Driveways and works in road reserves

The *Planning Act 2016*, *Planning Regulation 2017* and the *Development Assessment Rules* set out the requirements for the development assessment process.

#### Council provides general development advice:

- Online enquiries can be lodged via the [Planning advice online enquiries form](#)
- Phone enquiries can be lodged by calling 1300 MACKAY (1300 622 529)
- 15 minute counter appointments available Monday - Friday between 8.30am and 4.30pm. Please phone 1300 622 529 to schedule an appointment (minimum 24 hours notice)

You can also contact a building certifier, consultant town planner, building designer or other qualified professional who can provide assistance and, if necessary, prepare and lodge a development application on your behalf.

FOR MORE INFORMATION PHONE COUNCIL  
ON **1300 MACKAY** (1300 622 529)  
OR VISIT THE WEBSITE **MACKAY.QLD.GOV.AU**