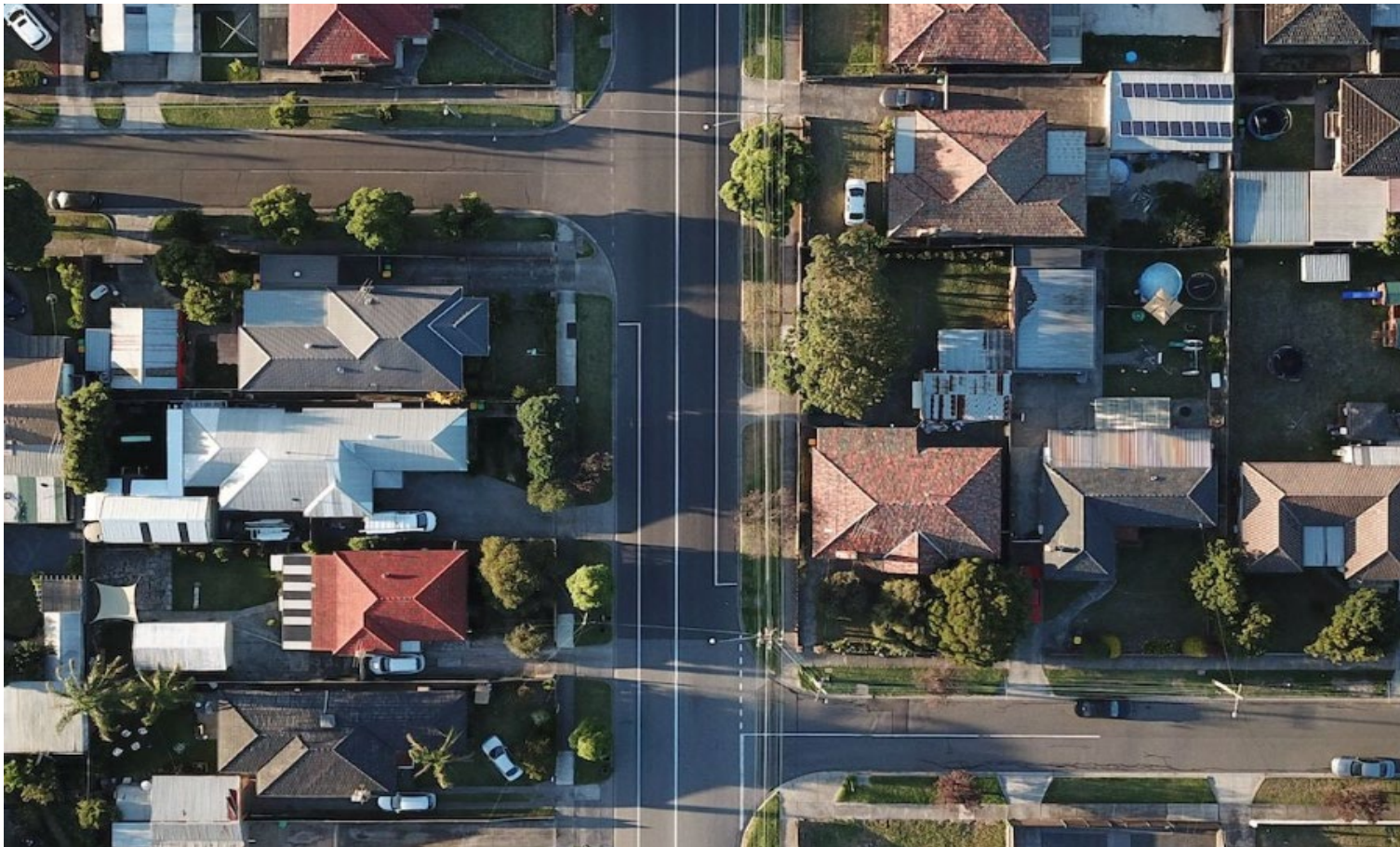




Draft Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026

Report on Consultation

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1.0 Introduction

The Minister for Housing and Planning approved consultation on the draft Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026 (the draft Bill) for a six week period from 30 March to 11 May 2026.

The draft Bill proposes various legislative amendments to the *Land use Planning and Approvals Act 1993* (LUPA Act) and the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP Act) to address issues that have been identified by the Local Government Association of Tasmania, the Tasmanian Planning Commission (the Commission) and the State Planning Office (SPO).

The amendments proposed by the draft Bill are considered a priority for requiring urgent attention to either clarify certain requirements or improve planning processes. The amendments are not considered to significantly alter the existing policy setting of the provisions being amended.

The main elements of the draft Bill propose to:

- 1) amend section 14 of the LUPA Act, which specifies what the State Planning Provisions (PPs) of the Tasmanian Planning Scheme (TPS) may and may not contain, by including an additional provision allowing the SPPs to contain maps, overlay, list or any other provisions that provides for the spatial application of the SPPs;
- 2) broaden the scope for making 'interim SPPs amendments' under section 30NB of the LUPA Act by allowing the Minister to consider a recommendation of the Tasmanian Planning Commission (the Commission);
- 3) clarify the Local Provisions Schedule (LPS) criteria in section 34 of the LUPA Act in relation to the application of the TPPs by deleting existing section 34(2A) and replacing it with the simple requirement to be consistent with the TPPs;
- 4) amend section 34 of the LUPA Act to include savings provisions that provide a fairer process for the assessment of draft LPS amendments when the TPPS become effective on 1 July 2026;
- 5) amend section 34 of the LUPA Act to include savings provisions that provide a fairer process for the assessment of draft LPSs and LPS amendments when a new or amended regional land use strategy (RLUS) is declared;
- 6) amend section 54(2) and (3) of the LUPA Act to clarify the process and timeframes for councils to give notice to an applicant when a request for additional information on a development application has been satisfied and when the assessment 'clock' recommences;
- 7) amend section 57(5AA) to clarify that where council offices are closed during normal business hours, the development application assessment timeframes for discretionary applications are extended by the same number of days; and
- 8) modify the definition of 'subdivide' in the LGBMP Act to exclude a long-term lease relating to renewable energy infrastructure or other utility infrastructure from being considered a subdivision.

The purpose of this report is to discuss the issues raised in submissions during the consultation period.

2.0 Glossary

The following acronyms and abbreviations are used in this report:

Draft Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026 (consultation version)	Draft Bill
<i>Land use Planning and Approvals Act 1993</i>	LUPA Act
<i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>	LGBMP Act.
Local Provisions Schedule	LPS
regional land use strategy	RLUS
Southern Tasmania Regional Land Use Strategy	STRLUS
State Planning Office	SPO
State Planning Provisions	SPPs
Tasmanian Planning Commission	Commission
Tasmanian Planning Policies	TPPs
Tasmanian Planning Scheme	TPS

3.0 Consultation

A total of 21 submissions were received on the draft Bill. The majority were received during the consultation period however, a one-week extension of time was granted to those requesting an extension of time.

Most of the submissions generally supported the draft Bill, raising mostly matters of clarification. The table below outlines the main issues with a corresponding response from the State Planning Office.

4.0 Issues raised in submissions

Topic	Submission number	Issue Raised	Response
General	1, 2, 4, 5, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 21	Generally supportive of the Bill.	Noted.
SPP maps	1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 16, 19	Support for the amendment to section 14(1) of the LUPA Act to allow the SPPs to include maps.	Noted
	3, 6, 15, 19	Concerns regarding council's ability to update any SPP mapping where it has conducted more detailed, localised mapping.	Options for allowing local variations to any SPPs mapping that is introduced will be carefully considered in consultation with local government. There are various options that could be considered, including: - including the more detail localised mapping into the SPPs mapping via an SPPs amendment; - allowing LPS overlays to override any SPPs overlay, subject to specific criteria outlined in the SPPs Local

Topic	Submission number	Issue Raised	Response
			Provisions Schedule Requirements (in clause LP1.0 of the SPPs); or the inclusion of a specific area plan in the LPS to include more detailed localised mapping, subject to it meeting the LPS criteria in the LUPA Act. No modification required.
	10, 11, 12	Concerns regarding how LPS maps will be superseded by SPP mapping and how they would be managed. Need for clear process for deleting LPS maps superseded by SPP maps	The process for managing the introduction of any SPPs mapping and the superseding of existing LPS mapping will be carefully considered in consultation with local government. The Background Report for Consultation on the draft Bill provides an example of how superseded LPS maps might be managed. The example relates to the introduction of the updated landslip hazard area mapping prepared by Mineral Resources Tasmania. There is no local variation to the current statewide landslip hazard area mapping. Section 40I(2)(b)(vi) of the LUPA Act already provides a process for removing any inconsistency between an LPS and the SPPs without having to go through a public process. In addition, section 40I(2)(b)(x) allows for a prescribed purpose if there is any doubt.

Topic	Submission number	Issue Raised	Response
			There are existing pathways for any superseded LPS maps to be removed so no modification is required.
	20	Does not support the amendment to allow the SPPs to have maps because it gives the State Government excessive power and bypasses local government.	The policy being implemented by the amendment is to provide an efficient process for the updating of maps that are prepared by the State Government. These maps are prepared in consultation with local government. The SPP amendment process involves early consultation with local government under section 30D(2) of the LUPA Act, including the Minister seeking advice from councils (under section 30D(3) of LUPA Act) on whether the proposed amendments should become an 'interim SPPs amendment'. The SPPs amendment process also requires the Commission to publicly exhibit the maps and conduct public hearings into the issues raised in representations. No modification is required.
Interim SPP amendments	1, 2, 4, 5, 8, 9, 10, 12, 16	Support for the amendment to section 30NB to allow for broadening the scope of interim SPP amendments	Noted.
	3, 6, 12, 19, 21	Concern with broadening the scope for interim SPPs amendments because of the lack of community	The LUPA Act allows for the making of interim SPP amendments that apply prior to going through public consultation and independent review by the Commission.

Topic	Submission number	Issue Raised	Response
		consultation undertaken before they become effective.	In determining to make an SPP amendment an interim SPP amendment, the Minister is required to be satisfied that the amendment is '<i>necessary or desirable in order to urgently address issues...</i>' and that '<i>it is in the public interest to give effect as soon as practicable to the provision</i>'. It is the role of the Minister to weigh up the public's interest in determining whether to make an SPP amendment. The proposed changes only allow the Minister to consider the making of an interim SPPs amendment for a broader range of matters if recommended by the independent Commission. This is consistent with the scope for making interim Planning Directives under the former provisions of the LUPA Act. No modification is required.
	20	Does not support broadening the scope of interim SPP amendments because it gives the State Government excessive power to make changes without public consultation.	The draft Bill simply allows the Minister to act on a recommendation from the independent Commission to make an interim SPPs amendment if it identifies a matter as requiring urgent attention. The Minister is still required to be satisfied that it is '<i>necessary or desirable in order to urgently address issues...</i>' and that '<i>it is in the public interest to give effect as soon as practicable to the provision</i>'. No modification is required.

Topic	Submission number	Issue Raised	Response
	11	Interim SPP amendments should be required to have the consent of councils	Requiring all 29 councils to give consent to make an interim SPP amendment is considered unreasonably onerous, particularly to urgently address matters in the planning scheme. Section 30D(3) of the LUPA Act already specifies that the Minister is to seek advice from councils on whether the SPPs amendment should become an interim SPPs amendment. This advice is sought as part of the normal consultation undertaken with councils under section 30D(2) of the LUPA Act. In determining to make an SPP amendment an interim SPP amendment, the Minister is required to be satisfied that the amendment is '<i>necessary or desirable in order to urgently address issues...</i>' and that '<i>it is in the public interest to give effect as soon as practicable to the provision</i>'. It is the role of the Minister to weigh up the public's interest in determining whether to make an SPP amendment. The proposed changes only allow the Minister to consider the making of interim SPPs amendment for a broader range of matters if recommended by the independent Commission. No modification is required.

Topic	Submission number	Issue Raised	Response
	15	Not supported on the basis of not enough detail provided on what might be considered an interim SPP amendment.	The purpose of an interim SPP amendment is to urgently address issues in the planning scheme, particularly where it is in the public interest to give effect to the changes as soon as practicable. Broadening the scope to any other matter that is recommended by the independent Commission will allow ensure the planning system remain nimble in addressing any unforeseen circumstances. The existing range of matters include that it is <i>‘necessary or desirable in order to urgently address issues relating to natural or environmental hazards, public safety, a prescribed circumstance or matter...’</i> and that <i>‘it is in the public interest to give effect as soon as practicable to the provision’</i>. The draft Bill simply allows the Commission to make a recommendation to the Minister if it identifies a matter as requiring urgent attention. No modification is required.
Modification to s34 re TPPs	1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 14, 15, 16, 19	Support amendments to section 34 of the LUPA Act that relate to clarifying the application of the TPPs.	Noted.
	4, 8	Bill does not address recommendation 7.1 of the Commission’s report on the TPPs relating to legislative changes that remove the need to consider the	Recommendation 7.1 suggested “legislative change be considered that allows for more efficient processes when assessing LPS review and amendments.... such that once the RLUSs and SPPs have been reviewed (so they are in conformity with the TPPs) then if the LPS is consistent

Topic	Submission number	Issue Raised	Response
		TPPs once the RLUSs have been reviewed to be consistent with them.	with them then it is also deemed to be consistent with the TPPs” This recommendation was carefully considered by the Minister in making the TPPs. The following response to the was provided in the Minister’s Statement of Reasons¹, as follows: <i>Partially agree to recommendation.</i> <i>I support the consideration of a more efficient approach to that described in section 34(2A) of the Act for LPS reviews and amendments. However, it is difficult to commit to that part of the recommendation that suggests that an LPS, complying with a RLUS that conforms with the TPPs, is deemed to be consistent with the TPPs. The reason for this is because of the differing scales that the TPPs are implemented into the RLUS and the LPSs. The RLUS delivers regional strategic land use outcomes as compared to local outcomes delivered through an LPS, including an amendment to an LPS.</i> <i>A comparison can be drawn with State Policies. A RLUS is required to be consistent with State Policies. An LPS or LPS amendment that complies with a RLUS also needs to demonstrate consistency with a State Policy. The reason for</i>

¹ https://www.stateplanning.tas.gov.au/_data/assets/pdf_file/0004/610753/Ministerial-statement-of-reasons-for-modifications-to-draft-TPPs.pdf

Topic	Submission number	Issue Raised	Response
			<i>this is because the policies are being applied for different purposes and at different scales. The application of the TPPs to an LPS should be the same consistent with the intent of section 34(2A) of the Acts.</i> <i>There are strategies within the TPPs that allow for a more detailed planning response through an LPS amendment than what would be expected to be delivered through a RLUS. One such example is strategy 4 of clause 4.8.3 which provides for precinct planning to promote collaborations between industry, science, research and education institutions to promote learning and on the job training and shared access to resources. A Specific Area Plan (SAP) proposing a research and innovation hub that complies with 4.8.3.4, but not specifically identified in the RLUS, may be considered inconsistent with the TPPs if following the approach suggested in the TPC's recommendation.</i> <i>The Government would not want to find itself in a position where an LPS amendment that demonstrates compliance with the TPPs is refused because it is not specifically identified in the RLUS and therefore assessed as being inconsistent with it in accordance with the LPS criteria at section 34(2)(e) of the Act.</i> <i>Another example is strategy 8 of clause 1.1.3 that provides for growth on land that is located outside a settlement boundary identified through the RLUS. Again, the TPC's</i>

Topic	Submission number	Issue Raised	Response
			<i>recommended approach would not allow this growth to occur because it is not identified in the RLUS but may very well comply with the TPPs potentially setting up a conflict within the planning system.</i> <i>I expect that supplementary implementation advice provided by the SPO and the TPC will assist users of the TPPs to determine what strategies have been applied through the RLUS's and what will need to be considered through local strategic planning.</i> <i>This approach partially delivers the outcome recommended by the TPC but allows the specific local application of TPPs where warranted.</i> No modification is required.
	9, 19	Further clarification and guidance material is required on the operation of the TPPs in relation to LPS amendments, SPPs and RLUSs.	Noted. This comment is outside the scope of the draft Bill however it is understood that further information will be provided in due course. No modification is required.
	15	LPS amendments lodged before the commencement of the TPPs should not have to consider them.	Making the certification stage the delineation point for the application of the TPPs to LPS amendments prevents substandard applications being lodged with Council prior to the TPPs coming into effect to avoid having to consider

Topic	Submission number	Issue Raised	Response
			them. It is also the first formal decision point that council makes on a draft LPS amendment. No modification is required.
	15	Suggestion to include “as far as practicable”, consistent with the TPPs’ so LPS amendments don’t have to address TPP strategies that are not relevant to the particular LPS amendment.	The General Application and Implementation section of the TPPs provide 6 directions in accordance with section 12B(3) of the LUPA Act. These directions specify only strategies relevant to a particular matter are considered. No modification is required.
	16	Concerned that LPSs made prior to the TPPs are assumed to comply with the TPPs which may create legacy issues for local strategic planning to implement the TPPs in the future	Section 87D of the LUPA Act specifies that the TPPs do not apply to the first LPS made but applies to each amendment to or substitution LPS. Section 87D is not a deemed to comply provision rather it clarifies the point where the LPSs are required to commence implementation of the TPPs. The TPPs are sufficiently flexible to account for legacy issues and allow for local strategic planning outcomes to be consistent with the TPPs. No modification is required.
Modification to s34 re RLUS	1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 14, 15, 16, 19	Support amendments to the provisions relating to the application of revised RLUS.	Noted.

Topic	Submission number	Issue Raised	Response
	9	Review all 3 RLUSs together	This comment is outside the scope of the draft Bill however, the review of the RLUSs is being coordinated by the SPO to improve consistency, where possible, between the regions. No modification is required.
	9	Consider RLUSs in the context of other planning instruments across the planning framework	The RLUSs are considered in the context of how they operate within the planning system and their interaction with other planning instruments. No modification is required.
S54 Notification	1, 2, 5, 9, 12, 14, 16, 19, 20, 21	Support the requirement to notify applicants when additional information request has been satisfied.	Noted
	3, 6, 11, 15, 16	Amendments to section 54 not supported because it not necessary and adds an additional administrative burden to councils	Noted however the benefits of certainty that it provides to the development assessment process is considered to outweigh any administrative burden. It is important that an applicant is advised when they have satisfied the additional information request in the same way that they are currently advised when a request has not been satisfied. No modification is required.

Topic	Submission number	Issue Raised	Response
	5	Suggest timeframes for the water entity being satisfied with additional information requests also requires clarification under s56T(4) of the <i>Water Sewerage Industry Act 2008</i> to deliver the same policy intent.	Noted and supported in principle. This could be considered as part of a broader review of assessment timeframes across the development application process, such as through the Position Paper related to preventing delays in development assessment timeframes. No modification is required.
	14	Notification should include the Tasmanian Heritage Council when the site is on the Tasmanian Heritage Register.	This can occur informally and is not considered to be required through legislation. No modification is required.
	15	Amend the LUPA Act to have a consistent approach for assessment timeframes to be either business days or normal days.	Support in principle but this is outside the scope of the existing draft Bill. This could be considered as part of a broader review of assessment timeframes across the development application process, such as through the Position Paper related to preventing delays in development assessment timeframes. No modification is required.
Extension of time for office closures	1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15,16, 19	Support extension of time for the assessment process during office closures	Noted.

Topic	Submission number	Issue Raised	Response
	15	Apply extension of time to permitted development applications	The proposed changes are intended to align with the assessment timeframe for discretionary applications with the extension of the time that is applied to the public exhibition period under section 57(5AA) of the LUPA Act when the council offices are closed during normal business hours. Permitted applications are not publicly exhibited and are therefore not subject to same requirements. No modification is required.
	15	Further clarification needed for timeframes for advertising when a public notice is published on a Saturday or the consultation period finishes on a weekend.	Section 57(5) provides that the timeframe commences on the day the notice of the application is given. It also specifies that the time frame is in days, not working days and in s57(5AA) allows an extension of time where the council is closed during normal business days. Weekends are not normal business days so the extension does not apply. It is not considered necessary to clarify the provisions.
LGBMPA definition of 'subdivide'	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 21	Support the amendment to the definition of 'subdivide' in LGMP	Noted.

Topic	Submission number	Issue Raised	Response
	12, 16	Amendment to the LGBMP Act definition of 'subdivide' does not go far enough. Leases sit outside the planning framework which is supposed to regulate subdivision. Any lease of land should be excluded from the definition of 'subdivide'.	In principle support however this should be considered through the planned review and repeal of LGBMP with appropriate consultation with stakeholders.
	14	The amendment should be extended to exclude 'data centres' on leased land from being considered a subdivision.	Intent supported. A modification is proposed to include a <i>"lease or licence for the installation, operation or maintenance telecommunications or <u>digital</u> facilities..."</i> .
	20	Objection to excluding long term leases for renewable energy and utilities from being considered subdivision without clear explanation for the need for the change.	The explanation was provided in the accompanying explanatory report. There are unintended planning consequences for long term leases of land being deemed a subdivision, including not having to comply with the planning scheme provisions causing subminimum lot sizes and general lack of checks and balances provided by an assessment against the scheme provisions.
Other	9	Preparation of explanatory information to support clear understanding of how all the planning instruments interact.	Outside the scope of the draft Bill however, supporting information is available on the Planning in Tasmania website and additional information can be provided where needed.

Topic	Submission number	Issue Raised	Response
	1, 16	A full review of the LUPA Act is required	Noted however outside the scope of the draft Bill.
	2, 9, 19	Support for review and repeal of redundant provisions of the LGBMP Act	Noted and identified as part of a broader planning reform work program.
	17	Suggest review of SPPs and the LUPA Act to align definitions to reduce ambiguity.	The SPPs already reference a number of definitions in the LUPA Act ensuring alignment. The SPPs have also been made in accordance with the requirements of the LUPA Act. No modifications required.
	21	The draft Bill does not introduce measures to strengthen design quality.	Outside the scope of the draft Bill. It was not the intention of the Bill to embed design responses for development in the LUPA Act. No modification is required.

5.0 Conclusion

The majority of the submissions generally supported the intent of the draft Bill. The issues that were raised related mainly to matters of clarification or suggestions for change that were outside the scope of the draft Bill.

In response to the issues raised, a modification to clause 12 subsection (b) of the Bill has been made to reference 'digital' facilities, in addition to telecommunications or other types of infrastructure, as follows:

A lease or licence for the installation, operation or maintenance of telecommunications or digital facilities, renewable energy infrastructure or other utility infrastructure that is reasonably necessary for or incidental to those purposes.

The draft Bill has also been modified to remove the retrospective application of the savings provisions for the TPPs. The reason for this modification is to remove potential complications that may arise should Royal Assent be delayed for a significant amount of time. Other minor edits were also made to improve drafting clarity.

Subject to Cabinet approval, it is anticipated that the revised draft Bill will be tabled in Parliament during the June or August 2026 sitting period.

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