



## Frequently Asked Questions

# How do you make a Representation on the draft Huon Valley Local Provisions Schedule?

### **Section 35E Land Use Planning and Approvals Act 1993**

The Huon Valley Council will exhibit the draft Huon Valley Local Provisions Schedule (draft LPS) from 24 January 2022 until 30 March 2022 and invites all interested persons to inspect the exhibited documents and to make representations in relation to any matter relevant to the exhibited documents.

The following FAQ's are intended to assist the making of a representation.

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

A representation is a written submission containing the facts and reasons to explain your support for, or opposition to, all or any part of the draft LPS.

#### **2. Who can make a representation?**

Any person or body may make a representation on the draft LPS.

You do not have to own property or live in the Huon Valley municipal area in order to make a representation.

Your representation must identify the person or body who is making the representation; and must be signed and dated by that person.

If your representation is made by an incorporated body, the person making the representation must have a proper authority to represent that body.

If your representation is made by a body that is not an incorporated body, the body should nominate a person who is to make the representation as an individual.

#### **3. Am I required to provide my contact details when making a representation?**

Yes.

Your representation must contain your preferred contact details so it is clear who has made a representation.

As you also may be requested to advise if you propose to attend a hearing conducted by the Tasmanian Planning Commission (Commission) about the draft LPS it is necessary to provide contact details.

If you provide an email address in your contact details, and unless you say otherwise, all notices will be forwarded to that email address.

#### **4. How do I make a representation?**

Your representations must be made in writing.

There is no required format for making a written representation.

You should separately identify each matter on which you wish to express support or opposition to the draft LPS and explain your reasons for that position.

#### **5. Can I make a representation on-line?**

Yes. You can make a representation by visiting [www.huonvalley.tas.gov.au](http://www.huonvalley.tas.gov.au)

**6. What can I say in my representation?**

You may make a representation in relation to content and merits of the draft Huon Valley Local Provisions Schedule as contained in the written instrument and the zone and overlay maps.

Your representation may include whether —

- (a) a provision of the draft LPS is inconsistent with a provision of the State Planning Provisions (SPPs); or
- (b) the draft LPS should, or should not, apply a provision of the SPPs to an area of land; or
- (c) the draft 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 add to, modify or substitute for the State Planning Provisions as they apply to land or part of land within the Huon Valley municipal area.

Any matter in your representation that does not relate to the content or merit of the draft LPS will not be taken to be part of your representation.

You cannot make a representation in relation to a report that is included with the exhibition material as a reference or supporting document for the draft LPS.

**7. Can I make a representation in relation to the State Planning Provisions (SPPs)?**

No.

The SPPs were approved made by the Minister for Planning in February 2017 following a separate period of public exhibition and subsequent hearings. The LPS process does not permit the SPPs to be reassessed or reviewed.

You cannot make a representation to the effect that the content of a provision of the SPPs should be altered.

Any matter contained in your representation that relates to the content of a provision of the SPPs will not be taken to be part of your representation.

**8. Can the Council help me prepare my representation?**

Council officers can assist you to understand the draft LPS and can provide advice on the requirements for making a representation.

However, the planning authority must not provide you with any advice in regard to the merit or otherwise of any concern or enquiry you may have in relation to the content of the draft LPS during the exhibition period.

**9. What will happen to my representation?**

At the end of the exhibition period the planning authority must consider each matter in each representation received during the exhibition period.

The planning authority must provide a copy of your representation to the Commission.

The planning authority must also provide the Commission with a report in which it must state its opinion on the relevance and merit of your representation, and must indicate to the Commission whether it considers the draft LPS should be modified to take account of the matters contained in your representation.

**10. What will the Commission do with my representation?**

The Commission must make an independent assessment in regard to the content, merit and compliance of the draft LPS following receipt of the planning authority's report on the outcomes from the exhibition period.

The Commission must hold a hearing in relation to your representation, unless —

- (a) you have indicated support for and no opposition to any aspect of the draft LPS;

- (b) you have advised you not wish to be heard; or
- (c) you have pointed out an error, anomaly, inconsistency, or drafting problem in the exhibited draft LPS documents

A final decision on the merits and implications of your representation, and any requirement to modify the draft LPS, will be made by the Minister for Planning following receipt of a report from the Commission.

**11. Can I address the Council on my representation?**

No.

The Council must confine its consideration to the matters contained in your written representation.

You will be provided with an opportunity to speak to your representation at any hearing the Commission may hold in relation to your representation.

The Commission will contact you to advise of its intentions to hold a hearing and to invite you to appear.

**12. Will my representation be made public?**

Yes.

Your representation will become public following conclusion of the exhibition period unless there are compelling reasons not to do so.

Your representation will be —

- (a) published as part of the agenda for consideration by the planning authority during an open session of a Council meeting;
- (b) specifically referenced in the report the planning authority must provide to the Commission; and
- (c) published on the Commission website; and
- (d) may be discussed during any public hearing conducted by the Commission

**13. Where do I send my representation?**

You must address your written representation to the General Manager, Huon Valley Council with reference "Draft Huon Valley Local Provisions Schedule" and deliver via;

- email [hvc@huonvalley.tas.gov.au](mailto:hvc@huonvalley.tas.gov.au) or;
- hand to Huon Valley Council Customer Service, 40 Main Road, Huonville or;
- mail to 40 Main Street, Huonville 7109 or;
- online at [www.huonvalley.tas.gov.au](http://www.huonvalley.tas.gov.au)  
(If you use the online form, your representation will be received by Council when you select and click the "Submit" button.)

**14. Is there a deadline for making a representation?**

Yes.

Your written representation must be received by the Huon Valley Council not later than 30 March 2022