

TASMANIA

**HOUSING LAND SUPPLY AMENDMENT BILL
2021**

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consultation version

**HOUSING LAND SUPPLY AMENDMENT BILL
2021**

*(Brought in by the Minister for State Development,
Construction and Housing, the Honourable Michael Darrel
Joseph Ferguson)*

A BILL FOR

An Act to amend the *Housing Land Supply Act 2018*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Housing Land Supply Amendment Act 2021*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Housing Land Supply Act 2018** is referred to as the Principal Act.

*No. 8 of 2018

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4. Section 3 amended (Interpretation)

The definition of *government land* in section 3 of the Principal Act is amended as follows:

- (a) by inserting in paragraph (b) “or” after “land;”;
- (b) by inserting the following paragraph after paragraph (b):
 - (c) land that is owned in fee simple by the body corporate continued under section 4 of the *Tasmanian Development Act 1983*;

5. Section 5 amended (Land that may be declared to be housing supply land)

Section 5 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(b) “or became, after that day, Homes Act land” after “day”;
- (b) by inserting the following subsections after subsection (4):
 - (5) The Minister must not, in a housing land supply order, declare to be housing supply land an area of land that is owned in fee simple by the body corporate continued under section 4 of the *Tasmanian Development Act 1983*, without the consent of the

Board, within the meaning of that Act.

- (6) The reference to public transport in subsection (2)(b) does not apply in relation to land within the municipality of Flinders.

6. Section 6 amended (Inclusion of intended zones in housing land supply orders)

Section 6 of the Principal Act is amended as follows:

- (a) by omitting paragraph (a) from subsection (1) and substituting the following paragraph:

(a) the Minister is satisfied that to assign the intended zone to the area of land or part –

- (i) would be consistent with the State Policies; and
- (ii) would be, as far as practicable, consistent with the regional land use strategy in relation to the area of land or part; and
- (iii) satisfies the relevant criteria in relation to the TPPs, within the meaning of the *Land Use Planning*

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and Approvals Act 1993;
and

(b) by inserting the following subsections after subsection (2):

(3) Subsection (2)(a) does not apply in relation to land within the municipality of Flinders.

(4) The Minister may include in a housing land supply order in relation to an area of land, or part of an area of land, that is within the municipality of Flinders, a provision, referred to in section 4(2), declaring –

(a) the Residential Zone under the Flinders Planning Scheme 2000; or

(b) the Low Density Residential Zone under the Tasmanian Planning Scheme; or

(c) the Village Zone under the Tasmanian Planning Scheme –

to be the intended zone in relation to the area or part, if the Minister is satisfied that the area, or part, can be adequately supplied with a water supply and wastewater

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treatment and that stormwater can be appropriately managed.

7. Section 9 amended (Parliament may disallow proposed housing land supply orders and amendments)

Section 9(3) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (c) “or section 13A(7)” after “section 13(1)”;
- (b) by inserting in paragraph (d) “or section 13A(7)” after “section 13(1)”.

8. Section 10 amended (Consultation to occur before housing land supply orders put before Parliament)

Section 10(2) of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (a):
 - (ba) in relation to which the requirements of section 13A, if applicable, have been complied with; and
- (b) by inserting in paragraph (b) “or section 13A(7)” after “section 13(1)”.

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9. Sections 13A and 13B inserted

After section 13 of the Principal Act, the following sections are inserted in Division 2:

13A. Additional consultation requirements for certain acquired Homes Act land

(1) In this section –

exhibition notice in relation to a proposed order, means the exhibition notice, in accordance with subsection (6), that is published, in accordance with subsection (5)(a), in relation to the proposed order;

exhibition period in relation to a proposed order, means the period of 28 days –

- (a) beginning on the day on which, in accordance with subsection (5)(b), a copy of the proposed order, and a statement of the reasons why the Minister wants to make the proposed order, begin to be available for viewing by members of the public; and
- (b) excluding any days on which the offices of the council for the municipality in which is

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situated the area of land to which the proposed order relates are closed during normal business hours.

- (2) This section applies in relation to an area of land that was not, before the commencement day, government land and that becomes, after the commencement day, Homes Act land.
- (3) The requirements of this section are in addition to the requirements of section 10 in relation to the making of an order under section 4(1) or section 8(1).
- (4) The Minister must not make an order under section 4(1) or section 8(1) in relation to an area of land to which this section applies unless, before laying before both Houses of Parliament in accordance with section 9 the proposed order in the form of the order to be made under section 4(1) or section 8(1), the requirements of this section have been complied with.
- (5) If the Minister is proposing to make an order under section 4(1) or section 8(1) in relation to an area of land to which this section applies, the Minister must ensure that –
 - (a) an exhibition notice in relation to the proposed order is published –

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- (i) once before the beginning of the exhibition period in relation to the proposed order; and
 - (ii) once within the 14-day period after the beginning of the exhibition period in relation to the proposed order –

in a newspaper that is published, and circulates generally, in Tasmania; and
 - (b) a copy of the proposed order, and a statement of the reasons why the Minister wants to make the proposed order, have been made available, for all of the exhibition period in relation to the proposed order, for viewing by members of the public at the electronic address, and at the places, specified, in accordance with subsection (6)(d), in the exhibition notice; and
 - (c) the Minister has considered each submission made under subsection (7) in relation to the proposed order.
- (6) An exhibition notice in relation to a proposed order is to specify –

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- (a) that the Minister is proposing to make, or amend, as the case may be, a housing land supply order; and
 - (b) the area of land to which the proposed order relates; and
 - (c) the exhibition period in relation to the order; and
 - (d) that a copy of the proposed order, and a statement of the reasons why the Minister wants to make the proposed order, may be viewed by members of the public, during the exhibition period in relation to the order, at an electronic address, and the places, specified in the notice; and
 - (e) that members of the public are invited to make to the Minister, in the manner specified in the notice, submissions, in relation to the area of land to which the proposed order relates, within the exhibition period in relation to the order; and
 - (f) the matters in relation to which submissions may be made under subsection (7).
- (7) A person may, within the exhibition period in relation to a proposed order, make a submission, in relation to the area

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of land to which the proposed order relates, that relates to the relevant matters, for the purposes of section 13(2), in respect of the proposed order.

- (8) The places specified in accordance with subsection (6)(d) in relation to a proposed order are to include –
- (a) the offices of the council for the municipality in which the area of land to which the proposed order relates is situated; and
 - (b) an office of Service Tasmania, to which members of the public have access, that is within the municipality in which the area of land to which the proposed order relates is situated; and
 - (c) if there is an office of Service Tasmania, to which members of the public have access, that is not within the municipality in which the area of land is situated but that is the office that is closest to the area of land – that office.

13B. Notice to be given of decision not to proceed with proposed order

If, after complying with the requirements of section 10 in relation to a proposed order in relation to an area of land and section 13A, if that section applies in

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relation to a proposed order, the Minister decides not to lay a proposed order before both Houses of Parliament under section 9(2), the Minister must ensure that –

- (a) a notice, specifying the decision and the proposed order to which it relates and the reasons why the Minister has made the decision, is given to –
 - (i) each interested person in relation to the area of land; and
 - (ii) each person who made a submission under section 13(1) or section 13A(7) in relation to the area of land; and
- (b) there are made available for viewing by members of the public, at a website of the Department, for a period of not less than 6 months, copies of –
 - (i) the reasons why the Minister has made the decision; and
 - (ii) each submission made under section 13(1) or section 13A(7) in relation to the area of land and the Ministers response in

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relation to each of the
submissions.

10. Repeal of Act

This Act is repealed on the first anniversary of
the day on which it commenced.

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