

# 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 longer-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 range of eligible government land and improve the consultation and assessment processes.

## 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 transfers 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 the 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 five years following the start of the HLS Act. This expires on 20 July 2023. Orders made before this expiry date continue to have effect. The Government is currently considering options for extending the effect of the HLS Act.

## What is the process?

Homes Tasmania makes a request to the Minister for Planning for an Order.

The Minister for Planning, supported by the State Planning Office, prepares the exhibition documents, and undertakes the 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 the 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 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 land is located close to public and commercial services, public transport<sup>1</sup> 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 the 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 any 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’.

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<sup>1</sup> 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 should 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, as determined by the Minister, and
- the Tasmania Fire Service, the Tasmanian Heritage Council, and the Aboriginal Heritage Council.

## Submissions

Submissions may only 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 Minister 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 a 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?

After making the Order, the Minister then directs the Tasmanian Planning Commission to make amendments to the relevant planning scheme to implement the Order.

Notice must be given in the Gazette on the making of the Order and must specify its start date. The Minister must give notice of the amended planning scheme and its start date, including publishing a notice in the Gazette and newspaper. The Minister will also write to interested persons and those who made a submission advising of the making of the Order and the planning scheme amendment.

## What happens if an Order needs 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 follow the same process as if it were a new Order, including public consultation and parliamentary scrutiny.

To revoke 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: 1300 703 977

Email: [stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au)

A copy of the Housing Land Supply Act is also available on the [Tasmanian Legislation](https://www.legislation.tas.gov.au/) 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](mailto:housingprojects@homes.tas.gov.au)

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