

**From:** Ramsay, John  
**Sent:** Friday, 30 July 2021 2:43 PM  
**To:** Risby, Brian  
**Subject:** Housing Land Supply Bill 2021

Dear Brian,

Thank you for your email of 28 July.

The Commission has no comments on the changes proposed by the above Bill.

Thanks for referring the matter to the Commission for consideration.

Regards,

John Ramsay  
Executive Commissioner

## Department of Treasury and Finance

The Treasury Building  
21 Murray Street HOBART TAS 7000  
GPO Box 147 HOBART TAS 7001 Australia  
Telephone (03) 6166 4444 Facsimile (03) 6173 0219  
Email [secretary@treasury.tas.gov.au](mailto:secretary@treasury.tas.gov.au) Web [www.treasury.tas.gov.au](http://www.treasury.tas.gov.au)



Doc reference 21/199474

Department of Justice  
Office of the Secretary  
GPO Box 825  
Hobart TAS 7001

Attention: Brian Risby

### **Consultation Request: Amendments to the *Housing Land Supply Act 2018***

I refer to your request for comment on 28 July 2021, regarding the draft Housing Land Supply Amendment Bill 2021, which is proposing amendments to the *Housing Land Supply Act 2018* (the Act).

The Department of Treasury and Finance has no comment on the amendments to the Act.

Should you have any queries or require any further information regarding this matter, please contact

Yours sincerely

for Tony Ferrall  
Secretary

29 August 2021

**From:** [Have Your Say](#)  
**To:** [Planning Unit](#)  
**Subject:** FW: Glenorchy City Council feedback: Housing Land Supply Amendment Bill 2021  
**Date:** Monday, 30 August 2021 4:58:29 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

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Submission below.

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**From:** Paul Garnsey  
**Sent:** Monday, 30 August 2021 4:54 PM  
**To:** Have Your Say <HaveYourSay@justice.tas.gov.au>  
**Subject:** Glenorchy City Council feedback: Housing Land Supply Amendment Bill 2021

Good afternoon,

Thank you for the opportunity to comment on the *Housing Land Supply Amendment Bill 2021*

This response is provided by Council officers

#### **General comment – land at Dowsing Point:**

The Consultation Pack for the Bill identifies the opportunity to include land owned by Tasmanian Development and Resources to be considered under the Order. While there is no objection to this, there is a specific reference to land at the Hobart Techno Park in Dowsing Point (2 parcels) potentially being nominated as housing supply sites.

It is understood, following discussions with officers from State Growth, that there was no intent to include the Dowsing Point sites – that work undertaken to review Housing Supply Side Options by the Department of Treasury and Finance, March 2018, only identified land in the Launceston Techno Park as suitable, not land at Dowsing Point.

While Glenorchy City Council is a strong advocate of affordable housing opportunities, the Dowsing Point Technopark is located within the Prince Of Wales Bay Marine and Innovation Precinct (the POW Precinct), an area where Council (and the State Government) are keen to support and encourage marine industry growth and expansion. The inclusion of residential uses in the Technopark area would potentially create significant limitations on the current and future operations of industries in the Precinct.

Again, it is acknowledged that Dowsing Point is not specifically listed in the Bill, and that under the Housing Supply Act, proposed zoning changes require consideration of potential land use conflicts [Section 6 (1) (f)]. However Council officers wish to raise these concerns about references to the Dowsing Point land at this time, given the extensive negative impacts that could result on the State significant industries existing within the POW Precinct

#### **Specific comments on provisions:**

##### ***Amendments to Section 6 (a) (ii) of the Principal Act (Section 6 of the Bill):***

It is disappointing to see a further 'watering down' of the relationships between strategic land use policies and various acts by requiring the intended rezoning to only be 'as far as practicable' consistent with the regional land use strategy. This also adds to the range of varying approaches under the *Land Use Planning and Approvals Act 1993* to consider the relevance of land use strategies in decision making [ie S35N a LPS when being reviewed *must be consistent with* any applicable regional land use strategy, whereas other provisions, such as S60N / S60ZI indicate a major project is not eligible *if it would be inconsistent with* a regional strategy].

For the regional land use strategy to have value – projects must be consistent with it.

**Section 9 of the Bill Insertion of Section 13A (8):**

This requires a Council to display the information relating to an order. It is anticipated that the Minister will provide this documentation for display at least 2 business days before the exhibition begins, to ensure Council can comply with this requirement.

Happy to discuss any of these issues

Kind regards

Paul

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**Paul Garnsey**

Manager Development



(03) 6216 6713 | [www.gcc.tas.gov.au](http://www.gcc.tas.gov.au)  
374 Main Road, Glenorchy | PO Box 103, Glenorchy TAS 7010

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**From:** Planning Unit <[Planning.Unit@justice.tas.gov.au](mailto:Planning.Unit@justice.tas.gov.au)>

**Sent:** Wednesday, 28 July 2021 8:00 AM

**To:** Planning Unit <[Planning.Unit@justice.tas.gov.au](mailto:Planning.Unit@justice.tas.gov.au)>

**Subject:** Invitation to comment on revised draft Housing Land Supply Amendment Bill 2021

I refer to my previous correspondence of 13 November 2020 seeking feedback on the proposed draft Housing Land Supply Amendment Bill 2021. You will recall that the draft Bill proposes amendments to the *Housing Land Supply Act 2018* (the Act), which aims to deliver more affordable and social housing on suitable government land.

The feedback received was very constructive and has informed a number of important revisions to the draft Bill:

- broadening the scope of eligible government land to include land obtained by the Director of Housing since the commencement of the Act, with a broader and longer public consultation period for any proposed Orders;
- requiring consent from the Tasmanian Development Resources Board for any Order that applies to their land;
- requiring consistency with the future Tasmanian Planning Policies as well as being 'as far as practicable consistent' with the relevant regional land use strategy; and
- improving transparency in the decision-making process if the Minister determines not to proceed with a proposed Order following consultation.

Due to the scope of the proposed revisions, we are undertaking broad public consultation on the revised draft Bill before it is further considered for tabling in Parliament. We are also writing to you directly to invite your comment as you were previously consulted on the initial draft of the Bill.

Information on how to comment is available on the Department of Justice's community consultation website: <https://www.justice.tas.gov.au/community-consultation>

Comments must be received by close of business on **Wednesday, 1 September 2021**.

The Department of Justice's Planning Policy Unit has prepared an Information Pack, including a Consultation Report, which provides more detail on the submissions, responses and revisions made to the draft Bill. The Information Pack is available through the above web address.

If you have any queries, or would like a briefing, on the draft Bill, please contact the Planning Policy Unit on (03) 6166 1429 or email [Planning.Unit@justice.tas.gov.au](mailto:Planning.Unit@justice.tas.gov.au).



**Brian Risby | Director**

Planning Policy Unit  
Department of Justice

Level 4b, 144 Macquarie Street, Hobart, TAS 7001 | GPO Box 825, Hobart, TAS 7001

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**1 September 2021**

**Re: Housing Land Supply Amendment Bills**

Shelter Tas is Tasmania's peak body for housing and homelessness services. We are an independent not-for-profit peak organisation representing the interests of low to moderate income housing consumers, community housing providers and Specialist Homelessness Services across Tasmania. We provide an independent voice on housing rights and a link between governments and the community through consultation, research and policy advice. We work towards a fairer and more just housing system. Our vision is affordable, appropriate, safe and secure housing for all Tasmanians and an end to homelessness.

Shelter Tas appreciates the opportunity to respond to the *Housing Land Supply Amendment Bill*, following our earlier submission in February 2021. We welcome the improvements and clarifications in this version of the Bill to make more government land eligible for consideration to facilitate affordable and social housing developments.

Across Australia and internationally, progressive approaches to addressing housing needs are being advanced through planning systems. The reforms underway in Tasmania can enable our state to modernise its planning system to help deliver much needed affordable social housing.

We look forward to future opportunities to engage in this process.

With Regards,

Pattie Chugg  
Shelter Tas CEO

## Department of Communities Tasmania

GPO Box 65, HOBART TAS 7001  
Web: [www.communities.tas.gov.au](http://www.communities.tas.gov.au)



Contact Officer: Richard Gilmour  
Phone:  
Email:  
Our Reference: D21/52397

Mr Brian Risby  
Director Planning Policy  
Planning Policy Unit – Department of Justice  
GPO Box 825  
HOBART TAS 7001

Email: [haveyoursay@justice.tas.gov.au](mailto:haveyoursay@justice.tas.gov.au)

Dear Mr Risby

**Subject: Revised draft Housing Land Supply Amendment Bill 2021**

Thank you for your correspondence dated 28 July 2021 regarding the revised draft *Housing Land Supply Amendment Bill 2021*.

Communities Tasmania (CT) largely supports the proposed changes; however, two proposed amendments depart from the intentions of the *Housing Land Supply Act 2018* (the HLS Act) and would cause undue burden to future Housing Land Supply Orders (Orders). This would impact the core business of CT and impair efforts to achieve Government Action 1 – Land Release in the government's Affordable Housing Action Plan (2012-2023). Reasons for this view follow.

**I. Broader and longer public consultation**

It is proposed to broaden the scope of eligible government land to include land obtained by the Director of Housing since commencement of the HLS Act. DCT supports this change.

However, the amendments propose that these parcels would be subject to a 28-day public consultation period including public exhibition, two newspaper advertisements and public notices on the Department of Justice's website, in the local government Council's office and in the nearest Service Tasmania shop.

This public exhibition would be additional to the current requirements to directly notify and consult with 'interested persons' that includes the planning authority, State Agencies, statutory authorities, adjoining land owners and occupiers, the Tasmanian Fire Service, the Heritage Council and the Aboriginal Heritage Council.

It is noted the 28-day public exhibition requirements are identical to the process of rezoning land via an amendment to a planning scheme as prescribed by the *Land Use Planning and Approvals Act 1993* (the LUPA Act). However, the HLS Act does not apply to land generally, only to certain Government land and a rigorous set of criteria must be met before the land may be deemed suitable for housing. As such, CT believes the public consultation period currently provided by the HLS Act is sufficient and thereby does not support the broader and longer public consultation measures as proposed.

Further, the rezoning provisions prescribed by the LUPA Act do not require notice to 'interested persons'. This means the public exhibition requirements proposed for the HLS Act would be surplus to the requirements in the LUPA Act. The HLS Act is intended as a separate and more direct process to rezone suitable Government land for housing. It was specifically created to override the rezoning assessment process in the LUPA Act and provide a more efficient and expedient course to rezone suitable Government land. It is thereby contrary to the purpose of the HLS Act to impose more excessive requirements to that of the LUPA Act.

The proposed amendment creates two, distinctly separate consultation pathways for proposed Orders. One set would be subjected to targeted consultation for a 14-day period and the other subjected to a more onerous 28-day period. This has the potential to create issues of inconsistency and inequality across the State and confuse stakeholders.

For these reasons, it is our view that broader and longer public consultation measures should not be levied on certain future Orders and that notice to interested persons remain as per the current requirements prescribed by the HLS Act.

## 2. Consistency with future Tasmanian Planning Policies (TPPs)

It is proposed that Orders be consistent with the future TPPs. The TPPs are not yet defined or drafted and will not be self-executing or directly override decisions on development applications made under other parts of the land use planning system. They will be implemented through the regional land use strategies, the State Planning Provisions (SPPs) and the Local Provisional Schedules (LPSs).

The current HLS Act requires the Minister for Planning be satisfied an Order is consistent with the State Policies, applicable regional land use strategy, the zone purpose specified in the SPPs in relation to the intended zone, will further the objectives set out in Schedule 1 to the LUPA Act, will not be significantly restricted by any applicable planning scheme code, would not create significant land use conflict and consider the guidelines in section 8A of the LUPA Act to contemplate the environmental, economic and social effects, and the effect on Aboriginal and cultural heritage.

As detailed above, the intent of the HLS Act is to provide a separate and more direct process for rezoning suitable Government land for housing. It should not duplicate or add any additional red tape to existing process.

Requiring Orders be consistent with the future TPPs is unnecessarily duplicative. The HLS Act currently requires Orders satisfy several land use planning tests before land may be declared housing supply land. Communities Tasmania cannot support a requirement to be consistent with a set of unknown criteria – this does not pass a test of reasonableness.

For these reasons, it is our view that the HLS Act is not amended to require Orders to be consistent with the not-yet-drafted TPPs.

Communities Tasmanian acknowledges the significant work undertaken by the Planning Policy Unit to progress the draft *Housing Land Supply Amendment Bill 2021*. Fundamentally, the act was created to increase the rate of land supply to address a shortage of housing and the associated challenges this places on community. The proposed changes whilst well-intended, will only stymie process and will offset any benefit already realised through the legislation.

Thank you for the opportunity to comment.



Yours sincerely

Michael Pervan  
**Secretary**

26 August 2021

1 September 2021

Department of Justice  
Office of the Secretary  
GPO Box 825  
HOBART TAS 7001

Via email: [haveyoursay@justice.tas.gov.au](mailto:haveyoursay@justice.tas.gov.au)

Dear Sir / Madam

***Draft Housing Land Supply Amendment Bill 2021***

Thank you for the opportunity to provide a submission to the *Housing Land Supply Amendment Bill 2021*. This submission has been prepared by the Local Government Association of Tasmania (LGAT) on behalf of the local government sector. LGAT is incorporated under the *Local Government Act 1993* and is the representative body, and advocate, for local government in Tasmania. Where a council has made a direct submission to this process, any omission of specific comments made by that council in this submission should not be viewed as lack of support by the LGAT for that specific issue.

Our members strongly support robust, well-planned initiatives to improve housing supply and affordability, to improve the health and wellbeing of their communities. This is particularly important for the most vulnerable in our communities, who are the most affected by housing insecurity and unaffordability. However, Tasmania's councils are concerned with proposals that seek to bypass strategic planning and good development practice. It is this mode of development that often leaves a long-term and intergenerational legacy of poor social, economic and environmental outcomes in local communities. It is for this reason, and learning from the development mistakes of the past, that land use planning exists today. We note that the Bill maintains consultation with planning authorities to ensure some connection with the strategic planning undertaken and in development at councils.

Parliamentary scrutiny and a statement of reasons also add quality to any proposed Order tabled. It is assumed that the Minister's statement of reasons for the proposed Order would include justification against the assessment criteria, however this requirement should be made explicit. The assessment criteria can be improved in rigour by requiring an assessment of the misalignment between the proposed Order and any planning instruments, including the relevant regional land use strategy and planning scheme. Clarification around what a rezoning that is "*as far as practicable*" consistent with the regional land use strategy means, and where the boundary of this "practicable" consistency is, would also add rigour to the assessment of the proposed Order.

It is good to see the draft Bill consider the specific conditions of our remote communities, in this case, to allow proposed Orders to consider land on Flinders Island. Whether or not this results in good outcomes on the ground is highly reliant on implementation and the extent to that any Orders are made with sound land use planning practices.

Ultimately, it is the firm conviction of LGAT and Tasmania's councils that the real way to answer land use planning and development regulation's role in housing supply is not to bypass or override it, but to adequately resource the timely strategic planning needed to ensure a dynamic and responsive system of development regulation. There is only so much that the localised rezoning of the *Housing Land Supply Act 2018* can achieve. That is why we are maintaining our call<sup>1</sup> on the Tasmanian Government to update Tasmania's regional land use strategies without delay, as they have the potential to improve suitable land supply without compromising good development practice.

It is unfortunate that land use planning in the housing supply discourse has been used as an overly simplified and politically expedient target for attack, rather than building a holistic picture of all the causes of housing insecurity, unaffordability and supply constraints, and addressing these meaningfully. Zoning and development regulation are really only the first step in the development pathway of a habitable house. A focus on these ignores many other critical steps and barriers along the road to secure housing for all Tasmanians. These include accessible financing, construction industry capacity and timely delivery, development approval workforce challenges, infrastructure network capacity and timely delivery, land banking by development businesses, the reluctance of private ownership to release land that is dramatically increasing in value in a constrained market, the lack of diversity of housing products to economically cater for the varying needs of Tasmanians, amongst other constraints to housing security. This crisis must be addressed systemically.

If you have any questions or would like further information, please contact Michael Edrich at .

Yours sincerely

Dion Lester  
**CHIEF EXECUTIVE OFFICER**

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<sup>1</sup> See LGAT 2021 State Election Priorities: <https://www.lgat.tas.gov.au/member-services/lgat-advocacy/state-election-2021>

**From:** [Allison Alexander](#)  
**To:** [Planning Unit](#)  
**Subject:** re: Revised Draft of Housing Land Supply Amendment Bill (HLS Act)  
**Date:** Wednesday, 1 September 2021 3:29:50 PM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.png](#)  
[image004.png](#)  
[image005.jpg](#)  
[image006.jpg](#)

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To Whom it May Concern

Thank you for your email of 28 July 2021 with an invitation to comment on revised draft Housing Land Supply Amendment Bill 2021.

I wish to advise that TasRail has no further comment.

Kind Regards

**Allison Alexander**

Land & Property Officer | Property  
Phone: | Mobile:  
11 Techno Park Drive, Kings Meadows, Tasmania, 7249

*'Tasmania's trusted provider of safe and dependable rail logistics solutions'*



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## Department of State Growth

Salamanca Building, Parliament Square  
4 Salamanca Place, Hobart TAS 7000  
GPO Box 536, Hobart TAS 7001 Australia  
Phone 1800 030 688 Fax (03) 6173 0287  
Email [info@stategrowth.tas.gov.au](mailto:info@stategrowth.tas.gov.au) Web [www.stategrowth.tas.gov.au](http://www.stategrowth.tas.gov.au)  
Your Ref: / Our Ref:



Mr Brian Risby  
Director Planning Policy Unit  
Department of Justice

Email: [planning.unit@justice.tas.gov.au](mailto:planning.unit@justice.tas.gov.au)

Dear Mr Risby

Thank you for your email of 28 July 2021 providing opportunity to comment on the draft Housing Land Supply Amendment Bill 2021 (Housing Amendment Bill 2021).

The Department of State Growth is supportive of the draft Housing Amendment Bill 2021. It is noted that comments provided by State Growth in February 2021 on the draft Housing Land Supply Bill 2020 regarding:

- the requirement for consent from the Tasmanian Development Board prior to the declaration of any Tasmanian Development Resources land as housing supply land; and
- avoidance of potential future land use conflict and development at resource extraction or development areas,

have been addressed in the draft Housing Land Supply Bill 2021. The Department of State Growth appreciates the positive consideration and response on these issues.

Should you require any further information, please contact Ashton Saunders, Policy Officer, Policy and Coordination by email at \_\_\_\_\_ or telephone on \_\_\_\_\_

Yours sincerely

Kim Evans  
**Secretary**

2 September 2021

PLEASE QUOTE

Your Ref:

Our Ref: 15/6/12

Enquiries:

80 Wilson Street, Burnie Tasmania  
PO Box 973, Burnie TAS 7320

ABN: 29 846 979 690

Phone: (03) 6430 5700

Email: [burnie@burnie.net](mailto:burnie@burnie.net)

Web: [www.burnie.net](http://www.burnie.net)

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Tell us about it at [www.burnie.net/feedback](http://www.burnie.net/feedback)



31 August 2021

Department of Justice  
Office of the Secretary  
GPO Box 825  
HOBART TAS 7001

Email: [haveyoursay@justice.tas.gov.au](mailto:haveyoursay@justice.tas.gov.au)

*A hard copy will not be sent unless requested*

Dear Ginna,

### **Amendments to the Housing Land Supply Act 2018**

Thank you for the opportunity to provide comment on draft amendments to the *Housing Land Supply Act 2018*.

It is noted objectives for the Bill include to better align the assessment criteria for consistency to Tasmanian Planning Policy and regional land use strategy under the Act with those applying under the *Land Use Planning and Approvals Act 1993*.

It is also noted the Bill intends to improve transparency in the decision-making process, specifically in relation to a decision by the Minister not to proceed with a proposed order.

Council makes the following submissions on the Bill.

- a) Council acknowledge purpose of the *Housing Land Supply Act 2018* is to override the standard planning scheme amendment process under the *Land Use Planning and Approvals Act 1993*.

The objective is to enable a rapid and effective solution for making more residential land available for affordable housing by providing a shorter timeframe for assessment and approval of planning scheme amendments relating to specific land.

Strict criteria apply under sections 5 and 6 of the Act to prove need, and to observe the general principles and considerations for sound land use planning.

The Council agrees the assessment criteria for a decision to rezone land under the *Housing Land Supply Act 2018* should directly align with the criteria relevant to consideration of a proposed scheme amendment under the *Land Use Planning and Approvals Act 1993*.

***Council support the proposed amendments to section 6(1)(a) of the Housing Land Supply Act 2018.***

- b) Council is concerned the proposed introduction of section 13A will create a differential notification and response process.

The arrangement is considered unfair and unnecessary.

The Bill intends to extend application of the Act apply to include land that becomes *Homes Act* land after the commencement day.

It is reasonable for the public to expect all government land, including *Homes Act* land, may be used and developed in accordance with the opportunities provided by the relevant planning scheme.

The land use planning system of Tasmania is founded on statutory objectives which include to provide for the fair, orderly and sustainable use of land; to encourage public involvement; and to promote the sharing of responsibility between government, the community and industry.

The public consultation process under the *Land Use Planning and Approvals Act 1993* for a draft scheme is intentionally broad, and no person is required to show standing in order to participate.

The *Housing Land Supply Act* does not stand apart from the land use planning system of Tasmania.

It is unclear why the public should be afforded an equivalent *Land Use Planning and Approvals Act* public consultation process for a proposed Order on land recently acquired as *Homes Act* land, while in all others situations consultation is limited in duration and scope to the class of persons identified under section 11 *Housing Land Supply Act*.

The function of a Housing Land Supply Order is to change the purpose for which government land may be used and developed under a planning scheme. A Housing Land Supply Order will only be required if the relevant planning scheme does not permit, or in some manner constrains, the intended form or density of residential use and development on government land.

The antecedents of ownership should not be relevant if section 5 of the Act is amended as proposed by the Bill.

There is no apparent logic or equity in arrangements which provide differing opportunity for involvement based solely on when the Director of Housing acquired land.

Arrangements for public consultation should be consistent for all situations in which a Housing Land Supply Order is proposed.

Council's preferred approach is that proposed new section 13A apply in addition to a notice under section 12.

The latter provides contact with persons who may have a particular interest or knowledge relevant to outcome of a proposed order. The former provides opportunity for all other interests to test and comment on the proposal. Together, the arrangements are similar in function to those which apply under the *Land Use Planning and Approvals Act*.

The period for consultation should be the same under section 13 as intended under proposed section 13A.

***Council submits the Bill be amended to -***

- 1. Delete from section 13(1) of the Act the words “within 14 days” and insert instead the words “within 28 days”;***
- 2. Delete sub-section 13A(2) from proposed section 13A;***
- 3. Delete from sub-section 13A(4) the words “in relation to an area of land to which this section applies”; and***
- 4. Delete from sub-section 13A(5) the words “in relation to an area of land to which this section applies”; or***
- 5. Delete proposed section 13A***

- c) The Minister must not make a Housing Land Supply Order if the Order has been disallowed by a House of the Parliament.

The Minister is required by section 9(2) to provide a proposed Order, a report, and any other relevant information relating to the proposed order for scrutiny by each House of the Parliament.

Section 9(3)(a) requires the Minister’s report to the Parliament is to set out reasons for wanting to make the Order.

Section 9(3)(b) requires the report must also include the reasons for why the Order may be made under the Act in relation to the specified area of land.

The requirement in section 9(3) reasonably include the considerations and reasons for the Minister to be satisfied on the mandatory assessment criteria in section 5(2) and sections 6(1) and 6(2).

Section 9(3)(c) and (d) importantly also requires the Parliament be provided with a copy of any submission made by an interested person on a relevant matter in response to a notice under section 12 and the Minister’s opinion in relation to each submission received on those matters.

It is clear that the Act intends the Minister must make full disclosure to the Parliament of reasons and compliance for a proposed Order.

It is also clear the views and opinions of interested persons are a vital and valid consideration in a decision of the Parliament to allow or disallow a proposed Housing Land Supply Order.

Section 12(2)(c) somewhat ambiguously requires a notice to interested persons is to “*contain a statement of the reasons why the Minister wants to make the proposed order*”.

In contrast to the specification in section 9(3) for content of a report, the Act does not specify what information is to be included in the statement of Minister’s reasons.



Burnie City Council in its role as a planning authority has recently been advised of two proposed Housing Land Supply Orders for separate areas of land within the municipal area.

Both notices include a *Statement of reasons for wanting to make a proposed Housing Land Supply Order.*

The content of each Statement falls significantly short of the information standard it is reasonable to assume would be expected by the Parliament in the report under section 9(3).

The Statements provided for the proposed Burnie Orders do not specifically reference the criteria in section 5 and section 6; and do not contain any information relied on to establish a need to make more land available under the *Homes Act 1935*, including to establish suitability of the land for housing and the ability for the intended zone to meet the relevant land use planning criteria.

It is difficult for an interested person to make a meaningful response if the reasons for the Minister's intention are not adequately disclosed. It is equally difficult for the Parliament to meaningfully consider submissions made in response to information that is inferior to that which must be provided to the Parliament.

It is the opinion of the Council that the Minister must be subject to the same standard of transparency and disclosure of relevant information to an interested person as is required to the Parliament, and which would otherwise apply if a draft scheme amendment was processed under the planning Act.

A notice to an interested person (or the public as proposed under section 13A) must include access to all of the information on which the Minister relies for the purposes of a decision to propose a Housing Land Supply Order and amend a planning scheme.

***The Burnie City Council submits –***

- 1. Section 9(3) be amended to require the Minister's report to Parliament must specifically address the criteria in section 5(2), section 6(1) and Section 6(2) which underpin a decision by the Minister to propose a Housing Land Supply Order***
  - 2. Section 12(2)(c) be amended to require the statement of reasons provided to an interested person must include substantially the same information as the Minister intends to provide to the Parliament under section 9(3)(a) and (b).***
- d) Council is also concerned the requirements in section 13 unduly limit the matters on which an interested person may make a submission.

The Act, and commentary on the draft Bill, emphasise the importance that land use planning considerations for a proposed scheme amendment under a Housing Land Supply Order must parallel in scope and rigor those which would apply for an amendment proposed under the *Land Use Planning and Approvals Act 1993*.

Council accepts the objective for speed may exclude open public exhibition, and that third party input be limited to those persons with a specialist, statutory or material interest in the land and the proposed amendment.

However, for fairness, and for completeness of the assessment process, an interested person should be able to make a submission relating to any of the matters set out in the Act as relevant to a decision.

***The Burnie City Council submits –***

- 1. Section 13(2) be amended to include that an interested person may make a submission relating to the criteria in section 5(2), section 6(1) and Section 6(2) as a relevant matter***

Council trusts these comments will be useful in determining progress of the draft Bill.

Please do not hesitate to contact Council's Director Land and Environmental Services, Mr Patrick Earle with any enquiry on these submissions.

Yours faithfully

Simon Overland APM  
**GENERAL MANAGER**



#PlanningMatters

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Department of Justice  
Office of the Secretary  
GPO Box 825  
HOBART TAS 7001

By email: [haveyoursay@justice.tas.gov.au](mailto:haveyoursay@justice.tas.gov.au)

3 September 2021

To Whom It May Concern,

**RE: *Housing Land Supply Amendment Bill 2021***

Thank you for the opportunity to comment on the *Housing Land Supply Amendment Bill 2021*. Thank you also for the extension of time to make our submission.

The Planning Matters Alliance Tasmania (PMAT) is a growing network of almost 70 community groups from across Tasmania advocating for a strategic, sustainable, transparent and integrated planning system which will serve to protect the values that make Tasmania a special place to live and visit.

PMAT understands the critical need for social and affordable housing. One of our founding concerns was that the Tasmanian Planning Scheme contained no provisions to encourage development of affordable or social housing.

We believe that good planning, transparent decision making and the delivery of social and affordable housing need not be mutually exclusive.

While the Tasmanian Government is arguing that the crisis in availability of social and affordable housing can be addressed— at least in part – through the *Housing Land Supply Amendment Bill 2021* it is important to look at the broader context of the problem. Some of the factors contributing to the shortage of affordable housing relate to policy settings controlled at the State level, but many others arise from long term national approaches to taxation, financial policy, investment and population growth. The following are key contributors to the current ‘housing crisis’:

- Australia's very high net immigration rate. It is noted too that Tasmania is pushing aggressive population growth targets, but without any proper community consultation or consensus on what the State's long term population should be. This is compounded by a



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lack of strategic planning by the State on where these extra people will live and the provision of infrastructure and services to support them.

- The State Governments pursuit of record and growing tourism visitation numbers and consequent uncontrolled short term accommodation development for tourism reduces supply and puts pressure on long term rental availability and prices.
- The raft of Commonwealth controlled policies which promote investment in properties but do little to address social and affordable housing needs. These include:
  - negative gearing and capital gains tax concessions on real estate;
  - foreign investment in real estate;
  - interest only home loans; and
  - inclusion of real estate as an option for self-managed superannuation.

Our current 'housing crisis' can be seen as a demand issue associated with population growth and the treatment of housing as a commodity rather than a basic necessity of life. Land supply and planning requirements are a relatively minor factor in addressing the problem.

It is our view that the draft *Housing Land Supply Amendment Bill 2021* does not go far enough to address the many issues associated with the Housing Land Supply Order process. This is also especially concerning in the absence of no overall recent Tasmanian housing and transportation strategy.

Key recommendations and concerns, largely based on PMAT's experience of the Huntingfield Land Supply Order, include:

- The Housing Land Supply Order legislation should set an upper size limit of the land that can be rezoned under the Act. Rezoning of public land above this size limit should go through the standard planning scheme amendment process.
- The Housing Land Supply process undermines the role of the Tasmanian Planning Commission and potentially, depending on the size of the land, undermines the role of the relevant Planning Authority.
- The process further exacerbates the limited social licence of already potentially contentious social and affordable housing proposals.
- No provisions within the Statewide Scheme to encourage the provision of social and affordable housing. Given that the review of the State Planning Provisions will be conducted in March 2022, perhaps the State Government could consider including provisions to encourage social and affordable housing instead of relying on the Housing Land Supply Act.



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- The process compromises strategic planning and transparent decision making. All land subject to Housing Land Supply Orders should be subject to a full 28 day public consultation period, and not just a 14 day 'interested persons' selective consultation. The draft Bill is limited in the respect that full public consultation will only be applied to some of the Housing Land Supply Orders. Good planning, transparent decision making and the delivery of social and affordable housing need not be mutually exclusive.
- The 14 day consultation process is unrealistic. All Housing Land Supply Orders should be subject to the 28 day public consultation period, making it consistent with the standard TPC land rezone process.
- The Housing Land Supply Orders should guarantee a percentage of social and affordable housing. All future Land Supply Orders must outline from the outset the percentage of social and affordable housing which will be delivered.
- The Land Supply Order maps could not be understood by the general public. Any maps associated with future Land Supply Orders should be made as simple and as clear as possible so the general public can readily interpret them.
- As the Parliament has the final say as to whether a Land Supply Order can be approved or not, the community had to spend a huge amount of time and energy advocating for strategic planning. This is contrary to good planning.
- Once the Order is passed by Parliament, there is no further consultation on the zoning, which is the most important stage. At the Development Application (DA) stage the zoning cannot be changed. At the DA stage public input maybe very limited depending on the layout of the subdivision i.e. if it meets Permitted standards it will not be open for public comment. There is consultation but it is not democratic or transparent.
- Confusing and substandard Department of Communities Tasmania Master Plan process. It is hoped that large areas of land will not be subject to the Housing Land Supply Order process. But if this remains, then the Masterplan process needs improving. The issues are outlined in our attached submission below.
- We do not know where and how much land and how many parcels of land could be subject to Land Supply Orders. This information needs to be publicly available before the current legislation is amended. As the Housing Land Supply order rezone proposals effectively bypass the Tasmania Planning Commission and the relevant local Councils – it is critical we know about the eligible land.
- All Housing Land Supply Orders should be consistent with the Residential Development Strategy (2013). This strategy was developed for Tasmania by the State Architect in consultation with representatives of the Minister for Human Services, Housing Tasmania,



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Tasmanian Planning Commission, Property Council of Australia (Tasmanian Division), Master Builders of Tasmania, Housing Industry Association and others. The Strategy was developed to ensure that 'Tasmanian Government subsidised social and affordable housing developments do not repeat the mistakes of the past; where disadvantage was entrenched by high density suburban fringe developments'. PMAT questions whether the Huntingfield proposal is consistent with the Strategies' liveability development principles – which are especially critical for the success of social and affordable housing proposals.

The above concerns and rationale for the recommendations are outlined in more detail in our attached submission below.

Yours sincerely,

Sophie

Sophie Underwood

State Coordinator - PMAT

E:

M:

[www.planningmatterstas.org.au](http://www.planningmatterstas.org.au)



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### **Housing Land Supply Amendment Bill 2021 – What are the amendments aiming to Achieve?**

The draft [Housing Land Supply Amendment Bill 2021](#) proposes amendments to the *Housing Land Supply Act 2018* (HSL Act). The Bill aims to increase the supply of land for affordable and social housing and improve the assessment processes for the fast-track land rezone process under Housing Land Supply Orders.

Essentially the Bill, amongst other things, will:

- broaden the scope of eligible land (e.g. to include existing government land owned by Tasmanian Development and Resources (e.g. the Launceston Technopark Precinct) as well as new land and any future land acquired by the Director Housing since the HLA Act came into effect and government owned land within the Flinders Municipality);
- provide a broader and longer public consultation period (but only for Housing Land Supply Orders regarding land acquired by the Director Housing will there be a 28 day public consultation period. There will not be public consultation for Tasmanian Development and Resources land or land within the Flinders Municipality. For the latter two, there will only be a 14 day consultation and the Government will chose who they consult with); and
- Supposedly align the assessment criteria with the normal planning process, and improve transparency in the decision making processes.

### **PMAT's Concerns – Amendments and Existing Process**

Below, PMAT outlines some of the experiences that the community has had with regard to the Huntingfield Housing Land Supply Order process. It is our view that the draft *Housing Land Supply Amendment Bill 2021* does not go far enough to fix the many issues associated with the process.

In our view, if the Housing Land Supply Order fast-track land rezone process had been used as intended – i.e. small areas of public 'surplus' land, then it is likely that the process would be better fit for purpose. However, with large areas of land being rezoned for social and affordable housing, we would argue that the process is not robust enough and fails with regard to strategic planning and transparency.

### **Fast tracking the rezoning large areas of land is not strategic**

In March 2018 in response to the Housing Summit hosted by the Premier on 15 March 2018, the Tasmanian Government introduced legislation to fast-track the rezoning of 'surplus' Government land suitable for residential use for affordable housing – via a new process named the 'Housing Land



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Supply Order'. PMAT did not comment on the Housing Land Supply Bill at the time as we understood that the land to be rezoned was 'surplus' small blocks or infill development – which was welcome. PMAT did not envisage the new process to be used to fast-track large areas of land/Greenfield sites such as for example Huntingfield on the outskirts of Kingston. Nor did we envisage that the new process would create the situation of having high density zoning on the urban fringe, contrary to best practise strategic planning.

PMAT, because of the potential broader strategic planning implications and impacts on liveability, does not support the use of the Housing Land Supply Order process to rezone large areas of public land. **The Housing Land Supply Order process should set a upper size limit of the land that can be rezoned under the Act. Any public land rezone above this size limit should go through the standard planning scheme amendment process.** It is interesting to note that it has been indicated to PMAT that a land rezone could take as little as nine months to go through the Tasmanian Planning Commission which is less than what it has taken the Huntingfield Supply Order 'fast-track' process. Also, interesting to note that the Huntingfield Land Supply Order was passed in September 2019 but it took almost **five months** to take effect. On March 17 2020, Meg Webb MLC, submitted questions to the Tasmanian Government requesting an update on Huntingfield. Then, the next day, the Planning Minister wrote to the few who were consulted on Huntingfield and notified that that the Order and Planning Scheme amendment had taken effect on the 18 March 2020 – **about five months after it had been passed by Parliament.**

Since 2018, five Housing Land Supply Orders have been made under the *Housing Land Supply Act 2018*. Four of these Orders cover a combined total area of 6.7 hectares (16.6 acres), and to our knowledge were not contentious. However, the fifth and most recent Order was highly contentious – namely The *Housing Land Supply (Huntingfield) Order 2020* which took effect on the 18 March 2020. The land in question, which has been with Housing Tasmania since 1974, covers a total area of approximately 68 hectares. The Supply Order allows for the construction of 34 hectares (84 acres) of high density housing. Once constructed, this will be one of the densest subdivisions in Tasmania's history and was not exhibited for public comment. Initially, not even the Kingborough Council were aware of the proposal. It was a member of the community that brought it to its attention.

### **Undermines the Role of the Tasmanian Planning Commission and Local Councils**

The process undermines the critically important role of the Tasmanian Planning Commission (TPC), who for the last approximately 25 years has successfully considered the vast majority of land rezones in Tasmania. In our view, it is the TPC that is best placed to consider land rezone of any substantial size under the standard planning scheme amendment process. It is also our view, that





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the Housing Land Supply Order undermines the strategic role of Councils as a Planning Authority. Councils are best placed to make local decisions about local planning and developments in their municipalities. Local Councils have the appropriate skills, experience and understanding of their local communities and municipalities.

### **Places Social Licence at Greater Risk**

As organisations like Shelter Tasmania are only too aware, social and affordable housing proposals are sadly contentious by nature. Given this, it is even more important that the process for creating such housing is facilitated through the best possible process to ensure social licence. Otherwise, it makes a sadly often fundamentally contentious prospect, like social housing, even more contentious. **It should be made clear that the Kingborough community did not oppose the construction of social and affordable housing at Huntingfield. The problem has always been the Housing Land Supply Order process and the scale of development in that location.**

### **Failure of the Tasmanian Planning Scheme – State Planning Provisions**

PMAT understands the critical need for social and affordable housing. One of our founding concerns was that the Tasmanian Planning Scheme contained no provisions to encourage development of affordable or social housing. Perhaps if there had been provisions within the Statewide Scheme, the creation of a new fast-track process to rezone land for social and affordable housing may not have been created. Given that the review of the State Planning Provisions will be conducted in March 2022, perhaps the State Government could consider including provisions to encourage social and affordable housing.

As for just one example, the [Toward Infill Housing Development](#), which was prepared for the Department of State Growth in August 2019 states ‘Government-led mandated spatial planning strategies that promote housing affordability, including inclusionary zoning which identifies percentage targets for affordable housing within major new developments, can be an efficient and equitable mechanism for encouraging affordable housing development.’

### **Compromises strategic planning and transparent decision making**

PMAT has expressed concern that the Huntingfield Housing Supply Order compromises strategic planning and transparent decision making. Good planning, transparent decision making and the delivery of social and affordable housing need not be mutually exclusive. It is our understanding that the Kingborough Council would not have approved the Huntingfield proposal in its current form



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because of the broader strategic planning implications (i.e. issues of the provision both hard and soft infrastructure).

As outlined in Principle 2 of [PMAT's Platform](#) PMAT believes that to achieve the best future for Tasmania and all Tasmanians, the planning system must be underpinned by a strategic vision. PMAT's Principle 3 also states that the planning system must be transparent and independent to 'Ensure that planning and decision-making processes are open and transparent, and overseen by an independent commission'.

In the case of Huntingfield and in fact all Supply Orders, the Tasmanian Government is the proponent, it chooses who is consulted and it assesses the proposal. Public scrutiny was lacking and Kingborough Council and the Tasmanian Planning Commission were sidelined at the land rezone stage.

#### **The 14 Day Consultation process is Stressful and Unrealistic**

Given that the consultation period on the Huntingfield Land Supply Order was only 14 days, and the fact that many could not even understand the maps, added to the stress of those consulted with. Also for the schools, the consultation was poor timing. The Supply Order documents were posted just before the end of the school term when all teachers and the school community as a whole were extremely busy and exhausted.

#### **No Guarantee of Social and Affordable Housing**

The initial Huntingfield Land Supply Order did not guarantee social or affordable housing. A percentage of housing was not stated until the final draft of the order. All future Land Supply Orders must outline from the outset the percentage of social and affordable housing that will be delivered.

#### **The Land Supply Order maps could not be understood by the general public**

No one in the general community who were chosen to be consulted could understand the maps of what was being proposed by the Huntingfield Land Supply Order. The maps had to be reproduced by a mapping expert financed by the community. PMAT had to coordinate the production of maps that could be easily understood.

#### **Briefing Parliamentarians and advocating for good planning – stressful and time consuming**

The community, coordinated by PMAT, had the arduous and time consuming task of briefing the already very busy politicians regarding the flaws of the proposed Supply Order and convince them to



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not approve the Supply Order in the proposed form. Community representatives from residents, farmers, to schools and even the Local Council for example, had to brief the Upper House twice. Hundreds of community members also sent emails outlining their concerns – but none were listened to. Meg Webb, Legislative Councillor, who has had decades of experience in the delivery of social housing and advocacy for the disadvantaged etc moved a disallowance motion against the Housing Land Supply Order. After a seven hour debate in the Upper House, the Supply Order was passed.

**Once the Order is passed, there will be no further consultation on the zoning, which is the most important stage**

Once an Order is approved by Parliament, then development applications can be lodged for the normal planning assessment to the relevant local council for subdivision and/or construction of houses. However, there is little the community or Council can do at this point to change the development as the development standards have been set down through the Supply Order 'process'. For example, if the level of density cannot be served by the existing infrastructure, there is nothing the Council or the community can do to reduce the density to create better planning outcomes for all.

**Confusing and Substandard Master Plan Process**

For larger sites (although the size of land that triggers this process is unclear), such as Huntingfield, a more detailed master planning of the site, and further stakeholder consultation by the Department of Communities Tasmania may occur prior to the submission of development applications.

The problem with the Masterplan process, with regards to Huntingfield, is that things that were decided by the Planning Minister during the Housing Supply Order Process were not carried over into the Masterplan process – the two processes appeared not to be 'talking' to each other. This meant those community members who were selected to be consulted needed to advocate for their position again, taking even more time and resources and creating more stress.

The Huntingfield Master Plan process was facilitated by the Department of Communities Tasmania, but was conducted in 2020 during a State of Emergency and a global pandemic where the community could not meet collectively to discuss the future of the site or their municipality. They also used an interactive Social Pinpoint map which is hard to use and we would argue only delivers superficial response due to the way it is set out.

Another concern with the Masterplan process is that it should have been developed with community consultation BEFORE the land was rezoned. The community for example did not have any say



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regarding for example, how many houses can be built on the site, use of the prime agriculture land for market gardens, how the schools would interact with the site, considerations of the impacts on the adjoining Peter Murrell Reserve, fire hazard implications etc Due to the huge public concern, [PMAT organised a public meeting which was attended by over 300 people](#). One of the key [motions](#) at the meeting, stated that *'The meeting calls for the development of a strategic plan, in conjunction with the community, including considering agricultural values and impacts on Peter Murrell Reserve, for the Huntingfield land which would inform any rezone proposal.'*

### **Eligible Land – where and how much?**

We do not know where and how much land and how many parcels of land could be subject to Land Supply Orders. This information needs to be publicly available before the current legislation is amended. As the Housing Land Supply order rezone proposals effectively bypass the Tasmania Planning Commission and the relevant local Councils – it is critical we know about the eligible land.

All we know is that eligible land includes:

- Existing government land owned by Tasmanian Development and Resources (e.g. the Hobart Techno Park at Dowsing Point and the [Launceston Technopark Precinct](#) The latter has for example 11 ha/27 acres of vacant land which could be used for housing. There could also be other parcels of land). Also note that any Supply Orders on Tasmanian Development and Resources owned land does not require public consultation.
- New land and any future land acquired by the Director Housing since the HLA Act came into effect. We do not know where this land is or its area At least Housing Supply Orders on Director of Housing land does require a 28 day public consultation period.
- Government owned land within the Flinders Municipality. Also note that any Supply Orders on within Flinders Municipality does not require public consultation.

### **Residential Development Strategy**

In July 2013, a Residential Development Strategy was developed for Tasmania by the State Architect in consultation with representatives of the Minister for Human Services, Housing Tasmania, Tasmanian Planning Commission, Property Council of Australia (Tasmanian Division), Master Builders of Tasmania, Housing Industry Association plus others.

The 2013 Strategy, which has also been cited recently, in the September 2020 [Design Policy for Social Housing](#), was developed to ensure that 'Tasmanian Government subsidised social and



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affordable housing developments do not repeat the mistakes of the past; where disadvantage was entrenched by high density suburban fringe developments’.

The Strategy, adopts a ‘long-term integrated approach to the planning and development of Tasmanian communities, and focuses on quality urban design as a catalyst for the achievement of improved social outcomes’.

PMAT understands that the Strategy is the most current document on liveability development principles in Tasmania. ‘The principle of liveability is integral to the Residential Development Strategy. It is a collaborative process that supports good social outcomes through well considered design and quality construction and place making, rather than financial investment as the only bottom line. Liveability builds communities which are engaged and where their residents care about where they live’. The Strategy should also be read in conjunction with the Liveability Development Checklist.

PMAT questions as to whether the Huntingfield proposal is consistent with the Strategies’ liveability development principles – which is especially essential for social and affordable housing proposals.

**From:** [Have Your Say](#)  
**To:** [Planning Unit](#)  
**Subject:** FW: Housing Land Supply Amendment Bill 2021  
**Date:** Monday, 6 September 2021 8:45:31 AM

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**From:** NE Bioregional Network  
**Sent:** Friday, 3 September 2021 4:58 PM  
**To:** Have Your Say <HaveYourSay@justice.tas.gov.au>  
**Subject:** Housing Land Supply Amendment Bill 2021

We wish to comment on the above Bill (noting we were given until 5pm today to comment). We have included below our previous submission on the Residential Supply Housing Bill 2018. Our views remain the same. Ever since the Liberal Party has taken office in Tasmania they have sought at every possible opportunity to dismantle the Tasmanian Resource Management Planning System by weakening planning laws to favour developers and reduce public participation in land use planning decision making. As pointed out in our previous submission the 'process' of allowing rezonings to be approved by bypassing the Tasmanian Planning Commission is in conflict with Schedule 1 of the RMPS LUPA Act as it clearly reduces public involvement in resource management and planning, has inadequate safeguards for the environment and as can be seen from the disastrous Huntingfield fiasco does not facilitate fair, orderly or sustainable use and development.

The current housing affordability and availability issues arising in Tasmania has been created by policy failure on behalf of Government where their obsession with population growth and mass tourism has been pursued without much forward planning in terms of the infrastructure costs and planning consequences of such goals. Rather than have an open and transparent discussion with the community about population and mass tourism and its consequences the Government has instead sought to frame housing issues as simply a matter of weakening planning laws to allow fast tracking of residential development. The outcome of such a strategy will no doubt please developers such as Wilson Homes/Centrecare and many other property developers, and lobbyists such as Property Council, Housing Industry Australia and Master Builders Association who support public land being offloaded for development and making planning laws more developer friendly. It is easy to envisage a scenario of a "housing crisis" being used as an ongoing excuse to allow residential development rezonings indefinitely if the causes of the problem continue to remain unaddressed including apart from population growth and mass tourism (including no management of Air BnB), negative gearing and capital gains tax concessions on real estate, foreign investment in real estate etc

Certainly within the Break O Day municipality there is already a large surplus of residential land which doesn't need to be expanded further by further rezonings for residential development.

We reject the current amendments and previous Bill as being public land grabs for the benefit of developers that bypass due rezoning processes through the Tasmanian Planning Commission. Instead of drafting Bills to respond to problems created by Government policy failures the Government needs to address the causes of the housing affordability and availability issue using innovative measures rather than just using it as an excuse to weaken planning laws and line the pockets of the property development industry

Todd Dudley  
President  
**North East Bioregional Network**

Phone  
Postal address:

Dear Minister Jaensch,

We wish to make a representation regarding the above.

The North East Bioregional Network is the peak nature conservation organisation for the East coast region. Our areas of interest and activity are broad and include landscape scale ecological restoration, environmental law, environmental education, land use planning and advocacy. We have a long history of participating in land use planning (environmental and urban) in Tasmania whether that be through submissions to the Statewide Planning processes (including providing a Statewide Biodiversity layer map for the proposed Natural Assets Code), regional land use strategies, reviews of municipal planning schemes or mediation and or appeals through RMPAT.

While we are sympathetic to the plight of the homeless we don't support unravelling the Resource Management and Planning System via the legislation being proposed by the Government for a number of reasons. We will address some of the flaws in the intended legislation but we need to state categorically that any minor modifications to the legislation will not change our opposition to it because it is fundamentally flawed.

Firstly the suggested legislation is clearly inconsistent with the OBJECTIVES of Schedule 1 of the RMPS including

PART 1 1. (a) because there is no clear mechanism for identifying important environmental values and conservation groups such as ours don't appear to be "key stakeholders". We have extensive knowledge of the environmental values of our region and need to be consulted prior to any approvals for subdivision.

(b) areas may be rezoned and approved for subdivision in conflict with previous decisions of the TPC (and RMPAT) which have been made after extensive public consultation with experts, local government and the community in different regions through processes such as Planning Appeals, Interim Planning Schemes and other Planning Scheme reviews.

(c) the legislation provides for executive power for the Minister bypassing the TPC and leaving it entirely up to the Ministers discretion whether he takes advice or notice of any input he receives. It is also unclear exactly who will or will not be consulted about any rezoning or subdivision proposals. This is not acceptable and sets a dangerous precedent of using an "emergency" situation to discard proper planning assessment and public consultation via the independent TPC. This undermines a fundamental democratic principle which is the separation of powers which ensures Government and vested interests do not interfere in or unduly influence independent evidence based planning decisions. Of course this process provides no third party appeal rights for any group or individual who doesn't agree with the Ministers assessments and approvals which is clearly in contravention of the requirement to maintain current public participation rights in relation to proposed development. In addition Local Government also becomes a spectator in this process.

(d) see above

(e) the community are being sidelined while the Government and Industry (ie the Property Council) have clearly conspired to produce this legislation.

Without going into further discussion we also believe the legislation is potentially inconsistent with Schedule 1 PART 2 (a)(b)(c)(d)(e)(f)(g)(h)(i)

With regards to the Bill and approval of Crown Land for subdivision, who will be the responsible developer ? Is the Government going to build the houses or is the Crown Land going to be sold off or given away to private developers ? Under Section 5. 2. (b) and Section 19. 5. (b) relating to subdivision of Crown Land it is clear that a subdivision could be approved where the majority of the subdivided blocks ARE NOT FOR AFFORDABLE HOUSING. This makes a mockery of the stated emergency to provide affordable housing and allows for Crown Land to be used primarily for conventional residential subdivision.

Its also worth noting that there are large amounts of subdivided and URBAN/RESIDENTIAL zoned land already EXISTING in Tasmania and these areas have been approved through a independent procedure (TPC and RMPAT) which provides for full participation and input from Local Government, Industry and the Community.

We also note that in relation to the TERP concept that remediation is required after the site ceases to be used for housing. Lets hope that this is enforced better than mining rehabilitation where insufficient funds are allocated for rehabilitation and the Government is left to pay the cost or more seriously the site is abandoned altogether. Perhaps a bond should be required up front to ensure that works are carried out to a satisfactory standard. We are also concerned that this process also bypasses TPC,RMPAT, Local councils and the community. While the legislation puts a limited time frame on these temporary sites there is in our opinion a significant potential for such sites to morph into permanent residential areas.

Our other main concern is that the "housing crisis" is likely to continue indefinitely unless the government is prepared to confront the causes of the problem. If the causes are not attended to then it is quite likely that there will be ongoing housing affordability and availability problems and the Government can use the proposed legislation as an executive tool to continually bypass the TPC, RMPAT, local government and local communities. Land could then be rezoned , excised for housing year after year in conflict with due process. Some of the issues that need to be addressed include population policy (especially national immigration policy and Tasmania's population growth "strategy" to increase population by 150,000), mass/industrial tourism including the Governments policy to increase visitation to 1.5 million by 2020 and how that impacts on housing especially Air BnB , holiday rentals etc, foreign ownership/investment in housing, ease of credit availability, and policies which encourage property speculation such as negative gearing and capital gains tax concessions. It appears to us that this legislation will not do a lot for housing affordability but sets a very bad precedent by giving executive power to the Minister in contravention of accepted planning and DEMOCRATIC process. It is also likely that such rushed ad hoc planning responses will create a range of new planning, amenity and other issues due to the short time frames and lack of due process involved.

Todd Dudley  
President  
**North East Bioregional Network**



# Department of Primary Industries, Parks, Water & Environment

OFFICE OF THE SECRETARY

**Hobart** GPO Box 44, Hobart, Tasmania, 7001

**Launceston** PO Box 46, Kings Meadows, Tasmania, 7249

**Devonport** PO Box 303, Devonport, Tasmania, 7310

Ph 1300 368 550

Web [www.dpipwe.tas.gov.au](http://www.dpipwe.tas.gov.au)

Our ref: AW-GR-LZ-042634-001



Mr Brian Risby  
Director  
Planning Policy Unit  
Department of Justice

Via email: [Planning.Unit@justice.tas.gov.au](mailto:Planning.Unit@justice.tas.gov.au)

## **DRAFT HOUSING LAND SUPPLY AMENDMENT BILL 2021**

Thank you for your correspondence of 23 August 2021 seeking feedback to the proposed draft *Housing Land Supply Amendment Bill 2021* and for granting an extension to the Department for comments. I can advise that the Department of Primary Industries, Parks, Water and Environment has considered the draft Bill and offers the following advice.

Sections below reference the Bill Consultation Information Pack.

### **s5.1.2 Land recently obtained by the Director of Housing:**

*(Refers to sections 5, 7, 8 and 9 of the draft Bill – amended sections 5(1)(b), 9(3) and 10(2), and new section 13A of the HLS Act)*

The Department supports the draft Bill's requirement for a broader and longer consultation period to be undertaken for a proposed Order that relates to land obtained under the *Homes Act 1935* (Homes Act land) after the commencement of the *Housing Land Supply Act 2018* (HLS Act).

Consistency with the processes for rezoning land under the Local Provisions Schedule amendment process in the *Land Use Planning and Approvals Act 1993* (LUPA Act) is also supported.

### **s5.2 Application to land within Flinders municipality**

*(Refers to sections 5 and 6 of the draft Bill – new sections 5(6), 6(3), and 6(4) of the HLS Act)*

The proposed changes under the draft Bill that apply to land within the Flinders municipality are supported, particularly with the inclusion of the proviso at s6(b)(4) that the "Minister is satisfied that the area, or part land can be provided with adequate water supply, wastewater treatment and stormwater management".

**s5.3 Consistency with assessment criteria under the LUPA Act**

*(Refer to section 6 of the draft Bill – amended section 6(1)(a) of the HLS Act)*

The Department supports the proposed amendments that deliver consistency between the HS Act and the LUPA Act assessment criteria.

If you have any further questions on this matter please contact Sonia Mellor, Policy Analyst, Policy Branch, Strategic Services Division on mobile: 0436 636 279 or via email at [sonia.mellor@dpipwe.tas.gov.au](mailto:sonia.mellor@dpipwe.tas.gov.au)

Yours sincerely

Tim Baker  
**SECRETARY**

13 September 2021