



Housing Land Supply Order (Penguin) Order 2026

Consultation Package

Including Public Exhibition Notice, details of how to make a submission, Frequently Asked Questions, Minister's Statement of Reasons, a copy of the proposed Order, and Fact Sheet

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1.0 Public Exhibition Notice

Housing Land Supply Act 2018 Housing Land Supply (Penguin) Order 2026 Exhibition Notice

I, KERRY JOHN VINCENT, Minister for Housing and Planning, propose to make the Housing Land Supply (Penguin) Order 2026 for the land at 1 Ironcliffe Road, Penguin, described by folio of the Register FR 156425/1.

The area of land to which the proposed Order relates is approximately 2.079 hectares.

The exhibition period is open for 28 days and the closing date for submissions is 5:00pm on Monday, 25 May 2026.

A copy of the proposed Order, and my statement of reasons why I wish to make the proposed Order and am satisfied that I would not contravene section 5(2) or section 6(1) or (2) of the *Housing Land Supply Act 2018*, may be viewed during the exhibition period at:

1. www.stateplanning.tas.gov.au;
2. Central Coast Council Offices at 78 Main Road, Penguin, and 19 King Edward Street, Ulverstone; or
3. Service Tasmania at 54-56 King Edward Street, Ulverstone.

The public are invited to make submissions in relation to the proposed Order within the exhibition period. Submissions may be made:

by email - to haveyoursay@stateplanning.tas.gov.au

by post to -

State Planning Office
Department of State Growth
GPO BOX 536
HOBART TAS 7001.

Submissions may be made with respect to the relevant matters specified in section 13(2) of the *Housing Land Supply Act 2018* as follows:

- the suitability of the area of land for residential use;
- the suitability of the intended zone; or
- whether the Minister would, or would not, contravene section 5(2) or section 6(1) or (2) of the *Housing Land Supply Act 2018* by making the proposed housing land supply order.

KERRY JOHN VINCENT
Minister for Housing and Planning
Date: 16 April 2026

2.0 Summary of the proposed Order

The purpose of the proposed Housing Land Supply (Penguin) Order 2026 is to classify the land identified in clause 4 of the proposed Order as Housing Land Supply Land, and rezone it to the General Residential Zone under the Tasmanian Planning Scheme as it applies in the Central Coast municipality. It also proposed to include a Specific Area Plan that provides for a greater diversity of housing types on site while maintaining the town's established character and liveability.

The land, situated at 1 Ironcliffe Road, Penguin, is legally described by folio of the Register FR 156425/1, and is approximately 2.079 hectares in area. The site is owned by Homes Tasmania, which is planning its future development for housing.

3.0 How to find further information

Further information about the proposed Order and the *Housing Land Supply Act 2018* (the HLS Act) can be found at www.stateplanning.tas.gov.au.

Enquiries about the HLS Act and the proposed Order can be made to the State Planning Office on 1300 703 977 or SPO@stateplanning.tas.gov.au.

Enquiries regarding any development that may be proposed on the land can be made to Homes Tasmania on 1800 995 653 or email: housingprojects@homes.tas.gov.au.

4.0 How to make a submission

The community is invited to make submissions in relation to the proposed Order within the exhibition period. Submissions may be made:

by email to –

haveyoursay@stateplanning.tas.gov.au or

by post to –

State Planning Office
Department of State Growth
GPO Box 536
HOBART TAS 7001

Submissions may be made with respect to the relevant matters specified in section 13(2) of the *Housing Land Supply Act 2018* as follows:

- the suitability of the land for residential use;
- the suitability of the intended zone; or
- whether the Minister for Housing and Planning would, or would not, contravene section 5(2) or section 6(1) or (2) of the *Housing Land Supply Act 2018* by making a housing land supply order.

5.0 Minister's Statement of Reasons

Appendix A of this document contains the Minister for Housing and Planning's statement of reasons on:

- why the proposed Order should be made; and
- compliance with the *Housing Land Supply Act 2018*.

6.0 Frequently Asked Questions

The process in general

Why was the Housing Land Supply Act 2018 ("the HLS Act") created?

The HLS Act was created in 2018 to help address housing supply issues in Hobart and throughout the State. The Act established a process for accelerating the supply of land for social and affordable housing. Only government land is eligible for consideration under the Act.

Further information on the HLS Act and previous Orders can be found here - <https://www.stateplanning.tas.gov.au/topics/housing#Housing-Land-Supply-Act-2018> or by contacting the State Planning Office in the Department of State Growth on 1300 703 977, or email SPO@stateplanning.tas.gov.au.

How does the Housing Land Supply process work?

Homes Tasmania identifies surplus government land it considers suitable for affordable housing and prepares a report demonstrating that the site meets the requirements of the HLS Act. The Act requires that the site be suitable for residential development and located in proximity to public and commercial services, public transport, and places that may provide opportunities for employment.

Homes Tasmania makes a request to the Minister for Housing and Planning for a proposed Housing Land Supply Order in relation to eligible and suitable Government land.

The Minister considers the request in accordance with the HLS Act and the outcomes of consultation on the proposed Order. Public consultation undertaken on a proposed Order involves the direct notification of people living or owning property surrounding the site, together with any identified groups or others that may have an interest in the matter.

The Minister considers any submissions received during the consultation period and prepares a report for tabling in Parliament. The Parliament sees all submissions made during the consultation period.

For the Order to be considered by Parliament, it must meet the requirements set out in the HLS Act, including that a site must be eligible government land, suitable for residential development, and its rezoning:

- is consistent with the relevant regional land use strategy (in this instance, the Cradle Coast Regional Land Use Strategy);
- is consistent with relevant State policies; and
- furthers the objectives of the *Land Use Planning and Approvals Act 1993* (this is the same level of assessment applied to rezoning applications made under the normal planning processes).

Both Houses of Parliament consider the Minister's report, and may disallow the proposed Order or allow it to proceed. If the proposed Order proceeds, the Minister then directs the Tasmanian Planning Commission to amend the relevant planning scheme, to align with the Order as made.

Proposed Housing Land Supply (Penguin) Order 2026

The Tasmanian Planning Scheme applies to any development of the Ironcliffe Road, Penguin, site. The Scheme consists of the State Planning Provisions and the Central Coast Local Provisions Schedule (LPS).

The Housing Land Supply (Penguin) Order 2026 applies to the whole of the former Penguin Recreation Ground, legally described as folio of the Register 156425/1.

If the proposed Order is made by the Minister, the land will be rezoned from Recreation to General Residential. Rezoning involves making a change to the Zone Map that forms a part of the Central Coast LPS.

In addition to changing the zoning of the land, the proposed Order inserts into the Central Coast LPS a Specific Area Plan that applies **only** to the land the subject of the Order.

What is a Specific Area Plan and why does one form part of the proposed Order?

A Specific Area Plan (SAP) substitutes and/or complements development controls for the relevant zone – in this case, the General Residential Zone - set out in the State Planning Provisions.

The purpose of the SAP is to encourage the development of a combination of detached and multiple dwellings on the site while maintaining the town's established character and liveability. The SAP offers greater flexibility in terms of lot sizes and housing density than would otherwise be achievable, **without** the intensity of development that might be realised if the land were rezoned Inner Residential.

Planning controls in the SAP provide an opportunity to build smaller homes that meet the needs of people seeking 1- and 2-bedroom accommodation without compromising residents' private open space, access to light and ventilation, or the value placed by the community on a visually attractive street.

The number of homes that can be built on the land depends on the mix of detached houses and apartments specified in a development application, and its assessment by Central Coast Council.

How does the Specific Area Plan (SAP) modify the State Planning Provisions?

The SAP provides for:

- the building of smaller but well-designed, high-quality homes;
- a mix of detached houses and multiple dwellings;
- at least two lots more than 1500m² in area;
- a limit of 45 residential lots on the site.

Overall, housing density across the entire 2ha site will be around 460m² per lot. This is similar to the density control in the General Residential Zone set out in the State Planning Provisions.

Development standards in the SAP also aim to maximise space and support the delivery of affordable housing by minimising construction costs. It will also be possible to provide public open space within the site.

The following table illustrates how the SAP varies the General Residential Zone development standards set out in the State Planning Provisions. For more information about the Tasmanian Planning Scheme, please visit the Planning in Tasmania website, <https://www.stateplanning.tas.gov.au/planning-system/tasmanian-planning-scheme>.

Development standard number and name	State Planning Provisions	Specific Area Plan (SAP) variation
8.4.1 Residential density for multiple dwellings	Minimum site area of 325m ² per dwelling for multiple dwellings on one lot.	Minimum site area of 200m ² per dwelling for multiple dwellings on one lot.
8.4.2 Setbacks and building envelope for all dwellings	Minimum setback of 4.5m from a primary frontage or not less than 3m if not a primary frontage Three-dimensional building envelope up to a building height of 8.5m. Side and rear setbacks of 1.5m, or lesser setbacks to match adjoining building, or if less than one third or 9m of the boundary length.	Tailored minimum frontage setbacks of 3m for all lots fronting Braddon St, Ironcliffe Rd and King Edward St or lots greater than 1500m ² , and 2m from a frontage to a new road across the site. Three-dimensional building envelope up to a building height of 8.5m, or 9.5m for lots greater than 1500m ² .
8.4.2 Setbacks and building envelope for all dwellings (continued)		Side and rear setbacks unchanged, at 1.5m, or lesser setbacks to match adjoining building, or if less than one third or 9m of the boundary length.
8.4.3 Site coverage and private open space for all dwellings	Maximum 50% site coverage. Private open space of at least 24m ² in one location for single dwellings, or at least 12m ² per multiple dwelling.	Maximum 65% site coverage. A total of 40m ² for each multiple dwelling.

Development standard number and name	State Planning Provisions	Specific Area Plan (SAP) variation
	A total of 60m ² private open space for each multiple dwelling.	
8.6.1 Development Standards for Subdivision – Lot design	Minimum lot size of 450m ² . Minimum frontage of 12m.	Minimum lot size of 220m ² per lot, while maintaining privacy, solar access, ventilation and sufficient space for gardens and outdoor areas. Must have at least two lots more than 1500m ² in area that do not have a frontage to existing streets. Minimum frontage of 11m, except for corner lots which have frontages of 11m and 6m. A maximum of 45 residential lots on the site.
8.6.2 Roads	No requirement	A new through road across the site between Braddon Street and Ironcliffe Road
C2.5.1 Car parking numbers	Penguin parking precinct plan does not allow any new car parking on-site	On-site parking of 1 space for 1 or 2 bedroom houses or 2 spaces for 3 bedroom houses, and 1 visitor parking space for every 5 multiple dwellings or every 10 bedrooms in other styles of residential accommodation

What development may occur on the site?

At the time of proposing the Order, Homes Tasmania had not prepared specific development plans for the land. An *Indicative Subdivision Concept Plan* included in the Planning Report prepared for Homes Tasmania is only a **guide** to what may be developed on the site, and has not been formally adopted as a development plan.

The *Indicative Subdivision Concept Plan* includes a new internal roadway off Ironcliffe Road and areas of public open space.

Examples of development that may occur under the General Residential Zone are single dwellings, multiple dwellings, subdivision of the land, or shared accommodation facilities.

Further information can be obtained by contacting Homes Tasmania on 1800 995 653 or email: housingprojects@homes.tas.gov.au.

The Tasmanian Planning Scheme as it applies to Central Coast Council may be viewed on the Tasmanian Planning Commission's website at <https://www.planning.tas.gov.au/>.

How will car parking on and off the site be managed?

The SAP includes planning controls intended to ensure there is adequate on-site parking for the residents of any approved development consistent with the requirements in the Parking and Sustainable Transport Code in the Tasmanian Planning Scheme. This would replace the Parking Precinct Plan that currently applies to the site and surrounding area which requires no additional on-site car parking

The future development application for the subdivision of the site will carefully consider traffic impacts, including the impact of new housing on traffic patterns, vehicular access, pedestrian and cycling facilities, road safety, and the performance of nearby intersections, among other considerations.

A preliminary traffic study referred to in the Planning Report concluded that the existing street network has sufficient capacity to accommodate the extent of development envisaged in the *Indicative Subdivision Concept Plan*.

Who will assess development proposals for the land?

The Minister does not assess development proposals on the land once the land is rezoned.

Homes Tasmania, or someone acting on its behalf, may lodge a development application with Central Coast Council, the local planning authority, who will determine the application.

How can I have my say on the proposed Order?

You may lodge a written submission with the Minister for Housing and Planning during the public consultation period for the proposed Order.

Appendix A – Minister’s Statement of Reasons

Minister’s Statement in relation to the proposed Order

My reasons for wanting to make a housing land supply order in the form of the proposed Order are as follows –

1. Preparation of the *Housing Land Supply Act 2018* (HLS Act) was a key action identified at the Housing Summit hosted by the then Premier on 15 March 2018;
2. The HLS Act enables suitably identified government sites to be rezoned for residential use. The rezoning of land is achieved through the making of Housing Land Supply Orders;
3. There is a clear need to make more land available under the *Homes Tasmania Act 2022* to enable the provision of additional social and affordable housing in Tasmania, there being 5408 applications on the Homes Tasmania Housing Register at the end of February 2026;
4. The subject land is suitable for the development for social and affordable housing, and needs to be rezoned before new homes may be built; and
5. The proposed Order will provide more land zoned for residential purposes and, through the construction of new homes, contribute towards achieving targets for the supply of more social and affordable homes in the Central Coast area set out in Tasmania’s Housing Strategy 2023-2043.

The reasons why I am of the opinion that the proposed Order may be made under this Act, and why I am satisfied that I would not contravene section 5(2) or section 6(1) or (2) by making a housing land supply order in the form of the proposed order are as follows –

1. The land is eligible Government land, and an Order may be made until 1 January 2033, in accordance with section 5(1) of the Act;
2. As required under section 5(2)(a) of the Act, there is a need to make more land available under the *Homes Tasmania Act 2022* to enable the provision of additional social and affordable housing in the Cradle Coast region. There were 210 applications on Homes Tasmania’s Housing Register as of 28 February 2026 by ‘eligible persons’ looking to find social or affordable homes in the Central Coast LGA;
3. The land is suitable for residential use and development by virtue of its location in Penguin, in proximity to public and commercial services, public transport and places that may provide opportunities for employment, as required under section 5(2)(b) of the Act and as set out in the planning submission by Homes Tasmania;
4. Applying the General Residential Zone to the land would be consistent with relevant State Policies and the Cradle Coast Regional Land Use Strategy, as required under section 6(1)(a) of the Act;
5. If the General Residential Zone is applied to the land, the use or development of the land would not be significantly restricted by any code that applies to the land under the Tasmanian Planning Scheme – Central Coast, thereby satisfying section 6(1)(b) of the Act;
6. Rezoning the land to General Residential would further the objectives set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993*, as required under section 6(1)(c) of the *Housing Land Supply Act 2018*;

7. After consideration of the guidelines under section 8A of the *Land Use Planning and Approvals Act 1993*, I am satisfied that assigning the General Residential Zone would be consistent with the zone purpose in the State Planning Provisions in relation to the intended zone, as required under section 6(1)(d) of the HLS Act;
8. Prior to finalising the proposed Order, I will consider the environmental, economic and social effects, and the effects on Aboriginal and cultural heritage, of assigning the General Residential zone to the land, as required under section 6(1)(e) of the HLS Act;
9. In accordance with section 6(1)(f) of the HLS Act, I am satisfied that use or development of the land would not be likely to create significant land use conflict with an existing use on any part of the land, or with use or development on any adjacent land or other land that may be affected by development of land the subject of the proposed Order; and
10. The General Residential Zone will apply to all of the land subject to the proposed Order, and section 6(2)(b) of the *Housing Land Supply Act 2018* does not apply in this instance.

Appendix B – Copy of proposed Housing Land Supply (Penguin) Order 2026

TASMANIA

HOUSING LAND SUPPLY (PENGUIN) ORDER 2026
STATUTORY RULES 2026, No.

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Consultation Draft

HOUSING LAND SUPPLY (PENGUIN) ORDER 2026

I make the following order under section 4 of the *Housing Land Supply Act 2018*.

Dated 20 .

Minister for Housing and Planning

1. Short title

This order may be cited as the *Housing Land Supply (Penguin) Order 2026*.

2. Commencement

This order takes effect on the day on which its making is notified in the *Gazette*.

3. Interpretation

In this order –

Act means the *Housing Land Supply Act 2018*.

4. Declaration of housing supply land

For section 4(1) of the Act, the area of land –

- (a) situated at 1 Ironcliffe Road, Penguin in Tasmania; and
- (b) described in certificate of title Volume 156425, Folio 1 of the Register kept

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under section 33 of the *Land Titles Act*
1980 –

is declared to be housing supply land.

5. Declaration of intended zone

For section 4(2) of the Act, the intended zone in relation to the area of land specified in clause 4 is declared to be the General Residential Zone referred to in the applicable planning scheme.

6. Modifications of planning requirements

For section 7(2)(c)(ii) of the Act, the relevant SPPs provisions referred to in this clause are modified in relation to the area of land specified in clause 4 as follows:

- (a) by omitting clauses 8.4.1–8.4.3 and substituting the clauses set out in Part 1 of Schedule 1;
- (b) by omitting clauses 8.6.1 and 8.6.2 and substituting the clauses set out in Part 2 of Schedule 1;
- (c) by omitting Clause C2.5.1 and substituting the clause set out in Part 3 of Schedule 1;
- (d) by omitting Clause C2.6.8 and substituting the clause set out in Part 4 of Schedule 1.

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**SCHEDULE 1 – MODIFICATIONS OF PLANNING
REQUIREMENTS**

**PART 1 – GENERAL RESIDENTIAL ZONE –
DEVELOPMENT STANDARDS FOR DWELLINGS**

8.4.1 Residential density for multiple dwellings

Objective:	That the density of multiple dwellings: (a) makes efficient use of land for housing; and (b) optimises the use of infrastructure and community services.
Acceptable Solutions	Performance Criteria
A1 Multiple dwellings must have a site area per dwelling of not less than 200m ² .	P1 Multiple dwellings must only have a site area per dwelling less than 200m ² if: (a) the development contributes to a range of dwelling types and sizes appropriate to the surrounding area, having regard to the Plan Purpose; or (b) the development provides for a specific accommodation need with significant social or community benefit.

8.4.2 Setbacks and building envelope for all dwellings

Objective:	The siting and scale of dwellings: (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides reasonable consistency in the apparent scale, bulk, massing and proportion of dwellings; and (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
Acceptable Solutions	Performance Criteria
A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage to Braddon Street, Ironcliffe Road or King Edward Street, or to a lot with an area of more than 1,500m ² , not less than 3m, or, if the setback from the primary frontage is less than 3m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage to Braddon Street, Ironcliffe Road or King Edward Street, or to a lot with an area of more than 1,500m ² , not less than 2m, or, if the setback from the frontage is less than	P1 A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to the Plan Purpose.

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<p>2m, not less than the setback, from the frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>	
<p>A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 3m, or alternatively 1m behind the building line; or</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport.</p>	<p>P2 A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope determined by:</p> <p>(i) a distance equal to the frontage setback; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than:</p> <p>a. 8.5m above existing ground level; or</p> <p>b. 9.5m above existing ground level on a lot with an area of more than 1,500m²; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>P3 The siting and scale of a dwelling must:</p> <p>(a) be not more than 3 storeys high;</p> <p>(b) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; and</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; and</p> <p>(c) provide separation between dwellings on adjoining properties that is consistent with the Plan Purpose, having regard to the streetscape.</p>

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8.4.3 Site coverage and private open space for all dwellings

Objective:	That dwellings are compatible with Penguin's coastal village character and provide: (a) for outdoor recreation and the operational needs of the residents; and (b) opportunities for the planting of gardens and landscaping.
Acceptable Solutions	Performance Criteria
<p>A1 Dwellings must have:</p> <p>(a) a site coverage of not more than 65% (excluding eaves up to 0.6m wide); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 40m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p>P1 Dwellings must have:</p> <p>(a) site coverage compatible with the streetscape, having regard to the Plan Purpose;</p> <p>(b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate:</p> <p style="margin-left: 20px;">(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and</p> <p style="margin-left: 20px;">(ii) operational needs, such as clothes drying and storage; and</p> <p>(c) reasonable space for the planting of gardens and landscaping.</p>

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**PART 2 – GENERAL RESIDENTIAL ZONE –
DEVELOPMENT STANDARDS FOR SUBDIVISION**

8.6.1 Lot design

Objective:	That each lot: (a) has an area and dimensions appropriate for use and development in the zone and consistent with the Plan Purpose; and (b) is provided with appropriate access to a road.
Acceptable Solutions	Performance Criteria
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 220m² and:</p> <p style="margin-left: 20px;">(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p style="margin-left: 40px;">a. all setbacks required by clause 8.4.2 A1, A2 and A3; and</p> <p style="margin-left: 40px;">b. easements or other title restrictions that limit or restrict development;</p> <p style="margin-left: 20px;">(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</p> <p style="margin-left: 20px;">(iii) not be an internal lot; and</p> <p style="margin-left: 20px;">(iv) the arrangement of lots for Residential use proposed in a plan of subdivision must provide:</p> <p style="margin-left: 40px;">a. not less than 2 lots that have an area of more than 1,500m² and do not have a frontage to Braddon Street, Ironcliffe Road or King Edward Street; and</p> <p style="margin-left: 40px;">b. not more than 45 residential lots;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant requirements for development of buildings on the lots;</p> <p>(b) the intended location of buildings on the lots;</p> <p>(c) the topography of the site;</p> <p>(d) the presence of any natural hazards;</p> <p>(e) adequate provision of private open space;</p> <p>(f) the pattern of development existing on established properties in the area; and</p> <p>(g) the Plan Purpose, and</p> <p>must not be an internal lot.</p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have:</p> <p>(a) a frontage not less than 12m; and</p> <p>(b) if the lot has 2 frontages, a primary frontage not less than 6m.</p>	<p>P2 Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the distance between the lot or building area and the carriageway;</p>

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	<ul style="list-style-type: none"> (c) the nature of the road and the traffic; (d) the anticipated nature of vehicles likely to access the site; and (e) the ability for emergency services to access the site.
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8.6.2 Roads

Objective:	That the arrangement of new roads within a subdivision provides for: <ul style="list-style-type: none"> (a) safe, convenient and efficient connections to assist accessibility and mobility of the Penguin community; (b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and (c) the efficient ultimate subdivision of the entirety of the land and of surrounding land. 	
	Acceptable Solutions	Performance Criteria
	<p>A1 The plan of subdivision must not provide for new roads other than a road between Braddon Street and Ironcliffe Road providing a vehicular through traffic connection.</p>	<p>P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, pedestrians and cyclists, having regard to:</p> <ul style="list-style-type: none"> (a) the need for connecting roads and pedestrian paths to common boundaries with adjoining land, to facilitate future subdivision potential; (b) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks; (c) minimising the travel distance between key destinations such as the foreshore, shops, services and public transport routes; (d) access to public transport; (e) the efficient and safe movement of pedestrians, cyclists and public transport; and (f) the future subdivision potential of any balance lots on adjoining or adjacent land.

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**PART 3 – PARKING AND SUSTAINABLE
TRANSPORT CODE – USE STANDARDS**

C2.5.1 Car parking numbers

Objective:	To: <ul style="list-style-type: none"> (a) provide an appropriate level of car parking spaces to meet the needs of Residential use; (b) minimise the amount of on-site car parking spaces for uses other than Residential use within the area defined by the Penguin parking precinct plan; and (c) ensure parking does not detract from the streetscape of the area.
Acceptable Solutions	Performance Criteria
<p>A1 On-site car parking spaces must:</p> <p>(a) for Residential use, be not less than:</p> <ul style="list-style-type: none"> (i) 1 space per bedroom or 2 spaces per 3 bedrooms; and (ii) 1 visitor space per 5 multiple dwellings or every 10 bedrooms for a Residential use other than single or multiple dwellings (rounded up to the nearest whole number); and <p>(b) for any other use:</p> <ul style="list-style-type: none"> (i) not be provided; or (ii) not be increased above existing parking numbers. 	<p>P1.1 The number of on-site car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding Penguin parking precinct plan area. <p>P1.2 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the availability of off-street public car parking spaces within reasonable walking distance of the site; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (g) the effect on streetscape; and

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	<p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development, and not exceed the number specified in Table C2.1.</p>
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**PART 4 – PARKING AND SUSTAINABLE
TRANSPORT CODE – DEVELOPMENT STANDARDS
FOR BUILDINGS AND WORKS**

C2.6.8 Siting of parking and turning areas

Objective:	That the siting of vehicle parking and access facilities for multiple dwellings in the Ironcliffe Road Specific Area Plan area does not cause an unreasonable visual impact on streetscape character or loss of amenity to adjoining properties.
Acceptable Solutions	Performance Criteria
<p>A1 On-site parking spaces and vehicle turning areas, including garages or covered parking areas, for multiple dwellings must:</p> <p>(a) be located behind the building line; or</p> <p>(b) be screened from any road or public open space adjoining the site.</p>	<p>P1 The location of on-site parking and vehicle turning areas, including garages or covered parking areas, for multiple dwellings must be compatible with the streetscape, having regard to:</p> <p>(a) the availability of off-street public parking spaces within reasonable walking distance;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p style="margin-left: 20px;">(i) variations in parking demand over time; or</p> <p style="margin-left: 20px;">(ii) efficiencies gained by consolidation of parking spaces;</p> <p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(f) the streetscape;</p> <p>(g) the topography of the site;</p> <p>(h) the location of existing buildings on the site;</p> <p>(i) any constraints imposed by existing development; and</p> <p>(j) any assessment by a suitably qualified person of the actual parking demand, determined having regard to the scale and nature of the use and development.</p>

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

This order is administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the order)

This order, under the *Housing Land Supply Act 2018* –

- (a) declares an area of land situated at 1 Ironcliffe Road, Penguin to be housing supply land; and
- (b) declares the intended zone in relation to that land to be the General Residential Zone referred to in the applicable planning scheme; and
- (c) modifies certain planning requirements that are to apply in relation to the land.

TASMANIA

HOUSING LAND SUPPLY (PENGUIN) ORDER 2026
STATUTORY RULES 2026, No.

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HOUSING LAND SUPPLY (PENGUIN) ORDER 2026

I make the following order under section 4 of the *Housing Land Supply Act 2018*.

Dated 20 .

Minister for Housing and Planning

1. Short title

This order may be cited as the *Housing Land Supply (Penguin) Order 2026*.

2. Commencement

This order takes effect on the day on which its making is notified in the *Gazette*.

3. Interpretation

In this order –

Act means the *Housing Land Supply Act 2018*.

4. Declaration of housing supply land

For section 4(1) of the Act, the area of land –

- (a) situated at 1 Ironcliffe Road, Penguin in Tasmania; and
- (b) described in certificate of title Volume 156425, Folio 1 of the Register kept

c. 5

under section 33 of the *Land Titles Act 1980* –

is declared to be housing supply land.

5. Declaration of intended zone

For section 4(2) of the Act, the intended zone in relation to the area of land specified in clause 4 is declared to be the General Residential Zone referred to in the applicable planning scheme.

6. Modifications of planning requirements

For section 7(2)(c)(ii) of the Act, the relevant SPPs provisions referred to in this clause are modified in relation to the area of land specified in clause 4 as follows:

- (a) by omitting clauses 8.4.1–8.4.3 and substituting the clauses set out in Part 1 of Schedule 1;
- (b) by omitting clauses 8.6.1 and 8.6.2 and substituting the clauses set out in Part 2 of Schedule 1;
- (c) by omitting Clause C2.5.1 and substituting the clause set out in Part 3 of Schedule 1;
- (d) by omitting Clause C2.6.8 and substituting the clause set out in Part 4 of Schedule 1.

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**SCHEDULE 1 – MODIFICATIONS OF PLANNING
REQUIREMENTS**

**PART 1 – GENERAL RESIDENTIAL ZONE –
DEVELOPMENT STANDARDS FOR DWELLINGS**

8.4.1 Residential density for multiple dwellings

Objective:	That the density of multiple dwellings: (a) makes efficient use of land for housing; and (b) optimises the use of infrastructure and community services.
Acceptable Solutions	Performance Criteria
A1 Multiple dwellings must have a site area per dwelling of not less than 200m ² .	P1 Multiple dwellings must only have a site area per dwelling less than 200m ² if: (a) the development contributes to a range of dwelling types and sizes appropriate to the surrounding area, having regard to the Plan Purpose; or (b) the development provides for a specific accommodation need with significant social or community benefit.

8.4.2 Setbacks and building envelope for all dwellings

Objective:	The siting and scale of dwellings: (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides reasonable consistency in the apparent scale, bulk, massing and proportion of dwellings; and (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
Acceptable Solutions	Performance Criteria
A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage to Braddon Street, Ironcliffe Road or King Edward Street, or to a lot with an area of more than 1,500m ² , not less than 3m, or, if the setback from the primary frontage is less than 3m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage to Braddon Street, Ironcliffe Road or King Edward Street, or to a lot with an area of more than 1,500m ² , not less than 2m, or, if the setback from the frontage is less than	P1 A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to the Plan Purpose.

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<p>2m, not less than the setback, from the frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>	
<p>A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 3m, or alternatively 1m behind the building line; or</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport.</p>	<p>P2 A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street.</p>
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope determined by:</p> <p>(i) a distance equal to the frontage setback; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than:</p> <p>a. 8.5m above existing ground level; or</p> <p>b. 9.5m above existing ground level on a lot with an area of more than 1,500m²; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>P3 The siting and scale of a dwelling must:</p> <p>(a) be not more than 3 storeys high;</p> <p>(b) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; and</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; and</p> <p>(c) provide separation between dwellings on adjoining properties that is consistent with the Plan Purpose, having regard to the streetscape.</p>

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8.4.3 Site coverage and private open space for all dwellings

Objective:	That dwellings are compatible with Penguin's coastal village character and provide: (a) for outdoor recreation and the operational needs of the residents; and (b) opportunities for the planting of gardens and landscaping.
Acceptable Solutions	Performance Criteria
<p>A1 Dwellings must have:</p> <p>(a) a site coverage of not more than 65% (excluding eaves up to 0.6m wide); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 40m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p>P1 Dwellings must have:</p> <p>(a) site coverage compatible with the streetscape, having regard to the Plan Purpose;</p> <p>(b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate:</p> <p style="margin-left: 20px;">(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and</p> <p style="margin-left: 20px;">(ii) operational needs, such as clothes drying and storage; and</p> <p>(c) reasonable space for the planting of gardens and landscaping.</p>

Consultation

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**PART 2 – GENERAL RESIDENTIAL ZONE –
DEVELOPMENT STANDARDS FOR SUBDIVISION**

8.6.1 Lot design

Objective:	That each lot: (a) has an area and dimensions appropriate for use and development in the zone and consistent with the Plan Purpose; and (b) is provided with appropriate access to a road.
Acceptable Solutions	Performance Criteria
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 220m² and:</p> <p style="margin-left: 20px;">(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p style="margin-left: 40px;">a. all setbacks required by clause 8.4.2 A1, A2 and A3; and</p> <p style="margin-left: 40px;">b. easements or other title restrictions that limit or restrict development;</p> <p style="margin-left: 20px;">(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</p> <p style="margin-left: 20px;">(iii) not be an internal lot; and</p> <p style="margin-left: 20px;">(iv) the arrangement of lots for Residential use proposed in a plan of subdivision must provide:</p> <p style="margin-left: 40px;">a. not less than 2 lots that have an area of more than 1,500m² and do not have a frontage to Braddon Street, Ironcliffe Road or King Edward Street; and</p> <p style="margin-left: 40px;">b. not more than 45 residential lots;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant requirements for development of buildings on the lots;</p> <p>(b) the intended location of buildings on the lots;</p> <p>(c) the topography of the site;</p> <p>(d) the presence of any natural hazards;</p> <p>(e) adequate provision of private open space;</p> <p>(f) the pattern of development existing on established properties in the area; and</p> <p>(g) the Plan Purpose, and</p> <p>must not be an internal lot.</p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have:</p> <p>(a) a frontage not less than 12m; and</p> <p>(b) if the lot has 2 frontages, a primary frontage not less than 6m.</p>	<p>P2 Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the distance between the lot or building area and the carriageway;</p>

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	<ul style="list-style-type: none"> (c) the nature of the road and the traffic; (d) the anticipated nature of vehicles likely to access the site; and (e) the ability for emergency services to access the site.
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8.6.2 Roads

Objective:	That the arrangement of new roads within a subdivision provides for: <ul style="list-style-type: none"> (a) safe, convenient and efficient connections to assist accessibility and mobility of the Penguin community; (b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and (c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.
Acceptable Solutions	Performance Criteria
<p>A1 The plan of subdivision must not provide for new roads other than a road between Braddon Street and Ironcliffe Road providing a vehicular through traffic connection.</p>	<p>P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, pedestrians and cyclists, having regard to:</p> <ul style="list-style-type: none"> (a) the need for connecting roads and pedestrian paths to common boundaries with adjoining land, to facilitate future subdivision potential; (b) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks; (c) minimising the travel distance between key destinations such as the foreshore, shops, services and public transport routes; (d) access to public transport; (e) the efficient and safe movement of pedestrians, cyclists and public transport; and (f) the future subdivision potential of any balance lots on adjoining or adjacent land.

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**PART 3 – PARKING AND SUSTAINABLE
TRANSPORT CODE – USE STANDARDS**

C2.5.1 Car parking numbers

Objective:	<p>To:</p> <ul style="list-style-type: none"> (a) provide an appropriate level of car parking spaces to meet the needs of Residential use; (b) minimise the amount of on-site car parking spaces for uses other than Residential use within the area defined by the Penguin parking precinct plan; and (c) ensure parking does not detract from the streetscape of the area.
Acceptable Solutions	Performance Criteria
<p>A1 On-site car parking spaces must:</p> <ul style="list-style-type: none"> (a) for Residential use, be not less than: <ul style="list-style-type: none"> (i) 1 space per bedroom or 2 spaces per 3 bedrooms; and (ii) 1 visitor space per 5 multiple dwellings or every 10 bedrooms for a Residential use other than single or multiple dwellings (rounded up to the nearest whole number); and (b) for any other use: <ul style="list-style-type: none"> (i) not be provided; or (ii) not be increased above existing parking numbers. 	<p>P1.1 The number of on-site car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding Penguin parking precinct plan area. <p>P1.2 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the availability of off-street public car parking spaces within reasonable walking distance of the site; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (g) the effect on streetscape; and

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	(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development, and not exceed the number specified in Table C2.1.
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**PART 4 – PARKING AND SUSTAINABLE
TRANSPORT CODE – DEVELOPMENT STANDARDS
FOR BUILDINGS AND WORKS**

C2.6.8 Siting of parking and turning areas

Objective:	That the siting of vehicle parking and access facilities for multiple dwellings in the Ironcliffe Road Specific Area Plan area does not cause an unreasonable visual impact on streetscape character or loss of amenity to adjoining properties.	
Acceptable Solutions	Performance Criteria	
A1 On-site parking spaces and vehicle turning areas, including garages or covered parking areas, for multiple dwellings must: (a) be located behind the building line; or (b) be screened from any road or public open space adjoining the site.	P1 The location of on-site parking and vehicle turning areas, including garages or covered parking areas, for multiple dwellings must be compatible with the streetscape, having regard to: (a) the availability of off-street public parking spaces within reasonable walking distance; (b) the ability of multiple users to share spaces because of: (i) variations in parking demand over time; or (ii) efficiencies gained by consolidation of parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (f) the streetscape; (g) the topography of the site; (h) the location of existing buildings on the site; (i) any constraints imposed by existing development; and (j) any assessment by a suitably qualified person of the actual parking demand, determined having regard to the scale and nature of the use and development.	

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

This order is administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the order)

This order, under the *Housing Land Supply Act 2018* –

- (a) declares an area of land situated at 1 Ironcliffe Road, Penguin to be housing supply land; and
- (b) declares the intended zone in relation to that land to be the General Residential Zone referred to in the applicable planning scheme; and
- (c) modifies certain planning requirements that are to apply in relation to the land.

Appendix C – Fact Sheet

Housing Land Supply Act

Fact Sheet

Purpose

This information sheet is issued by the Department of State Growth's State Planning Office to provide information on the *Housing Land Supply Act 2018* and the process for assessing and making housing land supply orders.

Overview

After the 2018 Housing Summit, the Tasmanian Government announced several medium and long-term solutions to address housing supply. One medium-term measure was for the Government to introduce legislation to fast-track the rezoning of Government land suitable for residential use for affordable housing.

The *Housing Land Supply Act 2018* (the HLS Act) was prepared and introduced in July 2018.

Amendments were made to the HLS Act in November 2021 to broaden the scope of eligible government land and improve the consultation and assessment processes. Further amendments were made to the Act in 2023 to extend the period for making the Housing Land Supply Orders until the end of 2032. The extension will allow the current draft Orders to be finalised and enable more suitable government land to be considered for rezoning for more social and affordable housing.

What does the Housing Land Supply Act do?

The HLS Act responds to the current high demand for housing in Tasmania, by providing a quicker process for rezoning eligible Government land. It overrides the normal assessment process under the *Land Use Planning and Approvals Act 1993* (the LUPA Act) and allows a Housing Land Supply Order (an Order) to rezone or modify the planning scheme requirements for eligible Government land for housing, particularly social and affordable housing.

A proposed Order is subject to strict assessment criteria, public consultation, and parliamentary scrutiny. The declaration of an Order causes the relevant planning scheme to be amended and transfer the land to Homes Tasmania to deliver housing under the *Homes Tasmania Act 2022*. This is the legal framework under which Homes Tasmania provides housing support to those in need. Homes Tasmania can also sell or transfer land to a housing support provider or sell land to ensure there is a right mix of affordable and privately owned housing. Any funds made available through the sale of land can then be used for the purposes of delivering social and affordable housing in other locations.

The Minister for Planning can only make Orders for ten years following the amendment to the Act extending the timeframe for making Housing Land Supply Orders until the end of 2032. Orders made before this expiry date continue to have effect.

What is the process?

The Homes Tasmania makes a request to the Minister for Planning for an Order. The Minister for Planning supported by the State Planning Office, prepares the exhibition documents, and undertakes a public consultation.

The Minister considers submissions and can either make an Order, approve an Order with alterations or refuse to make an Order. Proposed Orders must be tabled in Parliament for scrutiny and Parliament can disallow an Order.

If an Order (original or altered) is approved, the Tasmanian Planning Commission is responsible for making amendments to the relevant planning scheme to implement an Order.

Homes Tasmania will progress with the development of a site subject to an Order.

The local council (acting as the planning authority) will assess any development applications relating to the subdivision of land and construction of houses.

Eligible Government land

Only certain Government land can be considered for an Order under the HLS Act. This is limited to land that:

- is owned, vested in, or held by Homes Tasmania under the Homes Tasmania Act 2022,
- was Crown land before the HLS Act commenced in 2018, or
- was owned by Tasmania Development and Resources before the HLS Act commenced in 2018.

It excludes any land that is:

- reserved land under the Nature Conservation Act 2002,
- managed under the National Parks and Reserves Management Act 2002,
- managed under the Wellington Park Act 1993,
- permanent timber production zone land under the Forest Management Act 2013, or
- future potential production forest land under the Forestry (Rebuilding the Forest Industry) Act 2014.

Assessment criteria

Eligible Government land must meet strict suitability criteria. The HLS Act sets the assessment criteria for determining the suitability of the land and the intended zoning. Before making an Order, the Minister must be satisfied the Order meets all the following:

- there is a need for land to be made available for affordable housing,
- the land is suitable for residential use,
- the land is located close to public and commercial services, public transport¹ and employment opportunities,
- the intended zone is consistent with the State Policies, the relevant regional land use strategy, and furthers the Schedule 1 objectives of LUPA Act,
- the use and development of the land for housing would not be significantly restricted by any codes that apply to the land under the relevant planning scheme,
- that it has regard to the Guidelines issued under section 8A of the LUPA Act,
- the environmental, economic, and social effects, and the effect on Aboriginal and cultural heritage have been adequately considered,
- the intended zone would not be likely to create any significant land use conflicts, and
- the intended zone enables the land to be developed to at least a suburban density (consistent with the SPPs General Residential Zone).

Consultation

Consultation is open for 28 days. The Minister must:

- publish notices in the relevant newspapers announcing the start of the consultation period and inviting submissions,

¹ Exemptions apply on Flinders Island for two criteria. The requirement for the land to be in proximity to public transport does not apply. The residential zoning does not have to be the General Residential Zone but be a residential zone that is suitable for the local conditions in the Flinders municipality.

- make the exhibition documents available for public viewing at: - a nominated website address, - the offices of the relevant council for that municipality, - the nearest Service Tasmania shop, and
- give written notice to interested persons.

Exhibition documents

These are the documents that must be made available for public viewing during the 28-day consultation period. They include:

- A copy of the proposed Order,
- the Minister's rationale for the proposed Order and their opinion on satisfying the assessment criteria under the HLS Act, and
- Any other information that the Minister thinks fit.

Interested persons

Interested persons are those given written notice of the commencement of the public consultation process on a proposed Order. These include:

- the local council, and any adjacent council that may be affected,
- relevant State agencies,
- State authorities, or other entities, which may be required to provide infrastructure to the land, or may have its services affected,
- the owners or occupiers of adjoining land,
- the owners or occupiers of any other land that may be affected, and
- the Tasmanian Fire Service, the Tasmanian Heritage Council, and the Aboriginal Heritage Council.

Submissions

Submissions may relate to the following matters:

- the suitability of the land for residential use,
- the suitability of the zoning intended for the land,
- compliance with the assessment criteria under the HLS Act, and
- the suitability of any of the planning controls that will apply to the land.

The Minister must consider all submissions received during the public consultation period. After considering the submissions, the Ministry may:

- table the proposed Order in both Houses of Parliament,
- modify the proposed Order before tabling it in both Houses of Parliament, or
- determine to not progress the proposed Order.

If significant modifications are made to the proposed Order, the Minister must recommence the process as if it were a new Order.

If a proposed Order does not proceed, the Minister must publish the reasons and make all submissions publicly available.

Parliamentary scrutiny

Before making an Order, the Minister must table the proposed Order in both Houses of Parliament. The documents tabled must include:

- the proposed Order and the Minister's rationale for the proposed Order and their opinion on satisfying the assessment criteria under the HLS Act
- a copy of each submission received,
- the Minister's opinion on each submission,
- if the proposed Order has been altered, a statement as to how and why it was altered, and
- any other information that the Minister considers relevant to the proposed Order.

There is five sitting day period in which both Houses of Parliament may refuse a proposed Order. The Minister may make the Order after the end of the disallowance period in both Houses of Parliament.

What happens after an Order has been made?

The Office of Parliamentary Counsel publishes a notice in the Gazette specifying when the Order takes effect. The Minister then directs the Tasmanian Planning Commission to make amendments to the relevant planning scheme to implement the Order. The Minister publishes a notice in the Gazette and the relevant newspaper specifying the date when the amendment to the planning scheme takes effect.

What happens if an Order need changing?

The HLS Act allows for an Order to be revoked or amended after they are made. The zone assigned to the land by an Order cannot be amended by a planning scheme amendment under the LUPA Act without the permission of the Minister. To amend an Order, the Minister must be satisfied that either:

- the land is no longer eligible for an Order, or
- the land has been developed in accordance with the Order.

Further information

Enquiries about the Housing Land Supply Act process can be directed to:

State Planning Office
Department State Growth
GPO BOX 536
HOBART TAS 7001

Telephone: 1300703977

Email: spo@stateplanning.tas.gov.au

A copy of the *Housing Land Supply Act 2018* is also available on the Tasmanian Legislation online website at: <https://www.legislation.tas.gov.au/>

Enquiries about the *Homes Tasmania Act 2022* or the development of land under a Housing Land Supply Order should be directed to:

Homes Tasmania Telephone: 1800 995 653

Email: housingprojects@homes.tas.gov.au

State Planning Office, Department of State Growth
GPO Box 536 HOBART TAS 7001
Phone: 1300 703 977
Email: SPO@stateplanning.tas.gov.au

