TASMANIAN PLANNING COMMISSION

DECISION

Planning scheme	Tasmanian Planning Scheme – Derwent Valley
Amendment	PSA 2026-02 – Rezone 259 Back River Road, New Norfolk, folio of the Register 162245/1, from Future Urban to General Residential
Planning authority	Derwent Valley Council
Applicant	New Norfolk Golf Club Inc.
Date of decision	11 November 2026

Decision

In accordance with section 40A(4)(b) of the Act, the Commission finds that the additional information requested by the planning authority is appropriate.



John Ramsay

Executive Commissioner

Background

On 21 October 2026, the Tasmanian Planning Commission (the Commission) was requested, under section 40A(1) of the *Land Use Planning and Approvals Act 1993* (the Act), to consider whether the planning authority ought to have imposed a requirement that additional information be provided to support a request for an amendment of the Derwent Valley Local Provisions Schedule (LPS).

The request for a draft amendment to the Tasmanian Planning Scheme – Derwent Valley was submitted under section 37 of the Act to the Derwent Valley Council (the planning authority).

The requested amendment proposes to rezone approximately 8.1ha of land from the Future Urban Zone to the General Residential Zone. No subdivision of the site is proposed at this stage.

The request for the draft amendment was made to the planning authority on 24 September 2026. The applicant, New Norfolk Golf Club Inc., noted that the planning authority, at its meeting on 23 July 2026, endorsed the final June 2026 New Norfolk Structure Plan (Structure Plan) under Decision 122/2026, Item 10.8. The applicant went further to note that, under "priority growth options", Action A.11.3 specifically identifies the land at 259 Back River Road as suitable for rezoning to General Residential.

Upon review, the Structure Plan notes a strategy for:

> Future Urban zoned land at 259 Back River Road rezoned to General Residential, including opportunities to consolidate the stormwater detention basin on the adjoining Butcherbird subdivision (approx. 120 lots).

The development sequencing proposed for the site is "medium" priority, which is a proposed 3–5-year term. The Structure Plan identifies that responsibility for future rezoning is attributed to both the Council and landowners.

Under section 40(1) of the Act, the planning authority requested additional information on 21 October 2026 to assist it in its consideration of the proposed amendment. The information requested broadly relates to:

- the proposed residential lot yield and a concept subdivision plan
- a Bushfire Hazard Management Plan or other supporting documentation prepared by a suitably qualified Bushfire Practitioner
- evidence of the adequacy of water, sewer, electricity, and stormwater services in the area to provide for future use and development of the land, and
- traffic impact and integration with the transport network, including public transport services.

It is noted, in correspondence from the applicant to the planning authority dated 24 September 2026, that a request was made that the planning authority consider any supporting documentation it had received in support of two neighbouring developments. The applicant went further to request that, should further information be required following a review of information already at hand, the planning authority advise the applicant on the material required and the rationale for these requests.

Following the planning authority's request for further information, the Commission received a request from Mr Mark Ashton on behalf of the applicant, seeking a review of the requested information under section 40A of the Act. The applicant seeks withdrawal of the request, or a direction for a replacement request confined to any additional information necessary for the proposed amendment, taking into account any existing information in the planning authority's possession.

Consideration of the request for further information

1. Section 40A(1) of the Act states:

> A person, within 14 days after being served a notice under section 40(1) containing a requirement that the person provide additional information, may request the Commission to consider whether the planning authority ought to have imposed the requirement.

2. As the request to review the additional information request has been received within 14 days of receiving the notice, it is considered that the Commission has jurisdiction to consider the request.

3. Section 40(1) states:

> A planning authority, within 28 days from the day on which it receives from a person a request under section 37(1) for an amendment of an LPS, may, by notice in writing served on the person, require the person to provide to the planning authority additional information before it considers the request.

4. Section 40(1) of the Act specifies that a planning authority may request additional information within 28 days of the receipt of an application for a planning scheme amendment made under section 37(1). While section 40A(1) enables a request for a review of the requirement for additional information, section 40A(4)(b) requires the Commission to determine whether the requirement for additional information was appropriate.

5. There is no concern about the time the additional information request was issued by the planning authority. The request made by the applicant relates to the extent of the requested information. Given the timeframes are not contested, the review focuses solely on the documentation leading to the further information requested.

6. The information provided to the Commission by the applicant on 21 October 2026, contended that the planning authority has existing information that has not been appropriately considered, and has asserted that information to be provided should be demonstrably necessary for assessment of the rezoning.

Detail of the request by the planning authority

7. The request for review relates to the following items requested by the planning authority:

Item 1

8. A residential lot yield and potential concept subdivision plan. The planning authority requests spatial information on the expected lot yield and whether the site is best suited to lots for single dwellings or larger lots capable of

accommodating multiple dwellings, considering the provision for roads, infrastructure, and open space.

9. The planning authority notes this has been requested to contribute to an overall residential supply and demand analysis to provide justification to rezone the land out of sequence with the Structure Plan. No master plan for the site exists.

Item 2

10. A Bushfire Hazard Management Plan or other supporting documentation prepared by a suitably qualified Bushfire Practitioner, demonstrating consistency with the Tasmanian Planning Policies (the TPPs) strategies 3.1.3 (3), (6), (7), and (8) relating to suitability of the land for residential purposes.

Item 3

11. Evidence that the site can be adequately serviced by water, sewer, electricity, and stormwater and evidence these services have capacity to provide for potential use and development in the proposed zone consistent with strategies 1.1.3 (2)(b) and (d) and 5.1.3 (1), (2), and (3) of the TPPs.

Item 4

12. An assessment of the likely traffic impacts and integration of the site with the transport network that also demonstrates consistency with the strategy 1.2.3(6) of the TPPs.

Commission Consideration

Response and consideration

Item 1

13. The Commission notes the applicant's concerns relating to the request for spatial information on the potential lot yield, and suggestion of a concept subdivision plan to demonstrate this information. The Commission also notes the applicant's estimate for approximately 100 new lots. The Commission finds it is appropriate to request information on the potential lot yield as it will assist with determining the suitability of the site for future residential use and development under the proposed General Residential Zone. The planning authority's suggestion of a concept subdivision plan is a typical method of demonstrating spatial information. It is noted the site is a relatively large site and will require integration with surrounding development.

14. The planning authority has advised that a concept subdivision plan would be sufficient to assist with the rezoning assessment and has noted that the plan does not necessarily need to be prepared by a surveyor; however, it should be to scale and contain accurate information.

15. The Commission is satisfied that the spatial information requested by the planning authority is appropriate and provides the planning authority with the opportunity to efficiently assess the suitability of the site for residential zoning, consider any site constraints, and would also provide useful supporting information should the amendment be prepared and certified. The potential site constraints include bushfire hazard and servicing of the site, including the

location of roads, stormwater detention (if required), and integration of future use and development with adjoining development and transport networks.

16. The Commission finds the request for additional spatial information is appropriate.

Item 2

17. The Commission considers the request for site-specific bushfire hazard management advice from a suitably qualified person to be appropriate. The information is required to assist the planning authority to determine the suitability of the site for future residential use, and development in a bushfire-prone area, should the rezoning be granted.

18. The Commission notes that the planning authority has indicated flexibility in the information that is required, which is not necessarily a full bushfire hazard management plan, but could be expert evidence sufficient to demonstrate that the LPS criteria are met.

Item 3

19. The Commission is satisfied that evidence is required to ensure the site can be adequately serviced by water, sewer, electricity, and stormwater. It is noted that the planning authority has advised that the information does not need to be to a detailed standard but should provide evidence that adequate services are available. The Commission notes that the spatial information required under item 1 would further assist in providing information to the relevant authorities, such as TasWater, for assessment.

20. The Commission finds the request is appropriate as servicing information is required to demonstrate the land is suitable for future residential use and development if the site is zoned General Residential.

Item 4

21. The Commission notes the request for information relating to future traffic impacts, including public transport and the location of the site in relation to the town centre. The Commission further notes that the planning authority has identified it has received no advice on the potential impact of increased traffic from residential growth on Back River Road or the intersection of Back River Road and the Lyell Highway.

22. The Commission is satisfied that it is appropriate for the planning authority to request further information for it to determine the cumulative impact of residential growth on Back River Road caused by future development of the site.

23. The Commission is satisfied the information in items 1-4 is required for the planning authority to determine consistency with the LPS criteria set out in section 34 of the Act.

Consideration of request for information prepared for other applications

24. The Commission notes several additional issues raised by the applicant that do not relate specifically to the further information request.

25. Section 40A(2) states:

> The Commission, after receiving a request under subsection (1) in relation to a planning authority, may, by notice to the planning authority, require the planning authority to provide to the Commission any material, relevant to the request, that was in the possession of the planning authority before the day on which the Commission issued the notice.

26. The applicant's request that the Commission obtain information that has been prepared for neighbouring developments within proximity to 259 Back River Road, New Norfolk is noted. Under section 40A(2) of the Act, the Commission is afforded the ability to request any material relevant to the requested amendment from the planning authority. The relevant materials, however, are those submitted in support of the requested amendment or otherwise specific to the subject site. The Commission cannot request information submitted in support of other applications made to the planning authority.

27. The Commission notes the planning authority's position, that materials provided by another landowner or applicant for the purposes of a planning application belong to the original author, and considered that these materials are not available to the Commission under section 40A(2) of the Act.

28. On another matter, the Commission notes the applicant's request for identification of the ownership of other parcels of land considered to have priority in the sequence of development identified in the Structure Plan. This request includes whether the Derwent Valley Council has any interest in such land through ownership or other financial interests. The Commission has no jurisdiction to request such information. Therefore, a request for this information would need to be made directly to the planning authority.

Decision

29. After reviewing the request for further information prepared by the planning authority, the Commission is satisfied the planning authority was provided with insufficient site-specific information to consider the requested amendment. The Commission also notes that the further information requested is necessary to establish whether the LPS criteria under section 34(2) are met.

30. The Commission considered each request and notes that the planning authority has provided sufficient detail in the request to ensure that the applicant can provide the necessary information.

31. The information is required for the planning authority to determine, under section 38 of the Act, whether the amendment should be prepared under section 40D and certified under section 40F of the Act.

32. It is noted that the land is zoned Future Urban, with the intent of being rezoned for urban residential use and development; however, the planning authority requires specific information to ensure that the rezoning is appropriately sequenced and meets the requirements of the Act. Provision of the requested information would allow the planning authority to determine if the proposed amendment should be prepared and certified.

Direction

33. In accordance with section 40A(4)(b) of the Act, the Commission finds that the additional information requested by the planning authority is appropriate.

34. The Commission directs that the planning authority and the applicant be notified of its determination within 7 days as required by section 40A(5) of the Act.