

TASMANIA

**LAND USE PLANNING AND APPROVALS
(MISCELLANEOUS AMENDMENTS) BILL 2026**

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Consultation Version

**LAND USE PLANNING AND APPROVALS
(MISCELLANEOUS AMENDMENTS) BILL 2026**

*(Brought in by the Minister for Housing and Planning, the
Honourable Kerry John Vincent)*

A BILL FOR

An Act to amend the *Land Use Planning and Approvals Act 1993* and the *Local Government (Building and Miscellaneous Provisions) Act 1993*

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 *Land Use Planning and Approvals (Miscellaneous Amendments) Act 2026*.

2. Commencement

- (1) Except as provided by this section, the provisions of this Act commence on the day on which this Act receives the Royal Assent.
- (2) Part 3 commences on the day on which this Act receives the Royal Assent, but if this Act does not receive the Royal Assent by 1 July 2026 that Part is taken to have commenced on that date.

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Part 2 – Land Use Planning and Approvals Act 1993 Amended

**PART 2 – LAND USE PLANNING AND APPROVALS
ACT 1993 AMENDED**

3. Principal Act

In this Part, the *Land Use Planning and Approvals Act 1993** is referred to as the Principal Act.

4. Section 14 amended (Contents of State Planning Provisions)

Section 14(1) of the Principal Act is amended by inserting after paragraph (g) the following paragraph:

- (ga) may contain a map, overlay, list or other provision that provides for the spatial application of the SPPs to land; and

5. Section 30NB amended (Interim SPPs amendments)

Section 30NB(4)(a) of the Principal Act is amended by omitting “safety or a prescribed circumstance or matter” and substituting “safety, a prescribed circumstance or matter or any other matter recommended by the Commission”.

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Part 2 – Land Use Planning and Approvals Act 1993 Amended

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6. Section 34 amended (LPS criteria)

Section 34 of the Principal Act is amended as follows:

- (a) by omitting paragraph (da) from subsection (2) and substituting the following paragraph:

(da) is consistent with the TPPs; and

- (b) by omitting from subsection (2)(e) “is situated”;

- (c) by inserting in subsection (2)(e) “is situated, being the regional land use strategy in force at the relevant time” after “relates”;

- (d) by omitting subsection (2A) and substituting the following subsection:

(2A) For the purposes of subsection (2)(e), the relevant time is –

- (a) in the case of a draft LPS or an LPS, the time at which the relevant planning authority provides the Commission with a report under section 35F(1); or

- (b) in the case of a draft amendment of an LPS or an amendment of an LPS

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Part 2 – Land Use Planning and Approvals Act 1993 Amended

prepared pursuant to a direction under section 35KB(1), the time at which the planning authority provides the Commission with a report under section 35F(1); or

- (c) in the case of a draft amendment of an LPS or an amendment of an LPS that is not prepared pursuant to a direction under section 35KB(1), the time at which the draft of the amendment is certified under section 40F.

7. Section 54 amended (Additional information)

Section 54 of the Principal Act is amended as follows:

- (a) by omitting subsection (2) and substituting the following subsection:

- (2) If the planning authority serves a notice under subsection (1) requiring the applicant to provide additional information, the relevant period referred to in section 57(6)(b) or 58(2) does not run for the period beginning on the day on which the notice under

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subsection (1) is served on the applicant and ending on the day on which the planning authority gives notice under subsection (3)(a) that the request for additional information has been answered to its satisfaction.

(b) by omitting subsection (3) and substituting the following subsection:

(3) The planning authority must, within 8 business days after the day on which it receives the additional information under subsection (1), notify the applicant in writing –

(a) whether the request for information has been answered to its satisfaction; and

(b) if it is not satisfied, require the applicant to provide it with the additional information and advise the applicant that the timeframes referred to in section 57(6)(b) or 58(2) have not recommenced.

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Part 2 – Land Use Planning and Approvals Act 1993 Amended

8. Section 57 amended (Applications for discretionary permits)

Section 57 of the Principal Act is amended by omitting subsection (5AA) and substituting the following subsection:

- (5AA) If the time period specified in subsection (5) includes any days on which the office of the planning authority is closed during normal business hours, the period is extended by one additional day for each such day, and the time period referred to in subsection (6)(b) is extended by the same number of days.

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Part 3 – Land Use Planning and Approvals Act 1993 Further Amended

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**PART 3 – LAND USE PLANNING AND APPROVALS
ACT 1993 FURTHER AMENDED**

9. Principal Act

In this Part, the *Land Use Planning and Approvals Act 1993** is referred to as the Principal Act.

10. Section 34 amended (LPS criteria)

Section 34 of the Principal Act is amended by inserting after subsection (3) the following subsection:

- (4) Subsection (2)(da) does not apply in relation to an amendment of an LPS if –
- (a) the draft of the amendment of the LPS was certified under section 40F before 1 July 2026; or
 - (b) the draft of the amendment of the LPS was prepared pursuant to a direction issued under section 35KB(1) and the TPPs are not effective at the time the planning authority provides the Commission with a report under section 35F(1).

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PART 5 – REPEAL OF ACT

13. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

Consultation Version