

FACT SHEET

The purpose of the *Nation Building and Jobs Plan Facilitation (Tasmania) Bill 2009* is to provide an alternative, streamlined planning process for social housing and school infrastructure projects funded by the Commonwealth under the \$42 billion Nation Building and Jobs Plan (NBJP) to stimulate economic growth and create jobs in the face of severe global recession.

As part of the plan, the states and territories signed a National Partnership Agreement (NPA) worth \$21 billion to deliver social housing and school infrastructure, provided a range of conditions are met, including extremely tight commencement and completion timeframes. Failure to meet these conditions will not only result in withdrawal of funding, but also potentially the reduction of an equivalent amount of untied Commonwealth funding (e.g. GST payments) to states and territories in the future.

The opportunities for Tasmania are significant. On a per capita basis, the State's share of this funding is more than \$500 million. This could potentially deliver up to 500 additional properties in the social housing sector, large scale infrastructure projects of up to \$3 million in Government and non-government primary schools, and the opportunity for secondary schools to apply for one of the 500 new science laboratories or language and learning centres available nationally.

The NPA represents an investment of unprecedented size, scope and urgency. However, it also presents some risks if timeframes and other conditions are not met. All states and territories are therefore considering exceptional measures to ensure they receive their share of funding and avoid potential financial penalties.

Other jurisdictions have identified planning processes as a major impediment to meeting their obligations under the NPA. It is clear that this is also the case for Tasmania, even though approval times under the *Land Use Planning and Approvals Act 1993* (LUPAA) are lower than the national average and well below the timeframes prescribed in the Act. For example, the Commonwealth timeframes for school infrastructure allow only one to two months for construction to commence. For social housing projects, which will generally be of greater scale and complexity than school projects, the Commonwealth has allowed less than three months.

Given the dramatically increased volume of development across the State, even with a track record of relatively short approval timeframes, it is clear that resources in planning authorities will be stretched well beyond acceptable limits and current processes present a real threat to the timely delivery of Tasmania's NPA projects.

The Government has therefore developed legislation to replace the existing approval process under LUPAA with an alternative, streamlined process for social housing and school infrastructure under the NPA.

The Bill sets out a process for exempting NPA projects such as social housing or school infrastructure from LUPAA.

The Bill provides a process whereby the Treasurer can declare that a social housing or school (Government or non-government) infrastructure development is an NPA project for the purposes of the Act. This effectively exempts the project from the provisions of LUPAA – but not other approvals legislation such as the *Building Act 2000* or *Historic Cultural Heritage Act 1995* – and automatically deems the project approved under existing planning schemes.

The Bill also provides for stakeholders and the public to be notified of the declared projects through the Government Gazette, direct advice to relevant councils and advertisements in local newspapers.

However, declaration as an NPA project does not constitute approval for construction to commence. Construction can only commence once the project is certified (discussed below).

The Bill establishes mechanisms for consultation, consideration of planning matters and modification of the project based on consultation.

The Bill provides an alternative, streamlined process for ensuring good planning principles are considered and consultation occurs with the local council and the public. At the conclusion of the process, proponents may modify the project plans to take into account comments made during the public consultation or to account for the planning matters considered (e.g., land contamination, traffic impacts, density to open-space ratios etc). However, proponents may not change the site or the project's overall scale. The Bill provides a process for certifying an NPA project, allowing for construction to commence.

Before construction can commence, projects must be certified by the Project Authority – the Director of Housing (for social housing projects) or the Secretary of the Department of Education (for school infrastructure projects). Prior to certifying projects, the Project Authority must be satisfied that the steps outlined in the alternative process have been carried out.

As soon as practicable, the Project Authority must issue a notice of the certification in the Gazette and notify the relevant council. The effect of certification is that construction may commence in accordance with the project details as certified and the development is incorporated back under LUPAA.

The Bill provides a streamlined process for amending planning schemes to allow the *Land Use Planning and Approvals Act 1993* (LUPAA) to apply to the construction and subsequent use and development of NPA projects, where necessary.

In some cases, existing planning schemes may not accommodate the certified projects and will require amendment. The Bill provides an alternative process to ensure the planning schemes are amended promptly, allowing LUPAA to apply to certified projects when construction commences. The process requires the Minister for Planning, as soon as practicable, to consult with the relevant planning authority to amend the planning scheme as necessary.

The Minister must notify the public of the amendment.

The Bill expires on 31 December 2012.

The Bill has been developed to fulfil a specific purpose, which is to streamline existing planning processes for NPA social housing and schooling infrastructure projects so that timeframes imposed by the Commonwealth can be met. The Act will expire on 31 December 2012, or at an earlier time notified by the Treasurer, when the purpose of the Act has been fulfilled.