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# Draft Amendment 01-2026 of the State Planning Provisions

## Secondary residences

Explanatory document under section 16(5) of the *Land Use Planning and Approvals Act 1993*, including SPP criteria assessment

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# Abbreviations

|            |                                                           |
|------------|-----------------------------------------------------------|
| LUPAA..... | <i>Land Use Planning and Approvals Act 1993</i>           |
| NEPM ..... | National Environment Protection Measure                   |
| LPS .....  | Local Provisions Schedule                                 |
| RMPS ..... | Resource Management and Planning System                   |
| SPO .....  | State Planning Office SPPs      State Planning Provisions |
| TPC.....   | Tasmanian Planning Commission                             |
| TPPs.....  | Tasmanian Planning Policies                               |
| TPS.....   | Tasmanian Planning Scheme                                 |

## Summary

The purpose of Draft Amendment 01-2026 of the State Planning Provisions (SPPs) (the draft amendment) is to provide greater flexibility for the construction of secondary residences (often referred to as ancillary dwellings or granny flats) by increasing the allowable gross floor area from 60m<sup>2</sup> to 90m<sup>2</sup>. The draft amendment also proposes a variety of other improvements to clarify the requirements for secondary residences.

The draft amendment has been prepared in response to the Tasmanian Government's second 100 day plan commitment to increase the allowable size of granny flats. This forms part of the government's broader commitment to provide more housing options for Tasmanians.

For the purposes of the SPPs criteria under section 15 of *Land Use Planning and Approvals Act 1993* (LUPAA), the draft amendment is a relevant planning instrument and the SPP criteria apply.

For the reasons set out in this document, the draft amendment is considered to meet the SPP criteria set out in section 15 of LUPAA.

The draft amendment has been prepared under section 30T(1)(a) of the LUPAA, in accordance with the terms of reference under section 30C(2) of the LUPAA. The terms of reference can be found on the Planning in Tasmania website at:

<https://www.stateplanning.tas.gov.au/have-your-say/consultations/state-planning-provisions-amendments/spp-amendment-012026-secondary-residences>

The draft amendment has been consulted under section 30D(2) of the LUPAA with the Tasmanian Planning Commission (the TPC), all planning authorities, the Local Government Association of Tasmania (LGAT), and relevant State Service Agencies and State Authorities. The feedback received was generally supportive of the draft amendment and raised some operational and drafting considerations.

The consultation has informed some minor changes to the draft amendment to further clarify the definition for secondary residence, and revisions to the Background section in this explanatory document.

## Explanatory information

Under section 16(5) of LUPAA, this document is the explanatory document for the draft amendment.

## Background

The SPPs were made on 22 February 2017 and came into effect on 2 March 2017. The SPPs are currently in effect in 28 municipalities with the Kingborough municipality to follow when its Local Provisions Schedule (LPS) is approved.

LUPAA requires that the SPPs are kept under regular review to ensure they serve their intended outcome effectively. A comprehensive review of the SPPs was completed in 2023 as part of the 5-yearly statutory review required under LUPAA. This review found that the SPPs are generally working well and identified a variety of potential amendments to the SPPs and more detailed reviews. The SPPs review identified an action (item AG1.5) related to secondary residences, specifically to clarify how the definition operates for applications in areas without reticulated water and sewer and off-grid proposals.

Additionally, the Tasmanian Government's second 100 day plan after the last State election, committed to commence the process to amend the Tasmanian Planning Scheme to increase the allowable size of granny flats from 60m<sup>2</sup> to 90m<sup>2</sup>, as part of its broader goal of providing more housing options for Tasmanians. Consequently, further opportunities to clarify elements of the secondary residence definition for were identified.

The draft amendment proposes to implement this commitment by increasing the allowable gross floor area for secondary residences (often referred to as granny flats). This allows greater design options for adding an extra home on land already used for a single dwelling, providing options for ageing in place, multi-generational living and smaller household rentals.

These actions also support the Tasmanian Housing Strategy 2023-2043 delivering more homes to meet the diverse housing needs of Tasmanians by enabling additional dwellings on land in well-serviced and established settlement areas, making more efficient use of existing infrastructure and supporting a more sustainable use of land and increase in housing supply.

## General purpose and terms of the draft amendment

The draft amendment proposes to:

1. Clarify secondary residence definition and increase the allowable gross floor area for secondary residence to 90m<sup>2</sup>.
2. Clarify Use Tables to specify that the status of a secondary residence is the same as a single dwelling.
3. Clarify a Future Urban Zone standard applies to a secondary residence the same as single dwelling.
4. Clarify Parking and Sustainable Transport Code standards apply to a secondary residence the same as a single dwelling and that no dedicated parking space is required for a secondary residence.
5. Clarify Natural Assets Code standards apply to a secondary residence the same as a single dwelling.

The purpose of the draft amendment is to implement the Tasmanian Government's commitment to increase the allowable size of granny flats from 60m<sup>2</sup> to 90m<sup>2</sup> by revising the definition for secondary residence. It is not intended to change the operation of the planning scheme and how secondary residences are currently assessed.

With the exception of the gross floor area increase, the revised definition for secondary residence, Use Table qualifications, zone and code standards are all clarifications to help users understand:

- that the secondary residence is part of a single dwelling;
- how their shared services are treated; and
- that requirements applying to a single dwelling also apply to its secondary residence.

## Part 1: Clarifying definition for secondary residence and increased gross floor area for secondary residence to 90m<sup>2</sup>

### Current operation and intent of the secondary residence definition

Secondary residences are smaller, self-contained living units located on the same site as a single dwelling. The SPPs refer to a primary dwelling as a 'single dwelling' which is defined as "means a dwelling on a lot which no other dwelling, other than a secondary residence, is situated". This shows that the secondary residence forms part of the single dwelling on the site for the purposes of the planning scheme.

A secondary residence can be attached to, contained within, or a separate structure to the single dwelling. They share existing reticulated services with the single dwelling (e.g. electricity, water, sewer and gas) along with any car parking spaces. Secondary residences may have their own laundry facilities or share them with the single dwelling. Currently, a secondary residence can be allowed wherever a single dwelling is allowed, if

all the zone requirements for a single dwelling are met. Opportunities for building a secondary residence commenced prior to the Tasmanian Planning Scheme. There has been a planning approval pathway for secondary residences (previously referred to as ancillary dwellings) in previous planning schemes, and generally it is considered to be working well.

The operation and effect of the secondary residence definition in the planning scheme relies on other parts of the planning scheme to be fully understood, such as the definition for single dwelling, multiple dwelling, and qualifications in zone use tables. There is an opportunity to simplify interpretation of the planning scheme by making it clearer that secondary residences are allowed wherever a single dwelling is allowed, and by further clarifying parts of the secondary residence definition in clause 3.0 of the SPPs.

The planning scheme allows for a variety of housing options. The planning scheme treats a single dwelling and its secondary residence on one lot differently to other arrangements where more than one dwelling is built on the same site. Multiple dwellings comprise two or more fully separate dwellings located on the same site (made up of one or more lots). Multiple dwellings will commonly be under a strata title arrangement and have separate service connections, their own private and exclusive outdoor spaces and parking. The gross floor area limit, along with the sharing of the entire single lot, its services and facilities, distinguishes single dwellings with secondary residences from multiple dwellings. Multiple dwelling floor area is not specifically regulated by the planning scheme. Multiple dwelling development may be a variety of housing types, such as apartments, townhouses, or units together on the site. The number of multiple dwellings is only restricted by the overall site capacity requirements. Multiple dwellings are allowed in fewer zones than single dwellings.

There are 3 scenarios for building secondary residences with a single dwelling if there is:

- a vacant lot, where a single dwelling and secondary residence are proposed together;
- already a larger house (single dwelling) on the lot (more than 90m<sup>2</sup> gross floor area); or
- an existing small house (single dwelling) measuring 90m<sup>2</sup> or less gross floor area on the lot that could be converted to a secondary residence if a larger single dwelling was proposed.

The definition of a secondary dwelling must still be met by one of the residences for the overall development of the lot to be assessed as a single dwelling with secondary residence. It is possible that an existing small house is reclassified as a secondary residence if a larger dwelling can be built and the initial dwelling meets the secondary residence definition.

If two dwellings are proposed on a lot and neither of them meets the secondary residence definition, then they will need to be assessed against the multiple dwellings requirements.

Definition clause (a) - Maximum gross floor area for secondary residences

The current definition for a secondary residence limits its gross floor area to a maximum of 60m<sup>2</sup>. The gross floor area limit ensures that secondary residences remain ancillary or subordinate to the single dwelling.

However, contemporary housing needs are changing. The Tasmanian Housing Strategy 2023-2043 highlights the need for broader range of housing types to suit an ageing population, carers, small families, and those seeking modest but functional homes.

A 60m<sup>2</sup> gross floor area limit typically restricts the design options for secondary residences and no longer reflects contemporary living needs. Most other Australian jurisdictions now allow secondary residences larger than 60m<sup>2</sup> to provide more practical, affordable options and better support ageing in place, multi-generational living, and smaller households.

Increasing the maximum gross floor area to 90m<sup>2</sup> in clause (a) of the definition for secondary residence will enable a more liveable, adaptable small home consistent with other Australian jurisdictions. Although planning systems operate differently, Tasmania has one of the smallest limits nationally. Tasmania also measures gross floor area from the outside surface of the wall, while other jurisdictions measure from the inside surface of the wall. This means there is less overall floor space available when using the Tasmanian calculations.

The draft amendment will also support the Tasmanian Housing Strategy 2023-2043 delivering more homes to meet the diverse housing needs of Tasmanians by enabling additional quality dwellings on land in well-serviced and established settlement areas supporting liveability and making more efficient use of existing infrastructure and supporting a more sustainable increase in housing supply.

### Definition clause (b) - Appurtenant and subordinate

The term “appurtenant” is commonly used in property law to refer to something attached to or associated with a main property. It commonly describes rights, features, or improvements that are considered part of the property, such as easements, garages, fences, or access ways, and that transfer with the property when it is sold. Essentially, an appurtenance is a secondary or accessory part of a primary property, and in that sense appropriately describes the relationship of a secondary residence to a single dwelling.

The draft amendment also added the word ‘subordinate’ to the existing definition to further explain the intent that a secondary residence is an additional subservient home that goes with the main house.

The requirements in clauses (a) to (d) in the secondary residence definition are meant to work together to support the intended outcome. The access and parking, and any other relevant reticulated services must also be shared to support the appurtenant and subordinate relationship between the two parts of the development.

Suggestions to use a measurable distance for demonstrating that a secondary residence is ‘appurtenant’ are not included. Applying an additional requirement to meet an arbitrary distance between a single dwelling and its secondary residence could unnecessarily limit

design flexibility for placing buildings on the lot. The single dwelling and secondary residence are kept together (and in proximity to each other) by virtue of sharing access and parking arrangements and, where connected to reticulated services, the sharing of those services. This is unlike multiple dwellings, which are built to be owned and used separately with their own privacy, amenities and services, often with strata title arrangements.

#### Definition clause (c) – vehicular access and parking

The requirement that vehicular access and parking for the single dwelling is shared with its secondary residence is not changed. Clause (c) is revised to use the defined term 'vehicular access' instead of 'access' for consistency within the SPPs, and confirm that the driveway between road access point and parking area is all meant to be shared. The draft amendment proposes to remove other elements in clause (c) into a separate clause (d) regarding reticulated services to improve clarity.

The need to share the access and car parking spaces supports the secondary residence being appurtenant and subordinate to the single dwelling. Shared vehicular access and parking works with all the other elements of the definition to ensure that the single dwelling and secondary residence are in reasonable proximity, without placing an arbitrary distance requirement between them.

This continues the current approach to access and parking for secondary residences across all zones.

#### Definition clause (d) – service arrangements

The amendment proposes a separate clause about reticulated services to further clarify the definition, particularly for locations where there are no reticulated services.

Where a single dwelling relies on servicing by on-site wastewater systems, rainwater tanks, bottled gas, or solar electricity that is not connected to a metered network, then a secondary residence is allowed to be serviced in the same way. Existing on-site systems are often not readily extended to cater for new development, so it is appropriate that new systems can be installed independent of existing on-site services. Existing on-site systems can also be shared if design capacity and technology are appropriate.

This essentially continues the existing operation of the provisions, while clarifying that onsite water and sewer arrangements can be separately tailored to the new development instead of being an addition or redesign of an existing system. It also allows for servicing options to match each zone's servicing requirements

#### Definition clause (e) – laundry facilities

The existing clause about laundry facilities is revised to further clarify that laundry facilities may be arranged so that the single dwelling and its secondary dwelling share the same facilities, or each have their own separate facilities. This continues the current approach.

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

The definition of a 'single dwelling' provides for the addition of a secondary residence and therefore allows them wherever a single dwelling is allowed. Concerns have been raised that this is not always clear because it depends on interpreting multiple parts of the planning scheme. Part 2 of the draft amendment proposes to specify that a secondary residence has the same status of use as a single dwelling in the relevant zone Use Tables. This does not change the current operation of the Use Table qualifications, or other applicable zone and code standards, it provides greater certainty for users.

## Part 3 - Clarify Future Urban Zone standard

Similar to Part 2, Part 3 is proposed to simplify how the planning scheme is interpreted by explicitly stating when a secondary dwelling is allowed. A reference is added to the Future Urban Zone clause where 'single dwelling' appears, to show that a secondary residence is allowed with a single dwelling and the same requirements apply. This continues the current operation of the clause, providing greater certainty for users.

## Part 4 - Clarify Parking and Sustainable Transport Code standards

Part 4 of the draft amendment clarifies the provisions in the Parking and Sustainable Transport Code. In clause C2.6.2 A1.1, where 'single dwelling' appears, the draft amendment proposes to clarify that a secondary residence is also allowed and subject to the same requirements. This continues the current operation of the clause, providing greater certainty for users.

Part 4 of the draft amendment also clarifies that no dedicated parking space is required for a secondary residence because it is considered subordinate to and part of the single dwelling, sharing vehicular access, driveway and parking. This aligns with the approach to parking in the definition for secondary dwelling as explained in Part 1 above, by supporting proximity between the two without imposing strict distance rules, maintaining design flexibility and avoiding unnecessary design constraints and costs, while still allowing additional parking if desired.

To clarify the intended approach in the Parking and Sustainable Transport Code and simplify interpretation across all zones, the code table of parking space requirements for Residential use is revised by adding a new row explicitly stating that there are no parking space requirements for a secondary residence.

The current parking space requirements for a single dwelling will continue to apply across all zones. These do not limit the maximum number of parking spaces on the lot. Additional car parking spaces can be proposed for a single dwelling with a secondary residence, but no additional parking spaces are required. Imposing extra parking requirements can create unnecessary design constraints and reduce flexibility in site layout, as well as adding to building costs.

## Part 5 - Clarify Natural Assets Code standards

Like Part 3, amendments 12 and 13 are proposed to simplify how the planning scheme is interpreted by explicitly stating when a secondary dwelling is allowed. A reference is added to the Natural Assets Code clauses where 'single dwelling' appears, to show that a secondary residence is allowed with a single dwelling and the same requirements apply. This continues the current operation of the clauses, providing greater certainty for users.

## The proposed draft SPP amendment 01-2026

### Part 1 - Clarify definition for secondary residence and increase secondary residence gross floor area to 90m<sup>2</sup>

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

| Term                | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| secondary residence | <p>means an additional <u>self-contained</u> residence <u>that is located on the same lot as a single dwelling that</u><br/> <del>residence which is self-contained and:</del></p> <ul style="list-style-type: none"> <li>(a) has a gross floor area not more than <del>60m<sup>2</sup></del><u>90m<sup>2</sup></u>;</li> <li>(b) is appurtenant <u>and subordinate</u> to a <u>the</u> single dwelling;</li> <li>(c) shares <u>the vehicular access, driveway and parking</u> with single dwelling <del>access and parking, and water, sewerage, gas, electricity and telecommunications connections and meters;</del> and</li> <li>(d) <u>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</u> <del>may include laundry facilities.</del></li> <li>(e) <u>may share laundry facilities with the single dwelling.</u></li> </ul> |

**Reason for amendment:** To increase the allowable gross floor area for secondary residences from 60m<sup>2</sup> to a maximum of 90m<sup>2</sup>. To further clarify the current operation of the definition, in relation to the meaning of appurtenance, shared parking and access, provision of services - particularly in locations where there are no reticulated services, and shared laundry facilities.

### 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.

**Reason for amendments:** To clarify that a secondary residence has the same status in the Use Table as the single dwelling on the lot, without changing the current operation of the Use Tables.

### 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 1,000m<sup>2</sup> in size; or

**Reason for amendments:** To clarify that requirements applying to single dwellings also apply to a secondary residence, without changing the current operation of the clause.

#### 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 | <u>If a secondary residence</u>                                                                                            | <u>No requirement</u>                                                                                                                                          | <u>No requirements</u> |
|             | 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 | No requirement         |

|  |                                                                |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                      |
|--|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |                                                                | per 3 dwellings<br>(rounded up to the<br>nearest whole number)                                                                                                                                                              |                                                                                                                                                                                                                                                                      |
|  | Other<br>Residential use in<br>the General<br>Residential Zone | 1 space per bedroom or<br>2 spaces per 3<br>bedrooms + 1 visitor<br>space for every 10<br>bedrooms (rounded up<br>to the nearest whole<br>number)                                                                           | No<br>requirement for residential<br>care facility, assisted<br>housing and retirement<br>village. All other uses<br>require 1 space per 5<br>bedrooms in other forms<br>of accommodation.                                                                           |
|  | Any<br>Residential use in<br>any other zone                    | 1 space per bedroom or<br>2 spaces per 3<br>bedrooms + 1 visitor<br>space for every<br>5 multiple dwellings or<br>every 10 bedrooms for<br>a non-dwelling<br>residential use (rounded<br>up to the nearest whole<br>number) | No requirement for single<br>dwellings, <u>secondary<br/>residence</u> , multiple<br>dwellings, residential care<br>facility, assisted<br>housing and retirement<br>village. All other uses<br>require 1 space per 5<br>bedrooms in other forms<br>of accommodation. |

**Reason for amendment:** To align with the definition for secondary residence, and clarify that a dedicated parking space is not required for a secondary residence in any zone. This does not change the current parking space requirements for a single dwelling.

## 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;

**Reason for amendments:** To clarify that requirements applying to single dwellings also apply to a secondary residence, without changing the current operation of the clauses.

# Legislation Requirements

The SPPs criteria is set out in section 15 of LUPAA, as follows:

(1) In this section –

**relevant planning instrument** means a draft of the SPPs, the SPPs, a draft amendment of the SPPs and an amendment of the SPPs.

(2) The SPPs criteria to be met by a relevant planning instrument are that the instrument –

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

(3) An amendment of the SPPs, or a draft amendment of the SPPs, is taken to meet the SPPs criteria if the amendment of the SPPs, or an amendment of the SPPs made in the terms of the draft amendment of the SPPs, will not have the effect that the State Planning Provisions, as amended, will cease to meet the SPPs criteria.

## Contents of State Planning Provisions (section 14 of LUPAA)

(1) The SPPs –

- a) may contain any provision that may, under section 11, be included in the Tasmanian Planning Scheme; and
- b) may not contain a provision that is inconsistent with section 11 or, if the Tasmanian Planning Scheme were in effect in relation to a municipal area, would be inconsistent with a provision of section 12; and
- c) may contain a provision indicating or specifying the structure to which an LPS is to conform and the form that a provision of an LPS is to take; and
- d) may contain a provision permitting an LPS to provide for the detail of the SPPs in respect of, or the application of the SPPs to, a particular place or matter; and

- e) may contain a provision permitting a provision of an LPS to override a provision of the SPPs; and
  - f) may contain a provision permitting the modification, in relation to a part of a municipal area, of the application of a provision of the SPPs; and
  - g) may contain a provision requiring, or permitting, an LPS to contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land; and
  - h) may contain a provision requiring an LPS to contain a provision of a kind specified or referred to in the SPPs.
- (2) The SPPs may contain a provision permitting an LPS to include –
- a) a particular purpose zone, being a group of provisions consisting of –
    - i. a zone that is particular to an area of land specified in the LPS; and
    - ii. the provisions that are to apply in relation to that zone; or
  - b) a specific area plan, being a plan consisting of –
    - i. a map or overlay that delineates a particular area of land; and
    - ii. the provisions, specified in the LPS, that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs; or
  - c) a site-specific qualification, being a provision, or provisions, that are specified, in relation to a particular area of land, in the LPS and that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.

## Response

This section mostly relates to matters for what an LPS may or may not contain. These are not matters related to the content of this proposed amendment.

For section 11 of LUPAA, the proposed amendment does not relate to forestry operations, mineral exploration, fishing or marine farming in State waters. The proposed draft SPP amendment clarifies and amends existing requirements for approval of specific use and development.

For section 12 of LUPAA, the proposed amendment does not introduce any new prohibitions above what is currently in the SPPs. On this basis, the proposed draft SPP amendment will not prevent the continuance of any existing use or development or prevent any approved use and development from occurring.

On the above grounds the draft SPP amendment only contains provisions that it may contain in accordance with section 14 of LUPAA.

## Land Use Planning and Approvals Act 1993 – Schedule 1 Objectives

### Part 1 - Objectives of the Resource Management and Planning System of Tasmania (RMPS)

1. The objectives of the resource management and planning system of Tasmania are –
  - a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
  - b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
  - c) to encourage public involvement in resource management and planning; and
  - d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
  - e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.
2. In clause 1 (a), sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –
  - a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
  - b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
  - c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

### Part 2 - Objectives of the Planning Process Established by this Act

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

- a) to require sound strategic planning and co-ordinated action by State and local government; and

- b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and
- c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and
- d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and
- e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and
- f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and
- g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and
- h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and
- i) to provide a planning framework which fully considers land capability.

## Response

The SPPs are part of Tasmania's planning system, which includes the objectives of LUPAA, the State Policies, regional land use strategies, and the Tasmanian Planning scheme, which includes both the SPPs and LPSs. Tasmanian Planning Policies have been made but are not yet in effect.

Draft amendment 01-2026 clarifies and improves SPPs requirements related to secondary residences to support more efficient land use and development. The draft SPP amendment represents a small but useful adjustment within the broader planning system and will ensure the SPPs as whole continue to further the Schedule 1 objectives of LUPAA.

The draft amendment 01-2026 particularly supports the fair, orderly and sustainable use and development of land by enabling strategically zoned land to be used to its full potential. It allows greater design options for adding an extra home on land already used for a single dwelling, providing greater options for ageing in place, multi-generational living and smaller household rentals.

Draft SPP amendment 01-2026 will undergo public consultation and public hearings before a final decision is made, ensuring continued public involvement in the planning process.

On the above grounds, the draft SPP amendment 01-2026 is considered to further the Schedule 1 objectives of LUPAA.

## State Policies and NEPMs

State policies are created under Part 2 of the *State Policies and Projects Act 1993*. Also, under section 12A of that Act, all NEPMs made by the Commonwealth are taken to be state policies. There are currently 3 state policies and 7 NEPMs in place. These are the –

1. State Coastal Policy 1996
2. State Policy on the Protection of Agricultural Land 2009
3. State Policy on Water Quality Management 1997
4. National Environment Protection (Air Toxics) Measure 2004
5. National Environment Protection (Ambient Air Quality) Measure 1998
6. National Environment Protection (Assessment of Site Contamination) Measure 1999
7. National Environment Protection (Diesel Vehicle Emissions) Measure 2001
8. National Environment Protection (Movement of Controlled Waste between States and Territories) Measure 1998
9. National Environment Protection (National Pollutant Inventory) Measure 1998
10. National Environment Protection (Used Packaging Materials) Measure 1998

## Response: State Policies

The draft amendment 01-2026 does not make any changes to SPPs relevant to any of the State Policies. The proposed amendment relates solely to the definition, operation and allowable floor area of secondary residences and does not influence broader policy matters such as natural resource management, coastal protection, or sustainable development outcomes governed by the State Policies. For these reasons the draft SPP amendment 01-2026 is considered to be consistent with each state policy.

## Response: NEPMs

The draft amendment does not apply to use or development that is likely to cause serious or material environmental harm or raise risks for environmental protection.

On the above grounds the draft SPP amendment 01-2026 is considered to be consistent with the NEPMs.

## Tasmanian Planning Policies

Under section 15(ca) of LUPAA, an amendment of the SPPs must be consistent with the Tasmanian Planning Policies (TPPs) once they are in effect. The Tasmanian Planning Policies (TPPs) have been made but do not come into effect until 1 July 2026. Although the TPPs are not yet in force, draft amendment 01-2026 has been assessed against them. The draft amendment increases the allowable maximum gross floor area for secondary residences from 60m<sup>2</sup> to 90m<sup>2</sup> along with clarifying the various requirements that apply to secondary residences. These changes do not introduce new land use standards that would conflict with the TPPs. Instead, the amendment supports key policy themes, including housing supply, settlement efficiency and sustainable land use. By enabling more functional and adaptable small dwellings, particularly on land already serviced by infrastructure, the amendment aligns with the TPP objectives to promote well-located housing, optimising existing urban areas, and support diverse and affordable living options.

The proposed amendment is considered consistent with strategies 1.1.3, 1.2.3 and 1.5.3 of the TPPs, specifically the following:

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.

1.5.3 (3): Facilitate social and affordable housing to meet the needs of the community that is located close to services, employment and public transport networks.

1.5.3 (4): Plan and provide for a diverse range of quality housing types that meet the needs of the community by:

- a) responding to demographic trends including changing household size and composition;
- b) supporting the provision of well-designed social and affordable housing;
- c) promoting good amenity through the provision of solar access and quality private open space relative to the density and location;
- d) catering for the ageing population, including facilitating ageing in place and providing for different levels of dependency and transitioning between them;
- e) catering for people requiring crisis accommodation;
- f) considering the needs of people living with disability, including the level of support and care required for different levels of dependent and independent living options; and
- g) supporting co-living scenarios to help address housing availability and affordability.

## Gas Pipeline Safety

LUPAA refers to the safety requirements set out in the standards prescribed in the *Gas Safety Act 2019*. However, this Act only deals with safety requirements for individual appliances, etc, not safety of the major gas infrastructure in the State. There is the ability under this Act for the Minister to issue determinations in respect of any matter to do with safety, but at present there doesn't appear to be any determinations issued.

On this basis, any SPP amendment or planning scheme amendment would only have the potential to affect the risk level of the major gas infrastructure if an individual development, was located inside the declared gas pipeline corridor. In that case, any development application would be referred to the gas pipeline licensee for comment under the *Gas Industry Act 2019*.

The matters addressed by this amendment will not have any direct effect on the location of development in proximity to the major gas pipeline or influence the risk levels for gas safety. Any specific issues will be managed through individual development applications if they are located within the declared gas pipeline corridor.

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