

Application for Planning Scheme Amendment

Lodgement Date:	Property Id No:
Application No:	Zoning:

Type of Amendment: Change to Maps Change to Ordinance

Does this application have an associated s43A application? YES NO

A s43A application is where there is a development/use and a Planning Scheme Amendment to be considered concurrently.

Description of Amendment:

Please provide as much detail as possible including zoning, boundaries, change of use etc

Address of Subject Site:

Address:

Suburb/Town:

Postcode:

Certificate of Title No:

Lot No:

Address:
Suburb/Town: Postcode:
Certificate of Title No: Lot No:

Current Owners:

This application must be lodged with the completed Form 1 'owners consent' if the applicant is not the owner (see attached).

Applicant:

Name:

Postal Address:

Suburb/Town:

Postcode:

Phone No.:

Email:

Name:
Postal Address:
Suburb/Town: Postcode:
Phone No.: Email:

If you have had pre-application discussions with a Council Officer, please provide their name.

Privacy Statement

Completion of this form may require the disclosure of personal information. The intended recipients of this information are officers of the Kingborough Council in order to advance the purposes of this form and to carry out Council business. The Personal Information Protection Act 2004 and Council's Privacy Policy regulate the use of this information, which will not be disclosed to any other party, except with your permission or if required or authorised by law. You may make application to access or amend personal information held by Council by contacting the Customer Service Unit on 6211 8200. Should you not provide the information sought, Council will not be able to process this form.

Declaration:

- I have read the Certificate of Title and Schedule of Easements for the land and I am satisfied that this application is not prevented by any restrictions, easements or covenants.
- I have arranged permission for Council's representatives to enter the land to assess this application.

- I declare I have obtained all copy licences and permission from the copyright owner for the publication, communication and reproduction of the application, information, reports, plans and materials provided with or as part of the application and for the purposes of managing, assessing, advising on and determining the application. I authorise the Council to:
 - Make available the application and any and all information, reports, plans and materials provided with or as part of the application in electronic form on the Council's website and in hard copy at the Council's office;
 - Make such copies of the application and any and all information, reports, plans and materials provided with or as part of the application which are, in the Council's opinion, necessary to facilitate a consideration of the application; and
 - Publish and or reproduce the application and any and all information, reports, plans and materials provided with or as part of the application in Council agendas, for representors, referral agencies and other persons interested in the application.
- I indemnify the Council for any claim or action taken against the Council for breach of copyright in respect of the application and any and all information, report, plan and material provided with or as part of the application.
- **In accordance with Section 33(2A) of the *Land Use Planning and Approvals Act 1993*, the written consent of the owners to the making of the request is attached.**
- I declare that the information in this application is true and correct.
- I agree that written communication may be provided electronically, where an email address has been provided.

Applicant's Signature:

Date:

ELECTRONIC APPLICATIONS ARE ENCOURAGED, EMAIL to: Development@kingborough.tas.gov.au

Planning Scheme Amendment Checklist

To ensure that we can process your application as quickly as possible, please read the following checklist carefully and ensure that you have provided all the necessary information. If you are unclear on any aspect of your application, please contact our Planning Department on 6211 8200 to discuss or arrange an appointment concerning your proposal.

All requests for planning scheme amendments require the following information to be provided at the time of submitting the application.

- A completed Application for Planning Scheme Amendment form. Please ensure that this form has the correct address and contact details, contains an accurate description of the proposal, is signed by the applicant and is dated.
- A current full copy of the Certificate of Title (no less than 3 months old) to the land containing the:
 - Search Page
 - Plan, Sealed Plan or Diagram
 - Any Schedule of Easements, Covenants, Council Notifications or Conditions of Transfer
- One copy of a written submission supporting the amendment including:
 - Detailed description of the requested amendment identifying the extent of its application.
 - Consideration of the Objectives of the *Land Use Planning and Approvals Act 1993*
 - Consideration of the relevant provisions of the Planning Scheme such as the Intents, Development Principles, Objectives and detailed provisions of this zone.
 - Strategic impact of the proposal such as alternative uses, flow on development and cumulative impacts.
- Relevant Application Fees (See Application Fees form)

Please note that following an initial assessment of the application, additional information may be requested.

Form No. 1

Owners' consent

Accompanying draft planning scheme amendment requests under section 33(1), including combined permit applications under section 43A of the *Land Use Planning and Approvals Act 1993*.

Requests for draft amendments or combined permit applications require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

1. Request made by:

Name(s):

Address:

Email address:

Contact number:

2. Site address:

Address:

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

3. Consent of registered land owner(s):

Every owner, joint or part owner of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner :

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature:

Date:

Registered owner (please print):

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature:

Date:

Registered owner (please print):

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature:

Date:

NOTES:

a. Who can sign as owner?

Where an owner is a natural person they must generally sign the owner's consent form personally.

Where an owner is not a natural person then the signatory must be a person with legal authority to sign, for example company director or company secretary.

If the person is acting on behalf of the owner under a legal authority, then they must identify their position, for example trustee or under a power of attorney. Documentary evidence of that authority must also be given, such as a full copy of the relevant Trust Deed, Power of Attorney, Grant of Probate; Grant of Letters of Administration; Delegation etc.

Please attach additional pages or separate written authority as required.

b. Strata title lots

Permission must be provided for any affected lot owner and for common property for land under a strata title under the *Strata Titles Act 1998*. For common property, permission can be provided in one of the following ways:

- i. a letter affixed with the body corporate's common seal, witnessed by at least two members of the body corporate (unless there is only one member, in which case the seal must be witnessed by that member) and which cites the date on which the body corporate or its committee of management met and resolved to give its consent to the application; or,
- ii. the consent of each owner of each lot on the strata plan.

c. Companies

If the land is owned by a company then consent must be signed in accordance with the *Corporations Act 2001 (Cwth)* as follows:

- i. one company director and company secretary; or
- ii. two company directors; or
- iii. if a sole director/sole shareholder who is also the sole secretary, the sole director; or,
- iv. a company with a common seal may execute a document if the seal is fixed to the document and witnessed by two directors; or one director and a company secretary, or for a proprietary company that has a sole director who is also the sole company secretary, that director.

The ABN or ACN, the names and positions of those signing the consent, and a current ASIC company extract (www.asic.gov.au) must be provided.

d. Associations

If the land is owned by an incorporated association then the document must be signed in accordance with the rules of the association by, for example being:

- i. sealed and witnessed in accordance with the association's rules; or,
- ii. signed by a person authorised in accordance with the association's rules.

The ABN, the names and positions of those signing the consent, and copy of the association's rules must be provided.

e. Council or the Crown

If the land is owned by a council or the Crown then consent must be signed by a person authorised by the relevant council or, for Crown land, by the Minister responsible for the Crown land, or a duly authorised delegate.

The name and positions of those signing must be provided.

Effective Date: 30 March 2020

¹ References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.