
From: Anthony Spence <aspence@pageseager.com.au>
Sent: Tuesday, 16 January 2024 4:01 PM
To: TPC Enquiry
Cc: Simmons Wolfhagen (david.morris@simwolf.com.au); Robert Holbrook;
cmilnes@devonport.tas.gov.au; epieniak@devonport.tas.gov.au; Victoria Lightfoot
Subject: Planning Scheme Amendment (AP-DEV-AM2022.02) - 1, 5 Friend Street & 88, 90-102 Stony Rise
Road, Stony Rise (PS:VML:221853 & 232260)
Attachments: Tasmanian Planning Commission 16.01.24.pdf; The Advocate 30 Dec 2023 Tipalea.pdf

Dear Mr Howlett

Please see **attached** correspondence.

Regards,

Anthony Spence SC | Principal
Page Seager Lawyers
t (03) 6235 5104 m 0400 545 503 e ASpence@pageseager.com.au
Level 2, 179 Murray Street, Hobart
www.pageseager.com.au



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Principal
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16 January 2024

Mr Roger Howlett
Delegate (Chair)
Tasmanian Planning Commission
GPO Box 1619
HOBART TAS 7001

By email: tpc@planning.tas.gov.au

Dear Mr Howlett

PLANNING SCHEME AMENDMENT (AP-DEV-AM2022.02) - 1, 5 FRIEND STREET & 88, 90-102 STONY RISE ROAD, STONY RISE

Subsequent to the hearing before the Commission there has been a further media report which paints my clients in a poor light.

I **attach** a copy of the Advocate report of Saturday December 30, 2023. I apologise for the quality of the copy.

The Commission will recall that I previously wrote to it in respect of an inaccurate report in the Mercury.

I had raised the inappropriateness of these media reports at the resumed hearing.

The tone of the article is clearly derogatory of my clients, noting as follows:

"a shopping village featuring a supermarket adjacent to a major new subdivision in Devonport continues to be delayed due to planning appeals." (my emphasis)

"Objections by a Tasmanian hotel and bottle shop group and the owners of the exiting Coles and Woolworths supermarket complex in Devonport are holding up the construction of the village." (my emphasis)

"The three chairs of the Tasmanian Planning Commission are now seeking legal advice after further hearings were held in Hobart on December 12-14."

"we have been told they will get back to us in the new year." A spokesman for the Stoney Rise Village Said.

"things have become complicated but hopefully this will not hold us up and we will get clear directions in the new year."

"The Council and the public want this shopping village to go ahead."

I, of course, have no doubt that media articles will not influence the Commission, indeed the Delegates may not be aware of this publication.

However, again, it's inaccurate and I am proceeding upon the basis that it emanated from the applicant. If I am wrong on that no doubt Mr Morris or Mr Holbrook will disabuse me.

The reason for the delay is at the door of the applicant. We opposed the reception of the new evidence. In fairness to Mr Morris, his position was that if it was to be allowed then fairness would dictate we have a chance to respond to it.

In short, a member of the public reading that article would have a very distorted and erroneous perception of this process.

My clients, of course, have no issue with reporting of this matter, indeed a cornerstone of Commission proceedings is that it is in public, noting the obligation under s10(2) of the *Tasmanian Planning Commission Act 1997* to advertise and provide reasonable notice of a hearing.

Further see s11(1) stating the hearing must be held in public unless the Commission specifically decides to take evidence in private.

Therefore at the resumed hearing I will formally seek to table this letter and the article together with a submission that there be no further incidents of this inaccurate information in the media.

Yours faithfully



Anthony Spence SC

Principal

Direct Line: (03) 6235 5117

E-mail: aspence@pageseager.com.au

C.c. David Morris

By email: david.morris@simwolf.com.au

Carolyn Milnes

By email: cmilnes@devonport.tas.gov.au

Robert Holbrook

By email: robert.holbrook@simwolf.com.au

Emma Pieniak

By email: epieniak@devonport.tas.gov.au

STONEWALLED

A shopping village featuring a supermarket adjacent to a major new subdivision in Devonport continues to be delayed due to planning appeals. The proponents of the Stony Rise development say the Tasmanian Planning Commission is awaiting legal advice after hearings earlier this month.

HELEN KEMPTON reports, Page 8

THE ADVOCATE Saturday December 30, 2023

NEWS

theadvocate.com.au

SUBDIVISION LOTS SELL Proponents confident new home builders will have shops nearby.

Shopping village hopefuls still waiting

Helen Kempton

THE proponents of a \$40 million shopping village at Stony Rise are confident those snapping up lots in the adjacent subdivision will end up having a supermarket nearby despite their current planning complications.

Objections by a Tasmanian hotel and bottle shop group and the owners of the existing Coles and Woolworths supermarket complex in Devonport are holding up the construction of the village.

The proponents, Tipalca, went before the Tasmanian

Planning Commission in June after two objections were filed - one by Goodstone Group and another by the owner of the Best Street shopping complex.

The three chairs of the Tasmanian Planning Commission are now seeking legal advice after further hearings were held in Hobart on December 12-14.

"We have been told they will get back to us in the new year," a spokesman for the Stony Rise Village said.

"Things have become complicated but hopefully this will not hold us up and

Things have become complicated but hopefully this will not hold us up and we will get clear direction in the new year. The council and the public want this shopping village to go ahead.

Village spokesman

we will get clear direction in the new year.

"The council and the public want this shopping village to go ahead."

The commission will need to rezone the land where the shops would be built to retail from its current big box zoning.

The biggest Woolworths supermarket in the North-West is earmarked for the village.

Rumours that a major alcohol takeaway outlet will move in are also growing.

Titles to buy a lot in Devonport's newest neighbourhood have just been issued.

The lots at the Gadsby Street subdivision range from \$205,000 to \$425,000 and are being sold by Harcourts.

In its submission to the commission, a town planner hired by the Goodstone Group said the area should continue to house stores

offering "bulky goods sales that service the entire North-West region."

"The recent focus on urban renewal for the township of Devonport would be undermined by the proposed amendment," the submission says.

"The inclusion of additional retail and alcohol businesses, or operations outside the bulky goods sales, will remove additional sales from the CBD, due to the ease and simplicity of pulling into the centre rather than diverting to the CBD."