

TASMANIA

HOUSING LAND SUPPLY (PENGUIN) ORDER 2026
STATUTORY RULES 2026, No. 72

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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 14 September 2026.

K. J. VINCENT
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

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- (b) described in certificate of title Volume 156425, Folio 1 of the Register kept 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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2m, not less than the setback, from the frontage, of any existing dwelling on the site; (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 (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.	
A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than: (a) 3m, or alternatively 1m behind the building line; or (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport.	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.
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: (a) be contained within a building envelope determined by: (i) a distance equal to the frontage setback; and (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: a. 8.5m above existing ground level; or b. 9.5m above existing ground level on a lot with an area of more than 1,500m²; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).	P3 The siting and scale of a dwelling must: (a) be not more than 3 storeys high; (b) not cause an unreasonable loss of amenity to adjoining properties, having regard to: (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; and (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; and (c) provide separation between dwellings on adjoining properties that is consistent with the Plan Purpose, having regard to the streetscape.

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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
A1 Dwellings must have: (a) a site coverage of not more than 65% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 40m ² 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).	P1 Dwellings must have: (a) site coverage compatible with the streetscape, having regard to the Plan Purpose; (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: (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 (ii) operational needs, such as clothes drying and storage; and (c) reasonable space for the planting of gardens and landscaping.

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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
A1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have an area of not less than 220m ² and: (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: a. all setbacks required by clause 8.4.2 A1, A2 and A3; and b. easements or other title restrictions that limit or restrict development; (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; (iii) not be an internal lot; and (iv) the arrangement of lots for Residential use proposed in a plan of subdivision must provide: a. not less than 2 lots that have an area of more than 1,500m ² and do not have a frontage to Braddon Street, Ironcliffe Road or King Edward Street; and b. not more than 45 residential lots; (b) be required for public use by the Crown, a council or a State authority; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within the same zone.	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: (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) the presence of any natural hazards; (e) adequate provision of private open space; (f) the pattern of development existing on established properties in the area; and (g) the Plan Purpose, and must not be an internal lot.
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: (a) a frontage not less than 12m; and (b) if the lot has 2 frontages, a primary frontage not less than 6m.	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: (a) the topography of the site; (b) the distance between the lot or building area and the carriageway;

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	(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: (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
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.	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: (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: (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
A1 On-site car parking spaces must: (a) for Residential use, be not less than: (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: (i) not be provided; or (ii) not be increased above existing parking numbers.	P1.1 The number of on-site car parking spaces for dwellings must meet the reasonable needs of the use, having regard to: (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. 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: (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: (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 23 September 2026.

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.