

# TASMANIAN PLANNING COMMISSION

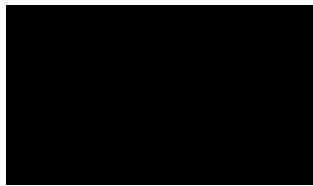


## DECISION

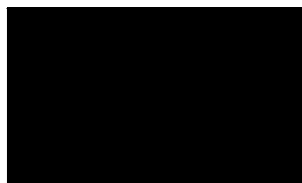
|                           |                                                                                                                                                                                                                                                          |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Planning scheme</b>    | Tasmanian Planning Scheme - Sorell                                                                                                                                                                                                                       |
| <b>Amendment</b>          | AM-SOR-5-2024-214-1 – substitute draft amendment - apply the General Business Zone and Open Space Zone and insert the SOR-S6.0 Sorell Business and Rivulet Interface Specific Area Plan at 5 Cole Street, 2 Pawleena Road and 3 Weston Hill Road, Sorell |
| <b>Planning authority</b> | Sorell Council                                                                                                                                                                                                                                           |
| <b>Date of decision</b>   | 11 June 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.



Dan Ford  
**Delegate (Chair)**



Claire Hynes  
**Delegate**

## REASONS FOR DECISION

### Background

On 17 December 2025, the Commission determined under section 40N(1)(c)(i) of the *Land Use Planning and Approvals Act 1993* (the Act) that draft amendment AM-SOR-5-2024-214-1 (initial draft amendment) should be refused and directed the planning authority to submit a substitute draft amendment.

The initial draft amendment, proposed to apply the General Business and Open Space zones to land at 5 Cole Street, 2 Pawleena Road and 3 Weston Hill Road, Sorell and insert site-specific qualifications (SSQs) to land at 2 Pawleena Road and 3 Weston Hill Road, Sorell relating to use qualifications and setback standards.

The Commission refers to its earlier decision of 17 December 2025 on the initial draft amendment, in which it determined that the evidence presented in support of the proposed modifications (that is, the substitute draft amendment) satisfied the Local Provisions Schedule (LPS) criteria, including the requirements of section 32(4) of the Act.

### Amendment

The substitute draft amendment (subject of this decision) proposes to apply the General Business Zone and Open Space Zone at 3 Weston Hill Road, 5 Cole Street and 2 Pawleena Road, Sorell, in accordance with the zoning map shown in Attachment A of the Commission's decision of 17 December 2025, and insert the SOR-S6.0 Sorell Business and Rivulet Interface Specific Area Plan (the SAP) at 3 Weston Hill Road, 5 Cole Street and 2 Pawleena Road, Sorell and associated overlay map amendments.

The SAP establishes three precincts across the site, associated local area objectives for each and introduces new standards relating to:

- the permissibility, qualifications and use standards associated with the General Retail and Hire and Bulky Goods Sales use classes in each precinct
- setbacks from the Open Space zone
- the staging of development and connectivity between precincts
- the impact of future development on the natural flood function of the rivulet.

The SAP is shown in Attachment A of the Commission's earlier decision of 17 December 2025.

### Site information

The site consists of 3 properties, comprising 5 titles, at 3 Weston Hill Road, Sorell (folio of the Register 239252/1), 5 Cole Street, Sorell (folio of the Register 230862/1) and 2 Pawleena Road, Sorell (folios of the Register 52621/1, 61/654 and 222468/1).

The subject properties are located to the northeast of the Sorell township General Business Zone. They are adjoining with an aggregate area of approximately 5.2ha and bisected by the Sorell Rivulet (the rivulet). The land at 2 Pawleena Road and 5 Cole Street each contain dwellings and associated outbuildings. Each property has a

frontage to a road with 2 Pawleena Road having dual frontage to both Pawleena Road and Cole Street.

Part of the site is currently being used for low level agricultural purposes including grazing of livestock (sheep). Aerial imagery indicates an undefined water feature on 2 Pawleena Road and there is evidence of recent land filling activity.

Parts of the site near the rivulet are known to be at risk of flooding.

The land 3 Weston Hill Road and 5 Cole Street is currently in the General Residential Zone. The land at 2 Pawleena Road is in the Open Space and Low Density Residential zones. The site is subject to the Safeguarding of Airports Code – airport noise exposure area overlay and Bushfire – Prone Areas Code overlay. Parts of the site adjacent to the rivulet are subject to the Flood-Prone Areas Hazard Code overlay and the Natural Assets Code’s waterway and coastal protection overlay.

### **Issues raised in representations**

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

- ambiguity associated with the SAP’s reference to the term “small scale mixed use”;
- the permissibility of large supermarkets in Precincts A and C; and
- ambiguity associated with allowable uses in Precinct C.

Post exhibition and during the finalisation of the Planning Authority’s section 40K response, the planning authority received an additional submission (late submission) raising concerns relating to:

- insufficient clarity in the SAP particularly regarding supermarket use, scale and permissibility;
- the no permit required status of supermarket use in Precincts A and C;
- absence of scale controls;
- inconsistency with the regional strategy; and
- potential unintended outcomes.

The issues raised in the late submission were similar to those raised in the representation. The Commission accepted the submission and afforded the parties opportunity to respond to the issues raised in the late submission.

The draft amendment was referred to TasWater under sections 56S and 56O of the *Water and Sewerage Industry Act 2008*. In response TasWater advised that it does not object to the draft amendment and does not need to attend a hearing.

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 considered the representations and recommended no modifications to the substitute draft amendment.

In response to the representation, on 2 March 2026 the proponent provided a submission outlining its opinion on the merits of the matters raised in the representation.

The proponent and planning authority were afforded an opportunity respond to the matters raised in the late submission. Response submissions were received on 8 and 15 April 2026 respectively. Both the planning authority and the proponent submitted the concerns raised did not warrant any change to the substitute draft amendment.

### **Date and place of hearing**

The hearing was held at the Commission's office on Level 3, 144 Macquarie Street, Hobart, on 12 May 2026.

### **Appearances at the hearing**

|                     |                                                                                                                                        |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Planning authority: | Shane Wells, Manager of Planning, Sorell Council                                                                                       |
| Proponent:          | Tom Rook, landowner<br>Phil Gartrell, Senior Planner, Ireneinc Planning and Urban Design                                               |
| Representors:       | Sean Michael, Planning Consultant, Urbis representing Region Group<br>Jane Kelly, Planning Consultant, Urbis representing Region Group |

## **Consideration of the draft amendment**

### **Statutory Requirements**

1. Under section 40M of the Act, the Commission is required to consider the substitute draft amendment to the Tasmanian Planning Scheme – Sorell 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. If a specific area plan (SAP) is proposed in a draft amendment, the Commission must also consider whether the proposal meets the criteria of section 32(4) of the Act. A LPS may only include a SAP if:
  - (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or
  - (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.
- 5. Where relevant, these matters are discussed in the sections below.

### **Specific Area Plan**

- 6. In its decision dated 17 December 2025, the Commission considered the evidence provided by the planning authority and the proponent addressing section 32(4) of the Act.
- 7. The Commission was persuaded that the intended strategic planning change in the initial draft amendment had merit and was satisfied that there is sufficient demand in the context of the Sorell township for an increased supply of business/commercial zoned land to service the Sorell settlement catchment. The Commission was further satisfied that this would in turn provide further employment opportunities and economic benefit to the municipality. However, the Commission concluded that commercial expansion on the subject site required additional standards to regulate the facilitation of large-format retail, limiting the potential for strip-retailing that may otherwise adversely compete with smaller businesses in the established retail area of Sorell township.
- 8. The Commission was also not persuaded that the initial draft amendment adequately addressed the LPS criteria including section 32(4), in terms of managing localised flood issues (upstream and downstream flooding function), or staging of critical infrastructure and managing unique qualities of the rivulet.
- 9. To address these matters, an alternative draft SAP entitled the SOR-S6.0 Sorell Business and Rivulet Interface Specific Area Plan was prepared during assessment of the initial draft amendment, and parties were afforded the opportunity to provide comment on the draft SAP. In its decision on the initial draft amendment, the Commission concluded that the draft SAP, in

combination with application of the General Business and Open Space zones, adequately addressed the above raised issues.

10. The Commission accordingly rejected the initial draft amendment and directed the planning authority to submit the substitute draft amendment.
11. For the substitute draft amendment, the representation and late submission predominantly raised issues with the SAP drafting and the potential for unintended planning outcomes, primarily ambiguity about supermarket use and permissible gross floor area on the site.
12. At the hearing, Mr Sean Michael for the Region Group confirmed the evidence set out in the representation and submitted that a smaller supermarket with a gross floor area range between 1,200m<sup>2</sup> to 1,500m<sup>2</sup> would be acceptable in Precincts A and C, and any greater floor area should be prohibited. By way of example, Mr Michael stated that an “IGA type” development with a maximum gross floor area of 1,400m<sup>2</sup> would represent an appropriate and suitably scaled outcome for the site.
13. At the hearing Mr Shane Wells for the planning authority submitted that Council had received several enquiries relating to the potential to develop supermarkets within the broader locality. Mr Wells confirmed that such enquiries were not for full line supermarkets but rather, for smaller scaled supermarkets with gross floor areas not exceeding 1,500m<sup>2</sup>.
14. Mr Wells also submitted that the planning authority were supportive of a local/neighbourhood-scale supermarket use in Precincts A and C, provided it was appropriately scaled, well integrated with the activity centre, and would complement and not adversely impact the existing full-line supermarkets in Sorell. Mr Wells submitted the 1,500m<sup>2</sup> gross floor area cap was important to achieving this planning outcome for the town centre of Sorell.
15. In their representation, Region Group outlined concern with the reference to the term ‘small scale mixed use development’ in the SAP submitting it was ambiguous. At the hearing, both Mr Wells, and Mr Phil Gartrell for the landowner and proponent, confirmed that the reference to the words ‘small scale mixed use development’ was intended to be a contextual reference between SAP precincts. They both agreed the reference was unnecessary and did not assist to deliver the SAP’s objectives.
16. At the hearing, the distinct roles of the SAP Purpose Statements and Local Area Objectives (LAO’s) were discussed. It was noted that, in accordance with best practice drafting principles, these provisions should be complementary and should not restate the same elements in similar terms. Noting the overlap within the SAP, Mr Wells, Mr Gartrell and Mr Michael agreed that the SAP would benefit from the removal of duplications between the Purpose Statements and the LAO’s, and this would enhance clarity, coherence, and overall operation of the SAP.
17. At the hearing, the proponent Mr Tom Rook advised that several titles that made up the subject land were currently listed for sale. While Mr Rook submitted that he was “testing the market” and the land may not be sold, he agreed that if some of the land was sold, there may not be any incentive for the future owner to provide connection between the lots (or precincts) under different ownership. The parties agreed that staging and pedestrian and vehicle

connectivity between the precincts was a key function of the SAP and that it ought to be amended to ensure the site was staged, integrated and connected with the existing town centre of Sorell.

18. Mr Wells and Mr Gatrell provided a joint submission at the hearing which addressed the abovementioned concerns relating to clause SOR-S6.7.2 – Connectivity in the SAP. This submission proposed agreed modifications to the clause by the parties. Other parties were provided the opportunity to comment at the hearing. No issue was raised by any of the parties.

### **Commission consideration**

19. The Commission agrees that the reference to 'small-scale mixed-use development' requires modification, as the term lacks clarity from a policy perspective and does not meaningfully assist in achieving the SAP's objectives or intended planning outcomes.
20. The Commission notes that the Region Group representation included several proposed changes to the Use Table in the SAP relating to the permissibility of supermarkets (General Retail and Hire) and floor area limits. The Commission is persuaded by the evidence provided by parties at the hearing and agrees that changes are warranted to the drafting of the SAP's Use Table, to reflect the evidence submitted about the permissibility and appropriate scale of the General Retail and Hire and the Bulky Goods and Sales use classes within the respective precincts on the site.
21. Based on the evidence submitted, including from the planning authority and the representation, the Commission is satisfied that allowing consideration of small-scale supermarket (less than 1,500m<sup>2</sup>) in Precincts A and C is an appropriate scale and will integrate well with the town centre of Sorell, and complement and not adversely impact the existing full-line supermarkets in the township.
22. The Commission notes that at the hearing parties agreed that modifications to the SAP were warranted to remove duplication between the Purpose Statements and LAO's.
23. Regarding connectivity for vehicles and pedestrians between the precincts, the Commission is persuaded that modifications to the SAP are necessary to address the issues relating to precinct connectivity raised in the representation and by parties at the hearing. Specifically, the parties agree the drafting of the relevant standard should be expanded to explicitly address connectivity across the precincts, consider potential parcel ownership changes and variances using the Part 5 Agreement mechanism, and provide an appropriate discretionary pathway to consider such connections.
24. Accordingly, the Commission finds that the SAP requires modification as described above and as outlined in Annexure A.

### **Suitability of the General Business Zone and Open Space Zone**

25. In the Commission's decision dated 17 December 2025 on the initial draft amendment, the Commission accepted the evidence provided by the planning authority and proponent that there was sufficient demand for additional General Business zoned land adjoining the existing town centre of Sorell.

26. In the decision the Commission also accepted the evidence provided by the proponent and planning authority on the spatial extent of the application of the Open Space Zone on the site adjacent to the rivulet. However, minor modification was necessary to rationalise an irregular narrow strip at the northern end of the site between the Pawleena Road reserve and the rivulet.

### **Commission consideration**

27. The Commission finds no additional evidence or information was submitted relating to the substitute draft amendment, raising any new matters that would warrant modification to the application or alignment of the General Business Zone and Open Space zones as certified.
28. The Commission remains satisfied that the application of the General Business Zone and Open Space Zone is appropriate for the site.

### **Regional land use strategy**

29. The relevant regional strategy is the Southern Tasmania Regional Land Use Strategy 2010-2035 (regional strategy).
30. In the Commission's decision on the initial draft amendment dated 17 December 2025, the Commission was satisfied that the inclusion of the SAP with the proposed zone changes on the site would provide the necessary provisions to address the relevant planning matters identified. The Commission was satisfied that the modified draft amendment (in the form of the substitute amendment) incorporating the SAP and the proposed zone changes would be as far as practicable consistent with the regional strategy.
31. The SAP was included to address the site's unique planning circumstances and achieve the desired planning outcome, including the following:
- to encourage large format or bulky goods retail uses at 2 Pawleena Road; and provide for smaller scale mixed use development at 3 Weston Hill Road;
  - to guide staging of development across the site to ensure and facilitate connectivity across the site and through to the existing town centre of Sorell;
  - to ensure public safety and amenity adjacent to the rivulet; and
  - to manage the natural flood function of the rivulet.

### **Commission consideration**

32. As detailed above, the Commission finds that modification is required to the draft SAP in the substitute amendment to remove reference to 'small scale mixed use', and modify the permissibility and qualification associated with the General Retail and Hire and the Bulky Goods Sales use classes in each precinct. The Commission considers these modifications are necessary to ensure allowable uses on the site, and within each Precinct, will maintain the regional strategy's activity centre hierarchy and not distort the function of the Sorell activity centre, which is identified as a key regional service centre within the south-east subregion under the regional strategy.
33. The Commission remains otherwise satisfied that the substitute draft amendment is consistent with the regional strategy.

## **Strategic Plan**

34. In the Commission's decision on the initial draft amendment dated 17 December 2025, the Commission was satisfied that the draft amendment had regard to the Council's Strategic Plan.

## **Commission consideration**

35. The Commission finds no additional evidence or information was submitted that would warrant altering its position. Accordingly, the Commission remains satisfied that the substitute draft amendment has regard to Council's Strategic Plan.

## **Potential flooding risk**

36. In the Commission's decision on the initial draft amendment dated 17 December 2025, the Commission acknowledged the location of the rivulet on the site and subsequent exposure to flood risk. Based on the representations and evidence presented in this assessment, the Commission was not persuaded that the Flood-Prone Areas Hazard Code overlay and associated standards would be sufficient to adequately address the offsite upstream and downstream impacts of the rivulet because of future development on the site, including, for example, construction of retaining walls.
37. The Commission found that additional controls were required in the draft SAP to ensure future use and development on the site adequately responded to its exposure to flood risk and the rivulet's natural flood function and surrounding land would not be impacted.

## **Commission consideration**

38. In the Commission's decision on the initial draft amendment dated 17 December 2025, the Commission accepted there is a significant flood risk on the site.
39. For the substitute draft amendment, no further evidence or submissions were received relating to the site's exposure to flood risk.
40. The Commission remains satisfied that the additional controls in the draft SAP in conjunction with the Flood Prone Areas Hazard Code adequately address the identified potential flooding risks and issues on the site.

## **State Policies**

41. The relevant State Policies are the *State Policy on the Protection of Agricultural Land 2009* (PAL Policy), the *State Policy on Water Quality Management 1997* and the *National Environment and Protection Measures* (NEPMs).

## **Commission consideration**

42. The Commission refers to its earlier decision dated 17 December 2025 on the initial draft amendment. The Commission determined based on the evidence presented that the draft amendment was consistent with all the State Policies and NEPMs.
43. The Commission finds no additional evidence or information submitted for the substitute draft amendment, raises any new matters that would justify altering

its position. The Commission remains satisfied that the substitute draft amendment is consistent with relevant State Policies and NEPMs.

### **Schedule 1 Objectives of the Act**

44. In the Commission's decision on the initial draft amendment dated 17 December 2025, the Commission found that on balance the initial draft amendment did not further the objectives of the Act. The Commission found the initial draft amendment (as certified), in relation to managing localised flooding issues, including upstream and downstream flood function, and in conjunction with the potential impact on the existing businesses in Sorell would not:
- (a) promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
  - (b) provide for the fair, orderly and sustainable use and development of air, land and water.
45. The Commission concluded that inclusion of the modifications in a draft amendment (that is, this substitute draft amendment) would further the Objectives of the Act.

### **Commission consideration**

46. The Commission finds that based on the additional evidence and information submitted for the substitute draft amendment, several modifications to the SAP are required to address the issues raised. With the inclusion of the modifications (described below), the Commission is satisfied that the suite of planning controls contained in the substitute draft amendment address the site's unique planning circumstances and will provide for the desired planning outcomes for the site, including:
- appropriately scaled use and development for each Precinct within the SAP;
  - adequate consideration for the integration and connectivity of uses and developments within the site (and between precincts) and with the existing town centre of Sorell;
  - appropriate management of the natural flood function of the rivulet, with consideration of impact on surrounding land; and
  - suitable siting of use and development to consider pedestrian safety and amenity.

### **Modifications required to draft amendment**

47. Under section 40M of the Act, the Commission must consider whether modifications to a draft amendment of an LPS ought to be made.
48. As discussed above, the Commission makes the following modifications to the SAP in the substitute draft amendment:
- (a) minor editorial changes for clarity and to align with the drafting conventions of the State Planning Provisions (SPPs)
  - (b) changes to SOR-S6.1 Plan Purpose and SOR-S6.3 Local Area Objectives, to reflect best practice drafting principles, as set out below in blue text;

## SOR-S6.1 Plan Purpose

The purpose of the Sorell Business and Rivulet Interface Specific Area Plan is:

|            |                                                                                                                                                                                                                 |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SOR-S6.1.1 | To facilitate large format <b>Bulky Goods Sales or General Retail</b> and Hire uses at Precinct B and <b>mixed uses</b> at Precinct A.                                                                          |
| SOR-S6.1.2 | To facilitate the planned commercial expansion of the site to integrate with the existing activity centre, <b>including the provision of coordinated vehicle and pedestrian connectivity between precincts.</b> |
| SOR-S6.1.3 | To provide for <b>development</b> that does not compromise <b>the</b> natural flood function of the rivulet.                                                                                                    |
| SOR-S6.1.4 | To provide for <b>development</b> that responds to the natural flood function of the rivulet.                                                                                                                   |
| SOR-S6.1.5 | To provide for <b>development</b> that is located and/or designed to promote pedestrian amenity adjacent to the rivulet.                                                                                        |

## SOR-S6.3 Local Area Objectives

| Reference Number | Area Description                                                          | Local Area Objectives                                                                                                                                                                                                                                                            |
|------------------|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SOR-S6.3.1       | Precinct A, shown on an overlay map as SOR-S6.3.1 and in Figure SOR-S6.2. | The local area objectives for Precinct A are:<br>(a) <b>to provide for mixed use development; and</b><br>(b) <b>to facilitate pedestrian and vehicle connectivity between Precinct A and Precinct B.</b>                                                                         |
| SOR-S6.3.2       | Precinct B, shown on an overlay map as SOR-S6.3.2 and in Figure SOR-S6.2. | The local area objectives for Precinct B are:<br>(a) <b>to provide for development of large format and bulky goods retail uses; and</b><br>(b) <b>to facilitate vehicle and pedestrian connectivity between Precinct B and Precinct C and between Precinct A and Precinct B.</b> |
| SOR-S6.3.3       | Precinct C, shown on an overlay map as SOR-S6.3.3 and on Figure SOR-S6.2. | The local area objective for Precinct C <b>is to facilitate pedestrian and vehicle connectivity between Precinct B and Precinct C.</b>                                                                                                                                           |

- (c) modifications in response to representor concerns and evidence submitted at the hearing, including revisions to the standard regulating vehicle and pedestrian connectivity between precincts; and
- (d) changes to the SOR-S6.5 Use Table relating to the permissibility of supermarket use, as set out below in blue text:

## SOR-S6.5 Use Table

This clause is a modification of the qualifications for Bulky Goods Sales and General Retail and Hire use classes in General Business Zone – clause 15.2 Use Table.

| Use Class                 | Qualification                                                                                                                                                                                          |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>No Permit Required</b> |                                                                                                                                                                                                        |
| General Retail and Hire   | If:<br>(a) in Precinct A or C, <b>and not for a supermarket</b> ; or<br>(b) <b>in</b> Precinct B <b>and not for a supermarket</b> , a gross floor area of not less than 450m <sup>2</sup> per tenancy. |
| <b>Permitted</b>          |                                                                                                                                                                                                        |
| Bulky Goods Sales         | If:<br>(a) in Precinct A or C; or<br>(b) <b>in</b> Precinct B, <b>and</b> a gross floor area of not less than 450m <sup>2</sup> per tenancy.                                                           |
| General Retail and Hire   | If:<br>(a) not listed as No Permit Required; or<br>(b) for a supermarket in Precinct A or C, and a gross floor area of not more than 1,500m <sup>2</sup> per tenancy.                                  |
| <b>Discretionary</b>      |                                                                                                                                                                                                        |
| Bulky Goods Sales         | If not listed as Permitted.                                                                                                                                                                            |
| General Retail and Hire   | If not listed as No Permit Required <b>or Permitted</b> .                                                                                                                                              |

## Decision on draft amendment

49. 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 draft amendment

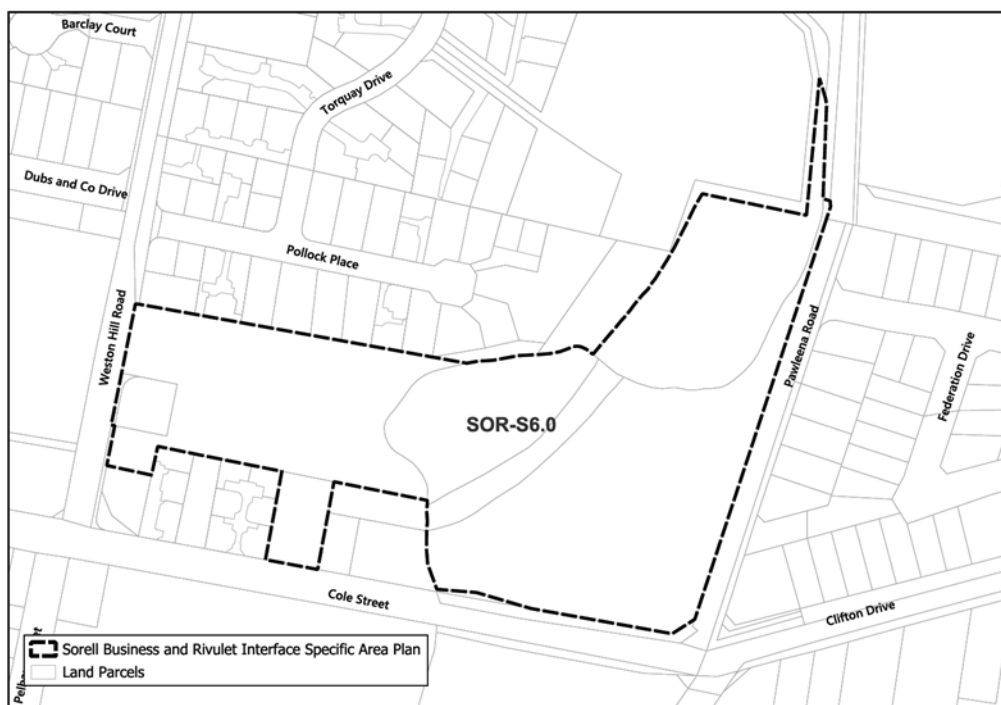
## Annexure A

### Modified amendment AM-SOR-5-2024-214-1 (substitute amendment), Tasmanian Planning Scheme – Sorell

1. Amend the planning scheme map to apply the General Business and Open Space zones at 3 Weston Hill Road, Sorell folio of the Register 239252/1, 5 Cole Street, Sorell folio of the Register 230862/1 and 2 Pawleena Road, Sorell folios of the Register 52621/1, 61/654 and 222468/1, as shown on the following map:



2. Amend the planning scheme map to add the outline and notation of the area contained in the SOR-S6.0 Sorell Business and Rivulet Interface Specific Area Plan, to apply to 3 Weston Hill Road, Sorell folio of the Register 239252/1, 5 Cole Street, Sorell folio of the Register 230862/1 and 2 Pawleena Road, Sorell folios of the Register 52621/1, 61/654 and 222468/1, as shown on the following map:



3. Insert SOR-S6.0 Sorell Business and Rivulet Interface Specific Area Plan into the Sorell Local Provisions Schedule, as follows:

## **SOR-S6.0 Sorell Business and Rivulet Interface Specific Area Plan**

### **SOR-S6.1 Plan Purpose**

The purpose of the Sorell Business and Rivulet Interface Specific Area Plan is:

|            |                                                                                                                                                                                                          |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SOR-S6.1.1 | To facilitate large format Bulky Goods Sales or General Retail and Hire uses at Precinct B and mixed uses at Precinct A.                                                                                 |
| SOR-S6.1.2 | To facilitate the planned commercial expansion of the site to integrate with the existing activity centre, including the provision of coordinated vehicle and pedestrian connectivity between precincts. |
| SOR-S6.1.3 | To provide for development that does not compromise the natural flood function of the rivulet.                                                                                                           |
| SOR-S6.1.4 | To provide for development that responds to the natural flood function of the rivulet.                                                                                                                   |
| SOR-S6.1.5 | To provide for development that is located and/or designed to promote pedestrian amenity adjacent to the rivulet.                                                                                        |

### **SOR-S6.2 Application of this Plan**

|            |                                                                                                                                                                                                                            |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SOR-S6.2.1 | The specific area plan applies to the area of land designated as Sorell Business and Rivulet Interface Specific Area Plan on the overlay maps and in Figure SOR-S6.1.                                                      |
| SOR-S6.2.2 | In the area of land this plan applies to, the provisions of the specific area plan are in addition to, or modification of, the provisions of: <ul style="list-style-type: none"> <li>(a) General Business Zone;</li> </ul> |

|  |                                                                                                           |
|--|-----------------------------------------------------------------------------------------------------------|
|  | (b) Open Space Zone; and<br>(c) Flood-Prone Areas Hazard Code,<br>as specified in the relevant provision. |
|--|-----------------------------------------------------------------------------------------------------------|

### SOR-S6.3 Local Area Objectives

| Reference Number | Area Description                                                          | Local Area Objectives                                                                                                                                                                                                                                              |
|------------------|---------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SOR-S6.3.1       | Precinct A, shown on an overlay map as SOR-S6.3.1 and in Figure SOR-S6.2. | The local area objectives for Precinct A are:<br>(c) to provide for mixed use development; and<br>(d) to facilitate pedestrian and vehicle connectivity between Precinct A and Precinct B.                                                                         |
| SOR-S6.3.2       | Precinct B, shown on an overlay map as SOR-S6.3.2 and in Figure SOR-S6.2. | The local area objectives for Precinct B are:<br>(c) to provide for development of large format and bulky goods retail uses; and<br>(d) to facilitate vehicle and pedestrian connectivity between Precinct B and Precinct C and between Precinct A and Precinct B. |
| SOR-S6.3.3       | Precinct C, shown on an overlay map as SOR-S6.3.3 and on Figure SOR-S6.2. | The local area objective for Precinct C is to facilitate pedestrian and vehicle connectivity between Precinct B and Precinct C.                                                                                                                                    |

### SOR-S6.4 Definition of Terms

SOR-S6.4.1 In this specific area plan, unless the contrary appears:

| Term                       | Definition                                             |
|----------------------------|--------------------------------------------------------|
| Precinct A                 | means the area shown as Precinct A in Figure SOR-S6.2. |
| Precinct B                 | means the area shown as Precinct B in Figure SOR-S6.2. |
| Precinct C                 | means the area shown as Precinct C in Figure SOR-S6.2. |
| H5 flood hazard class area | means the area shown in Figure SOR-S6.4.               |

### SOR-S6.5 Use Table

This clause is a modification of the qualifications for Bulky Goods Sales and General Retail and Hire use classes in General Business Zone – clause 15.2 Use Table.

| Use Class                 | Qualification                                                                                                                                                                       |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>No Permit Required</b> |                                                                                                                                                                                     |
| General Retail and Hire   | If:<br>(a) in Precinct A or C, and not for a supermarket; or<br>(b) in Precinct B and not for a supermarket, and a gross floor area of not less than 450m <sup>2</sup> per tenancy. |

| <b>Permitted</b>        |                                                                                                                                                                       |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bulky Goods Sales       | If:<br>(a) in Precinct A or C, or<br>(b) in Precinct B, and a gross floor area of not less than 450m <sup>2</sup> per tenancy.                                        |
| General Retail and Hire | If:<br>(a) not listed as No Permit Required; or<br>(b) for a supermarket in Precinct A or C, and a gross floor area of not more than 1,500m <sup>2</sup> per tenancy. |
| <b>Discretionary</b>    |                                                                                                                                                                       |
| Bulky Goods Sales       | If not listed as Permitted.                                                                                                                                           |
| General Retail and Hire | If not listed as No Permit Required or Permitted.                                                                                                                     |
| <b>Prohibited</b>       |                                                                                                                                                                       |
| All other uses          |                                                                                                                                                                       |

## **SOR-S6.6 Use Standards**

### **SOR-6.6.1 Discretionary uses in Precinct B**

This clause is in addition to General Business Zone – clause 15.3.3 Retail Impact.

| <b>Objective:</b>                    | That uses listed as Discretionary in Precinct B do not compromise or distort the role and function of the Sorell activity centre.                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Acceptable Solutions</b>          | <b>Performance Criteria</b>                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>A1</b><br>No Acceptable Solution. | <b>P1</b><br>Bulky Goods Sales and General Retail and Hire uses must not compromise or distort the Sorell activity centre, having regard to:<br>(a) the degree to which the proposed use improves and broadens the range of commercial or retail uses within the area;<br>(b) the need for tenancies with a gross floor area of less than 450m <sup>2</sup> to be co-located with other uses within the precinct; and<br>(c) any relevant local area objectives. |

## **SOR-S6.7 Development Standards for Buildings and Works**

### **SOR-S6.7.1 Setback from the Open Space Zone**

This clause is in addition to General Business Zone – clause 15.4 Development Standards for Buildings and Works.

| <b>Objective:</b>                                                                                                                                                                                 | That the siting of building and works:<br>(a) do not cause an unreasonable impact on the amenity and use of the adjoining Open Space Zone; and<br>(b) minimises opportunities for crime and anti-social behaviour.                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acceptable Solutions                                                                                                                                                                              | Performance Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>A1</b><br>Buildings, excluding for pedestrian or vehicle access, must have a setback from the Open Space Zone of not less than:<br>(a) 10m in Precincts A and C; and<br>(b) 15m in Precinct B. | <b>P1</b><br>Buildings must be sited to not cause an unreasonable impact on the amenity of land within the Open Space Zone, having regard to:<br>(a) the extent of any overshadowing and reduction in sunlight;<br>(b) crime prevention or deterrence measures on the site, such as avoidance of concealment and entrapment spaces;<br>(c) provision of passive surveillance of public spaces;<br>(d) minimisation of visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the Open Space Zone; and<br>(e) any relevant local area objectives. |

SOR-S6.7.2 Connectivity

This clause is in addition to General Business Zone – clause 15.4 Development Standards for Buildings and Works.

| <b>Objective:</b>                                                                                                                                                                                                                                                                        | To provide connectivity between Precincts through vehicle and pedestrian linkages and infrastructure.                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acceptable Solutions                                                                                                                                                                                                                                                                     | Performance Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>A1</b><br>Vehicle and pedestrian connectivity between Precinct A and Precinct B must provide a continuous connection to enable safe and efficient movement of vehicles and pedestrians, and be constructed prior to the commencement of a new use in either Precinct A or Precinct B. | <b>P1.1</b><br>Development must provide a suitable area to accommodate vehicle and pedestrian connectivity between Precinct A and Precinct B, having regard to:<br>(a) the alignment, width and geometry of the area;<br>(b) the nature and intensity of the use and development;<br>(c) the staging and orderly future development of land within and across precincts;<br>(d) vehicle and pedestrian safety;<br>(e) any existing or proposed right-of-way, an agreement under section 71 of the <i>Land Use</i> |

|                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                      | <p><i>Planning and Approvals Act 1993</i>, or equivalent mechanism; and</p> <p>(f) any relevant local area objectives.</p> <p><b>P1.2</b></p> <p>Development must provide linkages and infrastructure for pedestrian and vehicle connectivity between Precinct A and Precinct B, and:</p> <p>(a) the connectivity must be incorporated in the design of the development, such that it forms part of the proposed development; or</p> <p>(b) where the connectivity is not provided as part of the development, the application includes a draft agreement, able to be given effect under section 71 of the <i>Land Use Planning and Approvals Act 1993</i> to the satisfaction of the planning authority, that:</p> <p>(i) secures the future provision of the connectivity between the precincts;</p> <p>(ii) coordinates the staging of subdivision and development across the precincts; and</p> <p>(iii) provides the design, construction and delivery of the required linkages and infrastructure.</p> |
| <p><b>A2</b></p> <p>Vehicle and pedestrian connectivity between Precinct B and Precinct C must provide a continuous connection to enable safe and efficient movements of vehicles and pedestrians, and be constructed prior to the commencement of a new use in either Precinct B or Precinct C.</p> | <p><b>P2.1</b></p> <p>Development must provide a suitable area to accommodate vehicle and pedestrian connectivity between Precinct B and C, having regard to:</p> <p>(a) the alignment, width and geometry of the area;</p> <p>(b) the nature and intensity of the use and development;</p> <p>(c) the staging and orderly future development of land within and across precincts;</p> <p>(d) vehicle and pedestrian safety;</p> <p>(e) any existing or proposed right-of-way, an agreement under section 71 of the <i>Land Use Planning and Approvals Act 1993</i>, or equivalent mechanism; and</p> <p>(f) any relevant local area objectives.</p> <p><b>P2.2</b></p> <p>Development must provide linkages and infrastructure for pedestrian and vehicle connectivity between Precinct B and Precinct C, and:</p>                                                                                                                                                                                          |

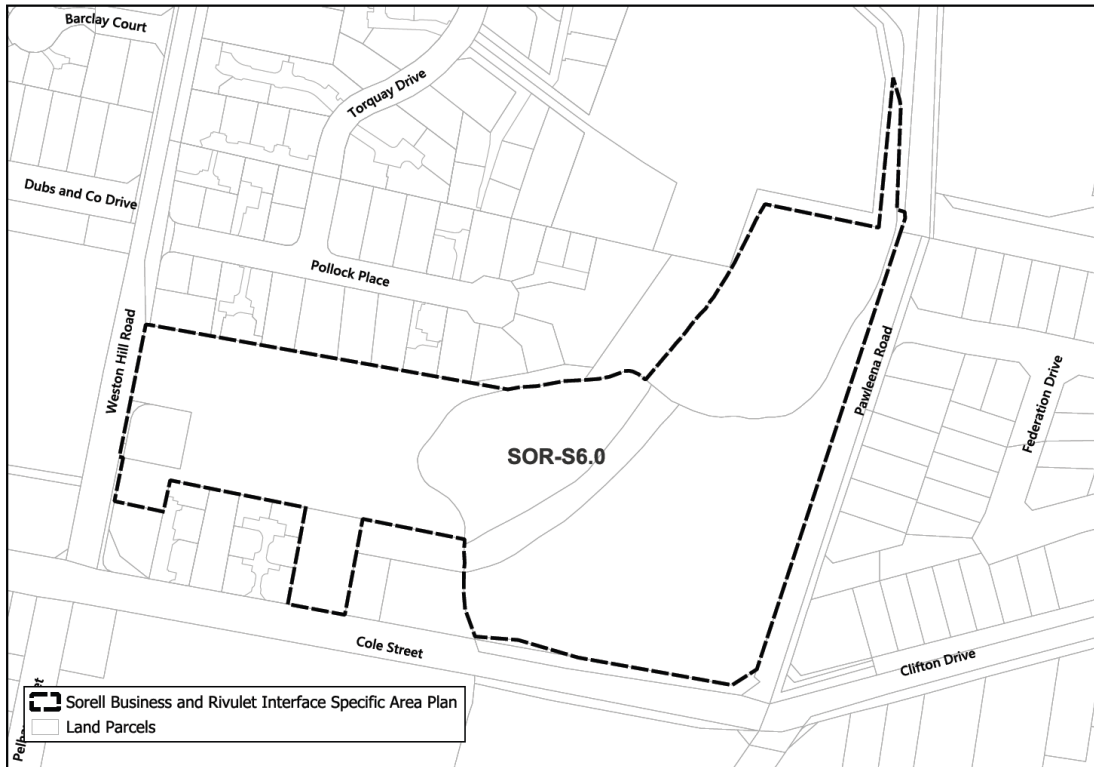
|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ul style="list-style-type: none"> <li>(a) the connectivity must be incorporated in the design of the development such that it is forms part of the proposed development; or</li> <li>(b) where the connectivity is not provided as part of the development, the application includes a draft agreement, able to be given effect under section 71 of the <i>Land Use Planning and Approvals Act 1993</i> to the satisfaction of the planning authority, that: <ul style="list-style-type: none"> <li>(i) secures the future provision of the connectivity between the precincts;</li> <li>(ii) coordinates the staging of subdivision and development across the precincts; and</li> <li>(iii) provides the design, construction and delivery of the required linkages and infrastructure.</li> </ul> </li> </ul> |
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**SOR-S6.7.3 Flood function and impacts**

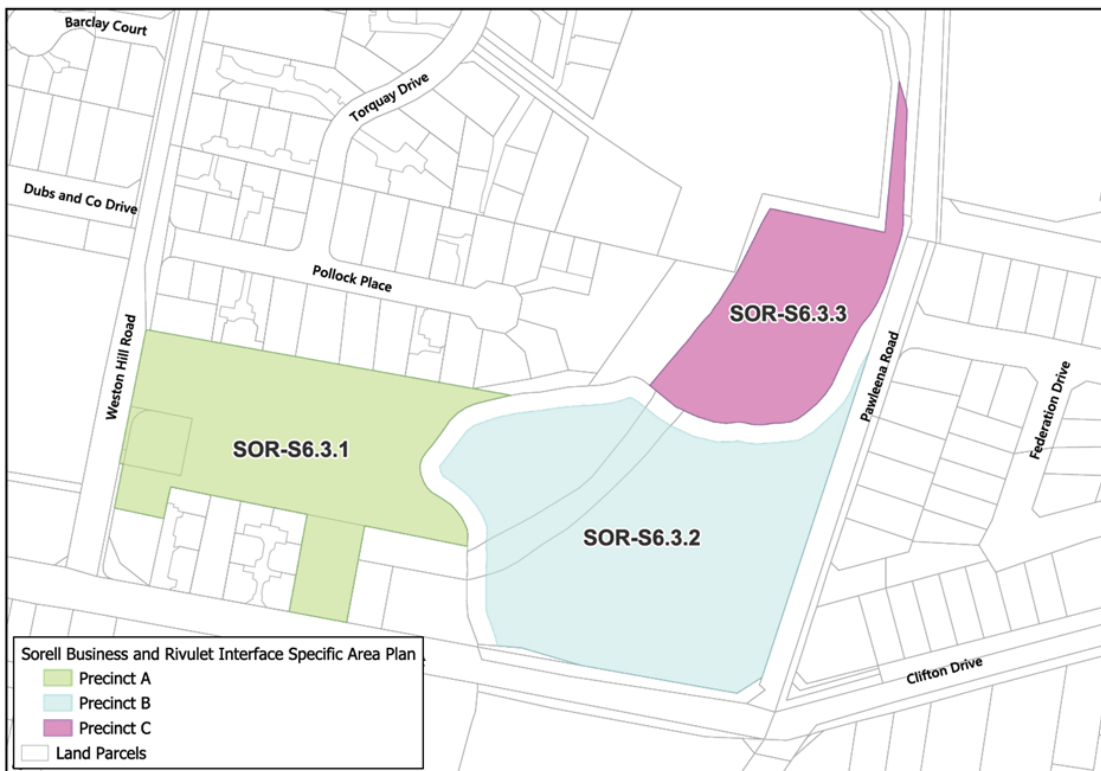
This clause is in addition to Flood-Prone Areas Hazard Code – clause C12.6.1 Development Standards for Building and Works

| <b>Objective:</b>                                                                                                               | That buildings and works within the H5 flood hazard class area shown in Figure SOR-S6.4 does not compromise the natural flood function of the rivulet or compound upstream or downstream flooding impacts on adjacent land and public infrastructure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acceptable Solution                                                                                                             | Performance Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>A1</b></p> <p>Buildings and works must not be located within the H5 flood hazard class area shown in Figure SOR-S6.4.</p> | <p><b>P1</b></p> <p>Building and works within the H5 flood hazard class area shown in Figure SOR-S6.4 must not compromise the natural flood function of the rivulet, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the type, form, scale and intended duration of the development;</li> <li>(b) the level of risk of upstream and downstream impacts on adjacent land or public infrastructure;</li> <li>(c) whether any potential impacts require specific hazard reduction or protection measures;</li> <li>(d) any advice from a State authority, regulated entity or council; and</li> <li>(e) the advice contained in a flood hazard report prepared by a suitably qualified person.</li> </ul> |

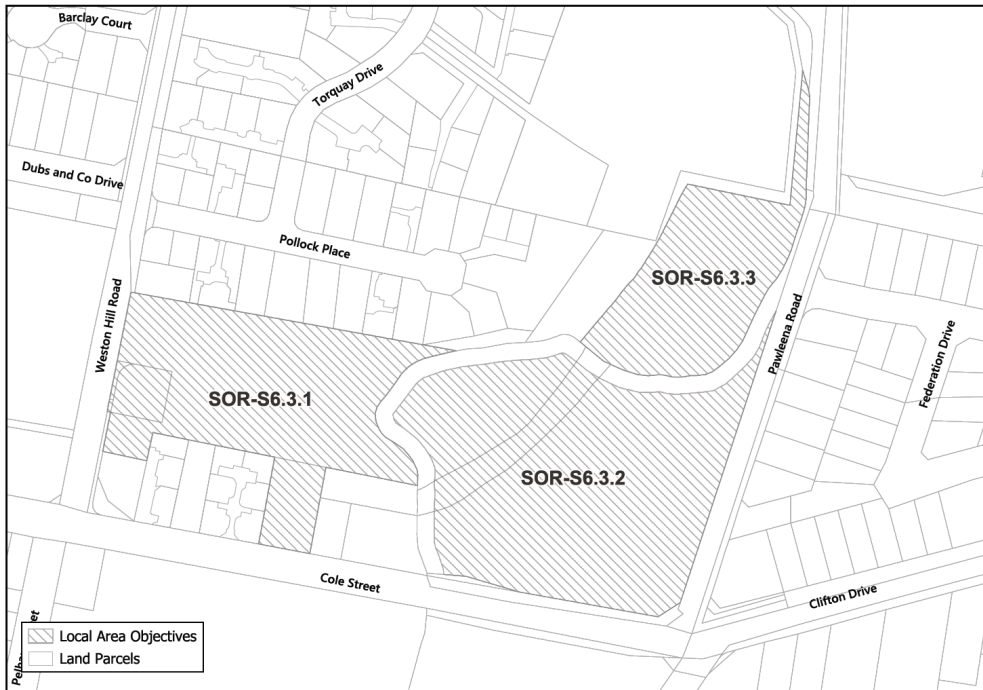
**Figure SOR-S6.1 - Sorell Business and Rivulet Interface Specific Area Plan Area as required by clause SOR-S6.2.1**



**Figure SOR-S6.2 - Sorell Business and Rivulet Interface Specific Area Plan Precincts A, B and C as required by clauses SOR-S6.3.1, SOR-S6.3.2 and SOR-S6.3.3**



**Figure SOR-S6.3 - Sorell Business and Rivulet Interface Specific Area Plan as required by clause SOR-6.3 Local Area Objectives**



**Figure SOR-S6.4 - Sorell Business and Rivulet Interface Specific Area Plan H5 Flood Hazard Class Area as required by clause SOR-S6.7.4**

