

TASMANIAN PLANNING COMMISSION

Our ref: DOC/22/122691
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20 December 2022

Mr John Jordan
General Manager
Meander Valley Council
PO Box 102
WESTBURY TAS 7303

Attention: Natasha Whiteley

By email: mail@mvc.tas.gov.au;
natasha.whiteley@mvc.tas.gov.au

Dear Mr Jordan

**Meander Valley Local Provisions Schedule
Amendment 1-2022
Rezone Longvista Road, Blackstone Heights (CT 141734/8) from Open Space Zone to
Environmental Management Zone and Low Density Residential Zone.**

The Commission's decision to approve the above amendment and the 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 maps to give effect to the amendment.

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 Tim Robins, Planning Adviser, on 03 6165 6825.

Yours sincerely



Tim Robins
Planning Adviser

Attachments:

- Meander Valley - draft amendment 1-2022 – LPS amendment 22-01 - decision and reasons, 28 November 2022
- Meander Valley - draft amendment 1-2022 – approved effective, 23 December 2022

TASMANIAN PLANNING COMMISSION

DECISION

Planning scheme	Tasmanian Planning Scheme – Meander Valley Council
Amendment	Draft amendment 1-2022 - rezone a portion of Bayview Drive (Blackstone Park), Blackstone Heights (folio of the Register 141734/8) from Open Space Zone to Environmental Management Zone and Low Density Residential Zone
Planning authority	Meander Valley Council
Applicant	Matthew Anthony Seen
Date of decision	28 November 2022

Decision

The draft amendment is modified under section 40N(1)(b) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 40Q.



Claire Hynes
Delegate (Chair)



Dan Ford
Delegate

REASONS FOR DECISION

Background

Amendment

The amendment seeks to rezone a portion of land at Bayview Drive, Blackstone Heights, referred to as “Blackstone Park (folio of the Register 141734/8)”, from Open Space Zone to Environmental Management Zone and Low Density Residential Zone.

The proposed split zoning aligns with the adjoining land to the north of the site, continuing the split zone boundary alignment of the Low Density Residential and Environmental Management zones.

Site information

The draft amendment applies to a portion of Blackstone Park (folio of the Register 141734/8).

Meander Valley Council previously resolved to sell a portion of Blackstone Park (folio of the Register 141734/8) to the owner of adjoining land at 35 Longvista Road (folio of the Register 29894/12).

A combined draft amendment and permit to the previous interim planning scheme (for the rezoning) and permit (for the boundary adjustment and pontoon structure) was approved by the Tasmanian Planning Commission on 14 March 2019 (draft amendment 1/2018). However, draft amendment 1/2018 did not carry over the Meander Valley Local Provisions Schedule (LPS) when it was approved, as there were no savings provisions at that time in the Act. Consequently, when the Tasmanian Planning Scheme – Meander Valley came into effect (on 19 April 2019), the zoning of the subject land reverted back to the Open Space Zone.

The subject title measures over 7ha, and includes both banks of Longbottom Inlet and traverses the municipal boundary between Meander Valley Council and West Tamar Council. The title covers land and water within both Meander Valley Council and West Tamar Council municipal areas.

Blackstone Park (folio of the Register 141734/8) is generally zoned Open Space over land and the extent of the title that is covered by water is zoned Environmental Management.

35 Longvista Road contains a dwelling and is located within the Low Density Residential Zone. The land slopes to the southwest towards the waterfront and the steep banks of Longbottom Inlet where it adjoins Blackstone Park.

Issues raised in representations

The draft amendment was referred to TasWater under section 56S of the *Water and Sewerage Industry Act 2008*. In response, TasWater made a representation stating no objection to the draft amendment and that TasWater did not wish to attend a hearing.

Consideration of the draft amendment

1. Under section 40M of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the draft amendment to the Local Provisions Schedule, the representations received, statements and recommendations contained in the planning authority’s section 40K report and any information obtained at a hearing.
2. 1 representation was received from TasWater and after consultation under section 40L(2) of the Act, the Commission dispensed with holding a hearing.

3. The Commission must also consider whether the draft amendment meets the LPS criteria as set out under section 34(2) of the Act:
- (a) contains all the provisions that the SPPs specify must be contained in an LPS; and
 - (b) is in accordance with section 32; and
 - (c) furthers the objectives set out in Schedule 1; and
 - (d) is consistent with each State policy; and
 - (da) satisfies the relevant criteria in relation to the TPPs; and
 - (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and
 - (f) has regard to the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies in relation to the land to which the relevant planning instrument relates; and
 - (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;
 - (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
 - (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

Regional land use strategy

4. The relevant regional land use strategy is the Northern Tasmania Regional Land Use Strategy 2018 (regional strategy).
5. The planning authority considers that the draft amendment is consistent with the regional strategy, because it:
- provides opportunity for additional land uses consistent with surrounding properties (G2.4c Enhance Social Inclusion);
 - provides measures to protect the environmental assets in consideration of flood and water quality (G3.1 Promote and protect the Region's unique environmental assets and values);
 - optimizes the use of land due to its topography while allowing reinvestment into recreational areas of Blackstone Park (E.7.4 Specific Policies and Actions – Open Space and Recreation);
 - manages future development via planning scheme controls to minimise risk to people and property resulting from natural hazards (E.7.4 Specific Policies and Actions – Natural Hazards).

Commission consideration

6. The Commission is satisfied with the justification provided by the planning authority. The draft amendment allows the underutilised land to be rezoned for purposes complimentary to adjoining land and its surrounds.

7. The Commission agrees that the draft amendment is consistent with the regional strategy's policies relating to the protection of the Region's unique environmental assets and values, and minimising risk to people and property via the operation of relevant codes under the of the State Planning Provisions (SPPs).
8. The Commission finds that the draft amendment is, as far as is practicable, consistent with the regional strategy.

Meander Valley Council Community Strategic Plan 2014 to 2024

9. The planning authority considers that the draft amendment is consistent with the following strategic outcomes of the strategic plan:
 - 1.1 Contemporary planning supports and guides growth and development across Meander Valley;
 - 1.2 Liveable townships, urban and rural areas across the local government area with individual character.
10. The planning authority submits that the draft amendment is consistent with the strategic plan as it will 'be guided by current planning legislation' for strategic outcome 1.1 and 'not impact the liveability of the township' for strategic outcome 1.2.

Commission consideration

11. The Commission agrees with the planning authority's submission, and the draft amendment will not impact upon the liveability of the township, or connectivity with Blackstone Park. The Commission is satisfied that the draft amendment is consistent with the strategic plan.

Suitability of the site

12. The planning authority considers that the land proposed to be rezoned does not form part of the main area of Blackstone Park utilised for recreation purposes due to topographical constraints, and the subject site does not lend itself for passive recreation in its current form. The planning authority further notes that, as the subject portion of land is planned to be adhered to the adjoining privately owned land that has an established residential use, the Open Space Zone would not be suitable as this zone prohibits residential use.
13. The planning authority considers that the draft amendment will not impact on the existing easements (drainage and pipeline) located over the subject land. The planning authority further notes that a private right of way over the land will provide the adjoining owners of 2A Bayview Drive (folio of the Register 148949/3) with unimpeded access to their pump station and well.
14. The planning authority states the proposed split zoning boundary between the proposed Low Density Residential and Environmental Management zones will be consistent with the zoning alignment and pattern of the surrounding properties, without compromising existing environmental or ecological values.

Commission consideration

15. The Commission notes that the Council intends to transfer the portion of the land subject of the draft amendment into private ownership.
16. The Commission agrees with the planning authority that the subject portion of Blackstone Park provides minimal or no recreational benefit to the public and that the draft amendment provides zoning consistent with the use of the land and with the zoning of surrounding properties.

17. The Commission is satisfied with the planning authority's justification for the suitability of the site to accommodate the draft amendment.

State Policies and Resource Management and Planning System Objectives

18. The planning authority notes that the rezoning promotes and provides for fair, orderly and sustainable use and development.
19. The planning authority further notes that application of the Natural Assets Code of the SPPs will supplement the State Policy on Water Quality and Management.
20. The Commission finds that no other State Policies are relevant to the draft amendment and that it seeks to further the Objectives of the Resource Management and Planning System in Schedule 1 of the Act.

Modifications required to draft amendment

21. The draft amendment is modified to include GPS datum points for mapping accuracy, the title references to reflect the terminology of folio of the Register rather than CT, and to amend the text for clarification (see Annexure A).

Decision on draft amendment

22. Subject to the modifications described above, the Commission is satisfied that the draft amendment meets the LPS criteria and gives its approval.

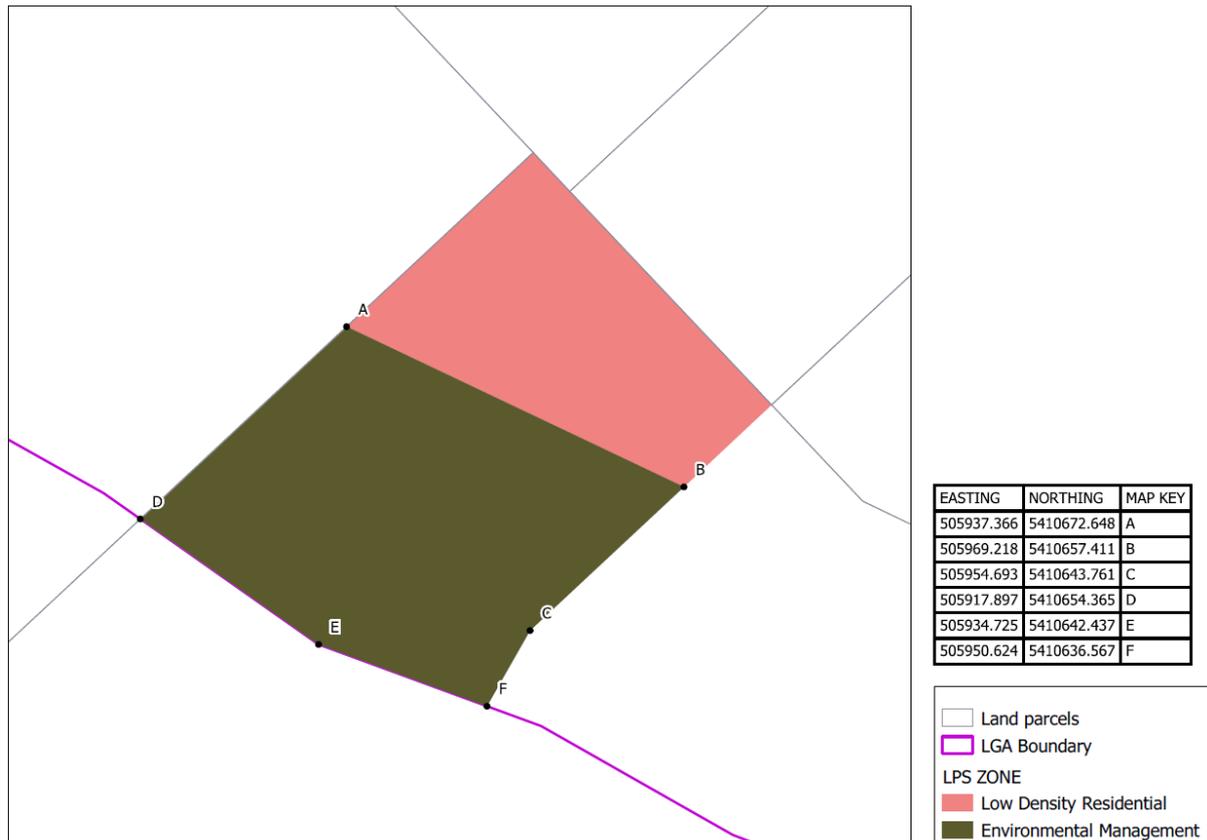
Attachments

Annexure A – Modified amendment.

Annexure A

Modified amendment 1-2022

Rezone a portion of folio of the Register 141734/8 from Open Space Zone to Low Density Residential Zone and Environmental Management Zone, as shown below:



Approved



Operative date: 23 December 2022

TASMANIAN PLANNING COMMISSION

Meander Valley Local Provisions Schedule

Draft amendment 1-2022

Rezone a portion of folio of the Register 141734/8 from Open Space Zone to Low Density Residential Zone and Environmental Management Zone.

