

TASMANIAN PLANNING COMMISSION

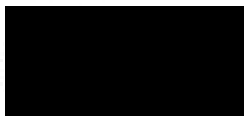


DECISION

Planning scheme	Tasmanian Planning Scheme – Clarence
Amendment	PDPSPAMEND – 2026-059266 - Modify Clause CLA-S13.7.2 P2 of the Glebe Hill Neighbourhood Centre Specific Area Plan
Planning authority	Clarence City Council
Date of decision	12 August 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.



Dianne Cowen
Delegate (Chair)

REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to modify the Glebe Hill Neighbourhood Centre Specific Area Plan clause CLA-S13.7.2 P2 to include the performance criteria below:

P2 - Buildings must be sited a sufficient distance from side boundaries to enhance the streetscape, provide adequate space for vehicle access, parking, landscaping, external activity areas (including shade and support structures) and help to attenuate site impacts, having regard to:

- (a) the dimensions of the site and the nature of the proposed use;
- (b) the articulation of the building and apparent mass of built form (when combined with existing or approved buildings on adjacent lots when viewed from the primary frontage);
- (c) consistency with the treatment of other commercial development in the streetscape and compatibility with landscaping to enhance the appearance of the area;
- (d) the setback on the opposite side of the site and whether the reduction will be offset by landscaping on that side; and
- (e) unreasonable impacts to the amenity of any nearby residential development within the streetscape.

Background information

The purpose of the existing SAP is:

- CLA-S13.1.1 To provide for the staged development of a Neighbourhood Centre at Glebe Hill that will serve the residential development in the Glebe Hill Estate and the adjoining Rokeby/Droughty Point growth corridor.
- CLA-S13.1.2 To ensure that the Neighbourhood Centre comprises a supermarket and supporting retail and food services, and complementary commercial and community development.
- CLA-S13.1.3 To provide for Neighbourhood Centre that is of a scale consistent with surrounding residential development that does not adversely impact the visual and general amenity.
- CLA-S13.1.4 To ensure that function of the Glebe Hill Neighbourhood Activity Centre serves local food retailing needs supported by additional uses providing community or public benefit to the residents in the Glebe Hill Estate and the adjoining Rokeby/Droughty Point growth corridor.

The planning authority submitted that the proposed modification to the SAP was required to allow a discretionary pathway for the consideration of reduced building setbacks from side boundaries under clause CLA-S13.7.2 than those prescribed in the Acceptable Solution. The planning authority contends the current lack of a Performance Criteria is inconsistent with the principle of the Tasmanian Planning

Scheme in that a qualitative standard should be provided alongside a quantitative standard. The performance criteria proposed was intended to provide opportunity for better use of the land.

The planning authority further supported the need for a performance criteria, noting that the current mandatory setback is inconsistent with surrounding zones, prevents development within 4 metres of the side boundary, requires an 8m gap between commercial buildings on narrow parcels of land and provides little benefit for visual amenity due to the land being located lower than the highway to the south.

Site information

The SAP applies to the entire General Business Zone located at Commerce Drive, Howrah. The land adjoins the South Arm Highway to the south and Pass Road to the east.

Land directly to the north is in the General Residential Zone. Land in the surrounding area is also in the General Residential Zone, except for land to the west which is in the Future Urban Zone.

Issues raised in representations

One representation was received during the exhibition period. The representation was in support of the draft amendment.

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 did not object to the draft amendment and did not need to attend a hearing.

Planning authority's response to the representations

The planning authority considered the representations and recommended that modifications to the draft amendment were not required.

Date and place of hearing

The hearing was held at the Commission's office on Level 3, 144 Macquarie Street, Hobart on 7 July 2026.

Appearances at the hearing

Planning authority: Robyn Olsen, Lead Strategic Planner, City of Clarence
Representor: Clare Hester, Director, Era Advisory

Site Visits

A site visit was undertaken prior to the hearings on Thursday 2 July 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 – Clarence 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 related to the draft amendment which were not associated with the representations.
3. The Commission must also consider whether the draft amendment meets the LPS criteria as set out under section 34(2) of the Act:
 - (a) contains all the provisions that the SPPs specify must be contained in an LPS; and
 - (b) is in accordance with section 32; and
 - (c) furthers the objectives set out in Schedule 1; and
 - (d) is consistent with each State policy; and
 - (da) satisfies the relevant criteria in relation to the TPPs; and
 - (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and
 - (f) has regard to the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies in relation to the land to which the relevant planning instrument relates; and
 - (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and
 - (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.
4. Where relevant, these matters are discussed in the sections below.

Tasmanian Planning Policies (TPPs)

5. At the hearing the planning authority stated that the draft amendment satisfied the relevant criteria of the TPPs because it was consistent with the activity centre strategy and the draft amendment would provide for the higher and best use of the land. The draft amendment is considered a minor change which provides for a greater range of commercial activity.
6. At the hearing Ms Hester submitted that the minor change to the SAP was consistent with the purpose of the SAP and clause CLA-S13.7.2. The draft amendment would provide for development of land within the SAP area without the unreasonable restriction of setbacks. Having no performance criteria would make it inconsistent with the policies for economic development outcomes.
7. Ms Hester stated that in her view, without a performance criterion, it appears inconsistent with the TPPs.

Commission consideration

8. The Commission agrees with the applicant and representor that inclusion of the performance criteria to vary side setbacks is considered minor in nature. The Commission considers that the draft amendment is consistent with the intent of the existing SAP and has potential to provide for better planning outcomes by alleviating the prescriptive nature of CLA-S13.7.2 A1.
9. The Commission finds that the draft amendment satisfies the relevant criteria in relation to the TPPs.

Section 32(4) of the Act

10. 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.
11. At the hearing the planning authority stated that the Glebe Hill Neighbourhood Centre Specific Area Plan (SAP) had transitioned from the interim planning scheme to the Tasmanian Planning Scheme – Clarence as part of the LPS process through the transitional saving provisions of the Act.
12. The planning authority further advised that in its view the SAP still had work to do as the subject site was not developed to its full capacity. The planning authority also noted that in future however, that transitioned SAPs would require review as to whether they would continue to be required.
13. At the hearing, the Commission discussed whether section 32(4) of the Act was relevant as the SAP already existed, noting that no information had been provided by either party on whether the draft amendment was in accordance with section 32(4).
14. The planning authority submitted that as the SAP was transitioned, it had already been tested. It was also asserted that as the draft amendment is still consistent with the purpose of the SAP, the planning authority were not convinced it is a test that applies. Ms Olsen for the planning authority submitted that in her view it meets 32(4) (b) as it did in the first instance.
15. At the hearing Ms Hester noted that as the SAP was transitional, it had sidestepped the section 32(4) test. Ms Hester went further to note the draft amendment is a minor change to an existing SAP and potentially would not need to be retested against section 32(4), however further noted that the site is significant for the community and would meet the section 32(4) test in any case.

Commission consideration

16. The Commission notes that the SAP transitioned from the former interim scheme. The Commission further notes that the draft amendment is minor in nature and provides for performance criteria to CLA-S13.7.2.
17. The Commission is of the view that section 32(4) of the Act applies to the amendment of a SAP, as the inclusion of a performance criterion to CLA-S13.7.2 under the draft amendment, introduces a new provision to the SAP. The Commission has considered the level of departure from the SPPs and notes that the draft amendment is minor and continues to justify the requirement for a SAP. The Commission is of the view that the draft amendment continues to implement the SAPs intention to provide for appropriate commercial development and consideration of residential amenity. The Commission is further satisfied that as the draft amendment introduces a performance criterion and it also provides opportunity for procedural fairness through further public consultation of development applications.
18. The Commission considers that the draft amendment to the SAP meets the requirements under section 32(4) of the Act.

Regional land use strategy

19. The relevant regional strategy is the Southern Tasmania Regional Land Use Strategy 2010 - 2035 (regional strategy).
20. The planning authority submitted in its supporting report dated 23 March 2026 that:
 - The area meets the requirements of a Neighbourhood Centre, and the proposed amendment will not change the status of this activity centre; and
 - The relevant regional policies of AC1.5 and AC1.8 will be met, ensuring responsive, well designed urban form that is appropriate to the character of the Glebe Hill urban area.
21. The planning authority concluded the draft amendment was considered to meet the LPS criteria regarding the regional strategy.

Commission consideration

22. The Commission finds that the draft amendment will continue to support the ongoing establishment of commercial development in the Glebe Hill area with minimal change to the SAP requirements.
23. The Commission finds that the draft amendment is as far as practicable consistent with the regional strategy.

State Policies

24. The planning authority in its supporting report dated 23 March 2026 submitted that the draft amendment was not relevant to the outcomes of the State Policies, including the NEPMs because the draft amendment only related to a

provision within the SAP and would not change the nature of future development on the site.

Commission consideration

25. The Commission finds that the *State Protection of Agricultural Land Policy 2009* is not relevant to the draft amendment.
26. 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*.
27. The Commission finds that the draft amendment is not inconsistent with requirements for National Environment Protection Measures.
28. The Commission finds that due to the location of the site, the *State Coastal Policy 1996* is not relevant to the draft amendment.

Schedule 1 Objectives of the Act

29. The planning authority in its supporting report dated 23 March 2026 submitted a table and assessment against 1(a) – (e) of the Schedule 1 Objectives. In the report the planning authority concluded that the draft amendment would:
 - (a) allow for more efficient consideration of current commercial land
 - (b) enable appropriate consideration of development, depending upon its size, scale and nature
 - (c) encourage public involvement through advertising the draft amendment and through the discretionary permit process thereafter; and
 - (d) provide a more equitable consideration for commercial development, potentially increasing economic benefit.
30. The planning authority submitted that (e) was not applicable.

Commission consideration

31. The Commission finds that the draft amendment seeks to further the objectives of the Resource Management and Planning System at Schedule 1 of the Act.

Modifications required to draft amendment

32. Under section 40M of the Act the Commission must consider whether modifications to a draft amendment of an LPS ought to be made.
33. At the hearing the drafting of the proposed Performance Criteria was discussed in detail and at length with the planning authority and representor. The discussions revolved around the wording of the draft amendment and whether it achieved the intended outcomes.
34. Post hearing, the Commission in its direction letter dated 14 July 2026 requested the planning authority review specific parts of the SAP and provide clarification and amended wording for Performance Criteria S13.7.2 P2 and revisit the Acceptable Solution S13.7.2 A2.

35. The planning authority provided a response dated 28 July 2026 which redrafted the Performance Criteria as below:
- P2.1 - Development must be sited a sufficient distance from side boundaries to ensure the residential amenity of nearby dwellings is not unreasonably impacted, provides adequate space for vehicle access, parking, landscaping, external activity areas (including shade and support structures) and helps to attenuate site impacts, having regard to:
- (a) The dimensions of the site and the nature of the proposed use;
 - (b) The visual impacts caused by the apparent scale, bulk or proportions of the development when viewed from an adjacent property;
 - (c) Compatible with the spacing of other commercial development in the streetscape; and
 - (d) The compatibility of separation between buildings on adjoining properties and on established properties in the area.
- P2.2:
- (a) Development must have a setback from the Commerce Drive that is compatible with the streetscape, having regard to any topographical constraints.
 - (b) Development is sufficiently set back from Commerce Drive to provide and maintain a continuous avenue of trees between the development and Commerce Drive.
36. Additionally, the planning authority submitted that it was appropriate to substitute the road name, Commerce Drive in clause S13.7.2 A2 and P2 in substitution of where slip lane or future slip lane is currently referenced.
37. The representor provided a response dated 3 August 2026 after reviewing the representor's further amendment, which stated they had no further submissions to make.
38. The Commission considered both submissions and determined further minor modifications were required as described below. The modifications were required to provide clarity and to comply with drafting conventions.
39. As discussed above, the Commission makes the following modifications to the draft amendment to change the performance criteria to an amended performance criteria and replace the words slip lane or future slip lane with Commerce Drive in S13.7.2 A2.

Decision on draft amendment

40. 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 PDPSPAMEND-2026-059266, Tasmanian Planning Scheme – Clarence

1. Amend P2 CLA-S13.7.2 Siting and scale by replacing the Performance criteria at clause which currently reads:

P2

No Performance Criterion

To read:

Development must be sited a sufficient distance from side boundaries to ensure the residential amenity of nearby dwellings is not unreasonably impacted, provides adequate space for vehicle access, parking, landscaping, external activity areas (including shade and support structures) and helps to attenuate site impacts, having regard to:

P2.1

- (a) the dimensions of the site and the nature of the proposed use;
- (b) the visual impacts caused by the apparent scale, bulk or proportions of the development when viewed from an adjacent property;
- (c) the setbacks of other commercial development in the streetscape; and
- (d) the separation between buildings on adjoining properties and established properties in the area.

P2.2

- (a) the setback from Commerce Drive that is compatible with the streetscape, having regard to any topographical constraints; and
- (b) the setback from Commerce Drive to provide and maintain a continuous avenue of trees between the development and Commerce Drive.

2. Amend the wording at clause S13.7.2 A2 Siting and scale which currently reads as follows:

A2

- (a) Development must have a setback from side boundaries of not less than 4m;
- (b) Development must have a setback to the slip lane, or future slip lane, of not less than 9m.

To read:

- (a) Development must have a setback from side boundaries of not less than 4m; and
- (b) Development must have a setback to Commerce Road, of not less than 9m.