



City of **HOBART**

GUIDE TO REQUESTS FOR PLANNING SCHEME AMENDMENTS

1. Purpose of this Guide

The purpose of this guide is to explain the planning scheme amendment process and the information required to be submitted to support a request for a change to the planning scheme.

2. What is a planning scheme?

Every municipal area in Tasmania is covered by a planning scheme which sets out policies and requirements for the use, development, protection and conservation of land. Planning Schemes are prepared under the *Land Use Planning and Approvals Act 1993* and are required to further the sustainable development objectives of that Act.

Planning schemes usually contain maps, which show the zoning of the land eg. rural, residential, commercial etc, and planning provisions which are a set of rules and controls which explain the purpose of each zone and what can and cannot be undertaken in each zone.

There are 2 planning schemes within the City of Hobart. These are the Hobart Interim Planning Scheme 2015 (HIPS) and the Sullivans Cove Planning Scheme 1997 (SCPS).

The HIPS is in digital format only and can be accessed here:
<http://iplan.tas.gov.au/pages/plan/book.aspx?exhibit=hobips>

The SCPS is available for inspection at Council's Customer Service Centre and is also available on line at www.hobartcity.com.au

3. Can the planning scheme be changed?

Yes, it is possible to change planning policies or the zoning of land. This is referred to as a planning scheme amendment. To change the planning scheme, the applicant must demonstrate that the proposed amendment has some strategic basis and that it is consistent with the intent of the planning scheme, the objectives of the Land Use Planning and Approvals Act 1993 and any State Policies. Planning scheme amendments are prepared by Council and need the final approval of the Tasmanian Planning Commission. It is important to note that the HIPS contains content that is either state, regional or local in origin. Only local content can be altered by a scheme amendment by the City of Hobart.

If you have a specific development in mind, which is not allowed under the planning scheme, it is possible to combine a planning permit application with the planning scheme amendment. This is known as a Section 43A Permit under the Land Use Planning and Approvals Act 1993.

4. Who can ask for a planning scheme amendment?

Anyone can ask Council to prepare a planning scheme amendment. It must be demonstrated to Council that there is adequate justification for an amendment to be made. Many people employ a planning consultant to prepare the required documentation and to represent them throughout the

process. (A list of planning consultants operating in Tasmania can be found under 'Town and Regional Planning' in the Yellow Pages.)

If you are not the owner of the land to which a proposed amendment applies, the request must be signed by the owners or accompanied by the written permission of the owners.

5. How long does the process take?

The amendment process is generally longer than the planning permit process because it involves a change to the planning scheme. The amendment process usually takes about 6 months but could take much longer depending on the complexity of the issues involved.

6. How do I request a planning scheme amendment?

Requests for a planning scheme amendment can be made through the online portal at: <https://www.hobartcity.com.au/Development/Planning/Online-services-development-portal>. Adequate information (see list below) which addresses all of the strategic and policy issues involved must accompany the request.

The fees payable are set out under the heading 'Planning Scheme Amendments' on the fees and charges page of the City of Hobart website: <https://www.hobartcity.com.au/Council/Fees-and-charges>.

You are strongly encouraged to have a pre-application meeting with Council staff prior to formally requesting an amendment to a planning scheme. An appointment can be made by phoning the Planning Policy and Heritage Unit on 6238 2891. The meeting will help you identify what documentation you require to make a formal request for an amendment and can provide advice on Council's strategic objectives in regard to your request.

An amendment request needs to be accompanied by sufficient information and documentation to enable its assessment. The list below provides an indication of the type of information that may be required depending on the nature of the proposed amendment. The specific information requirements relevant to a proposed amendment will be discussed in the pre-application meeting with Council staff.

7. What information do I need to provide?

- Details on why the amendment is being sought. What are you aiming to achieve and on what strategic grounds are you seeking this change?
- A current copy of title for the land.
- A description of the capability of the subject land for future development (ie. Slope, drainage, vegetation, aspect)
- Is the subject land prone to any environmental hazards? (ie. bushfire, flooding, contamination, slope instability, etc.)
- A description of the availability and capacity of infrastructure in relation to the subject land (ie. roads, sewer, water, public transport, community facilities, etc.)
- Are there any features of significance on the land in relation to architecture, history, cultural, environmental, scientific, landscape, vegetation communities etc.
- What buildings are located on the land and are they of any heritage

significance?

- What is the existing use of the land? What are surrounding land uses?
- What is the existing zoning of the land? What is the zoning of surrounding land?
- An assessment of the proposal against the relevant State Policies and objectives of the Land Use Planning and Approvals Act 1993.
- An assessment of the proposal against the relevant objectives and intent of the planning scheme.
- Assessment of any social, economic or environmental issues, zone boundary conflicts or implications, employment opportunities.
- Implications for potential impacts on adjoining land or the surrounding area.
- The impact of the proposed request on the orderly planning of the area and the effect on future zoning and development options.
- If a combined permit/amendment application fully detailed plans of the proposed development will be required.

8. What happens once my request is lodged?

A report will be prepared by Council officers for the consideration of Council and Council will decide whether or not to initiate the amendment process. If Council decides to initiate the amendment it will place it on public exhibition for a period between 3 weeks and 2 months. If Council decides not to initiate the amendment a further request for an amendment which is substantially the same may not be made for 2 years.

After the public exhibition process Council will consider the representations received (if any) and submit a report to the Tasmanian Planning Commission giving its views on the merits of the representations and making any recommendations it considers necessary.

If representations have been received the Commission will hold a public hearing before making a final decision as to whether the amendment should be modified, approved or rejected.

Diagrams providing a summary of the planning scheme amendment process and the combined permit/amendment process are provided in attachments 2 and 3. Further details can be found in Division 2 of the *Land Use Planning and Approvals Act 1993*.

Other information

Useful web sites

- Find the planning schemes at www.hobartcity.com.au
- Find information about planning scheme amendments and State Policies at www.planning.tas.gov.au
- Find the Land Use Planning and Approvals Act 1993 and other legislation at www.thelaw.tas.gov.au

Contact details

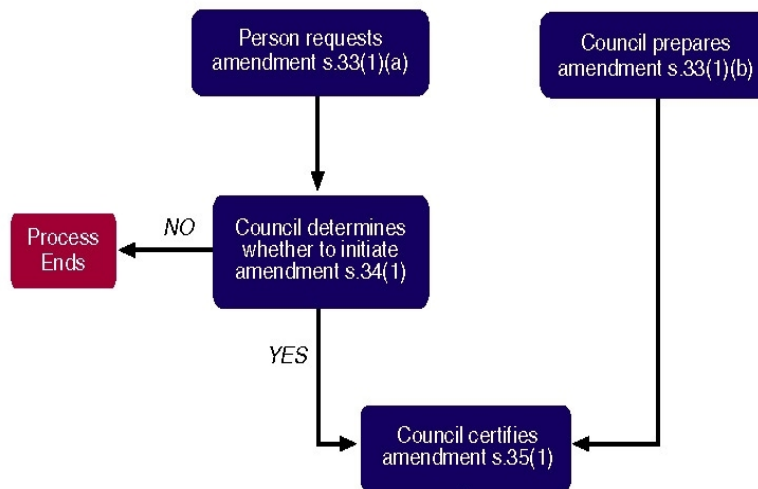
If you have any questions or would like to discuss a proposed amendment contact the City Futures Unit on (03) 6238 2715.

PLANNING SCHEME AMENDMENT PROCESS

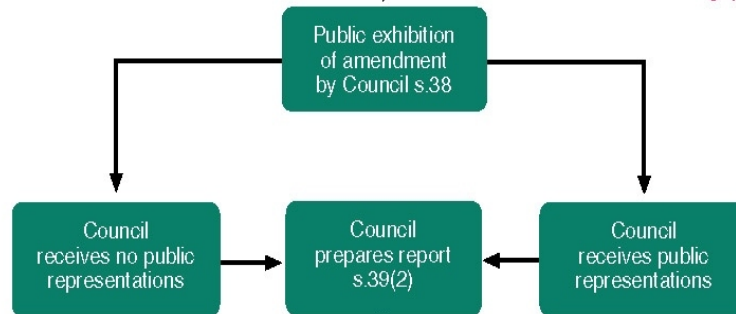
LAND USE PLANNING AND APPROVALS ACT 1993

Attachment 2

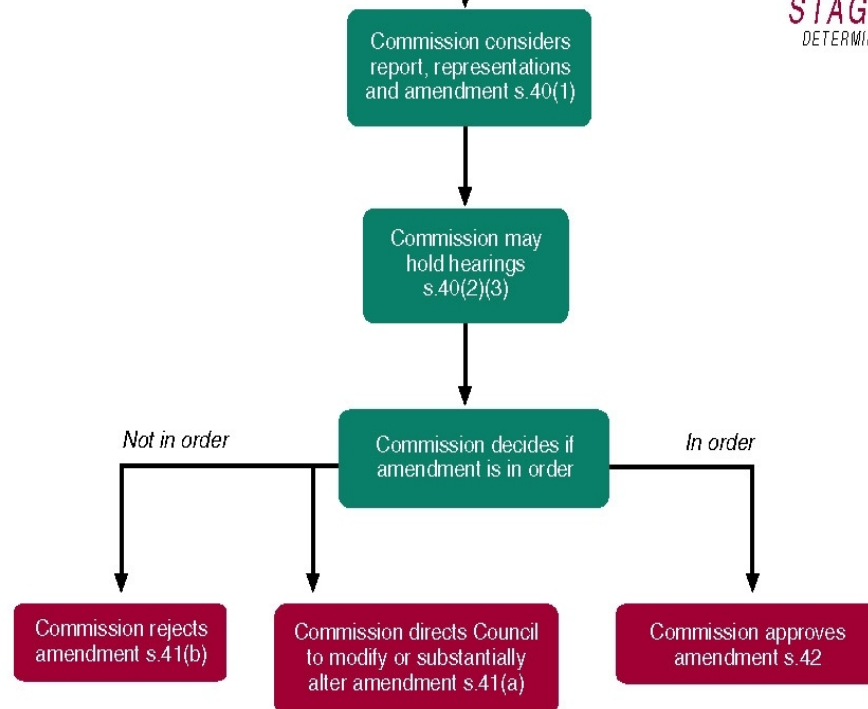
STAGE 1 CERTIFICATION



STAGE 2 EXHIBITION



STAGE 3 DETERMINATION



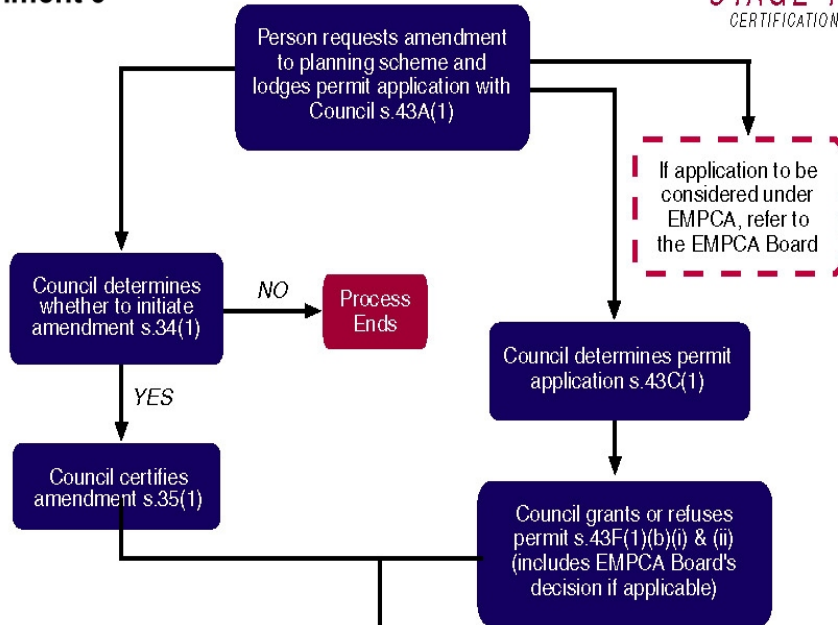
Council = Planning Authority
Commission = Resource Planning & Development Commission

COMBINED PERMIT/AMENDMENT PROCESS

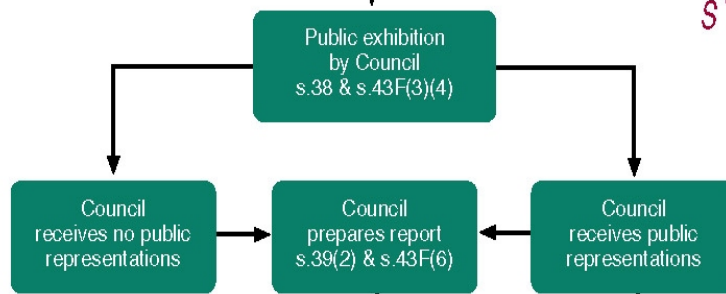
LAND USE PLANNING AND APPROVALS ACT 1993

Attachment 3

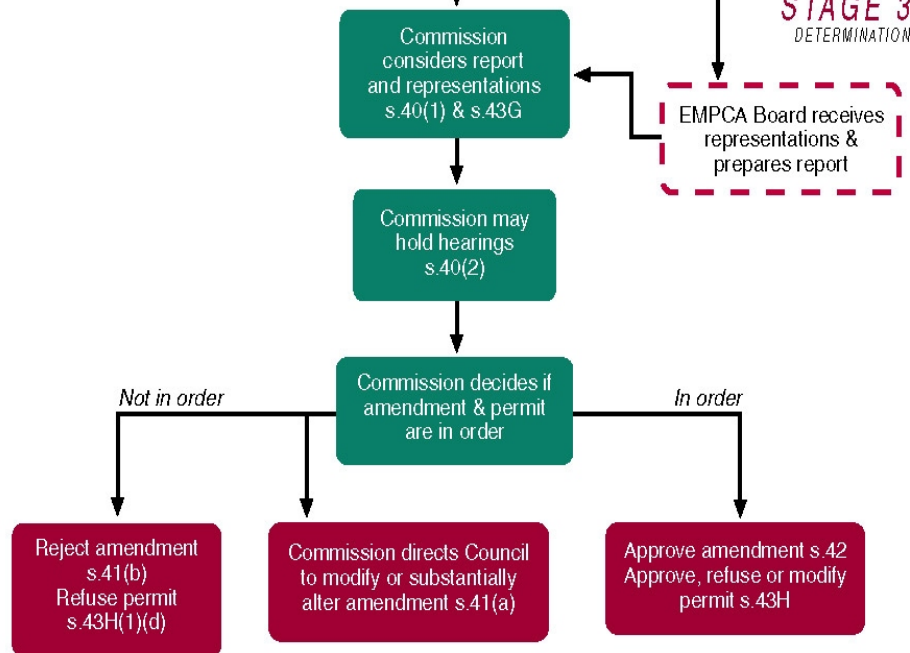
STAGE 1 CERTIFICATION



STAGE 2 EXHIBITION



STAGE 3 DETERMINATION



Council = Planning Authority
Commission = Resource Planning & Development Commission

EMPCA = Environmental Management & Pollution Control Act 1994
EMPCA Board = Environmental Management & Pollution Control Board