

KENTISH COUNCIL

Promoting
Tasmania's Outdoor Art Gallery



28 July 2026

Tasmanian Planning Commission
GPO Box 1691
HOBART 7001

By email: tpc@planning.tas.gov.au

Dear Sir/Madam

Kentish Local Provisions Schedule - s.40K Report - Draft Amendment 1-2026 – 83 Richards Farm Rd and 911 Staverton Rd, Staverton

Draft Amendment 1-2026 to the Kentish Local Provisions Schedule was placed on public exhibition between 22 June and 20 July 2026, in accordance with the regulations of the *Land Use Planning & Approvals Act* (LUPAA) 1993.

No representations were received and the planning authority submits this advice under delegation, as its report in accordance with s.40K of the LUPAA.

Council does not have any further recommendations in regard to the draft amendments.

A copy of the advertisements and relevant agency and landowner notifications are enclosed.

If you have any queries regarding the draft amendment, please do not hesitate to contact Council's consultant town planner Jo Oliver on 0408 129 133, to discuss.

Yours faithfully



Jan Febey

DIRECTOR DEVELOPMENT & REGULATORY SERVICES

Enclosures:

- *Advocate Newspaper Advertisements*
- *Landowner letters*
- *Relevant agency notifications*

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LATROBE COUNCIL AND KENTISH COUNCIL

Instrument of Delegation and/or Authorisation to Manager Development and Regulatory Services

I, **Gerald Monson**, General Manager of Latrobe Council and Kentish Council, pursuant to Section 64 of the *Local Government Act 1993* and Kentish Council resolution 7.3.2 dated 17 December 2019 and Latrobe Council resolution 16157 dated 20 January 2020, issue the following delegations and/or authorisations to the **Manager Development and Regulatory Services** or a person acting in that capacity subject to the following conditions:

- i Each delegation is subject to the conditions or restrictions (if any) referred to in the table to this delegation
- ii Each delegation is subject to such policies, policy guidelines and directions as the Council may from time to time approve
- iii Each delegation is subject to Council's By-laws or the provisions of any Act
- iv Each delegation is jointly held with the General Manager.

Table of Powers and Functions Delegated

No 1 Building Act 2016

No	Section	Function of Power	Conditions or Restrictions
1.1	s.24(2)	<i>The general manager of a council must appoint a person as a permit authority for the municipal area of that council.</i>	
1.2	s.27(3) & (4)	Make information retained pursuant to s.27(2) available to the persons specified in s.27(3), and to provide a copy of that information upon payment of a fee.	
1.3	s.41(1)	Take steps to (a) ensure that the owners of property are informed of their duties under this Act –(i) in relation to any building work, plumbing work or demolition work; and (ii) in maintaining and using a building; and (b) make itself aware of – (i) building work, plumbing work or demolition work being performed in the municipal area; and (ii) the use and occupation of buildings in its municipal area; and (c) if applicable, ensure proceedings are instituted against any	The ability to take steps pursuant to this section can be delegated. However, the Council itself will retain an obligation to comply with these requirements.



		accordance with s35K; h) give notice in accordance with s35M(2) of the approval of the LPS; i) provide a report to the TPC on the outcomes of a review of the LPS conducted by the planning authority in accordance with s35O, including provide notice of the review and receive comments from the public pursuant to s35P	
7.3	Division 7	In accordance with a decision of the planning authority to prepare a draft Special LPS, all functions and powers of the planning authority in relation to the preparation and making of the Special LPS are delegated. a) prepare a draft LPS under s35; b) indicate its views and opinions in relation to each representation received on a draft LPS; c) indicate its satisfied	
	PART 3B	AMENDMENT OF THE LPS	
7.4	General	In accordance with a decision of the planning authority in relation to – a) preparation of a draft amendment to the LPS under s38 or 40D; b) preparation of a draft amendment under s38 and a draft permit under s40Y; and c) its views and opinions in relation to each representation received on a draft LPS and on any draft permit; d) its satisfaction that the draft LPS meets the criteria in s34; and e) recommendations in relation to how the draft LPS should be determined in accordance with s35F;	



<i>Continued</i>	The following functions and powers of the planning authority are delegated – a) give notice in accordance with s38(3) of a decision in relation to a request to initiate a draft amendment to the LPS; b) give notice in accordance with s40W of a decision under 40Y in relation to a request to consider a permit in combination with a request to initiate a draft amendment to the LPS; c) request additional information under s40 and s40U; d) provide any material requested by the TPC in accordance with s40A, 40B, or 40V; e) prepare the draft LPS amendment documents; f) certify a draft amendment to the LPS in accordance with s40F;	
<i>Continued</i>	g) give notice in accordance with s40G of the exhibition of a draft amendment to the LPS, and including any exhibition of a permit application under s40Z; h) undertake exhibition of the draft amendment to the LPS in accordance with s40H, and including any permit application approved under 40Y; i) provide a report to the TPC in accordance with s40K and s42 if there are no representations making objection on the draft amendment to the LPS and to any permit application requested under 40T; j) provide a report to the TPC in accordance with s40K and s42 in relation to the planning authority's – i. views and opinions on each representation received during the exhibition period; ii. compliance to s34; and	



		iii. its recommendations on how the draft LPS or the permit application under 40T should be determined;	
		k) make modifications to a draft LPS amendment if instructed by the TPC in accordance with s40O or 40P; l) re-exhibit a modified draft amendment to the LPS under s40G and 40H if instructed by TPC in accordance with s40P; m) give notice of an approved amendment to the LPS in accordance with s40S; n) grant an extension of time under s42C for a permit granted under s42B; o) correct a mistake under s42D in a permit granted under s42B; and p) make minor amendments in accordance with s43 to a permit granted under s42B	
	PART 4	ENFORCEMENT OF PLANNING CONTROL	
7.5	Part 4 Generally	Authority to require the making of a permit application and to undertake actions and proceedings in pursuance of the Council's obligations as a planning authority to observe and enforce compliance of a planning scheme; including – i) to give such advice, consultation, referral or notification as required under this Part; ii) to represent the Council and to give evidence before the Resource Management and Planning Appeal Tribunal in respect of any appeal against a decision on a planning permit; iii) to initiate legal proceedings for any use of land, development or act if:- - contrary to a State Policy, planning scheme or special planning scheme; - an obstruction of a planning scheme or special planning scheme; or	



[Redacted Signature]

Gerald Monson

20/4/21

Date

Acknowledgement of Receipt by Employee

I, **Jan Febey**, being a resource shared employee of the Latrobe and Kentish Councils and appointed as Manager Development & Regulatory Services, acknowledge receipt of the delegations and/or authorisations identified in this document, and undertake to exercise these powers and functions in accordance with the conditions prescribed.

[Redacted Signature]

Jan Febey

12 March 2021

Date