

From: NE Bioregional Network [REDACTED]
Sent: Friday, 11 May 2018 10:41 AM
To: Have Your Say (DoJ) <HaveYourSay@justice.tas.gov.au>
Subject: HPE CM: Comment on proposed Residential Housing Supply Bill 2018

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.

Yours sincerely

Todd Dudley President North East Bioregional Network Inc. Phone [REDACTED] Postal address:
[REDACTED]