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3 September 2021

To Whom It May Concern,

RE: *Housing Land Supply Amendment Bill 2021*

Thank you for the opportunity to comment on the *Housing Land Supply Amendment Bill 2021*. Thank you also for the extension of time to make our submission.

The Planning Matters Alliance Tasmania (PMAT) is a growing network of almost 70 community groups from across Tasmania advocating for a strategic, sustainable, transparent and integrated planning system which will serve to protect the values that make Tasmania a special place to live and visit.

PMAT understands the critical need for social and affordable housing. One of our founding concerns was that the Tasmanian Planning Scheme contained no provisions to encourage development of affordable or social housing.

We believe that good planning, transparent decision making and the delivery of social and affordable housing need not be mutually exclusive.

While the Tasmanian Government is arguing that the crisis in availability of social and affordable housing can be addressed— at least in part – through the *Housing Land Supply Amendment Bill 2021* it is important to look at the broader context of the problem. Some of the factors contributing to the shortage of affordable housing relate to policy settings controlled at the State level, but many others arise from long term national approaches to taxation, financial policy, investment and population growth. The following are key contributors to the current ‘housing crisis’:

- Australia's very high net immigration rate. It is noted too that Tasmania is pushing aggressive population growth targets, but without any proper community consultation or consensus on what the State's long term population should be. This is compounded by a



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lack of strategic planning by the State on where these extra people will live and the provision of infrastructure and services to support them.

- The State Governments pursuit of record and growing tourism visitation numbers and consequent uncontrolled short term accommodation development for tourism reduces supply and puts pressure on long term rental availability and prices.
- The raft of Commonwealth controlled policies which promote investment in properties but do little to address social and affordable housing needs. These include:
 - negative gearing and capital gains tax concessions on real estate;
 - foreign investment in real estate;
 - interest only home loans; and
 - inclusion of real estate as an option for self-managed superannuation.

Our current 'housing crisis' can be seen as a demand issue associated with population growth and the treatment of housing as a commodity rather than a basic necessity of life. Land supply and planning requirements are a relatively minor factor in addressing the problem.

It is our view that the draft *Housing Land Supply Amendment Bill 2021* does not go far enough to address the many issues associated with the Housing Land Supply Order process. This is also especially concerning in the absence of no overall recent Tasmanian housing and transportation strategy.

Key recommendations and concerns, largely based on PMAT's experience of the Huntingfield Land Supply Order, include:

- The Housing Land Supply Order legislation should set an upper size limit of the land that can be rezoned under the Act. Rezoning of public land above this size limit should go through the standard planning scheme amendment process.
- The Housing Land Supply process undermines the role of the Tasmanian Planning Commission and potentially, depending on the size of the land, undermines the role of the relevant Planning Authority.
- The process further exacerbates the limited social licence of already potentially contentious social and affordable housing proposals.
- No provisions within the Statewide Scheme to encourage the provision of social and affordable housing. Given that the review of the State Planning Provisions will be conducted in March 2022, perhaps the State Government could consider including provisions to encourage social and affordable housing instead of relying on the Housing Land Supply Act.



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- The process compromises strategic planning and transparent decision making. All land subject to Housing Land Supply Orders should be subject to a full 28 day public consultation period, and not just a 14 day 'interested persons' selective consultation. The draft Bill is limited in the respect that full public consultation will only be applied to some of the Housing Land Supply Orders. Good planning, transparent decision making and the delivery of social and affordable housing need not be mutually exclusive.
- The 14 day consultation process is unrealistic. All Housing Land Supply Orders should be subject to the 28 day public consultation period, making it consistent with the standard TPC land rezone process.
- The Housing Land Supply Orders should guarantee a percentage of social and affordable housing. All future Land Supply Orders must outline from the outset the percentage of social and affordable housing which will be delivered.
- The Land Supply Order maps could not be understood by the general public. Any maps associated with future Land Supply Orders should be made as simple and as clear as possible so the general public can readily interpret them.
- As the Parliament has the final say as to whether a Land Supply Order can be approved or not, the community had to spend a huge amount of time and energy advocating for strategic planning. This is contrary to good planning.
- Once the Order is passed by Parliament, there is no further consultation on the zoning, which is the most important stage. At the Development Application (DA) stage the zoning cannot be changed. At the DA stage public input maybe very limited depending on the layout of the subdivision i.e. if it meets Permitted standards it will not be open for public comment. There is consultation but it is not democratic or transparent.
- Confusing and substandard Department of Communities Tasmania Master Plan process. It is hoped that large areas of land will not be subject to the Housing Land Supply Order process. But if this remains, then the Masterplan process needs improving. The issues are outlined in our attached submission below.
- We do not know where and how much land and how many parcels of land could be subject to Land Supply Orders. This information needs to be publicly available before the current legislation is amended. As the Housing Land Supply order rezone proposals effectively bypass the Tasmania Planning Commission and the relevant local Councils – it is critical we know about the eligible land.
- All Housing Land Supply Orders should be consistent with the Residential Development Strategy (2013). This strategy was developed for Tasmania by the State Architect in consultation with representatives of the Minister for Human Services, Housing Tasmania,



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Tasmanian Planning Commission, Property Council of Australia (Tasmanian Division), Master Builders of Tasmania, Housing Industry Association and others. The Strategy was developed to ensure that 'Tasmanian Government subsidised social and affordable housing developments do not repeat the mistakes of the past; where disadvantage was entrenched by high density suburban fringe developments'. PMAT questions whether the Huntingfield proposal is consistent with the Strategies' liveability development principles – which are especially critical for the success of social and affordable housing proposals.

The above concerns and rationale for the recommendations are outlined in more detail in our attached submission below.

Yours sincerely,

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Housing Land Supply Amendment Bill 2021 – What are the amendments aiming to Achieve?

The draft [Housing Land Supply Amendment Bill 2021](#) proposes amendments to the *Housing Land Supply Act 2018* (HSL Act). The Bill aims to increase the supply of land for affordable and social housing and improve the assessment processes for the fast-track land rezone process under Housing Land Supply Orders.

Essentially the Bill, amongst other things, will:

- broaden the scope of eligible land (e.g. to include existing government land owned by Tasmanian Development and Resources (e.g. the Launceston Technopark Precinct) as well as new land and any future land acquired by the Director Housing since the HLA Act came into effect and government owned land within the Flinders Municipality);
- provide a broader and longer public consultation period (but only for Housing Land Supply Orders regarding land acquired by the Director Housing will there be a 28 day public consultation period. There will not be public consultation for Tasmanian Development and Resources land or land within the Flinders Municipality. For the latter two, there will only be a 14 day consultation and the Government will chose who they consult with); and
- Supposedly align the assessment criteria with the normal planning process, and improve transparency in the decision making processes.

PMAT's Concerns – Amendments and Existing Process

Below, PMAT outlines some of the experiences that the community has had with regard to the Huntingfield Housing Land Supply Order process. It is our view that the draft *Housing Land Supply Amendment Bill 2021* does not go far enough to fix the many issues associated with the process.

In our view, if the Housing Land Supply Order fast-track land rezone process had been used as intended – i.e. small areas of public 'surplus' land, then it is likely that the process would be better fit for purpose. However, with large areas of land being rezoned for social and affordable housing, we would argue that the process is not robust enough and fails with regard to strategic planning and transparency.

Fast tracking the rezoning large areas of land is not strategic

In March 2018 in response to the Housing Summit hosted by the Premier on 15 March 2018, the Tasmanian Government introduced legislation to fast-track the rezoning of 'surplus' Government land suitable for residential use for affordable housing – via a new process named the 'Housing Land



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Supply Order'. PMAT did not comment on the Housing Land Supply Bill at the time as we understood that the land to be rezoned was 'surplus' small blocks or infill development – which was welcome. PMAT did not envisage the new process to be used to fast-track large areas of land/Greenfield sites such as for example Huntingfield on the outskirts of Kingston. Nor did we envisage that the new process would create the situation of having high density zoning on the urban fringe, contrary to best practise strategic planning.

PMAT, because of the potential broader strategic planning implications and impacts on liveability, does not support the use of the Housing Land Supply Order process to rezone large areas of public land. **The Housing Land Supply Order process should set a upper size limit of the land that can be rezoned under the Act. Any public land rezone above this size limit should go through the standard planning scheme amendment process.** It is interesting to note that it has been indicated to PMAT that a land rezone could take as little as nine months to go through the Tasmanian Planning Commission which is less than what it has taken the Huntingfield Supply Order 'fast-track' process. Also, interesting to note that the Huntingfield Land Supply Order was passed in September 2019 but it took almost **five months** to take effect. On March 17 2020, Meg Webb MLC, submitted questions to the Tasmanian Government requesting an update on Huntingfield. Then, the next day, the Planning Minister wrote to the few who were consulted on Huntingfield and notified that that the Order and Planning Scheme amendment had taken effect on the 18 March 2020 – **about five months after it had been passed by Parliament.**

Since 2018, five Housing Land Supply Orders have been made under the *Housing Land Supply Act 2018*. Four of these Orders cover a combined total area of 6.7 hectares (16.6 acres), and to our knowledge were not contentious. However, the fifth and most recent Order was highly contentious – namely The *Housing Land Supply (Huntingfield) Order 2020* which took effect on the 18 March 2020. The land in question, which has been with Housing Tasmania since 1974, covers a total area of approximately 68 hectares. The Supply Order allows for the construction of 34 hectares (84 acres) of high density housing. Once constructed, this will be one of the densest subdivisions in Tasmania's history and was not exhibited for public comment. Initially, not even the Kingborough Council were aware of the proposal. It was a member of the community that brought it to its attention.

Undermines the Role of the Tasmanian Planning Commission and Local Councils

The process undermines the critically important role of the Tasmanian Planning Commission (TPC), who for the last approximately 25 years has successfully considered the vast majority of land rezones in Tasmania. In our view, it is the TPC that is best placed to consider land rezone of any substantial size under the standard planning scheme amendment process. It is also our view, that



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the Housing Land Supply Order undermines the strategic role of Councils as a Planning Authority. Councils are best placed to make local decisions about local planning and developments in their municipalities. Local Councils have the appropriate skills, experience and understanding of their local communities and municipalities.

Places Social Licence at Greater Risk

As organisations like Shelter Tasmania are only too aware, social and affordable housing proposals are sadly contentious by nature. Given this, it is even more important that the process for creating such housing is facilitated through the best possible process to ensure social licence. Otherwise, it makes a sadly often fundamentally contentious prospect, like social housing, even more contentious. **It should be made clear that the Kingborough community did not oppose the construction of social and affordable housing at Huntingfield. The problem has always been the Housing Land Supply Order process and the scale of development in that location.**

Failure of the Tasmanian Planning Scheme – State Planning Provisions

PMAT understands the critical need for social and affordable housing. One of our founding concerns was that the Tasmanian Planning Scheme contained no provisions to encourage development of affordable or social housing. Perhaps if there had been provisions within the Statewide Scheme, the creation of a new fast-track process to rezone land for social and affordable housing may not have been created. Given that the review of the State Planning Provisions will be conducted in March 2022, perhaps the State Government could consider including provisions to encourage social and affordable housing.

As for just one example, the [Toward Infill Housing Development](#), which was prepared for the Department of State Growth in August 2019 states ‘Government-led mandated spatial planning strategies that promote housing affordability, including inclusionary zoning which identifies percentage targets for affordable housing within major new developments, can be an efficient and equitable mechanism for encouraging affordable housing development.’

Compromises strategic planning and transparent decision making

PMAT has expressed concern that the Huntingfield Housing Supply Order compromises strategic planning and transparent decision making. Good planning, transparent decision making and the delivery of social and affordable housing need not be mutually exclusive. It is our understanding that the Kingborough Council would not have approved the Huntingfield proposal in its current form



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because of the broader strategic planning implications (i.e. issues of the provision both hard and soft infrastructure).

As outlined in Principle 2 of [PMAT's Platform](#) PMAT believes that to achieve the best future for Tasmania and all Tasmanians, the planning system must be underpinned by a strategic vision. PMAT's Principle 3 also states that the planning system must be transparent and independent to 'Ensure that planning and decision-making processes are open and transparent, and overseen by an independent commission'.

In the case of Huntingfield and in fact all Supply Orders, the Tasmanian Government is the proponent, it chooses who is consulted and it assesses the proposal. Public scrutiny was lacking and Kingborough Council and the Tasmanian Planning Commission were sidelined at the land rezone stage.

The 14 Day Consultation process is Stressful and Unrealistic

Given that the consultation period on the Huntingfield Land Supply Order was only 14 days, and the fact that many could not even understand the maps, added to the stress of those consulted with. Also for the schools, the consultation was poor timing. The Supply Order documents were posted just before the end of the school term when all teachers and the school community as a whole were extremely busy and exhausted.

No Guarantee of Social and Affordable Housing

The initial Huntingfield Land Supply Order did not guarantee social or affordable housing. A percentage of housing was not stated until the final draft of the order. All future Land Supply Orders must outline from the outset the percentage of social and affordable housing that will be delivered.

The Land Supply Order maps could not be understood by the general public

No one in the general community who were chosen to be consulted could understand the maps of what was being proposed by the Huntingfield Land Supply Order. The maps had to be reproduced by a mapping expert financed by the community. PMAT had to coordinate the production of maps that could be easily understood.

Briefing Parliamentarians and advocating for good planning – stressful and time consuming

The community, coordinated by PMAT, had the arduous and time consuming task of briefing the already very busy politicians regarding the flaws of the proposed Supply Order and convince them to



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not approve the Supply Order in the proposed form. Community representatives from residents, farmers, to schools and even the Local Council for example, had to brief the Upper House twice. Hundreds of community members also sent emails outlining their concerns – but none were listened to. Meg Webb, Legislative Councillor, who has had decades of experience in the delivery of social housing and advocacy for the disadvantaged etc moved a disallowance motion against the Housing Land Supply Order. After a seven hour debate in the Upper House, the Supply Order was passed.

Once the Order is passed, there will be no further consultation on the zoning, which is the most important stage

Once an Order is approved by Parliament, then development applications can be lodged for the normal planning assessment to the relevant local council for subdivision and/or construction of houses. However, there is little the community or Council can do at this point to change the development as the development standards have been set down through the Supply Order 'process'. For example, if the level of density cannot be served by the existing infrastructure, there is nothing the Council or the community can do to reduce the density to create better planning outcomes for all.

Confusing and Substandard Master Plan Process

For larger sites (although the size of land that triggers this process is unclear), such as Huntingfield, a more detailed master planning of the site, and further stakeholder consultation by the Department of Communities Tasmania may occur prior to the submission of development applications.

The problem with the Masterplan process, with regards to Huntingfield, is that things that were decided by the Planning Minister during the Housing Supply Order Process were not carried over into the Masterplan process – the two processes appeared not to be 'talking' to each other. This meant those community members who were selected to be consulted needed to advocate for their position again, taking even more time and resources and creating more stress.

The Huntingfield Master Plan process was facilitated by the Department of Communities Tasmania, but was conducted in 2020 during a State of Emergency and a global pandemic where the community could not meet collectively to discuss the future of the site or their municipality. They also used an interactive Social Pinpoint map which is hard to use and we would argue only delivers superficial response due to the way it is set out.

Another concern with the Masterplan process is that it should have been developed with community consultation BEFORE the land was rezoned. The community for example did not have any say



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regarding for example, how many houses can be built on the site, use of the prime agriculture land for market gardens, how the schools would interact with the site, considerations of the impacts on the adjoining Peter Murrell Reserve, fire hazard implications etc Due to the huge public concern, [PMAT organised a public meeting which was attended by over 300 people](#). One of the key [motions](#) at the meeting, stated that *'The meeting calls for the development of a strategic plan, in conjunction with the community, including considering agricultural values and impacts on Peter Murrell Reserve, for the Huntingfield land which would inform any rezone proposal.'*

Eligible Land – where and how much?

We do not know where and how much land and how many parcels of land could be subject to Land Supply Orders. This information needs to be publicly available before the current legislation is amended. As the Housing Land Supply order rezone proposals effectively bypass the Tasmania Planning Commission and the relevant local Councils – it is critical we know about the eligible land.

All we know is that eligible land includes:

- Existing government land owned by Tasmanian Development and Resources (e.g. the Hobart Techno Park at Dowsing Point and the [Launceston Technopark Precinct](#) The latter has for example 11 ha/27 acres of vacant land which could be used for housing. There could also be other parcels of land). Also note that any Supply Orders on Tasmanian Development and Resources owned land does not require public consultation.
- [New land and any future land acquired](#) by the Director Housing since the HLA Act came into effect. We do not know where this land is or its area At least Housing Supply Orders on Director of Housing land does require a 28 day public consultation period.
- Government owned land within the Flinders Municipality. Also note that any Supply Orders on within Flinders Municipality does not require public consultation.

Residential Development Strategy

In July 2013, a Residential Development Strategy was developed for Tasmania by the State Architect in consultation with representatives of the Minister for Human Services, Housing Tasmania, Tasmanian Planning Commission, Property Council of Australia (Tasmanian Division), Master Builders of Tasmania, Housing Industry Association plus others.

The 2013 Strategy, which has also been cited recently, in the September 2020 [Design Policy for Social Housing](#), was developed to ensure that 'Tasmanian Government subsidised social and



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affordable housing developments do not repeat the mistakes of the past; where disadvantage was entrenched by high density suburban fringe developments’.

The Strategy, adopts a ‘long-term integrated approach to the planning and development of Tasmanian communities, and focuses on quality urban design as a catalyst for the achievement of improved social outcomes’.

PMAT understands that the Strategy is the most current document on liveability development principles in Tasmania. ‘The principle of liveability is integral to the Residential Development Strategy. It is a collaborative process that supports good social outcomes through well considered design and quality construction and place making, rather than financial investment as the only bottom line. Liveability builds communities which are engaged and where their residents care about where they live’. The Strategy should also be read in conjunction with the Liveability Development Checklist.

PMAT questions as to whether the Huntingfield proposal is consistent with the Strategies’ liveability development principles – which is especially essential for social and affordable housing proposals.