

Ref: 13/011 - EM

21 July 2026

Tasmanian Planning Commission
GPO Box 1691
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Via email only: tpc@planning.tas.gov.au

To whom it may concern

Re: Representation to Draft Amendment 01-2026 of the State Planning Provisions - Secondary Residences

Thank you for the opportunity to provide a representation on Draft Amendment 01-2026 of the State Planning Provisions (SPPs), relating to an increase in floor area of secondary residences from 60m² to 90m² (and other clarifications). This representation was considered and endorsed by elected members at the 20th July 2026 Council Meeting.

Council previously participated in consultation facilitated by the State Planning Office under section 30D (2) of the *Land Use Planning and Approval Act* (the Act) and provided a submission on the 16th April 2026. The issues raised in that submission have not been resolved within the draft amendment and are therefore reiterated below.

The explanatory document states that an increase in floor area is required to provide greater design options for a secondary residence, providing options for ageing in place, multi-generational living and smaller household rentals [emphasis added]. No data is provided to support the assumption that an increase in floor area will facilitate this, or why the multiple dwelling provisions cannot be utilised for larger residential buildings on the same lot.

Importantly, the Tasmanian Housing Strategy 2023-2043 does not look to secondary/ancillary dwellings to provide appropriate rental housing stock, noting that it falls outside of the 'Missing Middle' transect. An increase in floor area of secondary residences was also *not* identified as a recommendation of the Improving Residential Standards in Tasmania project. Further, it is misleading that the Terms of Reference refer to the 2023 SPP Review, implying that amendment was an outcome of that process. An increase in floor area of secondary residences was not an action group (AG) item, noting that AG 1.5 relating to secondary residences was to clarify the definition for applications in areas without reticulated water and sewer and off-grid proposals, with no reference to increasing the floor area. It is acknowledged that the background report now provides this information. Nevertheless, the proposed amendment, despite further wording changes, still fails to provide clarification of the requirements for secondary residences in un-serviced areas.

The explanatory document also states that *"Increasing the maximum gross floor area to 90m² 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."* This statement is also misleading, with Tasmania currently have a floor area limit that is largely consistent with other states. The proposed changes to 90m² would result in Tasmania having one of the largest and least regulated secondary dwelling provisions nationally, particularly with regard to parking and dwelling density.

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Most states around Australia maintain a secondary residence maximum floor area of 60-80m², with those up to 90m² in urban areas having additional provisions around minimum lot sizes and plot ratios, floor area as a maximum percentage of the main dwelling, accessibility requirements, additional parking requirements and limitations on the number of secondary residences. The proposed draft does not contain any such provisions to support the increased floor area and prevent inappropriate development.

An overview of provisions for other States is provided below (noting some variations at Local Planning Scheme level).

South Australia

Floor Area limit: 70m² (previously 60m²)

Fully self-contained: Yes

Bedroom limit: 2 bedrooms

Open tenancy: Yes

Must have shared utilities: Yes

Must be behind building line: Yes

Minimum lot size: per zone.

Parking: Shared

Victoria

Floor Area limit: up to 60m²

Fully self-contained: Yes

Bedroom limit: N/a (refer floor area)

Open tenancy: Yes

Must have shared utilities: Standard connections (no natural gas), unless un-serviced (solar/septic permissible)

Must be behind building line: Yes

Minimum lot size: 300m² (before additional approvals required). Maximum 60-70% coverage depending on zone (e.g., 65% in General Residential); at least 20% permeable surfaces for water management.

Private open space: Minimum 25m² for the main dwelling (with 20m² secluded); 8m² for the secondary dwelling. Can include balconies or rooftops if compliant.

Parking: shared.

Western Australia

Floor Area limit: 70m²

Fully self-contained: Yes

Bedroom limit: N/a

Open tenancy: Yes

Must have shared utilities: Refer local Council

Must be behind building line: Refer local Council for setback requirements

Minimum lot size: No (previously 350m²), refer local Council for setback requirements

Parking requirements: depends on density/proximity to public transport - refer local Council for requirements

New South Wales

Floor Area limit: 60m²

Fully self-contained: Yes

Bedroom limit: N/a (refer floor area)

Open tenancy: Yes

Must have shared utilities: Refer local Council
Must be behind building line: Refer local Council for setback requirements
Minimum lot size: 450m²
Parking requirements: existing parking provision to be maintained.

Queensland

Floor Area limit: 80m² for metropolitan area and up to 100m² for larger rural properties
Fully self-contained: Yes
Bedroom limit: N/a
Open tenancy: Yes
Must have shared utilities: Refer local Council
Must be behind building line: Refer local Council for setback requirements. Must be located within 20m of existing dwelling.
Setbacks & Site Coverage:

- General guidelines suggest a minimum 3-meter setback from the rear boundary and 1.5 metres from side boundaries.
- Total site coverage (all built structures) must commonly not exceed 50% of the property's total area.
- A minimum distance of 1.8 metres must be maintained between the granny flat and any existing structures for fire separation.

Parking requirements: One dedicated off-street car parking space is commonly required for the granny flat, in addition to existing parking for the main dwelling.

Australian Capital Territory

Floor Area limit: 40-90m² (measured to external walls). One secondary residence per lot specified.
Fully self-contained: Yes
Bedroom limit: N/a
Open tenancy: Yes
Must have shared utilities: Unknown
Setbacks & Site Coverage: Site coverage for single dwellings (including secondary dwelling) is a maximum of:
a) For large blocks: 40% of the block area, b) For mid-sized blocks: 60% of the block area, c) For compact blocks: 70% of the block area.
Parking requirements: Own parking space

Northern Territory

Floor Area limit: 75-100m² – zone dependent
Fully self-contained: Yes
Bedroom limit: N/a
Open tenancy: Yes
Must have shared utilities: Yes – Water and power.
Setbacks & Site Coverage: Zone dependent
Private open space: In addition to the private open space requirement for the existing dwelling
Parking requirements: 1 per bedroom, to maximum of 2. Single access.

As such, the proposed draft amendment raises the following concerns:

1. A secondary residence is not intended to be a rental premises, or to fill a void of smaller dwellings in the market – this is the role of multiple dwellings, where adequate provisions can be put in place to provide for

parking, separation of utilities, rubbish disposal and appropriate private open space, therefore maintaining the current community expectations of residential standards of living.

2. A 90 m² floor area is incompatible with the intent of a secondary residence to be a small living unit subordinate to and effectively part of the primary dwelling, having shared use of private open space and parking. It should not substantially increase the demand or intensify the use of these spaces without additional regulation. A floor area of 90 m² exceeds what is reasonably considered “small” or “subordinate,” and therefore does not meet the intended purpose of the secondary residence provisions.
3. There is likely an expectation that the end user of these secondary residences will expect the same level of amenity/security as a multiple dwelling, but in reality, occupants may have reduced housing security due to reliance on the status/ownership of the main dwelling. This is contrary to the priorities of the Tasmanian Housing Strategy 2023-2043.
4. Increasing the floor area of ancillary/secondary residences does not achieve the ‘Missing Middle’ styles of housing identified in the Tasmanian Housing Strategy 2023-2043 and there is no requirement for accessible features and proximity to services, transport and social networks.



Extract from the Tasmanian Housing Strategy 2023-2043

5. If a 90m² maximum floor area is established, the secondary residence has the potential to be larger than the existing dwelling. The provisions are not clear that the existing dwelling may require a change of use to become a secondary dwelling, if this is the case.
6. A 90m² floor area easily accommodates a 3-bedroom home, with the ability to generate the same number of vehicle movements, parking requirements, stormwater, sewerage and waste, as the main dwelling, with no upgrade to supporting infrastructure required.
7. Increasing the floor area of secondary residences to a 90m²/3-bedroom home could also incentivise them being used for short-stay accommodation (as they would likely meet exemption 4.1.6), thus undermining the stated housing objectives.
8. The lack of infrastructure installed at the time of construction will make any future strata difficult and create a regulatory burden for Councils.

In summary, increasing the floor area of secondary residences does not provide for sustainable, well serviced, quality homes for those requiring up to three bedrooms - with insufficient supporting services likely impacting those most vulnerable. Appropriate provisions for multiple dwellings are already in place and require an appropriate level of services and assessment to ensure housing is provided to a standard that is sustainable into the future.

Should you have any questions relating to this representation, please do not hesitate to contact me, either by email planning@nmc.tas.gov.au or by phone 6397 7303.

Yours Sincerely



Erin Miles
STRATEGIC PROJECTS OFFICER