

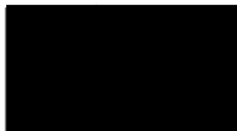
TASMANIAN PLANNING COMMISSION

DECISION

Planning scheme	Tasmanian Planning Scheme - Derwent Valley
Amendment	2024-02 - rezone various properties at Boyer from Light Industrial, Rural, and Utilities, to General Industrial and Light Industrial.
Planning authority	Derwent Valley Council
Applicant	Pitt & Sherry for Boyer Paper Mill
Date of decision	18 June 2026

Decision

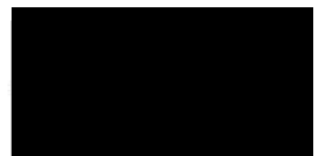
The draft amendment is rejected under section 40N(1)(c) and the planning authority is directed to submit to the Commission a substitute draft amendment under section 40N(1)(c)(i) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A.



Michael Hogan
Delegate (Chair)



Alex Brownlie
Delegate



Ross Lovell
Delegate

REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to rezone properties at Boyer from Light Industrial, Rural, and Utilities, to General Industrial and Light Industrial. Specifically, the draft amendment proposes to apply the General Industrial Zone to the following properties:

- 1279 Boyer Road, Boyer folios of the Register 113287/1 (part), 73199/1, 228432/1, 228432/2, 63351/1, 239565/1, and 63342/1
- part of 1399 Boyer Road, Boyer folio of the Register 159305/1
- part of Boyer Road, Boyer folio of the Register 21786/5
- Boyer Road, Boyer folio of the Register 225074/1
- Boyer Road, Boyer folio of the Register 248603/1
- LGA subdivision road folio of the Register 21786/3
- road lot adjoining folios of the Register 113287/1 (part), 73199/1, 228432/2, 63351/1, 239565/1, and 63342/1, and
- part of Cockerills Road.

The draft amendment also proposes to apply the Light Industrial Zone to the following properties:

- part of 1399 Boyer Road, Boyer folio of the Register 159305/1
- Boyer Road, Boyer folio of the Register 250281/1
- part of acquired road folio of the Register 228718/1, and
- road lot adjoining folios of the Register 159305/1, 250281/1, and 228718/1.

Site information

The site has an area of approximately 130ha and adjoins Boyer Road, Boyer. The land is owned and managed by the Boyer Paper Mill. The Mill is located to the south and southwest of the site at 1279 Boyer Road. The land is adjacent to and to the west of the Department of State Growth-managed Boyer Road.

The land is sloping, with the slope changing significantly across the site, ranging from nearly flat to steep. The land also contains several waterways and areas of native vegetation. Some areas of the site contain, or may contain, artefacts of Aboriginal heritage significance.

In addition to these characteristics, part of the land is currently used for plantation forestry. The land subject to the requested rezoning also contains a former landfill site (ash dump).

The site is currently zoned Light Industrial, Rural, and Utilities. The planning scheme codes that apply to the land are priority vegetation area, waterway and coastal

protection, attenuation area, bushfire-prone hazard area, and landslip hazard area overlays.

Number 1399 Boyer Road folio of the Register 159305/1 contains 'the Grange', which is listed in the Tasmanian Heritage Register (THR) as a place of heritage significance. This place is similarly listed in the Local Provisions Schedule (LPS); however, unlike the THR listing, its specific extent is confined to land outside the area of the proposed rezoning. The Grange is a two-storey brick house constructed in the 1830s by John Wright Baker and demonstrates an Old Colonial Gothic style of architecture.

The site is currently not serviced with water and sewerage systems. A bulk water transfer main runs along the northern boundary of the rezoning area.

The surrounding area is generally zoned Rural, with some land zoned Rural Living located to the east of the site.

Issues raised in representations

Nine representations were received during the period the draft amendment was publicly exhibited. The representators raised the following issues:

- water and sewer service provision
- European and Aboriginal cultural heritage
- permits for 'level 2' activities under the *Environmental Management and Pollution Control Act 1993*
- the reliability of the applicant's industrial land demand and supply analysis, including its assessment of industrial and residential land in Glenorchy
- impact on the Brighton Transport Hub
- traffic impact on a planned residential estate on Boyer Road west of Bridgewater Bridge
- lack of strategic merit for the proposed rezoning
- the suitability of the land to be subdivided
- discrepancies in the applicant's supporting reports, which cause uncertainty about what areas of the land would ultimately be developed
- lack of reticulated services and the need for a new sewerage treatment plant to serve the site
- consistency with the Southern Tasmania Regional Land Use Strategy (regional strategy)
- consistency with the findings of a recent State-wide industrial land study undertaken by the Tasmanian Government
- impact on Boyer Road, including safety and amenity, and its suitability to provide for an increased use by heavy-vehicles
- landslide risk
- bushfire management, and

- management of land use conflicts, particularly with surrounding sensitive uses.

The draft amendment was referred to TasWater under section 56S of the *Water and Sewerage Industry Act 2008*. In response TasWater made a representation stating it did not object to the draft amendment and that it did not wish to attend any hearing.

Planning authority's response to the representations

The planning authority considered the representations and recommended there be no other modifications be made to the draft amendment.

Date and place of hearing

The hearing was held at the Commission's office on Level 3, 144 Macquarie Street, Hobart on 20 and 21 April 2026. A reconvened hearing was held on 19 May 2026.

Appearances at the hearing

Planning authority:	Laura Ashelford, Executive Manager Development, Derwent Valley Council Damian Mackey, Consultant Planner, Derwent Valley Council Meg Kluver, Development and Stormwater Engineer, Derwent Valley Council
Applicant:	Justine Brooks, Urban Planner, Pitt & Sherry Katrina Hill, Senior Town Planning Consultant, Pitt & Sherry Dr Michael Landman, Boyer Paper Mill
Representors:	Brian White, Strategic Planner, Brighton Council Leigh Wighton, Manager Development Engineering, Brighton Council Lyndal Byrne, Coordinator Planning Services, Glenorchy City Council Liam Wallace, Strategic Planner, Glenorchy City Council Jason Taylor, Development Assessment Manager, TasWater

Consideration of the draft amendment

1. Under section 40M of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider;
 - the report and the draft amendment of an LPS to which it relates;
 - the information obtained at the hearings;
 - whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and
 - whether modifications ought to be made to the draft amendment of an LPS.

2. A hearing was convened to assist the Commission consider the issues in the representations.
3. As outlined above, the Commission must consider whether the draft amendment meets the LPS criteria as set out under section 34(2) of the Act:
 - (a) contains all the provisions that the SPPs specify must be contained in an LPS; and
 - (b) is in accordance with section 32; and
 - (c) furthers the objectives set out in Schedule 1; and
 - (d) is consistent with each State policy; and
 - (da) satisfies the relevant criteria in relation to the TPPs; and
 - (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and
 - (f) has regard to the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies in relation to the land to which the relevant planning instrument relates; and
 - (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and
 - (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

Site suitability

Proposed zones

4. The planning authority submitted that the site was well-suited for the General Industrial Zone as it had been historically used for industrial purposes and was located adjacent to the Boyer Paper Mill.
5. The applicant submitted that the site was suitable for industrial use and development, and that bushfire and landslip risk, and impact on native vegetation and watercourses could be appropriately managed. The applicant also submitted that the Light Industrial Zone and General Industrial Zone would provide suitable planning controls for the intended use and development. For subdivision, the applicant noted, the minimum lot size is 1,000m² in both zones, though smaller lots could be approved if suited to the intended industrial use, site conditions, and the pattern of the surrounding development. The applicant noted all new lots must:
 - have road access
 - be connected to the water supply
 - be connected to a reticulated sewerage system or on-site wastewater treatment system; and
 - be capable of connecting to stormwater infrastructure or be able to manage stormwater appropriately on-site.

Infrastructure - water

6. In its representation, TasWater stated it had no objection to the draft amendment and advised the land was 'not within an area serviced by TasWater's water and sewerage networks.'
7. Prior to the hearing, TasWater, in response to a Commission direction, advised it would not be responsible for on-site wastewater disposal and that the land was located outside TasWater's sewer service area. TasWater added it had no current plans to expand sewer services to the site.
8. In response, Dr Michael Landman for the applicant stated that the site servicing report had considered several options to supply the site with water and wastewater services. Dr Landman's submission indicated that site servicing investigations had found that capital investment that enabled the provision of water services to the site could occur, but the provision of sewage treatment services would comparatively be more difficult but ultimately was possible.

Site Contamination

9. The preliminary site investigation report prepared by Pitt & Sherry, dated 7 October 2024, provided an Environmental Site Assessment (ESA report) of the site. The ESA report identified several potential sources of contamination and noted that certain areas on the site could not be used without further investigation and risk assessment. These areas included:
 - a former ash dump (the central and northern part of the site)
 - historic landfill areas in the northern area of the site
 - the swampy ground downgradient of the ash dump, which was leachate-affected (located in the central eastern portion of the property)
 - the area west of the ash dump, which included suspected historic landfilling; and
 - a leachate pipeline (located along the northern property boundary and traversing the western portion of the property).
10. The ESA report outlined that contamination was present in soil, groundwater, and water flows. The assessment identified that the soil contained synthetic mineral fibres, which are widespread across the site. Furthermore, the assessment concluded the site contains localised contamination, and some soils are classified as 'Level 1 and Level 2 waste' (fill materials and low-level contaminated soils). The groundwater contains elevated heavy metals, such as cadmium, copper, zinc and/or absorbable organic halides. This has the potential to contaminate on-site watercourses and the River Derwent/timtumili minanya. The ESA report acknowledged the information gaps in its assessment, noting that limited soil sampling was undertaken, covering only three locations in shallow soil depth. The report also outlined that some contaminants were not tested for, and there was no full historical record of contamination on-site.
11. The ESA report concluded that the contamination would not prevent all use; however, it recommended spatial restrictions on use and development, operational controls, and a range of regulatory requirements that must be addressed before and during any development of the site.

Landslip

12. The applicant provided the Landslide Hazard Report (LHR report), prepared by Pitt & Sherry, dated 16 October 2024.
13. Parts of the site are covered by the landslide hazard area overlay, as shown in Figure 1. All the overlay is within a low landslide hazard band, except for a small area of land in the northern area of the site, identified as being within the medium landslide hazard band, as identified in Figure 1.
14. The LHR report stated that future development would be subject to assessment against the Landslip Hazard Code, which would ensure any future development would be 'adequately managed'.

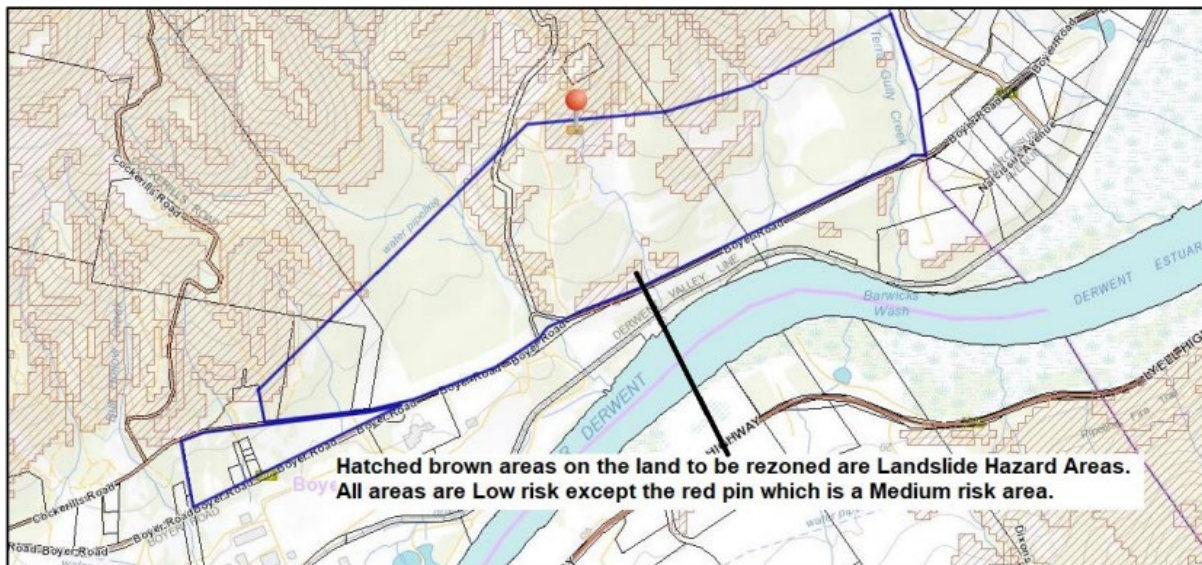


Figure 1 - Area covered by the landslide hazard area overlay

European Heritage

15. As discussed above, part of 1399 Boyer Road is included within a heritage place listed in the THR. The applicant therefore provided a heritage impact assessment by John Wadsley Planning and Heritage Consultancy dated 10 October 2024. The assessment noted the heritage listing specifically relates to the building located on the property known as The Grange.
16. The planning authority referred the draft amendment to Heritage Tasmania on 23 September 2025. Heritage Tasmania provided a response dated 10 October 2025, which stated it had 'no heritage concerns' with the proposed rezoning and noted the only known heritage significance of the place related to The Grange and its curtilage.

Aboriginal Heritage

17. Two separate Aboriginal heritage assessments by Cultural Heritage Management Australia were submitted in support of the draft amendment. The reports are the Aboriginal Heritage Assessment Report dated 24 May 2023, and the Sub-Surface Investigations Report dated 6 July 2024. The report dated 24 May 2023 outlined three areas of the site that were of interest. The first was an existing registered place in the central area of the site. The second was an

area where artefacts were identified on the eastern side of the site. The report stated the preferred management option for the two areas was that development of the places be avoided and that further investigations should be undertaken at the site in the event a proposal to use and develop the land arose.

18. The third was the land to the west of the existing registered place. The report recommended that further investigation of this area be undertaken to identify site and artefact densities. The report added that the relevant densities were expected to be low to low-moderate range and that if development of the area was proposed, 'a sub-surface investigation should be carried out to determine the presence or absence of Aboriginal heritage'.
19. The sub-surface investigation was undertaken to identify what artefacts or other cultural features existed in the existing registered site in the centre of the site. The findings were documented in the Sub-Surface Investigations Report dated 6 July 2024. The report found several artefacts in this area. The report made several recommendations, principally that a defined area that was located near the centre of the site be conserved and remain undeveloped.
20. At the hearing, Ms Katrina Hill stated that future development of the site would need to be responsive to the places of Aboriginal heritage significance so potential impacts could be managed.

Natural Values

21. The priority vegetation area overlay applies to part of the site as shown in Figure 2 below:

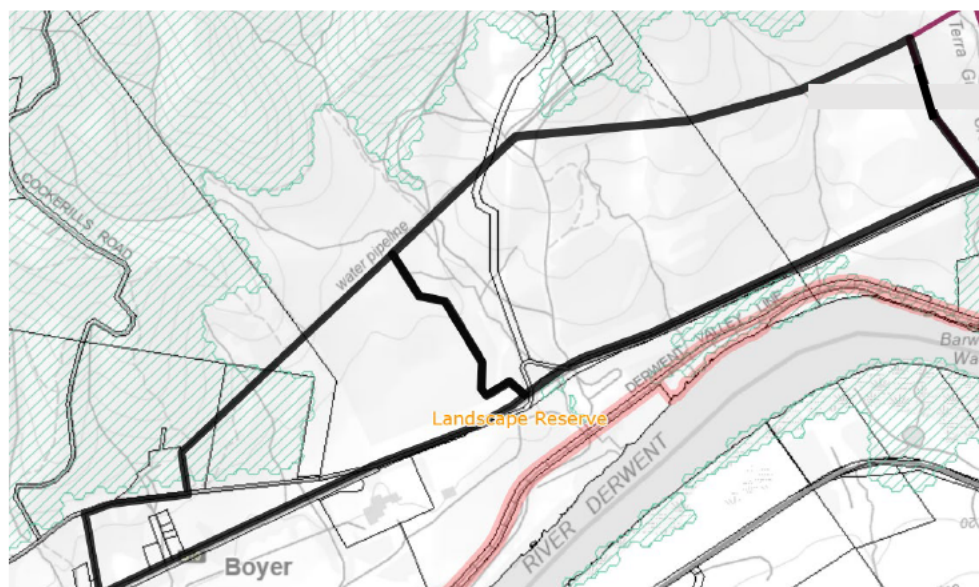


Figure 2 - Area covered by the priority vegetation area overlay

22. A Natural Values Assessment report (NVA report) prepared by North Barker, dated 28 November 2022, was submitted in support of the draft amendment. The NVA report noted TASVEG 4.0 identified the site may have contained one community listed as threatened under the Tasmanian Nature Conservation Act 2002 (*Eucalyptus tenuiramis* forest and woodland on sediments), but this species was not recorded on the site during the field surveys. The conclusion to

the NVA report made the following comments about the suitability of the proposed zones:

The Light Industrial and General Industrial zones do not contain any provisions pertaining to natural values. As such, the implications of rezoning are a relaxation of environmental protections, that could expose the native vegetation remnants on site. However, as the remnants are relatively low value and largely modified, this is not considered to be a significant potential loss. Furthermore, as they occur within a largely modified mosaic of non-native vegetation, it may be possible for the minor patches to be retained with selective light industrial development.

Impact on adjoining Rural Living area

23. The representation made by Brighton Council raised concern that future industrial use of the land would conflict with the sensitive use within the adjoining Rural Living Zone at Dromedary in the Brighton municipality. The representation also stated that inadequate buffers were proposed to minimise potential conflict.

Commission consideration of key determinative matters

Environmental and heritage values and constraints.

24. As outlined above, a range of studies and reports on environmental and heritage constraints and values were undertaken by the applicant and provided as part of the assessment process. In places, these reports recommended that specific sites or areas be excluded from the area to be rezoned and generally be protected from development and commercial/industrial use. For example:
- as a result of Aboriginal Heritage sub-surface investigations, a defined area, which is part of a larger Aboriginal site complex, was recommended to be conserved and not included in the development footprint
 - a number of areas across the site were identified as being contaminated or potentially contaminated, and these areas were recommended in the Site Assessment Report to be excluded from the footprint of development.
25. During the hearing, the Commission noted that:
- land with significant values or constraints had been explicitly excluded from the land proposed to be subdivided in the Conceptual Subdivision Plan, and the applicants' report supporting the amendment also stated that these 'exclusion areas' were not to be rezoned; and
 - these areas were in fact included in the draft amendment, and generally these areas were proposed to be zoned Light Industrial.
26. The applicant responded that they recognised that this was the case and that, as the amendment has been progressed over a long period of time, some elements could have been better coordinated.

Transport and Access

27. The submission from the Department of State Growth (DSG) dated 9 April 2026 outlines the function of the Boyer Roads under the State Road Hierarchy. In summary:
 - The western section of Boyer Road is a Category 2 road, which, under the Hierarchy, links major production catchments to the Category 1 roads and is the preferred heavy freight vehicle route where alternative routes exist
 - The eastern section of Boyer Road is a Category 5 road, which is primarily an access road for private properties and is not a strategically preferred heavy freight vehicle route.
28. The DSG submission on 9 April 2026 states that the approval of the draft amendment was not considered likely to alter the function of the Boyer Road under its planning framework.
29. The 9 April 2026 submission from DSG notes that:

The current rezoning TIA does not examine broader impacts on Boyer Road, including expected changes to traffic mix or any required upgrades. State Growth currently has no plans to upgrade Boyer Road, noting any upgrades are likely to be complex given the limited corridor width, hilly terrain, and proximity to services and dwellings.
30. At the hearing, the parties discussed that while the eastern section of Boyer Road was able to be used by general access vehicles, loaded B-doubles were required to use the Category 2 road via New Norfolk and the Lyell Highway to access the Midland Highway.
31. The Commission considers that the traffic volumes referred to in the Traffic Impact assessment provided by the applicant relate to a concept for the full and intensive use of the area and may not eventuate even in the long term. Also, the Commission notes that the planning authority's 40K report, in part, states that the proposed industrial precinct is not likely to be a preferred or suitable location for activities associated with warehousing and freight.
32. The draft amendment applies to zones that provide for activities related to storage and distribution to a large area of land. The Commission considers that at a regional level, the site and location are generally not suitable for these uses, in part due to the additional demand these uses would create to invest in network-wide upgrades to the eastern section of Boyer Road, which largely duplicates the function of the Category 2 transport route to the Midland Highway; this issue is not considered to be determinative.
33. While the subdivision concept plan provided by the applicant is not part of the draft amendment and has not been given effect to as part of the proposed amendment, much of the traffic and transport information provided to the Commission relates to this plan.
34. The Commission notes that the DSG representation on the amendment referred to the concept plan, which proposed access to the Boyer Road via public roads. DSG was concerned that the location of one of the proposed junctions would not be able to meet the sight distance requirement, and the lane treatment of another junction was problematic as it was opposite the

existing Boyer Mill access. As stated above, the DSG did not provide an assessment or advice on the proposed amendment.

35. The Commission notes that:

- the draft amendment proposes approximately 2.5km of General and Light industrial zone directly adjacent to the Boyer Road
- the concept plans for the site proposed a total of 4 public road junctions, including the closure of the western end of Cockerells Road.

36. At the hearing, the Brighton Council stated that for the major residential amendment it had recently proposed adjacent to the Boyer Road, it included a structure plan that designated the location of access to the Boyer Road and the layout of internal roads and that from the Council's perspective, this approach could be implemented for the proposed amendment given the location and purpose of the amendment.

37. At the hearing, the planning authority stated that it considered that the planning scheme provisions were able to address traffic and transport-related matters, and that it considered that ribbon development and safety issues along the Boyer Road would therefore not occur, and a structure plan was not necessary.

38. The Commission notes that:

- other large scale greenfield industrial zones adjacent to major roads, such as the TransLink precinct in Northern Midlands, have incorporated a plan or layout for internal roads and access points; and
- the existing alignment of Cockerill's Road and its eastern junction with Boyer Road is not suitable for heavy vehicles, and an informal roadway across private land opposite Boyer Mill appears to be used by vehicles.

39. The Commission considers that the assessment of individual use/development or subdivision applications along the length of a major road is by necessity piecemeal in nature and effectively precludes the capacity to:

- plan for the partial closure or realignment of Cockerills Road under the processes required by the Local Government Highways Act; or
- consider and provide certainty that the traffic generated as a consequence of the draft amendment could achieve acceptable outcomes in terms of the safety and efficiency of Boyer Road.

40. The Commission considers that:

- The draft amendment includes land where the alignment and design of local roads are not able to accommodate the proposed use
- The use and development intended by the zones is not compatible with the location, design and alignment of local roads.

41. The Commission considers that the amendment would not give effect to the regional policy for land use and transport integration of the regional strategy, which states:

Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.

Supply of land for industrial uses

42. At the hearing and in the reports it provided, the planning authority submitted that the area subject to the draft amendment was able to be provided with reticulated water and wastewater services and supplied as development-ready industrial land. On this point, at the hearing, the planning authority agreed to the proposition that for zoned land to be considered as being 'supplied', the land needs to be capable of being provided as a relatively flat and serviced site in an economic sense, capable of being supplied and made available in the market by the private sector.
43. Specifically, in the case of the draft amendment where the regional strategy aims for industrial land to be supplied and available over a 5 to 15 year period, the Commission considers that this, in part, means that the land is reasonably likely to be economically capable of being supplied and made available in the actual marketplace. Simply zoning land does not mean that land is capable of being supplied and made available in the market by the private sector.
44. In a general sense, the Commission considers that zoning land that is not likely to be capable of being supplied by the private sector can have perverse outcomes for the planning system and communities in Tasmania. That type of zoning may give the appearance on paper that land is to be supplied over a short to medium timeframe, when that outcome is not likely to be achieved. Also, it may act to lock out more suitable land being zoned for an intended use, as well as locking in land where the cost of developing the land is likely to be higher than local and regional end users can afford, resulting in adverse economic outcomes at a local and regional level.
45. The evidence presented to the hearing established that the site is not an area where reticulated water or wastewater services exist. There is currently no obligation for a regulated entity to consider connecting subdivided land or activities to a water or wastewater system.
46. The Commission considers that the Services Plan provided by the applicant indicates that significant capital expenditure on shared infrastructure would be required for:
 - Water - provision of a large water reservoir capable of providing for daily needs and firefighting surety, and associated main pipes providing acceptable flow velocities
 - Waste water - of the four options identified and assessed in some detail, the option considered to have the potential to be economically viable involved the construction of a new sewerage treatment plant with pumps and pipes on the western shore of the Derwent River.
47. At the hearing, TasWater outlined that it was satisfied that both water and wastewater services could be provided with costs met by the developer at either a subdivision stage or for specific proposed activities. TasWater did not provide any information on the likelihood that the magnitude of these costs would affect the capacity of subdivided land being supplied and made available. Taswater did, however, clarify that it would not own or operate a sewerage treatment plant that was constructed for the industrial precinct on the western shore of the Derwent River.

48. The reports and other information provided by parties did not assess the capacity of the land to accommodate on-site wastewater treatment as an alternative to a centralised sewerage treatment plant, the land area that may be required for this on-site treatment, or how this relates to some of the prospective activities advanced by the applicant.
49. Across the course of the hearing, the applicant outlined that it was not its intention to subdivide land with fully reticulated water and wastewater services, road infrastructure and access arrangements, or electricity supply, to supply lots for sale on the market for future industrial uses. This was in part due to the high cost of providing the above-mentioned services and due to its preference to make land available for actual use and development where a major activity offers synergies with the Boyer Mill's operations. A major development of this type is likely to be at a scale where it could meet site development and servicing cost requirements as part of the activity progressing.
50. The activities viewed as providing the opportunity to leverage the attributes of the Mill were outlined as:
 - advanced manufacturing based on forest waste and wood fibre
 - waste and recycling
 - green hydrogen production
51. At the hearing, the representatives from Brighton and Glenorchy Councils outlined that this outcome was significantly different to that presented in the applicant's reports, which in part stated that the purpose of the amendment was to cater for an unmet and growing demand for light and general industrial uses at a regional level.
52. The Commission notes that the information supplied by the applicants in support of the draft amendment refers to the amendment catering for the regional level land supply gap in the short and medium term. Specifically, the conclusions of the KMPG report, provided by the applicant, were that there was a short-term scarcity of suitable industrial land, which formed the basis of the applicant's position that the amendment would give effect to the current regional strategy for land to be supplied and available for industrial uses over a 5 to 15 year timeframe.
53. The Commission agrees with the parties that policies of the regional strategy, and the related Southern Tasmanian Industrial Land Strategy, July 2013 (industrial strategy 2013), aim to ensure that the qualities of industrial land are such that land will be supplied and available at a regional level for a broad range of industrial activities.
54. Specifically, the policies of regional strategy are focused on identifying and managing the actual supply of industrial land to cater for needs over a 5-year (short) and 15-year (medium) timeframe. To achieve this outcome, sub-policies of the regional strategy and recommendations of the related industrial strategy 2013 include:
 - land to be relatively flat and have easy access to physical infrastructure
 - for land to be suitable, in light of constraints on operations, costs, effects on neighbouring uses and land use strategies/policies

- structure planning to occur at Brighton and Clarence to ensure industrial land is available for activities requiring large sites.
55. At the hearing, the applicant referred to the fact that much of the information provided in its KMPG report on industrial land supply and demand was superseded by the analysis that was undertaken for greater Hobart and the southern region in 2024/25 as part of the preparation of the Statewide Industrial Land Study report (2025 study), December 2025.
56. The assessment of land for industrial use in the 2025 study excludes land that is considered unsuitable due to topography/slope, capacity to be serviced or other significant constraints. The 2025 study focuses on the regional supply of land for industrial uses that is suitable for being supplied and available over a 20-year period.
57. At the hearing, the parties agreed that the 2025 study found that for the Greater Hobart area as a whole, there is a supply of approximately 306ha of vacant suitable land that is capable of meeting a forecast demand for between 200ha and 240ha of land over a 20-year period. The 2025 study found that there was approximately 93ha of suitable vacant land in the Brighton area, and much of this land was required to meet the forecast shortfall of land in both Glenorchy and Hobart.
58. The findings of the 2025 study are significantly different to those of the KPMG report. At the hearing, the Commission quoted from the KMPG report, which, in reference to stakeholder views, states that: the Boyer Site is not likely to be the first choice for a large range of industrial users. However, given the current environment of industrial land being in short supply, there are not many alternative sites.
59. At the hearing, the applicant accepted the statement as a valid view.
60. At the hearing, the Commission showed and described part of the methodology for the 2025 study, which showed that at the Brighton Transport Hub, approximately 20ha of General Industrial zoned land with a slope greater than 5% was excluded from being considered as 'suitable'. The Commission outlined that a significant proportion of the land proposed to be zoned General Industrial would not be considered suitable if the methodology of that 2025 study was applied.
61. At the hearing, the parties were invited to provide advice or submissions on the importance that ought to be given to the slope of the land in the Commission's considerations, and specifically the degree to which the slope of the land may increase the cost of supplying land for industrial uses and consequently the likelihood that land is actually made available.
62. The parties did not provide evidence or opinions on this matter.
63. The regional policy of the regional strategy for industrial activity is:
Identify, protect and manage the supply of well-sited industrial land that will meet regional need across the 5, 15 and 30 year horizons.
64. Sub policy 1.1 for industrial activity states:
Ensure industrial land is relatively flat and enables easy access to major transport routes, other physical infrastructure such as water, wastewater, electricity and telecommunications

65. The Commission considers that the land proposed to be rezoned is generally not required to meet local or regional demand for light/general industrial land in the short and medium term, and that the land is not likely to be capable of providing subdivided serviced, relatively flat sites that are supplied and made available for the use by light industrial or general industrial activities over a 5 to 15 year period.
66. At the hearing, the planning authority stressed that the proposal was about making sure there was land available for activities that have a symbiotic relationship with the paper-making process and that this offers a unique economic opportunity that does not compete with the supply of industrial land at other precincts.
67. The Commission understands the views of the planning authority and considers that this is consistent with the intent of the applicant. The future intended use of the site, as outlined by the applicant, is not related to supplying relatively flat, fully serviced lots that are available for future activities and that cater for medium- and long-term growth of industrial activities at a regional level.
68. Rather, the views put by the applicant and the planning authority at a general level are that the land has some relatively unique characteristics and advantages that may have the potential of catering to comparatively large-scale activities where:
 - the use requires a large site with significant buffers to sensitive uses
 - the location of the activity at the site creates significant synergies due to its ability to capture the cost advantages of colocation with the operation of the Boyer Mill
 - the scale of the use is such that it can accommodate the longer timeframes and higher cost of developing a serviced and flat site that caters for the specific needs of that activity.

Consideration of modifications to draft amendment

69. Section 40M of the Act requires the Commission to consider a range of matters, including whether modifications ought to be made to the draft amendment of an LPS.
70. On 28 April 2026, the Commission requested parties to provide a submission on matters that may be addressed in a potential SAP or PPZ based on the area of land shown below.



Figure 3 - area of potential SAP or PPZ

71. Submissions were invited on whether a specific area plan or particular purpose zone would address the following matters:
 - Overlays - removal of Natural Assets Code - priority vegetation area overlay
 - Land uses and their hierarchy.
 - Subdivision lot size requirements
 - Boyer road access and public road layout
 - Landscaping and building setbacks.
72. Brighton Council, State Growth, the planning authority and the applicant responded to the direction letter dated 12 May 2026.
73. The planning authority, the applicant and State Growth provided responses addressing the matters raised in the letter. The planning authority and applicant expressed agreement on the removal of the vegetation overlay and supported a SAP or PPZ.
74. The Office of the Coordinator General also provided a submission on this matter.
75. Parties' responses to relevant matters contributed to the Commission's consideration of potential modifications under section 40M of the Act.

Findings

Southern Regional Land Use Strategy

76. When read as a whole, the Commission finds that the draft amendment is not consistent as far as reasonably practicable with the Southern Regional Land Use Strategy (regional strategy).

77. While the underlying rationale for the amendment may be consistent with policies of the regional strategy relating to supporting strategic economic opportunities for Southern Tasmania, for the reasons outlined above, the Commission finds that the draft amendment is not consistent as far as reasonably practicable with the regional strategy.
78. Specifically, the draft amendment is considered to be inconsistent with policies and sub policies:
- for industrial activity associated with
 - managing the supply of well-sited industrial land that will meet regional need across 5 to 15 year horizons
 - industrial land is relatively flat and has easy access to physical infrastructure
 - ensuring development occurs in a manner that minimises regional environmental impacts and protects environmental values.
 - that aim to avoid the allocation of growth opportunities in areas where Aboriginal cultural heritage values are known to exist
 - that aim to achieve safe and efficient transport and access, and for new roads to be planned to meet future needs.

State Policies

79. The Commission considers that the following State Policies apply to the land subject to this draft amendment:
- Tasmanian *State Coastal Policy 1996*
 - State Policy on the Protection of Agricultural Land 2009
 - State Policy on Water Quality Management 1997, and

The Commission finds that the draft amendment is consistent with each of these State Policies.

Also, the *National Environmental Protection (Assessment of Site Contamination) Measure 1999* (Site contamination NEPM) is a State Policy and applies to the site.

80. The draft amendment includes potentially contaminated land that is intended to be used for industrial and commercial uses. The initial site assessment report has not assessed this land as being suitable for these uses. The Commission finds that the draft amendment is not consistent with the Site contamination NEPM.

Objectives of the Act

81. The Commission considers that, to further the Schedule 1 Objectives of the Act, which seek to promote the orderly and efficient use and development of land to support the economic well-being of communities, General and Light Industrial Zones may be applied to land that is reasonably capable of and suitable to be made available for the range of activities contemplated by those zones.

82. The Commission considers that the evidence indicates that the land is unlikely to be made available for industrial development, having regard to limited unmet demand, servicing constraints and costs, and the physical characteristics of the site. In this context, the Commission considers that the land is generally not suitable or capable of being provided and delivered for the use and development intended by the proposed zones.
83. The existing local road network in the area is not designed or located to ensure safety or efficiently cater for intended uses in the proposed zones. To enable the intended uses to occur in an orderly and coordinated manner and with a suitable level of certainty, plans and provisions that redesign existing public local roads and provide for future roads, junctions and access are considered necessary.
84. The area contains places considered to have special cultural value to Tasmania's Aboriginal communities. An area of land proposed to be zoned Light Industrial has been identified as being suitable for conservation and protection, as the land has been assessed as having the highest potential for undetected Aboriginal heritage.
85. The area contains land that has been assessed as being or potentially being contaminated. Specific locations across that area have explicitly been identified as not being assessed as suitable for industrial / commercial land use.
86. Accordingly, the proposed application of the General Industrial Zone and Light Industrial Zone as proposed in the draft amendment does not represent sound, orderly and strategic land use planning that supports communities providing for their social, economic and cultural wellbeing.

Decision on draft amendment

87. The draft amendment is rejected, and the planning authority is directed, under section 40N(1)(c)(i) of the *Land Use Planning and Approvals Act 1993*, to submit to the Commission a substitute draft amendment as set out in Annexure A within 90 days.

Attachments

Annexure A - Substitute draft amendment 2024-02

Annexure A

Substitute draft amendment 2024-02 to the Tasmanian Planning Scheme - Derwent Valley

Specific Area Plan - Boyer Industrial Enterprise Area

Purpose of Specific Area Plan

The purpose of the Boyer Industrial Enterprise Area Specific Area Plan is:

- To provide for industrial uses and related service activities that require or benefit from a location close to the Boyer Mill or other existing industrial activities in the areas to optimise economic efficiency, and
- To provide fully serviced or partially serviced land for large scale industrial uses.
- To provide for industrial uses that require large site area and which may have significant emissions that require a large attention distance to sensitive uses.
- To provide for road and access arrangements that caters for industrial use and minimises the number of access crossing and junctions to the Boyer Road, designs local roads to cater for future transport needs and achieves acceptable road safety and efficiency outcomes.
- To enhance the appearance of the Boyer Industrial Enterprise Area and to minimise impacts on the Boyer Road corridor, through building setbacks and landscaping treatments

Land Area and Underlying Zone

The SAP is to include land area shown by the plan below



Application of Codes within SAP area

The priority vegetation area overlay is to be amended so that it does not apply to the land with the SAP.

Use table - substitute for use table of general industrial zone

No permit required - same use as for General Industrial zone,

Permitted uses - manufacturing and processing, recycling and waste disposal, utilities.

Discretionary uses - research and development, resource processing, service industry, employment and training centre, food services.

Discretionary uses - Substitute standard for discretionary uses

A use listed as discretionary must be required to locate on land within the SAP area due to either:

- substantial economic efficiencies achieved from colocation with the Boyer paper mill, including its associated infrastructure or other existing major industrial activities
- the need to minimise adverse effects of emissions from its operations on sensitive uses

having regard to:

- access to products, by-products or waste outputs from uses occurring on the site or on land in vicinity of the site
- access to infrastructure or services only available on the site or on land in the vicinity of the site
- direct services to or support for uses on the site or on land in vicinity of the site
- the scale and extent of potentially adverse emissions and the reserve capacity in the surrounding environment for additional cumulative and intensified emissions.
- The benefit from colocation derived by uses that serve and substantially rely on the operation of on existing industries.

Setbacks - modification to setback standard

Modification to A1 so that a 20m setback applies to land with a frontage to Boyer Road and a 10m setback applies to land setback from other roads.

Landscaping - modification to landscaping standards

Modification to A1 so that a landscaping treatment to a depth of 12 m applies to land with a frontage to Boyer Road, including any service road if constructed adjacent to Boyer Road, and landscaping to a depth of 6m applies to land setback from other roads.

Subdivision - substitute for lot design standard

New planning scheme standard: Lot Design - Area and Services

Acceptable Solution only no performance criteria

Where the current use of the land existed when the SAP came into effect and no permit has been granted for a new use:

- Minimum area of a lot is 2ha when the lot is connected to a sewerage system
- Minimum area of a lot is 4ha when the lots not connected to a sewerage system

Performance Criteria only - no acceptable solution

Where a use with a planning permit granted since this SAP came into effect exists or for a use granted by a permit, the area of a lot its design and capacity to meet the setback requirements of the planning scheme suitably caters for the existing or permitted use as well enables the use to be substantially intensified overtime when a lot has a connection to a water service managed by a regulated entity.

Remaining planning scheme standards in 19.5.1, A2 P2, A3 and P3, transferred to new planning scheme standard Lot Design - frontage and access.

Access to Boyer Road - substitute planning standards for traffic generation at a vehicle crossing or new junction standard - Road and Rail Asset Code

Acceptable solution -

- vehicular traffic at an existing vehicle crossing to Boyer Road or Corkerills Road will not increase by more than 10% or more than 10 vehicles per day whichever is the greater
- vehicular traffic must be able to enter and leave Boyer Road and Cockerills Road in a forward direction.

Performance criteria - provisions that refer to a road layout or structure plan that minimises the total number of access points/junctions to three, shows locations where sight distance requirements will be achieved, depicts the minimum spacing of vehicle access points /junctions to the Boyer Road and which shows the conceptual design of a road and junction replacing the current Cockerills Road junction, and requiring consideration of key matters including the advice of the road authority.