

TASMANIAN PLANNING COMMISSION



Our ref: DOC/26/114432
Officer: Odin Kelly
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28 September 2026

Dear Representor

**State Planning Provisions
Draft amendment 01-2026
Secondary Residence**

I refer to the above draft amendment and to a hearing held at the Commission's office in Hobart on 16 and 17 September 2026.

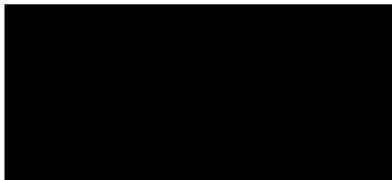
On 21 September 2026 the Commission requested the State Planning Office (SPO) to provide a submission responding to matters raised at the hearing.

The SPO has provided its response which is attached to this letter and available on the [Commission's website](#)¹.

Parties are now invited to provide any response submissions by **Wednesday, 7 October 2026**. Responses should be submitted to tpc@planning.tas.gov.au. Please note this is a revised date from previous correspondence.

If you require further information, please contact Odin Kelly, Planning Adviser, on 6165 6803.

Yours sincerely



John Ramsay
Delegate (Chair)

Attachment A - SPO Submission, 24 September 2026

¹ <https://www.planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings/am-spp-01-2026>

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24 September 2026

Mr John Ramsay
Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

By email: tpc@planning.tas.gov.au

Dear Mr Ramsay,

Draft Amendment 01-2026 to the State Planning Provisions

Thank you for your letter dated 21 September 2026, directing the State Planning Office (SPO) to make submissions on matters raised at the Tasmanian Planning Commission's (the Commission) hearing into draft amendment 01-2026 of the State Planning Provisions (SPPs).

The four matters raised in the Commission's letter are set out below followed by the SPO's response.

- 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.*

It is the policy intention of both the existing provisions and the proposed draft amendment that a secondary residence remains part of the single dwelling and is not separated to allow independent ownership through a strata scheme.

Strata titling is not regulated through the planning scheme.

An applicant may seek to convert the single dwelling and secondary residence to 'multiple dwellings' which would have to comply with relevant planning scheme provisions relating to 'multiple dwellings' before council considers any application for strata division under the *Strata Titles Act 1998*.

While the SPO submits that the current legislative framework does not allow a secondary residence to be separated from a single dwelling, it does acknowledge the issues raised by

representors that it could be made clearer in the SPPs by providing an explicit statement giving effect to the policy.

It is submitted that draft amendment 01-2026 of the SPPs be modified to include the following additional criteria in the definition of 'secondary residence':

is not separated by a strata scheme¹ to allow separate ownership independent of the single dwelling.

The modification ensures that a 'secondary residence' remains part of the single dwelling.

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?*

It is the policy intention that a secondary residence does not have to provide its own private open space under A2 or P2 of clause 8.4.3 of the SPPs. To clarify this policy, it suggested that the definition of 'secondary residence' be modified.

Including reference to private open space in part (c) of the draft amendment definition of secondary residence was discussed at the hearing. Part (c) implies a requirement that must be met which would have the effect of single dwelling and secondary residence having to share private open space (emphasis added).

It is considered more appropriate to include private open space as a matter within subsection (e), which may be shared with the single dwelling (emphasis added). This provides the option for a secondary residence to have its own private open space should the site allow, instead of being required by the definition of secondary residence to share the single dwelling's private open space.

Upon reflection, it is also considered more appropriate to allow a secondary residence to have the option for providing its own parking, instead of requiring that it shares the parking with the single dwelling. This follows the same reasoning expressed above for private open space. This allows the provision of parking to be independent of the single dwelling should the site allow. This avoids the situation in non-urban zones of having to share parking which has resulted in perverse outcomes as submitted by the example provided by Clarence City Council at the hearing. The ability for a secondary residence to share or provide its own car parking, provides more flexible design responses and sensible outcomes, especially for larger lots.

It is submitted that draft amendment 01-2026 of the SPPs be modified by removing reference to 'parking' in part (c) of the definition of 'secondary residence' and including it, along with reference to 'private open space', in part (e) (part (g) as modified), as follows:

may share laundry facilities, parking and private open space with the single dwelling;

¹ Strata scheme' is defined in the SPPs as 'means as defined in the *Strata Titles Act 1998*'. The *Strata Titles Act 1998* defines 'strata scheme' as 'the complex of lots and common property (together with the system of administration and management) created on the registration of a strata plan'

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?*

The SPO acknowledges that including 'subordinate' adds a degree of ambiguity to the definition of 'secondary residence' and does not contribute to achieving a specific planning purpose. It is anticipated that most applications for a secondary residence, by virtue of the restricted floor area, will remain 'subordinate' to the single dwelling. If an applicant wants to have two smaller residences which are not clearly differentiated by size, provided they meet the development standards to control overall scale, bulk and siting, there is not considered to be a planning impact and therefore no need to regulate 'subordinance'.

It is submitted that draft amendment 01-2026 of the SPPs be modified to delete the requirement for a 'secondary residence' to be 'subordinate' to the single dwelling. The matter of 'appurtenant' is discussed in further detail below.

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?*

The SPO supports the intent of clarifying that part of the definition that refers to the requirement for a secondary residence to be 'appurtenant' to a single dwelling. The general meaning of 'appurtenant' is simply belonging to, attached to, or associated with something else. Rather than provide a separate definition of 'appurtenant' as suggested at the hearing, it is considered more helpful to clarify the intent within the definition of 'secondary residence'.

It is submitted that part (b) of definition of 'secondary residence' in draft amendment 01-2026 of the SPPs be modified to capture all those elements that contribute to achieving the secondary residence's appurtenance to the single dwelling as shown below:

- 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;

For further clarification purposes, and to accept the concept of a secondary residence being able to be located within the 'curtilage' of the single dwelling, the modification includes reference to 'development area'.

'Curtilage' is undefined so it is proposed to use 'development area' which is defined in the SPPs as 'means the area of land occupied by development including its yard, outbuildings, vehicle parking, driveways, storage areas, landscaping and wastewater disposal areas'. Allowing a secondary residence to be located within, or adjoining, the 'development area' of a

single dwelling provides more options for rural properties to accommodate secondary residences while still confining them to land that has already had its productive agricultural capacity constrained, thereby demonstrating consistency with the State Policy on the Protection of Agricultural Land Policy 2009.

A full clean copy of the modified definition of 'secondary residence' is 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 90m²; 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 SPO submits that draft amendment 01-2026 of the SPPs be modified to give effect to the above definition of secondary residence for the reasons outlined in the is response submission.

[REDACTED]

Yours sincerely
Sean McPhail
Acting Director