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Tasmanian Planning Commission
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**Submission - Draft Amendment 01-2026 of the State Planning Provisions
Secondary Residence**

Thank you for the opportunity to provide comment on the Draft Amendment referenced above.

Council previously provided comment to the State Planning Office on 16 April 2026 in response to consultation sought on the draft amendment in accordance with section 30D of the *Land Use Planning and Approvals Act 1993*.

Council has the following amended comments on the Draft Amendment:

Point 1 of the Draft Amendment consultation draft:

Regarding part (a), it is possible that some 90m² secondary residences may be larger than the original dwelling on the property. In those cases, there should be a provision that requires the larger of the two dwellings to be considered the primary residence. This helps to ensure the smaller dwelling remains "appurtenant" or "subordinate" to the larger dwelling, given that size is likely to be a component contributing to whether a dwelling is "appurtenant" or "subordinate".

More guidance is needed around part (b) and how this is to be measured. What components of a secondary residence make it "appurtenant" and "subordinate" to a single dwelling eg. siting, orientation, size or distance from the single dwelling? Case law generally considers "subordinate" to refer to a use that could not exist independently of another use. How could this be demonstrated for 90m² dwellings

which are large enough to include all components of a traditional home and therefore operate independently?

Furthermore, Council recommends that "parking" be removed from point (c) of the new definition. It is reasonable for a secondary residence to have its own parking (carport, garage or uncovered parking), particularly in rural locations and given the Tasmanian climate.

The Explanatory Document accompanying the Draft Amendment states that the intent of part (c) of the new definition is to ensure that a secondary residence remains appurtenant to the primary dwelling, with parking located within a reasonable proximity. However, the document also indicates in Part 4 that the requirements of the Parking and Sustainable Transport Code represent minimum standards, and that additional parking may be provided for a secondary residence if desired.

There appears to be an inconsistency between part (c) of the definition and the explanation provided in Part 4. In particular, the allowance for additional parking in Part 4 does not resolve the apparent restriction implied by part (c), which suggests that parking must be shared and consolidated in a single location directly servicing the primary dwelling. This creates the impression that separate parking spaces intended to directly service the secondary residence may not be permitted.

While this may not reflect the intended outcome, the current wording is ambiguous and may lead to misinterpretation. Accordingly, it is recommended that part (c) of the definition be revised to provide greater clarity.

Points 2-10 and 12-13 of the Draft Amendment consultation draft:

Council does not support any of these proposed changes to insert "secondary residence" separate to "single dwelling". Rather than provide clarification, this creates confusion as it seems to distinguish a secondary residence as a separate use to a single dwelling.

This is inconsistent with the method of referring to uses and use descriptions throughout the Scheme. As an example, the proposed change under points 2-10 and 12-13 is comparable to a Use Table qualification referring to "if for a single dwelling or outbuilding". This is a double up as outbuildings are a subset of "single dwellings".

The changes proposed in Point 5 are particularly unnecessary as a secondary residence is part of a single dwelling and therefore would not be separately restricted under section 71 of the Act. Listing the single dwelling and secondary residence separately here gives the impression that they would need to be listed separately in a Part 5 Agreement to both be restricted.

Point 11 of the Draft Amendment consultation draft:

Parking requirements should be included for secondary residences as 90m² is a substantial sized residence that would generate additional parking demand. A 90m² residence could theoretically accommodate 3 bedrooms. If this consisted of a couple with teenage children, there could be 3-4 vehicles attributed to those living in the secondary residence.

It is recognised that the requirements of the Parking and Sustainable Transport Code represent minimum standards, and that additional parking may be provided to support a secondary residence if desired. In practice, however, it is uncommon for developments to exceed the minimum number of parking spaces required under the planning scheme.

Insufficient on-site parking is already a concern within established residential areas, where multiple dwelling developments have contributed to increased on-street parking. This reflects a mismatch between the number of spaces required by the planning scheme and the actual parking demand.

The proposed Draft Amendment is likely to exacerbate this issue, as most secondary residences are expected to be developed within existing residential areas. Council regularly receives complaints from residents regarding limited on-street parking availability, as well as safety concerns associated with travelling along streets that are heavily lined with parked vehicles on both sides.

Other:

Additional private open space for secondary residences should be required. As mentioned above, a 90m² residence is of a substantial size and could theoretically house 6 persons. This creates additional demand for private open space. To avoid applying this requirement to all secondary residences, perhaps it can be applied where a secondary residence is >60m². It cannot be assumed that the private open space of the single dwelling can be shared with those living in the secondary residence as the persons may not be known to each other.

Further to the above, it is important to note that a 90m² secondary residence is likely to add to the operational requirements of Councils, including roads and rubbish. Therefore, Councils may need to consider reviewing rating structures for properties with a 90m² secondary residence.

There has been confusion regarding addressing standards for secondary residences that needs to be clarified. It has always been the intent of the Scheme that a secondary

residence forms part of, and is subservient to, a single dwelling. However, section 5.3.1 of the Addressing Standard *AS/NZS 4819:2011 Rural and urban addressing* requires that *"an address number shall be assigned to each separately owned or occupied area of land, and each separately owned or occupied building or part of a building..."*. This suggests that all secondary residences require a separate address which undermines the purpose of a secondary residence as subservient to the main dwelling. It also blurs the line between single dwelling with a secondary residence and multiple dwellings. It is recommended that the secondary residence definition includes the requirement that they are not separately addressed to the main dwelling on the property. Council is open to alternative options to resolve this issue.

Thank you for the opportunity to comment on draft Amendment 01-2026. Council welcomes the opportunity to be involved further in the progression of this Amendment.

You



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Chief Executive Officer