

TASMANIA

GREATER HOBART BILL 2019

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GREATER HOBART BILL 2019

*(Brought in by the Minister for State Growth, the Honourable
Peter Carl Gutwein)*

A BILL FOR

An Act to assist councils in the Greater Hobart area and the State Government to better collaborate with each other in the making of decisions that will affect strategic land use planning, and the provision of infrastructure, in the Greater Hobart area, and for related purposes

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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Greater Hobart Act 2019*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Interpretation

In this Act, unless the contrary intention appears –

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activity centre means an area in which services, employment, or retail, commercial or social activity, are concentrated and includes an area that is –

- (a) a community meeting place; or
- (b) a place at which community or government services are or may be provided; or
- (c) an educational facility; or
- (d) a place for sport, recreation, leisure or entertainment; or
- (e) a place where residential use or development occurs in an urban area of mixed land use;

adjunct council means a council that is an adjunct council under section 15;

Advisory Group means the Greater Hobart Advisory Group established by section 7(1);

chairperson of the Committee means the person appointed under section 6(4) to be the chairperson of the Committee;

Committee means the Greater Hobart Committee established by section 6(1);

Director of Housing means the Director of Housing under the *Homes Act 1935*;

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draft work program means a draft work program prepared under section 9(1) by the Advisory Group;

Greater Hobart area means the area containing each municipal area of the Greater Hobart area councils;

Greater Hobart area councils means the following councils:

- (a) the Clarence City Council;
- (b) the Glenorchy City Council;
- (c) the Hobart City Council;
- (d) the Kingborough Council;

Greater Hobart Objectives means the objectives specified in section 5;

infrastructure means –

- (a) any built structure; and
- (b) transport infrastructure; and
- (c) service infrastructure;

Infrastructure Tasmania means the administrative unit, of the Department of State Growth, known as Infrastructure Tasmania;

mayor has the same meaning as in the *Local Government Act 1993*;

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passenger transport means transport primarily for the purpose of carrying passengers, whether or not on the payment of a fare;

Planning Minister means the Minister assigned the administration of the *Land Use Planning and Approvals Act 1993*;

service infrastructure means infrastructure related to the provision of gas, water, sewerage, electricity or telecommunications;

Southern Tasmania Regional Land Use Strategy means the regional land use strategy, in force from time to time under section 5A of the *Land Use Planning and Approvals Act 1993*, that applies to the area of Tasmania that includes the Greater Hobart area;

transport infrastructure means infrastructure to enable road, rail, water or air transport;

work program means a draft work program, as amended from time to time under section 12(3), that is approved under section 10(1) and that has not been revoked under section 12(4).

4. Object of Act

- (1) The object of this Act is to assist the Greater Hobart area councils and the State Government to better co-ordinate, across the Greater Hobart area –

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- (a) the efficient use of infrastructure; and
 - (b) strategic planning, and other actions, in relation to future land use and development in the Greater Hobart area –

so as to improve the health and wellbeing of persons, and enable the Greater Hobart Objectives to be achieved, in the Greater Hobart area.

- (2) The principal way in which the object of this Act is to be achieved is by establishing a process for the formation and implementation of a work program that seeks to further the Greater Hobart Objectives in the Greater Hobart area.

5. Greater Hobart Objectives

For the purposes of this Act, the Greater Hobart Objectives are –

- (a) to encourage and promote, in the making of strategic planning decisions, and decisions about land use, in relation to the Greater Hobart area, the consideration of potential benefits, and implications, for that area, of such decisions; and
- (b) to facilitate the efficient flow of transport in the Greater Hobart area; and
- (c) to further the maintenance and accessibility of existing, and the development of new, cultural, sporting,

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- recreational and community facilities, that complement, link to, and contribute to, the cultural experiences able to be provided in the Greater Hobart area; and
- (d) to encourage, promote and provide for urban renewal, and affordable housing, that enhance amenity, liveability, ease of access to places and facilities and the provision of passenger transport; and
 - (e) to encourage, promote and provide for the development of hubs for specialised purposes such as science, sport, recreation, social activity, economic activity, technology, industry, education or the arts; and
 - (f) to encourage, promote and provide for, where suitable –
 - (i) the efficient and effective integration and co-location of the facilities, housing and hubs that are referred to in the other paragraphs of these objectives; and
 - (ii) the transport infrastructure, and the service infrastructure, that is necessary or desirable in relation to such facilities, housing and hubs; and
 - (g) any other prescribed objectives.

PART 2 – ADMINISTRATION

6. Greater Hobart Committee

- (1) There is established by this subsection the Greater Hobart Committee (the *Committee*).
- (2) The Committee is comprised of the following members:
 - (a) each of the mayors of the Greater Hobart area councils;
 - (b) the Minister with primary responsibility for economic development;
 - (c) the Minister with primary responsibility for infrastructure;
 - (d) the Minister with primary responsibility for housing;
 - (e) the Minister with primary responsibility for community development.
- (3) A Minister who is responsible for more than one of the areas referred to in subsection (2) has as many votes at a meeting of the Committee as he or she has such areas of responsibility.
- (4) The person who is a member of the Committee under subsection (2)(b) is to be the chairperson of the Committee.

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- (5) The meetings and procedure of the Committee are, subject to this Act and the regulations, to be as determined by the Committee.

7. Greater Hobart Advisory Group

- (1) There is established by this subsection the Greater Hobart Advisory Group (the *Advisory Group*).
- (2) The Advisory Group is comprised of the following members:
- (a) each person who is a general manager, within the meaning of the *Local Government Act 1993*, for a Greater Hobart area council;
 - (b) the Secretary of a department that is nominated by the Minister for the purposes of this paragraph;
 - (c) the Secretary of the department responsible to the Planning Minister in relation to the administration of the *Land Use Planning and Approvals Act 1993*;
 - (d) the Director of Housing;
 - (e) the Secretary of the department, the primary purpose of which is to assist the Minister who has primary responsibility for community development;
 - (f) the Secretary of the department, the primary purpose of which is to assist the

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Minister who has primary responsibility for economic development;

- (g) the Chief Executive Officer of Infrastructure Tasmania or, if that unit of administration ceases to exist, another unit of administration nominated by the Minister.
- (3) The person who is a member of the Advisory Group under subsection (2)(f) is to be the chairperson of the Advisory Group.
 - (4) The meetings and procedure of the Advisory Group are, subject to this Act and the regulations, to be as determined by the Advisory Group.

PART 3 – WORK PROGRAM

Division 1 – Contents of work program

8. Contents of work program

- (1) A work program is to set out the specific actions, including actions in relation to the corridors and activity centres that are identified in the map included in the work program under subsection (3), that are to be carried out by, or on behalf of, the following:
 - (a) any one or more of the Greater Hobart area councils;
 - (b) an adjunct council;
 - (c) the State Government –so as to further the Greater Hobart Objectives.
- (2) Without limiting the generality of subsection (1), a work program may include actions to enable the better coordination between Greater Hobart area councils, or between Greater Hobart area councils and the State, of decisions about infrastructure, strategic planning decisions, and decisions about land use.
- (3) A work program is to include a map that identifies existing key transport corridors, and activity centres, within the Greater Hobart area.
- (4) A work program –
 - (a) may contain any prescribed matter; and

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- (b) must contain any matter that must, in accordance with the regulations, be included in such programs.
- (5) A work program may include proposed actions that, if carried out, would –
 - (a) expand the corridors and activity centres that have been identified in the map included in the work program under subsection (3); or
 - (b) establish, within the Greater Hobart area, new transport corridors or activity centres.
- (6) A work program is to identify which persons, or bodies, are to be jointly or separately responsible for ensuring that specific actions, set out in the work program, are carried out.
- (7) The Advisory Group, in preparing a draft work program, must –
 - (a) seek to further the objectives of the resource management and planning system, as set out in Part 1 of Schedule 1 to the *Land Use Planning and Approvals Act 1993*; and
 - (b) consider the Southern Tasmania Regional Land Use Strategy; and
 - (c) be consistent with any applicable State Policy within the meaning of the *State Policies and Projects Act 1993*.

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Division 2 – Preparation and approval of draft work programs, &c.

9. Advisory Group to prepare draft work program

- (1) The Advisory Group is to –
 - (a) prepare a draft work program as soon as practicable after the day on which this Act commences; and
 - (b) prepare a draft work program as soon as practicable after the day on which a work program is revoked in accordance with section 12(4).
- (2) As soon as practicable after a draft work program is prepared under subsection (1), the Advisory Group is to submit the draft to the Committee.

10. Committee may approve draft work program

- (1) The Committee, as soon as practicable after a draft work program is submitted to it under section 9(2), must –
 - (a) approve the draft work program; or
 - (b) after consulting with the Advisory Group, approve the draft work program, amended as the Committee thinks fit; or
 - (c) refuse to approve the draft work program.

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- (2) A draft work program is only to be taken to be approved under subsection (1)(a) or (b) if the majority of the members of the Committee, including no fewer than 3 of the members who are mayors of Greater Hobart area councils, have approved the draft work program under subsection (1)(a) or (b) respectively.
- (3) A draft work program comes into effect as a work program on the day on which the draft work program is approved under subsection (1)(a) or (b).
- (4) The Committee must provide a copy of a work program to the Greater Hobart area councils as soon as practicable after the work program comes into effect under subsection (3).

Division 3 – Review, amendment, revocation and implementation of work programs

11. Review of work programs

- (1) The Advisory Group, within 3 months after a work program has been in effect for 3 years, is to begin a review of the work program.
- (2) The Advisory Group is to review a work program by –
 - (a) reviewing the extent to which, and the manner in which, the specific actions set out in the work program were carried out; and

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- (b) considering whether other actions should be set out in the work program.
- (3) The Advisory Group, within 6 months after beginning a review under subsection (1) or a longer period allowed by the chairperson of the Committee, must provide to the Committee a report in relation to the review of the work program.
- (4) The chairperson of the Committee must, as soon as practicable after allowing a longer period under subsection (3), notify the members of the Committee of that longer period.

12. Amendment or revocation of work program

- (1) The Advisory Group may prepare a draft amendment of a work program or a draft revocation of a work program.
- (2) Division 2 applies in relation to a draft amendment of a work program, or a draft revocation of a work program, that is prepared under subsection (1), as if the draft amendment or draft revocation were a draft work program.
- (3) If, in accordance with Division 2 as applied under subsection (2) to a draft amendment of a work program, the draft amendment of a work program is approved under section 10(1)(a) or (b), the work program is amended by the draft amendment of the work program on and from the day of the approval.

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- (4) If, in accordance with Division 2 as applied under subsection (2) to a draft revocation of a work program, the draft revocation of a work program is approved under section 10(1)(a) or (b), the work program is revoked on and from the day of the approval.

13. Implementation of work program

- (1) The Greater Hobart area councils and the State Government must take reasonable steps to ensure that the work program is implemented.
- (2) An adjunct council must take reasonable steps to ensure that it carries out any actions that the work program specifies that the adjunct council is to carry out.
- (3) A use, or development, within the meaning of the *Land Use Planning and Approvals Act 1993* is not to be taken to be authorised for the purposes of that Act by reason only that the use or development is specified in a work program.

14. Consistency between work program and regional land use strategy

- (1) The Committee may decide that it is of the opinion that amendments to the Southern Tasmania Regional Land Use Strategy are required to be made in order to ensure that some or all of those activities that are to be implemented in a work program so as to further the Greater Hobart Objectives are consistent with the Strategy.

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- (2) A decision may only be made under subsection (1) –
- (a) by the majority of the members of the Committee; and
 - (b) if that majority includes no fewer than 3 of the members who are mayors of Greater Hobart area councils.
- (3) If a decision is made under subsection (1), the chairperson of the Committee is to give a notice to the Planning Minister requesting the Planning Minister to consider whether amendments to the Southern Tasmania Regional Land Use Strategy are required to be made under section 5A of the *Land Use Planning and Approvals Act 1993* in order for the work program to be consistent with the Strategy.
- (4) The Planning Minister, after receiving a notice under subsection (3), is to advise the chairperson of the Committee in writing that the Planning Minister –
- (a) is of the opinion that the work program is consistent with the Southern Tasmania Regional Land Use Strategy; or
 - (b) is of the opinion that the work program is not consistent with the Southern Tasmania Regional Land Use Strategy.
- (5) If the Planning Minister advises the chairperson of the Committee, in a notice under subsection (4), that the Minister is of the opinion that the work program is not consistent with the

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Southern Tasmania Regional Land Use Strategy,
the notice is to set out –

- (a) the extent, if any, to which the work program is not consistent with the Strategy; and
 - (b) the reasons why the Planning Minister intends, or does not intend, to amend the Southern Tasmania Regional Land Use Strategy under section 5A of the *Land Use Planning and Approvals Act 1993* so that the work program becomes consistent with the Strategy.
- (6) The chairperson of the Committee, as soon as practicable after receiving advice under subsection (5), is to provide the advice to the Committee.
- (7) The Committee, after considering the advice provided to it under subsection (6), is to consider whether the Committee wishes to make amendments to the work program under Division 3 so that, in the opinion of the Committee, the work program will be consistent with the Southern Tasmania Regional Land Use Strategy.

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Part 4 – Adjunct Councils

PART 4 – ADJUNCT COUNCILS

15. Adjunct councils

- (1) The Committee may invite to become an adjunct council a council to which the Southern Tasmania Regional Land Use Strategy applies.
- (2) A council that receives an invitation under subsection (1) may, by notice to the Committee accepting the invitation, become an adjunct council.
- (3) A work program may, if an adjunct council agrees, allocate to the adjunct council the performance, in the municipal area of the council, of actions specified in the work program.
- (4) A council ceases to be an adjunct council if –
 - (a) the council notifies the Committee that the council wishes to cease to be an adjunct council; or
 - (b) the Committee notifies the council that the council is to cease to be an adjunct council.

PART 5 – MISCELLANEOUS

16. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may be made in relation to one or more of the following:
 - (a) the procedures to be followed by the Advisory Group or the Committee in meetings of the Advisory Group or the Committee;
 - (b) matters that may be, or that are required to be, included in work programs.
- (3) The regulations may be made so as to apply differently according to matters, limitation or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (4) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Minister, the Advisory Group or the Committee.

17. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

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Part 5 – Miscellaneous

- (a) the administration of this Act is assigned to the Minister for State Growth; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of State Growth.