

CLAUSE NOTES

Housing Land Supply Amendment Bill 2021

Key acronyms:

- Amending Act – *Housing Land Supply Amendment Act 2021*
- Minister – Minister for Planning
- HLS Act – *Housing Land Supply Act 2018*
- LUPA Act – *Land Use Planning and Approvals Act 1993*
- proposed order – proposed housing land supply order

Clause 1	Cites the short title of the Act – the <i>Housing Land Supply Amendment Act 2021</i>
Clause 2	Provides for the provisions of this Act to commence upon receiving Royal Assent.
Clause 3	Identifies the Principal Act for this Bill as the <i>Housing Land Supply Act 2018</i> (HLS Act).
Clause 4	<p>Section 3 amended (Interpretation)</p> <p>Amends section 3 of the HLS Act to amend the definition of ‘government land’ and to insert a definition for ‘interested persons’</p> <p>The definition of ‘government land’ is amended to include land owned by Tasmania Development and Resources, which is defined as land owned by the body corporate established under section 4 of the <i>Tasmanian Development Act 1983</i>.</p> <p>The definition of ‘interested persons’ directly references the current section 11 of the HLS Act for clarification. No changes are made to defined interested persons.</p>
Clause 5	<p>Section 5 amended (Land that may be declared to be housing supply land)</p> <p>Amends subsection 5(1)(b) to provide for land that became ‘Homes Act land’ after the commencement of the HLS Act to be eligible for a proposed housing land supply order (proposed order). This includes land acquired, vested in or held under the <i>Homes Act 1935</i> by the Director of Housing after the commencement of the HLS Act on 20 July 2018.</p> <p>Subsection 5(5) is inserted to include the landowner consent requirements for land owned by Tasmania Development and Resources. Consent must be received from the Board established under the <i>Tasmanian Development Act 1983</i> for land owned by the body corporate established under section 4 of that Act.</p> <p>Subsection 5(6) is inserted to enable the consideration of land within the Flinders municipality by excluding the consideration of proximity to public</p>

	<p>transport in determining whether or not to declare it as housing supply land. This is due to there being no public transport facilities within the Flinders municipality and acknowledges the community's unique circumstances.</p>
<p>Clause 6</p>	<p>Section 6 amended (Inclusion of intended zones in housing land supply orders)</p> <p>Amends section 6 of the HLS Act to align the assessment criteria for rezoning land with that in the <i>Land Use Planning and Approvals Act 1993</i> (LUPA Act), and to enable the consideration of land within the Flinders municipality under a proposed order.</p> <p>Subsection 6(1)(a) of the HLS Act is amended to align the assessment criteria for rezoning land with that in the LUPA Act, specifically the criteria relating to regional land use strategies and the Tasmanian Planning Policies.</p> <p>Subsection 6(2) of the HLS Act is amended to enable housing supply land to be rezoned within the Flinders municipality, specifically to a suitable zone that is able to be applied to land without reticulated water and sewerage infrastructure connections. This includes the:</p> <ul style="list-style-type: none"> • Residential Zone under the Flinders Planning Scheme 2000; or • Low Density Residential Zone or Village Zone under the Tasmanian Planning Scheme. <p>In determining the suitability of the intended zone within the Flinders municipality, the Minister must be satisfied that the site can be adequately supplied with a water supply, wastewater treatment and that stormwater can be appropriately managed. This is in addition to the other requirements already contained in subsection 6(2) of the HLS Act.</p>
<p>Clause 7</p>	<p>Section 9 amended (Parliament may disallow proposed housing land supply orders and amendments)</p> <p>Amends subsection 9(3) to clarify that the Minister, in their stated reasons tabled in Parliament on why they intend to make a housing land supply order, must specifically give their opinion in relation to satisfying the criteria in subsections 5(2), 6(1) and 6(2) of the HLS Act.</p>
<p>Clause 8</p>	<p>Section 10 amended (Consultation to occur before housing land supply orders put before Parliament)</p> <p>Amends section 10 of the HLS Act to align with the new consultation requirements for proposed orders in amended sections 12 and 13 of the Act.</p> <p>Specifically, the Minister, before tabling a proposed order in Parliament, must:</p> <ul style="list-style-type: none"> • publicly exhibit the proposed order for a period of 28 days in accordance with amended section 12 of the HLS Act, which includes notifying interested persons; and

	<ul style="list-style-type: none">• have considered the submissions received during the public exhibition period, and may alter the proposed order in the response to the submissions.
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Clause 9

Section 12 substituted

Substitutes current section 12 of the HLS Act to implement the new consultation requirements for proposed orders. All proposed orders must be publicly exhibited for a period of 28 days. A written notice must be given to interested persons, as described in current section 11 of the HLS Act, before the commencement of the public exhibition period.

New subsection 12(1) inserts definitions for 'exhibition documents', 'exhibition notice' and 'exhibition period' that define various aspects of the public exhibition process.

The 'exhibition documents' are those that must be made available for public viewing at the nominated website address, the relevant council offices and Service Tasmania shop. The exhibition documents include:

- a copy of the proposed order;
- a statement of reasons from the Minister on why they want to make the proposed order and their opinion in relation to satisfying the criteria in subsections 5(2), 6(1) and 6(2) of the HLS Act; and
- any other information that the Minister thinks fit.

The 'exhibition notice' must be published in a newspaper that circulates generally in Tasmania and also provided to interested persons.

The 'exhibition period' runs for 28 days beginning on the day that the exhibition documents are made available for public viewing. It excludes any days that the council office, where the documents are made available, is closed during normal business hours.

New subsection 12(2) specifies the requirements for the publishing of the exhibition notice, the availability of the exhibition documents, and giving notice to interested persons.

New subsection 12(2)(a) requires the Minister to publish the exhibition notice in a newspaper that is published and circulates generally in Tasmania. The notice must be published twice – once before the commencement of the exhibition period, and again within the 14 day period after the commencement of the exhibition period.

New subsection 12(2)(b) requires the exhibition documents to be available for public viewing for the entirety of the exhibition period at the nominated website address, the relevant council offices and Service Tasmania shop.

New subsection 12(2)(c) requires the Minister to give notice to interested persons of the public exhibition. The notice must contain a copy of the exhibition notice and invite the person to make a submission within the exhibition period.

New subsection 12(3) outlines what the exhibition notice must specify, as follows:

	<ul style="list-style-type: none"> • that the Minister is proposing to make a housing land supply order; • the area of land subject to the proposed order; • the exhibition period; • that the exhibition documents are available for viewing at the nominated website address, the relevant council offices and Service Tasmania shop; • invite members of the public to make a submission on the proposed order within the exhibition period; and • the relevant matters to which a submission may be made as specified in amended section 13(2) of the HLS Act. <p>New subsection 12(4) specifies the locations where the exhibition documents must be made available for available for public viewing, which is:</p> <ul style="list-style-type: none"> • the offices of the relevant council for the municipality in which the order is proposed; • a Service Tasmania shop within that municipality (if any); and • a Service Tasmania shop that is within another municipality of it is the closest to the site subject to the proposed order.
<p>Clause 10</p>	<p>Section 13 amended (Submissions in relation to proposed orders)</p> <p>Amends section 13 of the HLS Act to align the submission requirements with the revised consultation process on proposed orders and to clarify matters that the submission may relate to.</p> <p>Amended subsection 13(1) outlines that a person may make a submission on a proposed order within the specified exhibition period.</p> <p>New subsection 13(2)(ba) clarifies that a submission may be made in relation to the criteria for proposed housing land supply orders in sections 5(2), 6(1) and 6(2) of the HLS Act.</p>
<p>Clause 11</p>	<p>Section 13A inserted</p> <p>Inserts new section 13B into the HLS Act requiring the Minister to give notice if they determine not to proceed with a proposed order after undertaking public consultation.</p> <p>If the Minister determines not to table a proposed order in Parliament they must give notice to all interested persons and each person who made a submission on the proposed order. The notice must give reasons why the Minister has made this decision. The Minister's reasons and each submission made on the proposed order must be made available on the Department's website for a period of at least 6 months.</p>
<p>Clause 12</p>	<p>Section 29 inserted</p> <p>Inserts new section 29 into the HLS Act providing transitional arrangements for any proposed orders that are being considered through the process but have not been finalised at the time of the Amending Act coming into effect. For</p>

	proposed orders that have undergone consultation, or are currently undergoing consultation, under the former provisions of the HLS Act, the proposed Order continues as per the process and provisions of the former HLS Act.
Clause 13	Repeal of Act Provides for the repeal of the Bill.