

Housing Land Supply (Brighton) Order 2024

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Housing Land Supply Act 2018
Housing Land Supply (Brighton) Order 2024
Exhibition Notice

I, Felix Ashton Ellis, Minister for Housing and Planning, am proposing to make the Housing Land Supply (Brighton) Order 2024 for part of the land at end of William Street adjacent to the Midland Highway and the South Line railway, Brighton, described by folios of the Register FR 108441/1 and 78100/1.

The area of land to which the proposed Order relates is 0.4 hectares.

The exhibition period is open for 28 days and the closing date for submissions is 5:00pm on Tuesday, 9 July 2024.

A copy of the proposed Order and my statement of reasons why I wish to make the proposed Order and why I am satisfied that I would not contravene section 5(2) or section 6(1) or (2) of the *Housing Land Supply Act 2018*, may be viewed during the exhibition period at –

1. www.planningreform.tas.gov.au;
2. the Brighton Council Offices at 1 Tivoli Road, Old Beach; or
3. the Bridgewater Library at 23 Green Point Road, Bridgewater.

The public are invited to make submissions in relation to the proposed Order within the exhibition period.

Submissions may be made:

by email to – yoursay.planning@dpac.tas.gov.au

by post to –

State Planning Office
Department of Premier and Cabinet
GPO BOX 123
HOBART TAS 7001

Submissions may be made with respect to the relevant matters specified in section 13(2) of the *Housing Land Supply Act 2018* as follows:

- the suitability for residential use of the area of land;
- the suitability of the intended zone; or
- whether the Minister would, or would not, contravene section 5(2) or section 6(1) or (2) of the *Housing Land Supply Act 2018* by making a housing land supply order.

Felix Ellis
Minister for Housing and Planning
Date: 8 June 2024

Housing Land Supply Act Information Sheet

Purpose

This information sheet is issued by the Department of Premier and Cabinet's State Planning Office to provide information on the *Housing Land Supply Act 2018* and the process for assessing and making housing land supply orders.

Overview

After the 2018 Housing Summit, the Tasmanian Government announced several medium and long-term solutions to address housing supply. One medium-term measure was for the Government to introduce legislation to fast-track the rezoning of Government land suitable for residential use for affordable housing.

The Housing Land Supply Act 2018 (the HLS Act) was prepared and introduced in July 2018. Amendments were made to the HLS Act in November 2021 to broaden the scope of eligible government land and improve the consultation and assessment processes. Further amendments were made to the Act in 2023 to extend the period for making the Housing Land Supply Orders until the end of 2032. The extension will allow the current draft Orders to be finalised and enable more suitable government land to be considered for rezoning for more social and affordable housing.

What does the Housing Land Supply Act do?

The HLS Act responds to the current high demand for housing in Tasmania, by providing a quicker process for rezoning eligible Government land. It overrides the normal assessment process under the *Land Use Planning and Approvals Act 1993* (the LUPA Act) and allows a Housing Land Supply Order (an Order) to rezone or modify the planning scheme requirements for eligible Government land for housing, particularly social and affordable housing.

A proposed Order is subject to strict assessment criteria, public consultation, and parliamentary scrutiny. The declaration of an Order causes the relevant planning scheme to be amended and transfer the land to Homes Tasmania to deliver housing under the *Homes Tasmania Act 2022*. This is the legal framework under which Homes Tasmania provides housing support to those in need. Homes Tasmania can also sell or transfer land to a housing support provider or sell land to ensure there is a right mix of affordable and privately owned housing. Any funds made available through the sale of land can then be used for the purposes of delivering social and affordable housing in other locations.

The Minister for Planning can only make Orders for ten years following the amendment to the Act extending the timeframe for making Housing Land Supply Orders until the end of 2032. Orders made before this expiry date continue to have effect.

What is the process?

The Homes Tasmania makes a request to the Minister for Planning for and Order. The Minister for Planning supported by the State Planning Office, prepares the exhibition documents, and undertakes a public consultation.

The Minister considers submissions and can either make an Order, approve an Order with alterations or refuse to make an Order. Proposed Orders must be tabled in Parliament for scrutiny and Parliament can disallow an Order.

If an Order (original or altered) is approved, the Tasmanian Planning Commission is responsible for making amendments to the relevant planning scheme to implement an Order.

Homes Tasmania will progress with the development of a site subject to an Order.

The local council (acting as the planning authority) will assess any development applications relating to the subdivision of land and construction of houses.

Eligible Government land

Only certain Government land can be considered for an Order under the HLS Act. This is limited to land that:

- is owned, vested in, or held by Homes Tasmania under the *Homes Tasmania Act 2022*,
- was Crown land before the HLS Act commenced in 2018, or
- was owned by Tasmania Development and Resources before the HLS Act commenced in 2018.

It excludes any land that is:

- reserved land under the *Nature Conservation Act 2002*,
- managed under the *National Parks and Reserves Management Act 2002*,
- managed under the *Wellington Park Act 1993*,
- permanent timber production zone land under the *Forest Management Act 2013*, or
- future potential production forest land under the *Forestry (Rebuilding the Forest Industry) Act 2014*.

Assessment criteria

Eligible Government land must meet strict suitability criteria. The HLS Act sets the assessment criteria for determining the suitability of the land and the intended zoning. Before making an Order, the Minister must be satisfied the Order meets all of the following:

- there is a need for land to be made available for affordable housing,
- the land is suitable for residential use,
- the is located close to public and commercial services, public transport¹ and employment opportunities,
- the intended zone is consistent with the State Policies, the relevant regional land use strategy, and furthers the Schedule 1 objectives of LUPA Act,
- the use and development of the land for housing would not be significantly restricted by any codes that apply to the land under the relevant planning scheme,
- that it has regard to the Guidelines issued under section 8A of the LUPA Act,
- the environmental, economic, and social effects, and the effect on Aboriginal and cultural heritage have been adequately considered,
- the intended zone would not be likely to create any significant land use conflicts, and
- the intended zone enables the land to be developed to at least a suburban density (consistent with the SPPs General Residential Zone).

Consultation

Consultation is open for 28 days. The Minister must:

- publish notices in the relevant newspapers announcing the start of the consultation period and inviting submissions,
- make the exhibition documents available for public viewing at:
 - a nominated website address,
 - the offices of the relevant council for that municipality,
 - the nearest Service Tasmania shop, and
- give written notice to interested persons.

¹ Exemptions apply on Flinders Island for two criteria. The requirement for the land to be in proximity to public transport does not apply. The residential zoning does not have to be the General Residential Zone but be a residential zone that is suitable for the local conditions in the Flinders municipality.

Exhibition documents

These are the documents that must be made available for public viewing during the 28 day consultation period. They include:

- A copy of the proposed Order,
- The Minister's rationale for the proposed Order and their opinion on satisfying the assessment criteria under the HLS Act, and
- Any other information that the Minister thinks fit.

Interested persons

Interested persons are those given written notice of the commencement of the public consultation process on a proposed Order. These include:

- the local council, and any adjacent council that may be affected,
- relevant State agencies
- State authorities, or other entities, which may be required to provide infrastructure to the land, or may have its services affected,
- the owners or occupiers of adjoining land,
- the owners or occupiers of any other land that may be affected, and
- the Tasmanian Fire Service, the Tasmanian Heritage Council, and the Aboriginal Heritage Council.

Submissions

Submissions may relate to the following matters:

- the suitability of the land for residential use,
- the suitability of the zoning intended for the land,
- compliance with the assessment criteria under the HLS Act, and
- the suitability of any of the planning controls that will apply to the land.

The Minister must consider all submissions received during the public consultation period. After considering the submissions, the Ministry may:

- table the proposed Order in both Houses of Parliament,
- modify the proposed Order before tabling it in both Houses of Parliament, or
- determine to not progress the proposed Order.

If significant modifications are made to the proposed Order, the Minister must re-commence the process as if it were a new Order.

If a proposed Order does not proceed, the Minister must publish the reasons and make all submissions publicly available.

Parliamentary scrutiny

Before making an Order, the Minister must table the proposed Order in both Houses of Parliament. The documents tabled must include:

- the proposed Order and the Minister's rationale for the proposed Order and their opinion on satisfying the assessment criteria under the HLS Act
- a copy of each submission received,
- the Minister's opinion on each submission,
- if the proposed Order has been altered, a statement as to how and why it was altered, and
- any other information that the Minister considers relevant to the proposed Order.

There is 5 sitting day period in which both Houses of Parliament may refuse a proposed Order. The Minister may make the Order after the end of the disallowance period in both Houses of Parliament.

What happens after an Order has been made?

The Minister publishes a notice in the Gazette specifying the start date. The Minister then directs the Tasmanian Planning Commission to make amendments to the relevant planning scheme to implement the Order.

What happens if an Order need changing?

The HLS Act allows for an Order to be revoked or amended after they are made.

The zone assigned to the land by an Order cannot be amended by a planning scheme amendment under the LUPA Act without the permission of the Minister.

To amend an Order, the Minister must be satisfied that either:

- the land is no longer eligible for an Order, or
- the land has been developed in accordance with the Order.

For further information

Enquiries about the Housing Land Supply Act process can be directed to the:

State Planning Office

Department of Premier and Cabinet

GPO BOX 123

HOBART TAS 7001

Telephone: 1300703977

Email: stateplanning@dpac.tas.gov.au

A copy of the Housing Land Supply Act is also available on the Tasmanian Legislation online website at: <https://www.legislation.tas.gov.au/>

Enquiries about the *Homes Tasmania Act 2022* or the development of land under a Housing Land Supply Order should be directed to:

Homes Tasmania

Telephone: 1800 995 653

Email: housingprojects@homes.tas.gov.au

September 2023

Department of Premier and Cabinet
State Planning Office

Phone: 1300 703 977

Email: Stateplanning@dpac.tas.gov.au

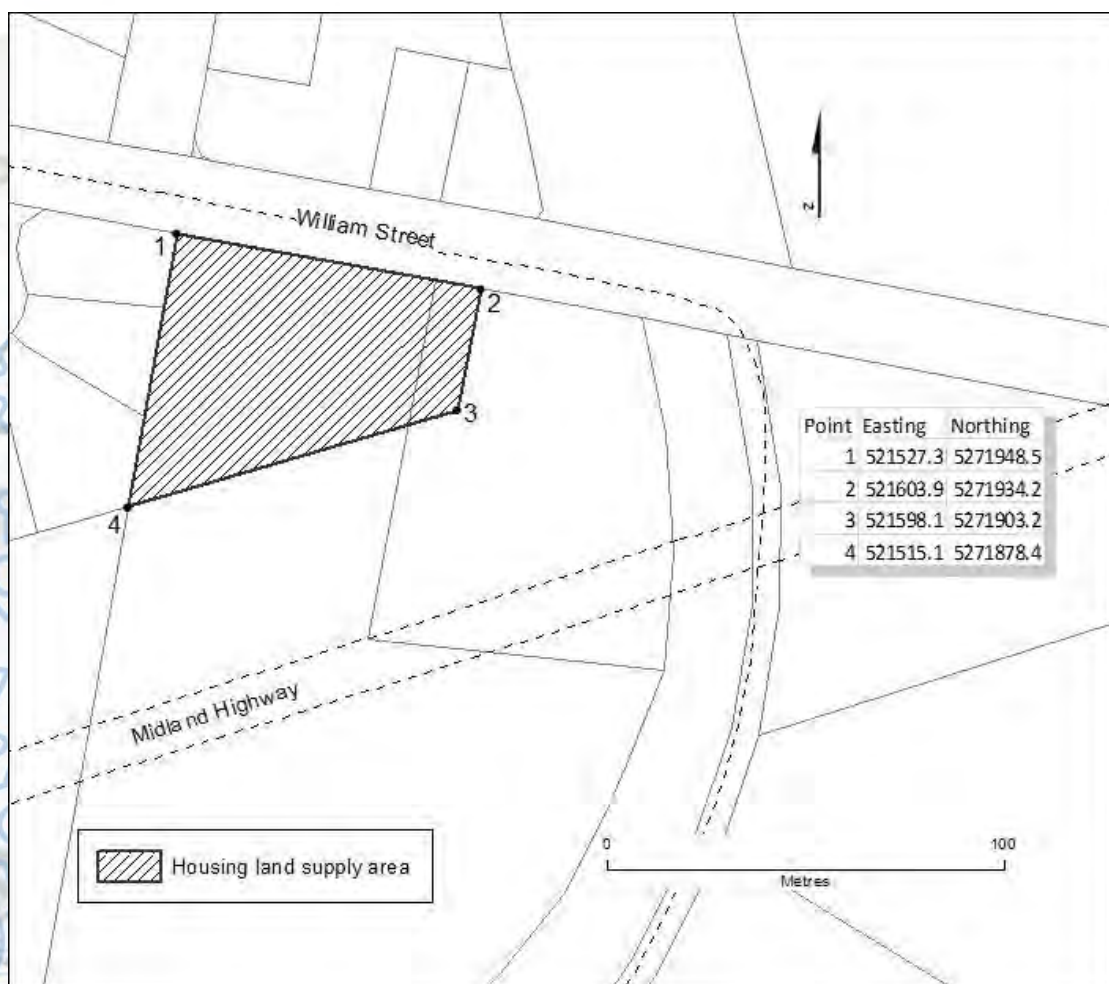
www.planningreform.tas.gov.au



Proposed Housing Land Supply (Brighton) Order 2024

William Street, Brighton

Consultation Package



Author:
State Planning Office

Publisher:
Department of Premier and Cabinet

Date:
June 2024

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Summary of the proposed Order

The intent of the proposed Housing Land Supply (Brighton) Order 2024 (the proposed Order) is to designate the land shown in the plan in Schedule 2 of the proposed Order as Housing Land Supply Land and rezone it to the General Residential Zone under the Tasmanian Planning Scheme.

The land, situated at the end of William Street adjacent to the Midland Highway and the South Line railway, is in two titles described by folios of the Register, FR 108441/1 and 78100/1.

The land will become part of the portfolio of Homes Tasmania, enabling its use for housing.

The area of land is approximately 0.4ha. Future development of the land will be planned by Homes Tasmania.

How to find out further information

Further information about the proposed Order and the *Housing Land Supply Act 2018* (the HLS Act) can be found at www.planningreform.tas.gov.au.

Enquiries about the HLS Act and the proposed Order can be made to the State Planning Office on 1300 703 977 or stateplanning@dpac.tas.gov.au.

Enquiries regarding any development that may be proposed on the land can be made to Homes Tasmania on 1800 995 653 or email: housingprojects@homes.tas.gov.au.

How to make a submission

The community is invited to make submissions in relation to the proposed Order within the exhibition period.

Submissions may be made:

by email to –

yoursay.planning@dpac.tas.gov.au or

by post to –

State Planning Office
Department of Premier and Cabinet
GPO BOX 123
HOBART TAS 7001

Submissions may be made with respect to the relevant matters specified in section 13(2) of the *Housing Land Supply Act 2018* as follows:

- the suitability of the land for residential use;
- the suitability of the intended zone; or
- whether the Minister for Housing and Planning would, or would not, contravene section 5(2) or section 6(1) or (2) of the *Housing Land Supply Act 2018* by making a housing land supply order.



Minister's State of Reasons

Appendix A of this document contains the Minister for Housing and Planning's statement of reasons on:

- why the proposed Order should be made; and
- compliance with the *Housing Land Supply Act 2018*.

Frequently Asked Questions

The Process in General

Why was the Housing Land Supply Act 2018 created?

The HLS Act was created in 2018 to help address housing supply issues in Hobart and throughout the State with respect to social and affordable housing.

The HLS Act created a process that helps accelerate the supply of land for social and affordable housing. Only government land is eligible for consideration under the Act.

Further information on the HLS Act and previous Orders can be found here -

<https://planningreform.tas.gov.au/planning/housing-land-supply-orders>.

or by contacting the Department of Premier and Cabinet's State Planning Office on 1 300 703 977 or stateplanning@dpac.tas.gov.au

How does the process work under the Housing Land Supply Act 2018?

Homes Tasmania identifies surplus Government land it considers suitable for affordable housing and prepares a report demonstrating that the site meets the requirements of the HLS Act. The HLS Act requires that the site be suitable for residential development and located in proximity to public and commercial services, public transport, and places that may provide opportunities for employment.

Homes Tasmania makes a request to the Minister for Housing and Planning for a proposed Housing Land Supply Order in relation to eligible and suitable Government land.

The Minister for Housing and Planning considers the request in accordance with the HLS Act and the outcomes of consultation on the proposed Order. Public consultation is undertaken on a proposed Order with direct notification provided to people who live or own property surrounding the site of the proposed Order, and any identified groups or other people who may have an interest in the matter.

The Minister considers any submissions received during the consultation and prepares a report for tabling in Parliament. The Parliament sees all submissions made during the consultation period.

For the Order to be considered by Parliament, it must meet the requirements set out in the HLS Act, including that a site:

- must be eligible and suitable for residential development;



- is consistent with the relevant regional land use strategy;
- is consistent with relevant State policies; and
- furthers the objectives of the *Land Use Planning and Approvals Act 1993* (this being the same level of assessment applied to rezoning applications under the normal planning processes).

Both Houses of Parliament consider the Minister's report and the proposed Order and may disallow the proposed Order or allow it to proceed.

If the proposed Order proceeds, the Minister for Housing and Planning then directs the Tasmanian Planning Commission to amend the relevant planning scheme to align with the Order as made.

How can I present my views on the proposed Order?

You may lodge a written submission with the Minister for Housing and Planning during the public consultation period for the proposed Order.

Who will assess development proposals on the land?

The Minister for Housing and Planning does not assess future development proposals on the land once the land is rezoned.

Homes Tasmania, or someone acting on its behalf, may lodge a development application with the local Council as the planning authority. The planning authority will determine the application in accordance with the planning scheme that applies at the time.

Specific to the Housing Land Supply (Brighton) Order 2024

What development will occur on the site?

At the time of proposing the Order, Homes Tasmania had not prepared specific development plans for the land. Further information can be obtained by contacting Homes Tasmania on 1800 995 653 or email: housingprojects@homes.tas.gov.au.

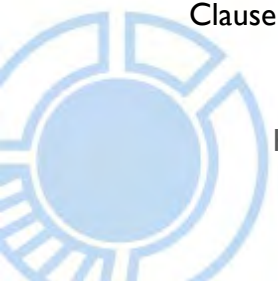
Examples of development that may occur under the General Residential Zone are single dwellings, multiple dwellings, subdivision of the land, or shared accommodation facilities. These are similar in nature to development that already surrounds the land.

After the land is rezoned, any proposal for development of the land will be submitted to Brighton Council for assessment under the provisions of the Tasmanian Planning Scheme, which consists of the State Planning Provisions and the Brighton Local Provisions Schedule. This follows the normal development application processes.

The Tasmania Planning Scheme as it applies to the Brighton Council can be viewed at <https://www.planning.tas.gov.au/>.

How will the site be protected in relation to traffic noise?

Future development of the land for housing will be subject to consideration under C3.6 of the Road and Railway Assets Code of the Tasmania Planning Scheme, and in particular, Clause C3.6.1 *Habitable buildings for sensitive uses within a road or railway attenuation area*. The



Code aims to ensure the effects of noise, vibrations, and light and air emissions on sensitive uses are suitably mitigated.

Will the proposal hinder efficient use and future expansion of the existing road and railway infrastructure?

The land is surplus to the needs of the Department of State Growth for the Midland Highway and the South Line railway corridor. Its development for affordable housing will benefit the community.

Only the portion of the land suitable for residential development will be included in the housing land supply order. The proposed Order does not apply to land occupied by, or adjoining, road and railway assets, which will remain zoned Utilities and in the ownership of the Department of State Growth.



APPENDIX A - Minister's Statement of Reasons

I, Felix Ashton Ellis, as Minister for Housing and Planning, provide the following statement of reasons for the purposes of section 12(1) of the *Housing Land Supply Act 2018* (HLS Act).

My reasons for wanting to make the Order are as follows –

1. The HLS Act was a key action identified at the Housing Summit hosted by the then Premier on 15 March 2018 as a means for providing more social and affordable housing;
2. There is a clear need to make more land available under the *Homes Tasmania Act 2022* for the provision of social and affordable housing, with 4710 applications on the Homes Tasmania Housing Register as of March 2024;
3. The site is suitable for the development of social and affordable housing, and needs to be rezoned before new homes may be built; and
4. The proposed Order will provide more land zoned for residential purposes, and, through the construction of new housing, contribute towards achieving targets for the supply of social and affordable homes in the Greater Hobart area set out in Tasmania's Housing Strategy 2023-2043.

The reasons why I am of the opinion that the proposed Order may be made under the HLS Act and am satisfied that I would not contravene section 5(2), or section 6(1) or (2) of the HLS Act are as follows –

1. The land is eligible Government land, and an Order may be made until 1 January 2033, in accordance with section 5(1);
2. As required by section 5(2)(a) of the HLS Act, I am satisfied there is a need to make more land available under the *Homes Tasmania Act 2022* for the provision of social and affordable housing in Greater Hobart. Currently, there are over 260 applications on the Homes Tasmania Housing Register as of January 2024 by 'eligible persons' looking to find social or affordable homes in the Brighton municipality;
3. I am satisfied, for the reasons detailed in the planning submission from Homes Tasmania, that:
 - a) the land is suitable for residential use and development by virtue of its location in the Greater Hobart area, in proximity to public and commercial services, public transport and places that may provide opportunities for employment, consistent with section 5(2)(b) of the HLS Act;
 - b) applying the General Residential Zone to the land would be consistent with prevailing State Policies and the Southern Tasmania Regional Land Use Strategy 2010 - 2035 (STRLUS), as required by section 6(1)(a) of the HLS Act;
 - c) if the intended General Residential Zone is applied to the land, use or development of the land would not be significantly restricted by any applicable code under the Tasmanian Planning Scheme, thereby satisfying section 6(1)(b) of the HLS Act;
 - d) assigning the General Residential Zone to the land would further the objectives set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993*, as required by section 6(1)(c) of the HLS Act;



- e) after consideration of the guidelines under section 8A of the *Land Use Planning and Approvals Act 1993*, assigning the General Residential Zone to the land would be consistent with the zone purpose stated in the State Planning Provisions, in fulfilment of section 6(1)(d) of the HLS Act; and
 - f) use or development of the land would not be likely to create any significant land use conflict with an existing use on any part of the land, or with the use or development on adjacent land or any other land likely to be affected by development of the land the subject of the proposed Order, as required by section 6 (1)(f) of the HLS Act.
- 4. In accordance with section 6(1)(e) of the HLS Act, I have undertaken a preliminary consideration of the environmental, economic and social effects, and the effects on Aboriginal and cultural heritage, that assigning the General Residential Zone to the land may have. I will seek further expert advice on these matters during the public exhibition period.
 - 5. The General Residential Zone will apply to all of the land subject to the proposed Order, and section 6(2)(b) of the HLS Act does not apply in this instance.



APPENDIX B - Copy of Proposed Order

TASMANIA

HOUSING LAND SUPPLY (BRIGHTON) ORDER
2024

STATUTORY RULES 2024, No.

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3.	Interpretation
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Consultation draft

HOUSING LAND SUPPLY (BRIGHTON) ORDER 2024

I make the following order under section 4 of the *Housing Land Supply Act 2018*.

Dated 20 .

Minister for Housing and Planning

1. Short title

This order may be cited as the *Housing Land Supply (Brighton) Order 2024*.

2. Commencement

This order takes effect on the day on which its making is notified in the *Gazette*.

3. Interpretation

In this order –

Act means the *Housing Land Supply Act 2018*;

applicable area means the area of land declared by clause 4 to be housing supply land;

grid reference means the grid reference taken from the Universal Grid Reference System used in Tasmania and based on the Geocentric Datum of Australia (also known as the “the GDA” or “GDA94”)

Housing Land Supply (Brighton) Order 2024
Statutory Rules 2024, No.

c. 4

as defined in the Commonwealth Gazette
No. GN 35, 6 September 1995.

4. Declaration of housing supply land

For the purposes of section 4(1) of the Act, the area of land specified in Schedule 1 to this order is declared to be housing supply land.

5. Declaration of intended zone

For the purposes of section 4(2) of the Act, the intended zone in relation to the applicable area is declared to be the General Residential Zone referred to in the applicable planning scheme.

SCHEDULE 1 – AREA OF LAND

Clause 4

The area of land that –

- (a) is situated at William Street, Brighton in Tasmania; and
- (b) forms part of the land as described in the certificate of title Volume 78100, Folio 1 of the Register kept under section 33 of the *Land Titles Act 1980*; and
- (c) forms part of the land as described in the certificate of title Volume 108441, Folio 1 of the Register kept under section 33 of the *Land Titles Act 1980*; and
- (d) is within the boundary made by the following imaginary lines:
 - (i) a line between grid reference 521527.3E 5271948.5N and grid reference 521603.9E 5271934.2N;
 - (ii) a line between grid reference 521603.9E 5271934.2N and grid reference 521598.1E 5271903.2N;
 - (iii) a line between grid reference 521598.1E 5271903.2N and grid reference 521515.1E 5271878.4N;

Housing Land Supply (Brighton) Order 2024
Statutory Rules 2024, No.

sch. 1

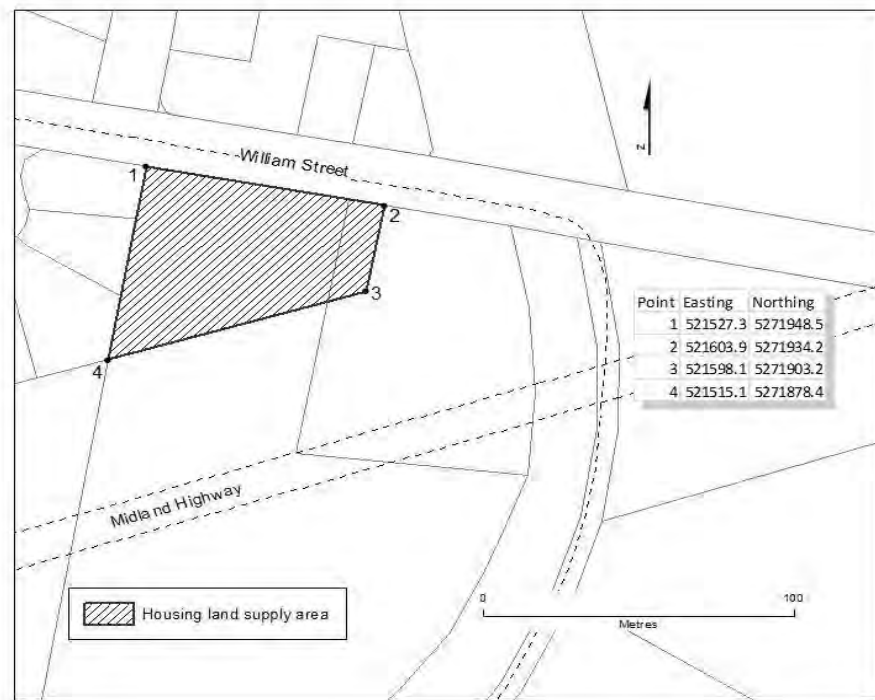
- (iv) a line between grid reference 521515.1E 5271878.4N and grid reference 521527.3E 5271948.5N; and
- (e) is shown as the shaded area, bounded by heavy black lines, on the plan set out, by way of illustration only, in Schedule 2 to this order.

Consultation draft

Housing Land Supply (Brighton) Order 2024
Statutory Rules 2024, No.

sch. 2

SCHEDULE 2 – PLAN



Housing Land Supply (Brighton) Order 2024
Statutory Rules 2024, No.

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

This order is administered in the Department of Premier and Cabinet.

EXPLANATORY NOTE

(This note is not part of the order)

This order, for the purposes of the *Housing Land Supply Act 2018* declares –

- (a) a certain area of land at William Street, Brighton, to be housing supply land; and
- (b) the intended zone in relation to that land to be the General Residential Zone referred to in the applicable planning scheme.



Tasmanian
Government

Department of Premier and Cabinet
State Planning Office

Phone:
1300 703 977

Email:
Stateplanning@dpac.tas.gov.au

www.planningreform.tas.gov.au