

PARLIAMENT OF TASMANIA
DEBATES OF THE LEGISLATIVE COUNCIL

DAILY HANSARD

Wednesday 9 September 2026

Preliminary Transcript

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UNCORRECTED PROOF

Wednesday 9 September 2026

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

CHARITIES AND ASSOCIATIONS LAW (MISCELLANEOUS) AMENDMENT BILL 2025 (No. 65)

Third reading

Bill read the third time.

SHORT STAY LEVY BILL 2026 (No. 13)

Consideration of Bill as amended in Committee of the Whole Council

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I move -

That the bill as amended in Committee be now taken into consideration.

Mr PRESIDENT - Honourable members, just while the bells are ringing because it's an unusual place to divide, but normally if this division ties 7-7 that would mean that it fails and this bill would stay on the Notice Paper. So, it's not actually the third reading where it's voted down, so procedurally it would be interesting.

Ms Rattray - Mr President, what's your advice then? Can I get some clarification? I don't want to be calling the wrong way on this.

Mr PRESIDENT - We have to go through with the division because it's been called. What it means is that we've got to go through with the vote. If members wanted to vote against this in the third reading, this is not the place to do that. This is only to consider the bill as amended in Committee. That's all this is about. Do you want to consider the bill as amended in Committee? We go through the process that we all know, then the third reading is put up. Do we have all members present? I'm not sure. Have pairs been arranged? It would appear so.

Mr PRESIDENT (Mr Farrell) - The question is -

That the bill as amended in Committee be now taken into consideration.

The Council divided -

AYES 9

Mr Duigan
Ms Forrest
Mr Gaffney
Ms Glade-Wright

NOES 4

Ms Armitage
Mr Edmunds (Teller)
Ms Lovell
Ms Thomas

Mr Hiscutt
Ms O'Connor
Ms Palmer
Ms Rattray (Teller)
Mr Vincent

Motion agreed to.

[11.13 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I move -

That the amendments be read the first time.

Amendments read the first time.

Mr PRESIDENT - The result of the division is noes 6, ayes 6. As the mover wasn't able to convince a majority of members during the committee stage, I declare that the division passes in the negative.

Motion negated.

**INTEGRITY COMMISSION AMENDMENT (MANDATORY NOTIFICATIONS)
BILL 2025 (No. 69)**

Second Reading

Continued from 3 September 2026 (page xx).

[11.21 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Thank you, Mr President. The government thanks honourable members for their contributions on this important bill. There were a number of questions raised and asked during those contributions, and I will deal with those now.

There were questions about implementation of the mandatory notification framework, including the timeline for commencement and the system development work required before the framework comes into effect. It's expected that the bill will be proclaimed and commence in the first half of next year. The exact date will be set in consultation with the Integrity Commission. There are various steps that the Integrity Commission will need to take in order to be ready to administer the mandatory notification provisions, including the recruitment of additional staff.

This process is underway and expected to continue over the next few months, and the development of appropriate processes and procedures for receiving and monitoring mandatory notifications. Some of the work the Integrity Commission has indicated it will be doing is sourcing and introducing new case and information software, developing new policies and

procedures to guide its oversight and compliance work, and updating its standard operating procedures.

Members also asked questions about guidelines in relation to mandatory notifications. The proposed new section 32F allows the Integrity Commission to determine and issue guidelines with respect to any matter relating to mandatory notifications, including:

- The form, content, and method of making a mandatory notification;
- The provision of information and guidance on the types of matters and information requiring mandatory notification; and,
- The provision of information and guidance on the obligations of mandatory notifiers.

The commission will have guidelines and other information and briefing material available to assist public authorities to comply with their mandatory reporting obligations by the time this legislation is proclaimed. The commission is already preparing some material in this regard.

There was a question also about whether there would be consultation on the guidelines. The commission has indicated that it will consult with key public authorities.

In relation to the question about whether the Integrity Commission will report on mandatory notifications, I can advise that it is intended that the Integrity Commission will provide information in its quarterly and annual reports. While the precise nature of what will be reported is not yet confirmed, it is expected that reports will include information about the number of notifications and their source, as well as details on the education and briefings provided to public authorities about mandatory notifications. Reporting may also include some detail of the thematic issues and trends identified through mandatory notifications.

It was asked if I would be able to provide information on what is anticipated in terms of a potential initial surge in notifications. It is difficult to anticipate or estimate what the initial number of notifications may be on commencement of the mandatory notification provisions as there are a range of public authorities including but not limited to State Service agencies. One indication at this stage is provided by data in the Tasmanian State Service Annual Report 2024-2025 about investigations or actions related to alleged breaches of the State Service Code of Conduct. Unfortunately, the data is not yet available for the 2025-2026 year.

In 2024-2025, a total of 245 alleged breaches of the State Service Code of Conduct were under investigation under Employment Direction 5, including matters carried forward from 2023-2024. Over 70 of those matters had been finalised and would therefore not require mandatory notifications under the proposed scheme. There were a further 24 matters that were either resolved with no breach of the State Service Code of Conduct found or were carried forward into the 2025-2026 year.

It is important to emphasise that this is only a very general indicator of the possible number of notifications, and there are limitations on the information. Not all public authorities carry out investigations under Employment Direction 5. In addition, the data may not

necessarily capture all matters that are on foot, and conversely, may capture some matters that do not require notification such as lower-level misconduct by public officers who are not designated public officers. In general, however, the commission is prepared for the implementation of the scheme and managing the scheme, including the initial surge of notifications.

Members asked about resourcing and funding in this year's budget. The government has provided an additional \$500,000 per annum for the Integrity Commission to strengthen oversight and responses to misconduct in anticipation of the mandatory notification framework reforms passing the parliament. This funding delivers on the government's commitment to increase the funding of the Integrity Commission to enable it to manage the changes to its workload arising from these important reforms. This also builds on additional funding provided to the Integrity Commission in recent years, with an additional \$600,000 per annum over the forward Estimates in the 2021-2022 budget, and a further \$225,000 per annum in the 2022-2023 budget, again over the forward Estimates.

The Integrity Commission has indicated that it is in the process of recruiting staff to implement and administer the mandatory notification scheme. As members are aware, there is still substantial reform underway. The government will continue to engage with the Integrity Commission as those reforms progress to understand if there are further resourcing requirements to be considered in future budget processes.

There were some specific questions on the provision of the bill that I will now address. One question was in relation to the bill's application to the Clerks of the parliament. There was a suggestion that the Clerks are not public officers. I can clarify, Clerks are public officers under the act. Section 4 of the act defines public officer as meaning a person who is a public authority or a person who holds any office, employment or position in a public authority, whether the appointment to the office, employment or position is by way of selection or election or by any other manner. The act is therefore not limited to employment relationships but also applies to persons who are appointed or elected.

Part 2 of schedule 1 of the act explicitly includes the Clerk of the House of Assembly and the Clerk of the Legislative Council as persons who are public authorities. They are also stated in that schedule to be principal officers in respect of persons performing functions or exercising powers under the *Parliamentary Privilege Act 1898*. Clerks have been recognised in the act as public officers and principal officers since it was originally passed by parliament in 2009. Principal officers are mandatory notifiers under the bill and would already be the principal contact for the commission if investigating misconduct of persons employed under the *Parliamentary Privilege Act 1898*. The bill's mandatory notification provisions for all public authorities, a term which by definition was always included the Clerk, is consistent with the Cox review and the commission of inquiry recommendation.

In terms of consultation, there were two periods of public consultation in relation to the mandatory notification framework. In late 2024, the mandatory notification provisions were included in a Justice and Related Legislation (Miscellaneous Amendments) Bill. The amendments were subsequently redrafted in a standalone bill, the current bill, which was released for consultation for a period of a month from 26 September 2025 to 26 October 2025.

There was a request to provide more detail on the interaction with the *Personal Information Protection Act 2004* and secrecy provisions, and what safeguards attached to

information handled by the Integrity Commission once notified. The new section 32(c)7 provides that the mandatory notification obligations apply to a mandatory notifier regardless of an obligation under another act or an obligation on the mandatory notifier to maintain confidentiality. This means that a mandatory notifier must make a notification to the Integrity Commission regardless of any obligation they may have under the *Personal Information Protection Act 2004* or any other act or confidentiality requirements. The reason for overriding obligations in relation to confidentiality or secrecy is to ensure that the Integrity Commission has all relevant information to properly oversee or deal with the alleged misconduct or serious misconduct.

In relation to safeguards, the act has strict obligations in relation to the confidentiality of the information that comes before it. Section 94 (2) provides that specified persons, including officers or employees of the Integrity Commission and board members must preserve confidentiality in respect of all matters that come to the person's knowledge in the course of their employment or duties under the act.

There is a substantial penalty of a fine not exceeding 5000 penalty units, and a penalty unit is currently \$213. I hope that's right. Which makes this a fine not exceeding \$1,065,000 or imprisonment for a term not exceeding two years for unauthorised disclosure of such information.

Another question relating to the bill was about the requirement to notify of suspected misconduct and serious misconduct as soon as practicable. What the term 'as soon as practicable' means - I am advised that the term 'as soon as practicable' does not impose a fixed time for a mandatory notification to be made or even for it to be made immediately. The term means that:

a notification should be made at the earliest time at which is reasonably practical for a person to make the notification in the particular circumstances. Therefore, the timeframe really depends on the relevant circumstances and context, and the term imposes an obligation to notify at the earliest reasonable and practical opportunity in those circumstances.

One final question of concern, which I understood to relate to integrity matters and entities more generally, was about whether public authorities, such as State Service agencies, would refer matters to the Integrity Commission rather than address misconduct themselves.

While the Integrity Commission clearly has an important role in investigating complaints and matters involving misconduct, particularly serious misconduct in the public sector, it also performs key functions in educating and providing guidance to public authorities to address standards of conduct themselves. The objectives of the Integrity Commission are set out in Section 3 of the act, including enhancing the quality of and commitment to ethical conduct by adopting a strong educative, preventative and advisory role. Section 3(3) states:

- (3) The Integrity Commission will endeavour to achieve these objectives by -
 - (a) educating public officers and the public about integrity; and
 - (b) assisting public authorities deal with misconduct

Under this bill and the act more generally, the Integrity Commission has the power to monitor and provide advice to public authorities on investigating or dealing with suspected misconduct or serious misconduct. The act also allows the Integrity Commission to refer complaints to public authorities to investigate and take action on. It is expected that in most cases of mandatory notification, the Integrity Commission will play an oversight and monitoring role rather than taking over an investigation.

In conclusion, I again thank all honourable members for their contributions and very thoughtful questions on this bill. The proposed amendments are in line with the recommendations of the commission of inquiry and the Cox review, and the proposed mandatory notifications framework is aimed at enhancing the Integrity Commission's ability to oversee and monitor misconduct and serious misconduct in the public sector. The bill is an important step in the government's reforms to the Integrity Commission legislation. Mr President, I commend the bill to the Council.

Bill read the second time.

**INTEGRITY AMENDMENT (MANDATORY NOTIFICATIONS)
BILL 2025 (No. 69)**

In Committee

Clauses 1 to 3 agreed to.

Clause 4 agreed to.

Clause 5 -
Part 4A inserted

Ms O'CONNOR - This is the clause that provides the interpretive additions to the *Integrity Commission Act 2009*, including the definition of 'mandatory notifier', which as a result of the changes made downstairs includes each member of parliament. I was wondering if the Leader for the Government would like to take the opportunity to explain to each member of parliament in this place what that actually requires of us under the new mandatory notifier provisions in the act. As I understand it, it means that, if we see or hear of misconduct or serious misconduct, we have a mandatory obligation to report that to the Integrity Commission. Perhaps the Leader for Government would like to flesh that out a bit as part of an educational opportunity for the Council.

Ms RATTRAY - Thank you, Madam Chair. Just seeking clear advice on that request.

[No audio 11.43.05-11.43.11 tbc]

... members of parliament are mandatory notifiers in respect of a public authority referred to in section 5(1)(a) or (b) of the act.

5(1)(a) the Parliament of Tasmania and any person performing functions or exercising powers under the *Parliamentary Privilege Act 1898*;

5(1)(b) a person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament whether in accordance with the *State Service Act 2000* or otherwise, except for a person performing functions or exercising powers under the *Parliamentary Privilege Act 1898*.

The bill as amended, means that all members of parliament will be mandatory notifiers, and must notify the Integrity Commission of reasonably suspected misconduct or serious misconduct in relation to the Parliament of Tasmania and persons employed in the office of a minister, parliamentary secretary or other member of parliament. The Integrity Commission has indicated that it would be able to deal with duplicated or multiple notifications in this situation and consider them as a single matter. In terms of the administrative process, a mandatory notifier would submit an online form to the Integrity Commission. In addition, the bill also allows the Integrity Commission to issue guidelines in relation to the form, content and method of making a mandatory notification. The Integrity Commission currently receives voluntary notifications and has a form available in hard copy and online via its website. It is expected that the Integrity Commission will develop and publish a similar form for mandatory notifications. I trust that addresses the honourable member for Hobart's request.

Ms O'CONNOR - Thank you, Madam Chair, and thank you to the Leader for the Government and her advisers for that thorough answer. As you say, Leader, under the *Integrity Commission Act 5(1)(b)*, a person is captured as a public authority if they work in a minister's office, a parliamentary secretary's office or a member of parliament's office. Then it says whether or not under the *State Service Act* or performing functions under the *Parliamentary Privilege Act*. So, electorate staff, for example, who are employed under Crown prerogative contracts and are not employees for the services of the *State Service Act*, can the Leader for the Government confirm that our electorate staff are captured under the provisions that relate to the performance of functions under the *Parliamentary Privilege Act*?

Ms RATTRAY - Thank you, Madam Chair. I'm just seeking clear clarification around that question.

Madam Chair, the answer is yes, they would be covered. I can provide some examples, if the honourable member who posed the question is interested in hearing those.

Ms O'CONNOR - Yes.

Ms RATTRAY - For example, the Premier is the principal officer and therefore the mandatory notifier in relation to heads of agency, the Commissioner of Police, ministers, and parliamentary secretaries. For the chief executive officer of a government business enterprise or state-owned company, the chair of the board is the principal officer. The responsible portfolio minister is the principal officer for the chairperson of a board of a government business enterprise or state-owned company, and the mayor is the principal officer in relation to the general manager and councillors of a council. Further, the new provisions provide for the nomination of a mandatory notifier if there is no principal officer. It should also be noted

that the obligation on mandatory notifiers only relates to mandatory notifications. Anyone can make a complaint about a public officer, including a principal officer, to the Integrity Commission.

Clause 5 agreed to.

Clauses 6 to 8 agreed to.

Title agreed to.

Bill reported without amendment.

[11.49 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I move -

That the third reading of the bill be made an order of the day for tomorrow.

Motion agreed to.

**LAND USE PLANNING AND APPROVALS (MISCELLANEOUS
AMENDMENTS) BILL 2026 (No. 22)**

Second Reading

[11.50 a.m.]

Mr VINCENT (Prosser - Minister for Housing and Planning) - Thank you, Mr President. I rise today to do the second reading for a bill in my name for the Land Use Planning Approvals (Miscellaneous Amendments) Bill 2026.

The Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026 proposes a variety of minor amendments to the *Land Use Planning and Approvals Act 1993* and the *Local Government (Building and Miscellaneous Provisions) Act 1993*, to clarify provisions or improve processes delivered through these acts.

This government remains committed to continual improvement of our planning system and we have listened to local government and other users of the system who have helped us identify where changes need to occur and where our efforts need to be focused.

This bill allows for the State Planning Provisions (SPPs) in the Tasmanian Planning Scheme to include maps to spatially apply the requirements in the SPPs.

This will support the efficient introduction of updated statewide mapping into the Tasmanian Planning Scheme, such as the updated landslip hazard area mapping recently prepared by Mineral Resources Tasmania. Implementation of the updated mapping through a single amendment to the SSPs instead of 29 individual local revision schedules amendments will provide sufficient savings. Simple efficiencies like the ones we are proposing streamline the review and assessment process and avoids repetition.

The bill also broadens the scope for making interim SPP amendments and this provides more options for giving immediate effect to SPP amendments to urgently address issues in the Tasmanian Planning Scheme.

The proposed change allows the Tasmanian Planning Commission to make a recommendation to the minister, and a matter should be dealt with as an interim SPP amendment.

The minister is still required to be satisfied it is in the public interest to give effect to the amendment as soon as practicable. This provides a safety net to deal with emerging planning issues in a timely manner and is consistent with the scope for making interim planning directives under the form of provisions of the act.

This bill also builds on the significant planning reform this government has undertaken in recent years with the making of the Tasmanian Planning Policies (TPPs), and the comprehensive reviews of the regional land use strategies coming online. This bill supports a smooth transition for these planning instruments. The inclusion of savings provisions for the TPPs and the newly declared Regional Land Use Strategies will provide a clearer and fairer process for developers, planners and the community to understand when they are to be applied, which is essentially relevant to the Local Provision Schedules amendments and part way through an assessment process.

These proposed savings provisions mean a Local Provision Schedule amendment is not impacted by the TPPs or a newly declared Regional Land Use Strategy coming into effect if the amendment is already being certified by the Council as meeting the requirements under the act. This provides for a much fairer process for implementing the planning reforms.

The bill provides clearer criteria for applying the TPPs in Local Provision Schedule amendments by simply requiring there be consistency with the TPPs.

The bill also clarifies the statutory assessment timeframe for development applications following an additional information request made by council. The assessment timeframe stops after a council requests additional information from the applicant and does not recommence until the request has been satisfied.

Currently, the council is only required to notify the applicant if it is not satisfied the additional information request has been met and the assessment timeframe remains paused. The changes include an equivalent requirement for the council to notify the applicant once it is satisfied with the additional information, and to advise the assessment timeframe has recommenced.

The purpose of this amendment is to provide greater certainty to all parties on the statutory assessment timeframes for development applications. The bill also clarifies provisions for discretionary development application assessment timeframes when council offices are closed, such as during the Christmas-New Year period. Currently, the public exhibition period for discretionary development applications is extended by the number of days council offices are closed during normal business hours. The changes apply the same extension to the overall assessment timeframe, making it fairer for councils to process discretionary development applications.

The last part of the bill proposes to amend the definition of subdivide in the *Local Government (Building and Miscellaneous Provisions) Act 1993*. Currently, the definition means a lease of land exceeding, or capable of exceeding, 10 years is taken to be a subdivision and must be assessed accordingly. This can have unintended consequences for land being leased for a variety of utility infrastructure and facilities such as renewable energy and telecommunications infrastructure. The bill excludes leases for these types of purposes from being considered a subdivision. This is consistent with the recent changes made in other Australian states.

This bill does not significantly alter the existing policy settings of the provisions being amended. Rather, it makes minor adjustments to either clarify provisions or make processes fairer, more certain and more efficient. I commend the bill to the House. Thank you.

[11.57 a.m.]

Mr GAFFNEY (Mersey) - I rise to speak to the Land Use Planning and Approvals (Miscellaneous Amendments) Bill of 2026. I think members might appreciate this, because I'll probably go to 12.45 p.m., sorry.

It is a bill that practically flew through the other place, with not a single member wishing to speak in committee to any of the clauses of the bill. Surely, members in the other place were also receiving emails and were able to access the submissions in response to the consultation draft.

I would also like to take the opportunity to thank honourable members who have amendments to help strengthen the bill and appreciate the briefings that we've received from the government and from the minister. However, even with the amendments, I'm not certain if I can support the bill as currently presented. However, in saying that, I'm interested in hearing from other honourable members, especially the detail in the debate, when this House goes into the committee stage.

I always support legislation to go into the Committee stage and, even if I'm not generally supportive of the bill, I believe our role and responsibility is to strengthen the bill through amendments via rigorous debate. I was astonished to know from the record of the votes and proceedings for the bill in the other place, which stated, and I quote directly from the record:

33. Bill No 22. The Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026 was, according to the order, read the second time, and in accordance with standing orders, there being no member wishing to speak to the clauses in the Committee of the Whole House, ordered that the bill will be now read the third time.[tbc]

The bill was accordingly read the third time.

We have a bill that drew 22 considered submissions, many of which proposed changes, reform and amendments, and yet addressing such matters in the Committee of the Whole was beyond its control. It is an astonishing outcome. Just imagine the community backlash if we were to do the same here on such an important and emotive subject, with the numerous emails we've received about this piece of legislation. I believe I've responded to 400 to 500 emails regarding this bill from concerned Tasmanians, and yet this legislation did not even go into the

committee stage downstairs for debate. I find that both interesting and concerning. It's yet another bill which has come straight through to the Legislative Council with the rubber stamp and without amendment, which is something of a surprise as members' contributions to the second reading debate in the other place spoke of their concerns with yet another loopier amendment bill, and the opinion that its rushed presentation did not allow time for any amendments to be finalised and debated.

In reflecting on the overall nature of the bill, it is perhaps the latest attempt at a band aid solution to solve the problem that is the *Land Use Planning and Approvals Act 1993*, and from a government that's introduced 15 such bills since it has come to power. There is growing consensus that we need to start again with the end in mind and overhaul what is now a 33 year old act into something that is fit for modern day Tasmania.

However, it is a bill that is once again being left to us as the House of review to properly examine the implications in its wording, to consider the scope of its functions and operation and, if necessary, to do something about it. Despite the honey-eyed words, and the fact sheet about minor changes to either clarify provisions or make processes fairer, more certain and more efficient, it is an invidious bill, full of fine words and good intentions, and yet one which seems to mask lots of unintended consequences. Many of these consequences we have heard of in an overflowing inbox of community concern, in our fulsome briefings, and in the 22 submissions from the consultation process of the bill. That's why I am pleased that we're having this debate and putting on the record, so the government has a chance to respond and allay some of those concerns or misunderstandings that we may have about this bill. The bill has attracted a lot of attention from individuals and groups in our wider community, with a range of emails coming our way or with a common theme that speaks to a growing community awareness of the government's policy, motivations and decision-making processes behind the proposed changes.

Once again, we have a government opposition absolutely lockstep in supporting the bill exactly as drafted, perhaps, which is no surprise when it comes to controversial planning matters. We only need to look back at the recent infrastructure and planning debacle around the stadium to see how much the two major parties have enjoyed a top-down sense of coercion and control in dismissing community concerns.

There is an adage that if you are used to being an emperor, then democracy has nothing to offer you. We only have to look overseas to other nations to see the full impact of the use and abuse of modern day autocracy by modern day emperors. I would hate to think that the Tasmanian government sees itself as being above reproach, as that is a surefire way to lose any mandate it thinks it still might have. Tasmanians can acknowledge a sense of pride, but when the humble elements of that disappear and pure ego takes over, that is quite a different matter.

I'm not surprised that the popularity of independents and minor parties is on the rise. For both the Premier and the Leader of the Opposition, a period of thoughtful introspection might just reveal that for the emperors, some sharply democratic tailoring might be worth considering, covering up what should not even be seen in public. Only this week we all received an email comment from an articulate Tasmanian professional that neatly sums up the underlying community sentiment and I quote:

Once again, the Rockliff government has resorted to underhand dealings and lack of transparency to push through another bill that will in effect give the

minister total control over any changes to the state planning laws without reference to local government or the community. This is not a democratic process. Whilst the current planning is far from perfect, at least at a local level, the community have a voice and can make themselves heard if necessary. The power will rest with the minister to make unilateral decisions on planning, no doubt in concert with developers, underhand tactics, lack of transparency and dictatorship government. By passing advice by the Tasmanian Commission, it will leave little option for appeal. An appalling situation, but one that we see on a regular basis with this government.

When communities believe that legitimate concerns are being ignored, communities have every right to question government legislation - especially legislation that seeks to centralise decision-making powers to those it deems worthy and further remove local knowledge, expertise and community voices from the process. The bill before us today is exactly as I have described: a bill that quietly prioritises centralised power and control. The provisions of this bill will only amplify the community disquiet around the government's decision on the Marinus project, the North West Transmission Developments, AI data centres and dare I mention, the Mac Point Stadium too? All of these have prioritised corporate benefits and profit over a truly benevolent and democratic social licence for all of Tasmania.

Planning decisions must always, always have a local impact. That's exactly why local contributions must be recognised in planning processes. For many years, Tasmanians have relied on councils acting as planning authorities to make equitable decisions based on strategic principles informed by local knowledge. The problem comes when statewide policies clash with local imperatives. That's where statewide planning policy comes in as an attempt to regulate those differences. We only need to look back to the relatively recent Stony Rise development. It's one which necessitated the unprecedented need to bring on an act of parliament to override the rezoning restriction policy from the Tasmanian Planning Commission - an application that was blocked despite the staunch support of the Devonport City Council and the wider business community for the development.

What the bill does is to impose a general statewide generic overlay that overrides the local provisions schedule. It embeds extraordinary new powers in the gift of the minister for Planning and the government that appoints them. Sophie Underwood, in her role as the State Director of Planning Matters Alliance Tasmania, summed it up well in the recent article where she stated:

'The Government has completely failed to explain the unprecedented new powers we believe this Bill will hand to the Minister for Planning,' said Sophie Underwood, State Director of Planning Matters Alliance Tasmania.

'Is the reason these changes have not been made 100% clear because the Bill gives the Minister new powers to rezone land? We believe the Bill allows for the concentration of Ministerial power, creating a system whereby the Minister initiates the draft amendment to a planning scheme, with statewide application, and then holds the ultimate veto or approval power.

'Communities and local councils will have little recourse if a Minister decides to push through a controversial statewide zone change, particularly those that

favour specific commercial or political interests over local community interests or strategic planning.

'These could include zoning changes to facilitate data centres and property development.

'When a politician can modify or approve rules that affect every region in the state, on both public and private land, without being bound by independent recommendations from the Tasmanian Planning Commission, it diminishes public confidence in the fairness of the planning system.'

I reiterate the point that this government is continually losing the trust of large sections of our community - and it's not like the opposition is stepping up to take its place either. Indeed, we have divisive and opportunistic populist parties that are happily sweeping up supporters, supporters that are struggling with cost-of-living pressures and a burning sense of injustice, and have lost faith with the major parties and their political processes. How is it this legislation was pushed through the House of Assembly with very few questions and little time for debate?

Given that the development application of the Firmus AI factory at Wesley Vale is now being considered by Latrobe Council, it is the detail in Clause 10 of this bill that has particularly caught my attention. Latrobe Council is dear to my heart, as is the Devonport Council area. Like so much of the work we have with legislation, it is drafting the way to say what something is not, rather than what something is.

Section 81 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* concerns itself with defining the term 'subdivide', or specifically what is not defined by the word 'subdivide'. The proposed new subclause seeks to insert another set of defined facilities and structures which are not to be seen to be subdivided in terms of a lease or licence as new paragraph F states, and which I quote in full:

- (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;

The paragraphs relating to it suggest that a lease or licence capable of running for more than 10 years is seen to subdivide a parcel of land. That is despite not creating a new title or entry on the land registry, which you would think is the very act of defining a subdivision. In layperson's terms, it makes no sense at all to have such clauses, let alone to add yet another. I got a question a minute ago, 'Michael, can you ask, is the Wesley Vale site the site that's just been referred to the major projects process? Will the developers be leasing the land? If so, this bill will make it easier for them to do so.' I would like the Leader to take that question on board about if the Wesley Vale site is being leased, will this bill make it easier for that to go ahead?

Of the 22 submissions to the consultation draft, I found five - one each from Huon Valley Council, Meander Valley Council, Clarence City Council, LGAT and PMAT - that question the need for such an amendment. Huon Valley Council discussed the section at some length and one of its two key requests in its whole submission was that the bill be amended to comprehensively exclude all leases of land from the definition of subdivide in section 81 of the LGBMP act, rather than adopting a narrow infrastructure-specific exclusion. PMAT's

submission also challenged the rationale for the amendment and questioned the lack of evidence for statements in the background report for consultation document for the bill such as unintended consequences, sufficient legal uncertainty that needs to be rectified and the suggestion that other states have made similar changes without saying where, when and why. I also ask the Leader of the Government in her response to explain the need for this addition. What problem is it looking to solve? How and why did the original clause come into being? What has stopped the government from acting in spirit of goodwill on the suggested changes in the five submissions that queried the point? Also, in light of Huon Valley Council's comment that in the last 32 years it has never received a subdivision application based on a lease arrangement. I ask the Leader of the Government how many subdivision applications have been made in the whole of Tasmania since the original act came into being?

What has caught the immediate attention to an already sensitive and hypervigilant community, when it comes to Marinus and Firmus, is the reference in the amendment to digital facilities and renewable energy infrastructure or other utility infrastructure. Can the government explain its rationale for the inclusion of these terms? Is it another carve-up to facilitate the development of new AI data centres? Or is it a dastardly means of avoiding compensating landholders or paying them any form of rent or wayleaves on what must be a 10 year plus lease or licence for the siting of transmission towers or for the high-voltage powerlines that may cross their land? As an existing example of a similar precedent, the United Kingdom has a long-established system of annual payments for compensating landholders for hosting power transmission and digital communications infrastructure in such circumstances, and one that's well recognised. It even pays rent on the lines that cross land without any towers or poles. Maybe the government should seek to do the same here to assuage community concerns, especially with the controversial for profit NWTD project and no doubt more to come.

I would like to highlight part of the submission from West Tamar Council which I think is highly relevant to the last point. West Tamar Council pointed out the recommendation 7.8 of the draft Tasmanian policies report June 2024 was not included. It states, -

7.8 - Investigate any implications of the applications of TPPs to decision making for Major Projects as currently required by the Act.

Considering the growing community concern with the unregulated rollout of AI factories across the north and north-west, I would have thought an investigation of this sort would be a priority. In fact, whilst the bill in its entirety is all about centralising planning controls, it seems as if the AI factory applications have been left to local councils to approve or face an immediate appeal, almost with no other option, despite the obvious implications on the total power supply requirements in Tasmania. It is far too easy to handball this issue to 29 individual councils. The state government should be taking a lead role. Data centres, for or against, need a robust statewide policy approach and future strategy.

If we are looking at applications that have statewide impact that are being left to local councils to deliberate on, where does the major projects or POSS processes fit within LUPAA? Surely the bill before us gives us the perfect opportunity to address what is a unique and rapidly evolving situation? It is a point that's been well made by Peter Freshney in his role as the mayor of Latrobe Council, which is having to consider the development application for the latest Firmus AI factory at Wesley Vale. In a recent ABC article exploring the issue, he was quoted as saying

We, as planning authorities, have to assess under an antiquated act [that is] unable to consider those things that primarily concern our constituents. It's not necessarily appropriate for development applications that are highly technical, as in the tech sector, that are complex, that have potentially significant environmental impact and significant impact economically.

It seems to be an absurd situation where a new industry with planned developments across the north and north-west, which will potentially make Firmus Tasmania's largest single power consumer, which at roughly 400 megawatts is 20 per cent of our total power supply. If that is not worthy of being considered as a major project or project of state significance, then what is? It is not good enough for the government to wash its hands and hide behind planning process semantics. Apparently, the Premier and the Planning minister disagree as the view that the Wesley Vale AI factory development application could be accommodated within the existing planning scheme. Latrobe mayor, Mr Freshney challenged that perspective and was quoted as saying, 'That's something we have to discuss at our council and determine if we want to take that course of action.' As a former president of the Local Government Association of Tasmania and past mayor of Latrobe for 12 years, I recognise the pressure Mr Freshney and his councillors are under and the impossible choices they have to make in current circumstances.

As an update to Mr Freshney's reported comments, on Monday 7 September, Latrobe Council held a special council meeting at which, as a planning authority, it moved unanimously to write to the minister recommending that the current application is assessed under the major projects framework. In moving the motion, he highlighted the clear assessment gap under the current regulatory framework with no specific use class for data centres. He went on to highlight that the Tasmanian planning scheme is too outdated to adequately assist AI data setup developments and that the decision has the potential to be a key input and reference point for the state. I have to ask, what the minister's response to Latrobe Council will be, if he has not already replied. There is also the elephant in the room that, as we're in the middle of a LUPAA amendment bill, why on earth hasn't the issue of assessment data centres and AI infrastructure been a critical element of the bill before us today? I must also ask the minister if he's inclined to deny the request from Latrobe Council, what additional support is the government willing to provide to Latrobe Council in what is an impossible situation and growing community disquiet? It might appear that I am confusing or mixing the bill we have in front with AI data centres, but that's the confusion that's in the public domain. That needs to be clarified and the government needs to take a clear role in this. I do not want to be passing a piece of legislation that, as a consequence, will negatively impact my community by allowing something to go ahead that hasn't gone through the proper process.

In looking to the failings of the act, further support has come from David Adams, a professor in management at the University of Tasmania. He was quoted as saying the *Land Use Planning and Approvals Act* was not fit for purpose to deal with AI data centres. He went on to explain that was because it did not require consideration of the broader cumulative impact of multiple AI data centres. You would think in the face of such a divisive issue, the government would have taken the initiative and considered AI data centres as a major project or project of state significance. Or is it the seductive nature of playing Firmus' full-price power offer against Rio Tinto Bell Bay Aluminium's power supply negotiations? A real power play of vested interests and one where the government has abandoned local councils and councillors as only so much cannon fodder in the hydro-price war. Surely this bill would have been a perfect opportunity for the government to act on these concerns. Instead, it seems to have put

it in the too-hard basket, and left local councils to withstand the worst of community angst and anger. I must then ask the government what it is willing to do to put this right. In the larger scheme of things what is it willing to do to stop the issue of AI data centres completely skewing next month's council elections? These are the councils that are faced with AI factory development applications, with almost no room to move.

In the case of Latrobe Council, the post election will be occurring in the same month that the council will have to make its decision on the Wesley Vale site, unless of course the minister agrees to its major projects request. Can you begin to imagine the harm an angry populist majority council might bring to Latrobe and any of the other councils that have been faced with AI factory development applications? Yes, Minister Ellis has just released draft expectations for data centres and AI infrastructure developments. It is by no means an authority on final policy which comes with consultation period that's open until 12 October.

What does surprise me is it appears to be a series of aspirational motherhood statements appealing to the goodwill of all involved. The suggestion that the Office of the Coordinator General (OCG) as a central point for proponents to engage with the government is of concern, as we all are too aware of the recent controversy over the objectivity the Coordinator-General's 3000-word opinion piece in support of the stadium, a piece that turned out to be a co-dependent group project. Perhaps the stipulation that proponents go through the OCG is a way for the government or its ministers to be seen to keep their hands clean, in what has become an increasingly muddy and divisive policy muddle.

The draft expectations make no mention of major projects, or projects of state significance planning processes as an objective framework with which to fully assess the broader impact of data centres and AI infrastructure developments. Instead, it states - this is of concern -

Existing pathways provide mechanisms to assess and manage potential impacts, including through permit conditions and other statutory or commercial requirements where appropriate.

That statement alone is an astonishing abandonment of leadership and accountability. The draft expectations are a furphy, a damp squib of a flash bang that's gone 'pft' as a distraction to absorb the time and energy of an already hyper-vigilant community. It is simply too little too late, and the minister is trying to shut the stable door long after the Firmus horse has bolted across the finish line, and its various development applications signed, sealed and delivered. LUPA ensures local councils are having to act as a planning authority with almost zero scope to challenge, or even refuse or refer a development with statewide implications. The minister's expectations do nothing to support them

In the meantime, Tasmanian communities are watching the AI policy machinations with keen interest, with an incredulous stance as we are being drip fed the latest updates that further complicate what should be a rational evaluation. I must put it on the record that I'm not against AI factories, and where AI is going, but what I am against is the lack of capacity for councils to fully, adequately deal with those, and have a process outlined clearly how that impacts on the piece of legislation we have in front of us.

It's as if the government has a jigsaw puzzle in mind where it cannot see the final picture, so it's making up random pieces as it goes along. Each piece is placed on the board with a bit

of spin and some fine words, and then the government retreats to the higher ground, leaving our community none the wiser as we try to work out exactly what is going on. The latest piece to pop up in the puzzle, is after all the talk of a deal being done between Firmus and Hydro, it now turns out that Hydro has yet to make a final decision on supplying Firmus with its requested 450 megawatts of power, and will do so at some point by the end of the year. To quote Nessa from *Gavin & Stacey*: 'Oh what's a occurring?' We were under the impression that all was good, and Firmus has a deal to pay full price. 'Tidy,' we all thought. Yet now we are in a situation where, who knows?

Is Hydro waiting to see what the latest subsidy deal can come out of Canberra and Hobart for the Rio Tinto Bell Bay aluminium contract? Or is it playing one off against the other on the pretext of what's best for them, and best to pay a huge dividend to the government to pay off the stadium and its other huge debts? If we add in Project Marinus, the North West Transmission Developments, and the various wind farm projects that are apparently ready to be built, are we in a situation where it's who bleeds first loses in the codependent tower of cards. The Tasmanian community has to pick up the pieces and pay the bill with all the profits heading out of Tasmania.

As another new puzzle piece: we have the newly established Inquiry into AI Data Centres in Tasmania as a committee of inquiry in the other place. Until the government has a clear picture of what a Tasmanian AI data centre policy might look like, and one that has been considered and agreed by all sides, are we in a position to legislate on anything relating to AI infrastructure? Clause 10 and its new exceptions to the definition of subdivide is just such an issue and should be held in abeyance until we can see the full picture.

The government must revisit the protocols around major projects and Projects of State Significance as they are additional pieces of the puzzle that have been swept off the board when it comes to considering the impact of AI data centres. We were hoping to see them addressed in the government's highly anticipated statement of expectations for data centres and AI infrastructure developers. Sadly, it's very much a disappointing and inconclusive ramble about the subject. For a community that is looking for leadership from above, it is our councils who are carrying the load that's been dumped on them by the Tasmanian government. It is abdication of responsibility dressed up as 'She'll be right,' as apparently the current process is fit-for-purpose. There is a perfect opportunity for the government and its ministers to step up and deliver true leadership on AI data centres rather than scurry around the edges gnawing an incomplete jigsaw.

As I've already said, there are growing demands for a complete overhaul of our planning laws and an ever-increasing number of people in our community, despite our natural goodwill, are having to question the government's choice and actions in this space. The government is losing the trust of a large section of our community and councils as they pull together the random puzzle pieces and attempt to make sense of the government's policy science. It is a problem the government must recognise and act on. An equitable and fully transparent planning act that takes account of local concerns is an essential part of restoring that sense of community trust.

Our planning legislation must be relevant, up-to-date and fit-for-purpose. It is the government's responsibility to start with that in mind and not to tinker around the edges and plaster up the cracks with yet another amendment bill. I understand there are several possible amendments to other clauses we're yet to consider, but I'll let those honourable members

expand on those in greater depth, which has the potential to give stronger boundaries to strengthen this bill's function and scope. I'd like to think the government can fully support them and recognise the community input and the goodwill in which they are offered. I look forward to the debate to come.

[12.28 p.m.]

Ms GLADE-WRIGHT (Huon) - The Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026 contains lots of useful administrative reforms. It does; I do acknowledge that. But I do want to focus on clauses 4 and 5 because while this bill is being presented as largely a technical set of amendments, these two clauses have broader implications for planning decisions in Tasmania, and I think it's important we understand exactly what is changing here.

When we talk about mapping in the planning system, we're not just talking about a picture on a page. A planning map determines what rules applies to a piece of land. It can identify flood-prone areas, landslip hazards, bush fire risks, heritage values, coastal inundation risks, and other planning controls. In many ways, the map is the planning rule because once your land falls within a particular mapped area, a different set of requirements can apply.

The government's justification for this clause is largely centred on hazard mapping. I can see the logic in that if there is a new flood or landslip information, it makes sense to update one statewide map rather than requiring 29 separate Local Planning Scheme amendments. But my concern is that the drafting is not confined to hazard mapping. The power is broad enough to allow state planning provisions themselves to contain maps, overlays, lists and other spatial provisions that apply planning controls to land. Stakeholders - and there were many emails, and I acknowledge everybody who spent time in emailing us on this bill - pointed out that this could potentially extend beyond hazards into broader planning matters.

Today, we might be talking about flood maps or landslip maps, but future governments are not bound by today's intentions. The question I ask myself is: 'What could this power look like in 10 or 20 years' time?' If a future government decided to use State Planning Provisions to spatially apply planning controls more broadly, that could eventually include maps that influence where particular planning rules, codes, or even zoning arrangements apply. That is a very different proposition from simply updating hazard information.

I'm not suggesting that this government intends to do that. In fact, I really do accept that the objective behind this bill is largely administrative efficiency. But parliament's job is not to just consider how a power will be used by a well-intentioned government today. Our job is to consider how it could be used by any government in the future. Good legislation should not rely solely on good intentions; it should contain safeguards that continue to protect the community if those intentions change. That's why I think we need to be careful about expanding the reach of ministerial powers without also strengthening independent oversight. The broader the power, the more important it becomes that decisions are transparent, evidence-based and subject to robust scrutiny.

My concern is not that this bill is secretly trying to centralise planning control, I don't believe that is the purpose of this legislation. My concern is that the drafting may unintentionally create a pathway for much broader state controls over spatial planning than many people realise today. If that power were ever used in a way that sidelined local knowledge, reduced community influence, or allowed major planning decisions to be made

centrally without adequate safeguards, the consequences for Tasmania could be quite profound. That is why I believe we should put the right governance arrangements in place now, before the power is tested, rather than discovering its limits only after a future government decides to push them.

I'm very happy to support this bill, as there are a number of sensible reforms that improve certainty and streamline processes. But when we're talking about expanding the reach of state planning powers, we should make sure we also strengthen independent oversight and maintain public confidence. That's quite important here, I think, public confidence in our planning system, which has really been tested quite a bit in recent times.

To maintain public confidence in the system. I will also be supporting any amendments that reduce the scope of clause 4 to just the hazard infrastructure mapping and to similarly tighten up clause 5. If those amendments fail, I do have another amendment as backup, which will require the Tasmanian Planning Commission to have the final say rather than the minister when it comes to the changes to do with spatial application provisions.

I want to thank the State Planning Office for being really receptive to our concerns as we've raised them, and working through those concerns with us. I look forward to hearing the discussion on the amendments.

[12.33 p.m.]

Mr HISCUTT (Montgomery) - Thank you, Mr President. I don't have too much to add after the extensive contribution from the member for Mersey and the appreciatively not as extensive contribution from the member for Huon. Well done.

I think the intentions of the bill are certainly positive. I don't think anyone, when they started writing this bill, said, 'Right, how can we try to manipulate things to get our way so that this particular project can go in?' I would like to think that's the case, and I believe that it is the case.

I echo the member for Mersey about the lack of scrutiny in the other House. I quote a passage said yesterday by a member of that House regarding the firearms debate when they said:

send it to Legislative Council and see what they do with it.

Well, anyway, that's what we're here for, I guess. It certainly is indicative of how it's approached throughout the different Houses in this place. I think it is indicative of the intent of the government that they have proposed their own amendment to clause 4. I think they recognised they didn't even realise the power that this was going to potentially give and I have to give a good shout out to PMAT and others for bringing that to the Council's attention. It's very easy for some of these pieces to be lost, where something as innocuous as clause (ga) gets added and all of a sudden, it gives the power that no one thought that it could. It's great that that's been raised. We've had a chance to debate it, and we'll be able to move that, hopefully, one of the amendments proposed. I won't speak too much longer further to the bill here, because I think the majority of the debate for this bill will be in the amendments, and I'll have my opinions on those when we when we get there.

I did want to ask one specific question to the government in Section 7, which amends Section 55 of the principal act. In clause B, which is amending subsection 3 and replacing it - just because I'm on the theme of 'must', 'is to', and 'may', as we've been discussing across other legislations. It says that the planning authority 'must' within eight business days do what it needs to do in that clause. I just wanted to know from the explanation we've had so far, if 'must' is used, there's normally a penalty applied to that - I just wanted to see where in the act, what that penalty would be if the planning authority doesn't comply with that, as a 'must' is used in this terminology. If the government could answer that question, that would be appreciative to continue my understanding of these words, as we're learning.

Other than that, I also appreciate the extensive research that the member for Mersey has done into the changes to clause 80. I look forward to the answers that will be provided to them as well. Thank you, Mr. President, that ends my contribution.

[12.36 p.m.]

Ms THOMAS - Thank you, Mr President, I rise to speak on the Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026, and at the outset I acknowledge that this bill contains a number of practical amendments that have been identified through the operation of Tasmania's planning system, like the member for Huon said, there are some practical features of this bill that I do support.

The bill seeks to allow the state planning provisions to contain maps and overlays, to clarify how the Tasmanian planning policies and regional land use strategies apply to local provision schedules and amendments, to provide greater certainty around requests for additional information, to address assessment timeframes when council offices are closed, and to exclude certain long-term leases for telecommunications, renewable energy, and other utility infrastructure from the definition of subdivision. Some of these changes appear sensible. Some do respond to genuine procedural uncertainty, and some may improve consistency or avoid unnecessary duplication.

However, I cannot consider this bill without sharing some of the concerns raised by other members, and also expressing my disappointment that, once again, the government has brought forward another set of what appears to be rather piecemeal amendments to our planning legislation, rather than confronting the much larger problem. That problem is that our planning system in Tasmania has become extraordinarily complex. LUPAA was enacted in 1993. More than three decades later, it has been amended and added to repeatedly. Around it we've built layer upon layer of policies, strategies, provisions, schedules, codes, maps, overlays, and administrative processes. Overall we have the objectives of the resource management and planning system, and then we have state policies, Tasmanian planning policies, regional land use strategies, estate planning provisions, and local provision schedules. Then within those we have zones, codes, overlays, specific area plans, particular purpose zones, and site-specific qualifications. But wait, there's more. We also have planning directives, interim provisions, major project processes, projects of state significance, separate housing land supply mechanisms, and then also related legislation dealing with building, subdivision, heritage, environmental regulation and infrastructure.

Each of those instruments may have a defensible purpose when considered in isolation, but when they are all stacked on top of one another, the result is a system that is increasingly difficult to navigate as a whole. It's well beyond the reach of most laypeople to properly understand. I'm not too proud to admit that it's difficult for me to understand, even having been

the chair of a planning authority as mayor, even now as a legislator with responsibility for making decisions that shape our legislated planning framework. I'm not too proud to admit the planning bill has caused me great grief, because the system is too hard to understand. That's concerning.

For a local Tasmanian family who wants to build a home, or subdivide their block, or extend a business, or understand what can happen next door, entering the planning system can be really daunting. People typically quickly give up. It's in the too-hard basket. People should not need to become amateur planning lawyers simply to understand which rules apply to their land, and inevitably they end up needing to employ consultants to navigate the system for them, even just for minor alterations to properties in some cases. Everyday people, developers, architects, builders, community organisations, and small businesses spend considerable time and money navigating the various layers of our planning system. Even experienced participants can encounter uncertainty about which policy, strategy, code, overlay, or transitional provision takes precedence, and which version applies at a particular decision point. Indeed, some provisions in the bill are necessary precisely because the interaction between those layers is unclear.

The government's own explanatory material says that the current provisions governing how the Tasmanian Planning Policies apply to local provision schedule amendments are unnecessarily complex, and that is an important admission. If this particular part of the act is unnecessarily complex, how many other parts are unnecessarily complex? If parliament must keep returning to clarify which policy or which regional strategy applies at which stage of an assessment, surely that tells us something about the overall health and accessibility of the system. Even the need for savings provisions in this bill demonstrates how difficult it has become to introduce one new planning instrument without disrupting the applications and amendments already progressing under another.

I often wonder how even qualified planning practitioners cope with the system that we've created. Planning professionals must understand not only LUPAA, but also the state planning provisions, relevant local provision schedules, regional strategies, state policies, the new Tasmanian Planning Policies, and an expanding body of guidance, commission decisions, and tribunal judgements. Then they are expected to explain all of that to applicants, elected representatives, and community members, often while operating under significant workloads and strict statutory timeframes.

I accept that no jurisdiction has developed a perfect planning system. Planning necessarily involves balancing competing interests, protecting communities and the environment, enabling development, and ensuring procedural fairness. It will never be 'simple' in the ordinary meaning of that word. But complexity should be justified by better outcomes. It should not simply be the product of decades of provisions being added, amended, and patched up without periodically standing back and examining whether the entire system remains coherent.

Tasmania is regularly short of qualified planners. Councils struggle to recruit and retain them. The private sector competes for the same limited pool as do the State Planning Office, the commission, and other government agencies. At a time when professionals in many other fields are seeking to move to Tasmania for our lifestyle and opportunities, we should ask why we cannot attract and retain enough planning professionals. Is workload part of the problem? Or is it the complexity of our statutory framework that is the problem?

Are planners being asked to administer a system that is too layered, too legalistic, and too frequently changed? Is the constant cycle of reform, consultation, transition, and implementation making an already-demanding profession less attractive?

I ask the government, when will it commence a comprehensive review of LUPAA? When will it acknowledge that our planning system has too many layers and has become overly complex, and continuing to amend it makes a further mockery of it? When will the government examine the cumulative interaction between LUPAA, the State Planning Provisions, local provision schedules, regional land use strategies, Tasmanian Planning Policies, and the various alternative assessment pathways that have been created? When will it assess whether this complexity is costing the government, councils, businesses, and everyday Tasmanians unnecessary time and money? Most importantly, will it examine how this complexity is delaying or increasing the costs of developing the homes that Tasmania so urgently needs?

Planning reform should not simply mean making development faster at any cost. It should mean designing a system that is clear, accessible, consistent, and capable of producing good outcomes within reasonable timeframes. It should mean that applicants know what is expected of them, that communities can understand how and when they may participate, and that councils and the commission can apply the law consistently. It should mean that qualified planners spend their time undertaking good strategic planning and assessing proposals, not untangling competing legislative provisions.

A good planning system also should involve oversight and compliance mechanisms, because that was something I frequently raised as mayor. Often, we were taking all these things into consideration and making conditions on planning development approvals in response to planning applications, but often there was no follow-up on whether those conditions were actually complied with. There's a massive loop in our system, and when you look at all of the criteria that need to be assessed and all the criteria that need to be met, it takes so much time and money, yet no-one to my knowledge goes out and checks whether all those things are actually done. We spend all this time and money making sure these boxes are ticked on paper, yet there's very little, if any, assessment as to whether in practice they are complied with. Building and plumbing, different story at the actual construction stage, but when it comes to the planning provisions, we've got all these complex layers with no oversight or compliance follow-up as far as I'm aware, but I stand to be corrected on that. On very few occasions would that occur unless a complaint was made, is my understanding.

The government says that regular review and incremental improvement are important, and I agree not every worthwhile amendment should be delayed until a complete review of the act is finished. But incremental improvement cannot become a substitute for structural reform, and I fear that that's what we've seen over the recent years.

At some point, repeatedly applying patches to legislation makes the legislation more complex, not less, and this bill illustrates that problem. It addresses eight separate issues identified through the operation of two acts. The government describes them as urgent clarifications or improvements that do not significantly change existing policy settings. Yet clause 5 does involve a significant question of policy and power. Clause 5 broadens the circumstances in which the minister may make an interim amendment to the State Planning Provisions (SPPs). At present, the minister may make an interim SPPs amendment where it is necessary or desirable to urgently address a natural or environmental hazard, public health,

public safety or a prescribed circumstance or matter. The bill would add any other matter recommended by the commission.

I acknowledge that the commission must recommend the matter, and I also acknowledge that the minister must be satisfied that urgent action is necessary or desirable and that bringing the amendment into effect as soon as practicable is in the public interest, as we heard in the minister's second reading speech, and these are meaningful safeguards.

Nevertheless, any other matter is extremely broad. An interim SPPs amendment can have immediate effect before the ordinary public consultation and independent assessment process has been completed. It may remain in effect for up to 12 months or until the amendment is finally determined, and this is a substantial power. It may be justified in some circumstances where there's a genuine hazard or an unforeseen legal problem or an urgent threat to the proper operation of the planning scheme that requires a swift response. But the wider range of matters to which an extraordinary or expedited power can apply, the more important the procedural safeguards become, and a number of stakeholders have raised concerns about this provision.

LGAT acknowledged that broadening the power could improve responsiveness but said the need for the change had not been sufficiently demonstrated. It warned that care was required to protect planning system stability, transparency, community engagement and the capacity of councils to respond to local conditions.

The Planning Matters Alliance Tasmania opposed the provision because of the potential for immediate planning changes before the usual public consultation process has concluded. Hobart City Council proposed that an interim amendment should depend upon the consent of affected planning authorities, while Meander Valley Council expressed concern that it could not support the provision without a clearer understanding of the types of interim amendments being contemplated.

The government's consultation report confirms that a number of submissions raised concerns about the absence of community consultation before an interim amendment takes effect, and about excessive ministerial power and the lack of detail about what might constitute an appropriate interim amendment. Despite those concerns, the response by the government in each case was that no modification was required.

I thank LGAT, PMAT, Hobart City Council, Meander Valley Council and all the councils, organisations, practitioners and individuals who made submissions. Whether or not we ultimately agree with every recommendation they made, their participation in this process matters. Local government in particular carries much of the responsibility for administering the planning system on the ground. Councils deal directly with applicants, neighbours, community concerns and the practical consequences of changes made at the state level. If we repeatedly consult councils but dismiss their concerns without either making changes or clearly demonstrating how those concerns will be addressed or why they weren't, we should not be surprised if they become reluctant to participate in consultation processes.

Consultation fatigue is real in the local government planning space. Councils and their planning staff are asked to respond to an almost continuous stream of bills, policies, strategies, mapping projects, discussion papers and regulatory changes. Each consultation takes professional time away from already stretched planning teams. Too often they are being asked for their views on another relatively narrow amendment designed primarily to address the

government's immediate policy or administrative agenda. What many councils and practitioners want is the opportunity to participate in a comprehensive review of whether the system taken as a whole remains fit for purpose. We should take this message very seriously.

I indicate that I intend to move an amendment relating to Clause 5. I do not propose to require the written consent of every council, and I accept the concern raised by LGAT that such a requirement could give a single planning authority an effective veto over urgent amendment, including one with legitimate statewide application. So, my amendment will instead seek to ensure that before the minister makes an interim SPPs amendment, the planning authorities affected by that amendment have been consulted specifically about whether the provisions should have immediate interim effect. The minister would be required to consider the views received, but councils will not be given a veto power. The amendment would avoid duplicating consultation where affected councils have already been adequately consulted on that precise question under section 30D or through an equivalent process. It would also seek greater transparency by ensuring that the ministers publish reasons, disclose the substance of the views received from planning authorities, and respond to significant concerns.

The intention is straightforward: if parliament is to broaden its power beyond hazards, health, safety, and the prescribed circumstances to include any other matter recommended by the commission, affected planning authorities should absolutely have a meaningful opportunity to identify local and operational consequences before the change takes effect. Consultation is not consent and it does not prevent urgent action, and it ensures that urgent action is informed by those who will have to administer it. I believe this represents a reasonable middle course between rejecting Clause 5 entirely and giving individual councils a veto over statewide planning provisions.

In closing, I'll listen carefully to the contributions of other members, to the government's explanation of why this additional power is necessary, and to its response to this amendment, and to other amendments put forward by other honourable members. I also hope the government will provide a substantive answer to the broader question raised by this bill: how many more miscellaneous amendment bills will parliament consider before the government accepts that LUPA itself requires a comprehensive review, and sets a timeframe for doing this? How many more transitional provisions, clarifications and exceptions will be added before we examine whether the architecture of the system remains coherent? How much more time and money will be spent navigating complexity that government could instead work to reduce?

Our planning system must protect the public interest, but it must also be understandable, workable and capable of delivering timely decisions. We all know Tasmanians need more homes, businesses need certainty, and communities need genuine opportunities to participate. Councils need legislation they can administer and planning professionals need a system that supports good planning rather than overwhelming them with avoidable complexity.

Mr President, I will carefully consider the debate, the government's response, and the outcome of the amendments before determining my vote on this bill.

[12.54 p.m.]

Mr EDMUNDS (Pembroke) - Thank you, Mr President and previous speakers. As acknowledged by others, the bill makes practical amendments, which is great. I also echo comments particularly by the member for Montgomery and the member for Elwick for very comprehensive comments.

Yes, member for Montgomery, I also noticed those comments on the *Hansard* - not in the corridors, literally on the *Hansard* - saying that the Legislative Council will fix that bill. It reminded me of another thing that certainly got thrown around a little bit when I was in local government, which was 'It's going to appeal anyway', which is another challenge. Essentially, councillors were deciding who was going to have the initial legal bill. Anyway, I digress, but the comments from the member for Elwick took me right back into some of those conundrums that local government faces.

I look forward to the government's response to concerns and appreciate that there are amendments from both the government and other members of the Chamber. I will listen to the rationale for those amendments as we go through.

Yes, planning is a mess and the comment 'layer upon layer', I think that shows that it's almost, layer upon layer, a system that could eventually collapse in on itself in Tasmania. Previous ministers, I believe, and we all know who they have been, have had too much of a focus on politics and not enough of a focus on workability in planning. I wish our current minister all the best as he navigates through this, but acknowledge that it still has to be called out when the rhetoric overshadows the effort that's been put in behind the scenes - statements and things in the media versus policy outcomes, as we've dealt with on other topics already this week.

Member for Elwick, you're exactly right. The system is too hard to understand. It's unnecessarily complex with competing rules and regs, if you want to call it that. Fundamentally in Tasmania, it's too hard to build a home. We do need meaningful change that is aimed at good outcomes, not necessarily swift outcomes. I totally agree with that. I look forward to the discussion and listening to the arguments put around amendments as we head in to committee. Thank you.

[12.56 p.m.]

Mr DUIGAN (Windermere) - Mr President, I'm pleased to stand in support of the Land Use Planning and Approvals (Miscellaneous Amendments) Bill. This bill delivers, as has been recognised by just about everybody who's got up, a range of practical, targeted amendments that improve the operation of Tasmania's perhaps imperfect planning system by making processes fairer, more certain and more efficient. Importantly, these amendments do not alter the fundamental principles of the resource management and planning system. Rather, they address specific issues that have emerged through implementation and provide greater clarity and efficiency for councils, applicants and the community.

I support the measures in the bill that enable planning scheme amendments to be progressed more efficiently, while retaining appropriate safeguards and independent oversight. The bill broadens the scope for interim amendments to the State Planning Provisions where recommended by the Tasmanian Planning Commission, allowing the planning system to respond more effectively when necessary. At the same time, the existing framework continues to provide important checks and balances, ensuring changes remain transparent, evidence based and subject to appropriate scrutiny. The bill contains a number of sensible amendments that improve clarity and certainty across the planning system. These include amendments relating to the State Planning Provisions, fairer transitional arrangements when strategic planning frameworks change and clearer communication in relation to development assessment

timeframes. Collectively, these changes reduce unnecessary procedural complexity while maintaining the integrity of the planning system.

One of the amendments concerns the treatment of certain long-term leases under the *Local Government (Building and Miscellaneous Provisions) Act 1993*. Questions have been raised about why leases of a particular type and duration are deemed to be subdivisions. This is particularly important and relevant in my portfolio areas of Energy and Renewables. In reality, these provisions reflect a much older approach to land administration that predates modern planning schemes, contemporary development controls and the extensive regulatory framework that now applies to land use and development. Today, we regulate development through zoning, planning permits, building and plumbing standards, infrastructure requirements and a range of use-specific controls. The LGBMP act preserves a number of provisions that originate before the establishment of the resource management and planning system and modern planning schemes. The broader question which has been raised by some of whether long-term leases should be continued to be deemed subdivisions at all is a legitimate policy question. It is an issue that has been raised by a number of stakeholders, including councils through the consultation process. However, that is a broader policy matter that should be considered through a comprehensive review of the LGBMP act.

Sitting suspended from 1.00 p.m. to 2.30 p.m.

QUESTIONS

Foster and Kinship Carers

Ms O'CONNOR question to MINISTER for EDUCATION and MINISTER for CHILDREN and YOUTH, Ms PALMER

[2.30 p.m.]

Minister, today you joined around a hundred people at a beautiful ceremony to celebrate 40 years of the Fostering Kinship Carers Association (FKAT) and to thank foster carers for the work they do caring for the state's most vulnerable people. While you expressed your genuine appreciation for the care they provide to vulnerable young Tasmanians today, carers can provide multiple examples of what they feel is disrespect from Child Safety Service. There's also been no response so far from your office to an invitation to meet with carers that's been forwarded by my colleague, the Greens' spokesperson for children and young people, Ms Rosol. There's a frustration from carers about a system that forces them to go to court, and potentially lose their houses to pay for it, to get their foster children returned to their care after they've cleared up care concern allegations; widespread lack of support for carers, despite the difficult behaviours they manage every day and the pivotal role they play in meeting the needs of children in care. Minister, there is a mismatch between the government's words and how carers are experiencing their work on the ground. Will you meet with the carers as requested and will you back up your expressed genuine appreciation for the work they do by ensuring fostering kinship carers are respected and provided with real, tangible support for their roles?

ANSWER

I thank the honourable member for the question. Can I also thank those in the House who attended the event today? It was quite beautiful and lovely to see people who've travelled from

all parts of the state to be part of that event. I think as one of the speakers noted, our foster and kinship carers never seek recognition for the work that they do. It's often very quiet work, but exceptionally important work and I think it was lovely for them to have that time today in our parliament, when we were all able to come together and recognise what we do.

There was a number of different elements to your question, so I will try to address them. If I miss any, if you could let me know while I'm still on my feet. With regards to an invitation to meet with certain people, I meet with numerous people all the time and am very open to meeting with people. I have to be very careful; I can't always identify particular cohorts that I meet with or the individuals I meet with. I can, however, say that in the diary for next week there is, in fact, a meeting with FKAT, whose 40th birthday we celebrated today. If you have some specific examples that you're referring to, I'm very happy for you to talk to me about that.

Ms O'Connor - Through you, Mr President, there's a letter in your office that's an invitation to meet with some carers from Cecily.

Ms PALMER - Yes, and I understand that has been actioned.

Ms O'Connor - Oh, it has, okay.

Ms PALMER - Thank you. I think - was that? I think that was -

Ms O'Connor - Well, what else? I mean, the last part of the question was what will your government do to ensure carers feel genuinely respected and receive real, tangible support?

Ms PALMER - I think some of the ways that we are doing that have been through the collaboration that we've had with FKAT producing a new foster and kinship carer's handbook, which I spoke about today. That's where we're able to provide information for foster and kinship carers. Whilst it's for all foster and kinship carers, it is a really valuable resource for our new foster and kinship carers. Also, through the advocacy group, who've played quite a significant role in working with the department through the Uplifting Care initiative, which is an exceptional body of work that we have been doing. The voice of our carers has been front and centre in that work and it's certainly been acknowledged today. I think the chair, Maggie, spoke about that collaboration.

The opportunity to put on the record our government's significant appreciation and thanks for our foster and kinship carers - indeed, we were able to make that commitment to see the base rate for foster and kinship carer payments increased in September of this year. We are continuing that support by investing an additional \$8 million over four years in that space. We work closely with them and we are always open to new ways that we can be further engaging. And, certainly, in the work that we are doing in this space, the voice of lived experience, the voices of our carers, foster carers, and kinship carers is vitally important and has played a significant role in the reform work that we're doing.

New Launceston Bus Interchange - Government Funding

**Ms ARMITAGE question to MINISTER for INFRASTRUCTURE and TRANSPORT,
Mr VINCENT**

[2.36 p.m.]

Regarding the 2024 election promise for \$12 million in funding for a new bus interchange in Launceston, -

- (1) Can the honourable minister please advise why the government has withdrawn funding and support for this project? Was it always contingent on the proposed Paterson Street car park redevelopment going ahead?
- (2) Can the minister commit to reallocating this funding for another bus interchange project? Perhaps the redevelopment of the bus stops in St John Street, particularly considering that Metro is a state-owned company and investing in a safe, secure and fit-for-purpose bus stop and interchange, which is heavily used by Metro at this site, would promote passenger and employee safety?
- (3) What conversations did you have with Launceston City Council about providing funding for a specific project and when did you make them aware that the funding was no longer being provided?

I did send the questions this morning, minister.

ANSWER

I thank you for the question. It has been raised a bit over the last several weeks. I must reiterate the \$12 million commitment in the 2024-25 Budget was specifically for the development of a bus interchange at the proposed Paterson Street car park redevelopment. This was a brand-new facility to take buses off the road in a key central point in the city.

As Launceston City Council did not proceed with the project, no funding was provided, of course. The \$12 million was returned as a savings in the state budget and Launceston City Council has since undertaken a study on their existing bus infrastructure.

From my understanding, they're looking at upgrading the current location, or in the near vicinity of St John Street. It's important to note bus stop infrastructure is a council responsibility and it's very different to the proposed central interchange - a lot different in the mechanisms of it. Building Tasmania is working with Launceston City Council on their plans for St John Street and they are welcome to make a submission for a contribution towards their bus-stop upgrades.

I personally haven't had conversations that I can think of at any stage when I've met with the council on this, but the department has been. Bus stops like St John Street and everywhere else are a responsibility of the council and, like all projects we commit to, if they don't go ahead, the funds are returned as a budget saving. However, once Launceston City Council finalises the new plans with the interchange, it is welcome to make the funding request to the government and to myself as part of the normal budget process. So, that's always open for conversation.

Program for International Student Assessment Results, 2025**Ms O'CONNOR question to MINISTER for EDUCATION, Ms PALMER**

[2.40 p.m.]

Minister, you were asked in the other place this morning about Tasmania's poor performance in the Program for International Student Assessment (PISA) 2025 results, which were - we've seen some bad results here for educational attainment and outcomes, but these are shocking. Tasmania is the lowest performer of all states and territories in mathematics, lower than 26 OECD countries. The equal lowest performer of all states and territories in reading literacy along with the Northern Territory. The second lowest state or territory and scientific literacy, with only the Northern Territory lower.

Minister, you told the House about the year level of the Tasmanians that were being assessed being different to other states, but that does not explain the persistent decline in performance in Tasmania's results over the past 15 to 20 years. Between 2000 and 2025 mean reading performance declined by 50 points; the level of proficiency in mathematics fell from 61 per cent in 2003 to 36 per cent in 2025; and in science subjects, the level of proficiency has dropped from 59 per cent in 2006 to 49 per cent in 2025. Minister, I am sure you will agree those results are not good enough. You have cited multi-school organisations as part of the solution to this alarming result, but we'd also like to hear about your understanding of what the causes are for this persistent concerning trend that's impacting on our young learners and generational will have an impact, and what exactly will you do as minister to address those causes?

ANSWER

I thank the honourable member for the question. I acknowledge the Program for International Student Assessment, known as PISA, 2025 results. It is important to give a little bit of context around PISA. It is a sample of 15-year-olds and is not based on school years. So, unlike other jurisdictions in Tasmania, the majority of students assessed are in year 9, given the later starting age. Consequently, students in other jurisdictions are more likely to have benefited from an additional year of schooling before undertaking the assessment as a lot of 15-year-olds in other states and territories are in grade 10, whereas most of ours are in grade 9. Our government is committed to improving student outcomes and supporting teachers to deliver high-impact teaching and we are making record investment in education and undertaking some really bold and innovative system-wide education reform to lift outcomes for every student.

I thank you for mentioning our multi-school organisations in your question because, internationally, it is that system that has seen an unbelievable lift in student achievement, also in teacher satisfaction and in system performance and it was the Grattan Institute that actually recommended their trial in every state and territory and it was great to hear the federal Education minister Jason Clare acknowledge that there are lessons to be learned from the UK. And, of course, Tasmania is now leading the way nationally. We already have our pilot up and running for multi-school organisations. MSO 1, based in the south, began this year and MSO 2 has been launched and will commence at the beginning of next year. So, we know that we have seen record investment into education. We've seen some amazing reforms, especially around

that structured and explicit teaching of literacy in our schools. From 2027, there will also be the mandated one hour of the structured and explicit teaching of numeracy. We also know that it is the system that manages our education and our schools that we need to now turn our attention to, in light of the amazing results we are seeing coming out of the UK. It's fantastic to be already in our first year of that trial. Other states and territories are looking at Tasmania and how multi-school organisations can make an impact. Importantly, too, we are evaluating that trial and have been from day one to ensure that there is a very robust evaluation of the outcomes because that is what we are looking for - those outcomes.

I want to acknowledge we have amazing kids in our schools and we have some absolutely amazing teachers and educators. We have seen that record investment, we've seen some great reforms roll out. When we do see these results, we have to turn our attention to how we actually delivering education as a system. That is a challenge that our government has embraced. As I say, we are into year one of a five-year trial.

Tasmanian Educational Results - Causes of Student Performance

Ms O'CONNOR question to MINISTER for EDUCATION, Ms PALMER

[2.46 p.m.]

I have a follow-up question for the minister. We hear quite often that this government has made a record investment in education. That record investment is obviously not showing in the results that our learners are able to achieve when held against the national standard. The NAPLAN results mirror in large part the PISA results that came out yesterday. I don't think the reasoning that you have given about 15-year-olds being in different grades applies when we're talking about NAPLAN. There is a systemic problem there. My question to you was what work has DECYP undertaken on the causes of this chronic issue in our students' level of learning in those key subjects of literacy, maths and science?

ANSWER

What I will say is, you ask what is the department, what is the government doing? It is the multi-school organisations. That is what we're doing. We have extraordinary people working in our schools, great principals, great literacy experts, teachers, amazing TAs. We have brilliant kids, some of them doing just extraordinary stuff. When you couple that with record investment and then you look at consistent outcomes of student achievement, you then have to turn your attention to what the system is that is actually delivering education. That is a challenge that we have met head-on. As I say, we are now well established in the trial for multi-school organisations. The actual Pisa results have shown in the UK, where this has been implemented for a number of years now, that really fantastic results are coming through with the outcomes of student learning. We are very committed to that.

What I will say though is that education is a very big ship to be turned, and we are now starting to see some amazing outcomes when it comes to educational outcomes for our children. Unfortunately we're not going to have the benefit of Tasmania having access to NAPLAN results this year because of industrial action that happened earlier in the year, which is unfortunate but is what it is. I can certainly say when we're looking at our Lifting Literacy initiative, which has been in play for around three years now, I think we now have 100 per cent of our schools on board with Lifting Literacy. At the end of 2023, of year 1 students 50 per cent

had met or exceeded expected phonics levels. By the end of 2025, this had increased to 57 per cent. If you look at progressive assessment tests (PAT), it also shows increases in achievement across prep to year 10. In 2025, students' achievement in reading increased by 1.3 percentage points from 2024.

We are excited as we have more time to see these reforms play out. As I say, we understand that you know big reforms like this do take time, but it is incredibly exciting to go and visit schools and to be greeted by some of our literacy coaches who are showing me their students results that have absolutely are on an amazing trajectory in light of the Lifting Literacy initiative that we have seen in playing out for a number of years.

Mr PRESIDENT - The honourable member for Rumney, and happy birthday to you, as foreshadowed by the honourable member for Hobart.

Members - Hear, hear.

The Nut at Stanley - Parks Improvements - Timeline

Ms LOVELL question to MINISTER for PARKS and HERITAGE, Mr DUIGAN

[2.50 p.m.]

Minister, at the 2024 state election, your government committed to upgrading infrastructure at the Nut in Stanley in response to concerns from local tourism operators about deteriorating Parks infrastructure. When will all the works promised back in 2024 be completed, including the new lookout on the Nut and the pathway between the Nut and car park and the Stanley wharf?

ANSWER

Thank you, Mr. President, I will seek some advice. I thank the member for the question and acknowledge I think it was in excess of \$2 million that was committed for the Nut.

Ms Forrest - It's a very important nut.

Mr DUIGAN - The extremely important dolerite nut. My information is that the very large part of that has been expended. Certainly, there have been new tracks done. I must admit I have not been up there, but I will take on notice exactly where it is at and come back to you.

LAND USE PLANNING AND APPROVALS (MISCELLANEOUS AMENDMENTS) BILL 2026 (No. 22)

Second Reading

Resumed from above (page xx).

[2.52 p.m.]

Mr DUIGAN (Windermere - Minister for Parks and Heritage) - It is good to be back talking about LUPA and I think I was talking about a more comprehensive review, potentially

of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP), and such a review should involve detailed analysis and consultation with councils, industry, landowners and other stakeholders.

Clearly, this bill is not seeking to resolve every issue associated with subdivision law. Rather, it responds to a clearly identified problem affecting essential utility infrastructure. This amendment relates to a range of utility infrastructure and facilities, including renewable energy, telecommunications and digital infrastructure. These facilities commonly rely on long-term leases as part of their operation and financing arrangements.

Importantly, these facilities must still obtain all necessary planning approvals before they can be developed. The infrastructure is assessed through the planning system against the relevant planning scheme provisions and permit requirements before constructed. The issue arises later when an operational lease is established and that lease is required to be treated then as a subdivision. In some cases, the current arrangements can produce outcomes that are difficult to justify from a planning perspective. For example, a telecommunications tower generally occupies a very small lease area of a much larger title. Under the current provisions, that lease area can be treated as a subdivision despite no meaningful new parcel of land being created. The result can be the creation of small, isolated lots or subdivision arrangements that have no independent development potential, no practical planning function, and no relationship to the broader objectives of subdivision control.

These are unintended consequences of legislation that was never designed with modern infrastructure projects in mind. Subdivision controls exist to manage the creation of new parcels of land, settlement patterns, access, servicing requirements, and land fragmentation. A small lease area associated with a telecommunications tower or substation or similar infrastructure does not give rise to those traditional subdivision considerations. Yet proponents can be required to undertake a separate subdivision process despite the planning impacts of the infrastructure already having been comprehensively assessed. For a bit more context, I would share the example of how this proposed change will support developments in Tasmania. Members may be familiar with the Northern Midlands Solar Farm, which is progressing as an agri-solar project where sheep grazing will continue to be undertaken by the landowner, while the lessee will operate the solar panels and generation equipment. The project has achieved planning approvals after a comprehensive assessment, and has a lease framework in place. However, because that lease is for more than 10 years, and the solar farm crosses a number of titles, a subdivision is required under the current Tasmanian law. As a result of this, Northern Midlands Solar Farm has had to engage a surveyor to prepare data to support the subdivision application, most of which already was separately dealt with in the project planning approval, and the council has to then assess it. Once approved, there is a process of detailed land survey and registration. As members would appreciate, this, of course, adds unnecessary time and cost and derives no public benefit. It is an example of red tape that increases the cost of developing renewable energy projects in Tasmania. That is what this legislation seeks to strike out.

Tasmania is not alone in this issue. Other jurisdictions, including New South Wales and South Australia, have implemented similar approaches for infrastructure related to long-term leases. These reforms recognise the distinction between assessing the planning impacts of development and requiring a separate subdivision process solely to facilitate an operational lease.

It's important to emphasise what this amendment does not do. It does not exempt renewable energy facilities, telecommunications infrastructure, or digital infrastructure from planning assessment. It does not do that. It does not remove the need for permits. It does not weaken environmental or planning controls. The use and development must still comply with all applicable planning requirements and obtain all necessary approvals. The amendment simply removes the need for an additional subdivision assessment process where a qualifying long-term lease is established.

In effect, it removes unnecessary duplication from the system while preserving all of the substantive planning safeguards that apply to the infrastructure itself. It is a practical and measured reform, a response to an identified issue in the operation of the system and removes unnecessary red tape without reducing planning scrutiny and, of course, improves certainty, efficiency and fairness while maintaining those safeguards that we all expect. For that reason, I commend the bill.

[2.58 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - I thank you, Mr President. It's been stated quite a few times through the course of the second reading contributions so far, that planning is complex. I think the honourable member for Elwick in her contribution laid out the many layers that planning involves in this state, and how after years and years of amendments, this is where we are.

When this morning, in my inbox, I received some correspondence from Planning Institute Australia, and I thought who better than people who understand this type of land use planning and approvals process, than this particular area to share with honourable members. I expect that all honourable members received this, and I felt that it was somewhat appropriate that I read it into the *Hansard* for the debate.

It says:

The Planning Institute of Australia, Tasmania Division (PIA Tasmania) supports ongoing improvements to Tasmania's planning system through reasonable legislative changes that keep the system effective, contemporary and responsive to community needs. PIA Tasmania did not lodge a submission on the Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026, as we considered the bill to be largely administrative, technical and focused on implementation. We support the matters raised by those in our profession. Recent commentary has raised concerns that the bill represents a significant transfer of planning powers to the minister for Planning. While scrutiny of planning legislation is both appropriate and important, PIA Tasmania does not consider it helpful to characterise routine amendments as a fundamental shift in planning governance without clear evidence to support that conclusion. Nor does it appreciate planning debate that does not represent a factual interpretation of the context.

For example, prior to the significant amendments to introduce the Tasmanian Planning Scheme in 2015, the minister for Planning had powers to introduce interim state provisions through interim planning directives without restriction. The proposed bill is seeking to restore the same capacity that

previously existed in the planning system prior to the introduction of the state planning provisions. While concerns have been raised with past use of these powers in the context of visitor accommodation standards, it is important to recognise that the key policy issue is that the provisions were made following the full process and this risk does not alter with the proposed bill.

Clause 4 of the bill supports more efficient implementation of new statewide mapping; for example, up-to-date flood mapping, coastal erosion hazard mapping, or bushfire-prone area mapping, without requiring 29 separate amendments to local provision schedules, a method which is cumbersome for all people involved in the planning system. Ministerial capacity to implement statewide mapping that aligns with state planning provisions is a moderate and an entirely reasonable ministerial function, particularly in comparison with ministerial powers in other states and territories.

Our planning systems must evolve. Tasmania's planning framework was innovative when it was introduced in the early 1990s. However, the demands placed on planning systems have changed. Issues such as housing supply, climate resilience, renewable energy, infrastructure delivery, and economic development require timely reforms to ensure it remains contemporary, adaptable, and capable of supporting effective and efficient decision-making. Tasmania cannot afford for its planning system to stand still while other states and territories continue to modernise their legislation and planning frameworks. Ongoing legislative maintenance and refinement by parliament are necessary to ensure the system remains relevant, efficient, and capable of addressing present and future challenges.

Yours sincerely, Mick Purves MP (Fellow), State President, Tasmania, Planning Institute of Australia.

I thought that was well worth taking the opportunity to place that on the public record.

As the member for McIntyre, I've also received many, many correspondences through emails and the like from across the state, but not necessarily from the member for McIntyre's electorate, but I did receive this one. I think in all fairness, I should also place that on the record. I have had Mr Badcock's approval that I read into the *Hansard* his concerns.

Dear members of the Legislative Council, I'm writing concerning the Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026.

Having worked within Tasmania's planning and approval system for years, I recognise that the system is not perfect and that there are circumstances where the state government must be able to act promptly. However, administrative convenience is not sufficient reason to place extraordinarily broad planning powers in the hands of one minister.

The bill in its present form would allow the minister for Planning to direct the spatial application of all 23 planning zones and 16 planning codes within the Tasmanian Planning Scheme. That power extends well beyond the legitimate need to address hazard mapping or essential infrastructure.

At the heart of this matter is a basic democratic right. Tasmanians are entitled to know what changes the government proposes before these changes are imposed. They must be able to examine what is proposed, understand how it may affect them, question the reasoning and evidence behind it, and make their views known before a decision is made. That right is rendered largely meaningless if a planning change can take effect without prior notice or consultation. Informing people after a decision has been made is not public participation and it is not democratic scrutiny. Planning decisions can have substantial and permanent consequences for landowners, neighbouring properties, local communities and councils. The opportunity to question and challenge a proposal is not an unnecessary impediment to government; it is one of the safeguards that protects the public from poor, improper and politically convenient decision-making.

I therefore ask the Legislative Council to amend clause 4, so the minister's power to direct spatial application is confined to hazard mapping codes and essential infrastructure mapping.

Clause 5 is equally concerning. Interim state planning provision amendments can take effect immediately and remain in force for up to 12 months without prior consultation with residents, councils or community organisations. Such an exceptional power should be tightly limited to genuine and urgent matters involving natural or environmental hazards, public health and public safety. The proposed reference to a prescribed circumstance or matter is far too broad, it would leave open an avenue for this exceptional power to be used for purposes that parliament has neither clearly identified nor properly limited.

I ask those words to be removed and that the criteria within section 30N(b) 4(a) remain expressly confined to urgent matters involving natural or environmental hazards, public safety or public health. This is not a party-political question; it is a question of whether Tasmanians retain the democratic right to know what is proposed, to question it and be heard before decisions affecting their properties and communities are imposed upon them. Governments and ministers change, legislation may therefore be judged not only by how the present minister says these powers will be used, but by how they could be used by any future minister.

It goes on:

I ask that you support the necessary amendments to clauses 4 and 5 before passing the bill.

Yours sincerely,
Robin G Badcock,
Badcock Irrigation Services.

I know Mr Badcock and his family very well and I know that they take a genuine interest in their community and certainly in matters of this.

As I've said, we've received quite a lot of input from right around the state, but that one particularly pertained to the electorate of McIntyre. I thank Mr Badcock for allowing me to read that in, because if you're going to put something positive into the debate, then it's also fair that on behalf of my constituents I express their concern, and that concern has been expressed quite readily during the course of the debate.

I will continue to listen. I am supportive of what the government has proposed and certainly the intent of that, and I will listen to the debate of the amendments that are proposed as the Council moves its way through the committee stage should the second reading debate see favour from the Council members here today.

Again, I just reiterate: it is complex, and some of the points that were made by the honourable member for Windermere regarding having the opportunity to have a one overarching decision rather than having to go to 23 planning schemes certainly resonates with me from a former local government elected member and just getting their feet under the table and having to understand the complexities of planning matters. I think there's some merit in it but certainly understand and acknowledge the concerns that have been raised.

[3.09 p.m.]

Ms ARMITAGE (Launceston) - Thank you, Mr President, and I rise to make a few short comments on this bill.

As others have said, the *Land Use Planning Approvals Act 1993* is a very large, complex and comprehensive piece of legislation. Given the nature of land use and planning in Tasmania, these laws necessarily need quite a lot of attention and amendments. No-one's disputing the need for ongoing updating and change and resultant technical amendments. It should not be a static piece of legislation, but one that is proactive and responsive. It needs to be fit for purpose and meet community expectations and needs. I have to agree with the member for Elwick, where's Elwick? Oh, there she is. I was making sure I had the right electorate. Realistically, we probably really need a whole revamp of the whole act, but we have to deal with what we have before us.

The Legislative Council, as we know, is the House of review and so often it falls to us to make changes and amendments that aren't apparent until after the other place has dealt with a piece of legislation. That approach really does stifle meaningful community consultation and means that where issues are discovered a bandaid solution is applied, rather than a policy that's been properly scrutinised. A number of concerns have been raised about this bill and I think we've all had numerous pieces of correspondence from so many in the community, including a very comprehensive submission from the Planning Matters Alliance of Tasmania regarding clauses 4 and 5. I'm sure these clauses will be discussed and debated more in the committee stage. More generally, however, concerns have been raised about the contents of this bill and the way in which it will work in practice. We cannot allow politicisation of our planning scheme to occur in the guise of technical changes to the principal act.

Concerns that have been raised include, first and foremost, the granting of additional excessive powers to the minister to unilaterally rezone land. As I understand it, up until now, the local provisions schedule means councils have decided where the 23 zones and 15 codes of the TPS are applied spatially, and the Tasmanian Planning Commission resolves disputes. Two, ensuring that community consultation occurs before rezoning, not during or after. I know that

during my time on local government, community consultation was often more about telling people what they were doing rather than taking back the consultation and listening to it. Three, interim-planning directives by the minister are not a replacement for existing processes. It has always been the case that land-use planning is a collaboration between the state government, local councils and local communities with independent oversight and application of relevant planning laws and rules occurring through the Tasmanian Planning Commission. Four, pathways for the approval of important key developments through processes like major projects, projects of state significance and major infrastructure development approvals already exist and serve an important purpose. And five, the ability of ratepayers and members of the community to appeal these sorts of decisions is unclear with this bill in its current form.

We often find ourselves amending land-use planning laws and, given the complex nature of developments in Tasmania and the importance of our communities being able to have their say, it is necessary to ensure that as many avenues for meaningful consultation and appeal rights should exist as possible. That's not to say that we can't facilitate development for Tasmanian land that will have benefits, but it needs to be able to be properly scrutinised. Vesting too much power into the minister or the executive government, or even the risk of doing that, is not how good laws are made. There are many unanswered questions about this bill and the onus is on the government to defend it as it exists in its current form.

[3.14 p.m.]

Ms FORREST (Murchison) - Mr President, I won't speak for too long on this bill, but I want to first say that - and I've listened to the contribution of others who are far more versed in planning matters than I am, a lot of them having come from local government, including the minister himself - I can sort of see, partly, where the request for amendments in this legislation comes from. Some of it seems to be relatively sensible and the right approach to consider, but it all comes back a bit to how it's done and how much power we place in the minister's hands. The member for Launceston was referring to that and it is up to the government to justify the bill as it is, but then I know the minister has an amendment of his own. So clearly, they've recognised there is a bit of a problem here and there are many other amendments that are being proposed by members of this place. So, I appreciate the insights and contributions today. I know that the member for Hobart is still to speak, and I will, of course, listen to her as well. But I also do appreciate the input from very engaged stakeholders and the members have mentioned that hundreds, probably thousands of emails we've had, that all get caught up in the spam filter, I might say. Then having to release them all - it's just, I think, I would appreciate if those key stakeholder groups are engaging with their people to ask them to send individual emails. I'm happy to respond, but when it clogs up your whole email inbox and creates a challenge like that, I ask them to think about how it is on the receiving end. I value hearing from people, but I ask them to consider how best to put their voice across and those form emails have been problematic, they end up getting caught up and captured by the filters, which is an inevitable process of matters. Then you have 200 emails land in your inbox at once with some legitimate - well, no, they're legitimate emails - but there's also some other important emails amongst them and it's a bit hard to find them. So, I just ask members of the community who want to engage with us to think about how best to do that to make it meaningful.

But I appreciate that there's been significant work done by PMAT and concerned stakeholders on the application of this provision and what it could mean in practice. Whether it does mean that in practice is a moot point, I guess. The fact that it can potentially relate or permit a complete land rezoning around the state means, I think, that government needs to

justify why and when that would be necessary and, if you're not willing to limit it, why not? Limit it to certain matters like the hazard zoning.

I particularly want to acknowledge the contribution from the member for Elwick. I don't know how many times we have land-use planning and approvals amendment bills come through this place, but every time you amend a piece of legislation it interacts in ways that may or may not be intended and I really believe we do need to see - and this has been committed to for some time now - a full-on review that looks at the whole picture, gets all the parties in the room and looks at how we can make our planning system work better. I'm sure we all hear, out in our communities, from people trying to build a house, people with a permitted use even, at times; people wanting to build something bigger than a house. I was talking to a friend of mine the other day who said he has a house with a bit of land around it and wanted to build a granny flat type arrangement, now a couple of bedroom place for his parents, older parents, to move into, and he said you'd think he was trying to build a nuclear bomb and a shelter to go with it. So, I think we - there are challenges here. We want appropriate development. We don't want to facilitate things that we may not wish to without the agreement of the people of Tasmania, not just the decision of a minister. But we need to have a well-understood process that is as simple as possible, acknowledging that planning isn't simple, but it's very important and it's important that everyone understands their obligations. That's a bit of a broader comment on the whole planning framework, as opposed to the bill before us, but I think it is integral to this debate.

I won't go on much longer on this. I think many matters will be raised during the committee stage as we debate various amendments. I think, broadly, members recognise that there probably is a need for amendments in this space, whether they're right as they're being proposed will be another debate during the committee stage. I'm happy to support the bill into the committee stage, but with those points. At this stage, I have no idea where I'm going with all the competing, overlapping and different amendments that are being proposed.

[3.19 p.m.]

Ms O'CONNOR (Hobart) - Mr President, what a fascinating time it has been coming to terms with this 15th - as we understand it - LUPAA miscellaneous bill and the implications potentially of what may, at first glance, seem like quite an innocuous bill. But when we're given the opportunity to ask questions in briefings, it becomes clear that some of the changes at least are not necessarily innocuous or of small effect, which is why there are amendments shooting around at the moment.

My first real and very personal introduction to Tasmania's planning system began in 2004 on the mudflats of the Ralphs Bay Conservation Area at Lauderdale.

Ms Forrest - I remember you then.

Ms O'CONNOR - I almost remember me then. Walker Corporation rocked into town, saw a multimillion-dollar opportunity inside the Ralphs Bay Conservation Area, greased a few wheels inside the then-Bacon Labor government, and the next thing the South Arm Peninsula community knew, a 500-home canal housing estate, like the ones you see up on the Gold Coast - on tidal flats under a conservation area, no less, home to so many migrant and resident shorebirds - we were told was all but a done deal. It was during that fight for the bay that I first read the sensible protective clauses in one of our key planning instruments, the State Coastal Policy, which this government has flagged it wants to weaken. It's effectively replaced state policies with Tasmanian planning policies, which at the end of the day, when you read through

LUPAA, ultimately the minister for Planning decides, after a process of working with the TPC and public exhibition, the minister for Planning ultimately decides what the state planning provisions will be as well.

During that time, 20-odd years ago, I also dove into the *Environment Protection and Biodiversity Conservation Act 1999* on behalf of the critically endangered spotted handfish hanging on in the seagrass of the Derwent River, just around the headland from Ralphs Bay. I discovered for the first time schedule 1 of the *Land Use Planning and Approvals Act 1993* - the act we are asked to amend again today through changes, not all of which have been sufficiently explained or justified by government. The Greens share the concerns of some members in this place. More importantly, we share the concerns of community members who've contacted us in their hundreds. We share the concerns of the Planning Matters Alliance about sections 4 and 5 of this amendment bill and we have some questions about clause 10.

While we did not oppose the bill in the other place, our support for this bill in here is contingent on its recalibration through amendments, and more on that shortly. Back to schedule 1. Schedule 1 of LUPAA says this - and remembering that schedule 1 of LUPAA drives all of the objectives and it should drive the decision-making, assessments, and outcomes of the Tasmanian Planning Scheme - it is all underpinned by schedule 1 of LUPAA, which is the objectives of the resource management and planning system of Tasmania.

1. The objectives of the resource management and planning system of Tasmania are -

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and,
- (b) to provide for the fair, orderly, and sustainable use and development of air, land, and water; and,
- (c) to encourage public involvement in resource management and planning; and,
- (d) to facilitate economic development in accordance with the objectives set out in the paragraphs above; and,
- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of government, the community, and the industry.

In clause 1A of the objectives -

Sustainable development means managing the use, development, and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety, while sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations.

That is the precautionary principle embedded in schedule 1 of LUPAA - and to safeguard the life supporting capacity of air, water, soil and ecosystems; and to avoid, remedy or mitigate any adverse effects of activities on the environment. It's an open question whether the objectives of the *Land Use Planning and Approvals Act 1993* have been and are being met through our planning system. The objectives of the planning process under LUPAA are, among other things, to ensure the effects on the environment are considered in development assessments, and to ensure, among other things, a safe environment for working, living and playing to positively contribute to the health and wellbeing of all Tasmanians and visitors to our island.

There is a long sorry history of land use conflict on this beautiful island since colonisation. That goes to way back to before LUPAA was enacted, but since the act came into effect in 1993 we've had the Tamar Valley Pulp Mill proposal, we've had the Walker Corporation proposal for Ralphs Bay, and both of them were initially designated Projects of State Significance. I can say that it was the expert independent work of the Tasmanian Planning Commission, lead in many ways by a strong community, that helped us to save Ralphs Bay because the recommendations came back to government and said 'You can't be serious about digging up the sand flats of Ralphs Bay for a canal estate development'. We also had that crazy proposal down on the waterfront, Ocean Port, if anyone remembers that. We were offered, six or seven years back, some skyscrapers for the city of Hobart, and that went down like stink.

We've had the Cambria Green proposal on the East Coast, and that was a mysterious development proposal that I did a lot of work on at the time. The mainland China and Hong Kong based proponents wanted a special area plan for that proposed development. Again, the TPC did the independent, expert and thorough work and there is no Cambria Green development being constructed.

We've also had the government's attempt to institute, I think three times now, development assessment panels (DAP) -

Mr Hiscutt - Shame.

Ms O'CONNOR - Shame, thank you, honourable member for Montgomery, and thank goodness that this Council saw straight through them.

If the minister wants to understand, having listened to the debate here today, why we reflect community cynicism and mistrust about this government's approach to planning, law, and regulation, I don't think you need to look much further than the attempts to establish development assessment panels, which, among other things, would have shut that public voice in very significant part, as well as local government, out of planning assessments and decision-making. I'm again very thankful to this Council for dealing with DAPs as they should be dealt with. We've also had the proposed Macquarie Point Stadium and that was a complete perversion of planning process.

Now, and this was mentioned in the contribution of the member for Mersey, we have AI data factories, which are really testing *Land Use Planning and Approvals Act 1993* and all the instruments that come underneath it, really testing it. I don't know if members have seen the answer to the Greens' questions on notice that came back in the House today, but what we have learned through asking the right questions of government through the mechanism of parliament is that there are actually 10 - T-E-N - AI data factory developments currently in the

pipeline. Most of them, if not all of them, are through the office of the Coordinator-General. We know that the three proposed Firmus facilities, if they were built, would gobble up in the vicinity of 450 megawatts of the state's capacity. I've read a number somewhere that that's about 30 per cent of our capacity. I haven't tested that number, but those 10 AI data factories, the locations of which we are not absolutely certain at the moment, but between them would require up to 1150 megawatts of power. In the documents that were tabled today, five of those proposals are in the feasibility or concept stage through the office of the Coordinator-General where the red carpet's always rolled out. If you've got a few bucks in your back pocket, it doesn't actually matter if you went to jail for insider trading, but you've got six of those proposals in feasibility and concept stage. One of them we know would be in the north-west of the state and its energy requirements are in the order of 200 to 300 megawatts.

We've got from the government this document: Draft Expectations for Data Centres and AI Infrastructure Developers in Tasmania. But what we're dealing with here is a runaway train and a planning system that is not set up to cope with AI data factories because - just a quick recap - the George Town Council approved the Long Bay AI data factory, without the information before it about total energy needs, without the information before it about proposed water consumption needs, but with plenty of information before it about how the George Town community felt about that AI data factory. It didn't matter that the community feeling was so strong. It didn't matter that there are outstanding questions about power and water use. That AI data factory was approved by the George Town Council.

I did mention this to the minister. There was some commentary following that approval from councillors who felt that the Firmus DA ticked all the boxes, so they didn't really have any choice, even though, as I understand it, it's a discretionary use under the planning law. Well, there's something wrong with our planning system if it cannot be responsive to the public mood.

That is one of the problems that we have here; it has been an agenda of the Liberals ever since they came to government to get that pesky public consultation process, which is embedded in the objectives of the *Land Use Planning and Approvals Act 1993*, mitigated and out of the way as much as possible. That's where we hear words from government like 'It's important that there's certainty' - and certainty means fast approvals. We don't even call them assessments anymore. It's a subtle change of language. We don't talk about an 'assessment process', we talk about an 'approval process'. Language matters; because you talk about something as part of an approvals process, there's an implicit suggestion there that it will be approved.

I think the government is at some risk of massively misreading the public mood on AI data factories. Now that we know there are potentially 10 of these factories in the pipeline, I think it tells us something about the government being caught on the hop by these developers.

We had the Minister for Energy in here yesterday in response to questions that I asked, talking about how important it is that we welcome investment here in Tasmania. Well, yes, but we should be a bit choosy about it. We shouldn't just say 'yes' to the first sort of 'Jim crack' operator who rocks along.

The government's got some work to do on getting our planning framework appropriately tailored to allow for proper assessments of developments like AI data factories and to ensure that the community's voice is heard, as is required, under part 1 - The objectives in the schedule

of the *Land Use Planning and Approval Act 1993*, which is to encourage public involvement in resource management and planning. It only says 'encourage', of course, it doesn't say 'ensure', but anyway here we are.

LUPAA already gives the Minister for Planning very, very significant powers to draft and enact - through a consultation process, yes, and a public exhibition process and a seeking of advice process - but to ultimately decide Tasmanian planning policies and state planning policies, and to overnight, through interim processes which we touch on in this bill to make amendments to state planning policies which can sit there as an interim amendment for an extended period of time.

There's been some talk of the interim planning directive, PD6, which we were told this morning was only designed to be applied to Kingborough Council. The effect of the failure of the planning system to allow councils to tailor their response to short-stay, I think it's symbolic. PD6 is symbolic of that failure. We've got this PD6 and estate planning provision in place that enables the wholesale listing of entire homes onto short-stay wherever you are in Tasmania, instead of having a tailored process that allows, for example, the Hobart City Council not to spend almost 10 years trying to work out how to get around the provisions in the planning scheme or the lack of restraint in the planning scheme, to make sure that they can tailor their regulatory response to short-stay accommodation to meet the needs of the people of Hobart who are being priced out of housing here, whether they're looking to rent or to buy.

I do want to take this opportunity to thank the Planning Matters Alliance Tasmania for all the work that they put into helping articulate the community's voice on planning and also to educate members of parliament about the complexities of the planning system, and it is, significantly, through the work of the Planning Matters Alliance Tasmania that I have even a notion of how this complex system works.

All of us have received many emails from people who are worried about particularly the clause 4 and clause 5 provisions in the LUPAA miscellaneous bill. I'm not going to read much of that correspondence, which hopefully we've all read most of in our inboxes, but there's a couple here that I think are worth putting on the *Hansard*. Kim Phillips-Haines, who's the owner director of Leven River Cruises and Coastline Tours Tasmania, wrote to us and said:

As someone who spent many years working closely with Tasmania's natural environment and communities, I see how planning decisions can have very real consequences for local residents, small businesses, tourism and wildlife and the landscapes that make Tasmania special. I'm particularly concerned about the increasing centralisation of planning powers and the possibility that decisions affecting communities could be made without adequate consultation, transparency or opportunity for residents and councils to participate, in my view emergency planning powers should be reserved for genuine emergencies and should not become a mechanism for introducing significant planning changes without normal democratic safeguards.

David Taylor from Cambridge:

Tasmania needs an effective and efficient planning system, but efficiency must not become a justification for progressively transferring planning authorities away from local communities and towards central government

planning decisions determine the character of communities, the use of private property, environmental outcomes and the future development of Tasmania. The community should therefore have meaningful opportunities to participate in significant changes to planning rules before those changes take effect.

Mr Pinkard:

Is this the government's way of dealing with Parliament's refusal to countenance the DAP bill? I thought the Minister for Planning was not in favor of the DAP bills and their implications. Who is driving these changes? Is it the Property Council? I cannot recall it standing for election on any property issues.

Dr Turner:

By empowering a minister to make far reaching decisions impacting the social fabric of local communities without any significant oversight or procedures for local councils and communities to reject, appeal or in any way influence such decisions is highly problematic and not democratic.

Mr President, as I said, we've had hundreds and hundreds of these emails coming into our inboxes, and it does tell us one thing which is a positive. That is that people are interested in planning. It has been my experience early in my political career that when the word planning was said, the whole room would glaze over, because it's regarded as, you know, a tedious area of public policy. But it affects everything that we do, and everywhere that we live and how we live. It affects our place, the place we love. I am quietly delighted that so many people are so interested in a subject that, at face value, is as dry and complex as Tasmania's planning system. They're interested, but they're also feeling mistrustful. The problem that we have with this piece of legislation is that it has taken multiple briefings for the government to explain its rationale and justification for seeking these extra powers on the part of the minister.

There is an argument in some cases, of course, for allowing the minister to have that capacity to place an overlay onto the state planning provisions, so that, for example, there is a statewide overlay of flood risk mapping or bushfire proneness or landslip proneness or coastal inundation hazards. This certainly makes sense to do that, but the way that the clause for amendment was initially drafted - and it took us all a while, I think, to work this out - is that it would allow the minister, through the use of a map overlay or list, onto the state planning provisions to change not only a code through a statewide spatial application, but also a zone. Those zones are set by councils through the local provision schedules - and councils are the right place to do that. They understand their place and they understand their communities. It's also important to remember that when the reforms to the Tasmanian planning system were first flagged by then planning minister, Peter Gutwin, he made a solemn promise to local government that the zoning powers that they had, they would retain.

Going back to the clause 4, as it's drafted in the miscellaneous amendments bill that we have today, we were told in the briefing that in theory that power would enable the minister to overnight, with the application of a map, overlay, or list, to change zones or codes. If a piece of legislation provides that power in theory, it provides it in fact. We're not always going to have a gentleman and honest person sitting here in the role of planning minister. As we often

remind ourselves in here, you can't make law based on the integrity or otherwise of the minister of the day. Once we've established that, in fact, the current clause for drafting enables that power to happen overnight and could provide for changes to zones and codes, that's when the Greens started to work towards the amendment to clause 4, which I've sent around. It would first of all only allow that overlay process to apply to hazard codes, but also because I think the government made a not unreasonable argument to allow for a statewide spatial application of certain essential infrastructure.

Now, since talking to colleagues and engaging with OPC on our potential amendment and asking questions in the briefing again this morning, we've received further advice from the Planning Matters Alliance. Just backtracking for members who were not at the briefing this morning, I asked whether the capacity under section 4 would allow the minister to set a statewide spatial application of energy infrastructure that could facilitate, for example, transmission infrastructure like Marinus Link infrastructure in the north-west. I was told in the briefing that the Electricity Transmission Infrastructure Protection Code, which is one of the 16 codes or overlays that are in the Tasmanian Planning Scheme, is about existing transmission infrastructure. Well, the Planning Matters Alliance has pointed out in an email that we all received at 12.13 p.m. today:

Further to the questions asked this morning during the briefing, our reading of the C4 Electricity Transmission Infrastructure Protection Code allows for future opportunities for electricity transmission infrastructure. Planning Matters Alliance believes it makes it easier for the government to approve data centres, energy generation assets and related transmission lines across Tasmania without any appeal rights.

The wording and the relevant wording of the Electricity Transmission Infrastructure Protection Code is that the purpose of it is to:

- (4) To protect use and development against hazards associated with proximity to electricity transmission and infrastructure.
- (5) To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of the infrastructure.
- (6) To maintain future opportunities for electricity transmission infrastructure.

That is not what I heard in the briefing this morning, and it has certainly made me view the contents of the second subclause in my amendment somewhat differently.

Before the Council is presented with that amendment to clause 4, and I've already talked to the minister about this, we need absolute clarity that if the Council gives the minister to apply a map that designates infrastructure across municipal areas, is that potentially a vehicle for facilitating further roll out of Marinus infrastructure.

We've got an amendment from the government to clause 4 to remove the power to change zoning through the overlaying of a map or a list. Again, I ask the government why they didn't

just do that in the first place if the issue here was to enable the application of statewide hazard codes.

I will say, through the consultation process and the documents that I've seen, the rationale for the changes made to clause 14 of LUPAA through clause 4 of this bill, was that the government wanted the capacity to overlay statewide hazard maps. Then it evolves a bit more as all of the information on this bill has - it's been a journey. Then in briefings we're told the government would also like that power to overlay for key infrastructure. I don't understand why the government just did not confine that power. No one's a fool in there, presumably. I don't understand why a clause was put in this bill which so clearly, even though it took some time to confirm it, gives the minister extraordinary and previously unavailable powers to make overnight changes to our State Planning Provisions. I do not understand why the government would do that, and that goes to the issue of why there's an absence of trust on planning in government. It's not just in the community; it's clearly felt in here a bit, too.

There were a number of submissions that were made from local government expressing concerns about both clause 4 and clause 5. Clause 5 is the provision that extends the capacity for the minister to make interim state planning policy amendments, and it extends it in a way that allows for the minister to do that overnight change on the basis of advice or a request from the Tasmanian Planning Commission.

I just love it when we hear that the government might listen to the Tasmanian Planning Commission, because they have a history, regrettably, of ignoring their informed, independent and expert advice. The amendments that I've proposed to clause 5 would simply constrain that power to dealing with matters of public health and safety and the like, because that power in LUPAA to make an interim planning directive in some ways is the most unchecked of the powers because there's no requirement for consultation. If you're going to have a mechanism in your planning system that allows for a not-foreshadowed, unconsulted, overnight change to state planning law, you want to make sure that those powers are contained and constrained to matters that are clearly in the public interest and require an urgent response. That's what we've tried to do in the way we contain clause 5. I note that my colleague, the member for Elwick, has some significant amendments and improvements to clause 5 and how that interacts with my proposed amendments we're just having a conversation with OPC about that.

The clause 10 subdivision, the reinterpretation clause, has raised a number of questions in our minds, but also among stakeholders. When you go back through the submissions to the LUPAA bill, it was one private company that suggested to the government you might include the words 'digital facilities' into your definition of subdivide. We went looking for other stakeholder feedback that suggested this was a necessary inclusion or change to the *Local Government (Building and Miscellaneous Provisions) Act 1993* and literally there was one submission from a private company that suggested that digital facilities are not part of subdivision planning processes.

We've been told in the second reading speech that this is in order for there to be some national consistency around how you treat digital facilities, AKA, in the now sense of what we're dealing with, AI, artificial intelligence, data factories, under the planning system. We often say in here we shouldn't make laws based on what other states are doing. I think that's a contestable statement in some instances because other states may have really top-flight legislation or regulation and maybe there's room there for not totally reinventing the wheel, but if the only rationale for redefining 'subdivision' is: (a) some random suggested it to government

that it go into the bill and (b) because everyone else is doing it. Well, it's not good enough. It is simply not good enough. The problem that we have with this clause 10 is that apart from those two alleged rationales, no one has explained to us yet why it's necessary and what is being impeded as a result of not having that. Clearly, there's no question here that data centre developments are being impeded because there's some issue with the way subdivisions are defined under a local government act.

With those few words, like a number of members who have gotten to their feet today, I cannot foreshadow how I'll end up voting on this bill. Obviously, however I vote on this bill will be informed by my conversations with my lower House colleagues, but in its current form, it should not be supported. I'm very glad to hear members open to the conversation in committee about a range of amendments that have been put forward, all of them in good faith. We could strengthen this bill. There are other provisions of the bill which I haven't talked about, tightening up timeframes and communications processes, which are not controversial and are undoubtedly just efficiencies and improvements. They're not the ones that the Greens are worried about, they're not the ones that the Planning Matters Alliance Tasmania is worried about, and they're certainly not the ones that the hundreds of people who have been in touch with us are concerned about and are asking us to fix.

[3.57 p.m.]

Mr VINCENT (Prosser - Minister for Housing and Planning) - I will just seek some advice.

Thank you, Mr President, and I have newfound respect for the Leader's role in being handed a lot of responses and little bits of orange highlighter on there and bits and pieces. That's a little bit different to normal. We'll ask for a little latitude as I work through it all, thank you.

I'm not sure in coming up here now how I feel. I've sat there, listened to it, and people say you shouldn't take things personally, but I do. I do take it to heart, as most of you know.

I do want to point out the member for Elwick's contribution, which I thought was an extremely accurate summary of most of us that have been involved with the planning scheme for a lot of years. A lot of that comes from a lot of ignorance with the planning scheme, and a lot of frustration with it. The interpretations of so many parts of the planning scheme is one difficult part to understand fully for all of us in different aspects. I think part of the problem that I've been quite open about is there's so many different interpretations of so many parts of it now. We saw that again today. I thought, gee, everybody's reading this totally different, what have I done wrong? Totally different to - I've certainly looked at it and read it, but it is certainly something that -

Sitting suspended from 4.00 p.m. to 4.30 p.m.

**LAND USE PLANNING AND APPROVALS (MISCELLANEOUS
AMENDMENTS) BILL 2026 (No. 22)**

Second Reading

Resumed from above (page xx)

[4.31 p.m.]

Mr VINCENT (Prosser - Minister for Housing and Planning) - Mr President, lovely to be back after a little break to recharge the batteries after that start to my summing-up.

In response to Mr Gaffney's questions on data centres: one, will the site of the proposed data centre reservoir be leased? It is my understanding that Firmus has purchased the land upon which the facility is proposed. Will clause 10 of the bill make it easier for a data centre to be approved? The amendments to the definition of 'subdivide' under clause 10 of the bill will have no bearing on any approval of the proposed data centre. The data centre will have to go through the same planning approvals, regardless of whether the owners of the facility lease the land or own it outright.

How many subdivisions have been made for long-term leases as a consequence of the definition of subdividing under the *Local Government Act*? We're not aware of any long-term leases that have been approved as subdivisions as a result of the definition of subdivide under the act and it is our understanding that the provision has never been prosecuted. However, it has been identified as a legal risk and that is why the government has moved to address that risk. Other states, South Australia and New South Wales, have made similar changes to address the same risk.

What legal uncertainties are there for long term leases and the definition of subdivision? Leases differ considerably to the subdivision of land, which divides land into lots with separate ownership. The current definition of subdivision in the *Local Government Act 1993* deems leases that exceed 10 years or are capable of exceeding 10 years to be subdivision and, therefore, must be assessed accordingly, under this act and the Tasmanian Planning Scheme. It is likely that this deeming provision is not well known and that some long leases have not been considered accordingly. Additionally, there is some legal ambiguity as to whether a lease for things like utility infrastructure would actually be captured by the definition of subdivision. This bill aims to clarify this by specifically excluding 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 or incidental to those purposes. Similar amendments have been made in other Australian states to exclude the type of leases and it is important that Tasmania also does the same and also remove any legal ambiguity. A broader view is planned through a future review and eventual repeal of the *Local Government (Building and Miscellaneous Provisions) Act 1993*. And, how did the subdivision originate to make certain leases be deemed subdivision under LGBMP? The existing provisions are consistent across Australian states and can be traced back to policy from the 19th century - my goodness, makes us feel so old, doesn't it, all of a sudden talking like that? - prior to the range of regulations that we have today, including in planning schemes and Torrens titles.

Mr Hiscutt - Ye old days.

Mr VINCENT - Yeah, good old days, yes. We now own land for different uses and developments and have controls on the siting and setback of buildings, building and plumbing regulations, and requirements specific to the use of the land. The LGBMP act saved a number of regulations that date back to before the resource management and planning system and modern planning schemes and building regulations. The need to have leases deemed as subdivision at all has been questioned by some, including in some of the submissions received from councils. This is a broader matter that needs to be considered through a comprehensive review of the LGBMP act. It's important these considerations are made as part of a more

detailed review with input from relevant stakeholders. The LUPAA bill simply responds to an issue that has been identified for a variety of utility infrastructure and facilities that often need to establish long-term leases for their operation. This only happens after they have gained the necessary planning approvals and have been constructed. Other Australian states like South Australia and New South Wales have implemented similar changes for long-term leases for these types of facilities. Excluding leases of this type from being deemed subdivision doesn't mean the infrastructure won't be assessed through the planning system. The use and development must still meet all planning requirements and have the necessary permits. It just provides legal certainty that they won't be put through a subdivision assessment process to establish any lease. The subdivision provisions were never drafted to assess leases.

I think you raised a few other things on data centres, Mr Gaffney, and I can provide a little bit more information on those. This amendment is not about data centres. I understand Latrobe Council has resolved to refer the proposal to the state. A letter was received earlier for consideration under the major projects legislation. Our view firmly remains the planning system is perfectly capable of assessing an application for an AI data centre and councils acting as planning authorities should be assessing them. Assessing development applications, including complex applications is a core part of their statutory role and local governments take off their community leaders' hats when they act as a planning for it. It's very clear in legislation passed in this place about what their role and responsibility is. With that said, planning authorities are entitled to submit proposals for consideration as a major project, which means it will be considered under the requirements of the act. Importantly, the major projects pathway is intended for proposals that meet specific legislative criteria. The legislation is clear that not every large or controversial development qualifies for assessment and it remains my view the existing development assessment pathways are appropriate and capable of dealing with proposals such as data centres and associated AI infrastructure. Many of the concerns being raised publicly sit outside of the planning system, including concerns about artificial intelligence, water use and energy use. Power and water agreements are contractual agreements with considerations made against responsibility set out in other legislation. They're not part of the planning process. It is appropriate community has their say on matters that concern them and that is why the Tasmanian government has released a draft expectation for data centres and AI infrastructure developers for consultation.

It is also worth noting the government's proposed development assessment panels established through the independent Tasmanian Planning Commission to support councils who felt applications were too complex for them to consider, but were not major projects. Council strongly opposed these reforms because they did not want planning responsibilities transferred away from local government. So, if the argument now is that councils require additional support to assess complex applications, it is difficult to reconcile that position with the opposition to a reform that would have provided access to independent expertise while maintaining rigorous assessment standards.

The government's position is clear: Tasmania's planning system is robust. The legislative criteria should be applied as intended and the development application should be assessed through the most appropriate pathway based on the requirements of the law and not on the level of public controversy surrounding a project.

Mr Gaffney - Is that similar to the Tasmanian Planning Commission's Macquarie Point Stadium where you ignored their recommendation? Is that what you're saying?

Mr VINCENT - No, that's not what I said at all.

Mr Gaffney - Well, it sounded like that.

Mr VINCENT - A few comments were made that suggested the *Land Use Planning and Approvals Act 1993* was not fit for purpose and that the planning system was too complex. Land use planning is complex, I think we've all agreed on that.

It is required to regulate use and development, providing a framework to assess applications, engage the community, provide a right of appeal, and strategically consider future land use and have and provide a planning policy framework that informs strategic and statutory processes. It is required to be flexible, to respond to changing social, economic, and environmental factors, yet must have checks and balances for the various processes. All these factors contribute to a complexity, but it is no different to any other jurisdiction. If anything, in talking to planners who have operated in other states, Tasmania's planning system is considered relatively simple to navigate.

The Tasmanian government is currently implementing the most significant planning reform in 30 years, comprehensively reviewing the planning system and building new and important components. Approval times for the Tasmanian Planning Scheme demonstrates its effectiveness, with recent data from 2024-25 showing the planning system is among the fastest and most efficient in the country, with discretionary applications approved in a medium timeframe of 40 days and permitted in 19 days. The effectiveness of the scheme has been recognised with the Business Council of Australia ranking Tasmania as one of the best jurisdictions for efficiently processing development applications every year since 2023.

To the member for Huon who expressed concern about the ability to rezone without scrutiny - can an SPP map be used to amend certain zones? The bill allows the SPPs to include a map, overlay, list or any other provision that provides for the spatial application of the SPPs to land, with the exception of particular purpose zones (PPZs), the SPPs contain all the zone provisions. An SPP map would theoretically be applied to change where certain zones apply, but not before making changes to the SPP framework that establishes the structure and the content of the LPSs.

Clause LP1.2 of the SPPs sets out the requirements for zone maps. This provision of the SPPs requires that each LPS must contain a map that provides for the spatial application of the zones to land in the municipal area. The application of the zones is best left to councils as it's a primary way of allocating land for particular purposes to achieve council's land use planning and objectives. The government has prepared an amendment to the bill to ensure councils remain the custodians of the spatial application of zoning.

The question of lack of community engagement for interim SPP amendments was also raised as an issue. The purpose of the interim SPP amendment is that it becomes effective while it undergoes community consultation and independent review by the commission. To obtain the interim status, the amendment must be urgently required for the benefit of the public and therefore forgoes community consultation.

Mr Hiscutt, I even have something here for you. It's a bit like Santa Claus's package here.

Mr Hiscutt - Please, sir, can I have some more?

Mr VINCENT - Yes, you can. What are the consequences for failure to notify within eight days? I did read this a few times. The act does not expressly state the consequences of failure to comply. Nevertheless, there is a reasonable argument that where the planning authority has not notified the applicant within eight business days that it is satisfied with the additional information, the request for additional information should be treated as having been answered to the satisfaction of the planning authority. So, it's almost silent, isn't it?

On that basis, suspension of the statutory assessment period comes to an end, and the statutory timeframe recommences. This is consistent with the purpose of S54(3), which is to ensure the applicants are notified in a timely manner. There are many other timeframes specified in the act that do not have specific penalties assigned to them already.

To the Leader of the House sitting there nice and quietly smiling away at me being up here instead of herself.

Ms Rattray - I am here to help, Mr President.

Mr VINCENT - I would like to thank you for noting the PIA statement. Well read in, and they note the need for our planning system to evolve, and this requires amendments, of course, constant amendments. I also note PIA statement -

Power to implement statewide mapping provisions is a moderate and entirely reasonable ministerial function.

For a bit of clarification on the interim SPP amendments. *The Land Use Planning Approvals Act 1993* was amended in 2021 to allow the making of interim SPP amendments. Interim SPP amendments have immediate effect while they go through the public consultation and independence assessment process run by the Tasmanian Planning Commission. They remain in effect for up to 12 months or until the amendment has been finally approved following the commission's assessment process. The act currently only provides a narrow scope for making interim SPP amendments.

Interim SPP amendments can only be made if the minister is satisfied, after receiving advice from the commission, that they address specific issues stated in the act or a circumstance or matters prescribed by the *Land Use Planning and Approvals Act 2024* (TBC), or are necessary or desirable in order to urgently address issues and are in the public interest to give effect as soon as practical to the provision.

What consultation is undertaken for interim SPP amendments? An interim SPP amendment following the same initial process as all SPP amendments. This involves the following steps. The minister issues and publishes a terms of reference for the amendment and this is notified in the newspapers across the state and publicised on the planning of Tasmania's website which it refers to section 30C of LUPAA. The minister must then consult with the commission, all councils and relevant state agencies and authorities in section 30D of LUPAA.

This is normally a five to six week consultation period and during this time - and if the minister is considering whether to make an interim SPP amendment, seek their advice on whether it should see section 30D(3) of LUPAA.

To make an interim SPP amendment, the minister must request advice from the commission on whether they think that an interim SPP amendment should be made. We need to see section 30NB(1) of LUPAA. The minister, after considering this advice, may make an interim SPP amendment. The minister gives notice to the commission and all councils and publishes a notice in the *Gazette* to give effect. A copy of the commission's advice and the minister's reasons for making the interim SPP amendments are published on the relevant websites in section 30NB(7) of LUPAA.

From here, the normal SPP amendment continues, with the minister referring the amendments to the Commission to undertake public exhibition of the amendment for 42 days. The commission receives submissions, holds hearings into the submissions and makes a recommendation to the minister. The minister considers the commission's recommendation and determines whether to make SPPs amendment, including any modifications, and the Commission's recommendations and the minister's reasons are published.

The member for Hobart raised important points. Any amendments must be consistent with the Tasmanian planning and the state policies, I also acknowledge those comments around an independent advice of the Tasmanian Planning Commission. This amendment is not about data centres and I note concerns about AI. I reiterate power and water use are contractual agreements and not matters for the planning scheme. I encourage the community to have their say through the draft expectations. The amendment is not about short-stay. The planning system provides mechanisms for local responses to short-stay.

I am pleased the minister recognised the need for statewide mapping. This is important from many aspects and a necessary part of our system. In relation to the language in the amendment, the government purely picked up the language as it is expressed in relation to the local provision schedule. It is important that it is recognised there are mechanisms for consultation on interim amendments, including councils and the TPC. There is no ability for an interim SPP amendment to come into effect.

Continuing on for the member for Hobart, concerns that the electricity code would provide for -

Ms O'Connor - Sorry minister, could you just clarify what you just said?

Mr VINCENT - Yes.

Ms O'Connor - That there's no capacity for an interim amendment to come into effect?

Mr VINCENT - There is no ability for an interim SPP amendment to come into effect.

Ms O'Connor - But they are in effect once you make them.

Mr VINCENT - I'll clarify that in a moment and come back to that if you'd like. Thank you, for thinking about it down there and chatting away.

The Electricity Commission Infrastructure Code does not facilitate new electricity infrastructure. The code protects existing electricity infrastructure and ensures that sensitive use does not contain future upgrades and maintenance occurring within the existing corridors and buffers. The code is simply a protection code for important electricity infrastructure and

the objective referred to in clause C4.1.3 of the code simply ensures that future upgrades in the existing transmission corridors, or substation buffers is not constrained by other users. This is the purpose of the code.

On that SPP one again, the note handed to me states the interim SPP is to come into effect overnight. Clarification on who identified data centres as relevant for inclusion in clause 10 of the bill, a submission from Cogency Australia Pty Ltd was received during consultation of the draft bill. There is a planning and engagement consultant that supports a range of clients in the renewable energy generation industry. Cogency suggested that the inclusion of the long-term leases from the definition of the subdivision should be considered for broader digital facilities such as data centres, and the terminology adopted in the bill refers to 'digital facilities', which is intended to capture the those facilities often co-located with mobile telephone infrastructures that are located in remote locations to support access to digital services. Digital facilities would also include data centres, however these types of centres reflect a substantial site investment which most likely undertaken on freehold land rather than leased land.

Almost there, Mr President. Not far off the green.

We intend to move an amendment to clause 4 of the bill to remove the ability to rezone land through SPPs. We also intend to support the member for Elwick's proposed amendments to clause 5 of the bill, which provides a reasonable addition to the interim SPPs amendment, ensuring appropriate consultation with local government.

With that, my summing up is finished. I can't say we've heard the last of the SPPs, but we're working our way through them.

Bill read the second time

LAND USE PLANNING AND APPROVALS (MISCELLANEOUS AMENDMENTS) BILL 2026 (No. 22)

In Committee

CHAIR - Can I clarify before we start, have all the amendments we've got been circulated?

Ms Rattray - Not the latest one of the member for Hobart in paper form.

CHAIR - Okay, we'll just wait for that to occur.

While they're being circulated, if members could just pay attention, if you wouldn't mind. We're going to take this very slowly. There are a number of amendments that have been proposed. If there are further amendments to the amendments, I'd suggest that the minister seeks leave to report progress to enable them to be properly drafted and presented to the table. We can't do it on a scrap a paper or anything like that. It has to be drafted by OPC and presented to the table before we can consider it. Who knows what's going to happen during the process? We'll just take it really slowly and, if there's any confusion, the minister may seek to report progress, so we can make sure we've got things sorted, rather than push on and end up with something that's not intended.

Mr Vincent - Thank you. Happy to take advice as necessary.

CHAIR - On speaking times, members have 15 minutes on the clause for each speak. For every amendment the member who moves has 15 minutes, but every member who's replying only has 10. So, we'll need time to adjust the timer, so we might be a bit slow calling people to speak. Then the question on the clause as amended is 15, if it's amended. Alright? So, you have to bear with us and we'll take it slowly, because we want to be fair to everyone.

Clauses 1 to 3 agreed to.

Clause 4 -

Section 14 amended (Contents of State Planning Provisions)

CHAIR - Is someone going to take the call, Otherwise I'll put it? Honourable member for Hobart.

Ms O'CONNOR - Madam Chair, as all members know, there are two proposed changes to clause 4 as they are in the Land Use Planning and Approvals (Miscellaneous Amendments) Bill of 2026. I'm not going to re-prosecute all of the arguments I made in the second reading speech. Members know that clause 4, as it's currently drafted in the bill, is problematic because it does - not in theory, but in fact - provide the minister with the power to make changes through the laying of a map overlay or a list to zones and codes. We still didn't get an answer from the minister in his response to the second reading about why this power was not constrained in the bill as it is currently drafted. Just to be clear, the government's proposed amendment would allow for the spatial application of a provision of the SPPs -

CHAIR - Are you moving the amendment, or not?

Ms O'CONNOR - Yes, I will. But there are two of them, so I need to understand. Okay, I'll read it in, and then I'll have a lash.

CHAIR - Just to assist members, there are two competing amendments here. There's one that you have put before us, but you haven't read in yet, which I would encourage you to, so we can debate where we're going with it. Then I encourage the minister to speak and speak about whether he supports it or not and - perhaps without moving his amendment because he can't until after yours is dealt with - argue his case. Then members can ask questions of either or both of you. Just remember, you only have three calls. The minister has unlimited. Members might need to consider that too, in their questioning of the member for Hobart on her amendment. If I can ask you to move it, then you can put the case, if that's all right.

Ms O'CONNOR - Thank you, Chair, for your wise guidance. I move -

That clause 4, page 4, proposed new paragraph (ga)

Leave out the paragraph.

Insert instead the following:

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

- (i) natural or environmental hazards; or
- (ii) transport infrastructure, water or sewage infrastructure, energy infrastructure, or telecommunications infrastructure.

Madam Chair, I've prepared this amendment on the basis of an evolution of understanding about what clause 4 in the miscellaneous amendments bill as it is drafted would allow the minister to do. If we are to provide a minister with a power to spatially apply codes, for example, then it needs to be confined to those essential things. It makes complete sense that there be a statewide overlay capacity for the hazards codes - absolute complete sense - and let's hope that they are contemporary and based on the latest scientific information.

Two, what became clear to us in the briefings is that the government would also quite like to have the capacity for a spatial overlay for other essential infrastructure. It took some thinking to understand what infrastructure is essential, what would you want to give the minister the power to spatially apply infrastructure mapping? This amendment is designed to provide for the commonsense application of a ministerial statewide power without allowing it to be an unchecked power because there are 16 codes; for example, the Natural Assets Code - we would be very concerned if another minister at another time had a power to spatially change natural asset overlays. If the government is serious about this power being desirable on its part because it needs to give guidance to all the 29 councils through a spatial, through the application of a map on these essential things like helping councils to have a clear statewide understanding of landslip hazards, bush fire hazards is very sensible; I don't oppose that at all. Also similarly, having listened to the information that came back through the briefing, I understand why it might be desirable and potentially even necessary to have that spatial overlay power applied to these elements of essential infrastructure. I note that in the hundreds of emails that we've all received on this bill expressing concern about ministerial overreach and a lack of trust in this government on planning, this reflects principally what this council has been asked to do to constrain that power that isn't in the current clause 4 in the bill.

I haven't heard the government provide a rationale for why it would need that power beyond these elements in the amendment that I've put forward. If there are solid arguments for an extension of the power beyond what it's confined to in my amendment, well, the Council should hear them because we haven't heard them yet, we haven't heard them in the second reading response and we didn't hear them in the briefing.

I commend the amendment. I think it doesn't unreasonably constrain the minister through this spatial application process, but it does put sensible limitations on the minister's capacity to, through the application of a map or overlay, change the SPPs and the zones in the SPPs and a number of the codes in the SPPs which we are concerned about.

I hope honourable members will support this amendment. The government's amendment effectively will allow through the overlay, through the laying of a map overlay or list or other provision, a change to anyone of the 16 codes that sit in the state planning provisions. I hope the council doesn't think that's desirable. I really hope it doesn't because we've heard a number

of comments today about members just wanting to make sure we don't have ministerial overreach in an act which I remind everyone LUPAA itself provides enormous powers to the minister of the day, ultimately, to decide what becomes TPPs and SPPs.

Yes, I acknowledge that those powers are somewhat constrained by consultation mechanisms, advice-seeking mechanisms, and hopefully objective 1, schedule 1 of LUPAA, but given the concerns that have been raised by communities we represent and members in this place about ensuring we constrain those powers, I think this amendment does that, and I hope it's seen that way by my colleagues.

Mr VINCENT - Thank you, Chair. We do not support the member for Hobart's proposed amendment to clause 4 of the bill. The proposed amendments to clause 4 are unnecessarily prescriptive and restrictive. They do not cover the full scope of current statewide mapping that is informed in the spatial application of the codes in the Tasmanian Planning Scheme.

For example, the proposed amendment would limit any SSP amendments that relate to spatial application of parts of the Natural Assets Code, some of which are currently based on statewide guidance mapping.

The waterway and coastal protection area overlay, and the coastal refugia area overlay for the Natural Assets Code are prepared by councils based on statewide guidance maps. I expect the councils would be supportive of these potentially being converted to SPP overlays if appropriate in the future. It would be shortsighted of us to cut off the option of a future updates to these overlays being delivered through the SPPs. I will not be supporting this amendment to clause 4.

Instead, we have proposed our own amendment to clause 4 to address the main concerns raised around the ability to rezone land through the SPPs.

Mr HISCUTT - I'm finding myself a little bit torn on this one. I clearly don't support the clause as written but recognise that there are two amendments being put forth. I would like to clarify because the amendment as it's put forth talks about the allowance to use these provisions for 'natural or environmental hazards', is the wording used. Hazards is a term that's actually used in those overlays but then isn't used for some things that you may consider hazards and I'm not sure whether bush fire-prone areas,

Ms O'Connor - That is a hazard code.

Mr HISCUTT - I would commonly think of that as a hazard, but it's not a hazard as it's put in front of me is what the codes are labelled, as I understand it, unless I've missed it. I wanted to confirm, I guess of those 16 codes, what you think this will cover. From that perspective, if the concern is that these are used inappropriately, say the flood-prone area hazards code, if the minister was to find a map and apply it even though it didn't make sense, he still has the power to do this under this. I think that's the concern that we're jumping at shadows, which is a legitimate concern.

I am a little bit concerned if we just apply it to the codes, not the zones, which is what the government's foreshadowed amendment does, I think that may achieve the goal of not allowing the rezoning, which was the major concern. But I am still happy to listen to the response and further comments on it, because I'm a little bit two bob each way. Thank you.

CHAIR - I urge other members who might have questions for the member for Hobart to get up, otherwise she will run out of calls. The honourable member for Hobart.

Ms O'CONNOR - Thank you, Madam Chair. I will get to the member for Montgomery's question in a minute. The minister's response to my proposed amendment in rejecting it confirmed why we've put forward this amendment that constrains ministerial powers, because we don't believe it's necessary or desirable to allow the minister of the day to, through the application of a map overlay or list, change, for example, the Natural Values Code or the Natural Assets Code as it's known, or the waterways and coastal area codes. That's why we've confined that power, that new power, to dealing with natural or environmental hazards. As I understand it, the member from Montgomery, the Bushfire-Prone Areas Code is a hazard code. The wording here was, I think, quite carefully put together after talking with OPC so that we captured all those hazards, those codes, under the 16 codes.

My question to the minister in rejecting my proposed amendment is that there is a difference between providing for councils' guidance maps to inform their decision-making in assessing development applications and to make sure that their decision-making is informed by accurate, for example, coastal hazard mapping or inundation mapping; that is different, providing those guidance maps, to the active overlaying a map onto the State Planning Provisions that then becomes a statewide spatial application of a code or something like that.

I don't know if that answers your question, member for Montgomery, but we're not comfortable with allowing the minister of the day through the laying down of a map or overlay to change the Natural Assets Code or the waterways and coastal areas code or even the Local Heritage Code. There's a code there for local heritage, and members will know that a lot of the beautiful and important buildings in our cities and, in fact, the member for Launceston is arguably the queen of the most beautiful, heritage-rich city in the world, but some of those buildings - because they're not protected under the *Cultural Heritage Act 1995*, because they're not a big enough place, it's sort of a place-based provision in the act. It is local government that has schedules of heritage buildings and we should all be very thankful that local government has that role and responsibility of looking after local heritage, local historic heritage. The clue's kind of in the name, isn't it? 'Local.'

We're not comfortable with allowing the minister of the day through the application of this power to have any capacity to change the Local Historic Heritage Code. I'm not comfortable with that, and that's why we have confined the wording in the amendment to what we have so that it's about those things that are essential for the functioning of a society like essential infrastructure and, critically, for public safety so that councils have access to the high-quality, statewide hazard mapping, as they already do, as I understand it, through guidance maps, but it makes complete sense to have that on top of your SPPs, or as part of your SPPs.

But the rest of it, the case just has not been made and it worries me that the council thinks it can bring such a flimsy rationale for such a significant change in here without really making the case.

Madam CHAIR (Ms Forrest) - The question is that the amendment be agreed to.

The Council divided -

AYES 5

Ms Forrest
Mr Gaffney
Ms Glade-Wright (Teller)
Ms O'Connor
Ms Thomas

NOES 7

Ms Armitage
Mr Duigan
Mr Edmunds
Ms Lovell (Teller)
Ms Palmer
Ms Rattray
Mr Vincent

Motion negated.

Clause 4 -

Section 14 amended (Contents of State Planning Provisions)

Mr VINCENT - I move an amendment in my name -

Clause 4, page 4, proposed new paragraph (GA)

Leave out the paragraph

Insert instead the following paragraph:

(GA) may contain a map, overlay, list, or other provision that provides for spatial application of a provision of the SSPs, except for the spatial application of a zone specified in the Tasmanian Planning Scheme.

I move an amendment to the clause of the bill which relates to the scope of SSP amendments, specifically those that spatially apply to SPPs. I accept there are concerns with SPP amendments being able to rezone land. It was always the intent of the SSPs to spatially apply the provisions. However, it was never the intention of the SSPs to contain zone maps. This has always been the role of the LPSs. We have always assumed we could already introduce SPP amendments that spatially apply the provisions due to the general ability of the SPPs to include any provisions relating to use and development of land as outlined in SPPs criteria in sections 14 and 11 of LUPAA. This was until we received specific advice on the matter. The catalyst for the change was the implementation of the recently updated landslip hazard mapping prepared by Mineral Resources Tasmania and having a streamlined process for introducing these changes through a simple SPP amendment rather than 29 LPS amendments. It is strongly supported by local government and provides a number of efficiencies for keeping the Tasmanian Planning Scheme up to date. However, having the ability to implement maps, overlays, or lists for the spatial application of SSPs shouldn't just be limited to natural environmental hazards.

There are a variety of codes in the SPPs that are based on statewide mapping or mapping that could be applied more consistently at a statewide level. These include the overlay maps applied through the Electricity Transmission Infrastructure Protection Code, the Road and Railway Assets Code, the Natural Assets Code, and the Safeguarding of Airports Code.

The amendment that I move today intends to address the concerns relating to rezoning. The amendment retains the ability for the SPPs to spatially apply provisions through maps, overlay lists and other provisions, but specifically excludes the spatial application of the zones in the Tasmanian Planning Scheme. This addresses the concerns raised and retains the flexibility to spatially apply the SPPs beyond zoning, as originally intended. This amendment is clear and avoids being unnecessarily prescriptive or restrictive.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5 -

Section 30NB amended (Interim SPPs amendments)

Ms THOMAS - I rise to indicate that I will be voting against clause 5, and I urge honourable members to do the same. I want to make it clear that I'm not seeking to remove the substance of the government's proposed amendment here, as proposed in clause 5. Rather, at the conclusion of the consideration of the existing clauses, I intend to move a new clause which retains the provision contained in clause 5, allowing interim state planning provisions amendment to be made in relation to any matter recommended by the Tasmanian Planning Commission, but adding appropriate consultation and transparency safeguards. It's therefore necessary to vote down clause 5 to avoid duplicating the amendment to section 30(NB). The new clause will allow the council to consider the expanded power together with the safeguards that I will be proposing as a complete package. I therefore ask honourable members to vote against clause 5, noting that the government's substantive provision will be preserved in the new clause that I will move later on.

Clause 5 negatived.

Clause 6 agreed to.

Clause 7 -

Section 54 amended (Additional information)

Mr HISCUTT - I know it's [inaudible 5.33.14] compared to all the major amendments and things we're talking about, but this is the clause, 'the Planning Authority must'. We're receiving lots of different views from different departments within government on 'must' and 'is to'. I'm just pursuing this so that I understand it in the future. I know you answered the question, but again, my understanding was that the use of 'must' in legislation generally does carry with it a penalty provision. That's the general rule. You have just said if they don't, it just means that it will be assumed as happened. I guess it's just a seek in the future, but that feeling from the advice you have at least, from the government, that 'must' doesn't necessarily need a penalty - if they don't do it, there'll be nothing that happens to the council for not doing it, other than the fact that the timeline will continue as unopposed.

Mr VINCENT - I think I touched on this during my coverage in the summing-up that there are quite a few different parts of the act that don't have penalties involved with them. But the penalty in this case is the fact that if they don't, the clock keeps ticking. So, the penalty to the council is that it can be deemed approved. So that is non-monetary, but it is a process

penalty. That's how it sits with several parts of the act and it was, they call it fair to stay with this part of it as well. Thank you.

Ms THOMAS - Thank you, Madam Chair. I note that this requirement that the planning authority must, within eight business days after the day on which it received the additional information requested of an applicant, notify the applicant whether the request for information has been answered to its satisfaction. This is the new provision being introduced, whereas previously a planning authority was not required, it did not have to notify an applicant if it was satisfied with the information received.

I know some councils have written in opposing this change, suggesting that it will add an administrative burden. In an already stretched workforce of planners, it's just another task that they need to do. I'm just interested, Minister, if you could advise us what prompted this amendment? Who raised it as being an issue? What happens then if a planning authority writes to an applicant and says, 'Yes, thank you for providing that information, you've ticked all the boxes,' and they realise there's more information required. Does that then mean they can't go back and request more information? A couple of questions I have. Who raises an issue? What prompted this change, and what happens if they then realise more information is needed?

Mr VINCENT - I will seek some advice.

Thank you, member for Elwick. The reason for this was it had come through comprehensively from the Red Tape Reduction portal, people putting submissions into that. Under the existing *Land Use Planning and Approvals Act 1993* provision, councils can request additional information from an applicant to help assess and determine an application. Council statutory time period to make a determination on the application pauses until the council is satisfied it has required information. The act requires council to notify the applicant within eight business days from receiving information if it does not satisfy its original request.

There is currently no equivalent provision for notifying the applicant that the additional information provided has satisfied councils, so there's a vagueness there. This causes some uncertainty for the applicant regarding the statutory timeframe has recommenced. To address this issue, the bill proposes to require councils to give the notice to the applicant within the eight business days receiving information response. This is not an unreasonable burden on councils when they are already required to notify the applicant when they are not satisfied with the additional information. Notifying the applicant when they are satisfied with the additional information is entirely reasonable and provides transparency for the applicant. The draft bill also clarifies that the relevant period referred to under section 75(6)(B) or 58 (2) of the *Land Use Planning and Approvals Act 1993*, relating to the statutory timeframes for discretionary and permitted development applications does not run from the date the council give notice of the request for additional information until the council gives notice that the additional information requested has been satisfied.

The eight-business-day timeframe was adopted in the bill because it is the same timeframe given to council to notify an applicant if it is not satisfied that the additional information has been provided. This does not mean the council has to fully consider the details within the response or make a determination on the merits of the application within the eight business days.

Has that covered everything for you, member for Elwick?

Ms THOMAS - Thank you for your answer, Minister. Can council then go and make a second request for information or not? That's the bit I'm not clear on. I'm also interested in - it's fine that it's come through a suggestion through the Red Tape Reduction portal, but I still take issue with the fact that councils must, planning authorities must, do this. When I would imagine that if someone had a planning application in and they were wondering whether the clock had started again or not, they could call up the council and ask for that information or send an e-mail and ask that information, and would be within their rights to expect a reply. You can't always expect a timely reply from councils or government for that matter. That exists for applicants to actually seek an update on where their planning application is at.

The other issue I mentioned through the briefing is there's no broader advertising to the community because often the community are really interested in where a planning application is at. How many days are left on the clock before a decision has to be made? Was there any consideration given to some sort of way of actually having a dashboard somewhere which displays how many days are left? Again, that would be another administrative burden, but if this stuff was centralised by government, perhaps then that could be a useful mechanism that would reduce or take this burden away from council. I'm interested if you have any advice on that, minister.

Mr VINCENT - Just further to the red tape portal, quite a few people have raised concerns regarding the clock stops and starts and this goes to addressing this. The matter of clear timeframes was raised quite regularly on the position paper that we had out for consultation earlier on in the year. In relation to the additional information; additional information requests that stop the assessment clock can only be made in the first 21 days for a discretionary application or 14 days for permitted application. Councils will provide further clarification on their original request if they are not satisfied with what has been received when they send that letter out. Thank you.

Clause 7 agreed to.

Clause 8 agreed to.

Clause 9 agreed to.

Clause 10 -

Section 80 amended (Interpretation of Part 3)

Mr GAFFNEY - Madam Chair, I appreciate and acknowledge the minister's response at the end of the second reading speeches, but I think there would be people out there that will - so, I'm going to ask some questions, but I'm quite happy to have a more concise answer than what was presented before. For those listening, it's to do with the following being included in clause 10

(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;

We heard from the minister that no subdivision applications have actually been made since 1993 based on a lease arrangement under section 81 of the *Local Government (Building and Miscellaneous Provisions) Act*. Therefore, what prevented the government from considering Huon Valley Council's contention that the bill be amended to comprehensively exclude all leases of land from the definition of 'subdivide' in section 81 of the LGBMP act, rather than adopting a narrow infrastructure-specific exclusion, as that provision hasn't been utilised since 1993?

Mr VINCENT - I think I talked in the summing up about the risk elimination and mentioned that a few times. I should clarify we're not aware of any applications in 1993. There could have been, but we're not aware of any, just to clarify that point.

The changes address an immediate issue that has been identified for a variety of utility, infrastructure and facilities that often need to establish long-term leases for their operation. Other Australian states like South Australia and New South Wales have implemented similar changes to the long-term leases for these types of facilities. The Tasmanian government has already announced a broader review of the eventual repeal of the local government building and miscellaneous provisions log bump that we refer to a fair bit. This review is long overdue and something the government will progress further soon.

The broader policy around subdivision leases will be considered in detail during this review, with input from a variety of stakeholders, and this will ensure any changes are carefully considered and delivered on improving the planning scheme in the meantime. Thank you.

Mr GAFFNEY - I appreciate the response from the minister. The background report for consultation document for the bill spoke to possible unintended consequences with deeming long-term leases as a subdivision, and in particular for renewable energy and other utilities infrastructure. I'm interested to know what those unintended consequences are.

Secondly, if a lease does not produce a new land title or entry on the land registry, why do they need to be excluded from being defined on a subdivision?

Mr VINCENT - I will seek advice.

The unintended consequences of long-term leases being deemed a subdivision is that they are required to comply with the relevant subdivision standards in the Tasmanian Planning Scheme. Leases of this type or utility infrastructure are unlikely to meet the requirements that apply to normal fee simple subdivision lots, such as minimum lots sizes and appropriate road frontage or access requirements. The various requirements in the Tasmanian Planning Scheme, are not intended for an assessment of these types of leases. Those are the consequences involved.

Mr Gaffney - They didn't answer the -

Madam CHAIR - Honourable member for Mersey, it is third call, so if you have any others, put them to the minister.

Mr GAFFNEY - I did ask a question about a new land title entry on the land registry, why did that need to be excluded from being defined as a subdivision?

My last question is, given the increasing levels of community anger and pushback on the whole idea of AI data centres - the inquiry into AI data centres in Tasmania that has just begun the other place and the release of the government's draft expectations for data centres and AI infrastructure developers, which is open for public feedback, I think, until October 12. What is stopping the government from holding back on this amendment until we have a better understanding of the long-term policy on the subject coming from the submissions that they've asked for? And how does the government intend to address the other issues of community concern which this amendment will affect, such as the North West Transmission Developments and other future transmission infrastructure?

Mr VINCENT - Thank you for handing us a note so we can get the answer as accurate as we could, appreciate that. Point 4: it needs to be executed as LGBMA says that the leases of 10 years or more are deemed to be subdivisions.

5A: the bill is not about the data centres; that is a separate matter altogether.

5B: the north-west transmission line proposal is subject to a separate approval process under the major infrastructure legislation. Transmission lines do not generally have leases; they are managed through easements and the *Electricity Supply Industry Act 1995*.

Ms O'CONNOR - I think we have established that this section 80 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* amendment has been influenced singularly by a company called Cogency Australia, who are consultants, as I understand it, to some 52 renewable energy projects and four data centres around the country. Some of those projects are here, and it raises the question of the influence of private companies on the making of legislation.

Because we have heard from the minister and we've heard in briefings that it is necessary to make this change to the interpretation of subdivision in order for there to be national consistency, because this is what the other guys are doing, apparently, so we better follow them.

Mr Vincent - Some states.

Ms O'CONNOR - Some states. Well, actually, there's part of my question to you is which states, how many, and can the minister explain? Because we sought in the other place to understand where, through the consultation, this proposal came from. There was no clarity provided to us in the other place. I've since come to understand it was Cogency Australia, a private consultancy.

But can the minister confirm a) which other jurisdictions have made like amendments to their definition of subdivision under their planning scheme? And b) can the minister confirm it was only one private consultancy? Which is arguably conflicted because it has hopes and dreams of setting up some sort of operation here, and so has made a proposal to government that the definition of subdivision be altered specifically enabling the kind of infrastructure and facilities that this private company works in to include renewable energy, infrastructure and digital facilities. Can the minister confirm that we're changing the law here today and the definition of subdivision under the *Local Government (Building and Miscellaneous Provisions) Act 1993* because a single private company that wants to invest in Tasmania has asked for this change?

Mr VINCENT - Thank you, Chair. Cogency made a submission to this, but the change was not triggered by Cogency. This was from a broader concern raised through Minister Duigan's office from ReCFIT. We are aware that South Australia and New South Wales have made similar changes, which I mentioned in my summing up earlier. I hope that answers your questions there.

Ms O'CONNOR - Thank you, Madam Chair. Okay. So, a single private entity through the submission process makes a recommendation from an amendment and it is exactly reflected in the amendment bill that we're looking today. Then the minister has said, and I'm sure this is true, that the issue was raised internally through ReCFIT.

Did the minister receive written advice from ReCFIT that this is a necessary and desirable change? Was there any engagement with the Office of the Coordinator-General on this proposed change to the interpretation of subdivision?

Mr VINCENT - Right, the powers of computers. In October 25, Minister Duigan's office wrote to my office, and laying out suggestions for this to be made on behalf of - one of the people mentioned was Ian Jones from Clean Energy Tasmania, on behalf of the energy developers in relation to a similar sort of legislation that happened in South Australia and New South Wales, requesting, because of the amount of work coming up here that it may be necessary in Tasmania, as well.

Ms O'CONNOR - Thank you, Madam Chair. Would it be possible to provide to the Council a copy of that correspondence between yourself and Minister Duigan? I don't expect to have it straightaway, but I think it's something that, for the record, would be helpful to have. As I understand it, Minister, what you were saying then is that Minister Duigan conveyed this suggestion to you in relation to renewable energy developments, not digital infrastructure. So the question to you, my third question, is where did the proposal come from to carve out, if you like, leased data centres from the interpretation of the subdivision.

Mr VINCENT - Thank you, I'll just seek some advice.

Ms O'CONNOR - And through you, Madam Chair, we never had real clarity on whether the Office of the Coordinator-General was involved in this proposed change.

Mr VINCENT - For the member for Hobart, the proposed changes were based on the change that South Australia made. That was done by the SPO.

Ms O'Connor - It was suggested by the State Planning Office?

Mr VINCENT - Through what was suggested in the exchange of letters I just talked about, then the SPO developed it based on the changes that the South Australian government had made. This was further amended to include digital facilities based on the Cogency submission.

Ms O'Connor - So it was the Cogency submission. Thank you.

Mr VINCENT - That was where 'digital facilities' was added to it by SPO. The SPO worked with OPC to prepare this amendment. To the best of both my knowledge and the SPO, we're not aware of any engagement with the Office of the Coordinator-General at all.

Ms O'Connor - Through you, Madam Chair, only South Australia has made this change as well?

Mr VINCENT - South Australia and New South Wales, but we based ours on South Australia.

Madam CHAIR (Ms Forrest) - The question is -

That the clause as read stand part of the bill.

The Committee divided -

AYES 9

Ms Armitage
Mr Duigan
Mr Edmunds
Ms Forrest
Mr Hiscutt
Ms Palmer (Teller)
Ms Rattray
Ms Thomas
Mr Vincent

NOES 3

Mr Gaffney
Ms Glade-Wright
Ms O'Connor (Teller)

PAIRS

Ms Lovell

Ms Webb

Motion agreed to.

Clause 10 agreed to.

Clause 11 agreed to.

New Clause A to follow Clause 4(A), section 30 and be amended. Interim SPPs amendments. Section 30(NB) is amended as follows:

A. Find certain following subsections after subsection 2.

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 each planning authority to whom the draft amendment is to apply in 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 the draft amendments of the SPPs if before the Commission is given 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 emitting from subsection 3, subsection 2 and inserting subsections 2 and 2A.

C. By emitting from subsection 4A 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 and respect of the interim SPP's amendment after the Commission.

E. By emitting paragraph B from subsection 7 and substituting the following paragraph.

B. The Minister must place on a website of the department,

1. A copy of the Minister's reasons for making the decision.

2. Each piece of advice received by the minister under subsection 2A from a planning authority in relation to the draft amendment.

Ms THOMAS - Madam Chair, I move -

That new clause (A) be now read the second time.

I move new clause (A) in my name. This new clause retains the substantive provision originally contained in clause 5 of this bill, as I referred to earlier. It will allow an interim SPPs amendment to be made in relation to any other matter recommended by the Tasmanian Planning Commission. However, it also introduces important consultation and transparency safeguards. An interim SPPs amendment can take effect before the ordinary public consultation and independent assessment process has been completed. It is therefore reasonable that the planning authority is required to administer that amendment have an opportunity to provide advice before it takes effect.

Under my amendment, after seeking advice from the commission, the minister must also notify each planning authority to which the draft amendment would apply and given an

opportunity to advise whether the proposed provision should become an interim SPPs amendment. The amendment avoids unnecessary duplication. Further consultation will not be required where each affected planning authority has already been given an opportunity to provide advice or feedback during the preparation of the draft amendment, provided the minister intends to make the interim amendment on substantially the same terms. This is important. It recognises existing consultation, while ensuring that earlier feedback cannot be relied upon where the interim amendment has materially changed. The minister must consider both the commission's advice and the advice received from planning authorities before making a decision. The amendment does not give any council a veto. A planning authority is given an opportunity to provide advice within a specific period, but is not required to consent.

The amendment also strengthens transparency because the minister will be required to publish not only the reasons for the decision, but also each piece of advice received from a planning authority. If the minister decides not to make the interim amendment, the effective planning authorities will also be notified. These are measured safeguards. They do not prevent urgent action, remove the commission's role or transfer the minister's decision-making responsibility to councils. They simply ensure that a substantially broadened power is exercised after hearing from those who administer the planning scheme locally and that their advice is available for the community to see. This new clause preserves the government's intended reform while making the process more informed, more accountable and more transparent. I commend the new clause to the Council and respectfully seek the support of honourable members.

CHAIR - Before I call the minister, I will ask the honourable member for Hobart if she's intending to proceed with her amendment, because if she is, she needs to rise now and put that case.

Ms O'CONNOR - Madam Chair, I seek to move an amendment to the amendment, but before I do that I just want to commend the member for Elwick on this significant improvement to the bill, which I understand the government supports, so I don't need to back up the already very good arguments for supporting the new clause (A). I seek to move an amendment to the amendment moved by Ms Thomas.

Page 3 of the amendments, paragraph C, after and substituting

leave out safety, a prescribed circumstance or matter, and

insert instead safety.

As I understand it, LUPAA originally, it should be a prescribed circumstance or matter or any other matter recommended by the commission, I think. Sorry, I just need to get some clarity on that because this is what's come back to me from OPC and now that I think on -

Madam Chair, I think my original intention with the first amendment to clause 5 was that this power be confined to urgent matters of public safety, public health, heritage protection, natural environmental hazards and that sort of thing. The concern is that clause 5, as it was amended before the member for Elwick's proposed amendment, added 'or any other matter recommended by the commissioner' to the criteria by which the minister may make an interim State Planning Provisions amendment. And the concern here - and it's not just our concern, it's the concern of planning stakeholders - is that that's pretty broad and there's no test of urgency

or no stated limit on subject matter. It would be my desire - although, what's come back to me, which I have not cross-checked because amendments have been flying thick and fast - is that I have not included in this proposed amendment to the amendment that it should also strike out 'any other matter recommended by the commission.' So, Madam Chair, I feel that I'll have to withdraw the amendment because it is not as I intended it to be and it is something to do with the way I've conveyed my desires, I expect, to Parliamentary Council. That said, there's a robustness in the provision that we're being asked to insert as a new clause (A), that provides some comfort here, but I don't think that it will provide reassurance to planning stakeholders because the term 'a prescribed circumstance or matter' is an open check in a way, isn't it? Because a minister writes a regulation, that sort of thing, a prescribed circumstance or matter could significantly broaden out the criteria under which a minister can make an interim State Planning Provision amendment and I think that's really regrettable. I don't think we've had sufficient justification for it. I understand the State Planning Office is frustrated with us on these questions, nonetheless, the argument has not been made for that amendment, but I'll have to withdraw my amendment to the amendment. I have to withdraw it.

CHAIR - Before the member sits down, she could come to the table.

Ms O'CONNOR - Madam Chair, I want to thank yourself and the Clerk for the guidance on this. I seek leave to withdraw the amendment I just read in as I have another pass through here with.

Madam CHAIR - I've got to put that to a vote.

Ms O'CONNOR - So I seek leave to withdraw the original amendment that I read in two minutes ago.

Madam CHAIR - The honourable Leader seeks leave, is leave granted?

Mr DUIGAN - What's the honourable leader?

Madam CHAIR - The honourable member seeks leave. What did I say? Goodness knows what I said.

Ms O'CONNOR - Flashback.

Leave granted.

Madam CHAIR - Honourable member for Hobart, while you're still on your feet, what would you like to do now?

Ms O'CONNOR - Thank you, Madam Chair. I read in my original, original amendment to clause 5 and that is an amendment to the member for Elwick's proposed new clause A, page 3 of the amendments, paragraph C.

After and substituting,

leave out safety, a prescribed circumstance or matter, or any other matter recommended by the commissioner.

I just go back to the original matters that I raised, Madam Chair.

Madam CHAIR - Just a point of clarification, just read that again.

Ms O'CONNOR - Insert instead safety. Sorry. I'm just going to read it in again. Page 3 of the amendments, paragraph C

After and substituting

leave out safety, a prescribed circumstantial matter or any other matter recommended by the commission.

Insert instead safety.

Mr Hiscutt - Hear, hear!

Ms O'CONNOR - Thank you, Madam Chair. I think the proposed amendment speaks for itself. It has the same intent as an amendment I circulated some days ago. It reflects concerns about making sure we confine this power to put in place interim SPPs to those matters that are relevant to public safety, public health, heritage, and also that they have a sense of urgency attached to them that the minister would make an interim SPP on the basis of a pressing or urgent matter and in the knowledge of a requirement to do this because it is clearly in the public interest. I do commend this motion. It does reflect what's been put to us by the Planning Matters Alliance, and the hundreds of people who have emailed us with their concerns about the overreach in the bill as it was originally tabled in this place.

Mr VINCENT - Thank you, Chair. We do not support the member of Hobart's proposed amendments to clause 5 of the bill. Firstly, it takes away the ability that the minister currently has to make regulations to prescribe other matters that can be considered as interim SPP amendments. This would mean we can't have swiftly implemented container refund scheme amendments that enable the timely, consistent rollout of the facilities that the community currently uses for recycled drink containers.

Secondly, the bill simply enables the minister to act on advice from the independent Tasmanian Planning Commission, where they have recommended that an interim SPP amendment should be pursued. This is the same as the former interim planning directive process, but with added safeguards, including requiring consultation with local government, including seeking their advice on whether they think it should be an interim SPP amendment, and the need to urgently address issues, and it being in the public interest to give effect to the amendments as soon as practicable.

At the moment, the Commission would suggest to the minister that something should be addressed urgently through an interim SPP amendment beyond the current natural and environmental hazard, public health, public safety criteria, but the minister would need to prepare and enact regulations. This is not a nimble process. This bill simply allows the minister to act on the recommendations from the Independent Commission. Thank you, Chair.

Ms O'CONNOR - Well, I just wanted to note, Madam Chair, how reassuring it is to hear a minister in this government say that they'll act on the recommendations of the Tasmanian

Planning Commission. I understand where this amendment will go. But I encourage members to have a think about how this could be misapplied, because it's we're adding in also 'prescribed by regulations'. We have the example of PD6, which is the short stay interim SPP. We heard today it only applies to Kingborough, but it's actually those provisions which allow, unchecked, short stay are in the SPP. So, you can understand, not only our concern, I hope, but the concern of hundreds of people in the community about what this power might entail.

But you know, I'll just go back to, it's reassuring to hear the government say they'll listen to the Tasmanian Planning Commission. Because the fact of the matter is this government's got a really poor track record of listening to the experts in the Tasmanian Planning Commission. In fact, one of their expertise is in ignoring independent expert advice from Tasmanian Planning Commission. So, let's hope those things are turning around.

Amendment negated.

Madam CHAIR - The question is new clause A be read a second time. The honourable minister, do you want to speak to that?

Mr VINCENT - Thank you. Yes, we do support the member of Elwick's proposal amendment to clause 5 of the bill. I think this provides a reasonable approach that ensures local government are adequately consulted on an intention to make an interim SPP amendment. Basically, what it does is require the minister to seek advice from councils, at the same time as seeking advice from the Commission at section 30NB(1) of LUPAA. This only needs to occur if the minister hasn't already sought advice from the councils on potential interim status under section 30D(3) of LUPAA, and if the amendment has substantially changed from what it was originally consulted on, this is a more than reasonable addition that we will support. Thank you.

Madam CHAIR - The question is new clause A be read a second time. Member for Elwick.

Ms THOMAS - Thank you, Madam Chair. I just want to put on the record my thanks to the government for supporting this motion and my thanks to PMAT and LGAT, who I consulted in the drafting of the new clause as well, and the State Planning Office, and the minister's office for their assistance as well. Thanks, hopefully, to honourable members who I urge to support this new clause.

Ms RATTRAY - Thank you very much, Madam Chair. I just want to place on the record that I believe that this is a very reasonable and sensible outcome. I want to congratulate everybody for working together to achieve that, acknowledging the member for Hobart would have liked to have gone further, but I think it's reasonable and I thank everyone.

New Clause A read the second time.

Title as read agreed to.

Bill reported with amendments.

MOTION

[6.46 p.m.]

Mr VINCENT (Prosser - Minister for Housing and Planning) - I move -

That the bill as amended be taken into consideration tomorrow.

Motion agreed to.

ADJOURNMENT

[6.47 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I move -

That at its rising the Council adjourn to 11.00 a.m. on Thursday 10 September 2026.

Motion agreed to.

Ms RATTRAY - Mr President, I move -

That the Council do now adjourn.

PISA - Correction of the Record

[6.47 p.m.]

Ms PALMER (Rosevears - Minister for Education) - Thank you very much, Mr President. I'm rising on adjournment to correct the record with regard to a response to a question by the honourable member for Hobart in Question Time today. I stated PISA is a sample of 15-year-olds and is not based on school years. Unlike other jurisdictions in Tasmania, the majority of students assessed are in year 9, given the later starting age. I would like to correct the record with the following words:

This is a sample of 15-year-olds and is not based on school years and when compared with other jurisdictions, Tasmania has the highest percentage of year 9 students who undertook the test.

Subject

[6.49 p.m.]

Ms THOMAS - Thank you, Mr President, I rise on adjournment to briefly pose a query to the government or to the Premier, through the Leader, to ask a pretty straightforward question as to when the seven independent members who co-signed a letter to the Premier dated Thursday 25 June 2026 - about seven weeks or 77 days ago - can expect a response to that letter.

The topic of the letter was need for structural reform to provide equitable resourcing of members of parliament. In a really quite succinct one-page letter, the seven co-signed members - the honourable Meg Webb MLC, myself as the member for Elwick, the honourable member for Huon, the member for Montgomery, the member for Launceston, the member for Murchison, and the member for Mersey - co-signed a letter, repeating our request to meet with the Premier and the Secretary of DPAC at the earliest opportunity to discuss appropriate measures by which to resolve the long outstanding matter of equitable resourcing of MPs and the structural changes necessary. This has been a matter that's been raised by members in this House - as far as I can recall in my two and a half years here - and we've had repeated questioning through budget Estimates and other forums asking for explanation and opportunity to meet and discuss and try and work together to find a solution to equitable resourcing of members, Independent members, and members generally. It's not just confined to Independent members and an equitable framework or an independent framework for how resourcing of MPs is determined.

It's disappointing, but it's about 77 days and we have not had a response to this letter from the Premier. It's not long ago other members stood in this place a couple of sittings back calling on the Premier to show respect to this House and the undertaking we got through the Leader in response. I credit the Premier and the government for coming back to this House with the response at that time being that this House was respected by the government, and that contributions made on adjournment did deserve, and would receive, a response from the government, which is why I'm raising it through this forum this evening.

I did flag last week through staff in the Premier's Office that I was disappointed that we hadn't yet received a response, but still crickets. I'm taking this opportunity tonight. I do hope the Leader is listening and will convey this message back to the Premier that we really hope a response will be very shortly forthcoming.

The Council adjourned at 6.51 p.m.