



Resource Planning and Development Commission

Planning Advisory Note 5

Subject: Information relevant to the Commission at the S.35 Certification Stage of a Draft Amendment to a Planning Scheme

Purpose: To provide guidance on the information which should be sent to the Commission following certification of a draft amendment under s.35 of the *Land Use Planning and Approvals Act 1993*

Background

A planning authority must give a copy of a draft amendment and instrument of certification to the Resource Planning and Development Commission (the Commission) within 7 days of certification in accordance with s. 35(4) of the *Land Use Planning and Approvals Act 1993* (the Act).

Relevant Information

The Commission requires the following information to be provided at the s.35 stage:

1. The date of the planning authority's decision to initiate and certify the amendment and a copy of the minutes of the meeting.
2. Four (4) copies of the certified draft amendment, including the instrument of certification. The instrument of certification is required to be permanently fastened to the draft amendment document or be incorporated onto the same page as the draft amendment. All pages of the draft amendment should be numbered (e.g. Page 1 of 3) and permanently fastened together, with each plan sheet appropriately numbered and authenticated.
3. Copies of all documents incorporated under s.20(2)(g) of the Act.
4. A copy of the public notice and the proposed dates of public exhibition of the draft amendment.
5. A copy of the planner's report used by the planning authority in justifying the initiation and certification of the draft amendment, or where the planning authority has initiated and certified a draft amendment contrary to the planner's recommendations, a copy of the reasons for their decision.
6. A copy of any supporting information, such as land use strategies, background reports and analyses, consultants' reports, expert advice or comments from relevant agencies.

The Commission requires the following additional information to be provided where the draft amendment relates to a specific site or particular area of land:

1. Title references, area and dimensions, including any relevant title plans and plans.

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.

2. Evidence that the person who requested the draft amendment has owner's permission in accordance with s.33(2A) of the Act if they are not the owner.
3. Past, existing and any proposed uses.
4. Existing zoning of the land and surroundings and any special controls, such as overlays, schedules or special areas, that apply.

It would assist the Commission if a Microsoft 'Word' version of the draft amendment and digital versions of any plans were also supplied.

Further Information

Refer to Planning Advisory Notes 4 and 14 for guidance on preparation of draft amendments and Planning Advisory Note 8 for guidance on draft amendments that relate to specific sites.

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

For further information, contact:

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