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21st May 2019

John Ramsay, Delegate  
Roger Howlet, Delegate and  
Claire Hines, Delegate  
Tasmanian Planning Commission  
GPO Box 1691  
Hobart  
TAS 7001

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**On the Tasmanian Planning Scheme's Draft Meander Valley Local Provisions  
Schedule**

**Post the Directions' Hearing**

Dear Mr Ramsay, Mr Howlett and Ms Hines,

The Environment Association (TEA) has long been making representations and submissions to RMPS processes including through the RPDC, the RMPAT, and more recently the TPC and have had involvement in local government planning and forestry issues for many years. We are not represented by any other organisation. We have no political affiliations.

We have participated extensively in the planning processes that Meander Valley Council has run since 2001, which aimed to develop a new planning scheme. Currently some 17 to 18 years later there remains a Meander Valley Interim Planning Scheme 2013. No finalised Scheme! We consider this situation to be characteristic of a lack of understanding over fair and orderly planning.

This is the first public comment exposure of a statutory Draft Local Provision Schedule within the Tasmanian Planning Scheme (TPS). Only with the finalisation of a Local Provision Schedule (LPS) is the Tasmanian Planning Scheme enlivened. It seems this precedent is set to occur using the Meander Valley's LPS. It should not be rushed. There is a great many deficiencies.

In this letter, I write particularly to address some issues which arose at the TPC's Directions' Hearing of the 2<sup>nd</sup> May. These issues have not been subjected to a transparent decision and the conduct of the Directions' Hearing, in our view, caused confusion and uncertainty. Some representors were obviously unable to respond to the Chair regarding the Directions' Hearing's propositions. I am very concerned about this aspect and discuss further, below.

Firstly, the Council Report dealt with both sections 35F and section 35G matters and only one decision was made by Council. Submission was made at the Directions' Hearing by representors and by Council, over the need to develop a process and a priority for dealing with the section 35G matters. There has been no response to those submissions made at the Directions' Hearing, nor it seems is there any decision by the delegates.

The directions from the TPC, subsequent to the Directions' Hearing made no mention of the overall process but confined itself to the minutia and schedule of the upcoming LPS hearings.

Thus, representors and Council enter the hearing process proper, into section 35F matters, without any understanding about when and how the section 35G matters will be considered. The section 35G matters impact on subjects which are raised by representors and considered by Council to be section 35F matters. These are all matters which affect the Meander Valley Local Provisions Schedule in our view. I wish to put on the record, our criticism of the lack of a complete description of the process.

The second issue is the deliberation, which was left open and thus absent a decision by the Chair, over whether various submissions and issues, where a representor was seeking a change to certain aspects of the Meander Valley Local Provisions Schedule, would be considered to be a “significant” or “minor” alteration and thus would or would not require re-advertising.

The Chair of the Directions’ Hearing, Mr Ramsay, even asked representors their opinion about whether the change they were presenting or recommending would be a substantial alteration. I was completely astounded by this turn of events.

Let me be clear, I perceived Mr Ramsay’s repeated querying of this aspect of representors could be construed as to be nothing other than a manipulation or inappropriate influence, with the potential for a distortion of and/or curtailing or their representation.

In my view, it is extremely obvious from the range of issues which are on the table, including many that have been raised before, some over and over again, where Council knows it’s in breach of its strategic obligations, where sound expert evidence has been provided but where Council continues to avoid incorporation of various aspects of sound land use planning provision, that a substantial modification or alteration of the Meander Valley LPS is almost an inevitability.

To give an example: through the bastardised IPS Hearing / Meeting process, Council has had ample forewarning, including a decision made by the TPC but which it later withdrew (because it had no power) but nonetheless the TPC had already made a decision to incorporate local Heritage Listing places into the MVC IPS scheme. This is an example of a significant change, which remains unresolved.

The reason I’m raising this issue, is simply because I perceived that Mr Ramsay’s approach to representors was inappropriate.

Further, seeking to constrain a proper consideration of the issue at stake in the LPS Hearing or even at the Directions’ , by way of an assessment as to whether the issue is a “substantial” or “minor” alteration, I maintain is in essence an irrelevant consideration for the LPS Hearing and for the representor.

In short, in our view, the TPC should not colour the LPS Hearing with its deliberation, or an avoidance of its deliberation, nor should it foist that issue onto the representor seeking an opinion.

It is obviously a consideration after the LPS Hearing and for the TPC, when considering whether the scheme and the alterations caused by representations and including the recommendations of the TPC, which are all being recommended by the supposedly independent TPC to the Minister, constitute a “substantial” or “minor” alteration.

It would seem to me that the safest way for the TPC to proceed, so as to not seek to nullify or diminish representations proposals, information and argument with the irrelevant consideration of whether a change represents a “substantial” or “minor” alteration, is to simply consider that there may be a need to readvertise either a final draft of the LPS or relevant sections of the LPS.

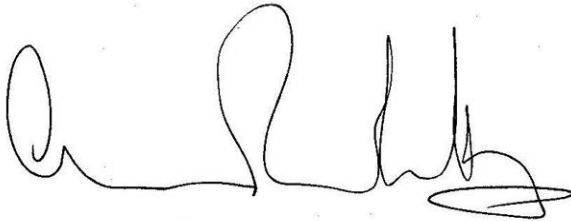
## **Conclusion**

In summary, we remain of the view that the omissions and inadequacies of the Draft MVC LPS are unacceptable and are the face of anachronistic land use planning decline in Tasmania.

Because this is the first formal occasion to comment on a Statutory Draft of the first Local Provisions Schedule under the new Tasmanian Planning Scheme, there is an important opportunity to deal with some of the bigger picture issues, as well as the spatial, local, Zone type issues, which usually do get some attention from residents in a draft LPS hearing process. In that context we remain concerned about the process. We can see the legislation is inadequate.

It remains our opinion that The Tasmanian Planning Scheme, including these Draft MV LPS provisions are a poorly designed and grossly unfair, complex arrangement, which has damaged the integrity of land use planning in Tasmania.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Ricketts', with a large, stylized initial 'A' and a circular flourish at the end.

Andrew Ricketts  
Convenor