

Consent to Make a Planning Application

Understanding When You Need Permission from Council or Other Landowners

Including All Relevant Land in a Planning Permit Application

When you apply for a planning permit, you must include all land that will be used or affected by the proposed development, not just the land where the main works will occur.

- This often includes land needed for things like:
 - - New or upgraded water, sewer or stormwater pipes that must cross neighbouring land
 - - Driveways, access points or pathways that cross other land
 - - Any works required on land you don't own

If all relevant land is not included, the permit may be challenged and could be declared invalid by a Tribunal or Court.

If you are unsure whether extra land needs to be included, contact Council's Planning Services team for guidance, accmail@acc.tas.gov.au

What If the Land Is Owned by Someone Else?

Section 52 of the Land Use Planning and Approvals Act 1993 explains what is required when your application includes land you don't own. There are three situations:

1. Land owned by the Crown

You must:

- Have the application form signed by the Minister (or their Delegate), and
- Provide a letter from the Minister (or Delegate) giving written consent to lodge the application.

2. Land owned or managed by Council

You must:

- Have the application form signed by Council's General Manager (or their Delegate), and
- Provide a letter from the General Manager (or Delegate) giving written permission to lodge the application.

3. Land owned by a private landowner (not Crown or Council)

You must:

- Notify the landowner that you intend to make the application, and
- Confirm this notification in the declaration section of Council's application form (no separate declaration is needed).

If the Required Consent Is Missing

If your application includes land owned by the Crown or Council and the correct consent has not been provided, the application will be invalid. Council will send you written notice explaining what is missing and how to obtain the required consent.

How to Obtain Ministerial Consent

If Crown land is involved, you must request consent from the State Government department responsible for that land. Council's Planning Services team can help you identify the correct department.

Other Types of General Manager Consent

General Manager Consent for a planning permit application is **different** from other approvals, such as:

- Consent under the *Urban Drainage Act 2013* to build over or near Council stormwater infrastructure
- General Manager Consent for stormwater works issued alongside a planning permit

These are separate processes and must be handled individually.

Other General Manager Consents relating to Planning and Development

It is important to note that General Manager Consent to make an application for a planning permit is different to and follows a separate process to other consents including those granted under the *Urban Drainage Act 2013* to build over or in close proximity to Council

stormwater infrastructure and the General Manager Consent for stormwater works that is issued in conjunction with a planning permit.

All queries in relation to General Manager or other consents relating to a planning application can be directed to our Planning Services Team, this can be done through our website www.acc.tas.gov.au, email accmail@acc.tas.gov.au or phone 6216 6800.