

## **Draft Devonport Local Provisions Schedule (LPS) – Making a Representation (FAQs)**

The draft Devonport Local Provisions Schedule (LPS) is now on public exhibition from **Monday 23 March 2020** until **Friday 12 June 2020**. The draft LPS will form part of the single state-wide planning scheme known as the Tasmanian Planning Scheme. Representations are invited on the draft LPS and must be received by **close of business on Friday 12 June 2020**.

The following set of "frequently asked questions" (FAQs) have been prepared to provide some general guidance on making a representation in relation to the draft Devonport LPS.

### **1. Where can I view the draft Devonport LPS?**

During the public exhibition period, the relevant exhibition documents comprising the draft Devonport LPS are available for viewing during normal business hours at the:

- Devonport City Council offices at the paranaple centre at 137 Rooke Street, Devonport between 8:45am and 4:45pm Monday to Friday, excluding public holidays; and
- Tasmanian Planning Commission's offices from 9am until 5pm, Monday to Friday at Level 3, 144 Macquarie Street, Hobart

These documents may also be viewed and downloaded from the Devonport City Council website at [www.devonport.tas.gov.au](http://www.devonport.tas.gov.au) and the Commission's website at [www.planning.tas.gov.au](http://www.planning.tas.gov.au).

*Please note that given the current social distancing measures being implemented to contain the COVID-19 pandemic, any interested persons may prefer to access and view the relevant exhibition documents in relation to the Devonport draft LPS via the abovementioned websites.*

### **2. What is a representation?**

A 'representation' is a written submission made to Council containing the facts or reasons in support of, or opposition to, the content of the draft Devonport LPS.

### **3. When and by whom can representations be made?**

Any person can make a representation regarding the draft Devonport LPS during the public exhibition period from **Monday 23 March 2020** until **Friday 12 June 2020**. A representation must identify the person making that representation including full name and contact details.

### **4. How can I make a representation and where do I submit that representation?**

Representations must be a written submission to Council and can be made via email, a letter, or through an online form approved by Council for such submissions.

Representations can be made during the public exhibition period. These can be either in support of or against what is proposed by the draft LPS.

Representations can be submitted:

- via the online form on Council's website <https://www.devonport.tas.gov.au/submit-a-representation-on-the-draft-devonport-local-provisions-schedule/>
- by mail to PO Box 604, Devonport Tasmania 7310; or
- via email to [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)

Please note that representations submitted via email or mail should be addressed to the General Manager and with the subject heading of "Representation - Draft Devonport Local Provisions Schedule".

***All representations must be received before the close of business on Friday 12 June 2020***

## **5. Do I need to provide personal contact details with my representation?**

Yes.

A representation must contain your preferred contact details – including your full name, or company/business name, as well as postal address and email address (if email is the preferred method of contact).

Council will use this contact information to acknowledge receipt of your representation, and also advise you how that representation was decided. Council will also supply your contact details to the Tasmanian Planning Commission which may ask you if you wish to appear at a public hearing conducted by the Commission relating to the draft LPS.

Where an email address is supplied, and unless stated otherwise, it will be assumed that consent is given for all correspondence relating to your representation will be directed to that supplied email address.

## **6. On what grounds can I make a representation?**

Representations can be made in relation to the content of the draft Devonport LPS as contained in the written document (ordinance) and also the zone and overlay maps. A representation may include an opinion as to whether:

- (a) a provision of the draft Devonport LPS is inconsistent with a provision of the State Planning Provisions;
- (b) the draft Devonport LPS should, or should not, apply a provision of the State Planning Provisions to an area of land;
- (c) the draft Devonport LPS should, or should not, contain a provision in the nature of a Particular Purpose Zone, a Specific Area Plan, or a Site Specific Qualification that will apply to land in substitution for, or in addition to, or in modification of, the provisions of the State Planning Provisions.

Only those matters which are relevant to the content of the draft Devonport LPS will be taken as representations.

## **7. Can I make a representation about changing the State Planning Provisions?**

No.

It is important to understand that the draft LPS process is not about a review or remaking of the State Planning Provisions (SPPs). The public consultation and approval of the SPPs has already been completed.

The State Government has formally made the SPPs as state-wide planning rules. The LPS process is about where those rules are to be applied in each local council area (through the allocation of zones, codes, etc). In other words, the draft LPS is about determining where the rules of the SPPs apply – not reviewing what the rules are.

The provisions of the *Land Use Planning and Approvals Act 1993* make it clear that representations made in relation to a draft LPS are not to be of the effect that the content of the SPPs should be altered. The public exhibition notice also details that any matter contained in a representation that addresses the content of the State Planning Provisions will not be taken to be a representation.

**8. Can I make a representation to exclude any of the transitional provisions which are carried over from the existing Interim Planning Scheme?**

No.

As stated in the public exhibition notice the draft LPS must contain those provisions of the *Devonport Interim Planning Scheme 2013* that are required to be included in the draft LPS by reason of the transitional provisions of Schedule 6 of the *Land Use Planning and Approvals Act 1993*.

The provisions under Schedule 6 of the *Land Use Planning and Approvals Act 1993* enables for the transition of some existing provisions of the current *Devonport Interim Planning Scheme 2013* to be included with the draft LPS by means of declaration made by the Minister for Planning. These include existing Particular Purpose Zones and Specific Area Plans, and also code applying provisions (such as existing local heritage listings and the local parking area scheme).

The public exhibition notice details that any matter contained in a representation that seeks to exclude any transitional provision will not be taken to be a representation.

**9. How will my representation be considered?**

Council must consider all representations received during the public exhibition period which are relevant to the draft LPS.

Following the exhibition period, Council is required to provide a report to the Tasmanian Planning Commission on any representations received in relation to the draft LPS and whether Council considers that the matters raised in those representations are of sufficient merit to necessitate a modification to the draft LPS.

In its report to the Commission, the Council will also provide copies of all representations received during the public exhibition period.

Following receipt of the Council's report on the exhibition of the draft LPS, the Commission will undertake an assessment of the representations received including conducting public hearings into the representations received during the public exhibition period.

Those people who make a representation will have the chance to further elaborate on the content of that representation as part of any public hearing held by the Commission in relation to the draft LPS.

**10. Will representations be made public?**

Yes.

All representations received in relation to the draft Devonport LPS will be reproduced in full (including names and contact details) as part of:

- (a) the meeting agenda prepared for a meeting of the Council following the public exhibition period and reporting on any representations received. This agenda is a publicly available document for any interested party to access and view;
- (b) the report which Council provides to the Tasmanian Planning Commission following the exhibition period. Copies of all representations will be provided to the Commission; and
- (c) the information shown on the Commission's website ([www.iplan.tas.gov.au](http://www.iplan.tas.gov.au)) relating to the assessment of the draft Devonport LPS. Copies of representations will be published on this website.

Representations may also be discussed as part of any public hearing conducted by the Commission in its assessment of the draft LPS.

**11. Further enquiries**

For further information or enquiries please contact Council's planning staff on (03) 6424 0511 or via email at [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au).