



6 July 2026

Karen Fyfe
Tasmanian Planning Commission
tpc@planning.tas.gov.au

Dear Ms Fyfe,

**Draft Amendment AM2026.01 to rezone 6 Melrose Road, Spreyton (CT13288/2)
– Section 40K report**

Please find attached Council's s.40K report regarding Draft Amendment AM2026.01 to rezone 6 Melrose Road, Spreyton (CT13288/2) from Agriculture to General Residential.

Yours faithfully



Jeffrey Griffith
ACTING CHIEF EXECUTIVE OFFICER

Enquiry Officer: Carolyn Milnes
Contact Details: townplanning@devonport.tas.gov.au



AM2026.01 – REZONING OF THE AGRICULTURAL ZONE TO THE GENERAL RESIDENTIAL ZONE – 6 MELROSE ROAD, SPREYTON – SECTION 40K REPORT

RECOMMENDATION

That the CEO, on behalf of the Planning Authority, resolve that:

- The Tasmanian Planning Commission be advised that the Planning Authority is satisfied that the draft amendment meets the Local Provisions Schedule criteria in accordance with section 34(2) of the *Land Use Planning and Approvals Act* 1993;
- A copy of this report and representations be forwarded to the Tasmanian Planning Commission; and
- Certification of the draft amendment, as per resolution 26/55, remains supported.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- 2.1 Council's Planning Scheme facilitates appropriate property use and development

SUMMARY

The purpose of this report is to enable Council's CEO, acting on behalf of the Planning Authority, to determine whether changes are required in respect to draft amendment AM2026.01 regarding rezoning 6 Melrose Road, Spreyton from Agriculture to General Residential.

BACKGROUND

The Planning Authority resolved at its meeting of the 27th of April, 2026, to certify draft amendment AM2026.01. The original report is amended as Attachment 3.

COMMUNITY ENGAGEMENT

The draft amendment was placed on public exhibition for a period of 28 days in accordance with section 40G of the Act. During this time, state agencies and the community had the opportunity to comment via representation made to Council.

In accordance with section 40K of the Act, a report must be provided to the Tasmanian Planning Commission regarding the merit of the representations and including any recommendations the Planning Authority sees fit.

REPRESENTATIONS

Representations were received from the Department of Natural Resources and Environment (NRE) and the Department of State Growth (DSG).

The representation from NRE provides some general comments on the Natural Assets Report and identifies that while *Engaeus granulatus* has been recorded within 200m of the site, none were identified on the property. NRE notes that permits may be required for development at the planning application stage.

Livingston Natural Resource Services is known to have extensive knowledge of *E. granulatus* should further studies be required.

The representation from DSG advises that Sheffield Road is not a public transport route and it would not consider servicing the site.

It also advises the preferred location for future access to the site and the need for a TIA.

Neither representation objects to the proposed rezoning. The advice provided will need to be considered at the planning application stage.

No modifications to the amendment are required in light of the representations.

DISCUSSION

The Tasmanian Planning Policies (TPPs) came into effect on the 1st of July 2026. The application considers conformity with the TPPs from page 29 of the report by Equilibrium Town Planning. Council agrees with the assessment made and is satisfied that the relevant criteria in relation to the TPPs are met.

The CEO has delegation as per Council Resolution 24/238 to endorse a section 40K report where representations that object to the draft amendment are received and no modification is proposed to the draft amendment. See Attachment 4.

TasWater advised Council that it does not object to the proposed amendment and has no formal comments for the Commission, prior to the public exhibition period. TasWater's comments were forwarded to the Commission on the 29th of April 2026 with advice of the draft amendment.

FINANCIAL IMPLICATIONS

No negative financial implications are anticipated as a result of the proposed rezoning.

CONCLUSION

The representations received regarding the proposed rezoning are not deemed to have raised any issues that require changes to the draft amendment.

ATTACHMENTS

Attachment 1 – Representation – Natural Resources and Environment

Attachment 2 – Representation – Department of State Growth

Attachment 3 – Delegations

Attachment 4 – Original Report – AM2026.01

Carolyn Milnes

From: Buttery, Sophie <Sophie.Buttery@nre.tas.gov.au>
Sent: Wednesday, 10 June 2026 3:24 PM
To: TownPlanning@devonport.tas.gov.au
Cc: Case, Monique
Subject: CAS Advice - Devonport City Council - Amendment to the Devonport Local Provisions Schedule of the TPS - AM2026.01 - 6 Melrose Road, Spreyton

Categories: Town Planning

You don't often get email from sophie.buttery@nre.tas.gov.au. [Learn why this is important](#)

Dear Carolyn,

Thank you for the opportunity to provide advice for the proposed rezoning of 6 Melrose Road, Spreyton. Conservation Assessment (CAS) has reviewed the information provided and has the following advice.

General comments

According to the Livingston Natural Resource Services, Natural Assets Report, January 2026 (the Report), the desktop survey of the proposed exploration area was undertaken on 11 December 2025, almost a month after the field survey was undertaken on 22 November 2025. CAS does not support field surveys being undertaken prior to desktop surveys, as the intention of a desktop survey is to inform and improve the field survey. More detail is available in the *Guidelines for Natural Values Surveys - Terrestrial Development Proposals*: [Survey Guidelines for Development Assessments | Department of Natural Resources and Environment Tasmania \(nre.tas.gov.au\)](#)

Discrepancies between mapped TASVEG community and on-ground surveys

The Report includes an updated description and/or classification of the native vegetation community within the proposal footprint that is currently mapped as dry eucalypt forest and woodland - *Eucalyptus amygdalina* - *Eucalyptus obliqua* damp sclerophyll forest (DSC) in TASVEG 5.0. CAS recommends that the survey report and associated shapefiles are provided to the Tasmanian Vegetation Monitoring and Mapping Program Team for verification and update. The information can be submitted by email to tvmmppsupport@nre.tas.gov.au.

Threatened fauna

Central North burrowing crayfish (*Engaeus granulatus*)

There are records of the Central North burrowing crayfish within 200 m of the proposal area. Habitat for the species may be present within the proposal area.

The Central North burrowing crayfish is listed as endangered under both the *Threatened Species Protection Act 1995* (TSPA) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Central North burrowing crayfish burrows are considered products of wildlife under the *Nature Conservation Act 2002* (NCA).

The Report does not acknowledge the proximity of the recorded observations of the Central North burrowing crayfish to the proposal area or the potential habitat on site in the form of the drainage channel. CAS recommends that, prior to any development of the site, a targeted survey for Central North burrowing crayfish is undertaken in accordance with the [Guidelines for Natural Values Surveys - Terrestrial Development Proposals](#).

Permit(s) may be required

If the proposal will impact species listed as threatened under the TSPA, permits may be required, including but not limited to permits to 'take'. 'Take' is defined in the TSPA as kill, injure, pursue, catch, damage, destroy and collect.

Permits may also be required to collect and handle threatened flora and fauna specimens during surveys undertaken to support assessments of proposals, and to take wildlife and/or products of wildlife listed in the Schedules of the *Nature Conservation (Wildlife) Regulations 2021*.

The processing of permit applications may take up to four weeks. Information on applying for a permit can be found on the NRE Tas website: [Permits for Threatened Species, Wildlife and/or Products of Wildlife \(for Consultants & Development-related Activities\) | Department of Natural Resources and Environment Tasmania](#).

Additional requirements may apply

Other obligations may exist in relation to this proposal. For example, approval may be required under the EPBC Act. This is not an exhaustive list. Proponents must make themselves aware of all legal obligations that may apply to their proposals.

CAS' role in providing advice

CAS is part of the Environment Strategic Business Unit (ESBU) within NRE Tas. CAS regulates and provides general advice on the impacts of proposed activities and developments on species listed under the TSPA and *Nature Conservation Act 2002* (NCA).

CAS may engage specialist staff in the ESBU in the course of collating its advice. However, CAS does not have access to specialist knowledge for every species listed under the TSPA and NCA. Should additional information be required, please contact us or consider seeking alternative specialist opinion.

CAS considers only the aspects of the proposal that relate to its regulatory responsibilities. This advice should be considered by Devonport City Council in the overall context of the proposal.

If you have any queries about the above comments, please contact Monique Case (monique.case@nre.tas.gov.au).

Kind regards,



Sophie Buttery | Section Head
Conservation Assessment and Wildlife Services
Policy, Projects and Regulatory Services
Environment, Heritage & Land
Department of Natural Resources and Environment Tasmania
134 Macquarie Street HOBART TAS 7000
M: 0418 162 959
E: Sophie.Buttery@nre.tas.gov.au
W: www.nre.tas.gov.au

Delivering a **sustainable Tasmania** 



In recognition of the deep history and culture of this island, I acknowledge and pay my respects to all Tasmanian Aboriginal people; the past and present custodians of the land.

Department of State Growth

Salamanca Building, Parliament Square
4 Salamanca Place, Hobart TAS 7000
GPO Box 536, Hobart TAS 7001 Australia
Phone 1800 030 688 Fax (03) 6233 5800
Email info@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.au
Your Ref: AM2026.01/ Our Ref: D26/152643

Devonport City Council
Email: townplanning@devonport.tas.gov.au

AM2026.01 Draft Planning Scheme Amendment Rezone land being folio 13288/2 from Agriculture Zone to General Residential Zone 6 Melrose Road, Spreyton

Thank you for the opportunity to comment on the above draft planning scheme amendment. The Department of State Growth (State Growth) has reviewed the application documents and makes the following comments.

Strategic context

The land adjoins a strip of ribbon housing development along Sheffield Road, approximately 2 kilometres from the Spreyton activity centre. No subdivision is proposed at this stage, but the Council report indicates the rezoning would likely result in a subdivision of more than 50 lots.

A comprehensive review of the Cradle Coast Regional Land Use Strategy (CCRLUS) is currently underway. It is recommended that the rezoning is considered in the context of this review, noting the potential number of lots is high in the context of the area and location of the land at the Devonport urban fringe.

Passenger Transport

Public transport routes are located on Mersey Main Road (Latrobe to Devonport) and Railton Road (Sheffield to Devonport). State Growth would not consider servicing the site by general access services as it is not located on these existing bus routes, which connect the major towns of Latrobe and Sheffield.

Traffic Engineering

The site adjoins Sheffield Road, Jowetts Lane and Tarleton Road. If the rezoning proceeds, any future subdivision road network should connect to a lower category road, preferably Tarleton Road between the Sheffield Road and Jowetts Lane junctions.

The existing site access onto Sheffield Road appears to be located strategically to line up with an access on the opposite side of the road to accommodate the current agricultural operations between the two parcels of land – as this alignment won't be important when the land in question is rezoned and subdivided, a different road access is further supported.

Any subsequent subdivision for the land in question must consider the above via an appropriate Traffic Impact Assessment.

Please contact Claire Armstong by email at claire.armstrong@stategrowth.tas.gov.au or telephone on 03 6166 4484 for more information.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Dawson', with a stylized, cursive script.

John Dawson
Director, Housing and Strategic Planning

29 June 2026

4 PLANNING AUTHORITY MATTERS

4.1 LAND USE PLANNING AND APPROVALS ACT 1993 - UPDATED DELEGATIONS

24/238 RESOLUTION

MOVED: Cr Murphy

SECONDED: Cr Viney

That Council, acting as a Planning Authority, receive and note the report relating to the provision of planning delegations and determine, in accordance with section 6 of the *Land Use Planning and Approvals Act 1993* ("the Act"), that delegations are provided as outlined in the attachment to the:

- Chief Executive Officer (occupying the statutory position of General Manager pursuant to section 61 of the *Local Government Act 1993*)
 - Executive Manager
 - Development Services Manager
 - Land Use Planning Coordinator
 - Senior Planning Officer, Planning Officer and Project Officer
- or any person acting in these positions, with immediate effect.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Martin, Cr Moore, Cr Murphy, Cr Sheehan, Cr Viney and Cr Wilczynski

AGAINST: Nil

CARRIED 9 / 0

Land Use Planning & Approvals Act 1993		Source of Delegation	Chief Executive Officer*	Executive Manager	Development Services Manager	Land Use Planning Coordinator	Senior Planning Officer	Planning Officer	Project Officer	Safety & Compliance Officer
Section	Description									
s5A Regional areas and regional land use strategies	Consult with Minister and prepare documentation in respect of municipal area to which the regional land use strategy relates, for purposes of reflecting the application of the regional land use strategy to the municipal area	Planning Authority	X							
s12C Draft of the TPPs	Consult with Minister in relation to intention to prepare a draft of TPPs and draft of TTPs	Planning Authority	X							
s12D(5) Public exhibition of draft of the TPPs	Make representations to Commission in relation to the draft of TPPs	Planning Authority	X							
s18(2) Preparation of draft of the SPPs by Minister	Consult with Minister in relation to preparation of a draft of SPPs	Planning Authority	X							
s19(2) Minister may direct Commission to prepare draft of the SPPs	Consult with Commission in relation to preparation of a draft of SPPs	Planning Authority	X							
s22(5) Exhibition of relevant exhibition documents in relation to draft of the SPPs	Make a representation in relation to the draft of SPPs	Planning Authority	X							
s30C(4) Terms of reference in relation to draft amendment of the SPPs	Request Minister consider preparing terms of reference in relation to a draft amendment of SPPs	Planning Authority	X							
s30D(2) Preparation of draft amendment of the SPPs by Minister	Consult with Minister in relation to preparation of a draft amendment of SPPs	Planning Authority	X							
s30E(2) Minister may direct Commission to prepare draft amendment of the SPPs	Consult with Commission in relation to preparation of a draft amendment of SPPs	Planning Authority	X							
s30L Representations	Make a representation in relation to a draft amendment of SPPs	Planning Authority	X							
s35 Draft LPS to be provided to Commission	Prepare and submit a draft LPS to the Commission and ensure that draft LPS meets the LPS criteria. Indicate views and opinions in relation to each representation received on a draft LPS; make recommendations in relation to how a draft LPS should be determined in accordance with s35F; and conduct and respond on a review of the LPS. Undertake processes and tasks required to carry out responsibilities of planning authority, including to prepare required documentation for a draft LPS; submit draft LPS to Commission under s35(1); make any modifications to draft LPS which may be instructed by the Commission under s35(5)(b) & (c), or to make a minor modification to a draft LPS for the purpose of correcting any error, anomaly, inconsistency or other accidental omission in a draft LPS following submission to the Commission and prior to public exhibition; give notice under s35C of exhibition of draft LPS, including for any instruction issued by Commission under s35B; undertake exhibition of draft LPS in accordance with s35D; provide a report to Commission in accordance with s35F in relation to planning authority's views and opinions on each representation received during exhibition period; compliance with s34; and recommendations on how draft LPS should be determined; prepare and submit any modifications required by Commission to draft LPS in accordance with s35K	Planning Authority	X							

s35H Hearings	Represent planning authority and give evidence and make submissions before any hearing conducted by Commission; agree to minor modifications to clarify purpose or operation of a LPS or to correct draft errors; and appoint a person to represent planning authority and make submissions or give evidence before any hearing conducted by Commission	Planning Authority	X																
s35M(2) Notice of approval of Local Provisions Schedules	Give prescribed notice of approval of a Local Provisions Schedule to which the notice relates	Planning Authority	X																
s35P Conduct of review	If conducting a review of LPS or a part of, publish notice of review or part review; specify matters review relates to and invite comments in relation to matters of review. Consider matters to which review relates, and after taking into account comments received, prepare report and provide to Commission. Revise report if directed by Commission and provide to Commission	Planning Authority	X																
s35Q Special Local Provisions Schedules	Prepare a draft Special LPS and submit to Commission	Planning Authority	X																
s35T Commission may take over responsibilities of planning authority	Pay to Commission all costs incurred by Commission in assuming responsibilities and obligations of planning authority, if required, under this Part	Planning Authority	X																
s38 Decision in relation to request	Determine to either approve or refuse a request for a draft amendment of an LPS and give notice of that decision to the person who made the request	Planning Authority	X																
s40(1) Additional information may be requested	Upon receipt of request for amendment of LPS, require person provide additional information before considering request	Planning Authority	X	X	X	X	X	X	X	X	X								
s40A Review of requirement for additional information	Upon notice, provide to Commission any material relevant to request, that was in the possession of planning authority before the day on which the Commission issued the notice	Planning Authority	X	X	X	X	X	X	X	X	X								
s40B Review of refusal of request to amend LPS	Provide Commission with any material relevant to the decision if requested; reconsider whether to prepare a draft amendment at direction of Commission and notify person who made request	Planning Authority	X	X	X	X	X	X	X	X	X								
s40D Preparation of draft amendments	Prepare a draft amendment of an LPS following a decision made in relation to a request for an amendment, an amendment as initiated by the planning authority of its own motion, or as may be directed by the Minister	Planning Authority	X																
s40E Withdrawal of draft amendments	Withdraw a draft amendment of an LPS. Notify Commission and give notice	Planning Authority	X																
s40F Certification of draft amendments	Ensure draft amendment of LPS meets LPS criteria, and if not satisfied, modify draft so it meets requirements. Certify draft as meeting requirements and affix common seal and provide copy of certified draft amendment to the Commission	Planning Authority	X																
s40FA(1) Notice to certain agencies and State authorities	Before exhibiting a draft amendment of LPS under s40H notify relevant agencies; and State Service Agencies or State authorities, that may have an interest in draft amendment of LPS, of the date on which the exhibition period in relation to draft amendment of LPS is to begin	Planning Authority	X																
s40G Notice of exhibition	As soon as practicable after providing to Commission under s40F(4) copy of draft amendment of LPS, ensure exhibition notice in relation to draft amendment of LPS is published in accordance with this section, unless planning authority receives a notice under s40L(1) in relation to draft amendment	Planning Authority	X																
s40K Report to Commission about draft amendments	Provide report to Commission in relation to draft amendment of LPS following the exhibition period. Where no representations are received that object to the draft amendment and where there is no modification proposed to that draft amendment, the General Manager may endorse a report to the Commission to that effect	Planning Authority	X																
s40L Hearings	Represent planning authority, give evidence and make submissions before any hearing conducted by Commission; agree to minor modifications to clarify purpose or operation of a draft amendment of an LPS or to correct drafting errors, anomalies or other inconsistencies; and appoint a person to represent planning authority and make submissions or to give evidence before any hearing conducted by Commission	Planning Authority	X																
s40N Action to be taken by Commission after considering report	Modify draft amendment of LPS if directed by Commission, submit a substitute draft amendment of LPS to Commission or substantially modify a part of draft amendment and submit to Commission	Planning Authority	X																
s40O Modifications of draft amendments	Submit to Commission a draft amendment of LPS, modified as required by notice received from Commission	Planning Authority	X																

s40P Substantial modification of draft amendments	If notice is given, submit to Commission, draft amendment of LPS, modified as required by notice; or a substitute draft amendment of LPS. Comply with s40G and s40H in relation to draft amendment of LPS if directed	Planning Authority	X									
s40S(3) When amendments of LPS come into effect	If notified, give notice of approval of an amendment of LPS to which notice relates	Planning Authority	X									
s40T Permit application that requires amendment of LPS	Receive applications for a permit, which permit could not be issued unless LPS was amended, and consider a request to amend LPS and application for a permit at the same time	Planning Authority	X									
s40U Additional information	By notice, require person provide to planning authority additional information before considering application	Planning Authority	X	X	X	X	X	X	X	X		
s40V Review of requirement for additional information	Provide Commission any material relevant to a request. At direction of Minister, revoke notice under s40T(1) imposing the requirement; or issue a new notice under s40T(1) imposing a requirement the person provide additional information specified in the notice from the Commission; or determine the Commission is satisfied the requirement was appropriate	Planning Authority	X	X	X	X	X	X	X	X		
s40W Determination of amendment where concurrent permit application sought	If a request is made under s40T(1), agree to, or refuse, request, and notify person who made request under s40T(1) of decision under subsection (1)	Planning Authority	X									
s40Y Determination of concurrent permit application	If agreeing to request under s40T(1), determine under subsection (2) the application under s40T(1) for a permit that accompanies request, before it complies with s40G in relation to draft amendment of LPS to which the request relates. If agreeing to a request, under s40T(1) determine application under s40T(1) for a permit that accompanies the request by granting permit unconditionally or subject to the conditions or restrictions deemed fit and impose on the permit; or refuse to grant permit. If determining an application under s40T(1) for a permit, provide to Commission a copy of the application and any documentation submitted with the application; and a copy of decision and a copy of any permit granted under the decision	Planning Authority	X									
s42 Report in relation to draft amendment of LPS to contain representations	Provide report to Commission under s40K in relation to an application for an amendment of LPS to which request under s40T(1) relates	Planning Authority	X									
s42C When permit that relates to LPS amendment takes effect	Grant, once only, an extension of period during which a use or development must be substantially commenced. Grant once only, a final extension of period during which that use or development must be substantially commenced. Consider any matter deemed fit, including whether SPPs or LPS has been amended since the permit was issued	Planning Authority	X	X	X							
s42D Correction of mistakes in permit	Correct a permit to which a decision under s42B(1) relates if permit contains a clerical mistake or an accidental omission; or an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in permit	Planning Authority	X	X	X	X	X	X	X	X		
s43 Minor amendment of permit	On receiving a request under subsection (1) in relation to a permit to which a decision under s42B(1) relates, amend or refuse to amend permit. If amending permit, provide required notice in writing. If amending under subsection (2) a permit that contains a condition or restriction that the Board of EPA has required under s25(5) of <i>EMPCA 1994</i> , by notice in writing served on the Board, notify it of amendment. If amending a permit in respect of which the Commission has modified, deleted or added conditions or restrictions under s42B(1)(b), by notice in writing served on the Commission, notify it of the amendments made to the permit. If amending under subsection (2) a permit containing a condition or restriction which the Heritage Council has specified under s39(6) of the <i>Historic Cultural Heritage Act 1995</i> , by notice in writing served on Heritage Council, notify the Heritage Council of the amendment	Planning Authority	X	X	X	X						
s44 Commission may take over responsibilities of planning authority	Pay Commission all costs incurred by Commission in assuming responsibilities and obligations of the authority in relation to preparation and certification of draft amendment	Planning Authority	X									
s48AA Enforcement of major project permits	Within power, enforce observance of any condition or restriction to which a major project permit is subject	Planning Authority	X									

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s59 Failure to determine an application for a permit	Make a decision on an application for a permit to which s57 or 58 applies at any time before the lodgement of an application to the Appeal Tribunal under subsection (3) and serve notice of that decision on the applicant and those who made representations	Planning Authority	X																
s60 Timing of determination of compliance with certain permit conditions	By notice in writing, advise a person as to whether or not the planning authority is satisfied that the condition of the permit has been complied with. After receiving all relevant documents and information from a person to whom a permit has been granted, advise the person that the information provided is incomplete or inadequate; and request the person provide further information reasonably required to assist in determining whether the condition has been complied with. If in receipt of further information, advise the person that the information provided is satisfactory; or request person provide further information reasonably required to assist determine whether the condition has been complied with. Request the regulatory authority to advise as to whether or not the condition has been complied with. If advice from a regulatory authority that the regulatory authority is of the opinion that a condition of a permit granted to a person has, or has not, been complied with, give notice to the person in writing of the opinion of the regulatory authority	Planning Authority	X	X	X	X													
s60H Minister may request information from council or relevant State entity	Upon request, provide to Minister information specified in a notice, that is in the possession of Council and take all reasonable steps to provide Minister the information specified in the notice	Planning Authority	X																
s60I Persons to be notified of proposal for declaration and given major project proposals	If provided with a major project proposal in relation to a project, may advise Minister whether Council considers that the Minister ought not to be of the opinion that the project is eligible to be declared to be a major project and reasons for that opinion	Planning Authority	X																
s60ZJ Comments to be sought in relation to draft assessment criteria	Upon receipt of notice from Commission, provide Commission with comments as to what should be specified in the assessment criteria to be matters to be addressed in the major project impact statement	Planning Authority	X																
s60ZZB(6) Notification and exhibition of major project	Ensure the public exhibition of a major project during the exhibition period	Planning Authority	X																
s60ZZW(2) Amendment of major project permit where no detriment except to proponent	Apply to the relevant decision maker to amend the major project permit by notice in writing to the proponent, if any, and each owner, occupier or lessee of land to which the major project permit relates	Planning Authority	X																
s60ZZZC Amendment of planning scheme	Consult with Commission to amend planning scheme that applies to the land on which the major project is to be situated, so as to remove any inconsistency between permit and planning scheme	Planning Authority	X																
s61 Appeals against planning decisions	Represent planning authority and give evidence and make submissions before RMPAT in relation to an appeal under s59 for a failure to determine an application within the statutory timeframe; under s61(3) against an additional information request made under s54; under s61(3A) against a decision to amend a permit; under s61(4) by an applicant against a decision of the planning authority under s57 or s58 on a permit application; under s61(5) by a person or agency who has made a representation on a permit application; under 61(6) by an owner of land for which a permit requires an agreement; under 61(7) against issue of an enforcement notice in accordance with s65C; under s61(8) against the cancellation of a permit in accordance with s65G; and under s80 in relation to an agreement under part 5 to engage in mediation conducted by the RMPAT and to sign any consent agreement resulting from mediation which is within the power of a planning authority and which will achieve a lawful resolution of an appeal; appoint a person to represent planning authority and make submissions or to give evidence before the RMPAT	Planning Authority	X																
s62 Determination of appeals	After an appeal, if directed by the Appeal Tribunal, grant the permit (with or without conditions specified); not grant a permit; not amend a permit; amend a permit as specified; not cancel a permit; or not cancel a permit and impose conditions on permit	Planning Authority	X	X	X														
s63 Obstruction of sealed schemes	Receive reasonable costs incurred in investigating an offence or prosecuting an offence, if a court orders a person to pay. If a person does not carry out work within a period directed by the court, carry out work, and recover costs from person	Planning Authority	X																

s63B Notice of suspected contravention may be given	Receive notice of contravention or failure to comply with s60ZB(1) or s63(2). Issue notice in writing as soon as practicable, if a notice is in relation to a contravention or failure, or likely contravention or failure, is given, advising person to whom it is issued of the determination, the laying of charges or the issue and service of an infringement notice under s65A or an enforcement notice under s65C	Planning Authority	X	X	X							
s64 Civil enforcement proceedings	Receive notice of or likely contravention or likely failure to comply with s60ZB(1) or s63(2). Notify applicant of a determination that charges are not to be laid, or an infringement notice under s65A, or an enforcement notice under s65C, is not to be issued and served on a person, in relation to the contravention or failure; and before the application is made, charges are not laid, and an infringement notice under s65A, or an enforcement notice under s65C, is not issued and served on a person, in relation to the contravention or failure; or where if within 120 days of the planning authority being given the notice under s63B(1) in relation to the contravention or failure - charges in relation to the contravention or failure have not been laid; and an infringement notice under s65A, or an enforcement notice under s65C, has not been issued and served on a person, in relation to the contravention or failure. If directed by the Appeal Tribunal be made an applicant in an application. Where the Appeal Tribunal makes an order under subsection (3)(e) and the respondent fails to comply with the order within the period specified by the Appeal Tribunal, the Commission or a planning authority may, by leave of the Appeal Tribunal, cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent	Planning Authority	X	X	X							
s65A Infringement notices	Issue an infringement notice and serve on a person if the officer reasonably believes that the person has committed an infringement offence	Authorised Officer	X	X	X							
s65B Notice of intention to issue enforcement notice	An authorised officer who reasonably believes a person has committed, is committing, or is about to commit, an offence against s57(4A), s63(3) or s64(7) may issue a notice (a notice of intention to issue an enforcement notice) in relation to the offence and serve it on the person. Notify in writing an owner of land, in relation to which a notice of intention to issue an enforcement notice is served under subsection (1), if the person on whom the notice is served is not the owner of the land	Authorised Officer	X	X	X							
s65C Enforcement notices	An authorised officer who reasonably believes a person has committed, is committing, or is about to commit, an offence against s57(4A), s60ZB(1), s63(3) or s64(7) may issue a notice (an enforcement notice) in relation to the offence and serve it on the person. Notify in writing an owner of land, in relation to which an enforcement notice is served under subsection (1), if the person on whom the enforcement notice is served is not the owner of the land. An authorised officer may, by notice served on a person on whom an enforcement notice has been served, withdraw the enforcement notice. If withdrawing an enforcement notice in relation to land, give notice in writing of the withdrawal of the enforcement	Authorised Officer	X	X	X							
s65D Requirements of enforcement notices	If issuing an enforcement notice under s65C in relation to land to which an environment protection notice issued under s44 of EMPCA 1994 applies, notify the Director, within the meaning of that Act, that the enforcement notice has been issued	Authorised Officer	X	X	X							
s65E Offences and penalties in relation to enforcement notices	If a person is convicted of an offence against subsection (1), does not carry out the work and planning authority carries out the work under subsection (5), the person is liable to the planning authority for reasonable costs incurred by the authority in carrying out the work. Carry out work if a court makes an order of a kind referred to in subsection (3) in relation to a person and person does not, within period specified in order	Planning Authority	X									
s65F Notice of intention to cancel a permit to be issued before permit cancelled	If there are grounds on which a permit in force in relation to land may be cancelled under s65G, issue notice of intention to cancel a permit and serve it on owner of the land; or on an occupier of the land and the owner of the land, if the grounds relate to the use or development of the land by the occupier	Authorised Officer	X	X	X							
s65G Cancellation of permits	Cancel a permit in relation to land in the municipal area of the authority by issuing and serving a notice (a notice of cancellation of permit) and notify the owner in writing of the cancellation of the permit to which the notice relates	Planning Authority	X									
s65I Authorised officers	The general manager of a council may authorise a person to be, for the purposes of this Act, an authorised officer in respect of the municipal area of the council. The general manager of a council is, for the purposes of this Act	General Manager	X									

s65J Powers of authorised officers	If reasonably required for a purpose connected with the administration or enforcement of this Act, enter and inspect any place if the occupier of the place consents to the officer's entry; or the entry is made under a warrant issued under s65K; or the place is a public place and the entry occurs when the place is open to the public. If reasonably required for a purpose connected with the administration or enforcement of this Act take photographs, films or audio, video or other recordings; or examine or test any air or thing from a place or require the thing to be examined or tested or provided to the officer for examination or testing. Require a person to provide a document, or a copy of a document, in the possession of the person, if the document is reasonably required for a purpose connected with the administration or enforcement of this Act. Examine, copy or take extracts from a document provided in accordance with a requirement imposed under subsection (3) or found in the conduct of a search under this Act. Require a person provide information that is reasonably required for a purpose connected with the administration or enforcement of this Act. Require a person to answer questions in relation to a matter. Require a person who is reasonably suspected has committed, is committing, or is about to commit, an offence against this Act, to state the person's full name, date of birth and usual place of residence; and produce evidence of the person's identity	Authorised Officer	X	X	X														
s65K Entry and search warrants	Apply to a magistrate for a search warrant. If an application for a warrant is made by telephone, inform the magistrate of the applicant's name and that the applicant is an authorised officer; as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (c). In executing a warrant, an authorised officer specified in the warrant may obtain the assistance that is necessary and reasonable in the circumstances. As soon as practicable after executing a warrant, prepare a notice in the prescribed form containing the notice to the occupier or person apparently in charge of the land to which the warrant relates or leave it, on a prominent place on the land, for the occupier or person	Authorised Officer	X	X	X														
s65M Obstruction of authorised officers and others	Issue an infringement if obstructed	Authorised Officer	X	X	X														
s67 Power to withdraw or modify planning scheme or interim order after compensation determined	Give notice to a claimant of its intention to withdraw or modify all or any of the provisions of the planning scheme which gave rise to the claim for compensation. Where the notice relates to a planning scheme, submit for the approval of the Commission an amendment of the planning scheme, prepared in accordance with Part 3B	Planning Authority	X																
s69 Indemnification of planning authorities for liability to pay compensation	Recover as a debt due to the planning authority in any court of competent jurisdiction	Planning Authority	X																
s71 Planning authority may enter into agreements	Enter into an agreement with an owner of land in the area covered by a planning scheme	Planning Authority	X	X	X														
s72 Form and contents of agreement	Seal an agreement	General Manager	X																
s73 Bonds and guarantees	Include in an agreement a condition that the owner is to deposit with the planning authority a sum of money fixed by or determined in accordance with the agreement; or an undertaking to pay that sum together with security in a form determined by or in accordance with the agreement	Planning Authority	X																
s73A Payments and contributions for infrastructure	Include in an agreement a provision for a payment or other contribution for infrastructure to be made by any party to the agreement	Planning Authority	X																
s74 Duration of agreement	End an agreement with the approval of the Commission or by agreement between the authority and all persons who are bound by any covenant in the agreement	Planning Authority	X	X	X														
s75 Amendment of agreements	Amend an agreement between the planning authority and all persons who are bound by any covenant in the agreement	Planning Authority	X	X	X														
s78 Registration of agreements	Lodge with the Recorder an executed copy of an agreement. Where an agreement is registered, as soon as practicable, lodge with the Recorder notification, in a form approved by the Recorder, of the amendment or ending of the agreement, together with particulars of title to any land to which the agreement relates	Planning Authority	X																

* Chief Executive Officer - occupies the statutory position of General Manager pursuant to section 61 of the <i>Local Government Act 1993</i>									
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