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Our Ref: 3018847 & PSA 1/2025

Tasmanian Planning Commission
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Dear Tasmanian Planning Commission

**PLANNING SCHEME AMENDMENT – 319 MURCHISON HIGHWAY SOMERSET –
REZONING**

Please find enclosed s40K report prepared by the planning authority in regard to the above planning scheme amendment. Council received four (4) representations during the exhibition period, which is included in the report.

The report was tabled at the general council meeting on 18 May 2026, please find the meeting minutes enclosed.

Representors contact details:

1. Everett Flight & Associates – [REDACTED] –
phone [REDACTED]
2. Ryan Mills and Lauren Webb – [REDACTED]
3. Jason and Rebecca Timms – [REDACTED],
[REDACTED]
4. TasWater – development@taswater.com.au, phone [REDACTED]

Should you have any further queries regarding this matter, please do not hesitate to contact Council's Town Planners on 6443 8305/ 6443 8308.

Yours faithfully

[REDACTED]

Alison Harriss
ACTING MANAGER DEVELOPMENT & REGULATORY SERVICES

6.3 APPLICATION FOR PLANNING SCHEME AMENDMENT (PSA 1/2025) FOR 319 MURCHISON HIGHWAY, SOMERSET - SECTION 40K REPORT

To: Council
Reporting Officer: Town Planner
Responsible Officer: Director Infrastructure and Development Services
Report Date: 1 May 2026
File Reference: 3018847
Supporting Documents:

1. Representation - EFA Lawyers
2. Representation - R & J Timms
3. Representation - R Mills & L Webb
4. Representation - TasWater
5. Department of State Growth comments
6. Statement of Opinion

RECOMMENDATION

That Council, in its role as Planning Authority resolves that-

1. In accordance with s40K(1) of the *Land Use Planning and Approvals Act 1993*, provide a copy of this report to the Tasmanian Planning Commission and advise that four (4) representations were received during the exhibition period for PSA 1/2025;
2. In accordance with s40K(2)(a) of the *Land Use Planning and Approvals Act 1993*, provide the Tasmanian Planning Commission a copy of the representations received during the exhibition period for PSA 1/2025; and
3. In accordance with s40K(2)(c) of the *Land Use Planning and Approvals Act 1993*, *advise the Tasmanian Planning Commission that the representations received during the exhibition period do not warrant a modification to the draft amendment as detailed in this report; and is satisfied that planning scheme amendment PSA 1/2025 meets the LPS Criteria.*

PURPOSE

The purpose of this report is for Council to consider representations received under s40J of the *Land Use Planning and Approvals Act 1993* (LUPAA), during the exhibition period of Planning Scheme Amendment PSA 1/2025 to seek the Planning Authority's endorsement to provide the Tasmanian Planning Commission (TPC) with a Statement of Opinion, in accordance with s40K of LUPAA.

BACKGROUND

On 16 March 2026, the Planning Authority determined to initiate and certify an amendment to the Waratah Wynyard LPS.

The draft amendment seeks to:

- Rezone land at 319 Murchison Highway, Somerset (CT 158979/2), from Agriculture under the Tasmanian Planning Scheme – Waratah Wynyard to Low Density Residential.

The site is identified in Figure 1 below, along with the current zoning of the property and the immediate surrounds.

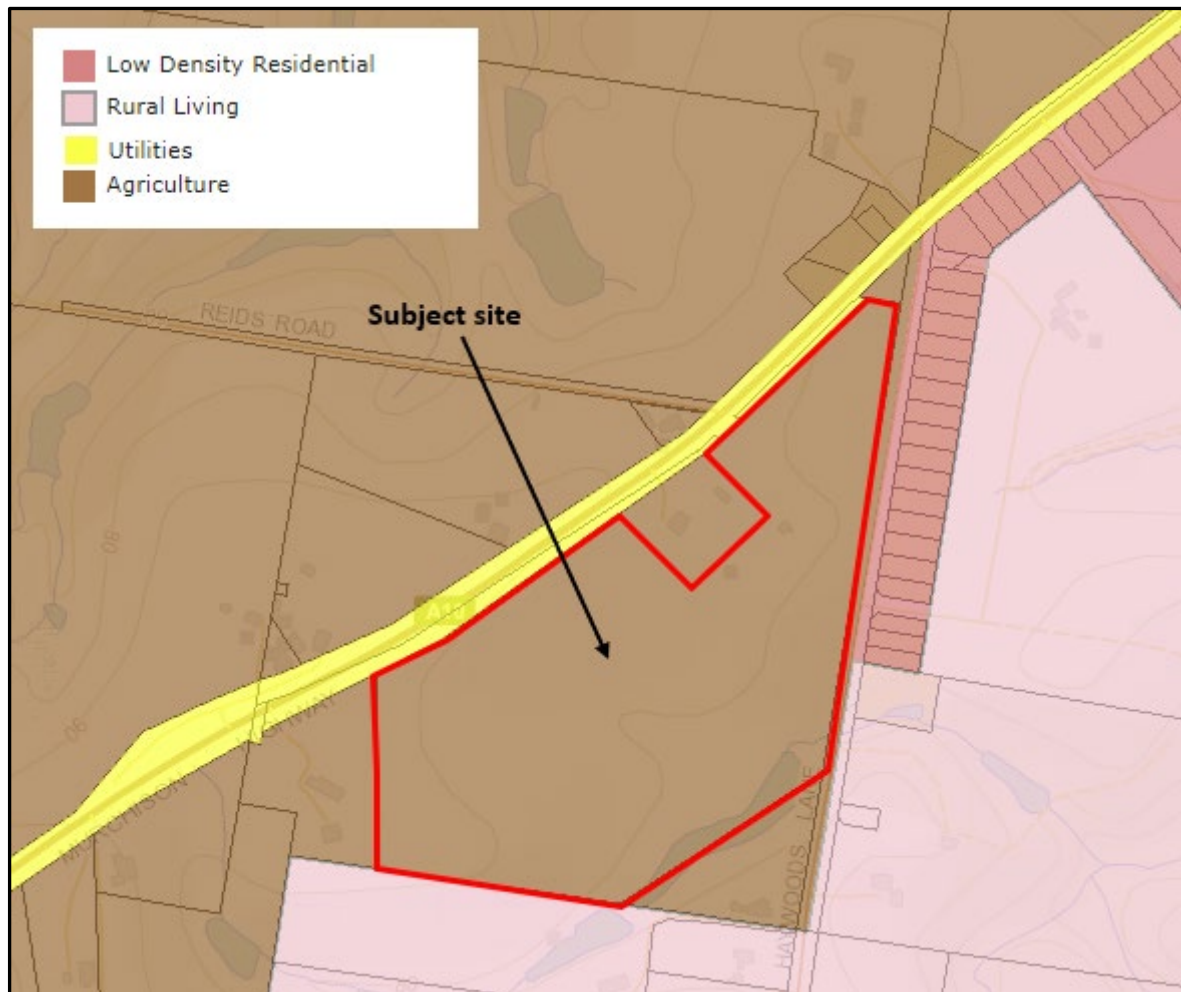


Figure 1: Current zoning of 319 Murchison Highway and surrounds

LEGISLATIVE REQUIREMENTS

In accordance with Section 40G of LUPAA Council must publicly exhibit a draft amendment for a period of 28 days. PSA 1/2025 was advertised in accordance with s40G and s40H from 21 March 2026 to 23 April 2026.

Per the requirements of s40K, following public exhibition Council as a planning authority must consider any representations and provide a report to the Tasmanian Planning Commission which includes:

- (a) a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and
- (b) a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and
- (c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –

- (i) *whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*
- (ii) *the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*
- (d) *a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*
- (e) *any recommendations in relation to the draft amendment that the planning authority thinks fit.*

This report is due 35 days after the public notification period is completed. For this proposal, the report must therefore be provided by the 28th May 2026.

NOTICE TO CERTAIN AGENCIES AND STATE AUTHORITIES

In accordance with s40FA(1)(a)&(b) of the *Land Use Planning and Approvals Act 1993*, Council notified the following relevant agencies-

1. TasNetworks

No comments were received from TasNetworks.

2. Department of State Growth

Commentary was received by the Department of State Growth on the 23 April 2026, as follows-

Thank you for the opportunity to comment on the draft planning scheme amendment for 319 Murchison Highway, Somerset.

The Department of State Growth (State Growth) understands the proposal is to rezone the land from the Agriculture Zone to the Low Density Residential Zone. While no subdivision is proposed at this stage, the supporting planning reports indicate 30 to 40 (or up to 50) lots could be developed, representing up to five years' supply of residential lots for Somerset.

The land adjoins a strip of ribbon housing development along the Murchison Highway and Haywoods Lane and is at least two and a half kilometres from the Somerset town centre. The land is not serviced by the general access bus network, and the department has no plans to extend the network beyond the urban extent of the Somerset township. There is no formal pedestrian/active transport access between the land and the township. All trips would therefore need to be made via private vehicle.

A comprehensive review of the Cradle Coast Regional Land Use Strategy (CCRLUS) is currently underway. It is recommended that the rezoning is considered in the context of this review, noting the potential number of lots is high in the context of Somerset and location of the land outside the current urban extent of the town.

If the rezoning proceeds, State Growth would not support any direct access driveway connections from properties to the Murchison Highway, and any subsequent subdivision should plan to utilise Haywoods Lane as the principal road access. We would appreciate this information being communicated to the landowner to avoid the need to raise objections and cause delays and add unnecessary costs to a subdivision plan that seeks to connect to the highway.

Comment:

The above comments are noted and have been considered, but do not raise any matters that require modification of the draft amendment or impact the draft amendment as a whole.

CONSULTATION PROCESS

Council advertised the Draft Amendment from 21 March 2026 to 23 April 2026, with two separate advertisements placed in the local paper on 21 March 2026 and 28 March 2026.

Four (4) representations were received regarding the application.

A summary of the of the representations received and planning responses to the merit of these issues is provided in the table below. While every effort has been made to include all issues raised, this summary should be read in conjunction with the complete representation, which is included as an enclosure to this report.

Representation – Everett Flight & Associates Lawyers obo Clinton and Allison Thurley

339 Murchison Highway, Somerset

Issue Raised	Response
It will negatively impact on the quiet enjoyment and amenity of the Impacted Land (339 Murchison Highway).	Currently the subject site 319 Murchison Highway is zoned Agriculture, where agricultural use can operate at all hours, including the operation of agricultural machinery. The proposed amendment is to rezone the land to Low Density Residential zone, which would then require the site to operate in accordance with the <i>Environmental Management and Pollution Control (Noise) Regulations 2016</i>. There is acknowledgement that there could be potential for some loss in amenity to the occupiers of 339 Murchison Highway. The question is however whether any potential loss of amenity is unreasonable. Amenity is defined within the Tasmanian Planning Scheme (TPS) to mean, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable. When applying the definition to the place at 339 Murchison Highway the amenity is satisfactory for a property on the urban fringe. The site has vehicular access from a Highway, however there is no public transport available, no street lighting and no footpath accessibility. There is reticulated water supply with supply pressure issues and no

	reticulated sewerage. The property adjoins agricultural land that can be utilised for agricultural use at any time, with potential for impacts onto 339 Murchison Highway. With the potential zone change to Low Density Residential and possible future subdivision the property at 339 Murchison Highway could have multiple lots sharing its boundary and associated residential development. Given the site area of 339 Murchison Highway, the established significant vegetation and existing internal colorbond fencing the loss of amenity to 339 Murchison Highway is not unreasonable.
Given that any subdivision would result in any new lots adjoining three of the four boundaries of the Impacted Land, and the negative impact of the privacy of the Impacted Land would be significant.	The property at 339 Murchison Highway has well established and mature vegetation within the property. A vegetation buffer is established along the western and rear boundary (figure 2 and 3). An outbuilding and secondary vehicular access is located on the eastern portion of the site (figure 4). Internally on the property at 339 Murchison Highway, a colorbond fence exists forming a private backyard. This fencing is setback considerably from the shared boundaries with 319 Murchison Highway. Figure 2: Existing vegetation on the road frontage and western side boundary Figure 3: Existing vegetation on the rear boundary

	 Figure 4: Existing outbuilding and secondary vehicular access on the eastern side
The sites best use is its presently zoned Agriculture. The site has been so utilised for decades and is fitting with the area and local amenity. Its present Agricultural use is consistent with the area. The region and municipality is based on rural activity.	The application has provided a site specific agricultural assessment, by a suitably qualified person which concludes that the current and future potential primary production use is highly constrained for agricultural productivity and not of a sufficient level of prominence nor importance to be considered of local or regional significance in both a practical sense as well as volume of agricultural production.
A subdivision will create undue traffic that will create safety, pollution (noise and emissions) and visual.	A potential subdivision would need to meet current standards for vehicular access and movement. Any residentially zoned land must operate in accordance with the <i>Environmental Management and Pollution Control (Noise) Regulations 2016</i>.
If the application is approved, then at the very minimum, the applicants and any successor in title, should be obliged to provide the fencing referred to above, and which has been expressly rejected by the applicants as recently as 15 April 2026.	Boundary fencing is a consideration under the <i>Boundary Fences Act 1908</i>, which is a civil act outside of the considerations of the Council acting in its capacity as the Planning Authority.
Subdivisional works will alter natural drainage and flows and may adversely affect the Impacted Land, and surrounds.	Any subdivision proposal and associated works would require stormwater to be contained onsite or drained to the public stormwater system.
The objectors share other local concerns that the development of the site will result in water pressure problems for existing	TasWater has raised the concern of water pressure in the area and that the ability to further service 319 Murchison Highway with water presents significant

residents of the immediate and adjoining area.	challenge due to the elevation of the site relative to the reservoir's water levels. Any future subdivision of 319 Murchison Highway may need to rely on static water supply for each proposed lot.
The area is not serviced by sewerage, and therefore all lots would be septic, which creates concerns of effluent disposal.	One of the purposes of the Low Density Residential zone is to provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development. Any lots that are not serviced with reticulated sewer disposal would need to meet current standards for onsite wastewater disposal.
It would appear that the application indicates that eleven (11) lots would be developed, together with internal roads. The nature and extent of easements is not clear. On this basis it is the objectors' view that the density would be excessive for the nature and amenity of the area.	Any future subdivision of 319 Murchison Highway, would be subject to density requirements as set out in clause 10.6.1 of the Tasmanian Planning Scheme, subject to each lot being able to contain a minimum building area, frontage to a road and capable of providing water, sewerage and stormwater supply and disposal.

This representation has been considered in full and does not raise any matters that require modification of the draft amendment or impact the draft amendment as a whole.

Representation – Jason & Rebekah Timms

63 Haywoods Lane, Somerset

Issue Raised	Response
The existing TasWater infrastructure servicing properties along Haywoods Lane and Murchison Highway is already inadequate to meet current demand. Water flow and pressure levels are consistently poor. As outlined in the proposal, the potential addition of up to 50 dwellings would significantly increase demand on the system, likely resulting in unacceptable	TasWater has raised the concern of water pressure in the area and that the ability to further service 319 Murchison Highway with water presents significant challenge due to the elevation of the site relative to the reservoir's water levels. Any future subdivision of 319 Murchison Highway may need to rely on static water supply for each proposed lot.

impacts on water supply performance.	
There is currently no reticulated sewerage or council-managed greywater infrastructure servicing this area, with existing properties relying on individual on-site systems. An increase of up to 50 additional dwellings would substantially intensify wastewater generation and is likely to necessitate the provision of appropriate sewerage infrastructure. Without such services, there is a significant risk that on-site systems would be inadequate, leading to potential environmental and public health impacts.	One of the purposes of the Low Density Residential zone is to provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development. Any lots that are not serviced with reticulated sewer disposal would need to meet current standards for onsite wastewater disposal.
There are significant concerns regarding the anticipated increase in traffic along Haywoods Lane, both during the construction phase and following completion of the development, due to the increase in resident vehicles. The existing intersection with the Murchison Highway is not aligned parallel to the highway, resulting in poor visibility and creating potentially unsafe conditions for vehicles entering and exiting Haywoods Lane. An increase in traffic volumes would exacerbate these safety concerns.	Internal assessment from the Road Authority has been undertaken and provided advice that Councils Road network i.e. Haywoods Lane can service future residential development. The application was referred to the Department of State Growth (DSG). It is noted that DSG have advised that if the rezoning proceeds, DSG would not support any direct access driveway connections from properties to the Murchison Highway, and any subsequent subdivision should plan to utilise Haywoods Lane as the principal road access. There have been no safety concerns raised by either Road Authority.
Haywoods Lane is used by a number of children who walk to and from the school bus stop. The road currently lacks a footpath, and increased construction and residential traffic would heighten the risk to pedestrian safety. This presents a significant concern for	Internal assessment from the Road Authority has been undertaken and provided advice that Councils Road network i.e. Haywoods Lane can service future residential development. Any potential capital works request for installation of a footpath would need to go through the appropriate budgetary process.

the wellbeing of children and other pedestrians who rely on this route.	This is not a matter that can be considered as part of this application assessment.
There are also concerns that a significant increase in traffic and the number of residents in the area may negatively impact residential security. Increased vehicle and pedestrian movement through Haywoods Lane would reduce the current level of privacy experienced by existing residents, potentially increasing the risk of property crime. The change in the character of the area from a low-traffic residential setting to a higher-density environment raises concerns regarding the safety and security of homes and residents.	Vehicular movement and any potential increase of movements on a public road are not a relevant privacy concern, as mitigation measures, if so, desired can be achieved by occupants through frontage fencing and landscaping treatments. Any perceived increased risk of property crime is addressed through passive surveillance from the road and public order with Tasmania Police.
The property has a demonstrated history of productive agricultural use and has been successfully farmed for a range of crops, including peas, potatoes, and fodder. This long-standing agricultural activity highlights the land's suitability and value for farming purposes. Maintaining the property in agricultural use supports the rural character of the area and reflects its ongoing contribution to local agricultural productivity.	The application has provided a site specific agricultural assessment, by a suitably qualified person which concludes that the current and future potential primary production use is highly constrained for agricultural productivity and not of a sufficient level of prominence nor importance to be considered of local or regional significance in both a practical sense as well as volume of agricultural production.
One of the main reasons we chose to purchase this property was for its quiet rural atmosphere and open agricultural views. The low population density and sense of space are a significant part of our enjoyment of living here. Such a substantial increase in the number of residents would fundamentally change the character of the area, diminishing both the rural feel and the outlook we value so highly. We	The character of the area is mixed, with low density residential to the east, rural living to the east and south and agriculture to the north and west of 63 Haywoods Lane. The value of individual properties and any perceived reduction in valuation due to possible development is not a matter that can be taken into consideration by the Planning Authority.

are extremely concerned that this level of development would negatively impact the value of our property and reduce the overall quality of our experience of rural living.	
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This representation has been considered in full and does not raise any matters that require modification of the draft amendment or impact the draft amendment as a whole.

Representation – Ryan Mills and Lauren Webb

65 Haywoods Lane, Somerset

Issue Raised	Response
The water pressure to all areas of our home, as well as the water pressure in surrounding homes on Haywoods Lane is very weak. If they change this zone to residential and subdivide the land, our water pressure will be even poorer. It is already an issue for us and residents of Haywoods Lane and potentially Murchison Highway, cannot afford for it to worsen.	TasWater has raised the concern of water pressure in the area and that the ability to further service 319 Murchison Highway with water presents significant challenge due to the elevation of the site relative to the reservoir's water levels. Any future subdivision of 319 Murchison Highway may need to rely on static water supply for each proposed lot.
Our property goes lengthways along the back of this proposed subdivision, which means multiple properties will back on to our land, destroying the beautiful outlook of our home. We don't wish to have shared fences with multiple properties, this will involve costs on our part, and future shared insurance claims. There will be multiple fences of different colours and sizes that back on to our property, and an eyesore to what is currently the biggest appeal to our home.	The occupiers of 65 Haywoods Lane share a boundary with 319 Murchison Highway for approximately 222m. It is possible that boundary fencing would need to be negotiated between a number of parties to an acceptable outcome. Boundary fencing is a consideration under the <i>Boundary Fences Act 1908</i> , which is a civil act outside of the considerations of the Council acting in its capacity as the Planning Authority.
This is our young family's privacy that we've had and loved since purchasing and being surrounded	The property at 65 Haywoods Lane is not surrounded by agricultural land. The property itself operates as a Rural Living, lifestyle allotment with a

by agricultural land was something we never thought would be compromised. If this was in place when this home was on the market, we would never have purchased it. Having other homes that surround our land also poses a theft risk to us. We have sheds on our land that aren't close to our home but are easily accessible from those areas that are proposed to be turned residential. Our security will be compromised, especially if these homes are purchased to be rental properties, without long term, permanent residents. Our country home that has always felt safe will no longer, if this proposition goes through.	single dwelling and associated outbuildings (Residential use). The property has Rural Living properties developed with single dwellings and associated outbuildings abutting to the east and south, with Agriculture zoned properties to the north-west and north-east both developed with single dwellings and associated outbuildings and operating as Residential uses. The only land abutting 65 Haywoods Lane that is Agriculture zone and potentially operates low scale agricultural uses are 319 Murchison Highway and 397 Murchison Highway. Any perceived increased risk of property crime is addressed through passive surveillance from the road and public order with Tasmania Police.
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This representation has been considered in full and does not raise any matters that require modification of the draft amendment or impact the draft amendment as a whole.

Representation – TasWater

A Submission to Planning Authority Notice was received on 7 July 2025.

Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56S(2) TasWater makes the following submission(s):

TasWater does not object to the draft amendment to planning scheme and has the following formal comments below for the Tasmanian Planning Commission in relation to this matter.

Issue Raised	Response
Water Supply Feasibility at 319 Murchison Highway The proposed development site at 319 Murchison Highway is located directly across the road from the Murchison Reservoir (SOMWS09), which serves the local pressure zone. While proximity to a reservoir may seem advantageous, in this case it presents a significant challenge due to the elevation of the site relative to the reservoir's water levels.	TasWater has raised the concern of water pressure in the area and that the ability to further service 319 Murchison Highway with water presents significant challenge due to the elevation of the site relative to the reservoir's water levels. Any future subdivision of 319 Murchison Highway may need to rely on static water supply for each proposed lot.

a) Elevation and Pressure Considerations b) Top Water Level (TWL) of Murchison Reservoir: 103.5 metres c) Bottom Water Level (BWL) of Murchison Reservoir: 96.5 metres d) Lowest elevation at the site: approximately 75 metres Highest elevation at the site (most disadvantaged location): approximately 90 metres In general, for a site to be reliably supplied with water directly from a reservoir, the elevation of the connection point should be at least 30 metres below the reservoir's water level when it is one-third full. For the Murchison Reservoir, this design supply head is approximately 98.5 metres. The elevation difference at this site ranges from only 8.8 to 23.8 metres, which is significantly below the recommended minimum. This means that water pressure at the site would be insufficient for standard service requirements.	
Existing Infrastructure and Limitations Other properties in the vicinity have encountered similar issues and have been connected to a dedicated pressure zone supported by a booster pump system. However, preliminary assessments suggest that this system is outdated and was not designed to extend service to 319 Murchison Highway. Both the pump station and associated piping appear to be undersized and would likely require substantial upgrades or complete replacement to support any new development on the proposed rezoned land.	TasWater has raised the concern of water pressure in the area and that the ability to further service 319 Murchison Highway with water presents significant challenge due to the elevation of the site relative to the reservoir's water levels. Any future subdivision of 319 Murchison Highway may need to rely on static water supply for each proposed lot.

This representation has been considered in full and does not raise any matters that require modification of the draft amendment or impact the draft amendment as a whole.

Statement of Opinion

The representations have been considered in full and have not raised any matters that require modification of the draft amendment or impact the draft amendment as a whole. Therefore, the Planning Authority's view is unchanged from the previous decision on 16 March 2026.

Council, as the Planning Authority, is of the opinion that the proposal is consistent with all relevant State Policies and statutory requirements, is generally in accordance with the Tasmanian Planning Scheme-Waratah-Wynyard and meets the LPS Criteria.

POLICY IMPLICATIONS

There are no policy implications for this portion of the planning scheme amendment process.

FINANCIAL IMPLICATIONS

There are no financial implications for this portion of the planning scheme amendment process.

RISK IMPLICATIONS

Risk is considered to be minimal, as the Statement of Opinion is a process driven requirement. Council has been directed that the Statement of Opinion must come from the Planning Authority. Should Council as a planning authority wish to make a decision against the professional advice provided, the reasons will need to be detailed.

COMMENT

The representations have been considered in full and have not raised any matters that require modification of the draft amendment or impact the draft amendment as a whole.

It is recommended that the Planning Authority provides a Statement of Opinion to the Tasmanian Planning Commission that states that the Planning Authority's opinion has not differed from the decision made on 16 March 2026. A Statement of Opinion, as per that enclosed, is recommended.

6.3 APPLICATION FOR PLANNING SCHEME AMENDMENT (PSA 1/2025) FOR 319 MURCHISON HIGHWAY, SOMERSET - SECTION 40K REPORT

To: Council
Reporting Officer: Town Planner
Responsible Officer: Director Infrastructure and Development Services
Report Date: 1 May 2026
File Reference: 3018847
Supporting Documents: 1. Representation - EFA Lawyers
2. Representation - R & J Timms
3. Representation - R Mills & L Webb
4. Representation - TasWater
5. Department of State Growth comments
6. Statement of Opinion

MOVED BY	CR ROBERTS
SECONDED BY	CR BRAMICH

That Council, in its role as Planning Authority resolves that-

- 1. In accordance with s40K(1) of the *Land Use Planning and Approvals Act 1993*, provide a copy of this report to the Tasmanian Planning Commission and advise that four (4) representations were received during the exhibition period for PSA 1/2025;**
- 2. In accordance with s40K(2)(a) of the *Land Use Planning and Approvals Act 1993*, provide the Tasmanian Planning Commission a copy of the representations received during the exhibition period for PSA 1/2025; and**
- 3. In accordance with s40K(2)(c) of the *Land Use Planning and Approvals Act 1993*, *advise the Tasmanian Planning Commission that the representations received during the exhibition period do not warrant a modification to the draft amendment as detailed in this report; and is satisfied that planning scheme amendment PSA 1/2025 meets the LPS Criteria.***

The MOTION was put and was CARRIED.

IN FAVOUR

CR BRAMICH	CR COURTNEY	MAYOR DUNIAM	CR EDWARDS
	CR ROBERTS	CR JOHNSTONE	CR RAW