

4.2 AM2022.02 & PA2022.0092 - 1, 5 FRIEND STREET & 88, 90-102 STONY RISE ROAD STONY RISE - REMOVE AND AMEND GENERAL RETAIL AND HIRE (SUPERMARKET AND OTHER RETAIL), FOOD SERVICES, BUSINESS AND PROFESSIONAL SERVICES, BULKY GOODS SALES AND SERVICE INDUSTRY

Author: **Emma Pieniak, Planning Officer**
Endorser: **Kylie Lunson, Executive Manager**

RECOMMENDATION

That the Planning Authority resolve that:

- a. modification to the draft amendment to allow a discretionary pathway for Sports & Recreation as a result of the representations received. Additional permit conditions are recommended to manage the signalisation of the intersection of Friend Street and Stony Rise Road;
- b. the Tasmanian Planning Commission be advised that the Planning Authority is satisfied that the draft amendment meets the Local Provisions Schedule criteria in accordance with section 34(2) of the *Land Use Planning and Approvals Act 1993*;
- c. a copy of this report be forwarded to the Tasmanian Planning Commission, including a copy of each representation and submissions by Department of State Growth, Department of Natural Resources and Environment, TasNetworks and TasWater;
- d. include Sports & Recreation with the qualification; if for fitness centre or gymnasium, to the Discretionary section of DEV-S1.5 Use Table of the draft amendment,
- e. certify the amended draft amendment; refer to **Attachment 3** and
- f. planning permit conditions be amended to read as follows:
 1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Job No: 5097 dated Sep '21 by Leffler Simes Architects, copies of which are attached and endorsed as documents forming part of this Planning Permit;
 2. Stormwater discharge from the proposed development is to be hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events and for a suitable range of storm durations, to identify peak discharge flows up to 20-year ARI only. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development site being impervious. There is to be no uncontrolled overland flow discharge from the proposed development to any of the adjoining properties for all the above nominated storm events. All design

calculations are to be submitted for approval by the City Engineer prior to any subsequent building permit applications;

3. The traffic signalisation to the Friend Street and Stony Rise Road intersection must be completed prior to occupancy of the development as approved by this Planning Permit;
4. The traffic signalisation of the Friend Street and Stony Rise Road intersection is carried out per the Transport Impact Assessment by GHD project no. 12559925 Revision 2, a copy of which is attached and endorsed as documents forming part of this Planning Permit;
5. As the road authority for Friend Street, Council requires the developer to provide full detail design for the road, footpaths, and pedestrian ramps from the roundabout on Friend Street up to the intersection be submitted for approval by the City Engineer;
6. The developer is to ensure that building, driveway, and car parking areas are set at suitable levels to ensure that stormwater site drainage can be piped at suitable gradients to the required service connection points (or to the existing service connection point);
7. The developer is to provide footpath connectivity from the development site to Stony Rise Road for pedestrian movement;
8. The developer is to construct the car park to comply with Australian Standards 2890 Parking Facilities Part 1 – 6;
9. The developer is to provide external lighting to illuminate external vehicle parking areas and pathways;
10. The developer is to comply with any conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*;
11. A detailed landscape plan including plant schedule with species, stock size and quantity of plants must be submitted for approval by the Planning Authority prior to any subsequent building permit applications. This plan will be endorsed and form part of this planning permit;
12. Illuminated signage visible from public places must not create the effect of flashing, animation or movement;
13. Hours of operation and commercial vehicle movements, including loading/unloading of deliveries, within 50m of residential properties must be within:
 - a. 7:00am to 9:00pm Monday to Saturday; and
 - b. 8:00am to 9:00pm Sunday and statutory holidays.

Notes: The following is provided for information purposes.

The development is to comply with the requirements of the current National Construction Code. The developer is to obtain the necessary building and plumbing approvals and provide the required notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

Permitted hours of construction work are Monday to Friday from 7am – 6pm, Saturday from 9am – 6pm and Sunday and statutory holidays from 10am – 6pm.

The amenity of the area must not be detrimentally affected by the use or development through the:

- (a) Transport of materials, goods or commodities to or from the land; or
- (b) Emission of noise, dust, odour, artificial light, vibration, fumes, smoke, vapour, steam, soot, ash, wastewater or any waste products.

Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

It is recommended that the developer contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.

In regard to condition 10 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 2-9 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

Enquiries regarding other conditions can be directed to Council's Development Services Department – Ph 6424 0511.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 2.1.1 Apply and review the Planning Scheme as required, to ensure it delivers local community character and appropriate land use
- Strategy 2.1.2 Provide consistent and responsive development assessment and compliance processes

SUMMARY

The purpose of this report is to enable Council, acting as a Planning Authority, to determine whether changes are required in regard to draft amendment AM2022.02 and concurrent planning application PA2022.0092, as a result of the representations received in regard to the proposal to amend the *Tasmanian Planning Scheme – Devonport* and the Local Provisions Schedule in accordance with section 40T of the *Land Use Planning and Approvals Act 1993* in regard to the following matters:

- a. Remove the Devonport Homemaker Service Industrial Centre Specific Area Plan from CT167737/18 and delete from the Devonport Local Provisions;
- b. Apply the Devonport Regional Homemaker Centre Specific Area Plan to CT167737/18;
- c. Set aside request for rezoning for a Particular Purpose zone;
- d. Amend the Devonport Regional Homemaker Centre Specific Area Plan; and

- e. Approve application PA2022.0092 for General Retail and Hire (Supermarket and other retail), Food Services, Business and Professional Services, Bulky Goods Sales, Service Industry and Signage.

BACKGROUND

Council resolved, at its meeting of the 24th of October, 2022, to certify draft amendment AM2022.02 and concurrent planning application PA2022.0092. The original report is appended as **Attachment 1**. As part of the assessment process Council was required to advertise the draft amendment and concurrent planning permit and refer the proposal to a number of state agencies. Interested parties had a period of 28 days in which to submit a representation if desired.

COMMUNITY ENGAGEMENT

The draft amendment was placed on public exhibition for a period of 28 days in accordance with section 40G of the Act. During this time, people had the opportunity to comment via representation made to Council.

In accordance with sections 40K and 42 of the Act, a report must be provided to the Planning Commission regarding the merit of the representations and including any recommendations the Planning Authority sees fit.

REPRESENTATIONS

Representations were received from state authorities, residential neighbours and business owners within the Devonport community. The issues raised have been summarised in the table below with comments and modifications as required.

It is pertinent to understand that whilst the representations may highlight a policy or guideline which they have interpreted the draft amendment being inconsistent with, many of these policies are broad or general and can be interpreted differently depending on the intent.

Representation	Comment	Modification
<p>Traffic concerns: Increase in traffic and safety impact to local residents'</p>	<p>Regardless of the draft amendment, any development of vacant land within the Homemaker Centre will result in increased vehicle movements. The proposed signalisation of the intersection between Friend Street and Stony Rise Road will provide greater safety to both pedestrians and road users. Access to residential properties from an arterial road such as Stony Rise will present a degree of constraint for access compared to a local road in a closed residential area. Growing populations will increase the number of vehicles on any roads, however both Council and the Department of State Growth have confirmed the proposed</p>	<p>Include condition/s on planning permit to ensure signalisation of intersection is carried out per the TIA.</p>

	works as outlined in the TIA will provide a safer road environment.	
Object to signalised intersection of Stony Rise Road and Friend Street	Both Council's City Engineer and Department of State Growth agree with the recommendation made by the Traffic Engineers rational provided in the Traffic Impact Assessment (TIA). Signalisation of this intersection will provide safer ingress and egress to the Homemaker Centre site.	None.
Additional access point should be provided to Homemaker Centre	The original Homemaker Centre SAP restricted a single entry to the site from Bass Highway and required all other vehicle access points to be from Stony Rise Road. These access points have been established and there is no intention to reconfigure and allow additional vehicle access points.	None.

Draft Amendment has inconsistencies with:

-original objective of the Home Maker SAP	<p>The Devonport Retail Study 2007 recognised that there is an increasing demand in Devonport for large format retailing on sites located away from activity centres. The original Homemaker Centre Zone referenced Showrooms, which was amended to Bulky Goods Sales, however the list of acceptable types of retail have not changed.</p> <p>Not all the retail types currently listed in DEV-S1 Use Table fit within those provided to define Bulky Goods Sales in part 6.3 of the TPS. The overarching intent of the Homemaker SAP has been to provide a consolidated area to develop large format retail with complimentary Food Services.</p> <p>The stagnation of development within this site suggests there is no longer a desire for further 'home maker' retail occupants looking to establish. There is, however, scope for other large format retail to establish in this area, which may be restricted from doing so currently due to the uses defined within the SAP. The amended SAP is clear in the intent for continued development of large format retail and restricted complimentary uses. The use and development requirements are robust in</p>	None.
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	<p>ensuring the objectives can be effective in ensuring the primacy of the CBD as the activity centre is not lost.</p>	
<p>-the LIVING CITY plan</p>	<p>The Living City Master Plan highlights the following deliverables:</p> <ul style="list-style-type: none"> • Facilitate new retail development in the CBD, complementing existing retail and limiting further fragmentation. • Establish the City as a retail destination with attractive downtown retailing complementing the existing Homemaker Centre (Northern Tasmania's largest). • Create a cultural heart for the region focused on the arts and food. • Establish a platform on which to realise a long-held vision to open the City to the waterfront. • Give a purpose to the southern part of the CBD, consolidating a critical mass of business and professional service uses. • Raise the standard for accommodation and visitor services, attracting more visitors who will spend longer in the region. • Create a destination where produce from North West Tasmania, one of the greatest food producing regions of the world, can be showcased. <p>Provide massive economic benefits for the region with initial modelling indicating the flow on effect to the regional economy to be in excess of \$500 million annually</p> <p>The proposal involves the creation of a 'neighbourhood centre' that offers a limited range of retail, business and food service uses for the convenience needs of the local area.</p> <p>The provisions of the SAP are designed to provide for appropriate regulation of land use and development that supports but does not compromise the role of established activity centres (including the CBD). Importantly the draft amendment does not facilitate a</p>	<p>None.</p>

	<p>full spectrum of retail use and development to occur. It adopts a nuanced approach that is appropriately consistent with the concept and function of a neighbourhood centre.</p> <p>The proposal is appropriately consistent with the Living City Master Plan.</p>	
<p>-Cradle Coast Regional Land Use Strategy</p>	<p>Part C – 3.3.1 Economic Activity Relevant policy requirements:</p> <ul style="list-style-type: none"> (a) Facilitate supply of employment land in all settlement areas for industrial, business and institutional use including in residential locations and recognise the unique economic circumstances that exist on King Island (c) Ensure locations for employment use accommodate new forms and changing patterns of economic activity (d) Promote provision of employment land in locations where – <ul style="list-style-type: none"> i. land is physically capable of development ii. transport access and utilities can be provided at reasonable economic, social and environmental cost iii. there is a access to resource, energy, communication, and workforce iv. sufficient separation can be provided to buffer impact on natural values, economic resources and adjoining settlement v. local strategy on King Island identifies a need for alternative approaches to recognise the unique circumstances of the local island economy <p>Part C – 3.3.9 Business and Commercial Activity Relevant policy requirements:</p> <ul style="list-style-type: none"> (a) facilitate convenient access in each settlement area to food and 	<p>None.</p>

	<p>convenience goods retailers and services</p> <p>(b) promote the distribution of higher order retail goods and services throughout the Region in a manner consistent with recognised settlement patterns and at a scale, type and frequency of occurrence appropriate to settlement size, local consumer demand, and relationship to the wider regional market</p> <p>i. In this regard Devonport, Burnie, Latrobe, Sheffield, Ulverstone, Wynyard, Queenstown, Smithton and Currie will provide regional or district business and commercial service roles in addition to meeting local demand.</p> <p>(c) facilitate retail and service provision to complement and enhance the collective drawing power of existing retail and service areas but which does not involve location of major attractors for the express purpose of capturing market share in excess of that warranted by settlement size and relative function in a regional context</p> <p>(d) promote integration of neighbourhood retail and service provision into residential areas at a scale, location and disposition suitable to service local need</p> <p>(e) maintain the integrity, viability and vitality of established centres by locating new business and commercial development onto land within or immediately contiguous with existing town centres and commercial zones</p> <p>(f) promote increased mix of land use, including for housing, within accessible business centres to encourage viability and vitality</p> <p>(g) prevent linear commercial development</p> <p>(h) prevent leakage of commercial and retail activities from preferred</p>	
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	<p>locations by restricting retail sales in other land use areas</p> <ul style="list-style-type: none"> (i) provide designated locations for bulky goods and large format retailing, including for vehicle, building and trade supply, and home improvement goods (j) restrict sale of food, clothing and carry away consumables through bulky goods and large format retail outlets located outside town centres (k) require proposals for major business or commercial development outside designated town centres be supported by need, absence of suitable alternative sites and of potential for immediate, incremental or cumulative adverse affect on established town centres and the regional pattern of retail and service provision. <p>Part C – 4.5 Land Use Policies for facilitating access to business and community services</p> <p><i>Liveability of the Region is dependent in part on local or convenient and equitable access to a range of business and community services to meet both daily and specialist requirements. Land use planning processes –</i></p> <ul style="list-style-type: none"> (a) <i>Require each settlement area facilitate a mix of use and development of a nature and scale sufficient to meet for basic levels of education, health care, retail, personal services and social and economic activity and for local employment opportunities for the convenience of the local resident and catchment population</i> (b) <i>Locate business and community service activity reliant for operational efficiency on a regional-scale population or on a single or limited number of sites at Burnie or Devonport, and at Latrobe, Ulverstone, Sheffield, Wynyard, Smithton, Currie and Queenstown.</i> 	
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	<p>The site represents 'employment land' for the purposes of the CCRLUS and accommodates well established business activity - generally in the form of bulky goods and ancillary type use and development.</p> <p>The proposal compliments this existing activity through the creation of a 'neighbourhood centre' that offers a limited range of retail, business and food service uses for the convenience needs of the local area. A major supermarket will serve as the primary activity generator and will be supported by a limited range of complimentary uses.</p> <p>The provisions of the draft SAP are designed to provide for appropriate regulation of land use and development that supports but does not compromise the role of established activity centres (including the CBD). Importantly the draft amendment does not facilitate a full spectrum of retail use and development to occur. It adopts a nuanced approach that is appropriately consistent with the concept and function of a neighbourhood centre.</p> <p>The findings of the recently commissioned Devonport Retail Study identify a shortfall of retail floor space, including both the demand and opportunity for an additional supermarket. The Homemaker Centre site is further identified by the Devonport Retail Study as an appropriate location to accommodate additional large format retail stores.</p> <p>With particular regard to the development of an additional major supermarket to serve as the main activity generator at this location, it is important to emphasise that this will be an additional major supermarket to those already operating in the CBD. The Devonport Retail Study provides the following statements with regard to</p>	
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	<p>potential retail outcomes for supermarkets/neighbourhood centres: <i>'A general benchmark often considered in the property industry is the provision of one major supermarket operator for every 8,000 to 10,000 people. The Devonport Retail Catchment contains a population of approximately 69,700 residents. On this broad measure there is demand for at least another full-line supermarket currently, and potentially another supermarket in the medium term.'</i></p> <p>The site is well placed to service surrounding settlement patterns (including the future residential growth areas contemplated by the <i>Greater Devonport Residential Growth Strategy 2021-2041</i>).</p> <p>The proposal is appropriately consistent with the relevant policy considerations of the CCRLUS.</p>	
<p>-Devonport City Council Retail Study</p>	<p>Section 6.3 – <i>The retail floorspace demand analysis indicates that there is a current shortfall of retail floorspace in the order of 10,000 sq.m in Devonport.</i></p> <p><i>In terms of retail floorspace by category, there is considered a need for the following:</i></p> <ul style="list-style-type: none"> • <i>4,400 sq.m of floorspace dedicated to food outlets including potentially a supermarket.</i> • <i>5,450 sq.m of non-food floorspace including potentially new large format retail outlets.</i> • <i>160 sq.m of retail services, which includes hairdressers/beauty salons and the like.</i> <p><i>This analysis indicates that overall the scale of retail floorspace in Devonport broadly meets the needs of customers, though there is potential for some additional retail floorspace to be supported.'</i></p> <p>Section 6.4 – <i>'A general benchmark often considered in the property industry is the provision of one major supermarket operator for every 8,000 to</i></p>	<p>None.</p>

	<p>10,000 people. The Devonport Retail Catchment contains a population of approximately 69,700 residents. On this broad measure there is demand for at least another full-line supermarket currently, and potentially another supermarket in the medium term.'</p> <p>'The Devonport Homemaker Centre opened in 2013 and additional retailers have opened at the centre over time. The centre is currently fully leased. Given the analysis in the report and observation of the current market, there is considered to be the opportunity for some additional large format retail outlets in Devonport. Ideally the new stores would be located near the Devonport Homemaker Centre or on Don Road.'</p> <p>Section 6.5 – 'There is considered to be an opportunity for a new full-line supermarket, additional food & beverage outlets, some non-food/convenience retail shops and more large format retail stores to serve the needs of the local community and visitors.'</p> <p>The findings of the Retail Study identify a shortfall of retail floor space, and specifically identify both the demand and opportunity for an additional supermarket. The Homemaker Centre site is further identified by the Study as an appropriate location to accommodate additional large format retail stores.</p> <p>The proposal is appropriately consistent with the findings and recommendations of the Retail Study</p>	
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Other concerns:

<p>Complexity of the submission by the applicant interpreted as unsuitable to satisfy objective 1 of the Resource Management and</p>	<p>The extent of information submitted with an application of this scale can be overwhelming, even to professionals. The explanatory report prepared by Council's planning officers is publicly available and planning officers provide the opportunity for anyone to discuss</p>	<p>None.</p>
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<p>Planning Systems of Tasmania part (c); and has Council provided information sessions to public to help them understand the operation of the Planning Scheme or Planning Commission in the amendment process?</p>	<p>this information during public advertising. There is no statutory regulation which specifies further guidance or additional information is necessary to achieve objective 1 (c).</p>	
<p>The applicants (Tipalea) Stony Rise community information programme could be misleading to public.</p>	<p>This is not controlled under the planning scheme amendment process and Council has not advertised or supported the community engagement and public information process Tipalea has chosen to deploy.</p>	<p>None.</p>
<p>Planning Authority's changes to proposal by applicant further departure from the original SAP objectives and changes not considered in the supporting documentation supplied by the applicant.</p>	<p>Council has been clear to the applicant from the outset that an amendment to the SAP was preferable over the PPZ referenced in the application documents evidenced in the further information request appended to this report as Attachment 2. The recommendation as submitted to the Planning Authority in October 2022 outlines the reasoning for the change as enacted by section 40F(2)(b) which provides that, if Council is not satisfied that the draft amendment meets the LPS criteria, it must modify the draft to ensure that it does meet the LPS Criteria, and then certify the draft.</p>	<p>None.</p>
<p>Existing supermarkets within greater Devonport area are sufficient to service the population.</p>	<p>The findings of the Retail Study identify a shortfall of retail floor space, and specifically identify both the demand and opportunity for an additional supermarket.</p>	<p>None.</p>
<p>Environmental concerns, report dated 2013 too old to be relevant for considerations of sensitive use or development.</p>	<p>Potentially Contaminated Land Code applies to CT 173535/16 for any future development or use of the site having previously contained underground petroleum storage tanks, which have been formally decommissioned as recorded by EPA mapping in the LIST.</p>	<p>None.</p>

Representations from applicants:

<p>Was prohibiting indoor recreation within 50m of residential intentional?</p>	<p>The exclusion of discretionary consideration for indoor recreation use was not intentional. Council can be satisfied there are suitable considerations under the Commercial Zone and SAP draft amendment to address potential impacts to residential amenity to ensure that an indoor recreational facility would not pose a detrimental impact to nearby residential properties.</p>	<p>Amend DEV-S1.5 Use Table to include Sports & Recreation with the qualification; if for fitness centre or gymnasium, to the Discretionary section.</p>
<p>Bulky Goods Sales as permissible under Discretion within the SAP area. Include qualification to exclude Bulky Goods Sales within the Stony Rise Village Precinct A or Precinct B.</p>	<p>The Area Description in Table DEV-S1.3.2 for Stony Rise Precinct A emphasises the objective for this parcel of land. The objectives for Stony Rise Precinct B and the remaining SAP area have similarly been defined in this table. Council believes the proposed SAP is robust in its intent and requirements to ensure the Stony Rise Village Precinct A will remain a focus for a neighbourhood centre while the remaining SAP area will provide opportunities for suitable types of Bulky Goods Sales uses.</p>	<p>None.</p>
<p>General Retail and Hire as permissible under Discretion within the SAP area. Inconsistent with Local Area Objectives and should be prohibited outside Stony Rise Village Precinct A and Precinct B.</p>	<p>The intent of the amended SAP is clear in that the changes to the use table combined with the Local Area Objectives will provide for further development of large format retail which would not otherwise be permissible under the current SAP. The Local Area Objectives further ensure that development for things such as a supermarket are to occur only within Stony Rise Village Precinct A and will not result in distortion of the neighbourhood centre focus to this portion of the site.</p>	<p>None.</p>
<p>Food Services as permissible as Permitted within the SAP area. Encourage Food Services within Stony Rise Village Precinct A and Precinct B and limit those within the remaining SAP area to 4.</p>	<p>The consultant's justification for restricting the extent of food services outside the Stony Rise Village Precincts omits the original intent of the Homemaker SAP, providing associated food outlets. There are currently 2 Food Services and one additional under construction. The intent of the qualification in the amended SAP was to continue provision for associated food outlets within the whole site consistent with the original SAP intent.</p>	<p>None.</p>

<p>Commercial vehicle access activity on lot subject to planning permit. Amend permit condition and possibly development plans, to allow vehicle access to the loading areas at all times, and the 'direct to boot' area from 5am.</p>	<p>The assessment against residential amenity as submitted by the applicant advised the hours of operation, commercial vehicle movements and unloading would occur within 7am to 9pm Monday – Saturday, and 8am to 9pm Sunday and public holidays. The applicant may choose to provide an assessment against the relevant Performance Criteria of the Commercial Zone for consideration at the hearing. Council maybe in a position to support this revision at the hearing should further appropriate detail be provided.</p>	<p>None.</p>
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Submissions by relevant agencies:

<p>DSG: "The Department of State Growth has no comments on the draft amendment. The Traffic Impact Assessment (TIA) accompanying the planning application recommends the intersection of Friend Street and Stony Rise Road be signalised. State Growth supports the recommended signalisation as it will improve both traffic and pedestrian safety." The planning permit should ensure the TIA recommendations are enforced. Should approval be granted the proponent will need to arrange detail design and engineering and should consult with State Growth as early as possible.</p>	<p>The applicant will require consultation and consent from both Council and State Growth as the relevant road authorities to facilitate the signalisation to the Friend Street and Stony Rise Road intersection. This process will require a collaborative approach, but it is important to note that the safety of road users and pedestrians will necessitate the completion of the signalised intersection prior to the occupation/use of the development on CT167737/15.</p>	<p>Include condition/s on planning permit to the effect that traffic signals and any associated requirements have been completed prior to occupation of the development as approved under the planning permit. Include condition/s on planning permit to ensure signalisation of intersection is carried out per the TIA.</p>
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<p>The traffic signals will require Transport Commission approval.</p>		
<p>NRE: "Both 90-102 Stony Rise Road and one and five Stony Rise Roads are already cleared and are located within a developed urban landscape with existing housing, and commercial infrastructure, therefore it is anticipated that the proposed activity is unlikely to impact listed flora or fauna species."</p>		<p>None.</p>
<p>TasNetwork: "Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.</p> <p>It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development."</p>		<p>Include note on planning permit advising contact details for TasNetworks.</p>
<p>TasWater: "TasWater does not object to the draft amendment to planning scheme and has no formal comments for the</p>	<p>The site plan referenced in the Submission to Planning Authority Notice has been altered. It is noted consent for the amendment to any plans endorsed under a planning permit will require consent from the Planning Authority.</p>	<p>TasWater Submission to Planning Authority Notice to be appended to Planning Permit.</p>

<p>Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings." Conditions relating to the development have been included as a Submission to Planning Authority Notice.</p>		
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STATUTORY REQUIREMENTS

Section 40K of LUPAA requires that the Planning Authority must be satisfied that the draft amendment meets the Local Provisions Schedule (LPS) criteria as listed in section 34. No alterations to the draft amendment or concurrent planning permit have been suggested that result in changes to the initial assessment of the LPS criteria as previously endorsed as part of the report considered by the Planning Authority on the 24th of October, 2022. The proposal continues to meet the LPS criteria.

FINANCIAL IMPLICATIONS

There are no financial implications anticipated as a result of this proposal.

CONCLUSION

The proposal seeks amendment to the Devonport Local Provisions to amend the use classes within the Devonport Regional Homemaker Centre Specific Area Plan to facilitate development of a village precinct with supermarket and essential retail or business to service the growing resident base of Stony Rise, Tugrah, Spreyton, Devonport and further afield; and to avoid potential land use conflict between residential land and the use classes provided for within the Devonport Homemaker Service Industrial Centre Specific Area Plan. The representations received in regard to this proposal are not deemed to have raised any issues that require any significant changes to the proposal.

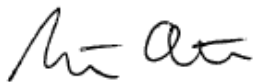
ATTACHMENTS

1. Planner's Report to Council 24 October 2022 - AM2022.02 & PA2022.0092 [**4.2.1** - 614 pages]
2. Further information Request - AM2022.02 & PA2022.0092 [**4.2.2** - 3 pages]
3. Amended Draft Amendment 17.1.23 - AM2022.02 & PA2022.0092 [**4.2.3** - 7 pages]

Draft

Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan
Modified in accordance with Council resolution 23/6 on 23 January 2023

The Common Seal of the
Devonport City Council is
affixed, pursuant to
Council's Resolution No. 23/6
of 23 January 2023



Matthew Atkins
GENERAL MANAGER



DEV-S1.0 Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan

DEV-S1.1 Plan Purpose

The purpose of the Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan is:

DEV-S1.1.1	To manage the use or development of the Devonport Regional Homemaker Centre and Stony Rise Village site.
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DEV-S1.2 Application of this Plan

DEV-S1.2.2	The specific area plan applies to the area of land designated as Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan on the overlay maps.
DEV-S1.1.1	In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of: (a) Commercial Zone; (b) Signs Code; and (c) Parking and Sustainable Transport Code, as specified in the relevant provision.

DEV-S1.3 Local Area Objectives

Reference Number	Area Description	Local Area Objectives
DEV-S1.3.1	Devonport Regional Homemaker Centre and Stony Rise Village, shown on an overlay map as DEV-S1.3.1. (as amended)	<p>The local area objectives for the Devonport Regional Homemaker Centre and Stony Rise Village are:</p> <p>To provide use and development for integrated bulky goods showrooms, large format retail and trade supplies, including associated food services, car parking, signage and landscaping;</p> <p>To provide a neighbourhood centre that offers a limited range of retail, business and food service uses for the convenience needs of the local area; and</p> <p>To provide for other uses and development that supports and does not compromise or distort the role of established activity centres.</p>
DEV-S1.3.2	Stony Rise Village Precinct A, shown on an overlay map as DEV-S1.3.2	<p>To provide for a major supermarket as the primary activity generator;</p> <p>To provide a limited range of retail, business and food service uses that</p>

		<p>support the convenience needs of the local area; and</p> <p>To provide for other use and development that supports and does not compromise or distort the role of established activity centres.</p>
DEV-S1.3.3	Stony Rise Village Precinct B, shown on an overlay map as DEV-S1.3.2	<p>To provide for use and development for integrated bulky goods showrooms, large format retail and trade supplies; and</p> <p>To provide for use and development that compliments the function of Stony Rise Village Precinct A as a neighbourhood centre and does not unreasonably compromise or distort the role of established activity centres.</p>

DEV-S1.4 Definition of Terms

Neighbourhood centre	Means a localised activity centre that provides for a limited range of use and development to service the convenience needs for the local area. A major supermarket serves as the primary activity generator and is supported by a limited range of complimentary uses.
Stony Rise Village Precinct A	Means the area of land identified on an overlay map as DEV-S1.3.2
Stony Rise Village Precinct B	Means the area of land identified on an overlay map as DEV-S1.3.3

DEV-S1.5 Use Table

This clause is in substitution of the Commercial Zone – clause 17.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	If for conservation, rehabilitation, or protection against degradation, but must not include a building or any outdoor area for information, interpretation, or display of items or for any other use.
Passive Recreation	
Utilities	If for minor utilities.
Permitted	
Bulky Goods Sales	<p>If not within Stony Rise Village Precinct A or B and for the retail sale of:</p> <p>(a) furniture and floor coverings;</p> <p>(b) electrical appliances, including white goods and computer equipment;</p>

	<p>(c) home entertainment equipment;</p> <p>(d) manchester, curtains and blinds;</p> <p>(e) camping and outdoor recreation equipment;</p> <p>(f) office supplies;</p> <p>(g) building, construction and hardware goods;</p> <p>(h) garden and landscape material;</p> <p>(i) auto accessories;</p> <p>(j) pet supplies and ancillary services; or</p> <p>(k) any combination of the goods in (a) to (j), provided that the sale or hire of clothing or footwear is not a predominant activity.</p> <p>If within Stony Rise Village Precinct A and provided that the sale of:</p> <p>(a) auto accessories;</p> <p>(b) building, construction and hardware goods;</p> <p>(c) rural supplies;</p> <p>(d) garden and landscape material; or;</p> <p>(e) motor vehicle, boat or caravan sales is not a predominant activity.</p> <p>If within Stony Rise Village Precinct B and provided that the sale of:</p> <p>(a) rural supplies;</p> <p>(b) timber and steel; or;</p> <p>(c) garden and landscape material;</p> <p>is not a predominant activity.</p>
Business and Professional Services	If within Stony Rise Village Precinct A or B and for a consulting room, medical centre, veterinary centre, child health clinic or dentist.
Education and occasional care	If within Stony Rise Village Precinct A or B and for a childcare centre.
Food Services	If the total number of Food Services on land subject to the Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan is:

	<p>(a) not more than 5 drive through facility food services; and</p> <p>(b) not more than a total of 12 food services and further limited to not more than 4 food services premises outside of Precinct A and Precinct B; and</p> <p>If within Stony Rise Village a drive through facility is limited to one premises each for Precinct A and Precinct B.</p>
General Retail and Hire	<p>If within Stony Rise Village Precinct A and provided the sale or hire of:</p> <p>(a) clothing or footwear (other than personal protective equipment);</p> <p>(b) jewellery; or</p> <p>(c) adult sex products</p> <p>is not a predominant activity.</p> <p>If within Stony Rise Village Precinct B and not for a supermarket, pharmacy or bottle shop and provided the sale or hire of:</p> <p>(a) clothing or footwear (other than personal protective equipment);</p> <p>(b) jewellery; or</p> <p>(c) adult sex products</p> <p>is not a predominant activity.</p>
Service Industry	If for car wash, pet wash or laundromat.
Sports & Recreation	If for fitness centre or gymnasium and site is located at least 50m from General Residential zoned land.
Vehicle Fuel Sales and Service	If for a service station.
Discretionary	
Bulky Goods Sales	If not listed as Permitted.
General Retail and Hire	If not listed as Permitted and for a market retailing food by independent stall holders.
Sports & Recreation	If for fitness centre or gymnasium.
Storage	If not for a liquid fuel depot or a solid fuel depot.
Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

DEV-S1.6 Use Standards

DEV-S1.6.1 Floor areas

This clause is in substitution for the Commercial Zone – clause 17.3.3 Retail impact.

Objective:

The primacy of the Devonport Central Business District for General Retail and Hire is protected by providing a designated location for large format retail.

Acceptable Solutions	Performance Criteria
<p>A1 The gross floor area of a tenancy within a building must not be less than 500m² with the exception of:</p> <ul style="list-style-type: none"> (a) Food Services; (b) a use that relies on more than 50% of the site area for outdoor display of goods for sale; or (c) a use within Stony Rise Village Precinct A. 	<p>P1 The proposed use and development must be consistent with the local area objectives being:</p> <ul style="list-style-type: none"> (a) for integrated bulky goods showrooms and trade supplies; (b) for a neighbourhood centre providing for food retailing and the convenience needs of the local area; or (c) compliments the function of a neighbourhood centre; and (d) does not unreasonably compromise or distort the role of established activity centres.

DEV-S1.7 Development Standards for Buildings and Works

DEV-S1.7.1 Setbacks

This clause is in substitution for the Commercial Zone – clause 17.4.2 A1 Setbacks.

Objective:	
<p>Development of land is to minimise:</p> <ul style="list-style-type: none"> (a) likelihood for conflict, interference and constraint between the use or development of land in the Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan and the use of land in an adjoining zone (b) unreasonable impact on the amenity of use on land beyond the boundaries of the Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan. 	
Acceptable Solutions	Performance Criteria
<p>A1 Buildings and parking areas must:</p> <ul style="list-style-type: none"> (a) have a setback, or be separated a distance, of not less than 20m from the Bass Highway frontage; (b) have a setback, or be separated a distance, of not less than 6m from the Stony Rise Road frontage and allow for the Stony Rise Road carriageway to receive at least 5 hours of sunlight on the 21st of June; or 	<p>P1 Buildings must have a setback from a frontage that provides suitable amenity for intended users and adequate space for landscaping, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the setback of buildings on adjacent properties; and (c) the safety of pedestrians and road users.

(c) not less than 5.5m from any other road frontage.	
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DEV-S1.7.2 Signs

This clause is in addition to the Signs Code – clause C1.6.1 Design and siting of signs.

Objective:	
That the need for signs is recognised and the impact, size and number is managed.	
Acceptable Solutions	Performance Criteria
A1 There must be not more than 3 signs located within the setback area from the Bass Highway frontage.	P1 No Performance Criterion.
A2 The height of a sign must be not more than 10m.	P2 No Performance Criterion.
A3 There must be not more than 2 signs located within the setback area from the Stony Rise Road frontage.	P3 No Performance Criterion.

DEV-S1.7.3 Access

This clause is in substitution for the Parking and Sustainable Transport Code – clause C2.6.3 Number of accesses for vehicles.

Objective:	
There is safe vehicular and pedestrian access to the site.	
Acceptable Solutions	Performance Criteria
A1 There must be not more than one vehicular entry to the site across the Bass Highway frontage and the vehicular access must comprise a single left hand turn from the west bound lane of the Bass Highway.	P1 No Performance Criterion.
A2 All vehicular access is to be via an existing vehicle crossing.	P2 Any new vehicular access must be necessary as evidenced by a Traffic Impact Assessment, prepared by a suitably qualified person and approved by the relevant Road Authority.

DEV-S1.8 Development Standards for Subdivision

This sub-clause is not used in this specific area plan – the underlying zone provisions apply.



Devonport City Council Planning Permit

Permit Number:	PA2022.0092
Permit Type	Section 57 <i>Land Use Planning and Approvals Act 1993</i>
Development Address:	1 & 5 Friend Street, Stony Rise 88, 90-102 Stony Rise Road, Stony Rise
Applicant Details:	GHD 10 Columnar Court Burnie TAS 7320
This Permit allows for:	General Retail and Hire (Supermarket and other Retail) Food Services, Business and Professional Services, Bulky Goods Sales and Service Industry

The following conditions apply to this permit:

- 1. The Use and Development is to proceed generally in accordance with the submitted plans referenced as Job No: 5097 dated Sep '21 by Leffler Simes Architects, copies of which are attached and endorsed as documents forming part of this Planning Permit;**
- 2. Stormwater discharge from the proposed development is to be hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events and for a suitable range of storm durations, to identify peak discharge flows up to 20-year ARI only. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development site being impervious. There is to be no uncontrolled overland flow discharge from the proposed development to any of the adjoining properties for all the above nominated storm events. All design calculations are to be submitted for approval by the City Engineer prior to any subsequent building permit applications;**
- 3. The traffic signalisation to the Friend Street and Stony Rise Road intersection must be completed prior to occupancy of the development as approved by this Planning Permit;**
- 4. The traffic signalisation of the Friend Street and Stony Rise Road intersection is to be carried out as per the Transport Impact Assessment by GHD project no. 12559925 Revision 2, a copy of which is attached and endorsed as documents forming part of this Planning Permit;**
- 5. As the road authority for Friend Street, Council requires the developer to provide full detail design for the road, footpaths, and pedestrian ramps from**

Signed

Dated

23 January, 2023

the roundabout on Friend Street up to the intersection be submitted for approval by the City Engineer;

- 6. The developer is to ensure that building, driveway, and car parking areas are set at suitable levels to ensure that stormwater site drainage can be piped at suitable gradients to the required service connection points (or to the existing service connection point);**
- 7. The developer is to provide footpath connectivity from the development site to Stony Rise Road for pedestrian movement;**
- 8. The developer is to construct the car park to comply with Australian Standards 2890 Parking Facilities Part 1 – 6;**
- 9. The developer is to provide external lighting to illuminate external vehicle parking areas and pathways;**
- 10. The developer is to comply with any conditions specified in a Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*;**
- 11. A detailed landscape plan including plant schedule with species, stock size and quantity of plants must be submitted for approval by the Planning Authority prior to any subsequent building permit applications. This plan will be endorsed and form part of this planning permit;**
- 12. Illuminated signage visible from public places must not create the effect of flashing, animation or movement;**
- 13. Hours of operation and loading/unloading of deliveries, within 50m of residential properties must be within:**
 - a. 7:00am to 9:00pm Monday to Saturday; and**
 - b. 8:00am to 9:00pm Sunday and statutory holidays.**
- 14. The developer is to construct a 3m high acoustic barrier at the north-east corner of the developed site for the length of the area within 50m of residential land.**

Note: The following is provided for information purposes.

The development is to comply with the requirements of the current National Construction Code. The developer is to obtain the necessary building and plumbing approvals and provide the required notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

Permitted hours of construction work are Monday to Friday from 7am – 6pm, Saturday from 9am – 6pm and Sunday and statutory holidays from 10am – 6pm.

The amenity of the area must not be detrimentally affected by the use or development through the:

- (a) Transport of materials, goods or commodities to or from the land; or
- (b) Emission of noise, dust, odour, artificial light, vibration, fumes, smoke, vapour, steam, soot, ash, wastewater or any waste products.

Signed



Dated

23 January, 2023

Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

In regard to condition 10 the applicant/developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 2-9 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

Enquiries regarding other conditions can be directed to Council's Development Services Department – Ph 6424 0511.

Approved by Council 23 January, 2023, Res No. 23/6

DRAFT

Signed



Dated

23 January, 2023

WHAT HAS BEEN DECIDED?

The Planning Authority has issued a planning permit. This notice sets out on the reverse side what the permit allows and what conditions must be met.

WHEN DOES A PERMIT BEGIN?

A permit takes effect on the last date provided by the following:

- a. where there is no right of appeal - on the day on which it is granted; or
- b. where there is a right of appeal - fourteen days after this notice is served; or
- c. where an appeal has been lodged - when the appeal is determined or abandoned; or
- d. when any other approvals under any Act have been granted.

If you are unsure whether a right of appeal exists please check with a Planning Officer.

WHEN DOES A PERMIT EXPIRE?

A permit lapses two years from the date on which it was granted if the use or development has not substantially commenced.

WHAT ABOUT APPEALS?

- The applicant may appeal against any condition in the permit within 14 days after the day on which this notice was served on the applicant.
- Any person who has made a representation concerning the application may appeal against the decision to grant the permit within 14 days after the day on which notice of this permit was served on that person.
- An appeal must be lodged with the
Tasmanian Civil & Administrative Tribunal
Address: G.P.O. Box 1311, HOBART TAS 7001 or
38 Barrack Street, Hobart
Web: www.tascat.tas.gov.au/resource-and-planning/home
Email: resourceplanning@tascat.tas.gov.au
Telephone: 1800 657 500
- Appeal forms can be obtained directly from the Tribunal.
- A fee is payable when making an appeal. Please check with the Tribunal for details.