

EQUILIBRIUM TOWN PLANNING

28 November 2022

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AMD2022.02 & PA2022.0092 TASMANIAN PLANNING SCHEME – DEVONPORT

I am a Town Planner with over 17 years of experience across government and private practices in south eastern Australia.

This planning report has been prepared to accompany the submission by Page Seager Lawyers on behalf of the client, the Goodstone Group, to the Stony Rise Road proposed amendment and concurrent permit application.

The Goodstone Group have operated retail premises across the wider northwest region since 1988, employing over 350 Tasmanians in multiple businesses, including approximately 200 within the Devonport CBD. The owners and management are currently investing heavily within the Devonport CBD, reinforcing and strengthening the existing retail hierarchy of the region, in keeping with the strategic direction of the Devonport City Council.

The broader Stony Rise site has historically been intended for bulky goods sales, servicing the wider north west region. The representor has no concerns with this historical use, in keeping with the original intention of the site. We support the continuation of the area for bulky goods sales that service the entire north west region rather than competing with the central business district (CBD).

Notwithstanding this, Precinct A as currently proposed will allow as permitted the sales of additional items including a local shop, toys, electronics, alcohol sales, gaming and similar, thus directly competing with the Devonport CBD. The recent focus on urban renewal for the township of Devonport would be undermined by the proposed amendment.

The location of the Stony Rise Homemaker's Centre allows the site to service the broader region (refer retail catchment below), with easy access ensuring that the community member travelling through the retail catchment is not required to enter the Devonport CBD, but pulls straight into this centre instead. The inclusion of additional retail and alcohol businesses, or operations outside the bulky goods sales,

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will remove additional sales from the CBD, due to the ease and simplicity of pulling into the center rather than diverting to the CBD.

We have the following significant concerns in relation to the proposal:

- that the proposal conflicts with the retail hierarchy.
- the accuracy of the area addressed by the Location IQ report and as such, the attempted demonstration of compliance with strategic plans.
- the demonstration of compliance with the relevant strategic documents, including the Devonport City Council Retail Study, Devonport City Council Retail Strategy and Cradle Coast Regional Land Use Strategy.
- the applicability of the supporting reports to the decision on the table (Traffic Impact Assessment and Economic Needs Assessment) as they refer to the initial proposal. No up-to-date assessments have been provided.
- the validity of the contamination report due to time elapsed and the proposed additional land uses.

Issue 1: Retail Hierarchy

The Devonport Retail Catchment is defined within Chapter 3 of the Devonport City Council Retail Study as operating *"in a regional context...retailers in Devonport serve both local residents and those coming to shop in Devonport from further afield"* (p.15, Devonport City Council Retail Study).

The Study goes on to state that *"it is critical that the shopping needs and patterns of those residents outside the municipality are also considered when determining retail need in Devonport"* (p.15, Devonport City Council Retail Study). This consideration should be key in any assessment of retail hierarchy for a proposed amendment or development. The supporting report provided with the proposal operates off an alternative definition of the retail catchment, and as such cannot be considered a valid assessment.

Location

The location of the site itself results in removing the requirement for shoppers to enter the Devonport City Centre, due to the interaction with the Bass Highway (particularly including the broader catchment outside of Devonport itself).

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Widening potential range of sales

The site has been developed with a specific purpose in mind, ensuring that the site does not undermine the retail hierarchy of the Devonport area. The proposed amendment is intended to allow sale of any items in Precinct A (outside of a-c), including a local shop, betting, alcohol sales etc. This is to result in further erosion of the smaller businesses within the CBD.

Expansion of the original proposal

The planning authority's proposed changes to the existing Specific Area Plan in contrast to the original proposed Particular Purpose Zone result in additional expansion of retail on the site including 12 food services over the site and General Retail and Hire (if for a tenancy (within a building) with a gross floor area of not less than 500m²). In addition, the final Particular Purpose Zone as submitted removed the inclusion of alcohol sales entirely from the area. The modifications as proposed in the amended Specific Area Plan are significant changes that were not considered in the supporting documentation.

Issue 2: Supporting documentation and strategic plans

Cradle Coast Regional Land Use Strategy

The Cradle Coast Regional Land Use Strategy (CCRLUS) reinforces that development is not to be allowed to conflict with the CBD. The CCRLUS states that "*Attention is required to avoid decline in attraction and performance of primary centres through dispersed provision of opportunity for bulky good and large format retailing on sites that are not contiguous.*" (p.53 CCRLUS).

The proposal as planned will draw away business from the CBD.

Living City Plan

The Devonport Living City Master Plan was implemented to facilitate "*new retail development in the CBD, complementing existing retail and limiting further fragmentation*" (p.28 planning submission with application).

The application states that the "*Retail impacts on the Devonport CBD are considered in the Location IQ attached at Appendix B*" (p.28 application to planning authority). Examination of the report confirms that the document addresses the impact on the

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Devonport CBD. The issue remains that the Devonport Retail Catchment is defined in a different manner in all strategic documents as detailed below.

The scheme proposal and accompanying permit application is in conflict with the Living City Plan. The proposal will rather draw away business from the CBD to the fringe area of the city.

Devonport City Council Retail Study

The Devonport City Council Retail Study (DCCRS), dated 5 August 2022, was prepared by Ethos Urban Pty Ltd on behalf of the Devonport City Council to assist Council in gaining an understanding of the current retail landscape of Devonport and to identify the most appropriate future retail development opportunity to support the community.

The Devonport Retail Catchment is identified in the DCCRS as including the Devonport, Latrobe, Kentish and Central Coast municipal areas. The Location IQ report does not address these interactions, rather exploring only Devonport, Spreyton, East Devonport, Latrobe and Sheffield, thus dismissing a large proportion of the DCCRS, and as such dismissing the retail catchment area for the development.

*"It is important to recognise that the retail sector in Devonport operates in a regional context and that retailers in Devonport serve both local residents and those coming to shop in Devonport from further afield, including tourists and other visitors.
.....it is critical that the shopping needs and patterns of these residents outside the municipality are also considered when determining retail need in Devonport"*

p.15, Devonport City Council Retail Study

The supporting report at no point addresses the retail catchment in this manner.

The DCCRS made six recommendations for the strategic direction for Devonport retailing, which are examined below. The proposal is contrary to the DCCRS and its recommendations.

Recommendation 1 of the DCCRS is as follows:

Recommendation 1 : Continue to support the primacy of the Devonport CBD

Actions: Ensure that all major retail development proposed in Devonport outside of the CBD be properly assessed to ensure the primacy of the Devonport CBD is protected.

p.48, Devonport City Council Retail Study

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With the supporting report by Location IQ utilising an incorrect retail catchment, it cannot be considered to have met this requirement for "all major retail development...outside of the CBD...properly assessed".

Recommendation 2 of the DCCRS provides:

Recommendation 2: Better define a retail centre hierarchy for Devonport

Actions:

- *Clearly define a retail centre hierarchy to assist in guiding the appropriate scale and type of new retail development in each centre, as well as assist in assessing development applications*
- *Once defined, maintain and support the retail centre hierarchy. If any changes to the nominated retail activity centre hierarchy are required, it would need to be clearly justified and consistent with the policy objectives of Council.*

p.49, Devonport City Council Retail Study

In this regard, Council appears to be undermining its own requirement through the approval of the proposal.

Recommendation 5 provides:

Recommendation 5: Support the ongoing operation and evolution of activity centres in Devonport.

p.51, Devonport City Council Retail Study

The DCCRS specifically identifies a shortfall of non-food retail, in conflict to the proposal (original and as amended) which includes specific provision for additional food services, in apparent comparison with the Study.

Finally, Recommendation 6 of the DCCRS is as follows:

Recommendation 6: Assess major retail development applications against appropriate criteria.

Action: For any major retail development or rezoning application, economic / planning analysis showing the market need, impact analysis and an assessment of Net Community Benefit should be requested. The analysis should be properly detailed, transparent and verifiable.

p. 53&54, Devonport City Council Retail Study

The DCCRS that a development must provide a clear demonstrated need and a market gap and that:

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"Council would need to be satisfied that the proposed development would not have an adverse impact on the retail centre hierarchy nor on the primacy of the Devonport CBD....For any rezoning, Council would need to be completely satisfied that the proposed use cannot be accommodated within the existing centre hierarchy or on other appropriately zoned land..."

For any site to be rezoned, it is preferable that it is located adjoined or close to an existing activity centre. Council would also need to be satisfied to a high degree that the rezoning and proposed development would not have any adverse impact on the retail centre hierarchy of Devonport and particularly the primacy of the Devonport CBD"

Whilst a report is provided, it cannot be considered to satisfy the required action due to the lack of detail / incorrect provision for the proper retail catchment.

In our submission the Proponent has failed to demonstrate the proposal could be accommodated within the existing centre hierarchy or on other appropriately zoned land. While the site is currently empty, this land would benefit from being kept reserved for the existing intended purpose of the existing Specific Area Plans.

Devonport City Council Retail Strategy

The Devonport City Council Retail Strategy reinforces the role of Devonport as a regional retail provider. However, the Devonport City Council Retail Strategy fails in the intended role (detailed within the Devonport City Council Retail Study) to consider the retail hierarchy and focuses on the CBD. As such, the required strategic work has not been undertaken, and the requirements for the planning authority to consider such strategic research cannot be fulfilled.

Greater Devonport Residential Growth Strategy 2021-2041

The assessment of the proposal fails to address interactions with the Greater Devonport Residential Growth Strategy 2021-2041.

Issue 3: Traffic

The traffic impact assessment as advertised is dated 11 April 2022. As such, it does not consider the proposal put forward by the planning authority, and the changes that may result from the amended proposal in any way.

Secondly, the traffic impact assessment has only been partially updated to reflect the approved plan. The plans used throughout the planning authority report and the body

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of the traffic impact assessment differ from those provided in the Appendices of the traffic impact assessment, particularly in regard to the differing use classes detailed on the proposal plans.

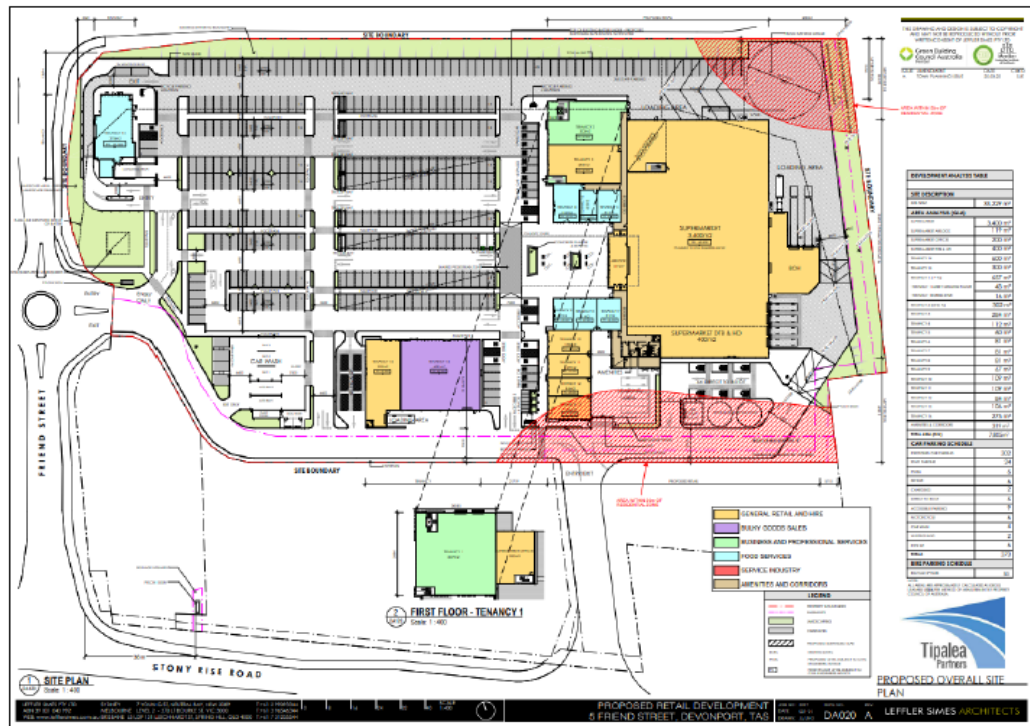


Figure 1 Plan provided in advertised documents (p13)

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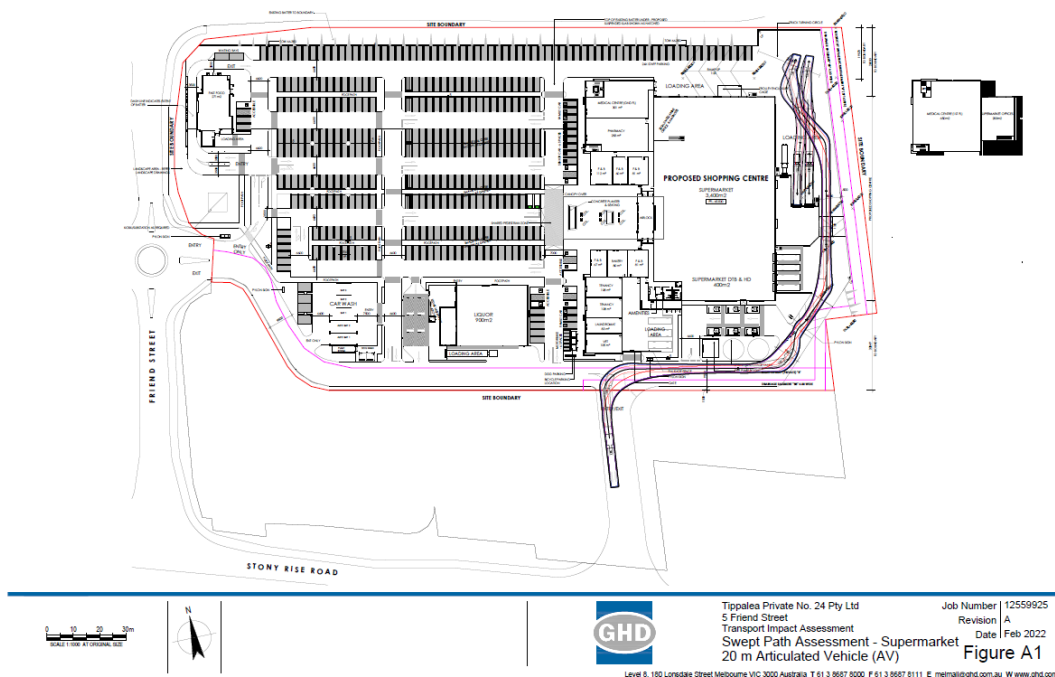


Figure 2 Appendix to traffic impact assessment (Fig A1, Revision A, Feb 2022)

Finally, the traffic impact assessment identifies that there will be issues post 2031 and that further research will need to be undertaken. The assessment is not for a proposal which will only be operating until 2031 and further work is warranted prior to approval to ensure that solutions are available.

Issue 4: Technicalities

The Economic Needs Assessment by Location IQ, dated September 2021, does not consider the changes proposed by the planning authority. For example, the proposed SAP includes provision for General Retail and hire (if for a tenancy (within a building) with a gross floor area of not less than 500m²) as a discretionary use that the original PPZ did not provide for. As such, there is no consideration of the impact of this use on the retail hierarchy or otherwise.

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Issue 5: Environmental

The environmental report by Compass Environmental is dated August 2013. This is usually too long a timeframe to be considered as still valid and should be reviewed prior to determining the proposal.

There is also concern regarding the inclusion of the more sensitive use of Education and Occasional care based solely on the conclusions of the Compass Environmental report, given the report concluded that the "reported concentrations were below the criteria adopted for the protection of human health for the proposed commercial use". There was no consideration in the report of the more sensitive Education and Occasional care use class.

Should you have any queries regarding this submission please do not hesitate to contact me at theresia@eqtownplanning.com.au or on 0409 793 803.

Regards,



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