

PLANNING AUTHORITY 2

Reference No. 63/2019

REPORT ON REPRESENTATIONS TO THE DRAFT MEANDER VALLEY LOCAL PROVISIONS SCHEDULE

AUTHOR: Jo Oliver
SENIOR STRATEGIC PLANNER

1) Introduction

The purpose of this report is to consider the representations to the Draft Meander Valley Local Provisions Schedule (LPS) and provide recommendations to the Tasmanian Planning Commission (TPC) pursuant to section 35F and 35G of the *Land Use Planning and Approvals Act* (LUPAA) 1993.

2) Recommendation

It is recommended that the Planning Authority:

- 1. endorse the attached document '1.0 Planning Authority Report under Section 35F of the Land Use Planning and Approvals Act 1993 – Consideration of Representations to the Draft Meander Valley Local Provisions Schedule' as its report pursuant to Section 35F of the Act and forward to the Tasmanian Planning Commission.**
- 2. that the planning authority endorse the attached document '2.0 Planning Authority Notice under Section 35G of LUPAA – Recommended Amendments to the State Planning Provisions' as its notice pursuant to Section 35G of the Act and forward to the Tasmanian Planning Commission.**
- 3. That the planning authority delegate to the General Manager its powers and functions to:**
 - a) modify the reports submitted under recommendations 1. and 2. if a request is received from the Tasmanian Planning Commission for further information; and**
 - b) represent the planning authority at hearings pursuant to Section 35H.**

3) Background

The Draft Meander Valley Local Provisions Schedule (LPS) was endorsed by the planning authority at its meeting on 12 December 2017 and submitted to the Tasmanian Planning Commission (TPC). The TPC directed that the Draft LPS be publicly notified in accordance with the Act on 9 October 2018.

The draft LPS was publicly notified for 60 days on 20 October 2018, with the period for the submission of representations closing on 21 December 2018. In accordance with the requirements of the Act, a notice was placed in two Saturday editions of the Examiner and Advocate newspapers and an article placed on Council's website under 'Latest News'. In addition to the requirements of the Act, a letter was sent to each property owner identified in Council's rates database notifying property owners that the Draft LPS is on public exhibition and where to access the documents for viewing.

At the conclusion of the exhibition period, 41 representations had been received.

4) Strategic/Annual Plan Conformance

Furthers the objectives of the Council's Community Strategic Plan 2014 to 2024, in particular:

- Future Direction (1) - A sustainable natural and built environment
- Future Direction (2) - A thriving local economy
- Future Direction (4) - Innovative leadership and community governance

5) Policy Implications

Not applicable.

6) Legislation

Following public exhibition of the Draft LPS, Section 35F of the Act requires the planning authority to prepare a report containing:

- a copy of each representation made under s.35E(1);
- a statement of the planning authority's opinion as to the merit of each representation made, in particular as to:
 - whether the draft LPS should be modified; and

- if recommended to be modified, the effect on the draft LPS as whole;
- a statement as to whether the planning authority is satisfied that the draft LPS meets the LPS criteria;
- the recommendation of the planning authority in relation to the draft LPS.

Having considered the representations, Section 35G of the Act provides for the planning authority to provide advice to the TPC in a notice, that the planning authority is of the opinion that the State Planning Provisions (SPP's) should be altered. The Act however, contains a particular complexity in that any submissions by a party that the SPP's should be altered cannot be regarded as a representation.

This report, and the subsequent decision of the planning authority, is made up of two parts that address separately the planning authority's report under Section 35F and the planning authority's notice under Section 35G.

Following receipt of the planning authority report under Section 35F, the TPC will hold hearings into the representations made. The TPC will then seek the agreement of the Minister for Planning for the final form of the Meander Valley LPS before it is approved and commences operation.

There is no legislative process prescribed for a notice submitted by the planning authority under Section 35G.

7) Risk Management

Not applicable.

8) Consultation with State Government and other Authorities

The TPC issued a schedule of State agencies and authorities to be directly notified of the exhibition of the Draft LPS. Each of the agencies and authorities were notified in accordance with this direction. Representations are addressed in the attached report table.

9) Community Consultation

The Draft Meander Valley LPS has been subject to the statutory public exhibition requirements of the Act. In addition, after-hours public information sessions were held at Westbury, Deloraine and Prospect Vale.

10) Financial Impact

Not applicable.

11) Alternative Recommendations

The planning authority may choose to amend the recommendations in response to particular representations and provide associated reasons.

12) Officers Comments

Representations submitted generally related to the following topics:

- zoning of particular properties or land;
- overlay mapping on particular properties or land;
- the effect of provisions on particular areas, properties and uses;
- suggestions for additional Specific Area Plans or modifications to proposed Specific Area Plans;
- suggestions for modifications to the Particular Purpose Zone;
- deficiencies of the Natural Assets Code provisions relating to the Priority Vegetation Area overlay;
- protection of local heritage through the Local Historic Heritage Code;
- provision of scenic management measures through the Scenic Protection Code;
- Regional Land Use Strategy of Northern Tasmania; and
- the Tasmanian Planning Scheme and State Planning Provisions – relating to some specific matters and also general dissatisfaction.

The matters raised in representations are addressed in accordance with the requirements of the Act in the attached table '**1.0 Planning Authority Report under Section 35F of LUPAA – Consideration of Representations to the Draft Meander Valley Local Provisions Schedule**'.

Matters raised in the representations that warrant consideration of amendments to the State Planning Provisions are addressed in accordance with the requirements of the Act in the attached report '**2.0 Planning Authority Notice under Section 35G of LUPAA – Recommended Amendments to the State Planning Provisions**'.

Council's reports, together with the representations, are available as a separate attachment to this agenda.

13) Voting Requirements

Simple Majority

DECISION: