



Resource Planning and Development Commission

Planning Advisory Note 8

Subject: Public Exhibition of a Draft Amendment to a Planning Scheme relating to an Individual Parcel of Land

Purpose: To provide guidance on public exhibition of a draft Amendment under s.38 of the *Land Use Planning and Approvals Act 1993*.

Background

Objective 1(c) of Schedule 1 of the *Land Use Planning and Approvals Act 1993* (the Act) is to encourage public involvement in resource management and planning.

A planning authority is required by s.38 of the Act to advertise the exhibition of a draft amendment as prescribed. S.6(2) of the *Land Use Planning and Approvals Regulation 2004* (the Regulations) prescribe the manner in which the exhibition of a draft amendment in relation to an individual parcel of land is to be advertised.

This regulation applies to both a draft amendment certified by a planning authority and a draft amendment substantially altered by the Resource Planning and Development Commission in accordance with s.41B of the Act.

Public Notification

A draft amendment in relation to an individual parcel of land may include:

- (i) a rezoning or other plan amendment; and
- (ii) a specified departure; and
- (iii) a combined draft amendment and s.43A permit;

Notice of the exhibition of a draft amendment in relation to an individual parcel of land is to be given in accordance with s.6(2) of the Regulations to:

- (a) the owner of that parcel of land; and
- (b) the owners and occupiers of land sharing a common boundary with that parcel of land.

Although not required by the Regulations, the planning authority should consider whether a notice should also be displayed on the land, in order to further Objective 1(c) of the Act. It would be appropriate and desirable to give at least the same level of notification to a draft amendment that includes a combined permit as that required for a discretionary use and development under s.57 of the Act.

The Regulations specify that a s.57 notice on the land must be not less than A4 in size and located as near as possible to each public boundary.

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.

There may be merit in considering a larger size for a draft amendment to ensure that the public may more easily see and read the notice and to distinguish it from a s.57 notice.

Further Information

Guidance on public exhibition and consultation is contained in Planning Advisory Note 7.

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

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