From: Joanna Potter [redacted]
Sent: Thursday, 25 June 2026 4:17 PM
To: TPC Enquiry
Subject: Draft Planning Scheme Amendment PSA 2/2026 & Permit DA 46/2026 - 1 Mackenzie Drive Somerset - Waratah-Wynyard Council

Good afternoon,

PSA 2-2026 & DA 46-2026 - Planning Scheme Amendment & Development - File for TPC

The Waratah-Wynyard Council's planning authority has certified a draft amendment and granted a draft conditional permit for 1 Mackenzie Drive Somerset (reference number PSA 2/2026, DA 46/2026). Please see link above to access documents as per the checklist in TPC's Practice Note 3.

This application will be advertised from Saturday 27 June 2026 to Monday 27 July 2026.

The notices will be in The Advocate newspaper on Saturday 27 June and Wednesday 8 July. We will provide you with a copy of the newspaper notices once published. The link contains the advertised documents.

Please don't hesitate in contacting this office if you have any further enquiries.

Kind regards,

Joanna Potter
Administrative Officer
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7.3 APPLICATION FOR PLANNING SCHEME AMENDMENT PSA 2/2026 FOR 1 MACKENZIE DRIVE, SOMERSET & PROPOSED STORAGE AND VEHICLE PARKING AREA - DA 46/2026

To:	Council
Reporting Officer:	Town Planner
Responsible Officer:	Director Infrastructure and Development Services
Report Date:	18 May 2026
File Reference:	7343401
Supporting Documents:	1. Consolidated application documents 2. Extension of time 3. TasWater SPAN 4. Draft permit conditions

RECOMMENDATION

That Council: -

1. **In accordance with s40D(a) of the *Land Use Planning and Approvals Act 1993*, initiates a planning scheme amendment PSA 2/2025 to modify the General Residential zone use table for land at 1 Mackenzie Drive Somerset to include Storage, Vehicle Parking, and Manufacturing and Processing as discretionary uses with the qualification that Manufacturing and Processing use must be for vehicle parking and storage associated with adjacent manufacturing and processing use;**
2. **In accordance with s40F(3) of the *Land Use Planning Approvals Act 1993*, Council certifies planning scheme amendment PSA 2/2026 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 DA 46/2026, 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 2/2026 and draft planning permit DA 46/2026 for a period of 28 days.**

PURPOSE

The purpose of this report is to provide an assessment of an application for planning scheme amendment No. PSA 2/2026, which is seeking to modify the use table for the General Residential zone provisions to include a site specific qualification for land at 1 Mackenzie Drive Somerset. The site specific qualification seeks to include the following as discretionary uses on the subject site:

Discretionary	
Storage	
Manufacturing and Processing	If for storage or vehicle parking associated with adjacent Manufacturing and Processing.
Vehicle Parking	

Application for these proposed discretionary uses and associated development is included as part of the proposal before Council as DA 46/2026.

BACKGROUND

On 13 April 2026 Waratah-Wynyard Council received an application for a planning scheme amendment to create a site specific qualification under s37(1) of the *Land Use Planning and Approvals Act 1993* (LUPAA) for the purpose of including additional discretionary uses at 1 Mackenzie Drive, Somerset. The additional discretionary uses include storage, vehicle parking and manufacturing and processing use, with the latter restricted to storage or vehicle parking associated with adjacent Manufacturing and Processing. Currently these uses are prohibited in the General Residential zone.

The subject site is located on the corner of the Bass Highway and Mackenzie Drive. It is adjoining by an established metal fabrication company to the west, dwellings to the south and east across Mackenzie Drive and Fairlands Beach to the north across the Bass Highway.

The site has been owned by the Director of Housing or relevant counterpart since the 1980's but has never been developed for residential purposes. It has historically been regarded as a buffer between residential development east of Mackenzie Drive and manufacturing use to the west, although there is no formal recognition of this on title documentation. Recent attempts to approve residential development on the site have been unsuccessful due to identified flood risk and proximity to metal fabrication business.

DETAILS

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

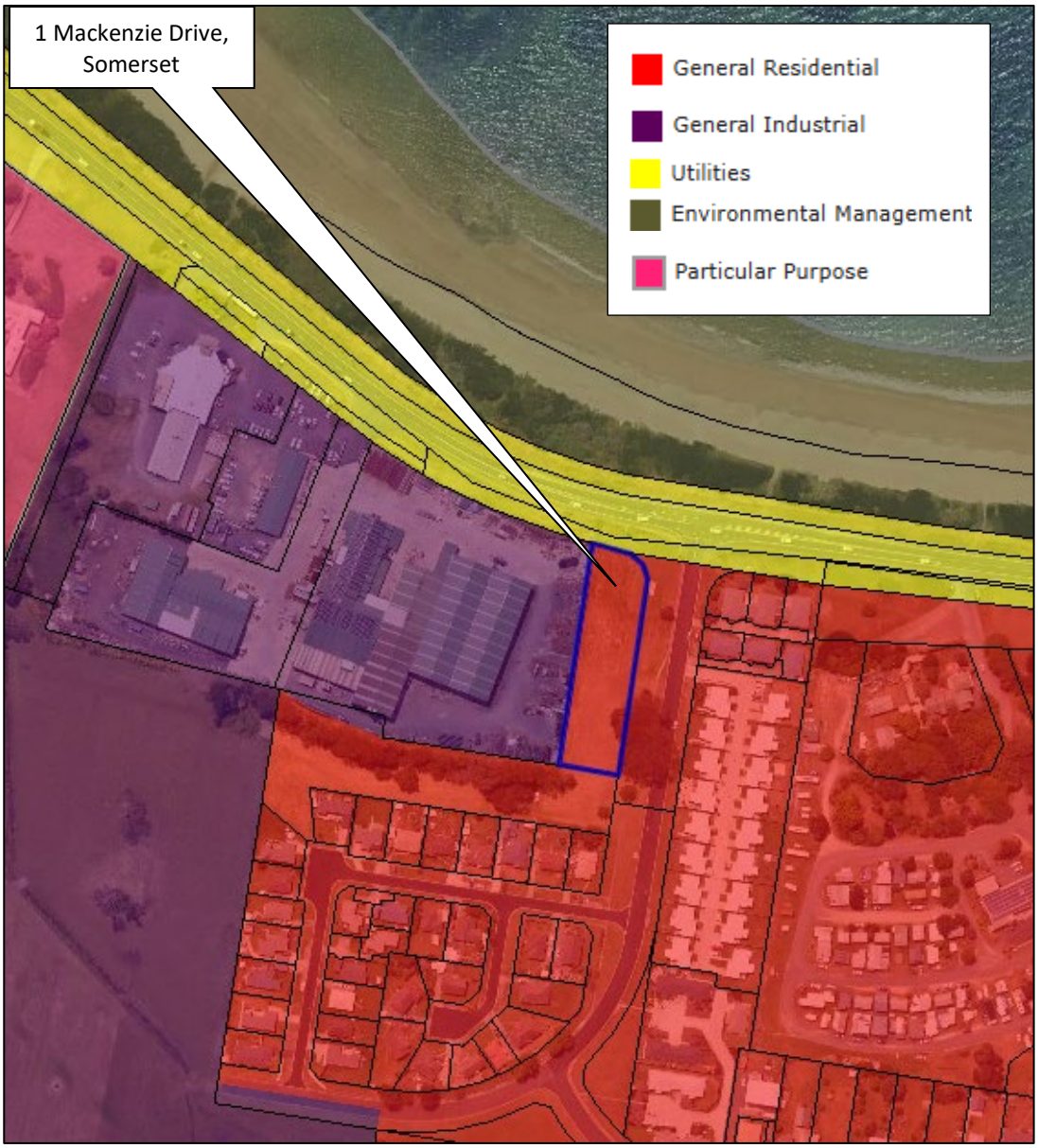


Figure 1: Current zoning of 1 Mackenzie Drive (PID 7343401) & surrounds

The site is currently zoned General Residential under the Tasmanian Planning Scheme. The proposal is to include a site specific qualification to allow storage, vehicle parking and manufacturing and processing use classes as discretionary uses, with the latter of these uses further restricted to storage or vehicle parking associated with adjacent Manufacturing and Processing use.

Also included in the proposal is development of a storage and vehicle parking area on the site. The parking area will comprise two rows of parking with a central aisle to cater for two way traffic and additional turn around areas at the northern and southern ends of the carpark. A total of 73 parking spaces are proposed, including two accessible spaces. The area between the proposed car park and the adjacent industrial land will be a hardstand area fenced with 2.2m-2.4m high Colorbond fencing for security purposes, with separate access for vehicles and pedestrians between the parking area and associated industrial activity on the adjoining title to the west. A new 6m wide crossover onto Mackenzie Avenue is also proposed.

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 connected and discharged into Council's stormwater drainage network.

(2) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.

(3) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.

(4) A commercial vehicular crossing & Driveway Type KCRB & B1 (Heavy Vehicles) with sufficient width to cater for a 19m prime mover & semitrailer turning manoeuvres is to be constructed from the edge of the bitumen surfaced pavement of Mackenzie Drive Somerset to the property boundary in accordance with Tasmanian Standard Drawing TSD-R16-v3 Concrete Kerbs & Channel Vehicular Crossings and the conditions in a "Activity in Road Reservation Permit".

(5) Vehicle parking spaces and associated driveways and turning areas are to be designed in accordance with AS 2890.1 and be approved by the Director Infrastructure & Development Services.

(6) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.

(7) Off street car parking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal. All stormwater runoff from the car parking and hardstand areas is to be collected onsite and directed to a stormwater system designed to cater for a 1 in 20-year ARI storm and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure & Development Services.

Environmental Health

The following environmental health conditions were recommended.

(1) Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.

Note: This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994.*

EXTERNAL REFERRALS

The application was referred to TasWater on 1 May 2026. A response was received on 14 May 2026 and forms Part B of the draft permit conditions.

The application was referred to the Department of State Growth on 1 May 2026. The date by which a response was required was 15 May 2026 and no response was received. It is therefore considered that DSG have no comments or concerns.

No other external referrals were required.

LEGISLATIVE REQUIREMENTS

Land Use Planning and Approvals Act 1993

Division 4 of LUPAA allows for an application to be made to made to revoke, in whole or in part, the planning scheme and to alter the area covered by the planning scheme (e.g. a rezoning). An application for a combined planning scheme amendment and development application is available under Part 3B of Division 4.

The version of LUPAA current from 16 June 2025 to date references amendments to State Planning Provisions under this provision, which have been in force in the Waratah Wynyard municipality since the Local Provision Schedule (LPS) came into effect on 6 February 2023. The application is comprised of two parts:

PSA 2/2026 - A request made under s37(1) LUPAA to amend the Waratah-Wynyard Local Provisions Schedule (LPS) by The Engineering Company Pty Ltd to modify the General Residential zone use table for land at 1 Mackenzie Drive Somerset to create a site specific qualification. The site specific qualification seeks to include the following as discretionary uses on the subject site:

Discretionary	
Storage	
Manufacturing and Processing	If for storage or vehicle parking associated with adjacent Manufacturing and Processing.
Vehicle Parking	

- **DA 46/2026** - An application made under s40T(1) LUPAA for storage and vehicle parking area at 1 Mackenzie Drive, Somerset in association with adjacent manufacturing and processing use at 15265 Bass Highway, Somerset (CT 153130/2 & CT 153130/3).

Both parts of the application are to be considered concurrently by Council in its capacity as a planning authority under s40X LUPAA, the full process for which entails the following steps:

1. Per s38(1) LUPAA, the planning authority must be satisfied that the draft amendment will meet the LPS criteria under s34(2) LUPAA, which in turns requires that the amendment:
    i. contains all the provisions that the SPPs specify must be contained in an LPS;
    ii. is in accordance with section 32;
    iii. furthers the objectives of schedule 1;
    iv. is consistent with each State Policy;
    v. satisfies the criteria in relation to the TPPs;
    vi. is consistent with the regional land use strategy;
    vii. has regard to Council's Strategic Plan;
    viii. is consistent and coordinated with adjoining municipal areas; and
    ix. has regard to the requirements of the *Gas Safety Act 2019.*
2. If the planning authority decides under s38(2) to agree to the draft amendment, the amendment is to be prepared in accordance with the requirements of Part 3B Division 3 Subdivision 1 of LUPAA including:

i. s40D (Preparation of draft amendments),
ii. s40F (Certification of draft amendments),
iii. s40J (Representations); and
iv. s40K(Report to Commission about draft amendments)

3. The application for storage and vehicle parking area at 1 Mackenzie Drive, Somerset under s40T(1) LUPAA is to be assessed against the *Tasmanian Planning Scheme – Waratah-Wynyard* (TPS) as if the draft amendment to the LPS for the medication to the General Residential zone use table had been approved, pursuant to section 40Y(4) LUPAA.

A planning authority must, within 42 days of the receipt of a request or such longer time as the Tasmanian Planning Commission may allow, make a decision as to whether or not to initiate an amendment of the planning scheme and serve on the person who made the request notice of its decision within 7 days of making the decision.

An extension to the 42 day assessment timeframe was required to ensure there was sufficient time for the proposal to be considered at Council meeting of Monday 22 June 2026. A request for an extension was made to the TPC on 11 May 2026 and was granted on 13 May 2026.

LUPAA requirements

An assessment of the proposal against the relevant provisions of LUPAA as outlined under point 1. above is provided below. Reference is made to each subclause, with comments provided underneath.

Section 34 LUPAA The LPS criteria to be met by a relevant planning instrument are that the instrument -	
s34(2)(a)	Contains all the provisions that the SPPs specify must be contained in an LPS
The draft amendment to the LPS seeks to include a site specific qualification for the General Residential zone to allow storage, vehicle parking and manufacturing and processing use classes as discretionary uses on the subject site, with the latter of these uses further restricted to storage or vehicle parking associated with adjacent Manufacturing and Processing use. Standard provisions of the SPPs which apply to discretionary uses in the General Residential zone, including associated development standards, will be applied to the site. Relevant code standards under the SPPs will also continue to apply to the site.	
s34(2)b)	*Is in accordance with section 32*
The application is for a site specific qualification for land in the Waratah-Wynyard municipality to enable storage, vehicle parking and manufacturing and processing use classes to be considered as discretionary uses on the subject site, as identified in the instrument of certification. The site is located on the border between Somerset's residential and industrial areas and is subject to mapped flood risk. The characteristics of the site within the contact of the surrounding area are considered to be consistent with the requirements of s32(4)(b) which inform the suitability of applying a site site-specific qualifications per s32(3)(c). The amendment does not impact compliance with s32 of LUPAA for Waratah-Wynyard's LPS.	
s34(2)(c)	*Furthers the objectives set out in Schedule 1*

The proposal is considered to be consistent with the objectives of the Resource Management and Planning System of Tasmania and the objectives of the Planning process.

s34(2)(d)	*Is consistent with each State Policy*

The *Tasmanian State Coastal Policy 1996* applies to land within 1km of the high-water mark. The subject site is approximately 75m south of the tidal line for Fairlands Beach and is separated from the coastline by the Bass Highway. The proposal is for development of an existing site which is surrounded by a mix of residential and industrial development.

The primary purpose of the development is to provide parking and storage space for an adjacent industrial use however it will have a secondary effect of controlling the discharge of stormwater through the site, including capture of overland flow for direction into Council's reticulated stormwater network. A flood hazard risk assessment has been undertaken to demonstrate that tolerable risk can be achieved for the life of the intended development without warranting flood protection measures. On this basis the proposal is considered to be consistent with the objectives of this policy and will not adversely affect the coastal zone.

The site does not contain any natural water sources and is fully serviced. All proposed infrastructure will be drained to Councils reticulated stormwater system. There are suitable controls in place for the proposed amendment and associated development to ensure consistency with the purpose and objectives of the *State Policy on Water Quality Management 1997*.

The subject site is located within the boundaries of Somerset township. It is an urban area and does not constitute agricultural land for the purposes of the *State Policy on the Protection of Agricultural Land 2009*.

It is considered that the proposal does not conflict with either *the Tasmanian State Coastal Policy, State Policy on Water Quality Management 1997* or *State Policy on Protection of Agricultural Land 2009.*

No National Environmental Protection Measures (NEMP) adopted as State Policies are relevant to the proposed amendment. The site is not a contaminated site and the proposed rezoning and associated use are not anticipated to result in any emissions covered by adopted NEMPSs.

s34(2)(da)	*Satisfies the relevant criteria in relation to the TPPs*

Although the Tasmanian Planning Policies are not due to come into effect until 1 July 2026, their content has been finalised, and the applicant has provided comment on the proposals consistency with each of the key focus areas for the TPPs. Fundamentally, the application retains the existing zoning whilst providing a pathway for development which is compatible with adjacent dwellings use whilst providing support for an adjoining manufacturing and processing use. The proposal seeks to make appropriate use of land which effectively serves as a buffer between Somerset's residential and industrial areas and is consistent with strategies in the TPPs to support and protect land adjoining industrial activity through compatible development – TPPS 4.6.3 (3, 5 & 7).

s34(2)(e)	*As far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates*

Living on the Coast – The Cradle Coast Regional Land Use Strategy 2010 - 2030 (CCRLUS) - (amended on 28 February 2024) is the relevant strategy for land in the Waratah-Wynyard municipality. Its purpose is to provide a consistent policy foundation for the regulatory intentions and requirements contained in local planning schemes prepared for each municipal area, rather than serving as a regulatory instrument in its own right. The CCRLUS was established prior to the

TPS. WWC was operating under the *Waratah-Wynyard Planning Scheme 2000* when the CCRLUS was adopted.

Land use policies within the CCRLUS are separated into four broad categories; Wise Use of Resources, Support for Economic Activity, Places for People and Planned Provision for Infrastructure. As part of the supporting documentation for the requested amendment the applicant has provided detail on how the application demonstrates compliance with relevant categories and the land use policies contained within.

A summary and brief response to the applicant's address of the land use policies within categories discussed is provided below:

Wise Use of Resources

The proposal will provide opportunity for additional land uses on a site which effectively serves as a buffer between Somerset's residential and industrial areas and which is unduly constrained for development for residential use due to its proximity to lawful industrial use and flood risk.

It is consistent with the Changing Climate policy in that the site has already been converted from its natural state, is within settlement boundaries and has existing connections to public transport services. Although the proposal will allow for the establishment of uses which may traditionally be regarded as conflicting with sensitive use, the proposed site specific qualification has been designed to restrict additional discretionary uses to those which do not involve a high degree of industrial activity – namely vehicle parking and storage (CCRLUS 2.3(d)).

In terms of water management, the site does not contain any natural water sources and is not within the boundaries of any code under the TPS relating to protection of waterways or natural assets. The development proposed in conjunction with the proposed site specific qualification is considered to meet the requirements of the planning scheme, as outlined in the planning assessment below, and Council's Engineering Department is satisfied stormwater can be appropriately managed without impacting water quality in the area. A coastal hazard report undertaken for the site demonstrates that a tolerable level of risk can be achieved for the type of use and development associated with the proposed site specific qualification (CCRLUS 2.4(e)).

The applicant states that the proposal is consistent with Land Use policies in that the proposal seeks to maximise utilisation of land which has already been converted from natural values, and which is not suitable for development for sensitive use. As a finite resource, efficient use of land requires the ability to adapt in response to changing demand. The site has the ability to provide an economic and social benefit to the region through support of manufacturing use which would otherwise need to consider relocation to other industrial areas where supply is constrained (CCRLUS 2.5(a), (b), (c)(iii)).

Policies relating to Conservation and Cultural and Historic Heritage are largely irrelevant as the proposal relates to an established site which is not within the boundaries of any code under the TPS relating to protection of natural assets or heritage areas.

Support for Economic Activity

The site is uniquely positioned between two conflicting zones and due to constraints associated with this location has remained vacant despite attempts to develop it for the primary purposes it is zoned for. The proposal encourages the redevelopment of the site for economic activity allowing for use to occur complementary to the surrounding land uses. It aims to provide security for the ongoing and potential future employment opportunities provided by the site.

The proposal would allow for more efficient use of land to support existing economic activity whilst retaining separation from emissions producing activities for sensitive use in the area. The proposed development associated with the scheme amendment does not trigger any discretions under the attenuation code (CCRLUS 3.3.1(d, (e)).

Currently, the adjoining metal fabrication business is outgrowing its location due to the need to provide space for staff parking and external storage. Outside of these limiting factors, the industrial use is located in a desirable location adjacent to established transport routes. The proposal seeks to support existing industry whilst buffering against encroachment upon the residential uses. In terms of the commercial value/potential of the land, the proposal does not permanently convert land away from any use for which is it not already constrained (CCRLUS 3.3.8 (b), (c), (h)).

The proposal is for development in support of a business which services local and regional needs, on a fully serviceable site, and which is compatible with the purpose of the General Residential zone to provide for non-residential use that serves the local community, and which will not result in an unreasonable loss of amenity. The development associated with the rezoning can achieve a tolerable risk from flood risk and will not increase the proximity of emissions producing activity to nearby sensitive use.

The proposed amendment and associated development of will support business and commercial activity and employment in the region and is broadly consistent with Land Use Policies of the CCRLUS that centre on the support and growth of industry within the region.

Places for People – Liveable and Sustainable Communities

The proposal is consistent with policies relating to Land Use Outcomes for Protecting People and Property in that the proposed site specific qualification retains the residential zoning whilst providing a pathway for development which is suited to the unique characteristics of the site, including its proximity to industrial use and identified flood risk. Flood risk assessments for the site have determined a tolerable level of risk can be achieved for the proposed storage and parking area associated with the site specific qualification (CCRLUS 4.4 (a), (g)).

Although Somerset has been shown to have a limited supply of residential land, the subject site has been shown to be constrained for development for housing. The proposal for a site specific qualification rather than a straight rezoning ensures land is not permanently converted from its residential zoning (CCRLUS 4.6(a), (e)).

The rezoning is compatible with adjacent residential and industrial activity and is considered to be infill development on a serviceable site which and does exacerbate linear development. It is intended to integrate with the existing land uses and businesses (CCRLUS 4.5(a)).

As demonstrated by the statutory assessment against scheme provisions, it is considered that there are sufficient planning controls already in place under the existing zoning to avoid land use conflict between the development associated with the site specific qualification and adjacent sensitive uses.

Planned Provision for Infrastructure - Support for Growth and Development

The proposed site specific qualification supports the redevelopment of an existing site which is conveniently located in relation to transport routes which is fully serviced. The proposal development utilises existing infrastructure without exceeding current capacity and is consistent with policies relating to Integrated Land Use and Infrastructure Planning (CCRLUS 5.3(b), (d)) and Transport Systems (CCRLUS 5.4.1 & 5.4.4).

Demonstration of 'consistency' with regional strategies for the purposes of s34(2)(e) does not go so far as to require strict compliance with every component of the CCRLUS, particularly as not every part is relevant to the proposal. It is only necessary for the amendment to be consistent, as far as it is practicable, with these strategic documents as whole and it is considered that the proposal adequately demonstrates this.

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 proposed rezoning of the site is broadly consistent with the Waratah-Wynyard Council 10 Year Corporate Strategic Plan 2017/27, in particular Goal 5 (Economic Prosperity). The proposal compliments Outcome 5.1 by providing the opportunity to maximise current industry capacity and to support established businesses on the fringe of the industrial area (Strategies 5.1.2 & 5.1.3).	
s34(2)(g)	*As far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates*
The subject site is with the Somerset township, approximately 1.7km from the nearest municipal boundary, shared with Burnie City Council. It is considered that the proposed amendment is unlikely to be out of harmony with neighbouring LPSs.	
S34(2)(h)	*Has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019*
The subject site is approximately 1.5km from the gas pipeline and associated planning corridor. The proposed amendment does not raise any issues relevant to the *Gas Safety Act 2019*.	

Planning assessment

The proposed development included as part of this application is for a storage and vehicle parking area at 1 Mackenzie Drive, Somerset in association with the existing metal fabrication business at 15265 Bass Highway, Somerset.

The application is assessed against the against the Tasmanian Planning Scheme – Waratah-Wynyard (TPS) as if the draft amendment to the LPS for the site specific qualification for the General Residential zone had been approved, pursuant to section 40Y(4) LUPAA. A full assessment against the applicable standards of the planning scheme is provided in the attachments to this report.

The following Performance Criteria are triggered for assessment:

- 8.3.1 Discretionary uses (P1, P4)
- 8.5.1 Development Standards for Non-dwellings (P1, P4)
- C12.6.1 Buildings and works within a flood-prone hazard area (P1.1, P1.2)

8.0 GENERAL RESIDENTIAL ZONE **8.3.1 Discretionary use**	
A1 Hours of operation of a use listed as Discretionary, excluding Emergency Services, must be within the hours of 8.00am to 6.00pm.	**P1** Hours of operation of a use listed as Discretionary, excluding Emergency Services, must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to: (a) the timing, duration or extent of vehicle movements; and

	(b) noise, lighting or other emissions.

Planning Comments: Complies

Proposed use of the site is limited to storage and vehicle parking, although associated with the adjacent metal fabrication business, no emission producing activity will occur on the site itself. Vehicle movements on the site and activity within the storage area will typically be confined to the hours of operation of the adjacent business with which it is associated; 7:00am – 4:00pm Monday to Friday.

The parking area is intended for staff access, with heavy vehicles relying on existing access to the site via the Bass Highway. Although the property is bordered by established residential development to the south and east, Mackenzie Avenue is also one of the main access points for Somerset Primary School from the Bass Highway. Vehicle movements during the period from 7am to 8am from staff accessing the car park are not unreasonable for a residential area in close proximity to schools and a major arterial road.

There will be no activity in the storage area outside of business hours, and the area will be screened from view from adjacent land by 2.2m – 2.4m high Colorbond fencing. Lighting of the area is limited to security lighting, which will be appropriately baffled to minimise intrusion to nearby sensitive use. It is a time which coincides with people leaving for work and school and it is considered that activity on the site prior to 8am will not result in an unreasonable loss of amenity for adjacent residential uses.

The proposal complies with P1 for this Standard.

A4	**P4**
No Acceptable Solution.	A use listed as Discretionary must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to: (a) the intensity and scale of the use; (b) the emissions generated by the use; (c) the type and intensity of traffic generated by the use; (d) the impact on the character of the area; and (e) the need for the use in that location.

Planning Comments: Complies

The subject site is located on the edge of Somerset's residential and industrial areas. The street on which it site is one of the main access points for Somerset Primary School from the Bass Highway. A staff carpark and screened storage area actively used between 7:00am – 4:00pm Monday to Friday are not uses which would be considered to result in an unreasonable loss of amenity for dwellings in close proximity to commercial/industrial activity and a major arterial road.

The proposed development is intended to support an adjacent manufacturing use, through location of low impact activities (parking, storage) on a site which is considered unsuitable for development for habitable buildings due to flood risk and proximity to the general industrial zone.

The proposal makes efficient use of constrained land in close proximity to sensitive uses. Lighting of the area is limited to security lighting, which will be appropriately baffled to minimise intrusion to nearby sensitive use.

The proposal complies with P4 for this Standard.

8.5.1 Development Standards for Non-dwellings

A2	**P2**
A building that is not a dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side or rear boundaries to a building height of not more than 8.5m above existing ground level; and (b) only have a setback less than 1.5m from a side or rear boundary if the building: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one-third of the length of the side or rear boundary (whichever is lesser).	The siting and scale of a building that is not a dwelling must: (a) not cause an unreasonable loss of amenity, having regard to: (i) reduction in sunlight to a habitable room, excluding a bedroom, of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; and (iv) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from an adjoining property; and (b) provide separation between buildings on adjoining properties that is consistent with that existing on established properties in the area.
Planning Comments: Complies The proposal includes fencing along the southern boundary which is required to achieve compliance with A5 for this clause. The proposed fencing is considered a building for the purposes of LUPAA and exceeds both the height permissible under the exemption in Table 4.6 and the restrictions under A2(b). Assessment against P2 is therefore required for this portion of fencing. The fencing consists of 2.2m – 2.4m high Colorbond panels around the proposed hardstand storage area. The fencing will not result in an unreasonable loss of amenity as its purpose is to screen external storage areas from view. The fence will be at least 30m from the nearest dwelling in any direction and the land it directly adjoins is not intended for development for sensitive use. This land owned by Council which serves as a buffer between dwellings on Oak Avenue and industrial use to the north. The proposal complies with P2 for this Standard.	
A4	**P4**
No Acceptable Solution.	A fence (including a free-standing wall) for a building that is not a dwelling within 4.5m of a frontage must:

	(a) provide for security and privacy while allowing for passive surveillance of the road; and (b) be compatible with the height and transparency of fences in the street, having regard to: (i) the topography of the site; and (ii) traffic volumes on the adjoining road.
Planning Comments: Complies The proposal includes fencing along the boundary with the Bass Highway. The proposed fencing exceeds the height permissible under the exemption in Table 4.6. It comprises Colorbond fencing with a maximum height of 2.2-2.4m around the hardstand storage area. The proposed fencing matches the existing fencing on the Bass Highway for the adjoining manufacturing and processing use to the west. It is compatible with the height and transparency of fencing on the highway and will visually separate the storage area from adjacent residential uses. The proposal complies with P4 for this Standard.	
C12.0 FLOOD-PRONE AREAS HAZARD CODE **C12.6.1 Buildings and works within a flood-prone hazard area**	
A1 No Acceptable Solution.	**P1.1** Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to: (a) the type, form, scale and intended duration of the development; (b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures; (c) any advice from a State authority, regulated entity or a council; and (d) the advice contained in a flood hazard report. **P1.2** A flood hazard report also demonstrates that the building and works: (a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and (b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.
Planning Comments: Complies	

Although the subject site is not shown on the applicable overlay map for the Waratah-Wynyard LPS, it has been identified as being subject to risk from flood in a report submitted with the application. The report was initially prepared in 2023 for the purposes of assessing whether the site could be developed for residential purposes but has been reviewed in light of revised plans for the site, which present a lesser risk and do not involve habitable use.

The code, and clause 10.6.1 therefore apply to this application.

According to the Tasmanian Strategic Flood Map (TSFM) Design Flood Event (DFE) outputs the northern portion of the site is identified as being subject to a H1 – H3 peak flood hydraulic hazard for a 1% AEP event. H1 is regarded as generally safe for vehicles, people and buildings. H2 is considered unsafe for small vehicles and H3 is considered unsafe for vehicles, children and the elderly.

No specific flood protection measures are proposed for the site or considered warranted due to the nature of the development. The car park is intended for use by staff with no vehicles left overnight. In the case of a significant rainfall event vehicle can be easily moved to higher ground, noting that the southern portion of the car park is not identified as being subject to any flood risk. The hardstand storage area will be used for storage of materials open to the elements. No sheds or other permanent shelters are proposed for the storage area.

Council's Engineering Department has undertaken an assessment of the proposed development, including extent of hardstand areas, and determined that there is capacity within Council's stormwater network to cater for stormwater runoff without increasing risk to adjacent land or public infrastructure and has included the following conditions:

Stormwater from the development is to be connected and discharged into Council's stormwater drainage network.

Off street car parking and hardstand areas are to be surfaced in an all-weather material such as concrete, asphalt or bitumen spray seal. All stormwater runoff from the car parking and hardstand areas is to be collected onsite and directed to a stormwater system designed to cater for a 1 in 20-year ARI storm and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure & Development Services.

The proposal was referred to the Department of State Growth and no comments or conditions were received.

The proposal is considered to comply with P1.1 and P1.2 for this Standard.

STATUTORY IMPLICATIONS

The proposal is seeking to modify the use table for the General Residential zone provisions to include a site specific qualification for land at 1 Mackenzie Drive Somerset. The site specific qualification seeks to include the following as discretionary uses on the subject site:

Discretionary	
Storage	
Manufacturing and Processing	If for storage or vehicle parking associated with adjacent Manufacturing and Processing.
Vehicle Parking	

Application for these proposed discretionary uses and associated development is included as part of the proposal before Council as DA 46/2026.

Under section 40Y(4) of LUPAA, Council as a planning authority must assess the submitted development application against the provisions of the TPS as if the draft amendments to the LPS had been approved.

For a planning scheme amendment to be initiated (supported), the proposal needs to be assessed as complying with the relevant sections of LUPAA, the objectives of the State Planning Policies, CCRLUS and the planning scheme (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.

POLICY IMPLICATIONS

There are no policy implications as a result of this report. 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 and associated development application are consistent with common provisions of the planning scheme and relevant strategic planning instruments. It is therefore recommended that the planning scheme amendment be initiated and development application approved.

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 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 as a Planning Authority.

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 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.

CONSULTATION PROCESS

Should the planning authority choose to progress with the planning scheme amendment, 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 planning scheme amendment, the planning authority must notify the applicant within 7 days of the decision.

COMMENT

The proposed amendment meets the requirements of LUPAA, and it is therefore recommended that it be prepared and certified. Subject to the approval of the proposed amendment, the proposed development of storage area and carpark is considered to comply with the applicable standards of the planning scheme as if the draft amendment to the Waratah-Wynyard LPS had been approved for the site specific qualification. It is also recommended for approval, subject to the draft permit conditions included as an attachment to this report.

The proposal involves suitable use of a historically underutilised lot within an existing serviced area. It is intended to support an adjacent manufacturing use, through location of low impact activities (parking, storage) on a site which is considered unsuitable for development for habitable buildings due to flood risk and proximity to the general industrial zone. The proposal makes efficient use of constrained land in close proximity to sensitive uses and has the ability to provide an economic and social benefit to the region through support of manufacturing use which would otherwise need to consider relocation to other industrial areas where supply is constrained.