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Our Ref: 2758376 & PSA 1/2024 & SD2191

20 May 2026

Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001
tpc@planning.tas.gov.au

Dear Tasmanian Planning Commission

**PLANNING SCHEME AMENDMENT/SUBDIVISION – GOLF LINKS ROAD WYNYARD –
REZONING & ASSOCIATED 12 LOT SUBDIVISION**

Please find enclosed s40K and s42 report prepared by the planning authority in regard to the above planning scheme amendment and subdivision. Council received one (1) representation during the exhibition period, which is included in the report.

The report was tabled at the general council meeting on 18 May 2026, please find the meeting minutes enclosed.

Representors email address for your information:
Andrew & Rachel Arnold – [REDACTED]

Should you have any further queries regarding this matter, please do not hesitate to contact Council's Town Planners on 6443 8305/ 6443 8308.

Yours faithfully

[REDACTED]
Alison Harriss
ACTING MANAGER DEVELOPMENT & REGULATORY SERVICES

6.5 APPLICATION FOR PLANNING SCHEME AMENDMENT (PSA 1/2024) FOR GOLF LINKS ROAD, WYNYARD AND ASSOCIATED 12 LOT SUBDIVISION (SD 2191) - SECTION 40K AND SECTION 42 REPORT

To: Council
Reporting Officer: Town Planner
Responsible Officer: Director Infrastructure and Development Services
Report Date: 6 May 2026
File Reference: 2758376
Supporting Documents:

1. Statement of opinion
2. Representation
3. SD 2191 recommended permit conditions
4. TasWater SPAN
5. TPC extension of time

RECOMMENDATION

That Council:-

1. In accordance with s40K(1) and s42(a) of the *Land Use Planning and Approvals Act 1993*, forwards a copy of this report to the Tasmanian Planning Commission and advises that one (1) representation was received during the public advertising of PSA 1/2024 and SD 2191.
2. In accordance with s40K(2)(a) and s42(b) of the *Land Use Planning and Approvals Act 1993*, Council provides the Tasmanian Planning Commission a copy of the representation received during the public advertising of PSA 2/2025 and SD 2191.
3. That, in accordance with s40K(2)(c) of the *Land Use Planning and Approvals Act 1993*, Council advises the Tasmanian Planning Commission that it is satisfied that planning scheme amendment PSA 1/2024 meets the LPS Criteria.
4. That, in accordance with s42(c) of the *Land Use Planning and Approvals Act 1993*, Council provides the Tasmanian Planning Commission a copy of the recommended permit conditions for SD 2191 shown in the attachments to this report.

PURPOSE

The purpose of this report is to consider representations received under s40J *Land Use Planning and Approvals Act 1993* (LUPAA) during the notification process of Planning Scheme Amendment PSA 1/2024 and associated development application SD2191 and to seek the Planning Authority's endorsement to provide the *Tasmanian Planning Commission* (TPC) with a Statement of Opinion, in accordance with s40K and s42 LUPAA.

BACKGROUND

On 16 February 2026, the Planning Authority determined to initiate and certify a joint amendment to the Waratah Wynyard LPS and approve an associated subdivision proposal.

The draft amendment seeks to:

- Rezone land at Lot 2 Golf Links Road (CT148923/2), Wynyard from Agriculture under the Tasmanian Planning Scheme – Waratah Wynyard to Low Density Residential;

- Rezone two small portions of CT148923/2 from Agriculture under the Tasmanian Planning Scheme – Waratah Wynyard to Environmental Management;
- Apply the priority vegetation overlay on the land as identified;
- Remove a section of the coastal refugia overlay as identified;
- Consider a concurrent subdivision for 14 lots, SD2191; and
- Consider the upgrading of services on land known as 8 Inglisdale Drive (CT148923/27) and Council Footway (CT142423/33).

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

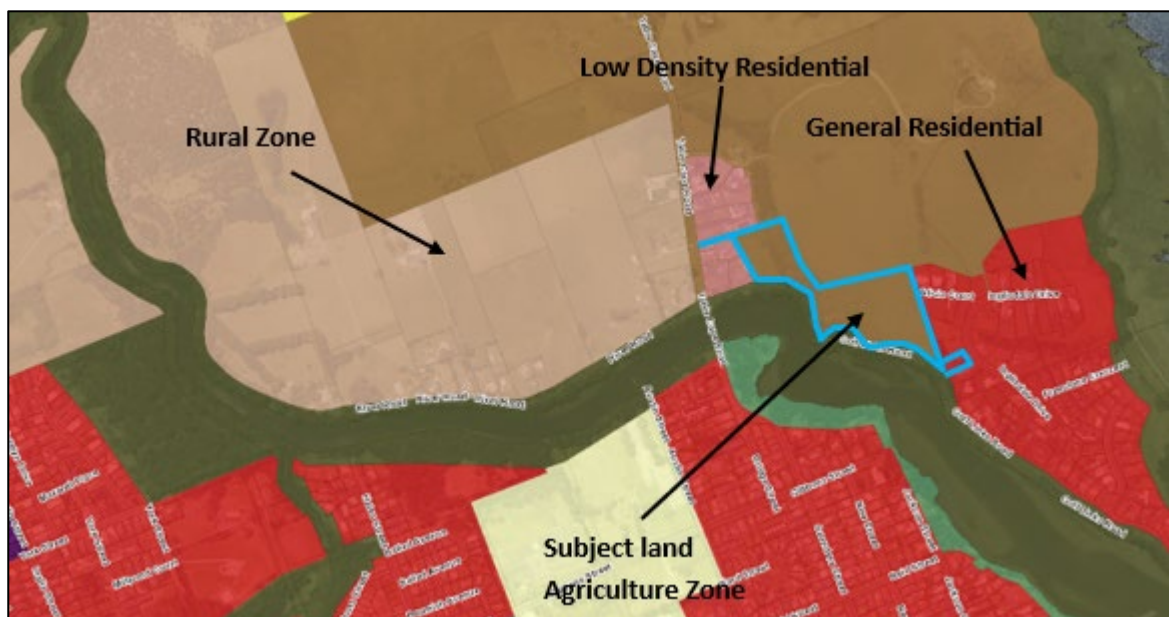


Figure 1: Current Zoning of subject land and surrounds

LEGISLATIVE REQUIREMENTS

In accordance with Section 40G and Section 40Z of LUPAA Council must publicly exhibit a draft amendment and associated draft planning permit for a period of 28 days. PSA 1/2024 and SD2191 were advertised in accordance with s40H from 28 February 2026 to 31 March 2026.

Per the requirements of s40K, following public exhibition Council as a planning authority must consider any representations and provide a report to the Tasmanian Planning Commission which includes:

- a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
- a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*
- a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –*

- (i) *whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*
- (ii) *the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*
- (d) *a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*
- (e) *any recommendations in relation to the draft amendment that the planning authority thinks fit.*

This report is due 35 days after the public notification period is completed. For this proposal, the report was due to be provided by 6th May 2026. The matter was considered by Council at its meeting on 27th April 2026 however due to an omission in the resolution in relation to section 42 (c) of LUPAA, from the April meeting, the previously considered reports do not meet all relevant requirements of LUPAA. An extension of time was sought from the Tasmanian Planning Commission on 7 May 2026 and granted on 8 May in order to allow for the oversight to be corrected.

CONSULTATION PROCESS

Council advertised the Draft Amendment from 28 February 2026 to 31 March 2026, with two separate advertisements placed in the local paper on 28 February 2026 and 11 March 2026. One (1) representation was received regarding the application.

A summary of the of the representation received and planning responses to the merit of these issues is provided in the table below. While every effort has been made to include all issues raised, this summary should be read in conjunction with the complete representation, which is included as an enclosure to this report.

Issue Raised	Response
1. Liveable Waratah Wynyard Settlement Strategy – previous submission The representor made a submission in response to the Outline Development Plan for this area and are awaiting responses to that submission.	Noted. Previous submissions are unable to be considered in this decision. <u>Action:</u> No modification to draft amendment recommended. It is considered that the draft amendment meets the LPS criteria. No modifications to draft permit recommended.
2. Inconsistency in lot numbers and types in proposal and supporting documents The representor raises specific inconsistencies.	The proposal is for a subdivision that creates 14 new land titles. 12 of these are for development under the Low Density Residential zone. The additional two lots are new road lots to be transferred to the Road Authority. These two lots are referred to in varying ways in the documentation.

Concerned that the owners will wish to request another change of zoning to accommodate 30 lots.	The representation speaks to certain documents, which are commented on below: <u>The PDA report</u>: speaks of 12 residential lots. This is correct, as explained above in the lot breakdown. <u>Pinion Advisory Report</u>: provides an earlier concept plan of subdivision. The document was not required to be updated due to the fact that the reduction of lots does not alter the agricultural capacity of the land, or conclusions of that report, and as such, that report remains relevant, regardless of the plan of subdivision provided. <u>Bushfire Report</u>: It is agreed that this report provides the plan of subdivision that is under consideration. The first plan provided in Schedule 2 of this document (p. 29 of the 47 page document) depicts 12 lots for development, and two road lots (lot 101 and 102). This numbering is standard practice for road lots. A Bushfire Hazard Management Plan is required to depict building envelopes on each lot (other than road lots), which this Plan provides in Schedule 2. <u>Traffic Impact Assessment</u>: The Traffic Impact Assessment provides the updated plan of subdivision (p.12 of the TIA). The report alternately speaks to 10 and 12 lots being created, depending upon whether the context is to the Golf Links Road intersection or consideration of both intersections. It is noted that it is the Golflinks Road intersection and loading that triggers the requirement for a TIA, rather than that of Table Cape Road. In relation to an additional request for zoning change to accommodate 30 lots, this has not been received. Would such a proposal be received, it would be assessed on its own merits at that point in time. <u>Action:</u> No modification to draft amendment recommended.
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	It is considered that the draft amendment meets the LPS criteria. No modifications to draft permit recommended.
3. Loss of land zoned Agriculture • The site should remain in the Agriculture Zone. • Environment Theme from Waratah Wynyard Corporate Strategic Plan is applicable. • Loss of agricultural land is not a sustainable use of a site. • Protection of agricultural land highlighted in the <i>Liveable Waratah Wynyard Settlement Strategy</i>, including loss from 'incremental creep'.	The objection to the change in zoning is noted. The representor would prefer this remains in Agriculture zoning. It can be argued that the Environment Theme from the Strategic Plan can be interpreted to include the protection of agriculture and agricultural land. This is reviewed in detail in the initiation report in response to Schedule 1 of LUPAA as well as the State Policy on the Protection of Agricultural Land 2009, both of which provide guidance in excess of that available in the Council's Strategic Plan on this matter. It was concluded that: - The site has limited agricultural capacity (due to multiple factors); - Agricultural use on the site is restrained due to the presence of existing dwellings and physical challenges; - The agricultural capacity of the site is limited to such an extent that the development of the proposed number of dwellings would not significantly alter that capacity (e.g. a few grazing animals in limited areas); and - The proposed rezoning would not increase any restrictions on the functioning agricultural land to the north. The site is identified in the <i>Liveable Waratah Wynyard Strategy</i> as a site where future change to Low Density Residential is able to be explored, subject to sites specific issues (including drainage) being resolved on the site. The LWWs recognises the severely limited agricultural value of the site due to site characteristics and existing fettering as a result of adjoining residential uses. The bushfire provisions within the LPS achieve additional protections for the agricultural activities to the north. <u>Action:</u> No modification to draft amendment recommended.

	It is considered that the draft amendment meets the LPS criteria. No modifications to draft permit recommended.
4. Conflicts with Waratah-Wynyard Settlement Strategy • River Road was recommended for the first area for rezoning. • The area was not recommended by the Settlement Strategy. • Sites are not approaching exhaustion within the River Road area and there is no threatened interruption of supply.	The Tasmanian Planning Policies intend for a minimum 15 year regional supply of land. The <i>Liveable Waratah Wynyard Strategy</i> identified there to be a 3-4 year supply of land available in the Low Density Residential zone (p.109 of the <i>Liveable Waratah Wynyard Strategy</i>), less than the required amount. The site is identified in the <i>Liveable Waratah Wynyard Strategy</i> as a site where future change to Low Density Residential is able to be explored, subject to site specific issues (i.e. drainage) being resolved on the site. The proposal has resolved this issue and as such, the site is able to be considered. The <i>Liveable Waratah Wynyard Strategy</i> recognises the severely limited agricultural value of the site due to site characteristics and existing fettering as a result of adjoining residential uses. Strategic work for the River Road site is underway, with the River Road Outline Development Plan completed. <u>Action:</u> No modification to draft amendment recommended. It is considered that the draft amendment meets the LPS criteria. No modifications to draft permit recommended.
5. Environmental Impact on the Inglis River • States concern regarding the environmental impact of the development on the Inglis River. • Requests a copy of the full environmental assessment of the area.	All applicable environmental considerations under LUPAA are reviewed in the initiation report. The major concerns for this site under LUPAA were wastewater treatment and additional drainage from the site. The proposal includes a specialist wastewater report which was available as part of the documents for public notification. All stormwater is required to be managed in accordance with Council's Stormwater policy. Site works are to be subject to standard erosion control measures.

	<u>Action:</u> No modification to draft amendment recommended. It is considered that the draft amendment meets the LPS criteria. No modifications to draft permit recommended.
6. Hydrological assessment • Requests information on the drainage details and further reports.	The proposal includes a specialist assessment by Geoton that considers drainage, karst and landslip risk and the interactions between these factors, including the need to manage the extensive amount of water on the site. This report includes recommendations for the site and development that meet the legislated requirements. Further reports are not required for the assessment under LUPAA and as such are unable to be requested by the planning authority. <u>Action:</u> No modification to draft amendment recommended. It is considered that the draft amendment meets the LPS criteria. No modifications to draft permit recommended.
7. Karst • Identifies that the development area includes karst.	Karst is protected under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). The supporting report as provided assesses the proposed development against a stronger test than that which applies to the site under the current provisions of the LPS and the recommendations in that report take these into consideration. <u>Action:</u> No modification to draft amendment recommended. It is considered that the draft amendment meets the LPS criteria. No modifications to draft permit recommended.

8. Traffic Impacts • Traffic impact assessment undertaken at low demand times. • Traffic has increased since the TIA was undertaken. • Walkability has decreased in the area. • The population has aged since the TIA was undertaken, also increasing traffic. • Near misses often occur. • Potential impact of the new footpath.	The Traffic Impact Assessment provided has been completed by a fully qualified traffic engineer, under the requirements of the applicable Codes. The proposal, including the traffic impact assessment, was referred to Council's Engineering staff for comment. A number of requests for further information were issued, and responded to, as evidenced by the multiple versions of the TIA. It is considered that the additional traffic generated by the proposed development is appropriate for the affected road(s) and intersection(s). <u>Action:</u> No modification to draft amendment recommended. It is considered that the draft amendment meets the LPS criteria. No modifications to draft permit recommended.
9. Hillside development • The area is subject to low landslip risk and should therefore not be being considered for development. • Other dwellings in the area have not been constructed to suit the ground conditions.	This is correct, the area contains land subject to low landslip risk. The Tasmanian Planning Scheme provides clear provisions for development within Low landslip risk areas through the C15.0 Landslip Hazard Code. The supporting report by Geoton addresses all of the requirements under C15.0. <u>Action:</u> No modification to draft amendment recommended. It is considered that the draft amendment meets the LPS criteria. No modifications to draft permit recommended.
10. Requests an official response to their concerns	The Council reports and meetings are fully available to the public. <u>Action:</u> No modification to draft amendment recommended. It is considered that the draft amendment meets the LPS criteria. No modifications to draft permit recommended.

POLICY IMPLICATIONS

There are no policy implications for this portion of the planning scheme amendment process.

FINANCIAL IMPLICATIONS

There are no financial implications for this portion of the planning scheme amendment process.

RISK IMPLICATIONS

Risk is considered to be minimal, as the Statement of Opinion is a process driven requirement. Council has been directed that the Statement of Opinion must come from the Planning Authority. Should Council as a planning authority wish to make a decision against the professional advice provided, the reasons will need to be detailed.

COMMENT

The representation has been considered in full and has not raised any matters that require modification of the draft amendment or impact the draft amendment as a whole. The representation does not raise any matters that require modification of the planning permit conditions.

It is recommended that the Planning Authority provides a Statement of Opinion to the TPC that states that the Planning Authority's opinion has not differed from the decision made on 16 February 2026. A Statement of Opinion, as per that enclosed, is recommended.

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MOVED BY	CR ROBERTS
SECONDED BY	CR EDWARDS

That Council:-

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3. That, in accordance with s40K(2)(c) of the *Land Use Planning and Approvals Act 1993*, Council advises the Tasmanian Planning Commission that it is satisfied that planning scheme amendment PSA 1/2024 meets the LPS Criteria.
4. That, in accordance with s42(c) of the *Land Use Planning and Approvals Act 1993*, Council provides the Tasmanian Planning Commission a copy of the recommended permit conditions for SD 2191 shown in the attachments to this report.

The MOTION was put and was CARRIED.

IN FAVOUR

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