



Meander Valley Council
Working Together

Notice of Amendment to the Tasmanian Planning Scheme – Meander Valley

Notice is hereby given that the Tasmanian Planning Commission has approved Amendment 2-2021 to:

1. Remove CT's: 108079/1 and 15169/1 from the MEA-S11.0 Westbury Specific Area Plan.

The approved amendment came into operation on 25 March 2022. The approved amendment can be viewed on Council's website www.meander.tas.gov.au or at Council's office during normal business hours at 26 Lyall Street, Westbury.

For further information contact Council's Planning Department on 6393 5320.

Dated at Westbury on 26 March 2022.

John Jordan

GENERAL MANAGER

TASMANIAN PLANNING COMMISSION

Our ref: DOC/22/28917
Officer: Paola Barlund
Phone: 03 6165 6828
Email: tpc@planning.tas.gov.au

17 March 2022

Krista Palfreyman
Director Development & Regulatory Services Meander Valley Council
PO Box 102
Westbury TAS 7303

By email:krista.palfreyman@mvc.tas.gov.au; mail@mvc.tas.gov.au

Dear Ms Palfreyman

**Meander Valley Local Provisions Schedule
Amendment 2-2021
Alteration of MEA-S11.0 Westbury Specific Area
Plan – Section 401 Request**

The Commission's decision to approve the above amendment and instrument under the *Land Use Planning and Approvals Act 1993* (the Act) is enclosed.

The Commission will make the necessary amendments to the planning scheme.

The planning authority is also required to give notice of the Commission's decision on the draft amendment as set out in the *Land Use Planning and Approvals Regulations 2014*.

If you require further information please contact Paola Barlund, Planning Adviser, on 03 6165 6828.

Yours sincerely



Paola Barlund
Planning Adviser

TASMANIAN PLANNING COMMISSION



DECISION

Planning scheme	Tasmanian Planning Scheme – Meander Valley
Amendment	draft amendment 02/2021- remove MEA S11.0 Westbury Specific Area from various titles
Planning authority	Meander Valley Council
Applicant	Meander Valley Council
Date of decision	18 March 2022

Decision

The draft amendment is approved under section 40Q of the *Land Use Planning and Approvals Act 1993*.

A handwritten signature in black ink that reads "John Ramsay". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

John Ramsay
Executive Commissioner

REASONS FOR DECISION

Background

Amendment

The amendment proposes to correct an error by deleting the MEA S11.0 Westbury Specific Area from folios of the Register 108079/1 and 15169/1; and realign the Specific Area Plan to the applicable lots in the Low Density Residential Zone.

Referral to regulated entities

The draft amendment was referred to TasWater under section 56S of the *Water and Sewerage Industry Act 2008*. In response TasWater stated that it had no objection to the draft amendment and that TasWater did not wish to attend any hearing.

Consideration of the draft amendment

Under section 40I(2) the Commission may dispense with the public notification and hearing requirements in relation to a draft amendment of an LPS if the Commission is satisfied that:

An amendment of the LPS in the form of the draft amendment of the LPS is urgently required and the Minister has approved the issuing of the notice on this ground; or

The draft amendment is for one or more of the following purposes:

- (i) correcting an error in the LPS;
- (ii) removing an anomaly in the LPS;
- (iii) clarifying or simplifying the LPS;
- (iv) removing an inconsistency in the LPS;
- (v) removing an inconsistency between the LPS and this Act or any other Act;
- (vi) removing an inconsistency between the LPS and the SPPs;
- (vii) making a change to a procedure set out in the LPS;
- (viii) bringing the LPS into conformity with a State Policy;
- (ix) changing the structure of the provisions of the LPS, or the form of a provision of an LPS, so that the LPS conforms with the structure to which an LPS is required by the SPPs to conform or the form that a provision of an LPS is to take;
- (x) a prescribed purpose –

and if it is satisfied that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

If the draft amendment is exempt from the requirement for public notification and a hearing, the Commission also dispenses with the matters to be considered under section 40M when determining a draft amendment to an LPS.

Draft amendment 1/2020 and MEA S11.0 Westbury Specific Area Plan

The planning authority's supporting report prepared under section 40F outlined that draft amendment 01/2020 to rezone folios of the Register 108079/1 and 15169/1 from Low Density Residential Zone to General Residential Zone was initiated and certified by Meander Valley Council

on 8 September 2020. The draft amendment was approved by the Commission on 10 June 2021. The Commission supported the amendment as it would allow for higher density residential use and development, close to schools and services.

Prior to the Commission's determination of draft amendment 1/2020, the Meander Valley LPS was approved and took effect on 19 April 2021. The planning authority's report identified that:

Any draft amendments to the Meander Valley Interim Planning Scheme 2013 that were in progress, but not yet determined, at the commencement of the Tasmanian Planning Scheme were subject to the Schedule 6 - Savings and Transitional Provisions of LUPAA. This means that, at the point where the Interim Planning Scheme changed to the Tasmanian Planning Scheme, the draft amendment would then be assessed and determined 'as if it were' an amendment to the Meander Valley Local Provisions Schedule (LPS).

The Westbury Specific Area Plan (SAP) was introduced under the Meander Valley LPS. The purpose of the SAP is to reinforce the low density residential character and layout of the area. The SAP was intended to apply to land zoned Low Density Residential. The planning authority notes that the subject titles were not intended to be included in the SAP. The planning authority's report stated:

The effect of applying the provisions of MEA-S11.0 over the rezoned titles is to prohibit the development outcomes intended by the change in zone to General Residential Zone, which were determined in the Commission's decision to be acceptable.

Commission consideration

1. The Commission notes that under Schedule 6 – Savings and Transitional Provisions of the Act, the draft amendment could be considered via an amendment to the Meander Valley LPS, once the LPS had taken effect.
2. The Commission considers that the inclusion of the subject titles into the SAP is an error due to the timing of the commencement of the Meander Valley LPS coinciding with consideration of the amendment to rezone the subject titles from Low Density Residential to General Residential.
3. The Commission notes that the subject titles are zoned General Residential and the Purpose of the SAP is to reinforce the low density residential character and layout of the area. The intent of the SAP does not align with the zoning of the subject titles.
4. The Commission is satisfied that the purpose of the amendment is to correct an error in the LPS, consistent with the requirements of section 40I(2)(b)(i).
5. In addition, the Commission is satisfied that the public interest will not be prejudiced by dispensing with public notification and exhibition of the draft amendment. It considers that the matter has been through a public process during the exhibition and determination of the draft LPS.

Modifications required to draft amendment

6. The draft amendment is modified to amend the text to clarify and to make minor modifications to the title references to reflect the terminology of folio of the Register rather than CT (see Annexure A).

Decision on draft amendment

The Commission is satisfied that the draft amendment is in order and gives its approval in the terms of the draft amendment.

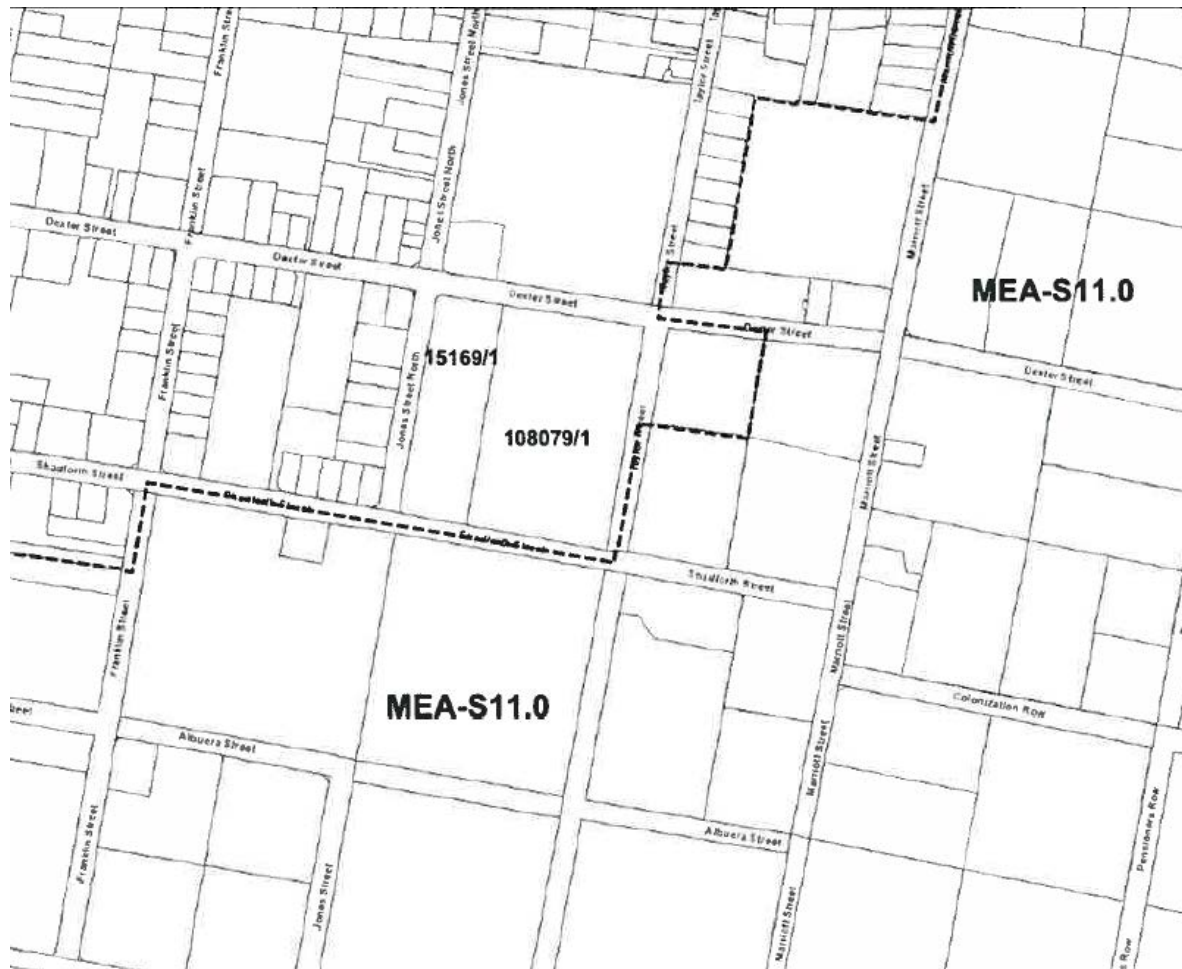
Attachments

Annexure A- Modified amendment

Annexure A

Modified amendment 2-2021, Tasmanian Planning Scheme- Meander Valley

1. Remove folios of the Register 108079/1 and 15169/1 from the MEA-S11.0 Westbury Specific Area Plan, as identified in the following map:



TASMANIAN
PLANNING COMMISSION



Approved

Operative date: 25 March 2022

TASMANIAN PLANNING COMMISSION

Meander Valley Local Provision Schedule

Draft amendment 2/2022

1. Remove folios of the Register 108079/1 and 15169/1 from the MEA-S11.0 Westbury Specific Area Plan, as identified in the following map:

