

DRAFT SECOND READING SPEECH

HON. ROGER JAENSCH MP

Housing Land Supply Bill 2018

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Madam Speaker, I move that the Bill now be read a second time.

In response to the Housing Summit hosted by the Premier on 15 March 2018, the Government committed to further actions to increase the supply of affordable housing.

A key action endorsed by those attending the Housing Summit was the introduction of legislation to 'fast-track' zoning changes for identified surplus government land to accelerate the supply of affordable housing.

While the Government continues to improve the State's planning system, there is capacity to 'streamline' the rezoning of land that is considered suitable for affordable housing.

Housing Tasmania is the Government agency responsible for delivering affordable housing through the *Homes Act 1935* and Tasmania's *Affordable Housing Strategy 2015-2025*.

This Bill establishes an effective and appropriate process for rezoning surplus Crown land and land owned by Housing Tasmania; for nominating specific planning provisions that apply to certain areas of government land; and for the transfer of any rezoned Crown land to the Director of Housing to fulfil the affordable housing outcomes we seek.

Rezoning land requires a rigorous assessment process given its potential impact on property rights. Currently, the standard rezoning process, starting from the point of a request to a local council to initiate a rezoning to the final determination by the Tasmanian Planning Commission, may take longer than 9 months. This Bill maintains the same important considerations for assessing a rezoning proposal – but it does so in a timeframe that could cut 6 months from that standard process.

The draft Bill was released on 30 April 2018 for a two-week period of targeted stakeholder consultation, which included the attendees of the Housing Summit, local government, State agencies, community housing groups, infrastructure providers and other organisations. The feedback received was constructive and of great assistance to the Government in framing the Bill.

Madam Speaker, I would now like to make a few comments about the specific provisions of the Bill. The Bill provides:

- that the normal assessment processes for rezoning land under the *Land Use Planning and Approvals Act 1993* will be 'overridden' to enable the prompt, but appropriate, rezoning of identified areas of surplus Crown land and land owned by Housing Tasmania;
- that land targeted for rezoning will need to be suitable for residential development and the provision of affordable housing; and that
- 'interested persons', including neighbouring landowners, local councils, relevant State agencies, service and infrastructure providers and other entities who may have an interest in the land targeted for rezoning, are consulted during the assessment process.

In determining what areas of surplus Crown land and Housing Tasmania land are suitable for affordable housing, consideration needs to be given to the issue of access, including access to public and commercial services, to public transport and opportunities for employment.

The Bill also provides for 'Housing Land Supply Orders' to be made by the Minister for Planning, after gaining approval from both houses of Parliament. These Orders will specify any zoning change to the surplus Crown land or Housing Tasmania land.

These Orders will also specify specific planning controls that relate to residential use that will apply to the development of identified government land to enable the land to be more efficiently developed for affordable housing by Housing Tasmania.

An Order will declare the rezoned government land, and other government land where specific planning controls apply, to be 'housing supply land', and the Bill provides for this land to be made available for management in accordance with the Homes Act.

I emphasise that an Order can only be made for a parcel or parcels of land if the Minister for Planning is satisfied that there is a need for land to be made available for the purposes of the Homes Act – and if the land is in close proximity to public and commercial services, public transport and places that may provide opportunities for employment. Also, the land must be owned by the Government.

In addition, only Crown land or Housing Tasmania land that is government land at the time this Bill commences can be included on an Order.

However, not all government land can be considered under this Bill. The land must not be reserved under the *Nature Conservation Act 2002*, or managed under the *National Parks and Reserves Management Act 2002*, or managed under the *Wellington Park Act 1993*.

Further, the land must not be in the Permanent Timber Production Zone within the meaning of the *Forest Management Act 2013* or be Future Potential Production Forest within the meaning of the *Forestry (rebuilding the Forest Industry) Act 2014*.

A zone can only be applied if the land is suitable for residential use, where certain prerequisites are met. These prerequisites are similar to those applied under the Land Use Planning and Approvals Act – and this will ensure that any zone change as a result of a ‘Housing Land Supply Order’ will follow a robust and appropriate planning process and not result in poor planning and community outcomes.

The affordable housing outcomes we seek through rezoning certain areas of government land under this Bill will be delivered by the land being transferred to Housing Tasmania for management under the auspices of the Homes Act and in line with Tasmania’s Affordable Housing Strategy.

The process of creating an Order includes consultation with ‘interested persons’ and the tabling of the Order in each house of Parliament for at least 5 days. As I have outlined, ‘interested persons’ captures not only neighbouring land owners, but also local councils, relevant State agencies, service and infrastructure providers and other entities.

‘Interested persons’ can make submissions to the Minister for Planning in relation to a proposed Order and the Order (when tabled in Parliament) must be accompanied by all the submissions received, together with a prepared response to issues raised. An Order cannot be made if either house of Parliament disallows it during the 5 day disallowance period.

To address concerns that land rezoned under this Bill may not deliver a further supply of affordable housing – any land under this Bill that is subject to an Order, will be vested in the Director of Housing, and the Director is to take all reasonable steps to ensure that ‘housing supply land’ is applied for the purposes of the Homes Act. Given that affordable housing in Tasmania is delivered under the Homes Act, there is no need to replicate this operation as part of this Bill.

The Bill provides the ability to modify an Order once it is in place. As with the original Order, any amendment is subject to the scrutiny of Parliament.

The Bill also provides the Minister for Planning with the ability to revoke a ‘Housing Land Supply Order’ if the land has been developed for affordable housing or the land is no longer suitable for the provision of affordable housing.

Once an Order is issued or revoked, the Tasmanian Planning Commission will be directed to amend the existing planning scheme to be in accordance with the housing order or revocation. The Commission will also have the ability to correct any minor errors or anomalies when finalising the amendment to the planning scheme.

After the Commission has amended the planning scheme, the Minister for Planning will notify the ‘interested persons’ that the amendment has been made; and give notice of the amended planning scheme in the *Gazette* and in the newspaper.

Importantly, the Bill contains a restriction on future actions in relation to 'housing supply land', in that the land cannot be further rezoned without the permission of the Minister of the day. This ensures that land deemed appropriate for affordable housing cannot, at a later date, be rezoned without the Minister's approval.

However, once the land ceases to be 'housing supply land', any future approvals would be made in accordance with the land use planning processes under the Land Use Planning and Approvals Act.

Importantly, the Bill will provide an opportunity for the early application of the State Planning Provisions to land, which has been approved as being appropriate but to which the provisions do not yet apply.

This Bill has been significantly revised from the initial draft Bill that was circulated for targeted stakeholder consultation in late April and the Government has listened carefully to the very constructive feedback that was received.

This refined Bill delivers on what the Government committed to do – to 'fast-track' zoning changes for identified surplus government land – and the Government has achieved this without compromising the existing land use planning considerations. This Bill will ultimately deliver a greater variety of options for Housing Tasmania to roll out affordable housing, faster.

At the same time, it is important to understand that this Bill provides a medium term solution by making additional land available for Housing Tasmania to deliver its affordable housing programs.

Madam Speaker, many of the factors that affect housing affordability are driven by factors outside the control of the planning system. Therefore, the planning system and this Bill alone will not solve the current housing affordability issues Tasmania is facing.

However, it forms part of the Government's multi-pronged solution – by helping to ensure there is a sufficient supply of appropriate land available, and a variety of affordable housing options, for Housing Tasmania to deliver its programs through Tasmania's Affordable Housing Strategy.

I also note that the Government is committed to undertaking further work to examine how dwelling density can be better provided for in the planning system; how affordable housing can be better provided for in the planning system; and how subdivision implementation can be better provided for, including by potentially reviewing and amending relevant legislation.

In conclusion Madam Speaker, the Bill provides a streamlined process to rezone appropriate surplus Crown Land and land owned by Housing Tasmania, as agreed by the participants at the March 2018 Housing Summit.

It provides for consultation with 'interested persons' and a detailed assessment of the identified government land to ensure its suitability for residential use.

The Bill delivers on the Government's commitment to accelerate the supply of affordable housing by increasing the supply of land deemed as being suitable in accordance with the *Homes Act 1935* and Tasmania's *Affordable Housing Strategy 2015-2025*.

Madam Speaker, I commend the Bill to the House.