



STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE

Members present:

Mr CG Whiting MP—Chair
Mr JJ McDonald MP
Mr MJ Hart MP
Mr RI Katter MP
Mr JE Madden MP
Mr TJ Smith MP

Staff present:

Ms S Galbraith—Committee Secretary
Mr B Smith—Assistant Committee Secretary

PUBLIC BRIEFING—PLANNING (SECONDARY DWELLINGS) AMENDMENT REGULATION 2022 AND THE PLANNING (EMERGENCY HOUSING) AMENDMENT REGULATION 2022

TRANSCRIPT OF PROCEEDINGS

MONDAY, 7 NOVEMBER 2022

Brisbane

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The committee met at 10.19 am.

CHAIR: I declare open this public briefing for the Planning (Secondary Dwellings) Amendment Regulation 2022 and the Planning (Emergency Housing) Amendment Regulation 2022. My name is Chris Whiting. I am the member for Bancroft and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past, present and emerging. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples whose lands, winds and waters we all share. With me here today are: Mr Jim McDonald, the member for Lockyer and deputy chair; Mr Jim Madden, the member for Ipswich West; Mr Michael Hart, the member for Burleigh; Mr Tom Smith, the member for Bundaberg; and Mr Robbie Katter, the member for Traeger.

This briefing is a proceedings of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the briefing at the discretion of the committee. I remind committee members that departmental officers are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's directions at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Could we please turn our mobile phones off or switch them to silent mode.

I now welcome representatives from the Department of State Development, Infrastructure, Local Government and Planning who have been invited to brief the committee on the regulations.

ASTON, Mr Christopher, Acting State Planner and Deputy Director-General, Planning Group, Department of State Development, Infrastructure, Local Government and Planning

KENNY, Ms Rebecca, Director, Policy and Legislation, Planning Group, Department of State Development, Infrastructure, Local Government and Planning

CHAIR: I invite you to brief the committee after which committee members will have some questions for you.

Ms Kenny: Thank you for the opportunity to brief the committee on the Planning (Secondary Dwellings) Amendment Regulation 2022 and the Planning (Emergency Housing) Amendment Regulation 2022. In June 2021, the Queensland government released the Housing and Homelessness Action Plan 2021-25 to build on the outcomes of the Queensland Housing Strategy by increasing social and affordable homes across the state. The Department of State Development, Infrastructure, Local Government and Planning is responsible for action 3, 'Deliver social and affordable housing using state planning and economic development tools', with the support of the Department of Communities, Housing and Digital Economy. Action 3.4 of the HHAP commits the department to 'Review the planning framework's approach to regulating residential development'. It is under action 3.4 that the two amending regulations have been made. I will now discuss each amendment regulation in turn.

The Planning (Secondary Dwellings) Amendment Regulation amended the residential definitions of 'household', 'dual occupancy', 'multiple dwelling' and 'secondary dwelling' in the Planning Regulation 2017 to ensure that the planning framework does not regulate living arrangements and to provide for statewide consistency in the way a secondary dwelling may be occupied. Formerly, the Planning Regulation included an administrative definition of 'household' as one or more individuals who (a) live in a dwelling with the intent of living together on a long-term basis;

and (b) make common provision for food and other essentials for living. This definition of 'household' underpinned the use of definitions of 'dwelling house', 'dual occupancy' and 'multiple dwelling'. The definition of 'household' prevented secondary dwellings from being rented or occupied by people who were living independently, making their own provision for food or other essentials for living or not on a long-term basis compared to the occupants of the primary dwelling. The amendment regulation changed the definition of 'household' to, simply, one or more individuals who live together in a dwelling, removing those requirements. The amendment regulation did not change any requirements for obtaining approvals for a secondary dwelling nor did it remove any requirement to obtain other approvals such as approval for building work.

I now turn to the Planning (Emergency Housing) Amendment Regulation. This amendment regulation amended two key aspects of the planning framework, being to provide for emergency housing in response to an event without the need for planning approval and to provide an alternative assessment pathway for social and affordable housing. The amendment regulation provides for emergency housing to be delivered on a temporary basis where an event has occurred by preventing a local planning scheme from regulating emergency housing as a material change of use. 'Event' is defined under the Disaster Management Act 2003 and includes cyclones, floods and fires. The provisions do not have effect where any part of the premises is in a flood, bushfire or landslide hazard area to prevent relocated people from being vulnerable to further hazards while in temporary accommodation. Further, the emergency housing may only be provided by or on behalf of the state or a local government. The provisions do not specify whether the emergency housing is provided in new buildings or through the reuse of existing buildings. The provisions do not negate the requirement to obtain all other relevant approvals, including approval for building work.

Finally, I turn to the use of the infrastructure designation pathway for social and affordable housing. The amendment regulation amends the Planning Regulation to prescribe social or affordable housing delivered by a community housing provider or under a state funded program as infrastructure. This provides for social and affordable housing development to use the infrastructure designation process. It does not remove the ability to apply for a development approval through the regular development assessment process and this is the choice of the applicant to make.

Under the infrastructure designation process, either the minister or a local government designates premises for infrastructure. The infrastructure designation process offers the opportunity for social and affordable housing to be delivered in a quicker, less expensive way. Importantly, it also provides greater certainty of outcomes as there are no third party appeal rights afforded for submitters. Although there are no third party appeal rights, consultation is required for all projects, including engaging with the surrounding properties, local businesses and other key stakeholders. All submissions received are carefully considered as part of the decision-making process.

The Planning Act requires the designator to consider matters including the relevant planning instruments such as the local government planning scheme and state planning policy and all properly made submissions received during the consultation period. The assessment would consider the proposed land use and its associated impacts including traffic, car parking, stormwater, noise, ecology, amenity and built form. A designation may be subject to requirements that act in a similar way to conditions on a development approval to address matters such as amenity, noise, traffic and operating hours. Approval for building work remains a key requirement for any development authorised under an infrastructure designation process. I am now happy to take questions from the committee in relation to the two amendment regulations.

CHAIR: Thank you very much, Rebecca. Firstly, you said that, under the secondary dwellings regulation, essentially the change is to the definition of 'household'. That is the crux of the amendment. What are the practical implications of that? For example, how would that play out with a development application in council?

Ms Kenny: The definition of 'household' changes from one that refers to provision of food and long-term intent to live with the occupants of the primary dwelling. Changing the definition to people 'who live together' essentially means that a person who applies for a secondary dwelling through their local government and against the planning scheme, where it would be assessed, would be able to put forward the secondary dwelling with the intent of it being occupied by renters, foreign students or people who are not related to their primary household. It provides for smaller dwellings, because secondary dwellings are by their nature smaller than the primary dwelling. It provides for smaller dwellings to be available for renters looking for smaller or more affordable accommodation options.

CHAIR: Certainly all other aspects of planning apply. For example, if someone put in an application, it has to meet requirements for approval such as density, setbacks or access onto the road?

Ms Kenny: That is correct. The amendment that we have made to the Planning Regulation does not change the requirements in relation to siting and design for secondary dwellings. Those are still controlled by the local government's planning scheme.

CHAIR: You have said this is statewide. My first reaction would be to ask how this interfaces with the planning schemes and what has precedence. From what I am seeing here it is a regulation that works with those planning schemes. It obviously has statewide impact, but it dovetails into those existing schemes; do I have that right?

Ms Kenny: That is correct. The way the planning framework is structured, a change to the definitions is a change that must be reflected in a local government's planning scheme where the planning scheme was made under the current act or under the former Sustainable Planning Act. You are correct, the definitional change at a state level is intended to be reflected in local planning schemes which allows for the secondary dwelling to be occupied by persons unrelated to the primary dwellings, but it has not changed the local government's particular siting and design or density requirements for a secondary dwelling. Those remain current.

CHAIR: If someone puts forward an application for this and the new definition has not yet been reflected in the local planning scheme, that application would have to reflect that new definition. If local government has not had a meeting or resolution to adopt that new definition, it would still apply to that application. Have I got that right?

Ms Kenny: Yes. If there is any discrepancy between a local government's use of the definition and the Planning Regulation, the Planning Regulation prevails to the extent of any inconsistency. However, there are planning schemes where they have embedded the definitions from the Planning Regulation more deeply into their codes. When the amendment regulation was passed, a letter was sent to local governments encouraging them to review their planning schemes and to put forward minor amendments to make those schemes consistent if there was an inconsistency.

CHAIR: Just a final question on the second regulation, how long can people stay in that emergency housing that may be installed as a result of this regulation? Is there a time limit on how long they could inhabit the emergency accommodation?

Ms Kenny: We have not imposed a time limit specifically in the provisions that we have included in the regulation, but it is my understanding that under the building framework a temporary building has a life span of two years. Rather than relying on when the change of use happens, we are relying on when the buildings are on the ground to regulate the time period.

Mr McDONALD: That was a question I was going to ask you: about the definition of 'temporary'. I did not catch the first part of what you said. Once the emergency accommodation is built, it would be for a two-year period—only two years?

Ms Kenny: It is my understanding that the building framework considers a temporary building to be in place for two years. We have not prescribed a period in the Planning Act because the building itself can only be there for two years. During this period it is possible to apply for a planning approval to have the temporary accommodation in place for a longer period of time, but what the amendment regulation allows for is for that accommodation to be in place quicker and then over that period of time, if it needs to be there for longer, a use approval in the regular way can be made.

Mr McDONALD: I might stay on the emergency amendments for now and then come back to the secondary dwelling amendments. With regard to the emergency provisions, was there something that happened? I know there is the housing crisis that we are going through now, but was there an event or a disaster that happened that triggered the Deputy Premier to make the announcement in June 2021?

Mr SMITH: Any action of the Deputy Premier would be a question of policy.

Mr McDONALD: Was there a disaster or an event that happened for the emergency provisions to come into existence?

CHAIR: We have some problems with anticipating why the Deputy Premier may have done or not done something.

Mr SMITH: You can maybe ask about an event that was successful in terms of—

Mr McDONALD: Should we get the Deputy Premier in?

CHAIR: No.

Mr McDONALD: Maybe I can rephrase the question.

CHAIR: Yes.

Mr McDONALD: I understand the secondary dwelling amendments came about because of the housing crisis. The temporary and emergency accommodation, was that triggered by a disaster or was that also in regard to the housing shortage?

CHAIR: Are you asking if there was a disaster around that time?

Mr McDONALD: Is it part of the housing crisis and a solution for that or was it actually triggered by responses to the Disaster Management Act?

Mr SMITH: Point of order. First off, the wording that the member is using in terms of crisis, asking senior public servants to provide such a subjective response, would be inappropriate.

CHAIR: I agree. Deputy Chair, you would probably want to think a bit differently about what you are asking.

Mr MADDEN: Just ask about the bill.

Mr McDONALD: I am. Under the disaster management arrangements there are many events that occur that could trigger the need for accommodation. Did an event happen that triggered this need?

CHAIR: That is the same question. The first part of your question was fine.

Mr McDONALD: What was the reason for the amendment?

Mr MADDEN: That is a matter for the minister.

Mr HART: If we cannot get the Deputy Premier in here to ask him that question we will ask these people.

CHAIR: Order. You are definitely asking a policy question, that being: why did the government bring forward this particular amendment?

Mr HART: How do we get answers to policy questions? How does the committee get answers to policy questions?

CHAIR: Are you going to ask departmental staff here any questions about the actual regulations?

Mr McDONALD: I did not realise that what I was asking was a policy question. What was the reason the amendment for the emergency bill came about, can you assist?

Mr HART: Has there been a problem identified with a previous disaster that caused this issue? That is what the member for Lockyer is trying to ask.

CHAIR: Member for Lockyer and member for Burleigh, the answer you are seeking cannot be provided by the departmental staff in front of us. You are going to have to come up with another question.

Mr HART: Let us get the Deputy Premier in here to answer that question.

CHAIR: Or we can go straight to questions from members over here.

Mr McDONALD: I will move to a different question then. At the present time my community is struggling with accommodation because of the pandemic and while there was a lack of workers initially now there is a flood of workers and we do not have accommodation available for the backpackers who are starting to arrive. Will this be able to apply in that circumstance after consultation between local government and the state?

CHAIR: Would it be able to provide secondary dwellings?

Mr McDONALD: No, I am talking about emergency accommodation. I have just realised why you are being defensive. I am not asking about Wellcamp.

CHAIR: We are not being defensive; we are just not sure where you are going.

Mr McDONALD: It was nothing to do with asking about Wellcamp.

CHAIR: We are not sure where you are going with this. If you are talking about emergency housing we have the answer: it is flood, it is fire.

Mr McDONALD: And pandemic. Pandemic is a disaster under the Disaster Management Act.

CHAIR: There is a question you could ask: is a pandemic—

Mr McDONALD: I just did!

CHAIR: Are you not listening?

Mr HART: It is a protection racket.

Mr MADDEN: We have two public servants here ready to answer our questions. Just ask a question that you are allowed to ask.

Mr McDONALD: I honestly did. I just asked will emergency accommodation apply to a pandemic.

CHAIR: The question is does a pandemic trigger these regulations. Could someone provide an answer, if they can? If you cannot, that is fine.

Ms Kenny: Thank you for the question. I am happy to answer. Under the Disaster Management Act 2003, an event on which the planning regulation relies means any of the following: a cyclone, earthquake, flood, storm, storm tide, tornado, tsunami, volcanic eruption or other natural happening; an explosion or fire, a chemical, fuel or oil spill or a gas leak; an infestation, plague or epidemic, and there are three further limbs to the definition, but it may be natural or caused by human acts or omission.

Mr McDONALD: This may be an opportunity. When would this be put in place? By what time would this apply and would it apply to events or disasters that have happened or only future disasters?

Ms Kenny: As you know, the amendment regulation has gone through so that is live and able to be relied on at the moment. My understanding is that the local government or the state is able to determine whether an event as defined previously has occurred and that there are persons affected by the impact of an event and therefore the accommodation may be provided. It does not rely specifically on the declaration of an event under the Disaster Management Act.

Mr McDONALD: In relation to the secondary dwelling, were some planning schemes across the state able to have people in that secondary accommodation who were not related before this amendment? Had they already made those changes or was it all local governments across the state had to have a related party in that secondary dwelling?

Ms Kenny: As I had said before, the definitions in the Planning Regulation prevail over a local government's planning scheme. By definition, the occupants of a secondary dwelling did need to be sharing food or living on a long-term basis with the occupants of the primary dwelling prior to the amendment. We are aware that there are a number of local governments who sought ways through their planning schemes to come up with new definitions that were not in the Planning Regulation to be able to allow for the occupancy of smaller dwellings on the same site as the primary dwelling to be rented by external occupants. There is now better and improved statewide consistency through having a single definition or changing the definition to allow for that to happen.

Mr MADDEN: Thank you very much for coming in today. My questions are following on from the questions of the member for Lockyer. You listed those events or circumstances that would give rise to the regulation applying. Is it up to each local government to make that decision that one of those provisions apply or is it up to the landholder to make that decision? How is that triggered? I live in Ipswich. How is it triggered in Ipswich, just as an example, that the regulation applies?

Ms Kenny: The local government or the state government can determine that an event has affected persons. There is the ability for both the local government and the state government to have a view on that. As I have said, using the definition of 'event' does not require the declaration of a disaster under the Disaster Management Act so, in my view, it would be open to the local government to determine that an event had occurred in their local government area that necessitated the need for emergency accommodation to be provided.

Mr MADDEN: Using Ipswich as an example, assuming Ipswich City Council took the view the regulation should apply, I am wondering what happens next? Is it the case that we have one of those situations, somebody has some room in their backyard to build some accommodation, would they then lodge a development application to allow this regulation to apply and have somebody live in that dwelling who is not a member of the household? Is that how it works, or are we assuming there is already accommodation?

Ms Kenny: I am assuming your question is in regards to the emergency housing. The intent of the emergency housing is that it is a tool for local and state government to provide emergency temporary accommodation and not for the private individuals to do so. The land on which it occurs can be public or private. Perhaps the best way of thinking about it is if there was a park or a disused showgrounds or a large landholding that was used for another purpose that was not generally used for residential purposes, that might be the kind of venue that may be able to be used for emergency housing. It would be prudent for the local government to plan ahead of time to consider where those locations may be and to have those conversations with their communities before a disaster or an event occurs and to think about that longer term planning now that the provisions are in place.

Mr MADDEN: Given what you have just said, are we talking about buildings that are transportable that can be set up quickly? Is that what we are contemplating?

Ms Kenny: The regulation does not specify whether it is new buildings or the reuse of existing buildings. It is open to both.

Mr MADDEN: Following on from a question from my friend the member for Lockyer, this does not apply to a situation where there is a need for accommodation for workers? This only applies when there is an emergency under the definition you have provided?

Mr SMITH: That is impacted by—

Mr MADDEN: What I am getting at is where we need accommodation for workers in a particular situation in, say, farming areas where they are harvesting crops and they need accommodation, this regulation would not apply in that situation?

Ms Kenny: The regulation specifies that it is only available for persons affected by the impact of an event.

CHAIR: They have to already be there.

Ms Kenny: It is intended to be for people who reside in the area, although I can accept that the regulation does not specify or use the word 'reside'.

Mr HART: Is there anything in this regulation that retrospectively fixes any planning issues with Wellcamp?

CHAIR: For what? Wellcamp?

Mr HART: Yes, Wellcamp.

Mr MADDEN: You are assuming there is a problem with Wellcamp.

Mr HART: This is a question to them, not you.

CHAIR: Member for Burleigh, Wellcamp is not included in this whatsoever. I cannot see what use this question is.

Mr HART: It is a straightforward question, Chair.

CHAIR: Then we will get a straightforward answer, yes or no.

Mr HART: Then let them answer the question.

Mr Aston: Thank you for the question. No.

Mr HART: In the case of something like the Wellcamp facility, do changes to this regulation allow for these sorts of facilities to be built quicker as in are there any changes to the planning laws that allow this sort of facility to be built quicker than it was in the Wellcamp instance?

Mr SMITH: Point of order. Wellcamp is a quarantine facility designed for a two-week stay. It is not emergency housing or a secondary dwelling and, therefore, is not relevant to what we are discussing.

Mr HART: It is completely relevant and I will get to the next question.

CHAIR: I am dealing with a point of order here. We have heard your question, member for Burleigh, and we have heard the point of order. The point of order is about relevance. I agree with that. I cannot see how you are going to be successful in pursuing a line of questioning about Wellcamp. Do you have another question about Wellcamp that does not mention Wellcamp?

Mr McDONALD: Can I add something to that point of order?

CHAIR: Do you have another point of order?

Mr McDONALD: This adds some value to the member for Bundaberg's point of order, which is when you are responding to a pandemic you need, arguably, a quarantine facility to be able to—

CHAIR: Member for Lockyer, you are arguing the issue. You are not arguing the point of order.

Mr McDONALD:—affected by the—

CHAIR: I appreciate that. It is not about the point of order. The member for Bundaberg has a—

Mr HART: This is just a complete protection racket at the end of the day, using the committee system to shut down any form of debate.

CHAIR: Member for Burleigh, you are consistent in your inconsistencies about how you deal with these things. I am going to rule your question out of order and I am going to go to the member for Bundaberg.

Mr HART: Sorry, I have not finished asking the question, Chair.

CHAIR: No, I am going to the member for Bundaberg.

Mr SMITH: Thank you both for coming. Of course, we respect your independence in terms of your role.

Mr HART: This is a complete waste of time and I am leaving.

CHAIR: Member for Burleigh, you are to leave this hearing for one hour under standing order 253. I have warned him and if he comes back I will chuck him out.

Mr SMITH: Thank you both for coming in today. We do appreciate your time. At the recent Housing Summit the Premier made an announcement about a land audit that would be undertaken. Is that land audit coming under the Deputy Premier's department or through resources or through housing? Are you aware at all?

Mr McDONALD: Are you talking about the review of the state planning scheme?

Mr SMITH: There was going to be an audit across Queensland in terms of finding vacant land and so forth. Does that come under the Deputy Premier or is that still yet to be determined? If you are not sure, that is fine. I am happy to move on. It was leading into my next question in relation to secondary dwellings at the time the amendment was made. I was wondering whether or not there has been an audit of how many secondary dwellings there are currently throughout Queensland? Is there any intention by the department to try to track that data to understand how many secondary dwellings we have and potentially record them into the future as well?

Mr Aston: Given that secondary dwellings have been regulated by local governments, there is no database on how many there are. There is not an intention to work out how many there are. All we are trying to do is just remove a barrier in the planning framework for people to have housing affordability and a diversity of housing type.

Mr SMITH: Discussion always comes up—and this is not a policy of the government. I do often have people asking what is the difference between a secondary dwelling on a premises and a caravan extending beyond the provision that is allowed to be there now? Could you maybe talk through some of the concerns the department has in terms of the long-stay use of caravans as opposed to a secondary dwelling and how they do not quite apply and connect with each other?

Ms Kenny: We also are often asked about tiny houses, which are similar in some ways to caravans. A secondary dwelling is a building under the Building Act and is regulated as a building and needs to meet certain requirements for habitability. A tiny house or a caravan where it is on wheels is classified as a vehicle under the Transport Infrastructure Act and, therefore, is not subject to the building regulations. Because it is a vehicle, it does not fall under the planning framework for us to regulate in the same way as a secondary dwelling.

Mr SMITH: Potentially if a caravan stays on a property for a long time, it may not meet safety requirements and safety standards that otherwise would be in place for a building? Would that be correct?

Ms Kenny: Yes, because it is not regulated in the same way under the building framework it would not be required to meet the building framework standards.

Mr SMITH: In relation to emergency housing and talking about being able to override material change of use and so forth, is there any expectation of local government to set aside land or plan for a site for emergency housing? I know that recently housing has worked with the council at Gympie to do some good work around emergency housing and crisis accommodation. Is there any expectation on local government to put into their planning scheme parcels of land dedicated for future emergency housing?

Ms Kenny: There is no regulation that requires local government to forward plan for where emergency housing could be located. However, as I said earlier, it would be prudent for local governments to consider this as part of their forward program of planning and to engage with communities about suitable locations for emergency accommodation.

Mr SMITH: Excellent. Thank you both so much for coming in.

Mr KATTER: I had a couple of questions and I think one has been partly answered. It was around the provision of services and local governments putting pressure on sewerage and water, especially in small capacity towns, where you are approving these emergency dwellings. Does this legislation deal with that, or does that follow on from what the member for Bundaberg was just talking about: it is just emergency housing and it is dealt with in the local scheme; is that right?

Mr Aston: That is one of the reasons it is state and local government only: to provide for that where and how the emergency housing goes forward. That is how we have considered it.

Mr KATTER: The other thought that goes through my mind is that people have a different image of what emergency housing looks like in Brisbane compared to in Urandangi or Camooweal. For instance, Urandangi might have two or three houses but can have a hundred people living there. Years ago one of the health services, which was effectively under the government guidance, said, 'We need to knock the house down because it's not to standard,' and you would go, 'Crikey, it's better than living out in the paddock.' Do you see where I am coming from? What is an acceptable standard in a very remote community can be quite different to what is acceptable elsewhere. Is that dealt with in this amendment, that there are varying standards? Do you not buy into that at all; or you just have a definition that sits around emergency housing and it does not get prescriptive on the standard of accommodation or what that should look like?

Ms Kenny: In a planning sense, the object of prescribing the emergency accommodation provisions was in a sense for planning to remove itself as a barrier to emergency accommodation being delivered in a timely fashion when it is needed, but it does not take away the need to obtain building approval. The building approval still applies. Unfortunately, I am not an expert in the building approval to know whether there are different standards of service. We would be happy to take that on notice if you would like us to ask.

Mr KATTER: If I am bold enough to make a comment, can you keep that in mind because I think the building code has really missed the mark in a lot of those remote areas where accommodation is at a premium and is very difficult to procure. Standards get applied that—

CHAIR: That is a question about the building codes with different standards in regional areas?

Mr KATTER: Yes, very remote I would say.

CHAIR: We will take that as a question on notice. It is not a straightforward one. It might need a bit of work.

Mr McDONALD: I have a clarifying question. In regards to a second dwelling—and when you say second dwelling I think of a second house on a block of land which planning schemes can allow, but this is the granny flat situation. It is not just allowing a secondary dwelling; that still goes through a different process?

Mr Aston: Local governments vary in their assessment requirements. By definition, the secondary dwelling does need to be smaller in size. It is two dwellings on one lot; they are not separate lots. They generally share a driveway and a common area.

Mr McDONALD: A granny flat in my mind can be something attached to the primary residence that has some as-of-right construction—is that right—as opposed to having to go through a secondary dwelling process? If it is small enough, it can be just done; is that right?

CHAIR: If it is attached to the house by, say, a covered walkway it is an extension.

Mr McDONALD: Correct.

CHAIR: It is not a separate dwelling.

Mr McDONALD: It is an as-of-right; it is not a secondary dwelling, is it?

Mr Aston: Rebecca mentioned before we have not looked into changing how local governments make them assessable. Generally, the way that works through local planning schemes is that a lot of them are set up so you do not need to lodge an application if it is under a certain size.

Mr McDONALD: It is purely around removing the restriction on who can live there or those things?

Mr Aston: That is right.

Mr McDONALD: The background to that question is that in my community a house, a dwelling, can have up to five non-related persons living in it. Is that standard right across the state?

CHAIR: It is a difficult one.

Mr McDONALD: My understanding is it is five non-related persons in a dwelling. I am concerned that this might allow for five non-related persons to live in the second dwelling as well.

CHAIR: I have not heard of that numeric threshold. Do you need something clarified?

Mr McDONALD: Could you take that on notice perhaps?

CHAIR: What was the specific question about?

Mr McDONALD: In Lockyer the rule is about five non-related persons. If you have a family of 12, there are no problems. However, if you have people in a share house, then it is five non-related persons. You might have a couple or two couples and you can have a third person.

CHAIR: Is there a numeric threshold?

Mr McDONALD: Yes.

Mr SMITH: Under your council or under a state regulation?

CHAIR: It would have to be under state regulations.

Mr McDONALD: It may actually even activate fire regulations or something like that. I am concerned by the unintended consequences that allowing the second dwelling is going to result in somebody having 10 people living next door to them because there is the one house and the second dwelling.

CHAIR: I am wondering how we can frame that into a question. Certainly by amending that definition—the old one and the new one did not have numeric thresholds in it.

Mr SMITH: Maybe the member for Lockyer could write to the Deputy Premier. It might be easier to get the wording out via a letter to the Deputy Premier himself.

CHAIR: Maybe. Let's see if we can clarify.

Mr McDONALD: I think it is an important question for us to understand.

CHAIR: We could do that. I think we can clarify that here in terms of numeric thresholds. There has been none under the previous definition or this definition on a state policy level. Have I got that right?

Ms Kenny: Yes, that is correct. Is it possible that the member is discussing rooming accommodation definitions instead of residential definitions? We would be happy to take that clarification on notice.

CHAIR: We will take that clarification on numeric thresholds on notice, whether it is covered under the planning regulations or under rooming accommodation. Thank you. That concludes this briefing. Thank you to everyone who has contributed today. Thank you to Hansard and our secretariat. A transcript of these proceedings will be available on the committee's webpage in due course. In terms of questions on notice, we will get you the specifics. If we could have those responses by Monday, 21 November that would be appreciated. I declare this public briefing closed.

The committee adjourned at 11.03 am.