

TASMANIAN PLANNING COMMISSION



Our ref: DOC/24/30893
Officer: Paola Barlund
Phone: 03 6165 6835
Email: tpc@planning.tas.gov.au

14 March 2024

To all parties

Tasmanian Planning Scheme - Devonport
Draft amendment AM2022.02 and permit 2022.0092
1,5 Friend Street & 88,90-102 Stony Rise Road, Stony Rise

I refer to the above draft amendment.

At the second block of hearings ending on 13 December 2023, the Commission took on notice the 27 November 2023 submission of the proponent seeking:

- (a) Provide new information and an outline of our client's position in relation to that for the purposes of the upcoming hearing in this matter; and
- (b) Advise the Commission and representors that our client seeks to withdraw and no longer rely on the permit that accompanies the draft amendment.

The Commission advises parties of the following.

In relation to (a) above, the Panel believes this relates to two separate matters:

1. a submission that the Panel consider modifications to the certified amendment; and
2. a submission the expert evidence on range of planning matters (including retail demand and supply matters) be accepted and considered through the hearing.

In relation to 1. above, the Commission has determined that any further submissions that parties wish to make on modifications to the draft amendment can and should be made as part of closing submissions.

The Commission's reasons for this are:

- To date there has been evidence presented and submissions made on a range of modifications/alternative approaches to the draft amendment. This includes evidence provided by the proponent.
- The Commission has determined that as the assessment of issues related to need for and merit of the proposed draft amendment has been completed it is appropriate for closing submissions to refer to any modification of the draft amendment.
- If the Commission requires any additional information in relation to matters raised in closing submission it will request this via a direction.

In relation to 2. above, the Commission has determined that new expert evidence submitted by the applicant will not be accepted.

The Commission's reasons for this are:

- The Commission has determined that the proponent has been provided with a reasonable opportunity to present its case and provide evidence and submissions on the planning merit the draft amendment. This includes:

- responding to the matters raised by the both the planning authority and representors;
- responding to matters raised in submission/evidence provided prior to and during the hearing process; and
- cross examining expert witnesses and reexamining the proponents experts.
- the additional expert evidence submitted, other than where it specifically refers to a modified amendment, relates to a range of matters that have already been addressed as part of the evidence submitted to date and has been subject to examination.
- the Commission considers that the proponent has not identified any new matters that the parties were unaware of prior to the hearing, or new matters that arose through the hearing process that the parties were not able to respond to at that time.
- the proponent was part of a discussion at the hearing in which there was agreement that all evidence and examination of issues of planning merit (including retail demand/supply matters) had been completed at end day two of the hearing. The completion of these matters was later confirmed in writing to all parties.

In relation to (b) above, the planning application will be assessed and determined in the usual manner under the Act. There is no capacity for the permit application to be withdrawn.

The hearing will be reconvened for one day to consider the evidence from Mr Petrusma, dated 14 February 2024, attached to Mr Holbrook's letter of 6 March 2024, and to hear final submissions from parties. Information about the hearing will be provided in a separate letter shortly.

If you wish to discuss this matter further, please contact Paola Barlund, Planning Adviser, on 6165 6835.

Yours sincerely



Roger Howlett
Delegate (Chair)