



Resource Planning and Development Commission

Planning Advisory Note 1

Subject: Standard Letters

Purpose To provide guidance on the appropriate form of correspondence with the Commission with respect to a planning authority's responsibilities under the provisions of the Land Use Planning and Approvals Act 1993.

Background

This advisory note contains 22 standard letters. They are available from the Commission's web site as Microsoft® Word documents at www.rpdc.tas.gov.au.

Any planning authority using the letters is encouraged to advise the Commission of any problems, omissions or additions they wish to have rectified. Any suggestions are welcomed and can be forwarded to the Manager of the Commission.

Fees

Notification is included in the relevant standard letters where the payment of fees is required. As the Commission has chosen not to process any applications where the fee has not been paid, it is hoped that this inclusion will act as a reminder and thereby help to reduce unnecessary delays. The Commission will only accept a cheque where the drawer is the planning authority. Alternatively, arrangements can be made to pay the fee by direct debit to your bank account.

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Planning Advisory Notes are prepared by the Resource Planning and Development Commission to explain statutory provisions and provide guidance to planning authorities and others on the operation of the planning system.

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Disclaimer

It should be noted that this guidance is provided on the basis that it is not intended to constitute advice in respect of any matter which may be the subject of proceedings before the Commission at any time, or any indication of a particular decision which may be taken by the Commission in respect of any matter.

Further Information

Relevant legislation may be viewed at <http://www.thelaw.tas.gov.au>.

For further information, contact:

The Manager

Resource Planning and Development Commission

GPO Box 1691, HOBART TAS 70001

Telephone (03) 6233 2795

Facsimile (03) 6233 5400

eMail: enquiry.rpdc@justice.tas.gov.au

Simon Cooper

Executive Commissioner

Resource Planning & Development Commission

February 2008

S23-Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Section 23 of the *Land Use Planning and Approvals Act 1993* requires that a copy of the decision to prepare a draft planning scheme be forwarded to the Commission within 14 days of the decision date.

Please find enclosed a copy of the decision dated *(2).....
which relates to the preparation of a draft planning scheme for *(3).....
.....

We are aware that section 24(1) of the Act requires that the draft scheme be presented for certification to the Commission within 12 months of the above date.

If you have any questions about this matter please contact *(4).....
quoting reference number

Yours faithfully
.....

* Use as appropriate

- (1) Insert name of draft planning instrument.
- (2) Insert date of planning authority decision.
- (3) Insert name of planning scheme area.
- (4) Insert name of contact person and contact telephone number.

S24(1)-Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

In accordance with section 24(1) of the *Land Use Planning and Approvals Act 1993* please find enclosed four copies of the draft planning scheme for certification by the Commission. The draft planning scheme is accompanied by an explanatory report detailing the strategic basis of the document and an explanation as to how it furthers the objectives set out in Schedule 1 of the Act.

If you have any questions regarding this matter please contact *(2).....
quoting reference number.....

Yours faithfully
.....

* Use as appropriate

(1) Insert name of draft planning instrument.

(2) Insert name of contact person and contact telephone number.

S24(1)- Ext of time Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Section 24(1) of the *Land Use Planning and Approvals Act 1993* requires that the draft planning scheme be submitted to the Commission for certification within 12 months of the decision to prepare a scheme.

Please be advised that the draft planning scheme will not be able to be presented to the Commission within that time for the following reasons *(2).....

An extension of weeks is requested.

If you have any questions regarding this matter please contact *(3).....
quoting reference number.....

Yours faithfully
.....

* Use as appropriate

- (1) Insert name of draft planning instrument.
- (2) State reasons as to why the draft planning scheme will not be submitted in time.
- (3) Insert name of contact person and contact telephone number.

S24(2)(b)(i)-Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

In accordance with section 24(2)(b)(i) of the *Land Use Planning and Approvals Act 1993* we hereby agree to the Commission amending the above draft planning scheme as advised by the Commission by letter of *(2).....

Please find attached a copy of our decision dated *(3)..... substantiating that agreement.

If you have any questions about this matter please contact *(4)..... quoting reference number

Yours faithfully
.....

* Use as appropriate

- (1) Insert name of draft planning instrument.
- (2) Insert date of Commission's letter and reference number.
- (3) Insert date of planning authority resolution agreeing to the Commission amending the draft amendment.
- (4) Insert name of contact person and contact telephone number.

S24(4)-Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

In accordance with section 24(4) of the *Land Use Planning and Approvals Act 1993* please find enclosed four copies of the revised draft planning scheme submitted for certification to the Commission. The revised draft planning scheme is accompanied by an explanatory report detailing the strategic basis of the document and an explanation as to how it furthers the objectives set out in Schedule 1 of the Act.

If you have any questions regarding this matter please contact *(2).....
quoting reference number.....

Yours faithfully
.....

*Use as appropriate

(1) Insert name of draft planning instrument.

(2) Insert name of contact person and contact telephone number.

S24(4)-Ext of time Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

In accordance with Section 24(2)(b)(ii) of the *Land Use Planning and Approvals Act 1993* the Commission required that the revised draft planning scheme be submitted to the Commission for certification within *(2)..... of that decision.

Please be advised that the revised draft planning scheme will not be able to be presented to the Panel within that time for the following reasons *(3).....

An extension of weeks is requested.

If you have any questions regarding this matter please contact *(4)..... quoting reference number.....

Yours faithfully
.....

-
- * Use as appropriate
- (1) Insert name of draft planning instrument.
 - (2) Insert period specified by the Commission.
 - (3) State reasons why the revised draft planning scheme will not be submitted in time.
 - (4) Insert name of contact person and contact telephone number.

S26(2)-Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Section 26(2) of the *Land Use Planning and Approvals Act 1993* requires that a report be submitted to the Commission not later than 3 months after the expiration of the exhibition period of the draft planning scheme.

The exhibition of the draft planning scheme was completed on

Please find enclosed a report comprising *(2).....
and our recommendations in relation to the draft planning scheme.

If you have any questions about this matter please contact *(3)..... quoting reference number

Yours faithfully
.....

* Use as appropriate

(1) Insert name of draft planning instrument.

- (2) Insert either (a) a statement to the effect that no representation has been received;
OR
(b) a copy of each representation and a statement of the planning authority's opinion as to the merit of each such representation including the planning authority's views as to the need to modify the draft scheme in light of that representation and the impact of that representation on the draft planning scheme as a whole.
AND
(c) a statement addressing how the issues identified in any notice of conditional certification issued by the Commission pursuant to section 24(3)(b) of the Act have been or may be dealt with;
AND
(d) any recommendations in relation to the draft amendment as the authority considers necessary.

(3) Insert name of contact person and contact telephone number

S26(2)- Ext of time Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Section 26(2) of the *Land Use Planning and Approvals Act 1993* requires that a report be submitted to the Commission not later than 3 months after the expiration of the exhibition period of the draft planning scheme or such further period as the Commission may allow.

Please be advised that the report will not be able to be presented to the Commission within that time for the following reasons *(2).....

An extension of weeks is requested.

If you have any questions about this matter please contact *(3)..... quoting reference number

Yours faithfully

.....

* Use as appropriate

(1) Insert name of draft planning instrument.

(2) State reasons why the report will not be submitted in time.

(3) Insert name of contact person and contact telephone number.

S28AA(2)-Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Section 28AA(2) of the *Land Use Planning and Approvals Act 1993* requires a planning authority to modify a draft planning scheme in accordance with a direction of the Commission within 28 days from receipt of that direction.

Please find enclosed four copies of the draft planning scheme as modified in accordance with the Commission's direction pursuant to section 28AA(1) of the Act.

If you have any questions regarding this matter please contact *(2).....
quoting reference number.....

Yours faithfully
.....

*Use as appropriate

(1) Insert name of draft planning instrument.

(2) Insert name of contact person and contact telephone number.

S28AA(2)-Ext of time Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Section 28AA(2) of the *Land Use Planning and Approvals Act 1993* requires a planning authority to modify a draft planning scheme in accordance with a direction of the Commission within 28 days from receipt of that direction or such further period as the Commission may allow.

Please be advised that the modified draft planning scheme will not be able to be presented to the Commission within that time for the following reasons *(2).....

An extension of weeks is requested.

If you have any questions about this matter please contact *(3)..... quoting reference number

Yours faithfully
.....

* Use as appropriate

- (1) Insert name of draft planning instrument.
- (2) State reasons why the report will not be submitted in time.
- (3) Insert name of contact person and contact telephone number.

S28A(3)- Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

In accordance with section 28A(3) of the *Land Use Planning and Approvals Act 1993* we hereby make application to the Commission to withdraw the draft planning scheme and give notice that we propose to prepare a further draft planning scheme.

We seek to have the current draft planning scheme withdrawn for the following reasons *(2).....

Please find enclosed a statement outlining the proposed replacement draft planning scheme and copies of representations made under section 28B of the Act, together with the planning authority's opinion as to the merit of the representations.

If you have any questions regarding this matter please contact *(3)..... quoting reference number.....

Yours faithfully
.....

* Use as appropriate

(1) Insert name of draft planning instrument.

(2) Specify why the draft planning scheme is to be withdrawn.

(2) Insert name of contact person and contact telephone number.

S33(3C)- Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Section 33(3C) of the *Land Use Planning and Approvals Act 1993* requires that the Commission be provided with material relevant to the process by which a planning authority determined not to initiate an amendment of a planning scheme within 7 days of the Commission's request.

A request has been put to the Commission by *(2)
to review our process in regard to the above matter, and the Commission gave the Council notice of that request on *(3).....

Please find enclosed that material required by the Commission.

If you have any questions regarding this matter please contact *(4).....
quoting reference number.....

Yours faithfully
.....

-
- * Use as appropriate
 - (1) Insert name of planning instrument and proposed draft amendment and number if any.
 - (2) Insert name of person requesting the amendment to the planning scheme.
 - (3) Insert date of Commission letter.
 - (4) Insert name of contact person and contact telephone number.

S35(4)-Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Section 35(4) of the *Land Use Planning and Approvals Act 1993* requires that a copy of a certified draft amendment and the instrument of certification be forwarded to the Commission within 7 days of the decision date.

Please find enclosed four (4) copies of the draft amendment, report explaining the reasons for the draft amendment and the Instrument of Certification.

If you have any questions about this matter please contact *(2).....
quoting reference number

Yours faithfully
.....

* Use as appropriate

(1) Insert name of planning instrument and amendment number.

(2) Insert name of contact person and contact telephone number.

S35(4)/43F(2)-Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Sections 35(4) and 43F(2) of the *Land Use Planning and Approvals Act 1993* require that a copy of a certified draft amendment, instrument of certification, permit application and permit be forwarded to the Commission within 7 days of the decision date.

Please find enclosed four (4) copies of the draft amendment, a copy of the permit application, the permit, a report explaining the reasons for the draft amendment and the Instrument of Certification.

If you have any questions about this matter please contact *(2).....
quoting reference number

Yours faithfully

.....

* Use as appropriate

(1) Insert name of planning instrument and reference to section 43A application along with amendment number.

(2) Insert name of contact person and contact telephone number.

S37-Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Four copies of this draft amendment are presented to the Commission in accordance with section 35(4) for consideration under section 37 of the *Land Use Planning and Approvals Act 1993*. The draft amendment seeks to correct errors and/or remove anomalies *(2) that have become evident as are set out below *(3).

It is intended to amend the planning scheme by *(4).....

The draft amendment is accompanied by an explanatory report detailing the planning strategy underlying the proposal and an explanation as to how it furthers the objectives set out in Schedule 1 of the *Act*.

Please dispense with the requirements of sections 38, 39, 40 and 41 and give approval to the amendment in accordance with section 42(1) of the *Act*.

The relevant planning fee of \$222.00 as prescribed in Schedule 2 of the *Land Use Planning and Approvals Regulations 1993* has been provided.

If you have any questions regarding this matter please contact *(5).....
quoting reference number

Yours faithfully
.....

-
- * Use as appropriate
 - (1) Insert name of planning instrument and amendment number.
 - (2) Delete as appropriate.
 - (3) Detail “errors” and/or “anomalies”.
 - (4) Insert the manner in which it is proposed to amend the planning scheme.
 - (5) Insert name of contact person and contact telephone number.

S39(2)-Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Section 39(2) of the *Land Use Planning and Approvals Act 1993* requires a report to be submitted to the Commission not later than 35 days after the draft amendment exhibition period.

The draft amendment was exhibited between *(2)..... and

Please find enclosed a report comprising *(3).....
and our recommendations in relation to the planning scheme amendment.

A cheque for the prescribed fee is also enclosed.*(4)

If you have any questions about this matter please contact *(5).....
quoting reference number

Yours faithfully

.....

* Use as appropriate

(1) Insert name of planning instrument and draft amendment number.

(2) Insert period during which the draft amendment was exhibited.

(3) Insert either (a) a statement to the effect that no representation has been received;

OR

(b) a copy of each representation and a statement of the planning authority's opinion as to the merit of each such representation including the planning authority's views as to the need to modify the draft amendment in light of that representation and the impact of that representation on the draft amendment as a whole;

AND

(c) any recommendations in relation to the draft amendment as the authority considers necessary.

(4) The drawer of the cheque must be the planning authority. The Commission will not consider the draft amendment until it is in receipt of the fee. Alternatively, the fee could be enclosed with the 35(4) standard letter.

(5) Insert contact name and contact telephone number.

S39(2)/43F(6)-Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Sections 39(2) and 43F(6) of the *Land Use Planning and Approvals Act 1993* require a report to be submitted to the Commission not later than 35 days after the draft amendment exhibition period.

The draft amendment was exhibited between *(2)..... and

Please find enclosed a report comprising *(3).....
and our recommendations in relation to the planning scheme amendment and permit pursuant to sections 39(2) and 43F(6) of the Act.

A cheque for the prescribed fee is also enclosed. *(4)

If you have any questions about this matter please contact *(5).....
quoting reference number

Yours faithfully

.....

* Use as appropriate

(1) Insert name of planning instrument and reference to section 43A application along with draft amendment number.

(2) Insert period during which the draft amendment was exhibited.

(3) Insert either (a) a statement to the effect that no representation has been received;

OR

(b) a copy of each representation and a statement of the planning authority's opinion as to the merit of each such representation including the planning authority's views as to the need to modify the draft amendment and/or permit in light of that representation and the impact of that representation on the draft amendment as a whole;

AND

(c) any recommendations in relation to the draft amendment and/or permit as the authority considers necessary.

(4) The drawer of the cheque must be the planning authority. The Commission will not consider the draft amendment until it is in receipt of the fee. Alternatively, the fee could be enclosed with the 35(4)/43F(2) standard letter.

(5) Insert contact name and contact telephone number.

S39(2)-Ext of time Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Section 39(2) of the *Land Use Planning and Approvals Act 1993* requires that a report including representations received and the planning authority's opinions and recommendations with regard to a draft amendment be forwarded to the Commission within 35 days after the exhibition period referred to in section 38(a) of the Act.

Please be advised that the report will not be able to be presented to the Commission within that time for the following reasons *(2).....

An extension of days is requested.

If you have any questions regarding this matter please contact *(3).....
quoting reference number.....

Yours faithfully
.....

* Use as appropriate

- (1) Insert name of planning instrument and draft amendment number.
- (2) State reasons why the report will not be presented within time.
- (3) Insert name of contact person and contact telephone number.

S39(2)/43F(6)-Ext of time Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Sections 39(2) and 43F(6) of the *Land Use Planning and Approvals Act 1993* require that a report including representations received and the planning authority's opinions and recommendations with regard to a draft amendment and permit be forwarded to the Commission within 35 days after the exhibition period referred to in sections 38(a) and 43F(4) of the Act.

Please be advised that the report will not be able to be presented to the Commission within that time for the following reasons *(2).....

An extension of days is requested.

If you have any questions regarding this matter please contact *(3).....
quoting reference number.....

Yours faithfully
.....

* Use as appropriate

(1) Insert name of planning instrument and reference to section 43A application along with draft amendment number.

(2) State reasons why the report will not be presented within time.

(3) Insert name of contact person and contact telephone number.

S47(4)-Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

In accordance with section 47(4) of the *Land Use Planning and Approvals Act 1993* please find enclosed four copies of the special planning order for the Commission's consideration.

If you have any questions regarding this matter please contact *(2).....
quoting reference number

Yours faithfully
.....

* Use as appropriate

(1) Insert name of planning authority and title of special planning order.

(2) Insert name of planning authority.

S76(1)-Standard Letter

The Executive Commissioner
Resource Planning and Development Commission
GPO Box 1691
Hobart Tasmania 7001

Att: The Manager

Dear

*(1).....

Section 76(1) of the *Land Use Planning and Approvals Act 1993* requires a planning authority to lodge a copy of an agreement made under Part 5 of the Act with the Commission without delay.

Please find enclosed a copy of the agreement between*(2)
The agreement binds the owner to *(3)

If you have any questions regarding this matter please contact *(4).....
quoting reference number.....

Yours faithfully
.....

* Use as appropriate

- (1) Insert the street address or certificate of title to the land affected.
- (2) Insert the parties to the agreement.
- (3) Insert a brief synopsis of the covenants.
- (4) Insert name of contact person and contact telephone number.