

TASMANIAN PLANNING COMMISSION



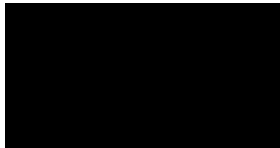
DECISION

Planning scheme	Tasmanian Planning Scheme - Waratah-Wynyard
Amendment	PSA 2-2025 - rezone part of 5-7 George Street, Wynyard from Open Space to Community Purpose
Permit	DA-184-2025 - childcare centre
Planning authority	Waratah-Wynyard Council
Applicant	Waratah-Wynyard Council
Date of decision	25 September 2026

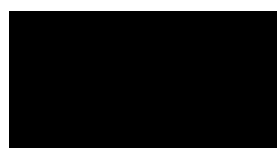
Decision

The draft amendment is modified under section 40N(1)(b) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 40Q.

The permit is modified under section 42B(1)(b)(ii) of the *Land Use Planning and Approvals Act 1993*, as set out in Annexure B.



Dan Ford
Delegate (Chair)



Rohan Probert
Delegate

REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to rezone part of 5-7 George Street, Wynyard from Open Space to Community Purpose.

Permit

The permit provides for the construction of a childcare centre.

Site information

The site is located at 5-7 George Street, Wynyard, is identified as property ID 9495708, and has an area of 1.68ha.

It contains a mix of cleared areas and native vegetation and is dissected by an artificial open drain which feeds into the Inglis River.

The site has frontage to Gibbons Street to the north and George Street to the south.

The majority of the site is zoned Open Space. There is a strip of land on the eastern side of the site that is already zoned Community Purpose. This strip of land is a former Crown-administered reserved road that has been adhered to the property. The remaining part of the site, currently zoned Open Space, is proposed to be rezoned to Community Purpose.

Surrounding land is zoned General Residential to the north, south, and west, and Community Purpose (Wynyard High School and Larapi Child and Family Learning Centre) to the east.

The airport obstacle limitation area, priority vegetation area, and waterway and coastal protection area overlays apply to the site.

The Signs Code, Parking and Sustainable Transport Code, and Road and Railway Assets Code also apply to the proposed use and development.

Water, sewer and stormwater services are available to the site.

Issues raised in representations

One representation was received during the exhibition period. The representation raised the following issues:

- high risk for land use conflict between uses on adjoining land
- impact on the adjoining rental tenancy located along the western boundary of the site due to increase in noise, traffic, and activity
- impact on the health and quality of life of a family member expected to live in the adjoining dwelling in future, due to significant sensory processing challenges, including sensitivities to noise, visual stimulation, and sudden activity
- increase in vehicle movements associated with the proposed childcare centre, including the impact of noise, headlight glare, and delivery trucks

- location and impact of the proposed carpark on the residential amenity of the adjoining dwelling
- retention and expansion of the current boundary fence along the western boundary of the site, including a request to build a higher fence/plant a suitable hedge to address privacy issues
- noise associated with vehicles entering and departing the site compounded by the steep incline of the western driveway
- noise associated with outdoor play areas and other operational activities
- loss of on-street parking for residents
- concern that the location and details of security cameras, carpark lighting, and security lighting are not shown on the proposal plans and their potential impact on privacy and residential amenity.

The draft amendment was referred to TasWater under sections 56S and 56O of the *Water and Sewerage Industry Act 2008*. In response TasWater provided a submission to planning authority notice (SPAN) providing conditions to be included with any permit.

These issues and any additional matters raised by representors at the hearing are discussed as relevant below.

Planning authority's response to the representations

The planning authority recommended no modifications to the draft amendment or permit.

Date and place of hearing

The hearing was held at the Waratah-Wynyard Council Chambers, 21 Saunders Street, Wynyard on 6 August 2026.

Appearances at the hearing

Planning authority:	Jasmin Briggs, Town Planner Sally Pearce, Town Planner Joanna Potter, Administrative Officer
Applicant:	Gary Neil, Strategic Projects Manager, Waratah-Wynyard Council Jayne Newman, Planning 4 Bushfire Joanna Lyall, Natural Environment Services Tasmania Keith Midson, Midson Traffic Pty Ltd
Representors:	Mark Grining

Site Visits

A site visit was undertaken prior to the hearing on 4 August 2026.

Consideration of the draft amendment

Statutory Requirements

1. Under section 40M of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the draft amendment to the Tasmanian Planning Scheme - Waratah-Wynyard Local Provisions Schedule (LPS) and the representations, statements and recommendations contained in the planning authority's section 40K report, any information obtained at a hearing, and any technical matters.
2. A hearing was convened to assist the Commission consider the issues in the representations.
3. The Commission must also 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*.
4. Where relevant, these matters are discussed in the sections below.

Tasmanian Planning Policies

5. The Commission must consider whether the draft amendment satisfies the relevant criteria in relation to the Tasmanian Planning Policies (TPPs).
6. Planning 4 Bushfire submitted a planning report for the applicant. The planning report considered policy 1.0 Settlement relevant to the draft amendment and submitted that the proposal will provide for infill development to support the needs of the community.

7. The planning report submitted that the land is located in and forms part of an Education Hub, supported by existing infrastructure relative to road networks, servicing and public transport. It submitted that the proposed Child Care Centre maximises the use of existing well-located land allowing before and after school programs to coordinate safe travel between locations via foot rather than vehicle transfer, improving liveability of families within the community and efficiency for staff.
8. The planning report submitted that the proposed Child Care Centre will provide an increase in capacity to service the needs of the community, where waiting lists are currently extensive for parents returning to work, while also providing convenient access to the school and childcare at the same time and within the same location.
9. The planning authority's report supporting the draft amendment (supporting report) agreed with the assessment in the planning report and submitted that the proposal provides for a key community facility which supports employment opportunities and working families, and located in close proximity to residential areas and established transport networks, including public bus stops.

Commission consideration

10. The Commission notes that the objective of 1.3 Social infrastructure in the TPPs is to support the provision of adequate, accessible and inclusive social infrastructure to promote the health, education, safety and wellbeing of the community.
11. The Commission considers that the strategies in clause 1.3.3 of the TPPs encourage provision of sufficient land to support the community's existing and forecast demand for social infrastructure, including childcare, and to facilitate the co-location of suitable and compatible social infrastructure.
12. The strategies also support the location of social infrastructure in proximity to, or highly accessible by, residential areas.
13. The Commission considers the amendment satisfies these strategies, and all other relevant strategies in the TPPs.

Regional land use strategy

14. The relevant regional strategy is the Cradle Coast Regional Land Use Strategy 2010-2030 (regional strategy).
15. The applicant's planning report noted that Wynyard is identified in the regional strategy as a focus location for high-order business and a commercial activity centre. The planning report noted that Wynyard is listed as a District Activity Centre in the regional strategy, which identifies that 'These towns offer a range of services in education, health, culture and entertainment, community support, personal service, and convenience and comparison retail options where sustainable service levels can be supported across a number of sites'.
16. The planning report considered policy 4.7 Land Use Policies for Healthy and Educated Communities relevant to the draft amendment. It submitted that the creation of an education precinct will consolidate educational services in Wynyard within a collective area, which will be convenient to parents and

provide a safe transition between before and after school care and the transferring of children to school.

17. The planning report submitted that the existing Warawyn Early Learning Centre is the only childcare facility servicing the whole settlement and the closest services are Somerset and Smithton.
18. The planning authority's supporting report submitted that the draft amendment meets the Economic Activity and Employment policies of the regional strategy, noting that the Council's Business Plan for the redevelopment of the Warawyn Early Years Service Centre found that the existing Warawyn site, located at 12 Exhibition Link, is not suitable for expansion and is currently not meeting the local demand for childcare.
19. The planning authority's supporting report submitted that the Council's Business Plan for the development of the Warawyn Early Years Services Centre identifies the subject site as the most suitable location for provision of childcare services into the future to ensure the local demand for childcare can be met.
20. The planning authority considered that rezoning the site to Community Purpose will provide for childcare services in the area servicing an unmet demand through increased capacity, thereby supporting working families, and will also facilitate the employment of 32 staff (full time equivalent).

Commission consideration

21. The regional strategy's Activity Centre Network identifies Wynyard as a District Activity Centre which should offer a range of services and facilities to meet needs of the local community.
22. The Commission agrees with the applicant and the planning authority that the draft amendment is consistent with the regional strategy's relevant educated communities and economic activity policies.
23. The Commission finds that the draft amendment is, as far as practicable, consistent with the regional strategy.

Strategic Plan

24. The planning authority's supporting report submitted that the rezone of the site is broadly consistent with the Waratah-Wynyard Council 10 Year Corporate Strategic Plan 2017/27.
25. The planning authority submitted that the draft amendment is consistent with Goal 3 Connected Communities as it will provide for infill development to expand capacity for childcare services and support working families to contribute to the area's economy.
26. The planning authority also submitted that the draft amendment is consistent with Goal 5 Economic Prosperity through supporting the ability of parents and guardians to enter employment and providing sustainable growth of the site into the future.

Commission consideration

27. The Commission considers that the draft amendment has had regard to a strategic plan prepared under section 66 of the *Local Government Act 1993*.

Suitability of the site for Community Purpose Zone

28. The planning authority's supporting report submitted that the intended use for the site is for a childcare centre to provide for long term day-care facilities (up to a maximum of 128 children) and outside school hours care (up to a maximum of 45 children).
29. The Council currently operates 2 childcare services. One is located at 12 Exhibition Link, Wynyard (Warawyn Early Learning - Long Day Care and Admin Centre) operating 7am to 6.30pm Monday to Friday, the other is located at 46A Hogg Street, Wynyard (Wynyard - Before School Care and After School/Holiday Care) operating 7am to 9am Monday to Friday and 2.30pm to 6pm Monday to Friday.
30. The supporting report submitted that Council's existing outside school hours care and early childhood services are spread across two locations and that the redevelopment of the existing sites has been assessed as non-viable due to their limited capacity for growth.
31. The site at 5-7 George Street has been identified by Council as the most suitable place within Wynyard's township to locate a childcare centre, as it will consolidate the services onto a single site in an established education precinct that includes Table Cape Primary School, Wynyard High School and Larapi Child and Family Learning Centre.
32. The supporting report noted that the site was identified as a green belt on the original town grant charts but has not been used for any defined purpose.
33. The planning authority submitted that the draft amendment is consistent with the Section 8A Guidelines for LPS zone and code application for the Community Purpose Zone as the rezone will provide for a new childcare centre which will cater for the current and future needs of the community.
34. The supporting report submitted that this site has been identified by Council within its Business Plan as a suitable site for the redevelopment of the existing Waratah-Wynyard Early Years Service Centre as the current site cannot meet the current or future needs for childcare and early education.

Commission consideration

35. The Commission agrees with the planning authority that the rezone will consolidate educational services in a single precinct in Wynyard to cater for the current and future needs of the community.
36. CPZ 1 of the Community Purposes Zone states:
- The Community Purpose Zone should be applied to land that provides, or is intended to provide, for key community facilities and services, including:
- (a) schools, tertiary institutions or other education facilities;
 - (b) medical centres, hospital services or other care-based facilities;

...

37. The Commission finds that the draft amendment accords with the zone purpose statement of the Community Purpose Zone and Guideline No. 1 as it will provide for a key community facility that has outgrown its current location.
38. The Commission considers that editorial corrections are required to the certified draft amendment, to be consistent with Practice Note 12, to:
 - delete the surrounding zones shown on the rezone map
 - delete the overlays shown on the rezone map
 - show the rezone of the site to Community Purpose
 - rezone to Community Purpose the relevant sections of Gibbons and George Street to the road centreline.

State Policies

39. The Commission finds that the site is within 1km of the high-water mark and that the *State Coastal Policy 1996* is relevant to the draft amendment. The Commission agrees with the planning authority that the draft amendment would facilitate infill development of a suitably allocated site surrounded by existing urban development in an area that will not adversely affect the coastal zone.
40. The Commission finds that the *State Protection of Agricultural Land Policy 2009* is not relevant to the draft amendment.
41. The Commission finds that water quality management measures can be required where appropriate to the future development. The Commission finds that the draft amendment is consistent with the *State Policy on Water Quality Management 1997*.
42. The Commission finds that no National Environmental Protection Measures are relevant to the draft amendment.

Schedule 1 Objectives of the Act

43. With specific reference to Part 1 Objective 1(b) 'to provide for the fair, orderly and sustainable use and development of air, land and water;' the Commission finds the draft amendment furthers the Schedule 1 Objectives.

Modifications required to draft amendment

44. Under section 40M of the Act, the Commission must consider whether modifications to a draft amendment of an LPS ought to be made.
45. As discussed above, the Commission makes the following modifications, as shown in Annexure A, to the draft amendment:
 - delete the surrounding zones shown on the rezone map
 - delete the overlays shown on the rezone map
 - show the rezone of the site to Community Purpose in accordance with Practice Note 7
 - rezone to Community Purpose the relevant sections of Gibbons and George Street to the road centreline.

Decision on draft amendment

46. Subject to the modifications described above, and shown in Annexure A, the Commission is satisfied that the draft amendment meets the LPS criteria and gives its approval.

Consideration of the permit

47. Under section 40T(1) of the Act, a person who requests a planning authority under section 37 to amend an LPS may also:
- (a) make an application to the planning authority for a permit, which permit could not be issued unless the LPS were amended as requested; and
 - (b) request the planning authority to consider the request to amend the LPS and the application for a permit at the same time.
48. Under section 42A of the Act, the Commission must consider the permit and, under section 42B, review the planning authority's decision as reported under section 42.
49. The permit sought is for use and development of a childcare centre in the Community Purpose Zone, where the use of Educational and Occasional care is Permitted. As such, the development application must be considered against the applicable standards in the Community Purpose Zone and applicable codes in the State Planning Provisions.
50. At the hearing, the drafting of the planning permit conditions was reviewed.

Assessment against the provisions of the planning scheme

51. Both the applicant and planning authority provided an assessment of the proposal against the planning scheme provisions in their reports.
52. The site must be assessed under the provisions of the Community Purpose Zone and the airport obstacle limitation area, priority vegetation and waterway and coastal protection area overlays applicable to the site. The Road and Railway Assets Code, Parking and Sustainable Transport Code and Natural Assets Code (priority vegetation area and waterway and coastal protection area) are also applicable to the proposal.
53. The Commission notes that C16.0 Safeguarding of Airports Code is not applicable, as the development is not more than the AHD height specified in the airport obstacle limitation area.
54. The Commission, in reviewing the planning authority's assessment, considers the proposal meets the relevant zone and code acceptable solutions, with the exception of those discussed in further detail below.
55. Where relevant, these matters are also discussed in the sections below.

27.0 Community Purpose Zone

56. The Commission has reviewed the submissions made by the applicant and planning authority and finds that the application meets the performance criteria of the Community Purpose Zone for:

- 27.3 Use standards - 27.3.1 Non-residential use - P1
- 27.3 Use standards - 27.3.1 Non-residential use - P4
- 27.4 Development Standards - 27.4.2 Setback - P2
- C2.0 Parking and Sustainable Transport Code - C2.5.2 Bicycle parking numbers - A1/P1 - P1
- C2.0 Parking and Sustainable Transport Code - C2.5.3 Motorcycle parking numbers - A1/P1 - P1
- C2.0 Parking and Sustainable Transport Code - C2.6.3 Number of accesses for vehicles - A1/P1 - P1
- C2.0 Parking and Sustainable Transport Code - C2.6.5 Pedestrian access - A1/P1 - P1
- C7.0 Natural Assets Code - C7.6.2 Clearance within a priority vegetation area - A1/P1 - P1

57. The Commission considers that the following relevant performance criteria required further consideration.

27.3 Use Standards - 27.3.1 Non-residential use A1/P1

58. Clause 27.3.1 A1 requires the hours of operation for certain non-residential uses within 50m of a General Residential Zone to be from 8.00am to 8.00pm Monday to Friday.
59. The applicant's planning report submitted that the hours of operation of the childcare centre will be between 7am and 6.30pm, Monday to Friday, therefore assessment against P1 is required.
60. The planning report noted that the additional hours of operations between 7am-8am allow for early drop off of children and staff arrivals. The planning report submitted that during these hours children will be kept within the building ensuring noise will be limited to the dropping off of children and associated vehicle noise.
61. The planning report submitted that vehicle movements are common in a residential setting and are not considered to cause an unreasonable loss of amenity.
62. The planning authority's supporting report considered that the likely number of vehicle movements during the period from 7am to 8am are not unreasonable for a residential area that is in close proximity to existing schools and will not result in an unreasonable loss of amenity for adjacent residential uses.
63. At the hearing, the Commission queried whether the hours of operation should be included as a permit condition. The applicant and planning authority agreed, and the planning authority submission dated 1 September 2026 provided a proposed permit condition which specified the hours of operation.
64. The Commission agrees with the planning authority that the performance criteria are satisfied. The Commission further considers that the permit should be modified to include the permit condition to reflect the hours of operation.

27.3 Use standards - 27.3.1 Non-residential use - A4/P4

65. Both the applicant and planning authority considered that the application met clause 27.3.1 A4 which requires commercial vehicle movements and the unloading and loading of commercial vehicles within 50m of a General Residential Zone to be between 7.00am to 6.00pm Monday to Friday and 9.00am to 5.00pm Saturday, Sunday and public holidays.
66. At the hearing, the Commission queried whether the hours for commercial delivery vehicles should be included as a permit condition. The applicant and planning authority agreed, and the planning authority submission dated 1 September 2026 provided a permit condition which specified the commercial vehicle movements in accordance with A4.
67. The Commission finds that the proposal meets A1 and considers that the permit should be modified to include the permit condition to regulate commercial vehicle movements.

27.4 Development Standards - 27.4.2 Setback - P2

68. The applicant's planning report submitted that the proposal includes a 1.95m high parapet wall for the bin storage area located 1.573m from the western boundary of the site. The planning report submitted that the wall is partially screened by the existing paling fence and located behind the adjoining dwelling, therefore not creating any reduction in sunlight to habitable rooms.
69. The planning authority's supporting report considered that the bin storage has a maximum height of 1.95m, does not form part of habitable space for the site and will not be frequently accessed. It submitted that the bin storage is located approximately 30m to the south of the dwelling on the adjoining property at 26 Gibbons Street and will not be a visually prominent feature.
70. The supporting report submitted that the proximity of the bin storage to the western boundary will not result in an unreasonable loss of amenity to adjoining General Residential zoned properties and submitted that it complies with P1.
71. The Commission notes that the 1.95m high brick fenced wall of the bin storage area is located 1.5m from the western boundary and approximately 30m to the south of the neighbouring dwelling's rear wall. The Commission accepts the submissions that the bin storage area will not result in an unreasonable loss of amenity to the adjoining property to the west by way of overshadowing, privacy or visual impacts due to its location to the south of the neighbouring dwelling and its immediately adjacent private open space, and its scale not being considered unreasonable.
72. The Commission agrees with the planning authority that the performance criteria are satisfied.

C2.5.2 Bicycle parking numbers - A1/P1

73. Acceptable Solution A1 of Clause C2.5.2 requires that bicycle parking spaces must be provided on the site or within 50m of the site and be no less than the number specified in Table C2.1. Table C2.1 requires one bicycle space per 5 employees, which is a requirement for 7 spaces.

74. The Traffic Impact Assessment (TIA) prepared by Midson Traffic Pty Ltd submitted that 8 bicycle spaces are provided on-site adjacent to the building (four racks accommodating two bicycles each).
75. At the hearing, the Commission queried the number of bicycle parking spaces provided for, as plan A02-01 only shows 6 bicycle parking spaces. Keith Midson clarified that 8 bicycle parking spaces should be provided for, in 4 racks that can take two bikes each rack, and the plans should be updated to reflect this.
76. The planning authority submission dated 1 September 2026, revised condition 10 (now 15) to specify that prior to any works commencing, a revised traffic plan is to be approved by Council providing for 8 bicycle parking spaces.
77. The Commission accepts the revised permit condition and finds the application meets the requirements of Table C2.1.

C2.5.3 Motorcycle parking numbers - A1/P1

78. The TIA prepared by Midson Traffic Pty Ltd submitted that the proposed childcare centre is unlikely to generate significant motorcycle generation and that motorcycle parking is available in all on-site car parking spaces, or in the nearby on-street parking.
79. Acceptable Solution A1 of Clause C2.5.2 requires that motorcycle parking spaces be no less than the number specified in Table C2.4. Table C2.4 requires 1 motorcycle parking space for every 21-40 carparking spaces provided.
80. The planning authority's supporting report submitted that that 1 motorcycle parking space is required for the proposed development, but the submitted plans do not include any provision for motorcycle parking, and assessment against P1 is required.
81. The planning authority submitted that any staff or visitors to the site using motorcycles will be able to access any of the on-site parking spaces, in addition to the marked parking bays along Gibbons Street.
82. The supporting report considered that the nature of use on the site does not warrant specific provision for dedicated motorcycle bays and that the type and number of parking spaces provided is sufficient to meet the reasonable needs of the proposed childcare centre.
83. The planning authority submitted that the proposal complies with P1.
84. The Commission accepts the evidence from the traffic expert that the proposed childcare centre is unlikely to generate significant motorcycle traffic and that motorcycle parking can be accommodated on-site or in the on-street parking spaces.
85. The Commission finds that the performance criteria are satisfied.

C2.6.3 Number of accesses for vehicles - A1/P1

86. The TIA submitted that Acceptable Solution A1 of Clause C2.6.3 is not met as the access arrangements consist of a one-way entry driveway towards the eastern end and a two-way driveway access on the western side of the site.

87. Clause C2.6.3 A1 requires that the number of accesses provided for each frontage must be no more than 1 or no more than the existing number of accesses.
88. The planning authority's supporting report submitted that the functional design, including the relocation of the bus stop adjacent to the site, provides orderly vehicle access while maintaining an appropriate visual relationship with the street, and that the two-access arrangement is necessary to support safe and efficient circulation within the site.
89. The supporting report submitted that the proposal involves provision of an additional vehicle access on the eastern side of the site in order to facilitate one way traffic for drop off and pick up of children.
90. The TIA stated that the two-access arrangement is necessary to support safe and efficient circulation within the site and that the design supports traffic and pedestrian safety by segregating entry and exit movements.
91. The planning authority's supporting report submitted that the provision of 32 on-site car parking spaces offsets the removal of two on-street spaces given the extent of marked on-street parking available on Gibbons Street. It also submitted that the proposal includes the minimum number of accesses necessary for the use and development and will not unreasonably affect residential amenity of the existing streetscape character.
92. The planning authority submitted that the proposal complies with P1.
93. At the hearing the Commission queried the ingress arrangements from the carpark and the associated loss of on-street parking.
94. Keith Midson indicated that the proposed access arrangements comprised of two vehicular access points with Gibbons Street – a one-way, entrance-only access towards the eastern end of the frontage and a two-way entrance/exit towards the western end of the frontage. In addition to being the exit point for all vehicles, he indicated that the two-way nature of the western entrance was intended to also allow staff to access the western parking area from that driveway.
95. Mr Midson clarified that changing the circulation to be one-way only for all traffic (ie. changing the western access to be exit-only) was not problematic, as the staff carpark along the western site boundary is easily accessible from the eastern entrance.
96. Mr Midson confirmed that he could support either access arrangement, as both will work and provide suitably safe entry and exit to and from the site.
97. The planning authority submission dated 1 September 2026, revised condition 10 (now 15) to specify that prior to any works commencing, a revised traffic plan is to be submitted to and approved by Council that provides for one-way traffic circulation for all vehicles to the site (entering east and exiting west).
98. The Commission accepts the evidence from Mr Midson that both one-way and two-way access to the site will provide for safe entry and exit to the site. On balance the Commission is persuaded that one-way traffic circulation for all vehicles is preferable in this instance.

99. The Commission accepts the planning authority's modified permit condition and considers that the permit should be modified to require a revised plan providing one-way traffic flow on the site.

C2.6.5 Pedestrian access - A1/P1

100. The applicant's TIA submitted that the carpark is small, provides a low-speed environment and that the type of activity associated with the childcare centre would be expected by all road users.
101. The TIA noted that a footpath is available within the site for pedestrian safety and the proposal will not generate significant vehicle traffic volumes even at peak times (maximum 66 vehicles per hour in the afternoon).
102. The planning authority's supporting report considered that the proposal includes a pedestrian path through the site from the footpath, behind angled parking at the front of the site and adjacent to the building.
103. The supporting report submitted that the 2.5m separation required by clause C2.6.5 A1.1(a)(i) is not met and assessment against P1 is required.
104. The planning authority considered that the proposal provides safe and convenient pedestrian access within the included parking areas, having regard to the matters identified under P1(a)-(i) and that P1 is satisfied.
105. The Commission accepts the submission and agrees with the planning authority that the performance criteria are satisfied.

C7.6.2 Clearance within a priority vegetation area - A1/P1

106. Clause C7.6.2 A1 requires that the clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under the planning scheme. The planning authority noted that removal of native vegetation is required as part of the proposed development and assessment against C7.6.2 P1 is required as the site has neither an established building area nor sealed plan.
107. Clause C7.6.2 P1.1 (f) requires:
- Clearance of native vegetation within a priority vegetation area must be for:
- ...
- (f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.
108. Clause C7.6.2 P1.2 requires that clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to a number of matters.
109. The planning authority's supporting report submitted that approximately 5,000m² of the site is subject to the priority vegetation overlay.
110. The supporting report submitted that the total extent of clearing required to facilitate the development comprises 17.3% of this area, but that some of the space will be utilised for outdoor play spaces which will incorporate existing trees where possible.

111. The supporting report noted that no development, including land clearing, is proposed for the portion of the site covered by the waterway and protection area overlay and that this area is to be fenced off from the remainder of the site to protect the balance area of the site.
112. The supporting report noted that the natural values report includes a series of recommendations to manage potential development impacts and that permit conditions had been included to require compliance with the recommendations.
113. The planning authority submitted that the proposal satisfies P1.1(f) and P1.2.
114. At the hearing, the Commission discussed the benefits of a potential permit condition requiring additional offsets to provide for onsite revegetation of the cleared area to the south of the watercourse.
115. Joanna Lyall for the applicant agreed that any offset would be a benefit and extending the landscaping plan to the vacant part of the site would be beneficial to natural values.
116. The planning authority submission dated 1 September 2026 revised condition 3 to require that prior to commencing any works, a revised landscaping, rehabilitation and offset plan be prepared for the area of the site south of the watercourse.
117. The Commission accepts the submissions and finds that that the performance criteria are satisfied. The permit requires modifications to include the updated condition 3.

Amenity issues

118. The representation from Mark and Kellie Grining raised a number of amenity related issues with the proposal, including the impact on the adjoining dwelling due to increase in noise, traffic (including headlight glare), the existing boundary fence and suitable landscaping.
119. At the hearing, the Commission queried whether the number of staff and students should be conditioned on the permit. Gary Neil, acting for Waratah-Wynyard Council as the applicant, submitted that the childcare centre has been designed to meet childcare floor area requirements, but had no objection to maximum staff and student numbers being conditioned in the permit.
120. The applicant and planning authority agreed, and the planning authority submission dated 1 September 2026 provided a permit condition which specified that the childcare centre is to have a maximum capacity of 173 children.
121. The Commission considers that the permit should be modified to include the permit condition to reflect the maximum number of children and staff.
122. At the hearing, Mr Grining raised concern about car light spill onto his property due to the flow of traffic onto the site. Mr Grining confirmed that the ground floor of the adjacent dwelling contained a garage and that upstairs facing the site were the living and dining rooms. Mr Grining submitted that car lights, particularly on high beam, will impact the upstairs area of his house.
123. The Commission queried if it would be appropriate to have a permit condition to mitigate light impact on Mr Grining's property.

124. The Commission discussed whether a permit condition specifying requirements for the boundary fence on the western side would be appropriate.
125. The applicant and planning authority agreed, and the planning authority submission dated 1 September 2026 provided a permit condition which required construction of a fence along the common boundary between the subject site and the adjoining property to the west at a height of 1.8m tapering down to 1.2m within 4.5m of the frontage.
126. A submission from Mark and Kellie Grining dated 11 September 2026 noted that the Commission's directions stated 'boundary fence details including, length, height, materials and landscaping/screening treatments'. Mr Grining noted that the planning authority response did not include materials and only stated that the fence would extend from the frontage to the southern end of the car park.
127. Mr Grining submitted that the childcare centre borders the full length of his adjacent property and the boundary fence should be the full length of the common boundary and be suitable for a childcare centre.
128. Mr Grining submitted that the fence should be constructed from hardwood palings to a height of 1.8m with a concrete plinth beneath.
129. The Commission supports a condition requiring the construction of a boundary fence from the property frontage to the southern end of the carpark as submitted by the planning authority as it would assist in mitigation of potential amenity impacts associated with the carpark. The Commission also supports the fence being constructed from hardwood palings above a concrete plinth as submitted by Mr Grining.
130. The Commission considers that the permit should be modified to include a permit condition requiring a fence to be constructed along the common boundary between the subject site and the adjoining property to the west, from the frontage to the southern end of the carpark. The fence is to have a height of 1.8m, excluding fencing within 4.5m of the frontage which is to taper down to a height of 1.2m, and is to be constructed from hardwood palings with a concrete plinth beneath.
131. The Commission is not persuaded that the proposal warrants the construction of a new fence for the remaining length of the common boundary. The maintenance or reconstruction of this portion of the fence remains a matter between the respective landowners and is regulated by the *Boundary Fences Act 1908* outside of this process.
132. The Commission discussed how the 1.5m between the western edge of the carpark and the boundary would be treated in terms of landscaping adjacent to the dwelling and whether a permit condition for landscaping should be included to provide for screening, and if so, to what height.
133. Jasmin Briggs for the planning authority noted that vegetation up to 3m would still be able to be seen over into the carpark of the childcare centre from the living areas and would not block car headlights on high beam.
134. The planning authority submission dated 1 September 2026 provided a permit condition requiring a 13m long native vegetation buffer on the western boundary fence with a mature height of 2m.

135. The Commission considers that the permit should be modified to include the permit condition to provide for screening for the adjacent property of the western side of the site.
136. At the hearing, the Commission queried whether a condition should be included in the permit to specify the hours for external lighting to reflect clause 27.3.1 A2, which specifies that external lighting for a site within 50m of a General Residential Zone must not operate between 9.00pm and 6.00am, excluding any security lighting which must be baffled.
137. The planning authority agreed, and the planning authority submission dated 1 September 2026 provided a permit condition relating to external lighting.
138. The Commission considers that the permit should be modified to include the permit condition for external lighting.

Planning Permit Conditions

139. The Commission considers that the following modifications, as discussed above and shown in Annexure B, are required to the permit conditions:
 - modify condition 1 and 2 to specify that landscaping is to be in accordance with the Landscape Concept and Landscaping treatments prepared by Play St
 - modify condition 3 to require the submission and Council's approval of a revised landscaping, rehabilitation and offset plan for the land south of the water course to George Street. The plan should have regard to any recommendations by NEST – Natural Environmental Services Tasmania, or other suitable consultant. The plan must identify existing vegetation to be retained, nature of weed management, vegetation to be removed and any new vegetation to be planted
 - insert a new condition specifying the hours of operation including clarification between business open hours and staff hours of attendance
 - insert a new condition specifying the maximum number of staff and students onsite
 - insert a new condition specifying boundary fencing details including length, height and materials adjoining the property at 26 Gibbons Street, Wynyard
 - insert a new condition specifying landscaping treatment on the western boundary aside the adjacent dwelling including appropriate screening species
 - insert a new condition specifying hours of operation of external lighting
 - insert a new condition specifying the hours and days that commercial vehicle movements to or from the site are restricted to
 - modify condition 15 to require the submission and Council's approval of a revised car parking and traffic circulation plan that provides for:
 - one way traffic circulation
 - the provision of 8 bicycle parking spaces

- numbering of all parking bays
- identification of disabled parking bays
- any delineation between long and short-term parking arrangements
- modify condition 17 in relation to loading and unloading of vehicles to clarify that it relates to the construction phase of the development only
- further editorial corrections as required.

Schedule 1 Objectives of the Act

140. The Commission finds that the draft permit furthers the Objectives at Schedule 1 of the Act.

TasWater conditions

141. The TasWater notice to the planning authority provided conditions to be included in the permit under sections 56P and 56S of the *Water and Sewerage Industry Act 2008*.

142. Condition 12 on the TasWater notice provides for the payment by the developer of a fee for development assessment and for consent to register a legal document.

143. This condition is not for a proper planning purpose¹ and is to be removed but may be included as advice.

Modification to permit conditions

144. The Commission modifies the planning authority's permit as described above and as contained in Annexure B of the decision.

Decision on permit

145. The Commission modifies the conditions attached to the permit granted by the planning authority, as set out above, and as contained in Annexure B of the decision.

Attachments

Annexure A - modified amendment

Annexure B - modified permit

¹ See *Western Australian Planning Commission v Temwood Holding Pty Ltd* [2004] HCA 63 at 57 and 60

Annexure A

Modified amendment PSA 2-2025, Tasmanian Planning Scheme - Waratah-Wynyard

Rezone part of 5-7 George Street, Wynyard from Open Space to Community Purpose and the associated road reserves on Gibbons and George Streets, as follows:



Annexure B

Modified permit DA-184-2025

PART A CONDITIONS:

- *1. The development is to be generally in accordance with the application as submitted and endorsed plans as listed:
 - a. Proposal plans with Project Number: 2420 and Drawing Numbers: A01-00, A01-01, A01-02, A02-01, A02-02, A04-00, A05-00, A05-01, A05-02, A07-00 as prepared by Licht Architecture and dated 9 October 2025.
 - b. recommendations contained in the Traffic Impact Assessment Version 3 as prepared by K Midson of Midson Traffic Pty Ltd and dated 27 October 2025.
- *2. Landscaping is to be generally in accordance with Landscape Concept and Landscaping treatments as prepared by Play St. and submitted with the application.
- *3. Prior to commencing any works, a revised landscaping, rehabilitation and offset plan prepared for the area of the site south of the unnamed watercourse to the George Street frontage is to be submitted to Council and be approved by the Director Infrastructure & Development Services. The plan is to identify existing vegetation to be retained, nature of weed management, vegetation to be removed and any new vegetation to be planted. The plan must give regard to the Natural Values Reports as listed:
 - a. Amended Natural Values Report Version 3 as prepared by J Lyall of Natural Environment Services Tas and dated 30 May 2025.
 - b. Updated Natural Values Report Version 3 as prepared by J Lyall of Natural Environment Services Tas and dated 7 November 2025.
- *4. Hours of operation for the child care centre are to be between 7.00am – 6.30pm, Monday to Friday. 'Hours of operation' refers to the hours the child care centre is open to the public or conducting activities related to child care. It does not include routine activities normally associated with opening and closing, or office and administrative tasks.
- *5. The childcare centre is to have a maximum capacity of 173 children, inclusive of both long day care and outside school hours care, and associated full time equivalent (FTE) staff required to meet centre-based ratio requirements under the National Quality Framework (NQF).
- *6. A fence is to be constructed along the common boundary between the subject site and the adjoining property to the west, from the frontage to the southern end of the carpark. The fence is to have a height of 1.8m, tapering down to a maximum height of 1.2m within 4.5m of the frontage. The fence is to be constructed from hardwood palings with a concrete plinth beneath.
- *7. A native vegetation buffer is to be established and maintained on the eastern side of the western boundary fence, from the northern edge of the carparking area and running along the western boundary for a minimum length of 13m.

Species chosen must provide a vegetation buffer with a mature height of 2m and are to be planted a maximum of 2.5m apart.

- *8. External lighting, excluding security lighting, must not be operated between 9.00pm - 6.00am. Security lighting must be baffled so that direct light does not extend into the adjoining property to the west.
- *9. Commercial vehicle movements and the unloading and loading of commercial vehicles must be within the hours of 7.00am - 6.00pm Monday to Friday; and 9.00am - 5.00pm on Saturdays, Sundays and public holidays.
- 10. Stormwater from the development is to be connected and discharged into Council's stormwater drainage network in accordance with the *Urban Drainage Act 2013*.
- 11. 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. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- *12. A new suitably sized kerb crossover is to be constructed on the eastern and western side of the development site in accordance with the TIA by Midson Traffic Pty Ltd 5-7 George Street, Wynyard Traffic Impact Assessment October 2025, Tasmanian Standard Drawing TSD-R09-v3, Urban Roads Driveway, TSD-R16-v3 Concrete kerbs and Channels Vehicular Crossings and the conditions in a "Activity in Road Reservation Permit".
- *13. A new reinforced concrete driveway slab is to be constructed on the eastern and western side of the development site in accordance with the TIA by Midson Traffic Pty Ltd 5-7 George Street, Wynyard Traffic Impact Assessment October 2025, between the kerb crossover and the property boundary in accordance with Tasmanian Standard Drawing TSD-R09-v3, Urban Roads Driveways and the conditions in a "Activity in Road Reservation Permit".
- *15. Prior to commencing any works, a revised traffic plan, including vehicle parking spaces and associated driveways and turning areas, is to be designed in accordance with the TIA by Midson Traffic Pty Ltd 5-7 George Street, Wynyard Traffic Impact Assessment October 2025, AS 2890.1 and be approved by the Director Infrastructure & Development Services or their delegate. The revised plan is also to include:
 - a. Provision for eight (8) bicycle parking spaces.
 - b. Annotations for parking spaces to clearly show the overall number of bays provided, disabled parking spaces and any bays intended for short term/drop-off parking.
 - c. One way traffic circulation for all vehicles (entering east and exiting west).
- 16. 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 5% AEP rainfall event and discharged to a legal point of discharge to the reasonable requirements of the Director Infrastructure & Development Services or their delegate.

- *17. During construction, loading and un-loading of vehicles is to be confined to within the boundaries of the property.

PART B CONDITIONS:

- *1. The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B which the Regulated Entity (trading as TasWater) has required the planning authority to include in the permit, pursuant to section 56Q of the *Water and Sewerage Industry Act 2008*, reference TWDA 2025/01432-WWC (attached), except for condition 12.

***permit conditions modified by the decision of the Tasmanian Planning Commission dated 25 September 2026**