



## **LOCAL PROVISION SCHEDULE AMENDMENT REQUEST**

**PDPSAMEND-2026-059266**

**PROPOSAL:** Planning Scheme Amendment – Insert Performance Criteria into Local Provisions Schedule

**LOCATION:** Glebe Hill Neighbourhood Centre Specific Area Plan

**RELEVANT PLANNING SCHEME:** Tasmanian Planning Scheme - Clarence

**ADVERTISING EXPIRY DATE:** 11 May 2026

The relevant plans and documents can be inspected at the Council offices, 38 Bligh Street, Rosny Park, during normal office hours until 11 May 2026. In addition plans and documents can also be viewed and downloaded at [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au).

Any person may make representations about the application to the Chief Executive Officer, by writing to PO Box 96, Rosny Park, 7018 or by electronic mail to [clarence@ccc.tas.gov.au](mailto:clarence@ccc.tas.gov.au). Representations must be received by Council on or before 11 May 2026.

To enable Council to contact you if necessary, would you please also include contact details in any correspondence you may forward.

Any personal information submitted is covered by Council's privacy policy, available at [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au) or at the Council offices.



Clarence City Council

**TASMANIAN PLANNING SCHEME – CLARENCE  
LOCAL PROVISIONS SCHEDULE**

**AMENDMENT – PDPSPAMEND-2026/059266**

**AMENDMENT TO PLANNING SCHEME ORDINANCE**

To amend the Local Provisions Schedule of the Tasmanian Planning Scheme - Clarence by the insertion of the following Performance Criteria into Performance Criteria within Clause CLA-S13.7.2 P2 of the Glebe Hill Neighbourhood Centre Specific Area Plan.

*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 the apparent mass of building 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.*



**THE COMMON SEAL OF THE CLARENCE CITY  
COUNCIL HAS BEEN HEREUNTO AFFIXED THIS  
31st DAY OF MARCH 2026, PURSUANT TO A  
RESOLUTION OF THE COUNCIL PASSED THE  
23rd DAY OF MARCH 2026 IN THE PRESENCE OF:**

*C. O'neal*

**HEAD OF GOVERNANCE**

**7.2 LOCAL PROVISION SCHEDULE AMENDMENT PDPSPAMEND-2026/059266 – GLEBE HILL NEIGHBOURHOOD CENTRE SPECIFIC AREA PLAN****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for Council, acting as a Planning Authority, to consider an amendment to the Clarence Local Provisions Schedule (LPS) under section 40D of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

The draft amendment seeks to introduce a performance criteria for side setbacks into the Glebe Hill Neighbourhood Centre Specific Area Plan.

**RELATION TO PLANNING PROVISIONS**

The Glebe Hill Neighbourhood Centre Specific Area Plan applies to the area zoned General Business along Commerce Drive in Howrah and is shown as a Specific Area Plan on the overlay maps.

**LEGISLATIVE REQUIREMENTS**

The report on this item details the basis and reasons for the recommendation. Any alternative decision will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the *Judicial Review Act 2000* and the Local Government (Meeting Procedures) Regulations 2025.

Section 40D of LUPAA provides for the Planning Authority to consider, of its own motion, to initiate and prepare a draft amendment to the Clarence Local Provision Schedule (LPS).

In determining this matter, the Planning Authority must consider whether it is satisfied that the draft amendment meets the LPS criteria under Section 34 of LUPAA. As it is of its own motion, there is no statutory timeframe within which the Planning Authority must make a decision.

**CONSULTATION**

If the Planning Authority determines to prepare a draft amendment to the LPS it will then be subject to public exhibition and open for public comment for a period of 28 days, in accordance with statutory requirements.

**FINANCIAL IMPLICATIONS**

No significant implications.

**RECOMMENDATION:**

- A. That, pursuant to Section 40D(b) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority resolves to prepare a draft amendment to introduce the following Performance Criteria into Clause CLA-S13.7.2 P2 of the Glebe Hill Neighbourhood Centre Specific Area Plan.

*“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 the apparent mass of building 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”.*

- B. That, pursuant to Section 40F(2) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority certifies that the draft amendment meets the requirements of the Act including the LPS criteria.
- C. That pursuant to Section 40G of the *Land Use Planning and Approvals Act 1993*, the Planning Authority will publish an exhibition notice of the draft amendment and give the required notification and, pursuant to Section 40H of the Act place the draft amendment on public exhibition for a period of 28 days.
- D. That the details and conclusions included in the Associated Report be recorded as the reasons for the Planning Authority’s decision in respect of this matter.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

- 1.1.** The declaration of the current Clarence Interim Planning Scheme 2015 saw the introduction of the F13.0 Glebe Hill Neighbourhood Centre Specific Area Plan (F13.0 SAP).
- 1.2.** The primary purpose of the F13.0 SAP was to provide for a Neighbourhood Centre comprising of a supermarket and supporting uses to service the Glebe Hill Estate and the Rokeby/Droughty Point growth corridor.

**1.3.** The transition to the Tasmanian Planning Scheme – Clarence (the planning scheme) saw the modification to this SAP to ensure it was tailored to provide for an activity centre of sufficient size and offer to serve a broader catchment while responding to its unique setting adjacent to a recently established residential community.

**1.4.** There is no current performance criteria for Clause CLA-S13.7.2 P2 of the LPS. Clause F13.7.2 P2 under the Clarence Interim Planning Scheme (the corresponding clause) was similarly blank.

## **2. THE PROPOSAL**

The proposal is to provide a discretionary consideration to the current mandatory side setbacks within the General Business Zone in the Glebe Hill Neighbourhood Centre Specific Area Plan, through the introduction of a performance criteria.

## **3. STATUTORY IMPLICATIONS**

**3.1.** Council’s assessment of this proposal must be in accordance with Part 3B - Amendments of LPSs of LUPAA, which references the LPS criteria outlined in Section 34 of LUPAA, including consideration of the objectives of Schedule 1 of LUPAA, State policies, Tasmanian Planning Policies and the STRLUS.

**3.2.** If the planning authority agrees to prepare a draft amendment and certify that it meets the requirements of LUPAA, including the LPS criteria, and provide copies of the documentation to the Commission, the proposal is then placed on public exhibition and representations received for a period of 28 days. Following public exhibition, the Planning Authority then must consider the merits of any representations received and their impact on the draft amendment and provide a report to the Commission. The Commission will then hold a public hearing on the matter and make a determination.

## **4. PROPOSAL IN DETAIL**

### **The Specific Area Plan**

The area covered by the Glebe Hill Neighbourhood Centre Specific Area Plan is within the General Business Zone (shown in dark blue in Figure 1 below) on the northern side of the South Arm Highway and to the west of Pass Road.

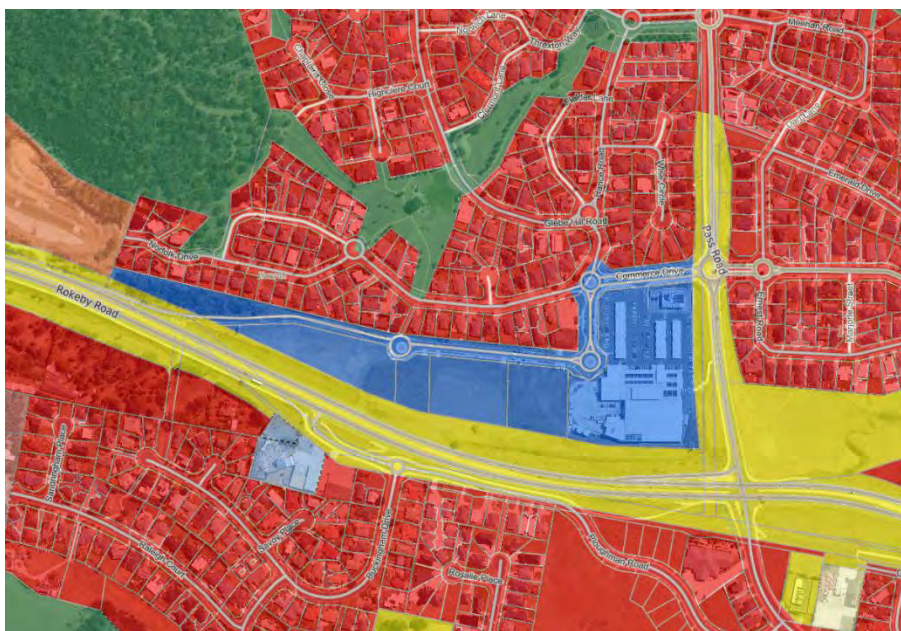


Figure 1: Location of Glebe Hill Neighbourhood Centre Specific Area Plan

The area contains the Glebe Hill Shopping Centre as well as a number of vacant lots. The Glebe Hill Childcare Centre, a fast food outlet and service station are currently under construction.

## 5. PLANNING SCHEME IMPLICATIONS

5.1. The proposed amendment seeks to amend Clause CLA-S13.7.2 P2 of the Tasmanian Planning Scheme – Clarence, to introduce the following criteria:

*“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 the apparent mass of building 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”.*

**5.2.** The need for this discretion has become apparent as, while the provisions of the SAP seek to maintain a modest and domestic character, the current mandatory side setback:

- Is inconsistent with side setback provisions of both the normal General Business Zone and the General Residential Zone (which is the adjacent zoning).
- Prevents the development of all buildings and structures, other than those exempted under Section 4 of the planning scheme, to be located within 4m of the side boundary including shade sails and shade structures, as well as some fences and some retaining walls (which do not meet the exemption criteria).
- Requires an 8.0m gap between buildings on narrow commercial land which is neither efficient nor reflective of the potential commercial activities of the land.
- Provides little benefit for visual amenity as most of the land is located lower than the Highway to the south, which then provides a large scale visual back drop when viewed from the residential area (as shown in Figure 2 below).



Figure 2: View of the area looking south from Commerce Drive

- 5.3. The introduction of a discretion would not mean that all commercial lots could suddenly be able to construct to the side boundaries, but that some buildings and structures could be considered depending on their size, placement and nature.
- 5.4. The proposed performance criteria would provide consistency with the Objective of the Standard: *“That commercial development complements its domestic setting and responds to the scale envisaged by the Southern Tasmania Regional Land Use Strategy 2010-2035 (1 October 2013) Minor or Neighbourhood Centre scale”*.

## 6. ASSESSMENT AGAINST LEGISLATIVE REQUIREMENTS

### 6.1. LPS Criteria

Section 34 of LUPAA states:

- “(2) *The LPS criteria to be met by a relevant planning instrument are that the instrument –*
- (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.*
- (2A) A relevant planning instrument satisfies the relevant criteria in relation to the TPPs if –*
- (a) where the SPPs and the relevant regional land use strategy have not been reviewed under section 30T(1) or section section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument is consistent with the TPPs, as in force before the relevant planning instrument is made; and*

- (b) *whether or not the SPPs and the applicable regional land use strategy have been reviewed under section 30T(1) or section section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument complies with each direction, contained in the TPPs in accordance with section 12B(3) , as to the manner in which the TPPs are to be implemented into the LPSs.*
- (3) *An amendment of an LPS, or a draft amendment of an LPS, is taken to meet the LPS criteria if the amendment of the LPS, or the draft amendment of the LPS, if made, will not have the effect that the LPS, as amended, will cease to meet the LPS criteria”.*

Importantly, as the current LPS is taken as having met the LPS criteria as assessed through the transition to the Tasmanian Planning Scheme – Clarence, subsection (3) requires the Planning Authority to assess if the proposed amendment will cause the LPS to cease to meet this criteria.

## **6.2. Assessment against LPS Criteria**

Assessment against relevant legislative requirements is contained in the discussion below.

### **(a) Contains all the provisions that the SPP’s specify must be contained in the LPS**

The proposed amendment seeks to modify the Clarence LPS to provide a discretionary pathway for consideration, which is already commonly used in the LPS.

The proposed amendment does not introduce any additional provisions which may conflict with the State Planning Provisions.

Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

### **(b) Be in accordance with Section 32**

Section 32 specifies the content of the LPS. The proposed amendment relates to an existing clause within the established structure of the planning scheme. There are no changes proposed to the structure of the planning scheme.

Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

**(c) Furthers the objectives set out in Schedule 1**

Assessment of the amendment against the Schedule 1 objectives of the Resource Management and Planning System of Tasmania (RMPS), is provided in the following table.

Objective	Response
<i>“The objectives of the resource management and planning system of Tasmania are</i>	
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	The proposed amendment will allow for more efficient consideration of current commercial land.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	The draft amendment would enable appropriate consideration of development, depending upon its size, scale and nature.
<i>(c) to encourage public involvement in resource management and planning; and</i>	If the amendment is certified, the application will be advertised for public comment. Any representations received will be considered by the Planning Authority and reported to the Commission, who may hold public hearings into the representations. Future development which relies on the clause will be subject to a discretionary process.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	Commercial development will be provided a more equitable consideration and potentially increase economic benefit.
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State”.</i>	Not applicable.

Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

**(d) is consistent with each State policy**

As the amendment relates only to a provision within a SAP that will not change the nature and application of any future development, it is considered that the proposal is not relevant to the outcomes of the State Policies and National Environment Protection Measures (NEPMs).

Any future development would be assessed against the Tasmanian Planning Scheme – Clarence, which has been assessed as compliant with all State Policies.

Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

**(da) satisfies the relevant criteria in relation to the TPPs**

Not Applicable - there are currently no Tasmanian Planning Policies in effect.

**(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situation the land to which the relevant planning instrument relates**

It is considered that the proposed amendment is generally aligned with the relevant strategic directions of the Southern Tasmanian Regional Land Use Strategy (STRLUS), in that

- The area meets the requirements of a Neighbourhood Centre, and the proposed amendment will not change the status of this activity centre.
- The relevant regional policies of AC1.5 and AC 1.8 will be met, ensuring responsive, well designed urban form that is appropriate to the character of the Glebe Hill urban area.

Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

- (f) **has regard to the strategic plan, prepared under Section 66 of the Local Government Act 1993, that applies to the land to which the relevant planning instrument relates**

The LPS is generally consistent with the City of Clarence Strategic Plan 2021-2031 with the overarching goals for a people friendly city, a well-planned liveable city, a prosperous and creative city, and an environmentally responsible city. There are no specific local policies or strategies that are relevant to this proposal.

The proposed amendment does not propose a change to an extent that would alter this consistency. Accordingly, the proposed amendment is considered to meet the LPS criteria in this regard.

- (g) **as far as practicable, is consistent with and co-ordinated with any LPS that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates**

Not applicable, the subject site is not adjacent to any other municipal area.

- (h) **has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.**

Not applicable, there is no land within the Clarence area that is subject to the *Gas Safety Act 2019*.

## 7. **EXTERNAL REFERRALS**

As the proposal only relates to a minor change to a provision within an existing SAP, the proposal has not been referred to external bodies.

## 8. **EXTERNAL IMPACTS**

No significant impacts.

**9. CONCLUSION**

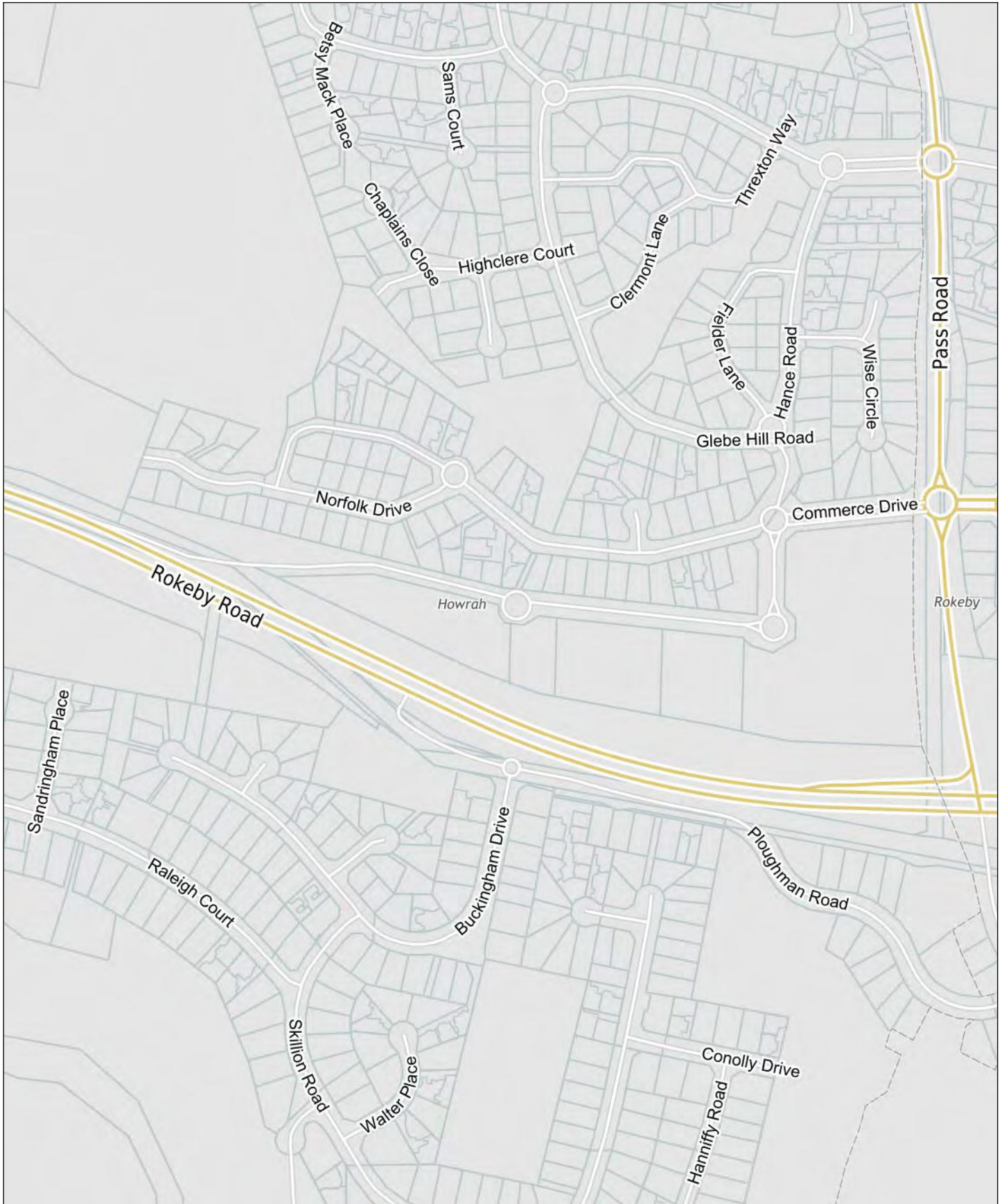
It is considered that the proposed amendment is appropriate and meets the relevant provisions of the Act. Accordingly, the proposed amendment is recommended for support.

Attachments: 1. Location Plan (1)  
2. Proposed Draft Instrument of Certification (1)

Daniel Marr  
**HEAD OF CITY PLANNING**

Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

ATTACHMENT 1



This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

12/03/2026  
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## ATTACHMENT 2



Clarence City Council

### TASMANIAN PLANNING SCHEME – CLARENCE LOCAL PROVISIONS SCHEDULE

#### AMENDMENT – PDPSPAMEND-2026/059266

#### AMENDMENT TO PLANNING SCHEME ORDINANCE

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XXth DAY OF XXXX 2026, PURSUANT TO A  
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XXth DAY OF XXXX 2026 IN THE PRESENCE OF:**

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**CHIEF EXECUTIVE OFFICER**

**7.2 LOCAL PROVISION SCHEDULE AMENDMENT PDPSPAMEND-2026/059266 – GLEBE HILL NEIGHBOURHOOD CENTRE SPECIFIC AREA PLAN****EXECUTIVE SUMMARY****PURPOSE**

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**RELATION TO PLANNING PROVISIONS**

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**LEGISLATIVE REQUIREMENTS**

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**CONSULTATION**

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**FINANCIAL IMPLICATIONS**

No significant implications.

**RECOMMENDATION:**

- A. That, pursuant to Section 40D(b) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority resolves to prepare a draft amendment to introduce the following Performance Criteria into Clause CLA-S13.7.2 P2 of the Glebe Hill Neighbourhood Centre Specific Area Plan.

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- B. That, pursuant to Section 40F(2) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority certifies that the draft amendment meets the requirements of the Act including the LPS criteria.
- C. That pursuant to Section 40G of the *Land Use Planning and Approvals Act 1993*, the Planning Authority will publish an exhibition notice of the draft amendment and give the required notification and, pursuant to Section 40H of the Act place the draft amendment on public exhibition for a period of 28 days.
- D. That the details and conclusions included in the Associated Report be recorded as the reasons for the Planning Authority’s decision in respect of this matter.

**Decision:****MOVED** Cr Hunter **SECONDED** Cr Chong

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.