

6.4 APPLICATION FOR PLANNING SCHEME AMENDMENT PSA 1/2026 AND COMBINED 2 LOT SUBDIVISION APPLICATION SD 2224/2026 - 66 RIVER ROAD, WYNYARD

To: Council
Reporting Officer: Town Planner
Responsible Officer: Director Infrastructure and Development Services
Report Date: 7 July 2026
File Reference: 7668361
Supporting Documents:

1. Combined application documents
2. Draft Planning Permit
3. TasWater SPAN
4. TPC Extension of Time Granted
5. Zoning Map

RECOMMENDATION

That Council acting in its role as a Planning Authority -

1. In accordance with s40D(a) of the Land Use Planning and Approvals Act 1993, initiates a planning scheme amendment PSA 1/2026 to rezone land at 66 River Road, Wynyard (CT 40412/1) from Rural to Rural Living A;
2. In accordance with s40F(3) of the Land Use Planning and Approvals Act 1993, Council certifies planning scheme amendment PSA 1/2026 as meeting the requirements of s34 of the Land Use Planning Approvals Act 1993;
3. In accordance with s40F(4) of the Land Use Planning and Approvals Act 1993, Council forwards a copy of each of the sealed instruments of Certification and the draft amendments to the Tasmanian Planning Commission within seven (7) days;
4. That, in accordance with Sections 40W(1) and 40X of the Land Use Planning and Approvals Act 1993, Council agrees to the request made under Section 40T(1) to amend the Waratah-Wynyard Local Provisions Schedule and consider the application for a planning permit concurrently;
5. That, in accordance with Section 40(Y) of the Land Use Planning and Approvals Act 1993, Council approves planning permit SD 2224/2026, subject to the conditions provided in the draft permit shown in the attachments to this report;
6. That, in accordance with Section 40Y(6) of the Land Use Planning and Approvals Act 1993, Council forwards a copy of the relevant permit material relating to the permit application to the Tasmanian Planning Commission within seven (7) days;
7. That, in accordance with Section 40FA(1) of the Land Use Planning and Approvals Act 1993, Council forwards a copy of the draft amendment to any relevant agencies or State authorities the Planning Authority considers may have an interest in the draft amendment; and
8. That in accordance with Section 40G and Section 40Z of the Land Use Planning and Approvals Act 1993, Council publicly exhibits the draft amendment PSA 1/2026 and draft planning permit SD 2224/2026 for a period of 28 days.

PURPOSE

The purpose of this report is to provide an assessment of a combined application for:

- Planning scheme amendment No. PSA 1/2026, which is seeking to:
 - Rezone land at 66 River Road (CT 40412/1), Wynyard from Rural under the *Tasmanian Planning Scheme – Waratah-Wynyard* to Rural Living A; and
- A concurrent subdivision for 2 lots, SD 2224/2026.

BACKGROUND

On 28 March 2026 Waratah-Wynyard Council received an application from Paul and Teresa West (landowners) for a concurrent planning scheme amendment and subdivision to rezone land from Rural to Rural Living A under Section 37, 38 and 40T of the *Land Use Planning and Approvals Act 1993* (LUPAA).

The site currently has an established residential use through the existing single dwelling and associated outbuildings. The site has some mapped priority vegetation, a small band of waterway coastal protection area and is identified to be within a bushfire-prone area. The site has a burdening right of carriageway 6m wide benefiting 64 River Road, Wynyard (CT 41357/1). The site is relatively flat, with a gentle slope from River Road sloping in a south to north direction, approximately 2m over the entire length of the site. Land to all the adjoining properties is zoned Rural and River Road to the south is Environmental Management zone. The property is bordered to the north, west and east by properties developed with single dwellings and to the south by River Road and the Inglis River reserve.

DETAILS

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

The subject land is currently zoned Rural under the Waratah-Wynyard Council Local Provisions Schedule (LPS). The proposal is to rezone the entire site from Rural to Rural Living A and subdivide the site into 2 lots. The subdivision would include the existing single dwelling and associated outbuildings on lot 1 with an area of 1.08ha and lot 2 being vacant land with an area of 1.091ha. It is proposed that lot 1 retain its existing vehicle access (minimum of 3.6m wide) and lot 2, being an internal allotment, have an access strip with a frontage of 6.22m to River Road. It is proposed that the internal access strip for lot 2 will contain the 6.0m right of way benefiting 64 River Road.

Lot 1 has an existing building envelope and the proposed lot 2 is capable of containing a building envelope in keeping with the bushfire requirements. Lot 1 has a reticulated water supply and lot 2 is capable of a reticulated water supply. Lot 1 has an existing onsite wastewater disposal system and lot 2 is capable of managing an onsite wastewater disposal system.

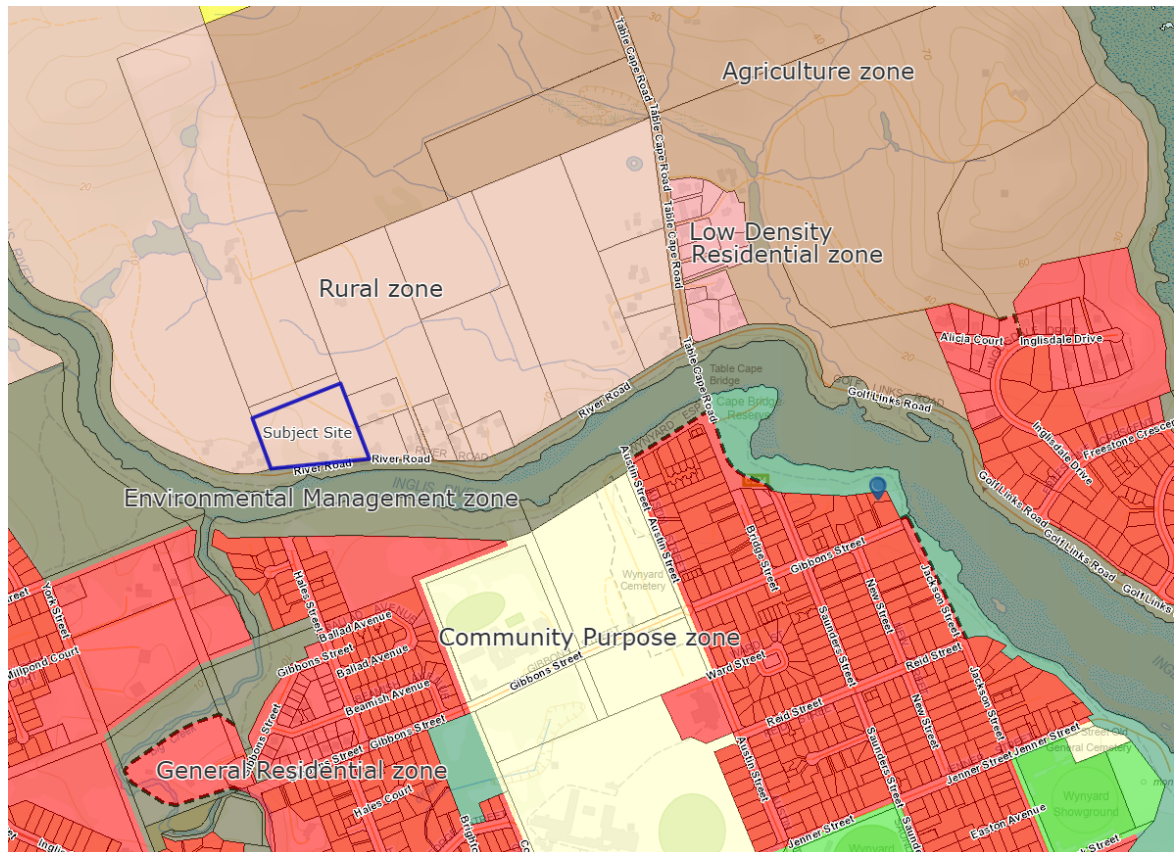


Figure 1: Current zoning of 66 River Road and surrounds

CONSULTATION PROCESS

Should the planning authority choose to progress with the combined planning scheme amendment and subdivision permit application, the next step will be a public exhibition for a minimum of 28 days. At the expiration of the public exhibition period, Council is to provide the TPC with its Statement of Opinion including any representations that may have been received. At the expiration of that public exhibition process, Council would provide the TPC with a report in relation to the draft amendment, representations and their merit, as well as additional recommendations.

Should the planning authority choose not to progress with the combined planning scheme amendment and subdivision permit application, the planning authority must notify the applicant within 7 days of the decision.

INTERNAL REFERRALS

Engineering Services Department

The application was referred to the Engineering Services Department. The following conditions were recommended:

1. Stormwater from the development is to be fully contained within the boundaries of the property.
2. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
3. A Final Survey Plan submitted for sealing by the Council is to show all easements required for powerlines, sewerage, water, drainage purposes and legal access.

Environmental Health

Nil.

PLANNING ASSESSMENT

Legislative Requirements

This proposal is also considered under Part 3B, Division 4 of LUPAA, as it is a combined planning scheme amendment and development (subdivision) application. Should the planning scheme amendment be assessed as meeting the LPS criteria, the planning authority is required to assess and determine the subdivision application as if the amendment were in force.

When considering a draft amendment, assessment must be undertaken under s.32 and s.34 of the Act. A detailed assessment of the proposal against these provisions is provided below.

Further to satisfying the LUPAA requirements, the draft amendment requires consistency with the Section 8A Guidelines (the Guidelines) for LPS zone and code application. The Guidelines for the relevant zones and codes are reproduced below, with further commentary.

PART A: Planning Assessment – Planning Scheme Amendment

Matters to be considered by Council are listed under section 32 of LUPAA.

The below table provides each subclause, followed by an assessment against that subclause.

Section 32 LUPAA – Contents of LPSs	
S32(1)	<i>An LPS is to consist of provisions that apply only to a single municipal area specified in the LPS.</i>
The proposal applies only to the Waratah Wynyard Municipal area.	
S32(2)	<i>An LPS-</i> <i>(a) must specify the municipal area to which its provisions apply; and</i> <i>(b) must contain a provision that the SPPs require to be included in an LPS; and</i> <i>(c) must contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land, if required to do so by the SPPs; and</i> <i>(d) may, subject to this Act, contain any provision in relation to the municipal area that may, under section 11 or 12, be included in the Tasmanian Planning Scheme; and</i> <i>(e) may contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to particular land; and</i> <i>(f) must not contain a provision that is inconsistent with a provision of section 11 or 12; and</i> <i>(g) may designate land as being reserved for public purposes; and</i> <i>(h) may, if permitted to do so by the SPPs, provide for the detail of the SPPs in respect of, or the application of the SPPs to, a particular place or matter; and</i>

	(i) may, if permitted to do so by the SPPs, override a provision of the SPPs; and (j) may, if permitted to do so by the SPPs, modify, in relation to a part of the municipal area, the application of a provision of the SPPs; and (k) may, subject to this Act, include any other provision that- (i) is not a provision of the SPPs or inconsistent with a provision of the SPPs; and (ii) is permitted by the SPPs to be included in an LPS; and (l) must not contain a provision that the SPPs specify must not be contained in an LPS.
The amendment has been prepared in keeping with the remainder of the LPS: (a) the proposal applies to the Waratah Wynyard municipal area. (b) The proposal is for a modification to the mapping. No additional provisions are proposed to be changed. (c) The proposal includes a modification to the mapping, as per the attachment to this report. (d) The proposal is for a modification to the land mapping /zoning, as provided for in section 11. (e) The proposal is for a modification to the zoning that apply to the particular land. (f) No new provisions are proposed. (g) There is no land required to be for public purposes. (h) The proposal is for a change of zoning. (i) No SPP provisions are proposed to be overridden. (j) The proposal is for a modification to the LPS. (k) No additional provisions are proposed. (l) No additional provisions are proposed.	
S32(3)	<i>Without limiting subsection (2) but subject to subsection (4), an LPS may, if permitted to do so by the SPPs, include –</i> (a) <i>A particular purpose zone, being a group of provisions consisting of –</i> (i) <i>A zone that is particular to an area of land; and</i> (ii) <i>The provisions that are to apply in relation to that zone; or</i> (b) <i>A specific area plan, being a plan consisting of –</i> (i) <i>A map or overlay that delineates a particular area of land; and</i> (ii) <i>The provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions of the SPPs; or</i> (c) <i>A site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.</i>
The amendment does not propose a PPZ, SAP or SSQ.	

S32(4)	<i>An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –</i> <i>(a) A use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or</i> <i>(b) The area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.</i>
The amendment does not propose a PPZ, SAP or SSQ.	
S32(5)	<i>An LPS must be in accordance with the structure, if any, that is indicated, or specified, in the SPPs to be the structure to which an LPS is to conform.</i>
No change to the structure is proposed.	
S32(6)	A provision of an LPS must be in the form, if any, that the SPPs indicate a provision of an LPS is to take.
No provisions are proposed.	
S32(7)	A provision of an LPS in relation to a municipal area is not to be taken to have failed to comply with this section, or to be inconsistent with a provision of the SPPs, by reason only that it is inconsistent with a provision of the SPPs that has not come into effect in relation to the municipal area.
No provisions are proposed.	
Section 34 LUPAA – LPS Criteria	
S34(1)	<i>In this section –</i> <i>Relevant planning instrument means a draft LPS, an LPS, a draft amendment of an LPS and an amendment of an LPS.</i>
S34(2) <i>The LPS criteria to be met by a relevant planning instrument are that the instrument:</i>	
S34(2)(a)	<i>contains all the provisions that the SPPs specify must be contained in an LPS; and</i>
The proposal is for a modification to the land use zoning. No other alterations are proposed.	
S34(2)(b)	<i>is in accordance with s32; and</i>
Accordance with s32 is reviewed above.	
S34(2)(c)	<i>further the objectives set out in Schedule 1; and</i>
Schedule 1 includes Parts 1 and 2. <i>Part 1 – Objectives of the Resource Management and Planning System of Tasmania.</i> <i>1 The objectives of the resource management and planning system of Tasmania are –</i> <i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i> The proposal is for conversion of land from one intended use to another. In this case, the potential loss of agricultural land as a result of that conversion and the potential impacts of development as a result of the likely new use of the land must be considered. The proposal has included an Agricultural Assessment that finds the site is not agricultural land as defined in the State Policy on Protection of Agricultural Land 2009. It is further noted that	

agricultural land is defined with the Tasmanian Planning Scheme, of which the definition is the same as within the State Policy on 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.

The land has been found to not meet the definition of agricultural land and therefore no conversion of the land will occur.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

The site is part of a larger area identified within the *Liveable Waratah Wynyard Strategy* (LWWS) as a site where future change to Rural Living is able to be explored. The LWWS states that *care will need to be taken to protect the very high natural values of the banks of the Inglis River and careful consideration of building and landscape design in this high profile location will assist in protecting and enhancing the areas contribution to Wynyard's landscape setting. The means of achieving this are outlined in recommendation 2 requiring an Outline Development Plan to guide the development of this area.* Further strategic work was undertaken by Council through the River Road Outline Development Plan which was adopted by Council on 15 December 2025.

The rezoning of the land accommodates the expansion of rural residential style use and development in the Wynyard area consistent with many of Councils key focus areas for economic prosperity, our community environment and civic leadership.

(c) the encourage public involvement in resource management and planning; and

If the application is supported by Council for initiation, the advertising process will occur as per LUPAA, providing the public with the opportunity to be involved. It is noted that public and community consultation was part of the River Road Outline Development Plan process. Further, community consultation was undertaken as part of the *Liveable Waratah Wynyard Strategy*, which included consideration of this site.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

Whilst any economic development as a result of a rezoning would be minor, there is not anticipated to be any negative impact on economic development as a result of the rezoning (e.g. through loss of agricultural land and its potential production).

(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.

If the amendment is initiated, further assessment is completed by the TPC. Council is responsible for the advertising of a draft amendment and subdivision, allowing public comment. Council would also carry out any further referrals to any relevant state government agencies, completing the involvement of various levels of government as required by LUPAA.

Part 2 – Objectives of the Planning Process Established by this Act

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-

(a) to require sound strategic planning and co-ordinated action by State and local government; and

The proposed amendment provides sound strategic planning through the Cradle Coast Regional Land Use Planning Strategy, the Liveable Waratah Wynyard Settlement Strategy and the River Road Outline Development Plan.

Full consideration of the two strategies is provided later in this report.

- (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; and*

The proposed amendment will allow for more effective and efficient site utilisation. The planning scheme amendment process is part of the operation of the planning instruments available. The proposal is assessed against all applicable provisions.

- (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; and*

The proposal addresses the potential effects on the environment by addressing the natural hazards identified and the sites' ability to manage both onsite wastewater disposal and stormwater disposal onsite.

- (d) the required 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; and*

The proposed amendment does not affect the ability to meet this objective.

- (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; and*

The section 40T process ensures there is a consolidated and co-ordinated process.

- (f) to promote the healthier and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and*

The proposal is not considered to conflict with this provision. The proposed amendment will result in one additional residential lot within an established area of Wynyard. The site is near an established area with access to shops and local schools.

- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*

The site has not been identified as having any areas of particular scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

- (h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community; and*

The proposed amendment will support the provision and coordination of public utilities and other facilities. The existing road network will be utilised; the site is capable of connection to reticulated water supply and electricity supply.

- (i) to provide a planning framework which fully considers land capability.*

The agricultural assessment provided with the application concludes that the land is not agricultural land.

S34(2)(d)	<i>Is consistent with each State Policy; and</i>
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State Policy on the Protection of Agricultural Land 2009 (PAL)

The purpose of the PAL policy 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. The policy applies to all agricultural land within Tasmania. The policy defines Agricultural land as:

“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”.

The Agricultural Assessment provided with the application concluded that *the subject property is not under agricultural use, and through the 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’ (refer Land Capability Assessment, page 6).*

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.

The proposal aligns with the PAL policy.

State Coastal Policy 1996 (revised 2003 and 2009)

The site is less than 1km off the high-water mark and as such the State Coastal Policy is relevant.

The amendment is considered to not conflict with or interfere with natural or cultural values of the coastal zone, having regard to the following:

- the subject site has not been identified as containing ecological values;
- there are no expected adverse impacts on air, adjacent land or water resources, this includes the Inglis River;
- the land is located within the bounds of an existing township, including the identified growth areas of that township;
- the site has been identified within the strategic plans for that township as suitable for consideration for Rural Living density residential development; and
- the site is able to be adequately serviced, and onsite management where required.

The proposal is therefore considered to be consistent with the State Coastal Policy.

State Policy for Water Quality Management 1997

The State Policy for Water Quality Management 1997 applies to all surface water, including coastal waters and ground waters.

The proposed amendment seeks to rezone land from Rural to Rural Living A and subdivide the land into one additional lot. The development plans include consideration of drainage and servicing of the site, including appropriate disposal of wastewater onsite.

The proposal is considered to be consistent with the State Policy for Water Quality Management.

National Environment and Protection Measures

Section 12A of the *State Policies and Projects Act 1993* states that a National Environment Protection Measure (NEPMs) is taken to be a State Policy. The proposed amendment and development does not relate to any issues covered under the NEPMs and the proposal is considered to comply.

Gas Pipelines Act

The subject site is not impacted by the Gas Pipeline. Complies.

S34(2)(da)	<i>Satisfies the relevant criteria in relation to the TPPs</i>
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Tasmanian Planning Policies

Applicable Tasmanian Planning Policies themes relevant to the draft amendment are as follows-

1.0 - Settlement	
1.1 - Growth	
Application	Applicable as the existing settlement of River Road is within the town boundary and identified for future settlement growth through the Liveable Waratah-Wynyard Settlement Strategy and subsequent River Road Outline Development Plan. Further River Road is currently included within the draft settlement growth boundary.
Objective	Achieves the Objective to plan for settlement growth to meet the existing and future needs of the community in a sustainable pattern of development.
Strategies	Achieves the Strategies by – - assisting in delivering at least a 15 year regional supply of land that is available. - planning for growth by consolidation of under utilised land within an existing settlement. - prioritise the development of land that maximises the use of available capacity within existing physical and social infrastructure networks and services.
1.2 - Liveability	
Application	Not applicable as proposes a rural residential settlement.
1.3 - Social infrastructure	
Application	Not applicable as proposes a rural residential settlement.
1.4 - Settlement types	
Application	Applicable as the existing settlement of River Road is within the town boundary and identified for future settlement growth through the Liveable Waratah-Wynyard Settlement Strategy and subsequent River Road Outline Development Plan. Further River Road is currently included within the draft settlement growth boundary.
Objective	Achieves the Objective to plan for the sustainable use and development of settlements.
Strategies	Achieves the Strategies by – - land within the draft settlement boundary to ensure that growth is directed to existing settlement areas and prevents linear development along the coast. - the amount of land being allocated to rural residential use and development is minimal and does not constitute a significant increase in the immediate vicinity. - the land is within an draft settlement boundary which is at odds to this Strategy, but this is due to the established rural residential density levels in River Road.

	- the land is not identified for future development at urban densities and does not have the potential to reach future development urban densities. - the growth opportunity maximises the efficiency of existing services and physical infrastructure. - due to the existing built form, the potential for land use conflict has been reduced.
1.5 - Housing	
Application	Applicable as the existing settlement of River Road is within the town boundary and identified for future settlement growth through the Liveable Waratah-Wynyard Settlement Strategy and subsequent River Road Outline Development Plan. Further River Road is currently included within the draft settlement growth boundary.
Objective	Achieves the Objective to provide for sufficient supply of diverse housing stock that is well located and well serviced to meet the existing and future needs of Tasmanians.
Strategies	Achieves the Strategies by – - provides timely supply of land for housing in a location that can be easily connected to existing services. - Supply land for housing to assist in meeting the projected housing demand.
1.6 - Design	
Application	Not applicable as not an existing or proposed urban space.
1.7 - Development contributions	
Application	Applicable to existing and new areas of settlement growth.
Objective	Achieves the Objective to support equitable sharing of costs between developers and the wider community.
Strategies	Does not achieve the Strategies as one additional lot is proposed into a rural residential setting with no new public infrastructure required.
2.0 - Environmental Values	
2.1 - Biodiversity	
Application	Applicable statewide.
Objective	Achieves the Objective to contribute to the protection and conservation of Tasmania's biodiversity.
Strategies	Achieves the Strategies by – - priority vegetation overlay is applicable to the site, with no vegetation removal proposed, promoting use and development to be located, design and sited to avoid impacts on biodiversity values. - Promotes use and development of land that prevents or minimises the spread of environmental weeds and disease.
2.2 - Waterways, wetlands and estuaries	
Application	Applicable statewide.

Objective	Achieves the Objective to protect and improves the quality of Tasmania's waterways, wetlands and estuaries.
Strategies	Achieves the Strategies by – - protecting the waterway and coastal protection area identified in the southernmost portion of the site. There is no development proposed in this protection area. - the development which is located on land in, or around a waterway will avoid clearing of native vegetation; avoids land disturbance; and will not avoid stormwater entering the water as it must be retained and managed on the development site.
2.3 - Geodiversity	
Application	Applicable statewide.
Objective	Not applicable as the site does not contain high conservation value geodiversity.
Strategies	Not applicable as the site does not contain high conservation value geodiversity.
2.4 – Landscape values	
Application	Applicable statewide.
Objective	Not applicable as the site does not contain any significant cultural, ecological, geological landscapes, scenic area or scenic corridors.
Strategies	Not applicable as the site does not contain any significant cultural, ecological, geological landscapes, scenic area or scenic corridors.
2.5 – Coasts	
Application	Applicable as the site is within 1km inland from the high-water mark.
Objective	Achieves the Objective to promote the protection, conservation and management of natural coastal values.
Strategies	Achieves the Strategies by – - the proposed site is physically buffered by River Road, the road reservation either side and substantial established vegetation belt on the southern side of River Road.
3.0 - Environmental Hazards	
3.1 – Bushfire	
Application	Applicable statewide.
Objective	Achieves the 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.
Strategies	Achieves the Strategies by – - the site is identified and mapped as land that is exposed to bushfire hazards. - a bushfire hazard report has been prepared in support of this potential future development of the site to ensure protection of

	human life from harm caused by bushfire.
3.2 – Landslip	
Application	Applicable statewide.
Objective	Not applicable as there is no landslip identified on the site.
Strategies	Not applicable as there is no landslip identified on the site.
3.3 – Flooding	
Application	Applicable statewide.
Objective	Not applicable as there is no flooding identified on the site.
Strategies	Not applicable as there is no flooding identified on the site.
3.4 – Coastal hazards	
Application	Applicable as the site is within 1km inland from the high-water mark.
Objective	Not applicable as there is no coastal erosion or inundation identified on the site.
Strategies	Not applicable as there is no coastal erosion or inundation identified on the site.
3.5 – Contaminated air and land	
Application	Applicable statewide.
Objective	Not applicable as there have not been any potentially contaminating activities on the site.
Strategies	Not applicable as there have not been any potentially contaminating activities on the site.
5.0 - Physical Infrastructure	
5.1 – Provision of services	
Application	Applicable statewide.
Objective	Achieves the Objective to promote the efficient, effective, sustainable and safe delivery of services.
Strategies	Achieves the Strategies by – - the site is proposed to be developed at a density that supports the servicing infrastructure in place. - there is capacity within existing infrastructure to deliver reticulated water to the site. - it promotes the coordinated and efficient use of existing physical infrastructure. - encourages the connection for the new lot to have telecommunication services. - The site is capable of providing for onsite wastewater disposal.
5.2 – Energy infrastructure	

Application	Applicable statewide.
Objective	Not applicable as it does not include electricity infrastructure.
Strategies	Not applicable as it does not include electricity infrastructure.
5.3 – Roads	
Application	Applicable statewide.
Objective	Not applicable as it does not include any new road.
Strategies	Not applicable as it does not include any new road.
5.4 – Passenger transport modes	
Application	Applicable statewide.
Objective	Achieves the Objective to support a safe, reliable efficient and accessible passenger transport system.
Strategies	Achieves the Strategies by – - the subdivision is within an area that encourages walking and cycling, with existing links to walking and cycling tracks in the area.
5.5 – Ports and strategic transport networks	
Application	Applicable statewide.
Objective	Not applicable as there is no impact on the freight system.
Strategies	Not applicable as there is no impact on the freight system.
7.0 – Planning Processes	
7.1 – Public Engagement	
Application	Applicable statewide.
Objective	Achieves the 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.
Strategies	Achieves the Strategies by – - the application process promotes public engagement through the statutory public exhibition process. - the application process promotes public engagement through any subsequent hearing to be held through the statutory process.
7.2 – Strategic Planning	
Application	Applicable statewide.
Objective	Achieves the 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.
Strategies	Achieves the Strategies by – - the planning scheme amendment process supports the application

	of the precautionary principle where the implications of planning decisions on the environment, now and into the future, is not fully known or understood. - The planning scheme amendment process supports the use of scientific-based evidence to make informed decisions about land use planning.
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S34(2)(e)	<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>
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The CCRLUS forms the regional land use strategy referred to in S34(2)(e). The CCRLUS is supported by the Sustainable Murchison Strategy, the LWWSS and the River Road Outline Development Plan. All documents are reviewed here for exploration of compliance with S34(2)(e).

The applicant includes a submission on pages 28 - 34 contained in Part 1 of the Planning Report prepared by the applicants.

Further to the submission provided by the applicant, assessment against the CCRLUS is provided below. The purpose of the CCRLUS is to provide a consistent policy foundation for the regulatory intentions and requirements contained in local planning scheme prepared for each municipal area. It should be noted that not all of the policies are relevant to the proposal.

Cradle Coast Regional Land Use Strategy

Wise Use of Resources

The land has little value in terms of resources for agricultural use as demonstrated in Agricultural Assessment. The site is not considered suitable for higher residential densities due to servicing and access limitations and potential use conflicts that higher density residential use of the site may trigger.

The applicant demonstrates that stormwater and sewerage can be managed onsite and the site sensitively developed.

Support for Economic Activity

The proposed change in land zoning and subdivision would contribute an additional 1 liveable lot to further support a liveable regional community. Economic activity would be limited to the minor impact that this additional lot would provide.

Places for People – Liveable and Sustainable Communities

The parcel of land is bordered by Rural zoned land to the north, east and west and the road and river reserve to the south. The applicant submits that the proposed development pattern is in keeping with the established area. The submission also makes the case that this site was identified in the Liveable Waratah Wynyard Settlement Strategy and that the proposed amendment will be the first step in realising the River Road Outline Development Plan.

Land Use Policies for Managing Growth and Development

The proposed rezoning and development is considered to be within the existing settlement boundary and providing connection through the existing network as well as appropriate connection to infrastructure in accordance with demand and local strategy. The proposal is in keeping with the “Contained” strategy, providing strategically planned expansion whilst retaining urban form and development that is contiguous with the established settlement area.

The Liveable Waratah Wynyard Strategy identified that there is adequate supply to meet the 10 years minimum required by the CCRLUS (p. 102).

Land Use Policies for Protecting People and Property

The proposed amendment and development demonstrates sufficient risk management for land exposed to bushfire in accordance with the TPS. The proposal includes demonstration that appropriate building area is available.

Land Use Policies for Housing Land – Places to Live

The municipality currently does not contain the intended up to 20 years of land supply in the proposed land zoning. The proposed rezoning and development would contribute, albeit in a minor way, to this goal, and would link in with the River Road Outline Development Plan site to provide a mix of densities whilst being consistent with the PAL Policy, managing hazards and infrastructure availability.

Planned Provision for Infrastructure – Support for Growth and Development

The proposed rezoning and development have the capacity to be serviced appropriately and utilise existing infrastructure without negative impact.

Sustainable Murchison Community Plan 2040

The Sustainable Murchison 2040 provides a framework for actions through initiatives associated with business and industry, tourism, strong communities and social capital, access and infrastructure, natural resource management, health and wellbeing, education, place making and liveability, governance and working together. The plan includes the north west of Tasmania and is providing the basis for the next review of the RLUS, as it did for the recent minor revision of the CCRLUS.

The applicant has not addressed the Sustainable Community Murchison Plan directly.

The proposal does not challenge Burnie as the regional centre, in keeping with Principle 1.

The proposal is likely to have limited economic impact, rendering it in keeping with Principle 2.

The subject site has suitable access to transport networks and the development of that site would not adversely impact those networks, in keeping with Principle 3.

The proposed rezoning and development reflects the natural features of the site, including the accessibility and adjoining land uses. The design is for infill development, allowing for conservation of resources. This is in keeping with Principle 4.

The site would allow for utilisation of existing community infrastructure, without overloading said infrastructure Principle 5.

The natural values of the site and adjoining land have been considered and will be protected through the subdivision as a result of the requirements of both the C7.0 Natural Assets Code and C13.0 Bushfire Protection Code. The bushfire provisions provide protection from this risk from climate change into the future. The proposal is considered to be in keeping with Principle 6.

Principle 7 is not relevant to the proposal outside of the integration and interaction between the various strategies.

Liveable Waratah Wynyard Settlement Strategy 2021

The LWWSS sits between the hierarchy of planning controls. The CCRLUS requires the LWWSS to “identify, protect and enhance the qualities that contribute to the liveability of the towns and villages of the municipality” (p.5, LWWSS).

In particular, the LWWSS is clear in the intention to:

- direct growth to infill lots; and
- provide for additional Rural Living land.

The applicant has not addressed the Liveable Waratah-Wynyard Settlement Strategy 2021 directly. Through the River Road Outline Development Plan, the proposed rezoning and one additional lot supports the following priorities of the LWWSS:

Guiding growth to most appropriate locations across the municipality

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

Building resilience

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

Retaining and enhancing local character

Retaining and enhancing local character by providing protection to the landscape values that frame Wynyard.

Making it easier to become and stay healthy

Making it easier to become and stay healthy by creating a pro-walking and cycling environment.

Supporting efficient and vibrant centres

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.

River Road Outline Development Plan

The River Road Outline Development Plan (ODP) has been developed and adopted to fulfill aspirations of the LWWCSS.

The ODP is to achieve:

- Retain and enhance the character of River Road.
- Minimise adverse impacts on those living in and around the subject site.
- Minimise offsite/downstream implications on the Inglis River.
- Mitigate potential detrimental impacts on adjoining agricultural land uses.
- Ensure the character of the new area develops as a distinctive and attractive area within which landscaping is prominent and provides a 'salutogenic' (health promoting) environment that is conducive for people to form social bonds that are the foundation for a sense of community to develop.
- Organise lots in an efficient manner in a way that responds to topography and drainage lines.

Council acknowledges that individual application approach is not desirable but given that the land subject to the Outline Development Plan for River Road comprises of 17 individual properties it is hard to avoid. Council foresees the uptake of the Outline Development Plan for River Road will be through a staged rollout.

S34(2)(f)

Has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates

The applicant has not addressed the Waratah Wynyard Council 10 Year Corporate Strategic Plan directly.

The proposed rezoning is considered consistent with the Waratah Wynyard Council 10 Years Corporate Strategic Plan and in particular priorities:

<i>3.1.1 Deliver planning for activation through effective urban design and planning that promotes liveability, social gathering and connectedness....</i> It has been demonstrated that the proposal meets all the legislative obligations and this site will promote a liveable desired lifestyle, with access to existing walking trails, infrastructure and within approximately 1km of the Wynyard CBD.	
S34(2)(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>
The applicant stated: <i>"The two nearest municipalities of Circular Head Council and Burnie City Council have Local Provision Schedules in effect. The proposed amendment will not impact any Local Provision Schedule's operation in adjoining municipal areas."</i> This statement is generally accepted. There is no clear interaction between the proposal and the development site with the adjoining LPSs.	
S34(2)(h)	<i>Has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.</i>
The applicant stated: <i>"There is no gas infrastructure in the vicinity of the development and considered [sic] not applicable."</i> This proposal is generally accepted, as the development is located more than 2.5km from the designated area.	

Section 8A Guidelines

In addition to the LPS criteria, the Commission have also issued a set of guidelines under section 8A of the Act to assist Council with the preparation of the LPS and amendments of the LPS. The Guidelines provide information on the application of the zones and codes under the LPS. The draft amendment has been considered in the context of applying the Rural Living A Zone to the subject site, with a response provided against these Guidelines.

11.0 Rural Living Zone	
Zone Purpose	
11.1.1	<i>To provide for residential use or development in a rural setting where: (a) services are limited; or (b) existing natural and landscape values are to be retained.</i>
11.1.2	<i>To provide for compatible agricultural use and development that does not adversely impact on residential amenity.</i>
11.1.3	<i>To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.</i>
11.1.4	<i>To provide for Visitor Accommodation that is compatible with residential character.</i>
Zone Application Guidelines	
RLZ 1	<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, unless RLZ 4 below applies.</i>
The site is established with existing residential use and development and has existing residential uses and lower order rural activities, (hobby farms) to the north and west and existing residential uses to the east on smaller allotments.	
RLZ 2	<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> <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>
Not applicable. The site was not within a RLZ under the Interim Planning Scheme.	
RLZ 3	<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>
The existing pattern of development aligns with the application of Rural Living A Zone.	
RLZ 4	<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 site is not suitable or targeted for future greenfield urban development. The site does not contain important landscape values that require protection. The site has been identified to be in the 'Potentially Constrained (Criteria 2A)' for Agriculture Zone'.	

Conclusion: The site is established with existing residential use and development and has existing residential uses and lower order rural activities, (hobby farms) to the north and west and existing residential uses to the east on smaller allotments. The existing pattern of development aligns with the application of Rural Living A Zone. The appropriate modification of this site to Rural Living A zoning would be reliant upon demand and strategic planning supporting the proposed change. These matters are assessed elsewhere in this report in detail.

Potential alternative zonings:

The site was also summarily considered for potential alternative zonings. This was limited to the 10.0 Low Density Residential zone, due to the proximity of land within this zoning to the subject site and the existing lot sizes adjoining to the east.

Conversion of land to the Low Density Residential is heavily reliant upon infrastructure capacity and limitations of the road network. As such, this zoning was dismissed from consideration to enable the full ODP to be realised.

PART B: Planning Assessment – Development Application

The land is to be zoned Rural Living A under the *Tasmanian Planning Scheme - Waratah-Wynyard* (TPS). The proposed development is for residential subdivision, reliant upon assessment under a number of performance criteria.

The proposal is submitted as a discretionary application under Section 57 of LUPAA and assessed under the TPS and relevant State Policies and Acts. Section 57(1)(b) of LUPAA allows Council to relax or waive the provisions of its Planning Scheme within the discretionary category.

An assessment of the proposal against the applicable clauses for the Rural Living A Zone is provided below.

11.0 Rural Living Zone

11.5 Development Standards for Subdivision

The following Performance Criteria are triggered for assessment:

- 11.5.1 – Lot design (P1 & P2)
- 11.5.3 – Services (P2)
- C7.7.1 – Subdivision within a waterway and coastal protection area or a future coastal refugia area (P1)

11.5.1 – Lot design	
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 20m clear of: a. all setbacks required by clause 11.4.2 A2 and A3; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clause 11.4.2 A2 and A3; b) be required for public use by the Crown, a council or a State authority; c) be required for the provision of Utilities; or	P1 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 sufficient useable area and dimensions suitable for its intended use, having regard to: a) the relevant requirements for development of existing buildings on the lots; b) the intended location of buildings on the lots; c) the topography of the site; d) any natural or landscape values; e) adequate provision of private open space; and f) the pattern of development existing on established properties in the area, and must be no more than 20% smaller than the

d) be for the consolidation of a lot with another lot provided each lot is within the same zone.	applicable lot size required by clause 11.5.1 A1.
P1 - Planning Comments: Complies The existing dwelling and shed on proposed lot 1 are not consistent with the setback required by clause 11.4.2 A2, with the dwelling setback approximately 9m from the frontage boundary to River Road and the shed being built within 1.7m of the frontage boundary and cannot meet the acceptable solution. Both lots on the plan of subdivision have sufficient useable area and dimension for the intended use, when taking into consideration the following: a) The proposed lot 1 has a lawfully established residential use through the existing single dwelling and associated outbuildings, established gardens and paddocks. b) The proposed lot 1 does not intend any further development at this stage. The proposed lot 2 would be vacant land. As evidenced on the bushfire hazard management plan, proposed lot 2 is capable of providing a building envelope. c) The topography of the site is relatively flat. d) The subject site has identified priority vegetation overlay mapped. There is no proposed removal of any priority vegetation as part of this application. e) The proposed lot 1 has a site area of 1.08ha with a substantial area of existing private open space through existing deck/patio areas and established gardens. The proposed lot 2 with a site area of 1.091ha has the ability to provide for suitable private open space. f) The pattern of development existing on established properties in the area is mixed with single dwellings and associated outbuildings developed on varying size allotments being- - 40 River Road – 5278m² - 42 River Road – 2189m² - 44 River Road – 1776m² - 46 River Road – 4662m² - 52 River Road – 6057m² - 54 River Road – 2693m² - 62 River Road – 5392m² - 64 River Road – 11.97ha - 66 River Road – 2.164ha g) Both proposed lots are greater than the required 1.0ha for the Rural Living A zone. The permit application achieves the performance criteria.	
A2 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 a frontage not less than 40m.	P2 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: a) the width of frontage proposed, if any; b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; c) the topography of the site; d) the functionality and useability of the frontage; e) the ability to manoeuvre vehicles on the site; and

	f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.
P2 - Planning Comments: Complies The proposed frontage to lot 2 is less than 40m and cannot meet the acceptable solution. Both lots on the plan of subdivision are provided with a frontage directly to River Road that is sufficient for the intended use, when taking into consideration the following: a) Lot 1 has a 175.24m frontage to River Road with an existing vehicle access width of 3.6m. Lot 2 has a 6.22m frontage to River Road. b) It is proposed for lot 1 to have sole means of access over the vehicular access. Proposed lot 2 would have one other lot subject to the right of carriageway as their sole or principal means of access being 64 River Road. c) The topography of the site is relatively flat. d) The subject site currently operates with this vehicular access arrangement in place and longstanding, with the functionality and useability of the frontage being appropriate for this level of development. e) The subject site currently operates with this vehicular access arrangement in place and longstanding with the ability to manoeuvre vehicles on the site being appropriate for this level of development. f) There are existing internal access strips operating over 42 and 44 River Road and 48 and 52 River Road. and both frontages exceed 3.6m in width. The permit application achieves the performance criteria.	
A3 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.	P3 Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to: a) the topography of the site; b) the length of the access; c) the distance between the lot or building area and the carriageway; d) the nature of the road and the traffic; e) the anticipated nature of vehicles likely to access the site; and f) the ability for emergency services to access the site.
A3 - Planning Comments: Complies Both proposed lots on the plan of subdivision are provided with a vehicular access from the boundary of the lot to River Road. Council's Technical Officer acting in the role of Road Authority has reviewed the proposed vehicular access for the boundary of each lot and are satisfied the existing arrangement can continue with one additional lot. The permit application achieves the acceptable solution.	
11.5.2 - Roads	
A1	P1

The subdivision includes no new roads.	The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, having regard to: a) any relevant road network plan adopted by the council; b) the existing and proposed road hierarchy; c) maximising connectivity with the surrounding road network; d) appropriate access to public transport; and e) access for pedestrians and cyclists.
A1 - Planning Comments: Complies There is no new road proposed as part of this subdivision application. The permit application achieves the acceptable solution.	
11.5.3 - Services	
A1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must: 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 b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service, unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service	P1 No Performance Criterion.
A1 - Planning Comments: Complies Proposed lot 1 is connected to a full water supply service. Proposed lot 2 can be connected to a full water supply service in accordance with the advice received from TasWater through the issuance of their Submission to a Planning Authority Notice. The permit application achieves the acceptable solution.	
A2 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: a) be connected to a reticulated sewerage system; or b) be connected to a reticulated sewerage system if the frontage of each lot is within	P2 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 be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.

30m of a reticulated sewerage system and can be connected by gravity feed.	
P2 - Planning Comments: Complies The subject site cannot be connected to a reticulated sewerage system and cannot meet the acceptable solution. Each lot on the proposed subdivision plan is capable of accommodating an onsite wastewater treatment system as set out below: Proposed lot 1 operates with an existing onsite wastewater disposal system and has done since the dwelling was developed. Proposed lot 2 is capable of accommodating an onsite wastewater treatment system as concluded (page 3) by GeoTon Pty Ltd, through their Preliminary Onsite Wastewater Disposal Site Evaluation Report dated 11 June 2026- <i>The results of the investigation indicate that the proposed new Lot 2 has sufficient available area suitable for the disposal of domestic effluent by way of primary wastewater treatment via a septic tank and absorption trenches or secondary treatment systems with irrigation lines, including sufficient reserve area.</i> The permit application achieves the performance criteria.	

C1.0 Sign Code

The Code is not applicable as there is no signage proposed.

C2.0 Parking and Sustainable Transport Code

The Code is applicable to all use and development. However, the proposed lot 1 is an established single dwelling with existing onsite parking provided in excess of two parking spaces and the proposed lot 2 is development through subdivision, of which use is not included. As the proposed lot 1 has existing arrangements and there is no use proposed on lot 2 no further assessment of the Code is provided.

C3.0 Road and Railway Assets Code

C3.5.1 – Traffic generation at a vehicle crossing, level crossing or new junction	
A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority. A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.	P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to: a) any increase in traffic caused by the use; b) the nature of the traffic generated by the use; c) the nature of the road; d) the speed limit and traffic flow of the road; e) any alternative access to a road; f) the need for the use; g) any traffic impact assessment; and h) any advice received from the rail or road authority.

A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than: (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road. A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.	
Planning Comments: Complies A1.1 – Not Applicable - River Road is not a category 1 or limited access road. A1.2 – Not Applicable – No new junction, vehicle crossing or level crossing is proposed. A1.3 – Not Applicable – There is no rail network being accessed over. A1.4 – It is proposed to utilise the existing vehicle crossings. The introduction of lot 2 does not increase the vehicular traffic to and from the site by more than 20% or 40 vehicle movements per day, whichever is the greater. A1.5 – Not Applicable - River Road is not a major road. The permit application achieves the acceptable solution A1.4.	

C4.0 Electricity Transmission Infrastructure Protection Code

The Code is not applicable as there is no development within an Electricity Transmission Infrastructure Protection area.

C5.0 Telecommunications Code

The Code is not applicable as there is no telecommunication facility proposed.

C6.0 Local Historic Heritage Code

The Code is not applicable as the site is not listed as a local heritage place or precinct.

C7.0 Natural Assets Code

C7.7 Development Standards for Subdivision

C7.7.1 – Subdivision within a waterway and coastal protection area or a future coastal refugia area	
A1 Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must: a) be for the creation of separate lots for existing buildings; b) be required for public use by the Crown, a council or a State authority; c) be required for the provision of Utilities; d) be for the consolidation of a lot; or	P1 Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to: a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and

e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.	b) future development likely to be facilitated by the subdivision.
P1 - Planning Comments: Complies The proposed lot 1 and lot 2 have a small amount of mapped waterway and coastal protection area on the southern portion of the site. The existing vehicular accesses for both proposed lots sits within the mapped waterway and coastal protection area. The waterway is the Inglis River, which is to the south of River Road. Both proposed lots on the plan of subdivision have located building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area. The permit application achieves the performance criteria.	
C7.7.2 – Subdivision within a priority vegetation area	
A1 Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must: a) be for the purposes of creating separate lots for existing buildings; b) be required for public use by the Crown, a council, or a State authority; c) be required for the provision of Utilities; d) be for the consolidation of a lot; or e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.	P1.1 Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for: a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person; b) subdivision for the construction of a single dwelling or an associated outbuilding; c) subdivision in the General Residential Zone or Low Density Residential Zone; d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design; e) subdivision involving clearance of native vegetation where it is demonstrated that ongoing pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site. P1.2

	Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to: a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards; b) any particular requirements for the works and future development likely to be facilitated by the subdivision; c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings; d) any mitigation measures implemented to minimise the residual impacts on priority vegetation; e) any on-site biodiversity offsets; and f) any existing cleared areas on the site.
A1 - Planning Comments: Complies Each lot on the plan of subdivision, within a priority vegetation area does not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area. The permit application achieves the acceptable solution A1(e).	

C8.0 Scenic Protection Code

The Code is not applicable as the site is not subject to the scenic protection area or scenic road corridor overlay.

C9.0 Attenuation Code

The Code is not applicable as site is not within an attenuation area to an existing activity listed in Tables C9.1 or C9.2.

C10.0 Coastal Erosion Hazard Code

The Code is not applicable as there is no use or development within a coastal erosion hazard area.

C11.0 Coastal Inundation Hazard Code

The Code is not applicable as there is no use or development within a coastal inundation hazard area.

C12.0 Flood-Prone Areas Hazard Code

The Code is not applicable as there is no use or development within a flood-prone hazard area.

C13.0 Bushfire-Prone Areas Code

The application is accompanied by a certified bushfire hazard management plan demonstrating compliance with the Code by a suitably qualified bushfire hazard practitioner.

C14.0 Potentially Contaminated Land Code

The Code is not applicable as the site is not identified to contain potentially contaminated land.

C15.0 Landslip Hazard Code

The Code is not applicable as there is no identified landslip hazard on the site.

C16.0 Safeguarding of Airports Code

The Code is not applicable as there is no development within an airport obstacle limitation area.

EXTERNAL REFERRALS

The application was referred to TasWater on 13 April 2026. TasWater requested additional information on 17 April 2026. This request was satisfied and TasWater issued a Submission to Planning Authority Notice on 5 May 2026 (typographical error dated on the SPAN as 5/04/2026).

No other external referrals were required.

STATUTORY IMPLICATIONS

The proposal requests that land identified as 66 River Road, Wynyard be rezoned from Rural to Rural Living A. It also includes application for a permit for subdivision.

For a planning scheme amendment to be initiated (supported), the proposal needs to be assessed as complying with the relevant sections of LUPAA (please refer to legislative requirement above for further detail). It is considered that the proposed amendment as demonstrated in the planning assessment is consistent with the legislative documents and should therefore be initiated. The permit application for subdivision as demonstrated in the planning assessment meets the requirements of the Tasmanian Planning Scheme – Waratah-Wynyard and should be granted.

POLICY IMPLICATIONS

A planning scheme is a policy statement by a planning authority with respect to local requirements for the use, development, conservation and protection of land so as to achieve compliance with the requirements of State legislation and land use strategies.

Council has a statutory duty as a planning authority to ensure local planning controls are appropriate to the provision of a sustainable future for the Waratah-Wynyard municipality. The planning scheme amendment is consistent with common provisions of the planning scheme. It is therefore recommended that the planning scheme amendment be initiated.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications as a result of this report.

FINANCIAL IMPLICATIONS

There may be financial costs associated with a planning scheme amendment application. This includes costs to represent the interests of the planning authority before the Tasmanian Planning Commission (TPC) if a hearing is required, and costs in preparing the amended planning scheme maps for inclusion in the planning scheme. These are operational costs within the budget considerations of Council.

RISK IMPLICATIONS

Applications for planning scheme amendments are ultimately determined by the TPC. The Council is required in the first instance to decide whether to proceed with and initiate the

planning scheme amendment. Should the application for planning scheme amendment be initiated for public exhibition, it is also required to be certified under s40F LUPAA.

There is limited risk for the Council acting as planning authority, provided that decisions made are in accordance with legislative requirements. This report details the reasons for the officer's recommendation to initiate the amendment and approve the planning application. Should Council as a planning authority wish to make a decision against the professional advice provided, the reasons will need to be detailed.

COMMENT

The proposed rezoning and subdivision will provide for logical utilisation of the identified land, within existing town boundaries.

As discussed above, the proposal is consistent with the requirements of LUPAA, the TPPs, the CCRLUS, the Sustainable Murchison Community Plan, the Liveable Waratah Wynyard Settlement Strategy, the River Road Outline Development Plan and the planning scheme. The planning authority can only decide to allow a planning scheme amendment application to progress to exhibition if it does not conflict with, or is in accordance with, the list of provisions stated under LUPAA.

It is therefore recommended that the proposed combined amendment and development be initiated in accordance with the recommendations at the beginning of this report.

EXCERPT OF COUNCIL MEETING 20 JULY 2026

6.4 APPLICATION FOR PLANNING SCHEME AMENDMENT PSA 1/2026 AND COMBINED 2 LOT SUBDIVISION APPLICATION SD 2224/2026 - 66 RIVER ROAD, WYNYARD

To: Council
Reporting Officer: Town Planner
Responsible Officer: Director Infrastructure and Development Services
Report Date: 7 July 2026
File Reference: 7668361
Supporting Documents: 1. Combined application documents
2. Draft Planning Permit
3. TasWater SPAN
4. TPC Extension of Time Granted
5. Zoning Map

MOVED BY	CR ROBERTS
SECONDED BY	CR EDWARDS

That Council acting in its role as a Planning Authority -

1. In accordance with s40D(a) of the Land Use Planning and Approvals Act 1993, initiates a planning scheme amendment PSA 1/2026 to rezone land at 66 River Road, Wynyard (CT 40412/1) from Rural to Rural Living A;
2. In accordance with s40F(3) of the Land Use Planning and Approvals Act 1993, Council certifies planning scheme amendment PSA 1/2026 as meeting the requirements of s34 of the Land Use Planning Approvals Act 1993;
3. In accordance with s40F(4) of the Land Use Planning and Approvals Act 1993, Council forwards a copy of each of the sealed instruments of Certification and the draft amendments to the Tasmanian Planning Commission within seven (7) days;
4. That, in accordance with Sections 40W(1) and 40X of the Land Use Planning and Approvals Act 1993, Council agrees to the request made under Section 40T(1) to amend the Waratah-Wynyard Local Provisions Schedule and consider the application for a planning permit concurrently;
5. That, in accordance with Section 40(Y) of the Land Use Planning and Approvals Act 1993, Council approves planning permit SD 2224/2026, subject to the conditions provided in the draft permit shown in the attachments to this report;
6. That, in accordance with Section 40Y(6) of the Land Use Planning and Approvals Act 1993, Council forwards a copy of the relevant permit material relating to the permit application to the Tasmanian Planning Commission within seven (7) days;
7. That, in accordance with Section 40FA(1) of the Land Use Planning and Approvals Act 1993, Council forwards a copy of the draft amendment to any relevant agencies or State authorities the Planning Authority considers may have an interest in the draft amendment; and
8. That in accordance with Section 40G and Section 40Z of the Land Use Planning and Approvals Act 1993, Council publicly exhibits the draft amendment PSA 1/2026 and draft planning permit SD 2224/2026 for a period of 28 days.

The MOTION was put and was CARRIED.

IN FAVOUR

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