PMAT Briefing to the Legislative Council

No new re-zoning powers to the Minister for Planning & constrain the criteria for making interim State Planning Provisions amendments

Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026 (22 of 2026)

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Wednesday 2 September 2026

PMAT represents 79 statewide community groups.

www.planningmatterstas.org.au

PMAT's position

PMAT supports the Bill — but only if Clauses 4 and 5 are amended.

CLAUSE 4

Amend it

Clause 4 lets maps sit inside the State Planning Provisions for the first time — handing the Minister a new power to rezone land.

- **Our ask: limit the new power to hazard overlays in section 14(1).**

CLAUSE 5

Tighten it

Clause 5 broadens the grounds for making interim State Planning Provisions amendments, which take immediate effect statewide.

- **Our ask: tighten the criteria for making interim State Planning Provisions amendments in s30NB(4)(a) e.g. to human health.**

Everything else in the Bill has our support.

Our concern: too much power in one pair of hands

The Bill expands and consolidates the Planning Minister's total control over the planning system. The Minister writes the rules, draws maps and signs it off. There is nothing that can stop the Minister for Planning.

Writes the rules

The Minister already has the final say on the rules contained within the 23 Zones and 16 Codes in the State Planning Provisions.

TODAY

Draws the maps

Clause 4 would enable the Minister to decide where those Zones and Codes apply to land.

NEW UNDER THE BILL

Signs it off

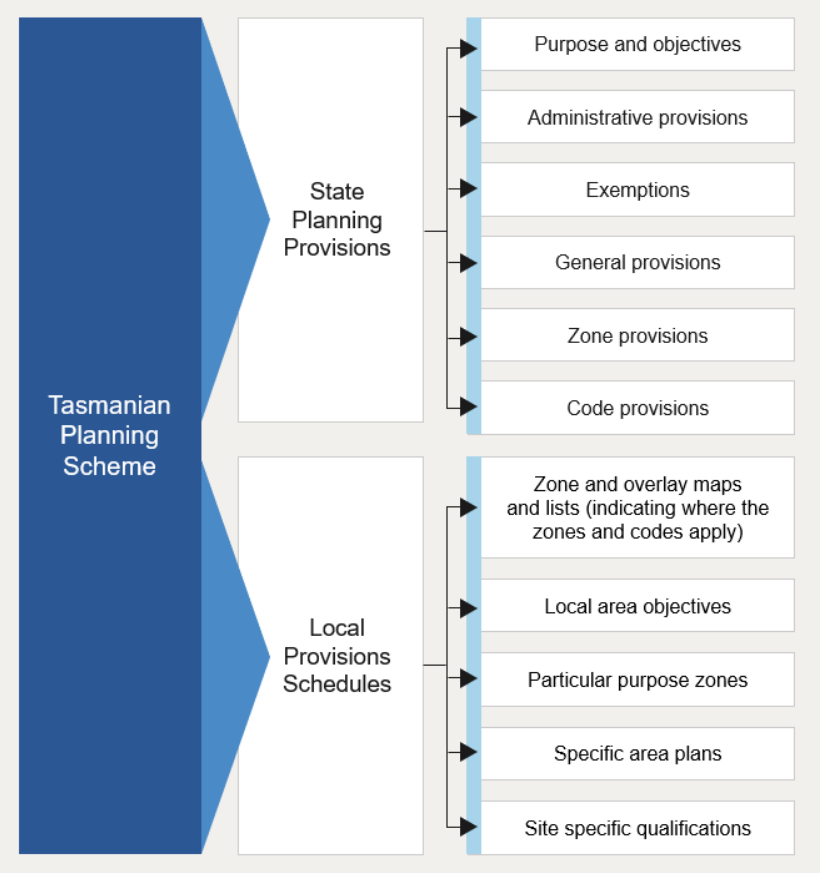
The Minister drafts the amendment and approves it. The Commission only advises.

NEW UNDER THE BILL

When used together, Clause 4 and today's Interim State Planning Provisions amendments process would allow land to be rezoned statewide, overnight — without statutory consultation with residents, councils or community.

How the system works today

The Tasmanian Planning Scheme has two parts — and only **one** of them **currently** contains maps.



THE RULES

State Planning Provisions

23 Zones and 16 Codes applying statewide. **Today contains no mapping**. Amended by the Minister for Planning who has the final say. Today the Minister has total control over the rules in the Zones and Codes.

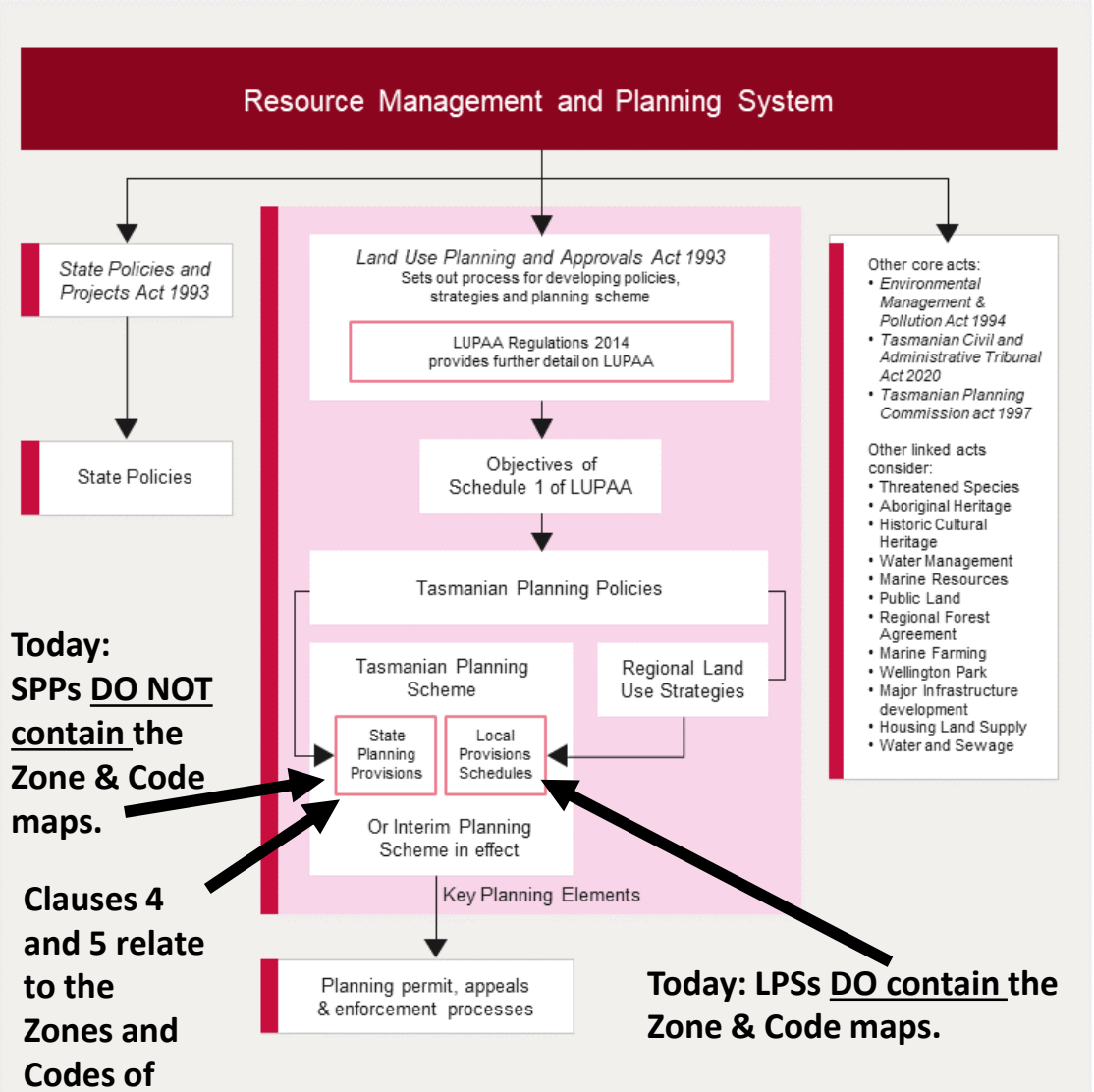
THE MAPS

Local Provisions Schedules

Today contains mapping. Zone and overlay maps showing where the rules apply, council by council. Amendments are decided by the Tasmanian Planning Commission (s40Q) in collaboration with Councils and communities, and not the Minister.

Source: Tasmanian Planning Scheme structure, stateplanning.tas.gov.au

A map of Tasmania's current planning system



Today: SPPs DO NOT contain the Zone & Code maps.

Clauses 4 and 5 relate to the Zones and Codes of the SPPs.

Today: LPSs DO contain the Zone & Code maps.

Source: The Resource Management and Planning System (RMPS) is a framework of legislation, policy and other planning controls that guides decision-making processes about land use and development in Tasmania: https://www.stateplanning.tas.gov.au/planning-system/resource-management-and-planning-system

State Planning Provisions (SPP): 23 Planning Zones:

1. 8.0 General Residential Zone
2. 9.0 Inner Residential Zone
3. 10.0 Low Density Residential Zone
4. 11.0 Rural Living Zone
5. 12.0 Village Zone
6. 13.0 Urban Mixed Use Zone
7. 14.0 Local Business Zone
8. 15.0 General Business Zone
9. 16.0 Central Business Zone
10. 17.0 Commercial Zone
11. 18.0 Light Industrial Zone
12. 19.0 General Industrial Zone
13. 20.0 Rural Zone
14. 21.0 Agriculture Zone
15. 22.0 Landscape Conservation Zone
16. 23.0 Environmental Management Zone
17. 24.0 Major Tourism Zone
18. 25.0 Port and Marine Zone
19. 26.0 Utilities Zone
20. 27.0 Community Purpose Zone
21. 28.0 Recreation Zone
22. 29.0 Open Space Zone
23. 30.0 Future Urban Zone

State Planning Provisions (SPP): 16 Codes or overlays:

1. C1.0 Signs Code
2. C2.0 Parking and Sustainable Transport Code
3. C3.0 Road and Railway Assets Code
4. C4.0 Electricity Transmission Infrastructure Protection Code
5. C5.0 Telecommunications Code
6. C6.0 Local Historic Heritage Code
7. C7.0 Natural Assets Code
8. C8.0 Scenic Protection Code
9. C9.0 Attenuation Code
10. C10.0 Coastal Erosion Hazard Code
11. C11.0 Coastal Inundation Hazard Code
12. C12.0 Flood-Prone Areas Hazard Code
13. C13.0 Bushfire-Prone Areas Code
14. C14.0 Potentially Contaminated Land Code
15. C15.0 Landslip Hazard Code
16. C16.0 Safeguarding of Airports Code.

What Clause 4 does

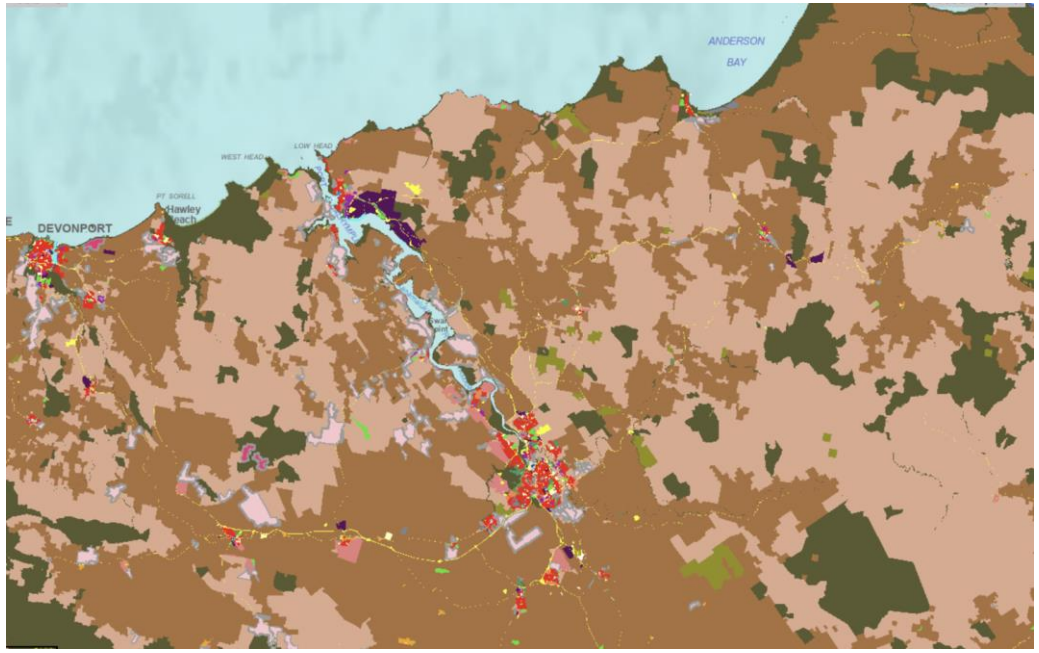
It inserts a new paragraph (ga) into section 14(1) of the Act.

> *The State Planning Provisions (SPPs) may contain a map, overlay, list or other provision that provides for the spatial application of the SPPs to land.*

In plain English:

All zoning maps currently sit within the Local Provisions Schedules. Clause 4 allows the Minister to place maps directly into the statewide rules across all 29 Councils in one amendment.

The State Planning Office told the August Legislative Council briefings that Clause 4 could **'in theory'** reach all 23 Zones and 16 Codes, not just hazard mapping.



Tasmanian Planning Scheme zone mapping, northern Tasmania. Today this mapping exists only in each council's Local Provisions Schedule. Source: www.thelist.tas.gov.au

The difference is in who decides

The current process for making an amendment to the State Planning Provisions (SPPs) is very different to the current process for applying the State Planning Provisions (SPPs) through a Local Provisions Schedule (LPS) amendment process. **The key difference is who is responsible – as highlighted by the table below and in APPENDIX 1.**

The impact of Clause 4 can only be understood if you understand how the current system works. The new power under Clause 4 will be under the total control of the Minister rather than the Tasmanian Planning Commission in collaboration with Councils and communities.

Clause 4 will change who is responsible for zoning land - the power to rezone land – it will be the Minister for Planning rather than the Council and the Tasmanian Planning Commission.

	Current SPP - State Planning Provision amendment process	Current LPS - Draft Local Provisions Schedule amendment process
Terms of reference	Minister for Planning	—
Drafting amendment	Minister for Planning	Planning authority (council)
Exhibition & hearings	Tasmanian Planning Commission	Tasmanian Planning Commission
Decision	Minister — may approve, refuse or modify (s30P)	Tasmanian Planning Commission (s40Q) makes the final decision
If the Commission disagrees	Minister need only publish a statement of reasons, which is not reviewable.	—

This is what the then Planning Minister Peter Gutwein promised would not happen – see over for the *Tasmanian Planning Scheme Factsheet* where this promise is made.

Tasmanian Planning Scheme

FACT SHEET

A MESSAGE FROM THE MINISTER

Hon Peter Gutwein MP
Treasurer
Minister for Planning and Local Government

"The current regionally based approach to planning isn't working with different rules for different areas making the system complex and difficult to navigate.

That is why we are introducing a new Tasmanian Planning Scheme which will take a statewide approach. This will result in consistency across regions.

Currently, across the three regions, there is only around 15 per cent consistency in respect of planning schemes across the state. Under the Tasmanian Planning Scheme, there will be around 80 per cent consistency statewide, providing more clarity and certainty for everyone.

This is all about creating a planning system that is fairer, faster, cheaper and simpler that will make it easier to invest in Tasmania, encouraging more economic development and job creation.

One statewide planning system will provide confidence for those looking to invest and expand.

It means housing providers, developers, designers, planners, and builders who operate across different council areas from Bicheno to Queenstown, Devonport to Dover, will not need to use a set of different rules for each place."

What consultation has there been?

While in Opposition we announced an intention for a single statewide planning scheme in 2011, and subsequently took the policy to the 2014 election where it was overwhelmingly endorsed by the Tasmanian people.

Following the election, the Tasmanian Liberal Government formed the Planning Reform Taskforce, comprising key council, business and other key stakeholders, to consult and advise on the formulation of the legislation.

The draft legislation itself was released in June 2015 and subject to a six-week period of public consultation.

To ensure feedback is provided to stakeholders who provide commentary on the draft legislation, a number of meetings have been held to provide updates on the amendments to the draft legislation in line with responses.

What has been the process for drafting the *Tasmanian Planning Scheme?*

The process that has been underway for the drafting of the State Planning Provisions of the Tasmanian Planning Scheme is the most comprehensive consultative process ever undertaken in planning.

It is the first time that stakeholders including Local Government have been asked to work collaboratively on each section of the State Planning Provisions.

Two Technical Reference Groups have been created to provide technical advice and bring together, for the first time at a state level, land use planning and infrastructure provision:

- Planning Technical Reference Group that has nine local government planners, three from each region representing urban and rural councils.
- Infrastructure Technical Reference Group comprises nine infrastructure providers that cover hard infrastructure, transport, energy, water, port and marine, Infrastructure Tasmania and Local Government.

There are three consultative groups covering the following community interests:

- Community Sector Consultative Group
- Business and Industry Consultative Group
- Environment and Historic Heritage Group

Regular briefings are held with the three regional council groups, key State Government agencies and specialised interest groups to test the veracity of the drafting of the State Planning Provisions.

Tasmanian Government

What role will Councils have?

Local Government is fundamental to the success of the Tasmanian Planning Scheme and, together with State Government, forms a strong partnership in ensuring the community has confidence in the Planning Scheme.

Councils will still determine the zone maps, lists and overlays of the Codes for their municipal areas. Councils will also remain the planning approval bodies.

'*Councils will still determine the zone maps, lists and overlays of the Codes for the municipal areas.*' : Peter Gutwein, Minister for Planning

The implication was that the State Government would not have that power to determine the Zone maps and Codes.

What Clause 5 does — and our amendment

Interim SPP amendments take effect straight away, before scrutiny is complete.

AS DRAFTED

Clause 5 amends s30NB(4)(a) to add ‘or any other matter recommended by the Commission’ to the criteria on which the Minister may make an interim State Planning Provisions amendment.

No test of urgency. No stated limit on subject matter.

PMAT'S AMENDMENT

Amend s30NB(4)(a) so an interim State Planning Provision amendment can only be made where it is necessary to urgently address heritage protection, natural or environmental hazard, public health and public safety.

With that test in place, PMAT supports Clause 5.

Source: Land Use Planning and Approvals Act 1993, s30NB; Clause Notes to the Bill.

We have seen this power used before & it demonstrates the power of the interim State Planning Provisions Amendments when you get it wrong.

Interim Planning Directive No. 2 — made it easier to operate short-stay visitor accommodation statewide, 2017.

June 2017

Minister directs the Commission to assess draft Planning Directive No. 6. Exemption and Standards for Visitor Accommodation in Planning Schemes

1 July 2017

Interim Planning Directive No. 2 takes effect immediately, applying the same provisions statewide.

2018

Planning Directive No. 6 is made. It remains in force today.

What councils say it cost them

- LGAT: councils were prevented from regulating the conversion of long-term rentals to short-stay accommodation — a loss of housing supply, very low vacancy rates and rental inflation for permanent residents.
- City of Hobart: is currently trying to unwind the effects which has taken the City significant time and resources.
- The most recent data (December 2024) from CBOS reports that 468 entire homes being used as short-stay accommodation in the Hobart City Council.
- Since 2020 there has been a 60% increase in whole homes being used as short-stay accommodation in HCC. The vacancy rate in Hobart is currently 0.6%. Nationally it is 1.2%. In other words, the vacancy rate in Hobart is half of the national rate.

PMAT is not alone

Councils and professional bodies raised the same concerns in submissions on the Bill.

Glenorchy City Council –Clause 5

Council officers would prefer such interim amendments are limited to ‘urgently address issues relating to heritage protection, natural or environmental hazards, public health and public safety’.

Glenorchy City Council –Clause 4

Mapping in the SPPs may extend beyond hazards to heritage or scenic corridors, overriding council input.

Local Government Association of Tasmania – Clause 5

The need for broader interim powers has not been demonstrated; criteria on public interest are needed.

City of Hobart – Clause 5

Interim amendments should require the consent of each affected planning authority.

Northern Midlands Council – Clause 5

‘Any other matter recommended by the Commission’ leaves no room for community consultation.

Meander Valley Council – Clause 5

Without knowing what changes are contemplated, support cannot be given.

Australian Institute of Architects – Clause 5

Clear criteria, consultation and transparency should govern any interim amendment.

Only ten councils lodged a submission. Paraphrased: full submissions available here: https://www.stateplanning.tas.gov.au/__data/assets/pdf_file/0011/636977/Draft-LUPA-Miscellaneous-Amendments-Bill-2026-submissions.pdf

PMAT asks the Legislative Council

Clause 4

Limit the new spatial application power in s14(1)(ga) to natural hazard overlays — the purpose the Government has stated for the Bill.

Clause 5

Tighten s30NB(4)(a) so interim State Planning Provisions amendments may only be made to urgently address heritage protection, natural or environmental hazard, public health and public safety.

With these two amendments, PMAT supports the Bill.

Sophie Underwood, State Director
Planning Matters Alliance Tasmania · 79 statewide community groups

APPENDIX 1

Appendix 1 outlines the following processes:

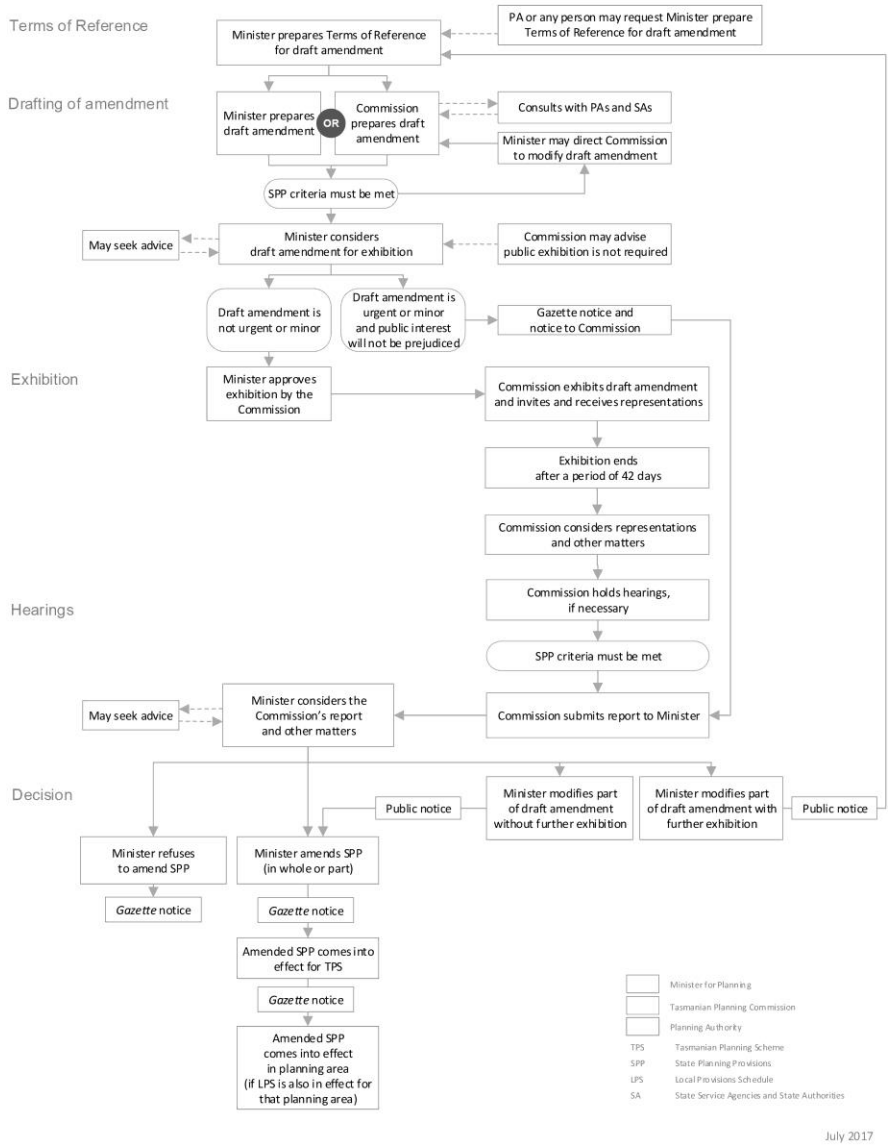
Current *State Planning Provisions Amendment Process* - relevant to Clause 4

Current *Draft Local Provisions Schedule Approval Process* - relevant to Clause 4

Current *Interim State Planning Provisions Amendment Process* - relevant to Clause 5

TASMANIAN PLANNING COMMISSION

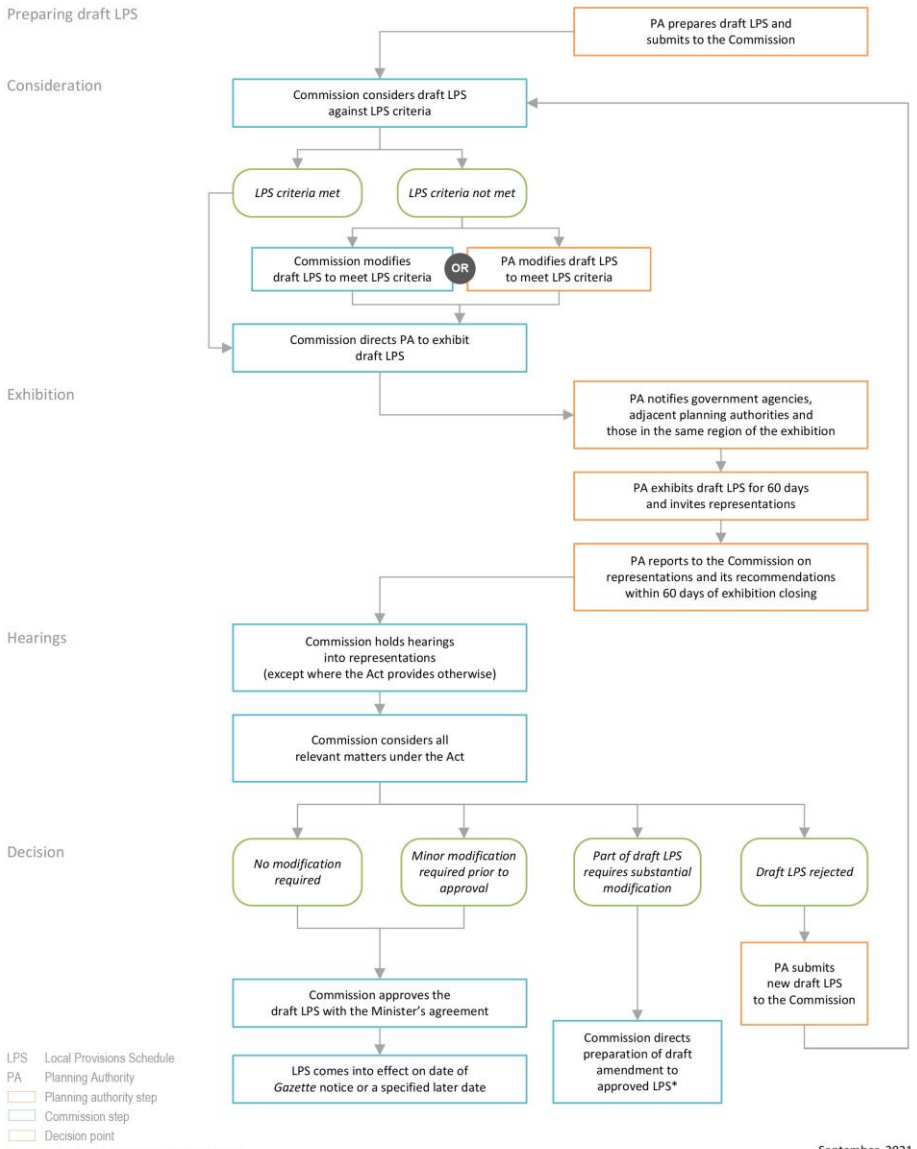
State Planning Provisions Amendment Process



Current *State Planning Provisions Amendment Process*
- relevant to Clause 4

For an easier to read version of the flowchart please visit: [Flowchart-SPP-amendment-process-July-2017.PDF]

Draft Local Provisions Schedule Approval Process



Current *Draft Local Provisions Schedule Approval Process* - relevant to Clause 4

For an easier to read version of the flowchart please visit: [Draft Local Provisions Schedule Approval Process]

Under the current State Planning Provisions amendment, the process is as follows with regards to making an Interim State Planning Provisions amendment:

1. The Minster prepares a TOR for a draft amendment and gives public notice of the TOR.
2. The Minister may then either:
    1. Prepare the amendment (s30D); or
    2. direct the Tasmanian Planning Commission to prepare the amendment; or
    3. Decide the amendment is a minor amendment (s30NA) and make the amendment (s30NA(6)).
3. If not a minor amendment, the Minister determines whether to approve the draft amendment for public exhibition (s30G), then:
    1. The Commission gives public notice, if public notice approved by the Minister (s30K), and any person may make a representation (s30L)
    2. The Commission considers representations and recommends to the Minister
4. The Minister can approve, refuse or modify the draft amendment to the SPPs (s30P).

Note: after approving public notice, the Minister may decide 'some or all' of the provisions of the draft amendment should become an ***Interim SPP****, if to address an urgent issue of hazard, public safety etc and is in the public interest (s30NB(4)) – there is a procedure to follow for Interim Amendments.*

Current process for making an *Interim* State Planning Provisions Amendment
- relevant to Clause 5.

See *s30NB(4) on next slide. No flowchart is available.*

30NB. Interim SPPs amendments – relevant to Clause 5 (emphasis added)

(1) The Minister, after having given a notice under section 30G(3) of the approval for exhibition of a draft amendment of the SPPs, may give to the Commission a notice requesting the Commission to advise the Minister, within a period specified in the notice, **as to whether some or all of the provisions of the draft amendment of the SPPs should become an interim SPPs amendment**.

(2) The Commission, within the period specified in a notice under subsection (1) or a longer period allowed by the Minister, is to –

(a) advise the Minister whether, in the opinion of the Commission, some or all of the provisions of the draft amendment of the SPPs should become an interim SPPs amendment; and

(b) give to the Minister the Commission's reasons for giving that advice.

(3) The Minister, after considering the advice, and opinion, received under subsection (2) in relation to a draft amendment of the SPPs, may –

(a) make an interim SPPs amendment in the terms of some or all of the provisions of the draft amendment of the SPPs, modified, if at all, as the Minister thinks fit; or

(b) decide not to make an interim SPPs amendment in the terms of some or all of the provisions of the draft amendment of the SPPs.

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

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

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

(5) If the Minister makes an interim SPPs amendment under subsection (3)(a) , the Minister must –

(a) give written notice of the interim SPPs amendment to the Commission and all planning authorities; and

(b) publish in the *Gazette* notice of the making of the interim SPPs amendment and of the day on which the interim SPPs amendment is to come into effect as an amendment of the Tasmanian Planning Scheme, which is to be a day on or after the day on which the notice is so published.

(6) If the Minister decides under subsection (3)(b) not to make an interim SPPs amendment, the Minister must give written notice of the decision to the Commission.

(7) As soon as practicable after the Minister makes a decision under subsection (3) in relation to a draft amendment of the SPPs –

(a) the Commission must place on the Commission's principal website a copy of the advice and reasons given under subsection (2) in relation to the draft amendment of the SPPs; and

(b) the Minister must place on a website of the Department a copy of the Minister's reasons for making the decision.

◆ PMAT ask – relates to Clause 5:

Tighten s30NB(4)(a) so interim State Planning Provisions amendments may only be made to urgently address heritage protection, natural or environmental hazard, public health and public safety.

Source: **30NB. Interim SPPs amendments:** View - Tasmanian Legislation Online