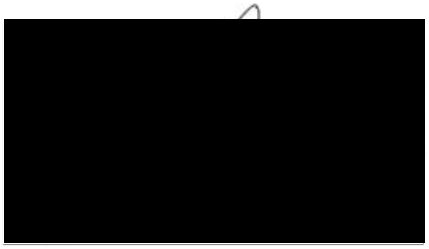
TASMANIAN PLANNING COMMISSION

DECISION

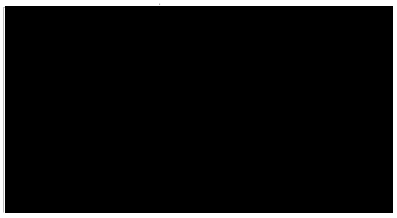
Planning scheme	Tasmanian Planning Scheme - Glenorchy
Amendment	PLAM-26-01 Rezone land at Black Snake Road, Granton (PID: 1696361; folio of the Register 120863/16) from Environmental Management to Rural Living Zone
Planning authority	Glenorchy City Council
Applicant	Glenorchy City Council
Date of decision	29 October 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.



John Ramsay
Executive Commissioner (Chair)



Michael Hogan
Delegate

REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to rezone land at Black Snake Road, Granton (PID: 1696361; folio of the Register 120863/16) from Environmental Management to the Rural Living Zone.

Site information

The site is known as Black Snake Road, Granton (PID: 1696361; folio of the Register 120863/16).

The site is an irregular shaped lot that runs parallel to Black Snake Road. The site has an area of approximately 7,200m^2. The site is steep, predominately covered in vegetation with the Black Snake Rivulet dissecting the site.

The site is in the Environmental Management Zone and is surrounded by land within the Rural Living Zone. The site is under private ownership. There are two land titles to the north-east, along Black Snake Rivulet, that are also within the Environmental Management Zone which are owned by the Crown and Glenorchy City Council.

The site is entirely covered by the bushfire-prone hazard area overlay. The priority vegetation area and waterway and coastal protection area overlays of the Natural Assets Code cover the majority of the site. The flood-prone hazard area overlay also covers a significant amount of the site. There are two small patches of landslip hazard identified on the site.

The site is part of a historic subdivision surrounding Granton Heights Road. The title documents notate that the site is ‘set aside for drainage purposes’.

Issues raised in representations

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 had no objection to the draft amendment and did not wish to attend a hearing.

The planning authority advised that no other representations about the draft amendment were received. Given this, the planning authority recommended that no modifications were required 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 19 October 2026.

Appearances at the hearing

Planning authority:	Liam Wallace, Strategic Planner;
	Lyndal Byrne, Coordinator Planning Services
Owner:	John Harrison, Frances Forsyth

Site Visit

A site visit was undertaken prior to the hearings on 22 September 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 – Glenorchy 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 to consider the issues in the representation.
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.

Application of the Rural Living Zone

5. In the report supporting the draft amendment (supporting report) dated 22 June 2026, the planning authority submitted that the application of the Rural Living Zone is suitable for the site as:

- the Rural Living Zone is applied to surrounding properties including some lots that are smaller than 1ha.
- the site is consistent with the *Southern Tasmanian Regional Land Use Strategy 2010-2035* as it does not represent a significant increase of rural living land within the locality.
- the site's development potential is constrained given the extent of the waterway and coastal protection overlay and the priority vegetation overlay under the Natural Assets Code. Notably the extent to which these overlays apply limits the feasibility of many of the uses within the Rural Living Zone.

Commission consideration

6. The purpose of the Rural Living Zone is to provide for residential and other uses associated with rural living. The constraints, values and physical topography of the site mean these uses may not be suitable or viable on the site.
7. The Commission recognises that while the site is in an established rural living environment, the site does not have the qualities of and may not be capable of giving effect to the purpose of the Rural Living Zone.
8. Given the site's unique size, shape, nature and the limited potential use of the site, the Landscape Conservation Zone is considered more appropriate. This is further referenced by the zone purpose of the Landscape Conservation Zone being:

> …to provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

9. Given the vegetation on the site and its location in the context of the surrounding landscape and the vegetation accompanying the traverse of the rivulet, the Commission is satisfied that the site has local landscape values.

Schedule 1 Objectives of the Act

10. The planning authority, in its supporting report, details how the proposed amendment would further the objectives in Part 1 and Part 2 in Schedule 1 of the Act. It notes that the proposed amendment addresses the inconsistency of how the Environmental Management Zone is applied in the municipality and how future development can be effectively managed through the ongoing application of the various codes that apply to the site. The planning authority details that the proposed amendment will provide for the fair, orderly and sustainable use and development of land.

Commission consideration

11. The Commission is generally supportive that the application of the Environmental Management Zone is not the preferred zone for the site and that applying an alternative zone to the site would not conflict with the objectives of the Resource Management and Planning System set out in Schedule 1 of the Act.

12. The Commission considers that applying the Landscape Conservation Zone is consistent with the planning authority's practice, established through its Local Provisions Schedule (LPS) process, that transitioned privately owned land in the Environmental Management Zone under its Glenorchy Interim Planning Scheme to the Landscape Conservation Zone under the LPS.

State Policies

State Coastal Policy 1996

13. The Commission finds that due to the location of the site, being outside the coastal zone, the *State Coastal Policy 1996* does not have application to the draft amendment.

State Policy on the Protection of Agricultural Land 2009

14. The *State Protection of Agricultural Land Policy 2009* (PAL Policy) does not apply as the site is not agricultural land as defined in the Policy. The Commission finds that the PAL Policy does not have application to the draft amendment.

State Policy on Water Quality Management 1997

15. The Commission finds that water quality management measures can be required where appropriate to potential future development. The Commission finds that the draft amendment is consistent with the State Policy on Water Quality Management 1997.

National Environment Protection Measures (NEPMs)

16. There is no evidence that any NEPMs have application to the site. The Commission is satisfied that the draft amendment is not inconsistent with the NEPMs.

Tasmanian Planning Policies

17. The planning authority's report has not addressed the TPPs as the draft amendment was certified before the TPPs came into effect on 1 July 2026.

Commission consideration

18. Having regard to the relevant TPPs as a whole, including the settlement types and environmental hazards themes, the Commission is satisfied that the draft amendment achieves the policy outcomes sought by the TPPs.

Regional land use strategy

19. The relevant regional strategy is the Southern Tasmanian Regional Land Use Strategy 2010-2035 (regional strategy). The planning authority's report details that the proposed amendment is consistent with the regional strategy as it aligns with the:

    - Settlement and Residential Development strategies through correcting a previous zoning error and inconsistency with the Environmental Management Zone. The proposed Rural Living Zone will enable a single residential dwelling but does not detract from other strategic work in Glenorchy to achieve required residential targets; and

- Managing Risk and Hazards strategies as the provisions of the Flood-Prone Areas Hazard Code will continue to apply with future planning applications for works within hazard overlays subject to further investigations.

Commission consideration

20. Since certification of the draft amendment occurred, the *Southern Tasmania Regional Land Use Strategy 2026* (STRLUS 2026) has come into effect.

21. The Commission considers that the STRLUS 2026 does not articulate clear policies or strategies relating to planning for rural living based settlements. The Commission finds the proposed Rural Living Zone is not consistent with the STRLUS 2026 and modifies it to the Landscape Conservation Zone.

Local Strategic Framework

22. The relevant strategic plan is the Glenorchy Strategic Plan 2023-2032 (the strategic plan). The planning authority details that the proposed amendment aligns with the strategic plan's objectives and strategies as the amendment is intended primarily for the purposes of maintaining consistency of zoning principles, there is the additional benefit of potentially enabling a dwelling to be built on the site. As it is a single site within an existing rural living area it is not expected that there will be any negative social or economic impacts of the proposed amendment.

Commission consideration

23. The Commission finds that the draft amendment has had regard to the Council's strategic plan.

Modifications required to draft amendment

24. Under section 40M of the Act the Commission must consider whether modifications to a draft amendment of an LPS ought to be made.

25. As discussed above, the Commission considers the qualities and characteristics of the site are suitable for the Landscape Conservation Zone and the draft amendment should be modified to apply the Landscape Conservation Zone over the site.

26. The Commission is satisfied that given that the application of the Landscape Conservation Zone will continue to maintain the conservation of any natural values of the site in a manner similar to the conservation of the natural values in the Environmental Management Zone, that the change in zone status is a modification of the zoning of the site.

Decision on draft amendment

27. Subject to the modifications described above, the Commission is satisfied that the draft amendment meets the LPS criteria and gives its approval

Attachments

Annexure A - Modified amendment

Annexure A

Modified amendment PLAM-26-01, Tasmanian Planning Scheme – Glenorchy

Rezone land at Black Snake Road, Granton (PID: 1696361; folio of the Register 120863/16) and the adjacent road reserves to the centreline from Environmental Management Zone to Landscape Conservation Zone, as shown in figure 1 below:

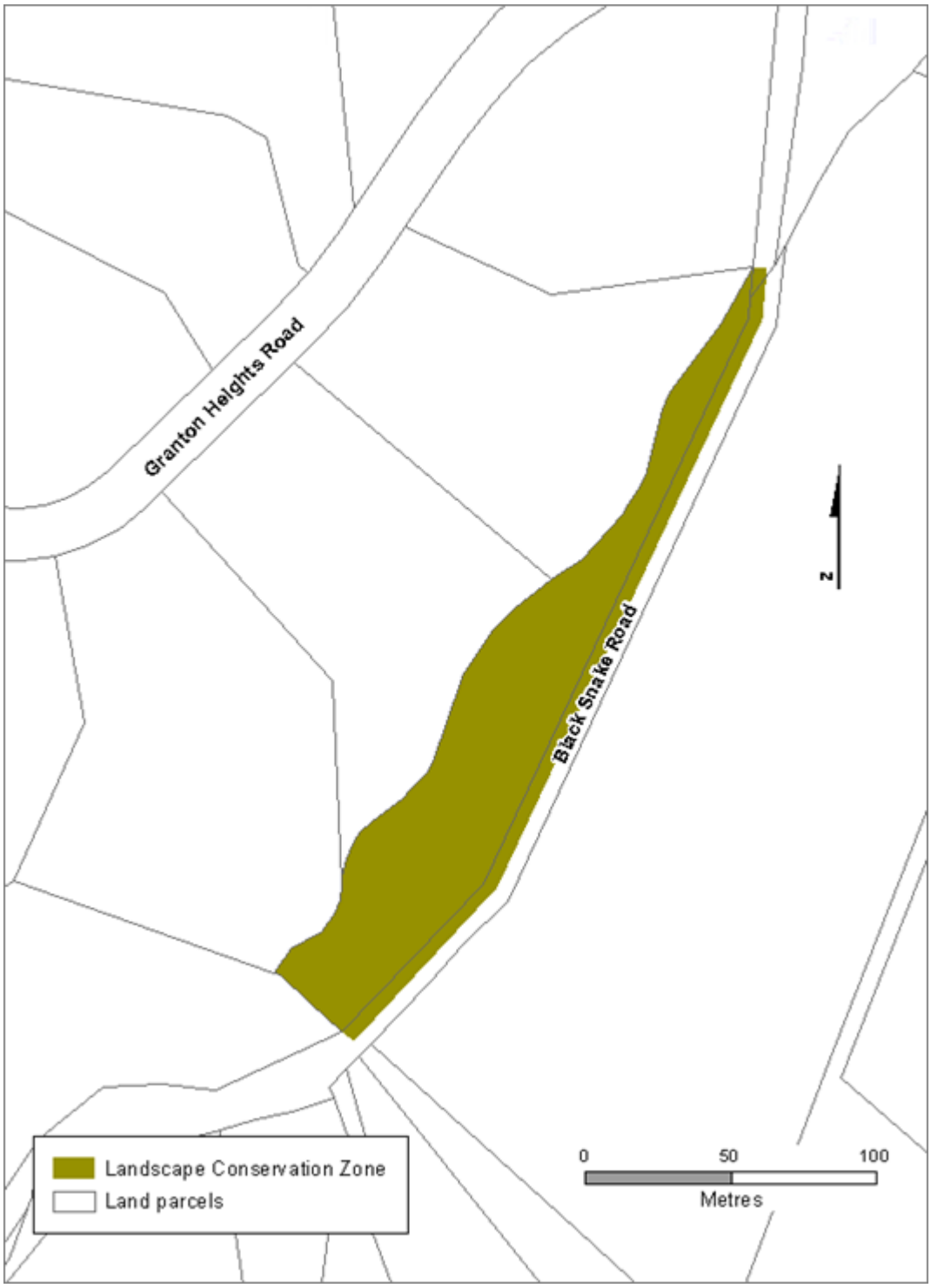


Figure 1: Application of Landscape Conservation Zone to land at Black Snake Road, Granton (PID: 1696361; folio of the Register 120863/16)