



Application to Vary or Revoke order under Section 36 of the *Neighbourhood Disputes About Plants Act 2017*

Information about making an application

Please read BEFORE you complete the application form

An application to the Resource Management & Planning Appeal Tribunal must be made in writing and filed with the Tribunal together with the appropriate filing fee.

What happens after you send your application to the Tribunal?

Your application will be assessed to check whether it complies with the requirements of the *Neighbourhood Disputes About Plants Act 2017*.

If your application is completed correctly, the Tribunal will:

1. Return copies of the Applications to you which will contain details of the date and location of the Preliminary Conference. These Applications need to be served BY YOU on the parties you have identified in your application.
2. The Tribunal may give notice to any other person(s) and organisation(s) (called the **respondents**) it considers appropriate (see Section 24(2)).

If your application does not provide the Tribunal with enough information, we may contact you and request you provide us with more information.

The Tribunal has issued a Practice Direction regarding applications made under the *Neighbourhood Disputes About Plants Act 2017* which is available on the Tribunal website at www.rmpat.tas.gov.au. The Tribunal has also issued Practice Directions about its processes. Hard copies of both are available at the Registry.

**PLEASE ENSURE YOU READ THE TRIBUNAL'S PRACTICE DIRECTION ON NEIGHBOURHOOD
DISPUTES ABOUT PLANTS ACT 2017 APPLICATIONS BEFORE COMPLETING AND SUBMITTING
THIS FORM.**

Early attention should also be given to Practice Directions 1, 2, 3, 4 and 11 in preparing this form.
The other Practice Directions must be read as well as the application proceeds.

Checklist for your application

If you decide to make an application there are certain things that you must do. Tick the boxes as you complete each step.

☐ **Yes, I have completed all required fields on this form.**

Your application must be in writing.

☐ **Yes, I have doubled checked the accuracy of the Certificate of Title Reference Numbers on this form.**

It is critical that you accurately identify all parcels of land which are the subject of this application.

☐ **Yes, I have included copies of the following documents with my application.**

- **A Copy of the Original Order issued by the Tribunal that you seek to vary or revoke.**

(Why does the Tribunal require this information? The Tribunal needs this information to confirm what order you are seeking to vary or revoke. It will also contain important information of persons who were involved in the initial proceedings who will need to be notified of your application.)

- **Evidence that you are a landholder of affected land or an owner of land the subject of an order.**

(Why does the Tribunal require this information? Only a person who is a landholder of affected land or the owner of land on which a plant is situated which is the subject of an Order can make an application under this section. Evidence would include a copy of a lease (if you are a tenant) or copies of Certificates of Title which prove you are the current owner.)

- **Evidence to confirm the current owners of the parcels of land affected by this application (the affected land holder and the owner of the land on which the plant/s are located.)**

(Why does the Tribunal require this information? The Tribunal must notify land owners who were subject to these orders previously. It means the Tribunal needs to have the current and correct details of the current owners of land who will need to be notified.)

☐ **Yes, I have signed the application.**



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The application needs to be lodged with the Registry of the Resource Management and Planning Appeal Tribunal. It can be:

- Lodged in person at the Tribunal – 38 Barrack Street, Hobart
- emailed to the Registry (rmpat@justice.tas.gov.au); or
- posted to GPO Box 2036, Hobart 7001.

About you (the Applicant)

Preferred title (Mr/Mrs/Ms/Miss/Dr, etc):		
Your name:		
Your Address:		
The Order you are seeking to vary or revoke:		(order number, copy attached)
Are you the landholder of the Affected Land?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Please provide evidence of ownership or tenancy		
Are you the owner of land, on which plant/plants are located which are the subject of the Order?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide evidence of ownership of the land the subject of the Order.		
Mailing address (if different from Affected Land address):		
Preferred Contact Telephone Number		
E-mail:		

The Application

1. Are you seeking to vary the Order? If yes, provide details of the variations you seek (attach separate sheet if necessary):	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Are you seeking to revoke the Order?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Please list all persons who need to be notified of this application with their contact details: (Owner of Affected Land, Owner of Land Subject to the Order, Government Bodies if any, Local Council, any person whose interests may be affected)	
Declaration by applicant. I declare that, to the best of my knowledge, all information provided in this application is true and accurate, that it is not misleading and that no details relevant to the application have been omitted. Signed: Dated:	

FEES ARE PAYABLE UPON LODGEMENT OF THIS FORM.

PLEASE REFER TO THE TRIBUNAL WEBSITE FOR FURTHER DETAILS.

DETAILS OF TIME AND PLACE OF FIRST COURT ATTENDANCE

The parties should attend the Tribunal (38 Barrack Street, Hobart) at the date and time specified below.
[The Tribunal will complete these details]. You may attend by telephone link if you provide the Tribunal a contact number in writing 48 hours prior to the listing time.

Date and Time	
Place	

NOTICE TO THE PROPERTY OWNER, OCCUPIER (if not the owner) ("Respondents"), COUNCIL (if it wishes to take part) AND ANY OTHER PARTY NOMINATED IN THIS APPLICATION (if applicable)

If there is no attendance by you at the first preliminary conference or other Tribunal listings, directions or orders may be made in your absence.

PLEASE NOTE: If you provide an email address you consent, pursuant to Section 6 of the *Electronic Transactions Act 2000* to the Tribunal using that address as its primary method of contact and provision of information and notification and the Tribunal will not forward hard copy documentation unless specifically requested. It is vital that you ensure you provide the Tribunal with your correct email and that you **check your email account on a daily basis** in the event of important communications from the Tribunal.

All information and material that forms this application is a public document. This means that if another person requests a copy of your application, we can provide it to them.

PERSONAL INFORMATION PROTECTION STATEMENT

Personal information will be collected from you for the purpose of performing the Tribunal's statutory functions in conducting appeals and applications. This information will be primarily used by the Tribunal for contacting you in order to advise you of procedures, appointments and providing such other information as necessary. You are required to provide this information by the *Resource Management and Planning Appeal Tribunal Act 1993*, and such other legislation where application may be made to the Tribunal. Failure to provide this information may result in the Tribunal being unable to process your appeal/application and consequential orders made that any such appeal or application be dismissed. Your personal information will be used for the primary purpose for which it is collected, and it will be disclosed to other parties to the proceedings. You should note that Notice of Appeal and Applications are public documents, which are available to members of the public on request to the Tribunal. You should also note that any information disclosed in a public hearing as part of evidence, also constitutes public information. Your basic personal information may be disclosed to other public sector bodies where necessary for the efficient storage and use of the information. Personal information will be managed in accordance with the *Personal Information Protection Act 2004* and may be accessed by the individual to whom it relates on request to the Registry of the Resource Management and Planning Appeal Tribunal.