TASMANIAN PLANNING COMMISSION

Draft amendment 01-2026 to the State Planning Provisions - Secondary Residences

Report to the Minister under section 30M of the
Land Use Planning and Approvals Act 1993

20 October 2026

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1.0 Introduction

1.1 Background

In 2023, the State Government completed a review of the State Planning Provisions (SPPs) as part of a 5-year statutory review required under *Land Use Planning and Approvals Act 1993* (the Act). Among the outcomes of the review was action item AG1.5 relating to 'secondary residences', which sought to clarify how the definition operates in areas without reticulated water and sewer and for off-grid development proposals.

More recently, the State Government committed to amending the Tasmanian Planning Scheme (TPS) to increase the allowable size of secondary residences from 60m^2 to 90m^2 and to clarify elements of the secondary residence definition.

The explanatory document prepared by Building Tasmania's State Planning Office (SPO), submitted in support of draft amendment 01-2026, states that the amendment would support the *Tasmanian Housing Strategy 2023-2043* by enabling additional dwellings in established and well-serviced settlement areas, making more efficient use of existing infrastructure, and increasing housing supply.

On 1 June 2026, the Minister wrote to the Commission advising that he had approved draft amendment 01-2026 of the SPPs (draft amendment) for public exhibition under section 30G(3) of the Act and requested that the Commission commence formal assessment of the draft amendment.

Draft amendment 01-2026 of the SPPs proposes to make changes to provide greater flexibility for secondary residences (often referred to as ancillary dwellings or granny flats) by increasing the allowable gross floor area from 60m^2 to 90m^2. The draft amendment also proposes a variety of changes to clarify the requirements for secondary residences. Specifically, the draft amendment proposes to:

1. clarify the secondary residence definition and increase the allowable gross floor area for a secondary residence from 60m^2 to 90m^2
2. clarify several Use Tables for zones in the SPPs to specify that the status of a secondary residence is the same as a single dwelling
3. clarify that clause 30.4.1 in the Future Urban Zone applies to a secondary residence in addition to a single dwelling
4. clarify which standards in the Parking and Sustainable Transport Code apply to a secondary residence in addition to a single dwelling and that no dedicated parking space is required for a secondary residence, and
5. clarify which standards in the Natural Assets Code standards apply to a secondary residence in addition to a single dwelling.

On 3 August 2026, the Commission delegated assessment of the draft amendment to a Panel comprising John Ramsay and Claire Hynes.

The draft amendment was exhibited from 10 June to 22 July 2026. During the exhibition period, 17 representations were received.

Hearings were held on 16 and 17 September 2026. On 21 September 2026, the Commission wrote to the SPO seeking clarification regarding the intended policy outcomes of components of the draft amendment. The SPO provided a response to the directions notice on 24 September 2026 which included modifications to the

definition of secondary residences. The Commission received six response submissions from representors to the Commission's directions and SPO's further submission.

The fundamental matters to be addressed in the assessment of the draft amendment are whether the provisions in the draft amendment are adequate in achieving the policy intent in the SPPs, and whether the draft amendment provides a clear assessment pathway in the SPPs for future secondary residence applications.

1.2 Assessment Process

1.2.1 Legislative power

Part 3 of the Act provides for the making, amending and review of the SPPs. Under section 30G of the Act, the Minister must approve the draft amendment for public exhibition, providing the Minister is satisfied that the draft amendment meets the SPPs criteria under section 15.

1.2.2 Delegation

On 3 August 2026, the Commission delegated relevant powers and functions under the Act and the *Tasmanian Planning Commission Act 1997* to John Ramsay and Claire Hynes, jointly and severally, to assess the draft amendment, and report to the Minister with recommendations.

1.2.3 Public exhibition

The draft amendment was publicly exhibited from 10 June to 22 July 2026. A notice was published in The Mercury, The Examiner and The Advocate newspapers on 10 and 27 June 2026, inviting representations (written submissions) to the draft amendment. The Commission also wrote to planning authorities advising them of the public exhibition period.

A copy of the exhibited draft amendment can be found in Appendix 1.

17 representations were received during the exhibition period. A list of representors can be found in Appendix 2.

1.2.4 Hearings

The Commission held hearings into the representations at the Commission's office in Hobart on 16 and 17 September 2026.

1.2.5 Report to the Minister

Under section 30N of the Act, the Commission must provide a report to the Minister on its findings and recommendations on whether the draft amendment should be issued.

Section 30N(2) of the Act outlines the matters that should be contained in the Commission's report to the Minister, as follows:

> The report in relation to a draft amendment of the SPPs is to contain –

(a) a copy of the draft amendment of the SPPs in the form in which the draft was available for viewing by the public in accordance with section 30K(6)(a); and
(b) a summary of –
    (i) the representations, in relation to the draft amendment of the SPPs, that it has considered in accordance with section 30M(b) and (c); and
    (ii) the Commission's opinion as to the merit of those representations; and
(c) a summary of the information obtained at hearings, if any, in relation to the draft amendment of the SPPs; and
(d) the recommendations of the Commission in relation to the draft amendment of the SPPs; and
(e) a statement as to whether the Commission is satisfied that the draft amendment of the SPP meets the SPPs criteria.

2.0 Assessment of the draft instrument

2.1 Representations

The Commission received 17 representations, of which 10 were submitted by various councils across the State, 4 were from industry and community organisations / groups, and 3 were from individuals and private landholders.

Of the representations received:

- Five were supportive of the draft amendment noting it will provide greater housing flexibility and increase housing supply
- Four representations did not support the proposed draft amendment indicating that it would lead to poorer amenity outcomes, lacked appropriate supporting evidence, included inadequate provisions for car parking, and could lead to poor quality housing outcomes, and
- Eight representations were generally supportive of the amendment noting additional guidance is required to ensure consistent interpretation. These representations also proposed various drafting changes to the use tables, zone provisions, and parking requirements.

A summary of the key issues raised by representors relative to each part of the proposed amendment is provided below.

Housing supply, choice and accessibility

Representors supporting the draft amendment considered that increasing the maximum gross floor area from 60m² to 90m² would allow more functional and adaptable secondary residences. They submitted that this could increase housing supply and choice and make better use of existing residential land and infrastructure.

Benefits identified included accessible housing, ageing in place, multigenerational living, accommodation for carers and small families, and workforce accommodation in regional areas.

Other representors questioned the overall policy intent and whether the proposed increase was adequately justified. Some suggested that streamlined approval pathways or broader changes to residential development standards may be more effective.

Scale and relationship to the primary dwelling

Concerns were raised about whether a secondary residence of up to 90m² would remain subordinate to the primary dwelling, particularly where the primary dwelling is modest in size.

Representors also sought greater clarity about the meaning and application of *appurtenant* and *subordinate*. Some considered these terms subjective and likely to result in inconsistent interpretation. Suggestions included introducing objective criteria or providing guidance and examples.

Distinction from multiple dwellings

Some representors considered that the proposed increase could blur the distinction between a secondary residence and multiple dwelling development. They submitted that a secondary residence of up to 90m² could function as an independent dwelling without being subject to all the standards applying to multiple dwellings.

The matters identified included parking, private open space, landscaping, residential amenity, access and servicing. Concern was also raised that secondary residences could limit the future redevelopment of land suitable for infill or medium-density housing.

Other representors supported provisions clarifying that a secondary residence has the same use status as the associated single dwelling and cannot be separately subdivided.

Residential amenity and site development

Representors raised potential adverse impacts on residential amenity and site development, particularly on smaller or constrained urban lots. This included privacy, overlooking, overshadowing, reduced private open space, increased site coverage, loss of landscaping and tree cover, increased stormwater runoff, and effects on neighbourhood character.

Some representors considered that existing development standards would adequately manage these effects. Others considered that the suitability of a 90 m² secondary residence should depend on the lot size, site coverage, landscaped area and surrounding development context.

Parking and access

Views differed on the proposed parking arrangements.

Some representors supported not requiring an additional parking space, as a mandatory requirement could increase development costs and constrain the provision of secondary residences.

Others considered that a larger secondary residence could accommodate more occupants and increase demand for on-street parking. Concerns were also raised about shared driveways, pedestrian safety, and access for emergency and service vehicles.

Servicing and infrastructure

Representors raised matters relating to water supply, sewerage, on-site wastewater disposal, stormwater, electricity, waste collection and utility meter connections.

Greater clarity was sought about the services that must be shared between the primary and secondary residences and whether separate metering or submetering would be permitted. Concerns were also raised about servicing unsewered land and the cumulative effect of additional residential occupancy on existing infrastructure.

Application across zones and locations

Some representors questioned whether a uniform maximum floor area would be appropriate across all zones, lot sizes and development contexts. Matters raised included development on small urban lots, servicing constraints in rural areas, the protection of agricultural land and the operation of site coverage controls.

Other representors considered that larger secondary residences could assist in meeting housing and workforce accommodation needs in regional areas.

Visitor accommodation, ownership and subdivision

Concerns were raised that larger secondary residences could be used for visitor accommodation rather than long-term housing.

Representors also identified the potential for future pressure to allow separate subdivision, ownership or use. Related matters included tenancy arrangements, finance, consumer protection and estate planning. Although some of these matters extend beyond the scope of the draft amendment, they were identified as relevant to its practical operation and implementation.

Drafting and interpretation

Representors raised drafting and interpretation issues concerning:

- the meaning of *appurtenant* and *subordinate*
- the relationship between a dwelling, single dwelling, primary residence and secondary residence
- the distinction between a secondary residence and self-contained accommodation within a single dwelling
- the use of *lot* and *site*
- the calculation of gross floor area
- the treatment of secondary residences in zone use tables
- consequential effects on specific area plans and other local provisions; and
- the extent to which services must be shared.

Some representors considered that separately identifying secondary residences in zone use tables could imply that they may be established independently of a primary dwelling. It was suggested that treating a secondary residence as part of a single dwelling may provide a clearer approach.

Guidance, monitoring and related reforms

Representors sought guidance to support consistent interpretation and application of the amended provisions. Suggested topics included the relationship between the primary and secondary residences, accessible design, parking and access, servicing arrangements, rural development, approval pathways and the distinction from multiple dwellings.

Monitoring and review were also suggested to identify the draft amendment's effect on housing supply, occupancy, accessibility, parking, infrastructure, visitor accommodation and development outcomes.

Some representors submitted that the draft amendment should be coordinated with broader work on medium-density housing, residential development standards and strategic infill.

Summary of issues raised

In summary, the representations identified potential benefits from allowing larger secondary residences, particularly for housing choice, accessibility and adaptable living arrangements. The principal issues concerned whether the proposed increase is justified, whether a secondary residence of up to 90m² would remain subordinate to the primary dwelling, and whether the provisions adequately distinguish secondary residences from multiple dwellings.

Representors also raised matters concerning residential amenity, parking, access, servicing, infrastructure capacity, application across different development contexts, and the clarity and consistent implementation of the proposed provisions.

2.2 Hearing

A hearing was held over two days in September 2026, and the following parties were in attendance:

On 16 September 2026 -

- Nell Nettlefold, State Planning Office
- Claire Wolf, State Planning Office
- Danielle Gray, Gray Planning
- Ken Thomason
- Benjamin Price, Housing Industry Association
- Sam Heckel, Housing Industry Association
- Jan Davis, Council of the Ageing Tasmania
- Brigid Wilkinson, Council of the Ageing Tasmania

On 17 September 2026 -

- Nell Nettlefold, State Planning Office
- Claire Wolf, State Planning Office
- Jennifer Welch, Planning Institute of Australia
- Mick Purves, Planning Institute of Australia

- Lyndal Byrne, Glenorchy City Council
- Liam Wallace, Glenorchy City Council
- Amanda Beyer, Sorell Council
- Brenton Josey, Meander Valley Council
- Vanessa Tomlin, Clarence City Council
- Krstyna Ennis, West Tamar Council
- Tiffany Heys, West Tamar Council

A further submission was read by the Chair at the hearing, which was prepared by representor Selena Dixon who was unable to attend the hearing.

Submissions were made from all parties in attendance. The hearing discussion included the operation of the draft amendment, the merit of the representations, and the policy intent of the draft amendment.

Following the hearing, the Commission issued a directions notice to the SPO requesting further clarification regarding key matters raised in the hearing. The Commission requested the following:

1. In light of matters raised at the hearing, is it the policy intention that the draft amendment should operate to preclude the conversion of a primary residence and secondary residence to strata title? If so, does the current definition achieve this? If not, should additional words be considered? If so, the Commission would be assisted with the provision of any additional words.
2. Should subparagraph (c) of the proposed ‘secondary residence’ definition be amended to include the specific requirement that ‘private open space’ should be shared with the single dwelling?
3. At the hearing, there was a general consensus expressed by representors that the use of the word ‘subordinate’ in the definition of secondary residence was open to different interpretations which resulted in it not achieving the objective of clarifying the relationship between the primary and secondary residence. Will the definition operate effectively if the word ‘subordinate’ is removed? If so, would a definition of ‘appurtenant’ assist in achieving the policy intent if ‘subordinate’ was removed?
4. At the hearing, it was suggested that a definition for ‘appurtenant’ should be added to the draft amendment, and for this term to be defined as ‘attached to, near to, in proximity or within the curtilage’. Do the SPO support this suggestion? If so, should it be a general definition in the SPPs or a definition for the purposes of this draft amendment only?

On 24 September 2026, the SPO provided a response to the Commission’s direction, and further submitted that draft amendment 01-2026 be modified to amend the definition of secondary residence, as follows:

Terms	Definition
Secondary residence	means an additional self-contained residence that is located on the same lot as a single dwelling that: a) has a gross floor area not more than 90m^2; b) is appurtenant to, and: (i) is not separated by a strata scheme to allow separate ownership independent of the single dwelling; (ii) can be located within, attached to or separated from, a single dwelling; and (iii) if separated from the single dwelling, is within or adjoins the development area of the single dwelling; c) shares the vehicular access and driveway with the single dwelling; d) if the single dwelling is connected to reticulated sewerage system or a water, gas or electricity meter, shares those service connections and meters with the single dwelling; and e) may share laundry facilities, car parking and private open space with the single dwelling.

The Commission received six response submissions from representors to the Commission's directions and SPO's further submission. The following matters were raised:

- gross floor area
- definition of appurtenant and subordinate
- strata titling
- limiting number of secondary residences to one
- servicing and parking requirements
- residential amenity and density

2.3 Commission findings

The Commission has considered the exhibited draft amendment, the representations, the SPO submission material, the evidence provided at the hearing, the SPO's response to the Commission's direction dated 21 September 2026, and the further submissions from representors received in response to this submission and the Commission's direction.

The Commission's findings on the principal issues are set out below.

Increase in maximum gross floor area

The exhibited draft amendment proposes to increase the maximum gross floor area of a secondary residence from 60m² to 90m².

The Commission accepts that increasing the maximum gross floor area would allow secondary residences to provide more functional and adaptable accommodation. A larger floor area would better accommodate a second bedroom, accessible design, circulation space, storage and changing household needs. It may support ageing in place, multigenerational living, accommodation for carers and people with disability, and workforce housing in regional areas.

The Commission acknowledges that increasing the maximum floor area would not, by itself, ensure that secondary residences are affordable or available for long-term housing. Those outcomes will also depend on construction costs, landowner decisions, tenure and other regulatory requirements. However, the existing 60m² limit may constrain the range of households that can reasonably be accommodated.

The proposed 90m² is a maximum. It does not create an entitlement to develop a secondary residence to that size. Development would remain subject to the applicable development standards and codes, including requirements concerning setbacks, building envelope, site coverage, access, hazards and infrastructure.

The Commission finds that increasing the maximum gross floor area from 60m² to 90m² is acceptable.

Relationship with the single dwelling

A central issue raised in the representations was whether a secondary residence of up to 90m² would remain appropriately related to the single dwelling.

The existing and exhibited definitions use the terms *appurtenant* and *subordinate* to describe that relationship. Representors expressed differing views on whether those terms provide sufficient certainty.

The SPO submits that *subordinate* does not serve a specific planning purpose and introduces ambiguity. It notes that two residences may be similar in size without creating an adverse planning effect, provided the development satisfies the standards controlling scale, bulk and siting. It therefore proposes removing *subordinate* from the definition.

The Commission accepts that *subordinate* is capable of different interpretations. It might refer to comparative floor area, building height, visual prominence, function or the relationship between occupants. It does not provide an objective basis for determining whether a proposal is a secondary residence. Its retention would be particularly problematic where the original dwelling is less than, or similar in size to, the proposed secondary residence.

The relevant planning effects of scale, bulk and siting are more appropriately managed through the applicable development standards. The legal and functional relationship between the residences can be established more directly through the definition and the restrictions on separate ownership.

The Commission finds that *subordinate* should be removed from the definition of *secondary residence*.

Meaning of appurtenant

The Commission accepts that the relationship between a secondary residence and the single dwelling must be clear. A secondary residence should not be capable of being established independently of a single dwelling.

The SPO proposes to retain *appurtenant* and clarify its operation within the definition of *secondary residence*, rather than introducing a separate general definition. It proposes that the definition identify that a secondary residence may be located within, attached to or separated from the single dwelling and, if separated, must be within or adjoin the development area of the single dwelling.

The Commission agrees that clarification within the definition is preferable to introducing a general definition of *appurtenant*. The term may have broader application elsewhere and its meaning should not be altered unnecessarily.

The proposed locational requirement would help establish a physical relationship between a separated secondary residence and the single dwelling. It would also reduce the prospect of a secondary residence being located remotely from the single dwelling on a large lot.

Some representors questioned how the requirement would operate on constrained land, including rural land and land affected by hazards. The Commission acknowledges that the defined development area may include yards, outbuildings, parking, driveways, landscaping and wastewater disposal areas. Its extent may therefore vary considerably between properties.

The relevant objective is that a separated secondary residence forms part of the same identifiable development area as the single dwelling. A requirement that it be within or adjoin that area provides a reasonable connection without prescribing an arbitrary separation distance.

The Commission finds that the definition should clarify the meaning of *appurtenant* by stating the permitted physical relationship between the secondary residence and the single dwelling and accordingly agrees with the proposed modifications in relation to this matter submitted by SPO.

Number of secondary residences

A representor submitted that the definition should expressly limit development to one secondary residence for each single dwelling.

The term *a secondary residence*, read in the context of its association with *a single dwelling*, indicates a singular relationship. However, the Commission considers that the intended limitation should not depend solely on the use of the indefinite article.

Allowing more than one secondary residence associated with a single dwelling would be inconsistent with the purpose of the use and would further blur the distinction between a secondary residence and multiple dwellings.

The Commission finds that the provisions should make clear that no more than one secondary residence may be associated with a single dwelling.

Distinction from multiple dwellings

Several representors submitted that a secondary residence of up to 90m² could function in the same way as a dwelling within a multiple dwelling development, without being subject to equivalent requirements.

The Commission accepts that the proposed increase reduces the physical distinction between some secondary residences and dwellings within multiple dwelling developments. In both cases, the accommodation may be self-contained and independently occupied.

The distinction does not, however, depend only on floor area or occupancy. A secondary residence forms part of the use and development of a single dwelling. It is linked to that dwelling through its location, access, services and restriction on separate ownership. Multiple dwellings are separate dwellings on a site and may be capable of separate ownership.

The Commission accepts that secondary residences are not subject to every standard applying to multiple dwellings. This reflects the intended relationship between the secondary residence and the single dwelling. The proposal must nevertheless satisfy the development standards and codes applying to the site.

The Commission does not consider that the increased floor area, by itself, converts a secondary residence into multiple dwelling development. However, the definition must clearly preserve its association with the single dwelling and prevent it from becoming an independently owned dwelling without further planning assessment.

Subject to those matters being addressed, the Commission finds that the draft amendment sufficiently distinguishes a secondary residence from multiple dwellings.

Strata title and separate ownership

The Commission sought further submissions on whether the draft amendment should expressly prevent the single dwelling and secondary residence from being separated through a strata scheme.

The SPO confirms that the policy intention is for a secondary residence to remain part of the single dwelling and not be separated for independent ownership. It submits that a proposal to convert the residences to multiple dwellings would first need to satisfy the relevant planning scheme requirements before an application for strata division could be considered. It nevertheless accepts that this intention should be stated expressly in the definition.

The SPO further proposes a requirement that the secondary residence is not separated by a strata scheme to allow separate ownership independent of the single dwelling.

The Commission accepts that strata titling is not regulated solely through the planning scheme. However, an express restriction in the definition is relevant to the continued classification of the development as a secondary residence. It would make clear that a building separated for independent ownership would no longer satisfy that definition.

The restriction does not prevent an owner from applying to change the development to multiple dwellings. Any such proposal would need to be assessed against the provisions applying at that time.

The Commission finds that the definition should expressly prevent separate ownership of the secondary residence through a strata scheme.

Residential amenity and development standards

Representors raised concerns about privacy, overlooking, overshadowing, private open space, landscaping, tree cover, site coverage, stormwater runoff and neighbourhood character.

The Commission accepts that a larger secondary residence may increase the intensity of development on a site. The potential effects will depend on the size and configuration of the lot, the existing development and the location and design of the secondary residence.

The draft amendment does not displace the development standards and codes otherwise applying to the land. Requirements concerning building envelope, setbacks, frontage, site coverage, private open space, landscaping, hazards, stormwater and other relevant matters would continue to apply.

A maximum floor area of 90m² does not mean that a secondary residence of that size could be developed on every lot. On smaller or constrained sites, the applicable standards may limit the achievable floor area or require assessment against a performance criterion.

The Commission does not consider that a separate floor area limit should be established according to lot size or zone. Such an approach would add complexity and duplicate matters already addressed through the applicable development standards.

The Commission finds that the concerns about amenity and site development are relevant but do not warrant retaining the existing 60m² limit or introducing separate limits for different zones.

Private open space

The Commission sought further submissions on whether the definition should require private open space to be shared with the single dwelling.

The SPO confirms that the policy intention is that a secondary residence is not required to provide separate private open space. It proposes that private open space *may* be shared, rather than requiring it to be shared. This would allow a secondary residence to have its own private open space where the site permits.

The Commission accepts that requiring shared private open space in every case could produce impractical outcomes, particularly on larger lots. It could also prevent a design from providing a separate outdoor area for each residence where this would improve amenity.

Conversely, requiring a separate area of private open space for every secondary residence would reduce the distinction between secondary residences and multiple dwellings and could unnecessarily constrain development.

The applicable site coverage and private open space standards will continue to regulate the overall development of the site. A secondary residence may use the private open space associated with the single dwelling or have access to a separate area where this can be accommodated.

The Commission finds that the definition should provide that private open space *may* be shared with the single dwelling. It should not require either shared or separate private open space.

Parking and access

Representors expressed differing views on whether a secondary residence should be required to provide an additional parking space.

The exhibited amendment proposes no car or bicycle parking requirement for a secondary residence. The SPO subsequently proposed that parking may be shared with the single dwelling or separately provided where the site allows. It submits that requiring shared parking could produce inappropriate outcomes on larger or non-urban lots.

The Commission accepts that a larger secondary residence may accommodate more occupants and generate additional parking demand. However, gross floor area is not a reliable measure of vehicle ownership. A mandatory additional parking space could constrain secondary residences on otherwise suitable sites, increase development costs and increase impervious surfaces.

The Commission also accepts that requiring parking to be shared in every case could produce impractical outcomes, particularly on larger lots and in rural areas. Where a site can accommodate separate parking without affecting access or amenity, there is no clear planning reason to prevent it.

The absence of a separate parking requirement does not prevent parking from being provided. Nor does it displace requirements applying to the access, layout and safety of parking and vehicle circulation areas.

A representor questioned the reference to *studio dwelling* in Table C2.1 of the Parking and Sustainable Transport Code. This is an existing term in the table and is not a consequence of the draft amendment. The Commission does not consider it necessary to address that matter through this amendment.

The Commission finds that:

- no separate car or bicycle parking requirement should apply to a secondary residence
- parking may be shared with the single dwelling or provided separately; and
- access to the secondary residence should remain associated with the access serving the single dwelling.

The proposed drafting should make clear that shared access does not require all parking spaces or internal vehicle circulation areas to be shared.

Services and infrastructure

Representors raised concerns about water, sewerage, on-site wastewater disposal, stormwater, electricity, waste collection and the capacity of existing infrastructure.

The Commission accepts that a secondary residence creates additional demand for services. This is already the case under the existing provisions and is not a consequence solely of increasing the maximum gross floor area. The proposed increase may affect the scale of demand, but infrastructure capacity and servicing requirements will continue to be considered under the applicable planning, building, plumbing and service-provider requirements.

The relevant consideration is whether the servicing arrangements maintain the functional relationship between the secondary residence and the single dwelling.

Separate metering or submetering for the allocation of costs does not, by itself, create a separate planning use or ownership interest.

The Commission finds that the definition should not prescribe the technical manner in which each service is connected. It should allow services or infrastructure to be shared where appropriate, while leaving detailed servicing requirements to the provisions and regulatory requirements that apply to the site.

Application across zones and locations

Representors questioned whether a maximum gross floor area of 90m² is appropriate across all zones, lot sizes and development contexts.

The Commission accepts that the effect of a secondary residence will vary between small urban lots, larger residential properties and rural or agricultural land. Development on rural land may also be affected by agricultural use, natural hazards, on-site wastewater requirements and infrastructure constraints.

However, the maximum gross floor area operates together with the use and development standards applying in each zone. It does not remove requirements concerning site coverage, setbacks, agricultural land, wastewater management, hazards, access or infrastructure.

The 90m² limit is an upper limit and does not establish that development to that size is appropriate on every site. The achievable floor area will depend on the applicable provisions and the characteristics of the land.

The Commission finds that different maximum floor areas are not required for individual zones or lot sizes. Location specific effects should continue to be managed through the standards and codes applying to the land.

Location of a secondary residence

The SPO proposes that a secondary residence separated from the single dwelling must be within or adjoin the development area of the single dwelling.

The Commission accepts the purpose of this requirement. On a large lot, a secondary residence located remotely from the single dwelling may function as a separate dwelling and may create a separate development area, with additional effects on access, services, agricultural land or natural hazards.

Representors questioned whether the proposed test would be sufficiently clear and whether it could constrain development where the existing development area is affected by hazards or other physical limitations.

The Commission considers that a separated secondary residence should be physically associated with the established development area of the single dwelling. However, the requirement should not prevent a reasonable siting response where the existing development area is constrained or where adjoining land provides a safer or more appropriate location.

The phrase *within or adjoining the development area of the single dwelling* provides sufficient flexibility for this purpose. A proposal would still need to satisfy the applicable provisions concerning hazards, agricultural land, access and servicing.

The Commission finds that the proposed locational requirement should be included in the definition.

Visitor accommodation

Some representors raised concerns that larger secondary residences may be used for visitor accommodation rather than long-term housing.

The Commission accepts that the amendment cannot ensure that a secondary residence remains available for long-term residential occupation. However, the potential for a dwelling to be used for visitor accommodation is not confined to secondary residences.

A change from residential use to visitor accommodation is governed by the provisions applying to that use. The amendment does not change those provisions or confer an entitlement to use a secondary residence for visitor accommodation.

The Commission finds that the potential for visitor accommodation use does not provide a basis for retaining the existing 60m² limit or modifying the definition of *secondary residence*.

Gross floor area

Representors sought clarification about the calculation of gross floor area, including whether it includes garages, carports, decks and verandahs. Additionally, it was suggested that the definition for gross floor area should be amended, with the calculation being measured from the internal walls rather than the external.

Gross floor area is already defined in the SPPs. The Commission does not consider that a separate method of calculation should be introduced for secondary residences.

Introducing a separate calculation for secondary residences could create inconsistency with the use of gross floor area elsewhere in the SPPs.

The Commission finds that no amendment to the definition of *gross floor area* is required.

Use classification and zone use tables

The exhibited amendment proposes changes to zone use tables to clarify the use status of a secondary residence.

Some representors submitted that separately referring to a secondary residence in a use table could imply that it is a use capable of being established independently of a single dwelling. They suggested that a secondary residence should instead be treated as part of the use of a single dwelling.

The Commission agrees that a secondary residence is not intended to be an independent use. Its planning status depends on its association with a single dwelling. The drafting should not imply otherwise.

However, an express reference in a use table may be necessary to remove uncertainty about the use status of a secondary residence in zones where a single dwelling has a particular status or is subject to qualifications. Such a reference does not establish an independent use if the definition clearly requires the secondary residence to be appurtenant to a single dwelling.

The Commission finds that the proposed use table amendments should proceed, provided the drafting consistently describes a secondary residence as associated with a single dwelling and does not suggest that it may be established independently.

Potential impacts on local provisions

Representors raised concerns about the interaction between the proposed amendments to use tables and specific area plans (SAPs) or other local provisions in Local Provision Schedules (LPSs) that contain separate use tables or locally defined requirements.

The Commission accepts that amendments to the SPPs may have consequential effects on local provisions. However, the potential for such effects does not preclude amendments being made.

A secondary residence would remain subject to any applicable local provision according to its terms and the statutory relationship between the SPPs and the relevant LPS. Any inconsistency, unintended exclusion or other consequence for a local provision may be addressed through the applicable statutory amendment process under the Act.

Future Urban Zone

The exhibited amendment includes a consequential change to the Future Urban Zone development standards.

The purpose of the change is to ensure that the treatment of a secondary residence in that zone is consistent with its treatment elsewhere under the amended provisions.

No evidence before the Commission establishes that the proposed change would produce an inappropriate planning outcome. Development in the Future Urban Zone would remain subject to the applicable use and development standards and any relevant structure planning or sequencing requirements.

The Commission finds that the proposed amendment to the Future Urban Zone should proceed.

Natural Assets Code

The exhibited amendment proposes changes to the Natural Assets Code concerning the application of the priority vegetation area provisions to a secondary residence.

The Commission considers that a secondary residence remains residential development associated with a single dwelling. The proposed consequential amendments would align the treatment of secondary residences with the policy approach applying to the associated single dwelling.

The amendment would not remove the application of other relevant requirements of the Natural Assets Code or other codes applying to the land.

The Commission finds that the proposed amendments to the Natural Assets Code should proceed.

Building and other regulatory matters

Representors raised matters concerning building classification, plumbing requirements, tenancy, finance, consumer protection, estate planning and arrangements between occupants.

These matters may affect the cost, use and practical uptake of secondary residences. However, they are not primarily regulated through the State Planning Provisions.

The Commission's assessment is limited to whether the draft amendment provides an appropriate planning framework. It cannot resolve matters arising under separate building, strata, tenancy or financial legislation through the definition of *secondary residence*.

The Commission finds that these matters do not require modification of the draft amendment.

Guidance and monitoring

Representors suggested that guidance should be prepared on matters including accessible design, the physical relationship between the residences, parking, access, services, rural development and the distinction from multiple dwellings.

The Commission agrees that guidance may assist planning authorities, applicants and the community. In particular, worked examples could explain:

- when a separated secondary residence is within or adjoining the development area of a single dwelling
- how parking, access and private open space may be shared or separately provided
- the operation of the restriction on separate ownership
- the application of gross floor area
- servicing arrangements on reticulated and unsewered land; and
- the distinction between a secondary residence and multiple dwellings.

However, guidance cannot replace clear statutory drafting. Matters central to the definition and legal operation of a secondary residence must be expressed in the SPPs.

The Commission also considers that monitoring would assist in determining whether the amendment is achieving its intended housing outcomes and whether it is producing unintended effects. Relevant matters may include uptake, location, dwelling size, parking, use for visitor accommodation and applications to convert secondary residences to multiple dwellings.

The Commission finds that guidance and monitoring are desirable implementation measures but are not prerequisites to the draft amendment being made. The Commission notes that other jurisdictions have published guidance material to assist applicants, planning authorities and the community in understanding the operation of provisions relating to secondary residences. An example is the Victorian Government's guidance on small second dwellings[1].

Overall findings

The Commission finds that increasing the maximum gross floor area of a secondary residence from 60m² to 90m² would provide greater flexibility for accessible, adaptable and multigenerational housing. It would remove a constraint that may limit the usefulness of secondary residences to a broader range of households.

[1] https://www.planning.vic.gov.au/__data/assets/pdf_file/0033/708297/DTP0604-Small-Second-Dwellings_Brochure_v5_FA_spread.pdf

The Commission accepts that the increased floor area reduces the physical distinction between some secondary residences and dwellings within multiple dwelling developments. The distinction must therefore be maintained through a clear definition and requirements establishing the physical, functional and legal relationship between the secondary residence and the single dwelling.

The applicable development standards and codes will continue to manage site-specific effects including scale, siting, privacy, site coverage, access, hazards and infrastructure. The Commission is not persuaded that the potential effects identified in the representations require retention of the 60m² limit or different limits according to zone or lot size.

The Commission finds that the draft amendment should proceed, subject to modifications to the definition of secondary residence' that:

- removes *subordinate* from the definition of *secondary residence*
- clarifies the meaning of *appurtenant* within that definition
- provides that a secondary residence may be within, attached to or separated from the single dwelling
- requires a separated secondary residence to be within or adjoining the development area of the single dwelling
- makes clear that no more than one secondary residence may be associated with a single dwelling
- prevents the secondary residence from being separated through a strata scheme for ownership independent of the single dwelling
- provides that parking and private open space may be shared with the single dwelling but are not required to be shared; and
- retains requirements that establish an appropriate relationship between the access and servicing of the secondary residence and the single dwelling.

The Commission's recommended modifications to the exhibited version of the draft amendment are shown as tracked changes (red text) below:

Terms	**Definition**
Secondary residence	means an additional self-contained residence that is located on the same lot as a single dwelling that ~~which is self-contained and~~: (a) has a gross floor area not more than 6~~0m²~~90m²; (b) is appurtenant ~~and subordinate~~ to ~~a~~the ~~single~~ dwelling, and: (i) is not separated by a strata scheme to allow separate ownership independent of the single dwelling; (ii) can be located within, attached to or separated from, a single dwelling; and

Terms	Definition
	(iii) if separated from the single dwelling, is within or adjoins the development area of the single dwelling; (c) is the only secondary residence associated with the single dwelling; (d) shares the vehicular access and driveway ~~and parking~~ with the single dwelling ~~access and parking, and water, sewerage, gas, electricity and telecommunications connections and meters; and~~; ~~(c)~~ if the single dwelling is connected to a reticulated sewerage system or a water, gas or electricity meter, shares those service connections and meters with the single dwelling; and ~~may include laundry facilities~~ (f) may share laundry facilities, car parking and private open space with the single dwelling.

In terms of planning outcomes, the Commission considers the recommended modifications would:

- remove the requirement for a secondary residence to be *subordinate* to the single dwelling
- clarify the physical relationship required by the term *appurtenant*
- allow a secondary residence to be located within, attached to or separated from the single dwelling
- require a separated secondary residence to remain within or adjoining the development area of the single dwelling
- limit development to one secondary residence associated with a single dwelling
- prevent separate ownership through a strata scheme
- retain a shared point of vehicular access from the road; and
- allow, but not require, laundry facilities, parking, private open space and services or infrastructure to be shared.

The Commission is satisfied the recommended modifications reflect the SPO's stated policy intention that a secondary residence remain associated with a single dwelling and not be capable of separate ownership and provide flexibility for parking and private open space to be shared where site circumstances allow.

The Commission is otherwise satisfied with the exhibited amendments to the zone use tables, Future Urban Zone, Parking and Sustainable Transport Code and Natural Assets Code in the draft amendment.

Subject to the recommended modifications, the Commission considers that the draft amendment is suitable to be made.

3.0 SPPs criteria

Section 15(2) of the Act states:

> The SPPs criteria to be met by a relevant planning instrument are that the instrument -
>
> (b) only contains provisions that the SPPs may contain under section 14; and
> (c) furthers the objectives set out in Schedule 1; and
> (d) is consistent with each State Policy; and
> (ca) is consistent with the TPPs that are in force before the instrument is made; and
> (e) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

The Commission considers that the draft amendment, with the recommended modifications meets section 15(2) of the Act for the following reasons:

- the draft amendment contains all the provisions that the SPPs may contain under section 14.
- the draft amendment furthers the Schedule 1 Objectives, Part 1 (1) (b) by providing for the fair, orderly and sustainable use and development of land.
- the draft amendment furthers the Schedule 1 Objectives, Part 2(b), (e) and (i) by ensuring that approvals for development are streamlined.
    - it clarifies the SPP requirements relating to secondary residence which will support more efficient use of land and development.
    - it allows for greater flexibility in the design of an extra home, on land that is already used for a single dwelling, which in turn will provide more housing options for Tasmanians.
    - it has undergone public consultation and public hearings before the decision has been made, ensuring continued public involvement in the planning process.
- the draft amendment is consistent with each State Policy, as it primarily relates to the definition and operation of secondary residences. It does not impact broader policy governed by the State Policies. It is also consistent with the National Environmental Protection Measures (NEPMs).
- the draft amendment is consistent with the Tasmanian Planning Policies (TPPs), in particular:
    - 1.1.3(2)(b): prioritise the development of land that maximises the use of available capacity within existing physical and social infrastructure networks and services;
    - 1.1.3(5): actively address impediments to infill development, particularly in the major urban centres;

    - 1.2.3(1): promote the location of residential use and development in areas that are close to, or are well connected to, activity centres or secure and reliable employment sources.
- the draft amendment has no impact on the safety requirements set out under the *Gas Safety Act 2019*.

Accordingly, the Commission considers that the draft amendment, with the recommended modifications is consistent with the SPPs criteria under the Act.

4.0 Conclusion

After considering the representations and information obtained at the hearings and further submission, the Commission is satisfied that the draft amendment with the recommended modifications, as discussed above, is in order.

Under section 30N(4)(b) of the Act, the Commission finds that the recommended modifications reflect the intended policy of the draft amendment and are not substantial and accordingly do not require re-exhibition.

The Commission recommends that the Minister issues draft amendment 01-2026 with the recommended modifications as shown in Appendix 3, in accordance with section 30P of the Act.

Appendices

Appendix 1 – Exhibited draft amendment

Draft amendment 01-2026 of the State Planning Provisions – secondary residence

Part 1 – Clarify definition for secondary residence and increase secondary residence gross floor area to 90m^2

1. In Table 3.1, amend the definition for 'secondary residence' by inserting the text shown underlined and delete the text shown as strikethrough.

Terms	Definition
secondary residence	means an additional self-contained residence that is located on the same lot as a single dwelling that ~~which is self-contained and~~: (a) has a gross floor area not more than ~~60m^2~~;90m^2; (b) is appurtenant and subordinate to ~~a~~ the single dwelling; (c) shares the vehicular access, driveway and parking with the single dwelling ~~access and parking, and water, sewerage, gas, electricity and telecommunications connections and meters~~; ~~and~~ (d) if the single dwelling is connected to a reticulated sewerage system or a water, gas or electricity meter, shares those service connections and meters with the single dwelling; and ~~may include laundry facilities.~~ (e) may share laundry facilities with the single dwelling.

Part 2 – Clarify Use Tables to specify the status of a secondary residence is the same as a single dwelling

2. In clauses 8.2, 9.2, 10.2, 11.2 Use Table, in the row of No Permit Required for the Residential use class, amend the qualification by inserting the text shown underlined:

   If for a single dwelling, or a secondary residence.

3. In clause 12.2 Use Table, in the row of No Permit Required for the Residential use class, amend the qualification by inserting the text shown underlined:

   If for a single dwelling, a secondary residence, or home-based business.

4. In clause 20.2 and 21.2 Use Table, in the row of Permitted for the Residential use class, delete the qualification and replace with the following:

   If for:

(a) a home-based business in an existing dwelling;

(b) alterations or extensions to an existing dwelling; or

(c) a secondary residence if associated with an existing single dwelling.

5. In clause 20.2 Use Table, in the row of Discretionary for the Residential use class, amend the qualification by inserting the text shown underlined:

   If for a single dwelling or a secondary residence and not restricted by an existing agreement under section 71 of the Act.

6. In clause 22.2 Use Table, in the row of Permitted for the Residential use class, amend the qualification by inserting the text shown underlined:

   If for a:

   (a) Home-based business; or

   (b) single dwelling, or a secondary residence, located within a building area, if shown on a sealed plan.

7. In clause 22.2 Use Table, in the row of Discretionary for the Residential use, amend the qualification by inserting the text shown underlined:

   If for a single dwelling, or a secondary residence.

8. In clause 30.2 Use Table, in the row of Permitted for the Residential use class, amend the qualification by inserting the text shown underlined:

   If for a single dwelling, a secondary residence, or home-based business.

Part 3 – Clarify Future Urban Zone standard

9. In clause 30.4.1 for buildings and works, amend Acceptable Solution A1(b) by inserting the text shown underlined:

   (b) be for a single dwelling or a secondary residence and on a lot not more than 1,000m² in size; or

Part 4 – Clarify Parking and Sustainable Transport Code standards

10. In clause C2.6.2, Design and layout of parking areas, amend Acceptable Solution A1.1 (a)(vii) by inserting the text shown underlined:

    (vii) excluding a single dwelling or a secondary residence, be delineated by line marking or other clear physical means; or

11. In Table C2.1 Parking Space Requirements, amend the requirements for the Residential use class by inserting a new row related to secondary residences as shown underlined:

Use		**Parking Space Requirements**	
		Car	**Bicycle**
Residential	If a secondary residence	No requirement	No requirements
	If a 1 bedroom or studio dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)	1 space per dwelling	No requirement
	If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)	2 spaces per dwelling	No requirement
	Visitor parking for multiple dwellings in the General Residential Zone	1 dedicated space per 4 dwellings (rounded up to the nearest whole number); or if on an internal lot or located at the head of a cul-de--sac, 1 dedicated space per 3 dwellings (rounded up to the nearest whole number)	No requirement
	Other Residential use in the General Residential Zone	1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 10 bedrooms (rounded up to the nearest whole number)	No requirement for residential care facility, assisted housing and retirement village. All other uses require 1 space per 5 bedrooms in other forms of accommodation.
	Any Residential use in any other zone	1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 multiple dwellings or	No requirement for single dwellings, multiple dwellings, residential care facility, assisted

		every 10 bedrooms for a non-dwelling residential use (rounded up to the nearest whole number)	housing and retirement village. All other uses require 1 space per 5 bedrooms in other forms of accommodation.

Part 5 – Clarify Natural Assets Code standards

12. In clause C7.6.2, Clearance within a priority vegetation area, amend P1.1(b) by inserting the text shown underlined:

    (b) buildings and works associated with the construction of a single dwelling<u>, secondary residence,</u> or an associated outbuilding;

13. In clause C7.7.2, Subdivision within a priority vegetation area, amend P1.1(b) by inserting the text shown underlined:

    (b) subdivision for the construction of a single dwelling<u>, a secondary residence,</u> or an associated outbuilding;

Appendix 2 - Representations received during the exhibition period

Rep. No	Name, position	Company
1	Ken Thomason	
2	Will Perry	
3	Lyndal Byrne, Coordinator Planning Services	Glenorchy City Council
4		Housing Industry Association
5	Shane Wells, Manager Planning	Sorell Council
6	Cr Marcus Blackie, Mayor	King Island Council
7	Selena Dixon	
8	Natasha Whiteley, Team Leader Town Planning	Meander Valley Council
9	Jan Davis, Policy Officer	Council of the Ageing Tasmania
10	Daniel Marr, Head of City Planning	Clarence City Council
11	Alysia Bennett, Program Leader Strategic Land Use Planning	Hobart City Council
12	Erin Miles, Strategic Projects Officer	Northern Midlands Council
13	Kristen Desmond, Chief Executive Officer	West Tamar Council
14	Jacci Smith, Development Services Manager	Flinders Council
15	Mick Purves, President PIA Tasmania	Planning Institute Australia
16	Cr Rod Macdonald, Mayor	Tasman Council
17	Aaron Leeman-Smith, Acting Secretary	South Hobart Sustainable Community

Appendix 3 – Recommended modifications to draft amendment

Modified draft amendment 01-2026 of the State Planning Provisions – secondary residence

Part 1 – Clarify definition for secondary residence and increase secondary residence gross floor area to 90m^2

1. In Table 3.1, amend the definition for 'secondary residence' by inserting the text shown underlined.

Terms	Definition
Secondary residence	means an additional self-contained residence that is located on the same lot as a single dwelling that: (a) has a gross floor area not more than 90m^2; (b) is appurtenant to, and: (i) is not separated by a strata scheme to allow separate ownership independent of the single dwelling; (ii) can be located within, attached to or separated from, a single dwelling; and (iii) if separated from the single dwelling, is within or adjoins the development area of the single dwelling; (c) is the only secondary residence associated with the single dwelling; (d) shares the vehicular access and driveway with the single dwelling; (e) if the single dwelling is connected to a reticulated sewerage system or a water, gas or electricity meter, shares those service connections and meters with the single dwelling; and (f) may share laundry facilities, car parking and private open space with the single dwelling.

Part 2 – Clarify Use Tables to specify the status of a secondary residence is the same as a single dwelling

2. In clauses 8.2, 9.2, 10.2, 11.2 Use Table, in the row of No Permit Required for the Residential use class, amend the qualification by inserting the text shown underlined:

If for a single dwelling, or a secondary residence.

3. In clause 12.2 Use Table, in the row of No Permit Required for the Residential use class, amend the qualification by inserting the text shown underlined:

   If for a single dwelling, a secondary residence, or home-based business.

4. In clause 20.2 and 21.2 Use Table, in the row of Permitted for the Residential use class, delete the qualification and replace with the following:

   If for:

   (a) a home-based business in an existing dwelling;

   (b) alterations or extensions to an existing dwelling; or

   (c) a secondary residence if associated with an existing single dwelling.

5. In clause 20.2 Use Table, in the row of Discretionary for the Residential use class, amend the qualification by inserting the text shown underlined:

   If for a single dwelling or a secondary residence and not restricted by an existing agreement under section 71 of the Act.

6. In clause 22.2 Use Table, in the row of Permitted for the Residential use class, amend the qualification by inserting the text shown underlined:

   If for a:

   (a) home-based business; or

   (b) single dwelling, or a secondary residence, located within a building area, if shown on a sealed plan.

7. In clause 22.2 Use Table, in the row of Discretionary for the Residential use, amend the qualification by inserting the text shown underlined:

   If for a single dwelling, or a secondary residence.

8. In clause 30.2 Use Table, in the row of Permitted for the Residential use class, amend the qualification by inserting the text shown underlined:

   If for a single dwelling, a secondary residence, or home-based business.

Part 3 – Clarify Future Urban Zone standard

9. In clause 30.4.1 for buildings and works, amend Acceptable Solution A1(b) by inserting the text shown underlined:

   (b) be for a single dwelling or a secondary residence and on a lot not more than 1,000m² in size; or

Part 4 – Clarify Parking and Sustainable Transport Code standards

10. In clause C2.6.2, Design and layout of parking areas, amend Acceptable Solution A1.1 (a)(vii) by inserting the text shown underlined:

    (vii) excluding a single dwelling or a secondary residence, be delineated by line marking or other clear physical means; or

11. In Table C2.1 Parking Space Requirements, amend the requirements for the Residential use class by inserting a new row related to secondary residences as shown underlined:

Use		**Parking Space Requirements**	
		Car	**Bicycle**
Residential	If a secondary residence	No requirement	No requirements
	If a 1 bedroom or studio dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)	1 space per dwelling	No requirement
	If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)	2 spaces per dwelling	No requirement
	Visitor parking for multiple dwellings in the General Residential Zone	1 dedicated space per 4 dwellings (rounded up to the nearest whole number); or if on an internal lot or located at the head of a cul-de--sac, 1 dedicated space per 3 dwellings (rounded up to the nearest whole number)	No requirement
	Other Residential use in the General Residential Zone	1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 10 bedrooms (rounded up to the nearest whole number)	No requirement for residential care facility, assisted housing and retirement village. All other uses require 1 space per 5 bedrooms in other forms of accommodation.
	Any Residential use in any other zone	1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 multiple dwellings or	No requirement for single dwellings, multiple dwellings, residential care facility, assisted

		every 10 bedrooms for a non-dwelling residential use (rounded up to the nearest whole number)	housing and retirement village. All other uses require 1 space per 5 bedrooms in other forms of accommodation.

Part 5 – Clarify Natural Assets Code standards

12. In clause C7.6.2, Clearance within a priority vegetation area, amend P1.1(b) by inserting the text shown underlined:

    (b) buildings and works associated with the construction of a single dwelling, secondary residence, or an associated outbuilding;

13. In clause C7.7.2, Subdivision within a priority vegetation area, amend P1.1(b) by inserting the text shown underlined:

    (b) subdivision for the construction of a single dwelling, a secondary residence, or an associated outbuilding;