

TASMANIAN PLANNING COMMISSION



DECISION

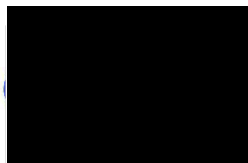
Planning scheme	Tasmanian Planning Scheme – Waratah Wynyard
Amendment	Draft amendment PSA 1/2025 – Rezone land at 319 Murchison Highway, Somerset (folio of the Register 158979/2) from Agriculture to Low Density Residential
Planning authority	Waratah Wynyard Council
Applicant	JDA Planning for NG and LM Machen
Date of decision	1 September 2026

Decision

The draft amendment is rejected under section 40N(1)(e) of the *Land Use Planning and Approvals Act 1993*.



Michael Hogan
Delegate (Chair)



Claire Hynes
Delegate

REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to rezone land at 319 Murchison Highway, Somerset (folio of the Register 158979/2) from Agriculture to Low Density Residential.

Site information

The site at 319 Murchison Highway, Somerset is a 13ha vacant parcel of land located on the outer edge of Somerset urban area. Predominantly comprising cleared pasture, the site has a small area of non-threatened native vegetation along a minor waterway at its rear boundary.

The site is zoned Agriculture and adjoined by several smaller lots with existing dwellings, and a small Crown parcel.

The Murchison Highway forms the north-western boundary of the site, while Haywoods Lane defines the eastern edge, with nearby land zoned Low Density Residential and Rural Living.

The site has substantial road frontage to both Murchinson Highway and Haywoods Lane, is serviced by reticulated water, but is not connected to a reticulated sewerage network.

Issues raised in representations

5 representations were received during the exhibition period. The representations raised matters that included:

- traffic impacts
- supply and demand of residential land
- impacts on residential amenity
- impacts on the character of the area
- suitability of the site for agricultural use
- consistency with the regional land use strategy, and
- water servicing and on-site wastewater disposal.

The draft amendment was referred to TasWater under sections 56S and 56O of the *Water and Sewerage Industry Act 2008*.

In response TasWater advised that it did not object to the draft amendment and provided formal comment noting that the site's elevation relative to the Murchison Reservoir and the reservoir's water levels presents a significant challenge. This results in insufficient supply head and therefore inadequate pressure for standard reticulated water service. Further, TasWater advised nearby properties are supplied via a booster pump system, but preliminary investigations indicate this infrastructure was not designed to service the site and may require substantial upgrades before a reticulated water connection could be provided.

These issues and any additional matters raised by representors at the hearing are discussed as relevant below.

Planning authority's response to the representations

The planning authority considered the representations and recommended that modifications to the draft amendment were not required.

Date and place of hearing

The hearing was held at the Waratah Wynyard Council Chambers at 21 Saunders Street, Wynyard on 18 August 2026.

Appearances at the hearing

Planning authority:	Ms Jasmin Brigg, Planner Ma Sally Pearce, Planner Ms Joanna Potter, Administrative Officer
Applicant:	Mr John Ayres, Planning Consultant – JDA Planning Pty Ltd Mr Jason Lynch, Principal Agronomist – Pinion Advisory Ms Lynette Machen, landowner of 319 Murchison Hwy, Somerset Mr Neil Machen, landowner of 319 Murchison Highway, Somerset
Representors:	Mr Clinton Thurley

Site Visits

A site visit was undertaken prior to the hearings.

Consideration of the draft amendment

Statutory Requirements

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 Tasmanian Planning Scheme – Waratah Wynyard Local Provisions Schedule (LPS) and the representations, statements and recommendations contained in the planning authority's section 40K report, any information obtained at a hearing, and any technical matters.
2. A hearing was convened to assist the Commission consider the issues in the representations.
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; and
- (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

4. Where relevant, these matters are discussed in the sections below.

Tasmanian Planning Policies

5. In applying the Tasmanian Planning Policies (TPPs), the Commission has had regard to the relevant objectives, strategies and implementation principles. This includes the requirement to consider the TPPs as an integrated policy framework, to apply relevant strategies in the context of the objectives they seek to achieve, and to exercise judgement in balancing competing policy outcomes. The Commission has considered whether the draft amendment achieves the policy outcomes sought by the relevant TPPs having regard to the evidence before it and the strategic planning context.

Agriculture

6. The policy objective for Agriculture is to protect agricultural land and the resources on which agriculture depend to promote a diverse and productive sector.
7. Strategies that give effect to this objective include:
- protecting land identified as being in the higher classes of agricultural capability (strategy 2)
 - protecting land with significant agricultural capabilities (strategy 4), and
 - protecting agricultural land from permanent conversion unless specific conditions exist (strategy 7).
8. Strategy 7 identifies circumstances in which permanent conversion may be considered, but it does not determine that conversion is appropriate. The implementation principles require that strategies are not read in isolation to imply that consequence. Accordingly, the Commission must consider the importance of all relevant strategies related to the Agriculture objective. In the context of a planning scheme amendment, and having regard to the purpose of the TPPs, this requires consideration not only of the circumstances of the subject land, but also of whether the planning outcome established by the

amendment remains consistent with those strategies when applied across land sharing similar characteristics.

9. The Commission accepts that Strategy 7(b) is capable of applying to a planning scheme amendment facilitating urban growth. However, satisfaction of Strategy 7(b) is not considered determinative in and of itself. If it were, the requirement in Strategy 7(a) for land to be strategically identified for growth would have little practical operation, as most conceivable planning scheme amendments for settlement growth would affect only a minor proportion of the regional agricultural resource. Such an interpretation would not give coherent effect to Strategy 7 as a whole, nor to the implementation principle that no strategy is to be read in isolation to imply a particular action or consequence.
10. The land is agricultural land and is used for agricultural activities, for the purpose of the TPPs. The land's capability ranges from Class 3 to Class 6, and the land has annual access to 2.2ML of water and has been assessed as being capable for pastoral activities and potentially dryland broadacre cropping.
11. The Commission considers that the agricultural policy outcomes of the TPPs weigh in favour of retaining the land for agricultural use. Although the area of land affected by the amendment is relatively small, the assessment of agricultural significance is not confined to the size of the individual site and must also have regard to the broader agricultural resource of which the land forms part. Accordingly, the agricultural objectives and relevant strategies of the TPPs provide substantial support for the protection of the land and are a significant consideration weighing against its permanent conversion to a non-agricultural use in the overall assessment of the consistency of the amendment with the TPPs.

Growth

12. The policy objective for Growth is to plan for settlement growth that provides for community needs and establishes a sustainable pattern of development.
13. Strategies that give effect to this objective include:
 - directing growth to land that can efficiently utilise physical and social infrastructure networks (Strategy 2[b])
 - discouraging development on land that lacks existing or planned servicing capacity or would require inefficient or costly infrastructure provision (Strategy 2[d][i]), and
 - avoiding growth on land that is productive agricultural land (Strategy 2[d][iv]).
14. The Commission notes that the site is located within the Somerset settlement boundary but sits on the fringe of that boundary, in an area that is not well supported by existing physical or social infrastructure networks. While the Commission accepts that the Low Density Residential Zone may be applied to areas that are constrained in the availability of reticulated services, the Commission considers that the broader servicing context remains relevant. In particular, the adequacy of elements of social infrastructure networks such as footpaths and public transport, must be taken into account when determining whether growth can be supported efficiently. Upgrading such networks is neither efficient nor cost-effective. In this context, the outcomes sought by

Strategy 2(b) and Strategy 2(d)(i) weigh against allocating the land for Low Density Residential development, notwithstanding its location within the mapped settlement extent.

15. The Commission considers the site to contain productive agricultural land for the purposes of the TPPs. Strategy 2(d)(iv) seeks to avoid growth on such land, and this consideration is not confined to the size of the individual site. Rather, it requires regard to the wider agricultural landscape and the cumulative effect of incremental conversion.
16. Accordingly, the Commission considers that although the draft amendment affects a relatively small area and the site subject to the amendment is located within or adjacent to the settlement of Somerset, the strategic outcomes sought by the Growth policy favor directing settlement growth to locations that can be serviced efficiently, are close to transport, community and commercial services, and that do not diminish the agricultural resource. These considerations are significant in the overall assessment of the consistency of the draft amendment with the TPPs.

Physical Infrastructure

17. The objective of the Physical Infrastructure policy is to promote the efficient and coordinated provision of infrastructure necessary to support settlement and development.
18. TasWater advised that the site cannot currently achieve an adequate reticulated water supply without potentially significant upgrades to the existing booster pump system and associated infrastructure. While servicing solutions could ultimately be achievable, the evidence before the Commission does not establish that the development outcome enabled by the amendment can be efficiently supported by existing infrastructure networks.
19. The Commission considers this weighs against the draft amendment.

Commission conclusion

20. Having regard to the relevant TPPs as a whole, including the Agriculture, Growth and Physical Infrastructure policy themes, the Commission is not satisfied that the draft amendment achieves the policy outcomes sought by the TPPs. The Commission therefore finds that the draft amendment does not satisfy the criterion in section 34(2)(da) of the Act.

Regional Land Use Strategy

21. The Cradle Coast Regional Land Use Strategy (CCRLUS) is Part C of the Cradle Coast Regional Land Use Planning Framework. The CCRLUS outlines the roles of policies and supporting principles.
22. In summary, this section outlines that:
 - policies are the aims against which future land use planning proposals are to be considered against
 - planning schemes are to further the policies of the CCRLUS

- the CCRLUS is to be read in its entirety, and all applicable policies are to be applied, and
- principles and policies are general requirement and do specify the detail of assessment requirements for planning schemes.

Agriculture

23. The agricultural policies of the CCRLUS begin by establishing the scope of the agricultural resource to which they apply. Land significant for agriculture is identified as not less than the entirety of the land currently available to and developed for agriculture within the region.
24. The CCRLUS adopts a very broad view of the land that is significant for agriculture and then outlines policies that are directed to the protection of this land for productive use as well as policies that:
 - generally excludes use and development that has no need to locate on that land, and
 - outline the basis for considering when conversion to other uses may be suitable.
25. The policies of the CCRLUS place significant emphasis on protecting agricultural land for agricultural activity and uses aligned to agriculture. Conversion of land significance for agriculture to other uses is generally not considered suitable unless there is a need for a proposed use to occur in a specific location, it is consistent with an endorsed settlement strategy or it provides for an alternative economic use.

Urban Settlement

26. The Urban Settlement policies describe the region's settlement patterns as compact and well-connected. The CCRLUS directs that growth be focused within established urban boundaries through infill, redevelopment and efficient use of serviced land. It places clear emphasis on avoiding dispersed or ad hoc expansion remote from existing planned infrastructure.
27. Further, the CCRLUS contemplates expansion where land-supply analysis demonstrates a need, where expansion is contiguous with established settlement, and where services can support the intended growth. Conversion of land to urban purposes is generally not considered suitable unless it aligns with these considerations. The CCRLUS therefore requires retention of compact settlement form and efficient provision of infrastructure.

Commission Consideration

28. Following its consideration of the draft amendment in relation to all relevant policies of the CCRLUS, the Commission finds that the draft amendment is not consistent with the CCRLUS's policies for Agriculture and Urban Settlement.
29. The site forms part of the agricultural resource identified by the CCRLUS and the proposed conversion does not demonstrate a locational need.
30. While the site is located within the Somerset settlement boundary, the Commission is not satisfied that this factor is determinative. Although the site

falls within the broader settlement area, the evidence does not demonstrate a strategic need for additional Low Density Residential land in Somerset, nor that the site has been identified as a priority location for future residential growth. The Commission therefore gives greater weight to the CCRLUS objectives of protecting agricultural land and directing settlement growth to locations that can be efficiently serviced and integrated with existing urban development.

Application of the Low Density Residential Zone

31. The Commission has considered the strategic context of the site and the established pattern of development within the locality. The surrounding area represents a dispersed, semi-rural settlement form with generally larger lots and low development intensity. The Commission considers that this pattern does not reflect the development form anticipated by the proposed Low Density Residential Zone.
32. The Commission acknowledges that land nearby the site consists of existing Low Density Residential zoned land, however this is limited in extent and does not, in itself, establish a strategic or spatial basis for applying the Low Density Residential Zone to the site.
33. The Commission notes that while the Purpose Statement 10.1.1 of the SPPs for the Low Density Residential Zone seeks to provide for residential development in areas where infrastructure services may be constrained, the Commission considers that the zone nevertheless anticipates a higher level of servicing and accessibility that is currently available in this locality. Namely, footpaths, public transport and reticulated sewer are absent. These constraints are significant, and the intended function of the zone is not well supported by the existing level of infrastructure.
34. The Commission has further considered the potential lot yield permissible under the proposed Low Density Residential Zone. Based on the minimum lot size requirements, the site could accommodate approximately 50 residential lots if fully subdivided. The Commission considers that this scale of potential development is unsuitable given the forecast growth of the township, the site's significant separation from the Somerset town centre and established residential areas and access to daily services. The Commission considers this represents a significant residential growth outcome in the context of Somerset and one that warrants a clear strategic planning justification.
35. When viewed in the context of the sites semi-rural development form, more aligned with the Rural Living Zone, the introduction of a residential development of this scale would create an isolated pocket of development unsupported by infrastructure or essential services. Accordingly, the Commission does not consider that the Low Density Residential Zone should be applied to the site as proposed in the draft amendment.

State Policies

State Coastal Policy 1996

36. The Commission finds that due to the location of the site, being outside the coastal zone, the *State Coastal Policy 1996* does not have application to the draft amendment.

State Policy on the Protection of Agricultural Land 2009

37. The supporting report stated that *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) applies to the draft amendment as the land is agricultural land as defined in the Policy, used for agricultural activity. The evidence presented outlined that the land is primarily capable of supporting ongoing pastoral production activities. This use has occurred on the land for an extended period and there is no evidence that pastoral activities have been constrained by adjoining land uses.
38. The Commission accepts the evidence regarding the site's agricultural capability, provided by Pinion Advisory for the applicant, and the information that the site contains a small area of prime agricultural land and a larger area of non-prime agricultural land. However, its significance is not determined solely by land capability classification. The Commission considers the site contributes to the broader agricultural resource of the locality and that the cumulative effect of incremental conversion of such land is a relevant consideration.
39. The Commission considers that the site forms part of a locally and regionally significant agricultural resource. While the landholding is relatively small, its significance is not determined solely by the characteristics of the individual parcel, but by its contribution to the broader agricultural land resource within the locality and region.
40. The Commission considers that Principle 7 of the PAL Policy is directed towards determining the significance of non-prime agricultural land for agricultural use and, in doing so, the weight that should be afforded to its protection. However, the PAL Policy does not establish an absolute prohibition on the conversion of significant non-prime agricultural land. This is consistent with the objectives of the PAL Policy, which seeks to minimise, rather than prevent, the conversion of agricultural land to non-agricultural uses.
41. The Commission is not satisfied that the draft amendment facilitates a planning outcome of sufficient strategic merit to justify the permanent conversion of the land to non-agricultural use.
42. The proposed Low Density Residential zoning would result in the permanent loss of land forming part of a locally and regionally significant agricultural resource. The Commission does not consider that the planning benefits associated with the amendment are of such significant as to outweigh the policy objective of minimizing the conversion of agricultural land to non-agricultural uses.
43. The Commission considers that, having regard to its characteristics and locational attributes, the subject land forms part of a locally and regionally significant agricultural resource. While the site is relatively small, its significance arises from its contribution to the broader agricultural land resource of the locality and region.
44. The PAL Policy does not prohibit the conversion of agricultural land to non-agricultural purposes in all circumstances. However, the Commission considers that strong planning grounds are required to justify the permanent loss of

agricultural land. In this instance, the Commission is not satisfied that a strategic planning basis has been demonstrated for the proposed residential expansion. The amendment would facilitate the permanent conversion of agricultural land for a substantial residential growth outcome that has not been identified or justified through sufficiently developed settlement planning. Accordingly, the Commission is not satisfied that the draft amendment is consistent with the objective of the PAL Policy to minimise the conversion of agricultural land to non-agricultural use.

State Policy on Water Quality Management 1997

45. The Commission considers that the *State Policy on Water Quality Management 1997* (Water Quality Policy) is relevant and has application to the draft amendment, noting that the regulatory assessment process for any future development would ensure requirements of Water Quality Policy are upheld.
46. The Commission is satisfied that any future development would be subject to regulatory assessment processes capable of addressing water quality, stormwater and wastewater management matters. The Commission finds that the draft amendment is not inconsistent with the Water Quality Policy.
47. The Commission considers that no other State Policies are relevant to the draft amendment.

Resource Management and Planning System Objectives

48. The supporting reports contended that the draft amendment furthers the Objectives of the Resource Management and Planning System (RMPS) in Schedule 1 of the Act, primarily because:
 - the proposed rezoning would not adversely affect significant natural, physical, biodiversity or landscape values, with future development largely confined to existing pasture areas
 - the site represents an infill opportunity within the urban growth boundary and an established residential context
 - the site is connected to reticulated water and is capable of accommodating on-site stormwater and wastewater management without placing unreasonable demands on existing infrastructure
 - the amendment process allows for public participation through exhibition and representation rights under the Act, and
 - the proposed Low Density Residential zoning would provide for residential development at an appropriate density, respond to infrastructure constraints, and increase housing choice within Somerset.

Commission consideration

49. The Commission must consider the Objectives of the RMPS contained in Part 1 and Part 2 of the Act.
50. The Commission has considered the RMPS objectives as a whole. While the amendment may increase opportunities for future residential development, the Commission is not satisfied that it appropriately balances settlement growth, agricultural land protection and efficient infrastructure provision. In particular,

the Commission considers that the amendment would not further Schedule 1 Part 1 (b), which seeks to provide for the fair, orderly and sustainable use and development of the air, land and water.

51. The Commission is not satisfied that the draft amendment represents an orderly or sustainable planning outcome. The amendment would facilitate a substantial new residential growth area capable of accommodating approximately 50 lots on the outer fringe of Somerset. While the site may be capable of supporting residential development, the Commission considers that the draft amendment is contrary to the principles and objectives of the strategic planning work that has been undertaken to date for the township.
52. The evidence before the Commission does not establish that the site has been strategically identified as the preferred location for future residential growth, that alternative growth opportunities have been adequately considered, or that the proposed expansion forms part of an integrated long-term settlement pattern for Somerset. The Commission considers that these matters require further strategic planning consideration before rezoning agricultural land for residential purposes.
53. In the absence of that work, the Commission is not satisfied that the proposed rezoning represents the most orderly or sustainable pattern of future growth from Somerset. The Commission is not satisfied that sufficient strategic planning work has been undertaken to demonstrate that the site represents the preferred location for future residential growth, having regard to agricultural land protection, infrastructure servicing and the availability of other residentially zoned land. Accordingly, the Commission considers the draft amendment premature. The Commission is not satisfied that the draft amendment furthers the objective of providing for the fair, orderly and sustainable use and development of land.
54. Having regard to the Schedule 1 Objectives as a whole, and for the reasons set out throughout this decision, the Commission finds that draft amendment does not further the Objectives of the RMPS.

Local Strategic Framework

55. The relevant strategic plan is the Waratah Wynyard Council 10 Year Corporate Strategic Plan 2017-2027.
56. The supporting report stated that the draft amendment has regard to the Waratah Wynyard Council 10 Year Corporate Strategic Plan 2017-2027 in terms of strategy 3.1.1 that states:

Deliver planning for activation through effective urban design and planning that promotes liveability, social gathering and connectedness, and which recognises and celebrates local history.
57. The applicant and the planning authority also referred to the Liveable Waratah Wynyard Settlement Strategy (LWWSS).

Commission Consideration

58. The Commission notes that the LWWSS finds that Somerset retains undeveloped residential land within the existing settlement providing capacity for continued growth without outward expansion. The Commission notes that the LWWSS also finds that the demand for land zoned Low Density Residential is minimal and cannot be readily estimated due to limited subdivision activity in Somerset.
59. However, the evidence does not establish that existing residential and Low Density Residential land within Somerset is insufficient to accommodate anticipated demand. In the absence of a demonstrated shortfall, the Commission is not satisfied that the conversion of agricultural land is justified.
60. The Commission accordingly finds that the draft amendment is not consistent with the LWWSS, as the LWWSS does not identify an evident need for additional Low Density Residential zoned land within Somerset. The Commission therefore considers that the draft amendment is not strategically justified and does not align with the settlement and urban expansion principles of the LWWSS.
61. The Commission considers that further strategic planning work is required to determine the appropriate form and location of future growth in Somerset. In the absence of such work, the Commission is unable to conclude that the subject land represents the most suitable or efficient location for future residential expansion.

Commission Findings

62. The Commission finds that:
 - the site forms part of broader agricultural land resource that contributes to local and regional agricultural production
 - the draft amendment would facilitate the permanent conversion of agricultural land to urban purposes
 - a strategic need for additional Low Density Residential land in Somerset has not been demonstrated
 - the evidence does not establish that the site can be efficiently serviced by existing infrastructure networks, particularly in relation to reticulated water supply
 - the draft amendment is inconsistent with relevant outcomes sought by the TPPs and the CCRLUS, and
 - the draft amendment does not represent the most orderly or sustainable pattern of growth for Somerset.

Decision on draft amendment

63. For the above reasons, the Commission finds that the draft amendment is rejected.