



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

Background Report for Consultation

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# 1.0 Introduction

The draft Land Use Planning and Approvals (Miscellaneous Amendments) Bill 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).

The proposed amendments broaden the scope for making SPPs amendments and introduce fairer processes for LPS and LPS amendment assessments, specifically for when the Tasmanian Planning Policies (TPPs) and new regional land use strategies (RLUSs) comes in effect. It also clarifies the development application assessment timeframes and the management of long-term leases in the planning system for renewable energy and other utility infrastructure.

The main elements of the draft Bill propose amendments that:

- 1) allow the State Planning Provisions (SPPs) of the Tasmanian Planning Scheme (TPS) to include maps, such as statewide overlay maps;
- 2) broaden the scope for making 'interim SPPs amendments' under section 30NB of the LUPA Act on advice from 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;
- 4) include a fairer process for the assessment of draft LPSs and LPS amendments when a new or amended RLUS is declared;
- 5) include a fairer process for the assessment of draft LPS amendments when the TPPs become effective on 1 July 2026;
- 6) 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) clarify the development application assessment timeframes when council offices are closed between Christmas and New Year;
- 8) modify the definition of 'subdivision' in the LGBMP Act to exclude a long-term lease relating to renewable energy infrastructure or other utility infrastructure from being considered a subdivision.

These amendments are a result of issues identified by councils, Local Government Association of Tasmania (LGAT), the Commission, and the State Planning Office.

The amendments proposed through the draft Bill are considered a priority for requiring urgent attention to improve clarity and processes delivered by the LUPA and LGMBP Acts and are not considered to significantly alter the existing policy setting of the provisions being amended.

The purpose of this report is to provide background context on the draft Bill to support understanding and to help inform submissions received 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 Amendments in detail

The following section provides a more thorough overview of each of the elements, as identified above, of the draft Bill including the provisions of the Act that are proposed to be amended and the justification for those amendments.

### 3.1 SPPs to include maps - Part 2 clause 4 of the draft Bill

Clause 4 of the draft Bill proposes to amend section 14 of the LUPA Act, which specifies what the SPPs may and may not contain. Section 14(1)(a) of the LUPA Act states that the SPPs may contain any provision that section 11 of the LUPA Act allows, which generally allows the TPS to “*make any provision which relates to the use, development, protection or conservation of any land*”. Section 14(1)(g) of the LUPA Act further provides that the SPPs may require or permit a LPS to contain an overlay map.

At present all overlay maps in the TPS are contained in each council’s LPS, including maps for the various natural hazards (i.e. landslip, bushfire, coastal erosion and coastal

inundation) generated by the Tasmanian Government. This was intentional at the time as it was important to link the public consultation on the overlay maps with the zoning maps contained in each LPS when the TPS was first brought into effect. The intention was then to consider including some overlay maps in the SPPs, particularly those for natural hazards, to enable future updates to be made as a single amendment to the SPPs instead of coordinating 29 LPS amendments.

Closer scrutiny of the LUPA Act has revealed that the SPPs cannot include a map and as such an amendment is required to allow for the spatial application of the SPPs. This amendment would allow the timely implementation of the updated landslip hazard maps, the future statewide flood mapping from SES's Strategic Flood Mapping Project and provide a streamlined approach for other overlays that are consistent across LPSs.

To achieve this intent, the draft Bill proposes to insert an additional subsection after section 14(1)(g) of the LUPA Act. The additional subsection is based on the equivalent subsection for LPSs in section 32(2)(e) of the LUPA Act including the various options for spatially applying the SPPs. The proposed changes are shown by underline below:

#### **14. Contents of State Planning Provisions**

##### **(1) The SPPs –**

- (a) may contain any provision that may, under [section 11](#), be included in the Tasmanian Planning Scheme; and*
- (b) may not contain a provision that is inconsistent with [section 11](#) or, if the Tasmanian Planning Scheme were in effect in relation to a municipal area, would be inconsistent with a provision of [section 12](#); and*
- (c) may contain a provision indicating or specifying the structure to which an LPS is to conform and the form that a provision of an LPS is to take; and*
- (d) may contain a provision permitting an LPS to provide for the detail of the SPPs in respect of, or the application of the SPPs to, a particular place or matter; and*
- (e) may contain a provision permitting a provision of an LPS to override a provision of the SPPs; and*
- (f) may contain a provision permitting the modification, in relation to a part of a municipal area, of the application of a provision of the SPPs; and*
- (g) may contain a provision requiring, or permitting, an LPS to contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land; and*

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

(h) may contain a provision requiring an LPS to contain a provision of a kind specified or referred to in the SPPs.

As an example, this amendment to the LUPA Act would provide a simplified process for amending the Landslip Hazard Code in the TPS to include the latest landslip hazard area mapping prepared by Mineral Resources Tasmania. This would involve making a single SPPs amendment through the process outlined in Part 3, Division 2 of the LUPA Act. The updated landslip hazard area overlay would supersede the landslip hazard area overlays in each LPS. The updated overlay would be made operational through consequential amendments to clause LP1.7 in the SPPs and the 'landslip hazard area' definition in the Landslip Hazard Code. The outdated overlays would remain in each LPS, temporarily, but they would have no effect.

The outdated LPS landslip hazard area overlays could then be deleted through the following steps:

- Minister directs each council to prepare a draft LPS amendment to delete the outdated overlays to ensure consistency with the SPPs in accordance with section 40C(1)(a) of the LUPA Act.
- The State Planning Office (SPO) assists each council to prepare the draft LPS amendment for lodgement with the Commission.
- The council certifies the draft LPS amendment in accordance with section 40F of the LUPA Act and lodges with the Commission.
- The council requests the Commission to provide an exemption from the need to publicly exhibit the draft LPS amendment due it being for the purpose of removing an inconsistency between the LPS and the SPPs in accordance with section 40I(2)(b)(vi) of the LUPA Act.
- The Commission then approves the LPS amendment to delete the landslide hazard area overlay from the LPS.

### 3.2 Broader scope for interim SPPs amendments - Part 2 clause 5 of the draft Bill

The LUPA Act was amended in 2021 to allow the making of interim SPPs amendments, like the process for making interim planning directives applying to older planning schemes under the former LUPA Act. Planning directives were similar to the SPPs in that they provided for the statewide implementation of planning requirements through planning schemes.

Interim SPPs amendments have immediate effect while they go through the public consultation and independent assessment process run by the Commission. They remain in

effect for up to 12 months, or until the amendment has been finally approved following the Commission's assessment process.

Section 30NB(4) of the LUPA Act provides a narrower scope for making interim SPPs amendments compared to interim planning directives. There were no criteria under the former LUPA Act limiting the scope for making interim planning directives, other than they could only be issued by the Minister on the recommendation of the Commission.

Interim SPPs amendments can only be made if the Minister is satisfied, after receiving advice from the Commission, that it is "*necessary or desirable in order to urgently address issues relating to a natural or environmental hazard, public health, public safety*" or a circumstance or matter prescribed by Regulation. The Minister must also be satisfied that it is in the public interest to give effect as soon as practicable to the SPPs amendment. SPPs amendments related to the implementation and operation of the Container Refund Scheme are the only circumstances prescribed in regulation 21 of the *Land Use Planning and Approvals Regulations 2024* for making interim SPPs amendments.

Broadening the scope for making interim SPPs amendments would enable more immediate changes across a range of circumstances if considered necessary or desirable to urgently address planning issues.

The draft Bill proposes to amend section 30NB of the LUPA Act by providing an additional criteria allowing the Minister to issue an interim SPPs amendment on any other matter recommended by the Commission. In accordance with section 30NB(a) and (b), the Minister will still be required to be satisfied that the interim SPPs amendment is '*necessary or desirable in order to urgently address issues...*' and that '*it is in the public interest to give effect as soon as practicable to the provision*'.

The draft Bill proposes the following modifications as shown by underline and ~~strikethrough~~ below:

(4) *The Minister may only make an interim SPPs amendment under subsection (3)(a) in the terms of some or all of the provisions of a draft amendment of the SPPs, modified, if at all, as the Minister thinks fit, if the Minister is satisfied that –*

*(a) it is necessary or desirable to make the interim SPPs amendment in order to urgently address issues relating to a natural or environmental hazard, public health, public safety or a ~~prescribed circumstance or matter~~ safety, a prescribed circumstance or matter or any other matter recommended by the Commission; and*

*(b) it is in the public interest to give effect as soon as practicable to the provisions of the draft amendment of the SPPs contained in the interim SPPs amendment.*

### 3.3 Modifications to the LPS criteria relating to TPPs and RLUSs – Part 2 clause 6 and Part 3<sup>1</sup> clause 10 of the draft Bill

These clauses of the draft Bill propose modifications to section 34 of the LUPA Act to clarify the application of the TPPs and provide transitional provisions to support implementation of the TPPs and the RLUSs that are currently undergoing reviews in accordance with section 5A(8) of the LUPA Act.

The LPS criteria in section 34 of the LUPA Act require a 'relevant instrument' (i.e. a LPS amendment) to satisfy the relevant criteria in relation to the TPPs. Section 34(2A) of the LUPA Act outlines the relevant criteria stating that an LPS amendment "*satisfies the relevant criteria in relation to the TPPs if –*

- (a) *where the SPPs and the relevant regional land use strategy have not been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument is consistent with the TPPs, as in force before the relevant planning instrument is made; and*
- (b) *whether or not the SPPs and the applicable regional land use strategy have been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument complies with each direction, contained in the TPPs in accordance with section 12B(3), as to the manner in which the TPPs are to be implemented into the LPSs."*

The drafting of these provisions is unnecessarily complex when all it provides is a distinction between the assessment to be undertaken against the TPPs before and after the regional land use strategies and the SPPs have been review for consistency with the TPPs. Essentially, what needs to be demonstrated in either situation is that the LPS amendment is consistent with the TPPs.

The draft Bill proposes to delete the existing provisions of section 34(2A) of the LUPA Act and, similar to the application of State Policies to a 'relevant planning instrument', simply require it to be consistent with the TPPs.

Following the making of the TPPs, section 5A(8) of the LUPA Act requires the RLUSs to be reviewed to be consistent with the TPPs. A reviewed Southern Tasmania Regional Land Use Strategy (STRLUS) is likely to be declared prior to the Commission having completed its assessment of the draft Kingborough LPS, which is the only remaining LPS to be approved. This will have implications for the assessment of the draft LPS, which was prepared under the current version of the STRLUS. Under the current requirements, if the new STRLUS were to be declared before completion of the draft Kingborough LPS, it would need to be considered under the newly declared STRLUS.

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<sup>1</sup> Part 3 of the draft Bill includes those provisions that are to be retrospectively applied to 1 July 2026 should the draft Bill not achieve Royal Assent by that date when the TPPs become effective. All other provisions become effective upon Royal Assent. See Part 1 clause 2 (1) and (2) of the draft Bill.

To prevent delays and a re-assessment of the draft Kingborough LPS against a new STRLUS, the draft Bill proposes savings provisions that apply the RLUS that was in effect on 30 June 2026 for the purpose of the assessment of the Kingborough draft LPS.

For similar reasons, it is also proposed to include savings provisions for directions made under section 35KB(1) of the LUPA Act. This applies when the Commission requires an LPS to be substantially modified by way of an LPS amendment after the LPS has come into effect. The proposed savings provisions require that the amendment is considered against the version of the RLUS at the time the direction was made under section 35KB(1) of the LUPA Act. For any direction issued under section 35KB(1) for a substantial modification to the Kingborough draft LPS, the policy is that it should be considered against the version of the RLUS in effect at the time the council provided its section 35F(1) report to the Commission.

Given the reviewed RLUSs may be declared part way through the assessment of an LPS amendment, savings provisions have been included to require the draft amendment to be considered in accordance with the relevant RLUS at the time the draft amendment was certified under section 40F of the LUPA Act. This provides a much fairer process for determining LPS amendments avoiding confusing and complicated assessment processes.

Similarly, the draft Bill proposes savings provisions for the application of the TPPs, specifically for draft LPS amendments that are not yet determined at the time the TPPs become effective on the 1 July 2026. To provide a fairer assessment process, the draft Bill proposes that any draft LPS amendment that has been certified under section 40F of the LUPA Act prior to the TPPs becoming effective on 1 July 2026, the draft LPS amendment does not need to be consistent with the TPPs. The certification stage is considered to be the most appropriate delineation point in the assessment process as this is the formal decision by council to progress the draft LPS amendment. All draft LPS amendments certified after the 1 July 2026 will be required to be consistent with the TPPs. Given the lead time between the Minister making the TPPs and them becoming effective, applicants and decision makers should be aware of the obligations.

To address any potential delays with the draft Bill being progressed, approved and applied, the provisions relating to the application of the TPPs to draft LPS amendments (new clause 34(4) as provided in clause 10 of the draft Bill) are taken to have commenced on 1 July 2026 consistent with the date the TPPs become effective.

In addition, the draft Bill also includes provisions that exclude draft LPS amendments, required by a direction under section 35KB(1) of the LUPA Act, from having to be consistent with the TPPs. This applies to the draft Kingborough LPS any other LPS amendments, required by direction under section 35KB(1) of the LUPA Act, that are yet to be determined.

The draft Bill achieves the policy intent discussed above by making the following modifications to section 34 of the LUPA Act as shown by underline and ~~strikethrough~~ below:

### **34. LPS criteria**

(1) *In this section –*

**relevant planning instrument** means a draft LPS, an LPS, a draft amendment of an LPS and an amendment of an LPS.

(2) *The LPS criteria to be met by a relevant planning instrument are that the instrument –*

*(a) contains all the provisions that the SPPs specify must be contained in an LPS; and*

*(b) is in accordance with [section 32](#) ; and*

*(c) furthers the objectives set out in [Schedule 1](#) ; and*

*(d) is consistent with each State policy; and*

*~~(da) satisfies the relevant criteria in relation to the TPPs; and~~*

*~~(da) is consistent with the TPPs; and~~*

*(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which ~~is situated~~ the land to which the relevant planning instrument relates is situated, being the regional land use strategy in force at the relevant time; and*

*(f) has regard to the strategic plan, prepared under [section 66 of the Local Government Act 1993](#) , that applies in relation to the land to which the relevant planning instrument relates; and*

*(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*

*(h) has regard to the safety requirements set out in the standards prescribed under the [Gas Safety Act 2019](#) .*

*~~(2A) A relevant planning instrument satisfies the relevant criteria in relation to the TPPs if –~~*

*~~(a) where the SPPs and the relevant regional land use strategy have not been reviewed under [section 30T\(1\)](#) or section [section 5A\(8\)](#) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument is consistent with the TPPs, as in force before the relevant planning instrument is made; and~~*

~~(b) whether or not the SPPs and the applicable regional land use strategy have been reviewed under [section 30T\(1\)](#) or section [section 5A\(8\)](#) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument complies with each direction, contained in the TPPs in accordance with [section 12B\(3\)](#), as to the manner in which the TPPs are to be implemented into the LPSs.~~

(2A) For the purpose 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, prepared pursuant to a direction under 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 35KB(1), the time at which the draft of the amendment is certified under section 40F.

(3) An amendment of an LPS, or a draft amendment of an LPS, is taken to meet the LPS criteria if the amendment of the LPS, or the draft amendment of the LPS, if made, will not have the effect that the LPS, as amended, will cease to meet the LPS criteria.

(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 is 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).

### 3.4 Notification of satisfaction of additional information requests – Part 2 clause 7 of the draft Bill

Section 54(3) of the LUPA Act requires council to notify the applicant within 8 days from receiving additional information it does not satisfy the original request for additional information. There is no equivalent provision for notifying the applicant that the additional information provided has satisfied the council's request for additional information. This causes some uncertainty for the applicant and potential confusion for when the statutory assessment timeframe has recommenced. The requesting of additional information causes the statutory assessment timeframe to stop until that request is satisfied. There is

uncertainty when the assessment timeframe restarts with there being no requirement for a council to notify the applicant.

To address these issues, the draft Bill proposes to amend section 54 of the LUPA Act to require the council to give notice to the applicant within 8 days of receiving information in response to an additional information request if the council is satisfied with the information provided. The draft Bill also clarifies that the relevant period referred to under sections 57(6)(b) or 58(2) of the LUPA Act does not run during the following period:

- the date the planning authority gives notice under section 54(1); and
- the date that the planning authority gives notice that the additional information request has been satisfied.

The relevant provisions of section 54 of the LUPA Act, including those proposed for modification by the draft Bill, are shown by underline and ~~strike through~~ below:

#### **54. Additional information**

*(1) A planning authority that receives an application for a permit (other than a permit referred to in [section 40T](#) ) may –*

*(a) if the permit sought is a discretionary permit, by notice in writing served on the applicant within the period of 21 days from the day on which it receives the application; or*

*(b) if the permit sought is not a discretionary permit, by notice in writing served on the applicant within the period of 14 days from the day on which it receives the application –*

*require the applicant to provide it with additional information before it considers the application.*

.....

~~*(2) If the planning authority requires the applicant to provide it with additional information, the relevant period referred to in [section 57\(6\)\(b\)](#) or [58\(2\)](#) does not run while the request for information has not been answered to the satisfaction of the planning authority.*~~

*(2) If the planning authority gives 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 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.*

.....

~~(3) The planning authority must, within 8 business days from the day it receives the additional information under subsection (1), notify the applicant if the request for information has not been answered to its satisfaction and in that notification require the applicant to provide it with the additional information.~~

(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.

### 3.5 Clarification of timeframes under section 57 – Part 2 clause 8 of the draft Bill

Section 57(5AA) of the LUPA Act allows for an extension of time for the consultation period of a discretionary application where the planning authority's office is closed during normal business hours. A subsequent decision on a discretionary application must be made before the expiration of 42 days from receiving a valid permit. The existing provisions allow for the consultation period to be extended as a result of office closures but does not apply the same extension of time to the timeframes allowed by council to make a determination on the development application.

In response to this issue raised by councils, the draft Bill proposes the following amendment (shown by ~~strikethrough~~ and underline) to Section 57(5AA) of the LUPA Act which clarifies its subsequent interaction with section 57(6)(b):

#### **57. Applications for discretionary permits**

.....

~~(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 in that part of the State where the land subject to the application for a permit is situated, that period is to be extended by the number of those days.~~

(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.

### 3.6 Long-term leases for renewable energy and other utility infrastructure – Part 3 clause 10 of the draft Bill

The LGBMP Act deems a lease of land exceeding, or capable of exceeding, 10 years to be subdivision. This means that the lease is subject to the requirements for the approval of a plan of subdivision under Part 3 Division 2 of the LGBMP Act and the TPS. The TPS, like planning schemes before it, defines subdivision in accordance with the LGBMP Act with some minor differences. Section 122 of the LGBMP Act also means that it prevails over any other legislation or planning scheme.

In these circumstances, long-term leases get caught in the subdivision approval and finalisation processes, which are essentially designed for creating new titles. These historic procedures have been carried through various Acts over the years and are now in the LGBMP Act and the TPS. There is a broader work program to review and repeal the LGBMP Act.

There are unintended consequences with deeming long-term leases to be subdivision, particularly for renewable energy and other utilities infrastructure.

While the SPO is not aware of any previous issues raised when issuing the long-term leases for wind farms projects already operating in the state, such as the wind farm at the Woolnorth Windfarm or Granville Harbour, there remains sufficient legal uncertainty which ought to be rectified. To address this, the draft Bill proposes to amend the LGBMP Act by clarifying that a long-term lease for renewable energy and other utilities infrastructure are not deemed to be a subdivision. Some other Australian states have also recently made similar changes to their legislation governing subdivision approvals.

The draft Bill proposes the following amendment to the definition of 'subdivide' in section 80(1) of the LGMBP Act as shown by underline and ~~strikethrough~~ below:

#### **80. Interpretation of Part 3**

*(1) In this Part –*

....

**subdivide** means to divide the surface of a block of land by creating estates or interests giving separate rights of occupation otherwise than by –

*(a) a lease of a building or of the land belonging to and contiguous to a building between the occupiers of that building; or*

*(b) a lease of air space around or above a building; or*

*(c) a lease of a term not exceeding 10 years or for a term not capable of exceeding 10 years; or*

(d) the creation of a lot on a strata scheme or a staged development scheme under the [Strata Titles Act 1998](#) ; or

(e) an order adhering existing parcels of land; or

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

## 4.0 Next Steps

A copy of the draft Bill is available for viewing and download on the SPO's Planning in Tasmania website at <https://www.stateplanning.tas.gov.au/>

The draft Bill will be on consultation for 6 weeks from 30 March to 11 May 2026.

Submissions are invited during that time and can be emailed to:

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

Following the consultation period the submissions will be reviewed with the issues raised informing modifications to the draft Bill prior to tabling in Parliament towards the middle of the year.

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