TASMANIA

LAND USE PLANNING AND APPROVALS (MISCELLANEOUS AMENDMENTS) ACT 2026

No. 24 of 2026

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LAND USE PLANNING AND APPROVALS (MISCELLANEOUS AMENDMENTS) ACT 2026

No. 24 of 2026

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

[Royal Assent 20 November 2026]

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

This Act commences on the day on which this Act receives the Royal Assent.

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 a provision of the SPPs, except for the spatial application of a zone specified in the Tasmanian Planning Scheme; and

5. Section 30NB amended (Interim SPPs amendments)

Section 30NB of the Principal Act is amended as follows:

(a) by inserting the following subsections after subsection (2):

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(2A) As soon as practicable after giving the Commission a notice under subsection (1) in respect of a draft amendment of the SPPs, the Minister is to give to each planning authority, to whom the draft amendment is to apply, a notice stating that the planning authority may provide advice to the Minister, within the period specified in the notice, as to whether each draft amendment to the SPPs specified in the notice to the Commission should become an interim SPPs amendment.

(2B) Subsection (2A) does not apply in respect of a draft amendment of the SPPs if, before the Commission is given a notice under subsection (1) in respect of the draft amendment –

(a) each planning authority, to whom the draft amendment is to apply, has already been given the opportunity to provide advice, or feedback, on the draft amendment under this Division; and

(b) the Minister intends to make the interim SPP amendment on

substantially the same terms as the draft amendment.

(b) by omitting from subsection (3) "subsection (2)" and substituting "subsections (2) and (2A)";

(c) by omitting from subsection (4)(a) "safety or a prescribed circumstance or matter" and substituting "safety, a prescribed circumstance or matter or any other matter recommended by the Commission";

(d) by inserting in subsection (6) "and each planning authority given a notice under subsection (2A) in respect of the interim SPPs amendment" after "Commission";

(e) by omitting paragraph (b) from subsection (7) and substituting the following paragraph:

(b) the Minister must place on a website of the Department –

(i) a copy of the Minister's reasons for making the decision; and

(ii) each piece of advice received, by the Minister under subsection (2A), from a planning authority

in relation to the draft amendment.

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 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.

(e) by inserting the following subsections after subsection (3):

(4) Subsection (2)(da) does not apply to an amendment of a draft LPS if –

(a) on the day on which the planning authority provided the Commission with a report under section 35F(1) in respect

of the draft LPS, the TPPs were not in effect; and

(b) the amendment of the draft LPS was prepared pursuant to a direction issued, under section 35KB(1), in respect of the draft LPS.

(5) Subsection (2)(da) does not apply to a draft amendment of an LPS if –

(a) on the day on which the draft amendment was certified, under section 40F, the TPPs were not in effect; and

(b) on the day on which the *Land Use Planning and Approvals (Miscellaneous Amendments) Act 2026* commences, the Commission has not determined the amendment in accordance with section 40Q.

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 subsection (1) is served on the applicant and ending on the day on which the planning authority notifies the applicant 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.

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.

PART 3 – LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993 AMENDED

9. Principal Act

In this Part, the *Local Government (Building and Miscellaneous Provisions) Act 1993** is referred to as the Principal Act.

10. Section 80 amended (Interpretation of Part 3)

The definition of *subdivide* in section 80(1) of the Principal Act is amended as follows:

(a) by inserting in paragraph (e) "or" after "land;";

(b) by inserting the following paragraph after paragraph (e):

(f) 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;

*No. 96 of 1993

PART 4 – REPEAL OF ACT

11. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

Land Use Planning and Approvals (Miscellaneous Amendments) Act 2026
Act No. 24 of 2026

[Second reading presentation speech made in:–
House of Assembly on 11 August 2026
Legislative Council on 9 September 2026]