

## Application for | Planning Scheme Amendment to the Kingborough Interim Planning Scheme (KIPS) 2015

Under Section 33(1) of the former provisions of the '[Land Use Planning and Approvals Act 1993](#)' (LUPAA)

Prior to lodging this application, it is advised that applicant/s arrange an appointment to discuss the proposal with Council's Strategic Planning Department. This provides the opportunity to clarify the proposal, the process and any risks that may be involved, and to advise what the requirements for lodgement are.

If you have spoken to a Council Officer, please provide their name:

### Type of Amendment:

Select all that apply.

☐ Change to **Maps**

☐ Change to **Ordinance**  
written part of the Scheme

☐ Change to **Urban  
Growth Boundary**

### Is this a combined application (s43A)?

A combined application is where there is an application for a development/use, including subdivision, and a Planning Scheme Amendment to be considered at the same time under section 43A the former provisions of LUPAA.

☐ Yes\*

☐ No

\*If yes, see requirements on page 3

### Description of proposed amendment:

Provide details of all proposed changes to zoning and Planning Scheme provisions. If there is not enough writing space, please provide an additional page with the application.

### Subject Site/s:

If the proposal includes more than one site, details for all must be included.

Address:

Suburb/Town:

Postcode:

Certificate of Title No:

### Owner/s:

As per the current Certificate/s of Title.

### Applicant:

If the applicant is not the owner or sole owner of the land, written consent of the owner/s must be provided by completing the form provided on pages 4-6.

Name:

Email\*:

Address:

Suburb/Town:

Postcode:

Phone:



Please Tick ✓

### \*CONSENT TO EMAIL ONLY

In accordance with the Electronic Transactions Act 2000, I consent to information relating to this application being given by electronic communication **ONLY** to the nominated email address above.

NOTE: If consent is not provided, all correspondence will be sent via email (where provided) **and** post by default.

# DECLARATION Please read this page *carefully*, then sign and date at the bottom once complete.

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▪ **Restrictions, Easements or Covenants**

I have read the Certificate of Title and the Schedule of Easements for the subject site and am satisfied that this application is not prevented by any restrictions, easements or covenants.

▪ **Access to Subject Site by Council Officers**

I give permission, as or on behalf of the Owner, for Council Officers to enter the subject site for the purpose of assessment of this application.

▪ **Copyright of Application and Materials**

I declare that I have obtained all copy licenses and permissions from the copyright owner for the publication, communication, and reproduction of this application and any and all materials provided with or as part of the application for the purposes of managing, assessing, advising on and determining the application.

In direct reference to this application and any and all information, reports, plans and materials provided with or as part of the application, I authorise the Council to:

- Make these documents available in electronic format on the Council's website and in hard copy at the Council's office;
- Make copies of these documents which are, in the Council's opinion, necessary to facilitate consideration of the application; and
- Publish and reproduce these documents in Council Meeting agendas for representors, referral agencies and other persons interested in the application.

I indemnify the Council for any claim or action taken against them for breach of copyright in respect of this application and any and all information, reports, plans and materials provided with or as part of the application.

▪ **Consent of Owner/s**

In accordance with Section 33(2A) of the former provisions of LUPAA and where applicable, I declare that the written consent of the Owner/s to the making of this application is provided below and attached by way of a completed Form No. 1, as manifested by the Tasmanian Planning Commission and provided on pages 4-6 of this application.

▪ **I declare that the information provided in this application is true and correct.**

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**Applicant's Signature:**

**Date:**

*If the Applicant is NOT the Owner:*

**Owner's Signature:**

**Date:**



**OWNER CONSENTS TO EMAIL ONLY CORRESPONDENCE** as outlined for the Applicant on page 1 of this application

Email address:

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Electronic applications are encouraged – please email to [development@kingborough.tas.gov.au](mailto:development@kingborough.tas.gov.au)

Please see the following 'Requirements for Submitting this Application'

## Privacy Statement

The completion of this form may require the disclosure of personal information. The intended recipients of this information are officers of the Kingborough Council 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 Customer Service. Should you not provide the information sought, Council will not be able to process this form.

# Requirements for Submitting this Application | *Planning Scheme Amendment*

Please ensure that you have provided all necessary information outlined below. Further information to allow assessment of your application may be requested following its initial assessment after lodgement.

✓ DOCUMENT

*Description of Requirement/s*

## ☐ Application Form/s

Must be completed with correct address and contact details, an accurate description of the proposal, and signed and dated by the Applicant and Owner (where the Applicant is not the Owner).

**For combined applications under s43A**, one of the following forms must also be submitted:

- ☐ [Application for Planning Permit for Development/Use](#)
- ☐ [Application for Planning Permit for Subdivision/Boundary Adjustment](#)

## ☐ Form No. 1

*See pages 4-6*

If applicable, must be completed with correct details and signed by all Owners.

## ☐ Certificate of Title

*Titles can be obtained online at [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)*

Must be current edition and contain:

- ☐ Folio Text
- ☐ Folio Plan
- ☐ Any of the following that are applicable to the subject site/s;
  - Schedule of Easements
  - Agreements pursuant to section 71 or section 78 of LUPAA  
*Commonly referred to by Council as 'Part 5 Agreements'*
  - Council Notifications
  - Conditions of Transfer

## ☐ Written Submission

Must include:

- ☐ The extent of, and strategic justification for, the amendment. Must include strategic alignment with, but not limited to, the:
  - State Policies
  - Southern Tasmania Regional Land Use Strategy
  - Kingborough Land Use Strategy
  - Kingborough Council's Strategic Plan
- ☐ Statutory compliance under section 32 of the former provisions of LUPAA and Schedule 1 of the objectives of LUPAA
- ☐ Consideration of the relevant provisions of the Scheme  
*e.g. Part A 'Purpose and Objectives'; purpose and objectives of zones and codes affected; standards of zones and codes affected.*
- ☐ Impact of the proposal  
*e.g. Impacts on infrastructure, roads and services; compatibility with the surrounding zoning and uses; environmental considerations including but not limited to those that relate to biodiversity, flooding, bushfire, etc.*

## Form No. 1

### Owners' consent

Requests for amendments of a planning scheme or Local Provisions Schedule and applications for combined permits 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):

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. When is owners' consent required?

Owners' consent is required for:

- amendments to an interim planning scheme or to a Local Provisions Schedule<sup>1</sup>; or
- combined permits and amendments<sup>2</sup>.

Owners' consent must be provided before the planning authority determines to initiate, certify or prepare the amendment.

### b. 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.

### c. 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.

### d. Companies

If the land is owned by a company the form is to be signed by a person with authority in accordance with the *Corporations Act 2001 (Cwth)*.

### e. Associations

If the land is owned by an incorporated association the form is to be signed by a person with authority in accordance with the rules of the association.

### f. Council or the Crown

If the land is owned by a council or the Crown then form is to 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: September 2021

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<sup>1</sup> under section 33(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* or section 37 of the current provisions.

<sup>2</sup> under section 43A of the former provisions or section 40T of the current provisions of the Act