



Environmental Defenders Office

Making a Representation to Council in lutruwita/Tasmania

Disclaimer: This factsheet is a guide only and is designed to give readers a plain English overview of the law. It does not replace the need for professional legal advice in individual cases. To request free initial legal advice on a public interest environmental or planning law issue, please visit our [website](#).

While every effort has been made to ensure the information is accurate, the EDO does not accept any responsibility for any loss or damage resulting from any error in this factsheet or use of this work.

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What is this factsheet about?

Making a representation to council about a planning permit application is an important way for members of the public to be involved in local planning decisions.

A representation is a written statement of facts or reasons in support of or in opposition to an application. Submitting a representation allows you to inform the council of your local knowledge and bring your concerns to their attention.

When making decisions about discretionary planning permit applications, the council must consider all valid representations they receive. Furthermore, submitting a representation will generally be a requirement before a person can appeal a planning decision or join a developer's planning appeal.

This factsheet provides an overview on how to find out about proposed discretionary developments in your area, how to write an effective representation and the next steps once your representation has been submitted.

Outline

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Finding Out About Proposed Developments

Not all new developments or uses on properties will need to be publicly notified. Only applications for planning permits for what are known as “discretionary” developments or land use changes will need to go through a period of public notification.

An application for a proposed use or development will be “discretionary” if it is listed as a “discretionary” use under the applicable provisions of the planning scheme **OR** if it is a “permitted use” but does not comply with one or more of the applicable standards of the planning scheme (for example, if a proposed building will be higher than the permitted height under an applicable acceptable solution, or will be located closer to the neighbouring property than the standard setback distance under an applicable acceptable solution).

Read: [Factsheet - Overview of Tasmanian Resource Management and Planning System](#)

A council must notify the public of any applications for a proposed discretionary development or land use in the following ways:

- Advertising in a notice in a newspaper circulated in the local area.
- Displaying a notice at the local council offices.
- Mailing a notice to the adjoining properties and property owners.
- Placing a public notice on the site of the proposed development, as near as possible to all public boundaries of the land.

Councils are required to have discretionary development applications and the supporting documents available for viewing at their offices during the notification period. Councils will also generally also publish development application information on their website during the public notification period.

N.B. It is a good idea to download copies of any development applications that you make a representation about for future reference, as the documents may not be available after the close of the public notification period.

Writing Your Representation

Representations need to be in writing. Representations should be addressed to the council (use the address in the public notice for the development) and be received by the council before the close of the public notice period. It is important that your representation includes your name and contact details as well as the application address and the application number.

Your representation should be framed around the matters that the decision maker must consider when assessing the development. These matters will be set out in the relevant provisions of the planning scheme. Your representation should refer to these provisions and explain your concerns about the impact of the proposal on your property, your family or the environment.

For longer representations, summarise your key concerns at the start of the representation and use headings and page numbers to make it easy for the decision-maker to follow. See [Appendix 1](#) for an example representation.

Many groups submit a petition with their representation. Petitions are generally less effective than individual letters regarding the proposal, however, they can be useful to demonstrate the level of community concern.

You should ask the council to acknowledge that they have received your representation. You can also ask to meet with the planning officer to discuss your concerns, or to be given an opportunity to address a council meeting about the proposed development.

Tips for Writing an Effective Representation

- Look at the development application and the supporting documents rather than just relying on what is contained in the advertised notice.
- Consider the planning scheme and consider the zoning and planning requirements that apply to the application. Tasmanian councils are transitioning from their interim planning schemes to the Tasmanian Planning Scheme, which will soon be the planning scheme for the whole State. For more information about the reforms and the applicable planning scheme in your area please see the Planning in Tasmania website and the Tasmanian Planning Commission website.

Visit: Planning in Tasmania - <https://planningreform.tas.gov.au/planning/scheme>
Tasmanian Planning Commission - <https://www.planning.tas.gov.au/other-resources/effective-planning-schemes>

- If you have sufficient resources, it is worthwhile obtaining expert advice about the development application, particularly if the application includes technical details (for example, relating to heritage or biodiversity concerns).

Visit: The Planning Aid Service provides 15 minutes of free planning advice for people who are unable to meet the costs of engaging a planning consultant. For more information visit <https://www.hobartlegal.org.au/how-we-can-help/free-planning-assistance/>

- Community members can also be a good source of information about the development site, for example, they may have details of threatened species that live on the site or the unique history of the site.

Representation Timeframes

The notice about the development application will include a closing date for representations. In general, you will have at least 14 days from the date of the notice to make a representation. For a representation to be valid, it must be received by the council before the close of the representation period.

What Happens Next?

After the notification period ends, a council planning officer will review all of the representations and prepare a report to council. The council must consider all representations when determining whether to approve a development application.

It is often worth liaising with the relevant council planning officer about the progress of the development application and bringing any new information to their attention.

Once council makes its decision regarding the proposed development, everyone who made a representation will be notified in writing. You will then have 14 days to lodge an appeal against the decision with the Tasmanian Civil and Administrative Tribunal.

Read: [Factsheet - Appealing a Planning Permit Decision in lutruwita/Tasmania](#)

Evaluate this resource

EDO welcomes feedback on this factsheet. Your feedback will help us ensure we are providing useful information.

If you have any concerns or suggestions regarding this factsheet, please fill out the Legal Resources evaluation form by clicking [here](#) or scanning the QR code below:



Appendix 1: Example Representation

Jane Smith
40 View Street
Seaside Cove TAS 7777
janesmith@emailserver.com

30 August 2022

Seaside Council
1 Council Drive
Seaside Cove, TAS 7777

By email: planning@seasidecouncil.tas.gov.au

Dear Planning Officer,

**Re: Planning Application PLN1234 – 42 to 46 View Street, Seaside Cove, TAS -
Application for the demolition and construction of five dwelling units**

I refer to the above application and wish to make a representation opposing the grant of a permit to Property Development Co Pty Ltd. The proposed development does not comply with the relevant provisions of the Tasmanian Planning Scheme. I am primarily concerned about the impacts of the proposed unit development on parking and traffic and have outlined all my concerns in further detail below.

Issue 1 – Inadequate Parking Spaces

The proposed development does not comply with clause C2.5.1 A1 of the State Planning Provisions requiring the provision of at least 3 parking spaces for each unit. The proposed development only provides 6 parking spaces for 5 units. The development further does not satisfy clause C2.5.1 P1.1 or P1.2 of the State Planning Provisions because it does not meet the reasonable needs of the residential use of the units.

Issue 2 - Proposal will generate a detrimental amount of traffic

The proposed development will significantly increase the amount of traffic using Narrow Road. This road is currently in poor condition and is not suitable for heavy vehicles. An increase in the volume of traffic, and use of trucks during the construction phase, will make it necessary to upgrade the road to ensure the safety of residents and road users.

Issue 3 - Detrimental impact on the environment

The development is contrary to clauses 1.1.1, 1.1.2 and 1.1.11 of the State Coastal Policy 1996 in that the development will not protect valuable ecosystems and ecological features in the coastal zone. In particular:

- the area of the development site represents one of the few remaining areas of extensive coastal vegetation in the northeast of Tasmania
- the need for appropriate fire management will result in the clearing of significant areas of the development site.

Issue 4 - Detrimental impact on neighbourhood streetscape

This suburb is characterised by low density, heritage-style cottages. The proposal for a high density, modern apartment building is completely out of character with the area.

I would appreciate the opportunity to speak to you about my concerns. I can be contacted on 0400 111 000 or janesmith@emailserver.com to arrange a suitable time.

Thank you for taking the time to consider my representation. Please confirm that you have received it.

Kind regards,

Jane Smith