

12 November 2024

Mr Christopher Aston
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Planning Group
Department of State Development, Infrastructure and Planning

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Dear Mr Aston

Consultation for a State Code for a Dwelling House that is a Secondary Dwelling

As the leading industry body for building and construction in Queensland, Master Builders represents 10,000 members across our industry. Our members deliver the homes, schools, hospitals and buildings that Queenslanders need. It is from this perspective that we see how the complexity and red tape surrounding the delivery of housing is contributing to the housing shortage.

Master Builders welcomes the draft State Code for secondary dwellings, as the first part of the 'Distinctly Queensland Design Series'. We welcome it as an opportunity to improve certainty, efficiency in housing delivery and to improve design outcomes for 'gentle density' housing.

Done well it will set a consistent, best practice standard, allowing more housing developments to access the 'Accepted Development' approval path, delivering significant cost and time efficiencies.

Towards this end, we provide the following feedback as part of the consultation.

Definition of a 'secondary dwelling'

We note that there is an undertaking in the consultation to review the definition of a secondary dwelling as being required to be 'used in conjunction with' the primary dwelling.

Master Builders supports this qualifier being removed as a means to support the greater use and therefore provision of secondary dwellings. Removing the requirements for the secondary dwelling to be used in conjunction with the primary dwelling will align the definition with the previous decision of Government to remove the requirement for the immediate family to occupy a second

dwelling. This serves as a strategy to assist with the housing crisis in allowing secondary dwellings to be permanently rented.

Head of power for the draft Code

It is proposed that the Secondary Dwelling Code will sit as a State Code. At the same time there is work underway for a Queensland Housing Code to sit under the Queensland Development Code. The two draft Codes, which are serving the same purpose for different building types, should be called up in the same way.

Where Codes are developed and agreed they must be mandatory. Dwellings built within the agreed envelope should be able to proceed without an expensive and time consuming approval process. Consistency in the basic siting requirements will also facilitate adoption of modern methods of construction, allowing secondary dwellings to be efficiently manufactured at scale. Local governments would continue to manage the size of lots and character and amenity concerns such as heritage, sensitive environment areas and density requirements through their planning schemes.

Code provisions

Gross floor area

Consideration should be given to raising the limit on the size of secondary dwellings on larger lots (1,000m² or greater). At 100m² it is overly restrictive on the provision of new housing.

In addition, a further tier for lots over 4,000m² allowing two secondary dwellings should also be considered. This would significantly increase flexibility for homeowners and developers, enabling more housing to be delivered. Where lots are serviced by onsite infrastructure (e.g. onsite septic systems and water tanks) the restriction of only one secondary dwelling per lot is unnecessarily limiting.

Separation

The requirement for the secondary dwelling to be located at least 2m from the primary dwelling where it is not attached to the primary dwelling is overly restrictive. Secondary dwellings are currently being approved within 1m of the primary dwelling. The Code should not include requirements that are more restrictive than current accepted practice.

The policy rationale provided is, in part, to meet the fire separation requirements in the National Construction Code. These requirements can be met by including a fire separation wall.

For lots exceeding 4,000m², the requirement that secondary dwellings be located within a 20m of the primary dwelling is unnecessary. Large lots typically have sufficient space to accommodate additional dwellings without compromising neighbourhood privacy or amenity, particularly where they are connected to separate on-site water, septic and power.

Dwelling Entry

“Accessible to the public” and “accessible to pedestrians” are two terms that must be defined. The term ‘accessible’ is used in other contexts to require precise gradients, path widths and surfaces that would be overly onerous if applied here.

The requirement will also create a barrier to the delivery of secondary dwellings. Landscaping is often not included in the initial build contract as a cost saving mechanism. This would no longer be possible as an ‘accessible’ access will need to be provided before the building could be certified for occupancy.

Similarly, the requirement for the “same address as the as the primary dwelling’ should not be included as this is not a planning issue but an Australia Post requirement.

Services

Where the secondary dwelling is not connected to the water supply of the primary dwelling, the requirement for an additional 30,000 litre tank for the secondary dwelling is unreasonable. Even under the scenario of the most extreme fire risk (BAL 40 or FZ) the requirement is only 10,000 to 20,000 litres.

A mandatory, statewide Secondary Dwelling Code is an opportunity to improve the supply and affordability of new housing by providing consistency, efficiency and clarity in building approvals. Thank you for the opportunity to feedback.

Please do not hesitate to contact me if there is any further detail that we can provide.

Regards,

Michael Hopkins
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