

Planning Report

Section 37(1) and 40(T)

Land Use Planning and Approvals Act 1993

Request to Amend the Waratah-Wynyard Local Provisions
Schedule and Combined Development Application for

66 River Road Wynyard



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PART 1

PART 1 – REZONING APPLICATION ASSESSMENT

1. INTRODUCTION

This is an application for a draft amendment to the Local Provisions Schedule of the Tasmanian Planning Scheme – Waratah-Wynyard ('the Scheme') in accordance with section 37(1) and 40T(1) of the *Land Use Planning and Approvals Act 1993* (LUPAA).

The Council adopted the River Road Outline Development Plan (River Road ODP) at its meeting on 15 December 2025. The adoption of the River Road ODP has encouraged the applicants to seek an amendment to the Waratah-Wynyard Local Provisions Schedule .

Following the adoption of the River Road ODP the applicants met with Council planning staff on 17 December 2025 to seek clarification on a number of related matters to this application.

A written response was received on 3 February 2026 which included the following Council responses **which are relevant** to this application:

- **Delivery of the Outline Development Plan**

"It is noted that there has been some discrepancy around the delivery of the ODP. The final report to Council on the 15 December 2025 clarifies the delivery of the ODP. The ODP is the next step following from outcomes of the Liveable Waratah-Wynyard Settlement Strategy, focusing on residential areas of the municipality. The delivery of the ODP will not be undertaken by Waratah-Wynyard Council".

"The adopted Outline Development Plan can now be utilised by any future applicants as an evidence base to facilitate and support changes to the planning scheme".

- **Potential for Future Subdivision of 66 River Road**

"The potential for a future subdivision of 66 River Road is entirely dependent on the successful outcome of the land being rezoned to Rural Living A. If the land was successfully assigned to Rural Living A zone, there would be potential for one additional lot to be created, subject to meeting the requirements of the Tasmanian Planning Scheme and reliant on approval for an additional right of carriage way for vehicular access to River Road".

- **Statement of Support for Individual Property Owners in the 'Growth Area'**

"The appropriate mechanism for the Waratah-Wynyard Council, acting in their role as a Planning Authority to support property owners in the Growth Area, is to agree to initiate a planning scheme amendment.

Council can only agree to initiate a planning scheme amendment, if the application meets the specific requirements as set out in the Land Use Planning and Approvals Act 1993.

It could be said that by Waratah-Wynyard Council progressing to an Outline Development Plan for River Road, that they are supportive of the individual property owners”.

We are also aware there is an application which has been submitted to the Council on behalf of Charles and Cheryle Hanson requesting the rezoning of their land at River Road from the existing Rural Zone to the Rural Living “A” Zone. The associated multi lot subdivision plan is for 12 lots, 3 of which will gain access from River Road, with the balance from a new road off Table Cape Road. In addition the subdivision plan includes the proposed creation of 6 Low Density Residential lots fronting Table Cape Road.

Our proposal although not bordering the Hanson land, is separated by a single title, therefore our proposed rezoning will essentially ‘bookend’ the desired outcomes as adopted by Council in the River Road ODP (see image below).



Source: base image and data from the LIST (<https://maps.thelist.tas.gov.au/listmap/app/list/map>)

Legend

66 River Road (the site)



Hanson proposed 12 lot Rural Living A subdivision site



Hanson proposed 6 lot Low Density Residential subdivision site



2. DRAFT AMENDMENT

This draft amendment seeks to apply the Rural Living “A” zone to the land identified in Certificate of Title Volume 40412 Folio 1 (‘the site’).

The purpose of the draft amendment is to support an application for a two (2) lot subdivision of the site which would otherwise not be permissible under the Tasmanian Planning Scheme (TPS)

This planning report forms the basis of the application and has been prepared having regard to the relevant requirements and objectives of LUPAA and relevant strategic planning documents including:

1. Cradle Coast Regional Land Use Strategy
2. State Policies
3. Waratah-Wynyard Corporate Strategic Plan 2017/2027
4. Sustainable Murchison Community Plan 2040
5. Liveable Waratah-Wynyard Settlement Strategy 2021
6. River Road Outline Development Plan 2025
7. Tasmanian Planning Scheme incorporating the Waratah-Wynyard Local Provisions Schedule

The report is supported by a rezoning map (**Annexure 1**).

) and a plan of subdivision prepared by PLA Designs in March 2026 (**Annexure 2**) and an updated aerial view with corrected cadasta prepared by PLA Design in May 2026 (**Annexure 2A**):

Drawing Title	Date	Issued for
Proposed Subdivision 66 River Road, Wynyard Paul & Teresa West	16.03.26	Development Application
Document	Prepared By	Issued for
26028-01 (16.03.26)	PLA Designs	Development Application
26028-01 (19.05.26)	PLA Designs	Proposed Subdivision – Aerial View (updated cadasta)

2.1 APPLICATION OVERVIEW

The site comprises a single lot that is addressed as 66 River Road, Wynyard and comprised in Folio of the Register Volume 40412 Folio 1 (‘the site’).

An overview of the site, the draft amendment and proposed subdivision is provided in Table 1 and the site is illustrated in Figure 1.

An overview of the site and draft amendment is outlined in Table 1.

Table 1

Address	66 River Road, WYNYARD	
Property ID	7668361000	
Certificate of Title	Volume	Folio
	40412	1
Owners	Paul and Teresa WEST	
Planning Authority	Waratah Wynyard Council	
Legislative Instrument	Land Use Planning and Approvals Act 1993	
Planning Instrument	Tasmanian Planning Scheme – Waratah Wynyard	
Current Zone	Rural	
Current Overlays	Priority Vegetation Overlay	
Proposed Zone	Rural Living “A”	
Description of Proposed Development	2 lot subdivision	

Figure 1

Source: base image and data from the LIST (<https://maps.thelist.tas.gov.au/listmap/app/list/map>).

2.2 PROPOSED DRAFT AMENDMENT

Under Waratah-Wynyard Council’s adopted ‘River Road Outline Development Plan (adopted by Council on 15 December 2025 – Annexure 3) our property at 66 River Road is on the western end of the ‘growth front’ area and has been included in ‘Area D – RLZ’ (Rural Living Zone) as illustrated in Figure 2. Our neighbours properties to the east (Area A) are proposed to be LDRZ (Low Density Residential Zone).

Figure 2

10 Proposed Rezoning

10.1 Changes to zoning and rationale



Cradle Coast Authority for Waratah Wynyard Council v3 070625



1.2.3 RATIONALE FOR THE DRAFT AMENDMENT

The primary rationale of the proposed draft amendment is to facilitate the realisation of a 2-lot subdivision of the land at 66 River Road, Wynyard.

The application is guided by the recommendations of the ODP, in which it was identified that this area of Wynyard have key characteristics of development that fulfil the aspirations outlined in the WWC Settlement Strategy.

66 River Road has been identified in the ODP as appropriate for the RLZ zone based on demand, site conditions, relationship to the Inglis River and to Wynyard.

The draft amendment will allow a subdivision pathway for the site.

Primarily this is a 'life-style' orientated application. The site when subdivided will allow for a single additional residence to be built on the property, allowing for the current owners to downsize and other family members to move into the existing residence located on the property.

There is no other pathway available under the TPS if the rezoning and subdivision are not approved.

2.3 STATUTORY OVERVIEW

Section 38(1) of the Act requires that the planning authority must satisfy themselves that a draft amendment will meet the Local Provisions Schedule (LPS) criteria set out in section 34 of the Act.

The following table provides an overview of the LPS criteria pertinent to the proposed draft amendment.

Section 34(2) LPS Criteria		
<i>The LPS criteria to be met by a relevant planning instrument are that the instrument -</i>		
Sub-clause	Requirement	Response
<i>(a)</i>	<i>contains all the provisions that the SPPs specify must be contained in an LPS.</i>	The proposed draft amendment seeks to amend the LPS by way of amending the applicable LPS zone map insofar as replacing the area of the site that is assigned to the Rural Zone with the Rural Living Zone "A". All provisions that the State Planning Provisions ('SPPs') specify will continue to apply to the site.
<i>(b)</i>	<i>is in accordance with section 32.</i>	The proposed draft amendment will satisfy the matters specified in section 32 of the Act.
<i>(c)</i>	<i>furtheres the objectives set out in Schedule 1.</i>	Assessment of the proposed draft amendment against the objectives set out in Schedule 1 of the Act is provided in Section 4.2 of this report.
<i>(d)</i>	<i>is consistent with each State policy.</i>	Assessment of the proposed draft amendment against each State policy is provided in Section 4.3 of this report.
<i>(da)</i>	<i>satisfies the relevant criteria in relation to the TPPs.</i>	There Tasmanian Planning Policies (TPPs) will come into effect on 1 July 2026. The TPPs have been assessed at section 5 of this report.
<i>(e)</i>	<i>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.</i>	Assessment of the proposed draft amendment against the Cradle Coast Regional Land Use Strategy is provided in Section 4.4 of this report.
<i>(f)</i>	<i>Has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to</i>	Assessment of the proposed draft amendment against relevant Waratah Wynyard Strategic Documents is provided in Section 4.5 of this report.

	<i>which the relevant planning instrument relates.</i>	
(g)	<i>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</i>	In this instance, the site does not adjoin and is not located adjacent to, land that is governed by another LPS within a different municipal area. Accordingly, the proposed draft amendment satisfies section 34(2)(g) of the Act.
(h)	<i>has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019 .</i>	The site is not located in proximity to the Gas Pipeline and will therefore not affect, or could be affected by, the requirements set out in the standards prescribed under the <i>Gas Safety Act 2019</i> .

3. SITE ANALYSIS

3.1 LOCATION

The site comprises a single lot.

The site has an area 2.171ha.

3.2 TITLE INFORMATION

The site is comprised within the title as detailed below:

Address	Ownership	Title Reference
66 River Road WYNYARD	Paul WEST Teresa WEST	40412/1

A copy of the title document is provided (**Annexure 4**).

The landowners are the applicants.

There is a burdening right of carriageway across 66 River Road to the adjacent title 64 River Road.

Address	Ownership	Title Reference
64 River Road WYNYARD	Daniel FILLEUL Tammy FILLEUL	41357/1

A copy of the title document for 64 River Road is provided (**Annexure 5**).

The owners of 64 River Road have been advised of this application and have provided written advice that they have no objection to the proposed rezoning and subdivision. (**Annexure 6**).

At the request of the Planning Authority through an 'additional information request' an Owners Consent - Form 1 has been completed (**Annexure 6A**)

3.3 SURROUNDING AREA

The site is located on the northern side of the Inglis River. The site is accessed from River Road and is adjoined by a number of smaller titles to the east and larger titles to the west and north.

The Inglis River Walking Track is adjacent to the site, separated by River Road.

The site is within easy walking distance of the Wynyard Central Business District.

3.4 ZONING

Currently all adjoining properties are zoned Rural under the Tasmanian Planning Scheme.

3.5 OUTLINE DEVELOPMENT PLAN (ODP)

Under the River Road ODP 66 River Road (the site) is on the western edge of the 'Growth Front' as depicted in the image below.



Source: River Road Outline Development Plan

The adjoining properties to the north and west of the site are partially included in the Growth Front and identified as future RLZ sites.

The adjoining properties to the east of the site are identified in the 'Growth Front' as future RLDZ sites.

3.6 BUILT FORM

A residential dwelling is situated in the southeastern section of the site. The southwestern section of the site contains an area of bushland consisting of a small number of eucalyptus trees and bracken.

The balance of the site is cleared land and with a significant portion incorporated into the garden of the established residential dwelling.

3.7 TOPOGRAPHY

The site is observed as being generally level with some undulation towards the southwestern part of the site.

3.8 INFRASTRUCTURE

3.8.1 ROAD

The site has direct frontage to River Road (local road) which is a road maintainable by the Waratah Wynyard Council.

The River Road ODP included a statement that ‘no additional vehicle accesses were to be created onto River Road.

This issue was raised by the applicants in a meeting with Council planning staff in December 2025, to which the following written response was:

“The adopted Outline Development Plan (ODP) seeks to retain the quiet, narrow and wooded lane character of River Road, with no additional direct vehicle access to River Road.

It is acknowledged that 66 River Road, Wynyard identified in certificate of title 40412/1 has an existing double width vehicle access onto Council maintained River Road, with an existing burdening right of carriage way that benefits certificate of title 41357/1, 64 River Road.

The proposed no additional direct vehicle access to River Road does not preclude any existing vehicle access being utilised into the future with an additional right of carriage way to River Road to serve any infill development. Any such additional right of carriage way would be assessed on a merit based assessment, on its width, length and number and type of vehicles to utilise the access etc”.

3.8.2 TASWATER

The site is serviced by TasWater with a 20mm water connection on the southern boundary adjacent to River Road.

The River Road ODP notes:

“TasWater Advice TWSI 2025/00114-WWC, RE: Proposed rezoning- River Road Wynyard, received 25th February 2025 advised this rezoning will not really impact on TasWater and we would not object to it.”

3.8.3 TAS NETWORKS

The existing residence is connected to Tas Networks and also has solar panels and battery generation.

The River Road ODP notes:

“TasNetworks advised 26th February 2025 that this site has HV reticulation in River Rd and Table Cape Rd. Potentially the LV reticulation can be supplied from these roads or HV reticulation extended into the subdivision. Requirements for HV augmentation will be determined after the application for the Subdivision connection is received.

This area can be serviced and the developer will pay a customer contribution towards the installation of the infrastructure as per our Distribution Pricing Policy.”

3.9 ENVIRONMENTAL HAZARDS AND CONSTRAINTS

3.9.1 LANDSLIP HAZARD

The site is not identified as being subject to a landslip hazard band on the Tasmanian Planning Scheme Code Overlay maps.

3.9.2 BUSHFIRE HAZARD

The site is located within a Bushfire Prone Area. The proposed draft amendment will not affect the mechanics of the Bushfire-Prone Area Code as it applies to the site. The proposed subdivision is subject to assessment against the Bushfire-Prone Area Code which is provided in section 6 of this report.

Any future development application for the site (if the subdivision is approved) will need to comply with the Bushfire Hazard Report (**Annexure 7**) prepared by Planning 4 Bushfire Accreditation BFP-158.

3.9.3 SITE CONTAMINATION

The site is not known to have been used for a potentially contaminating activity.

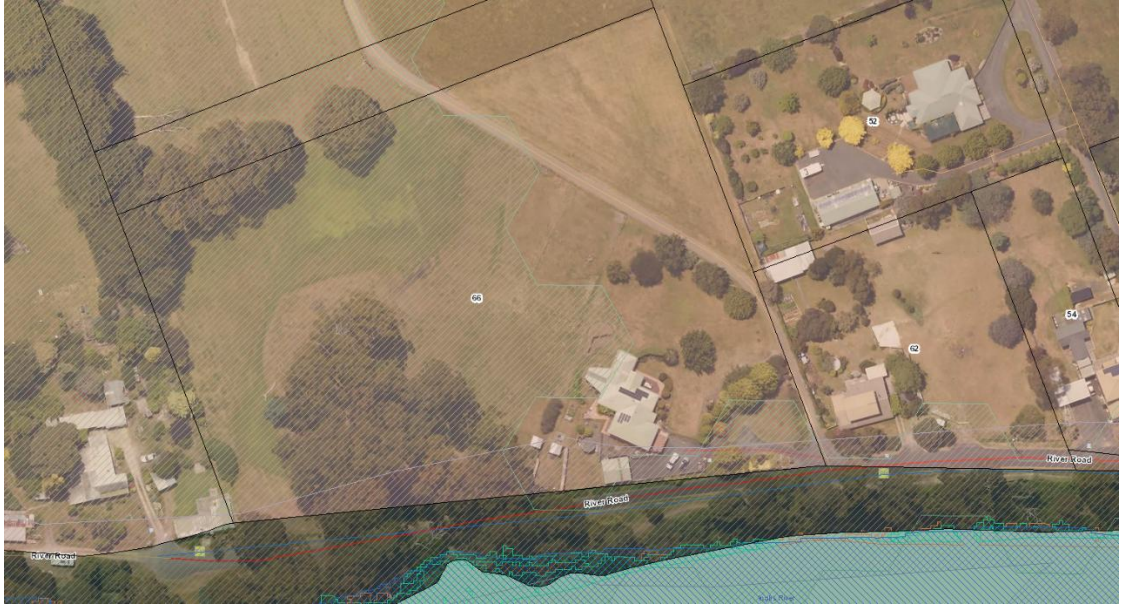
3.9.4 FLOOD HAZARD

The site is not shown as being subject to a flood hazard on the Tasmanian Planning Scheme Code Overlay maps.

3.9.5 BIODIVERSITY VALUES

The site is not shown as being subject to a waterway and coastal protection area or a future coastal refugia area on the Tasmanian Planning Scheme Code Overlay maps.

The site is subject to a priority vegetation overlay.



Source Listmap – Priority Vegetation Overlay

This application has been assessed under C7.7.2 of the Tasmanian Planning Scheme as meeting the Acceptable Solution(A1(e) for subdivision within a priority vegetation area insofar as:

- (a) Works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and
- (b) Future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.

Further, the additional Lot proposed will *‘not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area’*.

3.9.6 SCENIC VALUES

The site is no subject to a scenic management area of scenic road corridor on the Tasmanian Planning Scheme Code Overlay maps.

4. STATUTORY ASSESSMENT

The following sections provide a detailed assessment of the proposed draft amendment against the LPS criteria listed in or otherwise implied by section 34(2) of the LUPA Act.

4.1 SECTION 8A GUIDELINES

The Section 8A guidelines were issued by the Tasmanian Planning Commission under section 8A of the LUPA Act. They provide guidance with respect to how and where SPP zones and codes should be applied to land.

5.0 Zone Application		
11.0 Rural Living Zone		
Ref.	Guideline	Response
RLZ1	<i>The Rural Living Zone should be applied to:</i> <i>(a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or</i> <i>(b) land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme,</i> <i>unless RLZ4 below applies</i>	The proposed 2-lot subdivision of the site will provide for residential uses on large lots whilst maintaining the rural character of the area. The property to the north is a small title (approximately 12ha). This property is used for light grazing. The property to the north east is smaller still and once again used for light grazing purposes. Subdividing the existing 66 River Road into two 1ha blocks will have no impact on the current activities undertaken on any of the adjoining properties.
RLZ2	<i>The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</i> <i>(a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or</i>	In this instance, part (a) of the 'test' has direct relevance as there is a local strategy (being the Council's own adopted <i>Liveable Waratah-Wynyard Settlement Strategy</i> that specifically identified the site for future rezoning to the Rural Living Zone. As a result of the adoption of the <i>Liveable Waratah-Wynyard</i>

	<i>(b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.</i>	<i>Settlement Strategy</i> a detailed <i>River Road Outline Development Plan</i> was adopted by the Council in December 2025 which confirms the site is appropriate for zoning as Rural Living. The strategic work undertaken by the Council therefore satisfies the requirements of Guideline No. 1 with respect to the application of the Rural Living Zone being applied under the LPS. The Cradle Coast Regional Land Use Strategy is addressed at 4.4. Not applicable
RLZ3	<i>The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on:</i> <i>(a) a reflection of the existing pattern and density of development within the rural living area; or</i> <i>(b) further strategic justification to support the chosen minimum lot sizes consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</i>	As a result of the adoption of the <i>Liveable Waratah-Wynyard Settlement Strategy</i> a detailed <i>River Road Outline Development Plan</i> was adopted by the Council in December 2025 which confirms the site is appropriate for zoning as Rural Living. The River Road ODP also confirms the preferred zoning for the neighbouring properties to the east as Low Density Residential and those to the west and north as Rural Living. Being a small 2.171ha site adjacent to properties recommended for LDRZ justifies why RLZ “A” is the appropriate zone.

RLZ4	<i>The Rural Living Zone should not be applied to land that:</i> <i>(a) is suitable and targeted for future greenfield urban development;</i> <i>(b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or</i> <i>(c) is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</i>	The Council initiated River Road ODP does not identify this area as suitable for future greenfield urban development. The site does not contain important landscape values that are identified for protection and conservation. Not applicable.
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4.2 SCHEDULE 1 OBJECTIVES

4.2.1 SCHEDULE 1 OBJECTIVES – PART 1

The following section provides a response to each of the sub-requirements of Schedule 1 Objectives Part 1 of the LUPA Act.

Part 1 – Objectives of the Resource Management and Planning System of Tasmania	
1. The objectives of the resource management and planning system of Tasmania are:	
Objective	Response
<i>(a) to promote the sustainable development of natural and</i>	The area of the site that is subject to the proposed draft amendment is

<i>physical resources and the maintenance of ecological processes and genetic diversity.</i>	located on the fringe of the Wynyard township and within the River Road Outline Development Plan boundary. The site has been significantly modified to accommodate a residential use. The site does not comprise any significant native vegetation and it does not contribute significantly to ecological processes or genetic diversity within the local area and region.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water.</i>	The proposed amendment will provide for fair, orderly and sustainable use and development. It will provide an opportunity to further develop the land with one additional Rural Living lot that is consistent with the River Road ODP. The site is located within an area with a sealed road frontage and access to reticulated water connection through TasWater. The site is well suited for the provision of onsite wastewater as confirmed in the GeoTon Pty Ltd report (Annexure 8). There are no particular natural or cultural values associated with the land, and future use and development facilitated by the proposed draft scheme amendment. The proposed rezoning will result in a more sustainable and effective utilisation of the site, consistent with the surroundings of the site.
<i>(c) to encourage public involvement in resource management and planning.</i>	If initiated, the proposed draft amendment will be placed on public exhibition for a formal comment period pursuant to Section 40G of the LUPA Act.

	This process will allow the public to be involved in resource management and planning at the local level.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a) , (b) and (c).</i>	The proposed amendment will facilitate economic development by virtue of enabling the proposed Lot 2 to be created and developed for a single dwelling.
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i>	The proposed draft amendment process represents the sharing of responsibility for resource management between the different spheres of Government, the community and industry within the State through engagement of the planning authority (local government), Tasmanian Planning Scheme (state government level), community and industry through public exhibition and the associated assessment processes.

4.2.2 SCHEDULE 1 OBJECTIVES – PART 2

The following section provides a response to each of the sub-requirements of Schedule 1 Objectives Part 2 of the LUPA Act.

Part 1 – Objectives of the Resource Management and Planning System of Tasmania	
2. The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –	
Objective	Response
<i>(a) to require sound strategic planning and co-ordinated action by State and local government.</i>	The proposed draft amendment has been assessed against the applicable sections of the Cradle Coast Regional Land Use Strategy (CCRLUS) in section 4.4 of this Planning Report. The proposed draft amendment has been found to be consistent with the relevant policies and actions in the CCRLUS including section 4.9.2 <i>Land for Rural Housing</i>. The proposed draft amendment therefore represents coordinated and sound strategic planning.

<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.</i>	The proposed draft amendment will not materially alter the established system of planning instruments that set the objectives, policies and controls for the use, development, and protection of land. The proposed draft amendment would facilitate a change to the zone from Rural to Rural Living “A”. The underlying Rural Living zone will provide the controls for the use and development of the land that will accord with the broader policy context of the SPPs.
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.</i>	This objective is not impacted by the proposed draft scheme amendment. In this regard, the site is within an area of Wynyard which has been identified through the <i>Liveable Waratah-Wynyard Settlement Strategy 2021</i> and the detailed <i>River Road Outline Development Plan 2025</i> as an area for future growth. Codes and other applicable Scheme provisions, including the Rural Living zone that seek to manage and control environmental impacts will continue to remain relevant to the site to the degree that they are applicable.
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.</i>	The proposed draft amendment is consistent with relevant State, regional and local strategy and policy directions which broadly seek to achieve sustainable development that does not compromise environmental, social, economic and resource management objectives.
<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals.</i>	The proposed draft amendment is able to be considered in conjunction with a permit application for the proposed 2-lot subdivision development in accordance with section 40T(1) of the Act.

	The application therefore represents a coordinated approach to planning approvals.
<i>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation.</i>	The proposed draft amendment would facilitate the application of the Rural Living zone over the whole site. The Rural Living zone includes subdivision standards that relate to the provision of functional and usable lots suitable for future residential purposes and the provision of a legal connection to a road. The proposed draft amendment is capable of promoting the health and wellbeing of the community through the provision of a pleasant, efficient and safe rural residential environment for living and recreation through compliance with the subdivision standards of the Rural Living zone.
<i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.</i>	The proposed draft amendment will not result in any impact on a place listed or known to be significant for its scientific, aesthetic, architectural, historical or cultural value.
<i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.</i>	The site is capable of being serviced by road, water, and electricity infrastructure. The River Road ODP confirms that both TasWater and Tas Networks have capacity in their systems for the purposes of this 2-lot subdivision. Proposed Lot 1 is already serviced by a septic system and proposed Lot 2 is well suited for an onsite wastewater system designed to the latest standards.
<i>(i) to provide a planning framework which fully considers land capability</i>	Land capability is aligned to land assigned or designated for rural use. Currently the site is used for residential purposes with

	approximately half the site currently maintained as lawn and gardens. Approximately half of the site is presently used as agistment for horses. Should the site be rezoned to Rural Living the current uses will likely be maintained into the future. The proposed draft amendment will therefore not impact land capability.
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4.3 STATE POLICIES

4.3.1 STATE COASTAL POLICY

The *State Coastal Policy 1996* defines the term 'Coastal Zone' as, under the *State Coastal Policy Validation Act 2003*, a reference in the *State Coastal Policy 1996* to the coastal zone is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.

In this instance, the site is located less than 1km from the nearest high-water mark as it is adjacent to the Inglis River.

There will be no impact on the natural and cultural values of the Coastal Zone as a result of this application.

4.3.2 PROTECTION OF AGRICULTURAL LAND

The *Protection of Agricultural Land Policy 2009* ('PAL Policy') seeks to conserve and protect agricultural land.

The definition of agricultural land is ***"...all land that is in agricultural use, or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses."***

Due to the lot size and proximity to existing residential uses, the land is not considered to be agricultural land, with the following provided as evidence.

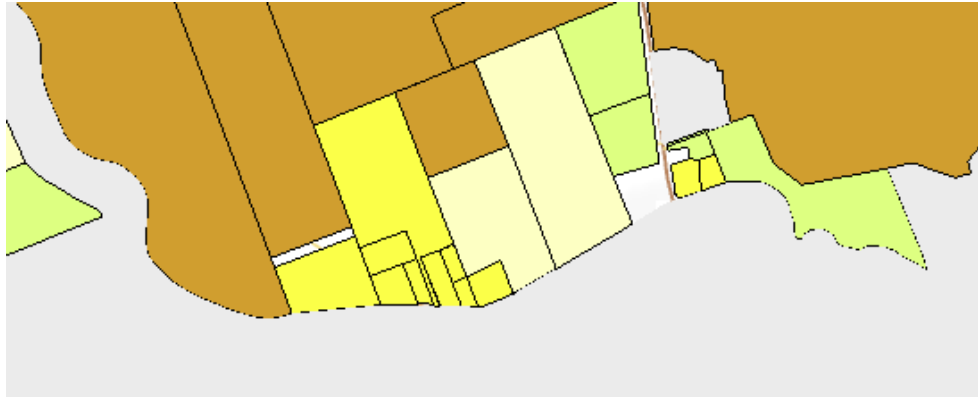


Image Source: [Listmap](#) – Land Potentially Suitable for Agriculture Zone

As shown above, during the State Government review of the previously known Rural Resource zone, the lot and surrounds were identified as potentially constrained. This took into consideration the lot size and adjoining uses. As shown in yellow, those uses were areas containing existing single dwellings.

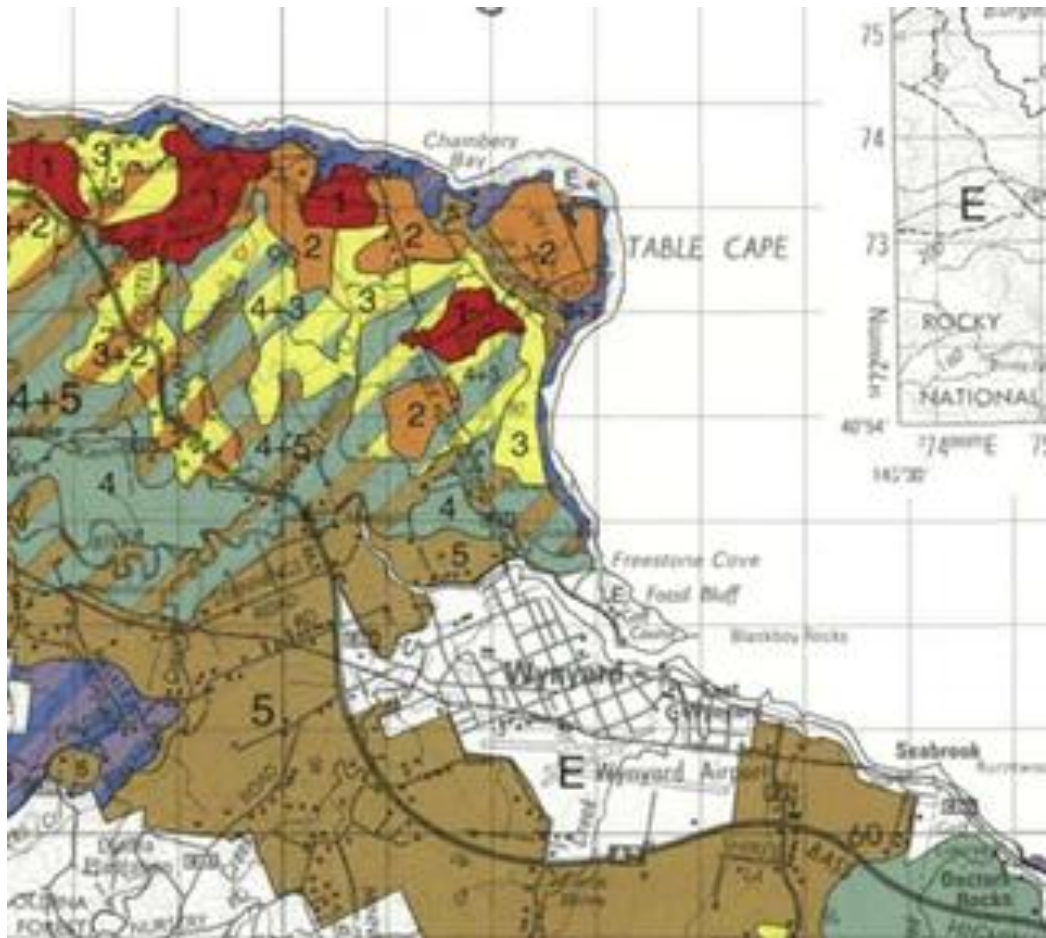
The site under the River Road ODP is identified as future Rural Living zone. Currently the site and all adjoining properties are zoned Rural under the Tasmanian Planning Scheme.

Under the River Road ODP the site is on the western edge of the 'Growth Front'. The adjoining properties to the north and west of the site are partially included in the Growth Front and identified as future RLZ sites.

The adjoining properties to the east of the site are also both included in the 'Growth Front' and are identified as future RLDZ sites.

The site does not comprise agricultural land within the context of the Agriculture zone and is not contiguous to agricultural land. All adjoining properties are currently zoned as rural land.

This site is identified as Class 5 under the Land Capability Survey.



Source: [NREtas – Land Capability Survey](#)

The River Road ODP states at Priority 3 the plan will *“build resilience by providing additional protection to the ecological values surrounding Wynyard and locating development on land of relatively low agricultural value”*

The Planning Authority on 30 April 2026 requested the applicant to:

“In accordance with the LPS Criteria s34(2)(d) please provide evidence from a suitably qualified person, that the proposed conversion of rural land, being agricultural land to residential use is consistent with the State Policy on the Protection of Agricultural Land 2009”.

Lisa Abblitt Ag was engaged to undertake an Agricultural Assessment (refer **Annexure 9**). Lisa Abblitt is an Agricultural Consultant who holds a Master of Business Administration, Advanced Diploma of Agriculture, Diploma of Horticulture and a Diploma of Agribusiness Management.

In specifically addressing the request of the Planning Authority, Lisa Abblitt determined:

“According to the definition included in the State Policy on the Protection of Agricultural Land 2009, “Agricultural land” means all land that is in

agricultural use or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

In this case, the subject property is not under agricultural use, and through this report's analysis of the resource attributes, it is demonstrated that there is a very low potential for agricultural use. Furthermore, the site has alternative zoning, namely the Rural Zone, and has been developed for another use (residential). The site is also unduly restricted for agricultural use by size, capital value, and surrounding residential settlements. The land capability analysis also shows that the resource attributes do not meet the definition of 'prime agricultural land'.

The purpose of the State Policy on the Protection of Agricultural Land 2009 is 'to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land'. As this site does not meet the definition of 'agricultural land' and does not contain 'prime agricultural land' this development is considered compatible with the policy as it utilises land that is not subject to the policy protections".

In summary Lisa Abblitt Ag determined:

"The purpose of the State Policy on the Protection of Agricultural Land 2009 is to conserve and protect valuable agricultural land. These protections are vitally important as agricultural land is a finite resource and critical to maintaining food security.

This proposal is considered consistent with this policy as demonstrated by the process followed by this report. Firstly, the proposal is outlined; the applicants wish to re-zone and subdivide the approximately 2ha property. This is followed by analysis of the property attributes in relation to their value for agricultural use. It is shown that this property has a very low value for agricultural use which is supported by the class 5 land capability assessment. This assessment also verifies that there is no prime agricultural land on or in the vicinity of this site.

Finally, the response to the additional information request outlines how the property does not hold the resources that allow it to meet the definition of 'agricultural land' as outlined by the policy. As the definition is not met, this proposal is considered fully consistent with the policy as land will be utilised that is not subject to the policy protections".

4.3.3 WATER QUALITY MANAGEMENT

The *State Policy on Water Quality Management 1997* ('SPWQM Policy') applies to all surface waters, including coastal waters and ground waters. It seeks to manage and where possible, enhance the quality of surface and ground water systems through catchment management, monitoring, and development control.

The SPWQM Policy comprises a series of often technical objectives for the management of surface and ground water systems. The objectives of the SPWQM are integrated into the current Resource Management and Planning System of Tasmania.

In this regard, the Natural Assets Code of the Tasmanian Planning Scheme ('TPS') which applies to watercourses contains development controls that seek to minimise impacts on water quality including native riparian vegetation, watercourse condition, and the natural ecological function of watercourses.

The area of the site that is subject to the proposed draft amendment is not subject to the Natural Assets Code or any other TPS code that relates to management of water quality.

The SPWQM Policy therefore does not apply to the proposed draft amendment.

4.3.4 NATIONAL ENVIRONMENT PROTECTION MEASURES

National Environmental Protection Measures (NEPMs) are developed under the *National Environment Protection Council (Tasmania) Act 1995* and outline the objectives and protections for specific environmental matters. Section 12A of the *State Policies and Projects Act 1993* provides NEPMs with an equivalent status as State policies.

There are seven active NEPMs which deal with the following environmental matters:

1. Ambient air quality;
2. Air toxins;
3. Assessment of site contamination;
4. Diesel vehicle emissions;
5. Movement of controlled waste between states and territories;
6. National pollutant inventory; and
7. Used packaging material.

None of the above NEPMs are considered relevant to the proposed draft amendment.

4.4 CRADLE COAST REGIONAL LAND USE STRATEGY

The Cradle Coast Regional Land Use Strategy 2010-2030 (‘CCRLUS’) was established under section 5A of the LUPA Act. The CCRLUS was amended and came into effect on 28 February 2024.

The CCRLUS is the regional plan for the Cradle Coast region of Tasmania which sets out the strategy and policy framework to facilitate and manage change, growth and development within the region through until 2030. The CCRLUS contains three (3) distinct parts which are:

- Part A: About the Cradle Coast Regional Land Use Planning Framework
- Part B: Knowing Our Place
- Part C: The Cradle Coast Regional Land Use Strategy 2010-2030

All municipal planning schemes and policy making within the region are expected to advance and implement all active parts of the CCRLUS.

The CCRLUS discusses land for rural housing at Part B - 4.9.2.

4.9.2 Land for Rural Housing

There is a strong presence of rural lifestyle housing within the hinterland immediately adjoining most of the northern centres.

Historic patterns of land division throughout the northern part of the Region have resulted in a large number of relatively small land lots. Some are too small if managed alone for viable traditional agriculture but are attractive as residential sites. This ad hoc and dispersed pattern of rural lifestyle development can exclude and constrain land significant for rural resource development, including agriculture. Dispersal also makes it difficult to adequately service for utilities and road transport through traditional models.

Polices are required to provide a more structured approach to legitimise rural settlement development as a housing option and lifestyle choice in accordance with the Framework principles for settlement. This includes designed rural residential estates for very low density housing within a rural setting absent of any direct association with primary production and managing opportunity for housing outside designated rural residential areas.

The Framework must ensure adequate opportunity for choice and diversity in housing location, type and style appropriate to all needs and circumstances; and which are designed to complement the natural and build environment and which maximise opportunity for amenity, safety and efficiency.

The CCRLUS rural residential settlement areas at Part C – 4.3.2 is considered below:

Cradle Coast Regional Land Use Strategy 2010-2030	
4.3.2 Rural-Residential Settlement Areas	
Objective	Response
Rural-residential is a legitimate housing option and should be located without-	

	• <i>creation or increase in demand for inefficient infrastructure and service provision;</i>	The River Road ODP establishes there is sufficient capacity in infrastructure availability should the 2-lot subdivision be approved.
	• <i>compromise for future urban settlements;</i>	The River Road ODP establishes this area is not suited for future urban settlement and therefore should be developed accordingly with a mix of LDRZ and RLZ land.
	• <i>unreasonable risk to people or property;</i>	There will be no unreasonable risk to people or property.
	• <i>unreasonable impact on resource development, natural and cultural values.</i>	There will be no unreasonable impact.
Ref	Objective	Response
<i>Land use planning processes for rural-residential settlement areas -</i>		
a.	<i>are to formally designate land for rural residential land use based on established rural residential land use patterns;</i>	The River Road ODP establishes there already is established rural residential land use patterns at River Road.
b.	<i>where providing opportunity for rural-residential growth, are to prioritise the intensification of established rural-residential areas over their expansion or the creation of new rural-residential areas;</i>	The River Road ODP establishes there is already established rural residential land use patterns at River Road.
c.	<i>in addition to the requirements of a. and b. above, may consider opportunities for intensification and/or expansion of existing rural-residential settlements to provide for growth where –</i> i. <i>a contemporary demand and supply analysis indicates that additional land should be made available to accommodate growth;</i> ii. <i>the growth is identified in a current local land use</i>	The River Road ODP identifies there is a contemporary demand for additional land to be made available to accommodate growth. The Liveable Waratah-Wynyard Settlement Strategy and the more

	<i>strategy or settlement structure plan endorsed by the Council;</i>	detailed <i>River Road Outline Development Plan</i> have both been adopted by the Waratah-Wynyard Council.
iii.	<i>the land is in proximity and accessible to existing settlements with an activity centre, that provides service for the convenience requirements of residents;</i>	The site is in close proximity and easily accessible to the Wynyard CBD, providing convenient access to services.
iv.	<i>consideration is given to the accessibility to social services;</i>	The site is in close proximity and easily accessible to the Wynyard township, providing convenient access to all social services.
v.	<i>there is existing infrastructure capacity to support growth or that capacity can be reasonably provided;</i>	The River Road ODP confirms that both TasWater and Tas Networks have capacity in their systems for the purposes of this 2-lot subdivision.
vi.	<i>consideration is given to achieving land use efficiencies, such as through consolidating gaps in established rural-residential land use patterns;</i>	An additional lot on this site will provide an additional rural residential land use, thereby consolidating an existing gap in what is already a well-established rural living environment.
vii.	<i>the land is suitable for on-site waste water systems;</i>	The land is suitable for onsite wastewater system as confirmed by the GeoTon Pty Ltd report (Annexure 8). The existing residential use on the site has a had a conventional septic tank system for over 30 years without any issues or concerns.
viii.	<i>consideration is given to the impact on natural values and cultural values, or the potential land use limitations as a result of those values;</i>	The River Road ODP notes that “ <i>facilitating the retention and enhancement of the high landscape values the area currently enjoys and retaining the landscape contribution the area makes when viewed from the existing nearby residential areas</i> ”.
ix.	<i>the impact on agricultural land and potential for conflict is minimised;</i>	There will be no adverse impact on agricultural land.

		The site is included within an area which is predominately rural residential in nature already.
x.	<i>the impact on water resources required for agricultural and environmental purposes is minimised;</i>	There will be no impact on water resources required for agricultural or environmental purposes.
xi.	<i>natural hazards can be managed;</i>	There are no natural hazards to be managed.
xii.	<i>additional rural residential land use contributes to the housing mix available in a locality, in support of settlements;</i>	The proposed 2-lot subdivision will provide an opportunity for 1 additional dwelling to be constructed, thereby contributing to the housing mix available in the locality.
xiii.	<i>potential future requirement for the land for urban purposes is not compromised; and</i>	The River Road ODP suggests this locality is best suited to a mix of RLZ and LDRZ, therefore “ <i>retaining and enhancing local character by providing protection to the landscape values that frame Wynyard</i> ”.
		It is not expected that the River Road locality has any future potential requirement for urban purposes.
xiv.	<i>consideration is given to the ability to achieve positive environmental outcomes through rezoning.</i>	The River Road ODP states that RLZ and LDRZ in this area will “ <i>build resilience by providing additional protection to the ecological values surrounding Wynyard and locating development on land of relatively low agricultural value</i> ”

4.5 WARATAH-WYNYARD COUNCIL STRATEGIC DOCUMENTS

4.5.1 WARATAH-WYNYARD CORPORATE STRATEGIC PLAN 2017/2027

The Waratah-Wynyard Council Corporate Strategic Plan 2017/2027 includes the following references:

GOAL 1: Leadership and Governance
Desired Outcomes
1.1 We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.1.1 Commit to best practice in community engagement.

GOAL 3: Connected Communities
Desired Outcomes
Our Priorities
3.1.1 Deliver planning for activation through effective urban design and planning that promotes liveability, social gathering and connectedness, and which recognises and celebrates local history.
GOAL 5: Economic Prosperity
Desired Outcomes
5.4 Pathways to improve liveability now and in the future are provided.
Our Priorities
5.4.2 Ensure evidence-based allocation of infrastructure and land use to enable sustainable growth.

GOAL 6: Transport and Access
Desired Outcomes
6.2 Our transport and access network is sustainable, affordable and fit for purpose.
Our Priorities
6.1.2 Prioritise and address service gaps with a road hierarchy.

4.5.2 SUSTAINABLE MURCHISON COMMUNITY PLAN 2040

The following references are from the Sustainable Murchison Community Plan 2040:

Community Future Direction Theme	Key Challenges & Opportunities:
Natural resource management	Managing abundant, natural and productive resources – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

4.5.3 LIVEABLE WARATAH-WYNYARD SETTLEMENT STRATEGY 2021

The following are extracts from the Liveable Waratah-Wynyard Settlement Strategy:

Council Strategy or Plan References	Date adopted:
Liveable Waratah-Wynyard Settlement Strategy	May 2021

Other than an area adjacent to Wynyard at River Road no other expansion of land zoned Rural Living is proposed. Despite the apparent strong demand for this land use, this type of development runs counter to the consolidation aspirations of the CCRLUS and Sustainable Murchison and there is considerable latent capacity in the existing RLZ land. The rationale for the potential rezoning of the River Road land is explored below.

Room for expansion?	This analysis of potential candidate sites for expansion outlined in appendix 5 reveals the River Road Area can be serviced, is walkable to many key destinations, has relatively large lots, is not prone to inundation or landslip and whilst containing a range of slopes is not overly steep. The land enjoys an attractive landscape setting and provides the setting for the town when viewed down a number of streets. No other potential candidate sites around Wynyard offers such a wide range of qualities. Thus this area provides the most appropriate site for expansion if demand requires it.
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4.5.4 RIVER ROAD OUTLINE DEVELOPMENT PLAN 2025

The following references are from the River Road Outline Development Plan 2025:

Recommendation 2 of the WWC Settlement Strategy adds an ODP is required to ensure the potential of this land to provide high amenity, walkable, accessible, sustainable development can be realised. The ODP will achieve this by:

- Facilitating the protection and enhancement of amenity of existing dwellings
- Facilitating the retention and enhancement of the high landscape values the area currently enjoys and retaining the landscape contribution the area makes when viewed from the existing nearby residential areas.
- Facilitating a pro-walking and cycling environment that makes best use of the area's close proximity to many important destinations.
- Ensuring that street, block and lot patterns promote connectivity and safety, whilst responding the natural topography and environmental requirements of the land;
- Establishing and maintaining high quality living environments to improve amenity, safety, liveability, and saleability of residential areas whilst minimising land use conflicts;
- Ensuring the development of each lot facilitates the development of other lots within the development front
- Promoting environmentally sustainable and passive design principles to minimise use of water, energy and materials and maximise adaptability and accessibility.

This recommendation supports the following priorities of the Liveable Waratah Wynyard Settlement Strategy:

Priority 1 Guiding growth to most appropriate locations by giving weight to matters that will influence the potential liveability of this development area.

Priority 3: Building resilience by providing additional protection to the ecological values surrounding Wynyard and locating development on land of relatively low agricultural value

Priority 4: retaining and enhancing local character by providing protection to the landscape values that frame Wynyard.

Priority 6: making it easier to become and stay healthy by creating a pro-walking and cycling environment.

Priority 7: Supporting efficient and vibrant centres by locating dwellings where walking and cycling are more likely to be viable options, reducing pressure on parking places in town centres.

Furthermore this ODP has been prepared to ensure potential difficulties and land use conflicts can be minimised or avoided, noting the development will abut farmland and interface issues will need careful management. Likewise, the development adjoins the Inglis River which has exceptional amenity, landscape and natural values. The ODP has also been prepared to ensure:

- the land can be developed in a co-ordinated manner, achieving the optimum yield
- the areas amenity value and landscape character are more likely to be interpreted as evolving rather than being destroyed with development
- the development can support a higher standard of quality of life for its residents, being walkable, safe, attractive and conducive to the development of social capital
- values are increased and the resulting development is made more competitive as more efficient lot layouts can be achieved and a high standard of amenity can be offered

5. TASMANIAN PLANNING POLICIES

The Planning Authority on 30 April 2026 requested:

4. Tasmanian Planning Policies (TPP)

In accordance with the LPS Criteria s34(2)(da) please demonstrate how the proposed rezoning meets the draft TPPs.

The TPPs are the first set of common policies applying to Tasmania's planning system that will shape the regional land use strategies and the Tasmanian Planning Scheme into the future. The TPPs were made by the Minister in 2025 and established with a buffer period, with them coming into effect on 1 July 2026, to allow current assessments to adapt to the making of these policies.

In accordance with the LPS Criteria s34(2)(da) please take into consideration how the proposed rezoning meets the draft TPPs, as they will likely be in effect prior to this application being finalised through the Commission process.

The Tasmanian Planning Policies (TPPs) have been considered and the following assessment is provided under each of the policies in accordance with s34(2)(da) of LUPAA:

1. SETTLEMENT

1.1 Growth

1.1.1 Application

Applies to existing settlements and land that has been proposed, allocated or identified for future settlement growth, with the exception of rural residential settlements unless that rural residential settlement, or part of it, has been identified for infill growth at urban densities and included within an urban or settlement growth boundary.

Response

Based on the above the Growth TPP does not apply to this application as it relates to rural residential settlement.

It is noted however that the River Road Outline Development Plan (ODP) adopted by the Waratah-Wynyard Council has identified this area as a residential growth area with a mix of Rural Living (RLZ) and Low Density Residential (LDRZ).

The proposed rezoning accords with the strategic intent of the ODP.

1.2 Liveability

1.2.1 Application

Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth, with the exception of rural residential settlements.

Response

Based on the above the Liveability TPP does not apply to this application as it relates to rural residential settlement.

However, being in close proximity to the Wynyard township (in fact closer than a large portion of the residential area is to the CBD) there is a strong liveability aspect to this land.

Easy walking access to the Wynyard CBD via a mix of natural bush pathways or sealed footpaths is available.

1.3 Social Infrastructure

1.3.1 Application

Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth, with the exception of rural residential settlements, other than for the provision of social infrastructure that supports the safety of those communities such as rural fire services.

Response

Based on the above the Social Infrastructure TPP does not apply to this application as it relates to rural residential settlement except in relation to the provision of infrastructure that supports the safety of those communities such as rural fire services.

Being in close proximity to the Wynyard township (in fact closer than a large portion of the residential area is to the CBD) there is very easy access to the social infrastructure of Wynyard. The area is covered by the Wynyard Fire Brigade, has easy access to a 24 hour manned ambulance services, is close to local doctors surgeries, Table Cape Primary School, childcare services, a State library branch, as well other social infrastructure. The broader region of Burnie is within close proximity with established transport linkages easily accessible from the site.

1.4 Settlement Types

1.4.1 Application

Applies to all existing settlements and all land that is proposed, allocated or identified for future settlement growth including rural residential development.

Response

In particular part 5 is relevant to this application:

Avoid allocating additional land for the purpose of rural residential use and development, unless:		
a	<i>the amount of land to be allocated is minimal and does not constitute a significant increase in the immediate vicinity, or the existing pattern of development reflects rural residential type settlement;</i>	The Council has adopted the River Road Outline Development Plan (ODP) which has identified this part of Wynyard as a residential growth area with a mix of Rural Living (RLZ) and Low Density Residential (LDRZ). This application relates to a 2ha site with the proposal to subdivide it into two 1ha lots. There is an existing dwelling on proposed Lot 1 and if approved there will one additional dwelling built on proposed Lot 2 - therefore the amount of land to be allocated is minimal and does not constitute a significant increase in the immediate vicinity.

		What is proposed will match the existing pattern of development of properties adjoining the site.
<i>b</i>	<i>the land is not within an urban or settlement growth boundary;</i>	The land is not within an urban or settlement growth boundary.
<i>c</i>	<i>the location of the land represents an incremental, strategic and natural progression of an existing rural residential settlement;</i>	In line with the River Road Outline Development Plan adopted by the Waratah-Wynyard Council in December 2025, the location of the land represents an incremental progression of what is an already existing rural residential settlement.
<i>d</i>	<i>the land is not strategically identified for future development at urban densities, or has the potential for future development at urban densities;</i>	The land is not strategically identified for future development at urban densities or has the potential for future development at urban densities.
<i>e</i>	<i>growth opportunities maximise the efficiency of existing services and physical infrastructure;</i>	The land is serviced by a TasWater reticulated water supply. The area is also serviced by Council's waste collection services. The site is located on the edge of the Wynyard residential area separated only by the Inglis River.
<i>f</i>	<i>agricultural land, especially land within the more productive classes of agricultural capabilities, cultural heritage values, landscape values, environmental values and land subject to environmental hazards are, where possible, avoided;</i>	The land is identified as Class 5 under the Tasmanian Government's Land Capability Survey. An Agricultural Report prepared by Lisa Abblitt Ag concludes that the property does not hold the resources that allow it to meet the definition of 'agricultural land' nor does it contain 'prime agricultural land'. The site is unduly restricted for agricultural use by its size, capital value, and surrounding residential settlements. The site does not include any cultural heritage values, or landscape and/or environmental values.

		There are no environmental hazards connected to the site.
g	<i>the potential for land use conflict with surrounding incompatible uses, such as extractive industries and agricultural production is avoided or managed;</i>	There is minimal potential for land use conflict with surrounding incompatible uses. In fact the current Rural zoning provides opportunity for development which would be incompatible with neighbouring properties which under the River Road ODP have been assessed as better zoned as Low Density Residential. The Agricultural Report prepared noted “ <i>the site is unduly restricted for agricultural use by size, capital value, and surrounding residential settlements</i> ”.
h	<i>it contributes to providing for a mix of housing choices that attracts or retains a diverse population.</i>	The rezoning will provide an opportunity for one additional dwelling to be constructed in a rural living residential setting.

1.5 Housing

1.5.1 Application

Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth.

Response

The River Road Outline Development Plan (ODP) adopted by the Waratah-Wynyard Council has identified this area as a residential growth area with a mix of Rural Living (RLZ) and Low Density Residential (LDRZ).

1.6 Design

1.6.1 Application

Applies to existing and proposed urban spaces.

Response

The Design TPP is not considered applicable to this application.

1.7 Development Contributions

1.7.1 Application

Applies to existing settlements and new areas of settlement growth.

1.7.2 Objective

To support the equitable sharing of costs between developers and the wider community associated with the provision of new, or upgraded, infrastructure to service growth.

1.7.3 Strategy

Where development contributions are applied to new use and development, they are fair, reasonable and transparent to support the effective provision of public infrastructure such as, stormwater, roads, footpaths, public amenities, reticulated services and public open space.

Response

The land is already serviced by public infrastructure including a Council maintained local road, TasWater and TasNetworks. The proposed Lot 2 will easily connect to these services at the applicants cost.

The proposed subdivision will be assessed in accordance with the *Local Government (Building and Miscellaneous Provisions) Act 1993* in relation to public open space.

2. ENVIRONMENTAL VALUES

The TPPs support the identification and protection of environmental values. They acknowledge that by protecting these values it can support those sectors that rely on healthy ecosystems and intact landscapes to produce goods and services that stimulate our economy and support the general wellbeing of the community.

Each of the Environmental Values matters outlined in the TPP have been considered and addressed below.

2.1 Biodiversity

2.1.1 Objective

To contribute to the protection and conservation of Tasmania's biodiversity.

Response

There is a priority vegetation area identified on the land. This native vegetation community identified on the site will primarily remain wholly contained within proposed Lot 1 where there is already an established dwelling.

There will be no disturbance created by the proposed rezoning and/or subdivision. Proposed Lot 2 has no trees on it and is fully cleared land.

2.2 Waterways, wetlands and estuaries

2.2.1 Objective

To protect and improve the quality of Tasmania's waterways, wetlands and estuaries.

Response

Not applicable to this application as there are no waterways, wetlands or estuaries impacted by this application.

2.3 Geodiversity

2.3.1 Objective

To protect and conserve land containing high conservation value geodiversity and to promote natural geological, geomorphological and soil processes that support broader, and more balanced, ecological functions.

Response

Not applicable to this application as there are no high conservation value geodiversity, natural geological, geomorphological or soil processes that support broader, and more balanced, ecological functions on the land.

2.4 Landscape values

2.4.1 Objective

To protect and enhance significant landscapes that contribute to the scenic value, character and identity of a place

Response

Not applicable to this application as there are no landscape values related to this application requiring protection.

2.5 Coasts

2.5.1 Objective

Applies to the Coastal Zone as defined in the State Coastal Policy 1996, which is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.

Response

Although the site is within one kilometre of the high-water mark due to its proximity to the Inglis River there will be no impacts created which will affect the coasts.

3. ENVIRONMENTAL HAZARDS

3.1 Bushfire

3.1.2 Objective

To prioritise the protection of human life and to support the resilience of settlements and communities by reducing the potential impacts of bushfire on life, property and infrastructure.

Response

A Bushfire Hazard Management Report was prepared and has been submitted with this application (refer **Annexure 7**).

The Bushfire Hazard Management Report concluded that:

“This assessment provides lot 1 with an insufficient increase in risk to warrant the provision of any bushfire protection measures, while lot 2 has been assessed as being able to achieve both a BAL 12.5 and BAL 19, which is an acceptable level of risk”.

“The proposal is assessed as a single stage development with conditions imposed for lot 2 relative to hazard management areas, access and water supply, which is only required on the issuance of an occupancy permit for a habitable building”.

“Subject to the implementation of recommendations made within this report, the proposal will comply with all relevant acceptable solutions within C13.0 – Bushfire Prone Areas Code of the Tasmanian Planning Scheme – Waratah-Wynyard”.

3.2 Landslip

3.2.2 Objective

To reduce the risk of harm to human life, property and infrastructure from the adverse impacts of landslip hazards.

Response

Not applicable to this application as there are no landslip hazards identified.

3.3 Flooding

3.3.2 Objective

To minimise the impact of flood hazards that have the potential to cause harm to human life, property and infrastructure and to reduce the cost to the community as a result of flood events.

Response

Not applicable to this application as there are no flooding risks. The area is predominately flat land and has no history of flooding.

3.4 Coastal hazards

3.4.2 Objective

To minimise the risks associated with coastal erosion and coastal inundation caused by climate change induced sea level rise by incorporating avoidance, mitigation and adaptation strategies into land use planning to reduce the harm to human life, property and infrastructure.

Response

Not applicable to this application as the site is not (and will not be) impacted by coastal erosion or coast inundation caused by climate change.

3.5 Contaminated air and land

3.5.2 Objective

To consider the impacts of past, present and future land use and development that has involved, or is proposed to involve, potentially contaminating activities, and to minimise the risk of harm to human health, property and the environment arising from exposure, or potential exposure, to contaminants or nuisances caused by those activities.

Response

Not applicable to this application as the site has not been, nor will it ever be in the future, involved with potentially contaminating activities.

4. SUSTAINABLE ECONOMIC DEVELOPMENT

4.1 Agriculture

4.1.2 Objective

To promote a diverse and highly productive agricultural sector by protecting agricultural land and the resources on which agriculture depends, while supporting the long-term viability and growth of the agricultural sector.

Response

An Agricultural Report prepared by Lisa Abblitt Ag is provided with this application (**Annexure 9**).

The report identified “the site is unduly restricted for agricultural use by size, capital value, and surrounding residential settlements”.

4.2 Timber production

4.2.2 Objective

To contribute to the protection of Tasmania's timber resources.

Response

Not applicable to this application.

4.3 Extractive industry

4.3.2 Objective

To identify and protect existing and potential extractive industry resources, and supporting infrastructure, to facilitate economic growth and support efficient infrastructure and urban development.

Response

Not applicable to this application.

4.4 Tourism

4.4.2 Objective

To promote the sustainable development of the State's tourism industry.

Response

Not applicable to this application.

4.5 Renewable energy

4.5.2 Objective

To promote renewable energy use and development to support economic and employment opportunities and strengthen the State's economy, while also supporting emissions reduction.

Response

Not applicable to this application.

4.6 Industry

4.6.2 Objective

To protect industrial land, facilitate sustainable industrial use and development and ensure there is sufficient availability of suitable industrial land to meet the existing and future needs of Tasmania.

Response

Not applicable to this application.

4.7 Business and commercial

4.7.2 Objective

To promote business and commercial activities at a scale and intensity suited to the location to support diverse economic and employment opportunities and strengthen the State's economy.

Response

Not applicable to this application.

4.8 Innovation and research

4.8.2 Objective

To promote innovation and research, and the institutions and infrastructure that drives learning and prepares a skilled workforce, that will support existing and emerging opportunities and contribute to a diverse and resilient economy.

Response

Not applicable to this application.

5. PHYSICAL INFRASTRUCTURE

5.1 Provision of services

5.1.2 Objective

To promote the efficient, effective, sustainable and safe delivery of services including reticulated water and sewerage, stormwater management, electricity, gas, telecommunications and recycling and waste management.

Response

5.1.3 Strategies		
1	<i>Identify, allocate and protect a sufficient amount of appropriately located land to accommodate servicing infrastructure that will provide for the existing and future service needs of the community.</i>	The rezoning will provide for a 2 Lot subdivision. As a rural living proposal with both lots proposed being 1ha there is no requirement to accommodate servicing infrastructure that will provide for the future service needs of the community.
2	<i>Identify whether existing infrastructure has the capacity to deliver services to accommodate growth and prioritise designating land use for the purpose of making efficient use of that available capacity.</i>	The rezoning will provide for a 2 Lot subdivision. The River Road ODP identified that both TasWater and TasNetworks have sufficient capacity within their individual networks to meet the servicing needs of the whole area, therefore demonstrating that the existing infrastructure has the capacity to provide for the 1 additional Lot proposed under this application.

3	<i>Where there is no infrastructure, no available infrastructure capacity or no non-infrastructure solution, promote the most logical and effective solution to deliver services to growth areas of existing settlements while minimising environmental impacts.</i>	Not applicable to this application as it has been established there is existing infrastructure with capacity to meet the requirements of this application.
4	<i>Support the installation and/or upgrading of infrastructure to deliver services that meet the future long-term needs of the community and the environment, including under climate change conditions.</i>	It has been established there is existing infrastructure with capacity to meet the requirements of this application.
5	<i>Provide an integrated approach to the planning and engineering design of new subdivision and subsequent use and development, promoting the coordinated and efficient provision of physical infrastructure.</i>	The proposed subdivision will integrate with the existing local road network. There is existing infrastructure with capacity to meet the requirements of this application.
6	<i>Provide for reticulated sewerage at the time of subdivision or require lots, created by the subdivision, to be capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.</i>	Proposed Lot 1 has a septic tank wastewater system that has been in situ for nearly 40 years and has never experienced any issue. Proposed Lot 2 has been assessed as suitable for an onsite wastewater treatment system – refer GeoTon Pty Ltd Report (Annexure 8).
7	<i>Provide for reticulated electricity supply at the time of subdivision or require lots created by the subdivision are capable of accommodating an alternative source of power adequate for the future use and development of the land.</i>	TasNetworks reticulated electricity supply is already provided to Lot 1. Lot 2 will also be provided with a TasNetworks reticulated service connection.
8	<i>Encourage the connection of new lots, or provide for potential future connection to, telecommunication services at</i>	Lot 1 has a wireless NBN connection.

	<i>the time of subdivision, where the land is in a serviceable area and there is a reasonable expectation that the future use of the lot will require telecommunications services.</i>	Proposed Lot 2 will similarly be able to be connected to a wireless NBN connection. The tower providing these services at Table Cape is clearly in line of sight to the site.
9	<i>Encourage the protection of significant existing and future water, gas, electricity, sewerage, stormwater and telecommunications infrastructure assets and waste disposal and resource recovery facilities, sites and infrastructure corridors from sensitive and incompatible use and development encroaching those assets, facilities, sites or corridors.</i>	Not applicable to this application.
10	<i>Encourage the siting, design, management and rehabilitation of waste disposal facilities to prevent or minimise contamination of groundwater and surface waters; and minimise litter, odour, dust and noise.</i>	The site is provided with a Council waste collection services which includes: • Rubbish (fortnightly collection) • Recycling (fortnightly collection) • FOGO (fortnightly collection)
11	<i>Facilitate access to a variety of recycling stations to encourage community participation in recycling and waste reduction.</i>	The site is provided with a recycling collection service fortnightly.
12	<i>Support the provision of contemporary telecommunications and information technology that are widely accessible and meet the needs of business, industry, public infrastructure and domestic users.</i>	NBN Wireless technology accessible to the site.
13	<i>Where appropriate, promote service corridors that support the co-location of physical infrastructure, including roads, to service use and development.</i>	The road crossover for proposed Lots 1 & 2 already exists.

5.2 Energy infrastructure

5.2.2 Objective

To protect electricity infrastructure, including infrastructure to support energy efficiency and renewable energy, and provide for a safe, secure and reliable energy system to meet the needs of the community, businesses and industry.

Response

5.2.3 Strategies		
1	<i>Promote the protection of existing energy infrastructure corridors and ancillary facilities from conflicting and incompatible land use and development.</i>	Not applicable
2	<i>Plan for and facilitate energy-related use and development (including ancillary facilities) in appropriate locations.</i>	Not applicable
3	<i>Support infrastructure required for distributed energy resources including rooftop solar, battery storage and at home electric vehicle chargers.</i>	Proposed Lot 1 has solar panels and battery technology installed. It is expected when Lot 2 is developed for a single dwelling it will also include solar and battery technologies.
4	<i>Contribute to improved energy efficiency through urban design and urban settlement pattern, and support for the use of alternative transport modes.</i>	Rural living therefore urban design and urban settlement pattern does not apply. The site is however within an easy 10 minute walk to local bus stops.

5.3 Roads

5.3.2 Objective

To plan, manage and maintain an integrated road network that supports efficiency, connectivity, travel reliability and safety.

Response

The site has reliable and efficient access to the Council's local road network.

5.4 Passenger transport modes

5.4.2 Objective

To support a safe, reliable, efficient and accessible passenger transport system that provides people with modal choice and is well integrated with land use.

Response

The site is in walking distance to a Metro bus stop in Saunders Street, Wynyard (an easy 10 minute walk) linking the area to Burnie and beyond.

5.5 Ports and strategic transport networks

5.5.2 Objective

To recognise and protect Tasmania's strategic freight system, including key freight networks, rail, airports, ports, intermodal hubs and industrial estates.

Response

Not applicable to this application.

6. CULTURAL HERITAGE

6.1 Aboriginal cultural heritage

6.1.2 Objective

Support the protection and Aboriginal custodianship of Aboriginal Cultural Heritage values including places, objects and practices.

Response

There is no Aboriginal cultural heritage values attached to this site.

6.2 Historic cultural heritage

6.2.2 Objective

To support the strategic consideration of places listed on State, National and world heritage registers and identification and conservation of significant local historic cultural heritage buildings, part of buildings, infrastructure (for example bridges), places/features, precincts and landscapes and promote sympathetic design solutions and responses that preserve or complement those cultural heritage values and facilitate appropriate adaptive reuse.

Response

There is no significant local historic cultural heritage asset on this site.

7 PLANNING PROCESSES

5.6 Public Engagement

5.6.2 Objective

To improve and promote public engagement processes to provide for the community's needs, expectations and values to be identified and considered in land use planning.

Response

The Council have developed the following strategic documents:

1. Sustainable Murchison Community Plan
2. Liveable Waratah-Wynyard Settlement Strategy
3. River Road Outline Development Plan

All of these plans have included public engagement and consultation

There will also be a statutory public engagement process during the assessment of this application.

5.7 Strategic Planning

5.7.2 Objective

To encourage the strategic consideration of land use planning issues by promoting integrated and coordinated responses that balance competing social, economic, environmental and inter-generational interests to provide for the long-term sustainable use and development of land.

Response

The Council have developed the following strategic documents:

1. Sustainable Murchison Community Plan
2. Liveable Waratah-Wynyard Settlement Strategy
3. River Road Outline Development Plan

In particular the River Road Outline Development Plan is relevant to this application. The Council in adopting the Outline Development Plan have identified this site as strategically aligned to the purposes of the Rural Living zone.

PART 2

PART 2 – SUBDIVISION PERMIT APPLICATION ASSESSMENT

6. PERMIT APPLICATION ASSESSMENT

The following section provides an assessment of the proposed use and development that is able to occur should the rezoning amendment be approved.

6.1 USE AND DEVELOPMENT

The proposed permit application involves the subdivision of the site into two (2) lots. Proposed Lot 1 will have an area of 1.080ha and will comprise the existing dwelling, garden and adjacent bush area. The proposed balance lot will have an area of approximately 1.091ha and will comprise an area of fully cleared land.

6.2 APPLICATION STATUS

Pursuant to clause 6.2.6 of the Scheme and notwithstanding clause 6.2.1 of the Scheme, development which is for subdivision of land does not need to be categorised into one of the Use Classes listed in Table 6.2 of the Scheme.

The proposed subdivision does not involve use and it is not required to be categorised into a Use Class.

6.3 GENERAL PROVISIONS

7.10 Development Not Required to be Categorised into a Use Class	
7.10.2	<i>An application must only be approved under sub-clause 7.10.1 if there is no unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area.</i>
Response: The application involves the subdivision of land located within an area included in the River Road Outline Development Plan. The River Road ODP identifies the site as future Rural Living Zone. All adjoining properties of the site are also included in the River Road ODP and identified as either future RLZ or LDRZ. The proposed subdivision involves the subdivision of land to create 2-lots. Whilst the proposed subdivision is not required to be categorised into a Use Class pursuant to clause 6.2.6 of the Scheme, the additional lot proposed to be created is intended to be developed for residential use in the form of a single dwelling. The future use of the proposed Lot 2 will therefore be compatible with adjoining uses and the amenity of the surrounding area which is predominately characterised by rural residential use and development.	
7.10.3	<i>In exercising its discretion under sub-clauses 7.10.1 and 7.10.2 of this planning scheme, the planning authority must have regard to:</i>
Subclause	Response
(a) the purpose of the applicable zone;	The proposed subdivision is consistent with the zoning intent of the River Road Outline Development Plan.

	One additional lot will be created that will be capable of accommodating residential use and development where infrastructure services are already readily available. The proposed one additional lot will create further opportunity for a single dwelling within a rural residential area. The site is located within close proximity to social, transport and other community and public services and infrastructure including bus routes, open space and sports facilities.
<i>the purpose of any applicable codes;</i>	The site is not subject to any Scheme Codes.
<i>any relevant local area objectives;</i>	The site is not subject to any local area objectives.
<i>the purpose of any applicable specific area plans.</i>	The site is not subject to a specific area plan.

6.4 RURAL LIVING ZONE

The following assessment is provided against the Tasmanian Planning Scheme Rural Living Zone.

6.4.1 USE STANDARDS

The application does not involve use. Therefore the use standards of the Rural Living zone are not applicable standards pursuant to clause 5.6.2(c) of the Scheme.

6.5 DEVELOPMENT STANDARDS FOR SUBDIVISION

11.5 Development Standards for Subdivision			
11.5.1 Lot design			
Objective	That each lot: (a) has an area and dimensions appropriate for use and development in the zone (b) is provided with appropriate access to a road; and (c) contains areas which are suitable for residential development.		
Standard		Assessment	Compliance
A1	Each lot, or a lot proposed in a plan of subdivision must: (a) have an area not less than specified in Table 11.1; and i. be able to contain a minimum area of 15m x 20 m clear of:	The proposed subdivision will create 2 lots: Lot 1 – 1.080ha Lot 2 – 1.091ha	Complies

	<i>a. all setbacks required by clause 11.4.2 A2 and A3; and</i>	The proposed lots sizes comply with the minimum lot size in Table 11.1 for Rural Living Zone A	Complies
	<i>b. easements or other title restrictions that limit or restrict development; and</i>	There are no easements or other title restriction that limit or restrict development.	Complies
	<i>ii. existing buildings are consistent with the setback requirements required 11.4.2 A2 and A3;</i>	The existing dwelling on Lot 1 is consistent with the setback requirements.	Complies
	<i>(b) be required for public use by the Crown , a council or a State authority;</i>	The proposed subdivision is not required for public use by the Crown, Council or a State authority.	Not applicable
	<i>(c) be required for the provision of Utilities; or</i>	The proposed subdivision is not required for the provision of Utilities	Not applicable
	<i>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone</i>	The proposed subdivision is not required for the consolidation of a lot with another lot.	Not applicable
A2	<i>Each lot, or a lot proposed in a plan of subdivision excluding for public open space, a riparian or littoral reserve or Utilities, must have frontage of not less than 40m.</i>	The proposed subdivision will not have a frontage of not less than 40m.	Performance Criteria is required
P2	<i>Each lot, or a lot proposed in a plan of subdivision must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</i>		

	<i>(a) the width of frontage proposed, if any</i>	The proposed subdivision will provide a frontage of 6.22m providing for the legal connection to River Road.	Complies
	<i>(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</i>	An existing right-of-way in favour of 64 River Road (title ref 41357/1) will be maintained on Lot 2 ensuring their principal means of access is retained.	Complies
	<i>(c) the topography of the site;</i>	The topography of the site is acceptable for an access.	Complies
	<i>(d) the functionality and useability of the frontage;</i>	The functionality and useability of the frontage will be maintained.	Complies
	<i>(e) the ability to manoeuvre vehicles on the site; and</i>	The ability to manoeuvre vehicles on the site will be maintained.	Complies
	<i>(f) the pattern of development on established properties in the area,</i>	Access will be in keeping with the pattern of development on established properties in the area.	Complies
	<i>and is not less than 3.6m wide.</i>	Access will be 6.22m	Complies
A3	<i>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</i>	An existing double width vehicle access onto the Council maintained River Road, is available.	Complies

The Waratah-Wynyard Council advised on 3 February 2026, following an enquiry regarding the River Road ODP that:

"The adopted Outline Development Plan (ODP) seeks to retain the quiet, narrow and wooded lane character of River Road, with no additional direct vehicle access to River Road.

It is acknowledged that 66 River Road, Wynyard identified in certificate of title 40412/1 has an existing double width vehicle access onto Council maintained River Road, with an existing burdening right of carriage way that benefits certificate of title 41357/1, 64 River Road.

The proposed no additional direct vehicle access to River Road does not preclude any existing vehicle access being utilised into the future with an additional right of carriage way to River Road to serve any infill development. Any such additional right of carriage way would be assessed on a merit based assessment, on its width, length and number and type of vehicles to utilise the access etc."

The Owners of 64 River Road (to which the burdening right of carriage way is provided) have been advised of this application and have provided advice that they have no concerns with the proposed subdivision.

11.5.3 Services

Objective		That the subdivision of land provides services for the future use and development of the land.	
Standard		Assessment	Compliance
A1	<i>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must</i> <i>(a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service, or</i>	The existing dwelling on the site is connected to TasWater reticulated water service through a 20mm connection. Proposed Lot 2 will also be connected TasWater reticulated water service. TasWater in responding to the River Road ODP stated: <i>"TasWater Advice TWSI 2025/00114-WWC, RE: Proposed rezoning- River</i>	Complies

	<i>(b) be connected to a limited water supply service if the frontage of the lots is within 30m of a limited water supply service,</i> <i>unless a regulated entity advise that the lot is unable to be connected to the relevant water supply service.</i>	<i>Road Wynyard, received 25th February 2025 advised this rezoning will not really impact on TasWater and we would not object to it."</i> Not applicable	
A2	<i>Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must:</i> <i>(a) be connected to a reticulated sewerage system; or</i> <i>(b) be connected to a reticulated sewerage system if the frontage of each lot is within 30m of a reticulated sewerage system and can be connected by gravity feed.</i>	There is no reticulated sewerage system. There is no reticulated sewerage system within 30m of the site.	Performance Criteria is required
P2	<i>Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve of Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.</i>	An on-site wastewater disposal report has been prepared by GeoTon Pty Ltd (refer Annexure 8). This report concludes the proposed new lot is suitable for the disposal of domestic effluent by way of the following methods:	Complies

		• Septic Tank and Absorption trenches (primary treated effluent). • Secondary Treated System (STS) and sub-surface irrigation (secondary treated effluent)	
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7. CODE SUMMARY

<i>Scheme Code Applicability Overview</i>			
<i>Clause</i>	<i>Code Application</i>	<i>Assessment</i>	<i>Applicability</i>
<i>C1.0 Signs Code</i>			
<i>C1.2.1</i>	<i>Unless otherwise stated in a particular purpose zone, this code applies to all development for signs, unless the following clauses apply: (a) C1.4.2; or (b) C1.4.3.</i>	The application does not involve signage.	Not applicable
<i>C2.0 Parking and Sustainable Transport Code</i>			
<i>C2.2.1</i>	<i>Unless stated otherwise in a particular purpose zone, or sub-clause C2.2.2, C2.2.3 or C2.2.4, this code applies to all use and development.</i>	The code applies to all use and development. On the other hand, the application involves subdivision of land only which the development of which does not attract any requirements to provide on-site car parking under the terms of Table C2.1 of the Scheme. Furthermore, the application does not propose any new or altered vehicle access or parking infrastructure. Accordingly, the standards within the code are not applicable pursuant to clause 5.6.2(c) of the Scheme.	Not applicable

C3.0 Road and Railway Asset Code			
C3.2.1	<i>This code applies to a use or development that:</i>		
	<i>(a) will increase the amount of vehicular traffic or the number of movements of vehicles longer than 5.5m using an existing vehicle crossing or private level crossing;</i>	The proposed subdivision will not increase the amount of vehicular traffic or the number of movements of vehicles longer than 5.5m using an existing vehicle crossing or private level crossing.	Not applicable
	<i>(b) will require a new vehicle crossing, junction or level crossing; or</i>	The proposed subdivision does not require a new vehicle crossing, junction or level crossing.	Not applicable
	<i>(c) involves a subdivision or habitable building within a road or railway attenuation area if for a sensitive use.</i>	The application does not involve a subdivision within a road or railway attenuation area.	Not applicable
C4.0 Electricity Transmission Infrastructure Protection Code			
C4.2.1	<i>This code applies to use or development of land within the following areas:</i>		
	<i>(a) electricity transmission corridor, and if for:</i> <i>i. buildings or works;</i> <i>ii. a sensitive use contained within a building;</i> <i>iii. use listed in Table 4.1; or</i> <i>iv. subdivision; and</i>	The site is not subject to an electricity transmission corridor.	Not applicable
	<i>(b) communications station buffer area, and if for:</i> <i>i. buildings or works;</i> <i>ii. subdivision; and</i>	The site is not subject to a communications station buffer area.	Not applicable

	(c) <i>substation facility buffer area, and if for:</i> <i>i. a sensitive use contained within a building;</i> <i>ii. a use listed in Table 4.1; or</i> <i>iii. buildings or works within 5m of a substation facility; or</i> <i>iv. subdivision.</i>	The site is not subject to a substation facility buffer area.	Not applicable
C5.0 Telecommunication Code			
C5.2.1	<i>Unless otherwise stated in a particular purpose zone, this code applies to all development for telecommunication facilities.</i>	The application does not involve development for a telecommunications facility.	Not applicable
C6.0 Local Historic Heritage Code			
C6.2.1	<i>This code applies to:</i> <i>(a) development on land within any of the following, as defined in this code:</i> <i>i. a local heritage place;</i> <i>ii. a local heritage precinct;</i> <i>iii. a local historic landscape precinct;</i> <i>iv. for excavation only, a place or precinct of archaeological potential; and</i> <i>(b) the lopping, pruning, removal or destruction</i>	The site is not a local heritage place. The site is not located within a local heritage precinct. The site is not located within a local historic landscape precinct. The site is not a place or located within a precinct of archaeological potential. The site does not contain any significant trees.	Not applicable Not applicable Not applicable Not applicable Not applicable

	<i>of a significant tree as defined in this code.</i>	There is no lopping, pruning or removal of trees involved.	
C6.2.3	<i>This code does not apply to a registered place entered on the Tasmanian Heritage Register, unless for the lopping, pruning, removal or destruction of a significant tree as defined in this code.</i>	The site is not a registered place entered on the Tasmanian Heritage Register.	Not applicable
C7.0 Natural Assets Code			
C7.2.1	<i>This code applies to development on land within the following areas:</i> <i>(a) a waterway and coastal protection area;</i> <i>(b) a future coastal refugia area; and</i> <i>(c) a priority vegetation area only if within the following zones:</i> <i>(i) Rural Living Zone</i> <i>(ii) Rural Zone</i>	The proposed subdivision will not involve any development (including new lot boundaries) within the waterway and coastal protection area. The site is not subject to a future coastal refugia area. The site is subject to a priority vegetation area.	Not applicable Not applicable Applies
C7.7 Development Standards for Subdivision			
C7.7.2	<i>Subdivision within a priority vegetation area</i>		
Objective	<i>That:</i> <i>(a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and</i> <i>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.</i>		
A1 (e)	<i>Each lot, or a lot proposed in a plan of subdivision within a priority vegetation area must:</i> <i>(a) (b) (c) (d) or</i>		

	(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.	There will be no clearance necessary. The native vegetation community identified on the site will primarily remain wholly contained within proposed Lot 1 where there is already an established dwelling. As the following image identifies Lot 2 is cleared land with no native vegetation community located on it. Unsure when the Natural Assets mapping was completed, however there has been no change in the landscape in the 40 years the current owners have owned the property. The row of trees (Eucalyptus nitans) located on the northern boundary were planted 30+ years ago on the adjoining title (64 River Road).	Complies
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Source Listmap – Priority Vegetation Overlay

C8.0 Scenic Protection Code			
C8.2.1	<i>This code applies to development on land within a scenic protection area or scenic road corridor and only if within the following zones: (a) Rural Living Zone (b) Rural Zone (c) Agriculture Zone (d) Landscape Conservation Zone (e) Environmental Management Zone; or (f) Open Space Zone</i>	The site is not subject to a scenic protection area or a scenic road corridor.	Not applicable
C9.0 Attenuation Code			
C9.2.1	<i>This code applies to: (a) activities listed in Tables C9.1 and C9.2; (b) sensitive uses; and (c) subdivision if it creates a new lot where a sensitive use could be established within an attenuation area.</i>	The application does not involve an activity listed in Table C9.1 and C9.2. The application does not involve use. The proposed new lot will not create a sensitive use within an attenuation area.	Not applicable Not applicable Not applicable
C10.0 Coastal Erosion Hazard Code			
C10.2.1	<i>This code applies to: (a) use and development of land within a coastal hazard area; or (b) development identified in a report, that is lodged with the application, or required in response to a request under section 54 of the Act, as located on an actively mobile landform within the coastal zone.</i>	The site is not subject to a coastal erosion hazard area. The site is not subject to a coastal erosion hazard area.	Not applicable Not applicable

C11.0 Coastal Inundation Hazard Code			
C11.2.1	<i>This code applies to use and development of land within a coastal inundation hazard area.</i>	The site is not subject to a coastal inundation hazard area.	Not applicable
C12.0 Flood-Prone Area Hazard Code			
C12.2.1	<i>This code applies to development of land within a flood-prone hazard area.</i>	The site is not subject to a flood prone hazard area.	Not applicable
C13.0 Bushfire-Prone Areas Code			
C13.2.1	<i>This code applies to:</i> (a) <i>subdivision of land that is located within, or partially within, a bushfire-prone area; and</i> (b) <i>a use, on land that is located within, or partially within, a bushfire-prone area, that is a vulnerable use or hazardous use.</i>	The site is located within a bushfire prone area and the application involves subdivision of land. The application does not involve use.	Applicable Not applicable
C13.4.1	<i>The following use or development is exempt from this code:</i> (a) <i>any use or development that the TFS or an accredited person, having regard to the objective of all applicable standards in this code, certifies there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures.</i>	The application is accompanied by Bushfire Hazard Management Report (Annexure 7) prepared by an Accredited Person (Accreditation No. BFP-158). The Bushfire Hazard Management Report concludes: <i>“This assessment provides lot 1 with an insufficient increase in risk to warrant the provision of any bushfire protection measures, while lot 2 has been assessed as being able to achieve both a BAL 12.5 and BAL 19, which is an acceptable level of risk”.</i>	Exempt

		<i>“The proposal is assessed as a single stage development with conditions imposed for lot 2 relative to hazard management areas, access and water supply, which is only required on the issuance of an occupancy permit for a habitable building”.</i> <i>“Subject to the implementation of recommendations made within this report, the proposal will comply with all relevant acceptable solutions within C13.0 – Bushfire Prone Areas Code of the Tasmanian Planning Scheme – Waratah-Wynyard”.</i> The Bushfire Assessment Report contains a Certificate under s51(2)(d) of the <i>Land Use Planning and Approvals Act 1993</i>.	
C14.0 Potentially Contaminated Land Code			
C14.2.1	<i>This code applies to a sensitive use, a use listed in a Use Class in Table C14.1 as one of the specified uses, or development, on land that:</i> <i>(a) is shown on an overlay map in the relevant Local Provisions Schedule as within an area of potentially contaminated land;</i>	The site is not shown on an overlay map in LPS as within an area of potentially contaminated land.	Not applicable
C15.0 Landslip Hazard Code			
C15.2.1	<i>This code applies to:</i> <i>(a) use or development of land within a landslip hazard area;</i>	The site is not subject to a landslip hazard area.	Not applicable

C16.0 Safeguarding of Airports Code			
C16.2.1	<i>This code applies to:</i>	The application does not involve use.	Not applicable
	<i>(a) a sensitive use within an airport noise exposure area; and</i> <i>(b) development within an airport obstacle limitation area.</i>	The site is not within an airport obstacle limitations area.	Not applicable

CONCLUSION

The draft amendment seeks to rezone 66 River Road, Wynyard identified in Certificate of Title Volume 40412 Folio 1 from the existing Rural Zone to Rural Living Zone “A”.

The purpose of the rezoning amendment is to enable a two (2) lot subdivision which would not otherwise be permissible under the Tasmanian Planning Scheme.

The primary rationale of the draft amendment is to facilitate the realisation of an additional lot allowing the owners to construct a new single dwelling.

This application has addressed each applicable assessment criteria set out by the *Land Use Planning and Approvals Act 1993* that is relevant to the amendment of the Waratah Wynyard Local Provisions Schedule including:

- Cradle Coast Regional Land Use Strategy;
- State Policies;
- Waratah-Wynyard Corporate Strategic Plan 2017-2027;
- Liveable Waratah-Wynyard Settlement Strategy 2021;
- River Road Outline Development Plan 2025; and
- Tasmanian Planning Scheme incorporating the Waratah Wynyard Local Provisions Schedule.
- Tasmanian Planning Policies (TPPs)

The proposed draft amendment furthers the intent of the River Road Outline Development Plan; and if approved the subsequent two (2) lot subdivision is capable of satisfying the applicable standards of the Scheme.

Support for the preparation and initiation of the proposed draft amendment and proposed subdivision development is therefore respectfully requested from Council.

ANNEXURES LIST

Annexure 1

Rezoning Map – 66 River Road

Annexure 2

Subdivision Plan – 66 River Road – March 2026

Annexure 2A

Updated site plan (aerial view) PLA Design – May 2026

Annexure 3

River Road Outline Development Plan – December 2025

Annexure 4

Title 40412/1 – 66 River Road, Wynyard

Annexure 5

Title 41357/1 – 64 River Road, Wynyard

Annexure 6

Confirmation of Owner Notification - 64 River Road

Annexure 6A

Owners' Consent – Form No.1

Annexure 7

Bushfire Hazard Report

Annexure 8

On-site Wastewater Disposal Site Evaluation – GeoTon Pty Ltd – June 2026

Annexure 9

Agricultural Assessment – Lisa Abblitt Ag – May 2026