

Dear Sir or Madam

Thank you for the opportunity to provide feedback in relation to the draft *Residential Housing Supply Bill 2018*, and in particular for your acceptance of our feedback after the nominated date for submissions.

TasWater supports the overall purpose of the Bill. However, we wish to make some comments on a small number of aspects of the Bill that, in our view, may not facilitate that purpose. These issues are outlined briefly below.

1. Adding land and planning controls

As currently drafted, the Bill only requires that part of the land that is to be added in Schedule 1 is to be for affordable housing.

In addition, the Bill:

- Does not require the Minister to observe or consider the comments of the relevant authority when considering making an order to add land to Schedule 1, and
- Allows changes to be made to zoning and planning controls for all of the land that is to be included in Schedule 1, even if only part of that land is to be used for affordable housing.

In our view, this threshold for inclusion of land in Schedule 1 is too low and the power to change planning controls too broad. We therefore suggest that the threshold for inclusion of land in Schedule 1 needs to be increased and the powers to amend, or scope of such amendment of, the planning controls reduced.

2. De facto Permit Authority

The Bill effectively makes the Minister a permit authority (subject to the approval or disallowance of Parliament) with no overall statutory timeframe in which to issue permits, noting that Parliament does not sit continuously.

In addition, the Bill does not:

- Require any permit issued to incorporate any requirements proposed by TasWater, or that the application be refused, or
- Allow TasWater to request additional information in order to assess an application – eg concept servicing plans where this information is critical to TasWater’s proper assessment of the requirements for the provision of water and sewerage services to a proposed development or use.

From TasWater’s perspective this could lead to the land not being able to be serviced, being serviced to a sub-optimal level and/or otherwise requiring TasWater to complete additional capital upgrade works in addition to works that are already necessary.

In our view these matters create a risk that the overarching purpose of the Bill may be compromised. Removal of the power for the Minister to issue permits would alleviate these concerns.

In comparison to the mechanisms outlined in the Bill, the existing statutory processes:

- Include a timeframe for permits under the *Land Use Planning and Approvals Act 1993* to be dealt with (ie the planning authority is required to issue or refuse permits within 42 days, subject to any requests for additional information)
- Require TasWater to respond to the relevant planning authority within 14 days with its position on any proposed development (subject to requesting additional information necessary to enable assessment) – further ensuring that there is no undue delay and
- Require a planning authority to incorporate any conditions TasWater requires on a permit application (or to refuse an application if TasWater requires that).

In summary, it is our view that the issues noted above in relation to the draft Bill may not support its overarching purpose – the desired fast-tracking of development and use of land for residential housing purposes – and in addition may encourage developers to utilise the mechanisms outlined in the draft Bill as an alternative to the usual, and appropriate, development processes.

We would be happy to discuss our submission in more detail if required. Please contact me directly if you wish to discuss further.

Kind regards

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