
From: Tom Reilly <Tom.Reilly@ghd.com>
Sent: Tuesday, 29 November 2022 3:50 PM
To: Devonport City Council
Cc: Emma Pieniak; Jennifer Broomhall; Scott Spanton (InTouch); Jack Hunter; Jen Welch
Subject: Amendment – AM2022.02, Planning Application - PA2022.0092
Attachments: Amendment – AM2022.02, Planning Application - PA2022.0092 - Representation to Council.pdf

Attention: Matthew Atkins

Dear Matthew,

Please find attached a representation in relation to the abovementioned application, exhibited by Council on 29 October 2022.

The submissions in this representation relate to the Council's assessment processes to be undertaken under the *Land Use Planning and Approvals Act 1993* and should be used for no other purpose.

Thank you for your consideration.

Sincerely
Tom.

Tom Reilly
Planning Technical Leader

GHD

Proudly employee-owned | ghd.com

10 Columnar Court Burnie TAS 7320 Australia

D 61 3 6432 7917 E tom.reilly@ghd.com

→ **The Power of Commitment**

Connect



Please consider the environment before printing this email

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission. GHD and its affiliates reserve the right to monitor and modify all email communications through their networks.

CONFIDENTIALITY NOTICE: This email, including any attachments, is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately, and please delete it; you should not copy it or use it for any purpose or disclose its contents to any other person. GHD and its affiliates reserve the right to monitor and modify all email communications through their networks.



10 Columnar Court
Burnie, Tasmania 7320
Australia
www.ghd.com

Our ref: 12559925
29 November 2022

General Manager
Devonport City Council

Sent by email to: council@devonport.tas.gov.au

Dear Matthew,

**Public Notice - AM2022.02 & PA2022.0092 - 1 & 5 Friend Street and 88 & 90-102
Stony Rise Road**

On behalf of Tipalea Partners (Tipalea), GHD Pty Ltd submits this representation regarding the abovementioned application and the proposed Table of Use for the Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan (SAP). The initiated amendment is generally supported however, we consider that the following changes would lead to improved outcomes for the SAP.

Bulky Goods Sales (discretionary)

The proposed discretionary uses in the amended SAP Table of Use include Bulky Goods Sales with a qualification "If not listed as Permitted". The effect is that any form of bulk goods sales could be considered across the entire SAP area. We submit that rural, timber, steel and landscaping supplies and other similar uses would be inappropriate in Precinct A & B. We think such uses would be inconsistent with the local village intent and potentially creates land use conflict issues between Precinct A & B. We believe that the community interest would be better served if the Homemaker Centre and Stony Rise Village areas maintain strong distinctions between permissible activities.

Accordingly, we submit that the qualification for Discretionary Bulky Goods Sales should be "if not listed as permitted and not within Precinct A or Precinct B".

General Retail and Hire (discretionary)

The proposed discretionary uses in the amended SAP Table of Use include General Retail and Hire with a qualification "If for a tenancy (within a building) with a gross floor area of not less than 500m²". The effect is that many forms of General Retail and Hire that are not currently permissible could be considered across the entire SAP area.

We submit that this use qualification would be inconsistent with the proposed Local Area Objectives and that the community interest would be better served if General Retail and Hire activity outside Precinct A & B is prohibited.

The existing SAP excludes General Retail and Hire in all forms other than by a very narrow qualification for "independant stall holders".

We consider that excluding General Retail and Hire from the SAP other than in Precincts A and B will allow the currently successfully developed Homemaker Centre to maintain its original intent. It will also help Precincts A and B to establish and maintain a more distinct local village character as intended.

We submit that the qualification for General Retail and Hire as a discretionary use should remain the same as at present - "If for a market retailing food by independent stall holders". The proposed qualification for General Retail and Hire as a permitted use, appropriately allows all General Retail and Hire use other than particular uses considered to be more appropriate within Devonport's CBD.

Food Services (permitted)

The proposed permitted uses in the amended SAP Table of Use include Food Services with the qualification:

If the total number of Food Services on land subject to the Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan is:

- (a) not more than 5 drive through facility food services; and
- (b) not more than a total of 12 food services.

If within Stony Rise Village a drive through facility is limited to one premises each for Precinct A and Precinct B.

We note the approval and commencement of construction of a KFC (with drive through) along the boundary with Bass Highway and the existing McDonalds (with drive through) and Subway in the north-west corner of the SAP area.

In its current form, the qualification would allow a further nine Food Services uses, three of those being drive through and depending on timing of development of the remainder of the undeveloped SAP areas, a number of these could be located within the existing developed SAP areas. We consider that limiting Food Services outside Precincts A and B will allow the currently successfully developed Homemaker Centre to maintain its original intent.

We consider that a variety of Food Services uses would be complimentary to daily and weekly convenience shopping and that the establishment of a family friendly and safe environment for eating within Precinct A and B would serve the local community needs best. It is considered that the community interest would be better served if eating activity was encouraged in Precinct A and B and that limits were placed on further Food Services activity in the existing developed Homemaker Centre.

Accordingly, we submit that the qualification for food services as a permitted use should be as follows:

If the total number of Food Services on land subject to the Devonport Regional Homemaker Centre and Stony Rise Village Specific Area Plan is:

- (a) not more than 5 drive through facility food services and further limited to not more than one premises each for Precinct A and Precinct B
- (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

Amended Use Table

If the Table of Use were amended in accordance with this representation, it would be as follows:

DAV-S1.5 - 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> <ul style="list-style-type: none"> (a) furniture and floor coverings; (b) electrical appliances, including white goods and computer equipment; (c) home entertainment equipment; (d) manchester, curtains and blinds; (e) camping and outdoor recreation equipment; (f) office supplies; (g) building, construction and hardware goods; (h) garden and landscape material; (i) auto accessories; (j) pet supplies and ancillary services; or (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>If within Stony Rise Village Precinct A and provided that the sale of:</p> <ul style="list-style-type: none"> (a) auto accessories; (b) building, construction and hardware goods; (c) rural supplies; (d) garden and landscape material; or (e) motor vehicle, boat or caravan sales <p>is not a predominant activity.</p> <p>If within Stony Rise Village Precinct B and provided that the sale of:</p> <ul style="list-style-type: none"> (a) rural supplies; (b) timber and steel; or (c) garden and landscape material; <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 childcare centre
Food Services	<p>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> <ul style="list-style-type: none"> (a) not more than 5 drive through facility food services in total and further limited to not more than one premises each for Precinct A and Precinct B (b) not more than a total of 12 food services in total and further limited to not more than 4 food services premises outside of Precinct A and Precinct B
General Retail and Hire	<p>If within Stony Rise Village Precinct A and provided the sale or hire of:</p> <ul style="list-style-type: none"> (a) clothing or footwear (other than personal protective equipment); (b) jewellery; or (c) adult sex products

	<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, petwash or laundromat.
Sport & 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 and not within Precinct A or Precinct B
General Retail and Hire	If for a market retailing food by independent stall holders.
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	

In accordance with the proposed Local Area Objectives, we consider that the above Table of Use would better maintain the distinction between the differing but complimentary purposes of each area. We also consider that there would be less potential to compromise or distort Devonport's established activity centres. Furthermore, we consider the submitted changes would satisfy the requirements of S34 of LUPAA.

Commercial vehicle activity

For the effective and efficient operation of Stony Rise Village, the proponent seeks commercial vehicle activity on the site as follows:

- Delivery trucks to and from the loading areas at all times, and;
- Small online delivery vehicles to and from the Direct to Boot section from 5am each day.

Contrary to this, condition 10 of the draft permit on deliveries to the supermarket. Condition 10 states:

10. *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.*

Figure 1 below is an adaption of the proposal plans containing red cross hatching to indicate areas of the site and access to the site that are within 50m of land in the General Residential Zone.

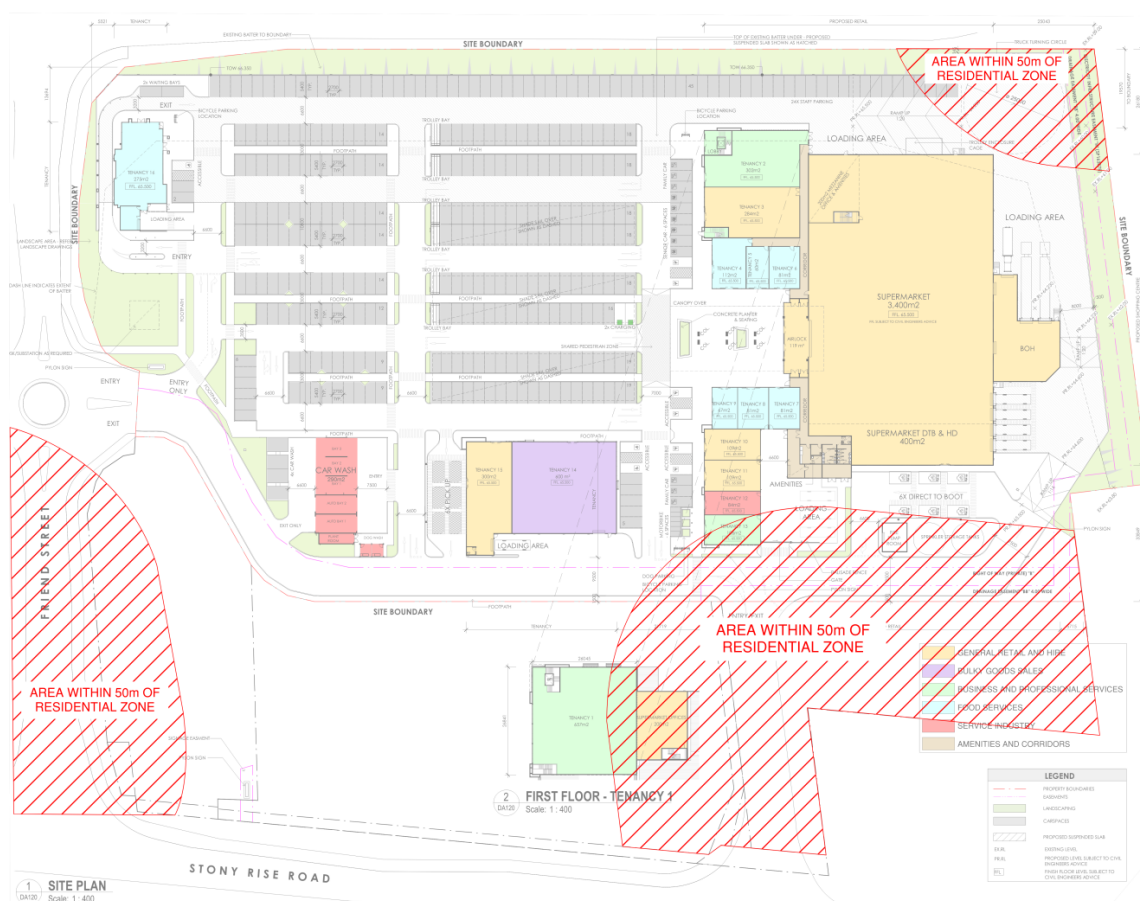


Figure 1 Extract from site plan with areas within 50m of the General Residential Zone marked.

The effect of draft condition 10 is that the site would be inaccessible to commercial vehicles between the hours of 9pm and 7am Monday to Saturday and 9pm and 8am Sundays and statutory holidays. Despite being well outside the 50m threshold, the primary loading area for the supermarket would be inaccessible.

The proposal has been designed to encourage vehicle movements associated with delivery and pick up at the eastern end of the site, separated from the primary customer parking and pedestrian circulation areas. This layout is considered to provide for safe and logical circulation and movement.

Frequency and timing for the movement of goods and fresh produce is based on supply chain logistics, some of which are out of control of retailers. Timing for delivery of goods with short shelf lives such as meats, fruit and vegetables are affected by a number of factors including traffic conditions, movements at the farm gate, the factory, the port and the distribution centres. Driving at night, when fewer cars are on the road can be safer and more efficient. Therefore, constraints on delivery times for a supermarket involves substantial impacts on the whole supply chain and availability of produce to the consumer in timely manner.

Assuming the entire driveway areas would be used, a 50m offset for commercial vehicle movements would be as shown in yellow shading in Figure 2 below.

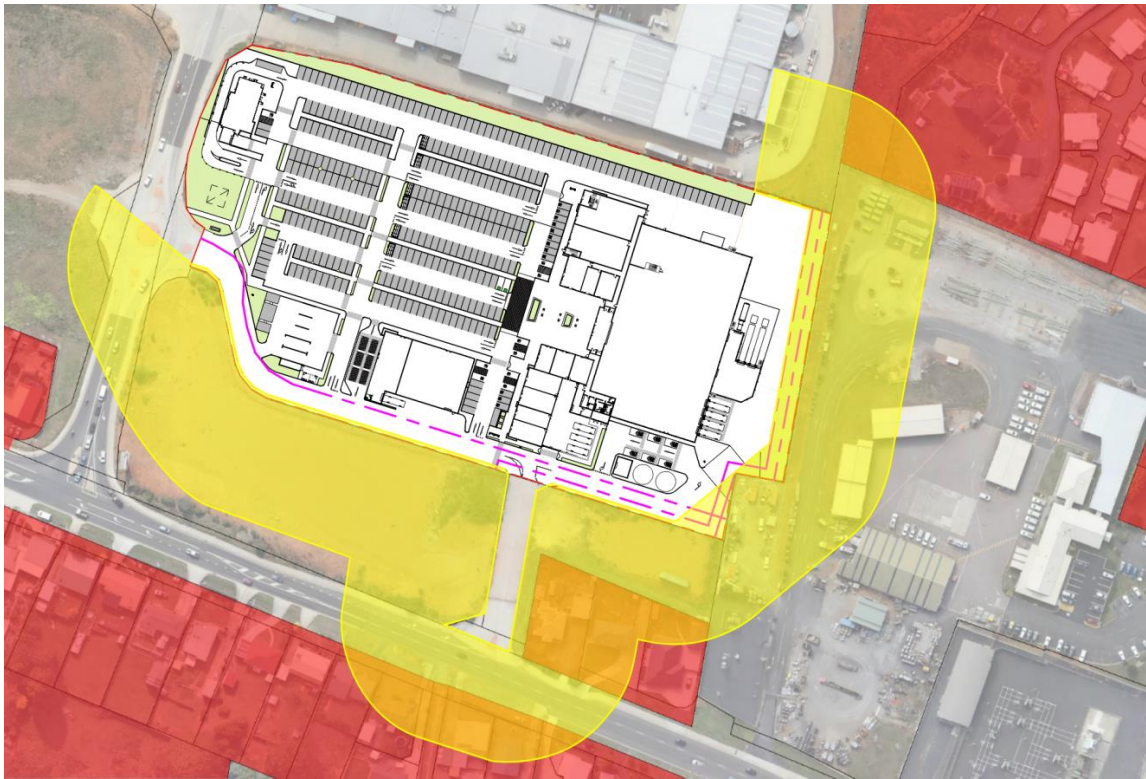


Figure 2 Adaption of LISTMap aerial imagery and site plan. Yellow shading shows areas within 50m of the driveway. Red shading is land in the General Residential Zone.

At the north-eastern corner of the driveway area, the floor level of the driveway is significantly above the land in the General Residential Zone to the north-east. Figure 3 below is an extract from the overall eastern elevation with the largest likely delivery truck added.



Figure 3 Extract from eastern elevation with truck added.

It is considered that noise from vehicle movements is likely to be mitigated by the barrier fence around the perimeter and an estimated 7m difference in elevation between the proposed driveway and the ground level below the relevant dwellings. LISTMap aerial imagery indicates that there would only be potential for one dwelling to be within 50m of this driveway area. An acoustic barrier or other solutions to mitigate potential noise at that north eastern corner of the driveway area can be further considered and addressed at any Tasmanian Planning Commission hearing if necessary.

At the south-eastern corner, there are three residential properties located within 50m of the proposed driveway area (82, 84 and 86 Stony Rise Road). Future development on 173536/17 is likely to provide a significant buffer against noise from vehicle movements at the south-eastern corner of the site. 82 Stony Rise Road is the easternmost of these properties and is significantly lower in elevation and would be protected by an earth embankment up to 3m in height that would shelter that property from noise.

The access to Stony Rise Road over 173536/17 would be within 50m of 8 residential properties. Only 4 of those would contain dwellings within that 50m radius.

In each case, it is considered that the impacts of commercial vehicles accessing the loading areas can be appropriately managed and are unlikely to be significantly different than commercial vehicles passing by residential dwellings on the road at night – for which there are no restrictions.

Accordingly, we submit that condition 10 should be amended as follows:

10. *Hours of operation and loading/unloading of deliveries, within 50m of residential properties must be within:*
 - c. 7:00am to 9:00pm Monday to Saturday; and
 - d. 8:00am to 9:00pm Sunday and statutory holidays.

Thank you for your consideration of this representation.

Sincerely

GHD



Tom Reilly
Planning Technical Leader