



Housing Land Supply Amendment Bill 2026

Consultation pack

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How to make a submission

Submissions can be made in writing via:

1. email to haveyoursay@stateplanning.tas.gov.au or
2. post to:

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GPO Box 536
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Enquiries

Any enquires can be directed to the State Planning Office at spo@stateplanning.tas.gov.au or by telephoning 1300 703 977.

Introduction

The *Housing Land Supply Act 2018* (the HLS Act) came in after the then Premier's Housing Summit in 2018. It introduced a more direct process for changing planning schemes to speed up the development of eligible government land for housing, particularly for affordable and social housing.

The HLS Act lets the Minister make Housing Land Supply Orders (Orders). It replaced the standard planning scheme amendment process under the *Land Use Planning and Approvals Act 1993* (LUPAA), shortening the timeframes for assessment and approval of rezonings.

The same rigorous criteria that are applied in LUPAA for assessing the land suitability for residential development are maintained when the Minister considers requests to make Orders.

To date, fifteen orders have been made across all three regions in the State. Approximately 70 hectares of land has been rezoned under the HLS Act.

The strong demand for housing when the HLS Act started continues to increase, spurred by rising house prices and rents. More needs to be done to increase the supply of land suitable for housing.

Within the planning system, the HLS Act means government land can be rezoned sooner. The draft Housing Land Supply Amendment Bill 2026 (the draft Bill) supports this objective.

Glossary

The following acronyms, abbreviations and other terms are used in this report:

Commission	Tasmanian Planning Commission
Disallowance period	the period of 5 sitting days after the tabling of a Housing Land Supply Order in the House of Assembly and Legislative Council when either House of Parliament may vote to prevent the Order from proceeding
Draft Bill	Housing Land Supply (Miscellaneous Amendments) Bill 2026
HLS Act	<i>Housing Land Supply Act 2018</i>
Homes Tasmania Act land	Land owned, vested in, or held by the Chief Executive Officer under the <i>Homes Tasmania Act 2022</i>
LPS.....	Local Provisions Schedule, a part of the Tasmanian Planning Scheme
LUPA Act.....	<i>Land Use Planning and Approvals Act 1993</i>
Orders.....	Housing Land Supply Orders
SAP	Specific Area Plan
SPPs.....	State Planning Provisions
SSQ.....	Site Specific Qualification

Overview of the draft Bill

The draft Bill aims to improve the efficiency of the process in the HLS Act. This will permit government land to be used for social and affordable housing sooner, without compromising opportunities for public consultation.

The amendments proposed to the HLS Act:

- let the Minister make an Order after considering the public submissions, instead of waiting till after the Parliamentary disallowance period
- reduce the administrative load and cost to government by simplifying the process of giving effect to an Order through amendment of the relevant planning scheme;
- clarify the operation of the HLS Act process, improving the relationship with the State Planning Provisions (SPPs)
- remove redundant features such as the reference to the superseded Flinders Island Planning Scheme 2000, and
- update associated Acts to align with the *Homes Tasmania Act 2022*.

The draft Bill in detail

Streamlining decision making

Demand for affordable and social housing is more acute now than when the HLS Act was introduced in 2018. The draft Bill streamlines the process of making a Housing Land Supply Order before the Parliament disallowance period.

Currently, the Minister cannot make an Order until it has been tabled in Parliament. A “disallowance period” permits either house of Parliament to vote to prevent the Order from being made. If that occurs, the land subject to the Order would not be rezoned and used for social and affordable housing. Each house of Parliament has 5 sitting days in which to disallow an Order once it has been tabled.

The disallowance provisions become a problem when Homes Tasmania submits a request to prepare a housing land supply order late in a calendar year, or when Parliament is in recess.

Making Orders depends upon the sitting timetable of Parliament, which does not sit between early December and early March. In addition, there is usually a 6-week Parliamentary recess during the winter months.

Homes Tasmania must wait for an extended period before an Order can be made. This in turn delays the delivery of much needed social and affordable housing.

There have been examples of Orders being tabled in late November that can't be made until after March the following year. This means redrafting the proposed Order to reflect the change in year.

Under the proposed change of moving the disallowance period to after an Order is made, the Parliament will have fifteen sittings in which to disallow the Order. This additional sitting time is consistent with the making of regulations.

Clarification of the operation of the HLS Act

1.1.1 Removal of redundant references

As the Flinders Island Planning Scheme 2000 is no longer in effect and has been replaced by the Tasmanian Planning Scheme - Flinders Island Local Provisions Schedule, the draft Bill removes the reference to the former planning scheme from the HLS Act.

1.1.2 Aligning implementation of Orders with the State Planning Provisions requirements

An Order may include unique/bespoke planning provisions for the land subject to the Order. These unique provisions are inserted into the relevant planning scheme by either a specific area plan (SAP) or site-specific qualification (SSQ). However currently, the definitions of 'relevant housing provision' and 'relevant SPPs provision' in the HLS Act only allow for modifications of certain planning scheme requirements, namely

- use or development standards (in certain zones),
- parts of the Parking and Sustainable Transport Code, and
- the interpretation of words and phrases.

If a SAP or SSQ is intended to be included in the Tasmanian Planning Scheme it must comply with the set format and structure requirements set in the SPPs. For example, a SAP must also include a 'Plan Purpose' and 'Application' section which is not a provision that definitions in section 7(1) of the HLS Act allow.

The proposed changes are aimed at fixing a gap in the HLS Act by making it possible to insert these unique provisions in their entirety, as intended by the SPPs. This will make a proposed Order clearer in its intent when the proposed Order is placed on public exhibition, and the Order will also be simpler for the Commission to implement.

1.1.3 Updating procedures to align with the proposed disallowance changes

If the Minister decides not to make an Order, the draft Bill says that this can occur after the Minister has considered submissions received during the public consultation period, and no further action is required by Parliament.

Another change proposed in the draft Bill means that notice of the Minister's decision to revoke an Order can be published on the Department's website instead of being tabled in Parliament.

1.1.4 Establishing transitional arrangements for Orders not yet finalised

The draft Bill gives transitional provisions for any current Order unlikely to be finalised before the Bill comes into operation. Orders started before the draft Bill becomes law will proceed as if the HLS Act had not been amended.

Reducing administrative tasks associated with the process

There are opportunities to reduce 'red tape' and costs to government without compromising the quality of assessment, or removing any of the requirements in section 5, 6 & 7 of the HLS Act that the Minister must comply with.

Specifically –

- a. the Order may now be prepared by the Department (normally the State Planning Office) instead of the Office of Parliamentary Counsel (OPC). The draft Bill establishes that an Order is no longer a 'statutory rule'. This will reduce the number of *Gazette* notices needed when an Order is made and let the OPC focus on more complex legislation.
- b. streamlining the process for the Commission to prepare and give effect to the rezoning. The Commission simply has to update the relevant planning scheme, as required by the Order, within 14 days.
- c. Reducing the frequency that notice must be given of an action taken under the HLS Act.
- d. Replicating these changes in other sections of the HLS Act, including those governing the amendment or revocation of an Order.

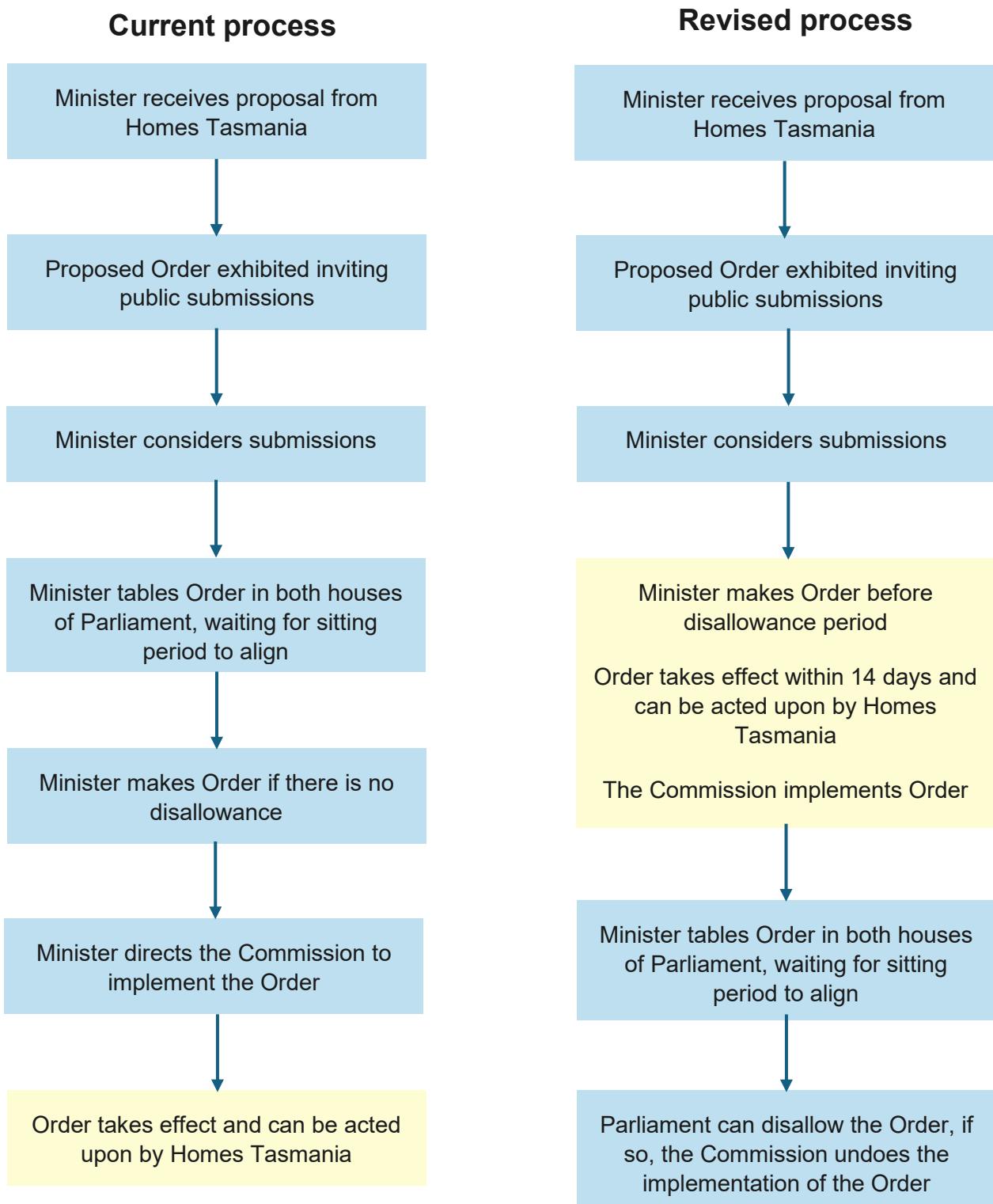
Updating related legislation with the Homes Tasmania Act 2022

The *Community Housing Providers National Law (Tasmania) Act 2013* (the National Law Act) was updated in December 2022 with passage of the *Homes Tasmania (Consequential Amendments) Act 2022*. This allowed the National Law Act to continue operating in the State, following the creation of Homes Tasmania.

However, section 9 of the National Law Act was not amended to identify the Relevant Minister as the Minister administering the *Homes Tasmania Act 2022*. Consequently, section 9 still refers to the Minister for the now repealed *Homes Act 1935*.

The Minister has recently exercised their powers to administer the National Law Act. The opportunity may now be taken to correct the anomaly as part of the HLS Act amendment package. This will avoid any potential future challenge to the validity of the Minister's decisions.

Flowchart of current HLSO process vs revised process



Appendix 1

Overview of the current Housing Land Supply Act 2018

Purpose

The HLS Act assists in alleviating Tasmania's acute housing shortage. It will continue to be used until it ceases to have effect in July 2033.

The Act enables the making of an Order to rezone or modify the planning scheme requirements for eligible government land, for the development of housing.

Roles and Responsibilities

The Minister for Planning is responsible for preparing, consulting on, and making an Order under the Act.

The Parliament of Tasmania (the House of Assembly and the Legislative Council) has a role in considering a proposed Order and may disallow it.

The Commission is responsible for making amendments to the relevant planning scheme to implement an Order.

The local council (as the planning authority) will assess any development applications relating to subdivision of land through the Tasmanian Planning Scheme and then construction of houses after the making of an Order.

Eligible Land

The current HLS Act only allows certain government land to be considered for an Order. This is limited to land that is owned, vested in or held by Homes Tasmania, or is Crown land. This may include land that has been acquired by Homes Tasmania since the HLS Act came into effect in 2018.

It also excludes 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

The HLS Act specifies planning criteria for determining the land suitability and the intended zoning. These criteria must be satisfied before an Order can be made. They include the Minister being satisfied of the following:

- the need for land to be made available for housing under the *Homes Tasmania Act 2022* to deliver affordable housing
- the land is suitable for residential use and is appropriately located in proximity to public and commercial services, public transport and employment opportunities
- the intended zone is consistent with the State Policies, the Tasmanian Planning Policies, the relevant regional land use strategy, and furthers the objectives set out in Schedule 1 of LUPAA
- the use and development of the land for residential purposes would not be significantly restricted by any codes that apply to the land under the relevant planning scheme
- that the proposed Order has regard to any Guidelines issued under section 8A of LUPAA
- 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 at least to a suburban density (consistent with the SPPs General Residential Zone).

Consultation and Submissions

The Minister, in preparing an Order, must consult with ‘interested persons’ prescribed in the HLS Act. These are:

- the relevant planning authority (the local council), and any adjacent planning authority the Minister considers may be affected by the proposed Order
- State agencies that the Minister considers have an interest in the proposed Order
- State authorities, or other entities, that are likely to be required to provide water, sewerage, telecommunications, electricity or gas to the land, or may have its services affected by the proposed Order
- the owners or occupiers of land adjoining the proposed Order
- the owners or occupiers of any other land that the Minister considers may be affected by the proposed Order, and
- the Tasmania Fire Service, the Tasmanian Heritage Council, and the Aboriginal Heritage Council.

The Minister, in consulting with ‘interested persons’, must give written notice of a proposed Order. The written notice must contain:

- a copy of the proposed Order
- a statement of the reasons why the Minister wants to make the proposed Order, and
- invite submissions on the proposed Order.

Submissions on a proposed Order must be received within the notified consultation period. The submissions may relate to the following:

- the suitability of the land for residential use;
- the suitability of the zoning intended for the land; and

- the suitability of any the planning controls that will apply to the land.

Parliamentary Scrutiny

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

- the proposed Order and a statement of the reasons why the Minister wants to make the proposed Order
- 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 disallow a proposed Order.

The Minister may make the Order after the end of the disallowance period in both Houses of Parliament.

Making of the Order and Amending the Planning Scheme

The making of an Order requires the Minister to publish a notice in the Gazette with an 'effective date', being the date on which the Order will take effect. The Minister also directs the Commission to make the necessary amendments to the relevant planning scheme, to implement the Order

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