

TASMANIA

RESIDENTIAL HOUSING SUPPLY BILL 2018

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SCHEDULE 1 – HOUSING SUPPLY LAND

RESIDENTIAL HOUSING SUPPLY BILL 2018

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

A BILL FOR

An Act to enable the rapid, appropriate, rezoning and subdivision of certain areas of Crown land so as to meet the acute demand for housing, including affordable housing, and to enable the issuing of temporary permits to enable emergency residential accommodation to be provided

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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Residential Housing Supply Act 2018*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Interpretation

In this Act, unless the contrary intention appears –

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Agency has the same meaning as in the *State Service Act 2000*;

applicable planning scheme, in relation to an area of land, means the planning scheme that applies to the area of land;

Commission means the Tasmanian Planning Commission established under the *Tasmanian Planning Commission Act 1997*;

Crown land has the same meaning as in the *Crown Lands Act 1976*;

housing supply land – see section 4;

LPS has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

planning authority has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

planning scheme has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

regional land use strategy, in relation to an area of land, means the regional land use strategy that applies under the *Land Use Planning and Approvals Act 1993* to the area of land;

site-specific qualification, in relation to an area of land, means a site-specific qualification, under the applicable

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planning scheme, in relation to the area of land;

specific area plan, in relation to an area of land, has the same meaning as in the applicable planning scheme;

State Planning Provisions has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

State Policy means a Tasmanian Sustainable Development Policy made under section 11, or that comes into operation under section 12, of the *State Policies and Projects Act 1993*;

statutory authority means a body or authority, whether incorporated or not, which is established or constituted by or under an Act or under the royal prerogative, being a body or authority which, or of which the governing authority, wholly or partly comprises a person or persons appointed by the Governor, a Minister or another State authority;

subdivide has the same meaning as in section 80 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*;

subdivision has the same meaning as in section 80 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*;

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subdivision permit means a permit granted under section 18(1);

Sustainable Timber Tasmania means Sustainable Timber Tasmania ABN 91 628769 359;

Tasmanian Planning Scheme has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

TERP permit means a TERP permit granted under section 22(1);

Water Corporation means the Corporation within the meaning of the *Water and Sewerage Corporation Act 2012*.

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Part 2 – Designation of Crown Land to be Housing Supply Land, &c.

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**PART 2 – DESIGNATION OF CROWN LAND TO BE
HOUSING SUPPLY LAND, &C.**

4. Housing supply land

For the purposes of this Act, housing supply land is the land specified from time to time in Column 1 of Schedule 1.

5. Restrictions on declaration of housing supply land

- (1) The Minister may only make an order under section 6(1) amending Schedule 1 by adding an area of land to Column 1 of that Schedule if –
- (a) the area of land is Crown land; and
 - (b) the area of Crown land is not land that –
 - (i) is reserved land under the *Nature Conservation Act 2002*; and
 - (ii) managed under the *National Parks and Reserves Management Act 2002* or the *Wellington Park Act 1993*; and
 - (c) the area of Crown land is not land that is –
 - (i) permanent timber production zone land, within the meaning of the *Forest Management Act 2013*; and

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- (ii) managed by Sustainable Timber Tasmania; and
 - (d) the area of Crown land is not land that is future potential production forest land within the meaning of the *Forestry (Rebuilding the Forest Industry) Act 2014*.
- (2) The Minister may only make an order under section 6(1) amending Schedule 1 by adding an area of land to Column 1 of that Schedule if he or she is satisfied that –
- (a) there is an urgent need for land to be made available for use or development, or both, for residential purposes; and
 - (b) all or part of the area of land will be used or developed for the provision of affordable housing; and
 - (c) having regard to the State Policies, the State Planning Provisions and the regional land use strategy in relation to the area of land, the area of land is suitable for use or development, or both, for residential purposes.

6. Amendment of Schedule 1

- (1) The Minister, by order, may amend Schedule 1 in any one or more of the following ways:
- (a) by adding an area of land to Column 1 of the Schedule and including one or more

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- entries, opposite the area of land, in any one or more of the other columns of the Schedule;
- (b) by removing from the Schedule an area of land specified in Column 1 of the Schedule and all entries, opposite the area of land, in the other columns of the Schedule;
- (c) by including, altering or removing an item in Column 2 or 3 of the Schedule.
- (2) The Minister may only make an order under subsection (1) that includes or alters an item in Column 2 of Schedule 1 if the item included, or as so altered, will be a provision of the kind that is permitted under section 9(2) to be specified in that Column.
- (3) The Minister may only make an order under subsection (1) that includes or alters an item in Column 3 of Schedule 1 if the item included, or as so altered, will be an item of a kind that may, under section 10, be included in the Column.
- (4) An order under subsection (1) is a statutory rule for the purposes of the *Rules Publication Act 1953*.

7. Parliament to consider proposed amendment to Schedule 1

- (1) The Minister may only make an order under section 6(1)(a) or (c) (other than such an order

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that removes an item from Column 2 or 3 of Schedule 1) if –

- (a) he or she has laid before both Houses of Parliament under subsection (2) a proposed order in the form of the order to be made under section 6(1)(a) or (c) together with the other documents, in relation to the proposed order, referred to in subsection (2)(b) and (c); and
 - (b) the proposed order has not been disallowed by a House of Parliament under subsection (3).
- (2) The Minister may lay before each House of Parliament –
- (a) an order (a *proposed order*) that the Minister proposes to make under section 6(1)(a) or (c); and
 - (b) a statement setting out the comments submitted in relation to the area of land under section 8(5); and
 - (c) if the Minister intends to make the order under section 6(1)(a), a statement as to why the Minister is satisfied that the area of land ought to be designated to be housing supply land.
- (3) A House of Parliament may, within 3 sitting-days after a proposed order has been laid before the House under subsection (2), disallow the proposed order.

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8. Consultation before amendment of Schedule 1

- (1) The Minister may only make an order under section 6(1)(a) or (c) (including such an order that removes an item from Column 2 or 3 of Schedule 1) if, before laying, if at all, before both Houses of Parliament in accordance with section 7 the proposed order in the form of the order –
 - (a) the Minister has given, in relation to the area of land, a notice under subsection (2) to all relevant interested persons in relation to the area of land; and
 - (b) the Minister has considered any comments submitted to the Minister under subsection (5); and
 - (c) the period specified, in accordance with subsection (4)(c), in the last notice issued under subsection (2) in relation to the area of land has expired.
- (2) The Minister may give to the relevant interested persons a notice in writing in accordance with subsection (4) in respect of a proposed order under section 6(1)(a) or (c) in relation to an area of land.
- (3) For the purposes of subsection (2), the relevant interested persons in relation to an area of land are –
 - (a) the planning authority in relation to the area of land; and

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- (b) any Agency that the Minister considers has an interest in whether, or the manner in which, the area of land ought to be used or developed, or both, for residential purposes; and
 - (c) a statutory authority, or other entity, if the Minister considers –
 - (i) that the authority or entity is likely to be required to provide electricity, gas, sewerage, telecommunications or water to the area of land; or
 - (ii) that the efficient or effective provision by the authority or entity of electricity, gas, sewerage, telecommunications or water is likely to be affected by the use or development of the land for residential purposes; and
 - (d) any owner, or occupier, of –
 - (i) land that adjoins the area of land; or
 - (ii) land that the Minister considers is likely to be affected by the use or development, for residential purposes, of the area of land.
- (4) For the purposes of subsection (2), a notice in relation to an area of land is to –
- (a) specify the area of land; and

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- (b) specify each entry, in a column of Schedule 1, that is proposed to be made in relation to the area of land; and
 - (c) invite the person or Agency to whom the notice is issued to make, within 14 days (or, if the notice is to be combined with a notice under section 20(2), within 28 days), comments of the kind that may be submitted under subsection (5) in relation to the entries specified in the notice in accordance with paragraph (b).
- (5) A person or Agency who receives a notice under subsection (2) in relation to an area of land may, within 14 days (or, if the notice is to be combined with a notice under section 20(2), within 28 days), submit to the Minister the comments that the person or Agency thinks fit in relation to the following matters:
- (a) if the notice specifies an entry that is proposed to be made in Column 1 of Schedule 1 – the suitability for residential use of the area of land specified in the entry;
 - (b) if the notice specifies an entry that is proposed to be made in Column 2 of Schedule 1 in relation to the area of land – the suitability of the zone, or zones, proposed in the entry;
 - (c) if the notice specifies an entry that is proposed to be made or altered in Column 3 of Schedule 1 in relation to the

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area of land – the suitability of the
proposed entry or alteration.

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Part 3 – Rezoning, &c., of Housing Supply Land

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**PART 3 – REZONING, &C., OF HOUSING SUPPLY
LAND**

*Division 1 – Changes to be made to applicable planning
scheme*

9. Zone may be assigned to housing supply land

- (1) There may be included in Column 2 of Schedule 1, opposite an area of land that is specified in Column 1 of Schedule 1, an item specifying a zone that is referred to in the applicable planning scheme.
- (2) A zone may only be specified in Column 2 of Schedule 1 in relation to an area of land –
 - (a) if the zone is a zone that authorises the use of the land for general residential use or higher density residential use (in each case, however described); or
 - (b) if the zone is to apply to part of the area of land and is a zone –
 - (i) referred to in paragraph (a); or
 - (ii) that is necessary or appropriate for the purposes of a subdivision of the land for residential purposes; or
 - (iii) that applied to the part of the land immediately before the zone is specified in Column 2 of Schedule 1.

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10. Planning provisions may be modified in relation to housing supply land

There may be included in Column 3 of Schedule 1, opposite an area of land that is specified in Column 1 of Schedule 1, any one or more of the following items:

- (a) an item specifying how a provision of the applicable planning scheme is to be modified in relation to its application to the area of land;
- (b) an item specifying that a provision of the applicable planning scheme is not to apply in relation to the area of land;
- (c) an item specifying that there is to apply in relation to the area of land –
 - (i) a provision, of the State Planning Provisions, that is specified in the item; or
 - (ii) a provision, of the State Planning Provisions, specified in the item, that is modified as specified in the item.

Division 2 – Amendment by Commission of applicable planning schemes

11. Alteration of zoning of housing supply land

If an area of land is specified in Column 1 of Schedule 1, the Minister, by notice in writing to the Commission, is to direct the Commission to,

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within 14 days, amend the zoning map that forms part of the applicable planning scheme so that the zone, specified in Column 2 of Schedule 1 opposite the area of land, is assigned by the zoning map to the area of land.

12. Alteration of planning provisions in relation to housing supply land

- (1) If an item is specified in Column 3 of Schedule 1, opposite an area of land specified in Column 1 of that Schedule, the Minister is to direct the Commission –
 - (a) to, within 14 days, amend the applicable planning scheme so as to include in the planning scheme a specific area plan, containing the matter specified in the item, that is to apply to the area of land; or
 - (b) if the area of land is part of the Tasmanian Planning Scheme – to, within 14 days, amend the LPS that applies to the area of land so that the LPS includes a site-specific qualification, containing the matter specified in the item, that is to apply to the area of land.
- (2) If an item specified in Column 3 of Schedule 1, opposite an area of land specified in Column 1 of that Schedule, is altered or removed by an order under section 6(1), the Minister is to direct the Commission to amend the applicable planning scheme –

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- (a) by amending or removing the specific area plan that is included in the applicable planning scheme in accordance with subsection (1)(a), so as to reflect the alteration or removal; or
- (b) by amending or removing the site-specific qualification that is included in the LPS in accordance with subsection (1)(b), so as to reflect the alteration or removal.

13. Applicable planning scheme not to be amended so as to alter amendments made under this Act

- (1) Despite any provision of the *Land Use Planning and Approvals Act 1993* or a planning scheme, the zone assigned to all or part of an area of land in accordance with a direction under section 11 may not, without the permission of the Minister, be altered under a planning scheme, except as required for the purposes of a subdivision in relation to the area of land.
- (2) Despite any provision of the *Land Use Planning and Approvals Act 1993* or a planning scheme, a provision of a planning scheme, other than a provision of the State Planning Provisions, may not, except with the approval of the Minister, be amended, otherwise than –
 - (a) in accordance with a direction under this Act; or
 - (b) by an amendment to which section 40I(2)(b) of the *Land Use*

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Planning and Approvals Act 1993
relates; or

- (c) in the case of a planning scheme to which clause 3(2) of Schedule 6 to the *Land Use Planning and Approvals Act 1993* applies – by an amendment to which section 30IA or 37 of that Act, as in force before the commencement day, within the meaning of clause 1 of that Schedule, applies –

if the effect of the amendment would be to alter the effect of an amendment to the planning scheme that is made under this Act and that is in force.

14. Directions to amend planning scheme where land ceases to be housing supply land

If Schedule 1 is amended under section 6(1) so as to remove from Column 1 an area of land, the Minister may direct the Commission to amend the applicable planning scheme so that, as far as is practicable –

- (a) the area of land is assigned, under the planning scheme, the same zone that it was assigned before the land was specified in that Schedule; and
- (b) there ceases to be, in the planning scheme, a specific area plan, or a site-specific qualification, in relation to the area of land, that was inserted in

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accordance with a direction under
section 11 or 12.

15. Notice of amendment of planning scheme

- (1) If, in accordance with a direction given under section 11, section 12 or section 14, the Commission amends an applicable planning scheme in relation to an area of land –
- (a) the Commission is to notify the Minister; and
 - (b) the Commission, by notice to the planning authority in relation to the applicable planning scheme, is to direct the planning authority to give notice of the amendment in the manner specified by the Commission in the direction and of the day on which the amendment took, or is to take, effect; and
 - (c) the amendment takes effect on the day on which the Commission amends the applicable planning scheme or a later day, that is specified in the notice given by the planning authority in accordance with a direction under paragraph (b) as the day on which the amendment is to take effect.
- (2) The Minister, as soon as practicable after being notified under subsection (1)(a) of the amendment of an applicable planning scheme in relation to an area of land, is to notify of the amendment the relevant interested persons, for

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the purposes of section 8(3), in relation to the land.

16. Amendment in compliance with direction not to be taken to contravene Act, planning scheme, &c.

If a direction is given under section 11, section 12 or section 14, then, despite any provision of the *Land Use Planning and Approvals Act 1993* or of a planning scheme that applies to an area of land to which the direction relates –

- (a) the Commission is to comply with the direction; and
- (b) the amendment of the planning scheme in accordance with the direction is not to be taken to be invalid by reason only that –
 - (i) the planning scheme has not been amended in the manner, or following the procedure that, but for this Act, would have been required to be followed under the planning scheme or the *Land Use Planning and Approvals Act 1993*; or
 - (ii) but for this Act, the amendment of the planning scheme would be in contravention of that Act; and
- (c) a use or development of the land that is in accordance with the planning scheme

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as amended in accordance with the direction is not to be taken to be in contravention of section 63 of the *Land Use Planning and Approvals Act 1993*.

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PART 4 – SUBDIVISION PERMITS

17. Application for grant of subdivision permit

- (1) A person or Agency may apply to the Minister for the grant of a subdivision permit in relation to an area of Crown land.
- (2) An application under subsection (1) in relation to an area of land is to –
 - (a) include a proposed plan of subdivision in relation to the area of land; and
 - (b) be made to the Minister in the manner and form approved by the Minister.

18. Grant of subdivision permit

- (1) The Minister is to determine an application received under section 17(1) in relation to an area of land by –
 - (a) granting, on the conditions and restrictions, if any, that the Minister thinks fit, a permit (a *subdivision permit*), which includes a plan of subdivision, in relation to the area of land; or
 - (b) refuse to grant a subdivision permit in relation to the area of land.
- (2) The grant of a subdivision permit in relation to an area of land approves, for the purposes of the *Local Government (Building and Miscellaneous*

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Provisions) Act 1993, the proposed plan of subdivision included in the permit.

- (3) The Minister is to give notice of a determination under subsection (1) in relation to an area of land to the relevant interested persons, for the purposes of section 20(3), in relation to the land.
- (4) A subdivision permit takes effect on the day on which it is granted or a later day specified in the permit.

19. Parliament may disallow proposed subdivision permit

- (1) The Minister may only grant a subdivision permit under section 18 in relation to an area of land if –
 - (a) he or she has laid before both Houses of Parliament under subsection (2) a proposed subdivision permit in the form of the subdivision permit; and
 - (b) the proposed subdivision permit has not been disallowed by a House of Parliament under subsection (3); and
 - (c) at least 3 sitting-days have expired since the proposed subdivision permit was laid before each House of Parliament under subsection (2).
- (2) The Minister may lay before each House of Parliament –

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-
- (a) a proposed subdivision permit, which is to include a proposed plan of subdivision; and
 - (b) a statement setting out the comments submitted in relation to the proposed subdivision permit under section 20(5).
- (3) A House of Parliament may, within 3 sitting-days after a copy of a proposed subdivision permit, and a statement referred to in subsection (2)(b) in relation to the proposed subdivision permit, have been laid before the House under subsection (2), disallow the proposed subdivision permit.
- (4) The Minister may only submit to a House of Parliament under subsection (2) a proposed subdivision permit in relation to an area of land if the Minister, after considering –
- (a) the applicable planning scheme, including the provisions of such a scheme amended, in relation to the area of land, in accordance with a direction under section 12; and
 - (b) the proposed plan of subdivision that is included in the proposed subdivision permit; and
 - (c) any comments received under section 20(5); and
 - (d) such other information as the Minister thinks fit –

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Part 4 – Subdivision Permits

is satisfied as to the relevant matters.

- (5) For the purposes of subsection (4), the relevant matters are that –
- (a) the subdivision to which the proposed plan of subdivision is substantially for the purposes of the provision of residential housing; and
 - (b) at least some of the residential housing will be affordable housing; and
 - (c) the plan of subdivision is suitable for approval for the purposes of the *Local Government (Building and Miscellaneous Provisions) Act 1993* by the grant of a subdivision permit.

20. Consultation in respect of proposed subdivision permit

- (1) The Minister must not lay before a House of Parliament under section 19(2) a proposed subdivision permit in relation to an area of land unless –
- (a) the Minister has given, in relation to the proposed subdivision permit, a notice in writing in accordance with subsection (4) to all relevant interested persons in relation to the area of land; and
 - (b) the Minister has considered any comments submitted to the Minister under subsection (5); and

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- (c) the period specified in the last notice issued in accordance with subsection (4)(d) in relation to the land has expired.
- (2) The Minister may give, to the relevant interested persons, a notice in accordance with subsection (4) in respect of a proposed subdivision permit in relation to an area of land.
- (3) For the purposes of subsection (2), the relevant interested persons in relation to an area of land are –
 - (a) the planning authority in relation to the area of land; and
 - (b) any Agency that the Minister considers has an interest in whether, or the manner in which, the area of land ought to be used or developed for residential purposes; and
 - (c) a statutory authority, or other entity, if the Minister considers –
 - (i) that the authority or entity is likely to be required to provide electricity, gas, sewerage, telecommunications or water to the area of land; or
 - (ii) that the efficient or effective provision by the authority or entity of electricity, gas, sewerage, telecommunications or water is likely to be affected by

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the use or development of the
land for residential purposes; and

- (d) any owner, or occupier, of –
 - (i) land that adjoins the area of land;
or
 - (ii) land that the Minister considers is likely to be affected by the use or development, for residential purposes, of the area of land.
- (4) For the purposes of subsection (2), a notice in relation to an area of land is to –
 - (a) specify the area of land to which the notice relates; and
 - (b) specify that an application has been received for the grant of a subdivision permit authorising the subdivision of the land for the purposes of development for residential purposes; and
 - (c) include a copy of the proposed subdivision permit, to which the application relates, which is to include the proposed plan of subdivision; and
 - (d) invite the person or Agency to whom the notice is issued to make, within 28 days after receiving the notice, comments of the kind that may be submitted under subsection (5) in relation to the proposed subdivision permit.

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- (5) A person or Agency who receives a notice under subsection (2) may, within 28 days, submit to the Minister the comments that the person or Agency thinks fit in relation to –
- (a) the suitability of the proposed subdivision permit, including the suitability of the proposed plan of subdivision that is to be included in the permit; and
 - (b) any conditions or restrictions that the person or Agency considers should be specified on the proposed subdivision permit.
- (6) A notice for the purposes of subsection (2) in relation to an area of land may be combined with a notice under section 8(2) and, if the notice is so combined, any comments provided under subsection (5) by a person or Agency may be combined with any comments provided under section 8(5) by the person or Agency.

21. Application of *Local Government (Building and Miscellaneous Provisions) Act 1993*

- (1) The provisions of Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* apply in relation to an application under section 17(1) as if –
- (a) for the words in the definition of ***plan of subdivision*** in section 80(1) of that Act there were substituted the words “means a plan in relation to subdivision of land

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Part 4 – Subdivision Permits

that accompanied an application under section 17(1) of the *Residential Housing Supply Act 2018*”; and

- (b) a reference in those provisions to the council were a reference to the Minister (other than in section 83(2), (5)(a) and (b), (6) and (7), section 86(5) and (6), section 99(4), section 101, section 109(6)(b), section 110, section 116 and section 117 of that Act); and
 - (c) section 84(3) of that Act does not apply; and
 - (d) a reference to sealing a plan of subdivision were a reference to the application of the signature of the Minister to a plan of subdivision to which the application relates; and
 - (e) for the words “sell to it” in section 83(1)(a) of that Act there were, despite paragraph (a) of this subsection, substituted the words “sell to the council”; and
 - (f) a reference in section 86 of that Act to the provision of security were a reference to the provision of the security to the council in relation to the land.
- (2) Except with the approval of the Minister, an amendment, to a plan of subdivision approved by a subdivision permit granted under section 18, may not be made by a council under

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section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

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Part 5 – Temporary Emergency Residential Planning Permits

**PART 5 – TEMPORARY EMERGENCY RESIDENTIAL
PLANNING PERMITS**

22. Grant of TERP permits

- (1) The Minister may grant a temporary emergency residential planning permit (a ***TERP permit***) in relation to –
 - (a) an area of Crown land; or
 - (b) with the approval of the owner of the land, land other than Crown land.
- (2) A TERP permit authorises, in accordance with the conditions or restrictions, if any, on the permit, the use, or use and development, for residential purposes, of –
 - (a) the land to which the permit relates; or
 - (b) the land to which the permit relates and any buildings or structures on the land, whether the buildings or structures are present on the land when the permit is granted or are placed on the land after the grant of the permit.
- (3) A TERP permit remains in force, unless sooner revoked, for the period specified in the permit.
- (4) The period specified in a TERP permit may not be more than 3 years.
- (5) The Minister may revoke a TERP permit.

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- (6) The Minister is to give notice of the grant or revocation of a TERP permit under this section in relation to an area of land to –
- (a) the planning authority in relation to the area of land; and
 - (b) the person, Agency or statutory authority that, in the opinion of the Minister, is to be responsible for the use or development to which the permit relates; and
 - (c) any owner, or occupier, of –
 - (i) land that adjoins the area of land; or
 - (ii) land that the Minister considers is likely to be affected by the use or development, for residential purposes, of the area of land.
- (7) A TERP permit, or the revocation of a TERP permit, takes effect on the day on which notice of the grant or revocation is given under subsection (6)(b) in relation to the TERP permit.

23. Circumstances in which TERP permit may be granted

The Minister may only grant under section 22(1) a TERP permit in relation to an area of land if the Minister, after having regard to any planning scheme in relation to the land, including any codes in the planning scheme, and any other

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information that the Minister considers to be relevant, is satisfied that –

- (a) the land is appropriate for use, or for development and use, for the provision of temporary, emergency residential accommodation for the period specified in the TERP permit; and
- (b) use, or development and use, in the provision of temporary, emergency residential accommodation for the period specified in the TERP permit will not cause an unreasonable loss of amenity to other residential dwellings on land –
 - (i) that adjoins the area of land; or
 - (ii) that the Minister considers is likely to be affected by the development, for residential purposes, of the area of land; and
- (c) it is safe for the land to be used for use, or for development and use, in the provision of temporary, emergency residential accommodation; and
- (d) redevelopment of a building, or structure, if any, that exists on the land, at the time the permit is granted, or the subsequent placement on the land of a building or structure, may occur rapidly and appropriately so that safe and hygienic accommodation may be provided to persons in urgent need of residential accommodation; and

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- (e) when the land ceases to be subject to a TERP permit, the land (and, as applicable, any buildings or structures situated on the land when the permit is granted) –
 - (i) will be in a better condition than they were in immediately before the TERP permit was granted for the first time in relation to the land; or
 - (ii) will be restored to at least the condition they were in immediately before the TERP permit was granted for the first time in relation to the land.

24. Second permit in relation to same land may be disallowed by Parliament

- (1) The Minister may, in relation to the same area of land, grant one further TERP permit under section 22 but only if, before the further TERP permit is granted –
 - (a) the Minister has, under subsection (2), laid before each House of Parliament the proposed TERP permit in the form of the further TERP permit; and
 - (b) the proposed TERP permit has not been disallowed by a House of Parliament under subsection (3).

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- (2) The Minister may lay before a House of Parliament a proposed TERP permit which, if the permit were granted, would be the second TERP permit granted in relation to the same area of land.
- (3) A House of Parliament may, within 3 sitting-days after a draft of a proposed TERP permit has been laid before the House under subsection (2), disallow the draft of the proposed TERP permit.

25. Conditions of TERP permits

- (1) The Minister may specify conditions and restrictions on a TERP permit.
- (2) Without limiting the generality of subsection (1), the Minister may specify on a TERP permit that it is a condition of the permit that the person, Agency or statutory authority that, in the opinion of the Minister, is to be responsible for the use or development to which the permit relates is to ensure that, when the TERP permit ceases to be in force the land (and, as applicable, any buildings or structures situated on the land when the permit is granted) will be –
 - (a) in a better condition than they were in immediately before the TERP permit was granted for the first time in relation to the land; or
 - (b) restored to at least the condition they were in immediately before the TERP permit was granted for the first time in relation to the land.

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26. Land to be rehabilitated after TERP permit ceases to be in force

- (1) The Minister is to ensure that, as soon as practicable after land ceases to be subject to a TERP permit, the land (and, as applicable, any buildings or structures situated on the land when the permit is granted) will be –
 - (a) in a better condition than they were in immediately before the TERP permit was granted for the first time in relation to the land; or
 - (b) restored to at least the condition they were in immediately before the TERP permit was granted for the first time in relation to the land.
- (2) The Minister may carry out on an area of land the works necessary in order to satisfy the Minister's responsibility under subsection (1) in relation to the area of land.
- (3) The Minister, by notice to a person or statutory authority that, in the opinion of the Minister, was responsible for the use or development to which a TERP permit relates, may require the person or statutory authority to pay to the Minister, by the date specified in the notice, the cost of any works carried out under subsection (2) by the Minister in relation to the land in order to satisfy the Minister's responsibility under subsection (1) in relation to the land.
- (4) The amount of a cost specified in a notice given under subsection (3) to a person or statutory

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authority is due and payable by the date specified in the notice.

draft only

PART 6 – MISCELLANEOUS

27. Commission and planning authority to comply with direction

The Commission, and a planning authority, must comply with a direction given to the Commission, or the planning authority, respectively.

28. Effect of grant of permit under this Act

- (1) A permit granted under section 18 or section 22 in relation to an area of land is to be taken to be a permit granted, in accordance with the *Land Use Planning and Approvals Act 1993*, under the applicable planning scheme, by the planning authority in relation to the land.
- (2) Subsection (1) applies in relation to a permit granted under section 18 or section 22 even if, but for this Act, the permit could not have been granted in relation to the area of land in accordance with the *Land Use Planning and Approvals Act 1993* or under the applicable planning scheme.
- (3) Section 61 of the *Land Use Planning and Approvals Act 1993* does not apply in relation to a determination of an application under section 18 or the grant of a permit under section 22.
- (4) The Minister may make under section 55 or 56 of the *Land Use Planning and Approvals Act*

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1993 an amendment to a permit granted under section 18 or section 22.

- (5) An amendment may not, except with the consent of the Minister, be made by a planning authority under section 55 or 56 of the *Land Use Planning and Approvals Act 1993* to a permit granted under section 18 or section 22.
- (6) The Minister may direct a planning authority to grant under section 53 of the *Land Use Planning and Approvals Act 1993* an extension to the period of a permit granted under section 18.
- (7) A calculation of a period of time under section 12 of the *Land Use Planning and Approvals Act 1993* in relation to an area of land is not to include any period in which a permit granted under section 22 was in force in relation to the area of land.

29. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (3) The regulations may authorise any matter to be from time to time determined, applied or regulation by the Minister.
- (4) The regulations may –

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- (a) provide for savings or transitional matters necessary or expedient for bringing this Act into operation; and
- (b) provide for any of those savings or transitional matters to take effect when this Act commences or on a later day specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.

30. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Planning; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.

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SCHEDULE 1 – HOUSING SUPPLY LAND

Section 4

[to be completed]

draft only