Subject: Section 35G – planning authority opinion that amendment of State Planning Provisions (SPPs) is required

Purpose: To provide guidance on the process for a planning authority to advise the Commission of its opinion that amendment to the State Planning Provisions (SPPs) is required.

Introduction

Section 35G of the Land Use Planning and Approvals Act 1993 (the Act) provides for a planning authority to advise the Commission by notice, that having considered the draft LPS and representations made in relation to a draft LPS that has been on public exhibition, it is of the opinion that the SPPs should be altered.

The Commission is required to consider this and, if it considers the advice has merit, provide the Minister with the notice and its opinion in relation to the advice. The Minister is then required to consider the notice and the Commission’s opinion.

Section 35G does not provide a process for a hearing.

Planning authority’s notice

For the Commission to consider a notice under section 35G, it requires the content of the notice to be contained in a separate report to the planning authority’s report on the representations received during the public exhibition of the draft LPS under section 35F.

The Act does not specify time limits in relation to section 35G.

However, the Commission’s preference is for a section 35G notice be submitted to the Commission no later than 28 days after the submission of the section 35F report.

Content of a planning authority notice

A planning authority’s notice under section 35G(1) should include the following:

(a) identification of the:
   a. issues arising from the consideration of the draft LPS and any representations that are the basis for the opinion; and
   b. the provisions of the SPPs that planning authority is of the opinion should be altered;

(b) the relevant representations that are the basis for the planning authority’s opinion should be identified and included as an attachment;

(c) clear and detailed reasons for forming the opinion that the content of a provision of the SPPs should be altered; and

(d) where possible, detailed proposed changes to the SPPs to enable full understanding of the alteration required.
The Commission advises that the planning authority’s section 35G notice and accompanying supporting report is a public document and will be published on the iplan website.

**Further information**

For further information contact the Tasmanian Planning Commission:

**Telephone:** (03) 6165 6828  
**Email:** tpc@planning.tas.gov.au  
**Website:** [www.planning.tas.gov.au](http://www.planning.tas.gov.au)

Peter Fischer  
*A/Executive Commissioner*  
**Tasmanian Planning Commission**  
March 2019