

## TASMANIA

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# HOUSING LAND SUPPLY AMENDMENT BILL 2021

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# HOUSING LAND SUPPLY AMENDMENT BILL 2021

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*  
28 October 2021

*(Brought in by the Minister for Local Government and  
Planning, the Honourable Roger Charles Jaensch)*

## 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.

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**3. Principal Act**

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

**4. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

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

*interested persons* – see section 11;

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

Section 5 of the Principal Act is amended as follows:

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- (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 –

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- (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 and Approvals Act 1993*; and
- (b) by omitting paragraph (a) from subsection (2) and substituting the following paragraphs:
- (a) both of the following apply:
    - (i) the provisions, of the intended zone, are such that the minimum size of a lot, or the maximum area of land for a dwelling, that complied with those provisions would be no more than the minimum size of a lot, or the maximum area of land for a dwelling, that complied with the provisions of the SPPs in

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relation to the General Residential Zone;

- (ii) the area of land, or the part of the area of land, is not within the municipality of Flinders; or
- (ab) the area of land, or the part of the area of land, is within the municipality of Flinders and the intended zone is one of the following zones:
  - (i) the Residential Zone under the Flinders Planning Scheme 2000;
  - (ii) the Low Density Residential Zone under the Tasmanian Planning Scheme;
  - (iii) the Village Zone under the Tasmanian Planning Scheme –

and the Minister is satisfied that the area, or part, can be adequately supplied with a water supply and wastewater treatment and that stormwater can be appropriately managed; or

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- (c) by omitting from subsection (2)(b)(i) “with paragraph (a)” and substituting “paragraph (a) or (ab)”.

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

Section 9(3) of the Principal Act is amended by omitting paragraphs (a) and (b) and substituting the following paragraphs:

- (a) the reasons why the Minister wants to make a housing land supply order in the form of the proposed order; and
- (b) the reasons why the Minister is satisfied that the Minister may make a housing land supply order in the form of the proposed order, including the reasons why, in the opinion of the Minister, the Minister would not contravene section 5(2) or section 6(1) or (2) by making a housing land supply order in the form of the proposed order; and

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

Section 10 of the Principal Act is amended as follows:

- (a) by omitting paragraphs (a), (b) and (c) from subsection (1) and substituting the following paragraphs:



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- (a) the Minister has complied with section 12 in relation to the proposed order; and
  - (b) the period, in which a person may make to the Minister under section 13(1) a submission in relation to the area of land to which the proposed order relates, has expired; and
  - (c) the Minister has considered any submissions made to the Minister under section 13(1) in relation to the area of land.
- (b) by omitting paragraphs (a) and (b) from subsection (2) and substituting the following paragraphs:
- (a) that has been publicly exhibited in accordance with section 12; and
  - (b) that has been altered by the Minister after the Minister has considered any submissions, made to the Minister under section 13(1), in relation to the area of land to which the proposed order relates –

**9. Section 12 substituted**

Section 12 of the Principal Act is repealed and the following section is substituted:

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**12. Giving of notice to public and interested persons**

(1) In this section –

*exhibition documents*, in relation to a proposed order, means –

(a) the proposed order; and

(b) a statement as to –

(i) the reasons why the Minister wants to make a housing land supply order in the form of the proposed order; and

(ii) the reasons why the Minister is of the opinion that the Minister may make a housing land supply order in the form of the proposed order, including the reasons why, in the opinion of the Minister, the Minister would not contravene section 5(2) or section 6(1) or (2) by making a

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housing land  
supply order in the  
form of the  
proposed order;  
and

- (c) such other information, if any, in relation to the proposed order, that the Minister thinks fit;

***exhibition notice***, in relation to a proposed order, means an exhibition notice, in accordance with subsection (3), 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 (2)(b), the exhibition documents in relation to 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 situated the area of land to

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which the proposed order  
relates are closed during  
normal business hours.

(2) If the Minister is proposing to make an order under section 4(1) or section 8(1) in relation to an area of land, the Minister must ensure that –

(a) an exhibition notice, in relation to the proposed order, is published –

(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) the exhibition documents in relation to 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

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subsection (3)(d), in the  
exhibition notice; and

(c) before the exhibition period  
begins, there is given, to each  
interested person in relation to the  
land, a notice –

(i) containing a copy of the  
exhibition notice; and

(ii) inviting the person to  
make a submission to the  
Minister within the  
exhibition period.

(3) An exhibition notice in relation to a  
proposed order is to specify –

(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 proposed order; and

(d) that a copy of the proposed order  
and a statement of –

(i) the reasons why the  
Minister wants to make a  
housing land supply order

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in the form of the proposed order; and

- (ii) the reasons why the Minister is of the opinion that the Minister may make a housing land supply order in the form of the proposed order, including the reasons why, in the opinion of the Minister, the Minister would not contravene section 5(2) or section 6(1) or (2) by making a housing land supply order in the form of the proposed order –

may be viewed by members of the public, during the exhibition period in relation to the proposed 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 proposed order; and

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- (f) the relevant matters, for the purposes of section 13(2), in relation to which such submissions may be made.
- (4) The places specified in accordance with subsection (3)(d) in relation to a proposed order are to include –
- (a) the offices of the council for the municipality in which is situated the area of land to which the proposed order relates; and
  - (b) an office of Service Tasmania, if any, to which members of the public have access, that is within the municipality in which is situated the area of land to which the proposed order relates; 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 is situated the area of land but that is the office that is closest to the area of land – that office.

**10. Section 13 amended (Submissions in relation to proposed orders)**

Section 13 of the Principal Act is amended as follows:

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

(1) A person may, within the exhibition period, within the meaning of section 12, in relation to a proposed order, make to the Minister a submission in relation to the relevant matters in respect of the proposed order.

(b) by inserting the following paragraph after paragraph (b) in subsection (2):

(ba) whether the Minister would, or would not, contravene section 5(2) or section 6(1) or (2) by making a housing land supply order in the form of the proposed order;

**11. Section 13A inserted**

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

**13A. 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, the Minister decides not to lay a proposed order before both Houses of Parliament under section 9(2), the Minister must ensure that –



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- (a) a notice, specifying the decision, 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) 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) in relation to the area of land and the Minister's response in relation to each of the submissions.

**12. Section 29 inserted**

After section 28 of the Principal Act, the following section is inserted in Part 5:

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**29. Transitional**

If, before the day on which the *Housing Land Supply Amendment Act 2021* commences, a notice, referring to a proposed order, has been given under section 12(1) of this Act as in force immediately before that day, this Act, as in force immediately before that day, applies in relation to the proposed order as if the amendments to this Act made by the *Housing Land Supply Amendment Act 2021* were not in effect.

**13. Repeal of Act**

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