

Submission - Draft Amendment 01-2026 of the State Planning Provisions: Secondary Residences

Response to the State Planning Office submission of 24 September 2026

1. Overview

COTA Tasmania welcomes the State Planning Office's (SPO) response to the Tasmanian Planning Commission's direction following the September hearing. The SPO's proposed changes address several concerns raised by COTA and other representors. Allowing a secondary residence to have its own private open space and parking, and removing "subordinate" from the definition, would improve the amendment. We support those changes.

Our central remaining concern is the proposed express bar on separating a secondary residence into a strata scheme for independent ownership. We understand the intended planning relationship between the dwellings, but ask that the consequences for older people who contribute substantial funds to a residence on another person's land be considered and clearly explained. The term "appurtenant" and the continuing requirement to share service connections and meters also warrant practical guidance.

COTA Tasmania continues to support increasing the maximum gross floor area from 60 to 90 square metres. As outlined in our original submission, that change can make more room for accessible design, mobility aids, storage and support from a carer. The broader reform should be accompanied by guidance on access, services, tenure and financial contributions, and its housing outcomes should be monitored.

2. About COTA Tasmania

The Council on the Ageing Tasmania (COTA Tasmania) is the peak body for older Tasmanians. We work to advance the rights, interests and wellbeing of people as they age and to ensure that public policy reflects their diverse lives and circumstances.

Housing affects health, independence, financial security and participation. As Tasmania's population ages, planning decisions about smaller homes must be judged by the quality and security of the living arrangements they make possible.

3. Recommendations

COTA Tasmania recommends that the Commission and State Planning Office:

1. Consider the housing-security consequences of the proposed strata provision for older occupants who contribute capital, and clearly explain the ownership and tenure implications in public guidance.
2. Adopt the SPO's proposed wording under which a secondary residence may, but need not, share private open space and car parking with the single dwelling.
3. Remove "subordinate" as proposed by the SPO, and explain the practical operation of the remaining "appurtenant" and "development area" criteria through plain-English examples.
4. Clarify whether a shared network connection and meter requirement permits sub-metering and how costs may fairly be allocated between households.
5. Provide a practical factsheet before commencement covering accessible design and safe access, utility arrangements, ownership and rights to remain, financial contributions and the value of independent legal and financial advice.

4. Detailed comments

4.1 Strata title and security of tenure

The SPO states that a secondary residence cannot be separated for independent ownership under the existing framework and proposes to make that position explicit in the definition. It also notes that an owner may seek approval to convert the homes to multiple dwellings before any application for strata division is considered. COTA Tasmania recognises this planning distinction. Our concern is that an older person who helps pay for a secondary residence may reasonably mistake permission to build and occupy it for a secure interest in the property.

An older person may sell their home or use retirement savings to help build a secondary residence on an adult child's land. Without carefully documented arrangements, they may hold no ownership interest and have no secure right to remain if the property is sold, the owner dies or separates, debt intervenes, or family relationships change. A planning approval cannot protect their investment or occupancy.

Making this restriction explicit provides an opportunity for government information to explain plainly what ownership cannot be obtained through this form of development, and what matters the parties should address before committing money.

COTA Tasmania recommends a plain-English factsheet prepared with relevant legal, housing and consumer organisations. It should explain the distinction between planning approval, ownership and an enforceable right to occupy; identify questions about contributions, repairs, utilities, sale and inheritance; and encourage each party to obtain independent legal and financial advice. The factsheet should not imply that a family agreement alone necessarily secures the occupant's rights.

4.2 Private open space and parking

We welcome the SPO's proposal that a secondary residence "may share laundry facilities, car parking and private open space" with the single dwelling.

Allowing private open space and parking to be shared, rather than requiring them to be shared, answers our concern that an older occupant could be prevented from having a small, accessible courtyard or garden with reasonable privacy. It also permits parking to respond to an occupant's mobility needs and the layout of the lot.

The requirement to share vehicular access and driveway would remain. Guidance should therefore address safe pedestrian movement, a firm and reasonably direct path to the residence, space to enter and leave a vehicle where needed, and access for emergency and home-care services. The flexibility in the SPO's proposed wording should be retained in the final amendment.

4.3 Removing "subordinate"

COTA Tasmania supports the SPO's proposal to remove "subordinate". The SPO acknowledges that the term adds ambiguity without serving a specific planning purpose, and that other standards control scale, bulk and siting. Removing it should make the rule easier for applicants and councils to apply consistently.

4.4 "Appurtenant" and development area

The SPO proposes to retain "appurtenant" while spelling out that a secondary residence may be within, attached to or separated from the single dwelling and, if separated, must be within or adjoining its "development area". This is more useful than defining "appurtenant" simply as "near to" or "in proximity", and uses a term already defined in the State Planning Provisions.

Nevertheless, "appurtenant" remains unfamiliar to many applicants. The Commission should consider whether it adds a necessary test beyond the listed criteria.

If it is retained, guidance should explain how “within or adjoining the development area” operates in practice, with examples for urban and larger rural lots. For arrangements intended to support an older person, the ability to meet a location test should not be mistaken for a safe, convenient walking route between the homes.

4.5 Shared services and meters

The SPO’s proposed revised definition continues to require the dwellings to share service connections and meters where the single dwelling is connected to reticulated sewerage or a water, gas or electricity meter. This issue was raised in COTA Tasmania’s original submission and remains unresolved. Shared billing can obscure each household’s use and create disputes or difficulties for an occupant seeking concessions, hardship support or protection where medical equipment depends on electricity.

COTA Tasmania asks that the final explanatory material distinguish a shared network connection from any permissible internal sub-metering, and explain how costs can be allocated transparently and fairly. Guidance should also address who controls the utility account and how an occupant can be informed about interruptions and essential-service protections.

5. Conclusion

COTA Tasmania supports the proposed increase to 90 square metres and welcomes the SPO’s changes to private open space, parking and the use of “subordinate”. Together, these changes would make secondary residences a more practical option for ageing in place, multigenerational living and housing choice.

The test of the reform will be whether the homes it enables are safe, accessible and secure for the people who live in them.

Before finalising the amendment, the Commission should consider the tenure implications of the proposed strata provision. Clear public guidance on ownership, financial contributions, safe access and fair utility arrangements should accompany the final rules, so that older people can make informed decisions before committing their savings.