

TASMANIAN PLANNING COMMISSION



Our ref: DOC/19/60415
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28 May 2019

Mr Andrew Ricketts
Convenor of The Environment Association (TEA) Inc

By email: AndrewRicketts@antmail.com.au

Dear Mr Ricketts

The Tasmanian Planning Scheme's Draft Meander Valley Local Provisions Schedule

Post the Directions' Hearing

Thank you for your letter of the 21st of May 2019, addressed to me and the other Commission Delegates, Roger Howlett and Claire Hynes.

As you are aware, the matters you raised in your letter, were the subject of oral advice from me to you at the commencement of the hearings in relation to the Meander Valley draft Local Provisions Schedule (the draft LPS) on 23rd of May. The matters were also generally and comprehensively discussed.

I write to confirm that advice has now been provided on the consultation to be undertaken by the Delegates on the section 35G Report prepared by the Meander Valley Planning Authority.

I confirm that section 35G of the Land Use Planning and Approvals Act 1993, (the Act) does not provide for any process to be followed in relation to the Commission consideration of a section 35G Report from a Planning Authority.

However the Delegates have, in the case of the Meander Valley Report, decided to meet with representatives of the Planning Authority and local government, to consider the matters in the Report concerning the Natural Assets Code. Further, the proposed meeting has been publicly advertised and representors to draft LPS who have expressed an interest in the matters associated with priority vegetation in the Natural Assets Code, are also invited to attend. Thus The Environment Association (TEA) Inc, is invited to attend.

The meeting will be held in the Green Room, at the Silverdome on Thursday 6 of June at 9:30 am.

The second matter raised in your letter concerns my reference at the Directions Hearing to provisions in the Act which require consideration of whether any proposed changes to the draft LPS as a result of the assessment process, amount to a modification or substantial modification of the exhibited draft LPS.

Again this matter was discussed with you in detail at the commencement of the hearings on the 23rd of May 2019.

I confirm that the raising of this matter at the Directions Hearing, was not in any way intended to influence representors in relation to the presentation of their representation, or provide an indication of the views of the Delegates in relation to the merit of any particular representation.

As you correctly point out in your letter, a decision on whether a change to an exhibited draft LPS amounts to a modification or substantial modification of a draft LPS is one for the Delegates to make.

However as it was clear from the representations, that if some of the representations were to be supported, consideration of whether they amounted to a modification or substantial modification, might need to be addressed. It was thus considered desirable to make representors aware of the provisions, and to provide them with an opportunity at an appropriate time to express a view on that matter if they wished.

As the discussion at the hearing on the 23rd of May indicated, the consequence of a substantial modification direction by the Delegates, is that the proposed change must be readvertised and subject to representations, a further Planning Authority Report, and potentially a further hearing by the Delegates. These requirements are established by the Act.

This process ensures that the principles of natural justice are followed should there be a substantial modification, and that all members of the community and community organisations have the right make a representation on substantial modifications which may affect their property rights or interests.

This is a process that at the hearing on the 23 May, you indicated had your full support.

I trust that this confirmatory advice records how the concerns raised in your letter of 21 May, have been addressed.

Please feel free to raise any matter of concern about the process, should such a matter arise.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Ramsay', with a stylized flourish at the end.

John Ramsay

For the Meander Valley draft LPS Delegates