Hi

Thanks for providing the opportunity to make comment on the draft Residential Housing Supply Bill

The following comments are from Glenorchy City Council officers:

General Comments on Policy position

It is disappointing that there has been no consultation with Local Government Planning Authorities to date. The Summit was a high level regional forum which should have been followed with some level of consultation with planning practitioners. People who work in the development industry have an insight into some of the barriers to development and could have assisted in the formulation of ideas.

Given this is a piece of enabling legislation it would be helpful to local authorities to have an appreciation of the context. That is, our reaction can not be guided by any appreciation of the range of impact, are we talking about potentially 2 Crown sites or 20 sites ? Accepting land other than Crown land can not be known at this time.

This legislation must be given an end date to ensure its impact/effectiveness is reviewed and alternatives are considered if problems (or better ideas !) arise.

Drafting/regulatory issues

What is 'affordable housing'? [Is this Bill relating to 'public' or 'social' housing or 'affordable' housing – they different things (are they meant to be in the context of this Bill??) Many jurisdictions have grappled with this including how to resolve issues that may occur after '*affordable housing'* (verse social housing) has been on-sold (how does it stay affordable; how do you ensure it is bought by someone who needs it; how do you ensure that the person who buys it first gets some market value increase when they sell it …..????] as a minimum there must be a definition of what 'affordable' housing is

What is 'emergency residential' accommodation? There must be a clear and transparent 'test' to ensure this doesn't just become more visitor accommodation

Some terminology in the legislation is reflective of IPS and TPS terminology ie the SPPs and LPS but other references are not. For example Section 9(2) a talks about *general residential use or higher density residential use* – why not just use existing terms (ie for a residential use class). Similarly Section 10(a) *a provision of the applicable planning scheme*, why not use the term 'applicable standard' and define 'Scheme' as *the Planning Scheme document in operation in the planning area* ?

The Bill is silent on Aboriginal Cultural Heritage and Natural and Built Heritage – are these typical Agencies/ Entities that the Minister will consider have an interest ?

The use of the word 'may' instead of must in relation to the giving of notice is a huge problem [eg Section 8(2)]. If there is a lack of certainty around whether notification will be undertaken, then the Bill should simply not include this as a requirement/option ie what are the relevant interested persons to expect:

- Proper notice if there aren't too many resources issues?

- No notice if there isn't enough time ?

Some of the terminology in the Bill is troubling – 'better condition then they were before' [S23 (e)(i)] This implies that some substandard buildings may be used for people in need – the concern is that (as a result of this deregulation) there may be some people in the community who will take advantage of others

Consultation timeframes

It is unlikely that any planning authority / agency would be able to provide a considered response regarding any issues with services, assets, traffic concerns, hazards, amenity impacts etc within 14 days [S8(4)(c) and (5)]. If the intent is to provide land for more housing at a lower price point it should still meet an appropriate level of amenity, be safe and be able to be connected to services in a cost effective manner – as should all land appropriate for residential development

Part 4 Subdivision Permits

The section should be limited to residential subdivision, rather than being *substantially …for residential housing* [S19 (5) (a)] – particularly with respect to S19(5)(a) –see below

As its Crown land, it is assumed it will be managed by Housing Tasmania, but with respect to Section 5(2)(b) which provides that '*all or part of the area'* will be used for affordable housing – what happens to the part not used for 'affordable' housing; similarly how will it be ensured that 'at least **some**' of the residential housing will be 'affordable' ??? [S19 (5) (a)] there should be a percentage figure locked

It is unclear whether the open space provisions of LOGBMP will apply ?

Temporary Emergency Residential Permits (TERP)

Section 23: why is 'may' used? The Minister must only grant the permit if they have had regard to the planning scheme and whether the site is appropriate

Section 26 - the references to the land being 'rehabilitated' and restored to 'at least the condition they were in ' before the grant of the permit also implies that the grant could cause significant environmental damage – what types of buildings and places are anticipated to be granted these TERPs??

S28 (1) deems the permit to be issued under LUPPA and that the planning authority will be responsible for it, so will have to undertake enforcement – yet any information on relevant information on operational or enforcement issues will not have been provided to the Minister as no consultation is undertaken

S28 (2) implies that there are no requirements for the TERP use or development to meet any amenity provisions of the planning scheme – how will the government ensure this housing is not substandard?

Status of Permits and Enforceability of TERPs)

If TERPs are only to be a maximum of three years this needs to be specified in Section 28 (6) by adding 'for a total period no greater than 3 years'.

Agree with Section 28(7) that a TERP is not to be taken into account for accumulation of time for existing use rights.

Minister should be required to notify of the upcoming expiration of a permit to assist the Planning Authority in compliance.

Section 25(2) – Given permit is issued outside scope of normal planning scheme provisions
Minister *must* (rather than *may*) require buildings or structures to be restored to the 'better' or same condition
Photographic evidence should be required with dates and times. Otherwise these conditions will be **unenforceable**. Planning Authorities will be able to issue notices (and fines) on individuals and business and enforce these permits through Court proceedings if conditions are not met. This would be a difficult position for the Minister and Planning Authority to defend from a public relations point of view- given the underlying philanthropic principles for the introduction of the Bill.

Has there been any consideration of what other jurisdictions are doing?

This can provide insight and produce better outcomes. For example the Australian Housing and Urban Research Institute (AHURI) recently published an excellent paper on interventions to planning processes to support affordable housing supply (including inclusionary and voluntary methods), Victoria has been working on this issue for years and have involved local government planners in the discussion
(Victoria area looking at inclusionary zoning – and inserting a definition of 'affordable housing' into the Act - https://www.vic.gov.au/affordablehousing/housing-supply-and-planning.html)

If you have any questions, please call or email me

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