

CLAUSE NOTES***Land Use Planning and Approvals (Miscellaneous Amendments)
Bill 2026*****PART 1 - PRELIMINARY****Clause 1 Short title**

This Act may be cited as the *Land Use Planning and Approvals (Miscellaneous Amendments) Act 2026*

Clause 2 Commencement

This clause specifies that the provisions of the Act commence on the day the Act receives Royal Assent.

**PART 2 – LAND USE PLANNING AND APPROVALS ACT 1993
AMENDED****Clause 3 Principal Act**

This clause specifies that in Part 2 of the amending Act, the term ‘Principal Act’ refers to the *Land Use Planning and Approvals Act 1993*.

Clause 4 Section 14 amended (Content of State Planning Provisions)

This clause amends section 14(1) of the Principal Act by inserting, after paragraph (g), an additional paragraph (ga) which allows for the State Planning Provisions (SPPs) to contain a map, overlay, list or other provisions that provides for the spatial application of the SPPs to land.

Clause 5 Section 30NB amended (Interim SPPs amendments)

This clause amends section 30NB(4)(a) of the Principal Act which relates to the criteria the Minister must consider when making a draft amendment of the SPPs an interim SPPs amendment and thereby having more immediate effect. The provision is amended to add ‘or any other matter recommended by the Commission’ to the criteria the Minister may consider when determining to make an interim SPPs amendment.

Clause 6 Section 34 amended (LPS criteria)

This clause makes various amendments to section 34 of the Principal Act.

Sub-clause 6(a) deletes the text in section 34(2)(da) of the Principal Act relating to satisfying the relevant criteria in relation to the Tasmanian

Planning Policies (TPPs) and replaces the text with 'is consistent with the TPPs'.

Sub-clauses 6(b) and (c) amends section 34(2)(e) of the Principal Act requiring that a relevant planning instrument is to be, as far as practicable, consistent with the regional land use strategy (RLUS) that is 'in force at the "relevant time"'

Sub-clause 6(d) deletes section 34(2A) of the Principal Act and inserts a new section (2A) relating to the application of "relevant time" in new section 34(2)(e) for RLUSs.

New section 34(2A) contains savings provisions for RLUSs by specifying what version of the RLUS should be applied when considering the various relevant planning instruments. It specifies 3 outcomes being:

- for draft LPSs or LPSs, the version of the RLUS that was in effect at the time the planning authority provides the Commission with its report under section 35F(1) of the Principal Act;
- for a draft amendment of an LPS or an amendment to an LPS prepared as a result of a direction by the Commission under section 35KB(1), the version of the RLUS that was in effect at the time the planning authority provides the Commission with its report under section 35F(1) of the Principal Act; and
- for a draft amendment of an LPS or an amendment to an LPS that is not prepared as a result of a direction by the Commission under section 35KB(1), the version of the RLUS that was in effect at the time the planning authority certifies the amendment under section 40F of the Principal Act.

Sub-clause 6(d) inserts new subsections (4) and (5) after subsection 34(3) of the Principal Act

New subsection (4) states that section 34(2)(da) for the TPPs does not apply to draft LPS amendments if:

- the TPPs were not in effect at the time the planning authority provides the Commission with its report under section 35F(1) of the Principal Act; and
- and the draft LPS amendment was prepared in accordance with a direction under section 35KB(1) of the Principal Act.

New subsection (5) also states that section 34(2)(da) does not apply to a draft amendment to an LPS if:

- the TPPs were not in effect on the day in which a draft amendment was certified in accordance with section 40F of the Principal Act; and
- the Commission has not determined the amendment in accordance with section 40Q of the Principal Act at the time the *Land Use Planning*

and Approvals (Miscellaneous Amendments) Act 2026 commences into effect.

Clause 7 Section 54 amended (Additional Information)

This clause deletes section 54(2) and (3) of the Principal Act and replaces them with new provisions which clarify when the assessment timeframe for a development application stops and starts and the requirements for the planning authority to notify applicants.

More specifically, new section (2) clarifies that the assessment timeframes referred to in sections 57(6)(b) or 58(2) in the Principal Act do not run from the day the applicant is served with the notice from the planning authority that it requires additional information to the day the notice is received from the planning authority that the additional information request has been satisfied.

New section (3) includes provisions requiring that the planning authority is to notify the applicant in writing within 8 business days of receiving additional information as to whether or not the request has been satisfied. If the request has been satisfied, the planning authority must advise that the assessment timeframe has recommenced.

Clause 8 Section 57 amended (Applications for discretionary permits)

This clause deletes section 57 (5AA) of the Principal Act and replaces it with a new section (5AA).

The new section (5AA) clarifies that the time period specified in section (5) does not include any days when the office of the planning authority is closed during normal business hours and that period is extended for each day that the office is closed. New section (5AA) also extends the time period specified under section 57(6)(b) of the Principal Act for each day that the office is closed.

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

Clause 9 Principal Act

This clause provides that in Part 3 of this amending Act, the term 'Principal Act' refers to the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Clause 10 Section 80 amended (Interpretation of Part 3)

This clause amends the definition of 'subdivide' in the Principal Act by including an additional subsection (f) after (e) to specify that a lease or licence for the installation, operation or maintenance of telecommunication

or digital facilities, renewable energy infrastructure or other utility infrastructure that is reasonably necessary for or incidental to those purposes, is not subdivision.

PART 4 – REPEAL OF ACT

Clause 11 Repeal of Act

This clause specifies that this amended Act is repealed on the first anniversary of the day the last uncommenced provision of the Act comes into effect.