



PLANNING SCHEME Information sheet

Dwelling Houses (Class 1a)

This information sheet provides a brief overview of the planning scheme requirements for dwelling houses. These are regulated by the Planning Scheme in some instances to achieve orderly development and provide a consistent level of amenity within neighbourhoods.

What is a dwelling house?

"A residential use of premises for one household that contains a single dwelling." The use includes out-buildings and works normally associated with a dwelling and may include a secondary dwelling.

'Dwelling' is an administrative term defined under the planning scheme as *"a building or part of a building used or capable of being used as a self-contained residence that must include the following:*

- (a) food preparation facilities;
- (b) a bath or shower;
- (c) a toilet and wash basin; and
- (d) clothes washing facilities."



What is the planning process for developing a dwelling house?

Irrespective of where a parcel of land is located or what zone the lot is allocated in the planning scheme, if a lot is vacant and a dwelling house is proposed to be constructed, this is defined under the Planning Act 2016 as a Material Change of Use (MCU).

The categories of development and assessment stated in the table below apply to a MCU for a dwelling house under the Livingstone Planning Scheme 2018 if the development:

- does not exceed the height limit specified in the tables of assessment located in Part 5 of the planning scheme for the applicable zone; and
- is located on a site that is not affected by a local plan; and
- is located on a site that is not affected by an overlay.

Zone	MCU Categories of Development and Assessment
Rural	Accepted subject to requirements
Rural residential	Accepted subject to requirements
Township	Accepted subject to requirements
Low density residential	Accepted
Low-medium density residential	Accepted
Medium density residential	Accepted

Zone	MCU Categories of Development and Assessment
Major tourism	Accepted subject to requirements
Other zones	In most instances, dwelling houses are not preferred uses in other zones, therefore an MCU for a dwelling house will likely require an impact assessable development application

Note:

- If the dwelling house exceeds the height limits for the zone of the site, then the development may trigger an impact assessable development application.
- If the dwelling house is affected by a local plan or overlay, then a higher category of assessment and development might apply and an application to Council for a development approval may be required.

The following table provides an outline of some of the categories of development and categories of assessment. Full details are contained in Part 5 of the new planning scheme.

Category of development	Category of assessment	Requirements
Prohibited Development	N/A	The development is prohibited.
Accepted Development Note: This category may still have assessment requirements.	N/A	A development permit is not required provided that the development complies with any specified requirements.
Assessable Development	Code assessable	A development permit is required.
	Impact assessable	A development permit is required. Public notification is mandatory.

Note: If a MCU development permit is required under the planning scheme, then building work and plumbing and drainage work cannot be undertaken until the necessary development permit has been obtained.

What information should a development application contain?

If your development requires a development application to Council, then the mandatory supporting information must be provided. This often includes:

- Owners consent (if the applicant is not the owner);
- Proposal plans (Site layout plan, Floor plan, Elevations plan etcetera);
- The relevant fee;
- Completed Development Application Forms; and
- A statement addressing the relevant assessment benchmarks in the Planning Scheme.

Are any other development permits required?

Depending on the specifics of the development, other development permits (approvals) may need to be obtained from Council or other government entities. For example:

- Plumbing and drainage;
- Operational work (e.g., earthwork, access); and
- Building works under the Building Code of Australia.



Disclaimer: The content of this information sheet is a summary and has been prepared to assist the reader to understand the Planning Scheme. This advice given does not bind or fetter the Council in any way in exercising its statutory responsibilities in assessing any development application which might be made to the Council. Please refer to the full Livingstone Planning Scheme 2018 document on Council's website for further detail.